

Exacting unnecessary fees by recruitment agencies and exorbitant fees by the government are the same. It is:

OVERCHARGING

“To overcharge” means to collect more than the statutory amount.

Overcharging of placement fees is one of the most serious and common problems of migrant workers seeking job in Hong Kong. Many Filipino migrant workers have to pay \$10,000 to \$20,000 Hong Kong dollars to their agencies for a job that does not ensure security because of rampant termination.

According to some migrants, they are marketed as “buy-one-take-three” items : meaning that employers can change their domestic workers if they are “dissatisfied” with them for up to three times without paying the agency for processing fees.

Only the applicant domestic workers are required to pay. For one employer, therefore, are three applicants. This means that the recruitment agencies are making the biggest profit from migrant workers desperate for jobs.

Until December 16 2006, recruitment agencies are supposed to collect the equivalent of one month’s salary ONLY from an applicant for overseas work. The said amount is based on the position being applied for.

In the Philippines , overcharging an applicant falls within the illegal recruitment act. Illegal recruitment is a criminal offence punishable by law. Despite this, many recruitment agencies devise ways on how not to get caught such as by not issuing official receipts to applicants.

There is even an on-going collaboration between financing companies and recruitment agencies where forced loans are arranged for the applicants so that the illegal act of charging horrendous agency fees is covered up by a “legal loan transaction”.

Agency fees should have been passé after 16th December 2006 when the Philippine Overseas Employment Administration (POEA) issued a set of new Guidelines for Filipinos working abroad as domestic workers, caregivers and caretakers. This took effect after the said date.

One particular provision in the Guidelines is the “No agency fees” item. It became a policy that there should be no more agency fees to be collected from applicants for said positions.

However, the very same “Guidelines” failed to stop placement/recruitment agencies to collect not only exorbitant fees, this time, but also huge fees for the required set of additional training that the applicants need to pay for.

The new guidelines opened further opportunity for recruitment agencies to collect

more exorbitant fees from desperate applicants.

This is an outright sell-out, as what has always been reminded of the Consulate by the migrant community and the Service Providers for migrants in Hong Kong.


First, there is a criminal law stating that it is illegal to overcharge.

Second, the government had set a ceiling for agency fees for contracts processed on or before December 16.

Third, the above ceiling is now superseded by the new POEA Guidelines which provides that there should be No More Agency Fees.

Continuing its hands-on conciliation meeting (which is another act of bargaining for the rights of Filipino domestic workers in HK), therefore is totally out of place.

Fourth, stating that the refund of such fees is “financial assistance” from recruitment agencies is pathetic.

The PCG has always been reminded that this is an outright sell-out. It would be of great help for the PCG that operates in a one-family team approach to shelve, re-study and consult the Filipino migrant community in HK about this program which exploits more than help Filipino migrants in desperate situation; not to mention that this is an outright violation of the very law it is supposed to implement: to prosecute illegal recruiters. 

Global Forum on Migration: Capitalizing on Migrants for Profit

“Migrant Workers equals Remittances, never mind their welfare.”

More than 700 government representatives from 155 countries; and 200 civil society representatives worldwide engaged in a three-day discussion on international migration and development. It was the Global Forum on Migration & Development (GFMD) held in Brussels, Belgium on 9-11 July 2007.

The Civil Society Day which was the first day of the three-day meeting was under the auspices of the King Baudouin Foundation (KBF).

A two-day Global Community Forum on Migration, Development and Human Rights followed. It was parallel to the remaining two-day meeting of the government representatives and was sponsored by the Migrants Rights International, the International Catholic Migration Commission, (ICMC), the Platform for International Cooperation on Undocumented Migrants (PICUM) and December 18.

The following topics were offered to the civil society for discussion. They are in accordance with the topics in the global/governmental forum level:

- > Human capital development and labour mobility: Maximizing opportunities and minimising risks;
- > Remittances and other diaspora resources : increasing their net volume and development value; and
- > Enhancing institutional and policy coherence, and promoting partnerships.

The Forum is an attempt by government representatives to continue, but in an informal and non-binding meeting, the momentum generated by the UN General Assembly at its High Level Dialogue on Migration and Development held in New York in 2006.

It was a graceful attempt at finding out what in the many decades of treating forced labour migration as a “band-aid” for individual economic difficulties, has happened, that their intention to develop the (third world) countries’ economies through dependency on foreign aids did not seem to work. To recover from constant crises, increased foreign investments, foreign aids and foreign borrowings especially among sending countries, did not help. “Development” has not moved upward but instead continued to fall.

The worry is not without basis and therefore, the attempt at finding out other sources of funds is pressing. The World Bank report in its 2002 research came out with a glaring



Cynthia Abdon-Tellez (leftmost) stands with keynote speaker Dr. Raul Delgado Wise of Mexico and other co-participants during the Civil Society Day of the Global Forum on Migration and Development.

fact: the reality that the total amount of money pouring in to developing countries in form of remittances of migrant workers all over the world is much more than the amount of development aids (e.g. ODAs) given by developed countries to underdeveloped ones. It then becomes the government’s duty to grab the fruits of such a reality and make it work in its favour.

While the Civil Society defines development with the human being’s welfare in the core of it, the governments’ intention is solely focused on gathering these gains for the so-called economic development. There even is a tendency of blaming the migrants for not making use of their money in productive and “development” endeavors.

Nothing is new for both governments. Sad as it may be, Migrant Workers equals Remittances, never mind their welfare.

Second obvious fact is that the Government Forum and the Civil Society Forum do not seem to mean the same thing when they say **development**. This is a parallel level of understanding of the two which will never meet if both insist on their position.

