LINKING INTERNATIONAL MIGRATION AND DEVELOPMENT IN ASIA¹

Jerrold W. Huguet

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<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>APEC</td>
<td>Asia-Pacific Economic Cooperation</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<tr>
<td>CFO</td>
<td>Commission on Filipinos Overseas</td>
</tr>
<tr>
<td>COMMIT</td>
<td>Coordinated Mekong Ministerial Initiative against Trafficking</td>
</tr>
<tr>
<td>DESA</td>
<td>Department for Economic and Social Affairs</td>
</tr>
<tr>
<td>ECA</td>
<td>Economic Commission for Africa</td>
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<tr>
<td>ECLAC</td>
<td>Economic Commission for Latin America and the Caribbean</td>
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<td>EPS</td>
<td>Employment Permit System, Republic of Korea</td>
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<td>ESCAP</td>
<td>Economic and Social Commission for Asia and the Pacific</td>
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<tr>
<td>ESCWA</td>
<td>Economic and Social Commission for Western Asia</td>
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<tr>
<td>GDP</td>
<td>Gross domestic product</td>
</tr>
<tr>
<td>GMS</td>
<td>Greater Mekong Subregion</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>MFEPW</td>
<td>Ministry for Foreign Employment Promotion and Welfare, Sri Lanka</td>
</tr>
<tr>
<td>MISA</td>
<td>Migration Information System in Asia</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>NGO</td>
<td>Non-governmental organization</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
</tr>
<tr>
<td>POEA</td>
<td>Philippine Overseas Employment Administration</td>
</tr>
<tr>
<td>PPP</td>
<td>Adjusted for purchasing-power parity</td>
</tr>
<tr>
<td>PRSP</td>
<td>Poverty reduction strategy paper</td>
</tr>
<tr>
<td>RCP</td>
<td>Regional Consultative Process</td>
</tr>
<tr>
<td>RTWG</td>
<td>Regional Thematic Working Group on International Migration including Human Trafficking</td>
</tr>
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<td>SAARC</td>
<td>South Asian Association for Regional Cooperation</td>
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<td>SMC</td>
<td>Scalabrini Migration Center</td>
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<tr>
<td>SLBFE</td>
<td>Sri Lanka Bureau of Foreign Employment</td>
</tr>
<tr>
<td>TF-AMW</td>
<td>Task Force on ASEAN Migrant Workers</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
</tr>
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<td>UNIAP</td>
<td>United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNIFEM</td>
<td>United Nations Fund for Women</td>
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EXECUTIVE SUMMARY

The accelerating integration of the global economy has stimulated an increase in the volume and types of international migration. Migration often has a significant impact on economic and social change both in countries of origin and in host countries. In spite of the heightened importance of international migration to development, national migration policies often fail to achieve maximum benefits because they do not adequately integrate migration in development strategies.

Countries of origin

International labour migration from and within Asia has expanded rapidly over the past three decades, stimulated by (a) widening disparities in the level of economic development between countries of origin and countries of destination, (b) demographic changes leading to low or negative rates of growth of the working age population in countries of destination, (c) the growth of governmental and private agencies that recruit and deploy migrant workers and (d) lower financial and social costs of migration. Bangladesh, India and Indonesia regularly deploy more than half a million migrant workers a year, and the Philippines deployed 1.24 million workers in 2008.

Except for Sri Lanka, countries in South Asia deploy low percentages of female migrants. The proportion of females among deployed migrants has fallen recently in Indonesia, the Philippines and Sri Lanka as governments have instituted measures to afford greater protection to women migrants.

The earnings that migrant workers remit to their families are probably the greatest benefit from migration that accrues to countries of origin. Remittances have become important sources of foreign earnings for many countries in Asia, both in terms of absolute volume and as a percentage of gross domestic product (GDP). Governments can maximize the impact of remittances by taking measures to reduce the cost of sending them.

A sizeable national diaspora can benefit a country through remittances and investment, transfer of technology, development of networks and promotion of market access.

Social issues associated with large-scale migration for employment include the exploitation and abuse of female migrants, brain drain, and impacts on families remaining at the origin. Migrant children who are in an irregular status are especially vulnerable.

A comprehensive policy framework for international migration requires a body of legislation, an institutional structure, an explicit national policy, and a regulatory framework. Because migration is affected by policies in several sectors, an effective coordination mechanism is essential.

There are many valuable ways to incorporate international migration in development strategies. Migration can be a strategy for poverty reduction if opportunities for the poor to migrate are expanded. Brain drain can be addressed by creating a larger pool of highly-skilled workers through creating more training institutions and centres in countries of origin. Support can be given to returning migrants to establish small and medium enterprises. Bonds can be issued that allow migrants to invest their remittances in
large-scale development projects. Mechanisms to expand philanthropic remittances can be created and expanded. Ways to benefit from the experience and expertise of nationals abroad can be developed, including for their temporary return or circulation in connection with professional, business or developmental activities.

Host countries

The main countries of destination in Asia, especially for temporary labour migration, are Japan and the Republic of Korea in East Asia, and Brunei Darussalam, Malaysia, Singapore and Thailand in South-East Asia. All host countries have distinct policies for highly-skilled and professional workers and for low-skilled workers. Statistics on the gender and skill composition of migrants are often not readily available. The volume of marriage migration and migration for study is expanding rapidly in the region.

The scale of irregular migration is significant in several countries in Asia. Governments may tackle irregular migration through three main categories of policies: (1) creating possibilities for regular migration and employment to replace irregular migration and employment, (2) regularizing the migrants in an irregular situation and (3) deterrence, control and penalization of irregular migrants and their employers.

Broad social issues related to international migration in host countries include labour protection, protecting the civil rights of migrants, access to social services, and social integration.

A programme to permit the entry of migrant workers for temporary employment requires at least the designation of an agency responsible for the programme; a system to determine the need for migrant workers; regulations for visas, work permits and other authorizations; setting quotas and limitations; imposition of fees; determination of penalties; and a system of monitoring and statistics. Governments must also specify the role of private employment agencies in the hiring of migrant workers and put in place adequate mechanisms to regulate them. No country in Asia implementing a programme of temporary labour migration has adopted a comprehensive policy document for that purpose. Instead, labour migration policy consists of legislation, ministerial decrees and agency regulations, which are often distinct for highly-skilled workers and the low- and semi-skilled.

Policies to attract highly-skilled migrants and to admit low-skilled temporary migrant workers are based on labour shortages that are perceived to be hindering economic growth. Thus, such policies are generally consistent with development strategies but it is observed that migration policies are often not explicitly incorporated into development plans and it may be argued that in many cases they are far from optimal in promoting development objectives.

Effective protection of the rights of migrant workers can be enhanced by cooperation between the governments of the countries of origin and destination. In this regard, bilateral Memoranda of Understanding (MOUs) are valuable as they define the criteria for the recruitment of migrant workers and establish mechanisms for that recruitment. By requiring that a limited number of agencies designated by the country of origin may recruit migrant workers, exploitation during the recruitment process can be reduced. An MOU also establishes the procedures and costs involved in recruitment, which may then be publicized. Most MOUs also provide for a Joint Working Group that meets periodically to resolve issues between the two governments concerning labour migration.
A wealth of resources exists at the global and regional levels that may be used by governments and their partners to assist in strengthening the integration of international migration policies into development strategies. The resources include handbooks, training modules, databases and analytical reports prepared by the United Nations and other intergovernmental organizations. University and other research institutes, trade unions and NGOs can also provide valuable expertise and assistance.

Recommendations on strengthening national capacity

1. Prepare a comprehensive policy document
2. Involve stakeholders in the process of policy formulation
3. Designate an authoritative coordinating agency
4. Incorporate international migration into development plans
5. Improve data collection, dissemination and analysis
6. Strengthen social protection mechanisms for migrants
7. Enhance the benefits of remittances
8. Take a comprehensive approach to reducing irregular migration
9. Address the legal status of long-term migrants
10. Adjust perceptions of society and national identity
11. Employ bilateral approaches in migration management
12. Strengthen regional cooperation
I. TRENDS AND POLICIES IN COUNTRIES OF ORIGIN

1. Migration trends

1.1. Regional overview

It is virtually a cliché to describe the great diversity and disparity among the countries in the Asian region but table 1 illustrates that it is also a truism. The countries covered by this report range in size of population from under one half million to over one billion. Some countries are less than one quarter urbanized but Singapore is fully urban. The per capita gross domestic product in some countries is less than US$2,000 (PPP) but exceeds $30,000 in Japan and is nearly $50,000 in Singapore.

In the context of this diversity, it is to be expected that the levels, trends and impacts of international migration also vary greatly among countries in Asia. Table 1 presents the migrant stock (defined as foreign-born population) in Asian countries in 2005, as estimated by the United Nations Population Division. For the most part, the number and percentage of international migrants in countries in the region are relatively small. Only six countries have more than one million migrants, and only three of those have more than two million migrants. In all but six of the countries, the foreign-born population constitutes less than two per cent of the total population. Only in Brunei Darussalam and Singapore does the migrant stock exceed 10 per cent of the population but in both of those countries it is about one third of the population. With the exception of Singapore, the estimated annual rate of change in the migrant stock during the period 2005-2010 is less than (plus or minus) five per cent.

The distinction between the rate of change in the migrant stock (which refers only to the number of migrants in the country) and the net migration rate (which is based on the number of migrants entering the country and the number leaving it) must be noted. For example, while the migrant stock in Nepal, Pakistan and the Philippines is increasing at about three per cent a year, net migration in each of those countries is negative, as many more nationals are migrating out than foreigners are migrating in. Thus, the use of the term “country of origin” in this report refers to the dominant direction of the formal deployment of migrant workers but it must be recognized that most countries of origin also contain significant numbers of in-migrants.

For Asia as a whole, including Western Asia, the migrant stock equals only 1.4 per cent of the total population. In Western Asia, however, the foreign-born population equals 10.9 per cent of the total population (table 2). Net migration for the Asian region as a whole is negative but virtually insignificant. It is positive for Western Asia but negative for each of the other subregions. Even in Western Asia, however, net migration to the subregion equaled only 1.0 per cent per year during the period 2000-2005.

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2 It is also important to distinguish between “flow” statistics, which measure the annual (or monthly) number of in- or out-migrants, and “stock” statistics, which refer to the number of migrants in (or out of) a country at one point in time.
<table>
<thead>
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</tr>
</thead>
<tbody>
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<td>28,150</td>
<td>3.4</td>
<td>6.5</td>
<td>24</td>
<td>...</td>
<td>86.5</td>
<td>0.4</td>
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<td>Bangladesh</td>
<td>162,221</td>
<td>1.4</td>
<td>2.3</td>
<td>28</td>
<td>1,173</td>
<td>1,031.9</td>
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<td>Brunei</td>
<td>400</td>
<td>1.8</td>
<td>2.1</td>
<td>75</td>
<td>...</td>
<td>124.2</td>
<td>33.6</td>
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<tr>
<td>Cambodia</td>
<td>14,796</td>
<td>1.9</td>
<td>2.9</td>
<td>22</td>
<td>1,701</td>
<td>303.9</td>
<td>2.2</td>
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<td>China</td>
<td>1,345,751</td>
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<td>1.8</td>
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<td>5,046</td>
<td>590.3</td>
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<td>1,198,003</td>
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<td>2,599</td>
<td>5,886.9</td>
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<td>Indonesia</td>
<td>229,965</td>
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<td>2.1</td>
<td>53</td>
<td>3,519</td>
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<td>Japan</td>
<td>127,572</td>
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<td>1.3</td>
<td>67</td>
<td>31,607</td>
<td>1,998.9</td>
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<td>Lao People’s Demo. Republic</td>
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<td>32</td>
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<td>Maldives</td>
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<td>5,036</td>
<td>3.2</td>
<td>1.1</td>
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<td>Mongolia</td>
<td>2,671</td>
<td>1.1</td>
<td>2.0</td>
<td>57</td>
<td>3,042</td>
<td>9.1</td>
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<td>2.3</td>
<td>33</td>
<td>...</td>
<td>93.2</td>
<td>0.2</td>
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<td>Nepal</td>
<td>29,331</td>
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<td>3.1</td>
<td>18</td>
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<td>818.7</td>
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<td>Pakistan</td>
<td>180,808</td>
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<td>3.9</td>
<td>37</td>
<td>2,383</td>
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<td>Philippines</td>
<td>92,263</td>
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<td>3.0</td>
<td>66</td>
<td>3,219</td>
<td>374.8</td>
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<td>Rep. of Korea</td>
<td>48,747</td>
<td>0.3</td>
<td>1.3</td>
<td>82</td>
<td>23,363</td>
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<td>Singapore</td>
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<td>7,682</td>
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<td>2,454</td>
<td>54.5</td>
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### Table 2. Migrant stock and net flows, sub-regions of Asia, 2005

<table>
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<tr>
<th>Indicator</th>
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<th>East Asia</th>
<th>South-East Asia</th>
<th>South Asia</th>
<th>Western Asia</th>
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<tr>
<td>Total population (thousands)</td>
<td>3 905 415</td>
<td>1 524 380</td>
<td>555 815</td>
<td>1 610 896</td>
<td>214 323</td>
</tr>
<tr>
<td>Migrant stock (thousands)</td>
<td>53 291</td>
<td>6 497</td>
<td>5 664</td>
<td>17 776</td>
<td>23 354</td>
</tr>
<tr>
<td>Migrant percentage of population</td>
<td>1.4</td>
<td>0.4</td>
<td>1.0</td>
<td>1.1</td>
<td>10.9</td>
</tr>
<tr>
<td>Female percentage of migrants</td>
<td>44.7</td>
<td>53.5</td>
<td>48.9</td>
<td>47.9</td>
<td>38.8</td>
</tr>
<tr>
<td>Annual net migration, 2000-2005, number (thousands)</td>
<td>-1 297</td>
<td>-300</td>
<td>-333</td>
<td>-878</td>
<td>213</td>
</tr>
<tr>
<td>Annual net migration, 2000-2005, rate per 1,000 population</td>
<td>-0.3</td>
<td>-0.2</td>
<td>-0.6</td>
<td>-0.6</td>
<td>1.0</td>
</tr>
</tbody>
</table>


### 1.2. Deployment of migrant workers

International labour migration from and within Asia has expanded rapidly over the past three decades, stimulated by (a) widening disparities in the level of economic development between countries of origin and countries of destination, (b) demographic changes leading to low or negative rates of growth of the working age population in countries of destination, (c) the growth of governmental and private agencies that recruit and deploy migrant workers and (d) lower financial and social costs of migration (Huguet, 2003).

