

# Recent Trends in International Migration in Asia and the Pacific

*There is a need for more dialogue between countries of origin and destination on such issues as ethical hiring practices, protection of migrants' rights, and cooperation to ensure that the development prospects of origin countries are not jeopardized.*

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When the twentieth century came to a close, international migration had become part of the region's economic, social and political fabric. As of 2000, there were 49.9 million international migrants in Asia and 5.8 million in Oceania, accounting for 29 and 3 per cent, respectively, of the 175 million international migrants worldwide.<sup>1</sup> Excluding refugees, the International Labour Organization (ILO) estimates that of the 86 million migrant workers worldwide (ILO, 2004:7) some 22.1 million were economically active in Asia and some 2.2 million in Oceania (27 and 4 per cent, respectively).<sup>2</sup> Those numbers reflect the relentless migration that accompanied regional integration and the broader process of

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globalization on the move since the 1970s. By the end of the century, several migration systems had become firmly established in South-East Asia, East Asia, South South-West Asia, and North and Central Asia (Battistella, 2002; ESCAP, 2002). In the Pacific, migration from the Pacific Islands to core countries, notably Australia and New Zealand, has also been a recurrent pattern in the past decades. Thus in the Asian and the Pacific region, alike elsewhere in the world, international migration has become a structural reality, setting in motion the dynamics for further migration in the years to come. As noted by the participants of the Berne Initiative regional consultation for Asia, held in Guilin, China, on 29-30 July 2004, “The debate in Asia, of course, differs from the one in other regions of the world, not least of which is due to the predominant interest on the continent in the issues surrounding labour migration”.

This paper presents recent trends in international migration in Asia and the Pacific, focusing mostly on the years from 2001 to date, and serves as an update to an earlier report (ESCAP, 2002). Owing to a lack of access to data on North and Central Asia, South-West Asia, and Pacific countries or territories, the review focuses on East and South-East Asia, with some references to South Asia, as well as Australia and New Zealand in Oceania. Unless otherwise stated, references to Asia-Pacific in this paper refer to this restricted definition of an otherwise vast and diverse area. Much of the discussion deals with labour migration, although permanent and refugee migrations are also discussed as they are integral components of international migration in the region.

The first part of the paper is devoted to updates on labour migration, both authorized and unauthorized.<sup>3</sup> The volume of migration, sources and destinations, composition of migrants and their labour market niches are presented based on data collected by government agencies and non-governmental sources, research findings, as well as media reports, mostly covered by the biweekly *Asian Migration News*.<sup>4</sup> The second part of the paper examines recent trends in other forms of international migration, mainly permanent and refugee migrations, and their interface with labour migration issues. The concluding section outlines the social implications of migration trends, particularly those aspects related to migrants’ rights, development prospects and partnership.

## **Workers and talents in motion**

### **A review and developments: 1970s to the present**

The demand for workers in capital-rich but labour-short countries in the Gulf region in the 1970s started large scale labour migration from and within Asia that continues to this day. The strictly temporary and limited contract migration

adopted by the Gulf Cooperation Council (GCC) countries also became the template of migration policies of receiving countries in East and South-East Asia. Initially, labour migration to the oil-rich countries – Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates – involved mostly male workers. India, Pakistan and Bangladesh, and later, the Republic of Korea, the Philippines and Thailand supplied workers to realize infrastructure projects in the Gulf countries. Despite their goal to nationalize their work force, Gulf countries continue to hire foreign workers. Among the sending countries, the Republic of Korea is the only one that became a labour receiving country; the rest, especially South Asian countries, continue to send workers to the region. In addition, Indonesia and Sri Lanka secured the labour market for domestic workers, which spurred the feminization of migration in the Gulf region. While female migrants figured among the medical/health-care personnel, salespeople, hotel personnel, and services and maintenance workers recruited by the GCC countries after the construction boom, domestic work provides the major source of employment for women migrants (Moreno-Fontes Chammartin, 2005:1).

In the 1980s, the newly industrialized countries (NICs) in East and South-East Asia resorted to labour importation to sustain economic growth. As their economies soared, the NICs experienced labour shortage in sectors which the local population had deemed undesirable: construction, manufacturing and plantation/agriculture. Moreover, as local women entered the paid labour market, families and households experienced a shortage of care workers. Labour shortage in the 3-D (dirty, dangerous and demeaning) sectors and in the households was solved by importing migrant workers.<sup>5</sup> The demand for domestic workers in Hong Kong, China; Singapore; Malaysia and Taiwan Province of China and the demand for entertainers in Japan (and more recently – and in a smaller scale – in the Republic of Korea) increased the feminization of migration. Filipino women migrants dominated the domestic work sector in East and South-East Asia (except in Malaysia, where Indonesians are the predominant group) and are also the largest group of legal foreign entertainers in Japan. As in the GCC, the domestic work sector in East and South-East Asia expanded significantly. By contrast, the concentration of women in domestic work and entertainment sectors, which are not covered by national labour laws, renders migrant women vulnerable to abuse and exploitation (see Huang, Yeoh and Abdul Rahman, 2005; Moreno-Fontes Chammartin, 2005; *APMJ*, 2003). The problems surrounding migrant women in these sectors, including those in legal migration, speak of violations of basic rights that threaten women's safety. They also erode the potential of migration to promote a better life for migrants and to act as a vehicle for empowering migrant women.

