

News Digest

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APMM

Monthly Newsletter of the Asia Pacific Mission for Migrants (APMM)

2004 for Migrants: A Year of Strife, Struggles and Triumphs

From issues of excessive fees to stranded workers, from anti-migrant policies to anti-migrant government officials. From campaigns against negative policies to campaigns of hope and struggle for wage increase and against the levy. The first absentee voting.

The year 2004 both serves as inspiration and challenge to us. The inspiration and the drive to further our struggle for our rights. The challenge to win more struggles, resolve more migrants issues and empower more of us to the side of the truth, the righteous and the just.

First overseas absentee voting

Overseas Filipino Workers had their first taste of Philippine national election due to the overseas absentee voting. Lobbied for many years by migrant groups including Migrant International, it was finally approved two years ago and took effect last year. The pro-migrant party-list Migrant Sectoral Party was clear to go beyond the ballot box and has continued to serve their fellow migrants, their families and the whole Filipino community despite being unable to get seats in Congress.

Crackdown on undocumented migrants

This has yet to be the most serious concern all migrants face: the government crackdown on migrant workers.

In Japan, the government targets to get rid of roughly 125,000 estimated undocumented migrants over the next 5 years to allegedly curb human and sex trafficking in the country. The amended Immigration Control and Refugee Recognition Act, however, imposes severe penalties on arrested illegal workers, not recruiters or brokers.

In Malaysia, the amnesty period for the undocumented to submit themselves to Malaysian authorities has ended in December. The government announced that arrested undocumented migrants would be jailed for five years and mandatory canning under the 2002 Amended Immigration Act. Pending punishment are 16,900 migrant detainees.

Korea hopes to curb the increase of the growing number of undocumented migrants by punishing employers and recruitment agencies to a fine of up to 20 million won (US\$17,400) and imprisonment of 3 years as it heightens its crackdown on undocumented migrants. The employment permit system was enforced allowing migrant workers' stay in Korea for three years.

Addressing the issue of the undocumented, the APMM initiated with Tenaganita and Migrante a regional conference for undocumented migrants and their children in October. Participants shared experiences and efforts while committing to advance and uphold the rights of undocumented migrants by collaborating actions to address their plight in all bodies and levels.

The Israeli government, on one hand, endorsed the legislation proposal number 2353/P preventing temporary or permanent residency to people who illegally stay in Israel.

Restricting New Entry

Singapore imposed a more stringent policy on entering foreign domestic workers (FDWs). The new policies require an FDW entering Singapore by January 2005 to be at least 23 years old or older, completed an 8-year formal education and shall answer a compulsory 30-minute examination regarding her work. Those who fail will be sent back home immediately.

In Indonesia, a policy for direct hiring among the Indonesian domestic workers (IDWs) was imposed by the Indonesian Consulate in 2003. Responding to the demands of IDWs, the new policy however complicates the processing of work contracts and jeopardises the working conditions of Indonesian domestic helpers because of the additional requirements they are required to comply.

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Migrante International holds Xmas reunion for OFWs and families

To commemorate the United Nations' fifth International Migrants Day, Migrante International organized a pre-Christmas reunion of sorts for more than 400 migrant workers and their families at the Quezon Memorial Circle, Quezon City on December 18, 2004.

Migrante International, an alliance of 95 organizations worldwide, held the activity with the aim of strengthening and uniting migrants and their children after having been separated for so long.

Games and quizzes matched up with giving away of books, candies and storybooks were held for the migrants' children. In the afternoon, free medical check-ups were administered by members of the Philippine National Red Cross.

Connie Bragas-Regalado, chairperson of Migrante, said that 3,000 families are broken up on a daily basis due to the sheer number of people leaving the country for work. "This activity is one of our ways to reach out to and serve our fellow kababayans going back home."

Established in 1996, Migrante International caters to various cases and issues of migrants: cases against recruitment agencies and employers, claims at the Overseas Workers Welfare Administration and other government agencies, and other abuses they have experienced overseas.

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Syria, on one hand, stipulates that FDWs may enter the country as 'direct-hires' and not through 'manpower-pooling agencies'.

Hong Kong: Waging the struggle for the wage hike

On December 19, FDWs in Hong Kong kicked off their campaign for wage hike and demand the abolition of levy on employers. Days earlier, the Asian Migrants Coordinating Body, an HK-based grassroots alliance of migrant workers of various nationalities, presented a submission to the HK Executive Council that spelled-out their legitimate reasons for the twin campaign.

Middle East: Stranded and Jailed

The concerted efforts of stranded migrants in Jeddah and their families in the Philippines together with Migrante and the MSP have pressured the Philippine government to facilitate the repatriation of some of them through back door means.

