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**SOCIAL ISSUES IN THE MANAGEMENT OF LABOUR MIGRATION
IN ASIA AND PACIFIC**

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**ESCAP REGIONAL SEMINAR ON
*THE SOCIAL IMPLICATIONS OF INTERNATIONAL MIGRATION***

Social Issues in the Management of Labour Migration in Asia and Pacific

Manolo I. Abella

Any discussion of the mobility of labour across borders in a region as huge and complex as Asia is bound to do no more than provide a sketch of a few idiosyncrasies and peculiarities. With a combined population of 3.6 billion, the Asia Pacific region accounts for almost three-fifths of the world's total population, The region's land mass and innumerable islands have been partitioned into over 50 independent states, dividing peoples usually along lines of ethnicity, common language, religion and shared recent history. Each one is pursuing independent national policies for political and economic development with varying success, creating in the process differentials in standards of living within and between states that often drive people to move. These differentials have been magnified by the forces of globalization which have spurred the economies of the region, but favouring the open and politically-stable countries more than others.

This paper focuses on one aspect of this large phenomenon by reviewing the approaches adopted by states to manage labour migration. Although there remains some significant movements of asylum-seekers and refugees in parts of Asia, it is the growing mobility of people responding to differences in economic opportunities that has been the dominant theme of contemporary debate on migration in the region. This paper looks particularly at how Asian states have fared in their efforts to regulate migration flows, what are some of the social issues raised by the consequences of their policies especially on the conditions of migrant workers and what issues face modernizing states seeking to build a sustainable and mutually beneficial migration regime in the region.

A. Dimensions of labour migration in Asia

Over the past two decades the gross emigration of labour rose at an annual rate of 6 percent for the Asian region as a whole. This would make the migration growth over two times faster, on the average, than the growth of the labour force of the origin countries. Asia itself absorbed a large and increasing proportion of the 2.6 million Asian workers estimated to have left their homes annually between 1995 and 2000. Some 1.4 million migrant workers headed for Japan, Taiwan (China), the Republic of Korea, Hong Kong SAR, Singapore and Malaysia. Because of proximity and earlier migration ties, workers in the Indian sub-continent still largely went to Saudi Arabia, Kuwait, and the other Gulf States, but there has been a notable rise in the number of Bangladeshi plantation workers in Malaysia, Sri Lankan domestic helpers in Singapore and Hong Kong SAR, and Nepalese farm workers in India. At the same time, Thailand's long land frontiers became more active migration fronts, so that by the end of 1998 there were an estimated 897,000 Burmese, Laotians and Cambodians in an irregular status in the country (Huguet, and Sureeporn, 2005).

The ILO estimated that by around 2000 there were some 22.1 million migrant workers in Asia

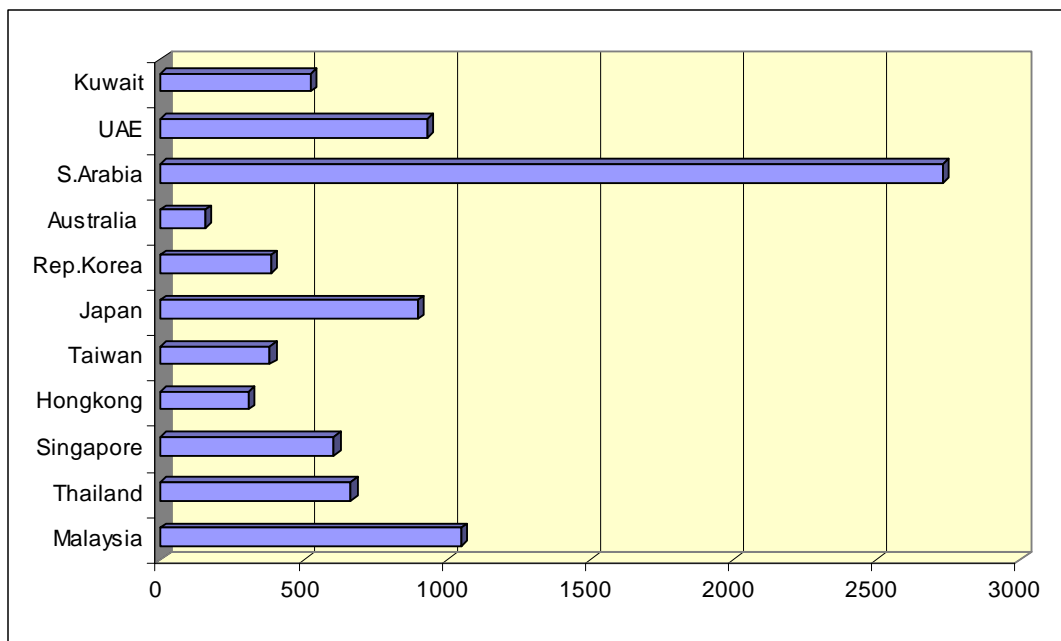
plus another 2.9 million in Oceania.¹ Although they represent a tiny fraction of the total work force of the region, migrant workers are a very significant percentage in certain countries. In Singapore foreign workers represent about 30 percent of the labour force (OECD 2001). In Kuwait there were 4 times more foreign workers than native workers, and in Bahrain there were almost 3 foreign workers for every 2 native workers (UN 2003).

Towards the end of the 1980s over 800,000 workers from South and East Asia found their way each year to Saudi Arabia, Kuwait and the other Gulf states (Abella 1995). By 1990 there were some 5.5 to 6 million foreign workers in that region, some 3 million of whom came from Asian countries. Asian migrant workers employed in the member states of the Gulf Cooperation Council represented anywhere from 40 to 70 percent of their labour force, depending on the country.

Figure 1 shows the size of the Asian migrant work force in selected Asian countries around the year 2000.

In East Asia migrant workers represented just a little over 4.2 percent of the aggregate labour force of the sub-region. What is more important to note, however, is that migration has become a structural feature of these economies. The migrant worker population in each country rose rapidly during a period of rapid economic growth and only fell slightly and briefly during the unprecedented financial crisis. In Malaysia the number of registered foreign workers more than doubled in five years from 532,000 in 1993 to 1.1 million in 1998 (Ruppert 1999, OECD 2001). The large repatriations in the wake of the financial crisis greatly reduced their numbers, but many of the Indonesians who were sent home have apparently found their way back to Malaysia as evidenced by the numbers reported to be without regular status when Malaysia declared another amnesty programme in October 2004.

Figure 1 Asian migrant workers in selected Asian countries, circa 2000



¹ See ILO, *Towards a fair deal for migrant workers in the global economy Report VI* for the 92nd Session of the International Labour Conference, Geneva, 2004.

The growth of labour outflows reported by some countries of origin has been remarkable. In Indonesia annual labour outflows in the early 1980s were estimated at a mere 36,000 annually. By 2002 this had risen to 480,400 a year, 3 out of every 4 of whom were women recruited to domestic service work in the Gulf States, in Hong Kong SAR, and in neighboring Malaysia and Singapore (Kassim 2000; Pang 1992). Labour migration from India to the Gulf States were thought to have peaked at 234,000 a year in the early 1980s, but after a decline it picked up again and averaged 360,000 a year between 1991 and 2001 (Srivastava and Sasikumar, 2003). Much the same gender pattern was notable in the case of Sri Lanka where emigration of labour rose from 125,000 in 1992 to 203,700 in 2002 (Mughal and Padilla, 2004). The Philippines still remained the largest supplier of labour where the annual outflow of new migrants plus “re-hired” migrants, to all destinations at the turn of the century represented about 1.4 percent of the labour force. Labour emigration from Bangladesh almost quadrupled from 103,000 in 1990 to a peak of 381,000 in 1997, although it has been declining ever since (Siddiqui, 2004).

The growth of migration is related to the widening income differences, rapidly growing cohorts of the young in origin populations, urbanization, and the formation of the so-called “network effects” when earlier migrants facilitate subsequent movements. These conditions are present in the region, suggesting that one should expect continued expansion of the labour migration system in spite of efforts by many governments to stem the flows. Expanding intra-regional tourism, growing integration of production in the shape of regional supply chains, linking of transport infrastructures and the rapid ageing of work forces in the richer countries, add more reasons to expect that migration will become a major phenomenon in the region.

B. Main features of labour migration in Asia Pacific

In comparison with cross-border movements in other regions what stands out in contemporary Asian experience are three distinct features. The first is the dominant role played by contract labour migration. It is the official policy of countries importing foreign labour that workers, especially the low-skilled, be allowed only temporary periods of stay and be covered by job or employment contracts. Most workers do tend to stay longer since work visas, usually given for one year, can be renewed in most countries, but adjustment to permanent settlement is rarely possible except through marriage with a national. The policy has been described as a “revolving door” policy, with participants admitted in rotation so as not to develop a right to permanent stay. Australia and New Zealand are the only two countries in the region that accept applications for permanent settlement.² In fact some go to great lengths to prevent the possibility of settlement by making a migrant worker’s admission conditional on not marrying a national. By contrast, contract labour migration represents a small, although growing percentage, of admissions in Europe, Canada and the US.

The second distinct feature is the role played by private fee-charging job brokers in organizing labour migration in Asian countries. Recruitment and placement have been left largely in the hands of commercially-motivated recruitment agencies because few labour-importing states in the region have shown any interest in organizing labour migration on the strength of bilateral labour agreements. As a consequence, over the years the organization of migration has emerged as a big business in both countries of origin and of employment. Sri Lanka, for example, had some 524 licensed recruitment agencies by the end of 2002 (plus many more illegal operators) which placed 204,000 workers abroad in that year, while Bangladesh had about 700 licensed agencies responsible for placing about 2 of every 5 of the 225,000 migrant workers who left in

² Singapore may also be an exception but she reserves the right to settlement only for highly-qualified applicants in occupations deemed to be in short-supply.

