



Cornell University  
ILR School

Cornell University ILR School  
**DigitalCommons@ILR**

---

Working Papers

ILR Collection

---

2013

## Inside the Labor-Sending State: The Role of Frontline Welfare Bureaucrats and Informal Migration Governance in Qatar

Froilan T. Malit Jr  
*Zayed University*

Follow this and additional works at: <https://digitalcommons.ilr.cornell.edu/workingpapers>

Thank you for downloading an article from DigitalCommons@ILR.

**Support this valuable resource today!**

---

This Article is brought to you for free and open access by the ILR Collection at DigitalCommons@ILR. It has been accepted for inclusion in Working Papers by an authorized administrator of DigitalCommons@ILR. For more information, please contact [catherwood-dig@cornell.edu](mailto:catherwood-dig@cornell.edu).

If you have a disability and are having trouble accessing information on this website or need materials in an alternate format, contact [web-accessibility@cornell.edu](mailto:web-accessibility@cornell.edu) for assistance.

---

# Inside the Labor-Sending State: The Role of Frontline Welfare Bureaucrats and Informal Migration Governance in Qatar

## Abstract

Since the 1970s, many labor-sending countries (LSCs) like the Philippines have increasingly faced a policy dilemma between protecting their citizens' labor rights and maintaining labor market access in the Arab Gulf region. To address such constraint, many LSCs have increasingly developed emigration policies and institutions to protect and promote workers' rights. This paper examines how and why labor-sending countries influence their emigration policies, particularly in the case of Qatar. Based on 45 in-depth qualitative interviews between 2011 and 2012 with labor diplomats, domestic workers, and labor rights leaders in Qatar, I find that despite the absence of legal protection mechanisms, frontline welfare bureaucrats have influenced Philippine emigration policies and the Kafala Sponsorship program. Three informal governance practices have been identified—labor mediation program, 48 hour ban policy (“burden-sharing” strategies), and informal diplomacy network (“burden-shifting” strategy)—which appeared to have enabled frontline welfare bureaucrats to mitigate domestic workers' cases within the Qatari labor market. These informal policymaking practices have not only reinforced frontline welfare bureaucrats' capacity to rule but also their abilities to cultivate relationships, power, and conflicts that determine policy outcomes. These empirical findings particularly contribute to the larger theoretical debates on the role of state in international migration by shifting the discourse to the human agency of the state (mainly of state bureaucrats) to understand how labor-sending countries determine policy outcomes in the host countries.

## Keywords

Qatar, labor market, labor-sending countries, emigration, welfare, bureaucracy

## Comments

### Suggested Citation

Malit, F. T. (2013). *Inside the labor-sending state: The role of frontline welfare bureaucrats and informal migration governance in Qatar*. Retrieved [insert date], from Cornell University, ILR School site: <http://digitalcommons.ilr.cornell.edu/workingpapers/163/>

### Required Publisher Statement

Copyright held by the author.

**PLEASE DO NOT CITE WITHOUT THE AUTHOR'S PERMISSION 1**

**INSIDE THE LABOR-SENDING STATE:  
THE ROLE OF FRONTLINE WELFARE BUREAUCRATS AND INFORMAL  
MIGRATION GOVERNANCE IN QATAR**

**By**

**Froilan T. Malit, Jr.\***

\*Froilan T. Malit Jr. is a current Research Associate, Human Capital Program at Zayed University. He holds an MSc Migration Studies at Oxford University and MPA Public Administration and BSc (Honors) Industrial and Labor Relations at Cornell University.

**ABSTRACT**

Since the 1970s, many labor-sending countries (LSCs) like the Philippines have increasingly faced a policy dilemma between protecting their citizens' labor rights and maintaining labor market access in the Arab Gulf region. To address such constraint, many LSCs have increasingly developed emigration policies and institutions to protect and promote workers' rights. This paper examines how and why labor-sending countries influence their emigration policies, particularly in the case of Qatar. Based on 45 in-depth qualitative interviews between 2011 and 2012 with labor diplomats, domestic workers, and labor rights leaders in Qatar, I find that despite the absence of legal protection mechanisms, frontline welfare bureaucrats have influenced Philippine emigration policies and the Kafala Sponsorship program. Three informal governance practices have been identified—labor mediation program, 48 hour ban policy (“burden-sharing” strategies), and informal diplomacy network (“burden-shifting” strategy)—which appeared to have enabled frontline welfare bureaucrats to mitigate domestic workers' cases within the Qatari labor market. These informal policymaking practices have not only reinforced frontline welfare bureaucrats' capacity to rule but also their abilities to cultivate relationships, power, and conflicts that determine policy outcomes. These empirical findings particularly contribute to the larger theoretical debates on the role of state in international migration by shifting the discourse to the human agency of the state (mainly of state bureaucrats) to understand how labor-sending countries determine policy outcomes in the host countries.

## I. INTRODUCTION

A low-level employee of the Philippine Office of the Welfare Worker Administration (OWWA)<sup>1</sup>, Jenny explains her dilemma in delivering labor, welfare and protection services to Filipina domestic workers in Doha, Qatar:

If you favor Arab employers, then you'll look bad to Filipinos in the local community. They accuse you of corruption, sitting in the office and not helping Filipinos. Yet, if you favor Filipinos, it will affect our relationships with employers. Then, what should we do? (Jenny, interview, 22<sup>nd</sup> December 2011).<sup>2</sup>

Jenny and other low-level state employees (henceforth, “frontline welfare bureaucrats”) are part of the global debate on the appropriate role of labor-sending states<sup>3</sup> like the Philippines in protecting citizens’ labor/employment rights while maintaining global labor market access in the host country. Unlike democratic labor-receiving states, authoritarian Gulf States<sup>4</sup> like Qatar are particularly challenging regions for labor-sending states because they exclude domestic workers<sup>5</sup> from labor laws, citizenship rights, and reproductive rights<sup>6</sup>, categorizing them as “informal workers” or “partial citizens” within the labor market (Gamburd 2009; Shah 2004; Parrenas 2001). Frontline welfare bureaucrats inevitably confront a “double-edge sword” between protecting labor/employment rights and securing foreign remittances and a labor market niche for overseas Filipino workers (OFWs). Therefore, I focus on the complex roles and impact of highly centralized Philippine administrative institutions (specifically OWWA) and how their frontline welfare bureaucrats manage these conflicting policy interests in Qatar.

As one of the world’s largest labor exporters, the Philippines has exported at least 8 million out of 80 million Filipinos (or 10% of the total Philippine population) to over 200 countries and territories (Rodriguez 2010; Solomon 2009; Agunias & Ruiz 2007; Martin et.al 2004). Supported by the World Bank and the International Monetary Fund (IMF) in the 1970s, President Ferdinand Marcos adopted a labor export policy when he passed the Presidential Decree 442 to resolve “two major problems: unemployment and balance of payment position” (Agunias 2007:2). This state policy both developed into a “stop-gap” solution to the Philippine economic recession and became an economic imperative to exploit global labor market demands. It has also expanded Philippine state control and legitimacy by regulating the OFW private recruitment and protections and forging 13 bilateral labor agreements with labor-receiving states to formalize its diplomatic entry (Blank 2011; Solomon 2009; Go 2004). This has directly formed the Philippine foreign policy strategy, known as the “country-team approach,” which aims to promote and protect OFW labor rights while expanding global labor/employment opportunities. As a result, the Philippines has become a critical state broker supplying the cheapest low-skilled care services for the Gulf States within the Middle East and global labor market.

---

<sup>1</sup>OWWA is a state agency which legally mandates frontline welfare bureaucrats to “provide overseas Filipino workers (OFWs) all the assistance, particularly enforcement of contractual obligations by agencies/or by their principals” (POEA 2012).

<sup>2</sup>To maintain confidentiality, I used pseudonyms for all the participants.

<sup>3</sup>Labor-sending states refer to countries that adopted labor export as government policy to generate foreign remittances needed to finance trade deficits and loans.

<sup>4</sup>The Gulf States is comprised of Qatar, Bahrain, Kuwait, Saudi Arabia, United Arab Emirates, and Oman.

<sup>5</sup>I used ILO Convention 189’s to define *domestic worker* individuals engaged in domestic work within an employment relationship.

<sup>6</sup>Reproductive rights include the right to pregnancy and family reunification.

As the largest exporter of domestic workers to Qatar, the Philippine state's country team approach strategically markets Filipina domestic workers under the *Kafala* Sponsorship Program,<sup>7</sup> the temporary labor immigration program in Qatar. This particular demand intensified in the 1970s when the Qatarization law imposed preferential hiring on Qatari citizens (particularly females), who had recruited Muslim domestic workers. The Philippine state exploited this requirement by exporting approximately 32,000 out of 189,000 Filipinos in 2010 (17% of the total OFW population) to Qatar (Philippine Embassy Report (PER) 2010). The existing bilateral labor agreements, combined with employers' linguistic and other requirements "such as beauty, politeness, and cleanliness," poised Filipina domestic workers above other foreign domestic workers yet these prized workers remain legally unprotected against labor exploitations within Qatari labor market. If labor contractual conflicts arise between Qatari employers/agencies and domestic workers under the *Kafala*, the OWWA is the *only* institution under the country team approach that directly provides labor conflict mediations. Therefore, it is critical to investigate how frontline welfare bureaucrats manage conflicting policy interests in Qatar.

