

MIGRATION PROFILE

PHILIPPINES

September 2009

1. Immigrants¹

Total number of immigrants	0.374 million ²
As percentage of total population (2006)	0.45%
As percentage of active population	n/a

Type / status immigrants

Refugees/asylum-seekers	104/89 ³
Labour migrants / <u>permanent</u>	49.969 (13%)
Labour migrants/temporary-seasonal	n/a
Transit migrants/ <u>tourists</u>	4 million ⁴
Gender ratio / proportion of minors:	n/a
Short description of sort of skills provided by immigrants:	n/a

Internally displaced persons: 0.3 million

N.b: In the 2000 Census, 3.9 million individuals were counted as 'non-Filipino' citizens or foreign nationals.

2. Emigrants⁵

Total number of emigrants / people in diaspora	9 million
As percentage of total population	10 %
As percentage of active population	n/a

Type / status emigrants

Refugees/asylum-seekers	1 354/910 ⁶
Labour migrants / <u>permanent</u>	3.7 million (4.1%)

¹ Immigration is defined as the process of entering one country from another to take up permanent or semi-permanent residence (Population Reference Bureau, Philippines)

² 2006 GoP report to the UN

³ UNHCR

⁴ Bureau of Immigration 2007

⁵ Emigration is defined as: The process of leaving one country to take up permanent or semi-permanent residence in another. (Population Reference Bureau, Philippines)

⁶ UNHCR

Labour migrants/ <u>temporary</u> -seasonal	4.13 million (4.6%)
<u>Gender ratio</u> / proportion of minors:	61 males/100 females

Main countries of destination

Developed countries (excl. EU27)

Referring to data from CFO (2007), North America has the largest share of Filipino emigrants (3.6 million). The top two destinations are the US (2.8 million) and Canada (0.5 million). Many Filipinos in this region are in the health and education sectors.

The Middle East hosts about 2.2 million Filipinos, of which about 91% are under temporary status (contract work). Most of them are in the construction, IT and hotel industries.

Developing countries

Asia and Southeast Asia regions remain second to the Middle East as destination for overseas contract workers with about 200.000 (POEA 2008).

N.b: 25% of the world's seafarers are Filipinos and in 2008 alone, over 220.000 seafarers were hired all over the globe.

3. Remittances

Amount of incoming migrant remittances	\$ 18.643 billion ⁷
As % of GDP:	11,3 %

4. Migration to the EU

In 2007⁸ the total number of Filipino emigrants to Europe was 953.519. The five major destination countries were UK (203.035), Italy (120.192), Germany (54.336), France (47.075) and Spain (41.780). Of the total, 555.542 were identified as temporary (58%) and 284.987 were registered as permanent emigrants (30%), while 112.990 were considered irregular (12%).

Bilateral agreements related to migration with EU Member States

Based on the government report to the UN Committee on Migrant Workers Rights (2008), the government of the Philippines has signed bilateral labour agreements with Denmark (2000), Netherlands (2001), UK (2003) and Spain (2006). In addition, there are also Agreements on the Recognition of Seafarers' Certificates with Belgium, Denmark, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Poland and Sweden.

⁷ World Bank Migration and Remittances data 2008

⁸ Commission on Filipinos Overseas official report

5. Assessment and analysis of migration issues

5.1. Overview and assessment of migration context

Regional context

Following the end of World War II and the granting of independence, newly independent Asian countries devoted their energies to reconstruction and nation-building. Between 1945 and 1970, international migration did not merit much comment in the region's life, and instead there was more discussion on internal migration, especially the growing rural-to-urban migration. This situation changed in the 1970s, when economic and political changes unleashed processes promoting international migration all over the world.

From the 1970s, East and South-East Asia emerged as major regions of origin, transit and destination of international migrants. Asia became an important source of immigrants to traditional countries of settlement (the US, Canada, Australia and New Zealand) due to the dismantling of national origin as basis for admitting new immigrants in these countries⁹. Family reunification, humanitarian and labour market considerations became the new basis for admitting immigrants, a change that resulted in large immigration flows from Asia.

The fall of Viet Nam to communist forces in 1975, followed by similar developments in Cambodia and Laos, resulted in massive refugee crises affecting more than 3 million people, with the US receiving over a million resettled people. Other refugee migrations broke out in the coming decades, but the flights were confined within the region. As in other parts of the world, refugee migrations have been mixed up with irregular migration, a situation which has rendered refugees more vulnerable and disadvantaged.

