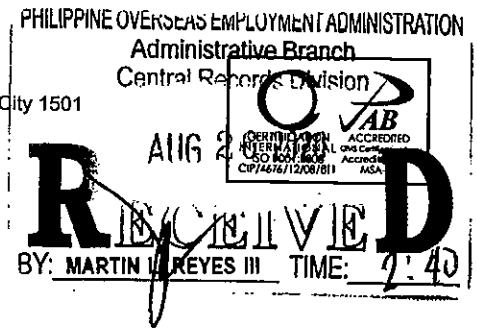




**Philippine
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**ADVISORY No. 122
Series of 2020**

Costs of Immigration Adviser's Fees as part of the Working Visa application process for New Zealand should not be charged to the worker

It has come to the Administration's attention that despite clear provisions on the collection of fees, job applicants for New Zealand are being charged with immigration processing fees, visa consultancy fees, professional fees for immigration advisers or lawyers, among other fees.

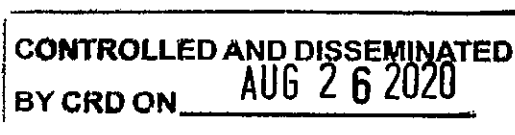
Pursuant to Sections 50 and 53 of Rule V, Part II of the Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016, enumerating fee and costs chargeable to the Overseas Filipino Worker and to the Principal/Employer, the Administration reiterates that the costs for the processing of Visa and Work permits, including related costs are chargeable to the Principal/Employer. Moreover, under Section 54 of the same Rules, except for those explicitly enumerated, no other fee or amount for whatever manner or purpose, shall be charged to the Overseas Filipino Worker.

The prohibition on the charging of visa and other related fees to the worker is also consistent with New Zealand's Wage Protection Act of 1983 disallowing employers or any other persons engaged on behalf of the employer from seeking or receiving any premium with respect to the employment of any person. Under Section 12A of the New Zealand Wage Protection Act, this applies whether the premium is sought or received from the person employed or proposed to be employed, or from any other person.

Further, this Advisory is issued to emphasize that:

1. In processing a New Zealand visa, there is no legal requirement to use an Immigration Adviser or Consultant (IA);
2. Anyone providing advise about New Zealand visas, must be licensed by the New Zealand Immigration Advisers' Authority (IAA). An employer or a recruitment agent cannot provide immigration advise, unless licensed by the IAA or has been given an exemption;¹
3. If the services of an IA shall be used by an employer, the employer shall bear the costs of said immigration advising service, the same being part of the visa application process. Whether the immigration service agreement is signed between employer and IA, or between the IA and the worker, the costs shall not in any way be charged to the worker.

¹ <https://www.iaa.govt.nz/>



All concerned Philippine recruitment agencies deploying to New Zealand, are advised to guide their New Zealand Principals (whether employers, end-users, staffing companies, labor-hire contractors or employment agencies) to pay for the costs of immigration advising service in case they choose to engage the services of the latter. The Philippine Overseas Labor Office (POLO) in Wellington shall also help in disseminating the information to New Zealand Principals who are currently hiring or are interested in hiring Filipino workers and those seeking POLO's approval of employment documents. Job applicants are likewise urged to report to the Philippine Overseas Labor Office (POLO) Wellington, or to the Philippine Overseas Employment Administration (POEA), any act of New Zealand Principals, Immigration Advisers, or Philippine agents, of charging visa or immigration consultancy fees to applicants.

Any licensed recruitment agency found to be passing on the payment of any fees in the guise of immigration advisor's fee, by themselves or in collusion with immigration consultancy services, shall be sanctioned administratively, and shall be dealt with in accordance with existing law and regulation.

The Administration is also issuing a warning to visa immigration consultants and similar services that circumventing the rules or any act of recruitment on their part may constitute illegal recruitment and shall be subject to criminal prosecution under Republic Act 8042, as amended by Republic Act 10022.

Concerned industry organizations are likewise enjoined to help the POEA in promoting safe migration process and ethical recruitment practices, which includes guiding the applicants and prospective overseas workers about the fees and costs that are chargeable to employers and to workers.



BERNARD P. OLALIA
Administrator