This paper examines how and why frontline welfare bureaucrats influence Philippine emigration policies in Qatar. While media reports widely publicize domestic worker abuses and suicides throughout the Gulf States, little empirical and theoretical studies have investigated how and why Filipino frontline welfare bureaucrats fail to address such abuses. I argue that, despite the absence of legal protection mechanisms, frontline welfare bureaucrats have effectively influenced Philippine emigration policies and the *Kafala* by employing informal governance practices to mitigate domestic worker cases within the Qatari labor market. This case study will provide new theoretical perspectives on how and labor-sending states like the Philippines manage their conflicting policy interests. It fills in gaps for academic scholars and policymakers about their real impact in the global migration debates. I divided this paper into four sections. The first section explains the literature review and theoretical building blocks for analyzing the roles of frontline state bureaucrats and of labor-sending states in international migration. The second section explains the methodology and design. The third section examines the mandates, constraints and informal governance mechanisms of frontline welfare bureaucrats within the Qatari domestic work sector. The fourth section analyzes the reciprocal power struggles and interstate dependency between and among frontline welfare bureaucrats and key stakeholders, highlighting their "burden-shifting" and "burden-sharing" approaches within the *Kafala* bond structures in Qatar. The conclusion section reviews the empirical, theoretical, and methodological contributions of this research while recommending a new research agenda for studying state bureaucrats and labor-sending states in global migration debates.

## II. THEORIZING LABOR-SENDING STATES IN INTERNATIONAL MIGRATION

Many scholars have understated nation-states' roles in shaping international migration, despite their strong influence on the volume, type, and scale of migrant flows (Massey 1999; Zolberg 2000; Teitelbaum 2002). As Zolberg (2000:71) acknowledges, "it is remarkable that the role of states [...] has been largely ignored by immigration theorists." Yet small-scale studies are even more problematic because they have entirely focused on democratic labor-receiving states (Calavita 1992; Fitzgerald 1996; Massey 1999; Meyers 2000; Cornelli et al 1994) and some on authoritarian states (Tsai-Chuan 2011). Limited

---

<sup>7</sup>The term *Kafala* is originated from the Bedouin custom of providing temporary affiliations and protections to strangers or tribes for certain purposes (Beaugue 1986).

studies have focused on labor-sending states' bureaucratic institutions and policies, specifically in authoritarian Gulf States (particularly Qatar) that have the largest stock of international migrants (IOM 2012). More importantly, existing studies have largely excluded the impact of state bureaucrats, who directly negotiate labor market access and rights in the host country.

Since the 1970s, labor-sending states have articulated, facilitated, and encouraged a development policy-based model of temporary labor migration. Two competing views have dominated the debates. The first view contends that labor-sending states intensify emigration flows to generate remittances necessary to address foreign debts, finance trade deficits and balances (Hugo and Stahl 2004). These strategies have become a "safety valve" that significantly mitigates potential economic recession or poverty while externally addressing its financial debt obligations to the IMF, the World Bank and other international financial institutions (Teitelblau 1984; Stark 1993). The intensification of high or low-skilled emigration flows further reduces high underemployment and unemployment pressures through the absorption of a large labor surplus, particularly within rural informal sectors (Hugo and Stahl 2004). These economic interests do not only further incentivize labor-sending states to promote "long-term but temporary migration" but also broadly incorporate emigration as part of their long-term migration-development strategies (Schmitter 1986).

Conversely, the second view claims that labor-sending states specifically confront emigration policy dilemmas in the host country: (1) brain drain and (2) labor exploitation. Labor-sending states, particularly those with small highly-educated populations (i.e. African or Caribbean states), critically face brain drain—loss of highly skilled manpower—which directly threatens their national economic development. This is problematic because it could significantly outweigh the effects of remittances to their national economies (Faini 2006; Misrah 2006; Ratha 2005). Second, labor exploitation, exclusion, and deaths of many migrant workers (particularly those "partial citizens" like in the Gulf States) in the host country pose direct challenges for labor-sending states' extra-territorial administrative capacity to provide adequate labor/employment protections (Cornellius 2004; Arnold & Shah 1986). These conflicting interests put labor-sending states in a "trade-off policy dilemma" between securing labor market access and protecting the labor/employment rights of their citizens in the host countries.

Despite the growing literature on the state's role in international migration, few scholars have empirically tested *how* and *why* labor-sending states weigh this trade-off policy dilemma, particularly within authoritarian state contexts. This empirical and theoretical inquiry is critical as it makes us unaware about the policy behavior or preferences of labor-sending states in determining their emigration policies. In fact, the lack of theoretical and empirical studies can be partly due to the difficulty of accessing labor-sending states' internal bureaucratic functions, which directly spurred this empirical research. To reconcile these empirical and theoretical gaps, it is critical to look *inside* the labor-sending states by deeply analyzing how frontline welfare bureaucrats directly manage these mandated conflicting state policies. An in-depth case study of labor-sending states, specifically the Philippine Office of the Welfare Worker Administration (OWWA), highlights important methods to decode how labor-sending states, acting through the agency of frontline state bureaucrats, manage this trade-off policy dilemma, particularly for labor/employment protection policies.

### **Migration Research on the Philippine State**

Many scholars have argued that the Philippine state has actively facilitated a labor-export policy model to secure significant economic benefits (mainly remittances) while extending external political authority by establishing bureaucratic and administrative units in

the host country (Rodriguez 2010; McGovern 2006; Parennas 2001; Gonzalez 1998). This creates what Rodriguez (2010) calls a “labor-brokerage” system in which the Philippine state strategically “manufactures” OFWs by developing complex intermediary institutions (i.e. international recruiters) to train, deploy, and mobilize cheap labor intensifying the inflow of remittances. Such extra-territorial institutions have transformed the Philippines into a *detrterritorialized state* that seeks power and international legitimacy to strategically achieve its functional imperatives (Solomon 2009). Its state recognitions for migrants as “modern day heroes” have directly reinforced the power of the Philippine state over their citizens, further legitimizing their obligations to their homeland “imagined communities” (Anderson 1991).

Others have claimed that the Philippine state has strongly emphasized its economic interests over labor/employment protection for its citizens (Rodriguez 2010; Parennas 2011; Battistella 1999). In analyzing the role of states in neoliberal economies, Ball and Solomon (2008) argue that the Philippine labor-export as government policy has deep seated paradox between promoting human rights and access in host countries. They argue that the Philippine state’s Republic Act 8042 Migrant Workers and Overseas Filipino Act of 1995 simply remains problematic because such policy has done little to fully curb abuses. It was only symbolically utilize to reinforce the caring nature of the Philippine state yet has very little power to secure labor/employment protections for OFWs globally (Ball and Solomon 2002; Battistella 1999). They further contend that the uneven political power with the labor-receiving states thus limit Philippine sovereignty and control to protect their citizens in the host country (Chi 2008), which shifts the protection “in the hands of the migrants themselves and normal diplomatic interactions” (Rodriguez 2010; Parennas 2001; Battistella 1999). This makes OFWs expendable commodities vulnerable to legal exploitations within the global economy.

Despite their different political, social and economic analyses, many scholars appear to have agreed that the Philippine state is purely driven by its economic interests in the host country. Yet their theoretical view of the state is problematic because it ignores “the domestic, multi-level struggle sovereignty what those interests are not only in the economic sense, but also in the realm of their political and ideological interests” (Keohane and Nye 1987; Fitzgerald 2006). They view the Philippine state as a rational, unitary actor pursuing its national interests while competing with other nation-states to maximize economic benefits for their national economies. In the Philippine context, little empirical studies have examined in-depth how, when, and why the Philippine state acts through the agency of state bureaucrats and fails to protect OFWs in the host country. Calavita (1992:198) reminds us, “structures don’t move, people do.” Therefore, *human agency* approach is a critical strategy to investigating the complex interests of state bureaucrats and of labor-sending states in international migration.

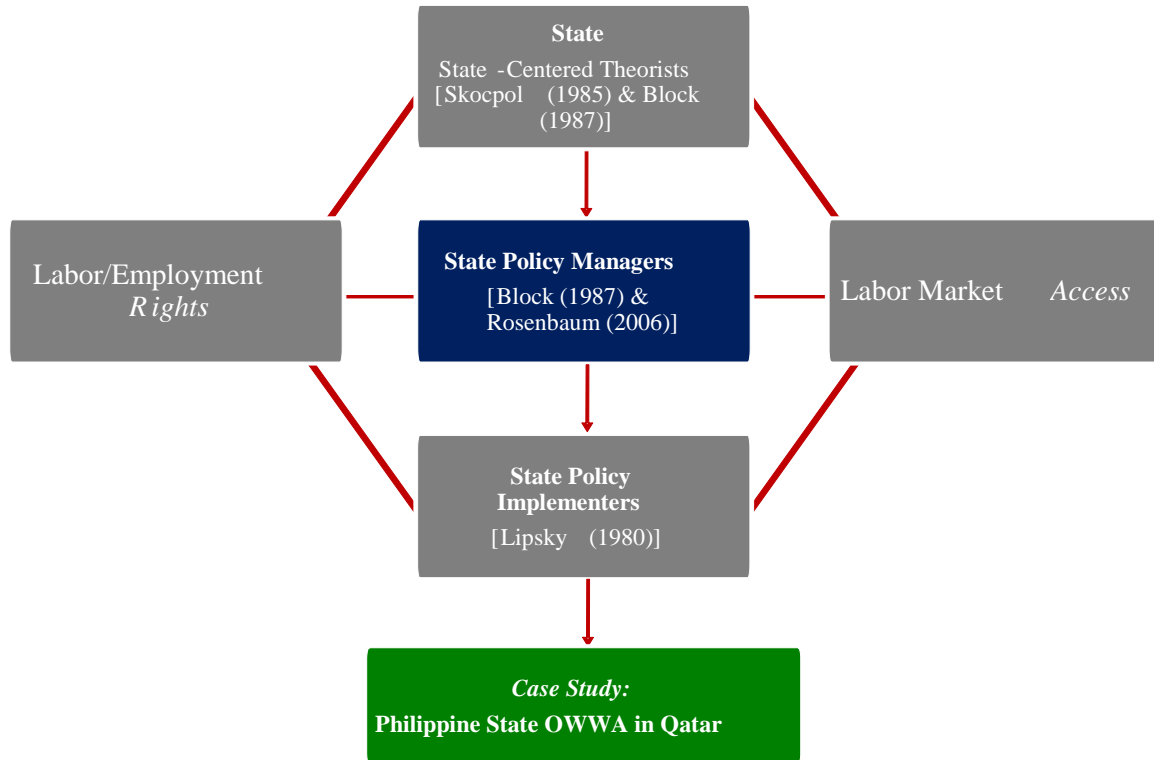
### **Theoretical Building Blocks for Analyzing Frontline Welfare Bureaucrats**

There is no one unified theoretical framework for studying the role of frontline welfare state bureaucrats in international migration discourses. Thus, I develop theoretical building blocks to explain such a phenomenon in Qatar and the Middle East. Although I do not intend to formulate a unified theory within the limitations of this paper, I wish to highlight the under-researched nature of frontline state bureaucrats dealing with trade-off policy dilemma in the host country using the most relevant theoretical concepts. I apply the following strands of theories (see Table 2)—state autonomy theory (Skocpol 1985), state manager and policy framework (Block 1987; Rosenbaum 2006), and street-level bureaucracy (Lipsky 1980). Instead of integrating such discrete theories, I have outlined a general



framework to analyze the complex roles and challenges of frontline welfare bureaucrats in international migration in the host country.

