

**[BI MEMORANDUM CIRCULAR NO. AFF-04-021,
September 24, 2004]**

OPERATING PROCEDURES FOR ALIEN RELIGIOUS WORKERS

Whereas, as a matter of privilege, the Bureau of Immigration (BI) grants and/or issues non-immigrant and immigrant visas under Commonwealth Act (C.A.) No. 613, as amended, to aliens who exclusively engage in religious work in the Philippines;

Whereas, certain purportedly alien religious workers have ceased maintaining a lawful presence in the Philippines by willfully: (1) Avoiding alien admission laws; (2) Evading alien registration regulations; (3) Circumventing immigration policies and (4) Engaging, either directly or indirectly, in individual or syndicated criminal acts or felonious activities;

Whereas, these unwanted aliens now pose a clear and present danger to national security, public health, public welfare and public morals;

Whereas, public interest warrants the immediate promulgation of responsive operating procedures to effectively detect, deter and interdict these undesirable aliens;

Whereas, the Commissioner of Immigration is vested with authority to address these concerns by prescribing such operating procedures as may be necessary to carry out the provisions of alien immigration and alien registration laws by filling in details not provided by existing law under the principle of subordinate legislation;

Wherefore, pursuant to C.A. No. 613, Section 3 as amended, and Republic Act No. 526, Section 2, as amended, in relation to Letter of Implementation No. 20 (1972), Section 15.1(a) and (c) and Executive Order (E.O.) No. 292 (1987), Book III, Title I, Chapter 3, Section 10, the following operating procedures for alien religious workers in the Philippines are hereby promulgated, to wit:

SECTION 1. Coverage. - This memorandum order shall apply to alien religious workers (ARW) who seek non-immigrant or immigrant visas in the Philippines as provided by C.A. No. 613, as amended.

SECTION 2. Conditions for coverage. - ARW subject of this memorandum circular shall upon application establish through competent proof that (i) They are coming to work for a denomination under the sponsorship of a *bona fide* non-profit religious organization in the Philippines as a minister, in a professional capacity, or in religious vocation or occupation and (ii) They have been members or affiliates-in-good-standing of such denomination for a continuous three (3) years immediately preceding the filing of the petition.

SECTION 3. Definition of terms. - The following terms shall govern the implementation of this memorandum order, to wit:

- (a) Minister is an individual-authorized by a recognized religious denomination to conduct religious worship and perform other duties usually performed by the clergy;
- (b) Professional capacity means that the position the alien will be working in requires at least a bachelor's degree;
- (c) Religious vocation is a calling to religious life evidenced by an unequivocal and indubitable demonstration of a commitment practiced in the religious denomination, such as the taking of vows;
- (d) Religious occupation refers to any activity that relates to a traditional religious function;
- (e) Persons in religious occupation shall include liturgical workers, religious instructors, missionaries, religious counselors, cantors, catechists, religious culinary technicians or religious broadcasters. It does not include janitors, clerks, trainees, nursery and/or day-care center operators, in-house care-givers for elderly persons in a religious occupation and persons solely involved in soliciting funds, donations, love gifts and the like;
- (f) Non-profit religious organization is one that is exempt from income taxation under the Internal Revenue Code; and
- (g) Accompanying relatives shall refer only to the lawful spouse and minor unmarried children below eighteen (18) years of age, if any, of the alien religious worker.

SECTION 4. Actual, direct and exclusive religious work. Duration of nonimmigrant (pre-arranged employment) status. Initial period of validity. Extension. Limitation on extension. Bond and conditions temporary re-admission. - For purposes of this memorandum circular, temporary, non-immigrant (pre-arranged employment) visas for a maximum period of five years shall be issued/granted to ARW who are actually, directly and exclusively engaged in religious work in the Philippines. Thus, the visa shall be valid for an initial period of three (3) years. At the end of such three (3)-year period, the ARW may be allowed a two (2)-year extension, upon written request to and for meritorious reasons as determined by the BI Board of Commissioners.

Consistent with C.A. No. 613, Section 9, paragraph (2), as amended, no further extension of the non-immigrant visa concerned shall be thereafter granted for a period of one (1) year. At the end of such one (1)-year prescription, the ARW concerned may temporarily re-admitted into the Philippines subject to a bond or cash deposit and such other conditions as may be imposed by the Commissioner of Immigration under C.A. No. 613, Section 40(a)(1) and/or (c), as amended, as the case may be. However, in no case shall the period of stay of a temporarily re-admitted ARW exceed one (1) year.

SECTION 5. Contents of petition. - In addition to existing visa requirements, the ARW concerned shall submit a notarized statement and duly-authenticated