

RESEARCH ARTICLE

Migration Control in Malaysia: Shifting Toward Internal Enforcement

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Abstract This article examines two aspects of migration control in Malaysia. First, it deals with the question of how the securitization of border control is tied to a wider dynamics of national interest. Based on the notions of “security versus facilities,” this article contextualizes how the institutional sites of governance are frustrated by the open-border policy and a liberal visa policy. Second, the paper argues that internal enforcement is a neglected part of the state’s migration control. As a self-proclaimed country of “zero irregular migrants,” Malaysia has relied heavily on external control: militarizing border crossings and criminalizing irregular migrants through raids, detention, and deportation. The study used a hybrid technique of data collection which integrates elite interviews, official publications, and online news media. The paper highlights a pressing need to formulate a critical approach to internal enforcement. A shift to internal control—identification, surveillance, and employer inspections—is crucial in addressing the root causes of migration, though controlling physical borders is still important.

Keywords migration control, border security, interior enforcement, surveillance, Malaysia

Border security is an inherent component of the study of migration control. In debating migration control measures, there are two schools of thought. Some of the literature suggests that internal control—deportation, detention, and dispersal—is no longer adequate to regulate the migration crisis, since these measures are applicable to those who have already entered the territory. The prevention of “spontaneous arrivals” at the borders may be a more promising solution (Bloch

& Schuster, 2005). The border, according to de Genova (2002, p. 436), is “the theater of an enforcement crisis.” Enforcement at the “revolving door” is critical, as the majority of arrests consist of new clandestine entries. Compared to visa overstayers, unauthorized border crossers represent a more “dramatic” phenomenon (de Genova, 2002, p. 436), associated with rising incidences of migrant fatalities, smuggling, and trafficking activities. In debating whether external

enforcement or internal enforcement is more effective, one of the key considerations for policy-making is the risk to the migrants. For Roberts, Alden, and Whitley (2013, p. 46), “The risks an undocumented migrant in the interior faces seem to be significantly less than those associated with border crossings.”

The second school of thought questions whether stronger border enforcement efforts affect the migration decisions of unauthorized migrants. Cornelius and Salehyan (2007) pointed out that wage differentials and labor market demand are the main considerations in migration decisions, regardless of the border enforcement controls. One study conducted in the United States (US) found that “tougher border controls have had remarkably little influence on the propensity to migrate illegally” (Cornelius & Salehyan, 2007, p. 139). For Castles (2004), “potential migrants do not decide to stay put just because the receiving state says they are not welcome—especially if the labor market tells a different story” (p. 209). Successful interception at the border is necessary for controlling irregular migration, though hardly sufficient. In other words, there is no correlation between apprehension at borders and migrants’ propensity to cross the borders (Carling, 2007).

Moreover, border control policies often have unintended consequences, such as indirectly contributing to the swelling ranks of migrant workers. They may “push migrants to more dangerous and complicated ways of crossing borders and remain illegally and consequently fuel[ing] the growth in migrant smuggling, which has become a ‘multi-billion-dollar migration industry’” (Koser, 2005, p. 15). Tougher border enforcement initiatives increase the risk of death to those who attempt clandestine entry and the charges demanded by people-smugglers (Cornelius & Salehyan, 2007). Cornelius (2005, p. 785) argued, in his study, that “fixed fortifications do not stop unauthorized migrants, any more than they stop mechanized armies; they simply re-channel them and create more opportunities for professional smugglers to cash in on the traffic.”

This paper considers both aspects of migration control in Malaysia, namely external control (border enforcement) and internal control. First, it examines a range of factors undermining migration control, focusing on illegality from within. Second, this paper

proposes the notion of “security versus facilities” to reflect the state’s stance on migration control. An issue of central interest is that national security is at odds with the economic interests of the nation. While the pressing demand for low-skilled laborers is a major pull factor, a greater imperative with regard to the challenges plaguing the migration control system is the facilitation of entry. In the debate on securitization, a simplified and expedited visa procedure at various immigration checkpoints is often advocated in the quest for internationalization. The Malaysian experience reflects the inherent contradictions between securitizing the national border and facilitating the entry of foreigners, in line with the growing internationalization of tourism and higher education sectors. Using two case studies on the open-border policy at the Malaysian–Thai border and the so-called inter-ministerial “visa war” (term coined by Salter & Mutlu, 2010), this article examines how border security is undermined by national interests.

Next, the paper discusses one of the main defects in migration control, namely underdeveloped internal control. As will be argued, workplace enforcement and digitization of border control with high-end surveillance are not yet fully capable of tackling irregular migration. Internal control is increasingly viewed by many receiving states as the alternative to border control. Those who have crossed the border are subject to the policies of “exclusion and discouragement.” Exclusion, according to Broeders and Engbersen (2007), tends “to complicate and frustrate living and working conditions to such a degree that they will turn round and try their luck elsewhere” (p. 1593), whereas discouragement may involve employer sanctions, exclusion from public services, surveillance, imprisonment, and expulsion (Broeders & Engbersen, 2007). Workplace enforcement is a neglected area in Malaysia, and its absence continues to fertilize the ground of illegal employment (Devadason & Chan, 2014; Castles, 2004; Chin, 2002). We conclude this paper by offering possible areas for improvement.

Literature Review

Borders, in the physical sense, may not be an effective deterrent against irregular migration. According to Garcés-Mascreñas (2015, p. 128),

“Malaysia’s immigration policies neither focus on border control nor pose strict limits on immigrants’ entry, but rather seek to curtail immigrants’ presence once in the country.” Instead, the state has heavily focused on “securitization from within” thus reflecting the importance of internal control measures (Garcés & Mascareñas, 2015, p. 128). In a similar vein, Ford and Lyons (2013) argued that border management is weakly institutionalised as a preventive control measure. Many migrants managed to cross the Malaysian land and sea borders. Thus, rather than being intercepted at the border, the undocumented migrants in Malaysia are being subject to detention and deportation. Deportation is not the very end of the migrants’ route and it is soon followed by post deportation re-entry attempts. McNevin (2014) showed that the Indonesian–Malaysian migratory flow of undocumented Indonesian migrants is very much “circular in nature” (p. 7).

Border management is highly visible from the mid-1990s with increased investment of resources (Kaur, 2014). The National Blue Ocean Strategy (NBOS) outlines the modus operandi which involves the strategic collaboration between the Ministry of Defence and the Ministry of Home Affairs in protecting the national security (Ministry of Defence, 2013). At the regional level, Malaysia is institutionalising its border management and security through regional partnerships with the Association of Southeast Asian Nations (ASEAN) and regional diplomacy via the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. In addition to increased human and financial resources to patrol the state’s borders, the state tightens securitisation by developing biometric databases and introducing i-card for migrant workers as part of surveillance exercises (Kaur, 2015).

