

# Cross-Border Movement of Foreign Workers in Malaysia: A Comparative Analysis

By Azizah Kassim



Cross-border migration which is sometimes referred to as the last frontier of globalisation is by no means a recent phenomenon. Massive movement of peoples across continents have taken place since the last five centuries as a result of the slave trade, war, natural calamities and the expansion of colonialism which went alongside that of the capitalist economy. That colonialism in the last century has moved millions of people across national borders is evidenced by the presence of multi-ethnic population in many countries today with Malaysia being an excellent example.

What differentiates cross-border migration today and the preceding centuries is its pervasiveness and the intensity of its pace made possible by the world's commitment to the globalisation project which has led to improved communications and transportation technology; the expansion of the travel industry (both legal and illegal); economic, political and educational links between countries in addition to extensive cross-border social networks established by earlier migrants. The directions of migration flow too have changed considerably and so has migrants' gender composition. With about 100 million people living outside their place of birth and 17 million refugees scattered all over the world, almost all countries are now part of the transnational migration network, some playing dominant roles in sending out or receiving labour, while others are involved in both. Malaysia is dominantly a host country, however, there are strong evidence to suggest that many of its citizens are working and residing abroad.

## Policy On Foreign Workers

In spite of the relatively long history in cross-border migration, the post

independence Government appears ill-equipped at first to deal with the inflow of foreign workers into the country. Thus, although the inflow began in the 70s following the expansion of land development, the estate sector, expansion of infrastructure and services following the implementation of the Second Malaysia Plan (1970-1975), it was only in the early 80s when action was taken to effect a policy on immigrant workers. Beginning with the signing of the Medan Agreement between Malaysia and Indonesia in 1984, a policy came into full effect only in the early 90s.

The present policy on employment of foreign nationals is determined by the Cabinet Committee on Foreign Workers. The policy, which is designed as a stop gap measure to alleviate labour shortages in some economic sectors, divide foreign workers into two major categories i.e. the unskilled/semi-skilled workers and the expatriates comprising the managerial, professional and technical personnel. Foreign workers are to be recruited and employed legally and because the policy was formulated at a time when the country was already inundated with illegal workers, the policy also lay emphasis on stamping out illegal immigrants and irregular workers. Among the major implementing agencies involved in the recruitment and employment of foreign workers are the Department of Immigration and Department of Human Resource; and to deal with illegal immigrants, the Immigration and the Police.

Two separate institutional structures and procedures were devised to cater for the expatriates and unskilled/semiskilled groups. The *Jawatankuasa Teknikal Pengambilan Pekerja Asing* deliberates on applications from potential employers of the semi-skilled, the *Jawatankuasa Pegawai Dagang* on applications for

expatriate employment. The distinction between the two groups of workers began with their allocation of work permits. The unskilled/semi-skilled is issued with the *Pas Lawatan Kerja Sementara* (PLKS) which in essence view them as visitors who are given permission to work temporarily. The expatriates are given work passes or *pas pengajian*. The distinction is also extended to the terms and conditions of their employment and the exercise of their basic rights such as the right to be accompanied by their respective family members (dependents) while working in Malaysia. The expatriates are assured a minimum monthly pay of RM2,500 and minimum tenure of two years. In addition they are also allowed to take along their immediate family members. Even after the completion of their tenure, the elderly ones are also permitted to stay on under the Malaysia My Second Home Scheme (previously the Silver Hair Programme). No such provision is made to the unskilled/semi-skilled group.

Of the two types of foreign workers, the unskilled/semi-skilled category is more problematic in terms of recruitment and employment. Thus, the policy makers concentrate more on this group, establishing institutions and procedures for their legal recruitment and employment. They identify the source countries, with whom Malaysia would sign MOUs; determine the sort of jobs that can be allocated to foreigners, decide on the nature of their work contract and tenure; cost of levy, etc.. The private sector, which partakes in implementing this policy, is allowed to form recruiting agencies to act as intermediaries between prospective workers and employers; and in 1997, in an attempt to ensure only healthy workers are employed; the Government permitted the establishment of FOMEMA (Foreign Workers Medical Examination and

Monitoring Agency) which is entrusted with conducting rigorous annual medical examinations on the workers. Among the important procedures which are seen as problematic are:

- The cost and process of attaining the PLKS which is renewable every year subject to payment of specific fees and a levy which varies in amount depending on the sectors concerned. Generally, the lowest levy are for the domestic services and plantations and the highest for manufacturing. The imposition of the levy is to discourage employers to engage foreigners at the expense of the locals.
- The tenure for an unskilled/semi-skilled worker (except for a domestic maid) is five years after which he/she has to return home and stay six months before resuming work in Malaysia.
- The prohibition for foreign workers to take along their spouse and other family members, and to marry while in service.

While the aim of the policy remains constant, the procedures are revised from time to time in response to immediate problems, be they social, economic or political. For example, conflicts between local youths in Johor Baharu in the mid 90s led to *Bangla-bashing* which in turn induced the Government to stop the importation of workers from Bangladesh, a move which was later rescinded. The 1997 financial crisis saw the Government encouraging voluntary repatriation of foreign workers; and an unlawful and destructive demonstration by some Indonesian workers at a factory in Nilai, Negeri Sembilan in early 2001, led to a temporary halt on importation of Indonesian workers and the Government looking elsewhere for new source countries in the ASEAN region such as Vietnam and Cambodia, and elsewhere in Asia such as Nepal, India and Pakistan. In recent months, the diplomatic tiff over Ambalat between Indonesia and Malaysia added more reasons for the Government to reduce intake from Indonesia and increase intake from other countries such as Pakistan.

In attempting to stamp out irregular workers, the Government has taken

several measures which include launching regularisation (*Pemutihan*) and amnesty (*Pengampunan*) exercises and to encourage voluntary repatriation. In addition it has also, since 1992, implemented two on-going programmes with the generic code name *Ops Nyah 1* and *Ops Nyah 11*. The former is designed as a border control mechanism to stop further incursion/ clandestine entry into the country and the latter to root out illegal immigrants already in the country. Under *Ops Nyah 1*, a number of operations have been launched such as *Ops Pasir* in Sabah, *Ops Wawasan* in Sarawak and *Ops Merpati* in the northern part of the Peninsula. Under *Ops Nyah 11*, a series of operations such as *Ops Pintu*, *Ops Sayang*, and *Ops Bersepadu* have been launched.

