



# A Review of Internal and Regional Migration Policy in Southeast Asia

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# 1. Overview: Migration Policy and Policy-Making in Southeast Asia

## 1.1 Introduction

This working paper provides an overview of migration policy analysis in academic and policy ('grey') literature for Southeast Asia, as well as a brief outline of the current migration policy environment in each of the eleven states of the region. The first part of the paper examines the major categories and forms of migration policy in Southeast Asia, and considers the ways in which policy has been understood, theorised and analysed both within and outside academia. This paper differs from a number of other analyses, many of which are referenced here, as it is primarily concerned with the current state of theoretical analysis and scholarly research on policymaking rather than with a country-by-country evaluation of migration policies, or with bilateral or multilateral comparisons of national migration policies and border regimes. The second section does, however, shift focus to the national level and provides a brief synopsis of the major migration issues, migration policies and migration policy agreements for each of the eleven countries in the Southeast Asia region, identified here in alphabetical order as the State of Brunei (Brunei), the Kingdom of Cambodia (Cambodia), the Democratic Republic of Timor-Leste (East Timor), the Republic of Indonesia (Indonesia), the Lao People's Democratic Republic (Laos), the Federation of Malaysia (Malaysia), the Republic of the Union of Myanmar (Myanmar/Burma), the Republic of the Philippines (the Philippines), the Republic of Singapore (Singapore), the Kingdom of Thailand (Thailand), and the Socialist Republic of Vietnam (Vietnam). The commonly used name for each country (shown in parentheses) will be used throughout the remainder of this paper.

The region of Southeast Asia is extremely diverse in terms of culture, language, ethnicity, economic development, forms of government and degrees of political freedom. Migration of all types has played and continues to play a crucial role in the political economy of the region and is central to the contemporary economies of all of the states within it (Kaur and Metcalfe 2006; Asian Development Bank 2009). In terms of both migration policy processes (and other related policy dialogues) and migration policy analyses, Southeast Asia is often folded into the larger 'regions' of Asia, the Asia-Pacific, or a hybrid sub-region consisting of East and Southeast Asia, depending on the type of migration, and the policy issues under consideration (see for example: Asis 2005; Berne Initiative 2005; Young 2006; Go 2007; Khadria 2008; Asis *et al.* 2010). Given the diversity of migration dynamics in Southeast Asia that could be considered within this paper, we focus primarily on policies concerning labour migration, both because of the growing economic importance and political impact of labour migration in, into, and out of the region, and because debates over labour migration cross-cut and overlap with other types and categorisations of migration, as outlined in the following section.

## 1.2 Definitions and Terminology

### 1.2.1 Migration

Migration is defined broadly here to encompass the movement of human beings from their place of origin in order to reside in a new location, either temporarily or permanently.<sup>1</sup> In the contemporary global system, migration is categorised in a number of ways. One of the most important is in reference to the nation-state system that defines the division between international migrants (those who cross sovereign state boundaries) and internal migrants (those who remain within their country of origin or residence). In recent years much of the research and analysis on migration in both Southeast Asia and worldwide has focused on international migration, to the point that the term 'migration' is often used synonymous to 'international migration' (King and Skeldon 2010). Nevertheless, internal and international migration co-exist along a continuum of migration practices and share a number of empirical, conceptual and theoretical concerns with policy implications at local, national and supranational scales (Anh 2003; Deshingkar 2006; IOM 2006; King and Skeldon 2010).

Other broad categorisations and areas of focus in migration research include economic migration, high-skilled and low-skilled labour migration, legal/documentated and illegal/undocumented migration, marriage and family migration, issues around immigration and settlement, as well as return migration, Diaspora management, forced and involuntary migration (including trafficking, refugee issues, and internally displaced persons [IDPs]), and gender and migration. These topics crosscut one another and concern both internal and international migrants in Southeast Asia and beyond. Although this regional review will touch upon the wider range of migration categories and related policy responses and initiatives, it will focus primarily on labour migration, broadly defined. This is because labour migration flows dominate the regional picture, both in terms of the actual volume and number of migrants, and are a major area of focus for policymakers and others engaged in migration research (Manning and Bhatnagar 2006).

In addition, as a number of analysts in the region have noted, the definitional lines between economic and other forms of migration are increasingly blurred in the real-world circumstances of national policies and migrants' lives. As Morris-Suzuki (2006:19) points out, even those migrants who may be primarily categorised as migrating for non-economic reasons (conflict refugees or marriage migrants to give but two examples) usually participate in the labour force or otherwise engage in economic and income generating activities in their host communities and countries (even if they do so in informal or household settings, or are forced to work for the economic benefit of others in coerced or un-free conditions) (Morris-Suzuki 2006; Piper and Roces 2003; Gjerdingen 2009). In addition, the close interrelationships between poverty, displacement and uneven development within and between states, as well as within and between regions, are rendering such distinctions increasingly arbitrary (Manning and Bhatnagar

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<sup>1</sup> The exact meanings of 'migration' and 'migrant' are difficult to delineate precisely. However, like other migration researchers, we do not include daily commuting or short-term travel for business or tourism in this definition (see Deshingkar 2006).

2006). The difficulty of neatly categorising types of migration and types of migrants is particularly true in the case of Southeast Asia, a region that is characterised by rapid, if uneven, economic development, a complex history of national and ethnic conflict, which consists of a patchwork of countries that span the range in terms of economic development and living standards. As a consequence of all of these factors, the region is notable for the great diversity and range in terms of migration flows both within it and beyond it (Kaur 2010a).

Finally, two of the main conceptual areas of focus that have been driving migration policy agendas and dialogues across geographic scales have been the so-called Migration and Development (MAD) Nexus and the normative discourse of Universal Human Rights (UHR), both of which have come to be more - and more deeply - connected to issues of economic and labour migration over the past twenty years (Iredale *et al.* 2005; ASEAN 2007; Faist 2008; Pillinger 2008; UNDP 2009). The first, Migration and Development, has explicit interests in understanding the drivers, and shaping the impacts, of labour migration (both actual and potential), while the second has increasingly been utilised in order to focus on the rights of migrants and particularly migrant workers (particularly in the growing number of countries where permanent immigration and settlement is tightly controlled and severely limited). Nevertheless there are broad overlaps between both approaches in their development of theoretical and conceptual categories and in the actual social, economic and political processes under discussion (Mackenzie 2005; Piper 2008c; Piper 2010).

### **1.2.2. Migration policy**

Just as this review defines migration broadly, it also takes an expansive view of what constitutes 'migration policy'; taking it to be the range of activities conducted by multiple stakeholders (governments, international agencies and civil society groups) shaping the conditions of work and livelihoods of migrants as well as the formal frameworks that regulate their mobility. In this definition, both an official meeting on migration policy organised by the International Organization for Migration (IOM) and attended by official national representatives (Berne Initiative 2005), and the work of an NGO explaining international migrants their legal rights in their native languages (Ball and Piper 2006; TWC2 2010) are considered to be migration policy-making activities.

In general there are three policy domains that concern migration (including international or internal, regular or irregular, forced or voluntary) in the Southeast Asia region. Although these policy domains are often associated or even defined by varying degrees of involvement of different actors at different geographic scales of analysis, all can be seen to crosscut scale to some extent (Meyers 2000). These are:

- National Migration Policies and Border Regimes: policies and laws regulating/controlling inflows and outflows of migrants; these generally have to do with international migration and crossing state boundaries (although not always) and cross over into multiple areas of migration control and management.

- **Migrants' Rights and the Treatment of Migrants:** policies that determine the treatment and rights of migrants in host countries/communities. There is a significant amount of overlap within this domain with policies regarding the treatment of ethnic minorities and indigenous groups, as these categories often intersect. Again, the policy literature tends to focus heavily on international migrants although this does not necessarily need to be the case. Delivery of social services (for example, access to health care and education) and advocacy services, in both receiving and sending countries, may fall into this category, as well as issues of exclusion and marginalisation, citizenship and rights, settlement and family migration.
- **Migration and Development:** policies that consider migration in the context of larger development issues. This group can include not only larger development regimes and policy priorities at the supranational level, but also targeted national and local policy discussions on topics such as rural development, internal population movements, development and resettlement projects, the role of migrant remittances in poverty alleviation and national development. Policies concerning the provision of services for return migrants, Diaspora development and management, brain drain/gain issues, and the positive and negative social effects of overseas migration for those 'left behind', a category under which children and the elderly often fall.

In general, analyses that consider the first two policy categories draw most heavily on Universal Human Rights (UHR) discourses, while the Migration and Development (MAD) discourse tends to shape research agendas in the third category. However, all three overlap and should not be thought of as mutually exclusive (Piper 2008b). Section two below utilises these three broad categories as an analytical starting point.

### **1.3 Overview of National Migration Policy Trends in the Region**

Broadly, the states of Southeast Asia can be separated into three general categories in terms of flows of international migrants: receiving countries, or migrant 'importers' (Brunei and Singapore); sending countries, or migrant 'exporters' (Indonesia, Laos, Myanmar, the Philippines and Vietnam); and countries that both send and receive migrants (Cambodia, Malaysia and Thailand). Whilst the relatively new nation-state of Timor-Leste is not significant in terms of international labour migration, the country is a state of transition and migration related issues are part of the overall picture. In addition, internal migration remains significant in the following six Southeast Asian states, in very different economic and political contexts: Cambodia, Indonesia, Laos, Myanmar, Thailand, and Vietnam. Internal migration in these cases will be touched on in the context of each country in section three.

