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Third-country hiring: The case of Overseas Filipino Workers in Taiwan to Poland

Perekrutan di negara ketiga: Kasus Pekerja Filipina Luar Negeri di Taiwan hingga Polandia

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***ABSTRACT**: This study explores the complexities of third-country serial labor migration among Filipino factory workers, specifically those moving from Taiwan to Poland—an activity deemed illegal by the Philippine government. Utilizing qualitative methods, the research conducts in-depth interviews with participants like Mae, Rick, and Justin, complemented by a key informant interview. The findings reveal a nuanced decision-making process, with participants expressing a desire for enhanced job conditions, contractual flexibility, and career advancement opportunities in Poland. Despite the Philippines' oversight and support for temporary migration, the practice of third-country hiring raises legal and ethical concerns. Without proper authorization from the Philippine government, recruiting workers through a third country is deemed illegal. To protect migrant workers, established procedures, including obtaining an Overseas Employment Certificate (OEC), are implemented to ensure lawful deployment. This study contributes to the ongoing discourse surrounding serial labor migration, providing valuable insights that can inform policy frameworks and practices aimed at enhancing the welfare and protection of migrant workers within the global labor market. Through analysis of the experiences and challenges faced by Filipino factory workers engaging in third-country migration, this research seeks to promote a deeper understanding of the complexities inherent in labor migration processes and advocate for measures to safeguard the rights and well-being of migrant workers worldwide.*

ABSTRAK: Studi ini mengeksplorasi kompleksitas migrasi tenaga kerja berantai ke negara ketiga di kalangan pekerja pabrik di Filipina, khususnya mereka yang pindah dari Taiwan ke Polandia—sebuah aktivitas yang dianggap ilegal oleh pemerintah Filipina. Dengan menggunakan metode kualitatif, penelitian ini melakukan wawancara mendalam dengan partisipan seperti Mae, Rick, dan Justin, dilengkapi dengan wawancara informan kunci. Temuan penelitian ini mengungkapkan proses pengambilan keputusan yang berbeda-beda, dimana para peserta mengungkapkan keinginannya untuk meningkatkan kondisi kerja, fleksibilitas kontrak, dan peluang kemajuan karier di Polandia. Meskipun Filipina melakukan pengawasan dan dukungan terhadap migrasi sementara, praktik perekrutan di negara ketiga menimbulkan permasalahan hukum dan etika. Tanpa izin yang tepat dari pemerintah Filipina, perekrutan pekerja melalui negara ketiga dianggap ilegal. Untuk melindungi pekerja migran, prosedur yang ditetapkan, termasuk memperoleh Sertifikat Ketenagakerjaan Luar Negeri (OEC), diterapkan untuk memastikan penempatan yang sah. Studi ini berkontribusi pada pemahaman yang lebih mendalam mengenai dinamika rumit migrasi tenaga kerja berantai.

Keywords:
third-country hiring;
Filipino migrant workers;
migration;
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1. Introduction

In today's rapidly changing world, people are seeking better opportunities and improved lives beyond their borders. This research illuminates the pathways of Filipino migrant workers who initially found employment in Taiwan but subsequently seized opportunities to work in Poland. These migrants are actively participating in a phenomenon I termed "third-country serial labor migration," which encompasses the increasingly prevalent multi-country labor migration patterns observed among Filipino factory workers based in Taiwan.

While existing literature has explored the movement of migrant workers across different countries,[1] the legal and regulatory implications of such movements remain largely unaddressed. This article's primary objective is to investigate the recurring occurrence of third-country serial labor migration within the context of factory workers, with a particular emphasis on the regulatory frameworks governing recruitment and employment practices. This inquiry aims to unveil the pivotal role that institutions like the Philippine Overseas Employment Administration (POEA), the agency in charge of developing specific rules pertaining to recruitment and employment, play in safeguarding the welfare of Filipino migrant workers. This role becomes all the more critical as third-country migration is considered illegal from the perspective of the Philippines. While terms like "stepwise" and "serial" have emerged to characterize these multi-stage migrations, the legality of these practices from the perspective of sending countries has received limited attention.

The first section introduces the regulatory framework governing the deployment of Filipino contract workers. Subsequently, I delve into the central role played by the Philippine Overseas Employment Administration (POEA) in upholding the rights of migrant workers and overseeing contractual agreements. I highlight the responsibilities that the POEA undertakes to protect the interests of Filipino migrant workers.

