

**Comparative Analysis of Migrant Worker Rights in Malaysia and United Kingdom:
State Policy vs Migrant Worker Rights**

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Handed in: 27.05.2011

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Introduction

Discussions and debates in contemporary international migration nowadays are not only about people who migrate from their country to a destination country but they develop from many aspects such as migrant rights in a host country, integration of a migrant into the society of the host country, the impacts of migration for the migrant and host society, etc. Messina and Lahav state “[a]lthough the study of international migration necessarily focuses on individuals or groups of people, it is the role of states, laws and politics that makes migration an especially complex and controversial phenomenon (Messina & Lahav, 1). This paper basically tries to seek if there are any tendencies or possibilities that the power of colonizer still remains in the colonized country in terms of migration policy regarding migrant worker rights. In this paper, the author focuses on the policy of both Malaysia and the United Kingdom as a host country regarding the rights of migrant as the topic of the paper. This paper is divided into eight parts from which the first part is the introduction of the paper. The second part talks about the method of the paper. The third part deals with the historical relation between Malaysia and the United Kingdom. The fourth part emphasizes on state rights versus migrant rights. The fifth part is about migration and migrant rights in Malaysia. The sixth part is about migration and migrant rights in the United Kingdom. The seventh part is the discussion about the migration policy regarding migrant worker right to see if there are any tendencies or possibilities that Malaysia adopt the policy of the United Kingdom. The last part brings the conclusion of the paper.

Method

In this paper the author uses comparative analysis by comparing the migration policy of Malaysia and the United Kingdom and focuses on the migrant worker rights to see if there are any possibilities or tendencies that Malaysia adopted the migration policy of the United Kingdom. The reason in choosing Malaysia and the United Kingdom as the subject of this paper is that the author tries to see if there are any tendencies or possibilities that a post-colonized country adopts regulatory policies of its post-colonizer which is in this paper is a policy regarding migrant rights. Wisker states that in many cases, the infrastructure established by Western powers remains in the most number of their former colonies resulting in continuation of Western economic, political, military and ideological predominance ... (6). This theory argues that in the infrastructure of a former colonized country, the power of its colonizer still remains by the colonized country. This theory will be used as a stand point to

see if there are any possibilities or tendencies that in controlling policies, Malaysia as the post-colonized country adopted and has been using the United Kingdom's policies as the standard in regulating its migration policy regarding the rights of migrants.

Historical Relation between Malaysia and the United Kingdom

The historical relation between the United Kingdom as the colonizer and Malaysia as colonized began in 1786 when Britain formally ruled Malaysia until up to the late 1941 (Hooker, 6-7). Britain came to Malaysia to do trading with the Malaysian local people without any intention to interfere with political and administrative affairs of Malaysia. British started to interfere with Malaysian internal affairs when the wealth of economic resources and certain socio-economic and socio-political changed in Europe (ibid). Inspired by Japanese slogan 'Asian for Asians' Malaysia struggled against British colonization power and gained its independence in 1957. Malaysia was governed by a leader named Tunku Abdul Rahman or known as the founding father or the father of independence of Malaysia (Hooker, 8).

Before being colonized by the United Kingdom, Malaysian economy depended on rice, horticulture and fishing. The United Kingdom brought a great impact to Malaysia by introducing mono-cropping in the form of rubber plantations and tin mining which known as "twin pillars" of colonial economy. The impact of "twin pillars" in few decades was that Malaysia became a producer and exporter of primary products and an importer of manufactured goods (Kaur cited in Mascarenas, 42). The development of those sectors was not supported by the will of the local people at that time. The local people could not cooperate with the pressure that the United Kingdom gave in those sectors at that time, because the United Kingdom maintained strenuous and strict disciplinary working conditions in mines and plantations (Ramachandran, 42). The low intention and attraction of local people to work in those sectors made the United Kingdom to involve migrant labour from China, India and some from Indonesia because at that time the open border policy was used by the British state (Mascarenas, 43). This strategy of Britain to supply the demand of mining and plantation labour market made Malaysian population to be divided into four categories which consisted of Malays, as the local people, Chinese, Indians and others. From the table below we can see the population of Malaysia from 1911 to 1940 in which the number of people from China and India in Malaysia was growing at that time.

