

ASEAN FRAMEWORK AGREEMENT ON VISA EXEMPTION (AFAVE) AND CROSS-BORDER TRAFFICKING IN PERSONS: THE CASE OF FILIPINO TOURIST-WORKER

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Received in July 2020 • Revised in July 2021 • Accepted in June 2022 • Published in March 2023

ABSTRACT – The Philippines is one of the major labor-sending countries in Southeast Asia. Its government regulates Overseas Filipino Workers by requiring an Overseas Employment Certificate issued by the Philippine Overseas Employment Administration prior deployment abroad. However, some Filipino migrant workers bypass this legal process and purportedly leave the country as tourists, hence, they are referred to as “tourist-workers”. Their undocumented or improperly documented status makes them vulnerable to trafficking in persons. Furthermore, tourist-workers’ easily pose as tourists to the Philippine Immigration through the ASEAN Framework Agreement on Visa Exemption (AFAVE) that grants ASEAN citizens seamless entry to visit ASEAN member states (AMS). Hence, the study aimed to recommend policies to counter the misuse of AFAVE, and generally, the Tourist-Worker Scheme (TWS) to mitigate cross-border trafficking. Moreover, the study described the phenomenon and its characteristics through person-to-person interviews with Travel Control Enforcement Unit officers and their reports to Inter-Agency Council Against Trafficking of possible victims who attempted to use AFAVE during 2017 and 2018 at Ninoy Aquino International Airport. The results revealed that AFAVE is commonly used by tourist-workers to transit in AMS like Singapore, Thailand, and Malaysia for undisclosed destination countries, particularly United Arab Emirates and Qatar. Majority of them belong to the vulnerable female working population groups who are likely to become household workers. Moreover, some tourist-workers travel through sponsorship via legal documents like Affidavit of Support and Guarantee (AOSG). At the end of the study, the following policies were recommended: (a) intergovernmental agreement among Philippines and other AMS for strict implementation of AFAVE; (b) scrupulous issuance of work permits to Filipinos who arrived using AFAVE; (c) stringent monitoring of AOSG issuances; and (d) broaden information dissemination about the TWS especially to vulnerable Filipino communities.

Keywords: ASEAN Framework Agreement on Visa Exemption, ASEAN Member States (AMS), Overseas Filipino Worker (OFW), Tourist-Worker Scheme, Cross-border trafficking, Trafficking in Persons (TIP)

To cite this paper: Pioquinto, J.A. & Dicolén, E.D. (2023). ASEAN Framework Agreement on Visa Exemption (AFAVE) and Cross-Border Trafficking in Persons: The Case of Filipino Tourist-Worker. *Journal of Management and Development Studies* Volume 9 Issue 2, 28-42.

INTRODUCTION

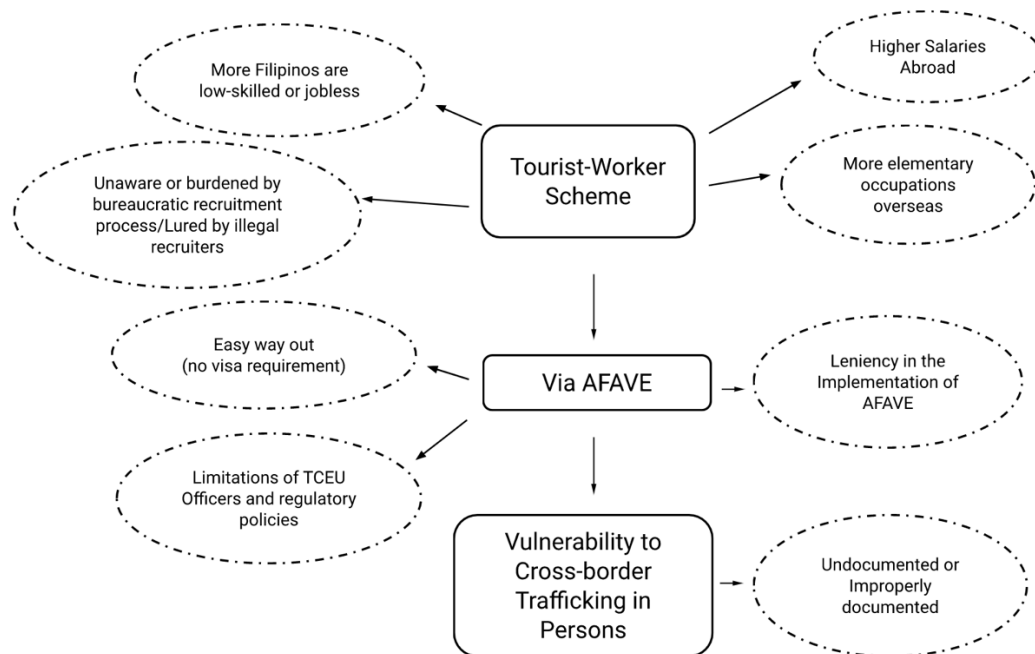
Overseas Filipino Worker (OFW), to be used interchangeably with migrant worker, refers to a person who is to be engaged, is engaged or has been engaged in remunerated activity in a state of which he or she is not a citizen (Republic Act No. 10022, 2009). The Philippines, one of the biggest labor-sending countries in the region, has approximately 2.3 million OFWs during the period of April to September 2017. Over 21.7%, the largest proportion of OFWs, are between 30 to 34 years of age. Men mostly belong to the said age group, while women tend to be younger particularly between 25 to 29 years of age (Philippine Statistics Authority(a), 2018). Further, the latter outnumbers the former in the services category particularly household and entertainment works (International Organization for Migration, 2013). OFWs, whose common destination is West Asia, leave because of unemployment, lack of opportunity, and higher salaries abroad which remains to be the primary pull factor (Bernas, 2016).