Table 2: Theoretical Building Blocks Diagram<sup>8</sup>



*State autonomy theory*

Conceptualized by Theda Skocpol (1985: 9), states are “conceived as organizations claiming control over territories and people may formulate and pursue goals that are not simply reflective of the demands or interests of social groups, classes or society.” The state autonomy theory, defined as the ability of state actors to pursue their own interests and agendas, accentuates the independent power of the state from the rest of society. The state, acting through the human agency of state actors, is an autonomous entity that pursues its interests and agendas within its capitalistic environment. It uses two indicators to justify the state power: (1) the size of state budget and employee population as sources state agency power; and (2) expansion of federal government (growth of state officials’ power). These state powers do not only emphasize the critical importance of *state capacity and autonomy* but also the administrative state control in pursuing its own policy interests or objectives. As Skocpol (1985: 260) highlights:

The administrative organization of government is crucial [...] Governments that have, or can quickly assemble, their own knowledgeable administrative organizations are better able to carry through than are the governments that must rely on extragovernmental experts and organizations.”

<sup>8</sup>This theoretical framework expands Calavita (1992)’s Bracero Program analysis, examining the implementation roles of American policymakers in the 1960s.

This particular theory critically situates the autonomy of state actors or administrative units that have a significant influence in determining policy outcomes independent from any societal influence.

#### *State Manager Framework*

Fred Block (1987) contends that despite the powerful influence of the corporate or elite groups, the state, acting through the agency of state managers, have a strong capacity and substantial autonomy to formulate public policies unconstrained from any societal forces. Block (1987: 84) acknowledges that “state managers collectively are interested maximizers—interested in maximizing their power, prestige, and wealth,” enjoy substantial autonomy and have the political capacity to restrict power of the dominant classes. He views the state, acting through the agency of state managers pursuing and imposing their interests and agendas on civil society, as a non-monolithic. He further claims that political power and legitimacy of state managers is heavily dependent on structural economic growth, as elite and other corporate lobbying players often constrain the effectiveness of state policies (Block 1987; Calavita 1992). This competitive state system directly produces interdependency and conflicts between elite lobbying groups and state managers operating within the broader political economic context.

#### *State Policymakers Framework*

In understanding the broader roles of labor-sending states in the host country, Rosenbaum (2006)'s analysis of the emigration policy interests and preferences of Mexican and some Central American policymakers is crucial in understanding how labor-sending state bureaucrats behave given the existing labor market competition with other labor-sending countries globally. Drawing from the 88 respondents interviewed, he describes the trade-off between the political economic benefits and social costs for these labor-sending states and their migrants. Employment and remittances were identified by state bureaucrat policymakers as key benefits, while at the same time raising human and labor rights exploitation as key concerns calling emigration as a necessary evil to maximizing short-term economic benefits.

This framework highlights the preferences of key state bureaucrats and policymakers in emigration policymaking, while underlining the key trade-off struggle for many labor-sending states in labor-receiving countries in the West. This framework demonstrates labor-sending states emphasis of the human agency, preferences, and agencies of state bureaucrats/policymakers in maintaining emigration policy systems.

#### *Street-Level Bureaucracy*

In situating the role of state policy implementers, Michael Lipsky (1980)'s theory of street-level bureaucracy argues that state policy implementers are the most important state actors yet excluded in policy making. He defines street-level bureaucrats as “frontline” workers who interact directly with citizens in the course of their jobs. Because of their substantial autonomy and discretion, they are a powerful part of the policy implementation community, emphasizing that “policy implementation in the end comes down to the people who actually implement it” (Lipsky 1980:3). Unlike state managers, street-level bureaucrats are caught in a dilemma between responding to citizens' demands and ensuring an effective policy implementation process. Finally, Lipsky (1980) identified multiple problems with street-level bureaucracy like limited resources and interpersonal relations clients,” which directly constraining the effectiveness of such a policy.

The case study analysis on the role of Philippine frontline labor bureaucrats in international migration is grounded in a human-agency-specific model of the state. Structural factors and human agency are linked on both empirical and theoretical grounds. I borrow from state-centered institutional approaches from Skocpol (1985), Block (1987), Rosenbaum (2006), and Lipsky (1980) to explain the human agency and informal governance mechanisms of frontline welfare bureaucrats in dealing with the trade-off policy dilemma within a wider capitalist context of Qatar. This particular approach does not only enable us to examine the interests, constraints, and tensions faced by the Philippine state, but also utilized as a critical starting point to analyzing how other labor-sending states function in regards to the authoritarian Gulf States contexts

### **III.METHODOLOGY**

Given the under-researched roles and informal governance practices of frontline welfare bureaucrats in Qatar, I utilized a qualitative research design to examine complex human social interactions and power struggles within the fieldwork environment. I applied an ethnographic research design, including in-depth semi-structured interviews, participant observations, and content analysis to examine 60 in-depth qualitative interviews between 2011 and 2012 with labor diplomats, domestic workers, and labor rights leaders in Qatar. These were documented in the form of field notes and transcripts. A combination of these methods produced a tri-dimensional perspective that enabled me to analyze complex assumptions about the policy dilemma of frontline welfare bureaucrats in Qatar. No interviews were recorded due to the research participants' requests. Research participants were all interviewed in English, Tagalog, and Kapampangan (a Philippine dialect), while working with a native Qatari-Arabic speaker, Walid to increase the robustness of my participants' responses.

### **IV.FRONTLINE WELFARE BUREACRATS AND THE KAFALA SYSTEM IN QATAR: THE 'GATEKEEPERS' OF THE PHILIPPINES STATE**

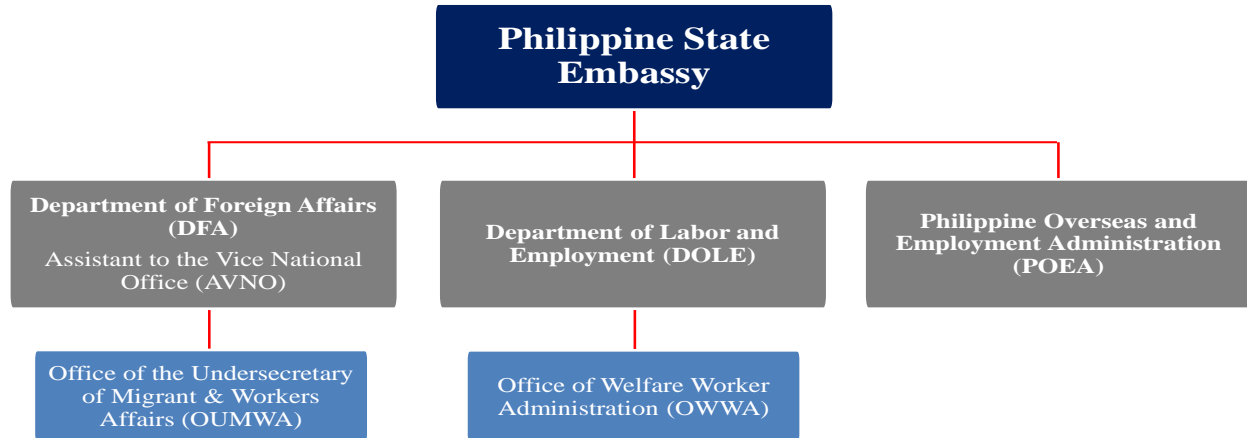
Coined from Lipsky (1980)'s street-level bureaucracy theory, frontline welfare bureaucrats are low-level state employees, who directly deliver labor and welfare services to citizens. Because of their substantial authoritative discretion, interpretative capacity, and innate public resource knowledge within the workplace, they have the strong capacity to influence public policy outcomes (Lipsky 1980; Evan and Harris 1982). More importantly, internal bureaucratic constraints like public budget deficits have not only forced frontline welfare bureaucrats to adopt context-based administrative strategies (i.e. rationing, screening and routinizing techniques) but also developed informal policy practices to effectively achieve intended state policy objectives (Lipsky1980). As policy implementers, frontline welfare bureaucrats have understated power and capacity to influence Philippine emigration policies. Applying my ethnographic fieldwork in Qatar, I analyze both empirically and theoretically the frontline welfare bureaucrats' mandates, constraints and informal governance mechanisms. Despite these structural constraints, frontline welfare bureaucrats have effectively developed informal governance practices to renegotiate the inherent power imbalance under the *Kafala*, which have been overlooked in the Qatari migration discourse.

#### **State Mandates of Frontline Welfare Bureaucrats**

To engage with its temporary migrant population abroad, the Philippine state employs a country-team approach (see Table 4 below), a state protective mechanism comprised of three Philippine emigration institutions: Department of Foreign Affairs (DFA), Philippine

Overseas and Employment Agency (POEA), and Department of Labor and Employment (DOLE) to broadly promote and protect the rights and welfare of OFWs globally. Two small labor and welfare offices—Assistant to the Vice National Office (AVNO)<sup>9</sup> under the DFA and Office of the Welfare Worker Administration (OWWA) under DOLE are mandated to address domestic workers' issues (Agunias and Newland 2012).

