

Exchange Visitor Program Committee in the Philippines

RESOLUTION NO. 01-2010

**AMENDED GUIDELINES AND PROCEDURES ON THE WAIVER OF THE
TWO-YEAR HOME-COUNTRY RESIDENCY REQUIREMENT
FOR EXCHANGE VISITORS**

WHEREAS, the Exchange Visitor Program (EVP) Committee in the Philippines is mandated to promulgate policies, rules and regulations to implement Philippine participation in the program;

WHEREAS, the EVP Committee issued Resolution No. 01-2008, "Amending the Guidelines and Procedures on the Waiver of the Two-Year Home-Country Residency Requirement for Exchange Visitors" in April 2008 which simplified the submission of the required documents for the application for No Objection Statement (NOS);

WHEREAS, the EVP Committee recognized the need to further amend the regulations in favor of a more transparent exchange of communication between the EVP Committee and the EVP participants applying for NOS;

WHEREAS, the EVP Committee agreed to include additional documents and amend some procedures in the application for NOS of EVP participants to ensure that the integrity of the process will be preserved and that no existing conditions will be compromised due to false, incomplete and illegal documents that are not honored under Philippine law;

RESOLVED THEREFORE, that the EVP Committee hereby amends the procedures in applying for NOS as follows:

SEC. 6. APPLICATION REQUIREMENTS

Exchange visitor participants from the Philippines applying for waiver of the two-year home-residency requirement through the No Objection Statement (NOS) from the Philippine Government shall comply with the following requirements:

- a. The applicant fills out the NOS application form, which is available at the Philippine Embassy or Consulate in the United States or on the website of the Commission on Filipinos Overseas (CFO) www.evpcomitee.ph.
- b. The applicant submits the NOS application form to the EVP Committee through the CFO, together with the following supporting documents, in three (3) copies:
 1. Copy of the Certificate of Eligibility for Exchange Visitor (J-1) Status IAP Form 66 / DS 2019);

2. Copy of the new or amended Certificate of Eligibility for Exchange Visitor (J-1) Status IAP Form 66 / DS 2019) reflecting new field or category of training issued by the US Department of State, if applicant is applying for NOS on the basis of a new field or category;
3. Original copy of the clearance from former employer / company in the Philippines at the time of departure for the training program, clearing the applicant from any contractual obligation or financial accountability;
4. Copy of the certificate of completion from the training / sponsoring institution. In cases wherein the applicant is currently on training at the time of application, he/she shall submit a certificate from the host institution indicating the specific period of attendance, applicant's good standing, and confirming the applicant's eligibility to complete the program (as amended by EVP Resolution 02-2003). The applicant may also submit a duly accomplished Certificate of Participation which is available on the CFO website;
5. Proof of the spouse's citizenship (birth certificate or passport) and certified true copy of marriage contract, in case of applicant requesting for NOS by virtue of his/her marriage to a US citizen;
6. NSO-issued Certificate of No Marriage (CENOMAR) prior to marriage to a US citizen, if the applicant is applying for NOS on the basis of marriage to a US citizen;
7. Certified true copy of the birth certificate, in case of applicant requesting NOS by virtue of having a minor child/children who is/are US citizen/s;
8. Certificate from the head/leader of a recognized religious denomination in the Philippines allowing the continued stay in the US of its member, in case the applicant requesting for NOS is a priest, nun or missionary;
9. Other documents to support the application for NOS; and
10. Third Party Bar Code Page indicating the Waiver Review File Number issued by the Waiver Review Division of the US Department of State.

If the reasons for applying do not fall within the criteria set for granting NOS as indicated in Section 9, the applicant shall submit the following additional requirements:

11. Curriculum vitae;
12. Conditional letter of offer for employment from the training institution in the US;
13. Certification that the participant is of good standing; and

14. Proof of income of the family being supported in the Philippines (Income Tax Return or Certificate of No Income from the Bureau of Internal Revenue or Certificate of Indigency from the barangay, whichever is applicable).
- c. The applicant shall pay the non-refundable processing fee of One Hundred Twenty-five US Dollars (US\$125) exclusive of bank charges, to the CFO through a bank or other means of electronic transfer to the following account:

Account Name : Commission on Filipinos Overseas
Account No. : 000012-1149-23 (Philippine Peso Account)
Swift Code : TLBPPHMMAXXX
Bank name : Land Bank of the Philippines
Branch : Intramuros, Manila

The EVP Committee authorizes the CFO to use the fees to cover expenses for the processing and handling of NOS applications, subject to the standard accounting and auditing procedures.

