# UNAUTHORISED MIGRANTS AS GLOBAL WORKERS IN ASEAN

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In November 2001 Malaysia vowed to reduce unauthorised migration, exercising tougher control on the entry of migrants in its territory and repatriating those present with unauthorised status. Although Malaysia embarked on many such operations in the past, this one smacks of unusual determination and resolve. Even if 124,000 irregular workers had been repatriated in 2001, according to the Immigration Department, 450,000 unauthorised Indonesians are still said to remain in the country, 300,000 in Peninsular Malaysia and 150,000 in Sabah (*AMN* November 30, 2002). The Government's intention to repatriate 10,000 Indonesians a month led to riots among migrants detained in the Pekan Nenas detention centre and the subsequent deportation of most of them. A similar move of massive repatriation was announced in Sabah on 26 February, to tackle the estimated 150,000 unauthorised migrants, who have remained after the regularisation of 1997 or who have since failed to renew their permit (*AMN* February 28, 2002). The announcement was followed by quick action targeting the demolition of squatter shanties and the repatriation of Filipinos and Indonesians.

On the other front, the one between Thailand and Burma, things have proceeded with similar determination. After the registration of some 568,000 migrants in September 2001, perhaps 600,000 mostly Burmese migrants are still considered to be in the country in an unauthorised status. A four-month crackdown of unauthorised migrants in major cities of nine provinces was announced in February, to last until June 10 (*AMN* February 15, 2002). Burma agreed to cooperate in the process, taking repatriated workers in the Myawaddy holding centre just across the border from Thailand's Tak province.

These references to current migration issues in two of the three most important countries of destination within ASEAN are sufficient to indicate how relevant unauthorised migration has become in the region. However, one is compelled to further explore the significance of this phenomenon and of the policies toward it, as it is occurring in the most successful regional experiment in Asia. In this regard, a few questions need to be addressed. Is the large unauthorised migration in the region a consequence of the characteristics of the regional process adopted in ASEAN? Is unauthorised migration the result of increasing globalisation or does it depend on other factors? Are migration policies consistent with regional and globalisation policies?

To answer these questions this paper will first analyse migration flows within ASEAN. This will be done by examining three distinct migration subsystems. The paper will then examine the dynamics of unauthorised migration in each of the three subsystems. It will finally discuss the three questions identified above.

## MIGRATION WITHIN ASEAN

If migration within ASEAN is examined from a continental perspective, it appears to constitute one fairly coherent migration system. A system could be understood as a group of countries with one, or more than one, as core country(ies) which functions as destination, and others as periphery countries

from which migrants originate. Because of differences in demographic, economic, social and political contexts (see selected indicators in Table 1), which serve as a premise to the population movement, and because of specific linkages of various nature (historical, cultural, technological), which function as triggers to the actual movement, migration has taken place and continues to take place, reinforced by feedback and adjustments, and the facilitative role of migration networks (Kritz et al. 1992).

In fact, ASEAN includes some of the major countries of origin of migration (the Philippines, Indonesia, and Burma) and also some of the countries with the largest number of migrants (Malaysia and Thailand) (Tables 2 and 3) or the highest share of migrants in their populations (Singapore and Malaysia). However, when examined from a closer perspective, ASEAN presents some distinctive characteristics. Most of the immigrant population originates within the system, except for some flows that are exogenous, most notably the one from Bangladesh toward Malaysia. At the same time, countries of origin also exchange population with other systems – for example, migration flows from the Philippines to non-ASEAN destinations are more substantial than those within the region. Finally, migration flows within the region appear polarised in specific directions. For this reason, it is better to examine three subsystems of migration within ASEAN – the Malay Peninsula (including Singapore), the BIMP-EAGA region, and the Northern ASEAN countries. We recognise that these major groupings are not economically and politically cohesive.

### a. The Malay Peninsula

The Malay Peninsula constitutes the most dynamic economic region within ASEAN. Malaysia and Singapore combined (although including also East Malaysia) were responsible for 31.3 percent of the total GNP of ASEAN in 2000. Even more significantly, it accounted for 56 percent of ASEAN exports. This economically dynamic area, however, is deficient in terms of population (approximately 27 million), hence the need for foreign workers. As of the 2000 census, foreign workers constitute 29 percent of the work force in Singapore, while the share of foreign workers in the Malaysian work force is 16 percent.

The origin of foreign labour in this area goes back to the colonial time, when workers from India and China were introduced by the British Empire. The heritage of those movements is particularly evident in the multiethnic composition of the populations of Singapore and Malaysia. The separation of Singapore from Malaysia did not sever traditional ties. In fact, Malaysians were originally the only migrants allowed to work in Singapore and they remain as the traditional source of foreign labour. In addition, Malaysian workers commute daily between the southern Malaysian state of Johor and Singapore.

Although they can be considered part of the same migration system because of economic links, Singapore and Malaysia have developed different migration policies.

Migration was factored early into the growth process of the Singaporean economy. Singapore adopted a different treatment for professionals and highly skilled workers and unskilled migrants. While the contribution of professionals was encouraged, with incentives to remain in Singapore and acquire permanent residence, the migration of unskilled workers was discouraged. Control policies, however, were not just aimed at making migrant labour precarious (through lack of long-term residence possibilities) but also to profit from it by collecting a levy imposed on employers who hire foreign workers. When it became apparent that the demand for migrant labour was increasing, since migrants perform jobs that are rejected by local workers and that cannot be eliminated through automation, policies adopted an increasing dependency ratio (Wong 1997).

Accurate data on the number and origin of migrants in Singapore are not available. Newspapers have reported that foreigners have reached 745,000 (*AMN* August 31, 2001), of whom perhaps 600,000 are migrants, in a population of 4.3 million people. Women domestic workers constitute an important component of the foreign workforce (perhaps one fifth) and come mostly from the Philippines (three quarters), Indonesia and Sri Lanka (Yeoh et al. 1999). Migrants are also widely utilised in construction, most of whom come from Thailand, Bangladesh and India.