In order to regulate the labor migration, the Philippine Overseas Employment Administration (POEA) monitors recruitment agencies and issues Overseas Employment Certificate (OEC) to migrant workers as proof of legality of the deployment. Nonetheless, some still bypass the state-controlled recruitment process and choose the seemingly 'affordable' and flexible irregular channel of migration particularly the "Tourist-Worker Scheme" (TWS). It is defined by the POEA as one of the *modus operandi* of illegal recruiters wherein "workers leave the country purportedly as tourists but in reality are being deployed as workers abroad (Philippine Overseas Employment Administration, n.d.). Leaving as tourists to find employment as migrants is considered unauthorized migration because it circumvents the process requiring the submission of a standard labor contract, attending pre-departure seminars, etc. (Battistella, 2002).

Tourist workers can either be consensual or non-consensual in their movement from the country of origin or to the country of destination. The desire to escape from joblessness and hopelessness of their rural origins, at the same time, to seize the higher salaries abroad made them accept the precarity and the serial migration as a norm and a necessity (Parreñas & Silvey, 2016). On the other hand, social networks that act as intermediaries offer services throughout the migration process and sometimes not only benefit from it but victimize the unwitting migrant as well. Services include "fly now, pay later" system, sponsorship services, issuance of an affidavit of support or a letter of invitation, escort services by personally accompanying or appointing someone to accompany the migrant (Hwang, 2017). Nevertheless, all tourist-workers end up undocumented or improperly documented migrants who are susceptible to trafficking in persons wherein consent is inconsequential.

Moreover, tourist-workers leave either using a tourist visa or through "the easy way out" via the "no tourist visa" arrangements like the ASEAN Framework Agreement on Visa Exemption (AFAVE): a multilateral agreement that allows the citizens of AMS to have seamless (visa-free) movement across the region when travelling for visit purposes (Association of Southeast Asian Nations, 2006). The primary impetus of the agreement was to boost the region's tourism sector. However, some tourist-workers resort to AFAVE in order for them to 'easily' pretend as tourists. One notable case was the rescue of 27 Filipinas from a sex trafficking syndicate in Johor Baru, Malaysia in August 2018. They were recruited through social media to work as "promodizers" selling liquor to customers in Singapore, but were made to do sexual services as well. Part of the offer was to enter and exit from Malaysia because only tourist visas were offered (Department of Foreign Affairs, 2018).

Figure 1. Conceptual Framework



AFAVE makes it easier for tourist-workers to leave the country, not only it allows them to avoid the process of applying for a visa but also the leniency of its implementation permits them to enter the AMS regardless of their purpose. The provision that AFAVE shall only be used for visit purposes is not strictly enforced. Regulations have been put in place particularly the Department of Justice Memorandum Circular No. 36 (DOJ MC No. 36) "Inter-Agency Council Against Trafficking (IACAT) Revised Guidelines on Departure Formalities for International-Bound Passengers" dated June 15, 2015 that mandates the Travel Control and Enforcement Unit (TCEU) of the Bureau of Immigration to interdict Filipino tourists who misrepresent their purpose of travel as tourism and are possible victims of human trafficking and illegal recruitment. However, there are still 'gaps' that limit the TCEU officers to counter the scheme. For instance, a Filipino tourist who presents the documentary requirements stated in DOJ MC No. 36, albeit the TCEU officer's foresight of the real purpose, shall be allowed to depart from the country.

Moreover, other negative impacts of AFAVE such as security and terrorism issues, entry of illegal workers, and also the spread of various viruses and diseases were already cited by previous studies (Adinegara, 2018). In fact, a study by Ni Komang Desy Arya Pinatih titled "ASEAN Framework Agreement on Visa Exemption and Transnational Crime: East Java Studies" concluded that there is an increasing trend of transnational crime in East Java after the implementation of AFAVE (Pinatih, 2016). However, the "no tourist visa" arrangement is a two-way street in the context of migration. Security issues of destination countries after AFAVE have been looked into, but sentiments of sending countries are still unheard. Entry of illegal workers has been the constant concern of the destination country, but safe exit of migrants from the sending country is understudied, a particular example is the TWS of Filipinos using AFAVE.

Therefore, this research aimed to fill the research gap and design a policy to strictly monitor the implementation of AFAVE to avoid human trafficking of Filipinos departing as tourists. The research has the following objectives: (a) describe the implementation of AFAVE; (b) analyze the level of awareness of TCEU officers regarding the AFAVE and TWS; (c) determine probable causes that make Filipinos susceptible to the scheme as perceived by the TCEU officers; and lastly, (d) formulate policies to strictly monitor the implementation of

AFAVE to deter the TWS and cross-border trafficking. The results of the research will develop consciousness about the phenomenon among the immigration authorities of AMS, hence, stimulate intergovernmental cooperation to strictly monitor the implementation of AFAVE. It will also encourage the Philippine Embassies/Consulates to tackle the recurring cross-border trafficking cases of Filipinos who left as sponsored tourists via AOSGs, at the same time, urge the Philippine Government to strengthen public awareness about the TWS especially in the vulnerable communities. Lastly, further studies may be conducted on other ASEAN agreements that have accidental impacts on transnational crimes in the region.