In the subsequent section, I explore the prevalent third-country hiring scheme among Filipino migrant workers in Taiwan. Through an analysis of third-country migration, this study addresses two primary concerns. Firstly, it investigates the motivations driving Filipino factory workers to shift from Taiwan to Poland, notwithstanding the practice's legal prohibition by the Philippine government. Secondly, it analyzes the intricate dynamics between legality and illegality inherent in this migration pattern.

2. Method

This study employs a qualitative approach, utilizing in-depth interviews to gain insights into the perceptions and experiences of Filipino factory workers currently employed in Poland. Additionally, a key informant interview was conducted with a government official to provide context on the legal framework and government perspectives. Purposive sampling ensured diversity in age, gender, work experiences, and industries among participants. Interviews were conducted using audio recordings with participants' consent, complemented by detailed notes for analysis. Interviews were conducted using platforms such as Google Meet and Facebook Messenger, facilitating flexible and accessible communication.

In adherence to ethical considerations, all participants were fully informed about the research objectives, their rights, and the voluntary nature of their participation. The researcher assured the participants of their anonymity and confidentiality throughout the study, emphasizing the importance of protecting their privacy and personal information. These ethical measures were implemented to ensure the participants' trust and compliance and to uphold the highest standards of research integrity.

1 Rhacel Salazar Parreñas et al., "Serial Labor Migration: Precarity and Itinerancy among Filipino and Indonesian Domestic Workers," *International Migration Review* 53, no. 4 (2018), https://dx.doi.org/10.1177/0197918318804769., Liao Liao, and Rebecca Yiqing Gan, "Filipino and Indonesian Migrant Domestic Workers in Hong Kong: Their Life Courses in Migration," *American Behavioral Scientist* 64, no. 6 (2020), https://dx.doi.org/https://doi.org/10.1177/0002764220910229., Anju Mary Paul, "Stepwise International Migration: A Multistage Migration Pattern for the Aspiring Migrant," *American Journal of Sociology* 116, no. 6 (2011), https://dx.doi.org/10.1086/659641., Anju Mary Paul, "Capital and Mobility in the Stepwise International Migrations of Filipino Migrant Domestic Workers," *Migration Studies* (2015), https://dx.doi.org/10.1093/migration/mnv014., and Anju Mary Paul, "Unequal Networks: Comparing the Pre-Migration Overseas Networks of Indonesian and Filipino Migrant Domestic Workers," *Global Networks* 19, no. 1 (2019), https://dx.doi.org/https://doi.org/10.1111/glob.12191.no. 1 (2019

3 Findings and Discussion

3.1 Overview of the recruitment of migrant workers in the Philippines

The Philippines' migration broker system has been in place since mass migration became a trend in the country. United States efforts to promote and facilitate the immigration of Filipino nurses to the United States began in the 1940s, marking the beginning of mass emigration abroad in search of better employment opportunities.[2] Immediately after this trend began, many other industries followed suit. From the early 1900s to the early 1970s, there were three distinct waves of Filipino migration to other parts of the world, each of which was relatively small. The significant outflow of migrant workers during this period can be attributed to President Marcos's Martial Law declaration in 1972 and his promotion of overseas labor export as an economic development strategy to address nationwide unemployment.[3]

3.1.1 Laws and Regulations Governing Migration in the Philippines

Scholars have praised the Philippines' well-established migration infrastructure for its successful management of migrant workers, in alignment with international standards such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and relevant International Labour Organization (ILO) conventions. This recognition stems from the meticulous regulation of recruitment processes, the implementation of protective measures for overseas Filipino workers, and the establishment of robust legal frameworks that safeguard their rights and well-being. The United Nations Convention on the Rights of Migrant Workers, commonly known as the Migrant Workers Convention, stands as a pivotal international treaty adopted in 1990 to address the unique challenges faced by migrant workers and their families, extending fundamental protections to all, regardless of their legal status. This commitment to international standards underscores the Philippines' dedication to upholding human rights in the management of its labor migration, contributing to the country's positive reputation in this regard.

