



PEZA

# Philippine Economic Zone Authority

22 (2)

MEMORANDUM CIRCULAR NO. 2001 007 *ref 11*

TO : Economic Zone Enterprises  
PEZA Economic Zone Administrators / Managers  
PEZA Foreign National Unit

FROM : Director General LILIA B. DE LIMA *Lilia B. de Lima*

SUBJECT : Visa Facilitation Assistance for Qualified Economic Zone Investors and Non-Resident Alien Employees of PEZA-Registered Economic Zone Enterprises and their Spouses and Dependent Unmarried Children Below Twenty-One (21) Years of Age

Date : 19 September 2001

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## 1. Background

Republic Act No. 7916, otherwise known as "The Special Economic Zone Act of 1995", empowers the Philippine Economic Zone Authority (PEZA) to issue visas to qualified economic zone investors and non-resident alien employees of PEZA-registered economic zone enterprises, including their spouses and dependent unmarried children below twenty-one (21) years of age.

PEZA, in cooperation with the Bureau of Immigration, has been working, towards the issuance of a PEZA Visa. However, pending final implementation of this program, PEZA is happy to extend Visa Facilitation Assistance to investors and non-resident alien employees of registered economic zone enterprises, including their spouses and dependent unmarried children below twenty-one (21) years of age, securing Special Non-Immigrant Visas with multiple-entry privileges from the Department of Justice (DOJ)-Bureau of Immigration (BI) pursuant to **Section 47(a)(2) of Commonwealth Act No. 163**, as amended.

Specifically, PEZA extends its Visa Facilitation Assistance to the following:

- a. Foreign investors and non-resident alien employees of registered economic zone enterprises, including their spouses and dependent unmarried children below twenty-one (21) years of age, who are already in the country and need a change in admission status from temporary visitors (i.e., holders of Tourist 9a, E.O. 408-21 days, Balikbayan and other Visas) to Special Non-Immigrants or holders of 47(a)(2) Visas, with multiple-entry privileges or extensions thereof; and

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- b. Foreigners or non-resident aliens (including Filipino balikbayans), who are not yet in the country and are applying in Philippine Embassies/Consulates overseas for **Special Non-Immigrants or 47(a)(2) Visas**, in connection with their employment in PEZA-registered economic zone enterprises.

In addition to the Visa Facilitation Assistance, PEZA has arranged for the Bureau of Immigration to operate a Special Immigration Lane at the Ninoy Aquino International Airport (NAIA) to facilitate entry of non-resident aliens holding **Special Non-Immigrants or 47(a)(2) Visas**, as provided for in the PEZA – BI Memorandum of Agreement dated 02 September 1999.

## **2. Employment of Non-Resident Aliens by PEZA-Registered Economic Zone Enterprises**

PEZA-registered economic zone enterprises, including developers, may employ foreign nationals in executive positions (i.e., Presidents, Vice-Presidents, Treasurers, General Managers, or their equivalents). In addition, PEZA-registered enterprises may also employ foreign nationals/non-resident aliens in supervisory, technical and advisory positions, provided that the total number of such non-resident alien employees does not exceed five percent (5%) of the enterprise's total workforce.

## **3. Qualifications for Availment of the PEZA Visa Facilitation Assistance**

All investors and non-resident alien employees of registered economic zone locator enterprises, including their spouses and dependent unmarried children below twenty-one (21) years of age, may avail of the PEZA Visa Facilitation Assistance, provided that they have been verified to be clear/free from any of the following:

- a. Conviction of any crime or existence of a pending case involving moral turpitude;
- b. Affliction of any dangerous or loathsome contagious disease;
- c. Confinement in mental institutions and/or history of mental disorder;
- d. Being a national of a "restricted" country, per classification of the Department of Foreign Affairs; and
- e. Being declared as *persona-non-grata* by the Philippine Government and/or inclusion in the Bureau of Immigration's Watch List/Black List of undesirable aliens.