2002³. By contrast, most of European and North American experience with guest worker or temporary foreign worker programmes has been with government-to-government arrangements for recruitment and placement. The US and Mexican Governments at one time operated the *Bracero Programme* to bring in Mexican farm workers to California while Canada had agreements since the 1960s with some Caribbean Governments to bring in seasonal farm workers. In Western Europe the large labour migration movements which started in the post-war period and ended in the mid 1970s, were jointly organized by the origin and host states. Recent flows have likewise been following the same pattern.

A third distinct feature of labour migration in Asia is, in a sense, a corollary to the previous one. The governments of almost all countries of origin are actively involved in regulating labour emigration, and in many cases in promoting it. Having left much of recruitment in private hands they now have to turn around and ensure that the latter do not abuse their position by milking the interested workers as much as they possibly can. Thus, one finds in Asia well developed legislation on recruitment and the necessary governmental structures to oversee the operation of private recruitment agencies. In China, Mongolia and Vietnam laws were passed not long ago empowering the Ministry of Labour to license and regulate recruitment companies. The Government in the newest state in the region, Timor Leste, is currently drafting legislation on labour migration. In Pakistan the Ministry of Labour has been renamed the Ministry of Labour and Overseas Pakistanis and an Overseas Pakistanis Foundation was established in the mid 1970s. In Bangladesh a new ministry, Ministry of Expatriates' Welfare and Overseas Employment, assumed in 2001 the functions of the Ministry of Labour and Employment in regulating emigration. Similar development of legislation and structures for organizing labour migration have been rather recent in other regions of the world and in fact many countries have looked at Asian models for inspiration.

C. Issues in the management of labour migration in Asia and Pacific

In identifying the key issues for managing migration in the region we can draw on at least four important sources of information. One is the periodic survey conducted by the United Nations Population Division on Government views regarding the levels of immigration and emigration, the latest one of which was for the year 2000. A second is the report on the regional consultations or "hearings" conducted by the *Global Commission on International Migration* in 2004. The third is the ILO Migration Survey of 2003 which provides the most updated compilation of policies, laws, regulations and implementing structures on labour migration. And finally, there have been a number of regional meetings in Asia where migration management was the main agenda, including the ILO tripartite meeting on challenges to labour migration policy and management in Asia Pacific in July 2003, and the IOM-sponsored Ministerial Consultations for Countries of Origin in Asia, the first one of which took place in Colombo in April 2003 and the second in Manila in September 2004.

According to the UN Population Division 2000 Survey, 16 of the 22 Asian governments which responded were satisfied with their levels of immigration and emigration. Of the 12 countries which reported admitting more than they send, 7 (including Australia, Bahrain, Japan, New Zealand, Singapore) were satisfied with their levels of immigration while 5 (Kuwait, Malaysia, Oman, Saudi Arabia and UAE) said immigration was too high and must be lowered by policy. With respect to views on emigration 15 Governments expressed satisfaction with current levels

³ According to Government statistics individually-arranged migration account for about 3 of every 5 Bangladeshi workers who leave each year. See Siddiqui (2004); See also <http://www.slbfe.lk/statisticsnew.html>

while 6 (Fiji, Indonesia, Kazakhstan, New Zealand, Philippines and Singapore) said levels were too high and must be lowered, while one (Thailand) said it was too low. (See Table 1).

In its report on the consultations in Manila the *Global Commission on International Migration* (GCIM) noted that “ In most countries , if not all, participants recognized that migration is not the problem; rather the management of migration is where the difficulties lie”.⁴ While acknowledging that migration is fulfilling a useful economic function for both the countries of origin and employment, participants in this regional hearing saw evidence of unresolved challenges to managing migration such as the growing problems with irregular migration, the widespread abuses suffered by migrants including violations of their human rights, the high cost of going through regular channels, the high fees charged by licensed recruiters, the operation of trafficking syndicates and the ease of obtaining fraudulent documents.

The 2003 ILO Survey, to which 22 Asia and Pacific countries responded, sought information on laws and policies on labour migration and the protection of migrant workers. These reflected the priority being given by countries to the different problems and issues raised in managing labour migration. The findings are reported and discussed in latter sections of this report.

The *ILO Regional Tripartite Meeting on Challenges to Labour Migration Policy and Management in Asia* drew attention to the “risks” associated with labour migration which national authorities must address. These included racism and xenophobia, trafficking and forced labour, recruitment malpractices such as fraudulent job offers and exorbitant placement fees, debt bondage, sexual and physical harassment, employment in hazardous jobs and under or non-payment of wages. Migrants are also still unable to benefit from social security schemes in many Asian countries. The meeting called for cooperation among the social partners in the development of sound labour migration policies and programmes and their effective implementation. Trade unions in host and origin countries, in particular, could help give migrants a voice by encouraging them to organize or join a trade union. Unions could monitor abuses, advance greater public awareness of migrant worker issues and provide training as well as legal services.

Addressing problems of irregular migration

The growing populations of migrants in an irregular status is a major pre-occupation and concern for governments in the region and elsewhere. Many are asylum-seekers fleeing from persecution in Myanmar and from violent conflict in Central Asia, Afghanistan, Nepal, Sri Lanka and southern Philippines, but the large majority are people seeking better employment and greater economic security for their families. The size of populations in an irregular status is understandably difficult to estimate but regularization campaigns in several Asian countries provide some rough dimensions - 420,000 undocumented workers were registered by their employers in Thailand in March 2002 out of over 900,000 estimated migrants in an irregular status (Chalamwong 2003). In Malaysia the number of irregular migrants was estimated at 560,000 out of 1.7 million foreign workers. Japan’s Bureau of Immigration reported that the number of “overstaying foreign residents” had been brought down to 283,000 at the end of 1997. There were some 95,000 foreign workers in an irregular status in the Republic of Korea before the 1997 crisis but only 3,160 in Singapore (OECD 2000).

4 The Global Commission on International Migration (GCIM) conducted the first of its regional consultations or “hearings” in Manila in May 2004 on problems and issues faced by Asian and Pacific countries in migration. It was attended by delegations from 16 Asia and Pacific countries, representatives of international and regional organizations, civil society and other concerned groups. (See http://www.gcim.org/attachments/GCIM_Hearing_Report_Manila_17_18_May_2004.pdf)

The simple reality is that there are far more people seeking to emigrate than there are destination states willing to accommodate them. The dynamism of some economies of the region have further widened income differentials with others, accentuating further the impact of “pull” and “push” pressures on cross-border movements. Moreover, social networks which reduce the cost of migration, quickly develop as earlier cohorts of migrants find a way of establishing themselves in their countries of employment, legally or illegally. In Malaysia, the number of foreigners in an irregular status, estimated at some 800,000 in 1997, kept on creeping up in spite of several mass expulsions and almost yearly regularization campaigns. In the Republic of Korea, an amnesty was declared in June 2001 when some 216,000 foreigners were estimated to be in the country illegally. Despite large return flows the numbers kept increasing so that in April 2003 the population of foreigners in an irregular status was estimated at 289,500.

Figure 2 below compares estimates of migrant populations in an irregular status in selected countries in Asia and Europe. Given the difficulties of making such estimates it is always advisable to treat the estimates with caution, but the overall picture is that the problem is more serious in many parts of Asia, notably Thailand and Malaysia, than in Europe. This will be even more true if India and Pakistan are included.

The so-called “Bangkok Declaration on Irregular Migration” adopted at a ministerial conference of 18 Asia Pacific countries in 1999, drew attention to the complex nature of irregular migration and called for a deeper analysis of its causes, for adopting appropriate domestic laws and regulations, and for assisting victims and criminalizing perpetrators of trafficking. It considered very important efforts to ensure timely return, to raise public awareness and enhance inter-country cooperation.⁵ The central message is for states to go beyond migration controls. However, the Declaration is stated too broadly to allow one to draw out the implications for migration management.

While cooperation is clearly vital to managing migration, only an insignificant part of labour migration from and within the region is covered by bilateral labour agreements. Among the countries of employment Malaysia is among the very few that has bilateral agreements on recruiting foreign workers⁶. From the ILO 2003 Survey we learn that most bilateral agreements entered into by countries of Asia Pacific are on social security and they are largely accounted for by only two countries, Australia and New Zealand (22 out of the 33 bilateral agreements, all of them with other OECD countries). Outside of social security, 11 countries reported having bilateral agreements. Seven of these countries are countries of net emigration. What is striking is that most Asian countries of origin have bilateral agreements with only one or at most three other countries even if their workers are employed in many parts of the world.

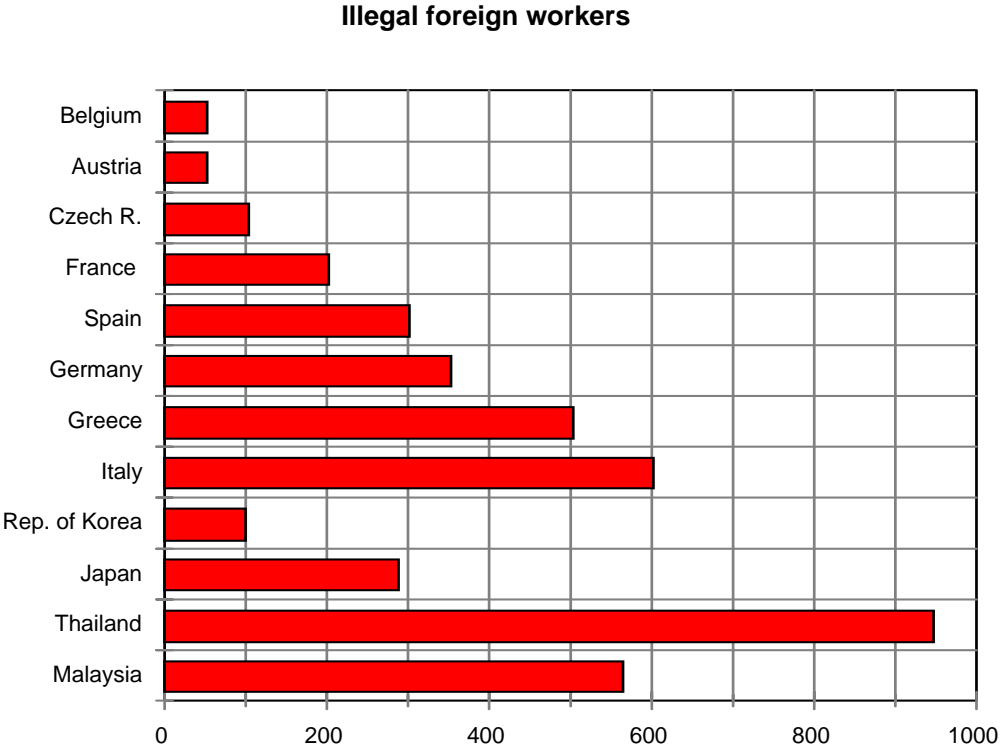
There are a few examples of agreements to deal explicitly with irregular migration. Because of the growing incidence of people smuggling, the Australian government in cooperation with the Chinese authorities, launched a campaign in 2000 to disseminate information throughout the Fujian province about the hazards of getting involved with criminal syndicates promising easy entry into Australia. Cooperation to deal with the problems after people have moved is exemplified by the agreement between Malaysia and Indonesia. When Malaysia decided to expel

⁵ *The Bangkok Declaration on Irregular Migration* was issued by the participants to the International Symposium on Migration Towards Regional Cooperation on Irregular/Undocumented Migration 21-23 April 1999, Bangkok convened by the Royal Thai Government with support from IOM.

