ASIAN MIGRATION POLICY

SOUTH, SOUTHEAST AND EAST ASIA

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and

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Editors
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Chapter 1

INTRODUCTION:
MIGRATION POLICY - THEORETICAL AND
CONCEPTUAL ISSUES

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The size of population migrating either voluntarily or under duress across international borders has been growing rapidly. The growth of international migration has been facilitated by many factors. However, policy measures have definitely been playing an important part in shaping its global scope and pattern. Therefore, the policy framework rendered by respective governments and migration regimes largely determines the scope, volume and direction of international migration. While an emerging body of literature has begun to explore migration policies of nation-states, they are often found to be limited in its scope to policies of individual receiving states. Therefore, regional patterns in such policies remained essentially deficient. Also, what most of the study of migration policy concentrates on is the experience of Western developed countries. This has been manifested by the fact that migration policy was placed in two separate boxes which provided a clear rift between them (i) immigration regulation (the rules and procedures governing the selection and admission of foreigners), and (ii) immigrant policy, namely, the conditions provided to resident immigrants (e.g. work and housing conditions, welfare provisions, and educational opportunities) in their enforcement on the ground (Hammar, 1985:7-9; Meyers, 2000:1246). Some scholars however place three aspects of migration policy into context: (i) the regulation of immigration flows, i.e., immigration control; (ii) the management of ethnic relations and the integration of minorities living the host country; and (iii) antiracism and anti-discrimination policies (Giugni and Passy, 2006:1).

The migration policy in Asia is still an evolving phenomenon, lacking policy framework for what Hammar (1985) and Meyers (2000) call, ‘immigrant policy’, and Giugni and Passy (2006) call, ‘management of ethnic relations’ and ‘antiracism and anti-discrimination policies’. Therefore, this volume primarily addresses migration control policy that revolves around departures, admissions and selections of permanent immigrants, temporary migrants,
and refugees, and restriction of irregular migration in major sending and receiving countries in South, Southeast and East Asia. In particular, this volume attempts to advance our knowledge about migration policy in Asia into two realms: (i) the present status of emigration and immigration policy and its outcomes in a number of countries in Asia and (ii) areas of similarities and dissimilarities in migration policy and what explains the similarities or dissimilarities in Asian countries. This book addresses both the policymaking process and the means and efficacy of implementing it in the context of South, Southeast and East Asia.

Christina Boswell argues that the theory of migration policy tends to address two overlapping areas: the question of why migration policies fail, and the inclusionary tendency of migration and integration policies (Boswell, 2007). The first theme deals with the persistent gaps that exist between official immigration policies and actual policy outcomes. Recent work in greater scale endorses this theme (see Hollifield, 2000; Castles, 2004; Cornelius et al., 2004, cited in Boswell, 2007:75). The latter is about the protectionism and the emergence of more inclusionary policies in the context of Western democratic states. However, in Asian context, they are not considered as a major migration policy question. By drawing on the experiences of Western countries, Asian migrant-receiving countries have formulated a model of migration that may be called an ‘Asian migration model’ (for more please see Rahman’s chapter in this volume). This model has been successful in addressing migration policy failures (for more see, Seol, 2005; Castles, 2001). Cornelius and colleagues (2004) offer two hypotheses for the study of the immigration control globally: the gap hypothesis and the convergence hypothesis. While the gap hypothesis deals with the gap between state polices and actual outcomes of policies throughout the major receiving countries, the latter is concerned with the growing similarities among receiving countries in the areas of migration control policy, integration policy and public perception about immigrants and immigration policy (Cornelius et al., 2004:3-20). In Asia, there seems to be a convergence in the policies of labor-sending countries. We will come across a set of policy convergence in the relevant chapters.

THEORETICAL REFLECTIONS ON ASIAN MIGRATION POLICY

Often understood from different theoretical points of view, migration policy has been immersed within an interdisciplinary area of studies (Marxist, interest group, partisan politics, and institutionalist approaches) in international relations (realism, liberalism and world system approaches), sociology and psychology (national identity) (Meyers, 2000). However, there is a general consensus that we need to go beyond a single set of theoretical propositions (Cornelius et al., 2004; Castles, 2004; Boswell, 2007). We offer an overview of the theoretical underpinning of migration policy in order to present insights into the nature of migration policies in general, and those of Asia in particular.

As per the Marxist approach, economic factors and class-based political processes play a role in shaping migration policies (for details see Portes and Walton, 1981; Castles and Kosack, 1985, cited in Meyers, 2000). Meyers identifies several features of a Marxist approach to migration policy: first, labor migration is a structural part of capitalism and serves the interests of capitalists; second, fluctuations in the economic cycle and
unemployment rates influence immigration in the short term; third, the interests of capitalist classes differ based on their relations to capital (high-end and low-end market) (Meyers, 2000:1248). Generally, capital-rich investors prefer regular migrants while capital-poor investors prefer irregular migrants.

The Marxist approach enables us to understand intra-Asian migration policy. Since the Marxist approach focuses exclusively on economic motives, it does not necessarily explain policies relating to the wide-ranging branches of migration domain such as refugee, marriage migration, student migration, and family migration. It is imperative to note that a substantial amount of ethnic consideration is embedded in the Asian migration policy whether it is labor migration, refugee migration, student migration, marriage migration, family reunion migration, or return migration. This approach does not explain that migration is based on ethnic considerations. Migrants of similar ethnic origin are often explicitly preferred and privileged in the migration policy. For instance, Korean and Japanese decedents abroad are preferred in Korean and Japanese migration policy, and migrants of certain ethnic origins enjoy preferential treatments in Japan, Hong Kong, Taiwan, Malaysia and Singapore in terms of admission, occupation, and stint.

An important explanation of differential migration policies is provided by the ‘national identity approach’, which asserts that the history of each country and its ethnic and racial communities, conception of citizenship, nationality and discussions about national identity and social conflicts within it shape its migration policies (Meyers, 2000). This approach however downplays the role of external and situational factors. This further contends and explains the timing of migration policy and the size of migrants of particular ethnic origin (Kim, 2008; Goodman et al., 2003; Meryll and Miki, 2007).

The domestic politics model maintains that states serve as a neutral area for societal interests (Meyers, 2000:1257) and emphasize ‘situational’ socioeconomic factors in migration policies e.g., recessions and conflict (Meyers, 2000). However, this model is more relevant to the countries where liberal democracy is in practice and democratic, free and fair elections decide the political systems. In other words, this model is more suitable in the countries where migration has been in some way politicized. In Asia, this is noticeable in exceptional cases such as South Korea and to some extent, Japan, where some elements of politicization of migration have surfaced in recent years. Maltreatment and exploitation of migrant workers in South Korea in the 1990s have given rise to the formation of migration-centered NGOs and migrant organizations. Some political parties support them. These organizations become defining factors in adopting specific polices (Lee, 2003) because they have a sort of command over the policy makers.

Another important theoretical approach relevant to the study of migration policy in Asia is the institutional approach. This approach focuses on the role of the state in shaping immigration policy (Meyers, 2000; Boswell, 2007; Bertocchi and Strozzi, 2008; Russell, 1989). According to the pure institutionalist approach, political institutions can be autonomous and they can form public policy based on the interests of the state and remain unaffected by societal or interest group pressures (Meyers, 2000). Obviously, the bureaucrats’ role is significant in influencing policies related to immigration and refugee issues (Schultz, 1982; Abella and Troper, 1983 cited in Meyers, 2000:1261). Canada in North America; Singapore, Hong Kong SAR, Taiwan, and Malaysia in Asia are the best instances of such cases. In these countries, as we will see in relevant chapters, the administrative and
bureaucratic machines significantly influence immigration policy in the pursuit of economic security and continued legitimacy.

There is no denying that governments of nation states have been engaging their efforts to better manage the volume and pattern of the flow. However, the role that emigration and immigration countries play in migration control needs to be understood in its context and with its complexities. We intentionally chose the term 'migration policy' rather than 'immigration policy' so as to include 'emigration policy' that many sending countries adopt and implement to regulate emigration flows (Zolberg, 1999; Meyers, 2000; Cornelius et al., 2004). Although some studies have recently started looking into the policies of sending countries, especially return migration and citizenship studies (Guarnizo, Portes, and Haller, 2003; Skrentny et al., 2007) and skilled and professional migration (Khadria, 2004), migration policy from the perspective of sending countries is rarely incorporated in the migration policy discussion.

Evidence clearly suggests that emigration policy has remained a far less regarded issue than it deserves both at formal and implementation levels. A notable exception is David Fitzgerald’s work on Mexican emigration policy (Fitzgerald, 2006), which claims to be a real scholarly investigation. Emigration policy is particularly important in the Asian context because of the preponderance of temporary migration, and the demand for specific migrants (e.g. low skilled migrants and domestic workers). The patterns of recruitment that often involve state level engagement and cooperation are also significant reasons why this policy pertains to Asian context.

The interests of sending countries may be understood in light of at least three development issues; (i) reducing employment and job creation pressure from huge surplus labor, (ii) earning foreign currency for balance of payment and creditworthiness, and (iii) gaining from migrants’ experiences and expertise upon return. For labor-sending countries, remittances are an important source of external finance. They contribute to the balance of payments, improvement of a country’s creditworthiness, and are stable and even ‘countercyclical’ (Ratha, 2007). For migrants, obtaining a job in an overseas labor market is more than just an individual’s gain. This brings benefits to their families, communities and to the nation as a whole. This is borne out by many recent studies that migrant families enjoy a better life as compared to other non-migrant families in identical source communities. The positive migration outcomes have encouraged many labor-sending countries to take initiatives for promoting their labor markets overseas. In order to achieve their goals, many of the governments of labor sending countries have established separate Ministries or special departments.

Labor migration, in a pure economic term, is a result of supply of and demand for labor. Relatively rich countries in East and Southeast Asia experience declining numbers of young people to enter their labor markets. These countries create more jobs than the supply; therefore there remains a market imbalance. Foreign labor is the response to the demand. Conversely, developing countries are generally characterized by labor surplus and a job deficit position which often comes as blessings for developing countries due to the fact that labor export becomes the reality for their economy. Most countries in East and Southeast Asia have responded to the demand of labor creating recruitment and management systems for

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1 Remittances tend to rise when the recipient economy suffers an economic downturn. Migrants usually send more funds during hard times to help their families and friends. Ratha and Mohapatra (2007:3) report that remittances tend to be strongly countercyclical in India and Bangladesh.
foreign workers. However, conceiving to the demand for foreign labor was not always transparent and acceptable for a few countries. As a result, some countries have tacitly permitted a certain level of irregular migration or allowed a mix of regular and irregular migration. In order to better understand the migration policy dynamics, we need to ground the study of migration policy on a solid empirical basis. The book hence addresses processes and mechanisms underlying the formation and implementation of migration policy.

**THE EVOLVING CALLS FOR MIGRATION POLICY**

Almost one-sixth of global population is on the move. This results in the redistribution of population and demographic changes around the world. This redistribution has not taken place equally and ‘fairly’ because there is no natural change in the distribution of population. Rather, economic and political forces are at play. This mobility, in turn, has significant ramifications in political, economic and social landscapes. The 400 billion dollars of remittance that migration generates gives a tremendous amelioration to global financial transactions. Without any doubt, this transaction has given an unprecedented shape to the global economic landscape. Many countries in the world claim that their economies are being fueled by migrants’ remittances. Their contribution to GDPs often exceeds that of overseas development assistance (ODA), foreign direct investment (FDI) and exports. We guess the global migration governance regimes and different forums and organizations — such as the Global Forum on Migration and Development (GFMD) — are endeavoring to recognize inextricable and unavoidable links between migration and development.

Migration has opened opportunities for transactions of money but also culture, knowledge, and skills between and within the global South and the North. This means migration marks a new era of the north-south relations in various ways. Natural forces such as environmental changes, as well as man-made factors like development-induced challenges have crucial policy implications for migration. As one of the continents the most vulnerable to natural disasters, Asian countries are in a position that in fact requires incorporating these issues into their development and political policy agendas. How to define victims of natural forces remains a contentious issue, however. Definitional issues may exclude certain population groups from protection or international attention. Hence there are many questions that beg answers. Are those who cross international borders, subject to environmental pressures, refugees or just displaced? How should they be defined? Should refugee or migration regimes include them within their current mandates, or this just merits policy changes? This definitional debate is very crucial because the 1951 Convention excludes IDPs from protection regime. Within Asia, keeping labor migration aside momentarily, various circumstances drive people out of their point of origins, ranging from political persecution, human rights violation, widespread poverty, and corruption to lack of democracy.

Ibrahim (2005) rightly pointed out that the notion of security went through numerous transformations after the end of the Cold War. Ibrahim’s argument is that “the process in which migration discourse shifts toward an emphasis on security has been referred to as the securitization of migration.” The process gained increasing momentum after a number of events that are closely related to human security, state security and health safety. Today, securitization took a central role in mobility discourse, particularly after 9/11. The term
‘securitization’ is associated with the work of Buzan and Waever and more generally what has become known as the ‘Copenhagen School’. Simplistically, ‘securitization’ involves an investigation into the ways in which issues, processes and events become perceived as matters of ‘security’, and thus are cast as existential threats that require special measures to address (Buzan and Waever, 2003). A central question now arises: is migration a security threat? This again begs serious thought since a number of policy related questions become involved such as: should the border be tightened up or be left porous? How does this impact foreign policies and harmonious living as neighbors? How does this meet the market demand?

Religion occupies a significant space in migration discourse. Therefore, questions like ‘how this impacts on migration decision, and how this plays around in gender discourse’ are relevant. Religion attaches importance in the post-migration period with questions of how migrants practice their religious rites in a new and different environment. How much impact policy has on migration decisions when religion appears to be a very strong force at social or national levels? How strong are the connections between securitization and religion in the context of migration?

Gendered migration has become one of the central points today in the area of migration. Females constitute almost half of the total migration flow. Some countries in South East Asia send more female migrants than males, for instance, Sri Lanka, The Philippines and Indonesia. The gender dimension of migration came to the fore soon after the pattern “females move as dependents” shifted to the fact that they are no more dependent movers. This is particularly important because policies in those countries are aligned toward facilitation of female migrations. Religion and gendered migration have thus emerged as a very interesting set of topics for research. Widespread arguments discuss if religion facilitates or impedes migration. What roles do migration and religion play in different social settings?

Policies in some cases could be tailored so that points of origins and destinations can address the issues related to the mounting crisis of undocumented migrants. Policy changes also take place in the reality of the country’s financial administration. Huge amounts of remittances being infused into the economy need efficient management. Receiving funds from remitters and delivering them to the incumbents merit the introduction of new systems in order to facilitate productive use and investment. This remittance comes at the cost of a number of factors such as: the psychological cost the migrants and their left-behind pay; migration cost in financial terms; and opportunity cost. Awareness remains important in policy agendas as this money is exposed to use in unproductive schemes owing to the fact that the money goes unsupervised by the earners themselves, and are unbanked.

It is important to mention that the Global Forum on Migration and Development (GFMD) is a recent initiative of the United Nations Member States to ‘address the migration and development interconnections in practical and action-oriented ways. It is an informal, non-binding, voluntary and government-led process that marks the culmination of more than a decade of international dialogue on the growing importance of the linkages between migration and development.” The Millennium Project Interim Task Force Reports mention the potentially negative impact of migration on development. Particularly, the brain drain of health professionals negatively impacts the health situation of the population as well as on the

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2 http://www.gfmd.org/.
general development situation in countries of origin. Migration and development are prominent themes in international and Asian development debates and are also topics of the 2009 Human Development Report (HDR, 2009), which posits that countries should make migration easier rather than bolstering border control regimes. While the positive impacts of remittances for labor-sending countries are indisputable, changes in global migration governance are also crucial for an extension of migrant rights and are the subject of continuing dialogue in regional and international forums (Kaur, 2010).

**CHALLENGES AND VARIATIONS IN MIGRATION POLICY IN ASIA**

No policy is universal. Migration is a rapidly evolving area in contemporary discourse, and any ‘rule of thumb’ may not work for particular situations. Another dimension we need to shed light on is human rights. Migrants, wherever they move on and whatever their status is, must not be stripped of human rights. Due to the fact that migrants, especially female migrants, are more vulnerable at their destination point to multiple abuses than in their origin point, migration policy must take this into account. There is no contention, however, about the human rights standard and related policies for migrant workers. The universal human rights agenda may apply anywhere across the world. It is often argued that we compromise human rights for human security. They are not mutually exclusive, however. Migrants are the most vulnerable groups to the intricacies of human rights and human security. They could end up at the hands of exploitative traffickers, employers, travel agents; police, and border and sea guards. Miseries do not end here when host citizens see them as competitors and become xenophobic. However, the basic legislations for controlling and regulating migration vary from country to country - even within same region. Some countries bolster their migration policies keeping in mind the size and strength of their economy. Within ASEAN, for instance, Singapore immigration policies are entirely different from those of Myanmar and the rest of the South East Asian nations. Devasahayam points out that Singapore has operated relatively independently from various social forces in the formulation of its immigration policies (Devasahayam, 2010). She further goes on to say that the lack of a standardized employment contract for FDWs has been a contentious issue for decades, raised by local NGOs campaigning for migrant worker rights.

Foreign policies and foreign relations are vital determinants for shaping migration policies. Malaysia - Singapore relations are dependent on a different set of policies than Thailand - Cambodia relations. This means geopolitics come into play in shaping migration policies. In ‘so-called’ democracies, power shift is a major characteristic in national elections. This is largely determined by the power hegemons. Particular political parties hold certain ideologies. Some are aligned towards the West and some are not. This is vividly evident in South Asian cases. Since the early 1980s, the rationale underlying Singapore’s labor policies has been that of maximizing economic benefits while simultaneously minimizing social and

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economic costs, a logic which the State has long adopted towards foreign workers (Pang, 1992).

In many cases, demand-supply functions play key roles in setting policies. Resource poor countries with surplus labor generally set policies that are conducive to facilitating emigration and on the way, resource rich labor deficit countries adopt policies that facilitate immigrations. During the mid-seventies, countries in the Middle East opened up their doors for unskilled and semi-skilled labor from Asia. However, today they are tightening up their borders to the same kind of labor. It is widely believed that the Middle East, especially the gulf region, is now directing their attention toward their domestic manpower and the potential impact on demographic changes.

International migration policy in the region still is far from standard. This obstructs the delivery of development outcome that international migration can offer (UNDESA, 2006). However, the drivers of migration in this region are so diverse that a single set of policies does not suffice to address them. Because of political persecution, the Burmese step out for their neighboring countries. For example, the Burmese form about eighty percent of migrants in Thailand. High cross-border migration flows of Burmese into Thailand are explained by a combination of political, social and economic push-and-pull factors. Political and social conflicts in Burma and the large number of internally displaced persons (IDPs) and refugees, especially from the ethnic minorities such as Karen and Rohingya, have also played a significant role in initiating and shaping migration flows into Thailand (Mon, 2010). Initially, Burmese emigration was regulated by the colonial era Emigration Act, which was enacted in 1922 but was superseded by new legislation in 1992. Subsequently, in 1999 the Burmese Government promulgated a Law of Overseas Employment to safeguard employment opportunities and rights and privileges of Burmese workers in foreign countries. For Burmese migrants, females and children are especially vulnerable to trafficking, an Anti-Trafficking in Persons Law was promulgated in August 2005. Under the latter legislation, convicted traffickers were made liable to a maximum of 10 years’ imprisonment (Mon, 2010; AMC, 2005).

In the body of migration literature, ‘doors and corridor’ have become popular metaphors. Legal migrants use front doors and legal permanent immigrants and temporary visitors such as tourists, students, and guest workers use side doors. Unauthorized, undocumented, irregular or ‘illegal’ migrants use back doors. In most Asian nations, there are more irregular migrants than front-door immigrants (Martin, 2008). [Im]migration policies adopted by countries are also closely linked to their historical legacy, demography, economy and politics (Yamanaka and Piper, 2005). Some countries are open to accepting migrants (Battistella, 2002), while some others adopt a closed-door policy. For every migrant worker, the category of employment determines the type of labor legislations that apply to the individual. The country’s labor laws define basically two standards for its migrant workers: skilled professionals are subject to one set of work laws, while unskilled foreign workers face a stricter compendium resulting in a lack of numerous entitlements granted to the local populace as well as to the skilled migrant worker community. Their entry path, front door, backdoor or side door, depends on such categories (Yamanaka and Piper, 2005; Devasahayam, 2010).

As mentioned earlier, economic and foreign relations with neighboring countries are defining factors that shape migration policies of the respective country. Therefore, the Thai Government’s policies toward its neighbors have changed over the last three decades.
depending largely on the state of the Thai economy and the relationship with its Burmese counterpart. By the early 1990s, undocumented migrant workers had already become a significant feature of the Thai economy and society.

In 1996, the Thai Government made an initial attempt to regulate undocumented migrant workers by allowing them to work in specified occupations and in certain provinces for up to two years in Thailand. The Thai Government established a registration system for migrant workers from the neighboring countries (Burma, Lao PDR and Cambodia, for instance) in August 2001. The policy contends that those who registered were accorded an additional one-year extension of stay; however, migrant workers who had never gone through the registration process were excluded from this continuation policy (Amnesty International, 2005). Let us review the policy model that was pinpointed by Castles (2003) about eight years ago. This model explained the migration and ethnic diversity in destination points in Asia. Some of the elements of the model are: immigrants should not be allowed to settle; foreign residents should not be offered citizenship except in exceptional circumstances; national culture and identity should not be modified in response to external influences.

The political, social, cultural and geographic landscapes in Asia are very complex, therefore it is not easy to generalize them by the above elements. Hence a number of conventional approaches to dealing with migration in Asia have been characterized: migration issues received very little mention at the regional level. “In the Association of Southeast Asian Nations (ASEAN), despite the fact that all nations have been strongly influenced by migration since its formation, the sensitivity of the issue in the State of Singapore prevented it from even being discussed, until recently (Castles, 2003)” governments in both origin and destinations considered migration as unwelcome but necessary for short-term problems of labor, in sending countries, permanent and temporary movements were viewed overwhelmingly as having a negative impact on national development (Aguilar, 1996).

Migration policy in the Asian region remained largely under-attended. In many cases migration was clearly sidelined by respective governments until a certain period. Government remained silent when owners of industries cried out for importation of labor to fulfill the labor shortages. When potential migrants tried to make their own migration venture through illegal channels and ended up as trafficked victims, governments were still found indifferent. Today, notably, many countries now have begun to put in place comprehensive migration policies.

However, some major economies of Asia like Singapore, Japan, Korea, Hong Kong and Taiwan have adopted migration policies that focus on temporary migration, restricting the rights of migrant workers and the stint they can spend in the destination. This policy especially applies to unskilled workers though some economies encourage permanent settlement of skilled foreigners.

In Singapore, for example, low-skilled workers gain entry on a temporary basis with limited rights; however, highly skilled workers enjoy the same flexibility as the citizens and are encouraged to apply for permanent residencies. Most East Asian countries took a very careful approach to bringing in foreign migrants to ensure that workers leave the country after their contracts end (Khadria, 2007; Majumdar, 1980).
EMERGING TRENDS IN ASIAN MIGRATION POLICY

Clearly, some countries in Asia formulated and changed migration policies as needed and as appropriate in response to the changing global migration climate. This is borne out by various researches that remittance, migration, development and policy are indispensable for a modern nation state (Waddington 2003). There are policy discourses with the objective of promoting remittances in Asia. However, there is still a lot more to do in terms of having appropriate policies for regulating the infusion of remittances in productive schemes. High costs and lack of access to convenient remittance services encourage migrants to use informal channels (see Rahman, 2010). Formal systems are blamed to be inefficient, bureaucratic and expensive. From the socialist point of view, when formal channels become expensive the state and household sectors are left with less than full potential amounts of money that can be pumped into social service delivery. Before taking appropriate measures to bring down the costs of sending and receiving remittances, it is equally important to know their dimensions. Ironically, little is known about the costs of sending remittances from one country to another. However, research conducted by Ratha and Shaw (2007) indicates that fees tend to be higher for South-South remittances than for North-South remittances.

International labor migration is a prevalent type of migration in Asia, which is considered to be the best solution to labor shortages in Asian receiving countries. It is equally important to ensure that sending countries are not permanently deprived of valuable human resources, particularly skilled workers. The recent call from the World Bank, the Global Commission on International Migration, the World Trade Organization’s General Agreement on Trade in Services (GATS) Mode 4 negotiations, the International Organization for Migration, and both high-income and lower-income countries for more temporary labor migration is imperative in this regard (Winters et al., 2003; GCIM, 2005; IOM, 2005; World Bank, 2005, cited in Ruhs and Martin, 2008: 249). This is because the temporary migration is expected to create “win-win-win” outcomes, as migrant workers win by entering the foreign labor market and earn higher wages, and migrant receiving countries win with foreign, cheap labor who expand employment and economic outcomes; and migrant-sending countries win by remittances and gain skill upon return (Ruhs and Martin, 2008).

STRUCTURE OF THE VOLUME

This volume contains thirteen chapters. Hereunder we illuminate on the chapters of the volume and outline the main theme of respective chapters. The daunting job indeed is to put together the policy agendas from a wide range of countries in Asia. Chapters from different scholars located in different geographical positions essentially reflect varied opinions. How to hang all of these divergent opinions into a convergent thematic domain in fact remains a challenge. It is noteworthy that since this book largely grasps the policies related to migration, we deliberately invested some efforts on how to conceptualize the ‘policy’ itself. Thus the first chapter along with the overview of the entire volume demonstrates policy conceptualization and its underlying connections to the specific country cases the volume encompasses.
The following chapter, "Understanding Asian Migration Policy" by Md Mizanur Rahman argues that since the 1980s, population movements across international borders have increased dramatically in major destination countries of both East and Southeast Asia such as Japan, Singapore, Malaysia, South Korea, Hong Kong SAR, and Taiwan. This has been posing a policy challenge for these countries as to how to manage the growing migration flows. This study attempts to provide a broader overview of migration policy in Japan, Singapore, Malaysia, South Korea, Hong Kong SAR and Taiwan. This paper identifies and elaborates seven cross-cutting underlying features of migration policies in these countries: (i) demand side of migration, (ii) transience and disposability, (iii) recruitment industry, (iv) irregular migration, (v) gender dimension of migration policy, (vi) ethnic underpinning of migration policy, and (vii) educationally channeled international labor mobility. The study addresses these salient features with an emphasis on three major international migration systems in East and Southeast Asia: low-skilled labor, skilled labor and students. In an effort to regulate population movements, these countries have devised a national migration policy of their own, targeting different groups of non-nationals at regional and international levels. Despite each individual country's policy-making initiatives that prioritize their own needs and interests, this paper reports that migration policies converge in core principles and executions throughout the region.

In the third chapter (Foreign workers’ policies and issues in South Korea: Focus on the workers from South East Asian Countries) by Tan, Soo Kee examines foreign workers’ policies and issues in South Korea. The chapter in tandem analyses the statistics of South East Asian workers in South Korea; explains the development and the changes of foreign workers’ policy in South Korea; evaluates the outcome of the policy changes; and identifies the issues and problems faced by the foreign workers from the selected South East Asian countries, such as the illegal labors’ issues, labor exploitation, human rights violation, discrimination and cultural gap. Finally, it recommends alternative ways to deal with the foreign workers’ problems in South Korea.

The fourth chapter ("Foreign Nationals in Japan" and its Aftermath: Challenges to a new paradigm of coexistence) by Suga Setsuko examines how Japan in the new paradigm of coexistence deal with foreign nationals while the conservatives reinforce a hard policy towards foreign nationals. She goes on to argue that the society is no longer simply facing the historical "issues on foreign nationals" which have been discussed over the decades; rather the present situation has already shifted to its aftermath. Now, the society is composed of foreign nationals who live in and take part of the local community in Japan. The challenges for the new paradigm of coexistence depend on the trend of persistence in conservative ideology or to compromise with the social inclusion of foreign nationals.

The fifth chapter (Changing migration policies in Hong Kong An efficacy analysis) by AKM Ahsan Ullah examines the changing migration policies in East Asian countries like China and city state of Hong Kong that are adopting to restrict potential migrants from low income countries. He examines this by putting a case forth that Bangladeshi citizens were allowed ingress into Hong Kong with visa on arrival until December 2006 after which the Hong Kong government brought policy changes to restrict Bangladeshis to enter into Hong Kong for whatever purpose. This chapter argues that policy changes may not stop the flow; rather it may facilitate to redirect potential migrants to new and alternative travel routes to get to their destinations.
The sixth chapter, (Migration Policy in Singapore) by Md Mizanur Rahman investigates Singapore’s foreign worker policy in relation to its management, especially the finely tuned micro-aspect of policy. Rahman argues that the management of foreign manpower is vital for any labor importing country, as failure to ensure efficacy in the achievement of labor migration policies and program goals often generates a whole range of unintended consequences, like xenophobia, politicization of migration, irregular migration, and eventually, cessation of labor migration programs. His chapter examines the foreign manpower policy and its implementation mechanisms, to highlight the importance of careful and comprehensive policy and transparent management. The discussion is divided into five sections: provides development of migration policy in Singapore, explains briefly the nature of labor migration policies, elaborates the administrative and legal frameworks, describes classes and policies of foreign worker passes, and illustrates some of the salient features of low-skilled foreign worker policy.

The seventh chapter, (Dependency on foreign labor and Migration Policy in Malaysia) by Mst. Rayhena Sarker argues that in Malaysia, like in other economies in Southeast and East Asia, foreign workers have increased over the past decade due to sustained economic growth. As a long-term measure to ensure sustainable growth as well as minimize socio-economic implications, a medium to longer-term policy on foreign workers has been devised with the view to reducing the over-dependence on foreign workers. Although the growth rate of the population of Malaysia remains relatively high, the country’s strong economy and urbanization have generated a demand for foreign workers that is met by large numbers of both regular and irregular migrants. Workers from countries such as Indonesia, Nepal, the Philippines, Bangladesh, India and Vietnam are now being employed in various economic sectors in Malaysia. Despite the development of a number of policy instruments to manage migrant labor recruitment and deter irregular migration, the policy experiment was at best partially successful. In recent years, according to the Ninth Malaysia Plan, the number of foreign workers will be reduced gradually to provide greater employment opportunities to local workers, although the plan provides no strategy on how this is to be achieved. Calls to reduce migration in destination countries tend to be based on the false perception that migrants take away jobs or compete for welfare benefits, when in fact the majority of migrants create economic activity and jobs, argues Rayhena.

The eighth chapter (Migrant workers and rights in Taiwan) by AKM Ahsan Ullah examines how the Taiwanese government keeps pace with migration policy reforms, and the effectiveness of policies to protect the rights of foreign workers in Taiwan. The Taiwanese government is known as being quick to recognize the potential for economic development. Its policy was not merely to address the caretaking need for elderly or children but also to attract Taiwanese living outside by giving myriad incentives: one such is the establishment of the National Youth Council in the early 1970s to connect Taiwanese businesses with skilled migrants. Policies are something that pans out with the changing economy, geopolitics, and globalization. Taiwan is one of the fastest growing economies for the past five decades despite tense political relations between China and Taiwan. It kept pace in its reforms in migration polices that are conducive to attracting Taiwanese Diasporas as well as creating a more humane environment for foreign migrant workers.

The ninth chapter (Migration Trends and Patterns in South Asia and Management Approaches and Initiatives) by Md. Shahidul Haque examines different management and policy approaches to migration in Asia. In today’s highly mobile world, migration has
become an increasingly complex area of governance, inextricably interlinked with other key policy areas including economic and social development, national security, human rights, public health regional stability and inter-country cooperation. Managing migration either at the national or regional level is a complex and multifaceted endeavour. Internal and international migration, as well as regular, irregular and forced migration poses critical management challenges to the South Asian countries. It is increasingly clear that there is a need for collaborative and comprehensive initiatives in managing mobility in the region, if migration is to be beneficial both for migrants and countries. The national level policy may integrate all types of population movements, regular and irregular in a coherent manner and in harmony with the development process of the country.

The tenth chapter (International Labor Migration Policy and Development in Indonesia) by Graeme Hugo investigates the development of international migration policy in Indonesia. While the Indonesian government in recent years has recognized the role that international labor migration can play in reducing un- and underemployment, in earning foreign exchange and in training its workforce, there is little integration of labor migration and development policy within Indonesia. As is the case elsewhere there is little linkage and coherence between labor migration and development policy. The real challenge is clearly moving toward strategies, which take into account and use the positive interconnections between migration and development and seek to minimize negative impacts. In the Indonesian case, however, it is apparent that there is an initial, necessary step that needs to be taken. This involves the removal of the impediments and barriers, which currently intervene to prevent the benefits generated by labor migration to fully flow back to origin families and communities. The poor governance of the Indonesian labor migration system results in a significant part of the earnings of migrant workers not being available to impact on development because it is siphoned off by excessive transaction costs, corruption and exploitation of migrant workers.

The eleventh chapter (Environmental Migration and Policy Dilemma) by Robert Stojanov and Barbora Duží examines the potential impact of environmental degradation on population displacement. This chapter deals with the topic of migration flows from India to Bangladesh with concentration on environmental factors and policy dimension of the process. Authors bring results from the field research carried out in 2008/2009 in South Asia, specifically in South-West Bangladesh and Indian Assam. The research was based partly on analysis of secondary sources, combined with observation and in-depth interviews with respondents in target areas. The target groups were experts and affected households. The chapter is divided into four sections. The first part introduces conceptualization and types of environmentally induced migration, including in Bangladesh. The second describes the background of migration in Bangladesh in the context of environment change, especially climate change. The third part presents methodology and hypothesis concerning migration in Bangladesh, then analyses results from the terrain research in Bangladesh and India. It identifies whether in migration patterns and flows appear reasons due to worsening environmental and climatic conditions. The last part sums up outcomes of the research.

The twelfth chapter (Gendering Space and Movement: A Reflection on Overseas Labor Migration Policies of Bangladesh) by Syeda Rozana Rashid argues that despite being in huge demand in the international labor market, women comprises less than 5 percent of Bangladeshi migrant labor force. While it took various proactive measures to promote men’s migration, it imposed a complete or partial ban on women’s labor migration for unskilled, semiskilled and skilled jobs on the grounds of ‘protecting the dignity of women’. The ban was lifted in 2003,
but new conditions were imposed that women undertake compulsory skill and orientation training for domestic work. Both public concern and state policy regarding female migration assume that poorly educated rural women are not 'safe' in migrating abroad - a 'public' place far away from home.

The thirteenth chapter (Recruiting Migrant Labor in Asia: Interplay between Institutions and Networks) by Md Mizanur Rahman and Lian Kwen Fee examines the role of migration institutions in channeling Bangladeshi migrants through different migrant worker programs. It highlights the general consequences of such programs, and the policy principles that the host countries pursue to meet the demand for migrant labor. It also analyzes the role of migrant agencies in circumventing the restrictions imposed on the movement of labor across borders in East and Southeast Asia. Historically, both Singapore and Malaysia have relied on migrants, generally from South India, South China and Indonesia, for their economic development. By contrast, the Republic of Korea and Japan have until recently drawn on domestic workers to meet their labor needs. The two South-East Asian countries – Singapore and Malaysia - are essentially migrant societies with multi-ethnic populations. The two East Asian societies are culturally homogenous and their exposure to ethnically diverse migrant communities such as Bangladeshis is a recent experience. This important difference is reflected in the policies adopted by their respective governments with regard to migrant labor. Singapore and Malaysia have more open policies towards the recruitment of foreign labor migrants than either the Republic of Korea or Japan.

REFERENCES


Chapter 2

UNDERSTANDING ASIAN MIGRATION POLICY

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INTRODUCTION

The thriving and prosperous East and Southeast Asian countries have become magnets for international migrants by the 1850s (Skeldon, 1997; Ananta and Arifin, 2004). The high performing economies of Japan, Hong Kong and Singapore were first to become migration destination countries and in the 1990s Malaysia, South Korea, Taiwan, and Thailand emerged as additional destination countries. According to Abella (1995:125) there were about one million Asian migrants working in East and Southeast Asian countries in the 1980s; but by around 2000, their number may have reached 5.3 million (ESCAP, 2002:1) or 6.1 million according to other accounts (Battistella, 2002:406; cited in Asis, 2005:19). Female migrants were estimated at two million or around one third of the total migrant population in the region (Yamanaka and Piper, 2003:6). This increasing movement of people across international borders had forced each destination country to devise migration policy and meet the challenges posed by international migration. This study broadly addresses some of these salient features of the migration policies in East and Southeast Asia.

Over time, some countries have emerged as principal destination countries such as Singapore, Japan, South Korea, Taiwan, Hong Kong SAR and Brunei in East and Southeast Asia, and others as source countries such as Indonesia, the Philippines, Myanmar, Laos, Vietnam, Cambodia, Bangladesh, Sri Lanka and India in South and Southeast Asia, while still others play both or migration transitional countries such as Malaysia and Thailand in Southeast Asia (Skeldon, 1997; Hugo, 2005). International migration in East and Southeast Asia today presents a complex typology. Dating back to 1992, Ronald Skeldon identified five international migration systems within and from the East and Southeast Asian region: settler, student, contract labour, skilled labour and refugee (Skeldon, 1992). While they all merit scholarly investigation on its own rights, this research highlights some of the underlying features of migration policy that involves three principal types of migration systems, namely contract labour, skilled labour and student. I exclude settler and refugee migration because
policies targeting admission of (permanent) settlers and (political) refugees are not still well-articulated in migration policies in East and Southeast Asia.

Migration policy determines the population movements across the international borders. The study of migration policy has principally advanced in the context of Western countries and provided a two-fold classification of migration policy: (i) immigration control or regulation policy (the rules and procedures governing the selection and admission of foreigners) and (ii) immigrant policy (the conditions provided to resident immigrants such as work and housing conditions, welfare provisions, and educational opportunities) (Hammar, 1985: 7-9; Meyers, 2000, 2002). It is important to note that the large-scale 'guest worker' migration in the West after the World War II led to permanent settlement and development of multicultural societies, invoking a shift in the scope of overall migration policy from migration control to immigrant incorporation in the region. As a result, current typologies of migration policy also reflect the management of migration flows and ethnic diversities in the Europe.

While a migration control policy is highly relevant in Asian migrant receiving countries, immigrant policy is not a topic of much discussion in this region. Stephen Castles offers an explanation why the latter is more relevant to the West than to Asia (Castles, 2001). Castles argue that permanent settlement and development of multicultural societies in the West were facilitated by three main factors: principles of the rule of law and human rights; incorporation of immigrants into welfare systems; and the effect of social networks (Castles, 2001: 190). The question is whether similar situation exists in Asian migrant receiving countries. Presently, the following three principles are widely reported in Asian migration policies: limited settlement; limited scope for citizenship; and limited scope for national culture and identity modification in response to external influences (Castles, 2001:197; see also Piper, 2004a; Chan and Abdullah, 1999; Skeldon, 1997; Hugo, 2010; Seol and Skrentny, 2009). Citing the basic principles of Asian migration policies, Castles notes that there is still no sign, as of yet, that dominants Asian ideas on national identity and citizenship are beginning to undergo the type of changes that the West experienced as a result of immigration in the latter half of twentieth century (Castles, 2001: 197).

Generally speaking, drawing on the experiences of Western countries, Asian migrant-receiving countries have developed a model for non-national admissions based largely on 'exclusionary principles', what we can call an 'Asian migration model' (Castles, 1995, 2002). This Asian migration model has been relatively successful in managing international migration with minimal negative effects for host countries (for details see, Seol, 2005; Castles, 2001; Asis and Piper, 2008; Hugo, 2005). Asian migration policies represent what Cornelius and his colleagues (2004) call the 'convergence hypothesis'. The convergence hypothesis highlights the growing similarities among receiving countries in the areas of migration control policy, (e.g. the rules and procedures governing the selection, admission and retention of foreigners) (Cornelius et al., 2004: 3-20). Not surprisingly, there are similarities among migrant-receiving countries in East and Southeast Asia in terms of the policies that their governments have adopted to control migration (Hugo, 2010; Castles, 2001, 2002; Seol, 2005; Piper, 2004a, 2004b; Seol, 2005). Despite each individual country's policy-making initiatives prioritizing their own needs and aspirations, migration policies converge in core principles and executions throughout the region. This research identifies and elaborates seven cross-cutting underlying features in Asian migration policies: (i) demand side of migration, (ii) transience and disposability, (iii) recruitment industry, (iv) irregular migration,
(v) gender dimension of migration policy, (vi) ethnic underpinning of migration policy, and (vii) educationally channelled international labour mobility. In the subsequent sections, I discuss each of them by drawing on migration policies in Singapore, Malaysia, Taiwan, Hong Kong SAR, South Korea and Japan in the Southeast and East Asian regions.

**CONTROLLING DEMAND:**
**WORK PERMIT, QUOTA AND LEVY SCHEME**

Broadly, the causes of foreign labour demand can be attributed to the changes in labour supply and demand, transnational linkages and migration systems in the region (Castles and Miller, 2009; Tsuda and Cornelius, 2004). Scholars broadly converse in their opinion that the labour shortage in countries in East and Southeast Asia has occurred because of a combination of trends in rapidly shrinking and aging of the local populace, a better-educated and socially mobile local populace (and lack of interest in the so-called ‘3D’ jobs - demanding, dirty and dangerous), and depletion of previously underutilized sources of labour power, especially females, the elderly, and rural workers (Mori, 1997; Tsuda and Cornelius, 2004; Kaur and Metcalf, 2006; De’rah, 2002). The labour shortage created a strong demand for foreign workers in the prosperous countries in East and Southeast Asia.

However, policy-makers put in place mechanisms to evaluate to what extent such shortages should be filled by foreign labour and how this labour should be channelled into different economic sectors. Current policies, at the receiving end of migration in the region, typically categorize migrant workers into two broad groups: highly skilled and unskilled (semi-skilled and unskilled including domestic workers). The emphasis in migrant destinations is on control and ‘flexibility’ in response to local labour market fluctuations (Piper, 2004a). We observe the use of three mechanisms to regulate the need for foreign semi-skilled and unskilled labour: (i) ‘work permit’ (ii) the quotas and ceilings, and (iii) the employment stabilization fee called ‘levy’ (Martin, Abella and Kuptsch, 2006; Rahman 2008; Chan and Abdullah, 1999; Castes and Miller, 2009).

Employment Acts, such as the Employment of Foreign Workers Act (Singapore), the Employment Restrictions Act (Malaysia), the Alien Employment Act (Thailand), the Employment Service Act (Taiwan), and the Act on Foreign Workers’ Employment (South Korea), provide legal framework for the management of foreign manpower in the region (Seol, 2005: 105). Responsible government bodies for foreign labour vary across the region: in some countries the Ministry of Manpower and Ministry of Labour deal with foreign labour such as Singapore, Thailand, and South Korea; the Department of Labour and Council of Labour Affairs in Hong Kong and Taiwan; the Department of Labour and Employment and Ministry of Health, Labour and Welfare in Malaysia and Japan (see Seol, 2005; Chan and Abdullah, 1999; Ullah, 2010).

Work permit is issued to each foreign worker with contract length, name of employer, and sector of the economy. The duration of stay or contract length is limited, usually from one to three years and the renewal is usually subject to availability of jobs and approval from the concerned authority. There is often limited opportunity for mobility across sectors and employers. The work permit or some sort of formal work permission is a standard practice throughout Asia. Through quotas and ceilings some countries have put a cap on annual intake
of foreign workers. For example, South Korea has a quota system for foreign workers. Some countries do not directly set annual quotas for foreign workers, but leave the market to decide how many foreigners are required for what is called a ‘dependency ceiling’. The dependency ceiling regulates the proportion of foreigners to local workers. Dependency ceilings are found in a number of countries such as Singapore and Japan. However, in the countries where there is no explicit quota, they control the flows of foreign workers to specific sectors or projects through a work permit system such as Hong Kong, Taiwan and Malaysia.

The third control measure is ‘levy’. Employers have economic incentives to depend on foreign workers because employers can hire foreign workers at low costs and pay lower wages to them than those to local (national) workers. This may cause unemployment and dissatisfaction at the lower rung of local labour force. To protect the jobs of low-skilled local workers, the levy is introduced in all countries in East and Southeast Asia except South Korea (Seol, 2005). It increases the cost of employing foreign workers and, by implication, discourages employers to become over-dependent on foreign labour. However, certain jobs are branded as ‘immigrant jobs’ in host countries (Piore, 1979) and the local perception about these jobs are overwhelmingly negative. Nationals of Singapore, Japan, Malaysia or Hong Kong are hardly ready to engage in dirty, dangerous and demeaning work, such as construction, plantation or domestic work, in their own countries. As a result, the rationale for levy, that is, to discourage over-dependence on foreign workers at the cost of local workers, is not entirely relevant today. Therefore, the use of the levy as a control mechanism demands reconsideration.

The control mechanisms discussed above does not apply to skilled and professional migrants, who enjoy more favourable terms and conditions in East and Southeast Asia (Iredale, 2000). With rapid globalization and the increasing importance of the knowledge-based economy, governments in the region are indeed competing with each other to attract the best and brightest talents (Yahya and Kaur, 2010). These countries have crafted a separate set of policies on a competitive basis to tap the skilled and professional migrants from around the world. There are some commonalities in skilled and professional migration policy in the region such as: (i) permission to bring dependents in the host country; (ii) occupational mobility and, better terms and conditions of employments; (iii) extension of stay in the host countries is often encouraged with additional facilities like housing, medical and other allowances; (iv) children and spouses may integrate into the host society and can join the labour market; and (v) some countries offer a permanent residence status such as South Korea, Singapore, Malaysia, Japan and Hong Kong and even citizenship such as Singapore and Hong Kong.

**TEMPORARY MIGRATION: TRANSIENCE AND DISPOSABILITY**

In devising admission policy for foreign labour, one important consideration is whether to prioritize temporary labour migration or permanent migration through specified migration channels that may lead to a secure residence status and permanent settlement. However, most receiving countries in Asia find the best solution to labour shortages in a temporary migration programme. Temporary migration policies are devised on the principle of rotation, that is,
each migrant worker is invited for a short-term period and forced to depart once their permit expires (Ruhs and Martin, 2008). The doors of permanent settlements, such as marriages with local, family reunion (bringing family members from home countries), unlimited extension of visas, sectoral mobility, and option for employer changes, are typically absent in temporary migration programme. In South Korea and Japan migrants can legally marry local residents, but newly married foreigners are often first offered extendable visas (one to three years) and once the marital relations mature, they are entitled to long-term visas or permanent residency.

Although labour migration is seen as a temporary recourse to labour shortages, the phenomena of temporary migration or the demand for cheap and disposable labour is permanent in the region, leading to a situation of ‘permanently temporary’. Given the lower costs of hiring temporary migrants and the higher benefits that such labour generates for them, receiving countries in the region have adopted a policy of ‘circular migration’. In this circulation migration, migrants who, after they finish their contracts, earn skills in specific occupations and comply with local rules and regulations, may stay longer subject to availability of jobs in the countries of Singapore, Malaysia, Hong Kong and Taiwan. Korea still sets a time limit to stay in the migrants countries of origin before renewing any contract. Migrants who are working for extended periods are generally allowed to take leave for home visits.

The good side of this policy measure is that the fear of permanent settlement in the receiving countries and the fear of losing nationals, skills, and remittances in the sending countries are minimal, leading to win-win situations for both parties. For migrants they get jobs with higher wages compared to those in their country of origin and an opportunity to continue a foreign job for an extended period. For instance, a migrant with multiple skills can work up to 15 years in the construction sector of Singapore. However, temporary migrant workers are seen often as a ‘disposable’ group; the receiving countries retain them as long as they find them indispensable for economic growth. The employers and states may choose to get rid of temporary migrants whenever they discover them as ‘burden’ or cannot afford to retain them, such as at the time of economic recession. At the time of economic downturn, it is the temporary foreign workers who are first retrenched and deported back home. The Asian financial crisis in 1997-1998 is the best example of this, when countries like Thailand, Malaysia, Singapore, Hong Kong SAR, Taiwan and South Korea deported a large number of foreign workers to their countries of origin (Rahman, 1999).

THE RECRUITMENT INDUSTRY:
AGENTS AND NETWORKS

Throughout history, labour demand has been met primarily by enslavement and later (in the wake of abolishment of slavery) indenturing, and now recruitment (Prothero, 1990). The recruitment industry for low-skilled labour has flourished rapidly in Asia. Most labour recruitment takes place through the help of two key players: agencies and networks (Martin, 2005). While some authors refer to networks (as well as social and individual human capital) as the “engines of immigration” (Phillips and Massey, 2000), others refer to agents as the “other engine of migration” (Hernandez-Leon, 2005:2). Whether it is regular or irregular migration, the role of the agents and networks are vital in transferring potential migrants,
without it few potential migrants could have migrated across the international borders successfully.

There are burgeoning amount of private employment agencies in the region. For instance, as of 23 March 2011, according to Philippine Overseas Employment Administration, there were 3,376 employment agencies in the Philippines. In Bangladesh, according to Bangladesh Association of International Recruiting Agencies (BAIRA), there are 700 government approved recruiting agents as of 20101. In addition to these agencies, there are around 3,600 travel agencies, known to be engaged in authorised and unauthorized channelling of migrant workers overseas. Singapore has around 1,100 recruiting agencies serving the demand for male and female migrant labour in the country. Recruiting agents in both sending and receiving countries work in collaboration with each other and contribute to the placement of labour across borders.

The recruitment procedures are often assisted by a number of unlicensed recruiters located at the peripheral area. Reflecting on the Indonesian experiences, Jones (2000) differentiates between three categories of recruitment agents: registered companies; smaller companies or individual recruiters that were certified by the Ministry of Manpower; and those without connection to licensed recruiters or to the Ministry of Manpower. Wee and Sim’s (2004) report that the registered agencies in Indonesia are only the nodes of nationwide networks that extend to remote peripheries. In Indonesia, the first labour recruiter that a migrant woman worker often meets is someone familiar to them and symbol of trust at the community level. They are more embodying the trust than trustworthy. Wee and Sim note that this informal mode of recruitment tends to lead the potential worker to trust the labour recruiter and other people in his or her network. Rahman’s study on Bangladeshi migrant workers (see Rahman, 2009) resonates the above analogies.

The role of each level of recruiters is predetermined: community level recruiters will contact the potential migrants and promises to offer good job overseas; mid-level recruiters who link with registered and community level recruiters feed further information with regard to the particular job; and registered recruiters then come to the scene and furnish the final paper documentations. The worker moves through different nodes of the recruiting networks in the sending country before finally leaving for the destination country. This three-layer recruitment practice is beneficial for registered recruiters because of the fact that licensed recruiters do not need to look for clients (potential migrants) located in the remote places throughout the country (ii) if anything goes wrong in the recruitment process, they can easily pass the burden on to the lower level of recruitment hierarchy, (iii) since registered recruiters are from big cities and do not usually visit localities, they would not be held responsible for malpractices or even contacted by potential migrants in case of emergency, and (iv) the supply of potential migrants are ensured through renewal and reinforcement of recruiting agents at the mid and local level.

Recruitment practices in the source countries like Vietnam, India, Sri Lanka and Pakistan are more or less the same except in the Philippines (See, Eelens and Speckmann, 1990; Arif,

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1For example, in Bangladesh there are around 800 registered recruiting agencies and around 3,600 travel agencies (1,667 authorized and 2,000 unauthorized) that are engaged in authorized and unauthorized channelling of migrant workers (http://www.brexpport-baira.org/history_background.htm accessed in January 2010). In the Philippines, there are around 2,960 government-registered recruiting agencies only that are engaged in channelling migrant workers overseas (http://www.poea.gov.ph/cgi-bin/agList.asp?mode=all accessed in January 2010). In Singapore, there were around 1,100 recruiting agencies in 1999 to serve the manpower need (The Straits Times, 24 October 1999, “Big Money in Labour Import Racket”).
In the Philippines, female migrants usually visit Manila to initiate the recruitment and once the contract is signed, she is left on her own. Once official formalities are finished, agents contact her only with regards to her travel itinerary (Wee and Sim, 2004). After migrants are transferred to their host countries, responsibilities of recruiting agencies in home countries end. Employers and recruiting agents in host countries then begin including medical check-ups, work visa processing, orientation programme, bank accounts, etc.

The recruitment of skilled and professional migration is conducted through channels other than through registered recruiting agencies for low-skilled foreign labour. It is more as an individual level initiative to enter the international job market. They know that there is a demand for certain skills and professional experiences in the international job markets. Foreign recruiters use modern means of advertising to reach to the talented and skilled personnel who might be living in a distant location. Online job-advertising and -matching companies, recruiting companies’ own websites, and advertisements in printed media facilitate to introduce potential employers and employees across international borders.

If a job advertisement matches with potential job-seeker’s experiences and educational credentials, he or she then submit letters of interest, a resume, reference letters, and copies of educational credentials usually through email. Sometimes potential job-seekers also leave details in concerned companies’ e-recruitment resume banks for current and future vacancies. Thus, electronic communication plays a central role in bringing potential recruiters and job-seekers together as well as in negotiating the terms of conditions at the early stage of the job search. Once both parties reach to a deal, an employer approaches their respective immigration office to obtain a working visa for the potential employee. Since major host countries in the region pursue a favourable policy towards foreign skilled and professional migrants, employers often get working visas on behalf of foreign employees depending on the working visa rules of the respecting countries.

**IRREGULAR MIGRATION: STATE CONCERNS AND POLICY MEASURES**

Several terms such as “illegal”, “undocumented”, “unauthorized”, and “irregular” that have been used to describe migrant workers without valid visa, work permit or other necessary documents (Battistella and Asis, 2003). “Irregular” is the current term in use by migrants’ rights advocates. The term “illegal” is usually used in legal sense and places the interests of the state over the human right of mobility to victimize migrant workers as criminals (Asian Migrant Yearbook, 2005:50), while other terms are relatively neutral. The presence of an irregular migrant population is substantial Asia. According to an estimate based on recent data, Maruja M.B. Asis reports that the number of Asian migrants working in East and Southeast Asia is a total of 7.5 million – 1.2 million of which are unauthorized or irregular workers (Asis, 2005:19).

The irregular migration population has declined in some countries in Asia. Compared with estimates around 2,000, the share of unauthorized migrant workers has gone down from 34 to 16 percent of the migrant workers population (Asis, 2005: 19). There are several factors that account for the decline in irregular migrant population in the region. Asis argues that the
registration drive in Thailand and the Republic of Korea, the crackdown in Japan against unauthorized migrants, and the repatriation drive in Malaysia, all of which were carried out in 2004, may explain the decline (Asis, 2005). Although irregular migration is present in all countries in the region, the problem is serious in Malaysia and Thailand while the situation appears to be under control in other receiving countries in the region such as Singapore, Hong Kong, Taiwan, South Korea and Japan.

However, the declining rate of irregular migration should be understood in the light of policy measures undertaken to address irregular migration problem in the region. Some of the policy measures implemented include penalty for irregular workers, employer sanctions, security bond, and fingerprint and biometric identification card (for details, see Battistella and Asis, 2003; Martin et al. 2006; Castles and Miller, 2009; Chan and Abdullah, 1999). When one becomes “irregular” for any reason, the migrant worker is expected to leave the country immediately. Nonconformity to rules often meets first financial penalty, then imprisonment and finally deportation. In some countries, if an “irregular” stays for a certain period of time it may involve physical punishment such as caning in Malaysia and Singapore.

To prevent employers from employing irregular migrants, receiving countries in the region have adopted policy measures called ‘employer sections’. These measures include a heavy financial penalty to an incarceration up to a few years and are strictly followed in almost all countries in the region. People migrate principally for economic incentives. When a migrant worker cannot engage in work because of his or her irregular status, the motivation for irregular stay is expected to diminish. In this sense, employer section is an effective policy measures to reduce the size of irregular migration.

In addition to widely practiced above measures, Singapore has introduced a ‘security bond’ of SGS 5,000 in the form of insurance/banker’s guarantee to all employers of foreign workers except Malaysian origin migrant workers (Devasahayam, 2010). The security bond is signed between the employer and the Government; the foreign worker is not required to pay the security deposit. The security bond is repaid when the employer submits documentary evidence that the work permit has been cancelled and documents from the Immigration and Checkpoint Authority (ICA) showing that the work permit holder has repatriated. Under the pretext of losing the security bond, employers play a proactive role in two areas: (i) taking care of well-being of migrant workers and (ii) ensuring their authorized repatriation after cancellation or end of work permit.

As a part of the latest ‘migration securitization drive’ (Bourbeau, 2011), some host countries have introduced fingerprint taking or digital photo-taking measures at the international airports such as South Korea, Thailand, Malaysia and Japan. This latest security measures in the form of fingerprints and digital photo-taking have further limited the movement of irregular migration. Once they enter the country leaving fingerprints and digital photos at the immigration officials, governments know who and how many foreigners have become irregulars. Fingerprints or digital photos of migrants who stayed irregularly and thereafter deported are stored in the system. The bank of fingerprints and digital photos that immigration develops over time can easily deter former irregular migrants when they attempt to enter in the country second time, prompting to take immediate action against their irregular entry. Apart from the control of irregular movement, major host countries have also introduced biometric ID cards that help to detect irregular migrants within the country. The

\footnote{For details see, Ministry of Manpower, Singapore website. www.mom.gov.sg}
good side of the biometric ID card for the state is that it cannot be tempered and forged easily, leading to precarious stay (e.g. easy detractability) and even limited access to services like medical care in host countries, contributing to diminishing interests in irregular movement and stay.

GENDERING MIGRATION POLICY: THE DIFFERENCE IT MAKES

Intra-regional migration in East and Southeast Asia is a gendered phenomenon: both male and female migrants are moving across borders to join into the foreign labour market. Male migrants are mostly hired for the construction, plantations, factories, service, fishing and rice mill industries to meet the labour shortage in these particular sectors. Along with the demand for male migrants, the demand for female migrant workers has also increased since the 1980s, but the demand is largely limited to domestic work in Hong Kong, Singapore, Malaysia, and Taiwan and as “entertainers” or “artists” in Japan and South Korea (Asis, 2004). In other words, male labour migration is responding to the formal or productive sector while female labour migration is responding to the informal or “entertainment” sector (Piper, 2003). Along with old source countries like the Philippines, Indonesia, and Sri Lanka, ‘new’ women migrants are surfacing from new source countries like Vietnam, Myanmar, and Cambodia, numerically stretching the feminization of labour migration in the region. Feminization of the labour migration come to the extent that in some countries like the Philippines, Indonesia and Sri Lanka female migrants outnumbered male migrants among the new workers legally deployed in the recent decades (Piper, 2003, 2004a; Asis, 2004).

However, substantial barriers exist to regulate cross-border gendered mobility both at the labour receiving end through restrictive admission policies and at the labour sending end through the policy of selective deployment that is encouraging migration to some destinations/jobs while discouraging others (Momsen, 1999; Piper, 2003, 2004a). In fact, policies shape the whole process of migration, starting from the motivation to leave through such policies regarding age, education, pre-departure training, choice of destination, and terms of admission, to policies regarding migrant admission, labour protection, and social inclusion in the host country (Piper, 2006), gender is relevant to all of these questions. Nicola Piper argues that migration policies affect men and women differently for three principal reasons: the concentration of men and women based on gender-segregated labour markets; gendered socioeconomic power structures; and socio-cultural definitions of appropriate roles in destination as well as origin countries (Piper, 2006: 139).

Some early studies attempt to address international migration policies and the status of female migrants (Zlotnik, 1990). However, there exists little systematic gendered analysis on the central role of state policies and practices. It is imperative that males and females who are working as skilled and professional migrants often enjoy greater gender equity in migration policy. It is the low-skilled male and female (domestic) migrant workers who are often caught in policy dilemma. In their classic work on how state policies affect male and female migrants, Shirlena Huang and Brenda S.A. Yeoh offer probably first a gendered analysis into the role of state policies and practices in the incorporation vis-à-vis non-incorporation of male versus female migrants (Huang and Yeoh, 2003). Although their analysis describes state
levy for a domestic worker is often at a flat rate with little flexibility. There is little scope for an official upgrading of skill status and official recognition of productivity throughout the region. This hinders their bargaining power and a salary increase in the long run.

Regarding participation in public space, male migrants enjoy greater physical mobility compared to their counterpart female migrants (Rudnick, 2009, Ahsan, 2010). They are often entitled to enjoy fixed working hours that are much lower than domestic workers and can prioritize non-working hours by moving freely in the places of their interest.

In case of female migrant workers, the state often put restrictions on their physical mobility. While the task of policing male migrant workers falls in the hands of the state law enforcing agencies, in case of violation of laws or committing any crime, the task of policing the domestic workers has been relegated to employers. This has led to a situation in which some domestic workers are barred from public spaces. Public space is not prohibited for them, but they are not often allowec to join because of the working schedule and employers’ policing power.

In general, a domestic worker starts working in the early morning and finishes her work at midnight once all members of the family go to sleep, especially in Southeast Asia. There is no provision for overtime pay for domestic workers, like their male counterparts who are usually paid overtime for their extra hours of working. Male migrants usually enjoy weekly days off while female workers (domestic sector) are often limited to the discretion of employers for weekly day off in some countries such as Singapore, Thailand, and Malaysia. However, weekly days off for domestic workers vary depending on the countries of origin. For instance, domestic workers from the Philippines enjoy weekly days off but their sisters from Indonesia, Myanmar, Vietnam, and Cambodia often do not get that allowance in Southeast Asia. Domestic workers in Taiwan and Hong Kong enjoy minimum monthly wages, weekly days off and pay in lieu of working their days off. A domestic worker’s monthly minimum wage is currently NT$ 17,880 (US$ 610) in Taiwan and HK$ 3,860 (US$ 496) in Hong Kong.4 While there is no provision for minimum wage in Malaysia and Singapore, a domestic worker usually earn from US$ 150 to US$ 250 in Malaysia and US$ 250 to US$ 350 in Singapore (Rahman and Lian, 2009). Domestic workers in East Asia also enjoy better terms and conditions of employment in relation to working hours, and paid annual leave, sickness allowance, and long-service payment than those in Southeast Asia (see for details, HRW, 2005; Rahman and Lian, 2009; Huang et al., 2005; Ullah, 2010). Thus, while gender matters in the policy making, there are also other factors that cut across gender lines and contribute to differential experiences across the regions.

ETHNICIZING MIGRATION POLICY: A MEANS TO AN END

Preferences for co-ethnic migrants residing outside national territories offer important new perspectives on nationhood, non-discriminatory norms, and trans-nationality in Asia

policy and low-skilled male (construction) and female (domestic) migrant workers in Singapore, they provide a frame for gendered analysis of other migration policies throughout Asia. In the subsequent discussion, I elaborate on the gender dimension of low-skilled migration policies in the region with an emphasis on access to legal protection, effects of state medical surveillance, valorisation of skills and productivity, and social control in public space.

Migrant workers have differential access to legal protection depending on whether the migrant is a male and female and this is principally attributed to the gendered segregated labour market in the host country (Yeoh and Huang, 1999; Tam, 1999). Male migrants have generally more access to legal mechanism and different recourses to justice than female migrants (domestic workers) because of their easy access to other workers and legal bodies (Rudnick, 2009). Since male migrants engage in the production sector by default, they are protected by employment acts and are entitled to other benefits as workers in most host countries, except in South Korea and Japan if they are on trainee visas. Migrants under a trainee scheme are not considered ‘workers’; they are therefore not entitled to enjoy benefits of ‘workers’, although they often do the same work at official migrant workers at the same working place. Female migrants who are working in relative seclusion in the domestic sector are not considered ‘workers’ in Southeast Asia. Therefore, they are often deprived of some benefits and privileges associated with the status of an ‘official worker’.

Policy towards medical surveillance is an area where the state often imposes gender differentiated patterns. All foreign workers, including domestic workers, are required to undergo a medical examination and be certified fit by authorized medical practitioners throughout the region. However, receiving countries put in place extra measures for female migrant workers to monitor whether they are in a process of procreation. While foreign male workers and locals may get away with ‘transgressive acts of procreation’ (Huang and Yeoh, 2003), female workers (domestic workers and entertainers) bear severe consequences, including the loss of their jobs and repatriation throughout the region. However, in spite of this negative implication of health screening, there are also some positive implications of the medical surveillance bestowed on them. Ahsan Ullah argues that females are more vulnerable to deadly and communicable diseases and the provision of medical surveillance help detect the diseases, taking preventive measures in advance (Ullah, 2010). The recent cases of tuberculosis (TB) among domestic workers in Singapore are a case in point3. It is also important to note that the financial burden on medical tests put on employers, not on domestic the workers.

The gendered nature of migration policy is also reflected in the ways in which the labour of male and female workers is valued by the receiving states. Huang and Yeoh argue that foreign workers in low-end occupations such as construction can upgrade their skills and thus switch from unskilled or semi-skil.ed or even a skilled category over time. The reward for acquiring or upgrading skills is reflected not only in monthly salaries but also in levy rates that each employer is required to pay for their foreign workers. Except South Korea, levy for foreign workers can be found in Singapore, Malaysia, Thailand, Hong Kong, Taiwan and Japan (Seol, 2005:106). Employers of female workers, especially domestic workers, are also required to pay a levy. However, since domestic work is seen as informal/reproductive work,

3Health screening good enough? ; My maid has TB and now my son and I have it, too, Letter from Noorlina Senin, 31 May 2010, The Today (Singapore)
(Skrentny et al., 2007). In East and Southeast Asia, there is clearly a preference for co-ethnics in the areas of ethnic return migration and naturalization, co-ethnic investors, students, and temporary migrants. Countries like Japan, South Korea, Taiwan, Singapore, China, and Hong Kong SAR have a strong ethnic component in their migration policy, while Malaysia and Thailand seem to be more concerned about the country of origin or religion of migrants in some cases while in other cases it has also an ethnic dimension in their migration policy.

For instance, Japan does not have an explicit low-skilled temporary migrant worker programme for Asian migrants. However, Japan has pursued a policy of hiring Japanese decedents called ‘Nikkeijin’ from South America to work in the low-skilled sectors for long period of time (Kondo, 2002; Iguchi, 2002; Mori, 1997; Tsuda and Cornelius, 2004). South Korea has also similar preferences for Korean decedents called Joseonjok living in China, the Goryeojin living in Russia, Kazakhstan, and Uzbekistan. There is another stream of Korean emigrants called ‘Chaeoe dongpo’ that is Korean citizens who live abroad in order to get the citizenship of the resident country and overseas Koreans who had South Korean citizenship in the past and their descendants, including those Korean emigrants who migrated after the establishment of the South Korean government in 1948 (see Park and Chang, 2005; Min, 1992; Skrentny et al., 2007; Ullah, 2010).

Migration of Korean or Japanese decedents to their ancestral home countries is not often temporary in nature. They are often offered long-term extendable visas and other permanent migration facilities such as family reunion, education for children and so on. Japan permits ‘Nikkeijin’ to work in the low-skilled occupations, so does Korea for ‘Joseonjok’ and ‘Goryeojin’. However, the ‘Chaeoe dongpo’ are not allowed to involve in unskilled manual work. For the ethnic migrants, a channel for permanent, settlement migration remains open and subject to migrants’ preferences. The rationale for ethnic preferences stems from the logic of cultural compatibility and the desire for maintaining the character of a homogenous society.

In Hong Kong and Taiwan, a preference for highly skilled Chinese professionals or investors and descedents living overseas remain high. While both countries prefer Chinese professionals and investors, they ignore low-skilled Chinese migrants. For low-skilled migration, they rely on other countries in the region such as Thailand, Vietnam, Indonesia, the Philippines, Malaysia and Mongolia. However, given their historical origin and the nature of demand for foreign labour, migration policy in these two countries is still in the making. Both countries hire a large number of domestic workers from dissimilar ethnic source countries such as the Philippines, Indonesia, Thailand and Vietnam. The rationale for hiring domestic workers from these countries is not clear, except the assumption that similar ethnic origin may destabilize family relations and cause higher rates of divorces and international marriages (Scoll, 2005; Skrentny et al., 2007).

In Singapore, Malaysia, and Thailand there is a preference for co-ethnics for certain sectors of the economy, but the preferences are organized on the basis of country of origin rather than explicitly ethnic ground. For example, migrants from certain countries such as Malaysia, Hong Kong, Taiwan, and South Korea enjoy preferential treatment on employment of certain economic sectors over those from non-traditional source countries like Indonesia, Bangladesh and India. To be more precise, migrants from non-traditional source countries are not usually allowed to work in service and manufacturing sectors. Migrants from Malaysia do not need to submit ‘security bonds’ (discussed further in the relevant section) and are allowed to work in almost all sectors of the economy. However, preference for domestic workers is
not linked to any ethnic or cultural compatibility as reported in Hong Kong and Taiwan. Singapore has maintained its ethnic and racial composition almost unchanged since its political independence in 1965: around three quarters of population are Chinese, and the remaining quarter is Malays, Indians, and others. Given the ethnic composition and the role of immigration in the population growth in the last few decades, it seems that there is an implicit ethnic preference in immigration policy.

In Malaysia, there is a preference for certain migrants but it is more on the basis of country of origin rather than ethnicity. Such as migrant workers from Indonesia, Thailand, Cambodia, Nepal, Myanmar, Laos, Vietnam, and the Philippines are allowed to work in the manufacturing, service, plantation, and construction sectors only, those from Turkmenistan, Uzbekistan and Kazakhstan are allowed to work in the manufacturing, service and construction sectors only, while those from India are allowed to work in the service, construction, and plantation sectors (Chin, 2002; Seol, 2005). Malaysia is a Muslim majority country and the flows of Muslim migrants from Indonesia, Bangladesh, Thailand, Myanmar and Pakistan are significant. The concern for the employment of domestic workers from similar ethnic origin (specially from China), is also noticed in Malaysia, especially among Chinese employers but the Malay Muslim employers seem to be comfortable with Indonesian Muslim domestic workers.