Receiving countries (Brunei, Malaysia, Singapore and Thailand), generally have a two-tier migration system, one for highly skilled labour and one for unskilled and semi-skilled contract labour. In practice these vary widely in terms of comprehensiveness, emphasis, and degree of control. At one end of the spectrum is Singapore, with well-developed policies designed to attract and retain highly-skilled foreign 'talent', as well as strict policies regulating and enforcing



the flow of temporary contract labour. Both sets of policies are well integrated into the overall national development strategy of the Singaporean state (Kaur 2010a). Thailand, in contrast, has not made significant efforts to attract high-skilled migrants, relying instead on transnational corporations to import their own talent (Kaur 2010a), and has only recently enacted a comprehensive policy to deal with the increasing numbers of low-skilled workers, refugees, and trafficked persons crossing the borders from Myanmar, Cambodia, and Lao (Sciortino and Sureeporn 2009). In all cases, the historical focus of receiving countries, both at and inside the border, has been on controlling migration in order to maximise the economic contributions of migrants, while minimising and even actively preventing migrants' claims (and potential claims) for social services, legal protections, family reunification and permanent settlement (Kaur and Metcalfe 2006; Morris-Suzuki 2006).

Sending countries vary significantly in their migration policies in terms of encouraging and facilitating migration of their citizens abroad, in terms of how they advocate at the multilateral and bilateral level on behalf of their overseas migrants, and in terms of the support and services they provide for return migrants. The Philippines is at one end of the spectrum with the most concentrated efforts at the state level to integrate international migration with national development goals (O'Neil 2004; Ball 2006; Asis 2008, Baggio 2008), while states such as Cambodia and Lao are at the other end of the spectrum, where policies to encourage and aid migrants are either ineffective or have not yet been instituted. The high levels of poverty within these countries, coupled with less-than-effective (or non-existent) policies, means that migrants from these countries into Thailand and elsewhere in the region are often undocumented and highly vulnerable to abuse and exploitation (Human Rights Watch 2010; Maltoni 2007; Evrard and Goudineau 2004).

## 2. Review of Migration Policy Analyses for the SEA Region

### 2.1 Introduction

This section presents a broad overview of recent and current works of migration policy analysis in the region, considers key approaches and thematic areas, and identifies issues and areas for further research. It ends with a discussion of how migration policy analyses in the region might draw on a number of emerging methodological approaches in the social sciences, in order to create stronger, more integrated, analyses that cross-cut thematic issues and spatial scales. These include process-tracing (Sabatier 1991; Sabatier 2007) and policy convergence/divergence (Thouez and Channac 2005) approaches to studying policy that have emerged out of political science, as well as emerging approaches to researching urban, national and transnational policy within geography and sociology, which have been inspired by commodity chain analysis and research into production networks. These are loosely known as 'follow the policy' or 'distended case' approaches (McCann and Ward 2012; Peck and Theodore 2012). This paper, thus, advances a possible research direction for studying migration policy-making in the region that combines the development of more flexible and robust methodological frameworks with carefully identified areas of intersection and exchange.

Most studies of migration deal with policy to some degree or another, as policy at the state level has a direct effect on the phenomenon under study. A general strength of migration studies in the region is that researchers regularly include considerations of policy in their analyses, making careful empirical and theoretical connections between specific policies and policy regimes, the ways in which they shape particular kinds of migration flows, and how they determine, to a large extent, the day-to-day experiences of migrants before, during and after their time 'away'. These analyses also consider how migrants and other migration 'stakeholders' respond to these policy-driven conditions, and how their actions, in turn, seek to remake the migration policy landscape. Case studies situated within particular countries are particularly strong in this regard (as will be shown in the individual country summaries later on). Despite these overall strengths, however, relatively few studies situated within a regional context proved an in-depth examination of the specific processes by which migration policy in the region is made, and under what circumstances.<sup>2</sup> In collecting materials for this paper, the research team included works that both explicitly addressed the policy-making process as well as academic and policy papers ('grey' literature) that include sections on policy considerations or lists of specific policy recommendations as part of the overall analysis. However, the review below considers the first type of analysis in more detail.

Why is there a relative dearth of analysis that focuses specifically on policy and policy-making in migration research in Southeast Asia? In most cases, the research is focused on an aspect of migration or on a particular group of migrants, and while policy is examined as a contributing cause to migration or as impacting migrants' experiences, it is not the subject of analysis in and of itself. In terms of desired outcomes, the majority of grey literature produced by advocacy groups, such as Human Rights Watch, and by supranational governance institutions such as the ILO, takes the following approach: it seeks to identify an injustice or inequality associated with migration, present evidence on the humanitarian and economic impacts of the problem, and advocates for either general or specific policy changes. In other words, these reports are designed to participate in the policy processes, not to investigate them.

The migration policy analyses that have been produced tend to focus on the interactions between three types of migration policy actors and institutions: supranational and regional governance organisations, the state, and non-state actors. In the first group are organisations such as such as Asia-Pacific Economic Cooperation (APEC), the Association of Southeast Asian Nations (ASEAN), the International Organization for Migration (IOM), the various agencies and offices of the United Nations (UN), and others. It also includes the initiatives, commissions, projects and declarations initiated and supported by these and other transnational governance actors.<sup>3</sup>

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<sup>2</sup> For a recent notable exception, see the special issue of *Asian Journal of Social Science* on 'Migrant Workers between States' edited by Susan Kneebone (2012). Papers in this issue were drawn from a 2011 workshop at Monash University entitled: 'Exit and Integration Strategies of Labour Migrants in South East Asia' and engaged directly with questions of migration policy-making and scale in the region.

<sup>3</sup> Kunz *et al.* (2011: 6-12) distinguish between the multilateral level, in which they include institutions such as the World Trade Organization and the United Nations' offices and commissions, the (trans)regional level which includes multi-country commissions and working groups engaged in regional consultative processes (RCP) and other types of regional negotiations, such as the establishment of free trade agreements (FTA), and bi-lateral agreements. For the purpose of this paper we consider

The 'state', the second group, refers to both the official government representatives of nation-states participating in global governance processes, as well as the institutions, agencies, bureaucracies and systems (both official and unofficial) at various levels throughout the state apparatus that are involved in migration policy-making and migration policy implementation. The state is not conceptualised as a unified or rational actor, and different state actors are not assumed to have similar or harmonious viewpoints, interests or agendas and may even be working at cross-purposes or in active contention with one another (Meyers 2000).

The third group includes migrants, non-governmental organisations (NGOs), civil society organisations (CSOs), migrants' organisations, trade unions, and business and capital interests directly and indirectly involved in migration. In most studies the analysis focuses primarily on the interaction between two of these groups, usually supranational/regional organisations and the state, or the state and non-state actors, although in some studies supranational/regional organisations and non-state actor interactions are analysed, or all three groups are taken into consideration. Of course, these types of actors are not exclusive and often intersect with one another in complex ways; for example many academics work for nationally-sponsored universities, conduct research on - and collaborate closely with - local and international NGOs, and are commissioned to write reports for supranational organisations such as the United Nations. Similarly, although it is common to assign scalar values to these three groups, distinctions between the transnational governance organisations as the 'global', 'regional', or 'macro', the state as the 'national' or 'meso', and the non-state actors as the 'local' or 'micro', (Evans and Davies 1999; Piper 2009), need to be made carefully and contextually, particularly as some groups, such as the Migrant Forum in Asia, fall clearly in the non-governmental camp but were established specifically to operate at the transnational regional scale (Alcid 2004).

Related to the example of migration scholarship noted above, there was little distinction between academic and grey literature in the Southeast Asian migration policy literature. Major academics in the field regularly cross institutional boundaries to write policy reports for international and national governance and policy-making organisations, as well as to publish related research and analyses in the leading migration and Asian peer-reviewed scholarly journals, and in edited volumes on migration, migration policy and Asian migration. Furthermore, key academics in the field of Asian migration and migration policy regularly collaborate with one another in both policy (grey) literature and academic publications. Numerous examples of cross-publication and close collaboration can be found in the attached bibliography.

Both types of literature vary in the amount of emphasis that is given to developing a theoretical framework that incorporates policy-making, and in the degree to which migration policy processes are specifically examined. Unsurprisingly, those analyses that look specifically at the policy-making process are more likely to focus on how policy is actually made (and, equally

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the first two to be part of the 'global' level (although the trans-regional level does not always fit neatly into this category) and the third to be part of the 'state' or 'meso' level.

importantly, implemented) using ‘process-tracing’ or ‘follow the policy’ approaches (see discussion below). They may also examine the exchange and adaptation of certain policy sets and strategies (sometimes termed ‘policy assemblages’, see McCann and Ward 2012), as well as the convergence (or divergence) of policy-making agendas and strategies among various stakeholders across policy-making domains (Thouez and Channac 2005). The following sections discuss migration policy analysis in the region in more depth, utilising the three broad policy domains identified in the introduction: national migration policies and border regimes; migrants’ rights and the treatment of migrants; and migration and development.

## **2.2 Theme One: National Migration Policies and Border Regimes**

Policy reviews and analyses of national migration policies and border regimes tend to focus heavily on labour migration, along with a number of other key issues, including the regulation and monitoring of migrants while in-country, policies regarding family reunification and formation (marriage and children), and pathways to permanent settlement and citizenship, referring back to the central issue of state policies towards different groups and categories of labour migrants, and the consequences and impacts of those policies (and their enforcement or lack of enforcement) on various other migration processes in the region. The literature on policy and, more generally, on internal migrants and refugee issues are almost entirely separate, a situation that should be addressed in future research initiatives, as the different fields have much to contribute to one another (Piper 2009; UNDP 2009; King and Skeldon 2010). Given space limitations, we focus here on the literature that deals explicitly with international regional labour migration in its various forms. We will return to a discussion of internal labour migration later in the paper, where we discuss the need for more research on internal migration and the relationship between internal and international migration in the field of migration policy analysis.

