

# Philippines

## Executive Summary

Since 1989, the Philippines relaxed immigration policies for the benefit of investors and retirees who wish to obtain permanent residence.

## Key Government Agencies

The Bureau of Immigration is responsible for visa processing and the monitoring of the entry and exit of foreign nationals in the Philippines. Unlike in other jurisdictions, the work visa application process is usually initiated upon the arrival of the foreign national in the Philippines.

The Department of Labor and Employment (“DOLE”) is involved in the process when the foreign national intends to work in the Philippines. DOLE determines whether the foreign national is competent, willing and able to perform the requested services.

The Department of Foreign Affairs, through embassies and consulates around the world, is responsible for granting entry visas to restricted foreign nationals.

## Business Travel

### *Temporary Visitor/Tourist Visa*

Restricted nationals are required to obtain a Temporary Visitor/Tourist Visa from the Philippine Embassy or Consulate in their country of origin or residence. In addition to a Temporary Visitor/Tourist Visa, they must hold valid tickets for their return journey to the port of origin or next port of destination. Department regulations require that

passports are valid for a period of not less than 6 months beyond the contemplated period of stay.

An alien who wishes to extend his or her stay must obtain the approval of the Bureau of Immigration (“BI”).

### *Visa Waiver*

Non-restricted nationals are allowed to enter the Philippines without visas for a limited period, with the exact number of days of stay depending upon the country of passport issuance.

Nationals from the following countries are allowed to enter the Philippines without a visa for a period of stay of twenty one days or less: Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Cote d’Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Gibraltar, Greece, Grenada, Guatemala, Guinea, Guinea, Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kiribati, Kuwait, Lao People’s Democratic Republic, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Solomon

Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Vietnam, Zambia, and Zimbabwe.

Holders of the following passports are allowed to enter the Philippines without a visa for a stay not exceeding fifty nine days: Brazil and Israel.

Holders of following passports are allowed to enter the Philippines without a visa for a stay not exceeding 7 days: Hong Kong SAR, British National Overseas (BNO) passports, Portuguese Passports issued in Macao, and Macau Special Administrative Region (SAR) passports.

Visa waiver visitors are still required to comply with the passport and return ticket requirements. Immigration Officers at ports of entry may exercise their discretion to admit holders of passports valid for at least sixty days beyond the intended period of stay.

## Employment Assignments

### *Multiple Entry Special Visa*

Multiple Entry Special Visas are available to:

- foreign personnel of offshore banking units of foreign banks duly licensed by the Central Bank of the Philippines to operate as such. The foreign personnel shall be issued a multiple entry special visa (also known as visa under Presidential Decree No. 1034) valid for a period of one year; and

- foreign personnel of regional or area headquarters of multinational companies which are officially recognized by the Philippine Government.

These foreign nationals, their spouses and unmarried minor children under twenty one years of age, if accompanying or joining them after their admission into the country as non-immigrants, may be issued multiple entry special visas valid for 3 years, which may be renewed upon legal and meritorious grounds.

The Holder of this visa is exempted from obtaining alien employment permit from the Department of Labor and Employment as a condition working in the Philippines.

#### *Special Non-immigrant 47(a)(2) Visas*

The Philippine President is authorized to issue this visa when public interest warrants. The President, acting through the appropriate government agencies, has exercised this authority to allow the entry of foreign personnel employed in supervisory, technical or advisory positions in Export Processing Zone Enterprises, Board of Investments registered enterprises, and Special Government Projects.

The employing entity must apply with the relevant government agency for authority to employ the foreign nationals. This visa is generally valid for an initial period of 1 year and is renewable from year to year. The dependents are entitled to the same visa.

#### *Pre-arranged Employment Visas/9(g) Visa*

This visa is available to foreign nationals who will be occupying an executive, technical, managerial or highly confidential position in a Philippine company. This is also available to foreign nationals who are proceeding to the Philippines to engage in any lawful occupation, whether for wages or salary or for other forms of compensation where

a *bona fide* employer-employee relationship exists. The petitioning company must sufficiently establish that there is no person in the Philippines that is willing and competent to perform the labor and service for which the foreign national is hired, and that the admission of the foreign national will be beneficial to the public interest.

Dependents are entitled to the same visa.

#### *Treaty Traders' or Investors' Visa*

An alien investor is entitled to enter the Philippines as a treaty trader or investor if he/she is a national of the United States, Germany or Japan, countries with which the Philippines has concluded a reciprocal agreement for the admission of treaty investors or traders. The local petitioning company must be majority-owned by United States, German or Japanese interests. The nationality of the foreign national and the majority of the shareholders of the employer company must be the same.

The term “treaty trader” includes an alien employed by a treaty investor in a supervisory or executive capacity.