By 1990, countries in Asia were deploying nearly one million migrant workers a year but that number had nearly doubled to 1.8 million by 1994 (table 3). Between 1990 and 1994, the number of migrant workers deployed increased by 51 per cent in the Philippines, 64 per cent in Indonesia and 80 per cent in Bangladesh. Those were modest increases compared with other countries. The number of migrant workers deployed tripled in India and Sri Lanka during those four years, and nearly did so in Thailand.
Table 3. Number of migrant workers deployed from selected Asian countries in 1990, 1994 and 2000.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>103 814</td>
<td>186 903</td>
<td>230 765⁷</td>
</tr>
<tr>
<td>India</td>
<td>141 816</td>
<td>425 385</td>
<td>416 424⁸</td>
</tr>
<tr>
<td>Indonesia</td>
<td>86 264</td>
<td>141 287</td>
<td>376 000</td>
</tr>
<tr>
<td>Pakistan</td>
<td>113 781</td>
<td>114 019</td>
<td>153 929⁹</td>
</tr>
<tr>
<td>Philippines:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land-based</td>
<td>334 883</td>
<td>517 662</td>
<td>643 300</td>
</tr>
<tr>
<td>Seaferers</td>
<td>111 212</td>
<td>154 376</td>
<td>198 300</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>42 624</td>
<td>130 027</td>
<td>149 843⁸</td>
</tr>
<tr>
<td>Thailand</td>
<td>63 024</td>
<td>169 764</td>
<td>210 000</td>
</tr>
<tr>
<td>Viet Nam</td>
<td></td>
<td>31 400</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>997 418</td>
<td>1 839 423</td>
<td>2 409 961</td>
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</tbody>
</table>


All of these statistics refer only to the number of workers formally processed by government agencies. The total number of out-migrants from each country would also include highly-skilled, permanent, marriage and student migrants but governments usually cannot measure these flows as these migrants are not normally required to report their emigration.

During the ten-year period from 1994 to 2004, most countries in Asia gradually increased the number of migrant workers that they deployed but from 2005 until the onset of the global economic downturn in 2008, the number of migrant workers deployed from countries in Asia surged (tables 3 and 4). Through steady annual increases, the Philippines reached the milestone of deploying one million migrant workers in 2006 (counting both new migrants and rehires). Between 2005 and 2007, the number of migrants deployed by China increased by 36 per cent, that by both India and Indonesia expanded by 47 per cent, and the number deployed by Bangladesh tripled (table 4).

Table 4. Number of migrant workers formally deployed, selected countries, 2002-2005.

<table>
<thead>
<tr>
<th>Country</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh¹</td>
<td>225 256</td>
<td>254 190</td>
<td>272 958</td>
<td>252 702</td>
<td>381 516</td>
<td>832 609</td>
</tr>
<tr>
<td>China²</td>
<td>...</td>
<td>210 000</td>
<td>248 000</td>
<td>274 000</td>
<td>351 000</td>
<td>372 000</td>
</tr>
<tr>
<td>India³</td>
<td>...</td>
<td>466 456</td>
<td>474 960</td>
<td>548 853</td>
<td>676 912</td>
<td>809 453</td>
</tr>
<tr>
<td>Indonesia⁴</td>
<td>480 393</td>
<td>293 665</td>
<td>380 690</td>
<td>474 310</td>
<td>680 000</td>
<td>696 746</td>
</tr>
<tr>
<td>Nepal⁵</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>773 592³</td>
<td>204 533³</td>
<td>152 682³</td>
</tr>
<tr>
<td>Pakistan⁶</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>142 135</td>
<td>183 191</td>
<td>...</td>
</tr>
<tr>
<td>Philippines⁷</td>
<td>891 908</td>
<td>867 969</td>
<td>933 588</td>
<td>988 615</td>
<td>1 062 567</td>
<td>1 077 525</td>
</tr>
<tr>
<td>Sri Lanka⁸</td>
<td>203 773</td>
<td>209 846</td>
<td>214 709</td>
<td>231 290</td>
<td>201 948</td>
<td>218 459</td>
</tr>
<tr>
<td>Thailand⁹</td>
<td>160 807</td>
<td>147 769</td>
<td>148 596</td>
<td>139 667</td>
<td>160 846</td>
<td>161 917</td>
</tr>
<tr>
<td>Viet Nam¹⁰</td>
<td>...</td>
<td>70 000+</td>
<td>70 000+</td>
<td>70 000+</td>
<td>70 000+</td>
<td>79 000</td>
</tr>
</tbody>
</table>
Linking International Migration and Development in Asia


When large-scale international migration for employment from Asian countries began, it was predominantly to the Middle East. That remains the case for migrant workers from India and Pakistan but the situation has changed for most of the other countries of origin, with greater percentages currently moving to countries in East and South-East Asia. In 1997, about 75 per cent of the migrants deployed from Bangladesh went to the Middle East but that proportion had fallen to under 60 per cent ten years later (cf. Huguet, 2008:118 and table 5).

Between 1994 and 1998, 38 per cent of the 1.46 million workers deployed by Indonesia went to East and South-East Asia but that proportion had increased to 63 per cent by 2005. The general pattern of increasing shares of labour migration going to East and South-East Asia has reversed for the Philippines, however. The proportion of land-based workers going to the Middle East had declined from 65 per cent in 1990 to 47 per cent in 1998 but has since increased to equal 54 per cent in 2005 (cf. Huguet, 2008:118 and table 5) and 65 per cent in 2008 (POEA, 2010).

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Middle East</th>
<th>Other Asia</th>
<th>Elsewhere</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh1</td>
<td>2007</td>
<td>58.7</td>
<td>37.4</td>
<td>3.7</td>
</tr>
<tr>
<td>China² (stock)</td>
<td>2006</td>
<td>4.7</td>
<td>52.0</td>
<td>43.3</td>
</tr>
<tr>
<td>India³</td>
<td>2007</td>
<td>95.3</td>
<td>3.8</td>
<td>0.9</td>
</tr>
<tr>
<td>Indonesia⁴a</td>
<td>2005</td>
<td>37.3</td>
<td>62.7</td>
<td>0.0</td>
</tr>
<tr>
<td>Nepal⁵</td>
<td>2006/07</td>
<td>62.7</td>
<td>36.7</td>
<td>0.6</td>
</tr>
<tr>
<td>Pakistan⁶</td>
<td>2006</td>
<td>93.5</td>
<td>3.5</td>
<td>3.0</td>
</tr>
<tr>
<td>Philippines⁷</td>
<td>2005</td>
<td>53.6</td>
<td>34.5</td>
<td>11.9</td>
</tr>
<tr>
<td>Sri Lanka⁸</td>
<td>2008</td>
<td>92.3</td>
<td>5.6</td>
<td>2.1</td>
</tr>
<tr>
<td>Thailand⁹</td>
<td>2007</td>
<td>21.0</td>
<td>67.0</td>
<td>12.0</td>
</tr>
<tr>
<td>Viet Nam¹⁰</td>
<td>2006</td>
<td>7.0</td>
<td>83.0</td>
<td>10.0</td>
</tr>
</tbody>
</table>


a Includes Middle East and Africa.

1.3. Age and Gender dimensions

The number and proportion of females among international migrant workers is greatly affected by government policies rather than merely the economics of supply and demand. This largely accounts for vast differences among countries and sharp changes in trends within countries in the proportion of women among deployed migrant workers. Some countries in South Asia do not deploy low-skilled women while in other countries in Asia females have constituted a majority of deployed workers. It must be acknowledged
that when countries restrict the formal deployment of female migrants, many women migrate through irregular channels.

Low-skilled migrant workers deployed by India and Pakistan are virtually all males. Prior to 2003, Bangladesh restricted the migration of low- and semi-skilled women, and females equaled less than one per cent of deployed workers. After the removal of the restrictions, the number of females deployed has increased rapidly, reaching 18,000 in 2006, or about 5 per cent of the total. When the ban on the migration of low- and semi-skilled women was lifted, a minimum age of 35 years was imposed. The minimum age was reduced to 25 years in 2006, with no age limit for women migrating as cleaners (Sikder, 2008:260).

Indonesia, the Philippines and Sri Lanka have frequently been cited as countries that deploy a majority of females but trends have recently reversed in each of those countries owing to changes in government policy. In an example that is less well known, females also constituted 53 per cent of the 21,659 workers from the Lao People’s Democratic Republic issued work permits in Thailand in 2007 (RTWG, 2008:65).

Females had been a majority of the newly-hired, land-based workers deployed by the Philippines since 1992. In 2005, however, Japan restricted the number of visas available to entertainers, which reduced female migration to that country. In March 2007, the Philippines instituted a number of reforms meant to better protect migrant domestic workers, including a minimum age (since reduced to 23 years), a minimum wage of US$400 per month, and a ban on recruitment agencies charging placement fees. By the end of the year, placement of migrant domestic workers had fallen by 50 per cent and females made up only 46.6 per cent of all newly-hired, land-based workers deployed that year (Asis, 2008:367-368 and RTWG, 2008:78). In 2008, females constituted 48.3 per cent of newly-hired, land-based deployments (POEA, 2010).

The proportion of females among migrant workers deployed from Sri Lanka increased steadily and reached a peak at 75 per cent in both 1993 and 1997 but has since declined steadily. It fell to below 50 per cent in 2008, when it equaled 48.9 per cent. That change has occurred not because fewer women are migrating but because the number of male migrants has increased rapidly. The number of women deployed equaled 122,000 in 2000 and 123,000 in 2008 (although it was more than 130,000 annually between 2002 and 2005). During the same period, however, the number of male migrants more than doubled from 60,000 to 129,000 (SLBFE, 2009:3).

Female migrants from Sri Lanka are older on average than male migrants. Among migrants deployed in 2008, 61 per cent of males were less than 35 years of age but only 47 of the females were (SLBFE, 2009:41).

Females have also constituted a high proportion of the migrant workers deployed by Indonesia, reaching 80 per cent in 2006 and 78 per cent in 2007 (Sukamdi, 2008:328). That number is likely to fall sharply in 2009, however, because the government imposed a ban on sending domestic workers to Malaysia in June 2009 in reaction to a number of reports of abuse and of non-payment of wages. The governments of Indonesia and Malaysia have set up a task force to resolve the issues before new deployments would begin (Bangkok Post, 2009). One result of the suspension of deployments from Indonesia to Malaysia is that the number of domestic workers sent from Cambodia to Malaysia increased from 3,000 in 2008 to 12,000 in 2009 (VOA News, 2009).
The restrictions placed on the migration of women as domestic workers by both the Philippines and Indonesia highlight the trade-offs that governments face between promoting overseas employment and protecting their workers during recruitment and employment.

1.4. Skill composition

The average skill level of migrant workers deployed from Asian countries is relatively low but it is difficult to draw firm conclusions or to make comparisons between countries because the statistics on labour migration are not comprehensive or comparable. Statistics on official deployments omit workers who migrate on their own, and who are disproportionately professional, technical or administrative workers. Some deployment agencies report workers by occupation while others report them by skill level.

Statistics provided by the Bangladesh Bureau of Management, Employment and Training indicate that of 875,055 workers deployed in 2008, 0.2 per cent were professionals, 32.2 per cent were skilled, 15.2 per cent were semi-skilled and 52.4 per cent were unskilled.

The skill composition of workers deployed by Pakistan (2008) is similar. Of the 287,033 workers deployed in 2007, 2.5 per cent were classified as highly-qualified, 9.3 per cent as highly-skilled, 36.0 per cent as skilled, 2.2 per cent as semi-skilled and 50.1 per cent as unskilled.

Statistics provided by the Thailand Overseas Employment Administration mix occupational and skill categories. Among the 135,752 males deployed in 2006, 38 per cent were considered skilled workers, 24 were manufacturing workers and 28 per cent were general workers. Although Thailand deploys a low number and proportion of female migrants, they are broadly distributed among occupational categories. In 2006, of the 25,094 women deployed, 7 per cent were technical and related workers, 29 per cent were service and sales workers, 15 per cent were skilled workers, 25 per cent were manufacturing workers and 18 per cent were general workers (Chantavanich and Makcharoen, 2008:406).

Although the categories shown are not comparable, tables 6 and 7 demonstrate a significant difference in skill level between migrants deployed from Sri Lanka in 2008 and those deployed from the Philippines in 2006, especially for female migrants. The greatest difference is for professional and technical workers - 14 per cent of the male Filipinos were in this category, compared with only 2 per cent of the Sri Lankans. Some of the difference may be attributed to professionals from Sri Lanka migrating independently but at least the data indicate that the Philippine Government and private sector agencies are more pro-active in identifying professional positions abroad. Forty-one per cent of the males deployed from Sri Lanka were considered unskilled. There is no comparable category in the Philippine occupational categorization but, as 65 per cent of those males were production and related workers, it is unlikely that such a high percentage would be unskilled.

Among the female migrants deployed by Sri Lanka, 93 per cent were either unskilled or housemaids (table 6). In contrast, among those deployed from the Philippines, 13 per cent were professional and technical workers and another 13 per cent were production and related workers (table 7). The higher proportions of professionals and skilled workers deployed from the Philippines indicate that not only the migration industry (both governmental and private sector) but also the educational and training sector is preparing large numbers of workers for overseas employment opportunities.
Table 6. Migrant workers deployed from Sri Lanka by sex and skill level, 2008

<table>
<thead>
<tr>
<th>Skill level</th>
<th>Males</th>
<th></th>
<th>Females</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>Total</td>
<td>128 821</td>
<td>100.0</td>
<td>123 200</td>
<td>100.0</td>
</tr>
<tr>
<td>Professional</td>
<td>2 681</td>
<td>2.1</td>
<td>155</td>
<td>0.1</td>
</tr>
<tr>
<td>Middle level</td>
<td>7 438</td>
<td>5.8</td>
<td>1 634</td>
<td>1.3</td>
</tr>
<tr>
<td>Clerical and related</td>
<td>5 967</td>
<td>4.6</td>
<td>832</td>
<td>0.7</td>
</tr>
<tr>
<td>Skilled</td>
<td>54 644</td>
<td>42.4</td>
<td>5 204</td>
<td>4.2</td>
</tr>
<tr>
<td>Semi-skilled</td>
<td>5 002</td>
<td>3.9</td>
<td>328</td>
<td>0.3</td>
</tr>
<tr>
<td>Unskilled</td>
<td>53 089</td>
<td>41.2</td>
<td>6 338</td>
<td>5.1</td>
</tr>
<tr>
<td>Housemaid</td>
<td>...</td>
<td>...</td>
<td>108 709</td>
<td>88.2</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Occupation</th>
<th>Males</th>
<th></th>
<th>Females</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>Total</td>
<td>123 668</td>
<td>100</td>
<td>184 416</td>
<td>100</td>
</tr>
<tr>
<td>Administrative and managerial</td>
<td>528</td>
<td>0</td>
<td>289</td>
<td>0</td>
</tr>
<tr>
<td>Agriculture, forestry and fishery</td>
<td>716</td>
<td>1</td>
<td>91</td>
<td>0</td>
</tr>
<tr>
<td>Clerical and related</td>
<td>3 271</td>
<td>3</td>
<td>4 640</td>
<td>3</td>
</tr>
<tr>
<td>Production and related</td>
<td>80 240</td>
<td>65</td>
<td>23 338</td>
<td>13</td>
</tr>
<tr>
<td>Professional and technical</td>
<td>17 212</td>
<td>14</td>
<td>24 042</td>
<td>13</td>
</tr>
<tr>
<td>Sales workers</td>
<td>2 405</td>
<td>2</td>
<td>3 111</td>
<td>2</td>
</tr>
<tr>
<td>Service workers</td>
<td>16 135</td>
<td>13</td>
<td>128 160</td>
<td>69</td>
</tr>
<tr>
<td>Others</td>
<td>3 161</td>
<td>3</td>
<td>745</td>
<td>0</td>
</tr>
</tbody>
</table>


1.5. Irregular migration

Authorized labour migration, irregular migration, and smuggling or trafficking in persons are often closely related. When a demand for migrant workers exists and there are large numbers of workers willing to accept that employment, channels develop to assist workers to migrate to do so. If official channels are available, inexpensive and efficient, most workers are likely to choose to migrate through them. If the volume of supply and demand exceed the ability or limits of the official channels, however, irregular migration is likely to develop. Depending on the mechanisms of irregular migration, and the degree of exploitation of the migrants that is involved in their movement or employment, some irregular migration could also be considered smuggling or trafficking in persons.
Migrants may be in an irregular status owing to unauthorized entry, unauthorized employment, or a change in employment status (such as working for a different employer than the one specified by the work permit). Thus, the irregular status of many migrant workers is determined by their employment rather than their migration.