⁶ Malaysia recently concluded a Memorandum of Agreement with Pakistan on the recruitment of Pakistani workers through a public employment agency.

irregular migrants the Government entered into what amounted to a repatriation agreement with Indonesia, enabling the Malaysian authorities to work with their counterparts in Jakarta to establish the identities of the Indonesian migrants, arrange for their orderly repatriation, and rehiring of some through regular channels.

Figure 2 Estimated illegal foreign workers in selected countries circa 2000 (in 000 persons)



I

In the absence of more cooperative arrangements for managing migration it is understandable why states resort to a variety of unilateral measures to discourage irregular migration. The choice of measures may in some instances be dictated by geography as some countries have more difficult frontiers to protect than others. Where the cost of tightening controls on borders become almost prohibitive because of long land borders, countries tend to rely more heavily on internal measures. These include greater police monitoring of migrants’ activities which can be very effective as in Hong Kong SAR, but it can also lead in some instances, not to reducing irregular migration, but to providing unscrupulous elements of the local police opportunities for extortion.

Most of the Asian countries have adopted stiff sanctions against perpetrators of clandestine immigration, illegal employment of undocumented workers, and against the undocumented workers themselves. Less use is made of measures like withdrawal of business licenses, in the case of repeated offences; exclusion from public contracts; and offering various tax rebates or exemptions from social charges when employers hire only documented foreign workers in certain industries or occupations.] In Japan the 1990 amendment of the *Immigration Control Act* introduced a system of penalties against employers and brokers, with imprisonment of up to three years and fines of up to 2 million yen. The earlier sanctions were provided for in Act. No.

125 of 1952 on the registration of foreigners, which required the controversial finger-printing and penalized only the irregular worker. In the Republic of Korea the *Exit and Entry Control Act* imposes the same penalty on the employer of clandestine migrants and the clandestine migrant himself - imprisonment of up to one year and a fine of 5 million won. The penalty has recently been stiffened to up to 3 years, together with a fine of up to 10 million won, for anyone who facilitates or permits the employment of a foreigner who is not in possession of a work permit (Art.94.6). In Thailand which has the most difficulty controlling its borders, the sanctions against employers of irregular workers were stiffened in 1998 to three years in jail (and up to 5 years for those who provide a home for irregular migrants)⁷.

Box 1

Malaysia: Measures to curb irregular migration

Among the measures taken up or strengthened by Malaysia against irregular migration were: greater surveillance of its coastline and border, more concerted efforts by police and Immigration Department, setting up of a mobile equipment to verify the authenticity of documents, screening of barter trading vessels entering the country, reducing the deportation process from three months to fourteen days to save on accommodation costs, nationwide operation to check identity cards issued to immigrants and mandatory caning of violators. More attention was focused on violations by employers and transport operators and bilateral discussion was held with Indonesian authorities, since most immigrants to Malaysia are from Indonesia. Also in May a new identity card for migrants (green card) was issued, combining a work permit, disembarkation card and visitor pass.

Singapore has had strict laws and regulations against over-stayers and employers of undocumented foreign workers for some time. The law provides corporal punishment against illegal immigrants and over-stayers in addition to jail terms. Those who overstay more than 90 days are punishable with no less than three strokes of the cane⁸ and fines not exceeding S\$ 6000. Employers are also liable to caning if it is proven in court that they have knowingly employed more than five immigration offenders. Fines may amount from 24 up to 48 months equivalent of the applicable foreign worker levy, and up to one year imprisonment (Mui 2004).

Employer sanctions raise the potential cost of hiring such workers in two ways: first, they cause a loss in production time if the undocumented workers are discovered and second, the employer must pay financial penalties if they are found guilty of violating the law. Such sanctions thus discourage employers from hiring undocumented alien workers unless the benefits of hiring them in terms of lower wages outweigh the risks. The deterrent power of employer sanctions therefore depends on two features of the policy: the probability of being caught and the severity of the penalties.

7 See also Sontisakyothin (2000) and Chitayananda et al (1997).

8 Caning is not allowed for males below 16 and over 50, and females of all ages.

According to the ILO 2003 Survey, 13 of the 19 responding Asian countries have procedures for regularizing the status of migrants. (See Table 3). Over the past decade several Asian countries, notably Korea, Malaysia and Thailand, have declared amnesties for migrants working illegally in the country, mainly with a view to having them return on their own or get repatriated. In order to encourage workers to declare themselves the possibility of becoming “regularized” was offered. Malaysia offered the Indonesian workers a chance to become regular but only if they first return to Indonesia and go through regular channels. In her recent regularization programme Korea allowed some workers to remain and work using as a criterion the amount of time already spent gainfully in the country. Those who have already been employed gainfully beyond a certain length of time were not offered temporary work permits, but may apply again some time after returning to their home countries. In some instances as in Thailand the national authorities put the onus of registering and applying for a work permit, not on the workers but on their employers. This proved ineffective, especially since the employers were required to pay fees for each registered worker to whom they must now pay wages no lower than the legal minimum. The measure was subsequently revised to allow either to register.

The assumption behind the policy of regularization is that unless given regular status, clandestine foreign workers are stuck in the underground or shadow economy where wages are low and work conditions unregulated or unprotected.⁹ Regularization opens the way for them to find better-paying jobs and occupations in an open market and to have access to social security programs that benefit them and their families. There is little doubt that the workers are better off after being regularized than before, but the impact does not become immediately apparent. In the United States most regularized workers have tended to stay for some time in their pre-legalization jobs, receiving the same wages as before. Research in the US shows that occupational mobility depends more on language skills and experience than on legal status. Even the undocumented can be occupationally mobile if they have skills needed in the market (see Kassoudji, and Cobb-Clark 2002).

Amnesties and regularizations inevitably send an undesired message: that it is easier to enter a country clandestinely and then get regularized, than to let the official application procedures take their normal course. Illegal immigrants are rewarded, while those waiting patiently outside are not. For this reason, some countries have avoided using or repeating amnesties and regularization programs. Experience shows that countries that cannot effectively control their borders would be better off opening legal avenues for employment of foreign workers and entering into agreements with source country governments for their efficient recruitment.

Making temporary worker programmes work

As noted earlier, only Australia and New Zealand offer foreign workers the possibility of immigration. All other countries importing foreign workers do so under temporary or guest worker schemes. Such schemes may be a sound way to meet labour requirements for “time-bound” work such as for construction projects or seasonal farming, but they raise a variety of problems when used for jobs of the more regular kind. The main reason is because it is in the interest of migrant workers to remain longer in better paying jobs and in the interest of employers to keep their trained workers. Unfortunately having a temporary admission status puts workers in a vulnerable position. They can easily be pressured not to join unions otherwise they

9 Irregular migration to the Republic of Korea is largely blamed on its own policies. Many of the foreign workers employed illegally in Korea actually were admitted as “trainees” under a scheme administered by the Korea Small Business Federation. Foreign trainees, who were doing regular work but receiving “trainee allowances”, quickly enough found it advantageous to leave their employers and work for higher wages elsewhere, albeit illegally.

risk not being extended or re-hired. Few would dare complain of discriminatory treatment in wages or other working conditions for the same reason. As temporary migrants only those with high salaries are allowed to bring their families with them.

The region has seen the use of strong measures, some bordering on violation of basic human and worker rights, to ensure that workers do not acquire rights to settle permanently. In one instance the validity of a work visa of a female domestic is made conditional on the woman not being pregnant, and not marrying a national.¹⁰ Most temporary migrant workers cannot bring or be united with their families, cannot freely change employers and are excluded from membership in social security. While most countries have laws allowing mobility of foreign workers in the labour market, in practice the situation is often quite different¹¹

It is unlikely that labour-short countries of the region will be changing their temporary or “guest worker” policies in the foreseeable future, except in the case of highly-skilled workers. There are no pressures on governments to change their present policies, and indeed as the 2000 UN Report (Table 1) shows, the popular sentiment is for maintaining current immigration levels.¹² The events that followed the Asian financial crisis do suggest that public opinion can change very quickly. In Thailand and Malaysia one of the coping strategies seen by the respective Governments as essential to protecting nationals was to send home migrant workers.

