

BY THE PRESIDENT OF THE PHILIPPINES

MEMORANDUM ORDER NO. 179

CREATING A SPECIAL COMMITTEE FOR THE CONVERSION OF NON-IMMIGRANT VISAS (INDEFINITE) UNDER SECTION 47, PARAGRAPH (A), SUBPARAGRAPH (2) OF THE IMMIGRATION ACT AND DEFINING ITS FUNCTIONS.

WHEREAS, pursuant to the Opinion of the Secretary of Justice issued on February 12, 1993, foreign nationals who were granted 47 (a) (2) - indefinite visas and extensions of stay pursuant to the then Commission on Immigration and Deportation (CID) Order No. 118 dated March 2, 1973 and who, following the revocation of such extensions of stay under CID Office Order No. 163 dated January 8, 1979, continued to remain in the country after January 30, 1979, are considered overstaying aliens subject to arrest and deportation under the provisions of the Immigration Law.

WHEREAS, consonant with the need for consistency in the policy on foreign investments, *bona fide* investments previously made by legitimate foreign investors, who were issued 47 (a) (2) - indefinite visas, should continue to be recognized by the Government by allowing the appropriate conversion of the immigration status of the foreign nationals who were issued such visas on the basis of such investments;

WHEREAS, consistent also with the Government's policy of encouraging the integration of foreign nationals who have resided in the country for an appreciable number of years, other foreign nationals who were issued 47 (a) (2) - indefinite visas pursuant to CID Office Order No. 118 dated March 2, 1973, and who have continued to remain in the Philippines, should be given the opportunity to acquire another admission status under existing laws;

WHEREAS, since the applications for conversion of the 47 (a) (2) - indefinite visas in question will involve proof of foreign investments made or to be made by the applicants, it is advisable, in order to facilitate the processing of applications that may be filed as herein authorized, to create a committee which will include representatives from the different government departments and agencies through which such investments are coursed.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. Composition of Special Committee; Secretariat. -- A Special Committee is hereby created, with an Undersecretary designated by the Secretary of Justice as Chairman, and with representatives designated by the Bureau of Immigration (BI), Board of Investments, Department of Tourism, the Philippine Retirement Authority, and the National Intelligence Coordinating Agency, as members.

The Secretariat of the Special Committee shall be provided by the BI from its personnel.

SEC. 2. Place and Time for Filing Applications for Conversion of 47 (a) (2) - Indefinite Visa Status -- (a) Foreign nationals holding 47 (a) (2) - indefinite visas issued pursuant to CID Office Order 118 dated March 2, 1973, may file with the Special Committee an application for the conversion of such status to another status for which they may qualify under existing laws.

(b) Without prejudice to their securing appropriate student permits and visas under existing law, emancipated children of the aforesaid foreign nationals may also file applications under this Order for conversion of their status to another for which they are qualified.

(c) All applications under this Order must be filed not later than January 15, 1994; **Provided**, That applications pending with the BI, pursuant to its Memorandum Orders 047-93 and 047A-93, shall be forwarded to, and considered automatically filed with, the Special Committee upon the issuance of this Order; **Provided, Further**, That changes of status already approved, and visas issued, by the BI on the date of the issuance hereof pursuant to its aforesaid Memorandum Orders, shall continue to be valid.

SEC. 3. Effect of Filing Application. -- Upon the filing of his application with the Special Committee, the applicant, his wife and dependent children shall be issued by the BI a temporary visitor's Visa with an authorized stay until March 31, 1994, and, up to such date, they shall be entitled to the issuance of a Special Travel Certificate allowing them to leave and to return to the country.

SEC. 4. Change of 47 (a) (2) - Indefinite Visa Status. -- (a) Applicants who were granted 47 (a) (2) - indefinite visas under CID Office Order No. 118 on the basis of **bona fide** investments, shall, through authenticated and certified copies of documents to be specified in the rules and regulations to be enacted by the Special Committee, prove not only that the foreign investments, on the basis of which their 47

(a) (2) - indefinite visas were issued, were received in the Philippines but also that such investments were not withdrawn but continued to be invested in the Philippines on the date of the application.

(b) All other applications involving new investments shall specify the visas applied for (whether Special Investor's Resident Visa [SIRV], Special Retirees Resident Visa [SRRV]), and shall be accompanied by all documents needed for the processing and approval, by the Board of Investment, Department of Tourism, Philippine Retirement Authority, and/or the BI, of the foreign investment required of the applicants, who shall, after such approval, submit proof of the entry and receipt in the Philippines of the required investment.

(c) Applicants for adjustment of immigration status under applicable clauses of Sections 9 and 13 of the Immigration Act or under applicable special laws, shall submit the requirements therefor under such laws and pertinent regulations.

(d) Upon submission of the proof required under the preceding paragraphs of this Section 4, the Committee shall authorize the issuance of the appropriate visas to the applicants, their spouses and dependent children.

SEC. 5. Responsibility of BOI, DOT, PRA, BI and NICA Representatives. -- It shall be the responsibility of the representatives of the Board of Investments, Department of Tourism, Philippine Retirement Authority, and BI in the Special Committee to serve as the Committee's liaison with their respective agencies in all matters relating to, and to expedite and facilitate, the processing of the investments that are required to be made by the applicants under existing law and to be proved by them under this Order.

The representative of the National Intelligence Coordinating Agency in the Committee shall serve as liaison with the agency and shall be responsible for expediting and facilitating the processing of clearances required of applicants.

SEC. 6. Deadline for Action on Applications -- All applications must be acted upon by the Special Committee not later than May 31, 1994.

SEC. 7. Effect of of Non-Application and Disapproval of Application. -- Foreign nationals who, on the date of the issuance of this Order, are holders of 47 (a) (2) - indefinite visas issued pursuant to CID Office Order No. 118, and who shall not have filed an application for conversion of their status by January 15, 1994 as herein provided, or whose applications are disapproved by the Special Committee,

shall be proceeded against in such manner as may be provided by existing law, rules and regulations.

SEC. 8. **Rules, Regulations and Fees.** -- Subject to the approval by the President, the Special Committee shall promulgate such rules and regulations and prescribe and collect such appropriate fees for the processing of applications filed with it.

SEC. 9. **Disposition of Fees.** -- All fees and amounts collected from applicants shall be receipted by the Office of the President Proper and, thereafter, transmitted to the National Treasurer to form part of the General Fund, except for the funds needed by the Special Committee for its administration and operations under a budget to be approved by the President.

The Special Committee is hereby authorized to expend and disburse such sums as are needed for its administration and operations, such as for the printing costs of forms and other papers, the purchase of equipment, the hiring of temporary personnel, payment of overtime, meal allowances, transportation expenses, and per diems of personnel and other miscellaneous expenses, subject to accounting laws and regulations.


Initial funding for the Special Committee shall be drawn from the Contingent Fund of the President and reimbursed later from the amounts and fees collected pursuant to the first paragraph hereof.

SEC. 10. All orders and regulations that are in conflict or inconsistent with this Order are hereby amended or revoked accordingly.

Done in the City of Manila, Philippines, this ^{6th} day of ~~November~~ in the year of Our Lord, nineteen hundred and ninety-three.



By the President:


TEOFISTO T. GUINGONA, JR.
Executive Secretary



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