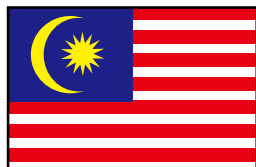


MALAYSIA



AMY Map by Boyvet Rivera III

A. Total Stock (Number) of Migrants, as of 2005

MIGRANTS ABROAD	
ESTIMATED STOCK: MIGRANTS OUTSIDE THE COUNTRY	
TOTAL	-
a. By visa status	Documented migrant workers*
	Emigrants/residents
	Undocumented migrants**
	Refugees***
	394
b. By sex	Male
	Female
c. Top destination countries	1. 6.
	2. 7.
	3. 8.
	4. 9.
	5. 10.

MIGRANTS IN MALAYSIA	
ESTIMATED STOCK: MIGRANTS IN THE COUNTRY	
TOTAL	-
a. By visa status	Documented migrant workers*
	Emigrants/residents
	Undocumented migrants**
	Refugees***
	33,693
b. By sex	Male
	Female
c. Top countries of origin	1. Indonesia 6. Cambodia
	2. Philippines 7. Thailand
	3. Nepal 8. Sri Lanka (3,556)
	4. India 9. Bangladesh
	5. Vietnam 10. China

* Non-resident, temporary, or contract workers.

** Includes illegal entrants, overstayed or "jumped" visas, trafficked/smuggled people

*** As defined by the government, or in accordance with the UN refugee convention.

B. Annual Socio-Economic Data and Migration Flow

Annual indicators	2005	2004	2003	2002	2001	2000
Population (million;)	23.95		25.05	24.53	23.80	
% population living in rural areas					41.9	
Economic growth: real GDP (%)	5.1		4.0	4.1	0.4	8.3
Per capita GDP (US\$)			4,187		3,699	
Per capita GDP: purchasing power parity (US\$)	10,400				8,750	
Inflation rate: CPI (%; annual ave.)	2.9				1.4	1.5
Exchange rate: (MYR per US\$; annual ave.); govt pegged since 1998	3.78	3.80	3.80	3.80	3.80	3.80
International reserves (US\$ billion; yearend)					30.53	29.58
Foreign direct investments: actual (US\$ billion; yearend)						1.66
Trade balance (US\$ billion; yearend)						
Foreign (total external) debt (US\$ billion; yearend)	56.720				44.70	41.797
Foreign (total external) debt as % of GNP						50.7
Budget balance (US\$; yearend)						
Budget deficit as % of GDP						
Labor force (million)	10.67		11.00		9.90	9.60
Women as % of labor force			38.0			
Number unemployed (thousand)						
Unemployment rate (% of labor force)	3.6		3.8		3.7	2.8
Underemployment rate (% labor force)						
Women unemployment rate (% of labor force)						
Average income (US\$/month)						
Average income: women (US\$/month)						
Adult literacy rate (% of age 15 & above who can read/write)				88.7	87.9	
Net migration rate (net # of migrants per 1,000 popn)	0.00			0.00		0.00
Annual outflow/deployment of MWs						
% women in the annual outflow						
Annual inflow of MWs						
% women in the annual inflow						
Annual migrants' remittance (US\$ billion/yr)						
Reported # of migrant deaths during the year						
Estimated # deported during the year						
Jailed/detained during the year						
HIV/AIDS adult prevalence rate (adult PLHA as % of adult popn)		0.40		0.35		
# People living with HIV/AIDS (thousand)			52,000.0		52.0	
# AIDS deaths during the year (adults+children)			2,000		2,000	
Cumulative #: HIV/AIDS cases among migrants (living+died)						

AMC Information Bank

Sources: CIA World Factbook, UN/ILO/UNDP statistical yearbooks/websites.



Photo courtesy of Migrant Care

Indonesians demonstrate their outrage at the abuse of domestic worker Ceriyati at the hands of her Malaysian employer, which forced her to make a dangerous escape attempt.

MALAYSIA

This report was compiled with the assistance of information provided by Charles Hector.

Political and Economic Update

When Datuk Seri Abdullah Ahmad Badawi became the new Prime Minister, he portrayed a “Mr. Clean” image, with a commitment to fight graft and corruption. He also gave the impression that he was different from his iron-fisted predecessor, and would allow for greater freedom and human rights in Malaysia. As time passed, however, there appeared to be no meaningful change in government, with the Deputy Prime Minister just taking over where the old Prime Minister left off. It became increasingly evident that the new leader was just a new face carrying out the

same old system.¹

When at first a few businessmen and politicians were charged for corruption, Malaysians were hopeful that those previously “above the law” would finally be brought to justice, and the widespread corruption would be weeded out from Malaysian society. The Federal Territories Minister, Isa Samad, was suspended for vote buying, becoming the highest ranking official to be disciplined in the Badawi government’s otherwise unremarkable anti-corruption campaign. All hopes were dashed, however, when allegations of corruption and nepotism began to surface. A now Vice President of UMNO was caught at the international airport and charged in Australia for trying to smuggle in large amounts of monies, but no action at all was taken by the Malaysian authorities. Badawi’s relatives were implicated in the Iraq oil-for-food scandal – but then there was no whisper of any action being taken against them in Malaysia.

Moreover, Badawi received criticism from human rights groups for not improving the country's rights record. SUARAM, a Malaysian human rights group, criticized the state's strict media censorship, bans on opposition gatherings, as well as the continued usage of the laws authorizing detention without trial or charge.² At the end of the day, rights groups felt that Datuk Seri Abdullah Ahmad Badawi seemed to be all talk and no action.

On November 24, 2005 a video clip showing a naked woman doing squats in the nude while a policewoman watches caused a public outcry. The clip was shown by DAP MP Teresa Kok on her laptop in the Parliament lobby. Prior to this, it had been reported in the media that three female tourists from China alleged that they were detained by police and taken to the Petaling Jaya police station where they were forced to strip. The public outcry finally ended with the Yang di-Pertuan Agong setting up an independent commission to investigate the incident. The five-member commission wrapped up its inquiry in December, stating that the woman on the video clip was not a Chinese national but a Malaysian, and made several recommendations, including reiterating the call of the earlier Royal Commission for the establishment of the IPCMC as soon as possible.

One of the other early moves that Datuk Seri Abdullah Ahmad Badawi took was to set up the Royal Commission to Enhance the Operation and Management of the Royal Malaysian Police. This commission conducted an in-depth assessment and finally published a 607-page report on May 16, 2005 containing 125 recommendations on reforming Malaysia's police force.

Setting up the Independent Police Complaints and Misconduct Commission (IPCMC) was seen as the most important of these recommendations. Due to public perception of widespread corruption within the police force, and extensive and consistent abuse of human rights and non-compliance with prescribed laws by the police, Malaysians

welcomed the idea of setting up the IPCMC. Although Badawi promised to establish the commission, the deadline for a fully operational IPCMC as proposed by the Royal Commission passed without fruition, and even the Bill on the IPCMC has not yet been tabled in Parliament. One major opposition group was the police force itself; later on the police began receiving support from some of the Barisan Nasional (the ruling coalition) politicians, as well.