Reducing the risks and cost of migration

In countries of origin the main concern of governments is still centered around the need to reduce the “risks” faced in migration. Some risks are inherent in taking up employment in foreign countries because of lack of information, and others are due to the uncertainties in finding remedies when employment contracts fail. Workers are less aware than they are at home of what jobs are available, how their skills match those jobs, and how to access the jobs in foreign countries. This deficiency in information explains for the most part the existence of employment intermediaries or recruitment agents. Job-seekers try to reduce these risks by “buying” information from job-brokers, and the information they need to buy tends to be greater the less familiar or the more distant is the country of employment. One must add to the risks, however, the fact that information may sometimes be deliberately falsified for purposes of trafficking or to commit fraud. The latter has been a significant problem in many countries of origin in Asia where the challenge to migration management is, in the first instance, to establish a credible and efficient private recruitment system. Governments seek to minimize the problem through licensing and close regulation of the operations of recruitment agents.

The second type of risks is much more difficult for origin countries to address, and reducing them does require the assistance and cooperation of authorities in countries of employment. Employment contracts may fail for a number of reasons including a poor matching of the worker to the job, bankruptcy of the employer, worker-employer disputes, maltreatment of the worker including physical abuse, or work-related injuries or accidents. The risks lie in the uncertainties on what happens when these contingencies or problems occur. Workers have access to various remedies when the same contingencies happen at home, but not to the same extent when abroad.

10 For a good discussion of the issues facing women domestic helpers in Singapore see Wong (1996).

11 See Table 3. 15 of the responding countries actually claimed that they allow mobility in the labour market, in some cases after completing a certain period of employment with the original employer. In practice however one seldom finds countries allowing unskilled workers to change employers without prior permission by the responsible ministry..

12 Interestingly, Singapore is unique in that the government favors a rise in immigration.

Where the risks can be insured against like accidents and injuries, the countries of origin have sought to provide the workers with group or social insurance; but many of the risks are not covered.

Many of these risks have featured in contemporary labour migration from Asian countries since the rush to the Gulf States in the mid 1970s when millions left for unfamiliar places to undertake construction work, up to the present when large numbers of women are recruited to work as domestic helpers (Hugo 1999; Srivastava & Sasikumar 2003). Legal or regular status is not always a guarantee of better protection against discrimination, exploitation and hazards to health and safety. Studies in different countries have repeatedly revealed that migrant workers are paid much less than native workers (often only half of the latter's) for doing the same job, not to mention their exclusion from social security protection and other worker benefits and entitlements (Abella, Park & Bohning, 1995). Often concentrated in the less regulated sectors of the economy, women migrant workers tend to suffer especially from excessive hours of work without overtime pay, from denial of weekly rest days and not infrequently even from physical abuse. Governments are not unresponsive to these problems but few have systems in place, such as labour inspection, to monitor problems affecting migrant workers and to bring solutions. At the same time the availability of migrant labour at very low wages has had the unintended outcome of distorting the market, creating incentives for investments in labour-intensive industries and building interests and stakes in expanding the admission of foreign workers.

Workers in almost all Asian countries enjoy the right to organize and to bargain collectively but in some instances this right is denied to migrant workers through the contracts of employment they sign or by virtue of the operation of agreements entered into by their governments. Similarly, the migrant workers are often denied the possibility to seek better employment because there are restrictions on changing employers, even after many years of continuous legal employment. Migrant workers in some countries find themselves in a situation of virtual slavery because the practice of confiscating passports and travel documents by employers upon the worker's arrival, despite policies to the contrary, is widely tolerated. Worse still are regulations which make continued stay and employment conditional on a woman migrant worker not becoming pregnant.

Today the concerns are more heavily focused on the abuses suffered by women migrant workers whose participation in migration has climbed steeply with rising demand for domestic helpers, entertainers, care givers, and other service occupations (ILO 2003). There is likewise a growing phenomenon of "trafficking" in young women for purposes of prostitution (Boonpala, 2002). The dimensions of the problems are difficult to establish with any confidence but most observers take it for granted that reported cases represent no more than a fraction of actual cases of abuse or exploitation. In the case of sexual harassment women victims are often reluctant to make their problems known.

In Box 2 below is a report by the Sri Lankan Bureau of Foreign Employment on the number of complaints received in 2003 by type of complaint. Data are broken down by occupation - domestic workers and others. From the complaints received it appears that harassment and non-payment of wages are the two major risks faced by women in overseas employment. Complaints about lack of communication may also be an inherent problem for Sri Lankan women migrants who work as domestic helpers in certain countries where there are cultural taboos restricting their movements. However, given that the total estimated number of Sri Lankan migrant workers abroad at the end of 2001 was already close to a million, the volume of registered complaints appear insignificant. Given the prominence of sexual harassment as a foreign employment

policy issue in Sri Lanka, it is quite possible that monitoring of actual conditions is highly deficient.

Box 2 Sri Lanka: Nature and number of complaints received from domestic and other workers in 2003			
Nature of complaints	Domestics	Other occupations	Total
Harassment	1206	203	1409
Non-payment of wages	1240	444	1684
Breach of contract	419	1046	1465
Lack of communication w/ family	1917	238	2155
Death		1	1
Stranded abroad	16		16
Other	62	165	227
Total	4860	2097	6957
Estimated no. of Sri Lankan workers abroad at end of 2001			970000

Source: Sri Lanka Bureau of Foreign Employment

Although much more serious research on the subject is needed, anecdotal evidence from the news media suggests that the cost of migration tends to fall relatively more heavily on those with less skills or education than others. Medical doctors and nurses, petroleum engineers and IT workers, deck officers for ships and similar other professionals who are courted by foreign employers invest relatively little for migration and by and large face few problems with working conditions. On the other hand, those with few skills are known to pay recruitment agents relatively large proportions of their expected earnings abroad, to suffer more from wage discrimination, and are more likely to fall victims of fraud as well as harassment at work. They have more “risks” they should insure against, but are the ones least able to afford the means to ensure against those risks.

Limits to unilateral approaches to managing migration

In Asia and the Pacific the reluctance of labour-importing states to enter into agreements with source countries for the joint management of labour migration led to the widespread commercialization of migration processes, with all its advantages as well as risks. Profit-motivated private individuals or companies stepped in to perform the functions usually assigned to public employment agencies in the case of co-management of migration by the two states. Lacking the authority to enforce their policies and standards beyond their borders, governments of source countries had to devise new ways with which to influence migration processes. One of the instruments relied on by almost all governments is the registration of employment contracts. All migrant workers wishing to work abroad must have their contracts reviewed for compliance with minimum standards prior to departure. The contract, however, is only good if it is recognized by the authorities or the courts in foreign countries as the legal basis for resolving

disputes with employers. Also, it is not uncommon for contracts signed before authorities in source countries to be replaced by inferior ones upon arrival in countries of employment (ILO 1997; Srivastava and Sasikumar 2003).

Ascertaining the *bona fide* character of employers and the legitimacy and adequacy of their employment offers is usually the function of authorities in the countries of employment. They approve applications from employers to bring in foreign workers usually after determining that no national workers can do the same job and that the employer is promising to pay foreign workers wages no less than those paid to nationals with equivalent qualifications. Many countries of origin in Asia have found from experience that they themselves have to assume the function of checking employers if their nationals are to be adequately protected against fraud. Assigning labour attaches to undertake such functions is, however, a very costly undertaking for most countries, and can at best only be done for a small number of cases. Most countries have only a few officers assigned to labour attaché work in their consulates abroad, whereas the number of employers can run into a few hundred if not thousands.

Establishing standards for minimum wages and control over the fees charged for recruitment are likewise difficult to achieve in the absence of bilateral arrangements. Both require a legal basis (such as a minimum wage law or an employment contract) and systems of labour inspection to determine how much workers are actually receiving and whether unauthorized deductions are being made from wages and salaries. Since recruitment fees can be exacted from the workers when they are already at work in a foreign country, a legal ceiling placed by authorities in origin countries can easily be circumvented. Complaints will be rare among workers eager to have their contracts renewed or extended. Deductions from migrants' wages is a widespread problem which is difficult to address. Unless there are strong labour institutions the market forces will prevail and standards will fall as there are ready supplies of labour willing to work for lower wages.

D. Safeguarding the rights of migrant workers

On account of numerous risks faced by migrant workers at different stages of the migration process, the protection of migrant workers is a major challenge for origin and destination countries. This challenge is particularly an onerous one for authorities of countries sending their nationals to work in countries where they have no labour agreements, and more so, where labour institutions for labour protection, such as trade unions, are not yet well developed. This has led to the development in origin countries of Asia of protective policies and infrastructures not found in other regions.

The problem of protection is made much more serious and difficult by the large numbers of migrant workers in an irregular situation, including many who entered countries of employment illegally. Although they may not be respected fully in practice there are already laws protecting the rights of migrant workers in most countries. However, most of these laws apply only to foreign workers with authorization to work and exclude those workers in an irregular situation.

To provide an overall perspective of the situation in the region with respect to migrant workers rights, this section makes use of the findings of the *ILO 2003 Survey*¹³ to review how states in the region respect the rights and entitlements of migrant workers as provided for in ILO Conventions.

¹³ This Survey was undertaken in preparation for the ILO General Discussion on Migrant Workers at the 92nd Session of the International Labour Conference, June 2004.

According to the *1998 Declaration of Fundamental Principles and Rights at Work and its Follow-Up*, all ILO Member States shall have an obligation to respect, to promote and to realize four categories of principles and rights at work regardless of whether or not they have ratified the relevant Conventions:

- freedom of association and the recognition of the right to collective bargaining;
- elimination of all forms of forced or compulsory labour;
- effective abolition of child labour; and
- elimination of discrimination in respect of employment and occupation.

Migrant workers are entitled to the same fundamental rights at work as national workers. They have a fundamental right to form and join trade unions and to be protected against any act of discrimination on the grounds of trade union activities. They must be protected against forced labour such as debt bondage and trafficking. Member states are obliged to prescribe specific age limits for admission of children to work and to prohibit the worst forms of child labour. States are also required to pursue a policy of promoting equality of opportunity and treatment and eliminating all forms of discrimination in employment and occupation based on race, colour, sex, religion, political opinion and national extraction and social origin. While “nationality” is not listed among the grounds of discrimination formally prohibited, supervisory bodies of the ILO have frequently reaffirmed that migrant workers are protected by the instrument in so far as they are victims of discrimination on the basis of the above-mentioned prohibited grounds.

