

Malaysia A Favorite Destination for Immigration In Southeast Asia

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Abstract: Human migration is as old as the humanity itself. From 1881-1939 Peninsular Malaysia and Singapore experienced the highest migration, more than ten times the rate of the United States. From 1900-1927, colonial government encouraged immigration and the development of colonial territories. For Indian, Chinese and Indonesian, entry was free and unrestricted. From 1928-1946, colonial government enacted its first restrictive legislation: the Immigration Restriction Ordinance. From 1947-1957, the Aliens Ordinance was replaced by the Immigration Ordinance. In 1948-1960, the Malaysian Emergency resulted in the introduction of the internal Security Act (ISA), and compulsory system of identification for all residents aged 12 and over. At present there are more than two million foreign workers in Malaysia. The majority of them are Indonesian and Bangladeshis in Peninsular Malaysia and Filipinos in Sabah. The designation "illegal" when applied to "migration and migrant", but the popular term used is "illegal" or "undocumented". Migrant workers have enormously contributed towards the development of Malaysia. The social, security problems, infectious diseases brought in, and as well as assessing health and social services by the migrant workers are overwhelming. Malaysia launched amnesty program that includes: registration, legalization, amnesty, supervision, enforcement and deportation. The crackdown on illegal immigrants is carried out regularly. Malaysia also has regional cooperation with Philippines, and agreement with Thailand, a border wall along Malaysian Thailand border to curb the entry of illegal workers. To achieve Zero immigrants Malaysia needs to plug in all the loopholes in the amnesty program.

Key words: Immigration, Illegal, Social and security impact, Malaysian response

Date of Submission: 17-08-2017

Date of acceptance: 01-09-2017

I. Introduction

Malaysia's first generation of migrants consisted of indigenous peoples, the *Orang Asli*, believed to have been among the first wave of human migration from Africa around 50,000 years ago, or to belong to more recent Asian human evolution [1]. Other significant early migrants are those now classified as *Melayu Anak Daging* non-Malays that migrated to the region and later assimilated into Malay culture (contrasted with *Melayu Anak Jati*: ethnic Malays that are native to the region) [2]. These include Minangkabau people from Sumatra, Indonesia and Bugis people from Sulawesi, Indonesia [3]. In the 15th century Malacca Sultanate succeeded Srivijaya (in Sumatra, Indonesia) as the region's dominant influence [4]. The Portuguese arrived first, setting up in Malacca in 1511, English East India Company began operation in 1600, and the Dutch East India Company in 1602. European settlers in this region they also married locals and their children, called as Eurasians [5]. Chinese, Indian and Javanese migrants were often fleeing destitution caused by overpopulation, landlessness, or political turmoil. British colonizers attracted more migrant workers, Chinese in tin mines, Indian in the plantation and construction sectors and Indonesian confined as peasant farmers [6]. In 1957, *Merdeka*, (independence from colonial rule), Malaysia granted Malaysian citizenship to one million nonnatives [7]. Since early 1970s, Malaysia allowed Filipino Muslim refugees, who were stuck in a conflict in the Southern Philippines [6]. In 1975, Malaysia accepted thousands of Cambodian Muslims who had fled, during Indochina refugee crisis [6]. From 1980, Malaysia permitted the local settlement of Rohingya Muslims and Achenese Muslims [6]. Malaysian researchers concluded, that Malaysia as a society of migrants [4]. Researcher Anthony Reid draws another conclusion from his history—that Malaysia like US and Australia, is best viewed as an immigrant society [3]. To control the influx of immigrants, in 1947-1957, the Aliens Ordinance was replaced by the Immigration Ordinance [8]. In 2011, Malaysia launched amnesty and deportation program, and the crackdown on illegal

immigrants have been carried out frequently[9,10].The paper provides an overview of immigrants, the security, and social problems in Malaysia/ Sabah.