As noted above, several recent regional labour migration overviews divide the countries of Southeast Asia into sending countries (those that export migrants), receiving countries (those that import migrants), or both. Amarjit Kaur (2010a) analyses migrant flows within the region according to this generalised divide. Kaur identifies two types of dominant migrant flows within the region: first, Indonesian, Filipino, Thai, Cambodian, Vietnamese and South Asian labour flowing into Singapore, Malaysia and Brunei; and second, Burmese, Cambodian and Laotian labour flowing into Thailand (Kaur 2010a: 388, see also Manning and Bhatnagar 2006). An expanded picture that includes flows beyond regional boundaries would also show outward flows from many Southeast Asian countries to East Asia and the Gulf States, and, in the case of the Philippines, to North America (Kaur and Metcalfe 2006; Manning and Bhatnagar 2006). Despite increasing inflows into the region from South Asia (and particularly Bangladesh), Chia (2008: 93) notes in his regional review of migrant labour mobilities that the region is a net labour exporter. It is widely acknowledged by both academics and state officials that continued economic growth and the ongoing functioning of local economies is dependent on migrant labour, especially in East Asian states that are experiencing demographic transition, and in Persian Gulf States that have historically had low populations and suffered from chronic labour shortages (Chia 2008: 93).

Policy analyses that examine the migration policies and the regulatory frameworks of border and entry controls focus on receiving countries within Southeast Asia, as well as on countries outside the region that receive a large number of Southeast Asian migrants (primarily East Asia and the Gulf States) (Kaur and Metcalfe 2006). In general, researchers agree that there is a two-tiered labour migration policy framework utilised in East and Southeast Asia; one in which labour importing countries strive to attract and retain highly-skilled migrants, or so-called foreign talent, and a second which seeks to tightly control or manage low-skilled workers, or so-called temporary contract migrants, to prevent this group of economically-needed but politically 'undesirable' labour from settling in host countries (Kaur and Metcalfe 2006; Wong 2006; Chia 2008; Kneebone 2010; see also Kuptsch 2006; Kaur 2007b).

Although this two-tiered system is in place in every receiving country across East and Southeast Asia, Morris-Suzuki (2006) notes that it is highly codified in some instances, from Singapore with its specific targets for different groups of migrants from different sending countries, in particular occupational categories (see Kaur 2010a, for a review of the Singaporean, Malaysian and Thai migration regulations), to the 'tacit' two-tier systems, which are in place in Japan and Korea (and more recently Thailand). Here, officially only highly skilled migrants can enter the country, while unofficially a number of key sectors in these national economies in fact rely on large numbers of irregular or undocumented low-skilled and semi-skilled migrants, who live in vulnerable and precarious legal circumstances (see also Ball 2002; Yongyuth 2004; Yamanaka and Piper 2006; Kaur 2010b). Significantly, Morris-Suzuki (2006) notes that more highly regulated contract migration policy regimes can also lead to increased migrant vulnerability, as migrants are deliberately placed outside of national legal frameworks that protect citizens, and as migrants, migration brokers, and employers seek ways to circumvent what are perceived as onerous or unfair restrictions. This leads to an increased number of undocumented, irregular and trafficked migrants in these countries (see also Sirithon 2004; Yamanaka and Piper 2006; Chia 2008; Sim and Wee 2009).

A number of regional and trans-regional governance organisations have had initiatives and processes designed to address cross-border migration policies within the region, and these have received some attention and analysis in the literature. Chia Siow Yue (2008), in a report prepared for the Southeast Asia Institute at the National University of Singapore, includes a review of the current state of regional agreements (APEC and the Association of Southeast Asian Nations or ASEAN), regional trade agreements (RTAs) as facilitated by ASEAN, and bilateral trade agreements between countries in the region and beyond. The final section of Chia's review is entitled 'Proposals on regional and bilateral cooperation on flows of unskilled and semi-skilled labour,' based on individual country reports. A number of common threads run through the proposals, including: developing region-wide standards for the protection of migrants working in foreign countries; more vigorous oversight and regulation of brokers, agencies and other migration intermediaries; developing bilateral and multilateral programmes that prepare workers for their migration experiences and help them to readjust upon their return; and greater cooperation in preventing irregular migration, people smuggling and human trafficking (Chia 2008: 122-6). In a piece a few years earlier, Manning and Bhatnagar (2006)

analysed the potential for multilateral cooperation and policy reform for temporary labour migration (both for skilled and unskilled workers) in the region, including the ASEAN Asian Framework Agreement on Services.<sup>4</sup> The general consensus in these and other related analyses is that movement is slow and that there is great resistance by receiving governments towards any kind of binding multilateral agreements on migration. These states are reluctant to cede any sovereignty in controlling inflows and outflows at their borders, for reasons of both economic flexibility, and in terms of sensitivity to public opinion surrounding issues of migration within their national borders. Migrant sending countries, on the other hand, while interested in establishing multilateral agreements, have been largely unwilling to push for progress on such initiatives, given the importance of out-migration to their national economies and relieving social pressure resulting from high unemployment and poverty at home (see also Berne Initiative 2005: Ball and Piper 2006).

The International Organization for Migration (IOM) has also been active in assessing the state of international migration policies in the region and in analysing the potential for future multilateral (and bilateral) policy convergence around migration issues. The chapter on Asia in the IOM sponsored report of the Berne Initiative (2005) on Interstate Cooperation and Migration concludes that the potentials for APEC to become 'a stronger unit of cooperation on migration are not great' (Berne Initiative 2005: 55) This is for reasons similar to those cited above, namely the unwillingness on the part of migrant receiving states to relinquish control over their immigration regimes. The report does conclude that there may be more potential for ASEAN to play a strong role in migration policy coordination, because of the smaller number of members and because of its resolution for an integrated regional economy by 2015. But despite this potential, the report concludes that the diversity of the member countries, as well as a number of ongoing bilateral issues, related both to migration and to other subjects of cross-border negotiations, means that the outlook for migration policy convergence is uncertain at best (Berne Initiative 2005: 55).

Beyond trade agreements, the Berne Report also looks at the role of what Thouez and Channac (2006) term 'regional consultative migration processes' (RCMPs). These are initiatives that seek to bring governments into non-binding policy dialogue with one another, stress capacity building (so-called 'best practices') and the exchange of ideas on policy (with the goal of policy convergence). Writing for the Berne report, Gareth Larsen reviews one such RCMP: The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process), and concludes that it has been successful in encouraging regional convergence in policy-making and project initiatives around trafficking issues (Berne Initiative 2005: 44-47). Evaluation of success, in the report, however, is based on highly normative and selective criteria. For example, Larsen describes how the process quickly 'moved on from discussing political principles to implementing practical measures and had successfully delivered direct practical benefits to regional operational agencies' (Berne Initiative 2005: 45). While enhancing the operations of regional agencies can be read as a significant measure of the success of the Bali Process, as well as an encouraging step forward in regional cooperation, the report does

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<sup>4</sup> This organization is based on the World Trade Organisation's (WTO) General Agreement on Trade in Services (GATS).

not discuss the details of these 'practical benefits', nor does it specify whether they have resulted (or are expected to result) in the successful prevention of human trafficking or in increased apprehensions of traffickers on the part of national and international law enforcement agencies. Furthermore, the report fails to draw a clear distinction between the endorsement of particular 'best practices' in migration policy, and the active adoption and implementation of those policies on the part of member governments.

Looking at the literature on international migration policies and border regimes, two broad themes emerge. The first is that migration policies are still very much shaped by economic and security concerns of nation-states (Ball 2002; Piper and Iredale 2003; Kaur and Metcalfe 2006; Patcharawalai Wongboonsin 2008). Like trade regimes, countries with a comparative economic advantage (i.e. labour importing countries) also have an advantage in setting the terms for bilateral, regional and multilateral negotiations on migration policy, particularly in transnational organisations that focus on economic issues (Ball and Piper 2006). To date, there has been little incentive for receiving countries to participate in any potentially binding forms of transnational migration policy negotiation in ways that might impact their control over their national economies. Singapore, for example, is the most economically developed state in Southeast Asia and has a policy of not entering into bi-lateral agreements with labour sending countries, in order to be able to maintain tight control and a high level of flexibility over its migration policies (Kaur 2010a: 390).

While regional and multilateral cooperation in areas that are thought to enhance national security are more likely to be initiated by sending countries both inside and outside the region (see the discussion of the Bali Process in Berne Initiative 2005: 44), states are still careful to maintain sovereignty in border control and in policies dealing with irregular migrants, trafficked persons and international crime related to cross-border movements (Manning and Bhatnagar 2006; Arifianto 2009). While some work in policy convergence has been done in this area, analysis using process-tracing (Sabatier 1991) or distended case approaches (Peck and Theodore 2012) has been less robust (see discussion below). More research is needed to understand how states' policy-making processes may be influenced and shaped, by which stakeholders, institutions and processes, and under what circumstances.

Second, migration policies at the border, namely the regulations and rules (official and unofficial) that govern who can or cannot enter receiving countries and under what circumstances, closely affect the working conditions, legal issues and regulatory restrictions that migrants face within host countries (Morris-Suzuki 2006; Teo and Piper 2009; Baey 2010). In contrast to highly skilled and highly-sought-after migrants, the impacts of these policies has been largely disadvantageous and unfavourable for temporary contract workers in and from Southeast Asia, whether or not they enter host countries as regular (documented) or irregular (undocumented) migrants. This situation, created largely by national policy regimes, has been increasingly challenged by a number of migration stakeholders operating at different scales. These groups have sought to influence policy from a different direction, that of transnational discourses on Universal Human Rights (UHR). The relationship between international migration

policies and the treatment of migrants in receiving countries and communities is examined below, as are policy responses that frame the treatment of migrants in terms of human rights.

### **2.3 Theme Two: Migrants' Rights and the Treatment of Migrants**

The general desire on the part of states in Southeast Asia (and throughout Asia) to maintain tight control over the entry and activities of low and semi-skilled migrant labour, has led to situations in receiving countries in which migrants face what Ball and Piper term 'structural vulnerability' (2006: 219). Ball and Piper argue that this structural vulnerability originates in the fact that migrants are not citizens, and furthermore, they are allowed entry into host countries precisely with the condition that they cannot become citizens or indeed, in many cases, even make the most minimal claims for legal, economic and social protection (Ball and Piper 2006; see also Cheah 2009).

