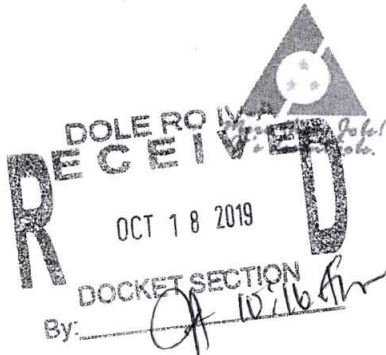




Certificate Number: AJA15-0048

Julius

DOLE-AS 1700719 17-08



Department Order No. 205
Series of 2019

**IMPLEMENTING GUIDELINES ON THE
ISSUANCE OF CERTIFICATE OF NO OBJECTION ON THE APPLICATION FOR
WORK-RELATED PERMITS, VISAS, AND AUTHORITIES OF FOREIGN NATIONALS**

Pursuant to Section 7 of the Joint Memorandum Circular (JMC) No. 01, Series of 2019 on the Rules and Procedures Governing Foreign Nationals Intending to Work in the Philippines, the following Guidelines is hereby promulgated to govern the issuance of Certificate of No Objection (CNO) by the Department of Labor and Employment (DOLE).

Proviso:

The issuance of the CNO by the DOLE shall not be construed as an automatic approval of the application for work-related permits, visas and/or authorities.

Section 1. Definition of Terms. As used in this Guidelines, the following shall be referred to as:

- a. **Alien Employment Permit (AEP)** – permit issued by the Department of Labor and Employment (DOLE) to foreign nationals pursuant to an employment arrangement with the Philippine-based company, after determination of the non-availability of a person in the Philippines who is competent, able, and willing at the time of the application, to perform the services for which the foreign national is desired;
- b. **Certificate of No Objection** – document issued by the DOLE to certify that there is no Party objecting to the issuance of work-related visa i.e., Section 47(a)(2) under Commonwealth Act No. 613 to foreign nationals and based on the Codified Visa Rules of the Department of Foreign Affairs (DFA) and Bureau of Immigration (BI).
- c. **Entity** –foreign enterprise that will engage foreign nationals in the operation of its business;
- d. **Provisional Work Permit** – permit to work issued by the BI which allows foreign nationals to engage in work pursuant to an employment arrangement pending issuance of their AEP or with valid AEP but pending approval of CA 613, Section 9(g) work visa under Commonwealth Act No. 613 also known as The Philippine Immigration Act of 1940 referring to work visa;
- e. **Project Implementers** – government agency whether local or national which have existing agreement with the Philippine government and will engage foreign nationals for a specific project;
- f. **Special Temporary Permit** – permit issued by the Professional Regulation Commission to a foreign professional who will practice in the Philippines for a limited period of time, subject to the limitations and conditions provided for by law, rules and regulations thereof;

- g. **Special Work Permit** – permit to work issued by the BI which allows a foreign national to engage in work outside of an employment arrangement;
- h. **47(a)(2) Visa** – Special Non-Immigrant Visa issued by the Department of Justice (DOJ) and DFA based on Section 47 (a) (2) of Commonwealth Act No. 613, which entitles the holder to multiple entries and exits into and out of the Philippines.
- i. **9g Work Visa** – work visa issued by the BI and DFA, which entitles the holder thereof to multiple entries and exits into and out of the country while working with a company registered or licensed to do business and existing under Philippine laws;

Section 2. Coverage. The following categories of foreign nationals shall secure CNO from DOLE before they are issued with work-related visas, permits and authorities by concerned agencies:

- a. Personnel, participants, trainees, professors, technicians, and fellows entitled to 47(a)(2) visa under certain entities and programs of the Codified Visa Rules and Regulations of 2002 of the DFA.
- b. Foreign nationals employed and/or seconded in a foreign enterprise that has existing agreement, understanding or document of similar nature with the Philippine government agency/ies.

Section 3. Exemption. The following categories of foreign nationals are exempted from securing CNO from DOLE, to wit:

- a. Scholars, students, volunteers and personnel of International Organizations entitled to 47(a)(2) visa under certain entities and programs of the Codified Visa Rules and Regulations of 2002 of the DFA;
- b. Foreign nationals exempted under Section 7 of the JMC No. 001, series of 2019; and
- c. Foreign nationals required to secure AEP.

Section 4. Documentary Requirements. The following documentary requirements shall be submitted to the DOLE Regional Office (RO) having jurisdiction over the intended place of engagement or project or worksite:

- a. Letter request from the foreign enterprise/entity or project implementer;
- b. Photocopy of passport biopage and/or entry visa/latest admission with valid authorized stay, whichever is applicable, of the concerned foreign national;
- c. Certified true copy of notarized contract of agreement or similar document as proof of engagement between the Philippine and foreign government; and
- d. Certified true copy of notarized Contract of Employment between the foreign national and the foreign enterprise/entity.

Section 5. Responsibilities of the Concerned Agency. The following are the responsibilities of the concerned agencies on the issuance of CNO:

- a. The DFA and DOJ shall include CNO as one of the documentary requirements for the issuance of 47(a)(2) visa.
- b. The DOLE shall process CNO within the prescribed period.
- c. The DOLE shall require foreign nationals to secure AEP in cases when the foreign nationals shall engage in a gainful employment in the Philippines.

Section 6. Procedure and Payment of Fees. The foreign enterprise/entity and/or project implementers shall secure a CNO prior to submission of application for 47a2 visa to DOJ or Philippine Embassy or Consular Post.

The foreign enterprise/entity and/or project implementer shall submit the documentary requirements and pay corresponding fee of Five Hundred Pesos (Php500.00) for each foreign national to the DOLE RO which has jurisdiction over the intended place of engagement or project or work site.

The DOLE RO shall grant or deny the issuance of CNO within three (3) working days after receipt and evaluation of the complete documentary requirements and payment of corresponding fee.

Section 7. Effect of Issuance of CNO. The issuance of CNO shall be without prejudice to the determination of derogatory information of the foreign national by the National Intelligence Coordinating Agency (NICA).

Section 8. Grounds for Denial of CNO. The Regional Director may deny the request for CNO, based on the following grounds:

- a. Meritorious objection or information on the employment of the foreign national;
- b. Misrepresentation of facts and submission of fraudulent documents; and
- c. Derogatory information from the NICA.

If any of the grounds is present, a Letter of Denial on the request for CNO shall be issued by the DOLE Regional Director to the requesting party.

The denial of the request for the issuance of CNO shall not be subject to an appeal or reconsideration.

Section 9. Repealing Clause. All guidelines, rules and regulations, procedures and agreements inconsistent herewith are hereby repealed or modified accordingly.

Section 10. Separability Clause. If any part or provision of this Guidelines declared to be invalid or unconstitutional, the other parts or provisions not affected shall remain in full force and effect.

Section 11. Effectivity. This Guidelines shall take effect after fifteen (15) days from the date of its publication in a newspaper of general circulation or Official Gazette.

17 OCT 2019

Date


SILVESTRE H. BELLO III
Secretary

Dept. of Labor & Employment
Office of the Secretary



032073