

## Global Compact for Migration Review: Youth Consultations

# MALAYSIA Report

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## Introduction

Addressing migrant issues around the world and developing guidelines on their protection and just treatment is a core tenet of the Global Compact for Migration (GCM) Regional Review.

Malaysia participated at the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration held on Dec 10 and 11, 2018. The country has set up the Independent Committee on Foreign Workers, which works to coordinate and streamline the overall policies and management pertaining to migrant workers (Varughese, 2018). However, the past year has highlighted various challenges and issues which requires a focus and detailed approach. It is important that Malaysia and its community regard migrants fairly and inclusively, ensuring that their interests are upheld and foster opportunities for social and economic integration.

The plight of migrant workers and displaced irregular migrant communities has long been a point of contention in Malaysia. Official data from the Immigration Department, Ministry of Home Affairs, shows that 1.98 million regular migrant workers were employed in September 2019, constituting ~ 20 percent of the country's labor force (International Labor Organization, 2021). However, a World Bank report estimates that some 2.96 to 3.26 million migrant workers, including 1.23 to 1.46 million irregular migrant workers, were residing in the country in 2017 (International Labor Organization, 2021). With close to full employment since 1990 and high educational attainment among nationals, the economy heavily relies on migrant workers for low-skilled jobs, largely clustered in the service and agriculture sectors (International Labor Organization, 2021). Malaysian law also does not recognize displaced migrants, categorising them as "illegal immigrants" with little legal protection. As of June 2020, there are ~ 177,940 displaced migrants registered with the United Nations High Commissioner for Refugees (UNHCR Malaysia, 2021). The actual number is certainly higher, possibly anywhere between 150,000-400,000 (Daniel et al., n.d., #) .

Migrant issues remain a problem in Malaysia. Most live on the fringes of urban society, marginalize, vulnerable, and at high risk of exploitation or violence. Additionally, the outbreak of Covid-19 has further increased this vulnerability.

Conducting this national-level review on the issues related to low-skilled migrant workers and displaced communities has been timely given the context of Covid-19. During this GCM Review process, the Malaysia UN MGCY team consulted with 16 migration focused NGOs, of which 14 are youth-led. The review centred on gaining insight through the following GCM objectives:

- **Objective 2:** Minimize the adverse drivers and structural factors that compel people to leave their country of origin.
- **Objective 15:** Provide access to basic services for migrants.
- **Objective 17:** Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration.
- **Objective 18:** Invest in skill development and facilitate mutual recognition of skills, qualifications and competences.

## Objective 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin

Two main factors drive the majority of migrants in Malaysia to leave their country of origin. First, **poverty and unemployment** causes many migrant workers to migrate to Malaysia in search of income. Most migrant workers from countries such as Bangladesh, Philippines, and Nepal migrated to Malaysia in search of adequate work and income. However, they are often deceived through misinformation conveyed by recruiting agencies. Migrant workers are coerced into paying large fees to these recruiting agencies to secure a job, with many taking out loans to pay, often at exorbitant interest rates. The need to repay this incurred debt prevents many migrant workers from returning to their home country, even if they are being exploited, because their debt from loans taken out on the promise of a good job is too large, and they find themselves in situations akin to debt bondage. On the other hand, usually younger and less educated low-skilled migrant workers, driven by the poverty in their home country and the promise of employment, are even more vulnerable to these scams. Many never get contracts at all, others are given documents in English which they are unable to read just before their departure to Malaysia. Agencies also use fake passports to conceal underage migrant workers, making young migrant workers prone to exploitation.

Secondly, **conflict and persecution** at the country of origin displace many migrants towards Malaysia, usually from Myanmar, Afghanistan, Iraq, Somalia and Sri Lanka. Most displaced migrants enter irregularly through traffickers. In certain cases, especially young displaced female migrant children from refugee camps in Bangladesh were traded as child brides to Bangladeshi migrant workers who pay their bride's parents through traffickers to bring her to Malaysia. This is often seen as a means to escape poverty and family burden in refugee camps.

