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# Abolish both the levy and Task Force: Harris



"If immigrants are really needed by Sabah for its economic activities... then the large-scale deportation of illegal immigrants will not solve Sabah's labour-shortage problems."

**T**WO issues are being raised almost daily by various quarters. These are the issues of identity Cards and the illegal immigrants. In order not to prolong the issues, it is important for the Federal Government to resolve and settle them once and for all by coming up clean and telling the truth regarding the policies and practices behind the issuance of Identity Cards and the handling of illegal immigrant matters.

The Federal Government has not taken a serious and consistent stance as well as steps to correct the prevailing misperception by the people.

Whatever they are, as the saying goes "facts remain facts" that the Colonial and the Malaysian Governments allowed the migration of people from the Malay Archipelago freely without any travel documents.

The Malaysian Government only in 1966 issued Identity Cards to almost everybody in Sabah and quite a large number of people simply had obtained them on the strength of "Surat Akaun" or Statutory Declaration.

The issue of illegal immigrants can easily be solved by the Federal Government, simply by just amending its policies on foreign workers.

The highly restrictive policies on foreign workers presently rely on too many monopolies and obstacles which make it very difficult to obtain work permits. Therefore, once these policies are changed and revised to make it more convenient for employers, the illegal workers will stop coming and employers will stop employing illegal immigrants.

#### Population of Sabah

Sabah is in reality not only a multi-racial, but also a multiethnic state comprising various races like the Malays, Chinese, Indians, Pakistanis. Peoples of the Malay stock migrated from the Malay Archipelago and are made up of twenty one ethnic groups. All these people had migrated from time immemorial, beginning during the Colonial days and continuing even after the formation of Malaysia.

The origin of Chinese, Indians and Pakistanis speak for itself. Therefore, history may prove that the original inhabitants of Sabah are the Rungus and the Muruts. This is the same for Peninsular Malaysia where the bulk of the Malay stock originated from Indonesia, Thailand and Indo-China which are also countries in the Malay Archipelago. The original inhabitants were the "Orang Asli".

#### Migrants to Sabah

Large numbers of migrants to Sabah were also those brought in by the Colonial Government, especially from Indonesia, The Philippines, Indo-China, India (including Pakistan) and Hong Kong. The Indians and Pakistanis were enlisted into the Police Force especially to fight the rebellion led by the Malay warrior Mat Salleh, while the others were employed as plantation (rubber) and construction workers. The majority came as early as after the Second World War when the Colonial Government started opening Sabah for the rubber and later cocoa and oil palm plantations. Thousands poured in monthly without holding any travel documents.

#### Identity cards introduced in Sabah

A few years after formation of Malaysia, the Malaysian Government introduced Identity Cards throughout the country. Identity Cards were issued to almost everybody then in Sabah who had applied and were entitled under Federal Constitution to become citizens.

Those who were accorded citizenships included Visayas, Timorese and Toraja. Since at that time almost practically more than 50 per cent of people in Sabah were without any formal papers such as Birth Certificate, the Federal Government introduced "Surat Akaun" or Statutory Declaration as documentary evidence for the issuance of Identity Cards.

However, despite the wide publicity given, there must have been more than 20 per cent who never bothered to apply for Identity Cards.

There were also yearly campaigns calling upon the people to obtain identity Cards and at the same time the Federal Government, under pressure by the United Nations, also accorded citizenships to thousands of refugees who had fled under the Federal Constitution based on "Surat Akaun" or Statutory Declaration stating that they had been residing in Malaysia for more than 10 years.

Both Usno and Berjaya Governments were informed of this by the Federal Leadership.

#### Late registrations

Since there are many people who still do not possess Birth Certificates which are a compulsory requirement when applying for Identity Cards or Passports, late registration exercises were carried out from time to time.

A Late Registration Exercise which was carried out of few years ago was reported to have registered more than 50,000 people.

These were mostly in areas such as Sipitang, Tenom, Keningau and Kalabakan. Long Pasia alone in the Sipitang District was reported to have registered more than 3,000 people.

It was further reported that most of these people had specifically crossed over from neighbouring Kalimantan (Indonesia) to take advantage of the Late Registration Exercise being conducted in these areas to obtain Malaysian Birth Certificate and Identity Cards.

It is worth noting here that the late registration exercises were only carried out in selected interior districts, but not the whole of Sabah. This is evidenced by the statement made just a few weeks ago by Yang Berhormat Datuk Bung Moktar Radin, a Member of Parliament, in which he claimed that in his constituency alone there are 15,000 people who still do not possess Birth Certificates and Identity Cards.

This clearly shows that it is still necessary to accept "Surat Akaun" or Statutory Declaration for purposes of applying for late registration Birth Certificates or Identity Cards. This is, after all, the practice which had been adopted and accepted by the Federal Government since the 1960s.

#### The Issue of illegal immigrants

The issue of illegal immigrants is the least difficult to solve, as the uncertainties and dissatisfaction have been created by the Federal Government's own policies.

These policies include: the requirement of quotas for workers, the numerous monopolistic agencies that have been established to handle medical examinations and work permits.

The tendency for plantations which include those owned by Government Agencies or Government-linked Companies to employ illegal immigrants, even though through contractors, must be squarely attributed to the unfair and unreasonable policies, including of course the levy imposed on foreign workers.

Plantations or employers find it difficult to obtain work permits these days. For instance when applying for 50 workers, the permits given is only for 20 or 30. Surely employers in the first place will not employ foreigners especially illegally if they can find locals, and secondly it will be financially imprudent and senseless for them to employ more than necessary.

