



## Regional confab tackles issues of undocumented migrants

### *Launches anti-ADD (Arrest, Detain, Deport) Campaign*

A regional conference on undocumented migrants was held at Bayu Beach Resort, Port Dickson, Malaysia last October 20 to 22, 2003. The conference was organized by the Asia Pacific Mission for Migrants, TENAGANITA (Women's Force) based in Malaysia and MIGRANTE International, a global alliance of Filipino migrant organizations.

The conference was attended by 42 participants coming from Hong Kong, Israel, Japan, Korea, Saudi Arabia, Israel, United Arab Emirates, Thailand, Burma, Indonesia, Philippines, Singapore, Macau and Malaysia.

It was held at the height of the on-going policy in Korea, Taiwan, Israel and Malaysia on the massive arrest, detention and deportation of undocumented migrants. These issues were presented during the plenary sessions and discussed during the group workshops. As a result, a strong unity against the massive arrest, detention and deportation was reached.



The result of the fact finding missions conducted in Malaysia, Philippines and Indonesia over the Nunukan and Tawi Tawi tragedies that happened during the mass deportation of Filipinos and Indonesians, mostly women and children, in 2002 were presented.

The fact finding missions revealed the sufferings and death of children, homelessness, rape and

torture while others suffered from harsh immigration law and inhuman mandatory whipping in Singapore and Malaysia and police brutality.

Conference participants also expressed support against the reported cases of wanton rape, physical abuse and even summary executions perpetrated against Burmese in Thailand and the arrest,

abuse and deportation of Achenese refugees in Malaysia.

The conference called for the implementation of the United Nations Convention on the Rights of Migrants and their Families as well as other international instruments that intend to protect and uphold the rights of migrants and the undocumented migrants.

The Conference participants committed to support and campaign against the orchestrated attack on migrant rights defenders in Malaysia in the person of Dr. Irene Fernandez, Director of TENAGANITA who was convicted and charged of malicious publication of false report.

A plan of action was formulated that focused on enhancing support services, organizing and launching coordinated advocacy action in defending and upholding the rights and wellbeing of undocumented migrants.



## Forced home leave for foreign domestic helpers

STRICT IMPLEMENTATION OF Clause 13 of the employment contract for foreign domestic helpers has been imposed by the Hong Kong Immigration Department.

This was announced by Immigration Officer Eric Chan during the Leaders Forum held at the Philippine Consulate General on 19 October 2003.

Clause 13 provides that *“should both parties agree to enter into new contract upon expiry of the existing contract, the helper shall, before any such period commences and at the expense of the employer, return to his/her place of origin for a paid/unpaid vacation of not less than seven, unless prior approval of extension of stay in Hong Kong is given by the Director of Immigration.”*

According to Chan, the forced home leave shall take effect immediately in accordance with the new Employees Retraining Ordinance of the Hong Kong government. Although the said provision has always been included in the FDH employment contract, there is now a difference in the manner of implementation, he said.

Chan explained that there is a need for an FDH to exit before the start of a new contract whether with the same or another employer. Should the employer request for a deferment of the home leave, only one

year visa would be given, during which period the FDH needs to exit. The remaining one-year visa would be stamped upon re-entry to Hong Kong.

An alternative manner of taking a leave would be by taking a holiday in Macau or China, or any place outside Hong Kong, in case a Filipino overseas worker has just returned from vacation in the Philippines, the immigration officer explained.

Militant migrant organizations perceive this new policy of the Hong Kong government as an attack on the foreign migrant workers. This is aggravated by the Philippine government, through the Philippine Overseas Employment Administration (POEA), in its recent position on the issuance of the Overseas Employment Certificate (OEC).

“Workers who have changed employers and who have not started working under their new contracts when they took their home or vacation leave (they have re-entry visas only) are considered as new hires,” according to Labor Attache Bernardino Julve.

As new hires, therefore, the overseas workers are required to go through the POEA to process their OECs, hence, paying the mandatory OWWA and Medicare fees.