The Philippines' proactive approach to addressing the challenges of migration has contributed to the country's reputation for successfully managing its labor migration. Over the years, several migration-related laws have been enacted to address various issues. One significant example is the Migrant Workers and Overseas Filipino Act of 1995 or RA. 10022, which was a response to the Flor Contemplacion case in Singapore[4]. This act aimed to bolster worker protection and address the distress faced by Filipino migrants abroad, marking a crucial expansion of the POEA's mandate. The reforms brought forth by this legislation allowed the POEA to assume a more comprehensive role in ensuring the well-being and safety of those seeking employment abroad. However, Ambito[5] states that RA. 10022 re-enacts an unconstitutional provision citing the case of *Antonio M. Serrano v. Gallant Maritime Services, Inc., et al.*, the Supreme Court ruled that the clause "or for three (3) months for every year of the unexpired term, whichever is less" in Section 10, fifth paragraph, of R.A. 8042 was unconstitutional.[6] The re-enactment of a law previously declared unconstitutional by the Supreme Court indicates a division in cooperation between the legislative and judicial branches of the government. While RA 10022, enacted as a response to the Flor Contemplacion case in Singapore, aimed to enhance worker protection and address the challenges faced by Filipino migrants abroad, it's important to note that certain aspects of the law, particularly in relation to Section 10, have been subject to legal scrutiny. In the case of Antonio M. Serrano v. Gallant Maritime Services, Inc., et al., the Supreme Court declared that a specific provision of RA 8042, involving 'or for three (3) months for every year of the unexpired term, whichever is less,' was unconstitutional.[7] The re-enactment of a previously ruled unconstitutional provision raises questions about the harmony between legislative and judicial branches of the government.

2 Catherine Choy, *Empire of Care: Nursing and Migration in Filipino American History* (Duke University Press, 2003).
3 Victoria Garchitorena, "Diaspora Philanthropy: The Philippine Experience," *Philanthropic Initiative* (2007).
4 Jean Encinas-Franco, "The Language of Labor Export in Political Discourse: "Modern-Day Heroism" and Constructions of Overseas Filipino Workers (Ofws)," *Philippine Political Science Journal* 34, no. 1 (2013), https://dx.doi.org/10.1080/01154451.2013.789162., and Robyn M. Rodriguez, "Migrant Heroes: Nationalism, Citizenship and the Politics of Filipino Migrant Labor," *Citizenship Studies* 6, no. 3 (2002), https://dx.doi.org/10.1080/1362102022000011658.
5 Julyn Ambito, and Melissa Suzette Banzon, *Review of Philippine Migration Laws and Regulations: Gains, Gaps, Prospects* (Makati, Philippines: Philippine Institute for Development Studies (PIDS), 2011).
6 Aniceto Jr. Orbeta, Michael Cabalfin, and Michael Ralph Abrigo, *Institutions Serving Philippine International Labor Migrants* (Makati City: Philippine Institute for Development Studies (PIDS), 2009).
7 Aniceto Jr C Orbeta and Michael Ralph M Abrigo, "Managing International Labor Migration: The Philippine Experience," 2011.

R.A. 10801 serves as another illustrative example. With the assistance of the national government, which is empowered by R.A. 10801 to take on OWWA's financial responsibilities for personnel and activities, OWWA can enhance its financial management to provide better support to workers and their families. It aims to provide OFW returnees with effective, efficient, and lasting reintegration services that empower them to make the most of their overseas employment experiences and minimize the social impacts of migration. However, argues that OFWs are transferred to the jurisdiction of the host country. As a result, the Philippines' welfare and protection programs are not only insufficient but often irrelevant.

Nearly 90% of all Overseas Filipino Workers (OFWs) are placed annually through licensed private recruitment agencies (PRAs) or manning agencies[8] An overseas employment contract must be approved and verified by the POEA to ensure that the migrant worker is not put at a disadvantage and that the terms and conditions of the contract are at least as favorable as required by law.[9]

Enacted in 1995, the Migrant Workers and Overseas Filipinos Act ("MWOFA"), or the R.A. No. 8042 was designed to ensure the protection of Filipino workers overseas. This enacted comprehensive law does not only comprehensive protection but also introduces punitive measures against illegal recruiters. The MWOFA of 1995 has 5 functions, (1) providing a policy guideline, (2) establishing criminal liability for illegal recruiters, (3) offering a dispute resolution mechanism for financial claims from Filipino overseas workers, (4) instructing interagency collaboration for the welfare of Philippine overseas workers, and (5) specifying immediate actions upon the MWOFA's effective date. It is important to note that in Section 6 of MWOFA, the defined illegal recruitment activities encompass a range of actions. It explicitly forbids non-license or non-authority holders from undertaking activities like canvassing, enlisting, contracting, transporting, utilizing, hiring, and procuring workers. Moreover, it restricts them from referring, contracting services, promising, or advertising employment abroad.[10]

