

Status as of 19 August 2008

NEAT Working Group Report

ROUGH DRAFT

--COUNTRY EXPERIENCES WHERE APPLICABLE--

1. Commodity or Creation?: The Centrality of Labour Migration (NEAT Philippines)

Status: Drafted by NEAT Philippines. See Section 1. Incorporated introductory sections from original contributions for Sections 2 & 3

- Migration trends
- Security, political & safety considerations
- What we know
 - Ranging from adequate to inadequate – data problems
 - Skilled labour
 - Unskilled labour
 - Irregular migrant
 - Refugees and stateless persons

2. Context: International and Regional Efforts (Manolo Abella)

Status: Drafted by Manolo Abella (ILO). See Section 2.

- 2.1 International: Global Commission on Migration (2002); Hague Declaration (2005); Berne Initiative, Global Migration Forum (2008) etc.
- 2.2 Regional: ESCAP Conference; ASEAN Forum on Migration; ASEAN Declaration on Migrant Labour

3. Core Issue 1: Recruitment (NEAT Philippines/NEAT Indonesia/Myanmar/Vietnam)

Status: Drafted by W. Villamil (NEAT Philippines). No inputs received from other team members. See Section 3.

Disparate practices and uneven performance

- National agencies – fees, accreditation, screening, training, etc.
- Recruitment agencies – fees, indebtedness
- Outsourcing companies
- Free Trade Agreement provisions (?)

- Should states intervene MORE or LESS in recruitment? No agreement – where practices are stable and migrant exploitation is minimal possible but greater state action called for
4. Core Issue 2: Safety and Welfare (NEAT Singapore/NEAT Japan/NEAT Thailand)

Status: Consolidated by NEAT Philippines from separate inputs from NEAT Singapore, NEAT Japan and NEAT Thailand. See Section 4.

- Generally positive trends but gaps between policy and practice
Care must be taken that well-intended provisions do not become problems (e.g. language training, etc.)
- Unequal terms in compensation
 - Access to social and health insurance
 - Redress

5. Core Issue 3: Irregular Workers (NEAT Malaysia/NEAT Indonesia)
Do tighter regulations work or hurt?

Status: No inputs received

- Inter-governmental co-operation
- Amnesty
- Regularisation
- Penalties
- Job creation – Making sub-regional development programmes work!
Relocation of industry
- ...

6. Core Issue 4: Repatriation (NEAT Malaysia/NEAT Korea/NEAT Japan)

Status: No inputs received except for two-paragraph input from NEAT Japan

- Penalties (who pays?)
- Disputes

7. Recommendations

Status: Not yet done. Will be an integration of the recommendations from the different sections.

- Research directions
 - National bibliographies
 - Data standardisation and harmonisation (long-term)
 - More joint/collaborative research efforts

- Themes – Impact of policies and outcomes, case studies of migration success, studying institutional infrastructure effectiveness, recruitment systems and “costs”, social and cultural experience and contribution towards community building and mutual understanding
- Institutional building
 - Bilateral/regional agreements – appropriate framework
 - Mechanisms for inter-agency co-ordination within countries
 - Establish an Asean + 3 forum on migration
 - Labour attaches/counsellor to look after migrant wellbeing
 - Training/preparation centres
 - Sensitisation courses for host country officials and employers
- Worker-oriented policies
 - Simplifying and minimising the cost of regulatory processes
 - G-to-g co-operation in curbing abuses in recruitment
 - Legislation against discrimination & harassment
 - Better governance – action?
 - Programmes to encourage returnees and their re-integration
- Irregular migrants
 - Inter-governmental co-ordination
 - Amnesty should be implemented in a co-ordinated manner
 - Regularisation - Transparent and merit-based system
 - Recognise trafficked persons and provide for differential treatment
 - Prosecution for human traffickers
- Repatriation
 - Amnesty should be given for self-declared irregular cases
 - Welfare of detainees should be safeguarded

APPENDIX: REGIONAL CO-OPERATION FRAMEWORK FOR MIGRANT LABOUR

As of 19 August 2008

**Report of the Network of East Asian Think-Tanks (NEAT)
Working Group on Labour Migration Report**

December 5-6, 2008, Hotel Nikko, Kuala Lumpur

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Appendix Regional Co-operation Framework for Migrant Labour

**Section 1
Trends in Labor Migration in East Asia**

Michael Abrigo, Aniceto Orbeta, Winfred Villamil and
Manolo Abella¹

The UN Population Division estimates that around 191 million² people, representing 3 percent of the world's population, are international migrants. (UN, 2006). This figure is more than double the total international migrant stock in 1975. Prior to 1980 international migration to the developing world exceeds that to developed countries. This has since changed, however, with around 117 million international migrants in developed countries, and only around 77 million in the developing regions in 2005. International migrants as a percentage of the population in developed countries have risen to 9.5 percent in 2005, from only 3.4 in 1960.

Trends in East Asian International Migration

¹ M. Abrigo and A. Orbeta are from Philippine Institute for Development Studies and NEAT Philippines; W. Villamil is from De La Salle University and NEAT Philippines; M. Abella is from the ILO. This section also draws from country presentations during the NEAT meeting.

² The United Nations Statistic Division estimates the total international migrant stock at 190.63 million in 2005. Alternative estimate by the University of Sussex and the World Bank for the same year is at 190.59 million people.

Asia is a major source of international migrants, with around 66 million people, or 35 percent of the total international migrant stock coming from the region in 2005 (Table 1). The East Asian region (ASEAN, China, Japan and South Korea) supplies a third of all international migrants coming from Asia.

International migrants from the top three migrant-sending countries, namely, China, the Philippines and Viet Nam, comprise around 60 percent of the total number of international migrants from East Asia. From around 11 million in 2000³, the three top migrant-sending countries in East Asia are the source of around 13 million international migrants in 2005⁴ (Table 1).

Malaysia experienced the highest growth rate in the region in terms of international migrant stock throughout the world between 2000 and 2005. In 2005, international migrant stock from Malaysia is estimated to be at 1.4 million, higher by 86 percent compared in 2000 with only around 800,000 Malaysian international migrants. Myanmar, China, Lao PDR and Viet Nam likewise experienced high international migrant stock growth rates, exceeding 10 percent, during the same period. Meanwhile, international migrant stock from Indonesia, Thailand, Macau (China), Singapore and

Brunei have decreased between 2000 and 2005, with Brunei experiencing the highest drop in international migrant stock at 30 percent.

Table 1
Volume ('000) of International Migrant Stock by Source Region/Country

Source Region/Country	2000	2005	Increase (%)
	65,569.3	66,385.9	1.25
Asia			
East Asia	19,188.5	21,866.8	13.96
Brunei	18	12.6	-30.06
Cambodia	311.9	348.7	11.81
China	5,820.30	7,258.30	24.71
Hong Kong	714.5	716.2	0.24
(China)			
Indonesia	1,832.90	1,736.70	-5.25
Japan	884.2	940	6.32
Korea, Rep.	1,491.80	1,609.20	7.87
Lao PDR	351.7	413.4	17.53
Macau	121.2	100.8	-16.86
(China)			
Malaysia	784.9	1,458.90	85.88
Myanmar	314.7	426.9	35.66
Philippines	3,399.80	3,631.40	6.81
Singapore	278.6	230	-17.44
Thailand	856.5	758.2	-11.48
Vietnam	2,007.50	2,225.40	10.86
Rest of Asia	46,380.8	44,519.1	(4.01)
Africa	24,989.5	23,393.3	(6.39)

³ 2000 Bilateral International Migration Stock data are from the Development Research Centre on Migration, Globalization and Poverty, unless otherwise stated.

⁴ 2005 Bilateral International Migration Stock data are from the University of Sussex and the World Bank, unless otherwise stated.

Europe	53,380.3	55,191.1	3.39
Latin America	26,620.7	30,180.2	13.37
Northern America	3,582.7	3,630.1	1.32
Oceania	1,565.4	1,459.4	(6.77)
Others		10,349.9	
WORLD	175,708.0	190,589.8	8.47

Source: For 2000 Bilateral International Migration Stock data are from the Development Research Centre on Migration, Globalization and Poverty. For 2005 Bilateral International Migration Stock data are from the University of Sussex and the World Bank

from the Philippines, Japan and China makes up 14 percent of the total migrant labor flow to the country in 2006, an increase of 4 percent compared in 1997 (Table 2).

Table 2 Annual Flow ('000) of Migrant Workers from the Philippines, Japan and China to Canada						
	19 97	19 98	19 99	20 00	20 01	20 02
Philippines	2.1	2.2	2.2	4.1	4.8	5.0
Japan	4.5	4.6	5.1	4.3	4.5	5.4
China	1.0	1.2	1.8	2.3	3.1	2.9
World	75. 6	80. 1	87. 0	97. 1	105. 1	110. 5

Source: Citizen and Immigration Department of Canada

Differences in socio-economic conditions between sending and receiving countries are important push-pull factors in international migration (GCIM, 2005). In 2005, around 17 million East Asian migrants, representing 79 percent of all East Asian international migrants, went to high-income countries⁵. In Canada, for example, East Asian migrants comprise 21 percent of the total international migrant stock in the country at 1.3 million in 2005, up by 7 percent in 2000 with 1.2 million East Asian migrants.

According to data from the Citizenship and Immigration Department of Canada, migrant workers

The top destination countries of East Asian international migrants from 2000 to 2005 remain to be the United States, Hong Kong (China), Malaysia and Canada, with Japan being outstripped by Singapore (Worldbank, 2008). These six countries are host to around 14 million East Asian international migrants, representing 65 percent of the total international migrant stock from the region, in 2005.

The growing share of foreign workers in total employment in Singapore, Malaysia, Korea, Thailand and Hong Kong indicates that these movements are no longer a cyclical phenomenon but are fast becoming a structural feature of the region's more wealthy

⁵World Bank income group classification of countries with GNI per capita of at least \$11,456 in 2007

economies. In Singapore migrant workers already account for about 30 percent of the labour force while they account for slightly less, about 1 in 5 workers, in Malaysia. What is more important to note however is that the dependence on foreign workers appears impervious to the oscillations of economic fortunes. In Malaysia, for instance, the number of registered foreign workers had increased tremendously not counting those in irregular status.

