

FROM LEGAL TO ILLEGAL WORKERS: THE PROCESS AND CHALLENGES IN RECRUITING INDONESIAN MIGRANTS WORKERS IN SABAH, EAST MALAYSIA

Dayang Suria Mulia, Ramlah Daud & Wan Shaw aluddin Wan Hassan
Faculty of Humanities, Arts and Heritage,
Universiti Malaysia Sabah, Kota Kinabalu, Sabah, Malaysia
(yahmulia@yahoo.com)

Abstract

According to the statistics in 2010, there are about 1.3 million documented migrant workers in Malaysia with the largest number (approximately 1 million) coming from Indonesia. By entering the country legally using legal documents, these workers will be protected by the employment laws and regulations, covered by medical insurance, obtaining work permits, and monitored by the Indonesian Consulate in Malaysia. This paper investigates the roles of recruiting agencies in Sabah, East Malaysia particularly those who are involved directly in recruiting new workers from Indonesia. Specifically, it explores what the strategies utilized and challenges that are encountered by the agencies in the process of recruiting new workers from Indonesia are. The issue of why migrant workers from Indonesia are still entering this country as undocumented workers despite continuous effort to recruit them legally is expounded in this paper. This study incorporates The New Economics of Labour Migration Theory (NELM). Data collection is based on a qualitative method. Twenty registered agents in Sabah and government agencies including Federal Land Consolidation and Rehabilitation Authority (FELCRA) and Sabah Rubber Industry Board (SRIB) as well as Indonesian Consulate were interviewed. The findings suggest that among the challenges in recruiting new migrant workers from Indonesia are the slowness of bureaucratic process and the overlapping roles of various government agencies such as Department of Immigration, Labour Department, Human Resources Department and GroWarisan as a 'gatekeeper.' The process of recruiting new workers takes at least three to six months. The agencies are also facing challenges to attract new workers due to low wages offered by the economic sectors such as palm oil plantation. Therefore, economic sectors such as agriculture, construction, manufacturing, and services sectors are still facing labour shortages.

Keywords: migrant workers, undocumented workers, bureaucratic process, challenges, recruiting

Introduction

The latest statistics show that there are about 1.3 million documented migrant workers in Malaysia with the largest number (1 million) coming from Indonesia. They are mainly involved in agriculture (palm oil plantations, forestry & fishery) (420,218), manufacturing (688,886) and construction (288,722) (Ministry of Home Affairs, 2010). Due to their bigger number, the migrant workers face many challenges concerning the rules and regulations from the recruiting agents and government agencies in Malaysia and Indonesia as well as their employers. Because of the 'complicated' process of recruiting documented migrant workers and the challenges they encountered, some choose to be undocumented workers. This paper investigates the process of recruiting documented migrant workers from Indonesia to work in Sabah. The data gathered in this study are used as the basis to evaluate the phenomenon of the influx of undocumented immigrants in the state. Although some of the qualitative data in this paper were gathered in 2011, the discussion in this paper is still relevant because not many changes occurred in terms of policy, rules and regulations in Malaysia pertaining to recruiting foreign workers.

Malaysia arguably has a strict labour migration policy, and yet illegal immigrants keep increasing. Although several attempts have been made by Indonesian, the Philippines, and Malaysian governments to regularize labour migration (Dannecker, 2005), most foreign workers still choose to migrate illegally. This is attributable to some factors. Azizah Kassim (1997) argues that the cause of illegal immigration in Malaysia lies, first, in the ineffective enforcement of laws pertaining to harboring and the employment of illegal workers. Second, the recruitment process is costly, time-consuming and cumbersome owing to the bureaucratic procedures and red tape in both the sending and receiving countries. For example, in the plantation sector, an employer will require three to six months to bring in a worker after receiving the letter of approval to employ foreign workers (Daud Amatzin, 2004).

Other scholars (e.g., Zahedul Karim, Moha Asri Abdullah & Mohd. Isa Haji Bakar, 1999) support this argument. The cost of recruitment imposed by recruiting agents, deposits for return passage and fees for travel documents and other relevant documents are very costly. For example, to get a new work permit in Malaysia through legal channels, it costs a migrant worker about RM1, 515.00 – 1,546.00 (USD 426.15 – 434.99) (Department of Immigration, Sabah, n.d.). And do not forget the long process the prospects workers have to endure and the fact that they have to bear very costly fees especially involving the Indonesian as has been highlighted by Jones (Jones, 2000). Therefore,

analysts argue that the illegal inflow of illegal immigrants will persist as long as procedures for formal recruitment are restrictive to both employers and employees. Moreover, migrant workers prefer the illegal form of entry because this system does not tie them to work in any specified economic sector. Unlike legal immigrants or guest workers, illegal immigrants have mobility and flexibility to seek better employment (Nayagam, 1992). Also, the assisting networks of illegal migration have become well established (Spaan, 1994) in sending and hosting countries.