## Macau Update

### MSP forms chapters in Macau SAR

ON 27 OCTOBER 2003, members in San Malo gathered to form their sub-chapter of the Migrante Sectoral Party (MSP). They discussed the objectives and other related concerns of the sectoral party for overseas Filipinos and their families.

### Bikolanos in Macau celebrates Peñafrancia

PAGKABURONG KAN MGA Bikolano sa Macau (PBM) annual celebration of the Peñafrancia in Macau was held successfully. Members of PBM held a program with the Filipino community’s migrant organizations, migrant advocates. Representatives from the Quezonian Association in Macau, Macau Cordillera Association and other groups also graced the events.

Guest speakers of the event were leader’s of religious groups and a representative from the Philippine Consulate General in Hong Kong.

## Philippine Consulate in HK bans protest actions

ACTING HEAD OF POST Consul Domingo Lucenario signed a policy to ban any form of protest actions within Philippine Consulate premises last October 22.

The said order was issued following what the Consulate alleged as a “regrettable” action done by various migrant groups last October 12 that “could have easily deteriorated into violence”.

That said day, the Hong Kong chapter of Migrante Sectoral Party and other migrant federations trooped to the Consulate to apply for an OFW card that the government publicized was for free.

The action ended with a dialogue that

OWWA Officer Pet Bargado, the official who met with the groups, said was peaceful.

“This is an affront to the democratic rights of migrant workers to free speech and free assembly,” declared Connie Bragas-Regalado, MSP-HK chairperson.

Regalado said that the ban is being used by the Consulate to prevent the airing of grievances against the contentious collectin of fees for the card.

The anomaly centered on the condition set by the government for E-card applicants to first pay the HK\$200 OWWA contribution that in Hong Kong had been voluntary since 1996.

“They implmented the E-card in Hong

Kong in July but only released the implementing rules last September when we questioned the collection for a supposedly free service,” Regalado reported.

According to her, the trooping was done “due to the failure of the Consulate to respond to three previous letters that we sent on this issue.”

“They don’t listen to us when we send diplomatic letters. Now that we have confronted them with the issue, they answer with repression,” lambasted Regalado.

MSP-HK said that they will pursue their demand for the E-card to be “issued without precondition” and for the lifting of the protest ban.

# Justice for Irene Fernandez! No to repressive laws!

Statement of Support to the Campaign for Justice for  
Irene Fernandez, Director of Tenaganita  
October 17, 2003

WE, WITH THE truth and justice by our side, shall prevail!

The Hong Kong-based organizations of migrant workers, youth, students and human rights advocates condemn in the strongest possible terms the conviction of Dr. Irene Fernandez, Director of Tenaganita, for "malicious publication of false news" under the Printing Presses and Publication Act.

Irene was sentenced to 12-month imprisonment although she was allowed a stay of execution pending to appeal to the High Court with a bail of RM3000. Irene was arrested in March 1996 and has been on trial for the last seven and a half years for exposing the dehumanised conditions in immigration detention camps.

The publication pertained to by the court was the memorandum Irene made disclosing reported beatings and sexual violence against detainees by prison guards, and inadequate food and water in Malaysia's immigration detention camps.

The Kuala Lumpur Magistrate's Court recognized all statements made by police department and authorities but denied all evidence provided by Irene and her defence. Furthermo re, the unprofessional Malaysian police only took action to investigate based on results of the report after a year. They took years to investigate the case but did not look into the real issues: the number and causes of deaths in camps, mainly from a condition of abuse and torture.

The verdict of the court only showed the atrocity of the Malaysian government's attitude and treatment to the migrant workers' rights, enshrined even in international human rights standards. The court, riddled with corruption, nepotism and repression, develops a new meaning to the word "justice"; justice for the rich, justice for the powerful, justice for the ones in control.

As a member of the United Nations, the Malaysian government, should recognize, respect and adhere to democratic principles and human rights enshrined in the various international conventions and instruments.

We condemn the statement made by the DPP Augustin who said that Irene's case should serve as a war ning to NGOs. Such a threat is unbecoming of one who is tasked to uphold justice and fairness.

