

REPUBLIC OF THE PHILIPPINES |
SECOND PROFILE 2022

MIGRATION
GOVERNANCE
INDICATORS



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OBJECTIVE

The MGIs aim to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.

MGI follow-up assessments identify the migration policy developments that have occurred since the countries' first MGI assessments, thus helping governments track their progress on national priorities as well as commitments taken at the regional and international levels.

The MGIs can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. They can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and sustainable development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as those aimed at ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGIs), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGIs help countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGIs recognize that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGIs do not rank countries on the design or implementation of their migration policies. Finally, the MGIs do not measure migration policy outcomes or institutional effectiveness. Instead, they take stock of the migration-related policies in place and operate as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

MGI follow-up assessments aim to show the progress that countries have made in their migration governance policies since their first MGI assessment. Concretely, this report presents a summary of the main changes and achievements that have taken place in the migration governance structures of the Republic of the Philippines (hereinafter referred to as the Philippines), since the first assessment in 2018,⁴ as well as the areas with potential for further development, as assessed by the MGIs.⁵

¹ IOM Council, 106th Session, Migration Governance Framework: The essential elements for facilitating orderly, safe, regular and responsible migration and mobility of people through planned and well-managed migration policies (C/106/40 of 4 November 2015), paragraph 2. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

² United Nations, Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1 of 21 October 2015), p. 21. Available at www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf.

³ IOM Council, Migration Governance Framework, paragraph 5(c).

⁴ The 2018 Migration Governance Profile for the Republic of the Philippines is available at www.migrationdataportal.org/overviews/mgi/philippines.

⁵ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

At the basis of

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

MGIs

WHAT THEY ARE



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7

Which support the measurement of

WHAT THEY ARE NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies.**"



KEY

FINDINGS

The MGIs consist of around 90 indicators grouped under the six different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 14

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. They also look at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 17

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 20

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 23

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 27

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY AND
REGULAR MIGRATION
PAGE 29

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.

SUMMARY OF UPDATES SINCE 2018

Migrants' rights (page 14)

Since the first MGI assessment in 2018, the Philippines has adopted the Social Security Act (2018), which sets out provisions for Filipino citizens: effect of separation from employment, effect of interruption of business or professional income, monthly pension, dependants' pension, retirement benefits, permanent disability benefits, funeral benefit, sickness benefit, maternity leave benefit and unemployment insurance, among other social security benefits. Long-term foreign residents, contributors to the Social Security System, and migrants from countries with which the Philippines has a portability agreement on social security can all benefit from these social security provisions.

In 2021, the Department of Labor and Employment (DOLE) issued Department Order No. 221, or the Revised Rules and Regulations for the Issuance of Employment Permits to Foreign Nationals. It provides that the employment of foreign nationals in the Philippines is dependent on the non-availability of Filipino citizens who are competent, able and willing to perform the services required for the job, unless the foreign national is qualified for exemption and/or exclusion from the Alien Employment Permit. The new rules contain provisions regarding employer participation in the labour market test, reduced grace period in file applications, and increased processing time and application fees, among other factors.

Whole-of-government approach (page 17)

The Department of Migrant Workers (DMW), a dedicated government agency for protecting the rights and promoting the welfare of overseas Filipino workers (OFWs), was established in December 2021 to oversee national policies in relation to overseas employment and reintegration, and for the training and upskilling of departing and returning OFWs. Seven pre-existing offices from different government agencies are being integrated into DMW to ensure that policies and programmes for migrant workers are streamlined and better coordinated.

Partnerships (page 20)

In 2018, the Philippines formalized an agreement with Israel to recruit and deploy caregivers and hotel workers under the Philippine–Israel bilateral labour agreement (BLA).⁶ In March 2022, the Philippines signed a labour agreement with Canada, and in April 2022, the Philippines entered into negotiations on two labour agreements with Germany.

As of July 2022, several BLAs are planned for review and negotiations, including with Canada, the Federated States of Micronesia, Morocco, Portugal, Romania, the Russian Federation, Saudi Arabia, Seychelles, Solomon Islands, Suriname, Switzerland, Thailand, Trinidad and Tobago, and Taiwan Province of the People's Republic of China, in addition to memorandums of agreement/memorandums of understanding on labour cooperation with the Federated States of Micronesia, Seychelles and Türkiye.

Since the previous evaluation in 2018, the Philippines has ratified the Association of Southeast Asian Nations (ASEAN) Framework Agreement on Services and the ASEAN Agreement on the Movement of Natural Persons.

Well-being of migrants (page 23)

In 2021, DOLE adopted the National Action Plan to Mainstream Fair and Ethical Recruitment, which applies to OFWs. The Action Plan aims to incentivize national recruitment agencies to strictly abide by a code of ethics, ensuring decent employment, fair recruitment fees and the prevention of contract violations.

⁶ More information is available at www.gov.il/en/departments/news/israel-and-philippines-to-sign-agreement-to-employ-one-thousand-filipinos-in-israeli-hotels.

Also, in 2021, DOLE, through the Overseas Workers Welfare Administration, adopted the National Action Plan on Sustainable, Gender-responsive Return and Reintegration. This aims at improving and aligning return and reintegration frameworks, policies, and programmes to protect the rights of migrants and improve service delivery.

In 2021, the Philippines developed a Philippine Qualifications Framework (PQF) for the recognition of foreign qualifications for some professions within the ASEAN. The PQF covers basic education, technical and vocational education, and higher education, and it describes and sets the levels for educational qualifications and qualification outcomes. It is designed to align with the ASEAN Qualifications Reference Framework.

As of October 2022, a Bill for the Overseas Filipino Workers Remittance Protection Act is pending legislative approval. If passed as a law, this would allow banks and non-bank financial intermediaries to impose fees for remittances subject to a 50 per cent discount. Banks and non-bank financial intermediaries offering remittance services would also be prohibited from raising their current remittance fees without prior consultation with the Department of Finance, the Bangko Sentral ng Pilipinas (Central Bank of the Philippines), and the Philippine Overseas Employment Administration (POEA, which will be integrated into DMW).

[Mobility dimension of crises \(page 27\)](#)

Since the first MGI assessment, the Department of Social Welfare and Development has implemented the Disaster Vulnerability Assessment and Profiling Project in 2018, and co-developed the IOM Philippines Crisis Response Plan in 2021, to respond to crises-related displacements.

[Safe, orderly and regular migration \(page 29\)](#)

With the adoption of Republic Act No. 11641, creating the DMW in 2021, the Philippines introduced new measures to facilitate the reintegration of returning migrants. The Act imposed a mandate on the Department to implement a Full Cycle National Implementation Programme, to cover “different dimensions of support for overseas foreign workers, including economic, social, psychosocial, gender responsive and cultural”.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. Migration governance: Examples of well-developed areas

The Department of Health (DOH) developed the National Policy on the Health of Migrants and Overseas Filipinos (2016), which provides the basis for the establishment of the Migrant Health Unit (MHU), under the Bureau of International Health Cooperation. The MHU plays a coordinating role for the overall Migrant Health Program. First, it acts as the Secretariat of DOH's Intra-Agency Task Force on Migrant Health (IATF-MH), which regularly convenes DOH bureaus and attached agencies to provide technical direction on migrant health-related issues. The MHU also acts as the Secretariat of the Philippine Migrant Health Network (PMHN), a multi-stakeholder network⁷ to discuss migrant health issues, mobilize resources, and develop and review research proposals for migrant health. Finally, it is the Secretariat of the Inter-Agency Medical Repatriation Assistance Program that acts as the central coordinating body for all mass repatriations, medical repatriations, and medical assistance for Filipinos abroad from different referring agencies and maintains the official database for medical repatriations. While the general mandate is inclusive of all migrants, current policies and programmes are more directed to overseas Filipino workers, regardless of their status, as stakeholders continue to explore measures to be more inclusive of migrants in general.

Migrant workers and residents have access to the Social Security System provided that they contribute to the social security fund or their country reciprocates the provision of social security benefits to overseas Filipinos. Under the Social Security Act of 2018, both migrants and Filipino citizens can access a variety of benefits in cases of separation from employment (credit from the previous employer contributions paid on their behalf), interruption of business or professional income (non-obligation to pay contributions for a month in the event of unemployment), as well as monthly pension, dependants' pension, retirement benefits, permanent disability benefits, funeral benefit, sickness benefit, maternity leave benefit and unemployment insurance.