II. Historical perspectives

The Malay Peninsula grew from port towns that thrived on trade routes from China to India[1],and hosted the groups of migrants as merchants became domiciled in the ports, some settling permanently and assimilating into local communities[11].During the early kingdoms of Langkasuka(2nd century, Malay peninsula),Sirivijaya empire(8th century, based on the Island of Sumatra, now part of Indonesia),and Malacca Sultanate(15th century, Malay peninsula) the Centre of power shifted between Sumatra and the Malay Peninsula. In addition to being linked by political rule, Sumatra and the Malay Peninsula were also linked by intermarriages between Sumatran and Peninsular ruling elite, which led to migration of their followers. These include the Minangkabau people from Sumatra, Indonesia, and the Bugis people from Sulawesi [3].After the arrival of colonial powers,colonial powers established ‘political ’boundaries to demarcate their respective territories, borders were kept open, mainly because of sparse population, and also to encourage immigration and the development of colonial territories [8].British colonial immigration policy and goals can be divided into three phases[8].During the first phase,1900-1927,the country witnessed the expansion of the tin and rubber industries, along with construction of supporting infrastructure, and the entry of thousands of migrant workers to labor in these enterprises. The migration rate(immigrants per 1,000 population) of Malay(Peninsula Malaysia and Singapore)was the highest in the world throughout the period 1881-1939,more than ten times the rate of the United States[3].For Indian, Chinese and Indonesian, entry was completely free and unrestricted[8].

The second phase, during 1928-1946, began when the colonial government enacted its first piece of restrictive legislation: the *Immigration Restriction Ordinance*. This legislation enabled the government to establish a basic framework for border controls, and empowered it with the means to control the entry of labor deemed surplus to the requirements of the country. In January 1933 the Immigration Restriction Ordinance was replaced by the *Aliens Ordinance*. The *Aliens Ordinance* provided the colonial state with mechanism for registering aliens residents in Malaya and represented an important stage in the development of statues and measures to monitor immigrants in Malaya [8].

During the third phase,1947-1957,the Aliens ordinance was replaced by the Immigration Ordinance 1953.This Ordinance, coinciding with rising Malay nationalist sentiment, resulted in more stringent border controls and laid down for first time the specific composition of migrants allowed entry into Malaya, restricting by nationality and occupation, and thus placed greater emphasis on the skills of the migrants. New stipulations required potential immigrants to have job contracts of sat least two years with Malayan firms and set minimum earnings requirements [8].In 1948-1960, the Malayan Emergency resulted in the introduction of the Internal Security Act (ISA)and a compulsory system of identification for all residents aged twelve and over. The identity cards categorized people on the basis of their nationality and residential/occupational status and in effect, created the ‘outsider’. This enduring legacy of colonial rule, adapted to needs of the national state [8].

Malaysian terminology to define immigrants: In recent years the designation ”illegal”, when applied to “migration and “migrant”, has been increasingly replaced-most often by term ”irregular” and “undocumented”[12],on the grounds that the designation “illegal” is inaccurate, degrading and prejudicial[13].The institutions have formally adopted the new terms: UN General Assembly(1975),International Labor Organization(2004),European Parliament(2009),Associated Press(2013)[13],and other US news agencies[14].But these new terms are rarely used in official and academic discourses in Malaysia, as the popular term used is”illegal”[15].Even the controversial term”illegal”, that elsewhere has been perceived as outdated and pejorative[16],is regularly used in Malaysia’s media[17].Terminology is also obscured because of law in Malaysia(immigration Act 1959/63),where there is no distinction between undocumented economic migrants, refugees, asylum seekers, or trafficked persons, with members of all groups designated as illegal immigrants[18].So within the Malaysian context, the term”illegal immigrant”(used in broadest sense)designates a wide variety of groups, who are all liable to arrest, charge, whipping, detention and deportation for immigration offences[15].

III. Diversity of immigrants

Early migrants are those now classified as *Melayu Anak Dagang*:non-Malays that migrated to the region and later assimilated into Malay culture(contrasted with *Melayu-Anak Jati*:ethnic Malays that are native to the region[2].Minangkabau people of Sumatra,Indonesia.A renown Malaysian of Minangkabau descent is Tuanku Abdul Rahman,the first Supreme Head of State(Yang di-pertuan Agung) of Federation of Malaya(the former government of Peninsular Malaysia).Bugis people from Sulawesi,Indonesia.Two renown Malaysians of

Bugis descent are Tun Abdul Razak, the 2nd Prime Minister of Malaysia, and his son Najib Razak, current and 6th Prime Minister of Malaysia [3].