### Key Initiatives

- Non-governmental agencies and civil societies advocate to the national parliamentarians and work closely with regional and international organizations to overcome the aforementioned problems. For instance, Beyond Borders Malaysia lobbies with the national parliamentarians and ASEAN human rights institutions to take progressive measures to stop the persecution happening in Myanmar. Likewise, North South Initiative also advocates for and works closely with national parliamentarians and ASEAN organs to ensure safe migration and working environments for migrant workers.
- Non-governmental agencies and civil societies volunteer in conflict prone and poor areas to reduce the adversity faced by the people there, which will also help to minimize the factors which compel them to leave their country. For instance, North South Initiative works closely with friends from the community and also various youth-based associations in ASEAN to support and enhance capacity building of grassroots communities especially youth from armed-conflict areas and migrant sending countries.

### Recommendations

1. Youth call on the governments of destination countries and sending countries to **centralize the recruiting system** and **promote direct hiring** through digital portals to prevent trafficking, deceptions, and fraud by recruiting agencies.

2. Youth call on the governments of destination countries to **strengthen human rights protections in memorandum of understanding with sending countries, including through agreements for the monitoring of recruitment agents who operate in sending countries.** The destination countries should work with sending countries to develop adequate safeguards in those countries against fraud and deception by recruitment agents.
3. Youth call on the governments of destination countries and sending countries to **order recruitment agents to post a bond to be forfeited and used to compensate migrant workers for lost wages and other damages** they suffer as the result of the failure of recruitment agents to meet their obligations to workers.
4. Youth call on the governments of destination countries and sending countries to **prosecute and seek appropriate punishment for employers and recruitment agents, including outsourcing agents, who subject workers to trafficking, forced labor or other forms of labor exploitation,** including by confiscating and withholding workers' passports or by failing to renew work permits.
5. Youth call on the governments of destination countries and sending countries to **enhance capacity building and sustainable alternative income sources for vulnerable groups** to reduce their poverty as well as to reduce their compulsion to leave their country in search of income.

## Objective 15: Provide access to basic services for migrants

Though migrant workers in Malaysia are entitled to certain basic rights and services, various challenges limit migrant access. Firstly, migrant workers in Malaysia are often subjected to non-payment/late-payment of wages and multiple deductions, causing financial hardships due to an inability to afford rent and food, as well as outstanding loans. Undocumented workers face greater vulnerability, often earning less than those with work permits under the same employer. Furthermore, migrant workers also usually face unreasonable working hours with few breaks, and heavy labour conditions, with some subject to unsafe and hard working conditions. Despite their exploitation, many migrant workers remain silent, fearful of being fired and rendered undocumented by employers who control their passports and other important documents. Migrant workers are also barred from unionisation or collective associations to voice needs or concerns.

Malaysian law requires migrant housing to be maintained and meet basic standards, including free and adequate piped water and an adequate electrical supply. However, in practice, most migrant workers have poor living conditions. Particularly, those working in plantation and construction were provided rudimentary housing and, in certain cases, no housing facilities at all or limited tenancy periods. As a result of high rental rates, many choose privately-let cheap and overcrowded housing prone to hygiene issues. They also face various structural barriers in accessing proper healthcare services, such as language barriers, financial constraints, severe laws and risk of immigrant action.

Malaysia also does not recognise displaced migrants, hence, these communities are further barred from basic services. Displaced irregular migrant communities in Malaysia do not have rights to work nor education, further pushing them into poverty. Displaced families often receive small irregular

income through informal work and, as such, most do not have proper access to housing, healthcare, and proper nutrition. Due to their illegality (unless or until they have obtained the UNHCR card), displaced migrants in Malaysia have to live in fear of detention if caught. As a result, many avoid seeking healthcare, as many hospitals are obliged to inform the immigration department if they come across non-UNHCR card holders.

The outbreak of Covid-19 has further exacerbated the vulnerabilities of both migrant workers and displaced irregular migrant communities in Malaysia. Most suffer from loss of employment, extreme poverty, food insecurity, fear of detention, lack of information, lack of access to education and healthcare services, and/or forced labor during the COVID-19 outbreak.