The second function described in MWOFA aligns with the definition outlined in the POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers (POEA Rules). As per these guidelines, recruitment and placement encompass a variety of activities, including seeking, enlisting, entering into contracts, transporting, employing, or securing workers. This definition also includes activities like referrals, contract services, making commitments, or advertising overseas job opportunities, regardless of whether they are conducted for profit or not. It's important to note that anyone or any entity offering or pledging employment to two or more individuals for a fee will be deemed to be engaged in recruitment and placement.[11]

3.1.2 The Role of POEA

The Philippine's commitment to safeguarding and protecting overseas workers is exemplified by the State's empowerment of the POEA to establish employment regulations that resonate with the overarching welfare aims of the overseas employment endeavor. According to Rule I, Part II of the POEA Rules, only individuals meeting specific qualifications, such as experience and ethical standards, are authorized to participate in the recruitment and placement of Filipino workers. This commitment aligns with international standards, including the United Nations Convention on the Rights of Migrant Workers and relevant International Labour Organization (ILO) conventions, which emphasize the importance of ethical recruitment practices and the protection of migrant workers' rights.

To ensure the legitimacy of their chosen recruitment agency, prospective Overseas Filipino Workers (OFWs) should confirm its legality by checking with the Philippine Overseas Employment Administration (POEA). The POEA accredits and regulates all legal private recruitment agencies. By verifying through the POEA, OFWs gain assurance that helps them make informed decisions and avoid potential scams or exploitation related to illegal recruitment practices. In recent years, there has been a noticeable increase in the number of OFWs who are opting for third-country hiring, wherein they apply for work in a country without following the standard employment procedures through POEA. In adherence to the Philippines' commitment to upholding the rights and well-being of its overseas migrants, a stringent requirement is established mandating the Philippine Overseas Employment Administration (POEA) to meticulously verify the contracts of migrants prior to the issuance of the Overseas Employment Certificate (OEC). This critical procedure ensures that the terms and provisions embedded within the employment contracts align with the guidelines set forth by both the POEA and the regulations of the

8 Maruja Asis, *Repatriating Filipino Migrant Workers in the Time of the Pandemic* (Geneva: International Organization for Migration, 2020).
9 Ambito, and Banzon.
10 Section 6 of the MWOFA
11 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers Rule II, 25.

host countries. Filipino workers should submit their contracts and have them verified by the POEA. After this, the POEA issues the Overseas Employment Certificate (OEC), a document needed before migrant workers can depart the country. Moreover, the OEC functions as a mechanism for overseeing and governing international employment. It facilitates the upkeep of a transparent record of the number of Filipino workers departing for overseas work, aiding the government in tracking labor migration trends and formulating well-informed policy determinations. Notably, some OFWs have turned to third-country hiring, a practice where foreign employers hire workers without adhering to the standard employment procedures through the POEA. This practice raises concerns due to its potential to bypass regulations, potentially leading to issues of labor exploitation and human rights violations.

By accentuating the protection of migrant workers' rights, the POEA contract aligns harmoniously with global labor standards and conventions. It serves as a tangible embodiment of the Philippine government's commitment to ensuring equitable and dignified treatment of its citizens, regardless of their work location. Third-country hiring involves the hiring and employment of foreign workers by employers who are situated in a country other than the workers' country of origin. This practice is commonly used to bypass labor regulations and take advantage of cheaper labor markets.

The employment of Filipino factory workers in Taiwan through this method has drawn the scrutiny of the Philippine government, as it has the potential to worsen issues of labor exploitation and human rights violations.

3.2 Third country serial labor migration

In recent decades, a notable migration trend has emerged, with individuals from developing countries seeking employment in Europe for economic and social advancement. The appeal of Europe lies in its robust economies, higher wages,[12] and comprehensive healthcare systems. While many aspire to find opportunities in Europe directly, a unique trajectory has unfolded for some migrant workers. They initially choose to migrate to Asian countries for work and subsequently leverage their accumulated experiences to secure employment in Europe.