In addition, the Government has also amended the Immigration Act 1957/63 and Passport Act 1966, to include higher penalty for illegal immigration; and Sections 55A, 55B, 55D and 55E which make the employment, trafficking and protection of illegal immigrants an offence; as well as the possession and production of false official documents.

## FOREIGN WORKERS IN MALAYSIA

As alluded to earlier, foreigners working in Malaysia are divided into two major categories, the unskilled/semiskilled and the expatriate groups. Their present status is explained subsequently.

### ● Unskilled/Semi-skilled Foreign Workers

#### Size

Based on the issuance of the PLKS, the number of legal unskilled/semi-skilled foreign workers fluctuates over the years in response to the economic situation and policy measures formulated and implemented (see *Table 1*). Nonetheless, their number has more than doubled in the last decade between 1993 and 2004. As of May 2005, according to a newspaper report, their number has increased further to around 1.6 million (*New Straits Times*, 6 July 2005). Clearly, semi-skilled foreign labour has increased their strength from 10% of the workforce in 1990 to 9% in 2001, 12% in 2004 (Economic Report 2003/2004:72) and 12.3% in May 2005.

### Nationalities and Job Distribution

The selection of source countries is reviewed from time to time based on economic, social or political considerations. In the 80s, Malaysia's immediate neighbour in the ASEAN region were given preference viz. Indonesia, the Philippines and Thailand. By the 90s, Indians, Pakistanis and Bangladeshis were also recruited such that by 1998, the second largest number of foreign workers were the Bangladeshis. Since 2003, the range of source countries grew larger including Cambodia, Vietnam, Nepal, Uzbekistan, etc. (see *Table 2a*). However, Indonesians remains the largest contributor (70%) followed by Nepalese (7.8%), Bangladeshis (7.3%), Vietnamese (4.1%) and Myanmar (3.3%).

However, in the two east Malaysian states, labour source countries are limited. Except for a few exceptional cases, Sabah allows only foreign labour from Indonesia and the Philippines; and Sarawak, from Indonesia mainly from Kalimantan, Sulawesi and Pulau Timur.

For Malaysia as a whole, designated sectors for foreign workers are domestic and non-domestic services, manufacturing, construction, and plantations/agriculture. Except for domestic services, each sector allocates jobs to foreign semi-skilled workers based on a guideline provided by the Government in the late 90s, which in essence allows foreigners to be employed at the lowest and top most level of the job hierarchy where local manpower is not available. In the 70s it was the plantation sector which was the major user for foreign workers. But by 2004, the majority of these workers are now in manufacturing and services (see *Table 3a*). However, in Sabah where agriculture remains the mainstay of the economy, the majority of such labour are absorbed in the plantations with only a small number in manufacturing and services. For example, since 1995 the plantations have always been the major user of foreign workers in the state and the number has increased consistently in the last decade (see *Table 3b*). Over 75% of foreign workers in the state are engaged in the plantations; and according to a plantation source, in some estates foreign workers may go as high as 95% (Gatidis, 2004).

**Table 1: Issuance of Work Permits (PLKS) to Foreign Workers in Malaysia (1993 – 2005)**

Year	Peninsula (%)	Sabah (%)	Sarawak (%)	Malaysia
1993	77.78	18.78	3.46	532,723
1994	80.37	15.58	4.07	642,057
1995	79.33	16.62	4.07	726,689
1996	78.74	16.26	5.01	745,239
1997	79.60	1.61	3.66	1,495,637
1998	84.24	10.01	5.76	937,508
1999	42.84	15.19	8.44	891,398
2000	77.19	11.62	11.20	819,684
2001	75.16	13.37	11.49	769,566
2002	77.13	13.81	9.07	1,057,156
2003	78.13	13.13	8.75	1,239,862
2004	78.35	13.06	8.61	1,359,500
2005 (May)	n.a	n.a	n.a	1,600,000

**Source:**  
Ministry of Home Affairs  
Malaysia, personal  
correspondence.  
Department of  
Immigration, Pusat  
Bandar Damansara,  
Kota Kinabalu & Kuching  
& the Department of  
Labour Sarawak (letter  
from the department to  
writer dated 14 Mac  
2005).

**Table 2a: Malaysia: Distribution Of Foreign Workers By Country Of Origin (2001 & 2003)**

Year / Nationality	Peninsula		Sabah & Labuan		Sarawak		Total Number	
	2001	2003	2001	2003	2001	2003	2001	2003
Indonesians	387,138 (67.22)	611,463 (62.84)	93,661 (89.06)	156,310 (94.22)	86,184 (97.49)	99,664 (98.83)	566,983 (73.68)	867,437 (69.97)
Thais	2,211 (0.39)	14,704 (1.52)	10 (0.01)	13 (0.01)	219 (0.25)	28 (0.03)	2,440 (0.32)	14,745 (1.19)
Cambodians	0	2,363 (0.25)	0	0	0	0	0	2,363 (0.19)
Nepalese	0	97,193 (9.99)	0	0	0	37 (0.04)	0	97,230 (7.85)
Myanmarese	0	40,220 (4.14)	0	0	0	9 (0.01)	0	40,229 (3.25)
Filipinos	5,784 (1.01)	6,361 (0.66)	11,059 (10.52)	9,449 (5.70)	444 (0.51)	357 (0.36)	17,287 (2.25)	16,167 (1.31)
Vietnamese	0	50,781 (5.22)	0	0	0	74 (0.08)	0	50,855 (4.11)
Laotians	0	76 (0.01)	0	0	0	0	0	76 (0.01)
Uzbekistan	0	17 (0.01)	0	0	0	0	0	17 (0.01)
Kazakhstan	0	0	0	0	0	0	0	0
Turkmenistan	0	0 (0.00)	0	0	0	0	0	0
Indians	0	51,885 (5.34)	0	124 (0.08)	0	131 (0.13)	0	52,140 (4.21)
Bangladeshis	104,361 (18.12)	89,576 (9.21)	3 (0.01)	0	1,380 (1.56)	338 (0.34)	105,744 (13.74)	89,914 (7.26)
Pakistanis	2,197 (0.39)	2,368 (0.25)	21 (0.02)	2 (0.01)	0	3 (0.01)	2,218 (0.29)	2,373 (0.20)
Sri Lankans	0	837 (0.09)	0	0	0	13 (0.02)	0	850 (0.07)
Others	74,294 (12.90)	5,267 (0.55)	419 (0.40)	5 (0.01)	181 (0.21)	194 (0.20)	74,894 (9.74)	5,466 (0.44)
<b>Total</b>	<b>575,985 (74.85)</b>	<b>973,111 (78.49)</b>	<b>105,173 (13.67)</b>	<b>165,903 (13.38)</b>	<b>88,408 (11.49)</b>	<b>100,848 (8.14)</b>	<b>769,566 (100)</b>	<b>1,239,862 (100)</b>