In the ILO 2003 Survey information was sought from Member States on whether migrant workers in their territory enjoy equal treatment with their nationals with respect to these fundamental rights and other labour rights as provided for in a number of ILO Conventions, including especially the two ILO instruments on migrant workers, *Convention 97* and *Convention 143* and their accompanying *Recommendations, Nos. 86 and 151*.¹⁴ In the following we show the Survey findings specifically with respect to equality of treatment enjoyed by *temporary* migrant workers in a *regular* status. Table 4 summarizes the responses of 19 Asia and Pacific Member states to questions regarding the following rights and entitlements :

- right to form or join workers’ organizations;
- right to bargain collectively;
- protection against forced labour;
- protection against discrimination at work;
- minimum age of employment;
- equal treatment with national workers in respect of wages;
- equal treatment with national workers in respect of minimum wages;
- adequate prevention of occupational accidents;
- equal access to training;
- equal access to free public medical/health services;
- protection against sexual harassment;

- right to be accompanied by family members;
- protection against ethnic and racial harassment;
- access to legal proceedings in a language they understand;
- free housing (e.g. for agricultural workers);

14 Referring to *Migration for Employment Convention (Revised)*, 1949 (No.97) and the supplementing *Migration for Employment Recommendation (Revised)*, 1949, (No. 86); *Migrant Workers (Supplementary Provisions) Convention*, 1975 (No. 143) and the *Migrant Workers Recommendation*, 1975 (No. 151).

- public schooling for their children;
- vote in local/national elections.

Right to organize and bargain collectively

The ILO *Convention Concerning Freedom of Association and Protection of the Right to Organise*, 1948 (No. 87) states in Article 2 that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. Article 6(1)(a)(ii) of *Convention No. 97* stipulates that equality of treatment must be applied in respect of membership of trade unions and enjoyment of the benefits of collective bargaining. Article 10 of *Convention No. 143* provides that the policy of equality of opportunity and treatment must cover trade unions' rights. Also Art.2(g) of *Recommendation No. 151* covers membership of trade unions, exercise of trade union rights and eligibility for office in trade unions.

Of the 19 responding countries from the region, 9 affirmed their respect of the right of temporary migrant workers to organize or to join trade unions. Australia, Japan, New Zealand, Singapore and Thailand are among the important countries of employment which affirmed such rights. Other countries of employment, however, did not respond to the question. On the right of temporary migrant workers to bargain collectively, it is noteworthy that 11 of the 19 countries did not respond. They included Bahrain, Republic of Korea, Kuwait, Malaysia, Myanmar, Oman, the Philippines, Saudi Arabia, Singapore, Sri Lanka and the UAE.

While most countries allow foreign workers to join trade unions, a few prohibit them from organizing their own unions and in some instances there are restrictions to their assuming positions of responsibility. Where most of the foreign workers are undocumented it is understandable that they will not join trade unions (in Japan, Korea, Thailand). In Korea foreign trainees do not have the status of workers and are not accepted as members by the Korean trade unions, but they do benefit from the gains in collective bargaining. With respect to trade union organization Hong Kong SAR is perhaps unique in that there exists a union of Asian migrant workers. This is particularly remarkable because it is a union of household helpers.

Restrictions on the right to organize based on nationality exist in varying degrees in the legislation of several countries. Some countries, for example, make citizenship a precondition for the establishment of trade unions, such as Thailand: section 88 of the Labour Relations Act, 1975 stipulate that a certain proportion of the members must be nationals.¹⁵ In others, trade union affiliation of non-nationals is subject to conditions of residence, as in Kuwait: non-Kuwaiti workers must have resided five years in Kuwait to be able to join a trade union (section 72 of the Labour Code - Ordinance No. 38 of 1964. Reciprocity is another condition that may be set such as in the case of the Philippines where foreign workers holding valid permits issued by the Ministry of Labour and Employment may establish and join organisations of their own choosing on condition that the same rights are accorded to Philippine workers in the country of origin of the foreign worker.

Protection against forced labour

On the protection against forced labour, the ILO Survey revealed that a majority of countries affirmed their adherence to the principle but there was no response from Bahrain, Kuwait, Oman,

¹⁵ This is also found in other regions, for example, Colombia: two thirds of the membership, Panama 75% of the membership.

the Philippines, Singapore and Sri Lanka. It should be noted that there have been agreements among many countries to act decisively and cooperatively against trafficking which involves forced labour.¹⁶

Equality of treatment

The main principle behind international conventions on migrant workers is non-discriminatory treatment. All member states ratifying *ILO Convention 97* are asked to make it their national policy to “apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of remuneration, hours of work, overtime, holidays with pay, minimum age, membership of trade unions and enjoyment of the benefits of collective bargaining, accommodation, social security (subject to certain limitations), employment taxes, and legal proceedings”. Except for New Zealand, Hong Kong SAR and the State of Sabah (Malaysia) none of the Asian countries have ratified C.97. The principle of non-discriminatory treatment is nonetheless recognized in respect of certain conditions by some states that have not ratified the Convention. Indeed, most of the Asian labour-importing states have labour legislation providing for equal treatment and non-discrimination especially in the matter of remuneration. In Japan the Labour Standards Law stipulates that an employer shall not engage in discriminatory treatment with respect to wages, working hours, or other working conditions by reason of nationality, creed or social status of any worker. Migrants are guaranteed the same minimum wage as national workers (Y 250,000 per month). In Taiwan and in the Republic of Korea foreign workers with employment visas have the same rights as national workers

The ILO Survey confirms this observation. There seems to be widespread adherence to the principle of equality of treatment as provided for in *ILO Convention No. 111*, but 5 countries offered no response including Bahrain, Kuwait, Oman, Singapore and Sri Lanka.

Except for 4 countries (Korea, Kuwait, Oman and Singapore) all the respondent countries in the ILO Survey claimed that their laws provide for equality of treatment for temporary migrant workers in the matter of wages. The same widespread adherence to equal treatment is noted in the case of legal minimum wages, except for countries which do not have such minimum wages such as Qatar, Saudi Arabia, and Singapore.

In Singapore the state does not intervene in wage setting but wages set through collective bargaining are supposed to be applied without distinction to both national and foreign workers. In the Republic of Korea Art. 5 of the Labour Standards Act specifically bans discrimination on the grounds of nationality. But wage differentials between nationals and migrant labour are in fact quite large. Foreign workers illegally employed received 40 percent lower wages than nationals doing the same job. Trainees in fact receive only about 35 of the average basic wage of Korean workers in manufacturing.

In spite of all prohibitions discrimination in wages appears to be the practice in many countries although admittedly, statistics are exceptionally meagre and poor on the subject not only in Asia. There are possibly differences in skill and productivity between national and foreign workers which cannot be taken into account because the information available is only on average wages for groups of workers. Moreover, most foreigners are employed in small firms which generally pay lower wages than the big companies. In Taiwan, for example, the average monthly wages in

¹⁶ See “Bangkok Declaration” below.

1997 for foreign workers in manufacturing were only 86.8 percent of the average for nationals (NT\$ 16,167 vs 18,614), and in construction only 65 percent (NT\$ 15,710 vs. 24,169).

Other entitlements

There is much less commitment to equality of treatment for temporary migrant workers when it comes to various entitlements such as access to training and to free public medical services. Of the 19 countries 8 including Australia, New Zealand, Korea and Singapore, did not respond to the question of access to training. The Republic of Korea and Malaysia clearly said they do not guarantee medical services, and many did not respond to the question including Australia and New Zealand, China, Kuwait, Oman, the Philippines, Sri Lanka and Thailand.

Only 5 countries claimed that they treat temporary migrant workers equally as nationals in the provision of free housing for workers as, for example, in agricultural plantations. These countries are Fiji, Malaysia, Qatar, Saudi Arabia, and the UAE. And finally, on the matter of giving temporary migrant workers access to public schooling for their children, 8 of the countries (Australia, Bahrain, Fiji, Japan, Kazakhstan, New Zealand, Qatar and Saudi Arabia) claimed that they do.

The majority of countries, 11 out of the 19, claimed that they allow rights to family reunification even for temporary migrant workers. This is a notable finding since in fact most Asian workers are not accompanied by family members. The right is there but it can only be enjoyed by those earning a above certain wages or salaries. One may note parenthetically that the right to family reunification has not been a major issue in Asia since low-wage unskilled workers usually cannot afford to maintain their families in their countries of employment. The exception is Australia where family members may be authorized to accompany the temporary foreign worker and also be entitled to work¹⁷

Protection against harassment

The ILO 2003 Survey indicates that most countries have policies against sexual and racial harassment which apply equally to temporary migrant workers as they do for nationals. The same may be said of policies to protect workers against occupational accidents and diseases.

Equal treatment in social security

The treatment of migrant workers under social security is one of the complex areas needing close attention in many countries in Asia and Pacific. Many migrant workers, including those admitted into countries only temporarily as guest workers, do spend a considerable part of their working lives outside their countries. Unless there are arrangements through social security treaties for their entitlement to old-age benefits, many risk not having any social protection when they reach retirement ages.¹⁸

17 In the US, family reunification is possible for certain categories of work visa holders, but family members are not allowed to work. In the UK family reunification is allowed if the conditions regarding resources and accommodation are met. In France, temporary workers are not entitled to family reunification but there are exceptions for high-level staff. In Switzerland and in Germany family reunification is not possible for foreigners holding short-term residence permits.

