

# Country Migration Report

## The Philippines 2013



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# **Country Migration Report** **The PHILIPPINES 2013**

Implemented by the  
**Scalabrini Migration Center**

With the  
**International Organization for Migration**

In partnership with the  
**Government of the Philippines**



A *Country Migration Report* published by the International Organization for Migration (IOM) is a comprehensive roadmap for policymakers to help ensure that migration is for the benefit of all.

The Philippines' first Migration Profile, entitled *Country Migration Report: The Philippines (CMR)*, was produced under the IOM's initiative, Migration Profile Development Project for the Philippines. Written by the Scalabrini Migration Center (SMC), the CMR provides a comprehensive evidence-based account of the country's migration experience in a single, concise document to serve as a tool for policy-making. Thus, it is an invaluable tool for those responsible for shaping the policies of the country whose overseas workers are a powerhouse for economic growth, both at home and abroad.

The CMR project was initiated by IOM in response to the Philippine Government's interest, which immediately emerged after the 2011 Global Forum on Migration and Development (GFMD) conference on Migration Profiles. This conference was co-chaired by the Philippines with Switzerland in Manila, to take stock of the country's international migration experience and to harmonize migration data management system within a shared framework. The CMR was prepared in cooperation with Scalabrini Migration Center with support from the IOM Development Fund and implemented with its key partners: the Commission on Filipino Overseas, the Department of Labor and Employment, and the Philippine Overseas Employment Administration.

In addition to summarizing readily available migration data sets and statistics, the CMR aims to identify and analyze the challenges and critical areas surrounding migration data management. In the process, the CMR seeks to help narrow existing gaps by bringing to light stakeholder observations of the Philippines' current migration experience. Furthermore, the CMR aims to emphasize the connection between migration and development and its significance in the country's migration governance framework.

The CMR resulted from a series of consultations, which included technical working group meetings, meetings of six thematic clusters, national workshops and conferences and numerous one-on-one institutional meetings involving more than 30 government agencies, civil society organizations and private sector representatives over a period of nearly 20 months. These consultations discussed and collated a comprehensive collection of migration data sets, analysis of gaps and challenges and citations of a number of recommendations. The SMC, applying inputs from previous consultations,

desk researches and review of existing literature, produced the preliminary draft of the report following the National Conference on International Migration Data and the High-Level Round Table Discussion on Migration Policies. A Validation Workshop followed where government and non-government partners shared their inputs on how to improve the initial draft.

The CMR supports the thrust of the Philippine government in organizing its database on migration as a reference to informed policy, mainstreaming migration gains into national and local development, improvement of service programming, a systematic approach to crises management, facilitation of bilateral negotiations and regional cooperation as well as the institution of results monitoring mechanisms. Additionally, since the CMR provided an opportunity for stakeholders to clarify data concepts and data capture systems, areas for future development cooperation has been identified and put forward.

The process of developing the CMR provided the platform in building cooperative linkages among stakeholders in the hopes of harmonizing information sharing systems. The process by which the CMR project was implemented facilitated essential mapping and consultative exercises which IOM hopes will continue among the different government agencies and other stakeholders even beyond the project.

**MARCO BOASSO**

Chief of Mission, IOM Philippines

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I congratulate the International Organization for Migration for coming up with the *Country Migration Report: The Philippines* to provide global publics a comprehensive overview of migration to and from the Philippines.

Through the years, the DOLE and its attached agencies have been working actively with the IOM through various collaborative programs and policies towards improved trends and quality impact to labor migration.

The *Country Migration Report* reflects a number of significant developments and accomplishments of the Philippine government in response to the various social and welfare needs of the Filipino migrant workers who are highly-regarded and much-sought in many parts of the world.

By coming out with this report, the IOM once again shows that its initiative is congruent to the vision of the DOLE of upholding the protection and increasing the employability and productivity of our migrant workers and at the same time tightening the ties that bind industries together, one of the results of which is that many OFWs and their families now live better lives as the government has made its presence felt in many ways valuable to its migrant workers.

The *Country Migration Report* serves many purposes. It paints a clear picture of the OFW 'diaspora.' It bares many of the real issues migrants face. And it takes a significant step forward in highlighting areas of study in the field of migration governance that need to be analyzed to improve the institutional and policy framework on international migration for the benefit of our migrant workers, their foreign employers, and our government.

As a guide and reference, this commendable study undoubtedly will provide a necessary boost to deeper understanding of the realm of overseas employment that has long been in the forefront of the country's economic development, making more Filipinos as empowered economic movers, both local and abroad.

We at the DOLE are grateful to the men and women of the IOM who are behind this valuable publication, even as we look forward to a stronger partnership with you, all for the greater welfare of our migrant workers.

Congratulations!

**ROSALINDA DIMAPILIS-BALDOZ**  
Secretary

Office of the President of the Philippines  
**COMMISSION ON FILIPINOS OVERSEAS**

*Mabuhay* to the International Organization for Migration and to the Scalabrini Migration Center, our invaluable and ever-reliable partners in responding to the challenges of migration for Filipinos overseas!

It is timely that the publication of the first ever comprehensive overview of the Philippines' international migration comes midway through the term of President Benigno S. Aquino III. In his social contract with the Filipino people, President Aquino committed to giving us a government that would strive to create jobs here at home, "so that working abroad will be a choice rather than a necessity." He decried the previous policy that treated Filipinos as an export commodity and a means to earn foreign exchange, while disregarding the social cost to the migrants themselves, their families, their communities and the country. Thus the Philippine Development Plan (PDP) of the Aquino administration 2011 to 2016 has 60 migration-related passages in 7 of its 9 chapters. The findings in this Report on Philippine Migration will surely have a significant bearing on the ongoing 2013 mid-term review of the PDP.

This IOM-SMC *Country Migration Report: The Philippines* will be another essential tool in the formation of policies and practices for Philippine government agencies and other stakeholders to promote inclusive growth, while continuing to ensure the welfare and protection of the millions of Filipinos overseas.

Yes, we have traveled far. And yes, we still have such a long way to go. We are glad to have the International Organization for Migration and the Scalabrini Migration Center as our traveling companions, and the first *Country Migration Report* on the Philippines as another guidepost on this journey.

**SECRETARY IMELDA M. NICOLAS**  
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# LIST OF ABBREVIATIONS

AEP	Alien Employment Permit
AOS	Apostleship of the Sea
ARMM	Autonomous Region in Muslim Mindanao
ASEAN	Association of Southeast Asian Nations
ASEAN-5	Association of Southeast Asian Nations-5 (5 refers to Indonesia, Malaysia, Philippines, Singapore and Thailand)
ATM	automated teller machine
ATN	Assistance to Nationals
AVP	audio visual presentation
BES	Bureau of Employment Services
BLA	bilateral labour agreement
BLES	Bureau of Labor and Employment Statistics
BPO	business process outsourcing
BSP	Banko Sentral ng Pilipinas (Central Bank of the Philippines)
CAIRTIM	Campaign Against Illegal Recruitment, Trafficking and Irregular Migration
CES	Consumer Expectations Survey
CFO	Commission on Filipinos Overseas
CHAMPSEA	Child Health and Migrant Parents in Southeast Asia Project
CHED	Commission on Higher Education
CMA	Center for Migrant Advocacy
CMC	computer-mediated communication
CMR	Country Migration Report
COMELEC	Commission on Elections
D2D	Diaspora to Development
DAWN	Development Action for Women Network
DBP	Development Bank of the Philippines
DFA	Department of Foreign Affairs
DOH	Department of Health

DOJ	Department of Justice
DOLE	Department of Labor and Employment
DOST-SEI	Department of Science and Technology-Science Education Institute
DOT	Department of Tourism
DTI	Department of Trade and Industry
ECMI	Episcopal Commission on Migrants and Itinerant People
EEC	European Economic Community
EU	European Union
FCDU	Foreign Currency Deposit Unit
FIES	Family Income and Expenditure Survey
FLC	Financial Learning Campaign
FLOIS	Foreign Labor Operations Information System
FTA	Free Trade Agreement
GDP	gross domestic product
GFMD	Global Forum on Migration and Development
GNI	gross national income
GPB	Government Placement Branch
HDI	Human Development Index
HSW	household service worker
IACAT	Inter-Agency Council Against Trafficking
IDP	internally displaced person
IOM	International Organization for Migration
IRR	Implementing Rules and Regulations
JSL	joint and several liability (also joint and solidary liability)
LAF	Legal Assistance Fund
LGU	Local Government Unit
LOI	Letter of Instruction
LTNCD	Long-term Negotiable Certificates of Deposits
MAPID	Migrants' Associations and Philippine Institutions for Development
Mercosur	Mercado Común del Sur (Southern Common Market)
MDG	Millennium Development Goal
MDG-F	MDG Achievement Fund



MLC	Maritime Labour Convention
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MWC	International Convention on the Protection of All Migrant Workers and Members of Their Families
NAFTA	North American Free Trade Agreement
NARS	Nurses Assigned in the Rural Areas
NCMF	National Commission on Muslim Filipinos
NEDA	National Economic Development Authority
NGO	non-government organization
NLRC	National Labor Relations Commission
NRCO	National Reintegration Center for OFWs
NSB	National Seamen Board
NSCB	National Statistical Coordination Board
NSO	National Statistics Office
OCW	Overseas Contract Worker
OEА	Office of Emigrant Affairs
OEC	Overseas Employment Certificate
OEDB	Overseas Employment Development Board
OF	Overseas Filipino
OFIS	Overseas Filipinos Information System
OFW	Overseas Filipino Worker
OLAMWA	Office of Legal Assistant for Migrant Workers' Affairs
OPA	Overseas Performing Artist
OSRC	One-Stop Shop Resource Center
OUMWA	Office of the Undersecretary for Migrant Workers Affairs
OWWA	Overseas Workers Welfare Administration
PAOS	Post-Arrival Orientation Seminar
PDOS	Pre-Departure Orientation Seminar
PDP	Philippine Development Plan
PEOS	Pre-Employment Orientation Seminar
PESO	Public Employment Service Officer
PhilHealth	Philippine Health Insurance Corporation

PhilPaSS	Philippine Payments and Settlements System
PIDS	Philippine Institute of Development Studies
PMRW	Philippine Migrants Rights Watch
POEA	Philippine Overseas Employment Administration
POLO	Philippine Overseas Labor Office
POPCOM	Commission on Population
PRC	Professional Regulation Commission
RCP	Regional Consultative Process
S&T	science and technology
SEC	Securities and Exchange Commission
SGISM	Shared Government Information System for Migration
SMC	Scalabrini Migration Center
SOF	Survey on Overseas Filipinos
SOLAS	Safety of Life at Sea
SSS	Social Security System
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
TESDA	Technical and Skills Development Authority
TIP Report	Trafficking in Persons Report (US Department of State)
TLRC	Technology Livelihood Resource Center
TVET	technical vocational education and training
UN	United Nations
UNDP	United Nations Development Programme
UNESCO-IS	United Nations Educational, Scientific and Cultural Organization-Institute for Statistics
UNIO	Office of the United Nations and other International Organizations
WHO	World Health Organization

After almost forty years of intense international migration, particularly migration for employment, it is fitting to present a comprehensive overview of migration to and from the Philippines. This Country Migration Report (CMR) is part of the initiatives of the International Organization for Migration (IOM) in supporting countries in the preparation of migration profiles as a tool for policymaking, programming and information dissemination. The report is based on data generated by the various government agencies involved with migration. Formally launched in December 2011, this endeavour began with a series of consultations undertaken by IOM with the Philippine government and then with the subsequent endorsement of the Department of Labor and Employment (DOLE) for a project undertaking. The CMR took as a point of departure the technical working group convened by the Commission on Filipino Overseas (CFO) to map out the programmes and migration information systems of different government agencies. The preparation of the CMR was coordinated by the Scalabrini Migration Center in cooperation with the IOM project team, government partners and other stakeholders. As part of the process, the government agencies participated in six thematic cluster meetings facilitated by CFO & the Philippine Overseas Employment Administration (POEA). The cluster meetings were mostly oriented to data collection & organization, the results of which were presented at the National Conference on International Migration Data held in October 2012. Aside from representatives from government, the participants also included those from the academe, the private sector and non-governmental organizations. A high-level policy consultation followed in February 2013 to probe the perspectives of policymakers and officials on critical policy issues. The draft report was discussed in a validation workshop held in March 2013, and suggestions from the workshop were integrated in the final report. In addition, extensive review of various materials was conducted: annual reports, memorandum circulars and websites of participating agencies, bills and resolutions in the 13th to 15th Congress, media reports, and the academic literature on migration.

The report is organized into five parts. Part A discusses the context of international migration over time and offers a retrospective summary of the development of the migration phenomenon since the 1970s. Part B presents an overview of migration trends on immigration to the Philippines, emigration from the Philippines and overseas employment. Part C surveys the evidence-based literature on the impact of international migration on the migrants and their welfare, on Filipino families and on the country. Part D focuses on the governance of international migration to and from the Philippines. The final section, Part E, revisits the major findings on migration trends, policy developments and impacts. It then concludes with recommendations for moving forward in the areas of migration governance, mainstreaming migration in development policies and programs, and improving migration statistics, institutional arrangements and technological infrastructure.

## A. Social and economic context

The Philippines has a population of approximately 94 million people, of whom about 33 per cent are below the age of 15. Classified as a middle-income country, the Philippines has a per capita income of USD 4,199. However, 26.5 per cent of the population falls below the poverty level, and the unemployment rate is at 7 per cent. While gross domestic product (GDP) grew by 6.6 per cent in 2012, and the fundamental indicators for sound fiscal management are showing promise, the economic performance of the Philippines in the last four decades has been characterized by boom and bust. The lack of long-term stability, the heavy toll of a long dictatorship until the 1986 People Power Revolution and the high level of corruption, had left the country lagging behind its peers in Asia. In addition, the failure to pursue structural reforms and generate a vibrant manufacturing and agricultural sector, owed to persistent serious infrastructural inadequacies, have contributed to chronic development imbalances. The economy was unable to promote the expansion of the middle class, manufacturing and employment. As a result, the Philippines has missed the opportunity of capitalizing on important resources, such as a broad educational base and a young population. Overseas employment, which was launched in an organized system during the oil crisis of the early 1970s, has become for many the most promising venue out of dismal local alternatives. A culture of migration has settled in, particularly in some regions, where the aspirations of youngsters are moulded by the examples of migrants.

## B. Migration trends and characteristics

Immigration to the Philippines is a relatively small phenomenon, involving an annual flow of less than 20,000 foreign nationals settling in the Philippines for various reasons. Most come from Asia, particularly from China and more recently from the Republic of Korea. On the other hand, the inflow of students who take advantage of tertiary level education or English language programs is growing. In 2012, a total of 58,811 applications for student visas and special study permits were processed and approved, up from 41,443 applications in 2011. The increasing interaction among different countries spurred by globalization and the opportunities of further integration with the Association of Southeast Asian Nations (ASEAN) region indicate that the foreign population in the Philippines might grow in the future, although not in a dramatic way. More research and policy attention should be dedicated to the issue to better understand its impact on the Philippines.

For many years the Philippines has figured among the top countries of origin in the traditional immigration countries. In 2010, it was the top origin country of annual inflows to Canada, and soon the Filipino community will be the single largest group in Australia. Considering data

from 2011 (57,011 to the United States, 34,991 to Canada and 12,933 to Australia), the outflow was substantially higher than in the early 2000s. The potential of the Philippine diaspora for international relations and economic development has not been fully analysed and maximized. Marriage migration is an important component of this outflow and is a significant component of the Filipino community in Japan, Republic of Korea and Taiwan Province of China.

Labour migration from the Philippines has constantly grown in the past 40 years and has more than doubled in the past ten years with 2012 believed to be the peak year surpassing the deployment figure of 1,850,463 in 2011. An interesting characteristic is the increasing proportion of the rehires among land based workers which is 63 per cent of total land based deployment of 1,384,094 in 2011. Rehires represent Overseas Filipino Workers (OFWs) who go back to the same employer in the same country under any of the following circumstances: (a) to renew their contracts for another term; (b) to rejoin their existing employer in the same country after availing of vacation; or (c) to rejoin their existing employer in the same country with whom overseas employment was previously obtained, mostly onsite, without being registered with the POEA or passing through its registration system upon original departure of the worker. It is also important to note the information shared by the recruitment industry that sourcing of OFWs for new vacancies may also be undertaken from among OFWs already in the market place or country of work abroad, especially when supply of qualified workers in the Philippines is tight (Soriano, 2012). Data on rehires are therefore significant to analysing the annual growth of migration for employment as they represent employment contract renewals, resumptions, extensions and official registration of employment engagements onsite. As annual emigration for employment continues to rise, so has the base number of rehires. This indicates that the temporary migration of OFWs is gaining some stability—a case of temporary migration becoming more or less permanent—and the overseas employment experience is becoming longer. Consequently, the rate of permanent return is slow, probably because of limited wage-competitive opportunities in the Philippines.

The number of seafarers has also increased by 75 per cent in the past 10 years, but the growth has occurred in particular in the last five years—100,000 more between 2008 and 2011—drawing a stable, if not increasing, lead share of Filipino seafarers in the global market ranging from 25–30 per cent. A considerable portion of the increase is due to non-marine personnel, including women, working onboard passenger vessels.

Migrants originate mostly from Metro Manila and the surrounding provinces, except for Pangasinan, Cebu and Maguindanao. Not surprisingly, most of the migrants from the provinces of Mindanao are female domestic workers, directed to Malaysia and the Gulf countries.

Over 70 per cent of OFWs are between 25 and 44 years of age. Women outnumber men in the annual outflow, at an average ranging from 55–60 per cent, and they tend to be younger. OFWs who are over 40 are mostly men.

Overseas employment is mostly mediated by private recruitment agencies, numbering approximately 1,300 in 2012. Although other forms of recruitment are available, most OFWs—between 85 and 95 per cent—are recruited by employment agencies. Government to government (G-to-G) recruitment arrangements, handled by the POEA's Government Placement Branch, have been limited mostly to the Republic of Korea and Saudi Arabia. OFWs who have secured employment contracts on their own without the role of recruitment agencies have remained a notable proportion owing to the freer access to global markets through the internet or referral linkages facilitated by peers or relatives who are already abroad.

The deployment of OFWs at the beginning of the overseas labour program was almost exclusively directed toward the Middle East, in particular the oil-rich Gulf countries. It was largely facilitated by construction contractors and labour sub-contractors which deployed workers to the construction and oil sectors. Presently, the Gulf countries still account for 67 per cent of the outflow of OFWs. Other destinations in Asia, in particular Singapore; Hong Kong, China; and Taiwan Province of China have become major destinations of Filipino workers, particularly domestic workers and factory workers. As of 2012, Saudi Arabia leads in the top ten destinations of OFWs, which includes five Gulf countries, four Asian countries, and with Italy, being the only non-Asian country.<sup>1</sup>

Most OFWs find employment as service or production workers. These two categories comprise 80 per cent of all OFWs. The largest concentration of OFWs is in domestic work. Overseas employment was mostly male in the 1970s and 1980s, but females are now the majority of the newly-hired land-based OFWs, mainly because of the number of household workers. After a momentary decline in 2007 and 2008, soon after the implementation of the Household Service Workers Reform Package, domestic workers have increased and more than doubled between 2009 and 2012. With the decline of the Japan market for foreign entertainers since 2005, nurses are the number one category among professionals which is also female-dominated.

In spite of the comprehensive regulation of overseas labour, irregular migrants are estimated at about 10 per cent of the total stock of Filipinos abroad. They are mostly present in Malaysia, especially in the disputed territory of Sabah, which has traditional ties with the Southern Philippines and which remains with an unresolved international dispute concerning sovereignty. The Mindanao region in the Southern Philippines appears to be a prominent

<sup>1</sup>This is due to the large number of Filipinos present in Italy who have availed of amnesty and have been granted regular status and permanent residence.

source of irregular migrants, particularly females, to Malaysia and the Middle East. The lack of or weak implementation of overseas employment regulation by the Autonomous Region in Muslim Mindanao (ARMM), which has a separate autonomous government and executive agencies, significantly contributes to this pattern. Other factors are also at work: the aspiration of Muslim Filipinos to fulfil their pilgrimage to Mecca via overseas employment; movements driven by conflict, poverty and lately, climate change disturbances; and the facilitation by informal manpower brokers who are usually known to prospective migrants and their families, relatives and community peers. The United States, Singapore and some European countries also have a sizable population of irregular Filipino migrants. While many irregular migrants have been illegally recruited and trafficked, some irregular migrants do not technically fall into the definition of trafficked and illegally recruited.

Through a Spanish-supported Millennium Development Goal Achievement Fund (MDG-F) Joint Programme on Youth, Employment and Migration, the IOM and the POEA have initiated the Campaign Against Illegal Recruitment, Trafficking and Irregular Migration (CAIRTIM) to promote a better understanding of the differences between illegal recruitment, trafficking and irregular migration as well as the relationship between them.<sup>2</sup>

## C. Impacts of migration

Some 8 million OFWs may have participated in the overseas employment program since it started in the 1970s. For many of them, overseas employment is a beneficial experience, at least economically. While the employment objective is the most prominent reason for migration abroad, not all Filipino migrants go abroad because of it. The acquisition of skills, pursuit of a career—such as in seafaring, nursing or information technology—the opportunity to reunite with families abroad, experience other cultures, encounter other people and societies, and live a more developed standard of living are among other reasons that motivate some of them to leave the country. Benefits are not without costs, and migrants encounter social costs throughout the process. In the pre-employment phase, illegal recruitment is experienced in many forms, the most common of which are excessive placement fees and filing contracts that are then substituted when they are abroad. During employment, migrants experience many forms of hardships; in particular, migrants in less skilled occupations—notably, women in domestic work—face risks and vulnerabilities. To help migrants in distress, the Philippines has set up mechanisms to promote protection, including the joint and solidary liability clause between recruitment agencies and their foreign employer principals. The Philippines also has the provision of alternative remedies and legal facilities where aggrieved or abused migrants

<sup>2</sup> For more information on the Campaign Against Illegal Recruitment, Trafficking and Irregular Migration (CAIRTIM), see IOM and POEA, (2013).

can file cases, such as with the National Labor Relations Commission (NLRC) for money claims and with the POEA for recruitment violations and other administrative cases. The trend indicates that more than 5,000 cases are filed every year with NLRC and that between 70 and 80 per cent of them are resolved, with workers receiving compensation for more than 2 billion pesos. In 2012, cases filed with POEA are less than 4,000 and the disposition rate is about 50 per cent.

In addition to court cases, migrants avail of welfare protection from the Overseas Workers Welfare Administration (OWWA), both in terms of repatriation assistance or in terms of programs of assistance to the families left behind. The health of migrants is reason for concern because, although healthy by definition—in the sense that they cannot be hired without a clean bill of health—many migrants are subjected to unsafe living and working conditions. Health protection is not always available in all destination countries. Legally deployed OFWs are enrolled in the Philippine Health Insurance Corporation (PhilHealth) which covers hospitalization overseas and provides coverage for their eligible family members in the Philippines.

Temporary migrants are normally excluded from social security benefits because the system is structured in a way that they often cannot meet the requirements to qualify for social security. To supplement what is lacking in the system, the Philippines has entered into social security agreements with nine countries—mostly in Europe—and have extended Social Security System membership to OFWs.

Migration is often motivated by family reasons and the family is the most direct beneficiary of the gains of the migration project. Although migrating to improve the family's welfare is typically cited by migrants, difficult family circumstances—such as a trying marriage—can also result in migration. In general, and because of the role of the extended family, migrants' families show resilience to the stresses generated by migration. Some areas, however, have not been sufficiently researched to be able to arrive at definitive conclusions.

The impact of migration on the economy is evidenced by the inflow of remittances, the alleviation of unemployment to some extent and other changes in the labour market. Remittances have increased tremendously, particularly in the past 10 years. It took 15 years to reach 1 billion USD, 12 to reach 10 billion USD and only 7 to surpass 20 billion USD, the latest recorded peak in 2012. The growth is attributed to the burgeoning presence of OFWs in more than 224 destinations with relatively longer years of employment engagement, a growing market leadership in the high wage-earning seafaring sector, an assumed wage escalation among those with extended contracts, and longer service records. Improved accessibility to official and competitive channels to remit money, as well as improvements in remittance-related



technologies and recording and estimating these transfers have also contributed to increased remittance flows. Remittances are estimated to contribute between 8 and 10 per cent of GDP, making overseas employment among the most important sources of the Philippines export earnings. The competitiveness of Filipino migrant labour in the global market in terms of productivity and wages is said to have maintained the country's favourable economic indicators even in times of regional or global financial crisis or low points of economic cycles. Discussions persist on the productive versus non-productive use of remittances by recipient households. The incentive for migrants to employ remittances in productive investment products will come from better investment opportunities in the economic and financial market.

In general it can be said that overseas employment may add to employment opportunities of the domestic labour market. However, a direct correlation between labour migration and a drop in unemployment remains difficult to establish. More evidence is needed to determine whether overseas workers come from the unemployed, or whether the vacancy they leave behind is absorbed by the unemployed. Unemployment depends on many factors, including the mismatch between the skills generated by the educational system and the demands of the labour market. It is well known that some 60 per cent of graduates from tertiary education come from business administration and related disciplines, education and teacher training, and engineering and technology. In recent years, enrollment has soared in the medical and allied disciplines—particularly nursing—have joined the group. Migration seems to be partially responsible for increasing the mismatch. Many students are enrolling in caregiving, nursing and maritime schools in a “bandwagon” fashion, as opposed to a realistic consideration of available jobs both in the domestic and global labour markets. As for the issue of brain drain/brain waste, no direct evidence has been established suggesting that overseas employment is creating a shortage of skills in the Philippines. The recruitment industry has articulated difficulties in sourcing qualified workers for the overseas markets as they believe that the quality of graduates produced by the education system, on-the-job training/apprenticeships and local employment experience is not at par with the requirements of the market. As a result, overseas employment opportunities cannot be filled because migrants do not have the necessary qualifications, including work experience. There is some evidence of brain waste, as at least one third of overseas workers have some level of college education, but are employed as household service workers or labourers, or in other areas unrelated to their academic training.

Reintegration is the final stage of the migration process, a stage which is embedded in the temporary labour migration system. Compared with the relatively more developed pre-departure and on-site programmes, reintegration needs more strategic attention. Because of the lack of sustainable reintegration opportunities or sufficient resources, many migrants prolong the overseas employment experience beyond what they originally planned. The

establishment of the National Reintegration Center for OFWs (NRCO), as provided in Republic Act 10022 in 2010, which amended Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, is aimed at providing much needed attention to the return and reintegration stage. The promotion of financial literacy among migrants and their families to stir savings, investments and productive use remittances has become an area of convergence of the programmes and initiatives of the government, private sector and civil society. In order to maximize the potential of overseas employment, migration must be mainstreamed in the development plans of the nation, but most of all in the local government plans because reintegration may take place at the local level or hometown of migrants. A viable and effective reintegration programme will depend on developments beyond the capacity of NRCO, notably, improvements in the local communities which benefit all, not just migrants and their families. These include improvements in the investment climate, energy infrastructure, farm-to-market roads, agrarian reform, upgrading of agricultural technologies, and peace and order.

## **D. Migration policy and the governance of migration**

The main thrust of the Philippine migration policy was established in the 1974 Labor Code and it consisted in promoting and facilitating overseas employment, protecting Filipino migrants, and maximizing the benefits of migration. The policy was further elaborated in Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, which was amended in 2007 and 2010—by Republic Act 10022. The “Migrants Law” is essentially protective legislation. It provides that “the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of overseas employment rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens, shall not, at any time be compromised or violated.” As articulated by President Benigno C. Aquino III, the current policy focuses on creating jobs at home so that there is no need to look for employment abroad, while at the same time providing the best protection for Filipinos who still go to work abroad.

In all these years, the Philippines has created a comprehensive structure of regulation, protection and assistance which embraces the whole migration process, for which the Philippines has gained renown as a model for migration governance. The Philippines emphasizes a human rights framework in migration governance, consistent with its commitment to international conventions and active engagement in regional and global policy dialogues. In its national laws, the provision of sectoral representation of migrants in the Governing Board of POEA and the Board of Trustees of OWWA is an indication of the empowerment of migrants in the policy affairs.

In terms of programmes and services, the key migration agencies have developed many good practices. The POEA, which operates on the basis of the POEA Rules and Regulations, is an institution which reflects the structural and legal sophistication of migration governance in the country. POEA's operations include: a quasi-judicial office, a licensing and regulation office, an accreditation system for foreign employers, a migrant orientation and information campaign programme, developmental programmes for international and bilateral labour relations, and labour market access and facilitation. The POEA also provides direct services, such as documentation of departing OFWs, legal assistance, and conciliation of recruitment disputes. Likewise, the OWWA provides a comprehensive programme offering direct services to migrants and their families, as well as developmental programmes, such as scholarship programmes. For permanent migrants and diaspora communities, the CFO provides an array of services and programmes to promote their empowerment and to nurture their ties with the homeland. In recent years, the CFO has intensified its efforts to involve overseas Filipinos in participating in the country's political life, particularly through overseas voting, and in supporting development initiatives. In spite of such comprehensiveness, implementation gaps persist associated with political factors, resource appropriations, changes in the level of appreciation or operational application of norms, and dynamic market pressures challenging responsive implementation.

The Philippines has typically been among the first to ratify migration-related agreements and has ratified more instruments than any other in the region. Most notably, the Philippines has ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; ILO Conventions 97 (Migrant Workers), 143 (Migration for Employment), 189 (Domestic Workers), and the Maritime Labour Convention; and the Convention on the Elimination of Discrimination and Violence Against Women. In general, however, these international instruments do not have a direct and immediate reverberation for the welfare of Filipino migrants, who are mostly deployed in countries which are not parties to regional or international agreements. Nevertheless, it contributes to the credibility of the Philippine state in the international arena, and it offers additional incentives for the proper formulation and implementation of national policies.

The renewed attention given to migration and development in the global community in the last decade has revived questions on how migration can contribute to development. The various meetings of the Global Forum for Migration and Development since 2007 have promoted growing awareness on how migration gains—both economic and social remittances—can be harnessed to contribute to the development of migrants, origin countries and destination countries. The political will to integrate migration into development planning at the national level has involved concrete efforts, which resulted to the inclusion of more than 60 migration-related provisions in seven chapters of the Philippine Development Plan 2011–2016. The

National Economic Development Authority (NEDA) is starting to embark on the inclusive engagement of concerned sectors to understand how the Philippines can benefit from international migration and how to minimize costs attendant to it. The process is producing inroads into the United Nations Development Action Framework for the Philippines and in the post-MDG period goal planning. Examples of local governments integrating migration concerns in their local development plans have also emerged in recent years.

## E. Recommendations

### *On governance*

- Reinforce the provisions of Republic Act 8042 to focus on national development which will eventually render overseas employment as a genuine option rather than a no-choice necessity. If overseas employment defers addressing national development, then it is deleterious in the long run for the country. A particular thrust is to increase the level of financial literacy of migrants and their dependents, harness remittances for enterprise and employment development at the local level, and engage local governments to develop concrete programmes in support for small and medium enterprises.
- Local governments must adopt a migration and development lens in governance, invest in a data base on migration, share and disseminate their development priorities, and engage migrants, diaspora communities and their families in realizing the potentials of migration to contribute to the development needs of their provinces.
- While Republic Act 10022 defines a comprehensive coordinating role for the NRCO to support the successful reintegration of OFWs, as noted earlier, the efforts are beyond the scope of NRCO. A thematic convergence programme on reintegration involving all relevant executive agencies, not just migration-related agencies, is called for.
- Maintain the leadership role in regional and international dialogues concerning migration, ensuring participation of relevant executive agencies. In negotiating bilateral agreements, there is a need to strengthen the protection provisions in bilateral agreements, promote transparency and involvement of civil society and provide a system of monitoring the implementation process.
- Focus on the implementation of existing norms, rather than increasing regulation. In some respects, the system should be provided with more flexibility to take into account

the variety of participants and their different needs, in consideration of their capacity to assume responsibility, the legitimate market forces and human rights interest.

- Increase the preparation of officers involved in the governance of migration by providing educational courses and training programs as well as by offering opportunities to discuss concerns with the private sector and civil society.
- Devise incentives to ensure compliance with norms by the private sector, particularly the observance of limits to placement fees and avoiding recruitment malpractices.
- Establish an annual national conference on migration, with the participation of the private sector, the academe and civil society, to monitor developments and address specific issues.

### ***On development***

- Organize a training session for local administrators on the mainstreaming of migration in local development policies and programmes.
- Facilitate the formation of business communities among permanent migrants, strengthen the connections with the Filipino diaspora, provide channels of information concerning local development projects, offer innovative opportunities for investment, ensure that migrants possess the financial literacy necessary to start their own economic activities, and provide access to favourable credit schemes to migrants and their families, using remittances as collateral.
- Insert development components, including co-development projects in the bilateral agreements.

### ***On migration data***

- Continue the development of the Overseas Filipinos Information system (OFIS).
- Continue the implementation of the Foreign Labor Operations Information System (FLOIS), aimed at improving the management and operations of 38 Philippine Overseas Labor Offices (POLOs) abroad and provide assistance to OFWs.

- Operationalize the Shared Government Information System for Migration (SGISM) mandated by Republic Act 8042, sec. 20.
- Enable local governments to implement a community-based management information system to capture a base of data on migration.
- Establish inter-agency working groups to clarify definitions and classifications to converge on common standards.
- Support the conduct of a National Migration Survey.

## ABOUT THE COUNTRY MIGRATION REPORT

When the Philippines launched the overseas employment programme in the 1970s, little did the framers and policymakers then anticipate that labour migration would become a significant and enduring feature of national life. From the passage of the 1974 Labor Code of the Philippines, a key instrument in the State's involvement in overseas employment, to the present time, the program has traversed from being a temporary measure to a fact of globalization which presents challenges and opportunities for governance.

This Country Migration Report is part of the initiatives of the International Organization for Migration (IOM) in supporting countries in the preparation of migration profiles as a tool for policy-making, programming and information dissemination. To date, IOM has aided in the production of 39 migration profiles; 17 are forthcoming—the Philippines included. For the Philippines, this report is a milestone because it is the first comprehensive inter-agency report on international migration.<sup>3</sup> Numerous reports, studies and assessments have examined the manifold aspects of the country's almost four decades of large scale migration, but this marks the first time that government agencies cooperated to come up with a report covering international migration to and from the Philippines. Of course, outmigration—particularly labour migration—is much more significant in terms of scale and magnitude. However, in the globalized context, human mobility flows are multi-directional; as such, a country of origin can be simultaneously a country of transit and a country of destination. Although long-term international migration to the Philippines is much smaller compared with out-migration, visitor arrivals and short-term international migration are increasing, and these trends also entail governance questions. Moreover, when the links between migration and development are explored, the development implications of international migration to the country should be duly considered as well.

In the making of this report, IOM Philippines engaged the Department of Labor and Employment (DOLE), Department of Foreign Affairs (DFA), the Philippine Overseas Employment Administration

<sup>3</sup>The Country Migration Report of the Philippines, like the other migration profiles, is focused on international migration. Unless otherwise indicated, references to migration in this report pertain to international migration.

(POEA) and the Commission on Filipinos Overseas as key institutional partners and identified the Scalabrini Migration Center (SMC) to coordinate and help implement the project. This endeavour began with a series of consultations undertaken by IOM with the Philippine government in March 2011, in consonance with the preparations for the Global Forum on Migration and Development Conference on Migration Profiles which was held in Manila under the co-chairmanship of Switzerland and the Philippines in October 2011. Subsequently, DOLE officially endorsed IOM support for a project undertaking, which was formally launched in December 2011. The project built on the inter-agency multi-sector Technical Working Group which the CFO had convened for the purpose of mapping out the programs and migration information systems in place in the last quarter of 2011. The outputs of the six meetings organized by CFO provided a useful point of departure when the development of the Country Migration Report began in earnest in July 2012. Early on in the process, the participating agencies decided to retitle the Philippines' migration profile to the Country Migration Report. The government agencies were organized by the IOM into six clusters, with co-chairs who were responsible for convening the members and hosting the meetings (Table 1).

**Table 1: Clusters in conjunction with the Country Migration Report**

<b>CLUSTER</b>	<b>CO-CHAIRS</b>	<b>MEMBERS</b>
Administrative Data	Commission on Filipinos Overseas and Bureau of Immigration	<ul style="list-style-type: none"> <li>- Bangko Sentral ng Pilipinas</li> <li>- Commission on Filipinos Overseas</li> <li>- Commission on Population</li> <li>- Department of Foreign Affairs</li> <li>- Department of Justice—Bureau of Immigration</li> <li>- Department of Tourism</li> <li>- National Statistical Coordination Board</li> <li>- National Statistics Office</li> <li>- Overseas Workers Welfare Administration</li> <li>- Philippine Overseas Employment Administration</li> </ul>
Welfare Data	Philippine Overseas Employment Administration and Overseas Workers Welfare Administration	<ul style="list-style-type: none"> <li>- Commission on Filipinos Overseas</li> <li>- Department of Foreign Affairs—Office of the Undersecretary for Migrant Workers Affairs (OUMWA)</li> <li>- Department of Foreign Affairs—Office of the United Nations and other International Organizations (UNIO)</li> <li>- Department of Health</li> <li>- Department of Justice—Inter-Agency Council Against Trafficking</li> <li>- Department of Social Welfare and Development</li> <li>- National Labor Relations Commission</li> <li>- Overseas Workers Welfare Administration</li> </ul>



<b>CLUSTER</b>	<b>CO-CHAIRS</b>	<b>MEMBERS</b>
		<ul style="list-style-type: none"> <li>- Philippine Commission for Women</li> <li>- PhilHealth</li> <li>- Philippine Overseas Employment Administration—Adjudication and Welfare Divisions</li> <li>- Supreme Court (IT/Archives)</li> </ul>
Market Data	Philippine Overseas Employment Administration	<ul style="list-style-type: none"> <li>- Commission on Filipinos Overseas</li> <li>- Commission on Higher Education</li> <li>- Department of Health—Health Human Resource Development Bureau</li> <li>- Department of Labor and Employment—Philippine Overseas Labor Office/International Labor Affairs Bureau</li> <li>- Department of Labor and Employment—Bureau of Labor Employment Statistics</li> <li>- Department of Labor and Employment—Bureau of Local Employment</li> <li>- Department of Trade and Industry</li> <li>- Philippine Overseas Employment Administration</li> <li>- Professional Regulation Commission</li> <li>- Technical Education and Skills Development Authority</li> <li>- Recruitment industry</li> </ul>
Migration Policies and Other Legal Instruments	Philippine Overseas Employment Administration and Department of Foreign Affairs	<ul style="list-style-type: none"> <li>- Commission on Filipinos Overseas</li> <li>- Department of Foreign Affairs</li> <li>- Department of Justice—Bureau of Immigration</li> <li>- National Economic and Development Authority</li> <li>- National Labor Relations Commission</li> <li>- Overseas Workers Welfare Administration</li> <li>- Philippine Overseas Employment Administration</li> </ul>
Migration and Development, Remittance and Reintegration	Commission on Filipinos Overseas and National Reintegration Center for OFWs	<ul style="list-style-type: none"> <li>- Bangko Sentral ng Pilipinas</li> <li>- Commission on Filipinos Overseas</li> <li>- Department of Interior and Local Government</li> <li>- Department of Social Welfare and Development</li> <li>- Department of Trade and Industry</li> <li>- National Economic and Development Authority</li> <li>- National Reintegration Center for OFWs</li> <li>- Overseas Workers Welfare Administration</li> </ul>

CLUSTER	CO-CHAIRS	MEMBERS
		<ul style="list-style-type: none"> <li>- Representatives of local government units</li> <li>- Representatives of bank associations, micro finance associations, remittance couriers, academe, overseas Filipinos associations, and NGOs</li> </ul>
Information Technology	Commission on Filipinos Overseas and Department of Science and Technology—ICTO	<ul style="list-style-type: none"> <li>- All IT/MIS units of the aforementioned agencies</li> <li>- Department of Science and Technology—ASTI</li> <li>- Department of Science and Technology—ICTO</li> <li>- National Computer Center</li> </ul>

IOM and SMC organized focus group discussions with each of the clusters between August and September 2012. In the meetings, the objectives and the process of the country migration report and the instrument for data collection were discussed with the participants. The discussion of the guide questions was an effective way of generating a dialogue with the participants. SMC conducted further one-on-one meetings with several agencies to collect more information or for further clarification. On the occasion of the National Statistics Month from 24-25 October 2012, the project organized the National Conference on International Migration Data attended by about 100 participants from government agencies, the academe, the private sector and non-government organizations (NGOs). The conference was a venue to share with the participants the findings of the mapping exercises of international migration data in the Philippines and to gather other perspectives for moving forward towards better sharing and coordination. On 1 February 2013, the project held a high-level policy consultation with officials of key migration agencies. This was attended by officials from the Bangko Sentral ng Pilipinas, Bureau of Immigration, Commission on Filipinos Overseas, Department of Foreign Affairs—Office of the United Nations and other International Organizations, Department of Foreign Affairs—Office of the Undersecretary of Migrant Workers Affairs, National Reintegration Center for OFWs, Overseas Workers Welfare Administration, and the Philippine Overseas Employment Administration. The dialogue provided a policy and overarching perspective on critical policy issues. The draft of the report was presented at a validation workshop which was held on 1 March 2013. Attended by representatives of government agencies which were part of the process and representatives from the academe, NGOs and private sector, the workshop solicited feedback, suggestions and recommendations to improve it. Following the workshop, additional data and materials were shared, which SMC tried to incorporate into the final version.

The cluster meetings and other activities were successful in bringing together the different government agencies, promoting exchange of information and laying the foundations for a viable inter-agency coordination in the future. In addition, the project carried out an extensive review of various materials: annual reports, memorandum circulars, and websites of participating agencies; bills and resolutions in the 13th to 15th Congress, media reports, and the academic literature on migration. The project sought to collate comprehensive and up-to-date information on key migration variables. The cluster meetings and the designation of focal persons of the participating agencies helped in facilitating the collection of data. However, the level of cooperation of government agencies was varied and uneven. Thus, the data presented here are those that were provided to the project and/or were collated from secondary and online sources.

The report is organized into five parts. Following this introduction, Part A discusses the context of international migration over time and offers a retrospective summary of the development of the migration phenomenon, highlighting the key events, globally and locally, that initiated and sustained international migration since the 1970s. This section presents sociodemographic data which help explain the origins and the trajectories of international migration in the country. Part B presents an overview of data migration trends, profiles and patterns culled from different government agencies in relation to the three migration aspects: immigration to the Philippines, emigration from the Philippines and overseas employment. Part C surveys the evidence-based literature on the impact of international migration on Philippine society. Three key issues are highlighted in the analysis: the impact of migration on the migrants and their welfare; the impact on Filipino families, a topic which has been the subject of intense public discussion and research scrutiny; and the impact on the country, analysed through the migration and development nexus, an old issue which has been revisited and reconsidered in various ways. Part D focuses on the governance of international migration to and from the Philippines. Particularly with respect to the latter, the Philippines has been a forerunner in the development of institutions, laws, policies and good practices, and an active participant in bilateral, regional and multilateral initiatives of migration governance. The final section, Part E, revisits the major findings on migration trends, policy developments and impacts. It then concludes with recommendations for moving forward in the areas of migration governance, mainstreaming migration in development policies and programs, and improving migration statistics, institutional arrangements and technological infrastructure. Annexes A and B provide definitions of key migration terms and concepts referred to in this report: Annex A provides internationally agreed upon definitions of key terms and concepts selected from the IOM's (2011) *Glossary on Migration*; Annex B is a compilation of migration-related terms and concepts in the Philippine context. Annex C lists the laws, presidential decrees and executive orders that have shaped Philippine migration policy. Annex D focuses on some specific initiatives towards improving the remittance environment. Annex E outlines the discussion on migration data based on the consultations in the drafting of the Country Migration Report and indicates challenges and recommendations.



# Part A

## Becoming a Country of Migration





# BECOMING A COUNTRY OF MIGRATION

## A.1. SOCIAL AND ECONOMIC CONTEXT

In broad terms, international migration is a confluence of supply side and demand side factors and processes. This section focuses on the supply side factors and processes—that is, those variables that operate in Philippine society—which contribute to the making of the Philippines as a country of migrants. The section begins with a brief description of the current socioeconomic profile of the country, followed by a retrospective overview of key developments that accompanied the Philippines' involvement with international migration.

After decades of languishing economic performance, in recent years, the Philippine economy has exhibited decent growth and is poised to chart a more sustainable development path. Key socioeconomic indicators in Table 2 suggest that there is reason to be optimistic about development prospects while being mindful of the immense work that needs to be done to hurdle the challenges.

**Table 2. Current Socioeconomic Indicators: Philippines**

Gross Domestic Product (GDP, 2011) <sup>1</sup>	USD 224.8 billion
Gross National Income (GNI) per capita (current, Atlas method, 2011) <sup>1</sup>	USD 2,210
Gross Domestic Product (GDP) per capita (international US\$, purchasing power parity)* (2011, World Bank) <sup>1</sup>	USD 4,199
Balance of payments (2012, in Philstar, 1 Jan 2013)	USD 8.9 billion
GDP growth rate (2012) <sup>2</sup>	6.6%
% employed in Agriculture (October 2012, NSO) <sup>3</sup>	32.3%

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% employed in Industry (October 2012, NSO) <sup>3</sup>	15.2%
% employed in Services (October 2012, NSO) <sup>3</sup>	52.6%
Population (May 2010) <sup>3</sup>	92.34M
Life expectancy at birth (UN World Population Prospects, 2010) <sup>3</sup>	67.80 (M=64.54; F=71.29)
Functional literacy (2008) <sup>3</sup>	86.47%
Annual population growth rate (%) 2000-2010 <sup>2</sup>	1.9%
Average annual family income (2009) <sup>2</sup>	PHP 206,000
Poverty incidence in households (2009) <sup>2</sup>	20.9%
Poverty incidence in population (2009) <sup>2</sup>	26.5%
Average foreign exchange rate, 2012 <sup>2</sup>	PHP 42.23=USD1
Inflation rate (January 2013) <sup>3</sup>	2.9%

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Sources: <sup>1</sup>World Bank, Data: Philippines, <http://data.worldbank.org/country/philippines>.

<sup>2</sup>National Statistical Coordination Board, [http://www.nscb.gov.ph/poverty/2009/table\\_15.asp](http://www.nscb.gov.ph/poverty/2009/table_15.asp).

<sup>3</sup>National Statistics Office, [www.census.gov.ph](http://www.census.gov.ph); Philstar, 2012.

Notes: \*Gross domestic product (GDP) per capita is the per capita market value of the total final output of goods and services produced in a country over a specific period. The international dollar is a common currency unit that takes into account differences in the relative purchasing power of various currencies. Figures expressed in international dollars are calculated using purchasing power parities (PPP), which are rates of currency conversion for differences in price level between countries.

First, the good news: the country's 6.6 per cent growth rate in 2012 is an impressive rebound from the previous year's 3.9 per cent performance; it exceeded the government's growth target of 5-6 per cent for the year and was the highest in the Association of Southeast Asian Nations (PIDS, 2013; Olchondra and Burgonio, 2013; Alegado, 2013). In the demographic front, the decline of the population growth rate to 1.9 per cent during the period 2000-2010 was long overdue as the rest of the ASEAN-5 countries (Indonesia, Malaysia, Singapore and Thailand) achieved a lower population growth rate earlier. The population will still continue to increase in absolute numbers in the next decades because future parents have already been born. With a lower growth rate, however, it will take more years for the population to double in number: with a 1.9 per cent growth rate, the Philippine population of 92.34 million in 2010 will double in 36.8 years.

Now, the puzzle: the impressive economic growth rates in recent years have not been matched by employment generation. Together with the highest economic growth in ASEAN in 2012, the Philippines also had the highest unemployment rate, 7 per cent, in



the region (Trading Economics, Unemployment rate country list, as cited in Navarro and Yap, 2013: 1). The concern has been recognized by experts and sector representatives in the high-level Philippines Development Forum (PDF) held in February 2013, attended by all executive departments and sub-departments, the United Nations Country Team, the diplomatic corps, the development community, the private sector and civil society organizations<sup>4</sup>. Further discussion on the employment challenge is revisited in the succeeding sections. What is important to stress at this point is that the unemployment scenario will continue to motivate Filipinos to explore foreign labour markets in the years to come. In addition to the push factor, the youth and relatively high level of education of the Filipino population, factors that are associated with mobility, will also wield their own influence on Filipino migration.

## 1. Economic context

The decline of the Philippine economy in the 1970s framed the beginnings of emigration, particularly labour migration, and the failure of sustainable development in the next decades inclined Filipinos to vote with their feet. However, as the phenomenon continued, it was not just economic factors that were at work; a host of institutional, political, social and cultural processes promoted further migration. A key feature of labour migration after the 1970s is the facilitation and promotion by the State of overseas employment and the high degree of institutionalization that developed thereafter.

The imposition of martial law by President Ferdinand Marcos on 21 September 1972 (Proclamation 1081) affected all aspects of national life whose impacts continued to be felt long after martial law was lifted on 17 January 1981. The country's economic record during this time seemed fine: GDP growth for the period 1970–1980 was a respectable 6.3 per cent (Table 3). In the early 1970s, the economy was bolstered by increases in prices of commodities—coconut, sugar, minerals and forest products—in the world markets. The government embarked on export orientation and major industrial projects funded by foreign financing. The regime gave rise to “crony capitalism” wherein the close associates of Marcos were granted monopolies and the financing of their ventures was guaranteed by the government. By the 1980s, the prices of commodities nosedived, many of the industrial projects failed, and the country was saddled by foreign debts (Galang, 2009). The pervasive corruption engendered by martial law is a dubious legacy that continues to challenge governance in the Philippines.<sup>5</sup>

<sup>4</sup> For more details, see also <http://www.pdf.ph>.

<sup>5</sup> For a comprehensive study on corruption under martial law, see Aquino (1987); see also the chapter on the Philippines in Quah (2011).

**Table 3: GDP growth rate, Philippines, 1950–60 – 2012**

Year	GDP growth rate (%)
1950-60	6.5
1960-70	5.1
1970-80	6.3
1980-90	1.0
1990-2000	3.2
2001	2.9
2002	3.6
2003	5.0
2004	6.7
2005	4.8
2006	5.2
2007	6.6
2008	4.2
2009	1.1
2010	7.6
2011	3.9
2012	6.6

Source: Data for 1950–60 to 1990–2000 are from Llanto (2012); data for 2001–2012 are from the PIDS Economic and Social Database.

As summed up in Table 3, the Philippines posted a GDP growth rate of 6.5 per cent in the period 1950–1960, but afterwards, it went on a downward spiral or a boom-and-bust pattern (see also Figure 1). The dip in the 1960–1970 period to 5.1 per cent is linked to the failed outcome of the import-substitution path that the Philippines attempted. The recovery to 6.3 per cent in the 1970–1980 period reflects the initial success with the shift to an export economy. However, the Philippines failed at sustaining the growth path, particularly in comparison with other countries or regions in Asia—Japan; Hong Kong, China; Taiwan Province of China; Republic of Korea and Singapore—whose export-led economies transformed them into what the World Bank called the East Asian economic miracle. The oil crisis of 1973 worsened the unemployment problem and drained the country’s foreign reserves. The call for workers in the Middle East promised to alleviate these problems.

The enactment of the Labor Code of the Philippines in 1974 (Presidential Decree No. 442) set the stage for the state’s launching of the overseas employment program.<sup>6</sup> The program was intended to be a temporary measure which was expected to end with the improvement of the economy.

<sup>6</sup> The 1974 Labor Code has been amended by various Presidential Decrees, Batas Pambansa, Executive Orders and Republic Acts, including Republic Act No. 8042.

Figure 1: GDP growth rate, 1977–2012



The 1970s is also remarkable because of the proclamation of martial law on 21 September 1972 by President Ferdinand Marcos. The country was under martial law until it was lifted on 17 January 1981. The political climate under martial law was a factor in driving emigration, mostly towards the United States, to escape political repression. Although martial law officially ended in 1981, the country was thrown into a political maelstrom with the assassination of Senator Benigno Aquino, Jr. upon his return from the United States on 21 August 1983. Waves of protest and outrage followed this tragedy, which eventually led to the ouster of Marcos and the ascent of Corazon Aquino as President in 1986. The return to democracy invited investments and development assistance but these opportunities were marred by several episodes of coup d'état, energy failure and major disasters (such as the earthquake in Northern Luzon in 1990 and the eruption of Mt. Pinatubo in 1991). The introduction of structural adjustment programs in the 1980s exacerbated a worsening economy in the midst of political transitions. The plunge to a 1 per cent growth rate during the 1980–1990 period reflects the economic and political uncertainties of the times—the years 1984 and 1985 in particular registered the lowest growth rates at -7.3 per cent in the country's economic performance as these were the years prior to the 1986 People Power Revolution.

The economy rebounded to 3.2 per cent in the 1990–2000 period. Under President Fidel Ramos (1992–1998), the country attracted investments and was in recovery mode, but the developments were interrupted by the financial crisis that gripped Asia in 1997. Thus, from a growth rate of 5.19 per cent in 1997, it nosedived to -0.58 per cent in 1998. The boom-bust pattern continues after 2000, although in general, the outlook points to better indicators, with the exception of the 1.1 per cent growth rate in 2009, a notable decline reflecting the impact of the global economic crisis in 2008. In the first decade of the 21st century, overall, the economy has recorded a decent performance notwithstanding

some domestic political crises. However, the creation of jobs—which is necessary to link economic growth to poverty reduction—remains a challenge (ADB, 2013).

## 2. Unemployment

In addition to the unstable growth rate and jobless growth, the Philippine economy has been unable to maintain a strong manufacturing sector. From 1980, the contribution of industry to GDP creation has declined, though not as much as that of agriculture. In the past 30 years, the service sector is the main contributor to country’s GDP (Table 4). The economy, thus, jumped from agriculture to service-based and by-passed the industry-based stage. The Philippines has been saddled with three chronic problems—high unemployment, slow poverty reduction and stagnant investment—which stem from low productivity growth due to slow industrialization (ADB, 2007; Usui, 2011; *see also* Navarro and Yap, 2013; Aldaba et al., 2013). Compared with other countries in Asia, the Philippine continues to lag behind other countries in addressing these challenges (ADB, 2007). Presently, the Philippine economy is “walking on one leg,” that is, it leans heavily on services, propped up by the surge in the business process outsourcing (BPO) sector. Usui (2011) concludes that the Philippines needs to “walk on two legs”—industry and services—to generate much needed domestic employment opportunities (*see also* ADB, 2007). Similarly, Aldaba et al. (2013) stress the need to revive the manufacturing sector for a more inclusive growth in the Philippines. Particularly with regards to employment, a strong and vibrant manufacturing sector will create more employment and more high-paying jobs to the less educated sector of the Philippine population. From the trade union’s viewpoint, the Philippines’ decent job deficits are due to the decline in the absorption of the labour force in industries and formal employment.

As can be gleaned from Table 4, agriculture’s contribution to GDP has been lowest and declining through the years as it continued to be saddled with challenges of productivity, technological modernization and delivery efficiencies amidst globalization. The scenario has been worsened by continuing peace and order problems in some regions, an unfinished

**Table 4: GDP by industrial origin**

	Agriculture	Industry	Services
1980	23.3	36.5	40.1
1990	23.2	32.9	43.9
2000	15.8	32.3	51.9
2010	13.9	31.3	54.8

Source: National Statistical Coordination Board, *Philippine Statistical Yearbook* (various years).

agrarian reform and climate change disturbances. The deepening rural and agricultural poverty is driving internal migration to the cities and overseas employment.

**Table 5: HDI: Philippines, region and the world, 1980–2012**

Human Development Index				Ranking 114
Year	Philippines	Medium human development	East Asia and the Pacific	World
2012	0.654	0.640	0.683	0.694
2011	0.651	0.636	0.678	0.692
2010	0.649	0.631	0.673	0.690
2009	0.643	0.624	0.664	0.685
2008	0.642	0.617	0.657	0.683
2007	0.636	0.609	0.649	0.678
2006	0.632	0.599	0.637	0.672
2005	0.630	0.589	0.626	0.666
2000	0.610	0.549	0.584	0.639
1995	n.a.	n.a.	0.548	0.618
1990	0.581	0.481	0.502	0.600
1985	n.a.	n.a.	0.466	0.578
1980	0.561	0.419	0.432	0.561

Source: International Human Development Indicators: Philippines in UNDP (n.d.).

The need to expand employment and income opportunities is reinforced by the Philippines' performance in another development indicator, the Human Development Index (HDI). The composite index provides a measure of average achievement in three dimensions of human development: a long and healthy life, knowledge (namely education) and a decent standard of living. Values range from 0 to 1, with 1 as the highest. According to this measure, the Philippines is classified as a medium development country. Between 1980 and 2012, the HDI for the Philippines improved from 0.561 to 0.654 (Table 5). The Philippines fares well in terms of the education and health components of HDI—although further improvements would be welcome—but is less successful in the provision of decent income, a dimension that is inextricably linked to employment. The Philippines' performance in the Millennium Development Goals indicators also suggest similar outcomes in terms of income targets and a less positive picture of some education and health indicators (NSCB, n.d.; NEDA, 2010). According to the National Economic Development Authority's fourth progress report, the Philippines has a high probability of meeting the 2015 targets for indicators pertaining to reducing food poverty, promoting gender equality in education, reducing child mortality, reducing incidence of malaria and other major diseases, and increasing access to sanitary toilet facilities. The medium probability targets include:

reducing income poverty, improvements in nutrition indicators, increasing access to safe drinking water, and reducing TB prevalence. The areas where the Philippines have a low probability of meeting the 2015 targets are: increasing elementary participation, survival and completion rates; reducing the maternal mortality ratio; increasing access to reproductive health services; reducing HIV prevalence among 15 years old and over; and increasing knowledge of HIV/AIDS (NEDA, 2010). A follow-up assessment in 2012 indicated that the probabilities for achieving the 2015 targets remained the same, except for MDG 3 on promoting gender equality and empowering women, which declined from high to medium (NSCB, 2012). This mixed picture indicates the strides and setbacks which a medium-level economy such as the Philippines has to grapple with.

### 3. Demographic context

The challenge to generate domestic employment is especially daunting in the face of a growing Filipino population. In 1970, the country's population stood at 36.7 million; by 2010, it has ballooned into 92.3 million (Table 6). The Philippines continues to have a young population. As of 2010, the median age was 23—meaning half of the population was below 23 years old and the other half was above 23 (Table 4).

**Table 6: Total population, average annual growth data, TFR and median age, census years 1960–2010**

Year	Population	Average Annual Growth Rate*	TFR**	Median Age
1960	27,087,685	2.89	7.2	17
1970	36,684,486	3.08	6.3	17
1980	48,098,460	2.75	5.1	18
1990 <sup>a</sup>	60,703,810	2.35	4.3	19
1995 <sup>b</sup>	68,616,536	2.32	-	20
2000 <sup>c</sup>	76,506,928	2.34 (1990-2000 growth rate)	3.8	21
2007 <sup>d</sup>	88,548,928	2.04	-	-
2010 <sup>e</sup>	92,337,852	1.90 (2000-2010 growth rate)	3.1	23
1960-2010		2.48		

Source: National Statistics Office.

\* Compounded average growth rate.

\*\*TFR is total fertility rate, the average number of children that would be born if all women lived through the end of their childbearing years and had children according to a given fertility rate at each age.

<sup>a</sup>Includes 2,876 homeless population and 2,336 Filipinos in Philippine Embassies, Consulates and Mission Abroad.

<sup>b</sup>Includes 2,830 Filipinos in Philippine Embassies, Consulates and Mission Abroad.

<sup>c</sup>Population counts for the regions do not add up to national total. Includes 18,989 persons residing in the areas disputed by the City of Pasig National Capital Region and the province of Rizal (Region IVA); and 2,851 Filipinos in Philippine Embassies, Consulates and Mission Abroad.

<sup>d</sup>Includes 2,279 Filipinos in Philippine Embassies, Consulates and Mission Abroad.

<sup>e</sup>Includes 2,739 Filipinos in Philippine Embassies, Consulates and Mission Abroad.

Taken from Tables 1,5,6 in Albert et al. (2012a).

The working age population, 15–64 years old, can be an asset if there were ample employment opportunities; otherwise, the spectre of an economically inactive population can foment restiveness and instability. The search for employment and livelihood will continue to preoccupy Filipinos in decades to come. The magnitude of the working age population (Table 7) indicates the need to generate employment to support a young population who are on the verge on joining the working age population.

**Table 7: Number and percentage distribution of Philippine population by broad age group, 1970–2010**

Age Group	1970	1975	1980	1990	1995	2000	2007	2010	Growth Rate (1970-2010)
0-14	16,757,313 (45.7)	18,493,255 (44.0)	20,181,547 (42.0)	23,993,713 (39.6)	26,296,206 (38.3)	28,313,897 (37.0)	31,381,020 (35.5)	30,717,524 (33.4)	1.5
15-64	18,864,652 (51.4)	22,375,237 (53.2)	26,220,572 (54.6)	34,505,317 (57.0)	39,905,635 (58.2)	45,257,770 (59.2)	53,251,374 (60.4)	57,374,256 (62.3)	2.8
65 over	1,062,521 (2.9)	1,202,168 (2.9)	1,636,341 (3.4)	2,060,086 (3.4)	2,414,695 (3.5)	2,932,410 (3.8)	3,664,221 (4.1)	4,004,125 (4.3)	3.4
Total	36,684,486 100.0	42,070,660 100.0	48,038,460 100.0	60,559,116 100.0	68,616,536 100.0	76,504,077 100.0	88,304,615 100.0	92,095,905 100.0	2.3

Source: Table 3 in Albert et al. (2012a).

With a rising population, so rose the unemployment rate (Table 8). Every year, new entrants to the labour force are added to the ranks of the unemployed thereby exacerbating the unemployment problem (see Box 1). In 2005, the Philippines adopted the “one-hour” criterion in measuring employment in keeping with the international standard used in all countries that conduct the Labor Force Surveys. According to the International Labor

**Table 8: Unemployed persons 15 years old and over and unemployment rate, Philippines, 1976–2011**

Year	Unemployed Persons 15-yrs.-old and over	Unemployment Rate	Underemployment rate
1976 Third Quarter	780	5.2	25.5
1977	781	5.1	20.0
1978	811	4.9	16.1
1979	731	4.2	NA
1980	865	4.9	21.7
1981	989	5.3	24.0
1982	1,093	5.7	27.5

Year	Unemployed Persons 15-yrs.-old and over	Unemployment Rate	Underemployment rate
1983	1,156	5.8	30.9
1984	1,473	7.1	32.9
1985	1,451	6.8	21.8
1986	1,474	6.7	24.7
1987	2,233	9.7	26.5
1988	2,244	9.6	23.5
1989	2,212	9.2	23.2
1990	2,032	8.4	22.4
1991	2,032	8.4	22.5
1992	2,594	9.9	20.0
1993	2,497	9.3	21.7
1994	2,622	9.5	21.4
1995	2,704	9.5	20.0
1996	2,546	8.6	21.0
1997	2,537	8.8	21.9
1998	3,043	10.3	21.6
1999	3,017	9.8	22.1
2000	3,459	11.2	21.7
2001	3,653	11.1	17.2
2002	3,874	11.4	17.0
2003	3,936	11.4	17.0
2004	4,249	11.8	17.6
2005	2,748	7.8	21.0
2006	2,829	8.0	22.6
2007	2,653	7.3	20.1
2008	2,716	7.4	19.3
2009	2,831	7.5	19.1
2010	2,859	7.4	18.8
2011	2,814	7.0*	19.3

Sources: Table 5.1B, Table 4.1A and Table 4.1B of the 2012 *Yearbook of Labor Statistics* (BLES, 2012).

Notes: Except for 1970, which is based on the survey of the third quarter, and 1987, which is based on surveys of the last two quarters, the rest are based on the average of all four quarterly surveys conducted every year.

Office, the criterion is important in defining unemployment which is “a situation of total lack of work i.e., the person did not work at all during the reference week not even for one hour” (BLES, 2011:12). This change in definition needs to be taken into account in interpreting pre- and post-2005 data. As a measure, unemployment only reflects lack of employment. Underemployment, which indicates the desire of employed persons to have more hours in their present job or an additional job, or a new job with longer working hours, provides additional information on employed persons’ preferences for



## BOX 1: THE UNEMPLOYMENT CHALLENGE

Through the boom-and-bust pattern of the Philippine economy, one thing has remained constant: high unemployment. When the economy is down, it is easy to understand why unemployment surges. But when the economy is doing well, it is puzzling why unemployment continues to be high.