Table 1: Population of Malaysia, 1911-1940 (total number and percentage)

Origin	1911	1921	1931	1940
Malays and others	1,416,796 (52.1)	1,651,051 (48.8)	1,962,021 (44.4)	2,286,459 (41.5)
Chinese	915,883 (34.2)	1,174,777 (35.2)	1,709,392 (39.2)	2,358,335 (42.8)
Indians	267,159 (10.0)	471,666 (14.2)	624,009 (14.3)	748,829 (13.6)
Others	72,916 (3.7)	60,560 (1.8)	89,924 (2.1)	112,471(2.1)
Total	2,672,754	3,358,054	4,385,346	5,504,094

Source: Sandhu cited in Mascarenas 2010.

The table shows that the number of migrants, especially those from China, was growing every year.

The situation changed after Malaysia gained its independence from the United Kingdom in 1957. The major change that happened after the independence was in relation to the status of migrants who settled in Malaysia for a long time. Their status changed from foreigners to recognized citizens under the era of the new government (Mascarena, 43-44). After the independence of Malaysia, the citizens of Malaysia were divided into 3 major ethnic groups which are Malays, Chinese and Indians. In terms of economy, Malaysia switched their plantations from rubber to oil palm and cocoa after the independence (ibid). The information above shows the historical relation between Malaysia and the United Kingdom which assisted Malaysia in improving its economic condition.

State Policy versus Migrants Rights in Migration

When we discuss about migration, we also need to discuss about migration policy and rights of migrants because they are interlinked to each other. The main reason for a state to thoroughly regulate a policy regarding migration and immigrants is because the presence of migrants or outsiders within the territory seen as a potential threat to the economic, social, political, and cultural boundaries of the state. Purcel and Nevins (2007) suggest “that in order to protect perceived citizen interests such as territorial security, public services, protection of labour market and national identity”, a state needs to increase border enforcement by regulating policies especially in migration (12). A state uses migration policy to control its border from migrants or outsiders who want to enter the state. A state believes that migration policies enable to reduce and minimize the threat to economic, social, political and cultural boundaries of the nation. However, migration policies only themselves are not sufficient in order to regulate some policies to reduce or minimize the threat of migrants or outsiders and

thus a state needs to regulate immigrant policies which concern with integration and rights of migrants in the host society (Hammar cited in Mascarenas, 23). In regards to migrant workers, a state believes that migration policies are able to reduce the number of migrant workers from coming and staying in the receiving countries. The status of migrant workers from guest worker changes to permanent immigrants whose activities, demands and social impacts go far beyond the economic sphere stimulating occurrence of social and economic problems in the receiving countries (Koopmans et al., 1).

On one hand, a state has a right to regulate migration policies in order to protect the rights of its citizens from the effect of migration and on the other hand, migrants are also entitled rights as a human being which similarly requires a protection. In the context of migration, civil and human rights are the boundaries for the state in limiting the rights of migrants because civil and human rights are not rights of only citizens but they are universal rights (Bader, 19). In other words, migrants must be protected by the government of the host state because migrants are also human beings and as such are also conferred with human rights. Under the theory of universalism, migrants as a human being deserve to enjoy rights in any countries wherever they stay and work.

Universalism has a moral and may have a legal meaning. Moral meaning in term of all human beings regardless of their race, gender, sexual preference, ethnic, cultural etc. are to be considered moral equals and therefore to be treated as equally entitled to moral respect. In term of legal meaning all human beings are entitled to certain basic rights including rights to life, security under the process of law, rights to works, health care etc. ... (Benhabib, 27)

Under the base of human rights and universalism theory, migrants deserve to enjoy certain rights in the host country because migrants are also human beings. In fact there are several countries that used their policies to limit the rights of migrants and to treat migrants as 'others' in the society as they do not share the same culture as the local people or citizen of the host countries.

