



The
University
Of
Sheffield.

**Women on the Move: Analysing the Gendered
Governance of Domestic Worker Migration in
Malaysia**

Laura Foley

Thesis submitted for qualification for PhD

University of Sheffield

Department of Politics

April 2020

I hereby certify that this thesis, submitted to the University of Sheffield for the degree of Doctor of Philosophy, has not been submitted for a degree in any other university or professional or other awarding body. I also certify that the work described here is entirely my own.

.....

Laura Foley

Table of Contents

ABSTRACT IX

ACKNOWLEDGEMENTS X

CHAPTER 1: INTRODUCTION..... 1

1.1	Introduction	1
1.2	Background	2
1.3	Looking ‘Inside’ the Governance of Labour Migration	3
1.4	Research Questions	6
1.5	Outline of the PhD thesis	7
1.6	Conclusion.....	8

CHAPTER 2: CONTEXT 10

2.1	Introduction	10
2.2	Regional Migration Overview: Key Patterns and Themes	10
2.2.1	The State’s Role in Migration Governance	10
2.2.2	Regional Migration Patterns.....	13
2.3	Malaysia	17
2.3.1	Justification for Selecting Malaysia	17
2.3.2	Migration in Malaysia	18
2.3.3	Malaysia’s Migration Laws and Policies	21
2.4	Domestic Worker Migration in Malaysia.....	30
2.4.1	Law, Policies and Practices	32
2.5	Conclusion.....	39

CHAPTER 3: THEORETICAL CONSIDERATIONS..... 41

3.1	Introduction	41
3.2	Migration Governance.....	41
3.2.1	Top-Down and Bottom-Up Governance	43
3.2.2	Developing a Gendered Approach to Analysing Migration Governance	47
3.3	Analytical Framework: Gendered Migration Governance	56
3.3.1	The Concept of ‘Gender Knowledge’	59
3.3.2	Framing and Sense-making	61
3.4	Uncovering Gendered Assumptions.....	65

3.4.1	Gendered Hierarchies: Sacrifice, Victimisation and Heroism	67
3.5	Conclusion	72
CHAPTER 4: METHODOLOGY		74
4.1	Introduction.....	74
4.2	Ontological and Epistemological Concerns.....	74
4.3	Case Study Selection	75
4.4	Research Questions.....	78
4.5	Methods	78
4.5.1	Multi-Method Approach.....	78
4.5.2	Document Analysis.....	79
4.5.3	Semi-Structured Interviews	81
4.5.4	Structure Questionnaires (Social Network Analysis)	88
4.6	Data Analysis.....	89
4.6.1	Analysing Documents: The Stages of Analysis.....	89
4.6.2	Interviews: The Stages of Analysis.....	90
4.6.3	Analysis of Structured Questionnaires.....	95
4.7	Limitations of the Study	96
4.8	Conclusion	97
CHAPTER 5: THE CONSTITUTION OF THE GOVERNANCE SYSTEM.....		98
5.1	Introduction.....	98
5.2	Multi-level and Multi-actor.....	98
5.2.1	Gender Representation.....	101
5.3	The Role of the State	102
5.4	Non-State Actors: Recruitment Agencies and Employers Organisations...	108
5.4.1	The Private Migration Industry.....	108
5.4.2	The Malaysian Employers' Federation.....	109
5.5	The Role of Civil Society Actors.....	111
5.5.1	The Role of Non-Governmental Organisations	112
5.5.2	The Importance of Trade Unions	116
5.5.3	Can domestic workers organise?	120
5.5.4	The Role of Faith-based Organisations.....	121
5.5.5	Engagement with Government Actors.....	122

5.6	The Role of International and Regional Actors.....	125
5.6.1	What has the ILO been doing?	126
5.6.2	What have regional networks been doing?.....	127
5.7	Conclusion.....	128
CHAPTER 6: THE CAUSES AND CONSEQUENCES OF MIGRATION		130
6.1	Introduction	130
6.2	The Visibility of Female Migrants	131
6.2.1	What is the scale of immigration?.....	131
6.2.2	Invisible Female Migrants?.....	132
6.3	Understandings of the Causes of Migration	136
6.3.1	Economic Drivers.....	136
6.3.2	Female migrants lack decision-making power	140
6.3.3	Migrant workers are vulnerable to deception.....	142
6.4	Understandings of the Consequences of Migration.....	145
6.4.1	The Economic Consequences of Migration	145
6.4.2	The Impact on Family	147
6.4.3	The Social Impacts of Migration.....	148
6.5	Conclusion.....	155
CHAPTER 7: MAKING SENSE OF MALAYSIA’S MIGRATION POLICIES.....		157
7.1	Introduction	157
7.2	Migrant Workers as a ‘Temporary’ Solution	158
7.3	The Categorisation of Migrant Workers	161
7.3.1	Can male and female migrants enter the same sector?.....	161
7.3.2	Is there a preference for certain nationalities?.....	165
7.3.3	Insider-Outsider Distinction	167
7.4	The Use of Bilateral Agreements	171
7.5	The Private Migration Industry	173
7.5.1	Female migrants more liable to exploitation.....	174
7.6	The Implementation of Stricter Policies of Control	178
7.6.1	Inconsistency has led to “chaos”	179
7.6.2	“Money-Making”	181
7.6.3	Policies Change “Overnight”	184

7.7	Conclusion	186
CHAPTER 8: MIGRANT DOMESTIC WORKERS: ‘VICTIMISED’ IN POLICIES, PRACTICES AND NARRATIVES188		
8.1	Introduction.....	188
8.2	Background: Domestic Worker Migration	189
8.2.1	The National Legal Framework.....	189
8.2.2	Exempt from the ‘threat’ narrative	191
8.3	“Victimised” at every stage in migration journey.....	193
8.3.1	“Economic Heroes” or “Sacrificial Lambs”?	193
8.3.2	Mechanisms of Control.....	195
8.3.3	“Lesser Human Beings”.....	198
8.4	Gendered Understandings: The Silent Victim	201
8.4.1	Cultural Factors lead to Silence	201
8.4.2	Situational Factors lead to Silence.....	203
8.4.3	Barriers to Reporting Abuse	207
8.5	Conclusion	208
CHAPTER 9: POLICY ACTIONS AND INACTIONS210		
9.1	Introduction.....	210
9.2	How Different Sending Countries Manage Domestic Worker Migration ..	211
9.3	Regional Initiatives to Tackle the Exploitation of Migrant Workers.....	219
9.3.1	Actions to “Empower” Migrants	219
9.3.2	Initiatives to Tackle Human Trafficking.....	222
9.4	How Malaysia Acts to combat the Exploitation of Migrant Workers	225
9.4.1	Malaysia’s Actions to Combat Trafficking.....	226
9.4.2	Efforts to better Manage Domestic Worker Migration.....	230
9.5	Policy Inactions.....	235
9.6	Conclusion	237
CHAPTER 10: CONCLUSION239		
10.1	Gender-Biased Ideas Permeate Governance	239
10.2	The Gendered Governance of Labour Migration in Malaysia	241
10.3	Policy Implications and Future Research Agenda	243
10.3.1	Gendered Policy Actions	243

10.3.2	Looking Ahead: Implications for Future Research	246
REFERENCES.....	248
APPENDIX 1: INTERVIEW GUIDE.....	271
APPENDIX 2: RESEARCH SAMPLE.....	273
APPENDIX 3: RESEARCH SUMMARY FOR PARTICIPANT RECRUITMENT..	274
APPENDIX 4: PARTICIPANT CONSENT FORM	275
APPENDIX 5: QUESTIONNAIRE.....	276

List of Figures

Figure 1: Conceptual Framework	4
Figure 2: Migrant Remittance Inflows 2008 – 2017. Source: World Bank, 2019. Graph: Author’s Own	15
Figure 3: ASEAN Estimated Migrant Remittances 2018. Source: World Bank, 2019. Graph: Author’s Own	16
Figure 4: Malaysia’s Labour Migration Inflows since the 1990s. Source: Kaur, 2010.....	19
Figure 5: Conceptual Framework.....	57
Figure 6: Positive Consequences of Migration to Malaysia	93
Figure 7: Negative Consequences of Migration to Malaysia	94
Figure 8: The Constitution of the Governance System	100
Figure 9: Interactions with the Home Ministry	105
Figure 10: Interactions with the Labour Ministry.....	106
Figure 11: Interactions with the Malaysian Employers' Federation	109
Figure 12: Interactions with Non-Governmental Organisations	113
Figure 13: Interactions with the Malaysian Trade Union Congress	117
Figure 14: Interactions with ILO	126
Figure 15: Interactions with ASEAN	128
Figure 16: Peninsular Malaysia, Sarawak and Sabah: Foreign workers as percentage of total workforce in 2016 by district. Source: Hwok-Aun and Leng (2018).....	134
Figure 17: Recruitment Advisor Landing Page.....	220
Figure 18: Guidelines and Tips for Employers of Foreign Domestic Helpers.	231

List of Tables

Table 1: Research Questions	78
Table 2: Research Questions and Methods.....	79
Table 3: Research Sample	86
Table 4: Groups of Actors within the Governance System	99
Table 5: Recruitment Terms and Conditions of Foreign Workers	159
Table 6: Statistics on Migrant Workers in Malaysia (February 2016). Source: Migrant Workers Right to Redress Coalition (2017). Table: Author’s Own	160

Abstract

Although the feminisation of migration has been widely discussed, little attention has been paid to the ways in which implicit bias and gender bias permeates governance systems. This thesis analyses the governance of domestic worker migration in Southeast Asia, with a specific focus on Malaysia, and investigates to what extent, and in what ways, a gendered governance system has developed.

Policy actors' perceptions have been neglected in research on the governance of migration which is problematic as we cannot understand governance without understanding the perspectives of the actors within the governance system. This study seeks to contribute to closing this research gap by adopting an actor-centred approach to look inside Malaysia's governance system for labour migration. The empirical material comes from 41 in-depth interviews and structured questionnaires with key policy actors in Malaysia and the wider region.

Whereas most research on migration governance has analysed governance system 'outputs', this thesis looks 'inside' the policy-making process to analyse: i) how policy actors within the governance system develop their understandings of the causes and consequences of the migration of domestic workers, ii) how they develop policy narratives based on these understandings, and iii) how gendered ideologies shape actors' understandings and decisions. Through the development of an organisational perspective on the governance of migration which combines framing analysis with sense-making approaches, this thesis argues that various actors' intuitive understandings about migration are shaped by ideas about gender and that these strongly influence the ways in which domestic worker migration is categorised and responded to.

Acknowledgements

Firstly, I would like to thank the research participants for their willingness to contribute to this study and for the University of Malaya for welcoming me to Malaysia. If it had not been for them, this research would not have been possible.

Secondly, I would like to acknowledge the guidance and support of my research supervisors: Professor Andrew Geddes and Professor Genevieve LeBaron. I greatly appreciate their insightful feedback throughout this process.

I would also like to thank the rest of the MIGPROSP team for their invaluable support and enthusiasm throughout my PhD. And to my support network of colleagues at the University of Sheffield who have guided me for the past 3 years.

Thirdly, I would like to acknowledge the funding sources that made this study possible. I was awarded a European Research Council PhD studentship to conduct this research. My fieldwork was also supported by the Royal Society of Asian Affairs and by the Department of Politics at the University of Sheffield.

Lastly, I would like to thank my parents, family and friends for all their love and understanding. Most of all, I would like to thank my partner, Keith, who has supported me in all of my pursuits and whose encouragement has made navigating this PhD easier.

This thesis is dedicated to all the migrant domestic workers in Malaysia and to my late grandad, David Robinson, who instilled in me a love of learning.

Chapter 1: Introduction

1.1 Introduction

Adelina Lisao¹, a 21-year-old domestic worker from Indonesia, died in a hospital in northern Malaysia on Saturday 11th February 2018. The previous day, on February 10th, Adelina had been found in the backyard of her employer's home in Penang. Those who rescued her reported that she had burn marks, injuries on her feet and a swollen head. She was too traumatised to talk. She had allegedly been forced to sleep on the porch of her employer's home alongside the family's dog for over a month before she was rescued (Dermawan, 2018). Her employer was subsequently charged with her murder in an incident that has been deemed "one of the most harrowing abuse cases ever recorded" by a member of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights (The Straits Times, 2019). The murder charges were dropped in April 2019 and Adelina's employer walked free. This thesis argues that this brutal incident is not a case of individualised abuse but an effect of Malaysia's governance system for domestic worker migration.

Adelina's death was not just a terrible tragedy but also the outcome of governance processes that consign domestic workers in Malaysia to these kinds of risks and abuses. This thesis argues that in order to understand the ways in which the governance system produces these outcomes, we need to look 'inside' the governance system for domestic worker migration and uncover the perceptions of the actors who make, or seek to shape, policy and practice. This thesis argues that explicit and implicit understandings about gender are influencing the ways in which migration is understood, categorised and responded to by policy actors in Malaysia and that this perpetuates a system within which there is continued abuse and exploitation of migrant domestic workers. Whereas there is a tendency to see governance as an ex-post reaction to migration dynamics, a key innovation of this study is the focus on how the governance system itself has powerful constitutive effects on migration and specifically female domestic worker migration.

This introductory chapter is structured as follows. The first section provides some background and context on why there is a need to analyse processes relating to domestic worker migration in Malaysia. The second section provides an overview of the definition of governance that is developed in this thesis and the study's conceptual framework to investigate actors'

¹ Also referred to as Adelina Sao in media coverage.

understandings. This is followed by an outline of the research questions and an outline of the doctoral thesis.

1.2 Background

Women constitute nearly half of the world's migrants (UN DESA, 2017). However, women's international migration for work remains primarily "concentrated in a few female-dominated occupations associated with traditional gender roles" wherein domestic work is one of the main sectors (Moreno-Fontes Chammartin, 2006; 77, see also Labadie-Jackson, 2008; O'Neil et al., 2016). Women constitute over 80 per cent of the estimated 67 million domestic workers worldwide over the age of 15, including over 11 million migrant domestic workers (MDWs) (Galotti, 2015; 1-2).

The "feminisation" of migration has garnered increased scholarly attention over the past few decades (Ehrenreich and Hochschild, 2002; Piper, 2003; UN Women, 2013). However, both migration scholars and governance scholars may have overlooked the ways in which ideas and understandings about gender permeate migration governance processes which could render invisible female migrants' needs and drive "institutional, discursive and structural bias in favour of men" (Rai and Waylen, 2008; 2). This research addresses the knowledge gap surrounding the 'feminisation of migration governance' and does so by investigating how, why, and with what effects, gender ideologies permeate migration policy processes. This is pertinent to investigate in relation to domestic worker migration as the sector remains the lowest paid, least protected, least organised and most disadvantaged work in Southeast Asia and involves the highest incidences of human rights and labour abuses (Human Rights Watch (HRW), 2004, 2005, 2006, 2011, 2017)².

This thesis argues that governance is constitutive of gendered understandings which have a powerful impact on the ways in which policy actors frame domestic worker migration and on the ways in which responses are developed. As part of Malaysia's 'modernity project' (Vision 2020), the importation and employment of migrant domestic workers (MDWs) formed a central part of the construction of "a developed multi-ethnic Malaysian society with the 'caring family' as its social base" (Chin, 1998; 3; 166). For decades, female workers from poorer neighbouring countries have been migrating to Malaysia to work and care for Malaysian families yet they receive limited labour protections, no labour inspections (ILO, 2016a) and the duties that they perform within the house are not regarded as formal employment in law. Chin (1998) argues the plight of MDWs is "deemed inconsequential" to Malaysia's "modernity project" (1998; 16) and incidences of domestic worker abuse remain prevalent (Huling, 2012; Kaur, 2014; HRW, 2017;

² Notably Southeast Asia is the region with the least ratifications of human rights treaties.

Elias, 2013, 2018). If we are to have the possibility of changing the policies and practices relating to domestic worker migration in Malaysia, then we need to look ‘inside’ the governance system and analyse the understandings that underpin governance.

This thesis was developed as part of the Prospects of International Migration Governance (MIGPROSP) project which explores how key actors within migration governance systems develop their understandings of migration, and “how these understandings shape the possibilities and limits of migration governance” (MIGPROSP, 2017; no page number). The focus of this thesis is to analyse how ‘situated’ actors in particular organisational settings make sense of the issues that they face and how the processes of ‘framing’ and ‘sense-making’, that is the construction and interpretation of meanings, affect action and inaction. This thesis develops new insight into the drivers of migration governance by understanding it as an organisational process. The distinctive focus of this thesis is how gender is understood and forms part of the governance setting and associated processes.

1.3 Looking ‘Inside’ the Governance of Labour Migration

There is a wealth of literature on governance but the term is rarely defined. Governance broadly “involves the rules, structures, and institutions that guide, regulate, and control social life” (Barnett and Duvall 2005; 2). Migration governance relates to the structures, mechanisms, laws, policies and practices, both formal and informal, which are aimed at regulating the orderly movement of people. It occurs across multiple levels – local, national, regional, and international – and involves multiple actors including public and private actors participating across these various levels. It should be noted that the majority of literature about governance, and the assumptions that underpin it, come from a Western, primarily Eurocentric, perspective and this may prove problematic when analysing a country in Southeast Asia, such as Malaysia, where the state is central to the governance of migration (Piper, Rother and Rüländ, 2018). In this regard, this thesis draws on the governance literature and explores its value in a different region with a different political system and different institutions, and draws on organisational literature that has not typically been applied to migration research in order to understand more about the constitutive effects of governance processes. There is no universal migration governance toolkit so if we want to understand the operational effects of migration governance in Malaysia then we need to understand the ways in which governance is localised (Acharya, 2004).

The specific understanding of migration governance that is developed in this thesis draws from, and builds upon, Pierre’s (2000; 3) “dual meaning of governance” whereby governance refers both to the “conceptual representation of change in social systems” and to the ability to adapt and manage these changes (Geddes et al. 2019; 226; Geddes, 2016; 115, referencing Pierre, 2000).

This research investigates the perceptions of actors *within* the system (government officials, civil society organisations, employers’ federations, recruitment agencies and others) and explores how these actors conceptualise the effects of system change and then how do those understandings affect what they do. In other words, the understanding of governance that is developed in this thesis not only encompasses the processes and outputs of governance systems, but is also concerned with how governing actors try to make sense of the context in which they operate and how they develop some understandings of what is going on ‘out there’ and what to do next, (Geddes et al., 2019; 8) and how ideas about gender permeate these processes. The intention is to understand the factors that shape migration governance and to examine whether women’s “needs and interests” are visible during the policy-making process (Hawkesworth, 2005; 147). This is important because, as this thesis will show, governance processes themselves, through the understandings and actions that develop within them, have powerful effects on the ways in which migration is categorised and responded to.

In order to investigate how actors conceptualise, and act upon, the issues that they face, this thesis developed a conceptual framework which combines the analytical concept of ‘gender knowledge’ (Dölling, 2005) with framing analysis and theories of sense-making to explore how actors understand migration dynamics, the factors that shape these understandings and how cognition connects with action. Figure 1 below illustrates the framework:

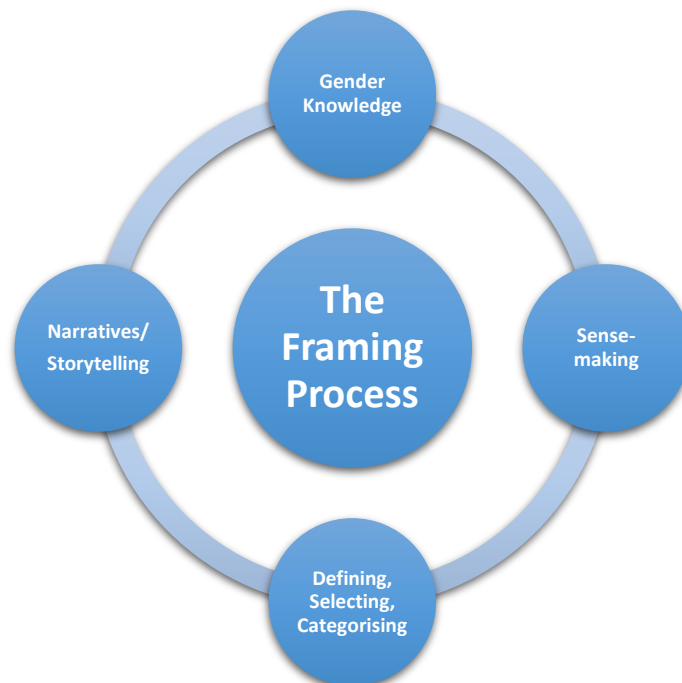


Figure 1: Conceptual Framework

Frames constitute a “schemata of interpretation” (Goffman, 1974; 21) which “organise [actors’] experience[s] and guide action” (Benford and Snow, 2000; 614, see also Fiss and Hirsch, 2005).

Whereas ‘gender knowledge’ (*geschlechter-wissen*) is premised on the idea that every type of knowledge is based on socially constructed ideas about gender and gender relations in society (Schwenken, 2008; 772; Dölling, 2005; 50). This thesis is interested in “the interactive, intersubjective processes through which frames are constructed” (van Hulst and Yanow, 2016; 93) and the ways in which implicit and explicit ideas and knowledge about gender enter, and are produced by, the framing process.

This research combines analysis of primary and secondary documents, semi-structured interviews with 41 key policy actors (national governmental actors, officials within regional and international organisations, employers’ organisations, trade unions, NGOs and others), and structured questionnaires, in order to analyse migration governance processes and the perceptions of actors. These individual interviews were conducted between January-May 2018 and did not focus specifically on gender relations or female domestic worker migration from the outset but instead explored how actors instinctively frame migration issues and investigated whether women featured in these understandings³. Following the interviews, participants were asked to fill out a structured questionnaire which were used to identify the key actors and the relations between them⁴.

Policy actors’ perceptions have been neglected in research on the governance of migration which is problematic as we cannot understand governance without understanding the perspectives of the actors within the governance system. This study seeks to contribute to closing this research gap by looking inside Malaysia’s governance system for labour migration and analysing the ways in which implicit bias and gender bias permeates actors’ understandings which may have important implications for the policy responses that are developed (Boswell and Geddes, 2011; 125). This is pertinent to investigate in relation to domestic worker migration as it is one of the largest and most feminised migration flows and remains a key bilateral issue in Southeast Asia due to the high levels of human rights and labour abuses (HRW, 2017).

This is also vital to investigate in Southeast Asia as regional migration governance has received scant attention outside of Europe and North America, so, on an empirical level this research will improve our knowledge of immigration policy-making processes in Southeast Asia. By investigating i) who the key policy actors are, ii) how they frame, and make sense of, domestic worker migration, iii) how ‘gender knowledge’ permeates actors’ understandings, and iv) how

³ The interview guide is contained in Appendix 1 and the research sample is listed in Appendix 2.

⁴ The questionnaire is in Appendix 5.

policy actions and inactions are developed, we are able to shed light on the understandings that underpin migration governance.

This thesis develops a unique conceptualisation of governance that bridges the role of policy actors' ideas (and how these ideas are formed) with concerns about private power, gendered power relations, migrant workers' lives and labour conditions, alongside Malaysian households' "pursuit of the good life" (Chin, 1998; 5). This thesis argues that governance itself is an a priori structuring factor to incidences of abuse and not an ex-post reaction. In other words, I argue that the exploitation of MDWs in Malaysia is not merely a challenge to Malaysia's governance system but an effect of governance. This thesis will show the ways in which the governance system is underpinned by gendered ideologies and highly symbolic and stereotypical understandings of femininity in the narratives surrounding female labour migration. This research argues that these understandings have powerful effects on producing discriminatory migration and employment policies for those entering the domestic work sector in Malaysia.

1.4 Research Questions

The broad aim of this research is to examine to what extent, and in what ways, governance is constituted as a gendered process in the area of domestic worker migration. Through this perspective, this research explores how, why, and with what effects, gendered ideologies permeate the policy processes. This research looks 'inside' the policy-making process to understand:

1. Who are the policy actors in the governance system?
2. How do policy actors within this network develop their understandings of the causes and consequences of the migration of domestic workers;
3. How do they then develop policy narratives based on these understandings; and
4. How, and with what effects, a gendered governance system for domestic workers has developed in Malaysia.

More specifically, the research objectives are as follows. Firstly, this study examines the constitution of the governance system for domestic worker migration in Malaysia and investigates who the actors are, explores how actors socially interact and relate to one another (Bevir and Rhodes, 2003; 4) and examines the power dynamics within the governance system. Secondly, this study explores how actors develop understandings relating to domestic worker migration, the

extent to which understandings and ideas about gender are influencing actors' perceptions of the causes and consequences of migration, and how this shapes policy actions and inactions.

This study contributes to the literature on governance by shedding light on migration policy- and decision-making processes. These processes are often overlooked in research on international migration governance which tends to focus on governance system 'outputs', such as laws and policies, without examining policy actors' perceptions or interrogating the decision-making processes. This approach is problematic as it fails to investigate the procedures within the governance system that produces these specific outputs. In political systems, the processes of 'talk', "decision" and "action" can be governed by different logics, e.g. securing votes at the talk stage, dealing with governing coalitions during the decision-making period, and navigating a complex network of actors at the implementation/action stage (Brunsson, 1989, 2003). It is not possible from an analytical and methodological perspective, to work back from system outputs to make assumptions about how the policy decisions came about. Instead, this thesis argues that there is a need to look "inside" the governance system and to shed light on the ways in which actors understand and frame labour migration broadly, and domestic worker migration specifically, investigating the ways in which understandings and ideas about gender permeate these frames. This thesis argues that actors' instinctive understandings about migration are influenced by implicit and explicit understandings about gender and the value placed on female labour which produces a system in which the abuse and exploitation of MDWs perpetuates.

1.5 Outline of the PhD thesis

This thesis begins with a contextual chapter (Chapter 2) that situates the research within the wider debates surrounding labour migration and domestic worker migration in Malaysia and in Southeast Asia. This chapter underlines the key research gaps that this thesis will address, justifies why Malaysia was selected as a single case study, and provides an overview of Malaysia's political system and policy landscape. Chapter 3 sets the theoretical considerations behind the research and details this study's analytical approach to investigate the understandings that underpin the governance of domestic worker migration and how this study will explore ideas about gender. Chapter 4 explains the study's research methods and data analysis procedure. Chapter 5 investigates the constitution of the governance system and analyses the social networks within this system, examining who the actors are within the system, who is central to the governance network and highlights the barriers that many non-governmental actors experience when trying to access the policy-making processes. This chapter also explores the gender and power dynamics within the governance system.

Chapters 6 to 9 analyse the qualitative data generated from the document analysis and interviews. Chapter 6 investigates how actors understand the causes and effects of migration and explores to what extent, and with what effects, explicit and implicit assumptions about gender impacts actors' perceptions. In particular, Chapter 6 analyses ways in which actors describe the gendered "barriers" that female migrants experience in trying to move overseas and also highlights how female migrants are overlooked during migration discussions.

Chapter 7 analyses how policy actors frame and make sense of Malaysia's policies to manage labour migration and explores how, and with what effects, the migration governance system generates understandings and associated practices that impact on the rights and status of migrants, both male and female. This chapter analyses the content of Malaysia's temporary guest worker programme, the use of bilateral agreements to manage migration, and the role of the private migration industry in facilitating labour migration. It also assesses how actors interpret these measures, and investigates the ways in which gendered ideologies impact actors' assessments.

Chapter 8 explicitly analyses the governance of domestic worker migration and investigates the ways in which migration policies and employment policies interrelate. Chapter 8 examines the national legislation relating to domestic workers and investigates how gendered understandings are driving the conceptualisation of female migrants as "silent victims" and discusses the potential harms related to framing domestic worker migration in this way. Chapter 9 investigates what effects the gendered narratives of male and female migration have on policy actions or inactions, examining whether policy actors are really pushing for policies which solely focus on "protecting" female migrants, and what other factors are driving national and regional policy agendas in relation to female migrants. Chapter 10 draws together the key conclusions from this thesis and provides a summary of the main research findings and the key arguments in relation to the gendered governance of domestic worker migration. Chapter 10 finishes by outlining a further research agenda.

1.6 Conclusion

This introductory chapter has highlighted the need to analyse the constitutive effects of the governance system for domestic worker migration and to highlight how understandings held by elite actors within the system can have effects on governance systems 'outputs', such as policies, laws and practices. This focus on the constitutive effects of governance systems is a neglected issue and thus marks a key contribution offered by this thesis. If all we do is study governance system outputs, such as laws and policies, this does not shed light on how these actions came about. This research is concerned with the "missing middle", how the governance of domestic worker migration is constituted as a gendered process, structure, mechanism and set of

understandings and ideas. This thesis adopts an actor-centred approach and examines the understandings of actors who seek to make, shape or influence policy to explore how ideas and understandings shape policy actions and inactions. As domestic worker migration is a key area of human rights and labour abuses, if we are to have the possibility of changing the policies and practices relating to this type of migration, then we need to analyse how actors within the governance system understand “what is going on out there?” and “what can be done about it?” The next chapter provides a contextual overview of the key themes and literature relating to this study.

Chapter 2: Context

2.1 Introduction

This chapter provides an overview of migration, migration governance, and the governance of migrant domestic workers (MDWs) in Malaysia and explains how this thesis builds upon existing work on migration governance and domestic worker migration governance in Southeast Asia. This chapter also justifies why this thesis investigates the governance of domestic worker migration in a single country. A lot of studies focus on why people move but very few studies focus on the organisational context of governance and on the drivers of governance, and that is what this thesis examines and is why this study is distinct and innovative.

This chapter provides a contextual overview of the key themes and literature relating to this thesis. This chapter is organised into three main sections. The first section underlines some key features of migration in Southeast Asia and justifies the state-centric focus of this thesis. The second section explains why Malaysia has been selected as a site to conduct this research and provides an overview of Malaysia's migration laws and policies and explains the importance of Malaysia's categorisation of migrant workers as temporary foreign labour and how this impacts upon rights and status. This section underlines how Malaysia's complex ethnic make-up, securitisation rhetoric, increasingly strict immigration policies, and rise in anti-migrant discourse have led to a hardening of public attitudes towards migrants, which may affect migration governance. The third section illustrates the complexities surrounding domestic worker migration in Malaysia, and, through documenting how this sector is treated in policies and practices, explains why the focus of this thesis is on uncovering the understandings that underpin domestic worker migration governance.

2.2 Regional Migration Overview: Key Patterns and Themes

2.2.1 The State's Role in Migration Governance

Firstly, as this study explores how the governance of domestic worker migration in Malaysia is gendered, we must briefly explain the role that the state plays in migration governance in Southeast Asia, in order to contextualise why this research is centred upon on a single case study.

In the governance of migration, the state remains the central actor but the context in which the state operates has changed as an increased number of non-state actors such as international and regional organisations and civil society organisations are now involved in migration governance

(Thomas, 2009; Betts and Kainz, 2017). So, while globalisation has meant that governance has moved to the international and regional levels, there remains no coherent single overarching global regime which governs states' responses to migration and, in the absence of any such regime, migration remains almost exclusively managed by nation-states who "guard that prerogative jealously" (Newland, 2010; 331, see also Betts, 2011; Kessler, 2018).

In Southeast Asia, a region in which the borders and the nation-states⁵ are more recent constructions, having been drawn up by colonial powers (Case, 2013; 53), the state's centrality for migration governance is particularly evident (Piper, Rother and Rüländ, 2018). This is because, since gaining independence from colonial rule, the region's political elites had to "jealously" defend their borders which resulted in the majority of governments in Southeast Asia adopting, and "holding onto, a Westphalian notion of state sovereignty" (Nah, 2012; 487-488; Case, 2013). In fact, following the establishment of the Association of Southeast Asian Nations (ASEAN)⁶ in 1967, respect for state sovereignty, consensus based decision-making, and non-interference in the affairs of other Member States were ground rules upon which intra-regional relations would be based (Acharya, 2001; Rother, 2018) and the desire to protect state sovereignty was "elevated... to an elaborate regional doctrine" (Piper, Rother and Rüländ, 2018; 121). This desire to protect state sovereignty drove the construction of regimes to strictly control immigration (Nah, 2012; 487-488). In Malaysia, which had formerly been under British rule, Chin (1998) notes that, "the postcolonial state proceeded to construct rules governing the in-migration and employment of foreign servants to achieve specific objectives" whereas the colonial state had not intervened (1998; 92).

International labour migration is viewed by some as a challenge to the foundations of the international order (de Wenden, 2007; 66) as it impinges upon key aspects of sovereignty by impacting a country's right to defend itself from outside interference and to control its borders (Kalm, 2010; 138), therefore clashing with the aforementioned ASEAN norms (Piper, Rother and Rüländ, 2018; 118; Rother, 2018). However, Case (2013) argues that, nation-states' power in Southeast Asia has not only *not* been "eroded" by labour migration but that Southeast Asian states

⁵ A model which some Southeast Asian states inherited from colonial rule.

⁶ ASEAN was constructed through a desire to develop a regional mechanism for war prevention and conflict management and for the peaceful settlement of disputes (Acharya, 2001). The five original Member States were Indonesia, Malaysia, Thailand, Singapore and the Philippines.

have actually adapted and fortified their power⁷ (2013; 51). Case (2013; 46-47)⁸ notes that the borders of nation-states in Southeast Asia have demonstrated “greater resilience” than in the West as, while the West has possessed sovereignty for centuries, Southeast Asian states have only been more recently able to enjoy it, and as such, are “loathe” to surrender it (2013; 59-60). While Southeast Asian states’ borders have been penetrated by increased levels of migrant workers, Case (2013) argues that instead of being viewed as a total threat to the nation-state, labour immigration has been strategically used and managed (or not managed) in Southeast Asia in ways to benefit the state and the region’s political elites (2013; 53). For example, Case (2013; 53) notes that region’s political elites have sought out foreign workers over the years for economically beneficial reasons but implemented immigration regimes which closely govern and monitor their admission. Even amongst the region’s sending countries, Case (2013) argues that “state power remains unscathed” as government officials receive “compensation in the exit payments associational fees, and remittances” sent by their overseas citizens (2013; 56). Case (2013) concludes that states in Southeast Asia have a remarkable “capacity to make use of these [migration] flows in ways that invigorate [states’] governing apparatus and sovereign territoriality” (2013; 60).

In summary, the nation-state in Southeast Asia plays a crucial role in regulating migration flows through legal and policy measures and is the central actor in labour migration governance⁹. This study examines the governance processes for domestic worker migration in a key destination country in Southeast Asia, Malaysia. This thesis sheds light on the understandings that underpin the governance of labour migration broadly, and domestic worker migration specifically, in Malaysia, examines the bilateral, multilateral and regional governance processes and the range of actors involved, and explores how ideas about gender shape how different categories of labour migration are categorised and responded to. This is especially pertinent to analyse in a Southeast Asian context, as regional migration governance has received scant attention outside of Europe. On an empirical level, this study seeks to improve our knowledge of migration policy-making processes in Malaysia.

⁷ However, Case also points out that the states in Southeast Asia have “been undermined by ‘men of prowess’” (Sidel, 1999, cited by Case, 2013; 46) as corruption looms large as “big men, warlords, godfathers, and bosses... tear at [the state’s] administrative fabric” (Case, 2013; 46). The role of corruption in migration governance in Malaysia will be discussed in Chapter 7.

⁸ Case (2013;) argues that state in Southeast Asia “adhere rigorously to strategies of exclusion” and “defend their borders far more effectively today than in the colonial past” (2013; 52)

⁹ Migration governance will be explored in more detail in Chapter 3.

2.2.2 Regional Migration Patterns

Migration governance is not just an ex-post reaction but instead governance systems have powerful constitutive effects through the classifications, categorisations and decisions that they make. In order to contextualise the constitution of the governance system for domestic worker migration in Malaysia, first we need to get an overview of the features of regional migration in Southeast Asia. Since the 1960s, labour migration has become a prevalent feature across Southeast Asia which has been driven by different levels of socioeconomic development and unemployment levels, coupled with states' political and economic connectedness following the formation of ASEAN (Hugo, 2005; Castles and Miller, 2009; Kaur, 2010). The rapid increase in labour migration, especially among ASEAN's Member States, is considered one of the "remarkable dimensions" of the region's transformation (Kneebone, 2010; 383).

Migration within Southeast Asia remains highly concentrated in a few routes with the top five in 2013 "Myanmar to Thailand, Indonesia to Malaysia, Malaysia to Singapore, Lao PDR to Thailand, and Cambodia to Thailand - representing 88 per cent of the total intra-ASEAN migrant stock" (Sugiyarto and Agunias, 2014; 1)¹⁰. Migration flows are characterised by a basic differentiation between "unskilled" or "low-skilled" workers and "skilled" workers (Wickramasekara, 2002; 3), and over 87 per cent of migrants in the region are classes as low-skilled labour (Sugiyarto and Agunias, 2014). The distinction between high-skilled and low-skilled is important as the two groups are treated differently in destination countries' laws, policies and practices (Wickramasekara, 2002; 3).

Migration in Southeast Asia is constructed as a temporary phenomenon, despite it being a permanent structural feature in the region. The main labour importing countries in Southeast Asia have implemented guest worker schemes as a temporary solution to tackle issues of labour shortages in low-skilled sectors (Kaur, 2010). Under these schemes, migrant workers are employed on short, fixed-term (temporary) contracts with their work permit connected to specific employers (Kaur, 2010). Migrant workers are primarily viewed as "temporary" (Piper, 2017) and they are not deemed "legitimately" present in the state beyond the service that they provide and their short, fixed-term contracts result in numerous problems concerning labour and social protections and access to rights (Geddes, 2020, upcoming; Wickramasekara, 2002; 14). Whereas highly skilled migrants are frequently lured with incentives such as family reunification and pathways to citizenship, this is not accessible to low-skilled migrant workers (Kaur, 2010). The

¹⁰ In 2013, 97 per cent of the 6.5 million documented workers travelling within ASEAN travelled between three countries: Thailand, Malaysia and Singapore (Sugiyarto and Agunias, 2014; 5).

ways in which this type of migration is managed, and the way it is categorised, serves to legitimise and justify the exclusionary policies which states employ.

In both sending and receiving countries, patriarchal gender ideology, sociocultural norms and values and a strong sense of hierarchy, have produced “a gendered division of labour” which see men and women (both migrants and local workers) directed towards certain types of jobs (Piper, 2011; 64; Ford and Piper, 2007; 64-65). Throughout Southeast Asia, female migrants mainly dominate the domestic work sector (UN Women, 2013; Galotti, 2015), in which Briones (2009) notes that employment policies and practices “operate under gender, class, and racist biased ideologies on domestic work” wherein the tasks are viewed “as reproductive or women’s unpaid work in the private realm of the home, and as devalued and dirty work left for servants or ‘outsiders’ to undertake” (2009; 40-41). Male migrants, on the other hand, have been mainly entering into production jobs in the construction and manufacturing sectors, although some migrant women are also present in agriculture, manufacturing, and construction (Yamanaka and Piper, 2004; ILO and UN Women, 2015; 4). Within Southeast Asia, women constitute 48 per cent of migrants (Testaverde *et al.*, 2017; 47), and “have fewer options than men for regular migration, due in part to gender-specific restrictions” stipulated in migration and employment policies (ILO and UN Women, 2017; 1). As policy actors’ perspectives have been overlooked on the research on migration governance across Southeast Asia, we lack knowledge into how actors understand male and female labour migration, and how these understandings may drive policy outcomes such as gender-specific migration and employment restrictions. This thesis seeks to close this knowledge gap.

Labour out-migration helps to reduce the unemployment levels in sending countries and is big business as the remittances sent by overseas workers contribute to the sending countries’ development, with Asian countries amongst the highest beneficiaries of remittances globally (Stalker, 2008). In fact, many of the region’s labour exporting countries such as Cambodia, Laos, Myanmar, the Philippines, Indonesia and Vietnam, have adopted labour out-migration as “a deliberate strategy to accelerate economic growth through emigrant remittances” (Piper, Rother and Rüländ, 2018; 121; see also Kaur, 2010; Islam and Cojocar, 2015; ADB, 2018; 10). In particular, in relation to domestic work, Indonesia appears to prioritise monetary factors over workers’ wellbeing as Elias (2013) observes that the Bank of Indonesia’s justification for keeping these workers in training centres stems from concern that they will abscond before they move overseas, and that this will financially impact the recruitment agencies involved (Elias, 2013; 403, referencing a statement by the Bank of Indonesia, 2009; 25).

Although it is difficult to document the extent of remittance flows as many transfers take place outside of official channels, according to the World Bank, the Philippines receives the highest

number of remittances in Southeast Asia, and the third largest in the world, as it received over \$33 billion in 2018, which accounted for 10.2 per cent of GDP (see Figure 2 and Figure 3)¹¹. The monetary benefits from temporary labour migration is why migrant workers’ rights are not always at the forefront of sending countries’ agendas (Hamada, 2012). In examining the understandings that underpin governance systems, this thesis seeks to shed light on whether the economic benefits of domestic worker out-migration prevents sending countries such as Indonesia, from acting on situations where their workers are abused in Malaysia.

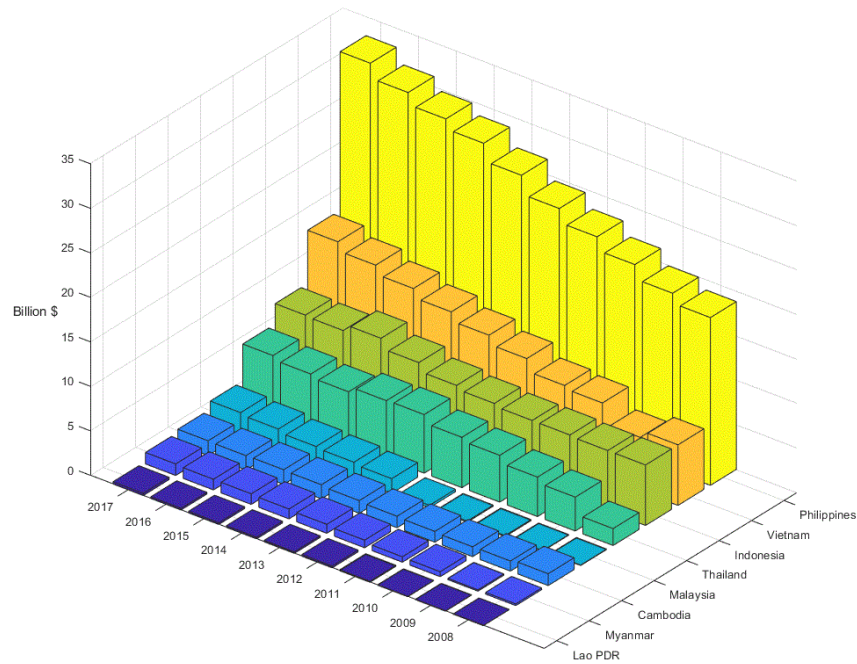


Figure 2: Migrant Remittance Inflows 2008 – 2017. Source: World Bank, 2019. Graph: Author’s Own

¹¹ The Philippines even made sending remittances compulsory (Piper, Rother and Rüländ, 2018).

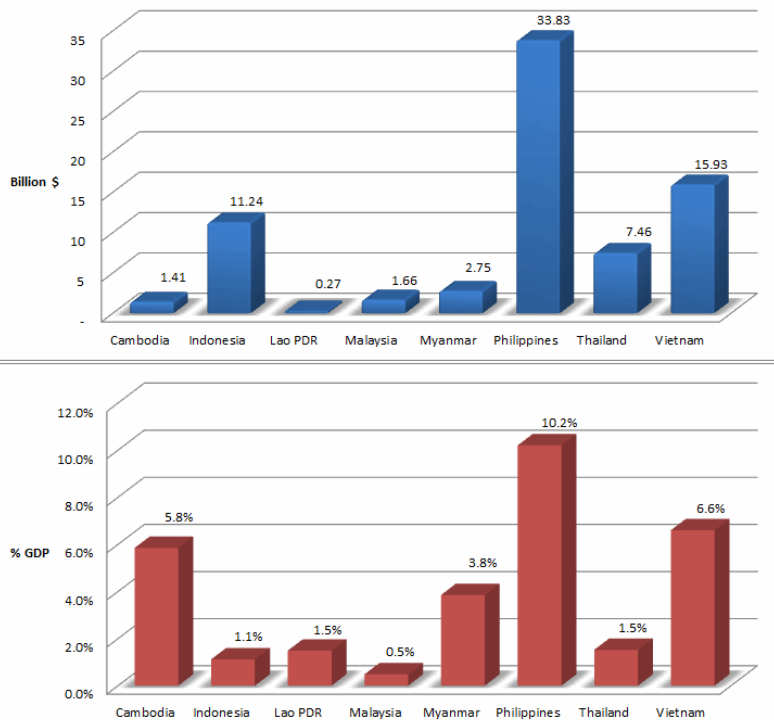


Figure 3: ASEAN Estimated Migrant Remittances 2018. Source: World Bank, 2019. Graph: Author's Own

It is important to highlight that, across Southeast Asia, informal employment is more often the norm, and formality the exception (ILO, 2018). This is quite frequently linked to irregular (or undocumented) migration¹² which accounts for up to 40 per cent of total migration (Kneebone, 2010; 383)¹³ with some scholars noting that the principles of sovereignty and non-interference remain key barriers to regulating migration (Geiger, 2015; 183). Furthermore, the supply of, and demand for, migrant workers often exceeds the official quotas for the numbers of migrants that governments will grant work permits to (UNESCAP, 2015; 19; Kneebone, 2010). Irregular migration is also hard to tackle due to the ad hoc migration policies in the majority of labour receiving countries in the region (Petcharamesree, 2016; 174). This is coupled with the unwillingness, or inability (in terms of capacity), of governments to regulate labour migration effectively, and employers' demands for large numbers of migrants to occupy "low-skilled" positions for low wages (Castles and Miller, 2009). However, as Case (2013) points out, irregularity is not always seen as a threat to labour receiving states as, for example, the Malaysian state has frequently "turned a blind eye to the quiet influxes of Muslims from Indonesia and the Philippines" (2013; 55). However, this is done strategically as the Malaysian government believes

¹² This research uses the term "irregular" or "undocumented" migration as opposed to "illegal" migration. The term illegal migrant is legally inaccurate, dehumanising and criminalising.

¹³ Although the exact figure could be higher.

that those specific irregular migration flows to Malaysia will help to bolster the Muslim majority in the country, this is discussed again in Section 2.3.2.

Importantly, significant numbers of migrants within the region also end up working in an irregular capacity due to overstaying visas and therefore becoming undocumented (Rother and Piper, 2015). In addition, while many undocumented migrants may prefer to circulate, they are often forced to settle in the destination country due to the danger of being detected during multiple border crossings (Hugo, 2005; 11). The data is inherently hard to come by, but it is estimated that Malaysia and Thailand host the highest numbers of undocumented migrants in the region (ILO, 2018)¹⁴. Irregular migrants face various challenges across the region including detention, deportation, exploitation and discrimination (Gois, 2015). In examining policy-relevant actors' understandings of the causes and consequences of migration to Malaysia, this study seeks to shed light on how policy actors frame the presence of undocumented migrant workers in Malaysian society and will shed light on whether combatting irregularity is a primary policy driver.

2.3 Malaysia

2.3.1 Justification for Selecting Malaysia

This research is an exploratory case study which examines the governance of domestic worker migration in Malaysia from an actor-centred perspective. Domestic worker migration was selected as the central focus because this is a key feminised migratory flow in Southeast Asia and an important policy concern at state and bilateral levels due to high levels of abuse and exploitation. It is pertinent to analyse how actors conceptualise this type of migration, and to shed light on how actors' conceptualisations may be shaping certain policy outcomes.

In terms of geographical focus, the research had originally been conceptualised as an exploration of the governance of domestic worker migration across a number of countries in Southeast Asia, for example through examining Malaysia as a key receiving country and comparing the approaches of Indonesia and the Philippines as key sending countries. However, due to time and practicality constraints, this was not feasible as an exploration of the policy-relevant actors' perspectives across three countries would result in an extremely large overall sample and would not be possible in the allocated time. Instead, a compromise between the breadth and depth of the case study was required. As the state remains central to migration governance processes in Southeast Asia, this study opted to focus in on examining different policy-relevant actors'

¹⁴ See Chapter 6 for a discussion on the gulf between official figures and policy actors' estimated figures regarding the numbers of migrant workers in Malaysia.

(national, regional and international actors') conceptualisations of a complex issue (labour migration broadly and domestic worker migration specifically) in a single nation-state (Malaysia).

There is heuristic value in looking “inside” Malaysia’s governance system to uncover the understandings which exist within the governance system for domestic worker migration. Malaysia receives the highest number of migrant workers in the region, according to available statistics (ILO, 2018) and is characterised by a complex immigration landscape rife with notable policy shifts that have taken place over the years. Domestic worker migration to Malaysia has garnered increased media exposure from international organisations such as the International Labour Organisation (ILO) and Human Rights Watch following a range of high-profile cases where MDWs were abused by their Malaysian employers (Varia, 2011)¹⁵. The study’s findings are not solely Malaysia-specific as temporary labour migration is governed by national legislation coupled with bilateral agreements and Memoranda of Understanding (MoUs) with other countries, and the range of public and private actors involved in migration governance work across the local, national, regional and international levels even though the state remains the central actor. By conducting research in Malaysia we can see within and beyond the country as it is a site where we can shed light on the bilateral, multilateral and regional governance processes and the range of actors involved, in addition to various degrees of interdependence with other countries in the region. This study helps to shed light on governance processes within and beyond Malaysia which might offer insights into the wider region and identify avenues for future research.

2.3.2 Migration in Malaysia

Malaysia has experienced rapid economic growth since the 1980s which has transformed the country into a “second-wave tiger economy” that relies heavily on migrant labour (Castles and Miller, 2009). Malaysia is a key destination for migrant workers in Southeast Asia due to the country’s economic prosperity and labour shortages, in addition to the fact that it is relatively easy to enter Malaysia clandestinely due to the country’s geographic location and long sea and land borders.

The number of documented migrant workers has grown from less than 250,000 in 1990 (Pasadilla, 2011) to more than 1.7 million documented migrant workers in 2017 (Prem Kumar and Kanyakumari, 2017). However, due to Malaysia’s porous borders and migration policy landscape, there are also a significant number of migrants both entering Malaysia without a valid work permit, and others who become undocumented whilst in Malaysia. The proportion of

¹⁵ This has also been driven by a range of migrants’ groups and women’s groups across Southeast Asia (Varia, 2011).

undocumented workers in the migrant workforce in Malaysia has been estimated to be as high as 75 per cent at around 4-6 million (Chan, 2015), but, as this study will show, the real figures may be much higher (see Chapter 6)¹⁶. Workers from other Southeast Asian countries (Indonesia, Myanmar, the Philippines, Vietnam, Thailand, Cambodia and Lao PDR) constitute the majority of Malaysia’s documented foreign workers, followed by South Asian countries (Bangladesh, Nepal, India, Pakistan and Sri Lanka), and then China (see Chapter 6).

According to a 2017 breakdown, Indonesian workers are the largest group, accounting for 41 per cent of all migrant workers, followed by Nepal (23 per cent), Bangladesh (12 per cent), Myanmar (7 per cent) and India (6 per cent), with the remaining countries making up the final 11 per cent (Nasa, 2017). The sectors that migrants enter in Malaysia is connected to the gendered patterns in the region’s labour regimes (Ford and Piper, 2007). Male migrants dominate the plantation, agriculture, construction and services sectors, while female migrants, primarily from Indonesia and the Philippines, dominate the domestic work sector.

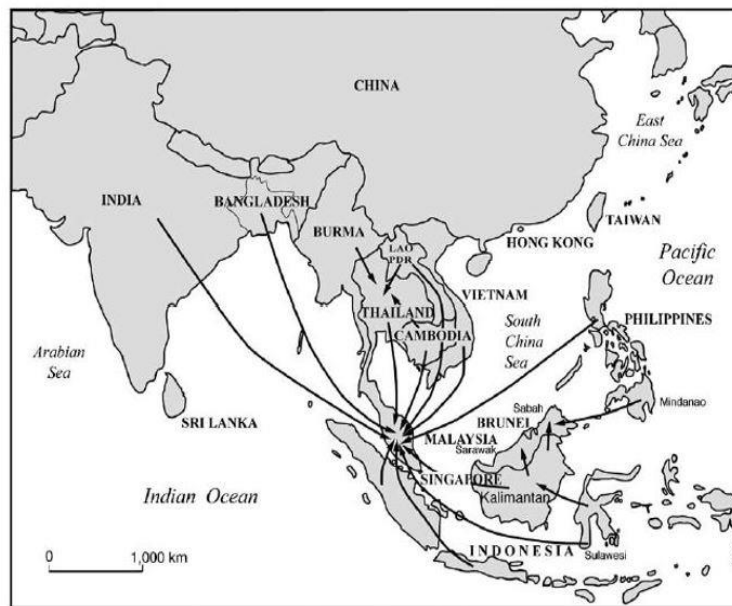


Figure 4: Malaysia’s Labour Migration Inflows since the 1990s. Source: Kaur, 2010

2.3.2.1 “A Country of Migrants”

Immigration has played a central part in forming Malaysia’s population and society as Malaysia is an ethnically complex country with multiple ethnic groups, some “with distinct racial,

¹⁶ Case (2013) notes that undocumented workers in Malaysia “burrow into the local economy’s informal interstices, seemingly placing them beyond regulation” (2013; 54).

linguistic, religious and cultural identities and perceptions” (Haque, 2003; 242, referencing Abraham, 1999). Malaysia’s estimated total population in 2019 was 32.6 million of which 29.4 million were Malaysian citizens and 3.2 million non-citizens (Department of Statistics Malaysia, 2019). Among these there are three major ethnic groups: ethnic Malays, who make up 69.3 per cent; 22.8 per cent are Chinese, 6.9 per cent are Indians and 1 per cent are classified as “other” (Department of Statistics Malaysia, 2019). The Chinese and Indians are the descendants of labour migrants who filled labour shortages under British rule (Wan Husin, 2012).

Migration [to Malaysia] is not only the migrant workers [but also] we had historical migration like Indonesia, Philippines, and Thailand and all that. We are a country of migrants you know, from India, from China, since during the British time (Legal Expert, Female, March 2018).

From 2010 estimates, 61.3 per cent of the population were Muslim; 19.8 per cent Buddhists; 9.2 per cent Christians; 6.3 per cent Hindus; and 1.3 per cent Confucian, Taoist or other traditional Chinese religions (Department of Statistics Malaysia, 2011). Malaysia has been characterised as an “ethnocratic state” with a “consociational democracy”, as the structure of the country’s political parties and institutions reflect the ethnic structure of society, with the aim of reducing inter-ethnic tension (Chua, 2000; Haque, 2003). Malaysia’s political parties have substantially different ideologies and identities (Barracough, 1985; 41). The United Malays National Organisation (UMNO) had an uninterrupted rule since Malaysia gained independence in 1957 up until May 2018, when the Pakatan Harapan coalition won the majority of seats in a shock election result (Lee and Ungku, 2018). Until 2008, the UMNO commanded on average 80 per cent of parliamentary seats, which had given them the power to amend the constitution at their discretion (Holik, 2011).

Ethnicity is the central dimension along which the government is aligned (Kaur, 2010) and since the 1960s, ethnicity has shaped nearly all of the country’s policy areas “including language, education, government, employment, business licenses, immigration, internal security, foreign policy, or virtually everything else” (Crouch, 2001; 230). The Malaysian constitution stipulates that ethnic Malays and the Orang Asli indigenous people, known in policy matters as *Bumiputera* or “sons of the soil”, be granted a “special position” in society (Chin, 2003; Mokhtar et al., 2013; Freedom House, 2019). As such, the government has implemented “pro-Malay” quotas including in “property ownership, higher education, civil service jobs, business affairs, and government

contracts” (Freedom House, 2019, no page number) which aims to improve Malays’ economic position in society¹⁷.

With regards to immigration, Malaysia has regulated labour immigration strategically “in ways that have redressed what it perceives as the imbalances created by colonial overseers” (Case, 2013; 55) as, during colonial rule, the British had encouraged the migration of Chinese and Indians into Malaya. Case (2013) notes that, since decolonisation, the Malaysian state has implemented a “semi-formalised discriminatory approach” whereby they frequently “turned a blind eye to the quiet influxes of Muslims from Indonesia and the Philippines”, who share cultural traits with Malays, as the state believes that these Muslim workers could be counted upon “to bolster the demographic hegemony of the Malays over local Chinese and Indians” (Case, 2013; 55) and would reinforce the Malays’ electoral power (Liow, 2003)¹⁸. Chin (1998) notes that, with regards to domestic worker migration, the in-migration and employment of Filipina and Indonesian domestic workers were central to Malaysia’s New Economic Policy (1970-1991) and the in-migration and employment of MDWs from other countries was “discouraged partly because of the politics of population distribution in multi-ethnic Malaysia” (1998; 14). The concern over maintaining the country’s ethnic balance may influence how policy actors conceptualise, and respond to, migration. For example, government actors who have benefitted from the preferential treatment afforded by the pro-Malay quotas may be suspicious about certain nationalities of workers entering Malaysia out of fear that it may change the country’s ethnic balance. This will be explored in this study.

2.3.3 Malaysia’s Migration Laws and Policies

Migration remains a controversial issue in Malaysia and the country has struggled to implement coherent policies to manage labour migration. This is due to the competing pressure between businesses’ desire for “cheap” foreign labour and the political demands to be seen to be acting on immigration (ILO, 2016a). Malaysia’s labour immigration policies are predominantly a short-term solution for labour shortages, whereby a form of “guest worker” programme has been adopted which consists of strictly temporary contracts, premised on the idea of rotation (Kaur, 2010; 2015). Migrant workers in Malaysia are predominantly doing the “so-called ‘3D’ jobs—those that are dirty, dangerous, and/or demeaning” (Martin, 1996; 3) which are considered low-

¹⁷ These policies have produced mixed consequences as, while it created a “new Malay middle class” who were dependant on, and supportive of, the state, the emphasis placed on Malays’ preferential treatment also led to anger within the country’s ethnic Chinese and Indian population, with skilled migrant workers also expressing contempt for the policies (Giersdorf and Croissant, 2011; Case, 2013).

¹⁸ There have also been occasions when workers from the Philippines and Indonesia have been granted voting privileges prior to elections and, in such cases, the UMNO-dominated government were confident that their votes would support them (Case, 2013; 55, see also Chin, 1998).

skilled, receive low pay and which national workers deem as unappealing (Castles and Miller, 2009). Malaysian citizens can increasingly afford to refuse to do these jobs, which are located in sectors such as manufacturing, agriculture, construction and domestic work (IOM, 2010).

Malaysia primarily uses bilateral agreements, in particular Memorandums of Understanding (MoUs), to manage short-term contract labour migration. Malaysia has signed MoUs on temporary contract labour migration with several countries including Bangladesh, Cambodia, Indonesia, Thailand and Vietnam (Arisman and Ratnawati Kusuma, 2018; 31). Work permits are tied to specific locations, sectors and employers and low-skilled migrants have no pathway to settlement. Chin (2008) notes that the intent is to maintain a strict distinction between “insiders” and “outsiders”, with outsiders unable to access citizenship. The procedure for recruiting migrants is regulated through complicated administrative frameworks and there exists a “labyrinth of jurisdictions” due to the vast array of ministries, government agencies, and private actors involved (Kaur, 2010; 392). The Immigration Act 1959 contains the rules for migrants’ admission and stay in Malaysia, with the Immigration Department in the Ministry of Home Affairs (also known as MOHA or the Home Ministry) responsible for enforcement. The Act was amended in August 2002 to criminalise those who violate Malaysia’s immigration policies. The Employment Act 1955, which the Ministry of Human Resources (also known as MOHR or the Labour Ministry) oversees, regulates migrants’ conditions of employment. The Private Employment Agency Act 1981 originally contained the regulations relating to the hiring of migrants (ILO, 2016a; 6) but this has been subsumed by the Private Employment Agencies Act 2017. The new legislation includes regulations regarding the recruitment for foreign workers, including domestic workers. The ILO (2016a) note that while Malaysia’s labour laws in relation to “wages, work hours, holidays, terminations, non-discrimination, freedom of association, access to complaint mechanisms and other protections” in principle treat documented migrant workers equally with national workers, yet in practice “labour laws are ineffectively enforced for migrant workers” (ILO, 2016a; 5)¹⁹. MDWs, on the other hand, are specifically excluded from the provisions that protect national workers and migrant workers (Kaur, 2007; ILO, 2016a). In analysing actors’ understandings, this study seeks to shed light on what drives these exclusions.

2.3.3.1 The Categorisation of Foreign Workers

Nah (2012) argues that Malaysia has adopted “a modernist approach to immigration control” in which migrants are “fragmented” into separate groups “on the basis of a calculation of their potential economic contribution to the ‘nation’” (2012; 488). In this categorisation, there is a stark contrast between how “high-skilled” and “low-skilled” labour migrants are labelled in official

¹⁹ The International Trade Union Congress (ITUC) states that Malaysia was “among the worse places to work” in terms of violations of workers’ rights (ITUC, 2014).

discourse, which Kaur (2018) states is a result of the government's "preoccupation with ethnicity, nationality and gender" (2018; 120). Highly skilled migrants are categorised as *pegawai dagang* or "expatriates" and are hired on an employment agreement/work visa (*Pas Penggajian*) (Kaur, 2018). Whereas low-skilled labour migrants are categorised as *pekerja asing* or "foreign contract workers" in official discourse, and are employed via a "Visitor's Pass (Temporary Employment)" (*Pas Lawatan Kerja Sementara*) with no legal right to settlement (Kaur, 2018; 120). Many participants in this study, especially those who represented employers' organisations, business groups and recruitment agencies, used the term "foreign labour" or "foreign workers" during interviews instead of the term "migrant workers" and some would correct my use of the term "migrant worker". Different reasons were given as to why this terminology is employed by the government but the primary justification was the idea that the term "foreign labour" or "foreign worker" denotes a "temporary worker" whereas the term "migrant worker" implies some type of longer-term employment with a view to settlement:

"We don't really call these people coming to Malaysia as 'migrant workers', always they are being referred to as 'foreign workers' because migration, I think, had this kind of meaning that it is for longer term, or even with a family coming in and they migrate with a view to actually permanently settle within the country. Whereas we say 'foreign worker' which means of course the policy is you are given a 2-year contract, you are working in a specific industry, you are working with a specific employer" (Manager, Employers' Organisation, Male, March 2018).

The justification of temporariness overlooks the fact that many of the foreign workers who come to Malaysia are in a "permanent state of temporariness" and many do end up staying for many years, even decades (Rother and Piper, 2015). There was also the justification that the term "migrant" could mean an internal migrant, whereas using the word "foreign" denotes that an international border has been crossed²⁰.

"Migrants are just people moving from one place to place, but that's why in Malaysia we don't use the word migrant labour, we use 'foreign labour'... It's almost synonymous but 'migrant workers' does not indicate that that person has crossed the border... In Malaysia there's a lot of migration but we want to differentiate between those who cross the border, so that's it" (Academic, Female, February 2018).

This categorisation of migrant workers who are employed in "low-skilled" sectors as "foreign contract workers/foreign labour" is highly significant. MDWs in Malaysia are constructed as "strictly temporary" in official discourse and are denied the status of both "migrant" and "worker". This classification is a governance effect and highlights how governance systems

²⁰ Whereas another participant told me that they believe the term "migrant worker" was being reserved for Malaysian's that move abroad for work.

produce categories and labels which are the effects of decisions made by the government about how to organise foreign workers. The Malaysian government does not want this category of worker to settle so it employs them via a temporary guest worker program with no pathway to residency or citizenship. This categorisation has a powerful effect as, by denying them the “migrant” status in official discourse, the government is also denying them certain types of rights and protections. As the only work permits available for low-skilled migrants are short, fixed term contracts, this also means that workers are susceptible to fall into an irregular status where they become more prone to abuse and exploitation. Malaysia’s system for the in-migration and employment of MDWs is based upon fundamental exclusions in which MDWs’ temporality denies them certain types of rights and protections, which leads to a range of abuses. These factors may affect how actors understand and respond to domestic worker migration and this is explored in this study.

Despite the Malaysian government calling migrant workers as temporary “foreign workers”, this thesis uses the terminology “migrant worker” to describe non-nationals who are working in Malaysia. This is because this thesis uses the definition from the UN Convention on the Rights of Migrants which deems a “migrant worker” as a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”²¹.

2.3.3.2 *Private Actors*

While the Malaysian government has overall oversight regarding the recruitment of migrant workers, in reality it is the ‘migration industry’, made up of private recruitment and employment agencies/labour brokers, middlemen and other players, who have been granted responsibility to facilitate and control hiring, transporting and placing workers in Malaysia (Kaur, 2010; Lindquist, 2010; Deshingkar and Zeitlyn, 2014; Man Chuen Cheng and Yeon Choo, 2015; Elias, 2018; Franck et al., 2018)²². These private actors facilitate both regular and irregular migration (Piper, Rother and Rüländ, 2018; 129) and they may even drive migration flows (UNESCAP, 2015; 10). Scholars note that the migration industry also play an important role across Southeast Asia with regards to helping states to maintain their sovereignty. By giving disciplinary power to outsourcing agents to direct and control labour migration, “the state works to maintain its sovereign control over territory and the ways people move across it” (Franck et al., 2018; 55, see also Nah, 2012).

²¹ Found in Article 2, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN General Assembly, 1990).

²² Since 2006, the Malaysian government has permitted outsourcing agents to play a central role as opposed to allowing employers to directly recruit from overseas (Kaur, 2010; 392).

These outsourcing agencies are “backed by the state” (Franck *et al.*, 2018; 78) and their role in managing labour migration is widely regarded as problematic in the literature as the agencies allegedly operate “as both speculative labour contractors and *de facto* employers” (Kaur, 2018; 121). Much discourse surrounding their role in managing migration has focused on the ways in which they cause migration to become “a costly and risky undertaking” due to “serious problems with fraud and abuse” (ILO, 2006; 42-43; Castles and Miller, 2009; 134). These agencies create a “bonded labour force” as migrants have to take out loans ahead of their departure in order to cover the high fees that the agencies charge and these loans take a considerable time to repay after their arrival (ADB and OECD, 2013; 12; Sugiyarto and Agunias, 2014; Goh *et al.*, 2017). Furthermore, abuse and exploitation remain prevalent as there is often no obvious distinction between agencies which offer legitimate services, and agencies involved in people smuggling and trafficking (ILO, 2006; 42-43; Castles and Miller, 2009; 134). Malaysia’s outsourcing policy has reportedly exacerbated human trafficking since these agencies “bring in as many as 500 [workers at a time] who are then ‘sold or outsourced’”, according to the Malaysian Trade Union Congress (cited in Kaur, 2010; 393; Kaur, 2014; 361).

However, while the literature is dominated with stories of exploitation connected to the role of this industry, a study conducted with Burmese migrant workers in northern Malaysia by Franck *et al.* (2018) offers an alternative lens through which to view the role of private actors in relation to the lives of migrant workers. Franck *et al.* (2018) found that “migrants are not mere helpless victims during the migration process” (2018; 77) but that they proactively “use (and do not use) migration industry services” to tactically bolster their own agency during migration (2018; 58). This thesis seeks to build on the existing research, and different perspectives, surrounding the role of the migration industry in managing labour migration in Southeast Asia and explores how policy-relevant actors frame the role that this industry plays in governing domestic worker migration to Malaysia²³.

2.3.3.3 *Security*

Increasingly, the Malaysian government has categorised migrant workers as a security issue and has engaged in securitisation measures to frame and treat migrants as national security threats (Kaur, 2004, 2018; Aradau, 2004; Nesadurai, 2013). The adoption of a ‘securitisation’ discourse and a highly restrictionist approach to immigration allows the Malaysian government to fulfil a number of key political functions. This rhetoric mobilises public support, creates an “us versus them” narrative through creating a sense of communal identity and legitimises the state in implementing restrictive measures which aim to protect its citizens from external security threats

²³ This is investigated in Chapter 7.

(Bigo, 2001; Huysman, 2006, cited in Boswell and Geddes, 2011). For example, Malaysian government officials reportedly fear that the country could be “flooded” with undocumented migrants, believing that Indonesians (the majority migrant group) can more easily assimilate with the host population due to ethnic similarities (HRW, 2010). Notably, as Malaysia is an ethnically complex country with multiple ethnic groups, Elias (2013) notes that “the construction of the threat of Indonesian migration acts to bolster very fragile understandings of national identity” (2013; 402, referencing Chin, 2009). This thesis will examine how Indonesian migration is framed by policy actors and whether narratives of ‘security threats’ prevail.

These securitisation discourses also can serve to justify Malaysia’s restrictive approaches to controlling immigration. To combat the ‘migrant threat’, there have been a number of well-publicised large-scale deportations of undocumented migrants over the past two decades that have been partly driven by public and political demand to reduce the growing numbers of migrant workers present in Malaysia (Liow, 2003; Nesadurai, 2013; Kaur 2014). Following the 1997 Asian financial crisis, the government aimed to deport up to one million undocumented migrant workers with the first large-scale deportation taking place between 1997-1998, which saw 160,000 migrants deported, mainly to Indonesia and the Philippines (Nesadurai, 2013; 100). This was followed by subsequent intense crackdown operations against undocumented migrant workers such as the 2002-2003 operation, which saw 400,000 undocumented Filipinos and Indonesians deported to their home countries (Ford, 2006; Mak, 2007). In 2005, 350,000 workers, predominantly Indonesians, voluntarily departed under a pre-operation amnesty programme while those who stayed in Malaysia went into hiding which impacted upon employers across virtually all sectors (Nesadurai, 2013; 103.)

In addition to schemes which attempt to uncover undocumented migrants, the government introduced legislative and policy amendments that made irregular migration a criminal- as opposed to an immigration-offense. The government also implemented an array of new policies including fines of up to RM10,000, a five year prison sentence, as well as caning for migrants working in the country without a valid visa or work permit (Zainal Abidin, 2005; Kaur; 2014). In September 2016, the Director-General of the Immigration Department, announced that they “will start freezing the assets of employers... who hire and protect illegal foreign workers” and that it was giving employers two weeks to get all of their workers’ travel documents, visas and work permits in order (Rodzi, 2016). The law has also been amended to give substantial enforcement powers to the non-state actor, the People’s Voluntary Corps (RELA)²⁴, who have been granted the authority to bear arms and arrest suspected undocumented workers without a warrant, despite

²⁴ *Ikatan Relawan Nasional*.

having received minimal training, which has led to a “climate of fear” (Suaram, 2008; Kaur, 2010, 2018). Case (2013) notes that while very few of the migrants who are arrested by RELA end up being deported by the Malaysian government, RELA serves to bolster the state as “its recruitment of Malays into the organisation aids it in the strengthening of constituent loyalties and the suppression of difference” (Case, 2013; 55).

The securitisation rhetoric has continued under the new Pakatan Harapan government that, in July 2018, announced plans to “rid the country of undocumented migrants” by August 2018, which the previous Barisan Nasional government administration had failed to accomplish. The Deputy Home Minister said the new government’s approach would “spare the kid gloves”, that there would be “no more compromises on illegals and their employers” and announced plans to round up and issue penalties and charge in court irregular migrant workers and their employers, with those who harbour irregular migrants liable to “whipping” (Today Online, July 2018). Unsurprisingly, this was not achieved by August 2018 but the government’s ‘tough’ rhetoric has continued and, in June 2019, the Home Ministry announced a “comprehensive” enforcement plan to tackle irregular migrants in Malaysia which encompasses “five main strategies: enforcement; legal and policy; border controls; management of illegal migrants; and media and publicity” (Free Malaysia Today, June 2019). However, as some NGOs have highlighted, the Home Minister (who also served under the previous government) had implemented similar plans previously which yielded little results (Das, 2019).

There have been a number of notable policy U-turns since the 1990s. When the Malaysian government has cracked down on undocumented migrant workers, this has caused shortages across virtually all employment sectors and has resulted in policy reversals. These shortages, in turn, have led to deported workers being invited back with the lure of a valid work permit and some employers were reportedly permitted to hire migrants straight from the immigration detention centres (Mak, 2007; Kaur, 2007, 2010; Holst, 2012; Nesadurai, 2013). Similarly, the government had to overturn its “*Hire Indonesians last*” policy (Kaur, 2005)²⁵ as it impacted upon a range of vital economic sectors such as construction (Liow, 2003). This thesis seeks to shed light on policy actors’ understandings of migration and the country’s policy landscape to try and shed light on the paradox that seems to exist between the importance of labour immigration for Malaysia’s economy and the country’s conflicting laws and policies (Devadason and Meng, 2013). Malaysia’s inconsistent labour immigration policy means that employers continue to depend on “cheap” foreign labour to occupy so-called “low-skilled” positions in the agriculture,

²⁵ This policy “resulted in the mass deportation of Indonesian workers, who were forced to flee to remote islands and territories outside of Malaysia without sufficient access to the basic needs of food, water and shelter” (Santoso, 2017; 108).

construction and manufacturing sectors, sending countries are not compelled to prevent undocumented out-migration, and potential migrants remain largely undeterred from seeking undocumented work in Malaysia (Nesadurai, 2013; 99; ILO, 2016a).

Over the past decade, the Malaysian government has implemented a wide range of policies, quotas and restrictions in relation to migrant labour. The aim is to reduce the need for migrant workers and to protect job opportunities for local workers (ILO, 2016a). Malaysia has also: i) introduced a “migrant levy” where employers have to pay a fee for each migrant that they employ, ii) implemented a national minimum wage (which excluded domestic workers) iii) raised the retirement age, and iv) has increased the number of women entering the workforce (ILO, 2016a; 2-3). Additionally, the government proclaimed in its Eleventh Malaysia Plan in 2015 that low-skilled migrant workers will be limited to “15 per cent of the total workforce by 2020” (ILO, 2016a; 3). However, these targets appear unrealistic, as over the past three decades, Malaysia has been unable to change the composition of its workforce and many key economic sectors have been unable to reduce their dependency on migrants. As this thesis will show, due to the reported high-levels of corruption in some ministries and the financial incentives for government actors to grant additional work permits, this means that the quotas put in place to limit the amount of work permits are often ignored. Furthermore, according to the ILO (2016a), Malaysia’s measures to reduce immigration may directly contribute to increased undocumented migration flows as those workers who are unable to obtain valid work permits will enter Malaysia clandestinely.

As it currently stands, Malaysia remains one of the main recipients of migrant workers in Southeast Asia, despite the country’s attempts to strengthen its employment and immigration laws and to crackdown on the number of undocumented workers in the country. However, is this a case of “policy failure” (Castles, 2004) whereby the state is actively trying, but unable, to control the number of workers entering Malaysia? Or, are “hidden agendas” in the country’s political system driving the mismanagement of labour immigration for economic gains? Case (2013) argues that, since gaining independence, the Malaysian state both defends its borders more rigorously but also selectively opens its borders to bolster its governing apparatus (2013; 55-56). Migrant workers, employers, recruitment agencies and labour brokers are financially benefitting from migration and Case (2013) argues that the Malaysian state frequently overlooks the inflow of irregular migrants into the country’s low-skilled sectors and that, in this regard, the state is “at least structurally in cahoots” with the employers of migrants (2013; 54). The Malaysian state benefits in two ways from overlooking influxes of workers. Firstly, officials in Malaysia’s security and enforcement agencies and Immigration Department receive bribes from human smugglers and traffickers so, while such officials ensure that the state’s borders are defended, they are doing this “in part because, in reproducing a logic of extortion, [government officials] enhance the returns

on migrants whose statuses are kept illicit” (Case, 2013; 55, referencing Case, 2010; 408). Secondly, as previously mentioned, Case (2013) notes that Malaysia has found political advantage in unofficially permitting large inflows of Muslim migrant workers in to strengthen the country’s ethnic balance (Case, 2013; 55). These factors could affect the ways in which policy actors within Malaysia’s migration governance system frame their judgements about migration, and this will be analysed in this thesis.

2.3.3.4 *Effects of Media and Public Discourse*

An innovative component of this thesis is not to analyse and map media discourse but to understand how policy-relevant actors make sense of attitudes and the effects of the media. This is important to examine as political and public discourse in Malaysia has often depicted migrants as “criminals” and a “potential threat to national security” and as harmful to the country’s development (ILO, 2016a; 3).

Analysis of recent media coverage has also shown that there has been a rise in increasingly negative images and discourses²⁶. These discourses blame migrants for a range of issues including electoral fraud, unemployment levels, and an increase in crime and disease, with some media reports even encouraging vigilante groups to support the government in tracking down undocumented migrants (Castles and Miller, 2009; ILO, 2016a; Anderson, 2017). Migrants have even been accused of “robbing” Malaysia by giving their wages to their families back home. Similarly, Abdul Razzaq’s (2012) analysis of media coverage in Malaysia’s *Star Online* newspaper found many instances where migrant workers are portrayed as having a negative impact on Malaysian society. Her research found that three main depictions of migrant workers dominate media discourse: migrant workers as competitors of local workers; as a threat to social security; and as having a negative impact on the economy (Abdul Razzaq, 2012). Chin (1997) similarly noted that the printed media coverage in Malaysia in the 1990s regularly portrayed migrants as a “security threat”. These discourses are important because “popular” knowledge, such as that which is disseminated by the media, is one of the sources which individuals draw on when trying to construct meanings and make sense of “what is going on ‘out there’?” and “what should be done about it?”

Anderson’s (2017) research of Malaysia’s press coverage, both the English-language and non-English language press, notes that there is an extremely strong association made between immigration and “illegality” in Malaysia, as “80-95 per cent of the time when an explicit description of an immigrant or immigrants was provided, it included the word ‘illegal’”

²⁶ The UNMO, the ruling party until May 2018, owned over 95 per cent of the country’s media assets (Giersdorf and Croissant, 2011).

(Anderson, 2017; xix). However, once again it is unclear whether policy-relevant actors in Malaysia's labour migration governance system conceptualise migrants in these ways, and what effects, if any, this negative rhetoric has had on actors' perceptions of migrant workers in general, and MDWs in particular. This will be explored in this thesis.

A study of attitudes towards immigration in the Asia-Pacific region (2013) conducted by the ILO found that over 70 per cent of respondents in Malaysia stated that migrants are "threatening the country's culture and heritage". In addition, the narrative that "migrants are criminals" remains widespread as the perception of over 80 per cent of respondents in the same ILO study was that a significant proportion of crimes are committed by migrants, even though they only commit around two per cent of the crimes each year, however, a disproportionate amount of the prison population (around one-third) are foreign-born (ILO, 2016a; 6). Research conducted by Anderson (2017) found that employers in Malaysia also "associated migrants with crime, and were concerned about the potential for their domestic worker to be associated with criminal activity" (Anderson, 2017; xix).

We lack insight into how policy actors make sense of public attitudes and the effects of the media in Malaysia. This is important to examine because Boswell and Geddes (2011) note that understandings of public attitudes, or more generally a sense of 'what the people want' can shape migration policy. We do not know whether key policy actors subscribe to the rather narrow perceptions of "migrants as criminals", which, according to the literature, appears to be the commonly held perception amongst the public. This research explores such assumptions, analysing whether key actors conceptualise MDWs in these ways, and what effect this has on policy-making. The next section explores domestic worker migration in Malaysia.

2.4 Domestic Worker Migration in Malaysia

Across Southeast Asia, domestic worker migration has emerged as one of the largest and most feminised movements with demand having surged from the 1990s onwards (Castles and Miller, 2009; ADBI and OECD, 2013; Elias and Louth, 2016). Within the domestic sector, not only has demand for household work increased, but so too has the demand for long-term care work (ADBI and OECD, 2013; 7)²⁷. According to the ILO, of the 67 million domestic workers globally, "23.7 million (35.4 per cent) were working in Asia and Pacific regions, and within that 23.7 million, 3.34 million (14.1 per cent) were *migrant* domestic workers, and over 80 per cent were women" (Peng, 2017; 1). Within Southeast Asia, Singapore and Malaysia are the main destination

²⁷ The demand for caregivers is likely increase as many labour receiving countries have ageing populations: "I think we're going to continue to see the increase [in migration] of in terms of care needs with respect to ageing populations that will drive women's migration even further" (Official, International Organisation, Female, May 2018).

countries for MDWs, with the Philippines, Indonesia, Cambodia, Vietnam and Myanmar as the key sending countries. Domestic workers constitute the dominant group migrating from Indonesia and the Philippines, where “women make up between 60–75 per cent of overseas workers” (IOM, 2019; 45, see also, Lindquist and Piper; 2007; 141).

Female migration for domestic work is based on the “gendered division of labour” in Malaysia and in workers’ home countries (Piper, 2011). Domestic work in Malaysia transitioned from a sector that was dominated by local women to one that is dominated by foreign female workers (Chin, 1998; 8). This is because, in the late 1960s in Malaysia, the number of Malaysian women employed in manufacturing²⁸ increased and this resulted in a decreased supply of Malaysian women available for employment as live-in domestic workers (Chin, 1998; 81). The International Trade Union Congress (ITUC) estimate that there are between 300,000-400,000 MDWs in Malaysia (ILO, 2016a; 21)²⁹, the majority of whom are Indonesian which Elias (2013; 396) observes is due to a number of factors. These include Indonesia’s geographical location neighbouring Malaysia, the linguistic similarities between the two countries as Bahasa Indonesia and Bahasa Melayu have been regarded “as dialects of one language” (Phillips, 1973; 7), and the fact that Indonesian domestic workers are more affordable for Malaysian employers who typically pay them far less than Filipina domestic workers (Elias 2013; 396; HRW, 2004; 5; Chin, 1998).