Indeed, Malaysia’s foreign labour management is embedded within the context of border security. As irregular migration is intertwined with security issues such as terrorism, organized crime, and human trafficking, it is constituted as security threats (Ullah, 2013a). “Securitisation of foreign labour management”, according to Ullah (2013a, p. 183), is obvious with the shifting in responsibility from the Ministry of Human Resources (MOHR) to the Ministry of Home Affairs (MOHA). Commenting on the failure in preventing

the two-way flow of undocumented migrants, Ford and Lyons (2013) maintained that Malaysian efforts are frustrated by “a lack of commitment and wherewithal” (p. 223).

As Nah (2012) pointed out, Malaysia’s migration control mechanism does not address the root cause of irregular migration: the institutions, processes, and actors. What is more important is to dismantle smuggling networks and to prosecute recruitment agents and corrupted officials. The fact that illegal employment is blooming is largely attributed to the profit-making activities of people smugglers, traffickers, corrupt officials, and employers. Yet only the undocumented migrants themselves are subject to surveillance and legal consequences (Kaur, 2014; Nah, 2012 & 2015).

The literature shows two limitations in the existing securitisation measures. First, the needs of the shift towards regulating internal migration control since many undocumented migrants managed to circumvent the state-imposed border regulation. Second, the needs to widen the targets of law enforcement on citizens lawbreakers—harbouring and fuelling the demand for cheap labours—in addition to the irregular foreign workers themselves. This paper addresses the rationale of this neglected shift. It shows that interior enforcement is the missing aspect of the whole migration control. As will be discussed below, beginning in 2016, the shift toward interior enforcement is very clear from the Immigration Department’s call for the full enforcement of the Immigration Act against errant employers, who are now recognised as the main culprits behind irregular migration.

Methods

This paper is grounded in the analysis of elite interviews, official publications, and online news media. The paper identifies the official discourse of the state’s migration control by drawing upon in-depth interviews with a total of 12 elite informants in 2015 from three relevant government departments and agency—Malaysian Maritime Enforcement Agency (MMEA), the Enforcement Division of the Immigration Department, and Juru Immigration

Detention Centre. A non-random purposive sampling method was used to carefully select the informants who were chosen due to their extensive knowledge and experience in the inner workings of policy making and its implementation as well as enforcement. A cover letter describing, among other things, the purpose of the study and the reasons the elites were selected for interviews, and a list of semi-structured questions on the issue of irregular migration, deportation, and border control were sent in advance to the director of the departments for permission. Few telephone calls were made as “follow-up” to confirm the date, time, and venue for the interview.

Each interview was carried out for two hours on the average, recorded, and later transcribed and analysed using thematic analysis. The elites’ views represent the department’s view as a whole. The interviewed officers of a particular department shared a similar concern of the problems and dilemma faced by their respective department. Thus, the findings, as will be discussed below, are presented as the collective view of the department.

Official publications which include parliamentary debates, acts and regulations, policy documents, press releases, and ministerial speeches were used as another source of primary data. Online news media such as *Malaysian Insider*, *New Straits Times*, *Star Online*, and *Sun Daily* since 2000s, which reflected a mixed selection of mainstream and alternative media, were also utilised as secondary data. Both were used and analysed using content analysis for triangulation purposes in order to present a balanced view on the issue. Content analysis is a powerful data reduction technique. It is systematic and replicable for compressing many words of text into fewer content categories based on explicit rules of coding (Krippendorff, 1980; Weber, 1990; Waltz, Strickland, & Lenz, 2010; Schreier, 2012). It enables researchers to sift through large volumes of data with relative ease in a systematic fashion. It also allows inferences to be made which can then be corroborated using other methods of data collection. The aim of content analysis is to give meaning to the qualitative data being analysed (Pauli & Bray, 1998).

Illegality Within

Illegal border crossings have continued to rise. The Malaysian Maritime Enforcement Agency (MMEA) recorded 65 illegal migrants captured in Malaysian territorial waters in 2006, 197 in 2007, 481 in 2008, 629 in 2009, 568 in 2010, 567 in 2011, 1,138 in 2012, 1,231 in 2013, and 666 in 2014 (Tables 1 and 2). The number of victims of migrant smuggling and those who perished at sea also increased. Since 2012, nearly 100,000 people have risked their lives to cross the Bay of Bengal and the Andaman Sea to reach Malaysia via Thailand. According to an estimate by the United Nations High Commissioner for Refugees (UNHCR), over 1,500 lost their lives during this voyage between 2012 and June 2014. Between January and September 2014, there were 70 border-related migrant fatalities in Southeast Asia (Brian & Laczko, 2014). In 2015, Malaysia recorded hundreds of migrant deaths at land borders and on the seas, which raised questions about the scale of the problem related to human trafficking.

Garcés-Mascreñas (2010) attributed the incidence of illegality to a highly “bureaucratised” and “commercialised” border (p. 82). The legal route of entry and employment involve a “great deal of red tape” and payment for paperwork. Many would-be immigrants thus prefer unauthorized entry, which is much faster and cheaper. Indeed, resorting to illegality constitutes a form of resistance (Garcés-Mascreñas, 2010). There are five main reasons why foreign workers become irregular immigrants: costs, length of time taken to process applications, complexity of the process, rigidity of the system, working conditions and employer behavior, and lack of information (World Bank, 2013, p. 121). Ironically, the migrants have been the main target of the enforcement, without sufficient attention being paid to other actors such as recruitment agents and corrupted officers. Bribe-taking and the production of false documents have fertilised the grounds for irregular migration. Moreover, Malaysia’s immigration regime failed to recognise the status for asylum seekers, refugees, and stateless persons, adding these persons to the number of irregular migrants (Nah, 2012, pp. 501–503).

Evidence suggests that border control is frustrated by opposing interests between states and individuals.