International labour migration began in the region in the 1970s, with the demand for huge numbers of workers in the oil-rich Gulf countries. With their petrodollars, the Gulf countries recruited Asian workers on contract basis (typically two years per contract, with the possibility for renewal) to carry out infrastructure projects. South Korea, the Philippines, Thailand along with South Asian countries; Bangladesh, India and Pakistan, responded to this call for workers. Indonesia and Sri Lanka entered the scene later on, just in time for the emerging demand for foreign domestic workers.

Recruitment agencies stepped in to 'facilitate' the matching of workers and employers. These agencies and related businesses developed into what came to be known as the 'migration industry', which has played an important role in sustaining migration in the region. The completion of infrastructure projects by the 1980s, shifted the demand for workers and brought in women migrants. Health personnel, clerks, sales workers, professionals, domestic workers, cleaners and service workers were recruited. Decades later, the Gulf region continues to rely on migrant workers for these sectors and Asian countries remain one of the most important source countries.

From the 1980s, the export-led economies of Japan, Hong Kong SAR, Singapore, South Korea and Taiwan soared, with Malaysia and Thailand later joining the group of high

⁹ Up until the passage of the 1965 Immigration and Nationality Act in the US, followed by similar changes in the 1970s in Canada, Australia and New Zealand, this criterion favoured immigrants of Western European origin.

performing economies in the region. On the road to development, these countries had to recruit workers from their neighbouring developing countries – the Philippines, Indonesia, Viet Nam and Laos. Increasing female labour force participation resulted in a shortage of care workers, which further contributed to the feminisation of labour migration. Receiving countries in East and South East Asia generally adopted a no-settlement, temporary labour migration policy. Thus, to ensure that workers do not settle, migrant workers' stay is usually limited to two-year contracts (which can be renewed), workers generally can not transfer sectors or employers, and family reunification is not allowed.

The Philippines

The Philippines' migration profile is mainly that of an out-migration country, of which the most significant is the outflow of international migrant workers, or so-called Overseas Filipino Workers (OFWs)¹⁰. From the Spanish colonisation to the American Commonwealth and Japanese occupation, the migration experience of Filipinos has become a significant feature in Philippine history and culture.

The four waves of Filipino migration

The first recorded Filipino out-migration was in 1417, when Sulu royalties and their families sought to improve trade relations with the Chinese emperor. Three centuries later, when the Philippines was under Spanish rule, a galleon trade scheme with Acapulco paved the way for Filipino seafarers' migration to Mexico. Others went to California to work as fruit pickers or as crew on whaling ships in Alaska and in the 1880s, Filipino students, professionals and exiles began to arrive in Europe, mainly in Spain.

The second migration wave marked a more systematised deployment of Filipino workers outside of the Philippines. From the beginning of the 20th century until the 1970s, the United States was the primary destination of Filipinos who ventured into international migration. As a US territory, Filipinos were considered as US nationals (but not citizens), which facilitated migration. Many Filipinos, mostly men, were recruited as plantation workers and between 1906 and 1934 some 150.000 Filipinos arrived in the US, with the majority based in Hawaii. Moreover, US military servicemen based in the Philippines during World War II also brought their Filipina 'war-brides' to the US.

The third wave and the turning point in Filipino immigration to the US, and the other settlement countries, came after the immigration reforms around 1965. Many Filipinos availed of family reunification and job opportunities under the new revamped immigration policies.

The fourth wave of migration came with the imposition of Martial Law on 21 September 1972 by then President Ferdinand Marcos, which changed the political and economic course of the Philippines. Political repression during the Martial Law period (1972 – 1981) led to exile migration by political opponents of the regime, and many middle-class Filipinos worried about their future, also left. The destination in most of these cases was the US. The Martial Law period also had internal impact, triggering population displacement in the southern most area of the Philippines, Mindanao. The conflict

¹⁰ An Overseas Filipino Worker is 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.

between the government and secessionist forces led to massive displacements, including many leaving for Sabah, Indonesia, where they were recognised as refugees. In addition, Martial Law interrupted the country's march to economic development. So called 'crony capitalism' – advantages enjoyed by Marcos' cronies and supporters – coupled with widespread corruption deeply damaged the once-promising economy. External factors, such as the oil crisis of 1973, added to the worsening domestic economy. This situation created emigration pressures, which coincided with the demand for workers in the Middle East. This convergence of push- and pull-factors, initiated the Philippines into the world of global labour migration.

This fourth wave continues up to this day, even if big changes have been introduced with time. The labour market has expanded from construction and engineering labour to domestic work, tourism service, healthcare, communication and information technology, and other sectors. Furthermore, new destination countries and territories keep emerging.