Migration in Malaysia

Malaysia is known as one of the top destination countries for migration in South East Asian after Singapore. There are two categories of migrants that move from their country to another country which are voluntary and forced migrants. Migrants' coming to Malaysia falls under

the first category as they voluntarily migrate from their country to Malaysia to seek a job. Migrant workers are persons who travel to another country with the intention of gaining temporary employment (Messina and Lahav, 10). There were two migration waves that happened in Malaysia. The first wave happened when British colonized Malaysia and introduced “two pillars” as the colonial economic at that time. British government brought people from China and India and opened the border for people mainly from Indonesia to work in plantation and mining sectors in order to supply the demand of labour market at that time. Local people refused to work under those conditions because they were not able to tolerate the job conditions and pressure that British government gave to the workers who worked in those sectors. The large number of migrants from China and India got their status of Malaysian citizen after Malaysia gained its independence in 1957. The second wave of migration in Malaysia began around 1980s when many countries in Southeast Asian and the Middle East countries invited guest workers by bringing the large number of low and high skilled workers. The aggressive industrialization required more labour than was available domestically. Malaysia signed memoranda of understanding with Bangladesh, Indonesia, The Philippines and Thailand in the mid 1980’s to meet the demands of labour market in plantation and mining sector. According to this memorandum workers from those countries are regarded as domestic workers (Amnesty International, 10).

Migration wave in Malaysia after independence from the United Kingdom is influenced by four factors which are socio-economic, geographic, historical and social capital among the labour (Mascarena, 40-41). Economic factor is not the only factor for migration in Malaysia, another factor is geographical location which support those migrant workers migrate to Malaysia. The geographic proximity between Malaysia and several islands where those migrants come from support them to migrate because it only takes more or less two to four hours of journey to reach Malaysia (ibid). Malaysia becomes destination country because of their economic condition which is growing every year. Malaysia scored (\$ US 10,882) for their gross domestic product per capita which is the second highest in South East Asia after Singapore which scored (\$ US 37,597) per capita (UN Human Development Report 2007/2008: 229-232). The economics of Malaysia is growing steadily which makes many people from neighbor countries such as Indonesia, Philippine, Thailand, Bangladesh, etc. to come to Malaysia to get a job and improve their economical condition by working in Malaysia. The table below shows the flow of migrant worker in Malaysia.

Table 2: Legal migrant workers in Malaysia by economic sector (‘000)

Year	Agriculture	Manufacturing	Mining	Construction	Services	Total
1991	126,5	38.9	1.9	42.1	86.2	295.6
1992	137.2	54.1	2.3	59.1	96.5	349.2
1993	176.1	103.9	2.1	51.4	107.5	441.0
1994	179.5	109.8	2.0	58.1	110.9	460.3
1995	173.0	115.7	1.8	64.8	124.0	479.3
1996	271.6	264.8	3.5	31.2	229.0	900.1
1997	265.2	283.0	6.1	150.1	240.9	945.3
1998	317.6	250.1	2.6	151.4	278.0	999.7
1999	363.6	363.6	6.0	131.1	301.9	1053.7
2000	415.4	262.5	2.9	163.5	326.7	1171.0
2001	281.4	213.0	2.1	99.0	265.6	861.1
2005*	412.0	614.0	n.a.	101.0	160.0	1800

Source: Report on the Impact of Foreign Workers on the Malaysian Economic, 2004: 36 *for this year data obtained from the New Straits Times, July 19th, 2006 (cited in Mascarenas 47). This table does not include the number of illegal immigrant which is approximately estimated to be from 500,000 to 1,000,000 in 2005 and 2008 (Syed Syahrir cited in Mascarenas 47).