The feminization of migration is often associated with migration from Indonesia, Sri Lanka and the Philippines, where women comprise some 62-75 per cent of workers legally deployment annually. If unauthorized migration were considered, the feminization of migration would extend to other countries. For example, Thai women migrants may be underrepresented in legal migration, but they predominate among those in irregular migration or those trafficked (e.g., the large number of Thai women in Japan's entertainment sector). Unauthorized migrant women have gone unnoticed in Thailand because past registration efforts (except in 1996 and from 2001) did not include domestic workers (Toyota, n.d.; Punpuing and others, 2005). Of the work permits issued between 1 July and 15 December 2004, 128,514 of the 814,246 (15.7 per cent) were private household workers (Huguet and Punpuing, 2005:31). Interesting country variations were noted in a study on unauthorized migration in South-East Asia: in the Philippines, women were as likely as men to take part in unauthorized migration; in Indonesia, men were predominant in unauthorized flows to neighbouring Malaysia;<sup>6</sup> while migrants in Thailand's fishing, agriculture and manufacturing industries were mostly men (Battistella and Asis, 2003).<sup>7, 8</sup>

Unlike the government-to-government arrangement in Western Europe's guest worker programme, the system that evolved in Asia involved minimal government-to-government discussions. Except for government regulation of migration matters, recruitment is left largely in the hands of private recruitment agencies (and their networks of various brokers and intermediaries), and the protection of workers rests on contracts signed between workers and their employers. This scheme has given rise to irregularities and abuses at all stages of the migration process, exacting costs on migrants and their families. Excessive placement fees, contract substitutions, contract violations, low wages, non-payment or delay in the payment of wages are widespread, especially among women migrants in domestic work and entertainment. Unauthorized migrants and trafficked persons are rendered more vulnerable because they are seen as immigration violators and have limited or no access to support and redress of grievances.

Until the 1990s, labour migration in Asia involved mostly less skilled workers. Since then, the migration of the highly skilled and professionals increased in response to greater demand, especially for Information Technology (IT) workers and health-care workers (especially nurses), by more developed countries. In the past, the highly skilled workers migrated to countries of settlement, but from the 1990s, non-settlement countries, such as the NICs in Asia, started vying for those wanted workers. The offer of permanent residence to attract those prized human resources is particularly remarkable for Asian

countries, such as Japan; Taiwan Province of China; Republic of Korea; Malaysia and Singapore, which do not allow settlement to less skilled foreign workers.<sup>9</sup>

Demographic factors (i.e., declining population growth, ageing of the population) and lifestyle factors (e.g., some jobs becoming undesirable – such as nursing)<sup>10</sup> as well as the mobility of the highly skilled<sup>11</sup> are among the factors that will increase the migration of the highly skilled. Countries of origin are gearing up to corner a share of this more lucrative (and better protected) market. Moreover, the educational/life aspirations of families and individuals in countries of origin have been influenced by their perceptions of what would be in demand, hence, the high levels of enrolment in “marketable” courses, such as nursing and IT programmes. However, the demand for less-skilled workers will not diminish either. In the more developed economies, certain jobs have been identified as migrants’ jobs, typically 3-D jobs (dirty, dangerous and demeaning). In the case of the Gulf countries, private sector jobs have largely been relegated to migrants. Some receiving countries are working at improving work conditions to attract locals (e.g., Hong Kong, China, China’s efforts to encourage local women to go into domestic work) or sell the idea of self-reliance to persuade locals to take up migrants’ jobs. To realize the goal of reducing the number of migrant workers to 300,000-500,000 by 2015, government officials in Malaysia admit that an attitudinal change will be required to entice the local population to work in plantation and other 3-D sectors.

### **Estimates of labour migration: legal and unauthorized**

According to Abella (1995:125) in the 1980s, there were about one million Asian migrants working in East and South-East Asian countries (including long-term residents in Japan and Indonesians in Malaysia); by the 1990s, their number rose to more than three million; and around 2000, their number may have reached 5.3 million (ESCAP, 2002:1) or 6.1 million (Battistella, 2002:406). Women migrants were estimated at two million or one third of the total (Yamanaka and Piper, 2003:6). Based on more recent data and estimates, the number of Asian migrants working in East and South-East Asia has increased to 6.3 million legal migrant workers or 7.5 million if unauthorized workers were included (table 1). Assuming that women are a third of the migrant population, their number would be around 2.5 million. Compared with estimates around 2000s, the share of unauthorized migrant workers has gone down from 34 to 16 per cent of the migrant workers population in more recent estimates. The registration drive in Thailand and the Republic of Korea, the crackdown in Japan against unauthorized migrants, and the repatriation drive in Malaysia, all of which were carried out in 2004, may explain the decline. It remains to be seen whether this decline is but temporary. Moreover, those figures are, at best, an approximation of the

real scale of the phenomenon because of serious data limitations, particularly on unauthorized migration.