The objectives of this paper are first, to understand the recruiting process of documented Indonesian migrant workers in Sabah. In particular, it investigates the roles of recruiting agencies in Sabah, East Malaysia specifically those who involved directly in recruiting new workers from Indonesia. The strategies that are utilized and challenges that are encountered by the agencies in recruiting new workers from Indonesia are expounded. The second objective is to investigate why migrant workers from Indonesia are still entering and working in Malaysia as undocumented workers despite the continuous effort to recruit them legally. The third objective is to link the processes and challenges faced by recruiting agencies and employers in recruiting documented workers and how these processes contribute indirectly to the increase of undocumented workers in Sabah. Data in this study are based on in-depth interviews, observations, field notes, and documents analysis. In-depth interviews were conducted with 20 recruiting agents, government agencies and Indonesian Consulate in Sabah. The next section provides a critical overview of the New Economics of labour Migration Theory. Section two and three describe the context of the study and methods utilized in this study. Findings and discussion are presented in section four and five while some conclusions are advanced in the final section.

The New Economics of Labour Migration Theory (NELM)

The New Economics of Labour Migration (NELM) approach emerged in the 1980s. The NELM model proposed by Stark (1991) and others (e.g., Stark & Bloom, 1985; Taylor, 1999). This theory proposed three main premises pertaining to international migration. First, it argues that although it is individuals who migrate, the decision to do so often originates within the family. Second, migrants respond not only to wage differentials and expected incomes but a host of other factors. Third, migration often occurs because of incomplete and imperfect markets. In addition, the theory also argues (Taylor, 1999) that migration decisions are part of family strategies to raise

income, obtain funds to invest in new activities, and insure against income and production risks.

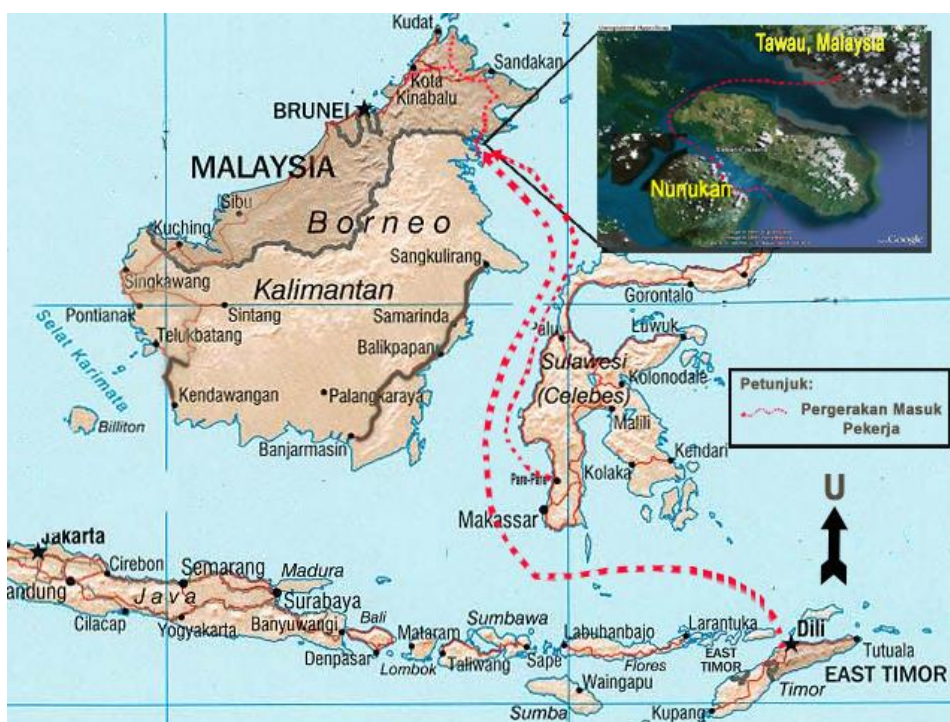
Because migration decisions are often made jointly by the migrants and their families/households (Stark & Bloom, 1985), one important component of the direct returns to the non-migrating family from the migration of a family member is his or her remittances. Migrants provide their households with liquidity, in the form of remittances, which may be used to finance new production technologies, and various activities. Migration also offers income insurance by providing households with access to an income source (migrant remittances) that is not correlated - or perhaps negatively correlated - with farm income (Taylor, 1999).

Stark and Taylor (1989) also proposed the relative deprivation model of migration. They argue that household members undertake migration not only to increase the household's absolute income but also to reduce their relative deprivation on a specific reference group. Stark and Taylor (1989) have hypothesized that migration might be undertaken primarily to improve an individual's or a household's comparative income position on that of other individuals or households in the relevant reference group (i.e., the village). Based on empirical evidence (migration from Mexico to the United States) they argue that the propensity of households to participate in international migration is directly related to the households' initial relative deprivation.

