EXECUTIVE SUMMARY

Background

High levels of irregular or unauthorized migration have accompanied the rise of intraregional migration in Southeast Asia. During the period of economic expansion, irregular migrants moved to the more prosperous economies to take up jobs vacated by the local population and were generally tolerated. The recession in the mid-1980s brought out concerns about the negative impacts of irregular migration. The concerns were rekindled during the economic crisis of 1997, which prompted Malaysia, Thailand and Singapore to tighten their policies against irregular migration. This meant tighter border controls, more punitive sanctions against immigration violators, and in the case of Malaysia and Thailand, undertaking massive repatriation of irregular migrants. The 1997 crisis, however, underscored that the repatriation of irregular migrants did not solve domestic unemployment. Malaysia and Thailand were confronted with a situation of high unemployment simultaneous with labor shortage in the sectors where migrants worked. Meanwhile, in the countries, particularly in the Philippines, policies and measures were also put in place to prevent irregular migration, specifically the illegal recruitment of migrant workers. By themselves, preventive approaches taken by countries of origin, and border control and sanctions undertaken by countries of destination proved to be limited in curbing irregular migration. The rise in trafficking in persons, especially women and children, has also added to the resolve of forging a regional approach to migration.

Although there had been many studies on migration in Asia, and in Southeast Asia in particular, very few focused specifically on irregular migration. In examining the issue, we have to recognize that historically, present-day migration is preceded by centuries of population exchange within the region. In more contemporary times, globalization has generated processes that encourage migration, but the control exercised by nation-states over their borders has led to various outcomes, including irregular migration. In framing the study, we considered both countries of origin and destination, and we examined irregular migration alongside legal migration.

To advance our understanding of irregular migration beyond the descriptive stage, this study pursued the following objectives:

- To review existing migration policies both in the countries of origin and countries of destination.

- To examine specific policies against irregular migration in both countries of origin and countries of destination.

- To investigate the dynamics of irregular migration, particularly the role played by employment agencies and intermediaries, both in the countries of origin and in the countries of destination.

- To explore the employment mechanisms of irregular migrants and the living and working conditions they encounter.
Ultimately, it is envisaged that policy implications of the findings will be discussed with policy makers and civil society as inputs in developing more responsive policies and programs.

Overall coordination of the project was provided by the Scalabrini Migration Center, with country-based investigators carrying out the project in the different sites. The project chose two countries of origin, the Philippines and Indonesia, and two countries of destination, Malaysia and Thailand, to analyze irregular migration from the perspective of countries of origin and countries of destination. The selected countries also offer interesting points for comparative purposes. The Philippines and Indonesia differ in terms of the extent of irregular migration and the regulation of the migration industry. The irregular outflows from Indonesia are believed to be larger than the legal flows; in contrast, the legal flows in the Philippines are quite substantial, i.e., averaging about 800,000 migrant workers annually. The migration industry is extensive in both countries, but it is more highly regulated in the Philippines while in Indonesia there are considerable overlaps between the migration industry and the informal migration industry of community-based middlemen, brokers and personal/family networks. As for the countries of destination, Malaysia represents the core in maritime Southeast Asia, while Thailand is the primary destination in mainland Southeast Asia, hence providing a perspective of destination countries with sea and land borders. One other contrast is the significance of the formal channel of recruiting migrant workers. In the case of Malaysia, the legal channel occurs alongside or parallel to the irregular channel, whereas in Thailand, the system is virtually non-existent. What has been offered in Thailand up until 2001 was the opportunity for migrants already in the country to be registered, i.e., if their employers register them.