Development of a domestic labour migration policy

In anticipation of better economic prospects, labour migration is conceived as a temporary measure to address pressing domestic unemployment and balance-of-payments issues. However, as labour migration expanded, reports of abuses against migrant workers, illegal recruitment and irregular practices, multiplied. When the overseas programme started, the government participated in recruiting and matching workers and employers. However, due to the huge demand for workers and the large numbers involved, the government relinquished the placement of workers to private recruitment agencies in 1976, while different government agencies would concentrate on regulating and monitoring the migration 'industry'. In addition, as the labour market increasingly became a 'buyers' market', and with the increase of female migration, the welfare dimension of labour migration became larger. Thus, the protection of migrant workers and the focus on migrants' rights became more important, and the need for a legislative framework covering the area of migration became apparent. The Philippines is today commended for their model of labour migration, and a comprehensive legal framework has been developed to govern this area.¹¹

The 2008-2010 Medium Term Philippine Development Plan (MTPDP) states that as part of the strategic framework, the government shall continue to facilitate the deployment of one million OFWs per year. Overseas employment therefore continues to be regarded as a solution to the limited job opportunities in the country, despite some recent public statements from president Arroyo to the contrary (e.g in the Global Forum for Migration and Development held in Manila in October 2008). From this it can be gathered, that overseas employment is seen not only to fulfil the government's mandate of employment generation, but also as a means to poverty alleviation.

It should be noted, that while the Philippines has gained considerable experience in the deployment, regulation and management of Filipinos' labour migration, the same degree of experience is still lacking in the context of other areas of migration, particularly the migration to the Philippines, the return migration as well as in the area of migration and development.

¹¹ See chapter 3 below.

Profile of Filipino Migrants

Today, the Philippines ranks as the third largest migration sending country in the world. As of December 2008, an estimated 9 million Filipinos live and work abroad, which is about 10 % of the population. According to the Office of the Undersecretary for Migrant Workers' Affairs, 1.4 million Filipinos were deployed overseas in 2008, i.e. more than 3 700 Filipinos left the country every day. In addition, the distribution of migrants is very wide: today, a Filipino can be found in over 200 countries around the world. The occupational profile of Filipino migrants is very diverse and ranges across all skill levels. However, the areas of sea-faring, nursing and domestic work can be distinguished as particular 'Filipino' niches. Of the three categories of Filipino migrants, the most numerous are the temporary migrants, followed by permanent migrants, and migrants in an irregular situation as the smallest group.

The top ten destination countries and territories for Overseas Filipino Workers in 2008 were: Saudi Arabia, United Arab Emirates, Qatar, Hong Kong, Singapore, Kuwait, Taiwan, Italy, Canada and Bahrain. Filipinos who have obtained permanent residency status recorded highest in the US, Canada, Japan, Germany, United Kingdom and Australia.

Overseas Filipino Workers are considered to be the 'new heroes' in the country. Special celebrations are taking place in their honour, like the Filipino Migrants Workers Day on 7 June, the Month of Overseas Filipinos in December and the National Migrants' Sunday on the first Sunday of Lent. At the airports there are special lines for OFWs and huge billboards greet them on their return to their home country. The Presidential Awards for Filipino Individuals and Organizations Overseas is a biennial award conferred on Filipino individuals and organisations that contribute to Philippine development or promote the interests of Filipino communities overseas. It is also given to Filipinos overseas who have distinguished themselves in their professions.

Why do Filipinos migrate?

The employment of land- and sea-based workers has been on an upward trend since the 1970s. The reason for this trend is manifold, including the increasing demand for migrant workers worldwide, higher salaries and better living standards abroad and some countries' preference for Filipinos (for reasons of language, professionalism, religion, good reputation etc.).

There are also internal factors to the Philippines that maintain the large flows of emigration. These can be divided into three main areas; persisting economic push factors, the institutionalisation of migration and the development of a 'culture of migration' in the Philippines.

Push factors: From the 1970s, the Philippines has moved from one economic crisis to another. In the 1970s, it was the oil crisis; in the 1980s the economic downturn towards the end of the Marcos years, and in the 1990s and beyond, the economic crisis in Asia and political instability stalled economic growth. In short, the political and economic environment has not been conducive to investments, critical for generating economic

growth and employment. The challenge of generating jobs is especially daunting given the demographic profile of the Philippines, aggravated by the inequality in wealth distribution and the high poverty incidence. In the absence of sustainable development, these push factors continue to exert pressure on the country, families and individuals to pursue overseas employment. Due to lack of economic opportunities in the Philippines, the temporary work abroad has become more or less permanent, and is a de facto source of employment for many Filipinos, and many labour migrants extend their stay abroad for as long as it is possible. The failure of economic and sustainable development that pushes people to emigrate, is the same reason that keeps migrant workers from returning to the Philippines for good.