In the Philippines, unemployment is more than just the number of people who are unable to find employment. Unemployment is compounded by the following:

- Some 1.1 million new entrants join the labour force every year (Diokno, 2013).
- There are job vacancies, but the available jobs do not match the educational or training background of job seekers. For 2011, the top ten hot jobs were the following (according to importance): 1) call centre agents, 2. sales representatives, 3) computer professionals, 4) clerks, 5) shop salespersons, 6) protective services workers, 7) engineers, 8) cashiers and ticket clerks, 9) accountants and auditors, and 10) debt collectors (BLES, 2013).
- Youth unemployment (15–24 age group) is higher than unemployment in general and in comparison with adult unemployment. For example, in 2011, the unemployment rate for the Philippines stood at 7 per cent while for the 15–19 and 20–24 populations, the unemployment rate was 13.9 per cent and 18 per cent, respectively (BLES, 2012).
- Among the unemployed are the large numbers of college graduates—notably graduates of nursing, maritime, business, and teacher education programs—who cannot be absorbed by the domestic labour market. Interestingly, the unemployment rate increases with education: those with college education had the highest unemployment rate (BLES, 2012).
- The availability of on-the-job training, apprenticeship and internship opportunities has also been a challenge in enabling graduating students or young graduates to be absorbed in entry level positions (MDG-F YEM, 2010-2012).

High youth unemployment has inclined young Filipinos to seek overseas employment. However, the overseas employment opportunities for young Filipinos are mostly in the service and production sectors; those seeking to find work commensurate to their training or education are hampered by the lack of work experience. Domestic work is the topmost occupation among young OFWs (SMC, 2011). An analysis of the database of POEA's Government Placement Branch (the database contains information on more than 80,000 applicants looking for a job in countries where the Philippines has bilateral

agreement or jobs in the public sector of the destination countries. In the face of limited opportunities, some 32 per cent of job applicants with a college degree were seeking for a position as factory workers (SMC, 2012b). The pattern of college-educated Filipinos seeking working at less skilled jobs abroad hints at brain waste rather than brain drain.

Expanding employment opportunities in the Philippines hinges on attracting investments, which in turn, will depend on certain fundamentals, such as investing in infrastructure, promoting a more investment-friendly environment and reforming a tax regime that is biased against manufacturing (Diokno, 2013).

longer working hours or additional work. And, it tends to be a more sensitive indicator of the employment situation. As Table 8 shows, since 1976, underemployment rates have been 2–4 times higher than unemployment rates—which suggests how unemployment data underestimates the number of persons looking for more working hours or work.<sup>7</sup> Although the annual population growth rate has gone down to 1.9 per cent during the 2000–2010 period and total fertility rate has declined to 3.1 in 2010 (Table 4), the country will continue to feel demographic pressures for some time.

In addition to the chronic inability of the economy to absorb the annual increase of the labour force, data on the job creation of each sector indicates that since the beginning of the overseas employment program the percentage of people working in manufacturing and related occupations has remained practically the same, while one third of the population still works in agriculture (Table 9). With this demographic and economic scenario it is understandable that the propensity of the population to seek employment abroad has been constantly on the rise.

**Table 9: Employment by sector**

	Agriculture	Industry	Services
1974	57.0	13.8	29.2
1986	50.0	13.3	36.7
1990	45.2	15.0	39.7
2000	37.5	16.0	46.5
2010	33.9	14.9	51.3

Source: National Statistical Coordination Board, *Philippine Statistical Yearbook* (various years).

<sup>7</sup> For more details about measurement issues, see Sugiyarto (2007).

## A.2. HISTORICAL DEVELOPMENT

### 1. Before the 1970s

The last quarter of the twentieth century is a theatre of transformation in Philippine society in which the participation of Filipinos in global migration comprises an important and ongoing narrative. Although migration to other lands has historical precedents, international migration from the 1970s presented features which marked a departure from past patterns.

Accounts as far back as the sixteenth century tell of Manila men who worked on galleon ships that plied the Manila-Acapulco route between 1570 and 1815. When Manila was opened to world commerce in 1790, men were recruited to work as deckhands, cooks, cabin boys or servants on board American ships. Seafarers and sea-based workers, thus, were among the pioneer migrants. According to some sources, many of these early migrants jumped ship and stayed on in Mexico or parts of Mexico that later came under United States jurisdiction (Mercene, 2007).

In the early 1900s, when the Philippines was a colony of the United States, Filipino *sakadas* or farmworkers left to work on Hawaii's sugar plantations. From Hawaii, labour migration from the Philippines extended to the West and Pacific regions of the United States to meet the growing need for workers in the agricultural industry. The majority of the mostly male workers remained in the United States, braving harsh working conditions and societal discrimination. The treatment of Filipinos was puzzling in view of their status as United States nationals but without citizenship rights. The *sakada* population was joined by the more privileged *pensionados* or scholars who were invited to pursue further studies under the auspices of the United States government.

The depression in 1930s and the outbreak of World War II (1939–45) brought migration to a standstill. In the post-war period, migration to the United States resumed but remained small until after the passage of the 1965 Immigration and Nationality Act. The 1965 reforms removed the favoured status of Europeans in gaining admission to the United States and established family reunification, employment needs and humanitarian reasons (in the case of refugees) as criteria for admission. Canada, Australia and New Zealand also revamped their immigration policies. With these reforms in place and the slowdown of immigration from Europe, due to a post-war economic boom, immigration from other regions increased and signalled the beginning of new immigration—namely, a break from the old, largely

European immigration. As will be detailed later, Filipinos came to figure prominently among the new immigrants who came to settle in the United States, Canada, Australia and New Zealand from the 1970s.

As permanent settlement is accessible only to those who meet certain criteria, it was labour migration that made international migration possible for the majority of Filipinos. Prior to the 1970s, labour migration was mostly about individuals responding to opportunities abroad and making their own arrangements. Seafaring is one sector that has traditionally drawn Filipinos into labour migration. Following World War II, Filipino men responded to the call to join the US Navy and see the world. Joining the US Navy also provided them the possibility to reside in the United States after their tour of duty. An agreement was signed with the United States in 1968 for the employment of Filipino workers in US military bases in South East Asia and parts of the Pacific. Other than the United States, Filipinos turned to countries closer to home to find work. Opportunities beckoned in Malaysia for loggers, Japan for musicians, and Viet Nam for musicians and construction workers. Further afield, Germany, Austria and Belgium recruited nurses. Merchant shipping companies recruited Filipino seafarers as crewmembers. Those who migrated to work overseas were more the exceptions rather than the norm at the time. It was also a time when the Philippine economy was doing well.<sup>8</sup>

## 2. Global Processes

A number of major global currents impacted on the international migration chances of Filipinos: (1) the change in immigration policies in the settlement countries facilitated permanent migration; (2) the oil crisis of 1973 facilitated the emergence of the Gulf region as a destination region of temporary migrant workers; (3) the rise of the new industrialized countries in East and South East Asia in the 1980s spurred additional demand for migrant labour; and (4) the onset of globalization which led to the demand for skilled and professional workers from the 1990s. With the first, Filipinos availed of opportunities for permanent settlement and established new homes outside the Philippines while with the latter three factors, the Filipinos extended their workplace to a global scale.

<sup>8</sup> Before the 1970s, Filipino professionals—engineers and doctors—were recruited by the government of Nigeria. The recruitment of Filipino professionals was facilitated by the signing of bilateral relations between the Philippines and Nigeria in 1962. In the 1970s, more Filipinos were recruited, mostly teachers, to meet the needs for teachers in Nigeria's expanding educational programmes. Between 1975 and 1982, some 7,000 teachers came to Nigeria every year. By the mid-1980s, teacher recruitment stopped because of the downward slide in Nigeria's economy (James, 1997).

As mentioned earlier, the Philippines is among the major source countries of new immigrants to the traditional settlement countries following the adoption of immigration reforms. Filipinos increased their presence in these countries largely through family reunification—namely, immediate family members. The transformation of the Filipino community in the United States is especially dramatic. As may be recalled, the old immigration (pre-1965) from the Philippines to the United States largely comprised of unmarried males who worked in the agricultural industry. After 1965 the profile of the new immigrants from the Philippines became more diverse in terms of the sex and skill composition.<sup>9</sup> In recent years, settlement countries have opened a window for temporary labour migration to enable them to recruit workers on a per need basis. Demand-side factors are extremely important in shaping the Filipinos' participation in the global labour market. The oil crisis of 1973 was instrumental in the Philippines' foray into international labour migration. The oil price hike initiated by the Organization of the Petroleum Exporting Countries in 1973 reverberated throughout the world. The industries in Western Europe were badly hit and this led to the termination of the guest-worker program, a program which had been in place since 1953 to fill labour shortages. Meanwhile, the oil-rich countries in the Gulf were amassing petro-dollars which urged them to carry out infrastructure projects. Short of labour, the oil-rich Gulf countries turned to neighbouring Arab countries and to Asia, including the Philippines, to recruit workers. This opportunity paved the way for the Philippines to launch a more organized labour migration program. When the infrastructure projects were completed by the early 1980s, the hiring of construction-related workers declined but new openings cropped up in other sectors, including the domestic work sector. The latter development contributed to the entry of women migrants to the region. Despite the introduction of policies to nationalize their labour force, the Gulf countries continue to recruit large numbers of foreign workers of various skills and remains an important region of destination of Filipino workers.<sup>10</sup>

In the 1980s, the new industrialized areas in Asia—Japan, Hong Kong, Taiwan Province of China, Republic of Korea and Singapore—also experienced labour shortages in economic sectors abandoned by their nationals. The participation of local women in the paid labour market created a demand for foreign domestic workers. The Philippines again responded to meet the labour needs of the tiger economies. When

<sup>9</sup> The change in the profile of Filipino immigrants in the United States reflected the broader transformation brought about by the 1965 Immigration and Nationality Act, which abolished the National Origins Act of 1924. The 1924 law set the annual number of immigrants from any country to 2 per cent of that country's population residing in the United States. The provision favoured the admission of immigrants from northern and western Europe and restricted or prohibited those coming from other regions.

<sup>10</sup> Labour migration to Middle East destinations has been disrupted by wars or conflicts. In the post-conflict scenario, reconstruction efforts offer job possibilities usually in construction, technical and health sectors. This was evident after the 1980–1988 Iran-Iraq War, the 1990 Gulf War, the 2006 Lebanon War, and following the Libyan Civil War in 2011.

the economies of Malaysia and Thailand soared in the 1990s, the Philippines also deployed workers to Malaysia—whereas Thailand’s migrant workers are mostly from Myanmar, Cambodia and the Lao People’s Democratic Republic. In the 1990s, the migration of skilled and highly skilled workers increased—nurses, health workers and IT workers were especially in great demand—but overall, the skills composition of migrant workers was and still is predominantly made up of the less skilled. In summary, the common thread in this narrative is the need for migrant workers by the more developed economies. From the 1970s, increasingly, employers in different parts of the world have been looking beyond national borders in their search for human resources, and the Philippines has emerged as a major source country of workers and talents for the global labour market. In addition, the Philippines provides a significant share of workers for international commercial vessels: 30 per cent of the crew of the global shipping industry originate from the Philippines (DOLE, 2012a). Further details about the sea based sector are outlined in a later section.

The looming demographic winter in the more advanced economies may also have implications for the demand of OFWs in the future. In the face of population decline and population ageing, the United Nations Population Division explored the size of replacement migration—“the international migration that would be needed to offset declines in the size of the population, the declines in the population of working age, as well as to offset the overall ageing of a population”—and its possible effects on the population size and age structure for several below-replacement fertility level countries (UN Population Division, 2000). Through the debates that ensued, the reality or imminent prospect of population decline and population ageing have implicated international migration as one of several solutions to tackle the challenges these trends imply (Huguet, 2003). The resort to international migration will require a reassessment of assumptions and policies of how societies are organized and managed. The increasing demand for health workers and professionals, for example, is indicative of how demographic differentials are creating interdependence between advanced and developing economies. With its growing and young population and long experience with international labour migration, the Philippines may be one of the potential source countries of workers to supplement the dwindling number of workers and population ageing in other parts of the world.

### 3. Institutionalization of Labour Migration

The opportunities and challenges engendered by the Philippines experience with international migration have resulted in the development of institutions, legislation, policies and rules to govern the phenomenon. Presently, the Department of Labor and Employment (DOLE), the Department of Foreign Affairs (DFA), the Department of Justice (DOJ) and the Office of the President are the main government agencies involved with international migration. The division of labour among these agencies and the attached agencies or offices under them is further explained in Part D.

The institutionalization of overseas employment went through some stages. Between 1974, when the Labor Code of the Philippines created the Overseas Employment Development Board (OEDB) (Article 17) and the National Seamen Board (NSB) (Article 18), the attempt was to pursue overseas employment as a government initiative. Due to the increasing employment opportunities burgeoned in the Gulf, government facilities were unable to cope with the demand for Filipino workers. In 1978, private employment agencies were allowed to participate in the recruitment and placement of migrant workers, and the Bureau of Employment Services (BES) was created to regulate them. The rapid expansion of the number of Filipinos working overseas raised issues of protection. Between 1978 and 1982, protection initiatives consisted in the creation of the Welfare Fund for Overseas Workers (Presidential Decree No. 1694 of 1 May 1980) and the merging of OEDB, NSB and BES into the Philippine Overseas Employment Administration (POEA) for the purposes of “promot[ing] and develop[ing] the overseas employment program” and “protect[ing] the rights of migrant workers” (Executive Order No. 797 of 1982). The concern for protection received additional emphasis when the Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042) was enacted, in reaction to the national crisis brought about by the execution of Flor Contemplacion in Singapore. The crisis strained the diplomatic relations between the two countries. RA 8042 presented a comprehensive package of protection throughout the whole cycle of migration, namely before migration, while workers are on-site, and upon their return to the Philippines. The law changed the reference to migrant workers from overseas contract workers to overseas Filipino workers, or OFWs, a change which underscores that migrant workers are to be regarded as human beings, not just as workers (POEA, 1995:3). The collective outcry that the Contemplacion/Maga tragedy stirred also led to a rethinking of the overseas employment program: “The distinction between 1995 and the years previous to it is that this was the year that the concept of migration as a stopgap measure to economic development has been officially put to test and put to rest. The President [Ramos] himself articulated the new perspective eyed by every growing economy. He said

“Overseas employment is not a government program. It is a fact.” Suddenly, everyone realized overseas employment needs to be mainstreamed into the national macro-agenda” (POEA, 1995:3). RA 8042 mirrors this in Sec. 2 (c) which states: “While recognizing the significant contribution of Filipino migrant workers to the economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth.”

The law has been amended twice: in 2007 by RA 9422 to strengthen the regulatory functions of the POEA and the repeal of the provision on the deregulation of recruitment activities and in 2010 by RA 10022 to strengthen worker protection through the certification of countries where OFWs can be deployed, compulsory insurance for agency hires, and strengthening repatriation assistance, and the like. The turn towards more protection for migrant workers entailed the creation, streamlining and strengthening of bodies to enhance safety nets and protective mechanisms at all phases of migration as provided by law. In addition to POEA and OWWA, the National Labor Relations Commission (the country’s labour court which is also under DOLE) has been designated by law to hear and resolve migrant cases involving money claims. The Office of the Undersecretary for Migrant Workers Affairs has been created to provide legal assistance to OFWs and other overseas Filipinos in distress, and the National Reintegration Center for OFWs has been established to coordinate programs and services for the return and reintegration of OFWs.

The protection measures for OFWs were supplemented by the country's efforts to firm up its position in several international conventions and instruments which further institutionalized labour migration. Another factor influencing the road to institutionalization was the onset of multilateral discussions in the early 1990’s under the WTO-GATS which presented among others, Mode 4-Mobility of Natural Persons, in the delivery of or trade in services. This development is part of globalization and had implications for the Philippines’ competitiveness in the global labour market. This resulted in the mobilization of institutions which had mandates in technical and vocational training and higher education as well as in skills certification and professional licensure. The Department of Trade and Industry (DTI), Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), Professional Regulation Commission (PRC) and professional associations geared up to review national standards and institute reforms to safeguard the global competitiveness of Filipino technicians and professionals. This cluster of institutions has likewise joined the ranks of bilateral and multilateral negotiations on Free Trade Agreements (FTAs) involving human resource chapters.



With respect to permanent migrants, the Commission on Filipinos Overseas (CFO) was established by Batas Pambansa Blg. 79 in 1980 to promote and uphold the interests of Filipino emigrants and permanent residents abroad and to preserve and strengthen ties with Filipino communities overseas.

In summary, different offices were established or mobilized to manage the concerns and interests of permanent migrants and temporary migrant workers. Between the passage of the Labor Code of the Philippines and RA 10022, numerous policies, rules and regulations have developed to govern the recruitment of Filipinos for overseas employment and to secure the best terms of employment conditions for them. The Philippines initially prioritized market promotion and development, which was increasingly supplemented by worker protection. RA 8042 as amended by RA 10022 is a touchstone of the growing emphasis on promoting the protection of migrant workers. This major legislation is reinforced by three migration-related laws which aim to contribute to protection (Anti-Trafficking Act or RA 9208) and political empowerment (Overseas Absentee Voting Act or RA 9189 and Citizenship Retention and Re-acquisition Act or RA 9225). These institutional, legal and policy developments contrast with the slow changes in the institutional and policy framework on international migration to the Philippines, which will be discussed in a separate section.

## 4. Culture of Migration

The many years of large-scale migration have rendered it routine, predictable, and valued in Philippine society. In areas where migration has a long standing history, such as in the Ilocos, overseas work has come to be regarded as the main vehicle for achieving the “good life” (Tadeo, 2012). In Maguindanao, one of the provinces in Mindanao characterized by poverty and conflict, migration presents an opportunity to have a better life in a situation with very limited choices (Meisner, 2002). According to nationwide surveys conducted by the independent polling firm Pulse Asia, since 1999 some 20 per cent of adult Filipinos expressed the wish to live abroad, peaking at 29 per cent in 2006, and declining to 9 per cent in the July 2010 round (Vanzi, 2002; Dizon, 2010).<sup>11</sup> Even young children also have migration aspirations: a 2003 nationwide survey of children in the ages 10–12 found that 43.7 per cent had plans to work abroad someday, with the children of OFWs registering a higher share than

<sup>11</sup>In the surveys from 1999 to 2002, the question was stated “This country is hopeless and if possible, I would migrate to another country” (Vanzi, 2002). In the 2006–2010 surveys, the question was phrased: “If it were possible, I would migrate to another country and live there” (Dizon, 2010). The decline has been attributed to the optimism of respondents in the incoming Aquino administration.

the children of non-OFWs—60.4 per cent versus 47 per cent (ECMI/AOS-Manila et al. 2004).

The widespread interest in migration has resulted from the growing and deepening links between non-migrants and migrants. In a family setting, for example, migration seems to pass on from parents to children, motivated by the same desire to improve the family's welfare—for parents, it is to provide a better future for their children, whereas for the children, the migration project is seen as a means of providing a comfortable life for their parents. The prospects of migration increase when family members and friends have had an experience with migration. The links with migrants can provide information and financial resources to enable aspirants to migrate. Economic analysis shows that the dissemination and sharing of migration information lowers the costs of migration. The tendency for migration to spread from one municipality to a neighbouring one exhibits the spillover effects of information (Abrigo and Desierto, 2011).

Beyond personal and social networks, other institutions in the Philippines actively promote migration. For example, educational institutions are influential in shaping the educational choices of young Filipinos. Most tertiary-level educational institutions in the Philippines are private, which partly explains the mushrooming of popular programs, such as nursing and maritime education, in response to perceptions of in-demand jobs, especially in the global labour market. It is not uncommon for nursing schools or maritime schools to advertise their programs as a passport to land a job overseas. At the peak of the popularity of nursing education in the mid-2000s, there were some 491 nursing programs in the country; the number has gone down to 385—still a considerable number (Lorenzo, 2013).<sup>12</sup> The proliferation of nursing and maritime programs has resulted in large numbers of graduates who are unable to find work.

A few other examples reflect the entrenched and pervasive influence of the culture of migration in the country:

When the Philippine government announced in 2002 that bilateral discussions were to be undertaken to explore the caregiver market for Japan's aging population this led to the proliferation of caregiver training programmes for about three years. This suggests how quickly businesspeople respond to opportunities for overseas work, which may have unfortunate consequences. The bandwagon produced an oversupply

<sup>12</sup>From Dr. Fely Marilyn Lorenzo, University of the Philippines Institute of Health, 26 March 2013. See also Tullao and Rivera, 2008.

of caregivers and Japan did not actually emerge as a big labour market due to cultural reasons, among other factors.

IOM's experience in working in Mindanao has uncovered some insights which help explain why many Muslim Filipinos figure in irregular migration, with many ending up stranded in Saudi Arabia. Part of the attraction of working in Saudi Arabia is the opportunity to perform the hajj or pilgrimage to Mecca, without incurring travel costs. The demand for domestic workers in the Middle East, especially Saudi Arabia, is also high. To augment family income with remittances, Muslim husbands encourage their wives for domestic work abroad. Aside from the Middle East, Malaysia, particularly Sabah, also receives many irregular migrants from Mindanao. Many informal manpower brokers operate in Mindanao, and this also contributes to irregular migration. As noted in Asis and Agunias (2012), the system of recruitment of women from Mindanao, particularly Maguindanao, bears similarities with the recruitment process in Indonesia, where informal brokers provide a range of services, including arranging for the necessary documents (including falsifying information) and accompanying prospective migrants to Metro Manila to process their papers.

Mabini, a town in Batangas, has come to be known as "Little Italy" because of the many Italian-inspired houses built by Filipinos working in Italy. The impressive houses serve as symbols of success which have encouraged the younger generation to aspire to migrate to Italy as well. The migration chain that developed means that family members and children also leave for Italy, leaving the impressive houses empty.

The digital age also exerts influence through instantaneous dissemination not only of information but also powerful images of other cultures and lifestyles. Economic motivations may continue to be important drivers of migration, but they are not the only ones that matter. The interest to experience another culture, for example, is also mentioned by migrants and aspiring migrants, especially the young.



# Part B

## Migration Trends and Characteristics





## MIGRATION TRENDS AND CHARACTERISTICS

In describing migration trends and characteristics of international migration to the Philippines and from the Philippines, this section relies on the migration-related statistics generated by government agencies involved in migration. Since international migration is a cross-cutting responsibility of several government agencies, the Philippines produces a variety of migration-related data hosted in various government agencies. This state of affairs has resulted in the generation and availability of rich and diverse data, but at the same time, it also poses challenges for coordinating and harmonizing different definitions; protocols for data collection, processing and sharing; and hardware. During the making of this report, several cluster meetings were devoted to the discussion of migration data, which was capped by the holding of the National Conference on International Migration Data held on 24–25 October 2013. Annex E summarizes the results of the mapping exercises and the recommendations for moving forward. The data presented below includes unpublished information and responses to the questionnaire distributed to the different clusters.

### B.1. IMMIGRATION TO THE PHILIPPINES

Compared with the attention to departures and outward migration, relatively little is known or discussed about international migration to the Philippines. The international migrant stock in the Philippines—which generally represents the number of persons born in a country other than that in which they live—was estimated at: 159,430 in 1990; 210,286 in 1995; 322,667 in 2000; 374,786 in 2005; and 435,423 in 2010. During these periods, international migrants accounted for a tiny share of the Philippine population, ranging from 0.3 to 0.5 per cent (UN Population Division, n.d.).

The 2010 Census of Population and Housing reports that the number of foreign citizens in the Philippines was 177,368 as of May 2010. This number accounts for 0.2 per cent of the total household population of 92.1 million. The foreign citizens enumerated in the 2010

Census of Population and Housing are “citizens of foreign countries who have resided or are expected to reside in the Philippines for at least a year from their arrival, except members of diplomatic missions and non-Filipino members of international organizations and civilian citizens of foreign countries who have their usual place of residence in the Philippines, or foreign visitors who are expected to stay for at least a year from the date of their arrival.” For the 2010 census, the data on citizenship were collected from the question: “Is \_\_\_ a citizen of the Philippines?” This was asked of the entire household population to determine the citizenship of household members. Furthermore, for the non-citizens, the question: “What country is \_\_\_ a citizen of?” was asked to determine the country of citizenship of the non-citizen. The top five regions of residence of foreign citizens in the Philippines were: the National Capital Region (31.1 %), the autonomous Region in Muslim Mindanao (22.3 %), Region III (9 %), Region IV-A (8.4 %), and Region VII (6 %). The top five countries of origin of foreign citizens were: the United States of America (29,959), China, (28,750), Japan (11, 583), and India (8,963) (NSO, 2012).

For matters concerning immigration-related matters, the Bureau of Immigration (BI) has “the sole authority to enforce and administer immigration and alien registration laws including the admission, registration, exclusion, deportation and repatriation of aliens. It also supervises the immigration into and emigration from the Philippines of aliens.” There are two types of data on international migration which will be discussed in this report: the registered aliens<sup>13</sup> and non-Filipinos with permission to work in the country.

Data on the number and profile of new aliens registered from 2004 to 2012 show an increase from 2005 (Table 10). The significant surge in 2006, which was not continued in subsequent years, was due to the regularization of foreigners, particularly from China, as provided for in the Alien Social Registration of 1995 (RA No. 7919). Table 10 shows that the majority of resident aliens are male and most are in the 15–64 age range or the working age population. As of 31 December 2012, the number of aliens registered by the BI totalled 203,753, which is 6 per cent more than the 194,356 who registered as of 31 December 2011. The top three nationalities of registered aliens are the Chinese (59,000), Koreans (39,000) and Americans (26,000) (BI, 2013a).

The number of aliens who have permits to work in the Philippines has not exceeded 15,000 since the time data were available from 1978. By nationality, the Americans, British, Chinese, Japanese and recently, Koreans have been notable among the alien employment permit holders (Table 11 and Figure 2). The Japanese were the largest group from 1978 until 2006. Numbers of Koreans were not very remarkable until the 1990s when their

<sup>13</sup> Upon registration, aliens with immigrant, non-immigrant and special non-immigrant visas are issued the ACR I-Card which also serves as an exit and re-entry permit for departing aliens.



**Table 10: Number of registered aliens by category, sex and age group, 2004–2012**

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Total	4,292	17,119	63,475	22,647	19,972	19,231	22,018	17,834	12,603
By Category									
Permanent	2,094	11,431	48,188	11,413	6,598	5,959	4,788	1,265	1,042
Temporary	83	1,215	3,113	1,221	1,577	1,254	1,300	606	376
Treaty traders	81	440	313	188	162	153	262	316	222
Temporary students	194	660	2,386	1,784	2,887	3,562	4,533	3,833	2,507
Pre-arranged employment	1,289	2,556	7,676	6,424	7,270	6,752	8,482	6,790	5,418
Others	551	817	1,799	1,617	1,478	1,551	2,653	5,024	3,038
By Sex									
Male	2,599	11,082	37,214	14,323	13,021	12,570	14,661	12,021	8,618
Female	1,693	6,037	26,261	8,324	6,951	6,661	7,357	5,813	3,985
By Age Group									
Below 15 yrs. Old	227	990	4,628	2,222	2,120	2,222	2,281	1,914	1,412
15-24	423	1,574	4,673	2,197	3,001	3,334	4,184	3,653	2,517
25-34	389	1,847	8,148	3,948	4,878	4,733	5,647	4,191	3,007
35-44	667	2,498	10,270	4,204	3,909	3,613	4,197	3,273	2,404
45-54	952	3,298	12,108	3,642	2,789	2,432	2,684	2,242	1,560
55-64	739	3,003	10,266	2,853	1,706	1,603	1,759	1,568	1,115
65 and up	895	3,909	13,382	3,581	1,564	1,294	1,266	993	588

numbers started to rise. This was the time when Filipinos started to work in the Republic of Korea, and the latter 1990s was the start of significant marriage migration from the Philippines—mostly Filipino women marrying Korean men. The migration of Filipinos to the Republic of Korea has been accompanied by a significant counter flow of Koreans to the Philippines, as well as the intensification of trade ties between the Philippines and the Republic of Korea (Asis, 2010). By 2007, Koreans have outranked the Japanese as the largest national group who have obtained employment permits, and they have become the largest group of tourist arrivals. Furthermore, Koreans account for a sizable share of foreign students and students as special permit holders. In terms of regional industry and occupational distribution, Table 12 suggests that alien permit holders tend to be concentrated in certain categories. Most of them are based in the National Capital Region, followed by CALABARZON, and Central Visayas, representing the more developed regions

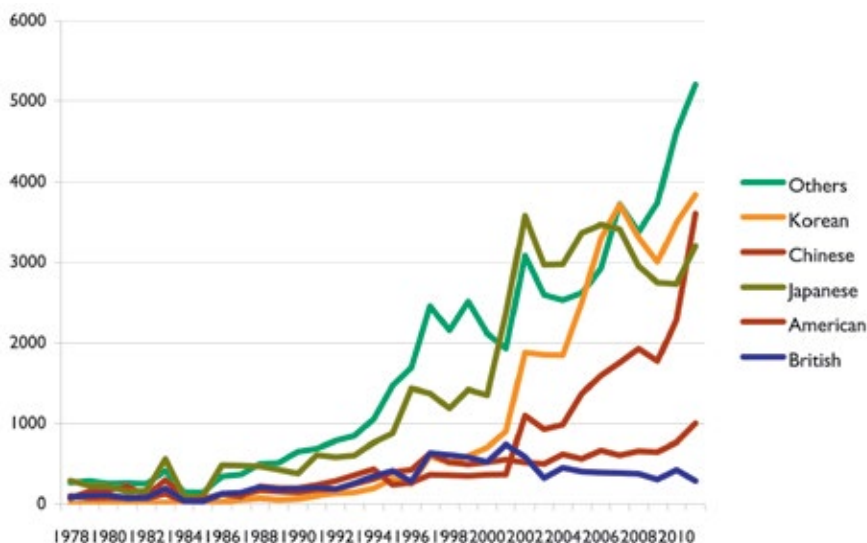
of the country. Most of them are employed in the manufacturing sector, although they tend to be involved in other sectors as well. Finally, the majority work in administrative, executive and managerial positions.

**Table 11: Alien employment permits issued by nationality, Philippines, 1978–2011**

	American	British	Chinese	Japanese	Korean	Others	Total
1978	96	86	72	289	-	264	807
1979	79	104	157	222	8	285	855
1980	84	108	171	222	16	253	854
1981	79	72	219	146	9	259	784
1982	75	77	98	163	14	248	675
1983	124	188	296	561	20	411	1,600
1984	38	38	79	85	14	145	399
1985	54	36	39	95	12	142	378
1986	122	126	120	484	29	343	1,224
1987	110	139	96	476	52	367	1,240
1988	169	211	215	467	73	499	1,634
1989	152	182	195	426	50	511	1,516
1990	140	186	194	379	63	652	1,614
1991	177	205	234	610	103	687	2,016
1992	180	182	286	581	128	787	2,144
1993	246	256	357	603	142	847	2,451
1994	310	344	432	762	192	1,054	3,094
1995	395	412	236	877	310	1,471	3,701
1996	422	275	263	1,433	247	1,693	4,333
1997	631	632	364	1,374	596	2,458	6,055
1998	518	608	357	1,187	510	2,155	5,335
1999	493	582	349	1,418	599	2,515	5,956
2000	518	523	362	1,352	703	2,118	5,576
2001	552	738	367	2,368	901	1,932	6,858
2002	515	584	1,098	3,576	1,881	3,085	10,739
2003	498	320	928	2,969	1,855	2,598	9,168
2004	618	451	984	2,975	1,847	2,533	9,408
2005	562	403	1,370	3,367	2,499	2,622	10,823
2006	665	391	1,592	3,469	3,296	2,922	12,335
2007	605	384	1,754	3,414	3,713	3,722	13,592
2008	657	375	1,929	2,953	3,308	3,377	12,599
2009	644	302	1,776	2,751	3,007	3,738	12,218
2010	766	423	2,287	2,732	3,490	4,627	14,325
2011	1,001	285	3,604	3,204	3,839	5,209	17,142

Source: Table 15.1, 2012 Yearbook of Labor Statistics (BLES, 2012).

**Figure 2: AEP holders by country of origin, 1978–2011**



**Table 12: Alien employment permits issued by region, major Industry group and occupational group, 2006–2011**

<i>By Region</i>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
National Capital Region	5,989	7,249	6,048	5,572	8,237	9,165
CALABARZON	3,311	3,267	3,157	2,971	3,054	3,126
Central Visayas	1,381	1,444	1,428	1,429	1,249	1,294
Others	1,654	1,632	1,966	2,246	1,785	3,557
<b>Total</b>	<b>12,335</b>	<b>13,592</b>	<b>12,599</b>	<b>12,218</b>	<b>14,325</b>	<b>17,142</b>
<i>By Major Industry Group</i>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	
Manufacturing	4,842	4,992	4,511	4,623	4,757	
Transport, Storage and Communications	2,564	2,906	2,147	2,134	3,283	
Real Estate, Renting and Business Activities	1,206	1,540	1,978	2,150	2,206	
Wholesale and Retail Trade, Repair of Motor Vehicles, Motorcycles and Personal Household Goods		946	1,064	957	904	924
Construction		868	850	780	608	1,083
Education		682	756	607	442	772
Hotels and Restaurants		517	502	499	444	535
Others		710	982	1,120	913	765
<b>Total</b>	<b>12,335</b>	<b>13,592</b>	<b>12,599</b>	<b>12,218</b>	<b>14,325</b>	
<i>By Occupational Category</i>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	
Administrative, Executive and Managerial Workers	8,469	8,162	7,346	6,859	7,978	
Professionals	836	968	764	718	636	
Technicians and Associate Professionals	2,792	4,237	4,310	4,447	5,484	
Others	238	225	179	194	227	
<b>Total</b>	<b>12,335</b>	<b>13,592</b>	<b>12,599</b>	<b>12,218</b>	<b>14,325</b>	

Source: Table 15.2 2012 Yearbook of Labor Statistics (BLES, 2012).

Foreign students are another category of foreigners who have an extended stay in the Philippines. Foreign students are categorized into two groups: (1) student visa holders are at least 18 years old who will take up a course beyond high school; and (2) special study permit holders are younger than 18 years who study in elementary, high school and tertiary levels and in special courses of less than one year (BI, 2013b). Data for the period 2008 to 2012 show an increasing number of foreign students to the Philippines: 12,905 in 2008; 25,319 in 2009; 33,075 in 2010; 41,143 in 2011; and 58,811. The share and the growth of special study permit holders has been significant: from 7,569 in 2008, their numbers rose to 38,560 in 2012. In comparison, the growth in the population of student visa holders has been less dramatic: from 5,336 in 2008 to 16,251 in 2012.<sup>14</sup>

Although the foreign population comprises a small proportion of the population, it is important to know more about their profiles, interaction with the local population, their concerns and needs, and their contributions to Filipino society. As globalization expands and deepens, it is likely that more foreigners will come to the Philippines not just for tourism but for other reasons—to study, to engage in business, to retire—that would entail longer stay or residence in the country. According to the BI, it is building its capacity in the areas of technology upgrade, personnel, and training programs to be fully equipped in securing the country’s borders and facilitating lawful travel and migration. One of the priority projects of the Bureau is the Biometrics Capturing System to improve the registration and detection assessment of arriving and departing passengers. Based on a study it has conducted, it needs a minimum of 2,000 additional personnel to cover the mandated 24-hour shifting schedule. Apart from increasing personnel, the Bureau is also exerting efforts to professionalize its personnel. In 2012, it developed a rigorous training program to develop Immigration Officers who are competent and with integrity.<sup>15</sup> In anticipation of future developments, it is equally necessary to review existing laws, regulations, and processes pertaining to the foreign population.

## **B.2. EMIGRATION FROM THE PHILIPPINES**

The collection and reporting of data on registered emigrants started from 1981 and since then, CFO has monitored the outflow over the years. From 1981 to 2011, more than 1.8 million Filipinos have emigrated to settle in other countries—an average of 60,000 departures every year (Table 13).

<sup>14</sup>Data provided by the Bureau of Immigration, 24 March 2013.

<sup>15</sup>*Ibid.*

**Table 13: Registered Filipino emigrants, their major destination countries and profile, 1981–2011**

■ Total number of registered emigrants, 1981–2011: 1,856,455

■ Average number of annual departures, 1981–2011: 59,886

■ Major destination countries, 1981–2011

	<b>Number</b>	<b>%</b>
1. US	1,203,815	64.84
2. Canada	310,866	16.75
3. Japan	120,713	6.50
4. Australia	113,625	6.12
5. Italy	20,718	1.12
6. New Zealand	14,518	0.78
7. Germany	13,175	0.71
8. UK	10,990	0.59
9. Spain	9,626	0.52
10. Korea, Rep.	9,391	0.51
11. Others	29,018	1.56
	1,856,455	100

■ Profile, 1981–2011

o Sex	<b>Number</b>	<b>%</b>
Male	743,788	40.1
Female	1,112,667	59.9
	1,856,455	100

Sex Ratio 67M/100F

o Age Group	<b>Number</b>	<b>%</b>
Below 14	383,932	20.68
15-19	190,741	10.27
20-24	198,502	10.69
25-59	891,469	48.01
60 and older	191,501	10.32
No information	310	0.02
	1,856,455	100

o Civil Status	<b>Number</b>	<b>%</b>
Single	771,543	50.80
Married	681,683	44.88
Sep/div/wid	64,963	4.27
Not reported	457	0.03
	1,518,646	100

o Educational Level	<b>Number</b>	<b>%</b>
Elem grad & below (inc. non-formal)	380,869	25.07

High school/vocational/some college (at least some high school/vocational)	685,996	45.17
College grad and up	450,938	29.69
Not reported	843	0.06
	<u>1,518,646</u>	<u>100</u>
<b>o Pre-migration Occupation</b>	<b>Number</b>	<b>%</b>
Employed		
Professional & related	203,064	10.94
Managerial & related	26,952	1.45
Clerical workers	67,221	3.62
Sales workers	78,769	4.24
Service workers	42,598	2.29
Agricultural & related	37,548	2.02
Production & related	69,112	3.72
Members of the Armed Forces	6,404	0.34
Unemployed		
Homemakers	382,925	20.63
Retirees	66,476	3.58
Students	457,993	24.67
Minors (below 7 y/o)	147,553	7.95
No occupation reported (inc. out-of-school youth)	269,840	14.53
	<u>1,856,455</u>	<u>100</u>

Source: CFO, Statistical Profile of Registered Filipino Emigrants.

By destination, almost all the emigrants went to just 10 countries; the United States alone was the destination of 65 per cent of all emigrants. In the United States, the over 3.4 million-strong Filipinos are the second largest Asian American population next to the Chinese (Pew Research Center, 2012).<sup>16</sup> Canada, the second most popular destination, trailed behind the United States at 17 per cent. In the 2011 census of Canada, the Tagalog-speaking population increased by 64 per cent, emerging as the fastest growing language group between 2006 and 2011 (Statistics Canada, 2012). In previous years, immigration from the Philippines to Australia and New Zealand involved many Filipinos in marriage migration, resulting in the social construction of Filipino women as “mail-order brides.”<sup>17</sup> In the case of Australia, as of the 2006 census, it was home to a population of 120,540 Philippines-born people. Filipino immigration to Australia peaked in 1987–1988, but by the 1990s settler arrivals slowed (DIAC, n.d.). The pattern is the opposite in New Zealand, where the increase in permanent and long-term immigration is more recent. In addition, the profile of more recent Filipino immigrants in New Zealand includes student, visitor and residence approvals, and the sex composition is now more balanced (Statistics New

<sup>16</sup> The count is based on the total population of those who defined themselves as Filipinos. Those with origins in more than one group – for example, “Chinese and Filipino” – are counted in each group to which they belong (Pew Research Center, 2012).

<sup>17</sup> One of the first research-based studies of international marriages between Filipino women and foreign nationals is that of Cahill (1990).

Zealand, 2007). Filipinos across these four countries of settlement show a high rate of acquiring citizenship.

Other countries that do not have a tradition of immigration have also figured among the top 10 destination countries. Filipinos have come to settle in these countries via marriage to citizens or through employment-based channels. Japan's third ranking, for example, can be attributed to the phenomenon of Filipino-Japanese marriages; the same can be said about the Republic of Korea. In the case of European countries, acquiring residence through employment is possible and is an option that has been taken up by Filipino workers. Although Filipinos started out as migrant workers—mostly in domestic work—in an irregular situation in Italy and Spain, they were able to avail of regularization programmes thereby paving the way for them to acquire residency rights, after which, they could bring their immediate family members. A 2008 survey of Filipinos in the two countries found 60 per cent (n=200) who have acquired Spanish citizenship or dual citizenship (Villaroya, 2010:267). In Italy, only 13.5 per cent had become Italian citizens, but many planned to apply for citizenship, especially because they need not abandon their Filipino citizenship (Zanfrini and Sarli, 2010:196).

Consistent with the pattern of family-based migration, female migrants outnumber male migrants. The age profile of permanent emigrants is clearly different from that of migrant workers: one in five emigrants (20 %) is below 15 years old, and one in ten (10 %) is elderly. Considering the large share of the under 15 years old group, half of the emigrant population is single. About 75 per cent had at least some high school education—30 per cent had completed tertiary education or higher—and less than a third were employed prior to emigration.

The composition and distribution of the overseas Filipino population today—10.4 million in more than 200 countries and territories—reflects key developments that can be traced to global and domestic processes that started in the 1970s (see Box 2). Table 14 presents the stock estimate of the overseas Filipinos by category (permanent, temporary and irregular) from 2000 to 2011.<sup>18</sup> During this period, the overseas Filipino population grew from 7.4 million to 10.4 million. Over the years, the share of the overseas Filipino population has remained fairly constant at 10 per cent. In 2011, there were more permanent settlers than temporary migrants, with the latter comprised mainly of overseas Filipino workers

<sup>18</sup>CFO's stock estimate of the Filipino population may differ from the data produced by the countries of destination. The discrepancies, especially if they are substantial, raise questions about accuracy. For example, according to the 2010 US census, there are 3.4 million people in the United States of *Filipino ancestry*—this number includes the Philippines-born and US-born—while the Philippines-born who were residing in the United States in 2008 numbered 1.7 million. Note that the stock estimate of overseas Filipinos in the United States in 2011 stood at 3.4 million, which is double the US count of 1.7 million Philippines born population residing in the United States. A review of the definition of overseas Filipinos—namely, who should be included in the counting of the overseas Filipino population - and the methodology for the computation of the stock estimate of overseas Filipinos are among the issues discussed in detail in Annex E.

(OFWs). The number of overseas Filipinos in an irregular situation increased from 704,916 in 2010 to 1.1 million in 2011. By region, the largest concentration of overseas Filipinos is in the Americas where some 4.3 million Filipinos are present (see also Figures 3 and 4). The countries hosting at least 100,000 Filipinos are a mix of the traditional settlement countries (United States, Canada and Australia) and the rest are destination countries of labour migrants. The United States' topmost spot can be attributed to the long history of Filipino migration to that country. Altogether, the top 13 countries host 86 per cent of overseas Filipinos.

#### BOX 2: OCWs, OFWs, OFs: WHAT'S IN A NAME?

When labour migration to the Middle East started in the 1970s, the workers who trooped to what was then uncharted territory were known as overseas contract workers or OCWs. At the time, OCWs were covered by an employment contract, most of whom were employed by Filipino construction and engineering contractors which obtained huge infrastructure projects in the wake of the boom experienced by the oil-rich Gulf countries. The fruits of their labour were referred to as “katas ng Saudi” (literally, “juice of Saudi”). The source of the “katas” would later diversify as OCWs went on to pitch their tents in other destinations. The term OCW became part of Filipino language and it even came to be identified as an occupation.

In the 1990s, the term overseas Filipino worker or OFW came into the picture. In part, the new term reflects the fact that not all overseas workers were legally deployed; migrant workers in an irregular situation were becoming significant. The terms OFW and Overseas Filipinos (OFs) were defined in Sections 2(a) and (c), respectively, of the Implementing Rules and Regulations of the Migrant Workers and Overseas Filipinos Act of 1995 and amended in Republic Act No. 10022 as follows:

- (hh) Overseas Filipinos – are migrant workers, other Filipino nationals and their dependents abroad.
- (ii) Overseas Filipino Workers or Migrant Workers – refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A “person to be engaged in a remunerated activity” refers to an applicant worker who has been promised or assured employment overseas.

As defined by law, the term OFs is the broad or umbrella category of Filipino nationals based abroad, regardless of legal status while the expression OFWs specifically refers to migrant workers.



**Table 14: Stock estimate of overseas Filipinos by migrant category, 2001–2011; regional distribution, 2011; and countries with at least 100,000 Filipinos, 2011**

*Overseas Filipinos by Migrant Category, 2001–2011*

<b>Year</b>	<b>Permanent</b>	<b>Temporary</b>	<b>Irregular</b>	<b>TOTAL</b>
2001	2,736,528 (37%)	3,049,622 (41%)	1,625,936 (22%)	7,412,086
2002	2,807,356 (37%)	3,167,978 (42%)	1,607,170 (21%)	7,582,504
2003	2,865,412 (37%)	3,385,001 (44%)	1,512,765 (19%)	7,763,178
2004	3,204,326 (45%)	2,899,620 (41%)	1,039,191 (15%)	7,143,137
2005	3,407,967 (49%)	2,943,151 (42%)	626,389 (9%)	6,977,507
2006	3,568,388 (49%)	3,093,921 (42%)	621,713 (9%)	7,284,022
2007	3,693,015 (48%)	3,413,079 (44%)	648,169 (8%)	7,754,263
2008	3,907,842 (48%)	3,626,259 (44%)	653,609 (8%)	8,187,710
2009	4,056,940 (47%)	3,864,068 (45%)	658,370 (8%)	8,579,378
2010	4,423,680 (47%)	4,324,388 (45%)	704,916 (8%)	9,452,984
2011	4,867,645 (47%)	4,513,171 (43%)	1,074,972 (10%)	10,455,788

*Regional Distribution of Overseas Filipinos, 2011*

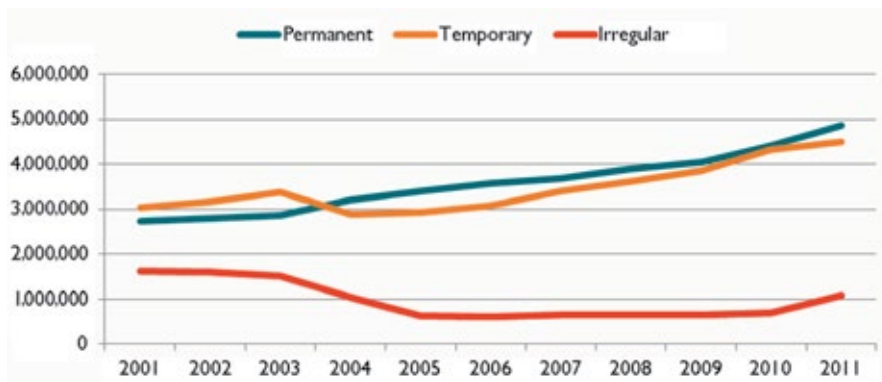
<b>Region</b>	<b>Permanent</b>	<b>Temporary</b>	<b>Irregular</b>	<b>TOTAL</b>
Africa	4,933	51,987	6,588	63,508
Asia, East & South	284,646	621,400	543,327	1,449,373
Asia, West	7,713	2,872,440	107,770	2,897,923
Europe	405,747	263,605	139,427	808,779
Americas/Trust Terr.	3,811,111	244,798	270,150	4,326,059
Oceania	353,495	89,837	7,710	451,042

*Countries with at Least 100,000 Filipinos, 2011*

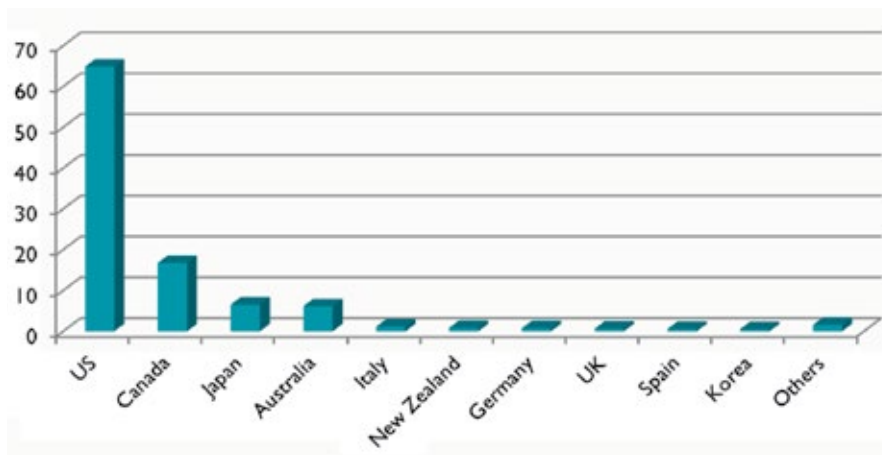
<b>Rank</b>	<b>Country/Region</b>	<b>Number</b>	<b>Rank</b>	<b>Country/Region</b>	<b>Number</b>
1.	USA	3,430,864	8.	Japan	220,882
2.	Saudi Arabia	1,550,572	9.	UK	220,000
3.	Canada	842,651	10.	Kuwait	186,750
4.	UAE	679,819	11.	Italy	184,638
5.	Malaysia	569,081	12.	Singapore	180,000
6.	Australia	384,637	13.	Hong Kong, China	174,851
7.	Qatar	342,442		TOTAL	8,967,187 (85.8%)

Source: CFO, Stock Estimate of Overseas Filipinos.

**Figure 3: Estimate of the stock of overseas Filipinos by migrant category, 2001–2011**



**Figure 4: Main destinations of Filipino emigrants, 1981–2011 (n= 1,856,455)**



Other destination countries which do not have a policy of permanent migration have become countries of settlement for Filipinos who have married nationals of these countries, or in some cases, Filipinos offer skills or expertise that these countries need. Particularly in Asia, marriage migration is one of the few avenues to access residence or citizenship (Asis and Battistella, 2013). The growth of this phenomenon and the issues it has spawned are highlighted in Box 3.

### BOX 3: MARRIAGE MIGRATION

The Philippines has emerged not only as a major source country of workers but also of brides. According to data collected by the Commission on Filipinos Overseas, between 1989 and 2011, 412,728 Filipino nationals have left the country as marriage migrants. Nine out of ten marriage migrants are women, hence marriage migration is highly feminized. The countries of the foreign spouses of Filipino nationals are spread out in the Americas, Europe, Asia and Oceania, with the United States and Japan accounting for a substantial share of the total.

Country/region of foreign spouse	Number	%	Country/region of foreign spouse	Number	%
1. USA	173,724	42.09	7. UK	8,874	2.15
2. Japan	113,265	27.44	8. Taiwan PC	8,152	1.98
3. Australia	32,432	7.86	9. Sweden	3,683	0.89
4. Canada	17,500	4.24	10. Norway	3,692	0.89
5. Germany	13,699	3.32	11. Others	26,364	6.39
6. Korea, Rep.	11,343	2.75	Total	412,728	100

International marriages gained notoriety in the 1980s because of the mail-order bride phenomenon and its association with fraudulent marriages and the abuses and violence committed against Filipino women. Before the Internet, introduction services circulated catalogues featuring photos and personal details of Filipino women for possible marriage with foreign men (mostly Western). In response to media reports about Filipino brides being abused by their foreign husbands, the Philippine government passed the Anti-Mail Order Bride Law or Republic Act No. 6955 which banned marriage introduction agencies and advertising of women as marriage partners, and the establishment in 1988 of a guidance and counselling service, under the Commission on Filipinos Overseas, that Filipino fiancées and spouses must attend before they can be issued a passport.

In the 1990s, the issue of international marriages attracted further attention because of the increase of unions between Filipino women and men from the more developed countries in Asia—mainly Japan, Republic of Korea and Taiwan Province of China. Filipino-Japanese marriages actually started earlier, in the mid-1970s, facilitated by trade and tourism links between the Philippines and Japan. The migration of Filipina entertainers further contributed to increase the possibility of marriage with Japanese partners. The participation of marriage brokers raised concerns about the commoditization of the contracted marriages and the possibility of the trafficking of women. In the mid-1990s, the mass marriages conducted by the Unification Church involving Filipino women and Korean men set off alarms about the protection and welfare of Filipino women. The enactment

of the Anti-Trafficking Act in 2003 expanded the protection of Filipino women who may have been trafficked under the guise of marriage. In particular, age gaps, educational differences, different expectations, and language and cultural barriers are factors contributing to a troubled marriage. The guidance and counselling session has been strengthened to contribute to informed decision-making. On 13 March 2012, the Commission on Filipinos Overseas and Republic of Korea's Ministry of Gender Equality and the Family signed a Memorandum of Understanding to cooperate in the development of capacities for the resettlement and adjustment of Filipino marriage immigrants and promoting the empowerment of immigrant women. Among countries of destination, Republic of Korea offers post-arrival programs, including language lessons, to ease the adjustment and incorporation of marriage migrants to Republic of Korea's increasingly multicultural society. Increasing mobility, and the links and connections forged by the Internet, are likely to increase the possibility of international marriages in the future. Policies will have to be cognizant of the risks and violations of some forms of international marriages, while respecting and appreciating the positive consequences—both personal and social—of such unions that are freely negotiated by consenting and informed parties.

### B.3. OVERSEAS EMPLOYMENT

**Annual Outflow:** The first recorded statistics on overseas employment started in 1975, a year after the Labor Code of the Philippines was passed. As outlined in Table 15, the total deployment in 1975 was only 36,035, which climbed to 47,835 in 1976, then increased about two-fold relative to the 1975 figures by 1977, and finally increased six-fold to 214,590 by the end of the decade (1980). In the first two years, sea-based workers were the majority, but from 1977, land-based workers would outnumber the sea-based workers, a trend which continues to the present.<sup>19</sup>

Deployment data from the POEA suggest increasing levels and growing diversity of migrants' characteristics, destinations and occupational distribution. The data generally present a year-by-year increment. Except for the Arroyo administration which set a target of deploying a million workers every year (the million-mark was breached in 2006), the rest had no deployment targets.<sup>20</sup> Despite regional or global events which led to economic or political crises, labour migration from the Philippines continued, remarkably bucking the trend each time. The 1990–91 Gulf War, the 1997 financial crisis in Asia, the US

<sup>19</sup>When comparing the deployment figures of the Philippines with other Asian countries, it must be noted that deployment data elsewhere pertain to land-based workers alone.

<sup>20</sup>In fact, Administrative Order 247 of 4 December 2008, which mandated "the Philippine Overseas Employment Administration (POEA) to execute a paradigm shift by refocusing its functions from regulation to full-blast market development efforts, the exploration of frontiers and fertile job markets" is now disregarded and POEA no longer has marketing missions abroad (from the meeting of POEA Administrator Hans Cadac with the Philippine Migrants Rights Watch, 22 March 2013).

**Table 15: Annual deployment of OFWs by category and % rehires, 1975–2012**

Year	Land-based	Sea-based	Total Deployed	No. (% Rehires)*
1975	12,501	23,534	36,035	-
1976	19,221	28,614	47,835	-
1977	36,676	33,699	70,375	-
1978	50,961	37,280	88,241	-
1979	92,519	44,818	137,337	-
1980	157,394	57,196	214,590	-
1981	210,936	55,307	266,243	-
1982	250,115	64,169	314,284	-
1983	380,263	53,594	434,207	142,980 (37.6)
1984	300,378	50,604	350,982	166,884 (55.6)
1985	320,494	52,290	372,784	159,679 (49.8)
1986	323,517	54,697	378,214	152,812 (47.2)
1987	382,229	67,042	449,271	170,267 (44.5)
1988	385,117	85,913	471,030	202,975 (52.7)
1989	355,346	103,280	458,626	184,913 (52.0)
1990	334,883	111,212	446,095	164,883 (49.2)
1991	489,260	125,759	615,019	187,943 (38.4)
1992	549,655	136,806	686,461	289,062 (52.6)
1993	550,872	145,758	696,030	294,645 (53.5)
1994	564,031	154,376	718,407	305,012 (54.1)
1995	488,173	165,401	653,574	273,984 (56.1)
1996	484,653	175,469	660,122	278,592 (57.5)
1997	559,227	188,469	747,696	337,780 (60.4)
1998	638,343	193,300	831,643	419,128 (65.7)
1999	640,331	196,689	837,020	403,071 (62.9)
2000	643,304	198,324	841,628	398,886 (60.6)
2001	661,639	204,951	866,590	390,554 (59.0)
2002	682,315	209,593	891,908	393,638 (57.6)
2003	651,938	216,031	867,969	372,373 (57.1)
2004	704,586	229,002	933,588	419,674 (59.6)
2005	740,632	247,983	988,615	450,651 (60.8)
2006	788,070	274,497	1,062,567	470,390 (59.7)
2007	811,070	266,553	1,077,623	497,810 (61.4)
2008	974,399	261,614	1,236,013	597,426 (61.3)
2009	1,092,162	330,424	1,422,586	742,447 (68.0)
2010	1,123,676	347,150	1,470,826	781,710 (79.6)
2011	1,318,727	369,104	1,687,831	881,007 (66.8)
2012**	1,435,166	366,865	1,802,031	976,591 (68.0)

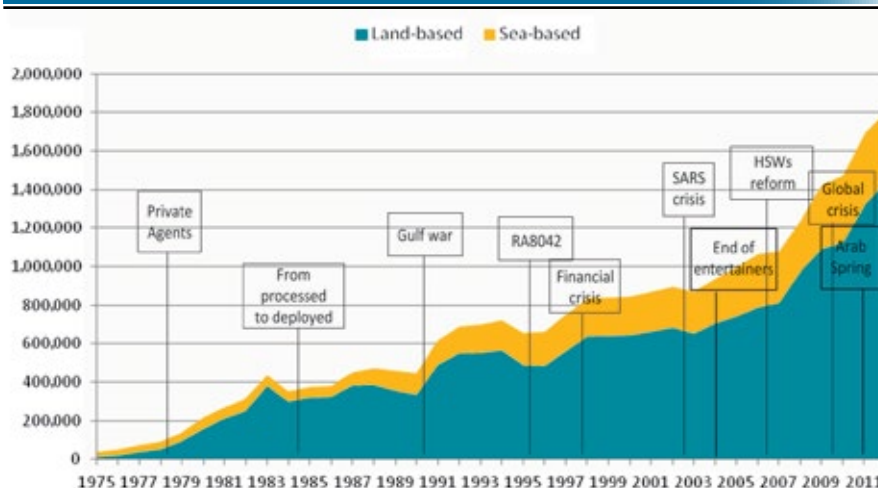
Source: POEA.

\* The percent rehires is computed for land-based workers only.

\*\* The data for 2012 are preliminary.

invasion of Iraq in 2003, the 2008 global economic crisis, the recession in Western Europe, and the Arab Spring in 2011 did not have an appreciable reduction in deployment levels (Figure 5). The competitiveness and distribution of OFWs in different regions and the varied occupational skills have somehow cushioned the otherwise damaging impact of these upheavals.

**Figure 5: Annual deployment of land-based and sea-based workers, 1975–2012**



Source: POEA, Overseas Employment Statistics (various years).

It is important to know the share of new hires and rehires in OFW deployment data and to appreciate the finer details of the meaning of these terms (see Glossary on Migration: Philippines in Annex B). Table 15 shows the large share of rehires—ranging from 57 to 68 per cent—among land-based workers for the years 1983–2012. As such, total deployment figures distort the new jobs generated every year. The data on rehires also suggest the preference of foreign employers to keep their experienced/tested migrant workers rather than hiring new ones and the consequent tendency of OFWs to extend their employment, which has implications for reintegration programs.

**Origin of OFWs:** The top ten origin provinces of OFWs account for about half (51.2 %) of new hires in 2012. Seven of the top ten origin provinces include Metro Manila and the surrounding provinces (Table 16 and Figure 7). Only three are not proximate to Metro Manila: Pangasinan—which is a highly populated province in the Ilocos Region and the third most populous in the country after Cavite and Bulacan, Cebu—which is the most populous province in the Visayan region, and Maguindanao—which is one of the provinces of the ARMM and a primary source province of Muslim migrants, mainly women, seeking overseas employment particularly in Malaysia and the Gulf countries. It is possible, however, that the concentration of OFWs in Metro Manila and surrounding provinces

reflects the address provided to employment agencies during the pre-employment process rather than the actual address of OFW applicants.

**Figure 6: Annual deployment of new hires and rehires, 1983–2012**



Source: POEA, Overseas Employment Statistics (various years).

The distribution of origin by gender suggests that men are more concentrated in the top ten provinces, while women are more evenly distributed throughout the nation. At the same time, however, some provinces are characterized by a disproportionate share of women over men. This is the case for Maguindanao and other provinces in Mindanao such as: Sultan Kudarat, North Cotabato, Basilan, Davao Oriental, Compostela Valley, Sarangani and Sulu. Other provinces with a disproportionate share of women are Pangasinan and Isabela in Northern Luzon, and provinces in the Visayas such as Iloilo and Negros Occidental. Metro Manila has about the same number of men and women OFWs. On the contrary, men outnumber women in Bataan, Batangas, Pampanga, Cebu, Zambales, Lanaodel Norte and Cavite.

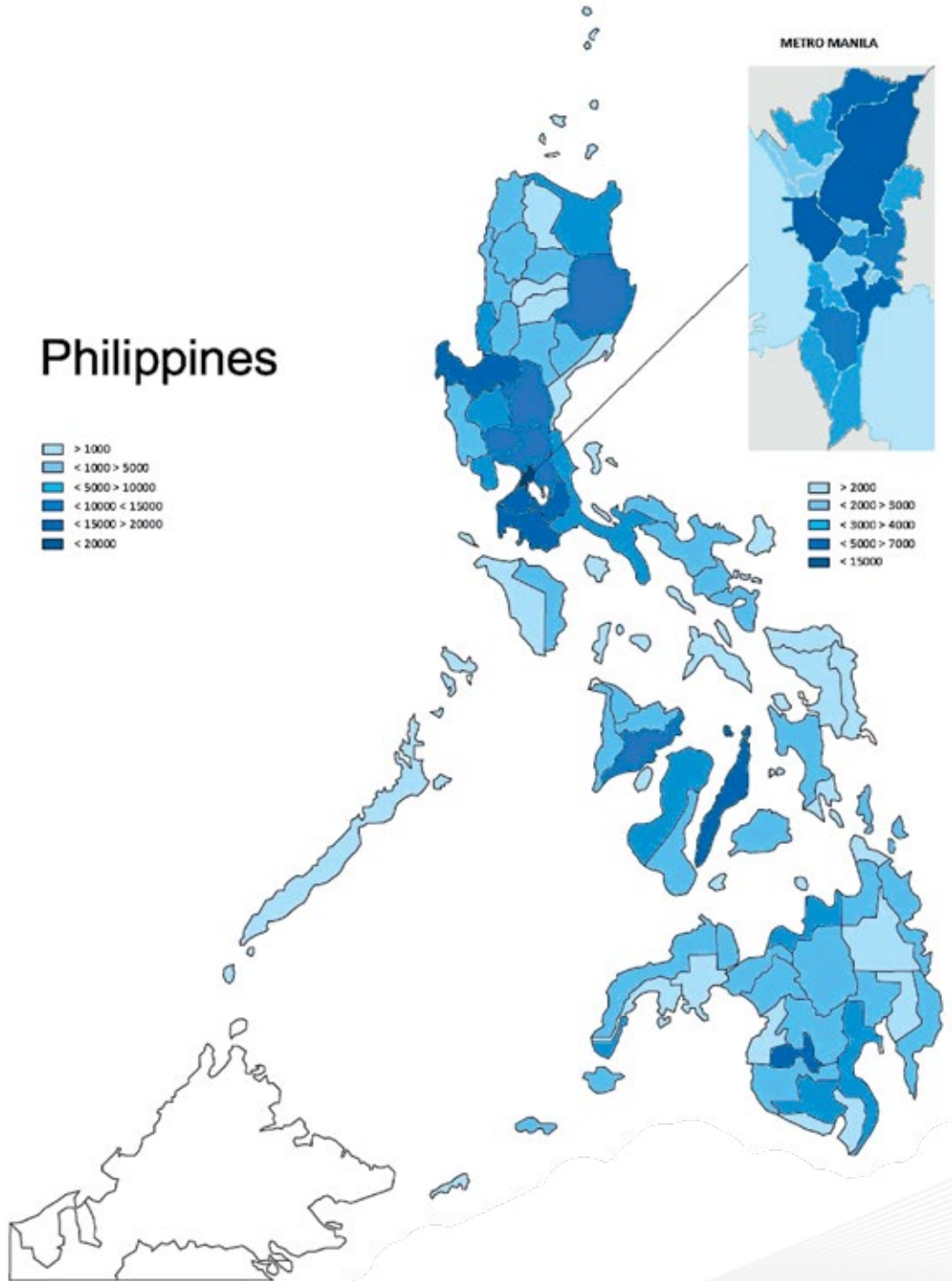
**Table 16: Top ten provinces of origin of new hires, 2012**

Province	Total	%	Male	%	Female	%
Metro Manila	67,196	16.4	33,406	18.6	33,790	14.6
Cavite	19,419	4.7	11,262	6.3	8,157	3.5
Batangas	19,059	4.6	13,727	7.6	5,332	2.3
Pangasinan	17,825	4.3	7,467	4.2	10,358	4.5
Cebu	15,756	3.8	10,213	5.7	5,543	2.4
Maguindanao	15,265	3.7	1,126	0.6	14,139	6.1
Laguna	15,119	3.7	8,230	4.6	6,889	3.0
Bulacan Province	14,695	3.6	7,981	4.4	6,714	2.9
Rizal	13,150	3.2	7,534	4.2	5,616	2.4
Pampanga	13,029	3.2	8,448	4.7	4,581	2.0
Subtotal (Top 10)	210,513	51.2	109,394	60.9	101,119	43.7
Others	200,296	48.8	70,240	39.1	130,056	56.3
Total	410,809	100.0	179,634	100.0	231,175	100.0

Source: POEA, Unpublished data, 2013.