Malaysia economic growth plays the role of a pull factor for migrant worker to come. Malaysia's economic growth is not corresponding with the intention or attraction of local people to work in several sectors, especially in the sectors with low wages that do not have prestige and low in social stratifications. This in its turn makes the demand for labour to increase in those sectors. In order to solve this problem, the government used and still using migrant workers as a solution to fulfill the demands in the labour market. The government allows employers and agencies to bring migrants workers in order to fill the supply of labour which helps the government in keeping the economic growth. This phenomenon also happened when the United Kingdom colonized Malaysia. The United Kingdom introduced "dual pillars" as the colonial economic agenda by concentrating on plantation and mining at that time but the local people were not attracted and interested in those sectors because of the strenuous and strict working conditions applied by the British. The British government brought migrant workers from India and China to supply the labour demand at that time.

Piore cited in Messina and Lahav argue that immigration is not only caused by push factors in sending countries (low wages, or high unemployment) but also

by pull factors in receiving countries (a chronic and unavoidable need for foreign workers) ... International migration is largely demand-based and is initialed by recruitment on the part of employers, in developed countries, or by government (agencies) acting on their behalf (Messina and Lahav, 41).

Migrant workers need to be sponsored by their employer in order to get a work permit in Malaysia. Zolberg cited in Mascarenas (2010) argues that employers welcomed migrant workers as a cheap and flexible labour force or in other words as a way of reducing the unitary cost of labour (by lowering wages) and increasing its flexibility (17). This is the reason why the demand for foreign labour in Malaysia does not necessarily drop in contexts of large scale unemployment.

Historical factor also plays a role in migration of Malaysia because when Malaysia was ruled by the British government, it opened its border to a neighbor country such as Indonesia since they have similar culture and language which left the door of migration open to culturally-similar Indonesians (Mascarenas, 41). The British government opened the border mainly for people who had similar culture and language to fill the labour demands at that time. Indonesians who lived near the border of Malaysia used this opportunity to seek a job in Malaysia because they share the same language and culture like the local people which made easy for them to seek a job and cooperate with the local people.

The last factor is social capital among the migrants which plays a huge role in Malaysia. The social capital or networks among the migrants open the huge opportunity for newcomer migrants to migrate to Malaysia. According to network theory, migrant networks are sets of interpersonal ties that connect migrants, former migrants and non migrants in origin and destination countries through ties of kinship, friendship, and shared community (Messina and Lahav, 43). Migrant networks provide useful information for newcomers not only in term of how to enter the labour market but also in relation to integration process in the host society. Former migrant workers who work in Malaysia play a role to promote the demands of labour market and working condition in Malaysia to the people in their origin country in order to encourage them to migrate and work in Malaysia. In Malaysia, agencies in origin countries that have agreement with the employers in Malaysia play a role of a network for newcomers. They make a connection with Malaysian's employers to recruit migrant workers from their country and send these people to Malaysia. Migrant networks in through kinship, friends and agencies play a big role for the flow of migrant workers in Malaysia.

Migrant Worker Rights in Malaysia

The Malaysian government allowed employers and agencies to seek migrant workers from neighbor countries to fill the labour demands. The basic regulation for a migrant worker to work in Malaysia is that he or she has to find an employer who can sponsor him or her as a guarantor. Malaysian government uses a policy imposing responsibility for employers to protect and cover the health insurance, settlement or housing and other rights of workers that they are supposed to have as a worker. This policy is the main requirement for employers to be met when they want to hire migrant workers. Theoretically speaking it is responsibility of employers to cover and protect the rights of migrant workers. In reality, employers have not implemented this policy and rather have limited the rights of workers by providing bad work conditions, housing, and low wages. According to Amnesty International reports there are many cases in Malaysia when employers provided their workers with a bad job conditions. Many workers toil in conditions that are amounted as a labour exploitation, may not be paid for months of work or no money each month for their work permit renewal, work without protective gear or guidance and when they suffer accident employer may refuse to pay for their care, wage deduction for mistakes, charges for food and rent, verbal and physical abuse and women are sometimes subjected to sexual harassment and assault including rape (Amnesty International, 13). Malaysian government has failed to react regarding those issues in which the government is supposed to protect migrant workers based on universalism and human rights concepts under which migrant workers should have fair wages, security in terms of working condition, protection from violence from employers and health care insurance. By law, employer must cover their worker for work place injuries and must carry insurance that covers such injuries. In fact, some employers refuse to pay their insurance and often require their worker to pay for their own medical care when they suffer accidents in their job (Amnesty International, 45).

