

Exchange Visitor Program Committee of the Philippines

RESOLUTION NO. 01 - 2021

**LIFTING OF THE MORATORIUM ON THE
PARTICIPATION OF FILIPINO NATIONALS IN THE
EXCHANGE VISITOR PROGRAM OF THE UNITED STATES OF AMERICA**

WHEREAS, the Philippines has been participating in the Exchange Visitor Program (EVP) of the United States of America (US) since 1948 to enhance the educational, cultural, scientific, and technological capabilities of the country through an inter-country exchange of knowledge and expertise;

WHEREAS, the EVP Committee of the Philippines, hereafter referred to as the "Committee," is mandated to promulgate policies, rules and regulations to implement Philippine participation in the Program under the Administrative Order No. 242;

WHEREAS, many Filipinos have been participating in the EVP, traveling to the US throughout the years under various categories of the Program, and having completed their respective trainings, are required to return to the Philippines to share and apply their newly acquired knowledge and skills to benefit the Philippines;

WHEREAS, due to the urgent nature and life threatening implications associated with the outbreak of the COVID-19 pandemic in early 2020 which affected citizens and economies worldwide at an unprecedented scale, the Committee adopted Resolution No. 01-2020, which provided for a moratorium on the participation of Filipino nationals in the EVP for a period of one (1) year; or until six (6) months after the travel restrictions as provided by the Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID) are lifted or accordingly revised; whichever is longer;

WHEREAS, the Committee has exempted participation to US government-funded programs through Resolution No. 02-2020 in recognition of its consistency with the purpose of the EVP and the assurance of the US government of the safety of participants in these programs; and of to participants whose programs are funded by universities, colleges, training or research institutions, international organizations, and other reputable institutions which provide security and safety nets for participants who are under their jurisdiction; as well as some participants under the category of Teacher who have perfected contracts and were placed in US school districts prior to the imposition of the moratorium through Resolution No. 03-2020;

WHEREAS, there is the need for the Committee to safeguard the integrity of the EVP and ensure that participants are fully aware of the purpose of the Program;

WHEREAS, the moratorium afforded the Committee an opportunity to review the implementation of Philippine participation in the Program;

WHEREAS, it is incumbent upon the Philippine government to ensure the safety and welfare of all Filipino citizens;

NOW, THEREFORE, the EVP Committee, **RESOLVED,** as it so **RESOLVES** to lift the imposed moratorium on the sending of Filipino nationals or participants under the Exchange Visitor Program of the United States of America on 25 May 2021, or after one (1) year from its implementation starting 25 May 2020.

RESOLVED FURTHER, that the EVP Committee will adopt the following policy actions following the lifting of the imposition of the aforesaid moratorium to safeguard the integrity and purpose of the exchange program and protect Filipino EVP participants from any circumstance that may endanger their safety and welfare for the duration of the program and even after its completion or termination:

1. Intensify information campaign in order to inculcate into the consciousness of the public that the Exchange Visitor Program of the United States is not an alternative path to employment or immigration but a cultural and educational program where participants are required to return to the Philippines upon completion of their respective programs to share and apply their knowledge acquired under the EVP;
2. Assist EVP participants who have a valid cause of action against intermediaries or third-party providers and sponsors in filing formal complaints in court or tribunals in coordination with relevant offices;
3. Adopt more stringent measures in the screening process and approval of participants of the EVP prior to their participation in the Pre-Departure Orientation Seminar and issuance of Registration Sticker. These should include, but not limited to the following requirements:
 - a. undertaking from the U.S. sponsor and local representative that they will ensure the safety and welfare of participants, including the compliance with the international health standards and protocols and repatriation in case of premature program termination for whatever reason;
 - b. signed and approved health insurance of the participants stipulating coverage of the medical management of diseases, which includes COVID-19, that may be acquired by the EVP participant for the duration of the Program, and medical evacuation to the Philippines and/or repatriation of remains;
 - c. notarized Affidavit from the participant stating the following:
 - that the participant has a clear understanding that participation in EVP is for educational and cultural exchange, and not for purposes of acquiring employment or immigrating to the United States;
 - that the participant fully comprehends, that after his/her program has ended, he/she will return to the Philippines to comply with the two-year home-country residency requirement of the EVP program;
 - that the participant is fully aware of the personal risks involved in participating in the EVP; and
 - that the participant will be sufficiently insured for the duration of the program.

- d. For participants under the Alien Physician and Research Scholar categories, submission of reintegration plan to include research and work programs for the duration of their training and/or scholarship; and
 - e. For participants under the Teacher category, specifically public school teachers, submission of clearance from the Department of Education (DepEd).
4. Explore the possibility of a Government-to-Government (G-to-G) arrangement or a possible framework for enhanced bilateral cooperation with the US government that will allow for greater oversight over the private exchange side of the EVP and address any pending concerns, which include but are not limited to: work hours, deployment sites, stipend, and safety nets such as repatriation and emergency accommodations, etc.;
 5. Institute registration and monitoring systems for participants in coordination with Philippine Foreign Service Posts (FSPs) in the United States to allow for the continued assessment of the effectivity of the program as well as for communication and appropriate guidance or action in cases of emergencies, crises, or contingencies;
 6. Issue amended guidelines on the issuance of No Objection Statement (NOS) and waiver of the two-year home-country residency requirement for Filipino exchange visitors to ensure that its grant will only be for highly meritorious cases that will redound to the benefit and national interest of the Philippines and maintain the purpose of the EVP for educational and cultural exchange, and not for employment or immigration in the United States;
 7. Continue with the efforts to craft and adopt the Guidelines for the Accreditation of Local Representatives to regulate third-party intermediaries facilitating the participation of Filipinos whose program sponsors are US private companies;
 8. Continue to hold technical working group meetings and invite resource persons and stakeholders to discuss the ongoing improvement and optimization of Philippine participation in the EVP;
 9. Officially inform the U.S. Embassy in Manila of the lifting of the moratorium, through its chair, the Department of Foreign Affairs;
 10. Resume the conduct of registration and Pre-Departure Orientation Seminar for the EVP participants affected by the moratorium; and the evaluation of applications for No Objection Statement (NOS) through the Committee secretariat, the Commission on Filipinos Overseas (CFO) under this resolution and the amended NOS guidelines that may be adopted; and
 11. Issue and publish a public advisory on this Resolution, and disseminate the same to all academic institutions and third-party providers involved in the exchange programs through the CFO.

This resolution shall take effect immediately upon its approval and publication.

Done this 6th day of April, 2021 in the City of Manila, Philippines.