The New Economics of Labour Migration (NELM) framework attempts to integrate individual and structural approaches by shifting the unit of analysis from individual to the household (Pessar, 1982; Massey, Alarcon, Durand & Gonzalez, 1987). Stark and Bloom (1985, pp. 3- 4) argue that this approach shifts the focus of migration theory from individual independence (optimization against nature) to mutual interdependence (optimization against one another), that is, it views migration as a "calculated strategy" and not as an act of desperation or boundless optimism. Massey and colleagues (1993) contend that one of the most distinguishing contributions of the NELM is its integration of migration decision-making with migrants' remittance behavior and households' remittance use - aspects of migration that hitherto have been treated separately in the previous literature. The income remittances from migrants to their areas of origin have not been addressed in the neoclassical economics model of migration decisions (Todaro, 1969; Harris & Todaro, 1970). NELM model also has broadened the range of inquiry beyond simple rationalistic, individualistic decision making and private benefit/cost economic calculations. In short, the NELM model presents new ideas and insights into migration behavior, its causes, and its role in the development process.

Context and Background

The issue of documented and undocumented immigrants in Sabah is very complex and complicated. Sabah is dependent on thousands of Filipino and Indonesian immigrants to work in the plantations, agriculture, services, and construction sectors. Majority of the Indonesian immigrants entering Sabah coming from Sulawesi and East Timor (refer to Map 1). Their contribution to the economic development of Sabah is undeniable (e.g., Bilson Kurus, 1998), and yet they are ironically frowned upon by the local peoples who have blamed them for socio-economic problems in Sabah (e.g., Azizah Kassim & Fazli Abdul Hamid, 2004).



Map 1: The Sea Routes from Sulawesi and East Timor to Sabah, Malaysia

Concerning the exact figures of undocumented immigrants in Sabah, there are obviously conflicting figures from different sources. For example, the Immigration Department of Sabah claimed it had registered close to one million immigrants, and 200,000 of them are illegal immigrants (STAR Online, 2011). The Consumer Association of Sabah and Labuan Federal Territory (CASH) a year before claimed that this state became a host to an estimated 1.5 million undocumented immigrants (Malaysia Today Online, 2010). CASH also

claimed that the extraordinary growth rate of Sabah’s population during the last four decades could only be explained by a massive influx of immigrants. Based on an official statistics, the state’s population increased from 653,000 in 1970 to 2.6 million in 2000 to 3,120,040 in the year 2010, and the foreigners account for 27.7 % (Population and Housing Census of Malaysia, 2010).

Research Method

Data collection for this study was based on the qualitative methods of in-depth interviews, observations, field notes, and analysis of official reports and documents from government agencies. In-depth interviews were conducted with 20 recruiting agents, three employers and an Indonesian Consulate in Sabah.

Table 1: List of the Recruiting Agents in Kota Kinabalu, Sabah (being interviewed), 2011

RECRUITING AGENTS, EMPLOYERS & GOVERNMENT AGENCIES	
RECRUITING AGENTS	
Agensi Pekerja Anika Sabah (Sdn Bhd)	
Agensi Pekerjaan Marico	
Agensi Pekerjaan Good Service Sdn Bhd	
Agensi Pekerjaan Damai Point Sdn Bhd	
Agensi Pekerjaan Arena Mas	
Agensi Pekerjaan Sri Jaya Sdn Bhd	
Agensi Pekerjaan SBC (Mm2h) Sdn Bhd	
Agensi Pekerjaan Ikhlas Sejati Sdn Bhd	
Agensi Pekerjaan Cahaya Pelita Sdn Bhd	
Agensi Pekerjaan Borneo Jadi Sdn Bhd	
Agensi Pekerjaan Cekap Sdn Bhd	
Agensi Pekerjaan Sri Lumaku Sdn Bhd	
Agensi Pekerjaan Greatwall Sdn Bhd	
Agensi Pekerjaan C& T Sdn Bhd	
Agensi Pekerjaan Lee Enterprise Sdn Bhd	
GOVERNMENT AGENCIES & CONSULATE	
Immigration Department, Sabah	
Labour Department, Sabah	
Indonesian Consulate, Sabah	
EMPLOYERS	SECTORS
Felcra	Plantation
Sabah Rubber Industry Board (SRIB)	Rubber Estate
Nadi Hasil Sdn Bhd	Factory (Brick)

The researchers tape-recorded and transcribed fully each of the interviews, which were mostly conducted in Malay, and then translated into English. The interviews ranged from one and one-half to three hours in length. Fieldworks started from 9 June 2011 until 9 July 2011. The Department of Labour, Sabah provided the list of recruiting agencies. To diversify the sample, the researcher solicited respondents from various agents which involve directly in recruiting

new migrant workers from Indonesia and also play the roles in legalizing the undocumented migrant workers who currently live in Sabah. The main criteria in selecting agents in this study are that they must be registered under Department of Labour, Sabah and also still active in recruiting migrant workers from Indonesia. There are 39 recruiting agents in Kota Kinabalu registered with Department of Labour, Sabah, out of that number, 28 are considered active and 11 agencies are categorized as non – active because they did not renew their licenses.