The following must be proved:

- the alien or the employer intends to carry on “substantial trade” between the Philippines and the country in which the alien is a national; or
- the alien intends to develop and direct the operations of an enterprise in which the alien or the employer has invested, or is in the process of investing, a substantial amount of capital.

“Substantial trade” refers to a non-nationalized business in which an investment in a substantial amount in Philippine currency has been made. It is important to note, however, that the size of the investment

is merely one of the factors considered in determining what is deemed “substantial trade.”

When granted, the visa extends to the investor’s spouse and unmarried children below twenty one years of age. It is generally valid for a 1-year period subject to extension upon application of the investor.

#### *Subic Bay Freeport Work Visa*

Foreign nationals who possess executive or highly technical skills, which the DOL certifies no Filipino citizen within Subic Bay Freeport Zone possesses, may apply for this type of work visa with the Subic Bay Metropolitan Authority. This work visa is valid for one year and renewable from year to year.

#### *Special Clark Work Visa*

Foreign nationals who possess executive or highly technical skills, which no Filipino citizen within the Clark Economic Zone possesses, may apply for this type of work visa with the Clark Development Authority.

#### *Alien Employment Permit (“AEP”)*

In addition to acquiring the appropriate work or employment visa, a foreign national who wishes to work in the Philippines must, through the petitioning Philippine company, obtain an AEP.

The issuance of an AEP is subject to the non-availability of a person in the Philippines who is competent, able and willing to perform the services for which the foreign national is desired.

Under present immigration rules, a pending AEP application constitutes a provisional permit for the foreign national to work during the pendency of work or employment visa application.

### *Special Work Permit (“SWP”)*

An SWP may be obtained by a foreign national who intends to engage in a professional or commercial undertaking, which is not considered purely local employment, such as:

- professional athletes competing only for the limited period of their authorized stay;
- foreigners of distinguished merit and ability entering to perform exceptional temporary services, but having no contract of pre-arranged employment;
- artists and other performers who wish to perform in the country when the audience pays for the performance;
- certain foreigners, coming primarily to perform a non-competitive temporary service or to take non-competitive training, who would be classifiable as temporary workers or industrial trainees;
- foreigners authorized to search for hidden treasure;
- movie and television crews filming in the country; and
- foreign journalists pursuing their profession in the country.

### Other Comments

Generally, a foreign national may acquire immigrant status in the Philippines if his country reciprocally allows Philippine citizens to become immigrants in that country. This privilege is usually embodied in a reciprocity agreement between the Philippines and the foreign national’s country. There are three types of immigrant visas:

quota (or preference); non-quota; and special resident visas (“SRRV” and “SIRV”).

The issuance of quota or preference visas is governed by an order of preference and requires possession of qualification, skills, scientific, educational or technical knowledge that will advance and be beneficial to Philippine national interest. They are issued on a calendar basis and cannot exceed the numerical limitation of fifty in a given year. The most common type of non-quota visa is one that is issued to a foreign national on the basis of marriage to a Philippine citizen.

The SRRV visa is available to foreign nationals and former Filipinos at least thirty five years of age, and who deposit the minimum amount required by law with an accredited bank, to be invested in any of the specifically designated areas. The required deposit is US\$50,000 for applicants who are thirty five to forty nine years of age; while it is US\$20,000 for applicants above fifty years of age (if the fifty year old applicant receives a monthly pension, the required deposit is US\$10,000).

The SIRV is a program offered by the Philippine Government to alien investors wanting to obtain a special resident status with multiple entries for as long as the required US\$75,000 investment subsists.

A variation of the SIRV is issued to investors in tourist-related projects and tourist establishments. A foreign national who invests the amount of at least US\$50,000 in a qualified tourist-related project or tourism establishment, as determined by a governmental committee, shall be entitled to an SIRV.

Similar special resident visa benefits are available to any investor who has made and continues to maintain, an investment of not less than US\$250,000 within the Subic Bay Freeport Zone.

The SVEG is granted to a foreign national with controlling interests in an entity, firm, partnership or corporation that establishes, expands or rehabilitates a business activity, investment, enterprise or industry that enables the proportional employment of at least ten (10) full-time/regular Filipinos on a long-term basis in the Philippines.

A foreigner exercising managerial functions in an entity, firm, partnership or corporation that has the power to hire, dismiss and promote employees may apply for the SVEG, provided that they are nominated and their SVEG applications are endorsed by such entity, firm, partnership or corporation.

It is possible for residents of the Philippines to naturalize and become citizens. Dual citizenship is permitted.

#### Further Information

Baker & McKenzie's *Philippine Immigration Manual* provides further information about Philippine business visas, including a broader range of nonimmigrant visas, the immigration process, and immigration-related responsibilities for employers and foreign national employees.