18 Unfortunately exclusion in social security and other entitlements is often considered a necessary component of strategies to insure rotation among migrants and to discourage settlement even if there is no evidence that such exclusion actually makes any difference to length of stay. Indeed, positive measures like end-of-service bonus which increase with migrants' contributions to social security are likely to have more impact on motivating return and

The ILO 2003 Survey enquired into the treatment accorded to migrant workers in the social protection legislation of Member States. Both C. 97 (Art. 6(1)(b)) and C. 143 (Art. 10) provide that equality of treatment must cover social security. Under C. 97, social security comprises “legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities and any other contingency which, according to national laws or regulations is covered by a social security scheme”. The responses of 19 countries from Asia and Pacific are shown in Table 5. The Survey sought clarification into the entitlement of migrant workers for the following benefits:

- Medical care
- Sickness benefits
- Unemployment benefits
- Old age benefits
- Family benefits
- Maternity benefits
- Invalidity
- Survivors

The Survey revealed a wide range of situations facing migrant workers in different countries of the region. In Japan migrant workers appear to be comprehensively protected because of entitlement to all the benefits either under contributory social insurance or under social assistance schemes¹⁹, and in the case of employment injuries, under employer-financed schemes. However, in Bahrain migrant workers are totally excluded and in Kuwait they are only entitled to medical care benefits.²⁰ The Table 5 indicates that the differences among the countries of the region on what they cover are fairly large.

Social security is an area where the discrepancy between law and practice appears to be very wide. It is generally known that most unskilled migrant workers from the region do not enjoy the benefits to which they may be entitled to under the laws of the countries of employment. The Survey, for example, shows that Saudi Arabia gives equal treatment to migrant workers in all benefits except for invalidity and survivor’s benefits. However the country has no arrangements with Asian countries of origin for payment of old age benefits. Social security agreements are particularly dense in the industrialized countries of Western Europe and the OECD countries (with the notable exception of Japan). By contrast in Asia important sending and receiving countries are still without any kind of conventions or agreements. Except for the Philippines no other Asian states have ratified the *Equality of Treatment (Social Security) Convention*, 1962 (No. 118) and the *Maintenance of Social Security Rights Convention*, 1982 (No. 157). This has given the Philippines some advantage in concluding treaties on social security with receiving countries.²¹

making it a real and durable option for migrants.

19 Benefits for low-income groups that are financed from taxes.

20 Foreign professionals employed in the public sector do receive fairly similar benefits to those given to citizens.

21 One hopeful sign is the fact that at the last Asian Regional Conference there was a call from some ASEAN countries for establishing such arrangements among its member states. In response to an earlier request the ILO in 1989 drafted a multilateral treaty on social security protection for migrant workers for the ASEAN countries. Unfortunately, in spite of considerable progress made and three technical meetings held among the countries, reservations by one member state prevented the conclusion of a treaty.

From the Survey one finds that only the Philippines, Pakistan and China appear to have entered into bilateral agreements to cover their migrant workers with some social security protection.

Access to employment

Most states directly limit the access of migrant workers to employment by specifying only the occupations open to them, imposing work permit requirements which control the employment of aliens on the basis of various policy objectives, by regulating the circumstances in which they may change jobs or by establishing priorities for employment in favour of national workers. Access may also be indirectly limited by requiring employers to obtain authorization to employ foreign workers or fixing the proportion of national workers who must be employed in the undertaking.

The ILO *Convention 143* authorizes ratifying Member states certain restrictions on the principle of equality of treatment as regards access to employment. It allows states to make the free choice of employment subject to temporary restrictions during a prescribed period which may not exceed two years (Art.14a). Permanent restrictions are allowed however on access to limited categories of employment or functions where this is necessary in the interest of the state (Art.14c).

While the differences are probably less than would appear from a reading of formal policies, the Asian countries of employment do have stricter limits to foreigners' access to employment than countries in other regions. Virtually no country has accepted the principle that foreign workers should be guaranteed free access to employment after meeting the condition they would have worked in the country legally for a certain minimum period. Treatment does vary with skill. Singapore grants permanent residence and therefore free access to any employment for skilled foreign workers, while no such rights are given to the unskilled (with a small concession to domestic helpers who can opt to change employers).²²

Rights of migrant workers in an irregular status

All migrants, regardless of immigration status, have human rights which must be protected and respected. These human rights have been elaborated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which have been ratified by most Member States of the United Nations. These rights are all contained in the 1990 United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families which has been ratified by some Asian countries of origin. However, in spite of these international principles and instruments, undocumented migrants working illegally or without appropriate documents are always at risk of having their basic rights violated. While legal status alone will not guarantee protection against discrimination and exploitative treatment, the absence of legal status is almost universally what undermines the position of foreign workers in employment relationships.

Because of the dangers of exploitation and abuse, ILO *Convention 143* asks member states to take measures to stop clandestine migration and the illegal employment of undocumented foreign workers. The Convention equates illegal migration with "migration under abusive conditions"

²² In France and The Netherlands, restrictions on occupational and geographical mobility can be removed after 3 years, and in Italy, after 2 years. Belgium, Denmark, Germany, Luxembourg, and Spain allow free choice of employment to foreign nationals after being employed for 5 years. In Switzerland, the qualifying period extends up to 10 years.

precisely because of the difficulties of using national and international law to protect undocumented workers against employment-related maltreatment and exploitation. The Convention requires ratifying states to

“...systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements or national laws or regulations.”

Moreover, it requires them to *“...adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members- (a) to suppress clandestine movements of migrants for employment and illegal employment of migrants, and (b) against the organizers of illicit or clandestine movements of migrants for employment departing from, passing through, or arriving in its territory, and against those who employ workers who have immigrated in illegal conditions, in order to prevent and to eliminate the abuses referred to..”*.

Although the ILO Conventions recognize the right of states to deny foreign nationals admission into their territories, and by implication to deny them the opportunity to work in their territories, they nevertheless provide for equal treatment of workers in an irregular status “...in respect of rights arising out of past employment as regards remuneration, social security and other benefits.” (Part I Art.9 of C. 143). Moreover, in the event of expulsion of the worker and his or her family, the cost must not be borne by them.

Problems arise when the immigration measures fail to stop foreign workers from working in a country illegally. Large numbers of workers could then fall outside the purview of labour protection systems and become vulnerable to abuse and exploitation. It is very tempting for employers to employ undocumented foreign workers because they are cheap, will not join trade unions, and can be made to work under conditions which fall below minimum standards for safety and hygiene.

While there may be advantages to certain employers, the presence of irregular foreign workers poses severe dilemmas for the authorities (Battistella and Asis 2003; Kunieda,1996). There is an ever present concern that giving them regular status will compromise immigration policies since violators are in effect eventually rewarded. However, not to give regular status would lead to putting them at risk of exploitation, make firms employing them more competitive than law-abiding ones, and bring wages down even for nationals in the same occupations. Several mass expulsions of irregular migrants have in fact taken place in the region, some conducted without due process and hence in violation of international principles. In some cases irregular migrants have been kept in detention camps for long periods and conditions were such that they contributed to pre-mature deaths.

E. Emerging social issues in labour migration

There is little doubt that labour migration is having a profound social impact on countries of employment and the countries of origin. In countries where temporary worker migration has taken on historic dimensions, such as for example in the Gulf States, people's lifestyles have been completely transformed. Command over cheap labour from outside has changed

consumption patterns, people's work values and attitude to certain occupations, sense of national security (or insecurity), modes of bringing up children, and even food preferences. In countries of origin social structures have been upset by the changes in relative incomes of different classes, by the greater capacity of migrants' families to invest in children's education, by the socialization of children during long absences of their mothers, and by the changed role of some women in the family as they become the principal breadwinners. The economic impact of migration has no doubt been more favourable to some groups than to others, in some regions more than in others, bringing in its train important redistribution of income which still may not be easily reflected in official statistics but real and significant just the same.

Of the many social issues emerging as a result of migration, the following appear to warrant closer attention since they have profound long term implications for both societies of employment and origin:

- Emergence of a new social underclass with few rights and excluded from social protection;
- Segmentation of the labour market because certain occupations/sectors are stigmatised by association with cheap, exploited foreign labour;
- Growing xenophobia, and in some instances, racism;
- Increased internal migration in origin countries;
- Redirection of educational investments in favour of meeting external demand.

In Asia and the Pacific the larger part of migrant labour admissions, through both legal and illegal doors, is to fill up shortages for "unwanted" jobs, otherwise known as 3-D jobs (dirty, dangerous, and demeaning). It is thus hardly surprising that wages in these jobs have stagnated, with the consequence that national workers in the same occupations tend to leave for better options elsewhere. Native workers without other employable skills are left further behind, particularly as more foreign workers are admitted who are willing to accept limitations of their rights and exclusion from social protection. Whether it be the deep-sea fishing in Thailand and Taiwan (China), domestic services in Malaysia or construction in Japan or Korea, the same trend of native workers leaving certain 3-D occupations en masse is observed.

The phenomenon has another consequence, which is to add to the segmentation of the labour market. In Thailand at the height of the financial crisis, the Government's policy of sending home foreign workers in order to create spaces in the labour market for unemployed Thais did not work. It has become much harder to convince unemployed Thais to accept certain jobs which became associated with cheap foreign labour. It is hard to say if this behaviour would have been sustained had the economic situation worsened further, but at least for some time most Thai workers appeared to have managed to ride out the crisis without stepping down to a lower status job. Hence a situation arose where certain industries remained short of labour in spite of high unemployment in the country (Martin 2004).

As in other parts of the world, the growth of minority populations in Asia has led to xenophobia and in some places to racism. The public discourse on migration policy, for example, is full of references to the difference between natives and foreigners. The latter are supposed to have greater proclivity to get involved with criminal activities, to carry communicable diseases, to have poor personal hygiene, to commit petty theft, and to have unruly behaviour. It has led civic-spirited groups in places like Japan and Korea to launch campaigns against racism and xenophobia. In Malaysia worries have been expressed about local women marrying Bangladeshi men who have come as migrant workers, while in Thailand ancient conflicts with Burma tend to get resurrected when there are calls for expulsion of undocumented Burmese workers.

