



ng mga Manggagawang Pilipino sa Belgium

Contribution of the Samahan ng mga Manggagawang Pilipino sa Belgium¹ (Association of Filipino Migrant Workers in Belgium) to the Consultation on the Green Paper on “An EU Approach to Managing Economic Migration”

The Green Paper is an initiative launched by the EU Commission to discuss harmonisation of rules and procedures for migrants from non-EU or third countries.

The Samahan ng mga Manggagawang Pilipino sa Belgium (Association of Filipino Migrant Workers in Belgium) welcomes this opportunity to contribute to the discussion on migration, a priority issue – not a problem, as it is often presented – on the political, economic and social agenda in Europe and elsewhere in today's globalised world. The issue on migration is significant because it mutually affects the economies of the Philippines and the EU.

The Philippine economy thrives on the earnings of deployed workers abroad through foreign exchange remittances. The latest data from the Bangko Sentral ng Pilipinas (Central Bank of the Philippines) showed that these remittances reached \$8.5 billion in 2004, of which about \$1.3 billion or 15 percent came from workers based in Europe.² Remittances coming from migrant workers in the EU also represented the biggest annual growth of nearly 73 percent. Thus, the proposals in the Green Paper will have far-reaching repercussions not just on the Filipino migrant workers, but on the entire Philippine economy, as well.³

¹ The Samahan ng mga Manggagawang Pilipino sa Belgium (Association of Filipino Migrant Workers in Belgium), which was established in 1983, is an independent and democratic organization that actively promotes justice, equality and the rights of Philippine migrant workers in Belgium.

² Bangko Sentral ng Pilipinas (Central Bank of the Philippines) statistics: Overseas Filipino Workers' Remittances by Country and by Type of Worker - <http://www.bsp.gov.ph/statistics/sefi/ofw.htm>

³ The Development Committee and the Civil Liberties, Justice and Home Affairs Committee of the European Parliament held a joint public hearing on “Migration, Integration and Development: Towards a European Policy?” in Brussels on 14-15 March 2005. At this hearing, Brunson McKinley, Director General of the International Organization for Migration (IOM), stated that “...evidence has shown that remittances are the most constant source of income than other private flows, far higher than official development assistance and foreign direct investment.” - Parliament News: [Easier legal migration seen as way to cut illegal immigration](#) (16 March 2005)

At the same time, the EU took this initiative because of fears brought about by demographic decline and ageing, that would result in an estimated shortfall of 20 million workers in the EU labour market between 2010 and 2030. This prognosis would significantly affect the economic growth and competitiveness of the EU, since a smaller labour force signifies less economic growth. In addition, there is increased competition from other economic blocks for migrant labour since North America and other regions, facing similar problems, would be vying with the EU for migrant labour. **Economic migration is therefore needed to make up for this gap in the EU labour force and to sustain the EU’s economic prosperity.**⁴ Migrant workers would also be making much-needed contributions to maintain the EU’s social security system.

It is the firm view of the Samahan that the fundamental rights of migrant workers should be central to any discussion on the issue of migration. These rights are codified in international and European instruments, in particular the UN Declaration of Human Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, the various ILO Conventions on migrant workers, and the EU Charter of Fundamental Rights. These include giving migrant workers the same treatment as the EU workforce with regard to working hours, wages, health provisions, security of tenure, social security, pensions, etc.

Europe prides itself on being a bastion of democracy, equality, justice and tolerance. The “Fortress Europe” outlook and the rising racism and xenophobia in EU member states are in direct contradiction to these principles. More than ever before, there is an urgent need to foster openness and tolerance in EU host countries. The immense contribution that migrant workers make to their economy, culture and society should be recognised and valued. **It is our sincere hope that a solid rights-based approach to migration will inform the conclusions and recommendations of this discussion and, ultimately, the harmonised EU policy.**

The proposals in the Green Paper generally involve the extent of harmonisation of admission procedures for the economic migration of third country nationals: preference over long-term residents or returning workers as against new arrivals, job-specificity of admissions systems, mobility of migrant workers, combined work and residence permits, migrant workers’ rights and accompanying measures on integration, return and cooperation with country of origin of the migrant workers. The ensuing discussion looks into the Samahan’s opinion and perception on these issues.

⁴ The conclusion of the Communication from the Commission COM(2005) 94 of 16 March 2005: Green Paper “Confronting demographic change: a new solidarity between the generations” cites the “*judicious use of immigration*” as one of the factors whereby “*Europe can create new opportunities for investment, consumption and the creation of wealth.*”

Degree of harmonisation

Three options cited in the Green Paper are the horizontal approach, the sectoral approach and the common fast-track procedure. **First and foremost, the Samahan stresses that any policy should not create distortions and inequalities among particular groups of migrants that will result in less rights and protection for the lower-skilled and low-paid migrants.**

For the Samahan, the sectoral approach would limit the mobility of workers who might possess the qualifications required in another sector, but who would be restricted from accessing such opportunities because the job filling would be allowed only for a specific sector. For instance, many Filipino migrant workers are college or university graduates; in addition, some have professional accreditation, such as CPAs (Certified Public Accountants), or are licensed dentists, midwives, pharmacists, nutritionists, and teachers, but they remain confined to the domestic service sector.

It notes the advantage offered by the horizontal approach in the “establishment of a comprehensive common framework on economic migration, with a high degree of flexibility.” However, **the Samahan considers the third approach of fast-track procedure as offering the most flexibility in terms of securing travel documents and ensuring mobility in other sectors.** Such an approach would, moreover, be a factor in curbing illegal migration.