Table 1

Total Number of Irregular Migrants Arrested by the Malaysian Maritime Enforcement Agency (MMEA) According to Country of Origin, 2006–2014

Year/Country	2006	2007	2008	2009	2010	2011	2012	2013	2014
Indonesia	59	97	303	382	94	279	180	351	340
Philippines	6	52	88	212	259	117	230	270	230
Thailand	0	10	1	6	18	13	6	0	17
Myanmar	0	31	17	25	172	131	72	558	21
Bangladesh	0	1	0	2	0	1	0	27	25
China	0	6	5	0	0	0	1	0	0
India	0	0	2	2	0	0	0	0	0
Pakistan	0	0	23	0	0	9	0	0	0
Afghanistan	0	0	42	0	13	15	7	7	2
Cambodia	0	0	0	0	12	0	0	0	0
Vietnam	0	0	0	0	0	2	0	18	17
Rohingya	0	0	0	0	0	0	642	0	0
Somalia	0	0	0	0	0	0	0	0	11
Nigeria	0	0	0	0	0	0	0	0	3
Total	65	197	481	629	568	567	1138	1231	666

Source: Unpublished Statistical Data from the Malaysian Maritime Enforcement Agency (MMEA), Prime Minister's Department (JPM)

Table 2

Total Cases of Irregular Migrants Arrested According to Territorial Water Boundaries, 2006–2014

Year/Territorial water	2006	2007	2008	2009	2010	2011	2012	2013	2014
Strait of Malacca	2	10	20	30	68	35	31	34	24
Johor	-	-	-	-	-	-	-	10	6
East coast	-	-	-	-	-	-	-	2	5
Sarawak	-	-	-	-	-	-	-	1	1
Sabah	1	26	15	60	105	42	31	63	50
Others	-	6	3	4	5	8	10	0	0
Total	3	42	38	94	178	85	72	110	86

Source: Unpublished Statistical Data from the Malaysian Maritime Enforcement Agency (MMEA), Prime Minister's Department (JPM)

Control over immigrants may clash with the interests of employers, who want a more flexible labor force. Hence, employers oppose restrictions on labor mobility and are inclined to skip the legal employment channels to avoid paying government-imposed levies and insurance. Because of the “bureaucratized border,” both migrants and employers find that the irregular channels are easier to negotiate and more practical (Garcés-Mascareñas, 2010; Castles, 2000).

Migration control reflects the “chaotic management of migrant workers,” in which various stakeholders pursue their own interests and have conflicting views over labor market needs (Devadason & Chan, 2014, p. 28). Jones (2000) suggested that it is cheaper for a deportee to re-enter Malaysia illegally than to attempt to go through the legal channel. Internal raids and deportation may be unsustainable when the deportees are able to re-enter the borders within 24 hours. The

porosity of Malaysian land and coastal borders with Indonesia, Singapore, Thailand, Philippines, and Brunei make enforcement efforts unsustainable.

Moreover, owing to Malaysia's deep historical links with Indonesia, Philippines, and Thailand, unregulated border crossing from these countries was widespread until the early 1980s, after which the state regulated legal employment by establishing labor recruitment agencies and bilateral agreements with major sending countries. However, illegal crossing continued in large numbers, owing to market forces, a well-established underground recruitment process, and "rudimentary" border enforcement (Kanapathy, 2008, pp. 6–7). For the irregulars, the political border is a colonial invention. The region, once known as "the Malay Archipelago," shared a common ethnic root (*bangsa serumpun*), and the multi-ethnic Malaysians are linked by "close ethnic and kinship ties" with the populations of neighboring countries, with which they still maintain socio-cultural and economic interactions. Border crossing was a common endeavor for their ancestors, when the concept of illegality never existed. As Kassim and Mat Zin (2011) asserted, "the border population, who do not seem to acknowledge 'the border,' have long experience in border crossings and are expert at it" (p. 110).

Entrenched cross-national kinship and ethnic networks have played an important role in the sponsoring of family members to come and work in Malaysia. Indonesians and Indians have been brought in on tourist visas by their Malaysian relatives to help out in family enterprises such as family-owned restaurants (Kassim & Mat Zin, 2011). Bangladeshis have assisted their countrymen by providing information about job vacancies, introducing them to potential employers, finding them a house, and understanding and interpreting the local language, ways of working, rules, customs, and norms (Sultana, 2007). Their established networks, which include but are not limited to fellow villagers, members of the same household, neighbors, Bangladeshi coworkers, and businessmen, have developed out of the need to help migrants live successfully in an alien society. Those who have an affiliation with local people settle down more successfully in Malaysia (Sultana, 2007).

Undocumented migrants with long-standing ties to a country are twice as likely to re-enter if deported, whereas those with families in the country are two to three times more likely to attempt an illegal crossing. Strict enforcement at the border is little deterrent to these categories of migrants from illegal crossings, as they have homes and families in the destination country. Criminalizing them is unlikely to deter future entry attempts (Rosenblum & Meissner, 2014). Labor laws that place restrictions on foreign workers with regard to bringing dependants into the country and marrying Malaysians are often violated. Historically, once settled in Malaysia, Indonesians and Filipinos brought in their family members, who often entered on tourist visas and overstayed. Supportive networks and kinship links between Malaysian residents and their families in their countries of origin contributed to the swelling ranks of the irregulars and hindered enforcement operations (World Bank, 2013, p. 120). Restrictions on immigration, according to Cornelius and Salehyan (2007), "are far outweighed by economic and family-related incentives to migrate" (p. 150).

Once migration is established, there are demands for special services in the areas of work, documents, housing, and social relations. The migration industry is an international business involving various legitimate and illegitimate stakeholders, such as travel agents, lawyers, bankers, labor recruiters, brokers, interpreters, and housing agents. Migration is increasingly being organized by agents in the form of legal worker recruitment, asylum migration, or undocumented entry (Broeders & Engbersen, 2001; Castles, 2004). The existence of social networks and chain migration explains why illegal migration can be very hard to stop when it has gained momentum (Koser, 2005). A detailed study by Ullah (2013b) found that the existence of local and international networks have systematically transported many undocumented Bangladeshi migrants into Malaysia either through Thailand or Singapore. Local broker syndicates and recruiting agents are operating at respective transit in tandem with an international network. Thus, "irregular migration is gradually becoming more organized under the control of international rings" (Ullah, 2013b, p. 158).

Although receiving states have developed policy innovations aimed at securing borders, irregular migrants always develop counter-strategies to circumvent them. “The resulting cat and mouse game seems to result in a serious threat to irregular migrants’ room to maneuver and further increases their dependence on informal, and increasingly criminal, networks and institutions” (Broeders & Engbersen, 2007, p. 1594). Potential migrants are unlikely to call off their migration plan because of enhanced border enforcement. To increase the probability of successful entry, they either seek entry through legal ports of entry or utilize the services of people smugglers (Cornelius & Salehyan, 2007), whose response to migration control measures has been “quite effective” (Carling, 2007, p. 340). Increased coastline security would prompt smugglers to attempt the more dangerous route of land borders, thereby increasing the number of fatalities. Carling (2007) acknowledged that “the fact that smugglers will circumvent the most heavily guarded border sections is nothing new...” (p. 338).