The institutionalisation of migration: The Philippines' success in securing a niche in the global labour market did not happen by chance. The role of the state in steering the country onto this path is critical. The Labour code of 1974 served as a template for the programme, but over the years many innovations have been introduced resulting in a de facto 'institutionalisation' of migration. To date, the Philippines has perhaps the most extensive institutional and legal framework governing the migration of its people. There is a plethora of separate government agencies involved with migration management¹² and a legal framework governs this area.¹³ However, the picture is far from perfect. There are obvious gaps between policy and legislation on one hand, and implementation on the other. The comprehensive programme aimed at protecting migrants at all stages of the process, from pre-departure to onsite to return and reintegration is hampered by the lack of resources to implement the provisions effectively. A particular area in need of improvement is reintegration.

The 'culture' of migration: After more than 30 years of large-scale migration, Filipinos have become a people who have grown 'used' to mobility, and studies show that more than 30% of the population is considering leaving for another country. Beside the government's role in encouraging migration, other institutions in Philippine society are also playing a supporting role in the migration of Filipinos. There are over 1 000 licensed recruitment agencies for land-based workers, and another 300 agencies dealing particularly with seafarers. Despite the oversight system in place, the illegal practices of both authorised and unauthorised recruitment agencies are a serious concern and putting the migrants and their families in very vulnerable situations. In addition, the educational system is highly responsive to the demands of the global labour market, offering curricula and programmes promising to produce trained workers in short time. In this 'leave' oriented environment, it remains a challenge to convince people that a good life can be possible at home.

Statistics of international migration to and from the Philippines

The dominance of out-migration from the Philippines compared with the in-migration is clearly reflected in the national recording of international migration statistics. There are many more efforts undertaken by government agencies to track migration from the country, than the reverse. Some useful data has been produced, but there are significant gaps and deficiencies to be noted. The Bureau of Immigration is the main agency

¹² See below, section 2.

¹³ See below, section 3

responsible for immigration management, and although the agency collects data on arrivals, departures and apprehensions, data processing and reporting does not seem to be part of the agency's regular activities.

Concerning emigration from the country, several government agencies collect and produce data, of which the major ones are the Commission on Filipinos Overseas (CFO), the National Statistics Office (NSO) and the Philippines Overseas Employment Administration (POEA).

CFO, for example, collects data on the yearly outflow of permanent migrants, but also works with other government agencies to produce a yearly stock estimate of all overseas Filipinos. Other than the total count of the stock of the overseas Filipinos, basic demographic details such as distribution by gender or age are not available and oftentimes when CFO data is compared with data on the Filipino population in host countries, the data does not match. The NSO is mandated to conduct censuses on a regular interval (every ten years) and can use this as source of information on the count, composition and distribution of the Filipino population while POEA uses the information of all legally registered OFWs as its source.

Despite these efforts, inconsistencies, overlaps and gaps still exist in the migration data available. An area in particular that seems to be completely overlooked is the statistics on return migration. Up until now, there seems to be no particular interest or no systematic efforts to monitor the return of Filipinos to the country. Even if this is a common feature in many countries, given the temporary nature of labour migration, the return of OFWs should be as closely monitored as their departure. The establishment of the National Reintegration Center for OFWs in 2007 could provide a good opportunity to develop further approaches to this area.

Even if inter-agency efforts to coordinate the collection and reporting of international migration statistics are provided for in section 20 of the Migrants Workers and Overseas Filipinos Act of 1995, it seems that more efforts need to be undertaken to strengthen this important issue.

Migration impact on development

Although the Philippines has been praised as a model of migration management, this pertains mainly to the country's success in securing labour markets for its nationals on one hand, and promoting and protecting the rights of Filipino Migrant Workers on the other. As to whether this approach has contributed to sustainable development is another story. In fact, it seems that the Philippines does not figure very prominently on the agenda when the discussion turns to the contributions of international migration to development.

To date, the development impact of labour migration from the Philippines has been seen mostly in terms of remittances. The Philippines ranks among the top recipients of remittances in the world, alongside India, Mexico and China. These inflows are generally seen as making an important contribution to the economy, especially during economic downturns. The share of remittances of GDP (average 13 %) points to the critical role of remittances in propping up the Philippine economy. Another obvious and direct impact is the contribution of remittances to the country's foreign reserves. In the absence of any significant foreign direct investments and in the face of modest Official Development Assistance, remittances are the primary source of foreign reserves for the country. The development impact of international migration is most noticeable at the level of families

and households where remittances have been shown to result in better housing, better educational opportunities, ownership of consumer durables, entrepreneurial initiatives and savings. Findings from other studies, however, suggest that remittance-receiving households tend to use remittances in unproductive ways and family members become dependent on remittances, in addition to concerns about growing inequalities between migrant and non-migrant households.