As part of Malaysia’s Vision 2020, introduced in 1991, “constructing a developed multi-ethnic Malaysian society with the ‘caring family’ as its social base” formed part of what Chin (1998) deems Malaysia’s “modernity project” (1998; 3). In this vision, a greater emphasis was placed on Malaysian women’s roles as mothers and as workers in the Malaysian job market (Chin, 1998; 175; Elias, 2011). However, with the limited availability of elderly care and child care (regarded primarily as ‘women’s’ responsibilities), there was an increasing need for MDWs³⁰ to help to obtain the “strong and resilient family system” coveted by the then-Prime Minister Mahathir (Chin, 1998; 3; Elias, 2011). Domestic worker out-migration has a resulting gendered impact on sending countries’ households as it creates a “global care chain”, as many departing female workers have to employ a female local domestic worker for their own family (Ehrenreich and Hochschild, 2002). This usually non-migrant live-in worker will often have children herself, therefore creating a care need in her own household, and, as she will be unable to afford her own

²⁸ Malaysian women’s strives for social and economic independence did not go unchallenged and in the 1970s and 1980s Islamisation program supported the notion of an ideal woman as “Muslim wife and mother” and this was depicted in a sharp contrast to “the image of the sexually ‘loose’ female factor workers” (Chin, 1998; 171-172).

²⁹ In this study, actors were uncertain how many MDWs there really are in Malaysia as many will be working in an undocumented capacity.

³⁰ Chin (1998) notes that the importation of Indonesian and Filipina domestic workers “facilitates state elites’ efforts to garner consent from emerging social forces, i.e. the middle classes, for the continued expansion of the path of export-oriented development” (1998; 91).

domestic worker to care for her family, this role will often be filled by her eldest daughter (Ehrenreich and Hochschild, 2002).

There have also been structural and cultural transformations such as “rapid demographic ageing and low fertility” and “increased cultural acceptance and normalisation of outsourcing family care to non-family caregivers” (Peng, 2017; 2; see also Islam and Cojocar, 2015) that are driving domestic worker migration in the region. Scholars argue that “gendered ideologies” also encourage women from Southeast Asia to find employment abroad. For example, in the Philippines, Lan (2003) states that, for some women, their role as mothers, sisters and aunts encourages them to pursue domestic work overseas in order to financially support their children, younger siblings, nieces and nephews (see also Medina, 1991). Similarly, in Indonesia, Killias (2014) found that a rhetoric of “sacrifice” is used by the state to encourage its female citizens to move overseas to improve their families’ financial wellbeing³¹. However, we still lack insight into what policy actors consider the driving factors causing women to move overseas to enter the domestic work sector, and how different understandings of driving factors may elicit different policy actions. This thesis explores how actors conceptualise migration dynamics, analysing the construction of these narratives and the ways in which gendered ideologies shape these understandings.

2.4.1 Law, Policies and Practices

Chin (1998) states that in Malaysia that there existed a “shared vision of modernity” between the political elite and the Malaysian middle classes that “defines national and personal progress, in part, with the ability to purchase, consume and display goods” and that the importation and employment of “foreign servants” forms a key part of this vision (1998; 166). However, while MDWs provide a key service in Malaysia they are still “not considered and treated as human beings” (Chin, 1998; 16). Domestic work is one of the most undervalued and least protected sectors in Southeast Asia and is the area with the highest incidences of labour abuses (HRW, 2006)³². Due to a range of high-profile cases of serious labour and human rights abuses against MDWs in the region, domestic worker migration remains a contentious bilateral issue between Malaysia and Indonesia, the Philippines, and Cambodia (HRW, 2004, 2006, 2011, 2017; Elias, 2013; Islam and Cojocar, 2015). The majority of the literature on domestic work in Southeast Asia highlights how existing policies are, at best, insufficient in protecting MDWs and, at worst, complicit in perpetuating abuse (Deshingkar and Zeitlyn, 2014; 12; see also Lindquist, 2010;

³¹ These gendered ideologies and assumptions will be explored in more detail in Chapter 3.

³² Notably Southeast Asia is the region with the least ratifications of human rights treaties (Chavez, 2015).

Kaur, 2010; Elias, 2013; Elias and Louth, 2016). This thesis seeks to shed light on what drives these policies.

The employment of MDWs is governed by states on a bilateral level through labour agreements such as non-binding MoUs. Malaysia has signed MoUs on domestic worker migration with Indonesia and Cambodia, the intention of which is to facilitate hiring and to stipulate guidelines on workers' treatment while employed as domestic workers in Malaysia, with exploitation a key area that these agreements have sought to address (ILO, 2016a; 14)³³. As bilateral agreements are nationality-specific, these can drive inequalities between different nationalities of domestic workers as some source countries, notably the Philippines, have been able to negotiate better working conditions and legal protections, compared to other countries, such as Indonesia (Marti, 2019; 1356, see also Kaur, 2007; ILO, 2016a; Elias, 2018;). This study examines policy actors' understandings of the role of bilateral agreements in managing domestic worker migration.

Domestic work is the sector with the highest levels of labour abuses in Malaysia and the status of MDWs is unique in the field of labour. In terms of national legislation, MDWs are a unique case in that many of the laws and policies pertaining to national workers, and to migrant workers, specifically exclude migrant *domestic* workers. For example, Malaysia's Employees Provident Fund Act 1951, the Workmen's Compensation Act 1952, the Trade Union Act 1959, the Industrial Relations Act 1967, and the Employees Social Security Act 1969 and the Occupation Safety and Health Act 1994, apply to national workers and migrant workers, but excludes MDWs (Kaur, 2007; ILO, 2016a). As such, MDWs are at greater risk of experiencing exploitative conditions and labour violations compared to other migrant groups (HRW, 2004; Kaur, 2007). Under Malaysia's Employment Act 1955, domestic workers are defined as "domestic servants" and, as they are employed in the family home which is deemed as "private" in familial ideologies, their work within these private households is beyond the remit of labour inspections (ILO, 2016a; 5) and prevents the state (and the workers' embassies) from being able to readily intervene when MDWs are abused (Briones, 2009; 41; Nesadurai, 2013).

MDWs are also excluded from provisions which limit the permissible hours of work and their employers will often underpay them or withhold their wages entirely, and deny them rest days (Elias, 2013; ILO, 2016a; Women's Aid Organisation, 2019). Workers also experience substandard accommodation e.g. they will often have no bed/personal space and often have to sleep in communal areas such as on kitchen floors and they are frequently forced to perform extra duties for their employers' friends (Elias, 2013; Kaur, 2007, 2010, 2014). Kaur (2014) notes that

³³ As will be shown in Chapter 7, the MoUs that Malaysia has signed in relation to MDWs are widely seen as weak in terms of the provisions to protect MDWs.

if MDWs are forced to perform duties outside of what has been written in their contracts that they are “allowed to file complaints of mistreatment with the Labour Office and seek assistance from enforcement agencies and NGOs” (2014; 360). However, there are significant barriers to MDWs being able to file complaints and seek assistance in Malaysia as many MDWs are informally employed and do not have a written contract. The other barriers to seeking assistance will be discussed in Chapter 8.

Like other “low-skilled” migrant workers in Malaysia, MDWs status is strictly temporary and they are prevented from settling in Malaysia permanently with no avenues through which to gain citizenship, which means that they have limited prospects for integration. Similarly, like other categories of “temporary foreign workers”, MDWs’ work permits are tied to their employer (Elias, 2013). However, as domestic work is primarily a live-in position in Malaysia, MDWs live in their workplace and are therefore extensively monitored by their employers and often face physical, verbal and sexual abuse (HRW, 2004; Liang, 2011; Elias, 2013; Man Chuen Cheng and Yeon Choo, 2015; United Nations Human Rights Council (UNHRC), 2015). Furthermore, MDWs’ freedom of movement is restricted as their employer often retains their passport (Kaur, 2007; Nesadurai, 2013; Elias, 2018). MDWs’ reproductive rights are also restricted as they must undergo mandatory pregnancy tests and workers are faced with having their contract terminated and are liable to deportation if they become pregnant (Constable, 1997; Liang, 2011; Kaur, 2014). In Chin’s (1998) study, MDWs’ Malaysian employers collectively feared “the perceived sexual and criminal tendencies” of all MDWs and these understandings shaped public opinion and discourse (1998; 146). Chin (1998) states that there exists an understanding that MDWs need to be protected from “outside criminal influences” so need to be excessively monitored by their employers (1998; 147), and in this narrative, the alleged sexual misconduct of MDWs was cited as a key reason for restricting female workers’ movements and interactions (1998; 145). These narratives will be explored in this study.

The unfair conditions in which these workers are employed have, in extreme cases, been classified as “modern slavery” by international bodies (Mantouvalou, 2013). However, as policy-relevant actors’ perspectives have been overlooked in the literature on migration governance, we lack knowledge of what is driving these formal policies and informal practices. Is it the case that policy actors believe “domestic work cannot be regulated in the same manner as other work given that the needs of children or elderly who are being cared for are not nine to five or because it violates the privacy of the home” (Varia, 2011; 277) which, according to Nisha Varia³⁴ from Human Rights Watch, is the justification often cited by government officials, recruitment agents, and

³⁴ Nisha Varia is the Advocacy Director for Human Rights Watch’s Women’s Rights Division.

employers (2011; 277). This thesis explores whether policy-relevant actors use similar justifications when discussing the policy- and decision-making processing surrounding domestic worker migration in Malaysia.

The Malaysian government has granted responsibility to private actors (employment and recruitment agencies/labour brokers, middlemen and other players), to recruit, transport and place MDWs in Malaysia (Kaur, 2010). In principle, in order to get approval from the Malaysian government, domestic worker recruitment agencies must satisfy the following conditions: they must provide a financial guarantee; they must have received a license from the Department of Manpower (in the Labour Ministry) and have acquired additional endorsements for the placement of workers overseas; and they must inform the Immigration Department (in the Home Ministry) if the domestic worker's employment is terminated (Kaur, 2004; 223; Kaur, 2007; ILO, 2016a). There are three central restrictions placed on who can hire an MDW³⁵. Firstly, employers must meet a minimum income requirement of RM 3,000 in order to employ someone from Indonesia, Thailand, Cambodia, Laos or Vietnam, and RM 5,000 in order to employ an MDW from the Philippines, Sri Lanka or India, which Chin (1998; 89) states serves to "establish the basis for inclusion and exclusion into the Malaysian middle classes". Secondly, it was originally stipulated that employers must be married with children in order to hire a domestic worker, a rule which Chin (1998) notes "was expected to construct and legitimise the middle classes' adoption of the nuclear family form" (1998; 89; 166). This restriction has since been expanded to include single parents with children under the age of 15, and individuals with sick or ill parents or an ill immediate family member, however these individuals will have to earn a higher minimum income.

Thirdly, from the late 1980s, there existed a religion rule whereby only Muslim employers were allowed to hire Indonesian-Muslim domestic workers whereas "non-Malay/non-Muslim employers could only hire Filipina (Christian)" domestic workers (Chin, 1998; 88)³⁶. This religion rule was adopted "to demarcate intraclass ethnoreligious boundaries since only Malay-Muslim employers were allowed to hire Indonesian servants who, in turn, had to be Muslims" (Chin, 1998; 89)³⁷. As there was a higher income requirement stipulated for the employment of Filipinas domestic workers over Indonesians, Chin (1998) asserts that "it could be inferred that Malay

³⁵ In addition to the three rules mentions, employers also have to adhere to a standard contract of employment as well as providing a bank guarantee.

³⁶ However, these rules resulted in non-Muslim/non-Malay households employing undocumented Indonesian domestic workers if they could not afford to legally employ Filipinas (Chin, 1998).

³⁷ Despite the religion rule, Chin (1998) found that some Malay employers did hire Filipina domestic workers over Indonesians and noted that, in such instances, the choice acts as a "symbol" that the employer's time is too precious to be spent trying to "modernise" an Indonesian worker (who were largely depicted as "backwards" and "unskilled") and that this, in turn, "elevates the employer's social status" among the wider group of Malaysian employers (1998; 138).

employment of domestic workers was subsidised by the state” (Chin, 1998; 88). In short, Chin (1998) argues that, under these rules, state approval to employ MDWs is granted only to the middle classes and the upper-middle classes who have nuclear families, with some exceptions (1998; 175).

Chin’s (2003) analysis of Malaysia’s labour migration laws and policies towards MDWs highlights how policies “have had the effect of rendering women’s labour invisible in the household while simultaneously highlighting or accentuating their presence as foreigners in society” (2003; 68)³⁸. In the literature, MDWs are depicted as extremely vulnerable for numerous reasons including: social reasons, such as their gender, race, ethnicity, nationality, class, and migration status; psychological reasons, through having intimate daily contact with their employers; often having no personal space within the home; the fact that they are often employed to fill the care needs that their own children and/or family members are now being deprived of in their home country (due to their absence); the social stigma attached to domestic and care work, and; economic reasons, as MDWs work long hours for low wages, often with little rest time and frequently experience under payment or non-payment (Mantouvalou, 2013; 3; see also HRW, 2004; Anderson, 2006; Man Chuen Cheng and Yeon Choo, 2015).

Abuse and labour exploitation in Malaysia’s domestic work sector are often overlooked as the monetary benefits for the sending countries serves to prevent protection-related issues from being addressed (see Hamada, 2012; 56). This can clearly be seen in cases where the Indonesian government has been slow to directly confront Malaysia over instances when its female citizens have been abused while employed as domestic workers, despite demands to do so from the Indonesian media and some politicians (Nesadurai, 2013; 104). However, in 2009, when a series of widely publicised incidents of Indonesian women who had been severely abused while employed as domestic workers in Malaysia prompted outrage and protests in Indonesia, the Indonesian government amended their official position and this time they implemented a moratorium on their citizens moving to Malaysia to enter the domestic worker sector (Nesadurai, 2013; Elias, 2013). Faced with the shortage of MDWs, Malaysia had to enter into negotiations with Indonesia. This resulted in an amended MoU in 2011, which provided additional rights to workers, including the right to retain their own passports and a rest day each week (although ambiguously stating that this can be “compensated with overtime payment”). However, one prominent migrant rights’ activist in Malaysia, Irene Fernandez³⁹, noted that the 2011 Malaysia-

³⁸ Briones (2009) notes that MDWs are “‘classed’ not only as unskilled or low-skilled workers but they are also viewed as foreigners or outsiders, and are thus made ‘invisible’ by being forced into informal or unprotected employment” (2009; 40).

³⁹ Irene Fernandez set up the non-governmental organisation Tenaganita in Malaysia.

Indonesia MoU was “nothing to celebrate” as “the state remains complicit in creating slavery-like practices” for MDWs (Fernandez, 2011). The relationship between Indonesia and Malaysia with relation to domestic worker migration will be explored in Chapters 8 and 9.

2.4.1.1 Analysing Malaysia’s Compliance with International Norms

In relation to international human rights treaties, Malaysia has ratified the Convention on the Rights of the Child (CRC) and its two Optional Protocols, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁴⁰, and six of the ILO Core Conventions. However, in relation to the governance of MDWs, the strides that have been made on the global level to create international human rights and global labour standards, for example through the ILO’s Domestic Worker Convention, have not filtered down into Malaysia’s domestic level and have had limited impact on Malaysia’s national policies. This is because Malaysia has resisted ratifying international conventions concerning migrants and MDWs. The country has not ratified ILO Convention no. 87 on the Freedom of Association and Protection of the Right to Organise nor Convention no. 189 on Decent Work for Domestic Workers, and the country has denounced ILO Convention no. 105 on the Abolition of Forced Labour. Notably, Malaysia has also not ratified the 1951 Refugee Convention⁴¹ or the 1990 Migrant Workers Convention and believes that “states should keep their full sovereignty with regards to migration policies” (Rother and Piper, 2015; 42). Malaysia has not brought its laws into compliance with global standards and, as it currently stands, there exists a disconnection between Malaysia’s domestic policies and international human rights’ norms. However, there have been some short-lived indications of progress, such as when the new Prime Minister, Tun Dr Mahathir Mohamad, leader of the Pakatan Harapan government, stated during his address at the UN General Assembly in September 2018 “that the new government of Malaysia has pledged to ratify all remaining core UN instruments related to the protection of human rights” (Yahaya, 2018). However, the government then announced in November 2018 that they would *not* ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (Sukumaran, 2018) as opponents of the convention argued that ratification would lead to “riots” as it would endanger the special affirmative-action privileges afforded by the constitution for the country’s ethnic Malay majority (see Section 2.3.2). This thesis explores whether ideas relating to ‘maintaining the country’s ethnic balance’ influences actors’ understandings of migration.

In trying to uncover the understandings that underpin the governance of domestic worker migration, it should be noted that, while the majority of literature on MDWs in Asia has focused

⁴⁰ Malaysia has not adopted many elements of CEDAW or CRC into domestic legislation.

⁴¹ Case (2013) notes that the Malaysian state is “constrained only lightly by the human rights’ conventions and legal protections that prevail in the Global North” with regards to asylum seekers and refugees (2013; 56).

on the impact of exploitative policies and practices in sending and receiving countries, there are some studies which have shown how domestic worker migration has had a positive effect on gender norms and relations in sending communities. For example, McKay (2005) found that, in one community in the Philippines with an established history of female domestic worker out-migration, women's social and economic status has changed. McKay (2005) found that these migrant women, through accumulating cultural, social and economic wealth through migrating overseas for work, had become the "new local elite" and were able to establish "a new, 'modern' femininity that incorporates an idea of female self-actualisation through travel" (McKay, 2005; 98, 2001). Bélanger and Rahman's (2013) study of Bangladeshi MDWs who had been employed in the Gulf, states that women "actively negotiate" multiple patriarchal sociocultural, religious and political barriers before moving overseas and again upon their return, and that most women felt empowered by the migration experience due to their increased confidence and independence, with some women citing an improvement in social status upon return (2013; 356; see also Piper, 2017).

This study pays particular attention to actors' perceptions of MDWs' agency, decision-making powers and status. There is a need to analyse how policy-relevant actors within this region frame domestic worker migration, what these frames tell us about understandings of gender, and, how these frames produce effects. Castles and Miller (2009) state that the employment of female MDWs is a category of gendered and racialised labour where the "gendered norms that define housework and childcare as natural tasks for women [intersects] with racial stereotypes of ethnic minorities as servants" (2009; 237). However, there is lack of empirical research on whether policy actors subscribe to these limited understandings of female migrant workers, and of domestic work. This research explores the assumptions, analysing whether key actors conceptualise MDWs in these ways, and what affect this has on policy outputs.

As will be discussed in more detail in Chapter 3, this thesis pays particular attention to what sources of information participants draw on when explaining the causes and effects of domestic worker migration in Malaysia. This is pertinent to explore as, in terms of media discourse, in printed media coverage in Malaysia in the 1990s, Chin (1998) notes that Filipina and Indonesian domestic workers were regularly depicted as either "house thieves and prostitutes" or as "victims of horrific forms of sexual and physical assault by their employers" (1998; 1). Chin (1998) notes that these narratives usually included "graphic" portrayals of the violence that MDWs experienced at the hands of their employers while overlooking the everyday abuse that many experience such as being overworked, underfed, with no suitable place to sleep or rest (1998; 1). Chin's (1998) also noted that many Malaysian employers reportedly believe that when MDWs abscond they do so order to earn more money as prostitutes, a discourse which had been shaped

by the media's excessive focus on stories where the police have arrested Filipina and Indonesian women for prostitution (1998; 143-144). Similarly, in more recent research, Human Rights Watch (2010) report that employers and government officials in Asia and the Middle East frequently "express stereotypes of migrant women as either sexually loose or as innocent and naïve in order to justify their practices of confining migrant domestic workers to the home and prohibiting them from taking a day off" (2010, no page number)⁴². This thesis seeks to shed light on the understandings that underpin the governance of domestic worker migration in Malaysia and explores such assumptions, analysing whether key actors conceptualise MDWs in these ways, and what effect this has on policy-making. It is important to explore how Malaysia's governance system for domestic worker migration came to be, and why the Malaysian government appears largely resistant to reform the country's immigration and employment laws and policies, even in the face of intensified pressure from international organisations and human rights' groups.

2.5 Conclusion

This thesis builds on the existing work and innovates by looking inside the "black box" of migration governance processes. This thesis takes some common assumptions in the literature: that migrant workers in general are seen as criminals and security threats; and that female migrants, especially domestic workers, are seen as vulnerable, and interrogates whether policy actors in Malaysia frame migration in these ways and investigates whether policies are based around these conceptualisations. By developing a better understanding of how actors frame, and make sense of migration by domestic workers, and how gendered ideologies permeate the policy processes, we will be able to shed light on the factors that drive migration policies.

Domestic worker migration offers benefits to both Malaysia and the sending countries. MDWs provide an indispensable service to families in Malaysia and their role enables local women to join the workforce, therefore benefitting the country's economy (Kaur, 2014). For sending countries, domestic worker migration lowers unemployment rates and brings in essential remittances, and it is a benefit for MDWs who can have higher incomes and financially support their families (Wickramasekara, 2011). However, in reality, MDWs are being short-changed in the process. Due to their categorisation as both *temporary foreign* workers and as *domestic helpers*, the rights framework for MDWs in Malaysia is extremely limited. MDWs are assumed to be a "temporary" presence in Malaysian society and they have no avenues through which to

⁴² In a more recent analysis, Kaur (2013) observed that Malaysia media coverage of female MDWs has focused on one of the following narratives: the criminal activities and health issues associated with domestic workers; work ethic; how employers treat MDWs; "rogue" recruitment agencies; Malaysia's guidelines, laws and policies; bilateral relations between Malaysia and Indonesia, or; public attitudes towards MDWs.

acquire citizenship and have no right to a family life. Malaysia's employment policies specifically exclude MDWs from the provisions that protect national workers and other categories of migrant workers and, as their employment takes place within the private family home, MDWs are outside of the jurisdiction of labour inspectors (ILO, 2016a). As such, MDWs in Malaysia are vulnerable to abuse and exploitation. With mounting evidence that domestic worker migration is a significant and contentious issue, it is pertinent to analyse how policy-relevant actors in Malaysia and the wider region, frame and make sense of domestic worker migration, and how they develop policy actions (or inactions) based on these understandings.

Political, public and media discourse in Malaysia underlines that migration continues to be viewed as a controversial issue. The literature states that the Malaysian government, the media and the Malaysian public perceive labour migration as an economic problem and a security concern, and have blamed migrants for a variety of problems including crime, disease and electoral fraud (Castles and Miller, 2009; Nesadurai, 2013; ILO, 2016a; Anderson, 2017). Whereas MDWs have been depicted either as thieves and prostitutes, or as innocent and naïve in media narratives and state discourse (Chin, 1997, 1998; HRW, 2010). As policy actors' perspectives have been overlooked in research on migration governance, we do not know what effects, if any, negative rhetoric has had on actors' perceptions of migrant workers in general, and MDWs in particular. We lack knowledge into the ways in which policy-relevant actors in Malaysia frame migration issues, what these frames tell us about understandings of gender, and, how these frames produce effects. This is of particular importance in relation to the governance of domestic worker migration due to the high levels of abuse, the lack of protection that MDWs receive, and the unique position that they occupy in society. This research seeks to close this knowledge gap and adopts an actor-centred approach in order to look "inside" the policy-making process to analyse how processes give meaning to decisions. The next chapter examines the theoretical considerations behind the research and details this study's analytical approach to investigate the understandings that underpin the governance of domestic worker migration and to explore how ideas about gender enter, and are produced by, governance processes.

Chapter 3: Theoretical Considerations

3.1 Introduction

This chapter sets out the theoretical considerations behind the research and details this study's analytical approach to investigating the central question of the research: *to what extent, and in what ways, is governance constituted as a gendered process in the area of domestic worker migration in Malaysia?* This is pertinent to investigate as we do not know how explicit and implicit understandings of femininity and masculinity are shaping governance system outputs such as laws and policies. Furthermore, while the “push” and “pull” factors relating to female domestic worker migration have been researched, we lack insight into the migration governance processes and how actors within governance systems conceptualise this type of migration as a political issue, and how this conceptualisation may affect policy outcomes. This thesis addresses these knowledge gaps.

This chapter explains the theoretical approach developed in this study to examine the understandings, and actions, of policy-relevant actors within Malaysia's migration governance system. The first section examines the concept of governance and explains why there is a need to investigate how gendered ideologies permeate the structures, mechanisms, policy- and decision-making processes, and, consequently, how the outputs of Malaysia's migration governance are gendered. The specific framework for investigating migration governance that is developed in this thesis is explained in Section 3.3 which details how this study combines the analytical concept of ‘gender knowledge’ with framing analysis and theories of sense-making to explore how actors understand migration dynamics, the factors that shape these understandings and how cognition connects with action. Section 3.4 analyses the discourse surrounding female labour migration and examines the origins of gendered tropes, such as the value placed on women's work, the narrative of what constitutes a “good woman”, which may influence how actors conceptualise and govern female migration.

3.2 Migration Governance

There is a wealth of literature on governance but it remains a “slippery concept” (Levi-Faur, 2012; 3) which is much used but rarely defined. The term gained widespread scholarly attention in the 1990s (Levi-Faur, 2012; 5) and, within a decade, the concept of global governance in particular had “attained near-celebrity status”⁴³ (Barnett and Duvall, 2005; 1). Governance broadly

⁴³ Rai (2004) notes that during the 1990s “a plethora of ‘good governance’ literature flooded the development scene” (2004; 585).

“involves the rules, structures, and institutions that guide, regulate, and control social life” (Barnett and Duvall 2005; 2). An analysis of governance does not mean an analysis of government as Rosenau (1992) states that governance “is a more encompassing phenomenon than government” as it comprises both “governmental institutions [and]... informal, non-governmental mechanisms” (1992; 4). There has been a shift from the examination of “government” to the analysis of “governance” in international relations and global politics (Rhodes; 1996; Rai, 2004). This stems from a range of factors relating to globalisation including that political processes no longer solely originate from state institutions, and the state has been challenged by sub-national governments and transnational institutions, which have become more assertive towards the state, and by the emergence of new policy networks (Pierre, 2000; 1, Peters and Pierre, 2001; Beauregard and Pierre, 2000; see also Rhodes and Marsh, 1992; Kessler, 2018)⁴⁴. The state’s ability to address important social problems has also been challenged by a range of political elites in Western countries (Pierre, 2000, 1-2). These shifts have driven the understanding that certain issues, such as migration, can no longer be managed solely at nation-state level and that governance requires a multi-actor and multi-level perspective as what occurs in one state and at one level may impact what occurs in other states and at other levels (Rosenau, 1995; 13). However, that is not to say that role of the nation-state has not been fully eroded⁴⁵.

A frequent rationale for strengthening regional or global governance is that we live in an increasingly integrated and interdependent world with cohesive international policy networks and increased interactions between sub-national and transnational institutions (Peters and Pierre, 2001). Governance here is generally regarded as a “signifier of change” in relation to the meaning, processes, conditions or methods of governing society (Levi-Faur, 2012; 7; Rhodes, 1996, 2012) and it represents “states’ ability to adapt to external changes” in the environment (Pierre, 2000; 3). Levi-Faur (2012; 8) notes that the majority of literature on governance is concentrated on governance as a “structure” or as a “system of rules” (Rosenau, 1995; 13) but that governance also means a “process”, a “mechanism” and a “strategy” – albeit he notes that these different meanings are not often distinguished from each other in the literature (Levi-Faur, 2012; 8).

“As a structure, governance signifies the architecture of formal and informal institutions, as a process it signifies the dynamics and steering functions involved in lengthy never-ending processes of policy-making; as a mechanism it signifies institutional procedures of decision-making, of compliance and of control (or instruments); finally, as a strategy it signifies

⁴⁴ Betts and Kainz (2017) note that in the 1990s to the mid-2000s, many states in the Global North, in particular migrant-receiving states, were largely unwilling to bring migration issues into the United Nations.

⁴⁵ For example, Cox (1996) argues that the nation-state has become “internationalised” more so than eroded.

the actors' efforts to govern and manipulate the design of institutions and mechanisms in order to shape choice and preferences" (Levi-Faur, 2012; 8).

Following on from these conceptualisations of governance, the governance of labour migration can broadly be understood as encompassing the structures (institutions, formal and informal rules, standards and practices), the policy-making processes, the mechanisms of decision-making and of compliance, and the strategies to regulate the managed and orderly movement of people. The terminology surrounding migration is often contested so to clarify, this thesis understands migration broadly to include both voluntary and forced migration but recognises that the international legal frameworks to protect those migrants who are assumed to be voluntary is very different to the framework for those who are displaced by conflict, violence and persecution.

Due to the emergence of a new "domestic-foreign frontier" (Rosenau; 1997), the governance of migration now centres on the various roles and actions of multiple actors from various types of institutions and organisations who work across multiple levels: local, national, regional, and international. The multiple actors involved include public and private governors who may have specific migration responsibilities or migration may be a part of their remit (Geddes et al., 2019; 8; Kooiman, 2003). However, the state still plays a central role in migration governance but the context it operates in has changed.

3.2.1 Top-Down and Bottom-Up Governance

From the mid-2000s onwards, a new form of migration governance architecture was produced due to the "striking surge of new actors, mandate creations, initiatives, working groups, dialogues and reports on migration-related issues" as well as "a proliferation of institutional venues for discussing international migration" (Betts and Kainz, 2017; 6)⁴⁶. There was also an increased recognition among states and international actors that international and intergovernmental cooperation was needed to manage migration in a way "that states can collectively maximise the benefits and minimise the costs" (Betts and Kainz, 2017; 1)⁴⁷. Some strides have been made towards international cooperation, for example the creation of the (non-binding) Global Compact on Safe, Orderly and Regular Migration and the Global Compact on Refugees. In Southeast Asia, the number of agreements and regional consultative processes on migration are increasing, yet

⁴⁶ Betts and Kainz (2017; 6) state that the two key pillars of this new migration governance architecture are the Global Migration Group (GMG) and the Global Forum on Migration and Development (GFMD), created in 2006 and 2007 respectively. The "GMG is an inter-agency group bringing together heads on agencies" within the UN on migration issues. The GMG will be succeeded by "a UN Network on Migration" which will support the Global Compact on Migration (GMG, no date). The GFMD "is a state-led, informal and non-binding process, which helps to shape the global debate on migration and development" (GFMD, no date).

⁴⁷ Cholewinski (2018; 152) notes given that migration cannot neatly be divided into receiving, transit and sending countries, so there is increased recognitions that it is not an issue that can solely be managed by individual nation states.

progress on the ground has been slow as individual states are still generally reluctant to address migration issues and agreement is not always reached (Geiger, 2015; 192; Hugo, 2005; Rother and Piper, 2015).

There remains no coherent, single international governance regime for migration despite an increase in international and regional discussions and declarations relating to migration. What does exist has been characterised as “multi-layered”, “fragmented”, “ad-hoc”, “uncoordinated” and “piecemeal” as it is spread across different policy areas and across different levels of governance⁴⁸ (Piper, 2008; McAdam, 2009; Grugel and Piper, 2011; Betts, 2011; Kunz et al., 2011; Crépeau, 2013; Castles, 2014; Betts and Kainz, 2017; Cholewinski, 2018). Scholars have noted the numerous reasons why it has been difficult to implement a coherent binding international framework for the governance of labour migration. Betts and Kainz (2017; 1) underlined that the primary barrier to developing a global migration governance regime “has been states’ perception that an increase in global governance... entails a decrease in state sovereignty” (2017; 1, see also Grugel and Piper, 2011). In particular, in Southeast Asia, the emphasis on sovereignty and non-interference poses a key barrier to implementing a framework for migration governance. For example, Rother and Piper (2015) explain that the limited progress that was made during the consultations for the ASEAN Consensus on the Protection and Promotion of Rights of Migrant Workers was “due to a three-fold gridlock” as:

“There is disagreement whether the instrument should be legally binding, on the definition of the protection of family members and the inclusion of undocumented migrants. Malaysia, for example, insists that ASEAN states should keep their full sovereignty with regards to migration policies” (Rother and Piper, 2015; 42).

Furthermore, the perceived significant variations in the levels of power, and different migration-related concerns, between sending and receiving states, poses key constraints to fostering agreement in terms of a global regulatory system (Kalm, 2010; 138). The security aspects of migration and the desire to maintain control over the admission of migrant workers into their territories and labour markets are the main concerns of receiving countries (Kalm, 2010; 138; Cholewinski, 2018; 151). Whereas sending countries are seen as being in a weaker bargaining position as they use out-migration to help relieve domestic employment pressures and heavily rely on workers’ remittances to contribute to their countries’ development, so remain largely dependent on the labour market demands in host countries (ADB, 2018; 10, see also Kalm, 2010; ILO, 2014). Therefore, getting countries to sign up to binding international legal standards which seek to regulate labour migration conditions is met with “considerable suspicion and scepticism,

⁴⁸ As Kalm (2010) notes governing migration is a complex issue as migration is intrinsically linked with many other policy areas including trade, development and labour markets (2010; 146).

and sometimes even downright hostility” (Cholewinski, 2018; 151). In this absence of any global governance system, receiving countries have been described as “*de facto* policy-makers” while sending countries take on the role of “policy-takers” (Ramamurthy, 2003; 15).

Over the past two decades, regional governance has expanded in Southeast Asia as countries are actively engaging in wide dialogues, programmes and discussions with surrounding states on migration issues. These regional discussions have also included actors outside the state, including non-governmental actors and sub-state actors (Thomas, 2009; Rother and Piper, 2015). However, ASEAN as a migration structure has no real migration responsibility and while there has been a plethora of regional fora in which migration issues being discussed, Rother (2018) notes that “regional migration governance efforts at the intergovernmental level have been characterised by slow pace and limited scope” (2018; 110). As ASEAN is averse to regional laws and is premised upon respecting state sovereignty and the principle of non-interference, many regional discussions have not produced any tangible outcomes and have not led to formal competency or substantive legislative changes at the regional level. Furthermore, the regional and sub-regional declarations and agreements that have been produced on various migration-related issues have not been legally binding. For example, the signing of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007⁴⁹ was supposed to lead to the development of an ASEAN *Instrument* to protect migrant workers, however after ten years of discussions, what resulted was an ASEAN *Consensus*. Rother (2018) notes that this ASEAN Consensus “ended up as ‘morally’ rather than legally binding” (2018; 111). Geddes (2020, upcoming), building on the work of Acharya (2004), notes that, in relation to migration governance, regions play a role in terms of standard setting as it is more likely that global standards are made consistent with regional approaches as opposed to regions having to adapt to global norms and standards. Geddes (2020, upcoming) argues that if international norms do not fit with the regional then they will not have an effect, and notes that global migration norms and standards do not really have a lot of purchase amongst elite policy actors in Southeast Asia.

While much of the literature on migration governance has focussed on top-down global migration governance, and the complexities of this, another body of literature has focused on the diverse range of non-state actors in migration governance. In particular, scholars such as Rother and Piper (2012, 2015), have focused on governance “for and by migrants” by examining how civil society organisations (CSOs) have transformed the governance of migration from a bottom-up perspective. It is important to highlight, however, that the increase of NGOs and advocacy groups

⁴⁹ It should be noted that although the Declaration was non-binding it was heralded as a “major milestone” (Rother, 2018; 110-111).

working on migration issues on the national, regional and international levels does not necessarily mean a reduction in state power and authority in relation to governing migration (Kalm, 2010; 144; Weiss, Seyle and Coolidge, 2013) but it does alter the migration governance landscape. CSOs have developed important transnational activist networks through which they can lobby for change, and have been playing a key role in increasing awareness of migrants' rights (Kalm, 2010; 144; Keck and Sikkink, 1998; Risse et al., 1999; 18; Rother and Piper, 2015; Hennebry et al., 2019)⁵⁰. Scholars have underlined how CSOs played a key role in the ratification of the 1990 International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families which led to the appointment of a UN Special Rapporteur on the Human Rights of Migrants (Hennebry et al., 2019; 2624). Similarly, Hennebry et al. (2019) note that CSOs have been engaging in transnational activism to garner support for key issues facing female migrant workers. For example, international labour federations, human rights and feminist NGOs, and national and regional migrants' rights organisations formed a transnational movement to campaign for domestic workers' rights to be recognised (Boris and Fish, 2014; 427). This movement culminated with the adoption of ILO Convention C.189 on Decent Work for Domestic Workers in 2011. However, it is important to underline that this Convention was not created explicitly for MDWs and that very little content was written for MDWs specifically⁵¹, a fact that has been criticised by scholars (Mahon and Michel, 2017). In this multi-actor field, non-state actors are present and are able to exert a certain level of influence, however, there remains significant inequalities within these multi-actor networks. This study includes the perspectives of some key non-state actors in Malaysia to investigate the role that they play in the governance system for labour migration.

There is no universal 'migration governance toolkit' and the majority of literature about governance, and the assumptions that underpin it, come from a Western, primarily Eurocentric, perspective and include certain assumptions about borders, about how states and societies are organised, and how the public and private relate to each other. These assumptions may not easily flow to other countries. Furthermore, in Southeast Asia, the categorisations and understandings of borders themselves, and the processes under which they were made, involve powerful legacies of colonisation (Case, 2013). This research takes the governance literature and explores its value in a different region with a different political system and different institutions and explores the

⁵⁰ These transnational advocacy networks also serve as important avenues through which migrants are able to self-organise and construct meanings of their experiences.

⁵¹ The exception being that the convention's Preamble notes that many domestic workers are migrants and Article 8 which deals with the protection of MDWs.

operational effects of Malaysia's governance system, the ways in which governance can become "localised", (Acharya, 2004), and the ways in which it is gendered.

3.2.2 Developing a Gendered Approach to Analysing Migration Governance

As this thesis explores how, why, and with what effects, implicit and explicit understandings about gender permeate migration governance processes, it is essential to clarify what is meant by "gender". Gender has been referred to as a "highly contested" (Hawkesworth, 1997; 650) and "politically loaded" analytical concept which emerged from the feminist movement (Prügl and Meyer, 1999; 5). Gender "does not necessarily mean 'women' only" (Piper, 2003; 26) but instead is the socially and culturally constructed meanings, beliefs, ideas, interpretations, identities and relationships associated with the differences between men and women (Connell, 1989; Peterson, 1992)⁵². Gender intersects and interlocks with other social relations such as migration status, age, class, religion, nationality, ethnicity and race to produce "a complex map of stratification... with its own dynamics of exclusion/inclusion and power relations" (Piper, 2008; 1, see also, Lee and Piper, 2013; Bastia, 2014). Castles and Miller (2009) state that the employment of female MDWs is a category of labour where "gendered norms that define housework and childcare as natural tasks for women, [intersects] with racial stereotypes of ethnic minorities as servants" (2009; 237). MDWs in Malaysia are not a homogenous group and the country's employment rules and the bilateral agreements for hiring MDWs were adopted "to manipulate specific intersections of class-gender-ethnicity-religion-nationality" which has perpetuated a hierarchy between Filipinas and Indonesian domestic workers (Chin, 1998; 92, see Chapter 2). This study conducts a gendered analysis of migration governance processes in Malaysia, but, in examining how actors' knowledge about gender shapes their understanding of migration and domestic work, this thesis also explores how actors understand (or not) the multiple discriminations and complex identities of MDWs and how ideas about precarity, race, ethnicity, religion and nationality shape understandings of migration.

Gender relations fundamentally influence the world and how we individually and collectively understand the world as they represent "ideas, values, and identities; they allocate labour between different tasks, activities, and domains; they determine the distribution of resources; and they assign authority, agency, and decision-making power" (Kabeer, 2005; 23). Yet, gender still remains a "persistently invisible" concept which has "a sneaky capacity to evade theoretical discussion" in global politics (Griffin, 2015; 50; referencing Zalewski, 2013; 40). Despite

⁵² Prügl and Meyer (1999) state that the concept of gender was originally utilised to replace the term "sex" as feminists argued that gender identities stemmed from "pervasive social construction processes ranging from early childhood socialisation to gender images in the media and to practices in the workplace" as opposed to being biologically determined (1999; 5-6).

significant contributions made by feminist scholars to expose the constitutive effects of gender on a wide array of phenomena including nationalism (e.g. Yuval-Davis, 1997, 1998), international political economy (e.g. Enloe, 1989), international relations (e.g. Hooper, 2001), international organisations (e.g. Charlesworth, 2005) as well as the ways in which gender shapes institutions and policy-making (e.g. Savage and Witz, 1992; Davies, 1994; Connell, 2005; Htun, 2005; Chappell, 2013; Lombardo et al., 2013; Waylen 2014), there remains a need to investigate the ways in which gendered understandings shape the governance of migration as this has been overlooked in the literature.

Similarly, while there has been a growing academic literature on the “feminisation” of migration (e.g. Ehrenreich and Hochschild, 2002; Piper, 2003; Martin, 2004; UN Women, 2013; Petrozziello, 2013) but this has predominantly focused on outcomes such as women dominating migration flows in certain regions like Southeast Asia, and women’s dominance in certain employment sectors (Piper, 2008; Castles and Miller, 2009). We lack knowledge about the understandings that exist within governance systems and how implicit and explicit ideas about gender relations may be shaping how male and female migration is categorised and responded to. Furthermore, Chappell (2013; 621) notes that a lot of work on gendered governance has focused on democratic states in the West. Therefore, there is a need to further explore the operation of gender in different types of states in other regions so this thesis seeks to make a contribution in this area.

As this study investigates how gendered ideologies permeate actors’ understandings of migration issues, it is pertinent to examine where gendered tropes may stem from. According to Beckwith (2010), gender-biased norms are constructed:

“From stereotypes about male and female behaviour; from characteristics and behaviour conventionally associated with women and men; from normative assumptions about appropriate behaviours of men and women; from assumptions about biological difference; and from social structures of power and difference” (Beckwith, 2010; 160).

These norms are socially constructed around “accepted ideas about femininity and masculinity” (Chappell and Waylen, 2013; 601) where “masculine” traits include “rationality, autonomy, prudence, strength, power, logic, boundary setting, control and competitiveness” (Hooper, 2001; 44) while femininity is linked to “passivity, nature, care, emotion and irrationality” (Chappell and Waylen, 2013; 601). With regards to Southeast Asia, Ong and Peletz (1995) point out that how gender norms and gender identities have been constructed has been shaped by the characteristics of postcolonial nationalism (1995; 8) wherein the “control of female bodies by the state or communal groups is in fact a recurring and striking theme” (1995; 5-6). Chin (1998) argues that

the “the construction of the modern Malaysian state apparatus was modelled after that of its colonial master” in which:

“Key legacies of British colonialism are assumptions that inform the juridical-legislative construction of women’s formal roles and status... which are grounded in the belief that [women] are, above all else, *primarily wives and mothers in charge of the domestic domain*” (Chin, 1998; 169, emphasis added)⁵³.

In terms of gender norms in Javanese society specifically, scholars argue that a gendered hierarchy has been created through general negative stereotypes and ideologies about women who are defined as “emotional, crude, uncontrollable, and likely to be somewhat ill-bred” (Keeler, 1990; 130; Brenner, 1995). Men are constructed as “superior” as they are regarded as “naturally” spiritually stronger than women⁵⁴ who, regardless of their social class, are categorised as inferior spiritually, morally and with regards to their social position⁵⁵ (Brenner, 1995; 20-21) and are seen as “lacking in all those qualities Javanese deem worthy of respect” (Keeler, 1990; 130). Brenner (1995) notes that “in the realm of prestige [women] fall far short of men” as they are believed to have “certain inborn character traits that doom them to an inferior station in life no matter how much money they earn or how much power they wield in the household” (Brenner, 1995; 25)⁵⁶. This ideology is then used to validate the assertion in Javanese culture “that women should defer to and faithfully serve men, whether it is their husbands, fathers, or rulers” (Brenner, 1995; 20-21). In rural Malay society, Ong (1995) also notes that gender relations are “shaped by norms and attitudes that uphold male superiority and guard against women attempting to gain male prerogatives” (1995; 392)⁵⁷. This thesis seeks to shed light on whether these ideologies permeate actors’ understandings of female MDWs in Malaysia.

⁵³ In UNICEF’s 2014 gender equality poll, 70 per cent of participants in Malaysia said that men’s status is higher in society (22 per cent said that men and women have equal status). 63 per cent disagreed that women are protected from violence. 51 per cent agreed that women are exposed to harmful traditional laws and customs. Additionally, over 40 per cent of respondents in Women’s Aid Organisation (WAO) Workplace Discrimination 2016 Survey [research](#) had experienced job discrimination due to pregnancy

⁵⁴ There is a common belief in Javanese society that individuals have the capacity to develop inner spiritual strength (deemed “spiritual potency”) by asserting emotional and behavioural self-control (Brenner, 1995).

⁵⁵ Brenner (1995; 25) notes that the idea of “status” is complex in Java as it is shaped by a complicated set of variables includes age, education, occupation, wealth, ethnicity, place of origin (e.g. village versus city), gender and whether the person is of noble descent.

⁵⁶ Despite the negative stereotypes about women, in Javanese culture, women “rule the roost”, in the majority of households, a dominance which Brenner (1995) notes is connected to women’s economic power both at home and outside as women will control the family finances and make the majority of decisions (Brenner, 1995; 23, see also Geertz, 1961; Keeler, 1990).

⁵⁷ In relation to status, Chin (1998) notes that in Malaysian households “women unequivocally are assigned the responsibility for supervising female domestic workers” (1998; 15), and that female employers deem it important to ensure that MDWs “know their place” as subordinates so use verbal and sometimes physical reprimands to “reinforce [their] higher social status” (1998; 141). Chin notes that public discourse surrounding domestic work predominantly centres upon “the processes in which female employers construct and impose social and economic superiority” over MDWs (1998; 148).

Gender dynamics and gender norms shape all stages of migration (Piper, 2008; 1; Jones, 2008; 767). Both sending and receiving countries have gendered societies which migrants leave and enter, with women facing higher risks of exploitation during their labour migration experiences (Piper, 2008; 1; Jones, 2008; 767). Female migrants are more likely to have poor working conditions, lower levels of pay, discriminatory policies and practices which prevent their integration into society, and face greater barriers in accessing justice for workplace abuses (Holliday *et al.*, 2019; 2552). This results in “gender-specific consequences for [female migrants’] wellbeing, and hinder[s] efforts to alleviate gender inequality” (Hennebry and Petrozziello, 2019; 116). Yet, despite the importance of gender dynamics for migration, many studies have overlooked the importance of gender, with the overwhelming majority of research on international migration focusing solely on the experiences of men (Brettell, 2016; 3). In fact, the “historical invisibility” of women as subjects of migration research has only been exposed in recent decades (Hondagneu-Sotelo and Cranford, 1999; 105) with Schwenken and Eberhardt (2010; 18) highlighting that scholars who historically wrote on migration had a “thin comprehension of gender” and “implicitly assume[d] the male as the prototypical migrant” (2010; 9-10) and only spoke of female migration in the context of family migration (2010; 13). Schwenken and Eberhardt (2010) add that historical labour migration statistics are also often biased towards men, as they “excluded the ‘amoral’ category of (mostly female, rural to urban migrant) sex workers” (2010; 18, citing Hahn, 2000; 79). Furthermore, Hennebry and Petrozziello (2019) note that “migration governance historically has been ‘gender-blind’” and has overlooked “the ways in which gender shapes migration, in particular the gendered realities and risks for women migrants” (2019; 117). This study explore whether the governance of labour migration in Malaysia is gender-blind in the sense that Hennebry and Petrozziello (2019) define it, and whether specific gendered ‘realities’ contribute to the production of a hierarchical governance system in which female labour migration is rendered invisible.

This study adopts an intersectional lens because in Malaysia’s hostile legal, political and social environment for migrants (see Chapter 2), gender intersects with female migrant workers’ other identities, for example, an MDW’s identity as a worker, as a migrant, as an Indonesian national, as a Muslim, and as a ‘domestic helper’, will shape her experience (see also Lovenduski, 1998). This lens is important to adopt in a non-Western context as there has been a plethora of research in European settings which have used an intersectionality framework to analyse the experiences of female migrants (see Ludvig, 2006; Riaño, 2011)⁵⁸ however, in a Southeast Asian, and Malaysia-specific context, less research has been done which adopts an intersectional approach.

⁵⁸ Although, it should be noted that Bastia (2011, 2012) used an intersectionality approach to examine the experiences of migrant women in South America.

Some notable exceptions include Lee and Piper (2013) who used an intersectionality methodology to analyse the multiple discriminations against migrant workers in Asia and argue that this approach is key to understand “the complexities of women’s identity in order to lead to a holistic understanding and recognition of the multiple dimensions of her identity and the resulting aspects of discrimination, oppression and inequality” (2013; 11). Miles et al. (2019) also conducted a case study which explored how seven NGOs in Malaysia conceptualise and apply an intersectional lens in their advocacy work for the rights of female migrant workers. They found that these organisations acknowledge that female migrant workers have intersecting needs but that their organisations’ work “did not address women’s identity dimensions simultaneously (gender, migrant, worker)” as they had to give priority to certain identities, therefore creating an “identity hierarchy” (Miles et al., 2019; 697). Miles et al. (2019) argue that certain identities “were so powerful that they minimised the effect of other identities” and that workers’ immigration status was “the least likely to be addressed by many of the NGOs” as women’s identities as workers “was much more powerful than being a foreign national or a woman” (Miles et al., 2019; 697). This study builds on Miles et al. (2019) intersectional analysis of NGOs in Malaysia, by incorporating the perspectives of a range of state and non-state policy-relevant actors. This study sheds light on the extent to which policy-relevant actors understand the multiple identities that female MDWs possess and the ways in which multiple discriminations affect their lived experiences (Miles et al., 2019).

3.2.2.1 *Gendered Institutions and Processes*

More knowledge is required of why, how and with what effects the structures, processes, mechanisms, and strategies (Levi-Faur, 2012; 8) of migration governance are gendered, which may “result in institutional, discursive and structural bias in favour of men” (Rai and Waylen, 2008; 2). This research seeks to close these knowledge gaps by exploring how gendered understandings permeate organisations’, institutions’ and individuals’ conceptualisations of migration dynamics in Malaysia and examines the effects of this.

There is a need to explore the ways in which the Malaysian state, and migration governance processes, operate in gendered ways and produce gendered effects through its laws, policies, and discourses surrounding domestic worker migration. Chappell (2013) states that gender bias remains embedded in organisations and that this influences laws, policies, practices, ideas, and discourses (2013; 612). Feminist scholars have highlighted the ways in which institutions, such as governments, are permeated by a “deeply embedded culture of masculinity” (Lovenduski, 2005; 48; see also 1998) which normalises male privilege through organisational rules and processes (Duerst-Lahti, 2002; Chappell, 2013; 612). These institutions, and the outputs that they produce, “operate on a logic of appropriateness based on masculine norms, ideas, expectations

and practices” (Chappell, 2013; 612; also Savage and Witz, 1992; Htun, 2005; Chappell, 2006; 2008; Chappell and Waylen, 2013). Scholars like Acker (1992) and Kenny (1996) have highlighted how institutions have distinct gendered cultures and the roles that institutions play in producing and reproducing gender (Kenny, 1996). Connell’s (2005) gender regimes theory made a significant contribution to understanding gender as a structure by highlighting that every organisation has its own “gender regime” that reflects “the patterning of gender relations in that institution, and especially the continuing pattern, which provides the structural context of particular relationships and individual practices” (Connell, 2005; 6; 2009; 72)⁵⁹.

Savage and Witz (1992) highlighted that gender is deeply embedded within institutions in both nominal and substantive dimensions. The nominal gender dimension stems from the historical (and continued) dominance of a far greater number of men in positions of power within state institutions compared to women (Savage and Witz, 1992). While the number of women working in state institutions has increased over time, Chappell and Waylen (2013; 601) highlight that this does not mean that institutions will function differently as “swapping female bodies for male bodies in traditionally masculine arenas does little to disrupt the symbolism or practices of the gender order” (Hooper, 2001; 52; cited in Chappell and Waylen, 2013; 601). Instead, the behaviours of *all* individuals within state institutions are still shaped by the “codes of masculinity” upon which these institutions have been built around (Lovenduski, 1998). Lovenduski (1998) argues that public institutions and processes are not designed for activities associated with “cultural codes of femininity” such as “connectedness, responsibility for others... and selflessness in relationships” but instead value “masculine” traits such as decisiveness, competitiveness, autonomy and agency (1998; 339, see also Connell, 1994; Davies, 1994).

Scholars have exposed the ways in which policy-making is focused, or centred, on men by showing that the “assumptions, concepts, beliefs, arguments, theories, methods, laws, policies, and institutions” (Hawkesworth, 1994; 105) are not gender-neutral but are instead androcentric, that is, based upon the male “norm” (Lombardo et al., 2012; 11). Scholars have argued that the ways in which public policies and laws are formed are underpinned by assumptions surrounding gender differences and that policy outputs are biased towards male interests, ignore the specific experiences and needs of women, and can have the effect of reinforcing “stereotypical assumptions about male and female behaviour” (Chappell, 2013; 611; see also Acker, 1992; 567; Savage and Witz, 1992; Hawkesworth, 1994; Newman, 1995; Lombardo et al., 2013; 679, 684). These processes have different effects on men and women’s lives as Lombardo et al. (2013) note

⁵⁹ Beckwith (2005) also underlined the two levels at which gender operates within institutions: i) “as the differential effects of structures and policies upon women and men”, and ii) “as the means by which masculine and feminine actors (often men and women, but not perfectly congruent, and often individuals but also structures) actively work to produce favourable gendered outcomes” (2005; 132).

“androcentric policy-making creates gendered categories of privileged and unprivileged people in which women, and other groups, are systematically disadvantaged” (2013; 691, see also Rees, 1998; Shaw, 2000; Beckwith, 2001, 2005).

It has been argued that the knowledge that informs policy-making is based on “exclusionary male clubs” (Young and Scherrer; 2010; 11). Chin (1998) states that Malaysia’s governing apparatus is based on gendered ideologies as the conceptualisation and implementation of its laws and policies are “controlled mainly by elite men” (1998; 6-7, 168). This study investigates this by examining *who* is involved in Malaysia’s migration policy-making processes (*who* makes decisions) and whether implicit bias and gender-bias permeates i) *how* problems are defined, ii) *how* issues get placed on agendas, and iii) *how* solutions are articulated. In terms of Malaysia’s legal and policy framework, we can see that female MDWs are systematically disadvantaged but as policy-relevant actors’ perceptions have been overlooked in research on migration governance, we lack knowledge about the mechanisms which drive these outcomes and how implicit and explicit ideas about gender and values of ‘women’s work’ permeate governance processes. This study seeks to close this knowledge gap and examines the understandings and actions of the actors *within* the governance system to shed light on the extent to which women’s ideas, understandings, needs, interests, and issues are able to make it on to the political agenda and into the policy-making process.

In terms of structure, this study examines; i) how various actors within governance networks interact and relate to one another, ii) who is central and who is peripheral to the policy- and decision-making processes and, iii) the physical presence of men and women in the governance network, in order to understand if one gender dominates⁶⁰. The assumption is that men dominate state institutions in Malaysia, while it is likely that there are more women present in the non-governmental sector which is commonly considered as strongly feminised,⁶¹ although this does not mean that women dominate management levels in these organisations⁶². It should also be noted that while women’s political representation in Southeast Asia averages around 20 per cent, in Malaysia, only 14 per cent of those elected in 2018 were women⁶³. Importantly, there is also

⁶⁰ The constitution of the governance system, and the social networks within this system, were mapped through document analysis, structured questionnaires and individual interviews with key policy-relevant actors (see Chapter 5).

⁶¹ For example, in the US, women occupy around 70 per cent of jobs in NGOs.

⁶² According to 2013 figures, women manage only 12 per cent of large US NGOs, 27 per cent in the UK, and 10-15 per cent in Kenya and South Africa (Marston, 2013).

⁶³ In 2018, 32 women were elected to the 222-seat parliament. While this is an increase from the 23 women elected in 2013 (10.4 per cent representation), it still means that Malaysia has failed to ensure that women hold a third of its policy-making positions, which was one of the pledges stated as a Special Commitment for Women (Commitment 5)

the issue of gender bias among voters in Malaysia themselves, as the World Values Survey 2010-2014⁶⁴ found that 69.6 per cent of Malaysians surveyed agreed that “men make better political leaders than women”.

In order to alleviate systematic gender inequality, gender mainstreaming (or the institutionalisation of gender) has been adopted as a global gender equality strategy⁶⁵ which has gained widespread traction over the past three decades (Calgar, 2013; 336; see also Daly, 2005; Charlesworth, 2005; Lombardo and Meier, 2006). However, the concept has attracted a lot of criticism, with scholars arguing that the strategy has not led to positive gender equality outcomes. For example, Lombardo and Meier (2006; 161) argue that gender mainstreaming acts as “an open signifier that can be filled with both feminist and non-feminist meanings” rendering it open to different policy actors’ interpretations⁶⁶. Calgar (2013) adds that gender mainstreaming fails as it “means all things to all people” and that what gender equality is, is rarely specified in organisations’ definitions of gender mainstreaming (2013; 337-338)⁶⁷. Charlesworth (2005) argues that gender mainstreaming not only “detracts attention from the ways that sexed and gendered inequalities are woven into the international system” but actually its use “as a reform strategy has made issues of inequality between women and men harder to identify and deal with” (2005; 2). Despite these criticisms, some scholars have highlighted the positive elements of gender mainstreaming. For example, Prügl and Meyer (1999) note that the inclusion of gender mainstreaming in documents created by international organisations and fora remains significant as national and local groups can use the frameworks outlined in these documents to try to hold their governments to account on issues of gender equality⁶⁸ (1999; 13). Furthermore, Kunz *et al.* (2019) note that gender mainstreaming has led to the creation of gender expertise in global governance and that there are now many gender experts employed in government and international NGOs specifically tasked with advancing gender equality (2019; 24).

Although there has been a proliferation of gender mainstreaming strategies to combat gender inequality, we can see that migration laws and policies, while often using gender neutral terms,

in the Pakatan Harapan (Alliance of Hope) election manifesto campaigned on in the run-up to the 2018 General Election.

⁶⁴ Data available for download here: <http://www.worldvaluessurvey.org/WVSDocumentationWV6.jsp>

⁶⁵ This strategy was launched in 1995 following the UN World Conference and has been implemented by many countries and by many international organisations, including by the International Labour Organisation (Calgar, 2013).

⁶⁶ Calgar (2013) similarly argues that gender mainstreaming results in different mainstreaming policies and practices as “political actors fail to define lucidly the goals of gender equality” (2013; 337) rendering it open to interpretation.

⁶⁷ Calgar (2013) and Daly (2005) highlight that gender mainstreaming is an “attractive” policy for international organisations, for example, to adopt, but that organisations are not actually bound to achieve gender equality in any specific way. Subrahmanian (2004; 89) notes that gender mainstreaming has been deemed a “hollow discourse”.

⁶⁸ Although the authors note that this does not mean that the individual governments will necessarily implement the measures outlined in the gender mainstreaming framework.

often do not treat men and women equally and still largely operate on the “male-breadwinner-female-dependent spouse model” (Briones, 2009; 40). Migration policies overlook gendered power imbalances and the ways in which gender-segregated labour markets affect men and women differently (Hennebry and Petrozziello, 2019; 117, see also Piper, 2006) with Briones (2009; 40) noting that migration policies keep female MDWs “suppressed at the bottom rung of the production ladder”. In particular, in terms of policy outputs, it appears that the need to “protect” female migrants from harm appears to be the dominant migration policy narrative. For example, throughout Southeast Asia, the majority of policies emphasise the need to protect migrant women, largely through border controls, as opposed to the need to provide labour rights or improve workers’ positions, with a large number of political measures directed at women aimed specifically at combatting trafficking (Oishi, 2005; Briones, 2009). This includes the majority of regional migration discussions and agreements in Southeast Asia, such as the Bali Process and the COMMIT Process, among others. In fact, for a long time, ASEAN’s focus with respect to migration, was predominantly on combatting trafficking as “this was seen as an issue with a comparatively high potential for joint action between sending and receiving states” (Rother and Piper, 2015; 42).

This research seeks to add to the body of work by feminist institutionalists and governance scholars by developing an understanding of the ways in which Malaysia’s governance system operates in gendered ways and how it produces gendered outcomes. Chin (1998) notes that the Malaysian state is a central actor in the governance of domestic work but that the state’s involvement is often overlooked which “reinforce[s] the persistence and unstated assumption... that domestic service is a mostly personal-private issue best left to feminists who analyse negotiations of power in the household” (1998; 8). Domestic work is not simply a personal-private issue but instead is a “politically constructed solution to the crisis of the domestic sphere” (Arat-Koc, 1989, cited in Chin, 1998; 8), as it stems from a combination of state laws and policies relating to employment, immigration and the provision of elderly care and child care (Chin, 1998; 8).

This study is interested in the extent to which the context in which the state operates has changed and argues that it is imperative that we look *inside* the governance system, shedding light on who the primary actors are, investigating what these actors are saying and doing, and exploring the ways in which the governance system itself produces and reinforces gender-biased processes, discourses and policies. Hennebry and Petrozziello (2019) note that when states have made efforts to address the structural issues which contribute to gendered migration risks, they do not tackle the “root causes within the system” but instead predominantly “tweak[] migration policy and border security regimes (often resulting in heightening risks and curtailing rights)”, for example,

the implementation of gender-based migration bans⁶⁹ (2019; 116-117). This study explores why this is the case and examines how female migration is understood during the policy- and decision-making processes. This thesis examines whether female migration is treated predominantly as a protection issue, whether the ‘temporality’ of foreign workers in Malaysia (see Chapter 2) drives policy decisions, or whether migrant “women, along with their needs and interests” are rendered as “invisible” during the policy-making process (Hawkesworth, 2005; 147), or if alternative understandings and narratives exist.

3.3 Analytical Framework: Gendered Migration Governance

In order to develop an understanding of how actors make sense of “what is going on ‘out there’” and “what should be done about it”, this study developed an analytical framework which combines the analytical concept of ‘gender knowledge’ with framing analysis and theories of sense-making to explore how actors understand migration dynamics, the factors that shape these understandings and how cognition connects with action. There is a wealth of literature on frames, framing, sense-making and policy narratives, many of which separates out the processes of sense-making and framing (e.g. Weick, 1995; McComas and Shanahan, 1999; Benford and Snow, 2000; Stone, 2002; Helms Mills, 2003; Fiss and Hirsch, 2005, Chong and Druckman, 2007). However, the framework developed in this thesis builds on van Hulst and Yanow’s (2016)⁷⁰ process for analysing framing in policy-making in which sense-making constitutes one of the three distinctive acts in the framing process alongside defining, (naming, selecting and categorising) and; storytelling⁷¹ (van Hulst and Yanow, 2016; 9). Figure 5 below illustrates the framework:

⁶⁹ See Chapter 2 for how Indonesia implements bans in cases where their female citizens have been abused overseas.

⁷⁰ Their approach builds on the work of Schön and Rein (1977; 1991; 1993; 1994; 1996).

⁷¹ Storytelling is also referred to in the literature as policy narratives, narrative frames, and policy framing stories (see also Entman, 1993; Weick, 1995; Boswell et al., 2011).

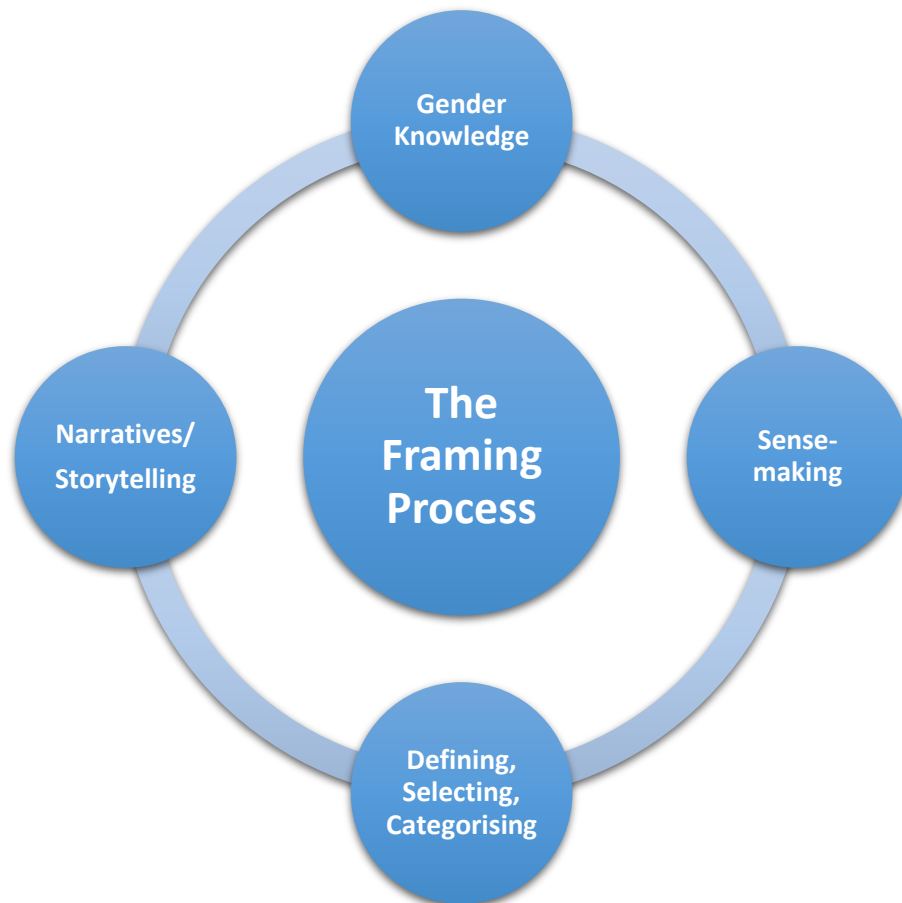


Figure 5: Conceptual Framework

The specific understanding of governance that is developed in this thesis draws from a broad range of work to encompass not only the structures, mechanisms and outputs of migration governance, but also analyses: i) understandings that exist within governance systems, ii) relationships between understandings and actions, and iii) how implicit and explicit understandings of gender permeate governance processes. This thesis introduces some original perspectives by uncovering the understandings that underpin governance systems. This is an overlooked aspect of research on migration governance which has primarily examined governance system outputs, such as laws or policies, and made assumptions about the policy- and decision-making processes and mechanisms.

Drawing from the wider MIGPROSP project, the definition of governance that is developed in this thesis draws from and builds upon Pierre’s (2000; 3) definition of a “dual meaning of governance” whereby governance refers both to the “conceptual representation of change in social systems” and the ability to direct, adjust and manage these changes (Geddes *et al.* 2019; 226; Geddes, 2016; 115, referencing Pierre, 2000). This thesis argues that, in order to understand the governance of labour migration in Malaysia, there is a need to investigate the perceptions of actors

who are 'situated' in particular organisational contexts within the governance system (governing officials, policy-makers, civil society organisations, employers' federations, private recruitment agencies, among others), to explore how these actors conceptualise the effects of economic, social, political and demographic changes, and to examine how those understandings affect what they do. This is important as there can be a tendency to understand international migration as a challenge to governance systems but, as Geddes *et al.* (2019) highlight, the actions of governing organisations can actually play a powerful part in defining the problems that are being addressed (2019; 9).

This study seeks to make a key contribution to the governance literature by adopting an actor-centred perspective to look 'inside' Malaysia's governance system to shed light on how actors make sense of the two key questions that organisations face: i) "what is going on 'out there'?" which relates to cognition, and ii) "what should be done about it?" which relates to action (Helms Mills *et al.* 2010; 183). The thesis explores actors' understandings of migration dynamics, comparing how actors understand and value male and female migration, and how they develop policy narratives based on these understandings. By doing so, the understandings that underpin the governance system for female domestic worker migration become clearer. This is pertinent due to the high levels of abuse and exploitation that MDWs face in Malaysia alongside the discriminatory policies and practices in place, which are far more restrictive than policies for other categories of low-skilled labour migrants⁷². To summarise, the thesis explores i) how various actors that make, shape, or influence policy, make sense of the context and environment in which they operate, ii) how they develop an understandings of what is going on 'out there' and, iii) how they decide what to do next (Geddes *et al.*, 2019; 8). In analysing actors' understandings, my purpose is not to judge whether the views of actors are accurate or not but to analyse their effects.

As the perspectives of policy-relevant actors have been neglected in previous research on migration governance, we know relatively little about how actors frame migration issues, how implicit and explicit understandings about gender permeate actors' cognitive processing, and how this impacts on actors' subsequent attitudes and actions (see also Scheufele, 1999; Benford and Snow, 2000). This research seeks to close this gap as perceptions - and misperceptions - matter (Jervis, 1976) and we cannot understand governance without understanding the causes and effects of the actors' perspectives within governance systems.

⁷² See Chapter 2.

3.3.1 The Concept of ‘Gender Knowledge’

In developing a framework to shed light on actors’ understandings, the analytical concept of ‘gender knowledge’ (*geschlechter-wissen*) is used as a starting point to investigate the ways in which implicit and explicit ideas and understandings about gender informs how actors conceptualise the issues that they face and how this shapes their actions. Gender knowledge is premised on the idea that every type of knowledge is centred upon specific socially constructed ideas about gender, gender norms, and gender relations in society (Schwenken, 2008; 772; Dölling, 2005: 50).

The understanding of gender knowledge that is built upon in this thesis is based on Dölling’s 2005 article “*Gender knowledge’ - a useful term for the ‘interpretive’ analysis of gendering processes?*”⁷³ which described gender knowledge as a range of “interpretive frameworks which are structured and composed by different forms of knowledge” (Dölling, 2005; 49, own translation) which allow gender differences to be “perceived, judged, legitimised and justified or taken as self-evident, quasi, natural ‘facts’” (Dölling, 2005; 49, own translation, see also Andresen, Dölling and Kimmerle, 2003; Dölling, 2007). This analytical concept has since been translated, employed and interpreted by a range of scholars including Schwenken (2008), Calgar (2010), Cavaghan (2010; 2017), and by Eberhardt and Schwenken (2008; 2010). The use of gender knowledge in this study’s theoretical framework was particularly influenced by Schwenken’s 2008 article, ‘*Beautiful Victims and Sacrificing Heroines: Exploring the Role of Gender Knowledge in Migration Policies*’ which used a gender knowledge analysis to examine narratives surrounding female migration. In her article, Schwenken (2008) found that depictions of female migration are embedded in “partly contested narratives of gender difference and normative gender relations” (2008; 774).

In Dölling’s (2005) conceptualisation of gender knowledge, she differentiates “between objective, social or collective gender knowledge and the subjective ‘gender knowledge’ of actors” (2005; 50, own translation). Collectively held or “social” gender knowledge refers to commonly available ideas about gender, whereas subjective gender knowledge relates to a person’s understanding of their gender and place in society and, while this is embedded in collective knowledge, it is understood individually and differently (Cavaghan, 2010; 20, referencing Dölling, 2005; 175; see also Calgar, 2008; 7). Dölling (2005; 50) notes that there are roughly three types of knowledge that can be identified where objective and subjective gender knowledge can be found, all of which are relevant for this research. First, “everyday knowledge and practice”,

⁷³ The original title in German reads as “*Geschlechter-Wissen*” - ein nützlicher Begriff für die “*verstehende*” Analyse von Vergeschlechtlichungsprozessen?

which may be shaped by cultural stereotypes and which “actors do not ‘know’ that they have at their disposal because it comes into play unconsciously as quasi, natural ‘attitudes’ in everyday practical activities” (Dölling, 2005; 50, own translation). The second type is “specialised or expert knowledge” which is produced by academic, legal, scientific or religious institutions (Cavaghan, 2010; 20; Dölling, 2005; 50). The third type is “popular” knowledge which is disseminated via the media and various social and political movements and associations and this type of knowledge acts “as a crucial mediator between every day and expert knowledge” (Dölling, 2005; 51, own translation, see also Schwenken, 2008; 3; Cavaghan, 2010; 20). The role that expert and popular gender knowledge plays in influencing actors’ understandings is of particular importance to this thesis as Agustín (2003) notes that majority of media, scholarly and public discourse constructs female migrants as “victims of trafficking” (2003; 377). Schwenken (2008) notes that media discourse in particular, often centres upon depictions of female migrants as “beautiful victims” who have been trafficked into sex work by male criminal traffickers, while paying less attention to narratives of male migrants as victims of forced labour or the role that female traffickers play (2008; 773)⁷⁴.

Schwenken and Eberhardt (2008; 2010) used the analytical concept of gender knowledge to examine the various types of knowledge that underpin migration studies and theories. They argue that the assumptions that underpin migration theories and models are not gender neutral but are instead based on implicit and explicit forms of gender knowledge which show that “femininity and gender are constructed in various ways and are always in conjunction with other social stratifications such as age, class, ethnicity or sexual orientation” (Eberhardt and Schwenken, 2010; 110). They argue that that academic thinking about migration is shaped by a traditional understanding of gender roles and gender norms and is neither gender-neutral nor gender sensitive (Schwenken and Eberhardt, 2010) and that the ways in which migration theories are applied to migration studies serves to “construct and reproduce certain gender orders” (Schwenken and Eberhardt, 2008; 23). Bastia (2014) similarly notes that “migration studies has been gender blind and effectively biased against women for a long time” (2014; 240)⁷⁵. By looking ‘inside’ Malaysia’s migration governance system and investigating the perspectives of the policy-relevant actors who make, or seek to influence, migration policy, this study introduces new empirical perspectives that improve our understanding of how knowledge about gender permeates policy

⁷⁴ Participants in this study will be asked what sources they use to get information on migration issues. See Appendix 1 for the study’s Interview Guide and Appendix 5 for the Structured Questionnaire.

⁷⁵ This is echoed by Hondagneu-Sotelo and Cranford (1999; 123) who note that most migration theory is based on androcentric bias.

actors' understandings and actions in relation to migration. As such, this study builds upon and complements previous research which has utilised the analytical concept of gender knowledge.

More insight is needed into the ways in which implicit and explicit knowledge and ideas about gender may be influencing how domestic worker migration is framed and responded to. This thesis employs the analytical concept of gender knowledge as part of the theoretical framework to investigate the ways in which assumptions, meanings, and ideas about gender, and the reasoning behind them, permeates Malaysia's migration governance structures, processes, discourses, and outcomes (Cavaghan, 2010; 18; see also Cavaghan, 2017). This thesis seeks to understand what 'knowledge' policy-relevant actors draw on when trying to make sense of male and female labour migration and how gender is coded in the language that actors' use when communicating migration policy narratives. This thesis also pays attention to the ways in which actors' knowledge is shaped not only by ideas about gender but also by ideas about race, ethnicity, and nationality, and how these intersect in actors' understandings of migration.

3.3.2 Framing and Sense-making

This thesis brings together framing analysis and theories of sense-making to explore how actors conceptualise the causes and effects of migration and how actors' understandings influence policy actions and inactions. In the context of policy- and decision-making, "framing is a process in and through which policy-relevant actors inter-subjectively construct the meanings of the policy relevant situations with which they are involved, whether directly or as onlookers and stakeholders" (van Hulst and Yanow, 2016; 97). Framing provides a consistent narrative of what the problem is (problem definition), what caused the problem and what can solve the problem (causal story), with action guided by how an issue is framed (Snow *et al.*, 1986; Entman, 1993; Fiss and Hirsch, 2005). This thesis is interested in "the interactive, intersubjective processes through which frames are constructed" (van Hulst and Yanow, 2016; 93) and investigates both "diagnostic framing" which involves how actors identify the problem and its attributions ("what is going on"), and "prognostic framing" which involves how actors propose strategies to solve the problem ("what should be done about it") (Snow and Benford, 1988). This thesis explores how ideas and understandings of gender permeate these processes.

The framing process is two-fold. Firstly, "it organises prior knowledge (including that derived from experience) and values held, and it guides emergent action" and these processes "typically work simultaneously and interactively, and at the level of tacit, not conscious, knowledge" (van Hulst and Yanow, 2016; 98; see also Snow *et al.*, 1986; Fiss and Hirsch, 2005). The process produces "both a model *of* the world - reflecting prior sense-making- and a model *for* subsequent action in that world" (van Hulst and Yanow, 2016; 98, see also Goffman, 1974; Hunt *et al.*, 1994;

Fiss and Zajac, 2006). This thesis explores the causes and consequences of frames held by actors and investigates the ways in which ‘knowledge’ about gender permeates actors’ understandings and actions (Dölling, 2005). The different simultaneous and ongoing acts within the framing process: sense-making, defining (naming, selecting and categorising), and storytelling (van Hulst and Yanow, 2016), will be looked at in turn below.

Sense-making is a process where actors discover, create or interpret the meanings of issues or circumstances that are uncertain and ambiguous (Rein and Schön, 1977; Weick, 1995; Maitlis and Christianson, 2014). In essence, it is the process through which actors develop a comprehensible account of “what is going on out there” (Fiss and Hirsch, 2005). The process relates to cognition, language, talk and communication, and is deeply connected with the act of organising, as organisational actors organise to make sense of events (Weick, 2009). Sense-making is “driven by plausibility rather than accuracy” (Weick, 1995; 17) as it not an exercise in seeking the ‘truth’ but is instead “about the continued re-drafting of an emerging story so that it becomes more comprehensive” (Weick *et al.*, 2005; 415). This is a continuous process as the knowledge generated through sense-making becomes the foundation for action, and this leads to the emergence of new possibilities and realities, which then requires more sense-making (Weick, 1979, 1995).

Framing and sense-making are rarely individualised activities as they possess a social dimension centred on the “placement of items into frameworks, comprehending... constructing meaning, [and] interacting in pursuit of mutual understanding” (Weick, 1995; 6). Through networking and communicating with actors within, and external to, the organisation, actors work together to develop a more coherent idea of “what is going on” and to construct socially acceptable meanings and understandings (Weick, 1995; Carlsen, 2006; van Hulst and Yanow, 2016). The “actual, imagined or implied presence of others” (Allport, 1985; 3, cited in Weick, 1995; 39) shapes actors’ thoughts and behaviours so even actors who are constructing the meanings of issues on their own, will be influenced by others. Different actors (individually or collectively) will make sense of migration issues in different ways, and this will depend on actors’ ‘situated agency’ and on the ways in which these actors are spatially located and socially related. Sense-making is also grounded in the understanding, or construction, of the identity of the organisation or individual, and the perceived identities of others. Weick (1995; 20) stated that “depending on who [you] are, [your] definition of what is ‘out there’ will also change”. In essence, a policy actor’s interpretation of who they are (and who their organisation is), what they feel, what they face, and how they act, will be influenced by their own identity and image (Weick, 1995, 1988).

Framing and sense-making go beyond interpretation and involve actors *enacting* a sensible environment in which they can act in and upon by “tak[ing] undefined space and time... draw[ing] lines, establish[ing] categories and coin[ing] labels that create new features of the environment

that did not exist before” (Weick, 1995; 31, see also Sutcliffe, 2013; van Hulst and Yanow, 2016). In trying to make sense of an issue, actors draw on a range of prior knowledge from their own experiences, and from other sources such as popular knowledge disseminated by the media and specialised knowledge from academic, legal, religious and scientific institutions (van Hulst and Yanow, 2016; 99; Dölling, 2005; 50; Cavaghan, 2010; 20;). Schwenken and Eberhardt, (2010) argue that the knowledge surrounding the drivers of migration is rooted in assumptions about gender wherein they argue that implicit gender knowledge assumes a “normal migrant” as a man and that seemingly gender-neutral categories such as “migrant” and “skilled worker”, could be seen as carrying a masculine association, therefore implying that women simply do not move independently. This thesis explores these assumptions in the context of understandings within Malaysia’s migration governance system and pays attention to what sources of information⁷⁶ and experiences actors draw on to illustrate their points, for example what websites, media sources or organisations/individuals they access to find information on migration issues. In examining how actors conceptualise labour migration in Malaysia, this thesis seeks to shed light on what implicit and explicit knowledge and ideas about gender enters, and is produced by, the policy-making process.

Problem definition is central to policy-making (Hajer and Laws, 2008; 252) and issues are strategically selected, constructed, and depicted by actors “in ways calculated to gain support” for their own political agendas (Stone, 1989; 282; Baumgartner and Jones, 1991; Rein and Schön, 1977; 1994). The framing process “simplifies and condenses the ‘world out there’” (Snow and Benford, 1992; 137) as actors shape what is important by drawing together the key features of the issue, selecting some factors as relevant, while removing or backgrounding other elements (van Hulst and Yanow, 2016; 99). Actors select from a range of features the factors that warrant attention, actors define these and categorise them. This selection is both a “contingent political act” and “a practical necessity as it reduces the range of stimuli bombarding actors’ ‘sense (and sense-making) receptors’” which helps actors “to frame the situation that they are engaging with in ways that they can act in and on” (van Hulst and Yanow, 2016; 99, see also Weick, 1995).

Once a problem has been constructed, defined and categorised, actors will then need to communicate what the problem is and what should be done about it (Stone, 2002; Lawrence, 2004). This is done through the act of storytelling in which policy actors will define what the problem is, explain how it came about, and suggest remedies (Entman, 1993; Schön, 1993; Lawrence, 2004). This process is also described as communicating “policy narratives” (Boswell

⁷⁶ As Young and Scherrer, 2010 highlight, “many networks of knowledge-based experts are exclusionary male clubs equipped with an authoritative claim to policy-relevant knowledge” (2010; 11) so it is therefore important to shed light on what sources policy-actors in Malaysia’s governance system draw on to make sense of an issue.

et al., 2011), “narrative frames” (van Hulst et al., 2014) and “policy framing stories” (van Hulst and Yanow, 2016). This thesis examines how gender is coded in the language that actors’ use in conveying policy narratives.

These narratives will contain “a set of claims about what causes the problem and the extent to which the problem can be controlled” (“causal stories”) which implicitly or explicitly “attribut[es] blame to specific factors or actors” (Boswell et al., 2011; 5). Stone (1989) notes that these narratives have “an empirical and moral dimension” as they “purport to demonstrate the mechanism by which one set of people brings about harm to another set” (Stone, 1989; 283), e.g. migrant workers will be blamed for harming local workers by “stealing” their jobs. Narratives also include “a set of claims about how policy interventions have affected, or are likely to affect, these policy problems” (Boswell et al., 2011; 5, see also Entman, 1993), e.g. government actors might claim that “crackdown” operations targeting undocumented migrants in Malaysia has decreased the amount of migrants entering the country in an irregular capacity.