### Key Initiatives

- Many NGOs and civil societies held donation drives to financially support migrant workers and displaced irregular migrant communities. For example, Yayasan Chow Kit, along with some other NGOs, held a donation drive to fund rental fees and monthly household expenditure for displaced migrants and migrant workers in Malaysia.
- Social enterprises created alternative ways to source income for migrants who lost their jobs during the pandemic. For instance, PichaEats continues to work with displaced migrants in Malaysia and sell the foods cooked by them through direct home delivery. This kept the flow of income for the displaced irregular migrants working with PichaEats.
- Non-governmental organizations continue to deliver basic services to migrant workers and displaced irregular migrants through digital platforms. For instance, Sekolah Islamiyah provided online classes for displaced children who are unable to attend physical school during the pandemic. Likewise, ProjectLiber8, an online chat service using social media to share information and communicate with migrant workers, updated them on the pandemic.

### Recommendations

1. Youth call on the governments of destination countries to **enforce existing employment legislation to ensure that workers are paid their wages promptly and within stipulated periods**, where possible directly into the worker's bank account.
2. Youth call on the governments of destination countries to **substantially increase workplace inspections and prosecute employers who have engaged in forced labor or other forms of labor exploitation**.
3. Youth call on the governments of destination countries to **introduce a standard provision for inclusion in migrant workers' contracts that guarantees their rights to freedom of association and collective bargaining** and expressly acknowledges that employers are prohibited from obstructing workers' rights to organize.
4. Youth call on the governments of destination countries to **monitor employer implementation of legislative protection of migrant workers**.
5. Youth call on the governments of destination countries to **guarantee access to adequate healthcare to all residents, including migrants, without discrimination**, and in particular ensure that

health costs for migrants do not constitute a barrier in access to the health services that are available to citizens. Differential pricing of services on the basis of nationality should be eliminated.

6. Youth call on the governments of destination countries to **provide right to education and right to work for displaced irregular migrants**, as these two are basic rights which could ensure a sustainable and self-reliable livelihood for displaced communities.

7. Youth call on the governments of destination countries to **design inclusive and rights-sensitive policies that consider migrants** in the national post-pandemic recovery plans.

## Objective 17: Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration

Despite migrants' significant contributions to the country, migrant workers and displaced irregular communities in Malaysia continue to experience isolation due to clear distinctions between local and migrant communities. The COVID-19 pandemic has further exacerbated these negative perceptions, spreading fake news, hate speech and xenophobic attacks against migrant workers and communities. During the pandemic unemployment has risen, breeding insecurity and fear amongst Malaysians about 'having not enough', as well as spreading perceptions of being replaced by "intruders", such as the migrant workers. Furthermore, baseless forwarded social media messages and racially charged comments have fuelled the xenophobia and negative sentiments against migrant communities.

### Key Initiatives

- Beyond Borders Malaysia, along with a coalition of NGOs, created a social media campaign called #MigranJugaManusia to highlight and protest the prejudice and harsh treatment faced by migrant workers and displaced communities in Malaysia, particularly during the COVID-19 pandemic and the Movement Control Order. The campaign saw thousands of Tweets and posts being made in support of it. Since then, many new youth-led projects have been initiated to change the negative perceptions of displaced migrants and migrant workers in Malaysia. For instance, a group of youth have curated a research project focused on collecting and curating micro narratives of qualified and experienced displaced migrants (regardless of profession) to reorient the public's perception that they are 'victims' and 'economic burdens'. This project has developed into a community organization known as Do you see the Empty Chair.

### Recommendations

1. Youth call on the government to **tackle the spread of misinformation, fake news and racially charged comments** which could affect the safety and social cohesion in the community.

2. Youth call on the government to **foster unity and understanding among local and migrants through community integrations projects.**
3. Youth call on the government to **raise awareness on the plight of displaced communities and migrant workers** through shaping positive narratives and images.
4. Youth call on the government to **recognize the efforts of migrant grassroots and provide an inclusive platform** for them to enhance and represent themselves.

## Objective 18: Invest in skill development and facilitate mutual recognition of skills, qualifications and competences

In Malaysia, migrant workers do not get the opportunity to develop their skills, let alone imagine recognition for their skills and competences. Based on the consultations, the North South Initiative Director shared that - unlike the traditional stereotype which places migrant workers in low skilled jobs - nowadays migrants workers largely work in mid-skilled jobs such as technicians, supervisors, and so forth. Many Bangladeshi workers working in factories and supermarkets, for instance, have at least a diploma or certificate in a specific field. However, unlike the local workers who get opportunities to develop their skills and capacities, migrant workers are not entitled to these chances. Hence, they remain in the same position - without any increment or additional values offered to them, despite contributing for many years.