Singapore's migration policy is often characterised as pragmatic, aiming at maximising the contribution of foreign workers and minimising social costs. As mentioned earlier, the hiring of unskilled workers is not encouraged, while highly skilled workers, particularly in the area of the new economy, are openly encouraged to settle in Singapore. Social costs are minimised also by discouraging unskilled migrants to remain in Singapore or even intermarry with the local population. The pragmatism of Singapore's policy was particularly evident during the crisis, when employers were encouraged by the government to retain workers not on the basis of nationality, but of productivity. Measures against unauthorised migration are severe, including caning for those caught of immigration violations. Punishment is meted not just for hiring unauthorised migrants; providing lodging to unauthorised migrants also constitutes an offence punishable by imprisonment and fines.

Immigration to Malaysia originated in the 1970s, as local workers moved out of agriculture and construction to better paying jobs. Migrants originated mostly from Indonesia and settled in Malaysia under a laissez-faire type of policy. Malaysia began to control the movement of foreign workers 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 unauthorised migrants. However, various amnesties and repatriations did not substantially modify the situation. Perhaps the largest reduction of foreign labour took place in 1998, in reaction to the financial crisis, but the current repatriation of Indonesians indicates it was an unfinished job. Overall the Malaysian migration policy can be considered a flexible policy aimed to promote growth and industrial upgrading (Kanapathy 2001).

Like Singapore, Malaysia also does not make public data on migration. Using newspapers as sources, registered foreign workers in Malaysia are 770,000, of whom 576,000 are Indonesians, 105,000 Bangladeshis, 48,000 Nepalese, 17,000 Filipinos, 6,5000 Burmese, 2,400 from Thailand, 1,200 from Pakistan and the rest are from other countries. In addition, approximately 450,000 are considered unauthorised migrants, largely from Indonesia and Bangladesh. Occupations are clustered by ethnic origin. Thus, Indonesians are predominantly in plantation and construction, Bangladeshis in manufacturing and services, and Filipinos in services.

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, as did the hiring of specific ethnic groups. Hiring of Filipinos was suspended in October 2001, but was lifted in January 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 (in February hiring of foreign doctors was approved). It also aims at reducing the number of unauthorised migrants, an objective it has pursued in the past fifteen years with limited results.

The major sources of migration to this subsystem are Indonesia and Bangladesh (in addition to the Philippines and Thailand in Singapore), two highly populated countries with social and economic conditions that fuel instability. Ethnic clashes and independence movements in Indonesia have subsided under President Megawati, but the underlying causes have not found a final solution. Formal labour migration from Indonesia, which experienced a large transfer of population within the territory through *transmigrasi*, started in the 1980s and consisted mostly of domestic workers heading for the Middle East, Malaysia and Singapore. However, the formal programme was preceded and is overshadowed by the unauthorised movement of migrants who enter peninsular Malaysia by crossing the Straits of Malacca. Religious, linguistic and cultural proximity have facilitated this unauthorised transfer to Malaysia. An important role is played by intermediaries (illegal recruiters, travel agents, and transport operators). Several agreements and regularisations have not succeeded in bringing order to a movement, which is based on marked demographic and economic disparities between two countries with close borders and well-established migration networks. However, particularly in recent years Indonesia has also developed migration flows toward other destinations. About 65,000 Indonesians, mostly domestic workers, are in Hong Kong, and 91,000 are in Taiwan, in domestic and care services, and also in manufacturing.

Bangladesh also sends most of its migrant labour force to other destinations, particularly the Middle East, while an unspecified number of Bangladeshis, perhaps 500,000, have moved to the Indian state of Assam. However, ties established through migration flows will ensure that Bangladesh will remain an important source of migrant labour in peninsular Malaysia. At the same time, an increasing diversification of origins is expected, particularly after the recent

action taken by the Malaysian government to reduce the number of unauthorised Indonesians and to relegate them to the bottom of the hiring list (domestic workers excluded). Immediately, India and Nepal moved to secure a niche in that labour market, while the Human Resource Ministry has expressed intentions to source workers from Vietnam, particularly in the construction and plantation sectors (*AMN* March 15, 2002).

**b. The BIMP-EAGA sub-region**

Because of its location, history and the configuration of its economy, East Malaysia has developed autonomous immigration procedures. The two states, Sabah in particular, have become the destinations of migrants mainly from the Philippines and Indonesia. On the other hand, the Sultanate of Brunei, with its high standard of living, thanks to the export of oil, also attracts migrants. Therefore, this region can be considered a separate migration subsystem within ASEAN. The boundaries of this subsystem coincide with the Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA).

Established in 1994, BIMP-EAGA covers the sultanate of Brunei, East Malaysia (Sabah, Sarawak and Labuan), Mindanao and Palawan in the Philippines, and 10 provinces in the Indonesian islands of Kalimantan, Sulawesi, Maluku and Irian Jaya. It is a vast region of 1.54 million square kilometres and a population of approximately 50 million. The intention in establishing the growth area was to take advantage of the opportunities it provides and create incentives for the economic growth of the least developed areas in each nation (except for Brunei). Natural resources are plentiful (forests, oil, gas, and water) and agriculture is specialized in coconut and corn in Mindanao, rubber in Indonesia and oil palm in Indonesia and Malaysia. However, industrialisation in the region is below the level of the respective countries and wages (except for East Kalimantan) are also lower than national wages. Complementarities are not significant enough to expect a spectacular increase of intra-regional trade, but there are possibilities, particularly in tourism and labour complementarities, as well as in attracting more FDI.

Since its establishment, results were achieved mainly in establishing air and sea linkages to facilitate transportation and communication. However, the private sector did not respond as expected to the idea. BIMP-EAGA seems to be having a second life after President Arroyo revived the attention of the other partners in 2001. However, regardless of the success of the growth area, the region has developed migratory flows which not only respond to economic but also historical factors.

Sabah has long been part of a geo-political zone with linkages to both Malaysia and the Philippines. It remains a source of territorial dispute between the two countries, although the Philippines' recent establishment of a de-facto embassy in Kota Kinabalu indicates that the Philippines might be considering the possibility to obtain sovereignty over Sabah as very remote. Population movement to Sabah (also Sarawak) from Western Mindanao in the Philippines

and from Kalimantan in Indonesia harks back to pre-colonial times, such that the state boundaries established by colonial powers had limited impact. The importation of labour during the British colonial rule and the arrival of Filipinos seeking refuge during the conflict in Mindanao in the 1970s reinforced the migrant population, which has now reached about 600,000, and which is managed by the autonomous State Immigration Department. As in peninsular Malaysia, efforts in Sabah and Sarawak to bring unauthorised migration under control have not been very successful. The largest operation was the regularisation programme implemented in 1997, which registered 413,832 migrants, including 284,704 Indonesians and 119,128 Filipinos (Kurus 1998). It was estimated that approximately 80,000 failed to register. However, 150,000 unauthorised migrants are said to remain in the state; a new crackdown was launched on 26 February. Toward the end of March, there were 7,351 migrants deported from Sabah, of whom 4,322 were Filipinos, 2,930 were Indonesians and 99 were of other nationalities.