The processing and handling of NOS applications shall include the costs of the following:

- a. Sending of communications / decisions of the EVP Committee to the NOS applicant through registered mail;
- b. Sending of original NOS documents to NOS applicant through courier service;
- c. Sending of endorsements of the approved NOS to the Philippine Embassy in Washington, D.C.;
- d. Sending of endorsements of the approved NOS from the Philippine Embassy, Washington, D.C. to the US Department of State;
- e. Verification of information through international and local telephone calls;
- f. Publication of resolutions and other important announcements as the need arises;
- g. Monitoring of projects implemented by NOS applicants under the alternative arrangement, which shall be conducted by representative/s of the EVP Committee member-agencies and/or by the EVP Committee Secretariat; and
- h. Other administrative requirements (including but not limited to hiring of personnel on a contractual basis, and purchasing of office equipment and supplies).

The CFO shall submit to the EVP Committee a quarterly financial report of all payments received from NOS applicants, and expenses incurred in line with the processing of NOS applications. (As amended by Resolution 02-2007).

SEC. 8. DECISION MAKING

All applications and requests for NOS shall be initially evaluated by the EVP Secretariat to determine which applications are eligible for waiver under Sec. 9 below and give recommendation/s to the EVP Committee. Communications and/or documents may be sent through electronic means and/or facsimile to facilitate the approval of the EVP Committee.

- a. Applications which are eligible under Sec. 9 below shall be issued NOS *motu proprio* by the EVP Secretariat on behalf of the EVP Committee. Notice of this action shall be given to the EVP Committee in its next regular meeting.
- b. NOS applications which are not eligible under Sec. 9 hereof shall be decided upon by the EVP Committee.
- c. Decisions of the EVP Committee member-agencies must be submitted to the EVP Secretariat within five (5) working days upon receipt.
- d. An application for NOS not pursued by the applicant within seventy (70) days from the release of the initial evaluation of the EVP Secretariat shall be deemed abandoned and returned to the applicant without prejudice to reloading, subject to payment of a new processing fee; and
- e. An application for NOS arising from an EVP participant's termination from his/her program will not be acted upon by the EVP Committee.

SEC. 15. PROCEDURES FOR ALTERNATIVE ARRANGEMENT

The procedure and requirements in the processing and evaluation of NOS applications under the alternative arrangement are as follows:

- I. Project Proposal
 - a. Within 30 days from receipt of notification from the EVP Committee, the applicant shall initially submit a project proposal (2 copies) to the EVP Secretariat;
 - b. The project proposal must identify a Philippine government agency or private institution with the proper recommendation of the agency concerned, which shall serve as partner or counterpart institution. The partner institution shall assist in the implementation of the project and assess its impact against the objective of technology and knowledge transfer. Only proposals that have been endorsed by the head of the identified partner agency/institution or his/her duly authorized representative shall be reviewed and processed by the EVP Committee. For proposals involving lectures/seminars/workshops, the project must be implemented for five (5) days (equivalent to 40 hours) with at least 30 qualified participants. For teachers, the project must also be implemented on a division level.

- c. The EVP Secretariat shall forward the project proposal to the member-agency/ies concerned identified in Annex A for technical evaluation. The EVP Secretariat and the agency concerned may also seek the technical review of other non-member agencies or institutions as necessary to determine possible benefits of the project proposal vis-a-vis the objectives of technology transfer.
- d. The EVP Secretariat shall inform the applicant of any action regarding his/her project proposal. The applicant shall be expected to respond or make appropriate revisions on the proposal, if required. After the proposal has been approved in a technical review, the applicant shall submit the final version of his/her proposal to the EVP Secretariat.
- e. The approved project proposal shall be covered by a memorandum of agreement to be signed by the applicant, the partner institution, and the representative of the EVP Committee to ensure commitment of the parties involved to implement the project. Prior to implementation, the applicant must notify the EVP Secretariat about the details of his/her implementation (i.e., dates, time and venue) for monitoring purposes.
- f. The project implementation must be conducted personally by the EVP participant applying for NOS.

II. Enhancement Training Sponsorship Project

- a. After the EVP Committee's approval of the project proposal, the EVP participant shall transfer the amount of One Thousand Five Hundred US Dollars (US\$1,500.00), or its peso equivalent, to the EVP Committee through the CFO's trust account as sponsorship for the enhancement training of an identified beneficiary in his/her particular field of expertise.

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- b. The EVP Committee, through the CFO, shall serve as fund manager and shall implement the enhancement training sponsorship project. The CFO, on behalf of the EVP Committee, shall be responsible for the disbursement of funds to the beneficiary as well as monitoring the performance of the beneficiary, subject to the standard accounting and auditing procedures.
- c. The EVP Committee shall identify a qualified beneficiary that will receive the sponsorship. However, the EVP participant may recommend a candidate subject to approval of the EVP Committee.
- d. The EVP Committee, through the CFO, shall coordinate with the identified beneficiary. A Memorandum of Agreement shall be executed

between the CFO, on behalf of the EVP Committee, and the beneficiary, defining the responsibilities of the parties involved.