Likewise, migrant workers with years of sectoral experience are still unable to receive formal recognition for skills and competences. Due to their immigrant status, they are unable to enroll in training courses. The North South Initiative Director appealed for employers and the government to invest in skill development and recognition frameworks, to both reduce vulnerability and risk of exploitation of migrants, but also enable job progression. Having qualified workers will also help the employers to increase the productivity of their company and reduce the cost of hiring more workers.

Displaced communities in Malaysia, including displaced irregular migrants and asylum seekers, do not have the right to education. This completely restricts any opportunities for adequate knowledge and skill development training, let alone competency recognition. Lack of access to education prevents young displaced migrants from exploring opportunities for social mobility and fulfilling employment. Many NGOs work closely to provide alternative education and vocational training for the children and youth of migrant communities. However, these also face challenges such as financial barriers, legal barriers, digital divide, and so on.

### Key Initiatives

- NGOs provides alternative education for displaced children and youths. For instance, Sekolah Islamiah and Sekolah Alternatif provide alternative education and language competency classes for displaced children since their early ages. During the pandemic, the organizations did a donation drive to fund digital devices and network costs for displaced children in order for them to continue their online education.
- NGOs set up events and festivals to represent and celebrate the talents of displaced migrant and migrant workers in Malaysia. For instance, Beyond Borders Malaysia annually conducts

arts festivals to represent the talents of displaced migrants. Artists from Syria, Afghanistan, Pakistan, Burma, Iran and Malaysia used the platform to raise pertinent issues related to migration and displacement through poetry, music, film screening, photo presentations, and panel discussions.

- NGOs provide empowerment and skill training for migrant workers and displaced irregular migrants. For instance, Pink Collar Malaysia provides various training and skill building opportunities for migrant domestic workers in Malaysia, enabling them to be professionally trained and legally informed to continue working in the community. Likewise, North South Initiative provides internships for youths from armed conflict areas to ensure they get comprehensive training and an opportunity to practice what they learn. They currently have an MOU with the specific higher education institution for Cooperative Education Collaboration.

### **Recommendations**

1. Youth call on the government to **provide equal opportunities for migrant workers for skill development and eligibility to obtain recognised certifications for their qualification and competencies.**
2. Youth call on the government to **provide incentives for employers to invest in skill development** and facilitate mutual recognition of skills, qualifications and competences for the migrant workers.
3. Youth call on the government to **arrange for vocational training and education opportunities for underage and young migrant workers** working in different sectors in Malaysia.
4. Youth call on the government to **remove the barriers to formal education for displaced children and allow them to enroll in recognised schooling systems**, supporting them with subsidization and financial assistance.
5. Youth call on the government to **work closely with NGOs and support them** to continue their education and empowerment interventions for the migrant workers and displaced communities.

## **Conclusion**

This report identifies critical areas relevant to MGCY's four focus GCM Objectives, the implementation of which necessitates a greater alignment of interests, collaboration and sharing of responsibility. We highlighted several actionable recommendations, across 4 areas, which would help the country to continue moving towards a more inclusive approach for improved lifestyle of migrants in Malaysia. First, the recommendations advocate for enhanced bilateral cooperation and enforcement of the human rights mechanism in approaches towards migration issues, in order to minimize the adverse drivers and structural factors that compel people to leave their country of origin. Second, the recommendations advocate for the government to provide access to basic services for migrants to reduce negative social determinants and positively impact the livelihood of



said communities. Third, the recommendations highlight the need to eliminate all forms of discrimination and promote evidence-based public discourse in order to improve social integration between migrants and locals, enable better understanding, and support for one another. Finally, the recommendations advocate for employers to invest in upskilling and development of migrant workers, and for the government to support and incentivize these efforts. These will further improve the quality of lifestyle for the migrants, as well as benefit the country's economic development in the long run.

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