Some migration flows in Asia that are now considered to be irregular have been occurring since before the current nation-states existed, for example, the movement of Bengalis into Assam, the movement of highland people across the present-day border of Myanmar and Thailand, or the movement of Indonesians and Filipinos to the State of Sabah, Eastern Malaysia. Bangladeshis are now moving into areas of India far from the border, including Delhi and Mumbai. Some estimates indicate that there may be 10 million Bangladeshis living in India. Most are employed as daily labourers or as seasonal agricultural, construction or domestic workers. With such a large number of migrants in the country, it is natural that some of them form communities and engage in business, and intend to stay for the long term (IOM, 2008:219).

Many Asians have taken circuitous routes to migrate to and work in such developed countries as Canada, Italy, Japan and the Republic of Korea. Pakistan attracts irregular migrants from Afghanistan, Bangladesh and Myanmar (IOM, 2008:219).

Sciortino and Punpuing (2009:16) cite a conservative estimate that there are 1.3 million irregular migrants in Thailand, with perhaps 80 per cent of them from Myanmar and the remainder from Cambodia and the Lao People’s Democratic Republic. There are also significant numbers of migrants from around the world in an irregular status in Thailand, including from Africa, China and Viet Nam but there are no systematic attempts to estimate their number.

Because of their very nature, it is virtually impossible accurately to estimate the magnitude of irregular migration flows. Some speculate that there are 290,000 persons from Myanmar in Bangladesh, 70,000 in India and 25,000 in Malaysia (RTWG, 2008:70). Another speculative report suggests there are 10,000 Cambodians working in Malaysia, with perhaps three quarters of them in an irregular status (RTWG, 2008:15).

Persons who are deceived or coerced to migrate for employment that is exploitative are defined to be victims of trafficking. Much trafficking occurs in the context of irregular migration flows. While significant trafficking routes have been discovered in Asia, the number of persons officially identified to be victims of trafficking is very small (Huguet and Ramangkura, 2007:v). The considerable disconnect between estimates of the magnitude of trafficking and the actual number of cases officially identified occurs largely because authorities attempting to control trafficking tend to focus on specific categories of migrants rather than on the full range of migrant workers and their workplaces.

While irregular migration is primarily an issue to be resolved by the country of destination, there are many steps that countries of origin can take to minimize the likelihood that their nationals will become irregular migrants. An effective approach would combine greater enforcement of recruitment regulations with the development of more efficient channels for authorized migration. Effective management of migration involves the limitation of the number of private recruitment agencies and careful regulation of their activities. More transparent and efficient migration channels can often be developed in consultation with destination countries and with bilateral memoranda of understanding, as the Republic of Korea requires for all countries of origin. It must be recognized, however,
that the large volume of irregular migration in Malaysia and Thailand has occurred in spite
of government programmes to accept registered migrant workers and the negotiation of
bilateral MOUs with countries of origin. Official channels remain comparatively costly,
complicated and time-consuming so many migrants risk moving and finding employment
through irregular channels.

Recruitment, certification of qualifications, placement of workers and agreement on
contracts can be made more efficient by lowering the cost of necessary documents, faster
processing, setting up one-stop service centres, and providing ample public information
about the process. Deployment agencies may also increase the attractiveness of regular
migration by offering insurance coverage and pre-departure loans.

1.6. Migration for study

One result of the increasing interconnectedness of the global economy, sciences, arts
and culture is the rising number of students who study outside of their country. Just as some
segments of the labour market are essentially global, so are many elements of education,
especially at the tertiary level. Many Asian students want to study where the language of
instruction is English, Chinese or Japanese, for example, to equip them for future work in
environments using those languages. Hugo (2005:10) cites UNESCO statistics pertaining to
about the year 2000 indicating that 2.6 million students from Asia (including Central and
Western Asia) were studying outside of their country. These included 470,598 from China,
213,986 from the Republic of Korea, 207,480 from India, 190,517 from Japan and 133,377 from
Malaysia. Although Singapore is positioning itself as an educational hub for Asia, with some
80,000 foreign students currently studying there, in 2000 there were 78,468 Singaporeans
studying abroad. Although the Philippines has been described as a quintessential migration
country and the government considers that 8.2 million Filipinos are residing abroad, in 2000
only 17,004 Philippine nationals were recorded as studying overseas.

Fees that families pay for overseas education are sometimes viewed as a form of
reverse remittances when they flow from developing to developed countries, although they
could also be seen as investments that in the long term will provide a net benefit to the
developing country.

1.7. Remittances

The earnings that migrant workers remit to their families are probably the greatest
benefit from migration that accrues to countries of origin. Table 1 shows that remittances
have become important sources of foreign earnings for many countries in Asia, both in terms
of absolute volume and as a percentage of gross domestic product (GDP). In 2008, India
received more than US$ 50 billion in remittances and China received nearly that amount.
The Philippines received $18.6 billion and Bangladesh received nearly $ 9 billion.
Remittances equalled 21.6 per cent of GDP in Nepal and 11 per cent in both Bangladesh and
the Philippines. They also made important contributions to the economies of Viet Nam (7.9
per cent) and Sri Lanka (7.2 per cent). In many countries, remittances from their nationals
exceed official development assistance.

Not all remittances are sent by temporary labour migrants; they also include personal
transfers made by long-term or permanent emigrants. These overseas communities, or
diaspora, contribute an important share of total remittances to China, India, the Philippines
and Viet Nam.
Remittances sent by overseas workers are private funds and attempts by
governments to control them or to channel them for specific purposes have usually proved
counterproductive. Khatri (2007:36-37) suggests several actions to improve remittance
management, however. One approach is to make better use of the potential of modern
technology for sending remittances. Thus, the Internet and mobile phones could be used for
making transfers. The Central Banks of India, the Philippines and Malaysia are
implementing projects to develop these channels. Greater use of these technologies should
be accompanied by consumer protection laws that require the service provider to provide
full information about fees and exchange rates and to be able to track transactions.

Central Banks and commercial banks in the countries of origin can station more
representatives in the destination countries, in the capital and around the country, in order to
assist migrants to transfer their earnings. It should be possible to send remittances
inexpensively and rapidly. Workers will be encouraged to remit a higher proportion of their
earnings if they are able to open foreign currency accounts in their country.

Many migrant workers rely on unofficial remittance channels because of the lack of
availability or convenience of official channels. The unofficial channels are coming under
increased scrutiny because of a fear that they could also be used to launder drug money or to
fund terrorist groups. Analysts have argued that efforts to regulate these channels should
focus on improving transparency rather than altering their specific nature (Khatri, 2007:37-
38).

Many observers recommend that governments create investment opportunities for
families receiving remittances. This approach is clearly desirable but any such opportunities
should be available to all citizens rather than targeting a group that may already be more
advantaged. An exception would be for financial instruments in foreign currency, which
migrant workers are more likely to hold. In attempting to develop suitable investment
opportunities for families of migrants, it must also be kept in mind that most of the migrants
chose to work overseas because of the lack of development opportunities in their
communities. Unless fundamental changes in the development potential of their
communities have taken place, local development projects funded by workers' limited
remittances are not likely to be successful.

1.8. Diasporas

Because of historical migration flows, many countries in Asia have global diasporas
of several million persons identified to some degree with the source country. Governments
often take an expansive view of who qualifies as their compatriots abroad, routinely
including migrants who have settled permanently in other countries and the children of
those migrants, many of whom have never been in the “home” country and would require a
visa to enter.

Overseas Chinese constitute the world’s largest diaspora. It was estimated to equal
33 million persons in 2000 (RTWG, 2008:22), and would have grown by a few million since
then. The Indian diaspora equals 25 million persons (Rajan and Prabha, 2008:284), the
second largest in the world. That diaspora includes persons of Indian origin who are not
nationals of India. In that category, there are 1.9 million Indians in Malaysia, 1.6 million in
Sri Lanka, 1.3 million in the United States, 1.2 million in South Africa and 800,000 in Canada.
The Indian diaspora also includes non-resident Indians (nationals), of which there are an
estimated 1.7 million in the United Arab Emirates, 579,000 in Kuwait, 556,000 in Oman, 500,000 in Qatar and 350,000 in Bahrain.

The Commission on Filipinos Overseas (CFO) compiles annual stock and flow estimates of the number of overseas Filipinos. It estimated that the total in 2007 was 8.7 million, equal to about one tenth of the resident population of the country. Of those, 3.7 million were permanent emigrants, 4.1 million were temporary migrants and 900,000 were irregular migrants (Asis, 2008b:361). The Government of the Republic of Korea estimates that there are 6.8 million overseas Koreans, 41 per cent of whom live in China and 30 per cent of whom reside in the United States of America (RTWG, 2008:83).

The Government of Pakistan (2005) has estimated that in mid-2004 there were nearly 4.0 million Pakistanis abroad, including 1.9 million in the Middle East, 1.1 million in Europe and 851,000 in the Americas.

Viet Nam has a diaspora of approximately 3 million persons (RTWG, 2008:106). It has been estimated that 1.2 million Bangladeshis are living abroad, including half a million each in the United Kingdom and the United States (Sikder, 2008:259). The number of nationals of other Asia countries residing overseas is smaller but significant. Hugo (2005) cites estimates that in about 2000 some 197,000 persons from Malaysia, 107,000 from Singapore and 262,000 from Thailand were living outside their country.

A sizeable national diaspora can benefit a country through remittances and investment, transfer of expertise and skills, transfer of technology, networks and market access (Aldaba and Opiniano, 2008). Remittances benefit the economy through spending on housing and real estate, trade, telecommunications and banking services. A significant share of remittances is usually spent on the education of family members. A number of countries promote diaspora philanthropy, in which remittances are channeled toward development projects carried out by local governments, non-governmental organizations (NGOs) or hometown associations.

Governments may also tap the expertise of nationals overseas to stimulate development through investment, setting up new companies or providing technical assistance. Former migrants were instrumental in spurring new economic activities in India and in Taiwan Province of China, for example (Aldaba and Opiniano, 2008:133). Networks among residents and nationals overseas can be used to promote trade and to gain access to markets abroad.

China has established more than 40 “Returned overseas scholars incubator parks” designed to attract highly educated expatriates. Industrial and commercial enterprises are provided with good infrastructure and such incentives as seed funding and tax exemptions to locate in the parks (RTWG, 2008:24).

Aldaba and Opiniano (2008:135) speculate that returning migrants, particularly those who invest in new businesses, can also stimulate political change by bringing new ideas and by demanding good governance.
1.9. Social aspects of international migration

   a. Gender-specific violation of rights

   Social aspects of international migration affect not only family and community relations but are an integral part of the work experience itself because of the segmentation of the labour market by sex and by skill level. As shown in table 6, 88 per cent of the females deployed by Sri Lanka in 2008 worked as domestic workers. Statistics compiled by the Sri Lanka Bureau of Foreign Employment (SLBFE, 2009:51) for the year 2008 indicate that 80 per cent of complaints received by Sri Lankan authorities from their workers overseas were filed by women, although women made up only half of the workers deployed that year.

   SLBFE produces a very valuable annual statistical report on foreign employment -- one that could be taken as a best practice in the area of migration management. During 2008, Sri Lankan workers overseas filed 9,664 formal complaints, primarily about the terms and conditions of their employment. That number equaled about 4 per cent of the number of workers deployed that year and perhaps 1 per cent of the number of workers currently overseas. Thus, the statistics might indicate that working conditions overseas are not necessarily worse than at home. Many complaints by overseas workers may not be reported, however, because the workers are skeptical about receiving adequate redress.

   Between 12 per cent and 18 per cent of all complaints related to each of the reasons -- non-payment of agreed wages, lack of communication, physical or sexual harassment, and breach of employment contract -- but women were disproportionately affected. Eighty per cent of complaints about non-payment of wages were filed by women, as were 96 per cent of the complaints about lack of communication and 97 per cent of those concerning physical or sexual harassment. Men and women were about equally likely to file a complaint concerning breach of contract. Complaints were disproportionately likely to be filed in Saudi Arabia. Forty-three per cent of all complaints originated in that country although only 27 per cent of the workers deployed in 2008 were sent there (SLBFE, 2009:12 and 53).

   Female migrant workers are especially vulnerable to exploitation and abuse because a high proportion of them are domestic workers, an area of employment that is often not covered by labour laws or inspections (which is also true in the country of origin). One report noted that in 2000, about 19,000 domestic workers in Kuwait, Lebanon, Malaysia and Saudi Arabia escaped from their employers (UNFPA, 2006).

   Domestic workers are particularly vulnerable to abuses because of the kafala (sponsorship) system prevalent in Middle Eastern countries, in which migrant workers are tied to an employer. Thus, they cannot change jobs even if abused or not paid. In some countries, the migrant cannot leave the country unless permission is granted by the employer, which creates the potential for forced employment. Because of the control over a migrant granted to the employer, some employers confiscate identification documents, refuse to permit migrant workers to leave the workplace, and otherwise deny the basic human rights of migrants.

   Several countries in the Middle East have recently adopted measures to address some of the systemic causes of abuse of migrant workers. Bahrain became the first Gulf Arab country to abolish the kafala system, in 2009. In January 2009, Lebanon introduced a standard employment contract that clarifies the terms and conditions of employment for...
domestic workers. In July 2008, Jordan included domestic workers under the protections of its labour law. The regulations associated with the law require employers to pay wages into a bank account and to provide 14 days of annual leave, medical insurance and 14 days of medical leave. Daily working hours are limited and domestic workers are entitled to a weekly day of rest.

The lack of labour protection for domestic workers is not confined to the Middle East. One study of migrant domestic workers in Thailand revealed that almost 98 per cent of them worked for more than 12 hours a day, for wages less than half the minimum wage in Thailand (which does not apply to household workers). They received no overtime pay or compensation regardless of the hours they worked. Many migrant domestic workers also complained about non-payment of wages, having no days off work, having to do more than household work, having no health insurance and lacking the opportunity to contact family or friends (Punpuing, 2007).

Although it is difficult for a government that deploys migrant workers to other countries to afford them adequate protection while they are in the host country, there are a number of steps that they can take with that goal in mind. Much can be done in the country of origin to ensure that workers migrate to safe and decent employment. Irregular migration can be minimized by streamlining the recruitment process through setting up one-stop service centres, establishing recruitment offices at the provincial and district level, reducing the fees charged and providing adequate public information about the recruitment process. Most countries of origin impose a minimum age for females migrating as domestic workers. The Philippines requires that a standard contract be in place and that domestic workers must earn at least US$400 a month.

Countries of origin must also regulate private recruitment agencies, enhance and certify the skills of migrant workers, and provide pre-departure orientation. They should also place labour attachés and welfare officers overseas to assist migrant workers. The Philippines maintains a blacklist of employers who have violated the rights and contracts of migrant workers.

b. Brain drain

Out-migration of highly-skilled persons may lead to labour shortages in certain key sectors, e.g. health, education or science. If that is the case, there are a number of actions that a country can take. An outright ban on the migration of persons in specific occupations, aside from violating their human rights, is likely to be circumvented or to be counter-productive in the long term.