**Source:**  
Data from the Ministry  
of Home Affairs as per  
letter to the writer dated  
11 February 2004.

**Table 2b: Sabah: Foreign Workers By Country Of Origin (1995– 2005)**

Country of origin/ Years	Indonesia	Bangladesh	Philippines	Thailand	Pakistan	Others	Total
1995	na	na	na	na	na	na	120,719
1996	na	na	na	na	na	na	121,144
1997	19,763 (82.37)	0	4,229 (17.63)	0	0	0	23,992 (100)
1998	76,441 (81.47)	0	17,383 (18.53)	0	0	0	93,824 (100)
1999	112,699 (83.26)	0	22,651 (16.74)	0	0	0	135,350 100
2000	86,760 (91.10)	0	8,258 (8.67)	0	0	213 (0.22)	95,231 (100)
2001	91,871 (89.31)	3 (0.00)	10,666 (10.37)	8	10	314 (0.30)	102,872 (100)
2002	132,031 (90.44)	0	13,944 (9.55)	0	0	5 (.0.00)	145,980 (100)
2003	153,721 (94.43)	0	9,063 (5.57)	0	0	5 (0.00)	162,789 (100)
2004	168,875 (95.17)	0	8,569 (4.83)	0	0	6 (0.01)	177,450 (100)
2005	95,900 (93.77)	0	6,365 (6.22)	0	0 (0.01)	0	102,265 (100.0)

**Note:**  
Based on Pas Lawatan Kerja Sementara (PLKS) issued by the Department of Immigration. Data for 2005 is until May 2005. n.a. = Not available.

**Source:**  
Department of Immigration, Kota Kinabalu, Sabah.

### Expatriates

The number of expatriate workers comprising the professional, managerial and technical group, is relatively small, officially estimated at around 3% of foreign workers in Malaysia (Economic Report 2003/2004:75). They are employed in both the private and public sector. In the former, many of them are engaged mainly in managerial capacities in Multi-National Corporations (MNC) controlled by their countrymen; as skilled personnel in ICT related industries; in finance and banking; in tourism related industries, etc.

They are also in the public sector where they are found in health services (as specialists and medical officers at public hospitals), sports and in institutions of higher learning. Except for Israel, there appears to be little restriction as to their country of origin. In 2000, for example, the expatriate population of about 39,000 hailed from over at least 136 countries with largest number from Japan (18.3%), India (16.3%), the United Kingdom (8.0%), China (6.2%) and Singapore (5.5%) (see Azizah Kassim, 2002). The situation may be the same today. Most of the expatriates

are in the Peninsula, in particular in urban areas, where most of the MNC's are located.

In comparison with the semi-skilled foreign workers, the expatriates are a favoured group for, by virtue of their much sought after skills they are considered an asset to the country. Their number is small, and as holders of prestigious and well paid jobs, they are least likely to be a potential threat to security or a burden to the state in terms of provision of basic amenities or social services (such as

**Table 3a: Malaysia: Distribution Of Foreign Workers By Job Sector (2001 & 2003)**

Year / Job Sector	Peninsula		Sabah & Labuan		Sarawak		Total Number	
	2001	2003	2001	2003	2001	2003	2001	2003
Maid	138,769 (24.10)	209,812 (21.56)	5,684 (5.41)	11,395 (6.87)	11,430 (1.30)	12,151 (12.05)	155,883 (20.26)	233,358 (18.83)
Manufacturing	227,405 (39.49)	313,000 (32.17)	11,498 (10.94)	15,019 (9.06)	44,498 (50.34)	53,287 (52.84)	283,401 (36.83)	381,306 (30.76)
Plantation	106,351 (18.47)	168,960 (17.37)	80,858 (76.88)	130,526 (78.68)	27,386 (30.98)	29,001 (28.76)	214,595 (27.89)	328,487 (26.47)
Construction	56,171 (9.76)	206,872 (21.26)	1,972 (1.88)	3,456 (2.09)	2,054 (2.33)	4,251 (4.22)	60,197 (7.83)	214,579 (17.31)
Services	47,288 (8.21)	74,199 (7.63)	4,981 (4.74)	5,329 (3.22)	3,040 (3.44)	2,148 (2.13)	55,309 (7.19)	81,676 (6.59)
Others	1 (0.00)	268 (0.03)	180 (0.18)	178 (0.11)	0	10 (0.01)	181 (0.03)	456 (0.04)
<b>Total</b>	<b>575,985 (74.85)</b>	<b>973,111 (78.49)</b>	<b>105,173 (13.67)</b>	<b>165,903 (13.38)</b>	<b>88,408 (11.49)</b>	<b>100,848 (8.14)</b>	<b>769,566 (100)</b>	<b>1,239,862 (100)</b>

**Source:**  
Data from the Ministry of Home Affairs as per letter to the writer dated 11 February 2004.

**Table 3b: Sabah: Foreign Workers By Job Sectors (1995– 2005)**

Job Sectors/ Years	Maid	Manufacturing	Plantation	Construction	Services	Others	Total
1995	na	na	na	na	na	na	120,719
1996	na	na	na	na	na	na	121,144
1997	5,146 (21.45)	3,252 (13.55)	12,297 (51.25)	384 (1.60)	2,913 (12.14)	0 (0.00)	23,992 (100)
1998	8,134 (8.67)	9,523 (10.15)	59,007 (62.89)	6,260 (6.67)	10,900 (11.62)	0 (0.00)	93,824 (100)
1999	8,653 (6.39)	22,815 (16.86)	92,091 (68.04)	4,024 (2.97)	4,685 (3.46)	3,082 (2.28)	135,350 (100)
2000	5,219 (5.48)	14,690 (15.43)	66,580 (69.91)	1,181 (1.24)	6,847 (7.19)	714 (0.75)	95,231 (100)
2001	5,200 (5.05)	11,408 (11.09)	80,414 (78.17)	1,591 (1.55)	4,126 (4.01)	133 (0.13)	102,872 (100)
2002	8,960 (6.14)	11,608 (7.95)	115,819 (79.34)	3,607 (2.47)	5,946 (4.07)	40 (0.03)	145,980 (100)
2003	10,479 (6.44)	14,886 (9.14)	129,840 (79.76)	2,820 (1.73)	4,586 (2.82)	178 (0.11)	162,789 (100)
2004	11,865 (6.69)	16,761 (9.45)	138,345 (77.97)	3,125 (1.77)	7,205 (4.06)	149 (0.09)	177,450 (100)
2005	6,427 (6.29)	10,658 (10.43)	79,549 (77.79)	2,186 (2.14)	3,445 (3.37)	0 (0.00)	102,265 (100)