Besides only failing to protect the rights of migrant workers, Malaysian government also initiated some policies that are contradicting with the rights of migrant workers. There are several policies that contradict with rights of workers granted by human rights and universalism concepts such as family reunification, private, labour market and political and organizational rights. Malaysia has strict policies regarding migrant workers aimed in making migrant workers not to stay in Malaysia. In terms of family reunification, the Malaysian government under immigration policies stated that migrant workers are not allowed to bring their families to Malaysia. Moreover, a migrant worker who becomes pregnant is subject to

immediate deportation or extradition and her work permit will be automatically revoked and she will be subject to deportation within twenty-four hours (Chin, 371). Such policies obviously contradict with the basic of human rights of migrant workers which are naturally granted for the fact that they are also human beings. In terms of private rights like marriage, it is illegal for a foreign man to marry domestic woman and those who do so risk immediate revocation of their work permits and deportation (Gurowitz, 867-868). The state issued this policy in order to limit the number of foreign people to marry domestic women and gain work permit or citizenship by using their wife status as a domestic worker in Malaysia. Domestic women are entitled a right regarding marriage and such policies in regards to marriage once again proves that they are in conflict with basic human rights In terms of labour mobility, migrant workers in Malaysia have always been restricted to get involved in particular economic sectors. Immigration act obliges a migrant worker to work and stay in a specific location which is indicated in their work permit. Moreover, they have to accept the terms and conditions of their contract under which they do not have the freedom to enter the labour market by their own initiative (Mascarenas, 65). This policy is certainly in contrary with the freedom of choice in terms of job and employment. Furthermore, migrant workers in Malaysia do not have political rights relating to political organizations for migrant workers. The state policy and bureaucracy makes it impossible for migrant workers to establish a political organization in Malaysia. According to Gurowitz, self-organizing in terms of political organization is often difficult and this is typical pattern of political organization for migrant worker in Asia. In Malaysia, societies and unions must be registered under several circumstances and this is a lengthy and convoluted process (2000, 289). This condition leaves migrant workers in Malaysia difficulties when they want to claim about violence, abuse and harass treatment in their working place. Amnesty International reports that there are several cases where a police officer and a court did not support migrant worker when they want to report and file a case regarding abuse or harass by their employer (Amnesty International, 57-58).