For factory workers employed in Taiwan, their period of work in the country is capped at a maximum of 12 years. Once this time frame is reached, renewing their contracts is no longer allowed, leading them to go back to their countries of origin. This policy stems from the absence of family reunification rights within host nations and a tendency to restrict citizenship eligibility to those in low-skilled work categories. Consequently, migrant workers find themselves without the option to extend their stay in Taiwan. In response, many choose to return to their home countries or explore employment opportunities in different nations.

Table 1. The experiences of three Filipino factory workers

NAME	YEARS OF STAY IN TAIWAN	CURRENT YEAR AND CITY IN POLAND
Mae	3	3 in Lublin
Rick	5	2 in Lublin
Justin	3	2 in Bytów

Source: Author's interview result

Mae chose to leave Taiwan after just three years of work, well before reaching the 12-year limit. Her decision was influenced by several factors. Mae conducted a comparative analysis between her experiences in Taiwan and her prospects in Poland, highlighting a key feature that tipped the scales in favor of Poland—the ability to renew contracts beyond 12 years. This flexibility offered her the prospect of long-term job security and stability, which she perceived as a valuable asset in her pursuit of economic and social advancement.

Rick's experience in Taiwan lasted for five years before he decided to explore employment opportunities in Poland. He found Poland's work environment to be significantly more relaxed compared to Taiwan's demanding and high-pressure atmosphere. Additionally, Rick expressed a preference for Poland's climate, indicating that the quality of life and comfort played a crucial role in his decision. Importantly, he viewed Poland as a strategic stepping stone for broader opportunities in other Schengen countries. He considered the comparatively lower

12 Russell King, "Towards a New Map of European Migration," *International Journal of Population Geography* 8, no. 2 (2002), https://dx.doi.org/10.1002/ijpg.246.

salary in Poland as an investment toward his overarching goal of achieving long-term economic and social mobility.

All of them were recruited through agencies located in Taiwan. These agencies played a crucial role in facilitating their migration journeys and handling various aspects of the process, including visa processing, placement fees, and flight tickets. The costs associated with these services varied, with expenses ranging from 3,300 to 5,300 USD. Agencies assist Filipino workers in navigating the complex visa processing and documentation requirements for employment in Poland. This includes ensuring that all necessary documents are in order, facilitating visa applications, and liaising with Polish authorities to secure the necessary approvals. Migrant workers often bear placement fees as part of the process of securing employment through agencies. These fees can encompass a range of services, including job matching, interview preparation, and administrative support. The cost of placement fees can vary depending on the agency and the nature of the employment arrangement. Agencies also manage logistics related to travel, including booking flight tickets and coordinating transportation to the host country. This ensures a smooth transition for migrant workers as they embark on their journeys to Poland.

The duration of the application processing timeline for employment in Poland differed among the three workers. Justin's application process was notably swift, taking just four months from start to finish. In contrast, Rick's journey was more protracted, spanning almost six months. Mae faced a unique challenge in her migration journey, as her application was delayed by nearly a year due to a regulation amendment enforced by the Polish Embassy during the processing period. Justin's relatively short application timeline highlights the efficiency of the migration process when all required documents are in order, and the applicant meets the necessary criteria. His experience demonstrates that for some Filipino workers, the transition from Taiwan to Poland can be relatively swift and seamless, enabling them to pursue their aspirations without undue delay. Rick's journey, which extended over a period of nearly six months, reflects the variability and complexity of the migration process. Delays can arise from various factors, including administrative procedures, document verification, and changes in regulations. Rick's experience underscores the importance of resilience and persistence for those navigating the intricacies of international migration.

Mae's case highlights the potential challenges that Filipino workers may encounter during the migration process. A regulation amendment enforced by the Polish Embassy contributed to a significant delay in her application, extending her waiting period to almost a year. Such regulatory changes can introduce unexpected hurdles for migrants and necessitate adaptability in their plans.

