



MAPID TRAINING PROGRAM - PHILIPPINES

A GUIDE TO KEY CONCEPTS, TERMS, INSTITUTIONS AND
POLICIES ON INTERNATIONAL MIGRATION
(WITH SPECIAL FOCUS ON THE PHILIPPINE CONTEXT)*

Maruja M.B. Asis and Golda Roma**

* This material has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the Scalabrini Migration Center and can under no circumstances be regarded as reflecting the position of the European Union.

** Country Coordinator and Project Assistant, respectively of MAPID Project: Philippine Component

Table of Contents

Migration-Related Concepts and Terms	p.5
Key Government Institutions Involved with International Migration	p.12
Key Philippine Laws Concerning International Migration	p.15
Key International Instruments on Migration Ratified by the Philippine Government	p.17
Key Public Celebrations Related to International Migration	p.18
Guide to Other Resources	p.19

Migration-Related Concepts and Terms

Asylum seeker

- “a person who files an application for asylum in a country other than his or her own. He or she remains in the status of asylum-seeker until his or her application is considered and adjudicated” (<http://www.migrationinformation.org/glossary>)

Bagong bayani (new hero; “mga bagong bayani” – the new heroes)

- accolade accorded to overseas Filipinos (particularly, overseas Filipino workers) by government officials in recognition of migrants’ sacrifices in supporting their families in the Philippines, and by extension, in supporting the national economy

Baklas

- literally “to pry off”
- Filipino slang for a tampered passport

Balikbayan

- returnee; derived from the Filipino words “balik” (return) and “bayan” (country, town)
- the term was first used in the 1970s, when the Marcos government introduced a program enticing Filipinos abroad (who were then mostly based in the United States of America) to visit the country
- the term later came to be used to refer to a Filipino returning to the Philippines
- Under the Balikbayan Law (Republic Act 6768 as amended by RA 9174), the term *balikbayan* “shall mean a Filipino citizen who has been continuously out of the Philippines for a period of at least one (1) year, a Filipino overseas worker, or a former Filipino citizen and his or her family, as this term is defined hereunder, who had been naturalized in a foreign country and comes or returns to the Philippines” (Sec.2a)

Balikbayan box

- refers to the 20 x 20 box filled with goodies sent by overseas Filipinos to family members and friends in the Philippines
- the fee is set, regardless of the weight of the box (some businesses in the Philippines have been built from the sending of goods from abroad, e.g., used books business or used clothing business)
- the transport of *balikbayan* boxes to the Philippines is a common business venture of overseas Filipinos

- the *balikbayan* box has spawned the *alisbayan* box, with the latter originating from the Philippines

Brain drain

- "the emigration of a significant proportion of a country's highly skilled, highly educated professional population, usually to other countries offering better economic and social opportunity (for example, physicians leaving a developing country to practice medicine in a developed country)" (Population Reference Bureau, <http://www.prb.org/Educators/Resources/Glossary.aspx>)

Brain gain

- the return, either temporarily or permanently, of highly skilled, highly trained nationals to their country of origin

Country team approach

- "Under the country-team approach, all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall, on a per country basis, act as one country-team with a mission under the leadership of the ambassador. In this regard, the ambassador may recommend to the Secretary of the Department of Foreign Affairs the recall of officers, representatives and personnel of the Philippine government posted abroad for acts inimical to the national interest such as, but not limited to, failure to provide the necessary services to protect the rights of overseas Filipinos" (Sec.28 of the Migrant Workers and Overseas Filipinos Act of 1995).

Emigration

- "the process of leaving one country to take up permanent or semipermanent residence in another" (Population Reference Bureau, <http://www.prb.org/Educators/Resources/Glossary.aspx>)

Forced migration

- the International Association for the Study of Forced Migration (IASFM) describes forced migration as 'a general term that refers to the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects' (see <http://www.forcedmigration.org/whatisfm.htm>)
- the types of forced migrants include: refugees, asylum seekers, internally displaced persons, development displacees, environmental and displacees, smuggled people and trafficked people (see <http://www.forcedmigration.org/whatisfm.htm>)