But the debate and efforts to come up with a certain level of agreement do not stop in Brussels. As it is foreseen to be an annual event, the Philippine Government volunteered to host the second Global Forum on Migration and Development which will then be held in Manila, Philippines, in 2008.



Lisa Cunningham is a Filipino-American who stayed with the Mission for Migrant Workers and volunteered for a week. This is her story.

Knowing the migrants, learning from the migrants

I'm now in Rooz Café in Oakland, California staring at my computer and wishing I could capture tireless hope in a bottle and pour it onto my keyboard. Some people are good at that, I'm not great.

My aunt Cynthia Ca Abdon-Tellez from Hong Kong has asked me to write a 500-word reflection essay about my one week stay in Hong Kong and experience working with members of the Mission for Migrant Workers last summer. But sometimes what you take away from an experience doesn't even begin to fit into article format!

I developed priceless relationships with my aunt, uncle, and cousin who took me into their home without a second thought and treated me like family. I conducted interviews with amazing women who have endured and somehow fought past abuses so often synonymous with overseas domestic work.

I met other organizers whose sharpness of analysis and largeness of heart encouraged me. I always remember Jean, Rowena, and Susan when I think about my own struggles finding work, demanding respect from my boss, and setting standards for how I expect to be treated in the workplace.

I just spent two months working at a fast food "gourmet" burger restaurant, constantly being reprimanded for not working fast enough, not remembering every detail of every order I'd taken, for forgetting that customer #256 wanted their pesto burger on a French baguette instead of a bun. I was finally fired for calling in sick to spend the day with a cousin I hadn't seen for 7 years.

At some point during that experience I thought back to my conversations with Jean, Rowena and Susan, and with my Uncle Jun and Aunt Cynthia. They remind me that stale, greedy government policies operating the capitalist machine translate into lives lived.

Rowena was fifteen years old when she left her home in San Pablo, Laguna and flew to Hong Kong to work as a domestic worker. Susan has been in Hong Kong for over 10 years now because she needs to put her children, ages 15, 13, and 12, through school. Jean had heard horror stories about life as a Filipina domestic worker in Hong Kong but had few choices for employment in the Philippines despite graduating from a university in Baguio with a degree in Criminology.

Is labor export the only solution to unemployment? Is remittance-induced prosperity comparable with real economic security and welfare?

So what happens to the Philippines when all of the brightest minds and sturdiest work hands have left the country? What happens if more settle permanently abroad and stop sending remittances? Why isn't the Philippine government more concerned with creating jobs for its people inside the country, with keeping families together?

I've always romanticized activism and organizing, as if it were all marches and pep talks, all fists and large banners — concrete and immediate, burning and exciting.

One of the most important things I took away from my one week stay in Hong Kong and experience working with members of the Mission for Migrant Workers was an appreciation for the *everyday* forms of organizing with people necessary for larger radical change.

This includes not-so-glorious tasks like counting chairs in an auditorium for a conference, staying up into

the wee hours of the night to prepare a statement and power point for tomorrow's film showing or meeting, preparing articles for websites, writing letters, calling people to make sure they know about tomorrow's rally, and the list goes on and on.

Any progress requires many hands, minds and hearts working tirelessly in tandem.

Organizing is exhausting! But absolutely necessary. I don't know how long the need for Filipinos to work abroad will continue. Until GMA [the current president] is gone? Millions of displaced, uprooted Filipinos are waiting for that time to come. 🇵🇭

Yale-China Music Exchange sang for Mission, BH

On June 23, 2007, the Yale-China Music Exchange members rendered their musical pieces in an afternoon concert at St. John's Cathedral together with the Hong Kong Children's Symphony Orchestra.

The program included Aaron Copland's Appalachian Spring Suite and Mozart's 39th Symphony.

The Concert was for the benefit of the Pastoral Care Program of the Mission for Migrant Workers, the Medical Fund for residents of Bethune House, and the Helpers for Domestic Helpers — some of the Cathedral's outreach programmes.

The Yale-China Music Exchange (YUE) is a cultural initiative founded in 2007 by recent Yale University alumni in conjunction with the Yale-China Association. 🇵🇭

The Case of Preslyn Catacutan

Gertrudes Moralde
Contributor



Many were outraged by the past conviction and excessive jailing for six months of Preslyn Saga Catacutan, a domestic helper who was found guilty of stealing three miserable pictures of her former employer, popular singer Jacky Cheung.

Recently she appealed to High Court. Unfortunately, the judge's decision only again dropped a bomb to everyone concerned in the case.

The unreasonable six-month imprisonment sentence was cut only by half. She had to go back to jail for the remaining months.

People who sat through the hearing expressed their regret on the judge's decision.

It is like sending Preslyn to

life imprisonment, one said. If she is convicted, she will not be able to work in Hong Kong again. According to 93-year-old former Hong Kong legislator Elsie Tu who stood by Catacutan throughout her ordeal, "This is not just a sentence against her, but against her entire family because she is a breadwinner."


Preslyn Catacutan, a 30 year old from Dumaguete City, married with three children, had been in Cheung's employ for about four months until the case.

In her testimony, Catacutan said that she took the photos after finding them on the floor, and the other one, in a rubbish bin thinking that she could keep them as souvenir.

The magistrate didn't believe her but instead concluded

that the helper "must have collected them with the commercial value in mind."

What are the possible implications of this case to overseas domestic helpers here? Would the same harsh punishment be carried out if the accused is not a helper? From the very beginning of the case, it clearly showed that discrimination is strongly applied against small people like domestic helpers.

How many more Preslyn Catacutans would go through worse situations? How many more victims before the Philippine Government does something to stop Filipinos leaving for abroad just because they couldn't find a decent job in their own country? And most of all, what future would there be waiting for the family of every Preslyn Catacutan? 

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