A review of the literature and migration policies was undertaken as the first major activity of the project. The survey was the main instrument for data collection in all four countries. At least 100 migrant workers were targeted per country. All the four countries met this requirement; in Thailand, the migrant workers interviewed numbered 327. All four countries experienced difficulties in recruiting respondents. There were no existing data that could be used as a sampling frame for selecting migrants. In most cases, the selection was purposive, usually starting out with cases of migrants known to have engaged in irregular migration, and expanding the pool of respondents through snowball sampling. The selection process in Thailand was guided by some estimates of migrant workers in different sectors. In addition, data and interviews with key informants in recruitment agencies and middlemen and brokers were undertaken in the Philippines and Indonesia, while Thailand collected additional information from employers and key informants in government agencies and NGOs in the sampled provinces. Data collection in the four countries mostly took place in the last quarter of 2000.

Findings

Following are comparative highlights from the four-country study:

- Both legal and irregular channels of labor migration operate in the Philippines and Indonesia. The Philippines has a more codified system of regulating the migration industry, deployment and protection of migrants compared to Indonesia. The protection of Filipino migrants is elaborated in the Migrant Workers and Overseas Filipinos Act of 1995 (or RA 8042) and is supported by programs spanning the pre-departure, on-site and return migration of Filipino workers. Pre-departure information/education programs on migration are the major thrusts of polices to prevent irregular migration. Regulations and pre-departure programs are not
institutionalized in the same degree in Indonesia. The Indonesian system of formal recruitment has been characterized as lengthy and costly, involving many procedures which are not generally known to applicants, hence the recourse to local or community-based middlemen and brokers.

- The scale, destinations and composition of irregular migration vary in the two countries. In Indonesia, the magnitude of irregular migration is larger than regular migration. Estimates on irregular migration indicate that the flows are mostly to Malaysia, and most of the migrants are male (in contrast, women predominate in the legal flows). In the Philippines, although stock estimates suggest that the irregular component is substantial, irregular migration is smaller compared to the population of legal migrants. Irregular migrants from the Philippines are distributed in more diverse destinations compared to their Indonesian counterparts. Data from the surveys in Indonesia and the Philippines showed that irregular migrants from Indonesia were mostly male, while in the Philippines, about half of the irregular migrants were female.

- The form and extent of irregular migration also varies between the two countries. In Indonesia, the most common type of irregular migration was undocumented migration, mostly to Malaysia. In the Philippines, many of the respondents in the survey had experienced both authorized and unauthorized migration. The most common violations were the use of a non-working visa and overstaying. These two come together, as tourists or trainees eventually overstay beyond the terms of their visas (in the case of trainees, they run away from their sponsors and overstay). The other violations were less common: altering personal information in securing travel or work, leaving as undocumented workers was very particular to those who went to Sabah, Malaysia, and running away. In contrast to Indonesian respondents, most of the respondents in the Philippine survey carried travel or work documents when they left for abroad.

- In both the Philippines and Indonesia, the social milieu, from the government to the family, is encouraging of overseas migration. Despite government and NGO efforts in disseminating migration information in the Philippines, respondents tended to access information primarily from recruitment agencies, and secondly, from their social networks. In Indonesia, the availability of migration and sources of information may be changing. In past studies, prospective migrants relied heavily on middlemen and brokers for information concerning migration, but respondents in the surveys in Indonesia and Malaysia were more likely to mention social networks as information providers. Brokers and middlemen, however, continue to provide “services” in organizing the journey to Malaysia.

- In both the Philippines and Indonesia, social networks can be observed to interface with other actors or institutions in the process of migration - with middlemen and brokers in Indonesia, and with recruitment agencies in the Philippines. Given the different migration environments in the two countries, preparing to go abroad poses different problems to migrants. Indonesian respondents mentioned finding fixers as the most difficult problem they encountered prior to departure; among Filipino respondents, the topmost problem was raising the placement fee. Although migration entails costs, studies in Indonesia, including the present one, indicated that money is not a major hindrance as loans can be accessed at the village level. Fixers are indispensable in Indonesian migration to Malaysia as they provide an array of services – from advancing money, to arranging transport, to escorting the migrants to Malaysia, and to finding a job in Malaysia. With their knowledge of routes and contacts in Malaysia, fixers do away with the
other requirements of legal migration – documents, training, waiting time. In the Philippine survey, migrants generally complied with the fees required by the recruitment agencies.