Immigration

- “the process of entering one country from another to take up permanent or semipermanent residence” (Population Reference Bureau, <http://www.prb.org/Educators/Resources/Glossary.aspx>)

Internally displaced persons (IDPs) (*see also* Forced migration)

- “persons or groups of persons who have been forced 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 generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border” (Guiding Principles on Internal Displacement, Introduction, para. 2)

Internal migration (*see* Migration)

International migrant

- a person who is outside of his or her country of birth or country of usual residence for at least one year

International migration (*see* Migration)

Irregular migrant

- the popular term “illegal migrants” is not recommended because it stigmatizes migrants
- other acceptable terms are undocumented, clandestine, or unauthorized migrant
- a migrant who, in the absence of proper working and/or residence documents, does not have a legal status to stay and/or work in a transit or host country

Japayuki

- refers to an OFW (usually a woman) who is working/has worked in Japan as an entertainer
- the suffix “yuki” has been used in connection with other destinations, such as Bruneiyuki (those who have migrated in search of jobs in Brunei)

Kabayan

- slang for kababayan, which refers to a countryman/woman
- greeting used by Filipinos when they meet a fellow Filipino abroad

Katas ng Saudi (literally, “katas” is juice – hence “the juice of Saudi”)

- refers to the benefits of working abroad – e.g., a house or a jeepney bought out of one’s labor in Saudi Arabia (the major destination workers in the 1970s – the reference has been extended to other destinations, e.g., “katas ng Hong Kong”, “katas ng Japan”)

Lapad

- Filipino slang for the 10,000 Japanese Yen bill

Migrants’ associations; migrants’ organizations

- associations or organizations formed by migrants, as distinct from non-governmental organizations which are formed (not necessarily by migrants) to advocate for the concerns and interests of the migrant sector
- the Commission on Filipinos Overseas uses the term Filipino associations overseas (FAOs) to refer to similar groupings

Migration

- “the movement of people across a specified boundary for the purpose of establishing a new or semipermanent residence. Divided into international migration (migration between countries) and internal migration (migration within a country)” (Population Reference Bureau, <http://www.prb.org/Educators/Resources/Glossary.aspx>)

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 legal resident; to be used interchangeably with overseas Filipino worker” (Sec.3(a) of the Migrant Workers and Overseas Filipinos Act of 1995 or Republic Act 8042)
- the Philippine Overseas Employment Administration classifies Filipino migrant workers in term of sector (land-based and sea-based), type of hire (new hire and rehire), and mode of recruitment (direct hire and name hire)

Overseas Filipino (OF, OFs-pl)

- refers to a Filipino residing and/or working abroad
- the overseas Filipino population according to the Commission on Filipinos Overseas consists of: permanent settlers (or permanent immigrants), temporary migrants (notably migrant workers on a temporary work contract), and irregular migrants
- under Sec.3 (c) of the Migrant Workers and Overseas Act of 1995 or Republic Act 8042, overseas Filipinos specifically refers to the dependents of migrant workers and other Filipino nationals abroad who are in distress

- unless otherwise indicated, the term overseas Filipinos refers to Filipino nationals based abroad

Overseas Filipino worker (OFW, OFWs-pl) (*see also* Migrant worker)

- refers to Filipino migrant worker, both legal and irregular
- migrants whose motivation and stay overseas is employment-related
- they comprise the majority of temporary migrants from the Philippines; they are expected to return to the Philippines at the end of their employment or work contract

Overseas contract worker (OCW; OCWs-pl) (*see also* Migrant worker)

- popular term referring to Filipino migrant workers in the 1970s, the initial years of migration to the oil-rich Gulf countries
- specifically refers to workers who were legally recruited on a contract basis, usually for two years

Padala (*see also* Remittances)

- literally "to be sent;" it refers to remittances or gifts in kind that are sent to family and friends in the Philippines
- it is sent either through formal (i.e., banks and other financial institutions) or informal channels (through friends or co-workers who are going back to the Philippines)

Pasalubong

- a gift or souvenir given to family and friends, usually from a trip

Permanent migrant; permanent settler

- an international migrant who has gained admission to reside permanently in another country

Refugee

- "any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside of the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it" (1951 UN Convention relating to the Status of Refugees and the 1967 Protocol)