Despite acknowledging the wage disparity between Taiwan and Poland, Mae, Rick, and Justin provided nuanced and multi-faceted rationales for why they considered their situations in Poland to be preferable. Their motivations encompassed a range of factors beyond immediate financial gain. Mae conducted a comprehensive comparison between her experiences in Taiwan and her prospects in Poland. She recognized a distinctive feature in Poland—the ability to renew contracts beyond 12 years, which was not possible in Taiwan. Mae viewed this contractual flexibility as a critical advantage, offering her the prospect of long-term job security and stability. Rick's perspective was shaped by his experience in both Taiwan and Poland. He found Poland's work environment to be significantly more relaxed, leading to a better quality of life. Rick also expressed an affinity for Poland's climate, emphasizing the importance of comfort and well-being in his decision. Importantly, he viewed Poland as a strategic stepping stone for exploring enhanced opportunities in other Schengen countries. He considered the comparatively lower salary in Poland as an investment toward his overarching goal of achieving long-term economic and social mobility.

Justin's outlook encompassed more long-term aspirations. While he recognized the wage differential, he contemplated the prospect of obtaining a permanent residency card and potentially pursuing Polish citizenship—a pathway unavailable to low-skilled workers in Taiwan. He saw Poland as a gateway to Europe and envisioned a future with enhanced job prospects and personal growth opportunities. Justin's decision was informed by his belief in the potential for long-term stability and advancement in Europe.

3.2.1 Poland as a Stepping Stone to Broader Opportunities

One common theme that emerged from the perspectives of Mae, Rick, and Justin was the role of Poland as a stepping stone to broader opportunities in Europe. Despite the comparatively lower wages in Poland, they viewed their experiences in the country as an investment toward achieving their overarching goals of long-term economic and social mobility.

Rick's perspective exemplifies this strategic approach. He saw Poland as an entry point to the Schengen Area, a zone comprising 26 European countries with relaxed border controls. By working in Poland, Rick believed

he could position himself for enhanced opportunities in other Schengen countries. This perspective highlights the strategic thinking of migrant workers who view their employment in Poland as a means to access a broader European job market.

Justin's consideration of permanent residency and potential citizenship in Poland reflects a long-term outlook. He recognized the limitations faced by low-skilled workers in Taiwan in terms of legal pathways to long-term residency and citizenship. By choosing Poland, Justin sought to establish a foundation for his future in Europe, with the potential for expanded employment prospects and personal growth.

The decisions of these workers were not solely based on short-term financial gains but were the result of a comprehensive evaluation of their circumstances and aspirations. Their choices were influenced by a mix of factors, including contractual flexibility, quality of life, and long-term prospects for advancement.

The experiences of Mae, Rick, and Justin offer valuable insights into the complex decision-making processes of migrant workers seeking employment in Europe, particularly in Poland. Their journeys highlight the interplay of economic factors, regulatory constraints, and individual aspirations that shape the migration trajectory of Filipino workers.

While higher wages in Taiwan initially attract many Filipino workers, regulatory limitations and the prospect of returning to their home countries prompt them to explore alternative employment avenues. Agencies play a crucial role in facilitating this migration, managing documentation, placement fees, and logistics.

The duration of the migration process can vary significantly, with some workers experiencing swift transitions, while others encounter delays due to administrative procedures or regulatory changes. Adaptability and resilience are essential qualities for those navigating the intricacies of international migration.

Beyond immediate financial gain, Filipino workers like Mae, Rick, and Justin present a multi-faceted array of motivations for favoring their situations in Poland. Their decisions reflect a comprehensive evaluation of both short-term gains and long-term aspirations, highlighting the significance of contractual flexibility, quality of life, and the potential for broader opportunities in Europe.

3.2.2 Third country serial labor migration: Is it illegal?

In recent years, the phenomenon of third-country serial labor migration has garnered attention as individuals from developing countries seek employment opportunities across multiple countries for economic and social advancement. This migration pattern raises questions about its legality and the regulatory challenges faced by both sending and receiving countries. This section delves into the complexities of third-country labor migration, shedding light on its legal implications and exploring the motivations behind this trend.

According to Boswell *et al*,[13] illegal recruitment is primarily influenced by two factors: restrictive legislation on legal labor migration and the employers' drive to avoid the costs associated with legal employment. Governments face significant challenges when it comes to dealing with the issue of illegal employment.