The negative consequences of 'non-citizenship' for temporary migrants manifest themselves in two interwoven ways. First, migrants are, as an extension of border policy, subjected to increased surveillance and control in their daily lives by the host state, host employers and host communities (Ramasamy 2004). Documented migrants must often agree to stringent conditions and invasive technologies of bio-control; they may only work for their listed employer, there are restrictions on their movement and where they may live; there are restrictions on relationships and marriages to host country nationals, and there are often regular health examinations, which may include HIV and pregnancy testing (in Singapore, domestic workers who are found to be pregnant are subject to immediate deportation), to name just some of the most common regulations (Rahman 2008).

Second, as a consequence of their structural vulnerability as non-citizens as well as by the types of work and labour arrangements that are available to them, temporary labour migrants are often highly vulnerable to exploitation and abuse of all forms, while having little or no legal redress if they are treated unfairly. Migrants who are found to be in the country illegally or semi-legally are vulnerable to official harassment and corruption, detention and deportation, as well as to ongoing exploitation and abuse at the hands of their employers as a consequence of their irregular status (Liow 2004; Yamanaka and Piper 2006; Human Rights Watch 2010). But even those migrants who are working in host countries legally are vulnerable as they are placed in potentially dangerous workplaces that are difficult to monitor, and where they may be faced with situations in which they have few if any options in case of abuse (Ng 2006). Although this is a problem that extends across all sectors in which temporary labour migrants work, this vulnerability is particularly acute for female migrants working in the sex and entertainment industries and for female domestic workers working in private homes. These gendered impacts of migration policy in the region are well documented and analysed (Yamanaka and Piper 2006, Hugo 2006b; Human Rights Watch 2004; Human Rights Watch 2005).

Indeed, the growing focus on questions of gender and migration in research and policy has largely been in response to the dramatic increase in the number of female labour migrants in the region over the past several decades. In a report for the United Nations Research Institute



for Social Development (UNRISD), Yamanaka and Piper (2006) examine female migration in East and Southeast Asia, and evaluate the ability of NGOs and CSOs advocating on behalf of female migrants in a number of host countries. They conclude that the ability of these groups to move beyond (much needed) immediate aid and service to migrants into policy advocacy work is very much dependent on what they term the 'political tolerance' of host countries for civil society activism (2006: 22-28; see also Gurowitz 2000; Yeoh *et al.* 2004; Piper 2005b; Ball and Piper 2006; Piper 2006a). They also note, however, that even though only a small number of countries in the region joined as signatories, 'the fact that the ICRMW<sup>5</sup> nonetheless came into effect on 1 July 2003 has greatly encouraged Asian national and transnational NGOs which are now incorporating its normative frameworks of the rights of migrants and their families into their platforms and agendas in local languages, and disseminating them through their information channels' (Yamanaka and Piper 2006: 32).<sup>6</sup>

The disadvantaged position of temporary contract and low-skilled international migrant workers in receiving countries has been extensively documented in both academic and grey literature, and has become a major focus of advocacy by, and on behalf of, migrants in the region (Hutchinson and Brown 2001; Piper 2009; Piper 2010). These policy efforts, broadly defined, have themselves become a subject of analysis that tends to focus on the efforts of transnational governance organisations (such as the ILO and other agencies and commissions of the United Nations) and 'local' non-governmental actors (such as migrant groups, NGOs and CSOs) in both sending and receiving communities, to address the 'policy gap' left by receiving states in protecting international labour migrants within the region (Piper 2009).

The normative international discourse of Universal Human Rights (UHR) has been a key concept linking these efforts. A number of analyses have closely examined the ways in which different migration 'stakeholders' have utilised this discourse, contributed to its conceptual expansion and geographical diffusion, and have used the concept of human rights as a basis for collaboration across spatial scales (Wickramasekera 2002; Yamanaka and Piper 2006). Some of these have focused on the connections between global (and by extension regional) human rights dialogues and initiatives and migrants' rights organisations in Southeast and East Asia.

For example, Iredale and Piper (2003) examine the various obstacles at the international, state and institutional levels in seven Asian countries to the ratification of the ICRMW in 1990. For migrant sending states, obstacles include the lack of internal political will and a lack of international pressure for ratification, a fear of placing their workers at a disadvantage in the regional labour market, a lack of bureaucratic infrastructure and expertise to promote and implement the agreement, and a fear of national liability for their nationals who are classified as irregular migrants. For migrant receiving states in the region, the obstacles are similar and parallel: lack of political will and national political pressure, a concern over losing the ethnic 'distinctiveness' of the national population, and a reluctance to provide protection to irregular migrants or to allow the migration of family members (Iredale and Piper 2003: 67-8). The report

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<sup>5</sup> United Nations Convention on the Rights of All Migrants and their Families

<sup>6</sup> Ball and Piper also give an overview of the potential for introducing human rights as a policy discourse in APEC and ASEAN (2006:221-2).

concludes that while the ICMRW can serve as a valuable touchstone for promoting international human rights norms, advocacy groups at various policy levels have had little success in overcoming such obstacles of pushing for ratification and enactment, particularly at the national level (see also Piper 2004; Iredale *et al.* 2005).

In a related study, Ball and Piper (2006) systematically consider the different scalar relationships of the human rights discourse and its (potential) impacts on migration policy. They begin by outlining supranational and regional initiatives to bring a rights perspective to international migration policy starting with the Bangkok Declaration on Irregular Migration in 1999 (a response to the Asian economic crisis), moving through to discuss the Bali Process (see previous section), the establishment of the UN Global Commission on International Migration (UNGCIM), and the ministerial level meetings among labour sending countries in Asia (2005: 220-221). Then, using case studies from the Philippines and Japan, they analyse the ways in which national governments of sending countries, and migrant NGOs and CSOs in both sending and receiving countries, are utilising international human rights norms in their policy advocacy work, and outline some of the opportunities and obstacles that these policy actors have encountered with this approach. According to the authors, the primary opportunity presented by the use of human rights discourse has been the ability to draw on the moral authority of transnational policy norms, while the main obstacle has been the lack of any sort of mechanism to compel receiving states to ratify, implement or enforce such agreements (Ball and Piper 2006; see also Ball 2002).

In addition, Kneebone (2012) examines the role of a number of multilateral organisations in advancing human and migrants' rights agendas in the region and reaches a similar conclusion to Piper and Iredale (2003): that, although the ICMRW has some normative influence in policy discourse in the region, the state sovereignty of member nations remains a fundamental barrier to implementation and enforcement. Her overview also considers recent shifts in ASEAN, and highlights the Declaration on the Protection and Promotion of the Rights of Migrant Workers signed by member states at the 2007 Cebu, Philippines meeting. The declaration, which focuses on the obligations of both sending and receiving states in protecting migrant workers, is seen by many in the region as a step in the right direction, as are other recent engagements between ASEAN and the ILO regional office. However, Kneebone argues that although it may be valuable as a tool for fostering further dialogue, ASEAN's avoidance of controversial issues and topics that may impinge on the national sovereignty of its member states means that the declaration puts forth a less-rigorous normative standard than the ICMRW (Kneebone 2012: 376-7).

There is also an emerging literature on transnational and local NGOs and, to a lesser extent, unions organising for migrant rights in different national and bilateral settings in the region, with a strong focus on emerging Filipino and Indonesian labour movements in Singapore, Malaysia and Hong Kong (Sim 2002; Ford 2004; Piper 2006b; Hsia 2009; Lyons 2009). Combined, this literature refutes notions of migrants – particularly low-skilled and female migrants – as voiceless victims, highlighting instead the potential for cooperative and transnational labour organising across a diverse landscape of employment sectors and national migration regimes. To that end, a number of researchers have examined the ground gained by domestic workers in

Hong Kong over the past two decades, while at the same time, scholars are careful not to downplay the difficulties and often high costs of any form of migrant labour advocacy and activism, and particularly for migrants working in states, such as Singapore and Malaysia, in which all forms political dissent are heavily discouraged. In an attempt to map out the national and sectoral differences in labour advocacy amongst different groups of migrants, Nicola Piper, in a more recent review for UNRISD, develops a theoretical framework that draws on actor network theory to examine the interplay between transnational human rights discourses, state responses and NGO and CSO organising (Piper 2009).

At the scale of transnational migrant policy advocacy, in which NGOs, CSOs and other associations represent migrants from different countries working in different locations, Mary Lou Alcid (2004) has written about the Migrant Forum in Asia (MFA) and their work to create a transnational organisation to advocate for policy changes that will benefit migrants across the region, arguing that such multi-sited online networking, collaboration and solidarity provides migrants, and particularly those migrants who are physically isolated at their worksites, with much needed support to successfully advocate on their own behalf and on behalf of other migrants (see also Piper and Uhlin 2002; Wee and Sim 2004; Piper 2008a). Also writing about MFA, Lisa Law (2002) explores how the internet and the growing role of 'cyberpolitics' has created new spaces for political organising and policy advocacy for migrants, and particularly for migrant workers, across Asia. In this study, Law carefully investigates the specific ways in which language, visual imagery and the exchange of information – both practical and personal – over the internet has led diverse groups of migrants, separated by national origin, occupation and migration destination, to identify common issues and share advocacy strategies. What studies such as Law's do well is to trace out the specific technologies, processes and actions that enable these movements to emerge and work effectively. This body of work on transnational migrant activism can potentially serve as a guide for creating 'follow-the-policy' and 'policy assemblage' approaches (discussed below) to migration policy in other areas and amongst other actors.

In addition to tracking the efforts of NGOs and CSOs to shape policy agendas, analysts have also looked at the efforts of migrant-sending state governments to secure rights and fair working conditions on behalf of their workers (Go 2007). Yamanaka and Piper (2005) look at the efforts of the Filipino government to negotiate favourable bilateral agreements on migration with receiving states. Within Southeast Asia, the government of the Philippines has been the most active and aggressive state in promoting these strategies, which can be traced back to both activism on the part of migrants and return migrants as well as to an official national development strategy of encouraging out-migration and high rates of remittance back home (O'Neil 2004; Baggio 2008). Nevertheless, in the past few years, other migrant-sending countries in the region have begun to follow the Filipino state's lead in pursuing more favourable bilateral agreements with receiving states (Holliday 2012; Kneebone 2012).