In September 2004, Ibrahim Anwar's sodomy conviction was overturned by the appellate court on the grounds of inconsistencies in the prosecution's case. Anwar's release from prison was seen as a positive step by many human rights groups; arrested in 1998 and ultimately convicted on charges of corruption and sodomy, his multiple trials and appeals were said by human rights groups to be marked by due process violations, while the independence of the judicial system was also called into question. Despite this, Anwar is barred from participating in politics until 2008 according to Malaysian law. Since his release he has held various teaching positions and has done the lecture circuits, but many of his followers are anticipating his return to politics.

The year 2004 saw border difficulties with Thailand. In October 2004 Malaysia initiated infrastructure improvements along the border with Thailand to increase economic activity and facilitate travel.³ However, tensions arose between the governments in late 2005 when an increasing number of Thais tried to enter Malaysia, fleeing violence in southern Thailand. The Malaysian government increased military personnel along the border to stop Thai militants from entering the country, and denied entry to some 6,000 undocumented Thais.⁴ In August, 131 Thai Muslims crossed into Malaysian territory and were taken in as refugees. Thailand wanted their immediate return, and took offense when Malaysian officials sought assurance that the refugees' rights would be respected upon return.⁵ The governments eventually negotiated

the return of the refugees in December at an APEC summit, four months after they had entered the country.⁶

In January 2005, Singapore and Malaysia agreed to end a two year border dispute. The dispute began at the end of 2002 when Singapore began reclamation work in the Johor Strait, which the Malaysian government argued would impair maritime trade. Cross-border pollution continues to plague Malaysia, and the government had to announce a state of emergency after fires lit in Indonesia caused dangerous levels of air pollution in August 2005. Schools were closed and businesses shut down in the worst case of air pollution since 1998.

Malaysia's GDP grew 5.2% in 2005, significantly lower than the 7% growth seen in 2004. Malaysia also unpegged its currency, the ringgit, from the US dollar in 2005.⁷ In regard to trade, Malaysia signed a bilateral free trade agreement with Japan, making it only the third country to do so. One major point of the deal is an agreement to open the previously-protected Malaysian car market to Japanese companies, and eventually eliminate tariffs on Japanese cars. In exchange, Japan will help train Malaysian car workers.⁸

Malaysia now bears the distinction of having one of the worst income disparities in Southeast Asia, according to a United Nations report. At the same time, it is at the threshold of achieving developed nation status.⁹ The United Nations Human Development Report 2004 shows the richest 10% in Malaysia earn 22.1 times more than the poorest 10%. World Bank data also supports this, indicating that individual inequality in Malaysia as measured by the common Gini coefficient is the second worst in all of the Asian countries for which data is available. Only Papua New Guinea ranks worse. The country's income gap is higher than Singapore (17.7 times), the Philippines (16.5), Thailand (13.4), Vietnam (8.4) and Indonesia (7.8). According to the report, the richest 10% in Malaysia controls 38.4% of the country's

economic income as compared to the poorest 10% controlling 1.7%.

Over the past 30 years, however, Malaysia has made great strides in slashing absolute poverty, from 58.6% of families in rural areas and 24.6% in urban areas in 1970 to 11.4% for rural areas and 2% for urban areas in 2002. Nevertheless, the figure has been criticized as the poverty line is fixed at MYR529 in Peninsular Malaysia, MYR600 in Sarawak and MYR690 in Sabah, for each family - an amount considered to be far too low, particularly in relation to those living in urban areas. In 2005, this Gross Poverty Line Income (PLI) was revised at last; poverty lines were adjusted MYR634 (Johor) to MYR888 (Sabah), and from MYR367 (Perlis) to MYR503 (Sabah) for the hardcore poverty category, but even these new figures are too low considering the ever rising cost of living and inflation.

Migration Update

Migrants in Malaysia

The total number of migrant workers in Malaysia can only be estimated, and reports vary depending on the source. AFP reports that migrant workers make up 2.6 million of Malaysia's 10.5 million strong labor force,¹¹ for example, while official government estimates set the number of documented migrant workers in Malaysia at 1.8 million.¹² 15 countries now supply workers in various employment sectors in Malaysia, with the largest number coming from Indonesia (1.2 million) followed by Nepal, which provides 170,000 workers.¹³ Other sending countries include India, Sri Lanka, Bangladesh, Pakistan, Burma, Thailand, Vietnam, Timor Leste and the Philippines. In the plantation sector, some 85% of workers are migrants, mostly from Indonesia.¹⁴

The government also estimates¹⁵ that there is an equivalent number of irregular (or undocumented) migrant workers in Malaysia, which would mean around 1.8 million irregular

Malaysia Significant Events July 2004 - December 2005

2004

September

Malaysia's former deputy Prime Minister is released from jail following a ruling on his sodomy conviction.

December

(26) The Asian tsunami devastates Southeast Asia. Malaysia postpones deportation of thousands of irregular migrants to affected countries.

2005

January

(14) Singapore and Malaysian governments agree to end a two year old border dispute. The dispute began at the end of 2002 when Singapore began reclamation work in the Johor Strait, which the Malaysian government argued would impair maritime trade.

February

(20) After a meeting between the Malaysian and Indonesian heads of state, the Indonesian government withdraws its threat to sue Malaysian employers who owed back wages to Indonesian migrant workers.

March

(31) Prime Minister Abdullah Badawi announces his five year "Malaysia plan" which invests more money in education and rural development.

April

(12) Indonesia calls on the Malaysian government to abolish the law that allows undocumented migrants to be caned. The Malaysian Bar Council echoes the call, but the government defends its use as a matter for courts to decide.

June

(25) The Federal Territories Minister, Isa Samad, is suspended for vote buying. He becomes the highest ranking official to be disciplined in the Badawi government's otherwise unremarkable anti-corruption campaign.

August

(11) Malaysia announces a state of emergency after fires lit in Indonesia caused dangerous levels of air pollution. Schools are closed and businesses shut down in the worst case of air pollution since 1998.

November

(25) A police video is released that shows a Chinese woman being forced to strip and perform squats. The video raises concerns about police behavior and the government announces an investigation.

Sources: BBC News, Scalabrini Asian Migrant News, The Economist

workers. Some migration experts believe that the actual number of irregular migrant workers in Malaysia is about 5 million.¹⁶ This higher estimate is supported by the fact that in 2004, according to official entry-exit records 5,852,997 persons or 38% of the total arrivals overstayed their visas, and further supported by the fact that most undocumented migrants enter Malaysia outside of official entry-exit points.