In line with this situation, existing programmes to enhance the development potentials of migration tend to focus on financial literacy activities, to provide OFWs and their families the necessary information to make sound decisions on the use of their remittances. While this is important, there are many other factors and many other windows of opportunities that the government could explore to reap the development potentials of migration. Another area that needs further consideration in this context, are the risks and threats to development that accompany migration. The so called 'social costs' of migration, can be considerable and if left unattended, may outweigh or blur the economic gains of overseas employment. Concerns over the negative impact on families and children left behind have received much attention. The extended separation of families is feared to erode the stability of the family unit and parent-child relationships. In addition, the participation of women in migration, especially mothers, has been met with much more alarm than male migration. Firstly, the concentration of women in domestic work and the 'entertainment' industry has brought about concerns about their safety and well-being. Secondly, concerns about the families left behind, especially young children, has triggered discussion on neglected children.

There is a large number of associations for Overseas Filipinos or 'diaspora organisations', most of which have been organised for other purposes than to promote or support development efforts back home; such as ethnic groups, alumni associations, sports clubs, professional organisations, faith-based organisations etc. Nevertheless, there seems to be a growing interest and willingness among these organisations to the idea of contributing to development objectives at home. In times of disaster, for example, migrants' associations have mobilised resources to relief efforts, while some migrants' organisations have supported projects in the Philippines on their own initiative, such as humanitarian projects. The Commission for Filipinos Overseas has instituted a programme to link overseas Filipino associations with Philippine institutions for encouraging local development. This programme, LINKAPIL (Link for Philippine Development) was launched in 1989 with the aim to facilitate various forms of assistance to disadvantaged sectors in their home communities. In addition, a number of initiatives of NGOs as well as the participation of the private sector remain very important in this domain.

In a country with such huge out-migration flows, it is not surprising that the 'brain drain' phenomenon, i.e. well-educated professionals permanently migrating from developing to industrialized countries, is also being discussed. This is a concern particularly in the health sector. Filipino nurses represent the largest category of health workers migrating, followed by midwives and doctors. Records show that the top three countries of destination for Filipino nurses during the past decade have been Saudi Arabia, the United States and the United Kingdom. Due to external demand trends, there has been a boom in Philippine nursing education.

Nurses and doctors leaving the country tend to be well-trained, skilled and experienced because of their specialisations. If a substantial number of migrants returned – at least

temporarily – to apply their acquired skills and experiences to Philippine health-care organisational settings, this would represent a great technical gain. The skills and knowledge transfer from the returning migrants to those who make up the current Philippine health-care workforce would be valuable in upgrading the technical framework of health-care services in the Philippines. The government should consider efforts on how to keep its skilled workers or how to establish circular migration schemes to revert the brain-drain phenomenon into ‘brain gain’.

5.2. Core government agencies responsible for migration issues

During the years, an extensive institutional framework has been established to govern mainly the labour migration and protection aspects of migration in the Philippines. There is a whole range of government agencies involved in this area, creating a somewhat complicated picture.

- The Bangko Sentral ng Pilipinas (BSP) *Philippines Central Bank* (www.bsp.gov.ph)

Sets policies aimed at facilitating remittance transfers through formal channels, is the main source of information on remittance inflows, has launched a financial literacy programme to promote the productive use of remittances.

- Bureau of Immigration (BI) (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) (www.cfo.gov.ph)

Tasked with the formulation of policies and measures concerning Filipinos Overseas; to develop programmes to promote the well-being of Filipinos Overseas; to maintain and nurture the ties between Filipinos Overseas and their homeland.

- Department of Foreign Affairs (DFA) (www.dfa.gov.ph)

The prime government agency responsible for the pursuit of the State's foreign policy, to protect the rights and promote the welfare of Filipinos Overseas and to mobilise them as partners in national development.

- Office of the Undersecretary for Migrant Workers' Affairs (under DFA)

Responsible for the provision and overall coordination of providing legal assistance to Overseas Filipino Workers and Overseas Filipinos in distress.

- Department of Labour and Employment (DOLE) (www.dole.gov.ph)

Mandated to promote gainful employment opportunities, protect workers' rights and welfare. Has established a network of Philippine Overseas Labour Offices (POLOs) in major destination countries or territories, staffed by labour attaches.