Indonesians:

The migration of Indonesians to Malaysia can be traced back since before the colonial time especially during Srivijaya and Majapahit administration. Interracial marriages between Sultanates such as between Sultan Mansur Shah of Malacca and the Princess Raden Galuh Chandra Kirana of Majapahit are stated in Malay Annals [19]. During the British colonial rule, the British were searching for labor source from countries like India and China. The Javanese became the third labor source and the British treated them differently from the Indians and Chinese as they originated from the same racial stock as Malays [20]. The pattern of differential treatment for migrants based on ethnicity was established, which was to have major implications for labor migration into Malaya after independence in 1957 [20]. The flow of Indonesian migrant workers to the West Malaysia experienced a sharp increase in the 1930s. The results of the 1950 Malaysian population census indicated that there were 189,450 people born in Island of Java, 62,200 people originated from South Kalimantan, 26,300 people from Sumatra, 24,000 people from Island of Bawean (East Java), and another 7,000 people from Sulawesi [20]. The movement (of Indonesian) received a decline following the war between two countries but rose again when the relationship been improved. The movement then saw a significant rise in the 1970s following the implementation of New Economic Policy in Malaysia [20]. As there is huge intermarriages and connection between peoples in both countries, culture spread are not an unusual thing in Malaysia despite national sentiments issue and accusation by neighboring Indonesia over alleged stealing of culture [21]. In 2013, researcher Palash Ghosh reported an estimated 2,000,000 Malaysian of Indonesian origin [22].

Chinese: The first wave of Han Chinese settlers came during the Malacca Empire in the early 15th century. Sultan Mansur Shah, who married the Chinese princess Han Li Po. A senior minister of state and five hundred youths and maids of noble birth accompanied the princess to Malacca [23]. Admiral Zheng He had also brought along 100 bachelors to Malacca [24]. The descendants of these early settlers are called Peranakan, or Baba for their menfolk and Nyonya for the females [25].

The second wave of Chinese migrants, mainly from the controlled parts of Fujian and Guangdong provinces were attracted by the prospects of in the tin mines and rubber plantation and also the possibility of opening new farmlands at the beginning of 19th century until the 1930s in British Malaya [25]. Some of the Chinese also migrated to Singapore, Sarawak, Sabah (formerly North Borneo), and Malaya after the Nationalists Kuomintang lost the civil war to avoid persecution or execution by the Communist party of China [26]. The period of migration however effectively eased by the 1940s, and by 1947, most of the Chinese in peninsular Malaya were born locally [27]. A smaller wave came after the 1990s they were mostly Mandarin speaking Chinese from Northern China. These were mostly foreign spouses married to Malaysian Chinese [28].

Malaysian Chinese form the second largest community of Overseas Chinese in the world after Thailand. Within Malaysia they represent the second largest ethnic group after ethnic Malays majority. Most of the Chinese in Malaysia are of Min, the largest dialect group total of 2,947 million (e.g., Hokkien) [29], Yue, the second largest group total around 1,119 million, Hakka the third largest group, around 1.092 [29], [(Cantonese), and Hakka-speaking ancestry, and different towns and cities in Malaysia may be dominated by different Chinese dialects among Chinese speakers, for example Cantonese in Kuala Lumpur, Hokkien in Penang [30], and Hakka in Sabah [31]. The Malaysian Chinese population is traditionally dominate the business and commerce sectors of the Malaysian economy [29].

The Chinese population in Malaysia has been consistently declining percentage-wise since Malayan independence, from 37.6% in 1957 to 24.6% in 2010 [32]. The reason for the decline may be due to a lower birthrate, as well as a high level of emigration in recent decades [33]. The large number of emigrants many of whom are young and highly educated, resulted in a significant problem of "brain drain" in Malaysia [27]. China is the largest participant in Malaysia's foreign residency scheme called Malaysia My second Home [34].

Indians: Pre-colonial Malaysia was part of Indianized Kingdom like Chola, Srivijaya, Malacca,

Kadaram and the Majapahit, which formed part of a cultural region known as Greater India [35]. The Sailendra kings of Java originating from Kalinga were able to take control of the Peninsular and part of Siam. In the 7th century an Indonesian kingdom was named Kalinga after Kalinga in India [36]. There is evidence of the existence of Indianized kingdoms such as Gangga Negara, Old

Kedah, Srivijaya since approximately 1700 years ago [37]. Early contacts between the kingdoms of Tamilakam and the Malay peninsula had been very close during the reigns of Pallava dynasty (from the 4th to 9th century CE) and Chola dynasty (from 9th to 13 century CE). The trade relations the Tamil merchants had with ports of Malaya led to the emergence of Indianized kingdoms like Kadaram (Old Kedah) and Langkasugam [38].

Following the Portuguese colonization of Malacca (Malaysia) in 1511, the Portuguese government encouraged their explorers to bring their married Indian women who were converted already to Roman Catholic Christianity. British acquisition of Penang, Malacca (Melaka), and Singapore-Straits Settlements from 1786 to

1824 started the steady inflow of Indian Labor. This also included traders, policemen, plantation laborers and colonial soldiers (Sepoys) to work in the British colonial government [37].