Table 4: Philippine Country Team Approach in Qatar



Philippine State Institution	Type of Institution	Policy Objectives
<b>Department of Foreign Affairs (1898)</b> <b>Assistant to the Vice National Office (1995)</b>	Sub-ministry	Protect and promote the rights of OFW rights and welfare
<b>Office of the Undersecretary for Migrant and Workers Affairs (1995)</b>	Other state institution	Provide legal services for distressed OFWs Provide migrant protection services, including legal and judicial support to distressed OFWs
<b>Philippine Overseas and Employment Agency (1982)</b>	Sub-ministry	Regulate overseas employment programs, specifically recruitment agency procedures
<b>Department of Labor and Employment</b> <b>Office of Welfare Worker Administration (1981)</b>	Sub-ministry Other state institution	Provide services like repatriation, business loans and labor/employment mediation/protections

These Philippine emigration institutions and their bureaucrats strictly follow a *legal principle* that a “regular, organized and documented migration” is the starting point for worker’s protection (Sto.Tomas 2009). This does not only influence the policy implementation behaviors of frontline welfare bureaucrats but also serves as policy criteria to determine domestic workers’ access to the existing OWWA and other state services.

In Qatar, frontline welfare bureaucrats have applied such legal principle within their *internal* mandates (i.e. facilitate labor conflict mediations and monitor domestic workers’ cases in local Qatari police and civil courts) and *external* mandates (i.e. collective enforcement of court rules with local security and border immigration authorities). During labor conflict and repatriation negotiations, frontline welfare bureaucrats represent and exhibit the *absolute* authority to determine the *type* and *level* of labor/employment protections for domestic workers. For example, documented domestic workers, who legally justified their legal employment status and other employment conditions, would receive more direct

<sup>9</sup>AVNO focuses on criminal-related cases, including rape.

attention than undocumented workers. *Immigration status* is thus utilized as one of the specific criteria that determine domestic workers' access to OWWA services. Without their institutional representation and passport authorization, domestic workers (particularly those with illegal/overstayed status) will not be repatriated to the Philippines. These complex mandates do not only emphasize the critical importance of legal documented migration, but also signify the devolution of the state power and authority to frontline welfare bureaucrats as the Philippine state's official gatekeeper in Qatar.

Apart from their OWWA mandates, frontline welfare bureaucrats are also tasked to secure domestic workers' labor/employment rights under the *Kafala* irrespective of their financial and administrative constraints. The absence of labor law and institutional mechanisms for domestic workers signify the Qatari state's *laissez faire* approach, directly "grant[ing] labor-sending states [like the Philippine state] custodial power over their citizens" despite the territorial scope (Rodriguez (2010: xxiv). Frontline welfare bureaucrats therefore have a "dual" custodial roles and power from the Philippine and Qatari states to "police" emigration and immigration actors.

Both the OWWA and *Kafala* mandates do not only expand frontline welfare bureaucrats' discretionary authorities but also challenge the inherent power inequality between employers and domestic workers. Two specific *Kafala* bond rules that provoke violent conflicts and tensions between frontline welfare bureaucrats and stakeholders. The first rule emphasizes that each domestic worker is tied to a local sponsor under a 2-year contract, whereby employer switching is prohibited. This gives employers the custodial power to cancel the residency permit and immediately deport the domestic worker, producing an "un-free slave bondage" in Qatar (Human Rights Watch 2010 & Varia 2010). The second rule, known as the 3-month probationary grace, is a "trial" period where employers/agencies evaluate the domestic workers' skills and personal characters. Any breach of labor provisions (i.e. running away) within the trial period invalidates employment contracts. These *Kafala* rules mandated that domestic workers are *not* legally required to pay for the recruitment related efforts but my findings reveal that they still pay "a placement fee" to secure their employment positions. If a domestic worker runaway within this trial period, labor recruiters will be legally required to reimburse employers' initial bond of \$2,335 for a Muslim or \$2,060.44 for a non-Muslim domestic worker. In contrast, if a domestic worker runs away after the trial period, labor recruiters will *not* be obligated to reimburse employers' bond, making employers "losers" in the domestic work market. These financial loses embedded in the zero-sum nature of *Kafala* bond policies perpetuate and produce a violent political space between employers and frontline welfare bureaucrats, creating "fault line" conducive to policy failures.

## **Structural Constraints in Qatar**

### *Institutional Constraints*

Given their complex dilemma under OWWA and *Kafala* mandates, frontline welfare bureaucrats have thus become structurally constrained in Qatar.

*Table 5: Frontline Welfare Bureaucrats: Mandates, Constrains and Informal Governance Practices*

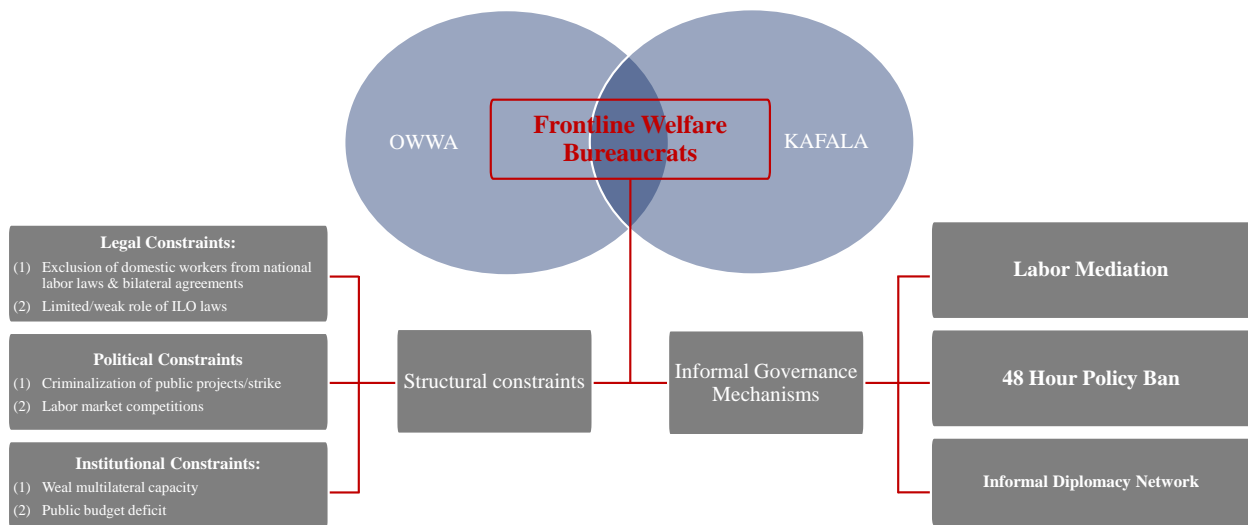


Table 5 highlights two institutional constraints—weak multilingual staff capacity and public budget deficits—have threatened their internal control to mitigate the constant flow of runaway domestic workers. The staffing ratio in 2011 between frontline welfare bureaucrats and the total OFW population was 2:189,000 (excluding labor/administrative bureaucrats), which have constrained their labor case monitoring capacities and labor conflict mediations (PER 2011). During Ramadan period, for example, frontline welfare bureaucrats have to manage at least 150 domestic workers (see photo below) who runaway due to mostly breach of labor complaints (i.e. long working hour, no food, non-payment). These heavy domestic worker caseloads have not only directly impacted their internal administrative capacity to enforce both OWWA and *Kafala* policies, but also challenge their public expenditures.

Public budget deficits—particularly the limited repatriate funds—have further constrained frontline welfare bureaucrats’ capacity to provide immediate repatriation for domestic workers to the Philippines. As a result, they have to host to at least 80 runaway domestic workers temporarily living in a two-bedroom OWWA shelter house. My fieldwork interviews reveal that the *perceived* abundance source of OWWA free tickets have encouraged domestic workers to runaway to OWWA. While frontline welfare bureaucrats have the authority to request tickets from the OUMWA they selectively employ free tickets based on the following criteria: (1) *previous employment records and behavior*; (2) *immigration status*; and (3) *validity claims*. By using these criteria, frontline welfare bureaucrats then employ a rationing technique to prioritize service allocation for domestic workers. They further conduct secret interviews with other runaway domestics within the OWWA temporary shelter house to validate their stories. These unwritten policymaking practices illustrate their discretionary control and power to discriminate state services, which have often been translated as “unfair” and “unacceptable” by runaway domestic workers. Yet despite other Filipina domestic worker immigration status, they have continued to extend state services like temporary shelter to undocumented domestic workers. This shows that frontline welfare bureaucrats have the *agency* to protect domestic workers, yet the weak institutional capacities and multiple flows of runaway domestics into OWWA, have impacted their mobility and protection capacity.

### *Legal Constraints*

Because of the domestic workers' explicit exclusion from the Qatari Labor Law No.14, frontline welfare bureaucrats have struggled to cope with the increasing domestic worker cases. Article 3 of the Qatari Labor Law No.14 states that "the provisions of this law shall not apply to ... the persons employed in domestic employment such as drivers, nurses, cooks, gardeners and similar workers" (Qatar Embassy 2011). A recent bill was further reviewed to address employers' contractual obligations yet it has not been implemented due to strong political opposition from employers' associations (Gulf News 2010). The Philippine-Qatar bilateral agreements 1997 and 2008 also exclude domestic workers' protection, as the Qatari state has opposed due to *real* and *perceived* fear of more obligations from other labor-sending states (Go 1998). Additionally, the Qatari state has neither ratified nor implemented major ILO laws for domestic workers. Although it favored the recent International Labor Convention on Migrant Rights of Domestic Workers (ILO No. 189), the Qatari state continues to follow a *laissez faire* approach, which has sparked criticisms from the civil society community. As the general secretary of the International Trade Union Confederation (ITUC) secretary, Sharan Burrow warns the Gulf states: "The ITUC will continue to shed light on the working conditions of migrant domestic workers in the Gulf countries, in particular Saudi Arabia, the UAE, Qatar and Bahrain" irrespective of structural legal constraints. A frontline welfare bureaucrat, Chris questions such ILO law: "How can you implement another ILO law if Qatar doesn't even have a domestic law for domestic workers? (Chris, personal interview, 12<sup>th</sup> June 2011). The non-legal binding status of ILO.No189, combined with labor law absence and institutional mechanisms, significantly impacted frontline welfare bureaucrats' operation. These external legal have directly constrained labor/employment protection mechanisms and administrative capacity in Qatar.