Demographic trends suggest that migration will grow even stronger in the future. Ageing has proceeded much further in Japan than elsewhere in the region (almost 1 in 4 aged 65+ in 2005). The Republic of Korea will reach that 23 per cent level by 2030. By that year Thailand's proportion of elderly will only have reached 15 per cent, and in China, 14 per cent. However, the numbers of elderly in China will rise from 85 million in 2005 to 196 million in 2030. The outcome of sustained low fertility is that some countries will face a fall in the absolute size of the labour force if current demographic and labour force trends continue (McDonald and Kippen, 2001). The decline in labour force in some countries and rapid growth in others will be likely to provoke migratory movements.

Demand and supply for labour are out of sync in a number of higher-income Asian countries because high economic growth rates are boosting demand for labour but demographic realities restrict its supply. The demographic transition in countries such as Japan,

Korea, and Singapore, along with longer periods spent by the youth in school, has reduced the supply of new workers entering the labour force. From to 2010 there is a dramatic shrinkage of the numbers aged 15-24 in Japan and South Korea (33 % and 24% respectively), and the beginnings of a decline in Thailand (10%), Hong Kong and Singapore.

Intra-regional Migration

Intra-regional migration in East Asia has become an important aspect of East Asian international migration. Table 3 provides estimates of bilateral migrant stocks in East Asia in 2005. The rows give the source country while the columns are the destinations in East Asia. The last column provides the total for all destinations. In 2005, around 9 million international migrants⁶ from East Asia were in other East Asian countries, up from only around 7 million in 2000.⁷ This represents 74 and 71 percent of the total migrant stock in the region in 2000 and 2005, respectively.

⁶ Excluding China, Indonesia and Viet Nam, which do not have available bilateral stock data

⁷ See earlier estimate from Development Research Centre on Migration, Globalization and Poverty (2003) http://www.migrationdrc.org/research/typesofmigration/global_migrant_origin_database.html

Table 3.
East Asia Bilateral Migration Stock Estimate, 2005

Origin Country/Region	Destination Country/Residence									
	Burma	Cambodia	Hong Kong	China-Macao	China-Mainland	Indonesia	Japan	Korea, Rep.	Lao PDR	Malaysia
China-Hong Kong	6483	-	468	-	14,726	-	2,396	-	-	1,586
China-Mainland	2,651	6,650	2,453,922	215,261	-	400,562	205,885	4,934	-	251,62
Indonesia	5,640	5,657	-	-	-	23,142	30,923	-	27,028	
Japan	140	542	-	-	-	-	40,957	-	-	
Korea, Rep.	233	244	-	-	-	575,052	-	-	-	
Lao PDR	-	1,118	-	-	-	2,268	-	-	-	
Malaysia	69,397	738	-	-	-	9,257	1,296	-	-	
Myanmar	-	-	-	-	-	-	5,916	444	-	
Philippines	13,259	659	-	2,574	-	148,224	45,151	-	250,722	
Singapore	2,543	525	-	-	-	1,532	-	65,852	-	
Thailand	11,219	159,181	-	-	-	31,931	15,306	2,620	65,158	
Vietnam	-	157,165	-	-	-	20,513	31,888	15,225	-	
East Asia	104,651	297,899	2,517,227	235,773	595,658	159,734	7,029,705	365,372	24,243	1,719,66
World	124,193	393,874	2,595,866	231,253	595,658	159,734	20,048,407	66,135	24,446	1,882,016

Source: University of Sussex and the World Bank (2008).
<http://go.worldbank.org/U4RXL56V20>

Hong Kong (China) is the top intra-regional migration destination in East Asia. In 2005, Hong Kong is host to around 2.5 million East Asian international migrants, an increase of 7 percent from 2.3 million in 2000. Other top East Asia intra-regional migration destinations in 2005 are Singapore, Malaysia, Japan and Thailand. Together with Hong Kong, these countries hosted 87 percent of the intra-regional migrant stock in 2005.

China is the greatest source of intra-regional migrants in East Asia, with around 4.4 million of the intra-regional migrant stock coming from the country. This represents a 27 percent increase as compared with 3.5 million intra-regional migrants from the country in 2000. In 2000 and 2005, China supplied around half of the total intra-regional migrant stock in the region.

Malaysia, Indonesia, Korea (Republic) and the Philippines also supply a significant portion of intra-regional migration in East Asia, accounting for 35 percent of the intra-regional migrant stock in 2005.

Migrant from specific countries have favorite destinations. The primary East Asian destination of migrants from Indonesia is Malaysia. This is Malaysia and Japan for Filipinos. Thailand is the favorite destination of Myanmar, Lao PDR and Cambodian migrants. Malaysia is both a receiving and source country for migrants with most Malaysian migrants going to Singapore. Similarly Thailand is also both a receiving and source country with Malaysia and Cambodia as the most favorite destination of Thai migrants. The Republic of Korea is also both a destination and source country with a large number of Korean migrants moving to Japan. For Singaporean migrants the favorite destination is Malaysia. The main destination of migrants from mainland China was Hong Kong.

Table 4 summarizes the top ten destinations of emigrants from East Asia to other East Asian countries and below it the top ten source countries of immigrants to East Asia from other East Asian countries. The table shows that China, Indonesia the Philippines and Vietnam are the top source countries for migrants from East Asia. Japan, Singapore, Malaysia and Thailand are the main destination countries for migrant workers. Malaysia and Korea are both source and destination countries, although Malaysia receives far more migrant

workers than it sends. Malaysia, Japan, Hong Kong, China, and Singapore are also the largest labor importers in the region.

Table 4.
MIGRANT STOCK OF EAST ASIAN COUNTRIES, 2005)

East Asian Countries in Top 10 Destinations		
Country	Emigrants	
China	7258333	Singapore, Japan Thailand, Malaysia, Rep of Korea
Indonesia	1736717	Malaysia, Singapore, Rep. of Korea, Japan
Lao PDR	413379	Thailand, Japan, Cambodia
Malaysia	1458944	Singapore, Brunei, Japan
Myanmar	4268860	Thailand, Japan, Cambodia
Philippines	3,631,405	Malaysia, Japan, Rep. of Korea
Vietnam	2225413	Cambodia, Rep. of Korea, Japan Thailand
Brunei	12623	Philippines
HongKong, China	716246	Singapore
Japan	940028	Thailand
Rep. of Korea	1609206	Japan
Singapore	230007	Malaysia, Brunei, Thailand
Thailand	758,180	Cambodia and Malaysia
East Asian Countries in Top 10 Source Countries		
China	595658	
Indonesia	159731	Vietnam, China, Thailand Cambodia
Lao PDR	24646	Myanmar
Malaysia	1639138	Indonesia, Philippines, China, Thailand
Myanmar	117435	China

Philippines 374458 China Japan Indonesia

Vietnam 21105 Malaysia, Philippines, Indonesia, China, Singapore

Brunei 124,193 HongKong, China 29983696 China

Japan 2048487 Rep. of Korea, China, Philippines, Thailand

Rep. of Korea 551193 Indonesia, Vietnam

Singapore 1842953 China, Japan, Philippines, Indonesia, Vietnam, Thailand

Thailand 1050459 Malaysia, China, Indonesia

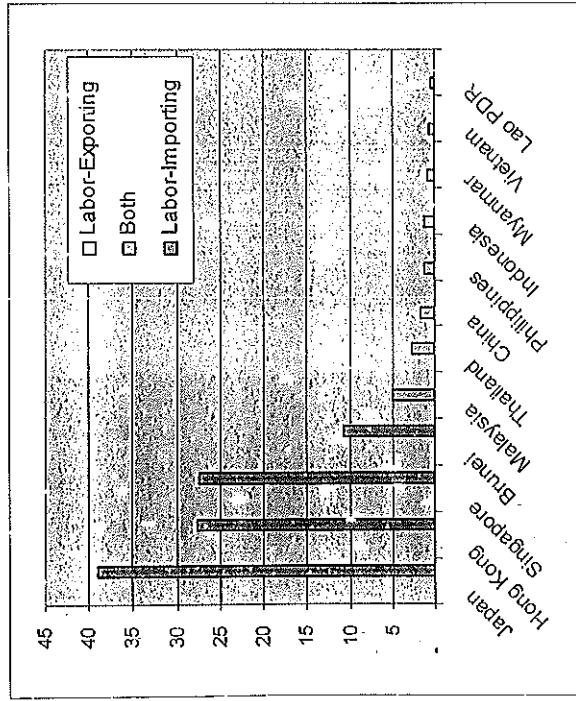
Japan

Source:World Bank, Migration and Remittances Factbook, 2008

As in elsewhere East Asia intra-regional migration is also characterized by a flow of migrants from relatively low-income to relatively high-income countries (Figure 1). Low per capita income-countries, like China, Indonesia, Lao PDR, the Philippines, Myanmar and Vietnam, are the sources of cheap migrant labor for high per capita income-countries, like Japan, Hong Kong (China), Singapore and Brunei, where demand for labor, mostly unskilled and semi-skilled, is high.

international migrant workers and being host to migrant workers from other East Asian countries, as well.

Figure 1
2005 Per Capita GNI (Current '000 US\$)⁸ and Migration Status⁹ of Select East Asian Countries



Source of classification: ADB (2008). "Asia Workers on the Move." ADO

Malaysia and Thailand, on the other hand, are experiencing a demographic transition (ADB, 2008), with the two countries being significant sources of

Majority of international migrants in the labor force of developed countries are unskilled or semi-skilled, although a significant proportion of international migrant workers are also in professional or managerial positions (UN, 2004). The same is true for migrant workers coming from East Asia.

For instance, skilled workers from the Philippines occupying professional, medical and technical positions in other countries, for example, comprise 19 percent of the total flow of new-hire international migrant workers in 2006 (Table 5). This, however, is a sharp decrease from 31 percent in 2000 with 79,000 new-hire international migrant workers in that category, as compared with only 41,000 in 2006. Service workers as a percentage of total new-hire migrant workers, on the other hand, have increased considerably with 66 percent in 2006, as against 36 percent in 2000.

⁸ World Bank (2006). "GNI per capita, Atlas method and PPP." Retrieved on 06 July 2008 from World Development Indicators database.

⁹ Based on Asian Development Bank (2008). "Asia Workers on the Move." Asian Development Outlook. Retrieved on 06 July 2008 from ADB database. Economies may either be a source or destination of migrant labor, or both.