## **4. Effectivity of Special Non-Immigrant or 47(a)(2) Visas**

The **Special Non-Immigrant or 47(a)(2) Visas** issued to qualified investors and/or non-resident alien employees of PEZA-registered economic zone enterprises have an effectivity period of one (1) year, renewable every year, upon the request of economic zone locator enterprises, on behalf of the applicants.

The **Special Non-Immigrant or 47(a)(2) Visas** issued to the spouses and/or dependent unmarried children below twenty-one (21) years of age of qualified investors and/or non-resident alien employees of PEZA-registered economic zone enterprises also have an effectivity period of one (1) year, renewable every year, upon request, provided that such **Special Non-Immigrant or 47(a)(2) Visas** shall be limited to the duration of the employment of the principal non-resident alien employees in the economic zone enterprises.

**5. Documentary Requirements to be Submitted with Applications for Special Non-Immigrant or 47(a)(2) Visas**

A PEZA-registered economic zone locator enterprise shall submit applications for **Special Non-Immigrant or 47(a)(2) Visas** for investors and/or non-resident aliens it intends to employ to the PEZA Administrator or Manager of the economic zone where the enterprise is located, together with three (3) copies of the following documentary requirements:

- a. Company's letter-request addressed to the PEZA Director General, signed by its President or Chief Executive Officer, certifying and committing to the following:
  - (1) Employment of the non-resident alien is required in the operations of the company;
  - (2) The non-resident alien to be employed has no derogatory record nor pending case against him in his domicile (i.e., country of citizenship), in the Philippines or any other country where the said foreign national has resided for the last five (5) years;
  - (3) The enterprise shall undertake an Understudy Program for training Filipino workers to effect transfer of appropriate technology on aspects of its operations for which the non-resident alien is being proposed for employment;
  - (4) The enterprise shall secure PEZA clearance before allowing the non-resident alien employee to transfer employment to any company and/or take up any other job, in addition to the one he is employed for;
  - (5) The enterprise shall notify the DOJ, through PEZA, within three (3) days of termination of the employment of the non-resident alien employee; and
  - (6) The enterprise shall assume full responsibility for ensuring that the non-resident alien employee leaves the Philippines upon termination of employment.

**A sample copy of the Company's Letter-Request is, herewith, attached as Annex A.**

- b. DOJ Visa Application Form (duly accomplished and notarized), with the following attachments:

- (1) Certificate of Employment (or Employment Contract) of the applicant, which should indicate period of employment;
- (2) Bio-data of the applicant non-resident alien employee; and
- (3) Passport or photocopy of the pages of passport of the applicant non-resident alien employee containing his identification/personal information and the latest record of entry into the Philippines (i.e., page containing the latest arrival date in the Philippines stamped by the Bureau of Immigration).

Applicants who submit only photocopies of the appropriate pages of their passports with visa applications, must present their original passports to the BI for the stamping of the DOJ-approved visas. In addition, applicants are requested to present their passports to the PEZA-FNU when they submit their visa applications so that the PEZA-FNU can verify if they copied and are submitting the appropriate pages of their passports, particularly the page containing the latest arrival dates in the Philippines stamped by the Bureau of Immigration.

**A copy of the DOJ Visa Application Form for Issuance of Visas, or for Change of Admission Status, to, or for Extension of Stay as, Special Non-Immigrant under Section 47(A)(2) of the Philippine Immigration Act of 1940, as Amended is, herewith, attached as Annex B.**

- c. A copy of the PEZA Certificate of Registration of the economic zone enterprise; and
- d. The following additional documents for visa applications for spouses and dependent unmarried children below twenty-one (21) years of age:
  - (1) Affidavit of support from the principal applicant; and
  - (2) A copy of the Marriage Contract/Certificate for the spouse and Birth Certificate for each dependent unmarried child below twenty-one (21) years of age (in English or with notarized English translation duly authenticated by their respective Embassy or Consular Office).

A PEZA-registered enterprise, which intends to extend/renew the **Special Non-Immigrant or 47a(2) Visa** of its non-resident alien employee, shall submit the same documents listed under Item No. 5.a and 5.b together with a photocopy of the DOJ-approved **Special Non-Immigrant or 47a(2) Visa** attached to the application document.