Professional smuggling organizations and informal institutions, which cater to the demand for cheap labor, illegal housing, false documents, and partners, involve not only migrants but also native citizens (Broeders & Engbersen, 2001). In eastern Malaysia, the presence of a large number of illegals is a big threat to Sabah, as some of them have been in cahoots with cross-border criminals, especially in cases of kidnapping, smuggling, and armed encroachment. There are instances of smugglers hiring irregular migrants to conduct illegal activities, and the locals were the people behind it. The involvement of the locals and the irregular migrants in facilitating armed intruders and cross-border criminals raises serious concern for the authorities (“Authorities admit illegal migrants in Esszone,” 2015). In response to the special security situation, the Eastern Sabah Security Command (EssCom) was established on 1 April 2013, to rid Sabah of irregulars and smuggling and kidnapping activities in the Eastern Sabah Security Zone (EssZone), which encompasses 10 districts covering about 1,700 km from Kudat to Tawau (Arukesamy, 2015). EssCom’s CEO, Ruji Ubi, admitted that, “EssCom not only deals with external threats, but also threats from within, particularly illegal immigrants who are believed to

be collaborators of cross-border criminals.” Besides the internal threat from illegal immigrants, its modus operandi is weakened by the “enemy in the blanket,” involved in producing fake MyKads (Malaysian Identity Card) (“Faces both internal and external threats,” 2015).

The demand for forged documents has generated a black market industry in the production and sale of false passports, visas, identity cards, and work permits, which is recognized as a threat to national security (Jones, 2000). As pointed out by Broeders and Engbersen (2001, p. 1598), “the most important strategy to protect oneself against the state’s inquisitive eyes is to hide one’s personal (legal) identity.” Illegal aliens commonly manipulate their personal identity. To prevent detection by the state, they develop various counter-strategies such as using a false identity, destroying their legal identity, or concealing their irregular status from others. By destroying their passports and making it difficult for the state to determine their nationality, irregular migrants can “obstruct deportation” (Broeders & Engbersen, 2001, p. 1598). For Jones (2000, p. 104), “it does no good to round up and deport illegal migrants if production on a large scale of false documents facilitates the entry of many more.” Their presence is further smoothed by the weakly institutionalized citizenship regime, especially in Sabah state. Sadiq (2005) conducted an in-depth study on the widespread phenomenon of “documentary citizenship,” in which irregulars obtain citizenship papers through a back channel. Documentary citizenship facilitates the entry of illegal immigrants and allows them to bypass the normal procedures of naturalization and gain citizenship rights.

A worrying trend, expressed by the officers interviewed at MMEA, is the involvement of the locals in the harboring of irregulars. In the state of Johore, a hotspot for syndicated smuggling activities, the locals make money out of the opportunity presented by supplying food to the irregulars. This is the main reason why enforcement agencies never gain the cooperation of local people. Moreover, the syndicate bosses pay off the villagers to buy their silence and, at times, their voluntary cooperation as well. An MMEA officer acknowledged that,

These syndicate bosses are also generous; they provide the money for preparing facilities for the villagers like roads and latrine systems and give them money when they need it, so they buy the loyalty and support of the villagers. Through this means, they control the land; even when we push the villagers to call when there are illegal activities going on, they will never call and give intelligence to the authorities, except about competitors of the syndicate that they favour (personal communication, March 23, 2015).

Another limitation is the lack of patriotism among Malaysians. There is no community involvement in helping enforcement officials. Society as a whole remains silent. The MMEA officer (personal communication, March 23, 2015) admitted that no local or villager has yet stepped up to report or complain about any illegal activities, except when their own businesses, for example chalets, are being adversely affected by them. Otherwise, they simply turn a blind eye. Currently, the migration industry is a well-planned syndicate operation which involves large sums of money. It is disappointing for the officers when the locals view it as a business, not as something that can destroy the country. This is the same mindset that goes with smuggling.

The state has recognized the need to enable communication between the public and the enforcement agents, as the harboring of illegal migrants has made enforcement efforts unfeasible. The Deputy Home Minister stated,

Law enforcement in Malaysia or in any country whatsoever, even in developed countries, will not be successful if society as a whole remains silent. So here there is a slight weakness from the angle of community involvement in helping the enforcement officials [...] I therefore urge community leaders and party leaders to not politicize national security matters but sincerely create facilitative channels so that the government can take action (Federation of Malaysia, House of Lords, December 16, 2013, p. 24).

Security Versus Facilities

This paper provides an alternative explanation of the factors that sustain irregular migration, in addition to those mentioned above. It contends that facilitation of entry has undermined enforcement efforts, thus posing security and sovereignty threats to the state. From the standpoint of the Department of Immigration, the “quantity-based” proposition endangers national security, as the entry facilities offered serve as a gateway to illegals. Thus, the bona fide crisis of Malaysian migration control is arguably a question of “security versus facilities.”

According to the data garnered from officials, the task of controlling Malaysian borders is made difficult when the Ministry of Tourism and the Ministry of Education are actively seeking to make entry into Malaysia fairly easy. Conflicting interests between the various sectors of society and the Immigration Department have resulted in contradictory policies. The Immigration Department wants quality tourists to preserve national security, but the tourism sector looks more at quantity. Vested interests of relevant sectors of the economy are said to conflict with national security. Similarly, different government departments may variously prioritize quality or quantity (personal communication with the Director of the Enforcement Division, Immigration Department, March 18, 2015).

There are various categories of illegal immigrants in Malaysia, termed by Kobach (2007, p. 156) as “garden-variety illegal aliens”: entering and staying in the country illegally; overstaying the permitted time; misusing visitor passes/work permits; and entering or staying in the country using travel documents with falsified visas (Federation of Malaysia, House of Representatives, December 3, 2008, p. 16). An emerging trend among the illegals is the shift from illegal border crossing to lawful entry under different visa conditions. As a result of stricter border surveillance, more migrants are attempting to enter lawfully and then overstay (Kanapathy, 2008). Research by McNevin (2014) showed that many Indonesian deportees at Bintan (an Indonesian transit center for deportation) managed to re-enter into Malaysia with the help of recruitment and smuggling agents. In cooperation with local officers, they prepared the necessary documentation for the

migrants, who could otherwise not afford to pay the fees of legal recruitment. Thus, “overstaying a tourist visa in Malaysia often represented a more appealing option” (McNevin, 2014, p. 7). The entry facilities afforded by tourist and student visas have been widely abused as a means of looking for employment in Malaysia or conducting illegal activities. Conflicting inter-ministerial policy objectives have compromised the functions of the Immigration Department (Kassim & Mat Zin, 2011).