Reducing Dependency on Migrant Labor

Although Malaysian industries have a demonstrated need for migrant workers, the government continued its efforts to reduce the number of migrants. In July 2004, the Works Ministry announced a plan imposing limitations on migrant workers. The plan would reduce the number of foreigners working in construction by 85% by the year 2009.¹⁷ Similarly, the

government shortened the duration of work permits issued to foreigners in the agricultural, industrial and construction industries. Workers are now allowed to work in the country for only three years, whereas before they could stay for six to seven. The regulations are retroactive, so any worker already in the country for three years or longer cannot extend their permit. The government assumed that native Malaysians would fill the gaps left by regulatory measures aimed at thinning out migrant labor.¹⁸

Moreover, the Human Resources Ministry proposed amending the Employment Act to require companies in the manufacturing and service sectors to employ no less than 51% Malaysian workers. The amendment would also require firms in these sectors to advertise jobs in newspapers to attract more native Malaysians.¹⁹ This proposal is yet to be given effect.

In late 2004, the Human Resources Ministry pushed for participation by Malaysian workers in subsidized skills training courses so they can fill jobs in sectors where migrants predominate. 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.²⁰

Despite these efforts, however, a year later the Human Resources Ministry announced it would accept foreigners from Cambodia, Vietnam, Thailand,²¹ and Burma as trainees at skills institutes. At the same time, the 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.²²

Amnesty Period and Deportation of Undocumented Migrants

The Malaysian government, eager to institute

a MyKad identification system to regulate migrants in the country, began planning a nationwide roundup and deportation of irregular migrants in July 2004. Unregistered migrants would be forced to leave the country, and register upon return.²⁴ The Malaysian public welcomed the crackdown amid media hype that migrant workers are responsible for many crimes, though rights groups point out that this claim is not substantiated.²⁵ Rights groups argued that the deportation was misguided, and that Malaysian employers who ignore labor and immigration regulations are responsible for the number of irregular workers who become 'illegal' after entering the country.

In 2004, immigration authorities conducted routine raids on workplaces and residential areas, and arrested migrants around the country. Migrants caught in these raids were sent to detention centers. One such raid resulted in the deaths of four migrant construction workers who tried to flee the police.²³ Despite this, no reports of foul play were made.

NGOs

Before the mass deportation, a group of 40 NGOs and charities called for the cancellation of the expulsion, and pointed out the underlying reasons why workers become irregular after entering Malaysia legally. These causes include: dubious promises by recruitment agencies; workers brought into the country on a tourist visa and no full-time work; women brought in on temporary visas and then forced to work as sex workers; employers' not renewing permits; and workers who face abuse or violence fleeing their work site and seeking new work. Workers can be arrested for leaving their employer, and those with court cases pending against employers must stay in the country. NGOs argued that the deportations are counterproductive because corruption between traffickers and law enforcement officers ensures that migrants will simply return to the country unauthorized. The groups called on the

ATTENTION!!**CRACKDOWN ON MIGRANT WORKERS****GUIDELINES:-**

- 1 Keep your **PASSPORT/PHOTOCOPY OF PASSPORT/ID CARD** all the time with you.
- 2 When arrested-Do not plead guilty-Claim the **RIGHT TO TRIAL**-Ask for legal assistance.
- 3 When arrested-Claim the **RIGHT TO MAKE CALL** – You are allowed to make a telephone call to ask for assistance.
- 4 Enforcement officers cannot use any form of **VIOLENCE** against you.
- 5 Ask for **IDENTIFICATION CARD** from the arresting/enforcement officer-make sure their number and name.
- 6 **DO NOT** give money to the arresting /enforcement officer-**THAT IS BRIBERY**.
- 7 Keep **A COPY** of your **PASSPORT** with your friend.

If you have any problem please CONTACT :-

- TENAGANITA – 03-26913691/2697 3671/012-3395350
- PEMBELA – 013-6245292
- PENANG OFFICE FOR HUMAN DEVELOPMENT – 04 – 2273405
- MIGRANT WORKERS SUPPORT CENTRE (MWSC) – 04 -3236787

**ALL FOREIGN WORKERS HAVE
THE RIGHT TO DEFEND THEMSELVES**

AMC Photobank

amnesty program. These migrants would ostensibly be spared legal prosecution.²⁷

Immigration officials required those leaving the country during the amnesty to have valid travel documents, as well as money to pay for their trip home. However, this proved difficult for thousands of migrants who stayed in the country to claim unpaid wages.²⁸ Other migrants, including many Filipino workers, stayed during the amnesty period because they feared arrest and persecution.²⁹

By December 220,000 immigrants had left Malaysia, the vast majority of them to Indonesia.³⁰ The Indonesian government requested a stay of the deportation campaign because of Muslim holidays and presidential elections.³¹ In all, the deadline of the amnesty was extended three times, once after the Boxing Day Tsunami hit Indonesia, where many of the migrants came from and would be sent back.³² By February 2005 around 400,000 had left; well below the estimated 1.2 million irregular migrants believed to be in the country.³³ The Indonesian

government provided at least four navy ships to ferry Indonesians home from Malaysian ports. The Philippines also sent ships to transport migrants.³⁴

In the months preceding the deportation, rights groups and the UN High Commission on Refugees (UNHCR) tried frantically to get the Malaysian government to decide the fate of 28,000 refugees in the country. The government initially stated it would arrest all unauthorized foreigners after the amnesty, including Filipino Muslims, 10,000 Acehnese, and 10,000 Burmese Rohingya Muslims whom the UNHCR recognized as refugees.³⁵

government to actively recognize international rights charters to protect migrants.⁷⁴

The crackdown was postponed, and in October the government announced a period of amnesty, during which irregular migrants would be allowed to leave the country with immunity. 6,000 workers being held in detention would also be sent home unless they had cases pending in Malaysian courts.²⁶ The Malaysian Employers Federation (MEF) petitioned the government not to conduct routine raids on workplaces during the amnesty. Instead, the government ordered police detaining migrants during raids to force them to partake in the



Photo courtesy of Migrant Care

Migrants' rights advocates throughout Asia protested against Malaysia's crackdown on undocumented migrant workers.

In December 2004, UNHCR teams went into jungles to register hiding refugees.³⁶

The amnesty ended in March 2005, and during the first month of the crackdown 4,000 workers were detained in raids. The majority were Indonesian but workers from India, Bangladesh, Thailand and China were also arrested and tried in Malaysian courts for unauthorized entry or having forged or expired documents. The courts sentenced migrants to detention, fines and, in at least 45 cases, caning. Some 9,000 Indonesians are still believed to be in detention awaiting sentences.³⁷ Employers and contractors also faced fines and jail time for employing undocumented workers.³⁸ Bosses found guilty paid fines of MYR60,000 to 100,000 (USD16,000-27,200)³⁹, although sadly, the number of bosses who have been arrested, charged and/or found guilty is extremely low.

Rights groups cautioned the Malaysian government of the probability of human rights violations during the expulsion of workers.