Remittances (*see also Padala*)

- monies earned or acquired by migrants that are transmitted back to their country of origin (United Nations Population Information Network as cited in <http://www.migrationinformation.org/glossary>)

Return migrants

- persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who are intending to stay in their own country for at least a year (<http://www.migrationinformation.org/glossary>)
- in the context of temporary labor migration, return migration is structural, i.e., it is a part of the system; as such, the reintegration of returning migrant workers is a critical policy issue

Smuggling in persons

- “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), 2000 UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organized Crime)
- a crime against the state

Temporary migrant

- an international migrant who has gained admission to reside temporarily in another country
- temporary migrant workers (aka guest workers or overseas contract workers) are an important category of temporary migrants

TNT

- literally “tago ng tago” or perpetually in hiding
- the Filipino slang for irregular, unauthorized or undocumented migrant workers

Transnationalism

- “refers to multiple ties and interactions linking people and institutions across the borders of nation-states” (Steven Vertovec, as cited in http://portal.unesco.org/shs/en/ev.php-URL_ID=3147&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- international migration is an important contributor to transnationalism; as transnationals, migrants are part of their origin and receiving societies

Trafficking in persons

- “refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, 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 which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph” (Sec 3a, Anti-Trafficking in Persons Act of 2003)

- “the recruitment, transportation, transfer, harboring 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 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), 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime)
- may be internal or international
- a crime against the person

Key Government Institutions Involved In International Migration

Bangko Sentral ng Pilipinas (BSP) (<http://www.bsp.gov.ph>)

- sets policies aimed at facilitating remittance transfers through formal channels
- the main source of information on remittance inflows
- the BSP has also launched a financial literacy program to promote the productive use of remittances

Bureau of Immigration (BI) (<http://www.immigration.gov.ph>)

- the government agency mandated to “undertake the administration and enforcement of immigration and citizenship laws and the admission of foreigners in the Philippines, including the enforcement of alien registration laws, and the exclusion, deportation and repatriation of aliens”

Commission on Filipinos Overseas (CFO) (<http://www.cfo.gov.ph>)

- created in 1980 by Batas Pambansa 79
- tasked with the formulation of policies and measures concerning Filipinos overseas; to develop programs to promote the well-being of Filipinos overseas; to maintain and nurture the ties between Filipinos overseas and the homeland; and
- introduced the Link to Philippine Development Program in 1989, an initiative which channels the resources donated by overseas Filipinos to humanitarian activities and development projects in the Philippines
- it is under the Office of the President

Department of Foreign Affairs (see OUMWA) (<http://www.dfa.gov.ph>)

- the prime government agency responsible for the pursuit of the State’s foreign policy
- the vision of the DA includes: “Our missions abroad are the partners of Filipinos overseas in the pursuit of the national interest and in the promotion and protection of their rights and well-being.
- among its stated objectives is: “To protect the rights and promote the welfare of Filipinos overseas and to mobilize them as partners in national development
- Sec. 27 of RA 8042 states that: “The protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and freedoms of the Filipino citizens abroad, in general, shall be the highest priority concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts.”

Department of Labor and Employment (DOLE) (*see also* POEA, OWWA, NLRC, TESDA) (<http://www.dole.gov.ph>)

- mandated to promote gainful employment opportunities, protect workers' rights and their welfare and promote industrial peace
- since the 1970s, the promotion of gainful employment opportunities has gone global
- the POEA, OWWA, NLRC and TESDA are among the attached agencies of the DOLE
- created the Philippine Overseas Labor Officers (POLOs) in major destination countries or territories; POLOs are staffed by labor attaches

National Labor Relations Commission (NLRC) (<http://www.nlrc.dole.gov.ph>)

- it has jurisdiction over all claims arising out of employer-employee relationship or according to any law or contract involving Filipino workers for overseas deployment
- Sec. 10 of the Migrant Workers and Overseas Filipinos Act specifies the responsibilities of the NLRC in implementing the said law
- Sec. 10 provides for the transfer of the jurisdiction over money claims by migrant workers from the POEA to the labor arbiters of the NLRC