As politics is typically comprised of competing actors who have different ideologies and goals, these actors may view and portray the same situation in different, and sometimes incompatible, ways (Rein and Schön, 1977; 210-211; Chong and Druckman, 2007). As such, narratives are clearly “influenced by attempts of rival actors to ‘frame’ issues to their advantage” (Boswell et al., 2011; 2), with actors choosing which causal factors to address and deploying stories that best advance their interests (Stone, 2012; 225). In this regard, getting a narrative to be accepted is not easy as there is always someone telling a competing version, for example, the issue of undocumented MDWs may be portrayed by NGOs and domestic workers’ organisations as a problem of vulnerability to trafficking, whereas government actors may frame this as an issue of MDWs exploiting loopholes in migration control for economic gain (adapted from Boswell et al., 2011). As such, Stone (1989) notes that, “causal stories need to be fought for, defended, and sustained” (1989; 293).

For stories to gain credibility, they need to meet certain criteria. Research suggests that narrative frames need to create a comprehensible account of “what is going on”, and this account needs to be “cognitively plausible, dramatically or morally compelling” and consistent with actors’ “perceived interests” (Boswell et al., 2011; 1), values and “prior beliefs” (Chong and Druckman, 2007; 120, see also Druckman and Nelson, 2003). Boswell et al. (2011) note that, for a story to be deemed credible, it must draw on array of reliable sources of information and knowledge which come “from personal experience, [expert and] practitioner knowledge, academic research” and available data, and that this information must work coherently together (2011; 2, see also Druckman, 2001a; 1045). Research into media coverage of migration issues notes that “objective” statistics plays a key role in both generating, and alleviating, concerns about migration (Polson and Kahle, 2010). Schwenken (2008) notes that a demand for statistics in reporting about

migration also contributes to the production of gender knowledge as international organisations often continuously repeat questionable statistics which then gain media attention and, in turn, become accepted as “fact”⁷⁷ (2008; 774).

This study sheds light on the ideologies that underpin governance processes, institutions and practices and explores the ways in which implicit and explicit understandings and “knowledge” about gender both enter, and are produced by, Malaysia’s migration governance processes. This is done through an investigation into the ways in which female domestic worker migration is conceptualised, categorised and responded to by policy-relevant actors within Malaysia’s migration governance system. There is a need to examine migration governance processes in Malaysia as there is a wealth of feminist scholarly literature in the areas of politics, sociology and policy analysis which have exposed the ways in which the state and governance produce and reinforce gender-biased norms, processes and discourses (Hawkesworth, 1994, 1997, 2005; Lovenduski, 1998; 2005; Hooper, 2001; Duerst-Lahti, 2002; Beckwith, 2005; Connell, 2009; Chappell, 2006, 2008, 2013). As the domestic work sector in Malaysia is rife with abuse and exploitation, there is a need to uncover how policy-relevant actors understand domestic worker migration, the factors that shape these understandings and how cognition connects with action, in order to uncover the factors that drive migration governance.

3.4 Uncovering Gendered Assumptions

This thesis explores how female migration broadly, and domestic worker migration specifically, is understood, categorised and responded to in Malaysia, compared with categories of male migration. Understanding the ways in which policy actors frame, categorise and respond to different sectors, nationalities, and genders, of migrant workers is important for a variety of reasons. Lim and Oishi, writing in 1996, warn that stereotypical understandings of male and female labour migration held by policy-makers can lead to discriminatory policy outputs which overlook the actual needs and interests of female migrants. Phizacklea, writing in her 1983 book *One Way Ticket*, noted that it can be “particularly easy to ascribe inferiority to women migrant workers just because their primary roles in patriarchal societies were defined as wife and mother, dependent on the male breadwinner”, which meant that they could “be paid lower wages and controlled more easily than men” (Castles and Miller, 2009; 38, referencing Phizacklea, 1983). However, nearly three decades after Phizacklea wrote these words, are female migrants still defined so narrowly even though substantial numbers of women now migrate independently, and are increasingly becoming breadwinners? Or have these shifts had an impact on the ways in which

⁷⁷ Schwenken (2008) uses the example of the often-cited statistic that an estimated “120,000 women from Eastern Europe have been trafficked annually to Western Europe” (2008; 774), a statistic that has been repeated by the European Commission and the United Nations Office on Drugs and Crime.

policy actors understand, and act, to manage female labour migration? This research explores these assumptions.

It is also important to shed light on how actors understand female labour migration because of the ways in which policies and practices, that reflect socio-cultural customs and norms, have produced “a gendered division of labour” which see men and women directed towards certain types of jobs (Piper, 2011; 64). The division is both based upon labour markets which are segregated by gender where men and women largely dominate different sectors⁷⁸ and on the different duties that men and women will perform when employed in the same sector (Piper, 2011; 64). In this gendered hierarchy, Chafetz (1988) argued that female workers’ choices are constrained and they are consigned to work in positions that reinforce male privilege and disadvantage women. Female workers tend to conduct tasks that are “culturally devalued” (Baron and Newman, 1990; 155), receive less pay and involve more difficult working conditions compared to male-dominated employment sectors (Piper, 2011; 64).

Wright (2006) argues that female labour is constructed as “disposable” and this discourse is particularly evident in relation to Asian women’s labour. Scholars underline that certain industries, such as manufacturing, depend “on the ideological devaluation of [Asian] women’s labour as cheap, flexible and docile” (Mills, 2017; 320) and the “myth of the disposable Third World Woman” (Mills, 2017; 320, referencing Wright, 2006). Ong (1990) notes that Asian women are described as being “biologically suited for the painstaking and fine handiwork required in labour-intensive [manufacturing] processes” (Ong, 1990; 396) due to their “nimble fingers” (Elson and Pearson, 1981), with employers preferring to hire young, single women due to their “diligence” (Ong, 1990; 397)⁷⁹. This gendered hierarchy extends to the domestic sector, as Chin (1998) notes that “the prevailing Asian patriarchal belief [is] that the performance of housework is women’s work” (1998; 167) so the increase in demand for household and long-term care work across Asia has commodified women’s reproductive labour (Mills, 2017; ADBI and OECD, 2013). However, even paid domestic work “has very little value attached to it” it receives low pay, is largely considered unskilled, and has historically been unquantified and performed predominantly by female family members for no remuneration (Mpetsheni, 2001; 60; Piper, 2005). Furthermore, as domestic work usually occurs in the private domain, it is rendered invisible

⁷⁸ Ong (1990) notes that, in rural Malay society, narratives exist which separates men’s work and women’s work due to discourse which constructs men and women as being “biologically suited” to different jobs wherein “men should perform tasks involving heavy expenditure of energy, like carrying loads, digging and construction work” whereas “women, being of smaller build, should engage in activities that require fewer bursts of strength and force” (Ong, 1990; 397).

⁷⁹ It is interesting to note that Ong (1990) observes that those with high levels of education are not actively sought for factory work as they are deemed “very difficult to control” (1990; 397).

(Mpetsheni, 2001; Piper, 2005). Therefore, it is pertinent that we shed light on how this sector is conceptualised and responded to by policy actors.

3.4.1 Gendered Hierarchies: Sacrifice, Victimisation and Heroism

In order to contextualise what drives the understandings that exist within Malaysia's governance system for domestic worker migration, first we need to explore the broader literature and discourse surrounding female migrants. Much of the literature on women migrants constructs them as vulnerable subjects who are in need of protection. The need to protect and save women stems from "the need to protect the nation" because nationhood, as Yuval-Davis (1997, 1998) argues, is usually constructed around specific ideas of masculinity and femininity and around womanhood and manhood, wherein women embody the 'nation' as they "reproduce biologically, culturally and symbolically national collectivities" (Yuval-Davis, 2002; 30). With regards to protection narratives, it is specifically, women's "penetrable bodies" (Hilsdon, 1995) that are viewed as a representation of the boundaries between groups and these boundaries are in need of constant protection from external security "threats" (Yuval-Davis, 1998)⁸⁰. In these constructions of nationalism, women and the nation are therefore required to "to be protected and saved" and men assume the role of protectors, defenders and saviours while women are required to uphold the nation's honour, which Alexander (2011; 373) notes gives women the title of "Mothers of the Nation". In many cultures, women have come to symbolise "the spirit of the collectivity" usually through the image of a mother (Yuval-Davis, 1998; 26, see also Anthias and Yuval-Davis, 1989; 1). For example, in Indonesia, the nation is depicted as *Ibu Pertiwi* (The Motherland) in nationalist discourse which Sunindyo (1998) notes serves to construct the nation as "a fragile, feminine being who needs to be rescued, protected and guarded from the cruelty of a foreign power"⁸¹ (1998; 4, see also Chin and Mohd Daud, 2018; 5). However, despite embodying the nation-state, women are still relegated to the periphery (Yuval-Davis, 1997) as the constructions which deem them "mothers of the nation" also restricts "women and womanhood" to "the private, domestic sphere" while preserving "the public, political arena [as a space] to accommodate men" (Alexander, 2011; 373).

In relation to the narratives surrounding the experiences of migrant women, a lot of literature and discourse centres upon themes of sacrifice, victimisation and heroism which runs in contrast to

⁸⁰ In particular, Yuval-Davis notes that those who are concerned about the security of the collective are concerned about the "purity" of the nation and perceive the "sexual relationships of different collectivities" and intermarriage as threats to the nation (Yuval-Davis, 1998; 27; Anthias and Yuval-Davis 1989; 1-2).

⁸¹ Sunindyo (1998; 4) notes that the depictions of the motherland is best represented in a popular song during Indonesia's struggle for independence which told of the how the "motherland" was suffering under colonial rule.

the discourse in relation male migrants which often depicts men “as oppressors, fanatics, or criminals” (Griffiths, 2015; 469). Male migrants are often presented as “instigators of social unrest” (Wojnicka and Pustułka, 2017; 90) and these narratives centre upon themes of criminality, economic and security threats, illegality, violence, and hypersexuality (Bhattacharyya, 2008; Castles and Miller, 2009; Chantler et al., 2013, Scuzzarello, 2015; Griffiths, 2015; Anderson, 2017)⁸².

In policy-making discourse, Schwenken (2008) argues that migrant women are portrayed as either “sacrificing heroines” or as “beautiful victims”, and that each of these perceptions shapes responses to female migration. Schwenken (2008) explains that the dominant image of a female migrant as a “beautiful” helpless victim is largely based on the narrative that they are being trafficked into sex work by a male criminal trafficker (2008; 773)⁸³. However, the trafficking victim narrative also appears in the discourse surrounding female domestic workers in which “consistent themes of coercion and violence are present, along with clear parallels to the sex slave’s narrative” (O’Brien, 2018, no page number)⁸⁴. The MDW as a victim discourse was bolstered in 2000 by domestic work being listed in the UN Trafficking Protocol as a job that is vulnerable to trafficking (Kontos and Bonifacio, 2015; 1) which added to the conceptualisations of domestic work as “forced labour” and “slavery” (Kontos and Bonifacio, 2015, see also Anderson, 2000; HRW, 2008; Ford et al., 2012)⁸⁵. With regards to how MDWs view themselves, in Chin’s (1998) analysis of Filipina and Indonesian workers in Malaysia, she found that narratives of slavery dominated how MDWs viewed their treatment by their employers (1998, 149-150). Elias (2013) notes that, in relation to domestic worker out-migration in Indonesia, “an anti-trafficking ‘rescue’ narrative” has been constructed whereby women “are continually warned of the dangers of making the journey overseas in terms of the risk of being trafficked into sex-work” (Elias, 2013, 403 referencing Killias, 2010). It is vital to underline that the discourse of domestic workers as “domestic slaves” and trafficking victims rarely centres upon men (O’Brien, 2018). In fact, while the victimisation of female migrants in general is emphasised, the narrative of male migrants as victims is silenced. Narratives of victimisation will be explored in this study.

⁸² See Chapter 2 for a brief discussion on the role of media discourse in perpetuating these narratives.

⁸³ Schwenken (2008) argues that policy-makers who perceive female migrants as helpless victims support various forms of protection mechanisms and actions such as anti-trafficking measures (2008, 771-772; see also Piper, 2003; Oishi, 2005).

⁸⁴ O’Brien (2018) also adds that there has been a blurring of lines between work and trafficking for certain sectors and uses the example of the United States where sex workers are collectively labelled as “victims of sex trafficking” due to legislation that effectively defines sex work as sex trafficking (O’Brien, 2018; no page number; Brennan, 2008; 46).

⁸⁵ Anderson’s research (2000) explored the connections between domestic work and “slavery” by examining the extent to which MDWs are selling their “whole personhood”.

This narrative of female migrant as a victim runs in contrast, but sometimes concurrently, to the image of a female migrant as a “sacrificing heroine” who sends remittances back to her family. Killias (2014) notes that female labour migration from Indonesia “is celebrated as a mother’s sacrifice for her children in Indonesia, and migrant women are repeatedly reminded of their responsibility in the economic development of their families and, by extension, the nation” (2014; 890). Schwenken (2008) argues that this portrayal of a “sacrificing heroine” is premised on the assumption that women have a different attitude towards money compared to men so while women sending remittances is portrayed “as a natural extension of motherhood”, male migrants, on the other hand, are depicted as using their earnings to “invest in business or... to display their social status” (Schwenken, 2008; 773). Religion and culture play a key role in these labour migration narratives as the importance of remittances for the family and for the country are often represented by state actors and by actors in the migration industry in terms of female migrants’ “piousness” (Chan, 2014; Constable, 2014).

Chan (2014) conducted an analysis⁸⁶ of the discourse surrounding female labour out-migration in Indonesia and found similar depictions of female migrants as economic heroes or exploited victims (2014; 6950) which she argues is underpinned by “gendered moral assumptions” as “various Indonesian institutions and actors, in their selective representations of migrant heroes or victims, often evoke similar [gendered] moral assumptions of what makes a ‘good’ or ‘bad’ Indonesian woman and worker” (2014; 6950-6951). Chan (2014) deems that there exists a “gendered moral hierarchy” in these narratives which imply that some migrant women “are heroes who deserve media attention”, others “are unfairly abused and deserve state protection” with some deemed as “partly deserv[ing] their tragic fate” (2014; 6951). Chan (2014) argues that these narratives seek to differentiate the “between the ‘guilty’ and ‘innocent’ victim” and serve to underline migrant women’s “individual moral responsibility and blame” while downplaying the state’s accountability (2014; 6951). In her analysis of statements made by Indonesian officials, Chan (2014) notes that the then-chief of BNP2TKI⁸⁷ gave soon-to-be MDWs “pep talks” which emphasised “proper female moral discipline”, for example through warning women not to be seduced by “flirtatious employers” (2014; 6956). In these speeches, Chan notes that MDWs’ vulnerability to physical and sexual abuse were largely depicted as relating to “female promiscuity and moral weakness”, for example through MDWs allowing themselves to be “tempted” by their employers, as opposed to being constructed as an abuse of power by employers (2014; 6956-6957). Chin’s (1998) analysis of the discourse surrounding MDWs in Malaysia found that female

⁸⁶ Chan (2014) analysed i) official statements by Indonesian government actors and institutions, ii) media discourse, and iii) content on websites run by migrants’ activists.

⁸⁷ Indonesia’s National Agency for the Placement and Protection of Overseas Labour.

employers depicted MDWs as a potential threat as they fear that they “might engage in sexual relations with female employers’ husbands” (1998; 145). This study explores whether actors’ depict MDWs in similar ways.

Lai (2011) similarly found narratives of sacrifice and victimisation in her analysis of the discourses contained in MDWs’ campaigns in Hong Kong wherein she argues MDWs are consistently framed “as victims of exploitative and discriminatory policies and practices across nation-states” (2011; 574). She found that the notion of “feminine sacrifice” played a central role in activists’ mobilisation discourse, wherein MDWs are depicted “as forced labour migrants sacrificing themselves in leaving [their] home(land) to save the beloved family from poverty and economic difficulties” (2011; 575). Tyldum (2015) found similar references to “sacrificing heroines” in an analysis of narratives surrounding female out-migration in Western Ukraine⁸⁸. However, Tyldum (2015) observed that, while migrant women often portray themselves as “heroines” who are “willing to sacrifice [their] own well-being for the good of [their] family”, in some public discourse, a migrant women “is pitied for the sacrifices she is forced to make” (Tyldum, 2015; 63). However, Tyldum (2015) also argues that migrant mothers strategically frame their move overseas “as an act of sacrifice” in order to counter the extensive criticism in Ukraine’s media and public discourse of mothers who migrate without their children in order to “enjoy the good life abroad” (2015; 58).

Both Tyldum (2015) and Lai (2011) argue that these narratives and representations of sacrifice, along with the literature that reproduces these depictions, are actually problematic as Tyldum (2015) highlights they serve to shift the emphasis away from migrant women’s agency and their own motivations to move overseas and instead produce discourses which focus on the impacts of their absence. Lai (2011) argues that these narratives overlook the fact that some women chose to move overseas for work in order to “escape oppressive and confining family circumstances” at home and that these discourses of “sacrifice” can serve to weaker women’s choice of breaking free from these sacrifices (Lai, 2011; 575).

From a receiving country’s perspective, Chin (1998) notes that presence of female MDWs was to be read as evidence that development “had benefitted” Malaysians (1998; 14; 89). Chin (1998) argues that MDWs in Malaysia serve as both “substitute homemakers” for the Malaysian mothers who were increasingly participating in the country’s job market, and as “boundary markers” or “symbols that construct and maintain [the] social status” of the expanding Malaysian middle classes (1998; 3, 89, 166). However, MDWs continue to be dehumanised in Malaysia due to a combination of factors including the policy and legal framework which excludes MDWs from

⁸⁸ Tyldum (2015) conducted interviews with male and female return migrants, non-migrants and key informants.

legal protections and the discourse surrounding the domestic work sector, and those employed in it (Chin, 1998; 15) which results in the wider Malaysian public and MDWs' employers being largely unconcerned by the plight of MDWs (Chin, 1998; 166).

Chin and Mohd Daud (2018) argue that, in Southeast Asia, states have deployed a range of strategies to control women and “to rein in potential gender unruliness” which includes “codifying female submission and silence as desirable qualities through national propaganda and policies” and that this has “been reinforced by cultural discourse of honour and shame” (2018; 5). These strategies of control apply to both local women and migrant women as Chin (1998) notes that, in Malaysia, the Islamic movement in the 1970s and Islamisation program in the 1980s provided “legitimate avenues” for men to reassert their control over Malay women who had started to gain social and economic independence (1998; 171). These programs depicted an “ideal woman” as a “Muslim wife and mother” which was a sharp contrast to “the image of the sexually ‘loose’ female factory workers” (Chin, 1998; 171-172, see also Ong, 1990).

The narrative of a “good woman” appears in much of the discourse surrounding female migration across Southeast Asia. In the Philippines, Briones (2009) and Parreñas (2008) note that, the ideal Filipina in cultural ideology is a “good women” who is a “dutiful daughter” and/or a “suffering” mother, wife, sister or aunt who makes sacrifices to support their families (see also Medina, 1991) and that these ideologies encourage women’s migration. For example, female MDWs from Bangladesh in Bélanger and Rahman’s (2013) study stated that they “would try to uphold their image as a good woman in society” while working overseas (2013; 362). These portrayals of women’s sacrifice and of sending remittances as “a natural extension of motherhood” (Schwenken, 2008) are particularly relevant when it comes to Indonesian labour migration. Blackwood (2005) notes that under Indonesian President Suharto, who was in power from 1967-1998, “motherhood and wifedom” were hailed “as women’s primary roles and duties” and that statements made by the government would actively promote the role of women as mothers (2005; 869). Blackwood (2005) notes that the emphasis on the national duty for women in Indonesia to nurture and care for others was symbolised in the telling of the story of “Mother Kartini”⁸⁹ who was depicted as the image an “ideal woman”, that of a subservient wife and dedicated mother, under the Suharto regime (Wieringa, 2002; 70-72; cited in Mahy, 2012; Blackwood, 2005).

⁸⁹ Raden Ajeng Kartini whom the story is based upon, was a young Javanese intellectual who was born in the 1800s and died during childbirth in 1904. Her letters, published in the early 1900s, lamented the restricted opportunities for Indonesian women and revealed her unhappiness at the prospect of marriage and becoming a mother. However, under Suharto’s regime, her story was re-shaped to portray a self-sacrificing and nurturing image (Tiwon, 1996; 65; Blackwood, 2005) with the celebration of “Kartini Day” becoming an expression for the state’s gender ideology (Mahy, 2012).

These “good woman” narratives run in contrast to the diverse representations of immoral women across Asia, what Mills (2017) deems as “gendered morality tales” which are entrenched in local phenomena and include stories of “failed motherhood” or “popular stereotypes of greedy women or seductive femmes fatales” (Mills, 2017; 317). For example, in Chin’s (1998) analysis of employers’ narratives surrounding MDWs in Malaysia, she encountered discourse of “good women” versus “bad women” in which MDWs were constructed as “untrustworthy”, “backward”, “dirty” and “inherently lazy and/or demanding” compared with female employers who were depicted as “modern, clean, trustworthy, and hardworking” (1998; 142, 147). Chin (1998) also noted that, in the discourse surrounding MDWs, many Malaysian employers’ share stories of MDWs’ sexual exploits (“sexploits”) among their social networks in which a key moral is that you cannot trust MDWs, even if they appear to be good workers (1998; 144)⁹⁰. In examining how actors understand female labour migration, and how they develop policy narratives based on their understandings, this thesis sheds light on the gendered assumptions and narratives that exist within Malaysia’s governance system for labour migration.

3.5 Conclusion

Scholars have exposed the ways in which the state and governance are gendered and produce gender-biased norms, processes, discourses and policies. However, less is known about how migration governance is gendered and the effects of this. This study develops an innovative actor-centred approach to look “inside” Malaysia’s governance system for labour migration to examine how female domestic worker migration is framed, categorised and responded to.

How policy-relevant actors conceptualise domestic worker migration warrants deeper examination as, from reviewing Malaysia’s labour migration policies and practices, it is evident that female MDWs are subject to specific discriminatory policies of control, which are far more restrictive than policies for other sectors of “low-skilled” labour migrants. Furthermore, MDWs remain largely excluded from the legal provisions that protect other workers, and other migrant workers (ILO, 2016a). However, we lack insight into what is driving these policies and practices. This thesis seeks to close this knowledge gap by investigating how actors’ understand the causes and dynamics of labour migration, comparing how actors frame male and female migration, and exploring whether explicit and implicit knowledge and ideas about gender and labour affects how domestic worker migration is understood and acted upon.

⁹⁰ In Chin’s (1998) study, the alleged sexual misconduct of MDWs was cited as a key justification for restricting female workers’ movements and interactions (1998; 145).

The literature on female labour migration and on MDWs centres upon the themes of vulnerability, abuse, inferiority, victimisation and heroism, and less so on the agency of female migrants. However, as policy-relevant actors' perspectives have been overlooked in research on migration governance, we do not know which actors, if any, within Malaysia's governance system subscribe to the rather limited perceptions of female migrant workers as either "sacrificing heroines" or as "victims". We do not know if governance processes are underpinned by understandings of MDWs as in "need of rescue" or whether these workers are conceptualised as economic agents. This study seeks to contribute to the governance literature by shedding light on how actors, who make, or seek to shape, policy, frame migration dynamics, exploring what 'knowledge' these actors draw on, and what this may tell us about understandings of gender. The next chapter outlines this study's methods for data collection and data analysis.

Chapter 4: Methodology

4.1 Introduction

The majority of the literature on migration governance centres upon the outputs of governance so my objective was to understand more about the drivers of governance. This chapter details the methods used to allow me to understand more about who the actors are within the governance system and to explore their understandings and actions. This chapter specifies the project's ontological, epistemological, and methodological standpoints and relates these to the theoretical framework and to the methods for data collection and processes of analysis. Due to the nature of the central question of the research (*to what extent, and in what ways, is governance constituted as a gendered process in the area of domestic worker migration?*), I encountered many dilemmas when trying to define the scope of this study and the difficulty of analysing a governance system that is multi-level and multi-actor. The complexity of analysing migration governance, and the intricacy of analysing a gendered system, resulted in the adoption of a qualitative single case study approach with a multi-method data collection procedure.

This chapter sets out to detail the selected methods for this study, to explain how the data was analysed and to reflect on the fieldwork process. Section 4.2 outlines my ontological and epistemological standpoints in relation to this study. Section 4.3 explains the justification behind selecting a case study research strategy and how this fits with the overall aims of the study. Section 4.4 contains the study's research questions and sub-questions. The selected research methods are detailed in Section 4.5 and the processes of analysing the data are discussed in Section 4.6.

4.2 Ontological and Epistemological Concerns

This thesis seeks to look “inside” the governance system and shed light on how actors make sense of the challenges they face. This thesis examines how governance systems, through their actions, shape or affect migration, as opposed to examining how migration affects governance. This research adopts an interpretivist perspective in order to analyse how policy actors frame domestic worker migration and to explore how, why, and with what effects, ideas about gender permeate actors' understandings and actions. In order to explain what this means for the study's methodological approach, I will briefly explain the ontological and epistemological assumptions which shaped the study's design. Ontology refers to the way we think reality is constructed, whereas epistemology describes the means available to gather knowledge about that reality. The ontological position adopted in this thesis is one of critical realism, as it is premised on the belief that “an external reality exists independent of our beliefs and understandings” but that “reality is

only knowable through the human mind and through socially constructed meanings” (Snape and Spencer, 2006; 16, see also Bhaskar, 1975, 1998).

This research adopts an interpretivist epistemological stance as it acknowledges that “the researcher and the social world impact on each other” which departs from the fundamental assumptions of positivism that “the world is independent of, and unaffected by, the researcher” (Snape and Spencer, 2003; 16-17). Interpretivism is based on the assumption that “facts and values are not distinct” and that it is impossible to conduct objective research as “a researcher’s perspective and values” will “inevitably” shape the study and its findings, even if the research strives for neutrality (Snape and Spencer, 2003; 17). Yanow (2006) notes that “interpretive methods are based on the presupposition that we live in a social world characterised by the possibilities of multiple interpretations” (2006; 9) and different realities which stem from individuals’ lived experiences and their interactions (2006; 13). As Goldkuhl (2012) explains:

The core idea of interpretivism is to work with these subjective meanings already there in the social world; that is to acknowledge their existence, to reconstruct them, to understand them, to avoid distorting them, [and] to use them as building blocks in theorising” (Goldkuhl, 2012; 138).

When developing a framework to analyse the understandings that underpin migration governance processes and how implicit and explicit ideas about gender permeate these processes, the core puzzle I faced was how to examine things that are not directly stated and are not immediately visible. In order to do this, I needed to explore how policy-relevant actors understand the world (their interpretations, perceptions, meanings) and what shapes their understandings. This research considers the actors’ accounts of their social world to be essential and seeks to understand participants’ lived experiences from their point of view, and to try to uncover the meanings that they give their actions and how their ideas, understandings and behaviours then interact to produce outcomes (Berger, 2003; 390). My role “is to make sense of (or interpret) the meanings others have about the world” (Creswell, 2014; 25). In other words, my role is to interpret the research participants’ interpretations⁹¹. This study explores things that are not clearly specified or observable, such as hidden meanings, and is interested the “mobilisation of bias”, what is organised ‘in’ to the political process, and what is organised ‘out’ (Schattschneider, 1960).

4.3 Case Study Selection

When developing the study, I necessarily had to deal with categorising, and specifying, the exact type of research project. An analysis of the extent and ways in which governance is constituted

⁹¹ This is in contrast to a positivist position which believes that the only genuine knowledge we can have of the world is based on those “facts” that are observable via the human senses (Dunne, Kurki and Smith, 2016; 22).

as a gendered process in the area of domestic worker migration, did not seem to fit neatly into any methodological box. This is largely due to the multi-level nature of the study, which encompasses different levels of governance and different types of actors (public and private), and the complexity of analysing the ways in which a system is gendered.

Whereas most research on migration governance has analysed governance system ‘outputs’, such as laws and policies, this research looks ‘inside’ the governance process to analyse organisational understandings. This research includes the perspectives of multiple public and private actors (including government officials, non-governmental organisations, trade unions, academics and think tanks) working across the local, national, regional and international levels. This research investigates i) how the migration governance system is constituted (who are the actors and how do they interact with one another); ii) how policy actors within this network develop their understandings of the causes and consequences of the migration of domestic workers; iii) how they then develop policy narratives based on these understandings; and iv) the ways in which the governance system for domestic workers is gendered. The case study research method was selected as a feasible strategy because, as noted by Yin (2009), this method is appropriate to answer explanatory questions such as “*how* does knowledge and ideas about gender permeate policy actors’ understandings about migration”. Yin (1984) defines the case study research strategy as “an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used” (Yin, 1984; 23).

The study had originally been conceptualised as an exploration of the governance of domestic worker migration across a range of countries in Southeast Asia. However, this was deemed unfeasible as incorporating key actors’ perspectives across multiple countries would result in an extremely large overall sample and would not be possible in the allocated time. Instead, as the centrality of the state in the governance of migration is particularly evident in Southeast Asia (Piper, Rother and Rüländ, 2018), this research opted to conduct a single case study in one of the region’s major labour-importing countries, Malaysia, which receives the highest number of migrant workers in the region (ILO, 2018). Furthermore, as Malaysia has a complex immigration landscape rife with notable policy shifts, and has been condemned by international organisations’ over its treatment of MDWs for over a decade (e.g. HRW, 2004), it seemed relevant to investigate the perceptions of actors within its migration governance system. This study is exploratory and is pertinent for theory building, not theory testing and by focusing on a single case, I am able to investigate the research subject thoroughly.

The central phenomenon under examination is domestic worker migration, due to it being one of the largest and most feminised movements in the region, and one that remains contentious due to

the ongoing concerns related to workers' exploitation during the migration and employment processes (Castles and Miller, 2009; ADBI and OECD, 2013; Nesadurai, 2013; Elias and Louth, 2016). However, I did not want to only focus on domestic work in the questions that I asked. I wanted my data collection methods to incorporate actors' understandings, ideas and experiences of broader migratory phenomenon in order to better contextualise specifically how female labour migration and domestic worker migration was understood and responded to (see Section 4.5.3.1). This study sought to compare how male and female migration were framed and acted upon by policy actors. I deemed it important to explore whether actors conceptualise domestic worker migration as distinct and different to other categories of labour migration, and, if so, how these understandings shape the policy- and decision-making processes. On an empirical level, this research improves our knowledge of how migration policy-making processes work in a Southeast Asian context which is important as regional migration governance has received scant attention outside of Europe.

A distinctive advantage of case studies is that they involve capturing multiple perspectives by using various data collection methods, or by applying a single method to collect multiple accounts of the same phenomenon from people with different viewpoints (Lewis, 2003; 52)⁹². This research study uses multiple data collection methods (document analysis, semi-structured interviews and structured questionnaires) on multiple research participants from different organisations, operating at different levels in the governance system, and who have different perspectives and backgrounds. While the multi-level and multi-actor nature of governance inherently makes this case study complex in nature, the integration of the different perspectives of different actors working across these different levels increases the capacity for the case study to build up a detailed in-depth understanding of the nature of labour migration governance in Malaysia, and the understandings that underpin in.

I am not assuming that my findings of gendered migration governance processes in Malaysia are generalisable⁹³ to all other labour-receiving countries in Southeast Asia. However, I argue that, as migration governance in Southeast Asia involves multiple actors working across various levels

⁹² Many researchers have criticised case study research due to the alleged lack of objectivity and reliability (Abercrombie et al., 1984; 34). The criticism that case study research lacks objectivity refers to the assumption that relying on informants potentially produces biased results (Yin, 2003; 19) so this study triangulates research methods and data sources to avoid the risk of too much bias and one-sided usage of information. In order to increase the probability that this project can be repeated in a different setting, and by a different researcher, this research is split into different stages, which I endeavour to document accurately in order to increase the study's reliability (Yin, 2003; 34-38).

⁹³ Scholars have criticised case studies' lack of generalisability (Abercrombie et al., 1984; 34) which Yin (2012; 18) asserts stems from scholars' fixation on statistical generalisations and the incorrect assumption that generalising "from samples to universes" is the only way of generalising findings from social science research. Yin (2009; 38-39) notes that case studies also offer the possibility of "analytic generalisations".

(albeit with the nation-state as the central actor), by studying Malaysia, we are still able to gain an understanding of governance processes beyond the country which might offer insights into the wider region and could identify future avenues for research. The research questions are listed below.

4.4 Research Questions

<p>Main Question: To what extent, and in what ways, is governance constituted as a gendered process in the area of domestic worker migration?</p> <p>Sub-Questions:</p> <p>(R1) How is the governance system for domestic worker migration constituted?</p> <p>(R2) How do key policy actors understand the causes and consequences of the migration of domestic workers in Malaysia?</p> <p>(R3) How do policy actors frame, and make sense of, the migration of domestic workers?</p> <p>(R3a) How do different perceptions of gender influence an actor’s understanding of the migration of domestic workers?</p> <p>(R3b) How do different actors’ perceive the role migrant domestic workers play in Malaysian society?</p> <p>(R3c) What, if any, influence does a migrant’s country of origin have on attitudes towards them by decision-makers?</p> <p>(R4) How do actors develop ‘policy narratives’ of migrant domestic workers based on these understandings?</p> <p>(R4a) What do these narratives tell us about understandings of gender?</p> <p>(R5) In what ways do these actors interact and related to one another and with what gendered effects?</p> <p>(R5a) What formal and informal strategies of engagement do these actors pursue?</p> <p>(R5b) Do actors primarily engage with national, regional or international actors on gendered migration issues?</p>

Table 1: Research Questions

4.5 Methods

4.5.1 Multi-Method Approach

This study adopts a multi-method research approach as it seeks to gain in-depth knowledge and understanding of actors’ perceptions and subsequent actions, in addition to identifying and mapping out the relationships between actors and their relative position within governance networks. This research combines analysis of primary and secondary documents with semi-structured interviews and structured questionnaires.

In developing this research study, I decided that adopting a solely quantitative approach via large-scale questionnaires would have been insufficient to capture actors’ understandings as it would offer a mere description of actors’ experiences, attitudes and beliefs in relation to domestic worker

migration, as opposed to an exploration of ‘how’ and ‘why’ these understandings have developed (Mason, 2002). Similarly, while the nature of the governance network and actors’ interactions may have come up in interviews and during document analysis, this would have been an insufficient method to capture an accurate depiction of the network, or the array of links and frequency of interactions between actors. Instead, this research is an example of where a multi-method approach has been adopted to explore the same phenomenon (the governance of domestic worker migration in Malaysia) but from different angles. The research methods and data sources are triangulated in order to check the reliability of the inferences drawn from the data, and to avoid the risk of only uncovering one aspect of social reality or of producing biased conclusions (Ritchie, 2003; 43; Silverman, 2005). Table 2 shows the research methods used to answer specific questions.

Research Question	Methods
Main Question: To what extent, and in what ways, is governance constituted as a gendered process in the area of domestic worker migration?	Document Analysis Semi-structured interviews Structured Questionnaires
Sub-Question 1: How is the governance system for domestic worker migration constituted?	Document Analysis Semi-structured interviews Structured Questionnaires
Sub-Question 2: How do key policy actors understand the causes and consequences of the migration of domestic workers in Malaysia?	Document Analysis Semi-structured interviews
Sub-Question 3: How do policy actors frame, and make sense of, the migration of domestic workers?	Document Analysis Semi-structured interviews
Sub-Question 4: How do actors develop ‘policy narratives’ of migrant domestic workers based on these understandings?	Document Analysis Semi-structured interviews
Sub-Question 5: In what ways do these actors interact with one another and with what gendered effects?	Document Analysis Semi-structured interviews Structured Questionnaires

Table 2: Research Questions and Methods

4.5.2 Document Analysis

The first stage of this study involved conducting a detailed analysis of primary and secondary documents related to the governance of labour migration broadly, and domestic worker migration specifically, on the national (Malaysia), regional (Southeast Asia), and international levels. In order to contextualise the key debates surrounding labour migration and domestic work, I initially searched electronic databases using keywords, such as authors’ names, and broad phrases, such as “*labour migration governance in Southeast Asia*”, “*the role of the migration industry in managing migration*”, “*domestic work in Malaysia*” and “*the feminisation of migration in Asia*”

and this identified relevant peer-reviewed articles and books. After the initial literature review, a “snowball” method was employed by searching for academic journal articles, books and reports cited in some of the literature from the initial keyword search.

Next, the search was widened to include broader internet searches for policy papers and reports published by international and regional organisations. These reports covered a wide range of themes, many of which were interrelated. These included i) labour migration in Southeast Asia (flows and patterns) ii) governance of labour migration in Southeast Asia (laws, policies, practices) iii) regional commitments to human rights (checking what international conventions had been ratified by the region’s key labour sending and receiving countries) iv) the depiction of labour migration in the media v) public attitudes towards migrant workers, and vi) issues surrounding domestic worker migration, among other themes. This stage involved reviewing reports by the IOM, the ILO, The World Bank, ASEAN, Human Rights Watch (HRW), the Asian Development Bank Institute (ADBI), Amnesty International, the International Trade Union Congress (ITUC), the Organisation for Economic Co-operation and Development (OECD) and the UN Department of Economic and Social Affairs (UNDESA).

This study also examined documents relating to the region’s commitments to the welfare of MDWs such as reports by UN Women, and documents relating to the UN Human Rights procedures e.g. the reports of the Special Rapporteur on the Human Rights of Migrants, the reports of the Special Rapporteur on trafficking in persons, especially women and children, and the concluding observations and statements by the Committee on the Protection of the Rights of all Migrant Workers. In addition, this research drew on the proceedings and outcomes of several conferences, seminars and workshops on international labour migration and on protecting migrant workers’ rights, these include smaller national-level workshops and workshops from the Global Forum on Migration and Development (GFMD).

This research also analysed Malaysia’s written migration laws and policies (alongside the documented practices which affect migrants), in addition to the laws and policies of key sending countries (e.g. the Philippines and Indonesia), and the bilateral agreements and Memoranda of Understandings (MoUs) in place between Malaysia and labour sending countries. Where possible, I would try to source a translated version of the wording contained in the original bilateral agreements or MoUs however, where this was not available I looked at another organisation’s summary of the agreement, for example either a national NGO, like Tenaganita in Malaysia, or an international organisation like the ILO. Certain organisations like the ILO had conducted their own review of Malaysia’s labour migration policies which helped to chart the recent changes that had taken place and helped to inform my own understanding (see ILO, 2016a). Other organisations, such as HRW, had conducted extensive analysis of the abuses against domestic

workers worldwide, and in Malaysia specifically, and have underlined where national laws and policies have failed to protect MDWs.

I also searched for available online (international and national) media coverage of labour immigration generally in Malaysia and domestic worker migration specifically, and press releases (by state and non-state actors), for example, those issued by Malaysian government departments⁹⁴ such as the Ministry of Home Affairs, and those issued by civil society actors, such as national NGOs, such as Tenaganita or North-South Initiative, and international organisations, such as by HRW, IOM and the ILO. The analysis of primary sources helped to unearth different aspects of social reality because, unlike in individual interviews, primary sources are often produced by those involved in the policy-making process during, or immediately after, an event.

Document analysis helped to trace the policy-making process and identify key junctures and policy shifts, which I could then incorporate into my interview questions to further explore during fieldwork. This stage also helped to identify international and regional actors that I would follow up with for the interview stage. Document analysis started prior to data gathering in the field (interviews and questionnaires) and continued after fieldwork as the themes and issues identified during the interviews then had to be checked against the literature.

4.5.3 Semi-Structured Interviews

As this study adopts an actor-centred perspective to look inside Malaysia's migration governance system in order to shed light on the understandings that underpin governance, interviews with policy-relevant actors constituted the central data collection method. These interviews sought to shed light on actors' knowledge, views, interpretations, interactions, experiences and understandings of migration dynamics and on the policy- and decision-making processes (Mason, 2002; 63).

The interviews were semi-structured and the participants were asked the same key core questions in the same manner each time, which allowed for the systematic comparison of responses. These interviews allowed for an investigation of actors' understandings, what drives these, and an exploration of specific policy trajectories, where I could steer the conversation towards certain themes and topics and probe certain issues (Schutt, 2006). As the initial document analysis stage highlighted the importance of the significant migration policy reversals had taken place in Malaysia (see Chapter 2), the interviews were an opportunity for policy-relevant actors to reflect

⁹⁴ I was often unable to find the original press releases issued by Malaysian government departments so accessing media reports was key as often the news outlet would have received the original government press release and would quote it and/or would get a comment from key government ministers on a policy change.

on these changes, to discuss what was happening in the run up to a policy shift, and to discuss what impact, if any, policy interventions have had. For example, I was keen to understand how actors depicted undocumented workers in Malaysia and if actors spoke of the range of securitisation measures that Malaysia has implemented to supposedly combat irregular migration.

While the overall aim of these interviews was to explore how labour migration broadly, and domestic worker migration specifically, is understood, and how policy narratives, actions and inactions, are developed based on these understandings, the interviews had to be adapted slightly depending on the participant. For example, during interviews with government actors, in addition to exploring how they understand migration dynamics, I was keen to investigate how migration policy decisions had come about, as these actors were understood to be either the primary decision-maker, or to work closely with the central decision-makers. On the other hand, when I interviewed trade unions, or employers' organisations, in addition to uncovering their understandings of the causes and effects of labour migration (and in particular how they characterise the role of migrant workers in Malaysian society), the interviews were also an opportunity to explore how these actors view the country's employment and migration policies and to ascertain whether their organisational stances, and understandings of migration dynamics are sufficiently reflected in existing policy outputs. As it became evident during fieldwork that trade unions and employers' organisations have the opportunity to engage with some government actors on consultations on labour migration (more so than NGOs or faith-based organisations can), these interviews also provided an alternative perspective on what happens during these meetings and to shed some light on why policy reversals may have occurred.

As this research centres upon controversial subject matter (labour migration broadly and domestic worker migration specifically) and includes state and non-state actors working across various levels of governance, it was essential that I extensively prepared for each interview. I had to research the stances, and actions of either the individual participant, or that of their institution or organisation, prior to beginning the conversation so as to avoid wasting time and to obtain "as complete, honest and nuanced a story as possible from the respondent" (Hochschild, 2009, no page number). Given Malaysia's policy shifts, in order to trace the policy-making process and identify key junctures, I had to ensure that I was aware of each participants' organisational stances (if any) relating to key policy shifts that have taken place. This was especially important for interviewees who had limited time to meet (such as Malaysian government actors and embassy representatives) so I had to ensure that I could adopt the interview guide and ask the most pressing and relevant questions under the time restraints.

When interviewing elite policy actors, those who make, or seek to shape policy and practice, I was aware that many of the actors, especially government officials and representatives from

employers' organisations and trade unions, may be trained in giving interviews and may be adept at deciding what exactly they want to reveal in the interview, and what they do not. In this regard, in order to keep the participant from telling partial or "imagined narratives" during the interview, where possible I made certain that significant research was done on each individual and organisation prior to the interviews which ensured that I was able to refer to previous incidents, and concrete examples. This preparation allowed me "to probe deeply into the respondent's perhaps idiosyncratic or non-rational stances, and [gave] the respondent more material to effectively develop his or her own explanation of past behaviour" (Hochschild, 2009, no page number). This tactic also reduced incidences when participants simply repeated their organisation's official stance on an issue, as by being able to make a specific reference to the organisation's, or the individual's past behaviour, interviewees often had to clarify their actions. However, this level of extensive preparation on each individual participant was not always possible as, on some occasions, the person who ended up attending the interview was not always the person whom I had originally approached, albeit they were from the same department or organisation that I had been prepared to interview. In such instances when a different interviewee attended, I ensured that at the beginning of the interview, the actor had time to explain their role in their organisation and how their role and work relates to labour migration. The interviews ranged between 30 minutes and 2 hours, depending on the amount of available time that the participant had and the amount of insights that the actor wished to share. In general I found that the interviews with NGOs, trade unions and embassies lasted the longest.

During, and following, the fieldwork period, transcripts were made of the individual interviews. Mason (2002) states that we cannot assume that a transcript will provide an "objective record" of an interview as it often overlooks non-verbal aspects of the interaction, and because the transcriber will have made decisions about which statements should be turned into text, and how this should be done (2002; 77). However, to improve the accuracy of the transcribing and coding process, I kept detailed notes during, and after, the interview of my observations, interpretations and experiences. These notes were linked to each transcript to aid in the data analysis process. Additionally, I transcribed each of the interviews promptly following the completion of each interview. While transcribing was a time-consuming process, it assisted with data analysis, the identification of recurrent themes and narratives, and it also ensured that I was able to include additional comments (aided by my note-taking), such as, if a person looked visibly uncomfortable when probed on their organisation's stance on a certain policy, or when participants asked for sections of the interview not to be recorded in order for them to explain something off the record.

4.5.3.1 *Design of the Interview Guide*

The questions in the semi-structured interviews were broad and open-ended and were designed to ascertain how participants frame temporary labour migration in Malaysia broadly, and did not focus solely on female migration, the domestic work sector, or gender relations from the outset. This was an intentional decision as the literature had highlighted that ideas about gender play a role in migration policy creation as men and women are treated differently in policy outputs (e.g. Oishi, 2005; Schwenken, 2008) and that gender plays a central role in MDWs migratory experiences from their ability to migrate to their employment experience (O’Neil et al., 2016). Therefore, while I assumed that gender would be a relevant category to explore, I did not want to approach the interviews with a preconceived opinion about what interviewees should be talking about so I used open-ended questions to ensure that the interviewees had space to highlight issues that they deemed relevant in the discourse on migration.

I wanted to explore actors’ intuitive understandings about migration and the ways in which implicit ideas about gender permeate how actors make sense of migration. I was trying to understand actors’ intuitive reactions to migration dynamics, and to ascertain what actors thought of gender differences and whether they made specific reference to female migration when speaking about migration in the region. I adopted this approach because I was interested in analysing not only what actors say but also in the “silences” and exclusions in the discourse, i.e. in what actors did not say (Haug, 1999). Furthermore as labour migration broadly, and domestic worker migration specifically, is a contentious issue in Malaysia, I wanted to ensure that interviewees did not arrive with prepared ‘lines’ on the issue. I wanted to analyse how interviewees framed female migration generally, and domestic worker migration specifically, and explore whether explicit and implicit ‘knowledge’ about gender (Dölling, 2005) affects how migration is framed and responded to.

Broadly speaking, participants were asked: what shaped their understanding of labour migration (male and female); whether any specific events influenced their perceptions; what they see as the causes and consequences of migration (for Malaysia, for the sending countries), whether their perspectives have changed over the years, and; whether their understandings of labour migration are sufficiently reflected in policy outputs. Finally the participants were asked about which media/information sources they use to get information on international migration and which organisations/individuals they liaise with most frequently on migration issues⁹⁵.

⁹⁵ The Interview Guide is contained in Appendix 1.

4.5.3.2 *Sampling Strategy*

This study involved semi-structured individual interviews and structured questionnaires with a sample of 41 policy-relevant actors. These interviews and questionnaires were conducted over a four-month period in which 10 weeks were spent in the field in Malaysia, primarily in Kuala Lumpur. Following the initial document analysis, I employed purposive sampling to choose research participants with specific characteristics, for example those who are situated in particular organisations and institutions within the governance system and whose insights would enable an in-depth exploration of Malaysia's labour migration governance processes (Ritchie, Lewis and Elam, 2003; 78). Participants were selected "with a 'purpose' to represent a location or type in a key criterion" (Ritchie, Lewis and Elam, 2003; 79), for example, a government ministry tasked with regulating labour migration or an organisation which, from the document analysis stage, appeared to engage with the policy-making process such as through consultations with state actors. I conducted a preliminary media and document analysis to identify key actors to be included in the sample and identified a range of actors including governing officials, policy-makers, civil society organisations, employers' federations, private recruitment agencies. As it is important not to solely analyse how male actors conceptualise the issue of women migrants, I made a concerted effort to contact female actors, especially those in government positions, in order to try get a more balanced perspective on how migrant women are perceived by other women, as well as by male policy actors. However, as I had limited success in accessing government actors (see Section 4.7), I ended up with more male than female government actors.

During the fieldwork period, additional participants were sourced via "snowball sampling" (Bryman, 2001) from the initial interviewees as their connections were crucial in identifying other actors who are central to the governance system. These included specific individuals, organisations and institutions who do not display dominant public profiles and, as such, could not be captured by the original document analysis (Tansey, 2007; 770). This strategy was particularly useful as I found that the majority of participants were willing to provide me with details of other potential interviewees whom I could contact regarding the study. For example, if I stated that I had been struggling to connect with a particular actor whom the interviewee had indicated that they had a good working relationship, many interviewees would offer to contact the actor directly for me. This method ensured that I was able to connect with key recruitment agencies, migrant workers' organisations, embassy officials, Members of Parliament, and trade unionists, who were not visible from the document analysis stage. In order to gain a different perspective to the policy shifts that have happened over the years in Malaysia, I also sought out the perspectives of key Malaysian journalists and academics working on issues around labour migration in Malaysia.

I interviewed 41 individuals over the course of 33 interviews. 6 of these interviews were group interviews. In my research findings I had to use generic descriptors to describe the actors who participated in this study e.g. “Government Official, Female, interviewed in March 2018”. This is because the field of actors working on labour migration on the national level is relatively small so even if I listed a participant’s job title, for example their title in an embassy, there is a high possibility of identifying who that person is, therefore violating their anonymity. The research sample is contained in Table 3 below:

Group	Category (Total)	Actors (Number, Type and Gender)
Group 1	Government Actors (3)	<ul style="list-style-type: none"> • 3 Malaysian Government Officials (1 Female, 2 Males)
Group 2	Representatives from the ‘Migration Industry’ (1)	<ul style="list-style-type: none"> • 1 Recruitment Agency (1 Male)
Group 3	Sending Countries’ Government Officials (4)	<ul style="list-style-type: none"> • 4 Embassy Officials (2 Females, 2 Males)
Group 4	Regional and international organisations (9)	<ul style="list-style-type: none"> • 5 International Organisations (5 Females) • 3 Regional Organisations (2 Females, 1 Male) • 1 Regional Intergovernmental Organisations (1 Male)
Group 5	Employers’ Organisations and Business Associations (3)	<ul style="list-style-type: none"> • 1 Business Leader (1 Male) • 1 Business Consultant (1 Female) • 1 Employer Organisation (1 Male)
Group 6	Civil Society Actors (13)	<ul style="list-style-type: none"> • 4 Trade Unionists (1 Female, 3 Males) • 4 Non-Governmental Organisations (3 Females, 1 Male) • 2 Faith-based Organisations (2 Females) • 2 Legal Experts (1 Female, 1 Male) • 1 Community Activist (1 Female)
Group 7	Other Stakeholders (8):	<ul style="list-style-type: none"> • 3 Think Tanks (1 Female, 2 Males) • 3 Academics (3 Females) • 2 Journalists (2 Males)

Table 3: Research Sample

4.5.3.3 Recruitment Procedures

The original intention had been to approach all participants in advance of starting fieldwork initially via an email which explained the research project and stated they were being approached to participate because of their role in their organisation/their organisation's role. The email contained an official letter attachment on headed paper in pdf format, which explained my background, the details of the study and the wider MIGPROSP project (found in Appendix 3). However, I had to adapt my recruitment procedures upon starting to conduct the fieldwork in

Malaysia as I discovered that the majority of communication in Malaysia is done via WhatsApp and that not many people use, or check their email. Recruitment via email worked for some organisations, mainly international and regional organisations, employers' organisations and some government officials. However, for some non-state actors including recruitment agencies, faith-based organisations, some NGOs, some trade unions and business associations, I had to use a different approach. These participants were approached via phone where I briefly introduced myself and the research project and asked if I could send the information to them via email and then most of the follow-up interactions were done primarily via WhatsApp.

4.5.3.4 Ethical Considerations

The original intention had been for each participant to be interviewed in a quiet setting, however, this was not always possible. This is because many of the interview locations were not always agreed upon beforehand. Due to many participants' time constraints, I had to be ready to interview at very short notice when they had an opening in their schedule. As a result, some interviews had to take place in noisy cafés and some public spaces. Before each interview, the objectives of the study were explained and each participant was given an information sheet to read and I obtained written consent before proceeding⁹⁶. Some of the participants agreed to participate in an interview but did not grant permission for the interview to be recorded. In these instances, I was permitted to take notes during and/or after the interview.

Due to geographical constraints, six interviews were not conducted face-to-face. Five actors were interviewed via Skype (three international organisations, one journalist and one regional intergovernmental organisation) and one Legal Expert was interviewed over the phone. Ahead of these Skype/phone interviews, I emailed participants the information sheet and consent form and asked them to return the signed consent form to me before starting the interview. Following completion of the interview, I emailed the questionnaire in an editable pdf and asked them to complete it and return it. All participants were informed that if they are unhappy with the data being published, that it would not be, and that they were free to withdraw from the study at any time.

A pseudonym was chosen for each of the participants beginning in the same letter as their real name so that they can be identified in the research notes. Where participants have names beginning with the same letter (or similar to another interviewee), an additional letter was selected to represent a surname to help identify them. All data, transcripts, field notes and questionnaires, were stored on an encrypted laptop. A high degree of confidentiality was ensured by removing

⁹⁶ The consent form is contained in Appendix 4.

any indication of the subjects' identities or organisations from the research records (including transcripts), apart from their pseudonyms. The next section discusses the use of structured questionnaires in this study.

4.5.4 Structure Questionnaires (Social Network Analysis)

When exploring how governance is constituted as a gendered process in the area of domestic worker migration, this research is not only interested in how individual actors and organisations conceptualise migration issues, but also in how actors interact and relate to one another, and the roles that they occupy in the governance network. This study used structured questionnaires: i) to analyse the constitution of the governance system, identifying who the actors are, ii) to map the 'lived experience' of the social networks within the system, analysing the ways in which organisations interact with one another (Emmel and Clark, 2009), and iii) to examine where actors are located in the governance network in relation to 'key' governance actors, i.e. those who yield more power and influence in the policy-making process. This is important to analyse for two reasons. Firstly, as this study looks *inside* the migration governance system to uncover the understandings that underpin policy- and decision-making processes, it is necessary to investigate which actors are primarily responsible for creating and implementing migration policies (investigated through document analysis and interviews), and which organisations are able to engage with these key actors on migration issues and with the policy-making process, and what engagement strategies they use. Secondly, I wanted to understand what types of actors are connecting, and working together, on migration issues. This is pertinent as interactions between actors can shape their perceptions of an issue. It is through these connections that actors can develop shared understandings of migration issues. I was also particularly interested in which types of organisations have the highest number of interactions with other actors within the governance system.

Networks combine structure (who does what), process (how it operates), and outcomes (what is produced). Social network analysis focuses on the causes and consequences of the links between actors in a network and was used in this study to identify key actors ('nodes') and the relations between them ('edges'). Identifying the interactions between key actors is important as Geddes and Taylor (2016) note "the beliefs and actions of individuals within these networks are not independent; rather they are located within the social and political contexts of network relations" (2016; 590). In this study, social network analysis provides a visual output of the relationships between actors and the relative position within migration governance networks and represents constellations of power and influence. This information was combined with the data from the document analysis and interview stages to provide a complete picture of the nature of these relationships. The particular focus of social network analysis in this project was on inter-

institutional relations and on exchange of resources (information sharing and knowledge exchange).

Following the interview, participants were asked to fill out structured questionnaires in order to map out the constitution of the governance system and the social networks within the system⁹⁷. The questionnaire asked the research participants to list the individuals/organisations they discuss migration with, how frequently these interactions take place, how valuable they rate the exchange and, what sources they access for information on migration and how often. Not all interviewees were able to complete the structured questionnaire at the end of the interview, often due to time constraints. In these instances, if the interviewee was unable to complete the questionnaire electronically after the interview, I could get relevant data from their interview transcript. The interviews also contained questions relating to actors' interactions with others in the governance system such as "which organisations or people do you liaise with most frequently on migration issues?"

As such, the questionnaires, along with the data from the document analysis and interview stages, revealed the network of actors in Malaysia along with some key regional and international actors working on labour migration issues. The structure of the governance system and the interactions between actors is discussed in Chapter 5.

4.6 Data Analysis

Qualitative data often seems "messy" and unmanageable (Spencer et al., 2003; 202), and what Miles (1979) refers to as "an attractive nuisance". This section explains how the data was reduced and organised into a more manageable format and analysed. This study used thematic analysis, which is an interpretive process which involves reading and re-reading the interview transcripts and documents, searching for noticeable or recurrent themes and units of meaning, and then coding and analysing them (Braun and Clarke, 2006). A thematic approach was adopted as the content of what the participants say was more relevant to the study than how the information was said. The different stages of data analysis used in this study are explained below.

4.6.1 Analysing Documents: The Stages of Analysis

The documents were categorised by content and by theme, and, to aid with analysis, I created summaries of the key articles. This stage focused on the way different themes were treated in the documents and how frequently they occurred (Spencer et al., 2003; 200-201). These documents

⁹⁷ See Appendix 5 for the questionnaire.

helped to identify the main migration flows, to characterise labour migration governance in Malaysia, and in the wider region. This initial analysis built a picture of the sets of claims that are made about male and female migration generally, and domestic worker migration specifically, in academic literature, the grey literature, and in media coverage. I explored the ways in which migration issues were treated in the texts and whether the documents contain stereotypical gendered ideas, assumptions or patriarchal views and examined the ways in which knowledge and ideas about gender was embedded in the language that authors use, in their arguments, and in the policies and practices that were described in the texts.

Following Boswell *et al.*'s (2011) and Entman's (2004) frameworks, during document analysis, I was investigating the narratives and storytelling in relation to male and female migration. When certain claims were made in the text, such as that gendered ideologies encourage female migration (e.g. see, Parreñas, 2008; Briones, 2009; Killias, 2014), I analysed what sources of knowledge and evidence the authors used to support these claims. The themes identified during the initial document analysis also helped to shape the questions asked during the interview stage. According to the literature, MDWs are generally depicted either as naïve victims, or as criminals and prostitutes, in order to implement restrictive migration policies that either aim to "protect" these workers, or to protect the public from them (Chin, 1997, 1998; HRW, 2010) so the interview stage then set out to explore these assumptions. The next section explains this study's use of the framework matrix in NVivo to reduce, organise and summarise the data and to assist with thematic analysis.

4.6.2 Interviews: The Stages of Analysis

This study followed Spencer *et al.*'s (2003) broad "analytic hierarchy" when conducting data analysis. This approach involves three main interconnected stages for data analysis: data management; the creation of descriptive accounts, and; the creation of explanatory accounts (2003; 212-217). However, in this study, the identification of themes, interpretation, and the assignment of meaning was a continuous process which occurred throughout the data gathering, transcribing and analytic process.

Following Spencer *et al.*'s (2003) "analytic hierarchy", qualitative data analysis starts with data management which involved reading and re-reading the raw interview data (transcripts and field notes) and then "deciding upon the [preliminary] themes or concepts under which the data will be labelled, sorted and compared" (Ritchie *et al.*, 2003; 221). However, it is important to underline that, in this study, the identification of themes and the analysis of the interview data started during data collection and continued during transcribing. For example, while transcribing and listening back to the audio recordings I had already begun to compile a list of potential themes that were

recurring throughout the interviews, such as the theme of “chaos” in relation to Malaysia’s policy landscape, and the theme of “vulnerability” in relation to how MDWs were framed.

To assist data management and analysis, the transcripts, field notes and audio recordings were imported into the qualitative data analysis software, NVivo. My initial read-through of each interview transcript did not categorise and code participants’ individual responses but instead provided an overview of participants’ arguments and positions. Upon subsequent readings of the transcripts, I was better able to identify themes and patterns relevant to the study’s research questions. This first stage allowed me to familiarise myself with the data although it was time consuming as, in terms of length, the transcripts ranged from 5,000 to 12,000 words.

The second stage in the “analytic hierarchy” involved the creation of descriptive accounts of how participants perceive “what is going on”. This involves summarising, sorting, synthesising and coding the data (Spencer *et al.*, 2003; 217; Bazeley, 2013). After the initial themes were identified (during document analysis, data gathering and the initial review of the transcripts), an initial coding structure was created. The coding structure was created using the “framework” matrix for data analysis in NVivo which adopts case-by-theme approach where each case is mapped onto each theme. In essence, I created a coding framework using a combination of the original questions in the interview guide (e.g. “causes of migration” and “consequences of migration”) and the additionally identified themes from the initial analysis of the empirical material along with the themes from the document analysis stage (e.g. themes of abuse/exploitation, the depiction of male migrants as criminals). Following the creation of the coding framework I systematically summarised (or “charted”) each case into the coding framework and ‘linked’ certain specific quotes (ranging from short phrases to more extensive narratives) in the text to specific themes (‘nodes’). As the research participants were asked the same key core questions in the same manner each time (albeit with some slight variation depending on the actor), this allowed for the systematic comparison of responses and this aided in the charting process. Coding was an ongoing process which continued throughout the research (see Gibbs, 2007). I found that as more relevant themes and sub-themes were identified in the text, this then led to the identification of new themes and patterns.

The benefit of utilising the framework matrix is that each summary within the framework is linked to specific quotes on the transcript, which were then read alongside summaries, which allowed me to be able to follow the story of each case. With this approach, I was able to look across each case for case analysis or look down for thematic analysis or combine both. This allowed for cross-referencing across interviews and an exploration of the themes on which the study is interested. The framework analytic method orders the data in a way that facilitates interpretation by

“allow[ing] the analyst to move back and forth between different levels of abstraction without losing sight of the ‘raw data’” (Ritchie et al., 2003; 220). As this research involved a range of actors who occupied different positions within the governance system, it was important that my analysis was able to chart the differences in perspectives between the various participants and the framework matrix facilitated in the comparison of actors’ perspectives. This stage of analysis allowed me to focus on the frequency of a theme’s occurrence and on the way in which themes are treated in the transcripts (Ritchie et al., 2003; 200-201). This approach accounts for all cases in the sample, and allows you to identify outliers, for example, the perspective of the recruitment agent in this study in relation to domestic worker migration was consistently different to participants from CSOs.

The analysis of the transcripts took into consideration the interpretation, meanings and perspectives of the participants. As actors’ ideas about gender norms and gender relations are central to this study, in analysing the interview transcripts, I examined how ideas about gender were coded in the language that interviewees used and in the stories that they told. I read and re-read the coded nodes in the synthesised data in order to identify broader patterns of meanings and to identify any new sub-themes and categories, and then I developed descriptive accounts. These accounts sought to describe how policy actors frame, and make sense of, male and female migration to Malaysia, and, following Boswell et al.’s (2011) and Entman’s (2004) frameworks, I developed descriptive accounts of the claims that actors made, the narratives that they told, and the knowledge and evidence interviewees referred to in order to support their ideas. I wanted to understand if migration issues were framed in similar ways and if there were outliers. For example, if a participant equated all female MDWs in Malaysia as victims of abuse, I would examine what evidence they cited, and who they perceived as the perpetrator of the abuse. In this study, the recruitment agent blamed the abuse faced by female MDWs in Malaysia on insufficient training in their home countries, as opposed to the actions of their Malaysian employers and on Malaysia’s legal and policy framework. This perspective ran in contrast to the perspective of other participants. See Figure 1 and 2 below for examples of themes and narratives that emerged from participants’ transcripts.

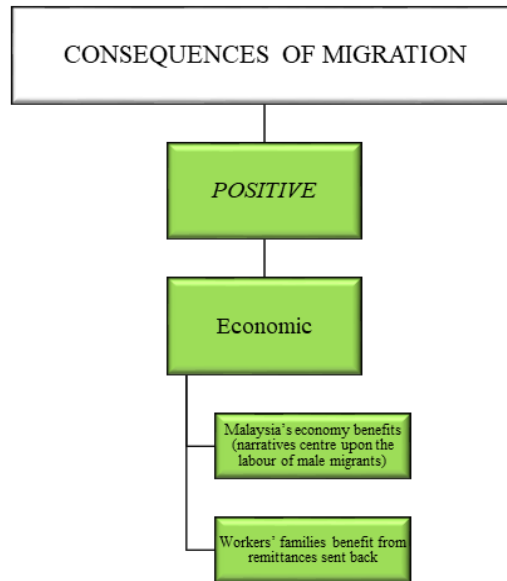


Figure 6: Positive Consequences of Migration to Malaysia

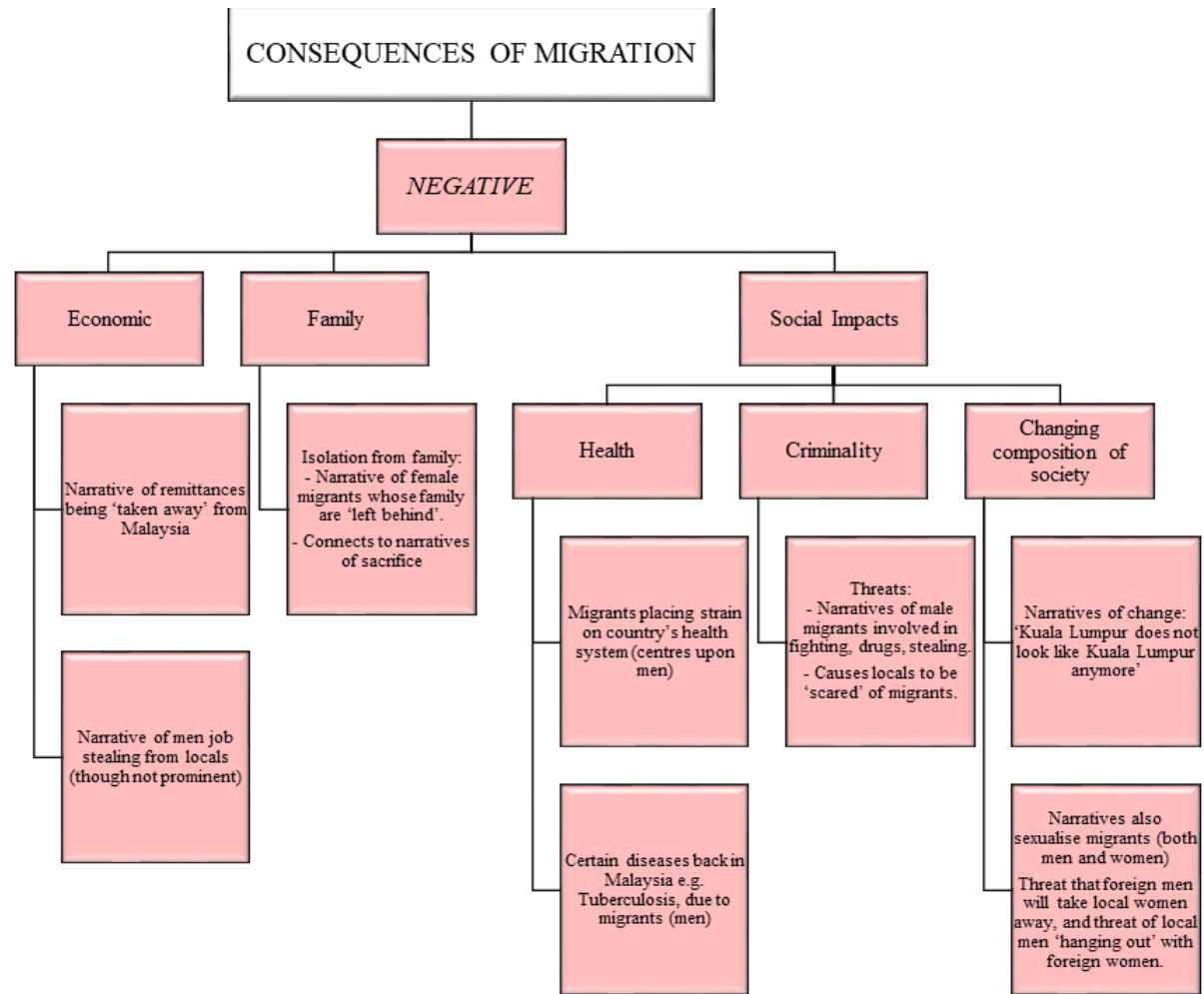


Figure 7: Negative Consequences of Migration to Malaysia

As the ability to create explanations is central to qualitative research, the final stage in the analytic hierarchy is the creation of explanatory accounts. This stage is time consuming as “it involves going backwards and forwards between the data and emergent explanations until pieces of the puzzle clearly fit” (Ritchie et al., 2003; 252) and it occurs when the majority of descriptive work had already been undertaken. This stage is complicated as it involves the interrogation of the data in different ways to try and find patterns and connections within the complete dataset and to understand “how different bits of data fit together, either across the main themes or within groups of cases to explore links, connections and explanatory routes” (Ritchie et al., 2003; 256). This evidence stemmed both from what participants had explicitly said during their interviews and from my own analysis of patterns within the data and my interpretation of these patterns.

In building the explanatory accounts, I sought to fit “together different pieces of evidence in order to construct an explanation” (Ritchie et al., 2003; 253). I sought to explain what drives actors’ understandings of migration dynamics and how and why actors’ assumptions and ideas about gender, and the reasoning behind them, shape actors’ actions and inactions in relation to labour migration (Cavaghan, 2010, 2017). In particular, I sought to explain why women were rarely present in actors’ narratives and why the majority of actors instinctively spoke of male migration, even while a prominent case of domestic worker abuse dominated Malaysia’s media cycle during data collection. I also sought to explain why narratives which equate female migration with abuse and exploitation do not lead to tangible policy actions to prevent this abuse and to protect workers. This, in turn, led to revisiting the literature as, in order to account for such patterns, this required cross-checking my explanatory accounts against other theoretical and empirical studies.

4.6.3 Analysis of Structured Questionnaires

The data from the quantitative component of the study, the structured questionnaires, was analysed in a two stage process. The first stage involved taking the raw data from the scanned questionnaires (many were completed manually by participants) and collating the information into an Excel spreadsheet. When creating a list of each interviewee and each actor that they connect with, I categorised each interviewee/connection, such as a “Non-Governmental Organisation”. This categorisation was necessary as this study identified 200 unique actors/organisations within the governance system for labour migration who are working across the local, national, regional and international levels. This was deemed too great a number to visually represent the governance network in a concise and coherent manner so the actors had to be grouped. I then created maps of the social networks in order to visualise the migration-related discussions and interactions between different categories of actors.

To create these maps, the Excel spreadsheet was edited to add a unique identification number for every participant and for every actor mentioned as a connection. This data was then collated into an appropriate format for Gephi, a software package for the visualisation and exploration of networks. In order to do this, the data was split into two .csv files. The first file, named “Nodes” contained a full list of all participants and connections along with their unique identification numbers. The second file, named “Edges”, contained a grouping of each actor with every one of its connections in order to show the interactions within the entire network of actors. These two files contain all of the data that Gephi requires in order to display every actor (Nodes) in the network and the connections between them (Edges).

The categorisation of each actor into suitable types facilitated the ability for Gephi to easily show what type of actors (e.g. NGOs) connect with other types of actor (e.g. government officials). This process made the visualisation of what type of actors have the most contact throughout the entire network possible and more intuitive than if every single actor was treated as a unique entity. Through this process, it was possible to filter the data in order to highlight all actors within a specific category or each actor individually. This enabled the network to be visualised on an actor-by-actor basis or in broader terms (based on the type of actor), depending on what best facilitated the findings being discussed. The visual representations of the governance system, and the corresponding analysis, can be found in Chapter 5.

4.7 Limitations of the Study

This research took place in the months before the May 2018 General Election and this was a significant barrier in recruiting government actors. I found that many government officials did not want to participate in research on labour migration as it could be perceived as too politically risky⁹⁸. The lack of willingness to participate in this research from the government’s perspective was particularly surprising given the level of effort that many of my interviewees went to try and recruit additional participants on my behalf. Following the interviews, many participants would phone or email (often in front of me) their contacts in government ministries, including in the Home Ministry and the Labour Ministry, and would vouch for me and my research. However, this still did not lead to many interviews as government officials were so wary at this politically sensitive time⁹⁹. Additionally, some colleagues at the University of Malaya, some of whom had

⁹⁸ This experience was similarly echoed by Chin in her 1997 research where she stated “that research on foreign female domestic workers in Malaysia is difficult at best because of the overall unwillingness of state officials to openly discuss labour immigration policies and existing working conditions” adding that she had been informed that officials in the Home Ministry had imposed a ban on all official interviews about labour immigration (1997; 358).

⁹⁹ During fieldwork, the ruling UMNO government were concerned that the opposition party would win the election (which did happen) so at that time they were trying to do all that they could to retain power which included refusing to announce the official election date publicly and refusing to allow the opposition party to display election posters.

previously worked for the government, also reached out to their government contacts, but this did not lead to interviews. In other cases, some civil society actors provided me with the mobile phone numbers and email addresses of government officials so that I could contact them directly. As some civil society actors had developed tenuous relationships with government officials (as will be shown in Chapter 5), they were wary of jeopardising these relationships by contacting the official on my behalf.

While it was primarily government officials whom I struggled to engage with this research, there were also some key NGOs who did not want to participate. Some NGOs stated that they had developed research fatigue on migration issues and were not willing to participate in another study on migration, noting that they had engaged with many studies from international organisations on migration in Malaysia and that despite their participation, as one NGO actor stated, “yet nothing changes”. So there was a high level of scepticism from some civil society participants about engaging in ‘more’ research. Some faith-based organisations also noted that they were not comfortable commenting on labour migration issues.

While the lack of participation from key government officials is a limitation of this research, I managed to interview a wide enough pool of relevant actors who are working within the governance system for labour migration so that I could map out the constitution of the governance network. In addition, through combining the data from the document analysis stage (namely through press statements from government departments, policy reports, media coverage, and information contained on government websites) along with the interview transcripts from actors who are able to engage with government officials on migration issues (through attending meetings, consultations and roundtables), this provided me with an understanding of Malaysia’s migration policy processes.

4.8 Conclusion

Rather than focusing on governance system outputs, this study seeks to explore the causes and consequences of cognitive bias, how actors frame and make sense of the issues that they face and what effects those have. This thesis adopts a qualitative case study research approach and an interpretivist perspective to investigate to what extent governance is constituted as a gendered process in the area of domestic worker migration in Malaysia. This study combines analysis of primary and secondary documents, semi-structured interviews and structured questionnaires. The most important issue now is to identify who the relevant actors are within the governance system, how they intersect and relate to one another, and this is examined in the next chapter.

Chapter 5: The Constitution of the Governance System

5.1 Introduction

The first step in analysing the ways in which the governance system of domestic worker migration is constructed as a gendered structure, and how it operates in gendered ways, is by examining *who* is involved in the governance system for labour migration and analysing *how* these actors interact and relate to one another. This chapter combines data from document analysis, individual interviews and structured questionnaires to map the constitution of Malaysia's migration governance system and to map the 'lived experience' of the social networks within the governance system (Emmel and Clark, 2009). In essence, it seeks to answer the questions: i) who are the actors within the migration governance system, ii) what are these actors doing, iii) how do these actors interact and relate to one another, and iv) what role do power dynamics play within the governance system. In order to show the connections between the actors within the governance network, an innovative and original approach was used to graphically depict which actors (or type of actors) interact with one another. This approach, paired with the narrative of the actors' own understandings, give new insights into the mechanics of Malaysia's governance system for labour migration.

Section 5.2 provides a broad overview of who the actors are, summarises which actors had the most connections in the network and examines the gender balance within the governance system. Section 5.3 compares the role of the two main government ministries in the migration governance system. Section 5.4 analyses the role of two important non-state actors: the private migration industry and the Malaysian Employers Federation and compares their levels of connectivity within the governance network. Section 5.5 investigates the role of civil society actors in the governance system.

5.2 Multi-level and Multi-actor

The governance network for labour migration in Malaysia occurs across the local, national, regional, and international levels and comprises multiple interconnected actors (nodes) including public and private actors participating across these various levels. This study identified 200 actors who are involved in Malaysia's governance system for labour migration. This network is comprised of government actors and non-state actors (organisations/institutions and individuals) which are spread across the different levels, with the majority of actors clustered around the national level.

The Malaysian government, namely the Ministry of Home Affairs, is the central actor in the migration governance system as it is responsible for policy creation, policy implementation and policy enforcement. However, many other non-state actors are involved in the governance system and hold varying degrees of influence and connectivity. For example, the key industry tasked with recruiting, transporting and placing migrant workers in Malaysia is the ‘migration industry’ made up of private recruitment and employment agencies/labour brokers (Kaur, 2010). Other non-state actors involved in the governance system include employers’ organisations, business associations, trade unions, legal organisations, non-governmental organisations (NGOs), such as migrant rights’ organisations, women’s organisations and faith-based organisations, among others. Researchers from think tanks and academic institutions along with journalists are also interacting with actors within the governance system on certain migration topics, such as health problems associated with migrant populations or issues associated with Rohingya refugees in Malaysia.

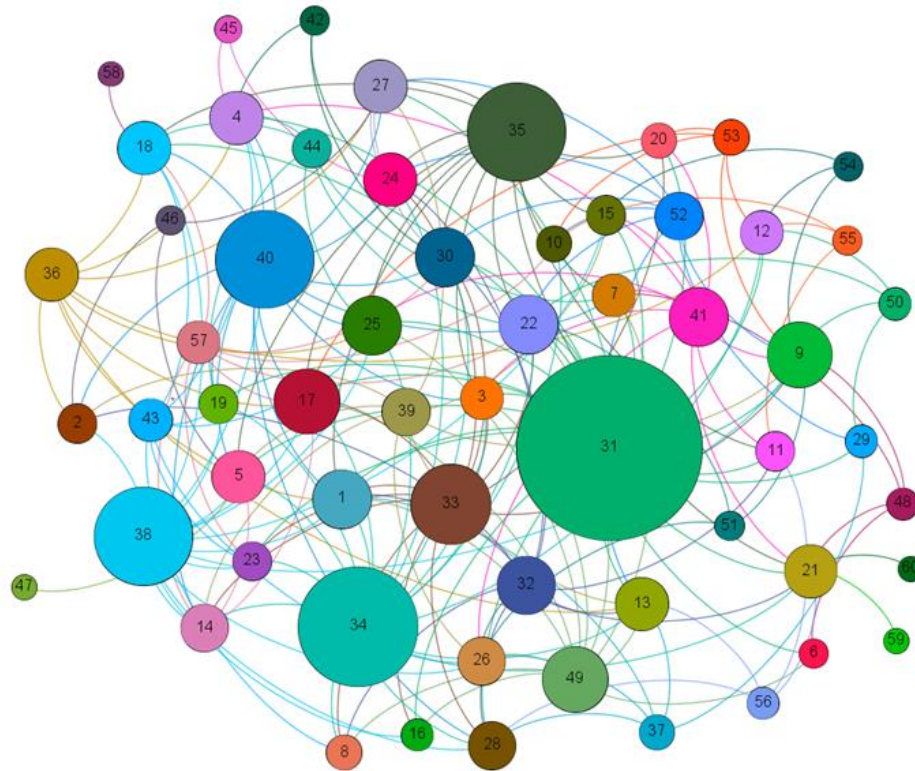
The network also comprises international and regional actors, for instance, the regional office of the International Labour Organisation (ILO); international intergovernmental organisations, like the United Nations High Commission for Refugees; regional organisations and networks such as Migrant Forum Asia (MFA), and regional intergovernmental organisations, such as ASEAN. Finally, government officials from sending countries are also participating in the governance system. This includes government officials from Bangladesh, Cambodia, Lao PDR, Indonesia, the Philippines, Thailand, Vietnam and others. The seven groups of actors are in the table below:

Group	Actors
Group 1	Government Actors: includes national governmental officials, politicians and policy makers.
Group 2	The Migration Industry: includes recruitment and employment agencies and labour brokers (in Malaysia and sending countries).
Group 3	Sending Countries’ Government Officials (including Labour Attachés): includes Indonesia, the Philippines, Cambodia, Nepal, Bangladesh, India, Thailand, Vietnam, and others.
Group 4	Regional and international organisations: includes ILO, ASEAN, UNHCR, IOM, Migrant Forum Asia, CARAM Asia, and others.
Group 5	Employers’ Organisations and Business Associations: includes the Malaysian Employers’ Federation, the SME Association of Malaysia, and others.
Group 6	Civil Society Actors: includes trade unions, NGOs, workers’ organisations, faith-based organisations, and others.
Group 7	Other Stakeholders: includes academics, journalists, think tanks, and others.

Table 4: Groups of Actors within the Governance System

Figure 8, below, shows a map of the governance network for labour migration in Malaysia, produced using the visualisation software, Gephi. Each bubble represents an actor, both individual actors and, where logical, some groups of actors. For example, NGOs have been condensed into

a single node to represent this group of non-state actors. In this figure, the ‘ties’ or links between actors show evidence of migration-related interactions (not domestic worker specific) between groups of actors. Each actor in this map is represented by a node of unique colour. Node size indicates the relative number of interactions that actor has within the governance network. The larger the node, the larger the number of interactions between that actor and others in the network.