Yet despite this general upsurge in sending-state advocacy on behalf of their migrant citizens, the record of success is mixed and varies significantly across the region. In their examination of these negotiations, Manning and Bhatnagar (2006) argue that sending states are operating a

significant disadvantage in these rights-based negotiations, and will continue to do so as long as there is significant economic competition from other sending countries. As more countries in the region move towards development strategies that rely, at least in part, on exporting migrant labour, more research needs to be done to trace the current and future impacts of these policy changes, as well as how these policies are transferred, adapted and adopted in specific contexts.

Thus, policy efforts on the part of states are shaped both by civil society actors agitating for better working conditions and expanded rights, and by the 'need' of various public and private interests to promote and enhance national economic development through migration. These two goals may be, but are not necessarily, compatible (as studies on the Philippines clearly demonstrate, see Baggio 2008; Guevarra 2010). Therefore, the relationship between migration and development in policy needs to be carefully interrogated in both individual national contexts, as well as in transnational frameworks that are engaged in processes of policy exchange and convergence (see Pillinger 2008 for further discussion).

#### **2.4 Theme Three: Migration and Development**

Over the past decade, a new development policy focus, usually termed the Migration and Development (MAD) Nexus, has emerged and generated a huge body of academic and policy-focused literature (Asis 2004; IOM 2005a; Pillinger 2008; Raghuram 2009; de Haas 2010). It is beyond the scope of this paper to explore the theoretical and practical implications of this paradigm shift in detail. However, in brief, development scholars trace the shift in policy focus within multilateral development institutions to a growing recognition of the huge economic impact of overseas remittances for migrant sending countries and transnational citizenship and Diasporic communities. The growing policy interest in the actual and potential contributions of migrants to development in their 'home' countries was paralleled by a shift (following decades of intense critique) by the World Bank, the International Monetary Fund and other large multilateral and bilateral funders, away from Structural Adjustment Programs (SAPs) and towards Poverty Reduction Strategies Papers (PRSPs) and a focus on the Millennium Development Goals (MDGs) (IOM 2005c; Faist 2008; de Haan and Yaquub 2009; Meyers 2000). Within these emerging multilateral policy frameworks, migrants are posited to have a central role to play in promoting economic and social development in their states of origin, and as a consequence, a large number of working groups, institutes, workshops and initiatives have sprung up to assess and strengthen connections between migration and development (for example, see GMC 2010; JMDI 2011; Aikins and White 2011; Agunias and Newland 2012). In general, the MAD Nexus represents a significant shift in how the relationship between migration and development is viewed, and has implications for policy-making across the development spectrum (IOM 2005b; Asis 2007; Pillinger 2008; Piper 2009).

In the Asian and Southeast Asian context, Asis, Piper and Raghuram (2010) published a review article that serves as an excellent blueprint for exploring the strengths and limitations of research in the Asia region on MAD issues (see also Pillinger 2008 for an overview that extends beyond Asia). The authors examine in detail the specific locations and conditions under which

what they term the 'production of migration knowledge' takes place and how that production intersects with policy-making. They consider the role of universities, research centres, institutes, funders and national governments in shaping what research gets done and how it is utilised in policymaking. They conclude that 'within the Asian context most migration literature has a particular programmatic quality - a desired set of outcomes that are strongly oriented by a development discourse.... As such, all the literature on migration may be assumed to have some concerns over development, although they may not necessarily be explicitly framed in this way' (Asis *et al.* 2010: 84).

The article then discusses the three main 'nodes' around which most migration and development literature in Asia revolves: remittances (see for example: Sukamdi *et al.* 2004; Semyonov and Gorodzeisky 2005; Weekley 2006; Rahman and Yeoh 2008; Devasahayam 2012), brain drain/gain (see for example: Meyer and Brown 1999; Stark 2004; Ozden and Schiff 2006; Hercog and Siegel 2011) and Diaspora development (see for example: Maas 2005; Opiniano 2005; Kuznetsov 2006; Kapur 2007; Acien *et al.* 2009), before identifying a number of key knowledge gaps in the literature. These are divided into empirical lacunae (including temporal and geographical knowledge gaps), and categorical lacunae (including lack of information about certain types of migrants, occupational categories, and a tendency to keep the analyses of different kinds of migration and migrants separate). In their overview of knowledge gaps they discuss several ways in which the lack of dialogue between international and internal migration research is unfortunate (see also King and Skeldon 2010), a topic on which we will briefly expand here.

First, research on migration and development, and particularly on migration and development policy, would benefit from an exchange between internal and international migration research in Southeast Asia through a careful tracing out of who migrates, and under what circumstances. According to Deshingkar (2006), in a review of internal migration in Asia, internal migrants tend to be poorer than international migrants, while Khadria (2008) and Meyer (2008) note, in separate reviews for the USRISD-IOM-IFS Project on Social Policy and Migration in Developing Countries, that international migrants who move from developing countries to other developing countries also tend to be poorer than international migrants who move from the Global South to the Global North, or from low income countries to high income countries (see also Ratha and Shaw 2007). The relative poverty of these South-South migrants is even more notable in cases where migrants move across neighbouring borders (for example between Myanmar and Thailand) (Khadria 2008; see also IOM 2005a; Manning and Bhatnagar 2006; and de Haan and Yaqub 2009, for discussions of migration and poverty).

A more concentrated focus on migration as a continuum of practices that takes place both within and across borders has implications, both for developing and analysing poverty reduction strategies, and for developing initiatives to protect particularly vulnerable groups in their 'home' and 'host' societies. The potential impact of this focus is enhanced by the fact that internal remittances are smaller in amount in terms of individual transfers but greater in aggregate in many countries with high levels of internal mobility (King and Skeldon 2010) and tend to be redistributed back to the poorest sectors of society in greater (and more regular)

amounts than remittances from overseas (IOM 2005a; Deshingkar 2006). Bringing together research on internal and international migration in considerations of poverty and vulnerability is a particularly important task in the Southeast Asian context for a number of reasons, including:

- the still quite important role that internal migration plays in at least 6 of the 11 member states (for more details, see the country summaries in this document, as well as Anh 2003; Deshingkar and Grimm 2004);
- the large number of refugees, stateless persons and internally displaced persons in the region and the extreme political sensitivity of these issues (Hugo 2002; Kaur 2007a; South 2007);
- the fact that the region is considered a global hub for human trafficking (Skeldon 2000; Tenaganita 2008; US Committee on Foreign Relations 2009).

Perhaps even more importantly, internal migration literature, which has carefully investigated development economics and urban-rural relations in Southeast Asia over the past six decades, links back to a rich analytical body of work in critical development studies (Crush 1995; Munck and Hearn 1999; Veltmeyer 2011). This literature, which is an important part of a larger body of critique of international development practices, has carefully examined and meticulously documented the complex, contradictory and often negative consequences of policies focused on modernisation and neoliberal development in the different regions of the Global South, including Southeast Asia (for an overview of the larger development critique see Standing and Taylor 2007).

When considering the relationship between migration and development in a policy context, a fundamental question must be held front and centre, namely: why are people migrating and under what circumstances? In other words, why do uneven geographies of development, that create the conditions of contemporary migration, exist at the local, national, regional and global level (and how are they related) and crucially, what role does development policy as it has been enacted historically play in the creation and re-creation of these relations of inequality and in the production of poverty? To move policy analyses beyond short-term, and often short-sighted, evaluations of the 'effectiveness' of particular programmes and initiatives, scholars must interrogate the underlying structures that are producing the geographic inequalities and contribute to the emerging patterns of the migration in the world today (for extended discussions on this topic see Skeldon 2008; Raghuram 2009; de Haas 2010: *Asis et al.* 2010).

## **2.5 Directions for Future Research: Engaging Methodological Frameworks for Advancing Migration Policy Analysis in Southeast Asia**

Despite the breadth and depth of research on migration in Southeast Asia, only a relatively small subset of research – as explored in this review – deals explicitly with migration policy in the 'process tracing' or 'distended case study' approaches alluded to above, namely analyses

that explore the ways in which policy is conceived, enacted, implemented, influenced, resisted, adapted and transferred within specific institutional, organisational, and societal contexts.

Most articles and reports that focus on migration in Southeast Asia (regardless of the geographical or topical focus) generally follow the same pattern when it comes to considerations of policy in their analyses. First, the paper will discuss the general context of the migration issue under investigation, with an overview of the larger macro-economic and political conditions that are driving movement in this case. Second, within this discussion of the general context there is usually an outline of the general or specific migration policies (usually at the state level) that impact the phenomenon under discussion. Migration policy is often described as part of the larger migration context, or when outlining the scope and dimensions of the problem/topic under discussion, but the specific mechanisms of policy-making, or how policies have changed over time, are rarely discussed. Once the context is set up, the majority of studies (whether grey or academic) discuss the impacts of this larger context, including policy, on migrants and migrant groups, sending-countries, receiving countries, and on other stakeholders. Often, and particularly in the grey literature, policy is then brought in again only at the end of the report in short sections that list the implications for policy and issue specific policy recommendations.

In addition, comparative research in migration and migration policy is also often hampered by a lack of reliable and cross-national compatible data on internal and cross-border migration flows and the treatment of migrants both in receiving countries and once they return home. Such data may not be collected or collected consistently in many locations, or the variables and categories used to classify migrants and their activities may be measured differently in different locations, making international comparison difficult. Research is further hindered by the difficulty and danger of obtaining usable data in certain countries, or on sensitive topics such as irregular migration and internally displaced persons (see Asis *et al.* 2010, Parsons *et al.* 2007 and Hugo 2006a for discussions). The issue of data, and of safe and comprehensive data collection, is acute for understanding migration in a number of countries in the region where the state is either unwilling to allow such information to be collected or reported (Singapore, Myanmar) or where it does not yet have the institutional capacity to collect and report such data (Laos, Cambodia and Timor-Leste).