Migrants in Sabah are involved in the same sectors as those in the Peninsular Malaysia (forestry, plantation, construction, manufacturing and domestic service). However, the level of settlement is higher as a number of Indonesians and Filipinos live with their dependents (close to 200,000). In addition to employment in sectors traditionally associated with migrants, they are also involved in various aspects of the informal economy.

Similar to the economies of the Gulf countries, which are largely dependent on oil export, the economy of Brunei relies heavily on foreign labour. In 1988 immigrants were already 71 percent of the labour force in the private sector. Government efforts to reduce it have not been very successful (Mani, 1995). Accurate figures on the number and origin of migrants are not available, but Indonesians are perhaps 25,000, and other migrants come from the Philippines, and the neighbouring Malaysian states.

In addition to Indonesia, the other major country of origin for this subsystem is the Philippines. In fact, the Philippines is the country with the largest and most developed overseas labour programme in Asia. However, ASEAN does not constitute a major area of destination for Filipino migrants (only 8 percent of all Filipino workers were deployed to ASEAN in 2001 – Table 4). The highest number of Filipino migrants within ASEAN is in Sabah, but it is a migration flow that developed largely outside of the formal system of recruitment and deployment. Filipinos in Sabah include those who fled to Sabah in the early 1970s who obtained refugee status. In April 2001, there were 57,179 Filipino refugees in the state living in 34 settlements, with 17,580 children studying in local primary and secondary schools (*AMN* April 30, 2001). However, their refugee status was revoked in July and they were allowed to remain provided they could secure a work permit. A second group is comprised of migrants in possession of a regular work permit (380,000 according to some estimates), while the third group is made up of perhaps 150,000 unauthorised migrants (*AMN* July 31, 2001).

While Filipinos in peninsular Malaysia and in Singapore are predominantly employed in the service sector, particularly domestic services, those in Sabah are employed in a variety of occupations. Also, the Filipino population in West Malaysia and Singapore is mostly female, while in Sabah Filipinos are present with dependents. The small stock of Filipinos in Brunei (less than 20,000) is comprised mostly of labourers and teachers.

### c. Northern ASEAN countries

Before becoming a labour importing county, Thailand played an important role in the movement of population in the region covering the Northern ASEAN countries. In the 1970s it was a country of first asylum for refugees, providing assistance to Vietnamese, Cambodians and Laotians. Between 1975 and 1997 close to 1.2 million refugees were assisted. Approximately 100,000 Karens from Burma are still in refugee camps.

Since the 1970s Thailand also developed an overseas labour programme, mostly toward the Middle East. After a diplomatic incident with Saudi Arabia, the flow of overseas workers decreased to 60,000 a year, but increased again in the 1990s with the opening of job opportunities in Taiwan, where Thai workers are the largest group (139,924 at the end of July 2001) (Table 5).

While continuing to send migrants abroad, Thailand also rapidly became a destination for migrant labour from neighbouring countries, exemplifying the concept of migration transition in Southeast Asia. The transition, however, is not occurring rapidly, and the 1997 crisis revived the need to send workers abroad.

Labour immigration to Thailand developed rapidly and unexpectedly in the 1990s, reaching unforeseen dimensions. Although the premises were in place (rapid economic growth throughout the 1980s and decreasing unemployment in Thailand, with stagnation and instability in the neighbouring countries) not many expected that approximately one million migrants would be working in Thailand in just a few years. The vast majority (84 percent) come from Burma, while the rest are from Cambodia and Laos. Employment in the booming construction industry of the pre-crisis years and in agriculture functioned as the main magnets. Perhaps 50 percent of the labour force in fisheries is Burmese (Stern 1996). The lack of a clear immigration policy and easy recourse to irregular venues facilitated a largely irregular immigration flow. To try to manage this huge number of irregular migrants, the government implemented a regularisation programme in 1996, by allowing employers to register migrants. The initiative applied to only 43 of 76 provinces and produced a little over 300,000 registered migrants. A large majority did not participate in the registration programme, either because they were not entitled to it, or because employers were unwilling to shoulder the registration fee ($40) and bond ($200) imposed by the government. In addition, of those who were regularised, not many renewed their annual working permit or remained with the same employer.

The crisis forced a substantial rethinking of the immigration policy. Faced with an abrupt increase in unemployment, Thailand turned to the repatriation of foreign workers in order to provide job opportunities to domestic workers. The government targeted to repatriate 300,000 workers to return to their country by the end of 1998 and more in 1999. When repatriation started, it became apparent that some industries (fisheries, rice mills, swine raisers, rubber growers) were adversely affected by the loss of foreign workers. Thai workers were not replacing the departing migrant workers. A new effort to bring unauthorised migration under control was implemented in 2001, when 562,527 migrants were registered in September-October and given six-month renewable work permits (*AM* March 2002). Recently, new initiatives were taken, such as the setting up of a task force to repatriate the remaining unauthorised migrants.

In this migration sub-system, Vietnam occupies a distinct space. For a long time, overseas labour found employment in the former Soviet Union and Eastern Europe. When the refugee crisis was resolved by the Comprehensive Plan of Action (between 1975 and 1996, 839,228 left Vietnam, of whom 755,106 were resettled and 81,136 returned to Vietnam voluntarily) (UNHCR, 1997), the Vietnamese communities established in North America and Australia induced additional migration for family reunification. Another migration stream was the movement of Vietnamese workers to countries of the Soviet bloc between 1980 and 1991. More recently, an agreement signed with Taiwan in May 1999 provided an important destination for overseas labour. At the end of July 2001, there were 10,869 Vietnamese in Taiwan's manufacturing sector and care services.