- In both countries of origin, the media often carry reports of migrants being victimized by recruitment agencies and brokers. Fewer Indonesian respondents considered themselves as victims of irregularities compared to Filipino respondents. While the state may regard the middlemen and brokers as “illegal,” the view from below is different. To some extent, respondents in the Philippine study held the same view about recruiters, i.e., as people who facilitate their migration. In the Philippines, though, more migrants reported having been victimized. In a way, the outcome for the perpetrators is similar. Even if more Filipino respondents reported being victimized (as well as knowing of other migrants who had been victimized by recruiters), only a few pursued cases against recruiters.

- The two countries of destination attract migrants coming from neighboring countries: at least 70 percent of migrants in Malaysia come from Indonesia; in Thailand, about 80 percent of migrant workers come from Myanmar. Both countries found themselves having to deal with a large number of irregular migrants already present in their respective territories, which preceded the development of migration policies and regulations.

- The surveys in Malaysia and Thailand highlighted the heterogeneous make-up of migrants who are otherwise simply categorized as “Indonesians” or “Burmese.” In the case of Indonesian migrants in Malaysia, the survey identified three migration patterns by ethnicity, which were associated with specific modes of societal integration in Malaysia. In Thailand, although Burmese migrants come from three major ethnic groups – Burmese, Mon and Karen – ethnicity did not play as much a role in their insertion in Thai society. Rather, the more significant factors are their location, i.e., whether they are in a border province or more inward, and the local politics.

- Both Malaysia and Thailand had implemented various repatriation programs, but these have not been successful in reducing the level of irregular migration. In both countries, migrants had formed their own communities and had managed to settle despite the many constraints. The poor working and living conditions of migrants confirm the benefits of irregular migration to employers. In Thailand, the academic community and NGOs have expressed concern about the situation of the children of migrant workers who do not have access to education and health.

- The issue of protection of migrants has not been a priority in the migration policies of Malaysia and Thailand. The objectives of registration exercises aim to control the number of migrants and to better monitor their whereabouts within the country. In Thailand, registered workers did not think that their situation was any better compared to non-registered workers. Migrants saw registration as burdensome, particularly as they had to shoulder the registration fees, and in the case of workers in Malaysia, they had to assume the costs of the levy as well. Registration does not also ensure that migrants can be monitored, as the state intended to, because migrants may slip into irregular status (e.g., by running away). Threats of being harassed or being rounded up and deported are a constant in the lives of irregular migrants.
In both countries, illegal activities and corruption accompanied irregular migration, although the perpetrators were not necessarily migrants. In Malaysia, businesses producing fake documents flourished; employers and/or migrants were also known to have “bought” police protection. In the Thai study, local crime syndicates were known to engage in extortion activities, victimizing migrants. In general, there was not much contact between the migrant workers and the local population; similar findings were reported in the surveys in Indonesia and the Philippines.

For Further Reflection and Action

An earlier examination of irregular migration in Southeast Asia noted that much of irregular migration is a continuation of traditional migrations (IOM, 1999). As this study showed, with exception of the Philippines, most irregular migration in Southeast Asia involves cross-border movements which have been in existence for a long time. Against this background and the demand for migrant workers, particularly irregular migrant workers in the more developed side of the border, the prevailing notion of controlling migration will have to open up to a more comprehensive and more regional view of cooperation and responsibility sharing. The human rights of migrants cannot be avoided indefinitely, particularly as other processes and future trends point to greater integration of the region’s economies. The findings of the study point to the necessity and urgency to overcome the fragmentation of uncoordinated approaches toward migration. The study confirmed that both authorized and unauthorized migrations have similar determinants and processes, and that authorized and unauthorized migrants are similar, except in terms of access to channels of migration. Migration approaches that ignore human rights and globalization realities are only likely to benefit recruiters, brokers, traffickers, employers, and even states, while leaving migrants vulnerable to abuse and insecurity.