Amnesty International and Human Rights Watch both expressed concerns about extreme force and excessive detention.⁴⁰ As rights groups had warned, the deportations generated humanitarian problems in border areas. On Indonesia's Nunukan Island, along the eastern end of the Indonesian-Malaysian border, nearly 8,000 workers were packed into camps awaiting the opportunity to be allowed back into Indonesia to work. Red Cross workers in the area treated more than half the workers for malaria and other health problems. These workers did not have enough money for return transportation.⁴¹

The government cynically reported that it had saved MYR115 million (USD31.3 million) by allowing workers to leave during an extended amnesty. A crackdown, officials stated, would entail high logistical costs, such as food and transportation.⁴² Malaysian rights groups argued that if the government would register undocumented workers in the country

rather than deport them, costs would be cut and human rights not jeopardized.⁴³ In December 2005, government officials announced plans to begin a new crackdown on migrants in violation of immigration laws.⁴⁴ There was no announcement of an amnesty period.

Enforcement by Volunteer Corps (RELA)

The roundup of migrants, dubbed Ops Tegas (Operation Firm), was carried out with the involvement of thousands of members of RELA, Malaysia's volunteer reserve force, and Rukun Tetangga, a neighborhood watch group. 25,000 RELA volunteers received training for the operation, and were authorized to detain suspects and forgo warrants during raids on plantations, factories, construction sites, restaurants and residential areas. RELA members received MYR100 (USD27) for each undocumented migrant arrested.⁴⁵ Volunteers were also authorized to hold migrants in custody for 14 days before giving them to the police.⁴⁶

By virtue of the Essential (Ikatan RELAWan Rakyat) (Amendment) Regulations 2005, which came into operation on 1 February 2005, the powers of RELA have been dangerously over-extended, giving RELA personnel the right to bear and use firearms, stop, search and demand documents, arrest without a warrant, and enter premises without a warrant. Moreover, all of these powers can be exercised any time RELA personnel has reasonable belief that any person is a terrorist, undesirable person, illegal immigrant or an occupier. The amendments accorded protection against suits and legal actions against RELA members for "any act, neglect or default done or committed by him in good faith or any omission omitted by him in good faith, in such capacity." In fact, the extent of this protection given by law to these volunteers exceeds even the protection accorded to professional law-enforcers.

Domestic and international human rights groups voiced concern that volunteers received no orientation on respecting detainees' human

rights.⁴⁷ The Malaysian government dismissed rights groups' warnings.⁴⁸

Work Shortages and Change of Policy

Government officials expected most of those who left during the amnesty to come back and refill the jobs they left.⁴⁹ In fact, work shortages made a serious impact in the following months. The manufacturing and plantation industries in particular felt shortages of 500,000 workers. In May of 2005 it was clear that the deportation of migrant workers had created unexpected economic problems largely because of the subsequent work shortages. Construction firms, electronics manufacturers, agricultural producers, poultry farms, and restaurants struggled and closed as a result of the labor shortage.⁵⁰ Incidentally, the Malaysian Meat Importers Association reported that beef sales dropped 15% following the departure of Indonesian workers.⁵¹

The Malaysian government tried to remedy the situation by setting up administrative centers in Indonesia to help migrants return more easily and begin filling jobs again. The centers closed quickly, however, because they received a low response, likely due to the amount of paperwork and high fees required to reenter.⁵² Only 27,000 Indonesian workers had returned legally by the end of May, while almost 400,000 foreign workers were reported to have returned covertly.⁵³ Employers were given a month grace period on the payment of immigration levies for workers they brought into the country after the repatriation, although many employers did not pay the levies, which jeopardized their workers' legal status. The levy is MYR1,200 (USD324) per worker; unpaid levies topped MYR3.6 million (USD972,000).⁵⁴

In light of the slow return of Indonesian workers, the Home Ministry designated ten other countries from which workers could be recruited: Thailand, Sri Lanka, Pakistan, Bangladesh, India, the Philippines, Cambodia, Laos and Burma.⁵⁵ Malaysia negotiated the

hiring of 100,000 workers from Pakistan to take jobs in the affected industries,⁵⁶ although security concerns and logistical problems arose around the import of workers from Pakistan.⁵⁷ In July 2005 the government announced that refugees could be hired to fill jobs left vacant after the deportation. Some 60,000 registered refugees were issued temporary work permits.⁵⁸ Female refugees were to be trained as domestic workers.⁵⁹

Legislation

In part to address accusations that migrant workers cause social problems in Malaysia, new laws now require migrant workers seeking employment in the country to take a course covering English, Malay culture and language, and Malaysian laws and labor standards. Workers have to pass an exam, though domestic workers and professionals are exempt.⁶⁰

Employers are now required to provide migrant workers with insurance from one of four state approved companies.⁶¹ In 2005, the government began requiring new foreign workers to undergo a medical exam within a month of their arrival in Malaysia, aimed at preventing communicable diseases.⁶² Hospitals and clinics must report any foreign worker seeking pregnancy examinations or related services to the Immigration Department. The worker's visa will then be cancelled.⁶³

By the end of 2005, foreign workers would be required to carry a biometric identification card with their fingerprints and personal information. The ID card is intended to help the government keep tabs on migrant workers, and would be issued to workers in the construction, agriculture and manufacturing sectors.⁶⁴ Unfortunately, no laws to date have been enacted, and not being able to produce one's original passport on demand is an offense for which the migrant can be arrested, detained and/or even charged. There is no law that states that it is sufficient for the worker to produce only his biometric identification card. Many employers continue

to wrongfully hold on to workers' passports, and even when it comes to the ID card, the time taken for its issuance is long – and the migrant worker walks around many days open to the high risk of being arrested, detained, deported and/or even charged in court.

The government points to the Employment Act as protection for migrant workers' human rights. However, in August 2005, a consumer group called attention to flaws in the Act which charges migrants MYR100 for resident passes while they have pending court cases. Most migrants cannot pay this fee because they are barred from working during their case.⁶⁵

Domestic workers

New laws promulgated in July 2004 now allow domestic workers and employers to cancel their contract if they have problems. Domestic workers are allowed to transfer two times, and have three employers within a two-year period. Recruitment agencies are tasked with refunding levies to former employers and charging new ones.⁶⁶ In August 2005, however, these agencies objected to proposed regulations imposing a MYR2,500 cap on recruitment fees paid by employers. The law also would have protected domestic workers from having their wages garnered as repayment of the recruitment fee. Unfortunately, the pressure from recruitment agencies appears to have had an impact, and the legislation was frozen indefinitely.⁶⁷

Overcrowded Prisons

At the beginning of 2005, the Malaysian Human Rights Commission, Suhakam, brought attention to the problem of overcrowding in detention centers, which continues to be a serious problem faced by migrant workers. The Attorney General stated that 70% of irregular migrants are detained and deported but never charged with any crime.⁶⁸ This is discrimination, and also deprives migrants of their right to a fair trial. Suhakam suggested the upgrade of facilities and an overhaul of the



Migrants' rights advocates re-enact the escape of Ceriyati, who climbed out the window of a 15-story building to flee from abusive employers.