NB: Data do not include OFWs processed by Regional Offices (6,047) and Name Hires.

Figure 7: Origin of OFWs by province, 2012





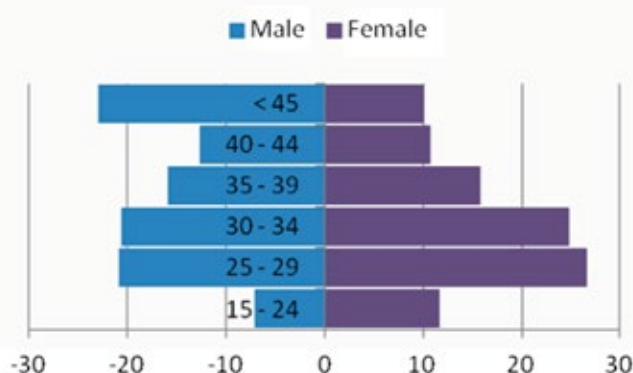
**Age Profile of OFWs:** Due to lack of data on deployed OFWs by age, data from the Survey on Overseas Filipinos (SOF) are utilized to have an idea about the age distribution of OFWs (Table 17).<sup>21</sup> Data from the SOF do not refer to OFWs deployed in a particular year, but to the stock of OFWs abroad at a particular time (in this case, 2010 and 2011). The estimates cover overseas Filipinos whose departure occurred within the last five years and who are working or had worked abroad during the past six months (April to September) of the survey period. Estimates indicate that the majority (over 70 %) of the OFWs are between 25 and 44 years of age (Table 17). It also indicates that women working abroad (who overall are less numerous than men) outnumber men in all age groups below 40, while OFWs who are over 40 are mostly men (Figure 8).

**Table 17: Number and percentage distribution of overseas Filipino workers by age group and sex, 2010 and 2011**

	2011			2010		
	Total	Male	Female	Total	Male	Female
Number ('000)	2158	1126	1032	2043	1068	975
Per cent	100	52.2	47.8	100	52.3	47.7
15 – 24	9.3	7.1	11.7	9	6.6	11.6
25 – 29	23.6	20.8	26.6	25	20.9	29.5
30 – 34	22.6	20.6	24.8	22.9	22.5	23.4
35 – 39	15.9	15.9	15.9	15.2	15.6	14.8
40 – 44	11.8	12.7	10.8	11.4	12.7	9.8
45 and over	16.8	22.9	10.1	16.6	21.8	10.9

Source: National Statistics Office, 2011 Survey on Overseas Filipinos, <http://www.census.gov.ph/sites/default/files/attachments/hsd/specialrelease/Tab3.pdf>.

**Figure 8: Age-sex pyramid of OFWs, 2011**



Source: National Statistics Office, 2011 Survey on Overseas Filipinos, <http://www.census.gov.ph/sites/default/files/attachments/hsd/specialrelease/Tab3.pdf>.

<sup>21</sup>As noted in SMC (2011, 2012b), to some extent, gender-sensitivity has informed migration policies and the collection and reporting of migration statistics. An age lens in migration policies is less evident thus far and deployment data and other migration-related statistics need to collect and report age-disaggregated data.

Special tabulations of deployment data from POEA for youth migrants (those between 15 and 24 years old) show that for this group, deployment increases with age (Table 18), which reflects the fact that a minimum age is required for certain occupations. Women outnumber men particularly from the age of 23, when they can find employment as household workers, the number one occupation among women OFWs (SMC, 2011).

**Table 18: Young male and female Filipino migrants by age and gender, 2010**

Age	Male		Female		% of female
15	2	0.0	1	0.0	
16	1	0.0	1	0.0	
17	2	0.0	4	0.0	
18	32	0.2	60	0.2	
19	177	0.9	307	0.8	63.4
20	715	3.7	1,317	3.5	64.8
21	2,333	12.0	3,198	8.5	57.8
22	4,177	21.5	7,072	18.7	62.9
23	5,496	28.2	13,085	34.6	70.4
24	6,526	33.5	12,770	33.8	66.2
Total	19,461	100%	37,815	100%	66.0

Source: *The Filipino Youth and the Employment-Migration Nexus* (SMC, 2011).

**Type of Hiring:** The scale and the tempo of the increasing numbers of overseas-bound workers—and the opening of the East and South East Asian labour markets in the 1980s—helps to elucidate why the recruitment of workers was passed on to private recruitment agencies. Although, it could also be argued though that recruitment agencies actively sought out labour markets or that their rising numbers indicated viable recruitment prospects which contributed to the expansion of overseas employment. One of the key requirements for an agency to obtain a license is the presentation of a verifiable new market. As shown in Table 19, for the years 2004–2011, the lion’s share of new hires and land-based workers deployed annually comprised of agency hires while those hired through POEA’s Government Placement Branch are considerably fewer.

**Table 19: Annual deployment of OFWs by type of hiring, 2004–2010**

Year	GPB <sup>a</sup>	Agency Hire	Name Hire	Others	Total
2004	5,469	263,310	14,133	-	284,912
2005	9,953	259,572	16,560	3,624	289,981
2006	11,346	279,354	21,300	5,680	317,680
2007	8,625	272,517	31,210	908	313,260
2008	4,102	347,000	25,263	608	376,973
2009	3,192	326,156	19,660	707	349,715
2010	6,519	322,198	13,249	-	341,966

<sup>a</sup>GPB: Government Placement Branch

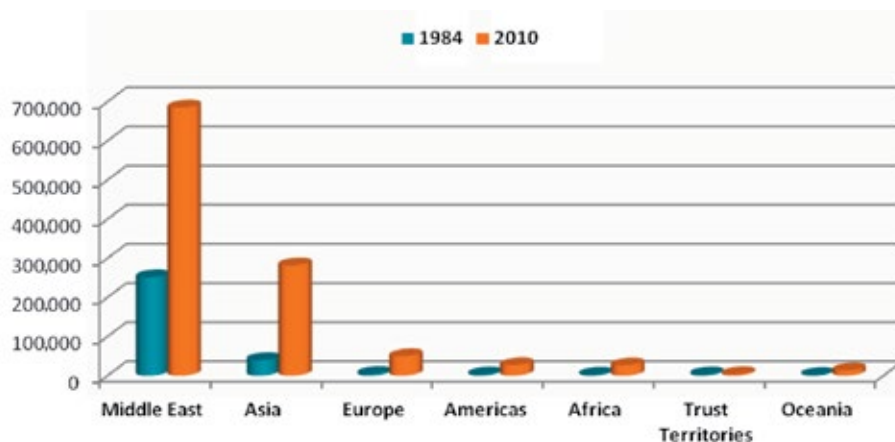
Source: POEA, 2004-2011 Overseas Employment Statistics.

Note: Totals for 2004 and 2005 do not add up correctly.

**Distribution by Region of Destination:** The bulk of Filipino overseas employment has always been directed towards countries in the Middle East, in particular the Gulf countries. The share of countries in the Middle East decreased in the 1990s, when East Asian destinations, in particular Taiwan Province of China, became attractive because of higher salaries. In the 2000s, with the overall increase of outflows, the Middle East regained its place as the primary destination for over 67 per cent of OFWs. The second destination is East and South East Asia, which accounts for one quarter of annual outflows (Figure 9).

The list of top destination countries is always dominated by Saudi Arabia (24.4 % in 2012) followed by United Arab Emirates (18.8 %); Singapore (10.2 %); Hong Kong, China (7.9 %); and Qatar (7.8 %). Seventy per cent of all OFWs go to these five countries. Employment as

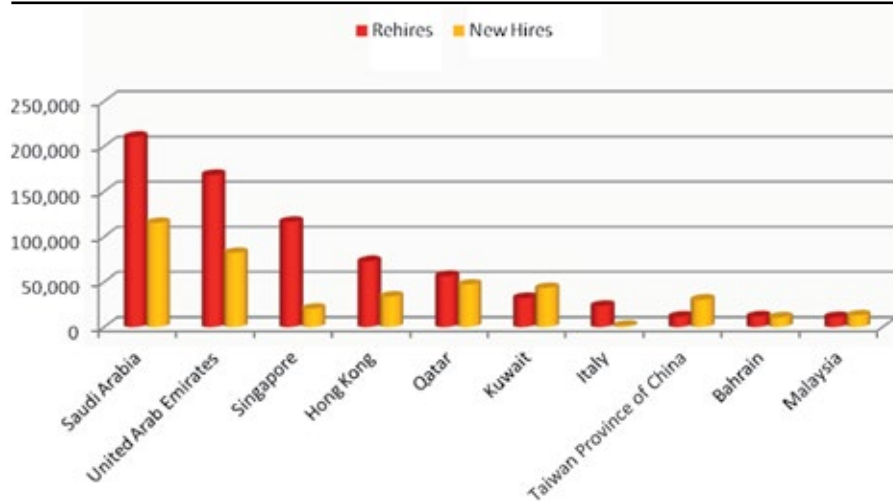
**Figure 9: Deployed OFWs by major region of destination, 1984 and 2010**



Source: POEA, 1984 and 2010 Overseas Employment Statistics.

production workers and household service workers are the most prevalent. In fact, most of the workers headed to Saudi Arabia and the UAE are production workers, while those to Hong Kong, China and Singapore are domestic workers. For most countries, the number of rehires is significantly higher than that of new hires. This is particularly the case of Singapore, whose sudden increase in the total number of deployments in 2011, which continued in 2012, is due to returning workers, not new hires. Most probably it reflects the recording of OFWs who initially landed a job in Singapore without going through the POEA process and later entered the regular procedures. Italy also figures among the top 10 destinations, but mostly because of the movement of workers who are already settled in Italy who return to the Philippines for vacation. The number of rehires to Taiwan Province of China, instead, is less than the new hires. This reflects the limitation or cap on the number of years migrants can work in Taiwan Province of China (the cumulative maximum of nine years was extended to 12 years in 2012) as well as the increase of Filipinos working in Taiwan Province of China in 2012—86,786 in 2012 compared to 79,034 in 2011 (CLA, Foreign Workers Statistics, Table 5).

**Figure 10: Top 10 destinations of land-based OFWs (new hires and rehires), 2012**



Source: POEA, Unpublished data. Data for 2012 are preliminary.

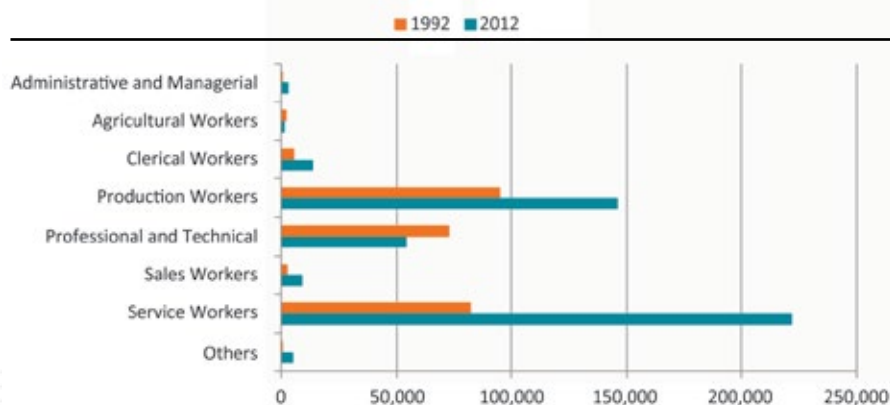
**Distribution by Occupation:** Most OFWs find employment as service or production workers. These two categories comprise 80 per cent of all OFWs (Table 20 and Figure 11). Production workers include a variety of skills including labourers, who comprise the single largest category. The service sector instead is dominated by domestic workers, the topmost occupation of OFWs. The professional and technical category was reduced in 2010 to less than half of its level in 2001. The main reason is the end of the huge demand

**Table 20: Deployed land-based OFWs by major occupational category, new hires, 2004–2012**

Major Occupational Group	2004	2005	2006	2007	2008	2009	2010	2011	2012
Total	281,762	284,285	308,122	306,383	338,266	331,752	340,279	437,720	458,575
Professional and Technical	94,147	63,941	41,258	43,225	49,649	47,886	41,835	61,598	54,617
<i>Dancers</i>	28,024	15,432	3,312	2,360	1,310	1,014	742	NA	NA
<i>Singers</i>	43,818	23,942	4,050	3,935	2,538	1,990	1,196	NA	NA
<i>Nurses</i>	8,611	7,094	13,525	9,178	11,495	13,014	12,082	17,236	15,655
Administrative and									
Managerial	565	490	817	1,139	1,516	1,290	1,439	4,950	3,241
Clerical Workers	5,323	5,538	7,912	13,662	18,101	15,403	10,706	14,115	13,893
Sales Workers	3,950	4,261	5,517	7,942	11,525	8,348	7,242	8,932	9,346
Service Workers	113,423	133,907	144,321	107,135	123,332	138,222	154,535	201,512	222,260
<i>Domestic workers</i>	62,818	82,467	91,412	47,878	50,082	71,557	96,583	142,689	155,795
Agricultural Workers	632	350	807	952	1,354	1,349	1,122	1,757	1,563
Production Workers	63,719	74,802	103,584	121,715	132,295	117,609	120,647	141,215	146,448
Others	3	996	3,906	10,613	494	1,645	2,753	3,641	7,140

Sources: POEA 2007–2011 Overseas Employment Statistics. Data for 2012 are preliminary.

**Figure 11: Deployed OFWs by occupational category, 1992, 2012**



Source: POEA, 1992 Overseas Employment Statistics and unpublished data. Data for 2012 are preliminary.

for entertainers in Japan, which reduced the deployment of singers and dancers from over 70,000 in 2004 to about 7,000 in 2006 and less than 2,000 in 2010. Not counting singers and dancers, the proportion of OFWs employed in professional and technical occupations actually increased from 27,152 in 2001 to 39,897 in 2010. In 2012, nurses were 28.7 per cent of the professionals. The question of whether the outflow of OFWs leads to brain drain is discussed in another section.

More than half of the new hires converge in just 10 occupations (Table 21), where household employment figures as the number one job by far for OFWs (see also Figure 12). The top occupations are predominantly associated with women, while men figure prominently in the rest of the list.

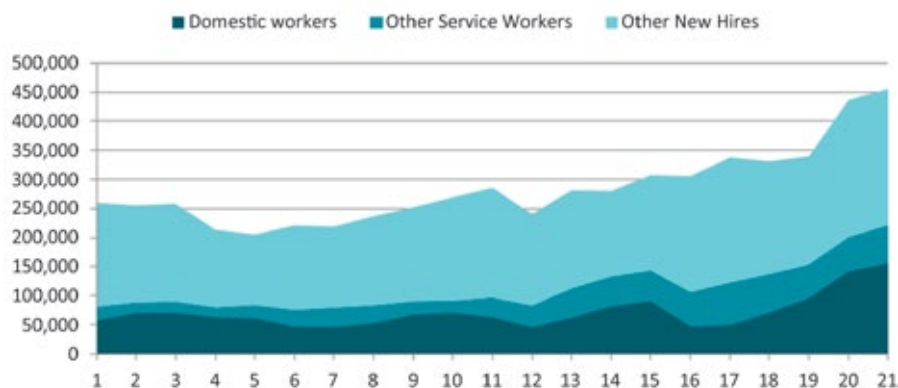
**Table 21: Number of deployed land-based overseas Filipino workers by top 10 occupational categories, new hires, 2007–2012**

Occupational Category	2007	2008	2009	2010	2011	2012*
All Occupational Categories – Total	306,383	338,266	331,752	340,279	437,720	458,575
Household Service Workers	47,878	50,082	71,557	96,583	142,689	155,831
Nurses Professional	9,178	11,495	13,014	12,082	17,236	15,655
Waiters, Bartenders and Related Workers	9,276	13,911	11,977	8,789	12,238	14,892
Wiremen and Electrical Workers	6,980	8,893	9,752	8,606	9,826	10,575
Charworkers, Cleaners and Related Workers	6,300	11,620	10,056	12,133	6,847	10,493
Labourers/Helpers General	7,317	9,711	8,099	7,833	7,010	9,987
Plumbers and Pipe Fitters	9,187	9,664	7,722	8,407	9,177	9,657
Caregivers and Caretakers	14,399	10,109	9,228	9,293	10,101	9,128
Welders and Flame-Cutters	6,140	6,777	5,910	5,059	8,026	8,213
Cooks and Related Workers	5,124	5,791	5,028	4,399	5,287	6,344
Other Occupational Categories	184,604	200,213	179,409	167,095	209,283	207,800

\*Data for 2012 are preliminary.

Source: POEA 2007-2011 Overseas Employment Statistics and unpublished data.

**Figure 12: Service workers and domestic workers among the new hires, 1992–2012**



Source: POEA 1992-2011 Overseas Employment Statistics and unpublished data.

\*Data for 2012 are preliminary.

**Distribution by Gender:** Data on the sex composition of migrants became available in 1992. After 1992, female migration climbed, mostly driven by the demand for care workers in the developed economies (Table 22).<sup>22</sup> Notably, the new hires among the land-based OFWs were dominated by women until 2006, then rebounded by 2009.<sup>23</sup> It may be recalled that worker deployment in the 1970s was dominated by male migrants due to the demand of workers for the numerous construction projects in the Middle East.<sup>24</sup> By the 1980s, the labour needs shifted to other sectors, which opened employment options for women migrants in sales, the health sector, and services—of which household workers were a large component. On the whole, the Middle East would continue to hire more male workers than females. In East and South East Asia, the need for care workers is especially strong, again because of the demand for foreign domestic workers. From the 1980s to 2004, Japan recruited large numbers of entertainers—later renamed as overseas performing artists (OPAs) by the Philippines—mostly women. Japan was a unique labour market because it is otherwise closed to foreign workers, particularly the less skilled, but was open to OPAs, who were considered professionals. Several other countries also recruit OPAs—such as the Republic of Korea—but not in the scale and magnitude that was

**Table 22: Deployment of new hires by sex, 1992–2010**

	Male	Female	Not Stated	Total
1992	128,380	132,213		260,593
1993	115,902	140,325		256,227
1994	103,953	155,066		259,019
1995	88,999	125,190		214,189
1996	94,408	111,653		206,061
1997	97,938	123,509		221,447
1998	86,195	133,523	6	219,724
1999	85,367	152,042	5	237,414
2000	70,427	174,768	7,835	253,030
2001	72,187	186,018	11,546	269,751
2002	77,850	197,441	10,837	286,128
2003	66,401	166,325	8,785	241,511
2004	72,355	209,372	86	281,812
2005	79,079	201,538	44	280,661
2006	123,668	184,416	38	308,122
2007	160,046	146,285	52	306,383
2008	174,930	163,324	12	338,266
2009	156,454	175,296	2	331,752
2010	154,677	185,602		340,279

Source: POEA.

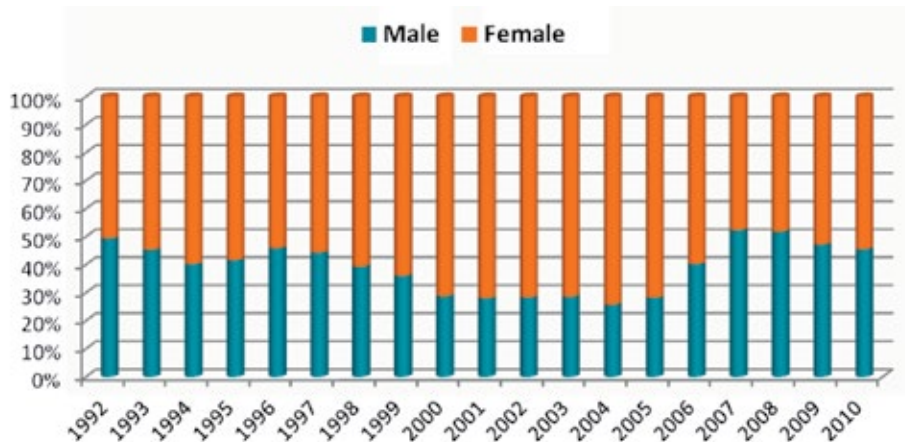
<sup>22</sup>A category of workers who provides care and/or emotional support. This includes teachers, nurses, domestic workers and entertainers.

<sup>23</sup>If all hires (new hire and rehires, land based and sea based) are considered, the sex composition of OFWs would be about the same.

<sup>24</sup>An invisible migration involving women migrating to Italy, Spain and Greece was also taking place alongside the formal, state-facilitated and mostly male migration to the Middle East. The former escaped the attention of the state because the women left as tourists and then stayed on to work in households. Thanks to the regularization programs in these Southern European countries, they were able to legalize their residence and employment, and moreover, they were able to bring over their immediate family members (Asis, 2005; Asis and Roma, 2010).

characteristic of the migration to Japan. When Japan’s policy to streamline the admission of entertainers took effect in 2005, the number of OPAs deployed to Japan was almost halved relative to the 2004 figures, and over the years, the numbers have progressively declined.<sup>25</sup> Similarly, there was a temporary decline in domestic worker deployment in 2007 and 2008, immediately after the enforcement of the Household Service Workers Reform Package introduced by the Philippines in 2006. But by 2009, despite the difficulties of complying with the reforms (Battistella and Asis, 2011), domestic worker deployment increased. Despite the decline in the deployment of domestic workers or household service workers in 2007 and 2008, this category was still the largest group among the newly hired land-based workers. In fact, for the years 2000–2012, household service workers consistently ranked first among the newly hired land-based workers, which attests to the stable, if not increasing, demand for such workers in the global labour market.

**Figure 13: New hires by gender, 1992–2010**



The trend towards increasing diversity, however, is also accompanied by persisting patterns, to wit:

- In terms of their places of origin in the Philippines, clearly, overseas employment has spread throughout the country. Nonetheless, the National Capital Region, Central Luzon, and CALABARZON send more OFWs compared to the others.
- The destination countries of OFWs went beyond the Gulf from the 1980s, extending to East and South East Asian regions, and the rest of the world. Despite the increasing reach of OFWs, the Middle East remains the primary destination. On the whole, labour

<sup>25</sup>Before this change, OPAs (choreographers and dancers, composers, musicians and singers) were among the top 10 occupations among the new hires. After 2006, they ceased to be part of this group.



migration from the Philippines is mostly to more developed countries within Asia (including West Asia or the Gulf region).

- The occupational profile of OFWs cuts across all categories, from the less skilled to the professional. The Philippines has carved dominance in the domestic work, nursing and seafaring sectors. Overall, as dictated by demand factors, the majority of OFWs are in less skilled occupations. But even as they are channelled into less skilled occupations, most OFWs have completed more years of education than is necessary for their line of work. Many of them have completed at least a high school education, and a fair share have some tertiary education. The tendency of fairly educated OFWs landing less skilled occupations abroad has raised questions about the education-work mismatch and the prospect of brain waste instead of the hoped-for brain gain.

**The Sea-Based Sector:** With Filipinos comprising some 20–25 per cent of international seafaring crews, the Philippines has laid claim as the world’s ship manning capital. As mentioned earlier, the Filipinos’ renown as able seafarers goes back to the Manila-Acapulco galleon trade, a historical footnote many experts on the sea-based sector usually allude to (Fajardo, 2011). More recent estimates put the market lead share of the Philippines in international seafaring at the range of 25–30 per cent. To honour Filipino seafarers and their contributions to the country, the Apostleship of the Sea advocated with then President Fidel Ramos to have a day to acknowledge their role in Philippine society. The annual celebration started in 1996, and from 1998, the event was renamed National Seafarers Sunday so that it will be closer to the commemoration of International Maritime Day and National Maritime Day which are held on the last Thursday and Friday of September. A new celebration recognizing the Filipino seafarers’ contributions to world trade and the global shipping industry came about with the designation of 25 June as the day of the Filipino seafarer (Presidential Proclamation No. 183 signed on 3 June 2011).

As shown in Table 15, seafarers made up the majority of OFWs in the early years of the overseas employment program. After 1977, however, the sea-based sector was overtaken by the growing land-based sector and has since comprised between 20 and 25 per cent of annual deployment. The sea-based sector registered a notable growth between 1986 and 1990 and continued to grow in the 1990s, albeit at a slower rate (Amante, 2003). Another spike in growth occurred between 2008 and 2011, during the years of the global economic crisis. In 2011, the deployment of seafarers was 41 per cent higher than in 2008. The increase was across all types of vessels: in terms of percentage increase, deployment of seafarers to chemical and gas tankers increased, while seafarer deployment increased for bulk carriers and passenger ships in terms of absolute numbers. It should also be stressed that tremendous growth occurred in the non-marine personnel on board ships,

achieving a 282 per cent increase between 2007 and 2011. In 2007 Filipinos were only 13.4 per cent of non-marine deployed seafarers; their share rose to 37.1 per cent in 2011. Officers also increased significantly to 76.1 per cent, while ratings remain practically the same between 2007 and 2011. Apart from crew members of merchant cargo ships, the sea-based sector also includes workers on fishing vessels—mostly men—a category of workers who has not received much policy and research attention. An ILO Convention on Fishermen as well as standard employment contract for fishermen have yet to be subject to tripartite deliberation and decision. The rapid growth of the cruise ship industry in the latter part of the twentieth century (Wu, 2005) has opened opportunities for Filipino women in the sea-based sector. Filipino women's entry into seafaring, a traditionally male sector, was ushered in by the demand for a variety of workers to staff the hotel section—that is, the concessionaire, cabin and guest services—of cruise ships.<sup>26</sup> A 2000 survey of international cruise ships conducted by the Seafarers International Research Centre found that females comprise around 19 per cent of cruise ship personnel and they are unevenly distributed by department and rank. Generally, they are employed in the hotel section while they are under-represented in the marine section and galley department. They were also better represented among the petty and junior officers but were less likely to hold senior positions (Wu, 2005). Of the total seafarers covered by the survey—12,450 seafarers representing 99 nationalities—those from the Philippines were the largest group at 29 per cent. Among the female seafarers, the Philippines was the second top source country (11.3 %) following the United Kingdom (14.3 %). Among the male seafarers, the Philippines was the topmost source country, accounting for 32.5 per cent of the total.

Compared with workers in the land-based sector, in general, workers in the sea-based sector enjoy better protection because of international conventions that guarantee basic protection to workers and seafarers' access to union membership.<sup>27</sup> In 2012, the Philippines was the thirtieth member-state to ratify the International Labour Organization's Maritime Labour Convention (MLC), 2006, which paved the way for the convention entering into force to benefit the world's seafarers, including some 300,000 Filipinos on international vessels and 60,000 employed in the domestic shipping industry (DOLE, 2012b).<sup>28</sup> Considered as the "seafarers' international bill of rights," the MLC, 2006 consolidates and updates fundamental principles and labour standards for seafarers in a single document. It is considered as the fourth pillar of the international regulatory

<sup>26</sup>Few studies focus on the small number of women who work on merchant cargo ships. Kitada's (2010) research on women on merchant cargo ships does not mention Filipino women. According to Fr. Paulo Prigol, Director, Apostleship of the Sea-Manila, there are a few women enrolled in maritime schools (Consultation, 17 March 2013). A study on women in the sea-based sector in the Philippines focused on women workers on cruise ships (Palpal-latoc-Tangi, 2012).

<sup>27</sup>See Castillon-Lora (2011) for an overview of Philippine laws concerning Filipinos in overseas seafaring. Apart from national and international laws aimed at protecting seafarers, seafarers can also rely on long-established organizations, such as the Apostleship of the Sea, for support and assistance.

<sup>28</sup>The Philippines made the deposit of the ratification of the instrument at the International Labour Organization in October 2012, which means that the 2006 MLC will come into force 12 months after. The MLC needed at least 30 ratifications to come into force.

regime for quality shipping along with the following key instruments: International Convention for the Safety of Life at Sea, 1974 as amended, International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended (STCW), and the International Convention for the Prevention of Pollution from Ships, 73/78 (MARPOL)<sup>29</sup> (DOLE, 2012b). Recruitment, terms of employment and working and living conditions at sea, are highly governed by the standards of the International Labour Organization. Policies governing various procedures in the recruitment and deployment of seafarers are in place and requirements are generally adhered to. Unlike land-based workers, seafarers do not pay a placement fee. In the conduct of pre-departure orientation seminars, the seminars generally adhere to the prescribed curriculum thereby ensuring the dissemination of relevant information promoting the protection and empowerment of departing seafarers. Whereas, the implementation of the seminars for land-based workers shows marked departures from their original intent and design, raising concerns about their relevance and usefulness for OFWs (Asis and Agunias, 2012; Anchustegui, 2010).<sup>30</sup>

As a sector, seafaring has its peculiar risks and difficulties. Working at sea has its perils, particularly when their voyage encounters treacherous weather conditions. Filipino seafarers speak of utter loneliness and boredom while adrift in the ocean. Sharing a confined work space with a multinational crew also raises challenges for managing interpersonal relationships on-board. Discrimination and unjust practices are harsh realities seafarers have to deal with (McKay, 2011; Fajardo, 2011; Lamvik, 2012), particularly for women seafarers who also have to fend off sexual harassment (Palpal-latoc-Tangi, 2012). Due to their long periods of sailing across oceans and long absences from shore or home, seafarers are seen as particularly at risk for contracting sexually transmitted diseases and HIV infection. For this reason, educational materials to promote the prevention of sexually transmitted diseases and HIV infection have been developed specifically for seafarers to address this concern.

A recent and recurrent threat to seafarers' safety is their vulnerability to kidnapping or "piracy" for vessels passing through the Gulf of Aden—and as noted lately, also in the Indian Ocean. The beginnings of piracy in the Gulf of Aden has been traced to the civil war in Somalia which began in the 1990s and has driven the country to abject poverty. The threats to international shipping stepped up in the 2000s, reaching a peak in the

<sup>29</sup>MARPOL is the short term referring to marine pollution; 73/78 refers to the years 1973 and 1978, respectively.

<sup>30</sup>Nonetheless, irregularities are not unheard of. Based on a survey of seafarers, problems reported by seafarers are similar to those affecting land-based workers: contract substitution, non-compliance of seafarer contracts by employers, reduction in compensation or delayed or non-payment of wages, excessive interest rates for job placement, inadequate food and accommodation on board, lack of information on grievance procedures, and others (Amante, 2003). Cases of seafarers being trafficked have been noted (IACAT, 2013; Verite Philippines, 2006 as cited in DSWD, 2012). Even those who have not been deployed also encounter problems. Due to the glut of maritime graduates in need of employment, applicants may be asked by manning agencies to render services to have a crack at securing a job.

number of attacks and hijackings in 2008. In the same year, the United Nations Security Council passed resolution 1838 allowing countries with vessels to apply military force as a protection against pirate attacks. There has been a notable reduction of pirate attacks with the cooperation of international navies to protect marine traffic, the practice of countries providing escorts to merchant vessels, and shipping firms hiring armed guards. The pre-departure orientation seminars for Filipino seafarers have also included a module on to-dos in the event of a pirate attack.

The family life of seafarers is characterized as a cycle of separations and reunions. Typically, seafarers have a work contract of ten months and two months of vacation before starting a new contract. When seafarers come home for vacation, family members adjust to their presence and as soon as family members have gotten used to having them around, it is time for them to leave for another assignment (ECMI/AOS-Manila et al., 2004). Due to new requirements for additional training or refresher courses, seafarers now get to spend less time with their families because they have to attend these trainings during their vacations. Acquiring additional training to qualify for officer rankings is also a must to increase the number of Filipinos with officer ranks in international vessels. Unlike employment in a land-based setting, it is said that seafaring is a career of stability with prospects of upward mobility. This is driven by the nature of the occupation, regulated closely by the International Maritime Organization's STCW and ILO's Maritime Labour Convention, preceded by individual conventions governing standards of recruitment, employment and working conditions. Operationally, ship owners and management companies maintain contracts with their manning agents which generally nurture their pool of seafarers for continuous engagement, ensuring full compliance with the International Maritime Organization's standards.

Although the sea-based sector has demonstrated an upward trend thus far, it is possible that the sector may have reached a plateau. For one, the automation of various operations means the loss of jobs, particularly entry-level jobs in the seafaring industry. The country's dominance in the industry is also facing tough competition vis-à-vis other source countries, such as China, which offer lower wages. There are also concerns that the decline in the quality of training of Filipino seafarers may imply an erosion of the country's competitive edge. As of September 2010, there are 95 schools offering BS Marine Transportation and BS Marine Engineering - of which 84 are private institutions; 11 are state colleges or universities. Apart from maritime schools, there are 96 accredited maritime training centres as of 18 May 2012.<sup>31</sup> Several indicators suggest major deficiencies in the country's maritime education: enrolment is high, but the number of graduates is low and schools are producing unqualified graduates. The certification process is also deficient.

<sup>31</sup>Consultation with Fr. Paulo Prigol, Executive Director, Apostleship of the Sea-Manila, 17 March 2013.

The need to improve the quality of maritime education calls for the following measures: a review of the existing framework and instruments of regulation of maritime education and training; develop standards for admission to maritime courses; legislation to strengthen the authority of the Commission on Higher Education (CHED) to phase out sub-standard programmes and schools and to modify the maritime curriculum; the need to rationalize the allocation of resources in government-owned maritime educational institutions towards more selective admission, excellence and better employability of graduates; and to review and direct foreign assistance to programmes and needs that best respond to global seafaring realities (Amante, 2003). The CHED has had difficulty in enforcing needed measures because erring or non-performing institutions find means to evade sanctions. The closure by CHED of non-performing schools is often frustrated by the latter being able to secure temporary restraining orders or injunctions from local courts against closure orders. For a number of years, the Philippines has continued to forestall the consequences of a European Union (EU) threat to withdraw recognition of the Certificates of Competency of Filipino marine officers for alleged insufficient compliance with 1978 STCW, based on an audit by the European Maritime Safety Agency (EMSA). The signing of Executive Order No. 75 transferring the regulatory jurisdiction of the training and education of Filipino seafarers to the Maritime Industry Authority (Marina) on 30 April 2012 conveyed the Philippines' commitment to implement reforms. As a result, the EU audit's final action on deficiencies in maritime education was postponed to 2013 (Ronda, 2013). The audit done in April 2013 noted that the Philippines has not made satisfactory progress since the previous audit in March 2012. Among the deficiencies is the "unworkable plan for monitoring maritime schools" (Lee-Brago and Flores, 2013).

An EU ban would affect some 80,000 Filipino seafarers; some observers anticipate that it could also have an effect on the hiring of Filipino seafarers by non-EU vessels. The sea-based sector, thus, cannot rest on the Philippines' reputation as the ship manning capital of the world. The environment is changing, more competitors are emerging, and requirements for training are becoming more stringent. Again, the country's educational system is tasked to develop quality and relevant programs to ensure the production of competent seafarers who can meet the challenges of working in the domestic and international seafaring industry, in accordance with the international standards of the International Maritime Organization. The large numbers of seafarer graduates who are unable to land a job also calls for needed measures to develop bridging programs that would enable them to find alternative employment opportunities in the country. Relevant policies and programmes must be undertaken to revolutionize capital investments in domestic shipping, port development, trade and tourism to spur more activities in ship building, maintenance and repairs as well, all of which could generate alternative employment for graduates of maritime training or education.

**Irregular Migration and Trafficking in Persons:** Due to its clandestine nature, irregular or unauthorized migration escapes official statistics. In general, since data on irregular migration and related phenomena such as trafficking in persons and smuggling (see Glossaries A and B) are difficult to measure, and as a rule, it is advisable to regard these estimates as indicative at best, especially when the methodology of coming up with statistics is not explained.

Globally, roughly 15–20 per cent of migration is unauthorized, according to IOM. Despite a fairly regulated system in the Philippines, a certain level of irregular migration falls between the cracks. The stock estimate of the overseas Filipino population is a government source often cited in quantifying the magnitude of this phenomenon. According to the stock estimate data for 2000–2011, irregular migration accounted for a quarter of the overseas Filipino population in 2000, but it progressively declined to 8 per cent beginning in 2007 and rose slightly to 10 per cent as of 2011. From Table 14 earlier, it is noticeable that the number and share of irregular migrants was reduced by almost half between 2004 and 2005. A review of the regional and country distribution of overseas Filipinos in an irregular situation for those two years uncovered that the major reductions were in Malaysia, United States and Singapore. Malaysia had another round of repatriation of unauthorized migrants in 2004, which might explain the drop in unauthorized Filipino migrants from 300,000 in 2004 to 125,000 in 2005. The explanation behind the sharp reduction in the United States (from 350,000 to 157,998) and Singapore (from 72,000 to 37,600) is less clear. Based on the 2011 stock estimate, there are 12 countries where the number of overseas Filipinos in an irregular situation is at least 10,000. About one in nine irregular migrants (88.3 %) is in these 12 countries (Table 23). In the case of Malaysia,

**Table 23: Countries with at least 10,000 Filipinos in an irregular situation, stock estimate 2011**

Country	Number
1. Malaysia	447,590
2. United States	260,335
3. Singapore	49,400
4. France	41,415
5. Italy	34,820
6. United Kingdom	25,000
7. Saudi Arabia	20,000
8. United Arab Emirates	19,760
9. Syria	13,600
10. Qatar	13,000
11. Korea, Rep.	11,860
12. Jordan	11,750
Subtotal	948,530
	(88.3% of total)

France and Syria, irregular migrants outnumber legal ones. Data on the profile of irregular migrants are not available. The sex distribution may be gauged from information on the occupation of Filipinos. For example, in France and Syria, since most Filipinos there are in domestic work, the irregular migrant population is mostly female.

Migrants in an irregular status tend to experience more risks and vulnerabilities compared to legal migrants. As indicated by the bi-annual reports submitted by the DFA to Congress, many of the OFWs who encounter distressing conditions are likely to be in an irregular situation. Undocumented and unprotected in times of peace, the “invisibility” of irregular migrants presents immense difficulties in times of conflict. The challenge of rescuing and repatriating irregular OFWs in Lebanon in 2006 was reprised in the repatriation of OFWs in Syria which started in 2011 and is still in progress (see Box 4). Based on data collected by the Inter-Agency Council against Trafficking (IACAT) from OFWs from Syria, 90 per cent of the close to 4,000 repatriated OFWs were irregular migrants, they were carrying fake passports, and 90 per cent were potential trafficking victims.<sup>32</sup> About 46 per cent had no records with the Bureau of Immigration’s Central Query Support System; some had counterfeit border stamps (DOJ-IACAT, 2013a).

#### BOX 4. GENDER, LEGAL STATUS AND CONFLICT-DRIVEN REPATRIATION

Migrants start their journey on a hopeful note. For some, the promise of a better life through overseas employment may be rudely interrupted by unplanned repatriation due to personal problems, work- or employer-related issues. Untoward incidents, such as economic crises, disasters, or conflicts disrupt the lives and livelihoods of large numbers of migrants.

The government is guided by RA 10022 and a fairly long experience with en masse rescue and repatriation in responding to conflict-driven repatriations. Section 5 of the Implementing Rules and Guidelines of RA 10022 designates OWWA, in coordination with DFA, to undertake the repatriation of migrant workers “in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events.” Furthermore, Section 8 provides for an Emergency Repatriation Fund of PHP 100 million which shall be advanced by OWWA.

The Philippines has learned important lessons from dealing with conflict-driven repatriations, starting with the Gulf War of 1990-1991. Close to

<sup>32</sup>No information is provided on the origin provinces of the repatriates from Syria. Focus group discussions conducted among the youth in Maguindanao (SMC, 2011) and repatriates from Syria (SMC, 2012a) suggest Maguindanao as a point of origin of women migrant workers who had worked in Syria. The accounts of returnees suggest trafficking elements. The sizable female migration from Maguindanao to the Middle East and Malaysia calls for further research and policy attention. In general, very few studies have looked into labour migration from Mindanao, particularly that of Filipino Muslims (see Johnson, 2011; Meisner, 2002). The National Commission on Muslim Filipinos’ (NCMF) Bureau of External Relations included in its 2012 agenda a program to raise awareness of Filipino Muslims about overseas employment (see <http://www.ncmf.gov.ph/bureau-of-external-relation.html>). Cooperation between migration-related agencies and NCMF would be fruitful.

30,000 OFWs were repatriated from Kuwait (including some from Iraq), the largest repatriation effort to date. The Philippines' good relations with international organizations, the importance of contingency plans, the contributions of Filipino migrants' associations, and the need to have a complete registry of OFWs per country were among the lessons learned from the Gulf War experience. Thereafter, the POEA required employers to submit a contingency plan of how they will repatriate OFWs in the event of wars or conflicts.

Other conflicts in other areas ensued which required the repatriation of OFWs, but the numbers involved were smaller, with the exception of the 2006 conflict in Lebanon, which involved some 6,000 repatriates, mostly women. The Arab Spring or Arab Reawakening in the first quarter of 2011 led to another displacement and repatriation of OFWs from Egypt, Libya, Yemen and Syria. The largest operations were in Libya, where more than 10,000, were repatriated (SMC, 2012a), and in Syria, where 3,293 had been repatriated since March 2011 (DFA, 2012).

The Libya and Syria efforts and outcomes read like a tale of two repatriations. The differences were due to the different contexts and profiles of the OFW population.

The conflict in Libya started in February 2011, then escalated into a civil war, and ended with the death of Muammar Gaddafi in October of the same year. Filipinos had been working in Libya since the 1970s. OFWs in Libya were predominantly men; there were also women, many of whom worked in the hospitals. In general, the Filipinos in Libya were mostly in skilled or professional work. Their employers were either multinational corporations or Libyan companies. Philippine government officials considered the repatriation process from Libya successful because employers (and their corresponding recruitment agencies in the Philippines) worked closely with the Philippine Embassy in the rescue and transport of OFWs. The companies that employed Filipinos did have contingency plans which facilitated the process. The coordination between employers and the recruitment agencies in the Philippines also helped.

In the case of Syria, the conflict started in March and flared into a civil war. The violence continues and has yet to be resolved. The rescue and repatriation of OFWs in Syria proceeded slowly and in a protracted manner. The rescue operation was stymied by the lack of information on the location of OFWs. The OFWs, mostly women, were irregular migrants and were working in private homes. The IOM experience in assisting the Philippine government with the repatriation of OFWs in Syria confirmed that most of the women OFWs were irregular migrants. Many of them were from Mindanao; many had no formal education; and most of them had "assumed identities" (i.e., their passport details were not correct) or carried falsified



documents. When interviewed upon their arrival in Manila, most of them were reluctant in providing information.

Unlike in Libya, where the employers were cooperative and migrants' associations were helpful in contacting and mobilizing Filipino workers, these conditions did not yet exist in Syria. Furthermore, during the initial phase of rescue and repatriation, employers demanded to be reimbursed for their expenses in recruiting Filipino workers. The asking price for the release of Filipino workers ranged from USD 3,000 to 5,000. Later, the Philippine government was able to waive this requirement. As of 31 March 2013, the war continues, and an unknown number of Filipino women still remain in Syria.

The International Organization for Migration has always responded to the call for assistance from the Philippine government in the repatriation of OFWs caught in conflict situations. IOM field missions coordinate with Philippine diplomatic missions in assisting the evacuation and repatriation procedures, at times advancing the cost in chartering transport facilities for the OFWs' safe return.

Concerning trafficking in persons, the Anti-Trafficking in Persons Act of 2003 (also known as RA 9208) provides for structures and actions needed to combat this menace. The IACAT, with the secretaries of the Department of Justice (DOJ) and the Department of Social Welfare and Development (DSWD) as chair and co-chair, respectively, was established to monitor its implementation.<sup>33</sup> RA 9208 was amended by RA 10364, the Expanded Anti-Trafficking Act of 2012, which was signed into law on 6 February 2013. The law was expanded and updated to keep pace with the new and evolving acts of trafficking, to further the protection of victims of trafficking, and to strengthen the institutions and resources aimed at anti-trafficking efforts. The amended law strengthened IACAT by making it a permanent secretariat to be headed by an Executive Director and full time staff (DOJ-IACAT, 2013a).

The trends and patterns of the trafficking problem, the government's actions to combat it, and how the Philippines compares with other countries may be gauged from the country's rankings in the US Department of State's annual Trafficking in Persons (TIP) Report.<sup>34</sup> The

<sup>33</sup>The members of the council are: DFA, DOLE, POEA, Bureau of Immigration, Philippine National Police, Philippine Commission for Women, and NGOs representing the women, OFWs and child sectors (one each). Ex-officio members include: National Bureau of Investigation, Department of the Interior and Local Government, Philippine Center for Transnational Crime, Council for the Welfare of Children, CFO, National Youth Commission, and the Anti-Money Laundering Commission of the Philippines. The Office of the Vice President has ex officio status and is Chairman Emeritus of the Council (<http://www.iacat.net/index.php/about-us-2/16-about-us-history/38-about-us-history>).

<sup>34</sup>The TIP Report is not without controversy. Among others, the United States has been criticized for taking a unilateral stance in assessing the performance of different countries when there is a protocol on trafficking.

yearly report started in 2001 and focuses on governments' actions to combat trafficking in persons. Governments' efforts are ranked on a three-point tier (with tier 1 as denoting that a country fully complies with the minimum requirements of the Trafficking Victims Protection Act (TVPA); tier 3 is the lowest). During the 12-year period, the Philippines has been placed on tier 2—meaning that government actions fall short of fully complying with the TVPA but are making efforts to do so (Table 24). There are four years—2004, 2005, 2009 and 2010—when the Philippines' ranking slid to tier 2 watch list. This means that while it has taken actions to combat trafficking, there is also evidence of: an increase in the number of cases of extreme forms of trafficking; failure to provide evidence of an increase in efforts to combat severe forms of trafficking in the previous year; or the commitments made by a country to take additional steps over the next year. The reason

**Table 24: Tier placement of the Philippines, US TIP Report, 2001–2012**

Year	Tier Placement
2001	2
2002	2
2003	2
2004	2 (Watch List)
2005	2 (Watch List)
2006	2
2007	2
2008	2
2009	2 (Watch List)
2010	2 (Watch List)
2011	2
2012	2

Source: US Department of State, Trafficking in Persons Report, 2001–2012.

**Table 25: Total number of trafficking convictions from 2005 to 30 January 2013**

Year	Number of Convictions	Number of Persons Convicted
2005	7	6
2006	0	0
2007	3	4
2008	6	5
2009	10	11
2010 (up to June)	3	4
2010 (from July 1)	15	12
2011	24	31
2012	21	30
2013 (up to Jan 30)	3	3
Total	92	106

Source: DOJ-IACAT (2013b).

for the Philippines' slippage into the watch list category has to do with low rates of conviction. Since 2010, some improvements have been noted—more convictions (Table 25) and increased funding for training government personnel—resulting in the country being taken off the watch list in 2011 and 2012, while still remaining at tier 2.

IACAT has tapped the various media, including social media, to enhance the reach and access of the public to information and services. 24/7 help lines have been expanded to ensure that those needing assistance can be responded to as quickly as possible. The Department of Social Welfare and Development, the lead agency in providing rehabilitation and reintegration services, has established the National Recovery and Reintegration Database to strengthen the network of agencies dealing with trafficked persons. It has also created a National Directory of Resources for the Recovery and Reintegration of Trafficked Persons to facilitate the referral system and exchange of resources among the agencies. The database has collated data on 1,665 cases for the period of 1 January 2000 to 21 February 2013. The data suggest that trafficked persons originate from all over the country (although some regions – Central Visayas, the National Capital Region, CALABARZON and Central Luzon—have a bigger share than others) and the primary destination of trafficked persons is the Philippines, which indicates the much larger scale of internal trafficking (Table 26).

**Table 26: Trafficked persons by place of origin and place of destination  
(1 January 2000–21 February 2013)**

<b>A. Place of Origin</b>	<b>Number of Trafficked Persons</b>
Region	
National Capital Region	253
Cordillera Administrative Region	23
1. Ilocos	45
2. Cagayan Valley	47
3. Central Luzon	160
4A. CALABARZON	175
4B. MIMAROPA	16
5. Bicol	29
6. Western Visayas	53
7. Central Visayas	369
8. Eastern Visayas	89
9. Zamboanga Peninsula	69
10. Northern Mindanao	36
11. Davao Region	81
12. SOCCSKSARGEN	70
ARMM	66
No information	13
	1,665

<b>B. Place of Destination</b>	<b>Number of Trafficked Persons</b>
Country	
Philippines	540
Malaysia	221
Japan	56
Kuwait	47
Romania	45
Saudi Arabia	36
Syria	29
United Arab Emirates	25
Jordan	24
Lebanon	22
Singapore	17
China	12
Others	37
	1,111

Source: National Recovery and Reintegration Database, DSWD.

Note: The data on place of origin have been adjusted—some of the cases in the original database were classified in the wrong regions. Also, the total number of cases was 1,652; those with incomplete information were considered missing cases.

The significant amendments in RA 10364 and the Second National Strategic Action Plan Against Trafficking (2012–2016), launched on 12 December 2012, are expected to improve the coordination of inter-agency efforts in the four key results areas of: advocacy and prevention; protection, recovery, rehabilitation and reintegration of victims; law enforcement and prosecution; and partnership and networking. The awareness of the special needs of men and women who had been trafficked is mentioned in the new action plan. Until recently, the discourse of human trafficking tended to view vulnerable women migrants as trafficked persons whereas men in similar situations were regarded as irregular migrants. These assumptions have rendered trafficked men invisible and without access to support. The 2006 study of Verite Philippines came up with several recommendations towards a more inclusive approach to human trafficking: to develop guidelines and train personnel in the identification of adult male victims of trafficking, to establish shelters and to develop assistance programs responsive to the needs of adult male victims, and to conduct more research to understand the trafficking of men (DSWD, 2012).

Since the 1970s, outmigration, particularly labour migration, has dominated the landscape of international migration in the Philippines. This reality has extended to the recording of international migration statistics. The Philippines has developed a fairly good system of monitoring outflows of permanent migrants, marriage migrants and labour migrants. In terms of outflows, missing from the migration information system, thus far, is student

migration. At this point, perhaps the scale of student migration is small. It is also possible that this migration is undetected because there is no government agency which regulates the departure of individuals pursuing tertiary and higher studies overseas. According to the UNESCO-IS (n.d.), as of 2010, there were 11,748 students from the Philippines enrolled in tertiary-level institutions overseas. The top five countries of destination for international students from the Philippines were: United States (3,781), United Kingdom (1,772), Australia (1,596), Saudi Arabia (1,152) and Japan (614). Student migration is a phenomenon to watch out for because of its implications for brain drain and brain gain in the future. In terms of inbound data, this section has not covered return migration, a structural feature of temporary labour migration. Unlike outbound flows of labour migration which require departing OFWs to pass through government procedures, there is no such requirement for returning migrants, and thus, this inflow has eluded recording by government agencies. Apart from OFWs, there could also be some return migration of permanent migrants. For years, there had been some discussion of estimating return migration through the conduct of a special survey or the analysis of arrival/departure cards. Knowing the scale of return migration and the profile of return migrants is germane to the formulation of a sound reintegration policy and program. The Philippines will continue to be a site of international migration in the future and a migration information system that captures departures, arrivals and returns, and connections between Filipinos at home and abroad will be an essential tool for governance.



# Part C

## Impact of International Migration





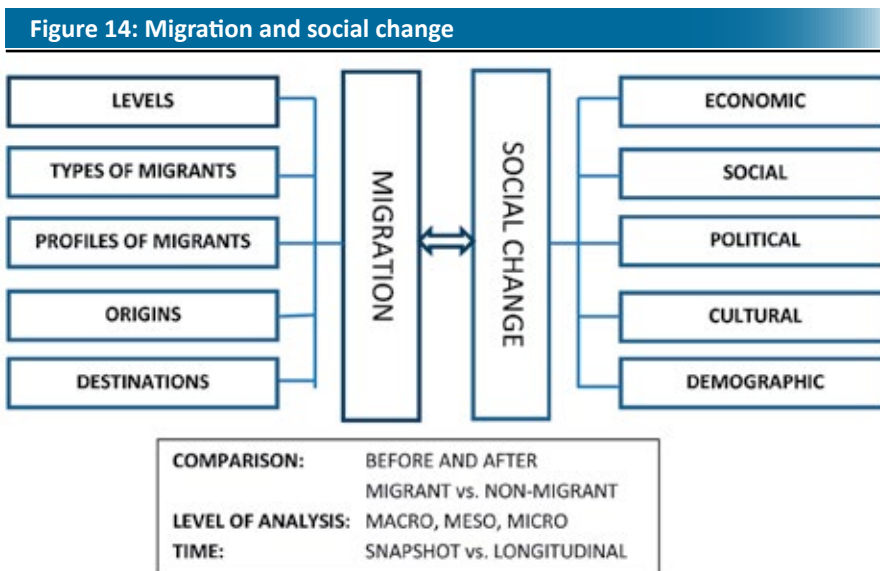


## IMPACT OF INTERNATIONAL MIGRATION

Although overseas migration has become routinized in Philippine society, there is a persisting unease about it and its consequences for migrants, their families, and the nation. There is ambivalence and tension, manifest in the different appreciation of the implications of migration, according to different stakeholders. The recruitment industry, for example, may view the distribution of OFWs throughout the world as reflecting the marketability of Filipino workers and their remarkable adaptability to thrive in different environments while civil society organizations may read the OFW saga as a national shame, revealing the country's inability to provide decent options to its people. Overall, popular discourses about migration are marked by celebratory and cautionary notes where news of the achievements of members of the diaspora can be doused by disturbing accounts of indignities against OFWs and the country as a whole. Many expectations have been associated with international migration and equally as many concerns and questions have been raised about its repercussions in the Philippines.

As outlined in Figure 14, a comprehensive assessment of the impact of international migration will have to take into account the bi-directional links between migration and social change. Migration can trigger social change by affecting the economic, social, political, cultural and demographic aspects of Philippine society. By the same token, social change can also affect migration characteristics: levels, types of migrants, profiles of migrants, origins and destinations. In assessing the role of migration in social transformation, it is important to differentiate its impact from that of other potential factors. For this reason, it is crucial that the design of migration studies should have a measure of comparison—for example, before migration and after migration, or migrants versus non-migrants—to detect and isolate the influence of migration, if any. Moreover, the changes that migration may bring about cannot be captured as an either/or reality; rather, outcomes can be located in a continuum between transformative or regressive, positive or negative, short-term or long-term. Lastly, it is important to bring in a temporal perspective. Initially, migration may be disruptive of usual patterns, but in time and after some adjustments occur, the disruption may subside and adaptation emerges. Considering the importance of temporary labour migration in the Philippines, a temporal perspective is especially relevant to appreciate changes and/or

continuities through the different phases of migration: before departure, during migration, and upon return to the Philippines.



Obviously, it is difficult to meet these requirements and such an endeavour has yet to be undertaken. The discussion here is confined to the right-hand side of the framework: how international migration affects selected spheres of Philippine society. The discussion highlights three specific questions which have been the subject of considerable research: how has international migration affected Filipino migrants and their welfare, how has international migration affected Filipino families, and how has international migration contributed to the country's development. While there has been a great deal of migration research in the Philippines, the coverage of topics has been highly uneven: some issues have been scrutinized repeatedly while others have been woefully neglected.<sup>35</sup>

## C.1. IMPACT ON MIGRANTS

The Philippine government has developed programs and approaches to promote the protection of OFs, particularly OFWs, at all stages of the migration process. An outline of these programs is presented, followed by a presentation of welfare indicators concerning migrants.

<sup>35</sup>At least three annotations of migration studies in the Philippines have been compiled by Saito (1977), SMC (1996) and Perez and Patacsil (1998). See also POPCOM (2007) for an overview of the migration literature and data on the social and economic issues attendant to labour migration; the report views labour migration from the perspective of population and development.

# 1. Promoting the Protection of Migrants

Several agencies offer critical support and services to OFs, with OWWA mandated as the main agency tasked with the promotion of the welfare of OFWs and their families. OWWA's funds are from membership dues—USD 25 which are supposed to be paid by employers or recruitment agencies but are passed on to OFWs. According to Agunias and Ruiz (2007), OWWA is the largest migrant welfare fund in the world. Its services can be categorized into: (1) education and training; (2) insurance and loans, and (3) repatriation and reintegration.<sup>36</sup> OWWA thus provides developmental as well as emergency support to its members. Data in Table 27 show trends in OWWA membership from 2006 to 2011. As of 2012, OWWA has some 1.6 million members.<sup>37</sup>

**Table 27: OWWA membership, 2006–2011**

Year	Number	% Increase
2006	954,191	-
2007	1,107,039	14
2008	1,242,524	11
2009	1,234,124	-1
2010	1,355,331	9
2011	1,474,898	8

Source: OWWA Annual Report 2010, 2011.

To reach its members and to facilitate the delivery of programs and services—especially family support and reintegration services—OWWA organizes OFW Family Circles. These organizations are part of the 3,564 OFW-related groups, which also include associations, cooperatives and federations, with a total membership of 107,430 returnees and family members, supported by OWWA. In addition, OWWA has built links with local government units to establish OFW Help Desks—as of 2011, a total of 626 desks have been put up in the regions and provinces (OWWA, 2011).

A recent development aimed at strengthening the protection of OFWs is the compulsory insurance coverage for agency hires, as provided by RA 10022. It took effect in November 2010. The insurance covers accidental and natural death, permanent total disability, repatriation cost, subsistence allowance benefit, money claims, compassionate visit, medical evaluation, and medical repatriation. The compulsory insurance is supposed to be paid by the recruitment agencies; the concern is that this is another cost that is likely to be assumed by the workers.

<sup>36</sup>For a more detailed description of OWWA's programs and services, see [http://www.owwa.gov.ph:8080/wcmqs/programs\\_services/](http://www.owwa.gov.ph:8080/wcmqs/programs_services/).

<sup>37</sup>Information provided by Ms. Vivian Tornea, National Conference on International Migration Data, 24 October 2012.

Before departure, information and education programmes are offered by various government agencies to support informed decision-making by prospective migrants and their families and as part of their preparations for migration. In 1983, the government started to require departing migrant workers to attend a one-day pre-departure orientation seminar (PDOS) to provide them with basic information on working and living overseas, the culture, laws and regulations of the destination country, and programs and services for migrant workers. PDOS has a syllabus and licensed recruitment or manning agencies, and industry associations or NGOs providing seminars must undergo accreditation.<sup>38</sup> Initially under POEA, PDOS was transferred to OWWA in 2003. As part of enhancing the empowerment of household service workers, PDOS was extended to include language and culture familiarization, which is handled by OWWA.<sup>39</sup> PDOS was later supplemented by the pre-employment orientation seminars (PEOS) to reach prospective migrants at an earlier stage of decision-making. Unlike PDOS, PEOS is not compulsory, and those providing it do not have to undergo accreditation. Under POEA, PEOS has been integrated in its anti-illegal recruitment and trafficking campaigns in coordination with local government units. Another offshoot of PDOS is the post-arrival orientation seminar (PAOS) conducted by the foreign service post in selected countries. PAOS aims to reinforce PDOS and to provide migrants with continuing education and information support in the country of destination. Likewise, PAOS is not mandatory—both for OFs and/or OFWs and for the Philippine embassies or consulates—it does not have a specific syllabus, and there is no government agency specifically tasked to develop and/or implement it.

For departing emigrants, the CFO has developed a PDOS to ease the adjustment of emigrants in their destination countries. For young emigrants - namely, those aged 13-19 years old—the pre-departure orientation is packaged as a peer counselling session. In addition, in view of concerns raised about the risks of trafficking of women in international marriages, Filipinos—mostly women—marrying foreign nationals must undergo a guidance and counselling session to prepare participants about the realities of cross-cultural marriages. Post-arrival orientation seminars are provided by the posts and/or in cooperation with Filipino community organizations in selected destination countries. In March 2012, CFO assumed the responsibility of providing PDOS to departing au-pairs. Apart from these required pre-departure programs, the CFO also conducts Community Education Programs (CEPs) in coordination with various government agencies, non-government organizations, local government units and academic institutions. Similar to PEOS, the CEPs bring migration information to the communities to promote informed decision-making

<sup>38</sup>The PDOS for domestic workers is handled by accredited NGOs to ensure that a rights perspective will be provided to the participants (see also Dimzon, 2003). However, in recent years, some of the NGO PDOS providers seem to have come into existence for financial reasons.

<sup>39</sup>PDOS is a good practice which has been adopted by other countries of origin. However, the implementation of PDOS has become very uneven and has departed from its purpose and design (Asis and Agunias, 2012; Anchustegui, 2010).

regarding working or migrating abroad, generate community involvement on migration concerns, and raise public awareness concerning migration, international marriages, and government policies and programmes.

## 2. Illegal Recruitment and Welfare Cases

Although the Philippines has established a system to regulate labour migration, irregularities happen and migrants are the first casualty of sundry violations and unscrupulous practices. At pre-departure, the most common violation is the excessive placement fee exacted by recruitment agencies (Asis, 2005). Illegal recruitment and scams can victimize aspiring migrants thereby derailing their dreams of working abroad and setting them back with debts, or they may be able to work abroad, but under precarious conditions and without safety nets. In the country of employment, migrants (including legally deployed ones) can encounter contract substitution, delayed, underpayment or non-payment of wages, or they may be stranded; women in domestic work may be subjected to long working hours, no days off, working for several families, or experience violence or sexual harassment. In addition to difficult work conditions, migrants may suffer prejudice and discrimination in the destination society and face occupational safety and health risks. The migration information system in the Philippines captures some of these problems.

**Table 28: Status of illegal recruitment cases, Philippines, 2007–2011**

Indicator	2007	2008	2009	2010	2011
Pending cases, beginning	1,154	1,285	1,358	1,427	1,365
Cases received	470	402	252	221	135
Total cases handled	1,624	1,687	1,610	1,648	1,500
Number of cases acted upon/Disposed	339	329	183	283	153
Disposition Rate (%)	20.9	19.5	11.4	17.2	10.2
No. of persons arrested	25	98	74	12	2
No. of establishments closed	9	10	6	6	2
Cases pending at the end	1,285	1,358	1,427	1,365	1,347

Source: Table 16.8 in BLES (2012).

The illegal recruitment cases reported to the POEA, as presented in Table 28, are likely just a portion of the actual numbers. In part, the low number is due to the reluctance of victims to file formal cases because of concerns that their application for overseas employment would be affected. Also, migrants find legal processes lengthy, slow and costly (Asis, 2005).

For the period of 2007–2011, the disposition rate is fairly low and is on a progressive decline—in 2007, the disposition rate was about 21 per cent and went down to 10 per cent in 2011. The adjudication cases handled by the National Labor Relations Commission and the Philippine Overseas Employment Administration for the same period show a higher disposition rate, as shown in Table 29.