Some observers suggest that receiving countries should provide technical assistance and financial support to training programmes and formal educational institutions in countries of origin in order to compensate for the skilled workers that the host country employs. That is the approach taken through a Memorandum of Understanding (MOU) signed by Bahrain and the Philippines on 4 April 2007 on health services cooperation. The main objective of the MOU is to, “Create alliances between the Philippines and Bahrain’s recognized healthcare and educational institutions to produce sustainable international education, training, and professional/technical development program[mes] that will increase the supply and improve the quality of competent human resources for health.” Another objective of the MOU is to provide for the reintegration of human resources who return to their country.
Countries may address the out-migration of highly-skilled persons with other measures that should also promote economic and social development. One measure would be to improve wages and working conditions for public-sector workers in occupations where brain drain is occurring, particularly in the health or education sectors. Another could be to modify training to develop skills needed within the country but for which there is less international demand, such as for paramedical personnel or primary and secondary school teachers. Another measure is to encourage private schools to provide the professional training of persons in international demand. This would stimulate the education sector, reduce public funding for persons who migrate and lead to higher levels of remittances. The Philippines has taken this approach for the training of nurses (UNDP, 2009:109).

If certain sectors are facing skill shortages owing to the out-migration of significant numbers of highly-trained persons, opportunities within that sector should be strengthened. Governments can develop specialized research and training institutes that would provide attractive opportunities to their professionals as well as stimulate development in key sectors. Many countries have implemented programmes to provide incentives for skilled migrants to return home. These have met with mixed success. Much depends on the quality of the institution that they return to. When the national economy begins to grow rapidly, many expatriates return without government incentives, as has been seen in the cases of China, India, the Republic of Korea and Taiwan Province of China (UNDP, 2009:109).

c. Impacts on families and children

The separation entailed when one or both parents in a family migrate overseas clearly puts many pressures on the family and the roles of individuals in it. It is not difficult to identify cases of broken families and of dysfunctional behaviour of those family members left behind. High-quality research on these impacts is limited, however, and most studies do not compare the family situation before and after migration or use adequate control groups.

Studies in Bangladesh, Indonesia, the Philippines, Sri Lanka and Thailand on the impact of migration on the situation of children left behind have shown mixed results. School attendance of such children is often higher than among children from non-migrant families because of the use of remittances for education. One large-scale survey in the Philippines found that the children of migrants were more likely to be enrolled in better private schools and to perform better in school. Most of the studies have observed different results if the migrant is the father than if the mother. The impact of remittances from migrant fathers appears largely to offset the negative impact of their absence. The studies in Asia have found generally negative impacts on children’s education when the migrant is the mother, however (Yeoh and Lam, 2007). Families in Asia appear to cope well with the migration of some members, however, because the extended family offers many types of support.

Bryant (2005) argues that the children most affected by migration, and most deserving of programme interventions, are those who migrate themselves, either with their parents, with other relatives or individually. Because programmes to admit low-skilled temporary labour migrants in Asian countries do not permit the migrants to bring their dependents, such children are in an irregular status. Children born to irregular migrants while in the country of destination may be stateless. The children of irregular migrants often cannot enroll in formal education and face obstacles in accessing health care. Because they cannot attend school, many begin working below the minimum age and without
authorization. Besides the children of labour migrants, another category affected by migration are the children in communities that cross borders without authorization, such as some of the highland population in Thailand, Filipinos in the State of Sabah in East Malaysia, and Bangladeshis in India. Many of these children also remain stateless and encounter barriers in accessing education and health care.

2. Policies

2.1 Legislative framework

A comprehensive policy framework for international migration requires a legislative framework, an institutional framework, an explicit national policy on migration, plans and a regulatory framework.

Countries in which the government is involved in the deployment of migrant workers require national legislation to designate the lead agency and the roles of other agencies and private sector entities, to specify requirements of workers to be deployed, and to indicate means to afford protection to migrant workers. It has been necessary to amend or replace legislation governing labour migration that was enacted decades ago, in order to reflect the current situation. The Sri Lanka Bureau of Foreign Employment Act of 1985 is under modification and is likely to be amended soon.

In the Philippines, the Migrant Workers and Overseas Filipinos Act was passed in 1995 and is referred to as the Magna Charta for migrant workers. The Act’s provisions include:

- deployment of workers only to countries that ensure their protection;
- support and assistance to overseas Filipinos;
- imposition of penalties for illegal recruiters;
- institution of advisory, repatriation and reintegration services;
- the stipulation that the “protection of Filipino migrant workers and the promotion of their welfare ...” shall be priority concerns of the Secretary of Foreign Affairs and of Foreign Service Posts;
- establishment of Migrant Workers and Other Overseas Filipino Resource Centers in countries where there are large numbers of Filipinos; and
- creation of the Legal Assistance Fund (Asis, 2006).

In Indonesia, the main legislation governing the deployment of migrants is the Act of the Republic of Indonesia, Number 39 Year 2004, Concerning Placement and Protection of Overseas Indonesian Workers. That Act contains chapters on:

- duties, responsibilities and obligations of the Government;
- rights and obligations of workers;
- regulations concerning the Government and private sector placement agencies;
- placement procedure, including recruitment and selection, education and training, medical examination, processing of documents and pre-departure training;
- worker protection;
- dispute settlement;
- creation of the National Agency for Placement and Protection of Indonesian Overseas Workers, which reports to the President of the Republic and is not associated with a Ministry.
In addition to the main Act governing the placement of migrant workers overseas, other legislation may pertain to trafficking in persons, protection for the children of migrant workers, overseas voting rights or dual citizenship, for example.

2.2 Institutional framework

The chief legislation pertaining to labour migration normally designates the agency responsible for deployment of migrant workers and specifies requirements for private placement agencies and responsibilities of other government agencies.

Several countries in South Asia have established a Ministry to be responsible for labour migration. These include the Ministry of Expatriates’ Welfare and Overseas Employment in Bangladesh, the Ministry of Overseas Indian Affairs and the Ministry for Foreign Employment Promotion and Welfare in Sri Lanka. Those in Bangladesh and India also have a mandate pertaining to other nationals overseas.

It is more common to establish a body within the ministry of labour to deal specifically with the deployment of temporary labour migrants, as is the case in Nepal, Pakistan, the Philippines, Thailand and Viet Nam, for example.

No matter which is the lead agency for labour migration, a great deal of coordination is required with other agencies and private sector entities. In the Philippines for example, POEA cooperates and coordinates with the Department of Foreign Affairs, Department of Justice, Philippine National Police, National Bureau of Investigation, Bureau of Immigration, Department of Tourism, Congress, the judiciary, local government units and NGOs, Securities and Exchange Commission and regional offices of the Department of Labour (OSCE and others, 2006:218-219).

In Sri Lanka, the Ministry of Foreign Employment Promotion and Welfare (MFEPW) has established a High Level Advisory Committee consisting of key ministries, representatives of the private recruitment industry, trade unions and civil society organizations to oversee implementation of the National Labour Migration Policy. To facilitate the work of the Advisory Committee, an inter-ministerial coordinating committee has been appointed, comprising focal points from key ministries and departments (The Island, 2010).

In all Asian countries that deploy large numbers of migrant workers, private recruitment agencies are involved in most recruitment and placement of workers, thus it is essential for the Government to regulate the agencies effectively. In the Philippines, the POEA Rules and Regulations Governing the Recruitment and Employment of Overseas Workers, which took effect in 2002, stipulate the requirements for becoming a licensed recruitment agency. Individuals must be Filipino citizens and corporations must be those in which 75 per cent of the capital stock is owned by Filipinos. Private agencies must have a minimum capitalization of two million Philippine pesos and deploy at least 100 workers a year. Travel agencies and airline companies are not permitted to operate labour recruitment agencies. The rules and regulations also stipulate that an agency may charge a placement fee not exceeding one month of the worker’s wages, and may charge fees for documents. They also specify that the employer or recruiter at the destination should be responsible for the visa fee of that country, air fare, POEA processing fee and OWWA membership fee. Rules on the inspection of private recruitment agencies are also spelled out.
2.3. National policy

Formulation of national policies related to international migration includes the signing and ratification of international conventions. In Asia, Bangladesh, Cambodia and Indonesia have signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Philippines, Sri Lanka, Tajikistan and Turkey have ratified the Convention and Azerbaijan, Kyrgyzstan and Timor-Leste have acceded to the Convention.

In many instances, policies toward international migration develop on an ad hoc basis or are developed by the agency responsible for the deployment of migrant workers but may not be part of a comprehensive policy or be explicitly linked to overall economic and social development policies.

An IOM handbook on mainstreaming migration into development planning, to be published in 2010, lists six key elements for the success of the policy formulation process (Nonnenmacher, 2010:47-48):

1. Strong support at a high political level;
2. National ownership;
3. Broad-based participation;
4. Early involvement of key stakeholders;
5. A shared understanding of the objectives pursued by the integration of migration and development; and
6. Maintaining the timeframe of the process.

Perhaps the best example in Asia of a comprehensive policy document on migration is the National Labour Migration Policy for Sri Lanka, developed by the Ministry for Foreign Employment Promotion and Welfare (MFEPW) in 2008. The goals of the national policy are:

- to develop a long-term vision for the role of labour migration in the economy;
- to enhance the benefits of labour migration on the economy, society, and the migrant workers and their families, and minimize its negative impacts; and
- to work towards the fulfillment and protection of all human and labour rights of migrant workers.

The national policy is designed to conform to the country’s obligations deriving from its ratification of various international conventions and frameworks. It outlines a regulatory framework for the equitable development of skills and overseas employment opportunities. The policy provides for the protection and empowerment of migrant workers throughout the migration process and it attempts to link migration with development.

The regulatory framework of the Sri Lankan national policy specifies action plans to:

- make accessible to all citizens opportunities for skill development and enhancement and promote the migration of skilled labour;
- promote overseas employment opportunities while safeguarding the rights of migrant workers;
- facilitate the provision of skills to all categories of workers, with emphasis on providing skills to low-skilled workers;
- ensure just and adequate remuneration for migrant workers;
- address violations and abuses in the different stages of the labour migration process through appropriate redress mechanisms; and
remedy and redress all issues of trafficking in persons and smuggling of human beings.

The national policy also contains action plans designed for the protection and empowerment of migrant workers during pre-departure, preparation for migration, while overseas and during return and reintegration.

In Bangladesh, an Overseas Employment Policy, enacted into law on 5 November 2006, commits the Government to protect the rights of migrant workers, support regular migration for both men and women, align human resource development with global requirements, regulate the recruitment process, promote the welfare of expatriates, promote remittance flows and address the reintegration of returning migrant workers (Sikder, 2008).

The National Migration Policy of Pakistan (2008) addresses the cost of migration, development of skills and language proficiency required abroad, strengthening the country’s diplomatic missions, remittances, rights of migrants, and irregular migration.

2.4 Integration of policies

The integration of policies on international migration with national development and poverty reduction strategies in Asian countries has been limited, particularly in view of the annual number of migrant workers being deployed and importance of remittances to the economy of many countries. In a comprehensive policy framework, international migration would be incorporated in poverty reduction strategy papers (PRSP), five-year development plans, education planning and population and labour force projections but such integration is rare. In order to promote the integration of migration and development policies, IOM will soon publish a handbook on Mainstreaming Migration into Development Planning (Nonnenmacher, 2010).

The Bangladesh PRSP contains perhaps the most comprehensive linkage of migration and development strategies, while that for Sri Lanka also has a major focus on international migration. Several countries emphasize the role of remittances in their PRSP, including Bangladesh, Lao People’s Democratic Republic, Nepal, Pakistan and Timor-Leste (UNDP, 2009:82-83). Indonesia has incorporated targets for remittances in five-year development plans (Hugo, 2009:55).

The integration of international migration in national development requires that human resource development take both in- and out-migration into account but this is rarely done. IOM (2008:262) observes that “As yet, no information system has been developed in countries of origin concerning the prospective demand for specific skill categories and the qualifications they call for and there is no known programme for collecting this information on a systematic and continuous basis and relaying it to the public and to education/training institutions in order to adjust their course offerings to coincide with world market requirements”. The Annual Statistical Report of the SLBFE (2009:75-102) presents a detailed table of job orders and actual placements by job categories at all skill levels, which indicates a large mismatch between the specific job descriptions requested and the skills of workers to fill those jobs.

The Government of Sri Lanka is taking explicit measures to link human resource development with international migration policies. The National Labour Migration Policy for Sri Lanka (MFEPW, 2008) contains a section on linking international migration and
development, with an expressed goal of mainstreaming migration into national development frameworks and strategies. The Policy calls for the promotion of overseas employment opportunities and particularly for skilled worker migration. National human resource development plans are to take into account the overseas demand for skilled workers and the government will identify and provide the skills required for overseas employment. Priority will be given to language training. The policy aims to increase the volume of remittances, to lower transaction costs and to expand the formal channels available for sending remittances. The policy also calls for engaging transnational communities of Sri Lankans in order to harness the skills and expertise of skilled and professional workers.

While not explicitly linking migration policies and national development, many countries of origin have formulated plans to upgrade the skill level of the migrants that they deploy. In Viet Nam, for example, a Prime Minister’s Decision dated 7 February 2006 set a target for 70 per cent of workers deployed in 2010 to have been trained, with 30 per cent of those considered skilled or highly-skilled. The target for 2015 is that all workers deployed shall have received training, with 40 per cent of them considered skilled or highly-skilled. The plan makes funds available to subsidize the training of individuals and to purchase training material, particularly in foreign languages.

Siddiqui (2009) has suggested several ways to incorporate international migration in development strategies. Migration can be a strategy for poverty reduction if opportunities for the poor to migrate are expanded. Brain drain can be addressed by creating a larger pool of highly-skilled workers. Support for creating more training institutions and centres in countries of origin can be provided by destination countries through bilateral or multilateral arrangements. Support can be given to returning migrants to develop small and medium enterprises. Bonds can be developed that allow migrants to invest their remittances in large-scale development projects. Mechanisms to expand philanthropic remittances can be developed and expanded. Ways to benefit from the experience and expertise of nationals abroad can be developed, including for their temporary return or circulation in connection with professional, business or developmental activities.
II. TRENDS AND POLICIES IN HOST COUNTRIES

1. Migration trends

1.1. In-migration

The main countries of destination, especially for temporary labour migration, in Asia are Japan and the Republic of Korea in East Asia, and Brunei Darussalam, Malaysia, Singapore and Thailand in South-East Asia. The areas of Hong Kong, China; Macao, China; and Taiwan Province of China also receive substantial numbers of both low-skilled and highly-skilled migrants.

It should not be overlooked that countries that are primarily labour-deploying are also hosts to large numbers of in-migrants, resulting from earlier mass movements, refugee flows and migration of the highly-skilled. India had a foreign-born population of nearly 6.2 million persons at the time of the 2001 population census, although 3.7 million of them were born in present-day Bangladesh and many of them had migrated either at the time of Independence and partition in 1947 or around 1971 when Bangladesh became independent. Another 1.3 million were born in present-day Pakistan and had migrated in about 1947. The number of immigrants from present-day Bangladesh and Pakistan in India are declining owing to mortality (Rajan and Prabha, 2008:279-280).