As the campaign progresses, 2,856 Filipinos are still languishing in 56 states, 1,115 of whom are in the Kingdom of Saudi Arabia, including around 50 children. An additional 575 Filipino migrants are now behind bars in Kuwait, Bahrain and Israel.

To highlight, the reported abduction and killings of Filipino and Nepalese migrant workers among others in Iraq and Afghanistan created an uproar as the



abductors demand for the immediate withdrawal of US troops. Migrante and migrant rights advocates called on Pres. Arroyo to withdraw support to the US's continued invasion in Iraq.

In Other Countries

More stringent policies are implemented by countries on migrant workers.

Both Taiwanese and Philippine governments had the Special Hiring Program for Taiwan to curb collection of excessive placement and brokers fees but Taiwan's Council of Labor Affairs admitted that brokers of Taiwanese placement agencies are against the SHPT while the Philippine Labor Center in Taiwan lacks manpower to enforce and monitor it.

In Canada, Filipino nurses under the Filipino Nurses Support Group led various groups to a discussion and sharing of experiences among Filipino nurses. In 1993, the Citizenship and Immigration in Canada deleted the nursing profession from its occupational points list. FNSG hopes for support towards the development of non-practicing foreign-trained nurses in Canada and be recognised to help resolve the nursing shortage and health care crisis.

OFWs on RP Labor Rep in Taiwan: Ignorant or Anti-Migrant?

Leaders and members of Migrante Sectoral Party Taiwan Chapter decried Philippine Labor Representative in Taiwan Mr. Reynaldo Gopez for openly defending recruitment agencies against the mandatory direct hiring in Taiwan.

According to MSP Taiwan, Gopez created an uproar among the migrant community when he stated that direct hiring would put on the line the rights of recruitment agencies and the employers.

MSP Taiwan stated that Gopez "seems to value more the rights of recruitment agencies and brokers than that of more than 89,000 Overseas Filipino Workers in Taiwan."

The migrant group further criticized Gopez for feigning ignorance of the fees paid by Filipino domestic workers and caretakers for pre-work training.

How can he deny such an unscrupulous practice, asked MSP, when he himself verified its stipulation in the Fees and Salary Declaration of Taiwan Bound Workers?

The MSP reminded and demanded Gopez and the Philippine Overseas Employment Agency that such practices should be stopped, the fee collection scrapped and the migrant workers protected if they want to remain true to their positions.

Expressing and Pressing Issues

Expositions and expression of solidarity have likewise highlighted our year.

Migrante International exposed an official letter granting Philippine Labor Secretary Patricia Sto. Tomas P15 million from the Gulf War funds.

APMM joined students, migrant workers and Thais to condemn the October 25 brutal massacre of Muslim protesters in Narathiwat province, Southern Thailand. A statement demanding justice was submitted to the consulate.

In Japan, Center for Japanese Filipino Children initiated a support campaign for the Taskins, a Filipino-Turkish family facing deportation to their respective countries.

Year 2004 has witnessed much of our situation and strife yet it has been a year of determination, perseverance and unity among us to continue the struggle.

APMM Joins Forum of Legal Aid Foundation

The APMM joined two forums of Taiwan's Legal Aid Foundation (LAF) on migrants and immigrants' rights. These were held on Dec. 2 and 23, 2004 respectively in the Foundation's office in Taipei.

The LAF provides legal assistance to anybody in need, especially those earning only a marginal income like blue-collar foreign migrant workers. It became operational in July of last year.

In the Dec. 2 forum, the LAF held consultations with different NGO's working with migrants and immigrants to know more about their problems and needs. Together they divided these into six categories: brokers' fees, side contracts, forced repatriation, working and living conditions of caretakers and domestic workers, court interpreters and attitudes of local officials.

In the Dec. 23 forum, APMM presented a paper entitled "Implement a Standard Employment Contract" that discussed the negative impact of side contracts. The side contract scheme is tantamount to contract substitution, a rampant phenomenon in Taiwan. This contract substitution, stated APMM, makes a mockery of all employment contracts of migrants in all job categories, even of those who are supposedly covered by the Labor Standards Law.



LAF held consultations with different NGO's working with migrants and immigrants. Gi Estrada of APMM participated in the forum (inset).

Manila Court Decision Augurs More Misery for OFWs

The recent decision made by Judge Juan Nabong Jr. of the Manila Regional Trial Court Branch 32 declaring as unconstitutional illegal recruitment provisions of the Migrant Workers Act will augur more misery for Overseas Filipino Workers (OFWs).

The decision was the Court's response to a July 1995 petition by the Philippine Association of Service Exporters Inc. (PASEI) seeking to declare the law unconstitutional.

Migrante International said that the decision would legalize the rampant modus operandi of legal recruitment agencies, which includes overcharging OFW applicants in placement fees, peddling of false overseas employment information and the non-issuance of official receipts for payments collected from OFWs. Under the Migrant Workers Act, overcharging is equivalent to illegal recruitment.