Joppke’s study on ethnic migration in Europe argues there are three rationales behind ethnic preference in Europe: (i) the easier assimilability of coethnics, (ii) protection for them against foreign persecution and (iii) the expression of historical-cultural community (Joppke, 2005; cited in Skrentny et al. 2007: 795). In Asia, while the first of these is prominent, the others are not. Drawing on the fieldwork in Japan, South Korea, China, and Taiwan, Skrentny and his colleagues report that Asian ethnic preferences are more instrumentally integrated into larger policy objectives and are specifically geared toward utilizing skills and investment preferences for economic development (Skrentny et al., 2007). Two of the widely cited examples are the cases of Beijing Zhongguancun (ZGC) Science Park and Taiwan Hsinchu Science Park. The ZGC Science Park authority targeted ethnic overseas Chinese to establish start-up companies in one of the 23 “Overseas Student Venture Parks” in ZGC. There are around 6,000 Chinese returnees working in these parks and many of whom are holding foreign residence permits or citizenship, especially from Western countries (Yun-Chung, 2008: 195). The Taiwan Hsinchu Science Park attracted highly skilled ethnic Taiwanese from North America to open high tech business ventures in Taiwan. In both cases, states target and exploit co-ethnic non-citizens for economic development. Thus, a trend that surfaces in the analysis of contemporary ethnic dimension of migration policy in East and Southeast Asia is that migration policy has entered in the next generation of policy making, what might be called the ‘transnationalizing of migration policy’.

**FOREIGN STUDENT POLICY: IS IT A TOOL FOR HIGH LEVEL SKILLS?**

With the declining fertility rates, ageing population, and skill shortages in an expanding knowledge-based economy, international education is used as a mechanism to attract skilled labour in the developed countries (for details, see OECD, 2010; Liu-Farrer, 2009; Gribble,
2008; Birrell and Perry, 2009; Brooks and Waters, 2011). The most recent data show that the OECD countries received between 2 to 2.5 million international students from around the world, which corresponds to about 84 percent of all students studying abroad (OECD, 2010: 41-24). In most of the OECD countries, favourable policy measures are undertaken to invite international students and retain them in their labour markets (for details, see OECD, 2010). In other words, international education has emerged as a de facto channel of skilled migration in the developed world. To capture the overlapping trends of international student migration and labour mobility, Liu-Farrer even use the term “educationally channelled international labour mobility” (Liu-Farrer, 2009: 179). This is taking place largely in the context of, what OECD calls, “two-step migration”, by which migrants are first invited as international students and then retained as highly-skilled long-term workers in a second step (OECD, 2010: 41).

The host countries benefit from foreign students in several ways. First, receiving countries may gain from the improved political and economic relations with the sending countries. Second, international student migration is a revenue source for receiving countries. Third, quality of higher education as such improves, as international students contribute to knowledge creation and transfer. Fourth, student mobility may help to relieve skill shortages in key areas, when they decide to settle in their host country (Suter and Jandl, 2006). Apart from them, the advantages of foreign students trained in the host country also include local degrees recognized by employers and knowledge of local work practices and regulations, and local language proficiency especially in the Asian context (e.g. Chinese, Japanese, Korean, Bahasa Malaysia, Thai language). They also gain soft skills, such as understanding of social and cultural norms indispensable for social integration (OECD, 2009). All these have prompted emerging and developed economies to introduce measures that encourage foreign students to stay and work in the host country.

According to the Australian international recruitment organization IDP Education Pty Ltd., the demand for higher education would triple between 2000 and 2025 to an estimated total of 7.2 million potential students. Not surprisingly, Asia is expected to account for 70 percent of global demand in 2025 (cited in Verbik and Lasanowski, 2007: 1) Between 1998 and 2003, 2.6 million Asian students went to study in other countries (Castles and Miller, 2009: 141). The 471,000 Chinese were the largest group, followed by the South Koreans (214,000), the Indians (207,000) and the Japanese (191,000) (Hugo, 2005:12). However, a dramatic change has taken place at the education frontier in Asia. Like the Western countries, the countries in East and Southeast Asia have also realized the importance of foreign students as a source of future skilled labour and adopted educationally channelled international labour mobility strategy. More and more Asian students now tend to migrate intra-regionally (Kell and Vogl, 2010). Throughout countries in South, East and Southeast Asia, there are already programmes to attract more international students, recruit leading academics from the West and invite foreign universities to establish local branches (Iredale, 2000; Kell and Gillian, 2010). Some scholars observe that “North America, Oceania and Europe are beginning to lose their dominant position within the international education industry” (Castles and Miller, 2009:142).

In East, Southeast and South Asia, some countries are simultaneously student migration destinations and source countries. For example, two major sources countries in Asia -- China and India -- also host a substantial number of international students from the neighbouring countries. According to one estimate, in 2005, 141,000 foreign students predominantly from Asia went to China for higher education (Verbik and Lasanowski, 2007: 22). Japan currently hosts around 141,774 foreign students\(^6\) which Asian students account for 92 percent of. The Japanese government has set goals of having 300,000 foreigners studying in Japan by the year 2020\(^7\). In South Korea, there are currently 80,000 foreign students\(^8\) and the government aims to attract 100,000 students from overseas by 2012. Approximately, two-thirds of the foreign students in South Korea are from Asian nations\(^9\). In Taiwan, approximately 43,000 foreigners are currently studying in Taiwan and the government is aiming to increase the number of foreign students to 100,000 in the coming five years (2011-2015)\(^10\). Southeast Asian countries such as Malaysia, Vietnam, Thailand and Indonesia are the principal target areas for student recruitment in Taiwan\(^11\).

In Malaysia, there are currently around 80,000 foreign students\(^12\). The need for foreign students is reported in critical sectors. For instance, according to the Institute of Engineers Malaysia, Malaysia needs 200,000 engineers by 2020 but had only 60,000 as of April 2009. The Government is planning to leverage on this and attract 150,000 foreign students to Malaysia by 2015\(^13\). In Asia, Singapore is one of the top foreign student destination countries. Traditionally, Asian students who looked to English-speaking Western countries for higher education are now increasingly turning to Singapore. However, appeal for Singapore's education has gone beyond the region and now more and more students are coming from other parts of the world. There were roughly 95,000 foreign students in 2010 and Singapore's education blueprint aims to attract 150,000 foreign students by 2015\(^14\). Supported by a government-led initiative to capture a slice of global student migration, Singapore has managed to woo more than 16 of the world's leading schools to set up campuses\(^15\) and the number of foreign schools is going up every year.

In East and Southeast Asia, education and migration policies of many receiving countries are clearly facilitating the growth in student migration. In an attempt to increase the stock of foreign students countries like Singapore, Malaysia, South Korea, Japan, Hong Kong SAR, Taiwan and even Thailand have made international study more attractive through liberalization of student visa procedures, reduction of tuition fees and other costs associated

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\(^6\)Organisation of Asia-Pacific News Agencies, No. of Japanese studying abroad down, foreign students in Japan rising, 23 December 2010, OANA

\(^7\)Organisation of Asia-Pacific News Agencies, No. of Japanese studying abroad down, foreign students in Japan rising, 23 December 2010, OANA


\(^10\)Taiwan aims to recruit 100,000 foreign students in five years 18 February 2011, BBC Monitoring Asia Pacific

\(^11\)Taiwan aims to recruit 100,000 foreign students in five years 18 February 2011, BBC Monitoring Asia Pacific

\(^12\)Top British university to open Johor campus Hazlin Hassan, Malaysia Correspondent, 25 January 2011, the Straits Times

\(^13\)Top British university to open Johor campus Hazlin Hassan, Malaysia Correspondent, 25 January 2011, the Straits Times

\(^14\)Singapore scores high marks as education hub, 15 December 2007, Weekend Mail; Singapore attracting fewer foreign students, Sandra Davie, 11 November 2010, Straits Times

\(^15\)Singapore scores high marks as education hub, 15 December 2007, Weekend Mail; Singapore attracting fewer foreign students, Sandra Davie, 11 November 2010, Straits Times
with overseas stay, provision of scholarships, study loans and subsidised health care, introduction of English-taught programmes and permission for part-time work while studying — including students’ dependents (spouses) in some countries such as Japan (Iredale, 2000; Kell and Gillian, 2010; Yahya and Kaur, 2010; Liu-Farrer, 2008, 2009, 2011).

Most countries have adapted their migration policies so as to retain international graduates in the country following the completion of their studies. Migration policy changes have been made to facilitate the transition from student to worker status in almost all countries in the region. Many foreign students consider education in Singapore a stepping stone to permanent residency and subsequent citizenship because of a relatively open immigration policy. In Malaysia, Singapore, South Korea, Hong Kong, and Japan, foreign students are encouraged to attend job talks arranged by the international student division of the universities. Internship programmes offered by various industries in collaboration with universities for science, engineering and business students further provide incentives to stay and facilitate the incorporation of foreign in the local labour market. On the whole, foreign student policies in the region have become more of a tool in the international competition for high level skills.

CONCLUSION

This study outlines underlying features of major migration policies in Asia with an emphasis on three predominant types of migration systems in East and Southeast Asia: contract labour, skilled labour and student. In the context of labour migration, this study has discussed current policies at the receiving end in terms of low skilled contract workers (semi-skilled, unskilled male workers and female domestic workers) and highly skilled and professional migrants. The emphasis in migrant destination for low-skilled migrants is in control and ‘flexibility’ as a response to local labour market fluctuations (transiency and disposability). Thus, despite some variations, migration policies on low-skilled migrants in the region can be summarized broadly as follows: limiting labour migration numerically; limiting the duration of migration; and limiting integration (Piper, 2004a:220). The recruitment industry plays a dominant role in channelling migrant labour across international borders for profits.

In the current era of knowledge-based economy, skilled labour is critical to stay competitive and enjoy sustained growth in the developed countries. As a result, skilled migrants enjoy preferential treatment in their host countries in East and Southeast Asia. However, the skilled labour pool is shrinking and most industrialized countries cannot afford to rely on the local pool of skilled labour due to the technological advancement and the first changing economy that requires a supply of skilled labour from a wide range of areas in a sustained and substantial way. As a result, international student migration is used as a mechanism to attract skilled labour in the developed countries. However, like the West, most countries in East and Southeast Asia have also realized the importance of foreign students as a source for a future skilled labour force and adopted educationally channelled international labour mobility strategy. They have liberalized student migration policies to tailor the needs of growing foreign student population. Indeed, the current and targeted enrolments of
international students have kept on rising in Asia, making a stronger presence within the international education industry globally.

Since the supply of labour, especially low-skilled labour, often surpluses the demand for such labour, leading to an unhealthy competition among potential migrants, recruiters and other vested interest groups in both home and host countries. This situation has given rise to irregular migration in the region. The number of irregular migrants in the region may be even more than one million. However, all countries are not equally affected by irregular migration. The problem of irregular migration is serious in Malaysia and Thailand while the situation appears to be under control in other countries in the region. Irregular migration has a series of negative implications for the migrants and their host countries. Major host countries have adopted several policy measures to curb the movement of irregular migration and the extent of stay for irregular migrants. They include penalty for irregular workers, employer sanctions, security bonds, and fingerprint and biometric identification cards. The implementation of these policy measures has reduced the problem of irregular migration in the region.

This study also attempts to analyze migration policy in the light of gender and ethnicity. With regard to gender dimension of labour migration policy, this research reports differential treatment of labour across gender lines. The economic underpinning of gender-differentiated migration policy lies in the fact that male migrants engage in the formal or productive sector while female migrants involve in the informal or ‘entertainment’ sector, leading to a differential treatment. The female migrants, who mainly concentrate in a gendered niche like ‘domestic work’, are not seen as ‘workers’ and by implications deprived of benefits and privileges of ‘workers’ in countries in Southeast Asia. However, domestic workers enjoy greater access to legal protection and participation in the public space in East Asia (Hong Kong SAR, South Korea and Taiwan). In the ethnic dimension of migration policy, this study finds that ethnicity plays a pivotal role in the selection and incorporation of co-ethnic non-nationals in almost all countries. States actively target co-ethnic’ skills, cultural compatibility quality, and their investment capitals overseas and Asian ethnic preferences are more instrumentally integrated into larger policy objectives. In other words, Asian migration policy is to some extent and in certain cases an ethnic policy geared towards a means to an end.

In a nutshell, the receiving countries in East and Southeast Asia have taken principally a management approach to international migration. Little attention has been paid to the fundamental principles of human rights and social justice in the formulation of migration policies. As both sending and receiving countries in the region have become structurally dependent on migration (emigration for sending countries and immigration for receiving countries) and moving towards a new phase of development and cooperation under regional and international frameworks such as Association of Southeast Asian Nations (ASEAN), and International Labour Organization (ILO) and United Nations (UN) conventions on migrant workers, these fundamental principles need to be incorporated in the migration policy making in the coming years.
REFERENCES


Chapter 3

FOREIGN WORKERS' POLICIES AND ISSUES IN SOUTH KOREA

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INTRODUCTION

The manufacturing industries and economy of South Korea have been growing at a phenomenal pace. The country experienced immense transformation from an economy dependent on agriculture to an economy with industry as the mainstay. Because of this sweeping economic development, the labour market structure became more efficient. One obvious change was the transformation from a labour exporting country to a net labour importing country. In its infancy stage of industrial development, the domestic wages of Korea was very low; many unskilled or semi-skilled workers were compelled by circumstances to look for job opportunities in other countries. From the 1960s to the early 1980s, Middle Eastern countries were the major destinations of outbound Korean labour. Approximately 61 percent of Korean migrant workers made their living in the above mentioned region from 1963-1989. All in all, two million Korean workers sought temporary employment in overseas countries until the period of 1980s (Park, 1997). However, the overseas migration of Korean labour gradually decreased from the beginning of 1990s due to the slow-down in the economies of Middle Eastern nations and substantial growth of domestic wages resulting from the amendment of Korean labour laws. In contrast, Korea began to import foreign low-skilled workers to work in the domestic industry.

In the early 1990s, there was an overall boom of local manufacturing industry. The high demand of labour in the market caused many small and medium enterprises to look for foreign workers from neighbouring countries. The differentials in wages and employment conditions in other parts of Asia prompted a large number of migrants to seek higher-paying jobs in Korea (Kim, 2009), particularly migrant workers from China, the Philippines, Thailand and South Asia.
Before 1987, Korea had a small community of foreign workers, with a couple of thousands in total. With the amendment of the labour laws a decade later, the number of immigrant workers in Korea shot up to more than 200,000. The difficulties of attracting domestic workers to work in the low wages small factories had been the main reason for the rising of recruitment of foreign workers.

As a result, the majority of foreign workers recruited in Korea were working in the so-called 3-D (dirty, difficult and dangerous) factory jobs. Many foreign workers were willing to work in 3-D jobs in order to earn lucrative income compared to that of their home countries. The 1997 Asian financial crisis caused an exodus of foreign workers out of South Korea due to closedown of many SMEs.

However, by the beginning of 2002, foreign workers returned in droves to Korean soil; the number was as high as 384,000, which included about 189,000 illegal immigrants or undocumented workers (Lim, 2002). In 2007, undocumented workers surpassed 200,000.

Because of their undocumented status, most of the illegal migrant workers received wages and other terms of employment that were significantly inferior compared to those of Korean workers in the same occupations. From early 2000s, the problems and exploitation issues of foreign workers became critical with the rising number of workers. There was no light at the end of tunnel when the number of undocumented workers remained stubbornly high.

In the earlier stage when the country began to import labour, Korea did not have an effective system to manage the foreign low-skilled workers in an organised manner. Korean employers were only allowed to recruit foreign “industrial trainees” and not “workers” to work in local factories. Due to the disadvantages of lower pay and shorter period of work permit for industrial trainees, many foreign workers resorted to illegal status. This situation had caused the number of undocumented foreign workers to soar from the 1990s to early part of the 2000s.

To manage the issues of foreign workers more effectively, the Korean government began to introduce the Employment Permit System in 2004, which gave more flexibility to employers and foreign labours in the recruitment process. The foreign labour policy and laws had been the main factors that affected the labour immigration process and the work conditions of foreign workers in Korea.

To demonstrate the close relationship between a country’s foreign labour policies and the labour immigration process, this paper aims to examine the Korean policies of foreign workers and their impacts on the trends and problems of labour immigration. This is achieved through an analysis of a range of statistics by focusing on the groups of South East Asian workers.

STATISTICS AND TREND OF MIGRANT ASIAN WORKERS IN KOREA

Economic prosperity has made Korea a new destination for migrants in Asia. Today, the Korean income per capita has surpassed USD20,000 annually. The high wages continue to attract large numbers of Asian workers to seek employment in Korea. This trend is evidenced by the rising number of foreign residents in Korea.

Figure 1. Number of Foreigners in South Korea from 1999-2010.

Vietnamese constitute eight percent of total foreign residents in Korea. They are followed by Japanese (four percent), Filipinos (four percent), Thais (four percent) and Indonesians (See figure 3.2). The other major groups from South East Asia are Myanmar and Cambodians.


Figure 2. Foreign Residents in Korea by Nationalities as of December 31st 2010.
Even though the financial crisis in 1997 led to a temporary mass departure of foreign workers from South Korea, the inflow of migrants into Korea resumed after a short period and even increases every year. For instance, there were only 381,116 foreigners residing in Korea in 1999 but after only 10 years, this figure was almost three fold.

According to Korean government statistics, there were over 1.26 million foreigners residing in Korea as of Dec. 31, 2010, and 40 percent of them were on E-9 (foreign low-skilled workers) and H-2 visas (foreign Korean ethnic) (Korea Immigration Service, 2010). It is anticipated that the trend will continue and the size of the foreign communities in Korea will continue to increase. The graph below reveals the rising trend of the number of foreign residents in the past 11 years.

Under the ethnic-based migration policy, the majority of foreigners residing in Korea are from China, most of whom are ethnic Koreans. Overseas Koreans are given the priority and special treatment to work and reside in Korea.

Among the Asians living in South Korea, Chinese Koreans are the highest in number, followed by South East Asians. As of December 31st 2010, a total of 220,319 foreign low-skilled workers worked in Korea. This figure excludes overseas ethnic Koreans who also work as low-skilled workers, and who are given the H-2 visa. Low-skilled workers from other countries and ethnic non-Koreans (such as South East Asian workers) are given the E-9 visa. 80.6% of low-skilled foreign workers are documented as indicated by the table below: Among the foreign low-skilled labour (E-9 visa) in South Korea as of Dec 31st 2010, Vietnamese were the largest group, numbering 55,795, followed by Filipinos (26,217), Indonesians (24,732), Thais (24,244), Sri Lankans (16,924) and Mongolians (12,398). Other South East Asian workers comprised Cambodians and Myanmar, which were 7383 and 2753 in numbers respectively (See Figure 3.3). Low-skilled labour inflow from Vietnam, the Philippines, Thailand and Indonesia to Korea can be traced back to the early 1990s.

![Graph showing number of foreign low-skilled workers by nationality as of 31.12.2010](image)

Source: Korea Immigration Service.

Figure 3. Low-skilled Foreign Workers in Korea by Nationality, 31.12.2010.
Table 1. Number of Foreign Residents and Low-Skilled Foreign Workers

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
<th>Documented Foreign Sojourner</th>
<th>Undocumented Foreign Sojourner</th>
<th>Percentage of Undocumented</th>
</tr>
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<tr>
<td>Total</td>
<td>1,261,415</td>
<td>1,092,900</td>
<td>168,515</td>
<td>13.4%</td>
</tr>
<tr>
<td>Non-Professional Employment (E-9 Visa)</td>
<td>220,319</td>
<td>177,546</td>
<td>42,773</td>
<td>19.4%</td>
</tr>
<tr>
<td>Overseas Korean ethnic(H-2 visa)</td>
<td>286,586</td>
<td>282,662</td>
<td>3924</td>
<td>1.4%</td>
</tr>
</tbody>
</table>


South East Asian workers are not permitted to fill job vacancies in the sector of services and construction industries. They are primarily employed in the manufacturing industries.

A large number of low-skilled labours from South East Asian countries joined the Korea work force through the implementation of the Industrial Trainee Program in the early 1990s. However, before their work permits expired, many of the foreign workers ended up working illegally in non-designated sectors.

Illegal immigrant workers usually earned much higher income than those employed under the Industrial Trainee Program. Hence, it was natural and logical for many “trainees”, consisting of Thais, Filipinos, Irdonesians and Vietnamese, to leave their legitimate employments and look for higher paying jobs elsewhere in Korea.

In the initial years of the Industrial Trainee Program, as high as 60% of trainees left their legal positions to seek greener pastures. In 1991, the number of trainees was less than 600, but by the end of 2001, the number had increased to more than 100,000 due to overwhelming demands from the industries.

Based on the statistics from the Korean Immigration Service, the total number of foreign low-skilled workers in South Korea reached 220,319 as of Dec 31st 2010. Out of this figure, 42,773 were undocumented workers (19.4%).

DEVELOPMENT AND THE CHANGES OF LOW-SKILLED FOREIGN WORKER POLICIES

In the late 1980s, Korean labour market experienced acute supply shortage of labours. Owners of industries and enterprises petitioned to the government authority for approvals allowing them to employ foreign labours. However, for a period, employment of foreigners, though permitted, was limited to professional and managerial positions in specific sectors or groups (Lee, 2007). In general, foreigners were prohibited from being employed as manual labours. However, with implementation of the Industrial Trainee Program for Foreign-Invested Firms in November 1991 and the Industrial Trainee Program in November 1993 (Lee, 2007), migrant workers could be employed as industrial trainees.

In the mid-1990s, the government agencies attempted several times to implement the Employment Permit System in order to eradicate the problems associated with Industrial Trainee Program. However, the implementation was thwarted due to strong oppositions from industries owners because of escalating labour costs.
Subsequently, in April 2000, the government enacted the Post-Training Employment Program. Under this new scheme, industrial trainees could be employed as workers after fulfilling a certain period of work experience as trainees. Initially, the condition and timeframe were "two years as a trainee followed by a year of employment."

However, with the amendment of the Enforcement Decree (on April 18, 2002) and the Enforcement Regulation (on April 27, 2002) of the Immigration Control Act, the condition and timeframe were changed to "one year as a trainee followed by two years of employment" (Lee, 2007). In effect, the Post-Training Employment Program is a form of Employment Permit System because the former possesses the characteristics of the latter. This programme opens the way for foreigners to be employed as workers for one or two years. The Employment Management System, which permits the employment of foreign national Koreans in the service industry, has been introduced and enforced since December 2002 (Ministry of Labor ROK, 2011). There was an urgent need, as expressed by the business and industrial fraternity, to implement some kind of employment permit system. Such system was utterly necessary to address two major labour issues: to mitigate the perennial problems of labour shortages in manufacturing sector and establishment of a systemic framework to manage the employment of migrant workers. Because of intense lobbying, "Act on the Employment of the Migrant Workers" was enacted on August 16, 2003. This statutory provision paved the way for the introduction of the Employment Permit System, which came into effect on August 17, 2004. Under this programme, foreign national Koreans were given the eligibility to reside in the country as visitors. They were then absorbed into the Employment Permit System. The Industrial Trainee Program ran parallel with the Employment Permit System until 2006. The two programmes merged and came under the Employment Permit System on January 1, 2007 (Lee, 2007). From an overall perspective, the migrant worker policies have given overseas ethnic Koreans the priority to reside and work in Korea and they are granted special treatment.

Table 2. Low-Skilled Migrant Worker Policy’s Development in Korea

<table>
<thead>
<tr>
<th>Phase</th>
<th>Period</th>
<th>Ethnic Koreans Not from China and CIS States</th>
<th>Ethnic Koreans from China and CIS States</th>
<th>Low-Skilled Foreign Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>1987–1989</td>
<td>Travel documents Mandating visa policies</td>
<td>Travel documents</td>
<td>Zero-immigration</td>
</tr>
<tr>
<td></td>
<td>II 1998–2002</td>
<td>Overseas Koreans Act (F-4 visa)</td>
<td>Mandating visa</td>
<td>Trainee-Employment System (D-3 and E-8 visas)</td>
</tr>
<tr>
<td></td>
<td>III 2003–2006</td>
<td>Overseas Koreans Act (F-4 visa)</td>
<td>Special work permit (F-1-4 and E-9 visas)</td>
<td>Trainee-Employment System (E-8 visa) and Employment Permit System (E-9 visa)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Special work and residence permit (H-2 visa)</td>
<td></td>
<td>Employment Permit System (E-9 visa)</td>
</tr>
</tbody>
</table>

Source: Kim, 2008 and Korea Immigration Service.

With this preferential treatment, foreign workers from ethnic Korean backgrounds enjoyed more benefits and privileges than other foreign workers did. The table below
summarises the migration policy changes for three different groups: 1) ethnic Koreans who mainly live in the first-world countries; 2) ethnic Koreans who live in China and the former Soviet Union states (hereafter, the CIS states); and 3) non-Korean migrant workers. As shown in Table 3.2, which was taken from Kim (2008), policies of Korean immigration have experienced three phases. Phase I (1987–1997) corresponds to the period before liberal economic consolidation, Phase II (1998–2002) to the period of economic transformation, and Phase III (2003–present) to the development of liberal and ethnic immigration policies (Kim, 2008).

**Employment Permit System (2004-Present)**

To manage the issues of foreign workers more effectively, the Korean government introduced the Employment Permit System (EPS) in 2004. It allows employers who have failed to employ domestic workers to hire legally an adequate number of foreign workers. Under the EPS, migrant workers are issued unskilled employment visas (E-9) which allow them to do the following: find jobs involving manual tasks, sign a labour contract with a Korean employer before entering the country, and work for up to three years (with possible extension of two years) at a small-and-medium-sized establishment with less than 300 employees. As of end-July 2010, 15 countries, which supplied foreign workers to Korea, had concluded MOU on labour migration: Vietnam, the Philippines, Thailand, Indonesia, Sri Lanka, Mongolia, Uzbekistan, Bangladesh, Cambodia, Pakistan, Kyrgyzstan, China, Nepal, Myanmar and East Timor (see Employment and Labor Policy in Korea, 2010: 17). Currently China remains the largest labour exporting country to Korea. Under the Foreign Employment Permit, foreign workers enjoy equal labour rights as domestic workers, as enshrined by the following statutory provisions: Labor Standards Act, Minimum Wage Act and Industrial Safety and Health Act.

However, foreign workers are only allowed to work legally in certain industries, namely manufacturing industry, construction industry, agriculture and stockbreeding, fishing industry, and service industry (e.g. restaurant, nursing and household service) (Ministry of Labor, 2009). There is an additional condition; jobs in the service and construction industries are reserved for foreign ethnic Koreans only. The majority of South East Asian workers are employed in the manufacturing industries. The table below reveals the number of workers in each sector.

It is incumbent upon the Korean employers to prove their inability to source local workers from the domestic labour market despite the searching efforts of recruitment agencies. Fulfilment of this condition is the prerequisite for the grant of a permit to employ migrant workers. Before foreign workers are given work contracts, they must meet the minimum requirements of Korean language proficiency and satisfactory skill level. To reduce the communication problems between employers and foreign workers, every foreign worker must pass the EPS-Korean proficiency test in order to apply for the employment pass. After successful acquisition of an employment pass, a foreign worker may enter into a labour contract for a period of up to one year, and the contract may be renewed for up to three years.
Table 3. Number of Foreign Low-skilled Workers in Each Industry as of December 31st 2010 (Unit: person)

<table>
<thead>
<tr>
<th>Type of Industry</th>
<th>Grand Total</th>
<th>Legal</th>
<th>Illegal</th>
<th>Share of Illegal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing(E-9-1)</td>
<td>166,354</td>
<td>156,395</td>
<td>9,959</td>
<td>6.0%</td>
</tr>
<tr>
<td>Construction(E-9-2)</td>
<td>11,332</td>
<td>10,301</td>
<td>1,031</td>
<td>9.1%</td>
</tr>
<tr>
<td>Agriculture and stock breeding(E-9-3)</td>
<td>9,849</td>
<td>8,390</td>
<td>1,459</td>
<td>14.8%</td>
</tr>
<tr>
<td>Fishing(E-9-4)</td>
<td>3,779</td>
<td>2,130</td>
<td>1,249</td>
<td>36.4%</td>
</tr>
<tr>
<td>Others</td>
<td>29,405</td>
<td>310</td>
<td>29,095</td>
<td>98.9%</td>
</tr>
<tr>
<td>Total</td>
<td>220,319</td>
<td>177,546</td>
<td>42,773</td>
<td>19.4%</td>
</tr>
</tbody>
</table>


However, from July 2008 onwards, foreign workers can work for up to five consecutive years without having to make the obligatory one-month sojourn outside Korea to extend their job contracts (Asia Law, 2008). This is a win-win arrangement for employers and foreign workers: Korean employers are able to recruit more experienced foreign work force and foreign workers can save more income before returning to their home countries.

In principle, migrant workers must be employed at the workplace where the applicant received the permit to employ the migrant workers. Before December 2009, migrant workers were not allowed to change their place of work freely. However, this rule has been relaxed since Dec 2009. According to a report from the Ministry of Employment and Labor, “A foreign worker can move to another workplace up to three times within a period of three years. However, when a foreign worker has moved to another workplace for a reason not attributable to the worker such as temporary business suspension or business closing, such a case is not calculated into the limit number. In case a foreign worker has signed a contract of employment with the employer and arrived in Korea, but has to change his/her workplace for a reason attributable to the employer before he/she is placed at the first workplace or business, he/she will be allowed to make one additional workplace change” (see Employment Labor Policy in Korea, 2010:19). A foreign worker must leave Korea in the following situations: if a migrant worker has not received any approval on workplace change within 3 months of filing an application; or if a foreign worker has not filed for a workplace change within 1 month upon the expiration of work contact with the previous employer. However, for foreign workers who cannot receive approval on workplace changes or apply for workplace changes due to work-related accidents, diseases, pregnancy or childbirth, etc., the days are calculated from the time when they recover from their inability to receive approval or make application (Korea Migrant Centre Migrant, 2010).

**The Outcomes of Policy Changes**

The implementation of the Employment Permit System (EPS) in 2004 has proven to be one of the most effective ways to reduce the number of illegal foreign workers in South Korea, as demonstrated by the statistical changes in Figure 3.4. By allowing foreign low-skilled workers to work full time in local industries, the number of unauthorised desertion by industrial trainees has been reduced. After many years of concerted efforts by the Korean NGOs in fighting for the rights of migrant workers, the Korean government finally came to a
deciding to allow foreign workers to be employed in the local industries with the status of “worker”.

The Industrial Trainee Program, implemented in the early 1990s, helped solve the problems of labour shortages in the domestic labour market but the programme offered no protection to the rights of foreign workers. Under the trainee system, foreign workers received lower wages compared to market rates and this was due to their discriminatory status of “trainee”. They were also not eligible for the legal labour rights as workers. The welfare gap between a “trainee” and a “worker” is the main factor causing unauthorised desertions by many foreign trainees. The lower wages of trainees spurred many foreign workers to look for higher-salary jobs in alternative areas of employment. This was the main reason accounting for the rising number of undocumented workers. Even though the government allows two years of employment following one year of training, with effect from 2002, foreign workers do not earn enough even to cover their “investment cost” of obtaining an employment pass to Korea. Based on the author’s interviews with workers, some of the foreign workers in South Korea paid up to USD10,000 to their country agents just for obtaining an employment pass to Korea. With the average monthly income of around USD700 in Korea, they need longer or extended time to recover their initial cost. Therefore, it is not surprising to see some workers aim to work in Korea for as long as possible, even though they may have to work illegally and are unprotected by laws. According to the author’s interviews, it is found that undocumented foreign workers tend to receive higher pay. Many undocumented workers are experienced and skilled; therefore, their employers are willing to pay them higher wages. Those who have been working for many years are able to earn as much as USD1500-2000 per month. Employers can also save costs by hiring illegal workers in terms of insurances and tax. Better pay and flexibility encourage trainees to take the risk of working illegally, even though they lose their legal entitlements. It is under such dubious situation that labour exploitations and human rights violations are more likely to occur. It is quite common for undocumented workers to face problems of underpaid wages, poor living conditions and polluted work places. The steady increase of undocumented workers during the implementation period of the Industrial Trainee Program was a warning sign that the system was problematic. According to statistical data from the Ministry of Justice in 2002, 52,000 (58.4%) out of 89,000 trainees left their workplace in 2002 to become illegal workers. Thus, the introduction of the Employment Permit System (EPS) in 2004 was to deal with the weaknesses of the Industrial Trainee Program. The Industrial Trainee Program officially ended at the end of 2006. Based on the relevant statistics, undocumented foreign residents dropped from 223,464 in 2007 to 200,489 in 2008. It is anticipated that the number will continue to drop in the coming years due to tight government enforcement coupled with better incentives given to documented workers under the new system. Graph 3.4 reveals that the number of undocumented foreign residents dropped dramatically in 2003. The explanation for this drastic fall is this: the Korean government took several aggressive steps to reduce the number of illegal foreign workers before the introduction of EPS in 2004. One of the tough measures taken was the full-scale enforcement of the existing immigration laws by deporting illegal migrant workers back to their home countries. Amnesty campaign was another effective measure by encouraging foreign workers to report their illegal status voluntarily to the relevant authority. Those illegal migrant workers who came forward were pardoned and given one-year visa extension. This move by the government authority worked very well and substantially reduced the number of undocumented workers in Korea.
Figure 4. Undocumented Foreign Residents in Korea from 1999-2010.

For instance, in June 2002, it was estimated that 259,000 illegal foreign residents reported voluntarily to the authority. A breakdown by nationality indicated that 60% (151,000) were Chinese, including ethnic Korean-Chinese, followed by Bangladeshis (17,000), Filipinos (16,000), and Mongolians (14,000). All illegal workers who surrendered themselves under the government-initiated amnesty drive were given the deadline of March 2003 to leave South Korea.

According to a statement issued by the Office of the Prime Minister, 8,075 illegal workers returned to their countries of origin by the end of the amnesty campaign. Korean employers who hired illegal workers suffered the consequence of severe penalties, which included heavy fines, economic sanctions, and a maximum of three years' imprisonment. All of these measures contributed to the sharp decline in the number of undocumented workers in 2003.

**Worker’s Issues and Problems**

Labour exploitations and human right violations exist all the time but the problems are exacerbated by the high number of undocumented workers. Foreign workers who flout immigration regulations and opt to work illegally are not protected by laws and hence are not eligible for legal rights. For example, when an employer withholds salary payments and allowances, or physically abuses them, illegal migrant workers suffer silently. They will not report the matter to the relevant authorities such as police, immigration or labour department for fear of detention and deportation. In the event of disputes such as matters relating to employment termination and recovery of wages, migrant workers have no proper avenue of contesting because of their illegal status. Some employers take opportunity of these predicaments and go on with their abuses by breaking civil laws and encroaching labour rights. According to the statistics from the Korean Immigration Service, as of December 31st 2010, South East Asian undocumented workers included the following nationalities: Vietnamese numbering 8301, followed by Filipinos (4870), Indonesian (3539), Thais (3190),
Cambodians (798) and Myanmar (576). The Korean government has been working hard to reduce these numbers by improving the EPS and deporting more illegal foreign workers. The statistics reveal that the number of undocumented foreign residents has gradually decreased (see figure 3.4). This implies that the measures taken by the Korean government have effectively drawn down the number of undocumented foreign workers. The problems of South East Asian workers are not limited to illegal employment. Low-skilled foreign labourers are often being discriminated and unwelcomed by the local community. Migrant workers who appear to be poor and inferior are not socially welcomed by the status-conscious Korean society. Many small business and enterprise operators view immigrant workers primarily as an exploitable and replaceable source of cheap labour. They are brought in from underdeveloped foreign countries to work in the industrial sectors that local people are unwilling to take up. Exploitation in the forms of low wages, poor living conditions and long working hours are common practices among local employers. Based on the author’s interviews with migrant workers, some of them have to endure the sufferings of not only underpay but also extremely long working hours. On average, they are asked to work 11-12 hours per day. In addition to long working hours, some foreign workers are further disadvantaged by their poor living accommodations. Cramped rooms, filthy quarters, minimal facilities and extreme room temperatures are normal living conditions faced by migrant workers. For instance, some employers provide workers with “containers” as their accommodation. These ‘containers’ are very hot in summer and very cold in winter. Many workers suffer as a result of these poor living conditions and some even fall sick. According to a study, conducted by the The National Human Rights Commission of Korea (NHRCK) on the foreign workers in Pusan, most migrant workers live in rooms that are less than 6.6m² and often need to share a room with at least three other people. When the results of the NHRCK study were examined, 64% (508) of the respondents said that they lived in the company dorms. Among them, more than half (240) lived in a room that was less than 6.6m². Moreover, 20% (105) said that they slept in the office or a temporary building structure (Korea Migrant Centre MigrantOK, 2008). The findings of the NHRCK’s study clearly demonstrate the appalling living standards of migrant workers.

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Legal</th>
<th>Illegal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>21347</td>
<td>798</td>
</tr>
<tr>
<td>Philippine</td>
<td>21193</td>
<td>6585</td>
</tr>
<tr>
<td>Indonesia</td>
<td>21054</td>
<td>576</td>
</tr>
<tr>
<td>Thailand</td>
<td>685</td>
<td>2177</td>
</tr>
<tr>
<td>Cambodia</td>
<td>8301</td>
<td></td>
</tr>
<tr>
<td>Myanmar</td>
<td>4870</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>3539</td>
<td></td>
</tr>
<tr>
<td>Myanmar</td>
<td>3190</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>47494</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>20000</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>30000</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>50000</td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td>60000</td>
<td></td>
</tr>
</tbody>
</table>

Source: Korea Immigration Service.

Figure 5. Numbers of South East Asian Workers in Korea by Nationality, 2010.
Moreover, the study of NHRCK also shows that 52% of the migrant workers said that their companies held their passports and 53% (446) of the workers said that their companies violated the employment contracts with respect to working hours and salary. In fact, withholdings of employees' passports by companies are a customary practice as a means of preventing migrant workers from running away. The employers often resort to this unauthorised practice because foreign workers are considered potential illegal aliens.

Some foreign workers also have been victims of racism, verbal abuse, physical violence and sexual harassment at the hands of South Korean employers. Among them, verbal abuse is the most common vice based on the author's interviews with workers. Several Vietnamese workers complained to the author: "Verbal abuse is very common in work place here. However, our Korean boss is considered much better compared to other employers". The study by the Amnesty International (2009) reveals the similar problems. A 30-year-old Vietnamese male EPS worker, who was interviewed by the Amnesty International in 2008, stated that, "Migrant workers came here to work. We are employed in the most dangerous, dirty and difficult work - jobs that Koreans don't want. But we're not animals, we're human beings so our employers and managers should treat us with respect or at the very least, call us by our names, not derogatory terms or swear words. We want to be treated equally with Korean workers". Discrimination and unequal treatment also often happen. A Filipino worker who was interviewed by the author in 2009 gave a statement as follows:

"One of the problems that we are facing is discrimination. For example, when the Korean employees got on the same factory bus that we were taking, we were asked to give up our seats to them and had to move to the back seats. Besides, our company also has underpaid us, the wages of which are lower than the minimum wage set by the Korean government. The salary is lower than what we have expected before coming here. Verbal abuse is also very common here". 1

Diplomats of labour sending countries in Korea also pointed out the similar problems in an event organised by the International Conference on Foreigners Welfare in Seoul in Dec 2011. Syed Nasir Ershad, the charge d'affaires at the Embassy of Bangladesh in Seoul spoke out that, "The migration cost is low and the living and working conditions are improved, and the salary is also good in Korea, however, there was also room for improvement for migrant workers here. Sometimes they don't get their salaries on time. We have had complaints about people not getting paid for 3-4 months and on some rare occasions, they are deprived totally of their wages. In one case the Korean employer and Korean workers just left the business and the migrant workers did not get paid. Some foreign workers had also faced physical abuse from employers but that the Korean government had taken moves against such practices" (Korea Herald, Dec 26 2011). Labour counsellor from the Vietnam Embassy in Seoul-Nguyen Hai Nam also stated that: "Most of our workers in manufacturing sector are satisfied with the salary and their condition, but for agriculture and aquaculture some of our workers have a problem with their salary and accommodations" (Korea Herald, Dec 26 2011).

In response to all of these problems, some foreign workers have engaged in demonstrations, with the support of local civil organisations, demanding payment of wages owed, improved working conditions, and guarantees of human rights. However, foreign workers do not have proper avenues to vent their frustrations because by law, they are not

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1The minimum wage set by the government: is 4,110won/hour, 32,880won/day(work 8 hours), 928,860won/month (44hours per week) as of Dec 31 2010
allowed to join any labour unions. Another problem faced by migrant workers is the difficulty of changing their places of work. Under the EPS, foreign workers are allowed to change their work places up to three times in their entire working period in Korea. They have no freedom to change their work places as they wish or as the need arises. Those migrant workers who try to evade personal debts or unbearable working conditions have no other alternatives but to work for new employers without going through legal channels. Prior to December 10th 2009, migrant workers were not permitted to change their work places if the applications for changes were based on the workers’ personal needs or problems. Request for changes of migrant workers’ work places could only be entertained if the grounds of applications are due to matters or problems related to the employers such as bankruptcy of companies or expiration of their employment permit. Some employers have utilised this regulation for their own benefit by violating labour rights as discussed in the previous section. When the EPS was just introduced in 2004, migrant workers could not switch jobs on grounds of ill health or violations of labour rights unless these adverse circumstances have reported to the relevant government authorities (Amnesty International, 2006). In recognising this problem, the Korean government has revised the policy to give more flexibility for the sake of migrant workers’ welfare. This change took effect on December 10 2009. The old provision of EPS contained the restriction of 3 maximum changes of work place for migrant workers; the new provision omits that restriction. This amendment implies that there is no restriction on the number of work place changes when migrant workers can no longer work in the workplaces for reasons that are out of the their control, such as bankruptcy of a firm. Instead, a new condition, “a justifiable reason for changing their place of work” was inserted into the new policy. The policy now states, “In the event the working condition of the workplace is different from the labour contract, in the event the labour contract cannot be upheld due to reasons such as violation of work conditions or improper treatment from the employer” (Korea Migrant Centre MigrantOK, 2010). Certainly, this new ruling has given more flexibility to workers to change their work places. However, the application procedures for migrant workers to change their work places remain complicated. One of the conditions is that the worker must first obtain approval from their present employer, which can be very difficult and uncertain. According to the Amnesty Research report 2009, migrant workers in Korea are vulnerable to abuse and exploitation largely because they cannot change jobs without their employer’s permission. Roseann Rife, Amnesty International’s Asia-Pacific Deputy Programme Director, stated that “Work conditions are sometimes so bad that they run away and consequently, lose their regular status and are then subject to arrest and deportation.” In the past, the difficulty and inflexibility of changing their work place has caused many migrant workers to become undocumented. One of the reasons for this is that many foreign workers have paid large sum of fees to recruitment agencies in the migrants’ home countries; the foreign workers need to recoup this cost through higher-salary employments in Korea. According to the author’s interview with one Vietnamese worker, the interviewee stated that he paid around USD 10,000 to his hometown agent in order to obtain a work permit for employment in Korea. However, this is a one-off incident and does not happen in every case. Another Vietnamese worker said that he only spent USD 600-700 to obtain the work permit; he considered himself very lucky among his colleagues. Some workers paid a lot of money to get to Korea. However, on arrival in Korea, they found that actual salaries were lower than what was expected or promised. They then started to look for a new employer who might pay a higher salary.
Table 4. Number of Foreign Workers who entered Korea since the launch of the EPS as of 30 April 2008 (unit: person)

<table>
<thead>
<tr>
<th>Country</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Total</th>
<th>Unauthorised Leavers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>3,167</td>
<td>31,659</td>
<td>28,976</td>
<td>33,687</td>
<td>14415</td>
<td>111904</td>
<td>3,741</td>
</tr>
<tr>
<td>Vietnam</td>
<td>704</td>
<td>8,619</td>
<td>5,712</td>
<td>11,507</td>
<td>3126</td>
<td>29668</td>
<td>553</td>
</tr>
<tr>
<td>Philippines</td>
<td>832</td>
<td>5,308</td>
<td>8,434</td>
<td>5,928</td>
<td>1209</td>
<td>21711</td>
<td>357</td>
</tr>
<tr>
<td>Thailand</td>
<td>558</td>
<td>5,964</td>
<td>6,746</td>
<td>5,798</td>
<td>2838</td>
<td>21904</td>
<td>1,141</td>
</tr>
<tr>
<td>Mongolia</td>
<td>500</td>
<td>4,433</td>
<td>4,703</td>
<td>2,642</td>
<td>1748</td>
<td>14026</td>
<td>1,079</td>
</tr>
<tr>
<td>Indonesia</td>
<td>359</td>
<td>4,361</td>
<td>1,215</td>
<td>4,343</td>
<td>1713</td>
<td>11991</td>
<td>467</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>214</td>
<td>2,974</td>
<td>2,166</td>
<td>2,194</td>
<td>1101</td>
<td>8649</td>
<td>123</td>
</tr>
<tr>
<td>Others</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1275</td>
<td>2680</td>
<td>3955</td>
<td>21</td>
</tr>
</tbody>
</table>

Source: Ministry of Labor.

Due to agency problems, the Korean government has restricted the services of agents since the implementation of EPS in 2004. However, this restriction has not been successful in stopping the agents from finding alternative ways to exact money from workers. This explains why some workers pay exorbitant agency fees while others pay normal approved fees.

Though the inflexibility of changing work place is deliberately designed for the sole purpose of controlling labour mobility, it is undeniable that this restrictive policy is one of the main factors, which has contributed to the high number of undocumented workers. When migrant workers are unable to withstand their present working conditions, or if they are attracted by the higher pay of other jobs, they will submit applications to change their work places.

If their applications to change jobs or work places are denied, they will take the risk of leaving their present work places unlawfully and become illegal workers. Table 3.4 reveals the number of foreign workers and unauthorised leavers since the launch of EPS in 2004- Apr 2008. Among the South East Asian workers, Thai nationals had the highest number of unauthorised-leavers, followed by Vietnamese and Indonesians.

Cultural differences and difficulties in adapting to Korean ways of life are other challenges faced by South East Asian workers, especially those who are from Indonesia. Among the South East Asian workers, the Vietnamese have the least difficulties with ‘the cultural gap’.

Indonesian Muslims often encounter problems involving food and communication. In Korea, the Muslim concept of halal or non-halal cuisine is non-existent in the Korean culture. All meats sold in Korean markets are non-halal except those sold in stores, which are run by Muslim foreigners. Unavailability of halal food is the main issue for many Indonesians when the author interviewed them about their living difficulties in Korea.

In addition, miscommunications and misunderstandings often crop up due the lack of Korean language proficiency. The language barrier exacerbates the complexity of Indonesian workers’ lives in Korea as they cannot communicate or express themselves effectively with their employers or the local community. Thus, it is not surprising that Korean employers generally prefer to employ workers who can speak Korean fluently.
CONCLUSION

The policies relating to foreign workers are crucial in determining the quality of migrant workers’ lives in Korea. When the government allowed the SMEs to employ foreigners under the Industrial Trainee Program, there was an influx of migrant workers, resulting in an increase in the number of undocumented workers. To deal with the problems of illegal workers and labour exploitations, the Korean government finally decided to allow migrant workers to work in the local industries as "workers". Under the Employment Permit System (EPS), migrant workers and local workers are treated equally and any kind of discrimination is prohibited. However, the implementation process remains problematic with some foreign workers still complaining of discrimination. Nonetheless, based on the recent statistics as presented in the section above, the EPS has proven to be a much more effective way in reducing the number of undocumented workers. Consequently, the incidence of labour exploitations was significantly reduced as the majority of migrant workers are now protected by laws. Even though some issues and problems relating to migrant workers remain unresolved, the number of illegal workers has declined.

This study also has found that the problems of migrant workers in Korea are similar regardless of their nationality. It makes no difference whether workers are from Vietnam, Thailand, the Philippines or Indonesia. The main concerns of all foreign workers are decent wages and reasonable working hours. These two factors guide and determine their choice of work places.

Many foreign workers paid huge sums of agency fees, and hence there is a pressing need for them to engage in higher-pay jobs, in order to recoup at least their initial costs of coming to Korea. The Korean government was well aware of the agancy problems and took succeeding steps since 2004, to prohibit involvement of agents in the recruitment process. Despite the efforts of the Korean Government to rid the recruitment process of brokers or agents, many workers still depend on their home country agents for recruitment because most of them are not well-educated. The brokers or agents take advantage of foreign workers’ poor education background and the lack of information to cheat and charge them extremely high broker fees. To solve this problem, effective inter-government cooperation must be forged between South Korea and the labour sending countries.

In addition, despite the relaxation of the regulation in December 2009, it remains difficult for migrant workers to change their work places under the current EPS. In some cases, the situation has become even stickier, after the migrant workers highlighted the abuses by their employers, which compelled them to change jobs. The crux of the problem here is that workers need to get permission from their present employer to change their places of work. This requirement gives an employer powerful authority over their employees, which often leads to mistreatment of the workers. The labour rights of migrant workers can be significantly improved by the following measures: amendment of regulations giving more flexibility and ease of changing work places; granting permission to migrant workers to form their own labour unions in Korea. From a broader perspective, the rights and welfare of migrant workers are mainly influenced by policy changes as well as the efficiencies of implementation and enforcement. The preparedness and willingness of the Korean government in acknowledging the basic labour rights of migrant workers are essential in resolving the associated labour issues.
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Chapter 4

"FOREIGN NATIONALS IN JAPAN"
AND ITS AFTERMATH: CHALLENGES
TO NEW PARADIGM OF COEXISTENCE

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INTRODUCTION

Japan still practices a highly selective policy towards foreign nationals. This has taken place as the result of the peculiar characteristics of “the issues on foreign nationals” in Japan before and after the Second World War. Historically, this phenomenon began with Japanese colonization. Afterwards, many ethnic Koreans and Chinese who had been brought to Japan during this period, remained in the country after the war. The labor force shortage in the post-war economic miracle allowed for the influx of authorized and unauthorized foreign workers to enter Japan. In the late 1990s, the aging population led to remarkable attention towards the future of work force availability, including foreign nationals. While Japan has been maintaining a closed migration policy, the number of foreign nationals in Japan has increased with their long-term residency. Additionally, the foreign national population has also become more diversified. The foreign nationals in Japan are no longer just an issue to be faced by the host society. The diversification and the new generations of long-term foreign residents have resulted in a transition of this discussion to its next phase. As a result there is a new paradigm, shifting from “the issues on foreign nationals” towards a national discussion regarding the challenges to coexistence with foreign nationals.

BRIEF HISTORY OF FOREIGN NATIONALS
IN JAPAN AFTER THE SECOND WORLD WAR

The economic boom following WWII transformed Japan from a migrant-sending country to a migrant-receiving country. Foreign nationals in Japan largely fall into two categories:
“old-comers” and “newcomers.” The first category refers to people who came from former Japanese colonies and are mainly ethnic Korean and Chinese. Although large numbers of them evacuated Japan at the end of the war, populations remained and continue to reside in Japan (Mori, 1997). This group of people is in their third or fourth generation of descendants living in Japan. The numbers of Japanese Koreans and their proportion to the greater population of foreign nationals has decreased over time. This is primarily due to changes of nationality resulting from marriage to Japanese citizens and subsequent naturalization (Ministry of Justice, 2009).

The term “new comer” refers to immigrants who came to Japan in the 1980s. Beginning with the Plaza Agreement in 1985, the substantial increase in value of the Japanese yen resulted in a strong pull factor for foreign nationals to come to Japan to obtain increased income relative to their home countries. High pay was observable in all sectors of the economy and included people of different residential statuses, such as authorized or unauthorized workers (Akashi, 2010).

The inflow of foreign nationals to Japan can be divided into three different periods; the departing period from the late 1970s to the early 1980s, the expanding period from late the 1980s to the early 1990s, and the stagnation period following the collapse of the economic bubble in the 1990s (Komai, 2006). The issues regarding foreign nationals migrating to Japan had not been a major concern in Japanese society until the flow of foreign nationals increased drastically from the late 1970s to the early 1980s, the departing period. Initially, the flow to Japan comprised mainly of female migrants who worked in the sex industries. Many of them came from Southeast Asian countries, particularly the Philippines and Thailand, and later from East Asian countries, such as Korea and China (Ito, 1992). The flow of female foreign workers into the sex industry became an issue of public concern topic related to the larger issue of poverty in Asia as well as Japanese moral values, rather than being considered as an issue of foreign workers (Kajita and Iyotani, 1992). In addition to female sex workers Indochina refugees, second and third generation Japanese returning from China, and business people from western countries characterized the influx of people to Japan in the departing period. During the expanding period from the late 1980s to the early 1990s, mainly male workers, international students, and Japanese descendants from Latin America began to come to Japan. The high demand for labor forces during the economic boom in Japan brought a large influx of male foreign workers and also attracted a large number of unauthorized foreign workers. Additionally, the government proposed the “Plan to Accept 100,000 Foreign Students” to encourage international students to study in Japan. The number of international students has increased steadily since the plan was introduced in 1983. The revision of the Immigration Control Law in 1990 was a turning point for Japanese policy in regards to foreign nationals. The deregulation of residential status for descendents of Japanese citizens significantly increased the number of Latin American-Japanese descendants and their spouses. In addition to deregulation, Japan introduced, in 1993, programs to invite “trainees” from surrounding Asian countries to become temporary resident in Japan. Many trainees were legally incorporated into the Japanese workforce upon their arrival in the country, and some of them disappeared from the training-site or overstayed their visas after the end of their training period. The inflow of foreign nationals to Japan increased dramatically after the 1980s not only for economic reasons but also as a result of increased accessibility to the country, which could be accomplished under a variety of legal statuses, such as trainee, Japanese descendant, and international student. Meanwhile, the increased number of
unauthorized foreign residents instigated social concern, as a new social dynamic developed in response to foreign nationals from very different cultural backgrounds.\(^1\) After the collapse of the economic bubble in the 1990s, the stagnation period was characterized by a decreased rate of inflow of foreign nationals due to the economic deceleration. However, the increase in international marriages and transfer of foreign employees from overseas to Japanese companies maintained an influx of foreign nationals into Japan during this period (Komai, 2006). In addition, despite the adverse economic situation, many small and medium-sized companies maintained a demand for low skilled labor. This workforce demand was fulfilled mainly with low skilled Japanese descendants coming from Latin America, who could legally work in Japan under the new immigration law. From the second half of the 1990s, Japan faced the serious issue of an aging society. This situation is the result of a low birth rate and an increased life expectancy. The concerns regarding labor shortages due to demographic changes caused a reconsideration of the need for foreign workers in Japan. As a result, an inflow of qualified candidates for nursing and care-worker positions began to arrive in Japan starting in 2008, under a bilateral agreement with Indonesia and the Philippines. Despite the fact that the flow of foreign nationals has been increasing, Japan has always maintained extremely cautious positions regarding foreign workers. Japanese policies impose restrictions strictly limiting immigration possibilities for low-skilled foreign workers. This position has been maintained for a long time, mainly sustained by concerns regarding the influence of foreign nationals on the domestic labor market and in anticipation of new issues in the society, including “social costs” such as the burden on education systems, social welfare, and frictions in local communities due to the acceptance of low-skilled foreign workers. Japan is substantially shifting towards a society that includes a diversified group of foreign nationals, who came to Japan through several routes. Their long-term residence creates fundamental challenges to the inclusion of foreign nationals in the society and the development of Japan as a multicultural society. As Japan is traditionally neither a labor importing country nor an immigrant country, the plans and strategies for coexistence with foreign nationals are not fully developed due to lack of experience and a deep-rooted traditional ideology. The process of shifting towards a multicultural society is a major challenge for Japan, especially when the government is simultaneously trying to maintain strict immigration controls.

**FOREIGN RESIDENTS IN CONTEMPORARY JAPAN**

In 2008, the Ministry of Justice's Immigration Control Bureau recorded 2,217,426 people with “alien registration”, representing 1.71% of the total population of Japan\(^2\) and the highest number of registered foreign nationals in history\(^3\) (Figure 1). The highest percentage of foreign resident's nationality was Chinese (31.1%), followed by Korean (26.5%), Brazilian (12.2%), and Filipino (9.7%). The numbers of Chinese, Filipinos, and Peruvians has been

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1In the late 1980s, illegal male workers from South Asia and Middle East countries such as Bangladesh, Pakistan, and Iran have increased dramatically. In 1988, there were about 50,000 unauthorized residents in Japan (Iguchi, 2001).

2Based on the data from the Statistic Bureau of the Ministry of Internal Affairs and Communications, the total population of Japan in 2008 is 127,692,000.

3Foreign nationals who have a citizenship outside Japan are required to register with the local government office if they stay in Japan more than 90 days.
increasing constantly since 1975, while there is a gradual decrease in the number of Koreans. Koreans had traditionally accounted for the highest percent of foreign nationals until 2006. Starting from that year, China has progressively taken over with the highest percent of foreign resident in Japan. Among the registered foreign nationals in Japan, 22.2% have permanent resident status, this excludes the status of “special permanent resident.” In 2008, the number people registered with permanent resident status was 492,056, having progressively increased from 2004 (Table 1). The largest ethnic group of permanent residents in Japan is Chinese (29.0%), followed by Brazilian, Filipino, Korean, and Peruvian. Permanent resident status is only issued to foreign nationals who reside in Japan for a certain period of time and also meet a set of qualification standards. The steady increase in the number of permanent resident reflects that more foreign nationals reside in Japan for longer terms. An important change in the composition of foreign nationals residing in Japan is the decrease in the percentage issued entertain visas. The number of entertainers with residential status decreased by almost one-eighth between 2004 and 2008. This is largely a result of the United States repeated criticisms of the entertainer visa facilitating human trafficking, and the Japanese Government’s subsequent strict enforcement of rules. Despite this reduction, the numbers of foreign residents employed in Japan has steadily increased over the years (Figure 2). At the same time, the number of college students and pre-college students has also increased. Every year an increasing percentage of international students stay in Japan after obtaining a degree from Japanese schools and permanently settle in Japan. There are a variety of foreign national residential statuses that allow foreign nationals to join the Japanese workforce. Due to the variety of residential statuses, many of these working persons are unaccounted for in the statistics of the registered labor force. Generating statistics regarding the actual number of foreign national who participate in the labor market in Japan is very difficult, due to the many forms of residential statuses. For example, with permission foreign students are allowed to be employed part-time for a limited duration. Also, people with a residential status of “spouse or child of Japanese nationals” and “long-term resident” have no restrictions for working in Japan. People issued a “trainee” and “designated activities” visa, could also be considered to be part of the Japanese labor force. According to the Ministry of Health, Labour and Welfare, in 2006, almost 70% of foreign workers in Japan were employed in the manufacturing sector (2007) (Table 2). International marriage has increased as the flow of people and information between countries becomes more efficient and widespread. In 1965, international marriage accounted for only 0.4% of the total marriages in Japan; however, the percentage has increased to over 3% in 1989 and 5.5% in 2004 (Sakuma, 2006). The top three nationalities of international marriage to Japanese are: Chinese (38%), Filipino (26%), and Korean (28%). As international marriage has become more common in Japanese society, more foreign residents and foreign residents’ descendants receive legal residential status in Japan. The total number of unauthorized foreign residents was estimated to be between 128,000 and 136,000 persons, in 2009. These numbers include 113,072 people who overstayed visas and 15,000 to 23,000 illegal entrances. The number of people overstaying visas decreased by 62% when compared to the highest record in 1993, when there were 298,646 over-stayers. This reduction

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4Persons who hold “Special Permanent Resident” are from former Japanese colonized counties and their descendants. Many of the special permanent residents are ethnic Koreans and Chinese, who are considered to be “old-comer” in Japan. About 90% of foreign nationals in Japan were special permanent residents until 1955; however, the proportion of the total number of foreign nationals in Japan has decreased due to decreased number itself and increased proportion of newcomers (Ministry of Justice, 2009).
was accomplished by the implementation of stricter immigration controls. The highest proportion of people who overstayed their visas by nationality is Korean (21.4%), followed by Chinese (16.3%) and Filipino (15.3%). The majority of them only hold temporary visitor status (67.8%); they enter Japan as tourists or for other temporary visit purposes and stay illegally in the country afterwards. Recently, foreign nationals residing in Japan have produced tremendous change in the social situation of Japan when compared to the past thirty years. There are a very low proportion of foreign nationals to the total population of Japan, especially if compared to other industrialized countries in the world. Yet, with the gradual rise in the number of foreign nationals residing in Japan, the country is becoming multi-ethnic.


Figure 1. Changes in the Number of Registered Foreign Nationals and its Percentage of the Total Population.


Figure 2. Changes in Registered Foreign Residents for the Purpose of Employment and Education by Residential Status.
### Table 1. Status of Registered Foreign Residents in Japan

<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>1,973,747</td>
<td>2,011,555</td>
<td>2,084,919</td>
<td>2,152,973</td>
<td>2,217,426</td>
</tr>
<tr>
<td>Professor</td>
<td>8,153</td>
<td>8,406</td>
<td>8,525</td>
<td>8,436</td>
<td>8,333</td>
</tr>
<tr>
<td>Artist</td>
<td>401</td>
<td>448</td>
<td>462</td>
<td>448</td>
<td>461</td>
</tr>
<tr>
<td>Religious Activities</td>
<td>4,699</td>
<td>4,558</td>
<td>4,654</td>
<td>4,732</td>
<td>4,601</td>
</tr>
<tr>
<td>Journalist</td>
<td>292</td>
<td>280</td>
<td>273</td>
<td>279</td>
<td>281</td>
</tr>
<tr>
<td>Investor/Business Manager</td>
<td>6,396</td>
<td>6,743</td>
<td>7,342</td>
<td>7,916</td>
<td>8,895</td>
</tr>
<tr>
<td>Legal/Accounting Services</td>
<td>125</td>
<td>126</td>
<td>141</td>
<td>145</td>
<td>154</td>
</tr>
<tr>
<td>Medical Services</td>
<td>117</td>
<td>146</td>
<td>138</td>
<td>174</td>
<td>199</td>
</tr>
<tr>
<td>Researcher</td>
<td>2,548</td>
<td>2,494</td>
<td>2,332</td>
<td>2,276</td>
<td>2,285</td>
</tr>
<tr>
<td>Instructor</td>
<td>9,393</td>
<td>9,449</td>
<td>9,511</td>
<td>9,832</td>
<td>10,070</td>
</tr>
<tr>
<td>Engineer</td>
<td>23,210</td>
<td>29,044</td>
<td>35,135</td>
<td>44,684</td>
<td>52,273</td>
</tr>
<tr>
<td>Specialists in Humanities/International Services</td>
<td>47,682</td>
<td>55,276</td>
<td>57,323</td>
<td>61,753</td>
<td>67,291</td>
</tr>
<tr>
<td>Intra-company Transferee</td>
<td>10,993</td>
<td>11,977</td>
<td>14,014</td>
<td>16,111</td>
<td>17,798</td>
</tr>
<tr>
<td>Entertainer</td>
<td>64,742</td>
<td>36,376</td>
<td>21,062</td>
<td>15,728</td>
<td>13,031</td>
</tr>
<tr>
<td>Skilled Labor</td>
<td>13,373</td>
<td>15,112</td>
<td>17,869</td>
<td>21,261</td>
<td>25,863</td>
</tr>
<tr>
<td>Cultural Activities</td>
<td>3,093</td>
<td>2,949</td>
<td>3,025</td>
<td>3,014</td>
<td>2,795</td>
</tr>
<tr>
<td>Temporary Visitor</td>
<td>72,446</td>
<td>68,747</td>
<td>56,449</td>
<td>49,787</td>
<td>40,407</td>
</tr>
<tr>
<td>College Student</td>
<td>129,873</td>
<td>129,368</td>
<td>131,789</td>
<td>132,460</td>
<td>138,514</td>
</tr>
<tr>
<td>Pre-college Student</td>
<td>43,208</td>
<td>28,147</td>
<td>36,721</td>
<td>38,130</td>
<td>41,313</td>
</tr>
<tr>
<td>Trainee</td>
<td>54,317</td>
<td>54,107</td>
<td>70,519</td>
<td>88,086</td>
<td>86,826</td>
</tr>
<tr>
<td>Dependent</td>
<td>81,919</td>
<td>86,055</td>
<td>91,344</td>
<td>98,167</td>
<td>107,641</td>
</tr>
<tr>
<td>Designated Activities</td>
<td>65,510</td>
<td>87,324</td>
<td>97,476</td>
<td>104,488</td>
<td>121,863</td>
</tr>
<tr>
<td>Permanent Resident</td>
<td>312,964</td>
<td>349,804</td>
<td>394,477</td>
<td>439,757</td>
<td>492,056</td>
</tr>
<tr>
<td>Spouse or Child of Japanese Nationals</td>
<td>257,292</td>
<td>259,656</td>
<td>260,955</td>
<td>256,980</td>
<td>245,497</td>
</tr>
<tr>
<td>Spouse or Child of Permanent Resident</td>
<td>9,417</td>
<td>11,066</td>
<td>12,887</td>
<td>15,365</td>
<td>13,839</td>
</tr>
<tr>
<td>Long Term Resident</td>
<td>250,734</td>
<td>265,639</td>
<td>268,826</td>
<td>268,604</td>
<td>258,498</td>
</tr>
<tr>
<td>Special Permanent Resident</td>
<td>465,619</td>
<td>451,909</td>
<td>443,044</td>
<td>430,229</td>
<td>420,305</td>
</tr>
<tr>
<td>Without Acquiring Status of Residence</td>
<td>18,236</td>
<td>15,333</td>
<td>17,415</td>
<td>13,960</td>
<td>13,510</td>
</tr>
<tr>
<td>Temporary Refugee</td>
<td>31</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Others</td>
<td>19,164</td>
<td>20,736</td>
<td>21,161</td>
<td>20,131</td>
<td>18,797</td>
</tr>
</tbody>
</table>

Source: Ministry of Justice, 2009

### Table 2. Numbers of Foreign Workers in Japan by Industry in 2006*

<table>
<thead>
<tr>
<th>Industry</th>
<th>Number</th>
<th>Ratio (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>873</td>
<td>0.2</td>
</tr>
<tr>
<td>Forestry</td>
<td>23</td>
<td>0.0</td>
</tr>
<tr>
<td>Fishery</td>
<td>333</td>
<td>0.1</td>
</tr>
<tr>
<td>Mining</td>
<td>29</td>
<td>0.0</td>
</tr>
<tr>
<td>Construction</td>
<td>2,445</td>
<td>0.6</td>
</tr>
<tr>
<td>Manufacture</td>
<td>268,646</td>
<td>68.8</td>
</tr>
<tr>
<td>Electricity, Gas, Heat, Water Supply</td>
<td>154</td>
<td>0.0</td>
</tr>
<tr>
<td>Information Technology</td>
<td>6,610</td>
<td>1.7</td>
</tr>
<tr>
<td>Transportation</td>
<td>9,617</td>
<td>2.5</td>
</tr>
<tr>
<td>Wholesale, Retail</td>
<td>22,811</td>
<td>5.8</td>
</tr>
<tr>
<td>Finance, Insurance</td>
<td>2,928</td>
<td>0.8</td>
</tr>
<tr>
<td>Real Estate</td>
<td>415</td>
<td>0.1</td>
</tr>
<tr>
<td>Restaurant, Hotel</td>
<td>17,570</td>
<td>4.5</td>
</tr>
<tr>
<td>Medical, Health-care</td>
<td>1,712</td>
<td>0.4</td>
</tr>
<tr>
<td>Education, Learning Support</td>
<td>19,370</td>
<td>5.0</td>
</tr>
<tr>
<td>Multiple Service</td>
<td>501</td>
<td>0.1</td>
</tr>
<tr>
<td>Service</td>
<td>35,667</td>
<td>9.1</td>
</tr>
<tr>
<td>Others</td>
<td>516</td>
<td>0.1</td>
</tr>
</tbody>
</table>

*total numbers of direct and indirect employment
FOREIGN NATIONALS
IN THE JAPANESE LABOR MARKET

Japan has always maintained a closed policy toward foreign workers, with the sole exception of highly skilled foreign workers. Japan has actively participated in the growing global competition for attracting high-skilled workers. Professors, investors, business managers, legal professionals, accounting service persons, engineers, and those who are highly skilled professionals are encouraged to come work in Japan. Besides these highly skilled workers, there are at least five other types of workers in Japan; female workers in entertainment industry, Japanese descendants from Latin America in the industrial areas, foreign workers who came as trainees through government sponsored training programs, nurses and care-workers from Indonesia and the Philippines, and unauthorized workers in small factories. These foreign workers in Japan socially, economically, and legally diverse; however, they share common features and difficulties in Japan, due to insufficient protections and cultural differences impairing understanding and integration into the host society.

FEMALE FOREIGN NATIONALS
IN ENTERTAINMENT INDUSTRY FROM LATE 1970s

Generally the pattern of migrant flow to industrialized countries begins with male migrant workers followed by female (Ito, 1992). Japan, conversely, displayed a different immigration pattern as female foreign nationals came first and male workers came later. With the economic expansion of the late 1970s, female foreign nationals started coming to Japan with the dream of a better life and employment. The first year in which a large number of female foreign nationals arrived in Japan to work in the sex industry was 1979 (Komai, 1999a). It was estimated that the residential status of these female foreign nationals was mainly those who had overstayed their visas, followed by entertainers with a valid visa, and pre-college students. Also, some of these women managed to receive a residential qualification through a “disguised” marriage with a Japanese male. From the early 1980s to 1987, the vast majority of unauthorized foreign workers caught by the Japanese police were women working in the sex industry. Most of them came from Thailand or the Philippines, and they generally worked as hostesses, prostitutes or strippers (Ito, 1992). From the early 1980s, many Filipina women with an entertainer visa began to arrive in Japan. While they worked as dancers or singers at nightclubs or pubs, they were also required to entertain customers by serving drinks during the interval between their performances (Satake, 2009).

Ito argues that one of the reasons for the high concentration of female foreign workers in the sex industry is because of their limited opportunities in the labor market (Ito, 1992). The low incomes in labor sending countries and the opportunity to earn a high income may have motivated many women with financial difficulties to move to Japan. However, Japan’s patriarchal labor system and strict gender roles create limitations for alternative occupational opportunities for female workers in Japan (Douglass, 2003).