**Table 1. Stock of foreign workers in receiving countries in East and South-East Asia, most recent year**

Country (Nov 2004)	Legal (Year)	Unauthorized (Year)	Total	Source(s)
<b>South-East Asia</b>				
Brunei Darussalam	150,000 (2004)	na	150,000 (2004)	Asian Migration News, 30/09/04
Malaysia	1,470,000	400,000 (other ests: 300,000; 500,000)	1,870,000	cited in Bloomberg, 2005; Asian Migration News, 15/04/05; 31/03/05
Singapore	621,000	na	612,000	cited in Orozco (2005)
Thailand	1,269,074 (2004)	400,000 (2004)	1,669,074 (2004)	Asian Migration News, 15/05/05
		800,000		Country statement of Thailand (2005)
<b>East Asia</b>				
Hong Kong, China	340,000	na	340,000	Cited in Orozco (2005)
Japan	1,973,747 (2004)	219,428 (2003)	2,193,175 (2003/2004)	2004 figure is cited in Migration News, n.d. Ministry of Justice cited in Iguchi (2005)
	870,000 (2003)		1,089,428 (2003)	Estimate by Iguchi (2005)
Republic of Korea	179,000 (April 2005)	199,000 (April 2005)	378,000 (April 2005)	<i>Migration News</i> (2005)
Taiwan Province of China	312,664 (Nov 2004)	16,000 (Nov 2004)	328,664	
Total	6,315,485	1,234,428	7,549,913	
	5,211,738	1,634,428	6,846,166	

*Notes:* For Japan, the legal figure refers to the registered foreign population; the shaded figure is based on Iguchi's (2005) of estimate of foreign workers; the unauthorized figures refer to overstayers. For Taiwan Province of China the unauthorized migrants refer to absconders. The shaded figures represent alternative estimates.

Although unauthorized migration is present in all the migration systems, the problem is serious in Malaysia, Thailand and the Republic of Korea, while the situation appears to be under control in other receiving countries. Those three countries share some common characteristics: (a) they drew up a migration policy after numerous migrants arrived, (b) they share a border with other neighbouring countries, and (c) their migrant populations tend to be dominated by one or two groups who usually come from neighbouring countries (ethnic Koreans from China, in the case of the Republic of Korea).

Contrary to popular perceptions, not all unauthorized migrants are undocumented (many unauthorized migrants hold a travel or work document), and not all unauthorized migrants have violated migration regulations throughout all stages of migration. Several types of unauthorized migrants have been identified in Asia, namely: (a) undocumented, i.e., those who do not use travel and/or work documents – very common in cross-border migration, e.g., between Indonesia and Malaysia or between Myanmar and Thailand; (b) non-work permit holders, i.e., those who legally leave the country of origin with a non-working visa (usually as tourists), but then work in another country; (c) overstayers, i.e., those who stay beyond the period specified in their visa; and (d) runaways, i.e., those who run away or abscond from their sponsors/employers.<sup>12</sup> The legal status of migrant workers is not exactly fixed and unchanging, hence posing legal migration and unauthorized migration as a dichotomy has its limitation. Overstayers or runaways, for example, were legal migrant workers, until they overstayed or absconded. Runaways may have left their original sponsor/employer because of abusive or difficult conditions, in which case their “immigration violation” was actually prompted by violations against them. It is also possible for unauthorized migrant workers to regularize their status in the event that an amnesty or registration programme is offered.

The issue of trafficking in human beings further muddles the discussion on unauthorized migration.<sup>13</sup> The terms “unauthorized migration”, “human smuggling” and “trafficking in persons” are often used interchangeably. It has been suggested that unauthorized migration is the general category while trafficking in persons is a more specific form – i.e., more abusive, more violent – of unauthorized migration (Battistella and Asis, 2003:12-13). An outline of similarities and differences among those forms of migration is summarized in table 2. Focusing on the consequences of migration on migrants, the conditions that put migrants at risk is present in all forms of migration. As such, developing approaches that consider legal migration and unauthorized migration as part of an integrated migration system rather than as polar opposites (which presume

Table 2



different sets of policies) may be more constructive and effective in managing migration (Battistella and Asis, 2003).

### **Migration systems and labour markets**

In general, the configuration of origin countries, destination countries and labour markets employing migrants have not changed much over the years (tables 3 and 4). Table 4 underscores the dependence of receiving countries on migrant workers in key sectors, while table 5 shows how countries of origin have come to rely on remittances' contributions to their gross domestic product.