METHODOLOGY

By describing AFAVE in the TWS, this study sought to fill the knowledge gap on the security issues of the visa agreement in labor sending countries. Accordingly, it was necessary to describe how AFAVE is being implemented to establish its connection with the scheme. Further, TCEU officers are the authorities mandated by law to intercept Filipinos misrepresenting travel as tourism (*tourist-workers*), thus, their reports, awareness, and experiences of the phenomenon are imperative to collect and delineate. The design facilitated the collection and validation of information without influencing it. It tackled the ontological reality that there are reported cases of Filipino tourist-workers victimized in cross-border trafficking, at the same time, the epistemological perspective that Filipinos often use AFAVE to easily leave the country as tourist-workers. Both qualitative and quantitative methodologies were used: the former expressed in textual descriptions the experiences of reality while the latter analyzed the objective dimension.

In terms of data collection, qualitative and quantitative techniques were conducted simultaneously. Person-to-person interviews with TCEU officers were performed for the qualitative data, while TCEU-IACAT reports during 2017 and 2018 at Ninoy Aquino International Airport (NAIA) were gathered for the quantitative data. A Letter of Request for permission was sent and approved by the Overall Head Supervisor of the TCEU for the participation of the officers and perusal of reports.

For the in-depth interviews, 10 out of the 94 TCEU officers assigned in NAIA were selected based on the following criteria: TCEU member or supervisor for at least two years at NAIA Terminals 1, 2, or 3. According to TCEU's functions, both member and supervisor designations interview Filipino passengers referred for secondary inspection by the primary immigration inspectors to determine their purpose of travel and decide whether to allow or disallow said passengers from leaving the country. And among the international airports in the Philippines, NAIA is the largest serving over 30 airline companies offering extensive flight destinations; In 2018, it handled a total of 11,517,727 departing international passengers (Manila International Airport Authority, n.d.). As such, the interview participants were most qualified based on expertise and diverse first-hand experiences, including those that involve the TWS via AFAVE. Purposive sampling was used in the selection of interview participants to ensure reliability in terms of years of experience as TCEU officer, validity in terms of designation as TCEU member and supervisor, and inclusivity in terms of gender and NAIA terminal assignments. Albeit the author was also a TCEU officer for approximately five years, utmost integrity and impartiality were observed throughout the research.

Among the selected participants were four female and six male TCEU officers who were currently assigned at NAIA Terminals. Each gender was represented with at least one supervisor. The minimum years of assignment in TCEU is two years and two months while the maximum is six years. Participants' profiles were carefully considered to minimize gender, designation, and terminal assignment biases.

At the start of the semi-structured interview, the participant was informed about the purpose of the research, confidentiality of their identities, and consent to have the activity voice recorded for transcription. Same set of 10 open-ended questions were used to all participants to assess their level of awareness, based from their experiences in conducting secondary inspection, about the TWS and relevance of AFAVE, the scheme's channels and

patterns, typical profile of tourist-workers, and challenges in enforcing the DOJ MC No. 36. Interviews were conducted at TCEU offices in NAIA, commonly located at the Immigration Departure Area.

On the other hand, all TCEU reports to IACAT of intercepted Filipinos *leaving as tourists* but are possible victims of human trafficking at NAIA Terminals during 2017 and 2018 were collected. It strictly excluded subjects who were endorsed to IACAT during the same period but attempted to leave as OFWs, regardless if presented valid or fraudulent OECs. The TCEU reports fall under “attempted trafficking” where an act to commit trafficking offense is present by recruiting the victims and attempting to harbor them across borders, but the form of trafficking e.g. forced labor, prostitution, etc. was not performed because of TCEU’s interception. The age, gender, country of transit and/or destination, educational attainment, and other details of the case as regards to trafficking in persons and illegal recruitment were extracted from each report. Albeit, some reports did not completely provide the profile of the subjects.

In terms of analysis, the results from both interviews and TCEU reports were perused independently and thematically. Interview responses were discussed in salient themes, among others, TWS patterns, recruitment channels, destination and transit countries, and typical profile of tourist-workers. Moreover, TCEU reports were classified to only include and analyze variables of TWS cases that involved AFAVE. The interview responses were substantiated by the facts gathered from the TCEU reports. Consequently, the validated data served as the rationale for the policy recommendations.

RESULTS & DISCUSSION

Implementation of AFAVE

AFAVE was signed by the ASEAN Foreign Ministers on July 25, 2006 during the 39th Meeting in Kuala Lumpur, Malaysia. The impetus for its creation was to boost the tourism economy of the AMS and narrow the development gap through the free flow of ASEAN people. The AMS jointly agreed to exempt visa requirements from any citizen of any other AMS, and be given a period of stay up to 14 days from the date of entry provided the person is holding a valid national passport, *the sole purpose of travel is for visit*, and must possess a passport with at least six months validity from the date of entry. However, the AMS may grant a period for more than the stipulated duration for temporary visits in accordance with their respective immigration regulations and bilateral arrangements. Nevertheless, each AMS will reserve the right to refuse admission or shorten the duration of stay in its territory and shall not exempt citizens of other AMS from the requirements of complying with the laws and regulations in force in the host country (Association of Southeast Asian Nations, 2006).