The description of labour mobility in the region, clustered around three subsystems, presents some common aspects:

a. The absolute number of migrants is not an astonishing figure compared to the total population of the region (less than 1 percent). In fact, the total number of migrants in the three subsystems can be estimated at 3.3 million (Table 2 and 3) (without considering the foreigners in the countries of origin, who do not reach a big number). We can only speak of estimates since data are not reliable. In addition, the number of unauthorised migrants is not easily ascertained. Thus migration does not constitute in itself a phenomenon of alarming proportions.
b. In receiving countries, however, the relative importance of migrant labour differs considerably. In Singapore, foreign labour constitutes 29 percent of the labour force, 16 percent in Malaysia, and 3 percent in Thailand. Although such numbers do not present any problem to the economy and society in times of prosperity, they become an issue in time of crisis.
c. The number of irregular migrants in the region is absolutely disproportionate (perhaps 40 percent of the total number of migrants). This indicates that policies are most likely not in step with the needs of the economy. Or, to put it in different terms, that the demand for migrant labour (and conversely, the pressure to migrate) are larger than what policies intend to accommodate.

To have a better understanding of unauthorised migration in the region, its dynamics need to be further examined.

## DYNAMICS OF UNAUTHORISED MIGRATION WITHIN ASEAN

Unauthorised migration, as briefly described in the three migration subsystems, is not purely the result of demand for labour from labour scarce economies, matched by available manpower from countries with a high level of unemployment, which cannot be addressed by adequate policy measures. A variety of other aspects must also be considered to understand the extraordinary development of unauthorised migration within ASEAN.

First is the *geographic* aspect. Geographic contiguity between Indonesia and Malaysia, between Burma and Thailand, and between western Mindanao and Sabah provides opportunities for border crossing to people who cannot or do not know how to avail of formal procedures. In this respect, most unauthorised migration within ASEAN is of the border-crossing type, unlike other areas, such as East Asia, where it consists mostly of unauthorised stay after legal entry. Obviously, the possibility to cross borders depends on the control that is exercised. However, control measures are also limited when borders are very long or traditionally porous.

Second is the *historical* aspect. In the development of Asian states, peripheral areas, often forested and mountainous, shifted jurisdiction according to whichever state was strongest; sometimes, they straddle between two or several states. The movement of population in such areas followed dynamics which were not determined by political sovereignty. The establishment of clearer borders by colonial powers led people to discover that movement within traditional economic areas entailed crossing international borders (IOM 1999).

Third is the importance of *intermediaries*. Migration traditionally relies on social networks to provide the necessary information to facilitate departure, entry and insertion in the country of destination. In the case of unauthorised migration, such networks are essential and offer a vast typology. Often, intermediation for unauthorised migration combines and colludes with the formal labour recruiting system put in place in Asian countries to facilitate the expansion of the overseas labour programmes.

Considering these aspects, which are not unique and clearly specific of the ASEAN case, it seems important to go beyond the macro perspective to acquire a better understanding of the dynamics of unauthorised migration. In this regard, a four-country study of the experience of unauthorised migrants was undertaken in 2000. The study covered two countries of origin, Indonesia and the Philippines, and two countries of destination, Malaysia and Thailand. Some of the results from the project are useful also for this paper.

At the core of unauthorised migration from Indonesia is the need for information. Such a need covers the whole migration process, from its origin at the village to

employment in Malaysia. In most cases - 70 percent in the sample interviewed by Adi (2002) - information is obtained through friends and relatives. Often, friends and relatives can also provide assistance, particularly in the final stage of the process, securing employment and perhaps a place to stay. However, professional intermediaries, called *tekong*, also play a crucial role. Sometimes such role is limited to taking the prospective migrant to a recruiting agent, sometimes it involves financing the cost of migration (which is then repaid twice as much), and sometimes it covers the whole process. In this case, the *tekong* is often a former migrant, who has established a network of contacts in Malaysia and knows how to provide documentation and to accompany the migrant to the employer in Malaysia. The picture that emerges from the Indonesia-Malaysia flow is one of a migration system in which social networks play a decisive role. Intermediaries offer services throughout the migration process; however, relatives and friends in particular are more trusted as they can provide assistance while overseas.

Unauthorised migration from the Philippines to ASEAN destinations is primarily to Sabah. Filipino migration to Sabah is organised around two major routes. The unofficial one, known as the Southern backdoor, originates from the small islands of the Sulu Archipelago, from where migration to Sabah is part of traditional trading which goes back to time immemorial. People involved in the trading do not consider going to Sabah as going to a foreign country. Perhaps 80 percent of residents in Tawi-Tawi have relatives in Sabah (Battistella et al 1997). Travelling in small vessels, migrants go to Sabah for various reasons – to look for a job, to visit relatives, or to buy goods for training. As there is no immigration office in the small islands, the movement is outside the official system.[1] The official route entails passing through immigration requirements in Zamboanga City, which is far and impractical. The second route transports migrants by way of a ferry from Zamboanga City to Sandakan, Sabah. The ferry service was established in 1995, as part of the BIMP-EAGA accord. It is the legal gateway to Sabah, as passengers must travel with documents. However, this does not imply that unauthorised migration does not occur, since documents are sometimes forged, passengers enter Sabah as visitors and then remain beyond the period of stay allowed them and find work. Smugglers use this route to traffic women to Sabah and Labuan to work as prostitutes.

A different dynamic of unauthorised migration from the Philippines to ASEAN countries involves migrants, mostly domestic workers, in Singapore. There is little information available on the size of unauthorised migration in Singapore, except for the increasing number of migrants arrested and repatriated (14,000 in 1997, 23,000 in 1998) and the fact that many unauthorised migrants are employed in the construction sector. However, Filipinos can be considered unauthorised migrants not so much for breaking Singapore law but for not complying with Philippine regulations. Most Filipinos in Singapore -- 8 out of ten according to some estimates (Yeoh et al. 1999) -- have entered Singapore with a tourist visa and have been employed through a pre-approved work permit

[1] Another unofficial route to Sabah originates from Palawan.

arranged by the agency. Leaving as tourists to find employment as migrants is considered unauthorised migration in the Philippines, as migrants circumvent the process requiring the submission of a standard labour contract, passing physical tests, attending pre-departure seminars and contributing to the welfare fund.