AMC/PhotoBank

trial process that keeps migrants in detention longer than necessary.⁶⁹

In Malaysia, it was disclosed that 25% of the prison community were foreigners in 2003. In 2004 it was stated that the number of foreigners exceed the number of local Malaysian in prisons.⁷⁰ These figures can lead to no conclusions, however, as many are there by reason of not being able to get a surety or fulfill the other requirements of bail. Malaysia's foreign prison population also include persons who have pleaded guilty due to lack of access to legal advice or for mere expediency by reason that claiming not guilty may lead to being detained for longer periods as they wait for

their trial to proceed. Many of the offences committed by foreigners are linked to their lack of required documentation. Recently, it was disclosed that foreigners are only responsible for about 2% of the crimes committed in Malaysia. In November 2005, Filipino and Indonesian migrant workers rioted at a detention center, demanding to return home. Most of the detainees had finished their prison sentences, but were being held in detention because they were still needed as witnesses in a case against an employer.⁷¹

Responses

Government and IGOs

At the end of 2005, the Human Resources Ministry announced a series of amendments to employment laws which would protect migrant workers' labor rights. The new laws include random checks at work sites to confirm that employers are paying wages on time, distributing benefits appropriately, and maintaining safe working conditions. Employers would be required to submit periodic reports about their workplace and employees.⁷² Similarly, in September 2005, India and Malaysia agreed on an MOU to regulate the process of recruitment of Indian workers to Malaysia.⁷³ MOUs have also been entered into between Malaysia and other sending countries, but the signatory governments make access to these MOUs difficult.

Refugees from fellow ASEAN nations, like Indonesia (Acehnese), Thailand and Burma (Shins, Karen, Rohingyas & others) are generally not recognized, and are treated

as undocumented migrant workers. Even after UNHCR considers their applications, and give them papers recognizing their “refugee” status, these refugees are not provided with shelter and are not provided with any work permits that will enable to earn a living. Given this state of affairs, many a refugee and even a person whose application for refugee status is still being processed are also treated by the authorities as undocumented migrants. Hence, UNHCR (Kuala Lumpur) is also a body that works with migrant workers cum refugees.

Malaysian Trade Union Congress

In April 2005, the Malaysian Trade Union Congress (MTUC) participated in a regional conference to address corruption by recruitment agencies. The conference brought together 50 representatives from trade unions, embassies and NGOs from Pakistan, Vietnam, Nepal, Cambodia, and Indonesia in Malaysia. One of the primary proposals of union representatives was the elimination of agencies so that the Labor Department would assume the role of mediator in the hiring of foreign workers by negotiating with foreign embassies.⁷⁵

The MTUC met in November with the Human Resources Ministry and the Malaysian Employers Federation to outline a policy to assure payment of wages for domestic workers. A receipt would be issued to workers for cash payments or money could be directly deposited into a worker’s bank account. The Labor Department is tasked with enforcing this law.

Malaysian Bar Council

In a media statement issued in March 2005, the Bar Council called for humane treatment for undocumented migrant workers who are arrested, including access to lawyers. Recognizing these detainees’ need for legal assistance, the Bar Council’s Legal Aid Centre has set up an Urgent Arrest Team to provide free legal representation. In its statement, the Bar Council also stated that, “illegal migrant

workers already face dire, and sometimes disproportionately harsh, prospects. Denying them full and adequate legal representation adds insult to injury; and is a serious infringement of their basic rights. This runs counter to the Government’s open pledge of humane treatment of illegal workers, as well as its international commitment (under the Bangkok Declaration on Irregular Migration in April 1999) to ensure that all migrant workers are granted ‘humanitarian treatment, including appropriate health and other services’”.

The Bar Council’s many Legal Aid Centres continue to provide free legal assistance and representation to migrants who have been arrested, detained and/or charged in court. In Kuala Lumpur, the Legal Aid Centre also has already a specially set up Migrant Clinic. In addition, Legal Aid lawyers visit prisons and other detention centers offering their free services.

Tenaganita

In November 2005, the group Tenaganita aided a group of 130 migrant factory workers who had been treated unjustly by their employer. The workers were fired after a two-day walkout to protest an assault on a Nepalese worker. This worker lodged a complaint with police and the company retaliated against all the migrant workers by shutting off their water and electricity. Tenaganita called for an investigation and the workers were eventually reinstated.⁷⁶

Tenaganita conducted a survey in late 2005 that revealed most children of migrants do not attend school while in Malaysia. The group challenged the government to recognize children born in Malaysia as citizens and to set up a task force to manage migrant children’s issues. Another NGO, the Humana Child Society, set up 49 schools at plantations where 3,000 children of migrants can enroll for free.⁷⁷ Tenaganita has also published books, CDs and videos publicizing the struggles of

MTUC CONFERENCE ON MIGRANT WORKERS

Concluding Resolution

Overview and concerns

The MTUC recognizes the positive contributions of migrant workers in the development of the country and its economy, the principle that all workers should be treated with fairness, dignity and equality without distinction whether they are migrant or local. While the laws of Malaysia do not discriminate against migrant workers, in practice, the rights of migrant workers are not fully protected.

The right of migrant workers to join a trade union is guaranteed under the Trade Union Act of 1959. However, administrative practices and unscrupulous employers often discourage migrant workers from joining trade unions.

A series of actions will have to be initiated by the MTUC to realize an effective mechanism that will give adequate protection to the 1.5 million documented migrant workers who are working legally in the country. The MTUC supports State action to manage migration flows. The presence of undocumented workers in large numbers has a profound effect on wage rates and terms of employment for documented migrants as well as for local workers. The undocumented migrant workers are often forced to work more for less and without the other basic facilities such as housing, medical care, overtime payment and so forth. The MTUC expects that employers of undocumented workers are severely punished, and that undocumented workers themselves are humanely treated.

A number of emerging concerns in Malaysia 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 favourable 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.

Basic rights

We recognize that migrant workers are workers with equal rights and dignity. These rights must be protected in laws and policies. Such laws and policies must be effectively and justly enforced by the various agencies. Key principles for migration policy should include non-discrimination and equal treatment of workers – nationals and migrants alike, respect for basic human rights and labour rights of migrant workers, protection of migrant workers in both regular status and irregular situations and regular consultations among government, employers, workers, NGOs and other representatives of civil society. The MTUC should actively promote the ratification of the Migration for Employment (Revised) Convention, 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and support the ILO Plan of Action for Migrant Workers.

MTUC actions

Based on the above the MTUC resolves to:

“Undertake actions to give the migrant workers all the necessary protection of their rights and dignity.

“Organize migrant workers.

“Provide the relevant knowledge to migrant workers to make their tenure in Malaysia as comfortable, peaceful and productive as possible, e.g. introduction to local unions, religious customs, taboos, work ethics, etc.

“Provide opportunities for skills enhancement so that they may not only be able to have a better working environment and benefits but also be better trained and skilled when they eventually return home.

“Monitor the real manpower needs of every sector and to work closely with the Government to ensure that there is no excess supply of labour in any sector.

“Identify errant and problematic employers and encourage the authorities to take all the available punitive action against them.

“Work closely with embassies and national trade unions of sending countries.