The implementation of AFAVE enhanced the economic growth in the region by opening a number of local jobs and businesses in the tourism sector, at the same time, amplified ASEAN connectivity by promoting local heritage sites and customs to ASEAN tourists. As of June 2019, all Philippine passport holders have the privilege to enter and stay visa-free in the following member states as shown in Table 1:

Table 1. Visa-Free ASEAN Countries for Filipinos with Number of Days

ASEAN Member States	ALLOWED DURATION (VISA-FREE)		
	14 DAYS	21 DAYS	30 DAYS
Singapore			X
Indonesia			X
Malaysia			X
Brunei	X		
Cambodia		X	
Thailand			X

Lao PDR			X
Myanmar	X		
Vietnam		X	

TCEU Officers' Awareness of AFAVE and TWS

A tourist-worker is a Filipino who leaves the Philippines purportedly as a tourist but is actually migrating to seek or gain employment abroad. Quoting a TCEU officer, *"Ito iyong magpapanggap na turista tapos magtrabaho, wala ibang nakatulong, personal na gusto nila magtrabaho abroad. Atsaka yong pangalawa naman, through mga illegal recruiters (They pose as tourists and eventually work abroad without the assistance of anyone but their own will, while some move through illegal recruiters)." They either move voluntarily or, in most cases, with the assistance of an agent or someone they know. Nevertheless, TWS is a form of irregular migration because it circumvents the process requiring the submission of standard employment documents.*

Moreover, 8 out of the 10 TCEU officers affirmed the effect of AFAVE in the Tourist-Worker Scheme. A participant even said, *"May direct effect talaga, bilang visa-free tayo doon... transit point ng mga Filipino magwowork para sa mga visa required na country (It has a direct effect considering it is visa-free, Filipinos use it as a transit point to work in a visa required country)"*, while another officer mentioned, *"Ginagamit nila ang visa-free privilege para magpapanggap as turista pero ang totoo magtrabaho sila na walang dokumento at mas prone sila sa human trafficking dahil doon (Filipinos use the visa-free privilege to pose as tourists but in reality they will work abroad undocumented and prone to human trafficking)." Based on the responses, it can be inferred that tourist-workers take advantage of AFAVE to pose as visitors in ASEAN countries easily. Albeit, two participants cited *"Iyong mga Filipino naman na travelers usually from the provinces hindi naman nila alam... visa-free tayo dito or required tayo dito, basta as long as may kakilala sila or with possible employer... (Filipino travelers coming from the provinces are not even aware if the countries are visa required or aren't, as long as they know someone or already have a possible employer)"*, and *"Ang problema nga, iyong ibang biktima hindi nila alam mali iyong proseso na dinadaan nila. The fact na meron silang agent okay na iyon para makaalis ng airport (The problem is some victims are not aware of the irregularity of the process. All they know, as long as they have an agent it is good to leave the country)." Apparently, most Filipinos from impoverished communities in the provinces are unwitting or have little knowledge about AFAVE being used in irregular migration. Nonetheless, free flow of people in ASEAN somewhat compromises crime prevention and initiates victimization of the weak populations and the marginalized (Picazo, Ututalum, & Dela Cruz, 2014).**

Tourist-Worker Scheme Patterns and Recruitment Channels. Commonly, tourist-workers leave by (a) presenting tourist visas of a foreign country, but will apply for work permits thereafter; (b) presenting themselves as tourist to AMS using AFAVE or to non-ASEAN visa-free countries for Filipinos, but will apply or already in possession of undisclosed work permits; and (c) presenting themselves as tourist to AMS or to non-ASEAN visa-free countries for Filipinos, but will only use it as transit point for other countries where they will apply or already in possession of undisclosed work permits.

The TCEU officers cited they are usually recruited through word-of-mouth or referrals by their relatives, friends, or former co-workers abroad, and through Facebook accounts of travel or manpower agencies. A participant said, *"Lalo na kunwari ang sasabihin nila to visit relatives tas wala naman silang strong economic ties in the Philippines. Most likely, magiging tourist-worker sila sa country of destination (Especially those (tourist-workers) who claim to 'visit' their relatives but do not have strong economic ties in the Philippines. Most likely, they end up being tourist-workers in the country of destination)." Tourist-workers travelling through sponsors like relatives present an Affidavit of Support and Guarantee (AOSG) from the Philippine Embassies/Consulates as supporting document. As mentioned by the previous study, issuance of AOSG is one of the many services offered by intermediaries (Hwang, 2017).*

Transit and Destination Countries of Tourist-Workers. Majority of the interview participants answered Singapore, Hong Kong, Thailand, Indonesia, and Malaysia as transit countries, and West Asia particularly the United Arab Emirates (UAE) and Qatar as destination countries. The responses were consistent with the data from International Labour Organization and Asian Development Bank citing that Philippines, along with Indonesia, send millions of its migrant workers each year predominantly to Gulf Arab States like UAE and Qatar than to other AMS (International Labour Organization, Asian Development Bank, 2014).

Typical Profile and Exploitation of Tourist-Workers. Tourist-workers are typically unemployed, single-parents, females who are likely to have dependents, and members of poor families in the provinces whose highest educational attainment is elementary or secondary. As a matter of fact, 5 out of the 10 participants directly responded that Filipinos are susceptible to the TWS because of poverty. One even said, "*Syempre paghirap ka na, lahat ng opportunity na lalapit sayo itatake mo (Especially if you're in dire poverty, you will grab all opportunities in front of you).*" However, leaving the country via the TWS is not a legitimate way to find work abroad but very risky on the life, safety and well-being of the migrant worker (Public Services International). As mentioned by the TCEU officers, tourist-workers are exploited in various forms including "they don't get the right benefits", "*iyong mga outside the normal contract na mga trabaho (asked to perform services not included in the employment contract)*", "*hindi puwedeng lumabas (prohibited to go out from the accommodation)*", "*lumalagpas sa oras (excessive working hours)*", "*hindi sinusuweldohan sa international standard na binibigay... (not being compensated according to the international standard rates)*", and "sex trafficking".