The female foreign workers in the sex industries were often victims of human trafficking and labor exploitation. These crimes were usually committed by cross-border brokers and criminal groups who were also involved in the employment process. Many of these sex-
workers suffered abuses of their human rights, such as employers or brokers confiscating their passports, some were forced to work as prostitutes, and other were kept as prisoners in their working places. Many women continue to be exploited and the hardships of their working conditions have not been made public.

According to the “Trafficking in Person Report 2005” by the United States, a large number of Latin American, Asian and Eastern European women and children have been trafficked into Japan, especially for the purpose of sexual exploitation. Japanese law has traditionally been weak in prosecuting human traffickers and protecting victims of trafficking; however, increased in the awareness of the issue has led to more severe punishments for traffickers and increased protection for victims (U.S. Department of State, 2005). In 2006, the Ministry of Justice took a major step toward eradicating human trafficking and exploitation of sex industry workers by modifying the existing legislation to create stronger regulations for issuing the entertainer class visa. Controls on the migration of Filipina women working as entertainers in Japan were tightened to prevent criminal organizations to from continuing to exploit these women. As a result of the modifications, the number of entertainer visas issued has been steadily decreasing.

Despite the stricter regulations and lesser number of entertainer visas issued, many Filipina women continue to work in the sex industry in Japan through disguised marriages with Japanese males. In these cases, a Japanese male is generally introduced and a marriage contract is drafted through middle-persons. Filipina women would pay a deposit and a certain amount of money every month to the middle-person or to the Japanese “husband” during the contract period. The number of cases of disguised marriages has increased with implementation of tighter regulations on entertainer visas. The economic depression has resulted in more Japanese males participating in these fake marriages for economic benefits (Satake, 2009). Today, intermarriages between Filipino and Japanese nationals make up the second largest group among the international married couples in Japan. It is difficult to distinguish the disguised marriages from legitimate marriages; therefore, the Immigration Bureau of Japan requests privacy-invading investigations to review the veracity of international marriages involving Japanese nationals (Fujimoto, 2009).

Despite the tightened regulations on the issuance of entertainer visas, it is still insufficient to address the fundamental causes of the sexual exploitation of female foreign workers in Japan. These women continue to be exposed to vulnerable situations characterized by violence, crime, and limited opportunities in Japanese society.

JAPANESE DESCENDANTS FROM LATIN AMERICAN COUNTRIES

Before and after the Second World War, many Japanese moved to Latin American countries because of the poor economic environment in Japan (Kajita, 1994). Since the 1980s, the major economic development in Japan and the economic depression in Latin American countries caused an appreciation of Japanese Yen; and, thus, encouraged many Japanese descendants to return to Japan to seek better economic opportunities. In the early 1980s, many Latin American Japanese descendants came to Japan to visit their relatives and then returned to their country. In the mid-1980s, this situation changed, as male Brazilian-Japanese
descendants began to come to Japan and work in factories (Komai, 2006). This trend was further entrenched, as small and medium sized companies in Japan were confronted with the problem of low-skilled labor shortage, especially in the manufacturing industries. The economic situation, therefore, allowed job-seeking Japanese descendants to take advantage of the labor force shortage. With the increased number of the Latin American-Japanese descendants entering Japan with a temporary visitor visa and working without the required authorizations, the situation became a social issue that the Japanese government took measures to regulate.

The revision of the Immigration Control Law, in 1990, allowed Japanese descendants up to three generations and their spouses to stay in Japan. The law further lifted restrictions on employment, including in the low-skilled sectors. Critics argue that this revision was amended to encourage these descendants to legally fill up the labor shortage. However, from the policy makers’ point of view, the revision of the law was implemented to solve the issue of the legal status of Japanese descendants residing outside of Japan, and it was an unintentional consequence that they became part of the labor force (Akashi, 2010). Whether or not these were unintentional consequences, it was without doubt that the revision of the Immigration Control Law largely encouraged the influx of Japanese descendants from Latin American countries and helped to legally address the shortage of low-skilled laborers in the country.

Since the revision of the Immigration Control Law, the number of Brazilian and Peruvian-Japanese descendants has noticeably increased. It is difficult to estimate the population of Latin American-Japanese descendants in Japan because they held a variety of visas, such as spouse or child of Japanese nationals, permanent resident, and temporary visitor. However, it is clear that the population of Japanese descendants in Japan has increased following the revision in 1990. In addition, more people tend to reside in Japan for longer terms, As an indicator, the national census reported that the Brazilian population in Japan was 13,361 in 1995 and increased to 215,487 people by 2005 (Ministry of Internal Affairs and Communications, 2010).

Many Japanese-Brazilians reside in the industrial areas of Japan, such as Oizumi in Gunma prefecture, Toyota in Aichi prefecture, and Hamamatsu in Shizuoka prefecture (Map 1). Many of them work in subcontractor companies for the automobile or electronic industries. A large number of them are hired as indirect employees through employment agencies.

Many companies are becoming accustomed to hiring these foreign workers through employment agencies because it gives these companies the flexibility to control their labor forces in a way in which they only hire people when they are needed and retrench them when they are not.

Initially many Japanese descendants planned to temporarily come to Japan and then return to Latin America after they had saved enough capital; however, higher income and better quality of life in Japan led many of them to stay in Japan for a longer term (Komai, 2006). The existing cohesive ethnic communities provided a sense of stability and support in Japan, and, eventually, many settled permanently instead of returning to their home countries. The concentration of foreign national residences in specific regions allows them to form ethnic communities and perform social networking. Ethnic restaurants, shops, and newspapers are available in those communities, as the Latin American-Japanese communities have developed for many years (Machimura, 2003).
Komai explains that this process of settlement has created a hierarchical system among the Latin American-Japanese descendants residing in Japan. Some Japanese descendants emerged from among the low-paid workers to start transnational, national, and local ethnic businesses. Depending on the length of the stay, the role of the workers also has changed in the workplace.

For example, the Japanese descendants who stayed and worked for a longer time tend to work as supervisors or translators in the workplace. Whereas newcomers and short or medium term repeaters are usually hired on an hourly wage basis; and they usually get a better pay in the larger companies as compared to the small ones (Komai, 2006).

Many Latin American-Japanese descendants residing in Japan have unstable employment and their frequent employment in the subcontractor workforce renders them vulnerable to economic changes. Many Japanese descendants lost their jobs in the economic recession in 2007. Many returned to their native country, since it became difficult to get a job in the adverse economic environment. This was compounded by their lack of proficiency in Japanese or working experience in Japan.


The Government’s decision to provide financial assistance for migrants trying to return home due to employment difficulties has resulted in the numbers of Japanese descendants decreasing in cities with concentrated populations. The people who accepted this assistance
will not be able to re-enter Japan under the same residential status; thus, many eligible people choose to remain in Japan even facing financial difficulties and a tough environment.

In conclusion, need for employment of Latin American-Japanese descendants and the formation of social networking coupled with the high demand for labor forces have encouraged their immigration to Japan. Yet the movement of Japanese descendants to Japan often involved family reunification. The emerging challenges for migration policy, therefore, not only involve the individual immigrant but also include families and communities as a whole.

**TECHNICAL TRAINING AND TECHNICAL INTERNSHIPS**

The Technological Intern Training Program was formed in 1993 with the aim of deepening international cooperation by transferring Japanese technology to less developed countries through the development of human resources in Japan (JITCO, 2010a). The trainees are eligible to stay in Japan for up to three years—one year with a residential status of trainee. Qualified trainees are then able to extend their stay for another two years in order to gain working experience as technical intern trainees (JITCO, 2010b).

Since the formation of the Technological Intern Training Program, many trainees, mainly from developing countries in Asia, including China, Vietnam, and Indonesia, have come to Japan. The number of technical trainees has increased more than threefold, and the number of technical intern trainees has grown more than seven times when compared with the statistics from ten years ago.

In 2008, the total number of trainees was 191,816, including 86,826 technical trainees and 104,990 technical intern trainees (Ministry of Justice, 2010b) (Figure 3). The trainees are mainly placed into small and medium sized companies.

Basic expenses for housing, food and the cost of transportation from their native countries are provided for by their accepting companies. These companies are usually in the low-productivity sectors, such as textile, manufacturing, construction, agriculture, and fishery industries. There are two types of participating institutions: individual enterprises and supervising organizations. The majority of the trainees are distributed among supervising organizations, where they are accepted and trained at their member companies. The individual companies are responsible for all the procedural and training aspects.

The program is intended to develop the human resources of developing countries; therefore, the official intention is that trainees not assimilated into the Japanese labor force. However, the program has been criticized for creating a loophole to bring in low-paid foreign labors to address the labor shortage in Japan. The program unofficially also functions as an alternative source of low-skilled labor as companies abuse this program by using it to hire

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5To support the Nikkei (Japanese descendants), a Return Project has operated from April 2009 to March 2010. By January 2010, 17,499 Japanese descendants had returned to their home country with the financial support of this program (Ministry of Health, Labour and Welfare, 2010).

6The accepting company belonging to the individual enterprise type is typically a company that has overseas branches and is usually large and capable of performing complex procedures of entrance and management of trainees from overseas. In contrast, companies serving as supervising organization are usually small-medium sized companies (Komai, 2006).
cheap, low-skilled laborers. According to a report from the Immigration Bureau of Japan, there were 360 Japanese organizations reportedly abusing the program in 2009. In 123 cases, the reason was a violation of the labor law, and 121 cases were for making the trainees work beyond the allowed working hours7 (Ministry of Justice, 2010a).

There are also cases of fraud reported, such as failure to pay a legal wage and illegal salary deductions. Acts of negligence and violations of human rights have also been used to prevent trainees from seeking other jobs. For example, some companies keep the trainees’ passports and bankbooks, require a notice when they leave their dormitory, and segregate them from the community to prevent them from contacting other contractors (Kanbayashi, 2002). Some trainees have initially agreed to come to Japan as laborers instead of trainees in order to get better pay than in their home countries, despite working below the legal wage in Japan.

Criticisms of the training program have been made public, and the conditions of ill-treated trainees have garnered international attention. To prevent the abuse of the program by the participating companies, an internal reform of the training program was requested. Also, tightened regulations and stricter control of the accepting companies was required for the program to serve its original purpose as a training tool to develop the technical skills of foreign nationals.

![chart](chart.png)

Source: Ministry of Justice, 2010b.

Figure 3. Changes in the Numbers of “Technical Trainee” and “Technical Intern Trainee”.

As a result of these criticisms, the system of Technological Intern Training Program was revised and came into force, in July 2010. To prevent the exploitation of the trainees by the accepting companies, and in order to protect and secure the minimum salary and status for the trainees, the labor law is applicable starting from the first year of the training period. Also, to strengthen the responsibility of receiving companies as training sites, a supervising organization oversees the implementation of the training curriculums in the training sites (Ministry of Justice, 2010b).

7The number of reported cases in 2009 decreased about 20% compared to the previous year (452 cases) (Ministry of Justice, 2010a).
Yet, it is difficult to determine whether these changes will accomplish the original purpose of transferring technical skill to developing countries. As the training program grants temporary residential status for the trainees, the government expects them to return after the completion of their training program.

This favors the host society by avoiding the social burdens associated with the presence of a foreign resident workforce. However, the trainees’ job status is not guaranteed after they return to their countries of origin. Strengthening the cooperation with the sending countries is necessary to transfer the knowledge and experiences received through technical training in Japan. The idea of trainees as disposable labor force and as a substitution for cheap labor for the host country will not vanish unless the trainees can effectively achieve technological transference in their home countries after participating in the program.

NURSES AND CARE-WORKERS
FROM INDONESIA AND PHILIPPINES

In 2008, Japan signed the Economic Partnership Agreement (EPA) with Indonesia and the Philippines, which allows for the possibility of cross-border movement of persons in addition to the movement of goods, capital, and services. This agreement enables candidates for nursing and care-worker positions to stay in Japan and take the national qualification exam, and allows them to work in Japan after passing this exam.

A motivation for Japan to sign the EPA is that Japan is facing a serious shortage of qualified nurses and care-workers. This shortage is due to the increasing aging of the population and the general shortage of health-care workers. In 2003, people older than 65 years-old made up 19% of the total Japanese population. This accounts for one of the highest percentages among industrialized countries. These population dynamics, associated with lower birthrates and higher life expectancy, are major challenges for Japanese society that need to be addressed.

The first group of 208 Indonesian candidates (104 nurses and 104 care-workers) came to Japan in August 2008. Subsequently, 361 Indonesians (173 nurses and 188 care-workers) were accepted in 2009. In 2010, a maximum of 500 candidates (200 nurses and 300 care-workers) were scheduled to come to Japan from Indonesia. From the Philippines 283 candidates (93 nurses and 190 care-workers) were accepted in 2009 and up to 307 nurses and 383 care-workers will arrive to Japan during 2010 (Ministry of Health, Labor and Welfare, 2010) (Table 3). Indonesia and the Philippines share almost the same agreement with the Japanese government in regard to the provisions for accepting candidates for nursing and care-worker positions in Japan.

The candidates are required to meet certain criteria before coming to Japan (restrictions applicable for the candidates as is shown in Table 4). A high level education and experience in the home country are necessary for suitable candidates. For nurses more than two years of practical experience as a qualified nurse are required to apply for the program. Care-worker candidates are required to have a high school diploma or higher degree.
Table 3. Nurses and Care-workers from Indonesia and Philippines through EPA

<table>
<thead>
<tr>
<th></th>
<th>Indonesia</th>
<th></th>
<th></th>
<th>Philippines</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nurse</td>
<td>Care-worker</td>
<td>Total</td>
<td>Nurse</td>
<td>Care-worker</td>
<td>Total</td>
</tr>
<tr>
<td>2008</td>
<td>104</td>
<td>104</td>
<td>208</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>2009</td>
<td>173</td>
<td>188</td>
<td>361</td>
<td>93</td>
<td>190</td>
<td>283</td>
</tr>
<tr>
<td>2010*</td>
<td>(200)</td>
<td>(300)</td>
<td>(500)</td>
<td>(307)</td>
<td>(383)</td>
<td>(690)</td>
</tr>
</tbody>
</table>

*the number of nurses and care-workers in 2010 is the projected number of candidates.

Table 4. Provision for Acceptance of Candidates of Nurses and Care-workers under EPA between Japan and Indonesia in August 2007

<table>
<thead>
<tr>
<th>Residential Status</th>
<th>Nurses</th>
<th>Care-workers</th>
<th>Designated Activities Visa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Period</td>
<td>Before acquiring national qualification: maximum 3 years for nurses and 4 years for care-workers. Fail or non-acquisition of the exam return to home country. Pass the exam receive maximum 3 years of residential period / no limits on renewal. Capacity: 1,000 candidates for 2 years (up to 400 nurses and 600 care-workers).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirements of entrance to Japan</td>
<td>Have a nurse qualification in Indonesia. More than 2 years of nurse experience. Make an employment contract which is equivalent to Japanese workers.</td>
<td>Have a university or more than high school, Diploma III AND certified care-worker from Indonesia government, or Diploma III from nursing school or graduated university with a nursing major. Make an employment contract which is equivalent to Japanese workers.</td>
<td></td>
</tr>
<tr>
<td>Japanese Language Training</td>
<td>6 months of Japanese language training after the entry to Japan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


In addition, a diploma from a nursing school, a major in nursing in university, or a government certification for care-worker is also needed. There are some other restrictions to stay in Japan under this program: the nurses must pass the national qualification examination in Japanese within three years from their arrival in Japan; the care-workers are expected to do the same within four years in order to be able to continue working in Japan. If they fail to pass the national qualification exam within the given period, they have to return to their home country when their contract expires. Language barriers are considered to be one of the major problems to overcome for immigrants. To address this challenge, the EPA program requires participants to take six months Japanese language training upon arrival in Japan. They are then deployed to the hospitals and nursing homes for training and working. They also have to
study for the national qualification examination. However, there are doubts that six months of language classes are sufficient to engage in medical services and pass the national qualification exam in Japanese.

Between 2008 and March 2010, only three (2 Indonesians and 1 Filipina) out of the 254 foreign healthcare workers have passed the national qualification examination in Japanese. Nearly 90 percent of Japanese nurse-school students are able to pass the national qualification examination, compared with only 1.2% of foreign nurses (Sankei News 2010, Yomiuri Shimbun 2010). The Government needs to develop an effective tool in order to determine a sufficient level of aptitude of the foreign health-care workers, while also considering the limitations of language barriers. In addition, there is a lack of governmental support for the education of the candidates once they arrive in Japan. As a receiving country of highly qualified foreign workers in the field of nursing and care-workers, Japan should consider the possibility of offering supplemental training and support for them, to compensate for the risks of moving to Japan.

Unauthorized Workers

The largest group among foreign workers who moved to Japan for economic reasons are unauthorized workers (Iguchi, 2001). Unauthorized workers are mainly people who overstay visas in Japan and students or trainees who are not legally qualified to work (Komai, 1999b). Beginning in 1983, there has been an increase in the number of international students of both pre-college and college level. Some of these students work without permission or stayput in Japan with an expired visa. In addition, some trainees participating in training programs disappear from the training-site and work illegally in order to get higher pay and better working conditions. Persons who illegally entered into Japan may also become part of the unauthorized workforce.

When the Immigration Control Law was revised in 1990, the Government’s primary concern was to address the problem of foreign nationals who overstay visas in Japan and work without authorized residential status (Akashi, 2010). This was due to the Government’s apprehensions about potentially negative social effects caused by the unauthorized workers. These negative effects include violation of human rights, wage exploitation, polarization of labor market, negative influence on national employment environment and labor qualification. This could, also, hinder the competitiveness and efficiency of companies and increase social costs, such as education, housing, and health (Akashi, 2010). By 2009, the number of unauthorized residents in Japan was estimated to be between 128,000 to 136,000 persons (Ministry of Justice, 2009). The estimated number has decreased from the peak period of 1990s due to strict immigration control and extensive efforts to detain unauthorized residents by Japanese police. Despite these efforts, there is still an overwhelming flow of unauthorized foreign nationals into Japan.

Many of unauthorized workers in Japan are from Malaysia, Iran, Bangladesh, Pakistan, and other developing countries in Asia and Africa. The majority of them are hired in small sub-contracted factories, where there is a lack of low-skilled labor, as Japanese nationals prefer to not do these jobs. Machimura describes the unauthorized workers in Japan as “invisible residents” in the local community because they are isolated minorities from
mainstream Japanese society (Machimura, 2003). Unauthorized workers are marginalized from society because they represent a relatively small proportion of foreign nationals in Japan and have less opportunity for social contact with locals due to their housing and working environment.

There is a close relationship between unauthorized residents and the number of incidents of crimes committed by foreign nationals. Unauthorized residents are involved in the majority of crimes attributed to foreign nationals (Akashi, 2010). However, it cannot be stated that foreign nationals compromise the order and safety in the communities where they reside. The idea of the crime rate dramatizing increase, caused by foreign residents who engage in illegal activities within the Japanese society is a basis for argumentation towards the exclusion of foreigners (Komai, 2006). Excessive mass-media coverage of crimes committed by foreign nationals has negatively influenced public perception, resulting in a xenophobic and fearful attitude among Japanese towards foreign nationals.

**THE CHALLENGES TOWARDS COEXISTENCE WITH FOREIGN NATIONALS**

The Challenges for Living with Newcomers

The long-term foreign national residents raise new subjects in all aspects of public services and social welfare as they become part of the local community. Since the influx of foreign nationals starting from 1980s, modes of coexistence with people from different ethnic and cultural backgrounds have been examined.

The idea of multiculturalism gained popularity in the 1990s, when the number of foreign residents increased in many parts of Japan (Inaba, 2008). The Great Hanshin earthquake, in 1995, was a remarkable event that emphasized the importance of a multicultural society (Yoshitomi, 2008). The rescue and medical assistance of foreign national victims by Japanese volunteers raised attention about the necessity of providing a support network for the non-Japanese victims of the disaster.

Building on the efforts of non-governmental organizations, in the late 1990s, municipalities also started to realize the importance of promoting a multicultural society, particularly in cities with large populations of foreign residents. In 2005, the Ministry of Internal Affairs and Communications addressed the subject of a multicultural society as a national level concern (Yoshitomi, 2008). This led to the establishment of the Multicultural Society Promoting Program, in 2006, whose purpose is to provide support for foreign nationals at the local community level.

The program encourages four main frameworks: communication support, life support, community development for a multicultural society, and improvement of the infrastructure to promote measures towards a multicultural society. The challenge for implementing a multicultural society is no longer restricted to particular areas of Japan; integrating foreign nationals within the community is becoming a nationwide objective.
PUBLIC SERVICES IN MULTILANGUAGE AND SOCIAL WELFARES FOR FOREIGN NATIONALS

Language barriers are the first problem for providing public services to foreign residents (Ikegami, 2002). Non-Japanese speaking residents are usually lacking information regarding Japanese society. Some cities where many foreign nationals reside have tried to overcome this barrier by assigning public workers to work specifically with foreign national residents. Brochures and booklets are provided in multi-language format, so the non-Japanese speaking residents will be able to access the necessary information for daily life. Brazilian and Peruvian staff or bilingual Japanese staff are stationed full-time in several sections of public services to encourage the provision of efficient and comprehensive services to the foreign nationals. These attempts in some cities will contribute to improvements in the quality of life of these people and also assist their empowerment within the host society. Nevertheless, there is still a need for expansion on a nationwide scale of this public service structure.

Language barrier in the medical service also needs to be improved. Most foreign nationals arriving to Japan are not aware of the medical services which they can access. Consequently, pregnant women often do not receive the necessary information to receive adequate prenatal care. Also, mainly due to language barrier, many foreign nationals do not take their Japan-born children to routine medical check-ups or vaccination. This is mainly explained not by unwillingness from the parents, but due to insufficient information. Information on childbirth, child raising, and vaccination are all necessary, and the demand for support will increase as foreign nationals reside in Japan for longer durations. In cases of medical emergency, a very low percent of health care workers have adequate proficiency in foreign languages for providing medical assistance to foreign nationals.

Improvements are sought regarding not only medical care for the existing foreign nationals and non-Japanese speakers in Japan, but it is also related to next generation of these people who is being raised in Japan. The numbers of foreign nationals’ childbirth in Japan will also increase over the time. Providing adequate health services for foreign nationals residing in Japan is a great challenge for the Japanese society, as the number of foreign nationals continues to increase and so does their health care needs.

Uninsured foreign residents in Japan are a national social concern, as they need to join the Japanese National Health Insurance. Unauthorized foreign nationals are an even bigger concern as they cannot join the Japanese National Health Insurance due to their residency status. The process of application and admission to the National Health Insurance is managed at a local level by the municipalities. Foreign residents can use the same services and benefits of the National Health Insurance as Japanese citizens. There is also worker’s health insurance provided by the employer to cover the medical costs in the case of illness or injury—foreign nationals working legally in Japan can access this system.

Yet, there are some foreign nationals who do not join the insurance system because they are not willing or are unable to pay the cost of insurance. The health of foreign nationals without insurance is jeopardized because they have limited access to health care and might incur large amounts of debt from uncovered medical costs in case of accident or acute illness. In order to grant a basic level of access to medical services for the uninsured population, many non-profit organizations provide free medical check-ups; however, this is not a solution for the uninsured foreign resident population’s health care needs. It is necessary to establish a
medical insurance strategy and to improve the accessibility to health services for foreign residents in Japan (Ikegami, 2002).

**SUFFRAGE OF FOREIGN PERMANENT RESIDENTS IN JAPAN**

Since the early 1990s, the extension of local voting rights to foreign permanent residents in Japan has been debated (Suzuki, 2002). The mainstream study of foreign nationals' suffrage is mainly done by constitutional analysis to determine the legality of the national and local levels (Kawahara and Uemura, 2006). The issue of foreign nationals' suffrage in local elections dates back to the history of ethnic Korean and Chinese residents from former Japanese colonies. Many of these ethnic Korean or Chinese residents, who are now in their second or third generation, were raised in Japan and speak Japanese; however, they are not granted a suffrage for local government elections. In 1995, the Supreme Court stated that in the Constitution does not prohibit nor guarantee but permits foreign nationals' suffrage (Asahi Shimbun, 2010). Yet, the debate over this issue has showed only little progress because of strong opposition, while the internationalization of communities is rapidly progressing (Asahi Shimbun, 2009).

The perspective of conservative legislators’ is that ethnicity, nationality, citizenship and loyalty are indivisible concepts (Suzuki, 2002). Therefore, even if the current situation creates great inequality towards certain groups of the society, full voting rights cannot be given to foreign nationals, as their loyalty is not fully demonstrated. This is particularly important considering that the voting rights can actually affect the power structure of the country and is, thus, a matter of national security. Even if the percentage of permanent resident foreign nationals in Japan is very low, in certain highly concentrated areas, their participation in the electoral process could be decisive.

In contrast, the supporters of foreign nationals' suffrage claim that foreign residents should share the same rights and responsibilities as the local people, since they also play an active role as community members. To achieve a multicultural society it is, therefore, imperative to allow the same level of political participation at the local level to the permanent residents, as they are also affected by the decisions taken there.

Now, in Japan, there are about 910,000 permanent residents and special permanent residents. Also, the number of permanent resident permits issued is increasing. It is questioned if the controversy regarding permanent foreign residents’ voting rights should be considered separately between permanent residents and special permanent residents, since they have different historical backgrounds in Japan.

While there is still debate about whether to grant voting rights to permanent residents at the local government elections, more than two hundred local governments grant them the right to vote in the local referendum (Asahi Shimbun, 2009). More local governments regard the permanent foreign residents as “residents” of their community, since the first recognition of permanent foreign residents' participation in local referendum in a municipality of Shiga prefecture, in 2002 (Kawahara and Uemura, 2006). Acceptance of coexistence with foreign nationals at the community level has advanced with the increased residential experiences between locals and foreign residents over the last decade. It is anticipated that in the future
more foreign residents will reside in Japan. The advent of a multicultural society in Japan is in conflict with the conventional ways of political participation of foreign nationals.

THE CHALLENGES FOR LIVING WITH THE NEXT GENERATIONS OF FOREIGN NATIONALS

Prior to the 1990 revision of Immigration Control Law, Japanese descendants from Brazil had a certain level of Japanese language proficiency. They are mostly second generation of Japanese and came alone to work in Japan temporarily. Therefore, their proficiency in Japanese and similar cultural background limited their impact on Japanese society. In contrast, after 1990, a large number of non-Japanese speakers, primarily the third generation of Brazilian Japanese descendants and their children, began to reside in the industrial areas of Japan (Ikegami, 2002). This big social change modified the civil service in many communities, and created a need for the development of a sensible approach for the coexistence of foreign nationals amongst the Japanese population. There are still scopes for improvement. However, the local governments of areas with high concentration of foreign nationals have begun to implement policies to deal with the challenges of integrating foreign residents and their children.

EDUCATION

Education for the second generation of foreign nationals is a significant, especially children’s language ability, which is a topic of debate in the host society. Children, whose parents do not speak Japanese, often have difficulty studying at school and keeping up with Japanese students. For example, in Hamamatsu-city, in Shizuoka prefecture, where there is a large population of Brazilian Japanese descendants, the city is pioneering language programs where teachers in select schools teach Japanese in extra hours, with the assistance of a Portuguese-speaking translator. However, Japanese language education varies depending on the local government politics and priorities, since it is not required by law to ensure education for foreign residents’ children. Additionally, attending school or receiving formal education is not obligatory for foreign residents or their school age descendants (Sakuma, 2006). Language barriers also affect children of international marriage couples, who have problems at school because they speak a different language at home. Differences in the children’s Japanese language ability at school are a hindrance to their educational process. Schools vary in their ability to manage language issues with the limited number of teachers in the school.

In addition to the language problems of the foreign national’s children at school, the variety of different curriculums and systems of Japanese education can become problematic when these children return to their home country. There are some ethnic schools in Japan which implement curriculums and language courses in their respective mother tongues, such as American, Chinese, Indian, and Brazilian schools. Many choose to attend an ethnic school rather than Japanese public school because they plan to return to their home country someday in the future. While percentages vary between districts, it is estimated that about 40% of foreign national’s children go to a Japanese public school, approximately 30% attend an
ethnic school or private institute, 20% are in an unknown status due to lost contact, and the percentage of non-attending schoolchildren is about 10% (Sakuma, 2006). Some school districts estimate that as many 30% of school age children are not attending school.

The non-attendance issue is a serious concern for the host society. In Japanese there are two different terms to describe the non-attending schoolchildren. The first term is fushugaku, which refers to children of school age who do not belong to any school. The reasons for the increasing number of fushugaku children are economic limitations or fear of prosecution because of the unauthorized status of the parents. The second term is futoko, which describes children who belong to the school but refuse to attend it due to reasons (Sakuma, 2006), such as inadequate academic performance, poor social skills, or bad relationships with peers. The problem is exacerbated by the fact that foreign residents’ children are not required by law to attend school nor are they helped in case of economic limitations impeding attendance. Japanese nationals are all required by law to attend compulsory education. This situation created an on going discussion regarding potential legislation on compulsory education for foreign national children of school age.

STATELESS CHILDREN

Japan is jus sanguinis state, meaning that nationality is granted by roots of blood rather than by the country of birth; thus, if the parents are both non-Japanese nationals, their children will not be granted Japanese nationality even if born in Japan. Foreign national children born in jus sanguinis countries can become stateless. As international marriage is increasing in Japan, the number of stateless children is increasing as well. If the Japanese father does not acknowledge the paternity of the child at the moment of birth, the child will not be given the Japanese nationality (Tsukishima, 2008). The number of stateless children in Japan is unknown, as unauthorized foreign residents living in Japan can give birth and not be registered. Tsukishima describes four kinds of disadvantages for stateless people in Japanese society. Firstly, the person is not registered or acknowledged legally and, consequently, not protected by law. The second disadvantage is the inability exercise civil rights among Japanese society, such as accessing health insurance, notice of school district assignation, and limited job opportunities. Due to these constrain, stateless children can have limitations in their development process. Thirdly, there is a disadvantage regarding diplomatic issues, because stateless persons are not protected by any government. Furthermore, they are considered foreign nationals in the residing state and will not be able to obtain a passport. The forth disadvantage is related to discrimination and the inability to establish a national identity. Stateless people have problems in defining their nationality according to the common conception of the people in the host country (Tsukishima, 2008). Despite the wide recognition of these disadvantages, stateless children are still left behind and are unsupported. As this issue is not simply the matter of one nation, it concerns different legal systems between countries. The challenges for the coexistence with foreign nationals are closely related to legal matters. At the community level, there are several challenges to be overcome for the creation of a multicultural society. At the community level, there is progress; nevertheless, at the national level still great changes need to be made. As many of the problems now affecting foreign nationals in Japan require deep constitutional and legal changes, only the participation
of the highest government level can achieve real modifications in the current situation and an increased international level of cooperation.

**JAPANESE GOVERNMENT CONTROVERSY CONCERNING FOREIGN WORKERS**

**The First Phase of Controversy Regarding Foreign Workers**

The first phase of controversy regarding foreign workers issues in Japan was brought to public attention between the 1980s and the early 1990s when a large numbers of foreign nationals came to Japan. The controversial debate arises over the “closing” or “opening” of Japan; that is, whether Japan should open up the gate to foreign workers or remain closed to international influences. The ideologists who supported the position of “closing” advocated that the flow of low-paid workers might hinder the improvement of companies’ productivity and that these workers would lead to frictions in the community because of cultural, linguistic, and religious differences (Akashi, 2010). Labor exploitation and dual labor market were further factors that concerned these ideologists. In contrast, advocates for “opening” the gate to foreign workers emphasized the economic benefits to be derived from the inflow of foreign workers and also the dangers of deindustrialization in Japan (Akashi, 2010). This situation can be produced as a result of outflow of labor-intensive manufacturing industries overseas due to the labor shortage. Industries, such as manufacturing and construction industries, faced serious labor shortages and tended to support “opening” the labor market to foreign workers; however, there was no consensus regarding this dilemma. Most of the participants in this debate, had a divided opinion, and many of them remained unsupportive of either of the two arguments. During the first phase of controversy, the basic policy on foreign workers was not changed to any extent: the labor market remained closed to low-skilled foreign workers, and programs to attract high-skilled foreign workers continued. Though this policy stated asserted a closing of the “front-door” to low-skilled foreign workers, it opened a “side-door” by establishing a new route for them to access to the Japanese low-skilled labor market. Examples of this were the new form of the Technical Intern Training Program started in the early 1990s and the legalization of the residency status of Japanese descendants through the revision of Immigration Control Law in 1990. These new policies opened up new ways for Japanese companies to gain access to foreign workers to work in a low-skilled sector legally, but also without changing the official attitude regarding foreign workers.

**The Second Phase of Controversy Regarding Foreign Workers**

The first phase of controversy regarding foreign workers policy faded out since the economic depression in the early 1990s. Nevertheless, this controversy has once again gained importance due to anxiety generated by the low-birth rate and aging society in Japan. The National Institute of Population and Social Security Research’s 1997 forecasted of a rapid decline in Japanese population: The statistics shows that Japanese population will start
declining from 2007, and the population would decrease to almost half of the current number by 2050.

It was also shown that there is a growing ratio of people older than 65 years-old to people between 15 and 64 years-old; this ratio was 1:3 in 2025 and will be 1:2 in 2050 (Komai, 2002). The issue has necessitated review of Japanese immigration policy. Decreasing population with low-birth rate results in a decreased number of people to participate in the labor force, so concern is raised as to how the Japanese government could be able even maintain the current economic activities with an accelerated decrease in the number of labor forces in the future.

The issue of whether Japan should accept low-skilled foreign workers is still debated. Some argue that technological developments will substitute for the heavy reliance on foreign labor forces. Proponents of this perspective strengthen the argument with the fact that Japan had overcome the massive labor shortage during the economic expansion in 1980s without opening the “front-door” for foreign workers to enter the Japanese labor market officially.

Meanwhile, the third edition of the “Basic Plan for Immigration Control” in 2005 introduced countermeasures for population decline. The plan states that it is inappropriate to simply replace the deficit number of workforce with foreign nationals. It states that this problem needs serious consideration to reach a definitive solution, which should also include a plan for increasing the birth rate in the Japanese population.

As a response to the deficit in the workforce, there will be a requirement for the participation of women and retired Japanese nationals. Attracting high-skilled professionals and promoting their settlement in Japan by further relaxation of the permanent residency qualification is a major challenge.

It is also necessary to prudently consider the acceptance of foreign workers who are not high-skilled professionals (Ministry of Justice, 2005); nevertheless, this plan still maintains the position of not accepting low-skilled foreign workers. Since potential candidates for nurse and care-worker from Indonesia and the Philippines were introduced in 2008, they created a new route of inflow of foreign workers to Japan through bilateral agreements. Japan seems to be experimenting with every possible way to permit the inflow of foreign workers by opening the gate slowly for sectors that face critical labor shortages.

The second phase of controversy is still unresolved. The first phase of controversy was caused by the labor shortage during the economic boom, at that moment it was not possible to reach an official point of agreement or create a political. In contrast to the first phase, the second phase of controversy is founded on the basis of a possible future crisis of Japanese economic stagnation due to the issues of low-birth and aging society. The politicians and economic organizations have actively discussed the issue of foreign workers; it has become a national topic once again and turned into wider social concern than the previous controversy (Akashi, 2010).

Yet, in principle, Japan continues to stand by its old position without major changes: forbidding low-skilled workers and promoting residency of high-skilled professionals, while opening more “side-doors” to attract low skilled foreign labors legally. Thus, the Japanese government has been implementing policies for attracting foreign labor that do not provide for direct acceptance of foreign workers.
CONCLUSION: PROVISIONS FOR CHALLENGES IN THE NEW PARADIGM

After a process of isolated and paralleled debates that has lasted for thirty years, Japanese society is now moving towards serious national discussions on foreign workers. Today's society has already shifted to a next phase in advance of national level debates. The nature of foreign nationals in Japan was usually considered as temporary residents, and this idea has been reflected in the highly selective policy towards foreign nationals. Contrary to Japan's prediction, the features of foreign nationals in Japan have diversified through their long-term settlement over the past thirty years and, also, through the history of the issues of foreign nationals. The ethnicity, occupation, residential status, background, and other features of foreign nationals in Japan have shown a greater degree of growth, especially among newer generations. Meanwhile, human mobility became more flexible and more complex. New forms of accelerated human inflow through bilateral agreements with other countries illustrated that issues of foreign nationals are no longer issues within Japan; rather they extend across borders to affect many countries. These issues evolved to be regarded as objects of international implication. The regular criticisms from overseas countries and international organizations about the violation of foreign nationals' human rights represent a progress in the international awareness on these issues. Japanese society is no longer simply facing the historical "issues on foreign nationals," which have been discussed over the decades, but rather the present situation has already shifted to its aftermath. Now, the society is composed of foreign nationals who live and take part of the local community in Japan. At the community level, cities with concentrated foreign national populations are already taking steps toward the social and civil inclusion of foreign nationals. Providing public services in multi-languages format and education for Japanese as second language students are some of the evidence that society is moving towards a multicultural society. Yet, the schism between the ideas of social inclusion and conservative ideology are difficult to reconcile, and in order to establish a concrete policy about foreign nationals in Japan. The issues of political participation and stateless children are matters on which conservative ideology has not yet integrated with the new ideas about social inclusion. Japan is in a new paradigm of coexistence with foreign nationals, while the conservatives maintain a strict policy towards foreign nationals. The success of this new paradigm of coexistence hinges on the whether conservative ideology will persist or compromise on the social inclusion of foreign nationals. The results of these debates will influence the way in which Japan, as a nation, will be regarded in the future by the rest of the world.

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Chapter 5

CHANGING MIGRATION POLICIES IN HONG KONG:
AN EFFICACY ANALYSIS

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SOUTH EAST AND EAST ASIA: HUBS OF MIGRANTS

It was just three or four years back, immigration officers at the Dhaka Zia International Airport would often frown when they were told ‘I am going to Hong Kong to study’. The immigration process took a longer time than usual. Hong Kong was not known by immigration officers to be a destination for Bangladeshis to study. Whether or not, Hong Kong was recognized by immigration officers as a destination point for Bangladeshis, government records of remittances and emigrants demonstrate that Bangladeshis began migrating to this City State since the independence of Bangladesh in 1971 [Ullah, 2010]. However, the presence of Bangladeshis is much thinner than other nationals from South and South East Asia. While the other nations considered Hong Kong as one of the best labour markets and shaped their policies accordingly, the government of Bangladesh has been late to respond to the demand for labour in Hong Kong. However, some potential migrants from Bangladesh tried to make their ways to this destination. Without sufficient support from the government, migrants who arrived in Hong Kong faced a number of legal issues. Until late 2010, we have not seen the government to come forward with any realistic steps in this regard. The government of Hong Kong went on to undertake subsequent policy changes that harmed Bangladeshis. These changes made the policies stricter than ever before, making their stay and entry into Hong Kong notoriously difficult.

This chapter argues that policy change often fails to stop the flow of migrants, rather potential migrants discover new routes and strategies to get to their desired destinations. This chapter further sheds light on how the potential migrants discover the new routes to reach Hong Kong. A range of relevant literature has been reviewed to substantiate the empirics. Since this is an efficacy analysis, it is important to set the parameters for this study’s

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understanding of the term efficacy. Efficacy has the same root of the word efficiency, and when we talk about efficiency, we generally refer to economic efficiency. The strictly economic aspect of efficiency is not always appropriate, although some scholars would disagree. In a very simplistic way it has been used and operationalized in this chapter. Policies are formulated to achieve and produce a desired effect, and this chapter analyzes the observed outcomes of the changes in polices. Efficacy here is perceived as the level of desired achievement from an initiative, which refers to policy change. The arguments set forth in the chapter will be supported by the examples of Bangladeshi migrants and the ramifications of the changing policies on their migration processes.

Southeast Asia has been experiencing rapid growth in economic and social development. As economies shift and government policies are tightened, migration becomes ever more contentious. Today, media coverage on violation of the right of migrant workers, population growth and the spread of democratic values all over have brought the issue of migration governance at the forefront of international attention. In order to keep pace with this growing interest, researchers have sought to dispel myths surrounding this fact and clarify the migration patterns in the region to promote better practices of migration governance.

Kaur argues that the current state of migration in South-East Asia and “free migration has... given way to institutionalized and restricted migration policies that include stringent border controls and internal enforcement measures [Kaur, 2004].” Examining the history of population mobility in this region, Kaur also tracks the emergence of the “migration industry.” Prior to the advent of colonization and industrialization, migration in Southeast Asia was mainly comprised of small-scale mercantilism. Between 1840 and 1914, trade threw and the markets of the region began to be more integrated into the world economy. This process led to the delineation of national boundaries and an expanding administrative segment of government. After 1900, countries in the region began to be categorized as either ‘labour-scarce’ or ‘labour-surplus,’ countries that would define their migration patterns for the future. Malaysia had low population density and vast arable land. Thus, a migration plan emerged as Malaysia began to import labor. This would later have an important effect on the development of migration networks, as late nineteenth-century transnational labour migration in Asia... laid the framework for migrant labour and Diasporas in the region. At this point of time, migrants were generally poor peasants seeking low-skilled positions, who relied on employers or recruiters to pay their passage. Notably, the ‘Chinese government did not support Chinese emigration,’ that had impact on networks growth with China. However, during the spread of British colonialism, Chinese and Indian migrants came to represent ‘the largest migrant communities in Southeast Asia [Kaur, 2004]’ and visible communities around the world today.

Kaur seems to suggest that the time of free migration, low population densities, and open borders represented the best period in the history of Southeast Asia. However, it was not very clear why he thought so. Though this sounds plausible, the demographics of Southeast Asia today make free migration almost impossible. The interaction of politics and economics has put migration policy in a place of tension within the region. Regional interdependence has fostered chains and networks that result in economies that “appear to function in a complementary sense [Kaur, 2004].” The general notion is that these networks reduce the cost of migration and offer ways for domestic regimes to reduce unemployment and contribute to economic growth through remittances. However, discriminatory policies remain towards
unskilled migrant workers, as governments struggle to protect the international livelihood of citizens over the livelihood of migrants.

Currently, "a dynamic migration process is unfolding in Asia, as several countries... are becoming... important sources of migration in the region [United Nations, 2006]." Countries that depend most heavily on remittances have begun to implement policies that encourage out-migration. India, Indonesia, Nepal, Pakistan, Thailand, and Vietnam are all attempting to increase outflows in order to boost their economic growth. Bangladesh as well is undergoing policy reviews that may promote migration. With all this regional movement, the UN highlights several issues that arise. "Women predominate by an unusually large margin among migrant workers departing from Sri Lanka and Indonesia [United Nations, 2006]" and countries like Japan have begun to adopt a policy to limit their inflows to skilled migrants, thus raising questions about the future of low-skilled migrants in the region.

HONG KONG: MIGRATION TRENDS AND POLICIES

Hong Kong has emerged as an important location for research on migration. Governments generally use a variety of methods to try to control population mobility. As migration expands, governments remain under increasing pressure to regulate both inflows and outflows. Hong Kong as well has adopted a unique mechanism of arresting and imprisoning irregular migrants. According to Maggy Lee, 'Hong Kong has a much higher imprisonment rate compared with the rest of Asia and the West' and that 'Hong Kong now has the highest proportion of female prisoners in the world [Lee, 2007].' This rate may be misleading. This does not necessarily indicate any dwindling state of human rights. Imprisonment, Lee argues, is not merely a method of crime control, but part of an extensive control regime aimed at internal migrants regarded by the Chinese authorities as irregular, unwanted, or threatening [Lee, 2007].

Lee goes on to describe one of the most vulnerable migrant groups -- female sex workers -- who are specifically targeted for imprisonment because of the strict morality inherent in Hong Kong migration law. Stay permits and work permits in Hong Kong are different. Women who migrate to Hong Kong to work in the sex industry are often blamed to breach the terms of their stay, because sex work is considered employment. The complicated legal issues regarding sex work in Hong Kong prevents most from obtaining the necessary provisions to work legally in Hong Kong. She further points out that a better migration policy would prevent their unnecessary imprisonment and reshape the migration patterns between Hong Kong and the Mainland. Migrant sex workers are evidences of the wider 'feminization of survival' spreading across South-East and East Asia that prompts women to move and engage in dangerous or illicit work to survive. However, what Lee fails to address is whether migrant sex workers routinely face harsher punishment than other illegal migrant workers. Lee asserts that "local police have generally used their powers of arrest and raid in a discriminatory manner to regulate conspicuous sex work." However, it does seem clear from Lee's research that all illegal migrants in Hong Kong face problems in society which requires reform.

Another facet of migration appeared in Chou's study which offers a reverse migration scenario that "the rapid socio-economic development of Mainland China, coupled with its
low cost of living but high-quality living environment has led to an increasing number of Hong Kong residents migrating to the Mainland for retirement.” However, an interesting dimension of Chou’s study was the estimated return of migrants to Hong Kong for medical care and to visit friends and relatives. The networks of migration, even migration over short distances like the kind Chou focuses on, confound simplistic assumptions and emphasize the importance of kin connections and cultural norms in migration study.

More than 50,000 South Asians (from Pakistan, Nepal and India) are said to have attained roots in Hong Kong, many of whom are the descendants of those who joined the Hong Kong Army Regiment since the 1840s. Today, within these three nationalities, many have ended up in specific category of jobs. Most Indians and Nepalese are found in the business sectors and Pakistanis in low and unskilled informal sectors. Like other South Asians, Pakistanis still move to Hong Kong temporarily to find better opportunities. Their presence is quite visible. It is widely believed that Pakistanis are involved in illicit activities in Hong Kong [Skynews, 2008]. My research conducted from 2004 to 2007 revealed that many Pakistanis obtained fake Bangladeshi passports [Ullah, 2010]. Staying legally or illegally, Pakistanis suffer from a serious image crisis in Hong Kong. The situation worsened after a Pakistani serial killer was arrested in Hong Kong.

**Table 5.1. General immigration categories**

<table>
<thead>
<tr>
<th>Category Description</th>
<th>Description</th>
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<tbody>
<tr>
<td>1. Employment or investment.</td>
<td>A person may enter Hong Kong for employment or investment under the General Employment Policy (GEP).</td>
</tr>
<tr>
<td>2. Employment as imported workers.</td>
<td>Importation of labour to Hong Kong is operated under the Supplementary Labour Scheme (SLS) which allows employers with genuine difficulties in finding suitable employees locally to import workers from outside Hong Kong.</td>
</tr>
<tr>
<td>3. Employment as foreign domestic helpers.</td>
<td>A person may enter Hong Kong for employment as a foreign domestic helper (FDH).</td>
</tr>
<tr>
<td>4. Training.</td>
<td>A person may enter Hong Kong for a limited period (not more than 12 months) of training to acquire special skills and knowledge not available in his / her home country.</td>
</tr>
<tr>
<td>5. Education.</td>
<td>A person may enter Hong Kong for education as a student</td>
</tr>
<tr>
<td>6. Residence as dependant.</td>
<td>b. his / her unmarried dependent child under the age of 18.</td>
</tr>
<tr>
<td>7. Capital Investment Entrant Scheme.</td>
<td>The objective of the Scheme is to facilitate the entry for residence by capital investment entrants (the entrant), i.e. persons who make capital investment in Hong Kong but would not be engaged in the running of any business here.</td>
</tr>
<tr>
<td>8. Quality Migrant Admission Scheme.</td>
<td>The Scheme is an entrant scheme. It is quota-based and seeks to attract highly skilled or talented persons who are fresh entrants not having the right to enter and remain in Hong Kong to settle in Hong Kong in order to enhance Hong Kong’s economic competitiveness in the global market. Successful applicants are not required to secure an offer of local employment before their entry to Hong Kong for settlement.</td>
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Source: Sim, 2008.
One may wonder why I am reporting on Pakistani migrants in Hong Kong. The primary reason is that when these criminals were apprehended by police, they were identified as ‘Bangladeshis’ because many of them carry Bangladeshi passports. Many of my research participants in Hong Kong reported that because of these Pakistanis carrying Bangladeshi passports, the Hong Kong government is changing the visa policy for Bangladeshis. Many of them said that Pakistanis commit crimes but punishment goes to Bangladeshis. Some dishonest officers at the Bangladesh consulate to Hong Kong issue fake passports to non-citizens.

According to the new policy arrangement made by the Immigration Department of the Hong Kong Special Administrative Region (HKSAR) on 11 December, 2006, nationals of Bangladesh must have a visa to enter the HKSAR for purposes such as direct transit (not leaving the airport), ordinary transit (leaving the airport) and visits. This is the first ever policy change that requires Bangladeshis to obtain a visa prior to departure, preventing some potential migrants to enter Hong Kong. Until 1997, Bangladeshis were allowed to stay in Hong Kong for three months and visas were given on arrival. In 1997, after the handover, stay permits have been limited to two weeks with other conditions remaining unchanged.

However, Bangladeshis with the following statuses are exempt from the visa to enter the HKSAR:

A. Diplomatic/service (official) passport holders are not required a visa for a stay up to 14 days;
B. United Nations Laissez Passport holders can go to Hong Kong or transit Hong Kong to/from a third place for official purposes; and
C. Operating aircrew and operating seaman in work can go to Hong Kong.

Bangladeshis, including their accompanying spouse and children, can apply for a Visit Visa for a stay of up to 14 days and Single-Entry or Double-Entry Transit Visa for a stay of up to 7 days.

(i) Government officials holding ordinary passport;
(ii) Celebrities in Bangladeshi society and business circles; and
(iii) Employees of famous large-scale enterprise in Bangladesh, including multinational companies, international airlines and shipping enterprises, financial entities, banks, insurance entities and foreign representative in Bangladesh. Moreover, they are required to show the Certificate Letter (entering Hong Kong for Business) issued by their company.

Policies in Bangladesh: The Emigration Ordinance 1982 and Overseas Employment Policy

Emigration from Bangladesh continued to be regulated by the 1922 Emigration Act, which was a law that had its origin in the country’s British colonial past. The labour migration of Bangladeshis to the Middle East underscored the inadequacy of the 1922 Act, which prompted the formulation of the major policy changes. The Ordinance of 1982 was the basis for the rules formulated in 2002 and again in 2006, government drafted overseas
employment policy. Under the Ordinance, the government is authorized to grant licenses to individuals and companies for overseas employment and recruitment. The government responded to the call from the civil society for establishing a separate ministry for Expatriates Welfare and Overseas Employment (MoEWOE) in 2001 [Sikder, 2008].

**DOES POLICY CHANGE MATTER?**

I argue that migration is inevitable and unstoppable. My experience of living in Hong Kong for about four years reminds me of how rigid and effective are surveillance systems in the Hong Kong immigration policy. As Hong Kong is more or less water locked (except for its small land connection with China), the City State probably has the best and most efficient policing in maintaining law and order, making it difficult to carry out illicit activities and defer the presence of the illegal population. This does not necessarily mean that the fight for stopping illicit entry to Hong Kong has been entirely successful, even though, it is often argued that the political fragmentation within the triangle (Hong Kong-Mainland China and Taiwan) encourages smugglers to move through both China and Hong Kong [Hastings, 2009]. I have pointed this out here to indicate how difficult living in Hong Kong is without proper documents. My previous study (from 2004 to 2007) of about one hundred Bangladeshi migrants in Hong Kong confirms that they remained in Hong Kong for 8 years on the average [Ullah, 2010]. Surprisingly enough, their stay was legal, while their work was not. They kept extending their stay by re-entering either from Macao or Shenzhen. Every entry provides one or two weeks of extension in most cases while rejection was not rare.

After the changes in immigration policy that took place in 2006, the reality has become different from the past. Seeking a re-entry from Shenzhen and Macao has become near impossible. In order to combat this, migrants have tried to discover a new avenue through which they can enter Hong Kong with fewer hurdles. One question that then comes to mind is why are so many people are still attempting to migrate to Hong Kong? There is a myth among Bangladeshis that Hong Kong is a ‘great’ place as a transit point [for more see, Ullah, 2010].

Many Bangladeshi migrants have begun to make their way to Hong Kong through Mainland China in the recent years. The question is how do they enter China? In fact, there have been some recent changes in the foreign policies and relations between Bangladesh and China. China has emerged as a reliable partner to Bangladesh, extending economic, military and diplomatic support, while simultaneously attempting to gain a strategic foothold in South Asia and benefit from Bangladesh’s natural resources. Some explain the relation between Bangladesh and China by the number of official visits to Bangladesh: there have been 84 visits to Bangladesh since 1974, as compared to 60 or 70 visits to India in the same time span. While Bangladesh’s subcontinent-centric policies aimed at military cooperation and security enhancement have produced minimal results, Bangladesh has turned to China almost out of necessity and China is only happy to respond and reassert its strategic presence in South Asia [Aneja, 2006]. As a result, China and Bangladesh are developing road links between Kunming and Chittagong via Myanmar, and an air route connecting Kunming and Dhaka is already operational, providing a great scope for boosting trade, business, and tourism between
the two countries.\footnote{China has also provided assistance for the construction of a water treatment plant in Dhaka and a sewage plant. The Barakpuria coalmine project and the greater Dhaka power project are also being implemented with supplier’s side credit from China. The two countries have engaged bilaterally in intensive cooperation making China one of our most important partners in development.} The Chinese government is encouraging its entrepreneurs to invest in Bangladesh in order to improve bilateral trade and business relations between the two countries. Bangladesh has assured that the Chinese businessmen would get support from the government to make their investment profitable. Currently, Bangladesh has a huge trade gap with China, as the country imports capital machinery, electronics, buses and other home ware and exports garment, frozen foods, yarn and some other commodity products. China has already offered Bangladesh duty-free access for hundreds of products while Chinese investment in Bangladesh is growing.

With the development of relationships between these two countries, many Bangladeshis began to invest in China, so did the Chinese in Bangladesh. This relationship gave an impetus for the migrants who want to make their way to Hong Kong. Bangladeshis obtain visa for travelling to China though their final destination is Hong Kong. They primarily land in Kunming; Guangzhou and eventually they gravitate toward Shenzhen (See the map and figure). This district is the main corridor for migrants’ access to Hong Kong. Thus Hong Kong has become inexorably more integrated with the Mainland China. Well over 200,000 people cross the border each day.

The value of trade between Hong Kong and the mainland rose 33 percent last year to US$205 billion. Shenzhen is located on the border with the Hong Kong SAR across the Sham Chun River and Sha Tau Kok River. As of December 2007, there are six land crossing points on the boundary between Shenzhen and Hong Kong. From west to east these are Shenzhen Bay Port road crossing (opened 1 July 2007); Fu Tian Kou An to Lok Ma Chau rail connection linking Shenzhen Metro Line 4 to the MTR’s East Rail Line Lok Ma Chau Spur Line (opened 15 August 2007); Huanggang to Lok Ma Chau road connection; Futian to Man Kam To road connection; Luohu to Lo Wu rail connection linking the MTR East Rail Line to Shenzhen Metro Line 1, Shenzhen Rail Station and Luohu in general; and the Shatoujiao to Sha Tau Kok road connection. Both of the rail connections require the passengers to cross the Shenzhen River on foot, as there is no direct rail connection between the two cities, although the Hong Kong intercity trains to other mainland cities pass through Shenzhen without stopping. In 2006, there were around 20,500 daily vehicular crossings of the boundary in each direction. Of these, 65 percent were cargo vehicles, 27 percent cars and the remainder buses and coaches.

<table>
<thead>
<tr>
<th>Dates policy changed.</th>
<th>Stay permit.</th>
<th>Effect.</th>
</tr>
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<tbody>
<tr>
<td>1997 after handover.</td>
<td>2 weeks.</td>
<td>Visa on arrival.</td>
</tr>
<tr>
<td>11 December 2006.</td>
<td>2 weeks.</td>
<td>Visa before arrival.</td>
</tr>
<tr>
<td>November 14, 2009 (passed an ordinance).</td>
<td>Same as above.</td>
<td>More difficult than before taking up jobs without papers.</td>
</tr>
</tbody>
</table>
Map 5.1. Hong kong map showing entry points from Shenzhen.

Figure 5.2. Routes taken by potential Bangladeshi migrants.

While Bangladeshis make their own venture to get to destination, they to resort to the hands of traffickers at some point of their journey. Hong Kong has been consistently enforcing steps that could prevent human trafficking and fully complies with the minimum standards for the elimination of trafficking. The government has continued to implement strong anti-trafficking measures, including training law enforcement officials and collecting information
on suspected cases of trafficking. It is, however, an un-abatable phenomenon. Thousands of women and children are bought and sold in China each year. Under newly passed legislation by the Macao Legislative Assembly, homicide, abduction, smuggling of people, forcing others into prostitution, aiding illegal immigration, illegally trading, and the manufacture, use, possession and smuggling of arms are considered organized crime activities, and are punishable of 5-12 years in prison (Coalition Against Trafficking in Women, 2010).

**PUTTING IT TOGETHER: BEST PRACTICES IN MIGRATION**

At least five percent of Hong Kong’s population is non-Chinese. Many of these foreigners have migrated to Hong Kong as domestic workers, but there are claims that they suffer from underpayment, worker abuse, and various other cases of discrimination. The low-skilled migrants pay exorbitant fees in the process of migrating to Hong Kong and finding a job, and then experience various human rights abuse and discrimination despite their important role in the economy. However, the reality about salary for domestic workers does not endorse the claim while there are of course sporadic reports of sexual abuse. Comparative analysis of researches on domestic helpers in a number of countries in the South East and East Asia clearly demonstrate that domestic workers enjoy better salary base in Hong Kong than that of any country in the region [Ullah, 2010].

Best practice dictates that migrant workers should have the same access to rights and services as citizens [Abella and Martin, 2004], but this is often not the case. Traffickers take several routes by which they transport their prey to Hong Kong.

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2Joseph Sawan [2008] raises several interesting points of the conditions of migrants in Hong Kong. Asserting that migrant youth suffer from a lack of quality education, Sawan highlights the role of NGOs and civil society to fill the gaps left by a highly competitive system.
The figure above shows that Bangladeshis primarily try to enter China directly from Bangladesh. While Bangladeshis can travel to Nepal easily, they do not want to run a risk of crossing an additional border from another country. A few of them also made their way to Bhutan; however, they preferred the direct route to Kunming. The common route from Kunming is: Kunming- Shenzhen- Hong Kong, but many obviously cannot use this route. Then they redirect their route to Nanning and Macao and eventually they try to gravitate toward their final destination. The syndicate bosses control their operations from afar and they do not need to be in Guangzhou or Shenzhen. Their agents help them in crossing the border by boats or other options if they exist.

Hong Kong has amended its immigration laws to prevent foreigners from overstaying and indulging in unlawful activities. Hong Kong had issued the Ordinance, effective from November 14, 2009, to stop illegal immigrants from picking up jobs even as they faced trials. According to the Immigration Department, of the total illegal immigrants in Hong Kong, three-fourths were from South Asia. Earlier, such illegal migrants could not be deported once the trial was over as they were employed. By issuing the Ordinance, ID has plugged a loophole in the laws. Now, the maximum punishment for an illegal immigrant found employed in the country is 50,000 HK dollars and three years’ imprisonment. In 2007, as many as 600 Indians overstayed in Hong Kong and 460 stayed on in both 2008 and 2009. Until March this year, 46 Indians were found overstaying in the country and as many as 55 Indians were found engaged in unlawful activities in 2008, 24 in 2009 and 13 until March of this year. Indians are the only foreign nationals in South Asia who enjoy visa-free concessions for a 14-day visit to Hong Kong [Siasat, 2010].

**POLICY ANALYSIS FRAMEWORK**

The policy analysis exercise (PAE) defines migration infrastructure as a system of institutions that facilitates the migration and protection of foreign workers. Institutions can be commercial or public, and can include bilateral agreements and multilateral conventions. Government agencies that ‘regulate recruitment and/or provide group insurance, private employment agencies, medical testing facilities, travel centers, money transfer agencies, conciliation and mediation services for migrant-employer or migrant-employment agency grievances’ [Harvard University, 2008]. The varying capacities, constraints and policy priorities among different states have resulted in a range of migration infrastructures. An underlying assumption of the policy analysis is that exacting fees from stakeholders allows states to support institutions that protect migrant workers [Anggraeni, 2006]. The cross-border movement of transnational workers involves at least two states, the country of origin and the destination country [Harvard University, 2008].

The large number of Chinese living in different countries around the world today is the result of a large flow of emigration that began about 150 years ago [Liang, 2000]. The UN states that ‘China appears to have overtaken Mexico as the source of the major outflow of migrants in the world,’ with numbers as high as 560,000 emigrating each year. The area which receives the most amounts of Chinese migrants is Japan, along with the United States,
Canada, and Korea [Ping and Frank, 2003]. Li explores the business of migration that has sprung up to deal with this increasing demand. Originally this business mirrored the social network theory of migration [Ullah, 2010], wherein friends and family helped others migrate with knowledge and other assistance. Li found individual brokers who charge between $6,000 and $7,000 to assist people emigrating to the U.S. Li interacted with a woman known as “Sister Ping,” a smuggler who was rated highly by the people of Tingjiang for her ability to deliver clients efficiently, safely, and for a reasonable fee. Though many governments worldwide are enacting legislation and tightening border controls to stop this kind of illicit activity, “as long as migration is successful and the costs are acceptable, no one cares how the brokers deliver—what matters is the end result.”

Peter Li [2005] looks into the depth at the patterns of migration from Hong Kong and Mainland China to Canada from 1980 to 2000. Analyzing data from the time period, Li maps the changing face of the Chinese migrant community during the two decades and finds that “the continuous arrival of well-educated and urban-based immigrants from China is likely to change the population composition and identity complexity of the Chinese community in Canada.” Li provides evidence for those arguing against seeing migrant communities as homogenous; as policies, economies, and customs have changed in both locales, the migrant communities have shifted from being mainly low-skilled workers to high-skilled workers. Additionally, the numbers of migrants arriving from Hong Kong versus Mainland China have also shifted, indicating a change in the social and cultural makeup of the migrants. Li acknowledges that migrant communities often share characteristics that make their transition abroad easier [Liu, 2008]. “Members of an ethnic diaspora often share a common history of dispersion or displacement, a collective memory of an ancestral home, and a sense of estrangement.” In the wake of movement, however, individual identities shift and differences that were minor in the place of origin may become more important in the new residence. Li also touches on the identity problems migrants face, as they struggle to adapt to a new environment while losing touch with the old. Policies that aim to assist migrants must be sensitive to this dual-identity and the possibility that migration will be temporary.

3Salaff [2005] contends that “as Chinese from different places with a range of socio-economic backgrounds... arrive in new countries... they foster a diversity of Chinese population wherever they settle.” Salaff argues against a homogenous view of Chinese migrants and discusses the ways in which cultural integration (or lack thereof) dramatically affects the staying power of migrants in a new environment. Mixed migration experiences are visible everywhere. In Australia, a group of entrepreneurs “combine different activities, products, and markets to diversify more broadly their transnational and local investments [Salaff, 2005]. In contrast, focusing on a group of Chinese Christians abroad highlights the social bonds that extend beyond language, ethnicity, and even culture. By exploring a community like Chinese migrants in terms of their diversity, Salaff argues that policy-makers and researchers alike will have a much better grasp on migrant populations and their needs abroad.


7Chinese migration to Canada is a recent phenomenon. After the repeal of the 1923 Chinese Immigration Act in 1947, streams of migration began. Initially, the majority of migrants were from Hong Kong, but over the next half century the demographics shifted toward migrants from Mainland China. A more complex makeup of socioeconomic and cultural backgrounds also expanded the Chinese community in Canada. Though Li fails to discuss precisely how these demographics changed, the overall result came about in conjunction with a variety of political and economic forces. “Statistics indicate that Chinese immigration from Hong Kong and mainland China to Canada often moved in opposite directions between 1980 and 2000 [Liu, 2008]. This gives evidence to the fact that sending communities that are similar may produce very different patterns of out-migration.
On the returning end of migration, Guofu Liu looks at an issue seldom discussed in the South-East Asia region which is the right to return. International law stipulates that citizens have a right to return to their country of origin, but Liu argues that the Chinese government systematically blocks this right with complex policies aimed to keep foreign nationals from returning to China. Like other heavy-handed forms of migration control, this set of practices harms China’s human rights record abroad and aggravates citizenry within. Though Liu’s analysis may be broad and overly emotional, it nonetheless raises some interesting questions about out-migration in Chinese society. Liu [2008] begins by asserting that “the right of people to return to their country is universally accepted as a rule of law. According to current data, there are five million Chinese citizens residing legally abroad, and eleven million Chinese immigrants residing illegally abroad. To return to China, both groups of people face a number of bureaucratic hurdles that Liu argues violates their right to return. Some might contend that having excessive legislation on the manner of return does not actually bar citizens from returning and therefore does not violate the law. Liu’s citation of the ICCPR that ‘the purpose is to protect individuals against government excesses’ seems itself an excess, since far more pressing human rights violations are taking place in the region. However, it does indicate a clear attempt by the Chinese government to prevent masses of people from returning, perhaps for reasons of political expediency.

Liu states that ‘China only permits Chinese citizens who are legally residing outside of China to resume permanent residence if they do not appear to be a burden on the community. This statement implies that Chinese only prefers to return to China for the economic benefits it might afford them, while the Chinese government will only accept its citizens back into the country if China benefits economically from their return.

The situation is undoubtedly more complex than this, as the rush of migration occurring throughout the region almost necessitates governments taking a serious look at inflows and outflows. Liu notes that the Chinese government is particularly restrictive on political dissidents seeking to return to the country, in some cases even denaturalizing these people and leaving them stateless. Liu includes no figures of how many people have been rendered stateless by their political opinion, but states that “the effective deprivation of citizenship means that dissidents cannot access their rights prescribed by the constitution and law.” Liu goes on the say that “on humanitarian grounds, China should give sympathetic consideration to permitting the return of former residents, particularly those who are stateless and have maintained a strong link with China.” This suggestion highlights the many problems associated with migration. Though Liu’s arguments on behalf of the rights of citizens are sound, the issue remains a complex one with a few simple answers. Liu’s advocacy of procedural fairness, however, certainly seems consistent with best practices for migration policy and might go a long way to further the goals of both citizens and the state.

depending on the governmental policies or economic conditions prevailing at the time. Additionally, Canada has recently placed an emphasis on human capital and skill level of migrant criteria, thus facilitating a more distinct group of educated Chinese. In some ways, these new migrants have created an entirely new Chinese diaspora. Rather than continue to analyze previous data or follow outdated policies, Li’s research shows that policy-makers must be sensitive to the changing face of migration.
DISCUSSIONS

Most researches conducted on migration tended to formulate some recommendations for the governments for the purpose of refining policies that may improve various aspects of migration governance. Let me mention Graeme Hugo’s contribution that compiles existing data to make a comprehensive proposal that addresses many of the concerns mentioned in other chapters of the volume and here above. Hugo begins with a supposition that “the dominant mode of international migration in Asia and the Pacific is temporary contract migration of low-skilled workers [Hugo, 2009]. The circular migration pattern has the potential to benefit everyone involved, Hugo argues, if it is handled properly. However, concern for migrants is not always placed first on the government’s agenda. Considering the scale and scope of migration, it came to the forefront to the discourse too late. In fact, recent developments in international peace and security have severely hampered the goals of migration globally.

Ian Storey, however, [2008] points out the underside of migration i.e. the criminal activities can flourish in the absence of effective migration governance. Though the news often laments the spread of illegal migration, piracy has only recently become a global concern. Ian Storey suggests that piracy is directly related to migration policy in Southeast Asia, and focusing on methods of preventing piracy will be a necessary part of any successful policy. The tri-border area between the Philippines, Indonesia and Malaysia, is an area where criminal activity falls between the cracks of various states’ national security apparatuses. International cooperation and tighter government control on border regions could be the solution to this however this may appear to be in contradiction to other migration policy proposals.

The Strait of Malacca (SOM) can be seen as a microcosm of these events. The SOM is a vital shipping route, and one-third of global trade passes through the strait, thus making maritime violence here a threat to the global economy at large. The combination of “failures of governance, poor socio-economic conditions, and a diffuse set of technological and geographical factors” has made Southeast Asia particularly vulnerable to crime of this nature, especially in the years since 9/11. Storey seems to think that greater government control, along with international assistance and cooperation, will bring success in fighting this crime. However, the situation at large hints that where the root causes of poverty and lack of opportunity remain, more government control will simply lead to more creative crime. 8

Many scholars, including Graeme Hugo, map the current patterns of migration in Asia is that migration is not seen as a structural element in Asian economies; and immigration is highly restricted and viewed negatively; permanent settlement of migrants is seldom allowed; and the emphasis has been on constraint rather than migration management. Obviously, the preponderance of evidences suggests that migration is a very significant part of the economic and social development of the region, and greater dialogue and more refined handling of the situation could yield countless benefits for both sending and receiving countries. Sound governance systems are required to protect the interests of destination communities, while

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8The motivations of maritime violence are similar to those of regular migration: to survive or improve their livelihood, people are willing to undertake great risks and potentially engage in dangerous or illicit activities. Until governments can provide better alternatives, both activities are likely to continue. That is why governments must foster both thriving economies and safe, efficient patterns of regular migration, to end the threat of maritime violence.
also providing migrants with appropriate access to work, protecting their rights, and making it possible for them to remit as much as possible. This is a situation with “win-win” results. How can governments balance the needs of their citizens with the needs of migrant populations? By making migrant populations legible, governments will be better able to assess their needs and evaluate how much they can contribute to these communities’ wellbeing. Bilateral agreements of Memorandums of Understanding (MOUs) between countries, which are both advocated by the UN and other international organizations, might be of paramount importance.

Hong Kong remains a major receiving country for female migrant workers from countries in Southeast Asia. About 10 percent of all households’ recruitment of foreign domestic helpers (FDH). As one of the few destinations where migrant workers enjoy full and equal statutory labor rights and benefits as local workers, Hong Kong is considered a high migration infrastructure state [Harvard University, 2008]. In order to protect low-skilled workers within receiving countries, it will be necessary to ‘balance the market’ by regulating and equalizing wages of foreign and national workers. A positive change in policy is that Hong Kong SAR officially recognizes migrants’ unions, including unions of women domestic workers, and protects the rights of union members. Most countries are scared of allowing foreign workers’ union, but since the recognition of unions, Hong Kong has not faced any unwanted challenges from them. However, illegal and undocumented members cannot be members of the unions. The fear is that the union will act as a cover of immunity to the immigration laws and regulations.