**Table 29: Adjudication of overseas employment cases, Philippines, 2007–2011**

Indicator	2007	2008	2009	2010	2011
<b>National Labor Relations Commission</b>					
Cases pending, beginning	1,729 <sup>a</sup>	1,356 <sup>a</sup>	1,230 <sup>a</sup>	1,706 <sup>a</sup>	1,788 <sup>a</sup>
Cases received	4,404	4,639	5,936	5,855	5,834
Total cases handled	6,133	5,995	7,166	7,561	7,622
Cases Disposed	4,671	4,710	5,530	5,725	6,213
Total Amount Awarded*	4,665.47	1,881.17	2,938.57	2,930.14	2,219.69
Workers Benefited	3,475	3,415	5,153	4,663	4,876
Disposition Rate (%)	76.2	78.6	77.2	75.7	81.5
Cases Won by labour	3,236	3,247	4,284	4,347	4,650
Cases won by management	1,435	1,463	1,246	1,378	1,563
<b>Philippine Overseas Employment Administration</b>					
Cases pending, beginning	1,594	2,149	3,032	4,506	4,061
Cases filed	3,642	4,437	5,141	3,390	3,757
Cases handled	5,236	6,586	8,137	7,896	7,818
Cases disposed	3,087	3,554	3,667	3,835	3,861
Disposition rate (%)	59.0	54.0	44.9	48.6	49.4
Cases pending, end	2,149	3,032	4,506	4,061	3,957

Source: Table 16.11 in BLES (2012).

Note: \* In million Philippine peso or Php.

<sup>a</sup> Revised due to inventory.

OWWA has established Overseas Filipinos Resource Centers in several major destinations to extend on-site support and services to OFWs. The centres operate a shelter where distressed workers can run to for assistance. In addition, these centres provide information and other services, such as training programmes for OFWs. Based on data provided by OWWA, as of June 2012, OWWA is present in 32 sites in 25 countries and territories. These centres are staffed by 118 personnel—which includes 38 welfare officers and administrative staff from the Philippines and 72 local hires. Data on the number of wards who had been sheltered in these centres for the years 2007 to the end of June 2012 point

to certain countries with remarkably large numbers of workers seeking assistance. Other welfare-related activities undertaken for the period of 2007–2011 are summarized in Table 30. Data on those who sought the assistance of OWWA offices in the Philippines are indicative of the concerns that are brought to OWWA's attention by the left-behind family members. For the years 2006–2011, phone calls to OFWs abroad were the most common assistance sought by left-behind family members; concerns about salaries and working conditions of OFWs also urged family members to approach OWWA.<sup>40</sup>

**Table 30: Status of welfare cases on-site, 2007–2011**

Indicator	2007	2008	2009	2010	2011
<b>On-site Services</b>					
<b>Workers Assistance</b>					
<b>Worksite Visitation</b>					
Worksite visits conducted	NA	NA	NA	776	178
Workers reached	NA	NA	NA	14,454	8,884
<b>Prisons/Deportation Centres Visitation</b>					
Visits conducted	NA	864	622	1,316	887
Workers reached	1,714	3,896	2,368	5,525	4,216
<b>Hospital Visitation</b>					
Hospital visit conducted	NA	562	359	1,284	849
Workers reached	747	1,060	744	1,388	1,072
<b>Case Management</b>					
New cases handled	121,083	85,564	77,424	66,653	25,348
Cases carried-over from previous month	14,371	9,563	11,237	20,622	13,122
Cases resolved	100,601	80,607	68,883	61,312	20,125
Workers served	NA	NA	NA	79,999	9,753

Source: Table 16.7 in BLES (2012).

The repatriation of OFWs in distress is an undertaking that requires considerable resources. As noted by Agunias and Ruiz (2007), OWWA tries to shore up its funds to cover the repatriation of OFWs in distress and en masse repatriation in times of crisis or emergency. In the latter half of the 2000s, several crises resulted in the displacement and untimely return of OFWs to the Philippines. The war in Lebanon in 2006 brought back 6,129 OFWs (5,997 women and 132 men). The global economic crisis in 2008 and the Arab Spring in 2011 were other key events that disrupted the lives of OFWs; in the latter

<sup>40</sup>Data provided by OWWA

case, the uprising and civil war in Libya and Syria also endangered the lives of OFWs. These events are reflected in the increased availment of repatriation-related assistance summarized in Table 31. Women generally outnumber the men among the repatriates, except in 2011 when men were the majority. In 2011, most of the repatriates from Libya were men while those from Syria were women (see Box 4). The repatriation from the Middle East and North African countries affected by the Arab Spring comprised the majority of the 16,876 OFWs who were provided assistance in 2011; the other repatriates were runaways or distressed workers who were housed in shelters abroad, medically/mentally ill workers or human remains (OWWA, 2011).

**Table 31: Number of OFWs who availed of OWWA's repatriation assistance**

Repatriation Program	2006	2007	2008	2009	2010
On-site Repatriation Assistance	12,000	9,419	8,026	9,252	6,992
Emergency Repatriation Program (ticket)	6,834	1,466	571	1,903	2,294
Airport Assistance	11,759	5,597	5,538	6,962	6,719
Halfway Home Accommodation (in OWWA Home Office)	5,030	1,821	1,924	2,231	2,870
Medical Referral	284	45	79	93	7
Domestic Transportation	6,945	307	761	973	1,162

Source: OWWA Annual Report 2010.

Repatriation may have kept migrants out harm's way, but once past the danger zone, migrants worry about their families and how they may be able to support them. Based on the study of repatriates from Libya and Syria, the tendency of most migrants was to seek another overseas employment rather than local employment. Even among those who had challenging experiences abroad, this did not discourage them from aspiring to work abroad again (SMC, 2011).<sup>41</sup> OWWA members who were repatriated from Libya were provided a grant assistance of PHP 10,000. OFWs who were displaced by the 2008 global financial crisis benefitted from the Filipino Expatriate Livelihood Support Fund. OWWA released about PHP 219 million in 2010 for this purpose, which provided a maximum of PHP 50,000 per borrower.

<sup>41</sup>For insights on the design and implementation of programs for women who have been trafficked internationally, see ILO (2009).



### 3. Assistance to Nationals Fund and the Legal Assistance Fund

In accordance with its mandate to provide protection and assistance to Filipino nationals abroad under the Revised Administrative Code of 1987 and Department Order 19A-95 (which provides guidelines to implement the Philippine Foreign Service Act of 1991), the DFA's services are financed by the Assistance to Nationals (ATN) Fund and the Legal Assistance Fund (LAF). The former supports various types of assistance to nationals except legal assistance. The ATN Fund covers repatriation, welfare assistance to OFWs in distress, shipment of remains and personal effects, determination of whereabouts, follow-up of death/accident benefits and other money claims, and consular missions undertaken by the posts. The LAF, on the other hand, is specifically earmarked to provide legal services to OFWs and other OFs in distress. The ATN Fund comes from funds allocated to DFA under the General Appropriations Act while the LAF comes from the Contingency Fund of the President, the Presidential Social Fund and OWWA. RA 8042 (Sec 25) and as amended by RA 10022 provides for the establishment of a PHP 100 million legal assistance fund for migrant workers. The LAF can be used to cover the following: fees for private counsel not exceeding USD 3,000 per accused; bail bonds to secure the temporary release of workers under detention not exceeding USD 3,000 per accused; court fees not exceeding USD 500 per accused; charges and other litigation expenses not exceeding USD 3,000 per accused; traveling expenses; and communication expenses.

The ATN Fund enables the Philippine government to fulfil its objective to provide assistance to Filipino nationals abroad regardless of their legal status. For those who are legally deployed, as OWWA members, they are entitled to a package of services while for those who are in an irregular situation, the ATN Fund serves as a safety net. In emergency situations, such as when Filipinos have to be evacuated from a conflict situation, the primary concern is to get everyone out of harm's way. From 1995, the first year when PHP 50 million was allotted to ATN, to 2007, the annual allotments did not exceed PHP 75 million. The amount increased three-fold in 2008 to PHP 150 million. The biggest allotment thus far was in 2011—more than PHP 420 million—when the government had to repatriate Filipinos in the countries affected by the Arab Spring. The largest repatriation was carried out in Libya (OUMWA, 2012). Although smaller in scale, the repatriation in Syria was costly (see Box 4) (SMC, 2012a).

Between 1996, the year when the LAF started, and 2011, the yearly allotment of the LAF always fell short of PHP 100 million. Nonetheless, this did not cause a problem since the actual disbursement of the LAF was also much less than the allocated funds. In terms of the number of Filipinos assisted, fewer were provided assistance by the LAF compared to the ATN Fund (OUMWA, 2012).

In recent years, the DFA has provided assistance to Filipino seafarers who had been kidnapped and taken hostage in the Gulf of Aden and Filipinos who had been caught for drug trafficking. As mentioned earlier, piracy in the Gulf of Aden has increased the hazards of seafaring in recent times. In the last six years or so (from 29 March 2006 to 17 May 2012), 826 Filipino seamen had been hijacked on board 67 vessels—750 have been released while 66 still remain captives by pirates on board six vessels.

Filipinos who have figured in drug cases have added to the number of Filipinos in detention and on death row in some countries, such as China and Malaysia.<sup>42</sup> According to data for 2011, 648 Filipinos in jail for drug-related offenses were distributed as follows: Asia-Pacific, 287 (China alone accounts for 197 cases) Middle East and Africa, 136; Americas, 126; and Europe, 99. Of the total, slightly more than half (52.3 %) were women (OUMWA, 2012).

#### 4. The Health of Migrants

Prior to departure, aspiring migrant workers must undergo a health examination to ensure that they are physically and mentally fit to work abroad. The “healthy migrant effect” is largely due to this procedure, that is, those who are not found healthy and fit to work are selected out. The HIV testing of OFW applicants explains in part why OFWs are detected and captured in the HIV and AIDS Registry: HIV testing is voluntary for the general Filipino population, but it may be required by some destination countries.<sup>43</sup> Since 1984, when the Philippines HIV and AIDS Registry started, to February 2012, the Philippines has recorded a total of 8,850 HIV positive cases, of which OFWs numbered 1,850 or 20 per cent of the total (DOH, 2012). Eighty-five per cent were asymptomatic while fifteen per cent were AIDS cases among the HIV positive OFWs. Like the general pattern, the majority of the cases among OFWs were men (77 %) and sexual contact was the most common form of transmission at 97 per cent. HIV infection and sexually transmitted diseases are a concern because their spouses or partners also risk being infected (Valencia and Nicomedes, 2003; *see also* Kivela, 2009).

Legally deployed OFWs are enrolled in PhilHealth which covers hospitalization overseas and coverage for their eligible family members in the Philippines.<sup>44</sup> On-site, OFWs are

<sup>42</sup>Not all Filipino nationals who have been caught overseas for drug trafficking are OFWs.

<sup>43</sup>According to the Philippine AIDS Prevention and Control Act of 1998, HIV testing should be voluntary, which conflicts with the mandatory testing required by some destination countries.

<sup>44</sup>OWWA used to administer the Medicare program for OFWs and their dependents. In March 2005, as per Executive Order 182, OWWA's Medicare functions were transferred to PhilHealth; accordingly, the amount of PHP 530.582 million was transferred from OWWA to PhilHealth in March 2005.

supposed to be provided with health insurance by their employers. Studies indicate that common health problems afflicting OFWs while they are abroad include colds, coughs, headaches, fevers and stomach aches, which they normally address through self-medication (ACHIEVE Inc., 2010, 2005; Osteria and Carillo, 2012). It is not uncommon for OFWs to bring with them medicines for common ailments that they are familiar with, or to request friends or associates vacationing in the Philippines to bring medicines when they return to their country of work. For illnesses requiring major procedures, such as surgeries, or for dental care, which is usually more expensive in countries of destination and not covered by health insurance schemes, an OFW may decide to have the procedure done in the Philippines. One of the reasons why OFWs do not actively seek out a health provider in the destination country is lack of time. In some destinations, language may be a barrier, or because of the perceived lack of skills of the health providers (Osteria and Carillo, 2012; ACHIEVE Inc., 2005). Those who are in an irregular situation would hesitate to seek medical care from public health facilities, such as the case of Filipinos in Sabah (Asis, 2005). Meanwhile, for the family members in the Philippines, PhilHealth offers support or coverage for hospitalization, laboratory tests, medicines and professional fees. PhilHealth records show an increasing number of OFWs covered, from almost 1.2 million in 2006 to over 2.3 million in 2010. Furthermore, from 2006 to 2010, the average value per claim of registered members under the Overseas Workers Program is larger compared to the average for all members—in 2010, for example, the average value per claim under the Overseas Workers Program was PHP 8,870; while for all members it was PHP 7,930 (BLES, 2011, Table 17.10).

## 5. Social Security

Migrant workers are typically excluded by social security schemes in their home countries because they work overseas. They are further excluded in their countries of employment because they are not nationals or they cannot meet the requirements to qualify for social security. In fact, short term contracts, typical of the temporary labour migration system, seem to have been conceived precisely to avoid the continuous length of employment that would enable workers to claim social benefits. Such exclusion can render migrant workers vulnerable because they have no access to basic safety nets while they are working abroad. The Philippines has endeavoured to solve this conundrum in two ways. One is by forging bilateral agreements with destination countries which grant social security, ensuring the portability of social security rights. There are nine countries with which the Philippines has mutual cooperation in the area of social security (see also the section on bilateral agreements on page 179): Austria, 1982; United Kingdom, 1989; Spain, 1989; France, 1989; Canada, 1997 (Quebec, 1998); the Netherlands, 2001; Switzerland, 2004;

and Belgium, 2005. Four are in the works: the one with the Republic of Korea is awaiting concurrence while the agreements with Greece, Israel and Portugal are under negotiation. Another approach is extending Social Security System (SSS) membership to OFWs.<sup>45</sup> In 1995, SSS opened a regular coverage or basic pension plan program for OFWs; in 2002, it offered another window for OFWs, the Flexi-Fund Program, which is a pension-savings plan. Presently, SSS has 738,000 OFW-members (Domingo, 2012). SSS is intensifying its efforts to reach more OFWs through promotional activities, availing of the country-team approach in disseminating information to overseas Filipinos, and exploring web-based systems and the use of mobile phones to facilitate enrolment and transactions.

In addition to administrative data on welfare-related aspects, the migration literature provides some insights on migrants' decision-making views and assessments of their experiences. The notion of migration as a household strategy for survival or mobility is an important contribution of the New Economics of Labor Migration (NELM) towards understanding migration in developing countries. The NELM framework draws attention to the household as the context of migration decision-making, since the household is the primary economic and production unit responsible for meeting the needs of its members. The migration literature in the Philippines suggests that migration decision-making is usually a joint process between migrants and their families. In fact, the literature on female migration, documents women pursuing their migration intentions despite the objections of their family members (Oishi, 2005; Asis, 2002; Battistella and Asis, 2010).

Given the centrality of the family in Philippine society, it is not surprising to find that individual or personal agendas in migration mesh with family agendas—Filipino migrants, women and men alike, pursue migration to have a better life for their families. For Filipino Muslim women from Maguindanao, which ranks among the top ten origin provinces of migrants and with a high percentage of women migrants, migration to Saudi Arabia combines the possibility to help their families and to perform the *hajj* (pilgrimage to Mecca), one of the five pillars of Islam (Meisner, 2002; *see also* Johnson, 2011). The idea of migration as sacrifice is also woven in the Filipino view of migration, and was elevated to the state level with the discourse of the OFWs as the new heroes (*bagong bayani*).<sup>46</sup> In her dissertation, Encinas-Franco (2011) argues that *bagong bayani* emerged during the

<sup>45</sup>A DOLE-SSS Memorandum of Agreement provides for SSS coverage as part of the standard employment contract of seafarers; this has been in place since 1988. In 2006, SSS proposed to the Department of Labor and Employment and the Philippine Overseas Employment Administration to make a similar arrangement for land-based workers (*See*, 2012 as cited in Go, 2012a)

<sup>46</sup>Interestingly, Filipinos who left the country for permanent migration during the period of martial law were viewed by those left in the Philippines as “traitors” for abandoning the Philippines at a critical time (Vergara, 1996). Actually, Filipino migration during the martial law years included the migration of political exiles who went to the United States to continue the fight for the return of democracy in the Philippines. The return to the Philippines of opposition leader Benigno Aquino, Jr. in 1983 triggered many changes (APMJ, 1999). By the 1990s, the negative views about Filipinos who left the country had changed as the state made overtures to extend the nation to overseas Filipinos (Asis and Battistella, 2013).

administration of President Corazon Aquino at a time when the Philippines was grappling with economic crisis, rising labour migration—including increasing female labour migration—and growing concern with the social costs of migration. Caught between the need to maximize remittances on the one hand, and to protect OFWs on the other hand, *bagong bayani*—that is, migrants toiling overseas and making sacrifices to support their families back home—emerged as a discursive tool during this difficult time to manage this contradiction.<sup>47</sup>

Migration for the sake of the family is not all there is to it. Particularly in the case of female migration, migration can be a strategy to avoid gendered surveillance and sexual violence. The narratives of women who migrated to Japan as entertainers had references to domineering fathers, community gossip, philandering husbands, and domestic rape as factors that inclined them to consider migration (Suzuki, 2002). For these women, migration is not only about economic reasons but active resistance to gender and sexual norms in the Philippines. Since there is no divorce in the Philippines, migration can also be a way out of a bad marriage, minus the stigma of a failed marriage.

Despite the hardships they may have experienced during their overseas employment, in general, migrants consider their migration experience positively. According to a survey of 1,000 OFWs returning from Japan, Taiwan Province of China, Saudi Arabia, United Arab Emirates, Qatar and Hong Kong, China, return migrants generally had positive assessments of their experiences abroad—a result which the authors found surprising in view of the public discourse in the Philippines about the exploitation and abuse of migrants (Kessler and Rother, 2008). However, the assessment made sense when their main objective for working abroad was considered: most of them were able to earn enough money to support themselves and their families. Having experienced how the economy in their countries of employment addresses the material needs of their citizens has contributed to migrants' discontent with the political system in the Philippines and its inability to meet the needs of its citizens. Regardless of the political system of the countries of employment, the host countries were rated positively by the respondents in all aspects, including economic policy.

A study focusing on women returnees echoed the same findings. On the whole, women considered their migration experience as positive, even crediting the difficulties they went through when they were abroad as helping them to become better persons. Similarly, a large part of this assessment was based on the contributions of overseas employment to

<sup>47</sup>The same discourse has been used by migrants and advocacy groups to push for more protection for migrants (Asis, 2004).

the betterment of their families (Asis, 2002). Even where the economic benefits are less clear, women migrants from Maguindanao return from their experience abroad with a new perspective of the world (Meisner, 2002).

## C.2. IMPACT ON FAMILIES AND HOUSEHOLDS

In the face of unabated international migration, the form and composition of Filipino families and households<sup>48</sup> have seen the re-emergence of the extended family, the expansion of the household from national moorings to transnational—others, such as Porio, 2009, use the term “global households”—as well as the internationalization of Filipino families due to international marriages.

The tendency of Filipino families towards a more nuclear living arrangement, which is composed of parents and children,<sup>49</sup> may have been stalled when international migration accelerated as the departure of fathers, and especially mothers, reconfigured family arrangements. When one or both parents migrate, other family members are likely to join the household to provide support to the left-behind family members. When it is the mothers who migrate, living arrangements are likely to undergo more rearrangements to fill the void in the caregiving responsibilities that are typically assumed by mothers. In comparison, when fathers work abroad, mothers continue providing care plus they take on additional roles which were previously performed by fathers. Data from the 2008 Philippine survey of the Child Health and Migrant Parents in Southeast Asia (CHAMPSEA) Project<sup>50</sup> show that transnational households—that is, households with a father, mother or both parents working overseas—tend to have a larger household size than resident or non-migrant households. Ang et al. (2009) reached the same conclusion from their analysis of Family Income and Expenditure Survey data for 2000, 2003 and 2006. Moreover, transnational households are likely to have grandparents as members of the unit, suggesting the role of grandparents, especially grandmothers, as carers (*see also* ECMI/AOS-Manila, SMC and OWWA, 2004). Ethnographic data, such as those gathered by a study of a Batangas village (Aguilar et al., 2010), support this observation. As documented by a nationwide study of families and children in 2003 and the 2008 CHAMPSEA study, few transnational households had domestic workers, and even if they were present, paid

<sup>48</sup>A family includes members related by blood or marriage while a household consists of persons sharing a dwelling and cooking arrangements. In the Philippines, there is a great deal of overlap between these two terms and for this reason, they are used interchangeably in these reports. Porio (2007) makes an interesting point in suggesting that even as household members are distributed in space, they continue to share in the “virtual pot.”

<sup>49</sup>Whereas in other societies the nuclearization of families represents autonomy, Filipino sociologist Belen Medina noted that in the Philippines, families may be nuclear in form, but they remain extended in functions.

<sup>50</sup>CHAMPSEA-Philippines was a survey of 1000 households in two provinces (Laguna and Batangas). In addition to the survey in 2008, in-depth interviews were conducted in selected households in 2009.

domestic workers were not the primary carers of children (ECMI/AOS-Manila, SMC and OWWA, 2004; CHAMPSEA and SMC, 2011). The availability of other family members as replacement or support carers assures migrants that their left-behind families, especially children, will be in the hands of family and kin (ECMI/AOS-Manila et al., 2004; Asis et al., 2004). As overseas employment increasingly became part of Filipino families' livelihood strategies, a division of labour emerged where members working abroad contribute economically to the sustenance of family members at home, while those left behind provide care and nurture to family members, especially the young.<sup>51</sup>

Rising cases of international marriages, as mentioned earlier, have contributed to the internationalization and multicultural composition of Filipino families. Children born out of these marriages or relationships, contribute to “hyphenated” Filipinos, for whom identity issues could be problematic or enriching, depending on where they are.<sup>52</sup> The continuing links of those who have married foreigners with their families of origin in the Philippines speak of family ties maintained across different geographies. Usually, Filipino nationals in international marriages settle in the countries of their foreign spouses. Some of these marriages or relationships which did not work may end up with the Filipino spouses or partners and their children returning to the Philippines.<sup>53</sup> NGOs, such as the Development Action for Women Network (DAWN) and Batis Center, provide assistance to women who used to work in Japan and their Japanese-Filipino children through various means—counselling, livelihood programs for women, assistance in finding fathers and seeking child support. Women returning from the Republic of Korea and their Korean-Filipino children are a more recent development. In addition, there are also Korean-Filipino children who were born in the Philippines and were abandoned by their Korean fathers after said fathers completed their English study program in the country. Some 10,000 Korean-Filipino children are said to be in the Philippines (*Sun Star Cebu*, 2011a; 2011b; Lee-Brago, 2012). Interestingly, the NGOs helping Japanese-Filipino children are Filipino-initiated, while thus far, organizations helping the Korean-Filipino children are Korean-led, such as the Kopino Children Foundation in Cebu.<sup>54</sup> In December 2012, Jasmine Lee, a Philippine-born naturalized Korean elected to the Korean parliament, and her colleagues visited the Philippines to look into the situation of Korean-Filipino children and how to improve their situation (Lee-Brago, 2012).

<sup>51</sup>The family is embedded in the different phases of the migration project. Before migration, family considerations figure in the decision-making process: migrants pursue migration to provide a better future for their families; family members support migrants in various ways, including providing information on overseas jobs and financial resources to realize the migration project. While migrants are abroad, pioneer migrants help in the migrants' adjustment process. Upon their return, reintegration is also shaped by family considerations.

<sup>52</sup>Note that hyphenated Filipinos also include the children of Filipinos born or residing overseas.

<sup>53</sup>This is more typical of Filipino women in international marriages in Asia. Those who are based in traditional countries of settlement or in Europe where they have access to citizenship may choose to remain overseas.

<sup>54</sup>Kopino is the abbreviation of Korean-Filipino children. The term has generated both positive and negative connotations. Earlier, Japanese-Filipino children were called Japinos, but many did not like this term, preferring instead the term Japanese-Filipino children or JFC.

The separation of family members is the source of many anxieties about migration, especially because close family ties are highly valued in Philippine society. Although the work contract is typically for two years for land-based workers or 10 months in the case of seafarers, the separation can be extended because of the tendency to renew the contract or to continue working in another country. There are no data on the number of marriages which have broken down because of migration. Likewise, data is deficient on the children of migrants concerning the extent of neglect, delinquency, risky behaviours, or school dropout rates because of parental absence. To date, the concerns focus on caring for the left-behind children, but not much has been said about the care of elderly parents. This child bias reflects the young age of the Filipino population, and as mentioned earlier, grandparents, in fact, play an active role in the care and rearing of the children of migrants.

In contrast to the negative press and popular perceptions emphasizing the deleterious impact of migration on family relationships, breakdown of marriages and the neglect of children, research findings on these issues are more variable.<sup>55</sup> Some key findings and issues are as follows:

## 1. Family Welfare

The role of remittances in improving family welfare is generally acknowledged as a positive outcome of international migration. While there are reported cases of abandonment, overall, Filipinos religiously send remittances to their families back home. An analysis of the 2000, 2003, and 2006 rounds of the Family Income and Expenditure Survey found an increasing percentage of households receiving remittances—from 18 per cent in 2000, to 21 per cent in 2003, to 23 per cent in 2006. By quintiles, however, less than 10 per cent of lower income households receive remittances; poorer households tend to receive remittances from internal migrants (Ang et al., 2009; *see also* Pernia, 2008). Remittances have underwritten the construction of houses, the private education of children and family members, and enabled families to stash some savings (Tabuga, 2007; Semyonov and Gorodzeisky, 2008). For OFWs with more modest incomes, the money they send to their families support daily needs and consumption. In general, OFW families fare well in these respects compared to non-OFW families. However, these uses of remittances are considered consumption.<sup>56</sup> Although many OFWs dream of having a business someday,

<sup>55</sup>The *Migrants' Stories, Migrants' Voices* (2007, 2008, 2011, 2012) produced by the Philippine Migrants Rights Watch are insightful first-person accounts of the experiences of migrants and their family members.

<sup>56</sup>Basa et al. (2012) discuss the issue of indebtedness among Filipinos in Italy. Due to the needs of the family, including that of the extended family, migrants may turn to borrowing money to support their families back home. Emergency needs, such as funerals or hospitalizations, or migrants losing their jobs may incline migrants to take out loans. When not managed well, migrants may be vulnerable to indebtedness.



few remittance-receiving households use remittances to invest in a business or more productive investments.<sup>57</sup> Towards this end, financial literacy programs have been launched by government and non-government organizations to train migrants and their families on financial management and to provide information on investment options to promote OFW investments. These initiatives that work on the migrants' side must be matched by policies and infrastructures on the part of relevant government agencies to facilitate and promote local investments.

Although members of transnational or OFW families do not live together under one roof, they remain a family through the sharing of family responsibilities and maintaining family ties through regular communication. The pre-migration state of family relationship is critical: stable families are able to rise above the problems and trials migration may present them while migration can exacerbate the already frail conditions of problematic families. Also, stable families are better able to manage remittances and maximize the benefits of migration.<sup>58</sup>

The importance of maintaining communication between the multi-sited locations of members of transnational families cannot be overemphasized. In the course of 40 years, the modes of communication between migrants and their families have changed from sending correspondence by post to voice tapes to multi-media, real-time communication. Respondents interviewed after 2000 commented on the ease of communication with migrant family members through computer-mediated communication. However, the access and immediacy afforded by mobile phones can have a down side when constant communication becomes more like an instrument of control and surveillance—Madianou and Miller, 2012 refer to it as “communication binge”—a point brought up by some adolescent children in focus group discussions (ECMI/AOS-Manila et al., 2004). While the new media allow time-space compression between family members by providing “virtual presence,” they are also stark reminders of separation: “The more immediate and effective the media, the more negative the impact on those who see all this as simply further reminders of actual absence . . . In a situation where communication had effectively become the silent medium of co-presence, not even polymedia can compensate for this absence of emotional bonding” (Madianou and Miller, 2012: 135; *see also* Uy-Tioco, 2007).<sup>59</sup> Again, if family relationships were strained prior to migration, communication via mobile phones

<sup>57</sup>There is an ongoing debate on what constitutes productive versus non-productive investments. The former is defined as “an investment in an asset or activity that produces a positive income flow” (Jureidini et al., 2010: 18). Based on this definition, house construction, for example, would be considered non-productive. However, it has also been argued that it is a productive investment because it has a positive impact on industries that produce materials used in house construction projects (Jureidini et al., 2010).

<sup>58</sup>Nominees and awardees of OWWA's Most Outstanding Family of the Year Awards (MOFYA) program are examples.

<sup>59</sup>Madianou and Miller (2012) conducted an ethnographic research project with transnational families in the United Kingdom and the Philippines. The study, conducted between 2008 and 2010, focused on migrant mothers (nurses and domestic workers) and their young adult children in the Philippines.

will not improve the relationship, as was demonstrated by the worsening situation between left-behind fathers and migrant mothers (Cabañes and Acedera, 2012). Although there are pros and cons to computer-mediated communication (CMC), key informants in a study of OFWs and their loved ones considered CMC “for their more optimistic view of migration. Somehow, they felt that the sacrifices made in the name of financial security were no longer as overwhelming as they were before the existence of Internet and [the] cellular phone.” For all their limitations, Filipinos here and abroad “have no other choice than to depend on CMC for the survival of their long-distance relationships” (Aguila, 2008-2009:101).

For the marriages that survived migration, respondents attributed regular communication and faith in God as the factors that have kept their union despite the separation (ECMI/AOS-Manila et al., 2000; Asis et al., 2004). Studies of left-behind husbands in Ilocos and seafarers who have a reputation of marriages that survive migration—indicate that marriages that survived were not without problems but husbands and wives were able to recommit themselves to making their union work. In a research context, it is difficult to gather information about infidelity. During fieldwork, some references to marriages that failed because of infidelity come up, but these are usually alleged or rumoured cases. According to resource persons from NGOs and faith-based organizations operating in destination countries, among the problems they attend to are relationships involving married OFWs.<sup>60</sup> At times, these “for Taiwan only” or “for Korea only” relationships beget children, which fuels more complications, especially when those involved are already married. The break-up of marriages due to infidelity or other reasons among OFW families should be compared with those occurring among non-OFW families; without this comparison, it is misleading to attribute the break-up of marriages to migration.

## 2. Children

Findings on the impact of parental absence on the well-being of the children vary depending on who migrates and the age of the left-behind children.<sup>61</sup>

Among migrant families, young and adolescent children reported missing their parents. Even if they receive love and care from other family members, children long for the care

<sup>60</sup>Due to the nature of their work, NGOs and faith-based organizations are more likely to collect information on the problems and concerns of migrants and their families while research tends to cover a range of family issues and outcomes.

<sup>61</sup>Awards, such as the Ten Outstanding Pinoy Expat Children and the Outstanding Sons and Daughters of OFWs organized by the Bank of Philippine Islands and the Episcopal Commission for the Pastoral Care of Migrants and Itinerant People, respectively, provide a more positive portrait of the left-behind children.

and attention of their parents, especially their mothers (ECMI/AOS-Manila et al., 2004; Carandang et al., 2007). If they had a choice, children would prefer their parents to be present, although they understand that their parents' left to provide them with a good future. Earlier studies, such as those by Cruz, (1987) and University of the Philippines et al., (2002) involving adolescents did not find children of OFWs significantly more problematic than children of non-OFWs. In the absence of their parents, adolescent children considered themselves more independent than their counterparts from non-migrant families. More recent studies provide more varied results. In one study among adolescent children, the emotional loneliness and stress due to the absence of a migrant parent were associated with poor physical health; children of migrants were found to be less healthy than children of non-migrants (Smeelens et al., 2012). However, among young children (under 12 years old), the multivariate and comparative analysis of CHAMPSEA data in Indonesia, Philippines, Thailand and Viet Nam, by Graham and Jordan (2011) found that Filipino children in transnational households have less emotional distress and conduct problems compared to children in non-migrant households. The analysis is based on caregiver reports from the Strengths and Difficulties Questionnaire, a 25-item screening tool developed by Robert Goodman in the United Kingdom (Goodman, 1997, as cited in Graham and Jordan, 2012), to detect psychological distress and conduct problems. The results varied across the four countries, suggesting the need for contextual understanding. According to the authors, the findings for the Philippines perhaps reflect “the normalization of transnational families” in the sample provinces which have a long history and high levels of outmigration.

Using the CHAMPSEA data for the Philippines, the results of an analysis focusing on educational outcomes—school pacing and school achievement—found children in transnational families performing better than the children of non-migrants (Asis and Marave, forthcoming). Also, in contrast to earlier findings where the children of mothers registered poorer school performance compared with other children (Battistella and Conaco, 1998; ECMI/AOS-Manila et al., 2004), the CHAMPSEA data did not find children with migrant-mothers and father-carers more disadvantaged vis-à-vis other children (CHAMPSEA and SMC, 2011). The findings on school outcomes provide additional insights to earlier studies showing the links between remittances and school attendance. Yang (2006) examined the effect of increased remittances due to the appreciation of foreign currency against the Philippine peso during the 1997 Asian financial crisis. Households used the increased income to finance child schooling and entrepreneurship.

Edillon (2008) found mixed results of parental migration on the left-behind children (6–17 years old) in meeting the rights of the child in terms of survival, development,

protection and participation.<sup>62</sup> The study is based on the analysis of the Family Income and Expenditure Survey, Labor Force Survey (January 2004 round) and the 2003 Survey of Overseas Filipinos and primary data from field research conducted in Ilocos Norte in 2007. In terms of survival, the study found poor health outcomes among children of OFWs as indicated by low number of visits to medical personnel, which decreases among older children, and high incidence of hygiene related problems. In terms of development, as indicated by school-related measures, more children of OFWs participate in academic organizations and extra-curricular activities and receive academic and non-academic awards. Most children of OFWs are not protected from economic shocks because most families invested in new houses, families have minimal liquid assets, and only a few have private insurance coverage. In terms of participation, most children of OFWs feel they have minimal participation in family decision-making; they also participate less in community and civic organizations. It seems the school provides the children of OFWs an environment where they can thrive and participate in. The results of the modelling that measured the extent to which their rights are met found that an increase in money and/or adult attention seems to increase the degree to which children feel “satisfied.” OFW households tend to value money inputs while non-OFW households ascribe higher value to adult attention inputs. Among OFW households, parents or guardians ascribed a higher value to money inputs while children tend to value more adult attention over money inputs. A key conclusion from the study is that “[a]dult attention inputs need not decrease with parents’ migration. By the same token, providing for the needs of the child need not involve much money.”

Some indications of what could be long-term consequences are suggested by a qualitative study of six adult sons of OFWs. Growing up without their parents, they learned to be independent. All of them finished college, thanks to the steady remittances and provisions sent by their parents. Although they turned out all right, they expressed sadness and a sense of loss over what they missed out as a family (Alamon, 2008). This sense of loss is also shared by migrant parents, who are well aware that time lost and away from their families cannot be recovered (ECMI/AOS-Manila, et al., 2004; Asis, 2001).

<sup>62</sup>This study is a follow-up to an earlier paper by UNICEF probing how remittances can increase the impact on children’s rights in the Philippines. The review noted findings from studies suggesting that remittances mitigate the social costs of migration by improving children’s education and nutrition. However, the review stated that caution must be taken in interpreting children’s responses and the need to validate these findings in future research. It called for better state policies in advancing children’s rights, who are “the first casualty of migration” (Coronel and Unterreiner, 2008). The CHAMPSEA study cited above has a specific focus on measuring the health and well-being of children – for the survey part, respondents included children (9-11 years old) and their carers; for the younger children (3-5 years old), instead of an interview, the children were asked to make a drawing of their family members. The study also conducted in-depth interviews with selected families, both migrant and non-migrant, who participated in the survey.

### 3. Gender Role Changes

Migration has the potential to trigger changes in gender roles because of the adjustment that is required with the void left in the roles performed by migrants. The feminization of migration has been posed as potentially transformative because of the “transgressions” of having to leave their homes and families and taking up paid employment. When men migrate, it is part of their role as the breadwinners—as the “pillars of the home”—a role which is very central to Filipino adult masculinity (McKay, 2011; Parreñas, 2005), whereas when women leave, they leave behind their role as mothers—as the “light of the home”—and become paid workers and possibly earn more than their husbands. In the wake of their husbands’ migration, the women left behind reported being initially burdened by additional responsibilities—such as being mothers and fathers—but they also discovered (new) capacities and strengths, which enhanced their self-knowledge (Go and Postrado, 1986; Arcinas, 1991; ECMI/AOS-Manila et al., 2004).

With women’s migration, earlier studies suggest that fathers do not necessarily become mothers, meaning the care giving role is usually performed by other female members of the family. More qualitative studies, especially those involving men as respondents, suggest more participation of left behind fathers in child care and domestic duties as well as experiences of having to juggle domestic duties and paid work (Asis, et al., 2004; Pingol, 2001). In her pioneering work on Filipino masculinity based on a study of husbands of women migrant workers in Ilocos, Pingol (2001) notes a rethinking and refashioning of manhood from being a provider to that of “being in control”—this refers to self-control, having a job, discipline, enduring difficulties, or being feared by others because of physical strength.

Although some role reversals surface during the time of separation, it is not clear whether these gender role changes are transitional or enduring. For example, the few husbands who have become full time carers expressed the wish for their wives to return so they can pursue other activities (Asis et. al, 2004). While migrants are abroad, they do not stop being parents as they continue to provide guidance to their children from a distance—some studies have focused on mothering from a distance such as Parreñas (2001; 2005). Studies on male migrants or those including male migrants (McKay, 2011; ECMI/AOS-Manila et al., 2004; Lamvik, 2012) also report a similar role performance by migrant fathers. McKay’s study centring on the masculine identities of Filipino seafarers reveals how seafarers manage to combine other elements with providership in constructing their identities. During their work abroad, engaging in sexual risk taking can be read as channelling virility. Those who choose not to play this role choose instead to construct manhood in terms of self-discipline and their responsibility as providers. During their

vacations at home, another element of masculinity, “good fatherhood,” is something that seafarers work at to ensure emotional connection with their families.<sup>63</sup> Even if they are physically absent, migrants continue to perform their parenting roles together with the left-behind carer. Graham and Jordan (2011) propose the notion of “care triangle” to describe a care arrangement involving the migrant parent, the carer in the home country and the left behind child.

Upon their return, so far, studies such as Asis (2001) hint at the “business as usual” mode in the household division of labour upon migrants’ homecoming. This can pose tensions and difficulties for women who had experienced autonomy when they were working and living abroad (Asis, 2001; Meisner, 2002; Tharan, 2011), and the post-migration adjustment can also differ for single and married women (Asis, 2001; Meisner, 2002). The more pressing concern for women returnees though was economic reintegration—considering that only a few opted to return home because they have accomplished their goals. In Asis (2001), only 6 per cent did so—most of the returnees had plans of working abroad again. In a study of 15 returnees from Europe and neighbouring countries, only 3 decided to return for good while the rest wanted to go abroad again (Go, 2012b). Among women returnees in Maguindanao, the motivation to re-migrate was especially strong among single women (Meisner, 2002).

A nascent development is the participation of fathers as carers, as captured in the 2008 CHAMPSEA survey—and as reported above, children under the care of fathers were not necessarily disadvantaged compared with the other groups of children. Perhaps something is changing in the notions and practices of fatherhood in the Philippines, a development which future studies will have to explore further. The inclusion of fathers’ voices in the conduct of studies should be part of these future undertakings.

### C.3. IMPACT ON DEVELOPMENT

While the Philippines has been lauded as a model for migration management by international organizations,<sup>64</sup> the state’s involvement in the continuous deployment of OFWs has also drawn criticism, such as the view of the Philippine state as a “labor brokerage state”—so called because of how the state mobilizes people for export (Rodriguez, 2010).

<sup>63</sup>Interestingly, McKay (2011) points out that seafarers are perhaps the only occupational group whose houses, which are evidence of their success as providers, bear a mark of their occupation – such as portholes or anchors.

<sup>64</sup>In his speech during the opening session of the Global Forum on Migration and Development on 21 November 2012, in Mauritius, Peter Sutherland, UN’s special representative for migration and development, acknowledged the Philippines as a model of managing migration and noting its efforts in protecting its nationals abroad. Ambassador William Lacy Swing, IOM Director General, also acknowledged the Philippines’ migration management during the IOM Council High Level Panel on Migration and Development held in Geneva on 29 November 2012 (*Manila Times*, 2012).

That the Philippines has captured a significant slice of the global labour market, that it has developed mechanisms to protect OFWs, and that it is among the top five remittance-receiving countries in the world are no mean feat. However, this “success” may have also been counterproductive in the sense that needed reforms have been delayed or stalled because overseas employment has been keeping the economy afloat (Asis, 2008a). The triple approach of deployment-protection-maximizing benefits which has been in place for decades needs to be explicitly linked more to development. Government has acknowledged that while the economy is unable to offer competitive and adequate employment options to its labour force, the track of working abroad becomes a quick recourse, in which case, the State obliges itself to respect and protect the human rights of migrants in their choice in every stage of the migration cycle, given it is not an easy choice. However, local and national development plans would need to be more cognizant of the opportunities and challenges implied by migration and transnational realities. A nationwide research project exploring the links between migration and development in the Philippines, undertaken as part of the Migrants’ Associations and Philippine Institutions for Development (MAPID) Project, underscored three key “disconnects”: the lack of reference to migration in development policies, and conversely, the lack of consideration of development in migration policies; the lack of coordination between migration agencies and development agencies, which is related to the first disconnect; and the lack of coordination between national government agencies and local government units (LGUs) concerning migration in general, and migration and development in particular (Asis and Roma, 2010; Asis, 2011).<sup>65</sup> At the time of the MAPID Project (2008-2010), the *Medium Term Philippine Development Plan 2004–2010* and its updated version set a target of deploying a million workers every year, which was the first and only time that the government mentioned a deployment target. If the national development plan was non-committal about the migration-development nexus, it was not surprising to find no mention about international migration in regional and local development plans. At the level of LGUs, even in localities where international migration is very significant, migration institutions are not well-developed or the migration lens is not within the framework of local governance. During the MAPID study, only a handful of LGUs had migration desks or personnel dedicated to address migration concerns. In many cases, the Public Employment Service Officer (PESO) was assigned to handle migration concerns, particularly the holding of job fairs. In general, local government executives tended to regard migration, especially labour migration, as a national programme. In case they were approached by their constituents for assistance, local government officials referred their constituents to the relevant national government agencies instead of taking

<sup>65</sup>Supported by the European Union, the three-year (2008-2010) research, capacity-building and information dissemination project was spearheaded by the Scalabrini Migration Center and was implemented with the cooperation of the following institutions: Commission on Filipinos Overseas, Fondazione ISMU in Italy, and University of Valencia in Spain. For more details about MAPID and the publications produced by the project, see [www.smc.org.ph/MAPID](http://www.smc.org.ph/MAPID). Prior to MAPID, SMC also convened a conference on migration and development in the Philippines in November 2007 (see Asis and Baggio, 2008).

a more direct role. To a significant extent, this behaviour has been influenced by the fact that the 1995 Migrant Workers and Overseas Filipinos Act had emphasized a rather centralized role of national agencies, with elaborate functional mandates for DOLE, POEA, OWWA, NRCO and DFA, among others. As amended by RA 10022, Sec. 23 (d) has been added, defining the role of local government units as follows:

“(d) Local Government Units. – In the fight against illegal recruitment, the local government units (LGUs), in partnership with the POEA, other concerned government agencies, and non-government organizations advocating the rights and welfare of overseas Filipino workers, shall take a proactive stance by being primarily responsible for the dissemination of information to their constituents on all aspects of overseas employment. To carry out this task, the following shall be undertaken by the LGUs:

“(d.1) Provide a venue for the POEA, other concerned government agencies and non-government organizations to conduct PEOS to their constituents on a regular basis;

“(d.2) Establish overseas Filipino worker help desk or kiosk in their localities with the objective of providing current information to their constituents on all the processes aspects of overseas employment. Such desk or kiosk shall, as be linked to the database of all concerned government agencies, particularly the POEA for its updated lists of overseas job orders and licensed recruitment agencies in good standing.”

The current administration's *Philippine Development Plan 2011–2016* not only dropped the deployment target but also included more provisions and discussions concerning migration and development (Box 5). One of the positive developments in the last few years is the growing synergy between national government agencies and local government units as partners in various migration and development programmes. The Philippine Overseas Employment Administration has signed Memoranda of Understanding (MOUs) with many LGUs to cooperate in the conduct of pre-employment seminars and anti-illegal recruitment and anti-trafficking campaigns. Similarly, the Overseas Workers Welfare Administration has signed MOUs with LGUs for the establishment of OFW Help Desks. Another significant development is the proactive move of some LGUs to create institutions or bodies to advance migration and development and/or to integrate migration in their local development plans. In 2012, the provinces of Antique, Agusan del Sur, Maguindanao and Masbate, the country's poorest provinces, have entered into a Memorandum of Agreement with various national agencies to support the service operations of the One-Stop Resource Centre (OSRC) for migrants and the youth set up under the development support of the



International Organization for Migration and the Spanish government. The OSRC and its local partners were provided capacity building in reintegration services, mechanisms to channel remittances to enterprise development, administration of financial literacy programme for migrants and their dependents, psycho-social counselling for different types of migrant cases and implementation of a data-base system for its migrant and youth clientele. A provincial ordinance was passed in the provinces of Antique, Maguindanao and Agusan del Sur, to recognize the OSRC structure and provide it with essential resource support for sustainability. The OSRC was envisioned to be a migration and reintegration counselling centre, founded as a facility to espouse partnership cooperation, particularly between the migration agencies and provincial development councils, in minimizing the costs and maximizing the gains of international migration.<sup>66</sup>

In 2011, the *La Union Migration and Development Strategic Plan (2012–2016)* was launched, the first ever migration and development plan completed by a local government. As the Plan noted, La Union is one of the top ten provinces of origin of migrants. The contributions of international migration to the province are considerable: some 6.2 per cent of La Union's population of 20 years old and over work abroad; remittances contribute about 20 per cent of total household income; and most of the household savings in the province come from remittances. The support of the International Labour Organization was important in the formulation of the province's migration and development plan. Also, Kanlungan Center Foundation, Inc.–Center for Migrant Workers, an NGO, has been working in the province for some time; it has been organizing migrants and their families, establishing community-based programmes and services for migrants, and advocating with local governments to support programmes for migrants. The process involved consultations with different stakeholders who are considered as owners of the plan: migrants, their families or dependents as well as their associations and organizations; local government units—from barangays to the provincial level—and public/state, NGOs and business entities providing services to migrants and their families. By 2016, the Plan aims to achieve the twin goals of having: (1) the majority of its returning migrants fully integrated in the local economy; and (2) reduced significantly the incidence of illegal recruitment and exploitation (Province of La Union et al., 2011).

Naga City had also undertaken a similar process of mainstreaming migration in local development planning with the support of the International Organization for Migration. The exercise resulted in the integration of migration concerns in Naga City's Comprehensive Development Plan, 2011–2020 (City Government of Naga, 2012). The resolution calling for the adoption of the Plan mentions: "Whereas, it also underwent a series of sectoral

<sup>66</sup>For more information on One-Stop Resource Centres, see Añonuevo et al, 2013.

reviews both at the local and national levels that helped enhance the document, including a pioneering effort to mainstream migration and development (M&D) in local development planning.”

#### **BOX 5: INTERNATIONAL MIGRATION IN THE PHILIPPINE DEVELOPMENT PLAN 2011–2016**

Since 2010, several changes have advanced the integration of migration and development in the Philippines. These changes coincided with the administration of President Benigno Aquino III which commenced on 30 June 2010.

Taking a cue from the migration-related policy of President Aquino’s “Social Contract with the Filipino People” to make working abroad a choice rather than a necessity and to prioritize the protection of Filipino citizens who opt to become OFWs, the Commission on Filipinos Overseas reviewed and reframed its vision and mission. Envisioning overseas Filipinos as contributing members to their countries of residence and/or employment while maintaining their links to the Philippines, the CFO defined its new mission “to be the Philippines’ premier institution in promoting policies, programs, and projects with a Migration and Development framework for the strengthening and empowerment of the Filipino overseas community.”

The CFO took the leading role in convening and consulting with migration stakeholders to identify issues, concerns and recommendations to be included in the Aquino government’s blueprint of the country’s development and in engaging with development planners and policymakers to integrate and expand migration-related provisions in the development plan. At least 60 migration-related provisions were included in seven out of nine chapters of the *Philippine Development Plan (PDP) 2011–2016*, a marked change from previous development plans which typically mentioned the role of international migration in generating jobs and remittances. In the PDP, migration was referenced in relation to a wide range of issues: remittances, financial literacy programmes for OFs and their families, nurturing the appreciation of Filipino culture and heritage with the younger generations of OFs, disseminating information on investment options to OFs, brain gain programs, combating human trafficking, stronger protection for OFWs, female migration and protection challenges, and addressing return migration and reintegration, among others (for details, see CFO, n.d.).

Although migration received more attention in the PDP, significant gaps remain. The PDP, thus far, is silent on the who and how of coordinating different migration and development agencies. A harmonized migration information system is a basic element in supporting multi-agency coordination. Furthermore, the lack of coordination between national government efforts and local government units will have to be threshed out further, perhaps in the mid-term review and assessment of the PDP.

Sources: Nicolas (2012); CFO (n.d.).

Based on the experiences of Masbate, Antique, Maguindanao, Agusan del Sur, La Union and Naga City, the support and advocacy of international organizations and/or NGOs are significant in raising the awareness of local governments to recognize the role of migration in the development prospects of their localities. Atikha, an NGO based in San Pablo City, also played a similar role in advocating with local governments—in San Pablo City, Laguna; Mabini, Cuenca and Lemery in Batangas—to initiate programmes for migrants and their families and to set up migrant centres (particularly in the Batangas municipalities). Atikha also cooperates with the National Economic Development Authority-Region IV-A in forming the Regional Council for Migration and Development, engaging diaspora communities—notably in Italy and the United Arab Emirates—as well as linking up these communities and their family members with local cooperatives and rural banks to raise the level of financial literacy, savings and investments .

How development—and the failure of sustainable development in the past decades—impacts on migration was already examined in Part A of this report. This section will focus on the influence of migration on some aspects of development. First the impact of remittances will be considered, then the effect of migration on the labour market, and finally the reintegration of migrants.

## 1. Remittances

Remittances are always considered the most visible economic result of migration. In that respect, individual countries and the international community have dedicated attention to facilitating the remittance process, decreasing its costs, encouraging the use of official channels, avoiding the use of remittances for money laundering and for financing criminal activities, educating migrants on the use of remittances, and enhancing the role of remittances in contributing to the development of the country.

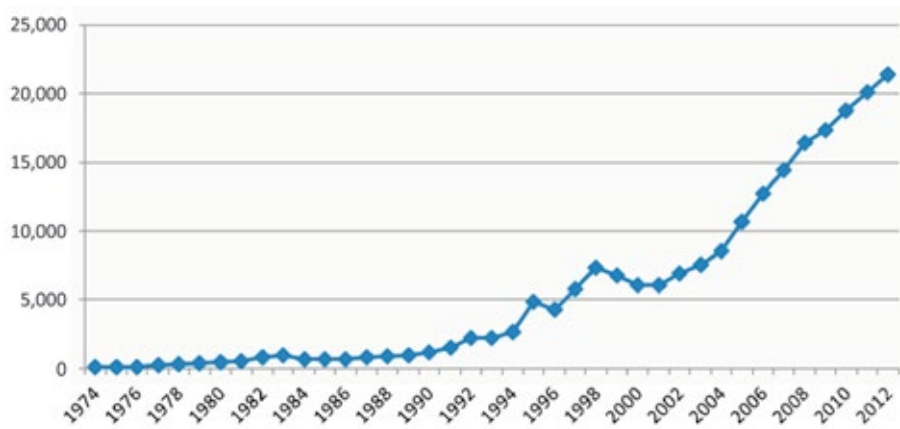
The role of remittances in supporting the country's economy is well-acknowledged in the Philippines (Asis and Roma, 2010). From the Marcos administration to the present government, remittances have been hailed as a pillar of the Philippine economy; for many families and households, remittances sent by OFW-family members are the main lifeline.

**Data on remittances:** Established by the New Central Bank Act (RA No. 7653) on 3 July 1993, the Bangko Sentral ng Pilipinas (BSP) is an independent monetary authority whose primary objective is the maintenance of price stability, but with other functions as well, including the recording of inflows from foreign countries. The BSP-monitored data on

**Table 32: Remittance inflows, 1974–2012**

Year	USD (M)	Year	USD (M)	Year	USD (M)	Year	USD (M)
1974	118	1984	659	1994	3,009	2004	8,550
1975	103	1985	694	1995	3,869	2005	10,689
1976	111	1986	696	1996	4,306	2006	12,761
1977	213	1987	809	1997	5,742	2007	14,450
1978	291	1988	874	1998	7,368	2008	16,427
1979	365	1989	1,002	1999	6,021	2009	17,348
1980	421	1990	1,203	2000	6,050	2010	18,763
1981	546	1991	1,649	2001	6,031	2011	20,117
1982	810	1992	2,222	2002	6,886	2012	21,391
1983	944	1993	2,276	2003	7,578		

Source: Cash remittances coursed through banks; provided by BSP.

**Figure 15: Remittances to the Philippines, 1975–2012 (USD M)**

Source: Cash remittances coursed through banks; provided by BSP.

remittances are available since 1974. The story of remittances, as told by Table 32 and Figure 15, reveals that remittances have constantly increased—the decrease in 1996 was probably due to the decline of the number of OFWs and in 1998 to the Asian financial crisis. Worldwide, the Philippines ranks among the top five remittance-receiving countries, after India, China and Mexico. For 2012, according to the World Bank—which reports a higher amount compared to the BSP data—the Philippines tied with Mexico in third place, with remittance inflows of USD 24 billion each, after India and China.

The story of rising remittances is also a reflection of improvements in the recording of remittances, the fact that more and more transfers are going through the formal channels, and as a result of restrictions adopted by the international community after 11 September 2011.

Another source of information on remittances is the Survey of Overseas Filipinos (SOF).<sup>67</sup> SOF reports the amount of remittances in Philippine pesos for the period April to September of each year—the reference period of SOF—which makes the comparison with BSP and World Bank somewhat cumbersome. Compared with the BSP data, the amount of remittances is much smaller in the SOF—even if the amount were multiplied by 2, allowing it to cover all 12 months or a year, the total would be about USD 7.3 billion. The difference derives from different methodologies. In the SOF, the respondent is a member of the household who reports what he or she knows about remittances received by the household while the BSP data are the remittances sent by OFs. It also derives from the fact that the SOF does not capture the sizeable number of OFs who are permanent residents in North America, Oceania or Europe, but who still contribute remittances to their relatives. In spite of the difference in the total amount, the SOF registered an increase in remittances over the previous year. In addition to the amount remitted, the SOF reports indicate that almost half of the OFWs—47.4 per cent in 2010, 46.4 per cent in 2011—were able to set aside savings. On the average in 2011, the amount of remittances sent by male OFWs was more than twice that of female OFWs—PHP 107,000 per male OFW compared to PHP 53,000 per female OFW).

**Origin of remittances:** One of the limitations in the current recording of remittances is the problem of attributing the countries where they actually originate. The primacy of the United States as an origin country of remittances and the rise of Canada in recent years as a source of remittances—from 27 million in 2003 to 2.1 billion in 2011—are not what they appear to be (Table 33; see Figure 16 for the origin of remittances by region and type of worker).

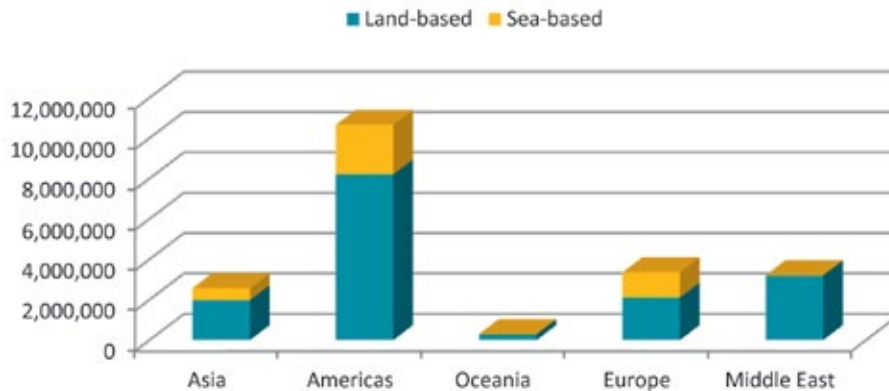
**Table 33: Top 10 origin countries of remittances, 2011 (in thousand USD)**

1.	US	8,481,164
2.	Canada	2,071,489
3.	Saudi Arabia	1,613,237
4.	UK	956,639
5.	Japan	913,548
6.	UAE	877,981
7.	Singapore	789,243
8.	Italy	550,654
9.	Germany	478,688
10.	Hong Kong SAR	367,864

Source: Cash remittances coursed through banks; data provided by BSP.

<sup>67</sup>The SOF is a rider survey to the October round of the annual Labor Force Survey. It started collecting information on the characteristics of overseas workers in 1982 as part of the Integrated Survey of Households. Between 1987 and 1990, there were changes in the collection of data on overseas workers. In 1991, the Survey of Overseas Workers was resumed and was later renamed the SOF in 1993. The SOF is a good source of information on the profile of OFs, especially OFWs, and their economic contributions—both cash and in-kind.

Figure 16: Remittances by region of origin and type of OFWs, 2011 (USD '000)



Source: Cash remittances coursed through banks; data provided by BSP.

According to the BSP:

The classification of remittances by source country captured by the BSP does not necessarily reflect actual source of remittance of OFs. The common practice of remittance centres in various cities abroad is to course remittances, particularly those coming from the Middle East, through correspondent banks mostly located in the United States. On the other hand, remittances coursed through money couriers cannot be disaggregated into their actual country source and are lodged under the country where the main offices are located, that is, Canada. Therefore, the United States and Canada appear to be the main sources of remittances since banks attribute the origin of funds to the most immediate source.<sup>68</sup>

Data from the SOF, which reflects mostly the reality of overseas workers, reported Asia, including the Middle East, as the number one region of origin of remittances, which seem to corroborate BSP's explanation about the United States and Canada. Nonetheless, given the size of the Filipino community in North America, the importance of the region as a source of remittances cannot be totally disregarded.

**Use of remittances:** The BSP's quarterly Consumer Expectations Survey (CES) provides some indications on the uses of remittances. Started in the fourth quarter of 2004, the CES is a gauge of consumers' sentiment for the current and next quarters and for next year as captured by the overall confidence index and other economic indicators. Based on the fourth quarter 2012 CES results, 95.4 per cent used the remittances for food, 68.8 per

<sup>68</sup>BSP's response to the questionnaire, 18 October 2012

cent for education, 65.5 per cent for medical care, and 44.1 per cent for debt payments. In general, these data confirm what countless surveys have indicated in the use of remittances.

Many have criticized migrants' use of remittances as consumerist and not oriented to generating a steady income and providing an alternative to labour migration or putting an end to the cycle of migration. Consequently, many programmes have been organized toward increasing entrepreneurship among migrants and trying to orient the use of remittances towards more development-oriented objectives. Not all empirical studies would support this approach; findings from other studies underscore the long term beneficial impact of remittances spent on improving the quality of life—better food and housing—as well as the impact of remittances invested in the education of children.<sup>69</sup> Apparently, remittance-receiving households spend more on human resource development than their non-recipient counterparts.<sup>70</sup> “By increasing household investment in human and physical capital, remittances have the potential at the aggregate macroeconomic level to rebalance growth toward domestic demand and to create long-term growth” (Ang et al., 2009:16).

It is true that the use of remittances for investments is low, but perhaps attention should be directed to increasing opportunities for investment rather than the migrants' behaviour. The Philippines ranks 138 out of 185 countries in investment climate competitiveness as cited by the World Bank's Doing Business report (2013). This report tracked indicators such as starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting investors, paying taxes, trading across border, enforcing contracts and resolving insolvency. To improve the investment climate, the business sector has appealed to the government to leave business in the hands of the private sector. Business and government need to work together to identify areas that offer the higher levels of employment and income, particularly agriculture and tourism (Pedrosa, 2013: 17). This reaffirms observations highlighted by migrant returnees and potential investors during the implementation of IOM's interventions in migrant entrepreneurship training in four of the country's poorest provinces. According to them, oligarchies and political clans tend to control businesses, especially in agriculture, at the local level. These factors inhibit the participation of migrant investors in small and medium enterprises (SMEs), particularly their inclusion in the value chain of production.<sup>71</sup> At the High-level Round Table Discussion on Migration Policies, it was noted that a conducive

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<sup>69</sup>Studies on Filipino migrants in Italy and Malaysia indicate that migrants send remittances to the Philippines regularly (those based in Malaysia are less likely to do so because many of them have been joined by their families), the high use of formal channels (migrants in Italy use banks while those in Malaysia resort to Western Union), and migrants allotting a portion of their income as savings. Perhaps because of their higher income, more migrants in Italy contributed to development projects in the Philippines. The two country studies reveal that majority of migrants (9 in 10 in Italy, 6 in 10 in Malaysia) plan to retire in the Philippines. Both studies recommend providing migrants with information on investment options (ERCOF and IOM, 2009; ERCOF, 2009).

<sup>70</sup>According to Orbeta (2008), differences in methodologies and model specification explain the different findings of studies assessing the economic impact of remittances.

<sup>71</sup>For more information on channelling remittances for enterprise development, see IOM and SERDEF, 2012.

and enabling domestic economy would attract migrant investors and would contribute to the reintegration of OFWs.

**Relevance for the economy:** There are incontrovertible facts highlighting the relevance of remittances for the Philippine economy. At the macroeconomic level “[r]emittances are about eleven times of foreign direct investment for January–June 2012 and are also equivalent to 15 per cent of gross international reserves as of the end of July 2012”.<sup>72</sup> They accounted for 9 per cent of Gross Domestic Product (GDP) in 2011 and 8.5 per cent in 2012 (Table 34). They contribute to the increase in the overall supply of foreign exchange that the country uses to purchase imported items such as crude oil and machinery, and to settle foreign currency obligations. They support economic growth since they serve as a driver of consumption expenditures, which comprises more than 52 per cent of the country’s Gross National Income (GNI) (*see also* Albert et al., 2012b). They generate employment, partially in the manufacturing sector to produce more goods and partially in the service sector to make the goods available to the market. They contribute to savings as evidenced by the Q3 2012 CES results, which indicated that about 37 per cent of the households used

**Table 34: Cash remittances as a percentage of GDP and GNI, 2000–2012**

Year	Cash Remittances (in million USD)	As Percentage of GDP (in %)	As Percentage of GNI (in %)
2000	6,050	7.5	6.4
2001	6,031	7.9	6.7
2002	6,886	8.5	7.1
2003	7,578	9.0	7.4
2004	8,550	9.4	7.6
2005	10,689	10.4	8.2
2006	12,761	10.4	8.3
2007	14,450	9.7	7.7
2008	16,427	9.5	7.5
2009	17,348	10.3	7.8
2010	18,763	9.4	7.1
2011	20,117	9.0	6.8
2012	21,391	8.5	6.5

Source: Data provided by BSP.

the remittances for savings while only about 5 per cent utilize remittances for investments. Ultimately, they increase the base of taxpayers and the taxpayers’ contribution, increasing the Government’s resources for public expenditures.

With all these beneficial impacts, why is there so much criticism about remittances? The main arguments revolve around the fact that the country has become dependent

<sup>72</sup>BSP’s response to the questionnaire, 18 October 2012



on remittances; that remittances channelled to consumption rather than investment fuel a distorted form of development, such as the housing boom in Metro Manila, rather than increasing production and exports; that big business entities continue to treat migrants and their beneficiaries as customers, hardly a partner in the value chain; and that remittances widen inequality. Indeed, only few households in the lower income quintiles receive remittances: in 2006, less than 10 per cent of the lower income quintile received remittances while 35 per cent of the highest income quintile did so. However, it is also possible to argue that remittances are moving people from the lower to the higher quintiles, contributing to the redistribution of wealth.

Without suggesting a final assessment, it is safe to conclude that remittances at this moment are more beneficial than detrimental to the Philippine economy.