**Note:**

Based on Pas Lawatan Kerja Sementara (PLKS) issued by the Department of Immigration. Data for 2005 is until May 2005 only.  
n.a. = Not available.

**Source:**

Department of Immigration, Kota Kinabalu, Sabah.

medical care for their families or educational facilities for their children).

Thus their entry into the Malaysian workforce is relatively easier, but such an advantage is known to have been abused by unscrupulous labour recruiters who took in semi-skilled foreign workers using the expatriate employment passes (*Pas Penggajian*). Another negative dimension of this group is their failure to make a success of the *under-study programme*, made incumbent on certain appointments in the private sector. The programme is aimed at technology transfer whereby the expatriates train their local subordinates within a period of five years to enable them to take over those jobs eventually. However, our study indicates that this objective is seldom attained.

**ASSOCIATED PROBLEMS IN HIRING FOREIGN WORKERS**

**Expansion of the Immigrants Population, Illegal Immigrants and Refugees**

The hiring of foreign workers contributed positively to Malaysia’s economic development. However, their presence is often accompanied by a number of negative consequences. As pointed out by many (see among others, Jomo, 2005),

employment of such workers leads to a loss in revenue through their remittances, delays automation and mechanisation, suppresses local pay, imposes a heavy toll on social amenities and social services, re-introduces diseases once under control in Malaysia, a threat to security, etc. These problems have their roots in the expanding immigrant population especially the illegals among them.

**The Expanding Immigrant Population**

In the Population Census 1991, foreigners account for 4.4% of the Malaysian population of over 18.3 million. By 2000, the alien population increased to over 1.384 million or 5.9% (see Table 4). The writer believes that census figures on foreign nationals are understated as it is well known that, many of the illegals residing in the country at the time of the census, refrained from enumeration for fear of being identified and deported.

Foreign nationals are spread out unevenly between the various states in Malaysia with the smallest number in Perlis and the largest in Sabah. As shown in Table 4, in 1991, about 57.7% of all foreigners in Malaysia were found in Sabah, and in 2000, while the number remains high the percentage had declined to 44.4% forming about 24% of the state population. Of the constituent states in the Peninsula,

Selangor has the highest number in 2000, followed by Johor and the Federal Territory of Kuala Lumpur. In Sarawak, the foreign population appears to have expanded almost four times from around 18,000 in 1991 to over 62,000 in 2000.

**Illegal Immigrants**

In general, apart from tourists who are in Malaysia on short-term basis, foreign nationals in Malaysia can be grouped into several categories – the foreign workers (unskilled/ semi-skilled foreign workers and the expatriates); the asylum seekers and refugees; students and illegal immigrants.

In general discourse illegal immigrants or *pendatang tanpa izin* (PTI) is a generic term to refer to various categories of aliens who have committed legal infractions such as:

- Undocumented aliens who have entered the country without proper travel documents and outside authorised port of entry,
- Contract defaulters – foreign workers who have changed their work and employers,
- Over-stayers, who may or not be in the workforce,
- Visa abusers, such as those entering Malaysia on student or tourist visas engaged in employment,

**Table 4: Distribution Of Foreign Population In Malaysia (1991 & 2000)**

	1991			2000		
	Total Population	Non-Citizens : Number & % of State Population	Non-Citizen : % of Total Foreign Pop.	Total Population	Non-Citizens : Number & % of State Population	Non-Citizen : % of Total Foreign Pop.
<b>Peninsular Malaysia</b>						
Johor	2,162,357	56,658 (2.6)	0.7	2,740,625	150,530 (5.5)	10.9
Kedah	1,364,504	7,020 (0.5)	0.9	1,649,756	25,605 (1.6)	1.8
Kelantan	1,207,684	25,099 (2.1)	3.1	1,313,014	20,795 (1.6)	1.5
Melaka	529,199	6,968 (1.3)	0.9	635,791	22,944 (3.6)	1.7
Negeri Sembilan	722,017	10,272 (1.4)	1.3	859,924	31,859 (3.7)	2.3
Pahang	1,081,148	31,983 (3.0)	4.0	1,288,376	54,800 (4.3)	3.9
Perak	1,974,893	14,203 (0.7)	1.8	2,051,236	38,345 (1.9)	2.8
Perlis	190,182	2,016 (1.1)	0.3	204,450	3,155 (1.5)	0.2
Pulau Pinang	1,116,801	17,787 (1.6)	2.2	1,313,449	48,382 (3.7)	3.5
Selangor	2,413,567	74,696 (3.1)	9.3	4,188,876	186,382 (4.5)	13.5
Terengganu	808,556	19,858 (2.5)	2.5	898,825	15,838 (1.8)	1.1
<b>Federal Territory (Kuala Lumpur)</b>	1,226,708	55,669 (4.5)	6.9	1,379,310	92,373 (6.7)	6.7
<b>Sub-total</b>	14,797,616	322,229 (2.2)	40.0	18,523,632	691,032 (3.7)	49.9
<b>Sabah</b>	1,808,848	464,786 (25.0)*	57.7	2,603,485	614,824 (23.6)	44.4
<b>Sarawak</b>	1,718,380	18,361 (1.1)	2.3	2,071,506	62,738 (3.0)	4.5
<b>Federal Territory (Labuan)</b>	54,811			76,067	16,150 (21.2)	1.2
<b>Malaysia</b>	18,379,655	805,376 (4.4)	100	23,274,690	1,384,744 (5.9)	100

**Note:** Includes Sabah & Federal Territory (Labuan).

**Source:**  
 1. Population & Housing Census 1991 – General Report of the Population Census. Department of Statistics Malaysia, Vol. 2:1,8,9 & 10.  
 2. Population & Housing Census 2000 – Population Distribution and Basic Demographic Characteristics. Department of Statistics Malaysia, July 2000:1–49.