The assumption that it is a transitory phenomenon, one that will pass away after a labour-short country has successfully made certain structural adjustments, underlies the common official attitude to labour migration. This attitude is reflected in the absence of any discussion about opening doors for permanent settlement or about measures to promote the social integration of foreign workers in major countries of employment. There is instead much more discussion of measures necessary to reduce dependence on foreign labour, a subject that is today very much on the policy agenda of many countries, whether in East Asia or in the Gulf. Everyone appears to recognize that a certain degree of dependence on foreign labour develops over time but the assumption remains that with the right set of policies such dependence can be reduced or even stopped (Huguet and Sureeporn 2005; Hui 2001; Lee 1996; NESDB 1993).

Since infrastructures for linking with foreign countries are in metropolitan centres, one would expect that external migration would stimulate internal population movements. Many studies have already documented the step-wise character of most migratory movements, from villages to towns, from smaller to bigger towns and cities, from cities to metropolitan centres, and then to destinations outside the country. It has also been widely observed that the majority of returning migrant workers tend to stay in the major centres, rather than going back to their towns and villages. Evidence of the incremental impact of external migration on urbanization still needs to be assessed, however. Urbanization has been rising significantly even before the upsurge in external labour migration and it is difficult to isolate the separate impact of the latter from those of other propelling forces.

Finally, the adjustments of origin country labour markets to the growth of labour migration raise another set of social issues. On development grounds, most countries give greater priority to primary, rather than to tertiary, levels in financing education. However, the demand abroad for skilled labour (i.e. IT specialists, medical doctors, teachers) has in some countries been so great that substantial shifts are occurring in the direction of resource flows, from both public and private sources, in favour of the latter. One face of the issue is the question of equity - should origin societies pay more for training and education of those going to work in foreign countries? Is there justification for increasing subsidies to higher, as opposed to lower or secondary education?

F. Bilateral and multilateral agreements

The information from the ILO 2003 Survey reported earlier shows a scarcity of bilateral agreements in the region indicating that much of labour migration from and within the region has taken place without them. The problem is that few labour-short countries wanting to bring in foreign labour, entertained proposals from origin country governments for agreements to govern the recruitment and employment of the migrant workers. Some receiving country governments have defended this position by arguing that agreements would be inconsistent with their policies not to intervene in the labour market.²³ With a few notable exceptions (see below) conditions of recruitment, admission, employment, dispute settlement, social security, remittances and return have so far been governed unilaterally, with little evidence of their having been negotiated with

²³ There is nevertheless much evidence of interventions in the labour market. In the Gulf States wages and salaries in the public sector are many times higher than in the private sector because of policy. In Singapore the use of the foreign worker levy is a form of intervention in the market.

countries of origin. The situation has forced the Philippine Government to adopt special measures to impose minimum standards for job contracts in certain countries, a step which has led to Filipino workers gradually being displaced in Singapore and Hong Kong SAR by workers from other countries.

With authorization from the Korean Government, the Korean Federation of Small Business did conclude agreements with a number of source countries including China, Mongolia, Thailand, Vietnam, Indonesia, and the Philippines for recruitment and admission of so-called “trainees”. These were in reality labour agreements because the trainees were employed in small manufacturing firms to do regular work. The agreements included numerical targets or limits and established procedures for orderly migration processes involving public bodies on both sides. One might also mention the agreement that Taiwan (China) concluded with the Philippines on the recruitment of Filipino workers; a thorny subject because of a previous experience wherein Taiwanese recruitment agencies levied abusive charges from each worker..

There are some hopeful signs that at least in some parts of the region national authorities are now convinced that inter-state cooperation is necessary for the effective management of migration. The Malaysian Government concluded not long ago memoranda of understanding with Bangladesh, China, Sri Lanka, Thailand, Pakistan, Vietnam and Indonesia to regulate recruitment processes and procedures. In order to put more order in the movements of workers from its neighbouring countries, Thailand has recently signed memoranda of understanding with Lao People’s Democratic Republic (October 2002), Cambodia (May 2003), and Myanmar (June 2003) which required the active participation by governments of both sides (Huguet and Sureeporn 2005). The employment of workers requires prior permission of the authorized agencies of the respective countries, the submission by one country of a list of available jobs and by the other of a list of selected applicants for these jobs, and supervision by both sides to insure that appropriate visas and work permits are issued, that workers comply with requirements for health insurance, contributions to a savings’ fund, taxes and employment contract.

G. Conclusions

This paper has reviewed the main trends in labour migration in Asia and Pacific and the social issues that have arisen in efforts by countries to manage the recruitment and employment of migrant workers. Labour migration is a fast growing phenomenon which is likely to gain force in the future because of widening income disparities, declining work forces in the more developed regions, and changing values and attitudes to work. Policies have so far been anchored on the assumption that the need for migration is transitory and that it is a variable that can easily be manipulated at will, if the right kind of strategies and measures are adopted. These policies have been compared with international standards, especially those contained in the ILO Conventions, and with trends and practices in other regions. This paper suggests that this is an emerging major social issue on both sides of the migration chain. To ensure that migrants do not settle, migrant workers are admitted mainly through temporary migration programmes which in many instances mean a limitation of the rights of migrant workers. Many of the concerns of receiving states could have been addressed through closer cooperation with origin countries, but unfortunately they have not in the past shown readiness to limit their sovereign rights to manage migration.

Migration is likely to increase as migrant workers and their employers become dependent on each other. Migration is changing patterns and habits of consumption in receiving countries,

segmenting labour markets, and marginalizing certain groups especially the old and the unskilled. It is also causing xenophobia and racism. In origin countries it is worsening urbanization pressures, affecting income distribution and social structures, and influencing occupational choices. In brief, external migration of labour has been having profound effects on societies of the region, posing challenges for governments and other sectors to come up with ways to make migration a force for long-term growth and development, rather than a source of social conflict and discord.

ANNEX

Table 1 Migration rate and Government position on levels (UN 2000 Report)

Country	Population	Migrant stock		Net Migration Rate per 1000 pop.	Government Position Concerning Migration			
		Thousands	% Total		Immigration Levels		Emigration Levels	
	Total (thousands)				Views	Policy	Views	Policy
Australia	19 138	4 705	24.6	5.1	Satisfactory	Maintain	Satisfactory	No Intervention
Bahrain	640	254	39.8	6.6	Satisfactory	No Intervention	Satisfactory	No Intervention
China	1 275 133	512	-	-0.3	Satisfactory	Maintain	Satisfactory	Maintain
Fiji	814	16	2.0	-8.8	Satisfactory	Lower	Too High	Lower
India	1 008 937	6 271	0.6	-0.3	Satisfactory	Maintain	Satisfactory	Maintain
Indonesia	212 092	397	0.2	-0.9	Satisfactory	Lower	Too High	Maintain
Japan	127 096	1 620	1.3	0.4	Satisfactory	Maintain	Satisfactory	No Intervention
Kazakhstan	16 172	3 028	18.7	-12.2	Satisfactory	Maintain	Too High	Lower
R. of Korea	46 740	597	1.3	-0.4	Satisfactory	Maintain	Satisfactory	Maintain
Kuwait	1 914	13.7	57.9	11.1	Too High	Lower	Satisfactory	No Intervention

Malaysia	22 218	1 392	6.3	0.4	Too High	Lower	Satisfactory	No Intervention
Myanmar	47 749	113	0.2	0.1	Satisfactory	Lower	Satisfactory	No Intervention
New Zealand	3 778	850	22.5	2.1	Satisfactory	Maintain	Too High	No Intervention
Oman	2 538	682	26.9	1.7	Too High	Lower	Satisfactory	Maintain
Pakistan	141 256	4 243	3.0	-0.5	Satisfactory	Lower	Satisfactory	Raise
Philippines	75 653	160	0.2	-2.6	Satisfactory	Maintain	Too High	Lower
Qatar	565	409	72.4	3.7	Satisfactory	Maintain	Satisfactory	No Intervention
Saudi Arabia	20 346	5 255	25.8	4.3	Too High	Lower	Satisfactory	Maintain
Singapore	4 018	1 352	33.6	19.6	Satisfactory	Raise	Too High	Lower
Sri Lanka	18 924	397	2.1	-1.7	Satisfactory	Maintain	Satisfactory	Maintain
Thailand	62 806	353	0.6	-0.1	Too High	Lower	Too Low	Raise
U.A.E.	2 606	1 922	73.8	8.1	Too High	Lower	Satisfactory	No Intervention

Table 2 Management of labour migration: designated competent authorities in Asia Pacific

Country	Competent Authorities		
	Immigration Policy	Work Permits	Permits to Reside / Stay
Australia	Dept. of Immigration and Multicultural and Indigenous Affairs (DIMIA)	DIMIA	DIMIA
Bahrain	-	Ministry of Labour and Social Affairs	Ministry of the Interior
China	- Ministry of Labour and Social Security - Ministry of Foreign Affairs - Ministry of Public Security	Ministry of Labour and Social Security	Ministry of Labour and Social Security
Fiji	Ministry of Home Affairs and Immigration	Ministry of Home Affairs and Immigration	Ministry of Home Affairs and Immigration
India	Ministry of Home Affairs	NA	Ministry of Home Affairs
Indonesia	Directorate General of Immigration	Directorate General of Manpower Placement	- Directorate General of Immigration - National Police Office
Japan	- Immigration Bureau - Ministry of Justice	-	- Immigration Bureau - Ministry of Justice
Kazakhstan	Agency for Migration and Demography	Ministry of Labour	Ministry of Internal Affairs
R. of Korea	Ministry of Justice	Ministry of Labour	Ministry of Justice
Kuwait	-	Ministry of Social Affairs and Labour	Ministry of the Interior
Malaysia	Ministry of Home Affairs	Ministry of Home Affairs	Ministry of Home Affairs
Myanmar	-	- Ministry of Immigration and Population - Myanmar Investment Commission	Ministry of Immigration and Population
New Zealand	Department of Labour	Department of Labour	Department of Labour
Oman	- Ministry of National Economy - Ministry of Labour Force - Sultanate of Oman Police	Ministry of Labour Force	Sultanate of Oman Police