Migration clearly involves the overlap of many layers of society and government. Therefore, it is important to ensure the participation of both society and government in the process. Most researchers conclude that the effects will be well worth it. Some argues that governments that renders strict policies, in turn ensure the legitimacy of the workers. The historical analysis of migration does imply that better practices are needed if migration is to benefit those beyond the highest tier of workers. A slight ease of border control, coupled with more effective recruitment strategies and worker protections, would undoubtedly improve the lives of migrants, while bolstering government legitimacy in the region. I, however, in no way suggest that nations should not change their policies, nor do I suggest that policy change always offers options for alternatives to the potential migrants. I would rather recommend making changes in policies bilaterally, as unilateral decisions often may not bring the expected outcome. As discussed above, China, with the most potential number of migrants, has been used as a transit point to get to Hong Kong. I fear if the routes become well discovered by the desperate migrants, the situation might worsen, i.e. more people will be vulnerable to trafficking and committing crimes. It is well known that sex workers and other unskilled or illegal migrants remain high in demand in Hong Kong, therefore when government policies are in contradiction with the demand; illicit economies may continue to thrive. The policy makers may consider this in further changing the policies. However, I must say, given the many criticisms made above, polices that exist in Hong Kong regarding

\footnote{Current policy requires that all employers enter into a standard employment contract with their FDH. The contract sets out key employment terms such as wage level (which cannot fall below the MAW presently at HK$, 3,480 per month), free food and accommodation, free medical treatment and return passage. In accordance with the standards set forth in ILO Convention 9714, Hong Kong also offers FDHs free and full access to a range of services provided by the Labor Department (LD), including consultation and conciliation services for labor disputes with employers. Likewise, FDHs may seek redress through the legal system [Harvard University, 2008].}
migration are more humane and appropriate for controlling migration as compared to those of many other countries in the world.

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Chapter 6

MIGRATION POLICY IN SINGAPORE

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INTRODUCTION

Since the establishment of Singapore as a British trading port by Sir Stamford Raffles in 1819, "the history and fortunes of Singapore have been closely intertwined with migrants and migration" [Yeoh, 2007a]. Singapore, a former British Colony, gained its political independence in 1965. We can broadly identify two waves of migration into Singapore: pre-independence migration, which was principally for permanent settlement, and post-independence migration, which is largely for temporary work with non-resident status. Since political independence in 1965, Singapore's economic growth has attracted this new wave of non-resident foreign manpower from high-end to low-end positions. The non-resident population increased from 2.9% in 1970 to 5.5% in 1980 [Yeoh, 2004: 19]. This group made up 10.2% of Singapore's total population of then 3.05 million in 1990, but swelled to make up 18.8% of the population of 4.02 million in 2000 (Business Times, Singapore, 1 September 2000).

According to Singapore Census of Population 2011, total population of Singapore was around 5.18 million: the number of resident population (citizens and permanent residents) was nearly 3.79 million and nonresidents (foreigners with work permit, employment pass, dependent pass, student pass, long stay permit, etc.), was approximately 1.39 million.

Managing migration, as Doonernik et al. [2005] suggest, is "metaphorically akin to walking a tightrope," because the government has to try to keep the domestic population's

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1The non-resident population holds passes for short-term stay in Singapore and includes the employment pass, work permits, dependent pass, student pass, long-term social visit pass etc. In 2006, there were 875,000 non-resident foreigners in Singapore (Straits Times, 2007) "A Great Place to Live" 10 March or Li Xueying, "Non-resident population on the up and up" in Straits Times, 7 December 2006.

2The number of permanent residents (PR) more than doubled in the last 10 years, to 290,118 from 112,132. PRs make up 7.2% of Singapore's population, compared to 3.7% a decade ago. The number of Singapore citizens grew by just around 350,000 in 10 years, to 2.97 million (Business Times, Singapore (2000) "Singapore Population Crosses 4 Million Mark" 1 September)
aspirations and economic needs in balance. Singapore’s government makes every effort to increase public awareness about the growing importance of immigration for Singapore’s economy and society. For instance, Minister Mentor Lee Kuan Yew recently commented that foreigners add dynamism to Singapore, which cannot afford to remain static in a changing and globalised world (Straits Times, 23 April, 2007). The Prime Minister, Lee Hsien Loong, in his National Day Rally speech in August 2006 made it clear, that Singapore needs foreign manpower for economic growth and prosperity. The Deputy Prime Minister, Wong Kan Seng, in a recent speech stated: “Singapore’s 4.5 million population faces two troubling trends that spell demographic doom without immigration: it is aging and there are not enough babies” (Straits Times, 3 March 2007).

The reason for hiring foreign manpower should be principally seen from an economic point of view, i.e. the gap between a limited pool of local labour and a high rate of employment creation. Hui [2002] reported that Singapore’s economic growth between 1990 and 1998 averaged 7.9% p.a. Over this period, more than 604,000 new jobs were created against an increase of about 300,000 in the domestic labour force [Hui, 2002: 33]. Based on this data, Hui [2002] maintains that, without the inflow of foreign manpower to supplement the domestic labour force, the phenomenal growth in employment and gross domestic product (GDP) over that period would not have been possible. In addition, there are some other studies that have discussed the raison d’être for hiring foreign manpower in greater detail [see Chew and Chew, 1995; Wong, 1997; Low, 2002; Pang and Lim, 1982; Hui, 1992, 1997]. In this context, Singapore has devised a sophisticated migration policy, based on a ‘demand-driven system’ to allow regular circulation of foreign labour.

There is a lack of published data on the numbers and sources of migrants in Singapore as they are deemed “confidential and politically sensitive” [Low, 2002]. However, there is a “greater expression by way of policy and strategy than quantitative empirical evidence” [Low, 2002: 96]. And, considering the number of migration scholarships available, it is perhaps safe to argue that migration research in Singapore is fairly healthy. In Singapore, migration has been constantly debated by academics and policy makers, and scrutinised by local universities and different ministries in the form of delegating funds for research, workshops, and the establishment of several migration clusters in the universities. The significance of, and demand for, foreign manpower, in conjunction with other pertinent issues, such as immigration, foreign talent, dual citizenship, assimilation, and integration, often hogs the headlines of the ‘The Straits Times’, the leading English daily of Singapore. All these have contributed to the development of a healthy scholarly debate on this crucial and expanding field. While it is not feasible to offer here, an individual treatment of all major works that deal with migration in Singapore, I provide a brief overview of the trends in migration research and discourse in Singapore.

I begin with Pang Eng Fong, one of the pioneering migration scholars in Singapore, whose early work dates back to 1976. Pang’s earlier works discussed migration, public policy and social development in Singapore [Pang, 1976, 1979]. One of his major works on migration was published with Linda Lim in 1982. They largely focused on foreign labour and economic development in Singapore [Pang and Lim, 1982]. Two years later, in response to

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4“Country faces demographic doom if door is shut to them....This is because Singapore’s 4.5 million population faces two troubling trends that spell demographic doom without immigration: it is ageing and there are not enough babies” Straits Times (2007) “S’pore needs immigrants to avert population decline” 3 March.

Since the 1990s, in conjunction with all these relevant issues, research on emigration orientation and emigration of Singaporeans [Tan, 2005; Tan and Chiew, 1995; Low, 1994; Hui, 1997, 1998; Leong, 2007], foreign talent [Yeoh and Huang, 2003; Koh, 2003; Low, 2002; Hui, 2002; Poon, 2003], irregular migration [Sullivan et. al., 1992], foreign construction workers [Ofori, 1997; Ofori and Debrah, 1998; Debrah and Ofori, 2001; Prompian, 1996], Thai labour migration [Wong, 2000; Pattana, 2005a, 2005b; Wong, 2000], and Bangladeshi labour migration [Rahman, 2003, 2004, 2000; Rahman and Yeoh, 2007; Rahman and Lian, 2005, Lian and Rahman, 2006; Foo, 1999], dominate the migration scholarship in Singapore. Besides, a variety of issues on international migration in Singapore, such as the comparative study of migration policies [Ruppert, 1999; Seol, 2005; Yoo, 2004; Ruhs, 2002; Chan and Abdullah, 1999], Chinese-Malaysian transmigration [Lam and Yeoh, 2004; Lian, 1995; Lam, Yeoh, and Law, 2002] and the relationship between foreign manpower policy and population policy [Wong, 1997], have been discussed.

With the ‘feminisation of migration’ in Asia in the 1990s, scholars, like Brenda Yeoh, Shirlene Huang and others, have addressed the different aspects of gender migration in Singapore and beyond [Yeoh and Khoo, 1998; Yeoh, Huang and Katie, 2000; Yeoh et al. 1999; Yeoh, Huang and Devasahayam, 2004; Huang and Yeoh, 2003; Ogaya, 2004; Wong, 1996; Poon, 2003; Kobayashi, 2004; Tisa, 2005; Bell, 2001; Noor, 2005; Piper, 2006; Hasegawa, 2007]. In addition, other works, which are not immediately associated with foreign manpower, but broadly linked to immigration matters, like diaspora, transnationalism, multi-culturalism, national identity, nation-building and citizenship, further contribute to the enrichment of our understanding of immigration in Singapore [Yeoh and Kong, 1996; Chua, 2003; Yeoh, 2004; Kong, 1999; Lam and Yeoh, 2004; Lian, 1995; Chiew, 1983; Hill and Lian, 1995; Ooi, Tan and Soh, 2003; Lai, 1995; Yeoh, Charney and Tong, 2003; Yahya, 2007; Ho Lynn-ee, 2007; Kaur, 2007; Kelvin, 2007; Liew, 2007].

Despite the abundance of research on the dynamics of migration, we are not sufficiently aware of foreign manpower policy, in relation to its management, especially the finely-tuned micro-aspect of policy. The management of foreign manpower is vital for any labour importing country, as failure to ensure efficacy in the achievement of labour migration policies and programme goals often generates a whole range of unintended consequences, like xenophobia, politicisation of migration, irregular migration, and eventually, cessation of labour migration programmes [see Lian and Rahman, 2006; Marmora, 1999; Castles and Miller, 1998]. Therefore, this study examines the foreign manpower policy and its implementation mechanisms, to highlight the importance of careful and comprehensive policy and transparent management. The discussion is divided into five sections: explains briefly the nature of labour migration policies; elaborates the administrative and legal frameworks; describes classes and policies of foreign worker passes; illustrates some of the salient features of low-skilled foreign worker policy; and provides conclusions.
NATURE OF LABOUR MIGRATION POLICIES

Broadly, international labour migration policies can be divided into supply-driven and demand-driven systems [Yoo et al., 2004]. While a supply-driven system is widely employed in the developed countries to invite foreigners (immigrants) to live and work permanently, a demand-driven system is generally followed in comparatively developed (or developing) economies, to hire foreign workers of all skills levels and employ them temporarily to fulfill short-term manpower needs. In the supply-driven system, potential migrants introduce themselves in the host countries’ screening processes, on the basis of some objective criteria, and the host countries select the best quality foreign workforce from the pool of potential (im)migrants. Traditional immigrant countries, like Canada, Australia and New Zealand, follow the supply-driven policy to attract foreign manpower. Foreigners with sufficient points are chosen to immigrate with the permit of residency and work. The supply-driven system is skills-biased, in the sense that it excludes low-skilled manpower from developing countries. More importantly, this system contributes to the brain-drain from developing countries.

On the other hand, in the demand-driven system, employers from the host countries, play a vital role in the overall process of introducing foreign workers, of skilled and unskilled categories, to the host governments for approval [Yoo et al., 2004]. In general, employers use recruiting agencies to hire the right workers from overseas. Recruiting agents contact their counterparts in emigration countries to find interested individuals. Once they meet the right migrants with the necessary skills and experiences, they inform the original employers for official procedures, like visa application, air tickets and so on, and upon the receipts of approval from governments, they bring in foreign workers for temporary appointment. In general, this demand-driven system, which underlies foreign worker policy in Asia, can be broadly summarised as follows: limiting labour migration, limiting the duration of migration and limiting integration [Piper, 2004: 75]. The demand-driven system is based on “the logic that employers are in the ideal position to make the best decisions on the economic contribution of foreign labour” [Yoo et al., 2004]. Singapore, as well as some other labour-importing countries, follows the demand-driven system, albeit with some variations [Lian and Rahman, 2006].

Singapore’s demand-driven system serves both parties – employers and migrants. On one hand, it is efficient in satisfying the needs of employers and, therefore, is capable of generating higher benefits for the host country. On the other hand, it is economically beneficial for the migrants and their home countries, because it spawns remittance direct to the migrant families, who really need it often “bypassing costly bureaucracy and corrupt government officials on the sending side” [Kapur, 2003: 7]. As Jones [1998] notes, “there is probably no other more ‘bottom-up’ way of redistributing and enhancing welfare among populations in developing countries than the remittances.” More importantly, it opens up opportunities for even low-skilled migrants from developing economies to earn skills and relevant working experience in host countries and employ these skills and experience upon return.
ADMINISTRATIVE AND LEGAL FRAMEWORKS

Migration policy needs adequate governance through the harmonisation of demands, expectations, objectives, and implementation [see, Marmora, 1999]. Marmora [1999: 238] suggests that one of the important conditions of good migration governance is ‘efficacy,’ in the achievement of migration policies and programme goals. He suggests that three fundamental tools support efficacy:

a) Awareness of the migration process.
b) Setting realistic objectives; and
c) Administrative efficiency. Awareness of the migration process involves analysis of migration patterns, causes, features and consequences. Marmora maintains that realism implies harmonisation among the goals of strategies, actions, norms, and available means of enforcement, while administrative efficiency ensures execution of international migration policies and programmes. Singapore has developed a transparent administration and formulated comprehensive legislation to ensure such efficacy in the management of migration.

The Ministry of Manpower (MOM) manages foreign manpower in Singapore. It is responsible for devising and implementing foreign manpower policy in Singapore.5 Within MOM, there are two divisions in charge of foreign manpower issues in Singapore. They are the Work Pass Division and the Foreign Manpower Management Division. The objectives of the Work Pass Division are to develop an efficient, effective and dynamic foreign manpower admission framework that caters to the needs of the Singapore economy. It facilitates and regulates the employment of foreign nationals by administering three types of Work Passes, discussed in the next section. The Work Pass Division comprises the Work Permit and Employment Pass Departments. The Work Permit Department serves the low-skilled foreign manpower, while the Employment Pass Department serves highly skilled foreign manpower.

On the other hand, The Foreign Manpower Management Division (FMMD) is in charge of the welfare of foreign workers during their working stint in Singapore. The FMMD works closely with the other departments within the Ministry, in particular the Foreign Manpower Employment Division, Occupational Safety and Health Division, Labour Relations Division and Corporate Communications Department. The core functions of FMMD include:

a) Management and protection of foreign manpower.
b) Professionalism of the employment agency industry; and
c) Strengthening of enforcement capabilities.

The FMMD is structured around four departments:

a) The Employment Inspectorate Department seeks to foster effective management of foreign manpower, through policing, in partnership with other enforcement agencies and the business community;

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5Information regarding different departments and their responsibilities is compiled from the MOM website, accessed on 3 January, 2006, at 2:30am. www.mom.gov.sg.
b) The Policy and Regulations Department focuses on drafting and implementing policies for the division's management of foreign manpower;

c) The Well-Being Management Department focuses on the management and protection of foreign manpower; and

d) The Corporate Management Department supports the entire division in the area of office management.

Singapore’s policy towards solicited migrants has always been positive, but, towards unsolicited migrants, its policies are aimed at reducing their arrival to a minimum and to controlling and preventing unwanted flows. The government has introduced several laws for the effective management of foreign manpower since the 1980s. Some relevant legislation are the Employment of Foreign Workers Act (Chapter 91), Immigration Act (Chapter 133), Employment Agencies Act, Employment of Foreign Workers (levy order), Employment of Foreign Workers (Fees) regulation, Work Permit (exemption) (consolidation) notification, Employment of foreign workers (security measures at workplace) notification. While this legislation provides the legal framework for regulating the import, management and return of foreign manpower, the administrative structure ensures the execution of foreign worker polices and programmes. Both contribute to the efficient management of foreign manpower in Singapore.

CLASSES AND POLICIES OF FOREIGN WORK PASSES

Singapore’s foreign labour management relies on immigration regulations in the forms of work passes, and the government has adjusted the work pass schemes, according to market demand. Prior to September 1998, foreigners working were divided into two main categories: employment-pass holders, who were skilled professional and managerial workers, and work-permit holders, who were low-skilled migrant workers. However, the work pass system that came into effect in 1998 provides a three-tiered migration scheme: Classes P, Q and R. The three major classes are each divided into two sub-categories, for a total of six classification levels (i.e. P1 and P2, Q1 and Q2, and R1 and R2). However, with effect from July 2004, a new category of work pass, namely S Pass, has been introduced to replace the Q2 pass of Q Class. Presently, the work passes consist of Employment Pass (EP) (mainly the P1, P2, Q1 and PEP passes), S Pass, and Work Permit (WP) – R1 and R2.

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*The large gap between EP and WP means that is difficult for some companies to bring in middle level manpower, resulting in an unfilled demand in some industries for such middle level skills sets, which local manpower has not been able to meet adequately. With the S pass, employers will have access to middle level talent, such as specialised workers and technicians from any country. However, a skilled levy of S$50 per month is imposed on the company for each S-pass holder they employ. Retrieved from MOM website, in June 2004 www.mom.gov.sg.*
**EP /S Pass for Skilled Foreign Manpower**

Singapore has an open door policy for skilled and professional foreign manpower (Table 6. 1). They are also the primary source of permanent residents and of future citizens in Singapore. P passes are issued to foreigners, who hold professional qualifications and are seeking to work in a professional, managerial, or administrative capacity. They are also issued on a case-by-case basis to investors and entrepreneurs, who can contribute to the economy of Singapore, as well as to persons of exceptional ability in the arts, sciences, and business. There are two categories of P passes: P1 and P2. P1 is issued, if the applicant’s monthly basic salary is more than S$7,000. P2 is issued, if the applicant’s monthly basic salary is between S$3,500 and S$7,000. Q1 is for those foreigners, whose monthly salary is more than S$2,500, but less than S$3,500 and who possess acceptable degrees, professional qualifications or special skills. S pass is for foreigners, whose monthly basic salary is at least S$1,800. S pass is issued, taking into account multiple criteria, including salary, educational qualifications, skills, job type and work experience. The EP and S-pass holders can apply for permanent residency. Thus, migration policy is also a component of population policy.

Recruitment of skilled and professional foreign manpower is relatively easy and direct. Once employers find a suitable candidate, they apply to MOM for an EP on behalf of the prospective employee. The passes are offered on the basis of objective criteria discussed above. In addition, to these regular work passes, there are also some special passes that fall under the EP category, e.g. Short-Term Employment Pass, Training Visit Pass, EntrePass (Employment Pass for Entrepreneurs), Dependent Pass or Letter of Consent, and Long-Term Social Visit Pass. An EP holder (P1, P2 and Q1) is eligible to apply for Dependent Passes for his/her spouse and for unmarried or legally adopted children under 21 years of age. An EP holder (P1, P2) may apply for Long-Term Social Visit Passes for his/her parents, parents-in-law, step children, spouse, handicapped children and unmarried daughters aged above 21.

Singapore has recently introduced the Personalised Employment Pass (PEP) to facilitate the contributions of global talent to Singapore. Currently, the issue of an Employment Pass (EP) is tied to a specific employer. Any change of employer requires a fresh application. If an EP holder leaves his employer, his EP is cancelled and he must leave Singapore within a short time, unless he finds a new job. The new PEP is not tied to any employer and is granted on the strength of an EP holder’s individual merits. A PEP holder is entitled to remain in Singapore for up to six months in between jobs to seek new employment opportunities. The PEP is valid for five years and is non-renewable. EP holders are allowed to marry locals or bring their immediate ‘dependents’ to Singapore. Hui [1992] argues that Singapore’s immigration policy towards the skilled and professional foreign manpower may be regarded as liberal. The economic motivation for this liberal policy is to “capitalise on the benefits of savings in human capital investments and to facilitate technology transfers” [Hui, 1998: 208-209]. The professional and managerial workers are usually referred to as ‘foreign talent’ in both government and public discourse [Yeoh, 2004: 8] and the latest State strategy has been to make Singapore a ‘talent capital,’ where industries can find the skills and expertise for their activities [MOM, 1999: 18 cited in Low, 2002: 110]. The International Manpower Division of

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MOM is engaged in attracting international talent as well as Singaporean talent, working or studying overseas, through the international network of “Contact Singapore.”

**WP for Low Skilled Foreign Manpower**

Before 1968, no unskilled workers were permitted to enter Singapore to work [Low, 1994]. After 1968, unskilled foreign labour flowed into Singapore in significant numbers, as a result of rapidly growing wage employment opportunities [Stahl 1986: 37]. Hui [1999] identifies three contributory factors for the sustained demand for low-skilled foreign manpower in Singapore:

a) Tight domestic labour supply.
b) An increasingly qualified workforce (one in three hold post-secondary qualifications); and
c) A general aversion among Singaporeans to jobs, that are considered dirty, dangerous and demeaning.

The government’s policy on low-skilled workers is comparatively restrictive and has remained committed to ensuring that “low-skilled foreign manpower is managed as a temporary and controlled phenomenon” [Yeoh, 2004: 19]. In other words, the low-skilled foreign workers are “relegated to the most transient of categories – subject to the ‘use and discard’ philosophy” [Yeoh et al. 2000: 151].

In 1981, it was announced that foreign workers would be phased out by 1991 [Hui, 1992]. However, it was soon realised that “reliance on foreign labour was indispensable for sustained economic growth” [Hui, 1992]. Presently, the emphasis has shifted from complete independence from foreign workers to issues like monitoring inflow, increasing productivity, and fine-tuning restrictions to moderate demand [Hui, 1997]. Low-skilled foreign workers, who wish to work in Singapore, are offered WP. Within this category of pass, there are two sub-groups: R1 and R2. R1 is issued to skilled foreign workers who possess at least a SPM [Sijil Pelajaran Malaysia] qualification or its equivalent, or a National Technical Certificate Grade 3 (Practical) or other suitable qualifications. R2 is issued to unskilled foreign workers. Foreign workers are required to carry their WP cards with them for identification at all times. Foreign workers, who fail to carry their WP card, are liable to have their WP cancelled, be repatriated and barred from employment in Singapore. Employers are not allowed to retain their workers’ WP cards and, those who do so, may be debarred from employing foreign workers.8

**Features of the Low Skilled Foreign Manpower Policy**

In the following discussion, I illustrate some of the basic features of low-skilled foreign worker policy in Singapore.

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Selection of Migrant Workers

Singapore places priority on personal traits, especially skills and age, when it hires low-skilled foreign workers, including domestic workers. Singapore has always encouraged the import of skilled migrant workers, even in the bottom-rung jobs, and, therefore, favoured skilled migrant workers over unskilled ones. The BSC (Basic Skills Certificate) and SEC (Skills Evaluation Certificate) schemes were implemented in 1998 to raise the skills level of the construction workforce. The BSC and SEC are certificates issued to non-traditional source (NTS) workers who have passed the required skills tests in their home country. The scheme sets a minimum skill standard (BSC) as an entry criterion for workers from NTS countries. If a worker has obtained the SEC, he is placed on a low levy and can work up to 15 years. On the contrary, if the worker has obtained only the BSC, he will not be allowed to work for more than an accumulated period of 4 years (A Guide on Work Permits – Construction Section). A work permit holder (male migrant) must be at least 16 years old.

In the case of foreign domestic maids, they must be at least 23 (up to 50) years old. In addition, they have to produce recognised educational certificates, as documentary proof that they have had a minimum of eight years of formal education. With effect from 1 April 2005, all first-time foreign domestic workers are required to pass a written test within three working days of their arrival in Singapore. Foreign domestic workers, who fail to pass the test within three working days, are not issued a work permit and must be repatriated (Foreign Domestic Worker Entry Test). Until recently, skills upgrading was available for male unskilled workers in different sectors. However, the government has recently introduced skills upgrading opportunities for foreign domestic workers in the area of elderly care. The Foreign Domestic Worker Association for Skills Training (FAST) is conducting an elementary course on elderly care for foreign domestic workers. FAST, an organisation supported by the MOM, was formed in March 2005 to provide skills training for foreign domestic workers (Foreign Manpower News Alert No. 44, 20 December 2005).

Source Countries

From 1968 until the late 1970s, unskilled foreign workers were recruited mainly from neighbouring Malaysia, which is referred to as a traditional source country for Singapore. Owing to its geopolitical location and historical and ethnic links, Singapore privileges Malaysian nationals for work. In the late 1970s, it was difficult to recruit unskilled labour from Malaysia. As a result, administrative measures were taken in 1978 to facilitate the limited importation of unskilled labour from NTS countries, like Bangladesh, India, the Philippines, Sri Lanka, Myanmar, Pakistan, and Thailand [Wong, 1997; 143]. In addition, Singapore hires low-skilled foreign workers from two other sources: North Asian sources (NAS) and PRC (People’s Republic of China). NAS includes Hong Kong, Macao, Taiwan and South Korea. Presently, the four sources – traditional, non-traditional, North Asian, and PRC – provide the low-skilled labour for Singapore.

While low-skilled workers from Malaysia are allowed to work in all sectors, NTS workers are generally allowed to work only in the construction, shipbuilding and harbour craft industries. Low-skilled migrants from NAS countries and PRC are allowed to work in construction and almost all other non-construction sectors.
Table 6.1. Management of Skilled and Professional Foreign Manpower

<table>
<thead>
<tr>
<th>Type of Passes</th>
<th>Qualifications and Nature of Employment</th>
<th>Range of Salary</th>
<th>Spouse Passes</th>
<th>Long-term passes</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1</td>
<td>For foreigners who hold acceptable degrees, professional qualifications or specialist skills and are seeking professional, administrative, executive or managerial jobs.</td>
<td>More than S$3,000.</td>
<td>Yes</td>
<td>Yes</td>
<td>I. P, Q and S-pass holders are eligible to apply for Permanent residency. Permanent residents are considered future citizens of Singapore. II. No restrictions on nationality, maximum duration of employment in Singapore, and maximum age of employment (subject to prevailing retirement age) of P, Q, S-pass holders.</td>
</tr>
<tr>
<td>P2</td>
<td>For foreigners who possess acceptable degrees, professional qualifications or specialist skills.</td>
<td>More than S$4,500.</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Q1</td>
<td>Foreigners who possess acceptable degrees, professional qualifications or specialist skills.</td>
<td>More than S$3,000 but less than S$3,500.</td>
<td>Yes</td>
<td>No</td>
<td>III. P, Q, S passes are granted for specific employer and prior permission is needed for the change of employer.</td>
</tr>
<tr>
<td>S</td>
<td>Multiple criteria including salary, educational qualifications, skills, job type and work experience.</td>
<td>More than S$2,000.</td>
<td>Yes (conditional)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>PEP</td>
<td>P1, P2 and Q1-pass holders are eligible.</td>
<td>A fixed salary in the preceding year.</td>
<td>Yes</td>
<td>No</td>
<td>IV. PEP holder is not tied to any employer and is able to remain in Singapore for up to 6 months in between jobs.</td>
</tr>
</tbody>
</table>

Source: Compiled from information found in the MOM website, www.mom.gov.sg accessed in February 2012.

The preference of low-skilled workers from traditional source, NAS, PRC over NTS is probably a cultural consideration. There exists a fear among the policy makers, that the presence of a large foreign worker population, whose culture and work ethos are distinctly different from those of the local workforce, may create social problems. In addition, Singapore presently hosts around 140,000 foreign domestic workers [Yeoh et al. 2004:11]. The approved sources for foreign domestic workers are Malaysia, the Philippines, Indonesia, Thailand, Myanmar, Sri Lanka, India and Bangladesh. PRC and NAS nationals are not permitted to work in the domestic service sector. The exclusion of PRC and NAS nationals is probably due to the perceived fear of family disruption.

Foreign Worker Levy Scheme

In the 1980s, Singapore devised a new immigration policy to control the inflow of foreign workers, using a "levy" price mechanism [Chew 1995; Chew and Chew, 1992; Fong, 1992, 1993]. The levy puts a price on the employment of a foreign worker. The levy is paid
monthly by the employer for each foreign worker employed, including domestic workers, and it is payable for the period the temporary work permit is valid. It serves to moderate demand for foreign workers and to narrow the wage gap between local and foreign workers. The levy was first introduced in 1980, when a flat rate levy of S$230 was imposed on non-Malaysian workers, employed in the construction sector [Hui, 1992]. The levy scheme was enlarged in 1982 to encompass all NTS workers and Malaysian block permit construction workers [Toh, 1993: 5]. Singapore has imposed a two-tier levy since 1992 [Low, 1994: 254]. In this two-tier system, the levy for a skilled worker is lower than that of an unskilled worker, which affirms Singapore’s priority for comparatively skilled workers, even in the low-skilled foreign manpower category.

Dependency Ceiling

Singapore introduced a dependency ceiling as an instrument to regulate the employment of foreign workers in 1987 [Toh, 1993:6]. The dependency ceiling stipulates the proportion of foreign workers a firm can hire. Currently, all sectors, except domestic service sectors, have a dependency ceiling. This prevents employers from relying too heavily on foreign workers, at the expense of local employment. The ceiling has varied with economic conditions. For instance, in November 1988, to discourage employers from depending too heavily on foreign workers, the government reduced the maximum percentage of foreign workers in a firm from 50% to 40% [Pang, 1994]. With effect from 1 July 2005, the government has increased the manufacturing sector dependency ceiling from 50% to 60% and the services sector dependency ceiling from 30% to 40% (Table 6.1). Foreign workers hired above the existing dependency ceiling pay a higher levy, which is currently S$500. The higher levy of S$500 goes towards ensuring, that companies make judicious use of foreign workers, and also narrows the wage gap between local and foreign workers.\(^9\)

Recruitment

As I have discussed earlier, Singapore has adopted a demand-driven system to hire low-skilled foreign workers, in which the process of introducing foreign workers begins, when employers in Singapore request permission to employ foreign workers. In accordance with the Employment Agencies Act, Singapore allows licensed employment agencies to import and manage foreign workforce, on behalf of employers.\(^11\) In addition to residency status in Singapore and the possession of the Certificate of Employment Agencies (CEA), the applicants for licensed employment agencies must furnish a security deposit of S$20,000 in the form of a banker’s guarantee and must not have any record of previous court convictions (particularly under Women’s Charter, Children and Young Persons Act, Penal Code, Employment Agencies Act and Employment of Foreign Workers Act). These strict measures


help to ensure transparency in the recruitment process. There are around 1,300 licensed recruiting agents to serve employers in Singapore.\textsuperscript{12}

**Man-Year Entitlements**

The Man-Year Entitlement (MYE) allocation system is a work permit allocation system for construction workers from the NTS countries and the PRC. The allocation formula has been used since April 1998, and each year, there have been cutbacks. The number of foreign workers permitted to work in any construction project is determined by the MYE allocation formula. In general, when a project is higher in value, the contractor can hire more foreign workers. For example, if his entitlement is 100 ‘man years,’ then he may have 100 men on one-year contracts, or 50 men on two-year contracts (Straits Times, 14 March 2002). The main contractor is allocated ‘man-years’ for a project. He can then distribute the MYEs to his sub-contractors. MYEs are then converted into one or two-year work permits. The system is designed to give the main contractors better control over the allocation of foreign workers and greater responsibilities over foreign worker management by their subcontractors.\textsuperscript{13}

**Responsibility of Employers**

During a foreign worker’s employment in Singapore, the employer is generally responsible for:

a) Paying the foreign worker levy.

b) Arranging for the worker to be certified medically fit and free from contagious diseases and drug addition by a Singapore-registered doctor, when requested by the Controller of Work Permits.

c) Ensuring that the worker does not engage in any form of free-lancing arrangements or self-employment.

d) Providing basic terms and conditions of employment as stipulated in the Employment Act.

e) Resolving all employment-related disputes with the worker amicably.

f) Providing workman’s compensation for the worker, and

g) sending the worker to the safety orientation course, if the worker is a construction worker.\textsuperscript{14}

For a non-Malaysian worker, the employer is also responsible for:

a) The upkeep, maintenance and cost of the worker’s eventual repatriation.

b) Providing adequate housing.


c) Putting up a S$5,000 security bond; and

d) Buying a personal accident insurance with a minimum coverage of S$10,000, if the worker is a foreign domestic worker. The employer should ensure the worker’s welfare and interests are well looked after. These include non-statutory requirements such as proper orientation, medical care, hospitalisation expenses and providing for the worker’s social and recreational needs.

Termination of WP

Singapore follows some strict rules to reduce the social and economic costs of using foreign manpower, and violation of these rules may result in the cancellation of the WP and immediate repatriation. The Work Permit Division of MOM revokes a worker’s permit when he or she violates WP provisions. The violations include:

a) Changing job or engaging in occupations other than those specified in the work permit;
b) Engaging or participating in any business or behaving as a self-employed person;
c) Deserting the workplace;
d) Becoming pregnant (in the case of domestic workers), contracting venereal diseases or being certified by a Singapore registered doctor as medically unfit; and
e) Marrying a Singaporean without the prior approval of the Controller [Yoo, et. al., 2004].

The foreign worker is obliged to return his or her WP and leave Singapore, within seven days of the termination of service. However, foreign workers, who have pending salary or compensation claims or are required as prosecution witnesses, are usually issued special passes by the Ministry, for a limited period to allow them to remain in Singapore.\(^{15}\) They are also allowed to work during this period.

Prevention of Irregular Migration

Unlike other host countries in the region, Singapore is relatively free from irregular labour migrants, due to the government’s strong crackdown on irregular employment. Singapore has enacted several laws to penalise irregular migrants, users (employers of irregular migrants) and human smugglers. The Employment of Foreign Workers Act came into effect in 1991 and puts a check on illegal migrants, by punishing employers caught employing foreigners illegally [Toh, 1993]. Under the Employment of Foreign Workers Act, any person caught employing foreigners without valid permits is liable to be charged in court. A first-time offender faces a minimum fine, equivalent to two years of the foreign worker levy, and a maximum fine of up to four years’ levy for each foreign worker, or imprisonment of up to one year, or both. Besides stepping up enforcement actions, the Ministry has also

\(^{15}\)MOM website, accessed on 31 December 2005, at 2:39 pm.
intensified its efforts to educate employers and foreign workers on employment and immigration rules and regulations, so that they can play their part to minimise such offences.

CONCLUSION

Singapore’s high growth rate policy has resulted in its labour demand exceeding the supply from the local population. This imbalance has forced the policy makers to pursue a pro-active foreign worker policy. Instead of, what de Haas [2005] calls, “uselessly and harmfully trying to stop inevitable migration,” Singapore, based on a demand-driven system, has devised a sophisticated foreign manpower policy, to hire foreign workers of all categories from high to low skill levels. Singapore adopts a liberal policy for skilled and professional foreign manpower, in contrast to low-skilled foreign manpower. However, this paper has shown that Singapore’s demand-driven system accommodates both the highly skilled professionals and the low-skilled foreign workers. Although dictated by economic imperatives, Singapore’s foreign worker policy provides these low-skilled migrant workers a place to work and acquire skills during an extended stay, thus contributing to improved human security and development in the source countries [see, Rahman, 2007; Rahman and Lian, forthcoming].

I broadly identify two criteria for admission of low-skilled foreign workers: economic and cultural. By economic criteria, I mean skills, age, education, and working experience and by cultural criteria, I mean primarily cultural compatibility. While Singapore does not compromise with economic attributes for work, it favours cultural and ethnic compatibility, especially in certain sectors of the economy, like the manufacturing, service or marine sectors. However, the issue of ethnic compatibility is important in the sense that it reduces social tensions. All migrant workers are equal before the law and entitled to equal protection under the law. Issues like occupational safety, workplace violence, or sexual harassment are taken seriously. To make the migrant workers’ stay comfortable and memorable, Singapore pursues policies to improve the working and living conditions of migrant workers, including domestic workers. To facilitate remittance transfers, Singapore has permitted international companies, like Western Union and MoneyGram, to operate here. In addition, Singapore has allowed some labour-sending countries to open exchange houses for transfers of remittances from their nationals (Rahman and Yeoh, forthcoming).

The trend in foreign manpower policy, in general, is thus one of a move towards liberalisation and humanisation. However, more attention should be paid to low-skilled migrant workers, including domestic workers, students, and dependents [see Yeoh, 2007b]. These foreigners are more loyal to Singapore than skilled workers or foreign talent, and their contribution is, by no means, less than those at the higher end. Therefore, one of the policy suggestions is to offer more privileges and rights to low-skilled migrant workers, especially those who have developed multiple skills or taken care of Singapore’s families, at the cost of their families back home and adjusted to Singapore culture over time. Such a policy change will produce a group of trained, dedicated and culturally compatible foreign workers, who will be more likely to work in Singapore as transient migrant workers, during their whole working life-cycle, benefiting Singapore for a long time.
Good migration management depends on efficacy in achieving the goals of migration policies and programmes. Unlike other host countries in the region, where the management of foreign workers is usually assigned to other Ministries rather than the MOM (e.g. Ministry of Home Affairs in Malaysia and Ministry of Justice in Korea and Japan), Singapore empowers MOM to oversee foreign manpower, an outstanding cognition of their contribution to the Singapore economy. MOM in Singapore makes every effort to meet the local population’s aspirations and economic needs, by increasing public awareness of the migration process, setting realistic goals, and finally, achieving efficient implementation. The Singapore case shows, that a pro-active policy and transparency in migration management is necessary to reduce the undesirable consequences of employing foreign manpower, and to maximise the benefits of temporary migration, for both receiving and sending countries. Singapore’s achievement in managing foreign manpower, therefore, sets an example for others in the region and beyond.

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Chapter 7

DEPENDENCY ON FOREIGN LABOUR AND MIGRATION POLICY IN MALAYSIA

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University of Malaya (U. M.), Malaysia

INTRODUCTION

The movement of people from one place to another is not a new phenomenon. From time immemorial, humans have been on the move for numerous reasons. The motivations of modern migrants are different from what they were in the past. Demand and supply functions play an important part in human mobility i.e. the classical way of saying functions of push and pull factors. People nowadays make decisions after a cost and benefit analysis—be it consciously or sub-consciously. Therefore, the being pushed or pulled theory has become, in most cases, weaker than ever before; however, there is no denying that factors always remain which attract as well as repel people.

Some nations experienced unprecedented industrialization and grand development plans without sufficient labour forces. At some point, government was not paying heed to the call for labour from those sectors needing human resources badly. Malaysia is one such country.

Due to its geographical location at the crossroads of Southeast Asia, Malaysia had for centuries been open to traders and travelers from the East and the West. But, it was only during the British colonial administration in the late nineteenth and early twentieth centuries that the inflow of foreign labourers, contributed to the formation of a pluralistic society, especially those from the Indian subcontinent, China, and Indonesia.¹ The descendents of these migrant workers particularly those from China and India are classified officially as non-Bumiputra as opposed to Bumiputra (Malays and other indigenous people). Those from Indonesia have been assimilated with the Malay groups and are categorized as Bumiputra [Zamir, 2008].

*Email: rayhenasarker@yahoo.com
¹Multi-ethnic, multi-religious, multi-cultural, and multi-lingual.
<table>
<thead>
<tr>
<th>Year</th>
<th>Indians</th>
<th>Chinese</th>
<th>Javanese</th>
<th>Others</th>
<th>Total</th>
<th>Indians as % of Labor</th>
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<td>5149</td>
<td>4788</td>
<td>232044</td>
<td>72.8</td>
<td>1509</td>
</tr>
<tr>
<td>1929</td>
<td>181205</td>
<td>65617</td>
<td>5316</td>
<td>6642</td>
<td>258780</td>
<td>70.0</td>
<td>1651</td>
</tr>
<tr>
<td>1930</td>
<td>132745</td>
<td>30860</td>
<td>3665</td>
<td>2411</td>
<td>169681</td>
<td>78.2</td>
<td>1757</td>
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<tr>
<td>1931</td>
<td>104767</td>
<td>32916</td>
<td>2464</td>
<td>2357</td>
<td>142504</td>
<td>73.5</td>
<td>1800</td>
</tr>
<tr>
<td>1932</td>
<td>9003</td>
<td>31349</td>
<td>1920</td>
<td>2328</td>
<td>125600</td>
<td>71.7</td>
<td>1912</td>
</tr>
<tr>
<td>1933</td>
<td>96138</td>
<td>35188</td>
<td>2207</td>
<td>3318</td>
<td>136851</td>
<td>70.3</td>
<td>2030</td>
</tr>
<tr>
<td>1934</td>
<td>119443</td>
<td>40305</td>
<td>2521</td>
<td>4153</td>
<td>166422</td>
<td>71.8</td>
<td>2178</td>
</tr>
<tr>
<td>1935</td>
<td>118591</td>
<td>29950</td>
<td>1941</td>
<td>2658</td>
<td>153140</td>
<td>77.4</td>
<td>2345</td>
</tr>
<tr>
<td>1936</td>
<td>123595</td>
<td>30760</td>
<td>1924</td>
<td>2979</td>
<td>159258</td>
<td>77.6</td>
<td>2419</td>
</tr>
<tr>
<td>1937</td>
<td>155725</td>
<td>37200</td>
<td>2371</td>
<td>3823</td>
<td>199119</td>
<td>78.2</td>
<td>2519</td>
</tr>
<tr>
<td>1938</td>
<td>137353</td>
<td>28925</td>
<td>1762</td>
<td>2892</td>
<td>170932</td>
<td>80.4</td>
<td>2388</td>
</tr>
</tbody>
</table>


Malay society is based largely on the culture heavily influenced by migration. While the contribution of migration to social change in Malaysia currently follows a process different from the past, it is still important. By 1881, significant numbers of Chinese had landed in Malaya, mostly as laborers. The annual number of immigrants from China exceeded 100,000 every year from 1882 to 1914, while returnees were often one-third to one-half of the total number of immigrants. Net migration from China to Malaya equaled 1.55 million persons between 1916 and 1939, despite large-scale returns during the depression years of 1931-1933. The net number of migrants from India was 524,000, from 1910 to 1939. Although smaller in number, many ethnic Malays also migrated from parts of present-day Indonesia, mainly Java.
and Sumatra [Saw, 1988]. In fact, these migrant workers provided a cheap as well as adequate supply of workers when local workers were either found not suitable or not interested in working under the same harsh conditions faced by the migrant labourers. The number of people involved was in the millions. The inflow was abrupt and the migrants were from different ethnic and socio-cultural backgrounds. Many migrants returned to their homeland during the recession years in the thirties, but the number of those who remained behind was still large. The majority of those who chose to stay opted for Malaysian citizenship after independence in 1957 [Zamir, 2008].

The ethnic distribution of the plantation labour force in the Federated Malay States (FMS) for the period 1907-38 is provided in Table 7.1 above. The table shows that South Indians comprised between 66 to 80 percent of the labour force from 1907 to 1938. The proportion of Chinese and Javanese workers normally increased when it was difficult to recruit Indian workers, as for example, just after the abolition of Indian indenture and passage of the 1922 Indian Emigration Act [Kaur, 2004].

Migration to Malaysia began to increase in the 1970s when Malaysian workers increasingly found employment in the manufacturing and service sectors in and near urban areas, as well as in Singapore. The rural to urban movements resulted in a loss of labour in the rural plantation sector, which was filled with foreign workers [Kanapathy, 2001; Skeldon, 1993]. Most of the migration during this period was irregular, and the Ministry of Labour estimated that there were 500,000 irregular migrants in 1984, including both Peninsular and East Malaysia [Kanapathy, 2001]. Because most of the migrants worked on plantations they were not particularly visible to the general population; therefore, migration, at that time, was not a significant public or policy issue.

<table>
<thead>
<tr>
<th>Year</th>
<th>Malaysia</th>
<th>Peninsula</th>
<th>Sabah</th>
<th>Sarawak</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>-</td>
<td>3484</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1986</td>
<td>-</td>
<td>5529</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1987</td>
<td>-</td>
<td>7697</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1988</td>
<td>-</td>
<td>5972</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1989</td>
<td>-</td>
<td>8738</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1990</td>
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<td>24152</td>
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<td>1993</td>
<td>532723</td>
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<td>100000</td>
<td>18387</td>
</tr>
<tr>
<td>1994</td>
<td>642057</td>
<td>515984</td>
<td>100000</td>
<td>26074</td>
</tr>
<tr>
<td>1995</td>
<td>726689</td>
<td>576441</td>
<td>120719</td>
<td>25299</td>
</tr>
<tr>
<td>1996</td>
<td>745239</td>
<td>586796</td>
<td>121144</td>
<td>37299</td>
</tr>
<tr>
<td>1997</td>
<td>1471562</td>
<td>1190437</td>
<td>226565</td>
<td>54643</td>
</tr>
<tr>
<td>1998</td>
<td>1127652</td>
<td>789684</td>
<td>283968</td>
<td>54000</td>
</tr>
<tr>
<td>1999</td>
<td>897705</td>
<td>680845</td>
<td>162269</td>
<td>54590</td>
</tr>
<tr>
<td>2000</td>
<td>799685</td>
<td>632720</td>
<td>75232</td>
<td>91733</td>
</tr>
<tr>
<td>2001</td>
<td>807984</td>
<td>618946</td>
<td>147447</td>
<td>88120</td>
</tr>
<tr>
<td>2002</td>
<td>1091512</td>
<td>847015</td>
<td>148677</td>
<td>95820</td>
</tr>
<tr>
<td>2003</td>
<td>1398495</td>
<td>1125844</td>
<td>165903</td>
<td>106748</td>
</tr>
<tr>
<td>2004</td>
<td>1359500</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2005</td>
<td>1944646</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2006</td>
<td>1869208</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Sources: Department of Immigration; Vijayakumari Kanapathy [2001]; Kassim [2002 and 2004]. Immigration Office, Sabah; Department of Immigration, Sarawak.
Table 7.3. Number and Percentage of skilled immigrants to Malaysia by region and year

<table>
<thead>
<tr>
<th>Region/Country</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>South-East Asia (SEA)</td>
<td>15960 (22.49)</td>
<td>14048 (22.87)</td>
<td>15119 (24.41)</td>
<td>13320 (24.50)</td>
<td>11439 (25.04)</td>
<td>7882 (22.88)</td>
<td>7155 (20.71)</td>
</tr>
<tr>
<td>South Asia (SA)</td>
<td>14934 (21.04)</td>
<td>13045 (21.24)</td>
<td>13566 (21.90)</td>
<td>12159 (22.36)</td>
<td>10517 (23.03)</td>
<td>8477 (24.61)</td>
<td>9692 (28.06)</td>
</tr>
<tr>
<td>East Asia (EA)</td>
<td>21608 (30.44)</td>
<td>18694 (30.43)</td>
<td>18443 (29.77)</td>
<td>16326 (30.02)</td>
<td>113690 (29.97)</td>
<td>10883 (31.59)</td>
<td>11101 (32.14)</td>
</tr>
<tr>
<td>Europe (EU)</td>
<td>10883 (15.34)</td>
<td>9161 (14.91)</td>
<td>8582 (13.86)</td>
<td>7266 (13.36)</td>
<td>5780 (12.65)</td>
<td>4162 (12.08)</td>
<td>3469 (10.04)</td>
</tr>
<tr>
<td>Middle East (ME)</td>
<td>864 (1.22)</td>
<td>740 (1.21)</td>
<td>707 (1.14)</td>
<td>624 (1.15)</td>
<td>556 (1.22)</td>
<td>491 (1.43)</td>
<td>508 (1.47)</td>
</tr>
<tr>
<td>USA and Canada</td>
<td>3359 (4.73)</td>
<td>2853 (4.70)</td>
<td>2642 (4.66)</td>
<td>2216 (4.07)</td>
<td>16522 (3.62)</td>
<td>1170 (3.40)</td>
<td>1238 (3.58)</td>
</tr>
<tr>
<td>Australia and New Zealand</td>
<td>3567 (4.74)</td>
<td>2888 (4.70)</td>
<td>2889 (4.66)</td>
<td>2467 (4.54)</td>
<td>2042 (4.47)</td>
<td>1382 (4.01)</td>
<td>1383 (4.00)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>70977 (100.00)</td>
<td>61429 (100.00)</td>
<td>61948 (100.00)</td>
<td>54378 (100.00)</td>
<td>45676 (100.00)</td>
<td>34447 (100.00)</td>
<td>34546 (100.00)</td>
</tr>
</tbody>
</table>

Source: Malaysia Immigration Department in which the data is collected in April 2005. SEA: Brunei, Cambodia, Indonesia, Myanmar, Philippines, Singapore, Thailand and Vietnam. SA: Bangladesh, India, Mauritius, Nepal, Pakistan and Sri Lanka. EA: China, Japan, Korea and Taiwan. EU: Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Russia, Sweden, Switzerland and United Kingdom. ME: Egypt, Iran and Iraq, mentioned in [Tan and Santhapparaj, 2007].
### Table 7.4. Composition of Foreign Workers by Country of Origin (%)  

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>53.3</td>
<td>65.7</td>
<td>69.4</td>
<td>68.4</td>
<td>64.7</td>
<td>63.8</td>
<td>66.5</td>
<td>65.7</td>
</tr>
<tr>
<td>Nepal</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
<td>7.3</td>
<td>9.7</td>
<td>9.7</td>
<td>9.2</td>
<td>10.8</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>37.1</td>
<td>27.0</td>
<td>24.6</td>
<td>17.1</td>
<td>9.7</td>
<td>8.4</td>
<td>8.0</td>
<td>3.2</td>
</tr>
<tr>
<td>India</td>
<td>3.6</td>
<td>3.2</td>
<td>3.0</td>
<td>4.0</td>
<td>4.6</td>
<td>5.6</td>
<td>4.5</td>
<td>7.6</td>
</tr>
<tr>
<td>Myanmar</td>
<td>1.3</td>
<td>0.9</td>
<td>0.5</td>
<td>1.0</td>
<td>3.3</td>
<td>4.3</td>
<td>4.2</td>
<td>5.0</td>
</tr>
<tr>
<td>Philippines</td>
<td>2.7</td>
<td>1.8</td>
<td>1.2</td>
<td>1.0</td>
<td>0.8</td>
<td>0.6</td>
<td>1.1</td>
<td>1.2</td>
</tr>
<tr>
<td>Thailand</td>
<td>0.7</td>
<td>0.5</td>
<td>0.4</td>
<td>0.4</td>
<td>2.4</td>
<td>0.9</td>
<td>1.0</td>
<td>0.4</td>
</tr>
<tr>
<td>Pakistan</td>
<td>1.0</td>
<td>0.6</td>
<td>0.5</td>
<td>0.4</td>
<td>0.2</td>
<td>0.2</td>
<td>0.1</td>
<td>0.8</td>
</tr>
<tr>
<td>Others</td>
<td>0.2</td>
<td>0.2</td>
<td>0.3</td>
<td>0.4</td>
<td>4.6</td>
<td>6.5</td>
<td>5.4</td>
<td>5.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>


### Table 7.5. Sectoral Distribution of Foreign Workers (1990-July 2004)  

<table>
<thead>
<tr>
<th>Sector</th>
<th>Number of Workers ('000)</th>
<th>Share (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>115.8</td>
<td>173.0</td>
</tr>
<tr>
<td>Mining</td>
<td>1.4</td>
<td>1.8</td>
</tr>
<tr>
<td>Construction</td>
<td>25.1</td>
<td>64.8</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>23.7</td>
<td>115.7</td>
</tr>
<tr>
<td>Services</td>
<td>76.0</td>
<td>124.0</td>
</tr>
<tr>
<td>Total</td>
<td>242.0</td>
<td>479.3</td>
</tr>
</tbody>
</table>


### Table 7.6. Migrant Workers in Malaysia and Job Sector (2010)  

<table>
<thead>
<tr>
<th>Country</th>
<th>Maid</th>
<th>Construction</th>
<th>Manufacturing</th>
<th>Service</th>
<th>Plantation</th>
<th>Agriculture</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>203225</td>
<td>192789</td>
<td>198643</td>
<td>38684</td>
<td>202156</td>
<td>82435</td>
<td>917932</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>18</td>
<td>61303</td>
<td>170332</td>
<td>27002</td>
<td>30599</td>
<td>18112</td>
<td>307366</td>
</tr>
<tr>
<td>Nepal</td>
<td>84</td>
<td>3785</td>
<td>135764</td>
<td>26901</td>
<td>1621</td>
<td>7655</td>
<td>175810</td>
</tr>
<tr>
<td>Myanmar</td>
<td>118</td>
<td>13542</td>
<td>92135</td>
<td>22654</td>
<td>2211</td>
<td>9600</td>
<td>140260</td>
</tr>
<tr>
<td>India</td>
<td>236</td>
<td>5002</td>
<td>13866</td>
<td>47021</td>
<td>16675</td>
<td>30997</td>
<td>113797</td>
</tr>
<tr>
<td>Vietnam</td>
<td>901</td>
<td>3021</td>
<td>68433</td>
<td>2018</td>
<td>28</td>
<td>441</td>
<td>74842</td>
</tr>
<tr>
<td>Filipino</td>
<td>9657</td>
<td>1031</td>
<td>1915</td>
<td>2944</td>
<td>1489</td>
<td>1604</td>
<td>18640</td>
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<tr>
<td>Pakistan</td>
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<td>5922</td>
<td>2217</td>
<td>1593</td>
<td>1244</td>
<td>12002</td>
<td>22989</td>
</tr>
<tr>
<td>Thailand</td>
<td>346</td>
<td>811</td>
<td>893</td>
<td>4588</td>
<td>57</td>
<td>407</td>
<td>7102</td>
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<tr>
<td>Cambodia</td>
<td>9166</td>
<td>92</td>
<td>2353</td>
<td>218</td>
<td>137</td>
<td>125</td>
<td>12901</td>
</tr>
<tr>
<td>China</td>
<td>15</td>
<td>1303</td>
<td>935</td>
<td>6592</td>
<td>36</td>
<td>13</td>
<td>8894</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>753</td>
<td>69</td>
<td>1382</td>
<td>665</td>
<td>128</td>
<td>417</td>
<td>3414</td>
</tr>
<tr>
<td>Laos</td>
<td>2</td>
<td>7</td>
<td>16</td>
<td>3</td>
<td>1</td>
<td>28</td>
<td>57</td>
</tr>
<tr>
<td>Uzbekistan</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Kazakhstan</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>1</td>
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<tr>
<td>Others</td>
<td>11</td>
<td>45</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>61</td>
</tr>
<tr>
<td>Total</td>
<td>224544</td>
<td>288722</td>
<td>688886</td>
<td>180890</td>
<td>256382</td>
<td>163836</td>
<td>1803260</td>
</tr>
</tbody>
</table>

Source: Labor Department, Ministry of Human Resources of Peninsular Malaysia.
During the late 1980s, the manufacturing and service sectors attracted large numbers of low-skilled and semi-skilled workers, resulting in a wave of labour migration to Malaysia. The number of documented foreign workers increased from 290,000 in 1990 to 650,000 in 1995. Additionally in 1995, it was estimated that there were about 1 million irregular migrants. The Asian economic crisis halted further growth, since the policy of renewing work permits was scrapped. Periodically however renewal policy was made effective depending on the need. By 1998, the total number of migrant workers had dropped to 780,000, including 606,000 who had work permits. The total fell further to about 700,000, including 409,660 with work permits, in 1999 [Kanapathy, 2001]. Table 7.3 shows the number of skilled immigrants in Malaysia from different regions of the world. The table has shown 7 regions from where the immigrants are coming to Malaysia. The table mentions that while the share of skilled immigration into Malaysia from South Asia, East Asia and Middle East increases by 7.02, 1.70 and .25% respectively, skilled immigrants from Europe, US, Canada, Australia and New Zealand continue to decrease to less than 20% after year 1998.

The Department of Statistics’ Annual Labour Force Survey in 2000, revealed that the number of foreign workers increased to 1.1 million compared to 136,000 in the early 1980s. The latest immigration statistics from July 2004 indicate that the number of legal foreign workers in Malaysia rose to 1,359,632. The majority of foreign workers are from Indonesia (averaging 66.5% of total foreign workers), followed by Nepal (9.2%), Bangladesh (8.0%), India (4.5%) and Myanmar (4.2%), as shown in Table 7.4. In 2001, male foreign workers accounted for 66% of total foreign workers, and they dominated all major sectors, except services.

With the recovery of the Asian financial recession, Malaysia entered into the third phase of labour migration in the beginning of the 2000s. Then, stricter enforcement of regulations and increased penalties for employing unregistered migrants came into place, and, consequently, the number of migrants with work permits shot up to more than 1.8 million by 2006. A wide range of estimates exist for the number of irregular migrants in the country, but the statistical basis for all of the estimates is weak (Situation Report on International Migration in East and South-East Asia, 2008).

In the early 1970s, foreign workers were mostly employed in the agriculture sector; however, by 1990, the sector accounted for only 48 percent of total foreign workers employed. As of July 2004, foreign workers were employed in all major sectors of the economy, with manufacturing accounting the largest share at 30.5 percent, services (25%), agriculture (24.7%), and construction (19.8%), as shown in Table 7.5. Foreign workers in the services sector are mainly employed in restaurants, hotels, and as domestic maids. The number of domestic maids rose sharply by more than three times from 75,300 persons in 1997 to 261,006 persons as at July 2004. The level of education of foreign workers is low with 67 percent having either no formal education or only primary school education.

In 2007, according to official reports, migrant workers accounted for about 2.8 million of the larger population of 12 million in the workforce [Malaysiakini, 2 March 2007; 23 February 2007]. Malaysia’s reliance on an ever-increasing number of Asian countries for the workforce is illustrated in Table 7.6.

Additionally, it is estimated that there are between 800,000 to more than one million undocumented migrants in the country [Kanapathy 2006, Malaysiakini, 2 March 2007] and the figure for Sabah is underestimated [Malaysiakini, 25 June 2008]. Existing policies in Malaysia distinguish two main categories of migrants: documented or “legal” migrants and...
undocumented, "illegal" or irregular migrants. The predominant group in the former category are contract migrant workers in possession of a work permit and the necessary documents issued by the authorities [Kaur, 2007]. Not surprisingly, the state both acknowledges and responds to these two main categories of migrants, through its legislative and other frameworks. The most updated sector wise distribution of migrant workers is hereunder.

**POLICY ON EMPLOYMENT OF FOREIGN WORKER**

It is Government policy to give working chances to local employees and take all effort to get the opportunity as employment of foreign employees are not the main factor in increasing national productivity but the needs for foreign employees can't be denied. Therefore national policies on employment of foreign worker are suited to the need of country. Approved sectors for foreign workers are mentioned below:

A. Manufacturing Sector.

It covers all export oriented manufacturing that is where more than 50% of its production is for export.

Non-export orientated manufacturing, which are: wood based industry; furniture industry; rubber based industry; plastic based industry; food processing and manufacturing industry; building materials industry; iron, steel and mining industries; ceramic industry; textile industry; footwear industry; engineering and fabrication industry; manufacturing related industries; and quarry and bitumen industry.

The specified criteria for the employment of foreign by non-export orientated industries are:

- Total sales of RM2 million and above.
- Company's minimum paid-up capital of RM100,000.

B. Construction Sector: All types of contraction sectors are included under this sector.

C. Plantation Sector: It covers the following sub-sectors: Crops; Food; Floriculture; Animal husbandry; and Aquaculture.

D. Service Sector: It covers the following sub-sectors.

- Restaurants (general workers and cooks).
  - Allowed to work in restaurants throughout the country as cooks and general workers.
  - (dish washers, restaurant cleaners) only.
  - Foreign workers are not allowed to work as waiters/waitresses and cashiers.
- Cleaning.
  - Companies must enclose a complete and stamped contract.
  - Not qualified to work as cleaners for the employing company.
  - Not allowed to work as car and bus washers, petrol station cleaners and other maintenance workers.
- Cargo handling at seaports and airports.
  - Welfare homes.
  - Laundries.
  - Golf clubs - caddies only.
  - Resort islands (not including Penang).

There are specific policies to recruit migrant workers in Malaysia. Only nationals from the countries specified below are allowed to work in the selected sectors (see table 7.7):

**Table 7.7. Countries and Sectors Allowed Recruiting Foreign Workers**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plantation/Agriculture.</td>
<td>Philippines (male), Indonesia, India, Cambodia, Kazakhstan, Laos, Myanmar, Nepal, Thailand, Turkmenistan, Uzbekistan and Vietnam.</td>
</tr>
<tr>
<td>Services.</td>
<td>All source countries for general worker posts (except India – cooks only).</td>
</tr>
</tbody>
</table>
  - Restaurants.             | Restaurants in major towns only.                                                                                                       |
  - Laundry.                 | All source countries except India.                                                                                                     |
  - Cleaning/Sanitation.     | All source countries except India.                                                                                                     |
  - Caddy.                   | All source countries except India.                                                                                                     |
  - Resort Islands.          | All source countries except India.                                                                                                     |
  - Welfare Hones.           | All source countries except India.                                                                                                     |
  - Cargo.                   | India only.                                                                                                                             |
  - High Tension Cables.     | Sri Lanka, Indonesia, Thailand, Philippines and Cambodia.                                                                                  |
  - Domestic Maids.          |                                                                                                                                 |

Source: Ministry of Human Resources, Malaysia.

In the course of regulating the use of migrant workers across the various economic sectors, the government has also sought efforts to deter the recruitment and retention of legal migrants by instituting market-based measures, such as the levy system in 1991 (with subsequent upwards revisions made in 1995, 1998 and 2005),

Approval to employ foreign workers is based on the merits of each case and subject to conditions that are periodically determined. Applications to employ foreign workers are only considered when efforts to find qualified local citizens or permanent residents have failed.

All applications for foreign workers should be submitted to the One Stop Centre, Ministry of Home Affairs except for applications for foreign domestic helpers which should be submitted to Malaysia's Immigration Department.
Table 7.8. An annual levy on foreign workers is imposed as follows

<table>
<thead>
<tr>
<th>Approved Sector</th>
<th>Annual Levy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>RM1,200</td>
</tr>
<tr>
<td>Construction</td>
<td>RM1,200</td>
</tr>
<tr>
<td>Plantation</td>
<td>RM540</td>
</tr>
<tr>
<td>Agricultural</td>
<td>RM360</td>
</tr>
<tr>
<td>Domestic Help</td>
<td>RM360</td>
</tr>
<tr>
<td>Services</td>
<td></td>
</tr>
<tr>
<td>Welfare Home</td>
<td>RM600</td>
</tr>
<tr>
<td>Island Resort</td>
<td>RM1,200</td>
</tr>
<tr>
<td>Others</td>
<td>RM1,800</td>
</tr>
</tbody>
</table>

Source: Malaysian Industrial Development Authority (MIDA), 22nd September, 2010.

Policies Regarding Work Passes

The regulations governing recruitment of foreign workers are administrated separately for skilled and low-skilled workers. Skilled workers are referred to as pegawai dagang or expatriates (the professional, technical and kindred group), while unskilled workers are pekerja asing (foreign contract workers). There are, thus, two types of employment-related work permits or work visas: an employment or work pass (Pas Penggajian) for expatriates; and a work permit or contract worker pass (Pas Lawatan Kerja Sementara) or a visit pass for the temporary contract employment of semi-skilled and low-skilled workers, including domestic workers.

Pas Penggajian/employment or work pass: The work pass covers the employment of professional, technical and kindred (PTK) workers who are recruited for both the public and private sectors based on skill shortages in the country.

The salary cap for a PTK worker is RM2,500 per month. No limitations are imposed on source countries for such workers, with the exception of Israel and some African countries. The job tenure is two years, and the maximum duration is five years [Kassim 2005: 267].

Pas Lawatan Kerja Sementara/visit passes for temporary employment: The visit pass for temporary employment covers the manufacturing, construction, plantation, services, and domestic worker sectors. Unskilled and semi-skilled workers are granted one-year work permits, which are renewable up to five years (six years in total).

There are age restrictions associated with these permits. Workers are disallowed from bringing dependants into the country; consequently, no resettlement of dependants is allowed. There are also restrictions on source countries for this category of migrant workers [Kaur 2007].

Expatriate Professionals and Skilled Workers: Expatriate workers are regarded as a temporary worker phenomenon: there is no fast track to citizenship; they have to be sponsored by an employer; their tenure is limited; and they are not allowed to marry nationals.

Policy regarding expatriates falls under the authority of the Committee for Expatriate Workers, which is made up of representatives from nine Ministries. Approval for recruitment can come from a variety of agencies. Of note is the fact that the age policy now includes a
caveat which allows entry for individuals aged twenty-one years in “IT and Related Position[s]”, while “Other Management Position[s]” are restricted to candidate of a minimum of twenty-seven years of age (New Straits Times 17 February 2005; Sunday Star 6 March 2005).

**ILLEGAL IMMIGRANTS IN MALAYSIA**

Despite the existence of proper channels, some migrants, for various reasons, resort to irregular channels to get to their destinations. Unlike the employment of highly-skilled labour, legal recruitment of low-skilled labour often involves several intermediaries in the sending and receiving countries. Legal channels are perceived to also involve higher transactions costs for companies and migrants. In contrast, illegal employment is seen as being less time-consuming and cumbersome as well as cheaper for both employers and migrants; however, the reality might be different. Policies tie foreign workers in legal status to a particular employer and location. Those who prefer greater freedom and flexibility may choose irregular migration; however, even if there are greater freedoms, choices for unskilled laborers are limited. There are cases of employers hiring irregular migrants to exploit the fact that they are cheaper and their contracts are more. Employers who practice this are rarely held accountable. Irregular migrants are likely to work in the informal sectors of the economy or in remote parts of the country. They are also more open to exploitative working conditions, and they are thought by many to resort to crime when unemployed.

Official sources estimate the current population of irregular migrants to be 0.7 million, with around 70 percent believed to be Indonesians [MalaysiaKini, May 2, 2006]. The majority of Indonesians enter illegally, while those of other nationalities overstay after entering legally as tourists. Due to cultural and linguistic similarities, the incidence of overstaying is relatively high among nationals from India and China. An estimated 250,000 Indian and Chinese nationals overstayed in 2003 (New Straits Times, February 20, 2004).

<table>
<thead>
<tr>
<th>Period</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970’s</td>
<td>A period of inaction.</td>
</tr>
<tr>
<td>14/7/1982</td>
<td>Formation of Jawatankuasa Pengambilan Pekerja Asing.</td>
</tr>
<tr>
<td>May 1984</td>
<td>Signing of the Medan Agreement to import labour legally from Indonesia for the plantation and domestic sector.</td>
</tr>
<tr>
<td>1985-86</td>
<td>Sanctions the importation of labour for domestic maids from the Philippines, from Bangladesh for Plantations and from Thailand for plantation and constructions.</td>
</tr>
<tr>
<td>4/1/89-3/7/89</td>
<td>Legalization of Indonesian labour in the plantation sector under the Program Pemutihan Pekerja Tanpa Izin Indonesia.</td>
</tr>
<tr>
<td>11/5/90-11/5/91</td>
<td>Second extension to the Program Pemutihan PAT11 for a period of one year.</td>
</tr>
<tr>
<td>16/10/91</td>
<td>Formation of a Cabinet Committee on Foreign Labour (Jawatankuasa Kabinet Mengenai Pekerja Asing).</td>
</tr>
<tr>
<td>Nov.-Dec. 1991</td>
<td>Amnesty to illegal domestic maids. They are to register, get their travel documents and their work permits.</td>
</tr>
<tr>
<td>3/12/91</td>
<td>Launching of Ops Nyah I (To stop illegal entry by patrolling coastline and borders).</td>
</tr>
<tr>
<td>1/1/92-30/6/92</td>
<td>Registration period for illegal maids extended. Amnesty extended to the plantation and</td>
</tr>
</tbody>
</table>
Dependency on Foreign Labour and Migration Policy in Malaysia

<table>
<thead>
<tr>
<th>Period</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>30/6/92</td>
<td>Launching of Ops Nyah II (To weed out illegals who refused registration and legislation).</td>
</tr>
<tr>
<td>1/7/92</td>
<td>Exemption orders extended to illegal's entering Malaysia before 30/6/92 and employed in manufacturing and services, i.e. restaurant workers and shop assistants. Permission given to employers to import workers from Indonesia, Philippines, Thailand, Bangladesh and Pakistan for manufacturing, recreation and tourist industries sectors (to work as caddies on golf courses and all types of jobs in island resorts).</td>
</tr>
<tr>
<td>29/10/92</td>
<td>Formation of the Jawatankuasa Penggajian Pekerja Asing at the Ministry of Human Resources.</td>
</tr>
<tr>
<td>07/01/94</td>
<td>Freeze on importation of skilled and unskilled labour except for 'critical' sectors in manufacturing and recreation/tourist industries. Employment permits given to overstayers from Indonesia, Bangladesh, Pakistan, Thailand and Philippines who entered the country before 7/1/94 provided their employers were willing to take them. The Jawatankuasa Penggajian Pekerja Asing at the Ministry of Human Resource was disbanded.</td>
</tr>
<tr>
<td>15/01/94</td>
<td>Formation of a Special Task Force ie Bahagian Pasukan Petugas Pekerja Asing. A 'one-stop-agency' to deal with the problems of foreign labour and immigrants.</td>
</tr>
<tr>
<td>1/1/95</td>
<td>Committee for the Recruitment of Foreign Workers disbanded.</td>
</tr>
<tr>
<td>Mid. 1995</td>
<td>Processing of foreign labour is shifted from Immigration Department to Special Task Force on Foreign Labour. Recruiting agencies disbanded except for those involved in recruitment of foreign maids. Fees for recruitment are regulated by the government. Review of penalties and fines for employers, recruiters, and harborers of illegal migrants.</td>
</tr>
<tr>
<td>Dec. 1995</td>
<td>Levies for foreign labour increased by 100%, except for domestic maids.</td>
</tr>
<tr>
<td>Jan. 1996</td>
<td>Responsibility for processing documents for foreign labourers taken away from Special Task Force and returned to Immigration Department.</td>
</tr>
</tbody>
</table>


Note: This is a revised version of Table originally which appeared in Azizah Kassim [1995a].