Id	Name	Id	Name	Id	Name
1	NGO 2	20	Regional Organisation 2	39	MOHA
2	Business Leader	21	Regional Organisation 1	40	MTUC
3	Migrant Worker Organisation	22	Legal Organisation 2	41	Embassies
4	Domestic Worker Agency	23	Trade Union 1	42	Southeast Asian Governments
5	Embassy 2	24	International Organisation 3	43	Recruitment Agencies
6	Faith based organisation 1	25	Legal Organisation 1	44	Legal Organisations
7	Faith based organisation 2	26	Embassy 1	45	Business Associations
8	International Organisation 1	27	Think Tank	46	Government Ministries
9	Academic 3	28	Trade Union 2	47	Business Organisations
10	International Organisation 2	29	Academic 2	48	Faith based Organisations
11	Journalist 1	30	Regional Intergovernmental Organisation	49	Migrant Workers Organisations
12	Journalist 2	31	NGOs	50	Academics
13	Academic 1	32	Employers Organisations	51	Health Organisations
14	Employers Organisation	33	Trade Unions	52	IGO
15	Member of Parliament	34	International Organisations	53	Government Departments
16	NGO 3	35	Regional Organisations	54	Journalists
17	NGO 1	36	MEF	55	Think Tanks
18	Government Institution	37	Government Officials	56	Members of Parliament
19	Embassy 3	38	MOHR	57	ASEAN

Figure 8: The Constitution of the Governance System

This research found that the communication flows and connections within the governance network is rather uneven. The most cited individual actors who are interacting with others within the governance system are the following non-state actors: the Malaysian Employers' Federation (MEF), the Malaysian Trade Union Congress (MTUC), and one Malaysian NGO, Tenaganita, and one international non-state actor, the International Labour Organisation (ILO). Within the network, NGOs overall have the most connections. Participants also stated that they connected with government actors primarily in two ministries: the Ministry of Human Resources and the Ministry of Home Affairs. However, this is to a much lesser extent than the interactions with non-state actors. Finally, government actors from sending countries' embassies, namely the embassy of Indonesia, are also interacting with other organisations within the governance system.

As the above figure is complicated to interpret due to the range of information contained, for ease of analysis and interpretation, throughout this chapter, each section provides a breakdown (and analysis) of individual interactions between key actors.

5.2.1 Gender Representation

As this study explores how gendered understandings influence migration policy processes in Malaysia, attention was paid to the levels of gender representation within the migration governance system. So, in addition to identifying the organisations that are present in the network, I also looked for the physical presence of men and women in these organisations, seeking to understand if one gender dominates the governance system. I found that the majority of key organisations within the migration governance system in Malaysia are run by male actors. This includes employers' organisations, trade unions, labour brokers/recruitment agencies, think tanks, government institutions and government ministries. Men also dominate positions in Parliament as only 32 of those elected to the 222-seat parliament in 2018 were women¹⁰⁰. The low percentage of elected female representatives in Malaysia is problematic in terms of policy-making. As Chappell (2013) notes, when there is limited involvement from women during the policy-making process, the decision-making that takes place tends to "disregard the unequal political, economic and social position" of men and women and support gender-biased and "stereotypical assumptions about male and female behaviour" (2013; 611)

Furthermore, men also dominate business associations in Malaysia, both in terms of membership and management levels. It is difficult to quantify the precise number of male and female actors

¹⁰⁰ This represents 14.4 per cent. While this is an increase from the 23 women elected in 2013 (10.4 per cent representation), it still means that Malaysia has failed to ensure that women hold a third of its policy-making positions, which was one of the pledges that Pakatan Harapan (Alliance of Hope) campaigned on in the 2018 General Election.

working for other organisations and institutions within the governance system as the data is not available. However, through examining the available organisational structure charts on organisations' websites and examining which actors hold management positions, it is clear that these organisations consist of mainly male actors and are predominantly led by men. In addition, the participants whom certain organisations put forward for interviews – trade unions, employers' organisations, labour brokers, think tanks – were also predominantly male employees. This is not to say that women are not represented within the governance system, but they are instead working in different types of organisations.

The study identified a large number of female actors employed in various positions (including management) throughout civil society organisations in Malaysia. This includes national faith-based organisations, NGOs including migrants' rights organisations, legal organisations and women's organisations. Women were also present in Malaysia's trade unions, but less so than men. In addition, this study found that female actors were well represented in regional organisations, especially those which worked in a hands-on capacity with migrants and potential migrants. Female actors also seemed to hold dominant positions in international organisations working on migration and on issues relating to refugees, domestic workers and labour in Southeast Asia. The next section examines the role of the Malaysian state in the governance system for labour migration.

5.3 The Role of the State

Despite migration governance occurring across multiple levels, the Malaysian state remains the most powerful actor in the governance system. As Case (2013; 53) notes, since gaining independence from colonial rule, the Malaysian government has strategically managed labour migration in ways to benefit state elites and that it is through the mechanisms of the state that policies are created, implemented and enforced. The recruitment of migrant workers is regulated through complicated administrative frameworks with a vast array of ministries and government agencies involved (Kaur, 2010), with various government actors particularly invested in “the business of migration” due to the large financial benefits to be gained from it¹⁰¹. There are two main ministries involved in the governance of migration: the Ministry of Home Affairs (also known as MOHA or the Home Ministry) and the Ministry of Human Resources (also referred to as MOHR or the Labour Ministry). Of these two ministries, the Home Ministry is viewed as more

¹⁰¹ The monetary incentives will be explored more in Chapter 7.

“powerful” as they are the primary decision makers who are authorised to issue work permits, and the (then) Deputy Prime Minister was also the Home Minister¹⁰²:

“The Home Affairs Ministry and also Immigration [Department]... they are the decision makers as far as foreign workers are concerned and of course policies are being made by the Home Affairs Ministry, operations side is being made by, or done by the Immigration Department” (Manager, Employers’ Organisation, Male, March 2018).

“The Deputy Prime Minister was also heading the Home Ministry where they are the ones who authorise to give permits. And he is heading the Cabinet Committee on Foreign Workers” (Trade Unionist, Male, February 2018).

However, interviewees explained that the exact responsibilities of the two ministries with regards to managing labour migration is often unclear as there is a blurred line between their roles, which leads to confusion. This misunderstanding is due to a relocation in departmental responsibility where labour migration has gone from being under the primary purview of the Ministry of Human Resources to the Ministry of Home Affairs. This transfer has coincided with a shift in state discourse where labour migration has moved from being framed as a “labour” issue to a “security” issue. On the one hand, the Home Ministry, namely the Immigration Department, is responsible for enforcing regulations relating to the admission and stay of migrant workers. However, it is the Labour Ministry which monitors the terms and conditions of migrants’ employment¹⁰³. The Human Resources Minister M. Kulasegaran stated in April 2019 that “a lot of Malaysians may not know that when it comes to foreign workers, the Human Resources Ministry only does the processing and recommendations to the Home Ministry... The Home Ministry ultimately decides on it” (Sivanandam, 2019).

“Definitely you have heard the ping-pong ball that we are being always thrown here and there is because we have two bosses, in an organisation you cannot have two bosses. We have the Human Resources [Ministry] and we have the Foreign, the Ministry of Home Affairs... So one is looking in terms of the laws, the other one is looking in terms of the welfare” (Representative, Faith-based Organisation, Female, March 2018).

In essence, it is the perception that there are “two bosses” which causes confusion for actors within the governance system and for the Malaysian public. In particular, in this study many participants were critical of the Home Ministry’s involvement in managing labour migration due to the fact that this Ministry was seen as having “nothing to do with labour” and was widely framed as being

¹⁰² Following the 2018 election, the new Home Minister is Muhyiddin Yassin while Dr Wan Azizah Wan Ismail is the new Deputy Prime Minister, the first woman to hold the position.

¹⁰³ It was announced by the new Malaysian government in October 2018 that the responsibility for overseeing the recruitment of migrant workers would shift back as the MOHR’s Private Employment Agency would now take over from MOHA (Zainul, 2018).

“corrupt”, which poses many problems regarding the management of labour migration. This issue of corruption will be discussed more in Chapter 7.

“The recruitment shouldn't be done by the Home Ministry; they are not experts in labour so why do they need to do this? [This recruitment should] go back to the Labour Department [MOHR]... So this should be abolished, it shouldn't be run by the Home Ministry which is nothing to do with labour” (Representative, Labour Coalition, Female, March 2018).

It is also interesting to note that the confusion over which Ministry is responsible for which category of worker is not confined to non-state actors, with some government officials also expressing confusion over which department deals with which category of worker¹⁰⁴. The Home Ministry has been operating a *Foreign Workers One-Stop Approval Centre* since 2006, which includes the following ‘low-skilled’ sectors: manufacturing, construction, agriculture, plantation, mining and quarrying, and services¹⁰⁵. The “two bosses” and the unclear distinctions between the responsibilities of these different actors is also coupled with a complex policy landscape and a lack of enforcement, which leads to the governance system for labour migration being described as “chaotic” by some actors in this study¹⁰⁶. The perception of “chaos” and the role of the two ministries will be explored in more detail in Chapter 7.

It is also notable that domestic work is not on this list of sectors managed by the Home Ministry. So, while the Home Ministry is the primary actor involved in implementing the Immigration Act, and runs the Foreign Worker Approval Centre, the migration and employment of domestic workers is not understood as falling under that ministry’s purview. In fact, in this research many actors were unsure exactly which government bodies in Malaysia are responsible for domestic worker migration. It seems that migrant domestic workers (MDWs) fall through the cracks in the governance system as many actors think that MDWs do not come under the categories of labour migrants that the Home Ministry is tasked to manage, nor do actors seem to think that MDWs fall under the category of “worker” that the Labour Ministry is tasked to manage. This is likely due to MDWs being exempt from many of the labour provisions afforded to other employment sectors (ILO, 2016a)¹⁰⁷. Furthermore, as men dominate state institutions, yet it tends to be female

¹⁰⁴ Kaur (2010; 392) also described Malaysia’s recruitment system for foreign workers as a “labyrinth of jurisdictions” due to the array of actors involved and the “lack of inter-ministerial and departmental coordination”.

¹⁰⁵ Details of the Home Ministry’s Foreign Workers One-Stop Approval Centre can be found here: <http://www.moha.gov.my/index.php/en/component/content/article/89-maklumat-korporat/maklumat-bahagian/bahagian-pengurusan-pekerja-%20asing/282-service-information>

¹⁰⁶ This is particularly true if ministries are giving conflicting information. This will be explored more in Chapter 6.

¹⁰⁷ This is further complicated by the complex policy landscape for domestic worker migration whereby some sending countries have signed bilateral agreements and MoUs with Malaysia regarding domestic workers.

employers who are responsible for managing MDWs (Chin, 1998), this may contribute to specific ideas about gender and domestic work entering the policy-making processes.

One of the most common sets of measurements when analysing social networks are centrality measurements which help to explain the extent to which an individual or organisation is connected to others. By this measurement, the more prominently an actor is connected within a network, the more important they are, and the more ‘central’ they are to the social network. However, centrality is not the only measurement as attention also needs to be paid to power dynamics. In Malaysia, government actors yield significant power within the governance system as they are responsible for policy creation, policy implementation and policy enforcement, however that does not mean that they have large numbers of interactions throughout the governance network. This study found that the Home Ministry (MOHA) which is the key policy- and decision-maker on labour migration, is not interacting with many other actors on labour migration issues. This is illustrated in Figure 9 below:

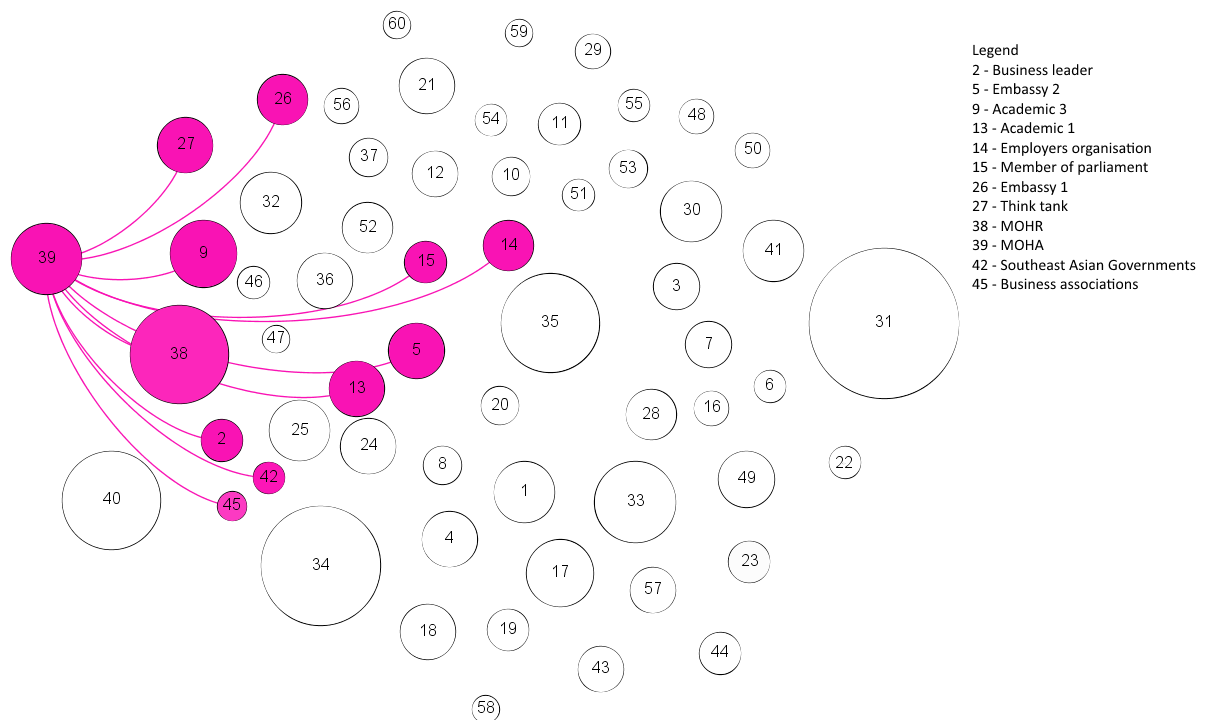


Figure 9: Interactions with the Home Ministry

The Home Ministry primarily connect on labour migration issues with actors from the Labour Ministry, with industries, with specific sectors and with sending countries. Only two of the embassies, one employer organisation, one business leader, a member of parliament, one academic, and a policy analyst from a think tank stated that they connect with the Home Ministry on migration issues. In comparison, the Labour Ministry (MOHR) which is tasked to administrate

the terms of employment for migrant workers and which many of the non-state actors in this study think should be directly responsible for managing all aspects of labour migration, interacts with a wider range of actors within the governance system, as Figure 10 below illustrates:

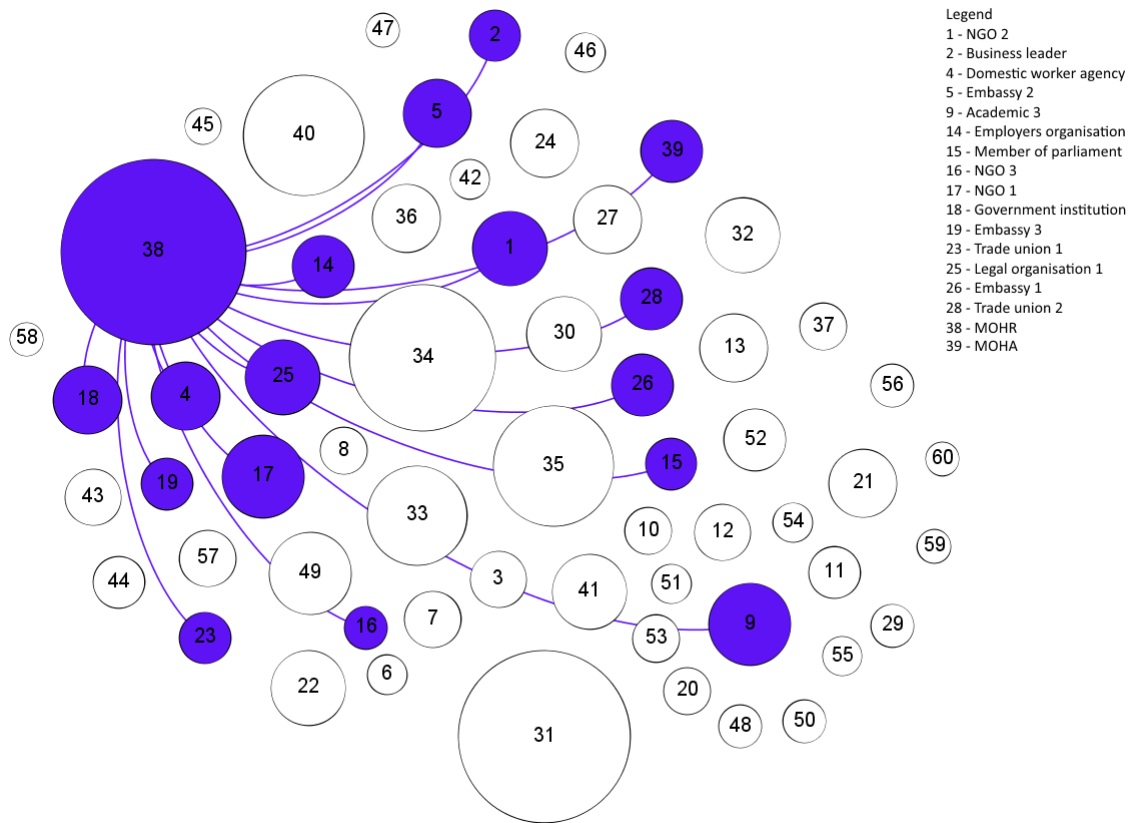


Figure 10: Interactions with the Labour Ministry

So why does the Home Ministry, the key ministry tasked with managing migration, connect with so few actors in the governance system? It appears that the Home Ministry do not need to be well-connected and do not seek out interactions with a wide range of actors as these connections are not needed to “accomplish their purposes” (see Stevenson and Greenberg, 2000). In fact, instead of developing connections, the Home Ministry seek autonomy in decision making and is understood as actively avoiding consultation with other actors in the network, in addition to avoiding the press and the public, to limit scrutiny and to avoid barriers to policy implementation.

“I think Malaysian policy is a strange animal, the Malaysian policy-maker seems to be by default opaque, they just come up with policy and they try not to let anyone know about it... The idea of communicating it to the public is something that is seen as bad... I feel like they want to get as little push back as possible, get as little feedback or criticism as possible, they just want to come up with a policy and try not to get hammered for it by the public, by the press. So often we don't really know what they are thinking, what the thought process is behind all these policies... Usually they don't talk to the general public. The consultation is between a very, almost like an elite group of

politicians and people with connections and people who are in the [inner] circle and who understand the issues a *certain* way, and then they create the policy. They try to stay away from trouble, to keep the press away [as] they are going to make it an issue, or stop it from getting viral on Facebook. So that seems to be the fear from the Malaysian policy makers” (Journalist, Male, March 2018)

“There was never a discussion, there was never nothing you know it’s just announcement made by the Prime Minister. And you understand that this is coming from the Home Affairs Ministry talking about foreign workers and they seldom believe on this tripartisanism, they never discuss [policy with others] as compared to Human Resources Ministry where they are supposed to actually talk to the social partners before they announce or implement a policy” (Manager, Employers’ Organisation, Male, March 2018).

There is the perception that the Home Ministry do not want to talk to other actors before making a policy announcement, compared with the practices of the Labour Ministry who are understood as having a higher level of interactions with different actors within the system. So, the Home Ministry’s importance in the governance system is due to the level of power that they yield, more so than being ‘centrally’ located in terms of having multiple connections to other actors within the network.

The lack of interactions between the Home Ministry and other actors within the governance system, especially with migrant rights’ NGOs, women’s organisations and organisations which represent domestic workers, may be problematic in terms of the ideas about gender that enter the policy-making process, and the understandings that are produced by the process. As migration policy-making involves “an elite group of politicians and people with connections and people who are in the [inner] circle and who understand the issues a *certain* way” (Journalist, Male, March 2018), then it is difficult for alternative perspectives about migration to enter Malaysia’s policy-making processes and this may pose a barrier to key issues surrounding migrant rights, female migration and the domestic work sector from getting on to the policy agenda.

When women, and civil society actors who have greater awareness of the challenges facing female migrants in Malaysia, are unable to access the policy-making process, this will lead to specific understandings of the nature of the policy problem that needs addressing, and the suggested directions and actions. This is echoed by an international actor: “I think the point is that yeah policy at this stage is not necessarily reflective of the needs and preferences and the situation of the workers and the households because their voices are not really represented yet in that policy space” (Specialist on Domestic Workers, International Organisation, Female, January 2018). The capacity of various actors to interact with the Malaysian government will be explored throughout this chapter. The next section analyses the role of two key non-state actors in the governance of

labour migration in Malaysia and the ability of these actors to engage with the policy-making process.

5.4 Non-State Actors: Recruitment Agencies and Employers Organisations

There is an array of non-state actors within the governance system for labour migration but only a few who are able to consult with government actors during the policy-making processes. This section explores two key non-state actors that are powerful within the migration governance system: the private migration industry and the Malaysian Employers' Federation.

5.4.1 The Private Migration Industry

The Malaysian government has implemented a "migration regime" whereby private actors in the migration industry have been granted the authority to manage immigration (Elias, 2018). These non-state actors - mainly private recruitment and employment agencies/labour brokers - are responsible for managing the recruitment, pre-departure training and medical screening, and transportation of migrant workers (Kaur, 2010).

In terms of the governance network, actors within the migration industry do not connect with a wide range of migration-related actors. However, the migration industry is still relatively powerful within the governance system in terms of their ability to influence policy, for example through interacting with key 'powerful' actors in Home Ministry (the primary decision-makers on labour migration). The ability of the private migration industry to interact with key government actors is largely due to financial incentives for certain government officials to ensure that large numbers of migrant workers are brought in. As Malaysian employers are compelled to pay high fees to bring in workers, and the workers themselves are willing to pay agencies to get a placement in Malaysia, labour migration is big business, so government actors are understood as needing to engage with the migration industry to ensure that the flow of workers keep coming in. The range of actors that recruitment agencies engage with is limited but their connections are powerful in terms of influence over policy. This study found that recruitment agencies engage with Malaysia's Labour Ministry and Home Ministry and with the labour ministries in the region's sending countries along with the sending countries' embassies in Malaysia. Recruitment agencies also engage with non-state actors in Malaysia including the Malaysian Employers Federation, the Bar Council and the Malaysian Trade Union Congress.

The migration industry only engages with a limited number of NGOs which is likely due to the high levels of criticism that NGOs have for the role of the agencies/brokers in the governance system due to the reported levels of exploitation that workers experiences as a result of the

agencies. It was also interesting to note that in this study, recruitment agencies and international organisations stated that they were not interacting on migration issues in Malaysia. Similarly, regional actors do not appear to be engaging with recruitment agencies. The role of the migration industry will be explored in more detail in Chapter 7.

5.4.2 The Malaysian Employers' Federation

The second key non-state actor that is understood as being both powerful and well-connected in the governance system is the Malaysian Employers' Federation (MEF). The MEF is a centrally positioned actor in the governance system for labour migration as not only do they have a wide range of interactions with non-state actors, but they also connect with key government actors in the Labour Ministry and the Home Ministry.

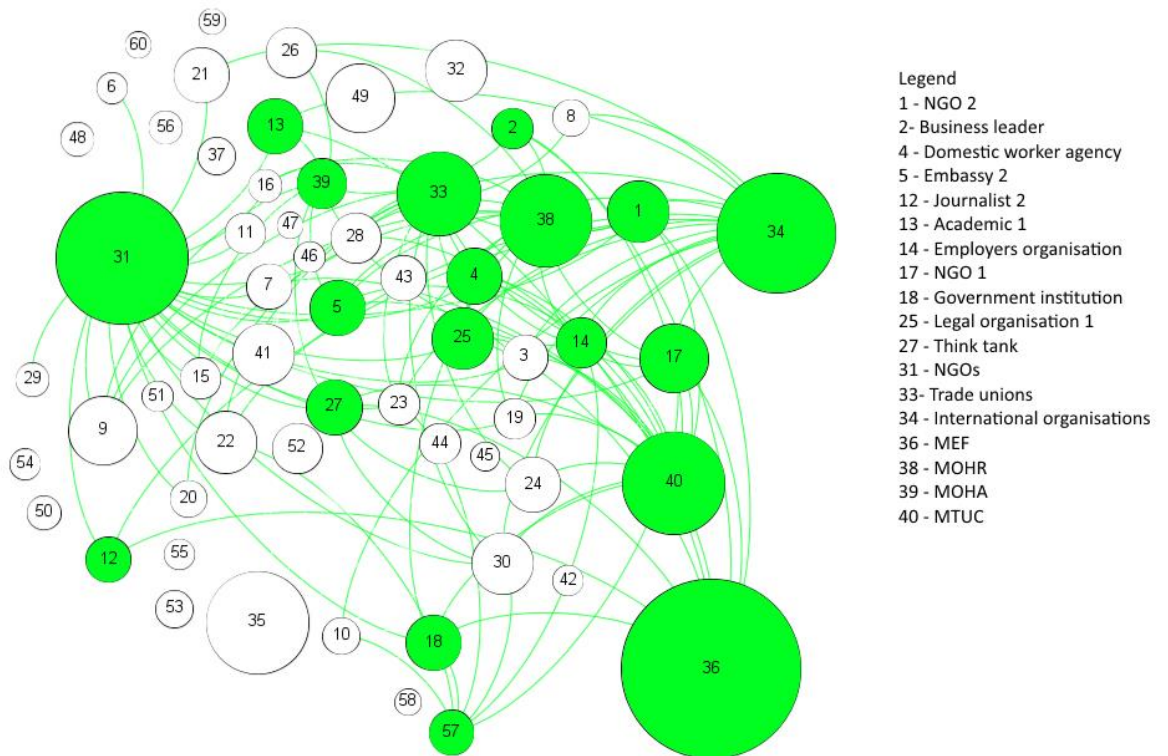


Figure 11: Interactions with the Malaysian Employers' Federation

This map highlights the number of direct interactions that the MEF have with others in the governance network (those highlighted in green). The above map also depicts how the actors, whom the MEF interact directly with, are themselves very well connected within the governance system. This indicates the range of influence that the MEF can have. The MEF are perceived as “very powerful” in terms of policy-making due to the perception that employers are able to shape policies during negotiations with the Malaysian government because of the country’s reliance on

migrant labour¹⁰⁸: “[The government is] worried that if the employers move to other countries, [Malaysia] loses the business, so they don’t want them to lose the business so that’s it” (Official, Government Institution, Female, March 2018)¹⁰⁹. In addition to consulting with government actors on labour migration issues, the MEF have also been increasing their interactions with civil society actors. Some actors who have been advocating for migrant rights were surprised when MEF started engaging with them on migrant workers’ issues and started attending their events:

“So there’s also more engagement with the Malaysian Employers Federation, from a time we never engaged with them, so over the [last] 5 years we have invited them for a lot of our events, so they’ve been ok” (Legal Expert, Female, March 2018).

Moreover, some NGOs were surprised when the MEF expressed agreement with them on some of their positions regarding migrants’ labour rights, for example agreeing that labour migration should fall under the purview of the Labour Ministry, not the Home Ministry. However, overall, the agreements between migrant rights’ organisations and employer federations were limited due to key ideological differences whereby they disagreed on two main points: i) whether the abuse of migrant workers is an institutional problem or the actions of “rogue” employers, and ii) whether migrants’ working conditions and wages needed improving. The MEF were also described as being ‘not so forthcoming’ and ‘keeping their mouth shut’ when it comes to certain issues affecting migrant workers:

“We tried to get the opinions of the employers’ federations, we were quite surprised that they actually attended all of the roundtables. In one of our roundtables, when we talked about labour rights, we were quite surprised that they agreed with some of our positions. Like we said no recruitment fees, they said ‘yes no recruitment fees’, they agreed with that. Then we said ‘all migrants should come under the Labour Ministry, only the Labour Ministry, not anybody else’ and they also agreed with that. So some of these positions we were the same. But maybe, if it’s in terms of wages or conditions, they are not so forthcoming, they will just blame some individual members who abuse workers and say they shouldn’t do that and so on... but they came for all the [meetings], they thought that it was important to come to all these sessions” (Representative, Women’s Organisation, Female, February 2018).

“This is very sensitive, I’ve been speaking out about [the mistreatment of migrant workers]. I question the Malaysian Employers’ Federation for not looking into the problems of this kind, but they just kept their mouth shut... I

¹⁰⁸ One key example of MEF’s power is that the federation were able to delay the implementation of the ‘migrant worker’s levy’ whereby employers would have to pay a fee for each migrant worker they hire. This policy should have come into force on 1st January 2017 but following intervention by the MEF, the implementation was delayed until 1st January 2018.

¹⁰⁹ This participant added that the employers are “untouchable” and that the Enforcement Officers “are not going after the employers” who violate labour migration laws in Malaysia (Official, Government Institution, Female, March 2018).

quarrel with them during the meetings sometimes” (Official, Government Institution, Female, March 2018).

Despite the ideological differences between the MEF and some other actors, the MEF is regarded as a powerful actor in the governance system for labour migration and a key organisation whom actors seek to engage with on migration issues. However, it should be clarified that the MEF are not involved in the domestic work sector. This is because the MEF represents private sector employers and does not represent domestic workers’ employers who are private Malaysian citizens¹¹⁰. As such, private households do not have the opportunity to interact with policy-makers on domestic worker migration. So once again we see barriers to issues affecting MDWs from being included on the agenda.

5.5 The Role of Civil Society Actors

Political structures affect the capacity for actors to engage in social networks as the political context can produce or reduce opportunities for actions and can enable some actors whilst constraining others (Stevenson and Greenberg, 2000). Civil society organisations (CSOs) face huge obstacles in carving out a space in Malaysian society as they are constrained by a range of laws and strict parameters set by the government on the terms of their operation, and the Home Minister has “‘absolute discretion’ to declare an organisation illegal” (HRW, 2019; no page number)¹¹¹. Furthermore, many organisations are constrained as they are generally monitored in case they become politicised and CSOs now have a limited ability to hold government leaders to account (Miles and Croucher, 2013; Freedman, 2015). Given this climate, I was interested in analysing the capacity of civil society to act in Malaysia in relation to labour migration, and, in particular, their capacity to engage with key government actors on migration issues. I was additionally interested in investigating the capacity for civil society to work together on common issues, which, according to the literature, has been limited. For example, Grugel and Piper (2011) noted that relations between trade unions and the NGO sector is generally “marked by suspicion and occasionally even by rivalry or outright hostility” (2011; 446) as NGOs have tended to dominate political networks, while unions have been side-lined.

This study found that there exists a large range of civil society actors working on migration in Malaysia, despite the aforementioned constraints, and that, overall, CSOs are very well connected within the governance system as they are actively engaging with a large number of actors on the

¹¹⁰ There is also the perception that the government does not want to ‘anger’ its citizens who employ domestic workers and this is one of the reasons why the Malaysian government does not grant labour inspectors access to its citizens’ homes.

¹¹¹ The 1966 Societies Act also provides the Malaysian government with supervisory authority over political parties.

local, national, regional and international levels. This section looks at the roles of various civil society actors operating within Malaysia's governance system for labour migration and focuses on three types of organisation: migrant rights' NGOs, trade unions, and faith-based organisations. This section looks at these organisations in turn and analyses their activities in relation to labour migration, their relative position within the governance system, and examines their capacity to engage with government actors on migration issues.

5.5.1 The Role of Non-Governmental Organisations

The number of NGOs advocating for migrants' rights in Malaysia has increased in recent years¹¹² despite the severely restricted political-space which NGOs have to address the challenges experienced by migrants (Piper, 2006; 360; Gurowitz, 2000). This study found that NGOs (as a broad category) are the most connected actors within the governance network. The position of migrant rights' NGOs in Malaysia within the migration governance system is a direct contrast to the Home Ministry's position. While the Home Ministry is the most 'powerful' actor but one which is not 'central' to the network, this study found that NGOs are 'central' to the network due to their high levels of connections but that this 'centrality' does not necessarily translate into power. However, as both centrality and power are functions in network relations (Bonacich, 1987), the role of NGOs in shaping the wider agenda in relation to migrants' rights should not be overlooked. Additionally, in relation to who the actors are in these organisations, in contrast to government actors, this research found that many women dominate positions in NGOs, including at the management level.

Figure 12 below shows the extent to which NGOs are interacting with other actors within the governance system. In this figure, each actor highlighted in yellow connects with NGOs on migration issues (for comparison see Figure 9 and Figure 10 for the extent to which actors connect with government actors). It is evident that even the few actors who do not directly interact with an NGO on migration issues, still have at least one actor in common with an NGO.

¹¹² NGOs play a vital role in reducing the gendered gap in access to justice as migrant women in particular overwhelmingly prefer to access NGO services (Harkins and Åhlberg; 2017; xiii).

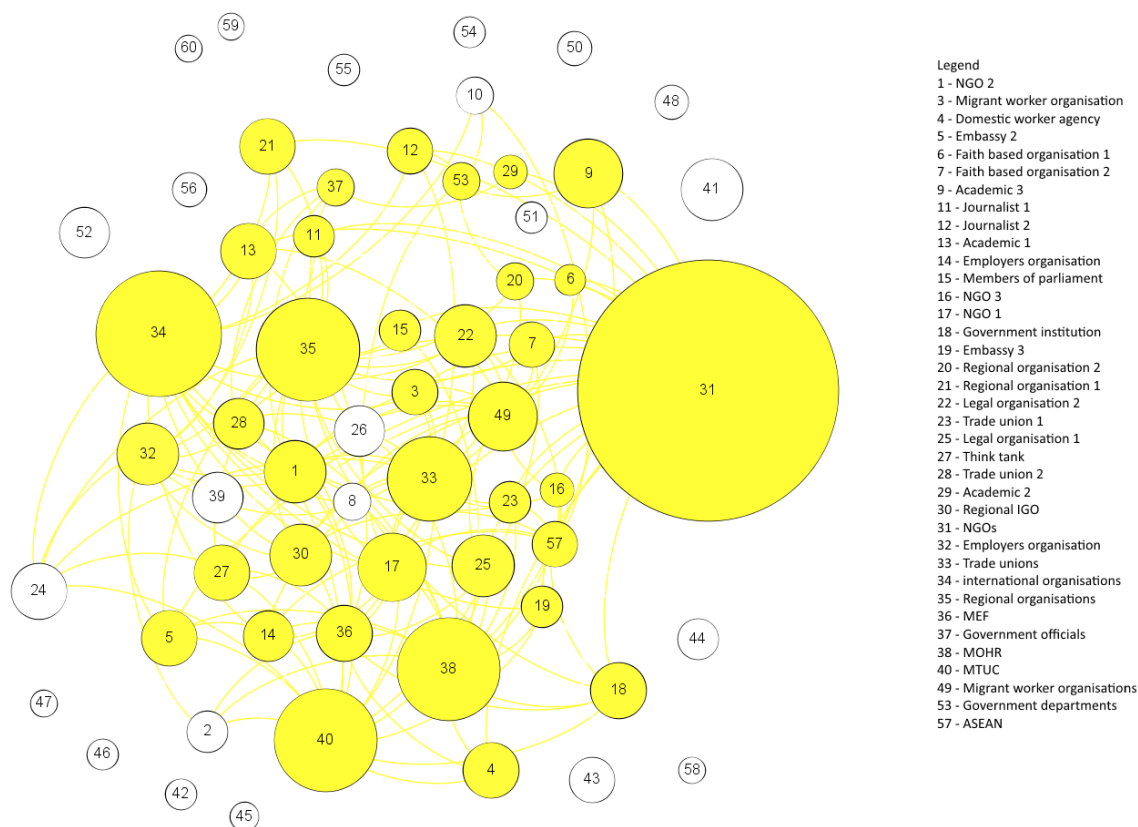


Figure 12: Interactions with Non-Governmental Organisations

The vast array of networks that NGOs have developed, seen in Figure 12 above, are a result of these organisations engaging with other actors across the local, national, regional and international levels. Unlike government actors who control the policy-making mechanisms, NGOs have to actively reach out to other state and non-state actors and have to lobby to be included in migration-related consultations.

Different NGOs have implemented various strategies in order to engage with relevant policy-makers on migration issues, although not all NGOs are able to successfully engage with government actors on migration issues. One key strategy which many Malaysian NGOs (and other civil society actors) employ is the mechanism of transnational activism¹¹³ whereby various migration-related organisations are creating coalitions and informal networks. The development of these networks within Malaysia and across the region means that various actors, who may have relatively little power initially, are able to band together in groups and alliances with common principles to increase their leverage in order to accomplish their goals (Stevenson and Greenberg,

¹¹³ Keck and Sikkink (1998) term the networks consisting of activists who are “distinguishable largely by the centrality of principled ideas or values”, as transnational advocacy networks (Keck and Sikkink, 1998; 1).

2000)¹¹⁴. This strategy sees many NGOs reaching out to other actors, such as trade unions, who they may not have had a history of engaging with on migration issues, to increase their network.

We call it the civil society networks, taskforce on civil society, but also there are migration groups in other groups, I mean Migrant Forum in Asia based in Manila, so there are so many networks for South Asia, Southeast Asia, Arab countries... The networking is very important (Representative, Regional Intergovernmental Organisation, Male, March 2018).

These alliances then work together to advocate for migrants' rights, monitor states' actions, provide government officials and policy-makers with up-to-date information on the issues facing migrant workers, and lobby for change (see also Geiger, 2015; 184)¹¹⁵. Through networking and communicating with other actors in these alliances, actors work together to develop a coherent idea of "what is going on", to construct socially acceptable understandings and to foster a sense of individual and collective identity (Weick, 1995; van Hulst and Yanow, 2016). These networks also ensure that organisations have a stronger united voice to challenge national and regional policies. For example, the *Migrant Workers Right to Redress Coalition*¹¹⁶ is an alliance of NGOs and other civil society actors in Malaysia who work on issues relating to accessing justice for migrant workers. It is composed of various organisations, including JERIT (Jaringan Rakyat Tertindas), the Malaysian Trade Union Congress (MTUC), North South Initiative, Parti Sosialis Malaysia, Penang Stop Human Trafficking Campaign, Persatuan Sahabat Wanita Selangor (PSWS), Tenaganita and others. Some faith-based organisations are also reported to play a role in this coalition, but they keep a "low-profile" to avoid unwanted attention. This alliance has worked together to challenge some of the issues facing migrants in Malaysia and has drafted a Comprehensive Policy on Migration. While this is a Malaysian coalition, they also engage with migrant organisations across the region.

All of the actors within the *Migrant Workers Right to Redress* coalition are actively working on migration issues on some level in their own organisations but will come together as a coalition for certain purposes. For example, if a specific government policy targeting migrants is announced, they will often issue a press statement as a coalition, rather than as any individual organisation, as their collective statements carry weight. Although it should be noted that Tenaganita, regarded by actors in this study as the key NGO working on migration issues in Malaysia, also release their own press statements. In addition, NGOs either on their own, or

¹¹⁴ This is a key feature of the migrants' rights movement in Southeast Asia (Rother and Piper, 2015).

¹¹⁵ Rother and Piper (2015) note that the main migrants rights' networks in Southeast Asia, Migrant Forum Asia (MFA) and CARAM Asia, have inspired networks in other regions and have carried their advocacy up to the international level (2015; 38). However, only 3 national actors in this study cited MFA as an actor that they engage with on migration issues.

¹¹⁶ The Right to Redress Facebook page can be accessed here: <https://www.facebook.com/Right2Redress/>

working in alliances, also organise roundtable discussions which bring a number of state and non-state actors together to discuss migration issues. These roundtables provide an opportunity for collective sense-making and provide key opportunities for NGOs, other civil society actors, and state actors to socialise and share their perspectives on migration issues.

Another strategy that some NGOs have adopted in order to develop better relationships with the Malaysian government is through being more “diplomatic” with the government. Some civil society actors stated that they realised that instead of always ‘accusing’ or ‘shouting at’ government officials for their inaction on migration issues that they instead needed to be more diplomatic in their approach if they wanted to have a productive relationship with the government.

“I think the problem we have maybe is the CSOs [are] not wanting to change the way we talk to the government. In the sense that, because we have always been fighting the government, so when you want to go and talk with the government now you are sitting at the same table, the language that we use, the diplomacy that we use, we need to be a little more tactful with the government. So if you are going to use the same harsh language with them then they will never see you after that. And I think it's rightly so because no government wants to be criticised, just the [same] way that we don't want to be criticised for our work, they wouldn't want the same thing” (Legal Expert, Female, March 2018).

The civil society actor above added that they believed that other CSOs need to amend their approach to dealing with the government and that many organisations have become so used to “fighting” the government on migrants’ issues and that instead a “tactful” and more “diplomatic” approach was needed in their dealings with the government.

“We started opening up to the government and the way we advocated changed, instead of always attacking the government, we started working with the government. [For example] if they wanted to amend the trafficking laws, we will write a draft for them and send it to them and say “maybe this is something that you would like to look at,” and that relationship really changed. So now that we have already got our foot in the government, The Ministry of Human Resources [now] is there always wanting to [collaborate]” (Legal Expert, Female, March 2018).

The participant explained that her organisation previously “did not really have a good relationship with the government” and was not being asked to consult on migration issues. This actor decided to amend the organisation’s working approach and began “opening up” to the government and started trying to work with them instead of always fighting with them. This organisational shift has resulted in a situation where they now can collaborate with the Labour Ministry.

While NGOs may not immediately appear as powerful in the governance system, if we understand power as the capacity to directly create and implement migration policies, yet NGOs are key

sources of information for what is happening ‘on the ground’ regarding the issues that migrant workers face. Furthermore, due to the extensive networks that NGOs and other civil society actors have, these organisations have broad reach to shape the migration issues that gain attention at the national and regional levels. The capacity for civil society actors to engage with government officials is explored in Section 5.5.5. The next section analyses the role of trade unions in the migration governance system.

5.5.2 The Importance of Trade Unions

Another civil society actor that reportedly faces a difficult climate in Malaysia are trade unions. This is due to the organised labour movement being given limited space for exercising any collective power and the minimal organisation of workers (Crisis and Parasuraman, 2016; Miles and Croucher, 2013)¹¹⁷. There is also a lack of international assistance for trade unions outside of the ILO and the International Trade Union Congress (ITUC). Given that trade unions are already facing difficulties generally in Malaysia, I was interested to know whether migrant workers are being incorporated into their agendas.

Migrant workers represent a complex challenge for trade unions as the majority of migrants fall under the ‘temporary guest-worker programme’ where they are bound to a single employer and are deterred from organising¹¹⁸. Furthermore, there exists a negative public attitude towards migrant workers¹¹⁹ and the narrative that migrant workers are “stealing” locals’ jobs. One trade unionist explains that “as a unionist initially we didn’t like migrants at all” due to the perception that migrant workers were “taking away our jobs, taking away our overtime” as “employers prefer to give overtime to migrant workers because they can be easily exploited” (Trade Unionist, Male, February 2018). Given these anti-migrant sentiments, and the literature which notes that trade unions have largely been unwilling to fight for migrant workers’ needs (Piper and Grugel, 2011), it was surprising to discover that trade unions were frequently cited in this study as key actors within the governance system for labour migration. In particular, the Malaysian Trade Union

¹¹⁷ Only around 6 per cent of workers are unionised and “union membership in the private sector also shows a marked decrease, dropping from 433,702 in 2009 to 359,206 in 2017” (Hector, 2017, no page number).

¹¹⁸ Migrants (except MDWs) are permitted to join trade unions but many employers deter migrant workers from organising. This will be discussed in Chapter 7.

¹¹⁹ See Chapter 2 for a discussion on recent surveys looking at public attitudes towards migration in Malaysia.

Congress (MTUC) was cited as a key organisation who actors engage with on labour migration issues¹²⁰. Figure 13 below shows the range of actors interacting with MTUC on migration issues:

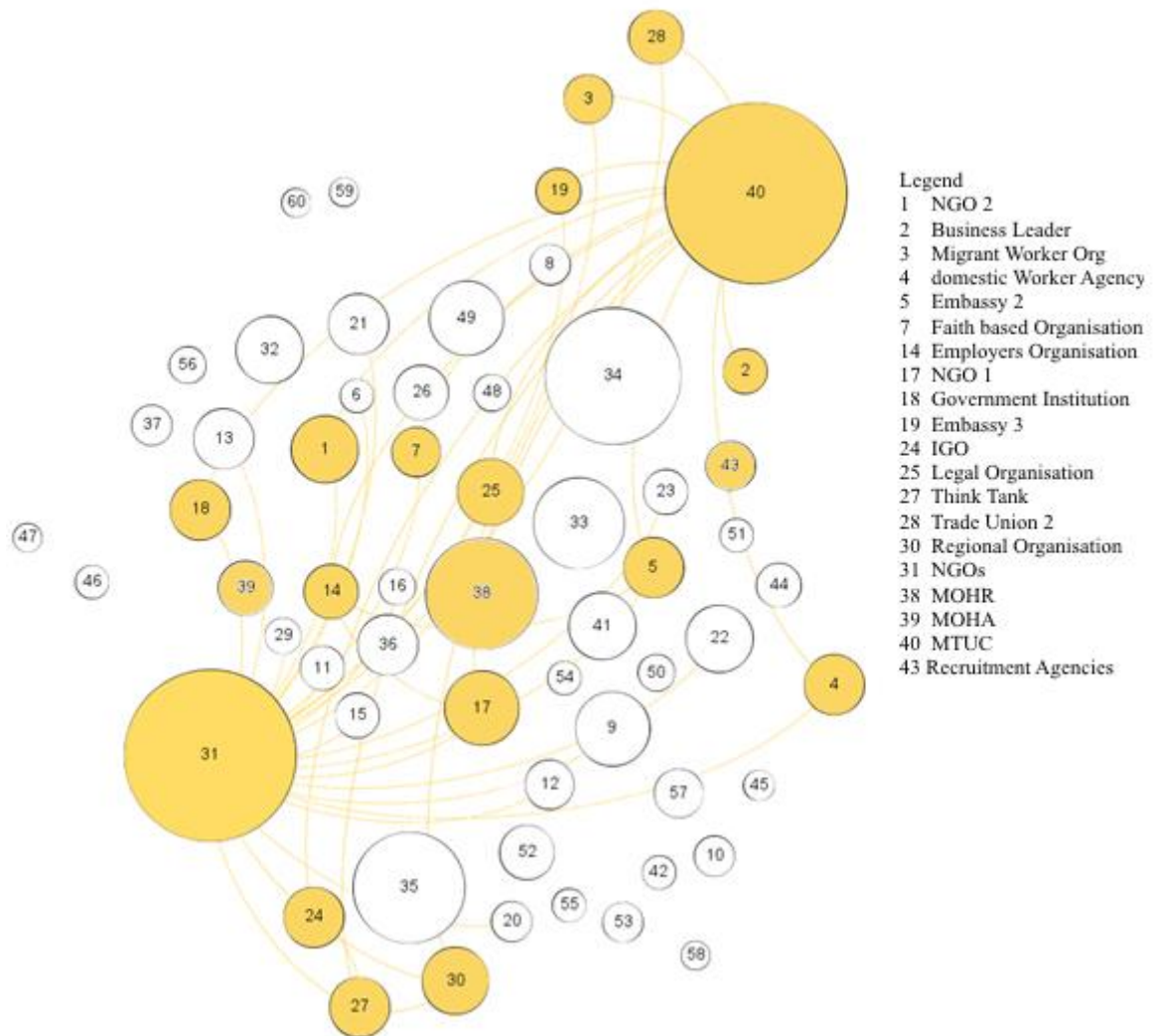


Figure 13: Interactions with the Malaysian Trade Union Congress

This study found that the MTUC has been taking active steps on migrant workers’ rights, although this was framed as a relatively recent development as, according to some participants, “there was a point of time when [the MTUC] refused to help migrant workers at all” (Legal Expert, Female,

¹²⁰ It was interesting to note that migrant workers were framed by some trade unionists as pivotal when it comes to picketing as they are more likely to stand on the picket line with the union than the local workers: “Since 2008, I am handling migrants [cases] and I really feel that it is a noble job, because it gives me an opportunity to help these migrant workers... One of the *good* reasons I can give you *why* we need migrant workers to become union members is [if] you want to do picket, you ask them [the migrants], 100 percent will be on the road with you [laughs], nobody else, not locals. Because once they trust you, they’ll be all out for you” (Trade Unionist, Male, February 2018).

March 2018). The inclusion of migrant workers in the purview of the MTUC was a move which I was informally told stemmed from top-down pressure from the ILO.

The MTUC is understood as working on migration issues in a number of key ways. Firstly, the MTUC is able to engage with some key state actors on migration issues and is invited to attend meetings with government officials regarding migrant workers. In fact, one trade unionist in this study, even contacted an official within the Labour Department (within the Ministry of Human Resources) during the course of our interview to clarify details of a policy, showing the level of interactions, and the type of relationship that has been fostered between the union and some officials within the Labour Ministry.

“I will check with the Labour Department now [takes phone out and starts dialling], we at the [union] we don't ask anybody, we straightaway communicate with the Labour Department” (Trade Unionist, Male, February 2018).

Secondly, the MTUC has also been reportedly asked to provide practical support to the government by assisting them in carrying out their duties relating to migrant workers. For example, one actor explained that government officials have proposed creating a union-CSO-government Special Task Force to investigate issues that migrant workers face from their employers. This proposed collaboration was framed as being driven by the government's lack of capacity in managing some aspects of labour migration:

“The [government] were proposing this, they said ‘since Malaysian Trade Union Congress (MTUC) has a Migrant Resource Centre, you have trained officers dealing with migrant workers and you also these civil society organisations working on human rights, dealing with migrant workers, so maybe we can have a tripartite discussion with the top ministers in the country and together with MTUC to form a Special Task Force [so] that maybe we can give you the authority to go to the company by yourself to deal with these migrant workers, rather than having our officers doing this’” (Trade Unionist, Male, March 2018).

Thirdly, the MTUC was framed as a key partner working alongside other civil society actors on migration issues. This is because there exists the perception that the voice of trade unions carries some weight with the government and that unions can play a key role in facilitating other civil society actors to meet with government officials to discuss migration issues. There are occasions where NGOs and trade unions have collaborated to challenge the government over incidences relating to migrants, for example, they formed coalitions to campaign for a national minimum wage in 2008, a compulsory day off for domestic workers in 2008, and to lobby against the deduction of fees from migrants' wages in 2009 (Miles and Croucher, 2013). Unions also joined CSO coalitions to campaign: i) against human rights' abuses in 2005, ii) for migrant workers to

establish their own associations in 2008 and iii) for migrant workers to be treated in line with core ILO labour standards in 2010 (Miles and Croucher, 2013). The MTUC is also part of the aforementioned *Migrant Workers Right to Redress* coalition and often provide NGOs with the opportunity to “tag along” to meetings with the government, which can benefit both organisations as the NGOs and trade unions can present as a united front to ensure that their “voices are heard”:

“Trade unions play a very important part, what we do is we tag [along]. Previously, when I was actually a trade unionist, when I was working there on this project, whenever we have a major, like a Memorandum that we want to submit to the Ministry, so what happens is NGOs take behind us, you know it gives carries weight. So we are not going just as a trade union, we are [instead] having a coalition. So when we go there [to the Ministry], the voices are heard” (Regional Coordinator, Regional Organisation, Female, March 2018).

However, despite the role of unions within the governance system for labour migration, there still exists people “within the trade unions here [who are] making a lot of comments and speeches which are very anti-migrant” (Representative, NGO, Female, February 2018).

So in this study, trade unions were cited as an important actor within the governance system for labour migration in that they have been increasing the work they do relating to migrant workers and that they have connections with government officials on migration issues, and are supporting other civil society actors to access key government officials on migration issues. However, how does this relate to domestic workers? Domestic workers remain an unfortunately ‘unique’ employment category due to the status of the sector with employees previously defined as “servants”, now defined as “helpers”, but still not regarded as “workers”. Under Malaysia’s labour laws, domestic workers are unable to organise and join trade unions and are excluded from the Employees Provident Fund Act 1951, the Workmen’s Compensation Act 1952, the Trade Union Act 1959, the Industrial Relations Act 1967, and the Employees Social Security Act 1969 (Kaur, 2007).

In this study, there were mixed views regarding whether trade unions, notably the MTUC, were advocating for domestic workers’ issues. The literature notes that there are links between the MTUC and domestic workers’ rights groups in relation to campaigning for domestic workers’ rights (Elias, 2008; Varia, 2011; Miles and Croucher, 2013). This was echoed by some trade unionists in this study who note that in from 2008 until 2016 the “MTUC has started a campaign that they want to amend the law in the Employment Act 1955 to allow domestic workers to form associations” (Trade Unionist, Male, March 2018) but that the campaign is yet to be successful. Similarly, the Philippine embassy noted that the MTUC is working on domestic workers’ issues as they occasionally come to the post-arrival orientation seminar that the embassy provides for

recently arrived Filipina domestic workers in Malaysia. However, other participants were uncertain as to whether the MTUC was actually working on domestic workers issues. For example, one domestic worker organiser stated that, in relation to whether trade unions help with domestic worker issues in Malaysia, “in theory, yes but in the reality we didn't see it. I'm not saying no but we didn't see it, we have to struggle” (Domestic Worker Organiser, Female, March 2018). In fact, MDWs struggle to make their voices heard in Malaysia. The next section briefly examines the strategies that domestic workers employ when trying to organise in Malaysia.

5.5.3 Can domestic workers organise?

Transnational migrant activism is prevalent in Southeast Asia, and the literature states that, due to the temporary nature of migration, “an Indonesian migrant domestic worker in Hong Kong might come into contact with a Filipino grassroots movement and subsequently become an activist” (Rother and Piper, 2015; 39). However, the capacity for MDWs in Malaysia to become activists is curbed by the domestic legal framework. Actors in this study explained that they have been trying to register a domestic workers’ association which would have provided a space for domestic workers to openly meet and organise. However, attempts at registering this organisation have been blocked¹²¹.

“There was a group of Indonesians and Filipina domestic workers at that particular time in 2013 [who] through the collaboration and cooperation with MTUC, have formed an association, they call it “Malaysian Domestic Workers Association” so we submit an application to the Registrar of Associations but it was rejected at that particular time by the Minister, and this [campaign] went on until 2016... [but] after many years I don't see any improvement at all in terms of getting these people organised” (Trade Unionist, Male, March 2018).

That is not to say that domestic workers do not meet but that they must be creative in how they organise. As domestic workers are prevented from forming their own organisation, some civil society actors are providing a space where MDWs can come together to meet safely under the umbrella of an established organisation such as women’s organisations. So, while on paper it may appear that MDWs are unable to organise, there are in fact limited opportunities for them to organise and discuss their issues but that they must do this behind closed doors and under the guise of a larger organisation. One domestic worker organiser explains their current set up:

“My community [organisation] is not registered, it's only known by our embassy. So we use a local NGO in Malaysia as like our umbrella. [For meetings] like I will be [listed as] 'worker representative' not the 'organiser'...

¹²¹ Some NGOs in this study stated that they were disappointed that the Malaysian employment agency responsible for domestic workers did not do more to support the establishment of a domestic workers’ organisation.

so we use [meet] under the [umbrella]. We use different [name] because of the situation” (Domestic Workers’ Organiser, Female, March 2018).

The participant above cited NGOs as key organisations who are able to support MDWs in Malaysia through providing training, case referrals and opportunities for collaboration. The participant notes that her organisation additionally collaborates with legal organisations and has been trying to work with the MTUC, as they have to be as creative as possible due to the restricted legal framework in Malaysia: “we use all the mechanisms [available] here, we collaborate with any organisation that can help us [so] we try to engage with them” (Domestic Workers’ Organiser, Female, March 2018). The next section briefly examines the role of faith-based organisations in Malaysia.

5.5.4 The Role of Faith-based Organisations

Faith-based organisations do not appear to engage in the policy-making processes for labour migration and stated that they do not have the opportunity to engage directly with government officials and policy-makers. Instead, faith-based organisations interact with other CSOs, such as the *Migrant Workers Right to Redress* coalition, as well as other faith-based organisations throughout the region, and are increasingly playing a key role in service provision in Malaysia, helping to fill a void in services. Faith-based organisations have been increasingly working on migrants’ issues and providing practical on-the-ground assistance to migrants including playing a crucial role in identifying abuses. However, some of the faith-based organisations in Malaysia, such as the Catholic Church, “try to keep a low-key [profile] for public things” as “the Church just doesn’t want to be harassed by anyone” (Representative, NGO, Female, February 2018)¹²².

One action undertaken by the Church is the establishment of The Migrant Ministry in Kuala Lumpur¹²³ to handle migrants’ issues. This Migrant Ministry was established due to the perception that the specific assistance needed by migrants “are quite different” from other poor vulnerable communities in Malaysia, such as the need for help with documentation if migrants have overstayed their visa (Chief Coordinator, Faith-based Organisation, Female, March 2018). Some of the practical services that the Church (not just the Migrant Ministry) provides include walk-in health services and emergency accommodation for migrant communities. Faith-based networks can also provide a key resource when trying to track down missing migrants in Malaysia and in other countries. For example, one participant relied on connections in the Orthodox Syrian Church to assist in finding her former Filipina domestic worker who went missing while employed as a

¹²² This ‘harassment’ could come from either the government or from some of the parishioners who do not want the Church to be working with migrants in Malaysia.

¹²³ The Parish Priest started the Migrant Ministry even though “the decision was going against, if you like, the popular opinion within the parish community” (Chief Coordinator, Faith-based Organisation, Female, March 2018).

domestic worker in Syria and noted that, without the Church's assistance, they would not have been able to 'track her down' and then lobby the embassy to get her released from her employers. Another key issue that the Church is reportedly able to assist with is in investigating situations when a migrant dies under suspicious circumstances¹²⁴. In these situations, the community will often approach the Church, regardless of the worker's religion, to try and get an investigation into the worker's death, however they will do this 'quietly' as they do not want any problems with the Religious Department¹²⁵. Here, the Church is regarded as having the ability to sufficiently investigate, which is perhaps due to their perceived impartiality, as opposed to the worker's embassy which, for diplomatic reasons, may not be able to launch an investigation. The next section explores the role of international and regional actors in the migration governance system.

5.5.5 Engagement with Government Actors

This study found that many civil society actors feel that the space to engage with government actors on migration issues has improved slightly in recent years¹²⁶. One reason given why the government became more willing to engage with civil society actors on migration issues is that the UNMO was less able to isolate themselves following the 2008 General Election: "especially after it lost its two-thirds majority and we have got a stronger opposition, I think now the government is more willing to engage" (Legal Expert, Female, March 2018). However, there was some disagreement between civil society actors as to the extent of engagement with the government on migration issues, which is due to the varying capacity of different actors to interact with the government. On the one hand, some actors stated that they have "definitely much more engagement now than we had 5 years ago" (Legal Expert, Female, March 2018) as they have been able to connect with some government actors including those that manage labour disputes and deportations (Varia, 2011), along with officials in the anti-trafficking council (MAPO) and the Labour Ministry. The opportunities for CSOs to engage with the government are important as they provide a space for actors to share different perspectives on migration issues.

¹²⁴ One business consultant stated, "in Malaysia we send 365 dead bodies a year back to Nepal" (Female, March 2018).

¹²⁵ One interviewee explained: "[The Church] handle a lot of migrant cases. Like even when a person dies, say a Muslim Indonesian suddenly dies and people are suspicious of why he dies, they come to the Church. [I was told] that in 2017 [the Church] handled about 100 cases of sudden death... so that's why they came to the Church, if not they would just go to their embassy and take the body back, but they came here because they wanted some kind of investigation. So that sudden death thing seems to be bigger [issue] than what we think it is. [The Church] actually deal with these things but they don't publicise it because they don't want the Religious department coming to visit them and giving them problems, so that's why you don't see this, but they do quite a bit of work with migrant workers" (Representative, NGO, Female, February 2018).

¹²⁶ Although, it must be noted that fieldwork took place prior to the 2018 General Election so participants were speaking about the (then) government consisting of UMNO leading party led by Prime Minister Najib.

“NGOs individually independently also they have access to talk to the government and then last few years our partner NGO in Malaysia also they had discussions with the Ministers and submitted [to the ministers] the memorandums and things like that” (Program Officer, Regional Organisation, Female, March 2018).

Whereas other civil society organisations stated that there is only a “tiny” increase in the capacity to engage with the government: “I mean comparatively like a few years back there was no space at all [to engage] so at least there is a *tiny* space opened up [now]” (Representative, Labour Coalition, Female, March 2018)¹²⁷. However, the civil society actors who have been able to engage with government officials state that these meetings have not always been productive. This is partially due to the existence of “very few opportunities” to engage with the right officials¹²⁸ in the Home Ministry and the Labour Ministry on migration issues. Additionally, when NGOs in particular have been able to meet with the government, participants stated that they felt these meetings are often just “for show” so that the government could state that they did collaborate with CSOs on migrant workers’ issues.

“[The government] were not really doing anything. But suddenly they invited us for a meeting and they had all the departments there: Immigration, Health, everyone involved with migrants, they were all there. And they were there [and] invited us basically to show off, to say that ‘we have made a kind of policy among us’ so it’s interdepartmental kind of policy” (Representative, Women’s Organisation, Female, February 2018).

This sentiment was echoed by an actor in the *Migrant Workers Right to Redress Coalition* who, after a year of trying to meet with the government, had finally succeeded in arranging a meeting but who felt that this was probably only agreed to as it was election season¹²⁹:

“We were like trying so hard to get an appointment and it’s only now so almost a year just to get an appointment and there’s no really clear outcome of what will happen [at the upcoming meeting] but I think we use this opportunity to lobby and to try our best, and let’s see what happens. And also the space has opened up probably because of the election season, probably so they want to be seen that something is moving but they are taking a risk because it can also backfire [on them]... That small tiny space [has] opened up so I don’t think we have much choice but to use it and see how it goes from that meeting” (Representative, Right to Redress Coalition, Male, March 2018).

¹²⁷ Also some civil society actors in Malaysia noted that they now also engage with government officials from sending countries on migration issues: ‘even with the labour attachés, at that time we never worked with them [but] now we constantly get calls from them, and we help them with repatriation, we help them with their cases, we help them to house their migrants, their nationals, so it’s changed, the scenario has changed’ (Legal Expert, Female, March 2018).

¹²⁸ “There are very few opportunities like this, like we went to see them a number of times about this matter of right to redress [but] we just spoke to the Minister’s personal PA, the Minister didn’t come” (Representative, NGO, Female, February 2018).

¹²⁹ The General Election took place on 9th May 2018.

However, other civil society actors stated that the government ministers do ‘listen’ when they get the opportunity to meet with them and discuss alternative policy ideas but that the government are often constrained by existing policy or by time constraints (relating to government officials’ limited time in office). For example, one interviewee noted that “they agree [with us] on so many things” and that:

“[The government] do listen but sometimes some things are not in their hands. That is the problem, it's not in their hands. So by the time they think that they want to do something, there is a new government [who has] taken over” (Regional Coordinator, Regional Organisation, Female, March 2018).

It is not only national NGOs who struggle to interact with government officials on migration issues as this study found that there are also barriers for ASEAN actors in collaborating with the government. While ASEAN Committees have the ear of the international organisations and international intergovernmental organisations, some actors feel that they are not always able to collaborate with governments within Southeast Asia¹³⁰.

“Of course you can go to the ILO, you can go to the UN session, make all the complaints and when the remedies are provided, how do you collaborate with the government? So here is a negotiation but when the solutions [come], do we collaborate in the implementation as a partner? Because civil society is also a partner” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

This frustration was not only experienced by non-state actors. For example, some government officials from sending countries who have been able to engage with key Malaysian government officials on migration issues, noted that the interactions are not always useful. One embassy official, whose embassy does engage with the Ministry of Foreign Affairs, the Labour Ministry and the Home Ministry, states that his embassy has to proactively reach out to the government to arrange these meetings which are not always productive. This is due to the fact that when the Malaysian government officials attend these meetings, they are “very formal” and “protective of their own interests”:

“We meet with the relevant departments from time to time, our first point of contact is the Foreign Ministry, and then besides that we are in regular contact with the Immigration Officials and then Home Ministry and Police [Department] and Human Resource Ministry. When we have High-Level visits of course we meet these people and we are working on that bilateral level agreement. Yeah but basically it is a matter of policy-making and it is politicians and High Level bureaucratic officials who are influencing the policy... [The government] are not proactive to reach out to us so when we

¹³⁰ This is interesting as Section 5.6.2 shows that very few actors in this study were able to engage with ASEAN’s mechanisms.

reach out to them, they are very formal and they are very protective of their own interests” (Embassy Official, Male, March 2018).

It is important to highlight, however, that a government official in this study, when asked about engagement with civil society, framed the lack of engagement between government bodies and CSOs as being down to CSOs preferring to engage with other actors: “civil society does not really engage with Ministry as they probably prefer to engage with each other to assess policy” (Government Official, Male, April 2018). The limited opportunities between for the majority of civil society actors (especially migrant rights’ NGOs) to share their perspectives with government actors is problematic for the understandings that are developed within the policy-making setting. Understandings about migration dynamics which may seem reasonable for one group, such as state actors, may seem implausible for migrant rights’ NGOs (see also Geddes, 2018). The next section explores the role of international and regional organisations in the governance system.

5.6 The Role of International and Regional Actors

International organisations do vital work on migration issues across Southeast Asia. The literature notes that the International Organisation on Migration (IOM) is an important organisation in the region¹³¹ and this was echoed by some of the international actors in this study who stated that they engage with IOM frequently on migration issues, however it is interesting that it was not the international actor with a specific remit on domestic work. Conversely, this study found that very few actors (only one trade union and one academic) based in Malaysia stated that they engage with the IOM on migration issues. In this study, the most important international actor in relation to the governance of labour migration generally and domestic worker migration specifically, was the International Labour Organisation (ILO). This actor was cited as a key agency by international, regional, national and local actors. See Figure 14 for the connections with ILO.

¹³¹ For example, the IOM is a driving force in the Regional Consultative Processes (RCPs) e.g. the Bali Process.

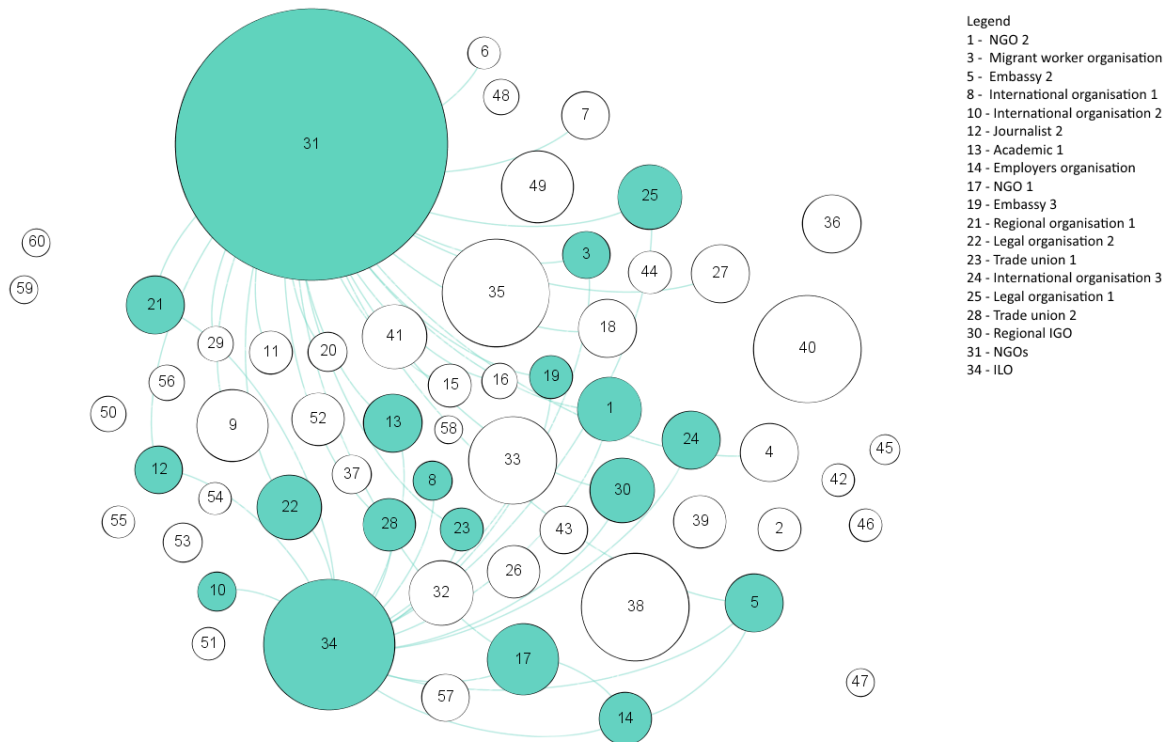


Figure 14: Interactions with ILO

5.6.1 What has the ILO been doing?

The extent of ILO’s duties with regards to labour migration in Malaysia is too extensive to go into here, but I want to highlight a few points that arose in this study. Firstly, the ILO in Malaysia have an extensive presence on the ground. During fieldwork, there were an extensive number of seminars and training events that many of the CSOs in this study (Malaysian NGOs, legal organisations, trade unions and community organisations) were involved in and, in nearly all of these, the ILO played a key part. The ILO was involved in setting up the Migrant Resource Centre in Malaysia in collaboration with the MTUC, and was involved in driving forward the creation of the guidance booklet on domestic worker employment (see Chapter 9 for a discussion of this booklet). The ILO has also been assisting with networking trade unions across the region, which is a difficult task as trade unions across the region have different political leanings¹³². However, while the ILO facilitates an increased number of networking opportunities between various actors

¹³² “Since 2012, it is the ILO that manages the invites for the trade unions [to participate in the ASEAN Forum on Migrant Labour] with the agreement of the ASEAN states, the trade unions are very political in that sense in each country, they couldn’t come to consensus on agreeing who would participate, so the ILO gets the headquarters involved [but] not even every trade union in every country would participate” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

(mainly employers' organisations, trade unions and NGOs) within Malaysia, and across the region, some actors expressed frustration that this has not led to any tangible changes in terms of migrants' rights in Malaysia.

5.6.2 What have regional networks been doing?

From the document analysis stage of this study, it became clear that there are a number of ASEAN Forums, Committees and taskforces relating to migration, one key example being the Task Force on ASEAN Migrant Workers. The Task Force is made up of trade unions, migrant rights' NGOs, and migrant workers' organisations. However, this study found that very few of ASEAN's forums were mentioned as spaces where actors discuss migration issues. For example, while Geiger (2015) stated that the ASEAN People's Forum/ASEAN Civil Society Conference is a key venue for discussing issues of migrants' rights, this forum was not mentioned by any actors in this study. In fact, some actors explicitly stated that ASEAN could do more work on migration issues¹³³.

Figure 15 illustrates the limited number of actors who are engaging with ASEAN and its subsidiaries on migration issues¹³⁴. In this study, only seven actors stated that they engage with ASEAN: one representative from an international organisation, one from a regional organisation, and one actor from a Malaysian government institution. The remaining non-state actors were from an employer organisation, a trade union, an NGO, and a legal organisation.

¹³³ "I think ASEAN has matured to a level where we can actually have some kind of supranational legal framework. I mean, you know ASEAN has this weird thing non-interference policy, it's a Cold War policy, we are way past the Cold War, so what happens in Indonesia affects Malaysia, affects Singapore, what happens in Malaysia affects Vietnam. I think [because] migrant workers is a huge traffic in this region, I think it's time for the ASEAN community to have a supranational legal framework to safeguard the rights, you don't send your people to die, you don't send your people to a place where you know that they have no protection whatsoever" (Member of Parliament, Male, March 2018).

¹³⁴ Rother and Piper (2015) echoed that the space for civil society actors to engage at ASEAN-level is extremely limited.

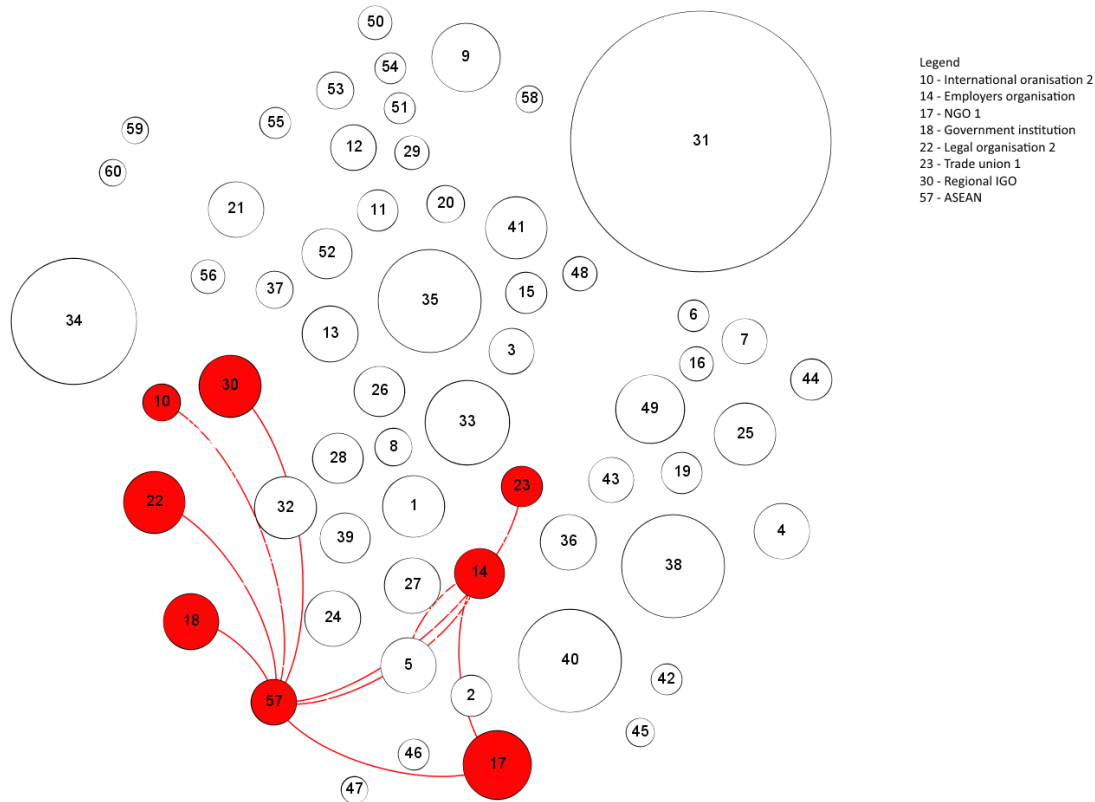


Figure 15: Interactions with ASEAN

5.7 Conclusion

The governance network for labour migration involves multiple state and non-state actors working across the local, national, regional and international levels, with different actors having varying degrees of power and ‘centrality’. The number of NGOs and other CSOs in the institutional architecture of Malaysia’s governance for labour migration has increased in the past decade and these organisations have extensive networks in Malaysia and across the region through which they attempt to shape understandings about migration. However, many NGOs are still unable to access policy-making mechanisms as Malaysia’s migration policies remain excessively shaped by the preferences of the state (see also Grugel and Piper, 2011). This study found that government actors, namely the Home Ministry, are the primary migration policy-makers and want to “guard that prerogative jealously” (Newland, 2010; 331; see also Case, 2013) so seek to be insulated in this regard and actively avoid consultation (and criticism) from non-state actors within the network. In contrast, some Malaysian non-state actors in this study, such as employers’ organisations, trade unions and a small number of NGOs, stated that they are able to have limited interactions with the Labour Ministry on labour migration issues, but there was disagreement as to whether these meetings were productive.

Network analysis often assumes that some actors are enabled to act by their network position while others are constrained whereby centrally located actors are assumed to be important and are able to accomplish their purposes, while peripheral actors are considered powerless (Stevenson and Greenberg, 2000). This chapter questions some of these assumptions by comparing which actors are 'central' to the network, with those who are considered 'powerful'. If power within a governance network is judged by ties alone, key government ministries such as the Home Ministry, who are quite isolated in terms of connections, would appear 'powerless'. However, it is the Home Ministry which is the primary decision-maker on labour migration policies and is responsible for policy creation, implementation and enforcement. Whereas this study found that NGOs in Malaysia and across Southeast Asia have the highest number of interactions with other actors in the governance network so could be viewed as 'central' to the network. However, many NGOs still have a limited capacity to engage with national policy-makers so would still be considered peripheral with regards to their ability to shape policy.

The limited number of interactions between state actors and civil society actors may affect the understandings that shape policy. Migration policy-making involves "an elite group of politicians" and others within the inner circle "who understand the issues a *certain* way" (Journalist, Male, March 2018), with migrant rights' NGOs, women's organisations and organisations which represent domestic workers, largely unable to access policy-making processes. Therefore, it is difficult for alternative perspectives and ideas about migration and female labour to enter Malaysia's policy-making processes. This may pose a barrier to key issues surrounding migrants' rights, female migration and the domestic work sector from getting on the policy agenda. This may also be problematic in terms of the ideas about gender enter the policy-making process, and the understandings that are produced by the process, such as female labour being constructed as "disposable" (Wright, 2006) or domestic work as having "little [economic or social] value attached to it" (Mpetsheni, 2001; 60). Overall, I argue that female migrants' needs are overlooked in Malaysia's policy-making processes (see Hawkesworth, 1994, 2005). The next chapter analyses the dynamics of migration and investigates how individual actors and organisations within the governance system conceptualise the causes and consequences of migration, and the ways in which gendered ideologies are shaping these understandings.

Chapter 6: The Causes and Consequences of Migration

6.1 Introduction

All organisations are faced with two questions: *what is going on 'out there'*, and, on the basis of understandings, *what should we do next?* This chapter analyses the instinctive reactions of policy actors within Malaysia's migration governance system when faced with the question "what is happening out there?" This chapter highlights how various actors understand the causes and effects of migration, how actors identify problems and their attributes ("diagnostic framing") and will show how ideas about gender shape how migration is framed. These are organisational questions as being a part of an organisation not only has an effect on actors but also on their interactions with others. There is need to investigate actors' understandings as they are produced in organisations and not by individual actors making sense on their own. The purpose of this chapter is not to judge whether the views of actors are accurate or not, but to analyse their effects.

As mentioned in Chapter 3, the term "gender" does not mean "women" but instead it refers to the socially and culturally constructed ideas, meanings, beliefs, interpretations, identities and relationships linked to the perceived differences between men and women (Connell, 1989; Peterson, 1992; Piper, 2003). So in analysing how, why and with what effects, gendered understandings permeate migration policy processes, I am looking 'inside' the policy-making process and comparing how actors frame male and female migration, and how they develop policy narratives based on these frames. I am particularly interested in examining whether women feature in actors' intuitive understanding of migration.

Actors create and apply frames to make sense of 'what is going on out there' and the framing process organises prior tacit knowledge and experiences and guides action. This chapter argues that actors' knowledge and ideas surrounding the causes and consequences of migration is informed by implicit and explicit understandings about gender¹³⁵. This chapter explores: i) whether gender differences on migration dynamics are acknowledged by actors and if so, how are they described? And ii) whether actors explain these differences and if so, how? By addressing these questions, this chapter contributes to the literature on how, and with what effects, gendered forms of knowledge enter governance processes, and, by doing so, sheds new light on migration policy-making processes in Malaysia, which is embedded in a region where migration governance

¹³⁵ See also Schwenken and Eberhardt's (2008, 2010) work exploring the role of gender knowledge on economic theories of migration.

has been less researched than in Europe. This approach aims to provide a more complex picture of how gendered ideologies permeate migration policy processes.

The chapter is structured as follows: Section 6.2 analyses actors' understandings of the scale of immigration to Malaysia and examines the 'visibility' of male and female migrant workers in Malaysian society. Section 6.3 investigates the key findings in relation to how actors understand the causes of migration, namely that economic motivations are seen as the key driver. Female migrants are seen to lack decision-making power during the migration process. Migrant workers are often understood as being deceived during the migration process. The final section examines actors' perspectives on the consequences for migration and explores the perceived economic and social impacts of migration.

6.2 The Visibility of Female Migrants

Before I analyse how actors frame the causes and consequences of migration, there are two key questions that need to be explored to contextualise how migration is framed. I need to first examine actors' understanding of the scale of immigration to Malaysia. Secondly, I need to provide an overview of the visibility of male and female migrants in Malaysia. This section briefly looks at these issues in turn.

6.2.1 What is the scale of immigration?

The exact scale of immigration to Malaysia is unknown. According to a breakdown of figures provided by Malaysian Parliament, there were 1.9 million documented migrant workers in Malaysia in 2016, of which 20 per cent are women (Migrant Workers Right to Redress Coalition, 2017, Appendix 4)¹³⁶. The official number dropped slightly to 1.7-1.8 million migrant workers in 2017 (Prem Kumar and Kanyakumari, 2017). However, in this study, there was widespread agreement that this figure vastly underestimates the true scale of immigration to Malaysia due to the large number of undocumented migrants in the country. This includes both foreign workers who entered in an undocumented capacity and those who became undocumented while working in a legal capacity e.g. by overstaying their visa or by changing employer.

“The problem really with doing migration research into contemporary movements in Malaysia is that there are no statistics that is really the main problem, I mean it is something you would begin with “how many people come? How many people leave? Where do they come from?”... [The] official

¹³⁶ See Chapter 7 for data.

statistics on the official numbers with work permits... we multiply [these numbers] by 2.5” (Academic, Female, February 2018).

The role of this thesis is not to estimate the size of Malaysia’s population of irregular migrants but it is important to underline that the official statistics provided by the government were understood as inaccurate, with many interviewees stating that there is widespread uncertainty regarding the exact scale of labour migration to Malaysia and the exact gender breakdown. The *Migrant Workers Right to Redress Coalition* (2017; 4) state that there are around 6 million migrant workers in Malaysia. Many participants stated that they were ‘shocked’ by the estimates of the total numbers of migrants which range from an additional 2 million, to an additional 9 million undocumented migrants, on top of the figure 1.7-1.8 million documented workers:

“Two months' ago we went for a meeting in [the government ministries in] Putrajaya, people were shocked to get a figure from the government that said that for now we have about 1.7 something million migrant workers, documented, regular workers, we can put it at 1.8 [million]. [However] we are expecting about four to six million irregular, [the government] are expecting, on top of this figure” (Trade Unionist, Male, February 2018).

“I was with the International Trade Union Congress recently, and their estimates are 11 million migrant workers in Malaysia, and I was like holy crap that is the biggest number I've heard! I was shocked and I clarified several times, ‘did you mean 11 million?’ and they were like ‘yes regular plus irregular,’ that's their estimate” (Official, International Organisation, Female, May 2018).