Measures in the Philippines against unauthorised migration have been directed mostly against illegal recruitment. The Migrant Workers and Overseas Filipinos Act of 1995 contains detailed provisions on the definition of illegal recruitment, which can be committed also by a licensed agency, and harsh penalties for violators. However, the law has not succeeded in eliminating illegal recruitment, as the demand for migration remains strong, many cases are settled outside of court and perpetrators are allowed to continue operating.

From the perspective of the country of destination, unauthorised migration is a parallel system which continues to function alongside the formal system of foreign labour recruitment. The latter is the typical procurement of labour for employers who utilise the services of local employment agencies, which are in contact with recruitment agencies in the country of origin. Unauthorised migration, instead, consists in entry to Malaysia through the intermediation of *tekongs*, but mostly of friends and relatives, and the procurement of employment on site. Interestingly, Wong (2002) has compared this system to the arrival of Chinese workers in the 19th century. While Indian labourers obtained assisted passage from rubber companies, Chinese workers paid their way and consequently entered a much more open labour market. 'One consequence was that the Chinese labour was highly mobile, moving constantly in search of higher wages and better working conditions, whilst Indian labour was confined to the low-wage plantation economy' (Wong 2002:30).

The same result in both studies, emphasising the role of social networks – with intermediaries having a say in it, benefiting from it, and sometimes victimising their clients – is significant in considering policies to control unauthorised migration. Furthermore, the historical parallel with earlier experiences of foreign labour in Malaysia show that some dynamics have the possibility to prosper. Consequently, 'the current system of migrant labour regulation, namely the establishment of a rigid system of migrant labour recruitment on the one hand, and the criminalisation of informal channels of recruitment on the other, is unrealistic, counter-productive and damaging' (Wong 2002:33).

Research in Thailand (Amaraphibul et al. 2002) contributes a different angle in the dynamics of unauthorised migration. We have already indicated that migration to Thailand exploded in the 1990s, coinciding with growing development, particularly before the 1997 crisis, as well as with difficult conditions in the military regime in Burma. Thailand's migration policy went from a laissez-faire approach to requiring registration introduced in 1996, allowing 43 provinces to hire migrants from neighbouring Burma, Cambodia and Laos. New requirements were introduced in the years following the crisis, for the purpose of reducing the number of migrants and providing employment opportunities to

Thais. A quota system was introduced and registrations for 2000 were allocated based on employers who had registered workers in 1999. This system was criticised for being shortsighted and limited (dependents were not included and it did not provide adequate protection to workers). The number of registered migrants (usually less than 100,000) perhaps never surpassed ten percent of the migrant population.

Unauthorised migration in Thailand, however, presents a variety of situations. The low-income border province of Tak has a migrant population of perhaps 70,000, mostly Burmese people, largely employed in factories, which were relocated along the border precisely to take advantage of low-cost migrant labour. Unlike single migrants employed in factories, migrants with family work in agricultural jobs. Ninety percent of migrants cross from Burma without much recruitment assistance and mostly find jobs by themselves or with the help of relatives. The same percentage of migrants interviewed had relatives in the province. They largely maintain ties with families in Burma - 55 percent send remittances regularly and 61 percent visit their families once a year. Only 20 percent know of the registration process and even fewer were aware that the employer is responsible to pay the registration fees.

The coastal province of Samutsakhon, south of Bangkok, presents a rather different scenario. Samutsakhon has the fifth highest income among the provinces in Thailand. Migrants (143,892) form 19 percent of the province's population. Migrants (90 percent below 30 years of age) are mostly from Burma, of whom 51 percent are Mon, 27 percent are Burmese, and 14 percent are Karen. Sixty percent are married and most migrants are accompanied by family members, although not all migrants brought their children with them. Unlike the group in the border province of Tak, 53 percent of migrants in Samutsakhon sought the assistance of recruiting agents, while the rest relied on relatives and friends. In most cases agents were contacted in Burma, before the migration process. Thai agents were used only for crossing and transportation. Over 65 percent did not cross the border at checkpoint. Those who did had border passes, that only allow for a short stay and in specific areas. Employment was obtained through friends, agents or by themselves almost in equal proportion. Migrants are employed in fishing and fish processing, which is the main business of the province.

Awareness of registration and its benefits is higher in Samutsakhon than in Tak. However, the rate of registration is far from satisfactory. Migrants have grown sceptical of the system, as registration costs, which should be borne by the employers, are passed on to the workers. Also, some migrants find little advantage in registering, as they claim being harassed by enforcers who extort money from them. Examining the correlation of registration with other variables, it was found that only a few were significant (Amaraphibul et al. 2002). Women are more likely to be registered than men (66 percent vs. 43 percent); those employed in industries are more likely to be registered than those in the agricultural sector and fishermen. Knowledge of the system or the rights of workers did not have much impact.

The registration process that took place in 2001, although insufficient to cover the whole migrant population, appears to be a temporary measure toward a more comprehensive change of the migration policy. The benefits of the recent approach is that it is not limited to specific occupations or specific provinces, thus discarding the quota system, which relies much on the ties between local business/politicians and central authorities. 'It provides a system of health and welfare support; it can assist greatly in reducing corruption; it can provide a more secure environment for a greater number of people' (Amaraphibul et al. 2002:54).

Unauthorised migration in Thailand has acquired the characteristics of a flow sustained by some local industries that have organised to take advantage of migrant labour to the point that there is no substitution for it. In fact, as it occurred during the crisis, unemployed Thai workers did not want to substitute migrants in jobs that pay low salaries and have very low prestige. Employers can take advantage of the precarious situation of unauthorised migrant labour by not providing social benefits and often paying below minimum wages. In this situation it is not surprising that control policies, which simply aim to reduce irregular migration by repatriating migrants, have been highly ineffective because the demand for migrant labour is embedded in the system – migrants are widely available and capable in entering the system through well-organised social networks, and officials can also benefit through extortions.

Further exploration in this section on the dynamics of unauthorised migration within ASEAN have revealed that there is a combination of two major systems: one derives from the border movement of contiguous countries, with a long tradition which pre-dates the current political borders drawn by colonial powers; the other is the result of development in sectors that require menial, dirty, unskilled jobs, or jobs with little social prestige. The availability of foreign workers for such jobs, normally shunned by most local population, allows those sectors to maximise profit by employing underpaid foreign labour, rather than modernising these sectors. The involvement of social networks and recruitment agencies is essential for unauthorised migration to continue.