- National Labour Relations Commission (NLRC) (www.nlrc.dole.gov.ph)

Has jurisdiction over all claims arising out of employer-employee relationships or according to any law or contract involving Filipino workers for overseas deployment.

- 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.

- Overseas Workers Welfare Administration (OWWA) (www.owwa.gov.ph)

The lead government agency tasked to protect and promote the welfare of overseas Filipino workers and their families. As a welfare fund (generated from OWWA membership fees, which should be paid by all employers), OWWA strives to ensure fund build-up and viability.

- Philippine Overseas Employment Administration (POEA) (www.poea.gov.ph)

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.

- Technical Education and Skills Development Authority (TESDA) (www.tesda.gov.ph)

Formulates manpower and skills plans and sets appropriate skills standards and tests, coordinates and monitors manpower and skills policies and programmes, and provides policy guidelines for resource allocation to technical-vocational education and training institutions.

5.3. National legal instruments on migration management

To date, the Philippines has perhaps the most extensive institutional and legal framework governing the international migration of its people. For example, the country is the first sending country in Asia, to come up with a law for the specific purpose of protecting its migrant population, the Migrant Workers and Overseas Filipino Act of 1995. However, there are still many gaps between legislation and enforcement on the ground.

- Philippine Immigration Act of 1940
- Labour Code of the Philippines (with provisions on Overseas Employment), 1974
- Balikbayan Act of 1989, RA 6768
- Migrant Workers and Overseas Filipinos Act of 1995, RA 8042
- Philippine Citizenship Retention and Re-Acquisition Act of 2003, RA 9225
- Anti-Trafficking in Persons Act of 2003, RA 9208
- Absentee Voting Act of 2003, RA 9189

5.4. Key International Instruments on Migration ratified

- 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 trans-national crime
- 2000 UN protocol against the smuggling of migrants by land, sea and air, supplementing the UN Convention against trans-national organised crime
- ILO Convention 97 on Migration for Employment, 1949
- ILO Convention 143 on Migrant workers (supplementary provisions), 1975

5.5. Illegal migration

Although there is a strong legal framework in place to regulate labour migration, high levels of irregular or unauthorized migration have accompanied the rise of international migration in the Philippines. Policies and measures have been put in place to prevent irregular migration, specifically the illegal recruitment of migrant workers. In the Philippines, although stock estimates suggest that the irregular component is substantial, irregular migration is smaller compared to the population of legal migrants. The forms of irregular migration from the Philippines are varied. Overstaying, the use of a tourist visa to gain entry to a destination country, and documentation irregularities are common. The directions of the flows and the gender distribution of irregular migration are strikingly similar to those of legal migration, i.e. the countries of destination where legal Filipino migrants go are the same countries which attract irregular migrants. The practice to deal with illegal recruiters and 'fixers' is common, in order to avoid the hassles of complying with the different requirements.

In this context, it should be noted that border management functions are compounded by the country's geographical spread: the Philippines is an archipelagic country with over 7,000 islands and approximately 32,000 km coast line borders. Since entry into and exit from the Philippines can only be effected by ship or aircraft, border management agencies focus their efforts on monitoring the entry and exit of goods and persons at the country's international seaports and airports. Like in many other countries in today's globalised mobile and interconnected world, the Philippines face a number of challenges related to the management of its borders, such as illegal immigration, trafficking in persons and smuggling of migrants as well as goods.

5.6. Existence of human trafficking networks and policies to address trafficking with an emphasis on trafficking of women and children

Violence against women, child abuse and trafficking are exacerbated in the Philippines as a consequence of overall inequity and high poverty levels. Inefficiencies of the Philippine Justice System and budgetary constraints result in many offenders remaining at large and crimes unpunished. Precise figures of victims are difficult to estimate as many cases go unreported. According to the 2008 Joint Country Gender Assessment Report, access to

legal remedies and social assistance has improved with the passage of laws on VAWC since 2003, the establishment of women and children desks in police offices and barangays offices, and the presence of NGOs that assist women in crisis. This might explain that the number of reported cases by the police in 2008 was 3,549, more than four times the 2007 figure and much higher than the low number of 218 cases in 2004 when the law was passed; a fact largely attributed to increased awareness of the law.

