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MEMORANDUM CIRCULAR NO. 10
Series of 2009

TO : ALL CONCERNED
SUBJECT : NO PLACEMENT FEE POLICY FOR WORKERS TO BE
DEPLOYED TO THE UNITED STATES OF AMERICA (USA)
UNDER THE H-2B VISA

Pursuant to Section 2 – C, Rule I, Part VI of the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Workers, adopting a no placement fee policy for countries where the prevailing system, either by law, policy or practice, does not allow the charging or collection of placement and recruitment fees and in view of the regulatory changes implemented by the U.S. Department of Homeland Security (DHS) for the entry of foreign labor in the USA, specifically those falling under the H2B visa category or temporary skilled laborers, the following guidelines are hereby issued:

I. Coverage

These guidelines shall cover workers who will be entering the United States under the H-2B Visa category. An H-2B Nonagricultural Temporary Worker is an alien entering temporarily into the USA to perform temporary services or labor without displacing qualified United States workers available to perform such services or labor and whose employment does not adversely affect the wages and working conditions of United States workers.

II. No Placement Fee Policy

Recruitment cost or placement fees shall not be charged to a worker to be deployed under an H-2B visa category. No job placement fee or other compensation under any guise whatsoever, may be collected from said worker as a condition of an offer or condition of employment.

III. Other Fees and Charges

Visa fees, transportation costs to and from the worker's destination or jobsite within the U.S. territories and other fees and charges not otherwise

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considered as placement fees or recruitment costs shall continue to be governed by Rule V, Part II of the 2002 POEA Rules and Regulations on Fees, Costs and Contributions and other pertinent issuances.

IV. Sanctions

Violation of the no placement fee policy insofar as workers bound for employment in the USA on an H-2B visa is concerned, is a serious administrative offense with a penalty of cancellation of license under Section 1-A (5) of Rule IV, Part VI of the same Rules and Regulations Governing the Recruitment and Employment of Landbased Workers.

This Memorandum Circular takes effect immediately.


JENNIFER JARDIN-MANALILI
Administrator