

Will The Biometric System End Undocumented Workers Situation In The Country And At What Cost?

Malaysianmirror.com

July 29, 2011

On June 5, 2011, the Deputy Prime Minister, Muhyuddin Yasin as Chair of the Cabinet Committee on Foreign workers announced an amnesty program for over two million undocumented migrant workers in the country. This is meant to be a comprehensive program and code named 6P to signify (in Bahasa Malaysia) the six elements it contains: registration, legislation, amnesty, monitoring, enforcement and deportation. According to his statement as reported in The Star and The New Straits Times on June 6, 2011, there will be no arrests of undocumented workers who can come forward and register themselves by paying RM400 which comprises a compounded fine of RM300 and special visa fees of RM100.

Undocumented workers could choose to return home without facing arrest or stay and work. Workers who choose to work in Malaysia could legalize their status and obtain a work permit by paying a separate fee of between RM2000 – RM3500 for the work permit which includes payment for the levy, medical tests, special ID card with biometric chip etc. It was stated that this amnesty program would begin on July 11, 2011.

However, since this announcement was made on June 5 2011, various changes have been made to the "comprehensive amnesty program". For a start, the program was postponed to July 18, 2011 as the Ministry had hiccups in appointing agents to do the registration. The Home Ministry then changed its mind and said that it would begin the exercise with a process for creating a new ID for documented migrants using the biometric system. Thus the focus has now shifted to the approximately two million documented workers who currently are being registered at Immigration centres or at the work places, using the biometric system. At the same time it was announced that the amnesty program for undocumented migrant workers would begin on 1 August 2011

Last weekend, there were reports that the Immigration department was experiencing difficulties in coping with the huge number of workers who had come to be biometrically registered. There is anxiety and tension among migrant workers and employers whether the registration can be completed within the short period before July 31, 2011.

The various changes to the biometric registration exercise and the amnesty program that have been announced since June 5th, 2011, suggests strongly that this whole undertaking is riddled with poor planning and lack of clarity of objectives; the Home Ministry does not seem to have a clear and proper plan for dealing with the undocumented migrant workers. The reasons given for moving the registration of undocumented migrant workers to August 1 was that the machinery was not ready and 5000 personnel need to be trained. Why were these basic aspects of the program not addressed at the planning stage?

There are too many unanswered questions, uncertainties and doubts shrouding the amnesty program. Migrant workers now fear to come forward to use the opportunity provided in the amnesty program. Due to the various changes made during the last month and half, even embassies are unsure about how the amnesty program works and what advice they should give to their nationals.

The Sun newspaper, rightly raised doubts as to whether this year's amnesty program will work out (June 24, 2011, editorial). Tenaganita raises the same concern. This amnesty program will be the third one since Ops Nyah (go away) in 2005. In spite of the massive

arrests and detention of migrant workers, the institutionalization of RELA which has more than one million volunteer members with powers to enter premises of migrants and refugees and to arrest them, the number of undocumented migrant workers continue to remain at 1.5 million or more.

Undocumented migrants are not only those who have entered the country illegally. We have reason to believe that the vast majority of the currently "undocumented" workers entered the country legally and subsequently overstayed because their work permits were not renewed, or renewed fraudulently by employers; many migrant workers have been brought in by unscrupulous agents and made to work in areas not specified in their work visas, eg workers having a visa for work in the plantation would be made to work as security personnel or as general workers in different work places, and thereby becoming technically undocumented. A significant number of workers were brought into the country through outsourcing companies in 2007 and 2008 where calling visas have not been converted into work permits; instead the workers were sold from employer to employer.

This amnesty program, even with the use of the biometric system will fail if the root causes of workers being made undocumented are not addressed. The system of recruitment and placement of migrant workers is riddled with rapid approvals without verification, recruitment agents and irresponsible employers who are not made accountable; corruption still remains a strong factor both in approvals, and in investigations of visa manipulation. And to top it all, the Home Ministry has failed to develop a comprehensive policy on migrant workers as proposed by civil society and the Trade Union movement since 2007.

The question that arises is whether this whole amnesty program is a way to make money? Who will make the money and for what purpose? Who are the 300 companies that have been approved and what criteria was applied in making decisions? Though 1400 companies had applied to become registration agents, we are unclear of the criteria used to select the 300 companies.

In 2006, when over 200 companies were approved as outsourcing companies, many of these companies did not even have a proper office. In the trial of Wahid, the former Director General of Immigration, it was revealed that many of the outsourcing companies contributed towards political financing. In 2011, where there are speculations of impending general elections, will history repeat itself?

The biometric system only addresses the identity of the migrant worker. But the violations are done by recruitment agents, employers or enforcement agencies. How will this process of using the biometric system address the root causes of the problem? Will not the Home Ministry in its enforcement of the various Acts, be victimizing the victim, that is the migrant worker.

Malaysia remains for the second year in the second tier watch list of the US Report on Human Trafficking. It is serious. In spite of enacting an Anti Trafficking in Persons Act and MAPO printing out a national plan of action, we have not progressed in effectively addressing human trafficking in the country. One key factor is that the government is NOT taking action on the root causes of human trafficking in the country.

The amnesty program needs more than the biometric system. The current government knows that the nation will continue to rely more and more on migrant workers. Unless and until there is a strong political commitment to ensure protection of rights of migrant workers, stamp out causes that fan and facilitate an environment for human trafficking, fraud and exploitation, the biometric system will fail as it did in 2006 when 300,000

Bangladeshi workers were brought in through the outsourcing system and the biometric system was used..

We call on the Home Ministry to halt the amnesty program. The Ministry itself must be clear on what it wants to achieve and how both the employer and the migrant worker will benefit from the program. Many small enterprises and businesses are finding it difficult to raise RM80,000 or more to register 20 workers or more. The Ministry must provide very clear guidelines to all on the amnesty program and ensure there that it has the capacity to monitor the registration so that no one is cheated.

DR IRENE FERNANDEZ is the Executive Director of TenagaNita

Copyright © 2009 www.malaysianmirror.com

Source : <http://www.malaysianmirror.com/media-buzz-detail/6-nation/54280>