Malaysia is home to one of the largest populations of Overseas Indians, constituting 7% of Malaysia's population [39]. Malaysian Indians make up a disproportionately large percentage of professionals per capita—constituting 15.5% of Malaysia's professionals in 1999 [40]. As of a census taken in 1984, up to 38% of the nation's medical professional workforce consists of Malaysian Indians [40]. Indians have contributed significantly to the building of Malaysia since the 19th century. Indian civil servants formed the core of the civil service both pre- and post-independence [35].

Tamils: Tamils are people of full or partial Tamil descent who were born in or immigrated to Malaysia during British colonial rule [41]. Tamil literature from the 19th and 11th centuries refers to the modern Malaysian state of Kedah as Kadaram (in Tamil). The Tamil emperor Rajendra Chola I of the Chola Dynasty invaded Malaysia in the 11th century [42, 43]. The Malay Peninsula had strong South Indian culture in the 11th century, and South Indian merchant guilds were established in several locations [44]. During WWI, Japanese used more than 120,000 Tamils in the construction of a 415 km railway between Siam and Burma (Myanmar). During this period, half of them (60,000) perished. Recent research reveals that close to 150,000 Tamils perished [45]. Malaysian Tamils are well integrated with the expanding economy of Malaysia since 1970, under New Economic Policy (NEP). One of Malaysia's wealthiest men, Ananda Krishnan, is of Malaysian Tamil origin. Overall, it is one of the dynamic communities compared to other Indian diaspora groups such as in Fiji, Guyana, and Trinidad and Tobago [41].

Filipinos in Sabah Malaysia: Most of the Filipinos, especially the Bajau, had lived around the State of Sabah even since before the colonial period, while Suluk had lived on the eastern part of Sabah from Kudat to Tawau, as these areas were once under the influence of the Sultanate of Sulu. Various ethnic Suluk came to North Borneo (present-day Sabah) in the 1920s and 1930s to work under the British government and various private companies [46]. There are 325,089 Filipinos living in Malaysia, mainly in Sabah, mainly from the Mindanao islands, who have migrated to Sabah for better lives [47]. The majority of undocumented Filipinos live in the state of Sabah [48]. Since the attack by Kiram's in 2013, Sabah Government introduced more stringent checks and closer monitoring of the movement and activities of the Filipinos in Sabah, particularly in their settlements and water villages.

Bangladeshis: The pioneer migration largely took place from the 18th century to the 1930s [49]. During the British colonial era, the Strait Settlements received Bengali-speaking communities brought by the British from the Bengal Presidency, which constitutes modern-day Bangladesh [49]. Now, when both legal and illegal residents are included, their population was estimated to total 500,000 persons, roughly one-sixth of all the foreign workers in Malaysia as of 2009 [50]. Remittances from Malaysia to Bangladesh amounted to roughly US\$5 million in 1993, but grew eleven times to US\$57 million by 1999 [51].

Pakistanis: An absolute number of Pakistanis and their descendants are likely to exceed 100,000. This is heavily contributed to because the early settlers came from pre-partitioned British India (present-day Pakistan) [52]. Throughout the years, most of the Pakistanis, Malaysians, and their descendants are partially and fully assimilated with the Malay majority due to a common Islamic background, a high level of intermarriage, and to receive the Malaysian affirmative action policy under Article 153, thus registering themselves as Malays [52]. The figures from Pakistan's Ministry of Labor, Manpower, and Overseas Pakistanis show 10,000 Pakistanis working in Malaysia [53]. In addition to 10,000 Pakistanis working in Malaysia, the country receives as many as 50,000 visitors from Pakistan each year [54].

Thai or Malaysian Siamese: In 2014, there were nearly 70,000 people self-identifying as "Siamese" or "Thai" who hold Malaysian nationality [55]. In 2000, the national statistics cited 50,211 individuals of Thai ethnicity in Malaysia. Among these, 38,353 (76.4% of them) hold Malaysian citizenship [56]. Politically, Malaysian Siamese are recognized as Bumiputeras (indigenous) and are given similar status to Malays [57]. Most Malaysian Siamese people lead a way of life similar to the Malays, as they also speak fluent Malay dialect, and have assimilated into the Malay populace and no longer identify as Siamese [58].