- e. The EVP Committee shall not assume further obligation or responsibility to the EVP participant regarding his/her status in the United States beyond the issuance of No Objection Statement to the waiver of the two-year home-country residency requirement.

SEC. 16. PROJECT PROPOSAL FORMAT

The format for the project proposal follows:

- a. Project Title. This section should reflect the title/name by which the project will be officially referred to.
- b. Rationale. This section shall include the current status of the particular sector/institution in the Philippines relative to the expertise or technology to be introduced by the project, including the need for the expertise or technology being offered. The projected benefits to a particular sector(s)/institution(s) in the Philippines must be clearly stated. This section should also introduce the field of expertise of the exchange visitor, i.e. academic background, professional experience, professional affiliations, etc., and elaborate on the reasons for the choice of the project relative to the exchange visitor's field of expertise and to the objectives of the EVP.
- c. Objectives. This section should contain the general and specific objectives of the proposed undertaking.
- d. Project Description. This section should contain the background of the project. It must define the specific elements of the project and how these are expected to contribute to the realization of the major objectives and specific results. The project description should discuss the kind of input or contributions that the volunteer will be delivering in the course of his/her volunteer work. It should also demonstrate how the project will contribute to gender equality. Project viability and sustainability must also be described in this section.
- e. Methodology. This section should describe the stages for the implementation of the project. It must elaborate on how the transfer of technology/knowledge to a particular sector/institution in the Philippines will be carried out. If the proponent will be collaborating with local or international institutions, this section should explain how these institutions will be helping in the project, the respective roles of the proponent and the collaborating institution.
- f. Output. This section should be expressed in quantifiable/measurable and qualitative terms, as well as ways by which to sustain the benefits of the project. This section should also clearly state the target beneficiaries of the project.

- g. Inputs and Budget. Major inputs required for the production of outputs should be presented in a tabular form. It should specify organizations, equipment, services and travel, if applicable. The detailed project costs should be indicated.
- h. Project Evaluation and Monitoring. This section should include the mechanics/scheme for the evaluation and monitoring of the project. The indicators for the evaluation should be clearly specified.
- i. Timeline. This section should provide the duration for each of the stages in the implementation of the project, including the specific dates. The project must be implemented within two (2) years, and include at least one (1) working visit of the proponent in the Philippines.
- j. Other Requirements. A transmittal letter should accompany the project proposal.

SEC. 17. PROJECT MONITORING AND APPROVAL OF APPLICATION

The exchange visitor who has been offered the alternative arrangement is expected to work with his/her partner institutions in the Philippines for the implementation of his/her project.

- a. The EVP Committee shall monitor activities in connection with the implementation of projects under the alternative arrangements.

A representative from the EVP Committee member-agency/ies concerned shall conduct the monitoring of the NOS applicant's project implementation. The EVP Secretariat shall also identify another EVP Committee member-agency to conduct the monitoring.

A written report must be submitted by the representatives who conducted the monitoring to the EVP Secretariat within five (5) days after the project implementation.

- b. The NOS applicant and partner institution shall submit to the EVP Secretariat a terminal report (3 copies) detailing the results of the project. The applicant shall also be required to submit a project module (2 copies) to the EVP Secretariat, for approval, within thirty (30) days after completion of the project.

The monitoring report submitted by the representatives of the EVP Committee and the terminal reports of the NOS applicant and his/her partner institution shall be forwarded to the concerned member-agency/ies which conducted the evaluation of the project proposal.

The approval of the terminal report by the member-agency concerned shall serve as basis for the granting of the NOS to the EVP participant. Notice of this action shall be given to the Committee in its next regular meeting. The EVP Committee shall inform the Philippine Embassy in Washington, D.C. of the approval of the NOS, for endorsement to the US Department of State.

SEC. 18. REQUEST FOR RECONSIDERATION

The decision of the EVP Committee may be appealed within 30 days from receipt of the decision. The process shall be as follows:

- a. The applicant submits to the EVP Committee Secretariat a request for reconsideration strictly within thirty (30) days from the receipt of the decision.
- b. The request for reconsideration shall include new information or documents to justify the appeal. It shall be acted upon by the EVP Committee within 30 days from receipt thereof.
- c. The decision of the EVP Committee on the appeal shall be final.


SEC. 19. MISCELLANEOUS PROVISIONS

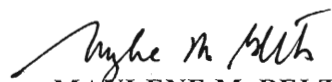
- a. The EVP Committee shall consider projects implemented by NOS applicants prior to their approval as null and void.
- b. The EVP Committee reserves the right to deny NOS to EVP participants who fail to comply with the guidelines indicated herein.

REPEALING CLAUSE

All orders, resolutions, guidelines and other actions which are inconsistent with this resolution are hereby modified or repealed accordingly.

ADOPTED this 8th day of April 2010 during the 91st regular meeting of the EVP Committee in Manila, Philippines.


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