One of the primary concerns of immigration policies is dealing with the large numbers of irregular migrants who are seen as posing a threat to national security. As a measure to address the issue a number of steps were introduced such as: registration of migrants working illegally without threat of deportation, amnesty policies, enhanced surveillance of unauthorized entry and employment through the security operations Ops Nyah I and Ops Nyah II, and the imposition of tougher penalties on irregular migrants and their employers as well as those found to be harboring or trafficking in irregular migrants [Kanapathy, 2006].

Initial experiences with registration exercises have proven to be ineffective due to the high cost of registration, excessive paperwork, and the lack of effective mechanisms to enforce existing legislation on irregular migrants. Enforcement mechanisms were weak due to a lack of resources in the interior parts of the country where irregular migrants were mostly employed, especially in Sabah. The cost of legalizing each illegal worker was estimated to be RM560 during the early 1990s [Azizah, 1995]. The more recent registration process was
reportedly simplified and strictly monitored; in addition, increased penalties were applied to ensure a better response from irregular migrants.

The Malaysian government did not make a serious effort to deport illegal migrants until early 2005, when it was feared that displaced Indonesians affected by the 2004 Indian Ocean Tsunami would inundate the country. Altogether, between 2000 and 2004, the Malaysian police arrested 465,878 irregular immigrants, of whom 64 percent were Indonesian, followed by 10 percent from the Philippines, and 7.5 percent from Burma [Othman Talib, 2005]. In 2005, the government launched another crackdown with increased incidents of arrests, imprisonment, whipping, and deportation of irregular migrants. And the cycle continues. In February 2007, the government estimated that there were ‘between 500,000 to 800,000 undocumented workers’ in the country and those new crackdowns would be carried out [Malaysiakini, 12 February 2007].

Table 7.10. Arrest of Foreign Nationals in Malaysia by Country of Origin (2001-2006)

<table>
<thead>
<tr>
<th>Country</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>14628</td>
<td>11813</td>
<td>20965</td>
<td>11591</td>
<td>13116</td>
<td>29106</td>
<td>101219</td>
</tr>
<tr>
<td>Philippines</td>
<td>1718</td>
<td>3974</td>
<td>10486</td>
<td>3083</td>
<td>5406</td>
<td>8820</td>
<td>33487</td>
</tr>
<tr>
<td>Thailand</td>
<td>3606</td>
<td>2877</td>
<td>2380</td>
<td>2002</td>
<td>1749</td>
<td>3169</td>
<td>15783</td>
</tr>
<tr>
<td>Myanmar</td>
<td>2202</td>
<td>1494</td>
<td>1553</td>
<td>1992</td>
<td>1852</td>
<td>4434</td>
<td>13527</td>
</tr>
<tr>
<td>Indians</td>
<td>3259</td>
<td>1681</td>
<td>2517</td>
<td>1095</td>
<td>1171</td>
<td>2331</td>
<td>12054</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>1991</td>
<td>1367</td>
<td>616</td>
<td>627</td>
<td>821</td>
<td>2103</td>
<td>7525</td>
</tr>
<tr>
<td>China</td>
<td>891</td>
<td>1334</td>
<td>1018</td>
<td>798</td>
<td>886</td>
<td>1361</td>
<td>6288</td>
</tr>
<tr>
<td>Pakistan</td>
<td>847</td>
<td>612</td>
<td>275</td>
<td>468</td>
<td>1154</td>
<td>1251</td>
<td>4607</td>
</tr>
<tr>
<td>Cambodia</td>
<td>343</td>
<td>346</td>
<td>1136</td>
<td>649</td>
<td>321</td>
<td>946</td>
<td>3741</td>
</tr>
<tr>
<td>Nepal</td>
<td>121</td>
<td>356</td>
<td>359</td>
<td>379</td>
<td>396</td>
<td>931</td>
<td>2542</td>
</tr>
<tr>
<td>Vietnam</td>
<td>191</td>
<td>51</td>
<td>347</td>
<td>219</td>
<td>325</td>
<td>527</td>
<td>1660</td>
</tr>
<tr>
<td>Others</td>
<td>3524</td>
<td>2411</td>
<td>1239</td>
<td>668</td>
<td>882</td>
<td>1336</td>
<td>10060</td>
</tr>
<tr>
<td>Total</td>
<td>33321</td>
<td>28316</td>
<td>42891</td>
<td>23571</td>
<td>28079</td>
<td>56315</td>
<td>212493</td>
</tr>
</tbody>
</table>


**Development of Migration Policy from 1900s to 2010**

The availability of mineral and agricultural resources and vast tracts of land largely influenced the development of export industries in Malaysia. There were however, obvious limitations in the ability of the domestic work force to respond to the opportunities opened by the growing market for tropical commodities. The Malayan administration sourced labour from outside the country—mainly India. Chinese labour also moved into the region and was initially absorbed into the mining sector. A third migrant labour stream came from Java, reflective of the historical links in the Malay world [Kaur, 2004]. Until the 1930s, migration goals were met through a liberal immigration policy; subsequently some migration quotas were introduced. Some of the restrictions on migration during the colonial period stemmed from emigration measures implemented by the sending countries that were designed to provide some safeguards for workers. Three considerations shaped colonial labour policy: the acquisition of a plentiful, diversified and cheap labour supply for colonial undertakings and
capitalist enterprise; the limited assurance of the laborer's freedom of movement; and the provision of a limited amount of protection for workers [Kaur, 2004].

**COLONIAL IMMIGRATION POLICY: 1900 TO 1940S**

Three phases characterized colonial immigration policy: During what is considered the first phase, from 1900-1927, the country witnessed the expansion of the tin and rubber industries and the entry of thousands of migrant workers to labour into these industries. For all three groups—Chinese, Indian and Javanese—entry was completely free and unrestricted. There was, nevertheless, repatriation of some groups of unemployed workers during depressed economic conditions in the 1920s.

From 1928–1938, the second phase, the British enacted the first piece of restrictive legislation in the SS —the Immigration Restriction Ordinance (IRO)—in 1928. The legislation empowered the Governor of the SS to regulate or prohibit immigration “for the purposes of performing domestic or manual labour whenever the influx of immigrants threatened unemployment, economic distress or was not in the public interest” [Parmer 1960:92]. The third phase, from 1947–1957, the Aliens Ordinance was replaced by the Immigration Ordinance (IO) of 1953. The IO resulted in even stricter border controls and, for the first time, laid down the specific composition of migrants allowed entry into Malaya [Kaur 2004].

After the Second World War, immigration virtually ceased. In 1957, the formal colonial structure was dismantled, consistent with the process of decolonization and the changing international environment. The decolonization of Malaya brought the enactment of more restrictive legislation designed to curtail Chinese and Indian immigration. Overall, immigration policy was largely dictated by economic and political considerations and the labour requirements of western enterprise. Conversely, border controls were shaped by economic and political considerations and also as a means to satisfy the aspirations of the Malay nationalists. Crucially, the British did not acknowledge the potential conflicts arising from an unrestricted migration policy.

The new Malayan state initiated a program of import-substituting industrialization, commenced the process of reconstructing its national, racial, cultural, and economic borders, and introduced further restrictions on immigration [Kaur, 2008]. After decolonization three phases define the immigration policies in Malaysia.

**PHASE ONE: 1950S TO EARLY 1980S**

This phase is characterized by unregulated cross-border inflows of migrants predominantly from neighboring Indonesia, the Philippines, and, to a lesser extent, from Thailand. Although the entry, residence, and employment of all migrants are governed by the Employment (Restriction) Act 1968 and the Immigration Act 1957, the two laws were only applied to the immigration of highly-skilled personnel, commonly termed “expatriates”. The numbers of migrants was limited and were mostly employed in remote agricultural plantations; therefore, they did not appear as competitors with the local population. Hence,
despite their irregular status, the state turned a blind eye to them. Many of these migrants eventually obtained permanent residence status and citizenship [Kanapathy, 2008].

**Phase Two: Mid-1980s to 1997**

During the second phase foreign labour recruitment was legalized, an official channel was created for labour recruitment, and bilateral agreements were signed with governments of sending countries. Thus, in 1982 a Committee for the Recruitment of Foreign Workers was established, and, in 1984, the Malaysian government signed a bilateral agreement (the Medan Agreement) with the Indonesian government for the government-to-government regulated supply of Indonesian workers for the plantation sector and for domestic work [Kaur, 2004]. Nevertheless, migrant workers continued to enter the country as irregular migrants using network-dependent and network-creating relationships.

In 1995, an explicit policy on the import of migrant labour was announced when the manufacturing sector, which was then the main engine of growth, was also hit by a labour shortage and had to hire contract migrant workers (Ministry of Finance, 1995, p.39).

**Phase Three: 1997 Onwards**

The third phase, from 1997, is distinguished by two important developments. First, the financial crisis of 1997-1998 marked a turning point in state policy toward foreign labour recruitment. Further efforts to control undocumented migration were implemented: an amnesty programme was introduced that permitted illegal migrants to depart without penalty and a work-permit system based solely on offshore recruitment was enforced. Employment permits were both location-specific and employment-specific. In addition, legislative and police action to combat irregular migration were strengthened. An amendment was made to the 2002 Immigration Act that resulted in harsh punishments for immigration violations, making it a criminal offense for foreign workers to work without a work permit or visa, and implementing punitive measures, including the dismissal of workers (New Straits Times 12 October 2003).

The Malaysian government currently has adopted a diversified recruitment policy in order to reduce dependence on a particular racial group, and employers are required to provide segregated housing and transport facilities. Health too has become a major issue therefore they need to go through pregnancy, human immune-deficiency virus (HIV) tests, as well as tests for other infections, including malaria and tuberculosis prior to departure for Malaysia.

During the colonial period migrant workers were also screened, held in quarantine, and vaccinated for diseases. Unlike the colonial period, though, the costs of these tests are now borne by the potential migrants.
# Table 7.11. Policies to Combat Irregular Migration

<table>
<thead>
<tr>
<th>Policy Experimentation</th>
<th>Policy Instruments</th>
<th>Policy Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase I: 1950s to Early 1980s - Benign Migrant Policy.</td>
<td>Selective policy of “open borders”</td>
<td>All migrants are undocumented and many obtained permanent residency and citizenship.</td>
</tr>
</tbody>
</table>

Source: Kanapathy, 2008.

Malaysia began to control the movement of foreign workers through bilateral agreements with the 1984 Medan Pact with Indonesia, followed by similar agreements with the Philippines, Bangladesh and Thailand. The state took a more proactive role in the 1990s, particularly with the intention to reduce the large number of unauthorized migrants. However, they were not as successful as expected, and the largest reduction of foreign labour took place due to the financial crisis in the late nineties [Kanapathy 2001].

The government aims to reduce the number of migrant workers by 100,000, from 2009 to 2010, and by a further 200,000, from 2010 to 2015. As part of this initiative, in early 2009, the government announced a freeze on the intake of migrant workers in the manufacturing sector. The government further announced that it would double the charge, or levy, for obtaining work permits for all migrant workers, except domestic workers, and suggested a policy change that would allow migrant workers to stay in Malaysia for no more than five years. In another change to the levy system, the purpose of which “is to make foreign workers
more expensive," beginning in April 2009 the cost of the levy must be borne by employers (Amnesty International, 2010).

The frequent policy changes make it difficult to have an overall grasp of the current system. For instance, hiring for specific occupations was restricted and relaxed at various times. Hiring of Filipinos was suspended in October 2001, but was lifted in January 2002 after Indonesians were placed at the bottom of the list following their involvement in riots (AMN, January 31, 2002). Like Singapore, Malaysia encourages the hiring of professionals. It also aims at reducing the number of unauthorized migrants—an objective it has pursued in the past fifteen years with limited results [Graziano, 2002].

*Ministry of Home Affairs (MOHA).
"Ministry of Human Resources (MOHR).
***"RELA Corps" (or Ikatan Relawan Rakyat Malaysia; English: Volunteers of Malaysian People) is a paramilitary civil volunteer corps formed by the Malaysian government in 1972. Their main duty is to check the traveling documents and immigration permits of foreigners in Malaysian cities, including tourists, visitors and migrants to reduce the increasing rate of illegal immigrants in Malaysia.
‘Foreign Workers’ Medical Examination Monitoring Agency (FOMEMA). Fomema Sdn Bhd was established in 1997 to manage and operate a mandatory foreign worker health screening system in Peninsular Malaysia.

Figure 7.1. Institutional Framework for Policy-Making on Foreign Workers [Kanapathy, 2008].

After more than two decades of policy experiments in regulating the inflow of contract migrant workers, Malaysia has established a fairly elaborate administrative system to import foreign labour. Unlike in many labor-receiving nations, the management of foreign labor is now under the Ministry of Home Affairs (MOHA') (See Figure 1 for the institutional

1MOHA serves as the secretariat to the One-Stop Center for the Recruitment of Foreign Workers set up in 2006. The One-Stop Center is responsible for: approving and processing all applications to bring in foreign workers into Malaysia. All relevant government bodies and industry organizations related to the employment of migrant workers are represented in the One-Stop Centre.
framework for foreign labor management). The shift in responsibility from the Ministry of Human Resources (MOHR) to the MOHA has paralleled a move towards the “securitization” of foreign labor management. Foreign labor management is increasingly viewed as a security issue rather than as a labor issue [Mak, 2007]. This is evident from the amendments to the Immigration Act 1959 to increase the penalties for irregular migrants and their employers and increased enforcement through the deployment of RELA or the Peoples’ Volunteer Corp [Kanapathy, 2008].

FOREIGN WORKERS' INSURANCE SCHEME

The MOHR established the Foreign Workers Insurance Scheme, which requires all employers in Malaysia to insure their workers with one of four approved insurance companies which are within an Electronic Network System linked to the Department of Manpower, providing for efficient administration and enforcement by the Department. The System allows the Department of Manpower to quickly identify any employers who fail to meet the new insurance requirements.

As of 1 January 2011, the government has proposed a requirement that all foreign workers employed in Malaysia—except for domestic maids—must be covered by medical insurance. With the above proposal, it is hoped that this change will alleviate the Malaysian government’s predicament regarding health services for foreign workers at government clinics and hospitals.

Although the Malaysian Employers Federation expressed concerns about providing insurance coverage to the 1.5 million foreign workers in different sectors, the Government seems to stand firm. In the private sector, employers are required provide some form of medical benefits to their staff, who may enhance their own protection by taking out separate medical insurance policies. But, foreign workers in low-paying sectors will likely not have the financial ability to cover themselves; it will, thus, be the duty of their employers to do so (The Star November 28, 2010).

EXPLOITATION OF MIGRANT WORKERS AND ACCESS TO JUSTICE

Malaysia’s reliance on punitive measures to address migration issues has been criticized. Large-scale public roundups in markets and on city streets and indiscriminate, warrantless raids on private dwellings in poorer neighborhoods are violations of human rights. An “arrest now, investigate later” approach should not be a norm (Amnesty International Report, 2010).

2 Manpower Department director, General Datuk Ismail Abdul Rahim, emphasized that policies from other insurance companies in Malaysia are not valid and will violate the Workmen’s Compensation Act. Employers may choose from Lompac Insurance, the Malaysian Assuance Alliance, Mayban General Assurance or Kurnia Insurans.

3 An employer who violates this policy could receive a fine of RM 20,000 (US $5,200), a two-year jail sentence, or both. The insurance premium for this new Scheme will hold at its present RM72 (US $19). Of course, foreign companies can also supplement an employee’s Malaysian insurance plan with an overseas plan, under an umbrella policy. (http://www.pacificbridge.com/contactus.asp. accessed on 25th January, 2011).
Losing one's legal status is easy—many migrant workers become undocumented through no fault of their own when their employers fail to renew their permits. The emphasis on enforcement is often unburdened by a sense of justice; in some cases workers who complain about mistreatment have been themselves arrested for technical violations of the immigration laws (Amnesty International Report, 2010). The right to access to legal redress by foreign workers is uncharted territory. There has been little literature that extensively writes on the right of foreign workers to access justice or, particularly, to institute their legal action in the courts or tribunals in Malaysia. While there is no legislation that prohibits migrants from taking legal action against their employers, the number of legal suits instituted against the employers is almost negligible. The reasons are primarily lack of legal literacy, deprivation of legal advice due in part to high expense, and slow court process [Hassan and George, 2009].

REDUCING DEPENDENCY ON MIGRANT LABOR

The number of foreign workers has increased over the past decade due to sustained economic growth and the tight labor market situation. As a measure to ensure sustainable growth and minimize socio-economic implications, a medium- to longer-term policy on foreign workers will be devised to reduce the over-dependence on foreign workers while attracting more skilled and trained professionals (Ministry of Finance Malaysia Economic Report 2004/2005). The following table will show statistics on dependency of foreign labor in Malaysia. Although almost all sectors appear to have a need for migrant workers, the government continued its efforts to reduce the dependency on migrants. Accordingly, in July 2004, the Works Ministry announced a plan imposing limitations on migrant workers with an aim to reduce the number of foreigners in construction by 85% by the year 2009 [Azmi, 2004]. Similarly, the government shortened the duration of work permits issued to foreigners in the agricultural, industrial, and construction industries. The regulations are retroactive, so any worker already in the country for three years or longer cannot extend their permit. The government assumption is that reducing the number of foreign workers would help native Malaysians find employment [Murali, 2004].

Table 7.12. Foreign Labor Dependence by Sector, 1985 and 2004

<table>
<thead>
<tr>
<th>Sectors</th>
<th>1985</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>6.2</td>
<td>20.5</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1.7</td>
<td>11.0</td>
</tr>
<tr>
<td>Construction</td>
<td>7.6</td>
<td>13.0</td>
</tr>
<tr>
<td>Services</td>
<td>4.8</td>
<td>13.3</td>
</tr>
</tbody>
</table>


*Foreign workers can lodge complaints at the Labour Office. Article 60 (1) of the Employment Act of 1955 provides that a migrant worker can file a complaint with the Director-General of Labour in cases where a foreign employee is being discriminated against in relation to a local employee by his employer in respect of the terms and conditions of employment. The problem is that documented migrant workers often are fired by employers for filing complaints with government officials or external advocacy groups, like NGOs or trade unions [Philip, 2008].
Moreover, the Human Resources Ministry proposed amending the Employment Act to require companies in the manufacturing and service sectors to advertise jobs in newspapers to attract native Malaysians and to meet the goal of employing no fewer than 51 percent Malaysian workers [Arfah, 2005].

As mentioned before, in another move to reduce dependence on foreign workers, the Immigration Department increased the amount of levies for employers of foreign workers in the farming and service sectors. The Malaysian Trade Union Congress (MTUC) argued that higher levies would unfairly affect migrants, noting that employers often take levy payments from workers’ earnings [Bernama, 2005]. Despite these efforts, however, a year later the Human Resources Ministry announced it would accept foreigners from Cambodia, Vietnam, Thailand, and Burma as trainees at skills institutes (The Star, 3 December 2005).5

Government officials expected most of those who left during the amnesty would return and refill the jobs they left (The Star Online, 11 January 2005). In fact, work shortages made a serious impact in the following months. The manufacturing and plantation industries, in particular, experienced shortages of 500,000 workers. In May 2005, it was clear that the deportation of migrant workers had created unexpected economic problems largely because of the subsequent labour shortages. Construction firms, electronics manufacturers, agricultural producers, poultry farms, and restaurants struggled and closed as a result of the labour shortage [Lau, 2005]. Coincidentally, the Malaysian Meat Importers Association reported that beef sales dropped 15 percent following the departure of Indonesian workers (Daily Express, 6 February 2005).

Work permit approvals for foreign workers in Malaysia have been cut by almost 70 percent due to the emphasis placed on hiring locals. In January and February, on average 250 permits were approved daily compared to 800 at the same time in the previous year. Home Ministry deputy secretary-general, Raja Azahar Raja Abdul Manap told the Sunday Star that there was a time when up to 2,000 approvals were granted daily. He attributed the decrease to a more thorough vetting process by the Ministry. Those requesting foreign labour have to prove that they have first made an effort to employ locals. If they can prove it, then they will get the clearance, Raja Azahar said in an interview.

Raja Azahar said representatives from the various ministries would visit the employers to make sure that there were jobs available and also check if those requesting foreign workers were providing accommodation. The Ministry approved 301,682 foreign workers last year. Azahar also said the Ministry was not extending the work permits of unskilled workers who have been here for three years. He said his ministry was confident of achieving its target to reduce the number of foreign workers to 1.5 million by 2015.6

Malaysian Deputy Prime Minister, Muhyyiddin Yassin has said the Government will set up a laboratory to study the recruitment of foreign workers and the role of outsourcing companies on the matter. Yassin said the laboratory will be headed by the Home Ministry and would be made up of representatives from other ministries and related agencies. According to reports, it would be given two months to provide feedback on matters such as policies, recruitment procedures, role of outsourcing companies and agents, and the laws involved. "This is to ensure tighter conditions for the hiring of foreign workers. For example, if a

5The government recognized that the shortage of workers posed a threat to economic growth. Regulations were approved to allow more business sectors to recruit workers from abroad, for jobs in farming and small and medium sized enterprises (The Straits Times, 21 February 2005).

company wants to hire foreign workers, the Home Ministry will assess the situation to see whether they really need them,” The News Strait Times quoted Yassin, as saying. “The laboratory will also review the existing system to ensure foreign workers return to their home countries once their contract expires.” He added that it would make recommendations on steps to be taken to ensure the hiring of foreign workers was according to needs.7

**CONCLUSION**

While large-scale migration into Malaysia dates back to the late nineteenth century,8 it is the more recent in-migration of low-skilled workers on a temporary or rotation basis since the late 1970s, triggered by labor shortages, that has become the focus of policy concern. Until 1984, there was a relatively open policy towards low-skilled migrants.

The number of foreign workers entering the country was contained and they contributed to alleviating the widening labor market imbalances in rural agriculture, especially in the export-oriented primary commodity sectors. However, as their numbers swelled from an estimated half-a-million in the early 1980s9 to around two million10 by the mid-1990s following a period of extended high growth. The state intervened to control and regulate their intake.

The policies and laws regulating in-migration is disorganized, despite the large presence of migrant workers in the economy. Policies built on the concept of a short-term remedy for labor shortage problems have exposed the failure of policymakers to recognize the critical contribution of migrant workers over the long-term. The problem is compounded by the absence of a comprehensive policy on in-migration as an integral part of national strategies for economic growth.

The inflows of migrants in the various economic sectors have generally been governed informally; although, the government has signed memorandums of understandings with several designated countries, including Indonesia, the Philippines, Bangladesh, China, Vietnam, Pakistan and Thailand.

Subsequently the private sector was permitted to set up employment agencies to officially recruit migrant workers, which were disbanded, in 1995. They were replaced with a task force on foreign labor, which was again abolished, in 1997, and, in 2002, recruitment procedures were subject through G to G agreements.

In addition to the changes in the recruitment process, frequent bans have been imposed to cut back the intake of migrants. These measures are generally short-lived, lasting not more than a year. Retrenchments and deportations of legal workers following any economic downturn have been reversed soon after employers experience problems with labor shortages. Though, Malaysian laws, themselves, do not discriminate against migrant workers.

7 [http://www.thaindian.com](http://www.thaindian.com).
8The large-scale migration in the late nineteenth and early twentieth century, i.e. prior to Independence in 1957, consisted of permanent settlers from India and China as well as from Indonesia.
10The number contract migrant workers with work permits was around 650,000 in the early 1990s. The official estimate of irregular migrants was around one million, while the unofficial estimate was as high as two million [Kanapathy, 2007a].
In practice, the rights of migrant workers are not protected: workers suffer from non-payment of wages, wrongful deduction of wages to cover work permits, long working hours, sub-standard living conditions, no insurance coverage, travel documents withheld by the employers, and unfair dismissal.

In summary the core problem is a lack of a comprehensive migrant worker policy and weak governance structures. The Malaysian case is a model case of delegation in the recruitment and placement of migrant workers, in addition to a lack of enforcement of existing regulations by various stakeholders.

APPENDIX

ILO Conventions and Ratification by Malaysia

The two main ILO conventions concerning migrant workers are: the Migration for Employment (Revised) Convention of 1949 (Convention 97) and the Migrants in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers of 1975 (Convention 143 [Betten, 1993]).

These two conventions have been poorly ratified, Malaysian being the only country to in the Asia Pacific region to have ratified Convention 97 (International Labor Organization, 2004). However, this does not mean that migrant workers in this region are unprotected by the ILO as the majority of the ILO conventions apply to migrant workers and nationals equally. States that ratified conventions concerning fundamental rights are under an obligation to protect the rights of migrant workers [Hassan and George, 2009]. Malaysia has been a member of the ILO since 1957, and to date, it has ratified thirty-four ILO Conventions, sixteen of which are listed in the following table A.

A cursory review of the above table indicates that Malaysia has only ratified one of the conventions relating to the rights of migrant workers, which is the Migration for Employment Convention (Revised) of 1949 (Convention 97). Of the eight conventions designated as ‘core labour standards,’ Malaysia has ratified one convention, which is Convention 98: the Right to Organize and Collective Bargaining Convention of 1949 [Hassan and George, 2009].

The brief review of the relevant Malaysian labour laws concerning employment, termination, and social security demonstrates that they are not in total alignment with the labour standards under Convention 97.

Malaysia, a signatory to Convention 97, has violated Article 6 of the convention, in that migrant workers are treated less favorably than national workers in the following areas:

I. Part XIIIB of the Employment Act which prohibits the retrenchment or termination of services of national workers prior to that of a migrant worker;

II. Section 28 of the Trade unions Act which disallow a migrant worker from being a number of the executive;

III. Lump sum payment to migrant workers as compensation for injury as opposed to periodic payments which national workers are entitled to; and

IV. Payment of a flat rate of ringgit Malaysia five in respect of employer contribution to the employee’s provident fund, irrespective of wages [Hassan and George, 2009].
Table A International Labour Conventions Ratified by Malaysia

<table>
<thead>
<tr>
<th>Convention No</th>
<th>Convention</th>
<th>Ratified By</th>
</tr>
</thead>
<tbody>
<tr>
<td>C 7</td>
<td>Minimum Age (Sea) Convention, 1920.</td>
<td>Malaysia (Sarawak) Denounced in 1997</td>
</tr>
<tr>
<td>C 11</td>
<td>Right of Association (Agriculture) Convention, 1921.</td>
<td>Malaysia (Peninsular).</td>
</tr>
<tr>
<td>C 11</td>
<td>Right of Association (Agriculture) Convention, 1921.</td>
<td>Malaysia (Sarawak).</td>
</tr>
<tr>
<td>C 12</td>
<td>Workmen’s Compensation (Agriculture), Convention 1921.</td>
<td>Malaysia (Peninsular).</td>
</tr>
<tr>
<td>C 12</td>
<td>Workmen’s Compensation (Agriculture), Convention 1921.</td>
<td>Malaysia (Sarawak).</td>
</tr>
<tr>
<td>C 14</td>
<td>Weekly Rest (Industry) Convention, 1921.</td>
<td>Malaysia (Sarawak).</td>
</tr>
<tr>
<td>C 15</td>
<td>Minimum Age (Trimmers and Strokers) Convention, 1921.</td>
<td>Malaysia (Sabah) Denounced in 1997</td>
</tr>
<tr>
<td>C 16</td>
<td>Medical Examination of Young Persons (Sea).</td>
<td>Malaysia (Sabah).</td>
</tr>
<tr>
<td>C 16</td>
<td>Medical Examination of Young Persons (Sea).</td>
<td>Malaysia (Sarawak).</td>
</tr>
<tr>
<td>C 17</td>
<td>Workmen’s Compensation (Accidents), Convention, 1925.</td>
<td>Malaysia (Peninsular).</td>
</tr>
<tr>
<td>C 19</td>
<td>Equality of Treatment (Accident Compensation) Convention, 1925.</td>
<td>Malaysia (Sarawak).</td>
</tr>
<tr>
<td>C 50</td>
<td>Recruitment of Indigenous Workers Convention, 1936.</td>
<td>Malaysia.</td>
</tr>
<tr>
<td>C 94</td>
<td>Labour Clauses (Public Contracts).</td>
<td>Malaysia (Sarawak).</td>
</tr>
<tr>
<td>C 95</td>
<td>Protection of Wages Convention, 1949.</td>
<td>Malaysia.</td>
</tr>
<tr>
<td>C 94</td>
<td>Labour Clauses (Public Contracts).</td>
<td>Malaysia (Sabah).</td>
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<tr>
<td>C 94</td>
<td>Labour Clauses (Public Contracts).</td>
<td>Malaysia (Sarawak).</td>
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<tr>
<td>C 95</td>
<td>Protection of Wages Convention, 1949.</td>
<td>Malaysia.</td>
</tr>
</tbody>
</table>


MTUC Conference on Migrant Workers (2005)\textsuperscript{11} draws a number of emerging concerns in Malaysia that should be addressed:

"The government has an ad hoc policy on management of migration. Frequent policy changes by the state lead to lack of clarity, abuse by different stakeholders and increase the vulnerability of migrant workers.

"The work permit issued to migrant workers only allows the migrant worker to be employed by one employer. This policy may create a form of bonded contract where the worker is unable to move to another job and thus is open to abuse and exploitation.

"Contract substitution upon employment in Malaysia changes drastically the work conditions and lowers wages. It has been often observed that the contract presented to the

worker upon arrival in Malaysia is considerably less favorable than the contract to which the worker agreed before departure.

"When a worker seeks redress for unpaid wages or raises other forms of labour dispute or abuse, the employer often retaliates by canceling the work permit. As a result the migrant worker loses his or her status in the country and his or her right to stay. Without a visa, the worker is unable to continue his or her case through the courts. To enable the worker to pursue his or her case, the Immigration Department only gives the worker a 3 month special pass at RM100 per month. The worker is not allowed to work under this pass.

"There are various policies and laws that are discriminatory and thus remove certain rights of the migrant worker and make him or her unequal compared to the national worker.

"Mandatory testing with deportation on the grounds of having contracted 15 diseases, including pregnancy tests and HIV/AIDS tests threaten job security, and increase discrimination and stigmatization.

"The Immigration Act (especially Section 6) provides for penalties including whipping and imprisonment. It criminalizes migrant workers for an administrative problem. Migrant workers have difficulty in accessing legal representation and due process.

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Chapter 8

MIGRANT WORKERS AND RIGHTS IN TAIWAN

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The American University in Cairo (A. U. C.), Egypt

INTRODUCTION

Over the past several decades, the social, political, and economic landscapes in Taiwan have undergone radical change, helping transform the country from a less developed system into a more mature economy [Lee, 2002]. A number of factors such as: industrial structure; rising per capita income; growth in service industries; education levels; and a change in job values, have resulted in a demography that has created an unbalanced labor supply and demand.

The inflows of migrant workers into Taiwan started as early as the mid-1980s, when a sizeable number of unauthorized migrants from Southeast Asia and other regions found work in the manufacturing and construction industries [Tsay, 1993]. In 1989, The Council of Labor Affairs (CLA) developed a policy to open up the job market to foreign workers. A number of countries from South and South East Asia and beyond (e.g. Thailand, Philippines, Indonesia, Malaysia, Vietnam and Mongolia) responded to the CLA policy [CLA, 1999; Paz, 1989]. The policy on migrant workers was drafted to bring about a balance between supply and demand. The policy of importing foreign workers was largely based on a number of basic principles: protecting Taiwanese employment rights; preventing the immigration of migrant workers; avoiding the social problems caused by migrant workers; improving Taiwanese economic and industrial development; and stopping illegal migrant workers from becoming legalized.

Lan [2001] claims however are there that the growing numbers of middle-class and dual-earner households in Taiwan have increased the demand for low-cost migrant women to handle the tasks of housework, childcare, and elderly care. Like in other labour-importing countries, foreign workers (FW henceforth) in Taiwan are graded into two ladders: white-collar foreigners and, migrant workers. Regulations are applied differently to these two categories of foreigners. The former are treated as professionals from more advanced countries, while migrant workers are often deskilled and problematized [Cheng-tian, 2000;
Chu, 1996]. Initially, manufacturing industries that needed cheap labor to remain competitive began importing labor from particular countries. In order to respond to demographic necessities such as the growing elderly population, caregivers were also immediately required. Thus, in a few years, the number of migrant workers in Taiwan reached 336,945 almost all of whom originated from Southeast Asian countries. The growth of migrant workers by nationality is presented in Figure 8.1. In 2006, the number of caregivers and domestic workers reached 150,114, or more than one-third of the population of migrant workers [Council of Labor Affairs, 2006]. The distribution is as follows: Thailand 97,140; Philippines 94,732; Vietnam 76,012; Indonesia 69,002; and Malaysia 12 [CLA, 2006; 2010].

As well as demographically, shifts in political and economic structures have also been considerable. Although critics often point to human rights issues and the upholding of freedoms which are fundamental principles of democracy, Taiwan, in a space of only two generations, has become a thriving democratic republic - its transition having occurred in the 1990s. Moreover, in a matter of 50 years, the country has successfully re-invented itself from a poverty-stricken island to an economic powerhouse, now ranked as the 17th largest economy in the world [Chu, 1996]. It should also be noted that this remarkable feat was accomplished amidst its continuing struggle for international legal space. As a result of this giant economic leap; Taiwan has become the destination country for migrant workers.

According to the Ministry of Interior, the number of foreign workers in Taiwan at the end of 2009 was 552,792, 6,508 fewer than at the end of 2008. Compared with the same period in 2008, there were 14,044 fewer foreign laborers residing in Taiwan than at the end of 2009. The drop in the number is related to the global financial crisis as companies did not want to renew their contracts with foreign laborers because of the poor economic situation in 2009; and, in the face of widespread unemployment, the government provided subsidies to firms to hire local workers.

![Graph showing the share of foreign residents in Taiwan (%)](image)

Source: Adopted from MOI, 2007.

Figure 8.1. Share of foreign residents in Taiwan (%).
Indonesians were the largest national group in Taiwan, accounting for 154,159 foreign residents, or 27.9 percent of the total.

The succeeding chapter is based on textual analysis of migrant labor policy in Taiwan, specifically the relevant regulations and laws, including the government web site, and the speeches and interviews given by officials.

Vietnamese, with 125,418 residents, or 22.7 percent of the total, were the second most widely represented group. Filipinos came in third, with 75,086 of its citizens living on the island, or 13.6 percent of the total.
Thai nationals were fourth with 70,781 residents, or 12.8 percent of the total [MOI, 2011, Bureau of Employment and Vocational Training, 2011].

WHAT'S THE RATIONALE WHEN TALKING ABOUT MIGRATION POLICY?

The development of a human rights doctrine has changed the ways in which states act towards each other at both international and regional levels, and has also affected the interactions of governments, individuals and groups at the domestic level [Lan, 2001]. Human rights principles encompass political rights, civil rights, social, economic, and cultural rights, as well as questions of poverty and the distribution of socio-economic resources [Fry, 2001]. Although much has been written on the development of democracy in Taiwan; the human rights issues surrounding this huge migrant population have received little research attention.

Although there are laws regulating the basic rights of migrant workers, there is a strong case to be found in the argument that these laws exclude one-third of the foreign domestic helpers and care providers. With loopholes such as this, and with the 'provisional' foreign labor policy, it is hard to come up with sound management policies [Cheng-Tian, 2000].

Partly due to the flaws in Taiwanese government policy, the management of foreign labor varies from one industry or employer to another, easily causing disagreement between the employer and migrant workers and the violation of human rights on the part of the employers.⁴

Recent dispute cases such as a sexual assault case involving an Indonesian domestic helper sexually harassed by her employer are suggestive of the labor policy in Taiwan which disregards the fact that the migrant workers might be the ones maltreated. This might also be reflected in the health examination regulations for migrant workers: although they provide health certifications which were issued in their home countries, the Taiwanese government requires them to redo the medical examination upon their arrival.

Ames Gross [2001] claims that the government discriminates against female live-in caregivers and domestic workers, for instance, the Labor Standards Law does not apply to live-in caregivers and domestic workers.⁵ Since household work is not protected by the Labor Standards Law, migrants who work in this industry frequently face difficulties ranging from lack of rest, long hours and no vacations, to sexual harassment. Whether due to the actual

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1 The CLA limited guest workers to 30 percent of a firm's workers, and allowed initial entries for two years, with a one-year extension possible. Manufacturing firms seeking foreign workers were required to develop plans to reduce their need for foreign workers over time until 1997, when the requirement was dropped. CLA policies aim to reduce family formation by deporting pregnant women and foreigners who commit crimes in Taiwan. Guest workers are tied to one employer and may fill production but not supervisory jobs. In addition to foreign workers, Taiwan has imported 388,000 foreign spouses, usually mainland Chinese women who marry Taiwanese men [Migrant News, 2007].


needs of the household care recipient / broker or not, migrant workers are often warned that taking vacations is "risky," and work in households can be tantamount to house confinement. Sexual harassment is a serious threat for female domestic migrant workers. Various members of the households may harass or attempt to sexually violate live-in workers often as punishment for ‘violating the rules.’ However, they have little choice but to either suffer in silence for the sake of keeping their job or taking an injured heart and body back to their home country to face the problem of the debt they incurred to come to Taiwan.6

Worksite safety is another human rights concern. Deaths and injuries caused by fires, hazardous fumes, and inept operation of machinery, as well as other less obvious occupational health hazards (e.g. illnesses related to overwork) are often related to a violation of human rights. However, the media often characterizes "unexpected deaths" as a syndrome "exclusively for foreign workers"; this is mainly due to the fact that forensic examiners generally close such cases by reporting "cause unknown".7 All these circumstances leave migrant workers in Taiwan vulnerable to human rights violations [Ullah, 2010, 2011; Ames, 2001].

**LABOR MIGRATION POLICY IN TAIWAN**

While existing policies8 for foreign workers in Taiwan guarantee the protection of workers’ rights, the inherent discriminatory elements put many of them in a subordinate position. One of the best examples of this is the categorization of migrant workers that is embedded in the Employment Service Act. The ‘second type’ foreigners differ from the ‘first type’ of white-collar and professional occupations which puts them under the purview of different legal regulations.9 The Employment Service Act of 1992 is one of the significant elements of migrant labor policy; however it was revised a number of times over the decades. The Act upholds a number of government policies which regulate and define foreigner employment for example: the “Regulations on the Permission and Administration of the Employment of Foreign Workers” policy. The Taiwan government applies the rule of “Limited Quota, Limited Industries” to regulate the importation of migrant workers [Marsh,

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6 Lorna Kung and Fang-Ping Wang. 2004. The Theory and Practice of the Management of the Migrant Workers In Taiwan Solidarity Front of Women Workers, Taiwan.
8 1)Based on the requirements of the domestic economic and social development, we introduce foreign workers to our country by the principles of supplement and limitation on occupations and quantities to make up for the lack of domestic labor; 2)In order to fulfill the consensus reached by the Economic Development Advisory Committee (EDAC), the policies on foreign workers aim to promote the domestic laborers to get employment and continue to take the measures to tighten the numbers of foreign workers; 3)The policy aims to promote the rationalization of foreign workers’ salary; 4)In order to fulfill the domestic labor recruitment before hiring the foreign workers, it is stipulated that the employers who hire foreign workers shall not violate the related labor laws; 5)The policies aim to safeguard the basic rights of foreign workers and fulfill the related measures provided in the "Report on Protector of the Rights of Foreign Workers"; 6)We set up the “Approval and Management Regulations Governing the Employment of Foreign Nationals” in accordance with the revision of “Law Services for Employment”; 7)We timely adjust the employment stability fees for foreign workers to meet the requirements of the labor market; and 8)The policy aims to promote the related measures, such as the reduction of brokerage fees for foreign workers [Hsiung, 1996; Heyzer et al, 1994].
9 The government and society address migrant workers as “Wai-Lao” (in Mandarin, Wai-Lao means foreign labor workers as well as carries the meaning of being excluded and subjugated), thus they are distinguished from white-collar and professional foreigners.
1995, CLA, 1996; the Bureau of Employment and Vocational Training, 2011]. The Employment Service Act requires FM to submit documents such as a certified health examination report and the certification of proper conduct to apply for a working visa. Upon receiving a working visa through the Taiwanese representative office in their home countries, upon their arrival, FMs have to make another application for an employment permit and an Alien Residence certification (ARC). The employment permit is not equivalent to the work permit' that allows workers to change employers or transfer jobs on their own [Bureau of Employment and Vocational Training, 2011]. According to the government, migrant labor policies are formulated with the aim to curb potential social problems. Strict control on maintaining the quota system is to achieve certain objectives set out in the Act.

The process of acquiring a working visa in Taiwan entails going through a complex bureaucracy. The complexity of the system has given rise to a number of private broker industries. The migrant workers’ dependence on these private brokers—both in Taiwan and in their home countries—has exposed them to an additional exponential amount of cost for their migration. This has serious ramifications for their future intentions of remaining at their destination points which may lead to some migrant workers becoming illegal entities [Parrenas, 2001; Ullah, 2010].

These private broker industries have since become institutionalized - Taiwanese law now requires private recruiting firms to provide certain services for migrant workers upon receiving the service fee from them every month. The policies and processes of importing migrant workers are connected to the state ideology of objectifying migrant workers as the measure used to satisfy Taiwanese society [Liang, 2008]. There remains widespread criticism about the requirement for re-doing the medical examination upon foreign workers’ arrival even though it was completed in their home country before departure. Generally, it is FM’s employers that arrange for their medical examination - in hospitals which are recognized by the central health institution - within three business days of their arrival in Taiwan. Re-examination needs to be conducted in the sixth, eighteenth, and thirtyth month during their employment term. Their deportation or permission to stay hinges on the report of the medical examination [Liang, 2008]. This policy not only demeans the medical standards of the country of origin, it also segregates this group from the beginning of their venture.

This normalization of segregation is also exhibited in the wider Taiwanese society as stereotypes of FMs from different nations are common such as: Filipinas have better conversational English. Therefore, they are mostly employed to take of their school going children. Indonesians are known as well-mannered and loyal; Thais are ambitious. These stereotypes in fact become the criteria for hiring migrant workers from specific countries.

The worry that migrant workers might turn into illegal immigrants led the government to make the foreign labor management policy in Taiwan. An example which supports this is the dictate that when a migrant worker runs away; the original quota for the employer will be readjusted until the runaway is apprehended [Liu, 1998; Luo, 2002]. This means that the

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10 One may want to convert Visitor Visa into an Alien Resident Certificate or ARC after four months of consecutive study (government prerequisite for application). If you someone is a recipient of a Special Ministry of Education Scholarship and you have been issued a resident visa to enter Taiwan, you must apply for your ARC within 14 days of your arrival in Taiwan; otherwise there will be a fine incurred or other obstacles to manage, including a possible trip abroad to reapply for a new resident visa. For international students, the Alien Resident Certificate (ARC) serves as their temporary ID card which can prove resident status in Taiwan.

11 Taiwan has established a quota of 391,926 foreign workers, but only 347,172 were in the country in May 2007 [Migrant News, 2007].
employers have a management policy in line with their own interests [Kung and Wang, 2008]. This has led to employers using their own methods to regulate their migrant workers such as forcing them to save their money with the employers, confiscating their passports and resident cards, and deporting them without prior notification. None of these conditions can be said to conform to any human rights standard.

The Planning of Management Policy and Migrants Rights

A number of reforms were made to address the human rights issues of migrant workers in Taiwan. One such reform stipulates that the employer must not hold a migrant worker's personal property such as a passport or ID, a second reform requires the employer to have solid grounds before deporting employees and an obligation not to deport female workers who become pregnant before the contract expires [Wu, 2000].

Although these reforms were welcomed by many human rights groups and international organizations, they were passed a long time after they were needed as it has been 20 years since the arrival of the first group of migrant workers in 1989. With the changing of time and the effects of globalization, it is clear that many elements of the two-decade-old policies became obsolete.

A more recent policy change that has come under a lot of criticism is the recent abolition of the minimum labor wage, justified by the government as a way of combating the global economic recession. The abolition of the minimum wage was not conducive to business competitiveness in Taiwan as only 9 percent of the labor workers rely on the protection of basic wages [Tsai, 2010]. It is also only the employers who hire migrant workers that benefit from the abolition of the minimum labor wage. Therefore, this policy does little to help Taiwan overcome the economic recession the world faced.

Regarding the brokers' fee, like many other governments, Taiwan stipulates the fees that brokers can charge according to the existing laws and regulations. However, rare is the adherence to the set regulations on imposing fees. Complaints have echoed in Taiwan and around the world in the last three years that overtime payment has been either cut or reduced, and that in many cases overtime provision has been abolished completely. This means wages of the FM have gone down tremendously. This was not taken into consideration by the brokers; rather their charges have soared in the last two years. This has led many FMs to resort to work for other firms illegally, thereby running the risk of deportation in order to raise money to pay broker fees. Room and board fees are also generally included in the basic wage. However, the actual costs of ‘free’ room and board supplied by employers are often deducted from wage packets before the migrant worker receives them [Wu, 2000].

Migrant workers are always vulnerable to abuse, be it sexual or physical. Sexual harassment is a serious threat for female household/domestic migrant workers. Marshall [1999] argues that three different types of abuse are detrimental to women: overt, obvious and subtle. According to Marshall [1999] obvious acts include verbal aggression and controlling

12 Over 90 percent of newly arrived foreign workers come via private employment agencies, with migrants paying as much as the equivalent of nine months of their Taiwanese earnings in fees. Since 1992, the CLA has set maximum fees, limiting them in 2007 to a maximum NTS$60,000 ($1,8390) over three years [Migrant News, 2007].
behaviours, overt acts include dominating and discrediting behaviours, and subtle acts include isolating and undermining behaviours. Researchers have tried to link Marshall’s theory with reality of the three major categories of abuse i.e. sexual, psychological, and physical. Psychological abuse may result in an imbalance of power and control in the relationship, which may cause a woman who is abused to feel distressed, trapped and isolated [Coker, Watkins, Smith, and Brant, 2003; Fry and Barker, 2001; Smith et al., 2002; Straight, Harper and Arias, 2003]. Employers often engage in sexual assaults on workers under the pretext that they are punishing them for ‘violating the rules’. Even though there are anti-sexual discrimination laws, the process of litigation is very time-consuming and often inflicts renewed harm to the victim.

Wu [2000] notes that the attitudes toward migrant labor held by government, employers or brokers essentially proceed from militarized management because brokers receive licenses from the cabinet-level Council of Labor Affairs (CLA). This reflects the manifestation of the ideology behind the government’s policy at the level of implementation. The two statutes: ‘Employment Services Act’ and the ‘Regulations on Permits and Management of Employed Foreigners’ that distinguish between the rights of blue-collar compared to those of white-collar foreigners are of great concern because of the discriminatory restrictions on blue-collar migrant workers. This group of FMs cannot choose to change employers or jobs and they must leave Taiwan after three years. There is no provision in place for reapplying to work in Taiwan. From a capitalist point of view, these policies demonstrate the use of the legal machinery of the state to help people in the upper echelons of society.

**Conclusion**

The Taiwanese government has been quick in its response to recognize potentials for economic development. Their policy was not merely to address the caretaking need for elderly or children but also to attract Taiwanese living outside by giving myriad incentives such as the establishment of the National Youth Council in the early 1970s to connect Taiwanese businesses with skilled migrants [Chow, 2001].

Policies are something that pans out with the changing economy, geopolitics, and globalization. Taiwan is one of the fastest growing economies of the past five decades despite tense political relations with China. It has been keeping pace in its migration policy reforms, particularly those which are conducive to attracting Taiwanese diasporas, as well as attempting to create a better humane environment for foreign migrant workers, although the implementation of these policies remains a challenge.

The basic concept of these policies is to protect the rights of migrant workers and the interests of the employers. For example, migrant workers can legally file charges when their fundamental human rights are infringed upon, such as when they are raped or sexually assaulted; when they are forced to sign unequal contracts or agreements. Migrant workers whose rights have been violated by anyone (employers or brokers) have the legal right to demand either a change of employment or repatriation; however, the practice of such a demand is almost non-existent. One principal reason is that achieving results through the judicial process is lengthy and expensive.
As the continuum of the changing process of policies, the Taiwanese government implemented a new law on the hiring of caregiver, effective January 2006, which encompasses a more relaxed medical assessment of the patient to hire a caregiver; government caregiver centers would recommend up to two sets of local caregivers to prospective employers with three recommendees per set; employers may only apply to hire foreign caregivers if they cannot find a suitable local applicant. This policy in fact was to serve the interest of both sides. A group of sociologists in Taiwan criticized the existing migration policy in Taiwan and recommended that a comprehensive migrant policy should be created [Lu, 2003]. They further noted that the importation of foreign laborers shows that recruiting overseas workers will be a permanent feature of the domestic labor market. But the government needs to map out a plan to attract more foreign manpower, other than blue-collar workers, to help the country upgrade its international competitiveness. This chapter begs some questions at its concluding paragraph: can a direct employment system reduce the brokerage fee; can the abolishment of compulsory savings on the part of migrant workers reduce the employers' inappropriate control; and can the abolishment of pregnancy test and the provision of shelter by NGO's for troubled FM's protect their rights?

REFERENCES


Chapter 9

MIGRATION MANAGEMENT APPROACHES AND INITIATIVES IN SOUTH ASIA

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INTRODUCTION

Migration has always been a significant phenomenon across South Asia. The historic ties that link the various populations across the region, accentuated by the modern day dynamics of migration have given rise to multiple forms of population movement ranging from voluntary to involuntary, internal to external, long-term to temporary.

South Asia features prominently in the dynamics of migration in Asia. During the past half century, after the emergence of independent States in South Asia in 1947, about 30 million people have moved from one part to another part of the region to either avoid prosecution or meet basic needs [Ghosh, 2004]. Asia’s migrant stock stands at 49.7 million migrants, which is the second highest in the world after Europe [IOM, 2003]. Out of the top 10 countries of emigration in the world, three are from South Asia; Afghanistan and Bangladesh (4.1 million each), and Sri Lanka (1.5 million) [IOM, 2003]. The migrants from Bangladesh and Sri Lanka are mainly labour migrants while Afghanistan’s outflow has largely been owing to the war. India and Pakistan are the sixth and tenth top countries hosting the largest number of migrants [IOM, 2005]. It could be said that migration to India is particularly for economic reasons while migration to Pakistan is primarily because of the displacement from Afghanistan. This snapshot analysis highlights the complex dynamics and varied nature of migration in the region.

This chapter attempts to look at some of the emerging trends of migration in the region. Availability of accurate and objective data on migration is limited, with no uniform method for data collection. Furthermore, irregular migration and trafficking are not included in comprehensive data collection, making it difficult to compare data from different countries. The paper also tries to discuss the migration policy framework existing in the region,

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highlighting both national arrangements and various regional initiatives in the management of population movement.

**HISTORICAL BACKGROUND**

Population movement has always been a part of life in South Asia. For hundreds of years, circular movements of people have taken place in South Asia primarily to diversify income sources beyond subsistence agriculture (ADB, 2003). The absence of a centralized bureaucratic administration determining citizenship or membership of ethnic groups during the pre-colonial period encouraged the free movement of people across the Indian subcontinent [Bose, Sugata, Jalal and Ayesha, 1998]. The advent of colonial rule marked some changes in the migratory patterns as people from the Indian subcontinent became bonded or contracted labourers for the British. Many people from India were also transported to work in mines, plantations and households in North and South America, the Caribbean and South-East Asia subsequently becoming settlers in those colonies. The independence and subsequent partition of the Indian subcontinent in 1947 resulted in bloody ethnic, religious and communal conflicts, leading to massive “partition migration”. Approximately 35 to 40 million people moved across national boundaries of India, Pakistan, Sri Lanka, Nepal and what is known today as Bangladesh [Weiner, 1993]. The end of the British colonial period also saw many people migrating to European countries from South Asia. During the post Second World War period, many European countries experienced a labour shortage, especially in low-skilled industries and attracted labour migrants from former colonies including the Indian subcontinent to work in various industries [de Bruyn and Kuddus, 2005].

The emergence of nation-states in 1947 also resulted in the beginning of impositions of various procedures on people’s mobility within South Asia for the first time. However, those could not altogether stop the flow of people within and outside the subcontinent. The “natural integrated labour market” of South Asia remained a major factor behind the fluid movement of people within the region. Afghans have a long tradition of economic migration to neighbouring countries and the historical migration pattern of Afghanistan was significantly influenced by the silk route. Those historical ties have been altered during the period of civil unrest and war. The massive displacement saw the growth of the world’s second largest refugee population and at the same time one of the largest diaspora communities [Jazayery, 2002]. The history of the last 20 years has seen the emergence of new ties between Afghanistan and its neighbours, particularly the Islamic Republic of Iran and Pakistan, reinforcing the ethnic ties, traditional linkages and nomadic character existing in the region.

The oil boom in the 1970s marked a major historical change in the migration dynamics for the people of South Asia. With the large demand from the oil producing countries in the Middle East, mainly in the construction sector for less skilled workers, a large population from all the South Asian countries including Afghanistan migrated to the Middle East, for temporary contract work. Another significant change in trends of migration was the rapid economic growth and declining fertility in South-East Asia and the Far East in the mid 1980s, which led to a considerable rise in demand for migrant labour in the region, subsequently filled by South Asian migrants.
INFLUENCING FACTORS

The historical ties between the populations and the intricate interplay of various external and internal factors have shaped and reshaped the migration patterns. For centuries, people in South Asia have moved owing to economic difficulties, natural disasters, religious and ethnic conflicts, war and civil unrest. In recent times, globalization and growth in information and communication technology have further accelerated migration, adding new dynamics to the world of migration in South Asia.

Today, factors such as economic imbalances, extreme poverty, population growth, land scarcity, environmental degradation, social networks, long and porous international borders, global and regional employment opportunities, trade and migration policies, awareness and lack of it, continue to contribute to the increasing magnitude and varied forms of migration in the region. In many cases economic development has come at a cost of employment or livelihood opportunities for poor rural populations. Unregulated market forces, structural economic changes and government policies have destroyed many livelihoods forcing people to move from their homelands [Jasanee, 2002]. Concurrently, various pull factors in destination countries including expanding markets, labour shortfalls and ageing populations [IOM, 2005] also motivate people to migrate across borders. Better educational opportunities for migrants’ children, access to specialized jobs, better health-care systems and wider opportunities for self-actualization [de Bruyn and Kuddus, 2005] are also among pull factors. In South Asia, a large number of people also migrate because of family reasons. The family relationship, kinship groups, informal social networks and extended family relations are important in the migration decision-making process.

In the region, migration is not just an individual choice, but a choice that takes place within a household and in some cases within the community, which seeks to minimize risks and improve conditions. However, economic and social conditions continue to be the major reasons behind population movements in South Asia. With 40 percent of the world’s poor, South Asia remains among the poorest regions of the world. According to the World Bank, 45 percent of the population lives below the international poverty line of one dollar a day. From time to time, conflicts have also shaped the migration scenario in South Asia. War, political conflict and unrest in Afghanistan, Nepal, Sri Lanka have resulted in widespread population movements, resulting in large numbers of refugees, internally displaced persons and irregular migrants.

MIGRATION PATTERNS AND TRENDS

People from all socio-economic backgrounds migrate, giving rise to varied trends and patterns. Those trends also continue to evolve and change over time owing to changing circumstances and life experiences. In line with the global trends, the traditional picture of the single male economic migration in South Asia has been fundamentally changed with more and more women migrating autonomously as individual agents. While short-term international migration does not involve the whole family, long-term permanent migrants are mostly family migration. Destinations for South Asian migrants also vary depending on the duration of stay, with long-term migrants migrating to industrial countries in Europe and
North and South America, and short-term contract migrants working primarily in the Middle East or South-East Asia.

In general, international migrants are not the poorest section of the population, as it is difficult to bear the cost of overseas migration. Internal migrants are from a poorer section than international migrants as they cannot afford the cost of international migration. As in other regions, involuntary migration or displacement in South Asia is mostly family displacement. Although men, women and children are trafficked, trafficking in women and children is more common than that of men, as women and children are more vulnerable. Those general understandings however should not oversimplify the complexities of migration in the region. The ambiguity and confusion surrounding migrant, trafficked and refugee populations often hinder attempts to analyze the migration trends and patterns of various types of population movements in South Asia. The following description of categories aims to provide an overview in the context of a “mixed flow”, rather than a rigorous categorization.

**INTERNAL MIGRATION**

In South Asia, internal migration flows are considered to be significantly larger than international migration [Deshingkar, 2005]. The internal migration of people within the country’s border is of four types; rural-to-rural migration, rural-to-urban migration, urban-to-urban migration and urban-to-rural migration. In Bangladesh, nearly two-thirds of migrations from rural areas were to urban areas. Rural-to-rural migration was 10 percent compared to the overseas migration of 24 percent; estimates indicating a 6.3 percent annual increase in the migration to the capital Dhaka [Deshingkar, 2005]. Two thirds of the urban growth since independence in 1979 could be attributed to internal migration, with 25 percent of the population living in urban areas in 2000; up from 6.2 percent in 1965 and 9.9 percent in 1975 [Afşar, 2003].

In India, an estimated 20 million people annually migrate temporarily [Deshingkar, 2005]. During the 1999-2000 period, internal migration dominated over all other forms of movement and accounted for about 62 percent of all movements [Afşar, 2003]. During the same period, rural-to-urban and urban to urban migration stood at 24.5 and 24.4 percent respectively [Skeldon, 2003]. According to the 2001 census in Nepal, the total number of internal migrants stood at 2,929,062 constituting 13.2 percent of the population [KC, 2003]. This shows an increase from 9.6 percent reported in 1991. Out of the total internal migration, 68.2 percent was rural-to-rural with people moving to agriculture sustainable areas, rural-to-urban migration accounting for 25.5 percent [KC, 2003]. Internal migration in Nepal is also heavily influenced by the Maoist insurgency.

The current urban growth rate is double that of the population growth rate in Pakistan. According to a 1998 Population Census, rural-to-urban migrants accounted for 8.2 percent of the total population [Menon, 2005]. One major characteristic of internal migration in the country is the significant movements related to marriage and family [Gazdar, 2003]. Economic migrants account for 20 percent of the total migrants [Menon, 2005]. According to the 1994 Demographic Survey in Sri Lanka, 14.45 percent of the population migrated internally. This figure shows an increase from the 1981 Census figures of 13.5 percent. The high proportion of female migration, both internal and overseas, is a major characteristic in Sri Lanka. In
1994, 13.3 percent (down from 13.8 percent in 1981) of the male population were migrants compared to 15.6 percent of the female population (up from 12.5 in 1981) [Ukwatta, 2005]. In Afghanistan, some recent studies have suggested a growing increase in internal migration for economic purposes. Approximately 22 percent of rural households in Afghanistan have at least one member who has migrated over the past five years [Opel, 2005]. In a recent survey in three major cities; Kabul, Heart and Jalalabad, it was found that out of the sample size of 997, nearly half had migrated within the last year from a rural area and most of them were either planning to (nearly 50 percent) or had already settled (13.4 percent) in urban areas [Opel, 2005]. Internal migration is South Asia could be long-term or permanent. The seasonal migration prevalent in South Asia is circular in nature with agricultural labour migrants migrating from rural-to-rural and urban-to-rural areas, as well as across-borders during harvest seasons.

**INTERNATIONAL MIGRATION**

Three major types of voluntary international migration could be identified in South Asia, namely the movement of emigrants as settlers to Europe, Australia or North America (long-term permanent settlers); the movement of contract labour migrants to the countries of the Middle East, South-East Asia and elsewhere (temporary migrant workers); and the intra-regional short-term movement of people within the South Asian region (seasonal economic migrants) [Skeldon, 2003].

Data for labour migration in Bangladesh suggest that from 1991-2000, on average more than 250,000 Bangladeshis left the country each year to take up overseas employment. However, it is believed that the actual number is far higher than the official figure. The major destination for Bangladeshi labour migrants is the Middle East and Malaysia. According to a rough estimate, 1.05 million Bangladeshis are living abroad permanently either as citizens or with other valid documents [Siddiqui, 2004]. This Bangladeshi diaspora is spread mostly in the United Kingdom of Great Britain and Northern Ireland, the United States of America, Europe, South Africa, Canada and Australia.

It is estimated that there are around 20 million Indians throughout the world, comprising one of the largest diaspora communities. India also has a large number of its citizens working abroad as short-term contract labourers. In 2002, the number of contractual labourers from India was 0.37 million which is lower than 1993 when it was 0.44 million. The major destination for Indian contractual labour is the Middle East (75 percent) [Rajan, 2003]. According to the 2001 census data, 762,181 emigrants were recorded in Nepal representing 3.4 percent of the population. Most Nepalese migrate to India as they have historical links and an open border between the two countries. In the 2001 data, it was noticed that only 68 percent migrated to India, which is a considerable decrease from 89.2 percent in 1991 (Government of Nepal, 2003). Nepalese migrants were bound towards new destinations – Saudi Arabia (8.9 percent); Qatar (3.2 percent); United Arab Emirates (1.7 percent); Hong Kong, China (1.6 percent) and North America (1.3 percent). The data also indicated that 53.2 percent were absent for 1-5 years representing temporary migrant workers and another 15 percent were absent for 5-10 years – this group can be considered as permanent settlers.
abroad. Nepal also hosts a large number of immigrants [KC, 2003]. In 2001, the immigrant population (in-migration) consisted of 2.7 percent of the total population [KC, 2003].

Pakistan has a large flow of international migrants. Many migrant workers take up employment opportunities in the Gulf States. It was estimated that by 1980, as many as 2 million Pakistanis had been employed in the Gulf States [Gazdar, 2003]. Estimated labour migration outflow in 1997 was 153,929 [Skeldon, 2003]. Pakistan has a significant diaspora population: an estimated 2 to 3 million people of Pakistani origin are living in developed countries [Gazdar, 2003]. In Sri Lanka, data from 1998 showed that 158,287 migrants left Sri Lanka, of which 66.5 percent were women. Most of the migrants migrate to the Middle East. The other destinations include Lebanon, the Libyan Arab Jamahiriya, Jordan, and Cyprus. A smaller number go to East Asian countries such as Singapore; Hong Kong, China and Malaysia [IOM- INSTRAW, 2000]. For Afghanistan, the focus of data collection has been mostly on displacement issues and there has so far been almost no work done on the scope and nature of Afghan migration dynamics. However, most Afghan migration to neighbouring countries is economically motivated [Afghanistan Research and Evaluation Unit, 2004]. The Afghan diaspora worldwide consists of some one million persons [IOM, 2004a]. Afghanistan also hosts migrants from Pakistan, most of who are semi-skilled, as there is a need for skilled labours [IOM, 2004a].

There is also information on Afghans working in the Middle East as labour migrants, but no reliable data on this type of migration is available. Migration for higher education is also a major issue in South Asia. Though students from all over South Asia are studying abroad, India saw the maximum growth in 2002-2003 with an increase of 11.6 percent and is second only to China in terms of proportion of the international student population [IOM, 2005].

**IRREGULAR MIGRATION**

Alongside regular migration, irregular movement of people is also significant and a grave concern for the countries in South Asia. In the absence of arrangements for regular temporary migration to address the labour demands, seasonal migration from one country to another, particularly during harvesting seasons and to work in the informal sector, has been a long-standing practice. During the past two decades, there has been an alarming growth of irregular migration in the South Asian countries.

**TRAFFICKING IN PERSONS**

In South Asia, human trafficking is a major and often unreported problem. Although it is estimated that there is considerable trafficking in the region, exact numbers are difficult to obtain [IOM, 2005]. All countries in the region feature as origin, destination or transit countries for trafficking victims. Afghanistan, Bangladesh and Nepal are the main countries of origin for trafficked people, while India and Pakistan are considered countries of destination and transit to other regions, commonly the Gulf States or Europe. A small number of women and girls are transited through Bangladesh from Myanmar and Nepal to India and other countries. Women and children are targeted mostly as a vulnerable group. They are
trafficked for the purposes of sexual exploitation, domestic servitude, forced marriage and bonded labour. Young boys have also been trafficked to the United Arab Emirates and Qatar and forced to work as camel jockeys and beggars. Trafficking for the purpose of commercial sex work is a major problem in Nepal. The main source is the impoverished regions of Nepal and the street children. An ongoing Maoist insurgency in Nepal has used violence to wrest control of remote areas from the Government; many trafficking victims originating from those areas. In Bangladesh, the major origin areas are in the impoverished north of the country. It is also reported that Burmese women and children are trafficked through Bangladesh. The restriction on the movement of women for regular migration both in Nepal and in Bangladesh also creates additional vulnerabilities towards trafficking of women in the country. Though most women are trafficked to India, given the widespread demand for trafficked labour, many are transited from India to destinations in the Middle East.

The general impoverishment of refugees, internally displaced persons and other communities all over Afghanistan makes it a major source area for traffickers. Though decades of conflict have made it difficult to come by any data, reported trafficking trends within Afghanistan include abduction of women and girls for forced marriage, forced marriage for debt release, the exchange of women and girls (for forced marriage) to settle disputes or cease blood feuds, and the abduction of persons, including boys, for sexual and domestic servitude. Sri Lanka is a country of origin and destination for trafficked persons. Commercial sexual exploitation of children is a major concern. Young boys are exploited domestically, often in tourist areas, whereas young girls are lured by promises of job opportunities or overseas travel. Given that most of the migrants from Sri Lanka are female, many find themselves in situations of coerced labour, slave-like conditions, or sexual exploitation in destination countries. Pakistan is a country of origin, transit and destination for trafficked women and children. Internal trafficking of women and girls from rural areas to cities for purposes of sexual exploitation and labour is also noticeable. Pakistan has also been a source country for young boys trafficked to the Middle East as camel jockeys. Some Pakistani men and women travel to the Middle East in search of work and are put into situations of coerced labour and physical abuse. Pakistan is also a destination for women and children trafficked from Bangladesh, Myanmar, Afghanistan and Central Asia for purposes of commercial sexual and other labour exploitation.

India is a country of origin, transit and destination for thousands of trafficked men, women and children. Internal trafficking of women, men and children for purposes of sexual exploitation, domestic servitude, and bonded labour is also prevalent. Indian women in particular are put into situations of coerced labour and sometimes exploitative conditions in countries in the Middle East and the West. Bangladeshi and Nepalese women and children are trafficked to India or transited through India en route to Pakistan and the Middle East for purposes of sexual exploitation, domestic servitude and forced labour.

**FORCED MIGRATION/ DISPLACEMENT**

In South Asia, people are also forced to migrate, both internally and across borders because of conflicts and natural disasters such as floods, cyclones, earthquakes, riverbank erosion, tornadoes and deforestation. Natural disaster induced displacement is a major issue in
South Asia. Floods, earthquakes, cyclones and the recent tsunami have resulted in massive displacements. Chronic flooding in Bangladesh causes major displacement of people on a regular basis. The floods in 2004 resulted in one million people being displaced temporarily or permanently [United Nations Flash Appeal for Bangladesh, 2004]. More severe floods in 1988 and 1998 left 30 to 45 million People homeless and displaced [Hossain, 2004]. More recently, the tsunami displaced tens of thousands in Sri Lanka and India. Estimates of people displaced in Sri Lanka range from 553,000 to 1 million [Global IDP Project, 2005a]. Apart from the displacement owing to those natural disasters, there are other natural calamities that result in displacement. In Bangladesh, about 64,000 people are displaced by riverbank erosion every year. It is estimated that 70 percent of the total slum dwellers in Dhaka, are internally displaced persons owing to riverbank erosion [IOM, 2005]. Displacement owing to development projects is also observed in many parts of South Asia. Irrigation related migration has a long history particularly in Pakistan [Gazdar, 2003].

Displacement owing to conflicts is another major issue in South Asia. According to the Office of the United Nations High Commissioner for Refugees [UNHCR], at the end of 2003, some 164,567 refugees were living in India. Most of them came from China, Sri Lanka and Afghanistan. India also saw some major displacements within the country with more than 500,000 people internally displaced including 157,000 in North-East India [UNHCR, 2001]. The situation in Bhutan has resulted in the displacement of Nepalese-speaking Bhutanese during the 1990s. More than 103,000 Bhutanese refugees are living in different camps of eastern Nepal as of 2003. Nepal also hosts 20,000 Tibetan refugees according to the UNHCR. The Maoist insurgenct in Nepal has also displaced many Nepalese. According to the Global IDP Project, there is no way of determining the exact numbers of internally displaced persons (IDP), but realistic estimations put the figure at between 100,000 and 200,000 [Global IDP Project, 2005b].

The main cause of displacement in Sri Lanka is the armed conflict between the LTTE (The Liberation Tigers of Tamil Eelam) and government forces. Other reported war-related causes of displacement include forced recruitment by the LTTE, human rights abuse by both sides and inter-communal violence in the East [Global IDP Project, 2000]. Since an armed campaign for an independent Tamil State began in 1983 there have been repeated and massive displacements of civilians resulting in 732,000 IDPs and 84,000 refugees at the end of 2002 [UNHCR, 2004].

The conflict in Afghanistan resulted in refugee influx to Pakistan and the Islamic Republic of Iran. In 2000-2001 the number of refugees and IDPs was in excess of 6 million [Jazayer, 2002]. Most of the refugees went to Pakistan and Islamic Republic of Iran. According to the UNHCR, Pakistan hosted 2.2 million Afghan refugees at the end of 2002, making Pakistan the host to one of the largest refugee populations in the world. UNHCR's estimates of major origin countries put Afghanistan at the top of the list. It is estimated that one in every three Afghans has either been a refugee or an IDP [IOM, 2004a]. More than half of the refugee population has now returned to Afghanistan, with return figures reaching 3.5 million. However, it is predicted that not all will return. Almost two decades of residing in the neighbouring countries has meant that Afghan refugees have developed social, economic and cultural ties with the host countries [IOM, 2004a]. Asylum seekers are another group of people on the move. According to the UNHCR in 2003, 13,820 Afghans, 13,553 Indians, 5,183 Sri Lankans and 5,083 Bangladeshis claimed asylum outside Asia. However, asylum requests from Afghan nationals have decreased almost to half in recent years.
EMERGING KEY TRENDS

In general, most migrants from South Asia are semi-skilled and less skilled. However, there are also differences in migration trends among the South Asian countries. Over the years, the migration of more skilled workers from Bangladesh to the Middle East seems to have declined, while the movement of the less skilled workers has increased. The opposite appears to have occurred in the case of India. Another feature of the migration processes in South Asia is the emergence of the recruiting industry, in the late 1970s and 1980s. During the initial phase of the early 1970s, recruitment was mostly dealt by the States. Presently, over 90 percent of the recruitment in India, Pakistan, Sri Lanka and Bangladesh is carried out by private recruitment agencies. Recruiting agencies usually function with a license from the Government of the labour origin countries to develop employment opportunities and facilitate placement of migrant workers abroad. Regulatory policies for the recruitment industries are also characteristics of migration management in South Asia.