The Philippines has agreements with several countries on the portability of social security benefits and entitlements: with Austria (1980), Belgium (2018), Canada (1997), Denmark (2012), France (1990), Germany (2018), Japan (2015), Luxembourg (2015), the Netherlands (2001), Norway (1989), Portugal (2017), Spain (1989, 1990 and 1991), Switzerland (2001), the United Kingdom (1989), the United States of America (1949; exchange of notes constituting an agreement in 1963, 1965 and 1967; and an agreement in 1976), and the Canadian State of Quebec (1996 and 2000).

Under the Overseas Voting Act of 2013, Filipino citizens living in another country can vote in national elections either by mail or in person at diplomatic missions. The Government also maintains the National Registry of Overseas Voters, which contains details of all the overseas registered voters and the respective posts where they are registered.

The Philippines continues to institutionalize its commitments to the protection of refugees and stateless persons. In February 2022, Executive Order No. 163 was implemented to create an Inter-Agency Committee on the Protection of Refugees, Stateless Persons and Asylum Seekers, which includes 19 government agencies. The Committee ensures the provision of relevant services and assistance to "persons of concern" (POCs).⁸ For example, upon recommendation of the Committee, the Professional Regulation Commission (PRC) allows POCs to take professional licensure examinations such as those for physicians, dentists, nurses and social workers.⁹

⁷ The PMHN is comprised of members of academia, civil society organizations, the private sector and international organizations.

⁸ *Persons of concern* (POCs) is the collective term used to designate refugees, stateless persons and asylum seekers, according to Section 1 of the Policy of Executive Order No. 163 of February 2022.

⁹ According to the PRC International Affairs Office, eight POCs were allowed to take professional licensure examinations as of July 2022.

1.2. Areas with potential for further development

While Filipinos are mandatorily covered under the Universal Health Care (UHC) Act (2019), foreign nationals, including POCs, have access to emergency Government-funded health services only if they take up voluntary membership in the national social health insurance benefits scheme of the Philippine Health Insurance Corporation (PhilHealth). Even if there is no legal basis for the coverage of foreign nationals under the UHC Act, the 2015 memorandum of understanding¹⁰ between PhilHealth and the Philippine Retirement Authority (PRA) allows some foreign nationals¹¹ to enrol under the Informal Economy member category to gain access to medical care. As such, not all foreign nationals are entitled to the comprehensive benefit packages (such as laboratory tests) that are available for Filipinos, except for migrant workers who are formally employed.

While migrants can access education through a Special Study Permit issued to all international students up to the age of 18 by the Bureau of Immigration, they do not have equal access to public education as Filipino citizens. There are no specific provisions for migrants in legislations regarding public education.

In 2021, the Department of Labor and Employment issued Department Order No. 221, or the Revised Rules and Regulations for the Issuance of Employment Permits to Foreign Nationals. It provides that employers must submit proof of publication of the job vacancy, together with a duly notarized affidavit stating that no application was received or no Filipino applicant was considered for the position. Migrants can have access to employment opportunities in the Philippines unless Filipino citizens who are “competent, able, and willing to perform the services” required for the job pre-arranged between the migrant and a Filipino private company are able to take them. Additionally, all migrants require an Alien Employment Permit in order to work in the Philippines, and they are unable to change jobs under the same permit. The new rules contain provisions regarding employer participation in the labour market test, reduced grace period in file applications, and increased processing time and application fees, among other factors.

Migrants in the Philippines can be self-employed under certain conditions. Migrants can open enterprises, provided they obtain a Special Visa for Employment Generation and create at least 10 jobs for Filipinos. However, according to the Eleventh Regular Foreign Investment Negative List of 2018, which has been adopted since the previous MGI assessment, and the 1987 Constitution of the Republic of the Philippines, there are business activities that are exclusive to Filipino citizens. Foreign citizens cannot take up self-employment in these sectors unless they partner with Filipinos who would be the majority shareholders.¹²

Not all temporary migrants are entitled to apply for an indefinite residence permit under equal conditions. According to the Philippine Immigration Act of 1940, migrants may apply for a permanent resident visa if they are married to a Filipino citizen or if they are from a country that has a reciprocity agreement with the Philippines. According to the Act Granting Permanent Resident Status, Other Rights and Privileges to Filipino Veterans of World War II Who Acquired American Citizenship under the United States Immigration Act of 1990 and Any Other Prior Acts for These Purposes (1994), Filipino veterans who have acquired American citizenship, their spouses and their unmarried children residing in a foreign country are also able to acquire a permanent resident visa.

¹⁰ The provisions of the memorandum were implemented on 1 July 2017, through PhilHealth Circular No. 2017-0003.

¹¹ Foreign nationals who are covered as per PhilHealth Circular No. 2017-0003 are the following: foreign retirees or former Filipino nationals registered with PRA and their qualified dependants, who are holders of a Special Resident Retiree's Visa (SRRV) and granted permanent residency status pursuant to Section 9(d) of Executive Order No. 1037 dated 4 July 1985; citizens of other countries working and/or residing in the Philippines; and holders of a valid Alien Certificate of Registration Identity Card (ACR I-Card).

¹² These sectors are mass media recording; practice of professions in the fields of pharmacy, radiology and X-ray technology, criminology, forestry, and law; retail trade enterprises with paid-up capital of less than USD 2,500,500; cooperatives; private security agencies; small-scale mining; use of marine resources in “archipelagic waters, territorial sea, and exclusive economic zone as well as small-scale utilization of natural resources in rivers, lakes, bays, and lagoons”; ownership, operation and management of cockpits; work relating to nuclear weapons; and manufacture of firecrackers and other pyrotechnic devices.

The Philippines does not have a specific strategy or policy for combating discrimination, racism or xenophobia against migrants. However, the Philippines' 1976 Presidential Decree, on Declaring Violations of the International Convention of the Elimination of all Forms of Racial Discrimination to be Criminal Offenses and Providing Penalties Therefor, criminalizes the dissemination of racist ideas, acts of violence based on hatred, and ethnic discrimination by individuals, organizations and public authorities. The Constitution states that "[n]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws". The Philippines also ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1981.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

Different national government agencies process and monitor the employment of foreign migrants in the country, depending on the industry and employment category. Joint Memorandum Circular No. 1 on Rules and Procedures Governing Foreign Nationals intending to Work in the Philippines (2019) harmonizes the regulations and authority to issue permits of nine agencies – namely, the Bureau of Immigration, the Bureau of Internal Revenue (BIR), the Department of Environment and Natural Resources, the Department of Finance, the Department of Foreign Affairs (DFA), the Department of Justice (DOJ), the Department of Labor and Employment (DOLE), the National Intelligence Coordinating Agency, and the Professional Regulation Commission (PRC). The Joint Memorandum defines the employment pathways for foreign migrants and establishes a technical working group comprised of representatives from government entities who are its signatories, to develop an inter-agency database system accessible to all members, with DOLE as the administrator. A joint inspection team, composed of the Bureau of Immigration, DOLE and BIR, was also created to conduct joint inspection of establishments employing foreign nationals to ensure compliance with labour, immigration and tax laws.

The Department of Migrant Workers (DMW) was established in 2021 to centralize the Government's efforts to protect the rights and promote the welfare of overseas Filipino workers (OFWs)¹³ as per Republic Act No. 11641 (2021). DMW is a dedicated government agency for protecting the rights and promoting the welfare of OFWs, overseeing national policies in relation to overseas employment and reintegration, and the training and upskilling of departing and returning OFWs. It also defines ethical recruitment for the first time as “the lawful hiring of workers in a fair and transparent manner that respects and protects their dignity and human rights”.¹⁴ Four government subagencies from DOLE, the Department of Social Welfare and Development, and the Overseas Workers Welfare Administration (OWWA) will be integrated into DMW – namely, the National Reintegration Center for Overseas Filipino Workers, the Office for Social Welfare Attaché, the Philippine Overseas Employment Administration (POEA) and the Philippine Overseas Labor Offices. DMW will have administrative supervision over the National Maritime Polytechnic, with OWWA as its attached agency. Meanwhile, specific overseas labour-related functions of DOLE's International Labor Affairs Bureau (ILAB)¹⁵ and the DFA's Office of the Undersecretary for Migrant Workers' Affairs will also be transferred to DMW.¹⁶

The Commission on Filipinos Overseas (CFO), under the Office of the President, coordinates efforts to engage with the diaspora population. The CFO aims “to promote and uphold the interests, rights and welfare of overseas Filipinos and strengthen their ties with the Motherland”. Its four primary functions include the following: (a) “Provide assistance ... in the formulation of policies and measures concerning or affecting Filipinos overseas; (b) Develop and implement programmes to promote the interest and well-being of Filipinos overseas; (c) Serve as a forum for preserving and enhancing the social, economic and cultural ties of Filipinos overseas with the motherland; and (d) Liaise on behalf of Filipinos overseas with appropriate government and private agencies in the transaction of business and similar ventures in the Philippines.” In 2020, the CFO developed the Overseas Filipinos–CFO Online Registration System to offer an online Pre-departure Orientation Seminar for migrating Filipinos, Filipino partners of foreign nationals, and former

¹³ The term *overseas Filipino worker* (OFW) is the official term for a Filipino citizen who works or has worked abroad. The term OFW was first referenced in Republic Act No. 8042, known as the Migrant Workers and Overseas Filipinos Act of 1995. The term was officially adopted in the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers.