“Set up a special committee with the Bar Council and NGOs to review all the laws that discriminate against migrant workers, that denies them fundamental labor rights and work towards areas for legal reform and the development of a comprehensive labour migration and management policy.

“Review, together with other national trade union centers from the sending countries, all MOU’s and contracts.

“Work out a standard model MOU and contract for recruitment and employment of migrant workers.

“Advocate with the relevant government agencies, for the issuance of a T-S visa (Temporary Stay) for all workers who have cases of labor dispute or abuse to enable the workers to stay and work in the country until the case is settled.

“Give special focus on domestic workers. Propose changes to the Employment Act to recognize domestic work as work; to develop standardized contracts; and to organize domestic workers into unions.

“Make the changes in order to make sure that the State does not discriminate.

“Review repatriation - the manner in which this occurs is of concern.

“Protect refugees and undocumented workers who find themselves in an irregular situation. Root causes must be addressed.

“Establish social security mechanisms with contributions from employees and employers.

“Advocate the principle that payment of any levy should be borne by the employer.

“Establish a Tripartite Council to review the policy on labour migration and management.

“Strengthen labour inspection services to enforce legal conditions of work for migrant

workers.

“Reintroduce the EPF for migrant workers without discrimination vis-à-vis local workers.

“Abolish corporal punishment such as whipping and caning.

“Enhance the social image of migrant workers.

“Address the specific risks for all migrant workers, men and women, in certain occupations and sectors with particular emphasis on dirty, demeaning and dangerous jobs, and on women in domestic service and the informal economy.

Action by trade unions in sending countries:

Trade Unions in sending countries resolve to:

“Encourage their Governments to ratify ILO Conventions protecting the rights of migrant workers.

“Encourage Governments to negotiate bilateral agreements on recruitment, including the elimination of recruitment agents.

“Encourage migrant workers to join existing unions in the host countries.

“Government, NGOs and other stakeholders should work in close collaboration and cooperation to further the rights of migrant workers.

“Advocate a regulatory framework based on ILO Conventions and the UN Convention to respond to the issue of migration.

“Encourage monitoring recruiting and employment agencies in both sending and receiving countries to reduce fraud, malpractice and harassment of migrant workers.

“Conduct rights-based and community-based pre-departure training.

“Work with the MTUC to prepare pre-departure modules. Conditions of service under the Malaysian Employment Act should be translated into languages of migrant workers.

“Develop a system for networking and information exchange between sending and

receiving country trade unions.

“Encourage governments to establish “Pillars” or principles of sending countries which govern diplomatic relations.

APPRECIATION

Participants recorded their appreciation to the MTUC and the ILO for organising this important event to discuss numerous problems facing foreign workers.

The above resolution was unanimously adopted by the participants of the MTUC workshop on Migrant Workers in Petaling Jaya Malaysia April 18-19, 2005 organised by Malaysian Trades Union Congress.

PARTICIPANTS

Trade Unions: Trade union leaders from sender countries: Bangladesh(BMSF), Indonesia(ITUC), India(HMS & INTUC), Nepal(Gefont & NTUC), Pakistan(PNFTU), Philippines(TUCP) and Vietnam(VGCL)

Embassies: India, Philippines, Cambodia, Vietnam and Thailand,

NGO Representatives : Suaram, Tenaganita & American Center for International Labour Solidarity(ACILS)

MTUC: President, Secretary General, MTUC Research Committee & MTUC officials.

Speakers/Experts from: ILO, MTUC, FMM, Tenaganita, Suaram, SUHAKAM (Malaysian Human Rights Commission), Immigration Dept, Royal Malaysian Police, Legal Consultant, Ministry of Human Resources, Labour Dept, Representatives of migrant workers attended to share their experiences.

CASE STUDY: THE IMPACT OF DEPORTATION ON THE FAMILY

Abd Mutalib, a migrant worker, has been a holder of a valid Entry Permit since the late 1970's and was a Permanent Resident. He married Romita Hasibuan, an Indonesian citizen. Romita had a "spouse visa" which allowed her to stay in Malaysia; the visa expired at the end of September 2005. Abd Mutalib was arrested in March 2005, and wrongfully deported to Indonesia one month later. Since her husband's permanent residency status and Entry Permit had been cancelled before deportation, Romita was no longer entitled to apply for a "spouse visa". Mutalib and Romita have four children, who were born and raised exclusively in Malaysia.

The plight of Romita and her family, which received national media attention, was also brought to the attention of the Human Rights Commission (SUHAKAM), the Bar Council, and to Parliament. A public petition saw thousands of persons in Malaysia and overseas signing to urge the government to allow Romita and her family to remain united and stay on in Malaysia,

their home for the past several years. These appeals to the Minister, however, received no response to date.

Finally, a lawsuit had to be filed, and the Court heard her case. On 26 September 2005 the Court granted her an ex-parte ad-interim order to stay in the country with her children until her legal suit to remain in Malaysia with her children was heard and finally adjudicated. On 28 November 2005, the court issued an order allowing her to stay in Malaysia on a special pass until the end of her legal suit. Now she, her husband and four children can concentrate on the substantive suit that hopes to see Abdul Mutalib being allowed to return to Malaysia, and that they be reunited and allowed to continue to live together as a family in Malaysia, as they have been doing since their marriage over 14 years ago.

A second suit was also filed against the Home Minister and others regarding the statements and actions of the Minister at the Parliament lobby.

migrant workers. The group maintains a 24-hour hotline for domestic workers to seek help, and operates a Migrant Rights and Health Desk where workers can report abuses or get medical attention.

Messrs Charles Hector

This law firm continuously champions migrant rights, and has won a number of landmark cases to uphold the rights of migrants. One case involved Indonesian migrant Romita Hasibuan and her family, whose husband was arrested in March 2005, wrongfully detained for about 38 days, and thereafter wrongfully deported on 29 April 2005. (See Box Story above for further details.)

Another case pursued by Messrs Charles Hector was the case of Rajakanu Boopathy and 35 other Indian migrant workers. On June 12, 2000, the court granted an order allowing these migrant workers to change their employer and continue to work in Malaysia. This decision was a precedent-setting development that now can be used by migrants themselves to apply to change their employer. The norm in the past was that only employers can apply for any variation of the work permit of a migrant worker.

This was not the end of the matter, however. Later, contempt proceedings were initiated by these workers against the Director General of Immigration when he issued lapsed and/or

almost lapsed work permits to these workers. After an apology made by the Director General, on April 10, 2002 the court handed out an order allowing the workers a further unopposed second extension after the first permit lapse, and also that costs be paid to these workers. The courts assessed cost to be paid to the 40 workers at MYR10,000, however, which was absurdly low. Proceedings to review the award of costs are still ongoing.

Other NGOs and Groups

Migrant Care (an Indonesian-based NGO) also works in Malaysia to assist Indonesian migrant workers. Women's Aid Organisation (WAO) provides temporary shelter for abused migrant women. The Catholic Church, through its bodies like the Penang Office for Human Development (POHD), Ministry of Integral Human Development and parish committees continue to work with both documented and undocumented migrants. Other Christian churches are also similarly involved.