**Remittance policies:** In addition to continuing efforts to increase the use of official channels and to ensure secure and fast delivery to the households, lowering the cost of remittances, which have been reduced in recent years, still requires attention. Table 35 details how banking costs remain particularly high in Europe and the United States, compared to the situation in Hong Kong, China; and Singapore.

**Table 35: The cost of sending remittances in selected countries in 2011**

Source of Remittance Ave. Amt. of remittance per transaction	USA 600	UK 600	HK SAR 300	Singapore 500	Italy 700
<b>Front End Charges (in USD)</b>					
1. Credit to Account (Own Bank) <sup>1</sup>	4.00 – 8.00	7.84 – 10.69	2.56 – 3.36	2.67 – 3.18	6.46 – 11.04
2. Credit Other Local Bank	4.00 – 14.00	10.98 – 12.71	2.69 – 3.86	2.67 – 3.18	10.63 – 12.91
3. Door to Door <sup>2</sup>					
Metro Manila	7.00 – 12.00	13.75 – 14.30	2.69 – 3.90	5.66 – 6.37	13.21 – 14.58
Provincial	7.00 – 14.00	13.75 – 14.30	3.76 – 5.20	5.66 – 6.37	13.21 – 14.58
4. Advice and Pay <sup>3</sup>	4.00 – 14.00	10.98 – 11.76	2.57 – 3.86	1.59 – 3.82	10.56 – 11.04
<b>In percentage to average amount of remittance</b>					
1. Credit to Account (Own Bank)	0.7 – 1.3	1.3 – 1.5	0.9 – 1.1	0.5 – 0.6	0.9 – 1.6
2. Credit Other Local Bank	0.7 – 2.3	1.8 – 2.1	0.9 – 1.3	0.5 – 0.6	1.5 – 1.8
3. Door to Door					
Metro Manila	1.2 – 2.0	2.3 – 2.4	0.9 – 1.3	1.1 – 1.3	1.9 – 2.1
Provincial	1.2 – 2.3	2.3 – 2.4	1.3 – 1.7	1.1 – 1.3	1.9 – 2.1
4. Advice and Pay	0.7 – 2.3	1.8 – 2.0	0.9 – 1.3	0.3 – 0.8	1.5 – 1.6

Source: Selected Association of Bank Remittance Officers, Inc. (ABROI) member-banks; data provided by BSP.

<sup>1</sup>Based on credit to peso account.

<sup>2</sup>Delivered in peso value.

<sup>3</sup>The bank notifies the beneficiary of the remittance by phone; the beneficiary picks up the remittance from the nearest branch.

\*Partial report as of December 2012.

As for improvement of services, initiatives have already been undertaken, particularly by the BSP (see Annex D).

**Social remittances:** The Filipino diaspora is not only a source of economic remittances but also a wealth of social remittances—meaning knowledge, ideas and other resources.<sup>73</sup> More importantly, many overseas Filipinos are interested in supporting development initiatives in the Philippines. The Commission on Filipinos Overseas’ *Lingkod sa Kapwa Pilipino Programme* is a long-running migrant giving programme which matches the donations of overseas Filipinos with the needs identified by communities or sectors in the Philippines. Apart from financial assistance, the CFO has expanded the windows of migrant giving and participation to 10 areas, including transfer of knowledge schemes, volunteering, and investments (see Box 6).

The CFO is part of a two-year project (from 2011) implemented by the National Economic Development Authority called “OF (Overseas Filipinos)/Diaspora Remittances for Development: Building a Future Back Home” which aims to leverage overseas Filipinos’ remittances for economic development. The project is under the United Nations Development Programme with support from the Western Union Foundation. Piloted in the province of Ilocos Norte and the city of Taguig, the project enjoins and supports local governments in developing policies and promotes multi-stakeholder cooperation in facilitating the use of pooled or collective remittances for productive and job-creating investments. Initiatives such as this underscore the fact that migration does not automatically result in development. The interest, willingness and resources that overseas Filipinos bring to the table will need a receptive policy environment in the Philippines to make things happen. To date, the focus has been on remittances—and as discussed earlier, policy initiatives in this area have been successful. Brain gain, the potential of the Filipino diaspora to expand the market access of Filipino products and services, and potential political bonuses are other paths of tapping into the development potential of migration. (Aldaba and Opiniano, 2008).

<sup>73</sup>See Asis and Roma (2010) for an overview of initiatives involving overseas Filipinos as development partners undertaken by other government agencies such as: the Balik Scientist Program by the Department of Science and Technology, the implementation of the Transfer of Knowledge through Expatriate Nationals (TOKTEN) Program by the Department of Foreign Affairs (between 1988 and 1994), the Department of Labor and Employment’s Classroom Galing sa Mamamayang Pilipino Abroad (CGMA) in 2003. NGOs’ initiatives include: Unlad Kabayan’s support of social enterprise and financial literacy programmes; Atikha’s advocacy with local governments and financial literacy programmes, including the formation of Batang Atikha Savers’ Clubs. Business sector initiatives include: Ayala Foundation USA’s programme of mobilizing Filipinos in the United States to support development projects in the Philippines—the programme has been renamed into the Philippine Development Foundation USA. For examples of migrants’ investments, migrant giving, and partnerships between overseas Filipinos-Philippine institutions, see Asis et al. (2010), *Transnational Bridges*.

## BOX 6: OVERSEAS FILIPINOS AS DEVELOPMENT PARTNERS

The Commission on Filipinos Overseas (CFO) maintains an active network of overseas organizations and associations based in different regions around the globe. Through this comprehensive database, CFO can link overseas Filipinos to the different programs and services run by the Commission.

Since 2011, CFO has stepped up its engagement with overseas Filipinos through the holding of global and regional conferences. A programme dedicated to youth leaders was launched in the same year. These dialogues are important venues to hear the voices of overseas Filipinos and to broaden homeland initiatives.

### Diaspora to Development

Launched in 2011, Diaspora to Development (D2D) aims to provide the framework strategies on how the Filipino diaspora can contribute to development in the Philippines. The windows for involvement include 10 areas for action: business partnerships (Business Advisory Council), skills and technology transfer (Alay Dunong Program), diaspora philanthropy (Lingkod sa Kapwa Pilipino Program, an initiative in place since 1989), diaspora investments, educational exchange (Balik-Turo), tourism initiatives, provision of legal assistance and advice to overseas Filipinos in distress (Global Legal Assistance Program), facilitation of medical missions, arts and cultural exchange, and return and reintegration schemes. Two editions of the Global Summit of Filipinos in the Diaspora have been held in Manila: the first one was on 27-29 September 2011 and the second one was held on 25-27 February 2013.<sup>74</sup> The first summit resulted in the establishment of the Global Filipino Diaspora Council; it also led to the conduct of the first Europe-wide D2D held in Rome, Italy on 26-29 September 2012.

### Youth Leaders in the Diaspora (YouLead)

YouLead was piloted during the CFO's 1st Global Summit in September 2011. The program targets third generation overseas Filipinos who are considered innovators and achievers in their particular sectors in their new communities abroad, and who are equally committed to contribute for the greater good of their country of residence and the Philippines.

It aims to promote four objectives: Filipino identity, good governance and leadership, volunteerism and social responsibility, and diaspora to development.

This youth-focused initiative is a new addition to the Lakbay-Aral (Study Visit) Program which was launched by CFO in 1983. The cultural programme provides an opportunity for Filipino youth overseas to rediscover Filipino culture, history and heritage through a combination of lectures, guided tours to scenic and historical landmarks, interaction with Filipino communities and participation in local festivities.

Sources: CFO's response to the questionnaire; [http://www.cfo.gov.ph/index.php?option=com\\_content&view=article&id=135:diaspora-to-development&catid=144&Itemid=864](http://www.cfo.gov.ph/index.php?option=com_content&view=article&id=135:diaspora-to-development&catid=144&Itemid=864)

<sup>74</sup>For the programme, presentations and workshop summaries, see <http://d2dglobalsummit.cfo.gov.ph/2011/> and <http://www.d2dglobalsummit.cfo.gov.ph/about-global-summit/d2dgs2013> for the 2011 and 2013 summits, respectively.

## 2. Labour market

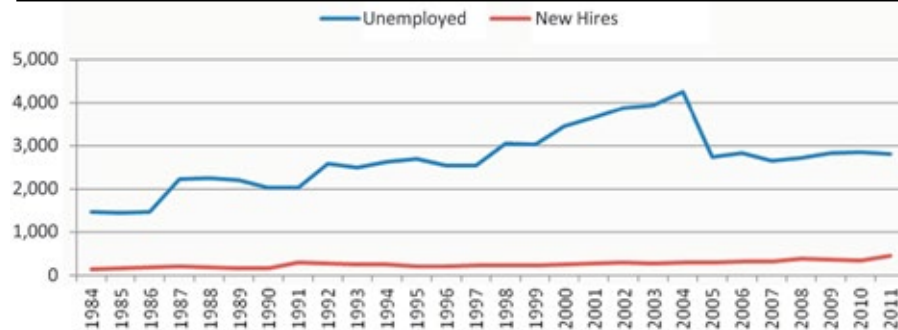
As overseas employment essentially takes advantage of jobs in the international labour market which are not available in the domestic labour market, it seems obvious to conclude that migration has a positive impact on the labour market. In reality, the relation between migration and the labour market is complex and varied. It involves at least three questions: does migration reduce unemployment? Does migration influence the educational system to provide skills for overseas employment? Does migration generate brain drain/brain waste? Research to answer the questions has not been sufficiently conclusive. The following sections will offer some initial understandings.

**Migration and unemployment:** The unemployment situation in the country is commonly cited as the primary reason why Filipinos continue to search for work abroad. Indeed, unemployment has been a perennial problem—even as economic growth has improved in recent years, it is jobless growth, which means that the challenge of generating jobs for an ever-increasing working age population remains daunting (DOLE, 2011). As mentioned earlier, unemployment affects specific populations more acutely. Unemployment is more pronounced among the youth, men, high school graduates—compared to those with a university degree or at least some tertiary education—and those residing in the National Capital Region (BLES, 2012a; NSO, 2013). The youth, in particular, are having a difficult time in finding their place in the labour market. According to a study by the Asian Development Bank (ADB), unemployment in the Philippines is “primarily a youth problem”; moreover, young females have higher unemployment rates than young males. Some youth are unemployed because they do not have sufficient education—and due to financial difficulties, they are unable to pursue further studies. Having an education, however, is no guarantee to secure employment. Many of the educated youth in fact cannot find work, resulting to the phenomenon of the educated unemployed. Given these trends, the share of teenagers who are inactive—namely, out of school, out of work and not looking for work - has been increasing over time— presently, more than 10 per cent of teenagers are inactive (Bird, 2013). The situation reflects many facets of the unemployment problem among the youth: young people dropping out of school to help their families, young people not finding work because of lack of education, educated young people unable to find work, and educated young people working at jobs not related to their training.

There is little analysis on the actual impact of migration on unemployment. Although it is difficult to establish a direct correlation between new jobs added through migration (new hires) and the number of unemployed persons, some suggestions are provided by examining both data. As Figure 17 indicates, annually deployed new hires do not modify the number of unemployed persons, probably because the number is too small—if added

to the unemployed, New Hires would be between 8 and 13 per cent of the total—or because migrants do not come from the unemployed population and the vacancies they leave behind do not absorb the unemployed in a significant way. More specific analysis on the impact of youth migrants (>24 years of age) and the unemployed youth is even more difficult to find. From a study by the Scalabrini Migration Center (2011) the number of deployed youth (new hires) in 2010 was 56,689, which, if added to the number of unemployed youth for that year will only correspond to 3.7 per cent.

**Figure 17: Number of unemployed persons and deployed OFWs (new hires), 1984–2011 (in thousands)**



Source: 2012 Yearbook of Labor Statistics (BLES, 2012) and POEA, Overseas Employment Statistics (various years).

**Migration and education:** According to the DOLE, the unemployment problem is not simply the lack of jobs, but the lack of fit between the human capital portfolio of job applicants and the requirements of the labour market. The booming business process outsourcing (BPO) sector, for example, is having difficulties in finding qualified workers. According to the Business Processing Association of the Philippines, for every 100 applicants, only five are accepted (Visconti, 2012). Recognizing the skills-jobs mismatch, in 2009 the DOLE launched Project Jobs Fit: The DOLE 2020 Vision, an initiative that aims to identify skills preferred and demanded by the local industry. Also, overseas employers will help inform students and new entrants in their educational or vocational decisions. Knowing what is in demand in the local and overseas labour markets is expected to guide students in their educational choices and thereby close the gap between training and job requirements.

The enrolment and graduation time series data on tertiary education in the Philippines intimate the contributing factors to the skills-jobs mismatch. For the period 2003–2010, enrolment patterns in tertiary education show a highly skewed distribution: of total enrolment, some 60 per cent are concentrated in just three disciplines or programs: Business Administration and Related Disciplines; Education and Teacher Training; and

Engineering and Technology. From the periods 2006–2007 to 2009–2010, Medical and Allied Disciplines (including Nursing) became part of the first three top-ranking disciplines (Table 36). The yearly turnout of graduates follows the same pattern (Table 36): more than half are graduates of these three disciplines. The economy will have to create jobs to accommodate these new entrants. In the teaching profession, for instance, vacancies are limited because teachers have tenure and work for a long period, usually until retirement. The window for job openings, thus, is not wide. In some cases, more teachers and health professionals are needed in the public education and public health system, but budget constraints prevent public institutions from hiring more personnel.

**Table 36: Tertiary enrolment and graduates by discipline group, Philippines, Academic Year 2003–2004 to Academic Year 2009–2010**

Enrolment						
Discipline Group	2004–2005	2005–2006	2006–2007	2007–2008	2008–2009	2009–2010
Business Administration and Related Disciplines	516,937(1) <sup>r</sup>	531,937(2)	572,174(2)	612,481(1)	649,549(1)	724,215(1)
Education Science and Teacher Training	366,988r(3)	361,774(3)	331,416(3)	370,441(3)	325,186(3)	352,046(3)
Engineering and Technology	305,120(4) <sup>r</sup>	301,411(4)	315,412(4)	311,437(4)	319,775(4)	344,662(5)
Mathematics and Computer Science	10,857 <sup>r</sup>	10,701	14,553	12,688	14,636	12,154
IT-Related Disciplines	229,321(5)	242,799(5)	251,661(5)	280,596(5)	300,882(5)	348,462(4)
Other Disciplines	109,859(6)	104,267(6)	135,455(6)	107,452(6)	108,450(6)	117,448(6)
Medical and Allied Disciplines	445,729(2)	549,658(1)	609,659(1)	547,595(2)	517,319(2)	440,335(2)
Maritime Education	73,250(7)	74,601(7)	54,870(9)	69,033(8)	65,443(8)	88,450(7)

Enrolment						
Discipline Group	2004–2005	2005–2006	2006–2007	2007–2008	2008–2009	2009–2010
Agricultural, Forestry, Fisheries, Veterinary Medicine	70,824(8)	63,913(9)	59,397(8)	58,168(9)	63,315(9)	59,692(9)
Social and Behavioural Science	66,490(9)	64,092(8)	67,452(7)	73,512(7)	72,196(7)	76,546(8)
Others	183,563	163,882	176,933	188,322	174,138	182,754
<b>TOTAL</b>	<b>2,402,315</b>	<b>2,483,274</b>	<b>2,604,449</b>	<b>2,654,294</b>	<b>2,625,385</b>	<b>2,770,965</b>

Graduates						
Discipline Group	2003–2004	2004–2005	2005–2006	2006–2007	2007–2008	2008–2009
Business Administration and Related Disciplines	101,119(1)	102,628(1)	94,819(1)	95,646(2)	93,273(2)	106,746(2)
Education and Teacher Training	71,882(2) <sup>r</sup>	70,837(2)	66,362(3)	70,711(3)	63,682(3)	56,777(3)
Engineering and Technology	48,507(3) <sup>r</sup>	47,003(4)	48,951(4)	49,617(4)	48,464(4)	48,448(4)
Medical and Allied Disciplines	41,688(4)	61,916(3)	86,373(2)	110,312(1)	121,401(1)	128,057(1)
Mathematics and Computer Science	1,754 <sup>r</sup>	2,042	2,204	1,787	1,787	2,105
Other Disciplines	15,951(6) <sup>r</sup>	15,422(6)	19,963(6)	15,463(6)	16,197(6)	17,814(6)
Maritime Education <sup>3</sup>	12,487(9)	12,020(9)	8,801(9)	11,121(9)	10,429(9)	11,768(8)
IT-Related Disciplines <sup>2</sup>	33,613(5)	38,567(5)	38,435(5)	35,901(5)	38,665(5)	45,830(5)

Graduates						
Discipline Group	2003–2004	2004–2005	2005–2006	2006–2007	2007–2008	2008–2009
Agricultural, Forestry, Fisheries, Veterinary Medicine	13,154(8)	12,803(8)	13,040(7)	12,528(7)	11,181(8)	9,842(9)
Social and Behavioural Science	13,284(7)	13,588(7)	12,176(8)	11,937(8)	11,493(7)	12,506(7)
Others	30,523	29,652	28,018	26,546	25,601	26,412
<b>TOTAL</b>	<b>386,920<sup>1</sup></b>	<b>409,628</b>	<b>421,444</b>	<b>444,427</b>	<b>444,815</b>	<b>469,654</b>

Notes: <sup>1</sup>Revised.

<sup>2</sup>Exclude IT-related Disciplines and Maritime Education.

<sup>3</sup>Extracted from Mathematics and Computer Science discipline group.

<sup>4</sup>Extracted from Other Disciplines and Engineering Technology discipline groups.

The oversupply of nurses has prompted the government to consider various programmes to mitigate the waste of human resources, to enhance the new nurses' work experience, and at the same time to meet the need for health professionals, particularly in underserved areas. In 2009, the government offered the Nurses Assigned in Rural Areas Project (NARS), which had a target to deploy 10,000 nurses for a six-month assignment to the poorest 1,000 municipalities (DOLE, 2009). Further details on the actual implementation and outcomes of this project are not available. A similar programme was introduced in 2011 called Registered Nurses for Health Enhancement and Local Service (RN HEALS) in which nurses are assigned to hospitals or health centres to enhance access to health services by the poorest communities. As of January 2013, the fourth batch of 22,500 nurses were about to be deployed; the first three batches comprised of 9,518, 11,283, and 10,000 nurses deployed to various health facilities in the country (DOH, 2013). Like the NARS Project, the initiative is not intended to provide permanent employment but is more of a short-term in-service training for nurses who need to acquire actual work experience while also enhancing the health services of government health facilities. Nurses receive an allowance for their services. These programmes are not durable solutions to the twin problems of nurse employment and the shortage of health personnel in government health facilities, which will call for more structural responses. In the absence of adequate employment opportunities, new graduates join the ranks of the unemployed, or they work at jobs which are not commensurate with their training, or they seek work overseas.



The Technical vocational education and training (TVET) offered by the Technical and Skills Development Authority (TESDA) has expanded over the years as an option—or in addition—to tertiary education. From 2002 to 2011, more than a million have enrolled and graduated from the various TVET programs every year (Table 37). For skills requiring certification, the certification rate has shown an increase from 1994, which suggests improvements in the quality of TVET training (TESDA, 2012:iii). The transition from training to employment can be strengthened by maintaining links with industry and the provision of job-placement and referral systems.

**Table 37: TVET enrolment, graduates number by persons assessed and certified by year, 1994–2011**

Year	Enrolment	Graduates	Assessed	Certified	Certification Rate
1994		183,645	44,423	21,737	48.9
1995	467,896	184,823	49,686	24,414	49.1
1996	297,146	218,221	97,405	49,744	51.1
1997	533,332	166,535	68,797	28,304	41.1
1998	851,484	334,667	85,838	23,379	27.2
1999	574,451	408,130	72,952	38,822	53.2
2000	574,017	556,232	90,487	57,637	63.7
2001	575,653	567,930	185,399	144,746	78.1
2002	1,227,218	1,127,363	158,305	68,529	43.3
2003	1,264,768	1,006,561	111,251	39,208	35.2
2004	1,220,438	839,898	207,918	122,453	58.9
2005	1,683,382	1,154,333	223,984	108,361	48.4
2006	1,736,865	1,340,620	257,796	160,941	62.4
2007	2,142,414	1,702,307	398,711	293,219	73.5
2008	2,013,920	1,812,528	549,121	431,071	78.5
2009	1,984,646	1,903,793	836,131	690,836	82.6
2010	1,568,617	1,344,371	716,220	594,323	83.0
2011	1,572,131	1,332,751	835,572	703,360	84.2
<b>Total</b>	<b>20,288,378</b>	<b>16,184,708</b>	<b>4,989,996</b>	<b>3,601,084</b>	<b>72.2</b>

Sources of data: 2000–2001 data from DOLE Yearbook of Labor Statistics; 2002–2004 data from TVET Statistics. 2005–2010 data from Corporate Affairs Office (CAO). 2011 data from Corporate Affairs Office (CAO), TESDA. Compiled from Tables 1 and 2 in TESDA (2012:1).

In the broad scenario of the relation between education and labour market, overseas employment plays a role because it allures students to courses that prepare specifically for occupations abroad. The two often cited cases are that of professional nurses and seafarers. The over-registration in nursing and seafaring schools has produced a large number of unemployed persons. At the same time, the proliferation of schools for these occupations has also decreased the quality of teaching and training that is imparted.

**Migration and brain drain/brain waste:** In a comprehensive analysis of the capacity of the Philippines' education and training system to supply workers needed by the global and domestic labour markets, Tan (2009) found that tertiary education institutions and post-secondary technical and vocational schools and training centres have expanded. These institutions however, have produced an oversupply of poorly educated or trained workers and a limited supply of high-quality workers in high-cost fields of specializations. She cautions that the migration of workers of a given skill category, such as ICT specialists or welders, does not result in brain or skill drain. Rather, there is a brain drain only when the educational and training system is unable to replace the departing workers. When ICT specialists, welders, pipe fitters, nurses or physical therapists migrate, the country still has enough supply of Filipinos with these qualifications—however, there is a shortage of high-quality workers because there are few high-quality institutions that produce well-trained graduates. Considering that it takes resources and time to fill the void of experience and expertise when high-quality human resources leave, the country does experience some brain drain in the process. In the health sector, the departure of highly skilled nurses has resulted in the shortage of more experienced and skilled personnel (Lorenzo et al., 2007).<sup>75</sup> A study by the Department of Science and Technology-Science Education Institute (DOST-SEI) (2011) of the migration of science and technology (S&T) OFWS suggests the need to develop policies that would encourage the retention of S&T workers; another track is to maintain links with overseas-based Filipino S&T talents and develop mechanisms to promote the transfer of knowledge (Asis and Roma, 2010; Siar, 2011; Miralao, 2012). In the social sciences, an analysis of the return and non-return of Filipino grantees who took up further studies overseas found no significant brain drain in this sector (Miralao, 2012).

In terms of worker qualification, completion of high school is a must for service and blue-collar workers. As the skill level increases, there is a corresponding requirement for additional education, training and/or work experience. The results of the survey underscore the importance of formal education and experience for jobs abroad and the

<sup>75</sup>In 1967, the Institute of Philippine Culture conducted a study on the brain drain issue, which was spurred by the concern over the migration of Filipino doctors to the United States. Interestingly, the brain drain issue has been associated with "medical brain drain." At that time, the study defined brain drain as "those nationals leaving the country for studies for work abroad and never return." The study concluded that brain drain did not reach "critical proportions" (Miralao, 2012:169).

## BOX 7: SCIENCE AND TECHNOLOGY OFWS

The question of brain drain has been discussed in the Philippines since the mid-1960s, when professionals—doctors, engineers, scientists—became part of permanent migration to the United States. Temporary labour migration has also stirred similar concerns, particularly with the increasing demand for professionals and highly skilled migrants from the 1990s.

Using POEA's deployment data for the years 1998–2009, the DOST-SEI (2011) examined the migration of OFWs who are in S&T occupations. The study was limited to the core S&T occupations: physicists, chemists and related professionals, mathematicians, statisticians and related professionals, computing professionals, engineers and related professionals, life science professionals, health professionals, and nursing and midwifery professionals. During 1998–2009, on average, 6 per cent of the total deployment or 16,000 S&T OFWs leave the country every year.

The largest departures across the years were the nursing and midwifery professionals. More than half of S&T OFWs were nurses and midwives in almost all years except in 1998, 2007, and 2008, wherein they comprised just a little less than a half. Next were the engineers and related professionals, as well as health professionals. On average, around 3 to 4 out of 10 S&T OFWs were engineers while 7 to 10 per cent of S&T OFWs were doctors and related professionals.

There were more female S&T migrants than male ones across the years. Nursing and midwifery professionals dominated among the female S&T workers abroad while engineering and related professionals were the largest group among male S&T workers.

By region of destination, in the past 12 years, about seven out of ten, or some 70 per cent of S&T OFWs who leave the country every year went to the Middle East. Saudi Arabia, United Arab Emirates, United States and Singapore consistently ranked among the top ten countries of destination in the last 12 years.

Based on the income data indicated in their contracts—only 7 per cent or 1,766 out of 24,502 S&T OFWs in 2009 had information on income—S&T OFWs had high paying jobs abroad with most of them having 6-digit incomes. Physical scientists had the highest earnings with a monthly income amounting to an average of PHP 665,191 while the lowest monthly income was earned by a dietician or public health nutritionist—PHP 37,594 per month on average. The monthly salary of professional nurses was more than PHP 100,000. Engineers' monthly income depended on their specialization: the highest paying job is ship engineering at an average monthly income of PHP 203,375 while the lowest is chemical engineering at PHP 47,637.

The study anticipates the continuing mobility of S&T workers. Improvements in the country's research and development institutions and a review of policies to attract foreign and local investments relating to S&T are needed to retain S&T human resources and their contributions to national development.

shortage of skilled blue-collar workers and special types of engineers. For professional categories, a college education, passing of the Professional Regulatory Commission licensure examination, and experience are important. For skilled jobs, the lack of a production base that offer on-the-job training and too few TVET centres offering training in scarce skills pose a challenge in meeting the demand in overseas labour markets. POEA requirements—such as minimum salary requirements—as noted by a respondent, can also stand in the way of availing of job opportunities abroad (Tan, 2009:36).

A POEA study on the in-demand jobs and hard-to-fill positions conducted in 2009–2010 confirmed the findings of the Tan study, particularly the perspectives of recruitment agencies (POEA, 2010). Based on responses from 88 recruitment agencies, 39 manning agencies and the Government Placement Branch, in-demand skills for land-based OFWs were identified in several countries with the Gulf countries—Saudi Arabia, United Arab Emirates and Qatar—as the top destinations named by respondents. With the exception of nurses, civil engineers, mechanical engineers, electrical engineers and architects, the rest of the in-demand jobs are mostly blue-collar occupations. There were 22 countries where hard-to-fill positions were identified. The most common reasons why positions or skills were hard to fill were: lack of applicants with at least two years' experience in the area of expertise; most in-demand workers were already deployed; and principal/employer requires higher qualifications, terms and conditions.<sup>76</sup> The Government Placement Branch identified mostly health professionals among the hard-to-fill occupations, as well as legal specialists, sous chefs, airline maintenance workers, and engineers. The reasons why the positions were difficult to fill were: applicants preferred to apply to countries which offer residency, better compensation packages elsewhere, limited supply of paralegal specialists, and lacking in-hospital experience. In-demand destinations and skills/occupations were also identified for the sea-based sector. Respondents from the manning agencies mentioned at least two year vessel experience, licensed and a holder of the Certificate of Competency as important competency requirements. The lack of qualified seafarers was among the reasons for not being able to fill the required positions.

**Challenges:** There are several challenges highlighted by labour market indicators. On the education front, the Commission on Higher Education (CHED) has taken steps to improve the quality of higher education through the formulation of typologies of higher education institutions and quality assurance frameworks, updating and reengineering the curricula—particularly the curricula of in-demand programmes—in keeping with the

<sup>76</sup>According to Mr. Lito Soriano, President of LBS Recruitment Solutions Corporation, one of the difficulties of filling the job order for nurses is due to employers requiring at least two years of hospital experience, with some employers even specifying experience in a 300-bed capacity hospital. Many newly-registered nurses do not have such experience. Their volunteer experience does not count as hospital experience—despite the fact that they perform staff functions.

Washington Accord and other international standards, and expanding faculty development and the management development programme of administrators. In 2010, CHED declared a moratorium in oversubscribed disciplines such as: business administration, nursing, teacher education, hotel and restaurant management, and IT education. This move is part of the rationalization of higher education institutions to ensure that their programmes are in line with national development plans and responsive to the needs of local and overseas industries. In the face of the increasing educational attainment of the Filipino population, there is a need to increase opportunities for employment in skilled jobs. To the traditional focus on paid employment, entrepreneurship is promoted as another option. Technical Education and Skills Development Authority, for example, has introduced the TESDA Specialista Technopreneurship Program in 2012. The programme aims to support a team of TESDA-certified graduates in three areas—food and beverage, beauty care and wellness, and building/house repair and maintenance services—to form groups that will provide services to their community as well as livelihood opportunities and work experience. The programme encourages TESDA-certified graduates to consider entrepreneurship and being their own boss instead of depending solely on paid employment.

### **3. Reintegration of migrants**

In the permanent migration system, where immigrants are considered as intending to settle abroad, reintegration was not a primary preoccupation of policy makers. Still, immigrants also returned, and not necessarily at retirement age. This prompted Cerase (1974) to formulate the famous typology of return migration vis-à-vis social change: return of failure, return of conservatism, return of innovation and return of retirement. In addition, the growing literature on transnationalism suggests the continuing links of migrants—including permanent migrants—to their home countries, which may include temporary returns. Temporary labour migration is a different scenario, as return is embedded in the migration system. For this reason, it constitutes a much higher preoccupation for policy makers, both in the sense of providing migrants with viable alternatives to the migration process and to offer returning migrants opportunities to capitalize on their experience and savings. It is acknowledged that in the comprehensive system elaborated in the Philippines for the protection of migrants, reintegration was the most neglected stage. However, some changes have been noticed in recent years.

A review of POEA's annual reports revealed that the reintegration of returning OFWs had been a concern for the government way back in the 1980s. Several livelihood and credit programs were piloted by OWWA since the late 1980s to provide assistance to returning OFWs (Go, 2012a). A more structured approach to assist returnees was established from

the 1990s, with OWWA as lead implementer of reintegration programs and services until the establishment of the NRCO under DOLE in 2007. RA 10022 further elaborated the structure and functions of the NRCO and subsequent developments—the creation of the Reintegration Program Department in OWWA, the designation of the NRCO Director as undersecretary level in DOLE, and the allocation of a PHP 2 billion fund to the reintegration program—send a stronger signal of the government’s commitment to bolster the programs and services for returnees.

The leadership of NRCO is aware of the need to rebuild trust in a reinvented Philippine Reintegration Program. In reviewing what went wrong before, the following factors were noted: overemphasis on lending programs rather than savings promotion; the decision to disband the Reintegration Program Department in OWWA adversely affected the implementation of the social preparation and economic component; lack of support and follow through of the Philippine Council for the Reintegration of OFWs (Philcore) which was formed in 2002 following the conduct of the multi-stakeholder First National Conference on Reintegration; and the lack of attention to monitoring and evaluation resulted in wasted opportunities to respond to the needs of clients and lack of data to assess the programme’s performance.<sup>77</sup>

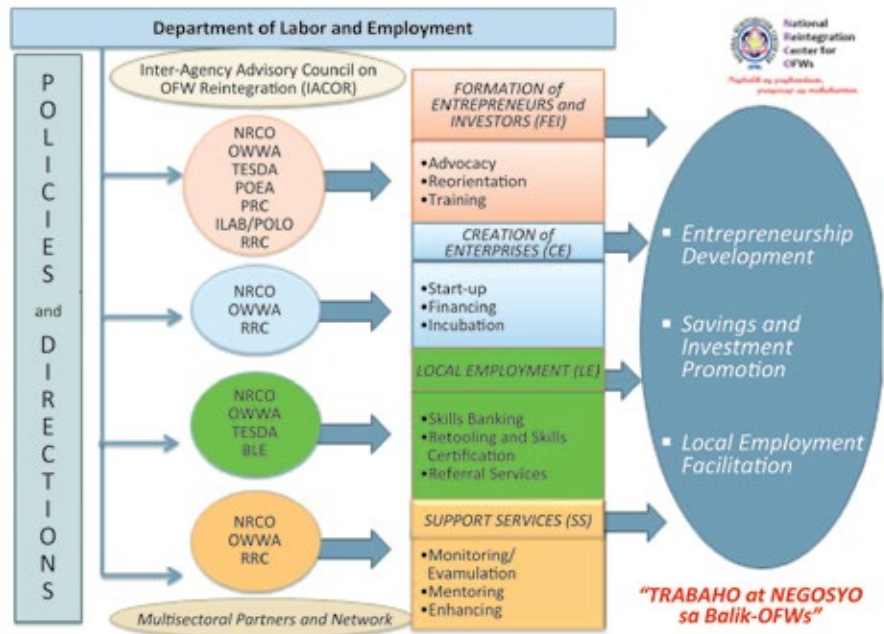
In 2012, OWWA conducted an evaluation of the reintegration program in six areas—Cordillera Administrative Region, National Capital Region, Western Visayas, Eastern Visayas, Northern Mindanao and CARAGA. The grants/loans evaluated were those implemented from 2004—the Filipino Expatriate Livelihood Support Fund, the National Support Livelihood Support Fund, and the OFW Groceria Project. The inputs evaluated were limited to a selected set of training programmes: values formation/reorientation programme, the enterprise development programme, and the financial literacy programme. OWWA has provided assistance to many returning OFWs in distress. The financial assistance provided by OWWA to displaced workers had, at the least, helped cushion the financial setback of OFWs and their families. The evaluation revealed low or non-repayment of loans among OFWs and their families due to different reasons: the loans were not used for entrepreneurial purposes, the amount was not sufficient to sustain a business or enterprise, or OFWs tended to view OWWA as a “milking cow.” OWWA staff in the regions were unable to sufficiently monitor the borrowers because there were not enough of them and the staff were drawn in other tasks, particularly crisis interventions. The different training programmes need to be refashioned to be more relevant to the specific needs and conditions of OFWs and their families. The training programmes need to standardize the modules, enhance the capacity of trainers and develop indicators to

<sup>77</sup>Consultation with Mr. Rustico dela Fuente Director, NRCO, 20 March 2013.

measure outcomes. The formation of OFW Family Circles and OWWA's experience in working with different stakeholders provide OWWA with a rich base of experience. Among its recommendations are: the development of client- and region or province specific programmes which must be linked with regional and provincial development plans and programmes; the redesign of reintegration programmes for household service workers; and to continue multi-stakeholder involvement in reintegration, and related to this, the need for OWWA to identify its distinct role (OWWA, 2012).<sup>78</sup>

Drawing on the good practice of promoting reintegration as a multisectoral concern, the NRCO developed a working framework that would guide its vision of a reintegration programme premised on the convergence of multistakeholder efforts. As outlined in Figure 18, the structures and their functions are as follows: to provide national policy and programme direction, an Interagency Advisory Council on OFW Reintegration will be formed; NRCO will serve as the Programme Manager; OWWA is envisioned as the

**Figure 18: Conceptgram of convergence system for the OFW reintegration programme<sup>79</sup>**



<sup>78</sup>In addition, Go's study (2012a) identified other challenges, including administrative and operational issues (no permanent staff or personnel); accessibility of programmes and services is mostly in Luzon (related to this is the lack of migrants' awareness about reintegration programmes and services; appropriateness of programmes and services; lack of database on OFW returnees; lack of systematic mapping of reintegration initiatives throughout the country; and the need for monitoring and evaluation of reintegration programs and services. These challenges imply the need to mainstream migration – including return and reintegration – in development plans at all levels of government, multi-stakeholder cooperation, and integrating monitoring and assessment in reintegration programmes and services.

<sup>79</sup>Provided by Mr. Rustico dela Fuente, Director, NRCO.

Programme Implementer; and the Regional Reintegration Council as the Convergence Facilitator under DOLE Regional offices nationwide. Moving from left to right, the framework identifies the different agencies which will be responsible for the design and implementation of the four programme areas—formation of entrepreneurs and investors, creation of enterprises, and local employment and support services—which are expected to contribute to achieve the purposes of NRCO, namely, entrepreneurship development, savings and investment promotion, and local employment facilitation.

Some difficulties that remain in the implementation of reintegration programmes have to do with knowing the number of returning migrants, instituting the proper policies for the different types of returning migrants, and providing a mechanism which facilitates the consultation of migrants who want to avail of services provided by the government.

In regard to the number of returning migrants, suggestions have been made on how to collect data on return migration. Perhaps the simplest would consist of the data from the disembarkation or arrival card collected at the arrival points in airports and seaports. When an OFW, after returning from abroad, does not leave the country for at least one year, he or she could be considered a returned migrant. Once again, good cooperation is needed among migration-related agencies to generate the appropriate data. To fill the lack of data on returnees, some estimate can be offered, based on simple reasoning: returnees are all those who went to work abroad, minus those who are still currently abroad. The estimate of the number of OFWs who went to work abroad since the beginning of the overseas employment programme (1974) can be obtained by adding the number of all new hires. This number constitutes a maximum, since it is possible that some persons are counted more than once as new hires if they returned to work abroad with a new contract after an interruption of six months. The estimate of the current stock of OFWs abroad is available from CFO. The estimate has some limitations, one of which is the possible over counting of overseas Filipinos—especially when compared with the official data produced by receiving countries—but it is the only one available. The formula being suggested ignores those who went abroad in an irregular way, since they are not included among the deployed new hires. Therefore, the total must be augmented to compensate for the exclusion of irregular migrants. In the end, considering all the caveats, it can be said that the number of OFWs who have permanently returned to the Philippines could be between 3.5 and 4.5 million.

As for policies addressing returning migrants, a comprehensive approach requires considering not just the ideal situation of a migrant who has completed the migration process or who has achieved the objectives set forth at the beginning, but other situations where return is determined by failure or by a crisis. In this regard, the following matrix



(Battistella, 2004:213) can be helpful, as it distinguishes between development and assistance policies, where action can be direct or indirect, to respond to return that can be voluntary or involuntary at the end or before the end of the migration process.

**Figure 19: Return migration types and policies**

RETURN MIGRATION POLICIES			
RETURN Decision	VOLUNTARY	INVOLUNTARY	
Time			
END OF CONTRACT	Achievement Entrepreneurship	Completion Economic Reintegration	DEVELOPMENT
BEFORE END OF CONTRACT	Setback Reintegration Redeployment	Crisis Emergency Initiatives	ASSISTANCE
	INDIRECT	DIRECT	Action Type POLICIES

Source: Battistella, 2004:213.

The mechanism to facilitate dialogue and consultation must be embedded in the process from the very beginning, must be based locally in the area of reintegration, and should provide appropriate value added incentives which will encourage the OFW to make use of it. In this regard, the cooperation between government agencies and Local Government Units (LGUs) is essential.



# Part D

## Migration Governance





## MIGRATION GOVERNANCE

The governance<sup>80</sup> of migration has increasingly become a multilevel, multifaceted initiative of policy making in every country. Long gone are the days when the transfer of population from one country to the other was relatively unregulated. Beginning in the middle of the 19th century, countries of immigration in North and South America and in Oceania began introducing restrictive measures aimed at selecting immigrants on the basis of economic and cultural reasons. Similarly, countries of emigration, particularly in Europe, began to enact laws aimed at regulating the outflow of citizens, to ensure their protection and to attain economic benefits.

Because migration has implications on the identity of a national community and on the distribution of rights and duties within the community, every country has a national policy on migration, made up of laws and regulations and an institutional apparatus responsible for the implementation of policies. In addition, because of the intrinsically transnational nature of international migration, migration policies also have a bilateral and multilateral component. This chapter will first examine the laws and regulations concerning migration to and from the Philippines. It will then describe the nature and functions of institutions dealing with migration. Finally, it will examine the bilateral and multilateral policies pursued by the Philippines in regard to migration.<sup>81</sup>

### D.1. LAWS AND REGULATIONS

The distinction between countries of origin and of destination is somewhat artificial from the point of view of migration governance since every country is origin, transit, and destination—which includes the return of migrants. Consequently, every country has some legislation in regard to the various moments of the migration process. The Philippines is mostly a country of origin of migrants and this explains the complex and

<sup>80</sup>This is preferable to the term “management” of migration, which had gained currency in the mid-1990s (Battistella, 1995).

<sup>81</sup>When not otherwise indicated, the data sources for this chapter are the web pages of the various government agencies mentioned in the text and the responses to the questionnaire filled by the Department of Foreign Affairs, the Commission of Filipinos Overseas, and the Philippine Overseas Employment Administration.

elaborate sets of norms dedicated to the governance of the emigration of Filipinos, with much less attention to immigration of foreigners into the country. Nevertheless, policies are in place to regulate immigration, migration for settlement and labour migration.

## 1. Governance of Immigration to the Philippines

Immigration to the Philippines is regulated by Commonwealth Act 613 or the Philippine Immigration Act of 1940, which has been amended several times. It established the Bureau of Immigration, to be headed by a Commissioner of Immigration. Sec. 9 lists the non-immigrant categories and sec. 13 the immigrant categories while sec. 29 lists the categories of people excluded from entering the Philippines. The typology of visas is presented in Table 38.

**Table 38: Visa classifications of the Philippine Immigration Act of 1940, as amended**

- I. **Non-immigrant visa**
  - 9(a) Temporary Visitor Visa for pleasure/business/health
  - 9(b) Transit Visa
  - 9(c) Seaman/Crew Visa
  - 9(d) Treaty Trader/Investor Visa
  - 9(e) Foreign Government Official Visa
  - 9(f) Student Visa
  - 9(g) Pre-arranged Employment Visa
  - 47(a) (2) Special Non-Immigrant Visa to admit aliens not otherwise provided for by the Immigration Act
  - 47(b) Refugee Visa

Special Non-Immigrant visa:

  - A. Multinational Corporations (PD 218)
  - B. Offshore banking (PD 1034)
  - C. SVEG: Special Visa for Employment Generation (EO 758)
  - D. SIRV: Special Investor's Resident Visa (willing and able to invest at least USD 75,000) (PD 1623)
  - E. Special Retiree's Resident Visa (in coordination with the Philippine Retirement Authority)
- II. **Non-quota immigrant visas**
  - 13(a) The wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen;
  - 13(b) A child of alien parents born during the temporary visit abroad of the mother;
  - 13(c) A child born subsequent to the issuance of the immigration visa of the accompanying parent, the visa not having expired;
  - 13(d) A woman who lost her Philippine citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband;
  - 13(e) A person previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an un-relinquished residence in the Philippines;

- 
- 13(f) The wife or the husband or the unmarried child under twenty-one years of age, of an alien lawfully admitted in the Philippines for permanent residence prior to the date on which this Act becomes effective and who is resident therein;
  - 13(g) A natural born citizen of the Philippines, who has been naturalized in foreign country. [As amended by Republic Act No. 4376].

### III. Quota immigrant visa

- 13 Admission not in excess of fifty (50) of any one nationality or without nationality for any one calendar year.
- 

As with all countries, the Philippines has also been affected by irregular migration. To regularize the status of irregular migrants who had entered the country as non-immigrants before 1 January 1984, and remained continuously in the country, President Corazon Aquino issued in 1988 Executive Order (EO) 324, which waived the passport requirement and allowed those aliens with the proper requirements to apply for admission. A second initiative was taken in 1995, when the Alien Social Integration Act of 1995 was passed (RA 7919). It provided for the regularization of immigrants who had entered the country before 30 June 1992, who could prove their identity and possess good moral character and financial capacity. In fact, an integration fee was prescribed of PHP 200,000 or 250,000 if paid in three years.<sup>82</sup>

## 2. Governance of Migration to Countries of Permanent Settlement

Migration to countries of permanent settlement includes citizens who leave the country with an immigrant visa granted by the countries of destination and fiancées and spouses of foreign citizens. In addition, migrants who are part of exchange visitor programmes and au pairs are handled by the same government agency, the Commission on Filipinos Overseas. In the latter case, since au pairs are not workers, they do not fall under the competence of POEA.

Migrants with permanent visa and fiancées or spouses of foreign citizens must first register with CFO, as mandated in art. 19 of the Labor Code, which established the Office of Emigrant Affairs (OEA), the predecessor of CFO. Among the functions of the OEA are: serving as liaison with migrant communities; providing welfare and cultural services; promoting economic, political and cultural ties; and facilitating the

<sup>82</sup> Subsequently, RA 8247 was adopted (30 December 1996), exempting those who had acquired permanent residence through EO 324 to pay the integration fees prescribed by RA 7919.

reintegration of migrants. To register with CFO, the migrants must present the required documents, attend the PDOS—a brief orientation on rights and duties in the foreign country—or for those ages 13 to 19 the Peer Counseling Seminar. Registration with CFO will provide the CFO sticker in the passport to be inspected by the immigration officer at the airport before departure.

Fiancées and spouses of foreign citizens also need to register, producing the necessary documents. In addition, they must attend a country-specific guidance and counselling session, dedicated to the aspects concerning intermarriage and migration. At the end, they receive the Guidance and Counseling Certificate (GCC) and the CFO sticker to be presented to immigration authorities before departure.

The rapid increase of intermarriages in the 1980s caught the attention of public opinion due to reported cases of abuse and malpractices. Agencies arranging intermarriages portrayed Filipino women as submissive and caring, while to Filipino women agencies promoted intermarriage as a means to escape a life with few opportunities in the rural areas for the glamour of developed countries such as Australia, Japan, United States and European destinations. Because of the history of arranged marriages in the United States at the time of frontier-ward migration, women contracting marriage with foreign men through agencies were labelled as “mail-order brides.” In response to reported abuses, Congress enacted Republic Act No. 6955 in 1990, an act “to declare unlawful the practice of matching Filipino women for marriage to foreign nationals on a mail order basis and other similar practices.” The act also prohibited the dissemination of materials advertising intermarriage. It appears that the act has not deterred marriage migration. According to CFO statistics: 18,003 couples registered in 1991 and 20,234 in 2011. In other words, the number of Filipinos—overwhelmingly women—involved in marriage migration has not changed dramatically in the last 30 years. What has changed is the distribution of the countries of destination. In 2010 and 2011, there was a significant decrease in the number of marriage migrants going to Japan; the trend remained constant for some countries and regions like Australia and Taiwan Province of China while an increase was recorded for Canada and the Republic of Korea.

The spread of social media has made online advertising and matching very popular for arranging intermarriages. In view of this, a bill to amend RA 6955 has been introduced in Congress. Other than the probable link to trafficking, another problem that has come about in marriage migration is the validity of the second marriage contracted by Filipinos who are already married in the Philippines. Even if they have filed a divorce in the United States, for example, the Filipino spouses cannot report the



second marriage in the Philippines unless they have obtained an annulment or they present a local petition for the recognition of a foreign judgment.

The Exchange Visitor Program (EVP) is organized for scholars or grantees going to the United States. Those who are part of this program obtain a J-Visa from the United States, which is part of the documentation to be produced when registering with CFO. A PDOS is also prescribed for EVP scholars. A special sticker is affixed to the passport to indicate completion of PDOS.

Au pairs used to be included among OFWs, subjected to the POEA processes under a unilateral premise on the part of the Philippines that it was a scheme used by European countries to recruit domestic work. An au pair stays with a host family at par (as equal) and receives an allowance for performing light household chores. The Philippines imposed a ban on au pair migration in 1998 due to reported cases of abuse of the system. The ban was lifted on 2010, allowing au pair migration to Norway, Denmark and Switzerland, and in 2012 the ban was lifted for all European countries (*GMA News*, 2012).<sup>83</sup> Au pairs must attend a Country Familiarization Seminar to have adequate information on aspects concerning life in the foreign country that they will reside. Since March 2012, they were included among Filipino migrants who register with CFO. An au pair is defined as an unmarried person, aged 18 to 30 years old, who participates in a cultural exchange program.

### 3. Governance of Labour Migration

In trying to strike a balance, Philippine labour migration policy has always oscillated between promotion and protection, between encouragement and regulation. The tension between the two objectives explains the variety of measures which have been adopted over the years and evolving towards a comprehensive framework where practically every aspect of the migration process has received policy attention. These best efforts, however, have had varying outcomes.

The government's approach to overseas employment has always been anchored to three major objectives: promoting overseas labour, protecting Filipino migrants, and maximizing the benefits of migration. These objectives have received different attention in different times. The objectives were attained through the following: establishment of government agencies, the regulation of private agencies involved in

<sup>83</sup> "Phil lifts ban on au pairs," 2012, *GMA News*, 22 February, Available from <http://www.gmanetwork.com/news/story/248940/pinoyabroad/phil-lifts-ban-on-au-pairs-to-europe>.

migration, developing norms and procedures concerning the overseas employment, establishing a redress system for victims of abuse and malpractice, strengthening welfare initiatives, ensuring civil and political rights, and through offering opportunities for reintegration.

#### **a. Development of Regulation and Promotion of Overseas Labour**

Contemporary labour migration from the Philippines began in the early 1970s as a movement of workers directed to the Middle East. The development of opportunities for overseas work—limited before to some construction work in Guam, Viet Nam and Thailand—did not go unnoticed and the overseas labour programme was institutionalized in the Labor Code adopted in 1974. Before the Labor Code, policy attention to overseas work was limited to a tax on persons or entities engaged in recruiting or contracting workers in the Philippines (RA 2486, adopted in 1915) (Gonzalez III, 1998:120).<sup>84</sup>

The Labor Code (Presidential Decree 442 issued on 1 May 1974) institutionalized overseas labour and regulated its operations by making the government solely responsible for the recruitment and placement of workers. For this purpose, the Overseas Employment Development Board (OEDB) for land-based workers and the National Seamen Board (NSB) for seafarers were created to undertake “a systematic program for overseas employment of Filipino workers in excess of domestic needs and to protect their rights to fair and equitable employment practices” (art. 17). Direct hiring was prohibited (art. 19); the remittance of earnings was made mandatory, according to the rules prescribed by the Secretary of Labor (art. 22).

Government agencies proved inadequate to handle the growing demand for Filipino workers and the potentials of a quickly expanding overseas labour force. In 1978, with Presidential Decree 1412 amending the Labor Code, President Marcos decreed that “the private employment sector shall participate in the recruitment and placement of workers, locally and overseas” (art. 25). The Bureau of Employment Services was created with the task, among others, to regulate the private sector, to develop labour market information, and to maintain a registry of skills. With the involvement of the private sector, provisions were introduced for the regulation of its activities, and illegal recruitment was defined as “[a]ny recruitment activities to be undertaken by non-licensee or non-holders” (art. 39). Conversely, in 1980 the recruitment and placement role of OEDB was reduced

<sup>84</sup> For a detailed review of the institutional development of the Philippine labour migration policy up to 1991, see Asis, 1992.

“[t]o recruit and place workers for overseas employment on a government-to-government arrangement and in such other sectors as policy may dictate” (art. 17.3 of the Labor Code, as amended by Presidential Decree 1691).

The involvement of the private sector provided a strong boost to overseas labour. The number of processed overseas workers increased from 50,961 in 1978 to 380,263 in 1983. In the early stages, Filipino international construction and engineering contractors dominated the recruitment opportunities. They obtained projects in the Middle East, largely through labour supply sub-contracts, some of which had ties with other foreign contractors. Initially, since most contractor-based recruitment were focused on labour supply contracts, the special category of service contractor license became irrelevant. As the demand for Filipino workers increased and diversified, the migration programme turned to the regulation of recruitment agencies and encouraging remittances through official channels. In the process, this reshaped the institutional structure and its functions.

The rapid increase in the number of recruitment agencies heightened competition and contributed to lowering the salaries and eroding the working conditions of migrants. The government proceeded then stopped the issuance of new licenses for recruitment in 1982 (Letter of Instruction 1190). The ban remained effective until 1991, when President Corazon Aquino issued EO 450, which lifted the ban.

Institutionally, the OEDB, the NSB and the BES were merged in 1982 to form a new agency, the Philippine Overseas Employment Administration (POEA). EO 797 specified as the objectives of POEA the promotion and monitoring of overseas labour and the protection of workers. EO 247 (1987) reorganized POEA and expanded its functions, including the regulation of the private sector and specified its adjudication responsibilities.

As mentioned earlier, the sending of remittances was made mandatory in the Labor Code (art. 22). However, migrants had difficulty—as well as reluctance—in sending remittances through formal channels. The low compliance prompted President Marcos to issue EO 857 in 1982, which imposed sanctions on overseas workers who did not remit regularly, including the non-renewal of passports. Migrant workers opposed this rule, which eventually led the government to abandon it (Box 10). Instead of sanctions, the government tried to encourage migrants to use the formal channels via EO 1021 (1985). Still, the results were not that positive. Years later, under President Corazon Aquino, RA 7111 was signed into law in 1991. It established the Overseas Workers Investment Fund

Board to tap remittances sent through informal channels. It provided incentives such as scholarships, housing programs, credit facilities, and health insurance to encourage workers to remit to the Fund. But the real impact in the growth of remittances came from the liberalization of the economy under President Fidel Ramos. Branches of Philippine banks were opened in places with a high density of Filipino migrants and were granted an arrangement to participate in the PDOS to orient its captive audience on official remittance procedures, thereby improving the collection and the delivery of remittances to families and decreasing the cost of transactions.

The comprehensive approach to overseas labour was achieved through the Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042). The law reflects the combined concerns of the House of Representatives—the reintegration of migrant workers—and Senate—stronger protection of Filipino workers. RA 8042 was subsequently amended in 2007 by RA 9422, which repealed sec. 29 and 30, concerning deregulation, and in 2010 by RA 10022, which strengthened protection.

The regulation of overseas labour, contained in the POEA Rules and Regulations and issued separately for land-based (2002) and sea-based (2003) workers, articulates the comprehensive nature of existing laws and norms.<sup>85</sup>

## **b. Passport**

The passport is the necessary document that allows a Filipino to travel abroad. RA 8329, known as the “Philippine Passport Act of 1996,” is the law that regulates the modalities through which a Filipino citizen can obtain a passport. “The Act supports the people’s constitutional right to travel, which may only be impaired when national security, public safety or public health requires” (DFA, 2012). To obtain a regular passport the applicant must present to DFA a birth certificate issued or authenticated by the Office of the Civil Registrar General. The introduction of the electronic passport with the biometric data of the holder in 2010 is expected to diminish violations such as assumed identity, tampering of the passport, misrepresentation, and double or multiple passports. In response to the demand for passports and to speed up the application process, DFA has engaged business establishments to house passport offices in Metro Manila and in selected provinces.

<sup>85</sup>POEA Rules and Regulations are currently being revised, but the process is not yet completed.

## c. Regulation of Overseas Employment:

### c1. Foreign Employers

Foreign employers who intend to hire Filipino workers must go through an accreditation procedure and officially engage the intermediation of a POEA-licensed Philippine recruitment agency. They can choose from the list of agencies available in the nearest Philippine Overseas Labor Office (POLO) and register at the same office. It is the duty of POLO to verify the business license, the job order and the terms of the contract as part of the accreditation process. If there is no POLO, then the foreign employer through its chosen Philippine recruitment agency must undertake accreditation procedures directly with POEA.

### c2. Employment Agencies

Employment agencies (for land-based workers) and manning agencies (for seafarers) are the intermediaries responsible for over 90 per cent of the deployment of OFWs. Over the years, these agencies have grown in number. As of November 2012, they numbered 1,283: 853 for land-based workers and 380 for sea-based workers.<sup>86</sup> To further their interests and improve their business effectiveness, they have formed associations.

Sec. 7 of RA 8042 affirms the role of POEA “to regulate private sector participation in the recruitment and overseas placement of workers through its licensing and registration system pursuant to its Rules and Regulations on Overseas Employment.” Part II of POEA Rules and Regulations deals with licensing. Accordingly, only Filipino citizens, with the necessary capitalization, can be licensed as employment agents. Travel agencies, persons with records of illegal recruitment, and officers of the government agencies dealing directly with overseas employment (DOLE, POEA, OWWA, and DFA) are disqualified. The license is granted after the applicant shows proof of financial and marketing capacities and commits to deploy Filipino workers in compliance with the Rules. This includes disclosing to the migrants all terms and conditions, assuming joint and several liability with the employer, negotiating the best terms and conditions of employment, and deploying at least 100 workers within the first year. The agent must deposit one million pesos in escrow to answer claims from workers and replenish it when utilized.

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<sup>86</sup>As per information from the POEA.

The Rules also provide for modes of advertising and confine the recruitment of workers within the official premises of the agent's office. It gives the agent responsibility for sending the worker to TESDA for skill testing and to medical clinics authorized by the Department of Health (DOH) for medical examination.

Rule X, using Sec. 9 or RA 8042, defines illegal recruitment and indicates the different acts that constitute illegal recruitment.

### c3. Placement of Workers

Workers can obtain employment abroad through private agencies, through the Government Placement Branch or as name hires.

Placement through private agencies consists of a contract between the foreign employer and the Filipino worker. The employment agency functions as an intermediary and as a guarantor of the job offer and the conditions of employment. In fact, it is considered jointly liable with the foreign employer for anything that can go wrong in the migration process. Workers must receive a copy of the contract, which must be in conformity with the standard contract for that particular occupation, and pay the documentation fees to POEA (Part III, Rule I).

Workers who have obtained employment without the intermediation of the recruitment agency or the POEA Government Placement Branch are referred to as "name hires." This occurs when the worker has succeeded to search and negotiate for an employment contract directly, or was referred by a friend or relative to the employer, and subsequently, was given an employment contract and a visa sponsorship. Placement as name hires requires submitting to POEA the employment contract, a valid passport, employment visa or work permit, or equivalent document, certificate of medical fitness, and a certificate of attendance to the required employment orientation/briefing (Part III, Rule III, Sec. 6).

Placement through the government (POEA) covers employment within a government-to-government arrangement and involves the following procedures: interview and selection, referral to medical examination, processing of contracts, assistance in securing of passport and appropriate visas, pre-employment orientation, pre-departure orientation, and travel arrangements (Part IV, Rule I, Sec. 2).

The minimum conditions to be included in the work contract of an OFW include: guaranteed wages for regular work hours and overtime pay—no lower than the minimum wages in the country of destination—free transportation to and from the worksite, free food and accommodation, and just/authorized causes for termination of the contract (Part V, Rule I, Sec. 1).

#### c4. Recruitment Violations

POEA has “original and exclusive jurisdiction to hear and decide all cases which are administrative in character” (Part VI, Rule I, Sec. 1). Violations and abuses can happen throughout the overseas employment process. The recruitment stage is particularly vulnerable to unlawful practices of unscrupulous employment agents. Sec. 2 indicates a long list—longer than the alphabet—of possible infractions for which administrative measures can be imposed. Infractions encompass charging inappropriate fees or excessive fees, deploying workers to countries that do not provide sufficient protection, engaging in recruitment activities outside of designated places, falsifying documents, placing workers with employers not accredited with the Administration, and withholding workers’ salaries and remittances.

The Rules provide for the modalities for filing cases, the penalties to be imposed according to violations, the procedures for appeal and the execution of decisions. The Adjudication Office of POEA has competence over this as well as over disciplinary action to be imposed on principals/employers and on overseas workers.

#### c5. Welfare services

The Administration provides the possibility for conciliation of complaints. If the parties reach an amicable agreement, the Administration approves the same and the settlement is final and binding. It also provides that the repatriation of the worker and his/her belongings are the responsibility of the employer or the agent, unless repatriation is due solely to the fault of the worker. If repatriation costs are borne by the government, because the employer/agent fails to intervene, the government shall recover the costs from the agency after repatriation, or suspend the agency’s license.

## c6. Vacationing OFWs (Balik-Manggagawa)

OFWs who are returning to the Philippines at the end of the contract, but who have a valid visa and work permit to return to the same employer, must reprocess their Overseas Employment Certificate (OEC) or their E-Receipt before being allowed to return to their employment. POEA has recently developed the Balik-Manggagawa Appointment System which enables vacationing workers to set an appointment online for the processing of their OECs. In August 2012, it also implemented the Multiple Travel Exit Clearance (MTEC), giving the Balik-Manggagawa the option to secure more than one OEC/exit clearance during the validity of his or her contract. Almost 3,000 Balik-Manggagawa have availed of the MTEC since.

### **BOX 8. THE RECRUITMENT PROCESS FOR LAND-BASED WORKERS THROUGH EMPLOYMENT AGENCIES**

The need of foreign employers to hire workers from the Philippines initiates the recruitment process:

1. Contacting a Filipino employment agency. A foreign employer intending to hire Filipino workers must choose a licensed Filipino employment agency as intermediary in the recruitment process.
2. Submitting the proper documentation to the POLO. The foreign employer submits to the POLO within the nearest Philippine embassy or consulate the recruitment documents, which include: Special Power of Attorney or Service/Recruitment Agreement, Master Employment Contract with the minimum contract provisions, and Manpower Request.
3. Verification process. POLO verifies: a) the existence of the company or project; and b) the need for Filipino manpower. If there is no POLO to go to, the Philippine employment agent submits for the employer to POEA the above documents as well as a valid business license and visa assurance.
4. Accreditation with POEA. The employer receives the POEA accreditation.
5. Job advertising. The licensed Philippine employment agency may advertise the job vacancies in local dailies, create a manpower pool, and conduct preliminary screening and interviews of applicants as part of its services for its foreign principals.

Source: POEA website.



## BOX 9. THE LABOUR MIGRATION PROCESS FOR FILIPINO WORKERS

A Filipino citizen, with a valid passport, can go to work overseas upon signing a work contract with a foreign employer and obtaining the appropriate clearance from the POEA. The process goes through the following stages:

1. **Pre-employment.** A person interested in finding employment overseas is invited to participate in the Pre-Employment Orientation Seminar (PEOS), which, although not mandatory, is considered an effective tool for workers' protection and empowerment.
2. **Recruitment.** The worker selects the appropriate method of recruitment: through a licensed recruitment agency, through the Government Placement Branch (GPB) for a job with a foreign government or a foreign government owned or controlled company, or as a name hire.
3. **Registration.** The applicant, who must be at least 18 years old, a high-school graduate and without impediments to go abroad, registers with the Manpower Registry Division of POEA. Upon submission of the necessary documents, the applicant is issued a Land-based Registration Card.
4. **Pre-requisites.** The applicant undertakes the necessary formalities, according to the job applied for and the country of deployment - such as medical examination, skills training, and language training.
5. **Employment contract.** The applicant signs an employment contract with a foreign principal, which must be in conformity with the relevant standard employment contract of POEA.
6. **PDOS.** The applicant undergoes a Pre-Departure Orientation Seminar (PDOS).
7. **Exit Clearance.** The applicant receives the Exit Clearance from POEA, which comes "in the form of an E-Receipt (electronic receipt) or an OEC certifying to the regularity of a workers' recruitment and documentation and ensures exemption from travel tax and airport terminal fee. It is presented at the POEA Labor Assistance Center and the Bureau of Immigration counter at the airports, prior to departure. The E-Receipt or OEC serves as the worker's guarantee that he/she is covered by government protection and benefits" (POEA website).
8. **Upon arrival.** The OFW registers with the Philippine Embassy or Consulate of the country of destination and undergoes the Post-Arrival Orientation Seminar (PAOS), which is not mandatory and available only in selected embassies and consulates.

Source: POEA website.

#### d. Protection of Overseas Workers

The protection of overseas Filipino workers was inserted at the very beginning in the Labor Code, although it was limited to fair and equitable employment practices (art. 17). With the increase in annual deployment; more competition among agencies in the Philippines and their counterparts abroad; the progressive deterioration of working conditions, particularly in the Gulf countries; and the rising numbers of women in the overseas employment program, particularly as domestic workers; instances of maltreatment and violation of migrants' rights became more endemic. Annual statistics of legal cases received by the Adjudication Department of POEA in the 1980s and early 1990s indicate an average of 3,000–4,000 cases handled every year. In general, most of these cases concern employer-employee relations; about one third concern worker-recruiter relations. In addition, improprieties surfaced in obtaining the necessary documentation to go abroad. To circumvent local or foreign restrictions, many passport-related violations and irregularities appeared, which prompted the issuance of the passport law. The outcry for increasing protection to overseas workers caught public attention in 1995, when Flor Contemplacion, a Filipino domestic worker in Singapore, was executed for the murder of another Filipino domestic worker, Delia Maga, and the death of the boy under Maga's care. The public reaction, based on the perception that Flor Contemplacion had not received a fair trial, affected bilateral relations with Singapore and prompted Congress to hasten the adoption of RA 8042. As mentioned earlier, the law was amended in 2010 by RA 10022 to further strengthen the protection of overseas workers.