“We have at this moment just under 2 million legal migrant workers in Malaysia, but illegal could be another 2 million, could be another 4 million, nobody knows” (Manager, Domestic Workers Recruitment Agency, Male, March 2018).

The uncertainty surrounding how many migrant workers there really are in Malaysia is the first thing that I want to highlight. It is difficult to get reliable data and different organisations are offering different estimates. The government are reportedly telling organisations that they estimate 6-8 million migrant workers in total, while the International Trade Union Congress reportedly estimates 11 million in total. This uncertainty poses problems for actors when they are trying to make sense of the scale of migration to Malaysia and poses a significant barrier when actors are trying to make decisions about how to act. This will be discussed further in Chapter 7.

6.2.2 Invisible Female Migrants?

In developing an analysis of the understandings underpinning the governance of migration, this thesis is interested in examining whether women are present in actors’ instinctive understandings of Malaysia’s migration dynamics. The broad interview questions used in this thesis explored

labour migration to Malaysia from a general perspective. This was intentional as I wanted to explore actors' intuitive understandings about migration and the ways in which implicit ideas about gender permeates how actors make sense of migration. I was trying to understand actors' reactions to migration dynamics, and to ascertain what actors thought of gender differences and whether they made specific reference to female migration when speaking about migration in the region. For the majority of interviewees, when asked about migration within Southeast Asia, they intuitively spoke about male migration flows. The discussions that followed predominantly referenced the construction sector, the plantation sector, and the security sector, all male-dominated employment sectors in Malaysia. In the majority of interviews, female migration and domestic worker migration was only discussed after I specifically mentioned it, and even then, in most cases, the interviewee would quickly revert back to discussing male migration. Participants who spoke of female migration issues unprompted were those who worked for organisations whose remit focused on domestic work, or had a specific focus on female labour migration.

The 'silence' surrounding female migration and domestic worker migration was particularly interesting for two main reasons. Firstly, the role of migrant domestic workers (MDWs) in Malaysia dominated the media headlines in February 2018 (just after fieldwork commenced) after the death of Adelina Lisao, a female domestic worker from Indonesia, on 11th February after she was found in the backyard of her employer's home in Penang (BBC News, February 2018). This event was followed by intense media coverage after the Indonesian ambassador to Malaysia suggested that Indonesia should implement a ban on sending its female citizens to work in Malaysia's domestic work sector. Secondly, during fieldwork it became apparent that many of the actors in this study employed live-in MDWs themselves currently, or have employed them in the past. So, even though domestic worker migration dominated media headlines and a female migrant often lives *in* their home, female migration was still not at the forefront of the majority of actors' minds.

On the one hand, it could be argued that one of the reasons why interviewees intuitively spoke of male migration is that male migrants occupy more visible roles in Malaysian society due to the nature and location of the work that they do. In essence, male migrants are working in occupations that you can 'see'. During fieldwork, I made notes about the presence of migrant workers in public in Kuala Lumpur, which is where the majority of interviews took place in peninsular Malaysia, and also in Sarawak in east Malaysia. I wanted to understand the visibility of migrant workers in Malaysia and whether there are notable differences between the presence of male and female migrants. In Kuala Lumpur, due to the city's construction boom, I observed large groups of male migrants on building sites, or working to landscape parks or construct new roads. Male migrants, predominantly from Nepal, can also be seen working in front of buildings as security officers.

However, there is also a geographical divide in terms of male migrants' visibility due to the location of certain employment sectors. The map of Malaysia in Figure 16 illustrates the dispersal of migrant workers:

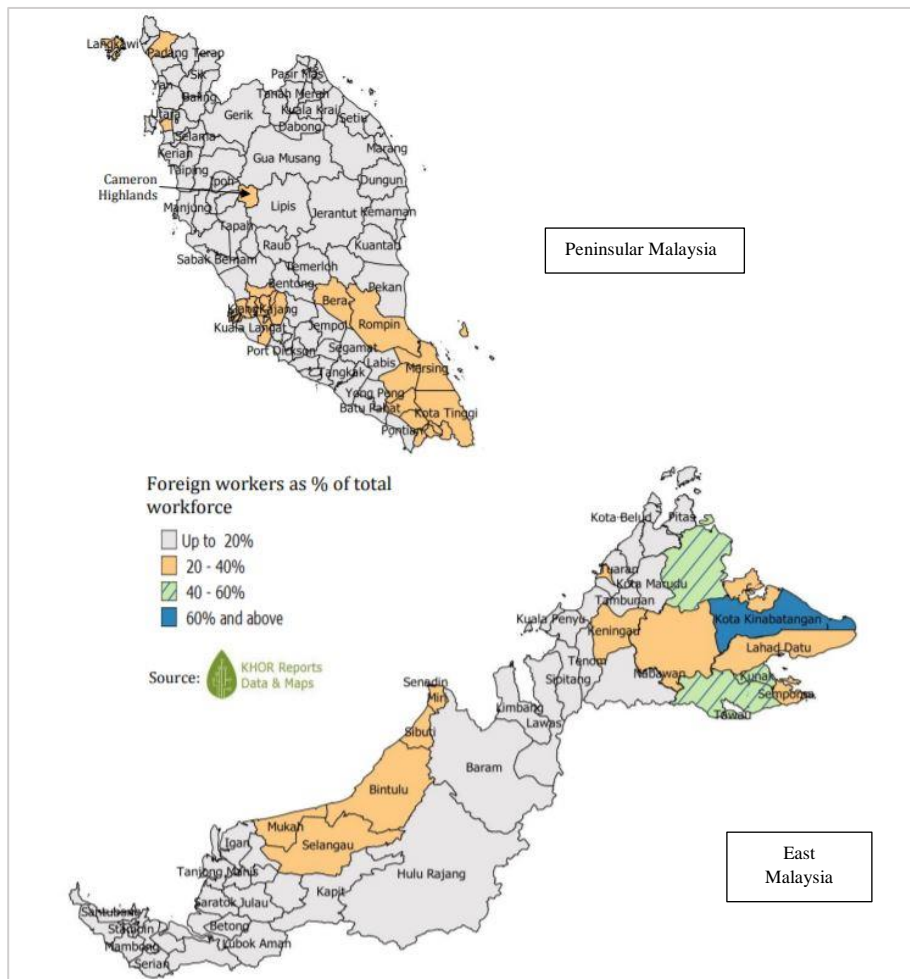


Figure 16: Peninsular Malaysia, Sarawak and Sabah: Foreign workers as percentage of total workforce in 2016 by district. Source: Hwok-Aun and Leng (2018)

While there is a visible presence of male migrants in dense urban areas in Kuala Lumpur due to the concentration of construction projects in the country's capital, male migrants also dominate the plantation sector which is located in rural areas. Malaysia's largest palm oil plantations are located in Sarawak and Sabah in East Malaysia on the northern part of the island of Borneo¹³⁷ where migrant workers, both male and female, are kept separate from society as they both live and work on the plantations. As a result, in these areas, migrants are rendered 'invisible' to the

¹³⁷ Although there are also large plantations on peninsular Malaysia in Johor and Pahang.

local communities¹³⁸. This geographical divide may also affect how migrant workers are perceived in different areas.

On the other hand, female migration, in both peninsular and East Malaysia, tends to be more hidden. This is due to the type of work that female migrants do which is less likely to be publicly observed as it is primarily ‘behind closed doors’ such as in the private/domestic domain, or on the production lines in factories (UN Women, 2013; 4). This public-private divide obscures the presence of female migrants in Malaysia, with MDWs in particular, rendered socially invisible as they are constrained by the norms and practices that dictate domestic worker migration. So, is it the case that female MDWs are therefore more visible *within* private Malaysian households? My observations imply that may not necessarily be the case. During fieldwork, when I spent time in Malaysian households, thereby entering into MDWs’ workspaces, I found that the migrant women employed in the home appeared very much ‘invisible’ as they quietly carried out their duties, caring for children or cleaning the house, with MDWs primarily separated from the spaces that the family occupied¹³⁹. However, I want to underline here that my time in Malaysian households was limited and did not form any ethnographic part of the study but instead were observations that I made during instances when I was invited into people’s homes for social events. I am also aware that on the occasions when I was inside these homes that this did not represent normal circumstances for the households and that my presence will have altered the behaviour of family members. I am also aware that I am viewing this from the perspective of a Western woman with my own intuitive understandings of gender roles, so I must be transparent about my lack of objectivity.

In sum, female migration does not appear to feature in many actors’ intuitive and instinctive understandings of migration. It seems that despite the ‘feminisation’ of migration in Asia, many actors still seem to intuitively frame migrants as male, which I argue may impact migration policy processes as actors’ intuitive understandings influence how they respond to an issue. This may result in the needs and interests of female migrants being overlooked in Malaysia’s policy- and decision-making processes (Hawkesworth, 2005). Male migrants are constructed as the norm by Malaysia’s governing institutions which “operate on a logic of appropriateness based on masculine norms, ideas, expectations and practices” (Chappell, 2013; 612). The visibility of male

¹³⁸ An official noted, “on the plantation, can you imagine, these people they are inside the woods, very far from so-called civilisation” (Embassy Official, Male, March 2018)

¹³⁹ In one of the households I visited, I was told that each of homes in the development came with built-in separate “servants’ quarters” which consisted of windowless bedrooms and a bathroom with a toilet, sink and cold shower. However, it is worth noting many MDWs in Malaysia are not provided with their own private area to sleep or bathe, which is one of the things that new Malaysian guidelines attempt to address.

migrants in Malaysian society, and what actors perceive as the effects of this, will be discussed in Section 6.4. The next section explores actors' understandings of the causes of migration.

6.3 Understandings of the Causes of Migration

The first thing that was discussed with participants was what they consider to be the reasons why people migrate both within Southeast Asia and to Malaysia. This question was asked as I am interested in analysing actors' underlying frames as actors' understandings of the causes of migration, along with the effects, will shape their decisions, actions, and inactions. The expectation is that different policy actors will make sense of migration issues differently, and that this will depend on the situated agency of the actors and the ways in which actors are spatially located and socially related. This is because sense-making is a social and socially conditioned activity which involves networking, communicating and interacting with actors within, and external to, the organisation (Weick, 1995). Actors' interactions with others, for example, through speaking with other actors formally and informally when attending meetings, conferences, and seminars, will shape their understandings of migration issues.

6.3.1 Economic Drivers

Economic reasons were cited by all participants as the primary driver of migration. Actors frame Malaysia's high levels of immigration as being the result of: i) the country's economic prosperity and relative wealth compared with other South and Southeast Asian countries, and, ii) labour shortages in important employment sectors like construction, manufacturing, plantations and agriculture. Foreign labourers are seen as "cheap workers" who are able to fill labour shortages in key '3D' sectors, "those that are dirty, dangerous, and/or demeaning" (Martin, 1996; 3) and which local workers are seen as unwilling to work in (Ducanes and Abella, 2008). Actors predominantly referenced male migration flows when discussing Malaysia's need for migrant workers with construction and plantation being the primary sectors cited, both of which are dominated by male migrants. This is connected to the ways in which the tasks associated with female labour are overlooked and "culturally devalued" (Baron and Newman, 1990; 155).

The drivers of migration on an individual level are understood as people moving abroad to "seek out new opportunities and to better the situation for themselves, their families and communities" (Regional Specialist, International Organisation, Female, February 2018). Countries such as Bangladesh, Cambodia, Indonesia, Nepal, and the Philippines, are perceived as unable to provide enough job opportunities which results in their citizens seeking to move overseas for work in order "to save, remit and send money to the family and change lives" (Regional Specialist, International Organisation, Female, February 2018). There was disagreement among the

perspectives of different actors as to whether migrants were seeking to come to Malaysia because of a complete lack of opportunities, or whether it is just a lack of good opportunities. Some actors, such as those who worked for government institutions, business groups and some regional organisations, believed that there was simply no employment opportunities for these workers in their home countries:

“I mean you can't blame the migrant worker when you don't have the opportunity, in fact they are pushed, it's not a choice for them, how much choice do you see in a rural village, 1000 or 2000 miles out of Jakarta? It's [a] fishing place, I mean you work and die there as a fisherman or a tribal person. I think they have seen enough through the internet or through friends or radio and TV, they take the risk [and migrate]” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

However, other participants disagreed with the idea that people are pushed to migrate through a complete lack of opportunities. For example, those who worked for international organisations believed on the whole that potential migrants are faced with a choice between the limited opportunities that they have at home and the possible opportunities that they may have abroad:

“I think we tend to say that people migrate because there is a lack of opportunity where they live, so maybe there is a lack of formal job opportunities, maybe there is a lack of informal job opportunities as well... I don't think it is ever that there is no opportunities at all, I think that people are really stuck in a position where they have to make a quick and dirty cost/benefit analysis of what they have in front of them versus what they might have abroad” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

Another key driver for people migrating to Malaysia is the perceived ease of entering the country for employment. Indonesian officials noted that while their citizens may prefer to go to another country such as Hong Kong or Taiwan, this may not be feasible due to policy restrictions. Whereas Malaysia is viewed as a country that is easy to enter, both in a documented capacity due to the availability of work permits, and in an undocumented capacity due to the country's geographic location and long porous land and sea borders. It is important to note that some actors do not perceive being undocumented as a barrier to gaining employment, with participants emphasizing that many undocumented migrant workers live relatively normal lives in Malaysia. Interestingly, one trade unionist stated that workers are encouraged to come to Malaysia due to the high levels of “corruption” as “the loopholes within the legal system” mean that “you can live everywhere in the country as far as [the government] are concerned [if] you have money with you” (Trade Unionist, Male, March 2018)¹⁴⁰.

¹⁴⁰ The issue of corruption will be discussed in more detail in Chapter 7.

Some interviewees, namely academics, trade unionists, regional organisations, international organisations, and NGOs, also cited political conflict and climate change as factors driving ‘forced migration¹⁴¹’ in the region and which results in “labour mobility as an adaptation strategy to the reduction of livelihood opportunities” (Regional Specialist, International Organisation, Female, February 2018). It has been noted that the problem of forced migration is difficult to tackle among ASEAN Member States (Petcharamesree, 2016), especially as one of the founding principles for ASEAN is non-interference (Acharya, 2001). Asia has a “fragile protection environment” due to geopolitics and national security issues prevailing over humanitarian considerations (UNHCR, 2012; 1), and, as such, there does not appear to be any notable regional policy on forced migration (Petcharamesree, 2016; 174-175). Malaysia has not signed the 1951 Refugee Convention or its 1967 Protocol or relevant Statelessness Conventions and has not established an asylum system for regulating the status and rights of refugees¹⁴². While the UN Refugee Agency (UNHCR) is permitted to work in Malaysia to perform refugee status determination and to organise resettlement in third-party countries, refugees face a complex legal environment. There is no differentiation between those who are “refugees” and those who are “undocumented” in Malaysian law so refugees continue to be categorised as undocumented and do not have access to formal employment or citizenship (Australian Department of Foreign Affairs and Trade, 2018). This study found that some participants were hesitant to discuss the reasons why refugees were fleeing their home countries within Southeast Asia, however participants did note that the presence of refugees, predominantly Rohingyas from Myanmar, poses a practical and policy concern for Malaysia:

“We have about 154,000 refugees and asylum seekers, almost all are Rohingyas, so they come here, they are given a status with the card and not easy to get the card either. They are working, not covered by the law, so these are very, very vulnerable people, so we are having real issues with the government policy-makers on refugees” (Trade Unionist, Male, February 2018).

While the situation of refugees in Malaysia is beyond the remit of this study it warrants noting as it is seen as one of the key causes of migration to Malaysia and has garnered increased attention over the past 5 years¹⁴³.

¹⁴¹ The term “forced migration” implies that the migrant is “coerced” (Petcharamesree, 2016).

¹⁴² Piper, Rother and Rüländ (2018; 127) note that while the 1951 Refugee Convention has not been signed by Southeast Asian states, they still provide for the most pressing needs to refugees in order to avoid the ire of transnational CSOs who accuse these states of violating refugees’ rights.

¹⁴³ Participants noted that there is also a lot of ongoing academic research in Malaysian universities and think tanks on the Rohingya in Malaysia.

While economic reasons are understood as primary drivers of migration for both men and women across Southeast Asia, men and women are not seen as being equally able to access migration opportunities due to a range of factors. Firstly, male and female migration flows are seen as being influenced by cultural factors in the sending countries which limit the number of women able to move overseas. Participants stated that women are simply not able to ‘up and leave’ in many cases, especially from countries in South Asia like Bangladesh, Nepal and Pakistan and where the low-levels of female migration are seen as being due to a combination of policy restrictions and cultural factors which prevent women from being able to migrate:

“We always have to keep in mind that this society, especially South Asia is a patriarchal society. Men are the main decision makers for the family so that barrier is always there. And that's why, specifically from South Asia, we see less migration for the woman. But when we come to Southeast Asia there is a little bit difference here, more women are migrating from Indonesia and Philippines. But in Bangladesh, they are men, in Nepal, Pakistan, they are men only [migrating]. So that is a difference in the culture of the country” (Programme Officer, Regional Organisation, Female, March 2018).

Some participants, however, stated that there are some female migrant workers from Nepal and Bangladesh coming to Malaysia but that the numbers were small and these women are most likely undocumented due to current policy, which restricts out-migration for women from these countries (this is discussed further in Chapter 7). In terms of future migration flows, actors do not think that women from these South Asian countries will start migrating to Malaysia in large numbers in the near future and this was framed as being due to a lack of demand for these female workers in Malaysia and because the cultural barriers preventing their migration still persist¹⁴⁴.

Scholars have argued that “gendered ideologies” of what constitutes a “good woman” encourages female migration in Southeast Asia as women are constructed as dutiful mothers and daughters who are willing to make sacrifices for their families (Medina, 1991; Lan, 2003; Lai, 2011; Killias, 2014). These gendered ideologies were referenced by some participants who believed that female migrants have additional motivations to want to migrate due to feeling a larger sense of responsibility to support their family back home, compared to the perceived motivations of male migrants. The notion of “sacrifice” was echoed in this study. Participants who work in a frontline role with migrants in Malaysia stated that, in their experience, female migrants often consider themselves as “sacrificial lambs”, who are sacrificing their own lives so that they can provide food, clothes and education for their siblings, nephews and nieces, and their own children, in

¹⁴⁴ For example, one academic noted “so far I don’t see any indication that they’re going to import Nepalese women or Pakistani women or Bangladeshi women” (Female, February 2018).

addition to bettering the lives of their parents (Representative, Faith-based Organisation, Female, March 2018)¹⁴⁵. While men are understood by some participants as being motivated to migrate overseas for employment in order to support their family, this was never framed as a sacrifice on them personally. The theme of sacrifice only came into narratives surrounding female migrants within Southeast Asia.

6.3.2 Female migrants lack decision-making power

“[Women] are not coming from a position where they necessarily have that choice, where they didn’t necessarily choose to migrate, their sense of personal agency is not as well developed necessarily” (Regional Specialist, International Organisation, Female, February 2018).

This section explores how female migration is understood which allows us to deepen our knowledge of the intuitive understandings that can then inform strategic reasoning about policies. In this study, male and female migrants are understood as not equally able to access migration opportunities and that this is largely because a female migrant’s decision to move overseas was rarely framed by actors as the woman’s own decision. Instead, participants believed that a woman’s family plays a key role in influencing her decision to leave with some actors framing a female migrant’s decision to migrate as being rife with “family exploitation”. Interviewees stated that, in some cases, the woman’s family either directly makes the decision for her without her expressed consent. In other cases, where a woman does wish to migrate to seek better opportunities and experiences abroad, she is still understood as being unable to make that decision for herself and instead will need the permission of a male family member:

“A woman] requires the consent of their parents and also their husbands before they go... if she is not married then she needs the consent of the father and if the father is not around she will get the consent of the brother, not the mother” (Representative, Regional Organisation, Male, February 2018).

As noted in Chapter 3, gender norms in Javanese society construct men as being able to assert “emotional and spiritual control” therefore position them as being in a better position to make decisions, whereas women are constructed as inferior and “emotional” (Brenner, 1995; 20-21). The requirement for potential female migrants to seek permission from parents was considered especially strong for entering certain sectors like domestic work, possibly due to the high levels of abuse in this sector. For women, the migration process is seen as posing many barriers as women “certainly do not have very much decision-making power” as Southeast and South Asia

¹⁴⁵ While Tyldum (2015) argues that the discourse of “sacrifice” is strategically deployed by women in the Ukraine to stave off public criticism that their motivation to migrate is underpinned by a longing for the good life, as female migration within Southeast Asia is rife with well-documented stories of abuses, it is unclear whether this same argument would hold. This is an avenue that could be explored in future research with MDWs in Southeast Asia.

remains “a patriarchal society [where] men they are the main decision-makers for the family” (Programme Officer, Regional Organisation, Female, March 2018). Many participants echoed the “lack of choice” experienced by female migrants:

“[Female migrants] choice to migrate actually tends to be their husband’s choice for them to migrate, or their parents’ choice for them to migrate” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

Actors perceive potential female migrants as not permitted to make their own decision to move overseas and instead are framed as having to rely on either their parents or another male family member to make the decision for them. Male migrants, on the other hand, are framed as being able to make their own decision about whether to migrate. However, some actors noted that there are also instances where women do just simply ‘up and leave’ without seeking permission. In such instances, migrant women are seen as being “forced” to migrate due to an inability to sufficiently provide for their children, as one participant explains:

“There are cases when women just leave the families simply because of very bad hardships, hardship to bring up the children, so what [do] they do? They are forced to come here, they are forced. They don’t care whether they are getting permission or not, but they do come because they need that money to send back” (Coordinator, Regional Organisation, Female, March 2018).

A woman’s husband was also perceived as playing a key role in driving her to migrate in cases where the female migrant is trying to escape from marital violence and family breakdown:

“Women are facing relatively discriminatory environments... they tend to come from communities where women’s roles are really confined to households, they might be facing violence in their home, they might be facing alcoholic husbands... perhaps they want to migrate to get away from the confines” (Domestic Worker Specialist, International Organisation, Female, January 2018).

In migration and gender studies, women had been traditionally depicted as “trailing wives” or “trailing mothers” (Stockdale, 2016) but these days substantial numbers of women now migrate independently, and are increasingly becoming breadwinners. This narrative of “trailing wives” was not widespread in this study, as women are instead understood as ‘sacrificing’ themselves by moving abroad for work in order to financially support their family. Malaysia does not allow family reunification for low-skilled workers, so, if a woman is moving to Malaysia in a documented capacity, it is likely that she is moving for work as opposed to joining her husband. However, some actors did frame some female migration, even for employment purposes, as “wives following their husbands”. For example, I was told that some female domestic workers migrate to Malaysia in order to follow their husband, who has already moved there for

construction work. This decision to move abroad was framed as the wife seeking to “keep an eye” on the husband in case they formed relationships with other women in Malaysia:

“[Women] also follow the husbands and they come, and they get into the domestic work, not full time because when the husbands are in the construction work, they go into part-time... Not live-in because the husband is here so they also have an eye on the husband, because normally [men] will come here single but when they go back they already either married or with children, so all these problems are there so that is why they follow the husband” (Coordinator, Regional Organisation, Female, March 2018).

Above, the participant is explaining that the female worker who follows her husband to Malaysia will only work part-time as a domestic worker and will not live at their employer’s address as they need to “have an eye on the husband”. In this study it was interesting that when female migrants were discussed, it was predominantly in relation to them being defined as someone’s family member, with their position as someone’s daughter, mother, sister or aunt seen as influencing the female migrants’ actions. As noted in Chapter 3, in constructions of ‘nationhood’, women are seen as embodying the nation and, in Southeast Asia are afforded the title of “Mothers of the Nation” (Blackwood, 1995; Yuval-Davis, 1998; Sunindyo, 1998) so the discourse surrounding female labour migration centres upon the narrative of them being dedicated mothers and family members. Women do not appear to be framed as working units in their own right, but instead seem to be identified by their relationship to others. Male migrants on the other hand are described in different terms, they are independent agents and their position as a husband, father or son does not appear to define them or the decisions that they make.

Notably, the barrier that female migrants experience in terms of their inability to make the decision for themselves to move overseas, seemed to be framed as a ‘protection’ measure, that women are seen as unable to make an informed decision about the reality of what they may face in another country, and as such must rely on male family members to make this decision. The narratives of ‘the need for protection’ will be discussed further in Chapter 7 (and Chapter 8) which analyses how actors understand the effects of labour migration policies on male and female migrants. The next section compares the ways in which male and female migrants are viewed as vulnerable to deception.

6.3.3 Migrant workers are vulnerable to deception

When discussing why migrant workers are coming to Malaysia, actors understand that workers were “tricked” or “deceived” during the migration process. This deception takes different forms. One participant, who works in an NGO helping migrants to access their rights, noted that they have witnessed deception in the form of ‘family exploitation’ where many of the migrant workers

that they have met state that they came to Malaysia as a result of “lies” that their family members (who seek to benefit from the worker’s remittances) told them about what they would experience in Malaysia: “[migrant] workers come because of the lies, deception, their family members are cheating them, telling them fake stories, you know, ‘Malaysia is a nice place... there are good salaries...’ it’s not true” (Representative, NGO, Male, February 2018).

Some participants also questioned whether female migrants in particular, and especially those entering the domestic work sector, are given sufficient information before moving overseas about the reality that they would face working abroad: “it really begs the question, do they really know what they are going into, or is it the imaginary of what they are going into that is sort of overcoming the reality of what they will be going into?” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

Another form of deception is that workers are often being lied to about which sector they are going to be working in when they arrive in Malaysia, a problem that is being caused by the actions of recruitment agencies. One of the organisations in this study is involved in protecting Indonesian migrant workers and is currently representing victims in over 35 cases of forced labour and human trafficking. One such case involves a group of female high-school students who were brought over from Indonesia under the promise of coming to Malaysia to work in an electronics factory:

“The agent went to the school to recruit, the selling point is actually the [agent] convinced the, the counsellor teacher that you go [to Malaysia], work for two years, you earn enough money, you can go to university without having to burden the parents. And normally [agents] promise that you’ll get the job in the electronics factory, it’s a conducive air-con working environment with a lot of friends, the [agent] shows a lot of nice pictures and all those things... When they came here they realise that their employer is an outsourcing agent using a fake address in the printing factory... Back home they’ve been promised to get the electronics factory and then eventually they will end up in a bird’s nest factory... So first the agent, then employer provides the wrong information, deceives the people here and then once they are here, they got trapped” (Representative, Regional Organisation, Male, February 2018).

However, these female high-school students were actually being sent to Malaysia to work in a birds’ nest factory where they had to remove the hair from birds’ nests to create the Chinese delicacy. Another cited incidence of deception was a case where Indonesian migrants were told that they were coming to Malaysia to work in an electronics factory but ended up being sent to work in a chicken farm. In these scenarios, once the workers realise that they have been deceived, they are essentially stuck with large amounts of debt from the migration process and are unable to leave. In other scenarios of deception, workers pay large amounts of money to get an employment visa and end up being irregular workers as their agent has taken their money but has

not gone through the proper recruitment channels and secured work permits for the workers they are bringing in.

For the most part, both male and female migrants from across Southeast Asia were seen as being susceptible to deception, however, the majority of interviewees' examples referred specifically to female migrants being deceived by family members, employers, recruitment agencies or human traffickers. Many actors perceived a gendered dimension to these deceptions, often drawing links between female migrants and trafficked victims, and stating that women were often seen as being more likely to be targeted:

“Another group are being trafficked by the syndicates and majority they are women. Most of them are being victimised. They will promise lucrative jobs here, with good salary and good working conditions, as they come in here they are forced into prostitution” (Official, Government Institution, Female, March 2018).

“Women sometimes I think they are, if you talk to Tenaganita¹⁴⁶ they say [women] are basically being tricked, you know they come over for jobs that don't exist and they're tricked into the sex trade and held to ransom” (Journalist, Male, March 2018).

These stories of deception then fed into narratives about the need to protect women. In particular, some actors in this study associated MDWs with victims of trafficking. I argue that this connection is problematic for a number of reasons. These understandings of female victimisation will be explored further in the next two chapters which analyse actors' understandings of labour migration policies (Chapter 7) and employment policies (Chapter 8).

This section analysed three key themes that emerged in relation to actors' intuitive understandings of the causes of migration and the different understandings surrounding male and female migration. Economic incentives were framed as the primary reasons why both male and females sought to move overseas, however, female migrants were additionally framed as wanting to “sacrifice” themselves for their families' wellbeing and this was seen as driving their migration. However, in terms of ability to make migration decisions, women were largely portrayed as lacking decision-making powers and were seen as having to rely on male family members to grant permission for them to move overseas, which was framed as a means of “protecting” women. During the migration process, both men and women are seen as vulnerable to deception but the majority of examples cited by actors referred to incidences where female migrants had been “tricked” by employers, recruitment agencies or human traffickers. The different ways in which actors frame the drivers of male and female labour migration matters as it may shed light on the

¹⁴⁶ Tenaganita is a leading NGO in Malaysia focussed on protecting migrant workers' rights.

understandings that inform policy actions. The next section investigates actors' understanding of the consequences of migration.

6.4 Understandings of the Consequences of Migration

This section analyses actors' intuitive and instinctive understandings of the effects of immigration in Malaysia and the evidence used to support actors' claims. This section explores: i) what actors define as the broad consequences of immigration to Malaysia, ii) what actors consider to be the problems associated with immigration, and, iii) who they then assign blame to for the problem. This is important to investigate as problem definition is the organising axis of policy-making (Baumgartner and Jones, 1991), so, how actors understand the impact of immigration in Malaysia will influence how they develop policy responses (see Boswell *et al.*, 2011). I was particularly interested in exploring the differences and similarities among the various actors in this study in terms of their understandings of the effects of migration, and examining the ways in which gendered ideologies permeate actors' understandings.

This study found that actors within the governance system perceived a mixture of positive and negative consequences to migration which can be broadly grouped into three categories: economic consequences, family consequences, and social consequences. The economic impacts and family impacts are seen as being both positive and negative, whereas the social consequences of migration are understood as being predominantly negative. These impacts will be discussed in turn below.

6.4.1 The Economic Consequences of Migration

When asked about the consequences of migration, nearly every actor responded first by discussing the positive economic impact, which was seen as benefitting Malaysia, migrant workers, their families, and sending countries. Migration is seen as a driving force for Malaysia's economy, both in terms of the work that migrants are doing in Malaysia, and the money that can be made by bringing them in via the form of a 'migrant levy'¹⁴⁷: "Malaysia has a limited population, we only have about 30 million population so we need a lot of labourers or workers to help to develop our country's economy" (Business Leader, Male, March 2018).

"For the Malaysian economy, migrant workers have been very beneficial, so we have access to cheap services... we have really benefitted quite a bit from migrant workers" (Representative, NGO, Female, February 2018).

¹⁴⁷ Malaysian employers have to pay a fee on each migrant worker that they bring in to Malaysia.

The majority of actors held the view that local workers in Malaysia will not do the types of jobs that migrant workers do, namely the 3D jobs, and that the country would be “paralysed” and “collapse” if migrant workers were to stop coming (Trade Unionist, Male, February 2018).

“When you stop [migration], the economy will suffer. Where are you going to get people to work in the restaurant, in the factory, in the production line? Or you can’t even build houses if you don’t allow Indonesians to come here to build the houses” (Manager, Domestic Worker Agency, Male, March 2018).

The majority of discussions surrounding the economic impact of migration was centred upon male migration. In the above quote, the recruitment agent appears to be mainly highlighting the sectors that male migrants dominate, which is interesting to note given that his own business is the importation of female domestic workers. There also exists a differentiation between how high-skilled migrants (referred to in Malaysia as “expatriates”) are viewed and how low-skilled migrant workers (referred to in Malaysia as “foreign labour”¹⁴⁸) are viewed. Whereas expatriates may be viewed favourably, low-skilled (male) workers are seen as “creating a kind of fear” as they “are still seen as people who are involved in crime, who take away local jobs, who undercut the market” (Representative, NGO, Female, February 2018)¹⁴⁹. How migrant workers are perceived will be discussed further in Section 6.4.3, which investigates the perceived social consequences of migration.

Migration to Malaysia is also understood as vital for the development of sending countries due to the key role that remittances are playing in powering sending countries’ economies¹⁵⁰. However, while participants understand the importance of remittances for the workers, their families and the sending countries overall, there also exists the narrative that Malaysia is being negatively impacted by the amount of remittances leaving the country. For example, in 2017, Malaysia reported 33 billion ringgit in remittances (Rosli, 2018):

“Shockingly, in 2015, [the Malaysian government] said that regular workers remit 34.9 billion ringgit to their countries of their own... so this is actually very serious so they are sending money back” (Trade Unionist, Male, February 2018).

¹⁴⁸ See Chapter 2, section 2.3.3.1 for discussion on the categorisation of foreign workers.

¹⁴⁹ For example, one actor noted, “[locals] look at [migrants] as I think the third or the last class [‘bottom class’] in the country, it is happening. But of course not for all [migrants], like those expatriates that comes in, of course that group is looked upon in a different way. But these low-skilled migrant workers, they create a kind of fear” (Official, Government Institution, Female, March 2018)

¹⁵⁰ For example, one interviewee noted, “the impact on the country of origin, I mean [migrant workers] are clearly sending home remittances... which powers the economy. And I think the development impact is a very important point” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

“Every end of the year, somewhere in November/December, they will publish this article on how much remittances leaves the country. So that creates the perception in Malaysia that ‘oh migrants are taking all the money and leaving the country’ you know, but they don’t understand that throughout the whole year they actually spend a lot of money here as well” (Legal Expert, Female, March 2018).

In relation to the rhetoric surrounding the benefits to the Malaysian economy that migration brings, it should be noted that participants framed male migration as the primary contributor while it appears that female migrant labour had little economic value attached to it.

6.4.2 The Impact on Family

Actors understood migration as having a positive economic impact on migrant workers’ families in terms of the economic benefits that they receive but believed that this was combined with a negative impact on the worker and on the wellbeing of their family and community. The negative consequences of migration on a worker’s family life was particularly referenced in relation to female migrants. As previously discussed, the theme of “sacrifice” was mentioned by actors when describing the impact of migration on family life. In this regard, MDWs are often seen as facing greater difficulties than other migrant workers as they are inserted into another family where they are often tasked with caring for somebody else’s children, while separated from their own children (see also Asis *et al.*, 2004). This sentiment was found in this research as participants referenced the specific circumstances of female MDWs who are mothers and now find themselves “caring for other people’s children”, and the impact of the worker’s separation from her own family:

“Some of the negatives [of migration] could be disconnection with family members and, in particular, when you speak of domestic workers who are often mothers themselves who are in another country caring for other people’s children while their own children are left behind under the care of their parents or family members and there can be a lack of social or family cohesion that’s related to that. I’ve spoken with domestic workers who hadn’t seen their children for two or three years, that’s an enormous sacrifice for a mother to make” (Regional Specialist, International Organisation, Female, February 2018).

“[Migration has a] personal impact on the workers, and on their families because that absence is something that, it is a social capital that gets eroded, and it erodes the resilience of families in the long term. So, I think that it should be taken into account and it warrants a comprehensive cost/benefit, so not just looking at the economic costs and benefits but also the costs and benefits to wellbeing and the sustainability of families and communities” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

On the contrary, domestic worker migration was seen as directly benefitting Malaysian families as MDWs enable Malaysian women to work outside of the home.

In terms of the narratives that actors portrayed, it should be noted that many actors expressed somewhat contrasting opinions. For example, if an actor stated that migrants benefit Malaysia's economy, they would not then necessarily agree that migrant workers have a positive influence on Malaysia as a whole, with some actors citing examples of perceived negative social consequences of migration. For example, one Business Leader stated that Malaysia relies on foreign labour as they "really help the country [to] develop the economy" but noted that migration has had a "big impact" on the country as some migrant workers are "destructive to society". This participant expanded on this point by adding that "some of [the migrant workers] are lazy people, they create a lot of social issues, they rob, the robberies, or they are killing people, all these [incidents] will affect the country" (Business Leader, Male, March 2018). So while an actor may acknowledge the economic benefits of migration for Malaysia, at the same time they wish to underline the negative social impacts. The narratives surrounding migrant workers causing "destruction," "robberies" and "violence" in Malaysia will be discussed in more detail below.

6.4.3 The Social Impacts of Migration

6.4.3.1 Malaysian society is changing because of immigration

Actors stated that another perceived unwelcome consequence of migration is that the composition of Malaysian society is now changing. Some participants stated that there exists the expression that "Malaysia is beginning to look like Bangladesh" which is widely used to convey the negative impact of migration on the country and that this sentiment is often shared via social media:

"All workers [are viewed negatively] also because they are from a poorer country, secondly it's also because of the sheer number of them, so suddenly Kuala Lumpur doesn't look the Kuala Lumpur [anymore], you see more Bangladeshis and then you see people writing on Facebook that 'oh it looks like Jakarta' [or elsewhere]" (Legal Expert, Female, March 2018).

This rhetoric is also echoed by politicians. For example, in July 2018, Malaysia's Home Minister stated in relation to the number of undocumented migrants that "it feels like you are no longer in Malaysia" if you visit Masjid India, a commercial hub in the middle of Kuala Lumpur (Today Online, 2018).

The perceived threat of the ‘migrant outsider’ resonates in Malaysia due to the country’s complex ethnic composition¹⁵¹ and the fact that ethnicity has shaped nearly all policy issues in Malaysia including provisions intended to improve ethnic Malays’ economic status (see Chapter 2). As such, concerns about maintaining the country’s ethnic balance have resulted in making people suspicious about immigration. Notably, in research on public attitudes towards immigration (ILO, 2013), over 70 per cent of respondents in Malaysia stated that migrants are “threatening” Malaysia’s culture and heritage. However, the idea that “Malaysia is beginning to look like Bangladesh” as a negative consequence of migration was strongly opposed by some participants, as one interviewee explained that they intentionally distance themselves from people who hold such views:

“I have unfriended every idiot on my Facebook who says something like ‘oh I went to Kuala Lumpur centre and I couldn't recognise it, it doesn't even look like Malaysia anymore’... Why shouldn't it look like Bangladesh?! They built our roads, they have built our buildings, why shouldn't it look like Indonesia? Why shouldn't it look like Nepal? Without these people our country would fall apart!” (Business Consultant, Female, March 2018).

Some actors revealed highly gendered and sexualised narratives when discussing their perceptions of the social problems associated with the presence on male and female migrants in Malaysia. On the one hand, this research found that the fear of the ‘migrant outsider’ exists in the narrative that local Malay men, who are Muslim, fear that male Muslim migrant workers coming into Malaysia will “take their women away”:

“I have, this is genuine feedback, they create the hatred because like the Malay community [participant starts speaking very quietly] they don't like the Pakistanis, the Bangladeshis, the Indians, because they are Muslims that come in. But when they come in, they marry the Malay woman here. So the fear is that these people take away their women there [back to their home countries]” (Official, Government Institution, Female, March 2018).

Whereas female migrants, on the other hand were framed by one interviewee as causing social problems as they act as a ‘distraction’ for local men who will ‘go after’ these foreign women and this will create problems for the men’s wives:

“There are some women foreign workers that also has an impact on the [local] male side. Say for example you had heard about stories of this man in the fishing village that don’t want to go to the sea, they prefer to hang out at the coffee shop, why? Because there are many ladies there, especially foreign ladies and that created problems for the [local] housewives and they complain

¹⁵¹ Malaysia has multiple ethnic groups, some with distinct identities but ethnic Malays have been granted a “special position” in the constitution and have always been politically dominant (Haque, 2003; 242; see also Chin, 2003).

to the authorities [about the presence of female migrants]... These kinds of social problems could have been avoided if there is no foreign worker...” (Manager, Employers’ Organisation, Male, March 2018).

In both instances, local men and women are portrayed as being directly impacted by the presence of foreigners. In the first example, there is the fear that foreign men will take away the local women back to their home countries, in the second example, the local women are affected by their husbands’ “hanging out with foreign ladies”. However, this study did not encounter narratives of Malaysian women fearing that MDWs specifically would ‘seduce’ their husbands, unlike in Chin’s (1998) research.

6.4.3.2 *Migrant workers perceived as criminals*

One of the key discourses that I was keen to analyse in terms of perceived consequences of migration was whether actors framed migrants as “criminals”, which, according to the literature, is the commonly held perception amongst the Malaysian public and amongst some employers (Abdul Razzaq, 2012; ILO, 2016a; Anderson, 2017). This study found that the narratives of migrants as criminals and “instigators of social unrest” (Wojnicka and Pustulka, 2017; 90) does exist but only among some of the actors within the governance system, notably among government officials, some trade union representatives, and some employers’ representatives. However, as Chapter 5 notes, these are the actors that are powerful in terms of migration policy-making so I argue that these ideas and understandings will be present in the policy-making processes.

It should also be underlined that in terms of gender dynamics associated with the criminal narrative, it became clear from the interviews that this discourse was centred upon male migrants. For example, when discussing why men are migrating to Malaysia, one interviewee stated, “maybe they are criminals, they are involved in some crimes, they want to escape from crimes [so] they come in here” (Official, Government Institution, Female, March 2018). While this participant did not elaborate on what the nature of the crimes are, other interviewees believed that migrants are connected to drug cases and robberies in Malaysia:

“When you talk about social activities [related to migration], we have crimes, you see the Indonesian embassy admit that “we are very ashamed of our people in Malaysia” because high increase not only on theft case but on drug cases... [We are] getting more and more Indonesians who are having problems with drugs” (Trade Unionist, Male, March 2018).

What is important here is not whether these anecdotes are factually correct, but instead that this is how some actors understand issues relating to migration. The perceived connection between male migration and criminality by key actors within the governance system may shape policy

interventions. While Chin (1998) encountered narratives of MDWs criminal tendencies, this discourse was not present in this study.

Over the course of the interviews, many participants switched back and forth between narratives of the positive economic benefits of migration, and the negative social impacts of migration. One Member of Parliament (for the opposition party at that time) who overall expressed very positive views about migration and the role of migrant workers in Malaysia, did note that there are issues of social pressure, tensions and violence connected to migrant communities:

“In Penang a few years’ ago, there were a lot of murders involving both, I mean [the] perpetrators and the victims are all migrant workers [fighting between themselves]... Yeah there’s a lot of social pressure, number one, but you are also pushing them underground, because you push them underground they develop syndicates and gangs, so that relates to social problems, crimes etc., those are the negative aspects [of migration]” (Member of Parliament, Male, March 2018).

As previously mentioned, male migrants are more visible in Malaysia due to the employment sectors in which they dominate (construction, agriculture, plantations, security sector) and that the topic of male migration dominated the majority of discussions with actors in this study. Throughout the interviews it became clear that the presence of male migrants in Malaysian society has led to perceived feelings of fear, especially with regards to the perception that migrant workers dominate some public spaces. For example, actors noted that migrant workers tend to congregate in central spaces in Kuala Lumpur during national holidays and festivals (when they are off work), and that these gatherings cause ‘fear’ among the local populations. The fear in relation to groups of male migrants seems to be linked to both the possibility of violence and in-fighting, and the potential for the spread of diseases. Below is one participant justifying why local people fear going to certain open spaces on national festival days due to the presence of migrant workers:

“So during [national] festivals, you will see that all the migrant workers will come out to the town, and you see certain areas in Kuala Lumpur like around Pudu, certain areas you can see all the migrant workers will be around and we will not dare to go there because they create a fear for us, we will go away from them... So when certain festivals, we will not go there... I also feel fear because I worry that anything may happen there, they fight amongst themselves, [if] we are there we have become a victim of their fight, so we don't want to go there just to avoid problems. It's not that we want to discriminate but this has created that problem there, a perception to the younger generations that they do not want to get near to these people” (Official, Government Institution, Female, March 2018).

This participant believes that local people “do not dare to go” to town on the days that migrants congregate there in case a fight breaks out and the locals become unwitting victims. These sentiments appear to be directed solely towards male migrants, which could be linked to their

higher visibility as well as the likelihood of people feeling more threatened by groups of males rather than females.

While the ‘migrants as criminals’ narrative is held by certain organisations in this study, such as some government officials, some trade unionists, and some employers’ representatives, other actors, namely those working in international and regional organisations, NGOs, faith-based organisations, and embassies, do not view migrant workers as being more likely to be criminals. However, these actors acknowledge that such discourses do persist in Malaysia. As one participant explained, “any robbery in Malaysia for example will be blamed on a migrant if possible” (Coordinator, Regional Organisation, Female, March 2018) while in reality, migrants commit an estimated two per cent of the crimes each year (ILO, 2016a; 6). However, the Malaysian Bar Council estimates that a disproportionate amount of people in prison (around one-third) is foreign-born (ILO, 2016a; 6) which is possibly due to the significant amount of undocumented migrants that are detained during immigration raids (Nesadurai, 2013). The Malaysian media is understood as playing a key role in disseminating the narrative that migrants are committing crimes in Malaysia, with some participants underlining the mismatch between what certain media outlets say, and what the statistics show.

“Also you have media playing a part so they emphasise when there is a crime committed by a foreign national, there's too much emphasis given to it compared to a local. But if you see the statistics that were published in parliament, only 2 percent of the crime rate is committed by foreign nationals, it's 2 per cent only. And when we say foreign national, it's not only migrant workers it's like can be a refugee, can be an asylum seeker, can be a stateless person, you know, a range of them [foreign nationals]” (Legal Expert, Female, March 2018).

“Whenever you open the news they will say that ‘oh these incidents of robbing, this incident of killing, this incident of what sort and whatnot are all [blamed on] migrant workers’. But the Minister from the Police Department once said that ‘the crime that is contributed by the foreigners are less than 10 per cent [of total crime]’, and I agree with that” (Representative, Faith-based Organisation, Female, March 2018).

Additionally, the discourse that ‘migrants increase the level of crime in an area’ was challenged by some of the actors in this study. For example, a Business Consultant who has worked with international organisations in Malaysia on migrant workers’ issues, stated that the presence of

migrant workers in their neighbourhood had a positive effect in terms of reducing the number of crimes and increasing safety¹⁵².

The narrative that migrants are linked to criminality is also echoed by recent research conducted by Anderson (2017) which found that employers in Malaysia “associated migrants with crime and were concerned about the potential for their domestic worker to be associated with criminal activity” (Anderson, 2017; xix, see also Chin, 1998)¹⁵³. However, it should be noted that in this study, when actors mentioned the perceived link between migrant workers, criminality and violence, this did not appear related to female migrants but instead to male migrants. So while narratives of MDWs’ criminal tendencies in Malaysia were present in Chin’s (1998) study, this discourse was not present in this study. In fact, when discussing the effects of migration on Malaysian society, the role of female migrant workers broadly, and MDWs specifically, was rarely mentioned.

6.4.3.3 *The Health Consequences of Migration*

Actors in this study understood negative health impacts as another key consequence of migration. Migrant workers are perceived as causing an increase in the spread of disease which then affects the health of the local population.

“Recently when we had these celebrations for Lunar Chinese New Year, you can see 95 per cent of Klang Valley’s most visited areas like the shopping complex, are all [full with] Bangladeshi people and they get sick every day” (Trade Unionist, Male, March 2018).

In Malaysia, documented migrants are registered for compulsory health insurance called SPIKPA (*Skim Perlindungan Insurans Kesihatan Pekerja Asing*) (Loganathan et al., 2019) and with that insurance they can access private health care¹⁵⁴. However, this health insurance scheme only covers a certain amount of money, and only covers certain health issues e.g. it does not cover pregnancy, as female migrants are not permitted to get pregnant, and will have their contracts terminated and be liable to deportation if they are found to be pregnant¹⁵⁵. It should also be noted that as the majority of migrant workers are understood to be undocumented (see section 6.2.1), they will not have insurance and as such will have limited access to healthcare and will be unable

¹⁵² The participant stated “there’s things that my neighbours will say [like] ‘oh this neighbourhood, you can’t really trust this neighbourhood’ I’m like, ‘I’m so glad migrant workers are next door’ because they have these shifts and it has reduced the crime on my streets because they are awake all the time, and my street is a street of old people, and having all of these young able-bodied men next door is good for me” (Business Consultant, Female, March 2018).

¹⁵³ Additionally, a 2013 ILO study on public attitudes towards migrants found that over 80 per cent of Malaysians saw migrants as responsible for a disproportionate amount of criminal activity.

¹⁵⁴ Although some actors pointed out that many of the migrants do not actually buy the required insurance cover as the enforcement is so low.

¹⁵⁵ The policies relating to pregnancy will be discussed further in Chapter 7 which examines actors’ understandings of labour migration policies.

to pay the extortionate hospital charges (Loganathan et al., 2019). As a result, when migrant workers become ill in Malaysia, there is the perception that they avoid going to the doctor and therefore are seen as more likely to spread diseases. For example, throughout the study, actors from an array of organisations within the governance system stated that migrant workers are to blame for the reoccurrence of Tuberculosis in Malaysia, this narrative is also found in a number of newspaper articles over the past five years. As these participants explain:

“The impact [of immigration] in Malaysia itself I can see that there are a few issues here, very serious impact. One [is] in the aspect of health... there are many, many years we do not have certain diseases here, [but now] certain epidemics are already back, TB [tuberculosis] is already back in Malaysia. We did not have any cases like that [for] many years but now we have people suffering from TB. It is not only the migrant workers suffering but the locals. [The migrants] brought it in. Another is hygiene... there are one or two more diseases that were brought in but the most common one is TB... You need to cure them because when you don't cure them, they carry the disease and it's going to spread. So you need to treat them” (Official, Government Institution, Female, March 2018).

“There is always an impact [of immigration], especially when you talk about health matters... We have been informed by some of the authorities which don't want to disclose their names, that some of the areas are having this TB disease very, very terribly... So the consequences [of immigration] are always there when we talk about health matters... So social illness, health matters, so that is the consequences that I can see” (Trade Unionist, Male, March 2018).

In addition to the spreading of diseases, I was also told by one participant that migrant workers are placing a strain on the healthcare system which has resulted in doctors complaining about the amount of foreign patients that they have to treat. This is particularly interesting given that migrants were mainly depicted as avoiding seeking medical help either because the worker is undocumented or because even if they have health insurance, they fear that it would not cover the cost of treatment. The narratives of spreading disease appear to be primarily focused on male migration due to the understanding that it is predominantly male migrants who are able to congregate in these social spaces due to the perception that female migrants are mainly kept ‘behind closed doors’.

This section analysed actors’ instinctive understandings about the effects of migration and examined three broad categories of consequences: economic, family and social. While the economic effects of migration were broadly viewed as positive for the migrant worker, their home country and Malaysia, the impact on families and on Malaysian society were regarded as negative. On the one hand, actors perceive a negative effect of migration on a female MDW and her family as, while Malaysian families benefit from domestic worker migration, the woman and her family may suffer due the fact that her own children are now deprived of the services that she has been

employed to provide in Malaysia. On the other hand, male migrants were framed as having a detrimental social impact in Malaysia due to the perceived link between male migration, criminality and the spread of diseases. The social impact of female migrants was overlooked by many policy actors.

6.5 Conclusion

This chapter investigated how actors frame the causes and effects of migration and explored the ways in which implicit and explicit ideas about gender permeate their instinctive understandings about migration. This research found that women rarely featured in actors' instinctive understandings of the causes and effects of migration and the majority of participants instinctively spoke about male migration flows when asked about migration issues within Southeast Asia. In most cases, female migration and domestic worker migration was only discussed in the interviews after I specifically mentioned it.

This chapter argues that implicit and explicit ideas about gender permeates actors' understandings of migration dynamics. When faced with the question 'what is going on out there?' I argue that prior tacit knowledge about gender and gender relations enters the framing process and shapes how actors make sense of migration, how they define issues and how they develop narratives. This chapter underlined the highly symbolic and stereotypical understandings of femininity and masculinity that actors revealed in their constructions of the narratives surrounding male and female migration.

The majority of actors stated that men and women come to Malaysia for the same reasons, which is to seek out economic opportunities unavailable in their home countries. However, some actors revealed gendered ideologies relating to women's own motivations as female migrants were portrayed as wanting to migrate in order to "sacrifice" themselves due to feeling a larger sense of responsibility to provide for their family back home. Female migrants were also framed as having limited capacity to make their own migration decisions as they are understood as lacking autonomy and decision-making powers. Male migrants, on the other hand, were framed as having a greater capacity to make migration decisions.

With regards to the effects of migration, participants noted that Malaysia relies on foreign labour and receives positive economic benefits from migration. However, for some actors, the perceived negative social impacts of migration are given more weight in how they frame the consequences of migration. Male migrant workers are perceived by certain actors as dominating public spaces and inciting "fear" among the general population due to the perceived link between these workers, criminal acts and the spread of disease. On the occasions when female migrants were discussed,

these workers were framed as naïve victims who are susceptible to deception and vulnerable to exploitation from family members, recruitment agencies and human traffickers during the migration process.

I argue that actors' instinctive understandings of the causes and effects of male and female migration, and the ways in which stereotypical perceptions of masculinity and femininity underpin these frames, will strongly influence how policy decisions are made. If female migrants are solely framed as "victims" who lack agency, this may be driving certain forms of policies which aim to "protect" female migrants from harm. Conversely, if criminality is the dominant lens through which an organisation frames the effects of male migration then this may drive certain policy actions such as 'stop and search' measures, immigration raids, detention and deportations, as opposed to measures aimed at protecting male migrant workers from exploitation¹⁵⁶. The ways in which these actors make sense of "what is going on out there" is further explored in the next chapter which analyses how actors frame labour migration policies and their effects on male and female migrants in Malaysia.

¹⁵⁶ Policy actions will be explored in more detail in Chapter 9.

Chapter 7: Making Sense of Malaysia's Migration Policies

7.1 Introduction

This chapter builds on actors' instinctive understandings of 'what is going on out there' to analyse how actors create and apply frames to make sense of the rules, norms and practices surrounding temporary labour migration, and explores how actors interpret signals from their environment. In order to understand how the macro-level decision processes operate, we must analyse the micro-level perspectives of individuals within the governance system and the ways in which knowledge and ideas about gender and gender differences permeates their intuitive understandings about migration. This approach allows me to identify how, and with what effects, the migration governance system itself in Malaysia generates understandings and associated practices that have major effects on the rights and status of migrants, both male and female.

This chapter will show how there exists a prevalent understanding of a chaotic and rather disjointed migration policy environment in Malaysia. This environment is underpinned by pervasive corruption and the existence of powerful frames which attribute certain types of characteristics to different categories of migrants, sectors, and nationalities, and that these frames have a strong gendered dimension. This chapter investigates the evidence of "decoupling" in Malaysia's migration policy setting by which I mean the inconsistency that exists between ideology, discourse and policy outputs or between what Brunsson (1989, 2003) deems the "three-way distinction between 'talk', 'decision' and 'action'" (cited in Boswell and Geddes, 2011; 45).

The first section analyses the content of Malaysia's temporary guest worker programme, and the second section investigates actors' understandings (and misunderstandings) surrounding these policies, their intentions and their effects¹⁵⁷. The third section explores the use of bilateral agreements to manage migration and assesses actors' perceptions of these, especially with regards to female domestic worker migration. The fourth section analyses how actors frame the role that the private migration industry plays in facilitating labour migration, and the ways in which agencies are seen as exploiting female migrants in particular. Finally, the last section assesses the various securitisation measures that Malaysia has implemented to control (mainly male) migration, and analyses the ways in which Malaysia's policy setting is framed as "chaotic", and the effects of this.

¹⁵⁷ I am also analysing actors' understandings of the gendered implications, if any, of Malaysia's migration policies' main objectives (and outcomes) and of the processes involved in their formulation.

7.2 Migrant Workers as a ‘Temporary’ Solution

Malaysia plays host to the most non-citizens in Southeast Asia (Nah, 2012). According to available statistics¹⁵⁸, documented migrant workers come from a range of countries throughout South, Southeast, and East Asia, including Bangladesh, Cambodia, China, Indonesia, India, Lao PDR, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam. The primary sending countries for all sectors of migrant workers coming to Malaysia are Indonesia, Bangladesh and Nepal. However, those who enter Malaysia for legal employment as domestic workers come from five countries: Cambodia, Indonesia, the Philippines, Thailand, and Vietnam. According to a recruitment agent, “probably 70 per cent [of domestic workers] are Indonesian, then we have another 20 percent [from the] Philippines, and the rest make up the other 10 percent” (Manager, Domestic Worker Agency, Male, March 2018).

The rules for migrant workers’ entry and stay in Malaysia is contained in the Immigration Act 1959, with the Immigration Department of the Ministry of Home Affairs (referred to as MOHA and the Home Ministry) responsible for enforcement¹⁵⁹. The Employment Act 1955 regulates the terms and conditions of migrant workers’ employment, which the Ministry of Human Resources (referred to as MOHR and the Labour Ministry) is tasked to administrate¹⁶⁰. The employment of “non-citizens” in Malaysia is subject to certain restrictions which are contained in the Employment (Restriction Act) 1968¹⁶¹ which regulates the hiring of all non-citizens. The country operates a “temporary guest-worker programme” in which PLKS work permits¹⁶² are both location- and employment- specific, in addition to being gender-and-nationality specific (Kaur, 2007, 2014, 2015; Hamidi, 2016). The intention is to reduce the need for migrant workers and to protect job opportunities for local workers (ILO, 2016a)¹⁶³.

There exists a system of quotas and restrictions for the recruitment and employment of low-skilled migrant workers. There are currently six sectors for which temporary employment passes are

¹⁵⁸ Due to the significant amount of irregular migrants, it is hard to ascertain the overall number of migrants in Malaysia. Participants in this study estimate an additional 4-9 million irregular migrants on top of the 2 million legal workers. See Chapter 6 for discussion.

¹⁵⁹ It should be noted that the Home Ministry “does not deal with domestic workers” (Government Official, Male, April 2018).

¹⁶⁰ See Chapter 5 for a discussion on the role of the two ministries.

¹⁶¹ This Act was revised in 1988.

¹⁶² Also known as the “foreign worker permit” or the “Visit Pass – Temporary Employment”.

¹⁶³ Other policies to reduce reliance on foreign labour include a levy for hiring migrant workers, introducing a minimum wage (domestic workers not included), and increasing the participation of women in the workforce (ILO, 2016a).

provided: agriculture; construction; manufacturing; plantation; services; and domestic work¹⁶⁴. According to one interviewee¹⁶⁵, “the [Home Ministry] engages with the sectors who do not have workers currently to see if they need the workers, and if these sectors need to be opened up [to migrants]” (Government Official, Male, April 2018). Work permits are duration-specific as they limit how long migrants are permitted to work, with a maximum duration of five years. The aim of this programme is to ensure that labour migration is temporary. The guest worker must be between the ages of 18 and 45 years¹⁶⁶. For domestic workers, listed as “Foreign Domestic Helpers” by the Immigration Department, the eligibility conditions differ, as foreign domestic helpers must be female, they must be between the ages of 21 and 45 years. While domestic work is only open to women, the five other sectors are open to both men and women (see Table 5).

Country	Gender		Sector
	Female	Male	
Thailand	✓	✓	All Sectors Construction, Plantation, Agriculture, Services, Manufacturing
Cambodia	✓	✓	
Nepal	✓	✓	
Myanmar	✓	✓	
Laos	✓	✓	
Vietnam	✓	✓	
Philippines	✗	✓	
Pakistan	✓	✓	
Sri Lanka	✓	✓	
Turkmenistan	✓	✓	
Uzbekistan	✓	✓	
Kazakhstan	✓	✓	
India	✓	✓	Construction (high tension cable only) Services (goldsmith, wholesale/retail, restaurant (cooks only), metal/scrap materials and recycling, textiles and barbers) Agriculture and Plantation
Indonesia	✓	✓	Male workers are allowed to work in all sectors except manufacturing Female workers are allowed to work in all sectors stipulated
Bangladesh	✓	✓	Plantation via G to G agreement

Table 5: Recruitment Terms and Conditions of Foreign Workers¹⁶⁷

¹⁶⁴ Visitor’s Pass (Temporary Employment) Sectors, available here: <http://www.imi.gov.my/index.php/en/pass.html?id=296#application-for-temporary-employment-pass-for-a-foreign-worker>

¹⁶⁵ This actor wished to speak in a personal capacity and not as a representative for their government ministry.

¹⁶⁶ Ibid, Section 4: Important Matters relating to the Application for a Foreign Worker.

¹⁶⁷ Available at: <https://www.imi.gov.my/index.php/en/foreign-worker.html> Last accessed 30/01/2019

Nationality	Sector												Total
	Domestic Work		Construction		Manufacturing		Services		Plantation		Agriculture		
	M	F	M	F	M	F	M	F	M	F	M	F	
Bangladesh	26	122	90399	58	93685	445	27999	99	19510	10	12589	31	244973
China	4	235	4807	354	1185	216	921	5149	16	14	21	24	12946
Indonesia	507	95868	205365	17667	38879	82978	21092	18768	191740	38259	68167	13281	792571
India	44	915	9295	85	3079	15	54826	187	21187	240	39754	963	130590
Cambodia	5	3009	192	40	1088	1640	123	1079	137	77	228	92	7710
Lao PDR	0	25	2	0	8	14	1	5	0	1	3	0	59
Sri Lanka	14	1283	120	5	2778	1083	842	46	211	24	260	48	6714
Myanmar	8	109	19137	775	76711	18151	14169	1975	1810	373	4510	889	138617
Nepal	26	39	14331	12	311590	13518	94968	336	5103	9	15594	426	455952
Pakistan	4	31	31123	66	3285	3	6111	28	7498	15	21702	45	69911
Philippines	103	40180	3663	128	3891	519	4051	1868	3444	1322	3399	978	63546
Thailand	9	328	730	13	235	83	3534	3893	301	167	850	461	10604
Vietnam	5	718	4190	183	15876	21643	761	815	44	36	234	250	44755
Total M/F	755	142862	383354	19386	552290	140308	229398	34248	251001	40547	167311	17488	1978948
Percentage M/F	0.53%	99.47%	95.19%	4.81%	79.74%	20.26%	87.01%	12.99%	86.09%	13.91%	90.54%	9.46%	
Total Workers	143617		402740		692598		263646		291548		184799		
Percentage Total Workers	7.26%		20.35%		35.00%		13.32%		14.73%		9.34%		100.00%

Table 6: Statistics on Migrant Workers in Malaysia (February 2016). Source: Migrant Workers Right to Redress Coalition (2017). Table: Author's Own

However, there are a few exceptions. Indonesian men are not permitted to enter manufacturing¹⁶⁸ and the Philippines only permit its female citizens to enter the domestic work sector, while its male citizens can enter the other five sectors. Table 6 (above) contains a breakdown of the country, sector and gender of PLKS holders as of February 2016¹⁶⁹ and shows that women were issued approximately 5, 9 and 14 per cent of permits in the construction, agriculture and plantation

¹⁶⁸ However, Table 6 shows that 38,879 Indonesian men were issued permits for the manufacturing sector which is a gap between policy and practice.

¹⁶⁹ These figures differ slightly from those in Chapter 2 which lists total amount of migrants per country of origin from June 2017.

7.3 The Categorisation of Migrant Workers

How does the migration governance system itself in Malaysia generate understandings and associated practices that have major effects on the rights and status of migrants? This research found that the way in which the policies are set up, namely that the “Visitor’s Pass (Temporary Employment)” permits are linked to specific employers and locations, and that in some instances some sectors (like domestic work) are only officially open to certain genders and nationalities, has shaped how actors understand migration. Migrants were not understood as a monolithic group, but instead are divided into specific categories and sub-categories - by gender, by sector and by nationality – by actors during the interviews. For example, participants would often state that “Indonesians do this” or “women do this”.

7.3.1 Can male and female migrants enter the same sector?

As Chapter 6 noted, the majority of interviewees instinctively spoke of male migration and, as around 80 per cent of documented migrant workers are male¹⁷⁰, for many participants, a ‘migrant worker’ equals a *male* migrant. Construction, agriculture and plantation - all dominated by male migrant workers - were the most discussed sectors, with Indonesians and Bangladeshis the most cited nationalities. When actors spoke of female migration, this was predominantly in reference to domestic work, with manufacturing the second-most cited sector of foreign female employment (approximately 20 per cent of employment passes for manufacturing are issued to women).

“To a large extent the workforce tends to be male dominated in many sectors, construction for instance, as well as plantation. The only sector where women predominate I believe, or is exclusively women, is the domestic work sector”
(Legal Expert, Male, March 2018).

While Malaysia officially permits female migrants to enter the five main employment sectors (manufacturing, agriculture, plantation, services, construction), with only certain nationalities of female migrants permitted to enter the domestic work sector, there are far less female migrants entering Malaysia in a documented capacity. This is framed by actors as being due to a combination of i) the policies of certain sending countries¹⁷¹, ii) Malaysian employers’ preferences, and iii) a misunderstanding that Malaysia’s policies prevent migrant women from entering certain ‘male’ employment sectors: “on the plantations I guess 100 per cent are male so

¹⁷⁰ Data available in the Parliamentary reply in Appendix 1: Migrant Workers Right to Redress Coalition. 2017. “Towards a Comprehensive National Policy on Labour Migration to Malaysia”, represented in Table 6.

¹⁷¹ See Chapter 6 for an analysis of actors’ instinctive understandings of the causes of migration.

they don't recruit female workers on plantation... For the plantation [it's] men, for the factories it's mostly women" (Official, Indonesian Embassy, Male, March 2018).

Some actors believed that certain nationalities of women are not migrating due to cultural reasons: "Bangladeshi women don't generally leave on their own, as far as I know, it's more like a cultural thing" (Academic 1, Female, February 2018). Other actors wrongly believed that women from certain countries, such as Nepal, are prevented in Malaysian policy from entering the country to work, which does not appear to be the case: "certain countries won't allow women [to migrate] like Nepal, we also don't allow their women [to come]" (Academic 2, Female, February 2018). In fact, Malaysia has opened up employment sectors to Nepali women but as they are not coming across in large numbers (and certainly do not appear to be working in sectors which are in the public eye across Malaysian society) this appears to lead some actors to believe that Malaysia's own policies prevent them from coming. In fact, the reason that a relatively small number of Nepali women are coming appears to be due to Nepal's own policies which according to one official, prevents its female citizens from entering Malaysia's services sector and domestic work sector due to issues with exploitation:

"Basically [Nepali] women are in the manufacturing sector, especially electrical industries and other manufacturing sectors. We have not allowed labour permits for women to be employed in cleaning, domestic maid and similar service sectors... [Because] we think that there is not enough legal protections from exploitation and you know misuse for trafficking and for sexual abuse [in those sectors]" (Official, Embassy of Nepal, Male, March 2018).

Some actors stated that there currently existed a strict policy stipulation that migrant men and women cannot enter the same employment sector, but believed that this was ignored in practice as the policy exists "on paper only" (Academic, Female, March 2018). The misunderstandings surrounding the ability of female migrants to officially enter male-dominated sectors could be due to the fact that, in the past, policies did stipulate that women were prevented from entering certain sectors. Even though, overall this is no longer the case, actors' understandings have been shaped by the previous policies.

"There was a time when they only allowed men to work in certain sectors, like construction it had to be men, you only had to have men in plantations but now is no more. The policy has changed over the years... but now when you go on to the Immigration website, all sectors can work, all men and women can work in any sectors that they want" (Legal Expert, Female, March 2018).

Many actors believe that, due to employers' demands, there is a segregation between 'male' and 'female' work, with certain sectors, such as construction, seen as requiring male workers due to

the labour intensity of the job as “the company that engages people to do construction work will never want to bring in female [workers], no, not the females” (Manager, Employer Organisation, Male, March 2018). On the other hand, households deem it unsuitable for a male worker to perform the caring duties in domestic work: “with maids, it is generally women, generally no man will do this” (Government Official, Male, April 2018)¹⁷².

“Because of the demand, [the] general understanding [is] that it is mainly women who can perform the domestic work” (Programme Officer, Regional Organisation, Female, March 2018)

“Households will employ only women. They are not going to get any guys [to do domestic work]” (Coordinator, Regional Organisation, Female, March 2018).

The segregation between “female oriented” and “male-oriented” sectors was connected to traditional gender roles, with men seen as doing the more “heavy duty” work whereas domestic work and cleaning jobs are framed as “women’s work” seemingly because “housework and childcare” are understood as “natural tasks for women” (Castles and Miller, 2009; 237). To be more accurate, domestic work and cleaning tasks are actually understood as ‘*some* women’s work’ that is the work of migrant women from poorer neighbouring countries (this is analysed in Chapter 8). The often-cited exceptions which fall under the ‘domestic work’ category, yet are considered ‘male jobs’, are gardening and driving.

“Cleaners are mostly female, domestic workers for sure female, and then in construction sector we have about 5-8 percent female... The male workers they are more on the masculine type of jobs, females [do] less masculine [jobs]” (Representative, Regional Organisation, Male, February 2018).

“I think for Malaysia there are different types of jobs, not 100 percent same type of jobs. Yeah most of the women who come here is more to do the maid [jobs], the housemaid, but some also came in to do the factory work and also the cleaners, all those are the woman mainly jobs. But the men, it would be different, they are doing other labour jobs” (Business Leader, Male, March 2018).

The manufacturing industry, particularly electronics factories, are also seen as seeking female migrant workers as women are considered both as having the physical attributes that make them amenable to working on production lines - the “nimble fingers” (see also Elson and Pearson, 1981) - but also the mental perseverance, patience and “diligence” (Ong, 1990) to be able to withstand such “dull and boring work”:

¹⁷² When asked whether men do not enter domestic work due to policy stipulations or due to cultural factors, the official stated that he is unsure of the reasons why.

“Ok for factory usually, this is what I got from the [male] managers, they want very patient [workers], they want very nimble fingers, something like that, so yeah it falls to women so it's a dull and boring work so that's only women [who] can stand it!” (Academic, Female, March 2018).

In cases where men and women work within the same sector, participants agreed that there is a gendered hierarchy wherein men and women will hold different positions, and their work will be valued differently. For example, in factories, migrant women were framed as working on the ‘bottom line’ performing the lower-skilled jobs, whereas men will perform more ‘skilled’ roles and hold supervisory and managerial positions, in addition to the “very heavy duty jobs” (Academic, Female, March 2018).

“There are certainly women and men migrant workers in the agricultural sector, there are women and men migrant workers in construction. The women in construction work obviously very short shifts and [are] overlooked quite regularly because people don't believe that they're there. Within those kind of sectors unfortunately we see those sort of gender inequalities still perpetuating, women are often doing the sort of less ‘skilled’ work within those sectors or the lower paying jobs within the sectors which, whether or not they are less skilled, is sort of up for debate” (Official, International Organisation, Female, May 2018).

Female labour is systematically undervalued and women were often described as “the most exploited migrant workers” as they lack bargaining power, have limited opportunities for advancement and are paid less simply “because they are female”¹⁷³:

“The most exploited migrant workers are female... [Because] most of them don't have bargaining power, [and] because of their low education level, and of course they are also given less opportunities for the promotion” (Representative, Regional Organisation, Male, February 2018).

The levels of disagreements amongst policy actors regarding the content of Malaysia's policies and whether men and women can enter the same employment sectors sheds light on the chaotic governance system. This section has underlined the ways in which policy actors frame certain sectors such as domestic work as “female-oriented” whereas construction, agriculture and planation were understood as “male-oriented”. These ideas rest upon gendered assumptions about who is able to conduct certain tasks as the perception that Malaysian employers having a perceived preference for men to perform labour intensive jobs and women to fulfil “housework and care” duties. These two categories of work are associated with different levels of exploitation,

¹⁷³ The ILO and Huynh (2016) analysed the garment industry in nine Asian countries and found that women are paid less than men in eight of the cases.

with female workers, particularly those employed in domestic work, widely understood by actors in this study as the most abused workers in Malaysia.

7.3.2 Is there a preference for certain nationalities?

In addition to the preference for certain genders to perform certain jobs, I also encountered different narratives and stereotypes as to why certain nationalities dominate certain sectors. Some justifications were based on the workers themselves preferring specific types of jobs, whereas other reasons were that the employers prefer to hire certain nationalities based on perceived traits of those nationalities. For example, I encountered the narrative that Indonesian workers dominate the construction industry as they have ‘inherent’ traits which makes them prefer this type of work: “Indonesian men, they favour working in the construction site because they are naturally born with the kind of liking of this job” (Manager, Domestic Worker Agency, Male, March 2018)¹⁷⁴. Similarly, other interviewees framed Indonesians’ dominance of the plantation sector as due to the fact that they are already skilled in that sector through having their own plantations in Indonesia. On the other hand, some participants believed that Malaysian households prefer Indonesian female domestic workers, as they are understood as “hardy” compared with Filipina workers:

“[Indonesians] are really a hardy lot because they really can work. You see Filipinos, they have to work only 8 hours, 6 o'clock they stop. You have to give them one-hour lunch, you have to give them one day off, [and] the salary is high. There are so many things in the contract if you see for the Filipinos... So I would rather take an Indonesian who can get up at 5 o'clock, and [go to] sleep at midnight... I just pay her pittance and I can give her any work and she will do. And they are really hardy workers, you know they are not so dainty, they really can work” (Programme Officer, Regional Organisation, Female, March 2018).

However, in reality, the preference for Indonesian female domestic workers is likely not to stem from Indonesian women’s perceived traits and is instead due to structural factors¹⁷⁵, namely the fact that Malaysian households can pay them less, work them harder, and that there are minimal repercussions if the worker is abused as the monitoring mechanisms for Indonesian domestic workers are understood as far less efficient than those for Filipina domestic workers¹⁷⁶. In a similar vein, there is the widespread understanding (also echoed by Nepali government officials)

¹⁷⁴ The same participant stated that Bangladeshis were initially resistant to work outside in Malaysia as they were “scared of the sun”.

¹⁷⁵ Alongside the ‘Religion Rule’ discussed in Chapter 2, Section 2.4.1.

¹⁷⁶ The different policies for MDWs from Indonesia and the Philippines will be discussed further in Chapters 8 and 9.

that Malaysian employers, and government departments, prefer to hire Nepali workers as security guards as they are considered “honest” and “trustworthy”:

“[For the security sector] we want a Nepali worker and we are saying that we don't mind paying them extra because worldwide they are considered as one who has more honesty than many other nationalities in the region... and they are very simple people, and you can rely your building with them, or your property... So even in those days British used to have Nepali as their Gurkhas, they are very trustworthy people so that has been instilled in the minds of many until today” (Trade Unionist, Male, February 2018).

Malaysian employers are framed by some actors as preferring to hire specific nationalities for certain sectors due to perceived traits that the workers have, such as perception of the “hardy” Indonesian domestic worker who will work long hours, and the “trustworthy” Nepali security guard. Whereas some sectors are framed as being closed to certain nationalities due to perceived ‘unsavoury’ characteristics. For example, one embassy official believed that Indonesian men are prevented from enter manufacturing as Indonesian male factory workers were seen as being likely to riot and protest so employers fear was that they would “bring their habit [when] they come here and do some parades and demonstrations”¹⁷⁷ (Official, Indonesian Embassy, Male, March 2018).

Similar to actors believing that Malaysia’s own policies prevent women from accessing all employment sectors, some believed that certain nationalities were prevented from working in certain sectors e.g. that no women are allowed in construction. It seems that this confusion is due to policy fluctuations which have taken place over the years and which have affected participants’ understandings of the policies.

“The policy has changed over the years, it used to be by country, that means like Indonesians came in only to do plantations, Indonesians only came in to do construction, Mekong region only came in to do manufacturing. So we had that kind of segregation by nationality but now [there is no segregation]” (Legal Expert, Female, March 2018).

The ways in which participants categorised migrant workers during the interviews was interesting for a number of reasons as all of these factors fed into participants’ narratives about migration, to differing degrees. While nearly all participants divided migrant workers into different categories during discussions, actors had varied understandings of policies and whether the policies themselves segregate workers by gender and nationality. Some of actors revealed gendered ideas in the ways in which they framed the content of Malaysia’s policies, and why the policies were set up in a specific way. It appears that, due to the fluctuations in policies over the years, actors often misunderstand the current policy, and whether all genders and all nationalities can enter any

¹⁷⁷ Despite policies stating otherwise, work permits are issued for Indonesian men in manufacturing, see Table 6.

of the approved sectors. The misunderstandings between actors also highlights the chaos within Malaysia's migration policy setting.

7.3.3 Insider-Outsider Distinction

While actors in this study were unclear as to what nationalities and gender can access what sectors and why, participants were clear that Malaysia's policy measures aim to ensure that the low-skilled labour immigration is only a "temporary" measure and that workers do not have the possibility of gaining a right to stay in Malaysia permanently¹⁷⁸. PLKS work permit holders are prohibited from marrying citizens or other migrants who work in the country, they cannot apply for permanent residency, and they cannot bring their dependents to live in Malaysia (Spaan and van Naerssen, 2017).

"For those who hold the PLKS pass I mean this is a temporary pass, [which means] workers cannot get married here in Malaysia. I mean you cannot force people not to get married" (Embassy Official, Male, March 2018).

In order to obtain, and maintain, their work permits, migrants are also subjected to mandatory health checks, and are liable to deportation if they test positive for HIV/AIDS, tuberculosis or, for women, pregnancy (Liang, 2011; Hamidi, 2016). The government's intention is to maintain a strict distinction between "insiders" and "outsiders" (Chin, 2008) i.e. between citizens and foreigners, but also between different hierarchies of migrant workers. The government institutes, what Nah (2012), deems "a hierarchy of rights and freedoms" whereby highly-skilled migrants are granted a higher level of rights, while workers in "low-skilled" positions are given fewer rights and limited integration possibilities (Nah, 2012; 489).

It was interesting to note that "temporariness" was the prevailing frame through which labour migration in Malaysia is understood by certain actors. For example, government officials, business leaders and employer organisations frame migration as a temporary measure to combat labour shortages and it appears to be this understanding that is shaping migration governance¹⁷⁹. However, other non-state actors who work in a more hands-on capacity with migrant workers, such as NGOs and trade unions, and who are less able to access policy-making processes, framed migration as more of a structural reality in Malaysia, rather than a temporary measure, as many migrant workers are actually 'permanently in a state of 'temporariness'¹⁸⁰.

¹⁷⁸ However, many workers do stay on as undocumented workers.

¹⁷⁹ As discussed in Chapter 5, policy-making processes in Malaysia are dominated by state actors with employers' organisations able to participate in some consultations. Many CSOs, however, struggle to engage in the policy-making process.

¹⁸⁰ See Chapter 2, section 2.3.2.1 for a discussion on how foreign workers are categorised.

Regardless of whether migration to Malaysia is actually temporary, Malaysia's restrictive policies are understood as having profound effects as migrants are denied certain types of rights and protections. Some actors, such as those who work for embassies and other civil society organisations, framed Malaysia's migration policies as impacting upon migrants' health and wellbeing¹⁸¹. This is namely due to the fact that migrant workers are prevented from having a family life which is understood as affecting women more than men due to the ways in which female migrants' bodies are closely monitored. Malaysia lists pregnancy as an "illness" on its Foreign Workers' Medical Examination (FOMEMA) portal and requires female migrant workers to repeatedly prove that they are not pregnant in order to obtain, and maintain, their guest worker permit. Malaysia has implemented very intrusive measures whereby female migrants must take a pregnancy test prior to departure, again upon arrival in Malaysia, and then must be tested every year for three years (Fair Labour Association, 2018). Female migrants' employment contracts will also often state that they will lose their jobs and be liable to immediate deportation if they become pregnant. Restricted reproductive rights were cited as one of the key ways that Malaysia's labour migration policies disadvantage and subordinate female migrants, with such policies regarded as "highly discriminative"¹⁸²:

"[The employer] will discontinue your contract because with the status of temporary worker you are not supposed to start a family here... So basically it is highly discriminative" (Representative, Regional Organisation, Male, February 2018).

"[Female migrants] are at a disadvantage because if you don't recognise pregnancy as their right, then they're at a disadvantage, I mean you just say to them that they cannot have children which denies them this fundamental human right as well so they are at a disadvantage" (Representative, NGO, Female, February 2018).

While it was broadly understood that female migrants have no right to start a family in Malaysia, some female migrants do become pregnant in Malaysia, and are then faced with a difficult choice. Female migrants who become pregnant are confronted with trying to access an abortion (which are allowed for Malaysian women in certain circumstances but these rights are not extended to migrant women¹⁸³) or face the prospect of giving up their child for (an illegal) adoption. Alternatively, the female migrant may seek to travel undetected with the child back to her home

¹⁸¹ Whereas, as Chapter 6 notes, other actors such as government officials and some trade unionists framed the presence of migrant workers as affecting the health of Malaysian citizens.

¹⁸² The Fair Labour Association (2018) notes that the legal framework in Malaysia is one of the most restrictive for migrant women in Southeast Asia.

¹⁸³ Nirmala Thapa, from Nepal, was the first woman jailed for abortion in Malaysia. She was later acquitted by Malaysia's High Court (Mok, 2015).

country to be raised by family members there, but the feasibility of this will depend on the location of the worker's home country¹⁸⁴. Some participants also spoke of cases where women carried on working while pregnant as their employer turned a "blind eye" to their pregnancy, which again highlights the decoupling between the practice and the rhetoric. However, it should be clarified that incidences of female migrants being able to have children were only described for women working in factories as opposed to those employed as domestic workers, and the participants did not elaborate on what happened to the mother or the child once the baby was born.

If a male and female migrant end up having children in Malaysia, these children are unable to acquire formal legal status or access education in Malaysia due to their parents' status as 'foreign workers', which is a concern highlighted by actors, particularly for NGOs, regional organisations, embassies, and trade unions:

"A man come here, work here, and then a lady come work here, they fall in love, they get married, and then they have kids. So the kids here, I mean most of the tension, issues, is they cannot get access to school, education, and to health, because their status is not legal" (Embassy Official, Male, March 2018).

"Many migrant workers coming to Malaysia, eventually they have children [together]. They are legally married, and when the children grow up, they cannot go to school even though under our child protection rights they should have at least six years of education, now we are fighting for at least finishing high school. And then there are so many unwritten policies so for example recently there was a big hoo-ha where the Director General of Immigration said "we never actually restrict the children from going to school" however the Director General of the Education Department did issue the circular demanding the Headmasters not to allow any migrant workers' children to enrol in school. [So there are] policy gaps" (Representative, Regional Organisation, Male, February 2018).