There are also other informal unregistered groups that work with specific populations of migrants coming from countries such as Burma, Nepal and Bangladesh. In addition, there are groups who do a lot of work for migrants in Malaysia, but choose to remain anonymous. Nonetheless, it is appropriate to mention their existence and the assistance they are providing to migrants.

SUARAM, ALIRAN, AWAM, HAKAM and many other civil society and human rights groups continue to issue media statements and hold media conferences whenever there is a violation of human rights and migrants' rights.

Endnotes

- ¹ Hector, Charles, "New face, same body; Abdullah Badawi is PM, and Mahathir is no more BUT ...", *Aliran Monthly* 2003:11. Last accessed at: <<http://www.aliran.com/oldsite/monthly/2003a/11f.html>>.
- ² Kent, Jonathan, "Malaysian human rights criticised," *BBC News*, 10 December 2004. Last accessed at

<<http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/asia-pacific/4084701.stm>>.

- ³ Abdullaha, Ridzwan and Sheridan Mahavera, "Plans to enhance border access," *New Straits Times*, 15 October 2004, as cited in Scalabrini *Asian Migration News*.
- ⁴ "Over 6,000 Thais turned away at border," *The Star*, 16 October 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵ "Malaysia seeks talks with Thailand over Muslim border-crossers," *Borneo Bulletin*, 9 October 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶ Abdullah and Sharifah Mahsinah, "131 Thais finally go home," *New Straits Times*, 1 December 2005, as cited in Scalabrini *Asian Migration News*.
- ⁷ CIA World Factbook, last accessed at: <<https://cia.gov/cia/publications/factbook/geos/my.html>>.
- ⁸ "Trade pact for Japan and Malaysia," *BBC News*, 25 May 2005, last accessed at <<http://news.bbc.co.uk/go/pr/fr/-/1/hi/business/4577913.stm>>.
- ⁹ "M'sia has worst income disparity in SEA, gov't flayed", *Malaysiakini*, 2 February 05. Last accessed at: <<http://www.malaysiakini.com/news/33335>>.
- ¹⁰ "Debating an equitable Malaysia -Towards an alternative New National Agenda", *Aliran Monthly* (2005) Vol 25: Issue 8.
- ¹¹ AFP, "Malaysia under fire over migrant crackdown," *The Star*, 2 May 2005, as cited in Scalabrini *Asian Migration News*.
- ¹² Hector, Charles, "Migrant Workers in Malaysia; more important than rights is the access to justice", 7 April 2006. Last accessed at: <<http://www.mfasia.org/mfaStatements/Statement46-MigrantsAndRightsInMalaysia.html>>, states in Endnote i that, "The figures was stated as 1.7 million in an article by Vietnam News Agency, "Malaysia calls for regional cooperation against illegal migrant workers", 22 September 2005".
- ¹³ Yusoff, Mohd Nasir, "Malaysia Ready To Accept More Indonesian Housemaids", *Bernama Report*, 6 March 2006, as cited in Hector (n12 above), Endnote ii.
- ¹⁴ AFP, "Illegals defy Malaysian amnesty despite threats," *Brunei-Online.com*, 3 November 2004, cited in Scalabrini *Asian Migration News*.
- ¹⁵ Hector (n12 above) in Endnote iii states that, "According to a report by Amnesty International, government statistics indicate that through 1 June 2004, there were at least 1.3 million documented

- migrant workers working in Malaysia (an increase of about 500,000 since 2003) and between 700,000 to 1.2 million undocumented migrant workers.”
- ¹⁶ Hector (n12 above) in Endnote iv states that, “(Star 27/9/2005), Records show that 15,452,112 foreign nationals entered Malaysia in 2004 but only 9,599,125 people left the country during the year – meaning that there were about 5,852,997 or 38% of the total arrivals overstaying.”
- ¹⁷ “Azmi: New measures to deal with illegals,” *Daily Express*, 2 July 2004, as cited in Scalabrini Asian Migration News.
- ¹⁸ R. Murali, “Shorter work permits,” *New Straits Times*, 28 October 2004, as cited in Scalabrini Asian Migration News.
- ¹⁹ Sharifah Arfah, “Move to re-launch skills retraining,” *New Straits Times*, 5 April 2005, as cited in Scalabrini Asian Migration News.
- ²⁰ Bernama, “MTUC says hikes in levies won’t stem inflow of foreign workers,” 31 July 2005, as cited in Scalabrini Asian Migration News.
- ²¹ “Government allows skills institutes to enroll foreigners,” *The Star*, 3 December 2005, as cited in Scalabrini Asian Migration News.
- ²² “All sectors may hire foreign workers,” *The Straits Times*, 21 February 2005, as cited in Scalabrini Asian Migration News.
- ²³ AP, “5 illegal workers in Malaysia die in police raid,” *The Straits Times*, 10 July 2004, as cited in Scalabrini Asian Migration News.
- ²⁴ Krishnamoorthy, M, “Government to weed out illegals first,” *The Star*, 13 July 2004. Last accessed at <http://www.suaram.net/display_article.asp?ID=77>.
- ²⁵ McGivering, Jill, “Labour shortage forces climbdown,” *BBC News*, 26 May 2005. Last accessed at <<http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/asia-pacific/4583061.stm>>.
- ²⁶ AFP, “Malaysia offers amnesty to all illegal immigrants,” 22 October 2004, as cited in Scalabrini Asian Migration News.
- ²⁷ “MEF: Suspend prosecution of illegals,” *New Straits Times*, 26 October 2004, as cited in Scalabrini Asian Migration News.
- ²⁸ AFP, “Malaysia offers amnesty to all illegal immigrants,” 22 October 2004, as cited in Scalabrini Asian Migration News.
- ²⁹ “Illegal workers in Malaysia have been slow to respond to the government’s latest offer of amnesty,” *Channel News Asia.com*, 2 November 2004, as cited in Scalabrini Asian Migration News.
- ³⁰ Mergawati Zulfakar, “220,000 migrants have left Malaysia,” *The Star Online*, 29 December 2004, as cited in Scalabrini Asian Migration News.
- ³¹ “Malaysia postpones deportation of Indon illegals to Jan 2005,” *Antara*, 25 August 2004, as cited in Scalabrini Asian Migration News.
- ³² AFP, “Malaysia postpones mass deportation of illegal migrants,” *Borneo Bulletin*, 30 December 2004, as cited in Scalabrini Asian Migration News.
- ³³ “Crackdown put off for third time,” *Daily Express*, 2 February 2005, as cited in Scalabrini Asian Migration News.
- ³⁴ Reme Ahmad, “Amnesty deadline for illegals expires,” *The Strait Times*, 1 March 2005, as cited in Scalabrini Asian Migration News.
- ³⁵ Reuters, “UNCHR pleads case for refugees in Malaysia,” *Reuters Foundation Alert Net*, 9 November 2004, as cited in Scalabrini Asian Migration News.
- ³⁶ UNHCR, “Refugees at risk as Malaysia prepares crackdown on illegal migrants,” 3 December 2004, as cited in Scalabrini Asian Migration News.
- ³⁷ Human Rights Watch, “Malaysia Year in Review 2005,” 18 January 2006, last accessed at: <<http://hrw.org/english/docs/2006/01/18/malays12257.htm>>.
- ³⁸ AP, “KL detains over 4,000 illegal workers in first month of crackdown: Report,” *The Jakarta Post*, 30 March 2005, as cited in Scalabrini Asian Migration News.
- ³⁹ Ibid.
- ⁴⁰ AP, “Malaysia not “walking blind” into expulsion of illegal immigrants, government says,” 2 December 2004; Bernama, “Ensure human rights before deportation, says Amnesty,” 2 December 2004, both cited in Scalabrini Asian Migration News.
- ⁴¹ “Health fear for Malaysia migrants,” *BBC News*, 4 March 2005, last accessed at: <news.bbc.co.uk/2/low/asia-pacific/4317243.stm>.
- ⁴² “Amnesty saved government RM115 m,” *The Star Online*, 7 February 2005, as cited in Scalabrini Asian Migration News.
- ⁴³ Suaram, “Joint NGO Memorandum concerning the Crackdown on Undocumented Migrants”, 29 January 2005, last accessed at: <http://www.suaram.net/display_statement.asp?ID=185>.
- ⁴⁴ “Nationwide crackdown on illegals,” *New Straits Times*, 2 December 2005, as cited in Scalabrini Asian Migration News.
- ⁴⁵ Migration News, “Migration Dialogue”, April 2005,