Challenges and Limitations of TCEU. Some Filipinos are adamant despite the risks of the TWS. They have their ways of deliberately evading TCEU's interception, among others, hiding work permits inside their luggage or concealing their paperless visas, presenting hoax local employment or business documents to pretend they are financially capable to travel as tourist, travelling with escorts who usually berate the authorities, and taking advantage of their relatives abroad to sponsor them via AOSGs.

Thereby, TCEU officers recommends the following interventions: (a) request other ASEAN Immigration counterparts to be keen in arriving Filipino tourists and conscientiously determine their purpose of travel; (b) bolster inter-agency meetings and constant communication among Immigration Officers for current patterns of cross-border trafficking; (c) meticulous issuance of AOSGs by Philippine Embassies/Consulates; (d) enhancement of the IACAT Guidelines to make it more specific and avoid ambiguous decisions of TCEU officers; and (e) more access to electronic visa verification facilities of popular destination countries.

Probable Causes of the TWS as Perceived by TCEU Officers

Higher Salaries Abroad. The offer of glistening high-paying salaries is a saving grace for Filipinos to liberate themselves from poverty. In fact, one of the TCEU officers mentioned "*Kung бага ang tatrabahoin nila dito ng ilang taon, matatrabaho nila sa ibang bansa ng isang suweldohan lang (Their 1-year salary in the Philippines is equivalent to a one-month's earn abroad)*". For example, the average salaries of elementary occupations in the Philippines are significantly low compared to the rates offered by some foreign countries. The domestic workers in the Philippines receive around 100 USD a month, while the household workers in other countries like UAE and Qatar are protected by the law to receive at least 400 USD/month.

Prevalent Poverty in the Philippines. As previously mentioned, 5 out of the 10 participants directly responded that Filipinos are susceptible to the tourist-worker trafficking scheme because of poverty. One even elaborated it by saying, "*Syempre paghirap ka na, lahat ng opportunity na lalapit sayo itatake mo (Especially if you're in dire poverty, you will grab all*

opportunities in front of you)." And poverty incidence among Filipino families in the first semester of 2018 has already reached 16.1% (Proportion of Poor Filipinos registered at 21.0 percent in the First Semester of 2018, 2019).

Lack of Education. Unschooled Filipinos face difficulty in securing gainful local employment, considering the lack of job opportunities in the country and the strong competition among college graduates; Hence, they are forced to grab offers of elementary occupations abroad even through the TWS. As described by previous studies, Filipino migrant workers especially females are employed as domestic and entertainment workers (Bernas, 2016). Education deprivation puts many Filipinos at an immediate disadvantage in terms of career opportunities, as well as makes them easy targets for perpetrators. In fact, two of the respondents stated "*Lack of education nagiging vulnerable sila (Lack of education makes them (tourist-workers) vulnerable),*" and "*Kasi hindi nga nakapag-aral, so hindi nila alam karapatan nila (Since they failed to attend school, they are not aware of their rights).*"

"Trust Factor" in Relatives and Friends. Tourist-workers entrust their safety, either blindly or purposely, to their intermediaries. In both instances, the risk of exploitation is high because of their improperly documented status. As a matter of fact, one of the participants revealed "*She (Filipino) was trafficked kahit with the relatives there in Malaysia, she was sent back to the Philippines because nawalan siya ng travel documents. Pero the relatives were still there... (A Filipino was trafficked and deported due to absence of travel documents in Malaysia, albeit the relatives were there).*"

TCEU – IACAT Reports (NAIA) in 2017 & 2018

Table 2. Intercepted Subjects who Attempted to Use AFAVE in 2017

CASE #	DATE	NO. OF VICTIMS	COUNTRY OF TRANSIT	COUNTRY OF DESTINATION	MISREPRESENTED FINAL DESTINATION	AGE	GENDER	PROFILE	SPONSOR	SIGNIFICANT FACTS THAT MADE PURPOSE OF TRAVEL DOUBTFUL
1	12-Jan	2		MALAYSIA		24/27	MALE/FEMALE	HIGH SCHOOL GRADUATE	TRAVELLING COMPANION: MALAYSIA N WHOM THEY MET FOR THE FIRST TIME	WILL WORK AS CAREGIVER & GROCERY STAFF
2	20-Feb	2	MALAYSIA	UNITED ARAB EMIRATES	YES	39/39	ALL FEMALE S	FORMER TOURIST WORKER/ FORMER REGISTERED OFW		INSTRUCTED BY RECRUITERS TO EVADE PHILIPPINE IMMIGRATION & CLEAR THEIR OWN PASSPORTS USING DUBIOUS STAMPS
3	23-Mar	7	MALAYSIA	CAMBODIA	NO	22/23/23/25/27/28/29	ALL FEMALE S		SV WORLD HOTEL	PRESENTED DUBIOUS LOCAL EMPLOYMENT DOCUMENTS
4	25-Mar	2		SINGAPORE		34/43	ALL FEMALE S		TRAVELLING COMPANION: FILIPINO	MISREPRESENTED LOCAL EMPLOYMENT; CLAIMS THAT COMPANION INSTRUCTED HER TO MISREPRESENT; ACTUAL PURPOSE OF TRAVEL IS TO WORK AS NANNY
5	25-Apr	3	SINGAPORE	UNITED ARAB EMIRATES	YES	19/50/51	ALL FEMALE S	FORMER OFW/WIDOW/FIRST TIME TRAVELER/GRADUATE OF 2 YEAR COURSE	TRAVELLING COMPANION: FILIPINO	ADMITTED U.A.E VISA & TICKET WILL BE SENT THROUGH EMAIL UPON ARRIVAL IN SINGAPORE
6	17-Sep	2		MALAYSIA		23/29	ALL FEMALE S		ALLEGEDLY, SPONSOR IS FATHER WHO IS CURRENTLY IN THE PHILS.	CLAIMING TO BE FRIENDS BUT BARELY KNOW EACH OTHER; MALICIOUSLY ATTEMPTED TO BOARD FLIGHT DESPITE BEING DEFERRED FOR DEPARTURE BY THE IMMIGRATION