Migration in the United Kingdom

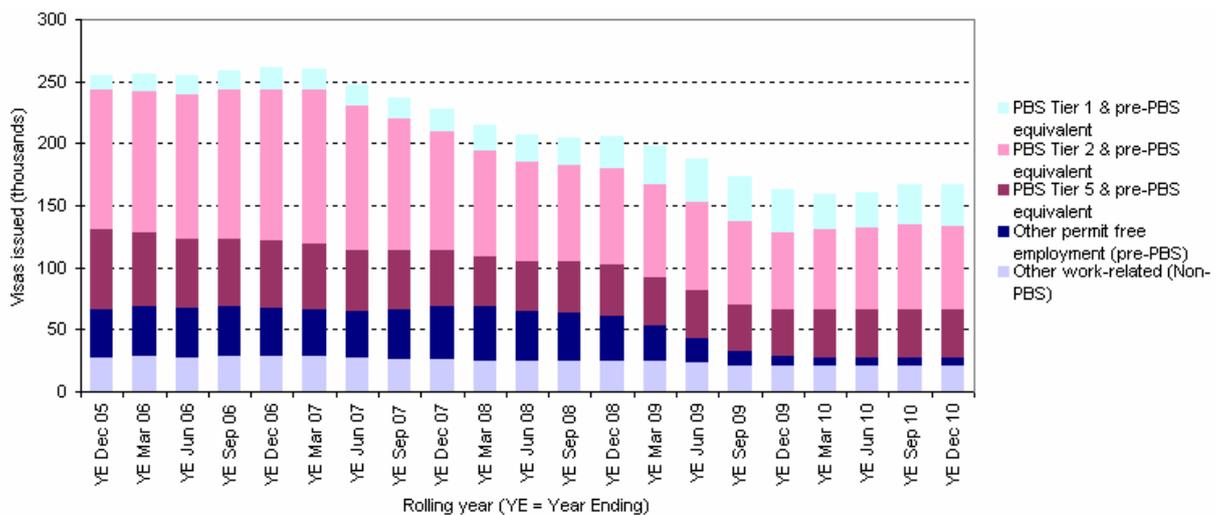
Migration in the United Kingdom began in the late nineteenth century and had two patterns of migration. First which took place in mid 1970's had a negative contribution for population (emigration) whereas the second, taking place in mid 1990's, had an opposite effect (immigration) (Dobson, et al., 6). The first path of migration in the United Kingdom happened when British people migrated to English speaking destinations that had strong imperial or

historic ties with Britain in the New World such as the United States, Canada, Australia, New Zealand, Cape Island and Natal (South Africa). Migrants were young and about three fifths were male and largely induced by high wages (Hatton & Price, 2). The second path of migration happened after World War II, immigrants arrived in Western Europe to do a job. Two patterns framed the migration at that time. The first pattern was the movement of residents of former colonies to the colonizer countries and the second was the movement of guest workers recruited from poor nations of Southern Europe, North Africa and Middle East. The first pattern was the most prevalent for migration in the United Kingdom (Molenkopf & Huchschild, 4). Migration in the United Kingdom in 1948's was dominated by people from South Asians (Indians, Pakistanis, and Bangladeshi), Black ethnic groups (Black African, Black Caribbean and Black other) that had intention to stay. However, there were also immigrants coming from Eastern Europe to seek a job as a guest worker without intention to stay (Freeman, 150-151). According to the 1948 Act the people from the former colonial countries migrated to the United Kingdom had the right to enter, work, and settle with their families in Britain and citizenship was granted to anyone born within the territories of the crown (Bloch, 31). The 1948 Act stimulated people from the former colonies of Britain to migrate in order to work and settle in the United Kingdom. The industrial era that happened in Western Europe was one of the reasons for people to migrate to countries of Western Europe including the United Kingdom. Freeman argues that workers were drawn to the industrial centers of Europe through the interaction of massive unemployment in their homelands and chronic labour shortages in West (2006, 150). At those times the United Kingdom needed workers, especially in industrial sectors, to satisfy the demands of the labour. The United Kingdom found migrant workers as an alternative to fill the labour demands and beneficial for the growth of the United Kingdom's economy. Immigration has generated important economic and political benefits for the host societies because foreign workers have taken on the character of an industrial reserve army (ibid).