The Philippines has been placed in the Tier 2 list of the US Trafficking Report for the past three years, but in June 2009, the country dropped a notch lower to Tier 2 Watch List. According to this report, the Philippines is considered an origin, transit and destination country for trafficking for commercial sexual exploitation and for forced labour. Internal trafficking seems to increase with women and children trafficked from poor farming communities in the Visayas and Mindanao to urban areas such as Manila and Cebu City, but also increasingly to cities in Mindanao, for commercial sexual exploitation or for forced labour as domestic servants or factory workers. This has been aggravated by the current financial crisis and the ongoing conflict in Mindanao, resulting in many displaced people who are in a vulnerable situation. According to UNICEF, the trafficking in children has emerged as a particularly growing concern as of late, including an increase in internal child trafficking from rural to urban areas. UNICEF estimates that trafficking incidents annually range from 60.000 to 100.000 (whilst NGOs estimates are higher from 300.000 to 400.000) with only 14 convictions. A trafficking case takes an average of 2-5 years to close. A significant number of Filipino overseas workers, although mainly voluntary, are oftentimes later coerced into exploitative conditions, including forced marriages.

Manila, as well as Davao and Cebu are the major centres for trafficking. Although there is an appropriate legal framework to address trafficking in place, the implementation is weak and the Inter-Agency Council Against Trafficking (IACAT), co-chaired by the Department of Social Welfare and Development and the Department of Justice and operational from the national down to the local government levels, is currently not receiving adequate budget allocations from the national budget.

Threats and violence against government agencies and officials involved in anti-trafficking issues are a concern, even in overseas embassies. In 2009, a DSWD attache in the Philippine Embassy in Malaysia, in charge of assisting trafficked victims was killed in the wake of an important court appearing against traffickers. Corruption, hesitance of victims to denounce traffickers for fears of reprisals against them or their families, and a prolonged judicial process are cited as key problem areas.

5.7. Presence of refugees, asylum seekers and internally displaced persons in the country

Refugees/asylum seekers

Refugee and asylum issues are not very prominent in the Philippines. After World War II the Philippine government granted asylum to refugees from Russia and to individuals of Jewish origin fleeing Nazi persecution. Following the Communist revolution in China in 1949, many Chinese citizens sought refuge in the country. The biggest influx was from the Indochinese boat people, mostly from Viet Nam since 1975. The government has assisted the "boat people" through refugee centers set up in Palawan (for asylum, est. 6.700) and Bataan (for transit, est. 17.400). This became the first grand scale recognition of asylum seekers in South East Asia. In 1990, the Philippine Regional Resettlement

Transit Centre became operational to assist other South East Asian countries (part of the ASEAN Common Action Plan).¹⁴

As of Jan 2009, the Philippines had 104 refugees and 89 asylum seekers. For those originating from the Philippines, there are an estimated 1.354 refugees and 910 seeking asylum worldwide.

In August 2009, the Philippines became a transit country for at risk refugees on their way to resettlement, under a new transit arrangement with the UNCHR and IOM. The government will provide a temporary haven for individual refugees in need of immediate international protection. The agreement aims to establish modalities for the transit and processing of refugees in the Philippines who risk being sent back to countries from which they have fled (refoulement) or who need to transit through another country, pending the processing of their cases and their subsequent resettlement in a third country. Under the agreement, IOM will provide transport to and within the Philippines for the refugees, as well as onward transport to resettlement countries. It will also provide medical screening on arrival and prior to departure, as well as cultural orientation to prepare them for their new lives in resettlement countries. The deal, signed by Philippines Foreign Affairs Secretary Alberto Romulo and senior representatives of IOM and UNHCR, is the first formal arrangement of its kind.

Internally displaced persons

Mindanao has experienced cycles of displacement over the past decades as a result of recurring conflict and natural disasters. Particularly in Central Mindanao, large-scale displacements took place in 2000 and 2003 as a result of the armed conflict between the government and the Moro Islamic Liberation Front (MILF). Other smaller-scale displacements have taken place, and continue to occur as a result of clan-related conflicts (*rido*), even as a ceasefire agreement between the government and the MILF resulted in relative stability between 2004 and 2008.

The Department of Social Welfare and Development (DSWD) data reveals that sporadic armed conflicts in Mindanao between 2000-2006 have brought about displacement of more than 1.8 million people. In August 2008, massive community displacements took place in several provinces in Mindanao following the outbreak of fierce fighting between the Armed Forces of the Philippines (AFP) and some elements of the MILF.