### *Political Constraints*

Public protests or strikes are considered criminal offenses under Qatari laws. As a result, frontline welfare bureaucrats lack the political capacity to publicly demand labor rights against the Qatari state. More importantly, the intense labor competitions with other labor-sending states have indirectly constrained their capacity to push for stronger labor/employment rights. This does not only increase the bargaining power of the Qatari MOI over the Philippine state and other labor-sending states, but also directly impede their bilateral negotiations, regarding domestic workers' inclusion (Arnold and Shah 1986; Go 1994). Yet such structural constraints do not signify that frontline welfare bureaucrats have no agency and options to protect domestic workers in Qatar. Unlike state managers, frontline welfare bureaucrats have a much more direct agency and authority over domestic worker caseloads, directly filing lawsuits against employers and labor recruiters in the Qatari civil and police courts. These human agency practices and political constraints reflect their ability to challenge dominant status quo and secure administrative legitimacy in Qatar.

### **Informal Governance Mechanisms: Labor Mediation, 48 Hour Policy Ban, and Informal Networks**

Despite complex macro and micro constraints, frontline welfare bureaucrats have developed three informal policymaking practices to cope with the power imbalance in Qatar:(1) labor mediation, (2) 48-hour policy ban; and (3) informal diplomatic networks. These informal mechanisms have produced what I referred to as the "burden sharing" and "burden shifting" approaches in addressing conflicts between frontline welfare bureaucrats and stakeholders. While pervasive media coverage has directly equated domestic workers' abuses and deaths to the Philippine state's incapacity, the complex ways in which frontline

welfare bureaucrats negotiate within these power structures and constraints have been widely ignored in the literature.

#### *Labor Mediation*

Rather than directly confronting employers in the police or Qatari civil courts, frontline welfare bureaucrats utilize *labor mediation* as a non-binding diplomatic tool to accommodate within the pre-existing labor/employment conflicts. This mechanism has mixed implications on local and expatriate employers in Qatar. Expatriate employers (i.e. Lebanese, Egyptians) have to actively participate in labor mediation due to their similar *temporary* immigration status with domestic workers under the *Kafala*. Real and perceived fear of deportation from the Qatari security/ immigration authorities directly influences expatriate employers to comply with frontline welfare bureaucrats' mandates. A frontline welfare bureaucrat, Cynthia notes:

If they are found guilty and do not comply with court rules, non-Qatari employers can be deported. We exert pressures against these expatriates because they employ more domestic workers than the local Qatari populations. We file more cases to the local police stations and civil courts to make them accountable for the nonpayment cases. We work with local police authorities to go into these employers' houses or villas and enforce the courts' order to repay the nonpayment wage for domestic workers. We follow them along with the domestic workers to obtain those unsettled salaries, benefits and other personal belongings of domestic workers (personal interview, 12 June 2011).

Frontline welfare bureaucrats leverage expatriate employers' immigration status to exert administrative control in labor conflict mediations. Approximately 1, 031 domestic worker cases were filed and mediated in 2010, representing 37% of the total OFW complaints against employers/companies (PER 2011). While no existing studies have examined the effectiveness of labor mediation, my fieldwork findings suggest that labor mediation have effectively made employers and labor recruiters accountable during labor conflict negotiations, especially if domestic workers have legal employment status. This burden-sharing strategy has not only increased the administrative power of frontline welfare bureaucrats, but also improved its relative autonomy to independently enforce Philippine state policies against potential violators.

If Qatari employers refuse to cooperate during labor mediation, frontline welfare bureaucrats often file labor complaints (given the domestic workers' permission) in the police courts to exert monetary claims. The lengthy court procedures taking between 2 to 13 months have made to a certain extent it impractical for domestic workers to file labor complaints. A runaway domestic worker, Mariela filed a labor complaint at the police station, silently expressing words: "I want to go home now. I don't want to be here and I don't want to waste my time. Nobody is going to take care of my children in the Philippines" (Marlen, personal interview, 26<sup>th</sup> May 2011). Explaining Marle's case, a frontline welfare bureaucrat, Peter notes that employers "withhold salary distribution as a way to discipline domestic workers. We don't give up; domestic workers do in the process" (Peter, personal interview, 28<sup>th</sup> December 2011).<sup>10</sup>This contract violation, combined with the emotional and physical distress and isolation from their families, dissuade domestic workers from filing labor complaints. Only few domestic workers have challenged their employers up to the civil court level. In 2011, Marina filed a labor complaint against her Qatari employer, who refused to pay her 1 year- salary, "kicked" her in the stomach for improperly cleaning the villa's second floor (Marina, personal interview, 24<sup>th</sup> May 2011). He also refused to provide food and water, forcing Marina to runaway to OWWA assistance and waited for at least seven months her court settlement. The civil court favored her claim yet the employer adamantly

---

<sup>10</sup>



refused to pay the settlement. Marina only obtained her unpaid salary of \$1200 through consistent follow-up pressure by frontline welfare bureaucrats and Qatari security officers who directly visited the employers' villa residence to enforce court rulings. These legal and administrative constraints faced by domestic workers clearly illustrate the inherent power imbalance embedded in the *Kafala* system.

#### *48 Hour Policy Ban*

Frontline welfare bureaucrats employ a *48-hour policy ban* to jointly ban labor agencies both in Qatar and the Philippines for failing to address domestic workers' issues. Due to massive inflows of runaway domestic workers, a 48 hour policy ban enables frontline welfare bureaucrats to make labor recruiters responsive, fostering faster labor conflict negotiations on domestic worker cases. This enforcement mechanism "blocks" labor agencies' on-line visa applications and labor contracts in the Philippines, forcing labor recruiters to participate in the labor conflict negotiations and pay for the domestic workers' non-payment cases. This burden-sharing strategy effectively reduces the increasing inflow of OWWA domestic worker cases. When Perla run away from her employer after working for 6 months due to unpaid salary, frontline welfare bureaucrat, Precy called both labor agency and employer together for labor mediation. Because the employer refused to cooperate, Precy automatically used the 48-hour policy ban to shift the pressure to labor agencies in order to address the domestic workers' cases. Rather than received a policy ban for their visa and contract applications, the labor agency was forced to the plane ticket and some funds for Perla since it was beyond the 3-month probationary rule. This burden-sharing strategy has enabled frontline welfare officers to make labor recruiters and agencies accountable to resolve their domestic work cases.

If domestic workers fail to justify their labor complaints, frontline welfare bureaucrats directly support labor agency recruiters. When a 23-year old domestic worker, Ella runaway after working for two weeks for a Qatari employer, the labor agency recruiter filed an OWWA complaint and sought labor mediation:

- Walid: Why is Ella like that, madam? She always cries and don't want to work us anymore. We paid a lot and this is not good for our business; we are not going to pay for her ticket until she returns to us?" (labor recruiter, Walid, personal observation, 14<sup>th</sup> June 2011).
- Ella: I feel homesick. I want to go home now. I can't work here anymore (domestic worker, Ella, personal observation, 14<sup>th</sup> June 2011).
- Precy: This is not a vacation. You come here to work, Ella. I hope you understand that everybody is taking a risk (frontline welfare bureaucrat, Precy, 14<sup>th</sup> June 2011).

Because Ella privately decided to "go home," Precy had to make Ella accountable for her plane ticket for repatriation. This informal burden-sharing strategy does not only increase labor recruiters' accountability but also reinforce frontline welfare bureaucrats' position as a "regulator" and "promoter" within the Qatari domestic work sector.

#### *Informal Networks*

*Informal networks* are diplomatic tools utilized by frontline welfare bureaucrats to address the most difficult domestic worker cases. As local "conduits" in Qatar, frontline welfare bureaucrats (particularly of Muslim backgrounds) exhibit religious similarities and have local knowledge of the influential political Qatari families (Knowles 2008). These Qatari families are dependent on domestic workers' services, therefore frontline welfare bureaucrats utilize these domestic workers as "channels" to fostering informal linkages and relationships. In particular, they focus on local Qatari immigration authorities and Qatari

political elites, using diplomatic networks to redress extreme domestic worker cases (i.e. pregnant or extra-marital domestic affairs). A Muslim frontline welfare bureaucrat, Patricia acknowledges that she “knows” the most relevant families in Qatar. Whenever Qatari employers seek a domestic worker, Patricia treats them differently by privately expediting their domestic workers’ requests and ensuring good quality of domestic workers (Patricia, personal interview, 15<sup>th</sup> March 2012). Their local native knowledge and interpretative ability, combined with religious similarities, enable them to informally associate with powerful networks crucially necessary to minimize extreme domestic worker cases. When one Filipina domestic worker, Janice had an illicit with another Filipino (which is illegal in Qatar), became pregnant and was sentenced for imprisonment (known as a “love case”) (personal interview, 5<sup>th</sup> February 2011)<sup>11</sup> Due to weak multilingual capacity and high turnover of frontline welfare bureaucrats, Janice’s case was only resolved when a Muslim frontline welfare bureaucrat, Antoniao leveraged her established friendship with a Qatari judge, who she privately assisted in finding a domestic worker. Without such informal networks, Janice would have been imprisoned for two years in Doha. This example illustrates the dependency of frontline welfare bureaucrats to local political elites and bureaucrats to secure administrative legitimacy. This ‘trade-off’ relationship has not only determined their legitimacy and success, but their abilities to enforce labor/employment protection for domestic workers in Qatar.