Findings and Discussion

The Process and the Strategies in Recruiting Documented Migrant Workers from Indonesia

There are two processes in recruiting documented Indonesian immigrant workers which are (1) recruiting fresh or new workers directly from Indonesia, and (2) legalize undocumented workers who currently live in Sabah (U-turn process). The two processes of recruiting are described below in Figure 1 and 2. Sabah would allow four sectors namely construction, plantation, agriculture and forestry to employ migrant workers.

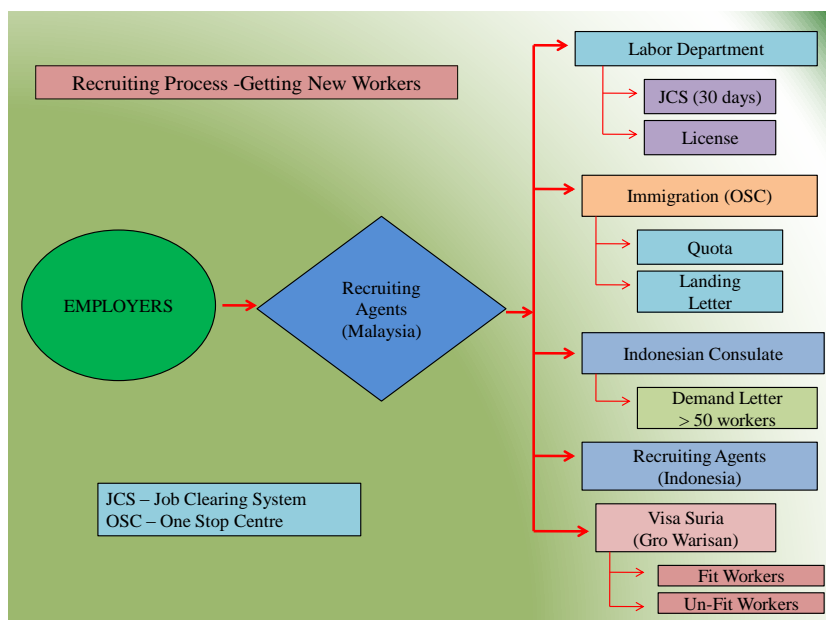


Figure 1: Process of recruiting new or fresh workers from Indonesia

(Source: Interview with the staff of Agensi Anika Sdn. Bhd., Kota Kinabalu Sabah, 16 June 2011)

Figure 1 indicates the process of getting new workers from source or sending country (Indonesia). In Sabah, Sarawak and Federal Territory of Labuan, a license and approval quota to employ foreign workers must be obtained from the Department of Labour and Immigration Department respectively. Recruiting agents and employers must get a license from the Labour Department that would allow them to recruit migrant workers. Before the license and recruitment quota is obtained, the employers or the recruiting agents must advertise the job vacancy through Job Clearing System (JCS). JCS is a computer-based service conducted by Labour Office to assist local workers to find jobs vacancy and also to assist an employer in finding local workers. Both parties can make use of this service online via a web page <http://www.mohr.gov.my/jcs>. Labour Office will issue a JCS Certification of Registration after they satisfy that the employer had put all effort to obtain local workers or after 30 days the employer had registered to obtain local workers through this system. In short, employers must have proof of efforts to recruit local employees before approval given to recruiting foreign workers.

Effective 1st August 2005, application for foreign labour is submitted to a One-Stop Centre located in the Immigration Department of Malaysia. Officers from the following agencies are working full time in the One-Stop Centre; 1.) Ministry of International Trade and Industry, 2.) Ministry of Human Resources, 3.) Ministry of Agriculture and Agro-based Industry, 4.) Ministry of Plantation Industry and Commodity, and 5.) Construction Industry Development Board. The approval letter is issued in two conditions; the application must attach workers bio-data, and the employer will pay the levy. To obtain approval quota from the Immigration Department, the employer must bring a copy of the foreign worker's passport to the One-Stop Centre within two weeks before the arrival of foreign workers.

A demand letter is needed for the recruitment of Indonesian workers. There is a service agreement between the recruiting agents on behalf of employers and agency in the country of origin. Demand letter stated the position offered a number of workers required, the salary and benefits. This paper must be stamped and signed by the employers as well as attested by Indonesia embassy/consulate and the Labour Department of Malaysia. There is also an employment contract between the employers and the selected worker. It is also attested by the Indonesian embassy/consulate labour department of Malaysia (Indonesian consulate in Sabah).

