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Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

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**This is an excerpt from *Dignity in Movement: Borders, Bodies and Rights*.
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Since the 1970s, the international movement of people and their labor have become an integral component of labor markets within the developing world. Unsurprisingly, policymakers increasingly view international labor migration as a powerful tool for global development. Both the 2015 Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development make the argument that international labor migration is a 'win-win-win' situation not only for the labor-sending and destination countries, but also for the migrant worker her/himself (OECD and ILO 2018). For example, the rapid development of the Gulf states was owed in part to an infusion of foreign workers who made up more than 60 percent of region's population in 2015 (Rajan 2018). On the other end of the labor corridor, labor emigration is a critical part of the Philippine economy, where remittances make up 10 percent of annual GDP (World Bank 2017b). In addition, for the migrant worker, working in a higher-income country is said to provide a potential pathway for upward mobility for foreign workers and their families.

This Global Compact expresses our collective commitment to improving cooperation on international migration. Migration has been part of the human experience throughout history, and we recognize that it is a source of prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance. The majority of migrants around the world today travel, live and work in a safe, orderly and regular manner.

2018 Global Compact for Safe, Orderly and Regular Migration.

Despite this optimism, there is an open acknowledgement among policymakers that the uneven power dynamic between the migrant worker and the governments that regulate their movement and labor creates a context ripe for exploitation. Conventional wisdom says that the best way to protect migrant workers against these the potentials for exploitation is through effective migration management. While what constitutes an 'effective' migration management regime might be debated, a principle that often goes uncontested is that the best way to pursue safe migration is to encourage migrant workers to travel through regular channels (i.e., state-sanctioned or state-controlled channels). Encouraging regular migration, the logic argues, better enables states to track and reduce the possibilities of discrimination in terms of wages, working conditions, and housing rights.

But who are the actors that make up the regular migration channel? Or, to ask this a different way, who manages migration? Undoubtedly, the image that comes to mind for most is the immigration official or border protection officers who line both sides of the border. While it is true that the state is the final arbiter regarding who gets to cross or stay within their borders, a focus on the state belies the fact that the global labor market is an industry and the cogs that allow it to function are private, for-profit agencies (Ernst Spaan and Hillmann 2013; Surak 2018). These are the actors that occupy a wide variety of roles that enable the global labor market to function. For migrant workers, they are recruiters and guides starting from the first set of paperwork all the way through to immigration in the destination country. Similarly, employers rely on these labor recruitment agencies to not only help them locate

Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

Written by Oanh K. Nguyen

potential workers, but also to navigate what is often a complicated labor-recruitment bureaucracy.

The purpose of this chapter is to highlight how the increased presence of these for-profit agencies have impacted the migratory experiences of migrant workers. I do so through a comparison of two generations of Indonesian migrant workers along the Indonesia-Malaysia corridor: Bimo, who came to Malaysia in the early 1990s through informal channels, and Gadis, who came in the mid-2000s using state-sanctioned labor agents. Through their stories and based on nine months of fieldwork in Malaysia, this chapter aims to complicate the relationship between regular migration and safe migration by moving away from a state-centric approach to migration management and instead focusing on how migrant workers themselves navigate the regime.

The Migration Industry: Migration Management and Postcolonial Economics

International Relations' study of migration management in the twenty-first century draws heavily on James Hollifield's (2004) concept of the migration state, which pushed the field to recognize the mass movement of people as an integral component of a globalized world. In this increasingly interconnected world, states must be prepared to manage larger flows of migration if they want to continue benefiting from other aspects of globalization, such as freer trade and investment (Hollifield 2004). The studies that followed Hollifield's seminal work have often privileged the state as the primary actor in migration management (e.g., Adamson 2006; Martin 2014; Peters 2015; 2017; de Haas, Natter, and Vezzoli 2018). These analyses treat different regimes of migration management – be they unilateral (e.g., United States nationalization laws), bilateral (e.g., US-Mexico labor programs) or multilateral (e.g., the Global Compact) – as a function of state interests. In brief, we can better understand the form, content and impact of migration management regimes if we study how state interests are expressed through the bargaining process or as a routinized compliance through the implementation process (Betts 2017).

