1. *Please indicate how can regularization processes facilitate the enjoyment of human rights by migrants as well as their cultural, social and economic integration into the host communities, taking into account that migrants in an irregular situation live in constant fear of detention or deportation, becoming excluded from the social protection system as a result of a change affecting the regularity of their residence in the country;*

Regularization processes give legal recognition to an undocumented migrant

* to enjoy protection under labour laws, housing laws, social security protection and other relevant laws that affect his working and living condition in the country of destination.
* allows the worker to have a valid bank account and/or remit monies through regular remittance channels which encourages proper financial management and savings.
* allows easier access to integration programmes in country of origin when he returns
* allows claims to social security benefits offered by country of origins for injuries suffered in the host country eg Nepal
* enables workers to contribute to social security in country of origin eg Indonesia
* enables families of workers to receive compensation in the event of the migrant’s death of incapacity
* allows the migrant the ability to acquire recognised skills which could enhance his salary scale, or to find a better paying job in the host country or in another country or to integrate in the country of origin (159 words)
1. *Please share examples of national and regional solutions to legalize the stay for migrants in irregular situations and indicate whether your country has adopted any bilateral, sub-regional, regional, international mechanisms, agreements, frameworks or programs, including in the context of labour migration;*

Malaysia has implemented numerous legalisation programmes since 1998. Such programmes are usually aimed to address security issues that the authorities think the migrants pose or to address the labour shortage in the country usually at the behest of employer organisations.

* Eg The Labour Recalibration Programme, and the Return Recalibration Programme was implemented from November 16, 2020, to June 30, 2021. Then the Labour Recalibration programme (legalisation programme was extended to 31 Dec 2021. The Return Recalibration was extended to 30 June 2022.

In both these programmes the government allowed the involvement of agents which resulted in many migrants paying exorbitant fees to be legalised or many being cheated off their money. (111 words)

*3. Please share examples of promising practices, including ad-hoc programs and permanent regularization mechanisms that your country or region has adopted to promote a human rights-based approach to migration. Please indicate any specific challenges that your country has encountered in regularization processes, with particular attention on how such challenges affect migrant workers, women and girls, children, and other persons and groups;*

The current Labour Recalibration Programme (RTK) 2.0 began from 27 Jan 2023 and will run for the whole year. The fees are capped at RM1500 and all undocumented migrants are able to legalise themselves.

The good practise in this programme is that

1. Unlike previous programmes which did not allow the participation of migrants who were not blacklisted (by police reports being lodged) or migrants who came through irregular routes without proper documents, this RTK 2.0 is open to all migrants in all sectors (although the programme is not extended to refugees)
2. The exclusion of agents in the process and capping the fee at RM1500 will benefit many migrants and employers
3. And the announcement that the programme will run for the whole of 2023 will give ample to migrants to sort out their documentation. Eg applying for passports from their embassies can take up to 2 to 3 months due to red tape and verification processes in the country of origin. Previous programmes that had a time limit of 6 months was inadequate.

Challenges

1. That the employer must still be willing to employ the worker and the difficulty would be if the employer does not have the required quota to employ the workers.
2. Once the employers have an appointment date, the employers will have to go to the Foreign Workers Division at the Immigration Department headquarters in Putrajaya or any state Immigration Department office, together with the registered foreign workers for verification. This will be a barrier as it is time consuming for the employer to spend so much time at the immigration department. This will also give cause for corruption for appointment dates and approvals to be expediated.
3. Essentially Malaysia has an online system and it would have been sufficient to complete the process entirely online.
4. Certain sub-sectors have been excluded eg textiles, barbers, goldsmith, welfare homes and recycling. (316 words)
5. That the Ministry of Home Affairs still continue to conduct raids to arrest and detain undocumented workers in large numbers (through home raids in dead of the night or at road blocks) even while the regularization programme is in progress. For many years, CSOs have challenged raids that take place at work places where only the worker is arrested but no action is taken against the employer. As a response the Ministry of Home Affairs instead conduct raids at the homes of migrants and arrest during roadblocks to avoid charging the employers. Arrested workers are not asked about their employer or work during sentencing in courts. (425 words)

*4. Kindly highlight any contribution of migrants, including migrant workers to the economy and society of the host communities*

Malaysia produced about 19.14 million metric tonnes of CPO in 2020, accounting for 26 per cent of the world's production. The industry generated export revenue of RM73.3 billion and contributed 3.6 per cent of the country's gross domestic product in 2020.

(<https://www.nst.com.my/business/2021/10/735449/intake-32000-foreign-workers-set-boost-oil-palm-production>)

In 2021, the gross domestic product (GDP) contribution from palm oil in Malaysia was estimated to be at 2.5 percent of its GDP. Palm oil is one of Malaysia’s primary industries, and its main agricultural export globally.

(<https://www.statista.com/statistics/952996/malaysia-palm-oil-share-of-gdp/>)

Migrant workers make up 70% of the workforce in the plantation (<https://www.earthworm.org/fr/news-stories/how-migrant-workers-and-palm-oil-businesses-can-achieve-stability-together-1>)

Evidently, migrants workers contribution in Malaysia’s palm oil sector can be seen in the output in GDP and MYR. (111 words)

*5. Engagement with civil society organizations, national human rights institutions, and other stakeholders: Please provide information of concrete initiatives, actions and programs relating to the regularization of migrants in an irregular situation that have been developed, including jointly, by civil society organizations, national human rights institutions, and other stakeholders in your country. Please explain to what extent the work of civil society organizations and other stakeholders is taken into account to inform national policies;*

In Malaysia, the primary Ministry that governs the management of migrant workers is the Ministry of Home Affairs which has refused to meet nor participate in any civil society programmes for many years. As such no joint programmes have been done with the Ministry in relation to regularization programmes. Many of the policies that are churned out from the Ministry are not well-thought through, without consultation with any stakeholders and not reflective of the reality on the ground and centres on the security element of the country and not the economy or labour market needs. (95 words)

*6. Please provide information on any specific or additional legislative and policy measures as well as challenges in the context of the COVID-19 pandemic in the implementation of regularization programs*

As mentioned in point 2 above, the Return Recalibration was not well implemented and the authorities at the airports were ill prepared to manage the large number of workers leaving the country which resulted with many migrants being stranded in the airports and missing their flights incurring additional cost to buy a new ticket.

In any government departments especially the immigration, there are no interpretation services provided for migrants and migrants are expected to know the local language. This results in many migrants being berated for not following the proper procedures in at the immigration – hence justifying why agents are needed to assist migrants in the process. (107 words)

*7. Please include any other relevant information relating to the regularization of migrants in an irregular situation.*

Given the poor treatment of migrants in Malaysia, it is essential for country of origins to re-think bilateral agreements with Malaysia on migrant labour. Further the current MOU between Malaysia and Bangladesh has spelt out that all cost in the Bangladesh shall be borne by the migrant and all cost in Malaysia shall be borne by the employer. This essentially negates Bangladesh stand as a champion for the Global Compact for Migration and Employer pay principle. The exorbitant fee imposed on migrants will only push more migrants to migrate irregularly. (90 words)

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**Total 1098 words excluding the questions**