¹⁴ This definition of *ethical recruitment* is according to Section 3 of the Department of Migrant Workers Act (2021).

¹⁵ Joint Circular No. 2 of 2022 between DMW and DOLE states that the International Relations and Cooperation Division (IRCD) of ILAB will remain with DOLE.

¹⁶ Originally, DOLE's ILAB and the DFA's Office of the Undersecretary for Migrant Workers' Affairs were to be subsumed. However, after interdepartmental discussions, it was decided that only specific functions of these subagencies related to overseas labour migration will be transferred to DMW.

Filipino citizens or dual nationals. The CFO also publishes statistical profiles on the number of registered Filipino emigrants up to 2019 on its website, disaggregated by country of destination, age, education prior to migration, sex, civil status, occupation prior to migration, and place of origin.¹⁷ Additionally, the CFO publishes statistical profiles of spouses and partners of foreign nationals, registered Filipino au pairs, and Filipino Exchange Visitor Program participants in the United States.

The Philippines adopted the Global Compact for Safe, Orderly and Regular Migration in 2018 and is committed to implementing its objectives, with a national focus on labour mobility, fair and ethical recruitment, and anti-slavery and anti-trafficking provisions.

The Philippines enhances vertical policy coherence through the Committee on Migration and Development (CMD), which was first established in 2010 and later restructured in 2013 as a special committee of the Regional Development Council that was created within the framework of the National Economic and Development Authority (NEDA). The CMD is responsible for coordinating the process of implementing overseas and internal migration policies and ensures that migration concerns are tackled and addressed at the regional and local levels. The CMD holds quarterly meetings and coordinates with local, regional and national actors to build synergies between various projects, activities and services. The CMD is present in major migrant-sending regions of the country and is composed of district representatives from relevant national government agencies, provincial CMD teams, and major stakeholders in the region such as state universities and colleges and civil society organizations. Two subcommittees were created in 2014: the Sub-committee on Internal Migration and the Sub-committee on International Migration and Development (SCIMD). The SCIMD, chaired by the DFA, coordinates the tackling of migration issues in the Philippines. Its members include the following: DFA, NEDA, DOLE, POEA and OWWA. The SCIMD coordinated with different government agencies to collect inputs and consolidate responses for its voluntary Global Compact review in October 2020. Furthermore, NEDA, as co-chair of SCIMD, consolidated the inputs of different government agencies for the updated voluntary Global Compact review in April 2022 for the landmark International Migration Review Forum. The SCIMD also developed the “Protecting the rights, promoting the welfare, and expanding opportunities for overseas Filipinos” chapter in the Philippine Development Plan (PDP) 2017–2022. This new chapter is largely based on the Global Compact for Migration and aims to improve overall migration governance in the country. It further establishes policy guidelines for the Philippines as a migrant-sending country that protects the rights and improves the well-being of overseas Filipinos as well as foreign nationals in the country.¹⁸

The Philippines regularly collects and publishes selected data on migration. Since 2019, DOLE, through the Bureau of Local Employment, has published annual reports on the Alien Employment Regulation programme. These reports contain disaggregated data (e.g. by nationality, sex, industry and occupational codes, and application types) of foreign nationals issued with Alien Employment Permits (AEPs) and related documents. Meanwhile, the Philippine Statistics Authority (PSA) publishes annual surveys on the population and socioeconomic characteristics of overseas Filipinos. To assist in policy and development planning, the Survey on Overseas Filipinos (SOF) estimates the total population of overseas Filipinos with data disaggregated by occupation, sex, region of origin, country of destination, and remittances. The SOF acts as a rider survey that complements PSA’s monthly Labor Force Survey. In 2018, PSA partnered with the University of the Philippines Population Institute to conduct the National Migration Survey (NMS), the country’s first nationwide survey on migration. The NMS provided baseline and in-depth information on the internal and international mobility of Filipinos. Multi-stakeholder consultations informed the survey objectives, the formulation of questions and the identification of eight data points for the survey: geographic, demographic, education, economic, migration experience, internal displacement, permanent international migration,

¹⁷ Data collection from 2020 onward has been hindered by the COVID-19 pandemic.

¹⁸ In 2019, the midterm update of the Philippine Development Plan (PDP) 2017–2022 added Chapter 21, a separate chapter on international migration and development to “ensure greater coherence and comprehensiveness in discussing issues, relevant indicators, and strategies for OFs [overseas Filipinos] while upholding the commitments under the Global Compact for Safe, Orderly, and Regular Migration” (see Chapter 4 on page 63 of the PDP).

and household. These Philippine migration statistics, and more migration data from other government agencies, are being harmonized by the Inter-Agency Committee on Migration Statistics under the PSA.

Pursuant to the Data Privacy Act (2012) and its Implementing Rules and Regulations (2016), government agencies that collect and process migration data such as the Bureau of Immigration, the CFO and DMW have data privacy notices on their respective websites for transparency on what data they are authorized to collect and how they manage the information.

2.2. Areas with potential for further development

The Philippines does not have a specific authority responsible for designing and coordinating the implementation of an overall migration policy. However, with the establishment of the new DMW, there will be a dedicated agency to coordinate all policy issues related to OFWs, incorporating all 23 objectives of the Global Compact for Migration and following the whole-of-government approach. Other migration-related policies are implemented by several government agencies as per their respective mandates. For example, DOJ is responsible for providing immigration and naturalization regulatory services, the Bureau of Immigration implements the laws governing citizenship and the admission and stay of migrants, the DFA formulates foreign policy and provides consular assistance and services, while DOLE creates labour policy concerning migrants. Finally, the PRC administers, implements, and enforces the regulatory laws and policies regarding the regulated professional services of migrants.

Though several laws regulate migration issues, the Philippines does not have a national migration policy or strategy. The Labor Code of the Philippines (2017) and the Migrant Workers and Overseas Filipinos Act (1995) regulate labour emigration in the Philippines, while the Immigration Act (1940) is the primary law for immigration. However, Chapter 21 of the PDP includes an overall framework and priority strategies to protect the rights, promote the welfare, and expand opportunities for OFWs.

The Philippines regularly collects data on OFWs but not on international migrants residing or working in the country. The PSA publishes data on the number of AEPs, although such data are not disaggregated or regularly updated in the public domain. The last published PSA data on AEPs were released in 2004. Every five years, the Census of Population and Housing (CPH) is conducted to collect data on the country's total population and nationwide population distribution. However, the 2015 and 2020 CPHs¹⁹ discontinued the collection of data regarding foreign migrants residing in the Philippines.

The Philippines does not collect or publish data on migration in a centralized manner. As mandated by the Migrant Workers and Overseas Filipinos Act, the DFA and DOLE submit biannual reports to the Philippine Congress, but these are not publicly available. The Shared Government Information System for Migration (SGISM), established under Executive Order No. 203 (2000), aims to centralize and harmonize the country's migration data. It is comprised of four member institutions of the executive branch: DFA, DOJ, DOLE and the Department of Tourism. However, the SGISM is still not operational as of October 2022. Having a standardized definition of *migrants* mainstreamed in legislative documents would help revive the operationalization efforts of the SGISM and be useful in aligning departmental operations involving migration issues and the development of a national migration policy.

¹⁹ The 2015 and 2020 Censuses did not include indicators of citizenship/nationality. The last census which did so was the 2010 CPH, which counted 177,365 (as of May 2010) foreign residents, comprising 0.2 per cent of the total household population. More information is available at <https://psa.gov.ph/content/foreign-citizens-philippines-results-2010-census>.



3

ENGAGES WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

The Philippines is a member of the Regional Consultative Process on Overseas Employment and Contractual Labor for Countries of Origin in Asia, also known as the Colombo Process. The country is also a member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, as well as the Abu Dhabi Dialogue, which focuses on developing labour mobility in Asia. Finally, the Philippines is a member of the Asia–Europe Meeting, a cooperative forum between the European Union and the Association of Southeast Asian Nations (ASEAN) to address political, economic and cultural issues in order to strengthen the relationship between the regions.