It was reported during a parliamentary session that about 1,000 workers enter Malaysia every day. A member of parliament remarked,

Many of the applications made for tourist visa were false and the applicants expressly came into the country for the purpose of finding work. These foreigners came not as bona fide tourists but in fact they came here for the purpose of securing a livelihood and employment opportunities. This is an immigration issue. Therefore, there is a correlation here with the issue of the entry of workers in large numbers (Federation of Malaysia, House of Representatives, October 1, 2013, p. 35).

Using two case studies from the open-border policy at the Malaysian–Thai border region and the “visa war” between the ministerial stakeholders, this article examines how border security is undermined by national interests. Enforcement officers relate the growing attempts of unauthorized entry to the abuse of entry facilities.

The Open-border Policy at the Malaysian–Thai Border Region

The open-border policy at Malaysian–Thai border region, which aims to stimulate economic activity in the bordering states, has proven to be a threat to border securitization. Prior to April 2015, the border population had been allowed by the Malaysian and the Thai authorities to move freely from one side to the other. Thus, the policy enables foreigners, estimated to number 30,000 every week, to enter Malaysia through the Wang Kelian Checkpoint without needing

a pass. Similarly, the freedom given for Malaysians to enter Thailand may promote trans-boundary crimes such as human trafficking and smuggling. The Wang Kelian Checkpoint is regarded as an example of a “porous border gate” (Rusli, 2015). According to the Immigration and Passport (Wang Kelian Free Flow Zone) (Exemption) Order 2009, “Wang Kelian Free Flow Zone” is a zone situated along the road within a distance of one kilometer from Malaysia’s international boundary. Every citizen of Thailand entering (and leaving) Malaysia, from Wang Prachan, Satun Province, Thailand, to the Wang Kelian Free Flow Zone, Mukim of Titi Tinggi, District of Padang Besar, Malaysia, is exempted from requiring a valid Visitor Pass or passport (Section 3 (1) of the 2009 Order). The Home Minister also exempts every Malaysian citizen entering (or leaving) Thailand from the Wang Kelian Free Flow Zone to Wang Prachan (Section 3 (2) of the 2009 Order) from requiring a passport. Any citizen of Thailand or Malaysia may enter or leave Malaysia between 8.00 a.m. and 7.00 p.m. (Section 4 (1) of the 2009 Order).

At one point, the Immigration Department started taking more seriously the security implications of the decision to make the area a free-flow area, for example that it may promote illegal activities such as firearms smuggling. The interview with an officer of the Juru Immigration Depot stated that,

Our headquarters ordered for the allowance given to be abolished, but the Perlis state government wants the “free-flow” status at Wang Kelian to be reinstated, because Wang Kelian is a shopping site for both tourists and locals and can boost the economy. Based on this example, we can see that security is less important than our efforts to boost the economy. When illegal activities happen, conflict happens. We must choose which aspect is more important. Security or the economy? We cannot have best of both worlds, so to speak (personal communication, April 16, 2015).

The risk has materialized. On 24 May 2015, Malaysian authorities found smuggler camps at the Malaysia–Thailand border, which were believed to have been used as a transit point for victims of human

trafficking. A mass grave containing the remains of nearly 100 Rohingya migrants, near 17 human trafficking detention camps in Padang Besar, was uncovered. Those camps had been in operation for at least five years and were abandoned only when authorities arrived (Cheng, 2015). A day later, the country's police chief announced the discovery of 139 graves at 28 human trafficking camps along the Malaysia–Thailand border in Wang Kelian, Perlis. The camps were discovered during Operation Wawasan Khas, which had been ongoing since 11 May. In the same month, the Thai authorities had found mass graves and discovered 33 bodies at Padang Besar. The fact that the camp was fenced, with a watchtower and wired cage, showed that the trafficked people were captives (Oh, 2015; Beh, 2015).

Following the discovery of mass graves and human-trafficking camps, the issue of border security measures was brought to the forefront of political debate. The federal government recognized that the free-trade zones at the border had become “conduits” for smuggling activities, owing to lack of enforcement. Although these free trade zones contributed to the local economy, they were being used to carry out smuggling. Visitors entering the free trade zone are now required to produce their passport at the border checkpoint. Another weakness in the system is the existence of countless *jalan tikus* (rat routes), or illegal pathways, along the northern border. There is a general consensus for a need to “revamp the security procedures” (Rajah & Kaos, 2015).

Human-trafficking syndicates are the major target of the operation. Of the remains of 106 human-trafficking victims found in the graves at Wang Kelian, the major causes of death identified were disease, hunger, torture, and murder. In June 2015, the government wanted to review the border security agreements signed with neighboring countries. The Malaysia–Thailand General Border Committee Meeting was convened to review boosting security measures in the border area (“Putrajaya wants review,” 2015). In response to the crisis, the government is also evaluating its unilateral approach to migration control. Among the proposed plans is the construction of walls in the northern part of Peninsular Malaysia. The physical walls would be more effective in securing the border areas, as

the task of monitoring over 100 rat routes along the 700km-long border area is difficult. A proposal was also mooted to strengthen the security control at border checkpoints and to improve surveillance in the Customs, Immigration, and Quarantine (CIQ) areas and checkpoints (“Putrajaya plans to tighten security,” 2015). The Immigration and Passport (Wang Kelian Free Flow Zone) (Exemption) Order 2009 [P.U. (A) 243/2009] was revoked. The Immigration and Passports (Wang Kelian Free Flow Zone) (Exemption) (Revocation) 2015 - PUA0066/2015 came into operation on 1 April 2015.

Visa War

Visa policy is one of the more contentious areas in migration control. Borrowing Salter and Mutlu's (2010) connotation of “visa war,” we show how policies favoring economic interests have undermined the securitization of the border. The visa war between the Immigration Department and the Ministry of Tourism and Culture has caused an inter-ministerial conflict on the management of border control. There have been suggestions of giving free visas to tourists from certain other countries such as from China.

The Ministry of Tourism and Culture is targeting 29.4 million tourist arrivals in 2015, which will generate tourism revenue totaling MYR 89 billion. To achieve this target, the Ministry proposed (in November 2014) the waiving of visa charges for tourists from China, in conjunction with the Malaysia Year of Festivals (MyFest) 2015. China presents a big market for the Malaysian tourism industry, with its 115 million outbound middle-class tourists who have good spending power (“ESSCom to launch crackdown,” 2015). Local tourism agents argued that “Malaysia should emulate Indonesia and other Southeast Asian countries in exempting China nationals from the visa requirement if it does not wish to lose out in the tourist sector” (Cheah & Ngui, 2015). They believed that many Chinese tourists would be choosing instead Vietnam, Laos, Cambodia, Philippines, Thailand, and Indonesia, where visas are not required or where they receive fee waiver privileges. The government was urged to make it easier for Chinese nationals to visit Malaysia (Cheah & Ngui, 2015).