Therefore, the issue of employing illegals can be easily solved simply by the Federal Government changing its policies. Furthermore, whatever the rules and policies are they must be applied to the whole country - and not only applied to a discriminatory basis to Sabah.

What needs to be examined is why plantations and employers continue taking and harbouring illegals. There must be strong and compelling reasons for these to happen in spite of severe penalties that both employers and illegal immigrants risk under the relevant Laws.

Another issue that merits examination and serious consideration is whether immigrants are really needed by Sabah for its economic activities. If they are, then the large scale deportation of illegal immigrants will not solve Sabah's labour-shortage problems.

Federal authorities not attending to people's problems  
 As reported from time to time, it appears that the Federal Government has not been attending to and solving peoples' prob-

This is especially so in matters of entry permits into Sabah, Malaysia.

Many cases of applications for Permanent Residence or Citizenship by Sabahans either for their children or spouses who were born outside Malaysia were not entertained by the Departments concerned.

A majority of these cases have been left outstanding for more than 10 years and yet have not been positively decided upon. This includes the now famous case involving a Member of Parliament, Yang Berhormat Donald Mojuntin, who even after appealing to successive Home Affairs Ministers to make a positive decision on the matter of his wife's entry permit has failed to obtain an approval.

Surely the Home Affairs Minister could direct the Immigration Department to process the MP's wife's application straight away. After all, being a Member of Parliament Donald deserves to be given special privilege and attention. Furthermore, his wife who has been in Sabah over the last 16 years is qualified and should rightfully be entitled to become a cm/en. This negative and unconcerned attitude of Federal Ministers and Departments towards Sabah must change immediately.

#### Enforcement officer's racial-profiling practice

Enforcement Officers, especially those manning road-blocks, checking Identity Cards practice racial-profiling by asking "kamu orang Pakistan- kamu orang India; kamu orang Bugis dan kamu orang Suluk?" This is very bad for national and racial integration. It must be stopped. The enforcement officers, especially the Police should just simply ask for Identity Cards to be produced and other papers instead of singling out or targeting particular races.

After all nearly 80 per cent of Malaysian citizens in Sabah are of Malay Stock - Kadazan, Brunet, Bajau, Suluk, Bugis and others. A very pertinent matter to remember also is that even our Deputy Prime Minister is understood to be of Bugis descent, and a number of Federal and State Ministers also have physical features distinctly traceable to Indian and Pakistani lineage.

#### Signature campaign by Yayasan Islam Sabah

Yayasan Islam Sabah may organise a signature campaign to appeal to the Federal Government to make a firm stand on the matter of Identity Cards issued since late 1960s on the evidence of "Surat Akaun" or Statutory Declaration.

The discriminatory practice so blatantly demonstrated by officers of Federal Department of targeting people of particular races and questioning and doubting holders of genuine Identity Cards is unjust and unfair.

If checks are carried out, they must also target and include those and everybody in possession of Late Registration Birth Certificates, especially those in the Interior Districts.

It must be remembered that the issuance of Identity Cards based on "Surat Akaun" and late registration Birth Certificates, which are Federal Documents has been an accepted practice since 40 years ago.

This matter is being raised because of the numerous instances which have occurred when Immigration Department officers have taken away genuine Identity Cards and Passports belonging to Malaysian citizens of Indian, Pakistan, Bugis and Suluk race.

They justify their actions merely on the grounds that these Identity Cards were issued based on supporting "Surat Akaun" or Statutory Declarations. However, no similar actions were taken against other races who also obtained their Identity Cards through "Surat Akaun" or Statutory Declarations.

The validity of these Identity Cards should not be questioned, regardless of the holder's race because the use of "Surat Akaun" and Statutory Declaration to apply for Identity Cards had been accepted by the Federal Government since 1960s, up to now. This should also include those who are still applying for the "so called" late registration Birth Certificates.

#### Appeal by Yayasan Islam Sabah to the Federal Government

Yayasan Islam Sabah appeals to the Federal Government to solve once and for all in a transparent and clean manner the issue of Identity Cards and illegal workers in Sabah. The Federal Government which has been fair and just to all, should not be overly concerned with daily disclosures by the Press or politicians surrounding this issue and should strictly follow the Constitution, Laws, Regulations and Policies.

The Federal Government must protect and take responsibility for all its actions, including the issuance of Identity Cards through "Surat Akaun" - of course as long as the cards are genuine. Leaders should not be swayed by minority comments. They should be strong and carry out their responsibilities and obligations without fear or favour.

Yayasan Islam Sabah, therefore, reiterates its appeal that the Federal Government take a strong stand and not allow Government officers to harass holders of Identity Cards who are of Indian, Pakistani, Bugis or Suluk stock and accept and declare either:-

(i) That Identity Cards legally and genuinely issued from the 1960s to this day based on documentary evidence of "Surat Akaun" or Statutory Declaration, are valid;

(ii) That all Identity Cards issued with "Surat Akaun" Or Statutory Declaration as supporting evidence are NOT valid and that the holders are therefore declared non-citizens.

On the issue of illegal workers, Yayasan Islam Sabah calls upon the Federal Government to:

1. Abolish all agencies - including monopolies;
2. Change regulations and policies;
3. Abolish the Illegal Immigrants Task Force;
4. Abolish the levy on foreign workers as Malaysian needs them,
5. Issue work permits according to the numbers as applied and requested by employers;
6. Allow employers to deal directly with Immigration Department,
7. Legalise the illegal workers if they are needed and as recommended by the Representative of the UN High Commission for Refugees in Kuala Lumpur.