As an ASEAN member State, the Philippines implements the ASEAN Charter, which states that the ASEAN is designed “[t]o create a single market ... in which there is free flow of goods, services and investment; facilitated movement of business persons, professionals, talents and labour; and freer flow of capital”.^{20,21} The Philippines was also a partner of some projects on migration by international organizations conducted within the ASEAN region. These projects included government counterparts in their national project committees. The Government, the private sector and civil society organizations were engaged through annual meetings in a whole-of-society approach. In 2018, among many ASEAN partnerships, the Philippines supported the Guidelines on Consular Assistance by ASEAN Member States’ Missions in Third Countries to Nationals of Other ASEAN Member States. The Guidelines aim to offer consular assistance to nationals of any ASEAN member States where there is no diplomatic representation of their respective country or of other ASEAN member States.

The Philippines implements collaborative migration-related projects with international organizations. For example, the Bridging Recruitment to Reintegration in Migration Governance (BRIDGE) programme implemented by IOM, the International Labour Organization (ILO), and UN-Women – in collaboration with the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare Administration (OWWA), the National Reintegration Center for Overseas Filipino Workers, the National Economic and Development Authority, the Sub-committee on International Migration and Development, the local government and civil society organization (CSO) partners – aims to strengthen the implementation of the Global Compact for Safe, Orderly and Regular Migration in the Philippines. The project focuses on fair and ethical recruitment (Global Compact for Migration Objective 6), the dignified return and sustainable reintegration of migrants (Global Compact for Migration Objective 21), ensuring that gender-responsiveness is mainstreamed throughout the migration process, and including the vulnerable communities in the southernmost region of the Philippines, particularly in the Bangsamoro Autonomous Region in Muslim Mindanao.

The “Safe and Fair: Realizing women migrant workers’ rights and opportunities in the ASEAN region” programme was implemented by ILO and UN-Women, in collaboration with the national and local government as well as countries of destination for Filipino migrant workers. It aims to ensure that labour migration is safe and fair for all women in the ASEAN region by mainstreaming women’s voice and agency, rights-based approaches, and broad engagement of stakeholders. The programme is implemented at the national and local levels as well as with Philippine partners in destination countries such as Southeast Asia and the Middle East. A tripartite-plus National Project Advisory Committee (NPAC) chaired by OWWA and vice-chaired by the Philippine Commission on Women supervises the programme. Furthermore, the

²⁰ See Article 1 on “Purposes”, point 5, of the ASEAN Charter (2008).

²¹ These are Brunei Darussalam, Cambodia, Indonesia, the Lao People’s Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

Ship to Shore Rights South East Asia programme is an industry-specific initiative that promotes regular and safe labour migration and decent work for all migrant workers in the fishing and seafood processing sectors in South-East Asia through strengthened legal frameworks, protection of labour rights, and empowerment of migrant workers and their families. The programme is implemented by an NPAC co-chaired by DOLE and POEA, in partnership with ILO, IOM, the United Nations Development Programme and the European Union Delegation to the Philippines.

The Philippines has 52 bilateral migration treaties with other countries and five regional migration mobility agreements with other countries. The Philippines also has bilateral labour agreements with Jordan (2018), Kuwait (2018), Lebanon (2012), Saudi Arabia (2017) and the United Arab Emirates (2017), as well as agreements for the deployment and protection of domestic labour with China (2018), Taiwan Province of the People's Republic of China (2015), Germany (2013), Israel (2018), Japan (2017), the Republic of Korea (2017), and the Canadian provinces of Ontario (2022) and Yukon (2022).²² These agreements primarily focus on the emigration of migrant workers from the Philippines to countries with labour shortages. In 2022, the Philippines also signed labour agreements with Canada (March), Germany (June) and the United Kingdom (June). Furthermore, the Philippines has bilateral labour agreements planned for review and negotiations in 2022 with Canada, the Federated States of Micronesia, Morocco, Portugal, Romania, the Russian Federation, Saudi Arabia, Seychelles, Solomon Islands, Suriname, Switzerland, Thailand, Trinidad and Tobago, and Taiwan Province of the People's Republic of China, and memorandums of understanding on labour cooperation with the Federated States of Micronesia, Seychelles and Türkiye.

The Philippines engages with CSOs and the private sector, both formally and informally, in agenda-setting and the implementation of migration-related programmes. The Migrant Workers and Overseas Filipinos Act (1995) calls for engagement with CSOs and declares that they are part of the country's formal migration governance structure. Three of the six seats on the POEA Governing Board are allocated to civil society members: representatives of land-based workers, women and seafarers.²³ The Board also includes private-sector representatives. With a state policy of tripartism, the Government established sea-based and land-based tripartite councils in 2011 and 2013, respectively. The Overseas Land-based Tripartite Consultative Council (OLTCC), under POEA and composed of leaders from civil society and the recruitment industry, serves as a forum on labour migration governance. Meanwhile, the Maritime Industry Tripartite Council (MITC) under DOLE consults seafarers' groups, along with local and overseas shipping agencies, for the advancement of the Philippine maritime industry. Both Councils serve as advisory bodies to DOLE for programmes and policies that address the issues of their respective industries.

In 2019, the Center for Migrant Advocacy and the Migrant Forum in Asia organized the Philippine Civil Society Consultation on the Global Compact for Migration. The recommendations from this consultation were presented to the Philippine Government with the aim to enhance the comprehensive CSO-State strategy and activities on migration. Additionally, CSOs contributed to the Voluntary National Review of the Global Compact in 2022 through a multi-stakeholder consultation organized by the United Nations Network on Migration Philippines in partnership with the Department of Foreign Affairs (DFA). Meanwhile in 2020, the Inter-Agency Council Against Trafficking (IACAT) under the Department of Justice partnered with the Blas F. Ople Policy Center and Training Institute to develop the Council's first digital case management system. The Integrated Case Management System will be used by IACAT member agencies to strengthen the prosecution of human traffickers and optimize the delivery of assistance to the victims. The technology will also produce data on human trafficking that can serve as evidence for policy formulations. With regard to the private sector, Republic Act No. 11641 (2021) guides the need to engage the private sector in discussions on migration issues, including having private-sector representatives in the OLTCC and the MITC.

²² More information is available at <https://ils.dole.gov.ph/migration/2018-mig/a-review-of-bilateral-labor-agreements-concluded-by-the-philippines-with-countries-of-destination-toward-a-framework-for-monitoring-and-evaluation>.

²³ Section 20 of Republic Act No. 10022 provides the amendment that "the respective Boards of the POEA and the OWWA shall, in addition to their present composition, have three (3) members each who shall come from the women, sea-based and land-based sectors respectively, to be selected and nominated openly by the general membership of the sector being represented".

The Philippines engages members of its diaspora and expatriate communities in the development of migration policy. POEA's engagement with overseas Filipino workers (OFWs) is mostly facilitated through private recruitment agencies, which are required to monitor and regularly report on the workers they deploy. The DFA and the Commission on Filipinos Overseas (CFO) continue to be the main agencies engaging with Filipino diaspora communities. The Philippine Foreign Service Posts of the DFA initiate and undertake activities with the Filipino communities in their respective jurisdictions. The DFA also manages the OFW Help²⁴ social media page, the Philippine Government's first ever 24/7 social media helpline for overseas Filipinos. It caters to distressed overseas Filipinos, particularly undocumented or irregular workers, and their next of kin by receiving their messages and referring their cases to the Philippine embassy or consulate nearest to them. It conducts weekly OFW town hall meetings online to reach out to Filipino migrants, with the participation of Philippine government officials, embassies, and consulates and Filipino communities abroad. It also disseminates relevant information and updates concerning OFWs and Filipinos abroad in general. Meanwhile, the CFO has institutionalized its engagements with the Filipino diaspora through various programmes, such as *Lingkod sa Kapwa Pilipino* (LINKAPIL), established in 1989, and the BaLinkBayan Portal to provide various assistance from Filipinos or donors overseas, as well as to facilitate the engagement of overseas Filipinos and their families in development-oriented diaspora initiatives in the Philippines, and to provide business and investment opportunities. Additionally, the CFO holds the *Ugnayan* series of gatherings/meetings with Filipino community/organization leaders in various regions of the world to discuss means of cooperation for diaspora engagement.²⁵ It also has a biennial awards system, the Presidential Awards for Filipino Individuals and Organizations Overseas, which gives recognition to Filipinos and other individuals or organizations who contribute to Philippine development initiatives or promote the interest of overseas Filipino communities.