National Reintegration Center for OFWs (NRCO) (www.nrco.dole.gov.ph)

- aims to be a one-stop shop and networking hub of reintegration services to Filipino workers

Office of the Undersecretary of Migrant Workers' Affairs (OUMWA)

- responsible for the provision and overall coordination of providing legal assistance to overseas Filipino workers and overseas Filipinos in distress
- the creation of the office (originally named as the Office of the Legal Assistant for Migrant Workers' Affairs) is provided by Sec. 24 of the Migrant Workers and Overseas Filipinos Act of 1995

Overseas Workers Welfare Administration (OWWA) (<http://www.owwa.gov.ph>)

- the lead government agency tasked to protect and promote the welfare of overseas Filipino workers and their families
- OWWA evolved from the Welfare and Training Fund for Workers created by Letter of Instruction No.537 signed on 1 May 1977, and later formalized into Welfare Fund for Overseas Workers through Presidential Decree 1694 signed on 1 May 1980; other changes were introduced by subsequent administrations
- Secs. 15, 17, 21 and 32 of the Migrant Workers and Overseas Filipinos Act of 1995 specifically deal with OWWA

- as a welfare fund (generated from OWWA membership fees of US\$25 which should be paid by employers), OWWA strives to ensure fund build-up and fund viability

Philippine Overseas Employment Administration (POEA) (<http://www.poea.gov.ph>)

- "The POEA was created in 1982 by EO No.797. The law provided for the integration of the functions of the Overseas Employment Development Board, the National Seaman's Board and the Bureau of Employment Services. EO No.247 expanded its powers and functions (central to this is the regulation of recruitment agencies) when it was reorganized in 1987." (<http://www.poea.gov.ph/html/aboutus.html>)
- handles the processing of migrant workers' documents, contracts and work permits up to the point of deployment; tasks include the licensing, regulation and monitoring of recruitment agencies in the Philippines
- it produces statistics on legally deployed overseas contract workers

Technical Education and Skills Development Authority (TESDA) (<http://www.tesda.gov.ph>)

- "formulates manpower and skills plans and sets appropriate skills standards and tests, coordinates and monitors manpower and skills policies and programs, and provides policy directions and guidelines for resource allocation for TVET (technical-vocational education and training) institutions in both the public and private sectors"
- provides accreditation of skills to skilled workers, including departing overseas Filipino workers
- provides language training (Arabic, English, Korean, Nihongo, Spanish), including aspiring overseas Filipino workers

Key Philippine Laws Concerning International Migration

Absentee Voting Act of 2003 or Republic Act 9189

- An act providing for a system of overseas absentee voting by qualified citizens of the Philippines abroad, appropriating funds therefor, and for other purposes
- "All citizens of the Philippines abroad, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections, may vote for president, vice-president, senators and party-list representatives" (Sec 4(a), Absentee Voting Act of 2003)
- (the complete text of RA 9189 is available at the CFO website)

Anti-Trafficking in Persons Act of 2003 or Republic Act 9208

- An act to institute policies to eliminate trafficking in persons, especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations, and for other purposes
- (the complete text of RA 9208 is available at the POEA website)

Balikbayan Law or Republic Act 6768

- An act instituting a Balikbayan Program
- Republic Act 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
- "The program shall include a kabuhayan shopping privilege allowing tax-exempt purchase of livelihood tools and providing the opportunity to avail of the necessary training to enable the balikbayan to become economically self-reliant members of society upon their return to the country. The program shall likewise showcase competitive and outstanding Filipino-made products" (Sec. 1)
- (the complete text of RA 6768 and RA 9174 is available at the Chan Robles Virtual Law Library, <http://www.chanrobles.com/republicactno6768.htm>)

Citizenship Retention and Re-acquisition Act of 2003 or Republic Act 9225

- An act making the citizenship of Philippine citizens who acquire foreign citizenship permanent. Amending for the purpose Commonwealth Ac. No. 63, as amended and for other purposes
- commonly referred to as dual citizenship law

Labor Code of the Philippines (Provisions on Overseas Employment)

- passed in 1974, it includes provisions that laid the groundwork for the State's overseas employment program
- (the complete text is available at the POEA website)