Table 5
Deployment of New-hire International Migrant Workers ('000) from the Philippines by Skills Category, 2000 to 2006¹⁰

	2000	2001	2002	2003	2004	2005	2006
Professional, Medical and Technical Workers	78.7	97.4	99.7	79.0	93.0	63.9	41.3
Administrative and Managerial Workers	0.3	0.4	0.4	0.5	0.5	0.5	0.8
Clerical Workers	2.4	3.4	4.0	5.2	5.5	7.9	
Sales Workers	2.1	3.2	3.0	2.5	3.9	4.3	5.5
Service Workers	- 91.2	92.4	97.4	84.0	112.9	133.9	144.3
Agricultural Workers	0.5	0.6	0.6	0.4	0.7	0.4	0.8
Production Workers	57.8	56.7	69.5	61.4	62.7	74.8	13.6
For Reclassification	20.1	4.2	11.5	9.9	1.6	1.0	3.9
TOTAL	253.0	258.2	236.1	241.5	280.5	284.3	218.1

Source: Philippine Overseas Employment Administration (s.n.). OFW Global Presence: A Compendium of Overseas Employment Statistics 2006. Retrieved on 06 July 2008 from POEA database.

the flow of unskilled and semi-skilled migrant workers as a percentage of total flows of foreign workers to the country has been steadily rising since 2000. In 2006, around 37,000 foreign workers in Canada are employed in unskilled and semi-skilled positions (Table 6). This is more than double the number of unskilled and semi-skilled foreign workers in Canada in 1997. On the other hand, the flow of international migrant workers to occupy skilled positions has been declining. From 53 percent in 1997, foreign workers employed in managerial, professional, and/or technical positions as a percentage of total number of international migrant workers in Canada has decreased to only around 36 percent in 2006.

Table 6
Annual Flow of Foreign Workers ('000) to Canada by Occupational Skill¹¹

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Managerial	2.9	2.9	2.8	3.1	3.1	3.0	2.9	3.3	3.4	3.8
Professionals	26.3	28.3	28.9	32.8	31.6	25.2	19.4	19.2	20.7	22.7
Skilled and technical										
Intermediate and clerical	10.8	11.6	13.5	15.3	14.2	12.5	10.6	10.8	12.4	14.4
Elemental and laborers	17.4	18.5	20.5	22.0	25.5	26.3	26.4	28.6	31.0	33.9
Skill level not stated	17.0	17.9	20.4	23.0	25.3	27.6	28.1	32.2	33.4	34.4
TOTAL	75.6	80.1	87.0	97.1	100.6	95.4	88.5	95.2	102.6	112.7

Source: Citizenship and Immigration Canada (2007). Facts and Figures 2006: Immigration Overview – Permanent and Temporary Residents.

¹⁰ Philippine Overseas Employment Administration (s.n.). OFW Global Presence: A Compendium of Overseas Employment Statistics 2006. Retrieved on 06 July 2008 from POEA database.

¹¹ Citizenship and Immigration Canada (2007). Facts and Figures 2006: Immigration Overview – Permanent and Temporary Residents. Retrieved on 14 July 2008 from the CIC database.

Overview – Permanent and Temporary Residents. Retrieved on 14 July 2008 from the CIC database.

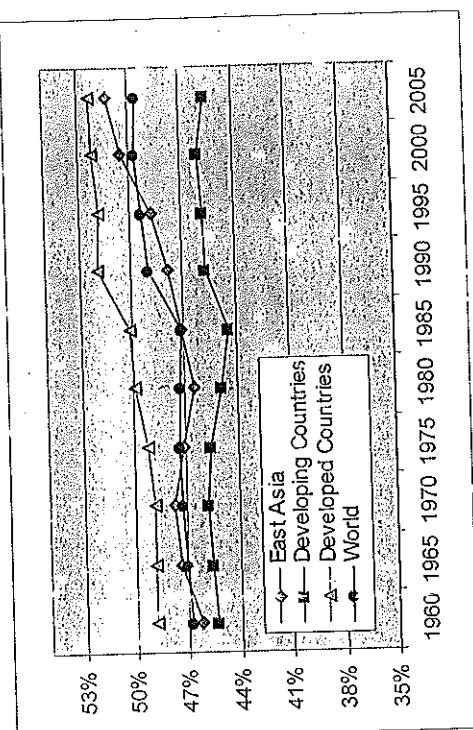
Migration Flow by Gender

Structural changes in labor-receiving countries have also provided the impetus for the growth of international migration (ADB, 2008). The rise in consumer demand for services in these countries as a consequence of rising income and living standards, met with slow indigenous labor growth rates and shunning of low status jobs by native workers, left labor-importing countries to rely on international migrant workers to close the gap of growing service demand and local labor supply. Consequently, partly as a response to the labor shortage, female participation rate in international labor migration has risen (ADB, 2008).

Since the 1960s, female migrants as a percentage of total migration stock in the region has been steadily rising, accounting for as much as 51 percent in 2005, from 47 percent in 1980 (Figure 2). This may be partly due to government policies, such as in Hong Kong (China), Korea and Singapore, to encourage the hiring of foreign domestic helpers to relieve local women, who have been increasingly actively participating in the labor force, of household chores (ADB, 2008).

The proportion of females among international migrant stock has tended to be higher in developed regions than in the developing world (UN, 2004). In 2005, the United Nations (2006) estimates that there are around 60 million female international migrants in developed countries, representing 52 percent of the migrant stock in the region. Meanwhile, only 34 million of the 75 million migrants in the developing world are women.

Figure 2
Percentage of Women in Total International Migration Stock, 1960-2005



Source: World Migrant Stock: the 2005 Revision Population Database (2006).
<http://esa.un.org/migration/>

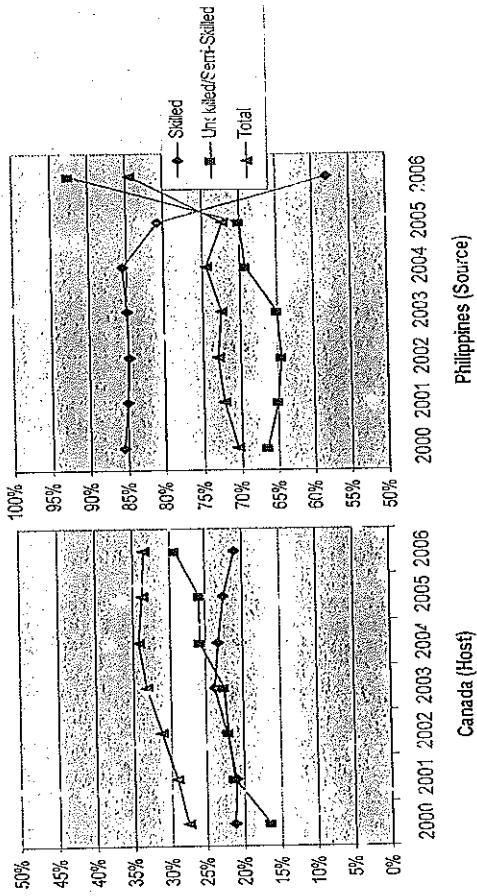
This trend will likely to continue because of the increase in demand in industrialized countries for labor

in sectors that are traditionally associated with women, such as domestic work, nursing and personal care services, as well as retailing and labor-intensive manufacturing (GCIIM, 2005). Employment opportunities in these sectors are usually associated with low skill type jobs.

Figure 3 using data from the Philippines and Canada show how opportunities from migration are usually slanted against women in terms of type of employment available. Since 2000, more than 70 percent of newly hired migrant workers from the Philippines are women. Most of them, however, are employed as clerical, sales, service, agricultural or production workers. In 2006, of the 184,000 newly hired female migrant workers, 86 percent were to work in low-skill jobs.

This trend is likewise true for female international migrant employment in Canada. From only 17 percent in 2000, women migrants as a percentage of unskilled/semi-skilled foreign workers grew to 34 percent in 2006. However, female proportion in skilled international migrant labor ranges from only 21 to 24 percent during the same period.

**Figure 3
Percentage of Women International Migrants in
Migrant Labor Force**



Irregular Migration

Much of the international migration between poorer and richer regions is irregular in nature (GCIIM, 2005). For example, the International Organization for Migration (2008) estimates that 30 to 40 percent of total migration flows in the Asian region take place through unregulated channels, with Malaysia and Thailand being major destinations of irregular migrants. From Myanmar alone, there are around 300,000 migrant workers in

Thailand, a third of which are staying in Thailand without any legal documents, in 2007. The government of Malaysia, on the other hand, estimates that in 2006 there are around one million irregular migrant workers in the country.

Irregular migration from East Asia, however, is not only confined in Asia. A significant number of apprehended deportable Asian irregular migrants in the United States, for example, are from the region. In 2006, irregular migrants from East Asia comprised 61 percent of those identified by the US government for deportation to Asia. From around 3,500 in 2004, deportable East Asian migrants in the US almost doubled in 2006, with around 6,000 irregular migrants apprehended (Table 7).

Analysis of the extent of irregular international migration is hampered by the lack of available and comparable data. However, there is a broad consensus that the scale of irregular migration across the world increases as the total number of international migrants increases (GCIM, 2005).

Irregular migration problem is usually an offshoot of the socio-economic and political situation in the source country and of restrictions related with costs and policies of migration. The high cost and complicated procedure of processing migration papers opens door for job brokers and others to take advantage of people who want to migrate (Wongboonsin, 2007). Demand for labor, especially in the informal sector, in destination

countries and possible returns to migration may likewise be reasons for illegal migration.

Table 7
Deportable Aliens in US Located by Region and Country of Nationality¹²

	2004	2005	2006
Asia	7,025	8,974	9,967
East Asia	3,464	5,286	6,034
Cambodia	-	104	123
China ¹³	1,575	2,921	3,009
Indonesia	170	153	487
Japan	101	41	33
Korea ¹⁴	503	608	514
Laos	148	237	199
Malaysia	67	51	104
Philippines	488	300	773
Singapore	18	13	11
Thailand	123	134	339

¹² US Department of Homeland Security (2008). Yearbook of Immigration Statistics. Retrieved on 22 July 2008 from DHS database.

