

**PRESENTATION  
BY**

**THE HONOURABLE MOHD RADZI SHEIKH AHMAD  
MINISTER OF HOME AFFAIRS OF MALAYSIA**

**INTERNATIONAL SYMPOSIUM ON INTERNATIONAL  
MIGRATION AND DEVELOPMENT,  
TURIN, ITALY**

**28-30 JUNE 2006**

**“INTERNATIONAL MIGRATION AND DEVELOPMENT –  
A MALAYSIAN PERSPECTIVE”**

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Mr. Chairman,

Thank you for inviting me to participate at this International Symposium on International Migration and Development.

2. The convening of this symposium is timely, given that the UN General Assembly will convene a High Level Dialogue (HLD) on this issue from 14-16 September 2006. To me, the HLD and its preparatory process clearly indicate that on the part of the international community, there is a recognition that firstly, international migration is a permanent feature of the globalisation process and is therefore to stay. Secondly, the links between international migration and development are becoming deeper, broader and more complex. Thirdly, there is every indication that the international community recognizes the fact that in the future, this issue will figure more prominently in international politics. Lastly, it is also an indication of a greater awareness of the need for the multilateral system to address it in a balanced, holistic and systemic manner.

3. Evidence of what I have mentioned are quite well known and are contained in the report by the UN Secretary General prepared for the HLD. I therefore need not dwell on them. However, I would like to flag what are to my mind the main factors leading to the increasing complexity of the issue as well as the increasing numbers of international migrants:

- 3.1 First, the continuous spread of poverty and underdevelopment in many developing countries which has further widened the existing gap between the South and the North;
- 3.2 Second, increased marginalization and a host of other challenges faced by developing countries as a result of rapid globalization and the consequent economic imbalances; and
- 3.3 Third, demographic factors such as rapid rates of population growth in some regions, population decline in others, migrations into some regions and out of others, ageing population and urbanization.

4. I wish to note with keen interest however, that most population movements take place between developing countries themselves and rather than from the South to the North, due to a number of reasons and factors, including restrictive policies and measures of developed nations.

Mr. Chairman,

5. I would now like to turn to some facts and figures related to the situation in Malaysia. As a result of rapid economic growth, Malaysia's economy has had to operate within a tight labour market. At present, Malaysia with a population of 25 million is now presently home, albeit temporary, to more than 1.8 million skilled, semi-skilled and unskilled foreign workers. As Malaysia moves towards becoming a fully industrialized country, job opportunities become available in many sectors including the industrial, construction, manufacturing, agricultural and service sectors. Foreign workers form an important source of manpower, in addition to local Malaysian labour.

6. As at 30 April 2006 unskilled foreign workers legally in the country totaled 1.82 million while skilled and semi-skilled workers as at 18 July 2005 numbered 34,204. Unskilled foreign workers are mainly from ASEAN member countries as well as from India, Nepal and several Central Asian Countries.

7. In 2002, according to the Central Bank of Malaysia, 1.2 million foreign workers remitted US\$640 million. In comparison, in 2005, it is estimated that 1.8 million foreign workers remitted US\$768 million. I would like to emphasize that Malaysia imposes no restriction on workers remitting money back to their home countries.

## **National Migration Policy**

Mr. Chairman,

8. I would now like to give an overview of Malaysia's national migration policy, which is governed by the Immigration Act 1959/63, the Immigration Regulations 1963 and the Passports Act, 1966.

9. Malaysia's foreign worker policy is premised on the need to manage migration in cooperation with source countries in order to achieve mutual benefits. As such, given the prevalent manpower needs in Malaysia, general workers are allowed to be brought in from approved source countries to be employed in the manufacturing, construction, plantation and services sectors and as housemaids. These workers are allowed employment for 3 years, extendable for 2 years on a year-to-year basis for a maximum stay of 5 years.

10. Like many other countries, Malaysia is also home to a sizeable number of illegal immigrants. While their number could not be positively ascertained, some estimates have placed the number at 2.0 per cent of the total Malaysian population (about 480,000 illegal immigrants). In order to contain this problem, the Malaysian Government amended the Immigration Act 1959/63 in 2002 to incorporate stiffer penalties on various immigration offences including employing and/or harbouring illegal immigrants.

11. As a further step to contain the problem of illegal migrants, the Malaysian Government had conducted two amnesty exercises whereby on humanitarian grounds, illegal immigrants were allowed to return to their home countries without fear of prosecution before enforcement operations commenced. In 2002, a total of 439,727 illegal migrants took up the Malaysian Government's amnesty offer. The most recent amnesty exercise beginning 29 October 2004 until 31 January 2005 saw a total of 382,082 illegal immigrants of various nationalities leaving the country.

12. The amnesty exercise provided useful lessons to Malaysia. It highlighted the nation's over-dependence on one or several source countries for foreign workers and the need to revise national policies on human resource development and sustainability. Accordingly, labour migration policies were revised to ensure Malaysia's competitiveness internationally is not compromised but would be enhanced.

13. The Government of Malaysia has also spent US\$ 4.55 million in the repatriation of illegal immigrants between 1999 and 2001, that is, US\$713,000 in 1999; US\$1.74 million in 2000 and US\$ 2.1 million in 2001. The increase in the amount spent over the years was due to the increase in the number of illegal immigrants arrested and deported.