*South-East Asia.* In South-East Asia, Brunei Darussalam, Singapore, Malaysia and Thailand draw migrants mostly from within the region while the major countries of origin are the Philippines and Indonesia. Myanmar, the Lao People's Democratic Republic and Cambodia would be the other countries of origin if unauthorized migration were considered. The Philippines continues to have the largest and most diversified migration profile. For the first time, from around 2001, the Philippines set a target of deploying a million workers abroad annually. It has yet to meet the target – the closest was the 2004 deployment which reached 933,588.<sup>14</sup> Indonesia, was heavily affected by the repatriations Malaysia carried out in 2002 (Asis, 2004) and in 2004-2005. Some 400,000 Indonesians were repatriated in the most recent drive (*Asian Migration News*, 15 April 2005). The Government finally enacted Legislation 39/2004 to protect migrant workers, but migrant NGOs found it wanting in promoting workers' protection. The Government also signed the International Convention of Migrant Workers in 2004. A newcomer in labour migration, Viet Nam plans to expand its overseas employment programme, aiming to send 70,000 workers abroad in the near future.<sup>15</sup>

Demand factors and policy changes in the receiving countries could affect deployment levels. The Philippines, for example, is eyeing increased demands for health-care professionals and workers as a growth area; in addition, Japan's move to tighten the requirements for entertainers may presage a reduction of this lucrative but controversial market.<sup>16</sup> The deployment of Indonesian workers to Taiwan Province of China was cut in half owing to the economical embargo on the hiring of Indonesian workers from 1 August 2002 to 20 December 2004. The ban almost halved the number of Indonesian workers in Taiwan Province of China, from close to 100,000 before the ban down to about 58,000 as of November 2004. The slack has been compensated by increasing number of Indonesian migrants in Singapore and Hong Kong, China. In response to Taiwan Province of China's complaint, Viet Nam is considering a draft bill to increase the penalties against

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**Table 4. Receiving countries: sources of labour and migrant sectors**

Country	Source countries	Sectors
<b>South-East Asia</b>		
Brunei Darussalam	<ul style="list-style-type: none"> <li>•Migrant workers are 70 per cent of the work force</li> <li>•Most migrant workers come from Malaysia and other ASEAN countries</li> </ul>	<ul style="list-style-type: none"> <li>•Private sector jobs (also construction, service)</li> </ul>
Malaysia	<ul style="list-style-type: none"> <li>•Migrant workers are 14 per cent of the work force</li> <li>•70 per cent of migrant workers are from Indonesia</li> <li>•Other source countries are Thailand, Cambodia, Nepal, Myanmar, Viet Nam, Philippines, India, Bangladesh, Central Asia</li> </ul>	<ul style="list-style-type: none"> <li>•Plantation, construction, manufacturing, domestic work</li> <li>•16 per cent of workers in the manufacturing sector are migrants (Fed of Malaysian Man)</li> <li>•Migrants from specific countries are to be assigned to specific sectors, e.g., Indonesians in agriplantation and domestic work</li> <li>•Sectoral plan does not work as intended, e.g., Indonesians dominate construction</li> </ul>
Thailand	<ul style="list-style-type: none"> <li>•Migrants are from Myanmar (850,000-900,000), Cambodia (170,000-190,000) and Laos, PDR (160,000-180,000)</li> </ul>	<ul style="list-style-type: none"> <li>•Construction, agriculture, factories, domestic work, other service</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>•Migrants are from Malaysia, the Philippines, Thailand, Indonesia, Myanmar, India, Bangladesh, Sri Lanka, China</li> </ul>	<ul style="list-style-type: none"> <li>•Construction, manufacturing, domestic work and shipyard work</li> <li>•Domestic work is mostly by migrant women from the Philippines and Indonesia</li> </ul>
<b>East Asia</b>		
Hong Kong, China	<ul style="list-style-type: none"> <li>•Migrants are from the Philippines, Indonesia, Thailand, Sri Lanka, Nepal</li> </ul>	<ul style="list-style-type: none"> <li>•Domestic work (58 per cent Filipino, 38 per cent Indonesian)</li> </ul>
Japan	<ul style="list-style-type: none"> <li>•Migrants are from Brazil/Peru, China, the Philippines, among others</li> </ul>	<ul style="list-style-type: none"> <li>•Manufacturing, entertainment</li> <li>•Auto manufacturing dominated by <i>Nikkeijin</i></li> <li>•Entertainers (legal) mostly from the Philippines</li> </ul>
Republic of Korea	<ul style="list-style-type: none"> <li>•Migrants from various countries in Asia; Korean-Chinese are the largest group</li> </ul>	<ul style="list-style-type: none"> <li>•Manufacturing, agriculture</li> </ul>

**Table 5. Remittances to countries of origin and remittances as percentage of real GDP**

Country	Remittances 2004		Percentage of real GDP	
	(in USD in billion)		2004	2005
<b>South-East Asia</b>				
Indonesia	1.3		4.8	5.0
Philippines	8.1		5.2	4.2
Thailand	1.6		6.2	6.4
<b>South Asia</b>				
Bangladesh	3.4		5.5	5.7
India	23.0		6.4	6.7
Pakistan	4.1		6.3	6.0
Sri Lanka	1.3		5.0	5.0
<b>East Asia</b>				
China	4.6		9.0	7.5

*Sources:* World Bank (2005); IMF (2004).

absconding workers. The draft bill provides for jail of up to two years and fines of up VND50 million (1US\$ = 15.89 VND) if the workers were found to have deliberately deserted their jobs.