¹³ Including Hong Kong and Macau

¹⁴ North and South Korea

Vietnam	271	424	442
Rest of Asia	3,561	3,688	3,933
Africa	2,092	2,807	3,507
Europe	3,027	3,226	3,255
Oceania	284	175	218
North America	1,144,613	1,237,598	1,179,601
South America	83,806	38,140	9,004
Unknown/Unreported	242	222	905
TOTAL	1,241,089	1,291,142	1,206,457

Irregular migrants are usually subject to exploitation and rights abuses, such as trafficking, sexual abuse and forced labor. Because of fear of deportation, they do not usually seek legal help in labor-receiving countries. Irregular migrants are usually not covered by local legislations, thus are not under the responsibility of receiving countries. As such, irregular migration causes friction between source and destination countries.

Cambodia to establish a formal recruitment channel for migrant workers entering Thailand and to support recent initiatives concerning economic cooperation with the three countries. Thailand also relies on government resolutions which allows for the registration and regulation of irregular migrant workers to be employed in specified sectors and provinces over a limited period of time. In 1992, the measure was originally applied with irregular migrants from Myanmar in nine border provinces of Thailand. A subsequent resolution expanded its coverage to include irregular migrants from Cambodia, Lao PDR and Myanmar.

In 1999, representatives from governments in the Asia-Pacific region signed the “Bangkok Declaration on Irregular Migration,” which calls for regional cooperation to address irregular migration. The Declaration calls for granting of humanitarian treatment, such as health and other social services, to irregular migrants, and encourages participating countries to enact laws which penalizes smuggling of and trafficking in human beings, especially for cheap labor.

International Migrant Labor Remittance

According to the World Bank (2007), international migrant remittances all over the world coursed through formal channels reached US\$337 billion in 2007 (Table 8). Of this amount, 18 percent or US\$61 billion were

Aside from unilateral country actions that focus on addressing the problem on irregular migration, several bilateral and multilateral initiatives have been likewise undertaken by countries in the region. Thailand, for example, has signed bilateral Memorandums of Understanding (MOUs) with Myanmar, Lao PDR and

sent to countries¹⁵ in the East Asian region. Taking into account remittances coursed through informal channels, Freund (2005) estimates that total remittances are 35 to 75 percent higher than officially recorded.

Table 8
World Bank Estimate of Remittance Inflow¹⁶
(Millions), 2003-2007

	2003	2004	2005	2006	2007 (estimate)	Remittan- ce as % of 2006 GDP
East Asia¹⁷	37,251	40,922	48,934	55,554	61,940	0.61 ¹⁸
China	17,815	19,014	20,337	23,319	25,703	0.88
Philippines	10,243	11,471	13,566	15,251	17,217	12.97
Indonesia	1,489	1,866	5,420	5,722	6,143	1.57
Vietnam	2,700	3,200	4,000	4,800	5,500	7.87
Malaysia	987	1,128	1,281	1,535	1,700	1.72
Thailand	1,607	1,622	1,187	1,333	1,635	0.65

Source: World Bank (2008). Revisions to Remittance Trends 2007. Retrieved from WB database on 06 July 2008.

China and the Philippines are the biggest recipients of migrant remittance by volume in the region, accounting for around 70 percent of the total annual remittance coursed through formal channels since 2000. The World Bank (2007) estimates that China received around US\$26 million in migrant remittance in 2007, while the Philippines received US\$17 million in the same year.

¹⁵ Excluding Brunei Darussalam and Singapore, which do not have available remittance inflow data

¹⁶ World Bank (2008). Revisions to Remittance Trends 2007. Retrieved from WB database on 06 July 2008.

¹⁷ Excluding Brunei Darussalam and Singapore, which do not have available remittance inflow data

¹⁸ Excluding Brunei Darussalam, Singapore and Myanmar

The Philippines, Viet Nam and Cambodia, on the other hand, received the greatest inflow of migrant

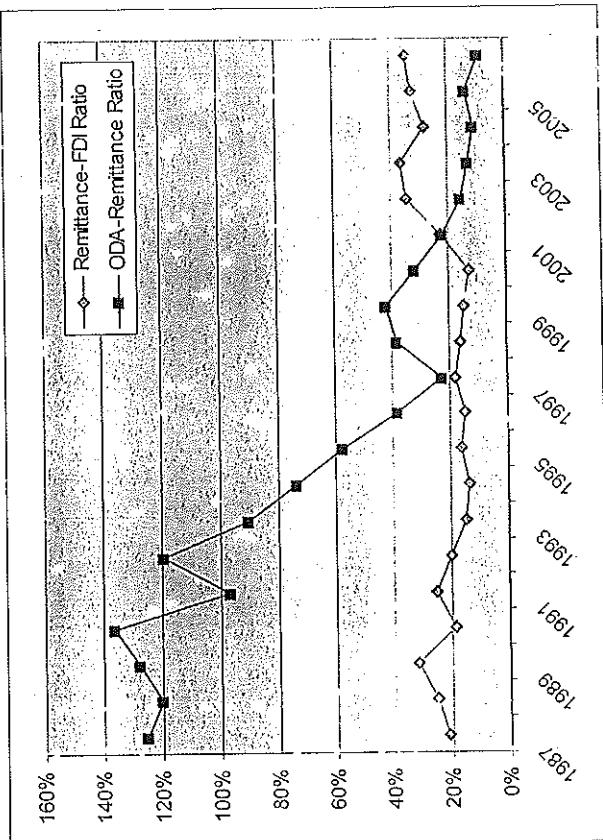
¹⁹ No GDP data available

Japan	1,078	931	1,080	1,380	1,577	0.03
Korea, Rep.	827	800	848	994	1,123	0.11
Macao (China)	161	355	588	511	511	3.60
Cambodia	138	177	200	297	353	4.10
Hong Kong (China)	120	240	297	294	348	0.15
Myanmar	85	118	131	116	125	- ¹⁹
Lao PDR	1	1	1	1	1	0.03
Developing Countries	143,350	163,34	193,662	226,075	251,405	2.01
Developed Countries	63,024	70,393	72,322	76,645	85,801	0.22
World	206,374	233,726	265,994	302,720	337,207	0.66

remittance as a percentage of the country's Gross Domestic Product (GDP) in 2006. Remittance inflow coursed through formal channels to East Asian countries as a percentage of GDP reached as high as 13 percent, as in the case of the Philippines. Inflow of remittance to Viet Nam coursed through formal channels in 2006 reached US\$4.8 million, and was 8 percent compared with the country's GDP. Remittance inflow to Cambodia is likewise a significant source of income at US\$297,000, with a remittance-GDP ratio of 4 percent.

Remittance is an important source of external financing for countries in the region. With its stable, even counter-cyclical, nature (Ratha and Shaw, 2007), remittances from international migrants may play a great role in stimulating an economy experiencing a downturn. In 2006, the ratio of remittances to total Foreign Direct Investment inflow to the region is 34 percent, up from only 13 percent in 2000.

**Figure
Remittance Inflow to East Asia²⁰ as a Percentage of
Foreign Direct Investments²¹
and Net Official Development Assistance²², 1987-
2007**



Increasingly, remittance may be a more important source of development funding as Net Official Development Assistance receipt to the region, not including Japan, has been decreasing as a percentage of remittance sent by international migrants, accounting

²⁰ Aggregate of World Bank estimate (2008) for countries in East Asia, whenever data are available

²¹ Data from UNCTAD (2008)

²² Excluding Japan, data from OECD (2008)

for only less than 10 percent in 2006, compared with 125 percent in 1987.

Socio-Economic Impacts of Migration

Aside from solving the problems of labor market rigidities, especially on unskilled and semi-skilled workers, in labor-sending and labor-receiving countries, international migration directly benefits migrants and their dependents. For one, migrant remittances sent to dependents effectively increase their disposable income, thereby allowing greater expenditure on education and health, which increases human capital. An expansion of consumption, savings and investment brought about by the increase in income of migrants and their dependents have been shown to have positive economic effects on the immediate community of migrant dependents, and to the greater economy, as well.

However, the out-migration of skilled or educated laborers may result to a "brain drain," as well as losses in prior expenditure on health and education, in the countries from which migrants came. Educated citizens are instrumental in the economic development of any country as they may be crucial in shaping public opinion, as well as in holding key positions in the government and the economy. Beneficial spill over effects through skills transfer may likewise be lost with the migration of highly educated workers.

Brain drain is a serious concern in East Asia. Countries Brunei, Lao PDR, Malaysia, the Philippines, Singapore and Viet Nam, for example, suffer with more than 10 percent of tertiary educated citizens migrating to other countries in 2000. Brain drain may be exacerbated with selective immigration policies of skilled-labor deficient-countries, especially in the North America and Europe, to actively promote the hiring of skilled and semi-skilled migrant labor, such as physicians, nurses and other health professionals, to be employed in their local economy. In 2000, around 10 percent of locally educated physicians in Malaysia, Brunei, Singapore and the Philippines migrated to other countries.

Emerging literature, however, propose that the "brain drain" in labor-sending countries may, in turn, be a "brain gain" for destination countries, which are able to harness the skills and expertise of skilled migrants. Better opportunities from migration have been shown to increase private returns to education, thereby encouraging families to invest more in education. Furthermore, migrants learn new skills which they are able to share with others if and when they return to their origin country. Thus skilled migration may contribute to "brain circulation" and "brain sharing," with positive benefits accruing to both sending and receiving countries.

The question then to be asked is if receiving countries are able to utilize the skills and expertise of skilled migrants. Otherwise, this does not constitute a

"brain drain/gain", but a "brain loss," as prior expenditures on education, which may otherwise be recognized and utilized in the sending country, is lost as skilled worker is made to do unskilled labor work in the receiving country.

Security, Political and Safety Considerations

State governments play important functions in relation to international labor migration. Traditional perspectives view the government as especially vital in its sovereign right to regulate inter-state human mobility, especially of non-citizens entering into their territory. Increasingly, however, states have also recognized the need for a broader approach in managing international migration (GCIM, 2005). Governments are likewise important in specifying the responsibilities of migrants, as well as in recognizing and protecting their rights.

These primary roles of governments in international migration may be realized through the oversight function of various government agencies, in the formulation of migration policies, as well as through the ratification of and accession to international instruments and declarations related to international human mobility (FES, 2007).