- Holders of counterfeit documents or forged endorsement of official documents,
- Holders of genuine documents obtained fraudulently,
- Children of immigrants whose births are not registered,
- Refugees who failed to renew their IMM13P passes (in the case of Sabah only).

Out of a total over 1.38 million foreigners in the country in 2000, only about 820,000 were registered as workers and expatriates with the Department of Immigration, less than 100,000 refugees and around 30,000 foreign students. The remaining number, around 435,000 are most likely illegal immigrants.

An analysis of the age structure of the alien population in 2000 provides further evidence that many of them are illegal immigrants. As shown in Table 5, almost 22% of the non-citizens were not in the economically active age group (14 years of age and below and over 60 years old). Our fieldwork in Sabah and the Peninsula reveals that they are dependents of

workers consisting of children and elderly parents and other relatives; and among the economically active age group some are full-time housewives. A large number of legally recruited foreign workers have sent for their spouses once they are settled in their work place; while some of those who were single on arrival got married and have children, although such actions are against the terms and conditions of their employment. Many of such dependents are over-stayers (see Table 6), and their children born in Malaysia are not registered with the National Registration Department as the parents are afraid of being identified by the authorities and deported. The result is an increase in the number of illegal immigrants and with it the attendant socio-economic and political problems.

The various measures taken by the Government since the early nineties to stamp out illegal immigrants have led to a large number of illegals being apprehended, identified, and deported. As shown in Table 7, over the last 14 years, over 2.3 million illegal immigrants were identified and apprehended. Thus, on

average, Malaysia has at least 193,000 illegals living among its population within a specific year. However, the actual number is much larger as many illegals escaped apprehension. That many more are still around is demonstrated in the case of Sabah where reports of their arrest, detection, court proceedings and sentencing appear almost daily in the local newspapers.

### ASYLUM SEEKERS AND REFUGEES: SHOULD THEY WORK?

With increasing number economic migrants criss-crossing political boundaries in search of employment opportunities, asylum seekers and refugees are often suspected of being economic migrants; and indeed there have been cases where economic migrants enter a country disguised as asylum seekers and apply for refugee status. Such a problem is faced by Malaysia where there are now an estimate of about 100,000 asylum seekers and refugees comprising of Rohingyas from Myanmar (@20,000), Achenese (@ 10,000),

**Table 5: Age Structure Of Non-Malaysian In Malaysia And Sabah (2000)**

Malaysia					Sabah				
Age Groups	Male	Female	Total	%	Age Group	Male	Female	Total	%
Economically Inactive									
0 – 4	57,457	51,094	108,551	7.84	0 – 4	45,610	40,806	86,416	14.06
5 – 9	46,425	42,082	88,507	6.39	5 – 9	38,638	35,076	73,714	11.99
10 – 14	34,130	31,840	65,970	4.76	10 – 14	27,378	25,540	52,918	8.61
<b>Sub-Total</b>	<b>13,012</b>	<b>125,016</b>	<b>263,028</b>	<b>18.99</b>	<b>Sub-Total</b>	<b>111,626</b>	<b>101,422</b>	<b>213,048</b>	<b>34.66</b>
Economically Active									
15 – 19	48,014	50,750	98,764	7.13	15 – 19	31,349	29,941	61,290	9.97
20 – 24	113,095	98,635	211,730	15.29	20 – 24	39,999	33,795	73,794	12.00
25 – 29	147,306	108,263	255,569	18.46	25 – 29	41,662	35,245	76,907	12.51
30 – 34	115,792	75,611	191,403	13.82	30 – 34	33,126	21,374	60,378	9.82
35 – 39	84,082	56,227	140,309	10.13	35 – 39	26,522	13,630	47,896	7.79
40 – 44	53,994	34,568	88,562	6.40	40 – 44	19,677	7,241	33,307	5.42
45 – 49	29,732	18,755	48,487	3.50	45 – 49	11,096	5,199	18,337	2.98
50 – 54	19,276	11,473	30,749	2.22	50 – 54	7,606	2,400	12,805	2.08
55 – 59	10,096	5,913	16,009	1.16	55 – 59	3,755	1,976	6,155	1.00
<b>Sub-Total</b>	<b>621,387</b>	<b>460,195</b>	<b>1,081,582</b>	<b>78.11</b>	<b>Sub-Total</b>	<b>214,792</b>	<b>150,801</b>	<b>390,869</b>	<b>63.57</b>
Economically Inactive									
60 – 64	7,279	5,328	12,607	0.91	60 – 64	2,873	1,976	4,849	0.79
65 – 69	4,571	3,881	8,452	0.61	65 – 69	1,344	933	2,277	0.37
70 – 74	3,626	3,437	7,063	0.51	70 – 74	866	984	1,850	0.30
75 and over	5,479	6,563	12,042	0.87	75 and over	1,105	826	1,931	0.31
<b>Sub-Total</b>	<b>20,955</b>	<b>19,209</b>	<b>33,101</b>	<b>2.9</b>	<b>Sub-Total</b>	<b>6,188</b>	<b>4,719</b>	<b>10,907</b>	<b>1.77</b>
<b>Total</b>	<b>780,354</b>	<b>604,420</b>	<b>1,384,774</b>	<b>100</b>	<b>Total</b>	<b>332,606</b>	<b>282,218</b>	<b>614,824</b>	<b>100</b>

**Source:**  
Population Distribution & Basic Demographic Characteristics, Population & Housing Census of Malaysia 2000, Department of Statistic, Kuala Lumpur July 2001 : 5 & 35.

