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## Revised Rules and Regulations for the Issuance of Employment Permits to Foreign Nationals

The Department of Labor and Employment (“**DOLE**”) released the new guidelines for the issuance of Alien Employment Permit (“**AEP**”) and related certifications last January 6, 2021 through Department Order No. 221-21 (“**Revised AEP Rules**”).

The Revised AEP Rules provide for new guidelines for filing dates, processing time, permit fees, penalties, documentary requirements, and employers’ duties, among others. The AEP is one of the permits that must be secured by foreign nationals to legally work in the Philippines. Below are the key changes in the application for AEP.

### Employer Participation in the Labor Market Test

A Labor Market Test (“**LMT**”) is the mechanism to determine the non-availability of a Filipino citizen who is competent, able, and willing at the time of application to perform the services for which the foreign national is desired. Under the expanded LMT, employers are now required to cause the publication of the job vacancy being applied for the foreign national in a newspaper of general circulation at least 15 calendar days prior to the application for AEP.

The proof of publication of the job vacancy, together with a duly notarized affidavit stating no application was received or no Filipino applicant was considered for the position, must be submitted as a new documentary requirement in the new AEP application.

The LMT shall also be conducted by the DOLE Regional Office (“**DOLE RO**”) concerned in cases where a foreign national is assigned an additional position during the validity of the AEP. This would also entail the filing of the new contract of employment with the DOLE RO within 15 working days from date of appointment. The employer shall also be required to cause the publication of the assignment of the additional position and other details.

### Reduced Grace Period to File Application and Increased Processing Time

Applications for AEP must be filed at DOLE RO concerned within 10 working days from date of signing of the contract or prior to the commencement of employment to avoid incurring a fine of PHP10,000.00 for both the foreign national and the employer. Previously, the grace period to file the application was 15 working days after signing of the contract of employment.

Meanwhile, the processing period, which was previously set at 3 working days for new AEP applications and 1 day for AEP renewal applications, was increased to 5 working days.

### **Application Fees**

Foreign nationals and employers are now required to pay an increased application fee of PHP10,000.00 for a new AEP with a validity of 1 year and an additional PHP5,000.00 for every additional year. For renewal, the renewal fees were increased to PHP5,000.00 for each year of validity, while PHP2,000.00 shall be assessed for the issuance of Certificate of Exemption or Certificate of Exclusion.

### **Employers' Report**

Under the Revised AEP Rules, employers are now required to submit a quarterly report or an updated list of foreign nationals employed within 30 days from the reference period and change of employer's information such as but not limited to name, address, or contact details.

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