The United Kingdom introduced new policy to limit the number of residents from the former colonies country which was highly increased because of 1948 Act. The number of people consisting of South Asians and Black ethnic groups who migrated to the United Kingdom was uncontrolled. Started from 1st of July 1962, the state introduced new conditions under which immigrants needed to issue a voucher to have either a pre-arranged job (category A), special skills (category B), or specific domestic needs for labour (category C) (Hatton & Price, 11). In 1971 immigration department adopted an Act which distinguished patrials and

non patrials to redefine British citizenship in order to limit the number of immigrants mainly coming from the former colonial countries. Patrials were defined as British or Commonwealth citizens who themselves or whose parents or grandparents were born or adopted or naturalized in Britain whereas non-patrials had no more rights than aliens had (non-white immigrant) (Freeman, 155). The purpose of this policy was not only to limit the number of immigrants but also to decrease the racial violence happened at that time. The debate of migration in the United Kingdom changed from labour into the asylum seeker. In the early 1990s the perceived threat was the growing number of asylum seekers whom were regarded as poor and unskilled ‘economic migrants’ rather than genuine asylum seekers (ibid). Since that time political agenda of migration changed from labour migration coming from the former colonies into asylum seeker. Table 3 shows the migration flows in the United Kingdom from 2005 to 2010

Table 3: The United Kingdom entry clearance visas issued, including dependents, for work purposes, 2005-2010.



Source: Home Office, Control of Immigration Quarterly Summary, United Kingdom, Q4 2010

Migrant Worker Rights in the United Kingdom

This part discusses the policies of the United Kingdom regarding the migrant worker rights. The author focuses on the migrant worker rights since people migrate to the United Kingdom not only to seek a job but also to seek an asylum, refugee status, family reunification, etc. In terms of human rights and universalism, the United Kingdom regulates policies which support migrants including migrant workers in many sectors. Migrant workers have to be invited or sponsored by employer in order to get working permit in the United Kingdom. The United Kingdom has strict regulations for employers to sponsor migrant worker. An employer needs

to pass several standards in order to limit the number of migrant workers and avoid trafficking. The main requirement for an employer to sponsor a migrant worker is to show HTS (Highly Trusted Sponsor) to identify those sponsors who are achieving the highest level of compliance with their sponsor obligations (U.K. Border Agency, 2011). The United Kingdom adopted this policy in 1977 which was called A 1977 Green Paper (Freeman, 12-13). The United Kingdom state regulates a policy regarding migrant workers that requires migrant worker to have an employer as a sponsor in order to get work permit in the United Kingdom. In terms of family reunifications, the United Kingdom under their policy allows migrant workers, be it temporary worker or permanent worker, in bringing their family to the United Kingdom. Temporary workers are allowed to bring their spouses or partners under several regulations. The main regulation is that the partner or family is able to support their expenses while they stay in the United Kingdom (UK Border Agency, 2011). Permanent worker is allowed to bring their family or partner when they reach the age of 21. The United Kingdom changed the policy of family reunification for permanent worker or residence. The major change in this policy is about sponsors, spouses or partners must be 21 although nationals can marry at age of 18 (Mipex, 2011). In terms of labour mobility, migrant workers have access to enter the labour market and compete with the local people of the United Kingdom. Once they pass the points system, they are generally treated the same as British workers. The United Kingdom does not close off sectors of the economy for immigrants nor deny the job services (ibid). In terms of social security, migrant workers pay income tax and national insurance directly from their salary. The employer will help worker to pay for the state health care and pensions. By paying the income tax and national insurance, worker has a right to enjoy social security such as education for children, health care, housing support and public funds (U.K. Border Agency, 2011). In terms of discrimination and protection under the legal law, the United Kingdom has a good system in combating with discrimination. In 2006 the United Kingdom created Equality Act which is improved in 2010 which mainly concern in helping newcomers and ethnic minorities achieve equal opportunities in practice (Mipex, 2011). In terms of political incorporation for migrant workers, the United Kingdom allowed migrant workers to join its political system as voters, protesters or civic actors and political actor (Molencopf & Hoschschild, 21). The United Kingdom realized that the immigrants including migrant workers are entitled to have rights to vote and to be active in the political arenas because immigrants bring resources, needs and desires into political arenas (Molencopf and Hochschild, 12). Mollencopf and Hochschild state “Although the term assimilation has fallen further out of favor in Europe than in US, native-born elites and wider

public opinion want immigrants to become productive members of their societies” (ibid). In other words, in order to become productive members, the United Kingdom gave opportunity for immigrants including migrant workers to be active in political arena by giving their voice in the local election or become a parliament member.