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7	26-Oct	2		MALAYSIA		22/25	ALL FEMALE S	FIRST TIME TRAVELER	TRAVELLING COMPANION: FILIPINO	RELATIONSHIP WITH ALLEGED FRIEND AND SPONSOR WAS NOT ESTABLISHED; DOES NOT KNOW ANYTHING ABOUT COUNTRY OF DESTINATION
8	5-Nov	4	SINGAPORE	OMAN	YES	27/39/40/51	ALL FEMALE S	FORMER OFW/UNEMPLOYED / VOCATIONAL GRADUATE/COLLEGE GRADUATE	TRAVELLING COMPANION: FILIPINO	WILL WORK AS BEAUTICIAN/HAIRDRESSER IN OMAN; TRAVEL EXPENSES SHOULD BE PAID THROUGH EMPLOYER WHICH WILL BE PAID THROUGH SALARY DEDUCTION; RECRUITED THROUGH AN ONLINE SITE "JOB HIRING PHILIPPINES"
9	1-Dec	2	THAILAND	UNITED ARAB EMIRATES	YES	41/42	ALL FEMALE S			WILL RECEIVE U.A.E. ENTRY VISA UPON ARRIVAL IN BANGKOK
10	8-Dec	4	SINGAPORE	FRANCE	YES	19/25/42/43	1 MALE/3 FEMALE S	FORMER OFW		WITH DUBIOUS LOCAL EMPLOYMENT DOCUMENTS; WILL WORK IN EUROPE; CLAIMED THAT TICKET ITINERARY TO EUROPE WILL BE RECEIVED WHILE IN SINGAPORE;
Total		30								

Table 2 shows that in 2017, 8 of the 30 intercepted subjects who attempted to use AFAVE had the intention to stay in ASEAN countries, while the remaining 22 Filipinos attempted to use the AMS as transit points. Taking into account, 15 out of the 22 subjects who attempted to use the AMS as transit points did not declare their destination countries to the TCEU officers.

Table 3. Intercepted Subjects who Attempted to Use AFAVE in 2018

CASE #	DATE	NO. OF VICTIMS	COUNTRY OF TRANSIT	COUNTRY OF DESTINATION	MISREPRESENTED FINAL DESTINATION	AGE	GENDER	PROFILE	SPONSOR	SIGNIFICANT FACTS THAT MADE PURPOSE OF TRAVEL DOUBTFUL
1	12-Feb	2		VIETNAM		40/42	ALL FEMALE S		"JANE"	PRESENTED DUBIOUS ENDORSEMENT LETTER FROM 1ST NORTHERN INTERNATIONAL PLACEMENT, INC.; WILL WORK AS BABYSITTER
2	12-Feb	3	MALAYSIA	QATAR	YES	30/37/45	ALL FEMALE S	UNEMPLOYED/HIGH SCHOOL GRADUATE	MR. KHALED	MISREPRESENTED FINAL DESTINATION
3	16-Feb	5		MALAYSIA		23/27/28/30/34	2 MALES/3 FEMALE S	SINGLE-MOTHER	TRAVELLING COMPANION: FILIPINO	ADMITTED ACTUAL PURPOSE OF TRAVEL IS TO WORK AS DOMESTIC HELPER
4	28-Feb	4	MALAYSIA	UNITED ARAB EMIRATES	YES	27/32/35/37	2 MALES/2 FEMALE S			WITH DUBIOUS RETURN TICKET & HOTEL BOOKING; FAILED TO ESTABLISH RELATIONSHIP WITH COMPANIONS; HIGHLY INCONSISTENT STATEMENTS
5	3-Aug	6	THAILAND	BAHRAIN	YES	21/22/26/28/31/37	ALL MALES			WILL WORK AS WAITER IN BAHRAIN
6	8-Aug	8	MALAYSIA	QATAR	YES	22/22/24/25/30/32/33/37	4 MALES/4 FEMALE S		"SARAH"	ADMITTED ACTUAL PURPOSE IS TO WORK IN QATAR

7	3- Oct	6	MALAYSIA	24/26/34/39/39/42	2 MALES/ 4 FEMALE S	"MR. IBRAHIM" AND A "MS. ISIDRO" WHO GAVE INSTRUCTION S WHAT TO DECLARE TO THE PHIL. IMMIGRATIO N	ADMITTED PURPOSE OF TRAVEL IS TO WORK
Total		34					

Table 3 presents that in 2018, 13 out of the 34 intercepted subjects who attempted to use AFAVE had the intention to stay in ASEAN countries, while the remaining 21 Filipinos attempted to use the member states as transit points and all of them did not disclose their destination countries to the TCEU officers.