Philippines	- Bureau of Immigration of Justice /Dept. - Department of Foreign Affairs	Department of Labour and Employment	Bureau of Immigration of Justice /Dept.
Qatar	Ministry of the Interior	Ministry of Civil Affairs and Housing	Ministry of the Interior
Saudi Arabia	Manpower Council	Ministry of Labour and Social Affairs	Ministry of the Interior
Sri Lanka	Controller of Immigration and Emigration	Controller of Immigration and Emigration	Controller of Immigration and Emigration
Thailand	- Immigration Bureau - Royal Thai Police	- Department of Employment - Ministry of Labour and Social Welfare	- Immigration Bureau - Royal Thai Police
U.A.E.	- Ministry of Interior - Ministry of Labour	- Ministry of Interior - Ministry of Labour	Ministry of Interior

Table 3 ILO 2003 Survey : Indicators of Protection of Migrant Workers

	Bilateral Agreements		Mobility of migrant allowed in LM	Procedure exists for regularizing status	Traffic victim allowed temporary stay	Recruiters allowed to charge fees from migrant
	No. of countries	Social Security				
Australia	13	-	Yes ¹	Yes	Yes	-
Bahrain	-	-	Yes	Yes	No	Yes
China	2	1	Yes	Yes	-	Yes
Fiji	-	-	Yes	Yes	-	No
India	-	1	-	No	Yes	-
Indonesia	-	3	Yes ²	-	-	No
Japan	-	-	Yes	Yes	-	No ³
Kazakhstan	-	4	Yes	Yes	Yes	-
Korea, Rep.	-	-	Yes	Yes	Yes	No
Kuwait	-	-	No	No	No	No
Malaysia	-	-	Yes	-	-	No
Myanmar	-	1	-	-	-	-
New Zealand	9	-	Yes	Yes	-	Yes ⁴
Oman	-	-	Yes	Yes	No	No
Pakistan	2	-	-	-	-	-
Philippines	7	1	Yes	-	-	No
Qatar	14	-	-	Yes	Yes	Yes
Saudi Arabia	5	-	Yes	Yes	No	Yes
Singapore	-	-	Yes	-	-	-
Sri Lanka	-	1	-	-	-	-
Thailand	-	2	Yes	Yes	-	-
UAE	-	5	Yes	Yes	Yes	No

¹ A migrant worker under the RSMS can change employers after 2 years of employment.

² A change in employer is allowed after prior approval from the competent authority or after 3 years of legal employment in the country.

³ Private recruitment agencies are only able to charge fees for certain occupations (entertainer, model, scientist, engineer, business administrative managers)

⁴ Private recruitment agencies are able to charge fees if they are not engaged or otherwise acting on behalf of an employer or prospective employer or if they are engaged by or otherwise acting on behalf of an employer or prospective employer but the fee is sought and paid overseas.

Table 4 Rights and benefits accorded by law to temporary migrant workers

	Form or join workers' organizations		Bargain collectively		Protection against forced labour		Protection against discrimination at work		Minimum age of employment	
	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers
Australia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bahrain	Yes	-	Yes	-	Yes	-	Yes	-	Yes	-
China	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fiji	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Japan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kazakhstan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
R. of Korea	Yes	-	Yes	-	Yes	Yes	Yes	Yes	Yes	Yes
Kuwait	Yes	-	Yes	-	Yes	-	Yes	-	Yes	-
Malaysia	Yes	-	Yes	-	Yes	Yes	Yes	Yes	Yes	Yes
Myanmar	-	-	-	-	Yes	Yes	Yes	Yes	Yes	Yes
N. Zealand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	None	None
Oman	Yes	-	Yes	-	Yes	-	Yes	-	Yes	-
Philippines	Yes	Yes	Yes	-	Yes	-	Yes	Yes	Yes	Yes
Qatar	Yes	-	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
S. Arabia	Yes	-	Yes	-	Yes	Yes	Yes	Yes	Yes	Yes
Singapore	Yes	Yes	-	-	-	-	-	-	-	-
Sri Lanka	Yes	-	Yes	-	Yes	-	Yes	-	Yes	-
Thailand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
U.A.E.	-	-	-	-	Yes	Yes	Yes	Yes	Yes	Yes

	Equal treatment with national workers in respect of wages		Equal treatment with national workers in respect of minimum wages		Access to training		Access to free public medical/health services	
	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers
Australia	Yes	Yes	Yes	Yes	Yes	-	Yes	-
Bahrain	Yes	Yes	Yes	Yes	Yes	-	Yes	Yes
China	Yes	Yes	Yes	Yes	Yes	Yes	-	-
Fiji	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Japan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kazakhstan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
R. of Korea	Yes	-	Yes	Yes	Yes	-	No	No
Kuwait	Yes	-	Yes	-	Yes	-	Yes	-
Malaysia	Yes	Yes	-	-	Yes	Yes	No	No
Myanmar	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
N. Zealand	Yes	Yes	Yes	Yes	Yes	-	Yes	-
Oman	Yes	-	Yes	-	Yes	-	Yes	-
Philippines	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-
Qatar	Yes	Yes	No	No	Yes	Yes	Yes	Yes
S. Arabia	Yes	Yes	There is no minimum wage		Yes	Yes	Yes	Yes
Singapore	-	-	-	-	-	-	Yes	Yes
Sri Lanka	Yes	Yes	Yes	-	Yes	-	Yes	-
Thailand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-
U.A.E.	Yes	-	Yes	Yes	Yes	Yes	Yes	Yes

	Protection against sexual harassment		Protection against ethnic and racial harassment		Access to legal proceedings in a language they understand		Adequate prevention of occupational accidents or diseases	
	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers
Australia	Yes	-	Yes	-	Yes	Yes	Yes	Yes
Bahrain	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
China	Yes	Yes	Yes	Yes	-	-	Yes	Yes
Fiji	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Japan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kazakhstan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
R. of Korea	Yes	Yes	Yes	Yes	Yes	-	Yes	-
Kuwait	Yes	-	Yes	-	Yes	-	Yes	-
Malaysia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Myanmar	Yes	Yes	Yes	Yes	-	-	Yes	Yes
N. Zealand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Oman	Yes	-	Yes	-	Yes	-	Yes	-
Philippines	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Qatar	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
S. Arabia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Singapore	-	-	-	-	-	-	-	-
Sri Lanka	Yes	-	Yes	-	Yes	-	Yes	-
Thailand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
U.A.E.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

	Free housing (e.g. for agricultural workers)		Accompanied by family members		Public schooling for their children		Vote in local/national elections	
	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers	Nationals receive benefit	Temporary /guest migrant workers
Australia	Yes	-	Yes	Yes	Yes	Yes	Yes	-
Bahrain	Yes	-	Yes	Yes	Yes	Yes	Yes	-
China	-	-	Yes	Yes	Yes	-	Yes	-
Fiji	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Japan	No	No	Yes	Yes	Yes	Yes	Yes	-
Kazakhstan	No	No	Yes	Yes	Yes	Yes	Yes	-
R. of Korea	-	-	Yes	-	Yes	-	Yes	-
Kuwait	Yes	-	Yes	-	Yes	-	Yes	-
Malaysia	Yes	Yes	Yes	-	Yes	-	Yes	-
Myanmar	-	-	-	-	-	-	-	-
N. Zealand	No	No	Yes	Yes	Yes	Yes	Yes	-
Oman	Yes	-	Yes	-	Yes	-	Yes	-
Philippines	-	-	-	-	Yes	-	Yes	-
Qatar	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-
S. Arabia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Singapore	-	-	-	-	-	-	-	-
Sri Lanka	Yes	-	Yes	-	Yes	-	Yes	-
Thailand	No	No	Yes	Yes	Yes	-	Yes	-
U.A.E.	Yes	Yes	Yes	Yes	Yes	-	Yes	Yes

Table 5 ILO 2003 Survey: Protection to migrant workers under various social insurance schemes in Asia and Pacific countries ¹

	Medical care benefit		Sickness benefit		Unemployment benefit		Old-age benefit		Employment injury benefit		Family benefit		Maternity benefit		Invalidity benefit		Survivors benefit	
	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals	Coverage of migrant workers	Treatment equal to nationals
Australia	-	-	UB/SA	Yes	UB/SA	Yes	UB/SA	Yes	-	-	UB/SA	Yes	UB/SA	Yes	UB/SA	Yes	UB/SA	Yes
Bahrain	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Fiji	SI	Yes	SI	Yes	-	No	-	No	ES	Yes	-	No	ES	Yes	-	No	-	No
India	SA/ES	Yes	ES	Yes	ES	No	ES	No	SA/ES	No	SA	No	SA	No	SA	No	SA	No
Japan	SI/SA	Yes	SI/SA	Yes	SI	Yes	SI/SA	Yes	ES	Yes	SA	Yes	SI/SA	Yes	SI	Yes	SI	Yes
Kazakhstan																		
R. of Korea	-	Yes	-	-	-	No	-	No	-	Yes	-	-	-	-	-	-	-	-
Kuwait	-	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Malaysia	SI	Yes	ES	Yes	No	No	-	No	SI/ES	No	-	No	ES	Yes	SI/ES	No	SI/ES	No
Myanmar	-	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
N. Zealand	-	-	UB	Yes	UB	Yes	UB	Yes	-	-	UB	Yes	-	-	UB	Yes	UB	Yes
Philippines	-	No	-	No	No	-	SI	Yes	-	No	No	-	-	No	SI	Yes	SI	Yes
S. Arabia	-	Yes	-	Yes	-	Yes	-	Yes	SI	Yes	-	Yes	-	Yes	-	No	-	No
Thailand	SI/SA	No	SI	No	SI	No	SI	No	ES	Yes	SI	No	SI	No	SI	No	SI	No
U.A.E.	No	No	No	No	No	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes

SI Social insurance; **SA** Social assistance financed from taxes for those with low income or means; **UB** Universal benefits financed from taxes; **ES** Schemes financed by employers only

¹ Source: ILO Migration Survey 2003, Social Protection Sector International Migration Programme.

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