Unilateral Sending-Country Policies

Governments of labor-sending countries employ various mechanisms that establish minimum standards to ensure that the rights of their international migrant workers are not violated, and that their welfare is promoted. In countries such as the Philippines and Indonesia, dedicated government agencies on international employment and on migrant welfare serve both facilitation and regulation of international labor mobility. The provision of various social welfare programs for migrant workers and their dependents is common.

It is important to note, however, that the provision of programs may not necessarily mean effective and complete protection of migrant workers' rights and welfare, as this relies more on the enforcement of such policies rather than on the existence of the policies per se.

Viet Nam. In 2005, the National Assembly of Viet Nam promulgated Decree No. 141/2005/NĐ-CP concerning the "Management of Vietnamese Laborers Working Abroad." The Decree defines the responsibilities and prohibitions of key players in Viet Nam labor migration, as well as acts of violation and its consequent penalties. Another important legislation concerning migrant workers is Decree No.81/2003/NĐ-CP, detailing the implementation of the provision of the Labor Code on sending migrant workers abroad.

Included in the said Decree is the creation of the Labor Export Support Fund, later reorganized as the Overseas Employment Support Fund, for the following objectives: (1) to provide support for expenditures on development of new labor markets; (2) to raise the quality of sent Vietnamese international migrant workers by supporting their training; and (3) to provide risk support for laborers and enterprises engaged in labor export activities.

Philippines. The overseas employment program of the Philippines started in the early 1970s, with the 1974 Labor Code and, later, the Migrant Worker's Act of 1995 as the constitutional and legal framework for sending Filipino migrant workers abroad. International employment of Filipinos are facilitated by the Philippine Overseas Employment Administration, which is tasked to formulate and implement a systematic program promoting and monitoring the employment of Filipino international migrant workers. The Overseas Workers Welfare Administration (OWWA), on the other hand, is the lead agency concerned with the protection and promotion of the welfare of Filipino overseas workers and their dependents.

accession of the host country to multilateral conventions on the protection of migrant workers, or by (3) a bilateral agreement between the Philippines and the host country. The Act likewise stipulates joint liability between the local employment agency and foreign employer for any violation committed against the migrant worker. In 1994, Executive Order 195 was issued to provide compulsory health insurance coverage to Filipino overseas workers, who are not members of the Philippine Medical Care Program, and their dependents. The OWWA likewise provides insurance coverage to all its members.

Cambodia. The Cambodian government issued Sub-decree No. 57, which deals with "the Sending of Khmer Workers to Work Abroad" in 1995. Sub-decree No. 57 is the primary legislation on managing international labor migration of Cambodian workers, and defines the legal framework of cooperation between the government institutions and the private recruitment agencies. One of the salient features of the sub-decree includes the establishment of a surety fund by the foreign employer under the account of the recruitment agency to compensate workers in the event of non-compliance by the foreign employer of provisions in the employment contract. The sub-decree likewise defines mandatory provisions/information that should be included in the employment contracts, for example the proportion of the salary and other remunerations which will be sent home to worker dependents.

The Migrant Workers' Act of 1995 is the primary legislation governing the conduct of labor migration of Filipinos. The legislation limits the deployment of Filipino migrant workers only to countries where their rights are protected, as may be shown by any of the following: (1) the existence of labor laws that protects the rights of migrant workers in the host country, through (2) the

Aside from Sub-decree No. 57, the government also issued Sub-decree No. 70 in 2006 creating the “Manpower Training and Overseas Sending Board,” which is tasked to provide a public recruitment system to co-exist with private recruitment agencies, thereby providing Cambodian migrant workers with a cheaper and safer labor migration channel. The government likewise issued a ministerial order on “Education of HIV/AIDS, Safe Migration, and Labor Rights for Cambodian Workers Abroad.” The said declaration is aimed at improving the safety and working conditions of Cambodian migrant workers through training on health issues, safe migration and labor rights.

Unilateral Receiving-Country Policies

Attitudes toward immigration in East Asia, especially of unskilled workers, remain fairly closed, with permanent migration open only to those highly qualified (Abella, 2004). Policies in major labor-destination countries in the region are largely shaped by temporary labor migration. Immigration policies are largely concentrated on restrictions regarding the entry and the pursuit of employment of migrant workers.

Migrant worker issues are minority concern in host countries, especially since they are not endowed with local suffrage rights. Although this is the case, there is a consensus that the role of governments in host countries extend beyond their local concerns, and that it

is also their task to promote the welfare of migrant workers (FES, 2004).

Brunei. Implied provisions on employment contract stipulated by law requires employers to provide immigrant workers with the following: (1) employment suitable to capabilities at not less than the prevailing wage for the particular type of work engaged in; (2) housing, sanitary measures and medical care to those residing with the employer; if requested, (3) mechanisms to make remittances to dependents in country of origin; and (4) repatriation at contract termination. However, the law also stipulates that the government may exempt any employer from any or all of the said conditions.

Singapore. Non-migrant and migrant workers alike are covered by non-discriminatory legislations on employment standards and safety. The Employment Act, for example, defines basic terms of employment and proper working conditions for all workers in Singapore. The Work Injury Compensation Act, on the other hand, provides for compulsory insurance coverage for workplace injuries and deaths for all workers regardless of nationality.

Dedicated issuances likewise benefits migrant workers. The Employment of Foreign Manpower Act, which is the primary legislation governing immigrant employment, defines conditions on proper deployment, repatriation, safety and accommodation of migrant workers.

The government likewise provides a venue for redress for immigrant workers. The Department of Well-being under the Foreign Manpower Division of the Ministry of Manpower is responsible for the management and protection of immigrant workers, especially with regards to accommodation, working conditions, physical well-being and abandonment by employer.

Thailand. Registered migrant workers are equally protected as native workers under the Labor Protection Act of 1998 with regards to employment issues such as minimum wage, worker welfare, industrial relations, and occupational safety and health at work. Unregistered workers are likewise protected by various provisions in the Labor Relations Act.

Thailand has an amnesty and registration program for irregular workers. Starting in 1992, the government has allowed irregular migrants, originally covering those only from Myanmar, then, eventually expanded to include migrant workers from Lao PDR, and Cambodia, to be employed in specific industries and locations.

Bilateral Cooperation

Unilateral country initiatives on managing international labor migration are constrained by the limitations imposed by the nature of international human mobility and the enforceability of unilateral country

policies. Bilateral cooperation provides a much wider breadth on the advancement of migrant workers' welfare through a framework of shared responsibility between labor-sending and -receiving countries. Bilateral cooperation depends not so much on how legally binding they are as on how they are implemented and enforced by parties in the agreement. As such, bilateral agreements may be as formal and legally binding as Memorandum of Agreements and, to a lesser extent, Memorandums of Understanding, or as informal as statements or assurance of regional cooperation (Go, 2007).

Bilateral agreements may address any or all of the following issues: (1) temporary labor migration, (2) control of irregular migration, (3) border management, (4) repatriation, (5) remittance management, and, sometimes, (6) foreign aid and technical assistance (UN, 2005).

Entering into bilateral agreements among countries in Asia has been difficult for a variety of reasons, according to Go (2007). Firstly, countries claim that foreign workers are subject to the same laws as citizens of the country, making entering into such agreement unnecessary. Secondly, many countries see labor recruitment as a private contract between the employer and the migrant worker, making government intervention unnecessary. Lastly, forging a bilateral agreement with one country would open the door for

proposals from other countries, which they are reluctant to deal with, for similar agreements.

According to Go (2006), The Philippines has been the most successful among labor-sending countries in the Asian region to negotiate such agreements. However, the difficulty of forging such instruments can be shown by the number of bilateral labor and social security agreements the Philippines has entered into over the last 30 years. Since 1974, when the Philippines had instituted its overseas employment program, the country has been able to forge bilateral agreements with only 13 countries. The Philippines has been unsuccessful with making bilateral agreements with major Filipino labor-receiving countries, like Singapore, Japan and Saudi Arabia (Go, 2007).

Although difficult to negotiate, bilateral agreements among countries in East Asia are not uncommon. Thailand has signed MOUs with neighboring countries Cambodia, Lao PDR and Myanmar to curb irregular migration in exchange for legal migration opportunities. Malaysia, on the other hand, has signed MOUs with China, Indonesia, Bangladesh, Vietnam, Lao PDR, Sri Lanka and India to admit workers subject to Malaysian national laws (Wickramasekara, 2006).

The United Nations, through the International Labor Organization and the Office of the High Commission for Human Rights, have been pushing for the ratification of member-states of international conventions specifically geared towards the protection of international migrant workers. However, convincing member countries to ratify and accede to the treaties have been difficult.

The “International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families” (UN MMWC) was adopted by the United Nations on December 1990, and entered into force in July 2003. The UN MMWC establishes the rights of migrant workers, and ensures that those rights are protected and respected. As of June 2007, however, only 37 countries ratified the convention. In East Asia, only Cambodia and Indonesia signed the convention, while only the Philippines ratified it.

Prior the 1990 UN MMWC, there are two major ILO conventions concerning migrant workers: the Migration for Employment Convention (Revised) (No. 97) of 1949, and the Migrant Workers (Supplemental) Convention (No. 143) of 1975. The ILO Convention No. 97 requires ratifying countries to treat migrant workers lawfully within their territories as equals with their own nationals over a wide range of laws and regulations with regards to employment. The Convention also contains provisions designed to assist migrants for employment. Convention

No. 143 is divided into two parts: Part I deals with migration in abusive conditions, and Part II deals with equality of opportunity and treatment. Ratifying states have the option of accepting either of the two parts, or the whole instrument.

Only Sabah (Malaysia) in East Asia, and 46 other countries on other parts of the world, ratified Convention No. 79. The Philippines is the only East Asian country that ratified Convention No. 143, as of June 2008.

In East Asia, member countries are enjoined to follow the ASEAN plan of action for labor relations in the region.

International Migration Data

Research on cross-country international migration is a difficult undertaking because of the seeming inadequacy of international migration data. The Statistics Division of the United Nations issues guidelines and recommendations on concepts and methods to help countries gather and disseminate their data. However, many countries do not apply the definitions recommended by the United Nations (Haug, 2007). Some of Haug's observations with international migration data are as follows:

- Many data are available out only for certain categories of migrants

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Section 2

Towards a Framework for labour migration in East Asian integration

Manolo Abella²³

The initiative to develop a migration framework for adoption by countries of the region is a welcome development. This section looks at recent international and regional processes which aim at developing similar frameworks for managing the increasingly complex challenges posed by the cross-border movements of people.