Participants note that the policies here are unclear as they receive contrasting information from the Immigration Department and the Education Department as to whether the children of migrant workers can actually access an education. One actor also spoke of a reportedly unwritten policy whereby the children born to Indonesian parents in Malaysia can eventually claim Malaysian citizenship:

"If the children are born in Malaysia, they get an IC [identity card], and the general practice is [that] because their parents are both working, they then

¹⁸⁴ "It becomes a problem unless the migrant worker has a way to go out of the country without proper papers, you just go out of the country and take your child back... That is possible if you live in Cambodia, you can possibly take an overland route and go back, but if you are from Bangladesh then it's not possible" (Representative, NGO, Female, February 2018).

send the child back to the kampong in Indonesia to be brought up there and then at the age of 18, or shortly before, they can come to Malaysia and be registered as a Malaysian citizen... So it is selective policy. So [we have a] same ethnic preference which is not stated policy in Malaysia but it's definitely practised policy" (Academic, Female, February 2018).

It could be the case that the Malaysian state selectively permits Indonesian Muslims to obtain identity cards in order to bolster the Muslim majority in the country (Case, 2013; 55) and to reinforce the Malays' electoral power (Liow, 2003). Another decoupling between policy and practice is that while the labour migration policies stipulate that guest workers are not allowed to bring dependents, some migrants reportedly end up "bringing all their families here" (Trade Unionist, Male, March 2018). However, the ability to bring dependents appears to be connected to irregular migration, with some actors assuming that workers' dependants could enter in the same irregular manner that the workers did (if the migrant arrived in Malaysia undocumented) or else they could come in via a tourist visa and overstay. The ability to bring over dependents also appears to be linked to the informality and location of certain sectors, such as in agriculture and on plantations, where irregular migration is understood as prevalent. Additionally, the ability to bring in dependents is also connected to certain sending countries, with many actors emphasising that Indonesian workers often bring their dependents. There was also the understanding that it was male workers who are able to bring their families into Malaysia¹⁸⁵, with female migrants understood as less able due to the fact that they were framed as predominantly working as live-in domestic workers.

There is also another notable discrepancy between stated policy and actual practice with regards to migrants' ability to join trade unions in Malaysia. While migrants are formally permitted to unionise, many obstacles still exist including resistance by local unions (Crisis and Parasuraman, 2016). In addition, employers have, in the past, often specified in migrant workers' contracts that they are not permitted to join a trade union (Piper, 2006; Crisis and Parasuraman, 2016). This trend reportedly still continues but employers now verbally warn migrants not to join a union:

"Migrant workers are free to join a trade union in law but they are not allowed to form any of their own and they also cannot be in the leadership of the union at the top level. So these are their restrictions and there is also kind of an unwritten policy by the employers, and now they're a bit more careful to hide this but initially they would just ask the migrant worker 'do you know what a trade union is? Will you join a trade union?' as they come in, so they sort of give the message that you don't join a trade union" (Representative, NGO, Female, February 2018).

¹⁸⁵ Another participant noted: "because of the traditional flow of citizenry between the two countries, some Indonesians bring along their family members... Of course a lot of Indonesians would be also undocumented so they would have come in undocumented" (Legal Expert, Male, March 2018).

Even though migrant workers are permitted to join trade unions, those employed in the domestic work sector are not. The lack of clarity and the perceived number of unwritten policies and practices relating to migrant workers was a concern for many of the actors in this study who struggled to navigate Malaysia's "chaotic" policy landscape and the disconnection between policy and practice. It is likely the case that there may be less easily observable processes that are going on behind closed doors that actors in this study (especially civil society actors) are not able to access. It appears that, in order to enact a "sensible environment" (see Weick, 1995) through which actors can make sense of Malaysia's system for labour migration, actors have developed their own accounts for why policies and practices are the way that they are, and these accounts often contain gendered assumptions and ideologies. This section has highlighted the ways in which actors are creating plausible stories which make sense to them, such as the narratives of why certain nationalities dominate certain sectors, or stereotypical understandings of masculinity and femininity to account for why men and women work in different sectors.

7.4 The Use of Bilateral Agreements

The next component of Malaysia's migration policy landscape is the prevailing use of bilateral agreements, in particular Memorandums of Understanding (MoUs), to manage short-term contract labour migration. The aim of these agreements is to better regulate the processes and procedures of recruitment and to curb the number of irregular migrants (Kanapathy, 2007)¹⁸⁶. Malaysia has signed MoUs on labour supply including with Bangladesh, China, Indonesia, Pakistan, Nepal, Sri Lanka, Thailand, and Vietnam (ILO, no date¹⁸⁷; Babulal and Abdul Karim, 2018) with MoUs signed with Indonesia and Cambodia in relation to domestic worker migration specifically. The migration of Filipina domestic workers is governed by the Philippine government's own labour sending agreements, although some policy actors incorrectly believed that it was managed by a MoU between Malaysia and the Philippines¹⁸⁸. Participants (notably those who work for NGOs) viewed the use of bilateral agreements, in particular MoUs, to govern female domestic worker migration as particularly problematic for a range of reasons. Firstly, many actors perceive the use of MoUs as insufficient to manage labour migration largely due to the fact that these are non-legally binding agreements which are dependent on the commitment of Malaysia and the labour-sending countries, which participants perceive as lacking.

¹⁸⁶ Although some agreements, such as the Malaysia-Nepal MoU, signed in October 2018, also stipulates "address[ing] human trafficking issues and exploitation of migrant workers" (Babulal and Abdul Karim, 2018).

¹⁸⁷ Information on MoUs, bilateral agreements and declarations relating to Asia-Pacific labour migration is available on the ILO website here: https://www.ilo.org/asia/areas/labour-migration/WCMS_161105/lang--en/index.htm

¹⁸⁸ How the Philippines manages domestic worker out-migration will be discussed further in Chapter 9.

“[A MoU] is something like the buyer and seller type, it’s not a binding agreement, it’s just like a reminder. It doesn’t carry any legal implications on both countries, it depends on how both countries are going to fulfil their obligations stated in the MoU” (Representative, Regional Organisation, Male, February 2018).

Secondly, while exploitation is a key area that bilateral agreements purport to tackle, the content of agreements tend to mainly emphasise the technical details of the hiring process and “often merely function to confirm the temporary status of the migrant domestic worker” (Elias, 2018; 285). Malaysia’s MoUs are mainly concerned with the bureaucratic procedures for regulating the flow of workers, including detailing the role that recruitment agencies play, and rarely end up including protective clauses and hardly ever mention the rights of migrant workers (see also Wickramasekara, 2002; Ford and Piper, 2007; Skeldon, 2009). For example, the renegotiated Indonesia-Malaysia MoU (signed in 2011 and valid until 2016) to manage domestic worker migration was seen by many participants as insufficient. This MoU was a result of two years of intense negotiations following Indonesia banning its female citizens on entering Malaysia’s domestic work sector after a number of highly publicised abuse cases involving Indonesians working in this sector in 2009. During the negotiations, the revised MoU was being framed as a ‘strengthened mechanism’ to protect vulnerable workers, however, the final agreement ended up being ‘watered-down’ as it did not include a minimum wage for Indonesian MDWs, which is something that Indonesia had lobbied for. Overall, MoUs were framed as weak mechanisms for managing domestic worker migration due to the content of the agreements, the fact that they are non-binding, and the fact that they cannot supersede Malaysia’s national labour laws.

“The older MoU [valid until 2016] doesn’t give the workers any rights really because it just says that you must have an employer, you must have a place to stay etc. and the conditions of your work should be the same as in Malaysian law. But Malaysian law doesn’t say anything about domestic workers except to say that they are exempted from all provisions of the Employment Act so that MoU is basically saying that you have no rights” (Representative, NGO, Female, February 2018).

As the above quote explains, the, now expired, Indonesia-Malaysia MoU effectively gave domestic workers “no rights” and instead deferred to Malaysian employment law, which already excludes domestic workers from the majority of protections granted to other employment sectors, so this agreement was framed as serving no purpose.

Bilateral agreements such as MoUs rarely include protective measures, and, when they do, these are still seen as ineffective both due to both their non-binding nature and the fact that these agreements are based on nationality (as they are country-to-country), rather than the sector as a whole. This results in protection being increased only for certain groups while effectively institutionalising discriminatory practices towards other nationalities (Kaur, 2007). Additionally,

while the new MoU stated that domestic workers must be granted a day's rest, many participants who worked on the frontline with MDWs noted that this is not always followed in practice. For example, one participant from Indonesia, who has experience working as a domestic worker in Malaysia, explained that, in two years of working with one family, she never had a day off, and that her employers continued to hold her passport. So while the Indonesia-Malaysia MoU stipulated that this worker should be able to retain her passport and have a weekly day off, this is still not the case for this participant and for many other Indonesian domestic workers¹⁸⁹. As a result, there is the perception that “nothing has changed” for Indonesian MDWs in Malaysia.

7.5 The Private Migration Industry

The next component of Malaysia's governance system for labour migration is that the country has implemented a “migration regime” whereby private actors in the “migration industry” have been granted the authority to manage immigration (Elias, 2018, see also Kaur, 2010; Franck et al., 2018). These non-state actors - mainly private recruitment and employment agencies/ labour brokers - are in charge of hiring, pre-departure training and medical screening, transporting and the placement of migrant workers (Kaur, 2010). After migrants are placed into their workplaces, employers are then delegated disciplinary powers and given the ability to cancel their foreign employees' visas unilaterally (Nah, 2012).

The majority of participants, notably those from employers' organisations, NGOs, regional organisations, and women's associations, viewed the role of the private migration industry in managing labour migration as a “money-making operation” which was rife with exploitation¹⁹⁰. Due to the extortionate fees that recruitment agents charge for their services, what one Employer Organisation termed as “murder rates”, migrants (or their families) often have to resort to taking out substantial loans ahead of departure, which then take a considerable amount of time to repay. If a migrant cannot access a loan, agencies often offer to cover the costs upfront, deducting them from the migrant's salary later, thus creating a “fly now, pay later” phenomenon (Sugiyarto and Agunias, 2014; 8).

“There are lots of problems with the agents, in the first place these recruiting agents are actually profiteering from these migrants... these people get into debts to come here because of these recruiters” (Coordinator, Regional Organisation, Female, March 2018).

¹⁸⁹ Whereas domestic workers from the Philippines are understood as being entitled to a day off due to the Philippines' migration policies. This is explored in Chapter 9.

¹⁹⁰ The new government declared in October 2018 that the use of the private migration industry to act as “middlemen” in managing labour migration will be discontinued in 2019.

“[There is] the middle man system, the intermediary system, so when you have a worker from Bangladesh who arrives at the airport, generally he will have between 12-15,000 [ringgit] worth of debt, so his entire wages for the first two years will go off to paying off that debt... [Agencies] still make these super profits from [it] but they classify it as training, as health screenings etc. And the sum total of it is that it costs the worker a lot in order to find a job overseas, and that has to be paid for somehow, so either the family, or the village moneylender does this, and the person still arrives with debt, owing to a different source but still debt” (Policy Analyst, Think Tank, Male, February 2018).

Overall, debt bondage was discussed more in relation to male migration, although examples were also given in relation to female domestic workers being forced to pay substantial fees during the migration process and incurring high levels of debt. The majority of non-state actors in this study framed Malaysia’s recruitment system, and the profit to be made from it, as having been established to ‘protect’ the agencies (and those profiting from them) more so than protecting the workers themselves¹⁹¹. This was largely due to the fact that the recruitment agencies were framed as being politically connected to ‘corrupt’ government officials high up in the UMNO, the ruling party at the time of fieldwork¹⁹².

7.5.1 Female migrants more liable to exploitation

In addition to the debt that migrants accrue, workers were also framed as susceptible to deception by recruitment agencies during the migration process, with some agencies perceived as perpetuating labour trafficking (see also Amnesty International, 2010)¹⁹³. Both male and female migrants were understood as being vulnerable to deception but some interviewees perceived a gendered dimension to the ways in which the agencies trick workers, with female migrants understood as being more likely to be targeted. These deceptions include workers being lied to about which sector they are going to enter in Malaysia. As noted in Chapter 6, one regional actor (Male, interviewed in February 2018) is representing victims of multiple cases of forced labour and human trafficking. One of these cases involves a group of Indonesian female high-school students who migrated with the agent’s promise that they were coming to work in an electronics

¹⁹¹ Actors in this study rarely differentiated between the outsourcing/labour hire firms that are Malaysian-owned and which have been endorsed by the government, and those which are not.

¹⁹² For more on this issue, see the Al Jazeera (2017) documentary “Malaysia’s Migrant Money Trail” available here: <https://www.aljazeera.com/programmes/101east/2017/07/malaysia-migrant-money-trail-170720110403155.html>

¹⁹³ Amnesty International (2010) found that agencies perpetuate trafficking and that the Malaysian government facilitated this due to the country’s “loose regulation of agents, abusive labour laws and policies and the practice of allowing employers to confiscate their workers’ passports” (2010; 6-7). In order to tackle exploitative agencies, an online platform has been created where migrants can rate their experience with agencies. See Chapter 9.

factory but, in reality, the women ended up working in a birds' nest¹⁹⁴ factory. In these scenarios, once the workers realise that they have been deceived, they are essentially “trapped” with large amounts of debt from the migration process and are unable to leave¹⁹⁵.

Interviewees explained that migrants are also often unaware that they are working in an irregular capacity and cited incidences where workers had paid large amounts of money to get an employment visa but ended up undocumented as their agent had taken their money but had not gone through the proper recruitment channels and not secured their work permits. In other instances, the agencies will list either fake companies, or incorrect employer details on the workers' visas, rendering them irregular. For example, participants cited instances where young female migrants had come through the proper channels to work in the manufacturing sector, but upon arrival the employer had moved them to another factory thus rendering them irregular as their workplace does not match the workplace that is listed on their visa. As a result, these young female migrants ended up getting arrested and placed in detention centres. As one participant noted “they are just kids, ok they are adults, aged eighteen, but they are *so* young, they don't have any choice. [They] just do what the companies ask them to do. So they still have to go to prison” (Embassy Official, Male, March 2018). One reason given as to why employers will state a different workplace on migrant workers' visas is that the levy is less for certain workplaces, e.g. “the levy to work in the farm is only 410 ringgit compared to 1,850 ringgit to work in a factory” (Representative, Regional Organisation, Male, February 2018).

Throughout this study, female migrants were framed as potential “victims” who are “in need of protection”, whether that be protection from their own families, or protection from unscrupulous agencies or employers¹⁹⁶. Overall, migrant women were often seen as being more likely to be targeted, due to their perceived naivety. Most scenarios where migrants were described as “tricked” by agencies involved “young” female workers who are promised good jobs in Malaysia but then end up being forced into either a different role, e.g. promised an electronics factory but end up in a birds' nest factory, or are forced into a different sector like sex work:

“Another group are being trafficked by the syndicates and majority they are women. Most of them are being victimised. They will promise lucrative jobs here, with good salary and good working conditions, as they come in here

¹⁹⁴ Birds' nests are a Chinese delicacy.

¹⁹⁵ Another cited case was where Indonesian migrants were told that they were coming to work in an electronics factory but ended up working in a chicken farm.

¹⁹⁶ As noted in Chapter 3, the need to protect and save women stems from the need to protect the nation as women embody the “nation” as they “reproduce biologically, culturally and symbolically national collectivities” (Yuval-Davis, 2002; 30).

they are forced into prostitution” (Official, Government Institution, Female, March 2018).

“Women sometimes I think they are, if you talk to Tenaganita¹⁹⁷ they say [women] are basically being tricked, you know they come over for jobs that don't exist and they're tricked into the sex trade and held to ransom” (Journalist, Male, March 2018).

Participants also often drew links between female migrants and trafficked victims, a narrative that was especially dominant in relation to domestic worker migration. I argue that this connection is problematic as it could serve to shift the blame for MDWs' experiences in Malaysia solely onto the role of 'rogue' agencies or individuals while overlooking the role of Malaysia's labour migration policies and practices and the role of employers in perpetuating abuse and exploitation.

In this study, actors revealed nuanced views towards the role of recruitment agencies in facilitating domestic worker migration. Some participants viewed the use of agencies as being detrimental to MDWs' wellbeing because of the unequal power dynamic in the agent-worker relationship, which results in varying degrees of exploitation, placing female migrants in a more precarious position. In this regard, bilateral agreements which stipulate that private labour agencies are responsible for recruiting, training and transporting MDWs were framed as essentially “trapping” women in a cycle of debt, in what one participant deemed, “the regime of the agency”.

“[Agencies] are actually unnecessary parasites... they are for profiteering and they are the ones who create the human supply chain which is an exploitative chain right from the point where they try to bribe the parent then after that you bring to the local village to get the endorsement and then up to the stage that they do the passport, they do the training” (Representative, Regional Organisation, Male, February 2018).

However, some actors emphasised that agencies and brokers can also play an active role in protecting female MDWs as their involvement in the migration process means that “there is someone there to monitor the recruitment process” (Legal Expert, Female, March 2018) (see also Elias, 2013)¹⁹⁸.

“I remember one of the big contradictions was when, you know we want to reduce, eliminate the agencies, the labour brokers, the labour suppliers... But suddenly I remember the Filipino workers said “no we need the agents, they

¹⁹⁷ Tenaganita is a leading NGO in Malaysia focussed on protecting migrant workers' rights.

¹⁹⁸ With regards to the narrative that agencies can offer a level of protection to workers during the migration process, Elias (2013) notes that construction of “‘rescue’ narratives” in relation to domestic worker out-migration from Indonesia also “serve to further legitimise the activities of legal migration brokers and agencies, as those actors best able to offer advice and protection to vulnerable groups of women” (Elias, 2013; 403).

are the mediators of the conflict” and that’s also the same position as the Philippine government and the Indonesian government so... that was [a surprise] like we want here to get rid of these guys but the workers are saying we still need them” (Representative, NGO, Male, February 2018).

As the above participant explains, not only do some workers need the agents to help them find work overseas¹⁹⁹ but that sending countries’ officials also rely on agents ‘to help mediate conflicts’ between workers and their employers. This was confirmed by some embassy officials in this study who highlighted the important role that legitimate recruitment agencies can play in protecting MDWs in Malaysia:

“If the family complains in the Philippines, ‘I have not heard from my daughter for a month now’, we go to the big database, we find the Malaysian agency, we call the Malaysian agency and tell [them] ‘bring the worker to me immediately’ and they do that... The employer would not even come to me even if we call them, but the agency [do] as when the worker complains to us, we automatically stop their transaction so they cannot do business with us. So [the agency] have to comply immediately. We [also] have a police attaché here in the embassy and when a maid needs to be rescued [...] then we coordinate with our police attaché and they coordinate with their counterpart and immediately we rescue the housemaid” (Representative, Philippine Embassy, Female, April 2018).

However, there exists different perceptions in terms of the quality and reputation regarding domestic worker recruitment agencies from different countries. While the Philippines is framed as having an efficient migration system already in place for sending domestic workers to Malaysia, Indonesia was described as having a “haphazard system” (Manager, Domestic Worker Agency, Male, March 2018). This will be explored in Chapter 9. While Franck *et al.* (2018) found that migrants in Malaysia were proactively and strategically using the migration industry to improve their own agency during migration, this narrative was not present in this study.

Not all participants agreed that agencies offer protection to MDWs. Some interviewees stated that international organisations play a pivotal role in promoting the role of the recruitment agencies in managing domestic worker migration and that this was done with the aim of “better protecting” MDWs in in the region. According to one actor, the reason why the 2011 Indonesia-Malaysia MoU stipulated the role of employment agencies in managing domestic worker migration was because the ILO “wanted the placement of these informal low-skilled females to be managed by

¹⁹⁹ The same participant later elaborated that many migrant workers are from rural areas and are often illiterate with no access to computers, and that without an intermediary agency, they would be unable to find out about work abroad: “Imagine if you are from the rural area, there is no way [laughs], no internet, no computer, even if you have, you won’t know how to use [it]” (Representative, NGO, Male, February 2018).

the private agencies, so based on that particular ILO protocol, Malaysia and Indonesia signed the bilateral agreement” (Representative, Regional Organisation, Male, February 2018).

We went through every clause in that particular law [the Indonesia-Malaysia MoU], I think there are more than 200 clauses, only five mention protecting the domestic worker, the rest is about the role of the agent and how to protect the ones that they pay. Everything is all related to the capitalist point because they say they funded the domestic worker, they recruit them, they train them, they send them, they pay for their fare, so all this must be repaid (Representative, Regional Organisation, Male, February 2018).

As a result, some participants were critical of the perceived role that international organisations play in promoting the use of recruitment agents in managing labour migration²⁰⁰. Some interviewees from international organisations expressly confronted this criticism, one official in particular believed that far too much emphasis is being placed on criticising the role of the recruitment agencies and stated that some people have “tunnel vision” in blaming agencies for migrant workers’ negative experiences. However, the same interviewee emphasised though that “I’m not sure that [the] state should be able to shift the burden or the blame with regards to these poor experiences to these particular businesses [agencies]” (Official, International Organisation, Female, May 2018).

This section has highlighted how actors understood the role of private migration industry in Malaysia’s chaotic migration policy setting. This study found these private actors are framed in competing ways. Some actors frame these agencies, and their role in managing migration, as a money-making scheme rife with abuse and exploitation. These actors believed that agencies exploit vulnerable migrant workers, especially females, and deceive them during the migration process. However, other actors frame the migration industry as offering protection for migrant workers through monitoring the recruitment and migration process.

7.6 The Implementation of Stricter Policies of Control

The final component of Malaysia’s migration regime is that the government has enacted stricter policies of control both at, and behind, the country’s borders (Spaan and van Naerssen; 2017). Following independence, Malaysia has sought to ‘jealously’ defend its borders (Nah, 2012; Case, 2013) and has increasingly viewed labour migration as security issue, with migrant workers,

²⁰⁰ Goh et al. (2017) note the ILO shifted “from advocating for the abolition of profit-making private recruitment agencies to regulating them through the Convention concerning Private Employment Agencies since 1997” (2017; 409).

particularly male migrants, being framed as threats to Malaysia's national security (Aradau, 2004; Nesadurai, 2013)²⁰¹.

“Because the whole issue of migrant labour comes under the purview of the Home Affairs Ministry rather than the Human Resources Ministry, it has been securitised as a national security issue. So the Home Affairs Ministry views this issue through the lens of ok ‘migrant workers because the transnational nature, they are a threat to national security’” (Journalist, Male, March 2018).

The responsibility for managing labour migration has also shifted over time from the Labour Ministry to the Home Ministry and an array of measures have been implemented in order to control migration. These include amendments to the 1959/63 Immigration Act that increased the penalties for irregular workers and their employers by criminalising²⁰² undocumented migration, as well as introducing large fines and prison terms of up to five years (Zainal Abidin, 2005). In addition, Malaysia granted enforcement powers to RELA²⁰³, a voluntary group of Malaysian citizens who have been granted the authority to bear arms and arrest suspected irregular migrants without a warrant (Nah, 2016; Kaur, 2018). These securitisation measures are regarded as being targeted more towards male migrants than female migrants. Many actors from trade unions, think tanks and NGOs emphasised that many of the securitisation measures seemed to be implemented with the aim of either making money, appeasing the public or appeasing Malaysian employers, and as a result, labour migration was described as a game of “political football” in Malaysia (Policy Analyst, Think Tank, Male, February 2018). This section analyses different aspects surrounding Malaysia's efforts to secure its borders, namely the understanding that there exists a chaotic policy environment in which corruption has a pervasive presence.

7.6.1 Inconsistency has led to “chaos”

Malaysia's policies were described by many interviewees as “chaotic” (see also Devadason and Meng, 2013) not only because of the perceived gulf between policy and practice, but also because of the range of policy reversals which have seen the government oscillate between enforcing migration bans and large-scale deportations, to then establishing legalisation programmes and return migration schemes, and then revoking the migration bans (Chin, 2017; 106; see also Kaur, 2010). This has resulted in the perception that there is “no proper management system on migration” (Business Leader, Male, March 2018) and that the policies in place are “difficult to

²⁰¹ See also Chapter 6 which explores the focus on narratives of male migrants as criminals.

²⁰² Irregular migration had previously been an immigration offense.

²⁰³ RELA was formed in 1972 primarily to monitor the communist insurgency but since the 1990s the focus has shifted to targeting undocumented migrants (Kudo, 2013).

understand”²⁰⁴. As one interviewee explains, “always it’s very difficult to get things done, especially on the policy side because they will never budge on certain things and of course their policy is sometimes very difficult to understand” (Manager, Employers’ Organisation, Male, March 2018).

The policy measures to manage migration were described as inconsistent “ad-hoc” solutions with unclear intentions, and which were often framed by actors as “contradictory” (see also Garcés-Mascareñas, 2010, 2012). Some actors even believed that the measures to manage migration were serving to increase the amount of irregular migrants in Malaysia which some actors framed as evidence that the policies had “failed”.

“From my experience for the past 20 years, the foreign workers management rules and regulations have been changing all the time so it has always been an ‘ad hoc solution’ for a problem. So there’s no permanent solution for all the problems faced by the Malaysian businessman or employer... The main commercial sectors in Malaysia are in great pain handling the migrant workers’ issue because of inconsistency of the government policy in granting or restricting the hiring of foreign workers, now that has already escalated to this stage that today we have big, huge number of illegal migrant workers” (Manager, Domestic Worker Agency, Male, March 2018).

“[Low-skilled] migrant labour is dictated by government policy, therefore comes within a governance system. That governance system is not as well constructed or enforced as for professional labour [high-skilled workers] simply because there are big holes where people fall through and go from documented to undocumented status, and that is of concern” (Policy Analyst, Male, February 2018).

However, as Boswell and Geddes (2011) note, migration policies are often subject to an array of opposing interests from different ministries, businesses, the public, and the media and that, “in order to satisfy competing demands, policies will often reflect an intentional jumble or ‘fudging’ of different goals and priorities” (Boswell and Geddes, 2011; 47). This results in policies appearing “quite inconsistent or contradictory” (Geddes and Taylor, 2013; 66). However, Boswell and Geddes (2011) argue that “this type of incoherence can be a quite rational response to unrealistic demands” as opposed to constituting a “policy failure” (2011; 47-48). Furthermore, as Case (2013) argues that Malaysia strategically uses migration to bolster its governing apparatus,

²⁰⁴ During fieldwork, I gave a seminar at the University of Malaya on some of my early findings and stated that Malaysia’s labour migration policies were “difficult to understand” which was met with agreement with many of the academics in attendance.

for example through intentionally overlooking influxes of Muslim migrants from Indonesia (2013; 55), permitting irregular migration flows may be actually be strategic.

7.6.2 “Money-Making”

Throughout this study, corruption²⁰⁵ was cited as a central issue which was seen as affecting the regulation of labour migration in Malaysia, from what the policies entail, to how they are implemented (or not implemented), and to whom is involved. During fieldwork, it was rare to get through one interview without corruption being directly mentioned, or alluded to.

As noted in Chapter 5, there is confusion surrounding the roles of the “two bosses”, the Home Ministry and the Labour Ministry in managing labour migration, with many participants critical of the Home Ministry’s involvement, partially due to the fact that this Ministry was seen as being ill-equipped as they have “nothing to do with labour” (Representative, Labour Coalition, Female, March 2018). There is the perception of inconsistency in terms of policy implementation between the two ministries, with a widespread belief that Home Ministry officials were largely ignoring the system of quotas and restrictions. I was told that those employed by the Labour Ministry find themselves being overruled by officials high up in the Home Ministry who are constantly approving the importation of substantial numbers of migrant workers, which was due to the fact “the Home Affairs Minister is senior to the Human Resources Minister, and he's also the Deputy Prime Minister” which results in “this whole thing [being] such a huge cash cow” (Journalist, Male, March 2018).

The majority of actors acknowledged that Malaysian employers rely on migrant workers but the scale of labour immigration was understood by some actors as exceeding employers’ demands. Participants explained that instead of prioritising Malaysia’s employers’ needs and promises made to the public to reduce labour immigration, some Home Ministry officials were instead continuing to seek to make a profit from bringing in large numbers of (male) migrant workers from countries in South and Southeast Asia. For example, one participant recalled a conversation he had witnessed between officials from the Labour Ministry and the Home Ministry:

“[The MOHR official said to the MOHA official] ‘My men told you that this company don't need to have 50 people, don't need about 2000 workers but your men are releasing them, you are approving 2000, why are you doing it?’ You know what the [Home Ministry] guy said, he said ‘sorry to say we also have frustration, there are cases where before we can give the approval, the high authorities have already given them a package deal’, [so] who's higher?”

²⁰⁵ The 2019 US State Department’s Trafficking in Persons Report similarly echoed that “corruption related to processes for foreign nationals to work in Malaysia remained pervasive” (United States Department of State, 2019; no page number)

The Deputy Prime Minister [laughs]. Or maybe somebody else, I don't know, he said higher up [are] already approving it, they said they bypassed [both ministries], they call it 'fast-track'" (Trade Unionist, Male, February 2018).

So, despite the existence of supposed strict policies aimed at curbing the number of migrant workers in Malaysia, the money to be made from importing foreign labour shapes the understanding that policies are largely being ignored. As one embassy official stated, "all the [Malaysian] policies are not cast in stone! [laughs] They are very flexible!" (Official, Philippine Embassy, Female, April 2018). Some participants, notably trade unionists, journalists, and NGO representatives, perceived some government officials, recruitment agencies and employers as seemingly "above the law" as they are able to facilitate bringing in large numbers of workers, without getting official approval. As one participant stated, "nobody is following" the system and that it is "chaos"²⁰⁶:

"I have been following the changes of events [for] all these years, the chain of different ministers, different policies, both internally and externally, and it's still evolving, still changing, but it has not come to the point at where you can sit down and enjoy a good immigration system in Malaysia, it's not there yet, it's still way off the target and all. [In Malaysia] when you have the system, nobody is following it! You have chaos" (Manager, Domestic Worker Agency, Male, March 2018).

In order to try and control migration, Malaysia has implemented legalisation programmes over the years to "lure" irregular workers to declare themselves to the Immigration authorities to pay a fee in order to obtain legal status. These programmes, along with the large-scale deportations and the migration bans that usually operate alongside them, are met with scepticism by many interviewees who viewed them as "knee-jerk reactions" which attempt to appease the Malaysian public:

"This [employment] freeze and unfreezing is always a knee-jerk reaction and [it is] also the same thing on dealing with foreign work [and] illegal foreign workers, [it] is always based on knee-jerk reaction. If people complain [that] there is too much crime, too much social problems, then Immigration [department] will have a special programme to have these people legalised. And of course all this legalisation is to me is a money-making machinery" (Manager, Employers' Organisation, March 2018).

Legalisation programmes were understood by many participants as "money-making" mechanisms due to the large amount of money to be made from each irregular worker who applies for legal

²⁰⁶ Another participant noted: "[The policies are fine] except that the implementation part, you'll see how they appoint people or appoint companies in lucrative paper shifting jobs for the sake of processing labour migration, I mean that just reeks of profiteering, right? And if that is endemic then whatever system you put in place will be thwarted and abused to achieve that" (Journalist, Male, March 2018).

status, with recruitment agencies playing a dominant role in managing these programmes. Similarly, participants believed that the reasons why large-scale deportation operations happened in the 1990s and 2000s²⁰⁷, in tandem with an increased number of foreign workers being imported, was again framed as the desire for the government to make money off of foreign labour.

“To you it doesn’t make any sense no? Because you are taking labour and then you are deporting labour so what’s the deal? Well I mean it’s very simple, it’s just business-wise, I don’t make any business from undocumented workers, I only make money if I bring in a new body over and arrives, and then the cash register rings” (Policy Analyst, Think Tank, Male, February 2018).

As one policy analyst explained, it is hard to make much money off of undocumented workers once they are in Malaysia, so the business model was to send the workers back to their home countries with the understanding that these workers will then pay all the visa costs again to come back in to Malaysia²⁰⁸. Here we can see an example of an actor constructing a plausible story for why large-scale deportations were being carried out in tandem with an increased importation of foreign workers. This story is not necessarily accurate but it is how the actor has made sense of the issue. It is possible that this is merely an example of the Malaysian government trying to juggle a range of competing interests - employers’ needs for workers versus the Malaysian public’s demand for reduced immigration - and that this resulted in the implementation of both deportations and importations²⁰⁹.

Throughout fieldwork, the presence of corruption within Malaysia’s migration policy environment was an impediment to actors making sense of “what is going on out there”. For many non-state actors, the incentive for corrupt government officials to make money off of workers was the dominant frame through which migration governance was understood. Sense-making is about having a plausible understanding to create a ‘sensible’ environment, one that makes sense to actors, however it can be more difficult to have this plausible understanding when there are these hidden elements within the governance system. In Malaysia there are less easily observable processes which do not easily translate into sense-making. There appears to be many things that are going on behind closed doors during the policy-making process, a process that many interviewees do not have access to, which presents further barriers to sense-making²¹⁰. Therefore, when interviewees observe the ways in which policy and practice are decoupled, and the policy

²⁰⁷ The Malaysian government aimed to deport up to 1 million undocumented workers following the 1997 financial crash and implemented a range of deportation operations. See Chapter 2 for details.

²⁰⁸ This has now been made more difficult due to the implementation of the biometric fingerprint identification system.

²⁰⁹ This meant that the government could continue their public “tough talk” on fighting “illegal” immigration to appease the public whilst also allowing more workers to be imported to appease business interests.

²¹⁰ The constitution of the governance system is analysed in Chapter 5.

reversals that take place, this results in the governance system being framed as chaotic and corrupt.

7.6.3 Policies Change “Overnight”

As migration policy-making in Malaysia predominantly involves elite state actors in a closed setting, many of the actors in this study occupy more peripheral roles in the governance system, although they may have interactions with some key government actors and be involved in some consultations. Many actors understood Malaysia’s policy landscape as chaotic and stated that they struggle to keep on top of the new changes that are being brought in, with some participants, notably those who work for trade unions and employer organisations, stating that policies seem to come in “overnight” with limited, if any, consultation time. As a result, actors often seem to be in “firefighting” mode. One key example is that the charge for employing migrant workers, the “migrant levy”, was originally charged to the workers themselves but was suddenly shifted on to employers²¹¹.

“Always [the] policy is being implemented like yesterday kind of thing and announced today. So just like a good example was on this levy issue, the government just announced on 31st December 2016 “from 1st January you must bear the levy”, of course what do you expect the employers to do? We said that “ok look give us enough time to prepare ourselves”. So the government listened at that time and gave us a one year grace period but now of course the time is up so we have to bear [the cost]” (Manager, Employers’ Organisation, March 2018).

The employers’ organisation representative stated that the government only gave employers one day’s notice that the migrant levy policy would change. As a result, employers’ organisations had to go into firefighting mode to tackle the government on this to ensure that they were given sufficient time to prepare.

Due to the perception that policies are ever-changing, it was also interesting to note that during the interviews, some actors resorted to telephoning other actors (either colleagues in the same organisation, or actors in other organisations) in order to confirm whether a particular policy was still in place. For example, one trade unionist called a government official to check that the “migrant levy” was still being paid by employers, and not by the migrant themselves, and that this policy would continue for the foreseeable future. The fact that there exists so many policy misunderstandings between actors within the governance network and the fact that actors operate in an environment where they sometimes need to check with other colleagues whether key

²¹¹ This move was praised NGOs but was met with resistance from by employers’ organisations.

policies remain in place underlines poor coordination, a lack of consultation, and general chaos within the governance system. These interactions also highlight the ways in which actors are collectively making sense of the uncertain issues that they face.

Another policy shift that caused confusion for many policy actors was the 2016 announcement by the (then) Minister of Home Affairs, Ahmad Zahid Hamidi²¹² (the then-Deputy Prime Minister) that Malaysia had signed a MoU with Bangladesh to bring in around 1.5 million workers into an unspecified number of sectors over a three-year period (The Straits Times, 2016). Although it was not specified by the government, interviewees understood that it was male workers who were to be imported as it was predominantly for the construction sector. This proposal was met with backlash from the public, from trade unions, from civil society, and from the Malaysian Employers Federation and the Malaysian Trade Union Congress. As a result, the Home Ministry was forced to change track and instead announced a freeze on the importation of Bangladeshi workers. Such policies are understood by actors as ill-thought-out, as evidenced by the quick backtracking:

“The policy on employment of foreign worker is always, I would say, at best, knee-jerk reaction to what is happening. Say for example, at one stage the government say, they announce I think this was somewhere in 2016, in March 2016, the Deputy Prime Minister who is also the Home Affairs Minister he say he want to bring in 1.5 million Bangladeshis. So my comment to the media was ‘why 1.5 million Bangladeshis? Why from Bangladesh?’... I think the Deputy Prime Minister was a bit offended by [all the backlash], he was angry, and what he say? ‘Yeah we impose a total freeze on the intake of foreign workers’ that shows it is just reacting to certain situations” (Manager, Employers’ Organisation, March 2018).

The proposal to bring in 1.5 million Bangladeshi workers was especially confusing given that in the previous year (2015) the government had announced that they intended to actually cap the number of migrant workers in Malaysia at 1.5 million and that they planned to limit the number of low-skilled migrants to “15 per cent of the total workforce by 2020” (ILO, 2016a; 3)²¹³. So when the government announced that it intends to import an additional 1.5 million workers, actors were unable to understand the government’s rationale as it undermined Malaysia’s long-term labour policy objectives and negated the continuing measures to legalise the irregular workers already present and working in the country. As such, many actors find it hard to trust the government as there is the perception that what they say is just ‘rhetoric’ to sway public opinion:

²¹² Following the change of government in May 2018, Ahmad Zahid Hamidi was arrested on charges of corruption, bribery and money laundering (Latiff and Ananthalakshmi, 2018).

²¹³ Stated in the Eleventh Malaysia Plan 2016-2020 in Chapter 5 (Economic Planning Unit, 2015).

“By 2020 the government has agreed to reduce the dependence of migrant workers to 15 percent, which won't happen... so we all know that it is not achievable because somebody in the Ministry of Home Affairs is making money out of it, it is a business actually, bringing in migrants is a business, it's a multimillion dollar business” (Trade Unionist, Male, February 2018).

Many interviewees perceived that Malaysia's labour migration policies are being driven by those who are able to benefit from the lucrative profits involved in importing workers as opposed to being driven by labour market needs. As such, actors believed that the potential to make money from each additional migrant that is brought into Malaysia acts as a disincentive to challenge the status quo and therefore many participants do not believe that the government intends to reduce the number of migrant workers as there is still money to be made from bringing them in. However, it should be emphasised, that female migration rarely entered into the narratives surrounding the lucrative business of labour migration.

This section has highlighted the ways in which Malaysia's governance system is framed as incoherent and chaotic and underlined how actors struggle to make sense of the decoupling between policy discourse and practice. While government rhetoric states that they are “tough” on immigration, both in terms of reducing the amount of migrants who can legally enter Malaysia and cracking down on irregular migrants in Malaysia, the financial benefits of labour migration and the presence of corrupt government officials who are making money from importing workers, pose significant barriers to reducing migration.

7.7 Conclusion

This chapter analysed how actors try to make sense of the environment in which they operate and found that a relatively chaotic policy environment exists in Malaysia. Most policy environments are complex but what renders Malaysia's as “chaotic” is that there are less easily observable processes, or known unknowns, within the governance system that are difficult to interpret and which do not easily fit into a sense-making perspective. Some of the processes are hidden in ways that have quite powerful effects with corruption posing a key impediment for actors when constructing a plausible environment.

This chapter argued that there is evidence of decoupling between policy and practice and highlighted the ways in which interviewees struggled to make sense of the policy shifts and reversals that have taken place over the years in Malaysia. This chapter underlined the ways in which actors reveal powerful frames that attribute different characteristics to different migrants, sectors and nationalities, and that these frames have a strong gendered dimension for example, labour intensive sectors were understood as “male-oriented” while housework and caring duties framed as “female-oriented”.

The majority of actors in this study perceived migration governance as not being primarily influenced by labour market needs but instead being driven by the lucrative profits involved in importing (mainly male) workers, with corruption understood as pervasive and some decision-makers framed as corrupt, or corruptible. Female migrants were not present in the frames surrounding the financial benefits of migration, which I argue highlights how women's work is not seen as valuable for the economy. Instead, this study found that the dominant understandings surrounding female migration were connected with exploitation for example, the ways in which Malaysia's migration policies and practices harm women through controlling their bodies and their movements. Similarly, bilateral agreements to manage migration were framed as weak mechanisms to "protect" women and the role of recruitment agencies and labour brokers framed as being more harmful to female migrants who are seen as more likely to be "tricked" by these agencies. The next chapter builds on policy actors' intuitive understandings of domestic worker migration and will analyse the laws, policies and practices relating to this sector, and will examine how actors conceptualised this sector, and the women that work in it.

Chapter 8: Migrant Domestic Workers: ‘Victimised’ in Policies, Practices and Narratives

8.1 Introduction

How do key actors within the governance system frame domestic worker migration? And to what extent does explicit and implicit knowledge, values and ideas about gender and gender relations affect how domestic worker migration is framed? And to what extent do actors understand “the multiple identities” that female MDWs possess and the ways in which their “experiences are shaped by a combination of political, social, and economic discriminations” (Miles *et al.* 2019; 688)? To address these questions, this chapter builds on the analysis of the migration policies explored in Chapter 7, and the narratives of the causes and effects of migration in Chapter 6, and analyses actors’ perceptions of Malaysia’s employment policies and practices relating to the domestic work sector, and how actors frame and make sense of the women who work in this sector.

In analysing the governance of domestic worker migration, there is a need to investigate the ways in which migration policies and employment policies interrelate. Anderson (2006) notes that a sole examination of immigration policies would distract from the role that the gendered division of employment plays and may mislead us to conclude that only changes to immigration laws and practices may improve the issues faced by migrant domestic workers (MDWs) (Anderson, 2006; 11). Whereas, if the analysis focused solely on domestic workers’ employment conditions, this would overlook the important ways in which a worker’s immigration status reinforces their employer’s power and control over them (Anderson, 2006; 11). It is therefore important to analyse actors’ narratives of the domestic work sector as a whole (the laws, policies, practices, and perceptions of MDWs’ experiences) as these narratives can deepen our knowledge of the intuitive understandings which may then be informing strategic reasoning about policies.

This chapter will demonstrate the gendered narratives that the majority of policy actors in Malaysia, and others in the wider region, reveal when describing MDWs in Malaysia. These discourses centre around MDWs as vulnerable victims in need of protection during the migration and employment processes and this is the dominant script which actors adopt when discussing the sector, and those employed in it. This chapter concludes that there is a level of disconnect between the gendered discourses of protection and victimisation surrounding domestic worker migration and the policy actions that are implemented. The policy actions and inactions surrounding female labour migration will then be explored in more detail in Chapter 9.

Section 8.2 summarises the national legislation relating to domestic workers and explains how, unlike other categories of migrant workers, MDWs are not conceptualised as a threat. The next section investigates the ways in which actors focus on “victimhood” when describing the different stages of a female MDW’s journey, from the narratives that encourage her migration, the content of the pre-departure training programmes, to her experience of working in Malaysia. The final section looks at how gendered understandings are driving the conceptualisation of female migrants as “silent victims”.

8.2 Background: Domestic Worker Migration

8.2.1 The National Legal Framework

In trying to build a picture of domestic worker migration in Malaysia, the first area that warrants examination is around the specific laws and policies that pertain to the sector. As mentioned in Chapter 7, the entry rules for MDWs (listed as “Foreign Domestic Helpers” on the government website) are slightly different than the rules for other guest workers, as MDWs must be female and be between the ages of 21 and 45 years²¹⁴. In terms of national legislation, MDWs are a unique case in that many of the laws and policies pertaining to national workers, and to migrant workers, specifically exclude migrant *domestic* workers. For example, in the provisions under Malaysia’s Employment Act 1955²¹⁵, MDWs are consistently denied the same rights as other workers. MDWs are excluded from: reproductive rights²¹⁶; a weekly rest day; annual, maternity and sick leave entitlements; and termination and retirement benefits²¹⁷ (ILO, 2016a; Women’s Aid Organisation, 2018, 2019). MDWs are also excluded from provisions which limit permissible working hours and are exempt from the rules which stipulate “that employees should not work more than five consecutive hours without a period of leisure of not less than thirty minutes and employees should not work for more than 48 hours in one week” (Women’s Aid Organisation, 2019; 90). MDWs are also prohibited from joining a trade union, which limits their ability to collectively organise and bargain.

MDWs are employed directly by Malaysian households under the “temporary guest worker programme” (see Chapter 7). As noted in Chapter 2, the in-migration and employment of MDWs is based upon fundamental exclusions in which MDWs’ temporality denies them certain types of

²¹⁴ <http://www.imi.gov.my/index.php/en/pass.html?id=296#application-for-temporary-employment-pass-for-a-foreign-domestic-helper>

²¹⁵ The Employment Act has not been updated since 1955 but has had some amendments made to it.

²¹⁶ Restricted reproductive rights were cited as a key way in which Malaysia’s labour migration policies disadvantage female migrants.

²¹⁷ The policies have been summarised by NGOs in Malaysia for CEDAW’s alternative report (WAO, 2018).

right and protections. Their work permits are linked to their employer and they face severe limitations in their ability to move freely (Elias, 2013, 2013a; Elias and Louth, 2016), more so than in other sectors, due to the fact that they often live in their workplace, are in intimate daily contact with their employers, and are often seen as being “on call” at all times (Anderson, 2006). However, what further distinguishes domestic work from other employment sectors is that, in the 1955 Employment Act, domestic workers are intentionally defined as “domestic servants” instead of “workers”. The term “servant” is no longer used in an official capacity to describe those employed in the sector, having been replaced with the term “domestic helper” on the Malaysian government website.

“In Malaysia, they are not recognising domestic workers as workers, that's the first thing. So if we are not workers, we don't have any rights, we don't have any umbrella, no protection” (Domestic Workers’ Organiser, Female, March 2018).

“Even until today the statement of 'servants' in the Employment Act 1955, they still put the word 'servants' in the Employment Act. Yeah so if the Act is not changed then we can't do much on that” (Trade Unionist, Male, March 2018)

This classification contributes to the understanding that those employed in the sector are not “workers”. This was evidenced by the way in which some actors would correct my use of the term “migrant domestic worker” during fieldwork, and instead would emphasise that these women are in fact called “helpers” and not “workers”²¹⁸. I would also argue that the classification of MDWs as “helpers” also contributes to them being overlooked by actors in this study when discussing the economic benefits of labour migration to Malaysia. This perception of domestic work not being “work” appears to be a result of i) how the domestic work sector is treated in labour and migration policies, ii) the “culturally devalued” (Baron and Newman, 1990; 155) tasks involved in domestic work and where these tasks take place (the home), and iii) the fact that female migrants are rarely framed as independent workers in their own right due to their perceived lack of agency and inability to make their own decision to move abroad for work²¹⁹. These factors will be explored throughout this chapter.

The final important factor which affects the wellbeing of MDWs is that the sector is outside the scope of labour inspections entirely as their workplace is *inside* the home. Government actors,

²¹⁸ As Chapter 2 notes, this dispute over terminology was not confined to the term ‘domestic work’. In this study, some policy actors also disagreed with the term ‘migrant worker’ saying that instead that they are termed ‘foreign labour’.

²¹⁹ Female migrants are seen as being forced to rely on their male family members to make the migration decision for them. When women were seen as moving abroad of their own volition, this was understood as still being subject to a male family member’s permission.

recruitment agents and MDWs' employers have stated that domestic workers differ from other categories of workers based on the location of their workplace and the understanding that their work cannot be managed in the same way as individuals' care-needs are not nine to five (Varia, 2011). This distinction was echoed in this study as participants noted that the key factor as to why labour inspections do not take place is that priority is given to respecting the privacy of the employer's home. The private home is "imagined as a refuge from the state [where] the family is imagined as a 'natural' formation to be protected from state interference" (Anderson, 2006; 9). As such, it would be an unwise domestic political move for the Malaysian government to grant labour inspectors permission to access its citizens' homes in order to pacify non-nationals from poorer neighbouring countries.

Due to this legal framework, the understandings that inform it, and the lack of value placed on the sector, MDWs continue to be the least protected workers in the country. MDWs are not legally recognised as workers and this sector is exempt from the labour protections granted to other sectors, so these women are understood as vulnerable to a range of abuses.

8.2.2 Exempt from the 'threat' narrative

As earlier chapters have discussed, labour migration in Malaysia has increasingly been categorised as a security issue, as opposed to a labour issue, with migrant workers, particularly male migrants, being framed as national security threats (Aradau, 2004; Nesadurai, 2013). While this securitisation framing has led to an increase in anti-immigrant attitudes among the Malaysian population (ILO, 2013; Anderson, 2017), MDWs appear to be exempt from the categories of workers who are considered a 'threat'. This appears to be due to i) the inherent characteristics that actors assume that female migrants possess, such as their perceived submissiveness, and ii) the perception that domestic work is not regarded as a sector that local people would consider entering. Whereas other categories of (mainly male) migrants may be accused of "stealing" local jobs, very few (if any) local workers would be willing to be employed as a "helper" or "servant" in a Malaysian household²²⁰. Therefore, migrant women employed in the domestic worker sector are not seen as having "stolen" the job from anyone.

Some actors highlighted how MDWs play a important role in Malaysian society, as, by providing care for families across the country, MDWs enable Malaysian women to work outside of the home: "in Malaysia, in every household the majority of women are working and they need help

²²⁰ Kassim (1985) notes that Malay women were unwilling to be employed as live-in domestic helpers due to the "stigma attached to the job" which occupies the lowest social stratification level as being employed by a household is viewed as essentially being "someone else's slave" (cited in Chin, 1998).

at home... so there is a demand for domestic workers” (Programme Officer, Regional Organisation, Female, March 2018). By enabling women to work, this helps the country’s economy to thrive, a point which has been echoed by the government, for example, the Labour Minister in 2017 noted that “foreign domestic helpers... play[] an important role in contributing to the development of our country” (Sivanandam and Kaos Jr, 2017).

During fieldwork, it was surprising to discover just how common it was for households to have a domestic worker in Malaysia. I previously assumed that only parents with children or individuals with sick or ill parents/immediate relatives could hire a domestic worker, as this is what the guidance states. During fieldwork, it became apparent that many of the interviewees themselves had a domestic worker, even if they lived alone. This once again highlights the gap between policy and practice, as discussed in Chapter 7. The fact that many interviewees are participating in this study both as a representative from a key organisation/ institution and as an employer of a domestic worker, added an unexpected aspect to the research. Their own experience of employing a domestic worker themselves, or of having had a domestic worker growing up, influenced how they framed the sector. Participants emphasised the ways in which they, or their female family members²²¹, gained social and economic independence through having a domestic worker to assist them²²². For example, one participant explained how, as they were growing up, they saw a change in their own mother due to her having the assistance of a domestic worker:

“Growing up, my mother had a domestic helper so I have seen how the domestic helper actually empowers her. My mother didn’t have a very high education but because she has a domestic helper it empowered her to do many things, it empowered her to engage in economic activities, she empowered her to go and engage in social activities in the community. She is not tied now, you know a person in her position, more often than not at that time, will be tied down to their house, to be housewife and that’s it. But because she has a domestic helper she is able to engage in economic activities, and she is able to [potentially] eventually become leader of community so that to me has a very powerful impact, you know, watching this process as I grow up” (Member of Parliament, Male, March 2018).

²²¹ MDWs were mainly framed as helping Malaysian women and families, whereas Malaysian men were not described as directly benefitting from having an MDW. This is largely due to the fact that MDWs are taking on the household chores that female family members would otherwise have been responsible for.

²²² Although, it should be noted that when participants reflected on the ways in which domestic workers helped them gain their own independence, it was only female participants who stated this. For example, one woman explained how employing an MDW enables three generations her family members to be able to keep working and studying: “If [MDWs] are not here, I won’t be working, nobody would take care of my grandchildren so that’s why I pay them well. My daughter-in-law, she works in Jakarta and my son works here and the children are sent to college and then they come back, you know who takes care of them? As I said three generations of us wouldn’t be working, won’t be able to be where we are if we don’t have maids” (Academic, Female, February 2018).

However, despite actors believing that MDWs play an essential role in Malaysia, these workers remain undervalued and are conceptualised by actors as “naïve” and susceptible to abuse. These understandings will be explored in detail in the following sections.

8.3 “Victimised” at every stage in migration journey

This study found that female labour migration is constructed by actors as an act of sacrifice and suffering with women portrayed as isolated victims. Female migrants who work as domestic workers are framed as the “most vulnerable” and “most abused” workers, which many actors attribute as being due to a combination of Malaysia’s restrictive laws, policies and practices. Few research participants in this study talked about female migrants’ own sense of agency despite the existence of studies which challenge the victim discourse by highlighting how female migrants make strategic choices through the migration process (Piper, 2000, 2003, 2017), and only two actors made reference to what they deemed as “success stories” whereby domestic workers had been able to achieve a better life for themselves in Malaysia.

The following sections seek to explain how during each different stage of a female migrant’s journey, she is framed by actors as a victim who is being systematically exploited. The different stages of a female migrants’ journey that will be examined include: i) before coming to Malaysia, ii) during pre-departure training, iii) upon arrival, and iv) their life as an MDW in Malaysia. These different stages will be looked at in turn.

8.3.1 “Economic Heroes” or “Sacrificial Lambs”?

In analysing domestic worker migration, the first area that warrants examination is the construction of narratives that are encouraging women to move overseas for work. In both the Philippines and Indonesia, where the majority of Malaysia’s MDWs come from, the dominant narrative in state discourse is that female MDWs are “economic heroes” as they are “dutiful” mothers and daughters who are making sacrifices for their families and communities (Rodriguez, 2002; Killias, 2014; Chan, 2014)²²³. The “heroes” rhetoric has been used for the past three decades in the Philippines²²⁴, whereas Indonesia has been referring to migrant women as “the national heroes of foreign exchange earnings’ in official political rhetoric” (Killias, 2014; 890) for the past decade or so²²⁵ (see also Chan, 2014). Many actors in this study questioned the accuracy of the

²²³ See Chapter 3.

²²⁴ Sim (2003) notes that the first time the phrase “national heroes” was used was in 1988 by Philippine President Cory Aquino when speaking to Filipina domestic workers (Sim, 2003; 504).

²²⁵ Indonesia’s President Yudhoyono has stated, “we in Indonesia call these migrant workers ‘economic heroes’ (pahlawan devisa), due to their hard work, and selfless devotion to the welfare of their family back home” (Yudhoyono, 2011).

“economic heroes” discourse, believing that this rhetoric was being used merely as a means of propaganda to encourage more women to “sacrifice themselves” by moving overseas in order to remit money back home. Some participants – notably those who worked for regional organisations and some faith-based organisations – argued that, in reality, the term “sacrificial lambs” would be more accurate to describe MDWs. As one participant explained, migrant women are told to ““make yourself proud for your own country, you are the heroes’ in the sense heroes like in the Philippines [discourse]’ but that in reality this rhetoric is “a brainwash, I mean these are people to be sacrificed, I mean they *know* [it]” (Representative, Regional Intergovernmental Organisation, Male, March 2018). So, this participant believes while sending countries are using the language of “heroism” to encourage their female citizens to move overseas for work, these women are actually aware that they are being “sacrificed”.

The narrative of “pride” is understood by some participants as running in direct contrast to the “shame” that some countries apparently feel at sending their female citizens overseas to work as “unskilled” domestic workers. This feeling of shame is due to the high levels of reported abuse that these women encounter and has led sending countries such as Indonesia to issue statements over the years highlighting their intention to stop domestic worker migration²²⁶.

“The neighbouring countries, especially Indonesia, of course it’s always very emotional about their workers being here. Emotional in the sense that yeah there may be some instances where, especially those in the maid services, are being so-called you know ‘victimised’ or sometimes being assaulted” (Manager, Employers’ Organisation, Male, March 2018)²²⁷.

Notably, one actor stated that Indonesian government officials have to put up with “unpleasant” conversations with their Malaysian counterparts about the fact that they themselves (the Malaysian officials) hire Indonesian domestic workers:

“My boss in Indonesia, ok when he met his counterpart from Malaysia, they had a good conversation and he suddenly said “hey I have a maid from Indonesia, what do you feel [about it]?” ... I mean you see, you have that pride [but] I mean this is not a pleasant thing for us [to hear]” (Official, Indonesian Embassy, Male, March 2018).

While sending countries encourage their women to move overseas to remit money back home through the rhetoric of “economic heroism”, as women are understood as “embodying the nation”

²²⁶ The Indonesian government announced in January 2012 a “Domestic Worker Roadmap 2017” which contained the aim to stop sending Indonesian women overseas to enter the domestic work sector by 2017.

²²⁷ This quote highlights how the Employers’ Organisation in this study downplayed allegations of abuse in the domestic work sector. The interviewee also added “I mean there are some cases like that but they would have overblown the issue and created tensions between the countries, and always the threat from the other side from Indonesia to say that they will impose a freeze on the movement of their people to [Malaysia]” (Manager, Employers’ Organisation, Male, March 2018).

(Yuval-Davis, 1998), sending countries like Indonesia feel an underlying “shame” perhaps stemming from the country’s incapacity to safeguard the wellbeing of its female citizens overseas (see Elias, 2013). As such, some sending countries seek to move away from sending their citizens to work overseas as domestic workers.

8.3.2 Mechanisms of Control

During the different phases of the migration journey, female migrants in general, and MDWs in particular, are understood as being subject to formal and informal disciplinary mechanisms to render them subservient (see also Liang, 2011; Man Chuen Cheng and Yeon Choo, 2015). MDWs are understood as moving from one situation of “control” to another, from that of their families/husbands in their home country, to being placed under the “care” of a recruitment agency, to moving into their employer’s household which is a “confined situation that is also highly paternalistic” (Specialist on Domestic Workers, International Organisation, Female, January 2018). These mechanisms of control are broadly understood as starting in the workers’ own countries of origin during the pre-departure orientation seminar that many soon-to-be domestic workers undergo prior to moving overseas where workers are taught to be subordinate²²⁸. In these training sessions, agencies use religion, culture, and national stereotypical images of an ‘ideal woman’²²⁹ to teach “proper female moral discipline” (Chan, 2014; 6956):

“We did visits with the agency, and [observed] the training that they provide, and I did notice the way in which they use religious text and cultural reasons to situate the domestic worker in the employment relationship as the subordinate, that it is part of their duty and their role to cater to the employer’s needs... it is something that I had heard about anecdotally elsewhere as well, you know they use the Quran, passages to sort of explain that it is part of their religious practice, duty to defer to the employer” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

“When you go to the company I was told in Indonesia, [that some] religious and other organisations, even the pre-departure trainings offered by agencies, they tell them ‘shut your mouth and do your job and be grateful, very proud’” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

²²⁸ The training content varies by country and agency e.g. the Philippines has compulsory pre-departure orientation seminars for all first time and re-contracted overseas foreign workers. Indonesia’s pre-departure training programme primarily consists of language and skills training but also covers information pertaining to the culture and laws in the destination countries, with new information sessions added in 2010 on HIV risk, safe migration, and social protection (ILO, 2010).

²²⁹ As Liang (2011) highlights, agencies depict female migrants as passive and compliant in order to portray the “ideal domestic worker” image. Also see Rodriguez and Schwenken (2013), Elias (2013a), Chan (2014), Man Chuen Cheng and Yeon Choo (2015), and Elias and Louth (2016).

So actors understand that prospective domestic workers are being given mixed messages prior to migrating. On the one hand, MDWs are told they are “economic heroes” who should be proud of the work that they are doing overseas, but on the other hand they are being taught to be passive subservient workers to cater to their employer’s needs and, according to one interviewee, female domestic workers are told to “shut your mouth and do your job and be grateful” (Representative, Regional Intergovernmental Organisation, Male, March 2018)²³⁰.

As an extension of the ways that women’s bodies are controlled by the state (Ong and Peletz (1995; 5-6), upon arrival in Malaysia, MDWs are closely monitored and controlled by their employers (Elias and Louth, 2016). The Malaysian Immigration Department (2016) state that “employers are responsible for the conduct and discipline of the FDH [foreign domestic helper] while she is in Malaysia” (Immigration Department of Malaysia, 2016, no page number)²³¹. In order to control their worker’s conduct, an employer will often confiscate their domestic worker’s passport at the start of their employment which, according to interviewees, is a practice that still continues despite policies stating otherwise. Due to the costs associated with employing a domestic worker²³², participants believe that some employers fear that granting domestic workers any freedom will lead to them “running away” so instead they tightly control their movements and keep their passports. As one participant explains, employers have spent a lot of money on “acquiring a domestic worker” and “they do not want to lose their asset” (Policy Analyst, Think Tank, Male, February 2018). As such, the employer believes that the MDW has become their property. While Chin (1998) found that a key justification for restricting MDWs movements and interactions in Malaysia was to prevent MDWs from engaging in “sexual misconduct”, namely MDWs’ employers belief that MDWs would abscond in order to earn more money as prostitutes (1998; 145), these narratives were not present in this study.

The controlling mechanisms used by employers were described by one participant as the accepted “social norm” of how to treat a domestic worker (Domestic Worker Specialist, International Organisation, Female, January 2018)²³³. The same participant added that employers of domestic workers have no higher standard to which they can compare themselves, so they say, “of course I take my domestic worker’s passport, it’s normal... I’m protecting her”, and that they believe that they are “doing the right thing in that scenario” (Domestic Worker Specialist, International

²³⁰ As noted in Chapter 3, in Javanese culture women are told that they “should defer to and faithfully serve men, whether it is their husbands, fathers or rulers” (Brenner, 1995; 20-12) so MDWs being instructed to faithfully serve their employers is an extension of this.

²³¹ Immigration Department of Malaysia (IDM). 2016. Foreign Domestic Helper (FDH) Guidance.

²³² Malaysian households must pay high fees to recruitment agencies in order to hire an MDW.

²³³ The Malaysian government launched a booklet in 2017 which contains information on the country’s laws, policies and best practices relating to the hiring and employment of MDWs. These guidelines are discussed in Chapter 9.

Organisation, Female, January 2018). As there exists a lack of monitoring mechanisms, it appears that MDWs' employers are left to their own devices and workers' employment experiences can vary. Additionally, the lack of higher standards to which employers can compare themselves means that they end up comparing themselves to other employers that they know, and then convincing themselves that they are "not that bad" in comparison:

"I have learned how I was not a fair employer, you know how they say like in the land of the blind the one-eyed man is king? Right so that's how I was, I was the kindest person in my neighbourhood but by no means was that [at level of] human rights' standards" (Business Consultant, Female, March 2018).

In addition to the protection narratives discussed in Chapter 6 in which female migrants' perceived inability to make their own decision to migrate²³⁴ was framed as a 'protection' measure, some actors believe that employers are convincing themselves that separating their domestic worker from her passport is somehow 'protecting her'. Additionally, it is not only the employers who hold their domestic workers' documentation, as one actor noted that some recruitment agencies also retain workers' passports and property. The participant explained "usually when [MDWs] are sent to work, the Indonesian agents from the start, already keep their, hold their passport, their telephone, everything" (Official, Indonesian Embassy, Female, March 2018). By separating the workers from their documents, this mechanism of control intends to ensure that they remain working for the employer and are less likely to flee if faced with exploitation.

Throughout this study, actors associated domestic worker migration with abuse, with the perpetrators ranging from the women's family members, to the recruitment agents and employers²³⁵. However, it is the abuses committed by Malaysian employer that is understood as the most grave and potentially life-threatening as it is "unimaginable physical and mental abuse" which can "range from being deprived of food to beatings with electrical wires, scalding with hot water, harassment, psychological abuse and sexual assault" (UNHRC, 2015a; 6). The decision to flee an abusive employer is understood as not being taken lightly as it will result in the worker becoming undocumented, which, according to the ILO (2013), leaves them susceptible to further abuse, including sexual abuse. However, in cases of extreme abuse, the choice to stay can cost an MDW their life, which is what some participants understand happened to Adelina Lisao, the

²³⁴ Migrant women were seen as unable to make an informed decision about the reality of what they may face in another country, and as such must rely on the male family member to make this decision for them.

²³⁵ These narratives were also found by Chin (1997) who analysed media coverage in the 1990s in Malaysia and found that domestic workers from the Philippines and Indonesia were constantly depicted as "victims of horrific forms of sexual and physical assault by their employers" (cited in Chin, 1998; 1).

Indonesian domestic worker who died in February 2018²³⁶ after being physically abused by her employer.

“Domestic workers, they leave their employer because of very bad conditions like for example the woman who just died. So actually these two people [the employers] were employing many people who came and stayed only for two three months and then they left so I assume they just ran away... So this one girl [Adelina] who did not dare to run away, she died” (Representative, NGO, Female, February 2018).

“Domestic workers are the most vulnerable workers among the migrant workers. You wouldn't even know some domestic workers are dead and they are buried behind their house! This happened in the labour movement history, the domestic workers always keep as a slave at home [up] until today... no change” (Representative, Labour Coalition, Female, March 2018).

It is important to note that interviewees who were also employers of MDWs, were keen to emphasise how different their own relationship is with their MDW. These actors were keen to distance themselves from those employers who abuse their workers, emphasising that they themselves treat their workers fairly, ensure that they have rest days, and “pay them more” compared with other employers.

8.3.3 “Lesser Human Beings”

Despite noting the importance of the role that MDWs play in Malaysian society, actors highlighted that MDWs' work is not valued. The lack of value placed on domestic work appears to be due to the fact that: i) these workers are female non-nationals, ii) the cleaning and caring tasks involved in domestic work are constructed as “an extension of the unpaid services ‘naturally’ provided by women” (Ford and Piper, 2007; 66), and iii) this sector does not fit the notions of “work” and “workforce” associated with industrial relations regimes²³⁷ (Ford and Piper, 2007; 66; also see Chin, 1998; 2003). As a result, domestic work is often conceptualised as a form of “slavery” (Fish, 2017) as MDWs are understood as “helpers” and not as paid “workers”, and are effectively denied legal protection in Malaysia.

“[The government] do not want to take out [the term] ‘servants’ at all [from the Employment Act] and put them as workers because once you put them as ‘workers’ then they are eligible for all the benefits which they [government] don't want domestic workers to enjoy. So that is the main thing that we are

²³⁶ Adelina Lisao died in Penang in February 2018 after she was kept in the backyard of her employer's home (Dermawan, 2018).

²³⁷ Ford and Piper (2007) note that the concept of “work” and “workforce” derive from definitions based on male industrial workers in Great Britain in the nineteenth century and that these definitions do not incorporate “migrants or women employed in formal sector occupations, let alone female migrant workers employed outside the formal sector” (2007; 66).

fighting [for] the word ‘workers’ not ‘servant’” (Regional Coordinator, Regional Organisation, Female, March 2018).

One actor explained that domestic workers are “actually being looked down on even worse than the 3D worker” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

“Unfortunately many Malaysians, even the government are not truly giving [MDWs] the due recognition for what they are doing. See they have actually left their loved ones, these domestic workers, and their entire home, to come to these people, and they are there 24 hours [a day] but that kind of recognition is very poor, very low. Like in law they are not given the due recognition, they are not given the minimum wage, they are not given the weekend rest, they are not even able to join a union” (Trade Unionist, Male, February 2018).

Interviewees are in agreement that there are notable issues with the domestic work sector in Malaysia but provide different reasons given as to why this abuse occurs. Some participants assert that there exists the perception that “ethnic minorities are ‘servants’” in Malaysia, an understanding that is influenced by the existence of an “attitude or ingrained mind-set that one culture is superior to the other” across Southeast Asia (Representative, Regional Intergovernmental Organisation, Male, March 2018)²³⁸. For example, one participant, whose family were originally from India, stated that she witnessed MDWs in her household having to face “terrible conditions” including sexual abuse, and that this treatment was due to MDWs being dehumanised by employers:

“So my mum's treatment of the worker here [in Malaysia] was considerably better than how it would have been in India where in India they would have had separate plates, separate eating cutlery, all this kind of like crazy distinguishing between [us and them]. It's like you know you have a separate dish for your dog, why do you need a separate dish for another human being, right?... So why do we treat them like that? Because they haven't been humanised in our eyes, we do not think of them as equal to us, we do not believe that they have the same suffering as we do” (Business Consultant, Female, March 2018).

This dehumanisation of MDWs by their employers and by the Malaysian public was also echoed by Chin (1998; 15, 166). In addition to the attitude that one culture is superior to another across Southeast Asia, Malaysia’s own colonial history, which led to the classification of domestic workers as “servants” in the country’s 1955 Employment Act, is seen as reinforcing the understanding that those who come from poorer countries can be treated badly as they are viewed as “lesser human beings”:

²³⁸ In Chin’s (1998) study, she notes that narratives of slavery dominated how MDWs viewed their treatment by their Malaysian employers (1998; 149-150).

“Malaysians, by and large, when it comes to domestic workers, we really treat them quite bad, in the sense that some [employers], not all, some of them are very good employers, but we have this Master colonial mentality from our British time, so we tend to see a person who is from a poorer country in that manner. So that is why Adelina's case and all that comes about because we see them as a lesser human being” (Legal Expert, Female, March 2018).

However, in contrast to the above justifications as to why MDWs are treated badly in Malaysia, the domestic worker agent in this study held different diagnostic and prognostic frames. The agent, who it could be argued has a vested interest in downplaying issues which directly affect his business, explained that incidences of abuse, premature contract terminations, and cases where MDWs have “run away” from their employers, are due to a “mismatch” between the MDW and their employer. From the agent’s perspective, the ‘causal story’ (Entman, 1993) is that the workers are insufficiently trained before starting their role and that this results in them performing poorly at the job which, in turn, makes the employer unsatisfied with them, and the MDW being “unhappy” with the position.

“If you are talking about domestic workers, the quality of these sending countries needs to be improved because, number one, we have a lot of issue of abuse, exploitation because of mismatch criteria. Ok so many of the migrant domestic workers they are not trained for the job so that may result in them... not happy with the job, or the employer not happy with the worker. So a lot of abuse will happen, a lot of premature terminations, running away, become illegal, issues. So how to minimise this is to make sure that they are properly trained for the jobs, certified for the job, then employer may even pay more for the kind of more professional help, then you will reduce the risk of early termination” (Manager, Domestic Worker Agency, Male, March 2018).

Here, instead of laying blame with the Malaysian employer for mistreating their domestic worker, the agent blames the sending countries for not training their citizens properly and that this is why they are facing difficulties, such as abuse, overseas. According to the agent, the proposed solution to the problem would be for sending countries to “properly train” the domestic workers for the job, which would result in “minimising” incidences of abuse, and employers may even be willing to pay more for trained workers.

Overall, MDWs are not valued and the domestic work sector does not conform to notions of “work” due to the fact that MDWs are performing duties that would have been predominantly performed by female family members for no remuneration. MDWs are perceived as “lesser human beings” in the eyes of their employers which leads to scenarios where abuse and exploitation go unchallenged. From a policy creation perspective, these narratives surrounding domestic worker migration may be particularly problematic, as they may drive policy actors to lobby for interventions which prioritise protection mechanisms (e.g. gender-based migration

bans) and may serve to overlook other factors. Policy actions and inactions will be explored in Chapter 9.

8.4 Gendered Understandings: The Silent Victim

Male and female migrants are framed as fundamentally different by the actors in this study for a variety of reasons, from the reasons why they migrate, to how they are treated in the policies and their respective experiences in Malaysia. I argue that these frames are premised on tacit gender knowledge which permeates how actors make sense of migration issues. Within the stories of migrant worker exploitation in Malaysia, there existed gendered descriptions of how male and female migrants react differently when facing abuse. Following on from the narratives discussed in Chapter 6, which explained how male migrants were often depicted as “criminals” with the potential for violence whereas female migrants were widely understood as “victims”, similar gendered comparisons were drawn by some participants when discussing male and female migrants’ different reactions to experiencing abuse. On the one hand, male migrants were framed as “more aggressive” and better able to “fight back” against abusive employers, whereas female migrants were described as “silent” and “helpless” when faced with abuse. Female migrants’ reported silence can be viewed in juxtaposition to the public silence highlighted by Chin (1998) whereby, in the wake of reports of MDWs abuse in Malaysia in the 1990s, there existed limited public outrage “to legislate domestic service or to punish abusive employers” (1998; 16). The reasons for MDWs perceived silence in this study were linked to cultural factors and to situational reasons, namely the location of their work ‘behind closed doors’. These reasons will be discussed, in turn, below.

8.4.1 Cultural Factors lead to Silence

Firstly, cultural factors in the workers’ country of origin are seen as shaping migrant women’s behaviour when they are being abused by employers. The religious, cultural and education systems in Asia are understood as producing a patriarchal society whereby, from a young age, men are treated differently by their families as they “learn” to be outspoken, to make their own decisions, and to be independent. Whereas women are described as submissive and silent as they are taught from childhood by their families and by religious institutions to be “subordinate”, “decent”, and “not to talk back” against the elders and the males in their community. These childhood lessons and lived experiences, combined with the content of the pre-departure training (see Section 8.3.2), were framed as shaping female migrants’ working behaviour as adults as they are conditioned not to talk back even when they are ‘abused and beaten’ by their employer:

“The difference [between male and female migrants], one point would have been cultural, in the sense of how they were trained and how they have been brought up at home. For example, a male in China, they are given a different treatment by the family to be more outspoken, to determine what they want to do, where they want to go. Whereas a girl may be seen as a subsidiary in most Asian culture, even Indian women, Indonesian women, being Islamic or whatever, they are taught to be subordinate to the whole family. The education system actually inculcates them and says “don't talk against the elder, don't talk against the men”... So I think the way they are brought up, culturally, religiously and educationally and told to ‘be a good, decent woman’, which means ‘don't talk against the elders, don't talk against the males, don't talk [back] against the employer’, even when you are abused, even when you are beaten” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

As Chin and Mohd Daud (2018) note, “submission and silence” are classed as desirable traits in national discourse in Southeast Asia which is bolstered by cultural propaganda about “honour and shame” (2018; 5). Furthermore, discourses which encourage female migration, such as narratives of “sacrifice” whereby women are seen as being “sacrificial lambs” who are “paying the price” in order for their family to benefit, reinforces MDWs’ silence when faced with abuse. Additionally, as previously mentioned, female migrants, especially MDWs, were often depicted in this study as “naïve” with some participants questioning whether they are sufficiently prepared for the reality that they would face working abroad²³⁹. The perception that MDWs are naïve, liable to deception, and unprepared for the reality of their role also seems to stem from the fact that they are understood as having little formal education, are often illiterate and are seen as receiving insufficient information about the role, where they will be living, and who their employer will be.

“For domestic workers it’s difficult, many of them are illiterate, they can’t even give the proper name of their employer or the address. Like we had an Indonesian woman who was just crying in one of the housing areas nearby and someone told us that this woman is crying and when we went to meet her, she couldn’t say anything about her employers and she had only worked for two weeks and she felt that she couldn’t take it [anymore]. She doesn’t know the name of her agent, the name of the employer, even the address of the employer, we drove her around to see whether she could recognise [anywhere] and she couldn’t” (Representative, NGO, Female, February 2018).

However, it should be noted that actors differentiate between Indonesian and Filipina MDWs, with Filipinas understood as being “more prepared” due to the way in which the Philippine governance system for domestic worker migration is set up. The ways in which the different

²³⁹ One actor noted, “it really begs the question, do they really know what they are going into, or is it the imaginary of what they are going into that is sort of overcoming the reality of what they will be going into?” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

governance systems for hiring MDWs has perpetuated a hierarchy between Filipina and Indonesian domestic workers will be discussed in Chapter 9.

8.4.2 Situational Factors lead to Silence

The second factor connected to the perception that men and women react differently when facing abuse is related to the sectors in which male and female migrant workers dominate. As men dominate sectors such as construction and agriculture, where they will often be working in groups with other male migrants, there is the perception that they are better able to “fight back” and support colleagues if needed. Due to the understanding that there is “safety in numbers”, male migrants are often described as being better able to support other migrants who are being abused. However, that is not to say that male migrants are always able to fight back as there are cases of men facing abuse and physical violence where they had been unable to push back.

“For the males maybe they are much more, a bit more aggressive. [For example], the Vietnamese men in Southern Johor when they were abused they had a certain level of tolerance, then after that they break into violence when one of the own colleagues was beaten up, abused in front of them, and [they experienced] non-payment of salaries for 3-6 months and then abused physically. So there is an eruption of them, even in Singapore the Indian workers did that when one of them was killed by a bus driver. So the whole thing erupted” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

“[For migrants, there] is a lot of social pressure, tensions, and it erupts sometimes, for example a few years ago there was about a thousand migrant workers [who] picketed in a factory in Johor, they burned a car, because they were very unhappy with their employer” (Member of Parliament, Male, March 2018).

The perception that male migrants are seen as more likely to “erupt” and “resort to violence” when forced to endure workplace exploitation led some participants to believe that employers intentionally recruit different nationalities of male migrants to work together in the one company to prevent workers from “pushing back” and to stop them from unionising. This is due to the perception that the different nationalities within one workplace will be an incoherent group that will fight amongst themselves and, as such, are less likely to band together and protest against harsh working conditions²⁴⁰. This appears that an individual’s status as a “migrant” or a “worker” is understood as less of a uniting factor than their nationality.

240 “In the Human Resources department in many big factories, big companies, they will [intentionally] take workers from different countries. Imagine one electronic or one garment factory with 1,000 workers and you have seven

While male migrants were often depicted as supporting one another during incidences of workplace exploitation, actors emphasised that there is “nobody” there to protect female migrants when they experience abuse in the workplace. This is mainly due to the fact that migrant women are understood as working alone in households, or in workplaces that are not in the public eye. This also connects to narratives whereby men assume “the role of protectors and saviours” while women need protecting and saving (Alexander, 2011; 373, also see Chapter 3). Additionally, as most actors equate a female migrant with a domestic worker, their isolation is compounded by the fact that they are confined to their employers’ homes, which are not regarded as ‘workplaces’ under Malaysian law. This poses serious issues in terms of MDWs’ welfare as there exists no monitoring mechanisms to check on their working and living conditions, and NGOs and embassies are unable to access the workers if they need help:

“[There is a] lack of monitoring, if you talk about domestic workers, even the people from the Labour Ministry also they say that they cannot enter into the private domains so there is no monitoring there” (Programme Officer, Regional Organisation, Female, March 2018).

“Yes, this is in fact very difficult for us, there are no system for us to check on their wellbeing, they are inside the house I mean. So what we do, only if we receive any complaint, any phone call, like in the case of Adelina, the neighbour saw her and then he or she reported [it] to the police, and then we call the police or the police come directly, this is what always happens” (Official, Indonesian Embassy, Male, March 2018).

“There can be failures of inspection, because it is a private employer within the house, you know the supervision mechanisms are weak” (Representative, Regional Intergovernmental Organisation, Male, March 2018).

Due to this isolation and the lack of labour inspections for domestic work, if migrant women experience abuse, they are framed as “helpless” as they are unable to help themselves, and there is nobody there to protect them inside the home where they are often confined 24/7, and they are seen as having limited opportunities to “reach out” for assistance from those outside of the home. One embassy official explained that sometimes a neighbour may see an MDW in distress and report it to the police, but, in other instances, an MDW will have to use the limited time they have away from their employer’s surveillance to ask for assistance, such as when they are putting the bins out they may use the opportunity to seek help from a neighbour. Due to the non-existence of formal measures to seek help, MDWs must rely on informal methods like telling neighbours or

nationalities. How are you going to organise seven nationalities? Divide and rule. The workers from different countries have different languages, different cultures, they will fight. [Management] let the workers fight... they say that it's easy to manage the labour [as] it's difficult for unions to organise” (Representative, Labour Coalition, Female, March 2018).

passers-by that they are in trouble and need assistance, in the hope that these people in turn will then contact the police or embassy or a local NGO on the MDW's behalf:

“I mean like sometimes these ladies, these poor ladies have chance to go out like throwing trash bin [outside] and everything and then in that short period [of time] they will tell people [that they need help], so usually, these people will inform us. So we very often receive phone calls that [say] ‘ok we have one Indonesian worker working here, [they have] complained to me’ and then from that usually we try, if they know the phone number [of the employer], we call the numbers, otherwise we call the police” (Official, Indonesian Embassy, Male, March 2018).

“For the women it's worse, the women they have no rights at all, once they land here they go into families, or even to a place to work, even sometimes they work in the shops and restaurants, that's it. And then they are being abused in the family, sexually abused, raped and all that, it happens so there's nobody there to protect her so unless she tried to ask for help outside, and then also she needs to... how can she reach out? She can't reach out” (Official, Government Institution, Female, March 2018).

The above quote from the female official is particularly striking as the participant had been discussing the situation of male migrants, and when I asked about the situation of female migrants in Malaysia, the interviewee's tone changed and her immediate response was to state the ways in which all female migrants in the country are abused victims who have “no rights at all”. This actor selected her script for how to portray the scenarios of female migrants in Malaysia and chose to emphasise the ways in which these workers are effectively “trapped” in workplaces behind closed doors where they are being physically and sexually abused by their employer and have “nobody there to protect them” and are understood as unable to challenge any of the abuse that they face. As the ability for female MDWs to have a social presence in Malaysia is extremely limited²⁴¹ due to the nature of the contracts that they have, there does not appear to exist any alternative narratives to the abused female MDW victim. This may be problematic in terms of policy formation. There may be instances where women are thriving, but we do not know about these stories. NGOs, embassies, faith-based organisations and other service providers do not necessarily have access to these women.