#### **V. FRONTLINE WELFARE BUREACRATS AND STAKEHOLDERS: “BURDEN-SHARING” AND “BURDEN-SHIFTING” APPROACHES**

Given their structural constraints in Qatar, frontline welfare bureaucrats have devised context-based informal governance practices—labor mediation, 48 hour policy ban, and informal diplomacy networks—to renegotiate the power inequality embedded in the *Kafala* system. These informal governance practices do not signify the weakening power and relative autonomy of frontline welfare bureaucrats, rather strongly demonstrate their administrative *capacity to rule* given the multiple layers of constraints in Qatar. This chapter analyzes how frontline welfare bureaucrats apply informal governance practices as “policing strategies” to secure domestic workers’ labor/employment rights with key stakeholders. I propose the “burden-sharing” and “burden-shifting” framework to investigate how and why frontline welfare bureaucrats manage their dual state mandates while maximizing labor/employment protections in Qatar. It further decodes the power struggles between frontline welfare bureaucrats and *internal stakeholders*<sup>12</sup> (employers, labor recruiters, and domestic workers) and *external stakeholders* (state managers, security/immigration authorities, and civil society), highlighting their interests, constraints, and coping mechanisms. More importantly, it analyzes the interagent dependency and reciprocal power struggles between frontline welfare bureaucrats and the Qatari security/immigration authorities and Philippine state managers.

#### **Internal Stakeholder Analysis: Migration as a Shared Responsibility**

Because of the domestic workers’ exclusion from the Qatari labor law, frontline welfare bureaucrats have become dually mandated to secure labor/employment protections for domestic workers under both OWWA and the *Kafala*. The burden-sharing framework

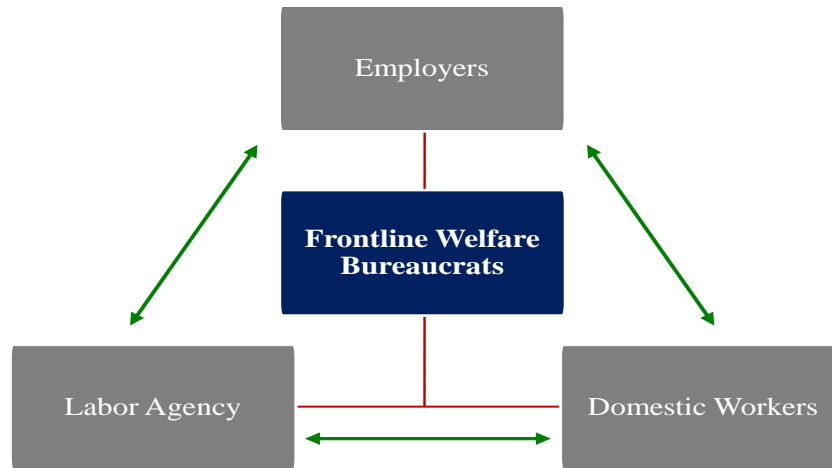
---

<sup>11</sup> Qatar uses a Sharia law where extra-marital affairs are legally prohibited.

<sup>12</sup> I classified the key stakeholders into internal and external stakeholders. Internal stakeholders refer to those who interact and negotiate daily on domestic worker issues with frontline welfare bureaucrats. External stakeholders refer to those who broadly address domestic worker issues at large.

would be applied for internal stakeholders, while the burden-shifting framework for the external stakeholders.

Table 6: Internal Stakeholders Analysis



Actor	Interests	Constraints	Coping Mechanisms	Costs <sup>13</sup>
<b>Employers</b>	Domestic Workers	Ban on hiring domestic workers; deportation; “3-month probationary period”	Lock out domestic workers within the villa territory	\$2,335.16 (Muslim domestic worker); \$2,060.44 (non-Muslim domestic worker)
<b>Labor Recruiters</b>	Revenue; labor Demand for domestic workers	48-hour policy ban; “3-month probationary period”	Lock out domestic workers within labor agency office	\$2,335.16 (Muslim domestic worker); \$2,060.44 (non-Muslim domestic worker)
<b>Domestic Workers</b>	Remittances	No change of employer (2-year <i>Kafala</i> rule)	Escape from employer	\$1000 (for a return ticket); ban on working in Qatar for 2 years

### Employers

Under the *Kafala*, employers have stronger bargaining power because they could privately regulate the labor contract terms and conditions *within* private homes. My fieldwork findings reveal that 95% of employers have failed to comply with the Philippine state mandate of \$400 wage requirements for Filipina domestic workers. Both local Qatari and expatriate employers pay \$200 monthly wages, a “common norm” which validates the existing policy reports (Human Rights Watch 2010 & 2011). Because of their limited interference within these villa residences, frontline welfare bureaucrats have applied labor conflict mediations to curb the power imbalance and increase employers’ participation and accountability. These labor conflict mediations have not only fostered diplomatic and forceful dialogues with employers, but also became critical steps to secure domestic workers’ labor/employment rights. Without genuine dialogues, frontline welfare bureaucrats would inevitably fail to execute their dual state mandates. As a result, two specific strategies have been employed to engage employers in labor conflict negotiations. First, frontline welfare bureaucrats exert administrative pressure against expatriate employers by utilizing their *temporary immigration status* with domestic workers. A Lebanese expatriate employer, Ismaeel explains: “I have to handle quickly these cases because if these runaway domestic

<sup>13</sup> The cost information was provided by Qatari labor recruitment agencies.

workers die or something bad happened, I will be liable. Local police/immigration officers would come after me and it's not good. It's a headache!" (Ismaeel, personal interview, 14<sup>th</sup> June 2011). This strategy has forced expatriate employers to engage with frontline welfare bureaucrats irrespective of their complaints. Second, if both local Qatari and expatriate employers refuse to cooperate, frontline welfare bureaucrats consistently call and visit the employers' villa residences to make employers accountable. They often collaborate with local Qatari security authorities to bring employers into "public shame" for failing to pay the domestic workers' unpaid wage. These policy strategies have not only forced employers to participate in labor conflict mediations, but also reinforced the administrative power and legitimacy of frontline welfare bureaucrats to rule despite the power inequality in the *Kafala* system.

Although labor mediation has improved accountability and dialogues, it has also failed to protect those domestic workers who have been "locked" by employers inside their villa residences. As a coping mechanism, they explicitly encourage domestic workers to runaway to OWWA, a solution which often provokes violent tensions. An Indian expatriate employer, Vijay complained about his runaway domestic worker to OWWA, shouting these words: "Katrina, tell them what kind of lifestyle you have in our house. Tell them! I work for Qatar Petroleum Is this policy of your country to encourage domestic workers to run away? This is crazy! (personal observation during labor mediation, 12<sup>th</sup> December 2011). Because of the absence of a counterpart monitoring mechanisms, frontline welfare bureaucrats have to inevitably confront violent dialogues with employers within OWWA. My fieldwork findings reveal that employers who have had runaway domestic workers within the trial period often exert tighter pressures to prospective domestic workers by prohibiting any form of social interactions (via cell phones and computers) with other male migrants outside. They often construct oversexualized stereotypical narratives among Asian and African domestic workers to justify their internal disciplinary mechanisms over them. Despite its non-binding burden-sharing nature, frontline welfare bureaucrats have continued to leverage basic administrative rules to increase employers' accountability and participation. As a frontline welfare bureaucrat, Jaime notes: "We need more practical solutions like this. It's difficult to make these employers participate, but to protect workers you need to make them participated and emphasize it's a shared responsibility" (James, personal interview, 18<sup>th</sup> June 2011). Therefore, labor mediation did not only serve as a critical mechanism to promote accountability but also rebalanced the power inequality embedded in the *Kafala* system.

### *Labor Recruiters*

Critical tension arises between frontline welfare bureaucrats and labor recruiters when frontline welfare bureaucrats directly impose a 48 hour policy jointly blocking labor recruiting agencies in the Philippines and Qatar<sup>14</sup> that fail to resolve domestic worker cases within 48 hours. The *48-hour policy* ban has been an effective strategy because it has not only increased labor recruiters' participation, but also improved accountability and pressure towards mostly Qatari-owned recruiting agencies. A Filipina labor recruiter, Kelly notes: "they just don't get it. Our job is hard too, they only give us 48 hours to resolve cases and they want us to pay for the plane ticket. This is crazy because my *moodir* (employer) will get mad at me. I might also lose my job if I pay for too many tickets for these domestic workers" (Kelly, personal interview, 12<sup>th</sup> June 2011). This burden-sharing strategy has not only directly reduced domestic worker caseloads within OWWA, but also forced employers

---

<sup>14</sup> These recruiters are female Filipinas, hired by Qatari nationals, who speak Tagalog, English, and Arabic.

and labor recruiters to quickly redress domestic worker cases, reinforcing the administrative legitimacy of frontline welfare bureaucrats as state gatekeepers.

While a 48 hour policy ban creates accountability, frontline welfare bureaucrats often use their discretionary control to selectively issue 48 hour policy against labor recruiters, depending on their accountability performance. Yet they also exert their interests by informally negotiating enforce such policy using past accountability records of labor recruiters. Labor recruiters who have been more responsive will more likely to get further policy ban extension. At the same time, frontline welfare bureaucrats negotiate with labor recruiters if certain maltreated domestic workers, particularly those who fall outside the grace period, do not have the capacity to pay for an expedited repatriation ticket and unpaid salaries on. In return, labor recruiters will receive expedited services on their visa and contract applications for prospective domestic workers. This burden-sharing approach through *pakiusap* (Tagalog word for “favor”) creates a “barter relationship” where they build mutual understanding and incentive mechanisms to informally amend administrative rules to mitigate domestic worker caseloads. This has also been sustained by the ongoing exchange of gifts (mainly food) by labor recruiters to OWWA staff members, while using their similar *kababayan* attitude (fellowman support) for distressed domestic workers in OWWA.