At the time of the 2001 population census, Nepal had a foreign-born population of 608,000, of whom 492,000 (or 81 per cent) had become Nepalese citizens. The overwhelming majority of the foreign-born in Nepal are from India and about 70 per cent of them are females (KC, 2008:299). The migrant stock of 3.55 million persons in Pakistan (table 1) consists of migrants from India at the time of partition, migrants from Bangladesh when it became independent in 1971, and refugees from Afghanistan. Between 2005 and 2010, the number of migrants from India and Bangladesh has declined owing to mortality while the number of refugees from Afghanistan has increased. Refugees currently equal half the migrant stock in Pakistan (United Nations, 2009).

Other major labour-deployment countries with a large migrant stock include Bangladesh (1.0 million foreign-born), the Philippines (375,000) and Sri Lanka (366,000) (table 1).
1.2. Temporary labour migration

Labour shortages have developed in many economies in East and South-East Asia because rising standards of living mean that local workers are reluctant to take low-paying and demanding jobs, many of those jobs (such as those in construction, small enterprises and low-productivity work) can not be exported through direct investment overseas, and the rate of growth of the labour force is low owing to low fertility. In spite of the similarity in causes of labour shortages, the policy responses by Asian economies have varied considerably (Ducanes and Abella, 2008).

Japan is unique among host countries in that it does not implement a programme for the temporary employment of low-skilled migrant workers. Thus, the demand in that segment of the labour market is met in a number of different ways. Iguchi (2007) estimates that there were 1.66 million international migrants residing in Japan in 2007, and that about 913,000 of them were in the labour force. The largest group of migrants working in the country were Nikkeijin, or descendants of Japanese emigrants, mostly from Brazil and Peru. Since 1990, Nikkeijin have been permitted to enter Japan and participate in the labour force. In 2007, about 240,000 of them were employed, constituting 26 per cent of the migrants working in the country.

There were also 194,000 persons overstaying their entry visa in Japan in 2007. It may be assumed that most of them were employed – thus they equaled 21 per cent of the migrants in the labour force. Another 20 per cent was contributed by the 180,000 foreigners registered to work, including professionals and intra-corporate transferees. Migrants who have lived in Japan for at least 10 years, or five years for spouses of Japanese, are considered permanent residents. Most of them come from China, the Philippines, Brazil and the Korean Peninsula, and their numbers are growing rapidly (RTWG, 2008:43). In 2007, about 111,000 of them were employed, constituting 12 per cent of employed migrants.

Iguchi (2007) estimates that about 100,000 foreign students in Japan were working part-time, thus making up 11 per cent of the foreigners in the labour force. Japanese companies with foreign direct investment have been allowed since the 1960s to bring industrial trainees to Japan from their overseas affiliates. Since 1990, small and medium-sized companies without affiliates overseas have also been able to bring in industrial and technical trainees. In 2007, the number of technical trainees and interns equaled 87,000, or 10 per cent of the migrants in the labour force.

In the past, the Republic of Korea also did not make provision for low-skilled migrants to work in the country, and met the labour shortage in that part of the labour market through visa overstayers and industrial trainees. In August 2004, the employment permit system (EPS) was introduced, which allowed low-skilled workers to enter from countries with which the Government had established an MOU. (The provisions of the MOUs are described in the following chapter.) Migrants entering the EPS receive work permits that entitle them to the same wages and labour standards as nationals. Because of reports of poor treatment of industrial trainees and the continuing problem of persons overstaying their visas, beginning in 2007 the industrial trainee system was phased out, with no new entrants permitted but with those already in the country allowed to complete the term of their training (RTWG, 2008).

Initial statistics indicate that the EPS has partially accomplished its main objectives of regularizing the employment status of trainees and of reducing the number of persons...
overstaying their visas in order to work. In mid-2006, the number of foreign workers in the
country was estimated to equal 394,511, comprising 166,599 (42 per cent) with work permits,
38,692 (10 per cent) trainees and 189,220 (48 per cent) visa overstayers. The number of
persons overstaying their visa had declined from 289,239 in 2002 (RTWG, 2008:84). As a
result of declining labour demand owing to the effects of the global economic downturn, the
Republic of Korea suspended the entry of workers under the EPS between December 2009
and March 2010 (VOA News, 2009).

Singapore is unique in Asia in encouraging highly-skilled persons to migrate to the
country, to become permanent residents and to become naturalized citizens. Foreigners
constitute more than a quarter of the population and about 30 per cent of the labour force.
Of all Asian countries, it could be argued that Singapore most thoroughly links its
international migration policies with its development strategies.

Migration policies in Singapore have two main objectives: to minimize dependence
on low-skilled migrant workers while attracting highly-skilled migrants. These objectives
are meant to support the development strategies of economic growth and enhancement of a
competitive economy. In order to discourage a reliance on low-skilled migrant workers, the
Government sets a dependency ceiling that regulates the proportion of foreign to local
workers and imposes a levy to be paid by the employer. The levy increases with the
proportion of foreign workers and is much higher for low-skilled than skilled workers.
Employers of low-skilled foreign workers must also post a S$5,000 security bond and
employers of foreign domestic workers must provide personal accident insurance. Low-
skilled workers are not permitted to marry in Singapore or to bring in dependents (Yeoh,
2007).

Migration policies in Singapore are designed to attract and retain highly-skilled
workers. If skilled and professional migrants earn at least S$2,500 per month, they may
bring immediate family members with them and they may apply to become permanent
residents. Those who have been permanent residents for two to six years, intend to reside
permanently in Singapore and can support themselves and their families may apply for
citizenship. In 2005, nearly 13,000 people became naturalized citizens of Singapore.
Singapore has recently introduced a category of “personalized” employment passes that are
not tied to the employer, allowing a foreigner to change jobs or to remain in Singapore after
leaving a firm (Yeoh, 2007).

In many respects, Thailand is more open to international migrants than are other
Asian countries. This results in a relatively large number of professional and skilled
migrants although they are not encouraged to become permanent residents or citizens. The
openness also results in large numbers of migrants in an irregular status in spite of repeated
efforts to regularize their status and to control unauthorized entry and employment.

In 2007, Thailand issued 133,810 work permits for professional and skilled workers
(Sciortino and Punpuing, 2009:51). Although this number is a small fraction of the estimated
number of 2.4 million foreigners working in Thailand, it may be compared with the 180,000
foreigners registered to work in Japan in the same year (RTWG, 2008:44), keeping in mind
that the Japanese population is twice the size of Thailand’s and the Japanese economy is
many times larger than that of Thailand. In 2006, there were only 25,563 professional and
highly-skilled foreigners working in the Republic of Korea, more than half of whom were
language teachers (RTWG, 2008:84).
A demand for low-skilled migrant workers has developed in Thailand because the economy has produced several decades of robust growth and the number of new entrants to the labour force is no longer growing because of earlier low fertility. Because Thailand's per capita GDP is several times larger than that of some of its neighbouring countries, there exists a ready supply of migrant workers to meet the increasing demand.

Beginning in 1992, the Thailand Government has implemented a series of registrations of migrant workers in an irregular status. The scope of the registrations has expanded to include workers from Cambodia, Lao People's Democratic Republic and Myanmar in all provinces and all industries in Thailand. The registrations have taken place every one or two years, for a limited period. In some years, only renewals of work permits are carried out. The largest annual registration occurred in 2005, when 871,170 migrants were granted work permits. That number declined to 668,576 in 2006 and 535,732 in 2007 (Sciortino and Punpuing, 2009:57).

The aim of the Thailand Government is to replace the regularization of migrants in an irregular status with a system established through MOUs with neighbouring countries that will formally admit low-skilled migrant workers. In addition, migrants who are already in Thailand may obtain work permits under the MOU system if their government verifies that they are its nationals. In 2007, there were 636,346 low-skilled migrants from neighbouring countries who held work permits in Thailand. Among them, 535,732 had re-registered from earlier rounds, 14,151 entered under the MOU system, 75,923 had their nationality verified under the modified MOU system and 10,540 had benefited from a special registration for selected southern provinces (Sciortino and Punpuing, 2009:16). A conservative estimate that there were 1.3 million migrants in an irregular status in 2007 is cited by Sciortino and Punpuing (2009:16). That would imply that at least two thirds of the migrant workers in Thailand remain in an irregular status despite nearly annual registration campaigns and the creation of formal channels for migration under the MOU system.

The population of Malaysia is less than half that of Thailand but its per capita GDP is two thirds larger (table 1), thus it would be expected that Malaysia would also generate a strong demand for migrant workers. Migration to work in the plantation sector was essentially uncontrolled up to 1980. Between 1980 and 1991, efforts to regularize labour migration were largely overwhelmed by the economic demand. In 1995, an explicit policy permitted the manufacturing sector to import migrant workers. Since then, Malaysia has gone through a series of amnesties and crack-downs in an effort to curb irregular migration while also attempting to reduce the demand for migrant labour.

Beginning with the 1997 Asian financial crisis, Malaysia has introduced stronger measures to control irregular migration. Penalties for undocumented migrants and the employers hiring them were increased, and included both fines and prison terms. Owners or tenants of buildings that harboured irregular migrants could also be penalized. A citizen volunteer core was mobilized to assist the police in identifying irregular migrants. Responsibility for managing labour migration has been transferred from the Ministry of Human Resources to the Ministry of Home Affairs. In spite of increasing the number of documented migrants and attempts to control irregular migration, the number of migrants in an irregular status in Peninsular Malaysia is estimated to equal about 700,000 (Kanapathy, 2008). Thus, as in Thailand, concerted efforts to regularize and control labour migration have been only partially successful.
1.3. Gender dimensions

The degree to which government agencies and academic researchers report data on in-migration without disaggregating by sex is remarkable, given the importance of gender in understanding international migration and the ubiquitous recommendations for such disaggregation.

The information that can be gleaned from migration statistics in host countries implies that female migrants are concentrated in low-skilled occupations and that the proportion of females in a migrant population is largely determined by the proportion of domestic workers. As Japan and the Republic of Korea admit few domestic workers, the proportion of females among labour migrants is small.

In Brunei Darussalam, 69 per cent of private sector employees are foreign nationals. Foreigners constitute 77 per cent of male workers and 51 per cent of female workers in the private sector. Within the private sector, 83 per cent of the female crafts and trades persons are foreigners, as are 82 per cent of the female cleaners and labourers and 53 per cent of the female factory workers and machine operators. On the other hand, foreigners equal only 21 per cent of female professionals, and 12 per cent of female technical and administrative workers (RTWG, 2008:5-6).

The migrant labour force in Thailand appears to be less stratified by sex than in most other countries. In 2007, 46 per cent of migrants with work permits were women. The proportion female was 38 per cent among migrants from Cambodia, 53 per cent among those from Lao People's Democratic Republic and 46 per cent among those from Myanmar. The higher figure for Lao People's Democratic Republic reflects the higher proportion of domestic workers among all migrants from that country. The job categories with the most migrant workers in 2007 were agriculture and construction, and women constituted 37 per cent of the migrants in each. The next largest categories were seafood processing, where women equaled 57 per cent of the migrant workers, and domestic work, where women equaled 81 per cent of the migrants (Sciortino and Punpuing, 2009:62-65).

1.4. Skill composition

Statistics on the occupational or skill composition of migrant workers are also often not readily available. In most of the major host countries in Asia, migrant workers are brought in to fill low-wage and low-skill jobs but Brunei Darussalam is more dependent on professional and skilled migrants than are others. In that country, foreign workers constituted 29 per cent of all professionals, 22 per cent of administrative and executive workers and 17 per cent of technical workers in the private sector in 2005 (RTWG, 2008:6).

Of the workers that Sri Lanka deployed to Singapore in 2008, a total of 15 per cent were professional, middle-level or clerical workers and 76 per cent were unskilled or housemaids. Among the workers deployed from Sri Lanka to Malaysia in the same year, only 5 per cent were professional, middle-level or clerical workers and 65 per cent were unskilled or housemaids. Twenty-nine per cent of the workers deployed to Malaysia were categorized as skilled workers (SLBFE, 2009:15). These figures would underestimate the percentage of professional and highly-skilled workers among Sri Lankan migrants to both Malaysia and Singapore because many of those workers would have found their jobs privately without going through SLBFE.
In spite of the relatively open approach of Thailand to international migration, the 133,810 foreigners issued professional and skilled work permits in 2007 equaled only 5.6 per cent of the estimated 2.3 million migrant workers in the country at the time (Sciortino and Punpuing, 2009:16).

1.5. Irregular migration

The presence of large numbers of migrants in an irregular status in a country is likely to have occurred as a result of a combination of a failure of border control, of labour inspection and protection, of the regulation of employers, or of the procedures of the formal work permit system. Thus, any long-term solution will be effective only if these institutional failures are addressed. This implies that granting an amnesty or deporting individual migrants will not by themselves resolve the issue of irregular migration because they do not confront the institutional problems.

As noted above, a conservative estimate suggests that there were 1.3 million irregular migrants in Thailand at the end of 2007. At the same time, there were 636,000 registered low-skilled migrants in the country so the irregular migrants equaled two thirds of the total (Sciortino and Punpuing, 2009:16). The number of irregular migrants in Peninsular Malaysia is often estimated to be about 700,000, or 27 per cent of all migrant workers (RTWG, 2008:57). There are likely to be sizeable numbers of migrants in an irregular status in most countries in Asia but there is usually no systematic attempt to estimate their numbers.

Governments may tackle irregular migration through three main categories of policies: (1) creating possibilities for regular migration and employment to replace irregular migration and employment, (2) regularizing the migrants in an irregular situation and (3) deterrence, control and penalization of irregular migrants and their employers (Kupiszewski, 2008:321).

The first category of policies focuses on promoting legal migration and employment. These policies are likely to be most effective because they are more comprehensive and can address some of the root causes of irregular migration. A valuable approach within these policies is to establish administrative procedures for recruitment, visas and work permits that make legal migration more attractive than irregular migration. Kupiszewski (2008:323) posits that it is more effective to create simplified channels for migration and employment than to invest in increased policing of irregular migration, and that bilateral agreements are a useful way to create simplified channels for work in specific sectors or geographical areas.

Skeldon (2009) argues that improved migration management is most likely to be effective if carried out in the context of MOUs between countries of origin and destination. He recommends that irregular migration should be recognized as more a labour market than a security issue. He also suggests that destination countries broaden the channels for legal migration, and that sanctions on employers of irregular migrants be strictly enforced. MOUs can provide for greater transparency, efficiency and cost reduction in the country of origin. As many documented migrants enter an irregular status only when changing jobs, Skeldon recommends that migrant workers should be allowed to change employers for “reasonable cause”.

The second type of policy for dealing with irregular migration is regularization of the situation of migrant workers by the country of destination. This is desirable in terms of the social integration of migrants and the protection of their rights. It may also benefit the
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economy if taxes are collected, health and accident insurance are provided, etc. A negative aspect of regularization is that it rewards previously illegal behaviour and might provide an incentive for further irregular migration.

The measures taken by Malaysia and Thailand to regularize the situation of migrant workers in their countries were described above. They have resulted in the new registration of hundreds of thousands of migrants but have not reduced the long-term number of migrants in an irregular status.

Singapore has largely been able to limit irregular migration through a combination of policies that provide efficient channels for the desired level of regular migration while strictly controlling irregular migration through immigration controls, and through enforcement of regulations for employers and individual migrants. In addition to these approaches to governance, Singapore has the advantage of being a relatively small city-state located on an island, which greatly facilitates border control.