#### **6. Processing of Visa Applications by the PEZA Foreign Nationals Units in the Economic Zones and the PEZA Central Office**

- a. PEZA FNU shall accept only visa applications with complete sets of documents and verify/validate the following:

- (1) Information provided in the DOJ Visa Application Form and the attached documents are complete and accurate;
- (2) The locator enterprise's letter-request is authentic and signed by its President or Chief Executive Officer;
- (3) The number of non-resident alien employees of the locator enterprise, including the applicant, is less than 5% of the enterprise's total workforce;

**If the number of non-resident alien employees exceeds 5% of the enterprise's total workforce, the locator enterprise may request for clearance to employ additional non-resident aliens from the Department of Labor and Employment, through PEZA, indicating the specific reasons for additional non-resident alien employees.**

- (4) The locator enterprise is of good standing with PEZA (i.e., the locator enterprise has no derogatory record/pending cases of violation of PEZA rules and regulations); and
  - (5) The locator enterprise has paid the Visa Application Processing Fee in the amount of **TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00) per application**, inclusive of the DOJ and BI Visa Processing Fees of P 210.00 and P1,510.00, respectively.
- b. The economic zone PEZA-FNU shall forward the Visa application, including all attached documents and the PEZA-FNU endorsement letters and a photocopy of the Official Receipt confirming payment of the Visa Application Processing Fee, in a sealed envelope to the PEZA Central Office-FNU before 5:00 p.m. of the day following receipt of the application.
  - c. Alternatively, the economic zone PEZA-FNU may allow the applicant, when required, to arrange transmittal of the Visa application and related documents, in a sealed envelope, to the PEZA Central Office-FNU, at their own expense.
  - d. The PEZA Central Office-FNU shall file with the DOJ the visa application and secure the DOJ Letter of Endorsement to the BI for the issuance or stamping of the **Special Non-Immigrant or 47(a)(2) Visa** in the applicant's passport.
  - e. The PEZA Central Office-FNU shall immediately notify the Field Offices of any problem/deficiency in the visa application as well as the release of applicants' passports with DOJ-BI approved **Special Non-Immigrant or 47(a)(2) Visas**.

A copy of the **PEZA Visa Facilitation Assistance Process Flow Chart** is attached, herewith, as **Annex C** for easy reference.

This Memorandum Circular shall take effect immediately.

(To be Printed in Company Stationery)

Date: \_\_\_\_\_

**Director General LILIA B. DE LIMA**  
Philippine Economic Zone Authority  
San Luis Street corner Roxas Boulevard  
Pasay City

**ATTENTION: PEZA Central Office Foreign National Unit**  
Enterprise Assistance Group

Dear Director General De Lima:

Our company respectfully requests the assistance of the Philippine Economic Zone Authority in facilitating the issuance of a **Special Non-Immigrant or 47(a)(2) Visa** for the **Investor / Non-Resident Alien Employee** [Note: Choose one and delete the other, including this note], whose name is given below:

Name of Applicant : (Mr./Ms.)

Title/Position :

In this connection, I hereby, certify to and commit to undertake the following:

1. Employment of the non-resident alien is required in the operations of the company;
2. The non-resident alien to be employed has no derogatory record nor pending case against him in his domicile (i.e., country of citizenship), in the Philippines or any other country where the said foreign national has resided for the last five (5) years;
3. The enterprise shall undertake an Understudy Program for training Filipino workers to effect transfer of appropriate technology on aspects of its operations for which the non-resident alien is being proposed for employment;
4. The enterprise shall secure PEZA clearance before allowing the non-resident alien employee to transfer employment to any company and/or take up any other job, in addition to the one he is employed for;
5. The enterprise shall notify the DOJ, through PEZA, within three (3) days of termination of the employment of the non-resident alien employee; and
6. The enterprise shall assume full responsibility for ensuring that the non-resident alien employee leaves the Philippines upon termination of employment.