The government responded swiftly and agreed to waive the visa (MYR 30) imposed on tourists from China, with immediate effect, from 15 February until 31 December 2015 (“Visa fee waiver for Chinese tourists,” 2015). On the same day, it was announced that the Ministry of Tourism and Culture planned to waive the visa fee for Indian tourists as a strategy to tap into the market of 29.4 million international tourist arrivals. The Minister, Mohamed Nazri, acknowledged the urgent need to

“bring at least two million more tourists into the country to meet our target this year, with estimated revenue of MYR 80 billion, or we will lose out to other ASEAN countries, which have already implemented such an exemption [visa fee waiver]” (“Malaysia mulls visa fee waiver,” 2015).

Mohamed Nazri had earlier stated, “Achieving the target of 28 million visitors during Visit Malaysia Year 2014 is the responsibility of each and every citizen,” a sentiment echoed by Prime Minister Datuk Seri Najib Tun Razak’s statement during the launch of Visit Malaysia Year 2014 (“Responsibility of all,” 2014). The Immigration Department, in its press release, signaled a strong pledge that it would not accede to the Tourism Ministry’s request. It would not compromise on the country’s security by allowing suspect arrivals through the country’s borders. To ensure only “quality” tourists were entering Malaysia, it was necessary to screen foreign visitors. The Immigration Department arrested more than 11,000 women from China, most on social visit passes, for involvement in prostitution between 2013 and April 2015. On the other hand, the Ministry of Tourism and Culture reported that failure to implement the visa-free entry facility for Chinese tourists resulted in a drop of arrivals (from 850,877 arrivals between January and June 2014 to 751,385 in the corresponding period of 2015). The visa-free facility came with eight conditions, including that it was available only to groups of 20 or more people, traveling with tour operators registered with the Tourism and Culture Ministry (Lokman, 2015). Enforcement officers are concerned about the implications of providing free visas to tourists:

The implication of providing a free visa to tourists is that there are people who will misuse the visa issued. For example, tourists from China come here so that they can work as GROs. We are not afraid of tourists from developed countries but of the ones from third world countries. They obtained student passes in order to work here or open illegal businesses. We cannot check or supervise those who entered Malaysia. Once they enter Malaysia, that’s it (personal communication with an officer of Juru Immigration Depot, April 16, 2015).

Legislators have called for a tighter amount of control and the use of a different approach to vet these “tourists,” even when they have legal documentation. At the immigration counters, the so-called “tourists” or “students” can easily enter the country with valid documentation, even though their intentions may be highly suspicious. One legislator asked,

Why were these so called “tourists” allowed to pass through the immigration checkpoints with only MYR 7 [USD 1.93] or MYR 10 [USD 2.75] on them? With a valid passport, the tourists are granted a three-month pass on their supposed claim of being a tourist. When proper investigation was carried out, especially on citizens from Indonesia, the money they had in their pockets was not more than MYR 7 or MYR 10. The immigration officers should be aware that these tourists most probably intend to enter the country to become foreign workers (Federation of Malaysia, House of Representatives, October 27, 2010, p. 41).

In 2007, it was reported that 39,000 Indian nationals and 6,000 Chinese citizens had overstayed in Malaysia since the Visa-on-Arrival (VOA) system was introduced in 2006 in conjunction with Visit Malaysia Year 2007. Based on the data, Malaysia scrapped the VOA facility offered to visitors from eight countries, including China and India, in 2010. However, in 2013, the state reinstated the VOA for tourists from India and China if they entered Malaysia through a third country (Lee, 2013). The VOA facility was initially devised for the benefit of European and Western tourists who made last-minute plans to come to Malaysia while

visiting neighboring countries. The officer from the Juru Immigration Depot agreed: “This is why we, the Immigration Department, are helpless when the economy is taken into consideration regarding this matter. We are smoothing things for foreigners to come in” (personal communication, April 16, 2015).

However, the Tourism and Culture Ministry believed that Chinese tourists were not responsible for the overstaying problem, since tourists had return tickets. Instead, the Ministry indicated that those who overstayed were coming for education (“Nazri wants visa fee waiver,” 2015). Under the internationalization of Higher Educational Institutions (HEIs) program, Malaysia aims to be the hub of excellence for higher education by 2020, with 200,000 or 10% international student enrolment. The Ministry of Higher Education (2011, pp. 24–25) has acknowledged that the higher education sector has “the capacity to contribute toward revenue generation for the country.” It is estimated that each international student spends MYR 30,000 per year in the country, which translated to approximately MYR 2 billion for the 70,000 international students in 2011. In ensuring the steady growth of international student numbers, the Ministry of Higher Education has proposed simplifying and improving admission procedures at all levels, specifically the ones involving visa applications and immigration policies, as well as the procedures pertaining to entering the country (2011, p. 9). This will undoubtedly compromise national security.

Through the gateway offered by private universities, foreigners, especially Nigerians, initially enter Malaysia to pursue higher education but subsequently start working and carry on various activities, mostly illegal. This happens in public universities as well. Although an initial screening process takes place, unwanted elements have sometimes manipulated the system and entered the country. More recently, language centers are becoming the gateway for Nigerians—although Nigeria is an English-speaking country—to study English. This seems odd, yet government policy permits their entry. Thus, the question of security versus facilities arises.

We take care of the nation’s security, yet there are facilities which are afforded to foreigners

when they enter. Recently, there have been many Chinese nationals entering Malaysia; yes, they need to apply for a visa but it is a free visa, for tourists. Then we see that some come in to study, Bangladeshis come in to study English, but they can’t speak a single word of it, some pursue it, yet they don’t even know where the “on” switch of a computer is. These aspects can be said to be the case of security versus facilities (personal communication with the Director of the Enforcement Division, Immigration Department, March 18, 2015).

Since there are various ways of abusing the entry rules, the main challenge is how surveillance is carried out once these once legal foreigners turn into illegals. A legislator wonders:

How will the immigration officers be able to trace them, and how will they be able to know whether these foreigners have left Malaysia or are still here in the country? We have records showing that these immigrants are still out and about in the country, but what actions are taken by the Immigration Department to catch them? So, how can the police and the immigration track them down? The question is whether or not there would be any monitoring process after the expiration of their work permit (Federation of Malaysia, House of Representatives, October 1, 2013, p. 36).