## UNAUTHORISED MIGRATION AND POLICIES WITHIN ASEAN

After presenting migration within ASEAN, organised in three distinct subsystems, and the dynamics of unauthorised migration, it is possible to attempt to address the questions set at the beginning of the paper.

### a. Migration and the regional process of ASEAN

ASEAN was established in 1967, a time internationally characterised by the cold war. It is no surprise that movement of labour was not considered at all. In fact, of the three objectives set forth for the association, the predominant one was promoting regional peace and stability. Initiatives toward economic cooperation were taken, but not with a vision of an integrated regional economy.

This occurred in 1992, at the Fourth Summit in Singapore, when strong American leadership toward economic liberalisation marked the international climate. The ASEAN Free Trade Area (AFTA) was created with the primary objective to facilitate trading among the member countries by lowering tariffs to a 0-5 percent zone by 2008. The date was later advanced to 2003 and then again, in spite of the financial crisis, to 2002. Thus, for the original six member countries of ASEAN, AFTA is already a fact. However, the circulation of labour remains a subject on which the association does not want to engage and international sensitivity has become less accommodating to multilateral approaches to the subject, following the tragedy of September 11.

The reasons for avoiding discussing migration are various and understandable. Countries of destination, in particular, oppose consideration of this subject in order to maintain the freedom to regulate migration according to policies that are in their national interest, unencumbered by limitations deriving from international agreements. Countries of origin, on the other hand, would certainly demand increasing protection measures and benefits for their nationals, thus diminishing the benefits that foreign labour brings to destination countries in terms of flexibility in the labour market. Discussing migration implies examining the character of societies, as migrants are not commodities and require some form of integration. Political, social and cultural differences among member countries present some obstacles in reaching some consensus on this issue. Furthermore, migration has security implications, which need to be addressed from a national perspective.

However, perhaps the same reasons would constitute an argument for a regional approach to migration. The security concern, in particular, which tends to demonise migrants and turn them into potential terrorists, should bring the issue of unauthorised migrants to the table, since it is difficult to curb unauthorised migration without the cooperation of the country of origin. In this respect, some bilateral arrangements were held, particularly for the orderly repatriation of unauthorised migrants. However, it is limited to dialogue on logistics, such as providing the ship for the transport of migrants or setting up a camp for processing repatriated migrants.

Unauthorised migration cannot be approached in isolation from migration in general and from economic integration in particular. If the experience of the European Union can be of any help, it is important to observe that the circulation of labour among member countries was envisioned from the very beginning, together with the design of economic integration. That it took EU forty years to fully implement it, only attests to the need for prolonged discussion, rather than shelving the subject. Some movement of unauthorised migrants testifies, as illustrated in the previous sections, that people already perceive a level of integration that goes beyond political boundaries. Unauthorised migration can be properly addressed only when a regional framework for migration, based on human rights and common objectives is provided.

## b. Unauthorised migration and globalisation

The climate surrounding the discussion on globalisation is certainly much more cautious than it was a few years ago, particularly before the Asian crisis. In the meantime, we had witnessed popular protest against relentless globalisation, which is perceived as beneficial only to some and managed in less than democratic fashion. Moreover, some recent episodes, such as the increase of tariffs on steel in the US and then in the EU, and the increase of tariffs on cement in the Philippines expose the hypocrisy of liberalisation ideology. Touted as the panacea to all development problems, liberalisation is quickly abandoned for protectionist measures in defence of national interests.

Globalisation remains a complex phenomenon, much wider than just trade issues. It is here to stay in some modified form or other. When it comes to the relationship between globalisation and migration, it is important to avoid simplistic conclusions[2]. The Asian crisis could be considered as the best example of globalisation woes, particularly the damaging effect open financial markets can create when they are not accompanied by a check and balance system. However, the impact that the crisis was supposed to have on migration (massive repatriation from countries of destination, increase of migration pressure from countries of origin, increase of unauthorised migration) was not as dramatic as expected (Battistella and Asis 1999). Large repatriations took place from Malaysia, Thailand, and to a lesser extent from South Korea. However, soon after, the number of foreign workers in those countries reverted to previous levels. An increase in migration, such as that which occurred in Indonesia, was due mostly to the opening of new opportunities, such as in Taiwan, rather than unbearable migration pressures in Indonesia. As for unauthorised migration, there is no evidence that it increased, perhaps because of better border controls.

Within ASEAN it might be too soon to craft a new analysis on the relationship between globalisation and migration. Using trade as a proxy for globalisation (and the implementation of AFTA as an indication of increased globalisation within the region) one could argue that an increase in migration within the region is expected. This is in line with Martin's 'migration hump' hypothesis (1993), which postulates an initial rise in migration as a result of increased trade, but which will taper off in the long run. However, the issue must be examined according to the three migration subsystems presented at the beginning of this paper. In fact, it is difficult to expect a sudden change in the direction of migration flows within the region. In that regard, not much is expected in the short term in the North ASEAN subsystem, as AFTA is not yet applicable to the countries of origin in that subsystem. Likewise, the Eastern Malaysia subsystem, where trade is not that significant, will not be very affected by the implementation of AFTA. The most significant change might occur in the Malay Peninsula subsystem, which has at its core Malaysia and Singapore, the two countries with the highest volume of trade (together they account for almost

[2] For a comprehensive discussion of the issue see Stalker (2000).

70 percent of exports within ASEAN – Table 7). However, both countries have toughened their migration policies. It must be remembered that globalisation implies free circulation of goods, capital and services, but not free circulation of labour. Although this might appear as a contradiction of the system, security concerns after September 11 have reinforced migration controls and the potential impact of trade in the short run will be offset by migration policies, to the extent that they are enforceable.