Wherefore, based from the abovementioned findings, the following interpretations can be made (a) in 2017, around 73% (22 out of 30 subjects) of the AFAVE-related cases involved an attempt to transit in AMS, while in 2018 it was relatively 62% (21 out of the 34 subjects); (b) 36 out of the 43 subjects who attempted to use the AMS as transit points or approximately 84% did not disclose their destination countries to the TCEU officers; thus (c) AFAVE is commonly used by tourist-workers to enter and use AMS as transit hubs to undisclosed destination countries.

Table 4. Non-ASEAN Destination Countries of Subjects Who Attempted to Use AFAVE

Non-ASEAN Destination Countries	No. of Intercepted Subjects		
	2017	2018	Total
United Arab Emirates	7	4	11
Oman	4		4
France	4		4
Qatar		11	11
Bahrain		6	6

Source: TCEU-IACAT Reports 2017 & 2018

Table 5. ASEAN Transit Countries of Subjects Who Attempted to Use AFAVE

ASEAN Transit Countries	No. of Intercepted Subjects		
	2017	2018	Total
Malaysia	9	15	24
Singapore	11		11
Thailand	2	6	8

Source: TCEU-IACAT Reports 2017 & 2018

Based on Table 4, UAE and Qatar have the highest number of cases as destination countries in 2017 and 2018. On the other hand, Table 5 presents that Malaysia, Singapore, and Thailand are popularly used by tourist-workers as transit hubs in 2017 and 2018. It can be understood why the subjects chose the aforementioned transit countries, considering their large airports where multiple flight routes outside the region are available as compared to other AMS.

Apparently, the majority of the intercepted subjects who attempted to use AFAVE last 2017 and 2018 belong to ages 25 to 29. The results are parallel with the Survey on Overseas Filipinos last 2017 which revealed that ages 25 to 39 have the highest number of OFWs

(Philippine Statistics Authority, 2018) and the Country Migration Report citing that over 70% of OFWs are between 25 and 44 years of age (International Organization for Migration, 2013). Hence, most of the TCEU intercepted subjects encompass the prevalent age range of OFWs which confirms the description of the interview participants that tourist-workers are job seekers.

Table 6. Age Bracket of Subjects Who Attempted to Use AFAVE

Age Range	No. of Subjects		
	2017	2018	Total
19 - 24	8	7	15
25 - 29	9	7	16
30 - 34	1	9	10
35 - 41	5	8	13
42 - 51	7	3	10
Total	30	34	64

Source: TCEU-IACAT Reports 2017 & 2018

Table 7. Intercepted Subjects who Attempted to Use AFAVE Categorized According to Gender

Year	Gender		Total
	Male	Female	
2017	2	28	30
2018	16	18	34
Total	18	46	64

Source: TCEU-IACAT Reports 2017 & 2018

Table 7 shows an evident difference between the number of male and female subjects in 2017, though there was a substantial increase of the former in 2018. Nevertheless, female subjects remain the majority for both years. Out of the total 64 intercepted Filipinos during 2017 and 2018, 46 subjects or approximately 72% were females. The findings also coincide with the data from the Survey on Overseas Filipinos last 2017 stating that 53.7% of OFWs are females and 46.3% are males (Philippine Statistics Authority, 2018).

In addition, estimates provided by experts from previous studies unveiled that OFWs who return to the country due to abuse remain higher on female than male (Bernas, 2016) and majority of trafficked victims are adult females followed by minors (Leones & Caparas, 2002). Hence, it can be inferred that the subjects who attempted to use AFAVE belong to the female working population group who are likely vulnerable to cross-border trafficking.

Table 8 presents the common profile of the subjects, among them are high school and vocational graduates. Due to lack of job opportunities especially for Filipinos who have no

strong academic background, some are forced to take elementary occupations abroad where diplomas or graduate certificates are not strictly required. As a matter of fact, the said subjects intended to work as grocery staff and hairdressers. Nonetheless, one of them in 2017 was a college graduate. They are also inclined to this scheme driven by the country's unemployment rate and undervalued salaries.

Table 8. Common Profile of Subjects Who Attempted to Use AFAVE

Profile	Year	
	2017	2018
High school graduate	X	x
Former tourist-worker	X	
Former OFW	X	
Widow	X	
First-time traveler	X	
Vocational graduate	X	
Unemployed	X	x
College graduate	X	
Single-mother		x

Source: TCEU-IACAT Reports 2017 & 2018

(Note: Some TCEU reports did not indicate the profile of the subjects)

Further, former tourist-workers' familiarity of the scheme explains why they are taking risks again. Some may return to their former employer, while others may find another appealing offer in another country. In addition, separated and widowed Filipinos have already been part of the labor migration, considering they take responsibility to provide for their dependents. Some tourist-workers are also first-time travelers who are likely to be lured by illegal recruiters considering they don't have a clear picture or actual experience of the perils of being an irregular migrant worker. Nevertheless, former OFW is the most common profile. They may have been acquainted with POEA's legal process, yet the quicker irregular migration might be more appealing due to financial obligation and pressure.