The main idea behind the migration policy is that the regulation of overseas employment ensures fundamental protection, in the sense that if everything is done according to norms, overseas workers should not encounter major problems. Nevertheless, problems arise for many reasons and multiple strategies and approaches were developed to ensure the protection of OFWs, beginning with proper information and education and reinforced by: selective deployment, selecting countries of destination, providing appropriate services, and fighting irregularities. The main provisions for the protection of overseas workers are contained in the Migrant Workers and Overseas Filipinos Act of 1995, amended by RA 10022 in 2010.

**Information and education:** The Pre-Employment Orientation Seminar (PEOS) was instituted in the implementing rules of RA 8042 (sec. 6) as one of the activities to be conducted to provide proper information to prospective migrants. Although not mandatory, it is highly recommended to aspiring migrant workers. It is intended to help applicants make informed choices in relation to overseas labour. It is conducted

for free by POEA and DOLE's regional offices and given periodically in schools, on radio programs, in the central and regional offices of POEA and, where possible, in *barangays*. Country-specific modules have been developed.<sup>87</sup> The PEOS often carries or is supplemented by an information campaign against illegal recruitment. In 2012, POEA launched the CAIRTIM under a technical cooperation project with the IOM and the Spanish government, which offers a more integrated approach consistent with the thematic convergence strategy of the government. The CAIRTIM introduced an understanding of the differences and relationship of illegal recruitment, trafficking and irregular migration (IOM and POEA, 2013).

The Pre-Departure Orientation Seminar (PDOS) has a longer history than PEOS. It was originally provided by recruitment agencies and associations of recruitment agencies for a fee. PDOS is mandatory one-day seminar for legally deployed workers. It consists mainly of an overview of practical information about airport procedures, working and living conditions abroad, general information about the country of employment, and information on where to find help. Eventually, an orientation for domestic workers, who are considered to face a particularly vulnerable situation, was given to NGOs, to ensure the inclusion of modules on human rights and cultural values. Originally under the responsibility of POEA, PDOS is now handled by OWWA and is the first service which an OWWA member can benefit from before departure.

The Post-Arrival Orientation Seminar (PAOS) should complete the preparation of the workers, taking advantage of the knowledge of officers and resource persons in the destination countries. Unfortunately, because of the sheer number of OFWs going abroad and the different places where they are deployed, it is difficult to reach out to all of them and only a small number of overseas employees can take advantage of it. PAOS is not mandatory.

**Deploying only skilled workers (RA 10022, sec. 1,g):** In RA 8042 this policy paragraph reflected the statistical observation that, in many cases, the migrants victimized were either domestic workers or entertainers. Initially, the implementation of the policy of selective deployment—such as deploying only skilled workers abroad—remained ineffective. Department Order No. 32 of DOLE, issued on 12 December 1996, defined a skilled worker as someone who possesses literacy skills, experience, and training as required by the job (Battistella, 1998). To justify the qualification of entertainers as professionals, their skill level was raised by requiring acquisition of ballet techniques. It did not solve the problems that entertainers faced, which were

<sup>87</sup>Response to the questionnaire, POEA Workers Education Division, 8 November 2012.

connected with their workplace and the types of activities they were required to do, rather than their skill levels. Eventually, entertainer deployment was drastically reduced when Japan decided in 2004, as part of an action plan to curb human trafficking, to impose stricter requirements in the issuance of visas to entertainers and to further restrict the conditions for Japanese inviting institutions through the Ministerial Ordinance Revised Standard enforced on 1 June 2006.<sup>88</sup>

Domestic workers were the object of a policy reform in 2006, when the POEA Governing Body issued the Household Service Workers Reform Package, which included the following provisions: domestic workers should be at least 23 years old; they should complete a National Certificate for Household Workers issued by the Technical Educational Skills Development Authority (TESDA); they should obtain a country-specific Language and Culture Certificate of Competence or attendance issued by OWWA; they should not be charged placement fees; and they should earn a minimum monthly salary of USD 400. Studies on the implementation of the reform package have indicated that some of the provisions are implemented, while others, such as the waiving of placement fees and the minimum salary of USD 400, are less practised (Battistella and Asis, 2011). The most recent policy trend is to decrease the deployment of household service workers by providing them better alternatives.<sup>89</sup> It is not clear how this will be achieved, and it certainly runs contrary to market tendencies, considering that, according to POEA data in 2011, the number of deployed domestic workers—most of them returning migrants—reached 142,485, an increase of 47.5 per cent over the previous year. The number further increased in 2012 to 155,795.

**Deploying OFWs only in countries that provide protection (RA 10022, sec. 3):** The deployment of OFWs only in selected countries was already included in sec. 4 of RA 8042, and it required that countries fulfilled one of three conditions: had legislation protecting workers, were a signatory and/or ratifier of multilateral conventions on migrant workers, and had a bilateral agreement with the Philippines. RA 10022 added that, beyond any one of the previous conditions, the destination country must also be taking measures to protect the rights of migrants in furtherance of the previous conditions. Filipino overseas workers were not to be deployed to a country that was failing to fulfil the previous conditions, and stiff penalties were imposed

<sup>88</sup> Applicants should show a record of two years of study in an educational institution on the type of entertainment they are applying for or two years of work experience outside of Japan. The so-called Artist Record Book (ARB) and Artist Accreditation Certificate (AAC) issued by the Philippine government were no longer honoured. Japanese inviting institutions should have no record of involvement in human trafficking or falsifying immigration documents, pay entertainers at least 200,000 yen a month and show proof of that level of payment for the previous three years (Asia-Pacific Human Rights Information Center, <http://www.hurights.or.jp>).

<sup>89</sup> Comment of POEA Deputy Director Liberty Casco, High-level Round Table Discussion on Migration Policies, 1 February 2013. However, it was not explained how this can be done.

on government officials or employees not following the provision. DFA was tasked with the duty to provide POEA with the list of countries where it was safe to deploy OFWs. In November 2011, except for 41 countries considered as non-compliant, the rest were certified for OFW deployment. In June 2012, the POEA Governing Board indicated 30 countries as compliant, among them the major destinations in the Middle East (Governing Board Resolution 08, Series 2012). In the end, the revised sec. 4 did not have a significant impact in restricting the deployment of Filipino workers.

**Fighting illegal recruitment (RA 10022, sec. 5):** Illegal recruitment has always been considered one of the primary causes for the victimization of Filipino workers. RA 8042 lifted from the Labor Code (art. 34) the list of acts constituting illegal recruitment. However, unlike the Labor Code, where illegal recruitment was limited to acts perpetrated by non-licensed agencies, the law did not make such a distinction and therefore licensed agencies can also be accused of illegal recruitment. The private sector has since contended that failing to maintain the distinction eliminates the incentive for seeking a license and was actually rewarding non-licensed agents or agencies. The legislators were not convinced by these arguments and RA 10022 has maintained that licensed agents can also be culpable of illegal recruitment. To the list of illegal recruitment was added (1) “reprocessing workers through a job order that pertains to non-existent work, work different from the actual overseas work, or work with a different employer whether registered or not with the POEA” (RA 10022 sec. 5, c), and (2) “To allow a non-Filipino citizen to head or manage a licensed recruitment/manning agency” (RA 10022 sec. 5, n). To fight illegal recruitment, POEA organizes regular anti-illegal recruitment campaigns and posts advisories, but problems still remain.

**Joint and several liability (RA 10022, sec. 7):** The joint and several liability (JSL) of the recruiter with the employer for any claim arising out of the employer-employee relationship was reaffirmed by RA 10022. Practically, the JSL provides the OFW the remedial recourse to file a claim against the employer upon a worker’s return to the Philippines through court proceedings against the recruitment agency. It is considered a good practice in the Philippine migration policy, although, it is not known whether other countries have adopted it. On money claims, the legislators reinserted in RA 10022 the provision that the worker whose employment was terminated without just cause is entitled to receive his or her salaries for the unexpired portion of the employment contract “or for three (3) months for every year of the unexpired term, whichever is less.” The expression in quotation marks had been declared unconstitutional by the Supreme Court because of suspect classification (Antonio M. Serrano v. Gallant Maritime Services, Inc., et al., March 24, 2008), but the legislators still maintained it in the amending act.

**Mandatory insurance (RA 10022, sec. 23):** Introduced in RA 10022, the mandatory insurance should cover all migrant workers for the duration of employment. The premium should be paid by the recruitment agency which can select the insurance company from a list of qualified companies, as determined by the Insurance Commission. Coverage should include: accidental death, natural death, permanent total disablement, repatriation costs, subsistence allowance benefits, money claims, compassionate visit, medical evacuation, and medical repatriation. Payment for accidental death, natural death and disablement shall be made without dispute. Payment of repatriation costs will depend on the certificate prepared by the foreign post indicating the reason for employment termination and the need for repatriation.

**Tax exemption (RA 8424, sec. 23 (C)):** This section of the Tax Reform Act of 1997 mandates that “An individual citizen of the Philippines who is working and deriving income from abroad as an overseas contract worker is taxable only on income derived from sources within the Philippines: Provided, That a seaman who is a citizen of the Philippines and who receives compensation for services rendered abroad as a member of the complement of a vessel engaged exclusively in international trade shall be treated as an overseas contract worker.” The exemption in sec. 23 (C) derives from the fact that overseas workers are already taxed in the country of employment and therefore should be exempt from double taxation.

**Social protection:** In addition to programs provided by OWWA, OFWs also participate in the social protection programs available to all Filipino citizens. Health protection is provided through membership in PhilHealth. Social security protection is obtained through membership in the Social Security System.<sup>90</sup> In addition, pursuant the Home Development Mutual Fund Law of 2009 (RA 9679), which established Pag-IBIG<sup>91</sup>, a government financial institution involved in mobilizing provident funds, OFWs are required to become members and have the possibility to participate in saving options based on their monthly salary offering advantageous interest rates, and to avail of housing loans (up to as much as PHP 2 million).

**Initiatives concerning foreign policy:** The protection of overseas workers begins at home, but must continue abroad, where the migratory experience is actually lived. In this respect, several measures were taken concerning the reaching out to Filipinos overseas through the foreign posts of the Philippine government. Among them:

<sup>90</sup>These have been described in more detail in the section on the welfare of OFWs.

<sup>91</sup>Pagtutulungan sa kinabukasan: Ikaw, Bangko, Industriya at Gobyerno (Cooperating for the Future: You, Bank, Industry and Government).

- *establishing the Legal Assistant for Migrant Workers Affairs* (RA 8042, sec. 24). The function created within the Department of Foreign Affairs involves the support for legal representation of aggrieved OFs in foreign courts and assistance to repatriation of OFs in distress or other crisis situations such as wars, conflicts, terrorism, trafficking, deportations and seafarer piracy and so on. It has proven effective particularly in times of crisis created by conflicts. The office, now renamed the Office of the Undersecretary for Migrant Workers Affairs (OUMWA), has been the primary body responsible for situations calling for massive repatriation and release of OFs in jail or held hostage by terrorist elements.
- *establishing the Migrant Workers and other Overseas Filipinos Center in Philippine embassies* (RA 8042, sec. 19). The centre has a variety of functions that are helpful to migrants, including counselling and legal services, welfare assistance, information advisory—such as the post-arrival orientation—human resource development and other services. Experience has indicated that such centres within the embassy have played an important role, particularly in the protection of stranded Filipino workers.
- *placing the protection of Filipinos abroad as the highest priority of the Philippine Foreign Service Post* (RA 8042, sec. 27). The re-prioritization of foreign policy functions is a remarkable consequence of the Flor Contemplacion crisis.
- *the Country-Team Approach* (RA 8042, sec. 28). Already established under EO 74, series of 1993, the country-team approach mandates all personnel in embassies and consulates to act as one in the protection of Filipinos overseas, under the leadership of the Ambassador. This has contributed to the effective response of the post to the needs of OFWs, particularly in times of crisis. Apart from conflict related crises, the foreign service posts were the front-liners in ensuring the safety and providing assistance to OFWs and OFs affected by disasters or calamities.

**Reintegration of overseas Filipinos:** The protection of OFWs covers the last stage of the migration process, the return to the homeland. The National Reintegration Center for Overseas Filipino Workers (RA 10022, sec. 10) was established to “provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.” Agencies, such as the Technical Education and Skills Development Authority (TESDA) and the Technology Livelihood Resource Center (TLRC), shall give priority to returning migrants.<sup>92</sup>

<sup>92</sup>According to NRCO Director Rustico dela Fuente, one enterprise a day is initiated through the facilitation of NRCO (High Level Policy Meeting, 1 February 2013, Manila).

Earlier, some benefits to returning overseas Filipinos were provided through the Balikbayan Program instituted in 1989 (RA 6768) and amended in 2002 (RA 9174). It is for Filipino citizens or former Filipino citizens who have acquired another nationality and who have been abroad for at least one year. It grants some benefits such as tax free purchases of up to USD 1,500, special places of reception at ports and airports, and tax-free purchase of livelihood tools. The government, through TLRC and TESDA, “shall provide the necessary entrepreneurial training and livelihood skills programmes and marketing assistance to a balikbayan” (RA 9174, sec. 6).

#### BOX 10: THE ROLE OF NGOS

NGOs focusing on providing support and assistance to migrants started to emerge in the late 1970s, at about the time when problems attendant to labour migration started to surface. Among the first NGOs to respond to migrants’ problems were faith-based organizations which were approached by migrants and their families for assistance. The need for information to prepare migrants for the different living and working conditions overseas urged the sisters of the Religious of the Good Shepherd to develop an orientation program that would later inspire the government-mandated Pre-Departure Orientation Seminar or PDOS.

The government’s emphasis on market development in the early years of the overseas employment program resulted in gaps in services and protection which NGOs started to notice and to address. The participation of Filipino women in labour migration, especially their concentration in vulnerable occupations such as domestic work and the entertainment industry, provided further impetus to strengthen safety nets and services and to intensify lobbying to make the Philippine government accountable towards its citizens. NGOs emerged not only in the Philippines, but also in Asian destinations where Filipinos are working.

An important moment in the development of NGOs and their work was the mobilization of Filipino migrant workers to fight and resist Executive Order (EO) No. 857. Issued by President Marcos on 13 December 1982. EO 857 required Filipino migrant workers to remit a portion of their salaries—50 per cent for most workers; 70 per cent for seafarers—through the banking system. Failure to do so had punitive consequences for workers and/or their employers or recruitment agencies. Organized actions, such as picketing at Philippine consulates and embassies, and the general sentiment against forced remittances compelled President Marcos to rescind the order on 1 May 1985.

By the 1990s, NGOs developed in various directions. From stand-alone, independent organizations, the 1990s saw the rise of umbrella organizations. One of the long-running coalitions is the Philippine Migrants Rights Watch or PMRW ([www.pmrw.org.ph](http://www.pmrw.org.ph)), which started in 1995 with the



objective to campaign for the ratification of the International Convention on the Protection of All Migrant Workers and Members of Their Families (MWC). After the ratification of the MWC, PMRW and other organizations were involved in monitoring the implementation of the Migrant Workers and Overseas Filipinos Act of 1995 and successfully campaigned for the repeal of the deregulation clause. In a reorientation of focus, some NGOs became directly involved in providing PDOS to household service workers, while others turned to promote economic empowerment of migrants by preparing migrants for their return and reintegration through such initiatives as promoting savings and enterprise development among migrants and their families. Some NGOs focused more on advocacy and in building links with umbrella organizations in the region, such as the Migrant Forum in Asia, while others became active in promoting initiatives on migration and development.

The relationship between NGOs and the government has changed in the course of time. Although NGOs continue to have a critical stance towards the government, there have also been significant inroads for partnership and collaboration. The Migrant Workers and Overseas Filipinos Act of 1995 and as amended by Republic Act No. 10022, sec 1 (h) recognizes NGOs “as partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare.” On the initiative of PMRW, the Consultative Council on OFWs, a regular dialogue between migration agencies and NGOs started in 2001, has fostered cooperation between these two entities.

#### **e. Anti-trafficking**

Trafficking in persons has increasingly attracted the attention of administrators and lawmakers as it is a criminal activity which victimizes many migrants. The difficulty in determining the exact nature of trafficking, as distinct from smuggling and irregular migration in general, was addressed at the international level through the Protocols to the Convention on Transnational Organized Crime adopted in Palermo in 2000. The Protocol to Prevent, Suppress and Punish Trafficking in Persons was ratified by the Philippines in 2002 and entered into force in 2003. This was followed by the passage of the Anti Trafficking in Persons Act (RA 9208) in 2003 to eliminate trafficking in persons, especially women and children.

Regardless of the legislation and the initiatives to implement it—including the Inter-Agency Council Against Trafficking - the Philippines was placed on the watch list of tier 2 countries in the US Department of State’s Trafficking in Persons (TIP) Report of 2011, mainly because of the backlog of cases awaiting prosecution. As the rate of convictions increased, the 2012 TIP Report took the Philippines off the watch list.

RA 9208 was amended by the “Expanded Anti-Trafficking in Persons Act of 2012,” (RA 10364), which in addition to expanding Sec. 4 and listing the acts that constitute trafficking in persons, added Sec. 4A, relating to attempted trafficking in persons; Sec. 4B, concerning accomplice liability; and Sec. 4C, relating to accessories to trafficking. Penalties were also increased to 15 years in prison and the application of the law for trafficking acts committed by Filipino citizens or against Filipino citizens was declared extraterritorial. The allocation of more funds for action against trafficking in persons and better training of personnel involved in the prevention of trafficking, protection of trafficked persons, and prosecution of traffickers are expected to contribute significantly to anti-trafficking efforts (DOJ-IACAT, 2013).

#### 4. Political Rights of Overseas Filipinos

The expanding Filipino diaspora<sup>93</sup> has attracted the attention of legislators who saw the potential of a “larger” Philippines and offered Filipinos abroad the possibility to be part of the Philippine political process through participation in political elections as well as re-acquiring Filipino citizenship for those who were naturalized in another country.

The Overseas Absentee Voting Act (RA 9189) was adopted in 2003 to facilitate the participation of overseas Filipinos in national elections. Filipinos working or residing abroad can vote only for the President and Vice President, Senators and Party-list representatives—in other words, for the officers or representatives chosen by the whole nation, not by an electoral district, such as the House Representatives. Filipino citizens abroad, except for immigrants or permanent residents, who are at least 18 years old and intend to vote in the election, must register with a representative of the Commission on Elections (COMELEC) at a Philippine Embassy or Consulate. They can also register at the time of departure from the Philippines, with the COMELEC office at the airport. The ballot is cast personally at the nearest Philippine Embassy or Consulate or sent by mail. In the 2004 elections 364,187 registered and 233,092 voted. The 64 per cent participation rate dropped to 16 per cent in 2007, which was not a presidential election. In the 2010 elections, 589,830 registered and 134,000 cast their vote, equivalent to 23 per cent. Registration and voting have been highest

<sup>93</sup>Estimates by CFO speak of approximately 9.4 million Filipinos abroad in 2010, of whom 47 per cent are permanent residents, mostly in the United States. It should be observed that not all permanent residents were born in the Philippines or are Filipino citizens. For instance, of the 3.4 million who identified themselves as Filipino in the US 2010 census, only around 1.7 million, about 50 per cent, were born in the Philippines. Therefore, 50 per cent were born in the United States and are automatically US citizens (US Census, The 2012 Statistical Abstract, Table 42). Similarly, of the 3.4 million, only 1.5 million speak Tagalog at home (id., Table 53). In addition, 280,000 were estimated to be in an irregular situation (Table 45).

in Hong Kong, China; and Singapore, where going to the Philippine Embassy to cast a vote is not inconvenient. In Hong Kong, China 35,087 of the 95,345 registered went to vote, while in Singapore 8,611 out of 31,351 voted. In the 2013 elections, automated voting has been set up in Hong Kong, China; Singapore; Dubai; Riyadh; Jeddah and Kuwait. Considerations on the disappointing rate of registration and voting have highlighted the following points: OFs are geographically dispersed and it is not easy to reach the Philippine government office where they can cast their ballot—the foreign posts are limited to major countries and locations—OFWs have limited time off from work, and it is not easy to obtain permission to vote; and voting may require taking a day off and travelling some distance, which is costly. Overseas voting in the 2013 elections had been disappointing: of the 737,759 who registered abroad, only 113,209 voted, or a turnout of 15.35 per cent (*Manila Bulletin*, 2013). The requirement of the affidavit stating the intention to return to the Philippines within three years was also considered a major obstacle. Even more pronounced are the difficulties for seafarers, who are mostly at sea, have very little time when ships come to the port, and cannot go to Philippine embassies and consulates or cannot be reached for voting by mail (CMA, 2011).

RA 9189 has been amended by RA 10590, which shall be known as “Overseas Voting Act of 2013.” President Aquino approved RA 10590 on 27 May 2013. Under the amended law, overseas Filipinos shall no longer be required to execute an affidavit stating the intention to the Philippines not later than three years from approval of their registration. Other key amendments include: granting overseas voters to participate in all national referenda and plebiscites and the establishment of an Office of Overseas Voting under the COMELEC which will be tasked “specifically to oversee and supervise the effective implementation of the Overseas Voting Act” (COMELEC, 2013).

To facilitate the reacquisition of Filipino citizenship for those who lost it because of naturalization requirements in another country, Congress passed the Citizenship Retention and Re-acquisition Act of 2003 (RA 9225). Sec. 3 states that “natural-born citizens by reason of their naturalization as citizens of a foreign country are hereby deemed to have re-acquired Philippine citizenship upon taking the [following] oath of allegiance to the Republic.” Likewise “Natural born citizens of the Philippines who, after the effectivity of this Act, become citizens of a foreign country shall retain their Philippine citizenship upon taking the aforesaid oath.” Between April 2004, when the implementation of the law started, and the end of 2012; 106,393 applications for re-acquisition of Filipino citizenship have been approved, distributed as follows: Asia and the Pacific - 5,535; Americas - 82,459; Europe - 18,182; Middle East and Africa - 217 (DFA, 2012:35).

## 5. Current Challenges and Political Orientation

Although complex and comprehensive, the governance of immigration and emigration still present many challenges.<sup>94</sup>

### a. Challenges concerning immigration

The Bureau of Immigration is tasked to increase vigilance on erring officers who might be involved in facilitating irregular migration practices. Allegations of escort services by Bureau personnel enable ineligible travellers to bypass or subvert immigration checks which seriously smear and undermine the country's capacity to protect its borders. The slow processing of visas and inefficient bureaucracy are also lamented.

### b. Challenges concerning permanent migration

In view of the increasing phenomenon of long-term migration to non-traditional countries of settlement, it is useful to prepare information materials on those countries, particularly the non-English speaking ones. It is also opportune to identify substitutes for documents required by particular countries—such as the Certificate of Good Conduct—that may be difficult to obtain in certain situations. To avoid offloading of emigrants at airports, foreign embassies should inform applicants that they need to register with CFO prior to departure.

As for marriage migration, new legislation might be necessary considering the changes in the practices for arranging intermarriage and the many reports of domestic violence experienced by spouses abroad. To avoid problems created by local civil registrars, intensive information dissemination and dialogue with the local civil registrars with high records of violation should be organized. Furthermore, stiffer penalties for government employees involved in unscrupulous practices should be imposed, and marriage fixers should be put out of business. The PDOS provided by CFO might have to be extended to cover various different issues, and an EO requiring pre-marriage counselling enhancement with LGUs, DSWD, and other appropriate agencies may help fill the gap of insufficient information available to applicants.

<sup>94</sup>Recommendations were drawn from the DFA, CFO, BSP and other agencies' response to the questionnaire, 15 November 2012.

### c. Challenges concerning overseas employment

**Information and education:** There are layers of information and migrant orientation programmes which need to be reviewed and structured within a unified framework. Among these are: POEA's Pre-Employment Orientation Seminar (PEOS) programme, OWWA's Pre-Departure Orientation Seminar (PDOS) for OFWs, and the POLOs' Post-Arrival Orientation Seminar (PAOS). In each orientation, there have been persistent demands to make available country or skills-specific information in addition to general modules. There is a need to rationalize the delivery system and adopt a results monitoring mechanism.

To increase its reach and effectiveness, the PEOS should be made mandatory and LGUs could be deputized to conduct it in their respective jurisdictions. Information on relevant host-government laws, utilizing the cooperation of foreign service posts, should be given to applicants to ensure that they know the legal framework in which they will operate. Relevant information concerning irregular migration and trafficking should also be provided, and it would be good to utilize the experiences and contributions of former overseas workers. The comprehensive Trainers Manual on the Campaign Against Illegal Recruitment, Trafficking and Irregular Migration published by IOM, Philippines under the MDG Achievement Fund must be utilized by the POEA in its capacity building programmes for duty bearers. There is need to expand the network of NGOs, academic institutions and information handlers who can implement the PEOS. Including migration in the school curriculum at all levels will be an effective means to reach the young.

Policy decisions have to be made in connection with the timing and period of the delivery of PDOS, often criticized as an orientation that is “too much, too late”, causing an overload of information just when the OFW is about to leave. Innovations on orientation tools and technologies may lend solutions to assuring efficiency while preserving the coverage of topics in understanding culture, laws, customs and traditions. The religion and way of life of host countries, which serve as the backdrop to the assertion of human, labour and gender rights of migrants, must also be covered. Practical tips on travel procedures; courses of action when in distress or crises; how to access a Philippine embassy and other support institutions for legal, consular, health and other emergency services; as well as rights and obligations based on the employment contract must be included in the PDOS. The PAOS programme is best exemplified by the arrangement under the government to government agreement with the Republic of Korea, where arriving workers are provided full orientation by the host government's Ministry

of Foreign Affairs in coordination with the POLO in Seoul before they are deployed to their respective factory or work place. The POLO posts in Kaohsiung, Taiwan Province of China and Saudi Arabia have attempted to sustain PAOS but due to the difficulties of workplace distance and inability of workers to obtain support from employers, the programme could not be assured. The lesson to learn in these examples is the need for the POLO to coordinate a joint programme with the host government authorities and the foreign employers to take responsibility for the PAOS. The PAOS must be packaged as a crucial step to facilitating adjustment in the workplace which can lead to the effective integration of the migrants abroad. The host country's stake in safeguarding security concerns, compliance of migrants to their laws and norms and religious fulfilment of their employment contract must be emphasized.

**Passports:** Considering the difficult situations in which OFWs often find themselves, DFA should consider issuing a temporary/emergency passport recognized by foreign countries. Microchip readers should be placed at all entry and exit points in the country for an added layer of verification. A special unit for prosecution within the Passport Section would send a strong signal that violations would be met with severity.

**Recruitment of workers:** Violations of recruitment regulations continue to occur due to a number of factors: wilful violation by unscrupulous recruitment agencies, unethical practices of counterpart foreign recruitment agencies often involved in the selling of job orders to Philippine agencies, unrealistic and unenforceable standards of wages or employment contract set by POEA, collection of exorbitant placement fees, possible lapses in the verification and accreditation processes over employers and their projects, lack of coordination on the issuance of provincial recruitment authority, and the need to strengthen recruitment monitoring and inspection. These factors lead to workers being subjected to violations such as: recruitment for non-existing employers or jobs, employment contract substitution, non-payment, delayed payment or underpayment from salary deductions, re-assignment of workers to another job different from the visa category granted, and other violations. Strict implementation of norms should be sustained by regulatory authorities like the POEA and POLO. Adoption of standard employment contracts and wage guidelines should be agreed upon between sending and receiving countries in order to be enforceable. Continuous process simplification in the spirit of the ISO certification must be pursued. As there is widespread suspicion in the private sector that the number of recruitment agencies are owned by foreigners, particularly those deploying domestic workers,

closer scrutiny of license applications or renewal must be observed. Bilateral discussions with host countries should tackle concerns on the need to regulate the activities of their recruitment agencies. Vigilance on fees imposed by the recruiters should increase as they tend to charge more than what is allowed. The cost of authentication—which is double the costs of the verification fee charged by the Labor Attaché—should be eliminated to free OFWs of added financial burdens. Domestic workers hired by diplomats should be required to register with the Philippine Foreign Service post.

**Campaign Against Illegal Recruitment, Trafficking and Irregular Migration (CAIRTIM):** There is dire need to sustain and mainstream the Campaign Against Illegal Recruitment, Trafficking and Irregular Migration (CAIRTIM) programme, launched by the POEA with support from IOM in 2012, in an integrated and convergent approach, prioritizing major identified corridors. For many years, the POEA had focused on illegal recruitment and IACAT has focused on trafficking, with an unclear approach to irregular migrants. A significant number of irregular migrants are not necessarily trafficked or illegally recruited while all trafficked or illegally recruited migrants end up in irregular situations (see Annexes A and B for the definitions of irregular migrants, irregular migration irregular/undocumented Filipino migrant workers). It is crucial to establish a clear understanding of these differences and relationships in order to send the appropriate core message in advocacy campaigns. The human rights orientation that is often emphasized in the fight against illegal recruitment and trafficking needs to be balanced with the “obligations” perspective.

It has been ascertained that provinces in Mindanao such as Maguindanao in the Autonomous Region in Muslim Mindanao (ARMM) are major contributors to cases of irregular migration and trafficking. ARMM—or whichever succeeding autonomous Bangsamoro government structure will likely evolve in the near future—needs to be capacitated to implement thematic programmes in this area anchored on national legislation. Based on observations from IOM project operations, there is a critical gap between the programmes run by the POEA National Office and POEA ARMM.<sup>95</sup>

There is also the need to encourage and facilitate the registration of newborn children. Non-registration is widespread in ARMM. The vulnerability of young

<sup>95</sup>Specific interventions were undertaken by IOM within the framework of the Spanish-funded Joint Programme on Alternatives to Migration: Decent Jobs for Filipino Youth, to engage the POEA National Office to orient POEA ARMM on specific programme areas particularly on the operations of licensed agencies and on counter-trafficking from 2011 to 2012.

migrants from ARMM, particularly women, to irregular migration, trafficking and child labour has been linked to the practice of late birth registration, where information can be “adjusted” to enable aspiring migrants to meet the age requirement.

CAIRTIM modules and strategies must be mainstreamed among law enforcement agencies, notably through the Police Academy or Local Government Academy, the schools, the media, LGUs, the PESOs, and civil society organizations at the *barangay* level.

**Training of Foreign Service Officers and staff:** The complexity of issues related to overseas employment requires solid training of officers and staff assigned overseas. The training should focus on operational matters, expectations and relations with superiors, and dynamics with foreign governments. Their orientation should also include modules on contemporary migration, the basic language of the country of assignment, and financial literacy. The inclusion of migration and development and engaging with overseas Filipino communities has also been suggested (Asis and Roma, 2010), as well as crisis or disaster-preparedness (SMC, 2012b). It would be useful to review the pre-departure orientation program of foreign service officers and staff.

**Socioeconomic reintegration:** The socioeconomic reintegration of OFWs or OFs remains the weak link in the Philippine model of migration governance. While RA 10022 defines an elaborate legal mandate for NRCO, the success of the reintegration programme hinges on NRCO’s ability to involve the participation of key institutions in building an investment-conducive environment in the Philippines. It is important that NRCO has documentation of successful migrant entrepreneurs who have channelled remittances to small and medium enterprise development, particularly those which tap the potentials of their hometown in the agriculture, industry and tourism sectors. The value chain framework provides useful guidelines in choosing the areas for enterprise investment in which to channel remittances (IOM and SERDEF, 2012). Under their corporate social responsibility programmes, big business enterprises can be encouraged to involve small migrant entrepreneurs as partners in the supply chain. The advocacy for increasing the level of financial literacy among migrants and their dependents must be accompanied by information on concrete investment schemes, technical training and mentorship (with TESDA, DTI, Technology Resource Center and others), business incubation and viability monitoring. Tools and facilities to implement these support programmes must be in place



and accessible to interested migrant investors. Development organizations and the donor community must be explored to mobilize resource and expert support in this area. The reintegration programme should also explore how to engage permanent migrants to share their knowledge and expertise. The various packages offered by the Philippine Retirement Authority can also benefit Filipinos of foreign citizenship who intend to retire in the country.

Special reintegration services must be offered to migrants returning from conflict situations, disasters, deportations, trafficking experiences and other forms of distress situations.

#### **d. Current Political Orientation on Migration**

The current policy toward overseas employment revolves around two main objectives, articulated by President Benigno Aquino III in his inaugural address: “Our goal is to create jobs at home so that there will be no need to look for employment abroad. However, as we work towards that end, I am ordering the DFA, POEA, OWWA, and other relevant agencies to be even more responsive to the needs and welfare of our overseas Filipino workers” (30 June 2010).

From the legislators’ side, the concern for Filipinos abroad was expressed through organizational and legislative actions. The House Committee on Overseas Employment Affairs was changed from a special committee of the House Committee on Labor to an independent committee. RA 10022, which amended the Migrant Workers and Overseas Filipinos Act of 1995, articulates the resolve to strengthen the protection of overseas Filipinos. Equally important was the Senate concurrence in the ratification of the ILO Convention Concerning Decent Work for Domestic Workers (Senate Resolution No. 816, adopted on August 6, 2012) and in the ratification of the ILO Maritime Labour Convention (Senate Resolution No. 829, adopted on August 13, 2012). The Expanded Anti-Trafficking in Persons Act of 2012 or RA 10364 is also a further step in protecting overseas Filipinos - as well as those In the Philippines. Also, as previously mentioned, the Overseas Absentee Voting Act was amended to facilitate the participation of overseas Filipinos in national elections.

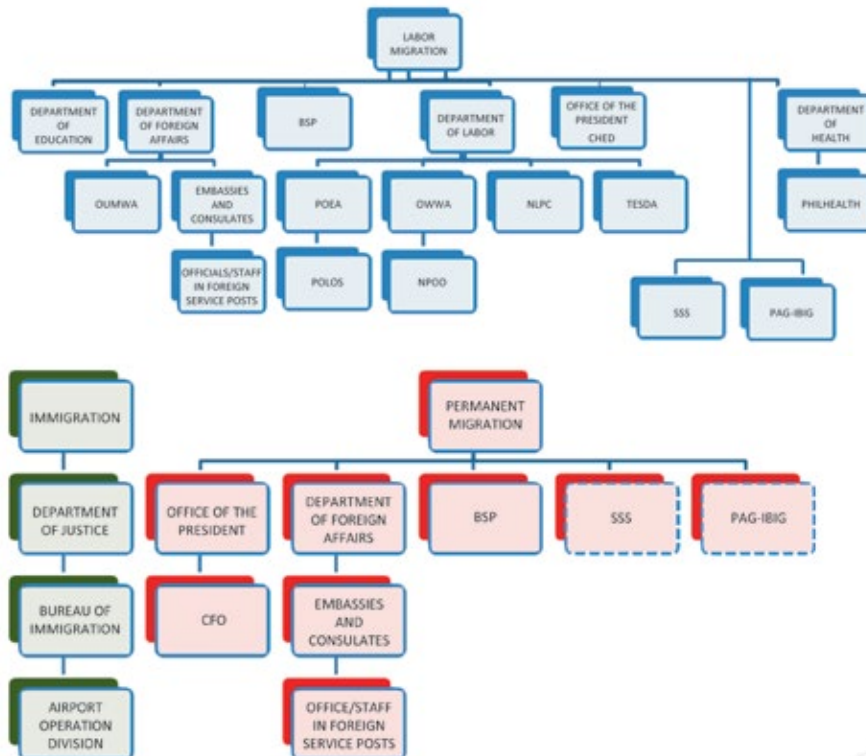
Based on a review of pending bills, other initiatives taken both by the House of Representatives and the Senate that were not completed in the 15th Congress concerned: establishing a social security and retirement system for OFWs; providing benefits to former OFWs through OWWA; conducting an interim census

of Filipinos abroad; creating a medical centre for OFWs; creating a Department of Overseas Workers; and instituting the Magna Carta for Filipino Seafarers. Among them, the bills concerning seafarers will certainly have to be taken up by the next Congress after the elections of 13 May 2013, as the ratification of the Maritime Labour Convention requires proper action for implementation.

## D.2. INSTITUTIONAL FRAMEWORK

Policies are implemented through government institutions which operate at different levels. The Philippines does not have a Department of Migration—although a bill was filed in Congress to institute a Department of Overseas Workers.<sup>96</sup> Instead, the implementing agencies are under the responsibilities of various departments or of the Office of the President (Figure 20).

**Figure 20: Government agencies involved in the governance of migration\***



\* The diagrams are only for illustrative purpose.

<sup>96</sup>The idea of a Department of Migration did not find support in the consultations with stakeholders conducted by the MAPID Project (Asis and Roma, 2010). Similarly, government officials who participated in the High-level Round Table Discussion on Migration Policies echoed the view that such a department is not necessary (1 February 2013, Manila).

# 1. Immigration to the Philippines

**Bureau of Immigration:** Established in 1940 (Commonwealth Act No. 613), when the Philippines was still under the rule of the United States, it was renamed as the Commission on Immigration and Deportation during martial law, but regained its name in 1987, when President Corazon Aquino signed Executive Order No. 292 (Administrative Code of 1987). It operates under the Department of Justice and is headed by a Commissioner, as provided under DOJ Circular Order No.31 (dated 1 December 1989).

**Functions:** To achieve the main objectives of ensuring that foreigners enter and stay in the Philippines in compliance with existing laws and maintaining the record of their presence, the Bureau of Immigration, with administrative and quasi-judicial powers, exercises the following functions:

- Regulates the entry (arrival), stay (sojourn), and exit (departure) of foreign nationals in the country and monitors the entry and exit of Filipino citizens in compliance with Philippine laws and other legal procedures;
- Issues immigration documents and identification certifications in a variety of visas;
- Issues special permits in relation to the enforcement of immigration laws;
- Provides administrative determination of citizenship and related statuses;
- Investigates, hears, decides, and executes orders pertaining to exclusion, deportation, and repatriation of aliens;
- Cancels immigration documents upon violation of immigration laws and procedures;
- Investigates, arrests, and detains foreigners in violation of immigration regulation and other Philippine laws.

**Organization:** As had been mentioned, the Bureau of Immigration is headed by a Commissioner, assisted by two Associate Commissioners; together they form the Board of Commissioners, with the Board of Special Inquiry under it. In addition to the Office of the Commissioner, the Bureau of Immigration has an Administrative Division, a Financial and Management Division, a Law and Investigation Division, an Intelligence Division, an Alien Registration Division and an Intelligence Division.

**Recent Developments:** The Bureau of Immigration has expedited procedures for the acquisition of the ACR I-Card, evaluation of applicable fees and procedures for student visa conversion and for reacquisition of citizenship. In 2012, 30,228 applications for dual citizenship were received, 56 per cent more than in 2011. To enhance border security, the Biometrics Capturing System constitutes the first stage of a long-term process, which will also include an alien registration programme for aliens authorized to stay.<sup>97</sup>

## 2. Permanent Migration

**Commission on Filipinos Overseas (CFO):** The Commission on Filipinos Overseas (CFO) is an agency of the Philippine Government tasked to promote and uphold the interests of Filipino emigrants and permanent residents abroad, and to preserve and strengthen ties with Filipino communities overseas. It was established on 16 June 1980 through Batas Pambansa 79 to replace the Office of Emigrants Affairs (OEA) set up in June 1978 by Presidential Decree No. 1412.

According to Batas Pambansa 79, its functions are:

- Provide assistance to the President and the Congress of the Philippines in the formulation of policies and measures concerning or affecting Filipinos overseas;
- Develop and implement programmes to promote the interest and well-being of Filipinos overseas;
- Serve as a forum for preserving and enhancing the social, economic and cultural ties of Filipinos overseas with the motherland;
- Liaise on behalf of Filipinos overseas with appropriate government and private agencies in the transaction of business and similar ventures in the Philippines.

CFO extends its services to: Filipino permanent migrants or permanent residents abroad; Filipinos overseas who have become naturalized citizens of other countries or dual citizens; Filipino spouses and other partners of foreign nationals leaving the country; descendants of Filipinos overseas, as defined in Batas Pambansa 79; Filipino youth overseas; and Exchange Visitor Program participants.

<sup>97</sup>Data provided by the Bureau of Immigration, 24 March 2013.

To implement its functions, CFO, among others, registers and provides pre-departure orientation seminars to emigrants; promotes the transfer of technology as well as material and financial contributions from overseas for development projects in underserved communities all over the Philippines; and also provides younger generations of Filipinos overseas with opportunities to learn Philippine history and culture. In addition the general framework of migration and development will guide its initiatives linking the overseas Filipino communities and the country.

### 3. Overseas Employment

#### a. **Philippine Overseas Employment Administration (POEA)**

POEA is an attached agency of the Department of Labor and Employment (DOLE) tasked to promote, regulate and monitor overseas employment. It was established in 1982 (EO 797), and it was then reorganized in 1987 (EO 247). The latest amendment of POEA objectives and functions is contained in RA 10022 (2010), which amended RA 8042 (1995).<sup>98</sup>

#### **Functions (sec. 10, RA 10022):**

##### *Promotion:*

- Formulate and implement a system for promoting and monitoring the overseas employment of Filipino workers (sec. 10);
- Directly recruit and place workers only in government-to-government arrangements (sec. 10);
- Establish a foreign employers' guarantee fund for workers deployed on government-to-government agreement and provide them adequate legal assistance (sec. 23);
- Formulate a programme that would motivate returning migrant workers to plan for productive options (sec. 10).

<sup>98</sup>For a detailed analysis of POEA and its functions see Agunias (2008), Orbeta et al. (2009), and Orbeta and Abrigo (2011).

*Regulation:*

- Regulate private sector participation in the recruitment and overseas placement of workers (sec. 10);
- Regulate and manage overseas employment (sec. 10);
- Deploy workers only to countries where the Philippines has concluded bilateral labour agreements or arrangements (sec. 10).

*Monitoring and adjudication:*

- Provide comprehensive Pre-Employment Orientation Seminars (PEOS)(sec. 10);
- Inform migrants of their labour and human rights, instruct them on how to assert their rights and provide mechanisms to redress violation (sec. 10);
- Implement an intensified programme against illegal recruitment activities (sec. 10);
- Initiate criminal action against illegal recruiters (sec. 5);
- Establish a mechanism for free legal assistance for victims of illegal recruitment within the Anti Illegal Recruitment Branch (sec. 8).

**Cooperation:** In carrying out its functions, POEA is tasked to cooperate with other government agencies: with the Department of Justice in prosecuting illegal recruitment offenses (sec. 5) and in providing legal assistance to victims of illegal recruitment (sec. 8); with OWWA in formulating a programme for returning migrant workers (sec. 10); with Local Government Units in disseminating information (sec. 16); with the Department of Labor and Employment, Insurance Commission, National Labor Relations Commission, in consultation with the private sector and civil society, in formulating implementing rules concerning mandatory insurance (sec. 23).

**Organization:** The Governing Board of POEA is made up of the Secretary of Labor, the Administrator of POEA, one representative of the private sector and a representative coming respectively from the women and the sea-based and the land-based sectors (sec. 20), contemplated under Republic Act 8042 as migrant sector representatives. The Administrator acts as the Chief Executive Officer, supported by the Directorate

and the general administrative and support services. The POEA is organized into the following main offices: the Pre-employment Services office, the Licensing and Regulation office, the Adjudication office, and the Welfare and Employment office.

In 2012, POEA has successfully restored the ISO 9001:2008 certification for its Quality Management System covering 16 frontline services, 11 support services and 10 general procedures. It has also sustained its compliance with the Anti-Red Tape Act requirements. The computerized systems concerning Enhanced Case Monitoring System and Illegal Recruitment Cases Profiling were completed. It also established the Efficiency and Integrity Board to institutionalize transparency and accountability in all transactions.

#### **b. Overseas Workers Welfare Administration (OWWA)**

OWWA was established in 1977 as an attached agency of DOLE called the Welfare and Training Fund for Overseas Workers (Letter of Instruction, or LOI, 537). In 1981, it became the Welfare Fund for Overseas Workers (Presidential Decree, or PD, 1694 dated 1 May 1980, as amended by PD 1809 dated 16 January 1981). It was further renamed OWWA by EO 126 (sec. 19, dated 30 January 1987). Its current functions are specified by RA 8042 and as amended by RA 10022.<sup>99</sup>

#### **Functions (OWWA Omnibus Policies, sec. 3):**

- To protect the interests and promote the welfare of OFWs;
- To facilitate the implementation of the provisions of the Labor Code concerning the responsibility of the government to promote the well-being of OFWs;
- To provide social and welfare services to OFWs, including insurance, social work assistance, legal assistance, cultural services, and remittance services;
- To ensure the efficiency of collection and the viability and sustainability of the fund;
- To undertake studies and research for the enhancement of their social, economic and cultural well-being;
- To develop, support and finance specific projects for the welfare of OFWs.

<sup>99</sup>For a detailed analysis of OWWA and its functions see Agunias and Ruiz (2007) and Orbeta et al., 2009).

**Membership:** The Welfare and Training Fund for Overseas Workers (WTFOW) was created through contributions from different sources, including “Donations and their contributions from employers served by BES, the OEDB and NSB” (LOI 537). PD 1694 specified in the preamble that, according to LOI 537, the WTFOW was “to be funded with contributions from overseas employers of Filipino workers.” It authorized BES, OEDB and NSB to impose fees and other charges, subject to the approval of the minister of finance. Current OWWA Omnibus Policies speak of OWWA as a membership fund, to which overseas workers belong by paying membership dues. It does not indicate whether dues—amounting to USD 25 per contract—should be paid by the employer or the worker. For seafarers, the membership due is shared by the seafarer and his employer.

Membership in OWWA is mandatory for all overseas workers upon signing their contract with POEA, and it lasts until the end of the contract. It is renewed upon payment of membership dues on the renewal of contract or signing of a new contract. Voluntary membership is effective upon payment of dues and it can be renewed on the job site. Each renewal can last for two years.

**Organization:** The Governing Board is chaired by the Secretary of Labor and Employment and it is comprised of the OWWA Administrator, the secretaries of DFA, Finance and Budget and Management, the Undersecretary of Labor and Employment, the POEA Administrator, and representatives of the private, labour, land-based, sea-based and women sectors. Activities and programmes are implemented by the Secretariat.

### **Benefits:**

- A. Medical/Healthcare, Disability and Death Benefits
- B. Education and Training Benefits, include the following: the Pre-Departure Education Program; the Comprehensive Pre-Departure Education Program for household service workers; the country-specific PDOS for migrants going to Canada and the United Arab Emirates; the Skills-for-Employment Scholarship Program, consisting of vocational and technical courses; the Education for Development Scholarship Program for dependents of overseas workers—150 scholarships for college education—and the OFW Dependents Scholarship Program for the dependents of OFWs with a salary of less than USD 400.



- C. Seafarers' Comprehensive Education and Training Programs, which include several schemes for education and retraining of seafarers.
- D. Workers Assistance and On-Site Services, which includes locating OFWs' whereabouts and assisting OFWs in distress and those in need of repatriation.
- E. Social and Family Welfare Assistance, of which the most important programme concerns the reintegration of overseas workers through the National Reintegration Center for OFWs and the provision of livelihood programmes.

**c. Office of the Undersecretary for Migrant Workers Assistance (OUMWA)**

It was created by RA 8042 as the Office of the Legal Assistant for Migrant Workers Affairs and later renamed as Office of the Undersecretary for Migrant Workers Affairs (OUMWA). It assists the Secretary of Foreign Affairs in formulating and executing the foreign policy toward Filipinos overseas, in particular in extending assistance to them in regard to the protection of their rights and dignity. It has been the focal point for initiatives concerning the repatriation of distressed Filipinos because of armed conflicts or environmental disasters.

**d. National Labor Relations Commission (NLRC)**

The National Labor Relations Commission (NLRC) (established by art. 213 of the Labor Code, amended by RA 6715 of 1989, and by RA 9347 of 2006) is a quasi-judicial body tasked to promote and maintain industrial peace by resolving labour and management disputes involving both local and overseas workers through compulsory arbitration and alternative modes of dispute resolution. The Commission Proper has eight Divisions, each composed of three members, with the Presiding Commissioner representing the government sector and the other two members representing the workers' and the employers' sectors.

Its Labor Arbiters have original and exclusive jurisdiction to hear and decide, within 90 calendar days after the filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary and other forms of damages (RA 10022, sec 7).

In application of RA 10022 which mandates agencies to monitor labour issues related to overseas workers, NLRC strengthened the monitoring system on execution

of judgment award against a foreign employer/principal. It also monitored, in coordination with the Insurance Commission, the insurance providers to identify the insurance companies which are evasive or unresponsive to the legitimate claims of migrant workers. It designated a focal person for migrant workers for the execution of Administrative Order 07-17.

**e. National Reintegration Center for Overseas Filipino Workers (NRCO)**

NRCO was established by RA 10022 (sec. 10), which amended sec. 17 of RA 8042 establishing the Re-placement and Monitoring Center. Structured as a small office, NRCO expects to venture into developmental programmes in coordination with OWWA and various partners in the implementation of reintegration programmes.

**Functions:**

- To provide mechanisms to returning overseas workers for their reintegration in Philippine society;
- To serve as a promotion house for their local employment;
- To tap their skills and potentials for national development.

**Services:**

- (a) Develop and support programmes and projects for livelihood, entrepreneurship, savings, investments and financial literacy for returning Filipino migrant workers and their families;
- (b) Coordinate with appropriate stakeholders, service providers and relevant international organizations for the promotion, development and the full utilization of overseas Filipino worker returnees and their potentials;
- (c) Institute, in cooperation with other government agencies concerned, a computer-based information system on returning Filipino migrant workers;
- (d) Provide a periodic study and assessment of job opportunities for returning Filipino migrant workers;
- (e) Develop and implement other appropriate programs to promote the welfare of returning Filipino migrant workers;

- (f) Maintain an Internet-based communication system for online registration and interaction with clients, and maintain and upgrade computer-based service capabilities of the NRCO;
- (g) Develop capacity-building programmes for returning overseas Filipino workers and their families, implementers, service providers, and stakeholders; and
- (h) Conduct research for policy recommendations and program development.”

**Activities:** NRCO provides counselling, skills training, financial literacy and money management, entrepreneurship training, assistance for job searching, assistance for micro-enterprise development, and reintegration programs for distressed returning OFWs.

**Results:** In 2012 (as of November) 3,705 individuals and groups availed of the livelihood starter kits and financial assistance worth PHP 38.9 million. Re-employment facilitation was given to 763 displaced OFWs; psycho-social and legal counselling to 5,109; and Entrepreneurial Development Training and Financial Literacy Orientation to 12,143 OFWs (NRCO, 2013).

## 4. Inter-agency cooperation

As various functions related to the governance of migration are distributed among different departments within different agencies, coordination and cooperation among agencies is necessary.

**Fight against illegal recruitment and assistance to victims of illegal recruitment and trafficking:** In the fight against illegal recruitment, the LGUs are tasked—in partnership with the POEA, other concerned government agencies and non-government organizations—to provide appropriate information to prospective migrant workers. In particular, they are tasked to provide a venue to conduct PEOS, and to establish an overseas Filipino worker help desk or kiosk to inform constituents on all processes related to overseas employment (RA 10022, sec. 16, d.2).

Free legal assistance for victims of illegal recruitment is established within the anti-illegal recruitment branch of the POEA and its regional offices, and it is provided through coordination and cooperation with the Department of Justice, the Integrated

Bar of the Philippines, and other nongovernmental organizations and volunteer groups (RA 10022, sec. 8).

To combat trafficking, the Philippines has established the IACAT, which is comprised of the following agencies: Department of Justice, Department of Social Welfare and Development, Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Administration, Bureau of Immigration, Philippine National Police, National Commission on the Role of Filipino Women, and three (3) representatives from NGOs (in representation respectively of women, OFWs and children) (RA 9208, sec. 20).

**Assistance to Filipinos overseas:** The Migrant Workers and Other Overseas Filipinos Resource Center is established within the premises and under the jurisdiction of the Philippine Embassy: “The establishment and operations of the Center shall be a joint undertaking of the various government agencies. [...] The Labor Attaché shall coordinate the operation of the Center and shall keep the Chief of Mission informed and updated on all matters affecting it” (RA 10022, sec. 12).

Embassies and their personnel operate as a country team in protecting Filipinos overseas. This approach was established under EO 74, series of 1993. In addition, “the protection of the dignity and fundamental rights and freedoms of the Filipino citizen abroad, in general, shall be the highest priority concerns of the secretary of Foreign Affairs and the Philippine Foreign Service Posts” (RA 8042, sec. 27).

**Shared Government Information System for Migration<sup>100</sup>:** “An interagency committee composed of the Department of Foreign Affairs and its attached agency, the Commission on Filipinos Overseas, the Department of Labor and Employment and its attached concerned agencies, the Department of Tourism, the Department of Justice, the Bureau of Immigration, the National Bureau of Investigation, the Department of the Interior and Local Government, the National Telecommunications Commission, the Commission on Information and Communications Technology, the National Computer Center, the National Statistical and Coordination Board, the National Statistics Office and other government agencies concerned with overseas employment shall be established to implement a shared government information system for migration” (RA 10022, sec. 13).

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<sup>100</sup>See also Annex E of this report.

The law designates DFA and DOLE as co-chairs while the interagency committee is mandated to make available existing information and link the computer facilities of the various agencies for data exchange and sharing. The National Computer Center shall provide technical assistance and technology standards to facilitate the sharing of information among agencies. An initial task shall consist of identifying existing databases on a variety of aspects and sharing them among agencies.

**Reintegration of Overseas Workers:** The National Reintegration Center for Overseas Filipino Workers (NRCO) is established under the responsibility of OWWA. DOLE, OWWA and POEA are tasked to cooperate in formulating the reintegration program: “The Technical Education and Skills Development Authority (TESDA), the Technology Livelihood Resource Center (TLRC), and other government agencies involved in training and livelihood development shall give priority to returnees who had been employed as domestic helpers and entertainers” (RA 10022, sec. 10).

## D.3. INTERNATIONAL COOPERATION

Every country approaches migration through national policies, determining the modes and conditions of how people can enter and stay, and developing instruments to regulate the outflow of citizens. The national approach has revealed its limitations in governing a transnational social phenomenon such as migration. The Global Commission on International Migration said: “Cooperation and consultation among States is the basis for the formulation of more effective international migration policies. In co-operating with each other, States are exercising rather than diminishing their sovereignty” (UN/POP/MIG-FCM/2005/09, 13 October 2005). Consequently, countries are seeking for ways to cooperate. International cooperation in the governance of migration can consist of binding instruments or non-binding arrangements at the bilateral, regional and multilateral levels. The Philippines has pursued all of these methods of international cooperation.

### 1. Bilateral approach

Bilateral agreements (BAs) between origin and destination countries were the preferred mode of organizing labour transfers during the post-war migration toward Western Europe (Bobeva and Garson, 2004). To underscore the usefulness of such an approach, ILO included a model for bilateral labour agreements in Recommendation 86, the companion instrument to Convention 97. The first such agreement was signed by the Philippines with the United States (28 December 1968), and contained

conditions and procedures for the recruitment and employment of Filipino citizens by the United States military forces in South East Asia and the Pacific. This agreement later served as a reference for those signed during the 1970s (Dimapilis-Baldoz, 2007). The original wisdom in the engagement of bilateral labour agreements was to formalize the agreement—between the governments of the countries of origin and destination—on the participation of migrant workers in the labour market of the destination country, necessitating that recruitment and mobilization procedures and responsibilities be laid out. Eventually—since the 1970s—the movement of labour migrants became largely facilitated by contracting agreements between employers and recruitment agencies, and involved destination countries that offered entry visas for foreign migrants. This particularly ruled in the movement of labour migrants from Asia to the Middle East, and as a result bilateral labour agreements were less significant in the business of recruitment. The Philippines, however, continued engagement with various forms of bilateral labour agreements that increasingly aimed at obtaining protective measures for OFWs. Some of these agreements were recruitment agreements; some attempts concluded in less formal and operationally focused bilateral arrangements aimed at establishing documentation and visa processing protocols. Still some others attempted or delved into higher level principles. In the Philippine experience, labour receiving countries have been reluctant to welcome bilateral labour agreement because what one origin country would request might stir a concomitant clamour from all origin countries supplying migrant workers in that country. The Philippines’ persistence in engaging equity of responsibility between governments in the organized recruitment, provision of fair working conditions and protective programmes for OFWs was capped in 1995 by a provision in the Migrant Workers and Overseas Filipinos Act (RA 8042, sec. 4c) requiring a bilateral labour agreement as one of the eligibility criteria to qualify as destination for OFWs.

As a consequence, new initiatives were taken to conclude agreements with many countries. Table 39 shares the Philippines’ stride on bilateral labour agreements.

As already observed elsewhere (Go, 2007; CMA, 2010; Battistella, 2012) the bilateral agreements forged by the Philippines vary because of the nature of the agreement and the coverage they provide. Most agreements are in the form of Memoranda of Understanding which are not as comprehensive or binding as Bilateral Labour Agreements (BLAs). “[They] are general in scope and usually contain general principles and areas of cooperation on the employment and welfare protection of workers” (Dimapilis-Baldoz, 2007:12). On the other hand, Memoranda of Agreement (MOAs) “in addition to what MOUs contain, also provided more specific provisions

**Table 39: Bilateral agreements concerning land-based OFWs, as of 7 March 2013**

Country/Region	Date	Type	Coverage	Remarks MM/DD/YYYY
Bahrain	04/04/2007	MOU	Cooperation on Health Services	Ratified
	12/14/2003	MOU	Technical education	02/23/2004
Indonesia	01/18/2003	MOU	Cooperation on migrant workers	Until 06/12/2013
Iraq	11/25/1982	MOA	Mobilization of manpower	Expired 02/26/2002
Jordan	11/05/1981	MOU	Labour, employment and manpower development	Expired 02/26/2002
	11/03/1998	Agreement	Manpower	Expired 11/03/1991
	05/27/2010	MOU	Labour Cooperation	Ratified 07/12/2011
	01/29/2012	Protocol	Employment of Filipino Domestic Workers	Until 01/29/2015
Japan	01/12/2009	MOU	Nurses and caregivers as per JPEPA	
Korea, Rep.	04/23/2004	MOU	Deployment of workers in Korea under EPS	Renewed 10/20/2006
	10/20/2006	MOU	Deployment of workers in Korea under EPS	Renewed 05/23/2009
	05/23/2009	MOU	Deployment of workers in Korea under EPS	Ratified 10/13/2009
	05/30/2009	MOU	Deployment of workers in Korea under EPS	Ratified 10/13/2009
Kuwait	09/14/1997	MOU	Labour and manpower development	Expired 05/21/2006
	03/23/2012	MOU	Labour cooperation	
Lao PDR	07/27/2005	MOU	Cooperation on labour and employment	Pending Ratification 10/04/2005
Lebanon	02/01/2012	MOU	Labour cooperation	
	02/01/2012	Protocol	Deployment and Employment of Household Service Workers	
Libya	10/18/1979	Agenda	Cooperation on labour, employment and manpower	Expired 02/26/2002
	07/17/2006	MOU	Manpower and employment	Pending Ratification 08/11/2006
Qatar	05/05/1981	Agreement	Manpower employment	Expired
	03/10/1997	Agreement	Manpower employment	Ratified 03/04/1999
	10/18/2008	Protocol	Manpower employment	

Country/Region	Date	Type	Coverage	Remarks MM/DD/YYYY
Saudi Arabia	10/01/2005	MOU	Technical vocational education and training	09/01/2006
UAE	04/09/2007	MOU	Manpower	Expired 04/09/2012
Taiwan Province of China	09/03/1999	MOU	Cooperation on special hiring of workers	Renewed 01/12/2001
	01/12/2001	MOU	Cooperation on special hiring of workers	Renewed 03/20/2003
	03/20/2003	MOU	Cooperation on special hiring of workers	Renewed 03/30/2006
	03/30/2006	MOU	Cooperation on special hiring of workers	Renewed 03/30/2006
Canada (Alberta)	10/01/2008	MOU	Cooperation for Human Resource deployment and development	Expired 10/01/2010
Canada (British Columbia)	01/29/2008	MOU	Cooperation for Human Resource deployment and development	Expired 01/29/2010
	05/19/2012	Joint Communiqué	Labour Mobility	
Canada (Manitoba)	02/28/2008	MOU	Human resource deployment and development	Renewed 09/21/2010
Canada (Saskatchewan)	12/18/2006	MOU	Human resource deployment and development	Expired 12/18/2010
USA	12/28/1968	Agreement	Employment with US military forces and contractors	Expired 09/09/2002
	03/10/1982	Agreement	Employment compensation and medical care programmes	Expired 09/09/2002
Norway	06/29/2001	Agreement	Transnational Cooperation Recruiting Terminated professionals for health sector	11/11/2002
Spain	06/29/2006	MOU	Management of migration flows	Pending Ratification 02/23/2007
Switzerland	07/09/2002	Agreement	Exchange of professional and technical trainees	06/10/2003
UK	01/08/2002	Recruitment Agreement	Hiring of Filipino health professionals	Pending Ratification 09/09/2002
	07/30/2003	MOU	Healthcare cooperation	Expired 05/2006
Northern Marianas	09/14/1994	MOU	Labour Cooperation/Welfare	Amended 12/18/2000
	12/18/2000	MOU	Cooperation on labour, employment and human resource development	Pending Ratification 09/09/2002



Country/Region	Date	Type	Coverage	Remarks MM/DD/YYYY
New Zealand	11/04/2008	MOU	Labour Cooperation	Until 07/18/2015
Papua New Guinea	03/14/1979	MOU	Employment Hiring/ Recruitment	Expired 02/26/2002
Germany	03/19/2013	Agreement	Concerning deployment of Filipino nurses and HRD cooperation	

Source: DOLE/POEA.

and procedures on the areas of cooperation” (Dimapilis-Baldoz, 2007:12). MOUs and MOAs do not require ratification by the Senate and are signed by the concerned executive departments. This less stringent form of cooperation is preferred by most countries that do not intend to tie themselves with excessive international obligations.

Coverage concerns two main aspects: either facilitating the hiring and employment of Filipino workers overseas; or specific categories of workers, such as health professionals and household service workers; or improving the welfare of migrants. The stress is mostly on facilitating employment abroad, and in this respect, they were effective, although not in a similar way toward all countries (Battistella, 2012). The latest agreement is with Germany that plans to hire 500 Filipino nurses in 2013 (*Journal Online*, 2013). The Philippines’ Government-to-Government, or G-to-G, agreement with the Republic of Korea stipulates conditions and protocols in the recruitment by the POEA of factory workers for the latter.

Negotiations on free trade agreements stipulating, among others, freer mobility of labour, provide another venue which the Philippines actively uses to obtain recognition of the country’s education, skills training and competency assessment mechanisms. Some agreements are also intended to further the protection of workers, particularly when access of migrants to grievance machinery or the labour justice system as well as their coverage under their labour law is needed. The unfinished procedures in making BLAs in force—such as ratification and the adoption of mutually agreed implementing guidelines; the lack of transparency in, and stakeholder contribution to, the negotiation process; and the weak monitoring mechanisms of those that have entered into force—water down the excessive enthusiasm for the bilateral agreements. The government asserts that bilateral dialogue should at least be continuing. Recommendations emphasize the need to include provisions for vulnerable categories of workers, to promote cooperation on migration and development, to include workers’ representatives and the private sector in the negotiating process and establish a Bilateral Consultation Mechanism to monitor implementation.

At the same time, the benefits of bilateral cooperation are not to be discarded, simply because of the difficulty to reach formal, detailed, binding agreements. For this reason, the Philippines has also pursued arrangements with destination countries consisting in Joint Commissions or Joint Labor Committees on economic, cultural and social cooperation—with Libya, Malaysia, Iraq, Saudi Arabia and Taiwan Province of China—and Technical Committees with foreign embassies (such as Japan, Saudi Arabia, the United States and Israel) on formalities and procedures (Dimapilis-Baldoz, 2007).

In addition to bilateral agreements on land-based OFWs, the Philippines has entered into specific bilateral agreements concerning seafarers. Of them, two are labour cooperation agreements (with Japan, a Memorandum of Cooperation on Development of Asian Seafarers, signed on March 12, 2009; and with Liberia, an MOU on the Promotion of Employment of Filipino Seafarers on Liberian Ships, signed on August 10, 1985) and 43 are conventions related to the 1978 Convention on the Standard for Training, Certification and Watchkeeping (STCW), to ensure the recognition of seafarers' certificates.