**Table 6: Suspected Number Of Filipino And Indonesian Overstayers Based On Records Of Arrivals & Departures In Sabah (1997-2003)**

	Arrivals		Departures	Suspected No. of Overstayers
1996	(F)	17,374	17,373	1
	(I)	31,463	16,018	15,445
1997	(F)	33,645	25,678	7,967
	(I)	32,653	19,208	13,445
1998	(F)	44,816	47,978	-3,159
	(I)	91,188	46,319	44,869
1999	(F)	45,740	54,373	8,633
	(I)	117,424	62,821	54,603
2000	(F)	45,632	38,538	7,036
	(I)	115,581	55,681	59,900
2001	(F)	41,574	27,934	13,640
	(I)	119,195	50,588	68,783
2002	(F)	45,986	46,285	-299
	(I)	232,831	133,248	99,583
2003	(F)	49,716	31,742	17,974
	(I)	206,664	111,746	94,918
2004 (Jan - Nov)	(F)	43,166	31,557	11,609
	(I)	235,470	116,494	118,976
<b>Sub-Total</b>	<b>(F)</b>	<b>367,649</b>	<b>321,458</b>	<b>46,191</b>
<b>Sub-Total</b>	<b>(I)</b>	<b>1,182,645</b>	<b>612,123</b>	<b>570,522</b>
<b>Total</b>	<b>(F)+(I)</b>	<b>1,550,294</b>	<b>933,581</b>	<b>616,713</b>

**Notes:**  
F = Filipino; I = Indonesian

**Source:**  
Sabah Monthly Statistical Bulletin, May 2002: 98-101 & Sabah Monthly Statistical Bulletin, Nov 2003: 98-101. Adapted from Azizah Kassim, 2003 & Sabah Monthly Statistical Bulletin Dec 2004.

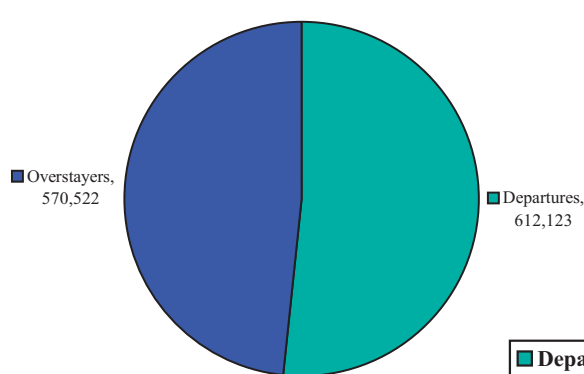


Chart 1: Departures & Overstayers of Indonesian in Sabah (1996-2004)

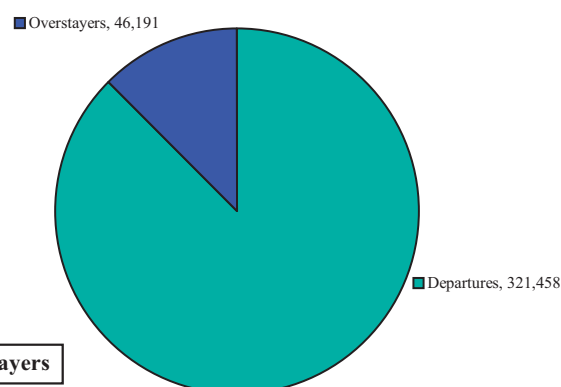


Chart 2: Departures & Overstayers of Filipino in Sabah (1996-2004)

**Table 7: An Indication Of The Number of Illegals Apprehended And Identified in Malaysia (1992 - 2004)**

Year	Ops Nyah I	Ops Nyah II	Regularisation & Amnesty	Voluntary Repatriation <sup>2</sup>	Expiry of Work Permits	Runaway Cases	Total
1992	-	-	483,784				483,784
1993	14,211	41,584					55,795
1994	11,082	43,189					54,271
1995	7,828	32,835					40,663
1996	10,919	25,873	554,941				591,733
1997	8,547	35,521	413,812				457,880
1998	14,670	42,574		187,486			244,730
1999	11,721	42,889					54,610
2000	10,575	77,943			18,714	72,528	179,760
2001	9,103	87,461					96,564
2002	n.a	19,995					19,995
2003	2,931	67,109					70,040
2004 (Mac)	271	13,249	51,861				65,381
<b>Total</b>	<b>101,858</b>	<b>535,223</b>	<b>1,594,439</b>	<b>187,486</b>	<b>18,714</b>	<b>72,528</b>	<b>2,510,248</b>
<b>Annual Average</b>							<b>193,096</b>

**Notes:**

<sup>1</sup>Regularisation exercise in Peninsula was carried out between January and June 1992, and December 1996. The data were made available by the Chief Secretary, Ministry of Home Affairs, as per letter to the writer, dated 04/06/97. Prior to this there was another regularisation among illegal Indonesian plantation workers, but the number of regularised illegals is available.

In Sabah, a regularisation exercise was carried out between March and October 1997. Sarawak carried out a similar exercise between January and March 1998, but the results are not available.

<sup>2</sup>Voluntary repatriation of illegal immigrants was carried out nationwide between 1 October and 15 November 1998. Figures were provided by the Immigration Department Headquarters, Pusat Bandar Damansara, Kuala Lumpur

**Source:**

Compiled from unpublished data from the Urusetia Ops Nyah, Malaysian Police Headquarters, Bukit Aman, Kuala Lumpur; Ministry of Home Affairs Malaysia; Immigration Department Headquarters, Pusat Bandar Damansara, Kuala Lumpur & Federal Task Force, Sabah.



and Muslim Filipinos in Sabah who arrived since the early 70s to escape political turmoil in Southern Philippines. The "refugee" status of this last group has been hotly contested and debated in the last decade and there are now official statements to the effect that they are no longer refugees but IMM13P holders i.e. foreigners who have been given special permission to stay and work in Sabah. Their number to date is officially estimated at over 68,000, based on the number of IMM13P passes being renewed every year. However, because children under 12 years are registered in the same pass of one of their parents, their actual number should be much higher as the refugees, as indicated in our study, have higher number of children, partly due to lack of access to family planning.

The recent announcement by the Government that refugees can be allowed to work applies to others but the Filipino refugees as they are already permitted to work. The move is indeed laudable for many reasons. While it helps alleviate labour shortage in the country, it also enables the refugees to seek jobs openly (as opposed to working irregularly before), thus restoring a sense of dignity and a sense of financial independence among them and lessening their dependency on the UNHCR (United Nations High Commissioner For Refugees). The fear expressed by the MTUC that this may encourage more refugees to come deserves careful attention so that appropriate measures can be taken to avoid such an inevitability. At the same time careful deliberations as to the mechanisms of refugee employment must prevail to ensure the welfare of their children and other dependents who cannot join the workforce. Refugees allowed to work cannot be subjected to the same rules and regulations as the foreign workers; as the present regulations on alien employment (for the unskilled/semi-skilled) have specific period of job tenure and do not accommodate the employees' dependents.