The Philippines has responded to the challenges of illegal recruitment by establishing a robust and comprehensive regulatory framework for overseas employment. This framework mandates that prospective overseas workers undergo stringent employment verification procedures. Crucially, the documents supporting their employment undergo rigorous evaluations—initially by the Philippine Overseas Labor Office (now recognized as the Migrant Workers Office) and subsequently by the Philippine Overseas Employment Administration (POEA). This meticulous scrutiny serves as a potent bulwark against the scourge of illegal recruitment, effectively shielding workers from potential exploitation, abusive conditions, and unequal treatment while they endeavor to carve a better future through overseas employment. Within this context, the practice of recruitment through a third country is classified as illegal when both the recruiter and the employer lack proper authorization from the Philippine government. This contravenes international standards set by the United Nations Convention on the Rights of Migrant Workers and relevant ILO conventions. According to insights from a government official interviewed for this study, workers who found jobs through agencies without having their contracts verified by the POEA face higher risks. When contracts aren't verified, it becomes harder to make sure that employers follow the important rules of both the Philippines and Poland. This lack of checking also makes it tough for the Philippine Embassy in Poland to help workers, as they can't be sure if the contract is fair and right. Furthermore, the government official highlighted that the practice of third-country hiring introduces complexities in monitoring and regulating labor conditions. With these extra steps, it's harder for both the country the worker comes from and the one they go to, to keep an eye on things. This can lead to jobs where workers might be treated badly and

13 Christina Boswell et al., "The Illegal Employment of Foreign Workers: An Overview," *Intereconomics* 39, no. 1 (2004), https://www.econstor.eu/bitstream/10419/41823/1/37855980X.pdf.

don't get the protections they need. Overall, this shows how important it is for contracts to be checked and for countries to work together to make sure workers are treated well.

When individuals who wish to migrate follow the legal process through POEA, there are important steps in place to protect them. One of these steps is obtaining an Overseas Employment Certificate (OEC), which serves to validate the deployment as well as confirm that the recruitment and documentation process has been carried out accurately. To ensure the safety and well-being of those seeking employment abroad, it is necessary for applicants to acquire the necessary work permit, visa, or employment contract. These documents should undergo approval by the Philippine Overseas Labor Office (currently referred to as the Migrant Workers Office) and must be processed by the POEA before they leave the country.[14] This careful procedure safeguards the interests of migrant workers and ensures that their migration journey begins with proper legal documentation.

The POEA introduced Memorandum Circular 04,[15] which established guidelines for the deployment of Filipino migrant workers. According to this directive, workers are required to be employed by an accredited placement/employment agency, with the exception of situations where they secure employment through "government-to-government placement by POEA" or independently, with their documents processed by POEA.[16] As a result, the POEA made it mandatory for workers to obtain an "exit clearance" called an Overseas Employment Certificate (OEC) before being deployed to their intended countries of employment. This document certifies the accuracy of the recruitment and documentation process and also grants exemption from on-shore travel and airport terminal taxes/fees.[17] Recently, the Philippine government launched a digital pass that serves as a digital alternative to the printed OEC.

There is a limited study that covers this topic. Chen, Liu, and Yeoh[18] conducted a study about the recruitment of Filipino domestic workers for the Chinese market and they found that this type of recruitment is a global operation that encompasses various regions like Hong Kong, Taiwan, and Macau, as well as countries such as Saudi Arabia and Singapore, thus transcending their country of origin, the Philippines. The phenomenon is termed "serial labor migration" by Parreñas,[19] encompassing the itinerant labor migration patterns of temporary low-skilled migrant workers across multiple countries.

According to staff in MECO Taiwan, the Migrant Workers Office (MWO) in Poland faces a significant challenge because it can't check if the provisions in the contracts of these migrant workers are appropriate. The reason for this challenge is that the Philippine Overseas Employment Administration (POEA) does not verify these contracts since these migrant workers do not go through the POEA application process.