Amnesties and regularization are clearly positive attempts to tackle the issue of irregular migration at a point in time but the experience of Malaysia and Thailand (and numerous other countries) indicates that they do not address the causes of irregularity and, thus, cannot be considered durable or permanent solutions. An effective solution requires a comprehensive approach and a challenging examination of all the institutions involved. Any approach that focuses solely on the migrants (such as either amnesty or deportation) will not succeed because it does not address the root causes of irregular migration or the institutional failures that allow it to flourish.

1.6. Marriage migration

In a globalized world, it is natural that the number of transnational marriages is increasing rapidly. Owing to low fertility rates, son preference and rural-to-urban migration, many males in rural areas in China, Japan, the Republic of Korea and Taiwan Province of China encounter difficulties in finding marriage partners from within their countries. To meet their demand, marriage brokers make arrangements for them to meet women from poorer countries or areas in Asia, particularly the Philippines and Viet Nam. Many men in Taiwan Province of China have married women from the mainland, and some provincial authorities in the Republic of Korea have helped men find brides among ethnic Koreans in China (Asis, 2008a).

In 2005, the number of marriages between Korean males and foreign females equaled 31,180, or 9.9 per cent of all marriages in the country that year. Among all female marriage migrants to the country up to April 2006, 42 per cent were Korean-Chinese, 21 per cent were other Chinese and 20 per cent were from South-East Asia (Kim, 2007).

In 2002 in Japan, there were 35,879 marriages registered between a Japanese national and a foreigner (4.7 per cent of all marriages). Of these, 27,957 involved a foreign bride and 7,922 involved a foreign groom. The foreign brides are mostly from China and the Philippines (RTWG, 2008:44).

The involvement of marriage brokers in arranging transnational marriages has raised concerns among governments in both the origin and destination countries. The brokers often give false information to both parties, emphasizing the traditional subservience of the women and the economic standard of living of the males. Marriage may take place after
only one or two brief meetings between the partners. Governments are also concerned that pro-forma marriages are arranged as a form of trafficking or in order to circumvent migration restrictions.

Even in valid marriages, the foreign brides are likely to face many difficulties in adjusting to the new family and community owing to limited language ability and skills needed for local employment. Governments in the host countries have taken an assimilation approach to the foreign wives, providing them courses on the local language, cooking and culture, rather than a multi-cultural approach (Asis, 2008a).

India and Nepal maintain an open border between their countries and marriage across the border is common. In the 2001 Nepal population census, 66 per cent of the female foreign-born population reported that they had migrated for the purpose of marriage. In the context of patri-local marriage, none of the male foreign-born population had reported immigrating for marriage (KC, 2008:301).

1.7. Migration for study

Migration for study is a fast growing component of international migration. Its significance goes beyond the mere numbers involved because of the personal and professional contacts that students make. Those contacts are likely to be used in business or governmental matters throughout the careers of the students.

In 2006, there were 162,695 international students enrolled in universities or research institutes in China. Nearly three fourths of them were studying for six months or longer and about three fourths of them came from Asian countries (RTWG, 2008:25). Currently, net student migration for China is negative, with large numbers of Chinese studying abroad. Their rate of return is only 15-20 per cent but that is likely to increase as the Chinese economy continues to expand.

The numbers of international students in other Asian countries are modest but increasing rapidly. The total was 95,550 in Japan and 4,392 in the Republic of Korea in 2002 (RTWG:2008:44 and 84), and 68,000 in both secondary and tertiary education in Thailand in 2005 (Sciortino and Punpuing, 2008:16). The Government promotes Singapore as a centre for international education and in 2007 there were 80,000 foreigners studying there.

1.8. Social issues

a. Labour protection

One of the most fundamental issues in international migration globally is the willingness of the host country to afford basic social protection to migrants. Such protection includes labour protection, civil rights, access to health care and education, and access to a pension system. All Asian countries are members of the International Labour Organization and are expected to abide by the principles set out in its Conventions. A core principle is that of equal treatment of migrants with nationals with regard to terms and conditions of employment, which was agreed in the ILO Migration for Employment Convention (Revised), 1949 (No. 97). Although governments are aware of the principle of equal treatment, they may not agree with it in all aspects. Employers often are not aware of the principle and governments frequently lack the resources to effectively enforce it.
Several governments restrict the right of migrant workers to free association, or the right to join or form a trade union or associations. Migrant workers in the Republic of Korea can join labour unions under the terms of the employment permit system. Malaysia does not permit migrant workers to join trade unions. In Thailand, migrants may join Thai labour unions but cannot become officers in them or form their own unions.

Effective protection of the rights of migrant workers can be enhanced by cooperation between the governments of the countries of origin and destination. In this regard, bilateral MOUs are valuable as they define the criteria for the recruitment of migrant workers and establish mechanisms for that recruitment. By requiring that a limited number of agencies designated by the country of origin may recruit migrant workers, exploitation during the recruitment process can be reduced. An MOU also establishes the procedures and costs involved in recruitment, which may then be publicized. Most MOUs also provide for a Joint Working Group that meets periodically to resolve issues between the two governments concerning labour migration.

As noted above, the Republic of Korea admits migrant workers only from countries with which it has signed an MOU. Workers admitted under the EPS are covered by the Labour Standards Act and by employment and accident insurance, national health insurance and the national pension. A Migrant Workers Centre and Asian Foreign Workers Centre have been set up. Seminars are given to some employers on the culture of the countries that their workers come from.

Migrant domestic workers are often the most likely to have their rights infringed because they are employed in private households where working conditions cannot be inspected. Domestic work is often exempted from labour protection legislation. Regulations governing migrant domestic workers in several countries and area in Asia are extremely strict. They normally are tied to a single employer, must take medical examinations, cannot marry a national, must live in the employer’s household, cannot bring dependents and are deported if they become pregnant (Hugo, 2009:61).

Although those restrictions all apply in Singapore, the government has instituted a number of measures to promote the rights of domestic workers. It provides a compulsory safety awareness course for all first-time foreign domestic workers in the country. It also provides them with information about their rights and obligations, including contacts for filing complaints. In addition, all employers hiring a foreign domestic worker for the first time must attend an orientation programme.

b. Civil rights

The major destination countries for international migration in Asia have not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the several ILO Conventions that pertain to some aspect of labour migration, and it is unlikely that they will in the near future. Although those countries have not ratified the main international instruments pertaining to migration, their national legislation and practices conform to many of the principles contained in those instruments. They can better manage international migration and link it with their development objectives by adopting the key principles contained in the conventions.

The International Convention on migrant workers reiterates certain core principles contained in other treaties that Asian countries have ratified, such as the principle of non-
discrimination, the prohibition of slavery or forced labour, and the rights of children. Article 14 of the International Convention states that, “No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications”.

Article 21 makes it unlawful to confiscate or destroy identity documents or work and residence permits. Article 22 bans collective expulsion of migrants, stating that each case shall be examined individually. Further, expulsion shall not prejudice the right of the migrant to receive any wages or entitlements owed to him or her.

Article 25 reconfirms the principle of equal treatment with nationals with regard to terms and conditions of employment and makes it unlawful to derogate in private contracts the principle of equality of treatment. It also urges States Parties to ensure that migrants are not deprived of their rights to the principle of equality by reason of irregularity in their stay or employment.

Documented migrants also have the right to liberty of movement and the freedom to choose their residence in the destination country (Article 39).

c. Access to social services

Migrants in a regular status normally have access to health care and they acquire health insurance in the process of obtaining a work permit. Such access is sometimes curtailed by employers, however, who do not allow the migrants to be absent from work or to travel outside of the workplace. In Singapore, employers of foreign domestic workers are required to carry coverage of at least S$ 10,000 for accidents and health care for them.

Migrants in an irregular status and their dependents may find it more difficult to access health care. Most private and public clinics and hospitals will admit them if they have sufficient funds to pay for treatment. Because of their irregular status, however, many are reluctant to travel far or to report to a government facility. Their employers may also restrict their movement, partially because of the risk the migrants will be detained by the authorities. In Thailand, some clinics set up by non-governmental organizations provide services in areas where there is a concentration of migrants.

The Convention on the Rights of the Child states that all children have a right to an education, a right which has been reaffirmed in numerous education and migration Conventions. In practice, however, it can be almost impossible for the children of migrants in an irregular status to avail themselves of this right. As countries implementing low-skilled temporary labour programmes do not permit migrants to bring dependents with them, any children who do accompany them are in an irregular status.

In Thailand, a Cabinet Decision in July 2005 declared that all children in the country had a right to a primary school education. Implementing the Decision has proved difficult, however, as local government and school regulations were often not modified to accommodate the change in national policy. Some migrant parents are also reluctant to send their children to school for fear that they will be detained while traveling or because they want the older children to be employed. Because of the difficulty of enrolling in public schools in Thailand, many children of migrants study at learning centres established by non-governmental or civil society organizations. In the city of Mae Sot in Tak Province, on the
border with Myanmar, there are about 10,000 migrant children studying in such learning centres.

d. Social integration

Even when migration is intended to be for a temporary period of employment, large flows inevitably result in some degree of settlement in the destination country. The degree of integration of the immigrant community depends on both the migrants' attitudes and the policies of the host country.

Böhning (1984), as cited in Castles and Miller (1998:28), summarizes four stages in the evolution from temporary migration to permanent settlement as below.

1. Temporary labour migration of young workers, remittance of earnings and continued orientation to the homeland.
2. Prolonging of stay and the development of social networks based on kinship or common area of origin and the need for mutual help in the new environment.
3. Family reunion, growing consciousness of long-term settlement, increasing orientation towards the receiving country, and emergence of ethnic communities with their own institutions.
4. Permanent settlement which, depending on the actions of the government and population of the receiving country, leads either to secure legal status and eventual citizenship or to political exclusion, socio-economic marginalization and the formation of permanent ethnic minorities.

Faist (2000:258-261) posits that immigrant communities may melt into the host society, remain separate in a situation of pluralization, or become transnational communities, with strong ties and interaction with both the country of origin and the host country.

No country in Asia has a policy to permit the permanent settlement of low-skilled migrant workers (although it might be expected that there would be a tacit acceptance of the settlement of Nikkeijin in Japan or of ethnic Koreans in the Republic of Korea). Government policies clearly intend that migrants remain temporary and that immigrant communities do not become permanent.

In circumstances where a large number of migrants has been present for an extended period but where the government does not permit long-term settlement, Abella (2005:79) warns of several likely social impacts. A new social underclass may emerge, that has few rights and is largely excluded from social protection. The labour market is likely to become segmented, with certain occupations stigmatized as being for cheap migrant labour, thus limiting the employment opportunities for low-skilled national workers. Xenophobia against the migrant communities may develop, sometimes encouraged for political reasons. These tensions associated with international migration are not new to Asia and are likely to continue to be a feature of social change in many countries in the foreseeable future.

The situation in Thailand may be illustrative of that in a number of other countries of destination. Policies of the Thai Government assume that low-skilled migrants from the neighbouring countries of Cambodia, Lao People's Democratic Republic and Myanmar come as individuals for only a temporary period. Thus, work permits are issued for only one or two years, with the possibility of a one-year extension, and there is no provision for low-skilled migrants to bring dependents with them. This conception of labour migration may
not reflect the actual circumstances of the approximately two million such migrants in the country, however.

The Institute for Population and Social Research (IPSR), Mahidol University has carried out surveys in 2004 and 2008 as part of an evaluation of a project on the “Prevention of HIV/AIDS among migrant workers in Thailand” (Chamratrithirong and others, 2005 and Chamratrithirong and Boonchalaksi, 2009). The surveys provide initial evidence of long-term stay by migrants. The 2008 survey found that the average duration of stay in Thailand among the respondents was 5.3 years and the average duration in the current province was 4.3 years. The average duration in the current job was 3.7 years for Myanmar migrants in the coastal provinces and 4.6 years for those in the inland provinces. All of these figures had increased between 2004 and 2008. The data also indicate that the proportion married and the likelihood of living with a family member had increased between the two surveys. Two thirds of the Myanmar migrants in the coastal provinces lived with family members in 2008. Although work permits are issued only for persons at least 15 years of age, many families have children with them. Seventy-five per cent of the children aged 0-4 years among Myanmar migrants had been born in Thailand. School enrolment among migrant children aged 5-12 years increased considerably between the two surveys.
2. Policies

2.1. Institutional framework

A programme to permit the entry of migrant workers for temporary employment requires at least the organization of an agency responsible for the programme; a system to determine the need for migrant workers; regulations for visas, work permits and other authorizations; setting quotas and limitations; imposition of fees; determination of penalties; and a system of monitoring and statistics (ILO, 2005:53-57). Governments must also specify the role of private employment agencies in the hiring of migrant workers and put in place adequate mechanisms to regulate them.

No country in Asia implementing a programme of temporary labour migration has adopted a comprehensive policy document for that purpose similar to the National Labour Migration Policy for Sri Lanka, which sets out that country’s policy for the deployment of migrant workers. Instead, labour migration policy consists of legislation, ministerial decrees and agency regulations, which are often distinct for highly-skilled workers and the low- and semi-skilled.

In Thailand, the Alien Workers Act of 2008 governs the employment of low-skilled workers from Cambodia, Lao People’s Democratic Republic and Myanmar. The Act designates the Ministry of Labour as the agency to implement its provisions and authorizes the Ministry to issue the necessary regulations and to set various fees. The Ministry is mandated to prescribe the work that aliens may engage in, by locality, taking into account national security, employment opportunities for Thai nationals and the labour needed for national development.

The Alien Workers Act specifies that work permits for low-skilled migrants may be for two years and may be renewed for two years but that migrants should not work for more than four consecutive years. The Act specifies fees for work permits and for hiring migrant workers, and penalties for working without a permit or hiring a migrant who does not have a work permit. The Act establishes a fund for deporting aliens from the country if they are unregistered or when their work permit expires. Employers must deduct a specified amount from workers’ wages and deposit to the fund. A worker who returns home on his or her own may file a request to have the deposit returned.

The Act establishes a Committee on Alien Work, chaired by the Permanent Secretary of the Ministry of Labour. The Committee consists of representatives of the National Economic and Social Development Board, National Security Council, National Intelligence Agency, Attorney General, Royal Thai Police, employers and workers organizations and the Ministries of Defense, Foreign Affairs, Agriculture and Cooperatives, Interior, Public Health and Industry. The Committee is authorized to recommend policies on foreign workers to the Cabinet, to advise the Cabinet and the Minister of Labour on Royal Decrees and ministerial regulations, and to supervise and cooperate with relevant agencies concerning the employment of foreign workers.

In Singapore, the key legislation on migrant labour is the Employment of Foreign Manpower Act, revised on 1 July 2007. The Act specifies that a work pass for a foreign employee shall be valid only for the trade or occupation, type of employment, the employer and the employee specified therein (Article 12). A work pass holder shall not allow any
other person to have possession of the work pass but must produce it for inspection upon
demand of an employment inspector (Article 13). Employers must keep a register of foreign
employees with work passes and the register must be open for inspection at all reasonable
times. The Act is categorical with regard to the presence of foreigners at a workplace. When
a foreigner is found at any premises, the occupier of the premises shall be presumed, until
the contrary is proved, to have employed the foreigner. Further, no occupier of a workplace
who has control of access to the workplace shall permit any foreigner without a valid work
pass to enter or remain at the workplace (Article 6).