The feminization of migration is another major trend of migration in South Asia. Over the last decade, more and more women have been going abroad independently. A majority go to work as domestic workers in the Middle East and Europe. A large portion of them are employed in the informal sector, especially domestic work in South-East Asia, the Far East and Middle East. This is spurred by the increased demand for domestic help owing to declining and ageing populations, and increased participation of women in the economy. The United Arab Emirates, Kuwait, Malaysia, Bahrain, the Maldives and Oman are the major destinations for female workers. It was estimated that about 1 million to 1.7 million women were working as domestic workers in Asia and the Middle East in the early 1990s. The figure is now much higher. The number of female domestic workers has increased almost 11 times over 25 years, while it is about six times in the case of male workers over a 20 year period [Haque, 2002].

The trend in migration of women varies across the region. The proportion of women migrants is quite low in Bangladesh, while the proportion of women migrants from Sri Lanka increased from 33 percent to 65 percent between 1988 and 1999 [Ukwatta, 2005]. However, actual figures for female migrants cannot be determined as many women have migrated using irregular means due to the restrictions in place in many countries such as Bangladesh, Nepal (until recently) and Pakistan. A recent study estimated the total number of female migrants from Bangladesh to be 437,000 [Blanchet and others, 2005]; a figure significantly higher than the official records which indicate that between 1991-1995, 13,049 women migrated from Bangladesh [IOM-INSTRAW, 2000]. The measures to restrict women's migration that were put in place in the 1980s were justified on the grounds of protecting the dignity of women abroad. However, those policies have not stopped movements but have instead led to many women moving under irregular conditions and thus becoming extremely vulnerable to abuse and exploitation.

With trafficking and smuggling in persons becoming an increasingly significant problem in the region, the policies have been reviewed and some barriers to migration relaxed. For example, the Government of Bangladesh has recently relaxed the ban on migration by less skilled women above the age of 35 years and married accompanied by husband. Nepal also lifted its ban in 2003. Pakistan does not encourage women migration. Only 0.04 percent of total migrant workers in Pakistan are women. Pakistan does not permit the migration of
women under 45 years as domestic helpers [IOM, 2004b]. Migration of highly skilled is another type of migration that has increased in recent years along with the increase in investments in products and services related to information technology (IT). Indian IT professionals dominate this category of migration. The Government of India has created the Ministry of Information Technology recognizing the importance and potential of migration of IT professionals. The Ministry plays an important part in the organization of this type of migration. Circular migration is also gaining importance in South Asia. With large diaspora communities living in developed countries, the origin countries (namely India) are developing policies to direct diaspora investments. Many migrants return to their country and utilize their newly developed skills. The many large-scale investments and involvement of highly skilled workers in sectors like education is an example of this return. The Afghan diaspora living in Europe, North America and Austrália, are also contributing to the rebuilding of Afghanistan. The Government of Afghanistan is continuing its efforts to support the return of qualified Afghans. Many Afghans living abroad are also participating in the Afghan reconstruction and development process in various ways. Return of migrants in other South Asian countries is also noticeable.

**GENERAL IMPACTS OF MIGRATION ON ORIGIN COUNTRIES**

Like other regions, the most important economic impact of migration in South Asia is in terms of remittances. Though figures are hard to determine, remittances from both international and internal migration are significant in the region. Out of the estimated annual figure for world-wide international remittance flows of US$ 100 billion, about 20 percent flows into South Asia. India accounts for 78 percent, making it the world’s largest remittance recipient country [Kuddus, 2003]. According to the Ministry of Overseas Indians, the remittance figures for India during the 2004-2005 period was 20.4 billion.5 Bangladesh accounts for 12 percent of the remittances flowing into the South Asian region — some 2 percent of the global remittance flow. In Nepal, the amount of remittances sent through official channels during 2003 reached 54 million, amounting to 12.4 percent of the GDP.6 Pakistan and Sri Lanka receive 2.1 and 1.1 percent of the total global remittance flow, respectively. Remittances sent by Afghans working in neighbouring countries, the Gulf States and other countries in the world constitute an important resource for many Afghan families, possibly amounting to hundreds of millions of US dollars annually [IOM, 2004a]. The flow of internal remittances is hard to estimate though the impact is believed to be significant. The major impact of remittances in the origin areas is the changes in pattern of household expenditure, improved living conditions, social security and improved education and health care. It is also an important source of foreign currency for many countries. However, the inflow of remittances is not the only significant impact. Migration, internal alike external, is a major livelihood option. Return migration and remittances also create additional employment opportunities in the origin countries. For destination countries in South Asia, migration meets the demand for labour that is not available in the local markets.

Migration also has major social impacts. The new skills and knowledge transfer of migrants significantly contribute to the development of the origin countries. Migration, owing
to the effect on gender relations, is impacting the social structure of the society. Altogether, by offering people an option to improve their living conditions, migration is fundamentally affecting the social structure of South Asian societies. Migrants also bring about progressive changes in the community, both in origin and destination countries. In relation to the impact of migration, there is also a debate among the development practitioners as to whether migration reduces the country's skilled workforce thereby creating a brain drain and having a negative effect on the development process. By contrast, there are those who believe in brain gain through brain circulation. The brain drain situation is not as grave an issue for South Asia as for some countries in Africa.

The regressive impacts of human trafficking are considerable in the region. There is little or no research undertaken in this area. Economic losses to communities and governments resulting from trafficking are enormous if considered in terms of lost returns on human or social capital investments. The cost of countering the crime, the loss of potential income of trafficked labour lost in hidden sectors (for example, the commercial sex industry), the loss of income from the trafficked labour diverted out of the formal economy and the cost of social integration of trafficked persons are some of the other areas of adverse impact on the society and economy.

There are controversial aspects, however, to the social aspects of trafficking. For many women, trafficking despite causing harm also provides opportunities for women to remove themselves from otherwise oppressive circumstances [ADB, 2003]. By contrast, integration of trafficked survivors can be difficult as traditional communities do not accept women whom they consider as “spoiled” (the common belief being that “all” women having been trafficked into prostitution are thereby spoiled). Trafficked persons often experience physical and psychological health problems – psychological stresses can lead to trauma, depression and in some cases suicide (ADB, 2003). Many trafficked persons die in the trafficked situation and many suffer from physical impairment. Women and children trafficked in the commercial sex sector also face higher risk of contracting sexually transmitted diseases (STDs), HIV/AIDS, tuberculosis and other diseases.

**EXISTING AND EVOLVING MIGRATION MANAGEMENT INITIATIVES**

In South Asia, most policies regarding the movement of people are ad hoc in nature and related mostly to the temporary international labour migration. There is no comprehensive policy to manage migration – within the countries or on a regional basis. However, the South Asian countries are now placing greater emphasis on addressing irregular migration, particularly trafficking in persons which emerge as an important issue. Nevertheless, larger migration matters remain a relatively less important policy issue in most South Asian countries. At the regional level, South Asia lacks regional initiatives in managing migration; it is one of the few major geographic areas that do not have any exclusive regional initiative in place for managing migration in a comprehensive and coordinated manner. In Bangladesh, the Government has been relatively proactive in consulting and collaborating with foreign governments and major employers to ensure foreign employment for its population [Waddington, 2003]. The Government has set up a separate ministry to deal with overseas
contract labourers and the diaspora community. Though the private recruiting agencies deal with more than 90 percent of the labour migration, the Government has laid down regulatory legislation in this regard as part of the Emigration Ordinance of 1982. The Government is also currently drafting an “Overseas Employment Policy”. In relation to trafficking in persons, several national laws including the Penal Code of 1860, the Suppression of Immoral Traffic Act of 1933, the Children (Pledging of Labour) Act of 1933, and the Children’s Act of 1974 can be invoked in prosecution of trafficking.

Recently, the Women and Children Repression Prevention Act of 2000 has established extremely severe penalties for a number of offences against women and children, including trafficking. The Government of Bangladesh is currently drafting a “National Anti-Trafficking Strategic Plan of Action” to curb trafficking in a coordinated and integrated manner. In India, private recruiting agents for labour migration operate within the State’s determined structure. Though the Government is interested in putting in place effective migration management policies, the Emigration Act of 1983 remains the only policy overseeing foreign employment. However, India also saw the setting up of a new Ministry for Overseas Indians. Other ministries are also playing a role. For example, with the increasing interest in highly skilled migrants, the Ministry of Information Technology is playing a major role. In relation to trafficking, national legislations include the Indian Penal Code of 1860, the Child Marriage Restraint Act of 1929, the Child Labour (Prohibition and Regulation) Act of 1986, the Bonded Labour System (Abolition) Act of 1976, etc. The main legislative tool for combating trafficking in persons in India is the Immoral Traffic (Prevention) Act of 1956 (ITPA), which was last amended in 1986. India also has a National Plan of Action to counter trafficking. India has in place a law to determine internal migration that takes place across state borders through middlemen, Inter State Migrant Workmen (Regulation and Conditions of Service) Act, 1979.

Pakistan’s labour migration is also regulated by the State. The Bureau of Emigration and Overseas Employment, established under the Ministry of Labour in 1971, works through labour attachés in the Middle East and a network of 500 private licensed agents to facilitate labour migration [Waddington, 2003]. In terms of policies, the Emigration Ordinance of 1979 is a guiding legislation in managing migration. Recently, Pakistan has enacted an anti-trafficking law and set up a permanent committee in the Ministry of Interior to combat trafficking in persons. In Sri Lanka, the Bureau of Foreign Employment (SLBFE), established in 1985 is the main institutional set up for the management of foreign employment. The main objective of the SLBFE is the promotion of foreign employment, sound management of foreign employment and ensuring the welfare and security of migrant employees and their families [IOM, 2004b].

The Penal Code of 1996 in Sri Lanka is the main legal instrument to punish trafficking related crimes, while the Sri Lanka Bureau of Employment Act No. 21 of 1985 is the major migration legislation. Population movements in Nepal are dealt with by the Ministry of Population and Development, the Ministry of Labour and Transportation being the lead agency in dealing with labour migration. Although no policy has yet been taken by the Government to deal with migration, in the Ninth Plan, the importance of the study of international migration, policy discussion and policy formulation to regulate international migration have been recognized. Nepal has no policy regarding contract labour migration. The Muluki Ain (Code of Law) of 1964 provided the original basis for prosecuting human traffickers [ADB, 2002]. Other laws relevant to trafficking include the Labour Act of 1992,
the Children’s Act of 1992, the Labour Act and the Children’s Act, the Child Labour (Prohibition and Regularisation) Act, the Foreign Employment Act of 1985, etc. The border between Nepal and India remains open, guided by the provisions mentioned in the Nepal-India Treaty of 1950.

More than two decades of conflict have prevented Afghanistan from establishing governmental structures, policies and framework for managing migration. In the recent past, the migration dynamics of Afghanistan have been dominated by the largest and most longstanding refugee displacement crisis in the world [IOM, 2004a]. With the changing scenario of refugees returning to their home and and the low opportunities in economic engagement, Afghans are increasingly seeking jobs abroad. To assist the Government with managing mobility in a comprehensive manner, beyond the refugee population and following the phasing out of the tripartite agreements with Pakistan and the Islamic Republic of Iran, IOM has initiated a trilateral dialogue among Afghanistan, Pakistan and the Islamic Republic of Iran to evolve as a subregional migration management system.

Although there are no exclusive regional frameworks or initiatives like in many other regions for migration management addressing the South Asian region, some progress has been made to establish a regional initiative in the area of human trafficking. A Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was adopted by the South Asian Association for Regional Cooperation (SAARC) in January 2002. However, the Convention is yet to come into force. The countries in the region are also part of some larger regional consultative processes. In 2003, ten Asian labour migrant origin countries including Bangladesh, India, Nepal, Pakistan and Sri Lanka from South Asia have jointly launched a consultative process to manage labour migration known as the “Colombo Process”. Afghanistan has also attended the last meeting in Manila as an observer. In addition, the countries in the region have been participating in the Inter-Governmental Asia-Pacific Consultations on Refugees and Displaced persons, the Berne Initiative and the Bali Process.

At the international level, South Asian countries have actively participated in United Nations meetings, IOM meetings and recently in the Global Commission on International Migration. None of the South Asian countries except for Sri Lanka have ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. None of the seven countries of South Asia has ratified the 1951 Refugee Convention. In the area of trafficking and irregular migration, the countries have ratified or acceded to a number of human rights treaties that explicitly or implicitly address trafficking in persons (ADB, 2002). Some countries are party to the 1949 Trafficking Convention and the 1956 Supplemental Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (the 1956 Slavery Convention). There are also some human rights conventions that contain a number of relevant provisions pertaining to counter-trafficking. Those conventions include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The CRC has recently been supplemented by an Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, which Bangladesh has ratified and Nepal has signed. The United Nations Convention against Transnational Organized Crime and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are some other important Conventions. The policy and administrative frameworks existing for managing migration in South Asia have
certain limitations, particularly as they do not address all forms of population movement in a coordinated and integrated manner. There also remains a gap in harmonizing national policy instruments with regional and international instruments. Another important issue to be highlighted is the lack of proper and effective implementation of the various instruments and obligations.

As in other regions, one of the best ways to manage migration in South Asia is to deal with the issue within a broader migration management framework, bringing in all different types of population movements. There is also the need to manage migration in collaboration with other countries within a regional framework. Measures may be taken to regularize labour migration within and outside the region and reduce the causes of trafficking in persons or smuggling in migrants. Policies aiming at limiting migration by one country could lead to an increase of irregular migration and trafficking in persons in another. A naturally occurring integrated labour market cannot be managed by restrictive migration policy or unrealistically tougher border controls.

**CONCLUSION**

In today’s highly mobile world, migration has become an increasingly complex area of governance, inextricably interlinked with other key policy areas including economic and social development, national security, human rights, public health, regional stability and intercountry cooperation. Managing migration either at the national or regional level is a complex and multifaceted endeavour. Internal and international migration, as well as regular, irregular and forced migration poses critical management challenges to the South Asian countries. It is increasingly clear that there is a need for collaborative and comprehensive initiatives in managing mobility in the region, if migration is to be beneficial both for migrants and countries. The national level policy may integrate all types of population movements, regular and irregular in a coherent manner and in harmony with the development process of the country. The South Asian countries may consider adopting an appropriate, balanced and integrated national migration management policy supported by a conducive and productive regional migration framework.

**ENDNOTES**

1. In this paper, migration refers to voluntary and involuntary movement of people within and across borders.
2. South Asia refers to Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka and Afghanistan. Owing to the lack of information and data, Maldives is not included.
3. Excluding the districts of Northern and Eastern provinces.
4. For details on figures on trafficking in South Asia, please see “Treading Along a Treacherous Trail: Research on Trafficking in Persons in South Asia” by A. K. M. Masud Ali, presented at the International Expert Meeting organized by IOM.
5. According to a statement by Mr. Mahesh Chandra Arora, Deputy Secretary, Ministry of Overseas Indians during the Regional Seminar on the Social Implications of International Migration organized by ESCAP and held from 24 to 26 August 2005.


7. The list of conventions mentioned in this paper is not exhaustive.

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Chapter 10

INTERNATIONAL LABOUR MIGRATION POLICY AND DEVELOPMENT IN INDONESIA

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The University of Adelaide, Adelaide, South Australia

INTRODUCTION

The increasing global attention on the potential role of south-north migration as an engine for development in origin countries [United Nations 2006a; World Bank 2006a; Global Commission on International Migration 2005] focuses attention on the largest south countries of China [2008 population 1336.3 million], India [1186.2 million] and Indonesia (234.3 million). These countries are distinctive not only because of their large populations but their vast geographical size and diversity. Inevitably international migration is less likely to have the proportionate impacts at the national scale that occur in smaller nations. Indeed much of the increase in personal mobility is channelled into internal migration with intranational economic and spatial inequalities being analogous to international inequalities driving south-north migration out of smaller less developed economies to more developed countries.

Nevertheless international migration is of increasing demographic and economic significance in the three Asian demographic giants. Moreover the impact of this migration is spatially concentrated within particular regions and communities from which migrants are disproportionately recruited. In such regions the impacts are substantial. In a context where there is increasing concern among policy makers in low income countries to widening interregional inequalities and the need to supplement sectoral economic development strategies with regional development initiatives, such spatially focused economic impacts are of particular significance. Nevertheless in the meagre literature relating to economic effects of migration upon origin countries in Asia the bulk of analysis has been conducted at the national and individual levels of analysis while regional and community effects have been neglected.

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There has been an increasing realisation in Indonesia, as there has been elsewhere, that migration can deliver positive development dividends to countries of origin. This has been strongly influenced by work from international agencies such as the World Bank [2006] and the United Nations [2006a] which has indicated that in a suitable context the contributions from remittances, diaspora linkages and return migration can outweigh the costs of loss of human capital that emigration represents. A key issue, however, is that a net development dividend is not an automatic outcome from migration and that a positive result is significantly dependent on the nature of the outmigration and upon the policy and governance contexts in which it occurs. One of the arguments of this paper is that the potential impact of labour migration on development in Indonesia is being diluted by inefficiencies, excessive rent taking, corruption and weak governance within the Indonesian labour migration system.

This paper examines the development of international migration policy in Indonesia. It focuses especially on international labour migration. Government support and encouragement of labour migration has grown but governance of it remains weak and in this context exploitation, corruption and excessive rent taking is common. The paper examines recent changes in the governance of labour migration in Indonesia and assesses the challenges which the government faces. It examines the role of the major stakeholders including government, the private sector, NGOs and the migrants themselves. There is also consideration of increasing regional dialogue on migration issues in the ASEAN region and Indonesia’s role in this. Particular attention is focused on Malaysia which is a major destination for Indonesian migrants. Some comments are also made on the potential future role of labour migration in Indonesian development.

A QUINTESSENTIAL EMIGRATION COUNTRY

Indonesia is the world’s fourth largest country by population (2008 population 234.3 million) and although fertility has fallen by almost two thirds over the last four decades the population is still growing at 1.1 percent per annum. Moreover, its labour force is increasing at 1.4 percent per annum – a net increment of around 1.6 million workers are added annually to the almost 111 million currently in the labour force. While GDP grew at more than 5 percent for much of the 1970s, 1980s and the first half of the nineties, the Asian economic crisis of the late 1990s had a devastating impact and recovery from it was slow. With a GNI per capita of US$1,420 [World Bank 2008a], Indonesia remains a low income nation. While there is considerable debate about the definition of poverty in Indonesia, the Indonesian Central Statistical Agency reported that 19.6 percent of the population lived in poverty in 2004 compared with 11.3 percent in pre-crisis 1996. The World Bank [2006b, 290] estimates that in 2002, 52.4 percent of the population earned less than US$2.00 per day. For a long period Indonesia has had relatively low unemployment rates because the poor in Indonesia simply could not afford to be unemployed and must take on whatever work they can get regardless of the low income, low status and long hours associated with it, its appropriateness to their qualifications etc. However, Table 10.1 shows that over 8 percent are now unemployed. Moreover underemployment is high with almost 70 percent of the workforce working less than 35 hours a week. Unemployment rates are increasing, especially among the better educated and urban populations, due to a mismatch between the mix of education and
training opportunities available on the one hand and the needs of the contemporary labour market on the other. Significant structural change occurred in the 1990s with the proportion of workers employed in agriculture falling below half for the first time. There is evidence of significant labour displacement as agriculture becomes more commercialised. Hence although demographically, economically and socially Indonesia is experiencing rapid and far reaching change, it remains emphatically a labour surplus nation and one which in a globalising world has become an important origin country of international migrants.

![Graph showing Population and GDP](Image)


Figure 10.1. Indonesia: GDP and Population Growth Rates, 1965-2009.

<table>
<thead>
<tr>
<th>Table 10.1. Indonesia: Major Population and Labour Force Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population (2008).</td>
</tr>
<tr>
<td>Annual Growth Rate (2008).</td>
</tr>
<tr>
<td>Total Fertility Rate (2008).</td>
</tr>
<tr>
<td>Workforce (February 2008).</td>
</tr>
<tr>
<td>Percent with Elementary School or Less Education (2006).</td>
</tr>
<tr>
<td>Percent Working in Agriculture (February 2008).</td>
</tr>
<tr>
<td>Percent Working in Informal Sector (February 2008).</td>
</tr>
<tr>
<td>Unemployment Rate (February 2008).</td>
</tr>
<tr>
<td>Work Less Than 35 Hours per Week.</td>
</tr>
<tr>
<td>GDP/Capita: US$ (2007).</td>
</tr>
<tr>
<td>Percent Living in Poverty (2008).</td>
</tr>
</tbody>
</table>

Table 10.2. Indonesia: Education of the Workforce, Employed Persons and the Unemployed, 2001-06

<table>
<thead>
<tr>
<th></th>
<th>Distribution (%)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2001</td>
<td>2005</td>
<td>2001-06</td>
</tr>
<tr>
<td>Labour Force</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary and Below</td>
<td>59.0</td>
<td>52.1</td>
<td>-1.0</td>
</tr>
<tr>
<td>Secondary</td>
<td>37.2</td>
<td>42.9</td>
<td>4.4</td>
</tr>
<tr>
<td>Tertiary*</td>
<td>3.8</td>
<td>5.0</td>
<td>7.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Number (million)</td>
<td>98.8</td>
<td>108.3</td>
<td></td>
</tr>
<tr>
<td>Employed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary and Below</td>
<td>61.2</td>
<td>54.5</td>
<td>-1.3</td>
</tr>
<tr>
<td>Secondary</td>
<td>35.1</td>
<td>40.5</td>
<td>3.9</td>
</tr>
<tr>
<td>Tertiary*</td>
<td>3.7</td>
<td>5.0</td>
<td>7.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Number (million)</td>
<td>90.8</td>
<td>95.5</td>
<td></td>
</tr>
<tr>
<td>Unemployed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary and Below</td>
<td>34.3</td>
<td>30.8</td>
<td>4.1</td>
</tr>
<tr>
<td>Secondary</td>
<td>60.5</td>
<td>63.8</td>
<td>7.3</td>
</tr>
<tr>
<td>Tertiary*</td>
<td>5.2</td>
<td>5.3</td>
<td>6.7</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>6.2</td>
</tr>
<tr>
<td>Number (million)</td>
<td>8.0</td>
<td>10.9</td>
<td></td>
</tr>
</tbody>
</table>


Table 10.3. Indonesia: Characteristics of White Collar and All Workers, 2006

<table>
<thead>
<tr>
<th>% of Occupational Group Who Are:</th>
<th>Professional</th>
<th>Managerial</th>
<th>Clerical</th>
<th>White Collar</th>
<th>All Occupations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>50.8</td>
<td>21.7</td>
<td>35.0</td>
<td>41.4</td>
<td>35.1</td>
</tr>
<tr>
<td>Tertiary educated</td>
<td>47.7</td>
<td>64.5</td>
<td>31.2</td>
<td>39.9</td>
<td>5.0</td>
</tr>
<tr>
<td>Employed in Services</td>
<td>91.3</td>
<td>23.8</td>
<td>49.8</td>
<td>66.9</td>
<td>11.9</td>
</tr>
<tr>
<td>Employed in Manufacturing</td>
<td>1.8</td>
<td>27.9</td>
<td>13.4</td>
<td>8.9</td>
<td>2.4</td>
</tr>
</tbody>
</table>

Source: Manning and Cronin 2008, 22.


<table>
<thead>
<tr>
<th>Year</th>
<th>Population 15-64 ('000)</th>
<th>Population 15-34 ('000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>45,222</td>
<td>26,920</td>
</tr>
<tr>
<td>1980</td>
<td>84,764</td>
<td>50,189</td>
</tr>
<tr>
<td>2000</td>
<td>137,183</td>
<td>81,955</td>
</tr>
<tr>
<td>2010</td>
<td>161,156</td>
<td>83,334</td>
</tr>
<tr>
<td>2020</td>
<td>182,239</td>
<td>83,443</td>
</tr>
<tr>
<td>2030</td>
<td>193,669</td>
<td>82,095</td>
</tr>
</tbody>
</table>

In discussing Indonesia’s comparative advantage in the international labour services trade, Manning and Cronin [2008, 20] point to the abundance of low skilled labour. Table 10.2 shows that the share of the labour force with primary level or no education continues to decline – a long term trend. However more than half of the workforce still is in the lowest education category and only 5 percent of the workforce has tertiary level training and there are increasing levels of unemployment in this group. In the past unemployment has been strongly concentrated in the more highly educated groups but jobs are becoming harder to get among the less educated as the economy modernises. This is of significance when we consider the growing demand for low skilled workers in domestic services, agriculture and construction in the Middle East and in higher income Asian countries. In Indonesia, while agriculture still accounts for over 40 percent (41.7 percent) of the workforce, it is growing at an extremely slow rate (0.1 percent per annum in 2001-06) and it is the higher skill occupations which are growing most rapidly (2.8 percent).

Although the fact that the educated, skilled workforce has grown faster than the low skill group in recent years, Manning and Cronin [2008, 21] point out that the number of secondary and tertiary graduates in the workforce grew at 4.4 percent and 7 percent respectively over the 2001-06 period while the total growth of the labour force was only 1.5 percent. Nevertheless unemployment rates increased for the secondary educated and declined only marginally for the tertiary educated but 10.8 percent of the latter and 15 percent of the former remained unemployed. This may provide potential for some more skilled workers to be involved in international migration.

Manning and Cronin [2008, 22] also point out that labour market pressures have been experienced more by females than males. Table 10.3 shows that unemployment rates are higher for females than males for all levels of education. As they point out ... ‘Indonesia’s comparative advantage for export of labour lies particularly in an abundance of secondary educated females who are searching for better paying jobs’. They argue that while Indonesia does not have a relatively comparative advantage among professional workers in the international arena the high levels of unemployment among professionals, especially females (Table 10.3), suggest that Indonesia could fill many niche areas in international labour markets such as aged care and nursing, where tertiary training is increasingly required. They sum up the situation as follows [Manning and Cronin 2008, 22]:

‘To sum up, from trends in labour supply and demand, the excess supply of semi-skilled labour remains a key characteristic of the Indonesian labour market, although this situation is changing slowly as education standards rise. Secondly, there is clearly an excess supply of secondary educated people, especially females, who might be able to take lower-middle skill jobs, or upgrade their skills and education for jobs in specific niche markets abroad. Finally, although job opportunities have grown fastest for tertiary educated people, professionals and managers in particular, unemployment among this group is also high and hence specialist areas such as IT, design and work in other service industries, could be an important area in which Indonesia could penetrate labour markets abroad’.

Indonesia’s working age population grew very rapidly in the last half of the twentieth century, trebling between 1980 and 2000 as Table 10.4 indicates. Rapid growth is continuing although at a slower rate with projected increments of 24, 21.1 and 11.4 million in the first three decades of this century. If we examine the youth population aged 15-34, the group in the
most mobile age groups, the growth over 1950-2000 was even more rapid. However the effects of substantial fertility decline beginning in the 1970s is evident in the fact that the numbers in this age group will stabilise in the next decade and decline slightly in the following decade. Nevertheless the numbers in the migration prone age groups will remain very large at over 80 million for the next three decades. Moreover this group will be more educated and more aware of opportunities elsewhere than any previous youth generation because they have been exposed to mass media and modern information and communication technology more than any other generation. This together with the high levels of low income, un- and underemployment will ensure that Indonesia will continue for some time to have a substantial number of potential migrants and migrant workers.

**INTERNATIONAL LABOUR MIGRATION**

Although permanent migration is increasing [Hugo 2008a], the main form of contemporary emigration from Indonesia is temporary, contract labour migration to the Middle East and higher income Asian nations. Although some permanent settlement is involved, this movement is predominantly circular. Its origins lie in the contract-coolie movements during the Dutch colonial period in the late nineteenth, and especially early twentieth, centuries [Hugo 1980]. There are also substantial long distance circular migrations within the Indonesian archipelago [Hugo 1975, 1978, 1982]. Modern international contract labour migration from Indonesia began in the 1970s without significant government investment and involved sending small numbers of workers to the Middle East. However Indonesia was slow among Southeast Asian countries to take advantage of the contract labour opportunities in the Middle East as is evident from Figure 10.2. However, during the 1980s the government became more involved and the total numbers slowly began to increase as is evident from Figure 10.3 which also indicates that in the early years the Middle East was the main destination of the small number of international contract labour migrants. However in the late 1980s other Asian destinations began to become of greater significance, especially nearby Malaysia and Singapore.

Unfortunately the statistics available only indicate part of the totality of movement involved. The major source of such data is the Ministry of Manpower which monitors the movement of legal OCWs (Overseas Contract Workers) but has no information concerning the large numbers who leave the nation legally but do not register as OCWs with the Ministry of Labour and leave the nation without going through any official border check points. The number deployed annually peaked at 646,548 in 2006. Since most workers are on two year or longer contracts, the actual number of official OCWs overseas in any one year is greater than the numbers deployed in an individual year. In mid-2006, it was announced by the Minister of Labour [Asia Migration News, 1-15 August 2006] that there were 2.7 million Indonesians working overseas with official permission and this was expected to rise to 3 million at the end of 2006. This represents 2.8 percent of the total national workforce. However, this does not include undocumented labour migrants abroad and Table 10.5 presents some estimates of the numbers of workers abroad around 2005 by destination country.

Figure 10.2. Southeast Asia: Total Official Numbers of Migrant Workers Leaving for Destinations in the Middle East by Labour-Sending Countries, 1980-2009.


Figure 10.3. Number of Indonesian Overseas Workers Processed by Ministry of Manpower, 1979-2007.
Table 10.5. Indonesia: Estimated Stocks of Overseas Contract Workers Around 2006

<table>
<thead>
<tr>
<th>Destination</th>
<th>Estimated Stocks</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saudi Arabia.</td>
<td>1,500,000</td>
<td>Human Rights Watch, July 2004.</td>
</tr>
<tr>
<td>United Arab Emirates.</td>
<td>35,000</td>
<td>Asian Migration News, 30 April 1999.</td>
</tr>
<tr>
<td>Malaysia.</td>
<td>1,700,000</td>
<td>Antara News, 20 September 2006.</td>
</tr>
<tr>
<td>Hong Kong.</td>
<td>100,000</td>
<td>Asian Migration News, 16-31 May 2006.</td>
</tr>
<tr>
<td>Singapore.</td>
<td>70,000</td>
<td>Jakarta Post, 16 May 2005.</td>
</tr>
<tr>
<td>Taiwan.</td>
<td>100,000</td>
<td>Jakarta Post, 6 October 2006.</td>
</tr>
<tr>
<td>Philippines.</td>
<td>26,000</td>
<td>SCMP, 10 December 1998.</td>
</tr>
<tr>
<td>Total.</td>
<td>3,581,761</td>
<td></td>
</tr>
</tbody>
</table>

Table 10.6. Estimates of Stock of Indonesian Female Domestic Overseas Contract Workers, 2001-07

<table>
<thead>
<tr>
<th>Country</th>
<th>Number</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saudi Arabia.</td>
<td>600,000</td>
<td>Human Rights Watch, 2008.</td>
</tr>
<tr>
<td>Malaysia.</td>
<td>380,000</td>
<td>Asian Migration News, 16-30 November 2006.</td>
</tr>
<tr>
<td>Hong Kong.</td>
<td>80,000</td>
<td>Asian Migration News, 1-15 February 2003.</td>
</tr>
<tr>
<td>Singapore.</td>
<td>37,000</td>
<td>Jakarta Post, 16 May 2005.</td>
</tr>
<tr>
<td>United Arab.</td>
<td>33,000</td>
<td>Kompas, 17 March 2001.</td>
</tr>
<tr>
<td>Emirates.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taiwan.</td>
<td>85,677</td>
<td>Loveband 2003, p. 2.</td>
</tr>
<tr>
<td>Bahrain.</td>
<td>6,000</td>
<td>Asian Migration News, 1-15 September 2004.</td>
</tr>
<tr>
<td>Total.</td>
<td>1,234,677</td>
<td></td>
</tr>
</tbody>
</table>

Table 10.7. Malaysia: Foreign Workers by Sectors

<table>
<thead>
<tr>
<th>Sector</th>
<th>Number 2006</th>
<th>%</th>
<th>Number 2007</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>646,412</td>
<td>35</td>
<td>766,088</td>
<td>37</td>
</tr>
<tr>
<td>Plantation</td>
<td>354,124</td>
<td>19</td>
<td>356,334</td>
<td>16</td>
</tr>
<tr>
<td>Construction</td>
<td>267,809</td>
<td>14</td>
<td>302,410</td>
<td>15</td>
</tr>
<tr>
<td>Services</td>
<td>166,829</td>
<td>9</td>
<td>202,349</td>
<td>10</td>
</tr>
<tr>
<td>Agriculture</td>
<td>123,373</td>
<td>7</td>
<td>163,167</td>
<td>7</td>
</tr>
<tr>
<td>Domestic</td>
<td>310,661</td>
<td>16</td>
<td>315,695</td>
<td>15</td>
</tr>
</tbody>
</table>

Source: Badri, 2008.

A specialised form of international labour migration is the movement of so-called 'trainees'. These are groups of workers from Less Developed Countries (LDCs), in which companies from More Developed Countries (MDCs) and Newly Industrialised Countries (NICs) have set up factories and businesses, sent to the parent company to receive training.
There has been criticism that in some cases these programs are a thinly veiled strategy to meet labour shortages in the home country and that workers often in fact receive very little training [Stalker 1994, 251]. The numbers involved are likely to be around 20,000.

Indonesia is one of the largest countries of origin of female migrant workers who are employed in domestic situations as household help and carers. It is estimated that there are over a million Indonesian women in such work at any one time. Table 10.6 presents an estimate of the numbers in individual nations with the largest groups in Saudi Arabia and Malaysia although Taiwan, Hong Kong and Singapore are increasingly significant. As Huang, Yeoh, and Rahman [2005, 2] point out the shift of reproductive work from the household to the market has intensified with global restructuring and in Middle Eastern and higher income Asian countries domestic workers can no longer be recruited locally but have been sought in lower income Asian nations. These women can be vulnerable to exploitation not only by virtue of being a migrant (often undocumented) and a woman but also because of the asymmetrical power relations of their work context and the lack of protection because of households not being seen as workspaces by protection agencies. In Malaysia, for example, the Home Affairs Minister rejected an Indonesian proposal in 2006 that the services of domestic workers come under Malaysia’s labour laws because ‘... Existing labour laws do not govern Malaysian domestic workers because they are traditionally viewed as extensions of their employers’ families’ [Asian Migration News, 1-15 February 2006].

Reports of abuse of Indonesian workers are many (e.g. Asian Migration News, 1-15 November 2006) but there are also contexts where women are empowered, and gain from, this experience. In Qatar alone 553 Indonesian domestic workers ‘ran away’ from their sponsors in 2005 because of maltreatment, physical and sexual harassment, disputes over contracts and non-payment of salary (Asian Migration News, 15-31 January 2006).

Undocumented labour migration remains an important issue. There are several types of undocumented labour migration involving Indonesians. These include:

- Clandestine cross border movement such as occurs along the coast of Peninsular Malaysia.
- Moving to Saudi Arabia on an umroh (haj-pilgrimage) visa with the dual purpose of visiting Mecca, then overstaying and obtaining work locally.
- Moving to a destination on a visitor tourist visa, then overstaying and obtaining work in contravention of visa conditions.
- Moving to a destination under a trainee or work visa which ties them to a particular employer for a specified period, then ‘running away’ to find a more remunerative job and overstaying. This is most common among trainee migrants sent to Korea, Taiwan and Japan. Trainees are usually sent by companies who have set up in Indonesia and they are often paid very low wages. There is a suspicion that in some cases they are being used for cheap labour rather than undergoing training.
- Trafficking – There is considerable, but undocumented, trafficking activity in Indonesia, especially involving women and children [Jones 2000].

Whereas the bulk of permanent south-north emigration involves highly skilled workers, contract labour migration is overwhelmingly of unskilled workers despite periodic attempts by Indonesian authorities to lift the skill level of the outflow. An indication of this can be gained from Table 10.7 which shows the distribution of the occupations of migrant workers in
Malaysia, where migrant workers are confined to particular sectors of the economy where there are shortages of largely unskilled workers. Indonesians make up more than two thirds of all migrant workers in Malaysia. There is a focus on rural based activities (plantations, forestry, and agriculture), manufacturing, construction and services (mainly domestic workers).

Source: Manning and Cronin 2008.

Figure 10.4. Indonesia: Overseas Worker Placement by Gender, 2004.


<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Workers’ Remittances</th>
<th>Total Merchandise</th>
<th>R</th>
<th>R</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Exports (X)</td>
<td>Imports (M)</td>
<td>X</td>
</tr>
<tr>
<td>Indonesia</td>
<td>1980</td>
<td>33</td>
<td>21,908</td>
<td>10,834</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>1992</td>
<td>264</td>
<td>33,815</td>
<td>27,280</td>
<td>0.8</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>6,795</td>
<td>139,281</td>
<td>126,177</td>
<td>4.9</td>
</tr>
<tr>
<td>Philippines</td>
<td>1980</td>
<td>421</td>
<td>5,744</td>
<td>8,295</td>
<td>7.3</td>
</tr>
<tr>
<td></td>
<td>1992</td>
<td>2,538</td>
<td>9,790</td>
<td>15,465</td>
<td>23.9</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>18,643</td>
<td>49,025</td>
<td>59,170</td>
<td>38.0</td>
</tr>
<tr>
<td>Thailand</td>
<td>1979</td>
<td>189</td>
<td>5,240</td>
<td>7,158</td>
<td>3.6</td>
</tr>
<tr>
<td></td>
<td>1992</td>
<td>1,500</td>
<td>32,473</td>
<td>40,466</td>
<td>4.6</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>1,898</td>
<td>177,844</td>
<td>178,855</td>
<td>1.1</td>
</tr>
<tr>
<td>China</td>
<td>1982</td>
<td>564</td>
<td>21,875</td>
<td>19,009</td>
<td>2.6</td>
</tr>
<tr>
<td></td>
<td>1992</td>
<td>739</td>
<td>84,940</td>
<td>80,585</td>
<td>0.9</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>4,854</td>
<td>1,428,488</td>
<td>1,133,040</td>
<td>3.4</td>
</tr>
</tbody>
</table>

Indonesian official data shows in 2007 that among documented migrant workers, 500,519 (72 percent) were deployed to informal sector jobs. However some of the jobs in the formal sector such as drivers were also quite low skill. As a result of the low skill focus many of the Indonesian labour migrants are recruited from rural areas and have limited educational background. This contrasts, for example, with the Philippines where often labour migrants experience occupational skidding where they accept jobs of less status than their qualifications. This has reached a high with the large number of Filipino doctors training to gain nurses qualifications which allow them to become labour migrants (Asis 2006). In Indonesia it means that many of the migrant workers tend to originate from poor rural areas which increase the potential of migration to assist development in poorer parts of the nation.

There is significant gender difference in the types of work undertaken by Indonesian contract migrant workers as is evident in Figure 10.4. Males are mainly employed in agricultural and plantation labour in Malaysia, construction and machinery operation. For women domestic services are dominant with agricultural, labour and machinery operation being of significance but less than a tenth the size of domestic service. The dominance of low and semi-skilled labour in both is evident.

**IMPACT ON DEVELOPMENT**

The national impact of international migration in a very large nation like Indonesia is limited, albeit significant and increasing. In 2004 Indonesia’s export income was US$64.2 billion [Athukorala 2006, 179]. In 2004 the remittance income in Indonesia was estimated at US$1.06 billion [Asian Migration News, 15-31 January 2006] – equivalent to 1.7 percent of export income. Hence Indonesia’s diaspora is numerically small compared with that of nations like China and India, and proportionately compared with countries like the
Philippines. The economic impact of migration is certainly significant and increasing but it is not, as Table 10.8 shows the major proportion of the economy that it is in other Asian emigration countries such as the Philippines. Nevertheless it is argued here that international migration is an important element in Indonesian development for the following reasons:

- At national level, while the impacts are relatively smaller than other nations they are of significance, and indeed, of rapidly increasing significance at a national level.
- International migration has been used as an important way of diversifying the sources of income of the nation, communities and households at times of economic crisis.
- Above all the developmental impact of migration tends to be concentrated in particular parts of the country, and often, in poor areas [Hugo 2008a].

In assessing the developmental impact of international labour migration in a large and diverse nation such as Indonesia, China or India it is of crucial importance to recognize that migrant workers are not a random representative cross section of Indonesian workers. They are selectively drawn from particular groups and areas due to the significance of networks and chain migration and the fact that once a migration network is established it facilitates and encourages further movement along that network.

There is very limited empirical evidence to assess the impact of migration on economic and social development in Indonesia. The main element which has been at the centre of the new focus on the beneficial impact of migration upon development in origin countries and communities has been remittances [Terry and Wilson 2005]. The World Bank [2008b] estimates that international migration remittances from more developed to less developed countries reached US$ billion $251 in 2007 but it may be up to 50 percent higher given problems with the data and the fact that many remittances do not pass through official channels. Official Bank of Indonesia estimates of remittances received in Indonesia is presented in Figure 10.5. The pattern is dominated by a sudden upturn in 2005. Manning and Cronin [2008, 19] point out that this dramatic increase was due to the inception of a revised methodology for calculation of remittances by the Bank of Indonesia. Remittances are calculated as a product of the estimated TKI (Tenaga Kerja Indonesia – Indonesian Expatriate Workers Abroad) and TKPC (Tenaga Kerja Professional – Indonesian Expatriate Highly Skilled and Professional Workers Abroad) and assumed wages and savings patterns. Manning and Cronin [2008] consider that the new methodology is more robust and that past methods have severely underestimated remittance levels. Hence the estimate is that the present annual level of remittances to Indonesia is around US$5 billion. Table 10.8 indicates that in 2008 this represents 4.9 percent the size of exports and 5.4 percent import levels.

It is important to recognise that remittances are providing a significant capital flow into emigration communities in Indonesia and they are having some positive impacts on development in those areas:

- Raising consumption levels and increasing commercialisation and monetisation of the local economy.
- Increasing the demand for a range of services especially in education, but also in health and other social services and provided the money to pay for them.
- Creating employment in the construction sector.
- Improving infrastructure to a degree
The development impacts of migration are not restricted, however, to the effects of remittances. One impact is to reduce the economically active population in the main outmigration areas and ease local unemployment and pressures on land resources. This is reflected in the lack of population growth in these areas [Hugo 2004]. Other effects include investment in productive economic activity and enhancing education and training of those left behind. On the other hand there are significant social costs [Hugo 2008a].

**BARRIERS DILUTING DEVELOPMENT IMPACT OF MIGRATION IN INDONESIA**

International labour migration has the potential to deliver significant development dividends to Indonesia for the following reasons:

- The substantial scale of the emigration and its upward trend
- While there is some permanent settlement most labour migrants leave their families behind in Indonesia and eventually return to retain substantial commitments to their origins.
- The main areas of origin of migrant workers include some of Indonesia’s poorest areas so the potential for migration to reduce poverty is considerable.

Given this substantial potential for international contract labour migration to deliver financial resources to the grass roots in some of the poorest areas in the region, what are the barriers which are dampening these effects? One of the main issues here relates to transaction costs. For many contract workers the amounts that they have to pay to recruiters, to government officials, to travel providers, for documents, training, etc. are very high and well above what could be considered a reasonable charge for these services. There is too much unproductive rent taking in the burgeoning contract labour migration industry and this is siphoning away money that migrants earn that otherwise would have gone toward development related activity in home areas. Often migrants have to work several months on arrival at the destination just to pay off the debts incurred by the migration process. If they are duped by recruiters so that the job they were promised is not available or if they cannot complete their contract for some reason they and their families have a substantial (and rapidly increasing) debt. Exploitation of migrant workers in the recruitment and preparation for travel process, en route, at the destination and on their return home is rife. It should be noted that in some countries it is the documented migrants who have higher transaction costs than undocumented migrants. Indeed one of the reasons why migrants opt to take the undocumented route is to avoid the predations of gatekeepers who extract money, both official and ‘unofficial’, at every stage of the migration process.

Barns et al. [2007, 20], for example, found in their study that 14 percent of their respondents paid between US$500-1,000 to migration agents as their fees while 8 percent paid between $1,000 and $1,500. Over three quarters of migrants had to take out a loan to finance these costs and the majority of these took the loans from the migration agents themselves at very high rates of interest. However it is not just the agents’ fees which represent the costs paid by migrant workers from Indonesia in order to work overseas. It is
apparent that there is excessive rent taking with migrant workers having to pay more than what is a reasonable charge for the costs of recruitment, training, preparation and travel to the destination. The complex process which official migrant workers have to go through presents a myriad of opportunities for them to be subject to charges, official and unofficial. Moreover the workers can only obtain the appropriate documentation at a few places so the costs for many migrants to travel to, and stay an extended period in, these 14 embarkation points can be considerable. There is evidence too that officials sometimes exact extra costs out of the migrant workers. Silvey [2007] and Ananta and Ariffin [2007, 17] point out that Indonesian migrant workers also were subject to exaction of money upon return to Indonesia. The high transaction costs which Indonesian labour migrants pay is evident in figure 10.6 which compares the number of days a migrant worker needs to work at home at the minimum wage to pay for the cost of getting a job in Korea. It indicates that the costs for Indonesia are very high compared with the Philippines and Thailand.

Migrant remittances are a key to labour migration having positive impacts on development and poverty reduction in origin areas. Yet these potential dividends can be reduced firstly by having to pay high rates to send the money home and by the lack of investment opportunities in the home area. It is apparent that despite a range of ingenious methods of sending money home, many systems overcharge migrants to remit money so that the proportion of earnings that eventually get back to the origin is smaller than it could be.

Barns et al. [2007, 6] found that the costs of transferring remittances are also significant. They identify three components to the fees charged for money transfer:

- Fees charged by sending institution.
- The Foreign Exchange Spread in which the transfer provides charges higher than market interest ranges.
- Fees charged by the recipient agency.

Barns et al. [2007, 5] point out that despite government interest in increasing the level of remittances:

‘... Remittance related priorities – such as promoting the availability of cheap and good quality transfer services – are not at the forefront of Government and Central Bank policy making in shaping and regulating the financial sector’.

Another barrier to migration delivering a development dividend in origin communities is the fact that in many sending areas the opportunities for investment are quite limited. For example, Hugo [2004] found in Eastern Indonesia that the origin area of migrant workers to Malaysia had been so neglected by the central and provincial governments that it lacked the basic infrastructure which would be needed for the successful setting up of new enterprises by returned migrants. There were very few productive channels open to returnees to invest money in productive enterprises other than to purchase agricultural land or buy a passenger motor vehicle. It cannot be assumed that all areas of origin of migrant workers have sufficient investment potential for remittances to have a significant development impact.

A fourth element contributing to a dilution of the migration impact on development in Indonesia is the high rate of premature return among Indonesian labour migrants. This has
been remarked upon in Hugo [2002], who produces data from a number of surveys to indicate that among Indonesian OCWs in the Middle East there is a high rate of premature return.

![Bar chart showing number of working days](image)

Source: Abella 2008.

Figure 10.6. Transaction Costs as an Economic Barrier to Cross-Border Movement, 2007 (Number of Days Potential Migrant Worker Must Work at Home at Minimum Wage to Pay for Cost of Getting Job in Korea).

This is undesirable from a number of perspectives, both from that of the migrant and the development effects. Indeed for many returning prematurely there is a net financial loss. In the same paper Hugo [2002] argues that Indonesian OCWs suffer higher levels of exploitation at both origin and destination than their counterparts from many origin nations, especially the Philippines. There are a number of reasons for this – poor preparation of OCWs, lower levels of education of OCWs, limited control of agents, limited number of labour attaches at embassies in destination countries, poor governance etc. What this means however in the Indonesian case is that there is often a higher risk than elsewhere of all of the earnings of workers not getting through to the home community.

**IMPROVING THE IMPACT OF LABOUR MIGRATION ON DEVELOPMENT**

It is apparent that a major barrier to international migration having a beneficial impact on development in Indonesia relates to the governance of the labour migration program. The program has suffered from poor governance over a very long period. Within Indonesia there has been a significant political shift since the removal of President Suharto from office in 1998. This has involved the transition from an authoritarian to a democratic model of governance, an important part of which has been devolution of power and resources to regions within the country. There also has been increasing public dialogue on the necessity to establish good governance in Indonesia. Kaiser, Pattinasarany and Schulze [2006] argue that
there are three most important elements in creating good governance in Indonesia: Accountability; Transparency; and Participation.

It is in this context that in 2007 a new agency was set up to administer international labour migration in Indonesia – Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (BNP2 TKI) – National Agency for the Placement and Protection of Indonesian Overseas Workers. However this new agency faces a number of challenges in terms of the existing structure for administering the program which is characterised by corruption, excessive rent taking, excessive transaction costs, abuse, poor regulation and generally poor governance. Some aspects of this are discussed below:

• A first aspect of governance which is sub-optimal in the Indonesian context is the fact that the official process of gaining approval to work as an OCW is excessively convoluted, complex, time wasting and costly. Best practice here is clearly the need for a one-stop shop in processing applications. The convoluted processes maximise opportunities for corrupt officials to exact extra charges from potential OCWs.

• A second issue relates to the excessive transaction costs which have been discussed earlier. The effective regulation of the private sector recruiters who are the main elements in the recruitment of TLMs in Indonesia, especially low skilled workers is fundamental. While the actual regulations are quite stringent there is a gap between policy and practice. The capacity of government to enforce such regulations is limited. Moreover corruption is often significant. One of the most effective models for effective regulation of private recruiters is in the Philippines. Martin, Abella and Midgley [2004] have shown that there is a substantial education campaign aimed at potential migrant workers informing them of the regulations including the fact that migrants can be charged not more than a month’s salary for recruitment services. The regulation regime of the recruiters is a mix of carrots and sticks to comply with recruitment laws.

• A significant factor which hampers the development of better governance in the Indonesian labour migration program is the limited capacity of the system. There is a major need for capacity building in the whole area of development and operationalisation of labour migration policy in Indonesia. Development of best practice in governance requires a cadre of well trained professionals across a range of migration related skills. They need to be resourced appropriately with appropriate software and hardware to manage labour migration. The urgent need to develop the skills and systems in this area in several Asia-Pacific countries has been identified [Hugo 2008b].

• In the past there has been some questioning of the degree of commitment of the Indonesian government to the protection of their workers overseas. Indonesia only has labour attachés at embassies in Saudi Arabia (2), UAR, Hong Kong, Malaysia and South Korea, while the Philippines has attachés in 35 nations. The Philippines government has demonstrated over the years a strong commitment to support their workers overseas. For example when a Filipino maid was sentenced to death for killing her employer in the UAE, three Filipino ministers flew to the UAE and successfully pleaded for her life to be spared [Martin, Abella and Midgley 2004, 1553]. On the outbreak of war in Kuwait and Lebanon decisive government action was taken to repatriate Filipino migrant workers. There are not so many such examples in Indonesia where the government has demonstrated that it has the commitment and capacity to support their overseas workers when they are in trouble.
POLICY DEVELOPMENT IN INTERNATIONAL MIGRATION IN INDONESIA

As is the case in other countries in the region, government attitudes toward international labour migration in Indonesia have shifted considerably over the last quarter century. The growing emigration of workers in the 1980s and 1990s was considered by many as a 'national shame', especially since it involved overwhelmingly low skilled workers. Negative stories of exploitation of Indonesian overseas workers, especially women, frequently were presented in the media. Religious leaders spoke out strongly against the sending of women migrant workers overseas. However this has changed, especially since the 1998 Asian financial crisis during which international labour migration substantially increased as a coping mechanism. Since then migrant workers have been lauded as 'national heroes' by government [Ananta and Ariffin 2007, 17].

The government’s support and encouragement of international labour migration has grown over the years, growing from setting up a small unit within the Department of Manpower in 1983 to the President himself in 2006 taking responsibility for it and setting up BNP2 TKI directly under his control. The roles assigned to the government unit responsible for labour migration (AKAN 1983-1994), DirektoratJasaTenagaKerjaWarga Negara 1994-2006 and BNP2 TKI) have varied across time but have included:

- The seeking out of new markets for Indonesian labour and negotiation with destination countries.
- The registration and regulation of labour migrant recruiting agencies. The overseeing of the migration process with the cooperation of other government agencies like Immigration and Health. At times being involved in recruiting migrants itself through the setting up of a government recruiting agency [P. T. Bijak]. operationalisation of all necessary pre-departure and post-arrival home procedures including training, documentation etc.
- Protection of migrant workers
- Setting policy directions – for example, there have been several proposals to increase the proportion of migrant workers who are skilled [e.g. Hugo 1995].

A key element in the international labour migration process in Indonesia is private recruiting and placement agents [Hugo 1993, 1995]. These form a complex network, operating at a number of levels involving both formal private companies (PJKTI – Perusahaan Java TenagaKerja Indonesia) but also returned migrants, family members, village officials and individuals [Spaan 1999, 289]. The large formal recruiting companies are registered with government and are a powerful lobby group but they also have a myriad of sub-agents who operate at village and regional level. Moreover there are many agents that work outside of the formal system.

Concerns about the poor governance, exploitation and corruption in the Indonesian labour migration system are of longstanding [Hugo 1995] but it has been in the Post-Suharto era that most concerted efforts to improve governance of labour migration in Indonesia have occurred. In 2005 the government issued a law (No. 39/2004) on the Placement and
Protection of Indonesian Overseas Workers. Ananta and Arifin [2008, 28] have summarised the elements in the new law which seek to reform labour migration in Indonesia.

The legislative and administrative initiatives taken by the Indonesian government in the post-Suharto period, especially in the last two years, represent a move in the right direction [ILO 2006; Hugo 2007]. They are creating a framework in which governance can be significantly improved. However, judgement as to whether it has been successful must await a detailed evaluation. The administration faces major challenges in confronting entrenched interests and practices within and outside the government. Overcoming them will take considerable commitment. Some of the needs are considered below.

**AN ENHANCED ROLE FOR CIVIL SOCIETY**

One of the important elements in best practice in labour migration schemes is for Non-Governmental Organisations (NGOs) to be active, especially in the protection of migrant workers. It is apparent, for example, that NGOs are an important element in the governance of international labour migration in the Philippines. They can also play an important role in the pre-departure preparation of labour migrants.

It is particularly true that NGOs can play a role in the protection of workers at the destination. While governments lack jurisdiction in destination countries, NGOs can often effectively bridge origin and destination countries by working closely with different, but related, NGOs established in the destination. While NGOs by nature are separate from government, migrant worker administrations in sending countries in the region have varied widely in their attitude toward NGOs and other elements of civil society. In some countries (e.g. the Philippines) governments have been supportive of NGO activity in the protection and support of migrant workers and, partly as a result, NGOs has played an important role in advocating for, and assisting, migrant workers at home and abroad (Asis 2005). In other sending countries government has not been so supportive of NGO activity in this area.

In Indonesia, during the Suharto era up to 1998 especially, NGOs were not encouraged at all. Despite this, migrant worker NGOs developed and have flourished especially in the post-Suharto era although government attitudes remain ambivalent [Ford 2006; Hugo 2005]. Experience would indicate that support of NGO activity, especially that which bridges international boundaries in a way that government cannot, should be seen as best practice in international labour migration as would supporting that activity by origin and destination governments.

**REFORM OF THE MIGRATION INDUSTRY**

One of the major players in international labour migration in Indonesia, as elsewhere, is the migration industry -- the plethora of agents, sub-agents, travel providers, recruiters etc.

One of the most powerful groups is the association of labour recruiting agencies. Tirtosudarmo [2002, 6] explains that the Indonesian Manpower Supply Association (APJATI -- Asosiasi Perusahaan JasaTenagaKerja Indonesia) was formed. It was a consortium of the labour recruiting agencies licensed by the Ministry of Manpower.
During the Suharto era, Tirtosudarmo [2002, 10] explains, the ‘state maintained its political patronage by allowing only one association and giving its approval to the candidate (for chairman) who is most acceptable to the interests of government, particularly the Minister for Labour’. Since the fall of Suharto, however, a new association – The Association of Indonesian Migrant Worker Suppliers (HIJMSATAKI) has been formed [Tirtosudarmo 2002, 10].

There are, however, many labour exporting agencies that do not belong to one of the associations and more effective sanctions on exploitative practice in the industry is needed.

**INTERNATIONAL MIGRATION POLICY**

Indonesia has a long history of active population policy with government efforts to encourage migration from densely settled Java-Bali to the Outer Islands going back to the beginning of the twentieth century and contract coolie international labour migration to the 1880s [Hugo 1980]. In the period since Independence it was the Suharto era [1967-98] which saw the most intensive efforts to reshape the national population through policy [Hugo et al. 1987; Hull 2005], especially family planning.

The Indonesian National Medium Term Development Plan 2004-09 (Government of Indonesia 2003) has key objectives in the manpower and labour area:

- To reduce unemployment rates (especially among youth and the more highly educated).
- To generate new opportunities for employment to help overcome problems of poverty.
- To improve the skills and human capital base of the population. The labour migration program is intended to play a role in meeting each of these government objectives.

Indonesia is one of several countries currently sending large numbers of unskilled temporary migrants overseas who have expressed a desire to change the balance between unskilled and skilled OCWs. The rationale here is that such workers will earn much more in destinations than their low skill counterparts and therefore are more able to remit larger sums back to their origins. In addition they are more likely to acquire training and experience at the destination which will enhance their skills than is the case with low skilled labour migrants. This logic however does have flaws:

- High skill workers often remit smaller proportions of their income to origin communities partly because they tend to come from better off families (and communities) so that the level of need in the origin family will not be as great. Moreover these migrants are often able to bring their immediate families with them so that they are not as obliged to send back money to immediate family. As a result their level of commitment back to the home community may not be as great as it is for low skilled migrants.
- Such migrant workers are more likely to come from cities and better off parts of origin countries (since they have higher levels of education and training) than low skill migrants who often come from poorer areas.
- The loss of the human capital of some of these higher skilled temporary labour migrants may have negative effects in origin areas. In the Pacific for example it is apparent that the
emigration of nurses and teachers to countries like Australia and New Zealand under temporary visas has had negative impacts on health and education systems in the Pacific [Voight-Graf 2008].

- Since these workers often are given access to applying for permanent residence and even citizenship at the destination they may not return to origin countries as much as low skilled migrants.

On the other hand there are aspects of higher skilled temporary labour migration which potentially could deliver development dividends at home.

- As mentioned earlier, they earn more at the destination so that the amount they can potentially remit is greater.
- They have the opportunity to enhance their skills and experience which can benefit the origin country when they return or while they are still away if they transmit new knowledge and ideas back to relevant groups in the home country.
- Unlike low skill migrants they are more likely to maintain non-family network links with colleagues, professional organisations, etc. which can be the conduits through which new ideas and ways of doing things can be introduced to the home area.
- They can enhance productive linkages for trade, investment, etc. between the origin and the destination.

It would seem at the moment that Indonesia would be best served if the contemporary balance between high skilled and low skilled workers among its OCWs was maintained and a steady increase in skilled migration fostered. The crucial priority must however be the improving of the governance of the existing OCW system around the reduction of corruption, exploitation and excessive rent taking in that system as well as the protection of Indonesian OCWs in the right direction [ILO 2006; Hugo 2007]. Nevertheless judgement must be reserved until the operationalization and effectiveness of the new measures can be assessed.

There can be no doubt that the prime comparative advantage that Indonesia currently has in the international labour migration market are its surplus of low skilled workers demonstrated earlier in this report. However it was also shown earlier that Indonesia also has high levels of unemployment among secondary and tertiary educated people which could give some scope for expanding the numbers of skilled migrants, especially nurses and care givers. However it would not seem wise or realistic at this point to envisage either reducing the numbers of low skilled migrant workers to expect that the numbers of high skilled workers deployed could approach the numbers of low skilled workers currently sent abroad. In recent years Indonesia has begun sending nurses to Japan under a special program. In May 2008 the Japanese government approved on Economic Partnership that will bring 400 nurses and 600 care workers from Indonesia over 2009-10. The Agreement requires that nurses have at least two years of professional experience and that care givers have tertiary qualifications. In their first 6 months in Japan they will undergo Japanese language, care giving and nursing training after which they will sit a national examination. Those who pass can stay in Japan for up to three years for nurses and four years for care workers. Those who fail are repatriated [Asian Migrant News, May 2008].

A recent report by Manning and Cronin [2008] emphasised the increasing importance of trade in labour services in Indonesia's economy with the gains most evident in large
remittance income flows, improvements in the skill base and in the impact on reducing labour surpluses. They also show that Indonesia has benefited from an inflow of skills and international best practices through the influx of professional and management level workers especially in mining and industry. Manning and Cronin [2008] argue that because there is strong global growth in markets for temporary contract labour Indonesia can potentially benefit because of its natural comparative advantage. However they warn that if this potential is to be realised Indonesia must develop and operationalize a cohesive and targeted strategy to reap the greatest advantage from this migration. In particular they argue that Indonesia needs to target sectors and countries which will lead to the most development gains. As has been argued here, a strategy that is dominated by a focus on the welfare of the economy as a whole will not be easy to implement because it will confront politically sensitive and vested interests. They also argue that Indonesia must also be focused on the welfare of its citizens abroad.

Manning and Cronin [2008, 34] identify the major sectors in which Indonesia has a natural comparative advantage for labour export as follows:

Phase 1. Low and semi-skilled labour - domestic services, machinery operators, drivers, agricultural and construction labour, the current focus and will remain so for some time. They argue that Indonesia has well developed markets in these areas and should focus on growing them in the immediate term.

Phase 2. However they suggest there are other sectors in which there is potential comparative advantage in the medium term – low to medium skill – seafaring, transport, health services (nursing and care giving) and hospitality.

Phase 3. High skill services – more in the future – construction and health. Target countries are divided into:

I. Regional Teaching Partners – Malaysia, Singapore, Hong Kong, Taiwan, South Korea, Japan – existing markets with growth potential.

II. Extra-Regional Partners – Middle East – existing markets with growth potential.


Table 10.9 presents the sectoral priorities Manning and Cronin [2008] identify. They recognise that while raising the skill profile of Indonesian OCWs is desirable, it is a real challenge given the underdeveloped state of many tertiary level educational institutions.

As has been discussed here, Manning and Cronin [2006, 56] recognise that recent reforms to the governance of labour migration in Indonesia have put the system on a sounder footing than previously but despite these improvements in the formal mechanisms the implementation of regulations aimed at helping protect migrant workers remains lax for three main reasons:

- Many agents remain unregistered and undocumented migration remains significant.
- It is widely accepted that government officials may be involved privately in the operation of recruiting agencies.
- National leadership is required to overcome many of the abuses. Many problems relate to implementation rather than defiance in the formal regulating framework.
One of the major limitations of policy remains the lack of articulation between migration and development policy at national and regional levels. If the resources generated by migration are to be an effective force for development it is crucial that:

a) As much of their earnings as possible gets to families and communities.

b) The infrastructure and institutions are in place in those localities so that the resources can be productively invested.

Table 10.9. Recommended Sectoral Priorities in Indonesia’s Trade in Labour Services

<table>
<thead>
<tr>
<th>High Priority</th>
<th>Phase 1</th>
<th>Phase 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Export</strong>²⁶</td>
<td>• Other services - Domestic Services (PLRT)</td>
<td>• Tourism services (hotel and restaurant services)</td>
</tr>
<tr>
<td></td>
<td>• Services incidental to mining, manufacturing (machinery operators)</td>
<td>• Construction and related engineering services (skilled)</td>
</tr>
<tr>
<td></td>
<td>• Services incidental to agriculture (agricultural labour)</td>
<td>• Professional services - Health (medical and dental services, services provided by midwives, nurses, and medical personnel)</td>
</tr>
<tr>
<td></td>
<td>• Road Transport services (Passenger and freight transportation - drivers)</td>
<td>• Transport services (Maritime, Land, Air)</td>
</tr>
<tr>
<td></td>
<td>• Construction and related engineering services (low- and semi-skilled)</td>
<td>• Computer and related services (information technology, creative industries)</td>
</tr>
<tr>
<td></td>
<td>• Health-related and social services ('spa and well-being' services)</td>
<td></td>
</tr>
<tr>
<td><strong>Import</strong></td>
<td>• Educational services</td>
<td>• Financial services</td>
</tr>
<tr>
<td></td>
<td>• Professional services - Health (medical and dental services, services provided by midwives, nurses, and medical personnel)</td>
<td>• Services incidental to mining manufacturing, oil &amp; gas</td>
</tr>
<tr>
<td></td>
<td>• Computer and related services (information technology services)</td>
<td>• Professional services (engineering services, architectural services, accounting / auditing)</td>
</tr>
<tr>
<td></td>
<td>• Research and development</td>
<td>• Construction services</td>
</tr>
<tr>
<td></td>
<td>• Environmental services</td>
<td>• Tourism services (hotel and restaurant services)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Transport services (road and maritime)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Medium Priority</th>
<th>Phase 1</th>
<th>Phase 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Export</strong></td>
<td>[All other sectors in which Indonesia has some international presence in labour service provision]</td>
<td>[All other sectors in which Indonesia has the potential to develop comparative advantage in services, through any Mode of supply]</td>
</tr>
<tr>
<td><strong>Import</strong></td>
<td>[All other sectors where the introduction of foreign labour service providers promises development gains across the economy]</td>
<td>[All other sectors where the introduction of foreign labour service providers promises specific gains to existing or potential export industries]</td>
</tr>
</tbody>
</table>

Source: Manning and Cronin 2008, 41.
INTERNATIONAL COOPERATION

There is general agreement that for the positive development impacts of international labour migration to be fully realised there is a need for cooperation between governments in both sending and receiving countries [Hugo 2008c]. However, until relatively recently there has been little cooperation on migration at bilateral, regional and multilateral levels. There have been a number of reasons for this. Partly it has been because in Asia and the Pacific labour migration has in the past often been perceived by governments and communities in both origin and destination countries as an unwelcome but necessary ‘fix’ to short term problems of labour excess and labour shortage. Few have seen it as a structural and increasingly established and long term element in national and regional economies. However steepening demographic and economic gradients between countries mean that it is becoming in many cases an established and significant feature. It is crucial therefore that there is an effective system of governance at both ends of the process which recognises this reality. An increased readiness to engage in dialogue on migration is also evident in the region following major terrorism incidents like 9/11. The realisation that national security necessitates engaging in bilateral and multilateral dialogue on people movement has brought countries together and discussions have begun to extend beyond security considerations.

Nevertheless cooperation on migration is still at a very early stage in the region and needs to be significantly enhanced if development dividends are to be realised in both origin and destination countries.

CONCLUSION

While the Indonesian government in recent years has recognised the role that international labour migration can play in reducing un- and underemployment, in earning foreign exchange and in training its workforce there is little integration of labour migration and development policy within Indonesia. As is the case elsewhere there is little of linkage and coherence between labour migration and development policy. Martin [2008, 17] has argued that there are three challenges facing countries like Indonesia in this respect:

- Further incorporation of the range of issues captured by the migration development index into policy formulation.
- Implementation and evaluation of the strategies to capitalise on the benefits that migration may bring for development
- Institution of more effective international collaborations.

The real challenge is clearly moving toward strategies which take into account and use the positive interconnections between migration and development and seek to minimise negative impacts. In the Indonesian case, however, it is apparent that there is an initial, necessary step that needs to be taken. This involves the removal of the impediments and barriers which currently intervene to prevent the benefits generated by labour migration to fully flow back to origin families and communities. The poor governance of the Indonesian labour migration system results in a significant part of the earnings of migrant workers not
being available to impact on development because it is siphoned off by excessive transaction costs, corruption and exploitation of migrant workers. Only if there is a sound system of governance will the earnings of workers be fully available to be channelled into development activity.

REFERENCES


Chapter 11

** WHEN HISTORY AND RIVERS BREAK THE BORDER IN SOUTH ASIA: ENVIRONMENTAL MIGRATION AND POLICY DILEMMA **

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** INTRODUCTION - CONCEPTUALIZATION OF ENVIRONMENTALLY-INDUCED MIGRATION **

Human migration flow is a significant socio-economic indicator of societal processes, including demographic, environmental and climate changes. Because of multiplicity of causal factors, Livernash [1995:11] admits the difficulty to precisely determine the extent to which population, growth, or density may contribute to either environmental degradation or migration. Nevertheless the presence of such factors certainly indicates which countries are at high risk of uncontrolled, large-scale and poverty-induced migrations flows.

Discourse around issues of population and environment is an interaction of a host of many other issues. This study however, sets out to reflect the impact of environmental change, natural hazards and natural resource depletion on human migration processes. While this issue is well covered by media, non-governmental organizations campaigns, scholarly symposiums and also in political agendas, including national elections, this obviously remains under-researched [Massey, Axinn and Ghimire 2010, Stojanov 2008; Hartmann 2010; Hugo 2008; Morrissey 2009; Kavanová 2009; Piguets 2010, Bardsley and Hugo 2010]. Since there exists little scholarly work on the topic, the study is seen as initial input for more comprehensive investigation. Further, methods used in the paper are comparative and synthetic methods and desktop analysis. Authors of the chapter used document-based research of key selected papers, journal articles, studies, reports, selected books, reports from relevant

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organizations and other related publications. The first parts of the work have analytical and synthesized character with secondary sources of data and information used. The primary data, collected during the field research were used in the second part of the work.

**Environmentally-Induced Migration Conceptualized**

Environmental change, natural resource depletion and natural hazards play a contributing role as an important push factor in affecting population movements throughout human history, often filtered through contexts of poverty, food deficiency, conflicts and social inequity [Stojanov 2008:123]. It is apparent that the lives of millions of people are being threatened not only by international wars and civil conflicts but also by hunger, chronic poverty, natural disasters, environmental degradation and climate change. However people rarely move for a single reason and not all environmental degradation leads to migration i.e. motivations to migrate are complex.

