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NGO in Special Consultative Status with the Economic and Social Council of the United Nations

12/07/2017

Crackdown on undocumented migrants is not a solution to regularise labour migration

Authorities must focus on actual causes of irregular migration and perpetrators rather than having crackdowns and raids on vulnerable, undocumented migrants in the region- CARAM Asia Statement

The Malaysian immigration authorities have started massive crackdown on undocumented migrants in the country. According to news reports a total of 3,014 undocumented immigrants and 57 employers were detained by the Immigration Department during raids until 11th July. The undocumented immigrants who were detained comprised of 1,160 Bangladeshi nationals representing largest group detained followed by Indonesians (695), Myanmar (231), Vietnamese (116), Thais (111), Filipinos (95) and the remaining from other countries. "A total of 2,429 of them are men, women (570) and children (15).

The operation started from 1st July after the deadline for the E-Card (enforcement card) registration which ended on June 30. The E-Card, which was launched on Feb 15, functions as a temporary confirmation of employment for undocumented workers, which replaces valid travel documents from their respective countries. According to the authorities the card was given out to employees for free, and is valid until Feb 15, 2018.

E-card was free, yet migrant workers paid thousands of ringgits as fee to obtain the card to the agents. And there was condition that the workers have to have an employer who can obtain the E-card for their undocumented workers. According to immigration department ample time was given to the employers to register their workers who are undocumented immigrants (under the E-Card programme), but they did not take the opportunity to do so. Additionally the detained immigrants also informed to the media that their employers were not interested obtaining e-cards for the workers thus the workers had no choice but continue working as undocumented.

Similarly The Thai current administration and authorities aims to reduce irregular immigration in Thailand by 80%. To this end, in March 2016, new immigration regulations and an automatic blacklisting system for foreigners who found to have overstayed visa limits beyond 90 days were introduced. This is part of a package of measures approved by the Prime

Minister Thailand Prayuth Chan Ocha on November 27th 2015. Under the new regime, which was first proposed in August 2014, any foreigner who is found to be overstaying in Thailand for more than 90 days will be banned from the country for at least one year. For those overstaying for more than one year, a ban of three years will apply while a ban of five and ten years will apply to those overstay for a period in excess of three years and over 5 years respectively.

Thai authorities have informed via media that foreigners found to be infringing Thailand's immigration laws will face even stricter punishments if they are located and arrested by the Royal Thai Police. It is believed that the issue of immigration enforcement has now raised high on the agenda of the Thai government as a result of a number of developments in 2015. This includes a renewed commitment by the Thai government to tackle human trafficking.

According to the news Thai authorities arrested 9,265 in a seven day operation throughout the Kingdom. Some estimates suggest that there are up to 1,000,000 people living in Thailand illegally. Of The 9,265 people arrested, Thai authorities revealed that nearly 98% of them faced charges under the 1979 Immigration Act while 80 others were found to be in breach of Thailand's criminal code and 209 were accused of other offences.

The governments are enforcing new and strict laws and practicing crackdown on undocumented migrants who are possible victims of forced labour, trafficking in persons, and have become undocumented due to the negligence and/or exploitation by their employers after entering into the country as documented or are brought in by the agents and/or syndicates via irregular means.

It is globally recognized that migrant workers contribute enormously to the development of our societies and nations - both source and destination countries. The obligation of protecting migrant workers' rights, therefore, rests equally upon both source and destination countries. Malaysia relies heavily on migrant workers from countries including Indonesia, Bangladesh and Nepal for jobs shunned by the locals such as plantations and in construction. Malaysia has almost two million registered migrant workers but also an equal number of undocumented workers. Likewise in Thailand the migrant workers including undocumented are the backbone of Thai rubber industry, fishing and agriculture.

Majority of migrant workers suffer due to massive debts after paying off recruitment agents in the hope of getting a job abroad to escape poverty at home. However unfortunately they become victims of human trafficking, fraud and undocumented during migration cycle.

The crackdowns are being practiced in these countries for many years but still the authorities are unable to regularise labour migration which clearly means that the crackdowns on vulnerable migrants is not solution of the problem. Governments need to address the root causes rather than focusing on exploited groups of migrants.

Therefore CARAM Asia and all member organizations in migrants sending and receiving countries recommend that:

- Governments must consider migrant's enormous contributions in the development of the country and ensure that basic human rights are respected for all people at all times;

- Governments must strictly implement anti trafficking in persons policies and laws and arrest the involved syndicates who are responsible for bringing in migrants via illegal means;
- Governments must do the proper investigations to identify possible victims of trafficking in persons among the detainees as well as otherwise arrested undocumented migrants and treat them as victims and not offenders:
- The immigration officials and police must have proper trainings to identify victims of trafficking in persons;
- Governments must investigate and arrest the unscrupulous agents who cheat undocumented migrants, as the recent cases happened in obtaining e-card in Malaysia for example;
- Governments must arrest/detain the employers who failed to renew migrant workers work permits;
- Governments must take action to abolish corruption and give strict punishments to officials who are involved with the syndicates;
- The authorities must monitor the recruitment agencies and arrest the unscrupulous recruiters who bring in migrants in the name of employers and companies which do not exist at all; the authorities must monitor outsourcing companies as well;

The Governments of Sending Countries:

- Must investigate recruitment agencies and sub agents at grassroots level who fraudulently bring people from poor communities and send them abroad via irregular channels;
- Must arrest the syndicates involved in trafficking in persons;
- Must raise awareness at community level about human trafficking, forced migration and fake migration issues;

CARAM Asia (Coordination of Action Research on AIDS and Mobility) is a regional network of 42 organizations in 22 countries across Asia and has Special Consultative Status with the Economic and Social Council of the United Nations.

This statement is issued by: **CARAM Asia**
17th July 2017