IV. Economic impact

The migration rate of Malaya and Singapore was highest in the world throughout the period 1881-1939, more than ten times the rate of the United States [3]. For Indian, Chinese, and Indonesian, entry was completely free and unrestricted [8]. During the 1900-1927, the country witnessed the expansion of the tin and rubber industries along with construction of supporting infrastructure and the entry of thousands of migrant workers to labor in these enterprises [8]. In general, major factors influencing migration decisions are primarily due to economic factors such as 'in search of jobs' [59]. In the case of Sabah, historically, the incoming migrant workers started even State got independence in 1963. [60]. High demand for labor continued in timber mills and on plantation (FELDA, FELCRA, and Sabah Land Development increased demand for labor) [61], as well as in

construction, agriculture, transport and service industries including domestic help[62-64].Migrant workers have tremendously contributed towards the development of Malaysia.

V. Infectious Diseases and Immigrants

There is greater concern about diseases or carriers that migrant workers bring in, migrant workers are exposed to host country diseases acute or chronic [65].Outbreaks of cholera and measles among foreign workers in Sabah is well documented [66].As well as problems of accessing health and socialservices[67].Health screening of foreign workers was implemented in 1990's[68],health screening was mainly for infectious diseases, prior to entry in the country. Studies carried out in Peninsular Malaysia showed that migrant workers were found to be positive to infectious diseases. The common antibody detected to Toxoplasma,Schistosoma,Amoeba,Filaria,VDRL,Hepatitis B & C markers and Human immunodeficiency Virus(HIV.Blood stained smears were also positive for malaria[69].

VI. Social and security problems

In 1986,the United Nations High Commissioner for Refugees (UNHCR) was found trying to integrate Filipino refugees in Sabah with local communities if they can't repatriate them back to the Philippines but this was opposed heavily by the locals and Sabah Government as it could brought in a big social problem to the State[70].The UNHCR was found again using the similar methods in 2015 when they issuing refugees cards to refugees in Peninsular(West Malaysia) without the consent of the Malaysian Government[71].A large number of Vietnamese and Chinese traffickers have shifted their prostitution business to Malaysia which making Vietnamese women at top of foreign prostitutes in the country[72].followed by some Cambodian women[73].Prostitution rings also offer babies from their foreign sex workers who get pregnant with some of the sex workers even willing to contact any couples by themselves to offer their babies as Malaysia laws does not allow migrant workers to bear children in the country[74].There was a serious case when a security guard from Tawau, Sabah, shot dead a bank worker in SubangJaya,Selangor and robbed a bank there. Initial investigation found the security guard only possessed a fake identity card and was not a Sabah citizen [75].The suspect was later identified as an Indonesian coming from Sulawesi[76].Government introduced safety measures to detect those using forged documents.

VII. Malaysian responses to influx of immigrants

The Malaysian Department of Immigration has guarantees that Malaysia will be free from illegal immigrants in 2020.Thus, to achieve the vision various operation has been conducted [77].In 2011,Malaysia launched an amnesty program with codenamed '6P'.The 'P' stands for six Malay words beginning with the letter whichmean,

registration(Pendaftaran),legalization(Permutihan),amnesty(Pengampunan),supervision(Pemantauan),enforcement(Penguatkuasaan),and deportation(Pengusiran).[9]..However, some irresponsible people have taken the advantage of the loopholes of its implementation [78].

The crackdown on illegal immigrants has been carried out frequently by the Malaysian authorities, sometimes without any notice. Since 2014,crackdowns have been more frequent as many illegal immigrants have been found to be using permits of the locals to operate businesses[79].Through detention, the illegal immigrants will be imprisoned, caned and finally deported. This was done to help regulate immigration and to remind them to return to their countries by letting them know to "not flout the law again" [80].In Sabah,many of those deported were mainly due to overstaying and involved in criminal activities[81].Malaysian also have regional co-operation by implementing a joint border commission with Philippines to patrol the illegal immigrants from Southern Philippines to East Malaysia[82],while Thailand has agreed to lengthen a border wall along the Malaysian State of Kedah to curb the flows of illegal workers across the Malay-Thai border[83].

VIII.Conclusions

Malaysia is the home to largest immigrants in Southeast Asia. There are over two million foreign workers in Malaysia. Indonesian, Filipinos, and Bangladeshi form the bulk of the migrant workers. Foreign workers have contributed to the development of Malaysia, along with social and security problems. In 1940s Aliens Ordinance was replaced by the immigration Ordinance. Recently Malaysia launched amnesty and deportation program, and the crackdown on illegal immigrants. The illegal immigrants are liable to be imprisonment, caned and finally deported.

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*AY.Moktar. "Malaysia A Favorite Destination for Immigration In Southeast Asia." IOSR Journal of Dental and Medical Sciences (IOSR-JDMS) 16.8 (2017): 84-91