While these studies have expanded our understand of migration management in international relations, I echo a newer generation of scholarship to argue that these dominant approaches have been derived from the historical and political experiences of the advanced industrialized economies in Europe and North America (Adamson, Triadafilopoulos, and Zolberg 2011; Shin 2017; Adamson and Tsourapas 2020). This chapter, instead, shifts the politico-historical focus to a postcolonial context where states' migration management regimes must work alongside an economic development plan centered on playing 'catch up' in the global economy. In these contexts, development not only means an overhaul of the colonial economy, but also often entails creating a labor force that is flexible and inefficient to remain competitive in the face of turbulent global market conditions. This development goal created the context allowing for the infiltration of market-driven logic into the domains of the political and the social, including matters as sensitive to sovereignty as migration management.

Fitting with this logic, the day-to-day work of managing migration corridors in post-colonial contexts are often outsourced to what Hernandez-Leon (2008) calls the migration industry, the 'ensemble of entrepreneurs, businesses and service... motivated by the pursuit of financial gain' (Hernández-León 2008, 154). Although they are meant to be agents of the state, their primary motivation is neither to protect state sovereignty nor protect migrant safety; their primary goal is to earn a profit by increasing the overall number of people moving across borders. As a result, these labor agencies often have a fraught relationship with the state (Xiang 2012).

The Migration Industry along the Indonesia-Malaysia Corridor

The presence of a migration industry has deep roots in the Indonesia-Malaysia corridor. Its origins can be found in late 19th century when *hajj* became a lucrative business with an intricate network of recruiters, agents, guides, financiers and facilitators operating out of key ports on the islands of Java, Sumatra and the Malaya peninsula (Amrith 2011). Decades later, when the British colonial government encouraged immigration from the Dutch Indies (modern day Indonesia) to grow British Malaya's labor force (Kaur 2010), Malayan employers relied on recruitment firms that hired Indo-European and Javanese labor agents (*werfagenten*, *ronselaars*) to recruit potential emigrants (E. Spaan 1994). A result of this deep history of migration is an extensive communal network built on kinship and hometown ties extending across the Malacca Strait. It is this network that allowed a small stream of Indonesian immigrants to continue trickling into the peninsula long after open migration ended (Wong 2006). The majority of

Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

Written by Oanh K. Nguyen

these workers were Muslim and were perceived as *bangsa serempun* (of the same racial stock) by the Malay majority and, as a result, were seen as a preferred labor source compared to other traditional but more controversial sources, such as Chinese or Indian migrant laborers (Liow 2003).

Bimo's Story: The Regularity of Irregularity

The first major shift in the management of Indonesia-Malaysia migration came in the 1970s when Malaysia sustained massive economic growth and undertook large-scale infrastructural and urban development projects (Narayanan and Lai 2005; Kaur 2010). This growth resulted in considerable labor shortages in agriculture, construction, domestic service and – by the 1990s – manufacturing sectors. The earliest (and still the largest) group of foreign workers who filled this labor shortage came from Indonesia, which struggled with high poverty and youth unemployment rates throughout 1970–1990s (World Bank 1981; 1983; Hugo 1993). During this era, Indonesian workers came to the peninsula using networks of kinship and village-level ties, which operated alongside a system of brokers and middlemen to create a chain from the villages in Indonesia to the worksites in Malaysia. This system often began with a *calo tenaga kerja* (employment broker) who recruited potential workers. Their passage was moderated by *taikong laut* (sea middlemen), who brought workers to the peninsula by boat, and *taikong darat* (land middlemen), who had connections with contractors on plantations helping to deliver workers from their landing point to their worksites. For some, this last part of the journey ended when they were handed over to a *kepala* – an Indonesian group leader appointed by the contractor – who might have been the person started this process by recruiting a trustworthy workforce from his own hometown (E. Spaan 1994).

This growth in the number and scope of Indonesian labor to Malaysia pushed the two governments to play a more active role in migration management. For Malaysia, the unregulated inflow of labor had become a 'problem' in the eyes of both the Malaysian government and public despite the business community welcoming the infusion of workers coming to meet labor demands. For Indonesia, a controlled outflow of emigration would have enabled the country to alleviate youth unemployment and create a new stream of foreign exchange (Palmer 2016). Negotiations between the two governments resulted in the 1984 Medan Agreement, a bilateral agreement that promoted and legalized labor migration. The agreement, however, was largely ignored by workers and employers alike allowing the number of undocumented workers to grow. When undocumented migration continued to be a 'problem', Malaysia, with the help of the Indonesian embassy, began use a combination of amnesty programs and deportation campaigns to control the number of undocumented workers in the country.

