



## ADVISORY ON CHINA JOBS

The Philippine Embassy in Beijing has issued the following story of a Filipino victimized by illegal recruiters who promised him job in China:

Roland Gorospe (not his real name), a 23 year old education graduate, answered a newspaper ad for a teaching job in China. The employment agency headed by Leilani Herrera Zhang (not her real name), a Filipino married to a Chinese, asked Roland to pay US\$2,000 in exchange for employment as an English teacher, work visa, and appropriate lodging. Roland borrowed P150,000 from friends and family to pay Leilani and to buy his plane ticket to Beijing.

What Roland got was a business "F" visa valid for six months, indefinite job hunting, and lodging in a cramped Beijing apartment with 45 other people (some of whom were also Filipinos).

After a month, Roland finally landed a job in Inner Mongolia as a middle school teacher. He was receiving RMB 4,000 (US\$571) a month. Before the expiration of his visa, Roland paid RMB 3,000 to a Chinese national named Michelle Li who managed to arrange for the conversion of his business visa to a working "Z" visa.

Just when he started to think that everything was finally turning out fine, the public security bureau (PSB) of the Inner Mongolia Autonomous Region raided his middle school as it did not have the license to hire foreigners. The PSB also found out that he had a fake visa.

The PSB told Roland that he would be detained for a month while investigations were going on regarding his fake visa. The PSB also fined Roland RMB 17,000 (US\$2,125) for illegally working in China and for having a fake visa. Through the intercession of the Philippine Embassy, the detention of Roland was shortened and the fine reduced to RMB 10,000. Roland was subsequently deported to Manila with nothing to pay back the money he owed his friends and family.

The story of Roland is one of the many sad cases reported to the Philippine Embassy in Beijing. And the cases are increasing. It is in this context that the Philippine Embassy in Beijing advises Filipinos to be wary of illegal recruiters promising high-paying jobs in China. A growing number of Filipinos have become victims of Filipino and foreign illegal recruiters enticing Filipinos to work in Beijing and other cities in China. They have ended up either underpaid, jobless, or jailed for staying illegally or beyond their visa validity. While it is true that there is a need for English teachers in China, not all schools are authorized by the Chinese government to hire foreign teachers. Most of the cases of contract breaches and illegal recruitment involve unauthorized schools and fly-by-night recruitment agencies who hire Filipino teachers via the internet or by telephone.

A foreigner has to hold a working "Z" visa in order to work legally in China. Filipinos intending to work in China must have the following documents in order to get a working "Z" visa from the Chinese Embassy in Manila or the Chinese Consulate General in Cebu:

- A visa notification issued by the authorized Chinese government unit; and
- A Work Permit for Aliens issued by the Chinese Labor Ministry or a Foreign Expert's License issued by the Chinese Foreign Expert Bureau.

One of the main requirements for a foreigner to get a Work Permit for Aliens or a Foreign Expert's License is a signed valid employment contract with a company/school authorized to hire foreign workers/teachers.

A working "Z" visa is valid only for three months. The holder of a "Z" visa then goes through residential formalities in the local public security department within thirty days of entry into China.

Business tour "F" visa holders are given to foreigners who wish to participate in a business conference, short-term course, on-the-job training, or scientific-technological and cultural exchanges for a period not longer than six months. "F" visa holders cannot work legally in China. This visa class is for foreigners traveling temporarily to China for business purposes or as their company representative, and does not allow the holder to take full-time employment.

A tourist "L" visa cannot be converted to working "Z" visas or Business "F" visas. "L" and "F" visa holders who insist on working in China have little protection from abuse or mistreatment, with or without the presence of employment contracts. Filipinos are advised strongly not to sign employment contracts while still holding tourist "L" or business "F" visas. This act will nullify the contract.

The Philippine Embassy also warns Filipinos against recruiters who lead them to believe that they can obtain European or United States visas in Beijing upon payment of a huge fee. Embassies of the United States and European countries, as a policy, do not grant visas to tourists (tourist "L" visa holders). One has to be a resident of China to be entitled to apply for a Schengen or US visa in China. In cases reported, Filipinos holding fake Schengen or US visas may have succeeded in transiting from Beijing but end up being deported back to Beijing or Manila by European or US immigration officials.

Filipinos intending to work in China are reminded of the following DO's and DONT's:

#### DO

1. Do sign a contract only if it is written in a language that you understand.
2. Do ensure that your prospective employer is authorized to hire foreign workers. *(Those who tell you to come to China as a tourist first can only mean these companies are NOT authorized to hire foreigners.)*
3. Do obtain a working "Z" visa from the Chinese Embassy in Manila or Chinese Consulate General in Cebu or Laoag before leaving the Philippines for China, if you intend to work in China. *If your prospective employer is legitimate and is authorized to hire foreign workers, they should already have coordinated with the relevant Chinese authorities to enable you to receive a visa notification and a Work Permit for Aliens/Foreign Expert's License, which you need to submit to the Chinese Embassy/Consulate General.*
4. Do register with the Public Security Bureau (PSB) in your locality within a month of arriving in China to secure your residence permit. *Some landlords do not report to the PSB that foreigners are staying in their apartments for fear of having to pay higher taxes. This puts the foreigner at risk of being fined when found out by the PSB.*
5. Do stay with the employer/school/hotel who arranged for your working "Z" visa. *Should you wish to change employer/school/hotel, you need to inform the Ministry of Labor or the Chinese Foreign Experts Bureau of this decision. Not doing so puts you in a vulnerable position with the law enforcement authorities.*

## DON'T

1. Do not accept a job offer that is not signed by the prospective employer.
2. Do not agree to be a housekeeper/maid/nanny in mainland China. *Housekeepers/maids/nannies are not among the positions open to foreigners in mainland China. Thus, most foreigners working as housekeepers/maids/nannies in China are not in possession of appropriate work permits. They are always in danger of being penalized for illegally staying and illegally working in China.*
3. Do not believe agents (Chinese or Filipino) who tell you to go to China as a tourist so that they can convert your tourist "L" or business tour "F" visa to a working "Z" visa. *Do not believe ads offering the same service. It cannot be done. Thus, you risk being given a fake visa/fined/eventually deported.*
4. Do not pay anyone to get you a visa to Europe or the United States while you are a tourist in China. *It cannot be done. Only residents in China can apply for a visa at the European and U.S. embassies/consulates in China. Thus, you are only bound to get a fake U.S. and European visa.*
5. Do not entrust your passport to anybody- not your employer, not your agent.

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