- Vol 12, No 2, last accessed at: <http://migration.ucdavis.edu/mn/more.php?id=3103_0_3_0>.
- ⁴⁶ “No warrants needed for Rela,” *The Star Online*, 26 February 2005, as cited in Scalabrini *Asian Migration News*.
- ⁴⁷ AP, Bernama (n40 above).
- ⁴⁸ “Rela officers to carry pistols in hunting illegals,” *Daily Express*, 23 December 2004, as cited in Scalabrini *Asian Migration News*.
- ⁴⁹ “Front-door entry for illegals soon,” *The Star Online*, 11 January 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵⁰ Leslie Lau, “Illegals gone, Malaysia faces virtual shutdown,” *The Straits Times*, 13 March 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵¹ “Meat sales hit by exodus of illegals,” *Daily Express*, 6 February 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵² AP, “Report: Malaysia says all 11 centers to expedite return of Indonesian workers shut down due to poor response,” 23 May 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵³ Annie Freeda Cruz and Iskandar Alang, “The illegals are back,” *New Straits Times*, 13 May 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵⁴ Hamidah Atan, “RM3.6mil foreign workers levy unpaid,” *New Straits Times*, 14 June 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵⁵ “Government plan to overcome shortage,” *The Star*, 1 March 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵⁶ Reuters, “Malaysia to import 169,000 workers to fill shortage”, 4 April 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵⁷ Kent, Jonathan, “Malaysia reviews labour shortage,” *BBC News*, 24 March 2005. Last accessed at <<http://news.bbc.co.uk/go/pr/fr/-/1/hi/business/4154277.stm>>.
- ⁵⁸ AP, “Malaysia to allow thousands of refugees to work legally”, *The China Post*, 7 July 2005, as cited in Scalabrini *Asian Migration News*.
- ⁵⁹ AFP, “Malaysia mulls training refugees as maids to ease worker shortage,” *Channel News Asia*, 9 August 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶⁰ Bernama, “Foreign workers now have to go for induction course”, 22 December 2004, as cited in Scalabrini *Asian Migration News*.
- ⁶¹ “Four firms to underwrite foreign workers cover,” *The Star Online*, 3 July 2004, as cited in Scalabrini *Asian Migration News*.
- ⁶² AFP, “Malaysia to tighten health checks on migrant workers,” 7 July 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶³ Gunsika, Arman, “Hospitals, clinics told to report on foreign workers seeking pregnancy-related treatment,” *Borneo Bulletin*, 1 November 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶⁴ Bernama, “Smart cards for foreign workers by the end of the year,” 13 October 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶⁵ “Recruitment agents fooling the Govt,” *New Straits Times*, 2 December 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶⁶ Bernama, “Bid to improve lot of foreign maids,” *The Straits Times*, 21 July 2004, as cited in Scalabrini *Asian Migration News*.
- ⁶⁷ “Maid agencies can still charge same rates,” *The Star*, 10 August 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶⁸ Gunsika, arman “Caning illegals is totally up to courts, says A-G,” *Borneo Bulletin*, 14 February 2005, as cited in Scalabrini *Asian Migration News*.
- ⁶⁹ “Overcrowding in jails due to illegals: Suhakam,” *Daily Express*, 13 October 2004, as cited in Scalabrini *Asian Migration News*.
- ⁷⁰ Hector (n12 above) in Endnote vi, states, “In 2003, the Deputy Home Minister stated that over 25% of prisoners on Malaysian jails were foreigners, while by June 2004 there were now more foreign prisoners than Malaysians in jails. Now, it must be factored in that many a time foreigners either are not offered bail and/or cannot afford bail – and it is also not certain whether the figures include remand prisons, being where persons not yet convicted are held.”
- ⁷¹ AP, “Filipino, Indonesian detainees stage riot at Sabah camp,” *Borneo Bulletin*, 16 November 2005, as cited in Scalabrini *Asian Migration News*.
- ⁷² “Bosses to submit regular reports on foreign workers,” *Daily Express*, 14 November 2005, as cited in Scalabrini *Asian Migration News*.
- ⁷³ Agencies, “India, Malaysia MoU on recruitment,” *Chennai Online News Service*, 8 September 2005, as cited in Scalabrini *Asian Migration News*.
- ⁷⁴ “Joint NGO Memorandum concerning the Crackdown on Undocumented Migrants,” *Suaram*, 29 January 2005. Last accessed at: <http://www.suaram.net/display_statement.asp?ID=185>.
- ⁷⁵ Bernama, “Eliminating middlemen in recruiting migrant workers”, 18 April 2005, as cited in Scalabrini *Asian Migration News*.

- ⁷⁶ Almeida, Pauline, “Sacked foreigners: 103 reinstated”, *New Straits Times*, 30 November 2005, as cited in Scalabrini *Asian Migration News*.
- ⁷⁷ “Group to set up 49 schools for kids of migrant workers”, *Daily Express*, 17 November 2005, as cited in Scalabrini *Asian Migration News*.

References:

1. *BBC News*
2. Hector, Charles, “Migrant Workers in Malaysia; more important than rights is the access to justice”, 7 April 2006. Last accessed at: <<http://www.mfasia.org/mfaStatements/Statement46-MigrantsAndRightsInMalaysia.html>>.
3. Scalabrini *Asian Migration News*