All the receiving countries in South-East Asia, especially Malaysia and Thailand, focused on addressing unauthorized migration. Being “the world’s second-largest long term undocumented migration flow, overshadowed only by the traffic between Mexico and the United States” (Hugo, 2003:3), Malaysia carried out serious measures to curb unauthorized migration from Indonesia and to diversify the source countries of its migrant workforce (some 70 per cent are Indonesians). Malaysia pushed through with crackdowns and deportations after 28 February 2005; the end of the amnesty period for migrants to voluntarily leave the country. Violators face a maximum of five years in jail, fines of up to Malaysian ringgit (MYR) 10,000 (1 US\$ = 3.77 MYR) or both, and six strokes of cane. Malaysia may have succeeded in reducing the number of unauthorized Indonesians, but the departure of migrants also created labour shortages in key sectors such as construction and plantation.

Thailand also carried out deportations and crackdowns, but in addition, it conducted a registration process, a move intended to regularize unauthorized

migration and to extend more protection to migrant workers. From 2002, Thailand also forged memoranda of understanding with the Lao People's Democratic Republic, Cambodia and Myanmar, the source countries of migrants to Thailand (see Huguet and Punpuing, 2005). In Thailand's 2004 registration exercise, some 1.27 million migrant workers registered the highest so far since the Government started conducting registrations in 1992. Of those who registered, 814,247 obtained a work permit (Huguet and Punpuing, 2005:37-40), which would allow holders to work in Thailand from three months to one year. The new registration process is a step in Thailand's attempts to manage migration.

*East Asia.* The three receiving countries in East Asia introduced different measures to manage migration. On 31 July 2003, the Republic of Korea passed a law setting in place a work permit system that would allow employers to recruit migrant workers from 1 August 2004; the law also grants foreign workers basic rights, i.e., minimum wage, union membership and industrial accident insurance (*Asian Migration News*, 15 August 2003; 31 July 2003). The work permit system is expected to address the Republic of Korea's perennial problem with uncontrolled unauthorized migration and to protect migrant workers' rights. In August 2004, the Republic of Korea signed a memorandum of agreement with six countries – Indonesia, the Philippines, Thailand, Viet Nam, Sri Lanka and Mongolia – for the recruitment of 25,000 workers under the work permit system.

Japan aims to halve the number of overstayers (250,000) in the next five years. In May 2004, the Parliament passed an amendment to the Immigration Control and Refugee Recognition Act which increases the fines for overstaying from Japanese yen (JPY) 300,000 to JPY 600,000 (1US\$ = 117.23 JPY) and lengthens the ban in reentering Japan to 10 years (*Asian Migration News*, 31 May 2004). Earlier, the Immigration Bureau's campaign on the Internet inviting the Japanese public to report suspected irregular migrants was criticized by human rights groups. Fears of Japan becoming a target by international terrorists were a contributing factor in the country's decision to implement those measures. Japan's decision to check the issuance of entertainers' visa helped in upgrading its status from being on the watchlist to tier-2 in the 2005 Trafficking in Persons Report issued by the United States of America's Department of State. Taiwan Province of China's concerns revolve around absconding workers and unauthorized migration from mainland China. To address the problem with runaways, Taiwan Province of China requires countries of origin to meet certain conditions and imposes a ban if the conditions are unchecked.

The lone country of origin in East Asia, China, continues to figure as a source of unauthorized migration to western countries. The cost of migrating to the United

States or Europe has gone up to as much as US\$70,000, but this has not deterred aspiring migrants to take the risk (Liang, 2005). Owing to rising incomes in China, other countries have relaxed restrictions on Chinese travelers to take a crack at the Chinese tourist market (Leung, 2005).

*South Asia.* Compared to the migration systems in East and South-East Asia, South Asia is largely a sending region, with the Middle East looming large as the primary destination of their nationals. Although South Asian governments are setting their sights in the East and South-East Asian labour market, the prospects are limited at this time. Taiwan Province of China, for example, deliberately limits the sending countries to ASEAN (and recently added Mongolia); the Republic of Korea, thus far, signed agreements with six countries. Malaysia may be a possibility given its intent to tap other labour sending countries – recently Pakistan inked an agreement to send workers to Malaysia.

### **Permanent migration and refugee migration**

Permanent migration and refugee migration were also very much part of the region's migration experience since the 1970s. Although those are distinct migration regimes, recent developments point to some interface with labour migration (*vis-à-vis* permanent migration) and unauthorized migration (in relation to refugee migration).

#### **Permanent migration**

Permanent migration from Asia to the United States of America, Canada, Australia and New Zealand increased since the 1970s owing to the dismantling of immigration policies that used to favour people from European background. Immigration reforms in those countries enabled Asian immigrants to be admitted under the family, skills or humanitarian categories.