Any new migrant workers coming to Malaysia to work must go through a medical examination. Visa Suria Holdings Sdn. Bhd. in Tawau provided support services such as transportation, meals, lodging and medical examination to the new Indonesian workers. For medical examination, a male

foreign worker is charged a fee of RM180 and RM190 for a female foreign worker. For the dormitory, it costs RM95 for a maximum of two nights stay and RM45 for each extra day's stay (if the agent cannot collect foreign workers on time). For those who are considered unfit (based on medical examination) will immediately be sent out from the state, to prevent any communicable diseases from spreading in Sabah.

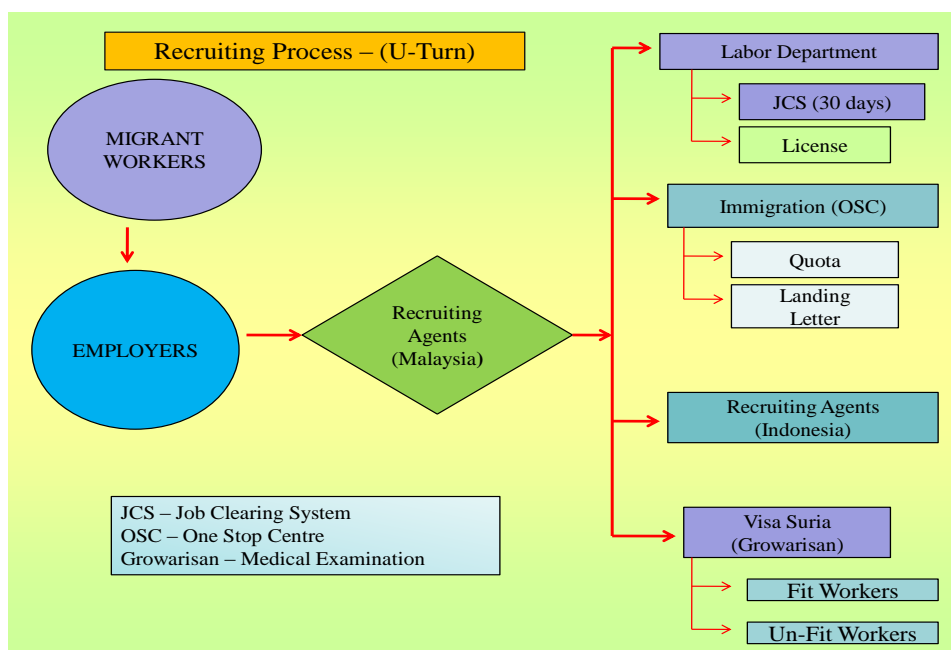


Figure 2: Process of recruiting undocumented workers in Sabah (u-turn process)
 (Source: Interview with the staff of Agensi Anika Sdn. Bhd., Kota Kinabalu Sabah, 16 June 2011)

Another process of recruiting migrant workers is legalizing undocumented workers who are currently live in Sabah. The recruiting agents called this process as U-Turn Process (refer to Figure 2). The U-turn process is less complicated compared to the first process- getting new workers from Indonesia. This process calls U-Turn because the migrant workers need to get back to Nunukan Island (Indonesia) near Tawau (Malaysia) to get all the necessary documents from the authorities in Indonesia. To legalize the workers, the recruiting agents or employers must follow the whole process of recruiting foreign workers and pay the levy. As gathered from the interviews with recruiting agencies in Kota Kinabalu, most employers prefer the U-turn process. This process does not involve dealing with agents and government

agencies in Indonesia. Furthermore, employers prefer the experienced workers who already familiar with the working environments in Sabah.

The Challenges of Recruiting New Documented Workers

Bureaucracy Process and Levy

Base on the interviews with the recruiting agencies, they contend that employers (their clients) in Sabah are really in desperate need for migrant workers to work in the plantation sector especially oil palm and rubber estates. Despite the continues efforts to recruit new migrant workers, this sector still facing labour shortages. Due to the bureaucracy process that has to be followed, sometimes the process of getting new workers will take three to six months. The slow process of getting new workers has an impact on the cost and operation of the plantation. A representative from one of the recruiting agents (Agensi Pekerjaan Good Service Sdn. Bhd.) in Kota Kinabalu who were being interviewed offered a solution on how to expedite the process of recruiting:

We think that the process to recruit new workers can be expedited if the employers or recruiting agents do not have to deal with various government agencies to get license and approval quota. For example, in order to get new workers, employers/agents have to deal with labour department, Immigration department, and sometimes Indonesian Consulate. We are of the opinion that the whole process can be done in One Stop Centre (OTC) in the Immigration Department. After all, the one-stop centre has representatives for each ministry/government agencies.