Mr. Chairman,

14. It is inevitable that large inflows of migrants would give rise to social concerns. I would therefore like to now highlight some of these concerns as well as the measures adopted to address them.

15. In the area of **public health**, there are concerns that migrant workers could be carriers of highly communicable diseases such as malaria, tuberculosis and leprosy. These were diseases that have been either eradicated or were under control until the arrival of migrant workers. A key measure taken by the Malaysian Government was to establish a national body, the Foreign Workers Medical Examination Monitoring Agency (FOMEMA) in 1997 to conduct mandatory medical screenings for foreign workers. National policies are also in place requiring foreign workers to undergo compulsory medical examinations within a month after their arrival in Malaysia.

16. The number of **crimes** committed by migrants has increased three-fold from 1,333 in 1992 to 3113 in 2002, giving rise to public concern. Further, statistics show that 30 to 40 percent of crimes committed by migrants are related to crimes of violence. Incidences of foreigners entering the country on social passes to commit crimes and thereafter fleeing to their home countries to escape prosecuting authorities have been on the rise recently. Malaysia's close proximity to neighbouring countries has enabled such 'criminal migration' to occur.

17. Since the events of September 11, many countries have tightened their immigration laws and procedures to prevent terrorists from entering and to expedite their arrest.

18. Although Malaysia does not have a specific legislation against terrorism, various provisions in the Penal Code provide for measures to be taken against crimes linked to terrorist activities.

19. In the context of **trafficking in persons**, due to its geographical location, Malaysia has been made a transit and destination country. Malaysia notes with great concern the rising number of cases of trafficking in persons, in particular women and children. In this respect, the enforcement agencies find it difficult to distinguish between the genuine trafficked victims and those of 'self-trafficking' or 'voluntary-trafficking' i.e. persons who knowingly allow themselves to be trafficked for economic gain. The number of foreign women caught for prostitution from 2002 until 2005 has increased, rising from 5,149 in 2002 to 6,484 in 2005.

20. Although Malaysia does not have specific legislation relating to Trafficking in Persons, various provisions in existing laws are adequate to prosecute traffickers. Malaysia has signed the UN Convention against Transnational Organized Crime. Malaysia is amending and updating its laws in order to fulfill the obligations under the Convention. Malaysia is also constantly reviewing and examining its position on the Convention's related protocols, including the



Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

21. A point worth noting is that the Protocol places upon the destination country the responsibility to provide assistance and other support to victims and also for the protection of witnesses. The Protocol also imposes on the destination country the obligation to repatriate the victim on a voluntary basis. Although this is an optional task upon the destination country, in this context, Malaysia wishes to state that resources for such assistance are limited. Assistance and protection would only be made available based on the merit of the case and only to the genuine victims.

Mr. Chairman,

22. A key feature of managing migration is enforcement and preventive measures, which in Malaysia include:

- 22.1 Establishing more control points at the borders to increase surveillance effectiveness of the immigration, police and other enforcement authorities;
- 22.2 Increasing the number of officers involved in immigration control and enforcement as well as increasing the level of cooperation between the Police, Immigration, Customs and other government agencies;
- 22.3 Establishing training centers for enhanced capacity building; and

#### 22.4 Amending immigration laws to provide for stiffer penalties for illegal entries.

23. Rigid enforcement and checks at the nation's points of entry have also deterred illegal entries. As a result of these measures, in 2004, a total of 1,217 cases of forged endorsements were detected at the various entry points as compared to 543 cases in 2003 and 457 cases in 2002.

24. In addition, biometric details of outgoing illegal immigrants as well as new incoming legal foreign workers are also recorded in the Immigration Department's database for reference against illegal entries and other immigration offences. Such information are vital not only to ensure that the welfare of foreign workers in Malaysia are safeguarded but also to assist the authorities to detect and prevent criminal and terrorist activities from being committed by migrants.

#### **International cooperation in the management of migration**

Mr. Chairman,

25. International cooperation is needed to curb illegal migration. In this regard, Malaysia believes that effective communication and the exchange of intelligence should form the basis of bilateral, regional and multilateral cooperation. At the bilateral level, Malaysia has signed Memorandum of Understanding (MoUs) with seven source countries on the recruitment of foreign labour as a way of managing

labour migration into the country. At the regional level, there is active cooperation involving enforcement agencies of ASEAN countries. There is also an Agreement on Information Exchange and Establishment of Communication Procedures signed by Malaysia, Indonesia and Philippines on 7 May 2002 to address trafficking in persons.

26. International cooperation in training and capacity building on immigration procedures, control and management are invaluable in ensuring that immigration officers are equipped with the necessary skills, knowledge and latest technology to stop immigration fraud and criminal activities.

## **Conclusion**

Mr. Chairman,

27. An increasingly borderless world due to rapid globalization brings forth new challenges in migration management. It requires policy makers to consider the implications of future migration policies of the economic and social dimensions of migration.

28. I firmly believe that international cooperation is the key to effectively address all the complex issues related to international migration and development, especially in order to maximize its benefits and reduce its negative impacts. Areas of cooperation could include information sharing, joint security operations, networking and

the sharing of experiences and best practices. It is with this in mind that Malaysia will play an active and constructive role in deliberations related to international migration and development.

Thank you.