This, then, points to the need to complement border control with internal control. The following section discusses two aspects of internal control that are lacking in Malaysia: workplace enforcement and the digitization of border control with high-end surveillance.

Shifting Toward Internal Enforcement

This paper addresses the dynamics of internal enforcement within the broader contexts of migration policies, surveillance, and the discourse of securitization. Among the enforcement measures taken by immigrant-receiving states are militarizing border crossings, expanding surveillance, criminalizing irregular migrants, limiting irregular migrants’ access

to employment, and raising the penalties for those violating the immigration regulations (Coutin, 2015 & 2005). Scholars are concerned that migration control measures are unsustainable. The policy creates a high cost to the state and to the migrants but “fails to address the root causes of migration” (Kanapathy, 2008, p. 16). Without addressing these root causes, border enforcement may not be an effective deterrent to illegal migration. The state’s funding for border control does not affect employers’ demand for a flexible labor force (Cornelius & Salehyan, 2007, p. 150).

There may be no correlation between deterring illegal migration and prosecuting illegal entry and re-entry cases. Keller (2012, p. 137) found that, “the primary push for border enforcement is the symbolic effect of the government’s efforts; evidence about deterrence is ultimately beside the point.” Borders are a “powerful symbolic institution of state sovereignty” (Liow, 2004, p. 33). Thus, securitization at the borders functions as a “politics of symbolic action” (Liow, 2004, p. 29). Unauthorized migration has eroded states’ control over their national territories. Enforcement against undocumented migrants signals the uncompromising attitude of the state on the issue of national sovereignty (Ramasamy, 2006). Although illegal migration is often associated with security threats to states and societies, it must be remembered that it has “adverse consequences for migrants themselves” (Koser, 2005, p. 12). The migrants could end up as victims of trafficking, besides risking their lives in attempting entry or re-entry (Koser, 2005).

Workplace Enforcement

Policy on irregular immigrants has turned toward worksite enforcement. Cornelius (2004) suggested strengthening the enforcement of immigration laws in the workplace as a different approach to immigration control. “Worksite enforcement” requires an emphasis on investigations, apprehensions, fines, criminal prosecutions, and convictions of employers. Increased enforcement resources and activities in the workplace could deter employers from hiring irregulars. Funds and manpower would be diverted from border enforcement to workplace surveillance (Cornelius, 2004, p. 17). For Kemnitz and Mayr (2012), border

enforcement may have unintended consequences. Tougher border controls make it more difficult for new border-crossing attempts, but the existing migrants may stay longer. In considering which policy is more effective against illegal immigration—external control (border enforcement) or internal control (employer inspections)—they concluded that the only policy that can be expected to be generally effective in reducing illegal migrants is employer inspections (Kemnitz & Mayr, 2012). Cornelius (2004) was right to point out that, “unauthorized immigrants bear most of the costs and risks of control, while benefits flow impressively to employers and consumers” (p. 24).

Workplace enforcement remains a neglected issue in Malaysia, in which employers are deemed to be the main culprits. Employers’ refusal to follow the official channels and to pay fees (related to levies, Employees Provident Fund, and the Foreign Workers Compensation Scheme, which covers health and repatriation insurance) has contributed to the continued influx of undocumented migrants. According to Chin (2002), “Responsibility for the large number of illegal migrants in the country should not be placed solely on the shoulders of individual workers but also on the actions of employers” (p. 34). For Castles (2004), the state has “failed to implement effective employer sanctions” (p. 205). Internal enforcement is the priority, as the harboring of illegal migrants is widespread, among both individual house owners and employers. However, campaigns for employer sanctions would generate complaints by employers, trade unions, community organizations, and politicians, with negative consequences for the nation’s productivity (Cornelius, 2004, pp. 18–19).

Criminalising employers who hired undocumented migrants are written in the 1959/63 Immigration Act, but its enforcement has not been prioritised. Beginning in 2016, the Malaysian state has come to realise that enforcement against employers is imperative. The shift to interior enforcement is evident from the 2002 amendment to the Immigration Act 1959/63. Under the amended Immigration Act (2002), those found guilty of employing undocumented workers are liable to imprisonment for a term between six months and five years, a fine of between RM10,000 RM50,000, and whipping of not more than six strokes (Section 55B, Immigration (Amendment) Act 2002).

Between 2002 and 2004, 112 cases of employers harbouring irregular immigrants were brought to court and no canning was recorded. In the similar period, 18,607 undocumented migrants were caned. No convicted errant employers has been whipped since the amendment was introduced in 2002. Recognising that errant employers are “fuelling the demand for illegal foreign workers,” the Home Ministry, in March 2016, pushed for the full force of the Immigration Act (Shah, 2016). In September 2016, the Immigration Department warned freezing errant employers’ assets and bank accounts. This power is granted under Section 56(1) of the Immigration Act, but “it has not been fully enforced” (Rodzi, 2016).

For Huysmans (2000), “it is doubtful that border control is the main obstacle to the free movement of people in modern societies” (p. 759). If the migrants could not find an employment, returning home would be the only rational option. Kobach (2007) proposed, as a possible policy alternative, attrition through enforcement, which means making the irregulars return on their own volition. Heavy reliance on the threat of enforcement to change the behavior of the lawbreakers is of questionable efficacy. Rather than arresting and removing the illegal migrants, Kobach (2007) suggested that they could be encouraged to depart voluntarily: “If the risks of detention or involuntary removal go up, and the probability of being able to obtain unauthorized employment goes down, then at some point, the only rational decision is to return home” (Kobach, 2007, p. 160).

“Self-deportation” is a rational (and inexpensive) approach to handling the crisis of illegal immigration. In transforming the landscape of illegal migration, it is important to criminalize the employment of an unauthorized alien and subject offending employers to the suspension of business licenses. The starting point is to make all employers verify the legal status of employees. The E-verify system (used in the US) should be made compulsory (Kobach, 2007). Internal enforcement is effective, provided that 1) the probability of obtaining employment could be driven to zero and 2) the probability of being deported could be driven to near 100% (Roberts et al., 2013).

Biometric System and Surveillance

Information, identification, and surveillance (known as weapons of mass detection) have become important internal control measures. The digitalized border has represented a revolutionary shift in population control (Broeders & Engbersen, 2007). States have recognized the importance of identifying the legal identity of all foreigners and having proper documentation of their migration histories, to determine whether they crossed the border illegally, sought asylum (and had their application rejected), or overstayed after their visa expired (Broeders & Engbersen, 2007). Since migrants are adopting various strategies to frustrate the state’s control measures, more states are moving toward “the computerization of surveillance.”