Besides that, employers also have to cover high expenses and paying a levy to recruit new workers. In some cases, the cost to hire migrant workers will be deducted from the monthly salary of the migrant workers (Refer to Figure 3 and Table 2).

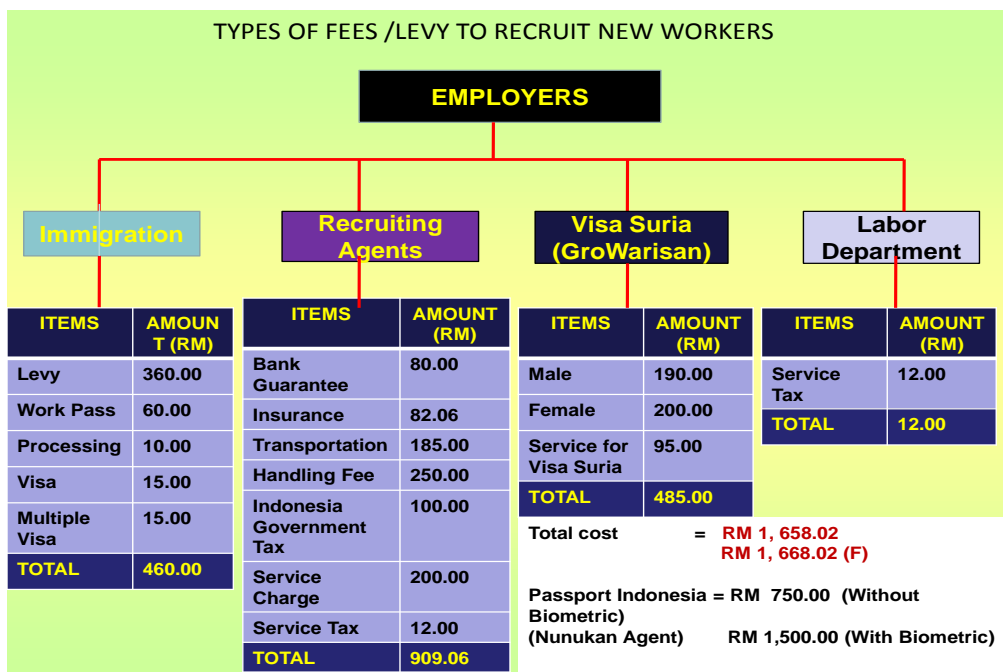


Figure 3: Types of Fees and Levy to recruit New Workers

Table 2: Rate of Levy According to Sectors and Positions

SECTORS/POSITIONS	WEST MALAYSIA	SABAH & SARAWAK
MANUFACTURING	RM 1,200.00	RM 960.00
CONSTRUCTION	RM 1,200.00	RM 960.00
PLANTATION	RM 540.00	RM 540.00
AGRICULTURE	RM 360.00	RM 360.00
SERVICES		
RESTAURANT	RM 1,800.00	RM 1,440.00
CLEANING	RM 1,800.00	RM 1,440.00
CARGO HANDLING	RM 1,800.00	RM 1,440.00
LAUNDRY	RM 1,800.00	RM 1,440.00
BARBER	RM 1,800.00	RM 1,440.00
RETAIL BUSINESS & WHOLESALE	RM 1,800.00	RM 1,440.00
TEXTILE BUSINESS	RM 1,800.00	RM 1,440.00
METAL PRODUCT	RM 1,800.00	RM 1,440.00
WELFARE HOME	RM 600.00	RM 600.00
RESORT ISLAND	RM 1,200.00	RM 960.00
DOMESTIC WORKERS		
FIRST	RM 360.00	RM 360.00
SECOND	RM 540.00	RM 540.00
THIRD	RM 540.00	RM 540.00
FOURTH & NEXT	RM 540.00	RM 540.00

Source: Immigration Department

Low Wages

One of the challenges faced by recruiting agents in getting new workers is the low wages offered by the plantation sectors. Most employers offer RM 10 -18 per day and this rate are considered low for the estate workers because of the high cost of living in Sabah. Remittances are part of the reasons why these migrant workers are working in Sabah. However, working 26 days per month and getting only RM468 per month is very low. According to the official from Indonesian Consulate in Sabah, Indonesian workers are expecting the rate of wages at least RM25 per day especially for those working in the oil palm plantation. Because minimum wages are not yet fully implemented in Malaysia before 2014, employers are offering their workers very low wages. Dalvin, the manager of Anika Pekerjaan Sdn Bhd states the challenge of getting new workers from Indonesia:

One of our problems in getting new workers from Indonesia is the low wages offered by employers in the plantation sector. The rate of abscondment is more than 50% due to the fact that they get low wages. This situation upset the employers because they bear all the costs of getting new workers and before the contract expires, the workers gone and run away either to other sectors or other plantations which offer a higher salary. But, you cannot blame them; they wanted to send money also to their family in Sulawesi.