Labour preference

On the issue of preference for returning workers or those with long-term residency as against new arrivals, **the Samahan supports the view that long-term residents and workers who have temporarily returned to their countries upon the expiration of their contracts should be given priority.** This is in keeping with the “brain circulation” objectives of the EU proposal. It also takes into account the fact that these categories of workers have already been integrated within the society and economy of the member state where they would be returning to work, by way of learning its language, culture, and history. Nevertheless, if returning workers or long-term residents cannot fill such positions, then the EU should, by all means, allow the entry of new arrivals.

Admission systems

As regards job-specificity of working visa procedures, **the Samahan endorses the green card or blanket working visa, rather than visas that depend on work contracts.** This would allow the worker more flexibility and mobility, and would preclude abuses on both sides, particularly on the part of employers who are EU nationals. When the continued stay of a migrant worker is wholly conditional on a job

contract that is controlled by an employer, this opens the possibility for abuse; the employer can wield power over migrant workers by threatening them with dismissal, withholding their payments, and/or falsely accusing them of work contract violations. On the other hand, the green card or blanket working visa system would decrease the risk of workers falling into “illegality” when they are forced to leave their jobs, e.g. in case of abuse or exploitation.

Job mobility

The Samahan supports more job mobility for migrant workers. The Filipino migrant worker is highly skilled. Latest statistics supplied by the Philippine Overseas Employment Administration (POEA), a government entity overseeing the deployment of workers abroad, showed that in 2002, about 35 percent of Filipino migrant workers were professional and technical workers; 34 percent, service workers; and 24 percent, production workers, with the rest being clerical, sales, administrative and managerial workers.⁵

Data during the 1990s also showed that the Philippines’ educational institutions produced 3.2 million graduates in various disciplines. A little more than a quarter were graduates of business administration courses, followed by engineering, medical sciences, education and teacher training, each with about 15 percent, and by mathematics and computer sciences, agriculture, forestry and fisheries and veterinary medicine, as well as arts and humanities, each at about 5 percent. Only a small percentage of these graduates migrated to the EU; the major markets for supply of Filipino skilled labour are the United States, Canada, Australia, the Middle East and Asia.⁶ This implies that the EU has not tapped the full potential of Filipino skilled migrant labour. Encouraging job mobility would thus be an inducement for these graduates to offer their services to the EU job market.

Work and residence permits

The proposal to combine work and residence permits is supported by the Samahan. This would allow for the mobility of workers, and would be consistent with the policy of a green-card like procedure for admitting them into the EU. It would also cut down processing costs for the EU, and at the same time, save time and money for the migrant workers.

⁵ POEA Statistics: Deployment of Newly Hired OFWs (Overseas Filipino Workers) by Skills Category - <http://www.poea.gov.ph/docs/Deployed%20New%20Hires%20by%20Skill%20and%20Sex.xls>

⁶ POEA Statistics: Deployed Land-based Overseas Filipino Workers by Destination (New hires and Rehires) - http://www.poea.gov.ph/docs/jan_jun2004Deployment.xls

Integration

The Samahan lauds the European Commission for including supplementary measures to integrate migrant workers via language training and cultural and historical familiarisation; however, such measures should not be coercive. On the other hand, EU member states should actively promote tolerance and respect for the diverse cultures of migrants, which can only enrich their societies. **The Samahan draws attention to the crucial importance of family unification in achieving the successful integration of migrant workers.** The right of a migrant worker to be with his/her immediate family should be ensured. The Samahan also welcomes the measures to re-integrate migrants into their home society when their work contracts have expired, as a means of encouraging brain circulation.

Cooperation between origin and host countries

The Samahan stresses the importance of closer cooperation between origin and host countries to enhance the capacities of the former to replenish skills lost through migration. Hence, it welcomes the idea of the EU compensating the countries of origin for their investment in the educational costs of their workers, as a means of countering brain drain. This could be by way of EU development assistance for the improvement of the educational institutions of the countries of origin. Job-creating investments in the countries of origin could also be considered in order to foster long-term solutions to the devastating brain drain experienced by developing countries.

The Samahan endorses the proposed measures to touch base with local recruitment centers in the country of origin – as many Filipino deployed workers have been victimized by disreputable recruitment agencies – and to strengthen or facilitate remittances of foreign exchange earnings, which, as explained earlier, have been the bloodline of the Philippine economy.

Irregular migrant workers

The Samahan expresses its concern at the lack of attention given in the Green Paper to the situation of irregular migrant workers. It would seem evident that unduly restrictive EU immigration policies have led to an unprecedented increase in their number, fuelled by the growth of informal forms of employment and shortages of workers for dirty, demeaning and dangerous jobs.

The Samahan therefore calls on the EU to take immediate and effective measures – in particular, the adoption of social and labour legislation – to protect the rights of migrant workers in irregular situations, giving special attention to the situation of undocumented women and children, who are the

most vulnerable. Such measures should include the regularisation of undocumented migrant workers who have been living and working for many years in their host countries and who have integrated themselves in the community.

Conclusion

We hope that the views of the Samahan will be reflected in the final outcome of the EU deliberations on the harmonisation of rules concerning migrant labor from third countries. The Samahan expresses its appreciation to the European Commission for organizing this public forum, which offers all stakeholders the opportunity to voice their views and opinions on this vital issue.

We would like to close with the words of United Nations Secretary General Kofi Annan in his address to the European Parliament in Brussels on 29 January 2004, when he received the Sakharov Prize for Freedom of Thought:

“Migrants need Europe. But Europe also needs migrants. A closed Europe would be a meaner, poorer, weaker, older Europe. An open Europe will be a fairer, richer, stronger, younger Europe – provided you manage migration well.”⁷

4 April 2005

⁷ European Union @ United Nations: UN Secretary-General Annan Addresses European Parliament - http://europa-eu-un.org/articles/en/article_3178_en.htm