### c. Unauthorised migration and migration policies

Policies of ASEAN countries to control unauthorised migration deal with various aspects of the phenomenon. Countries of destination have addressed in particular border controls, sanctions against the employment of unauthorised migrants and reducing the number of unauthorised migrants through registration and repatriation. Penalties were increased for offenders, whether they are migrants, intermediaries or employers. Singapore went farther, by addressing also the harbouring of unauthorised migrants. Homeowners who provide lodging to unauthorised migrants can be put in jail. Of all the measures, however, the one that is not implemented with sufficient resolve is the inspection of job sites and imposing penalties on employers who hire unauthorised migrants. It appears particularly evident in Thailand and Malaysia that some sectors – small industries such as fisheries and plantations – have become dependent on unauthorised labour. Employers are reluctant to assume the added labour costs that derive from regularised migration. When it is enforced, migrants end up at the losing end, as they are laid off or costs are passed on to them. Another aspect that is insufficiently addressed is migration enforcement, where corruption is said to be rampant.

Countries of origin have attempted to address illegal recruitment as a crucial node in the unauthorised migration process. However, the balance between the interests of government, private sectors and migrants does not necessarily intersect at zero irregularity level. Ideally, recruiters should be the most adamant against unauthorised migration, as it translates into a loss of revenues for them. In fact, they are involved in it, sometimes directly and sometimes in cooperative schemes with illegal recruiters. Governments of origin do not favour unauthorised migration, but ultimately they see it mostly as a problem of the countries of destination. The volume of migrants' remittances constitutes valuable contributions to their countries' economic well-being (Table 6). As for migrants, unauthorised migration offers some short-term advantages (the most important one being fast deployment), hence their readiness to resort to it in spite of long-term problems.

A regional perspective on unauthorised migration has been attempted at in the region. In the mid-1990s a dialogue on unauthorised migration among Asian countries was initiated in Manila, and it was since called the Manila Process. In 1999 a ministerial conference was organised in Bangkok and it ended with the Bangkok Declaration, highlighting commitments to cooperate in addressing

unauthorised migration. The Asian Regional Initiative Against Trafficking (ARIAT) was held in Manila in March 2000 on the initiative of the US and Philippine governments to establish programmes and modes of cooperation to combat trafficking in women and children. The latest of these regional initiatives was the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime convened by the governments of Australia and Indonesia on 26-28 February 2002. It predictably ended with a low profile Co-Chairs' Statement, reiterating the need to share information and coordinate efforts. All these initiatives were useful to further the discussion but ineffective in eliciting specific commitments from participating governments.

What is difficult to assess is why, in spite of all the various measures, unauthorised migration continues to prosper. To some extent it has to do with insufficient implementation. But it also needs to be seen against a larger perspective. On the one hand, migrants are a by-product of globalisation, which disrupts national labour markets and re-directs workers to internationalised labour markets; on the other hand, migrants are excluded from globalisation, as they are not free to move where productivity is higher. Unauthorised migration could be considered as the response of workers to regulations of manpower, which in the time of globalisation remains strictly local. The ultimate solution, deregulating migration in favour of the free circulation of labour, might appear as utopia for now. However, the economic integration envisaged in ASEAN cannot be successful until migrant labour is factored into it.

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**Table 1: ASEAN: Selected social and economic indicators, 2001.**

| | Population (thousands) | Unemployment Rate [1] (%) | Rate of GDP Growth [2] (%) | GDP per capita (US $) | Inflation Rate [2] (average period, %) | Trade Balance (US$ m) |
|---|---|---|---|---|---|---|
| **Brunei** | 346 | n/a | 2.97 | 14,094 | 1.08 | 1,869 |
| **Cambodia** | 13,441 | n/a | 4.5 | 289 | -0.79 | -245 |
| **Indonesia** | 214,840 | 6.2 | 4.77 | 723 | 3.77 | 25,087 |
| **Lao PDR** | 5,403 | n/a | 5.74 | 315 | 23.16 | -87 |
| **Malaysia** | 23,639 | 3.1 | 8.54 | 4,016 | 1.56 | 20,926 |
| **Myanmar** | 48,364 | n/a | 6.23 | 155 | 3.4 | -797 |
| **Philippines** | 77,131 | 11.2 | 3.95 | 990 | 4.4 | 6,915 |
| **Singapore** | 4,148 | 3.1 | 9.89 | 25,864 | 1.35 | 11,400 |
| **Thailand** | 62,968 | 3.2 | 4.31 | 1,986 | 1.56 | 5,519 |
| **Viet Nam** | 79175 | 7 | 6.75 | 396 | -0.6 | 628 |
| **ASEAN** | 529,455 | - | 5.41 | 1,121 | 2.7 | 71,215 |

[1] 1999 figure; [2] As a proxy, ASEAN rate of GDP growth and ASEAN Inflation rate are computed as a weighted average of its 10 member countries' figures using PPP-GDP of the IMF-WEO of May 2001 as the weight.
Source: ASEAN Secretariat, ASCU Database, www.aseansec.org, last updated: 17 May 2001.

**Table 2: Stock of authorized migrants in selected AESAN countries (thousands)**

| From \ To | **Thailand[1]** | **Malaysia[2]** | **Singapore[3]** |
|---|---|---|---|
| **INDONESIA** | | 517.8 | 165.6 |
| **Philippines** | | 30.5 | 99.3 |
| **Thailand** | | 2.9 | 99.3 |
| **China** | | | 76.2 |
| **Bangladesh** | | 129.0 | |
| **Myanmar** | 447.1 | | |
| **Other** | 112.5 | 22.1 | 304.6 |
| **Total Migrants*** | 559.6 | 702.3 | 745.0 |

*Source*: [1] Registered during September – October 2001 (*AMN* October 31, 2001); [2] February 2000 (Battistella, 2001); [3] 2000 (*AMN* August 31, 2001). Distribution recalculated based on ILO estimates, 1998).
*Note*: * Includes also non-Asians

**Table 3 - Estimate of unauthorized migrants in selected Asian countries**

| To<br>From | Malaysia[1] | Singapore | Thailand[2] |
|---|---|---|---|
| **Bangladesh** | 81,000 | | |
| **Myanmar** | | | 421,719 |
| **Cambodia** | | | 42,119 |
| **Indonesia** | 333,000 | | |
| **Philippines** | 9,000[3] | | |
| **Others** | 27,000 | | 56,159 |
| **Total** | 450,000 | 350,000[4] | 520,000 |

*Source:* [1] Estimate from *AM*, March 2002; [2] Estimate from AMN October 31, 2001; [3] Add approximately 150,000 Filipinos still irregular in Sabah; [8] Dawes, 2001.