Surveillance has been carried out under the government’s total package solution, the 6P program, implemented from 1 August 2011 to 30 November 2013. It was a one-off program involving six processes, namely registration, legalization amnesty, monitoring, enforcement, and deportation (instead of prosecution for immigration violation). Through the biometric registration process, a total of 1,303,126 illegal immigrants registered their presence in this country. Updating their biometric fingerprint data during the registration process helped increase the efficacy of the monitoring and control of foreigners in the country. Illegal workers were to be deported after they failed to take part in the registration. A total of 330,770 immigrants returned to their country of origin, and the costs involved in repatriation through the process of amnesty under the 6P program were borne by the immigrants. In all, 503,161 immigrants had been legalized and sourced to meet current urgent demand in the industrial and economic sector, obviating the need to bring in new foreign workers (Federation of Malaysia, House of Lords, December 16, 2013, p. 23).

The use of a biometric system has transformed the work of government departments with regard to internal control and surveillance. The Foreign Workers biometric smartcard (I-card) was implemented on 15 November 2013 as a surveillance and control exercise. The system, fully equipped with high-technology security features such as biometric fingerprints, Nexcode, and contactless chip, is believed to be able

to detect foreign workers, while also being allegedly impossible to forge (“I-Kad to solve illegals problem,” 2014). The Immigration Department announced the introduction of a mobile enforcement system based on biometrics, to deal with the issue of foreign nationals. The Royal Malaysian Police have yet to utilize the biometric system in their operations, particularly in identifying criminals and irregulars. As many of these often use a false identity, the government was called upon to make adequate provision for enabling the utilization of the system by the police (Federation of Malaysia, House of Lords, July 31, 2013, p. 32). However, the biometric system is incompatible with the system used by the police. Consequently, the National Registration Department asked, “How can we have two systems running parallel with one another that are incompatible? What if a person claims to be a local, has a Malaysian identity card, but is also under 6P? We should synchronize both systems” (Teoh, 2014).

The 6P program is designed to enable surveillance, but what is lacking is a centralized, integrated, and synchronized surveillance system. The current system is on the classic silo model, with no interconnection or inter-networking across the states and across the ministries. Generally, the security system and the ensuing filtering mechanisms have been installed at the immigration checkpoints, but their implementation is absent or patchy. At the first level of security checks, screening takes place before the immigrants enter Malaysia. The second layer of security checks then comes into play at the gate entry point, when foreigners are allowed entry, whether or not they appear to be suspicious. This is followed by the third layer, which takes effect when they are in the country, in the form of surveillance and enforcement. “This is the aspect that is quite lacking, as we do not have the proper equipment, facilities, and technology,” admitted the Director of the Enforcement Division (personal communication, March 18, 2015).

An RFID (radio-frequency identification device) could be inserted into passports to make tracking and surveillance easy, but the government does not have this technology. There is also a lack of a centralized system that could function as a tracker using bank data, transactions, and passport usage. It would be compulsory to show a passport to conduct all

transactions—to buy things, board a train, check into a hotel, and so forth.

Look at CCTV in our country: many and varied numbers of vendors are installing it, yet it still can’t be integrated. That itself is proof enough. Let’s say a criminal does something in Putrajaya. He can be caught, but if he escapes, once he is outside the limits of Putrajaya, given that the CCTV cameras of Plus, PBT, and the rest are not integrated, he can easily get away without being traceable (Director of the Enforcement Division, Immigration Department, personal communication, March 18, 2015).

Thus, surveillance could complement enforcement efforts. The case of two passengers travelling on stolen passports on the missing Malaysia Airlines flight MH 370 has underlined the security problems posed by global trafficking and fake travel documents. Interpol has criticized authorities in Malaysia and elsewhere for not screening the passports of travelers against its database of lost and stolen travel documents (Stastna, 2014). This, then, highlights the importance of developing and relying on a migration database. In terms of coordination of visa policy and synchronization of databases, the European Union (EU) provides a role model for regional cooperation. The EU member states are moving toward harmonizing their control mechanism and developing a network of immigration databases incorporating different database systems relating specifically to different categories of migrants. Illegal aliens found in any member state will be registered in the Schengen Information System (SIS), asylum seekers in the Eurodac database, and visa overstayers in the Visa Information System (VIS). These schemes will allow member states to re-identify those irregular migrants who enter the EU at any border and facilitate their deportation (Broeders & Engbersen, 2007; Huysmans, 2000). Based on the exchange of information through the VIS, member states can facilitate expedited deportation and provide travel documents for undocumented illegal residents. As stated by Broeders and Engbersen (2007, p. 1604), “When the VIS is completed, the EU will have a new digital border that will survey the immigrant population rather than the territorial border.”

The “data-driven revolution” is increasingly viewed as the key to an effective enforcement strategy, especially when border enforcement resources are limited. Performance data on illegal flows through the entry ports would help to deploy resources strategically and determine which mode of entry poses a higher risk. In evaluating the outcome of immigration enforcement, performance measures are essential. Developing meaningful outcome measures would be helpful to “identify problem areas and develop effective responses” (Roberts et al., 2013, p. 45).

Conclusions

The Malaysian case shows that migration control is an area of contention between the economic and security goals of the nation. Official sources relate the growing attempts at unauthorized entry to the abuse of entry provisions. Free-flow crossing at the Malaysian–Thai border and immigration facilities offered to tourists and students, for the sake of boosting the national economy, have contributed to the porosity of the border. Increasing the barriers to illegal entry may have few repercussions when the economic policies favor less restriction on migration control. The findings of the present study identify a few drawbacks in the existing control mechanism: a surveillance system that exists in silos, the unsynchronized biometric system, neglect of workplace enforcement, and the lack of regional cooperation. The paper has suggested possible areas for improvement, namely 1) digitization of the borders, 2) workplace enforcement, and 3) regional cooperation. An urgent task is to identify the loopholes in the mechanism of enforcement, based on data-driven enforcement reports. The next step is to synchronize the existing biometric database with the surveillance system at federal and state levels. In the era of digitized borders, European Union and Interpol practices of developing and sharing their databases could serve as a benchmark.

Although there are always counter-strategies, developing a complete database and streamlining it to distinguish the different categories of migrants could be a promising solution at the ASEAN level. This would help in identifying the nationalities and migration histories of migrants and speed up the issuance of

documentation, which is much needed for deportation. Illegal migration is a global issue, which requires a global solution at both regional and international level. A shift to internal control (identification, surveillance, employer inspections) merits further examination by the government. A more important aim for the government should be to devise and implement a long-term plan of a digitized border with high-end surveillance, although controlling physical borders is still important. These measures have to go hand in hand with workplace enforcement and synchronization of the surveillance system at both national and regional levels.

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