3.2. Areas with potential for further development

The partnerships of the Philippines with various organizations, both at the national and local levels, are ingrained in government operations but may not be formally documented or established through memorandums. Increased documentation and publication of joint programmes and partnerships of the Government with stakeholders on migration-related issues may stimulate more collaborations and increased awareness of migration issues.

²⁴ The OFW Help Facebook page is available at www.facebook.com/OFWHelpPH/.

²⁵ The last *Ugnayan* series was the *Ugnayan sa Kabataan sa Europe* (Youth in Europe) held online in December 2021. The pilot virtual *Ugnayan* served as an avenue to discuss issues as well as opportunities relating to overseas Filipinos, such as the increasing cases of human trafficking during the pandemic and offering encouragement for the overseas youth to reconnect with the Philippines and other Filipinos through philanthropic and cultural activities of the CFO.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The Philippines' labour protection mechanisms are gender-responsive and apply equally to both nationals and migrants. The creation of the Department of Labor and Employment's (DOLE) Gender and Development Focal Point and Technical Working Group mandates the Department to integrate gender concerns into the process of policy formulation. Meanwhile, the Migrant Workers and Overseas Filipinos Act (1995) establishes that "the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers". The Act provides the establishment of Migrant Workers and Other Overseas Filipinos Resource Centers (MWOFRCs) to be placed in Philippine embassies in countries where there are large concentrations of Filipino migrant workers. The MWOFRCs provide assistance to distressed overseas Filipinos, including legal services, welfare assistance and gender programmes for women migrant workers. In 2018, the Commission on Filipinos Overseas (CFO) was awarded by the Philippine Commission on Women for the GADtimpala²⁶ 2018 under the category of Outstanding Gender-Responsive Government Agency, in recognition of its significant contributions to gender equality and women's empowerment, especially in implementing gender-responsive programmes for Filipino emigrants, and in providing interventions and services for Filipinos overseas, especially those who are victims of human trafficking and gender-based violence.

The Philippines has formalized criteria for recognizing foreign qualifications for some professions within the Association of Southeast Asian Nations (ASEAN). In 2021, the Philippines developed the Philippine Qualifications Framework (PQF), which covers basic education, technical and vocational education, and higher education, and sets the levels for educational qualifications and qualification outcomes. The PQF is aligned with the ASEAN Qualifications Reference Framework (AQRf). The AQRf supports the recognition of qualifications and encourages the development of qualifications frameworks that can facilitate lifelong learning, promote education and learner mobility, and support worker mobility across ASEAN member States. The AQRf Referencing Report of the Philippines ascertains the demonstrable link between the qualification levels in the PQF and the AQRf and the basis in agreed standards of the qualification system. The PQF also aligns domestic qualification standards with the international qualifications framework, thereby enhancing the recognition of the value and comparability of Philippine qualifications and supporting the mobility of Filipino students, workers and professionals. Finally, the Philippines is also a member of ASEAN Mutual Recognition Arrangements, which facilitate the mobility of professionals within the ASEAN region through recognition of qualifications, experience obtained, requirements met, or licenses or certificates granted by relevant authorities in ASEAN member States for mutual recognition by other ASEAN member States.

The Philippines has developed measures that promote the ethical recruitment of Filipino migrant workers. Since 2017, the Philippine Government, through the Department of Foreign Affairs (DFA), has engaged with countries of destination for the protection of Filipino migrant workers. For instance, Bahrain issues a flexible visa, a work and residency permit valid for two years and which is renewable indefinitely. This allows Filipino migrant workers with irregular status, who meet certain conditions, to work and reside in Bahrain without a sponsor, in any non-professional job, on a full-time or part-time basis, and with more than one employer.²⁷ In addition, Republic Act No. 11641 (2021) specifically highlights the need for fair and transparent hiring of all workers.

²⁶ The GADtimpala aims to recognize deserving national government agencies for their outstanding achievement and performance in mainstreaming gender in the bureaucracy, upholding the rights of women, and effective implementation of gender-responsive programmes.

²⁷ The Philippines campaigns to reform the *kafala* system, a traditional sponsorship system in the Middle East that ties the rights and benefits of the migrant worker to the permission of the sponsor. A milestone in this initiative is the partnership of the Philippines and Bahrain for a flexible visa.

In November 2021, DOLE adopted the National Action Plan to Mainstream Fair and Ethical Recruitment, which applies to overseas Filipino workers (OFWs). The Action Plan aims to incentivize land-based national recruitment agencies in the Philippines to strictly abide by a code of ethics, ensuring decent employment and fair recruitment fees and preventing contract violations. The Plan is intended for the ethical recruitment of Filipino migrant workers seeking employment abroad. Some of its objectives include improving existing mechanisms for the reporting, monitoring and redress of migrant worker grievances; conducting an information, education and communication campaign for educating migrant workers; and implementing standards for fair and ethical recruitment.

Furthermore, in 2021, DOLE, through the Overseas Workers Welfare Administration, adopted the National Action Plan on Sustainable, Gender-responsive Return and Reintegration. The Plan aims at improving and aligning return and reintegration frameworks, policies, and programmes to promote and protect the rights of migrants and improve service delivery. Some of its objectives include developing a harmonized database of Filipino migrants at any stage of migration, utilizing updated reintegration frameworks and tools, strengthening the financial inclusion of migrant workers and their families, and building stronger vertical and horizontal coordination mechanisms across sectors.

The Philippines implements mechanisms to protect the rights of nationals working abroad. The Philippine Overseas Employment Administration (POEA) oversees the issuance of licences for recruitment agencies and the registration/accreditation of land-based and sea-based employers, ensuring their authenticity and safety for Filipino migrant workers. The Migrant Workers and Overseas Filipinos Act, as amended in 2010, aims 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 lists agencies in charge of promoting the welfare and protecting the rights of migrant workers and all overseas Filipinos. The Act was further amended in 2019 through Republic Act No. 11299, which provides for the establishment of the Office for Social Welfare Attaché (OSWA) under the Department of Social Welfare and Development and in Philippine diplomatic missions. The OSWA aims to deploy social welfare attachés in countries with considerable populations of OFWs, as co-determined with the DFA and DOLE. Social welfare attachés shall primarily manage cases of distressed overseas Filipinos and provide services and programmes to them and their families, such as psychosocial services, Assistance to Individuals in Crisis Situation, premarriage and marriage counselling services, referral services, sociocultural and capability-building activities, and repatriation and reintegration services. Embassies and consulates have their respective Assistance to Nationals (ATN) Units to address the issues and concerns of OFWs. These units work together with the Philippine Overseas Labor Offices (POLOs) and the OSWAs. Once the Department of Migrant Workers (DMW) is operational, the Migrant Workers Office of the Philippine Foreign Service Posts shall be the operating arm overseas of DMW. It will absorb all the powers and functions of the POLOs and the OSWAs and the ATN Units of Foreign Service Posts.

The country’s National Strategy for Financial Inclusion (NSFI) (2022–2028) now includes Filipino “migrant workers and their families” and “forcibly displaced persons” as target segments for financial inclusion.²⁸ The NSFI was created to strategize how all Filipinos, especially the vulnerable sectors, can have effective access to a wide range of financial services. The Financial Inclusion Steering Committee (FISC) was created to provide overall policy direction and strategic coordination to implement the NSFI. The CFO is a member of 2 out of 6 FISC thematic working groups that oversee the implementation of the NSFI: financial literacy and consumer protection, and risk protection and safety nets. In August 2022, the Philippine Space Agency, in partnership with the Bangko Sentral ng Pilipinas (BSP) and the Department of Science and Technology, test-deployed satellite technology to study the provision of Internet banking access in remote rural areas.

²⁸ The previous 2015 NSFI did not categorize migrants or displaced persons as vulnerable sectors.

In 2022, the Philippines amended two laws to stimulate foreign investments and liberalize foreign access to the public sector and to self-employment. Republic Act No. 11647, which amended the Foreign Investments Act of 1991 to attract foreign investments, now allows foreign nationals to own small/medium enterprises with a minimum capital of USD 100,000 subject to conditions.²⁹ Meanwhile, Republic Act No. 11659 amended the Public Service Act to allow 100 per cent foreign ownership of public services in the country.

In June 2022, the Solo Parents Welfare Act (2021) was expanded through Republic Act No. 11861 for enhanced government benefits for solo parents, including families of OFWs. The legal definition of *solo parent* now includes spouses or any family member/legal guardian of an OFW who is in the low- to semi-skilled category and is overseas for an unbroken period of 12 months. The various benefits available are monthly cash subsidy, discount and tax exemption on the purchase of nutritional and sanitary items for the child, automatic premium coverage under PhilHealth's National Health Insurance Program, and prioritization in poverty-alleviation programmes such as scholarships, livelihood training and low-cost housing.