The Employment Agencies Act in Singapore regulates the role of private agencies in
recruiting and placing workers, whether local or foreign. The Commissioner for Labour is in
charge of administering the Act. It requires that persons obtain a license from the
Commissioner in order to operate an employment agency. An employment agency may
only charge fees that have been prescribed by the Commissioner and a licensee is prohibited
from sharing such fees with agents of the contractors to whom workers have been sent for
employment. A licensed employment agency must keep prescribed registers that are open to
inspection at all reasonable times. The Commissioner has the authority to summon any
license holder and to require the licensee to produce any relevant document. The
Commissioner, or an officer authorized by him, may, at any reasonable time, enter and
inspect an employment agency or any premises suspected of being used as an employment
agency. The Act sets the maximum fines or prison terms for violating its provisions.

The Minister of Manpower has the authority to make rules concerning, inter alia, the
types of employment for which licenses may be granted, the fees payable to employment
agencies by employers and employees, and the conditions under which agencies may be
granted permission to recruit employees outside of Singapore.

2.2. Integration of policies

Clearly, policies to attract highly-skilled migrants and to admit low-skilled temporary
migrant workers are based on labour shortages that are perceived to be hindering economic
growth. Thus, such policies are generally consistent with development strategies but it is
observed that migration policies are often not explicitly incorporated into development plans
and it may be argued that in many cases they are far from optimal in promoting
development objectives.

The migration policies of the more developed countries of Japan, the Republic of
Korea and Singapore reflect their development strategies. Japan has reacted to labour
shortages caused by a declining and ageing labour force by promoting more capital-intensive
production, increased use of technology, and investment in manufacturing plants overseas.
Nonetheless, certain jobs cannot be moved off-shore, particularly those in construction and
services. In order to avoid admitting large numbers of low-skilled foreign workers to meet
labour shortages, Japan has attempted to expand the size of the labour force by raising the
retirement age, by greater employment of females and persons with disabilities, and by
permitting more flexible working arrangements to accommodate young persons, mothers
and older persons. It has expanded the number of categories under which people can legally
stay in Japan, has permitted Nikeijins to live and work in the country and allows in many
industrial trainees and interns (Ducanes and Abella, 2008).

The Republic of Korea has also reacted to labour shortages by a heavy investment in
capital-intensive production that has yielded high rates of growth of labour productivity, by
investing in manufacturing plants overseas, by gradually raising the retirement age, by a
number of measures to promote the entry and re-entry of women in the labour force and by
implementation of an industrial trainee scheme. Unlike Japan, the country has phased out
the trainee scheme and instituted the Employment Permit System (EPS), which permits
companies to employ low-skilled migrant workers and accords those workers equality of
treatment with local workers. Recognizing that smaller firms may lack the ability to relocate
overseas or to spend heavily on more advanced technologies, the EPS applies to companies
with fewer than 300 employees. It also covers jobs that cannot be performed off-shore,
including small-scale manufacturing, construction, agriculture and six areas of the service
industry (restaurants, business support services, social welfare services, cleaning, nursing
and housekeeping) (Ducanes and Abella, 2008).

Singapore has invested heavily in capital-intensive production and technology, with
the result that labour productivity increased by an average annual rate of 4.7 per cent
between 1965 and 2005. Expenditure on research and development equals 2.2 per cent of
GDP (Ducanes and Abella, 2008:24-25). It has also raised the retirement age and created a
Skills Development Fund in order to retrain workers for rapidly evolving technologies. The
country has invested in production facilities in neighbouring Indonesia and Malaysia.

The migration policies of Singapore follow the dual approach of actively attempting
to attract highly-skilled workers while limiting reliance on low-skilled workers, as
summarized at the beginning of this chapter. Permitting foreigners to be domestic workers
in Singapore is explicitly meant to facilitate a higher rate of labour force participation among
Singaporean women. The education policies of Singapore support its migration policies.
The country is establishing itself as a centre for international education and encourages
foreigners who graduate from universities in Singapore to remain and seek employment.

In order to reduce dependence on migrant labour, Malaysia, like Singapore, imposes
a levy on employers who hire migrants. Kanapathy (2008:15) argues, however, that because
the levy is higher for higher-skilled workers than for low-skilled workers, it undermines the
long-term goal of developing an economy based on skilled workers and high labour
productivity.

Because Thailand has become a net recipient of labour migration more recently and is
less developed than the other host countries referred to here, its migration policies are less
well integrated with its broader development strategies. The country has a low level of
expenditure on research and development, has no appreciable incentive for manufacturers to
invest in other countries, and has not raised the retirement age. The overall objectives of
labour migration are not spelled out in a coherent manner but are stated in separate
legislation for highly-skilled and low-skilled migrant workers and in a series of Cabinet
Resolutions pertaining to the registration of migrant workers for a one- or two-year period.

In an attempt to regularize the employment of low-skilled workers from the countries
of Cambodia, Lao People’s Democratic Republic and Myanmar, the Thai Government has
signed MOUs with those countries. The procedures to recruit workers under the MOU
system have proved to be complex, slow and expensive, however, so that at least two thirds
of the migrants from those countries remain in an irregular status, without work permits. A
weak system of labour inspection, in contrast with Singapore, for example, further facilitates
irregular employment and reduces the incentive for migrants to obtain work permits. The
large-scale employment of low-skilled migrant workers, most of whom are unauthorized, is
inconsistent with national goals of using higher levels of technology and capital-intensive
manufacturing. The Board of Investment in Thailand has granted tax privileges to industrial zones in border areas that employ mostly migrant workers at the same time as other regions of the country have considerable concentrations of poverty and unemployment (Huguet, 2008).

As a middle-income country, Thailand both receives large numbers of migrant workers and formally deploys 140,000 to 160,000 Thai workers to other countries each year. In spite of the magnitude of international labour migration in the country and its impact on the economy, the five-year development plans and poverty reduction strategy papers do not refer to it. Population and labour force projections do not incorporate it. Plans for education and vocational training do not take into account either the deployment overseas of Thai workers or the in-migration of foreign workers.

In sum, in all of the main host countries in Asia except Singapore, there is a reluctance to view international labour migration (including that at all skill levels) as a permanent feature of the economy and labour force. As a consequence, migration policies are often not explicitly incorporated into development strategies and, sometimes, are inconsistent with broader development objectives.
III. IMPACT OF THE GLOBAL ECONOMIC CRISIS, 2008-2010

The global economic crisis that began in 2008 affected international migration in Asia but the impact was mitigated by a number of factors and the full effects have not yet been felt in some cases. The economic downturn resulted in the return of some workers before their contracts had been completed and in a reduced number of deployments from some countries. Remittances to most countries of origin in Asia had not begun to decline in 2009 but may do so in 2010 as a result of declining numbers of deployments.

Press reports have indicated that as many as 250,000 migrants returned to Indonesia and 40,000 to Bangladesh prior to completion of their contracts but the numbers for other countries have been much smaller (Mangahas, 2009). Employers attempted to retain migrant workers even if they had to reduce wages or hours worked. Migrants were also reluctant to return home prematurely so they accepted lower levels of remuneration. If dismissed, most searched for other employment at the destination.

In the face of the global economic downturn, the Philippines increased its efforts to identify overseas labour markets and deployed 3.9 per cent more workers (1.28 million) in 2009 than in 2008 (Asis, 2010). The stock of Chinese migrant workers abroad fell, however, from 740,000 in 2007 to 714,800 in early 2009 (Zhu and Lin, 2010). The number of official deployments from Nepal declined by 12 per cent (to 220,000) from the fiscal year ending on 15 July 2008 to that ending on 15 July 2009 (KC, 2010). The hardest hit country was Bangladesh, however, where the number of deployments during the first nine months of 2009 was 48 per cent less than for the same period of 2008. Deployments to Kuwait, Malaysia, Saudi Arabia, Singapore and the United Arab Emirates were all sharply reduced in 2009 (Sikder, 2010).

The Republic of Korea admitted 137,517 migrant workers under the Employment Permit System between March 2008 and January 2009 but the number allocated for the period from February 2009 to February 2010 was reduced to only 34,000, with half of those positions reserved for workers with Korean ancestors (Park, 2010). Malaysia instituted a temporary freeze on issuing work permits to low skilled workers in early 2009, which resulted in clear impacts on the number of workers deployed from Bangladesh, Indonesia and Nepal. Counter to those trends, Thailand registered more low-skilled migrant workers in 2009 than in 2008 (Chantavanich, 2010) and rapid assessment surveys indicated that most dismissed workers stayed in the country and sought other employment.

Remittances to Viet Nam during the first quarter of 2009 were 35 per cent lower than for the same period in 2008 (Dang, 2010). Bangladesh, India and the Philippines reported that remittances continued to increase during 2009 but there was a concern that, in some cases, remittances were higher because overseas workers who had lost their jobs were remitting their savings prior to returning home. As deployments from Bangladesh declined by nearly 50 per cent in 2009, remittances may be expected to decline in 2010.

Governments in both countries of origin and host countries implemented measures in 2009 to counter some of the impacts of the economic crisis on international migration. The Republic of Korea granted a 60-90 day grace period to allow retrenched migrant workers to find alternative employment, and 80 per cent to 90 per cent of them were able to do so (Mangahas, 2009). In order to strengthen access to overseas labour markets, Bangladesh opened several new embassies. The Government also opened new labour wings in diplomatic missions in Malaysia and Saudi Arabia to assist workers who were losing their
jobs or were unpaid, for example (Sikder, 2010). Nepal also added labour attachés to several of its diplomatic missions and is pursuing MOUs with key countries of destination. The Government will subsidize 40 per cent of the cost of return for migrant workers who lose their jobs within the first six months after deployment, and 25 per cent for those who lose their jobs between six and twelve months after deployment (KC, 2010).

The Philippines has intensified attempts to find positions for its workers in overseas labour markets, strengthened skills training and re-training, and increased efforts to assist returning migrants to find employment at home. It also sent teams of employment and welfare officers to Taiwan Province of China and the United Arab Emirates to assist workers who had been retrenched (Asis, 2010).

In summary, the impact of the global economic crisis on international migration has not been as pronounced as might have been expected (with the major exception being the large decline in deployments from Bangladesh) because employers have tried to retain their workers for when the economy recovers, dismissed workers have generally sought other employment rather than return home, and Governments of both countries of origin and destination have responded with measures to mitigate the impacts of the crisis.

IV. COOPERATION BETWEEN COUNTRIES OF ORIGIN AND HOST COUNTRIES

At the global level, the major host countries for international labour migration have not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Within the ASEAN region, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers provides valuable guidelines for the management of labour migration but still requires a more detailed instrument for its effective implementation. The members of the South Asian Association for Regional Cooperation (SAARC) have not adopted a regional agreement on international migration. In these circumstances, Asian countries, like those in other regions of the world, have negotiated bilateral Memoranda of Understanding (MOU) and other bilateral agreements to more effectively manage migration between two countries.

A thorough MOU between two countries should specify the agencies in each country responsible for implementing its provisions. It may also cover (ILO, 2005:51-53):

- exchange of information
- migrants in an irregular status
- vacancy notification
- list of candidates
- pre-selection procedure
- final selection
- designation by employers
- medical examinations
- entry documents
- residence and work permits
- transport
- employment contract
- terms and conditions of employment
- grievance and dispute settlement
- right to organize and bargain
- social security
- remittances
- accommodation
- family migration or reunification
- welfare organizations
- joint commission or working group
- validity and renewal
- jurisdiction.

Both countries of origin and host countries in Asia are increasingly attempting to strengthen the management of labour migration through systems of which MOUs are an
essential component. The Philippines has signed 40-45 MOUs covering the placement of workers from that country. The Republic of Korea has signed MOUs with 15 countries in Asia to provide workers under the employment permit system. Companies with fewer than 300 employees may bring in foreign workers if they are not able to recruit Korean nationals. The migrants may work in the country for three years. They must leave for at least one month if they will be rehired by the same employer or for six months if they change employers. The MOUs typically require the country of origin to designate a sole agency funded by the national budget for sending workers. A representative of the receiving agency is dispatched to the sending country to provide assistance in implementing the MOU. The fee for sending workers to the Republic of Korea should be publicly announced. The workers must pass a Korean language test and a medical examination. If the percentage of workers from a sending country who stay in the Republic of Korea illegally exceeds the average for all sending countries, the host country reserves the right to reduce the quota of workers from that country. These measures are clearly designed to curb irregular migration and the exploitation that may occur when many private recruitment agencies are involved in recruitment and placement. The MOUs establish a Joint Working Group that meets at least twice a year to deal with issues that arise in implementing the MOU.

In South-East Asia, the most common type of bilateral labour agreement covers temporary migration of low- or medium-skilled workers, with a few pertaining to skilled health workers. The important labour-deploying countries of Indonesia, the Philippines and Viet Nam have signed numerous agreements with countries in the Middle East, East Asia and South-East Asia. Several of the agreements cover the large volume of labour migration between neighbouring countries. For example, Indonesia has MOUs with Malaysia and the Philippines, while Thailand has signed MOUs with Cambodia, Lao People’s Democratic Republic and Myanmar.

Malaysia signed similar MOUs with Viet Nam on 1 December 2003 and with Indonesia on 10 May 2004. The MOU between Indonesia and Malaysia requires that employers in Malaysia recruit only workers aged 18-40 years and only from licensed agencies in Indonesia. The employer sets the terms and conditions of employment but they must be in accordance with Malaysian law and the contract must be provided to the recruitment agency in Indonesia. The employer should pay the cost of transport from the point of entry in Malaysia to the place of work, should provide appropriate accommodation and pay for coverage of the worker under the Workmen’s Compensation Act of 1952. Migrant workers may not marry in Malaysia and cannot bring family members with them.

A particularly controversial stipulation in the Malasian MOUs with Indonesia and Viet Nam is that “The employer shall be responsible for the safekeeping of the worker’s passport...”, a provision that contravenes the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Further, if a worker is dismissed for misconduct, the worker is responsible for the cost of repatriation.

Indonesia and Malaysia signed a separate MOU on the recruitment and placement of Indonesian domestic workers in Malaysia, on 13 May 2006. Domestic workers must be between the ages of 21 and 45 years. The MOU sets out the responsibilities of recruitment agencies in both Indonesia and Malaysia but allows an employer to hire an Indonesian domestic worker without using an agency if the employer obtains permission from the Malaysian authorities, who then must inform the Indonesian Mission.
The two labour-deploying countries of Indonesia and the Philippines signed an MOU on migrant workers in January 2003. The purpose of this agreement is largely to promote technical cooperation between the countries in the promotion and protection of the welfare and rights of migrant workers, and in the training and certification of migrant workers.

MOUs and other bilateral labour agreements can reduce irregular migration, prevent many forms of exploitation of prospective migrants by private agencies, and provide enhanced protection of the rights of migrants while working abroad. In some cases, however, the procedures to be followed are very elaborate, time-consuming and costly, with the result that large numbers of migrants opt to move and find work through alternate channels, leaving them with fewer rights in the destination country and thus vulnerable to exploitation.

Civil society organizations may also negotiate bilateral agreements concerning international migration. The Association of Indonesian Trade Unions and Union Network International – Malaysian Liaison Council signed an agreement on 15 January 2006 to develop and implement a project to protect Indonesian migrant workers.