Major challenges to governance

Whether one is talking of countries with well-protected borders like Korea or Japan, or countries with porous borders like Malaysia or Thailand, the problem of illegal migration is large, problematic, and bound to grow in the future.

For the Asia-Pacific region as a whole there may be as many as one out of every four migrant workers in an irregular status, but the ratio is much larger in some

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countries than others. In Japan, at the end of 2004 there were some 192,000 registered foreign workers with work visas while 43,000 foreign nationals temporarily admitted as tourists and the like were found to be illegally working (a ratio of slightly more than 1 in 5). In Malaysia the ratio is closer to 1 in 3, or an estimated 700,000 irregular migrants out of a total of about 2.2 million foreign workers. In Thailand they were surprised to find a few years ago that they had over 1.8 million Burmese, Laotians, and Cambodians in their farms, factories, and homes.

The problem has grown for a number of reasons – The first is because borders are difficult to secure especially when there exists a large unmet demand for labour. In some countries informal employment is alive and well, and growing faster than formal work. A second reason is that states in our region have more or less left decisions on admission to employers' initiative rather than to a political process for deciding on numbers, whether this be a ceiling or target. Another factor is because the organization of migration is left in the hands of commercially motivated intermediaries or brokers. A fourth reason is because policies and regulations do not allow for temporary legal migrants to change status. The Republic of Korea, Taiwan (Province of China), Singapore, Brunei Darussalam and Malaysia have all adopted one form of "guest worker" programme or another, premised on the idea of rotation. Unskilled or low-skilled foreign workers have no possibility of extending their stay let alone gaining more permanent

status. The employment of unskilled foreign workers is usually based on one-year work permits. Some are renewable but not indefinitely. The problem with such policies is that they are out of sync with the interest of both the employer and the migrant worker who both want to prolong a satisfactory relationship.

Global initiatives for developing framework for managing migration

Concerned about the way irregular migration was becoming a serious problem in many regions, the Swiss Federal Office for Refugees launched in 2001 a process for inter-governmental dialogues on managing all forms of cross border movements of people. Known as the "Berne Initiative", it was meant to be a states-owned consultative process aimed at reaching consensus on a set of principles and guidelines for migration management at regional and global levels. Through the process it was hoped that migration would be better regulated and not undermine state sovereignty and national security. The dialogues, which took place over a period of over two years, produced "non-binding" guidelines covering a wide range of migration policy issues, from border control procedures to the administration of asylum and refugee systems, from ways of addressing illegal migration to managing temporary foreign worker programmes. Instead of proposing a new international convention or treaty, it concentrated attention on sharing effective practices

which was carried out through regional consultations in Southern Africa through the Migration Dialogue for Southern Africa, in Central and North America through the Puebla Process, in Eastern Europe through the Budapest Process, in Western Europe, North America, and Australia through the Inter-Governmental Consultations on Refugee and Migration Policy, in East and West Africa.

In 2002 the Netherlands Chapter of the Society for International Development brought out the so-called "The Hague Declaration on the Future of Refugee and Migration Policy," a document that was drafted after a process of consultations with a wide range of stakeholders – from governments to civil society groups, international organizations, academics, and associations of migrants and refugees. The Declaration appears to have been motivated by the same concerns behind the Berne Initiative, but it saw itself as adding value by bringing in the views of many more sectors than simply governments. The Declaration enunciated some 21 general principles to guide policies which recognize the potential contribution of migrants, regular or irregular, to their host societies. It also stressed the need for providing greater security for migrants if they are to maximize their contribution. Continuing as the so-called "The Hague Process" it offers to be a "catalyst" for ideas on various aspects of migration and refugee policies, and to support other global processes with which it has shared concerns.

In 2003 the World Commission on the Social Dimensions of Globalization drew attention to the growing cross-border movements of workers and the need for the international community to agree on a multilateral framework for migration just as the multilateral regimes that have long governed the movements of goods and capital. The following year the subject was taken up at the ILO General Conference, and an ILO tripartite meeting of experts convened in 2006 succeeded in obtaining consensus on a rights-based multilateral framework. What distinguished this ILO Framework from the others is that it contained, aside from international principles on the rights of migrant workers, examples of best practices which could serve as guidelines for policy-making. It was still meant to be a non-binding instrument but it was accompanied by a Plan of Action for promoting the framework for adoption by all the member states.

Acting on the encouragement of UN Secretary General Kofi Annan, some states led by Sweden set up a Global Commission on International Migration around the same time that the ILO was developing its Framework. Concerned with mounting emigration pressures in the South and the growing restrictionist sentiments in the North, the Core Group of States behind the Commission asked it to provide a framework for the formulation of "a coherent, comprehensive and global response to the issue of international migration". Its comprehensive report, drawn up after holding consultations in every region, stressed among others the

mutuality of interests in reviving temporary labour migration schemes which have been all but given up in some parts of the world since the 1980s as a consequence of rising unemployment. The Commission also encouraged continuation of negotiations for liberalizing trade in services through GATS. In the Commission's view temporary, circular migration provides a way of expanding migration's role in meeting today's development challenges. Countries short of labour in certain low-skill occupations are not willing to accept them for permanent settlement. For many origin countries, migration offers the most viable option for earning substantial foreign exchange resources to finance development, but over the long run their own development prospects can be prejudiced if their skilled manpower do not return. Finally, the Commission recommended the establishment of an Inter-agency Global Migration Facility which would coordinate and ensure consistency within the current institutional architecture for migration. Such an inter-agency facility will identify existing overlaps and gaps, and explore the potential for pooling institutional expertise and develop complementarities.

Taking advantage of the growing enthusiasm for linking migration and development the UN Secretary General convened a High Level Dialogue on International Migration as a side event during the UN General Assembly Meeting in New York in September 2006. During this dialogue an agreement was reached among many governments to create an inter-

governmental Global Forum on Migration and Development. Belgium hosted the first Forum in Brussels in July 2007. Some 123 governments took part in the Forum. It was significant for the following reasons. It generated wide interest in putting development at the centre of the migration debate, viewing legal migration as an opportunity for development of both origin and destination countries, rather than as a threat. It also paved the way for a longer term common global vision on migration, based on the recognition of mutual benefits to developing and developed countries. Finally, it offered an opportunity to discuss how the sharing of responsibilities between developed and developing countries can make migration work better for development and vice versa.

Common conclusions of various global processes

All the foregoing global initiatives to develop a framework shared some common conclusions:

- There are mutually beneficial ways of increasing migration opportunities, with due regard to States' legitimate interests to ensure that the process is fair to both sending and receiving countries;

- Migration processes should be orderly, predictable and legal;
- Trafficking and other current abuses where women are especially vulnerable should be eliminated;

- There should be full protection for the rights of migrant workers and efforts to facilitate their local integration; and
- The developmental benefits of international migration should be maximized

Towards an Asian framework

Is there a need for a framework specific to the East Asian region? As far as basic rights are concerned there would be no justification for differentiation from global frameworks since basic rights are universal. The right to security of person, to due process, to non-discrimination on the basis of race, sex, religion, ethnicity, to leave one's country, not to be in forced labour, etc. are all part of universally-accepted basic rights and should apply to all. However, there would seem to be good reason for developing a regional framework which takes into account the inadequacy of institutions to protect the rights of migrants. According to Cholewinski (2005), the inadequacy may arise in a number of situations:

- a. For certain categories of temporary migrants such as seasonal workers, project-tied workers, or specified-employment workers.
- b. The prevalence of malpractices and abuses associated with the role played by commercially-motivated intermediaries or job brokers;

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Section 3 Recruitment and Deployment

Winfred Viliamil²⁴

Introduction

The increasing volume of migrants as described in Section 1 necessitated measures for protecting them. Obviously the first step of protection is on the recruitment and deployment process. This section discussed issues and measures on recruitment in selected countries in East Asia. Although some snippets of receiving country measures are discussed, the section is focused on the sending country issues.

Receiving Countries Perspective

Most intraregional migration in East Asia consists of semi to low skilled migrants. Most receiving countries, however, welcome the arrival of professional and other skilled workers but impose restrictions on the entry of unskilled workers.

In the case of Korea, rapid growth and rising wages led to an increased demand for low-skilled foreign workers that were needed in the small and medium labor-intensive enterprises that were facing intense competition from low-wage countries. To meet

this demand, foreign workers were imported under a training program that allowed workers to "train" in these firms for up to two years. After two years of training, workers are allowed to stay for another year as legal employees. Most end up overstaying and become illegal workers.

Most migrants to Malaysia are low-skilled workers from Indonesia primarily and the Philippines secondarily. Legal migrants are issued permits for temporary employment and are required to leave after the time limit for staying has been reached. Permits are valid for one year and renewable up to a maximum of three years. Permits can only be renewed in certain sectors such as plantation agriculture, construction, and some manufacturing enterprises. In an effort to manage migrant flows into the country, Malaysia entered into bilateral agreements with Indonesia, Thailand, and the Philippines for the recruitment and repatriation of their nationals.

Many enter the country illegally because of the high costs of legal migration including the time consuming procedures migrants have to go through. Hence, there are two types of irregular migrants in Malaysia; those who are overstaying and those who entered illegally. To manage illegal migration, illegal migrants were occasionally given amnesty for so long as they registered with the authorities. Penalties for the hiring of illegal migrants were also increased.

Most migrants entering Thailand are refugees from neighboring countries fleeing civil unrest, political conflicts, natural disasters or economic stagnation in their home countries. The biggest groups of immigrants

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are Burmese followed by Cambodians and Laoitians. Most find employment in low-skilled, low wage industries such as farming, construction, textile, and garments manufacturing in industries located near the borders of Thailand. Many of them entered the country illegally.

To manage migration into the country, the Thai authorities undertook the regularization of illegal migrants through various amnesty programs and allowing them to work but only in designated areas and in specific sectors of the economy. The Thai government also forged bilateral agreements with Laos and Myanmar to settle issues arising from cross border migration.