The increasing emphasis on the skills of immigrants suggests how permanent migration is increasingly turning into a means of boosting their human resources. In Australia, for example, immigrants selected on account of their skills increased from 29.2 per cent in 1995-1996 to 62.3 per cent in 2003-2004 of the total immigrant intake (Hugo, 2005:6). Australia also introduced the temporary work visa, the “biggest change in Australian immigration” (Hugo, 2005: 9) after five decades of emphasis on settlement migration, to increase its stock of skilled workforce. Another pathway to increase the pool of skilled workers is by offering permanent residence to foreign students who completed their training in the receiving countries (OECD, 2001:97). Although student migration is temporary, it is transforming into qualified labour migration and/or a precursor of subsequent

migrations, mainly of human resources in science and technology (OECD, 2001:93-95). Several countries in Asia and the Pacific are involved significantly in student migration. Eighty per cent of foreign students are concentrated in five countries, which include Australia, the United States of America, the United Kingdom of Great Britain and Northern Ireland, Germany and France (OECD, 2001:102). Asia-Pacific countries are important countries of origin of foreign students: three fourth of foreign students in Australia are from this region, as are two third and one third of foreign students in the United States and the United Kingdom, respectively (OECD, 2001:103). For countries of origin, the prospects of student migration turning into labour or permanent migration raises brain drain issues, which may offset potential contributions such as knowledge transfer and other benefits from this migration.

It may be recalled that in the 1970s, the permanent migration of the highly skilled and professionals has led to concerns over the brain drain for the countries of origin. This issue is likely to be revisited in view of the demand for more skilled workers in the more developed economies. However, the discussion will also be informed by the literature on transnationalism and current discussions suggesting the potential of migration to promote development (see for example, *APMJ*, 2005). Meanwhile, in the countries of settlement, there is a need to pay attention to accreditation and skills-recognition issues, which pose barriers to the labour force participation of professional immigrants. Those admitted under the skills category do not automatically practice their profession in the countries of destination owing to accreditation requirements (see for example, Boyd and Schellenberg, 2005). This leads to a “lose-lose” situation because countries of origin lose professionals (brain drain), countries of destination do not gain from the immigration of skilled people because of restrictions to practice their profession (unmet need) and immigrants are forced to work at jobs that are not at par with their training and experience (brain waste).

### **Refugee migration**

In the 2000s, several refugee migrations that originated many years ago have yet to find durable solutions. The continuing saga of the Afghan refugee crisis started in 1979, when some six million fled Afghanistan following the Soviet military intervention (Castles and Miller, 2003:172-173). Those who fled to neighbouring Pakistan (3.3 million in 1990) and the Islamic Republic of Iran (3.1 million) (UNHCR, 2000: 119, as cited in Castles and Miller, 2003:173) were “stranded” in those countries as new conflicts, the rise and fall of the Taliban, drought, and the United States-led invasion in 2001 intervened, resulting in either fresh refugee outflows or stalling return migration. The UNHCR started a

repatriation programme covering the period March 2002 to March 2006. The UNHCR, the host Government (Pakistan and the Islamic Republic of Iran) and the Government of Afghanistan signed an agreement to facilitate the return of Afghan refugees. Other Western countries also implemented assisted return programmes to encourage return migration. The fragile peace and order situation in Afghanistan, the lack of jobs, the lack of basic services and the challenges of rebuilding a war-ravaged country do not encourage return, or staying for good for those who had returned. Over 2.3 million have returned to Afghanistan with UNHCR's assistance, but about three million have yet to make their journey home (*Asian Migration News*, 15 July 2005).

Also unresolved are the following cases: the 117,559 displaced persons from Myanmar who are living in camps along the Thailand-Myanmar border (Huguet and Punpung, 2005:12),<sup>17</sup> the more than 100,000 Bhutanese still in refugee camps (some live outside of the camps) in Nepal and the more than 20,000 Rohingya Muslims in Bangladesh.

In the mid-1990s, citizens from the Democratic People's Republic of Korea (referred here to North Koreans for the purpose of this article) fleeing famine and repression in their homeland arrived in China. Estimates of those refugees in China range from 100,000 to 300,000 (Park, 2004:3). From 1999, an increasing number of North Koreans have managed to leave China (by first getting into foreign embassies) and thereafter finding refuge in the Republic of Korea.<sup>18</sup> China found itself in a dilemma because it is a signatory to the 1951 United Nations Convention on Refugees yet, it has ties with the Democratic People's Republic of Korea. For China, the North Koreans are not refugees; those who have been caught were reportedly repatriated and met harsh punishment or death.

Australia's handling of the refugees who arrived on its shores, transiting through Indonesia, brought to the fore the debates on refugee protection versus abuse of the system by unauthorized migrants, as well as smugglers and traffickers. The arrival of on-shore asylum seekers from the late 1990s – many of whom were Afghans and Iraqis – led to more stringent actions by Australia, which viewed the arrivals as economic migrants, abetted by money-making smugglers and traffickers. Australia turned away boats suspected of carrying unauthorized migrants; imposed mandatory detention for arrivals, including children, while their refugee status was under review; and introduced the Pacific solution. Despite criticisms, the Government of Australia stuck to the mandatory detention policy, arguing that this was an effective deterrent to the smuggling of migrants or queue-jumping asylum seekers. Australia also sought cooperation with sending or transit countries to curb those irregular practices. It actively participated in



regional discussions on unauthorized migration and trafficking, particularly the Bali Process.