## OUT-MIGRATION

A substantial number of Malaysians are working abroad. A small number are professionals and skilled technical workers while others are unskilled or



semi-skilled workers in the same sectors and doing very much the same jobs being done by foreigners in Malaysia (construction workers, general operatives in the factory, cleaners, etc.) Such workers are found in Japan, Taiwan, Hong Kong, United Kingdom, USA, Canada, Australia, the middle eastern countries, etc. (see for example Iguchi, 2000 and Hugo, 2000). As Malaysia has no policy on labour emigration, there is no procedure for such employment, so many of these workers (apart from the those involved in Technical Intern Trainee Programme in Japan) entered the host country as tourists, overstay and work. In countries such as Japan or Taiwan, statistics on these workers are available from Immigration records on the number of aliens apprehended (see Azizah Kassim, 1994, & Sazaki, 1993).

Among the Malaysian professionals working abroad are engineers, doctors, IT specialists, etc. who, very often studied abroad in countries such as Australia and New Zealand, United Kingdom, Canada and the United States of America. Having completed their courses they stayed behind, driven initially by the desire to gain job experience. They are later encouraged to stay longer because of the relatively higher pay offered abroad. In addition, there are also a considerable number of Malaysian employed in neighbouring

Singapore and Brunei as skilled and unskilled workers.

Prior to 2000, there were no comprehensive records kept by the Government on Malaysians professionals abroad. Perhaps there is now, in view of the attempt to lure these professionals home, but the writer has not seen such records yet.

As pointed by many, the emigration of educated and skilled personnel is usually from the developing countries to the industrialised regions. Stalker, 1994, mentions the loss of health personnel (doctors, nurses, dentists, etc.) by Jamaica in the late 70s, and by Sudan and Hong Kong to rich countries like USA, Canada and United Kingdom due to amended policies in these countries to attract foreign skilled personnel from abroad. Such emigration which is experienced by Malaysia now leads to a great loss to the sending countries concerned in terms of educational costs. It can also affect present and future development planning. In addition, as pointed out by Malakha (2000), who wrote on the emigration of scientists (especially to Israel) from Soviet Russia in the recent years, such emigration is also a security risk. Malaysia must learn from the experience of such countries to avoid losses and subsidising the rich countries in their human resource development.

## THE MALAYSIAN EXPERIENCE IN COMPARATIVE PERSPECTIVE

### Size of Foreign Workers and the Immigrant Population

As mentioned earlier Malaysia's dependence on foreign workers has been increasing in the last 15 years from 4% in 1990 to 12% of the country's workforce in 2005. Similarly, their number and percentage of the country's population has risen from 4.4% in 1991 to around 5.9% in 2000. A comparison between Malaysia's foreign labour force and population with those of some selected countries is shown in Table 8.

Table 8 shows the number and percentages of alien workers and immigrants in selected developed European countries which have a long tradition of in-migration and where the 'greying' of their population has been going on since the 70s as a result of declining population growth. i.e. on average less than one per cent per annum. They have pressing reasons to allow more immigrants particularly young ones to come so that a dependency ratio of three economically active population (24-60 years old) to one elderly can be achieved. None the less, the percentage of aliens among their workforce and immigrants out of their total population have, in many cases, declined (see among others Rico, 2004; Morokvasic-Muller, 2004 and Stalker, 1994). Malaysia has a population growth

rate of 2.6%, and its population is in no danger of declining. Thus, it should be more cautious in admitting aliens especially because the immigrant population very often has a higher growth rate than the host population.

The dependency on foreign workers, presently at around 12% at the national level, is relatively high. In Sabah, such dependency has grown out of proportion in the estate sector where foreign labour forms between 70 to 90% of agricultural workers in some oil palm estates, and about 90% of these agricultural workers are from Indonesia. Such a high level of dependency in one sector viz. agriculture which is the mainstay of the Sabah economy; and on one nationality can be precarious to the economic development in the event of strained diplomatic relations between the two countries; and if Indonesia calls on their nationals to return. In the event that Indonesia develop its agricultural sector in areas close to Tawau, one would expect a return migration of Indonesians from Sabah to Kalimantan in view of the low cost of living in the latter. Should such occasions arise, the Sabah economy can collapse.

As pointed out by many writers, the employment of a large number of foreign workers also has a number of negative impacts – it reduces the urgency to mechanise and automate, reduce or suppress pay levels thus pushing out locals

from some economic sectors, sustains the choosy attitude of local workforce, etc. In the long run as experienced by many western countries, the increase in the immigrant population often leads to conflicts between the host population and the foreigners.

### Policy on Foreign Workers

Malaysia has adopted a restrictive, economic-driven policy based on the premise that foreign labour utilisation is temporary. As such policy measures change in tandem with the country's economic performance, and the terms and conditions of alien labour employment i.e. the unskilled/semi-skilled group are tailored towards their short stay (they are not allowed to marry or take along family members and must return home after five years, etc.) and discourage integration. The policy emphasises control and regulation. Thus the policy differs from that practised by European Union member countries because it under-emphasised the social requirements of the immigrant workers. In the EU countries, immigrant workers, once admitted, are allowed to take along immediate family members under its family reunion programme, given access to state social services such as medical facilities for workers and their families, social welfare benefits, access to education by their children, etc.). In respect of their jobs, they are accorded the same terms and condition of service as the locals (pensions scheme, insurance, training, etc.)