Discussion

In this part, the author discusses the policies of Malaysia and the United Kingdom in order to find if there are any tendencies or possibilities that Malaysia adopted the United Kingdom’s policy in regulating migration mainly regarding the rights of migrant worker. Malaysia is somehow influenced by the United Kingdom in regulating their migration policy. We can see the indication that the United Kingdom influenced Malaysia in regulating their policy regarding the system and recruitment of migrant workers from the information below. After gaining its independence, Malaysia granted citizenship status for migrant workers from China and India and opened its borders for workers from Indonesia and neighbor countries until in the mid of 1980’s they signed memorandum of understanding in order to close the border and limit the flow of migration. The memorandum signed in 1980’s was the beginning of recruitment system regulation by the state to the employer in order to hire migrant worker. The same situation happened in the United Kingdom as it opened its borders for the former colonies of the United Kingdom. The government enacted a policy in 1971 to close the borders and limit the influx of immigrants including migrant workers to come and stay in Britain. This was true for immigrants mainly from the former colonial countries of the United Kingdom and granted citizenship for people who come and stay before this Act issued. The United Kingdom government focused its policy on the recruitment system of worker mainly workers from outside European countries to limit the flow of migrant workers and fill the labour demand. The policy of Malaysia in this sector has similarity with the United Kingdom policy. They regulated policy to control the migration flow and fill the labour demand.

Malaysia and the United Kingdom have the similar system and aim regarding migration policy for migrant workers but they applied different conditions regarding migrant worker rights. Malaysia has failed to provide and protect migrant rights according to Human Rights and Universalism concepts because migrant workers still facing discrimination, harassment, abusing not only from their employer but also from law enforcement bodies such as police officer and court. Malaysia also does not give migrant workers opportunity to join and active in the political arena. The United Kingdom in contrary successes in providing and protecting

the rights of worker. The United Kingdom allows migrant workers to join and to be active in political arena as the form of political incorporation for immigrant. We can see that Malaysia and the United Kingdom have similarity in regulating policy about the recruitment of migrant worker and their policies are different in providing and protecting the rights of migrants worker. It can be said that the similarity in regulating the system of migrant worker recruitment as the possibility that Malaysia adopt the United Kingdom or use United Kingdom's policy as their standard in regulating their policy regarding migrant worker system and recruitment.

Conclusion

The United Kingdom policy regarding the system and recruitment of migrant workers in order to limit the influx of migrant workers influenced Malaysia to adopt similar policy. Migrant workers need an employer or agency in order to enter the labour market of both countries. We can say that by adopting the system and recruitment of migrant workers as the standard policy, the power of the United Kingdom as a former colonizer still remains in Malaysia as the former colony. But Malaysia has different implementation of policy regarding migrant worker rights comparing to the United Kingdom. Castle cited in Bloch presents four different ways in which host societies respond to the migration and settlement of migrants. The four models are total exclusion, differential exclusion, assimilation and pluralism or multiculturalism (Castle cited in Bloch, 82-83). Malaysia is included to the first category of model which is total exclusion because Malaysia limits the rights of migrant workers such as rights to be protected by the legal law system, to be free from discrimination and violence, settlement, join and be active in political arena etc. Malaysian migration policy is designed to keep migrant workers not to stay and settle in Malaysia. The United Kingdom nowadays is following the last model of policy named pluralism or multiculturalism because they provide and protect the rights of migrant workers. The United Kingdom's main reason in providing and protecting rights of migrant workers comes from the belief that migrant workers are able to incorporate and give retribution to the host society. In conclusion, the author found one indication that Malaysia adopted the United Kingdom's policy regarding the system and recruitment of migrant workers but they have different implementation of this policy regarding the rights of migrant workers.

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