The conclusion that can be drawn from the discussion above is that more research and analyses directly engaging with migration policy and policy-making in Southeast Asia at all levels and locations are needed. To this end, the 'process tracing' approach to policy analysis in political science provides a useful starting point. Process tracing focuses on identifying the linkages and tracing out the interactions between various actors and institutions as they engage in policy-making activities (Sabatier 1991; see also Boswell 2005; Gerring and McDermott 2007). The strength of this approach is in its inclusion of policy stakeholders that have traditionally been theorised as 'outside' of the political sphere (usually limited to the state, political parties, and voters) such as NGOs, CSOs, business interests, community groups and associations, local institutions and other actors, and the role they play in the creation and promotion of public policy. A related methodological approach, also within political science, looks at the

convergence or divergence of migration policies, agendas, norms and agreements amongst various state or institutional actors, usually at the multilateral or regional level of policy diplomacy (Thouez and Channac 2006). This ‘convergence/divergence’ approach emerged partially in critique to older models of policy diffusion; its proponents argue against viewing policy regimes and norms as imposed from the top-down (by powerful states to less powerful ones, for example), instead emphasising the need to trace out the complex interplay of actors, institutions, and ideas that lead to policy convergence (or divergence) within specific policy-making dialogues and settings (Drezner 2005).

Although process tracing and policy convergence/divergence methodologies emerged in response to the specific history of, and disciplinary critiques within, political science, these approaches share a number of close similarities with – and are at least in part inspired by – the distinct methodological approaches of other disciplines, such as anthropology, geography and sociology, which closely investigate social phenomenon in situ, or in other words, within their actual material and social contexts. In a recent article, geographers Jaime Peck and Nik Theodore discuss the emerging field of ‘critical policy studies’, and note the growing body of literature on what they term ‘policy mobilities’ in both urban studies and economic geography, an area of research that attends closely to the ‘translocal and cross-scalar movements in policy discourses and technologies’ (Peck and Theodore 2012: 22). Building on the extended case method (ECM) developed by labour sociologist Michael Burawoy (see Burawoy 1998), Peck and Theodore put forth their own ‘follow the policy’ approach to tracking and analysing global economic and financial policy developments. This they term the ‘distended case approach’, which allows researchers to study the complex, multi-directional, multi-scalar trajectories of policies as they are formulated, circulated, appropriated, adapted, translated, tweaked and then re-circulated by policy-making actors in and across institutional and organisational settings (Peck and Theodore 2012). In a related article, urban scholars Eugene McCann and Kevin Ward (2012) discuss a similar methodological approach, which they term ‘studying through’ the ‘assemblages’ of urban policy-making as they play out both within and between cities, arguing that if,

‘policy actors are engaged in a range of contingent and tactical learning and sharing practices as part of their “local” work, then it is incumbent on researchers to be there – literally when possible, figuratively when not – to gain a detailed appreciation of the practices through which policy actors draw on circuits of policy knowledge....’ (McCann and Ward 2012: 49).

Based on the methodologies discussed above, we argue that, as a loosely-knit methodological framework, such ‘process-tracing’ or ‘studying through’ approaches should be adapted as strategies to advance research on migration policy-making. The development of a more robust and interdisciplinary ‘follow the policy’ framework for researchers of migration policy would allow for the comparability of data across national and regional contexts, and enable new studies on migration policy to exchange concepts and insights with one another at the analytical level as well provide enhanced opportunities for advocacy. Such research requires scholars who have a strong theoretical grounding in social theory but at the same time are able



to deeply immerse themselves in the policy contexts which they are analysing (ranging from the corridors of the World Bank to a local village meeting in upland Vietnam). For example, such analyses could help local NGO groups to identify, develop and share strategies for influencing policy at both the national and supranational levels, and it could help academics to more clearly understand the ways in which institutional structures and organisational cultures operate to either resist or enact policy change on a range of issues.

It may be appropriate for scholars from different disciplines and with different methodological foci to concentrate on different kinds of migration policy research. However, a common focus on tracing out connections and disconnections in and between different forms of migration policy-making could provide a baseline context for collaboration, connection and comparability between studies that focus on different regions and countries, and that analyse policy at different levels and among very diverse actors. Such work is already being done, but the elucidation of a shared methodological framework would allow for both geographic comparison between cases with similar scalar foci and issues, as well as for drawing out the connections, interdependencies, (dis-)junctures and co-production of migration policy at different levels of analysis. Such scholarly 'assemblages' could be organised in a variety of ways, by region, issue or policy theme, and produced in a variety of forms, including conferences and workshops, special journal issues, edited volumes, and reports, as well as more innovative media, such as websites, collaborations with activists and advocacy groups, and film and other visual media.

Building on the migration policy analyses explored in this review, and the methodological approaches and framework for research outlined above, we conclude this section of the paper by drawing on Evans and Davies' (1999) work on policy transfer by highlighting key 'zones' of policy 'contact' that researchers may want to pay particular attention to when designing and implementing research programmes on migration policy and migration policy-making in Southeast Asia and beyond. In highlighting these areas it is not our intent to artificially isolate and examine only certain units of analysis and scalar relations in the policy-making process. Rather it is to suggest that within the larger context of research on migration policy in Asia, the relationships between these actors, networks and spaces of negotiation warrant further attention by migration researchers.

### **2.5.1. Migration policy processes between state and 'civil society' actors (broadly defined)**

What are the processes by which civil society actors shape migration policy? An expanded view of migration and migration policy processes is particularly useful here, as worker advocacy groups and other NGOs within sending and receiving countries often represent the interests of poor and low-skilled migrants, while trade associations, ethnic organisations and trade/business associations often represent the interests of more highly skilled migrants and more economically successful members of national Diasporas. Much literature already exists, as does expertise, particularly in the form of national case studies; the task would be to focus specifically on the ways in which policy change comes about over time and through a variety of pathways. A further challenge would be to bring these case studies, which often focus on one particular issue or national context, into analytical conversation with one another.

### **2.5.2. Migration policy processes between state agencies, institutions and actors**

If the state is not viewed as a unitary actor, then processes of policy formation within the state and the different interests of various state actors should be investigated in more detail. Often different cabinets and agencies within the same government will have very different perspectives, mandates and objectives in regards to migration policy, leading to contradictory policies and unexpected outcomes. For example, a commerce ministry and a defence ministry may have diametrically opposed views on the 'problem' of migration; for the former it may be the urgent need to attract migrant labour into growing economic sectors, whilst for the latter migration may be seen as a matter of limiting national vulnerability through stringent border securitisation and control. Investigating the multiplex nature of the state in the process of migration policy-making has the potential to uncover not only how policy is made, but also why policies so often produce unintended outcomes, remain unenforced or unenforceable, or are actively undermined by institutional actors within the very states, and even institutions, that create them or are charged with implementing them.

### **2.5.3. Migration policy processes between state and institutions of global and regional governance**

Again, here an expanded view of what constitutes policy work is useful because these relationships are often the most delicate and contingent given the very definition of the state as an entity that is not only entitled but also mandated to maintain its territorial integrity and national boundaries. Other areas of state/supranational policy-making are much more developed and migration policy analyses could benefit from an engagement with these relatively better developed literatures and incorporate them into a comprehensive framework. Examples include research on trade relations and economic policy, development and aid policy regimes, and human rights. Some analyses of migration policy between state and international governance actors do exist, although they tend to focus on the regional processes of capacity building and questions of policy convergence (Thouez and Channac 2005; Berne Initiative 2005) while the conceptual and empirical links between cause, effect and outcomes are often underdeveloped.

### **2.5.4. Migration policy processes between global governance institutions and non-state civil society actors**

As the discussion on Theme Two in the review above demonstrates, this is already fertile ground for investigation. Further work examining the relationships between various actors, including key activists, academics and those holding key positions in global governance organisations is needed. In addition, another area of exploration concerns the actual and potential connections between international migrant organisations and internal migrant organisations, possibly facilitated through transnational actors such as the IOM, the ILO and the UN. Piper and Ford (2006) and Piper (2009) review some of the work that has been done to connect international migrant groups to national and transnational union movements (see also

Alcid 2006), but more work on the actual and potential connections between international migrants and national CSO organisations focusing on the issues of the urban and rural poor, and on internal migrants within countries, could prove to be very fruitful for both theorising social movements and for understanding ‘global policy transfer’ at the grassroots level.

#### **2.5.5. Migration policy processes between business/capital interests and both state and global governance institutions**

Despite the central role that economic processes play in driving and shaping migration in Southeast Asia and elsewhere, little research has been done on the role that business interests and corporate actors are playing in the formation of migration policy in the region at either the national or transnational level (for one exception, see Tsai and Tsay 2004). Broad generalisations are often made about the interest of these groups in further opening up migration within specific countries in order to have access to talent and to take advantage of cheap labour (Manning and Bhatnagar 2006), but there have been, to our knowledge, few systematic studies documenting and analysing the role of business interests in the migration policy-making process at either the national or transnational scales (for one exception, see Chantavanich 2007 on Thailand). It may be that some of this information already exists and could be mined from historical studies and work in industrial relations, development economics and transnational investments in specific national settings. However, additional research that focuses on the relationships between business interests and state interests with regard to migration policy (both internal and international) would be extremely useful.

#### **2.5.6. Comprehensive analyses of migration policy at the regional and global scales.**

A sixth and final theme would be to bring the other themes together into comprehensive analyses of migration policy at the regional and global scales. It is at this point where the policy convergence/divergence approach developed by political scientists might most usefully come into play. Although some of the grey literature on migration policy, particularly at the regional and transnational level, already utilises policy convergence models, more could be done to link up policy transfer and convergence at different scales. There is a need to incorporate the role of ‘grassroots’ and non-state actors into analyses of both state and the transnational policy processes. Because the impact that these actors have on policy processes is often unofficial, diffused and the product of years (if not decades) of behind-the-scenes advocacy work, creative approaches to study and capture these processes are needed.