In addition to the physical abuse that migrant workers face at the hand of their employers, migrants also experience non-payment or underpayment of wages (Elias, 2013, 2013a). Migrant workers informed some actors in this study that some employers give their employees their wages and then ask them to sign a statement saying that they have received their wages. However, once this statement is signed, the employer then takes back their wages from their employees. While

²⁴¹ Except Filipina MDWs as their contracts stipulate that they get a day off and their employers are understood as largely adhering to this.

both male and female migrants experience non-/underpayment of wages, female domestic workers are often understood as more vulnerable as they are thought to have “no power” and “no bravery” to do anything to challenge their employers, so they stay silent:

“Can you imagine, some workers are not paid for seven, eight years... our ambassador when he first came here, he never believed that such persons could ignore to pay the salary of their maid for seven years but then when we saw them, the real cases, then he started to believe. It happens and it is not only one or two cases. So this is very difficult for us to see directly because sometimes these poor ladies, I mean they don’t have any bravery, any power to do things, they just receive what the sponsors do to them” (Official, Indonesian Embassy, Male, March 2018).

It is not only employers who were described as perpetrators of the abuse against female migrants. A range of actors in this study, notably trade unionists and NGO representatives, described scenarios where they had been called to assist female migrants who had been physically abused by those in a position of power, including by recruitment agents and by an embassy official. For example, one trade unionist (Male, interviewed in February 2018) had witnessed an array of situations where female migrant workers had been abused, “battered” and “punched”. I was told that when abused migrant women seek help, they can even find themselves being exploited further by those who are supposedly there to help, such as a situation where a trade union had assisted a woman who had been sexually assaulted by an embassy employee when she had gone to her embassy to ask for assistance.

In connection to the understanding of why female migrants remain silent when faced with abuse, some interviewees also assumed that female MDWs in Malaysia are either victims of trafficking or are working in an irregular capacity²⁴² (especially MDWs from Indonesia), or both. As one participant noted in relation to the case of Adelina, “I mean the cases of deaths in Penang for example of the Indonesian young lady who died there, she was probably undocumented and a trafficked victim” (Representative, Regional Intergovernmental Organisation, Male, March 2018). One interviewee explained that Southeast Asia has an “obsession with trafficking”, (Official, International Organisation, Female, May 2018), which is feeding into the narratives surrounding labour migration.

The perceived correlation between being a female domestic worker with being irregular and being the victim of trafficking seems to stem from the fact that these are connected with exploitation. There appears to be the assertion by some policy actors that those who work in the domestic work

242 One academic in this study had found that around 40 per cent of women she encountered during her research on domestic workers in Malaysia were undocumented.

sector could not possibly have chosen to enter this sector (denying female migrants' agency) but instead must have been forced into it somehow. It also appears that some actors blame the issues that MDWs face on the fact that they are believed to be irregular or that a female MDW is only putting up with abuse due to not having a valid work visa, which overlooks the multiple reasons why female MDWs may put up with the abuse that are not linked to their (perceived) lack of legal status. There appears to be the assumption that "only those who are irregular or who have been trafficked" will experience workplace abuse, as opposed to the realisation that migrant women could face exploitation even if they came on a valid work permit where the employer met all the criteria and employed her in a legal capacity. Furthermore, I argue that the narrative that MDWs are victims of trafficking is problematic as it could serve to shift the blame for MDWs' poor experiences in Malaysia solely onto the actions of 'rogue' agencies and individuals while overlooking the role played by Malaysia's governance system. This thesis argues that cases of abuse, such as the case of Adelina, are the outcome of governance processes that consign MDWs in Malaysia to these kinds of risks and abuses.

8.4.3 Barriers to Reporting Abuse

The perception that migrant women are "silent victims" is also connected to the fact that, across Southeast Asia, there are noticeable differences between the ability of men and women to access justice for labour rights abuses. Both male and female migrant workers face multiple difficulties in providing sufficient evidence when pursuing legal action as they are often not supplied with a written copy of their employment contract, nor are they given receipts for payments (UN Women, 2013)²⁴³. However, migrant women face additional barriers in trying to seek redress for human rights violations "due to the informal and unrecognised nature of much of women's migration and employment within the region" (Harkins and Åhlberg, 2017; xiii). Migrant women employed in the domestic work sector are understood as being particularly vulnerable due to the conditions of this specific sector. MDWs are exempt from certain labour laws and outside the scope of labour protections. They are physically isolated, have restricted movement and fear that if they run away from their employer to lodge a complaint that their contract will be terminated, which will not only leave them homeless but also liable to deportation (Anderson, 2000; UNHRC, 2015).

On the rare occasions where a domestic worker has lodged a complaint with the police or with an NGO, it has been reported that those complaints have not been acted on. Instead, in some instances, domestic workers have been intimidated for having fled their employer and are returned

²⁴³ Due to the prevalence of non-payment of wages, some sending countries require that migrant workers hold a bank account that the wages are to be paid into so that there is proof of payment. This was one of the provisions in the revised 2011 Indonesia-Malaysia MOU.

to those employers or to their employment agencies, rather than being offered any protection and different employment (UNHRC, 2015; 6). In other instances, when complaints have been acted upon, the sentencing for abusive employers has been extremely lenient. One such case was when a female employer was charged with attempted murder for inflicting horrific injuries on her Indonesian domestic worker but was subsequently released on “good conduct” grounds (The Straits Times, 2018a). However, the leniency of this sentencing led to a public outcry and petitions, which led to the ruling being overturned:

“[There was] another case where a lady was charged [with] attempted murder and then they reduced the charge to grievous [bodily harm] and the judge who heard the case initially gave her a bound order which means a good conduct [order] and released her. So there was big outcry in the media and everywhere, even the Bar Council issued a statement saying that the sentence was absolutely inadequate because the lady suffered horrific injuries, [the employer attacked her with] a knife, a clothes hangar and all kinds of things, some steel pole was used to beat up the domestic worker. So they had sent the case for review so just now the judge I think today sentenced that lady to 8 years’ imprisonment, which I think is a more appropriate sentence” (Legal Expert, Male, March 2018).

Nevertheless, Malaysia’s tendency for lenient sentences towards abusive employers still continues as the murder charges were dropped against Adelina Lisao’s employer in April 2019 and the employer walked free (The Straits Times, 2019).

Thus, in relation to experiencing abuse, and reporting abuse, female MDWs were framed not only as more likely to experience workplace exploitation, but also as less likely to be able seek justice for labour violations, and even if abusive employers are arrested and tried in court, there is no guarantee that they will be given an appropriate sentence. This is because gender-biased ideas have created a hierarchy which undervalues female reproductive labour and this is combined “with racial stereotypes of ethnic minorities as servants” (Castles and Miller, 2009; 237) to produce understandings of MDWs as “lesser human beings” whose plight is inconsequential. Malaysia has produced a system in which MDWs are not categorised as “workers”, they overlooked by labour law, and the legal system is understood as not taking their abuse and exploitation seriously.

8.5 Conclusion

This chapter has shown how actors reveal highly symbolic and stereotypical understandings of femininity in their constructions of the narratives surrounding female MDWs in Malaysia. This chapter highlights how key policy actors within the governance system frame female MDWs as

vulnerable victims in need of protection and shows how this is the dominant script which actors adopt when discussing the sector, and those employed in it.

I argue that specific ideas about gender shapes how actors make sense of the migration and employment policies and processes for MDWs. During each stage of the migration process, MDWs are framed as being victims of abuse and exploitation. MDWs are closely regulated and monitored by their employers and these women are understood to be trapped in a situation where their work does not get recognition: they are often not granted rest days, they are often not paid salaries, they are unable to organise, and cannot join trade unions, in essence having “no rights at all”. Unlike on a construction site, or on a plantation, where male migrants are working in groups and are understood as better able to protect one another from employers, MDWs are understood as staying silent when faced with abuse, which is compounded by the fact that they work alone in households, cut off from other migrants and from support networks, and separated from society, with no formal measures through which they can lodge a complaint. Behind closed doors, MDWs are understood as being at the mercy of their employers. MDWs’ situation is understood as being due to a combination of structural factors, how they are viewed in Malaysian society and by their employers, and also due to the innate characteristics that MDWs are seen as possessing, e.g. silent, submissive, and docile.

Despite the existence of powerful narratives of female migrants as naïve victims who are in need of protection, this has not resulted in Malaysia implementing policies which actually provide these workers with any tangible level of protection during the migration and employment processes. When issues of abuse have been taken seriously, this has primarily been done from the sending countries’ perspective and even then, it appears to have been driven by domestic political outrage and protests at incidences of female citizens being abused overseas which have compelled sending countries to act. This has led to a specific type of policy response in order to “protect” MDWs, namely the implementation of gender-based migration bans and restrictions, which does not actually protect women but instead prevents them from accessing legal migration routes. These responses do little to tackle the structural factors that perpetuate exploitation, specifically the lack of labour rights and migrant women’s inability to access justice for rights’ violations in Malaysia.

The next chapter further examines these issues and investigates i) what effect gendered narratives have on migration policy actions and inactions, and ii) what other factors which are driving regional policy agendas in relation to female migrants. The next chapter will also explore how policy-makers deal with issues affecting male and female migrants in different ways, and what this means for the governance of domestic worker migration.

Chapter 9: Policy Actions and Inactions

9.1 Introduction

The previous chapters have examined how actors who make, or seek to shape, policy, make sense of ‘what is going on out there’ and explored the ideas that exist within the governance system for labour migration. This chapter examines the relationships between gendered understandings, actions and inactions. This chapter concentrates on the outcomes and outputs and explores i) what effects do gendered understandings of male and female migration have on policy actions or inactions? ii) what factors are driving national and regional initiatives in relation to female migrants? And iii) how do policy-makers deal with issues affecting male and female migrants in different ways, and what does this mean for the governance of domestic worker migration?

The missing link in the governance system is the understandings, so this chapter explores the ways in which the understandings and ideas produced by the governance system have effects. As the previous chapters have argued, implicit and explicit knowledge and ideas about gender permeate how actors make sense of labour migration but how do these understandings shape the responses that are developed? This chapter deliberately focuses on both action and inaction as a decision not to do something is still a decision, and there can be tendencies of inaction and inertia in migration governance systems across the world (Geddes, 2020, forthcoming). The previous chapters have shown that various types of actors in this study understand female MDWs in Malaysia as victims who often lack agency and who are in need of protection from unscrupulous employers, recruitment agencies and human traffickers. This chapter explores how ideas and understandings connect with policy actions and inactions.

This chapter is structured as follows. Section 9.2 develops a comparative analysis of the operation and effects of two complex governance systems in Indonesia and the Philippines, the two main countries that send domestic workers to Malaysia. Section 9.3 analyses regional actions to tackle the exploitation of migrant workers, namely the implementation of a Recruitment Advisor platform and the development of regional anti-trafficking initiatives, and investigates what drives these outputs. Section 9.4 investigates some of the actions that Malaysia has undertaken to manage domestic worker migration. The final section analyses policy inactions with relation to female migration in Malaysia.

9.2 How Different Sending Countries Manage Domestic Worker Migration

This section analyses actors' perceptions of the different actions and strategies of the Philippines and Indonesia in relation to governing domestic worker out-migration, and the ways in which a hierarchy has been constructed between the two nationalities of MDWs in Malaysia. As this study is focused on Malaysia's governance system, a full examination of the governance systems in the Philippines and Indonesia is outside the scope, however, as these are the two main senders of domestic workers to Malaysia, it is pertinent to shed light on how actors conceptualise their governance systems. This is especially important due to the notable lack of national policy actions in Malaysia in relation to governing the in-migration and employment of MDWs.

When analysing the power dynamics between sending and receiving states with regards to the management of labour migration, there existed the perception that Malaysia "holds all the cards" during negotiations as they are the "*de facto* policy-makers" (Ramamurthy, 2003; 15) as sending countries rely on migrant workers' remittances. These unequal power relations can lead to the perception that some sending countries do not act to protect their citizens and essentially put up with incidences of their (mainly female) citizens being abused overseas. However, there is one notable exception as the Philippines was cited by interviewees as an example of a good governance system for domestic worker migration. Compared to Indonesia²⁴⁴, participants perceived that the Philippine government has undertaken decisive actions in order to protect the wellbeing of their citizens working overseas, which includes a "zero-tolerance" policy regarding incidences of abuse (OECD/ Scalabrini Migration Centre, 2017; 55)²⁴⁵. The Philippine Overseas Employment Administration (POEA) was cited as a key player in the governance of domestic workers²⁴⁶ that are employed in Malaysia as they have successfully managed to negotiate better terms and conditions for Filipina domestic workers²⁴⁷. With the goal of protecting their workers from exploitation, the POEA has implemented standardised contracts of employment which

²⁴⁴ Cambodia also was cited as having a poor system to manage domestic worker migration: "other sending countries like Cambodia they are still very new in this business, they are not experienced, they lack experience handling the workers overseas" (Manager, Domestic Worker Agency, Male, March 2018).

²⁴⁵ The Philippines has a "twin approach" as they both facilitate labour out-migration and extend protection to migrant workers before moving overseas, while they are abroad, and upon their return to the Philippines (OECD/ Scalabrini Migration Centre, 2017; 55). The Migrant Workers and Overseas Filipinos Act 1995 contains provisions for the protection of workers throughout the migration process.

²⁴⁶ The Philippine government term refer to them as "household workers".

²⁴⁷ The POEA was established in 1982 and is tasked with regulating employment agencies and the migration process (OECD/ Scalabrini Migration Centre, 2017).

includes stipulations on minimum rates of pay, the right to keep their passport, set working hours, overtime pay, rest days, and the right to have access to their phones during their rest period²⁴⁸.

“Filipinas, they have to work only 8 hours, 6 o'clock they stop. You have to give them one-hour lunch, you have to give them one day off, the salary is high. There are so many things in the contract if you see for the Filipinos.... Anything you give after 6pm is considered overtime so you pay extra. And then you get Sundays off, you cannot disturb them” (Programme Officer, Regional Organisation, Female, March 2018).

“The [Philippine] government governs their salary, you are paying them higher, you must give them the day off, you must have a contract with them, you must have [specific] working hours. All those things are there because the government in their country has [lobbied]. But the other countries, they are not doing this” (Legal Expert, Female, March 2018).

In addition, the Philippine government has implemented a programme of training for their workers that is seen as far more thorough than those created by other sending countries. For example, household workers are required to pass a *National Certificate Tools* training and must also attend a three-day orientation seminar alongside language and culture training prior to arriving in Malaysia (Representative, Philippine Embassy, Female, April 2018). Then upon arrival, within the first month, domestic workers from the Philippines have to go to their embassy to attend a post-arrival orientation seminar where they will listen to a talk on culture, law and the code of ethics for domestic workers. Overall, Filipina domestic workers were described by interviewees as well-trained “smart workers” with higher levels of education and good English language skills. As a result of measures that the Philippine government has put in place for their workers, participants explained that Filipinas are held in higher regard compared with other nationalities of domestic workers²⁴⁹. This similar to what Chin (1998) noted in her analysis of the different ways that Malaysian employers viewed Filipina domestic workers compared with Indonesians. Chin (1998) notes that many Malaysian employers seek out young inexperienced “docile servants” who are less likely to flee and are more likely to accept their subordinate position in the household so they employ “women from the remotest of villages” in Indonesia (Chin, 1998;

²⁴⁸ Standardised contract available here:

http://www.philembassykl.org.my/main/images/pdf/POEA_Standard_Empl_Contract_for_DW_-_revised_10262017.pdf and the Employer Affidavit is available here: http://www.philembassykl.org.my/main/images/pdf/Affidavit_of_Undertaking_for_Domestic_Worker.pdf

²⁴⁹ Although, this may not always be the case. During fieldwork, I was shown a private Facebook group for MDWs' employers in Malaysia, the pages of which showed conversations between employers discussing how “needy” and “demanding” their Filipina workers were. The perceived “neediness” seemed to stem from the fact that their workers were complaining that they miss their families and were asking for access to their mobile phones on their day off (as it states so in their contracts).

137). However, these rural women are inexperienced with modern housework and this then drives employers' negative perceptions of Indonesian women who were perceived "as less educated and less hygienic than Filipinas... [and were] unceremoniously given the title of 'backwards' maids" (Chin, 1998; 136-137). This perception stemmed from a combination of the aforementioned reasons relating to experience and to the higher education levels that Filipinas tend to have, coupled with Filipinas' higher salaries compared to Indonesian women (Chin, 1998; 136)²⁵⁰.

According to participants, the reason that the Philippines has a distinctive migration governance system which results in better protections for its citizens overseas is because the government took charge of their citizens' wellbeing, "made the effort to protect [MDWs]", actively lobbied on their behalf, and, as Elias (2018) notes "managed to stipulate certain minimum terms and conditions for workers in its labour-sending agreements" (2018; 285). The understanding is that if Malaysia, and Malaysian employers, are not willing to adhere to the Philippines' terms, then the Philippines would immediately stop sending domestic workers to Malaysia.

"[Filipina workers] are well protected because the [Philippine] government made the effort to protect them. The Philippine government has this body called POEA, Philippines Overseas Employment Agency, so it's a very well-known body set up by the government to protect the rights of the migrant workers, not only coming to Malaysia but to the whole world. So they are well organised and they are very professional, so any receiving countries are obliged to follow the rules" (Manager, Domestic Worker Agency, Male, March 2018).

"So the Philippines is very clear, "this is my deal, take it or leave it, because if you don't take it I am going to send my domestic workers to other [country]". But [in Indonesia and Cambodia] is not like that, they negotiate, negotiate, negotiate and then standards go down" (Legal Expert, Female, March 2018).

"The Philippine government has put a package of protection for household service workers. First of all, the age should be 23 and above, so we feel that by that age they are mature enough. Second, there is a ban on direct hiring for household service workers, they have to go through the Philippines agency and its partner Malaysian agency... in our law it says there that no worker should go to a country, not unless the Philippine embassy in that country certifies that the worker is protected" (Representative, Philippine Embassy, Female, April 2018).

²⁵⁰ Chin (1998) states that the negative narratives surrounding Indonesian domestic workers are perpetuated by both MDW's employers and the media discourse in Malaysia and that this impacts upon how Filipina workers view their Indonesian counterparts with Chin encountering narratives among Filipinas that Indonesians are "unskilled", "lazy and dirty", and that they are "stupid" and "thieves" (1998, 139-140).

The fact that Filipina domestic workers are “better protected” than workers from Indonesia as a direct result of policy actions, and the active role that the POEA play, is understood as shaping practices towards workers²⁵¹. Many actors believe that employers have to treat domestic workers from the Philippines and Indonesia completely differently²⁵².

What has driven the Philippine government to act in this way? The public outcry after a Filipina domestic worker was executed in Singapore in 1995 can be seen as a turning point in the Philippine governance system for domestic worker migration (Tigno, 2012: 27)²⁵³. This event put pressure on the Philippine government to do more to protect their citizens overseas and resulted in preferential terms and conditions being negotiated for the employment of Philippine citizens. However, despite similar public outcries in Indonesia over incidents when their domestic workers have been abused and killed overseas (e.g. VOA News, 2018), there has not been a similar overhaul of the Indonesian governance system for domestic worker migration. In fact, actors did not hold Indonesia’s National Agency for the Placement and Protection of Overseas Labour (BNP2TKI) in the same high regard that they hold the POEA and instead framed Indonesia’s system as chaotic: “Indonesia has a very haphazard system... For Indonesia it’s the quantity, they just let their people go out, whether they survive or they die, they don’t care much” (Manager, Domestic Worker Agency, Male, March 2018). Another interviewee stated that Indonesian agents are “rubbish” and that migrant workers often do not even know the name of their agent, and that often the agent will not even be registered (Legal Expert, Female, March 2018).

While the Philippines is framed as pro-actively working to protect its citizens’ rights, participants framed Indonesia as operating in a reactive way, primarily by implementing gender-based migration bans and restrictions (also referred to as moratoriums or travel bans) in response to cases exploitation in the domestic work sector. These bans are then used as leverage to try and pressure (or “threaten”) the Malaysian government to implement better working conditions and protections for Indonesian citizens working in the domestic work sector²⁵⁴. Indonesia usually

²⁵¹ However, it is important to note that, as Elias (2018) underlines, the Philippine governance system for labour migration being heralded as “a gold standard, obscuring the extent to which such policies rest upon the subordination of labour to capital and the production of neo-liberal compatible migrant worker subjects” (2018; 295).

²⁵² “When I first worked as a domestic worker, my employer had two Filipinas and one Indonesian [domestic worker], me. My salary is 350 at that time, the Filipinas is 550. That is the first discrimination. Secondly they have off day, once every two weeks. For me in two years, no off day at all. When they [the Filipinas] have holiday, the off day, the job I will do for them [*she covers their work*] that’s the discrimination... It discriminates against you, how terrible is that? They said that it’s because [the Filipinas] can speak English, but I also can speak English as well! So what is the problem?” (Community Organiser, Female, March 2018).

²⁵³ Flor Contemplacion was charged with killing another Filipina maid and her employer’s son.

²⁵⁴ An Indonesian official explained, “after the issue of Adelina... we mentioned [implementing a] moratorium. Then we just receive a letter from Malaysian government that they invite us to speak on the issue. For us it’s a positive if they [engage with us] so I guess we have to *threaten* them to stop!” (Official, Indonesian Embassy, Male, March 2018).

implements a ban following a well-publicised incidence where one (or more) of their workers has been abused. For example, in 2009, Indonesia implemented a two-year ban on its female citizens moving to enter Malaysia's domestic work sector as after a range of highly publicised cases of severe 'maid abuse'. While such gendered migration bans are criticised for not tackling the root causes of workers' exploitation (Hennebry and Petrozziello, 2019; 116-117), it could be argued that the moratorium was a somewhat effective strategy as it led to Malaysia and Indonesia entering into two years of negotiations which ended with a 2011 Protocol amending the existing MoU²⁵⁵. However, many actors believe that the updated MoU still fell far short of the protection measures that the Philippines had implemented to protect their citizens in the domestic work sector²⁵⁶. Additionally, while the renegotiated MoU entitles Indonesian domestic workers to a weekly rest day and the ability to keep their passport, in practice, many workers continue to be denied these rights.

During the time of data collection, the question of whether Indonesia would implement a moratorium was again being put forward, as, following the death of Adelina Lisao in Penang in February 2018 (Hodge and Rayda, 2018), the Indonesian ambassador to Malaysia suggested applying a ban on sending Indonesian female citizens to work in Malaysia's domestic work sector (The Straits Times, 2018). Indonesian officials in this study framed a potential moratorium as a temporary measure to enable them to better manage the system for domestic worker migration: "the ambassador suggested to the capital to do the moratorium, and I mean this is not the total moratorium, no, we will stop [for] around 3-6 months to manage the system better" (Official, Indonesian Embassy, Male, March 2018). However, in response to this announcement, many Malaysian participants were sceptical as to whether Indonesia would actually implement a moratorium, or whether these announcements were mere political posturing.

"The ambassador made a statement that he will recommend to the President [of Indonesia] to put on a moratorium again. But I believe, the Indonesian government has been wised up because the previous moratorium did not stop people from coming" (Manager, Domestic Worker Agency, Male, March 2018).

Actors in this study frame migration bans as a weak measure in terms of protecting domestic workers or of affecting change, and, in some cases, travel bans are framed as increasing the risk

²⁵⁵ The original 2006 MoU and the 2011 updated MoU are available here: <http://apmigration.ilo.org/resources/mou-between-government-of-the-republic-of-indonesia-and-the-government-of-malaysia-on-the-recruitment-and-placement-of-indonesian-domestic-workers>

²⁵⁶ The 2011 Indonesia-Malaysia MoU included measures such as MDWs' ability to retain their passport and entitlement to a weekly rest day but excluded a minimum wage, which Indonesia had lobbied for. The final agreement also emphasised the role of recruitment agencies in managing domestic worker migration which remains problematic due to the high costs. See Chapter 6 for more.

of exploitation to the group of workers that they intend to protect. Participants explain that moratoriums were ineffective as the news that a recruitment ban was in place would often not reach rural villages, so women would still seek to move abroad. In cases where women are aware that there is a travel ban in place, many actors believe that they will not be deterred from moving overseas due to their continued incentive to provide for their family. Travel bans are viewed as “weak” protection measures which are potentially damaging as they increase the cost, and the risk, for women who are now forced to migrate through irregular channels with less assistance available to them during the process, or the women will have to use the services of less reputable recruitment agencies. The increased risks associated with travel bans have also been echoed by the ILO (2017) who also note that receiving countries often undermine moratoriums by stating “that the bans are not bilateral and [that] domestic workers are still welcome” (2017; xv)²⁵⁷.

“I am not a proponent for travel bans, I have seen travel bans many, many times, and it doesn't work. What actually it does is increases the vulnerability of the person because a migrant in the village doesn't know there is a travel ban, you know... They don't know what the situation is in Malaysia, and [the agent] just brings them in. So travel bans will not work at all” (Legal Expert, Female, March 2018).

“Moratoriums, it's not the solution, it's not a good idea. The people will [still] come here, that's because they don't have any job and the family also need to eat... [Workers] also don't know there's a moratorium there, like to Saudi Arabia, there's still lots of workers being sent there using different visas, just the problem becomes worse” (Community Organiser, Female, March 2018)²⁵⁸.

What do actors think Indonesia should do to improve its “weak” approach in protecting their citizens in Malaysia’s domestic work sector? One actor, the domestic worker agent, believed that if Indonesia implemented policies which ensured that their workers were better trained prior to sending them overseas, this would result in improved working conditions for them. This agent believed that incidences of abuse would be minimised for domestic workers if sending countries “make sure that [MDWs] are properly trained for the job [and] certified for the job” (Manager, Domestic Worker Agency, Male, March 2018)²⁵⁹. However, this perspective was not shared by

²⁵⁷ The ILO (2017) analysed labour migration restrictions and included interviews with over 150 migrant women, recruitment agents, government actors, lawyers, academics, and civil society actors.

²⁵⁸ Another participant stated: “even if they were to ban workers coming here, [because of our] geographic situation, and the location so it's easy for them to come by back door so that's what is happening. Even agencies, if you ask them now, they will bring for you, although there is a ban, they will still supply you with domestic workers from Indonesia, nothing will stop them... During the ban I managed to speak to these agents and they were willing [to bring workers in] but of course they are not going to bring in many workers but they will quietly give you [workers], of course at a higher fee” (Programme Officer, Regional Organisation, Female, March 2018)

²⁵⁹ This is discussed in Chapter 7.

other actors. One international actor explains that they were always sceptical of the idea that providing better training to domestic workers would improve their working conditions:

“No, it is actually much more complicated than [providing skills training to workers]. It can work if there’s an organisation that is enforcing the terms and conditions of employment, but just having skills will not make up for a policy, or lack of compliance and enforcement. It won’t make up for a lack of regulation, it won’t make up for any of it. It won’t make up for a power dynamic that is so deeply ingrained in the culture and in the household, and in gender dynamics. So [yes improve] skills training, but then also you need training on negotiation, you also need empowerment, you need an organisation to back you up, there is a whole other set of factors there” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

The levels of training that Filipina workers receive compared to Indonesian is only one part of the puzzle. As the quote above explains, additional training only combats the exploitation of domestic workers if this is not coupled with “an organisation that is enforcing the terms and conditions of employment” as “just having skills will not make up for a policy, or lack of compliance and enforcement, it won’t make up for a lack of regulation, it won’t make up for any of it” (Specialist on Domestic Workers, International Organisation, Female, January 2018). As mentioned in Chapter 8, for Indonesian domestic workers, there exists no monitoring mechanism for the embassy to be able to check on their citizens’ welfare. Instead, Indonesian MDWs must rely on informal methods like telling neighbours or passer-by’s that they are in trouble and in need of help, in the hope that these people in turn will then contact the police or a local NGO or embassy on the MDW’s behalf. For example, “in the case of Adelina, the neighbour saw her and then he or she reported [it] to the police” (Official, Indonesian Embassy, Male, March 2018). This is something that Indonesian officials in this study note is a serious issue, yet this has not resulted in any monitoring mechanism being established. In contrast, the Philippines has implemented rigid monitoring mechanisms for their citizens employed in Malaysia’s domestic work sector, in addition to a comprehensive training programme. Philippine government officials liaise closely with Malaysian recruitment agencies who are compelled to cooperate with the Philippine embassy for fear that the embassy will suspend an agency’s business transactions until matters are resolved:

“If the family complains in the Philippines, ‘I have not heard from my daughter for a month now’, we go to the big database, we find the Malaysian agency, we call the Malaysian agency and tell [them] ‘bring the worker to me immediately’ and they do that... The employer would not even come to me even if we call them, but the agency [do] as when the worker complains to us, we automatically stop their transaction so they cannot do business with us. So [the agency] have to comply immediately. We [also] have a police attaché here in the embassy and when a maid needs to be rescued [...] then we coordinate with our police attaché and they coordinate with their counterpart

and immediately we rescue the housemaid in the house” (Representative, Philippine Embassy, Female, April 2018).

Another key action that actors would like to see is for Indonesia to ratify the ILO Domestic Workers Convention (C.189), which the Philippines has ratified. The fact that Indonesia is yet to ratify the Convention is sending a message that they do not take domestic workers’ wellbeing seriously. This may place Indonesia in a weaker negotiating position as it seems hypocritical for them to push for Malaysia to protect MDWs when Indonesia are not seen as protecting domestic workers in Indonesia:

“We have [domestic workers in Indonesia] but they don’t have the law for protecting the domestic workers. So they have not yet ratified the C.189... if we push Malaysia sometimes we can also embarrass [Indonesia] as [Malaysian officials say] ‘you ask me for everything, you should ask your country first, you ask us to ratify [C.189] here, see if Indonesia will ratify’. So we push our government [as] actually Indonesia is most important to take a role [on this]” (Community Organiser, Female, March 2018).

Numerous actors in this study emphasised that sending countries can, and should, take a more active role in better managing out-migration, and in protecting the wellbeing of their citizens overseas. However, not every sending country actively implements measures to ensure that their citizens abroad experience fair working and living conditions, in addition to improved migration experiences. This section has shown how the Philippines and Indonesia, the two main senders of female MDWs to Malaysia, have different governance systems and act differently in situations where their citizens have been abused overseas. On the one hand, the Philippine government is understood as working proactively to implement a rigid governance system, complete with training programmes, monitoring mechanisms and labour migration policies which ensure that the rights of Philippine citizens overseas are upheld²⁶⁰. Indonesia, on the other hand, is understood as being “less concerned” with the wellbeing of their citizens overseas, has a “haphazard” governance system and acts reactively to incidences where their female citizens have been abused, such as through the instatement of travel bans. However, as discussed in Chapter 8, given that the abuse (and deaths) of Indonesian domestic workers in Malaysia is a great cause of “shame” for Indonesia as it highlights their incapacity to effectively safeguard the wellbeing of its female citizens overseas (see Elias, 2013), it seems unlikely that the political will to address the issue is lacking. Instead, it may be that there are issues with state capacity, or other hidden factors, that are preventing the Indonesian government from acting, such as an unwillingness to jeopardise relations with Malaysia due to reliance on remittances.

²⁶⁰ However, this does not mean that no Filipina MDWs in Malaysia are abused. For example, see Angeli Sibillo (2015).

9.3 Regional Initiatives to Tackle the Exploitation of Migrant Workers

The exploitation of (mainly female) migrant workers was a key narrative in this study. This section broadly focuses on the discourse that arose in this study surrounding regional actions to tackle the exploitation of migrant workers and explores the role of gender ideologies in these policies. The first section analyses initiatives to empower potential migrant workers, such as the 2018 launch of a platform entitled ‘Recruitment Advisor’ by the International Trade Union Confederation (ITUC) and supported by the ILO Fair Recruitment Initiative. The second section investigates ongoing regional initiatives to tackle human trafficking and analyses what is driving these actions.

9.3.1 Actions to “Empower” Migrants

The majority of actors framed the exploitation of migrant workers as being perpetuated by the private migration industry who have been able to carve out a role for themselves in Malaysia’s disjointed policy setting. These agencies are seen as escaping regulation and exploiting workers through i) charging extortionate fees which lead migrants to accrue huge debts, and ii) tricking or forcing migrants to enter specific sectors. While both men and women are susceptible to deception, female migrants were understood as being more likely to be tricked by recruitment agents, and are framed by some actors as being forced by agencies into sex work. However, actors disagree about what can, and should, be done to tackle this exploitation.

Many of the civil society actors in Malaysia would like to see the role of the recruitment agencies abolished (see Chapter 7). However, from the perspectives of certain international organisations, the issue is not one of abolishing the agencies but of searching for better ways to manage them, and this view is also shared by some embassies and by the domestic worker recruitment agency that participated in this study. So what actions are being taken to manage the recruitment agencies? One action, initiated by international organisations, is the launch of an online platform called ‘Recruitment Advisor’, which aims to “empower” workers to make informed decisions about their own migration (see Figure 17 for website homepage). This platform, launched in April 2018, aims to provide “peer-to-peer reviews about recruitment agencies in [a migrant worker’s] country of origin and destination” in order “to help protect migrant workers from abusive employment practices” (ITUC, 2018, no page number).

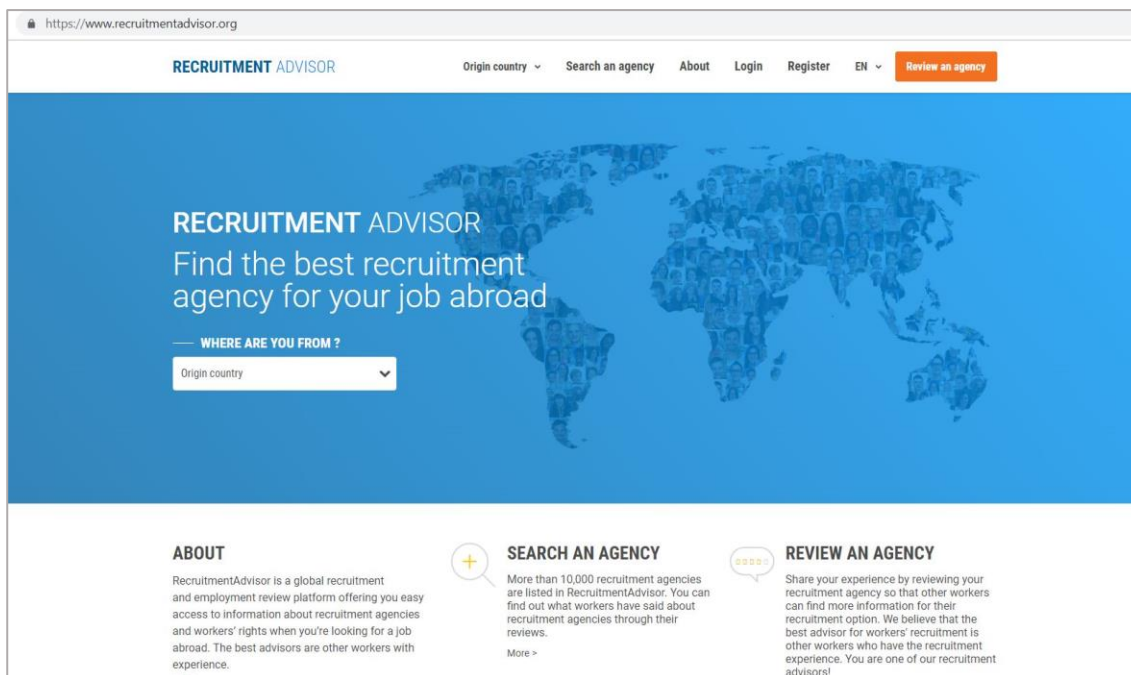


Figure 17: Recruitment Advisor Landing Page²⁶¹

Some actors refer to this as a “Trip Advisor” platform which provides information about migrant’ rights and enables workers to review their migration experiences and “rate” the recruiting agency that they used, with the aim of ultimately promoting agencies who have followed a fair recruitment process.

“[The project] is looking overall on the recruitment process from the countries of origin to the [receiving] country so it’s basically using the website as a platform [for] the workers. So the workers are advising about their agent in the countries of origin. So this upside is similar with Trip Advisor, it’s like giving ratings to the agent so that when the potential workers have decided to come here, they will look at the website and then look at which agent will be good for them... The rating will be done by the workers, mostly from the sending country... the migrant worker returnees. So it’s also providing the information about the policies and the national legislation about each country, and also the Complaint mechanism” (Trade Unionist, Labour Coalition, Female, March 2018).

While the platform is being launched by international actors, the ILO and the ITUC, these organisations “collaborate with the unions in each country. From the Philippines, Nepal, Indonesia and Malaysia” (Trade Unionist, Labour Coalition, Female, March 2018). Additionally, some local civil society actors are taking on a “monitoring role” as they have been tasked by the international organisations to be the observers of this initiative. Such civil society actors reported

²⁶¹ Available at: <https://www.recruitmentadvisor.org> / Last accessed on 3rd March 2019

that they seek to ensure that this platform exists to benefit the migrant workers, and not the recruitment agencies.

As fieldwork took place between January-May 2018, this was too early to get feedback on the implementation of the early stages of the initiative, however, some actors expressed uncertainty regarding the effectiveness of the platform. This initiative was framed as having the potential to empower both male and female migrant workers to make informed decisions about their migration, and this is how it is framed by international actors. However, from the perspective of some local civil society actors who seek the removal of agencies altogether, this ‘solution’ is being met with scepticism. For example, some participants are uncertain whether this initiative will be used as a tool for or against migrant workers:

“[Partners in Malaysia alongside] the ILO, [and the] ITUC are trying to do this migrant recruitment advisory project which again we are all really suspicious [about]. You are kind of like giving rating to the agencies, five star rating... So migrants go and fill their experience, so we are all like, oh my god, I mean I thought, you are supposed to get rid of these guys [the agencies], now there’s a system to kind of like give you an evaluation... so I’m monitoring how the thing works and whether it’s going to be used against migrants, or for [them]” (Representative, NGO, Male, February 2018).

There is also the concern that there may be multiple barriers in relation to migrant workers being able to access this platform and being able to understand what is written on it. As many migrants are perceived as illiterate, with illiteracy understood as being even more prevalent for female MDWs, this may present a key barrier to engaging with the platform. Additionally, due to weak digital infrastructure in migrants’ home communities, this will impede workers’ ability to access the platform²⁶². So, while on paper, it appears that this initiative could empower migrant workers and tackle unscrupulous recruitment agencies, it may not work in practice due to many migrants being unable to access and use the platform.

The need to focus on empowerment initiatives was also echoed by a key regional actor in this study that has amended their organisational approach to tackling the exploitation of migrants. In the absence of state actions to protect migrants, this organisation had previously focussed on running programmes “warning” workers, especially women and domestic workers, about the dangers of being trafficked. However, the interviewee explained that they have recently begun to shift their focus towards initiatives to empower women to make informed decisions during the migration process.

²⁶² As one interviewee noted “imagine if you are from the rural area [in India for example], there is no way, no internet, no computer, even if you have, you won’t know how to use” (Representative, NGO, Male, February 2018).

“We used to be very strong on the anti-trafficking [rhetoric], and right now we have created a paradigm shift [where] instead of telling these people ‘don’t fall into the trap of human trafficker’, we [now] promote safe migration. Safe migration is a new concept that we introduce in the 40 regions that we are active in, so we don’t say bad things about these traffickers or the agents, but we equip, we empower, we educate and we train the domestic worker candidates. So when they have this type of paradigm shift then they are more prepared... We get them to participate, we also bring in the ex-migrant worker to share their experience through the testimony sharing and then we have the focus group discussion... The first step to fight trafficking [is] through the Safe Migration education process” (Representative, Regional Organisation, Male, February 2018).

To conclude, within the migration governance system, some international and regional actors are shifting away from focusing solely on ‘protection’ initiatives which warn migrants, especially women, of falling into the “trap” of human traffickers²⁶³. Instead, some organisations are now using efforts to educate women about safe migration through increasing the implementation of information provision initiatives and workshops²⁶⁴. The implementation of initiatives that aim to empower workers, especially in relation to female migration, is positive, but there is also a concern that such programmes may be used by states to abdicate responsibility for tackling migrant worker exploitation on the national level.

9.3.2 Initiatives to Tackle Human Trafficking

While the governance of migration across Southeast Asia can appear chaotic and at times uncoordinated, there appears to be one migration-related issue which actors across the region are working together on and that is the need to combat human trafficking, especially the trafficking of women. This section explores the regional initiatives to tackle trafficking, how these relate to female migration, and assesses the impact of these initiatives.

Southeast Asia is considered one of the world’s worst region’s for human trafficking (Ford *et al.*, 2012; 1; Caballero-Anthony, 2018). Attempts are being made to tackle this by state and non-state actors through a range of measures to combat trafficking, with external organisations such as the IOM and US donor agencies often providing funding (Elias, 2018; 287). According to one actor, the region has become “obsessed” with trafficking over the past fifteen years, especially in relation to controlling women’s movements (Official, International Organisation, Female, May

²⁶³ One reason why it may be ineffective to constantly warn soon-to-be migrant workers of the dangers of trafficking is that it overlooks migrants’ strong determination to move overseas for work. As one actor explained in relation to why domestic worker moratoriums do not work: “the people will [still] come here, that’s because they don’t have any job and the family also need to eat” (Community Organiser, Female, March 2018).

²⁶⁴ See also Piper and Rother (2019).

2018). One main reason why the region has become “obsessed” with anti-trafficking efforts is the need for countries to be seen to be engaging with the United States’ State Department’s annual Trafficking In Persons (TIP) report²⁶⁵ which monitors states’ progress in tackling human trafficking and “shame[s] states that have inadequate procedures to prevent trafficking or are complicit in abuses against ‘victims’ of trafficking” (Elias, 2018; 287). This will be analysed in relation to Malaysia in Section 9.4.1.

While men and women from a range of countries and employment sectors can be victims of trafficking, there exists the perception amongst interviewees that female migrants are more likely to be “victims of trafficking”. This is partially stems from the different narratives that exist surrounding male and female migrants²⁶⁶ and how they are treated differently in migration policies across the region (Oishi, 2005)²⁶⁷. The perception that female migrants in Malaysia are at a higher risk of being trafficked is especially prevalent for women working in the domestic work sector (see Chapter 8) due to a combination of the sector’s employment practices and the ways in which this sector has been classified. Some actors in this study assume that female MDWs in Malaysia are victims of human trafficking, an understanding which seems to stem from the levels of abuse, control and exploitative working conditions related to this sector (see also Fish, 2017), which has led to domestic work being conceptualised by some as “domestic slavery” (Anderson, 2000).

The narrative that female MDWs are more vulnerable to human trafficking has also been bolstered by the UN Trafficking Protocol in 2000 which included domestic work as a job that is susceptible to trafficking (Kontos and Bonifacio, 2015; 1). In addition, numerous political measures targeting female migrants in Southeast Asia which are aimed at fighting the trafficking of women, emphasise the need to *protect* migrant women as opposed to the need to prioritise securing labour rights (Oishi, 2005). This includes the majority of ASEAN migration discussions and agreements which centre around anti-trafficking such as: the Bangkok Declaration on Irregular Migration (1993); the Asian Regional Initiative against Trafficking in Women and Children (adopted in 2000); the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (2002); the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Process (2004) and the ASEAN Declaration Against Trafficking in Persons Particularly Women

²⁶⁵ Since 2001, the US has assigned itself the role of “global sheriff” on human trafficking (Chuang, 2006).

²⁶⁶ In this study, male migrants were perceived as more empowered with some form of ‘agency’ compared with the depiction of female migrants (especially MDWs) as victims in need of protection. These understandings can mask how men are also vulnerable to exploitation and abuse during the migration and employment processes.

²⁶⁷ Notably, some countries such as Thailand do not include men in their trafficking statistics (Feingold, 2005), further shaping the understanding that trafficking victims *must* be female.

and Children (2004). So, while countries across Southeast Asia struggle to reach consensus on issues regarding labour migration²⁶⁸, the need to combat trafficking, especially the need to “rescue” women and children from traffickers is seen as “uniting” countries across the region. As one actor explains: “partnerships are not well developed [across the region] except for trafficking” (Representative, Regional Intergovernmental Organisation, Male, March 2018). This need “rescue” and “save” women is especially pertinent in relation the “moral panic” which stems from sex trafficking (Agustín, 2003).

The region’s anti-trafficking efforts are not without criticism as there exists large controversies surrounding the policies and initiatives, a comprehensive analysis of which is outside this study’s remit. However, I will highlight three relevant issues. The first criticism is that anti-trafficking processes and national action plans fail to tackle the wider issue of migrant exploitation as the policies fail to ensure efficient migration procedures and decent work:

“We've had this obsession with trafficking over the last 15 or so years since the Palermo Protocols. Over the last maybe 5 years we've had this slightly different obsession with the concept of slavery, both of which to me are huge distractions from the broader problem of migrant worker exploitation. I don't think that the policy movements around ensuring efficient migration procedures and then decent work, have been responsive to that situation and instead we've seen this blossoming of anti-trafficking processes [and] national action plans” (Official, International Organisation, Female, May 2018).

In addition, most national and regional efforts are premised on a “culture of punishment” (Chan, 2014; 6953)²⁶⁹ which involves solely criminalising and prosecuting traffickers as opposed to introducing trafficking prevention mechanisms and the implementation of measures to protect the victims. This is partially due to the fact that the number of prosecutions is one of the main indicators of whether a country is making progress in tackling human trafficking and is something that the TIP report looks for (Sobel, 2015)²⁷⁰. The second criticism of anti-trafficking measures is that feminists have highlighted the ways in which anti-trafficking campaigns for the most part build upon gendered ideologies in which images show innocent female victims being exploited by male criminals (Andrijasevic, 2007; Schwenken, 2008). These campaigns overlook complex relations between different parties involved in trafficking, and often ignore the role that female traffickers and families play (Andrijasevic, 2007; Schwenken, 2008; 773). There is also the concern that anti-trafficking initiatives are essentially top-down moves to “control” migrant

²⁶⁸ Notably, there are no official agreements to prevent irregular migration in the region (Kaur, 2018; 117).

²⁶⁹ Chan (2014) notes that those who focus on victim narratives emphasise “punishing unscrupulous human traffickers, abusive employers or profiteering recruitment agents” which can bolster the idea that female migrants are all “vulnerable victims in need of state protection” (2014; 6953).

²⁷⁰ Although, as Section 9.4.1 will show, some actors questioned whether Malaysia really is committed to punishing traffickers.

women's movements and morality, and the sectors that they are able to enter and that the anti-trafficking measures which aim to "protect women from trafficking have had the perverse effect of making them more vulnerable" (Feingold, 2009, no page number):

"I think [trafficking has] been disproportionately addressed by the international community for various different moral ethical reasons, you know particularly again it relates to the controlling of women's mobility and morality" (Official, International Organisation, Female, May 2018)²⁷¹.

Finally, anti-trafficking initiatives are seen as being especially problematic with regards to domestic worker migration. Initiatives which aim to "protect" female migrants in the sector end up actually exploiting these workers as Elias (2018) notes that these measures are "so easily... picked up and used by employers, recruiters and placement agencies in order to limit the freedoms of workers and to subject them to multiple forms of abuse" (Elias, 2018; 288; see also Agustín, 2007). The next section analyses how actors frame Malaysia's actions to try and combat i) human trafficking, and ii) the exploitation of domestic workers.

9.4 How Malaysia Acts to combat the Exploitation of Migrant Workers

As Chapter 7 underlined, the governance system for labour migration in Malaysia was framed as "chaotic", with interviewees confused about what was going on due to the number of policy reversals, the change in ministries responsible for managing migration, and the pervasive presence of corruption. This chaotic and disjointed policy setting is seen as contributing to an environment where the exploitation of migrants continues. So, what actions has the government enacted to combat this? The short answer to this appears to be, not much. Over the course of the fieldwork, there was limited discussion of any national actions that Malaysia was taking to tackle abuse and exploitation, with three exceptions. The first section analyses one area that Malaysia seems to be making a concerted effort to tackle: human trafficking. The second section explores one of Malaysia's current actions (albeit one that is not supported by policy or enforcement mechanisms), and one potential future action, relating to domestic worker migration.

²⁷¹ The discourse of controlling women's morality here is of importance as Chan (2014) notes that gendered moral hierarchies serve to "downplay the role of states and institutions" in protecting migrants and instead highlight "individual moral responsibility and blame" (2014; 6949).

9.4.1 Malaysia's Actions to Combat Trafficking

Malaysia is listed as a key destination for victims of trafficking in Southeast Asia, especially for those from Indonesia, the Philippines and Vietnam (Caballero-Anthony, 2018). The Malaysian government is understood as being incentivised to tackle trafficking in order to improve their ranking in the TIP report due to the perceived influence of the US State Department. This motivation, alongside economic incentives/businesses' needs and Malaysian public opinion, was viewed by actors in this study as driving the country's migration, and enforcement, policies²⁷². As one policy analyst explained "we are responding more now to issues of where we stand in terms of our ranking within the Trafficking in Persons [report]" (Policy Analyst, Female, February 2018).

Malaysia has been making efforts to amend their trafficking policies over the past decade. Under the 2007 Anti-Trafficking in Persons Act²⁷³, labour and sex trafficking were criminalised with sentencing of up to 20 years (US State Department, 2018), and the Royal Malaysia Police (RMP) has been tasked as the lead enforcement agency²⁷⁴. The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO), created under the Anti-Trafficking Act in 2007, has acted to improve the country's anti-trafficking policy-making strategies. According to one legal expert in this study, the US embassy in Malaysia encouraged the Council to open consultations with a range of civil society actors with trafficking expertise. Prior to civil society consultation, the policies contained in the original draft regulations essentially detained trafficking victims, gave them no right to work or freedom of movement, and included measures such as the requirement that trafficking victims would have to seek permission to work in Malaysia from their country of origin:

"I think the first time we met them [MAPO] was for these draft regulations so they brought [together] a bunch of us who work on trafficking and we went to meet the government... The first draft was horrendous, it was basically like a detention... [no] right to work, right to movement, it was all about detention, and the serious flaw with it was that they had to ask the permission of their country of origin for [permission] to work... So we discussed and we said that 'no, this is not going to be holding in law, these are the things you need to change'. Finally what you see as the draft is actually the [result of] collaborations between [civil society and the government]. So from then on, that relationship actually changed and then they started opening and sending cases [to us]" (Legal Expert, Female, March 2018).

272 These factors will be summed up in Chapter 10.

273 This Act was amended in 2010 and 2015.

274 According to the 2018 TIP report, the RMP have a specialised trafficking enforcement team with 35 officers.

Through interacting with government officials during consultations, some civil society actors play a role in helping to shape the government's understanding of trafficking and influence policy responses. However, non-state actors are not able to affect changes in terms of enforcement and many policies continue to be misapplied by enforcement officers²⁷⁵. Additionally, the Malaysian government places greater emphasis on prosecutions and convictions (which are understood as carrying greater weight in the TIP report) rather than the implementation of new regulations, and in 2018 established an anti-trafficking court.

Malaysia was listed as Tier 3 status up until 2015 when the country was upgraded to Tier 2 for "making efforts" to tackle trafficking by expanding investigations, prosecutions and convictions²⁷⁶. However, the country's upgrade was met with widespread criticism in both Malaysia and the United States²⁷⁷ as it was perceived that Malaysia's upgrade was a political move which would allow them to sign the Trans-Pacific Partnership Agreement (TPPA).

"[The US embassy in Malaysia] were doing the TIP report, and then the TPPA came about, so they were trying to help Malaysia to go up the tiers so that they can sign the TPPA" (Legal Expert, Female, March 2018).

Despite the improvement in the country's TIP ranking, many interviewees, especially those who work hands-on with migrants, believe that the Malaysian government is not actually doing enough to tackle trafficking. This is echoed in the 2018 TIP report which states that Malaysia has "uneven law enforcement efforts" with relation to trafficking. So, despite the perceived political will and even political incentive in terms of the US State Department's TIP Report, coupled with MAPO's engagement with civil society actors on developing trafficking regulations, the enforcement agencies and immigration officials in Malaysia are still seen as lacking the resources, knowledge, and ability to effectively combat issues of human trafficking²⁷⁸. The issue of corruption also presents a key barrier to tackling trafficking in Malaysia. There exists reports of "corrupt" government officials colluding with those involved in trafficking (Caballero-Anthony, 2018),

²⁷⁵ This is highlighted in the 2018 TIP report for Malaysia.

²⁷⁶ The TIP report has a Tier system - "Tier 1", "Tier 2", "Tier 2 Watch List" and "Tier 3" - which has drawn criticism since its inception as a) it is difficult to discern the criteria for tier movement, and b) "Tier 2" is viewed as a "catch all" category which can include countries with varying trafficking records. Furthermore, the conditions under which a country would meet "Tier 2 Watch List" status (introduced in 2004) as opposed to Tier 3, remains unclear. For example, Chuang, writing in 2006, notes that the rationale behind Malaysia's ranking is "unclear" as the country "has no trafficking-specific laws or law enforcement training and detains trafficked persons [yet still] merits a consistently better ranking than most, if not all, of the Tier 2 Watch List countries" (Chuang, 2006; 480).

²⁷⁷ Critics argue that TIP reports selectively criticise countries as they are seen as "going light" on U.S allies or on countries which the US has a strategic interest in (Chuang, 2006; 475). As countries with poor TIP report ratings were not able to join the TPPA, some critics, such as Tenaganita, accused the Obama Administration in 2015 of intentionally upgrading Malaysia's status (BBC News, 2015).

²⁷⁸ The absence of reliable information on the extent of trafficking also impacts the country's ability to combat trafficking.

such as the case of the mass graves discovered along the Thailand-Malaysia border²⁷⁹ in 2015, an event which was described as a “horror story” (Chief Coordinator, Faith-based organisation, Female, March 2018) and has tainted the reputation of Malaysia nationally and internationally. Additionally, the continued role of recruitment agencies in managing labour migration has exacerbated the country’s human trafficking problems, according to the MTUC (Kaur, 2010; 393), and the connection between Malaysian officials and certain recruitment agencies remains problematic (Caballero-Anthony, 2018, see also ILO, 2006; Castles and Miller, 2009).

While Malaysia remained at Tier 2 status throughout the data collection period (January-May 2018), it was announced in June 2018 that Malaysia would be downgraded back to “Tier 2 Watch list” status for i) failing to meet the criteria for protecting trafficking victims²⁸⁰ and, ii) the fact that anti-trafficking efforts were being hampered by certain law enforcement officials who continued to accept bribes to allow undocumented border crossings²⁸¹ (US State Department, 2018). Malaysia remained at “Tier 2 Watch List” in the 2019 TIP Report. This downgrade is unsurprising as, prior to the release of the 2018 report, many interviewees stated that Malaysia was not doing enough to punish those responsible for trafficking migrant workers, and to give justice to the victims. Malaysia’s efforts to tackle trafficking were described by one participant as “cosmetic” changes which are “for show” in order to improve their TIP ranking:

“One lady is facing up to twenty years jail [for human trafficking in Indonesia] but over here nothing happened, it’s [all] only for show. I mean Malaysia wants to get the clear 1 [Tier Status], under the US State Department [TIP] ranking, I mean cosmetic [changes] itself is not enough. We need some reality, we need some action in compliance to the policy. You make the law but you find the loophole to let [the perpetrator] go. And then we also have the situation of human trafficking where the mind-set of the law enforcer is only thinking about prostitution. We still have the labour trafficking, we have the child trafficking and then we also have the transit trafficking” (Representative, Regional Organisation, Male, February 2018).

There are also issues surrounding the gendered implications of what is driving national trafficking policies. As highlighted in the above quote, law enforcement agencies in Malaysia may view only women in sex work as vulnerable to trafficking, and overlook other employment sectors. The emphasis on saving women involved in sex work is linked to gendered moral discourse (Agustín, 2003; Chan, 2014; Mills, 2017) and also to discourse surrounding the need to protect women’s

²⁷⁹ Almost 150 graves of Burmese and Bangladeshi migrants were discovered along the border between Thailand and Malaysia in May and July 2015 (BBC News, 2015a). It has since been reported that burial sites were found by the police months before going public with the information: (The Straits Times, 2019a).

²⁸⁰ Although the 2019 TIP report notes that Malaysia has now created an additional shelter for female trafficking victims. Report available here: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/malaysia/>

²⁸¹ Malaysia TIP Report 2018: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282701.htm>

“penetrable bodies” (Hilsdon, 1995). This understanding is also likely due to the fact that, as Chuang (2006) notes, the TIP reports usually give more recognition to measures that tackle sex trafficking as opposed to those which seek to combat other forms of trafficking (2006; 211), stemming from the fact that the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol) places emphasis on sexual exploitation²⁸². This could be why many actors understand female migrants as being at risk of being trafficked into sex work, or forced into prostitution (see Chapter 7 and 8) and why the Malaysian enforcement agencies are incentivised to frame their anti-trafficking efforts as particularly protecting women from sexual slavery and prostitution²⁸³. It is not only women employed as sex workers or in massage parlours who are seen as being liable to sexual slavery as many actors framed all migrant women, regardless of sector, as liable to sexual exploitation²⁸⁴. This is problematic, as it may overlook incidences where male migrants are victims of trafficking as they do not conform to enforcement agencies perception of a “trafficking victim”²⁸⁵.

Despite the emphasis being placed on protecting migrant women from such harms, this does not seem to translate into actions which actually protect these women (or men). Many actors frame the existing national and regional anti-trafficking measures as “cosmetic” in practice, and believe that female migrants and domestic workers are not actually protected through current labour and anti-trafficking laws. While the majority of actors in this study conceptualise MDWs as “victims in need of protection” (see Chapter 8), this understanding has not led to these workers actually being able to secure better working rights and no legislation has been implemented to enable these workers to access justice for violations of their rights. In addition, even when there are anti-trafficking laws and policies, they are often not applied correctly. For example, domestic workers are reportedly not identified as being victims of trafficking by the majority of Malaysian enforcement officers, according to the NGO Tenaganita, which makes it hard for cases to be filed under the Anti-Trafficking Act (Indramalar, 2018).

²⁸² “Exploitation” encompasses “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UN General Assembly, 2000; supra note 50, art. 3(a)).

²⁸³ The 2018 TIP report notes that “enforcement agencies employed the anti-trafficking law broadly by presuming as potential trafficking victims all foreign women during bar or massage parlour roundups” (US State Department, 2018; 288).

²⁸⁴ For example, one government official in this study stated that migrant women working in Malaysia, particularly in the domestic work sector “are being abused in the family, sexually abused, raped and all that, it happens so there’s nobody there to protect her” (Official, Government Institution, Female, March 2018).

²⁸⁵ Following the publication of the 2018 TIP report, the Home Ministry in Malaysia’s newly elected government stated that they were considering amending the country’s human trafficking laws to focus “on protecting victims, by giving them more freedom of movement and work, and introducing stiffer penalties for traffickers” (Reuters, 2018).

In summary, there exists the situation where female migrants, especially those in the domestic work sector, are being framed by policy actors and by regional instruments as potential “victims of trafficking” who require the state to protect them from traffickers. However, the actual measures to combat trafficking focus on the “culture of punishment” (Chan, 2014) and end up falling short of providing that protection, and may not affect the overall levels of trafficking (see Feingold, 2005).

9.4.2 Efforts to better Manage Domestic Worker Migration

When discussing how to tackle the exploitation of MDWs, it should be highlighted that, while some cases of abuse, such as when MDWs are killed or badly beaten like the case of Adelina Lisao, may dominate media cycles, it is the pervasive everyday forms of abuse which take place within the household that are far more widespread. These everyday forms of abuse need a different policy response:

“There are stories of extreme abuse and those also need particular responses, you know they’re criminal abuses, sometimes they are just extreme labour violations. But, I think the vast majority, it is just a day-to-day abuse that is considered normal, and I think that’s where the real challenge lies” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

This section focuses on two national initiatives relating to the domestic work sector in Malaysia. The first section discusses a tool which aims to try combat the everyday forms of discrimination that MDWs face: the creation of guidelines for MDWs’ employers. The second section analyses Malaysia’s reported intention to shift to government-to-government hiring for domestic workers, removing the role of the private actors, an action which interviewees believed the country was planning but had not yet been implemented at the time of fieldwork.

9.4.2.1 Guidelines for Domestic Workers’ Employers

One of the initiatives that the Malaysian government has implemented to tackle the day-to-day abuse that domestic workers experience is the launch of a 70-page publication in May 2017 entitled *Guidelines and Tips: For Employers of Foreign Domestic Helpers*²⁸⁶ which provides details on “best practice”, laws and policies surrounding the hiring and employment of MDWs. These guidelines include a section on how to create “a happy and harmonious home with my foreign domestic helper” (2017; 9-30) and provide an example of a sample contract of employment and parameters of employment. The publication was jointly created by the ILO and the Malaysian Labour Ministry in consultation with MDWs’ employers, stakeholders and

²⁸⁶ The guidelines are available to download here: <http://apmigration.ilo.org/resources/guidelines-and-tips-for-employers-of-foreign-domestic-helpers>

advocates. The publication was produced with the assistance of the European Union with support from the Australian government through the TRIANGLE II project. Figure 18 below shows the booklet.

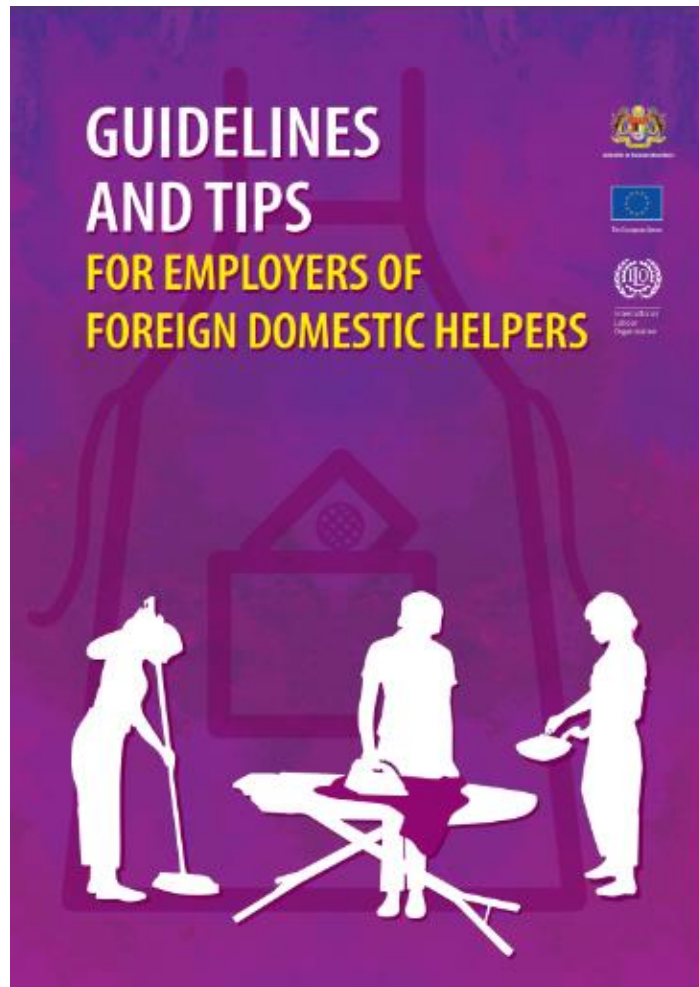


Figure 18: Guidelines and Tips for Employers of Foreign Domestic Helpers.

The importance of the launch of these guidelines should not be underestimated. While they are not policy or law, the fact that the Malaysian government actively participated (following lobbying by international actors) in their creation, is viewed by some interviewees as an important step. Whereas previously they have been predominantly silent on domestic workers' issues²⁸⁷, the government were suddenly keen to portray their commitment to "protecting" migrant women who had actively contributed to Malaysia's economic development. As the (then) Minister of Human Resources Seri Richard Riot stated at the launch of the booklet, "the publication [of the guidelines] portrays the seriousness of the Government and the Ministry, especially in ensuring the welfare, rights and protection of foreign domestic helpers be given top priority as they too

²⁸⁷ As Chin noted in 1998, the plight of MDWs in Malaysia was deemed "inconsequential" to the state, MDWs' employers, and the Malaysian public.

play an important role in contributing to the development of our country” (Sivanandam and Kaos Jr, 2017).

According to participants who were involved in the creation of the booklet, these guidelines were not only driven by the ILO but also with the help of key individuals who supported the initiative within the Malaysian Labour Ministry. One participant explained that some Malaysian government officials “high up” in the Labour Ministry were “playing politics” with the creation of the guidelines and had to reportedly be “convinced” to partner with the ILO. However, I was told that there were certain individuals within the Labour Ministry who understood the need for the creation of the guidelines and, as such, actively pushed for the government to sign up. As one participant explains that “in the end it was people, individuals in the Labour Ministry who cared about the topic that actually said that ‘we will take it on, Boss we will take it on’” (Business Consultant, Female, March 2018).

As fieldwork took place one-year after the launch of these guidelines, I was able to get initial feedback from actors on the impact of these guidelines. Some participants felt that the guidelines were “good news” for MDWs (Programme Officer, Regional Organisation, Female, March 2018). However, some interviewees viewed the guidelines as an attempt by the Malaysian government to appease its critics by trying to rectify some of the harms that are caused to MDWs stemming from their exclusion from provisions in the 1955 Employment Act (and other widespread unwritten practices). Such participants were seemingly unaware that it was in fact an ILO-led initiative to which the Malaysian government signed up. For the most part, unfortunately, interviewees felt that nothing tangible had changed, or was likely to change, relating to employers’ practices towards their domestic workers. This was seen as due to i) the perception that many employers had not, and would not, read the new guidelines²⁸⁸ and ii) the fact that these guidelines were not coupled with enforcement or protection measures enshrined in law, giving employers no incentive to adhere to them. It should also be noted that some participants were not happy with some of the gendered contents and images in the guidelines (see Figure 18). For example, one interviewee stated, “I mean there are horrific photographs on the front of it of these stereotyped images of migrant domestic workers, it was horrifying” (Business Consultant, Female, March 2018).

²⁸⁸ For example, one Philippine official was sceptical of the potential for these guidelines to improve the situation for domestic workers as they questioned whether Malaysian employers would really ever sit down and read through the booklet.

9.4.2.2 *The Intention to Implement Direct Hiring*

The role that the “migration industry” plays in the governance of labour migration was framed by most actors in this study as a “money-making operation” which ends up costing workers and their employer a lot of money, in addition to perpetuating the exploitation of migrant women during the recruitment and migration process. Alongside regional actions to tackle the exploitative agencies, such as the aforementioned Recruitment Advisor platform, interviewees explained that Malaysia is also in negotiations to implement national initiatives to curb the role of private recruitment agencies. One potential government action to better manage domestic worker migration is the implementation of a direct recruitment policy. According to actors in this study, this policy, also known as “government-to-government hiring” (referred to as G-to-G), is being heralded as a possible alternative to the use of recruitment agencies in the hiring of MDWs. Although, as with the majority of policies relating to labour migration in Malaysia, there was much disagreement amongst actors as to i) whether the government had actually stated that this was their intention and ii) whether this policy had in fact already come into force.

“The direct hiring policy was declared by [Prime Minister] Najib in the October [2017] budget so in order to reduce the burden of the employer because at the moment they are paying somewhere around 15-18,000 ringgit to hire one domestic worker from Indonesia” (Representative, Regional Organisation, Male, February 2018).

“[Direct hiring is] better for both sides, for employers and for workers. We want to make Malaysian households improve their lives and if a domestic worker can come to the country without going through an agency, it will be a lower cost for households. We want to cut out the middle man [agent]” (Government Official, Male, April 2018)²⁸⁹.

It should be emphasised that the exploitation of migrants by recruitment agencies was not seen as the driving factor for this potential policy shift. Instead, as the above quotes explain, the driving force for this action is that it would improve the situation for Malaysian households through eliminating the financial burden of agencies’ fees that families must pay to find a domestic worker, with the government official also framing direct hiring as a potential benefit for the workers themselves. However, this potential policy change is also met with criticism. As discussed in Chapter 7, some actors framed recruitment agencies as offering a level of protection to workers, so direct recruitment was seen as a potential policy move which could actually put female workers in a more precarious situation:

“So what do you [government] mean by direct recruitment? Are you saying that the employer can go to India for example and take somebody [from] there and come back? What about the salary? What about the rights? You know, all

²⁸⁹ The desire to “cut out the middle man” was also echoed by other actors in this study.

those kinds of things. When there is an agent there is someone there, or if there is a guideline to govern the recruitment, [then] I will be for it” (Legal Expert, Female, March 2018).

“We have to have a collaboration agreement between us and the Indonesian agency and both of us have to subscribe to rules and regulations, including welfare, anti-exploitation, reporting, everything we have to do. At the end of the day, employers who hire [from] us, they have to pay a price for it, it’s not going to be cheap, right so a lot of employers they think that they want cheap, then they neglect all these procedures [and] criteria and hire [directly]. When you hire through direct means, the problem is the employer and the migrant worker, there’s nobody to provide any assistance, so when there is an issue arising, employer think, number one he has paid a lot of money, he is not going to let her go, and when the worker is being abused, she doesn’t know where to look for help. There is that case that happened, Adelina, the case [was] illegal employment” (Manager, Domestic Worker Agency, Male, March 2018).

In fact, the role that recruitment agencies play during the migration process was seen as essential for some actors. For some sending countries, such as Indonesia, the requirement for recruitment agencies to manage the migration process is enshrined in national law. This was highlighted by some regional actors who commented that the removal of agencies and a shift to direct hiring actually contravenes Indonesian law which requires agents to act as a middle-man²⁹⁰. Similarly, Philippine government officials in this study also took a hard-line stance against the removal of agencies and stated that if Malaysia ends up removing the role of agents, they would no longer permit their citizens to move to Malaysia for domestic work and framed it as a protection issue.

“If they remove all agencies here [in Malaysia] then we will stop sending our workers... Personally I don’t think the move to have a policy on direct hiring for domestic workers is the right answer to this issue... It [would] lead to a lot of cases of human trafficking, that’s what I believe” (Representative, Philippine Embassy, Female, April 2018).

So, while many civil society actors in Malaysia are keen to emphasise the role of recruitment agencies in the exploitation of workers, other actors show that agencies can in fact play an active part in the protection of female MDWs, as there is someone there to monitor the recruitment process. It is important to underline that the removal of recruitment agencies for domestic worker migration has not come into force. Instead, it was announced by the new government in October

²⁹⁰ “When Malaysia introduced the direct hiring for maids and domestic workers, first they infringed the spirit of the MoU... This is a very big challenge because under Indonesian law we cannot do without the agent and then if the employer go there to hire direct you face the human trafficking law” (Representative, Regional Organisation, Male, February 2018).

2018 that the Labour Ministry's Private Employment Agency would now oversee foreign worker recruitment (Zainul, 2018).

MDWs continue to be employed under exploitative conditions and there is a lack of action with regards to amending national policies to provide legal provisions to improve the conditions under which MDWs live and work. I argue that MDWs' experiences and interests do not make it on to the policy agenda as Malaysia's migration policy-making continues to be dominated by a small group of primarily male government actors, with women's organisations and NGOs (those who have first-hand knowledge and experience of the situation facing MDWs), largely unable to access policy-making mechanisms²⁹¹. As one interviewee explained, MDWs are unable to feed into the policy-making process so their needs and preferences are not present in policy outputs:

“Policy at this stage is not necessarily reflective of the needs and preferences and the situation of the workers and the households because their voices are not really represented yet in that policy space” (Specialist on Domestic Workers, International Organisation, Female, January 2018).

9.5 Policy Inactions

What effects do understandings have on policy actions and inactions? It would be wrong to assume that there is a rational process which connects what people say, the decisions that are made, and what policies are implemented. There exists competing interests in migration policy-making, and the Malaysian government, (the primary decision-makers), must weigh up the different interests before they decide how to proceed. Female migrants were rarely present in actors' intuitive understandings of migration dynamics which I argue contributes to their needs and interests being overlooked in policy-making. When women are spoken of in relation to migration, I encountered powerful narratives of female migrants generally, and MDWs specifically, as victims of abuse and exploitation who are in need of protection. However, in Malaysia we can see a decoupling between talk, decisions and actions. While the government seeks to portray their seriousness towards “ensuring [that] the welfare, rights and protection of foreign domestic helpers be given top priority”²⁹² (Sivanandam and Kaos Jr, 2017), this ‘talk’ is not coupled with the implementation of policy actions which actually provide tangible protections to MDWs during the migration and employment processes.

Instead, in terms of actions, what we see is: i) the establishment of bilateral agreements which are seen as weak mechanisms which ‘do nothing’ to actually protect the worker (see Chapter 7), ii)

²⁹¹ See Chapter 5 for an analysis of the constitution of Malaysia's governance system and how actors' interactions.

²⁹² Quote from Labour Minister at the launch of the *Guidelines and Tips for Employers of Foreign Domestic Helpers*.

the creation of guidelines for MDWs' employers, which employers will likely not read, and iii) the possibility of implementing direct hiring for domestic workers, a move which is being driven by reducing costs for Malaysian households but which some actors fear may place MDWs in more harm. The exception to this 'inaction' is the case of trafficking which Malaysia has implemented policies on, primarily due to international pressure, namely from the US State Department. However, even here, some interviewees argue that Malaysia's anti-trafficking measures do not actually provide protections but instead seek to primarily punish traffickers. As it stands, Malaysia's governance system consigns MDWs to face risks and abuses. I would argue that situations like the death of Adelina Lisao, are not just a terrible tragedy but also the outcome of governance.

There may be multiple barriers to implementing policy actions to tackle the exploitation of MDWs in Malaysia. On the one hand, it may be that decision-makers are hesitant to implement policy actions as when actions have been taken in the past, they had unintended consequences which have made actors wary of other unintended effects of policies. For example, when the ILO lobbied for domestic worker migration to be managed by the private migration industry in order to provide protection to the female workers, many actors believe that this has resulted in female migrants being exploited even further. Similarly, Indonesia's use of travel bans in response to situations when their female citizens have been abused in Malaysia's domestic work sector were seen as actually pushing female workers to migrate using undocumented channels, leaving them susceptible to further exploitation so this does little to tackle the root causes of MDWs' abuse.

On the other hand, while the rhetoric persists among certain interviewees that the government does not care about MDWs being abused within Malaysian households, this may not be the case. Government actors may believe that an issue needs action, but they will also take into consideration their own position. This is because actors are employed in organisations where they could lose their jobs. Therefore, actors do not just think of the issues, but also of their own job security. For example, officials within Malaysia's Labour Ministry may actually agree that issues of MDW abuse would be minimised if workers were granted labour rights and if labour inspectors were granted permission to access Malaysian households, but that does not mean that these policies will be implemented. This is because if a politician enacted a policy to grant labour inspectors access to Malaysian households, this may mean that they lose their seat in the next election as the policy would be unpopular with the electorate who hire MDWs. Instead, a government official may opt for a weaker approach, such as agreeing to the creation of guidelines for MDWs' employers.

Malaysia is not alone in policy inaction with regards to female migration. Some interviewees observed that certain countries within Southeast Asia respond differently to issues of abuse depending on the gender of the victim. Some interviewees observe that there is a difference between how a state responds to situations of forced labour and trafficking when it involves male migrants compared to female migrants:

“It’s pure sexism. We’ve seen the reaction from the Thai government when you see slavery and trafficking happening in the fishing industry, you have a policy response that puts in place labour protections but when you see slavery and trafficking happening in the domestic work sector you apparently don’t... I mean really it’s related to values of work” (Official, International Organisation, Female, May 2018).

When female migrants, especially domestic workers, experience exploitation working in Malaysia, this is not met with the implementation of labour protections or changes to their living and working conditions. Instead, the primary policy response is for sending countries²⁹³ to implement travel bans which interviewees argued “often heightens risks and curtails women’s rights” (Hennebry and Petrozziello, 2019; 116-117), and does little to challenge the source of the discrimination and exploitation that female migrants experience. Whereas when male migrants in the fishing industry have experienced similar abuses, there have been incidences where governments such as Thailand, have pressed for labour protections for male migrants. This observation has been echoed by the ILO who note that when action is taken in the region to combat the exploitation of male migrant workers, this usually takes the form of negotiations for improved conditions. However, when female migrant workers experience exploitation abroad, this results in both labour-sending and receiving countries placing bans or restrictions on female labour migration (ILO and UN Women, 2017; xii).

9.6 Conclusion

This chapter has explored the relationships between understandings, actions and inactions. This thesis argues that while women are generally overlooked in discussions about migration, the dominant narrative that exists associates female labour migration, especially MDWs, with exploitation. However, this does not drive policy actions to tackle this exploitation. When faced with situations where their female citizens have been abused overseas, the Philippines has enacted measures to improve their overall governance system, from the pre-departure training that they provide, to rigid monitoring mechanisms during the migration and employment process. Whereas

²⁹³ The notable exception being the Philippines, see Section 9.2.

Indonesia, when faced with similar situations where their female citizens are being abused, acts in a reactive way, by implementing travel bans and restrictions.

This chapter has highlighted current actions to empower migrant workers, such as the rollout of the Recruitment Advisor Platform. However, while empowering migrant workers to make informed decisions during the migration process is understood to be a benefit, there exists potential barriers to workers' ability to access the platform, both due to issues with literacy and barriers to digital infrastructure. The rollout of initiatives to empower migrants, while positive, is not enough as it overlooks the fact that "migrants currently have limited ability to control whether they have a positive or negative migration experience, regardless of the decisions they make" (Harkins et al., 2017; xxi).

The existence of narratives of abuse and exploitation relating to female migration are seen as driving some anti-trafficking policies across Southeast Asia, and in Malaysia. However, this chapter has highlighted that these policies are problematic. There exists the perception amongst actors that female migrants, especially in sex work and in domestic work, are more likely to be victims of trafficking. This framing stems from the phrasing in the UN Trafficking Protocol and in the US TIP report and leads to situations where governments focus on certain forms of trafficking, overlooking others. However, while the policies in place may appear to be overly protective of women, they are reportedly either being misapplied or lack substance. For example, Malaysia places a greater emphasis on prosecutions and not on victim protection, or granting rights to victims, leading some actors to classify these efforts as "cosmetic". It is also problematic that countries in the region seem to respond differently to issues of abuse depending on the gender of the victim, with governments acting to counter the exploitation of male migrant workers by negotiating better working conditions and protections, while opting to restrict women's labour migration when female migrants are abused.

So, what action is required to tackle the exploitation of migrant workers, especially MDWs in Malaysia? The ILO (2017) conducted a study which found that key factor for improving migrant workers' experiences in Southeast Asia is to ensure that all workers can access basic labour rights such as a minimum wage (Harkins et al., 2017). The onus rests on labour receiving states to implement this and for sending countries to continue to lobby for this. As it currently stands, not all migrant workers in Malaysia have basic rights and protections which is especially the case for women employed in the domestic work sector. While initiatives such as the launch of the guidelines are a positive step, the fact that these guidelines are not supported with legal protection or enforcement measures minimises the likelihood that employers would adhere to them, therefore casting doubt on the country's commitment to ensuring the welfare of female MDWs.

Chapter 10: Conclusion

10.1 Gender-Biased Ideas Permeate Governance

This study was premised on the idea that, in order to understand governance, there is a need to explore the perspectives of the actors in the governance system that make, or seek to shape, policy. This thesis developed an investigation to look “inside” Malaysia’s migration governance processes to investigate to what extent, and in what ways, ideas and understandings of gender permeate processes relating to domestic worker migration. By doing so, this thesis has built upon existing contributions and brought in perspectives from disciplines that are not typically applied to migration studies and thus is distinct and innovative. The conceptual framework that was developed combined framing analysis with theories of sense-making and the analytical concept of ‘gender knowledge’ to explore how actors identify “what is going on out there” and “what should be done about it”. This issue warranted examination in relation to domestic work as it is the lowest paid, the least protected and the most marginalised work in Malaysia with a high rate of incidences of labour abuses. However, we lacked insight into how various actors conceptualise and act upon domestic worker migration. The unique understanding of governance developed in this thesis bridges the role of policy-relevant actors’ ideas and actions (and how these ideas/actions are formed) with concerns about private power, gendered power relations, migrant workers’ lives, labour conditions and migration experiences. There is intrinsic value in shedding light on actors’ understandings as these have been overlooked in the literature on governance so this is the main contribution made by this thesis.

This thesis argues that various actors’ intuitive understandings about migration are shaped by ideas about gender, and that these have powerful effects on the governance processes for domestic worker migration and on the ways in which this type of migration is categorised and responded to. First and foremost, in actors’ intuitive understandings of labour migration, female migration and domestic worker migration rarely seemed to feature despite female migrant domestic workers (MDWs) dominating the media headlines in Malaysia in the early stages of fieldwork following the death of Adelina Lisao.

A key finding is that female migration is not at the forefront of state actors’ agendas and that women’s needs are overlooked in the migration policy-making processes, which largely centre upon controlling male migration. While MDWs contribute to Malaysia’s development by enabling Malaysian women to work outside of the home, domestic worker migration continues to be overlooked compared to categories of male migration, which are deemed as more economically

valuable. Gender-biased ideas have created a hierarchy in which the work that MDWs do inside the private home is largely invisible to the Malaysian public (and to policy-makers), it is not recognised and remains devalued as it would have been traditionally performed by female family members for no remuneration. I argue that, in addition to tacit ideas about gender, actors' understandings of domestic worker migration are also informed by ideas about class, race, ethnicity, and nationality whereby the sector remains understood as “‘dirty work’ left for servants or ‘outsiders’ to undertake” (Briones, 2009; 40-41). This contributes to an environment where MDWs are not seen valuable workers deserving of protection but are instead constructed as “lesser human beings” whose plight remains irrelevant.

I argue that gender-biased ideas have produced a system in which MDWs are not categorised as “workers”, they are not covered by labour law, and they continue to face legal, political, social and economic discriminations in Malaysia. Their wellbeing has not garnered significant public support, despite the role of CSOs and the media in highlighting cases of abuse, and Malaysia's legal system does not take MDWs' abuse and exploitation seriously. So, despite the presence of powerful narratives in this study that construct female MDWs as “victims” who are in need of protection, this has not led to Malaysia implementing policy actions which actually provide concrete protections to women during the migration and employment processes. Human rights violations against women in Malaysia's domestic work sector are not acted on which I argue is related to the lower social and economic values placed on migrant women's labour.