Very truly yours,

\_\_\_\_\_  
(President/CEO)

**Republika ng Pilipinas**  
**KAGAWARAN NG KATARUNGAN**  
**Department of Justice**  
**Manila**

**APPLICATION FOR ISSUANCE OF VISAS, OR FOR CHANGE OF  
ADMISSION STATUS, TO, OR FOR EXTENSION OF STAY AS,  
SPECIAL NON-IMMIGRANT UNDER SECTION 47(A)(2) OF THE  
PHILIPPINE IMMIGRATION ACT OF 1940, AS AMENDED.**

The undersigned, for and in behalf of the foreign national named below, hereby applies for his/her admission as /change of admission status to/extension of his/her stay, as special non-immigrant under Section 47(a)(2) of the Philippine Immigration Act of 1940, as amended, and in support thereof submits the following information and representation..

I. 1) Name of Applicant/Sponsor: \_\_\_\_\_

a) Address: \_\_\_\_\_ Tel. No: \_\_\_\_\_

b) Nature of Business Employment or Activity:  
\_\_\_\_\_

2) Name of Foreign National: \_\_\_\_\_

a) Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

b) Sex: \_\_\_\_\_ Age: \_\_\_\_\_ Civil Status: \_\_\_\_\_

c) Nationality: \_\_\_\_\_ Passport No: \_\_\_\_\_

d) Position/Nature of Employment: \_\_\_\_\_

e) If married:

Name of Spouse: \_\_\_\_\_ Age: \_\_\_\_\_

Name/s of Children: \_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_\_ Age: \_\_\_\_\_

f) Will the spouse and unmarried minor children join the Foreign National?

( ) No ( ) Yes When? \_\_\_\_\_

3) Foreign National's previous residence for the past five (5) years:

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4) Date of Arrival and Length of Stay:

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5) Expected Date of Arrival (if for issuance) and Length of Stay.

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6) Educational Background, Training and Experience:

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7) Undertaking of Employer/Sponsor:

- a) Applicant Employer/Sponsor shall notify the Department of Justice of the termination of employment/training of the Foreign National within three (3) days after such termination.
- b) Applicant Employer/Sponsor shall likewise assume responsibility for the voluntary departure of said Foreign National upon termination of employment/training:

## II. Documents to be submitted:

1. For supervisors, specialists, consultants, contractors, staff and dependents:
  - a) Valid passport/s of foreign national and his/her dependents, if any, subject of the application, and when required by the Department of Justice, his/her/their re-entry permit/s to port of embarkation or country of origin.



- b) Certificate of Registration issued by appropriate agency, of the Employer/Sponsor, if engaged in business.
- c) Certification from the applicant Employer/Sponsor that the prospective special non-immigrant is being admitted to the Philippines pursuant to a contract entered into by the former with a government office/agency or subdivision or private firm.
- d) Confirmation of appropriate agency or private firm utilizing the Foreign National's services.
- e) Certification by Employer on the number of personnel employed in the same category as that of the subject Foreign National and their nationalities.
- f) Copy of the Contract/Agreement entered into by the employer/sponsor of the prospective special non-immigrant with a government office, agency or subdivision or a private firm.
- g) Marriage Contract for dependent spouse.
- h) Birth Certificate/s for dependent child/ren.
- i) Affidavit of Support and guaranty of return fare by the sponsor/applicant if spouse or dependent child is included in the application.

Done in the City/Province of \_\_\_\_\_ Philippines, this \_\_\_\_\_  
 Day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
**(Applicant)**

**REPUBLIC OF THE PHILIPPINES)**  
**CITY/PROVINCE OF \_\_\_\_\_) S.S.**

SUBSCRIBED AND SWORN to me before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001, in the City/Province of \_\_\_\_\_, affiant exhibited to me his/her ACR or Passport No. \_\_\_\_\_ issued at \_\_\_\_\_ on \_\_\_\_\_, 2001.

\_\_\_\_\_  
**NOTARY PUBLIC**  
 Until December 31, 2001

Doc. No. \_\_\_\_\_;  
 Page No. \_\_\_\_\_;  
 Book No. \_\_\_\_\_;  
 Series of 2001 \_\_\_\_\_;

## PEZA Visa Facilitation Assistance Process Flow Chart