### **The road ahead**

The basic framework of migration policies in Asia hardly changed despite the continuing reliance on migrant workers in selected sectors of the labour market. The need for migrant workers has expanded to the highly skilled/professional workers. While receiving countries welcome the highly skilled and professional migrants, they continue to be restrictive towards the less skilled, maintaining a no-settlement policy towards them. On the part of countries of origin, governments are increasingly embracing labour migration as part of the national strategy for survival. With persisting economic-demographic differentials and the routinization of labour migration, we are looking at a future where migration will continue to matter. The interdependence and integration that this implies for countries of origin and destination require bilateral and/or multilateral approaches to migration.

The road towards more regional discussions of migration issues encountered a setback in the aftermath of 11 September 2001 (9/11). Concerns over international (borderless) terrorism led to policies that directly bear on migration: stricter immigration checks at entry and exit points, greater border surveillance, profiling, identity checks, exacting more penalties on immigration violators, more crackdowns versus unauthorized migrants and so forth. The discovery of the links between the Jemaah Islamiyah (JI) and the Al-Qaeda amplified apprehensions that terrorists are circulating in the region to launch more attacks. The bombings in Bali in October 2002 upped the ante on the anti-terrorism campaign that unfortunately implicated migrants.<sup>19</sup>

The thrust on national security has resulted in more investments on sophisticated technology in border surveillance, immigration and security checks, biometric passports, smart cards and the like. The emphasis on national security as part of the war against terrorism has incurred costs on the human security (or human rights) of migrants. Inviting the public to report on-line suspected irregular migrants, empowering community volunteers to arrest irregular migrants or prohibiting migrant workers from forming associations – all done in the name of national security – infringe on privacy, due process and the freedom to form associations. The climate, thus, has become more hostile to migrants, stoking perceptions of migrants as the dangerous “other”. Asylum-seekers, for example, have been adversely affected by the association of migrants (particularly unauthorized migrants) with terrorism. Interestingly, while political and social

considerations are stacked against migrants, economic necessities dictate engaging migrant workers to sustain economic growth.

Many aspects about persisting and emerging trends of international migration have social implications. Two major themes are highlighted here: migrants' rights and the relationship between migration and development.

### **Migrants' rights**

As noted earlier, migration policies in the region are strong on regulating migration, but relatively silent on the working and living conditions of migrant workers. This gap was highlighted in the Global Commission on International Migration regional hearing for Asia and the Pacific held in Manila from 17 to 19 May 2004: "Participants characterized the labour situation in many parts of Asia and the Pacific as one of 'benign neglect', where migrants often work in deregulated settings to the advantage of employers and host economies. *Under such conditions, protecting migrants is tenuous at best*".<sup>20</sup>

Civil society, migrants' NGOs, migrants' associations and international organizations have been working to address this "tenuous" situation. The way forward involves extending migration policies to workers' protection, guaranteeing basic conditions, notably, wages, working hours and days off, safety in the workplace, freedom to seek better wages/employers, and freedom to form associations. The various initiatives and processes aimed at multilateral frameworks for managing migration also need to be more explicit on the terms of managing migration – to what extent do discussions in those processes touch on (a) protecting migrants at all stages of the migration process, and (b) the role of different stakeholders in promoting not just safe and orderly migration, but also safe and orderly working and living conditions of migrants?

The conditions of migrant women in domestic work require particular attention and urgently demand that are ensured workers' protection in this sector. Domestic work is the biggest source of employment for migrant women and will continue to draw migrant women in search of employment. Good practices that promote better protection for migrant women must be shared and disseminated. A periodic report documenting good practices and cases of violations (similar in intent as the Trafficking in Persons Report, but to be made up by an international committee of evaluators) may be considered.

International instruments aimed at protecting migrants are premised on government-to-government arrangements, which have limited relevance in the Asian context where the migration industry is a major player. In relation to this, alternative arrangements or mechanisms must be explored to understand the

accountabilities as well as the contributions of other stakeholders (e.g., recruitment agencies/brokers, employers, NGOs, migrants' associations) in the promotion of migrants' rights. The role of migrants' associations in articulating the migrant sector cannot be overemphasized; their capabilities must be strengthened and their representation must be part of multilateral dialogue and processes.

### **Migration and development**

The consensus among countries of origin to continue promoting labour migration and plans to send more skilled migrants in the future seem to suggest that a "culture of migration" and dependency on overseas employment have established a foothold in those societies. These policies have been in place for the past 30 years, and other than deployments, remittances and the generally beneficial impacts of overseas employment on families and households, there is not much evidence (or the evidence is mixed) on the development impacts of migration beyond the household level.

The growing literature on transnationalism and migration and development has developed based on the experiences of migrants in regions which offer the possibility of settlement. What is the relevance of transnationalism in the Asian context? How can a migration that is dominated mostly by less skilled workers foster development? Research on those questions would be instructive in clarifying the role of transnationalism and/or migration in contributing to development processes in local communities.

As suggested earlier, more developed economies will not only be drawing less skilled workers but also highly skilled and professional migrants from the less developing economies. This trajectory suggests the need for more dialogue between countries of origin and destination on such issues as ethical hiring practices, protection of migrants' rights, and cooperation to ensure that the development prospects of origin countries are not jeopardized.