At the peak of the displacement in September 2008, the National Disaster Coordinating Council (NDCC) reported an estimated 107.224 families (or 511.000 persons) displaced by the fighting. DSWD, which heads the Government's Task Force on IDPs in Mindanao, reported in March 2009 a total of 210.000 IDPs inside and outside evacuation centres, following a government attempt to encourage return during the first two months of the year. However, without a ceasefire and with continued armed skirmishes and military presence in their communities, IDPs fled their communities once more starting April 2009 returning to evacuation centres or to host communities. By the end of August 2009, figures from DSWD on the number of IDPs ranged from 327.645 to 383.410

¹⁴ UNCHR, *Report, UN doc A/AC.96/751 (1990) and cited in The Status of refugees in Asia by Withit Mantāphōṇ and Vitit Muntarbhorn (1992).*

persons. It should be noted that it has been difficult to estimate an accurate total number of people displaced, due to the cyclical and mobile nature of the IDPs.

5.8. EC funded initiatives on migration issues

2007-2013

- *EC-UN Joint Initiative on Migration and Development/15 Mio € (DCI Thematic programme for asylum and migration); Philippines as one of the 16 pilot countries have received four sub-grants totalling around 1 Mio € as follows:*
 - *Enhancing the capacity of migrants as partners in economic development - This Project will build and enhance the capacity of overseas Filipino workers (OFWs) to plan and organize their eventual return (and reintegration), harness their skills and resources, and contribute to the development of the local economy in their home country. (Partners: Unlad Kabayan Migrant Services Foundation (UKMSF), Philippines; Migrant Forum Association (MFA), Philippines; and Commission for Filipino Migrant Workers (CFMW), Netherlands)*
 - *Maximizing the Gains and Minimizing the Social Cost of Overseas Migration in the Philippines - This Project will mobilize migrant organizations and hometown associations in maximizing the development potential of migration whilst minimizing its social cost on migrants and the families left behind. (Partners: Atikha Overseas Workers and Communities Initiatives, Inc., Philippines and Comitato Internazionale per lo Sviluppo dei Popoli (CISP), Italy)*
 - *MARIA 4 the MDGs: Harnessing the diaspora, local women's groups, rural banks and local government for rural development - The Project will contribute to the achievement of MDGs 1, 2, 3 and 8 in rural areas of the southern Philippines, by mobilizing local government units, local women's associations, rural banks and diaspora community organizations in multi-stakeholder partnerships for the realization of women-run social enterprises in 6 municipalities of 4 provinces. (Partners: Economic Resource Center for Overseas Filipinos (ERCOF), Philippines and COS Utrecht, Netherlands)*
 - *Developing Interventions to address Stress and Mental Health problems among Women Migrant Workers - The Project will identify evidence on the mental health issues and concerns of Filipino women migrant workers, thereby generating rights- and gender-based interventions at the Philippine governmental level to improve the general conditions of women migrant workers and prevent discrimination, abuse and violation of migrants' human rights in all phases of the migration cycle. (Partners: Action for Health Initiatives (ACHIEVE), Inc., Philippines and Vrije Universiteit - Metamedica/ Health Care and Culture (VU-MHCC), Netherlands)*
- *Migrants' Associations and Philippine Institutions for Development - MAPID/0.58 Mio €, implemented by Scalabrini Migration Center (AENEAS)*
- *Improving Knowledge of Remittance Corridors and Enhancing Development through Inter-Regional Dialogue and Pilot Projects in South-East Asia and Europe/0.84 Mio €, implemented by IOM (AENEAS)*

- Going back - Moving on: Economic and Social Empowerment of Migrants Including Victims of Trafficking Returned from the EU countries/1.7 Mio €; South-East Asia wide, implemented by IOM (DCI Thematic programme for asylum and migration).

Other activities, including dialogues on migration:

- Human Rights and Mainstreaming Strategy of the EC Delegation includes trafficking as one of the key priorities in the context of gender equality and children's rights protection;
- Dialogue between EU HOMS and GoP in 2006 (to be revived depending on interest from GoP and EU MS);
- Several meetings organised by the EC Delegation (Jun-Oct 2006) for the EUMS and GoP (DOLE, DOH, DSWD, DepEd, Bureau of Immigration) discussed social issues related to migration and problems surrounding trafficking, illegal migration and false documents. ILO and IOM participated in the meetings;
- Several meetings organised by the EC Delegation for Civil Society, including media, relating to the latest developments of the EU migration policy (2008-2009);
- Migration seminar organised in support of the PCA negotiations with the GoP (June 2009)

Prospects for the future

- EIDHR 2008 local call for proposals, will include support to justice issues including trafficking;
- The MIP 2011-2013 includes migration and anti-trafficking actions.

5.9. Other important migration actors within the country

The main actors involved in migration related activities, apart from the EC, in the Philippines are IOM, ILO, AusAid, the US and ASEAN. In the sphere of Civil Society, a huge number of organisations are involved in advocacy and support services for OFs and OFWs, as could be noted in the 2008 Global Forum for Migration and Development.