**Table 8: Foreigners and Workers in Selected Countries (Number in thousands)**

	1990		1999	
	No. & % of population	No. & % of labour force	No. & % of population	No. & % of labour force
France	3596.6 (6.3)	1549.5 (6.2)	3263.2 (5.6)	1593.8 (5.8)
Germany	5342.5 (8.4)	-	7343.6 (8.9)	3545 (8.8)
Italy	781.1 (1.4)	-	1252.0 (2.2)	747.6 (3.6)
Japan	-	-	-	n.a
Malaysia	805.4 (4.4)	281.7 (4.0)	1384.8 (5.9)	818.5 (9.0)
Netherlands	692.4 (4.6)	197 (3.1)	651.5 (4.1)	-
Spain	278.7 (0.7)	85.4 (0.6)	801.3 (2.0)	172.8 (1.0)
United Kingdom	1723 (3.2)	882 (3.3)	2208 (3.8)	1005 (3.7)

**Note:**  
\*Data for 2001.

**Source:**  
Rico (2004) &  
Morokvasic-Muller  
(2004) p.37 & 38 and  
Malaysian Economic  
Report 2003/2004 p.72.

In comparative terms, the Malaysian policy on foreign workers has a number of shortcomings, which in part contribute to the continuous expansion of the illegal immigrants population. Firstly, its premise is now found defective as the recruitment of alien labour has been going on for over three decades; it is not a temporary and a short term measure. There is a disjuncture between policy and reality - while the policy stipulates a short term stay, many workers, sometimes abetted by their employers, often contemplate long tenure and do all they could to circumvent the rules and regulations. For example, our study discovered two ways of such circumvention. Firstly, to overcome the rules allowing foreign workers to work only for five years, after which they must return home and resume work in Malaysia only after six months, many Indonesian workers in Sabah, after the expiry of their tenure, cross over from Tawau to Nunukan, change their names and take a new passport, then re-enter Sabah within a week. Secondly, some Indonesian workers are using the services of illegal agents for a fee of RM250.00 per person, through which they send over their respective expired passport or entry visa via Tawau to the Indonesian Immigration Office in Nunukan where all the necessary renewals are done. An Indonesian man, who explained the workings of this system, said he has been working in Sabah since the 70s and has never returned to Indonesia, yet he has all the necessary immigration and work documents to allow him to stay legally.

In addition the relatively high cost of getting and renewing the *Pas Lawatan Kerja Sementara* as compared to their monthly wages, the bureaucratic procedures which many prospective foreign workers find formidable, caused many workers not to renew their work permit. The stress on legal documents too force some to acquire travel and work documents fraudulently; and similarly, because of the prohibition to take along family members, foreign workers bring in their family members as tourists and overstay and should they have children in the country, they avoid registering those births to escape detection. The various shortcomings in the rules and regulations pertaining to recruitment and employment of foreign workers have the combined effect of expanding the illegal alien population and



sustaining them in spite of the various steps taken to reduce their number.

In respect of expatriate workers Malaysia's position is akin to those of other countries. Malaysia, like other countries are keen to bring in the expatriates by offering them attractive terms and conditions of service and providing them the means to integrate. Malaysia is also working on inducing the return flow of its skilled workers abroad, which the writer is made to understand, is not getting much response.

### **Measures Against Illegal Immigrants**

Steps taken by Malaysia with regards to illegal immigrants are almost similar with those taken by many other receiving countries faced with similar problems such as the United States of America, Australia, Canada, Japan and Taiwan. However, Malaysia does not recognise the basic rights of the illegals; and accordingly, if detected they will be charged, sentenced and later deported. In such countries as Japan, illegals are accorded some rights, at least at the workplace, for in the event of non-payment of wages, they have legal recourse to take their respective employers to court to regain their money.

As explained by Djajic (2000) the most popular measures against illegal immigrants implemented in many host countries are border control, employer sanctions, battling document fraud, legalisations, advertising, fines and penalties and international co-operation to curtail migration. No host country has been able to stamp out illegal immigrants; however, a few have succeeded in reducing their number substantially.

In Malaysia, the fight against the illegals is a losing battle, as seen by statistics presented earlier. While the border control is effective, other measures adopted are either easily circumvented by the illegals and associated agencies; or difficult to implement. Legalisation for example, will be effective only if those legalised are later conferred Permanent Residence status as practised in the United States (Djajic, 200:148) but in Malaysia, legalisation is done for a different purpose i.e. to bring the undocumented and irregular workers out of the underground economy into the formal economy, and to issue them with temporary work permit lasting for a year. After the work permits expires, the workers will again become illegals.

Employer sanctions, charging illegals in court and imposing penalties on them along with canning and battling document fraud is not easily done in Malaysia in view of the large number of illegals in the country. The country lacks the facility, money and manpower to carry out these preventive as well as combative measures. The cost of these operations is high, it is estimated that the Government spent around RM3-RM4 million a year just to provide meals to detainees in the transit camps prior to deportation (Economic Report 2003/04:74).

In the case of Malaysia, other areas that need looking into seriously is the flow of tourists as a large number of illegals, as shown in the case of Sabah, came legally on tourist visa. The Immigration Department must find ways to monitor tourist arrivals and departure and keep records on over-stayers as is done by countries such as Japan. The Japanese swift way of disposing illegals too need to be emulated. Instead of charging the illegal alien in court, and sentencing them which will cost money and time, the Japanese authorities very often send off the illegals back to their country of origin almost immediately after they surrender themselves or on apprehension, asking the offenders to pay for their one way ticket home. Malaysia too must find ways to reduce the cost of repatriation of offenders, one of which is making the employers of illegal workers liable for the cost of their workers' deportation.

## CONCLUSION

In an increasingly globalised world, the flow of workers (and their dependents) across borders is expected to accelerate and the volume will certainly increase. As long as there is demand for such workers in Malaysia, the inflow of foreign manpower will continue especially if the economic development in the neighbouring countries continue to lag behind that of Malaysia. The more restrictive the policy on foreign workers, the more will be the number of illegal aliens. Thus it is necessary to adopt a less restrictive policy predicated on the assumption that the employment of foreign workers is a long term measure.

The present policy measures aimed at reducing the number of illegals seems to have limited success, it is therefore urgent that these measures and the mode of their implementation be revised and alternative strategies adopted. In addition, the dependency on foreign workers need to be reduced for example, by optimising the use of local manpower (such as housewives, the active elderly, school leavers, students on leave), revising our values towards jobs, re-examining manpower training/educational programmes and the pay structure, etc. in addition to encouraging mechanisation and automation.

In view of the difficulty in controlling and monitoring foreign workers and coping with their attendant problems some Malaysians may be tempted to follow the example of the European Union which has now done away with internal borders, thus allowing citizens of the member countries to cross their borders without any immigration control. In the case of Malaysia such a move may be advantageous economically, but politically it will be disastrous. Unlike the European Union, member countries of ASEAN are too diverse in terms of population size, levels of economic development, political systems and cultural orientations that dispensing with immigration control may be injurious to political stability of smaller countries such as Malaysia. Even with immigration control in place, Malaysia, in particular Sabah, is inundated with foreign nationals. An open policy may result in the country being swamped by nationals of neighbouring countries with large population but sluggish economic growth.

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