4.2. Areas with potential for further development

The Philippines does not have a national assessment monitoring the labour market demand for migrants or monitoring the effects of emigrants on the domestic labour market. The Philippine Statistics Authority conducts a monthly Labor Force Survey, which collects data on labour force participation rates, employment rates, underemployment rates and unemployment rates, disaggregated by age group, region, sex, class, occupation, hours worked and industry group of respondents. However, the data are not disaggregated by migratory status. As a development, DOLE along with co-lead countries Viet Nam and Indonesia, in collaboration with the International Labour Organization and GIZ-RECOTVET,³⁰ provided training on Strengthening Labor Market Information Systems in ASEAN member States as a basis for better skills and employment policies, from May to June 2022.

The Philippines does not have different types of work visas to attract specific labour skills. As stated in the Philippine Immigration Act of 1940, there is a special visa category for immigrants with extraordinary professional skills or qualifications (quota immigrant visas), but the Act does not define the qualifications or labour skills required. Migrants must request a Special Temporary Permit from the Professional Regulation Commission (PRC) and an Alien Employment Permit (AEP) from DOLE in order to apply for a visa from the Bureau of Immigration. Since the last assessment in 2018, DOLE has published Joint Memorandum Circular No. 1 of 2019, which states that “all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law”.

International students are charged higher fees than nationals, and there are quotas imposed for international students in medicine and dentistry courses. Additionally, only schools (pre-tertiary) and tertiary institutions co-accredited by the Bureau of Immigration, in collaboration with the Department of Education and the Commission on Higher Education respectively, can accept international students. International students are also not able to work during the course of university study or after graduation. To practice their respective professions, foreign nationals must apply for a Special Temporary Permit, issued by PRC pursuant to Republic Act No. 8981 (PRC Modernization Act of 2000) and professional regulatory laws. A migrant with a student visa cannot apply for an AEP during the course of their education.

²⁹ According to Section 7, as amended, the conditions are as follows: (a) They involve advanced technology as determined by the Department of Science and Technology (DOST). (b) They are endorsed as start-ups or start-up enablers by the lead host agency pursuant to Republic Act No. 11337 or the Innovative Startup Act (such as DOST, the Department of Trade and Industry, and the Department of Information and Communications Technology, among others). And (c) majority of their direct employees are Filipinos, but in no case shall the number of Filipino employees be less than 15.

³⁰ GIZ-RECOTVET stands for Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH – Regional Cooperation for the Development of Technical and Vocational Education and Training.

The Bill for the Overseas Filipino Workers Remittance Protection Act of 2020, pending adoption as of July 2022, states that banks and non-bank financial intermediaries may impose fees for remittances subject to a 50 per cent discount. The Bill also prohibits banks and non-bank financial intermediaries offering remittance services from raising their current remittance fees without prior consultation with the Department of Finance, BSP and POEA.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The National Disaster Risk Reduction and Management Council (NDRRMC) oversees disaster management. In 2011, the NDRRMC developed the National Disaster Risk Reduction and Management Plan (NDRRMP) (2011–2028), a comprehensive framework for disaster governance that includes contingency plans for different disaster scenarios at all levels of the Government, including the management of displacement impacts of disasters. The updated NDRRMP 2020–2030 establishes linkages between disaster risk reduction and management, climate change adaptation, and human security by focusing on climate and disaster risks. Furthermore, the Philippine Development Plan (PDP) 2017–2022 acknowledges displacement as a challenge and stresses the need to protect and develop communities in conflict-affected and conflict-vulnerable areas. It aims to harmonize government programmes and initiatives relating to internal armed conflict and seeks to protect the rights and promote the interests of vulnerable groups (including women, indigenous peoples, children, the elderly and internally displaced persons (IDPs)). Meanwhile, the National Disaster Response Plan (NDRP) was established in 2014 as the country’s “multi-hazard” response plan. Between 2017 and 2019, the NDRP was updated and expanded into three specific iterations – namely, one for hydrometeorological (hydromet) hazards, one for earthquakes and tsunamis, and one for terrorism-related incidents. The NDRPs state that authorities are mandated to make available safe, secure and accessible evacuation centres for emergencies and disasters; ensure the listing and profiling of affected families and IDPs in evacuation centres or temporary displacement sites; and guarantee the provision of basic humanitarian needs and medical services for displaced persons.

The Philippines has strategies in place for addressing migration linked to environmental degradation and the adverse effects of climate change. The National Climate Change Action Plan (NCCAP) 2011–2028 contains contingency plans that foresee large-scale population movements, resulting from wars or other conflicts, or environmental crises. The NCCAP aims to ensure that “[climate change]-adaptive human settlements and services [are] developed, promoted and adopted” through the defining and allocation of “[a]daptive and secured settlement areas for vulnerable communities and climate-refugees”, and to “increase awareness on climate and disaster risks reduction and population management to avoid conflicts in case of resettlement and climate refugees”.

In 2018, the Department of Social Welfare and Development (DSWD), in partnership with IOM, launched the pilot Disaster Vulnerability Assessment and Profiling Project to develop a reliable database for the efficient and immediate distribution of assistance. DSWD identified isolated and hazard-prone areas in northern Luzon and produced a comprehensive database covering persons therein that are vulnerable to disaster displacement. Profiled families were given a Comprehensive Assistance for Disaster Response and Early Recovery Services (CARES) card for the immediate and effective distribution of assistance in times of disasters. DSWD also supported IOM in developing its Philippines Crisis Response Plan in 2021, as co-leads of the Camp Coordination and Camp Management Cluster. DSWD actively partners with IOM for capacity-building with regard to emergency response and preparedness.

The Philippines has measures in place to assist nationals living abroad in times of crises. The Department of Foreign Affairs (DFA) through its Assistance to Nationals (ATN) Units and DSWD through its Offices for Social Welfare Attaché provide assistance to overseas Filipino workers (OFWs), such as emergency replacement of travel documents and providing advice and support to citizens who are experiencing persecution or imprisonment in the country of destination. The ATN Fund can be used for repatriation, immigration and medical assistance, while the Legal Assistance Fund is for legal retainers and other court-

related fees. The Migrant Workers and Overseas Filipinos Act (1995) states that it is the responsibility of the State to “undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made”. The Department of Migrant Workers Act (2021) reiterated this mandate to “[p]rovide prompt and appropriate response to global emergencies or crisis situations affecting OFWs, and members of their families” and established a new source of funding through the *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON)*³¹ Fund to “provide legal and other forms of assistance to OFWs”. In 2017, 10 national government agencies entered into a Joint Memorandum Circular (JMC) on the Integrated Policy Guidelines and Procedures in the Conduct of Medical Repatriation of Overseas Filipinos – namely, the Department of Health, the DFA’s Office of the Undersecretary for Migrant Workers’ Affairs, the Department of Labor and Employment, the Overseas Workers Welfare Administration (OWWA), the Philippine Overseas Employment Administration, the Department of the Interior and Local Government, the Philippine Charity Sweepstakes Office, the Manila International Airport Authority, PhilHealth and DSWD. The JMC strengthened inter-agency coordination and harmonized the agencies’ policies and processes for medical repatriation cases of Filipinos abroad. The Government offers the Medical Repatriation Assistance Package to overseas Filipinos who need to be transported back to the country for further medical care and attention.

5.2. Areas with potential for further development

There are no specific strategies to assist migrants before, during and post crisis in the country. However, Chapter 21 of the PDP includes provisions to ensure the successful socioeconomic reintegration of overseas Filipinos and their families. During the COVID-19 pandemic, the Philippine Government facilitated the repatriation of and provided reintegration programmes and services to returning OFWs. Through the DFA, the Government facilitated the repatriation of 454,796 overseas Filipinos as of end 2021. Aside from the repatriation of Filipinos, the Government also extended this service to locally stranded foreign nationals through its “sweeper flights”. Meanwhile, OWWA provides reintegration programmes to assist returning OFWs. This includes value formation training, job referrals and livelihood support/assistance, among others.

The Philippines has communication systems in place to receive information on the evolving nature of crises and on how to access assistance. However, as stipulated in the Free Mobile Disaster Alerts Act (2014), the mobile alerts are focused on the protection of nationals only. A technical limitation of the mobile alerts is that it is sent only to and by Philippine telecommunications providers.