Specific mention needs to be made of the Japan-Philippines Economic Partnership Agreement (JPEPA) signed in 2006. The treaty includes the objective of increasing bilateral investments and free trade. It was only ratified by the Philippine Senate in 2008, after Japan committed to not contradict the Philippine constitution and in particular to not export toxic waste to the Philippines. The agreement also includes the hiring of Filipino nurses and caregivers. Unfortunately, the difficulty of passing the exam in the Japanese language is hindering most of the nurses to be hired on the same terms as Japanese nurses.

The social security of overseas workers is a complex and crucial aspect of the migration process: complex, because of the variety of schemes existing in countries of destination and the difficulties to ensure the portability of rights; and crucial, because many OFWs do not earn social security benefits during their working experience and face a bleak retirement age. Proposals have been advanced to make the membership of OFWs in the national Social Security System mandatory, but no conclusion has been reached so far.

To facilitate the enjoyment of social security benefits, the Philippines has entered into bilateral social security agreements with a number of countries.

Social Security agreements reflect provisions contained in the 1982 ILO Convention No. 157 on the Maintenance of Social Security Rights. The salient features concern

the entitlement to benefits under the same conditions as nationals; the payment of benefits in the worker's country of residence; the combining of periods of membership to determine benefit eligibility and the manner of benefit calculation (pro-rata sharing); and the coordination between liaison offices to extend assistance in the implementation of the provisions.

In addition to bilateral labour agreements and social security agreements, unions are entering into transnational cooperation to provide protection to migrant workers, who often are not able to associate in foreign countries. The often cited attempt is the Bilateral Trade Union Agreement between Trade Unions of Sri Lanka, with those in Bahrain, Kuwait and Jordan stipulated in 2009. There is no information on whether the unions from the Philippines have taken the same initiative.

**Table 40: Bilateral social security agreements**

Country	Date Signed	Date Ratified
1. Austria	1 Dec 1980	1 April 1982
2. United Kingdom & Ireland	27 Feb 1985	1 Sept 1989
3. Spain	21 May 1988	1 Oct 1989
4. France	7 Feb 1990	1 Nov 1994
5. Canada	9 Sept 1994	1 March 1997
6. Quebec	23 Oct 1996	1 Nov 1998
7. Switzerland	17 Sept 2001	4 March 2002
8. Belgium	7 Dec 2001	4 March 2002
9. Korea, Rep.	15 Sept 2006	Pending Ratification
10. Netherlands		1 October 2003
11. Israel	23 March 2009	Pending Ratification
12. Greece –Draft SSA	20 May 2009	
13. Portugal –Draft SSA	28 May 2010	

Source: CMA, 2010.

## 2. Regional Approach

Situated in between the bilateral and the international approaches, the regional approach has received a lot of attention since the 1950s and 1960s, when various regional agreements for economic cooperation were established in the world. Among them are the European Economic Community (EEC, 1957), the Andean Pact (1969), the Customs and Economic Union of Central Africa (UDEAC, 1964), the East African Community (EAC, 1967), Economic Community of West African States (ECOWAS, 1975), and ASEAN (1967). In the 1990s, free trade agreements and economic integration became the object of regional cooperation and new groupings were formed,

such as the Mercado Común del Sur (Mercosur) (1991), the North America Free Trade Agreement (NAFTA, 1994), and the Asia-Pacific Economic Cooperation (APEC). In general, the development ranged from cooperation for economic advantages or for security reasons, to free trade agreements (which emphasise mutual recognition of skills and qualifications) and forms of political integration. Some agreements (like the EEC, now EU) included from their beginning the possibility of free circulation of labour.

**Association of Southeast Asian Nations (ASEAN):** The Philippines is a founding member of the Association of Southeast Asian Nations (ASEAN) established in 1967. The original composition of six member countries was expanded in 1999 to include all the South East Asian countries, except for Timor-Leste. Without disregarding the primary objective of securing peace and stability in the region, ASEAN has pursued further integration, particularly with the 1992 ASEAN Free Trade Area which included a Common Effective Preferential Tariff scheme. This integration will be further enhanced with the establishment of the ASEAN Economic Community in 2015.

The circulation of workers among ASEAN member countries was a subject traditionally avoided in regional summits. Eventually, however, migration could not be ignored. The Philippines has been pursuing an advocacy for protection and fair market access of qualified migrant workers within ASEAN from a human rights perspective. In 2007, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was adopted in Cebu, Philippines. Although just a declaration, it carries obligations from countries of origin and of destination as well as from ASEAN itself. The declaration constitutes a milestone in the ASEAN approach to migration as it indicates convergence of approach with emphasis on the protection component, and the formation of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). The ACMW is tasked to advance the work on the protection of migrants' rights, improve labour governance in the region, fight human trafficking and develop a formal instrument for the promotion and protection of the rights of migrants in ASEAN.

One important achievement of ASEAN is the 2004 Joint Declaration against Trafficking in Persons Particularly Women and Children. As a result of this Declaration, the ASEAN Secretariat has eventually produced the *ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases*<sup>101</sup> (ASEAN Secretariat, 2010).

<sup>101</sup>Available from <http://www.aseansec.org/publications/ASEAN%20Handbook%20on%20International%20Legal%20Cooperation%20in%20TIP%20Cases.pdf>, accessed 4 November 2011.

The Philippines is part of the FTA forged by ASEAN with China (2010), Japan (2008), Republic of Korea (2006), Australia and New Zealand (2010). Negotiations are being held with India and the European Union. Such agreements are very relevant for the increase of development opportunities. There is no immediate impact on the circulation of labour, as provisions in that regard are usually not included.

**Regional Consultative Processes:** Regional consultative processes (RCPs) are repeated, regional meetings of states dedicated to discussing migration. They vary greatly in their composition, history, purpose and organizational frameworks, but they share the principal characteristics of being informal, non-binding, focused on migration rather than one-off events, and flexible in their regional scope following a “migration map” (IOM). The RCPs on migration originated out of the awareness that issues related to migration were common among many countries and that the national approach to migration governance was typically insufficient. At the same time, the reluctance of many states to enter into international treaties and the realization that migration was prevalently a regional phenomenon led to establishing regional forms of dialogue. These dialogues were called processes to underscore that they were not institutions but opportunities to converse and to reach conclusions that were guidelines, not binding recommendations.

The Philippines is an active member of all the Asian processes concerning migration (Klekowski von Koppenfels, 2001).

The first was called the Manila Process, because it started in 1996 in Manila with the objective of examining issues concerning irregular migration. Its best result was the so-called Bangkok Declaration on irregular migration (1999). The process can now be considered extinct.

The Asia-Pacific Consultation on migration was also established in 1996 with concern for refugees, displaced and trafficked persons. It has a permanent secretariat established in 2007, but it now operates mostly at the sub-regional level.

The three more recent processes are the Bali Process, the Colombo Process, and the Abu Dhabi Dialogue. The Bali process (2002) on People Smuggling, Trafficking in Persons and Related Transnational Crime—a voluntary forum participated by some 40 countries and various international organizations—has moved to establish a Regional Cooperation Framework, with a Regional Support Office, to enable interested Bali Process members to establish practical arrangements aimed at enhancing the region’s response to irregular movement through consistent processing of asylum claims,

lasting solutions for refugees, the sustainable return of those not owed protection and targeting of people smuggling enterprises. The 11-country member Colombo Process or CP (2003) aims to provide a platform for sharing good practices and lessons learned, consult on issues faced by migrants as well as countries of origin and destination and propose practical solutions for the well-being of vulnerable migrant workers. The CP deals with protection, services, welfare and capacity building for temporary migrant workers. It is the process of the countries of origin in Asia. The Colombo Process is remarkable to bring about actionable programmes which were implemented through grants of the European Union, a case enabling a “walk the talk” follow through.

The Abu Dhabi Dialogue (2008) emerged as an intra-regional forum which intends to further the cooperation between regions on temporary migrant workers, in particular between the countries of origin which are members to the Colombo Process and the Gulf Countries. The Philippines has participated actively in all the meetings and summits. In fact, the Philippines has hosted all of them. In 2008 and 2011, the Asia-EU Consultation Meeting on Labour Migration took place in Brussels, involving CP countries and EU representations from government and is potentially becoming a recurring intra-regional consultative process, with the third meeting expected to take place in 2014.

Although processes are only consultative in nature, they help in building trust, increasing the understanding of migration, creating networks, harmonizing positions, building capacity and shaping public policy (Hansen, 2010). Important to note is that the CP has given rise to programmes which were actually implemented in a number of CP countries involving capacity building on labour market development, information campaigns, setting up of migration resource centres, research, and an intra-regional conference between employer organizations and the Alliance of Asian Associations of Overseas Employment Service Providers.

### **3. International Approach**

Because of its transnational nature, the international community has considered ways to ensure that migration takes place in sound, equitable, humane and lawful conditions. Unlike other transnational matters (such as trade in goods) no international regime has been established on migration. Instead, instruments in the form of international conventions have been adopted and made available to countries to ratify them. Such instruments concern migrants as human beings, first of all, and then as workers. In that respect, humanitarian law and labour law provide recognition and protection to

the rights of migrants. The Philippines stands out among Asian countries as having ratified most of the humanitarian and labour conventions.

**Humanitarian law:** There are nine core UN conventions for the protection of human rights (Table 41). Most of those conventions are widely ratified and the rights spelled out in the conventions apply to all human beings, therefore also to migrants, except when citizenship is a requirement. Among the human rights instruments is also the International Convention on the Protection of All Migrant Workers and Members of Their Families (MWC), adopted in 1990 and entered into force in 2003. Part III of the convention presents the human rights of migrants, and it applies also to irregular migrants, while part IV recognizes rights that are specific to the migrant condition and part V concerns rights of specific categories of migrants. Unfortunately, the MWC has a limited impact on the protection of migrants as few countries have ratified it.

**Table 41: UN human rights instruments ratified by the Philippines**

UN Human Rights Instruments	Parties	Ratified
CERD — International Convention on the Elimination of All Forms of Racial Discrimination (7 March 1966)	175	15/09/1967
ICESC — International Covenant on Economic, Social and Cultural Rights (16 December 1966)	160	7/06/1974
ICCPR — International Covenant on Civil and Political Rights (16 December 1966)	167	23/10/1986
CEDAW — International Convention on the Elimination of All Forms of Racial Discrimination (7 March 1966)	187	5/08/1981
CAT — Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)	153	*18/06/1986
CRC — Convention on the Rights of the Child (20 November 1989)	193	21/08/1990
MWC — International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (18 December 1990)	46	05/07/1995
CRPD — Convention on the Rights of Persons with Disabilities (13 December 2006)	127	15/04/2008
ICPED — International Convention for the Protection of All Persons from Enforced Disappearance (20 December 2006)	37	

\* Acceded

Source: United Nations Treaty Collection, 31 January 2013.

The two protocols to the United Nations Convention against Transnational Crime have received more accessions than ratifications. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was ratified by 154 member states, while the Protocol against the Smuggling of Migrants by Land, Sea and Air has 135 ratifications (as of 31 January 2013). They are protocols intended to combat two forms of criminal activity connected with migration: trafficking in persons, with specific attention to women and children, but without disregarding the trafficking of migrants, and the smuggling of irregular migrants across borders. Migrants are considered victims of trafficking and smuggling, although it is possible that they participate to some extent in the process. The Philippines ratified both protocols on 28 May 2002.

The United Nations Convention Relating to the Status of Refugees was adopted on 28 July 1951 in Geneva. The temporal and geographical limitations – it was intended only for refugees in Europe before 1951 – were removed with the 1967 Protocol Relating to the Status of Refugees. At the end of January 2013, 145 countries were party to the convention and 146 to the Protocol. The Philippines has acceded to the Convention and the Protocol on 22 July 1981. The country played an important role in preparing refugees from Viet Nam, Laos and Cambodia to resettle in North America, Europe and Australia. The Philippine Refugee Processing Center was funded by the United Nations High Commissioner for Refugees (UNHCR) and was capable of hosting 18,000 refugees. When the Indochinese crisis was considered over, a small number of Vietnamese who could not be admitted to the United States were resettled in Palawan.

**Labour Conventions:** The protection of workers has been the mandate of the International Labour Organization (ILO) since its institution in 1919. As a tripartite organization with participation of governments, employers and unions, ILO has forged 189 instruments to further the various dimensions of workers' rights. Eight of these conventions are considered fundamental and all countries that are members of ILO are obliged to comply with them even if they have not ratified them. Such fundamental conventions apply also to migrant workers (Table 42).

ILO also adopted some conventions that are more directly related to the protection of migrants (Table 43). C97 was adopted in 1949, when migration to Europe was the dominating scenario. C143 was intended to ensure some form of protection to irregular migrant workers. C181, which the Philippines has not ratified, concerns the employment agencies, which play such an important role in today's labour migration. C189 is for the protection of domestic workers. The Philippines was the second ratifying country, thus allowing the convention to enter into force.



**Table 42: ILO core conventions**

Convention	Parties	Ratified
C29 Forced Labour–1930	177	15 Jul 2005
C87 Freedom of Association and Protection of the Right to Organize–1948	152	29 Dec 1953
C98 Right to Organize and Collective Bargaining–1949	163	29 Dec 1953
C100 Equal Remuneration–1951	171	29 Dec 1953
C105 Abolition of Forced Labour–1957	174	17 Nov 1960
C111 Discrimination (Employment and Occupation)–1958	172	17 Nov 1960
C138 Minimum Age Convention–1973	165	4 Jun 1998
C182 Elimination of the Worst Forms of Child Labour–1999	177	28 Nov 2000

Source: Normlex, 31 January 2013.

**Table 43: ILO conventions related to migration**

Convention	Parties	Ratified
C97 Migration for Employment Convention (Revised)–1949	49	21 Apr 2009
C143 Migrant Workers (Supplementary Provisions) Convention–1975	23	14 Sep 2006
C181 Private Employment Agencies Convention–1997	26	
C189 Domestic Workers Convention–2011	4	05 Sep 2012

Once again, the number of ratifications of instruments related to migration is much lower than other conventions. This signifies the difficulty for countries to enter into binding agreements when it comes to the governance of migration. It also indicates that the impact of being party to such conventions is limited.

Very important for the protection of migrants are also the social security conventions, aiming at ensuring the earning and portability of social benefits (C102, C118 and C157); and conventions referring to specific occupations such as nursing (C149), construction (C167), hotels and restaurants (C172). The Philippines has ratified C118, C157, and C149.

A special note must be dedicated to the MLC, which represents the effort of the international community to include in one single instrument the many aspects related to the protection of seafarers and which have generated a variety of international standards. The MLC was adopted in 2006 and it was ratified by the Philippines in 2012. The Philippines, the country with the highest number of seafarers, supplying some 20-25 per cent of the maritime labour force, was the thirtieth country to ratify

it on 20 August 2012, thus ensuring that the convention will enter into force on 21 August 2013. What is now required is the national law that will apply the international standards to the domestic labour market.

**Cooperation on the health of migrants:** Important initiatives have been taken at the international level in regard to the health of migrants and health professionals recruited to work in foreign countries. In particular the World Health Organization (WHO), to which the Philippines is a member, adopted in 2008 Resolution EDB122-R5 to promote migrant-sensitive health policies; to gather best practices for meeting migrants' health needs in countries of origin or return, transit and destination; to raise the sensitivity of health providers on the health of migrants; and to train health professionals to deal with the health issues associated with population movements. In 2010 WHO adopted the Global Code of Practice on International Recruitment of Health Personnel, which is relevant to the Philippines considering the large number of nurses and caregivers it deploys every year. Among the guiding principles is the idea that countries of origin should not be left with a shortage of health personnel and developed countries should contribute to the development of health professionals in the countries of origin. Among the responsibilities, recruiters and employers should be aware that health personnel have responsibilities toward their countries of origin; health personnel should receive the same treatment as nationals—practices of recruiting professional nurses but treating them as non-professionals both in responsibilities and salary are well known—and they should have opportunities to strengthen their education and professional experience.

The active role played by the Philippines in the international dimension of the governance of migration is evidenced not only by the high record of ratification of international standards, but also by its participation and involvement in international forums. In particular, the Philippines has participated from the beginning (2007) of the Global Forum on Migration and Development and has hosted the event in 2008.

Although it is not simple to evaluate the impact of the international approach on the governance of migration (formal evaluation initiatives have not been conducted), it is not difficult to appreciate the fact that it contributes to the national regulatory system. The Philippines' membership in most international conventions related to migration constitutes the framework for national and bilateral policies. Bilateral agreements seem to be the most effective, because they are based on the principle of reciprocity. On the other hand, the weakness of standards and binding force make bilateral agreements effective mostly in facilitating the deployment of workers, but less effective in promoting the protection of migrants' working and living conditions

(Battistella, 2012). The regional approach is promising, but the difficulty in making the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers operational indicates that much still needs to be done at the regional level.

## **D.4. SUMMARY CONSIDERATIONS ON THE GOVERNANCE OF MIGRATION FROM THE PHILIPPINES**

The governance of migration remains a complex undertaking because of the different types of migration, the many stakeholders involved and the various government agencies involved in it. The governance of migration set up by the Philippines is considered a model of interest to other countries of origin. The reasons why it is considered a model rest on the fact that: (a) it is comprehensive—it covers all the different types of migrants, it covers all the phases of the migration process and it covers all the aspects related to migration; (b) because it has a solid protection component; and (c) because it is effective in facilitating overseas employment, which has been constantly expanding.

In spite of these achievements, the governance of migration also presents many challenges.

The governance of immigration to the Philippines has to contend with the mounting cyber crime, fraudulent documentation, and corruption among officers. It is desirable that procedures concerning circulation within ASEAN countries be further simplified.

The governance of permanent migration from the Philippines is challenged in particular by abuses and trafficking related to marriage migration. The resumption of the au-pair programme, now under the responsibility of CFO, will have to be monitored closely to avoid the abuses that accompanied the programme in the past.

Most challenges pertain to the governance of labour migration, which is also the largest component in the annual outflows of people. The most fundamental policy challenge is whether overseas employment should continue to grow. It is the objective of the Aquino administration to provide alternatives to overseas work, but it remains challenging how this strategy will be implemented, given the challenge for the economy to generate employment.

Overseas employment can count on a solid regulatory basis, but issues often concern the weak and uneven implementation of good norms. Moreover, more fundamental structural issues restrain the full effectiveness of migration laws, structures and programmes. Examples of such issues are POEA ARMM not moving in the same direction as the POEA

National, a multi-phased information and migrant orientation programme run by different agencies wanting of an integrated framework, local governments not fully engaged in migration governance, a reintegration framework still unable to sensitize mainstream executive departments who have a responsibility for a conducive environment, local business sector still controlled by a few, a civil registrar with still significant fall outs of timely birth registration and so forth. The continuation of irregular practices in spite of massive anti-illegal recruitment campaigns demonstrate that it takes more than just a few good rules to ensure the orderly deployment of workers.

OFWs also face new challenges in the international arena, where migrants can be affected by internal conflicts, acts of terrorism and banditry, natural disasters and environmental problems. Procedures in dealing with crisis situations have been refined through the years and suggestions to intensify capacity building programmes among frontline civil servants and develop tool kits useful in dealing with emergency situations must be heeded.

Mainstreaming migration in many aspects of governance has emerged as a key challenge. There is still much work to be done in sensitizing and enabling a number of government institutions, notably local government units, to understand and implement their respective roles. The key migration institutions, particularly the DOLE—with its attached agencies, the POEA, OWWA, NRCO, NLRC, TESDA, PRC—and others have a key role to play in this process of engagement. The convergence approach in governance being promoted by the present Administration promises to be responsive to the need to coordinate the complex migration management structures and minimize the political dynamics between and among institutions. The various stakeholders—government, private sector, civil society, migrants and their families, and migrants' associations—need to approach migration issues and challenges with institutional mechanisms and solutions.

At the transnational level, the challenge is to establish better cooperation among countries of origin and with destination countries, in particular the Gulf countries that absorb such a large percentage of Filipino workers. Making the RCPs and international conventions more effective has been and continues to remain a challenge.

In addition to the fundamental policy issue and the specific governance aspects, four overarching challenges need to be addressed.

### **a. Education, skill-training and orientation of migrants, their families and dependents**

Since the historical trend of international migration of Filipinos is an economic and cultural reality that cannot be practically reversed, it is of critical importance to ensure that the education, training and orientation of migrants, their families and dependents become the key strategy for their empowerment. RA 8042 has long recognized that “the possession of skills is the key to protection”. A well-educated, skill-trained and well-informed migrant population will enable them to assess options and assume greater responsibility for self-protection against unscrupulous recruiters and abusive employers. They will be more prepared to optimize the development opportunities they face out of migrating abroad, such as the acquisition of knowledge, the enhancement of life skills and the accumulation of income and wealth. They would be able to negotiate for greater access to more decent work in the global labour market and for better living conditions and terms of employment. Basic education is an arena which must be tapped for mainstream intervention on migration awareness and labour education. With the K+12 programme of the Department of Education which extended the period of basic education in accordance with global standards, the window for integrating life skills and practical knowledge on social issues such as overseas employment and migration in the curriculum or in learning devices must be opened wide. An attempt along these directions had already been experienced in the mid-90s when then Department of Education, Culture and Sports had entered into a project with the POEA and the CFO to incorporate migration elements in various subjects in the elementary. A similar effort was implemented by Department of Education in Region 4A in partnership with a local NGO, Atikha Overseas Workers and Communities Initiative, and support from a number of institutions. Still another was the mainstreaming of gender, life skills and safe migration in the high school curriculum of the Career Pathways for Technology Livelihood and Entrepreneurship pilot tested by the MDG-F Joint Programme on Youth Employment and Migration. The efforts of concerned agencies in technical and vocational training and higher education to improve a more employability-driven programme must be coupled by updating of market-driven course offerings, continuing faculty education and closure of non-performing schools and training centres.

The efforts of the DOLE to move the Public Employment Service Offices into career guidance counselling must continue along the encouragement of more guidance counsellors into professional certification. The exploration and full assessment of career options within the country and in the global labour market, in employment or entrepreneurship, in other professional fields and so forth must be guided by

the career counselling process. Specialized pre-deployment training and skills certification such as that required of domestic workers is a good example where hard and soft-skills preparation are provided to raise the quality of employability and wage compensation.

The implementation of PDOS, PEOS and PAOS, including various information campaign against illegal recruitment, trafficking and irregular migration, is not enough without an integrated framework and delivery efficiency and effectiveness. The whole programme needs to be re-examined, taking into account the conclusions of various research projects and recommendations raised in other contexts. Multi-media information, including those which get through the social media, are most influential to the general public who are not able to access to formal schooling or other institutional services. Thus the use of these media must be strategically availed to air core messages which can influence positive behavioural changes, especially among those prone to irregular movements.

#### **b. Streamlining the bureaucracy and training public servants**

The conditions and punitive provisions imposed by the amendments of RA 10022 to the Migrant Workers and Overseas Filipinos Act have sharpened the teeth of regulatory agencies, particularly the POEA, in policing the whole system of unscrupulous recruitment agencies and other malicious practices. At the same time, the legislation had sowed fears among frontline and policy bureaucrats because of its approach to uphold the one-standard system to a situation of constant change, diverse human situations, dynamic markets, different legal systems and an increasingly empowered migrant population. For one, a migrants' access to overseas employment opportunities is no longer limited to that which is mediated by recruitment agencies; other modes of recruitment or engagement must be studied closely and acknowledged. Another, and probably more messy, situation is that different employers from different industry areas in different countries do not have the same way of defining the terms and conditions of employment in the contract. Thus, the "one-size, fits all" framework is never going to be a welcome policy. Excessive rigidity can lead to the circumvention of politics and corruption. What is needed is to monitor and evaluate the implementation of legal reforms and use the results as basis for proposing amendments. The innovations of the POEA and the DFA on online electronic transactions, including POEA's ISO certification, are welcome developments.

The bureaucracy must be supported with new technology and human resource development programmes to enable and equip those in government service. There are

many challenges surrounding migration, which require new mindsets, perspectives and thematic convergence. Migration links with development, youth unemployment, climate change, urbanization, diaspora engagement, security and health issues among others have added to the conventional dimensions of welfare protection, gender, human rights, labour market access and facilitation and globalization. Central migration agencies need not be drawn to embrace all these perspectives, rather, they need to help sensitize the right parties best suited to the task or obligation and define commitments on cooperation and coordination.

### **c. Migration and development**

The governance of migration is often seen in isolation from other policy objectives and concerns. It should be integrated more and more into national and local policies to be able to maximize its benefits and minimize its consequences. In particular, the impact of migration on development requires stronger involvement of the development agencies and of the local government units, as development takes place, first of all, in the specific areas and regions where migrants come from. The participation of the National Economic and Development Authority and the Department of the Interior and Local Government cannot be overemphasized. Having done well in terms of facilitating overseas employment and protecting migrants, the next step is to link migration policies to development policies. Providing migrants with the level playing field necessary for them to exercise their agency can go a long way in reaping the benefits from overseas employment.

The following areas seem to offer prospects for harnessing the development potentials of migration and therefore must be further studied:

- (a) Channelling remittances to enterprise and employment development;
- (b) Tapping the diaspora or migrant philanthropy to support development projects;
- (c) Advancing the political development of migrants and their families through the exercise of their voting rights and establishing channels to interact with their local government;
- (d) Improving social insurance coverage of migrants and their dependents left behind;

- (e) Promoting brain gain such as the intra-company return of skilled workers in the manufacturing sector;
- (f) Promoting the access of migrant investors to the supply chain of large companies;
- (g) Promoting the tourism and hospitality industry and participating in partner ventures;
- (h) Supporting the growth of cooperatives, which will help address the operation and management of public facilities in agriculture, transport, health, and educational and training institutions.

#### **d. Migration data**

On numerous occasions, and circumstances that different government agencies producing migration data should be able to consolidate and share these data to serve as basis for policymaking, programming, monitoring, emergency response and public information. The matter of sharing data has been enshrined in the Migrant Workers and Overseas Filipinos Act of 1995 or RA 8042; the Shared Government Information System for Migration (SGISM) envisioned in the law contemplates a state of electronic linkage and easy data access to and by all concerned agencies. Getting SGISM to work was beset by the challenges of a unified IT system and, hardware modernization, software upgrading, staff training as well as the question of mandates, different conceptual and operative definitions, limitations in estimation methodologies, reportorial overlaps, and lack of coordinative and developmental mechanisms. Much more needs to be done in collecting, processing and making migration data available. The interagency cooperation in this regard was already envisioned by RA 8042 and reaffirmed in RA 10022. During the process of completing this report, additional aspects have been clarified and possible courses of actions indicated (see Annex E). What is needed is the political resolve to move forward as it is very difficult to have an effective governance of migration without accurate, timely and relevant data.



# Part E

## Main Findings, Challenges and Recommendations





## MAIN FINDINGS, CHALLENGES AND RECOMMENDATIONS

In a span of four decades, international migration has changed from a rarity to an entrenched reality in the Philippines. Going abroad to work, a predominant reason for migration, has become routine and is now incorporated in the strategies of Filipino families to better their lives. In addition, Filipinos are also migrating to settle abroad, to reunite with their overseas-based families, or to marry. For various reasons, many of these different motives are not captured by existing administrative data systems. Against the backdrop of increasing levels of outmigration since the 1970s, international migration is huge in the Philippines and it has had a key role in defining the complexion of Philippine society. With the distribution of Filipinos in virtually all corners of the world, the “national” borders have extended to where Filipinos are, presenting a mix of opportunities and challenges for the home country.

This Country Migration Report attempted to review international migration to and from the Philippines since the 1970s, situating the levels, trends and profiles of people on the move in the context of national and global dynamics. The coverage of the review, which is mostly about international migration from the Philippines, reflects the country’s position as primarily a country of origin.

### 1. Main findings

#### A. On current trends:

- Immigration to the Philippines remains a relatively small phenomenon, mainly because the economy is not sufficiently developed to attract foreign nationals. In general, little is known about the foreign population in the Philippines. More data and further studies are needed to know their profiles and conditions. The country’s goal to attract more tourists—the target is to reach 10 million visitors by 2016—could have implications for international migration. For example, Koreans, currently

the largest group among visitor arrivals, have shown a pattern of staying longer, with some eventually establishing residence in the country. More than 100,000 Koreans have taken up residence in the Philippines. New trends suggest the need to review the country's immigration policies institutions that deal with international migration to the Philippines. At this point, it is not easy to predict the impact of the establishment of the ASEAN Economic Community in 2015 on the circulation of population in the region, but major changes are unlikely, particularly over the short term.

- The migration of Filipinos to countries of permanent settlement (57,011 to the United States, 34,991 to Canada and 12,933 to Australia in 2011, according to destination country statistics) has grown substantially compared to the levels in the early 2000s. In addition, many temporary migrants admitted to European countries are obtaining permanent residence. In this age of connectivity, overseas Filipinos are able to maintain ties with those at home and with the other members of the Filipino diaspora. This component of the Filipino diaspora constitutes an important part of Philippine society. Through their remittances, both economic and social, they contribute significantly to the country's development, and their contributions to the countries of destination also play a significant role in the Philippines' foreign relations.
- Temporary labour migration from the Philippines, far from being temporary, has constantly grown in the past 40 years. The growth has been particularly staggering between 2002 and 2011 when OFW deployment doubled. The growth in absolute number, however, is mostly due to the growth of rehires, which indicates that temporary labour migration is developing into a longer-term phenomenon, or to permanent residence in the case of migrants in Europe. The growing diversity in the countries of destination over the years has also been noted. In 1984, the Middle East accounted for 83 per cent of all deployment; its share declined to 43 per cent in 2002 and 2003, but was back to 60 per cent in 2010. Although other regions are hosting more OFWs in 2011 compared to 1984, the Middle East and East and South East Asian countries still host 80 per cent of all OFWs. Therefore, some changes surfaced, but fundamentally, the trends reveal some constants: (a) The top ten countries of destination are always the same, and they account for a large share of total deployment—in 2011, 83 per cent of all outflows were towards these countries. (b) The gender distribution of newly hired OFWs has been predominantly female since 1992, except for the temporary decline in 2007 and 2008 due to the immediate impact of the household service workers reform package. (c) The occupational distribution of OFWs is dominated by service and production occupations—three quarters of OFWs are in these two categories. (d) The single top occupation for OFWs is domestic work—one third of all OFWs in 2011 were domestic workers.

## B. On migration policy

- The main thrust of the Philippine migration policy was established by the 1974 Labor Code and it consisted of a three-pronged objective: promoting and facilitating overseas employment, protecting Filipino migrants, and maximizing the benefits of migration. Overall, the Philippines has been most successful with the first objective, as demonstrated by the growing deployment over the years and rising to become a major source country of workers for the world. The protection component was also achieved as a comprehensive system to assist migrants throughout the migration process was set in place. The protection of migrants was further stressed in the policy declaration of RA 8042 and was reinforced in RA 10022. Some inconsistencies, however, have surfaced in policy implementation. The policy of not promoting overseas labour “as a means to sustain economic growth and achieve national development” (RA 8042, sec. 2c) was undermined when a target for annual deployments was set by President Arroyo in 2009. The policy of deploying only skilled Filipino workers (RA 8042, sec. 2g) was never pursued, and occupations considered unskilled, such as those in the domestic work and production sectors, continue to be among the top occupations for OFWs. Furthermore, the policy to provide protection by not deploying OFWs to countries considered unsafe (RA 10022, sec. 3) was watered down to a list of countries where deployment of OFWs is minimal. The objective of maximizing the benefits of migration is reflected in the increasing volume of remittances. Whether remittances could have a more significant impact on macroeconomic indicators has not been settled. The continuing concerns over the social costs of migration have not been supported by conclusive research findings.
- The Philippine migration policy stands out not only for covering all the phases of the migration process, but also because of its active engagement in bilateral, regional and multilateral initiatives. The Philippines has played an active role in the various arenas to further the attention to migrants, and it also has ratified the most number of agreements among countries of origin. The impressive record of the Philippines in ratifying international human and labour rights conventions indicates that the Philippine migration policy is human rights based policy. This policy coherence, however, does not have a direct and immediate reverberation for the welfare of Filipino migrants, who are mostly deployed in countries which are not parties to regional or international agreements. Nevertheless, it contributes to the credibility of the Philippine state in international arenas and it offers additional incentives for the proper formulation and implementation of national policies.

## C. On the impact of migration

- **Impact on the life of migrants.** The constant growth of overseas employment in the past forty years suggests that the migration project must offer some benefits to migrants. Since the 1970s, at least some seven to eight million Filipinos have participated in temporary labour migration. The estimate of more than eight million is obtained by adding all the new hires between 1975 and 2011, assuming that new hires indicate new migrants. A more conservative estimate, based on the assumption that new hires refer to new contracts and not necessarily new people, brought the total number to around seven million. Irregular migrants should be added to the total, but it is not possible to quantify their number. Undoubtedly, a large portion of the Philippine population has gained some benefits in terms of work experience, increased earnings, and social and cultural experiences. According to the *Bangko Sentral ng Pilipinas*, the bulk of remittances have been channelled to education, health and shelter expenditures and has fuelled consumption that stirred the growth of the service sector. The question is whether the same benefits could have been achieved without migration or with lower costs.
- **Impact on families.** Findings from extensive research conducted on migrants' families suggest improvements in material conditions as indicated by better housing, better nutrition, better health and better education for the children. Children of OFWs have also been among those most technologically up-to-date for purpose of communicating with their migrant parents. The social costs borne by families because of migration are mostly based on anecdotal evidence rather than research. However, research has yet to cover other unexplored areas of family life—such as spousal relations and marital infidelity, and the like—and in examining long-term impacts which calls for a longitudinal approach. Based on the evidence, thus far, the majority of migrants' families have shown resilience in weathering the stresses of migration, including family relations, with the support provided by the extended family.
- **Impact on the economy.** Studies on the impact of remittances have usually concluded that households with migrants show an increase in expenditures, particularly for education, health care, amenities, housing and durable goods. The concern that dependency on remittances may reduce the initiative of the members of migrants' households to seek employment is not supported by evidence (for example, Ducanes and Abella, 2008). Not much research has been done to examine the impact of remittances on households' direct investment. Findings from extant research suggest that investment is mostly in capital-intensive businesses, such as transportation and communication, but also in retail trade. As for the impact of migration on poverty,

studies conclude that migration contributes to reducing poverty. In particular, Ducanes and Abella (2008) have concluded that households with a family member working abroad contributed to rise in the family's income/expenditure distribution by six percentage points. They estimated that in the previous ten years, overseas employment had taken out of poverty between 525,000 and 850,000 families. However, remittances contribute to increase inequality based on the fact that: (1) only the better off can migrate as migration is costly—in fact, 50 per cent of OFWs belong to the richest quintile of the population, according to Ducanes and Abella (2008); and (2) OFWs come mostly from the provinces with the lowest incidence of poverty. As such, remittances flow disproportionately to the richest regions.

- **Impact on the labour market.** Intuitively, it can be argued that overseas employment has a decisive impact in alleviating unemployment, namely, if overseas workers were to find a job within the Philippines, probably the percentage of unemployed people would be higher. There is no research that closely looks into this question. Comparing OFW deployment trends and unemployment trends, it seems that unemployment trends are unchanged despite rising deployment of new hires. This seems to suggest several explanations: (1) The new jobs in the overseas labour market are not a decisive factor in the employment trend of the labour force. (2) OFWs do not originate from the unemployed and the vacancies they leave in the labour market are not automatically filled by unemployed people. (3) The number of new hires does not make much dent on the large population of unemployed Filipinos.

As unemployment persists amidst the growing deployment of OFWs, it is clear that there is potential for further migration but also that migration cannot absorb much of the country's unemployment, particularly youth unemployment. The unemployed youth struggles even at home in obtaining first crack in the job market as trainee, intern or apprentice while the overseas labour market seems to prefer rehiring already experienced migrant workers. Therefore, more efforts must be directed in the generation of local jobs. Evidence of brain drain in the outflow of Filipino workers is obfuscated by lack of proper data. The outflow of professionals, particularly in the IT and health sectors, has not created a shortage of skills in the country, even though the most competitive may have gone abroad. Instead brain waste is more evident, as a good percentage of Filipinos working as household service workers and labourers has tertiary education. In early 2000, doctors studied to become nurses abroad, a phenomenon that had subsequently ceased.

- **Impact on education.** There are indications that migration is contributing to a mismatch between education and the labour market. Because of the attractiveness

of jobs overseas and the demand of workers particularly in some sectors, such as the maritime and health sectors, programs in these areas have proliferated to the point that the number of graduates is more than what the labour market can absorb. There is concern that course offerings have been less sensitive to the requirements of the local labour market.<sup>102</sup>

## 2. Recommendations regarding the governance of migration

- The main question concerns a possible exit strategy from a programme which has continued to expand for the past 40 years. Whether such a strategy is necessary or opportune is subject to debate. One view would maintain that it is very rational to consider the international labour market as part of the employment strategies of the Philippine government, since it is advantageous not just because of its capacity to absorb Filipino labour force, but also because of its higher productivity. Another view would consider overseas employment as an escape valve to avoid taking the proper measures to encourage domestic development and increase its capacity to absorb the labour force. The current administration has expressed a commitment to enhance national development, but has not indicated the ways by which the domestic labour market can be attractive to OFWs. The long term view should concentrate on national development, while overseas employment remains a useful alternative in the short term. In this regard, the most effective migration policies are policies tackling national development.
- There is widespread consensus among stakeholders and observers that the comprehensive system created by the Philippine migration policy has been hampered by inadequate implementation. Rather than further expanding regulations and institutions, it is more necessary to ensure proper implementation of existing measures.
- Better coordination among government agencies deputized to administer the migration policy could benefit the overseas labour programme, particularly in reducing irregular practices, cutting unnecessary delays and avoiding duplications. Officers involved in the governance of migration should be provided with periodic training and updating.

<sup>102</sup>In addition, the country also has to contend with the huge enrolments and graduates in Business Administration and related courses and Teacher Education. These are courses which are consistently among the top three—incidentally these are not overseas-oriented courses.



- The large number and diverse profiles of Filipinos deployed annually overseas requires a second look on the issue of selective or partial deregulation. The provision on deregulation in RA 8042 was repealed. However, partial deregulation may be necessary to avoid subjecting highly skilled and unskilled workers to undergo procedures which are not responsive to their situation. Regulation must be enforceable; otherwise, it will create a backdoor or black market which will increase the vulnerabilities of migrants.
- The role of embassies and POLOs in providing services to foreign employers and protection to OFWs is very important. On the local front, having access to services at the provincial level in the Philippines can also decrease the cost of migration for migrants and the private sector. Improving accessibility to foreign posts and decentralization—or localization—of services in the Philippines rank high in the list of recommendations advanced by different stakeholders. In this regard, the completion and publication of a “Manual of Operations, Policies and Guidelines” for the POLOs should reduce inconsistencies in the approach and actions taken by governments’ officials.
- Illegal practices in the recruitment of overseas workers, primarily the overcharging of placement fees and the resort to contract substitution to avoid compliance with POEA rules, have marred the sector for a long time. Punitive measures have not produced the necessary results. Perhaps it is advisable to combine sanctions with proper incentives as well as ensure that employment standards are bilaterally adopted and reflective of market realities to encourage a higher level of compliance.
- The dialogue and engagement of government, private sector, civil society, and migrants/migrants’ organizations needs to be strengthened as the various sectors can contribute to better governance of migration. In this regard, systematic and periodic consultations should be institutionalized to examine issues, listen to concerns and offer solutions.
- Migrants’ capacities need to be supported and strengthened, as overseas workers have a lot to offer in the governance of the migration system. The participation of migrants’ organizations in the Philippines and abroad should be encouraged to fill the representation gap that unions cannot provide to migrants.
- The Philippines should continue to exercise its leadership in the bilateral, regional and multilateral levels of migration discussion and cooperation. Such discussions should be strengthened with initiatives that are effective, transparent and can be monitored.

### 3. Recommendations regarding mainstreaming migration into development policies and programmes

The nexus between development and migration has received more attention in recent years, because of better awareness of the contributions of remittances flowing to developing countries, the contributions of the diaspora to the origin and destination countries, and international attention to the issue. The revisiting of the nexus has reaffirmed some conclusions that:

- Mobility is inherently part of development;
- Opportunities for mobility are to be considered positively, as an expression of greater human freedom and empowerment for making choices;
- The linkage between migration and development is mutually reinforcing, up to the point of migration transition;
- Migration can contribute to development as a concomitant and intermediary factor, and not a substitute for more fundamental and general policy choices;
- The benefits of migration are best harnessed in local or regional development projects rather than national ones.

Recent studies in the Philippines (Asis, 2011) have uncovered that development plans tend to ignore migration, thus losing the potential benefits it can generate. Some notable developments have emerged in recent years which point to closer policy attention to the migration-development nexus. Recommendations have been drafted to mainstream migration into development policies and plans. A specific and urgent initiative to be taken in this regard is ensuring that migration is duly considered in the mid-term revision of the Philippine Development Plan. Likewise, migration challenges and issues need to be highlighted as an important thematic area in the post-MDG goals.

At the LGU level, raising the awareness of local executives about migration realities and how these can inform local development plans is urgent. The potentials of the Community Based Monitoring System (CBMS) could be further explored, particularly if CBMS is completed for the whole country and kept up-to-date.

Also crucial are mechanisms for facilitating the formation of business communities among permanent migrants, strengthening the connections with the Filipino diaspora, providing

channels of information concerning local development projects, offering innovative opportunities for investment, ensuring that migrants possess the financial literacy necessary to start their own business, and providing access to favourable credit schemes to migrants and their families using remittances as collateral.

Mainstreaming migration into development plans also has a transnational dimension. The cooperation of countries of destination in co-development projects, involving overseas Filipinos, should be pursued in the bilateral agreements.

## 4. Recommendations concerning improvements to migration data and infrastructure

The process of preparing this Country Migration Report (CMR) entailed extensive consultations with government agencies involved in the migration process. The consultations examined data produced by each agency; the challenges that each agency faces in gathering, encoding, processing and publishing the data; and the level of sharing of data with other agencies and with the public. The cluster meetings and the National Conference on International Migration Data reaffirmed the need to generate data on return migration. Proposals for a baseline National Migration Survey; improving the design of existing surveys and/or incorporating migration questions; and the need to improve the calculation of the stock estimate were among the key issues that were discussed. Further details are available in Annex E.

Two initiatives started in 2011 are expected to contribute to improve migration data and to enhance policies and programmes. One is the Overseas Filipinos Information System (OFIS), spearheaded by the Office of the President, which is aimed at facilitating the government's intervention in time of crisis through a system that locates the current whereabouts of Filipinos overseas. The other is the Foreign Labor Operations Information System (FLOIS) under DOLE, which aims to improve the management and operations of the 38 POLOs abroad and the delivery of assistance to OFWs. Both initiatives could also contribute to the realization of the SGISM mandated by RA 8042 sec. 20. and as amended by RA 10022.

Some fundamental challenges identified in the CMR process which need inter-agency coordination concern the following:

- The different purposes for which agencies collect data lead to different sources of data, different procedures in data gathering and ultimately in problems concerning the possibility to share data;

- Agencies do not use the same definitions or classifications regarding the various categories of clients they interact with;
- There is no single national identification procedure that could serve as foundational element for sharing data on citizens across the various databases;
- Agencies use a variety of hardware and software platforms, which are sometimes obsolete, inadequate and which raises issues of compatibility;
- Agencies employ few personnel dedicated to data gathering and processing, with different technical capabilities, which implies the need for training;
- There are no clear policies or procedures for sharing data among agencies and with the public;
- There is no single designated agency which has clear leadership concerning data on migration;
- Agencies are not taking advantage of obtaining resource support available from the government budgetary system for e-governance related undertakings.

Concerning the migration data system, the following areas call for improvement:

- Data gathering: standardize forms, utilize a common identification element in all forms; make use of digital forms;
- Data encoding: develop manuals to ensure consistency in encoding and editing procedures;
- Data processing: upgrade ICT infrastructure; consider the advantages of open source systems; train personnel;
- Data sharing: adopt common interagency policies, including policies to enhance the public's access and requests for special tabulations;
- Data dissemination: make data accessible through the web; provide accessibility to public use files.

Perhaps the most decisive factor is the political will to improve migration data and the appreciation of data as crucial for understanding the developments of migration, drafting evidence-based policies, developing programs for migrants and their families, and developing an effective monitoring and assessment mechanism.

Looking towards the future, very likely, Filipinos will continue to migrate to other countries in the years to come. Migration for work will continue to be significant not only because of internal dynamics, including emigration pressures, but because of demand factors too. Migration policies and institutions must be attentive and must anticipate new developments. In this connection, it is time to review and update the country's policies and institutions concerning international migration to the Philippines. The last 40 years, as chronicled in this Report, are an important reference point for migration governance in the future.

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## GLOSSARY ON MIGRATION: INTERNATIONAL

### Acquisition of nationality

- Obtaining the nationality of a State by a person who is a non-national by birth, whether on the person's application, following from a change in personal status, or as the result of the ceding of territory from one State to another.

*see also denationalization, loss of nationality, nationality*

### Alien

- a person who is not a national of a given State  
*see also foreigner, non-national, undocumented alien*

### Arrival/departure card

- a card which is filled out by an individual prior to or upon arrival in the country of destination and presented (along with passport and, if requested, visa) to officials at the checkpoint. In some States, border officials collect the card upon entry, while in other States, the card or portion of it is returned to the traveller and must be presented upon departure from the State. International standards for such cards are defined by the International Civil Aviation Organization in *Annex 9, Convention on International Civil Aviation, 1944*.

*see also checkpoint, identity documents, passport, visa*

### Bilateral

- involving two parties or two States.  
*see also extradition, multilateral, treaty*

### Bilateral labour migration agreements

- formal mechanisms concluded between States, which are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States as well as a range of other actors, including individual ministries and employer organizations.

*see also bilateral, labour migration, treaty*

**Border**

- a line separating land territory or maritime zones of two States or subparts of States. It can also refer to a region that is found at the margin of settled and developed territory.  
*see also green border*

**Border control**

- a State's regulation of the entry and departure of persons to and from its territory, in exercise of its sovereignty, whether this is conducted at the physical border or outside of the territory in an embassy or consulate.  
*see also border management, border officials, checkpoint, sovereignty*

**Border crossing**

- The physical act of crossing a border either at an established check point or elsewhere along the border.  
*see also border, border control, border officials, checkpoint*

**Border management**

- Facilitation of authorized flows of persons, including business people, tourists, migrants and refugees, across a border and the detection and prevention of irregular entry of non-nationals into a given country. Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular migrants to the territory, and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation.  
*see also border control, carrier liability law, sovereignty*

**Border officials**

- A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State. Also termed "border guards", "border police" or "aliens police"  
*see also admission, border control, border management, checkpoint, non-admission*

**Brain drain**

- emigration of trained and talented individuals from the country of origin to another country resulting in a depletion of skills resources in the former.  
*see also brain gain, emigration, qualified national, reverse brain drain*

**Brain gain**

- immigration of trained and talented individuals into the destination country. Also called "reverse brain drain."  
*see also brain drain, immigration, reintegration (economic)*

**Carrier liability law**

- In the migration context, a law imposing a series of administrative or penal sanctions, including fines or other penalties, upon carriers who bring in to the territory of a State persons who do not have valid entry documents.  
*see also border management, passenger, traveller*

**Checkpoint**

- a location (on the land border or at an airport or seaport) where persons are stopped by border officials for inspection and clearance, in order to enter the State.  
*see also arrival/departure card, border, border control, border crossing, border officials*

**Circular migration**

- the fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.  
*see also labour migration*

**Citizen**

- *see national*

**Citizenship**

- *see nationality*

**Clandestine migration**

- secret or concealed migration in breach of immigration requirements. It can occur when a non-national breaches the entry regulations of a country; or having entered a country legally overstays in breach of immigration regulations. The generic term “irregular migration” should preferably be used. *see also documented migrant, illegal entry, irregular migrant, irregular migration, regular migration, undocumented migrant*

**Climate refugee**

- *see environmental migrant, environmentally displaced person*

**Convention**

- *see treaty*

**Contractual Labour**

- labour supplied for a specific purpose over a fixed period of time by a contractor.

**Country of destination**

- the country that is a destination for migratory flows (legal or illegal).

**Country of habitual/usual residence**

- the country in which a person lives, that is to say, the country in which s/he normally spends the daily period of rest. Temporary travel abroad for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage does not change a person's country of usual residence.

*see also residence*

**Country of origin**

- the country that is a source of migratory flows (legal or illegal).

*see also state of origin*

**Country of transit**

- the country through which migratory flows (legal or illegal move).

*see also state of transit*

**Covenant**

- *see treaty*

**Cross-border migration**

- a process of movement of persons across international borders.

**Denationalization**

- *see loss of nationality*

**Development**

- the United Nations Development Programme (UNDP) defines development as the process of "creating an environment in which people can develop their full potential and lead productive, creative lives in accordance with their needs and interests...[and] expanding the choices people have to lead lives that they value." This definition marks a shift away from the strict emphasis on economic development measured by growth or income indicators and encompasses the human dimension of the process.

**Diasporas**

- diasporas are broadly defined as individuals and members or networks, associations and communities, who have left their country of origin, but maintain links with their homelands. This concept covers more settled expatriate communities, migrant workers based abroad temporarily, expatriates with the nationality of the host country, dual nationals, and second- or third-generation migrants.

*see also exodus, qualified national*



### **Displacement**

- a forced removal of a person from his/her home or country, often due to of armed conflict or natural disasters.  
*see also displaced person*

### **Displaced person**

- a person who flees his/her State or community due to fear or dangers other than those which would make him/her a refugee. A displaced person is often forced to flee because of internal conflict or natural or man-made disasters.  
*see also de facto refugees, externally displaced persons, internally displaced persons, refugee*

### **Documented migrant**

- a migrant who entered a country legally and remains in the country in accordance with his/her admission criteria.

### **Documented migrant worker**

- a migrant worker or members of his/her family authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).  
*see also documented migrant, migrant worker, undocumented alien, undocumented migrant workers*

### **Dual/multiple nationality**

- simultaneous possession of the nationality of two or more countries by the same person.  
*see also nationality*

### **Economic migrant**

- a person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term may be used to distinguish from refugees fleeing persecution, and is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside their country of origin for the duration of an agricultural season, appropriately called seasonal workers.  
*see also frontier worker, migrant worker, poverty migrant, seasonal worker*

### **Emigration**

- the act of departing or exiting from one State with a view to settle in another. International human rights norms provide that all persons should be free to leave any country, including their own, and that only in very limited circumstances may States impose restrictions on the individual's right to leave its territory.

## **Exodus**

- movements in groups (isolated and sporadic) out of the country of origin. Mass exodus is a movement in large numbers or of a section of the community at a given time.

## **Externally displaced persons**

- persons who have fled their country due to persecution, generalized violence, armed conflict situations or other man-made disasters. These individuals often flee en masse. Sometimes they are also referred to as “de facto refugees”.  
*see also de facto refugees, displaced person, internally displaced persons, uprooted people*

## **Family members**

- *see members of the family*

## **Family migration**

- a general concept covering family reunification and the migration of a family unit as a whole.  
*see also family reunification/reunion, family unity, right to, members of the family*

## **Family reunification/reunion**

- process whereby family members already separated through forced or voluntary migration regroup in a country other than the one of their origin. It implies certain degree of State discretion over admission.  
*see also dependants, family unity*

## **Feminization of migration**

- the growing participation of women in migration (some 49 per cent of all migrants globally are women). While the proportion of migrants who are women has not changed greatly in recent decades, their role in migration has changed considerably. Women are now more likely to migrate independently, rather than as members of a household, and they are actively involved in employment.

The increase of women in migration has led to certain gender-specific vulnerable forms of migration, including the commercialized migration of domestic workers and caregivers, the migration and trafficking of women for the sex industry, and the organized migration of women for marriage. Because of the unregulated nature of some of this employment, women migrants are often at greater risk of exploitation.

## **Foreigner**

- a person belonging to, or owing an allegiance to, another State.  
*see also non-national, third-country national*

### **Globalization**

- a process of interaction and integration among the people, corporations, and governments of different States; a process driven by international trade and investment and aided by information technology. This process has effects on the environment, culture, political systems, economic development and prosperity, and human well-being in societies.

### **Governance of migration**

- system of institutions, legal frameworks, mechanisms and practices aimed at regulating migration and protecting migrants. Used almost synonymously with the term “migration management”, although migration management is also sometimes used to refer to the narrow act of regulating cross-border movement at the state level.  
*see also migration management, orderly migration*

### **Green border**

- Term used to describe a State’s land border between checkpoints. A water border (river or coastline) might also be referred to as a “blue border”.  
*see also border, checkpoint*

### **Guest worker**

- Generally considered to be an economic migrant recruited for a restricted time of settlement and employment. This term is more or less restricted to migration flows in the fifties and sixties of the twentieth century, and is no longer used.  
*see also economic migrant, migrant worker*

### **Highly skilled/qualified migrant**

- While there is no internationally agreed definition, two overlapping meanings are often intended. In very general terms a highly skilled migrant is considered to be a person with tertiary education, typically an adult who has completed at least two years of postsecondary education. In a more specific sense, a highly skilled migrant is a person who has earned, either by tertiary level education or occupational experience, the level of qualifications typically needed to practice a profession.  
*see also skilled migrant, qualified national*

### **Host country**

- *see country of destination, receiving country, State of employment*

### **Human trafficker**

- *see trafficker*

### **Illegal alien**

- *see irregular migrant, undocumented migrant*

**Illegal entry**

- “act of crossing borders without complying with the necessary requirements for legal entry into the receiving State”(Art.3(b), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000).

*see also irregular migration, undocumented migrant, smuggling, unauthorized/unlawful entry/admission*

**Illegal migrant**

- *see irregular migrant, undocumented migrant*

**Illegal migration**

- *see irregular migration*

**Immigration**

- a process by which non-nationals move into a country for the purpose of settlement.

*see also brain gain, emigration*

**Internal migration**

- a movement of people from one area of a country to another for the purpose or which the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin (for example rural to urban migration).

**Internally displaced person/IDPs**

- persons or groups of persons who have been forced IDPs or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2).

*see also de facto refugees, displaced person, externally displaced persons, uprooted people*

**International migration**

- movement of persons who leave their country of origin, or the country of habitual residence, to establish themselves either permanently or temporarily in another country. An international frontier is therefore crossed.

*see also internal migration*

**Irregular migrant**

- a person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed

for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term “irregular” is preferable to “illegal” because the latter carries a criminal connotation and is seen as denying migrants’ humanity.

*see also clandestine migration, documented migrant, illegal entry, irregular migration, undocumented migrant*

### **Irregular migration**

- Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons.

*see also clandestine migration, irregular migrant, regular migration, unauthorized/unlawful entry/admission, undocumented migrant, undocumented migrant workers/workers in an irregular situation*

### **Labour migration**

- Movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

*see also bilateral labour migration agreements, circular migration*

### **Less/low skilled and semi-skilled migrant worker**

- There is no internationally agreed definition of a less or low skilled and semi-skilled migrant worker. In broad terms, a semi-skilled worker is considered to be a person who requires a degree of training or familiarization with the job before being able to operate at maximum/optimal efficiency, although this training is not of the length or intensity required for designation as a skilled (or craft) worker, being measured in weeks or days rather than years, nor is it normally at the tertiary level. Many so-called “manual workers” (for example production and construction workers) should therefore be classified as semi-skilled. A less or low-skilled worker, on the other hand, is considered to be a person who has received less training than a semi-skilled worker or, having not received any training, has still acquired his or her competence on the job.

*see also skilled migrant*

### **Long-term migrant**

- a person who moves to a country other than that of his or her usual residence for a period of at least a year, so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure, the person will be a long-term emigrant and from that of the country of arrival, the person will be a long-term immigrant.

*see also permanent settlers, short-term migrant*

### **Loss of nationality**

- Loss of nationality may follow an act of the individual (expatriation, deliberate renunciation of nationality by an individual, or automatic loss of nationality upon acquisition of another nationality) or of the State (denationalization). Denationalization is a unilateral act of a State, whether by decision of administrative authorities or by the operation of law, which deprives an individual of his or her nationality. Although there are no uniform provisions for denationalization, some States have developed a number of statutory grounds for it, including: entry into foreign civil or military service, acceptance of foreign distinctions, conviction for certain crimes. Although acquisition and loss of nationality are in principle considered as falling within the domain of domestic jurisdiction, the States must, however, comply with norms of international law when regulating questions of nationality, such as Art. 15(2), Universal Declaration of Human Rights: “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”

*see also acquisition of nationality, denationalization, expatriate, expatriation, nationality, statelessness*

### **Members of the family**

- in the broadest sense, the group of persons descendant from a common ancestor and tied together by marriage or filiations. For the purposes of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990 (Art.4), the expression refers to “Persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.”

*see also child, dependant, derivative applicant*

### **Migrant**

- at the international level, no universally accepted definition of migrant exists. The term migrant is usually understood to cover all cases where the decision to migrate is taken freely by the individual concerned for reasons of “personal convenience” and without intervention of an external compelling factor. This term therefore applies to persons, and

family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.

### **Migrant in an irregular situation**

- *see administrative detention, irregular migrant, undocumented migrant workers/migrant workers in an irregular situation*

### **Migrant flow**

- the number of migrants counted as moving or being authorized to move, to or from a country to access employment or to establish themselves over a defined period of time.

### **Migrant stock**

- the number of migrants residing in a country at a particular point in time.

### **Migrant worker**

- a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. (Art.2(1), International Convention of the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).  
*see also documented migrant worker, frontier worker, itinerant worker, project-tied worker, seafarer, seasonal worker, self-employed worker, specified employment worker, worker on an offshore installation*

### **Migrant worker in an irregular situation**

- *see undocumented migrant workers/migrant workers in an irregular situation*

### **Migrants for settlement**

- foreigners granted permission to stay for a lengthy or unlimited period and subject to virtually no limitation regarding the exercise of an economic activity. (for example employment-based migrants, family-based migrants, ancestry-based migrants, migrants with the right to free establishment, or foreign retirees).

### **Migration**

- the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.  
*see also net migration, total migration, tourism*

### **Migration management**

- a term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing

the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues.  
*see also governance of migration, orderly migration*

### **Mixed flows**

- complex migratory population movements that include refugees, asylum-seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants.

### **Multilateral**

- in relation to treaties and negotiations, multilateral (or multipartite) connotes the involvement of more than two States in the process.  
*see also bilateral, treaty*

### **National**

- a person, who, either by birth or naturalization, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil and political rights and protection; a member of the State, entitled to all its privileges. A person enjoying the nationality of a given State. *see also nationality, naturalization, third-country national*

### **Nationality**

- legal bond between an individual and a State. The International Court of Justice defined nationality in the *Nottebohm* case, 1955, as "...a legal bond having as its basis a social fact of attachment, a genuine connection of existence of reciprocal rights and duties...the individual upon whom it is conferred, either directly by law or as a result of the act of the authorities, is in fact more closely connected with the population of the State conferring the nationality than with any other State." According to Art.1, Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, 1930, "it is for each State to determine under its own laws who are its nationals. This law shall be recognized by other States insofar as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality."  
*see also citizenship, loss of nationality, national*

### **Naturalization**

- legal bond between an individual and a State. The International Court of Justice defined nationality in the *Nottebohm* case, 1955, as "...a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties...the individual upon whom it is conferred, either directly by law or as a result of the act of the authorities, is in fact more closely connected with the population of the State conferring the nationality than with any other



State.” According to Art. 1, Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, 1930,“ it is for each State to determine under its own laws who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality.” The tie of nationality confers individual rights and imposes obligations that a State reserves for its population. Founded on the principle of personal jurisdiction of a State, nationality carries with it certain consequences as regards migration such as the right of a State to protect its nationals against violations of their individual rights committed by foreign authorities (particularly by means of diplomatic protection), the duty to accept its nationals onto its territory, and the prohibition to expel them.

*see also acquisition of nationality, de facto statelessness, diplomatic protection, dual/multiple nationality, loss of nationality, national, naturalization, personal jurisdiction, statelessness*

### **Net migration**

- Difference between the number of persons entering the territory of a State and the number of persons who leave the territory in the same period. Also called “migratory balance.” This balance is called net immigration when arrivals exceed departures, and net migration when departures exceed arrivals.

*see also total migration*

### **Non-documented migrant workers**

- *see undocumented migrant workers/ migrant workers in an irregular situation*

### **Non-national**

- a person who is not a national or citizen of a given State.

*see also foreigner, third country national*

### **Orderly migration**

- the movement of a person from his or her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit of the country of origin and travel, transit and entry into the destination or host country.

*see also governance of migration, migration management, regular migration*

### **Organized crime**

- usually refers to large-scale and complex criminal activities carried out by tightly or loosely organized associations and aimed at the establishment, supply and exploitation of illegal markets at the expense of society. Such operations are generally carried out with a ruthless disregard of the law, and often involve offences against the person, including threats, intimidation and physical violence.

*see also smuggling, trafficking in persons*

## **Overstay**

- to remain in a country beyond the period for which entry was granted. Also sometimes used as a noun, for example “the undocumented migrant population is evenly divided between overstays and those who entered irregularly.”

*see also irregular migrant, residence permit, undocumented migrant*

## **Palermo protocols**

- supplementary protocols to the Convention against Transnational Organized Crime (2000): Protocol Against the Smuggling of Migrants by Land, Sea and Air; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000; and Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials, 2001.

*See also smuggling, trafficking in persons*

## **Passport**

- a document issued by the competent authority in a State identifying a person as a national of the issuing State, which is evidence of the holder’s right to return to that State. In Western traditions, passports have been used for foreign travel purposes, not as domestic identity documents. The passport is the accepted international certificate or evidence of nationality, although its evidentiary value is prima facie only.

*see also arrival/departure card, identity document, travel documents, travel documents (Convention), visa*

## **Permanent residence**

- the right, granted by the authorities of a host State to a non-national, to live and work therein on a permanent (unlimited) basis.

## **Permanent resident**

- a non-national benefitting from the right of permanent residence in a host State.

*see also long-term migrant*

## **Permanent settlers**

- legally admitted immigrants who are accepted to settle in the receiving country, including persons admitted for the purpose of family reunion.

*see also ancestry-based settlers, long-term migrant, short-term migrant, visitor*

## **Population displacement**

- *see displacement*

### **Push-pull factors**

- migration is often analysed in terms of the “push-pull model,” which looks at the push factors, which drive people to leave their country (such as economic, social, or political problems) and the pull factors attracting them to the country of destination.

### **Regional consultative processes**

- non-binding consultative forums, bringing representatives processes of States, civil society (Non-Governmental Organizations or NGOs) and international organizations together at the regional level to discuss migration issues in a cooperative manner. Some RCPs also allow participation of other stakeholders (for example. non-governmental organizations or other civil society representatives).

*see also migration management*

### **Regular migration**

- migration that occurs through recognized, authorized channels

*see also clandestine migration, irregular migration, orderly migration, undocumented migrant workers/ migrant workers in an irregular situation*

### **Regularization**

- any process by which a country allows aliens in an irregular situation to obtain legal status in the country. Typical practices include the granting of an amnesty (also known as “legalization”) to aliens who have resided in the country in an irregular situation for a given length of time and are not otherwise found inadmissible.

*see also amnesty, legalization*

### **Reintegration**

- re-inclusion or re-incorporation of a person into a group or a process, for example of a migrant into the society of his or her country of origin or habitual residence.

*see also assimilation, integration, reintegration (cultural), reintegration (economic), reintegration (social)*

### **Reintegration (cultural)**

- in the context of return migration, re-adoption on the part of the returning migrant of the values, way of living, language, moral principles, ideology, and traditions of the country of origin’s society. *see also integration, reintegration, return, return migration*

### **Reintegration (economic)**

- in the context of return migration, the process by which a migrant is reinserted into the economic system of his or her country of origin, and able to earn his or her own living. In developmental terms, economic reintegration also aims at using the know-how which was

acquired in the foreign country to promote the economic and social development of the country of origin.

*see also brain gain, integration, reintegration, return, return migration*

### **Reintegration (social)**

- in the context of return migration, the reinsertion of a migrant into the social structures of his or her country of origin. This includes on the one hand the development of a personal network (friends, relatives, neighbours) and on the other hand the development of civil society structures (associations, self-help groups and other organizations).