### **3. National Migration Policy Contexts for Southeast Asian Countries**

#### **3.1 Introduction**

This brief overview of the migration policy contexts in each of the 11 identified Southeast Asian states serves as a companion to the above review of migration policy analyses focusing on the region, and broadly maps current migration policy activities at the national level. Each section provides a short discussion of the key issues and considerations for each country, and a general

overview of current national migration policies. Bilateral migration policy agreements are also discussed in the context of each country.

### **3.2 Migration Policy Context by Country**

#### **3.2.1 BRUNEI**

Despite the fact that low-skilled and semi-skilled migrant workers from Malaysia, the Philippines, Thailand and other countries make up almost one third of the sultanate of Brunei's entire population (Santosa, 2009: 530), literature about migrant workers or migration policy in Brunei is scarce. A first step to amending this gap would be to undertake a study of Employment Order 2009, the main piece of legislation regulating the employment of foreign workers in Brunei. One outstanding feature of Brunei's Employment Order is that domestic workers are recognised as workers and are therefore extended legal protections, which is not the case in many other labour receiving countries in Southeast Asia (Maria *et al.* 1999: 52; Hosni 2009).

#### **3.2.2 CAMBODIA**

Cambodia has significant internal migration, out-migration of low-skilled workers (mostly to Thailand, but also to Malaysia, South Korea and Japan) and in-migration (of Vietnamese skilled labourers and workers from the PRC) (Derks 2008: 34; World Bank 2006: 26-9; Ministry of Labour 2010: 13). Observers agree that Cambodia is 'still in the early stages of migration management' (Maltoni 2007; see also World Bank 2006: 66; Sophal 2009: 11). Prior to 2011, the only major migration policy noted in the literature is Sub-decree 57 on 'Sending Khmer Migrants to Work Abroad' (1995), which is widely regarded as 'outdated' (Sophal, 2009: 6). Cambodia has signed bilateral agreements with a number labour receiving countries (ILO 2005: 2; Lee 2006: 12; Maltoni 2006: 24). Thailand, in particular, is understood to have a significant role in the ongoing development of migration policy in Cambodia (World Bank 2006: 66). In recent years, however, Malaysia has emerged as a major destination country for Cambodian migrants, a trend that can be directly attributed to the labour gap created by the 2009 Indonesian ban on the migration of female domestic workers to Malaysia (see below). The rapid growth in international migration was accompanied by numerous problems with recruitment in Cambodia and abuses within Malaysia, leading the Cambodian government to declare its own ban on sending domestic workers to Malaysia in 2011 (Holliday 2012: 465). Since then, according to attorney and legal consultant Jenna Holliday, 'Cambodia is now experiencing a flurry of activity in an attempt to bring its laws and regulations up to standard' (Holliday 2012: 465). The first result of this shift was the issuance of Sub-decree 190, entitled 'Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies' (Holliday 2012: 467). In light of this rapid development of policymaking, more research is urgently needed about all aspects of migration in Cambodia and all actors need to be involved in migration policy discussions.

#### **3.2.3 INDONESIA**

Traditionally, Indonesia is a labour sending country with only insignificant inflows of foreign workers, mainly Western expatriates. In order to reduce overpopulation in Java, the

Government of Indonesia has a long history in promoting policies to direct internal population migration to other major islands in the archipelago, although they have adopted a system based on dissuading migration to Java coupled with measures incentivising migration to other regions, rather than on a system of rigid prohibition or penalties (Anh 2003: 33). The bulk of Indonesian migrant labourers who work overseas are unskilled workers and the majority of them are women (Hernandez-Coss 2008). Thus, Indonesia is a country that has been transformed by the feminisation of migration. Most Indonesian female migrants work as domestic helpers in Middle East, East Asia, and Southeast Asia. Many of them are poorly trained and do not possess the language skills needed in their countries of destination. As a consequence, many Indonesian migrants experience fraud, abuse and maltreatment from their employers as well as from their employment agencies (IOM 2010). To address this issue, the government of Indonesia's labour migration policy has been directed to provide better protection for its migrant workers, starting with the recruitment process and focusing on preparing them for their deployment abroad (Hugo 2007). Several Memoranda of Understanding (MOU) between Indonesia and labour receiving countries provide the basis of protection for Indonesian migrant labours, including a new MOU with Malaysia signed in 2011 after a series of abuse cases, which led to the June 2009 temporary suspension of female migrants taking on domestic labour in Malaysia (Kneebone 2012: 375). Following the execution of an Indonesian maid in Saudi Arabia in 2011, a ban on labour migration to that country remains in effect (Kneebone 2012:375). However, unlike the Philippines, Indonesia is still in the initial stages of establishing strong bilateral agreements that can guarantee protection for its migrant workers abroad. Moreover, Indonesia, unlike the Philippines and Vietnam, has not seen migration as an important priority in its national development policy. Consequently, not much effort has gone into approaching migration issues in a more holistic perspective. In view of this, more studies on the Indonesian migrant labour policy are needed, especially in its relation to national development policy, to better address the challenging issues faced by Indonesian migrant labourers.

#### **3.2.4 LAOS**

Policies attempting to regulate the out-migration of Lao labourers to Thailand were first developed in 2002 in response to Thailand's request for a bilateral agreement (World Bank 2006: 62). Although land, development, and opium-eradication policies in Lao PDR have had the effect of stimulating tremendous internal migration (particularly from upland to the lowland areas), there is no comprehensive policy regulating this movement (Evrard and Goudineau 2004). The literature about migration in Lao is undeveloped, although in recent years there has been progress (Rigg 2007; Molland 2010; Evrard 2010; Phouxay and Tollefsen 2010; Jalilian 2012). More research is needed about all aspects of migration in Lao PDR and all actors need to be involved in migration policy discussions.

#### **3.2.5 MALAYSIA**

Since the 1990s, Malaysia has become the largest labour importing country in Southeast Asia. Currently, migrant workers represented between 25 and 30 per cent of the total Malaysian labour force. In 2007, there were 2.8 million migrant workers in the country, out of a labour force of 12 million people (Kaur 2008). However, the real challenge for policy concerning

migrant labour in Malaysia lies not only with its dependence on foreign workers, but also in the presence of large numbers of irregular migrant workers within its borders (Nah 2012). The Malaysian Trade Union Congress estimated that there are between one and two million undocumented migrant workers in Malaysia (Robertson 2008). With this situation, it is not surprising that migrant workers have become a major focus of political debates, not just among policy makers, but also among the Malaysian public. Currently Malaysian policy on migrant labour has been directed to: better control of the intake of migrant workers; encourage legal recruitment of migrant workers; reduce irregular labour migration; and provide better protection for migrant workers (Kanapathy 2008: 7). Malaysia's policy on migrant workers in general, and irregular migrant workers in particular, still frames the issue as a national security problem. This approach has led to many cases of migrant workers' abuse and maltreatment. Following a series of high-profile cases, in 2009 Indonesia enacted a temporary ban on the migration of female domestic workers, which lasted until a new bilateral MOU between the two countries was signed in 2011 (Kneebone 2012). In 2011, citing similar issues in recruiting and in abusive conditions, the Cambodian government initiated an identical ban (Holliday 2012). Malaysia's multi-tiered legal system for classifying and regulating international migrants within its borders has been the subject of growing criticism, both within the country and in the international migration policy community. A recent analysis of immigration policy in Malaysia argues that the current system relies on inflexible and increasingly inadequate nationalist understandings of migration that have proven to be largely ineffective in protecting migrant workers or in curtailing irregular migration into the country (Nah 2012).

### **3.2.6 MYANMAR (BURMA)**

Internal migration and out-migration (of both economic migrants and displaced persons) are widespread in Myanmar, a consequence of the government's heavy-handed authoritarian rule. While the government of Myanmar has historically denied the existence of internal migration (Bosson 2007: 9-10), they have developed a policy to facilitate the out-migration of their nationals for employment abroad (World Bank 2006: 66). In 2003, Myanmar signed a bilateral agreement with Thailand (the major recipient of Burmese labour) to help regulate the flow of undocumented persons across its border. Subsequently, the Thai government implemented a program to directly recruit Burmese workers and a program legalising undocumented Burmese migrant workers residing in Thailand through a nationality verification process. Today, it appears that there are still significant undocumented migration flows from Myanmar to Thailand despite the agreements and programs (Huguet 2007: 9; McGann 2013). The 2011 economic and political reforms are expected to have consequences for internal migration as a result of the government's recent encouragement of new FDI projects (Chantavanich 2012). It is not expected that the 2011 reforms will decrease migration to Thailand, as the wage differential remains large (McGann, 2013). More research is needed about all aspects of migration and migration policy in Myanmar.

### **3.2.7 THE PHILIPPINES**

Compared to other Southeast Asian countries, the Philippines arguably has the most advanced mechanisms for migrant labour recruitment and deployment. Guaranteed by national legislation and reinforced by the bilateral agreements between their home and host countries,

the situation of Filipino migrant workers is both in policy and, to a lesser extent, in enforcement, more secure than that of other migrant workers from the region (Go 2007). Realising the crucial role they play in the national economy, the government provides protection and support for Filipino migrant workers, starting with the recruitment process and continuing until they return back to the Philippines. Unlike many other countries which are still in the early stages of policy efforts to protect their migrant workers rights abroad, the Philippines has moved one step further by incorporating labour migration within its national development plan (Ball 2006). Studies on the impact of remittances on local and national economy of the Philippines are quite numerous (e.g. Ball 2006; Ang 2007; Capistrano and Lourdes 2007). At the same time, the government of the Philippines has continually adopted new reforms that grant more rights to its migrant workers while they are working abroad, such as the amendment of the Absentee Voting Act. Nevertheless, as the state has a strong economic interest in promoting continuing overseas migration, conflicts of interest in the protection of migrants lead to regular national policy debates, and there is some evidence that – despite the passage of strong legal protections for migrants through a complex web of national law and bilateral and multinational agreements – effective implementation and monitoring of these policies remains insufficient (Battistella 2012: 428-30). Nonetheless, as it has a relatively advanced system of labour export vis-a-vis other major sending states, and because migration is considered an integral part of national development, comparative studies between the Philippines and other sending countries in the region may be fruitful to address the underdeveloped systematic migration policies and strategies in much of the region.