The Philippines implements exceptional measures regarding immigration procedures for refugees and stateless persons. For instance, in 2021, the Philippines adopted the Revised Rules and Regulations for the Issuance of Employment Permits to Foreign Nationals, which states that refugees and stateless persons do not need to obtain an Alien Employment Permit to access employment.

³¹ This is translated as “Urgent Care and Assistance for OFWs in Need” Fund. See Section 14 of Republic Act No. 11641, also known as the Department of Migrant Workers Act (2021).



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

The Bureau of Immigration is responsible for enacting immigration policy and assists local and international law enforcement agencies in ensuring national security, acting as the primary immigration enforcement arm of the Department of Justice (DOJ) and the President of the Philippines. The Bureau of Immigration, through its Border Control Cluster, is in charge of integrated border control and security at airports and maritime ports. The Border Control Cluster runs a centralized Border Control Information System that processes arriving and departing passengers and matches the data with the Bureau of Immigration's list of departures, blacklists and watch list orders. The Bureau of Immigration produces an annual report that records the approximate population and location of foreign residents and monitors visa overstays by requiring registered migrants in the country to report in person at a designated Bureau of Immigration office within the first 60 days of every calendar year. Failure to comply with the rules can result in an administrative fine or prosecution, with a punishment of fine or imprisonment, or both. Information pertaining to visa options and application processes is easily accessible on the websites of the Bureau of Immigration and the Department of Foreign Affairs (DFA) and is available in English, the primary language of most foreign visitors to the country. As of October 2022, the Bureau of Immigration and the Inter-Agency Council Against Trafficking (IACAT) are revising DOJ Memorandum Circular No. 036 (2015) or the Revised Guidelines on Departure Formalities for International-Bound Passengers for effective updates.

The Philippines has measures in place to assist the return and reintegration of its nationals who have emigrated. The National Reintegration Center for Overseas Filipino Workers provides loans, counselling, training and retraining, and scholarships to returning Filipinos. It also offers programmes such as self-employment hand-holding and funding, skills development, and a Livelihood Development Assistance Program that provides grants for livelihood assistance to returning Filipinos in specific industries. The Overseas Workers Welfare Administration (OWWA) also offers reintegration programmes, which involve financial literacy seminars, loan facilities, training components through OWWA's scholarship benefits, and counselling. Furthermore, in 2020, the country institutionalized the *Balik Probinsya, Bagong Pag-asa* (BP2) Program³² through Executive Order No. 114 (2020) to facilitate the domestic return and reintegration of indigent Filipinos to their respective provinces. The Government aims to provide immediate and medium-term assistance packages to distressed nationals, mostly in the National Capital Region, to voluntarily return to their provinces of origin. More so, the BP2 aims to be a continuing strategy to develop low-income districts for sustainable urban and rural development. To ensure the whole-of-government implementation of the BP2, a *Balik Probinsya, Bagong Pag-asa* Council was created, and it is composed of 22 national government agencies and a regional development authority.³³ Meanwhile in 2022, the Department of Migrant Workers established the One Repatriation Command Center (ORCC), a unified office to process the repatriation and welfare requests of distressed overseas Filipino workers (OFWs). With the ORCC, distressed OFWs who request to be repatriated and their concerned families in the Philippines need only to approach a single government authority to process their case. The ORCC centralizes the Government's repatriation efforts and procedures in order to repatriate distressed OFWs more efficiently.

The Philippine Development Plan (PDP) 2017–2022 has strategies to protect the rights of and expand opportunities for Filipinos abroad to contribute to the country's development. Chapter 21 of the PDP focuses on the role of international migration in the economic and social dynamics of the Philippines. It aims to facilitate migrants' reintegration into Philippine society, strengthen the engagement of overseas

³² This can be literally translated as "Return to the Province, Renewed Hope".

³³ More information is available at <https://bp2.nha.gov.ph/>.

Filipinos in governance and improve the well-being of foreign nationals in the country. In line with this, the Bridging Recruitment to Reintegration in Migration Governance (BRIDGE) and Safe and Fair programmes are supporting the development of the OFW Reintegration Advisor and Referral Pathways, which will serve as a common tool to help guide and direct OFWs and their families in getting migration information and accessing services based on their reintegration needs. The referral pathways for OFWs, returnees, repatriates, retirees and families include employment, skills development, enterprise investment, assistance to victims of trafficking/abuse, retirement and remigration.

The Philippines expanded and strengthened its Anti-Trafficking in Persons Act through Republic Act No. 11862 (2022), which empowers authorities to address the Internet and digital aspects of human trafficking. The key provisions include the accountability of Internet and financial intermediaries that knowingly or by gross negligence allow their technological infrastructures, platforms and services to be used for promoting trafficking. Furthermore, to support the immediate reporting of trafficking cases, the recognized complainants are expanded to include social workers, representatives of concerned government agencies, and a collection of private citizens.³⁴ IACAT is the Government's central coordinating body in charge of enforcing and monitoring the implementation of the Anti-Trafficking in Persons Act.³⁵ The National Strategic Action Plan against Trafficking in Persons for 2017–2021, developed by IACAT, aims to protect victims of trafficking and impose heavy penalties for convicted offenders. As part of IACAT, the DFA pursues cases of trafficking in persons and human rights violations involving OFWs. For example, the Philippines and Kuwait convened, for the first time in 2020, a Joint Committee Meeting to discuss a bilateral agreement for the protection of Filipino domestic workers. In 2021, the DFA brought back to the country 110 trafficked Filipinos and assisted them in filing criminal complaints against the traffickers both in the Philippines and abroad. As of October 2022, IACAT is in the process of developing its Fourth National Strategic Action Plan for 2023–2027. Part of the development are a series of consultations with the migrant workers sector, particularly on the effects of migration on education, increased access to and quality of reintegration services, and incentives for ethical recruiters. Additionally, in 2019, the Philippines and the United Arab Emirates signed a Memorandum of Understanding on Cooperation in Combating Human Trafficking to implement concerted efforts for the prevention of human trafficking and appropriate response to both victims and traffickers.³⁶

Measures in place to combat labour exploitation are applicable to all workers, including migrant workers. The Labor Code of the Philippines (2017) includes rules regarding the protection of the rights of employees, tackling topics such as wages, work hours and the employment of minors. To ensure the Labor Code's implementation, the Department of Labor and Employment (DOLE) has a 24/7 hotline or, as an alternative, an online query form. Furthermore, DOLE implements the Labor Inspection Program to enforce the Labor Code in workplaces through inspections covering all private workplaces. The Philippine Overseas Employment Administration also has an Anti-Illegal Recruitment Branch, which is in charge of investigating and prosecuting cases of illegal recruitment.

The Philippines has policies and procedures in place for the timely identification of migrants in vulnerable situations and to provide them with adequate referral and protection services. The Anti-Trafficking in Persons Act lays out several measures and policies for the referral and protection of victims, such as counselling, emergency shelter and easy access to free legal services. It states that “trafficked persons in the Philippines who are nationals of a foreign country” are entitled to appropriate protection and assistance under the Act, as long as they shall be permitted to stay in the Philippines “for a length of time prescribed by the Council as necessary to effect the prosecution of offenders”. The Commission on Filipinos Overseas conducts

³⁴ In the original Anti-Trafficking in Persons Act of 2003, only a “person who has personal knowledge of the commission of any offense under this Act, the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking”.

³⁵ For seven consecutive years, IACAT maintained its Tier 1 ranking in the United States' Trafficking in Persons Report. The ranking means that minimum serious and sustained efforts to address trafficking have been met under the United States Trafficking Victims Protection Act of 2000.

³⁶ More information is available at www.un.int/philippines/activities/philippines-and-united-arab-emirates-sign-agreement-fight-human-trafficking.

pre-departure services and other welfare programmes for emigrants and Filipinos overseas, including providing information on topics such as the registration of emigrants and Philippine schools overseas, guidance and counselling programmes, and country familiarization seminars.

6.2. Areas with potential for further development

The Philippines does not have a policy or a strategy to ensure that migrant detention³⁷ is used only as a measure of last resort. According to the Immigration Act (1940), arriving foreign nationals who are assessed to be ineligible to enter the country shall be detained, followed by an examination of a Board of Special Inquiry. The Act does not mention the detention of children, separation of family units or special provisions based on gender, age, pregnancy, disability, sexual orientation and gender identity. However, policy issuances by DOJ provide for alternatives to detention in the case of refugees and asylum seekers.