Concerning low wages in the oil palm plantation, a representative from Agensi Pekerjaan Anika states:

I do not understand why the employers in the oil palm plantation are not willing to increase the wages. The price of oil palm now is quite high and very stabile. Now the price increases to RM 600 per tan. And yet, the wages of immigrant workers are still the same. They do not realize that tons of oil palm wasted and rotten because they are no workers harvesting or plucking them. In that sense, they already lost millions.

One of the roles played by the Indonesian Consulate in Sabah is monitoring the welfare of Indonesian immigrants' workers working in Sabah. In an interview with Indonesian Consul (Labour Affairs), Haji Iman Rokhadi, MM on 9 June

2011, shared the same concern about the low wages offered by the employers especially in the plantation sector. He states:

The main problem that the immigrant workers encountered and always reported to us is the low salary, unpaid salary and employers breached the contract. When we received this kind of report, we will discuss with the employers/companies involved and also report the matters to the labour department of Sabah. Normally workers choose to go back to Indonesia after the problems solved.

Based on the interviews with the management in Federal Land Consolidation and Rehabilitation Authority (FELCRA) and Sabah Rubber Industry Board (SRIB), they contend that the plantations operated by those two agencies already offered attractive wages and benefits to the migrant workers. But they normally increase the wages during harvesting season (refer to figure 4) and the wages offered are based on the types of works done in the estates. Data in figure 4 was provided by SRIB.

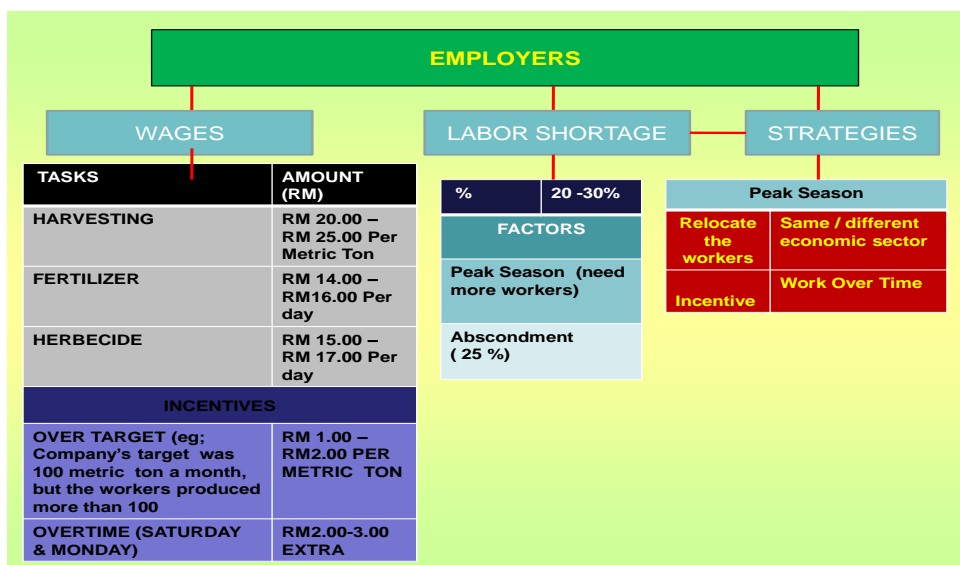


Figure 4: Rate of Wages (Migrant Workers) in the SRIB estate
(Source: Interview with SRIB officer)

How is the Process of Recruiting Documented Workers Contribute to Illegal Immigration in Malaysia

As discussed earlier, Malaysia arguably has a strict labour migration policy, and yet illegal immigrants keep increasing. Although various attempts have been made by Indonesian, the Philippines, and Malaysian governments to regularize labour migration (Dannecker, 2005), most foreign workers still choose to migrate and working illegally in Malaysia. Based on this study, this phenomenon is attributable to some factors. As discussed previously, the recruitment process especially getting new workers is costly, time-consuming and cumbersome due to the bureaucratic procedures. For example, in the plantation sector, an employer will require three to six months and sometimes more than six months to bring in a worker after receiving the letter of approval to employ foreign workers (Fieldwork Data, 2011). For those employers who really in desperate need of workers, they eventually employ undocumented workers.