It was in this first era of migration management, where undocumented migration was the norm and regular migration the exception, that Bimo began his journey.

In the early 1990s, Bimo left his home in Central Java at dawn to avoid the Indonesian police, who had started monitoring undocumented labor emigrants. Years later, when he would return to visit over the holidays, the police, knowing that he had left without registering with the local government, would harass him for money (*duit rokok*). After leaving his home, he and others from his hometown (*teman sekampung*) caught a bus to Surabaya where a *taikong laut* was waiting with a boat to take them to Dumai (Sumatra) and then onto the western coast of Malaysia. The journey by boat took one week and cost 800,000 rupiah (437 USD), which he and his family paid by selling off livestock. Others who did not have livestock borrowed money.

They were not the first wave of migrant workers from his hometown. Before embarking on his own journey, Bimo knew a multitude of people – friends, neighbor and family members – who had left for Malaysia through unsanctioned channels. In fact, Bimo's decision to emigrate was based on the recommendation of these early movers. Bimo explained that, for a new migrant worker, it was necessary to have these connections in order to find a good and safe job.

When Bimo first arrived, he followed a relative (*saudara*) to work on a construction site. During the day, he stayed in the *kongsi* (makeshift housing located on construction sites), but at night he and others slept in the forest to avoid police raids. He explained that they were paid not hourly but upon completion of a project. The person who oversaw his work and who paid him was not the contractor who ran the construction site, but the *kepala*. Because of this

Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

Written by Oanh K. Nguyen

structure, if a *kepala* ran away with the money, he simply would not get paid. This is one of the reasons why it was important to have good connections.

A few years into his stay, labor agents came to his *kongsi* announcing that, for a fee, they could help him get papers through the Malaysian government's amnesty program. When telling me this story, Bimo laughed, likening them to contemporary labor agents who travel to Indonesian villages 'looking for customers'. Unlike today, however, Bimo thinks that the smaller number of agents in the 1990s made it easier for foreign workers to figure out who was trying to deceive them and who was being honest. Bimo signed up and received temporary travel papers from the Indonesian embassy. Although he never actually got his employment pass, the temporary travel documents gave Bimo the confidence to move more freely around the country and change employers when he wanted to do so.

Gadis's Story: Regular Migration and the Migration Industry

The second major shift to the management of Indonesia-Malaysia migration came with the after-effects of the 1997 Asian Financial Crisis. The crisis contributed to historic socio-political transformations of both Malaysia and Indonesia that created the institutional conditions for sweeping changes to migration management in the corridor. In Indonesia, the crisis catalyzed the pro-democracy movement, putting an end to Suharto's New Order regime, which had ruled the country for more than three decades. The end of the New Order regime also launched a massive decentralization program where political power were increasingly reallocated to provincial and local governments (Caraway, Ford, and Nguyen 2019). In Malaysia, the financial crisis exacerbated the political turmoil within the United Malays National Organization, the political party that has ruled the country since independence. To project an image of strength and capability, the government began a heavy crackdown of 'illegal immigration', most notably amending its Immigration Act, to make unsanctioned work by foreign nationals a criminal offense (Ford 2006). The accumulation of these political changes laid the groundwork for the state to bring the migration industry under its control and the control of its sanctioned agencies and away from the *taikong* and *calo*. A side effect of state intervention, however, was a maze-like bureaucracy regulating both emigration and immigration.

To meet their labor demands, Malaysian employers must confront a complex process where private agencies are built into the system. The process starts at the Ministry of Human Resources, which sets a quota of how many foreign workers employers are permitted to hire. During this part of the process, employers must demonstrate that they have a need for more labor and have done their due diligence attempting to hire local Malaysians. The rest of the process unfolds under the purview of the Ministry of Home Affairs, which approves the quota and issues the Temporary Employment Pass. Working under the Ministry of Home Affairs are also a set of private agencies contracted by the government to issue insurance, security bonds and medical examinations. This is a costly process; most employers cannot navigate this complex bureaucracy without the assistance of a labor recruitment agent. As a former labor agent explained to me: 'If an employer tries to go directly to Immigration, the officer will say, 'Why do you do this by yourself? Why don't you hire an agent?'.[1] He further explained that, because hiring freezes are so commonplace in Malaysia, employers are incentivized to over-ask for foreign workers; if their supply of workers exceeds demand, the employer could then outsource these workers.