The Philippines actively supports the pre-departure medical requirements of OFWs but can enhance the post-arrival medical assistance or screening of returning OFWs as part of return and reintegration efforts. For instance, it supports the establishment of health facilities to serve as Medical Facility for OFWs and Seafarers, providing pre-employment medical examination. To further strengthen health monitoring among migrants, especially for returning land-based workers, the provision of post-employment/post-arrival medical examination can also be explored and enhanced in existing facilities. These health assessments, both pre- and post-departure, provide an opportunity to promote migrants' health, disease prevention and curative interventions to avoid negative impacts on migrants' health and public health.

IACAT has robust data collection and management on Filipino victims of trafficking, but there is no or insufficient data on foreign nationals that were trafficked to or across the Philippines.

Senate Bill No. 1151, or the Anti-Smuggling of Migrants Act (2016), is not yet passed into law as of October 2022 due to the interpretation of certain provisions and terminologies as related to anti-trafficking laws. However, as stated in the Explanatory Note of the Bill, the United Nations Office on Drugs and Crime (UNODC) differentiates the definitions and realities of human trafficking and migrant smuggling.³⁸

The Bureau of Immigration's training on Courtesy, Accountability, Responsibility, Efficiency and Service was originally launched as a continuous training scheme in 2014 but has been converted to onboarding training. Under the scheme, officers are trained to provide assistance and access to remedies to migrants, and improve the enforcement of anti-illegal recruitment, while protecting the victims of crimes such as human trafficking. Also, the Bureau's annual report, which contains the primary data on foreign residents, does not collect welfare information or other data points that can provide an overview of the well-being of foreigners in the country.

³⁷ *Detention* refers to the process of temporarily holding the foreign national in dedicated detention facilities before deportation.

³⁸ According to the UNODC definition, human trafficking involves the recruitment, movement or harbouring of people for the purpose of exploitation. In contrast to human trafficking, which can take place both domestically and internationally, migrant smuggling is a crime that takes place only across borders. It consists in assisting migrants to enter or stay in a country illegally, for financial or material gain. More information is available at www.unodc.org/unodc/en/human-trafficking/index.html.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This annex summarizes key national COVID-19 policy responses in the Philippines from a migration governance perspective. It is based on 13 questions that were added to the standard Migration Governance Indicators (MGIs) assessment in the country in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



Migrants contributing to the PhilHealth insurance scheme have access to health-care services related to COVID-19 on the same level as nationals.¹ PhilHealth access was extended for more severe cases requiring hospitalization, and benefits including the speedy disbursement of funds upon hospitalization have been extended to all migrants with cover.² Walk-in vaccinations are provided by local government units to everyone in the country, regardless of nationality.



Fiscal and social security measures offered by the Government in the context of COVID-19 are available to migrants that reside in the Philippines under the same conditions as nationals. The *Bayanihan* Acts I and II (2020), two stimulus packages, provided financial support to companies and households.³ The Corporate Recovery and Tax Incentives for Enterprises Act (2021) reduced the corporate income tax rate for non-resident foreign corporations and large corporations as well as for small and medium-sized enterprises.^{4,5}



The Bureau of Immigration suspended the imposition of Order to Leave upon foreigners who are overstaying beyond the maximum allowable period, subject to applicable immigration fees and penalties upon departure or regularization of stay.⁶ The Bureau of Immigration granted six-month grace periods for migrants with expired visas in order for them to process their visa renewal or extension without penalty.^{7,8}



The Bureau of Immigration implemented sanitary and social distancing measures at the Bicutan Detention Center for irregular migrants facing deportation, to reduce the risk of outbreak among detainees and guards. The facility also underwent rigorous cleaning and disinfecting.⁹

¹ PhilHealth, PhilHealth expands coverage to foreign nationals. 7 June 2017. Available at www.philhealth.gov.ph/news/2017/expands_coverage.html.

² PhilHealth, COVID-19. Available at www.philhealth.gov.ph/covid/.

³ Government of the Republic of the Philippines, Republic Act No. 11494, An Act Providing for COVID-19 Response and Recovery Interventions and Providing Mechanisms to Accelerate the Recovery and Bolster the Resiliency of the Philippine Economy, Providing Funds Therefor, and for Other Purposes (2020). Available at www.officialgazette.gov.ph/downloads/2020/09sep/20200911-RA-11494-RRD.pdf.

⁴ TaxReform, Package 2: Corporate Recovery and Tax Incentives for Enterprises (CREATE) Act (2021). Available at <https://taxreform.dof.gov.ph/tax-reform-packages/p2-corporate-recovery-and-tax-incentives-for-enterprises-act/>.

⁵ International Monetary Fund, Policy responses to COVID-19 – Philippines. Available at www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#P.

⁶ Republic of the Philippines, Bureau of Immigration, Press release – BI suspends “Order to Leave” of overstaying foreigners during the COVID-19 pandemic. 12 September 2021. Available at https://immigration.gov.ph/images/News/2021_Yr/09_Sep/2021Sep12_Press.pdf.

⁷ Republic of the Philippines, Bureau of Immigration, Operations Order No. JHM-2021-002 (2021). Available at https://immigration.gov.ph/images/OPERATIONSORDER/2021_Yr/07_Jul/JHM-2021-002.pdf.

⁸ Republic of the Philippines, Bureau of Immigration, Operations Order No. JHM-2021-005 (2021). Available at https://immigration.gov.ph/images/Issuances/2022/03_Mar/18/JHM-2021-005_OpOrd.pdf.

⁹ Republic of the Philippines, Bureau of Immigration, Press release – BI to decongest alien detention center during COVID-19 outbreak. 22 April 2020. Available at https://immigration.gov.ph/images/News/2020_Yr/04_Apr/2020Apr22_Press.pdf.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



Information related to COVID-19 published by the Bureau of Immigration, the Department of Labor and Employment (DOLE) and the Department of Health is available in English, Filipino and certain local languages at the grass-roots level.



The Department of Foreign Affairs (DFA), through its Foreign Service Posts, provided services to nationals abroad using the Assistance to Nationals (ATN) Fund and the augmented ATN Fund under Republic Act No. 11494 or the *Bayanihan* to Recover as One Act.¹⁰ The funds were used for the provision of emergency supplies, medicine, food, accommodation and repatriation-related expenses to Filipinos abroad affected by COVID-19.



The Philippines collected data pertaining to the number of COVID-19 cases and deaths among overseas Filipinos until October 2021. The data were disaggregated on a continental basis, but they were not published publicly. Migratory status was also captured as a separate variable in data collection related to other key COVID-19 health statistics. These data were collected and reported through established mechanisms in the National International Health Regulations under the Epidemiology Bureau of the Department of Health and the DFA Foreign Service Posts. The data were available on the DFA's website and social media page (from 24 March 2020 until 28 February 2022).¹¹ In addition, PhilHealth provides COVID-19-related statistics to its stakeholders upon request.



Since the start of the pandemic in 2020, the Philippine Government has repatriated 3,477,214 (as of 13 June 2022) nationals. Most of them come from the Middle East, where there are large concentrations of overseas Filipino workers (OFWs), such as in Saudi Arabia and the United Arab Emirates. As of 14 June 2022, the DFA facilitated the repatriation of 460,838 Filipinos (354,836 land-based workers and 106,002 sea-based workers) and has mounted 113 chartered flights bringing back 31,130 repatriates mostly from the Middle East. DOLE instituted the DOLE-AKAP plan, which facilitates the repatriation and reintegration of affected OFWs. These measures include loan programmes to provide working capital for start-ups, scholarship programmes for reskilling or upskilling, and financial literacy trainings. For the studying dependants of affected OFWs,¹² the Overseas Workers Welfare Association (OWWA) in partnership with relevant government agencies offered two additional educational subsidy programmes: (a) Project EASE (Educational Assistance through Scholarship in Emergencies) provides a subsidy of PHP 10,000/year for up to four years to college dependants, while (b) *Tabang* OFWs provides a one-time tertiary education subsidy of PHP 30,000.

¹⁰ Government of the Republic of the Philippines, Republic Act No. 11494 (2020).

¹¹ Based on the DFA's public advisory on COVID-19 as of 28 February 2022, a total of 25,116 confirmed cases of COVID-19 among overseas Filipinos were reported.

¹² The beneficiaries are OWWA-member OFWs that have lost their overseas jobs, those needing to be repatriated back to the country, or those who died due to COVID-19 complications.





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ANNEXES

MiGOF: Migration Governance Framework³⁹

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.⁴⁰ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

³⁹ IOM Council, Migration Governance Framework, 106th Session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

⁴⁰ Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGIs entail to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal⁴¹ and uploaded on the IOM Publications Platform.⁴²

⁴¹ You can find the profiles at www.migrationdataportal.org/overviews/mgi.

⁴² Please see <https://publications.iom.int/>.



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