A few agreements also cover professional and highly-skilled workers. The Philippines and Bahrain signed a memorandum of agreement on health services cooperation on 4 April 2007, with the following objectives:

- provide an ethical framework to guide recruitment policies;
- create alliances between the Philippines' and Bahrain's healthcare and educational institutions to produce sustainable international education, training and professional and technical development programmes that will increase the supply and improve the quality of competent human resources for health;
- provide reintegration for health workers who shall return to their home country;
- develop mechanisms for sustainability of the development of human resources for health care; and
- promote the development of health-related research institutions.

The memorandum further stipulates that candidates for recruitment should be provided with an internationally accepted contract and that health workers recruited from the Philippines shall enjoy the same rights and responsibilities as provided for by relevant ILO Conventions.

The Philippines and Japan signed an agreement for an economic partnership on 9 September 2006 that permits the employment of a limited number of Filipino nurses and caregivers in Japan. Implementation has been slow, however, primarily because of certification of language and professional skills.
V. REGIONAL COOPERATION AND RESOURCES

a. United Nations

A wealth of resources exists at the global and regional levels that may be used by governments and their partners to assist in strengthening the integration of international migration policies into development strategies. The Secretary-General of the United Nations issued a report on International Migration and Development in 2006 that served as the basis for discussions at the High-level Dialogue on International Migration and Development that the General Assembly conducted on 14 and 15 September 2006. The General Assembly has decided to hold another high-level dialogue on international migration and development in 2013.

The Population Division of the United Nations maintains a database on Trends in International Migrant Stock, which is available online at http://esa.un.org/migration. It also regularly publishes analytical studies on international migration. The Statistics Division of the United Nations issues guidelines on the collection of statistics on international migration in population censuses and surveys.

b. Regional Thematic Working Group on International Migration including Human Trafficking (RTWG)

The RTWG consists of 15 United Nations agencies and projects, plus IOM, located in Bangkok. It meets periodically to coordinate the work of those agencies in the areas of international migration and human trafficking. In 2008 it published the Situation Report on International Migration in East and South-East Asia. Work is underway to prepare a similar report for South Asia.

c. Economic and Social Commission for Asia and the Pacific (ESCAP)

ESCAP provides the only forum for all countries in Asia and the Pacific to deliberate on international migration. It convenes the decennial Asian and Pacific Population Conference, which reviews progress and issues a plan of action on a range of population and development issues, including international migration. It also organized the Asia-Pacific High-level Meeting on International Migration and Development, in Bangkok on 22-23 September 2008. ESCAP organizes expert group meetings and training workshops on migration and other population matters.

d. International Organization for Migration (IOM)

IOM publishes the report World Migration on a regular basis. The report is descriptive, analytical and normative. Together with the Organization for Security and Co-operation in Europe (OSCE) and the International Labour Office (ILO), it published the valuable Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination (OSCE and others, 2006). It will soon publish Mainstreaming Migration into Development Planning: A handbook for policy-makers and practitioners (Nonnenmacher, 2010). IOM has recently issued a useful analysis of irregular migration and strategies to reduce it (Kupiszewski and Mattila, 2008). With offices in most of the countries in Asia, IOM works closely with government agencies to strengthen their ability to manage migration.

e. International Labour Organization (ILO)
The ILO office in Bangkok published Labour Migration Policy and Management: Training Modules in 2005, which is a valuable resource for training workshops on improving migration management. The Bangkok office has published numerous analytical reports on international migration, including a working paper series and several reports on human trafficking in a series called “The Mekong Challenge”. It has issued several reports on the implementation of MOUs on labour migration between Thailand and neighbouring countries. The ILO works with government, employer and worker representatives to strengthen migration programmes. For example, in 2008 it conducted in Indonesia, the Philippines, Thailand and Viet Nam national workshops on improving the recruitment and preparation of migrant workers for the Republic of Korea.

f. Regional Consultative Processes (RCP)

Because there is no formal mechanism for regular discussions of international migration at the regional level, several regional consultative processes have emerged in Asia and the Pacific. These are informal meetings of government officials, representatives of international organizations and, in some cases, non-governmental organizations. They provide a platform for the exchange of information and ideas but their outcomes are non-binding and not generally available to the public.

There are five main regional consultative processes involving countries in the ESCAP region. The Intergovernmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) focuses on refugees, asylum-seekers and displaced persons. The IOM Regional Seminar on Irregular Migration and Migrant Trafficking in East and South-East Asia is known as the Manila process. A larger process also devoted to irregular migration and trafficking is the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, known as the Bali process. It was established in 2002 and includes 40 States in Asia and the Pacific. The Labour Migration Ministerial Consultations for Countries of Origin in Asia is known as the Colombo process. In January 2008, 11 Asian countries of origin, seven host countries in the Middle East, Malaysia and Singapore met in the Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia, referred to as the Abu Dhabi Dialogue, which identified four areas in which key partnerships between countries of origin and destination can be promoted. The group intends to meet again in 2010.

g. Association of Southeast Asian Nations (ASEAN)

At the ASEAN Summit in Cebu, the Philippines, in January 2007, the Heads of State or Government of the ten Member Countries adopted the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The Ministers of Foreign Affairs of all Member States met in Manila in July 2007 and established the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The purposes of the Committee are to ensure the effective implementation of the commitments made under the Declaration and to facilitate the development of an ASEAN instrument on the protection and promotion of the rights of migrant workers.

A civil society process has also been taking place which aims to support the effective implementation of the Declaration. The Task Force on ASEAN Migrant Workers (TF-AMW) has held several national and regional consultations and has prepared the Civil Society Proposal: ASEAN Framework Instrument on the Promotion and Protection of the Rights of Migrant
h. South Asian Association for Regional Cooperation (SAARC)

The seven members of SAARC adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution on 5 January 2002 but SAARC has not adopted any similar agreement on other aspects of international migration. Khatri (2007) argues that collaboration among countries in South Asia is essential in addressing issues of international migration. He suggests four areas in which SAARC could take a leadership role:

1. Treating migration as a human and economic issue (rather than primarily as a security issue);
2. Developing the necessary information and data;
3. Examining the use and impact of remittances; and
4. Establishing a SAARC Task Force on migration.

j. Asia-Pacific Economic Cooperation (APEC)

APEC initiatives on international migration have focused on business and other highly-skilled migrants. It has instituted the APEC Business Travel Card Scheme to facilitate applications for visas and immigration clearance when entering a country. It has agreed on service standards for processing applications for residence permits for executives, managers and specialists transferred internationally within their companies. APEC has begun developing mutual recognition arrangements for certain occupations and skills (Chia, 2007).

k. United Nations Development Programme (UNDP)

The UNDP Human Development Report 2009 focused on Overcoming Barriers: Human Mobility and Development. The report covered both internal and international migration and recommended a core package of policies to enhance the human development outcomes of mobility. They are:

1. Liberalize and simplify regular channels that allow people to seek work abroad;
2. Ensure basic rights for migrants;
3. Reduce transaction costs associated with migration;
4. Improve outcomes for migrants and destination communities;
5. Enable benefits from internal mobility; and

l. United Nations Population Fund (UNFPA)

UNFPA issues an annual report on the state of the world population. Its report in 2006 was titled, A Passage to Hope: Women and International Migration. The report suggested strategies for (a) protecting the human rights of migrants, (b) engendering the management of migration, and (c) embracing diversity and easing cultural differences.

m. United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Subregion (UNIAP)

The six governments concerned signed the Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Subregion (GMS) on 29 October 2004. The governments participate in the Coordinated Mekong Ministerial Initiative
against Trafficking (COMMIT), with the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Subregion (UNIAP) serving as the Secretariat. COMMIT has adopted a Subregional Plan of Action that focuses its work in the four key areas of policy development, prevention, protection and prosecution.

n. United Nations Children’s Fund (UNICEF)

UNICEF has published Guidelines on the Protection of Child Victims of Trafficking (New York, 2006). Many of the guidelines are applicable to all victims of trafficking.

o. United Nations Fund for Women (UNIFEM)

The regional office of UNIFEM in Bangkok implements projects to promote the protection of the rights of female migrants. It facilitated the adoption in 2005 of the Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers, by the representatives of national associations in eight countries in Asia.

p. Scalabrini Migration Center (SMC)

The Scalabrini Migration Center (SMC), located in Quezon City, the Philippines, publishes the Asian and Pacific Migration Journal, a peer-reviewed research journal. SMC has been implementing a project on a Migration Information System in Asia (MISA), and a special issue of the journal in 2008 contained 12 country papers discussing migration data and their sources. The website of SMC, www.smc.org.ph, contains an international migration database and country-specific news items. SMC also publishes books on a regular basis on international migration in Asia.

q. Other entities

A large number of universities, semi-autonomous research institutes and civil society organizations in Asia conduct valuable research, publish reports and organize workshops on various aspects of international migration that are of value to policy makers. Without attempting to compile a comprehensive list, it is useful to highlight the research on migration carried out by Tribhuvan University in Nepal, both the Asian Research Institute and the Institute for South-East Asian Studies at the National University of Singapore, the Institute for Population and Social Research at Mahidol University in Thailand, and the Institute of Sociology in Hanoi, Viet Nam.

The Centre for Development Studies in Thiruvananthapuram, India, the South Asia Centre for Policy Studies in Kathmandu and the Thailand Development Research Institute conduct research and publish high-quality reports on migration. There are hundreds of NGOs working to assist international migrants and to protect their rights. Many of them are affiliated with the Asian Migration Network, located in Hong Kong, China.
VI. RECOMMENDATIONS ON STRENGTHENING NATIONAL CAPACITIES TO INTEGRATE INTERNATIONAL MIGRATION POLICIES INTO DEVELOPMENT STRATEGIES

The recommendations contained in this chapter pertain to the process of developing comprehensive, coherent and integrated policies for addressing international migration rather than to the formulation of any specific policy measures.

1. Prepare a comprehensive policy document

For the most part, migration policies in countries in Asia are fragmented into several legislative acts, presidential and ministerial decrees, and sets of regulations. These are usually distinct for the in-migration of highly-skilled and low-skilled workers, and for the deployment of nationals abroad.

It would be preferable to prepare a comprehensive document that explicates a long-term vision for the role of international migration in national development strategies. The National Labour Migration Policy for Sri Lanka (MFEPW, 2008) is an excellent example, although it deals only with the deployment of migrants and not with migration to Sri Lanka. Such a policy document should explain how the benefits of migration can be maximized and how the rights of workers can be protected.

A comprehensive statement of policies regarding international migration should be the basis for a review of legislation, decrees and regulations, which can easily become out-of-date because the determinants and trends of migration change rapidly.

2. Involve stakeholders in the process of policy formulation

The process of developing a national policy on migration should be transparent and involve such key stakeholders as employers’ representatives, labour unions, migrant organizations, NGOs, academics and representatives of local government. Public hearings and dialogue should be encouraged. The process should take advantage of the many regional resources for developing sound migration policies, cited in the previous chapter.

3. Designate an authoritative coordinating agency

Because effective international migration policies involve economic planning, immigration procedures, labour and employment, education and training, and social services, a labour ministry by itself is not able to formulate and implement a comprehensive policy. Several countries in South Asia have established ministries with a broad mandate to oversee foreign employment and to liaise with their nationals abroad. It may also be possible to achieve effective coordination of many aspects of international migration by establishing a high-level committee that reports to the head of government and comprises representatives of all relevant ministries and agencies. Sri Lanka has established a Ministry for Foreign Employment Promotion and Welfare and has also set up a High Level Advisory Committee consisting of representatives of government agencies, employers, trade unions and NGOs to oversee implementation of the National Labour Migration Policy.

4. Incorporate international migration into development plans

The number of international migrants and the importance of remittance flows to the economy are significant enough in virtually every country in Asia for migration to be an
5. Improve data collection, dissemination and analysis

Valuable data on international migration can be obtained from administrative records, the population census and national sample surveys. A full understanding of migration levels and trends usually requires data from all three types of source. As international migration has gained in significance, each source should be strengthened to provide adequate information for policy formulation and analysis. It would be useful to harmonize concepts and definitions employed by different data sources. Information should be available on migrants by sex, age, industry, occupation, skill level, and country of origin or destination. Data should be widely disseminated through statistical publications and via the Internet. Government agencies should cooperate with university and other research institutes to ensure sound analysis of migration data.

6. Strengthen social protection mechanisms for migrants

Such social protection mechanisms as health and accident insurance, health care and savings, provident fund or pensions systems for migrants should be strengthened based on the principle of equal treatment with national workers. Financial mechanisms normally require cooperation between governments and financial institutions in the countries of origin and destination. Thus such subregional organizations as ASEAN or SAARC could take the lead in developing principles, standards and mechanisms for the financial benefit of migrants.

7. Enhance the benefits of remittances

More thought should be given to ways to enhance the benefits of remittances for families, communities and the nation. Foreign currency bank accounts and investment opportunities may attract remittance funds. Banks that handle remittances could create suitable investment opportunities, such as bonds to fund infrastructure development. The principle that remittances are private earnings must remain foremost when creating such instruments, however.

Governments should promote the involvement of diasporas in development through investment opportunities, philanthropy, advisory services and temporary and long-term return of experts.

8. Take a comprehensive approach to reducing irregular migration

The reduction of irregular migration should begin with a frank review of why current legislation, policies and institutions have permitted such migration to flourish. Any effort to reduce irregular migration will fail if it targets only the migrants. A comprehensive policy needs to include coordination with countries of origin; effective border control; actions against illegal recruiters, traffickers and employers who hire undocumented migrant; protection; regularization; return; and, most importantly, efficient legal channels for migration (OSCE and others, 2006:161-174).
9. Address the legal status of long-term migrants

Although the focus on migration policy in countries in Asia has been on temporary labour migration, many other forms of longer-term migration have increased in volume. These include marriage migration, long-term stays of highly-skilled workers, and the children of migrants, including those born in the destination country. Foreign spouses often lack many of the rights held by citizens. Many countries do not recognize dual nationality, thus a spouse taking the nationality of the partner is required to give up the previous nationality, which can cause immense complications in the event of death of the partner, separation or divorce. Often the children of international marriages are eligible for the nationality of only one parent. In some circumstances, the children of migrants are effectively stateless. Much greater flexibility in legal systems is required to accommodate the situation of transnational families.

10. Adjust perceptions of society and national identity

Globalization and the expansion of various forms of international migration are changing the composition of most societies. A degree of long-term and permanent settlement is taking place that was not anticipated or planned for. As societies become more international, a public discourse on their perceptions of themselves may be required. Societies that have identified themselves along ethnic lines may find that the situation is much more complex. Countries should discuss how migrant communities will be treated -- through marginalization, integration, assimilation or modes of transnationalism.

11. Employ bilateral approaches in migration management

Efficient systems of temporary labour migration, that can prevent or replace irregular migration, require close cooperation between the country of origin and the host country. The basis for cooperation may be an MOU but further mechanisms should be put in place for periodic discussions and for dealing with day-to-day operational issues. Most MOUs call for joint working groups that meet once or twice a year. In some, a representative of the host country is posted in the country of origin to monitor and facilitate implementation of the MOU.

12. Strengthen regional cooperation

Because migration patterns in Asia involve several countries, regional cooperation could be valuable in addressing the issues involved. To date, such cooperation has led to a better understanding of international migration but few concrete results. The regional consultative processes are designed to be informal and non-binding. ASEAN has adopted the Declaration on the Protection and Promotion of the Rights of Migrant Workers but not a framework instrument necessary for effective implementation of the Declaration. SAARC has not adopted a position on international migration. Lacking regional agreements that establish principles and standards, countries risk becoming competitors in regional labour markets -- to the detriment of all workers.
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