### **3.2.8 SINGAPORE**

The city-state of Singapore is host to roughly one million low-skilled and semi-skilled temporary migrant workers from South and Southeast Asia (Lyons 2009: 94 ; Ministry of Manpower 2013) who are employed under the provisions of the Employment of Foreign Workers Act (Kaur 2010a: 389). The primary focus of the academic and grey literature about migrant workers in Singapore is the approximately 150,000 Foreign Domestic Workers (FDW) who reside in the country (Lyons 2009: 94). FDW have attracted the attention of both NGO activists and academics as a result of the vulnerability to which they are subject due to the nature of their work (isolated in private homes) and the shortcomings of policy (the Employment Act excludes domestic workers from its protections) (Human Rights Watch 2005). Researchers have described how in recent years civil society actors have successfully stimulated the Singaporean government to make a limited number of reforms to policies affecting FDW (Teo and Piper 2009; see also Yeoh *et al.* 2004; Lyons 2005). Whilst the pressure that civil society groups exert on policy makers is therefore relatively well-documented, much less has been written about how business interest groups (such as the construction, manufacturing and maritime firms that employ the majority of male low-skilled migrant workers) influence policy makers (Lin 2010: 197). As mentioned earlier, Singapore does not sign bilateral agreements with labour-sending countries (Kaur 2010a: 390). This fact is particularly significant because the Ministry of Manpower acknowledges it has been unable to curtail the fees that many migrants incur while securing work in Singapore because they have ‘no regulatory control’ over recruitment agencies in the sending countries (Ng 2006: 106). The import of foreign workers has increasingly become

a politically contentious issue in Singapore with certain parties calling upon the government to limit the inflow of foreigners (BBC News Business 2013).

### **3.2.9 THAILAND**

Thailand actively promotes the employment of its nationals in low-skilled and semi-skilled positions overseas. In 2002 and 2005, Thailand signed agreements with Taiwan and South Korea, two important receiving nations, in an attempt to curtail costs that its migrants incurred in the course of seeking employment abroad (TOEA 2006). While an estimated 500,000 low-skilled Thais currently work abroad, Thailand is a net receiving country, with an estimated 2.4 million foreign workers in 2007, the vast majority of whom are undocumented (Jalilian and Reyes 2012: 16). In 2008, Thailand passed its first piece of comprehensive legislation regulating the hiring and employment of the estimated two million labour migrants from Burma, Lao and Cambodia currently residing in the country. The Alien Employment Act, which has been described as ‘a Singapore-like system of dependency ceilings, sector-specific restrictions and employer levies’, authorises low-skilled migrants to work in the country on temporary (two-year) work permits and increases penalties for undocumented workers and their employers (Sciortino and Sureeporn 2009: 21). For the past decade, Thailand has also attempted to facilitate the regularisation and deportation of undocumented migrants from neighbouring countries through a series of bilateral and multilateral agreements and through a series of amnesty registration drives, but these efforts have been met with only limited success (Jalilian and Reyes 2012: 15-18; Srawoath *et al.* 2012: 248-57; Huguet 2007: 7). Thailand also hosts significant numbers of refugees and asylum seekers from Myanmar, though it has no comprehensive legislation to regulate their presence (Sciortino and Sureeporn 2009: 82). More research is needed about the effectiveness and consequences of the implementation of the Alien Employment Act, and on the implementation and impacts of the recommendations of the Illegal Alien Workers Management Committee, which has recommended a ‘more open door policy’ following the conclusion of their work in 2011 (see Chalamwong *et al.* 2012 for a recent comprehensive overview of Thai migration law and policy). Thailand also has extensive (rural to rural, and rural to urban) internal migration. The government has created policies to encourage the development of industrial areas away from Bangkok to reduce migration to the capital city (Anh 2003: 35). Preliminary attempts at process tracing have revealed that the formulation of migration policy in Thailand is heavily influenced by business interests (Chantavanich 2007) and is subject to the competing priorities of different government agencies (World Bank 2006: 65). Further research is needed to clarify the agenda and interests of these groups as well as to determine the effectiveness of civil society groups in the shaping of migration policy.

### **3.2.10 TIMOR-LESTE**

The violence surrounding East Timor’s vote for independence in 2002 drove hundreds of thousands of Timorese from their homes, resulting in both massive internal displacement within the country and in a refugee crisis in neighbouring Indonesia. Although most of those who fled across the border have now returned to Timor-Leste, problems stemming from the large-scale displacement continue to threaten the stability of the newest state in Southeast Asia (Vieira 2012). The violence that broke out in the capital Dili in 2006, between the police and the military, further underlined the deeply entrenched divisions that continue to plague the



country and led to a new wave of displacements (Vieira 2012). As a consequence, migration policy in Timor-Leste can be viewed as largely reactionary up to this point and characterised by a number of interrelated issues that must be grappled with over the next few decades, including: the highest fertility rate in the region; a growing population of young people and an accompanying rapid growth in unemployment; ongoing issues surrounding youth violence and clashes between police and military; a critical shortage of medical and other high-skilled personnel; and continued legal entanglements over land claims and entitlements resulting from repeated displacements (Sahin 2012; Thu 2012; Vieira 2012). Nevertheless, a recently published survey on the impact of remittances from internal migration (the first of its kind for the country) also indicates that migration is increasingly important as a household development strategy within Timor-Leste, although growing internal migration is largely rural-to-urban in character and may already be exacerbating significant internal inequalities (Housen *et al.* 2012). The report contains a short section of policy recommendations, which focus primarily on strategies for facilitating the transfer and dispersal of remittances to their intended recipients (Housen *et al.* 2012: 34-5).

Finally, the presence of large number of U.N. personnel and other representatives of international aid and development organisations has attracted a significant influx of specialised foreign migrants who provide services to these expatriates. The continued U.N. presence, in particular, is a source of frustration and resentment for some in the country, including those highly placed in the government (Sahin 2012). In addition, the accompanying influx of migrants to serve this population has created problems, as the country's immigration system is still less than fully functional (Hamilton 2004). In late 2003, the government of Timor-Leste passed the Immigration and Asylum Act No. 9/2003. One of the ongoing tasks that the state of Timor-Leste faces is to develop an immigration system that facilitates the flow of people in and out of the country while protecting its delicate national security (Hamilton 2004). Currently, the government has mounted an aggressive campaign to join the ASEAN community, which may result in enhanced participation in regional policy processes in migration, trade, and security over the next few years (Sahin 2012: 350).

### **3.2.11 VIETNAM**

There is a large and growing amount of internal migration in Vietnam, which is a situation of great concern for the state. The government of Vietnam has a population and labour relocation policy that is aimed at controlling population movements and urban growth by promoting urban to rural and rural to rural migration through strict measures such as the household registration system (Anh 2003: 31). Furthermore, since Doi Moi (economic reform) in 1986, Vietnam has increasingly sent its labour abroad. Although the current number of Vietnamese overseas migrant workers is relatively small (79,000 in 2009), the government of Vietnam plans to double this number over the next few years (Anh 2007). In order to achieve this, the government of Vietnam focuses its efforts on diversifying employment categories for its labour, as well as maintaining labour exchange relationships with traditional, higher income and safer markets (such as Taiwan, Japan, Korea, Middle East and Malaysia) and opening new markets (US, Australia, Canada, Czech Republic, Russia, Libya, Qatar, Bahrain, UAE) (Huy 2008). In accordance with this goal, in 2006 Vietnam's Ministry of Labour (MOLISA) adopted a policy to

provide job training and orientation for Vietnamese labour before sending them to work abroad. In general, Vietnam adopted a state interventionist policy of centrally-controlled and planned labour export built on bilateral labour service agreements with its labour receiving countries. Despite strong government intervention, implementation remains a serious problem in practice (Anh 2007). Cases of agency fraud and worker desertion are still widely reported, although as of the time of writing, there are not many studies available on this issue. Of the small amount of literature on Vietnam's labour policies, most only address policy in the broadest sense (e.g. Anh *et al.* 2003; Anh 2007; Huy 2008), rather than examine the effect of government policy on Vietnam's labour migration practices.

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## About the Migrating out of Poverty Research Programme Consortium

**Migrating out of Poverty** is a research programme consortium (RPC) funded by the UK's Department for International Development (DFID). It focuses on the relationship between migration and poverty – especially migration within countries and regions - and is located in five regions across Asia and Africa. The main goal of **Migrating out of Poverty** is to provide robust evidence on the drivers and impacts of migration in order to contribute to improving policies affecting the lives and well-being of poor migrants, their communities and countries through a programme of innovative research, capacity building and policy engagement. The RPC will also conduct analysis in order to understand the migration policy process in developing regions and will supplement the world renowned migration databases at the University of Sussex with data on internal migration.

The **Migrating out of Poverty** consortium is coordinated by the University of Sussex, and led by CEO Professor L. Alan Winters with Dr Priya Deshingkar as the Research Director. Core partners are: the Refugee and Migratory Movements Research Unit (RMMRU) in Bangladesh; the Centre for Migration Studies (CMS) at the University of Ghana; the Asia Research Institute (ARI), National University of Singapore; the African Centre for Migration & Society (ACMS) at the University of the Witwatersrand; and the African Migration and Development Policy Centre (AMADPOC) in Kenya.

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