The term "stepwise migration" denotes a distinct manner of international migration. This notion developed as a result of academic conversations and investigations within migration research. The origin of this idea can be traced back to Ravenstein,[20] who initially introduced it. In this process, migrants systematically move from one country to another, engaging in work during their journey, until they ultimately establish themselves in a concluding destination, with the eventual aim of achieving legitimate entry into their preferred destinations, often situated in Western countries. Early works demonstrated a sequence of stepwise migration, tracing their migration from rural areas to smaller townships and eventually leading to major urban centers.[21] Over the decades, the concept of stepwise migration has been developed and well-studied. In a study by Paul,[22] 95 Filipino domestic helpers were interviewed, revealing a gradual migration process that unfolded according to a hierarchy of destinations. Likewise, a recent extensive interview conducted among Filipino and Indonesian migrant domestic workers in

14 POEA, *Ofws Warned on Job Offers from a Third Country* (Philippines: Philippine Overseas Employment Administration, 2019).
15 Memorandum Circular No. 04, Series of 2007
16 Allain Dumon Fonte, "Documenting the Undocumented: A Review on Thai-Philippine Labour Policies and the Impact to Undocumented Filipino Migrant Workers," *PEOPLE: International Journal of Social Sciences* 6, no. 1 (2020), https://dx.doi.org/10.20319/pijss.2020.61.93110.
17 David Dickinson, *Migrant Worker Recruitment Costs: Philippines* (Transient Workers Count Too, 2016), https://twc2.org.sg/wp-content/uploads/2017/04/Philippines-Recruitment-Fees.pdf.
18 Hui Chen, Yungang Liu, and Brenda S. A. Yeoh, "New Immigrant Destinations and the Role of the Migration Industry: Moving Filipino Domestic Workers to Mainland China," *Asian and Pacific Migration Journal* (2023), https://dx.doi.org/10.1177/01171968231191287.
19 Parreñas et al.
20 Ravenstein, "The Laws of Migration," *Journal of the Statistical Society of London* 48, no. 2 (1885), https://dx.doi.org/https://doi.org/10.2307/2979181.
21 Ibid, and Dennis Conway, "Step-Wise Migration: Toward a Clarification of the Mechanism," *The International Migration Review* 14, no. 1 (1980), https://dx.doi.org/https://doi.org/10.2307/2545058.
22 Paul.

the United Arabic Emirates also recognized the occurrence of serial, cross-border labor migration.[23] Paul[24] argues that the concept of stepwise migration is relevant to different sets of global migrant populations working in sectors where skills and knowledge can be transferred across countries with ease.

Scholars Liao and Yiqing Gan[25] offer two distinct perspectives to explain the observed stepwise migration pattern among migrant domestic workers. The stepwise migration pattern seen among migrant domestic workers can be explained through two perspectives. One viewpoint associates it with the accumulation of migration-related capital. Workers with limited initial resources strategically acquire job skills, establish overseas social networks, and notably enhance their financial capital. These accumulated migrant capital reserves then facilitate their transition to high-paying Western countries, often offering pathways to permanent residency.[26] Moreover, the determination of migration destinations can sometimes rest with recruitment agencies in the origin country, while each destination's duration is governed by host country policies. From this angle, the sequential migration of domestic helpers is perceived as a chain of precocity.

While the governance of the Philippines exercises control over its migrants and demonstrates a vested interest in facilitating the temporary migration of workers within their host countries, the practice of third-country hiring raises both legal and ethical questions. Recruitment through a third country is classified as illegal when proper authorization from the Philippine government is absent, and this contravenes international standards set by the United Nations Convention on the Rights of Migrant Workers and relevant ILO conventions. To safeguard migrant workers, established procedures, such as securing an Overseas Employment Certificate (OEC), are in place to ensure legitimate deployment.

4. Conclusion

This study has explored the complex dynamics of third-country serial labor migration among Filipino factory workers, specifically those moving from Taiwan to Poland—a practice deemed illegal by the Philippine government. The motivations prompting this shift are multifaceted, encompassing factors like the appeal of improved work conditions, flexible contracts, and better career prospects in Poland. Narratives from individuals such as Mae, Rick, and Justin highlight the personal ambitions driving these migration decisions.

This research not only reveals the motivations guiding this migration but also underscores the importance of understanding the various reasons behind factory workers leaving Taiwan. It emphasizes the need to consider both overarching factors like legal frameworks and individual aspirations in comprehending the intricacies of third-country serial labor migration. By addressing these aspects, the study contributes insights to the wider discussion on labor migration patterns of Filipino factory workers from Taiwan to Poland.

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23 Parreñas et al.
24 Paul, "Capital and Mobility in the Stepwise International Migrations of Filipino Migrant Domestic Workers."
25 Liao, and Yiqing Gan.
26 Paul, "Capital and Mobility in the Stepwise International Migrations of Filipino Migrant Domestic Workers."

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