As indicated in figure 3 and table 2, the cost of recruitment imposed by several agencies (such as fees for travel documents and other relevant documents) are very costly. Based on interviews with Recruiting Agents, to get a new worker, it costs an employer RM 3,000 – 5,000. Therefore, recruiting agents and employers argue that the illegal inflow of illegal immigrants will persist as long as procedures for formal recruitment are restrictive to both employers and employees. Moreover, migrant workers prefer the illegal form of entry because this system does not tie them to work in any specified economic sector. Unlike legal immigrants or guest workers, illegal immigrants have mobility and flexibility to seek better employment and high wages. Because the networks of illegal migration have become well established (Spaan, 1994; Dayang Suria Mulia, 2011a, 2011b, Majid-Cooke & Dayang Suria Mulia, 2013) in Sabah, the process of getting jobs for undocumented workers are very easy.

Another factor that contributes to the influx of illegal immigrants is the reluctance of some Malaysian employers to increase wages in the plantation sector. As some of the respondents (recruiting agents) noted, now the price of oil palm is quite high and very stable and yet the employers still reluctant to increase the wages. Rather than raising wages in response to the labour shortages in the plantation and estates, employers resorted to hiring illegal immigrant workers.

Besides plantation, one of the sectors facing acute labour shortages is restaurants and coffee shops. Based on the interviews with the recruiting agents and employers, their clients (employers) said the ban on getting migrant workers to work in the restaurants, coffee shops, and shops would cripple their

business as local peoples were reluctant to take up these jobs left vacant by immigrant workers. Bakeries, textile companies, restaurants, and grocers have been appealing to the government since 2010 to allow employers in the service sector to employ foreigners because of a dearth of local workers. Recruiting agents in Kota Kinabalu (Agensi Pekerjaan Good Service Sdn Bhd) shared his clients (who own businesses such as restaurants, café, estates, etc) concern about labour shortages:

My clients do not mind paying a high levy of about 2,000 ringgit every year for each of their foreign workers. Because the government ban on getting workers in the service sector, which make them create strategies. Since they own many businesses (oil palm estates, restaurants, café, etc), one of the temporary strategies they normally utilized is hiring immigrant workers in the agriculture/plantation sectors (they own) according to the law and then transferred the same workers to work in their restaurants. This is actually against the law, but they do not have much choice...to run a business, they need workers...since locals refused to work in the restaurants...

Due to a labour shortage in some sectors, employers utilized strategies that contribute to the increase of hiring illegal workers. According to the laws (Immigration Departments) workers that are hired to certain economic sectors or estate cannot move or transfer to other sectors or locations. Due to labour shortages in certain economic sectors, employers have no option but to relocate their workers to other sectors as a solution to the labour shortage. The same case occurred in the oil palm plantations and estates. The utilized the same strategy, especially during harvesting season. An official from Sabah Rubber Industry Board (SRIB) echoed the same challenge:

Sometimes during harvesting season, some estates need more workers for harvesting. The strategy is that the estates relocate the workers from one small estate to a bigger estate to cope with the mounting works. Another strategy is to give incentive to the workers who work extra time and more tasks

Labour shortage partly contributes to the increasing of undocumented workers in Sabah. Besides the slow process of recruitment, the involvement of various agencies as a 'gatekeeper' and sometimes their roles are overlapping also contributes to the increase of undocumented workers in

the state. Gro Warisan is one of the gatekeepers which responsible to make sure that the workers fit or unfit to work in Sabah. However, this sometimes creates a problem. The informants highlighted the issue of Gro Warisan being located only in Tawau and not in other ports of entry (such as Sandakan & Lahad Datu). This partly has contributed to the slowness of the process of recruiting new workers. As describes by a representative from the Agensi Pekerjaan Marico and Agensi Pekerjaan Damai Point Sdn. Bhd.:

As reported by our clients (employers), there were many cases where workers are declared unfit by Gro Warisan' panel doctors after they undergone medical Check-up. Case in point is one worker who has high blood pressure. Although the agent and employer appealed for a second opinion (due to the reasons that high blood pressure is uncertain – ups and down) but the medical check-up result from the panel doctors appointed by the Gro Warisan is considered ultimate. So, the employers felt that the cost of getting the worker was wasted as well as the time and energy to get fresh workers. Those who declared unfit were sent back to Indonesia immediately...

Conclusion

As discussed throughout this article, there is pressure in the system for employers to employ documented foreign workers. Based on the qualitative data in this study, some employers preferred to hire undocumented workers for several reasons. First of all, because of their unlawful status, migrant workers are less demanding in terms of their salary. Secondly, to increase their production, employers can easily get them to work extra time with a minimum payment. Most importantly, most employers find the legal procedure of importing new workers involve a length tedious process. Clearly, from the viewpoint of foreign workers, there are advantages of being illegal workers. Although, there is greater risk of corruption and abuse with the unlicensed labour agents, and less protection being an illegal worker, some foreign workers preferred to be undocumented workers to avoid the strict admission procedures. Therefore, many migrant workers choose to enter Malaysia through unofficial routes since migrating through licensed labour agencies can result in long delays and requires cumbersome bureaucratic procedures.

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