

LABOR ADVISORY NO. 16-21

Issuance of Alien Employment Permit or Certificate of Exemption/ Exclusion to Foreign Nationals intending to come to the Philippines for Long-Term Employment

How do I get an
Alien Employment Permit (AEP)
in the Philippines?



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A. APPLICATION AND ISSUANCE OF ALIEN EMPLOYMENT PERMIT (AEP)

- The Philippine-based Employer shall file the application of AEP with the concerned DOLE Regional Office.
- The submission of documentary requirements shall be in accordance with the JMC No. 001, Series of 2019 and Section 3 of Department Order (DO) No. 221, Series of 2021, except for the copy of the valid visa of the FN which shall be submitted within 30 working days after completion of the 14-day quarantine protocol.
- The AEP shall be issued within five (5) working days after the completion of the labor market test or publication of AEP application in a newspaper of general circulation, and payment of required fees under Section 4 of DO 221-21.
- The AEP card shall be released to the Philippine-based Employer to facilitate the application of appropriate work visa with the Bureau of Immigration (BI) or other visa-issuing agency.

B. APPLICATION AND ISSUANCE OF CERTIFICATE OF EXEMPTION/EXCLUSION

- The application for Certificate of Exemption or Exclusion (COE), as the case may be, shall be filed with the concerned DOLE RO by the Philippine-based Employer.
- The submission of documentary requirements shall be in accordance with Section 19 or 21 of DDO 221-21, except for the copy of the valid visa of the FN which shall be submitted within 30 working days after completion of the 14-day quarantine protocol.
- The COE shall be issued within three (3) working days after receipt of application subject to Item No. 2 above, and payment of required fees under Section 4 of DO 221-21.
- The COE may be released to the Philippine-based Employer to facilitate the application of appropriate work visa with the BI or other visa-issuing agency.



What are the requirements in the filing of application for AEP?

- Duly accomplished Application Form;
- Photocopy of Passport, with visa or Certificate of Recognition for refugees;
- Contract of Employment/ Appointment or Board Secretary's Certificate of Election;
- Photocopy of Mayor's Permit to operate business or in case of locators in economic zones, Certification from the PEZA or the Ecozone Authority that the company is located and operating within the ecozone; and
- Photocopy of current AEP (if for renewal)

What is the period of validity of an AEP?

The AEP shall be valid for one (1) year or co-terminus with the duration of employment, consultancy services or other modes of employment or term of office which in no case shall exceed five years. Said AEP is valid for the position/s and company for which it was issued.

What are the grounds for the denial of AEP

An application for AEP may be denied for misrepresentation of facts in the application; submission of falsified documents; the foreign national has a derogatory record; or availability of a Filipino who is competent, able and willing to do the job intended for the foreign national.

Who are the foreign nationals required to apply for an AEP?

- All foreign nationals who intend to engage in gainful employment in the Philippines.
- Foreign professionals who are allowed to practice their profession in the Philippines under reciprocity and other international agreements and in consultancy services pursuant to Section 7(j) of the PRC Modernization Act of 2000.
- Holders of Special Investors Resident Visa (SIRV), Special Retirees Resident Visa (SRRV), Treaty Traders Visa (9d) or Special Non-Immigrant Visa (47(a)2) for as long as they occupy any executive, advisory, supervisory, or technical position in any establishment.

Who are exempted from securing AEP?

The following categories of foreign nationals are exempt from securing AEP:

- Members of the diplomatic services and foreign government officials accredited by the Philippine government;
- Officers and staff of international organizations of which the Philippine government is a cooperating member, and their legitimate spouses desiring to work in the Philippines;
- Foreign nationals elected as members of the Governing Board who do not occupy any other position, but have only voting rights in the corporation;
- All foreign nationals granted exemption by special laws and all other laws that may be promulgated by the Congress;
- Owners and representatives of foreign principals, whose companies are accredited by the Philippine Overseas Employment Administration (POEA), who come to the Philippines for a limited period solely for the purpose of interviewing Filipino applicants for employment abroad;
- Foreign nationals who come to the Philippines to teach, present and/or conduct research studies in universities and colleges as visiting, exchange or adjunct professors under formal agreements between the universities or colleges in the Philippines and foreign universities or colleges; or between the Philippine government and foreign government; provided that the exemption is on a reciprocal basis; and
- Resident foreign nationals and temporary or probationary resident visa holders employed or seeking employment in the Philippines.

Who are covered by the publication requirement?

- An application for new AEP, for additional or change in position of the foreign national in the same company or subsequent assignment in related companies during the validity or renewal of the AEP will be subject for publication requirement and payment of publication fee.

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SOURCES :

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- <http://www.ble.dole.gov.ph/index.php/web-pages/118-alien-employment-permit>

IMAGES:

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- <http://www.projescope.com/wp-content/uploads/2021/10/application-for-work-permit-turkey.jpg>