

Client Update: Philippines

2020 APRIL

DFA, BI Suspend Transactions Due to Enhanced Community Quarantine

In view of the enhanced community quarantine (“ECQ”), the Department of Foreign Affairs (“DFA”) and the Bureau of Immigration (“BI”) imposed a suspension on certain visa-related transactions.

Suspension of Issuance of 9(a) Entry Visas and Grant of Visa-free Privileges

On March 19, 2020, the DFA issued Foreign Service Circular No. 29-2020 (“FSC No. 29-2020”) instructing all Foreign Service Posts to temporarily suspend (a) the issuance of 9(a) entry visas and (b) the grant of visa-free privileges.

It further provides that all previously issued and unused 9(a) visas shall be deemed cancelled subject to the following exceptions: (a) non-Filipino government and international organization officials accredited to the Philippines; and (b) non-Filipino spouses and children of Filipino nationals. 9(a) tourist visas of non-Filipinos who already entered the Philippines (and thus used their visas) prior to the issuance of FSC No. 29-2020 shall remain valid during the ECQ period and may be extended further within thirty (30) days from the date of resumption of the BI operations.)

On the same date, the BI also released a Memorandum imposing a temporary travel ban, effective March 22, 2020, for arriving non-Filipino nationals in possession of the following visa categories: (a) those under Visa Waiver Agreements (visa-on-arrival); (b) those with Special Visas; (c) those who fall under Executive Order No. 408, s 1960; (d) those holding Hong Kong-SAR, Macau-SAR, Macau-Portuguese, and British National Overseas Passports; and (e) Immigrant and Non-Immigrant Visa Holders (*i.e.*, 13, 9(d), 9(f), 9(g), 47(a)(2), etc.). By way of exception, (a) non-Filipino government and international organization officials accredited to the Philippines, (b) foreign spouses and children of Filipino nationals; and (c) non-Filipino crew members are still allowed entry into the Philippines during the ECQ.

Suspension of Visa Filing Transactions, Waiver of Fines & Penalties for Visas Expiring during the ECQ Period, & 30-day Grace Period for Visa Extensions

On March 19, 2020, the BI issued a Public Advisory suspending certain transactions in its Luzon offices except for outbound passengers intending to depart the Philippines during the ECQ.

The BI also announced the suspension of the following transactions for the duration of the ECQ period: (a) applications for extension of or conversion to non-immigrant/ immigrant visa; (b) applications regarding Filipino citizenship; (c) downgrading of visa status; (d) extension of tourist visa; (e) applications for Special Work Permits/ Provisional Work Permits; and (f) renewal of Alien Certificate of Registration Identity Cards (“ACR I-Cards”). The implementation of BOC-approved visa applications for extension of, or conversion to, non-immigrant/immigrant visas has also been suspended.

Client Update: Philippines

2020 APRIL

On March 31, 2020, the BI issued a Memorandum which states that fines and penalties due on visas expiring within the ECQ period shall be waived, provided that the visa extension shall be initiated within thirty (30) days from the lifting of the ECQ.

All non-Filipinos whose visas will expire during the ECQ period will be allowed to file their applications for extension within thirty (30) days from the lifting of the ECQ. The quarantine was announced in the evening of March 16, 2020 and was originally scheduled to end on April 12, 2020. On April 7, 2020, the President announced the extension of the ECQ period until April 30, 2020. On April 24, 2020, the President announced the further extension of the ECQ until May 15, 2020 in certain high-risk areas, including Metro Manila.

Temporary Allowance of Foreign Nationals to Depart from the Philippines Sans ACR I-Card

On March 23, 2020, the BI issued an Advisory that departing non-Filipino nationals with approved visas but whose ACR I-Cards have not been released shall no longer be required to secure an Order of Waiver of ACR-I Card ("ACR-I Card Waiver Order") and shall be allowed to exit the Philippines without their ACR-I Cards.

In lieu of the ACR-I Card Waiver Order, the following requirements must be presented by the non-Filipino national in the airport: (a) Passport with valid visa, as indicated in the implementation stamp; (b) official receipts of the ACR I-Card Waiver Application Fee; and (c) Emigration Clearance Certificate ("ECC") with Returning Permit ("RP") or Special Resident Certificate ("SRC"), whichever is applicable.

The same requirements are to be presented by non-Filipino nationals when they enter the country under their respective visas.

Regular procedure requires that departing non-Filipinos with approved visas and who already received their ACR-I Card prior to the ECQ period.

BI Relaxes Exit Policy for Non-Filipino Nationals with Approved but Unimplemented Visa

On March 30, 2020, the BI further relaxed its exit policy for non-Filipinos with approved visa applications. In its Memorandum, the BI allowed non-Filipinos with visas that have been approved but have not been implemented and stamped in their passports, to leave the country during the ECQ period.

In lieu of the visa implementation stamp, non-Filipinos with approved visa applications shall present to the airport immigration officer the following: (a) valid passport; (b) printout (showing their names) of the agenda list for the date when the visa was approved, or printout of the Department of Justice Indorsement (for 47a2 PEZA visas); (3) and official receipts evidencing payment of re-entry and exit permit fees (*i.e.*, ECC, SRC or RP).

Client Update: Philippines

2020 APRIL

Deployment of Health Care Workers Without Issued OECs Temporarily Suspended

On April 9, 2020, the BI issued a Memorandum directing the temporary suspension of the deployment of health care workers abroad until the national state of emergency is lifted and until COVID-19-related travel restrictions are lifted in the destination countries. The Memorandum was issued pursuant to Philippine Overseas Employment Administration (“POEA”) Governing Board Resolution No. 9 Series of 2020 (“POEA Resolution”).

According to the Memorandum, the following occupations are included in the temporary deployment suspension: (1) Medical Doctor / Physician, (2) Nurse, (3) Microbiologist, (4) Molecular Biologist, (5) Medical Technologist, (6) Clinical Analyst, (7) Respiratory Therapist, (8) Pharmacist, (9) Laboratory Technician, (10) X-Ray / Radiologic Technician, (11) Nursing Assistant / Nursing Aid, (12) Operator of medical equipment, (13) Supervisor of health service and personal care, and (14) Repairman of medical-hospital equipment.

On April 20, 2020, the POEA issued Advisory No. 47 Series of 2020 (“Advisory”) clarifying the scope of the temporary deployment suspension in accordance with Inter-Agency Task Force-IED Resolution No. 23, series of 2020. It provided that, by way of exception, the following categories of health care workers shall be allowed to proceed to their overseas employment: (1) *Balik Manggagawa* / returning health care workers with OEC exemption certificates, (2) new hire health care workers hired through private recruitment agencies with issued overseas employment certificates (“OECs”) on or before March 8, 2020, and (3) new hire health care workers under government-to-government hiring programs who signed contracts on or prior to March 8, 2020 and with issued OECs.

The Advisory also stated that new hire health care workers through private recruitment agencies whose request for processing documents were submitted to POEA on or before March 8, 2020 may be issued OECs which would serve as their exit permits. No health care worker, however, may be deployed to countries with travel restrictions already in place.

Also excluded from the temporary deployment suspension under the POAE Resolution are outbound passengers possessing non-POEA regulated visas such as those with US J1 visas, permanent residents, immigrants, or dual citizens of other countries.

Client Update: Philippines

2020 APRIL

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Client Update: Philippines 2020 APRIL

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Client Update: Philippines 2020 APRIL

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