Source Country Perspective

Philippines

The Philippines has a long history as an exporter of human resources with the highest rate of out-migration among the countries of East Asia. The Philippine Overseas Employment Agency (POEA) estimates that as of December 2005 there were over eight million overseas Filipinos. Forty-three percent were permanent migrants, 46 percent temporary workers, while the rest or 11 percent were irregular workers.²⁵ The

overwhelming majority of permanent migrants (84%) went to North America, in particular, to the USA. On the other hand, majority of temporary workers were deployed in the Middle East (45.8 % of all temporary workers), and in East Asia (26% of all temporary workers), primarily Japan and Hong Kong. Irregular workers are mostly found in the United States and Malaysia.

In recent years, the share of lesser skilled production workers has declined while that of the more skilled professional and technical workers has increased. The share of females in overseas work is also increasing. While females constituted 50% of all new deployments abroad in 1992, they comprised 69% of all new hires in 2002. Women dominate in both the migration of professional and technical workers and in the low-skilled services sector.

The Philippine Government has adopted a deliberate policy of promoting the export of labor for almost thirty years.²⁶ The country began sending Filipinos to work abroad in large numbers beginning in the mid-seventies as a means to ease unemployment and underemployment and to earn much needed foreign exchange for the country. Indeed, the country has one of the most developed institutional infrastructures to deal with various aspects of international migration. The policy of encouraging overseas work was laid out in the

²⁵ Permanent migrants are immigrants or legal permanent residents abroad whose stay does not depend on work contracts; temporary migrants are persons whose stay abroad is employment related and who are expected to return at the end of their contracts; irregular migrants are undocumented persons without valid employment or resident permits abroad and who are overstaying.

²⁶ This, however, is not explicitly stated as policy. What is explicitly stated as policy is the protection of Overseas Filipino Workers.

1974 Labor Code and the Medium Term Philippine Development Plans since 1978.

Beginning in the 1990s, however, there was an apparent shift in policy. RA 8042 or the Migrant Workers and Overseas Filipino Act of 1995 was passed with an explicit provision stating that the government "will not promote overseas work as an instrument to sustain economic growth". This change in public policy was apparently meant to ease growing concerns over abuses committed against Filipino workers abroad and to deflect widespread criticism regarding the government's perceived inability to provide gainful employment to its own citizens. Hence, the policy of labor migration was officially touted as merely a stop gap measure to ease social tensions until the country could "take-off" to higher growth and employment.

These pronouncements however have not restrained the government from expanding the market for overseas employment. For instance, multilateral, regional, and bilateral negotiations for trade and investment liberalization (free trade agreements) are often accompanied by negotiations for the simultaneous liberalization of labor flows.²⁷ To increase the demand for Filipino workers abroad, the government has also adopted the policy of enhancing the reputation of the country as a good source of quality workers through the

careful screening of potential migrants and through technical education and training.

The Philippine Overseas Employment Administration (POEA), an agency under the Department of Labor and Employment (DOLE) was established to develop the market for overseas employment, formulate and enforce labor standards for the employment of workers overseas, regulate private recruiters, and impose limits on fees charged by recruiters. For instance, it forbids recruitment agencies from charging "placement fees" to domestic workers bound for countries whose laws require the employer to shoulder the cost of hiring workers. Any violation of this policy is ground for the cancellation of the license of the recruitment agency.

Before 1976, the recruitment and deployment of overseas workers was virtually a state monopoly. Since then, the task was transferred to private recruitment and manning agencies. There are now over a thousand licensed recruitment agencies in the country.

The POEA requires overseas workers to undergo skills assessment and certification by the Technical Education and Skills Development Authority (TESDA). Certified workers are issued a Certificate of Competency (COCs) attesting to the competence of the applicant for the job applied for. Recently, the POEA also required the training of applicants in country-specific language and culture by the Overseas Workers Welfare Administration (OWWA) in some cases, free of charge. The POEA will not process the placement contracts of workers without COCs and those who have not completed the training. Professionals applying for work abroad are also required

²⁷ The Philippines and Japan, for instance, recently signed a free trade agreement that contains provisions for Filipino workers, especially nurses and caregivers, to pursue employment and training in Japan.

to submit proof of completion of the requisite course from the Commission on Higher Education (CHED) or passing the board examination for occupations requiring it from the Professional Regulation Commission (PRC). Applicants must also prove that they are physically fit and free of any disease that may be contagious or lead to the premature termination of the employment contract. They are required to undergo medical and physical check up in clinics and hospitals duly accredited by the Department of Health.

Upon receipt of their visas, applicants are required to attend a Pre-departure Orientation Seminar. The seminar briefs the applicant on the laws, customs, and practices of the destination country, their rights and obligations under the employment contract, and how to adapt successfully to the new environment. Private institutions accredited by the OWNWA, recruitment agencies with their own orientation programs, and NGOs particularly those servicing migrants applying for jobs in vulnerable occupations provide these seminars.

Indonesia

Indonesian out-migration, like the Philippines, consists of two types: the flow of permanent migrants, mostly skilled, to the more developed nations and the temporary movement of predominantly unskilled workers, many of them domestic workers, to the Middle East and Asia. While migrant workers from the Philippines are increasingly those with better skills and education, Indonesian migrant workers are primarily unskilled and with low education. Because of this, they are more vulnerable to abuse and exploitation and

therefore need more support and protection from their government. In particular, providing migrants with information on administrative requirements, working conditions and rights in the place of destination before and after departure is an important way to provide them with protection.

In Asia, the largest number of permanent migrants from Indonesia is in neighboring Malaysia, which shares a similar language and culture. Since Malaysian authorities discourage permanent settlement, many of these migrants are not legal residents. This is the case particularly in Sabah and Selangor where one finds the most number of "overstaying" Indonesians. It is said that strict entry rules into Malaysia has encouraged permanent settlement into the country because the risk of getting caught is high if they were to commute regularly to their nearby homes. This suggests that liberalizing entry and the issuance of work permits might in fact reduce the number of migrants deciding to settle permanently in Malaysia. Illegal migration is dominated by males who work in the plantation, timber, construction and manufacturing sectors in low-skill, low paying jobs (dirty, difficult, and dangerous) that Malaysian workers are wont to avoid.

The Indonesian government adopted the policy of promoting the export of labor starting in 1979. Like the Philippines, the objective of migration policy is to expand and equalize employment opportunities for the

Indonesian labor force and to earn foreign exchange for the country.

Most legal migration is facilitated by private manpower agencies engaged in recruitment and placement. These agencies also take care of travel arrangements. But most migrants have no direct access to these licensed agencies and rely instead on middlemen who charge exorbitant fees. Because the recruitment process can be time consuming and expensive, the alternative for many particularly low income migrants is illegal migration.

After the mass deportation of illegal migrants in Malaysia in 2002, the Indonesian government took steps to improve the process of sending migrant workers abroad. The Placement and Protection of Indonesian Migrant Workers Act was enacted into law in 2004. The task of coordinating and managing the deployment of overseas workers and looking after their welfare was placed under the Ministry of Manpower and Transmigration. The time allowed to complete the processing of papers was reduced from six months to 24 days.

Indonesia followed the lead of the Philippines recently by linking the deployment of its migrant workers to guarantees that their rights are protected. The deployment of workers is allowed only in countries which have written agreements with Indonesia or have laws protecting the rights of migrant workers. For instance, an agreement was signed with the Malaysian government that requires employers in Malaysia to sign contracts specifying the rights and obligations of both parties including a ban on the withholding of wages. The

Indonesian government has occasionally banned the deployment of workers to countries that have failed to protect its migrant workers. For instance, in 2005 it briefly banned the sending of domestic workers to Bahrain because of the refusal of their manpower agencies to accept regulations on minimum salary and leave benefits and in the United Arab Emirates for human rights violations of employers.

Overseas workers are also required to contribute to an insurance fund that insures workers against departure failure, death, accident, illness, sexual abuse, non-payment of wages by employers, job termination, and deportation.

Myanmar

The effort to manage overseas migration in Myanmar is fairly recent. In 1999, the Overseas Employment Law was enacted with the main objective of organizing overseas deployment and to ensure that the rights and privileges of workers are protected. In accordance with the new law, the Overseas Employment Supervisory Committee was formed to provide and enforce guidelines on overseas employment.

The law requires recruiting agencies to obtain a license from the Ministry of Labor and to abide by the rules and procedures laid down for the deployment of migrant workers. At present, there are about 70 licensed recruitment agencies operating in Myanmar. The fees that they charge workers for their services are regulated

by the Ministry of Labor. Recruiting agencies are required to secure approval of job offers and the terms and conditions of employment before they can recruit workers.

The Ministry of Labor also coordinates with other government agencies in providing various services to overseas workers. It includes providing workers with skills training and induction courses, facilitating the granting of passports and visas, and ensuring that the rights of workers are respected by employers in the host countries.

Implications for Policy

1. A case can be made for the need to manage intraregional migration in order to maximize the benefits and minimize the costs for both sending and receiving countries. There is growing recognition that cooperative arrangements between sending and receiving countries, often through bilateral memoranda of understanding (MOUs), is an effective way to manage the process of international migration.
2. Restrictive policies often lead to clandestine or irregular migration which in turn leads to the marginalization of migrant workers. For sending countries restrictions often take the form of high transaction costs from exorbitant placement fees imposed by private recruiting agencies or the various layers of brokers and middlemen and the long and tedious procedural requirements of government agencies and the administrative fees they charge. For

receiving countries, it takes the form of quotas on the number and kinds of workers that are allowed entry.

3. Managing international labor migration requires the involvement of various government agencies each with its own specialized functions, i.e., labor, foreign affairs, health, education and training, social welfare etc. But all these efforts have to be coordinated by a single agency and often this function is vested in the labor department or ministry.
4. Reports of abuses suffered by migrants in sending countries have pressured governments into taking more aggressive steps in protecting their workers. The imposition of regulations on minimum standards that employment contracts have to adhere to, the supervision of these contracts, the efforts taken by sending countries to have these contracts endorsed by the receiving countries, and the policy of disallowing migration to countries that do not respect these standards or agree to the contracts are effective means to protect migrant workers from exploitation and abuse.
5. There are fears, however, that these policies may restrict employment opportunities for workers abroad and there are renewed calls for deregulation and for non-intervention in the formulation of the employment contract, which is to be treated as a private agreement between employer and employee. This view ignores the fact that contracts may not contain full information and even if they did, can be violated by the employer. Nevertheless, some balance must be struck between the goal of expanding employment and protecting migrants. At the very least, governments should provide migrants with information or should ensure that migrants are well

informed of the conditions of work and the risks that they face.