**Table 4: Deployed Overseas Filipino Workers to ASEAN, 1990-1998**

| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998* | 1999 | 2000 | 2001 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Brunei** | 4,206 | 8,738 | 10,865 | 10,960 | 9,731 | 6,807 | 7,651 | 9,594 | 16,264 | 12,978 | 13,649 | 13,068 |
| **Cambodia** | 2 | 10 | 5 | 28 | 74 | 130 | 483 | 293 | 179 | 224 | 355 | 524 |
| **Indonesia** | 332 | 639 | 760 | 812 | 922 | 1,225 | 1,497 | 2,031 | 2,471 | 1,706 | 1,507 | 1,411 |
| **Laos** | 0 | 1 | 1 | 11 | 26 | 118 | 96 | 82 | 63 | 82 | 118 | 174 |
| **Malaysia** | 4,397 | 5,361 | 7,095 | 12,409 | 11,674 | 11,622 | 12,340 | 13,581 | 7,132 | 5,978 | 5,450 | 6,228 |
| **Myanmar** | 1 | 6 | 34 | 1 | 9 | 7 | 73 | 92 | 153 | 96 | 153 | 215 |
| **Singapore** | 4,698 | 7,697 | 8,656 | 11,568 | 11,324 | 10,736 | 15,087 | 16,055 | 23,175 | 21,812 | 22,873 | 26,305 |
| **Thailand** | 33 | 43 | 109 | 278 | 442 | 748 | 916 | 1,269 | 1,384 | 1,014 | 1,015 | 2,056 |
| **Vietnam** | 148 | 173 | 42 | 458 | 593 | 603 | 800 | 718 | 802 | 531 | 494 | 549 |
| **Total** | 13,817 | 22,668 | 27,567 | 36,525 | 34,795 | 31,996 | 38,943 | 43,715 | 53,621 | 46,420 | 47,614 | 52,531 |
| **Total deployment** | 446,095 | 612,019 | 686,371 | 696,630 | 719,602 | 654,022 | 660,122 | 747,696 | 831,643 | 837,020 | 841,628 | 866,590 |

* From 1998 deployment data are derived from actually departures at the airport.
Source: Philippine Overseas Employment Administration (POEA), www.poea.gov.ph

**Table 5: Annual outflow of migrant workers from selected Asian countries: 1990-2000 (thousands)**

| Year | Indonesia[1] | Philippines[2] | Thailand[3] |
|---|---|---|---|
| **1990** | 86.3 | 334.8 | 63.2 |
| **1991** | 149.8 | 486.3 | 63.8 |
| **1992** | 172.2 | 549.7 | 81.7 |
| **1993** | 160.0 | 550.9 | 137.9 |
| **1994** | 176.2 | 565.2 | 169.7 |
| **1995** | 120.9 | 488.6 | 202.3 |
| **1996** | 517.3 | 484.7 | 185.4 |
| **1997** | 235.3 | 559.2 | 183.7 |
| **1998** | 411.6 | 562.4 | 175.4 |
| **1999** | 427.6 | 640.3 | 202.4 |
| **2000** | 339.0 | 643.3 | 193.0 |

*Source*: [1] Indonesian Manpower Dept. 2000; [2] POEA www.poea.gov.ph; [3] Soonthorndhada 2001.

**Table 6: Remittances to selected Asean countries: 1990- 1999 (million US$)**

| | Burma | Indonesia | Philippines | Thailand |
|---|---|---|---|---|
| **1990** | 6 | 166 | 1,465 | 973 |
| **1991** | 2 | 130 | 1,850 | 1,019 |
| **1992** | 0 | 229 | 2,537 | 445 |
| **1993** | 28 | 346 | 2,587 | 1,112 |
| **1994** | 42 | 449 | 3,452 | 1,281 |
| **1995** | 81 | 651 | 5,360 | 1,695 |
| **1996** | 122 | 796 | 4,875 | 1,806 |
| **1997** | 147 | 725 | 6,799 | 1,658 |
| **1998** | 136 | 959 | 5,130 | 1,424 |
| **1999** | 138 | 1,109 | 6,896 | 1,460 |

Source: http://migration.ucdavis.edu

**Table 7: Share of intra-ASEAN import-export (selected countries)**

| | | Brunei | Indonesia | Malaysia | Philippines | Singapore | Thailand |
|---|---|---|---|---|---|---|---|
| **1993** | Import | 2.3 | 6.9 | 23.0 | 4.9 | 48.4 | 14.6 |
| | Export | 1.1 | 11.4 | 29.7 | 1.8 | 42.1 | 13.8 |
| **1994** | Import | 2.1 | 7.0 | 23.3 | 5.3 | 47.3 | 15.1 |
| | Export | 0.8 | 10.0 | 26.0 | 2.4 | 47.1 | 13.6 |
| **1995** | Import | 1.9 | 7.9 | 23.4 | 4.6 | 45.8 | 16.5 |
| | Export | 0.8 | 9.2 | 26.3 | 3.4 | 45.3 | 15.1 |
| **1996** | Import | 4.4 | 8.6 | 22.9 | 6.2 | 42.6 | 15.2 |
| | Export | 0.6 | 10.3 | 28.0 | 3.7 | 42.5 | 15.0 |
| **1997** | Import | 1.5 | 8.4 | 23.0 | 7.5 | 47.0 | 12.6 |
| | Export | 0.6 | 10.4 | 27.2 | 4.0 | 41.9 | 15.8 |
| **1998** | Import | 1.1 | 8.8 | 25.1 | 8.6 | 45.8 | 10.5 |
| | Export | 0.3 | 13.5 | 31.2 | 5.5 | 37.5 | 12.0 |
| **1999** | Import | 1.6 | 8.4 | 21.9 | 7.9 | 46.2 | 14.1 |
| | Export | 0.5 | 11.1 | 29.3 | 6.7 | 39.2 | 13.3 |
| **2000*** | Import | 0.8 | 9.8 | 23.0 | 7.2 | 48.1 | 11.1 |
| | Export | 0.7 | 12.0 | 27.0 | 6.6 | 41.8 | 11.9 |

* From January to September only.
Source: ASEAN Secretariat, ASCU Database, www.aseansec.org, last updated: 17 May 2001