*see also integration, reintegration, return, return migration*

### **Remittances**

- monies earned or acquired by non-nationals that are transferred back to their country of origin.

*see also repatriation of funds, social capital transfer*

### **Repatriation**

- the personal right of a refugee, prisoner of war or a civil detainee to return to his or her country of nationality under specific conditions laid down in various international instruments (Geneva Conventions, 1949 and Protocols, 1977, the Regulations Respecting the Laws and Customs of War on Land, Annexed to the Fourth Hague Convention, 1907, human rights instruments as well as customary international law). The option of repatriation is bestowed upon the individual personally and not upon the detaining power. In the law of international armed conflict, repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the country of origin to receive its own nationals at the end of hostilities. Even if treaty law does not contain a general rule on this point, it is today readily accepted that the repatriation of prisoners of war and civil detainees has been consented to implicitly by the interested parties. Repatriation as a term also applies to diplomatic envoys and international officials in time of international crisis as well as expatriates and migrants.

*see also assisted voluntary return, involuntary repatriation, return, right to return, voluntary repatriation, voluntary return*

### **Replacement migration**

- Internal migration that occurs where the vacuum created by workers departing for another country is filled by workers from other parts of the country, or the international migration that a country would need to offset population decline and population ageing resulting from low fertility and mortality rates.

## **Return**

- In a general sense, the act or process of going back to the point of departure. This could be within the territorial boundaries of a country, as in the case of returning internally displaced persons (IDPs) and demobilized combatants; or between a host country (either transit or destination) and a country of origin, as in the case of migrant workers, refugees, asylum-seekers, and qualified nationals. There are subcategories of return which can describe the way the return is implemented, for example voluntary, forced, assisted and spontaneous return; as well as sub-categories which describe who is participating in the return, for example repatriation (for refugees).

*see also assisted voluntary return, deportation, expulsion, readmission agreement, re-emigration, refoulement, reintegration, reintegration (cultural), reintegration (economic), reintegration (social), repatriation, voluntary repatriation, voluntary return*

## **Return migration**

- the movement of a person returning to his or her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.

*see also circular migration, forced return, reintegration, reintegration (cultural), reintegration (economic), reintegration (social), voluntary return*

## **Reverse brain drain**

- *see brain gain*

## **Seafarer**

- in the migration context, the term refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national (includes persons on shipping vessels) (Art. 2(2)(c), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).

## **Seasonal migrant worker/migration**

- a migrant worker whose work, or migration for migration employment, is by its character dependent on seasonal conditions and is performed only during part of the year (Art. 2(2)(b), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).

*see also economic migrant, migrant worker, temporary migrant worker*

## **Sending country**

- a country from which people leave to settle abroad permanently or temporarily.

*see also country of origin*

### **Short-term migrant**

- a person who moves to a country other than that of his or her usual residence for a period of at least three months but less than a year, except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends or relatives, business or medical treatment. For purposes of international migration statistics, the country of usual residence of short-term migrants is considered to be the country of destination during the period they spend in it.

*see also long-term migrant, permanent settlers, temporary migrant workers*

### **Skilled migrant**

- a migrant worker who, because of his or her skills or acquired professional experience, is usually granted preferential treatment regarding admission to a host country (and is therefore subject to fewer restrictions regarding length of stay, change of employment and family reunification).

*see also highly skilled migrant, less/low-skilled and semi-skilled migrant worker, qualified national*

### **Smuggled person/migrant**

- a migrant who is enabled, through providing financial or material benefit to another person, to gain illegal entry into a State of which he or she is not a national or a permanent resident.

### **Smuggler (of migrants)**

- an intermediary who moves a person by agreement with that person, in order to transport him/her in an unauthorized manner across an internationally recognized state border.

*see also smuggling*

### **Smuggler (of people)**

- an intermediary who is moving people in furtherance of a contract with them, in order to illegally transport them across an internationally recognized State border.

*see also smuggling, trafficking*

### **Smuggling**

- “The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000). Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights.

*see also assets forfeiture, carbon dioxide sensors, illegal entry, organized crime, Palermo Protocols, sensors, smuggler (of migrants), trafficking in persons*

### **Social capital transfer**

- competencies, skills, knowledge, practices and ideas transmitted by international migrants to their country of origin.  
*see also remittances*

### **Source country**

- *see country of origin, sending country*

### **Spontaneous migration**

- an individual or group who initiate and proceed with their migration plans without any outside assistance. Spontaneous migration is usually caused by push-pull factors and is characterized by the lack of State assistance or any other type of international or national assistance.  
*see also assisted migration, assisted voluntary return, push-pull factors, spontaneous return*

### **Spontaneous return**

- the voluntary, independent return of an individual or group, including refugees, internally displaced persons (IDPs), or asylum-seekers, to their country of origin, usually without the support of States or other international or national assistance.  
*see also assisted voluntary return, spontaneous migration, voluntary return*

### **State**

- a political entity that has legal jurisdiction and effective control over a defined territory and the authority to make collective decisions for a permanent population; a monopoly on the legitimate use of force; and an internationally recognized government that interacts, or has the capacity to interact, in formal relations with other entities. The criteria of statehood for purposes of international law are commonly held to be possession of a permanent population, a defined territory, government and capacity to enter into international relations with other States (Art. 1, Montevideo Convention on the Rights and Duties of States, 1933).  
*see also sovereignty, subject of international law*

### **State of employment**

- “A State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be” (Art. 6(b), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).  
*see also migrant worker, receiving country*

**State of origin**

- “The State of which the person concerned is a national” (Art. 6(a), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).

*see also country of origin, sending country, third country*

**State of transit**

- in a general sense, a State through which an individual travels during his or her journey towards a destination country. In terms of Art. 6(c) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, a State of transit is “any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.”

*see also country of transit, third country, transit, transit passengers, transit visa*

**Stock (foreign)**

- the number of foreign nationals in a given area on a certain date (for example 1 January or 31 December) of the year in question.

*see also migrant flow*

**Temporary labour migration**

- migration of workers who enter a foreign country for a specified limited period of time before returning to the country of origin.

**Temporary migrant workers**

- skilled, semi-skilled or untrained workers who remain in the destination country for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise. Also called contract migrant workers.

*see also seasonal worker, short-term migrant*

**Total migration**

- the sum of the entries or arrivals of immigrants, and of exits, or departures of emigrants, yields the total volume of migration, and is termed total migration, as distinct from net migration, or the migration balance, resulting from the difference between arrivals and departures.

*see also net migration*

**Tourism**

- Movement of one person or a group of people, whether internationally or within one country, for purposes of leisure, sport, or discovery. Tourism does not imply a change of habitual residence for those participating, and it is not a form of migration in the strict



sense, even though the term “tourism migration” is occasionally used.

*see also migration, traveller, visitor*

### **Trafficker, human**

- an intermediary who is involved in the movement of person in order to obtain an economic or other profit by means of deception, physical or psychological coercion for the purpose of exploitation. The intent ab initio on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation.

*see also exploitation, smuggler, trafficking in persons, victim of human trafficking*

### **Trafficking in persons**

- “The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 100 International Migration Law Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character.

*see also abduction, assets forfeiture, carbon dioxide sensor, coercion, deception, exploitation, fraud, organized crime, Palermo Protocols, sensor, smuggling, trafficker, human, victims of human trafficking, worst forms of child labour*

### **Transients**

- professional or skilled workers who move from one country to another, often as employees of international and/or joint venture companies.

*see also migrant worker*

### **Transnationalism**

- the process whereby people establish and maintain sociocultural connections across geopolitical borders.

### **Traveller**

- a person who passes from place to place, for any reason.

*see also carrier liability law, migrant, tourism, visitor*

### **Treaty**

- “An international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (Art. 2.1(a) Vienna Convention on

the Law of Treaties, 1969).

*see also accession, accord, agreement, bilateral, bilateral labour migration agreements, convention, covenant, instrument, multilateral, ratification, reservation to a treaty*

### **Undocumented alien**

- an alien who enters or stays in a country without the appropriate documentation. This includes, among others: one (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization.

*see also illegal entry, irregular migration*

### **Undocumented migrant**

- A non-national who enters or stays in a country without the appropriate documentation. This includes, among others: a person (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters or stays using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization.

*see also illegal entry, irregular migration unauthorized/unlawful entry/admission*

### **Undocumented migrant workers/migrant workers in an irregular situation**

- migrant workers or members of their families, who are not authorized to enter, to stay or to engage in employment in a State.

*see also documented migrant workers, irregular migrant, migrant worker, regular migration*

### **Unlawful entry**

- *see illegal entry, unauthorized/unlawful entry/admission*

### **Victim of human trafficking**

- any natural person who is subject to trafficking in human beings.

*see also trafficker, trafficking in persons*

### **Violence against women**

- “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Art. 1, Declaration on the Elimination of Violence against Women, 1993).

*see also gender-based violence*

**Visitor**

- in the migration context, the term is used in some national legislation to designate a non-national authorized to stay temporarily on the territory of a State without participating in a professional activity.

*see also permanent residence, permanent settlers, tourism, traveller*

**Voluntary repatriation**

- return of eligible persons to the country of origin on the basis of freely expressed willingness to so return.

**Voluntary return**

- the assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee.

*see also assisted voluntary return, forced return, involuntary repatriation, return, return migration, repatriation, spontaneous return, voluntary repatriation*

**Work permit**

- a legal document issued by a competent authority of a State giving authorization for employment of migrant workers in the host country during the period of validity of the permit.

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Source: Glossary on Migration (IOM, 2011).

NB: The terms included here are limited to those relevant in this report.



## GLOSSARY ON MIGRATION: PHILIPPINES

### Agency hires

- a worker who is able to secure overseas employment through the facilities of licensed Philippine recruitment agency.  
(POEA, [http://www.poea.gov.ph/lmi/Bilateral%20Agreements/BLA\\_PH\\_Alberta%20%28Guidelines%292008.pdf](http://www.poea.gov.ph/lmi/Bilateral%20Agreements/BLA_PH_Alberta%20%28Guidelines%292008.pdf))

### Adjudication case

- a labour dispute between employees and employers which involves overseas contract workers including seamen. It also includes disciplinary actions filed against employees. (BLES)

### Alien employed, non-resident

- a non-resident foreign national employed by an establishment in the Philippines. (BLES)

### Alien employment permit

- a permit issued by the DOLE Regional Office authorizing a non-resident foreign national to work in the Philippines after a determination of the non-availability of Filipino citizen who is competent, able and willing at the time of the application to perform the services for which the alien is desired. (BLES)

### Amicably settled

- the number of cases that were disposed through amicable settlement.(BLES)

### Balik-manggagawa

- The following are considered as *balik-manggagawa*:
  1. a worker who is on vacation or on leave from employment under a valid and existing employment contract and who is returning to the same employer regardless of any change in jobsite, to finish the remaining unexpired portion of the contract;

2. a worker who was rehired by the same employer after finishing his/her contract and who is returning to the same employer, regardless of a change in jobsite; and
3. a returning worker whose employment contract was not processed with the POEA but was subsequently verified and registered with the Philippine Overseas Labor Office (POLO) in the jobsite and who is returning to the same employer either as a worker-on-leave or rehire, regardless of any change in jobsite. (POEA, 2012)

### **Beneficiaries of OFWs**

- the next-of-kin of Filipino overseas workers who are entitled to avail of programs and services under OWWA. For a married Overseas Filipino Worker (OFW), it covers the legal spouse and their children; for unmarried OFW, it refers to parents, brothers, and sisters. The latter beneficiaries serve as secondary clients. (BLES)

### **Business process outsourcing**

- the delegation of one or more IT-intensive business processes to an external provider that, in turn, owns, administers, and manages the selected process or processes based on defined and measurable performance metrics. Also known by its acronym, BPO. (BLES)

### **Case disposed**

- a case which has been acted upon and considered resolved by a person assigned to handle it. A disposed case may be any of the following: settled, resolved, decided on the merits, certified/endorsed for compulsory arbitration, assumed jurisdiction by the Secretary of DOLE, submitted for voluntary arbitration, withdrawn, dismissed, referred or transferred to other offices of the DOLE at the level of agency of origin. These may also include petitions granted as in the case of med-arbitration cases. (BLES)

### **Cases handled**

- the sum of pending cases at the beginning of a specific period and new cases filed during the same period. (BLES)

### **Cases pending**

- cases unresolved as of the beginning of the period. These are cases forwarded from the previous reporting period or cases at the end of the previous reporting period. (BLES)

### **Direct hires/name hires**

- name hire shall refer to a worker who is able to secure an overseas employment opportunity with an employer without the assistance or participation from any agency. (POEA, <http://www.poea.gov.ph/rules/POEA%20Rules.pdf>)

**Discouraged workers**

- unemployed persons who are not seeking work because of the belief that no jobs are available. (BLES)

**Disposition rate**

- the proportion (in per cent) of the total cases disposed to the total number of cases handled. (BLES)

**Employer (Labor Code)**

- includes any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions and instrumentalities, all government-owned or controlled corporations and institutions, as well as non-profit private institutions, or organizations. (BLES)

**Employer (NSCB)**

- status in employment which include persons who employ one or more paid employees in the operation of their businesses or trades. (BLES)

**Employer (POEA/OWWA)**

- any person, partnership, or corporation whether local or foreign, directly engaging the services of overseas Filipino workers. (BLES)

**Joint and solidary liability**

- refers to the nature of liability of the principal employer and the recruitment/placement agency, for any and all claims arising out of the implementation of the employment contract involving Filipino workers for overseas deployment, It shall likewise refer to the nature of liability of officers, directors, partners with company over claims arising from employer-employee relationship. (POEA, 2003)

**Illegal recruitment**

- involves violation of all recruitment activities as defined under Section 1 under Article 34 of the Labor Code undertaken by the non-licensee. It also includes recruitment acts of licensee in violation of recruitment rules and regulations while under suspension; and recruitment activities of agents or representatives of licensed agencies whose designation is without prior approval from POEA. (BLES)

**Immigrant categories**

- Sec.13 Under the conditions set forth in this Act, there may be admitted in the Philippines immigrants, termed “quota immigrants” not in excess of fifty (50) of any one nationality or without nationality for any one calendar year, except that the following immigrants, termed “non-quota immigrants”, may be admitted without regard to such numerical limitations.

The corresponding Philippine Consular representative abroad shall investigate and certify the eligibility of a quota immigrant previous to his admission into the Philippines. Qualified and desirable aliens who are in the Philippines under temporary stay may be admitted within the quota, subject to the provisions of the last paragraph of section 9 of this Act.

- (a) The wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen, if accompanying or following to join such citizen;
  - (b) A child of alien parents born during the temporary visit abroad of the mother, the mother having been previously lawfully admitted into the Philippines for permanent residence, if the child is accompanying or coming to join a parent and applies for admission with five years from the date of its birth;
  - (c) A child born subsequent to the issuance of the immigration visa of the accompanying parent, the visa not having expired;
  - (d) A woman who was a citizen of the Philippines and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one, if accompanying or following to join her;
  - (e) A person previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an un-relinquished residence in the Philippines;
  - (f) The wife or the husband or the unmarried child under twenty-one years of age, of an alien lawfully admitted in the Philippines for permanent residence prior to the date on which this Act becomes effective and who is resident therein, if such wife, husband, or child applies for admission with a period of two years following the date on which this Act becomes effective;
  - (g) A natural born citizen of the Philippines, who has been naturalized in foreign country, and is returning to the Philippines for permanent residence, including his spouse and minor children, shall be considered a non-quota immigrant for purposes of entering the Philippines. (As amended by Republic Act No.4376)  
(Philippine Immigration Act of 1940)
- Sec. 14. The nationality of an immigrant whose admission is subject to the numerical limitations imposed by section thirteen of this Act shall be that of the country of which the immigrant is a citizen or subject, self-governing dominions being treated as separate countries. The nationality of an immigrant possessing dual nationality may be that of



either of the two countries regarding his as a citizen or subject if he applies for a visa in a third country, but if he applies for such visa within one of the two countries regarding him as a national, his nationality shall be that of the country in which he shall file his application.

(Bureau of Immigration, [http://immigration.gov.ph/index.php?option=com\\_content&task=view&id\\_31&Itemid=34](http://immigration.gov.ph/index.php?option=com_content&task=view&id_31&Itemid=34))

### **Irregular/Undocumented Filipino migrant workers**

- refer to the following:
  - (1) Those who acquired their passports through fraud or misrepresentation;
  - (2) Those who possess expired visas or permits to stay;
  - (3) Those who have no travel document whatsoever;
  - (4) Those who have valid but inappropriate visas; or
  - (5) Those whose employment contracts were not processed by the POEA or subsequently verified and registered on-site by the POLO, if required by law or regulation.  
(Implementing Rules and Regulations, or IRR, of RA10022)

### **Land-based worker**

- a contract worker other than a seaman including workers engaged in offshore activities whose occupation requires that majority of his working/gainful hours are spent on land.  
(BLES)

### **License**

- refers to the document issued by the Secretary of Labor and Employment authorizing a person, partnership or corporation to operate a private recruitment/manning agency.  
(IRR of RA10022)

### **New hire**

- land-based worker being contracted for overseas employment for the first time by a foreign employer through a duly licensed placement agency. (BLES)

### **Non-immigrant categories**

- Sec. 9 (Immigration Law)  
Aliens departing from any place outside the Philippines who are otherwise admissible and who qualify within one of the following categories:

(a) A temporary visitor coming for business or for pleasure or for reasons of health;

- (b) A person in transit to a destination outside the Philippines;
- (c) A seaman serving as such on a vessel arriving at a port of the Philippines;
- (d) An alien entitled to enter the Philippines under and in pursuant of the provisions of a treaty of commerce and navigation 1) solely to carry on substantial trade principally between the Philippines and the foreign state of which he is a national or 2) solely to develop and direct the operations of an enterprise in which, in accordance with the Constitution and the laws of the Philippines, he has invested or of an enterprise in which he is actively in the process of investing, a substantial amount of capital; and his wife and his unmarried children under twenty-one years of age, if accompanying or following to join him, subject to the condition that citizens of the Philippines are accorded like privileges in the foreign state of which such an alien is a national; (As amended by RA5171)
- (e) An accredited official of a foreign government recognized by the Government of the Philippines, his family, attendants, servants, and employees;
- (f) A student, having means sufficient for his education and support in the Philippines, who is at least fifteen years of age and who seeks to enter the Philippines temporarily and solely for the purpose of taking up a course of study higher than high school at a university, seminary, academy, college or school approved for such alien students by the commissioner of Immigration;
- (g) An alien coming to pre-arranged employment, for who the issuance of a visa has been authorized in accordance with section twenty of this Act, and his wife and his unmarried children under twenty-one years of age, if accompanying him or if following to join him within a period of six months from the date of his admission into the Philippines as a non-immigrant under this paragraph.

(BI, [http://immigration.gov.ph/index.php?option=com\\_content&task=view&id=29&Itemid=34](http://immigration.gov.ph/index.php?option=com_content&task=view&id=29&Itemid=34))

### **OFW, deployed**

- recruited Filipino worker who has actually left for overseas job with the pre-condition that employment/travel documentation papers are processed by POEA and his/her departure is actually recorded at the Labor Assistance Center at Ninoy Aquino International Airport. (BLES)

### **OFW membership fee**

- amount paid by an OFW whether land based or sea based, and/or his/her employer as their membership contribution to the OWWA Fund. (BLES)

### **OFW remittances**

- the actual earnings in US dollars or any acceptable foreign currency of overseas workers and agencies remitted through the banking channels.(BLES)

### **Overseas Contract Worker**

1. Filipino overseas contract workers (OCW) [sic] who are presently and temporarily out of the country to fulfil an overseas work contract for a specific length of time or who are presently at home on vacation but still has an existing contract to work abroad. They may be land based or sea based.
  - a. Land-based workers – these are overseas contract workers who are hired either by direct hiring of an employer abroad; or through the assistance of Philippine Overseas Employment Administration (POEA); or through a private and licensed recruitment agency. They may have returned to the Philippines for a vacation (annual or emergency leave), or have transferred to other employers, or were rehired by their former employer.
  - b. Sea-based workers – there are overseas workers who worked or are working in any kind of international fishing/passenger/cargo vessels. Included also are OCWs who worked or are working for a shipping company abroad.
2. Other Filipino workers abroad with a valid working visa or work permits. Included also are crew members of airplanes such as pilots, stewards, stewardesses, etc. example: Filipinos working in countries and regions such as the United States, Taiwan Province of China, Saipan, etc. with a working visa.
3. Filipinos abroad who are holders of other types of non-immigrant visa such as tourist/visitor, student, medical and others but are presently employed and working full time. (NSO: Survey of Overseas Filipinos, <http://www.census.gov.ph/data/technotes/notesof.html>)

### **Overseas Employment**

- the employment of a Filipino worker outside the Philippines covered by a valid contract. (BLES)

### **Overseas Filipinos**

- Filipino permanent migrants or permanent resident abroad; Filipinos overseas who have become naturalized citizens of other countries or dual citizens; Filipino spouses and other partners of foreign nationals leaving the country; Descendants of Filipinos overseas, as defined in Batas PambansaBlg. 79 Filipino youth overseas; Exchange Visitor Program participants.

However, the recent passage of RA10022 expanded the definition of the term Overseas Filipinos to include generally all Filipinos residing and living overseas, whether on the long term or short term. This redefinition also emphasizes the inter-agency nature of the Commission encompassing other cabinet-level line agencies involved in issues of migration.

(CFO, <http://www.cfo.gov.ph>)

- Refer to migrant workers, other Filipino nationals and their dependents abroad. (IRR of RA10022)
- In the Department of Tourism (DOT), Overseas Filipinos refer to Philippine citizens who are permanently residing outside the Philippines. This definition does not include Overseas Filipino workers. (DOT's response to the questionnaire)

### **Overseas Filipino in distress**

- Refers to an Overseas Filipino who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counselling, legal representation as specified in Rule IX of these Rules or any other kind of intervention with the authorities in the country where he or she is found. (IRR of RA10022)

### **Overseas Filipino worker**

- OFWs include OCWs who were presently and temporarily out of the country during the reference period to fulfil an overseas contract for a specific length of time or who were presently at home on vacation during the reference period but still had an existing contract to work abroad. Also included were other Filipino workers abroad with valid working visas or work permits (tourists, visitors, students, those seeking medical treatment, and other types of non-immigrants) but were presently employed and working full time in other countries were also classified as OFWs. (Survey on Overseas Filipinos 2009: A Report on the Overseas Filipino Workers, National Statistics Office Manila)
- a Filipino worker who is to be engaged, is engaged, or has been engaged in a remunerated activity in a country of which he/she is not a legal resident. Also known by its acronym, OFW. (BLES)
- or migrant worker refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A

“person to be engaged in a remunerated activity” refers to an applicant worker who has been promised or assured employment overseas.  
(IRR of RA10022)

### **OWWA member**

- Membership in OWWA may be obtained in two ways:
  - a. By enrolment upon processing of contract at the POEA;
  - b. By voluntary registration of OFWs at job-sites overseas.
- Section2. Proof of Membership. All members shall be issued Official receipt upon payment of contribution. They shall likewise be issued an OWWA E-card. POEA and OWWA are required to maintain database of member-OFWs and to update this regularly.
- Section3. Effectivity of Membership. OWWA membership, either through the compulsory or voluntary coverages, shall be effective upon payment of membership contribution until expiration of the employment contract. In case of voluntary members who register on-site, membership coverage shall not exceed two (2) years.

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Sources: Definitions from BLES are from the Glossary of Terms in BLES (n.d.), available from [http://www.bles.dole.gov.ph/Glossary/glossry\\_view.asp](http://www.bles.dole.gov.ph/Glossary/glossry_view.asp)

Definitions from IRR of RA 10022 refer to the Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995 as amended by RA 10022 (Republic of the Philippines, 2012), available from [http://www.poea.gov.ph/rules/omnibus%20irr\\_ra10022.pdf](http://www.poea.gov.ph/rules/omnibus%20irr_ra10022.pdf) [http://www.poea.gov.ph/rules/omnibus%20irr\\_ra10022.pdf](http://www.poea.gov.ph/rules/omnibus%20irr_ra10022.pdf)

All other sources are cited in the text.

NB: The terms included here are limited to those relevant in this report.

## REPUBLIC ACTS, PRESIDENTIAL DECREES, AND EXECUTIVE ORDERS RELATED TO MIGRATION

Code	Title	Date YYYY/MM/DD
CA 613	THE PHILIPPINE IMMIGRATION ACT OF 1940	1940/08/26
RA 4376	AN ACT AMENDING SECTION THIRTEEN OF COMMONWEALTH ACT NUMBERED SIX HUNDRED THIRTEEN, OTHERWISE KNOWN AS "THE PHILIPPINE IMMIGRATION ACT OF 1940" SO AS TO INCLUDE AS NON-QUOTA IMMIGRANTS WHO MAY BE ADMITTED INTO THE PHILIPPINES, NATURAL BORN CITIZENS WHO HAVE BEEN NATURALIZED IN A FOREIGN COUNTRY AND DESIRE TO RETURN FOR PERMANENT RESIDENCE	1965/06/16
PD 218	PRESCRIBING INCENTIVES FOR THE ESTABLISHMENT OF REGIONAL OR AREA HEADQUARTERS OF MULTI-NATIONAL COMPANIES IN THE PHILIPPINES	1973/06/16
PD 442	A DECREE INSTITUTING A LABOR CODE THEREBY REVISING AND CONSOLIDATING LABOR AND SOCIAL LAWS TO AFFORD PROTECTION TO LABOR, PROMOTE EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND INSURE INDUSTRIAL PEACE BASED ON SOCIAL JUSTICE	1974/05/01
PD 1034	AUTHORIZING THE ESTABLISHMENT OF AN OFFSHORE BANKING SYSTEM IN THE PHILIPPINES	1976/09/30
LOI 537	CREATING A WELFARE AND TRAINING FUND FOR OVERSEAS WORKERS IN THE DEPARTMENT OF LABOR	1977/05/01
PD 1412	FURTHER AMENDING CERTAIN PROVISIONS OF BOOK I, PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES	1978/06/09
PD 1623	AUTHORIZING THE ISSUANCE OF SPECIAL INVESTORS RESIDENT VISAS TO ALIENS AND FOR OTHER PURPOSES	1979/05/17

Code	Title	Date YYYY/MM/DD
PD 1694	ORGANIZATION AND ADMINISTRATION OF THE WELFARE FUND FOR OVERSEAS WORKERS	1980/05/01
PD 1691	FURTHER AMENDING CERTAIN PROVISIONS OF BOOKS I, III, AND V OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES	1980/05/16
Batas Pambansa 79	AN ACT CREATING THE COMMISSION ON FILIPINOS OVERSEAS AND FOR OTHER PURPOSES	1980/06/16
PD 1809	AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE 1694, CREATING THE "WELFARE FUND FOR OVERSEAS WORKERS"	1981/01/16
LOI 1190	NO NEW APPLICATIONS FOR LICENSES TO OPERATIVE PRIVATE EMPLOYMENT AGENCIES	1982/01/20
EO 797	REORGANIZING THE MINISTRY OF LABOR AND EMPLOYMENT, CREATING THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION, AND FOR OTHER PURPOSES	1982/05/01
EO 857	GOVERNING THE REMITTANCE TO THE PHILIPPINES OF FOREIGN EXCHANGE EARNINGS OF FILIPINO WORKERS ABROAD AND FOR OTHER PURPOSES	1982/12/13
EO 1021	ON ENCOURAGING THE INWARD REMITTANCES OF CONTRACT WORKERS EARNINGS THROUGH OFFICIAL CHANNELS	1985/05/01
EO 126	REORGANIZING THE MINISTRY OF LABOR AND EMPLOYMENT AND FOR OTHER PURPOSES	1987/01/31
EO 292	INSTITUTING THE "ADMINISTRATIVE CODE OF 1987"	1987/07/25
RA 6768	AN ACT INSTITUTING A BALIKBAYAN PROGRAM	1989/11/03
RA 6955	AN ACT TO DECLARE UNLAWFUL THE PRACTICE OF MATCHING FILIPINO WOMEN FOR MARRIAGE TO FOREIGN NATIONALS ON A MAIL ORDER BASIS AND OTHER SIMILAR PRACTICES, INCLUDING THE ADVERTISEMENT, PUBLICATION, PRINTING OR DISTRIBUTION OF BROCHURES, FLIERS AND OTHER PROPAGANDA MATERIALS IN FURTHERANCE THEREOF AND PROVIDING PENALTY THEREFORE	1990/06/13

Code	Title	Date YYYY/MM/DD
EO 450	LIFTING THE BAN ON NEW APPLICATIONS FOR LICENSES TO OPERATE PRIVATE EMPLOYMENT AGENCIES ENGAGED IN RECRUITMENT AND PLACEMENT OF FILIPINO WORKERS FOR OVERSEAS EMPLOYMENT	1991/03/19
RA 7111	OVERSEAS WORKERS' INVESTMENT (OWI) FUND ACT	1991/08/22
EO 74	DIRECTING THE ADOPTION OF THE COUNTRY-TEAM APPROACH IN THE CONDUCT OF DEVELOPMENT DIPLOMACY	1993/03/29
RA 7653	THE NEW CENTRAL BANK ACT	1993/06/14
RA 7919	THE ALIEN SOCIAL INTEGRATION ACT OF 1995	1995/02/24
RA 8042	MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995	1995/06/07
RA 8329	PHILIPPINE PASSPORT ACT OF 1996	1996/11/22
RA 8424	AN ACT AMENDING THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED, AND FOR OTHER PURPOSES	1997/12/11
RA 9189	THE OVERSEAS ABSENTEE VOTING ACT OF 2003	2002/07/22
RA 9174	AN ACT AMENDING REPUBLIC ACT NUMBERED 6768, ENTITLED, "AN ACT INSTITUTING A BALIKBAYAN PROGRAM" BY PROVIDING ADDITIONAL BENEFITS AND PRIVILEGES TO BALIKBAYAN AND FOR OTHER PURPOSES	2002/11/07
EO 182	TRANSFERING OF THE OWWA MEDICARE FUND UNDER THE CHARGE AND CARE OF THE OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) TO THE PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH)	2003/02/14
RA 9208	ANTI-TRAFFICKING IN PERSONS ACT OF 2003	2003/05/26
RA 9225	CITIZENSHIP RETENTION AND RE-ACQUISITION ACT OF 2003	2003/08/29
RA 9347	AN ACT RATIONALIZING THE COMPOSITION AND FUNCTIONS OF THE NATIONAL LABOR RELATIONS COMMISSION, AMENDING FOR THIS PURPOSE ARTICLE 213, 214, 215 AND 216 OF P.D. NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES	2006/06/24



Code	Title	Date YYYY/MM/DD
RA 9422	AN ACT TO STRENGTHEN THE REGULATORY FUNCTIONS OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA), AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995"	2007/04/10
EO 247	REORGANIZING THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION AND FOR OTHER PURPOSES	2007/07/24
RA 9679	HOME DEVELOPMENT MUTUAL FUND LAW OF 2009, OTHERWISE KNOWN AS PAG-IBIG (PAGTUTULUNGAN SA KINABUKASAN: IKAW, BANGKO, INDUSTRIYA AT GOBYERNO) FUND	2008/07/28
EO 758	PRESCRIBING GUIDELINES FOR THE ISSUANCE OF A SPECIAL VISA TO NON-IMMIGRANT FOR EMPLOYMENT GENERATION	2008/11/17
RA 10022	AN ACT AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED, FURTHER IMPROVING THE STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES	2009/07/27
RA 10364	EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012	2012/07/23

# BSP'S INITIATIVES TO REDUCE REMITTANCE CHARGES AND TO IMPROVE THE OVERSEAS FILIPINOS' REMITTANCE ENVIRONMENT AS OF 06 MARCH 2013

Date	Initiatives	Description	Status as of last update	Recent Developments
<b>1. Enhancing transparency and competition to lower remittance charges</b>				
26 June 2006	BSP Circular No. 534	The BSP issued Circular No.534 requiring banks and non-bank financial institutions to post the charges for their various remittance products, including classification of costs, estimated delivery time to beneficiaries, product/service description, and directory of remittance centres and branches. It promotes the efficient delivery of competitively priced remittance services by banks and other financial institutions.	Fully Implemented	
30 March 2007	OFW portal	The BSP launched an OFW portal with specific pages in the BSP website that link the users to the financial institution's relevant information on remittances. The OFW portal contains the lists of countries where the Philippine financial institutions have market presence, while the individual bank websites update the user on locations of branches	Fully Implemented	

Date	Initiatives	Description	Status as of last update	Recent Developments
		and remittance centres, profile of products and services offered, delivery time, and service fees. This initiative facilitates dissemination of information on the various services offered by local banks and other remittance service providers and promotes comparability across financial institutions involved in providing remittance services.		

## 2. Improving payments and settlements system to facilitate remittances and help further reduce remittance charges

2003	Approval of the use of technology to facilitate remittances	The BSP approved the operations of G-Cash, Smart Padala and stored value cards or cash cards as alternative mechanisms for sending money. The alternative modes of remittances include internet-based remittance, use of mobile phones for performing financial transactions utilizing the short messaging system or text feature of cell phones for balance inquiry, fund transfer, withdrawals (cash-out) and bills payment. Several banks have introduced other new technologies to which beneficiaries have greater access, such as card products with debit feature to facilitate remittances with financial institutions as issuers and telcos as service providers. These new modes generally cost less both for the remitters and the beneficiaries. Estimated time of delivery is also faster.	Continuing	
23 March 2006	BSP Circular No. 522	The BSP issued Circular No. 522 authorizing qualified rural banks/cooperative banks to operate a foreign currency deposit unit (FCDU).	Continuing	As of 31 August 2012, a total of 10 rural banks

Date	Initiatives	Description	Status as of last update	Recent Developments
		<p>The BSP also allowed rural banks/ cooperative banks to open foreign currency deposit (FCD) accounts with an FCDU of another commercial or thrift bank to enable rural banks to service foreign exchange remittances as well as buy and sell foreign exchange. This provides OFs with an option to maintain FCDs instead of immediately exchanging their remittance proceeds into pesos.</p>		<p>were given authority to operate FCDUs.</p>
20 June 2006	<p>Inter-operability of the three major ATM networks</p>	<p>The three major Automated Teller Machine (ATM) networks, namely, Megalink, Expressnet and Bancnet, formalized the inter-operability of their networks, thus unifying the operations of the country's more than 8,000 ATMs. The network sharing represents a strategic move that will allow safer and convenient banking and also reduce transaction cost. It could also translate to lower service fees for all ATM-related transactions of over 10 million ATM cardholders, including OFs and their beneficiaries. The banks' remittance network has also expanded, with more aggregators and service providers for ATMs, e.g., Nationlink, Encash.</p>	<p>Implemented</p>	
2008	<p>Local clearing -house for credit-to-other banks</p>	<p>The BSP in coordination with the Association of Bank Remittance Officers, Inc. (ABROI) undertook a project to set up a local clearinghouse for credit-to-other-banks mode of remittances to eliminate the need for couriers employed by commercial banks, and thus, reduce the corresponding</p>	<p>Continuing  The 12 participating banks have successfully completed interface connectivity</p>	<p>Since the implementation of the PhilPaSS REMIT System, PhilPaSS volume of transactions on OF remittances</p>

Date	Initiatives	Description	Status as of last update	Recent Developments
		<p>charges.<sup>103</sup> Banks pay couriers a range of P50-P250 to deliver remittances to beneficiaries' accounts in other local banks. By contrast, the cost of using the Philippine Payments and Settlements System (PhilPaSS) to transfer funds to beneficiaries' accounts with other banks is 90 per cent lower, at P5 for transactions involving up to P500,000.<sup>104</sup></p> <p>The MOA on the electronic settlement of OF remittance transactions through the BSP-PhilPaSS was signed on 02 December 2009.</p> <p>Twelve banks are participating in the project which was fully implemented on end-September 2010.<sup>105</sup></p>	with the BSP for both inward and outward transactions.	has increased significantly by 215 per cent from 4.003 billion as of year-end 2010 to 12.629 billion for year-end 2011.

### 3. Channelling remittances to financial investments

2000		The BSP has been promoting microfinance as a flagship program for poverty alleviation since 2000. The BSP realizes that the vast knowledge of microfinance institutions in small-scale lending and establishment of micro enterprises could play an important part in channelling remittances sent to rural households to productive uses, e.g., to invest in small scale businesses.	Continuing	
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<sup>103</sup> Phil. local bank (Bank A) receives the remittances from foreign correspondent bank, for the account of a beneficiary, who maintains an account with another local bank (Bank B). Both banks can make use of a local clearing and electronic communications system called the Philippine Domestic Dollar Transfer System to transfer the account. Presently, however, Bank A hires the services of couriers to facilitate the feedback mechanism of the remittance transaction.

<sup>104</sup> PhilPaSS is a Real Time Gross Settlement (RTGS) system that designates the BSP as the settlement bank or central institution for the settlement of transactions that are processed through the system, with the participation of commercial banks and some thrift banks.

<sup>105</sup> The MOA was executed between the BSP and the member-banks of the Association of Bank Remittance Officers, Inc. (ABROI), Rural Bankers Association of the Philippines (RBAP), Chamber of Thrift Banks (CTB) and the Bankers Association of the Philippines (BAP). It embodies the project details, definition of technical terms, description/operation of the System, timelines, and availability of PhilPaSS services, transaction fees, participation agreement, and other supporting PhilPaSS arrangements.

Date	Initiatives	Description	Status as of last update	Recent Developments
2006		Commercial banks have offered attractive investment products and services for OFs, e.g., insurance, pension and real estate through tie-up arrangements with pre-need and property development firms. The banks have also designed direct payment schemes to ensure the security and added convenience of the workers' beneficiaries	Continuing	
2008		The Monetary Board (MB) has granted authority to two specialized government banks to offer investment products to OFs and their families that will help mobilize savings and allow them to hedge against foreign exchange risks. The Development Bank of the Philippines (DBP) launched its OFW Hedging Program in January 2008 to trade, hedge, and sell derivatives products to OFs. The Land Bank of the Philippines (LBP) has offered tax-free, long-term negotiable certificates of deposits (LTNCDs) with higher yields in March 2008.	The MB's approval of DBP's OFW Hedging Program was valid for one year.  LBP's offer of LTNCDs closed on 27 April 2010.	
March 2010		The Monetary Board approved the domestic issuance of up to USD 1 billion multi-currency retail treasury bonds (MC RTBs), designed to enable the small investors, particularly the overseas Filipinos and their beneficiaries to invest in foreign-currency denominated government securities at an affordable minimum denomination of USD 100 or EUR 100.	The Department of Finance, through the Bureau of the Treasury, has completed on 29 April 2010 the targeted initial issuance of USD 500 million broken down into USD 400 million and EUR 75 million.	

Date	Initiatives	Description	Status as of last update	Recent Developments
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#### 4. Improving payments and settlements system to facilitate remittances and help further reduce remittance charges

03 April 2007	BSP Circular No. 564	Consistent with the BSP policy to promote access of Filipinos to services offered by formal financial institutions, including those residing in remote areas, the BSP issued two Circulars (Nos. 564 and 608) to clarify existing regulations in identifying customers under the Manual of Regulations for Banks, the Anti-Money Laundering Act (AMLA), and its revised implementing rules and regulations (RIRRs). The AML Council has also issued Resolution No. 8 dated 20 February 2008, recommending to the BSP, Securities and Exchange Commission (SEC), and Insurance Commission (IC) to adopt and implement guidelines for their covered institutions to harmonize the requirements on customer identification as required under the AMLA and its RIRRs. The guidelines essentially relaxed the customer identification requirement to one valid photo-bearing ID issued by an official authority. <sup>106</sup>	Fully implemented	
20 May 2008	BSP Circular No. 608			
16 June 2009	BSP Circular No.657	The BSP issued Circular No. 657 (based on AMLC <sup>107</sup> Resolution No. 47) to further amend Circular No. 564, allowing the use of passports issued by foreign governments as valid identification of OFs, who have adopted foreign citizenship and are on vacation, to engage in local financial transactions.	Fully implemented	

<sup>106</sup>The term official authority was also clarified to include the government, its political subdivisions, government-owned and -controlled corporations (GOCCs), and private entities registered, supervised or regulated by the BSP, SEC, and IC.

<sup>107</sup>Anti-Money Laundering Council

Date	Initiatives	Description	Status as of last update	Recent Developments
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#### 5. Increasing financial education of OFWs and beneficiaries

26 Feb 2006	Financial Learning Campaign	<p>The BSP together with the Overseas Workers Welfare Administration (OWWA) has conducted FLCs in key Philippine cities and regions since February 2006. Target participants include OFs visiting the Philippines, their beneficiaries, and others who intend to work abroad. The target provinces are identified by OWWA as the origin of marginalized OFs. In September 2008, the BSP in coordination with an inter-agency technical working group comprised of the Department of Foreign Affairs, National Reintegration Center for OFWs, and OWWA, launched the FLC international roadshow in Hong Kong, China followed by Singapore in October 2008. Target audiences are Filipino expatriates and their families, and OFWs. The priority countries are those with high concentration of OFs.</p> <p>The FLC aims to: (1) cultivate financial education among OFs and their beneficiaries; and (2) promote savings and investments among OFs/their beneficiaries by informing them of alternative uses of their remittances, including savings, investments in financial instruments and business ventures. Also discussed are topics on consumer rights, various banking products and services, and the resolution of consumer complaints, including those pertaining to remittances of migrants and OFWs.</p>	Continuing Conducted 62 local FLCs for 8,026 participants in key Philippine cities and regions from Feb 2006 – Nov 2012. Conducted 14 FLC international roadshows for 2,179 participants from 2008 to January 2011.	For 2012, the BSP has conducted nine local FLCs in Roxas City, Capiz on 9 March for 129 participants; in Laoag City, IlocosNorte on 16 May for 112 participants; in Ozamiz City, Misamis Occidental on 20 June for 153 participants; in the BSP Main Complex on 13 July for 155 participants; in Lucena, Quezon on 1 Aug for 143 participants; Cagayan de Oro on 5 Sep for 180 participants; Iloilo on 3 October for 106 participants, Cotabato City on 17 Oct. for 233 participants, and in Tarlac on 16 Nov for 210 participants.
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Date	Initiatives	Description	Status as of last update	Recent Developments
2007 Q3	FLC Audio Visual Presentation (AVP)	<p>In line with the BSP's financial education program, an FLC AVP was conceptualized to further expand the reach of the FLC to places where the BSP will not be present. The unabridged version of the AVP was completed in August 2008 while the 15-minute version was finalized and made available for distribution in the fourth quarter of 2008. The AVP CDs have been distributed to OFs through Philippine embassies and consulate offices abroad and NGOs involved in OFW-related projects. The AVP contains discussion on the importance of financial planning, different forms of savings and investments, success stories of former OFs who have become micro-entrepreneurs, and interviews with government officials and other savings/investments experts on topics like savings, investment, and entrepreneurship.</p>	<p>Completed The AVP was finalized and made available for distribution in the fourth quarter of 2008.</p> <p>The AVP and PowerPoint presentation used in the conduct of the FLCs are also posted in the BSP website. On 7 May 2009, the FLC AVP was screened in the launching of the country-specific pre-departure orientation seminar of the POEA.<sup>108</sup></p>	

<sup>108</sup>The program includes the first batch of medical service workers (mostly nurses and caregivers) for deployment to Japan, under the Japan-Philippines Economic Partnership Agreement.

# MIGRATION DATA: ISSUES AND RECOMMENDATIONS

This section highlights the discussions and recommendations that came out of technical working group meetings convened by the Commission on Filipinos Overseas, the six cluster meetings, interviews and consultations with government agencies, the workshop on international migration data, and a review of the literature.

## A. MIGRATION INFORMATION IN THE PHILIPPINES

The institutionalization of migration was accompanied by the development of an information system to monitor and track the phenomenon at the national level (Asis, 2008b).<sup>109</sup> Since there is no single agency that oversees the different aspects of international migration, data are produced by and lodged in various government agencies (Table 1). The *Yearbook of Labor Statistics* produced by the Bureau of Labor and Employment Statistics, Department of Labor and Employment, is a valuable compendium of key employment and migration-related data. This one-stop shop publication is available online—[http://www.bles.dole.gov.ph/PUBLICATIONS/Yearbook%20of%20Labor%20Statistics/YLS\\_Home.html](http://www.bles.dole.gov.ph/PUBLICATIONS/Yearbook%20of%20Labor%20Statistics/YLS_Home.html). Another useful compendium is the *Philippine Statistical Yearbook* produced by the National Statistical Coordination Board or NSCB (this reference is not available online). The websites of BLES ([www.bles.dole.gov.ph](http://www.bles.dole.gov.ph)) and NSCB ([www.nscb.gov.ph](http://www.nscb.gov.ph)) are useful resources for migration researchers.

<sup>109</sup>Migration data at the sub-national level are not available, that is, regional government agencies and local governments generally rely on national government agencies for migration data. In general, sub-national government units do not collect migration-related data (except for POEA and OWWA regional offices which collect some migration data), which contributes to the neglect of migration issues in the formulation of regional and local development plans (Asis, 2011). Chapter 3 of the Philippine Migration and Development Statistical Almanac (IMDI, 2008) profiles the provinces of origin of overseas Filipinos which include overseas migration indicators and remittances collected by national government agencies. The Almanac also includes extensive notes on migration statistics in the Philippines.

**Table 44: Key migration data by source agency**

KEY MIGRATION DATA	AGENCY	WEBSITE
Labour deployment statistics	POEA	<a href="http://www.poea.gov.ph">www.poea.gov.ph</a>
Welfare-related statistics	OWWA	<a href="http://www.owwa.gov.ph">www.owwa.gov.ph</a>
Money claims of OFWs	NLRC	<a href="http://www.nlrc.dole.gov.ph">www.nlrc.dole.gov.ph</a>
Illegal recruitment cases	POEA	-
Assistance to nationals	DFA	-
Legal assistance to nationals	DFA	-
Licensed recruitment and manning agencies	POEA	<a href="http://www.poea.gov.ph">www.poea.gov.ph</a>
Emigrant statistics	CFO	<a href="http://www.cfo.gov.ph">www.cfo.gov.ph</a>
Au pair statistics	CFO (from March 2012)	-
Marriage migrant statistics	CFO	-
Stock estimate of overseas Filipinos (permanent, temporary and irregular)	CFO	-
Remittances (amount by sector, i.e., land based or sea based, and origin country)	BSP	<a href="http://www.bsp.gov.ph">www.bsp.gov.ph</a>
Remittances (amount, profile of remittance senders, manner of sending remittances, origin country/region of remittances)	NSO (Survey of Overseas Filipinos)	<a href="http://www.census.gov.ph">www.census.gov.ph</a>
Immigrants and non-immigrants to the Philippines	Bureau of Immigration	<a href="http://www.bi.gov.ph">www.bi.gov.ph</a>
Foreign citizens in the Philippines	NSO (Census of Population and Housing)	
Alien employment holders	Bureau of Local Employment	

Building on existing reviews and mapping out of migration information (For example, Cariño, 1987; Castro, 2006; and Asis, 2008b) and the technical working group meetings convened by the Commission on Filipinos Overseas, the Country Migration Report (CMR) project proceeded to further explore other data issues in the cluster meetings and in the National Conference on International Migration Data.

Throughout the CMR process, the participating agencies showed interest and willingness to cooperate in improving migration data and in strengthening inter-agency coordination in the different phases of data production, processing and dissemination. The interest and willingness of participating agencies is an indication of the possibility to operationalize the Shared Government Information System for Migration, as provided in RA 8042 and as amended in RA 10022.

There was also general agreement among the participants in the CMR process that the Philippines has achieved considerable progress in the generation of a variety of migration data, but there is still room for improvement. The issues and challenges that must be addressed are tackled next.

## **B. ISSUES AND CHALLENGES**

### **1. Coordination**

As noted, the Philippines generates a great variety of migration data—which requires the coordination of different government agencies. As mentioned earlier, RA 8042 and as amended by RA 10022 has a provision for inter-agency cooperation under SGISM. Sec 20, as amended by RA 10022, reads as follows:

“SEC. 20. Establishment of a Shared Government Information System for Migration. - An interagency committee composed of the Department of Foreign Affairs and its attached agency, the Commission on Filipinos Overseas, the Department of Labor and Employment and its attached concerned agencies, the Department of Tourism, the Department of Justice the Bureau of Immigration, the National Bureau of Investigation, the Department of the Interior and Local Government, the National Telecommunications Commission, the Commission on Information and Communications Technology, the National Computer Center, the National Statistical and Coordination Board, the National Statistics Office and other government agencies concerned with overseas employment shall be established to implement a shared government information system for migration. The interagency committee shall initially make available to itself the information contained in existing data bases/files. The second phase shall involve linking of computer facilities on [in] order to allow free-flow data exchanges and sharing among concerned agencies.

“The inter-agency committee shall be co-chaired by the Department of Foreign Affairs and the Department of Labor and Employment. The National Computer Center shall provide the necessary technical assistance and shall set the appropriate information and communications technology standards to facilitate the sharing of information among the member agencies.

“The inter-agency committee shall meet regularly to ensure the immediate and full implementation of this section and shall explore the possibility setting up a central storage facility for the data on migration. The progress of the implementation of this section shall be included in the report to Congress of the Department of Foreign Affairs and the Department of Labor and Employment under Section 33.

“The inter-agency committee shall convene to identify existing data bases which shall be declassified and shared among member agencies. These shared data bases shall initially include, but not be limited to, the following information:

- “(a) Masterlists of Filipino migrant workers/overseas Filipino classified according to occupation/job category, civil status, by country/state of destination including visa classification;
- “(b) Inventory of pending legal cases involving Filipino migrant workers and other Filipino nationals, including those serving prison terms;
- “(c) Masterlists of departing/arriving Filipinos;
- “(d) Statistical profile on Filipino migrant workers/overseas Filipinos/tourists;
- “(e) Blacklisted foreigners/undesirable aliens;
- “(f) Basic data on legal systems, immigration policies, marriage laws and civil and criminal codes in receiving countries particularly those with large numbers of Filipinos;
- “(g) List of Labor and other human rights instruments where receiving countries are signatories;
- “(h) A tracking system of past and present gender disaggregated cases involving male and female migrant workers, including minors; and
- “(i) Listing of overseas posts which may render assistance to overseas Filipinos, in general, and migrant workers, in particular.”

The amended version mentions the following: the co-chairing of the body by the Department of Foreign Affairs and the Department of Labor and Employment, the mandating of the National Computer Center to provide technical assistance, and the expansion of the membership to 17 agencies.

Several inter-agency meetings were held to fulfil the objectives of SGISM soon after RA 8042 took effect in 1995. The mapping out of the documentation process and reducing the time lag in the collation and verification of various documents for deployment were among the accomplishments of these initial efforts. After the initial activities, there were no further meetings or projects in connection with SGISM (Notes from the Administrative Cluster Meeting).

The need for a migration information system that can readily provide accurate and timely information was brought to the fore with the difficulty in establishing the count and tracking the locations of OFWs in countries affected by the Arab Spring in 2011. The lack of reliable data in this crisis situation led to the launching of the OFIS by the Office of the President. Implemented by the Department of Science and Technology–Information and Communications Technology Office, the project aims to link the data systems of four migration agencies: the Department of Foreign Affairs, the Philippine Overseas Employment Administration, and the Overseas Workers Welfare Administration. The Department of Labor and Employment has also launched the FLOIS to improve the management and operations of 38 POLOs abroad and provide assistance to OFWs. Both initiatives can contribute towards implementing the broader objectives set out for SGISM.<sup>110</sup>

In the presentation of DFA-UNIO at the National Conference on International Migration Data, it was mentioned that OFIS is an initial step towards SGISM. Also mentioned were the administrative, legal and technical problems concerning the SGISM. Part of the administrative problem is the lack of budget allocation for operationalizing the SGISM; the legal problem had to do with the DFA Office of Consular Affairs not having direct control over the e-passport and the machine readable passport; and the technical issue concerns the question of how to match the bio-metrics in the e-passport and machine-readable passport.

Participants in the cluster meetings and in the National Conference expressed that political will is needed to implement SGISM because operationalizing it will require huge investments if time, human resources and technology. Leadership is also crucial.

<sup>110</sup>Outside of the SGISM framework, several inter-agency initiatives have been organized to tackle specific issues concerning migration data. In the interest of improving the counting of the overseas Filipino population, the National Statistical Coordination Board formed an inter-agency council for this purpose. The preparation of the stock estimate is also an inter-agency effort, with the Commission on Filipinos Overseas taking the lead.

## 2. Collection, processing and dissemination of migration data

- International migration data are mostly about out-migration (OFW deployment; emigration; marriage migration)
- In general, little is known about the foreign population in the Philippines.
  - The main sources of international travel statistics are the Bureau of Immigration and the DOT.
  - Data on in-migration collected by the Bureau of Immigration are not readily available, that is, data are not posted on their website. Also, the Bureau of Immigration does not post its annual reports—which may contain data on international migrants in the Philippines—on their website. Some information about international migration to the Philippines is shared through media releases; these press releases are posted on Bureau of Immigration’s website. Some data on aliens in the Philippines were provided by the Bureau of Immigration upon request.
  - The Bureau of Local Employment collects data on Alien Employment Permit holders.
  - The census provides a count of the foreign citizens residing in the Philippines. However, a major disadvantage of the census is that it is conducted every ten years.
- Data on return migration are not collected. Arrival/departure cards may provide information on return migration; access to these data has to be arranged with the Bureau of Immigration and/or DOT which cooperate in the processing of these cards.
- Data on irregular migration are limited to the stock estimate of irregular migrants.
- Key data about migrants are not collected or are not processed or are not reported—examples of key missing variables are age, education, marital status, province of origin, and location of OFW in the country of employment. Some agencies collect data on sex, which enable them to produce sex-disaggregated data.

Government agencies need to undertake a review of what data are: (a) collected or captured by their forms; (b) processed; (c) reported; and (d) for internal use. The CMR tried to have an inventory of the data collected, processed and reported per agency, but only a few government agencies completed the form. Apart from identifying what important data are not collected by the present system, the exercise will also indicate data that are collected but not processed. Based on the discussions in the cluster meetings, it appears that investments in data processing are necessary to enhance reporting or to produce data disaggregated by key variables such as age and sex. One of the five key recommendations to improve migration data put forward by the Center for Global Development concerns administrative data: “Exploit existing administrative data sources that often contain rich and poorly utilized information on population movements.”

- Protocols concerning the following aspects are not established or are lacking: data confidentiality, data entry, editing/review of encoded data, and sharing of information—including the sharing of raw data, not just the formatted data.
- Annual reports are not updated or not available for many government agencies. To ensure comparability over time, government agencies can identify to produce basic tables that should be regularly included in the annual reports.

### 3. Definitions, Terms and Categories

The Philippines has developed a rich vocabulary of migration-related terms (see Annex B, Glossary on Migration: Philippines). There is a need to harmonize the different definitions, terms and categories. Aside from harmonizing across different agencies, concepts, terms and definitions should also consider comparability with international standards or recommendations.

- Comparability vis-à-vis international norms and practices.

A common understanding of what constitutes international migration is fundamental. In this regard, the UN recommendations are important. The UN distinguishes between a long-term vs. short-term international migrant:

- Long-term immigrant (emigrant): a person who is outside of his/her country of birth or country of usual residence for at least 12 months



- Short-term immigrant (emigrant): a person who is outside of his/her country of birth or country of usual residence for at least three months but less than a year

In 2004, the National Statistical Coordination Board (NSCB) formed a technical working group to develop a framework for the counting of the overseas Filipino population. In 2008, NSCB Resolution No. 13 S-2008 was passed “Approving and adopting the operational framework for counting overseas Filipinos.” The framework has not been implemented for use. Note that the time element of how long a person is away from the Philippines is not considered in the framework. A review of the operational framework is in order; part of the review should include a time criterion. The UN recommendation should be considered; it should also be noted that other international organizations, such as the IMF, also use an absence from the country of birth or country of usual residence for at least 12 months as the definition of international migration.

The time criterion in the counting of the overseas Filipino population by the Commission on Filipinos Overseas and the Department of Foreign Affairs—and the Foreign Service posts—should be reviewed.

#### ■ Comparability across agencies

There is also a need to harmonize or standardize key or commonly used categories concerning: geography, occupation, and age groups. Concerning categories of the world’s regions, the UN’s regional classification is a useful guide. In the Philippines, the adoption of NSCB’s standard geographical and occupational codes should be considered by the different agencies. The age groupings and age-based definitions—the definitions of child, youth, and elderly— should also be standardized.

## 4. Stock estimate

The stock estimate produced by the Commission on Filipinos Overseas or CFO (in cooperation with other government agencies) is the most commonly cited source of the count of the overseas Filipino population and has come to be regarded as the de facto government estimate.

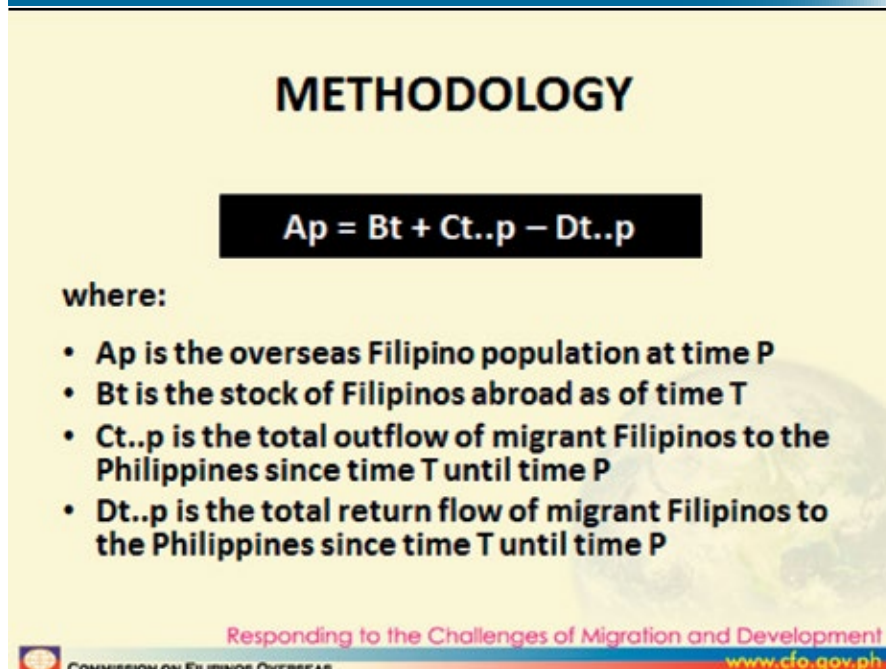
First of all, the scope of the overseas Filipino population as defined by CFO raises some issues, and also reiterates the importance of defining the framework for counting overseas Filipinos:

- **Permanent migrants** - *Filipino immigrants, legal permanent residents abroad, spouses of foreign nationals, naturalized citizens of their host country or dual citizens.*
  - Naturalized citizens are no longer Filipino citizens.
  
- **Temporary Migrants** - *land-based and sea-based Filipino workers, intra-company transferees, students, trainees, entrepreneurs, businessmen, traders and others whose stay abroad is six months or more.*
  - The time away from the Philippine may need to be reviewed.
  
- **Irregular Migrants** - *Filipinos who are not properly documented, without valid residence or work permits, or who may be overstaying workers or tourists in a foreign country for six months or more.*
  - The time away from the Philippines may need to be reviewed.

Second, the basis or methodology of the estimates provided by Philippine embassies, consulates and the Manila Economic and Cultural Office in Taiwan Province of China should be described. A framework or methodology for arriving at country estimates may need to be developed, an undertaking that will require the cooperation of the Department of Foreign Affairs.

Third, the existing methodology can stand further refinement. For one, it only estimates yearly changes in the overseas Filipino population. The methodology developed by the Commission on Filipinos Overseas rests on the movement in and out of Filipinos to and from the Philippines (Figure 21). Considering the difficulty of establishing return migration to the Philippines, how is this estimated? Again, the importance of defining who comprise the overseas Filipino population is important. The census of the destination country is cited as one of the sources of data for the estimate of the overseas population. In practice, to what extent do the post personnel use the data produced by the destination countries in coming up with the estimate of the overseas Filipino population. At the national workshop, Mr. Rustico de la Fuente, Director of the National Reintegration Center for OFWs remarked that one solution to determining the number or stock of Filipino workers is to secure the cooperation of destination countries to have access to their immigration data. According to him, POLOs collect data, but they have to be highly motivated and oriented on what data to collect.

Figure 21: Formula for the computation of the Stock Estimate of Overseas Filipinos



Source: CFO, 2012.

## 5. Different estimates

The lack of fit in the estimates provided by countries of origin and countries of destination is not unique to the Philippine situation. However, when the differences are huge, this raises questions about accuracy. As noted in the report, the US 2010 census estimate of 3.4 million Filipinos in the United States is based on the population of Filipino descent, which includes the foreign-born or Philippines-born (who are Philippines passport holders), US born to Filipino parents, and Philippines-born who have become US citizens—the latter two are US passport holders. The stock estimate as of 2011 pegs the US-based overseas Filipino population at 3.4 million—even if the estimate were limited to permanent migrants (3 million), this corresponds to the population of those identified as having a Filipino descent in the United States, not Philippine nationals or citizens in the United States.

In the Philippines, there are also differences in the stock estimate of OFWs produced by the CFO and the National Statistics Office's Survey of Overseas Filipinos. Also, different estimates on remittances derive from the SOF and the Bangko Sentral ng Pilipinas. Different methodologies underpin the divergent results. The widely divergent results

suggest the need to review and reconcile the different methodologies to reach more consistent findings.

## **6. The problem of multiple records**

The problem of linking different records to a unique identifier was mentioned in the different cluster meetings. Verification of records would be easier, more efficient and more reliable if a unique identifier can be linked to one individual. If there were one unique identifier per person, it would be easier to verify this person's passport number, birth registry, OEC, and so forth. The need for a national ID or something similar was acknowledged, but it was also recognized that this idea continues to be a sensitive issue—or perceived to be a sensitive issue—in the Philippines.

## **7. Technology upgrades/acquisition; staff training**

Many government agencies identified the need for upgrading their hardware and software, more personnel, and staff training. The discussion on IT matters brought up the issue of links and connectivity which needs to be established not only between national government agencies (NGAs), but also between NGAs and regional offices.

In the cluster meetings and in the National Conference, Mr. Lito Soriano of LBS Recruitment suggested the use of open source software, citing Australia as an example. At the National Conference, Dr. Emmanuel Lallana indicated that in addition to or more than interconnectivity, it is important to aim for interoperability, that is, “the ability of two or more systems or components to exchange information and to use the information that has been exchanged.” He stressed that this issue is as much about culture and technology since it would entail how government views how data and information it produces can be accessed and/or used by other agencies, citizens and partners. His presentation stressed the importance of leadership and getting the architecture right: defining the vision will dictate what data, applications and technology are required. Concerning SGISM, he suggested the possibility of outsourcing it to technology architects and to think of ways of how OFWs can use SGISM.

The IT Cluster meeting and the National Conference provided a venue to inform government agencies about the e-Government fund, which they can tap to fund IT-related projects.

## C. Ways Forward

In addition to what has been mentioned, the following issues are added or reiterated:

- As mentioned earlier, the CMR process—and the previous technical group meetings organized by CFO—had been fruitful in fostering dialogue and exchange among the participating agencies. Such a mechanism must be continued, and this may contribute to the revival or activation of SGISM. Other points of departure for SGISM are OFIS and FLOIS. To keep this going, leadership is critical to provide direction, organization and coordination.
- Broaden inter-agency efforts on migration data to include other stakeholders outside of government. Technical working groups would benefit from the contributions of academics and researchers in clarifying concepts, strengthening methodology, presenting data, and analysing existing data sets. In the CMR process, it was interesting to note the efficient and effective migration information systems developed by the private sector which enable them to manage their operations, including locating and linking with OFWs in times of crisis.
- Form a technical working group to:
  - Review and finalize the operational definition of overseas Filipinos; and
  - Review and improve the methodology for estimating the stock of overseas Filipinos.
- Migration data are not available at the level of LGUs. One potential source of information at the local government level is the Community Based Monitoring System.
- A National Migration Survey would be useful in establishing baseline data on key migration questions; this may be supplemented later by smaller or more focused studies.
- More research on the foreign population is needed to know who they are and what their experiences are in the Philippines.