We remain in solidarity with Irene Fernandez in her struggle for justice as well as the people of Malaysia who call upon the government to withdraw the charges on Irene. We demand as well for the immediate repeal of the undemocratic and repressive Printing Presses and Publication Act.

**Justice for Irene Fernandez!**  
**Junk the repressive Printing Presses and Publication Act!**

## Signed:

*Asia Pacific Mission for Migrants (APMM) \* Asian Students Association (ASA) \* Asosiasi Tenaga Kerja Indonesia (ATKI-HK) \* Association of Concerned Filipinos (ACFIL) \* Bethune House Migrant Women's Refuge (BHMWR) \* Filipino Friends in Hong Kong (FFHK) \* Friends of Bethune House (FBH-HK) \* Mission for Filipino Migrant Workers (MFMW) \* Pinatud a Saleng ti Umili (PSU) \* United Filipinos in Hong Kong (UNIFIL-HK)*

## NGOs, migrant and labor groups act on crackdown of undocumented migrants in Taiwan

A FORUM TO discuss the root causes why migrant workers become undocumented in Taiwan has been planned for November 5 in Taipei. This is a follow up activity to the petition against the ongoing crackdown on said workers that was earlier circulated in Taiwan and worldwide that will be sent to pertinent Taiwanese authorities.

At present, 19 institutions and organizations plus 16 individuals from Taiwan have signed the petition. These come from the academe, church and other NGO's, migrant organizations, labor groups and even an AIDS advocacy group. More signatories for the petition would be expected in the following days ahead.

The main objectives of the forum are to unite all those who would attend on the reasons why migrants become undocumented and mobilize them on what further actions to take to advance the rights of all migrant workers in Taiwan. Especially so since the main reasons why migrants go undocumented is because of the repressive and unjust migrant policies perpetuated by the Taiwanese government itself.

Recently, Taiwan's Council of Labor Affairs (CLA) even limited the chances of migrants to be transferred to other employers. In its new ruling promulgated September 26, those who want to be transferred would be only given one chance to be interviewed by a prospective employer instead of the previous four times in a one month period. This is a further ruling that would likely push migrants to become undocumented.

At the same time, the amnesty that the CLA announced before the crackdown on the undocumented migrants is actually not being implemented. Reports from Church NGO's assisting migrants indicate that those who surrender are still being made to pay fines as penalty for the infraction even during the amnesty period from Sept. 1 to Nov. 30 this year. More is needed to expose these issues in Taiwan itself and in other places.

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# Newsbriefs

## KOREA - Crackdown on Undocumented Migrants

KOREAN AUTHORITIES ANNOUNCED another crackdown on undocumented migrants. The said crackdown that started last week commenced upon the approval of the new Employment Permit System.

Migrants who have spent more than four years in Korea are the targets of the operations. Groups and local supporters are now gearing to launch a campaign against the crackdown.

## Central Asia - Surge of human trafficking in Central Asia

AT PRESENT THE main country of origin for the growing region of human trafficking is Uzbekistan in Central Asia, according to the latest report of the International Organisation for Migration (IOM). Some observers say up to 10,000 people, mainly young women for the sex trade, are taken from the region against their will or under false pretences.

## Philippines - Plight of migrant workers at the UNSC

INTERNATIONAL MIGRATION WILL be first in the agenda when the Philippines sits in the United Nations Security Council (UNSC) in January 2004, according to Foreign Secretary Blas Ople, because of the 7.4 million overseas Filipinos working in 140 countries.

## Britain - Highly skilled foreign workers welcome

THE HIGHLY SKILLED Migrant Programme (HSMP), which was launched by the Home Office in January last year, allows workers with "exceptional personal skills and experience" to enter Britain to gain employment, or set up their own business. However, migrant workers entering the UK under this scheme will have to pay £150 from the 31 October, the Home Office announced.

It is estimated that there are now eight million workers in the country who do not have the adequate skills to their jobs properly – a problem that affects around a quarter of all UK firms.

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