At the same time, this court decision, stated Migrante, only reinforces two other provisions of the Magna Carta which would seek to deregulate and phase-out government functions on recruitment activities. This would lead to more exploitation of OFWs as the government would abandon its responsibilities towards its own nationals.

Migrante vowed to seek all avenues to counter such anti-migrant decisions and policies.

Church Groups Hold Forum with CLA

(December 6, Taipei) Church groups of various denominations, migrant-serving institutions, NGOs and human rights advocates held a forum with the Taiwanese Government's Council of Labor Affairs to discuss the latter's proposal on the financial management of foreign blue-collar workers.

During the forum, Kuo Fong-Yu, CLA's director general of its Bureau of Employment and Vocational Training, defended the council's financial management proposal for all migrant workers. The said proposal is aimed at protecting the migrant workers from mandatory deposit of their salary in a bank account with forced savings and deductions for brokers' fees and other expenses. It was likewise aimed to wash out what the CLA alleges to be illegal banks or channels for the OFW's remittances.

There has been much criticisms from different sectors on the said policy. Pastor John Raymond Celis of the Word for the World and Fr. Joy Tajonera, M.M. brought out how the informal courier services are readily available during the workers off time and even if they have no days off. At the same time, they are able to send their money even within 24 hours with door to door delivery.

Gi Estrada of Asia Pacific Mission for Migrants added that not all of these informal channels are illegal as the CLA alleged. A few of these are registered and allowed to remit money, he added.



The participants then suggested to the CLA that the illegal or informal channels be legalized as they are more convenient for the workers in terms of services and cost.

High placement fees

Other issues raised were the high placement fees especially charged for Thai workers in the prevalence of side agreements including for breach of contract and strict dormitory rules and even direct hiring.

Pastor Paul Ko of the Taiwan International Church (TIC) lamented that this method of hiring is only optional and that manpower agencies would be against this. He also questioned how this could be implemented in practical terms.

All the participants were happy with the results of the forum. And the CLA extended its willingness to have further discussions with all those present and took note of the suggestions made.

The forum served as a follow up to the inter-Faith/NGO forum held on September 16.

Hong Kong News Feature

Hong Kong FDWs launch campaign to increase their salary, abolish the levy

More than 400 foreign domestic workers (FDWs) comprising the Asian Migrants Coordinating Body (AMCB), an alliance of migrants from Indonesia, Nepal, Sri Lanka, Thailand and the Philippines, participated in a march-parade calling for wage increase in the Central area of Hong Kong on December 19.

Coinciding with the International Human Rights Day celebration, the event served to highlight the clamor of FDWs for the return of the HK\$3,670 minimum wage, which was reduced by HK\$400 in April 2003, and for the abolition of the levy imposed on their employers in October that year.

On December 17, representatives of AMCB submitted a petition to the HK government's Economic Development and Labour Bureau pointing out that their present wage is: first, equivalent to the 1992 nominal wage level considering the inflation and price hikes of consumer products since then; second, FDW wage is not at par with the multiplicity of their work and the fact of their being on 24-hour call; and third, the wage is unjust and discriminatory violating the international labour rights and standards set by institutions like the International Labour Organization.

The AMCB refuted the HK government's reasoning of the levy as distinct from the wage cut. The levy, the group argued, is practically an indirect taxation for FDWs and henceforth burdensome to them and their employers. Hence, it should be immediately abolished.

According to Dolores Balladares, chairperson of the United Filipinos in Hong Kong, one of the convening organizations of the AMCB, the demand for a wage increase is timely and just. The group cited the following information for consideration:

- *HK Gross National Product increased by 8.8% while unemployment and underemployment rate dropped;*
- *Workers in the service sector, that should include FDWs, were given salary hikes;*
- *Our current salary of HK\$3,270, the equivalence of our salary in 1992, is equivalent to HK\$10.50 per hour for a 12-hour work per day (many of us work up to 16 hours a day);*
- *Hong Kong's retail industry, the sector that most FDWs patronize, has enjoyed great improvement for the past year, and;*



- *FDW wage in HK is a far cry from that in Japan and Canada and only slightly higher than in Singapore and Taiwan, two countries who have nothing to show for in terms of just treatment to migrant workers.*

The FDWs asserted that it was time for the HK government to increase their wages, which had been cut twice, first in 1998 then in 2003. For more than a year, according to them, they have suffered the unjust, immoral, illegal and discriminatory policy of their host country.

Announcement

International Consultation Meeting for the formation of an International Coordinating Network (ICN) on the WTO in HK this 2005

February 26 and 27, 2005

HK City University

APMM NEWS Digest

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