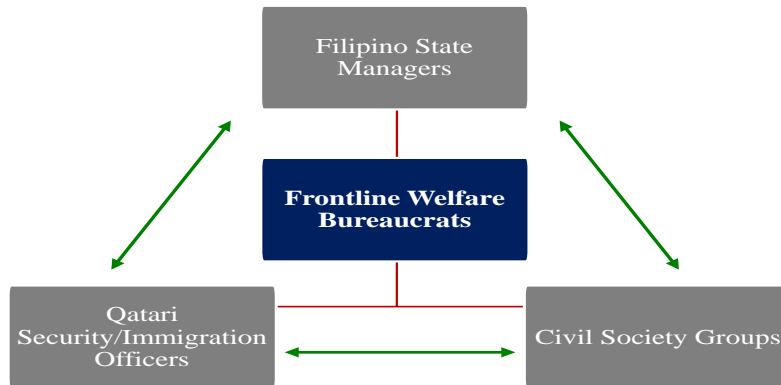
Yet like employers, many labor recruiters have to prevent labor and administrative bond costs since they are also directly monitored and constrained by their local Qatari agency employers. As a coping mechanism, they lock their domestic workers and withhold their passports to control their mobility, forcing them to work for another employer to recoup their financial loss. One runaway domestic worker, Karen notes:

We cannot runaway because we are locked up and everyday they bring us to the office agency as if they are making sure that we cannot runaway and at night they are locking us up in one room with other Filipinas who also want to go home. They are scaring us and telling us that cannot go back to the Philippines and that we must pay thousands of riyals just to be able to go home and worst is the secretary who is a Filipina is not our side. Our sponsor released us a couple of days ago but they still want us to work (Karen, personal interview, 14<sup>th</sup> December 2011).

By locking domestic workers within their office agencies, labor recruiters prevent potential loss of bond and avoid a 48 hour policy ban from frontline welfare bureaucrats. This is an important limitation of the 48 hour policy as it fails to cover those *hidden* domestic workers within villa residences or agency offices in Qatar. A frontline welfare bureaucrat notes, “these are type of runaway cases that the media likes to expose. They can easily sell these stories in public and people buy these stories, which make us look bad and irresponsible.” These “locked” runaway domestic worker cases often provoke conflicts and tensions between frontline welfare bureaucrats and OFWs community and NGO groups. Despite such limitations, a 48 hour policy has been an effective tool to increase accountability and participation, reflecting the reciprocal power struggles between domestic workers and employers/labor recruiters within the *Kafala*.

**External Stakeholder Analysis: Interdependency and Reciprocal Power Struggles**

*Table 7: External Stakeholder Analysis*



Actor	Interests	Constraints	Coping Mechanisms	Costs
<b>State Managers</b>	Labor market access; stronger labor protection for domestic workers	Labor market competition with other labor-sending states	Shift pressure to administrative/welfare staff members	Labor export policy ban
<b>Security/Immigration Authorities</b>	Security; less domestic worker cases/pressures; illegal domestic workers	Limited staff capacity; pressure from frontline welfare bureaucrats and Qatari owned labor recruiting agencies	Informal "burden sharing" approaches with frontline welfare bureaucrats	Pressure from the national Qatari state
<b>Civil Society Groups</b>	More protection and legal coverage for domestic workers	Political/Authoritarian state structure	Transnational labor organizing/claims making/pressure in the host country (i.e. online transnational rights claiming)	Deportation

**Frontline Welfare Bureaucrats and State Manager Tensions**

*Qatari Security and Immigration Authorities*

As street-level bureaucrats of the Qatari state, frontline security/immigration authorities' primary interests are to regulate illegal immigration flows and promote internal security within Qatar. Without their final approval for immigration (i.e. deportation, repatriation), frontline welfare bureaucrats will not be able to endorse and reduce domestic workers living in the OWWA shelter house. Yet despite their state authority, they are also dependent on frontline welfare bureaucrats' administrative control and power. They are monitored and evaluated by the Ministry of Interior (MOI) regarding runaway domestic workers' complaints. Interstate collaboration is critical to mutually achieve such policy interests and objectives. By partnering with security/immigration authorities, frontline welfare bureaucrats were able to collectively minimize domestic worker caseloads both within the Philippine migration bureaucracy and Qatari detention centers.

Given their critical state importance, frontline welfare bureaucrats have therefore need to maintain strong informal diplomatic networks to improve their administrative capacity and limitations. When a domestic worker, Paola became pregnant with her Filipino boyfriend in Qatar, her employer directly reported the "love case" to the police station (personal interview, 27<sup>th</sup> June 2011). Security and immigration authorities sentenced Paola for four months, where she gave birth to her child in Hamad Hospital. Because of her extra-marital case, she

was not immediately released from the detention center. Paola's extreme case only changed when a Muslim frontline welfare bureaucrat, Warda privately negotiated with a Qatari security/immigration authorities to reduce her sentence. On that same day, Paola's case was resolved and directly repatriated after a week of her release. This "give and take" negotiation between frontline welfare bureaucrats and security/immigration officers have not only strengthened their administrative relationships, but also formed interstate dependencies deeply embedded within the *Kafala* system.

Interstate dependency also creates political conflicts between frontline welfare bureaucrats and Qatari security and immigration authorities, regarding the domestic workers' repatriation procedures. When the stock of runaway domestic worker in OWWA increases (particularly during Ramadan), security/immigration authorities are pressured from the MOI to reduce runaway domestic worker cases. As a result, they exert pressure to frontline welfare bureaucrats by blocking their repatriation and deportation endorsements for domestic workers. To avoid political confrontation, frontline welfare bureaucrats strategically locate the pressure by targeting mostly Qatari owned agencies and employing a 48 hour policy ban, forcing them to immediately runaway domestic worker cases. Given these Qatari owned labor agencies' direct political linkages with Qatari royal family and politicians, frontline welfare bureaucrats were able to indirectly halt Qatari security/immigration authorities' policy order. A frontline welfare bureaucrat, Warda notes: "We don't want to challenge the security and immigration authorities so we have to force these Qataris, since they have more power to directly complain with the Ministry of Interior" (Warda, personal interview, 11<sup>th</sup> December 2011). As a result, Qatari MOI directly sent a letter to the security and immigration authorities, mandating them to be "slow down" with frontline welfare bureaucrats. These interstate dependencies, combine with the cyclical flow of policy pressures, directly reflect the power struggles between the Philippine and Qatari state bureaucrats. Frontline welfare bureaucrats' usage of informal diplomacy networks have not only enabled to accommodate with local security/immigration authorities policy mandates, but indirectly pressured them using their informal governance practices (i.e. 48 hour policy ban) to exert their administrative control. In other words, the cyclical power struggles clearly prove that the Qatari state, acting through local security/immigration officers, have neither "the driving seat" nor have the full autonomy to unilaterally impose regulations on frontline welfare bureaucrats.

### *Filipino State Managers*

Filipino state managers<sup>15</sup> serve as the "eyes and ears in foreign labor markets" in which new policies that may affect foreign labor are studied" (Rodriguez 2010: 24). My fieldwork findings reveal that Filipino state managers are rather "silent" about pushing for stronger labor protections for domestic workers in Qatar (but not with employers). A chairman bureaucrat of the Philippine senate explains: the Philippine state is "caught" between bargaining for higher wages, benefits and rights for workers and maintaining a strong labor market "niche" in the local labor market (Senate of the Philippines 2011). Because of this policy dilemma, Filipino state managers neither aggressively push for stronger labor/employment protections nor challenge the Qatari state for the absence of labor law protection for domestic workers in Qatar. While recognizing the importance of labor law or bilateral agreement for domestic workers, Filipino state managers' dilemma was captured from my interview with a Filipino state manager, Marcos: "If I were to be followed, I would not deploy domestic workers to Qatar. But if I do that, what type of jobs can I

---

<sup>15</sup> Filipino state managers, include labor attaches and other top-ranking labor administrators.

provide them back home?" (Marcos, personal interview, 26<sup>th</sup> May 2011). These political and economic tensions faced by state managers comes mainly from the fear of labor policy ban both from the Qatari and other Gulf States on domestic worker recruitment. This suggests that seeking stronger demands in terms of wages or labor rights could only potentially result in "hiring freeze" but also jeopardize other labor market opportunities for OFWs (i.e. engineering market) in the Gulf.

Because of the structural constraints in Qatar, Filipino state managers have not only shifted a "top-down pressure" but also reinforced higher policy expectations on frontline welfare bureaucrats irrespective of their institutional constraints. As a result, hidden tensions have grown between Filipino state managers and frontline welfare bureaucrats, regarding their failures to incorporate domestic workers into the existing bilateral agreements. As one frontline welfare bureaucrat, Precy acknowledges:

Some of these high-ranking administrators and diplomats do not really actively negotiate for stronger labor protections. We address most of the domestic worker cases. They are weak negotiators and maybe are afraid to lose their careers if they push for stronger rights (personal interview, June 12, 2011).

These hidden conflicts and competing perceptions on the Philippine state's policy priorities between Filipino state managers and frontline welfare bureaucrats clearly reflect the disaggregated views and tensions inside the Philippine migration bureaucracy. Like Block (1989)'s analysis of state managers, Filipino state managers are conceived by frontline welfare bureaucrats as "self-interested maximizers," particularly on their wealth, prestige and power, on their "institutional careers" while enjoying substantial autonomy within the Philippine bureaucracy hierarchy. This tension between Filipino state managers and frontline welfare bureaucrats clearly reflect the conflicting intra-agency priorities and constraints, highlighting the disaggregated natures and interests of the Philippine state in Qatar. Despite their internal bureaucratic conflicts, both Filipino state managers and frontline welfare bureaucrats have maintained internal administrative consistent in addressing domestic worker cases. Instead of publicly challenging the Qatari state, both Filipino state managers, along with frontline welfare bureaucrats, have learned to politically accommodate rather than challenge them at the state-level. Their structural economic growth dependencies as well as some diplomatic and political reliance from local Qatari elites and authorities have both administratively and symbolically influenced their ongoing policymaking implementation within the Qatari domestic work sector.