On the other side of the border, migration management *policies* in Indonesia became more centralized as Indonesia's Department of Manpower passed regulations to determine the specific procedures of emigration (recruitment, training, document processing, etc.) (Ford 2006). The massive decentralization of the government in 2002 and the continued pressure from labor recruiters, however, meant that the *practice* of migration management often lacked coordination across different levels of government (Palmer 2016; Ernst Spaan and van Naerssen 2018). Since 2006, the formal labor emigration market has been controlled by private, for-profit labor recruitment agencies called PT (*Perusahaan Jasa Tenaga Kerja Indonesia*) that form partnerships with recruitment agencies in host countries (Hernandez-Coss et al. 2008). Although it had become illegal to use a *calo*, each of these agencies has relied on an army of informal brokers called *petugas lapangan* who often occupy a wide variety of positions within a community (e.g., teacher, tour guide, salesperson, etc.) to reach out to potential migrant workers (Lindquist 2012; 2015). The PT and the *petugas lapangan* are instrumental in the emigration process. Just like it is for employers to hire through regular channels, the current process to migrating through regular channels is costly and burdensome, with 22 separate administrative steps (World Bank 2017a). The *petugas lapangan* not only help foreign workers

Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

Written by Oanh K. Nguyen

navigate this complicated process, but can help them find the money to emigrate. As a result, the vast majority of workers go into debt emigrating, which gets deducted from their wages.

Gadis came to Malaysia during the decade following the Asian Financial Crisis when regular migration along the corridor became increasingly common. Gadis was one of the first people from her village (*desa*) in Central Java to travel abroad for work. During her last year of high school, a teacher gave Gadis a leaflet describing a manufacturing job in Shah Alam (near Kuala Lumpur). The teacher promised her many things – the job would offer a higher wage, free accommodation and the opportunity for her to go to university. Gadis had four younger siblings; her parents were poor and had no formal education. She saw this as an opportunity to improve life for her and her family. Moreover, because this information came from her teacher, she felt that she could trust it.

Gadis and a small group of girls from her school decided to sign up. The same teacher helped them fill out the application and gather their first set of documents – parental permission, proof of education and a *kartu kuning*, which indicated that she was searching for an overseas job. All of this cost her 250,000 rupiah (26 USD). After this, a labor agency came to their school to explain the next steps in the process – they had to make a passport, get their medical screening and so forth. It was still the teacher, however, who continued to help them get through this next stage and accompanied them to Jogja to for their initial medical screening. When Gadis failed her first medical check, the agency gave her specific instructions on how to improve her health.

When they all passed their medical exam, Gadis and group of 50 girls from her area were sent to the labor agency's office in Jogja. They stayed there for three days sharing a single room and two bathrooms sleeping on the floor next to each other 'like fish'. On the second day, National Agency for the Placement and Protection of Indonesian Migration Workers (BNP2TKI), the Indonesian agency tasked with protecting overseas workers, came and told them that, if anything happened to them, they should go to the embassy. On the third night, at around 10:00 pm, the labor agency called them up one by one to sign their contract. When they signed the contract, they agreed to owe the agency a debt of 2,400 ringgit (716 USD). The amount of the payment was for what Gadis called the 'package' that included document processing and travel. Until they paid back this debt, the agency kept their national identity card (*kartu tanda penduduk*) as collateral. After they signed the contract, they gave their passports and other documents. Gadis remembered that it was only then that many of the girls realized that their documents had false information, mainly to make them older and eligible to work abroad. But they had already signed the contract. If they were to back out now, they would still owe the debt. At 5:00 am the next morning, they all left for Kuala Lumpur. The whole process took two months.