El-Hinnawi [1985:4] proposes a definition of ‘environmental refugees’ as those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life. Norman Myers, probably the most quoted author in the issue of environmentally-induced migration, also defined them as who can no longer gain a secure livelihood in their erstwhile homelands because of drought, soil erosion, desertification and other environmental problems. Not all of them have fled their countries, many being ‘internally displaced’. But all have abandoned their homelands with little hope of foreseeable return [Myers 1993:752].

Some migration experts agree with central point that environmental degradation or natural hazards may be important factor in the decision to migrate [Black 2001:1; Bilsborrow 1992: 3-4], but generally they seem to be much more sceptical about the concept of environmental refugees. According to them, the conceptualization as a primary cause of forced displacement is unhelpful and unsound intellectually and unnecessary in practical terms [Black 2001:1; Castles 2002:2; Homer-Dixon, 1993], or they argue that there are primary economic and social reasons for environmental degradation which cause out-migration [Suhrke 1993:6]. This phenomenon in extreme cases only, such as drought or natural disaster where the role of environmental factors in impelling out-migration becomes dramatically evident, and those forced to move are labelled [Bilsborrow (1992:3). In this way Massey, Axinn and Ghimire [2010:111] go on to argue that about the clear link of population growth, environmental deterioration, and political violence to migration.

Massey, Axinn and Ghimire [2010:111] point out the lack of consensus about environmental effects on migration is due to the scarcity of reliable data, and Stojanov [2006] adds that scientists have not brought a common methodological ground for estimation and prediction of the scope of environmentally-induced migration on both global and national levels.

Finally, according to many others [Lonergan 1998; Meze-Hausken 2000; Falstrom 2001; Hazra and Bakshi 2003; Bell 2004; Hunter 2005; Herrmsmeyer 2005; King 2006; Renaud et al. 2007; Hugo 2008, Álvarez-G-Ia 2008, etc.] that environmental change and natural resources depletion and natural disasters play significant role in migration processes, be it...
directly or indirectly. For the convenience we can define environmental migrants such people who are/were forced to leave their traditional habitat, temporarily, cyclically, for long-term or permanently, because of lack of natural resources and/or environmental disruption that had jeopardized their existence and seriously affected the quality of their life. Thus, home-region was not able to ensure them safe fundamental livelihood and they move either within their country or abroad. “Environmental disruption” is meant any physical, chemical and/or biological changes in ecosystem (or the resources base) rendering it temporarily, cyclically, for long-term or permanently in the way, which is unsuitable to support human life. Environmental disruption, often triggered by population pressures and poverty, can be caused by natural and/or human activity [compare with Myers 1993; Myers 2001; Leiderman 2002; Stojanov 2012]. It is, to me, safe to use the term “environmental migrant”, instead of “environmental refugee” which falls under international and national legal definitions of refugees (asylum seekers) and does not express accurately broad context of the phenomenon.

CONCEPTUALIZATION OF ENVIRONMENTAL MIGRATION IN BANGLADESH

Migration as a consequence of climate change has attracted the interest of researchers and policy makers during the last two decades [Perch-Nielsen et al. 2008: 375]. There is a substantial amount of authors who expect significant effect of climate change on population and development in South Asia region. Many of them argue the location of Bangladesh is a potential factor why the country is so much vulnerable to the fluctuating situation of climate. The reasons are obvious: disadvantageous geographic location, low-lying topography, the highest population density, huge poverty, poor economic development, etc. [Ahmed et al. 1999: 126]. One of the most prominent of them, Norman Myers [1993: 753-754] argues, that sea level rise caused by global warming coupled with increase of inland floods (from melting Himalayan glaciers) would affect estimating 142 million inhabitants of India’s coast living of flood zones and people from Bangladesh. His “conservative” estimation for 2050 is 30 million environmental displaces for India and 15 million for Bangladesh.

However, Myers [2001: 611] modified his own forecasts about total numbers of people at risk of sea level rise, including the numbers for Bangladesh and India in May 2001. According it in Bangladesh could be 26 million and in India 20 million people at risk of displacement. Floods and cyclones in Bangladesh regularly cause, often with dramatic outcomes, temporary local displacement. Agriculture in Bangladesh is very much dependent on annual flooding and the floods and contemporary environmental changes (for some details see Box 1). Although necessary, the persistent floods also change river courses, with many Bangladeshis losing homes and lands to erosion annually [Zaman 1991 in Hunter 2005: 285].

In this way Rahman [2000: 113-114] argues that in selected regions land remain under water for around seven months every year and agriculture production is strictly limited by environmental constrain. It is apparent that the floods have significant impact on migration decision-making process in these regions because villagers cannot rely on agriculture to fulfil their needs and are forced to look for work elsewhere [Rahman 2000: 114]. According to research from 2003 provided by Ullah [2004: 33] in two villages in the Dinajpur district of northern Bangladesh among 197 families who had moved to the cities, about 5 percent of
respondents left their rural homestead due to natural disasters. In a survey undertaken in a Bangladesh floodplain in the mid 1980s, 64 percent of sample households reported that they were displaced by erosion at least once, with the mean number of displacements being seven. Typically, migrant households relocate only a short distance away; nearly 88 percent of households remained within two miles of their previous residence. Such short distance mobility (perhaps temporary) is a product of lack of resources, presence of kin, and belief that land will re-emerge to be reclaimed [Zaman 1991 in Hunter 2005: 285].

Migration in these localities is a household coping mechanism, with household members typically having little faith to find permanent residence and for this reason displacees often continue to live in fear of eviction, either by governmental authorities or natural forces [see Hutton and Haque 2004: 46; Haque and Zaman 1989, and Zaman 1991 in Hunter 2005]. Hutton and Haque [2004: 46] pay attention to human aspects of river erosion processes when each year renders a large population landless and homeless. In 1995, the Flood Plan Coordination Organization estimated that river-bank erosion displaced over 728,000 people between 1981 and 1993 along Jamuna, Ganges-Padma and Meghna rivers. Over 40 percent of the displacees-squatters had been uprooted three or four timed and 36 percent was displaced between five and ten times. Other 14 percent was displaced than ten times. Only 5 percent of the surveyed displacees was displaced just once and 8 percent twice. Whereas river-bank erosion mostly affects small landowners, although large landowners can also be negatively affected [Hutton and Haque 2004:46].

In this context Paul [2005] claims that disasters do not always create outmigration. He provides in empirical evidence of the non-occurrence of out-migration in the aftermath of the 14 April 2004 tornado in Bangladesh [Paul 2005: 370]. Data collected from 291 respondents from eight tornado-affected villages suggested that no one from these locations migrated to other areas. The constant flow of disaster aid and its proper distribution by the government and non-governmental organizations (NGOs) were the main reasons why victims did not leave [Paul 2005: 379-381]. Nevertheless the study of Wandschneider and Mishra [2003] at Bolangir district in Orissa, with persistently high levels of poverty, estimated that nearly 60,000 people left the district in search of employment during the 2001 drought. In this way also Shaw [1992 in Mc Gregor 1994: 122] in his study of communities affected by the 1988 Bangladesh flood describes how some affected families stayed on the roof of their homes whilst others migrated to a relief camp. The decision to move involved balancing different risks: the risk of having possessions stolen or squatters in the home and the reduced privacy and purdah for women in a camp, against food insecurity, dirty water, the presence of pirates and the threat of snake bites living on the rooftop entailed. Shaw [1992 in Mc Gregor 1994: 122] notes that it was usually severe illness or a near fatal accident of a child (such as falling into the flood water) which precipitated their move.

We expect that the activities dealing with aspiration for mitigation or managing selected negative impacts of climate changes will evoke more intensive effort relates to construction of river dams and other development projects which will produce new flows of "development displacees", particularly in the areas with high population density. In this way the report of UN World Commission on Dams [WCD 2000] mentions the case of 100,000 Chakma people displaced by the Kaptai hydropower dam in the Chittagong Hill Tracts in Bangladesh. The project submerged two-fifths of their cultivable land. As a consequence, 40,000 people from the tribal left for India and other 20,000 Chakma were supposed to move into Arakan in Burma. The Chakma have never gained citizenship for themselves or their children in India.
The conflict triggered by land shortage between the Buddhist Chakma people and Muslim Bengali settlers cost 10,000 lives since the project was completed in 1962 [WCD 2000: 111]. Nevertheless they returned during the late 1990s since a peace treaty was signed between the Bangladeshi government and tribal rebels, said BBC [1998].

Further, Swain [1996a and 1996b] introduces the case of environmentally-induced migration on international level in the region based on construction of Indian Farakka Water Diversion Project in River Ganges near the border with Bangladesh. According to him [Swain 1996a:189] agricultural and industrial production in Bangladeshi regions Khulna and Rajshahi were affected, and domestic water supply, fishing and navigation were disrupted, and the hydraulic character of the rivers and the ecology of the Delta were changed. These trans-border human-inflicted environmental changes have resulted in the loss of the sources of living of a large population in the south-western part of Bangladesh and have necessitated their migration in the pursuit of survival. The absence of alternatives in the other parts of the country has left no other option for these Bangladeshis but to migrate into India. The large-scale migration, from the late 1970s, of these Muslim migrants into Hindu-dominated India has culminated in a number of native-migrant conflicts in the receiving society [Swain 1996a:189].

It is apparent that Bangladesh is country with high vulnerability to risks dealing with climate change. Thus coping and adaptation strategies relate to the environmental threats have become fundamental part of life of locals for long history. In this way Adger et al. [2003:186] point out that some sectors are more sensitive and some groups in society more vulnerable to the environmental risks than others. That is reason why some states need to enhance their adaptive capacity to face both present and future climate change outside their experienced coping range. In the context of Bangladesh, new local government investments in shelters have helped to reduce mortality due to cyclones.

Further, Adger et al. [2003:189] also support idea that migration is a coping mechanism used throughout history by societies as part of their resource utilization strategies and coping with climate variability. Migration is usually only one of a variety of survival strategies pursued by families either simultaneously or consecutively with other strategies such as selling assets, wage-labour, eating bush foods or undertaking short distance migration [McGregor 1994:122]. In this way Kates [2000:14] suggests that just poor populations have lack of capacity to adapt to environmental risks or hazards and they are more interconnected with population displacement. However the migration such a coping or survival strategy as the consequences of environmental change can lead to improve of the their security in many cases, there are significant losses for the environmentally displacees such as loss of jobs, houses, crops and land, disrupts within the families, loss of privacy, increase of dependency on state or NGOs' assistance, loss of trees and livestock decrease. On the other hand there are reported some benefits dealing with the post disaster movement, such as growth in the school enrolment, increased interaction of the people, increased access to some development programmes, government or NGOs services, better security [for details see Abrar and Azad 2004:63-69].

Some scholars often do not take into account variability of environmental motives for migration and different time and space characteristics. I here use typology distinctive environmentally-induced migration to three main categories and two subcategories, which takes into account both various environmental/ecological factors for migration and different time and space characteristics [for details see Stojanov 2012].
CLIMATE CHANGE AND MIGRATION PROCESSES IN BANGLADESH

Change of climate are generally viewed such a significant factor in impelling recent migration flows [for details see Hugo 1996:111-117]. Therefore the climate change is perceived for purpose of the study such as a change or variability in the state of the climate that can be identified for an extended period, typically decades or longer. Climate change may be caused by natural internal processes or external forces, or to persistent anthropogenic changes in the composition of the atmosphere or in land use [IPCC 2007:943; Islam et al. 1994:4]. Changes in the physical environment dealing with climate change have profound social-economic consequences. The poverty driven large population in Bangladesh is already vulnerable to any extreme climatic event and its impact is always felt in terms of large-scale migration soon after the event [Islam et al. 1994:20]. The contemporary premise is based on hypothesis, that environmental change will affect the population heavily than up to now, and it is now very important to estimate how many people would be affected by changed climatic system.

In the context we must take into account that livelihood of most population in Bangladesh strongly depends on agriculture and each seasonal or rapid change has significant impact on crops and living conditions of the people. Among most frequently mentioned primary physical effects with socio-economic consequences are flooding (inundation, flash floods), low water flows, salt water intrusion, drought, hurricanes (storm surges) and change of river and coastal morphology linking with sea and river water level rise [see Picture 5-1; compare with Islam et al. 1994; Hugo 1996:114]. Elahi [1991 in Saadi 2003: 48] argues that in normal flood-years, some 18 percent of the land is inundated, while in severe years close to 40 percent is flooded, however the severe flood of 1988 and 1998 resulted in nearly 70 percent and 60 percent of the total area affected by flood water respectively [Mirza 2002:127-128]. Saadi [2003: 48] adds that flood from 1998 was the severest one from the economic impacts point of view, because the duration of water-logging was more than two and half months. It simultaneously destroyed two main crops. Mirza [2002:130-131] mentions figures that 1998 flood affected about 31 million people in 52 out of the 64 districts in Bangladesh and an estimated 2.4 million houses were completely or partially destroyed. Estimated damage was the worst in history of the country, totalling in the range of 2-2.8 billion USD [for details see Chadwick 2000].

Islam and colleagues [1994] estimated that some 71 million or 65 percent of the total population of Bangladesh are already affected every year by inundation of slight or moderate intensity. This proportion is likely to increase under the conditions of climate change and sea level rise. The estimation of the proportion of affected population is 84-94 percent, depending on scenario, and 9.3-20 million people would be affected by severe floods of 90-180 centimetres [Islam et al. 1994:20]. Climate change also affects hydrologic and hydraulic conditions of the Bangladesh rivers, include flash floods and river erosion processes. In the middle of 1990s lived about 12 million people (equivalent of 10 percent of Bangladeshi population at that time) in areas prone to flash floods (particularly North-East Bangladesh),

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1 For details dealing with links between floods and agricultural wages in Bangladesh see Banerjee [2007].
2 The details about the flood types in Bangladesh see Mirza 2002: 128-129.
and according to the climate change scenarios, these people face more frequent flash floods induced by higher precipitations in the monsoon period [Islam et al. 1994: 22]. According to the same equivalent, there are currently about 15-16 million Bangladeshis who are living under the conditions.

Mirza et al. [2003:315] argue that flood-prone areas in central and North-Eastern Bangladesh would be more vulnerable in terms of depth and spatial extent of flooding, due to increases in peak discharge of the Brahmaputra and Meghna rivers. Increases in the peak discharge of the Ganges might exacerbate flooding in the central region of Bangladesh if it occurred simultaneously with the peak discharge of the Brahmaputra. Karim and Mimura [2008:499] argue that flooding depths, especially within 20km from the coastline, are 30-40 percent higher with respect to previously estimated depths. It is alarming, because flood water would somewhere inundate first floor of the existing cyclone shelters where people normally take shelter during a cyclonic event. Similarly, river erosion processes (see Picture 5-2) made about 1.2 million homeless people in 1993-1994 [Islam et al. 1994:23] and they took place in 50 districts out of total of 64 in Bangladesh [Saadi 2003:48-49]. Riverbank erosion is very unpredictable process. Abrar and Azad [2004:31] mention different experiences of households living in riverbank erosion affected areas. They reported the process could take a year or two for the river to devour their homes, while in other cases villages were washed almost overnight. They identified, in their study sample, the most households were displaced more than one, on average, each of the households experienced displacement for 4.46 times [Abrar and Azad 2004:31].

Other research indicates that people in Bangladeshi urban slums up to 50 percent of the squatter dwellers stated that they had moved to the cities due to river bank erosion [Mahmood 1995 in Perch-Nielsen et al. 2008:382]. At least 15 percent of population in Bangladesh was directly affected by the intrusion of salt water into the surface and groundwater systems at that time. High degree of salinity seriously reduces agricultural production [Islam et al. 1994:14]. Just 154 tropical storms were formed in the Bay of Bengal during the period 1877 to 1995, and about 53 percent of the world deaths from the cyclones took place in Bangladesh in the meantime. Bangladesh suffers the most, although it hit by only 0.93 percent of the world storms [Ali 1999:110-111]. In this way Ali [1999:112] argues that no trend in storm frequency could be established in relation to the sea surface temperature increase in the Bay of Bengal. Nevertheless it is almost certain that an increase in sea surface temperature will be accompanied by a corresponding increase in cyclone intensity (wind speed). However the cyclone intensification as mentioned above is not certified by observations and numerical experiments [for details see Ali 1999: 112].

About 73 million people (67 percent of population) lived in areas that were prone to moderate or severe drought in 1994. The proportion of the population living in the affected areas would increase to 5-13 percent, based on various climate change scenarios. The most severely affected region is North-West Bangladesh; however other western parts are at serious risk. Overall rice production could be reduced by 25 percent, under the severe climate change scenarios. Further, due to the increase in the intensity of drought there, people would demand more water for irrigation [Islam et al. 1994: 22]. According to the predictions of World Bank [1998:58-59] Bangladesh's population will reach 170 million by 2020 as well as the growth of urban population nearly 80 million in 2020, beside 24 million people in 1996 [World Bank 1998:41]. The share of land per capita will increase to 20 persons/hectare compared with 13 persons/hectare in 1998 with the same extent of 9 million hectares of
cultivable land. Further, research by World Bank [1998:59] has shown that an estimated 10 percent of the net cultivated land suffers from medium and high salinity in the dry season, another 10 percent of the land in the hilly areas is highly eroded and more than half of the cultivated area has such inadequate drainage that it experiences water-logging and poor accretion of land.

At first part of 1990s, about 6 percent of Bangladesh population lived in areas close to the coast that were affected by a combination of effects such as salt water intrusion; cyclones and coastal erosion (see Picture 5-3). The intensity of cyclones expects increase by about 10-25 percent for next decades, and these events seriously affect the possibilities for development of the country [Islam et al. 1994: 23]. There is a general consensus that Bangladesh is likely to be hardly hit by sea level rise. Karim and Mimura [2008: 493] cite study based on 22 years (1977–1998) measured sea-level data that observed that sea levels at three measured locations in Bangladesh are being rising by 4.0, 6.0 and 7.8 mm/year, respectively. The results reveal that the rate of sea level rise along the coast of Bangladesh is much higher than the global rate of 1.0–2.0 mm/year in the last century.

According to the Asian Development Bank [ADB 1994 in Rashid 2003:72-73], a 45-50 centimetres rise of sea level along the Bay of Bengal coast will submerge about 11 percent of the Bangladesh (about 16,000 sq kilometres) by 2070. The total population to be displaced by 2070 will be between 12 and 18 million. These numbers of environmental displacees can dramatically grow because of faster rise of sea level which has been measured for last 20-year then it has been expected till this time [Rahmstorff et al. 2007: 709], or due to projected increase of seasonal temperature extremes for the future with enormous human consequences [Battisti 2009:244], as was recently published at Science. Currently, almost 40 million people live in coastal areas in Bangladesh. Loss of coastal land to the sea in this vulnerable zone is predicted to reach up to 3 percent by the 2030s, 6 percent in the 2050s and 13 percent in 2080 [Pender 2008:54]. In this way Barnett [2003:12] argues that people displaced from the areas may seek to move inland within Bangladesh, but significant number of them may seek to move to neighbouring countries.

To sum up, environmental challenges are significantly contributing to migration of people in Bangladesh, whether temporary or permanent, internal or international. According to their character, time and space effect, environmental challenges can be divided into two categories. The first category is typical with short-term duration and extreme character of environmental events, the second rather with slowly, gradual environmental change. The first category comprises of sudden-onset event as floods, cyclones and storm surges or river erosion. The second category includes coastal erosion, sea-level rise, salt water intrusion, rising temperatures, changing rainfall patterns and droughts. These environmental changes are caused partly by natural conditions that are exacerbated by climate change, then land-use patterns and socio-economic development [IOM 2011:9-21].

Bangladesh is concerned as one of the countries that is the most adversely affected by climate change due to limited economy and social development, high dependency on natural resource base, together with low infrastructure and ability of decision-making sector. These factors make the country also vulnerable to extreme events and climate stresses [Black et al. 2008:27]. On the international level, programs how to cope with extreme events has been recently adopted. OECD, with EU and other international organizations together with Bangladesh's Ministry of Food and Disaster Management adopted The Comprehensive
Disaster Management Program (CDMP). Now it is taking place the second phase of the CDMP from 2010-2014.

One of the main key aims is to develop strong, well-managed and professional institutions that are able to implement risk-reduction programs together with adaptation rural and urban population to climate change effect. On the governmental level, country follows international commitments and developed National Adaptation Programme of Action in 2005 that consequently led to Climate Change Strategy and Action Plan adopted in 2008. The ten year plan is concentrated on implementing long time resilient-climate program, combining adaptation and mitigation strategies.

**BANGLADESHI MIGRATION: AN OVERVIEW**

The migration processes are one of the most dynamic elements in the Bangladesh economy and society. It was employment opportunities in the Middle East during the early 1970s, and the independence of Bangladesh in 1971 that marked the beginning of a new era in emigration from Bangladesh [Mahmood 1995:699]. The migration from Bangladesh also gradually expanded to South-East Asia, and both migration flows are characterized by short-term employment, in comparison with previous migration flows to Europe [Siddiqui 2009:5]. The total number of Bangladesh's short-term employees abroad was nearly six million between 1976 and 2008 [BMET 2009].

Bangladesh is divided into 64 administrative districts; just 40 percent of migrants originate from five of them: Comilla, Chittagong, Dhaka, Tangail and Brahmanbaria [Siddiqui 2009: 7]. She adds that insignificant number of people migrate from relatively poor regions in North-West Bangladesh [Siddiqui 2009: 7]. Ullah [2004:27] points out migration flows to major cities in Bangladesh have alarmed for last decades. According to him rural-urban migration flows increased dramatically during the famine of 1974 and as a consequence, the number of rural migrants as a share of the urban population rose to 8.9 percent from 5.2 percent in 1961 [Ullah 2004:27]. The overwhelming concentration of wealth, assets, purchasing power, economic activities and variety of services tend to support a continuous influx of migration, and many migrants made their living in the informal sector. Ullah mentions that in 1988, there were more than 500,000 rickshaw-pullers in Dhaka, nevertheless the number had increased to about 900,000 by the year 2002 [Ullah 2004:31].

The level of urbanization in Bangladesh rose on the level about 22 percent, however it was comparatively low [Ullah 2004:27].

Further, study of Afzar [2003 in IOM 2005:29] of internal migration in Bangladesh showed that all types of migration had increased significantly. Rural-urban migration was found to account for nearly two-thirds of outmigration from rural areas. The share of rural-to-rural migration was 10 percent compared with 24 percent for overseas migration. The latest estimates indicate a 6.3 percent annual increase in migration, when Dhaka is the most common destination because it offers greater work opportunities. Most people look for work in the garments industry, rickshaw transport and the domestic sector. Rapid urbanization is creating these kinds of jobs that exert a stronger attraction than traditional push factors such

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3 For some details about the humanitarian operation of UN bodies relate to war for independence, see Martin et al. [2005: 96-97].
as frequent natural disasters and poverty and destitution. The garment industry currently employs around 1.8 million people (80-90 percent of them are women) in more than 3,500 small and medium-sized factories spread around “Export Processing Zones” and urban areas of Dhaka, Narayanganj, Chittagong and Khulna, says the report IOM [2005:30]. In this way Khan [1982] offers the detail information about the urbanization in Bangladesh and rural-urban migration during the 1960s – 1970s. Finally, emigration partly solves domestic unemployment and it is source of foreign exchange earnings [Rahman 2000:109]. Bangladesh had roughly 6.3 million overseas workers who remitted more than 9 billion USD in 2008 [BMBT 2009].

Causes of Cross-Border Migration

One of the outcomes of the field research in Bangladesh and India during 2008 indicates that there is long-term single-direction migration flows of people from Bangladesh to India, in particular to West Bengal and Assam provinces (states) dating since 19th Century at latest. However, no available statistics exist on illegal migration from Bangladesh, which are often the sources of tensions and conflicts between these two neighbouring countries. The immigrants, originally from Bangladesh, known to constitute one-third of contemporary population in the province. Livernesh [1995:11] mentions between 1950s and 1990s and 7 million migrants have moved to Assam where they currently represent one-third of the state’s population. Nevertheless last Indian census from 2001 [Census of India 2001] indicates total population in Assam 26.7 million (23.2 million in rural areas and 3.4 million in urban areas) and only 164.4 thousand people of them were born in Bangladesh.

Black et al. [2008:35] see migration labour networks as more significant reason for movements between Bangladesh and India than environmental causes. However IOM [2011:31] considers that majority of migration in which environmental factors play role is taking place internally, rather than cross-border. Further, mutual migration flows between India and Bangladesh is not new phenomenon, but it has deep historical patterns thanks to existence of porous border, general affinity (language, appearance...) and economic activities like informal exchange of goods (including smuggling drugs) and movement across the border has been taking place nearly every day. From this point of view this migration can be seen as "transnational" or trans-border [Ramachandran 2005:5].

Samuels and Wagle [2011] point out that in last several decades, these migration flows were unequal. While better-off families can migrate by legal way thank to their education, skills and official documents, they usually continued to more developed countries. The rest of poor or by some way marginalized population - usually landless or jobless, entered India without any valid documentation. In case of handling legal document, some migrants were seized by agencies or employers in India. Migrants usually used offers of agents (dalals) who helped them to cross border and promised to find job, exchange of money or other services [Samuels, Wagle 2011:2]. These vulnerable emigration groups, especially children and

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4 For broader context see for instance Kimun 2003, Bhaumik 2008.
5 Total population 190.6 thousand was born abroad and 131.8 thousand of them was living in rural areas.
6 According to Siddiqui [2003:4], the common practice is, that "once the migrant reaches the destination country, their employers hold their passports and other travel documents with the purported aim of restricting their movements. 
women, are often cheated and they are subjected to physical and verbal abuse, sexual exploitation or are being used as a cheap labour force.

At least two million Bangladeshis Muslims from the mentioned regions just disappeared from their own government's census calculation and changed population growth and density in the areas [Swain 1996a: 195; Swain 1996b: 86]. The Indian state of Assam, received a large share of these migrants, was the first to experience conflict [Swain 1996a: 198, compare with Swain 1996b:81]. Tension between native Hindus and migrant Muslims in the Assam has been increasing since 1979 and gradually spreading to other parts of India [Swain 1996a:201]. Conflicts between natives and migrants have now spread to other parts of India and have become a major issue for politically rising Hindu organizations [Swain 1996a: 189].

To understand political background of migration from Bangladesh towards India, first there can be seen some links of Bangladesh government supporting emigration of their people outside the country [Kumar 2011, Samuels, Wagle 2011]. Bangladesh government promotes legal emigration through the Emigration Ordinance (1982) that allows people to emigrate abroad. But not all poor migrants get access to legal documents and try to emigrate illegally. India tried to solve situation with illegal migration through The Assam Accord (1985) stating that all foreigners who had come to Assam after March 25, 1971, would be treated as non-nationals and deported [Kumar 2010:4]. Later was supplemented by Illegal Migrants Determination by Tribunal (IMDT)- canceled by Indian government in 2005 [Ramachandra 2005:18]. From Indian perspective, generally feeling is to prevent illegal migration from Bangladesh by any kind of way, although the strength and accent is changing according to political situation. Migration from Bangladeshis towards part of India is generally perceived as unwanted from many reasons, especially economic, politic and also religious due to prevalence of migrant’s Muslim religion. Migrants could contribute to political tension or misuse for populist purposes. Moreover, Indian government supports the construction of the fence on the border between the states. The project expresses the fear that migration from Bangladesh creates security threats [see Shamshad 2008, Kumar 2010].

To be honest, border between India and Bangladesh are not used only by poor and desperate innocent people who seek for job, but also for smugglers and other kind of illegal

7 The Emigration Ordinance 1982 is the key regulatory instrument on migration, allowing people with valid travel documents to emigrate. Such documents consist of a letter of appointment or work permit from a foreign employer or an employment or emigration visa from a foreign government. Under the Ordinance, the Government is authorised to grant licenses to individuals and companies wanting to recruit emigrants for overseas employment. Undocumented migrants can face up to one year of imprisonment and a fine [Samuels, Wagle 2011].

8 For example, when nationalist opinions are being powered, actions against migrants can follow. In 2003, former deputy prime minister Lal Krishna Advani and member of Hindu nationalist Bharatiya Janata Party (BJP) - adopted uncompromising approach towards undocumented Bangladeshis and issued statement: “to take immediate steps...to identify them, locate them, and throw them out”[Hindustan Times in Ramachandra 2005: 14]. After that statement followed steps that brought acts of violence on both sides of border. The prevalence of nationalist atmosphere has great influence on how way is treated with immigrants or generally to Bangladesh. But animosity between countries is mutual. The anti-Muslim sentiments in India have encouraged anti-Hindu and anti-Indian sentiments in Bangladesh [Ramachandra 2005: 11].

9 The idea of the project started in 1986, when the Indian government approved the Indo-Bangladesh Border Road and Fence project to prevent illegal (also called irregular) migration from Bangladesh [Shamshad 2008:2]. Government's aim was to build fence along the border between the India and Bangladesh (about 4,000 km long) through the fence, roads and flood lights according to climatic conditions which are not suitable very much. For example, in 2007, India had to replace the entire 861 km. of fence constructed in West Bengal, Assam and Meghalaya, as most of this fence have been damaged by adverse climatic conditions and repeated submergence [Shamshad 2008:11].
activities. Samuels and Wagle [2011] point out that distinguishing between trafficked victims and cross-border migrants is very difficult, but necessary task. They propose that officials from Bangladesh and India (i.e. Ministry of External Affairs) should clarify reasons for migration and develop appropriate process to handle undocumented Bangladeshis. Undocumented migrants are treated like people without any right and according to Indian immigrant laws they are jailed and usually deported to home country. These people then become unwanted from both sides of borders.

The fact is that of Bangladesh as well as India is overpopulated, but from the human rights point of view, with migrants should be treated as with humans and they should not be exposed to any kind of abuse or discrimination. In this way both governments are obligated by strengthening human rights of migrants according to international conventions on human and migration rights\(^{10}\) and they must allow to human rights watch organizations to control and monitoring the situation of migrants.

**RESEARCH IN BANGLADESH AND INDIA – METHODOLOGY AND RESULTS**

Two major sources of data for this study were interviews with experts dealing with causes of migration within/outside Bangladesh, and observation on climate (environmental) change affected localities in South-West Bangladesh (Khulna District) and migrants' targeted areas in North-East India, in Assam's capital Guwahati ant it broader surroundings). The fieldwork was conducted in both Bangladesh and India in 2008.

The prime aim of field research was investigation of role of environmental factors in migration processes in South-West Bangladesh, which is frequently affected by natural hazards and environmental risks [see for instance Black et al. 2008]. The second main goal of the research was explanation how climate change processes influence migration processes in Bangladesh. The research was perceived such as initial input for more comprehensive investigation in future, eventually for cyclical repeated observation.

A semi-structured in-depth interviews were conducted with seventeen experts on environmental, migration and development issues in Dhaka (capital of Bangladesh), in Khulna (district capital, South-West Bangladesh), in Guwahati (Gauhati, capital of Indian state Assam) in 2008, and in Kathmandu, Nepal in 2009. Ten experts were from Bangladesh and the remaining seven experts were from Indian.

The ambition of selection diverse experts for interviews was including each experts in society, who currently has complex information and knowledge relates to migration, environmental or/and development issue. The respondents came from academic sphere (universities), private sector (consultants), and public (state) offices, consultants of international bodies and employees of non-governmental organizations. Their positions were top managers (directors), public officers, university teachers and researchers, independent consultants, as well as programme officers in their organizations. I usually tried

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\(^{10}\) In the context we can mention the following International Labour Organization's documents: Migration for Employment Convention (1949), the Migrant Workers Supplementary Convention (1975), UN documents: International Convention on Protection of Rights of All Migrant Workers and Members of their Families (1990).
to meet some key person with higher education or position in the relevant institution or organization.

The selection of particular expert was based on determining criteria of target group, pre-selection during the searching at internet websites of relevant institutions and following contacting of responsible people by email. The second way was “snow ball” methodology, when more specifically author asked the contacted or interviewed people for new contacts to other experts who were working in the field of interest. In this research, I focused on people’s opinions as well as finding out some possible facts dealing with causes of migration of people from Bangladesh within or outside the country, environmental (climate) relations with the migration flows, and broad economic, social and environmental consequences of the Bangladesh migration within the country or to India, in particular to Assam. In the broad context I wanted to verify the mentioned hypotheses of Swain (1996a and 1996b) relates to environmentally-induced migration flows from Khulna region in South-West Bangladesh to Assam in India.

FIELD SURVEY

The field survey in Bangladesh was concerned with two prime observations:

1. Survey of basic environmental conditions of people living in Brahmaputra – Ganges Delta (Barisal and Khulna Divisions) and their vulnerability to natural disasters, in particular, water erosion, impact of river-water level on rice fields, etc., which had prime consequences to livelihood activities. They could have significant link to change of climate in the region.

2. Survey of environmental, basic economic and humanitarian conditions for life in areas that were frequently affected by natural disasters like floods and hurricanes. The field survey in Bangladesh was conducted in rural areas of southern parts of the country during the trip by boat from Dhaka to Khulna City. More detailed survey was provided in area of Morrelganj village (about 60 kilometres South-East from Khulna) and surroundings of Sarankhola village (near the border of Sundarbans National Park, approximately 80 kilometres South of Khulna) in March 2008 that were heavily affected by hurricane Sidr in the middle of November 2007. Two of affected families were interviewed in the area of the Morrelganj village after their arrival to place of origin, and one affected community-inhabitants of Sarankhola village.

The field survey in Indian Assam was oriented on basic environmental and economic conditions of people from Bangladesh living along Brahmaputra river for possible comparison with conditions in country of origin. The field survey in North-East India was conducted in Assam province in rural areas of Guwahati surroundings. In March 2008 one author of the chapter provided the survey in two villages areas on the bank of Brahmaputra River. They were Bartala village and Tarahaci village which were situated about 60 kilometres or 90 kilometres West of Guwahati, the capital of Assam state. One Bangladeshi

11 The villages in the surveyed regions in Bangladesh and India are more often scattered housing areas.
family was interviewed in the surroundings of Bartala village. Prime methodology was personal observation of the mentioned processes and source recording, and photographing during the trips on the canals along the Delta and ways to the hurricane affected areas in South-West Bangladesh. No sampling or measuring was taken in the research, for it was currently difficult to stay in a village for a long time study due to bad humanitarian situation of the people in Bangladesh study area. However the conditions in Assam were different, the illegal status of Bangladeshi immigrants and potential threat of violent attacks against the marginal community. Also, owing to author’s lack of proficiency in the local languages, he had to rely on the help of interpreters during the field survey. However, by explaining the purpose of the research to the interpreters, and also by repeatedly asking questions by author to the migrants or natural disasters affected people.

FINDINGS

Factors Motivating Migration

The economic and labour factors play the most significant role in decision-making process of migrants from Bangladesh. Labour migration, temporarily or permanently as well as circular migration is one of the family strategies for survival or improving the quality of their live. The main destinations of the migrants in India are West Bengal, especially the surroundings of Kolkata and border regions; Assam, in particular the border regions again, rural areas near the Brahmaputra valley and bigger cities such as Guwahati (Gauhati); and Tripura with border regions particularly. According to experts, the migration flows have mass dimension. Other frequent migrant’s destination outside the subcontinent are Middle East, especially Persian Gulf Arabian states, and South-East Asian countries such as Malaysia and Singapore (BMET 2009). Economic factors dominate in Northern regions of Bangladesh. The International Organization for Migration [IOM 2005] mentions that for many Bangladeshis living near the Indian border, Guwahati, the capital of Assam, is the largest day labour market. They congregate daily at railway and bus station in the city to find work on Indian construction sites or farms. Indian officials view this kind of migration with alarm as they are wary that the migrants will establish themselves, send for their family, acquire a work permit and then eventually a ration card which entitles the family to all kinds of pro-poor schemes [IOM 2005: 32].

The environmental factors play the second most important role as the reason for migration, however in selected regions, especially in southern parts of the country, can be the most significant element determining the temporary as well as permanent migration. Natural disasters and ecological processes (water erosion, drought) form the most important factors for decision-making. The research identified the main environmental reasons for human migrations such as river bank or river islands erosion; floods; tropical cyclones; drought; river dam construction in one case; land salinization in selected regions; and natural sources scarcity such as land and safe water scarcity, and cropland. Rahman [2000:115] pays attention

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12 For instance the most frequently mentioned terrorist group in the region, The United Liberation Front of Assam (ULFA), is also oriented against the immigrants from Bangladesh as well as against poor people from other Indian provinces, such as Bihar who live in Assam.
to a complex combination of circumstances, environmental conditions and geopolitical locations which has turned Bangladesh into a major "reserve of cheap labour".

The selected regions in Bangladesh, especially in the East regions, are affected by civil conflicts or human vulnerability from time to time. One of the most well-known affected areas is Chittagong Hill region with some tribal minorities living there. Some tribal members, some tens of thousands, emigrated to Indian states of Tripura and Mizoram, however they have returned during the late 1990s since a peace treaty was signed between the Bangladeshi government and tribal rebels [for details see BBC 1998]. Another conflict relates to religious tensions between Hindu and Muslims in Bangladesh. Hindu people migrate to India especially from West Bangladesh to Indian state West Bengal, however some of them to other parts of India including Assam [see Swain 1996b: 84].

Hutton and Haque [2004:45] point out that the vulnerability of the poor in Bangladesh is also associated with deeply entrenched socio-economic inequities. It has been estimated that more than one-half of rural households have virtually no direct access to land, even though the majority depends on agriculture. This means that a vast proportion of the rural poor survive on subsistence livelihoods, with little opportunity to acquire savings or assets to protect them against natural calamities. When disasters strike, the poor usually survive by selling off land, livestock, housing material and personal belongings. The motivations for both internal and international migration depend on many personal, familiar, regional and international factors. In the context of Bangladesh Zeitlyn [2006: 13-14] reminds that there are usually many interrelated reasons for migrating, such as combination of pull (e.g. better educational opportunities, access to specialised jobs, better health care system, and wider opportunities for self-actualization) and push factors (poverty, unemployment, violence, insecurity, political turmoil and corruption). As Barnett [2003: 11] remarks, people rarely migrate for environmental reasons alone.

**FINDINGS OF THE EXPERT INTERVIEWS**

**WHY HAVE PEOPLE BEEN MIGRATING FOR LAST 2-3 DECADES? (CAUSES OF MIGRATION)**

Interviewed experts identified couple of reasons for migration within or outside the Bangladesh. The analysis of the issue is described above, however there are combination of another historical, economic, demographic, environmental and other different factors playing various role in the migration decision-making processes, as well as social factors (health, education, migration networking). Experts confirmed that economic reasons are the most important migration factor, in both pull and push forms.

Women, anthropologist from Bangladesh, Dhaka:

"... One is the political reason and historical. But second reason is, of course, I mean environmental reason because these areas are poverty stricken areas, this area [showing on the map] the Rajshahi Division, ... and Rangpur District and Lalmorhah area and some other districts are very much poverty stricken. ..."

Man, migration expert from Bangladesh, Dhaka:
"... Results are that Indian economy is raising up, there is also need for this labor, in the construction sector, ... you know the municipal corporation, they employ many people of Bangladeshi origin and one of our micro studies have shown that there are Asians who come and procure these people from border areas here so it is not just the push factor, there is also the pull factors, they are asking for it."

Man, migration expert from Bangladesh, Dhaka:

"... There is also religious persecution, Hindu minorities do not feel secure, so there is the silent migration. If you look to the census data population, Hindu community is dropping and one can but not explain this phenomenon that minority community is sort of ... So it is persecution with one hand. It is also a strategy because many of those families have relatives in India and this is a strategy for dual citizenship. OK, they go to India, security some forms, but still remain the property here, so they come and go."

Man, geographer and migration expert from India, Guwahati:

"The most important reason [for migration] would be economic ... better livelihood conditions, access to land."

Is there any role of environmental factors, including climate changes in decision-making process?

Environmental factors belong to the most important migration factors in the complexity of migration processes in Bangladesh. Floods and river erosion processes (and their combination) were identified such as the most frequently mentioned causes for migration of many people or families in the country (see Picture 5-4). At this approach Abrar and Azad [2004: 121] also confirm that riverbank should be recognized as a major natural hazard that adversely affects the lives of millions of people in Bangladesh each year. One expert used term "river nomads" in the context.

Women, anthropologist from Bangladesh, Dhaka:

"Flood is a very common phenomenon in Bangladesh, sometimes it becomes severe, sometimes it is a regular one, but sometimes we get benefit from flood also ... There is two major floods over some few decades, one is in 1988 and another is 1998, in those ... they were very major floods, those occupied almost all of this area, I mean from northern part to middle part, to the north-east, north-west, ... and all of this areas [Rajshahi, Dhaka and Sylhet - showing on the map] were severely affected."

"But regular flooding occurs in this area, like Rangpur, Lalmonirhat, Kurigram and Sylhet, this areas are normally flooded every year. And in fact in Sylhet there are some areas with the low lands which is called 'Haor', it means the marsh land. These areas remain under water 6 months ... there is only one crop after 6 months. This area Sylhet and some parts of Sunamgonj, Srimongal, Netrakona, Kishorganj, ... many of these areas go under water for 6 months. This is called Haor area. [However] the southern parts are not flooded because there are canals and there lots of small branches of river. And water goes easily to the sea."

Man, environmental consultant from Bangladesh, Dhaka:
“So along these great rivers [Brahmaputra, Ganges, Meghna] are villages, which are susceptible to annual flooding and also river erosion. ... So you see the river keep changing the track, maybe they are breaking this side, for 3-4 years, and you have new depositions coming on this side, and some years it will start breaking here and another land will come up here. So this land is always changing, along the rivers, it is a very changing landscape. ... There you have new depositions from the rivers, so you see there are so many islands, there are still new islands coming up and some islands are disappearing, so people also move from island to island.”

“And when some people lose their land, they become migrants. ... If they lose their own agricultural land, they either move to the city or move to neighbouring areas. ... so that is one of the major causes of people migrating to cities, because they lose their job, they lose their livelihood and the easiest way is to come to Dhaka or any other nearby large towns. ... And then you also have people who claim new land, so there are always movements On one side people are moving out and on other side people are moving in.”

Women, development researcher from Bangladesh, Dhaka:

“... The magnitude on victims, affected people [by river erosion], again these are the estimates what we got, it is about 50-80 thousands population who are affected almost every year. [They are] not new people, I am saying the magnitude is that it could be the same people.”

Man, migration expert from Bangladesh, Dhaka:

“Bangladesh is unique in that sense that many parts of the country has got river bank erosion. The land, rivers, the mighty rivers from the Himalayas, they devour the banks and as a result. Many people lose out and they lose their land. As a result there is hardly any opportunity for these people, scope for these people, land is gone. They are forced [move] some of them, many stay behind. But some members, household members move on to find work in the city.”

Man, environmental geographer from India, Guwahati:

“You can say like a river nomads. I used this term. All of them ... are still migrating.”

Hurricanes (cyclones) are another potentially significant environmental factor forcing many people to move, however it is predominantly temporarily migration. Nevertheless the consequences of the natural events, such as economic poverty, loss of relatives, etc., graduated by impacts of climate change could lead to more massive migration. This hypothesis was supported by some of the interviewed experts.

Women, anthropologist from Bangladesh, Dhaka:

“... If you talk about the cyclone, the coastal belts are most affected by cyclone. Every three years we have cyclones and tornados almost every year, but not severe. Severe cyclones we get almost 3-4 years. One of the severe cyclones we had in 1970 that was severest, and another is 1991 ... The space gap between the cyclone and now is gradual decreasing, since due to the global warming and some other factors this gradually decreasing.”

“[Hurricane Sidr from November 2007] did not only affect this [South-West parts of Bangladesh], this also affected Dhaka and also Khulna Division and Barisal Division
Man, environmental consultant from Bangladesh, Dhaka:

“If there is a cyclonic storm, this is a very low line area, maybe few inches above the sea level, so if there is a cyclonic storm, it pushes and then you have few feet of sea water coming and then it may destroy the villages here, so again you see people sometimes have to move out, to nearby cities, maybe even to Dhaka.”

“We are now almost self-sufficient in food, but only if there is no flood, because we are in the margin, if there is any change like last year we had two floods, and then storm, big storm, now these three events have really impacted on food security, now the price of rice and all, everything is going up and it is doubled. During last two months it has been rising, so the inflation is about 11 percent also.”

Man, climate change specialist from Bangladesh, Dhaka:

“Normally if we looked to the natural disasters like the river bank erosion, cyclone in the coastal area, due to the drought there is job unavailability in the rural area, people move to the urban area, finally to get job opportunity, seek the job in the urban area, … this is a usual trend like there is a cyclone in the coastal area people immediately move to the nearest urban town to seek the job, and then to the next larger town. That is where they move from one place [to other]. But this is a temporary and this is a seasonal trend of migration.”

Relatively newly mentioned environmental phenomenon in Bangladesh was dryness and water deficiency that negatively affect agricultural production and livelihood in Bangladesh. They are most frequently associated with river dam constructions in India. It is paradox, they are built for the same reasons that affect population in Bangladesh after their realization.

Man, environmental consultant from Bangladesh, Dhaka:

“... And then also other factor is that, we have 54 rivers, and 53 of them come from India. ... And there are many dams being built in India for irrigation purpose, and for development purpose. And the river system is also changing, this is not natural, this is man-made. So what happens is we have less flow now, because flow is being diverted elsewhere, so the sea is pushing, there is less fresh water coming, sea is going in, so we have salt water intrusion.”

Sea level rise issue is frequently connected with consequences of climate change in Bangladesh; however there are other negative impacts of the phenomenon such as greater intensity and frequency of inundation, flooding of some islands. Secondary, the livelihood and economic patterns of locals is strongly affected, for instance farming crops, fishing, grazing. In the context the interviewed experts explained their fear from the future progress of the issue in the region.

Man, environmental consultant from Bangladesh, Dhaka:

“... As you have mentioned global climatic change, the sea level may rise. The rising temperature and this is a very low line area as I told you, just few feet above the sea level, ... Even few centimetres rise will cause many of the islands disappearing in the near future. On the other hand, new land is forming, people are cutting down trees in the Himalayas region, so
we have more and more this alluvial siltation from. All the silt is deposited here and the new lands are coming up.”

“... Fourth of the country could be seriously affected [by sea level rise] and fourth of the population as well, so it is like 30 to 40 million will be badly affected.”

One of the expert pointed out that in Bangladesh is another relatively newly surveyed environmental factor – arsenic contamination of water – forcing people to move.

Man, environmental consultant from Bangladesh, Dhaka:

“One of the major environmental issue is arsenic contamination. ... our major source of drinking water is ground water. ... And almost every household in the country has access to hand pump, nearly everybody drinks from the hand pump, ... even for Dhaka city. ... and in 1993, they discovered arsenic in the ground water, near north western border. ... In general, almost the entire country is affected more or less. The main problem is along the rivers because this arsenic of natural source, it is coming from the mountains, by these silts, loading by the rivers. ... In general the country is full rivers, so there is always everywhere arsenic. The most problematic areas are this one [showing on the map South of Dhaka]. Because there all the rivers meet, it is very high contaminated. If you go there almost all the hand pumps will be affected ... and this is also related to migration. ... Arsenic really becomes very bad, people also move.”

One of the interviewed experts clearly explained regional differences between the prime causes of migration in Bangladesh. According to him the regional factors play the most important role. Whereas South Bangladesh is much prone to river erosion producing the migration flows, in North Bangladesh the economic reasons play dominant role in migration processes.

Nevertheless, the environmentally-induced migration is complex issue and environmental factors are just one of the main “players” in decision-making processes of migrants.

Man, climate change specialist from Bangladesh, Dhaka:

“It is difficult to say how much is happening to permanent resettlement from this country to neighbouring country as a migration due to natural hazards and environmental problems. That is not the only factor determining that they go and resettle somewhere.”

The environmental factors significantly affect livelihoods of people from South-West Bangladesh, summarized one of the local expert.

Man, natural risks specialist from Bangladesh, Khulna:

“Specially Khulna and Barisal regions are affected natural disasters like a cyclones ... there are main risk for people there, I think ... [the main frequency] is from March to May and
next is from October to November every year. ... [However] stronger is about ten years ... this people are at risk of tsunami also.”

“This area is not seriously flooded, but sometimes is problem in all area, Khulna no. Whole area is affected by arsenic ir. groundwater ... 52 or 54 out of 64 districts in Bangladesh are affected.”

“River erosion is sometimes problem in some area in mainly Khulna districts, ... and also Bagerhat, Satkhira ... [however it is] not too high.”

“Por Mongla, this river is very polluted, there are many factories ... in Khulna is the industrial area and river is close.”

Where are migrants coming from and where are they going to (in the context of migration from Bangladesh to India)?

As was mentioned above the interviews indicated that there was long-term single-direction migration flows of people from current Bangladesh (East Pakistan or East Bengal in past) to India, in particular to West Bengal and Assam provinces (states) dating since 19th Century at latest [for details see Prakash 2007]. These processes acquired international dimension since 1947 when India and Bangladesh (or more precisely East Pakistan as the part of Pakistan) got independence.

Man, environmental geographer from India, Guwahati:

“It [migration from Bangladesh to Assam] has a very long history because Bangladesh was also a part of India ... and immigration of foreign nationals, these are all politics tasks. One very important thing is that the ecology is almost similar and the Brahmaputra river is physical threat in Bangladesh and in Assam part too, it was so ecologically connected. ... the altitude from the sea level is very low [in Bangladesh], therefore there is regular flood, and also the cyclone storm every year. [It means that] crop is somehow damaged, population growth among the poor people is also very high, so density of population started increasing, then automatically there is scarcity of land ... and poor people there [in Bangladesh] are interested in land. And before independence, population density in Assam was not that high, [like] now 340 people per sq kilometre. In the early part of 20th century, it was around in some cases 50, 60 like that and the whole state was covered in forest.”

However no exact statistics exist relating to the issue because the India does not have any obligatory identity cards or equivalent of these. Further, the international border between the states is practically open due to many river canals and some mountains, and people from both countries can freely move. In the context one of the interviewed experts from India grandly proclaimed that each person who crossed the Indian border was Indian citizen, because there is no effective control of citizenship based on some documentation. However there are too many misunderstanding and myths dealing with the situation on the border line based on nationality of the interviewed communication partner, regardless of specialization and position.

Man, human geographer and migration expert from India, Guwahati:

“There are no Bangladeshis in India [officially], ... Dhaka’s position is that no Bangladeshi migration is taking a place. That’s it.”

“... boundaries are open, you can smuggle contraband, you can get up in the country, and bought and come across the border in four hours, even less ... you can come across in one hour or so, in the small boat ... and that is happening ...”
"They can cross in many parts of the border, ... along the Assam [showing on the map], so it is an almost open border. There is border fencing going on, but it is still incomplete and it is still open border. ... It is obvious that India has put the border with Pakistan at higher priority than with Bangladesh. We are still in the process constructing border fencing almost 23 years after 1985."

Man, environmental consultant from Bangladesh, Dhaka:

"Large scale migration [from Bangladesh to India] is not that much possible, because there is border control, so along the border, not easy, that thousands of people past border.”

"There is always some movement going on, the border [between Bangladesh and India] is not always absolutely close, so people can move about, so some people are coming, some people are going on."

"... Crossing border is also risky, there always shooting and every month in the border two or three people are to be killed. It came out last year, two people are killed every three days, so 300 people are killed per year during border crossing."

Despite the fact that Bangladeshi government officially claims, there is just official temporary migration abroad [see statistics of BMET] and any illegal emigration to India does not exist [in the context see for instance Swain 1996a: 194; Swain 1996b: 81], interviewed experts confirmed there were evidently flows of migrants from Bangladesh to India.

Man, migration expert from Bangladesh, Dhaka:

"There is good Bangladeshis in India, but there is not reliable figure, because for both countries it is a very political sensitive issue. India turns out figures 16, 18 million as free will ... and Bangladeshi government takes this absurd position that no single Bangladeshi lives in India ... But there are because of porousness of the border ... I mean there is seasonal migration that is taking place."

The interviewed experts confirmed hypothesis that main migration processes from South-West Bangladesh (Khulna Division) tended to flow to Indian Calcutta surroundings and West Bengal region, whereas the migration flows to Assam from the region had minor significance. Furthermore, there are significant migration flows from Northern parts of Bangladesh to North-Eastern Indian states Assam, Meghalaya, Tripura, etc. Nevertheless religion is still considerable migration factor in the processes.

Women, anthropologist from Bangladesh, Dhaka:

"[People] migrate mainly to Calcutta surroundings and West Bengal region from Khulna Division, in fact through all this border line, ... there is direction mostly from Khulna Division because this were mostly Hindu dominated area ..."

"[Bangladeshi migrants in Assam are] mostly from a Northern part. But maybe from this part [Khulna Division] also, because those people who went during the partition and maybe they are all spread there and settled there when they went there after 1947, ... but mostly I guess that these migrants came from the northern part of Bangladesh."

"...It is not very easy to go to another place and to find field. It is not easy, to get to another country, there are some legal questions, they went there illegally, or informally, because India is also a poor country, it is not like that India is very rich country, and again they have some own problems of unemployment, ... and I guess it is not easy to have fields
there, ... rather it is easy to work as labour in the fields, maybe gradually they become settled and then occupy lands.”

Women, development researcher from Bangladesh, Dhaka:

“... it is not that they have to come necessarily to Dhaka, they usually go from their own village to neighbouring country [directly] ... only for the air service, for the flight they come to Dhaka, but they do not come for any other thing. And from Khulna to India it is very easy because that Jessore border [South-West of Bangladesh] is one of the most penetrated border and they can always go. In fact from Assam to Bangladesh the easiest border is Sylhet border but not many people from Sylhet goes there to Assam, because Sylhet itself is much more resourceful. You those who go, maybe the Hindu, who do not find much, who have the problems with the resources, and the land has been encroached, etc., then they go. But the other people ... are going to some parts of West Bengal because of river erosion, they are mostly going to Khulna, or Jessore border, that is the border which is nearby. Or Dinajpur border [North-West of Bangladesh], these are the areas where they are going out of Bangladesh.”

Women, geographer and environmentalist from India, Guwahati:

“... Some [Bangladeshi] migrants move to Mankachar area [city on the border with Bangladesh in Western Meghalaya], some of them migrate to Assam or West Bengal. ... Other targeted area for circular labour migration from Bangladesh is Agartala [again city on the border with Bangladesh in Western Tripura], because they are very cheap labour.”

“[However] the majority of the Bangladeshi migrants are internal migrants.”

About the trends of migration from Bangladesh to Indian Assam, some interviewed expert confirmed trend in temporarily or seasonal migration flows of people from border areas in Bangladesh, and permanent migration from broader Bangladeshi regions, particularly to relatives and friends (migration networking). However the expert pointed out, that migration flows have declined for last three decades. The reasons were development growth in Bangladesh, better border protection, less amount of jobs in Assam, less quantity of free land in Assam.

**WHO ARE MIGRANTS? SOCIO-DEMOGRAPHIC INFORMATION (OCCUPATION, GENDER ISSUE, AND HOUSEHOLD ECONOMIC CONDITIONS)**

The qualitative investigation among the social sciences experts and geographers showed that Bangladeshi migrants generally come from middle and upper class, however the internal migrants belong both lowest and middle income categories [compare with Mahmood 1995: 702]. They are generally temporary (seasonal) migrants, both internal and international migrants. Nevertheless some of them use migration networking and they try to permanently settle in cities or in India.

Women, anthropologist from Bangladesh, Dhaka:
"But still if you visit Khulna Division you can find that many people are there who are temporary migrants ... Seasonal migrants, they go for labour when they do not have job, they go there [in India] and then they come back again ... They work as agricultural labour, farming, working in small enterprises."

"[Migrants] in the context of Bangladesh, they are not in lowest structure, maybe upper than that. Because if you want to go to Malaysia, you need at least 300,000 taka (approx. 4,200 USD13) is not small amount, ... it is huge amount of money."

Nevertheless one expert supposes that Bangladeshi migrants are generally poor [from broader view compare with Kates 2000: 14-15]. She also confirms common characteristic of majority of international migrants, they are more hard working, than it is usual within the host society.

Women, geographer and environmentalist from India, Guwahati:

"... Migrants are poor ... and they are very hard working, more than as usual in Assam."

Gender aspect of migration processes also plays important role in Bangladesh. Migration could be viewed such as the way how to solve personal problems of women with their husbands in society where divorce is unthinkable.

Man, migration expert from Bangladesh, Dhaka:

"... Some women are migrating just to escape unhappy marriage, because here divorce is taboo ... as a result she would not ike to stay with the husband anymore, so it is better when she go to the city and get the job overseas. So she does not have live with her husband any more ... So this is also some reasons for international migration."

WHY DO SOME PEOPLE REMAIN IN AREAS AFFECTED BY ENVIRONMENTAL CHANGE, INCLUDING NATURAL DISASTERS WHILE OTHERS MIGRATE?

At the approach of migration theory there is one the most significant question: Why do majority of society remain (or try to remain) in the places of origin, and why some members of the group migrate (or try to move) anywhere. In the context of environmental factors for migration, the question is transformed to issue why do some people remain in areas affected by environmental change and deterioration or natural disasters while others migrate? Some interviewed partner sees the answer in the extent of the environmental factors.

Women, anthropologist from Bangladesh, Dhaka:

"... The scopes [of migration flows] are gradually becoming limited to some extend [of environmental factors], and on the other hand, that, the rivers are ... polluted, ... dryness, so river erosion and river other way that could make people benefit are not doing anymore. Let me tell you another important thing. Here [showing on the map] is the Ganges, that comes from India. ... There is a barrage which is called Farakka and this became a tragedy for us. Farakka was built in such manner that gradually Bangladesh is losing water, so many of these

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13 According to the exchange rate from March 2008.
areas have become barren. After 1996 there was an agreement between India and Bangladesh government, but India did not give its promise to ... give us that amount of water. If you collect data from local people, they have lots of needs about devastating measures of flood. But now, the bottom has become so dry, now if you go there people are walking on a bottom and this is one of the biggest river! Major river!"

Some interviewed expert on social and economic consequences dealing with climate change explained that relatively reach person can leave natural disasters affected coastal areas immediately because he has sources for buying some land and housing. Many of them got their finances such as migrant workers in Middle East. On the other side poor people need more time for decision and they generally use strategy for firstly temporary moving to another, relatively safer rural areas or cities in Bangladesh.

Man, specialist for social studies and economics from Bangladesh, Dhaka:

"... Many at risk people are already shifting from very rural coastal area to, if not Dhaka to other cities. They are relatively safe, for example to Barisal, Khulna, and other towns. Those are rich because they have the capacity to buy land and built the house. So immediate intensity push factor ... And as you mentioned for the poorer they go through a process. ... [under the poverty line] is between 40 and 50 percent [of population in coastal areas] ... poverty is very serious in the coastal districts, especially in the Sider affected area ..."

Field Observation Results

The field survey in Bangladesh and India was concerned with observations of basic environmental and economic conditions of people living in Brahmaputra – Ganges Delta (Khulna Divisions) that are frequently affected by natural disasters like floods and hurricanes, and Bangladesh immigrants living along Brahmaputra River in Assam province in rural areas of Guwahati surroundings. The possible effects of climate change in the regions on the migration processes were also surveyed.

For the researcher appeared huge problem to find relatively new Bangladesh immigrants in Guwahati and its surroundings for interview because they were afraid of their legal status. One author of the work held many short interviews with descendants of Bangladesh immigrants from first half of 20th Century or immigrants who have been living in Assam for more than four or five decades however their information had very limited value for the purpose of the study. In the context it would be impossible to directly compare the environmental and economic conditions between the regions of migrants’ origin in Bangladesh and their new destination in Assam.

Prime methodology was the observation of the phenomena and source recording, and photographing during the field research on the canals along the Delta and on the ways to the hurricane affected areas in South Bangladesh, or during the trips to along the Brahmaputra River in rural areas near Guwahati city in North-East India. The semi-structured interviews with two affected families by cyclone Sidr and one community (villagers from Sarankhola) were conducted in area of Morrelganj and Sarankhola villages, about 60 or 80 kilometres South-East from Khulna in Bangladesh in March 2008. The theme of the interviews dealt with the frequency of natural disasters for last decades, their general living conditions and their current humanitarian situation.
The three semi-structured interview with families of Bangladeshi descendants of migrants, were realized in area of Bartala village situated about 60 kilometres West from Guwahati, in Indian province Assam in March 2008. The interviews related to issues of Brahmaputra river erosion processes in that places, land loss, land holding and land renting etc. The analysis of the interviews with people affected by hurricane Sidr, it pointed out that impacts of hurricanes and similar climate events for last decades indicated growth of their intensity and damage potential. The experience of the locals confirmed the theory of climate change impacts however human memory, particularly in the context was limited source of relevant information. However, the hurricane Sidr destroyed almost all houses (see Picture 5-6 and 5-7), water sources, most of the crops and local economy, etc. in surveyed regions (both village areas Morrelganj and Sarankhola).

Victims of Sidr cyclone, Morrelganj, Bangladesh:

"Recently, we are observing frequently change of weather. Ten years, or 20 years ago there was no frequent change. ... There are more frequency [of disasters such as cyclones, floods] than 10 years ago. Before 10 years it was not so bad, like at the time. At that time that was coming after 1970, there was big cyclone in 1970, 1970 also in November [as well as Sidr in November 2007] ... This is the biggest cyclone ... almost 40 years [ago]. But now, they also telling that the present weather, today weather, first change, this is not natural [usual]. We [both families] were born in this area."

Translator:

"He is telling, this man, that stream level was 7 feet higher from the down level. His [showing on man who lives in new stable model house] house is ok, and many people [arrived] to shelter at his house. But his [showing on man from different family who is living with first family in the model house now] house, his home is totally damaged.

"[We will live in the shelter] after Sidr till we cannot build the house [like a model house], till now, ... they are taking the shelter like that, taking house like that [showing destroyed ordinary houses in the surroundings], ... and this way they are now living here."

Translator:

"They [development organizations or government] can not give house to everyone, [it is expensive, about 2,500 USD and many people were affected]. They have limitation; they are getting help from overseas donor agencies [just for two model houses]. They started construction of this house just over the 15th [November] over Sidr. Now it is still what is going on, it is almost completed [the model house, from 90 percent]."

Victims of Sidr cyclone, Sarankhola, Bangladesh:

Translator:

"[Each of them who] are living in this area, everyone is affected. ... houses are damaged, scuttled, totally finished. ... more than 80 percent of crop was damaged. ... They are depending on humanitarian aid support agencies."

Due to [high share of] salinity of water ... there is water from that pond they are collecting water, and filtering that water, than they are taking for a drinking water. ... the source [pond] was damaged during, by the cyclone. Now, after cyclone, some new resources have to be established ..."
The analysis of the mentioned short interviews shows complexity of the river erosion processes in Brahmaputra River and, their social and economic consequences for locals. They particularly lost land as a main source for their livelihood. Nevertheless they still annually pay land tax 20 or 30 rupees to Assam government, even it is under water. If they do not pay revenues, the government will take over the land (see Picture 5-9). The new land with good quality is almost impossible to get, so the affected people have to rent or mortgaged the new land. However some of them changed their job, they started to be fishers for part time.

Descendants of migrants from Bangladesh, Bartala, India:

"More than 15 years we are living there [new place after they lost their land]. Our place of origin [flooded after the river erosion] is two kilometres so far ... [the process loss of the land] took one month during some flood [event]. [During this episode they also lost their fields not only the houses]."

".. It [new land] will come up, if it comes up. We will reclaim that land because we are paying revenues [to Assam government]. If we do not pay revenues, the government will take over the land. ... So when the land come up, we have right [for crop production]. It is government land, no rights ..."

[the revenue is] six rupees for diga for the whole year. ...."

Translator:

... "Diga" is around the 2880 feet to 25feet, 14400 sq feet. The average land holding size one family in Assam is three "digas" it depends how big is. [It means that they pay annually to government] 20, 30 rupees. ... this is size from British time government, very little, because people are poor ... [however] at that time it was very high.

"We are working like a fishers, and we are farmers also ... We actually mortgaged others land, others land they mortgaged, contact land. Then I will give you 2000 rupees for one "diga"...

"[If we rent] this land then we have to give the owner half of the crop ... main crop is vegetable actually."

One of the outputs of the field survey is creation of livelihood-sensitivity matrix that provides a rapid screening tool to identify the relative levels of risk and also gaps in knowledge [for details see Thomalla et al. 2006]. It is simplified version (see Table 11.1), in the context, deals with the natural hazards or environmental change, affected ecosystems services, possible effects of climate change and the most frequently mentioned stricken livelihoods activities in targeted areas in South-West Bangladesh. The affected ecosystem services following by collapse or decrease in livelihood activities can force a people from affected areas to relocation (temporary, cyclic, long-term or permanent).

The most frequently mentioned livelihood activities affected by significant environmental change or natural disasters supported by climate change are housing and farming, in particular rice production that is generally main economic source of locals in rural areas in South-West Bangladesh. The role of climate change firstly consists in enlargement of intensity and frequency of any natural events such as floods and tropical storms/hurricanes as well as sea/river water level rise following by water erosion and land degradation. In case of drought and water deficiency, the climate change plays the main role such as initiator of the processes.
Table 11.1. Livelihood-sensitivity matrix (simplified version) of rural areas in South-West Bangladesh

<table>
<thead>
<tr>
<th>Environmental change / Natural disaster</th>
<th>Impact of climate change</th>
<th>Affected ecosystem services</th>
<th>Affected livelihood activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water erosion</td>
<td>Greater intensity</td>
<td>Land availability</td>
<td>Housing, farming</td>
</tr>
<tr>
<td>Sea level rise</td>
<td>Growth</td>
<td>Water supply, land cover</td>
<td>Housing, farming and grazing, sweet water extraction</td>
</tr>
<tr>
<td>River water level rise</td>
<td>Growth</td>
<td></td>
<td>Housing, farming and grazing</td>
</tr>
<tr>
<td>Floods</td>
<td>Greater intensity and frequency</td>
<td>Water supply and quality, land availability</td>
<td>Housing, rice, vegetable, fruits and livestock production, market crop production</td>
</tr>
<tr>
<td>Hurricanes / tropical storms</td>
<td>Greater intensity and frequency</td>
<td>Water supply</td>
<td>Housing, rice, vegetable, fruits and livestock production, market crop production</td>
</tr>
<tr>
<td>Drought / water deficiency</td>
<td>Prime initiator</td>
<td>Water supply, grazing, soil water balance</td>
<td>Rice, vegetable, fruits and livestock production, market crop production</td>
</tr>
<tr>
<td>Land degradation and deforestation</td>
<td>Secondary effect</td>
<td>Grazing, soil water balance</td>
<td>Grain and livestock production, wood fuel and timber production, market crop production</td>
</tr>
</tbody>
</table>

The most frequently mentioned livelihood activities affected by significant environmental change or natural disasters supported by climate change are housing and farming, in particular rice production that is generally main economic source of locals in rural areas in South-West Bangladesh. The role of climate change firstly consists in enlargement of intensity and frequency of any natural events such as floods and tropical storms/hurricanes as well as sea/river water level rise following by water erosion and land degradation. In case of drought and water deficiency, the climate change plays the main role such as initiator of the processes.

**CONCLUSION AND POLICY IMPLICATIONS**

Authors of the chapter centralized their attention on investigation of the role of environmental factors and climatic condition in migration processes in Bangladesh, especially in South-West Bangladesh. The research was perceived such as initial input for more comprehensive investigation in future.

Certain measured data indicate significant influence of climate change trends on life of local population. The projected models gradually showed and specified future climatic system for the region. The role of climate change firstly consists of growth of intensity and frequency of any natural events such as floods and tropical storms/hurricanes, change of timing of precipitation regime, as well as sea/river water level rise following by water erosion, land degradation and increase of underground water salinity. In case of drought and water deficiency, the climate change plays main role such as initiator of the processes.
According to mentioned data it is apparent that Bangladesh is a country with high vulnerability to risks dealing with climate change. The research observation confirmed some literature over-viewed outcomes that main livelihood activities of local population, such as housing and farming, in particular rice production that is generally main economic source of locals in rural areas in Bangladesh, are affected by significant environmental change or natural disaster.

These variables together with the combination of other economic and social factors create a potential for huge demographic changes, including both internal and international migration flows. The interviews with local experts and field observation in Bangladesh and India confirmed existence of the factors and their significant role in migration flows to Dhaka which is the most uncontrolled growing capital in the world, and to abroad, especially to India. And environmental displacement in the country could be viewed such as indigenous reaction or/and (uncontrolled) coping strategy of the locals.

In this way some adaptation strategies towards climate change become an important issue focusing on reducing human vulnerability and thereby preventing conflict over scarce resources. Some conceptual steps are necessary on institutional level, at construction of modern infrastructure and communication links, and new stable houses, and the changes of production systems. The strategies have to concentrate on broader redistribution of population and welfare within the country.

As we mentioned above, the research identified significant trends of migration flows partly or dominantly pushed by environmental (climate) change and natural disasters. Thus the case of Bangladeshi migration flows remains an important example where, in contrast to some migration theories, natural disasters would be the major cause of forced migration. However, the results of the research suggest that environmental conditions interact with other factors to cause migration.

The migration flows have both internal and international character and the part of the affected population goes abroad, especially to India which has the longest international border with Bangladesh. Human migration is a coping mechanism used throughout history of South Asia by societies as part of their resource utilization strategies and coping with climate variability. It is spontaneous adaptation measures in many vulnerable areas. Migration such a survival strategy can lead to improving of the migrants security in many cases, there are significant losses for them, however some limited benefits are reported. In the context is important to point out that whereas experts from Bangladesh do not care about consequences of Bangladeshi migration to Assam or India for locals, however they have good information relating to causes of the flows. On the contrary, Indian experts are not interested in the roots of the migration processes in Bangladesh, their prime concern deals with consequences of the immigration and possible mechanisms for solution.