## **CONCLUSIONS**

This paper has investigated how and why frontline welfare bureaucrats influence Philippine emigration policies in Qatar. Drawing from state-centered theoretical framework like Skocpol (1985), Block (1987), Lipsky (1980), and Rosenbaum (2006), my empirical findings reveal four key conclusions. First, despite structural constrains in Qatar, frontline welfare bureaucrats have developed strong relative autonomy by effectively employing informal governance practices to renegotiate the power inequality with key stakeholders and secure administrative power and legitimacy. This is emblematic given their capacity to accommodate rather than confront the Qatari state by filing labor complaints against employers within local police and Qatari civil courts. Their informal relationships with employers and labor recruiters have improved higher mediation participation and accountability key steps to securing negotiation and labor/employment rights for domestic workers. Third, frontline welfare bureaucrats have exerted their autonomy and agency by directly negotiating and pressuring Qatari immigration authorities (i.e. 48 hour policy ban against mostly Qatari agencies). These have incited politically violent spaces and negotiations yet signify the reciprocal power struggles between frontline welfare bureaucrats



and stakeholders in Qatar. They are neither powerless actors nor full autonomous promoters and regulators under OWWA and *Kafala* policies in Qatar. Finally, they depend on local political and Qatari elites and bureaucrats demanding informal “favors” to resolve extreme domestic worker cases. These informal favors and administrative governance practices do not reflect their weaknesses but rather demonstrate their diplomatic and administrative capacity to extend labor/employment protections for domestic workers irrespective of their structural constraints in the host country. Despite their struggling internal capacity, frontline welfare bureaucrats have remained internally consistent.

Without future structural and legal reforms in Qatar, frontline welfare bureaucrats’ informal governance practices would be significantly weakened. The *embedded autonomy* of the Qatari state, combined with its *laissez faire* approach to domestic workers, would significantly pose administrative challenges *both* to frontline welfare bureaucrats and Qatari security and immigration authorities (Evans 1995). The increasing flexibility of Qatari visa regulations, along with the increasing infrastructure and investment-related projects and the upcoming FIFA World Cup 2012 would not only intensify the demand for Filipina and other foreign domestic workers, but also threaten their political and administrative capacity to bargain with the Qatari state. This could generate more labor exploitations within the Qatari labor market.

This paper contributes to the larger theoretical debates on the role of nation-states in international migration. Following Schmitters (1986) and Rosenbaum’s (2006) analysis, labor-sending states, acting through the human agency of frontline welfare bureaucrats, have significant relative autonomy and *option* in challenging the trade-off policy dilemma, particularly securing the labor/employment rights of domestic workers in Qatar. Specifically, low-level state bureaucrats have much more aggressive autonomy and power in securing labor/employment protections for domestic workers than state managers who have remained silent and focused on their institutional career and interests. By employing burden-shifting and burden-sharing approaches through informal governance practices, the Philippines frontline welfare bureaucrats have not only maximized labor protections for domestic workers, but also maintained market relationships and competitiveness with other labor-sending states in Qatar.

This paper, on a broader scale, methodologically advances the importance of disaggregating the role of the state in international migration by focusing on the human agency and relative autonomy of state bureaucrats that manage the states’ policy interests, objectives and visions in the host country. It further supports the work of Rosenbaum (2009) and Calavita (2010) on the methodologically disaggregated state-centered approaches in which the state, acting through the agency of state managers and the component institutions, pursues its interests within the market. In particular, a longer participant observation advances street-level bureaucracy theory because it does not only uncover the micro-constraints that could explain the behavioral techniques of street-level bureaucrats, but also the macro-constraints (legal and political constraints) within the authoritarian contexts. This particularly advances Lipsky (1980)’s street-level bureaucracy because it exposes not only the micro institutional constraints and policy behaviors of street-level bureaucrats, but also the macro legal and political factors that often limit their administrative and political capacity to deliver state services to citizens, particularly within the authoritarian Gulf States context. Therefore, a participatory approach is crucial in understanding how frontline welfare bureaucrats in international migration interpret these conflicting state policy interests and visions, a perspective which most international policy report analyses have largely failed to capture. As such, a closer look inside the state, particularly analyzing low-level administrative state bureaucrats’ implementation processes, is pivotal in delineating state

interests, constraints, coping mechanisms and diversities, rather than treating the state managers as a homogeneous group.

### **Agenda for New Research**

The existing literature gap on the role of labor-sending states to non-democratic labor-receiving states like Qatar, and particularly on their labor/employment policy implications on their citizens in the host country, precipitated the need for this empirical research. While previous studies have largely perceived labor-sending states as powerless players in the global labor market, labor-sending states now have the *option* that must be further decoded. There is a critical need to shift the discourse to the human agency of the state (mainly of state bureaucrats) to understand how labor-sending states determine policy outcomes in the host countries rather than treating it as a unitary actor pursuing its own national interests.

While this study has analyzed a labor/welfare subunit of an entire Philippine agency, a comparative analysis of other labor/welfare subunits that focus criminal/related cases (i.e. ATVNO) is critical. This will further highlight the intra-agency interests, conflicts, and constraints within the state, but also provide a deeper understanding of whether how and when states, despite their disaggregated functions and operations, maintain internal consistency in executing state policy interests irrespective of structural constraints. A comparative assessment of another Philippine welfare agency with another labor-sending state like Indonesia in the Gulf States would illuminate how the intensity of labor-market competition between nation-states impacts the behavior of state bureaucrats, the Qatari state or other labor-receiving states. Such comparative qualitative studies with high theoretical underpinnings will both improve the general understanding about the ongoing political, economic, and social policy dilemma of labor-sending state bureaucrats and rigorously develop a theoretical framework on the role of nation-states in global migration.

References

- ANDERSON, B. R. O. (1991).** *Imagined communities: reflections on the origin and spread of nationalism.* London, Verso.
- ARNOLD, F., & SHAH, N. M. (1986).** Asian labor migration: pipeline to the Middle East. *International Migration Review.* 18, 294-318.
- DOVELYN RANNVEIG AGUNIAS. (2008).** Managing Temporary Migration: Lessons From the Philippine Model. <http://www.issuelab.org/permalink/resource/10176>.
- AGUNIAS, D. and NEWLAND, K. (2012).** *Developing a Road Map for Engaging Diaspora in Development: A Handbook for Policymakers and Practitioners in Home and Host Countries.* Washington, DC Migration Policy Institute.
- BATTISTELLA, G. (1999).** Philippine migration policy: dilemmas of a crisis. *Sojourn (Singapore)*, 14, 229-48.
- BLANK, F. (2011).** Making Migration Policy: Reflections on the Philippine's Bilateral Labor Agreements. *Asian Politics and Policy*, 3(2), 185-205.
- BLOCK, F. (1987).** *Revisiting State Theory: Essays in Politics and Postindustrialism.* Temple, Philadelphia, Temple University Press.
- CALAVITA, K. (1992).** *Inside the state: the Bracero program, immigration, and the I.N.S.* New York, Routledge.
- CORNELLIUS, W. et al. (1994).** *Controlling immigration: a global perspective.* Stanford, California, Stanford University Press.
- EVANS, P. B. (1995).** *Embedded autonomy: states and industrial transformation.* Princeton, N.J. Princeton University Press.
- EVANS, P. B., RUESCHEMEYER, D., & SKOCPOL, T. (1985).** *Bringing the state back in.* Cambridge [Cambridgeshire], Cambridge University Press.
- FAINI, R. (2006).** *Remittances and the brain drain.* Torino, Centrol Studi Luca d'Agliano.
- FITZGERALD, D. (2006).** Inside the Sending State: The Politics of Mexican Emigration Control. *International Migration Review.* 40, 259-293.
- GAMBURD, M. (2009).** Advocating for Sri Lankan migrant workers. *Critical Asian Studies.* 41, 61-88.
- GAMLEN, A. (2008).** The emigration state and the modern geopolitical imagination. *Political Geography.* 27, 840-856.
- GO, S. (2004).** Fighting for the Rights of Migrant Workers: The Case of the Philippines.

*Migration for employment: bilateral agreements at a crossroads.* Paris, France, OECD.

**GONZALEZ, J.L. (1998).** *Philippine labor migration: critical dimensions of public policy.* Singapore, Institute of Southeast Asian Studies.

**KEOHANE, R. and NYE, J. (1987).** Power and Independence Revisited, *International Organization*, 41(4): 725-753.

**LIPSKY, M. (1980).** *Street-level bureaucracy: dilemmas of the individual in public services.* New York, Russell Sage Foundation.

**MASSEY, D. S. (1999).** International Migration at the Dawn of the Twenty-First Century: The Role of the State. *Population and Development Review*. 25, 303-322.

**MASSEY, D. S., & TAYLOR, J. E. (2004).** *International migration: prospects and policies in a global market.* Oxford, Oxford University Press.

**MEYERS, E. (2004).** *International immigration policy: a theoretical and comparative analysis.* New York, Palgrave Macmillan.

**MISHRA, P. (2007).** Emigration and Brain Drain: Evidence from the Caribbean. *The B.E. Journal of Economic Analysis & Policy*. 7.

**PARRENAS RS. (2001).** Transgressing the nation-state: the partial citizenship and "imagined (global) community" of migrant Filipina domestic workers. *Signs*. 26, 1129-54.

**RODRIGUEZ, R. M. (2010).** *Migrants for export: how the Philippine state brokers labor to the world.* Minneapolis, University of Minnesota Press.

**ROSENBAUM, M. (2002).** Moving Beyond the Policy of No Policy: Emigration from Mexico and Central America. *Working Paper No. 54.* The Center for Comparative Immigration Studies.

**SKOCPOL, T., & FINEGOLD, K. (1982).** State Capacity and Economic Intervention in the Early New Deal. *Political Science Quarterly*. 97, 255.

**SOLOMON, M. S. (2009).** State-led Migration, Democratic Legitimacy, and Deterritorialization: The Philippines' labour export model. *European Journal of East Asian Studies*. 8, 275-300.

**TEITELBAUM, M. S. (2002).** The Role of the State in International Migration. *Brown Journal of World Affairs*. 8, 157-168.

**ZOLBERG, A. (2000).** Matters of State: Theorizing Immigration Policy,' in Philip Kasinitz, Charles Hirschman and Josh de Wind (eds.), *The Handbook of International Migration: The American Experience*, New York: Russell Sage Foundation, 2000, 71-93.