Gadis's employer picked them up from the airport and took them to their company-provided dormitories. She worked 12 hours a day, five days a week assembling computer parts for a wage of 450 ringgit (134 USD) per month plus over-time pay for work above eight hours. Every month for the first 10 months, the labor agency came to the dormitory to collect 240 ringgit (71 USD) to pay off the debt she owed. The company warned the girls that if they went too far, they would be arrested. During her time in Malaysia, Gadis left the manufacturing compound only once to go to Kuala Lumpur City Centre – a popular tourist destination in Kuala Lumpur. While there, she was stopped by the police who asked if she was Indonesian. When she said yes, they asked to see her papers.

After working there 10 months, the managers called the girls in for a meeting. They told the girls that the company was experiencing issues and had to cut over-time hours. After 13 months, Gadis was down to working only two weeks per month. By the 15th month, the company called the girls in again and gave them two letters. The first explained that the company has decided to terminate their contract and would be giving them one month's compensation; the second letter was an airline ticket back to Indonesia. She was then deported.

The Limits of Documents

Reading these two migration stories side-by-side highlights that maintaining a documented status can sit in tension with pursuing safety. Gadis began her migration journey through an informal broker (*petugas lapangan*) who led her through the bureaucratic processes that made her a documented worker. Yet, with each step of the process, she became more precarious as she fell further into debt. Besides the few girls from her school, the only relationships she

Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

Written by Oanh K. Nguyen

had in Malaysia were made through the company that hired her and the labor agency that sent her to Malaysia. This lack of a social safety net and knowledge of the Malaysian context further skewed the power dynamics between her and her employer. Although she was documented, she had no recourse to voice her grievances when her contract was terminated and she was deported. While Gadis went back to Indonesia after her contract was terminated, it was common for others in her position that remained behind, consequently becoming undocumented, to work and pay the debt incurred through the migration process.

In contrast, Bimo relied on communal networks not just to cross the border, but also to find employment in Malaysia. Owing to his status as an undocumented migrant worker, Bimo feared the police, suffered poor working conditions and was cheated by employers and fellow countrymen. However, unlike documented workers, who must remain with the employer who sponsored them in order to maintain their documented status, Bimo felt no obligation to stay with an employer who mistreated him. Instead, Bimo used this same communal network to leave and find better employment opportunities. When I asked him to reflect on his experience in comparison to the current system controlled by labor agents, Bimo told me:

Back then, everything was more open and not so complicated. Before, it was easier to earn money... I felt safer back then. Even though I had no documents, it was just that. Now, even with documents, we are afraid of the agents – they control everything. You have documents, but it is the agents who provide them. You never know if there is something wrong.[2]

Implications for the Pursuit of Safe Migration

There is a consensus across development institutions and policymakers that the pursuit of safe migration necessitates the advocacy of regular migration. This is exactly what Malaysia and Indonesia did. In response to both the demand for labor and the need to portray themselves as protective states, Malaysia and Indonesia have worked to create institutions and mechanisms aimed at ensuring that foreign workers travel through regular channels. Bimo and Gadis's stories, however, brings our attention to the identities and interests of the actors who line the migration corridors and perform the day-to-day work of migration management. As their stories show, the increasing complexity of the systems, alongside the drive to maintain economic growth, opened the pathway for the entrenchment of the migration industry into the migration process.

The intricate relationship between the migration industry, the states' drive for economic development, and long history of migration between the two countries creates a complex relationship between regular migration and safe migration. To be clear, I am not advocating for nor am I romanticizing undocumented migration. Instead, I want to highlight the drawbacks of regular migration in a context where the migration industry plays a critical role in migration management. Previous studies have shown that simply bringing workers under the purview of the state, particularly one interested in curtailing migrant rights for the sake of economic development, does not necessarily produce safety (Campbell 2018; Bylander 2019). Moreover, the development of a network based on kinship, ethnicity or nationality is a critical component of safe migration as they provide knowledge, care and economic resources to new generations of migrants (e.g., Hagan 1998; Sanders, Nee, and Sernau 2002). Yet, as we saw in Bimo's and Gadis's stories, the migration industry can hamper the creation of these networks by making the foreign worker reliant on the labor agents for information on how to survive in a new, strange land. By decoupling safe migration from regular migration, we are able to further discuss alternative notions of safety that not only acknowledge the role of the migration industry, but also foregrounds how migrant workers navigate this landscape.

Notes

[1] Author's Fieldnotes, February 2019.

[2] Author's Fieldnotes, March 2019

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Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

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Migration Management and Safe Migration along the Indonesia-Malaysia Corridor

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