The research dealing with policy implications of migration flows from Bangladesh to India identified that there is lack of authentic and objective information and data relate to migration between the states and the real situation on the border. For instance, the available statistics do not distinguish between short-term, circular and long-term migration. The governments of both states need to demarcate border clearly, clarifying movement across the border and recognition of enclaves of India and Bangladesh on both sides of border to prevent people becoming stateless and unwanted. They also must eliminate violence along the fence on the border.
People migrate from many reasons, including insufficient economic and environment conditions. The role of the state is to prevent this situation and promote its inhabitants to cope with conditions for their livelihood through various supporting programmes aimed at improvement of their social, economic and environment situation.

More research is needed that would bring new data about types of migration and migration flows between Bangladesh and India to gather complete and analyze information, including analysis of impact of immigrants to social, economic and political conditions of hosting country to prevent widespread biases from both sides of border. It could help also to improve perception of hosting / sending country. While Bangladesh is seen predominantly to be sending country, India is seen as hosting country. If researches show actual reasons and trends of migration, the solution can follow.

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Chapter 12

GENDERING SPACE AND MOVEMENT: A REFLECTION ON OVERSEAS LABOUR MIGRATION POLICY IN BANGLADESH

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INTRODUCTION

Over the last three decades labour migration to the Gulf and South East Asia has emerged as an important earning and livelihood strategy for Bangladeshi labour migrants. Like elsewhere in the world, labour migration in Bangladesh is an endemized process where the word 'migrant' carries the image of a young or middle-aged man going abroad to provide for his family left behind. Men comprise more than ninety-five percent of the migrant labour force in Bangladesh. According to the official estimate from 1997 to 2009, a total of 114,656 Bangladeshi women migrated abroad as labour migrants, whereas the number of male migrants in the same period were 4,748,041 [BMET, 2010]. In 2011 the flow of female migrants increased by 10.37 percent over that of 2010 [Siddiqui and Billah 2012]. Despite the growing demand in the international labour market, women constitute less than 6 percent of the total Bangladeshi migrant workers.

A number of critical questions arise from the above context: Why does overseas labour migration consist primarily of male within Bangladesh? What compels males to migrate and women to stay back, while low-earning households strive to make a living in the villages? While gender has a wide and long history in migration research, much of this work has actually focused only on women and their inclusion and exclusion in migratory movements [Mahler and Pessar, 2006; Curran et al, 2006; Donato et al, 2006]. In contrast, this chapter investigates the centrality of gender ideologies as a critical element influencing the migration policies and trends in Bangladesh. Here I look into various intersecting gender ideologies that delineate the boundaries of space and movement for men and women.

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The chapter has its origin in a D.Phil study titled *Livelhood and Social Protection in Overseas Labour Migration in Bangladesh*. Data and information in this chapter was collected through an ethnographic research in two migration-intensive villages in Comilla, Bangladesh during 2004-2008. By using people’s own interpretation of places and selves and others as lenses, the chapter reveals important aspects of the ways that migration processes are mediated by gender. The chapter is broadly divided into two sections: first section highlights the migration policies of Bangladesh, with a special emphasis on female migration; and second section analyses the ways in which the dominant gender ideologies determine the spaces and movement of men and women in Bangladesh, and its impact on migration decision-making. Before going to the main discussion, it is pertinent to explore what underlies the concepts of gender and space in this chapter.

**Gender and Space: A Conceptual Framework**

Gender is a multidisciplinary concept encompassing both material and ideological components. It refers to the varieg and complex arrangements between men and women, including the organization of reproduction, the sexual division of labour, and cultural definitions of femininity and masculinity [Bradley, 2007:1]. Gender recognises that men and women, boys and girls are not only biologically different, but are different because of the role that society has determined for them. Very often such ideas are reinforced by religion, language, literature, media and history, all of which constitute the culture of a society. Current gender theories attach importance to cultural approaches which contend that definitions of what constitutes higher and lower social status of men and women are culturally bound, and value judgement and demonstration of prestige may vary from one society to another [Singh, 2006]. Moreover, a more universal approach towards women renders the critical aspects of diversity in experience and perception among them invisible. Post-structuralist gender theorists, therefore, call for ‘deconstructing’ the objective ‘truth’ by articulating social, historical and cultural dimensions of subjectivity in this knowledge [Moghadam, 1994]. Deconstructing the category ‘women’ or ‘men’ reveals a host of assumptions, ideas, and judgements that can be understood in terms of people’s experience and their cultural context. Throughout this chapter I use these concepts to show how the cultural construction of gender roles and relations in Bangladesh influence migration decisions.

Another concept, which drives this chapter, is ‘space’. It has been argued for a long time in discourses of critical social and cultural geography that space is not merely a ‘surface’ where social practices take place e.g. Gregory and Urry, 1985, Lefebvre, 1991, Massey, 1994], but that it is also produced in social practices, and hence a social category itself. To them, once spatial forms are created, they become institutionalised and perpetuate a legacy for future action. While some tend to see space as being produced only in relation to political or macro-economic social practices [i.e. Harvey, 1973], others argue that space can also be seen as constructed out of a multiplicity of social relations across all spatial scales, i.e. from the daily working practices of individuals to the international division of labour [Massey, 1994; Simonsen, 1996], and to gender relations as well as feelings and emotions [Koskela, 1999]. Massey [2004], in particular, argues that the idea of space is far from being ‘static’, since spatial organizations make a difference to how it works and how it changes. According to
her, all social and physical phenomena, activities and relations have a spatial form and a relative special location. Contrary to these social geographers, feminists have mostly used ‘space’ to denote the social and spatial locations of gender. They place greater importance to the private-public dichotomies – a model of social life, which accord different ‘rights’ to gendered individuals within those separate spheres [Moore 1988: 22]. While initially such a division was taken for granted as ‘natural’ and ‘universal’ by the feminists, soon these were recognised as social constructions. Anthropologists, in particular, point to the cross-cultural differences in the construction of ‘domesticity’ and ‘public’ [See, Strathern 1984, Moore, 1988]. Liberal feminists also argue that women’s generalised subordination ‘within the household’ could be challenged through women’s greater involvement in wage labour [Chant, 1992]. Against essentialising ‘public/private’ dichotomy, some scholars show that households are not only sites of gender subordination, but can be spaces within which women may find some refuge from the exploitation, harassment, or indignity they face in jobs or in ‘public’ [Martin and Mohanty, 1986].

Although it has received criticism, the concept of public/private spaces remains an important feature of gender analysis in various disciplines, especially in migration research [e.g. Silvey, 2006]. As this chapter demonstrates, the social construction of spaces such as ‘home’ and ‘abroad’ not only offers an understanding of how men and women’s spatial movements are differently organized and navigated, but also how the spatial movements of men and women sustain or challenge the gendered spaces.

**National Economy and Labour Migration Policies**

Bangladesh is the seventh highest populated (150.1 million as of 2011) countries in the world. Official records show 5.1 percent of active population are unemployed and underemployment respectively (BBS 2010). In 2010, per capita GNP of the country was a mere $337, whereas during the same period Saudi Arabia and the UK had $7,267 and $24,487 respectively. Again, a large section of the country’s working force is illiterate; in 2008, adult literacy rate was 52.5.\(^1\) Within this context, it is hardly surprising that the government views migration as a source of labour absorption.

Remittances sent by migrant workers abroad contribute significantly to resolve the foreign exchange constraints and improve the balance of payments [Siddiqui and Abrar, 2003]. Remittances from the Gulf and other Asian countries accounted for more than 80 percent of total Bangladeshi remittances of foreign earnings during 1991-2010. Therefore, rather than being totally dependent upon the ready-made garment (RMG) sector and foreign aid, Bangladesh is increasingly becoming dependent upon the Middle East, South East Asia and Western developed countries as markets for its people.

Over the last thirty years the Government of Bangladesh [GoB] has taken various measures to formalize and improve the labour migration sector by involving various governmental, quasi-governmental and private sector organizations in the migration process. The chief executive agency for labour migration is the Bureau of Manpower, Employment and Training [BMET], which was established in 1976 in order to facilitate labour export.

Originally the Bureau was engaged in the procurement of work-visas, recruitment of workers, providing medical services, procurement of tickets, etc. Employers were mainly the governments of receiving countries or multinational companies. In the 1980s, following a policy shift towards allowing private agencies to facilitate labour migration, BMET’s actions regarding direct recruitment was reduced. As the GoB started issuing licenses to private recruiting agencies to process migration in 1981, labour migration has become a profitable and large business for some. Currently, more than 800 licensed private recruiting agencies are involved in the ‘manpower businesses’ based in Dhaka, Chittagong, and other cities. Private recruiting agencies collect information regarding opportunities for foreign employment. After taking permission from the BMET, they recruit workers as per specifications of the foreign employers and then process their cases.

Despite many gaps, it is true that Bangladesh is now paying more attention than ever to issues surrounding labour export. In response to the growing demand of expatriate Bangladeshis and migrant workers, a full-fledged Ministry of Expatriate Welfare and Overseas Employment was created in December 2001. This new Ministry has been vested with the power of implementing the rules framed in 2002 under the 1982 Ordinance [GoB, 1982] and promoting, monitoring and regulating migration in collaboration with Bangladesh foreign missions abroad [see GoB, 2003]. The main purpose of these missions is to search for new labour markets for Bangladeshi workers and to provide consular services to Bangladeshi workers and ensure the welfare of migrant workers. Over the last few years, the GoB has signed a number of agreements with Oman, Qatar, the UAE and Malaysia in order to send skilled and unskilled labourers to those countries. It has also explored some new labour markets in South Korea, Poland, Canada, Romania, Russia, Afghanistan, Yemen, Angola, Nigeria and South Africa. Bangladesh’s intention to make migration a profitable national sector for national income is also manifested in its recent shift in policies regarding labour migration of women.

Female Migration Policies and Trends

The national context of Bangladesh shows that although the formal employment of rural women was first evident during the 1980s with the rising demand of cheap labour in export-oriented garment factories [Kabir, 2000; Dannecker 2002], it was not until the 1990s that women from low-caring rural families in Bangladesh started migrating independently to the Gulf and South East Asia to work as nurses, garment workers, manufacturing labourers and housemaids. The late arrival of Bangladeshi women into the global labour market is primarily attributed to the restrictive policies of the Bangladesh government. In the early 1970s, the GoB did not have any clear-cut policy on either encouraging or discouraging female migration. However, over the 1980s and 1990s, the state adopted contrasting migration policies regarding its male and female citizens. While it took various proactive measures to promote men’s migration, it imposed a complete or partial ban on women’s labour migration for unskilled, semiskilled and skilled jobs on the grounds of ‘protecting the dignity of women’ [Siddiqui, 2001: 58-60]. The decision of the GoB to impose a ban on the female

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2BMET and http://positivebangladesh.wordpress.com Accessed: March 2008 and interview with government officials of BMET.
migration of labour in all categories in 1997 was heavily opposed by the association of recruiting agencies (BAIRA), migrant associations and human rights organizations. Consequently, the GoB revised its policies and withdrew its restriction on migration for most categories of female labour except domestic workers in 1998. However, in the face of shrinking opportunities for males in the international labour market, and the growing demand for Bangladeshi women in the Gulf for domestic work, BAIRA urged the government to lift the ban on female domestic workers. This was lifted in 2003, but new conditions were imposed, that women undertake compulsory skill and orientation training for domestic work. Some training centres have been established by the GoB, private recruiting agencies, migration associations and NGOs to provide training to the aspirant female migrants. The labour migration procedures of Bangladeshi women still remain more complicated than those for men, who do not need to satisfy such requirements for migration.

In 2004, the GoB framed and approved a labour migration policy stressing the need for the promotion of migration and increasing protection of migrant workers at home and abroad [GoB 2004]. In 2006, the GoB formed an interministerial High Level Committee to enforce the Bengali version of Bangladesh Overseas Employment Policy (BOEP) with necessary changes. The policy is divided into seven broad heads i.e. protection of rights, human resource development, processing recruitment, welfare of the migrants, remittance transfer through official channels and its utilization, Social and economic re-integration and code of conduct to be followed by the migrants. While BOEP 2006 technically acknowledges women as legal migrant workers in its scope and principle, it does not contain any specific clause for promotion and protection of the female migrant workers. In other words, the 2006 policy fails to recognise the ‘gender sensitivity’ of the female migrants, their difference and particular vulnerability.

The state’s restriction on the labour migration of women is not something unique to Bangladesh. It is also the case in other countries of South Asia such as Pakistan, India, and Nepal [see Gulati, 2006; Karn, 2006]. In all the cases the state justifies its restrictive policies by referring to studies and documentaries on the dangers women face abroad. These reports, interestingly, had been produced by human rights and women’s organisations, which, however, had primarily focused on trafficked women who had ended up in the sex industries of neighbouring countries [Siddiqui et al 2006]. The trafficking issue is important in its own right. Nevertheless, both the earlier restrictions and the current policy of the special requirement of training for migrant women imply the state’s adherence to traditional values and ideologies that see women as ‘weak’ and ‘vulnerable’ to sexual attack and in need of ‘protection’. While the state has an intense economic interest in promoting overseas labour migration, it does not want to do so at the cost of the ‘honour’ of the women who are also the ‘cultural carers’ of the nation [Anthias and Yuval-Davis, 1989; Mohsin, 2004]. Although the number of female migrants increased after the partial and complete lift of the ban, the total number is still insignificant to that of men (see Table 12.1).

Studies [Siddiqui, 2001; Blanchet, 2002] show that there are some pockets in greater Dhaka, Comilla, Chittagong and Noakhali from which women have been going abroad for a while. With the withdrawal of the ban, the number of women migrating from these areas has increased five times over the last ten years. Some scholars have attributed this growth of

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3 As the Phillipine Migration Policy defines it, gender sensitivity with regard to labour migration indicates cognizance of inequalities and injustices prevalent in society between men and women.
women migrants to the existence of migration networks in those places [Danneker 2005a, 2005b]. There is abundant historical and contemporary evidence to show that in many cases male networks differ from females’ [Diner, 1983; Wiltshire, 1992; Curran and Rivero-Fuentes, 2003].

Table 12.1. National Scale of Male and Female migration (based on the official countrywide data)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Women Migrated</th>
<th>Number of Men Migrated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991-1995</td>
<td>9,496</td>
<td>944,136</td>
</tr>
<tr>
<td>1996-2000</td>
<td>5,515</td>
<td>1,195,811</td>
</tr>
<tr>
<td>2001-2006</td>
<td>47,103</td>
<td>1,255,956</td>
</tr>
<tr>
<td>2007-2009</td>
<td>63,394</td>
<td>2,182,942</td>
</tr>
</tbody>
</table>

Sometimes these networks evolve when women are specifically recruited to do gendered work abroad, such as domestic work [Momsen, 1999; Repak, 1995; Gamburd, 2000; Gunatilleke, 1998], or when several women form a cooperative network to cover both paid work as foreign labourers and their own domestic, reproductive work at home [Morokvasic, 2002]. As the pioneer women moved abroad, over time female movement has become accepted in these areas of Bangladesh [Massey, 1984; Urry, 1985; Ardener, 1993; Spain, 1992]. The withdrawal of the ban has further paved the way for the future migration of other women from this area. There are some places close to my study villages from where female migration takes place to Saudi Arabia, Kuwait, Qatar, the UAE and Malaysia [Siddiqui 2001:95], my study area does not as of yet belong to these places. According to Siddiqui, women’s labour migration in Bangladesh is unlikely to take place, from the places, where men’s migration is already an established phenomenon. As will be discussed later, men’s migration and socio-economic mobility confer women with the responsibility to maintain the family status by restricting their movement and involvement in wage-work.

The labour migration of women from Bangladesh is also influenced by the labour market in the Gulf and South East Asia, which is highly segmented in terms of the gendered nature of the job. While construction work, machine operation, and driving etc. (i.e. semi-skilled or unskilled and ‘heavy’ work) are almost always reserved for men, women are in demand for unskilled jobs such as domestic work, garment works, hospital work and cleaning. In the Gulf, employing a foreign housemaid has become a status symbol, a cultural demand that has accompanied the penetration of capital in the oil-rich countries [Gamburd, 2000; Mømsen, 2004].

However, in the cultural context of Bangladesh, ‘domestic work’ carries a much lower value as a result of the fact that for centuries such work has been carried out by lower class and poor people for their patrons. The institutionalization of ‘domestic work’ in the capitalized global market did not bring about any significant changes to such a notion and hence many households consider women’s involvement in such work, even abroad, as ‘dishonour’ for the family. On a number of occasions I was told by both men and women that “It is better to starve than to work in other people’s house.” Therefore, while the steady and accelerating demand for female migrant domestic workers in the Gulf has driven female migration from Sri Lanka, India, the Philippines and Indonesia over the last few decades, Bangladesh has largely failed to capture the market due to its earlier ‘protective’ female
migration policies, and the lower value it ascribed to the women migrants at home. From this broad overview of labour migration policies in Bangladesh, now I turn to the gender ideologies that underlie differentiated migration policies for men and women in Bangladesh.

**Ideologies of Space and Movement: A Gender-Based Analysis**

Public discourses⁴ of gender in Bangladesh present man as the principal breadwinners who are expected to make every possible effort to earn for their family and women as the carers of the household and its members. For a man, success and status lie in being a good provider, a powerful person within the kinship network and a patron in the community, whereas for women it lies in being a good wife, a good mother and a skillful manager of the household. This has a direct impact on men’s and women’s participation in the productive sector. While both men and women’s work are indispensable for subsistence production, men’s work is regarded as a ‘work for livelihood’, and women’s as part of ‘domestic or household work’. It is this idea of men as breadwinner and women as carers of the household that makes overseas migration for employment a ‘man’s job’ in the villages. I asked women whether they wish to migrate abroad, and they said: “It is our men who should migrate, why should we?”

**A Successful Man**

In local understandings, ‘a successful man’ is considered to be someone who is responsible to his parents, wife and children, and cares about members in the greater family [Baluja, 2003; Haque and Kusakabe, 2005]. For parents, the best adult son is the one who helps his parents by providing a reasonable share of his earnings. In the eyes of a wife, a husband is ‘successful’ if he is devoted to his immediate family and earns a comfortable living, providing his children with basic amenities, especially education. A man is usually considered ‘spineless’ by the society, if he fails to provide his family with adequate earnings and his wife takes all the economic responsibility [White, 1997; Haque and Kusakabe, 2005; Gamburd, 2000; George, 2005]. It is in this context that labour migration accrues special meaning for men in rural Bangladesh as it provides them with the opportunity to support their family and accumulate economic capital.

In my study villages, a number of teenage sons have been sent abroad by their parents in order to earn their own livelihood. Kudrat⁵ (50) — a retired soldier explained his son’s migration in the following way:

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⁴Popular beliefs and interpretation about gender inscribed in texts, verbal expression as well as expressed in behaviour and interaction.

⁵No real name has been used in this chapter with a view to safeguard the confidentiality of the people participated in the research.
“For my service, I had to stay away from home, while my wife was living in the village with our three children. I came to know that Riad (18), my first son, was not at all attentive to his study. He became irregular in the school and most of the time used to hang out with friends. I realized that he was not listening to his mum and if things go like this, he would turn out bad. So, I decided to send him to Saudi Arabia using some part of the money I obtained as retirement benefits.

I was straightforward in saying to him, “Meet your own ends and understand how hard life is. It is not a bed of roses.” Riad is working in a workshop there now and sends me money regularly which I save for him only. I have my own source of earning. I am happy that he has become in charge of his own life. I also told my second son that ‘If you don’t study, you’ll face the same consequences as your brother.’

As this quotation implies, men are expected to become independent, self-reliant and responsible for themselves and their family, and migration is a means towards this end. Secondly, although migration provides people with better earning opportunities, its value in terms of achieving life-success is less than higher education. It is widely believed that education is the key to success since it provides people with an opportunity of occupational mobility, better income and better standard of living. In Bourdieu’s analysis, education is both the transmitter and the symbol of cultural capital [Bourdieu and Wacquant, 1992:114-115]. The symbol of higher education plays a significant role in preserving and passing on the cultural cannon of a society, and educational credentials symbolize the ownership of cultural capital [Bourdieu, 1986:13-4].

These credentials are also valued for their association with high income, high prestige and occupation [Pellerin and Stearns, 2001] However, my ethnography suggests that rural youths are more interested in making progress through migration than pursuing higher education. To many youths of low-income families in the villages, achieving life success through higher education is time-consuming, expensive and often beyond their means. As Riad’s case shows, in a situation when youths do not want to pursue education, migration offers a quick return and an alternative strategy to become established in life.

‘Male success’ also refers to men, who with their material and social capital, serve the best interest of people [See Osella and Osella, 2006:77-78]. Remittances alone are not the key to becoming a prominent figure in the villages, thus, migrants invest their earnings in achieving respect and recognition through kinship ties [Lefebvre, 1999: 264ff]. In the context of rural Bangladesh, successful migrants are those who have not only brought positive socio-economic changes for their own family, but who are also capable of bringing about changes in other people’s lives by providing support.

In the local perception, life success is closely linked to one’s capacity to mobilize one’s wealth (economic and social) for one’s family. Society expects voluntarism and altruism from capable persons, an expectation which is often rooted in the belief that “wealth is short-lived and cannot be transferred in the eternal life but one will be rewarded in the after-life for what one has done for others”.

While the opportunities to earn material capital to increase the status of the household and fulfill responsibility towards others have put migration at the centre of men’s life-success, the women continue to be responsible for the honour and prestige of their families by maintaining morality and respectability.
An Ideal Woman

In Bangladesh, women are seen as the bearer of prestige and honour for the family and village community at large [see Mookherjee, 2008]. An ideal woman is one who is married, has children and is capable of taking care of all the members of the household. She should be caring towards elderly persons in the family, especially her husband’s parents. Thus, women’s honour in rural Bangladesh lies in their reproductivity and modesty [Kotalova, 1993; Rozario, 2001]. Another feature related to an ideal woman is ‘shame’ (lojja) which is grounded in the idea that women’s bodies are ‘provocative’ and therefore should be covered and protected in a way so that they do not create any sexual urges in men [see Ahmed, 1992; Malti-Douglas, 1991]. A high stigma is attached to pre-marital and extra-marital sexual relations of women with men, including rape (despite women’s lack of control over the matter), which is considered to make women ‘shameless’. A shameless woman is considered not only to bring serious damage to her honour, but also to that of her family, which may be ostracised from the village community (shomaj). Other families living in the community, in general, are reluctant to take brides from such families. Not only a woman’s chastity, but also her attitude and behaviour are considered pivotal to the prestige, honour and reputation of her family. It is this idea inscribed in cultural norms and traditions that in turn has created the paradigm of ‘insecurity’ for Bangladeshi women and prescribed women’s need for men’s ‘protection’ [see Kabir, 1985 and 1996]. If a woman loses the protection of a male guardian, be it her father, husband or even her son, her position becomes more insecure [Rozario, 2001]. Their inability to ‘preserve’ the ‘honour’ of the women is equally shameful for the men.

The concepts of honour (ljat) and shame (lojja) thus make women’s mobility beyond a limited geographical space unacceptable [see Sabbah, 1984; Mernissi, 1987; Ahmed, 1992; Malti-Douglas, 1991]. If women dare to venture out on their own beyond the acceptable boundary, they are considered to be in the men’s sphere [Rozario, 2001:79ff]. Thus ‘home’ and ‘abroad’ become a dichotomy, related to wider cultural mores of ‘protection’ and ‘insecurity’ respectively. In the view of many villagers, women who go to foreign countries are invading spaces not meant for them [Dannecker, 2005a]. The majority of men and even women in the villages possess a similar view as Sukkur (38-year-old returnee from the Gulf) who commented:

"The Government should ban female migration, because female workers destroy the image of Bangladesh abroad. ...Bangladeshi female workers abroad indulge in illicit work (Bajekajkore) which creates a bad impression about the country. They involve themselves in these jobs (such as prostitution). Even those who are working as domestic worker are not free from torture and rape..."

The negative image of Bangladeshi women working abroad is thus created to a large extent by the male migrants. ‘The harsh working conditions’ abroad are commonly cited by male migrants as a reason why women are unsuitable for foreign jobs. This portrays foreign land (Bidesh) in popular imagery as a place where women would be corrupted easily. Public discourses become irrevocable through rhetoric and practice and at some point, they tend to be taken for granted by all members of the society [Foucault, 1972]. Such ideas are often reinforced and strengthened by media coverage of women being assaulted and tortured abroad
by their employers. Sometimes the stories of physical and mental torture, ill-treatment, non-payment of wages by the employers are spread by the victims themselves, further reproducing the image of Bidesh as ‘unsafe’ for women.

While some scholars have explained men’s attitudes towards migrant women as an outcome of men’s shrinking role in productive work vis-a-vis women’s growing presence within the international labour market, and its consequent impact on men’s status at home [Dannecker, 2005b], I suggest that this is far more complicated and deeply rooted in the culture and ideologies of honour and status in rural Bangladesh described above. However, it would be misleading to suggest that Bidesh is considered ‘unsafe’ for all women or that all women migrants carry a negative image. The image and status of a female migrant in the villages depends to a large extent on her class, marital status, educational qualifications, destination and type of work involved, although for all female migrants, negotiation has to take place with regard to the dominant ideologies regarding modesty and shame. I show this through two case studies.

Women Migrants and their Status

Fatema was second among five children. She left school at 15 because of poverty. Fatema was married off at the age of 16, but that marriage broke up after two years. Her father Abul Hossain is a landless rickshaw puller in the locality. Despite these modest earnings, the seven-member household found it quite difficult to survive. Consequently, Fatema decided to take up a job. She went to Dhaka with a cousin to work in a garment factory and started contributing to the household coffers. In 2001, she informed her parents about a migration opportunity in Dubai. Her father told me that she told her family: “I want to go to an office with some of my fellow workers; they talked to me and they said they will send me to Dubai to work in a garment factory. I want to go.” Considering the overall economic condition of the household, her parents and brothers welcomed her decision and contributed Tk. 20,000 to meet her migration costs. In total Fatema spent Tk. 60,000, most of which was paid from her own savings. “It is much less expensive for women to go abroad. It costs at least Tk.150, 000 for men to migrate to Arab countries while only Tk. 60,000 for women. So why not send our daughter?” said AbulHossain. On average, Fatema remits Tk.5000 every two to three months, although she has never told the family her actual salary. With her remittances, the family have renovated the house (replaced the roof) and made a brick toilet. Her mother told me: “Fatema came to visit us last year and she looked very happy. She said she has no plan to come back in the near future. Rather she is trying to take her two brothers to Dubai.”

Fatema’s case concurs with Siddiqui’s observation of the motivations behind the overseas labour migration of women in Bangladesh. She notes:

“For a few [women], migration was a way for getting out of poverty, and for others it was a chance for economic upliftment and accumulation of wealth for future investment. For another group of women it was an escape from the oppressive social practices of dowry and acid throwing, and yet for a few others, migration was an avenue for getting out of unhappy family relationships” [2001:182].
Fatema belongs to a very poor family and when her marriage broke up she was compelled to take up a job to support the household. It could be said that Fatema and her family had to make a trade-off between poverty and honour. Although Fatema is earning money abroad and share her earning with her family in the villages, she is hardly considered as a provider by her family. Initially, Fatema’s parents were very reluctant to talk about Fatema and they never told me about her divorce. According to a local person: “it’s a matter of shame if your daughter gets divorced. For Fatema, it’s a double problem. She is not only a divorcee but also a migrant. People speak ill of women migrants. They often say women are involved in ‘bad things’ there. Fatema’s family had to face a lot of criticism and rumours after her migration.” Neither her journey abroad, nor her financial contributions to the household, accrues any recognition within the wider society, although her parents were trying to save face by saying: “Why should people say ill about her? Has she done anything wrong?”

I had an opportunity to compare Fatema’s migration with that of Lipi - the only woman in my study villages who migrated to the US with a permanent resident visa offered by the US government under the Diversity Immigrant Visa Programme (DV). Unlike Fatema, Lipi (25) belongs to a solvent family in Jhumpur, which has sufficient earnings from land and remittances sent by Lipi’s brother from Saudi Arabia. Before leaving the country, Lipi obtained a BA degree from a local college.

Fatema’s and Lipi’s migrations are perceived differently by local people. Fatema’s journey to the Gulf was conceived as an escape from extreme poverty and a bad marriage (as it was clear from Shapla’s comment), whereas Lipi’s migration to the US was regarded as a rare opportunity for social and economic mobility. In few months of her arrival in New York, Lipi was married to a Bangladeshi immigrant to the US. The marriage was arranged by her distant relatives living there, in consultation with her parents. Thus while Fatema’s parents were stigmatized and embarrassed about their daughter’s divorce and migration, Lipi’s parents are honored and proud of their daughter’s marriage and migration, implying that class, education and marital status intersects with the migration experiences of women. The cases show that it is not only class that matters when women migrate, but also there are hierarchies within different migration destinations for women in which some places are considered to be ‘safer’ and more ‘resourceful’ than other places. While the Gulf is equated with unskilled labour, Europe and the US are associated with white-collar work and high wages. Both public concern and the state policy surrounding female migration assume that poorly educated rural women are not ‘safe’ in travelling alone and migrating to Bidesh, a ‘public’ place far away from home. However, there was never a restriction on the independent migration of highly skilled and professional women, for educated and skilled women are considered far more in charge of their lives. In other words, it is the relationship between gender and class in Bangladesh which determines spaces for men and women, and labour migration in Bangladesh is just one of the many areas where this situation finds an expression.

**Women as Symbol of Success of Men’s Migration**

In the study villages, the more men have accumulated economic capital, the more women have been encouraged to abandon paid work, stay at home and maintain stricter seclusion (Pardah) in public places in order to increase the status of the household. Although religion
plays an important role in communal life in rural Bangladesh, the daily practice and adherence to gender customs, such as the practice of Pardah, is determined largely by class [White, 1992:35]. Observing Pardah by women is an important marker of class-status of the family. The higher the class of a woman in rural Bangladesh, the more likely she is to observe Pardah [Gardner, 1995:209-211]. Based on detailed ethnographic record on Calcutta jute mill workers, Leela Fernandes [1997:1-16] suggests that gender serves as the means of reproducing a form of class hierarchy. According to her, the labour market is shaped by the patriarchal nature of access to employment where women form a ‘reserve army’ of labour that can be relegated to the ‘private’ sphere of home when no longer needed.

It is often argued that women suffering extreme poverty have a comparative advantage and independence in choosing their livelihood and presence in the public domain [White, 1992; Searle-Chattarjee, 1986], while their middle class counterparts continue to accept the ‘patriarchal bargain’ [Kandiyoti, 1997]. The term ‘patriarchal bargain’ refers to a difficult compromise with the set rules and scripts regulating gender relations. It indicates a situation in which both genders acquiesce and accommodate, yet which may also be contested, redefined and renegotiated. While Kandiyoti’s argument provides a useful explanation of why middle class women accept their position within the home, I want to add few points to this. My ethnography suggests that men and women in rural Bangladesh are entrusted with the different forms of commitment and responsibilities towards their families’ status. While men’s responsibility is to increase economic status, women are expected to raise the cultural status. Men and women within a household thus play complementary roles in maintaining each other’s honour and status which is fundamental to their existence. I would suggest that women are an integral part of men’s migration, as they carry the symbol of the success of their providers.

CONCLUSION

In analysing how the migration trajectories are influenced by gender ideologies entrenched in social norms and cultural practices in Bangladesh, this chapter depicts the variety and complexity of ways the ideas and practices of being a ‘proper’ man or woman influence migration decisions in favour of men. In rural Bangladesh, women embody prestige of their patriarchs. Protecting women’s honour and prestige is as important for the household as its economy and livelihood are. The gender ideologies of honour, prestige and seclusion thus inscribe women’s geographically mobility within the boundary of ‘home’. In contrast, the dominant ideology of patriarchy and gender see men in Bangladesh as ‘providers’ and ‘protectors’ of their women which further entrusts them with the responsibility of achieving higher earnings and powers of consumption. Migration is thus intrinsically linked with the means to be independent, autonomous, successful, a good provider and a patron, and thereby secure certain ‘space’ within the community. Yet both men and women’s migration involves negotiations with the dominant ideologies, as it challenges existing patriarchal structures and practices.

In the migratory process of men and women, places such as ‘home’ and ‘abroad’ gain gendered meanings and values. While for men work opportunities abroad carries the image of affluence, prospects and prosperity, the gender ideologies of honour, protection and seclusion
project 'bidesh' as 'insecure' and 'unsafe' for women. These findings inform us of the vital ways in which not only the economic and livelihood strategies of poor households, but the state policies are mediated by the social norms and cultural underpinning of gender.

More recently, the GoB has taken an initiative to revise the Emigration Ordinance 1982 in an attempt to make it more favourable to the migrants. Considering the huge demand of Bangladeshi female workers in the international labour market as well as the growing importance of migration for household and state economy, the state of Bangladesh should encourage the migration of its female labour force. It is the state who can strike a balance between the socio-cultural norms and the economic needs of its citizens by formulating and implementing a gender responsive labour migration policy.

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Chapter 13

RECRUITING MIGRANT LABOUR IN ASIA:
INTERPLAY BETWEEN INSTITUTIONS
AND NETWORKS

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INTRODUCTION

Since the early 1980s we have seen a sustained growth of foreign manpower in the prosperous countries of the East and the South-East Asia, particularly Singapore, Malaysia, the Republic of Korea and Japan. These countries have followed specific temporary migrant worker programmes in recruiting foreign workers although the name and nature of the programmes vary. Temporary labour migration is considered to be the best solution for labour shortages in countries of destination, while at the same time ensuring that countries of origin are not deprived of skilled human resources. One can identify two types of temporary labour migration programmes implemented in the region – the “work permit” and the “trainee” programmes. Each migrant worker programme offers different rights and privileges to migrants.

Malaysia and Singapore hire foreign workers under the “work permit” system, which provides special benefits to them as workers. But the Republic of Korea and Japan have a conservative policy with regard to the admission of foreign workers. They hire foreign workers mainly under the “trainee” system, which restricts benefits as trainees are not formally recognized as workers. However, while the trainee system still exists, there have been some changes in South Korean foreign worker employment policy. Under the new scheme in South Korea, a group of low skilled migrants are also hired on work permits. In general, labour migration policies in the receiving countries in Asia can be broadly summarized as follows: limiting labour migration, limiting the duration of migration and limiting integration [Piper, 2004: 75].

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Recruitment constitutes an important part of the processes of this labour migration. It is dominated by recruiting agencies and brokers, who act as intermediaries between workers and foreign employers and those agencies and brokers are responsible for the mobilization, recruitment, documentation and transportation of workers overseas [see Jones and Pardthaisong, 1998; Skeldon, 1997]. Whether it is an authorized or unauthorized form of labour migration, the role of the migration institution is vital in the channeling of migrant workers, without it few migrants would have the information or contacts needed for successful migration. Given the reality of rapidly increasing numbers of recruiting agencies in the home and host countries of the region,¹ this chapter examines the perpetuation of labour migration through the prism of institutional theory.

Although some literature explicitly suggests that Asian labour migration is a consequence of the rapid development of the “migration industry” [see Goss and Lindquist, 2000; Skeldon, 1997], research has not adequately focused on the role of institutions in contemporary labour migration. This study attempts to advance the knowledge by focusing on the recruitment of Bangladeshi migrant workers to the countries of East and South-East Asia, particularly Singapore, Malaysia, the Republic of Korea and Japan. These countries have been selected because they are the principal destinations for Bangladeshi migrant workers in this part of the world. While this chapter largely examines the role of migration institutions in channeling Bangladeshi migrants under different migrant worker programmes, it also focuses on the general consequences of such programmes and the policy principles that can be pursued by these host countries to meet the demand for migrant labour in order to minimize negative consequences. It is important to note that migrants are not isolated individuals who just react to market stimuli, but ‘social beings’ who strive to realize better outcomes for themselves, their families, and even their communities by actively shaping the migratory process [Castles, 2004]. Therefore, this chapter also highlights the role of migrant agencies in circumventing the restrictions imposed on movement of labour across borders in East and Southeast Asia.

The chapter is divided into four sections: the first deals briefly with the significance of institutional theory to labour migration; the second deals with various labour recruitment institutions in Bangladesh; the third focuses on the role of different institutional actors in the Bangladeshi labour migration to East and South-East Asia; and, finally, the conclusion suggests policy recommendations.

**THEORETICAL ISSUES**

The greater part of migration research focuses on the causes for international migration. To explain the causes of migration, macro-level theories address the organization of socio-economic relations, the geographic division of labour and the political mechanisms of power and domination [Portes and Walton, 1981; Amin, 1974; Wallerstein, 1974]. Micro-level

¹ For example, in Bangladesh there are around 800 registered recruiting agencies and around 3,600 travel agencies (1,667 authorized and 2,000 unauthorized) that are engaged in authorized and unauthorized channeling of migrant workers (http://www.brexpport-baira.org/history_background.htm accessed in January 2010). In the Philippines, there are around 2,960 government-registered recruiting agencies only that are engaged in channeling migrant workers overseas (http://www.poea.gov.ph/cgi-bin/aglList.asp?mode=all accessed in January 2010). In Singapore, there were around 1,100 recruiting agencies in 1999 to serve the manpower need (The Straits Times, 24 October 1999, “Big Money in Labour Import Racket”).
Recruiting Migrant Labour in Asia

Theories largely explain migration as a consequence of either economic cost-benefit calculation of individuals or as a strategy of households to diversify incomes and minimize risks—such as unemployment, loss of income, or crop failures [Todaro, 1976; Lewis, 1954; Stark, 1991]. However, Massey and his associates (1994) argue that the conditions that cause migration may be different from those that perpetuate migration. Two theoretical traditions have been developed to explain the forces that perpetuate and sustain migration, network and institutional theory.

Researches have shown in great detail that migrants are linked to each other through social networks and those networks are the social infrastructure that sustains the migratory process [Massey, Alarcon, Durand and Gonzalez, 1987; Boyd, 1989; Faist, 2000]. Some authors also refer to networks, social capital and individual human capital as the “engines of immigration” [Phillips and Massey, 2000]. Migrant networks convey information, provide financial assistance, facilitate employment and accommodation, and give support in various forms. Thus, migrant networks increase the propensity of an individual to migrate to a specific destination through three mechanisms: demonstrating feasibility, reducing the expected costs and risk; and increasing the expected benefits [Arango, 2000]. Migrant networks can be seen as a form of social capital, insofar as they are social relations that permit access to other goods of economic significance. This view was probably first suggested by Douglas Massey [Massey et al. 1987] and later convincingly explained by Thomas Faist [2000], drawing on social capital theory. Migration networks have a multiplier effect, which is implicit in the formerly fashionable expression ‘chain migration’ [MacDonald and MacDonald, 1974]. Many migrants move because others with whom they are connected migrated before.

However, despite the contribution of the network analyses, the investigation of perpetuation and sustenance of temporary labour migration flows in Asia requires examination of the complex infrastructure of entrepreneurial actors and activities that constitute the migration institution. Institutional theory moves beyond individual or structural approaches to understanding the perpetuation of international labour migration [Sobieszczynski, 2000:393].

According to Goss and Lindquist [1995: 336], an international migrant institution is usually a complex organization consisting of knowledgeable individuals and agents of organizations (from migrant associations to multicultural corporations) and other institutions (from kinship to the State). Individuals’ migration experiences help to support migration institutions because successful migrants are likely to make profit, become brokers of information and provide advice to others. Institutional theory assumes that migrant recruitment policies and practices often serve to create a black market in labour movement because of the high profits to be made by meeting the demand for overseas employment [Massey and others 1993]. Some authors also refer to it as the “other engine of migration” [Hernandez-Leon, 2005:2].

Some attempts have been made to focus on the role of institutions in facilitating labour migration within the East and the South-East Asia. For example, Spaan [1994, 1999] examines the specific role that middlemen and brokers play in international migration. He provides insights into the role of different actors in stimulating Javanese international migration to Singapore, Malaysia and the Arab Gulf.

In another study Sidney Jones [2000] discusses the various actors involved in Indonesian labour migration to Malaysia. Jones and Pardthalsong [1998] in their study on Thai
international labour migration offer an interesting explanation of different migrant institutions in Thailand and their role in the migration process. Sobieszczzyk [2000] however discusses in detail the development and functions of migrant institutions in Thailand. Okunishi [1996] provides an interesting analysis of different labour contracting systems in Japan.

Wee and Sim’s [2004] work focuses on the role of transnational networks in female labour migration. They argue that these transnational networks have been functioning as a bridge between the workers, especially female workers, and international labour market. Recently, Battistella and Asis [2003] examined unauthorized migration in the South-East Asia and provided with an update on migration policies and paths within the region. While those studies mainly deal with labour recruitment from and within the East and the South-East Asia, there exists a dearth of scholarship on the recruitment of migrant workers from any South Asian country to this region.

Among South Asian countries, Bangladesh, India and Sri Lanka are major contributor of labour migrants, especially male migrants, to this region. While Indian and Sri Lankan labour migration is limited to Southeast Asia, Bangladeshi migrants can be found all four countries in the East and the Southeast Asia under study. Bangladeshi labour migration to the East and the Southeast Asia is predominantly a male phenomenon; this study highlights recruitment of male labour to this region.

![Graph showing migration to East and Southeast Asia from 1991-2008](http://www.bmet.org.bd/Reports/Flow_Migration.htm)

Figure 13.1. Bangladeshi Migration to East and Southeast Asia 1991-2008.
Figure 13. 2. Remittances from East and Southeast Asia to Bangladesh 1991-2008.

**BANGLADESHI MIGRATION TO EAST AND SOUTHEAST ASIA**

The expansion of the foreign labour market in the late 1980s, particularly in the East and the Southeast Asia, provided enterprising Bangladeshi migrants with a good opportunity for overseas employment. By the early 1990s, thousands of Bangladeshis had migrated, through formal channels, to the East and the Southeast Asian countries such as Singapore, Japan, South Korea, Malaysia, and Brunei (Figure 13.1). According to available data, the total cumulative figure for documented Bangladeshi migrants overseas (globally) between 1976 and 2009 was approximately seven million. The figure for those in East and Southeast Asia alone was approximately one million, Singapore being the second largest recipient of Bangladeshi migrants after Malaysia2.

The majority of the migration from Bangladesh is through formal channels, particularly to Singapore, Malaysia, Brunei, and South Korea. However, there is irregular flow of low-skilled migrants to countries such Japan and Hong Kong [Lian and Rahman, 2006; Ullah 2010]. Bangladesh has been very successful in adding to its foreign currency reserve through the export of surplus labour. According to the official data of Bangladesh Bank and BMET [Bureau of Manpower Employment and Training], Bangladesh received nearly US$ 70 billion in remittances between 1976 and February 2009 from its nationals overseas. Recorded remittances from Japan, Malaysia, Singapore, South Korea, and Hong Kong are also noteworthy since early 1991, totalling around US$ 2214.23 million, to 2008 (Figure 13.2).

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2 This cumulative figure comes from the Bureau of Manpower Employment and Training (BMET), the official source of Bangladesh. The BMET is responsible for keeping the records of authorized migrant workers. However, it does not keep records for returning migrants. http://www.bmet.org.bd/Reports/Flow_Migration.htm. accessed on September 29, 2009 at 9:47 pm; the data represents migrants who used formal recruitment channels for migration, leaving out the many irregular migrants.
SINGAPORE

Singapore has risen to become a major destination country for foreign workers and professionals since late 1980s. However, unskilled foreign labor has flowed into Singapore in substantial numbers since the early 1980s. Hui [2002] argues that the small size of the domestic population could not have supported the rapid expansion of the economy. Singapore’s economic growth between 1990 and 1998 averaged 7.9 percent per annum. He showed that, during this same period, more than 604,000 new jobs were created against an increase of 458,000 in the domestic population and an increase of about 300,000 in the domestic labour force. Clearly, without the inflow of foreign manpower to supplement the domestic labour force, the phenomenal growth in employment and GDP over that period would not have been possible [Hui, 2002]. Singapore pursues a transparent recruitment policy and has changed it at times to meet the demand for foreign workers [see Wong, 1997].

The present work pass system provides four classes of foreign labour: Class P, Class Q, Class S and Class R [for details see, Rahman and Lian, 2005, Rahman, 2008]. P-Passes are for professionals, entrepreneurs and investors; Q-Pass for skilled workers; S-Pass for technicians; and R-Passes for semi-skilled and unskilled workers including domestic helpers. As of December 2009, there were about 856,000 work permit holders in Singapore. Among them 196,000 were maids (The Straits Times, Page. A4, Feb 23, 2010). The government policy on low-skilled workers is restrictive and has remained committed to ensuring that “low-skilled foreign manpower is managed as a temporary and controlled phenomenon” [Yeoh, 2004: 19]. In other words, low-skilled foreign workers are relegated to the most transient of categories - subject to the use and discard philosophy [Yeoh et al., 2004]. Singapore is a major recipient country for Bangladeshi migrant workers. According to the BMET, 240,016 Bangladeshi workers migrated to Singapore for work between 1979 and 2009. Presently, there are probably around 70,000 Bangladeshi migrant workers in Singapore.

As in other labor importing countries, migration to Singapore is demand-driven, a system that serves both employers and migrants. It is efficient in satisfying the needs of employers and therefore is capable of generating increased benefits for the host country in one hand and also economically beneficial for migrants and their home countries on the other because it generates remittance that goes directly to the migrant families at home. Singapore offers some specific programs for low-skilled foreign workers to make their stay in Singapore financially viable to both workers and employers. Such programs include provision of skills tests and economic rewards for successful workers. Migrant workers who have earned skill certificates in their areas of work are also offered the possibility of extended stay, presently up to 15 years. They are also allowed to take a leave to visit their families back home during their contract period. This provision of long-term employment opportunities with corresponding financial rewards and regular family visits is meant to contribute to the development potential of migration at the micro level. This method of managing temporary migration has long been practised in Singapore, as temporary migration is a popular phenomenon in the country. As a

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3 The actual number of Bangladeshi migrants in Singapore is not available from Bangladesh. Thus we used media sources (e.g., articles in Singapore’s Straits Times), available published data and personal observations to reach an estimate of about 70,000 at present.
result, prospective migrant workers are able to consider temporary migration as a long-term career option through extended stays over one’s life-cycle.

MALAYSIA

In the late 1970s, the international relocation of manufacturing industries and the restructuring of the economy and society under the New Economic Policy [1971-1990] created a large number of jobs for semi-skilled and unskilled workers that many Malays were not willing to take. This generated a huge demand for low skilled foreign workers. However, the Government of Malaysia only acknowledged the need for foreign labour in the mid-1980s and the Cabinet Committee on Foreign Workers implemented a five-year policy on non-traditional source workers in 1991. Initially, the Government permitted the hiring of foreign workers in plantation and construction sectors. Later, it also allowed hiring foreign workers in other industries like manufacturing and services [Ullah, 2010; Rahman, 2003]. There were over 807,000 legally employed semi-skilled and unskilled foreign workers in 2001 [Kassim, 2002]. Malaysia is a recipient of a large number of unauthorized migrant workers. Kassim [2002] reports that the authorities have identified and apprehended over 2.25 million unauthorized foreign workers under the various programmes in operations carried out between 1992 and 2001. To cope with such unauthorized migration, Malaysia passed the Immigration Act 2002, which imposes severe penalty on irregular migrants [see for details, Battistella and Asis, 2003].

Bangladesh was able to enter into an agreement with Malaysia for the systematic transfer of labour in 1992 [Abul-Aziz, 2001]. Following this agreement, a large number of migrants started entering Malaysia through the authorized channel. Bangladesh entered into another agreement with Malaysia in 1994 for the annual importation of 50,000 workers, mostly for the construction industry [Ahmed, 1998]. Athukorala and Manning [1999: 177] report that 307,000 Bangladeshi migrant workers were issued work permits between 1992 and 1998 for work in Malaysia. Bangladeshi migrants are mainly employed in the plantation, manufacturing and construction industries. In 1997, Malaysia stopped recruiting Bangladeshi workers following a huge influx of unauthorized migration and amid reports of Bangladeshi workers marrying Malaysian women. Bangladesh and Malaysia signed another Memorandum of Understanding (MOU) in October 2003 concerning the hiring of Bangladeshis, which is yet to be implemented.

REPUBLIC OF SOUTH KOREA

The Republic of South Korea experienced a severe labour shortage of unskilled workers in small- and medium-sized industries in the mid-1980s [Kim, 2004]. To ease the labour shortage in the manufacturing industries, the South Korean Government introduced a labour import scheme known as the “Foreigners Industrial Training Programme (FITP)” in 1991 and the FITP was expanded in 1993 [Seol, 2005: 485]. Foreign industrial trainees were treated as trainees, not as workers, and were not protected by labour laws. The trainees generally perform unskilled jobs, and their wages were considerably lower than that received by South
Korean workers [for details, see Kim, 2008, 2009; Lim, 2002; Park, 2000; Seol, and Skrentny, 2004]. However, by 2003, a public consensus had grown in favour of a guest worker system for migrant labourers. As a result, “the Act Concerning the Employment of Permit for Migrant Workers” was introduced in 2003 and the guest worker system for migrant workers entered into effect on 17 August 2004 [Yoo, 2004: 4]. The Employment Permit System replaced the FITP in 2007 [OECD, 2008: 256].

Apart from the authorized foreign workers (legal workers and trainees), there are a large number of unauthorized foreign workers in South Korea. Unauthorized foreign workers are usually those who have overstayed their visa or, in the case of trainees, those who have changed their sponsoring employers and overstayed their trainee visa. Approximately 79 percent of foreign workers were irregular workers in 2004 [Kim, 2004:322]. As the wages of the industrial trainees were much lower than those of undocumented migrant workers, they found it rewarding to leave the companies they had been assigned to and become “unauthorized migrant workers” [Lee, 1997; Park, 2000]. There were around 70,473 migrants (both regular and irregular migrants) in 1992, 217,100 in 1997, 365,234 in 2001 and 424,000 in 2004 [Lee, 2008: 222]. Lian and Rahman argue that South Korea exercises exclusive control on entry and exit and limits the duration of stay by every means to maintain labour migration as a transient phenomenon (2006).

Bangladeshi workers began migrating to South Korea immediately after the introduction of FITP in 1994. The Bureau of Manpower, Employment and Training (BMET)\(^4\) data suggest that Bangladeshi migration to South Korea began in 1994 with some 1,558 migrants; the cumulative figure for Bangladeshi migrants in South Korea between 1994 and 2008 was 19,940 (BMET\(^5\)). However, according to the OECD, the cumulative figure for Bangladeshi individuals who overstayed between 1992 and 2002 was 101,369 (2000: 260; 2004:221). A recent report states about 19,000 Bangladeshi migrants are employed in South Korea (Xinhua News Agency, 2009). Given OECD figures, other published sources and our field observation, we believe that there may be as many as 30,000 Bangladeshi migrants living in South Korea at present. South Korea has decided to recruit 5,000 Bangladeshis under the EPS (Employment Permit System) in 2009 and the quota for Bangladeshi migrants could be even higher in the future (Xinhua News Agency, 2009b).

JAPAN

Japan first experienced labour shortages in the late 1960s and in the early 1970s. Nevertheless, it was able to meet its labour demand through increases in labour productivity and greater use of untapped labour [for details, Mori, 1997; Tsuda and Cornelius, 2004]. Yoko Sellek [2001] maintains that the influx of foreign workers since the late 1970s can be divided into three different phases. First, the initial phase (late 1970s to mid-1980s) mainly involved irregular female migration from the East and the Southeast Asia, especially from the

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\(^{4}\) Bureau of Manpower, Employment and Training, a government body in Bangladesh involved in monitoring international migration flows from Bangladesh.

\(^{5}\) Detailed information can be found in the following website, maintained by the Government of Bangladesh, http://www.bmet.org.bd/Reports/Flow_Migration.htm. accessed on 3 Feb 2009, at 8.10 pm.
Philippines, Thailand, Vietnam, Indonesia and South Korea. They were brought in to work in the entertainment industry.

The second phase between mid-1980s and 1990 is characterized by irregular male migration from the South Asia, the Middle East (mainly Iran), the Southeast Asia and other parts of the World and female migration from the East and the Southeast Asia. The primary source of cheap labour during this period was foreigners either working illegally without work permits or those whose visas had expired [Komai, 2000]. The third phase, the implementation of the revised immigration control act in 1990 facilitated the regular flow of skilled, semi-skilled and the descendants of Japanese emigrants to South America [Sellek, 2001: 37 – 39; Komai, 2000]. Registered foreigners constitute 1.6 percent of the population [OECD, 2008:254]. Japan strictly controls unskilled migration from the Asian countries. The official rationale for not accepting unskilled labour stems from the fear that unskilled foreign workers from ethnically diverse societies may lower wages and worsen working conditions [Tsuda and Cornelius, 2004: 452]. Apart from these, there is also a widespread fear that the influx of low-skilled foreigners may increase the rate of crimes and threaten public safety in Japan.

Japan has been a desirable destination for Bangladeshis since the early 1980s. Bangladeshi official statistics suggest that between 1999 and 2008, 694 migrants went to Japan for work\(^6\). The central bank of Bangladesh, reports that Bangladeshis from Japan remitted US$ 384.91 million between 1991 and 2003\(^7\). This high volume of remittances suggests that a large number of Bangladeshi migrants live in Japan and has not been reported in the official statistics in Bangladesh. In addition to migrants, around 10,000 Bangladeshi students studied in Japan between 1991 and 2004\(^8\). In total, based on available data and fieldwork in different places of Japan, we estimate that there may be as many as 40,000 Bangladeshi migrants including students, dependents, regular and irregular migrants who are living in different parts of Japan.

**TYPES OF RECRUITMENT**

In the migration process, prospective migrants normally use services of five public and private institutions, which control the functional linkages between Bangladeshi workers and employers overseas. They are:

- a) The BMET (Bureau of Manpower Employment and Training);
- b) BOESL (Bangladesh Overseas Employment Services Limited);
- c) Recruiting agents;
- d) Sub-agents; and
- e) Finally, migrant-trafficking syndicates.

Two governmental bodies that fall under the MEWOE and deal with international labour migration are BMET and BOESL. BMET was established in 1976 with the specific purpose of meeting the manpower requirement of the country and for export of manpower overseas.

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\(^7\) [http://www.bmet.org.bd/Reports/remittance.htm](http://www.bmet.org.bd/Reports/remittance.htm).

On the Government’s side, the BMET monitors and supervises the overall recruitment process, issues and renews the licenses of recruiting agencies, grants permission to agencies to recruit, provides immigration clearances after verifying visa papers and employment contracts. In 1984, the Government established the BOESL as a limited company. The main purpose of creating this company was to provide honest, efficient and quick services to valued foreign employers in the matter of recruitment and deployment of manpower [see Siddiqui, 2001]. The agency coordinates with the Bangladeshi missions abroad in assessing the needs of labour and puts up advertisements in the newspapers for recruitment. M. Alimullah Miyan [2003:12] argues that BOESL operates as a model institution in the manpower sector to work in a healthy competition with the private agencies. The BOESL usually deals with professionals and skilled migration.

Private recruiting agencies have come into being in the late 1970s to serve as an important source of information for the growing prospective migrants. These agencies act as middlemen between foreign employers and local prospective migrants. The recruiting agencies disseminate information through public advertisement and prospective migrants contact them through brokers or sub-agents to secure overseas employment. They charge the prospective migrant workers for their services. After recruitment of workers, the list of recruits along with signed contracts and other documents are submitted to BMET for clearance. A sizeable number of individuals also manage to secure job contracts directly from the employers overseas through personal networks. However, they are also obliged to approach the authorized recruiting agencies to obtain clearance from BMET. Thus, under certain circumstances the relationship between the migration industry and migrant networks is one of complementarity. However, the role of recruiting agencies remains vital in the migration process. The recruiting agencies were organized under the banner of the Bangladesh Association of International Recruiting Agencies (BAIRA) in 1984 with representatives from only 23 recruiting agencies. The association had a membership of 475 agencies in 1998 and rose to 700 in 2003.9

Sub-agents form another level of institutional structure surrounding the migration process. The term sub-agents refers here to those individuals who work in collaboration with authorized or unauthorized recruiting agents as a link to prospective migrants, recruitment agencies and overseas employers. Those sub-agents are commonly known as brokers (dalals). There are mainly of two types: local brokers and migrant brokers. Local brokers as the name suggests are from the communities of origin of prospective migrants. Migrant brokers are those enterprising migrants who are working overseas for a considerable period of time. Because of their long migration experience, they acquire sufficient knowledge about both authorized and unauthorized channels of migration, and later use them for making money. The final group is the migrant-trafficking syndicate. Migrant-trafficking syndicates involves in unauthorized migration are mainly authorized and unauthorized travel agents. They are engaged in a range of illegal activities like falsifying documents, changing the names and photos of workers on documents, misusing visas and circumventing restrictions imposed by recipient countries.

Figure 13.3. Recruitment network of authorized migrant workers to Singapore.

Note: The figure is adapted from Ernst Spaan, 1994.

RECRUITMENT METHODS

In the Bangladesh-Singapore migration corridor, recruiting agencies play a major role in the migration process. In general, a prospective migrant visits the local broker to initiate migration. Those local brokers work for both migrant brokers and recruiting agents from Dhaka. Partial payment is a precondition for initiating the recruitment process. Once they receive partial payment from prospective migrants, the brokers contact the recruiting agents or migrant brokers depending on the prior agreement for job placement. Once the recruiting agent or migrant broker receives the necessary papers and partial fees from the local agents, they approach recruiting agents in Singapore for an In-Principle Approval (IPA) for hiring foreign workers [Rahman, 2008]. Spaan’s figure was adopted to describe the recruitment network of authorized migrants to Singapore (Figure 13.3).

A prospective migrant requires an IPA to enter Singapore. This is issued by Singapore’s Ministry of Manpower in favour of a particular company on the basis of genuine need for foreign workers. Recruiting agents in Singapore apply for the IPAs. Because of the limited number of jobs in Singapore and the huge supply of manpower from Bangladesh, some local agents get involved in some unhealthy practices, which expose some prospective migrants to victimization. A first time unskilled migrant usually pays between US$ 3,500 - 5,000 as fees for a two-year contract. However, for the skilled and second time migration the fees vary noticeably (they can be as low as a few hundred dollars). When a prospective migrant arrives in Singapore, his employer receives him at the airport and assumes all responsibilities including medical examination, work permit, accommodation, and transportation to workplace. Upon the completion of contract, it is the employers who are responsible for their
repatriation. Thus, low-skilled foreign manpower is managed as a temporary and controlled phenomenon in Singapore.

In the Bangladesh-Malaysia migration corridor, recruitment was carried out by the private recruiting agencies and brokers in Bangladesh and Malaysia in the 1990s. There were as many as 300 licensed recruiting agencies in Malaysia to handle foreign worker intake (The New Straits Times, “Foreign Workers must know Malay, English”, 12 November 2002). Authorized recruitment was similar to Singapore; recruiting agents employed local brokers to identify the prospective migrants and offered commission for their work. Local brokers usually charged between US$ 2,000 and 3,000 for authorized migration and between US$ 1,500 and 2,500 for unauthorized migration. Partial payment was obligatory to initiate the migration process. The local brokers provided the necessary information and, sometimes, financial assistance with higher interest rates to the prospective migrants. Sometimes local brokers, without the consent from prospective migrants pursued unauthorized means of migration for higher profits. Prospective migrants were largely ignorant of the routes of migration – authorized or unauthorized at the initial stage of their migration. They usually discovered their status once they were in Malaysia. Even if they had known, they would have hardly challenged the migrant-trafficking syndicates for fear of losing the fees paid in advance.

Thus, it is the local brokers who often determine the fate of prospective migrants and the means of migration. The local brokers are usually rural elites and their power stems from the traditional power structure of villages in Bangladesh. They often escape from prosecution owing to the lack of evidence of transactions between the prospective migrants and the local brokers. After the financial crisis in 1997, labour migration to Malaysia suddenly ceased, forcing aspiring migrants to seek the assistance of migrant-trafficking syndicates. Those syndicates use two routes: one is through legal visa procedure (usually applying for tourist, student or business visa) and the other, unauthorized via second country, particularly Thailand [Ullah, 2006; Sabur, 1997]. Once in Malaysia, they contact migrant brokers or their relatives to help them find employment and accommodation.

In the Bangladesh-South Korea migration corridor, for the purpose of recruitment of Bangladeshi nationals, a few selected recruiting agencies were permitted to send workers to South Korea in the early phase of recruitment. This created an opportunity to monopolize recruitment by those selected agencies and to make huge profit off migrants. As the number of annual intake was limited to 5,000, many prospective migrants became frustrated and looked for alternative channels. Authorized migration is rather a straightforward process. Prospective migrants show their interest to the designated recruiting agents by paying service fees well in advance. The designated recruiting agencies send the necessary documents to the Korean Federation of Small Business (KFSB) for the completion of the recruitment procedures. Once the agencies receive the processed papers from the KFSB, they send the prospective migrants by air. Although authorized migration was supposed to be almost free of cost, migrants were charged between US$ 2,500 and 3,500 in the early 1990s and between US$ 5,000 and 8,000 in the late 1990s. Currently, they charge up to around US$ 10,000 from each migrant as unauthorized migration is the only alternative for Bangladeshi migrants.

10 The authors found several cases during their fieldwork in 2003 where prospective migrants paid even more than US$ 10,000. The fees for migration to the Republic of Korea increased gradually over time. Interviews reveal that in 2000 it was between US$ 6,000 and 8,000.
to South Korea. Therefore, migrant-trafficking syndicates and migrant brokers have come forward to filling the demand. However, migrant-trafficking syndicates charge between US$ 10,000 to 14,000 for each migrant. The payment of such large amounts of cash to migrant-trafficking syndicates renders prospective migrants vulnerable to victimization. Yet they are willing to take the risk because the rewards are high if successful.

In the Bangladesh-Japan migration corridor, the influx of Bangladeshi migrants increased after 1985 and reached a peak in 1988 but the number of entries then suddenly dropped because the Japanese government moved to stem the flow by suspending the waiver of visa requirements for Bangladeshis on January 15, 1989 [Higuchi, 2007:2]. Due to the absence of any formal recruitment procedures, Bangladeshis resorted to unauthorized channels to live and work in Japan in the early phase of migration in the 1980s. Migrant-trafficking syndicates usually use two routes to send prospective migrants to Japan. First, they attempt to obtain a tourist, student or business visa from Bangladesh. If the syndicates fail to get visas for prospective migrants, they try for transit visa upon arrival at the international airports in Japan. They usually use Thailand; Malaysia; Hong Kong, China; and Singapore as springboards to enter Japan through on arrival transit visa. Presently, migrant-trafficking syndicates charge as much as $ 20,000 for each prospective migrant. Prospective migrants may be abandoned at any point. Therefore, clandestine migration to Japan is a risky venture. Failure means financial disaster for the migrants and their families.

CONCLUSION AND POLICY IMPLICATIONS

By the 1980s the performance of the economies of the East and the South-East Asia - including the Republic of Korea, Japan, Singapore and Malaysia - had reached a level that further growth could only be sustained through the recruitment of substantial migrant labour. Such workers were urgently needed to fill the vacuum created by the domestic population, used to regard employment in construction, manufacturing, shipping and plantation as dirty, difficult and dangerous. Both Singapore and Malaysia, because of their colonial origins, have relied on the contribution of migrants to economic development. The traditional sources of such labour were the South Indian, the South Chinese and the Indonesian. By contrast, the Republic of Korea and Japan have until recently drawn on domestic workers to meet their labour needs. The two South-East Asian countries referred to in this chapter are essentially migrant societies with multi-ethnic populations. The two East Asian societies are culturally homogenous and their exposure to ethnically diverse migrant communities such as Bangladeshis is a recent experience. This important difference is reflected in the policies adopted by their respective Governments with regard to migrant labour. Singapore and Malaysia have more open policies towards the recruitment of foreign labour migrants than either the Republic of Korea or Japan.

Singapore has a rational foreign worker recruitment programme. It is finely tuned and responsive to the needs of a changing labour market, which may range from specialist and entrepreneurial skills to semi-skilled and unskilled workers in construction and domestic services. It has implemented a work pass system that grades potential migrants according to the levels of skill they possess. At the lowest end, unskilled workers are given the opportunity to upgrade their skills and benefit from their improved status, a provision that is not available
in other countries. Strict and effective enforcement of labour regulations together with the availability of clear information to brokers and recruiting agents have contributed to a transparent policy of migrant worker recruitment. The result is that Bangladeshi workers are predominantly recruited through authorized channels.

Since its economy expanded rapidly in the late 1970s, foreign workers have entered Malaysia illegally in significant numbers. This is partly owing to a coastline that in many instances is only a boat ride for Indonesian, Thai and Filipino migrants and partly to a liberal policy towards such workers and the absence of a transparent recruitment policy. It was only in 1991 that it introduced a policy of hiring migrants from non-traditional sources such as Bangladesh, but this was discontinued after the financial crisis of 1997. By then, however, Bangladesh migrant networks had been well established to circumvent the authorized channels of migration. Formal recruitment was resumed in 2001 but in limited numbers after lobbying from the plantation and construction industries. There is a mix of legal and illegal workers in the country and brokers are familiar with utilizing both authorized and unauthorized channels to recruit workers. This simply reflects an inconsistent labour policy as well as the lack of regular enforcement.

Both the Republic of Korea and Japan experienced a significant inflow of migrant workers in the second half of the 1980s, as a consequence of severe labour shortages in their small to medium size companies in construction and manufacturing. Despite the urgent need for such workers in their economies, longstanding public antipathy towards the presence of foreigners in those societies had made it difficult for the State to introduce policies to regularize the status of migrant labour. For this reason, Japan established a programme supposedly to train foreigners to be sent to work in overseas Japanese companies. The trainee programme was later adopted by the Republic of Korea. In reality it was a backdoor way to facilitate the entry of migrant workers. The trainees eventually leave the programmes to work illegally in industry for better wages. While the Republic of Korea has a very limited scheme for the authorized recruitment of migrants from non-traditional sources such as Bangladeshi, it together with Japan relies predominantly on illegal workers. Publicly, the Governments of the two countries have a stringent policy towards foreign migrant labour. In practice, both adopt a liberal application of trainee recruitment and visas to facilitate the use of illegal migrant workers. Under those circumstances brokers have come to play an influential role in making available unauthorized facilities for the entry of those workers.

In all the four countries surveyed it is clear that the recruitment of Bangladeshi migrant workers, authorized and unauthorized as well, is institutionalized within an extensive network of agents, brokers and syndicates. The network links the villages, districts and Dhaka the capital city of Bangladesh with the airports of the recipient countries; and it provides a valuable source of information, contacts and support to facilitate the entry of prospective migrants and their eventual settlement may be temporary by nature. The airports of those countries as well as others such as Bangkok, Jakarta and Manila also serve as staging points from which Bangladeshis make numerous attempts to enter into the Republic of Korea and Japan. The effectiveness of this institutional complex is appreciated if we take into account that specific districts in Bangladesh are identified as sources of migrant labour for each of the four countries. The recruitment system that has evolved over the years, even more so if they are unauthorized, has to be understood as an integral part of the social organization of Bangladeshi migration - encompassing household strategies, the ties of the extended family.
and the migrant community in the host society. How well developed this organization is varies from country to country and will be the subject of further research.

Bangladeshi migrant workers, whether documented or undocumented, are found in all recipient countries in the East and the South-East Asia. They have used the available “temporary migrant worker programmes” to enter as migrant workers or “trainees” other than in Japan where there is no legal programme for them, especially for the semi-skilled or unskilled. Based on the recruitment experiences of Bangladeshi migrant workers in those regions, “temporary migrant worker programmes” (including those disguised as trainee systems) are plagued with similar consequences as Ruhs [2002] identified in North America, Europe and Asia\(^{11}\) such as the emergence of illegal foreign workers; exposure of migrant workers to various forms of exploitation; tendency of foreign workers to extend the duration of stay; emergence of “immigrant jobs” in the receiving countries [Piore, 1979]; and finally, local workers’ opposition against the “foreign worker employment programme”.

Temporary migrant workers programmes should be designed to serve the interests of both sending and receiving countries. Devising systematic migrant worker programmes that respect humanitarian considerations and recognize genuine demand is timely. To address unauthorized migration, there is also an urgent need to revisit some “migrant workers programmes”, especially in light of criticisms of the treatment of legal migrant workers or trainees and the programmes themselves. Given that most host countries in East and South-East Asia lack a viable alternative, dependence on migrant workers will be long term even if they choose not to integrate them permanently into their societies. Any migrant worker policy has to recognize that such dependence is here to stay. Ruhs [2002] advocates that all the stakeholders affected by this phenomenon should have an input in policy-formation.

Castles [2000:12], drawing on Kassim’s work on Malaysia, comments “basing policies on the assumption that the use of migrant workers is temporary, when they in fact meet long-term structural needs, leads to non-compliance with official policies on the part of both employers and immigrant workers. The result is that regulations are often ignored and become unenforceable”. The proliferation of unauthorized syndicates, and a network of agents, brokers and travel agencies involved in sending Bangladeshi migrant workers to South-East and East Asia is a direct consequence of this. For a start the trainee programme adopted by Japan and the Republic of Korea should be replaced by a migrant worker programme attuned to the needs of those economies. This is unlikely to happen in the short term given the political sensitivities of the two Governments. Such a programme should accommodate workers from unskilled to skilled, up to professional level; and provide opportunities for workers to upgrade their skills through formal assessment and improved benefits. This programme was introduced in Singapore in the late 1990s. Furthermore, foreign workers who have been illegally employed for a minimum number of years should either be allowed to exit with dignity or issued work permits since they have been acculturated in the host society and have acquired the necessary skill and experience. Those measures will

\(^{11}\) Ruhs [2002] examines the consequences of “temporary foreign worker programmes” in Germany, Kuwait, Singapore, Switzerland and the United States of America and finds: the emergence of “immigrant sectors” in the host country’s labour market; the vulnerability of migrant workers to various forms of exploitation in recruitment and employment; the tendency of temporary foreign worker programmes to become longer in duration and bigger in size than initially envisaged; native workers’ opposition against the introduction or expansion of a temporary foreign worker programme; and the emergence of illegal foreign workers who, together with local employers, circumvent the programme.
contribute some way to minimizing the use of unauthorized means of migrant labour recruitment and its abuses.

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