Both the interview responses and TCEU reports revealed that AFAVE is commonly used by Filipinos in this TWS pattern: enter AMS as tourists and transit to undisclosed destination countries for employment. Based on the results, tourist-workers use Malaysia, Singapore, and Thailand as transit points to UAE and Qatar. Tourist-workers commonly belong to poor families and vulnerable female working population groups (25 - 29 years old). Considering the high unemployment rate and lack of local job opportunities, they are easily enticed by offers of overseas employment not caring if it is through the irregular form of labor migration. Former OFW is their most common profile, the legal recruitment process seems to be outweighed by pressures of higher salaries abroad, poverty, lack of education, and 'trust' factor in intermediaries.

Unfortunately, tourist-workers are improperly documented migrants who are vulnerable to exploitation such as forced to perform services outside the contract, excessive working hours, or sex trafficking. And it is more concerning because the majority of tourist-workers lack education and are being offered with household work. Albeit the TCEU officers are continuously intercepting tourist-workers from their departure and redirecting them to regular migration, there still remains challenges and limitations in enforcing their mandate.

CONCLUSION

The implementation of AFAVE has tremendously contributed to the growth of tourism and connectivity among Southeast Asian countries. However, results from both the person-to-person interviews and TCEU reports revealed that AFAVE has a relevant effect on the modus operandi of illegal recruiters particularly the "Tourist-Worker Scheme". It allows tourist-

workers to avoid the screening in tourist visa applications and just easily pose as visitor to seamlessly enter AMS. Simply put, the 'easy in, easy out' of Filipinos because of AFAVE is a quicker alternative to avoid securing an OEC.

Moreover, the TCEU reports revealed that AFAVE is commonly used by tourist-workers to transit in AMS for destination countries in West Asia that are not disclosed to the Philippine Immigration. Instead of heading directly to the country of employment with greater odds of being intercepted because of the lack of OEC, tourist-workers opt to use the safer route of posing as tourists first using AFAVE then work thereafter. Most of them belong to the female working population group who are commonly hired as household workers. They are extremely vulnerable since they are dependent on their employers in terms of food, accommodation, and welfare. Despite the risks, they are forced to migrate because of higher salaries abroad, poverty, and lack of job opportunities.

There were already 64 possible trafficking cases of tourist-workers who attempted to use AFAVE reported by the TCEU in NAIA during 2017 and 2018. Albeit, it is only the tip of the iceberg and does not include cases that successfully slipped through the border control officers during both years. The DOJ's IACAT Revised Guidelines on Departure Formalities for International-Bound Passengers helped counter the scheme. Over the years, it has guided the TCEU officers to intercept potential tourist-workers and has driven Filipinos to leave the country as OFWs. Although, revisions of the guidelines are needed to address the 'gray areas'. A particular example is the loophole where Filipinos abroad can frequently sponsor relatives and friends who are actually tourist-workers, as long as they are allowed to request for an AOSG from the Philippine Embassies/Consulates without limitation.

Therefore, policy recommendations to strictly monitor the implementation of AFAVE to deter the TWS and cross-border trafficking are necessary. Studies have already unveiled the security issues after AFAVE in both receiving and sending countries. Despite the truest intentions of ASEAN multilateral agreements to improve the overall disposition of the member states, it can serve as an outlet for cross-border transgressions. Hence, along with the implementation, there should be comprehensive monitoring with regard to the impact on transnational crimes. In that way, ASEAN's road to regional integration will be efficient and holistic.

RECOMMENDATIONS

Ceasing the visa arrangement will cause adverse effects in the tourism economy of the individual states and the region. Hence, policies are instead recommended to strictly monitor the implementation of AFAVE to alleviate the tourist-worker scheme.

First, implementation of an intergovernmental agreement between the Philippine Government and AMS, especially Malaysia, Singapore, and Thailand, to strictly assess Filipino tourists using AFAVE. Primarily, the visa-waiver agreement stipulates that it should be granted for visit purposes, hence, using it for transit to other countries defeats the conditionality. It is mutually beneficial considering it will alleviate tourist-worker cases of Filipinos, at the same time, curb the entry of trafficked migrant workers in the receiving AMS. Albeit, strict border control formalities can cause inconvenience to legitimate Filipino travelers, hence, might decrease tourist arrivals.

Second, scrupulous issuance of work permits to Filipinos who arrived in the country using AFAVE. The policy will discourage the pattern of arriving as tourists via AFAVE then apply for work permits thereafter. It will uphold the original purpose of AFAVE which is to grant visa-free privilege to "legitimate visitors" from other AMS. Although it may decrease the member states' income collected in work permit applications.

Third, observe strict monitoring of AOSG issuances. The Philippine Embassies/Consulates should keep track of the Filipinos who were invited by their sponsors

using the AOSG, if they remained legitimate tourists or have become workers. In this way, they can maintain a list of sponsors who frequently assist tourist-workers and use it as a basis for the denial of AOSG issuance.

Lastly, intensify information dissemination about the Tourist-Worker Scheme and specifically target the female working population group. The policy will involve creation of a primer about the scheme and its consequences for public consumption. Also, conducting regular and standardized lectures about the *modus operandi* especially to poor-stricken communities. Nonetheless, awareness is ineffective if the legal recruitment process remains bureaucratic and expensive.

Future research may include the TCEU reports of other years and officers outside NAIA to strengthen the results and conclusion. Also, to conduct studies on other ASEAN agreements and its implications to transnational crimes victimizing Filipinos.

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