## Endnotes

1. An updated estimate of international migration by the end of 2005 puts the number at 185-192 million (United Nations, 2004, cited in IOM, 2005:1).
2. The United Nations Population Division defines Asia as including East Asia, South-Central Asia, South-East Asia and West Asia. The migrant stock estimates are based on census data classified by place of birth or citizenship; the migrant stock also includes refugees (United Nations, 2002:57).
3. The more popular term “illegal migration” is not accurate and tends to cast migrants as the sole violators, ignoring the role of other actors, such as employers, intermediaries and even States (particularly when state policies contribute to irregular migration). For this reason, the terms “irregular migration” or “unauthorized migration” are recommended (see Battistella and Asis, 2003: 11-13).
4. See <http://www.smc.org.ph>.
5. Labour migration in Asia is gendered, with male migrants responding to labour shortage in “public” sectors such as construction, manufacturing and agriculture/plantation and migrant women in care work (e.g., Asis, Huang and Yeoh, 2003).
6. Hugo (2002:2) points out that legal labour migration from Indonesia is largely unskilled and dominated by women.
7. A focus on the sex sector is likely to expose more women in unauthorized migration, particularly as trafficked persons. If other sectors were scrutinized as closely, perhaps other purposes of trafficking and more trafficked men would be uncovered.
8. Another highly feminized migration is marriage migration. In Japan; Taiwan Province of China (especially so) and the Republic of Korea, international marriages between local men and women from other Asian countries have increased alongside the increase in labour migration. As of 2004, foreign spouses – mostly women from China and South-East Asia – were estimated at 300,000, or about half of the total foreign population of Taiwan Province of China (Tsay, 2004). In Japan, as of 2002, the marriages contracted between Japanese men and other Asian women increased to 4.7 per cent of all registered marriages (Satake, 2004). The phenomenon of local men marrying women from other Asian countries is more recent in the Republic of Korea, but it is growing (Lee, 2003). The use of marriage as a means to gain entry or to remain in a country, the trafficking of women disguised as brides (particularly where marriage brokers are involved), and the problems encountered by foreign brides (and foreign grooms in some cases) are some of the concerns that have accompanied such marriages.
9. In addition, countries like Australia; Singapore; Malaysia; China and Taiwan Province of China have programmes and policies to win back their overseas-based highly skilled/trained and professional nationals.
10. Lifestyle factors came out as one of the major reasons for the migration of the highly skilled to Australia (Khoo, Hugo and Voigt-Graf, 2005).
11. For example, the shortage of highly skilled workers in Australia is partly owing to the departure of highly skilled/trained Australians to other countries (Hugo, 2005).

12. Other types include those who use fraudulent documents or falsify information in their documents; those who left as tourists but later secured a work permit in the country of destination. The last example demonstrates the different perspectives of a sending country and a receiving country.

13. It is beyond this paper to cover the large body of work on trafficking, resulting from the international attention generated by the Trafficking Protocol (e.g., *International Migration*, 2005). In East and South-East Asia, there has been much more research, advocacy and regional discussion on trafficking; while those activities have drawn attention to trafficking, unauthorized migration and the problematic aspects of legal migration have been sidelined.

14. There are moves to amend Sec 2 (c) of the Migrant Workers and Overseas Filipinos Act in light of globalization. Part of Sec 2 (c) states that "... the State does not promote overseas employment as a means to sustain economic growth and achieve national development".

15. Viet Nam used to send workers to the former USSR and East Germany, but this was governed by a different framework.

16. In 2004, Japan introduced a policy requiring entertainers to have two years of training or experience in a specific field of the performing arts to screen out trafficking victims from authentic entertainers (*Asian Migration News*, 30 November 2004). For the first quarter of 2005, there were 17,213 workers deployed to Japan, compared with 18,465 for the same period the previous year ([www.poea.gov.ph/docs/2005\\_1Qdeployment.xls](http://www.poea.gov.ph/docs/2005_1Qdeployment.xls), accessed on 5 August 2005). At least for the first quarter, the decline is not that substantial. Based on past patterns, more than 90 per cent of workers deployed to Japan are entertainers. In 2004, Japan dislodged Saudi Arabia as the top destination country of new hires - 71,166 were deployed to Japan compared to 58,363 to Saudi Arabia (POEA, n.d.).

17. The two other main groups which have sought refuge in Thailand are (a) UNHCR-recognized refugees and asylum seekers (n=4,605 as of 25 November 2004) and (b) some 15,000 Laotian Hmong, for whom a resettlement process to the United States started in 2004 (Huguet and Punpuing, 2005:10-13).

18. The number of North Koreans arriving in the Republic of Korea increased from 148 in 199 to 312 in 2000, 583 in 2001, 1,139 in 2002, and 1,281 in 2003 (Park, 2004:3). According to Park, North Koreans are considered citizens, not refugees, since North Korea is considered part of the territory of the Republic of Korea.

19. The war on terrorism has put migrants' lives on the line. In Iraq, several cases of hostage-taking and killings involved migrant workers.

20. Discussions pertaining to labour migration, such as the discussions on the GATS mode 4, are limited to the highly skilled and professional migrants.

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