Migrant Workers and Overseas Filipino Act of 1995 or Republic Act 8042

- An act to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress, and for other purposes
- aims to provide protection and support to migrant workers at all stages of the migration process, from pre-migration to migration (on-site services and support), to return migration to the Philippines
- it was amended by Strengthening the Regulatory Functions of the POEA (amending RA 8042) or Republic Act 9422
- RA 9422 repealed Secs. 29 and 30 of RA 8042 (which provided for the deregulation of labor migration and the gradual phaseout of the regulatory functions of the POEA)
- (the complete text of RA 8042 and RA 9422 is available at the POEA website)

Key International Instruments on Migration Ratified by the Philippine Government

- ❖ 1951 UN CONVENTION RELATING TO THE STATUS OF REFUGEES AND ITS 1967 PROTOCOL

- ❖ 1990 UN CONVENTION FOR THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

- ❖ 2000 UN PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

- ❖ 2000 UN PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

- ❖ ILO CONVENTION 97 MIGRATION FOR EMPLOYMENT (REVISED), 1949

- ❖ ILO CONVENTION 143 MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS), 1975

Key Public Celebrations Related to International Migration

International Migrants Day

- celebrated every December 18 to commemorate the adoption in the UN General Assembly of the UN Convention of the Rights of All Migrant Workers and Members of their Family on December 18, 1990
- initiated in the Philippines by the Philippine Migrants Rights Watch and other partners in Asia in 1997; later, the UN declared it as International Migrants Day

Filipino Migrant Workers Day

- celebrated every June 7 to commemorate the passage into law of the Migrant Workers and Overseas Filipinos Act of 1995

Month of Overseas Filipinos

- celebrated throughout the month of December
- the Commission on Filipinos Overseas is the lead agency in organizing the month-long celebration

National Migrants' Sunday

- celebrated on the first Sunday of Lent
- it is an initiative by the Catholic Church in the Philippines to pray for migrants and their families and to raise awareness about migration issues

Guide to Other Resources

International Organizations

International Organization for Migration (see World Migration Report)
www.io.int

Organisation for Economic Co-operation and Development
(publishes the annual *International Migration Outlook SOPEMI Report*)
www.oecd.org/dataoecd/30/
1341275373.pdf

(SOPEMI: Continuous Reporting System on Migration of the OECD)

World Bank (the *Global Economic Prospects 2006* focuses on remittances)

Norwegian Refugee Council www.nrc.no
US Committee for Refugees www.refugees.org

Coalition against the Trafficking of Women www.catwinternational.org
Global Alliance against Traffic in Women www.gaatw.net

US State Department
(publishes the annual *Trafficking in Persons Report* since 2001)
www.state.gov/g/tip/rls/tiprpt/

UN Family

International Labour Organization www.ilo.org
United Nations High Commissioner for Refugees www.unhcr.org
United Nations Population Division www.un.org/esa/population
United Nations Economic and Social
Commission for Asia and the Pacific www.unescap.org

Research Centers/Clearinghouses/Research Networks

Scalabrini Migration Center www.smc.org.ph
- *Asian Migration News* www.smc.org.ph/amnews
- Migration Information System in Asia Project www.smc.org.ph/misa

Asia-Pacific Migration Research Network http://apmm.usp.ac.fj
Asian Research Centre for Migration www.arcm.ias.chula.ac.th
Asian Research Institute www.ari.nus.edu.sg
South Asia Migration Research Network www.samren.org

Centre on Migration Policy and Society www.compas.ox.ac.uk
Migration Information Source

www.migrationinformation.org

Red Internacional Migracion y Desarrollo www.migracionydesarrollo.org
Refugees Studies Centre www.rsc.ox.ac.uk
South Africa Migration Project www.queensu.ca/samp
University of California-Davis www.migration.ucdavis.edu

(*Migration Dialogue*)
University of California-Davis www.migration.ucdavis.edu/
mn

NGO Coalitions

Philippine Migrants Rights Watch

www.pmrw.org

Asian Migrant Centre

www.asian-migrant.org

CARAM-Asia

www.caramasia.net

December 18

www.december18.org

Migrant Forum in Asia

www.mfa.org