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Section 4 Safety and Welfare

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Background

Overseas work involves a lot of risks. The loss of life, injury and permanent disability is a distinct possibility. Workers, particularly domestics, can suffer abuse and be forced to work under inhumane working conditions. They face other contingencies such as an unanticipated job loss.

Domestic workers, construction workers, cleaners were and still are particularly at risk of workplace abuse and exploitation because of the nature of their work and the lack of sufficient legal protection. Domestic workers are especially remain vulnerable because of the isolation and they are excluded from labour law protection as household chores have yet to gain the rightful place as work in the local context as it is seen as the private domain. Some of these abuses include long working hours, no days off, restrictions on

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freedom of movement and association, lack of pay, and verbal abuse. The situation is worse for undocumented workers as they are constantly fearful of being deported when they have debts to pay.

As in other parts of the world, limited access of migrant workers to social and health insurance is a key aspect of the problem of migrant workers in Southeast Asia.

Migrant workers, particularly those at the low-end, suffer from minor to major injuries and even death due to industrial accidents.

Compensation

Singapore. The approach taken by the State is one of leaving the conditions on wages to the market forces. Yet some moderation goes on through the interventions of sender country governments and non-governmental organizations which have come to bear on the situation that there is some informal approximation on wages. For example most Filipino domestic workers earn about S\$350, while Indonesians earn S\$300 and Sri Lankans about \$280. Sender country governments

³¹ There are about 170,000 Foreign Domestic Workers (FDWs) in Singapore – one in every six households, the world's highest dependency ratio on FDWs. There are more than 700, 000 foreign workers in Singapore representing almost 30 per cent of the workforce. Migrant workers are in every sector - construction, service, health, manufacturing, and domestic.

like Philippines and Indonesia are asking for higher wages for the Foreign Domestic Workers (FDWs). With male migrant workers most are still daily rated at construction sites earning between S\$14 and S\$18 per day as an average. The wages received in other industries is not known to (me) the author at this point in time. Because there is no minimum wage guideline even for Singaporeans, foreign workers tend to earn different wages for the same work that they do.

It also means that benefits and conditions are also not consistently applied across industries and nationalities. There is no standard contract with terms clearly spelt out that can be governed under the Employment of Foreign Workers Act. In instances where are breaches a civil suit can be filed or through a complain mediation processes take place between the employer and the employee. In recent years the terms have improved for domestic workers with more detailed guidelines for a standard contract. But the fact still remains that most conditions - wages, days-off, home leave – are re-negotiated, outside the contract signed.

Social and health access

Japan. Migrant workers themselves and their employers tend to avoid joining medical insurance, though foreign workers are allowed to join medical insurance provided that they meet certain conditions (legitimate stay, work hours are more than 75% of those of regular staff).

Public information about insurance system needs to be disseminated by various means. In this respect, when the Employment Promotion Law was amended in 2007 and all employers who employ foreign workers are obliged to submit the report of employment situation of foreign workers, employers are advised to notice the foreign workers about the medical insurance system.

Singapore. Much of access issues are linked to giving regular days off to the workers. Without a day off workers are cut off from friends and support services.

Recreational spaces are limited in a highly congested city like Singapore. Nevertheless there are many courses that are being provided by both private, civil society sectors, faith-based groups.

In Singapore migrant workers issues do now come under Migrant Forum with Singapore National Trade Union Congress. There are observance ceremonies – May Day, outings - organised by SNTUC.

Workers are screened regularly for infectious diseases. Those with HIV are deported immediately. There is access to the healthcare system for anyone caught in an emergency. However foreign work permit holders no longer enjoy subsidised rates at the hospitals which increases healthcare costs for them in cases of hospitalisation. Too many stories still abound of self-

medication and migrant workers facing salary deductions for visits to the GP clinics.

There are dedicated NGOs working with migrant workers. Most are faith-based in Singapore with the exception of Transient Workers Count Too. There are too few shelters to harbour affected Migrant Workers. In Singapore one non-governmental organisation, H.O.M.E and the embassies run shelters with the help of their own citizen's associations and clubs. There is little funding for NGOs in Singapore as it is a developed country and yet there is hardly any state funding either. Shelters really struggle. It is only now that there is more collaboration between NGOs in Singapore and those in the region, primarily through the efforts of the groups in Indonesia and Philippines.

Non-domestic workers who are injured in the course of work can apply for the Workmen's Compensation. Medical insurance for work permit holders, including the FDW, has recently become compulsory. In Singapore the Skills Development and Levy Act provides training for all workers, including foreigners, except for the training of FDWs.

Thailand. Protection and social security in terms of Employees Provident fund and health insurance are denied to the migrant workers.

Voice of concerns has lately become more pronounced for the government of host countries to put

more effort into improving access to health care for the migrant workers, especially those at the low-end, living there. Part of the explanations includes a notion that they would present a huge risk for local people when they do not receive proper medication for TB and other infectious diseases. Employers are also called for not to deny their responsibility to take the matter of health care seriously.

Access to treatment for migrant workers and members of their families is a part of a basic human right that must be protected regardless of nationality or legal status. The Convention 1990 should also cover the undocumented migrant workers while encouraging that everyone must have right to health.

The concept that 'migrant workers' are transmitters of 'diseases' has created many discriminatory practices in receiving countries. Such a concept has to change.

In Thailand, the MoPH has initiated a number of progressive schemes to facilitate migrant workers, such as providing volunteer translators. Registered workers are also given a medical check-up and some vaccinations are provided. Yet, there are concerns that all migrant workers should possess health cards, regardless of their status, in order to improve migrants' access to health care. Without health card, migrant workers have to pay full cost for medical care. If they make very little, they can't afford it. This is particularly

for irregular migrant workers at the very low-end. The MoPH is proposing a policy to allow workers to purchase a health card even if they are not registered, but it's still in the process. This is based on the philosophy that "an ounce of prevention is better than a pound of cure".

State Policies and Redress of Grievances

Singapore: In Singapore the primary owner over the affairs of the migrant workers is the Ministry of Manpower which governs issues related to the work permits, the conditions of the work permits, safety, training, access for help and processing on redress issues. In recent years the ministry has introduced a compulsory orientation course for all first time employers of FDWs; encouraged the two main bodies governing agencies to create an accreditation scheme for the 700 agencies; raise the minimum age of FDWs to 23 and that they must have at least eight years of school behind them; require employers to pay promptly; and have knowledge-based tests for FDWs. FDWs are also now barred from wiping windows on the outside in high-rise flats as a result of one too many falling to their deaths.

To further protect FDWs against any form of abuse the Penal Code was amended with higher penalties against perpetrators if they had committed the same offence against a Singaporean.

At the Ministry of Manpower there is a whole division – Foreign Workers Well-being Department – that looks into the administration of work permits as well as the well-being of the workers.

Non-payment of wages is its common challenge. Often these are settled by mediation but the proceedings and final agreements, under the Ministry's guidelines, remain confidential – between employers and workers. There are few cases of this nature that have been prosecuted though many have come to light on abuse matters.

While the reported cases remain small, the kind of abuse just shows the attitudes that employers still harbour against the foreign workers.

Any worker seeking redress can find it. It is a case of outreach that still remains weak and scattered.

Workmen's Compensation, negotiating over wages etc all takes a long time to resolve. The worker remains meanwhile without income as too few S-passes are still being given out, while NGOs bear the burden of housing them.

Thailand. Regular migrant workers and irregular workers who have registered with work permit are protected under the Constitution and subject to the same labour protection as Thai workers under the Labour Protection Act of 1993: minimum wage rate protection,

women and child workers, worker welfare, industrial relations, occupational safety and health at work.

Unregistered workers are also protected by various provisions of the Labour Relations Act.

Unfortunately, there is a divide between policy and enforcement of the above mentioned protections for migrant workers at the low-end level.

Education of children

Japan. Since 1989 when Immigration Law was amended, the number of migrants of Japanese descent from Latin America, especially from Brazil or Peru, has been increasing. One of the urgent issues is that a large number of their children are not studying at school even though they reach the age of going to school.

Based on a recent survey by the Annual Conference of Major Cities with Foreign Residents, it seems that only 25% of those between 15-19 years old are enrolled at high school. According to the annual survey released in 2007 by the Ministry of Education and Science, the number of foreign pupils at public school both at the primary and secondary levels or special schools for physically handicapped or mentally retarded children, 22,413 pupils need special Japanese learning. This is an increase of 8.3 % from the previous year. Moreover, it seems that these surveys cannot trace the

real situation because it is based on the registered foreign residents only.

The main reasons are as follows:

1. The parents cannot afford to provide sufficient education to their children or they are not interested in the education problems.
2. The communication skill of the parents is low. They are not enthusiastic about going back home but they are not integrated in the local community in Japan.
3. The current system of foreign registration cannot completely grasp the movement of foreign residents in Japan.

Regarding the education problem, especially the language problem, some local governments, NGOs, and business companies have been actively committed to provide the language course for them, and the some public schools have opened a special course of Japanese for the foreign students. Still special attention to producing professional tutors of Japanese language is needed.

student on the basis of his or her undocumented status, or treat such students fundamentally different from those with citizenship.

Recommendations

- That in Singapore we run a bigger campaign in outreach so that all Migrant Workers are aware of sources of help
- That we need to make the standard contract with clearly spelt out terms as any human resource contract.
- The contract needs to be governed under the law
- Days Off need to be mandated
- Banks have to offer better packages to foreign workers so that they can open accounts and so receive wages that can now be clearly documented
- Shelters need government support

Thailand. Since 2005, the government has adopted a policy to allow children without citizenship to get free public education the same way Thai children do. A Cabinet resolution guarantees the so-called undocumented right to public education, and the government has the duty to allocate a budget for each foreign student, just as it does for Thai students. The resolution says schools cannot deny admission to a

Section 5
Irregular Workers
(To be added)

Section 6
Repatriation
(To be added)

Section 7
Recommendations
(To be added)