While the Malaysian government states that it is committed to “ensuring [that] the welfare, rights and protection of foreign domestic helpers be given top priority”²⁹⁴ (Sivanandam and Kaos Jr, 2017), this ‘talk’ is not coupled with the implementation of provisions which actually provide tangible labour rights and protections to MDWs. Although they are now called “helpers” in official discourse, the Malaysian government is unwilling to amend the terminology in the Employment Act 1955 which deems domestic workers as “servants” because, as one interviewee explained, “once you put them as ‘workers’ then they are eligible for all the benefits which [the government] don't want domestic workers to enjoy” (Regional Coordinator, Regional Organisation, Female, March 2018). As such, MDWs remain consigned to risks and abuses.

In Malaysia, while there are less easily observable processes within the governance system, I argue that implicit and explicit knowledge and ideas about gender permeates Malaysia's migration governance processes and shapes policy actions and inactions in relation to female migration and domestic work. Malaysia has constructed a system in which MDWs are closely

²⁹⁴ Quote from the Labour Minister in 2017 at the launch of the *Guidelines and Tips for Employers of Foreign Domestic Helpers*.

monitored and controlled, are often not allowed rest days, are often not paid salaries, are unable to organise, and cannot join trade unions. When cases of abuse have been tried in Malaysia's judicial system, the sentencing for abusive employers has been extremely lenient (or non-existent). As such, I argue that the death of Indonesian domestic worker Adelina Lisao in Penang in February 2018 was not just a terrible tragedy but also an effect of gender-biased governance processes which not only undervalue MDWs but actively denies them human rights and labour rights.

10.2 The Gendered Governance of Labour Migration in Malaysia

This thesis highlighted the dynamics within Malaysia's governance system for labour migration and found that female migrants are largely excluded from the discourse surrounding labour migration in Malaysia. While there are multiple state and non-state actors working across the local, national, regional and international levels who are involved in the governance system, migration policy-making remains excessively shaped by the preferences of the state and involves a limited number of elite, primarily male actors operating in quite a closed setting. Malaysia's Home Ministry is the primary decision-maker on labour migration policies and is responsible for policy creation, implementation and enforcement and want to be insulated and to actively avoid consultation (and criticism) from non-state actors. Conversely, I found that NGOs in Malaysia and across Southeast Asia, which tend to be more female-dominated, have the highest number of interactions with other actors in the governance network yet they have a limited capacity to engage with national policy makers and influence Malaysia's policy-making mechanisms. This closed policy setting prevents CSOs, especially migrant rights' NGOs, women's and domestic workers' organisations from engaging which prevents alternative narratives and ideas about migration and issues surrounding female labour from getting on to the policy agenda. I argue that this results in the governance processes being permeated by gender-biased ideas based upon masculine norms and expectations (see Chappell, 2013) which silences the needs and experiences of female migrants (see Hawkesworth, 1994, 2005).

In analysing how actors try to make sense of the environment in which they operate, this thesis found that a relatively chaotic policy environment exists in Malaysia. Most policy environments are complex but what renders Malaysia's as "chaotic" is that there are less easily observable processes within the governance system and these are difficult to interpret. There is a discrepancy between the statements made by the government and their actions, for example, the government may state that they a reduction in immigration numbers but, at the same time, overlook influxes of Indonesian Muslim migrants who help to bolster the country's ethnic Malay and Muslim majority (Case; 2013; 55). This thesis found evidence of decoupling between discussions, policy

and practice and highlighted the ways in which interviewees struggled to make sense of the policy shifts and reversals that have taken place over the years in Malaysia, with corruption posing a key impediment for actors when trying to make sense of migration processes.

Within this chaotic policy setting, actors hold powerful frames that attribute different characteristics to different migrants, sectors and nationalities. These frames have a strong gendered dimension. For example, labour intensive sectors were understood as “male-oriented” while housework and caring duties framed as “female-oriented” and undervalued. Many interviewees believed that women could not enter the same sectors as male migrants in Malaysia which, according to policy, is not the case. This thesis underlined the highly symbolic and stereotypical understandings of femininity and masculinity that actors revealed in their constructions of the narratives surrounding male and female migration. Male migrants are perceived by certain actors (namely among government officials, some trade unionists, and employers’ representatives) as dominating public spaces and inciting “fear” among the general population due to the perceived link between these workers, criminal acts, violence and the spread of disease. For some actors, the perceived negative social impacts of male migration were given more weight in how they frame the consequences of migration. However, this narrative has done little to suppress the reliance on male migrant workers to support the key economic sectors of construction, plantation, manufacturing and agriculture.

These narratives of “threats” were not widespread for female migrants and women were not present in the narratives surrounding the financial benefits of migration, shedding light on how women’s labour is understood as being of less value to Malaysia as a whole. In general, women were perceived as less likely to be able to access migration opportunities, were seen as having a limited capacity to make their own decisions and were understood as lacking autonomy as they have to seek permission to move overseas from male family members, a barrier which exists in order to “protect” women. However, despite these barriers, women were portrayed as wanting to migrate in order to “sacrifice” themselves, due to feeling a larger sense of responsibility to provide for their family, with state discourses of “heroism” and “good mothers” driving domestic worker migration. The gendered moral discourse surrounding sacrifice is problematic because, as Lai (2011) and Tyldum (2015) highlight, it emphasises the impacts of women’s absence as opposed to women’s agency and it overlooks women’s other motivations for moving overseas. Furthermore, as Chan (2014) adds, an emphasis on suffering and sacrifice may prevent women “from learning about and exercising their rights to decent working and living conditions” (2014; 6953-6954).

The dominant script which actors adopt when discussing Malaysia's domestic work sector, and those employed in it, is that female MDWs are vulnerable victims in need of protection²⁹⁵. During each stage of the migration and employment process, MDWs are portrayed as victims who are being systematically exploited by their family, by recruitment agencies whose roles blur with that of human traffickers, and by their employers. MDWs are understood as powerless and stay silent when faced with abuse, a silence which is seen as being reinforced by cultural and religious norms. However, I found that prevailing narratives of victimisation and the need to protect and save women, do little to change the plight of MDWs in Malaysia. In fact, I would argue that the framing of MDWs as victims could even serve to shift the blame for MDWs' migration and employment experiences solely onto the actions of the migration industry and employers, while overlooking the role that the Malaysian state continues to play in perpetuating abuse and exploitation against MDWs.

10.3 Policy Implications and Future Research Agenda

10.3.1 Gendered Policy Actions

Within Malaysia's migration policy-making setting, there exists competing interests within the governance system and there is evidence of a decoupling between what people say, the decisions that are made, and what policies are implemented. This thesis argues that various actors' instinctive understandings about migration, which are shaped by implicit and explicit ideas about gender, have powerful effects how policy decisions are made, or not made. This thesis shed light on the existence of powerful narratives of female migration being associated with victimisation and exploitation in Malaysia yet highlighted that these narratives have not led to Malaysia implementing policies which tackle the reasons why women are exploited and abused during the migration and employment processes.

While a clear limitation of this study is that I was unable to engage a high number of government officials, I included the perspectives of a number of actors who interact with the government, to different extents, on labour migration issues. I was then able to combine these perspectives with the documented policy measures that have been implemented and government statements that have been issued, to get a sense of the policy-making dynamics. I argue that Malaysia's elite closed policy setting prevents key issues surrounding female migrants and the domestic work sector from getting on to the policy agenda. Instead, there appears to be three key factors that

²⁹⁵ The actors who framed MDWs in these ways included men and women who worked across the local, national, regional and international levels, including national governmental actors, officials within regional and international organisations, employers' organisations, trade unions, some NGOs, journalists, and some embassy officials.

drive Malaysia's policy actions with regards to labour migration: businesses' needs; Malaysian public opinion, and; money-making. I argue that each of these drivers is centred upon specific gendered ideologies which centre upon discourse of both the profitability of male migration, and the threat of male migration.

Firstly, when businesses demand more workers, the Malaysian government increases labour importation as the country relies on foreign labour for its most profitable sectors: agriculture, plantations, manufacturing and construction. Therefore, the need to keep employers on side, and to prevent companies from moving elsewhere, has shaped how migration policy has been formed over the years. However, it should be noted that in the narratives of the profitability of the sectors which rely on foreign labour, these are all framed as male-dominated sectors. Secondly, the government is understood as being compelled to act (or to be seen to be acting) when pressured to do so by the public. For example, the public have demanded that the Malaysian government act to reduce the amount of migrant workers because of the perceived social and economic impacts of their presence in society. These include fears of male migration being associated with criminality and the spread of disease, in addition to the narrative that "migrant workers are stealing local workers' jobs"²⁹⁶. When the public demands decreased immigration, the government may respond with securitisation measures which include immigration raids, detention and deportations. These narratives are not gender neutral as they are centred upon specific frames of male migration and its effects and overlook the need to protect male migrant workers from exploitation in Malaysia. The final key factor which drives Malaysia's migration policy actions, is corruption and the lucrative profits to be made from importing (mainly male) workers. This thesis found that corruption is understood to be pervasive in the governance system with some decision-makers framed as corrupt, or corruptible.

The measures that Malaysia has implemented in relation to female migration often pay lip-service to 'protection' but do nothing to tackle the structural factors that perpetuate exploitation, specifically the lack of labour rights and migrant women's inability to access justice for human rights' violations. For example, the negotiated MoUs for managing domestic worker migration 'do nothing' to actually protect the worker, and are non-binding so depend on the willingness of sending and receiving countries to comply. The creation of *Guidelines for the Employers of Domestic Workers* is another weak mechanism as there is no incentive for employers to read the guidelines which are not supported with legal provisions or enforcement measures, so employers are not compelled to adhere to them. These guidelines also fall far short of providing MDWs with

²⁹⁶ Although, it should be added that the government will also strategically use securitisation rhetoric and build on the public's fear to ensure the public that they have immigration "under control".

labour rights. Finally, while the role of recruitment agencies and labour brokers were framed as being more harmful to female migrants who are seen as more likely to be “tricked” by these agencies, the possibility of implementing direct hiring for MDWs was also seen as problematic as a lack of overall monitoring of the recruitment process may place MDWs in worse harm²⁹⁷.

Despite the existence of powerful frames of female migrants as victims of abuse and exploitation who are in need of protection, Malaysia has not implemented policy actions which actually provide rights or protections to female migrants and MDWs continue to be discriminated against in law, policy and practice. When issues of domestic worker abuse in Malaysia have been taken seriously, this has primarily been done by sending countries and even then, it was domestic outrage and protests that compelled sending countries to act. For Indonesia, this has led to a specific type of policy response in order to ‘protect’ MDWs, namely the implementation of gendered migration bans and restrictions. However, in terms of MDWs’ wellbeing, these bans frequently “heighten[] risks and curtails women’s rights” (Hennebry and Petrozziello, 2019; 116-117), and do little to challenge the source of the discrimination and exploitation that MDWs experience. In comparison, the Philippines implemented a robust governance system for domestic worker out-migration, which is seen as actively protecting the rights of their citizens overseas.

MDWs in Malaysia are abused and exploited because of a combination of policies, practices, norms and attitudes. It may be that decision-makers are hesitant to implement policy actions as when actions have been taken in the past, they had unintended consequences which have made actors wary of other unintended effects of policies. As MDWs’ employers are private Malaysian citizens, this presents the most significant barrier to policy action. In weighing up the needs of Malaysian households versus the needs of MDWs, government actors will give priority to their own citizens and would be hesitant to implement measures which may prove unpopular with the electorate.

Malaysia’s aforementioned initiatives regarding domestic worker migration are inadequate and overlook key structural factors that directly lead to the abuse and exploitation of MDWs in Malaysia. In order to reduce incidences of abuse, MDWs need to be granted labour rights and need for their work to be considered as “work”. The location of their employment must be regarded as a workplace which is liable to labour inspections. The 1955 Employment Act needs to be amended with the term “domestic servants” removed and replaced with the term “domestic workers”. The rights of MDWs in Malaysia should be enshrined in Malaysian employment law, not be dependent upon different bilateral agreements whereby MDWs from different countries

²⁹⁷ Importantly, the Philippine government state that they will no longer permit their female citizens to enter Malaysia’s domestic work sector if there are no agencies.

can be treated completely differently by Malaysian employers. Furthermore, Malaysia needs to implement provisions which enable MDWs to join trade unions, to form their own associations, and to access justice for labour rights' and human rights' violations. Most importantly, these measures need to be enforced, labour inspections need to be carried out and employers must be compelled to adhere to the law.

“You need room for improvement to close the gap. But the most important thing is enforcement and implementation. How effective is the implementation there? There is nobody to monitor how much they implement it, how much enforcement they have done, nobody. You need a body to monitor the whole thing” (Official, Government Institution, Female, March 2018).

“What we are fighting for is a Comprehensive National Policy on labour migration as we don't have that. That is absent. If we only had this policy in place then we will do away with all the abuses, migration will be regulated, they will be monitored, and we'll definitely do away with abuses and everything else” (Regional Coordinator, Regional Organisation, Female, March 2018).

There is the potential for labour migration to lead to MDWs' economic and social empowerment and, as women return to their home countries with economic and social capital and experience, they are in a position to spur social change. However, as Holliday *et al.* (2019; 2552) underline, until there is a systematic change in the way in which migration and labour is understood and governed, such positive outcomes will be unable to be realised. The issues that surround the abuse and exploitation of domestic workers will only be solved when the Malaysian government implements policy changes and when there is an accompanying attitudinal shift.

10.3.2 Looking Ahead: Implications for Future Research

Domestic worker migration continues to be an area of human rights and labour abuses and remains a contentious issue between Malaysia and key sending countries like Indonesia. There are five main areas that I suggest as potential avenues for future research. Firstly, the perspectives of an increased number of government officials should be included, as this was the category that I struggled to engage with as part of this research. In particular, given that a new government took office in May 2018, it would be beneficial to get their perspectives and to analyse in what ways (if any) migration governance processes have changed, or are planned to change.

Secondly, there is a need for further research that encompasses a range of Indonesian government actors. Given that Indonesia is the largest sender of MDWs to Malaysia and that its citizens have been affected in many of the domestic worker abuse cases, there is a need to investigate the perspective of Indonesian government officials and policy-makers. This is vital as, unlike the

Philippines, Indonesia has not implemented a governance system which ensures the wellbeing of its citizens overseas. It would be pertinent to shed light on what is driving Indonesia's inactions. Why is the country not implementing a governance system which seeks to protect their female citizens employed as domestic workers overseas? Is the key barrier that Indonesia is unwilling to sign ILO Convention no. 189 on Decent Work for Domestic Workers and provide protection to their domestic workers locally? A third area for further exploration is the role that international organisations, primarily the International Labour Organisation, broadly play in the governance of labour migration in Southeast Asia. This was touched on in this study but it warrants further examination.

This research also has implications for the ways in which we think about the public and how migration governance operates. The governance of migration in Malaysia is a relatively closed, relatively technical and elitist environment and the representations of migration that are present in Malaysia's policy-making setting are often quite negative. There may be lessons here for thinking about different ways in which the Malaysian government could engage with a range of non-state actors and with the Malaysian population more generally about migration issues. Increased engagement with a wider array of actors may shift the narrative on migration and could serve to get a broader range of migration issues and different ideas and perspectives on to the policy agenda, especially those affecting female migrants and domestic workers.

Finally, while this study found that migrant workers in Malaysia are not involved in shaping migration governance as they are the objects of policy rather than participants in the process, there is still a need to shed further light on the understandings of MDWs themselves. Given the dominant narratives of MDWs as naïve victims who lack agency, alongside stories that male migrant workers are involved in criminal activities, there is a need to conduct future research examining the migration and employment experiences of male and female migrant workers in Malaysia.

References

- Abdul Razzaq, S. H. 2012. Discourse Analysis of the Representation of Migrant Workers in the Star Online Newspaper. *Asian Journal of Humanities and Social Sciences (AJHSS)*, Vol. 1(3), pp. 114-131.
- Abella, M. 2008. *ILO Asian Regional Programme on Governance of Labour Migration*. PECC-ABAC Conference on Demographic Change and International Labor Mobility in the Asia Pacific Region: Implications for Business and Cooperation, Seoul, Korea, 25-36 March 2008.
- Abercrombie, H., Hill, S. and Turner, B. S. 1984. *Penguin Dictionary of Sociology*. Penguin: Harmondsworth.
- Abraham, S. J. 1999. *National identity and ethnicity: Malaysian perspectives*. Paper presented at the 2nd International Malaysian Studies Conference, University of Malaya, Kuala Lumpur, Malaysia, August 2-4 199.
- Acharya, A. 2001. *Constructing a Security Community in Southeast Asia: ASEAN and the problem of Regional Order*. London: Routledge
- Acharya, A. 2004. How Ideas Spread: Whose Norms Matter? Norm Localisation and Institutional Change in Asian Regionalism. *International Organisation*, Vol. 58(2), pp. 239-275.
- Acker, J. 1992. From sex roles to gendered institutions. *Contemporary Sociology*, Vol. 27(5), pp. 565-569.
- Adi, R. 2003. Irregular Migration from Indonesia. In G. Battistella and M. B. Asis (eds.), *Unauthorised Migration in Southeast Asia*, pp. 129-186. Quezon City: Scalabrini Migration Centre.
- Agustin, L. 2003. A Migrant World of Services. *Social Politics*, Vol. 10(3), Fall 2003, pp. 377-396.
- Agustin, L. 2007. *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*. London: Zed Books.
- Ah Lek, P. 2016. The dilemma of having foreign workers in Malaysia, *The Straits Times*, 17th September [Online]. Available at: <http://www.straitstimes.com/opinion/the-dilemma-of-having-foreign-workers-in-malaysia>
- Al Jazeera. 2017. 'Malaysia's Migrant Money Trail', *Al Jazeera*, 20th July [Online]. Available to watch at: <https://www.aljazeera.com/programmes/101east/2017/07/malaysia-migrant-money-trail-170720110403155.html>
- Alexander, S. A. J. 2011. *M/othering the Nation: Women's Bodies as Nationalist Trope in Edwidge Danticat's "Breath, Eyes, Memory"*. John Hopkins University Press.
- Allport, A. 1985. The historical background of social psychology. In G. Lindzey and E. Aronson (eds.), *Handbook of social psychology*, Vol. 1. Third Edition, pp. 1-46. New York: Random House.
- Amnesty International. 2010. *Trapped: The Exploitation of Migrant Workers in Malaysia*. London: Amnesty International Publications.
- Anderson, B. 2000. *Doing the dirty work? The Global Politics of Domestic Labour*. London: Zed Books.
- Anderson, B. 2006. *A very private business: migration and domestic work*. Working Paper No. 28. Oxford: Centre on Migration, Policy and Society, University of Oxford.
- Anderson, B. 2017. *Worker, helper, auntie, maid? Working conditions and attitudes experiences by migrant domestic workers in Thailand and Malaysia*. International Labour Organisation, Regional Office for Asia and the Pacific. Bangkok: ILO, 2016.
- Andresen, S., Dolling, I., Kimmerle, C. 2003. *Verwaltungsmodernisierung und soziale Praxis. Geschlechter-Wissen and Organisationsver-standnis von Reformakteuren* [Administrative modernization and social practice. Gender knowledge and organizational understanding of reform actors]. Opladen: Leske + Budrich.
- Andrijasevic, R. 2007. Beautiful dead bodies: Gender, migration and representation in anti-trafficking campaigns. *Feminist Review*, 86, 24-44.
- Angeli Sabillo, K. 2015. 'How distressed overseas Filipino workers in Malaysia find their way home', *The Jakarta Post*, 24th June [Online]. Available at: <https://www.thejakartapost.com/news/2015/06/24/how-distressed-overseas-filipino-workers-malaysia-find-their-way-home.html>
- Anthias, F. and Yuval-Davis, N. (eds.) 1989. *Woman-Nation-State*. The Macmillan Press, Houndsmills, Basingstoke, Hampshire.
- Aradau, C. 2004. Security and the democratic scene: Desecuritisation and emancipation. *Journal of International Relations and Development*, Vol. 7, pp. 388-413.

- Arat-Koc, S. 1989. In the Privacy of Our Own Homes: Foreign Domestic Workers as a Solution to the Crisis in the Domestic Sphere in Canada. *Studies in Political Economy*, Vol. 28, pp. 33-58.
- Arisman and Ratnawati Kusuma, J. 2018. Protection of Human Rights and Labour Migration for Employment Purpose Across ASEAN. Center for Southeast Asian Studies. Jakarta: CSEAS, 2018.
- Asia Pacific Migration Network. 2011. *MoU between Government of the Republic of Indonesia and the Government of Malaysia on the Recruitment and Placement of Indonesian Domestic Workers* [Online]. Available here: <http://apmigration.ilo.org/resources/mou-between-government-of-the-republic-of-indonesia-and-the-government-of-malaysia-on-the-recruitment-and-placement-of-indonesian-domestic-workers>
- Asian Development Bank (ADB). 2018. *Migration and Remittances for Development in Asia. Co-publication of the Asian Development Bank and the World Bank*. May 2018. Available at: <https://www.adb.org/sites/default/files/publication/419611/migration-remittances-development-asia.pdf>
- Asian Development Bank Institute (ADBI) and the Organisation for Economic Co-operation and Development (OECD). 2013. *Managing Migration to Support Inclusive and Sustainable Growth*. Tokyo, Japan: ADBI. Paris, France: OECD. Available at: <https://www.oecd.org/els/mig/managing-migration-sustainable-growth.pdf>
- Asian Development Bank Institute (ADBI). 2018. *Labour Migration in Asia: Increasing the Development of Migration through Finance and Technology*. Available at: <http://www.oecd.org/migration/mig/ADBI-Labor-MigrationJan-2018.pdf>
- Asis, M. M. B. 2005. Gender Dimensions of Labour Migration in Asia. *High-level panel on 'The Gender Dimensions of International Migration'*. Commission on the Status of Women, 50th Session, New York, 27 February – 10th March 2006. Available at: <http://www.un.org/womenwatch/daw/csw/csw50/statements/CSW%20HLP%20Maruja%20MB%20AAsis.pdf>
- Asis, M. M. B. and Huang, S. and Yeoh, B. S. A. 2004. When the light of the home is abroad: unskilled female migration and the Filipino family. *Singapore Journal of Tropical Geography*, Vol. 25(2), pp. 198-215.
- Australian Department of Foreign Affairs and Trade (DFAT). 2018. *DFAT Country Information Report Malaysia*. April 2018. Version 2. Available at: <https://dfat.gov.au/about-us/publications/Documents/country-information-report-malaysia.pdf>
- Babulal, V., and Abdul Karim, L. A. 2018. M'sia to sing MoU on labour supply with 3 countries. *New Straits Times*, 28th November [Online]. Available at: <https://www.nst.com.my/news/nation/2018/11/435292/msia-sign-mou-labour-supply-3-countries>
- Balch, A. and Balabanova, E. 2011. A system in chaos? Knowledge and sense-making on immigration policy in public debates. *Media, Culture & Society*, Vol. 33(6), pp. 885-904.
- Bank of Indonesia. 2009. *Report on National Survey of Remittance Patterns of Indonesian Migrant Workers 2008*, Jakarta: Directorate of Economic and Monetary Statistics.
- Barber, P. G. 2000. Agency in Philippine Women's Labour Migration and Provisional Diaspora. *Women's Studies International Forum*, Vol. 23(4), pp. 399-411.
- Barnett, M., and Duvall, R. 2005. Power in Global Governance. In: Barnett M, Duvall R (eds). *Power in global governance*. New York: Cambridge University Press; 2005. Chapter 1, pp. 1–32.
- Baron, J. N., and Newman, A. E. 1990. For What It's Worth: Organisations, Occupations and the Value of Work Done by Women and Nonwhites. *American Sociological Review*, Vol. 55 (2), April 1990, pp. 155-175.
- Barracrough, S. 1985. Barisan Nasional Dominance and Opposition Fragmentation: The Failure of Attempts to Create Opposition Cooperation in the Malaysian Party System. *Asian Profile*, Vol. 13(1).
- Bastia, T. 2011. Migration as protest? Negotiating gender, class and ethnicity in urban Bolivia. *Environment and Planning A*, 43, pp. 1514-1529.
- Bastia, T. 2012. 'I am going, with or without you': Autonomy in Bolivian transnational migrations. *Gender, Place & Culture*, pp. 1-18.
- Bastia, T. 2014. Intersectionality, migration and development. *Progress in Development Studies*, Vol. 14(3), pp. 237-248.
- Baumgartner, F. R. and Jones, B. D. 1991. Agenda Dynamics and Policy Subsystems. *The Journal of Politics*, Vol. 53(4), November 1991, pp. 1044-1074.
- Bazeley, P. 2013. *Qualitative Data Analysis: Practical Strategies*. London: Sage.
- BBC News. 2015. 'US criticised for taking Malaysia off trafficking blacklist', *BBC News*, 15th July [Online]. Available at: <https://www.bbc.co.uk/news/world-asia-33685073>

- BBC News. 2015a. 'Malaysia finds 'migrant' mass graves near Thai border', *BBC News*, 24th May [Online]. Available at: <https://www.bbc.co.uk/news/world-asia-32863514>
- BBC News. 2018. 'Maid dies in Malaysia after being left to "sleep outside with dog"', *BBC News*, 14th February [Online]. Available at: <https://www.bbc.co.uk/news/world-asia-43049684>
- Beauregard, R. A. and Pierre, J. 2000. Disputing the global: a sceptical view of locality-based international initiatives. *Policy and Politics*, Vol. 28 (4), pp. 465–78.
- Beckwith, K. 2001. Gender frames and collective action: Configurations of masculinity in the Pittson Coal Strike. *Politics and Society*, Vol. 29(2), 297-330.
- Beckwith, K. 2005. A common language of gender? *Politics and Gender*, Vol. 1(1), pp. 128-137.
- Beckwith, K. 2010. Introduction: Comparative Politics and the Logics of a Comparative Politics of Gender. *Perspectives on Politics*, Vol. 8(1), pp. 159-168
- Bélangier, D. and Rahman, N. 2013. Migrating against all the odds: international labour migration of Bangladeshi women. *Current Sociology*, Vol. 61(3), pp. 356-373.
- Benford, R. D. and Snow, D. A. 2000. Framing Processes and Social Movements: An Overview and Assessment. *Annual Review of Sociology*, Vol. 26, pp. 611-639.
- Berelowitz, J. 2001. A Journey Shared: Ursula Biemann's been there and back to nowhere: Gender in transnational spaces. *Genders*, Vol. 33, pp. 1-7.
- Berger, T. U. 2003. Power and Purpose in Pacific East Asia. In: G. J. Ikenberry and M. Mastanduno (eds.), *International Relations Theory and the Asia-Pacific*. New York: Columbia University Press.
- Betts, A, and Kainz, L. 2017. *The history of global migration governance*. Background Paper for Global Compact for Safe, Orderly and Regular Migration. RSC Working Paper Series No. 122, July 2017. Refugee Studies Centre, University of Oxford.
- Betts, A. 2008. *Global Migration Governance*. *Global Economic Governance*, Working Paper, WP 43. Available at: <https://www.econstor.eu/bitstream/10419/196305/1/GEG-WP-043.pdf>
- Betts, A. (ed.) 2011. *Global Migration Governance*. Oxford: Oxford University Press.
- Bevir, M. and Rhodes, R. 2003. *Governance Stories*. London: Routledge.
- Bhaskar, R. 1975. *A Realist Theory of Science*. Hassocks, England: Harvester Press.
- Bhaskar, R. 1998. *The Possibility of Naturalism*. London: Routledge.
- Bhattacharyya, G. 2008. *Dangerous Brown Men: Exploiting Sex, Violence and Terrorism in the War on Terror*. London: Zed Books.
- Bigo, D. 2001. Migration and Security. In: C. Joppke and V. Guiraudon (eds.), *Controlling a New Migration World*. London: Routledge.
- Bjerén, G. 1997. Gender and reproduction. In: T. Hammar et al. (eds.), *International migration, immobility and development. Multidisciplinary perspectives*. Oxford: Berg.
- Black, R. Adger, W.N, Arnell, N., Dercon, S., Geddes, A. and Thomas, D. 2011. The effect of environmental change on human migration. *Global Environmental Change*, Vol. 21(1), pp. 3-11.
- Blackwood, E. 2005. Gender Transgression in Colonial and Postcolonial Indonesia. *The Journal of Asian Studies*, Ann Arbor, Vol. 64 (4), pp. 849-879.
- Bleiker, R and Hutchison, E. 2007. *Understanding emotions in world politics: reflections on method*. Working Paper Series 2007/05. Canberra: Department of International Relations, Research School of Pacific and Asian Studies, Australian National University.
- Blofield, M. and Haas, L. 2013. Policy Outputs. In: G. Waylen, G., L. Celis, S. Kantola and L. Weldon, (eds.), *The Oxford Handbook of Gender and Politics*, Chapter 8, pp. 703-726. Oxford: Oxford University Press.
- Bonacich, P. 1987. Power and Centrality: A Family of Measures. *American Journal of Sociology*, Vol. 92(5), March 1987, pp. 1170-1182.
- Boris, E., and Fish, J. N. 2014. "Slaves No More": Making Global Labour Standards for Domestic Workers. *Feminist Studies*, Vol. 40(2), Special Issue: Food and Ecology (2014), pp. 411-443).
- Börzel, T. A. and Risse, T. 2010. Governance without a state: Can it work? *Regulation and Governance*, Vol. 4(2), pp. 113-134.
- Boswell, C. and Geddes, A. 2011. *Migration and Mobility in the European Union*. London: Palgrave Macmillan.

- Boswell, C., Geddes, A. and Scholten, P. 2011. The Role of Narratives in Migration Policy-Making: A Research Framework. *British Journal of Politics and International Relations*, Vol. 13(1), pp. 1-11.
- Braun, V. and Clarke, V. 2006. Using thematic analysis in psychology. *Qualitative Research in Psychology*, Vol. 3, pp. 77-101.
- Brennan, D. 2008. Competing claims of victimhood? Foreign and domestic victims of trafficking in the United States. *Sexuality Research and Social Policy*, Vo. 5(4), pp. 45-61.
- Brennan, D. 2014. *Life Interrupted: Trafficking into Forced Labour*. Durham, CA: Duke University Press.
- Brenner, S. A. 1995. Why Women Rule the Roost: Rethinking Javanese Ideologies of Gender and Self-Control. In: A. Ong and M. G. Peletz (eds.) *Bewitching Women, Pious Men: Gender and Body Politics in Southeast Asia*, Chapter 1, pp. 19-51. Berkeley/ Los Angeles/ London: University of California Press.
- Breslin, S. and Nesadurai, H. E. S. 2018. Who Governs and How? Non-State Actors and Transnational Governance in Southeast Asia, *Journal of Contemporary Asia*, Vol. 48(2), pp. 187-203.
- Brettell, C. B. 2016. *Gender and Migration*. Immigration & Society Series. Polity Press: Cambridge, UK.
- Briones, L. 2009. *Empowering Migrant Women: Why Agency and Rights are not Enough*. *Gender in a Global/ Local World*. Ashgate Publishing: Surrey, England.
- Brunsson, N. 1989. *The Organisation of Hypocrisy: Talk, Decision and Action in Organisations*. London: Wiley.
- Brunsson, N. 2003. *The Organisation of Hypocrisy: Talk, Decision and Action in Organisations*. Second Edition. Copenhagen Business School Press.
- Bryman, A. 2001. *Social Research Methods*. Oxford: Oxford University Press.
- Caballero-Anthony, M. 2018. A Hidden Scourge. *IMF Finance & Development*, September 2018, Vol. 55(3) [Online]. Available at: <https://www.imf.org/external/pubs/ft/fandd/2018/09/human-trafficking-in-southeast-asia-caballero.htm>
- Calgar, G. 2010. Multiple Meanings of Gender Budgeting: Gender Knowledge and Economic Knowledge in the World Bank. In: B. Young, C. Scherrer (eds.), *Gender Knowledge and Knowledge Networks in International Political Economy*, In Feminist and Critical Political Economy, Vol. 3.
- Calgar, G. 2013. Gender Mainstreaming. *Politics and Gender*, Vol. 9(3), pp. 336-344.
- Carlsen, A. 2006. Organisational becoming as dialogic imagination of practice: The case of the indomitable gauls. *Organization Science*, Vol. 17(1), pp. 132-149.
- Case, W. 2010. Malaysia. In: J. Dizard, C. Walker, and S. Cook (eds.). *Countries at the Crossroads 2010: An Analysis of Democratic Governance*, pp. 401-420. Lanham: Rowman and Littlefield.
- Case, W. 2013. Defending Borders: States and Nation-States in the ASEAN 5. *TRaNS: Trans-Regional and -National Studies of Southeast Asia*, Vol. 1(1), January 2013, pp. 45-62.
- Castles, S. 2004. Why migration policies fail. *Ethnic and Racial Studies*, Vol. 27(2), pp. 205-227.
- Castles, S. 2014. International migration at a crossroads. *Citizenship Studies*, Vol. 18(2), pp. 190-207.
- Castles, S. and Miller, M. J. 2003. *The Age of migration. International population movements in the modern world*. Basingstoke: Palgrave Macmillan.
- Castles, S. and Miller, M. J. 2009. *The Age of Migration: International Population Movements in the Modern World*. Fourth Edition. London: The Guildford Press.
- Castles, S., and Miller, M. J. 2009. Migration in the Asia-Pacific Region. *Migration Policy*, July 10 2009. Available at: <http://www.migrationpolicy.org/article/migration-asia-pacific-region>
- Cavaghan, R. 2010. Gender Knowledge: A Review of Theory and Practice, In: B. Young, C. Scherrer (eds.), *Gender Knowledge and Knowledge Networks in International Political Economy*, In Feminist and Critical Political Economy, Vol. 3.
- Cavaghan, R. 2017. *Making gender equality happen: Knowledge, change and resistance in EU gender mainstreaming*. New York, NY, and London: Routledge.
- Chafetz, J. S. 1988. The Gender Division of Labour and the Reproduction of Female Disadvantage: Toward an Integrated Theory. *Journal of Family Issues*, Vol. 9(1).
- Chan, C. 2014. Gendered Morality and Development Narratives: The Case of Female Labour Migration from Indonesia. *Sustainability*, 2014, Vol. 6, pp. 6949-6972.

- Chan, C. K. 2015. *Malaysia: Migration, Rights, and Health Security. Presentation at: New Paradigms for a Changing Migration Landscape Conference to Commemorate International Migrants Day*. Bangkok: Chulalongkorn University.
- Chantler, K., Bruman, E., Palmay, I., and Kiguwa, P. (eds.) 2013. *Gender and Migration: Feminist Interventions*. London: Zed Books.
- Chappell, L. 2006. Contesting women's rights: Charting the emergence of a transnational conservative network. *Global Society*, Vol. 20(4), pp. 491-520.
- Chappell, L. 2008. Governing International Law through the International Criminal Court: A New Site for Gender Justice? In: S. Rai and G. Waylen (eds.) *Global Governance: Feminist Perspectives*, pp. 160–184. New York: Palgrave MacMillan.
- Chappell, L. 2013. The State and Governance. In: G. Waylen, G., L. Celis, S. Kantola and L. Weldon, (eds.), *The Oxford Handbook of Gender and Politics*. Chapter 34, pp. 601-626. Oxford: Oxford University Press.
- Chappell, L., and Waylen, G. 2013. Gender and the Hidden Life of Institutions. *Public Administration*, Vol. 91(3), pp. 599-615.
- Charlesworth, H. 2005. Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations. *Harvard Human Rights Journal*, Vol. 18.
- Charsley, K. and Wray, H. 2015. Introduction: The Invisible (Migrant) Man. *Men and Masculinities*, Vol. 18(4), pp. 403-423.
- Chavez, J. J. 2015. *Transnational Social Movements in ASEAN Policy Advocacy: The Case of Regional Migrants' Rights Policy*. Research Paper 2015-1, April 2015. United Nations Research Institute for Social Development.
- Chin G. V. S., and Mohd Daud, K. (eds.). 2018. *The Southeast Asian Woman Writes Back: Gender, Identity and Nation in the Literatures of Brunei Darussalam, Malaysia, Singapore, Indonesia and the Philippines*. Springer.
- Chin, C. B. 1997. *Walls of Silence and Late Twentieth Century Representations of the Foreign Female Domestic Worker: The Case of Filipina and Indonesian Female Servants in Malaysia*. *International Migration Review*, Vol. 31(2), pp. 353-385.
- Chin, C. B. 1998. *In Service and Servitude: Foreign Female Domestic Workers and the Malaysian "Modernity" Project*. Columbia University Press: New York.
- Chin, C. B. 2002. The 'host' state and the 'guest' worker in Malaysia: public management of migrant labour in times of economic prosperity and crisis. *Asia Pacific Business Review*, Vol. 8(4), pp. 19-40.
- Chin, C. B. 2003. Visible bodies, invisible work: state practices toward migrant women domestic workers in Malaysia. *Asian and Pacific Migration Journal*, Vol. 12(1-2), pp. 49-74.
- Chin, C. B. 2008. 'Diversification' and 'Privatisation': Securing Insecurities in the Receiving Country of Malaysia. *The Asia Pacific Journal of Anthropology*, Vol. 9(4), pp. 285-393.
- Chin, C. B. 2009. "Diversification" and "Privatization": Securing Insecurities in the Receiving Country of Malaysia. *Asia Pacific Journal of Anthropology*, Vol. 9(4), pp. 285-303.
- Chin, L. C. 2017. A Strategy of Attrition through Enforcement: The Unmaking of Irregular Migration in Malaysia. *Journal of Current Southeast Asian Affairs*, Vol. 36(2), pp. 101-136.
- Cholewinski, R. 2018. Working together to protect migrant workers: ILO, the UN Convention and its Committee. In: A. Desmond (ed.), *Shining new light on the UN Migrant Workers Convention*. Pretoria: Pretoria University Law Press.
- Chong, D. 2000. *Rational lives: Norms and values in politics and society*. Chicago: University of Chicago Press.
- Chong, D. and Druckman, J. N. 2007. Framing Theory. *Annual Review of Political Science*, Vol. 10, pp. 103-126.
- Chua, A. L. 2000. *Free-market democracy: Indonesia and the problems facing neoliberal reform. A Council on Foreign Relations Paper*. New York: The Council on Foreign Relations.
- Chuang, J. 2006. The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking. *Michigan Journal of International Law*, Vol. 27(2), pp. 437-465.
- Connell R. H. 1994. *Masculinities*. Cambridge, UK: Cambridge Univ. Press
- Connell, R. 2005. Advancing Gender Reform in Large-scale Organisations: A New Approach for Practitioners and Researchers. *Policy and Society* Vol. 24(4), pp. 5-24.
- Connell, R. 2009. *Gender*. Cambridge, UK: Polity.

- Connell, R. W. 1989. Cool guys, swots and wimps: the interplay of masculinity and education. *Oxford Review of Education*, 15(3): 291–303.
- Constable, N. 1997. *Maid to Order in Honk Kong: Stories of Filipina Workers*. Ithaca, NY: Cornell University Press.
- Constable, N. 2014. *Born Out of Place: Migrant Mothers and the Politics of International Labour*. Berkely, CA: University of California Press.
- Cox, Robert W. 1996. A Perspective on Globalization, In: J. H. Mittelman (ed.), *Globalization: Critical Reflections*, pp. 21–30. Boulder, CO: Lynne Rienner.
- Crépeau, F. 2013. *Human rights of migrants: Note by the Secretary General*, GA (7 August 2013), UN Doc A/68/283 (2013) 3-4.
- Creswell, J. M. 2014. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Fourth Edition. Thousand Oaks, CA: Sage Publications.
- Crinis, V. and Parasuraman, B. 2016. Employment relation and the state in Malaysia. *Journal of Industrial Relations*, Vol. 58(2), 2016, pp. 215-228.
- Crouch, H. 2001. Managing ethnic tensions through affirmative action: The Malaysian experience. In: N. J. Colletta, T. G. Lim, and A. Kelles-Viitanen (eds.), *Social cohesion and conflict prevention in Asia*, pp. 225-262. Washington, DC: The World Bank.
- Daly, M. 2005. Gender Mainstreaming in Theory and Practice. *Social Politics: International Studies in Gender, State, and Society*, Vol. 12(3), pp. 443-450.
- Das, G. 2019. 'Undocumented foreign workers - we need to act smarter' - Letter by Glorene Das, Executive Director Tenaganita's Women's Force, *Malaysiakini*, 11th June [Online]. Available at: <https://www.malaysiakini.com/letters/479189>
- Davies C. 1994. *The masculinity of organisational life*. Presented at Conference of Women and Public Policy, Erasmus, Univ. Rotterdam
- De Wenden, C. W. 2007. The frontiers of mobility. In: A. Pécout and P. de Gucheteneire (eds.) *Migration without Borders: Essays on the Free Movement of People*. UNESCO/ Berghahn Nooks.
- Department of Statistics Malaysia. 2011. *Population Distribution and Basic Demographic Characteristic Report 2010*. Available at: https://www.dosm.gov.my/v1/index.php?r=column/cthem&menu_id=L0pheU43NWJwRWVVSZklWdzO4TlhUUT09&bul_id=MDMxdHZjWtk1SjFzTzNkRXYzeVZjdz09
- Department of Statistics Malaysia. 2019. *Demographic Statistics Second Quarter 2019*, Malaysia. Available at: https://www.dosm.gov.my/v1/index.php?r=column/ctwoByCat&parent_id=115&menu_id=L0pheU43NWJwRWVVSZklWdzO4TlhUUT09
- Dermawan, A. 2018. 'Elderly woman charged with murder of Indonesian maid, Adelina', *New Straits Times*, 21st February [Online]. Available at: <https://www.nst.com.my/news/crime-courts/2018/02/337588/elderly-woman-charged-murder-indonesian-maid-adelina-nsttv>
- Deshingkar, P. and Zeitlyn, B. 2014. *Does Migration for Domestic Work Reduce Poverty? A Review of the Literature and an Agenda for Research*. Research Programme Consortium Working Paper 15. Migrating Out of Poverty: Brighton, United Kingdom.
- Devadason, E. S, and Meng, C. W. 2013. Policies and Laws Regulating Migrant Workers in Malaysia: A Critical Appraisal. *Journal of Contemporary Asia*, Vol. 44(1), pp. 19-35.
- Dölling, I. 2005. 'Geschlechter-Wissen' – ein nützlicher Begriff für die 'verstehende' Analyse von Vergeschlechtlichungsprozessen? ["Gender knowledge" – a useful concept for the "interpretive" analysis of engendering processes?]. *Zeitschrift für Frauenforschung und Geschlechterstudien* [Journal of Women and Gender Studies], Vol. 23(1+2), pp. 44-62.
- Dölling, I. 2007. 'Geschlechter Wissen'--ein nützlicher Begriff für die 'verstehende' Analyse von Vergeschlechtlichungsprozessen? In: Gildemeister, R., Wetterer, A. (Ed.): *Erosion oder Reproduktion geschlechtlicher Differenzierungen? Widersprüchliche Entwicklungen in professionalisierten Berufsfeldern und Organisationen*. Munster: West-falisches Dampfboot, 9-31.
- Druckman, J. N. 2001. The Implications of Framing Effects on Citizen Competence. *Political Behaviour*, Vol. 23(3), pp. 225-256.
- Druckman, J. N. 2001a. On the Limits of Framing Effects: Who Can Frame? *Journal of Politics*, Vol. 63(4), pp. 1041-1066.
- Druckman, J. N. and Nelson, K. R. 2003. Framing and Deliberation: How Citizens' Conversations Limit Elite Influence. *American Journal of Political Science*, Vol. 47(4), pp. 729-745.

- Ducanes, G. and Abella, M. 2008. *Labour shortage responses in Japan, Korea, Singapore, Hong Kong and Malaysia: A review and evaluation*. ILO-EU Asian Programme on the Governance of Labour Migration, Working Paper No. 2. Bangkok: ILO.
- Duerst-Lahti, G. 2002. Governing institutions, ideologies, and gender: Toward the possibility of equal political representation, *Sex Roles*, Vol. 47(7-8), pp. 371-388.
- Duit, A. and Galaz, V. 2008. Governance and complexity: emerging issues for governance theory. *Governance: An International Journal of Policy, Administration and Institutions*, Vol. 21(2), pp. 311-335.
- Dunne, T., Kurki, M. and Smith, S. 2016. *International Relations Theories: Discipline and Diversity*. Fourth Edition. Oxford: Oxford University Press.
- Economic Planning Unit, Prime Minister's Department. 2015. *Eleventh Malaysia Plan 2016-2020* [Online]. Available at: <https://policy.asiapacificenergy.org/sites/default/files/11th%20Malaysia%20plan.pdf>
- Ehrenreich, B. and Hochschild, A. R. 2002. *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. New York: Henry Holt and Company.
- Elias, J. 2008. Struggles over the rights of foreign domestic workers in Malaysia: the possibilities and limitations of 'rights talk'. *Economy and Society*, Vol. 37(2), pp. 282-303.
- Elias, J. 2011. The Gender Politics of Economic Competitiveness in Malaysia's Transition to a Knowledge-Economy. *Pacific Review*, Vol. 24(5), pp. 529-552.
- Elias, J. 2013a. The State and the Foreign Relations of Households: The Malaysia-Indonesia Domestic Worker Dispute. In: J. Elias and S. J. Gunawardana (eds.), *The Global Political Economy of the Household in Asia*. International Political Economy Series. Palgrave Macmillan, London
- Elias, J. 2013. Foreign Policy and the Domestic Worker: The Malaysia-Indonesia Domestic Worker Dispute. *International Feminist Journal of Politics*, Vol. 15(3), pp. 391-410.
- Elias, J. 2018. Governing Domestic Worker Migration in Southeast Asia: Public-Private Partnerships, Regulatory Grey Zones and the Household. *Journal of Contemporary Asia*, Vol. 48(2), pp. 278-300.
- Elias, J. and Louth, J. 2016. Producing Migrant Domestic Work: Exploring the Everyday Political Economy of Malaysia's Maid Shortage. *Globalisations*, Vol. 13(60), pp. 830-845.
- Elson, D. and Pearson, R. 1981. 'Nimble Fingers Make Cheaper Workers': An Analysis of Women's Employment in Third World Export Manufacturing. *Feminist Review*, No. 7 (Spring, 1981), pp. 87-107.
- Emmel, N. and Clark, A. 2009. *The methods used in Connected Lives: Investigating networks, neighbourhoods and communities*. Real Life Methods, the Manchester/Leeds Node of the ESRC National Centre for Research Methods.
- Enloe, E. 1989. *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*, London: Pandora Press, Harper/Collins, 1989; Berkeley: University of California Press, January, 1990
- Entman, R. 1993. Framing: towards a clarification of a fractured paradigm. *Journal of Communications*, Vol. 43(4), pp. 51-58.
- Entman, R. 2004. *Projections of Power*. Chicago: University of Chicago Press.
- Erel U., Morokvasic M., Shinozaki K. (2003) Introduction. Bringing gender into migration. In: Morokvasic M., Erel U., Shinozaki K. (eds) *Crossing Borders and Shifting Boundaries*. Schriftenreihe der Internationalen Frauenniversität »Technik und Kultur«, vol 10. VS Verlag für Sozialwissenschaften, Wiesbaden
- Feingold, D. A. 2005. Human trafficking. *Foreign Policy*, Vol. 150, pp. 26-32.
- Feingold, D. A. 2009. Think Again: Human Trafficking. *Foreign Policy*, 20th October 2009. Available at: <https://foreignpolicy.com/2009/10/20/think-again-human-trafficking/>
- Fernandez, I. 2011. 'Malaysia-Indonesia MOU: No joy for domestic workers', *Malaysiakini*, 1st June [Online]. Available at: <https://www.malaysiakini.com/letters/165700>
- Fischer, F. and Forester, J. 1993. *The Argumentative Turn in Policy Analysis and Planning*. Durham, NC: Duke University Press.
- Fish, J. 2017. *Domestic Worker Organising in the Global Economy: The Convention 189 Campaign as a Mobilisation Model*. Rosa Luxembourg Stiftung, New York Office. Available at: http://www.rosalux-nyc.org/wp-content/files_mf/fish_domesticworkersilo_en_web.pdf
- Fiss, P. C. and Hirsch, P. M. 2005. The discourse of globalisation: framing and sense making of an emerging concept. *American Sociological Review*, Vol. 70(1), pp. 29-52.
- Fiss, P. C. and Zajac, E. J. 2006. The Symbolic Management of Strategic Change: Sensegiving via Framing and Decoupling. *The Academy of Management Journal*, Vol. 49(6), pp. 1173-1193.

- Flyrbjerg, B. 2013. Five Misunderstandings About Case-Study Research. *Qualitative Inquiry*, Vol. 12(2), pp. 219-245.
- Ford, M. 2006. After Nunukan: The Regulation of Indonesian Migration to Malaysia. In: A. Kaur and I. Metcalfe (eds.), *Mobility, Labour Migration and Border Controls in Asia*, pp. 228-247. New York: Palgrave Macmillan.
- Ford, M. and Piper, N. 2007. Southern sites of female agency: informal regimes and female migrant labour resistance in East and Southeast Asia. In: J. M. Hobson and L. Seabrooke (eds.), *Everyday Politics of the World Economy*. Cambridge University Press: Cambridge.
- Ford, M., Lyon, L., and van Schendel, W. 2012. *Labour Migration and Human Trafficking in Southeast Asia: Critical Perspectives*. Routledge Contemporary Southeast Asia Series. Routledge: London.
- Ford, M., Lyons, L. and van Schendel, W. 2012. Labour Migration and Human Trafficking: An Introduction. In M. Ford, L. Lyons and W. van Schendel (eds.), *Labour Migration and Human Trafficking in Southeast Asia: Critical Perspectives*, pp. 1-22. London: Routledge.
- Franck, A. K., Brandström Arellano, E., Anderson, J. T. 2018. Navigating Migrant Trajectories through Private Actors. *European Journal of East Asian Studies*, Vol. 17(1), pp. 55-82.
- Free Malaysia Today. 2019. 'Five Year Plan to Close off Illegal Immigration', *Free Malaysia Today*, 9th June [Online]. Available at: <https://www.freemalaysiatoday.com/category/nation/2019/06/09/five-year-plan-to-close-off-illegal-immigration/>
- Freedman, A. L. 2015. *Civil Society in Malaysia and Singapore*. Middle East Institute [Online]. Available at: <http://education.mei.edu/content/map/civil-society-malaysia-and-singapore>
- Freedom House. 2019. *Freedom in the World 2019. Malaysia Country Report 2018*. Available at: <https://freedomhouse.org/report/freedom-world/2019/malaysia>
- Galotti, M. 2015. *Migrant Domestic Workers Across the World: global and regional estimates*. International Labour Organisation Research Series: Global Action Programme on Migrant Domestic Workers and Their Families. Geneva: ILO Office. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_490162.pdf
- Garcés-Mascareñas, B. 2010. Legal production of illegality in a comparative perspective. The cases of Malaysia and Spain. *Asia Europe Journal*, Vol. 8(1), pp. 77-89.
- Garcés-Mascareñas, B. 2012. *Labour Migration in Malaysia and Spain: Markets, Citizenship and Rights*. Amsterdam: Amsterdam University Press.
- Geddes, A. 2016. Conclusion: Citizenship and the practice of governance in south-east Europe In: J. Dzankic, S. Kacarska, and N. Pantic (eds.), *The Europeanisation of citizenship governance in south-east Europe*, Abingdon ; Oxon : Routledge, 2016
- Geddes, A. 2018. The governance of migration in Europe: towards fragmentation? In: A. Triandafyllidou (ed.), *Handbook of migration and globalisation*, Chapter 8, pp. 125-139. Cheltenham; Northampton: Edward Elgar Publishing.
- Geddes, A. 2020. *Governing Migration Beyond the State*. Oxford: Oxford University Press.
- Geddes, A., Espinoza, M. V., Hadj Abdou, L., and Brumat, L. (eds.). 2019. *The Dynamics of Regional Migration Governance*. Cheltenham, UK/Northampton, MA, USA: Edward Elgar Publishing.
- Geddes, A., and Taylor, A. 2013. How EU Capacity Bargains Strengthen States: Migration and Border Security in South-East Europe. *West European Politics*, Vol. 36:1, pp. 51-70
- Geddes, A., and Taylor, A. 2016. In the shadow of fortress Europe? Impacts of European migration governance on Slovenia, Croatia and Macedonia. *Journal of Ethnic and Migration Studies*, Vol. 42(4), pp. 587-605.
- Geertz, H. 1961. *The Javanese Family: A Study of Kinship and Socialization*. New York: Free Press of Glencoe.
- Geiger, A. Y. 2015. Regional Frameworks for Managing Migration and the Role of Civil Society Organisations. In: M. Caballero-Anthony and T. Menju (eds.), *Asia on the Move: Regional Migration and the Role of Civil Society*. Japan Centre for International Exchange: Tokyo. Available at: http://www.jcie.org/researchpdfs/AsiaMove/10_frameworks.pdf
- Gibbs, G. 2007. *Analysing Qualitative Data*. London: Sage.
- Gibson, K., Law, L. and McKay, D. 2011. Beyond Heroes and Victims: Filipina Contract Migrants, Economic Activism and Class Transformations. *International Feminist Journal of Politics*, Vol. 3(3), pp. 365-386.
- Giddens, A. 1984. *The Constitution of Society*. Cambridge: Polity.

- Giersdorf, S. and Croissant, A. 2011. Civil Society and Competitive Authoritarianism in Malaysia. *Journal of Civil Society*, Vol. 7(1), pp. 1-21.
- Gioia, D. A. and Chittipeddi, K. 1991. Sensemaking and sensegiving in strategic change initiation. *Strategic Management Journal*, Vol. 12(6), pp. 433-448.
- Global Forum of Migration and Development (GFMD). No date. *About the GFMD*. Available at: <https://gfmd.org/>
- Global Migration Group (GMG). No date. *What is the GMG*. Available at: <https://globalmigrationgroup.org/what-is-the-gmg>
- Goffman, E. 1974. *Frame Analysis: An Essay on the Organisation of Experience*. Boston: Northeastern University Press.
- Goh, C., Wee, K. and Yeoh, B. S. A. 2017. Migration governance and the migration industry in Asia: moving domestic workers from Indonesia to Singapore. *International Relations of the Asia-Pacific*, Vol. 17, pp. 401-433.
- Gois, A. W. 2015. 'Labour Migration in the ASEAN Region', *Henrich Böll Stiftung*, 23rd November [Online]. Available at: <https://www.boell.de/en/2015/11/23/labour-migration-asean-region>
- Goldkuhl, G. 2012. Pragmatism vs interpretivism in qualitative information systems research. *European Journal of Information Systems*, Vol. 21(2) Special Issue: Qualitative Research Methods, pp. 135-146.
- Griffin, P. 2015. Crisis, austerity and gendered governance: a feminist perspective. *Feminist Review*, Vol. 109, 49-72.
- Griffiths, M. 2015. "Here, Man is Nothing!": Gender and Policy in an Asylum Context. *Men and Masculinities*, Vol. 18(4), pp. 468-488.
- Grugel, J. and Piper, N. 2011. Global governance, economic migration and the difficulties of social activism. *International Sociology*, Vol. 36(4), pp. 435-454.
- Gülçür, L. and İlkkaracan, P. 2002. The 'Natasha' experience: Migrant sex workers from the former Soviet Union and Eastern Europe in Turkey. *Women's Studies International Forum*, Vol. 25, pp. 411-421.
- Gurowitz, A. 2000. Migrant Rights and Activism in Malaysia: Opportunities and Constraints. *Journal of Asian Studies*, Vol. 59(4), November 2000, pp. 863-888.
- Hahn, S. 2000. Wie Frauen in der Migrationsgeschichte verloren gingen. In: K. Husa, C. Parnreiter, and I. Stacher (eds.), *Internationale Migration. Die globale Herausforderung des 21. Jahrhunderts?* Frankfurt: Brandes & Apsel.
- Hajer, M. and Laws, D. 2008. Ordering through discourse. In: R. E Goodin et al. (eds.), *The Oxford Handbook of Public Policy*, pp. 251-268. Oxford: Oxford University Press.
- Hamada, Y. 2012. National governance in international labour migration. *Migration and Development*, Vol. 1(1), pp. 50-71.
- Hamidi, M. 2016. *Home and Away: Indonesian Women and Their Unique Transnational Migration Experiences in Malaysia*. Kuala Lumpur: University of Malaya Press.
- Haque, M. S. 2003. The Role of the State in Managing Ethnic Tensions in Malaysia. *American Behavioural Scientist*, Vol. 47(3), pp. 240-266. Available at: <http://profile.nus.edu.sg/fass/polhaque/abs.pdf>
- Harkins, B. and Åhlberg, M. 2017. *Access to justice for migrant workers in South-East Asia*. Bangkok: ILO Regional Office for Asia and the Pacific.
- Harkins, B., Lindgren, D. and Suravoranon, T. 2017. *Risks and rewards: Outcomes of labour migration in South-East Asia*. Publication by International Labour Organisation, International Organisation for Migration and Rapid Asia. Available at: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_613815.pdf
- Haug, F. et al. 1999. *Female sexualisation: A collective work of memory* (Translated by E. Carter). Second Edition. London: Verso.
- Hawkesworth, M. 1994. Policy Studies within a Feminist Frame. *Policy Sciences*, Vol. 27 (2-3), pp. 97-118.
- Hawkesworth, M. 1997. Confounding Gender. *Signs*, Vol 22(3), Spring 1997, pp. 649-685.
- Hawkesworth, M. 2005. Engendering political science: An immodest proposal. *Politics and Gender*, Vol. 1(1), pp. 141-156.
- Hector, C. 2017. 'The State of the Labour Movement in Malaysia', *Malaysiakini*, 16th November [Online]. Available at: <https://www.malaysiakini.com/news/402157>
- Helms Mills, J. 2003. *Making Sense of Organisational Change*. London: Routledge.

- Helms Mills, J., Thurlow, A. and Mills, A. J. 2010. Making sense of sensemaking: the critical sensemaking approach. *Qualitative Research in Organizations and Management: An International Journal*, Vol. 5(2):182-195
- Hennebry, J. L., and Petrozziello, A. J. 2019. Closing the Gap? Gender and the Global Compacts for Migration and Refugees. *International Migration*, Vol. 57(6), Special Issue: The Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees, pp. 115-138.
- Hennebry, J., KC, Hari., and Piper, N. 2019. Not without them: realising the sustainable development goals for women migrant workers. *Journal of Ethnic and Migration Studies*, 26 October 2019, Vol. 45(1), pp. 2621-2637.
- Hilsdon, A-M. 1995. *Madonnas and Martyrs: Militarism and Violence in the Philippines*. Ateneo De Manila University Press, Quezon City, Philippines.
- Hochschild, A.R. 2000. The nanny chain. *The American Prospect* [Online edition], Vol. 11(4).
- Hochschild, J. L. 2009. *Conducting Intensive Interviews and Elite Interviews*. Workshop on Interdisciplinary Standards for Qualitative Research 2009. Available at: <https://scholar.harvard.edu/jlhochschild/publications/conducting-intensive-interviews-and-elite-interviews>
- Hodge, A. and Rayda, N. 2018. 'Death of maid shines light on abuse of guest workers,' *The Australian*, 13th February [Online]. Available at: <https://www.theaustralian.com.au/nation/world/death-of-maid-shines-light-on-abuse-of-guest-workers/news-story/db80a423e5a2a4b3799f9e7ac64c9e2d>
- Hoerder, D. and Kaur, A. 2013. *Proletarian and Gendered Mass Migrations: A Global Perspective on Continuities and Discontinuities from the 19th to the 21st Centuries*. Leiden/Boston: Brill.
- Holliday, J., Hennebry, J., and Gammage, S. 2019. Achieving the sustainable development goals: surfacing the role for a gender analytic of migration. *Journal of Ethnic and Migration Studies*, 26 October 2019, Vol. 45(1), pp. 2621-2637.
- Holik, J. 2011. *Malaysia: Between Democracy and Authoritarianism*. Association for International Affairs Research Paper 5/2011, September 2011.
- Holst, F. 2012. *Ethnicization and Identity Construction in Malaysia*. London: Routledge.
- Hondagneu-Sotelo, P. and Cranford, C. 1999. Gender and Migration. In: J. S. Chafetz (ed.) *Handbook of the Sociology of Gender*. Chapter 6. New York: Kluwer Academic/ Plenum Publishers.
- Hooper, C. 2001. *Manly States: Masculinities, International Relations and Gender Politics*. New York: Columbia University Press
- Htun, M. 2005. What It Means to Study Gender and the State. *Politics and Gender*, Vol. 1(1), pp. 157-166.
- Huang, S. and Yeoh, B. 2003. The Difference Gender Makes: State Policy and Contract Migrant Workers in Singapore. *Asian and Pacific Migration Journal*, Vol. 12(1-2), pp. 75-97.
- Huang, S., Teo, P. and Yeoh, B. S. A., 2000. Diasporic subjects and identity negotiations: women in and from Asia. *Women's Studies International Forum* [online], Vol. 23 (4), 391-398.
- Hugo, G. 2005. *Migration in the Asia-Pacific region*. A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration.
- Huling, A. 2012. Domestic Workers In Malaysia: Hidden Victims Of Abuse And Forced Labour. *New York University Journal of International Law and Politics*, January 2012, Vol. 44(2), pp.629-680
- Human Rights Watch (HRW). 2008. "As If I Am Not Human": Abuses Against Asian Domestic Workers in Saudi Arabia. New York: Human Rights Watch. Available at: https://www.hrw.org/sites/default/files/reports/saudiArabia0708_1.pdf
- Human Rights Watch. 2004. *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. New York: Human Rights Watch.
- Human Rights Watch. 2005. *Maid to Order: Ending Abuses Against Migrant Domestic Workers in Singapore*. New York: Human Rights Watch.
- Human Rights Watch. 2006. *Swept Under the Rug: Abuses Against Migrant Domestic Workers Around the World*. New York: Human Rights Watch.
- Human Rights Watch. 2010. *Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East*. New York: Human Rights Watch.
- Human Rights Watch. 2011. "They Deceived Us at Every Step": Abuse of Cambodian Domestic Workers Migrating to Malaysia. New York: Human Rights Watch.

- Human Rights Watch. 2017. *Human Rights Watch submission to the Committee on the Elimination of Discrimination against Women concerning Malaysia* [Online]. Available at: <https://www.hrw.org/news/2017/05/24/human-rights-watch-submission-committee-elimination-discrimination-against-women>
- Human Rights Watch. 2019. Malaysia: Events of 2018. In: *Human Rights Watch World Report 2019*. Human Rights Watch: New York. Available at: <https://www.hrw.org/world-report/2019/country-chapters/malaysia>
- Hunt, S. A., Benford, R. D. and Snow, D. A. 1994. Identity fields: Framing processes and the social construction of movement identities. In: E. Laraña, H. Johnston and J. R. Gusfield, (eds.), *New Social Movements: From Ideology to Identity*, pp. 185-208. Philadelphia: Temple University Press.
- Huysmans, J. 2006. *The Politics of Insecurity: Fear, Migration and Asylum in the European Union*. London: Routledge.
- Hwok-Aun, L. and Leng, K. Y. 2018. *Peninsular Malaysia, Sarawak and Sabah: Foreign workers as percentage of total workforce in 2016 by district*. Map available at: https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2018_25@50.pdf
- Immigration Department of Malaysia. 2016. *Foreign Domestic Helper (FDH) Guidance* [Online]. Available at: <https://www.imi.gov.my/index.php/en/foreign-domestic-helper-fdh.html>
- Immigration Department of Malaysia. 2019. *Recruitment Terms and Conditions of Foreign Workers* [Online]. Available at: <https://www.imi.gov.my/index.php/en/foreign-worker.html>
- Indramalar, S. 2018. 'Domestic workers continue to be abused until tougher laws can protect them', *The Star Online*, 6th April [Online]. Available at: <https://www.star2.com/family/2018/04/06/domestic-workers-will-continue-to-be-abused-until-there-are-tougher-laws-to-protect-them/>
- International Labour Organisation and Huynh, P. 2016. *Assessing the gender pay gap in Asia's garment sector*. ILO Asia-Pacific Working Paper Series. Bangkok: ILO, 2016. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_466268.pdf
- International Labour Organisation and UN Women. 2015. *Facts and Figures: Women Migrant Workers in ASEAN*. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_432817.pdf
- International Labour Organisation. 2006. *Realizing Decent Work in Asia: Fourteenth Asian Regional Meeting Report of the Director General*. Geneva: International Labour Office. Available at: <https://www.ilo.org/public/english/standards/relm/rgmeet/14asrm/dgrealizing.pdf>
- International Labour Organisation. 2009. *The Gender Dimension of Domestic Work in Western Europe*. International Migration Papers No. 96. Geneva: ILO Office.
- International Labour Organisation. 2010. *Preparing for Migration in Indonesia* [Online]. Available at: https://www.ilo.org/aids/Constituents/WCMS_143378/lang--en/index.htm
- International Labour Organisation. 2011. *Asian Decent Work Decade: Introduction to the Resource Kit*. Second Edition. ILO Regional Office for Asia and the Pacific [Online]. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_098263.pdf
- International Labour Organisation. 2011a. *Global and Regional Estimates on Domestic Workers*. Domestic Work Policy Brief No. 4. Geneva: ILO Office. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_155951.pdf
- International Labour Organisation. 2013. *Public Attitudes to Migrant Workers: A Four Country Study*. ILO Triangle Project. Bangkok: ILO Regional Office for Asia and the Pacific. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/presentation/wcms_159851.pdf
- International Labour Organisation. 2014. *SAARC commits to helping migrant workers*. International Labour Organisation Press Release, 18 December 2014. ILO Country Office Nepal: Kathmandu. Available at: http://www.ilo.org/kathmandu/info/public/pr/WCMS_329869/lang--en/index.htm
- International Labour Organisation. 2015. *Global estimates of migrant workers and migrant domestic workers: results and methodology*. International Labour Office - Geneva: ILO. Available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf
- International Labour Organisation. 2016. *Good practices and lessons learned on promoting international cooperation and partnerships to realize a fair migration agenda for migrant domestic workers in Africa, the Arab States and Asia*. ILO Inter-Regional Knowledge Sharing Forum, 5-7 May 2016, Antananarivo, Madagascar [Online]. Available at: https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/meetingdocument/wcms_478059.pdf

- International Labour Organisation. 2016a. *Review of Labour Migration Policy in Malaysia*. Triangle II Project. Bangkok: ILO Regional Office for Asia and the Pacific. Available at: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_447687.pdf
- International Labour Organisation and UN Women/ Napier-Moore, R. 2017. *Protected or put in harm's way? Bans and restrictions on women's labour migration in ASEAN countries*. Triangle Project. Bangkok: ILO Regional Office for Asia and the Pacific.
- International Labour Organisation. 2018. *Women and Men in the Informal Economy: A Statistical Picture*. Third Edition. Geneva: International Labour Office. Available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf
- International Organisation for Migration (IOM). 2010. *Labour Migration from Indonesia: An Overview of Indonesia Migration to Selected Destination Countries in Asia and the Middle East*. Jakarta: IOM Indonesia.
- International Organisation for Migration (IOM). 2018. *Malaysia: Country Profile*. Available here: <https://www.iom.int/countries/malaysia>
- International Organisation for Migration (IOM). 2019. *Supporting brighter futures: Young women and girls and labour migration in South-East Asia and the Pacific*. IOM, Geneva.
- International Trade Union Congress (ITUC). 2014. *ITUC Global Rights Index: The World's Worst Countries for Workers, 2014*. Brussels: International Trade Union Federation. Available at: https://www.ituc-csi.org/IMG/pdf/survey_ra_2014_eng_v2.pdf
- International Trade Union Congress (ITUC). 2018. *'ITUC Launches Migrant Worker "Recruitment Adviser" Platform'* ITUC Press Statement, 4th April 2018. Available at: <https://www.ituc-csi.org/ituc-launches-migrant-worker>
- Islam, M. R. and Cojocaru, S. 2015. Migrant Workers in Asia: Transnational Variations and Policy Concerns. *International Migration* Vol. 54(1) 2016.
- Jervis, R. 1976. *Perception and Misperception in International Politics*. Princeton, NJ: Princeton University Press.
- Jones, A. 2008. "A Silent but Mighty River: The Costs of Women's Economic Migration", in *Comparative Perspectives Symposium: Gendered Migrations*.
- Kabeer, N. 2005. Gender equality and women's empowerment: a critical analysis of the third Millennium Development Goal. *Gender and Development*, Vol. 13(1), March 2005, pp. 13-24
- Kalm, S. 2010. Limits to transnational participation: The global governance of migration. In: C. Joensson and J. Tallberg (eds.) *Transnational Actors in Global Governance: Patterns, Explanations and Implications*. Basingstoke, GB: Palgrave Macmillan.
- Kanapathy, V. 2007. *Controlling irregular migration: the Malaysian experience*. Regional Symposium on Managing Labour Migration in East Asia: Policies and Outcomes, Singapore, 16-18 May 2007.
- Kassim, A. 1985. *Politics of Accommodation: A Case Study of Malay Squatters in Kuala Lumpur*. Unpublished Ph.D. Dissertation. School of Oriental & African Studies, London University.
- Kaur, A. 2004. *Wage labour in Southeast Asia since 1840: globalisation, the international division of labour and labour transformations*. Basingstoke, UK: Palgrave Macmillan.
- Kaur, A. 2005. Indonesian Migrant Labour in Malaysia: From preferred migrants to "last to be hired" workers. *Review of Indonesian and Malaysian Affairs*, Vol. 39(2), pp. 3-30.
- Kaur, A. 2007. International Labour Migration in Southeast Asia: Governance of Migration and Women Domestic Workers. In *Intersections: Gender, History and Culture in the Asian Context*, Issue 15, May 2007.
- Kaur, A. 2010. Labour migration trends and policy challenges in Southeast Asia. *Policy and Society*, Vol. 29(4), pp. 385-397.
- Kaur, A. 2014. Managing Labour Migration in Malaysia: Guest Worker Programs and the Regularisation of Irregular Labour Migrants as a Policy Instrument. *Asian Studies Review*, Vol. 38(3), pp. 345-366.
- Kaur, A. 2015. Labour Migration, Irregular Movements and Regional Policies. In: J. Pietsch and M. Clark (eds.), *Migration and Integration in Europe, Southeast Asia, and Australia: A Comparative Perspective*, pp. 75-98. Amsterdam: Amsterdam University Press.
- Kaur, A. 2018. Patterns and governance of labour migration in ASEAN: regional policies and migration corridors. In: A. Triandafyllidou (ed.) *Handbook of Migration and Globalisation*, Chapter 7, pp. 105-124. Cheltenham: Northampton: Edward Elgar Publishing.
- Kaur, K. 2013. Women Migrant Workers and Visibility in Malaysia: The Role of Media in Society. In: D. Hoerder and A. Kaur (eds.), *Proletarian and Gendered Mass Migrations: A Global Perspective on Continuities and Discontinuities from the 19th to the 21st Centuries*. Leiden: Brill Publishing.

- Keck, M. E. and Sikkink, K. 1998. *Activists beyond borders: Advocacy Networks in International Politics*. New York: Cornell University Press.
- Keeler, W. 1990. Speaking of Gender in Java. In: J. Monnig Atkinson and S. Errington (eds.) *Power and Difference: Gender in Island Southeast Asia*. Stanford University Press: Stanford, California.
- Kenny, S. 1996. New research on gendered political institutions. *Political Research Quarterly*, Vol. 49, pp. 445–63.
- Kessler, C. S. 2018. State and Civil Society: Global Context, Southeast Asian Prospect. *Journal of Social Issues in Southeast Asia*, Vol. 33(S), pp. S131-155.
- Killias, O. 2010. "Illegal" Migration as Resistance: Legality, Morality and Coercion in Indonesian Domestic Worker Migration to Malaysia. *Asian Journal of Social Science*, Vol. 38(6), pp. 897-914.
- Killias, O. 2014. Intimate encounters: the ambiguities of belonging in the transnational migration of Indonesian domestic workers in Malaysia. *Citizenship Studies*, Vol. 18(8), pp. 885-899.
- Kneebone, S. 2010. The Governance of Labour Migration in Southeast Asia. In *Global Governance*, Vol. 16(3), *International Migration* (July-Sept 2010), pp. 383-396.
- Kontos, M. and Bonifacio, G. T. 2015. *Migrant Domestic Workers and Family Life: International Perspectives*. London: Palgrave Macmillan.
- Kooiman, J. 2003. *Governing as Governance*. London/ Thousand Oaks, C. A.: Sage Publications.
- Kudo, S. 2013. Securitization of undocumented migrants and the politics of insecurity in Malaysia. *Procedia Environmental Sciences*, Vol. 17, pp. 947 – 956.
- Kunz, R., Lavenex, S., and Panizzon, M. (eds). 2011. *Multilayered Migration Governance: The Promise of Partnership*. London: Routledge, 2011.
- Kunz R., Prügl, E., and Thompson, H. 2019. Gender Expertise in Global Governance: Contesting the Boundaries of a Field. *European Journal of Politics and Gender*, Vol. 2(1), Special Issue: Gender Experts and Gender Expertise, pp. 23-40.
- Labadie-Jackson, G. 2008. Reflections on Domestic Work and the Feminisation of Migration. *Campbell Law Review*, Vol. 31(1), Fall 2008.
- Lai, M-Y. 2011. The present of forgetting: diasporic identity and migrant domestic workers in Hong Kong. *Social Identities*, Vol. 17(4), pp. 565-585
- Lan, P-C. 2003. Maid or Madam? Filipina Migrant Workers and the Continuity of Domestic Labour. *Gender and Society*, Vol. 17 (2), Global Perspectives on Gender and Carework (April 2003), pp. 187-208.
- Latiff, R. and Ananthalakshmi, A. 2018. 'Malaysian ex-deputy PM charged with money laundering, graft', *Reuters*, 19th October [Online]. Available at: <https://www.reuters.com/article/us-malaysia-politics-zahid/malaysian-ex-deputy-pm-charged-with-money-laundering-graft-idUSKCN1MT0TP>
- Lavenex, S. and Panizzon, M. 2013. *Multi-layered migration governance: the partnership approach in the EU and beyond*. Draft paper for the UNRISD Conference 14-15 January 2013, Geneva, Switzerland. Regional Governance of Migration and Socio-Political Rights: Institutions, Actors and Processes. Available at: [http://www.unrisd.org/80256B3C005BCCF9/%28httpAuxPages%29/48715F908CD99A61C1257D38004ADE29/\\$file/Lavenex%20and%20Panizzon%20Multilayered%20Migration%20Governance%20EU%20and%20Beyond.pdf](http://www.unrisd.org/80256B3C005BCCF9/%28httpAuxPages%29/48715F908CD99A61C1257D38004ADE29/$file/Lavenex%20and%20Panizzon%20Multilayered%20Migration%20Governance%20EU%20and%20Beyond.pdf)
- Lawrence, R. G. 2004. Framing obesity: The evolution of news discourse on a public health issue. *Harvard International Journal of Press/ Politics*, Vol. 9(3), pp. 56-75.
- Lee, L. and Ungku, F. 2018. 'Veteran Malaysian leader Mahathir scores shock election', *Reuters*, May 8th [Online]. Available at: <https://www.reuters.com/article/us-malaysia-election/veteran-malaysian-leader-mahathir-scores-shock-election-win-idUSKBN1I93EV>
- Lee, S., and Piper, N. 2013. *Understanding Multiple Discrimination against Labour Migrants in Asia: An Intersectional Analysis*. International Policy Analysis. Friedrich Ebert Stiftung.
- Leong, T. 2016. 'In Malaysia: 'No' to having more foreign workers', *The Straits Times*, 20th February [Online]. Available at: <http://www.straitstimes.com/asia/in-malaysia-no-to-having-more-foreign-workers>
- Levi-Faur, D. 2012. From "Big Government" to "Big Governance"? In: D. Levi-Faur (ed.) *The Oxford Handbook of Governance*, Chapter 1. Oxford University Press: Oxford, UK.
- Lewis, J. 2003. Design Issues. In: J. Ritchie and J. Lewis (eds.), *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage.
- Liang, L. F. 2011. The Making of an 'Ideal' Live-in Migrant Care Worker: Recruiting, Training, Matching and Disciplining. *Ethnic and Racial Studies*, Vol. 43, pp. 1815-1834.

- Lim, L. L. and Oishi, N. 1996. International labour migration of Asian women: distinctive characteristics and policy concerns. *Asian and Pacific Migration Journal*. Vol. 5(1), pp. 85-116.
- Lindquist, J. 2010. Labour recruitment, circuits of capital, and gendered mobility: reconceptualising the Indonesian migration industry. *Pacific Affairs*, Vol. 83(1), pp. 115-132.
- Lindquist, J. 2013. Rescue, Return, In Place: Deportees, Victims and the Regulation of Indonesian Migration. In: B. Xiang, B. Yeoh and M. Toyota (eds.), *Return: Naturalising Transnational Mobility in Asia*. Durham and London: Duke University Press.
- Lindquist, J., Piper, N. 2007. From HIV prevention to counter-trafficking: Discursive shifts and institutional continuities in South-East Asia. In: M. Lee (ed.) *Human Trafficking*. Chapter 7, pp. 133- 158. Willan Publishing: Devon.
- Liow, J. 2003. Malaysia's illegal Indonesian migrant labour problem: in search of solutions. *Contemporary Southeast Asia*, Vol. 25(1), pp. 44-64.
- Loganathan, T., Rui, D., Ng, C-W. and Pocock, N. S. 2019. Breaking down the barriers: Understanding migrant workers' access to healthcare in Malaysia. *PLoS ONE*, Vol. 14(7), pp. 1-24.
- Lombardo, E., and Meier, P. 2006. Gender Mainstreaming in the EU. *European Journal of Women's Studies*, Vol. 13(2), pp. 151-166.
- Lombardo, E., Meier, P., and Verloo, M. 2012. *Policymaking and Gender*. FREIA Working Paper Series. No. 81.
- Lombardo, E., Meier, P. and Verloo, M. 2013. Policymaking. In: G. Waylen, G., L. Celis, S. Kantola and L. Weldon, (eds.). *The Oxford Handbook of Gender and Politics*, Chapter 27, pp. 679-702. Oxford: Oxford University Press.
- Lombardo, E., Meier, P. and Verloo, M. 2017. Policymaking from a Gender+ Equality Perspective. *Journal of Women, Politics and Policy*, Vol. 38(1), Special Issue: Policymaking: Insights and challenges from gender and other equality perspectives.
- Lovenduski, J (ed.). 2005. *State feminism and political representation*. Cambridge, UK: Cambridge University Press.
- Lovenduski, J. 1998. Gendering Research in Political Science. *Annual Review of Political Science*, Vol. 1, pp. 333-356.
- Ludvig, A. 2006. Differences between women? Intersecting voices in a female narrative. *European Journal of Women's Studies*, Vol. 13, pp. 245-258.
- Mahon, R. and Michel, S. 2017. Not in Focus: Migrant Caregivers as Seen by the ILO and the OECD. In: I. Peng and S, Michel (eds.). *Gender, Migration and the Work of Care*. Palgrave-Macmillan.
- Mahy, P. 2012. Being Kartini: Ceremony and Print Media in the Commemoration of Indonesia's First Feminist. *Intersections: Gender and Sexuality in Asia and the Pacific*, Issue 28, March 2012.
- Maitlis, S. and Christianson, M. 2014. Sensemaking in Organisations. *The Academy of Management Annals*, 2014. Vol. 8(1), pp. 57-125.
- Mak, J. N. 2007. 'Whose security? Secularisation discourse and the control of migrant workers', manuscript presented at the Workshop on Building Operational Conflict Prevention in Southeast Asia, Fifth ASEAN People's Assembly, Manila, 8-9 December 2006.
- Man Chuen Cheng, C. and Yeon Choo, H. 2015. Women's Migration for Domestic Work and Cross-Border Marriage in East and Southeast Asia: Reproducing Domesticity, Contesting Citizenship. *Sociology Compass*, Vol. 9(8), pp. 654-667.
- Mantouvalou, V. 2013. What is to be Done for Migrant Domestic Workers? In B. Ryan (ed.), *Labour Migration in Hard Times*, pp. 141-156. Institute of Employment Rights.
- Marston, A. 2013. 'Women in leadership: 'It's not going to work the way we're doing it'', *The Guardian*, 1st August [Online]. Available at: <https://www.theguardian.com/global-development-professionals-network/2013/aug/01/women-in-leadership-international-ngos>
- Marti, G. 2019. The effects of multilevel governance on the rights of migrant domestic workers in Singapore. *Journal of Ethnic and Migration Studies*, Vol. 45(8), pp. 1345-1360.
- Martin, S. F. 2004. *Women and Migration*. Presented at Consultative Meeting on Migration and Mobility and How This Movement Affects Women. United Nations Division for the Advancement of Women, 204 December 2003.
- Martin, P. 1996. Migrants on the Move in Asia. *Asia Pacific Issues*. Analysis from the East-West Center, Bo. 29, December 1996. Available at: <https://scholarspace.manoa.hawaii.edu/bitstream/10125/3795/api029.pdf>
- Mason, J. 2002. *Qualitative Researching*. Second Edition. London: Sage.

- McAdam, J. 2009. *Environmental Migration Governance*. UNSW Law Research Paper No. 2009-1
- McCargo, D. 1998. Elite governance: business, bureaucrats and the military. In: R. Maidment, D. Goldblatt and J. Mitchell (eds.), *Governance in the Asia-Pacific*. London: Routledge.
- McComas, K. and Shanahan, J. 1999. Telling Stories about Global Climate Change: Measuring the Impact of Narratives on Issue Cycles. *Communication Research*, Vol. 26(1), pp. 30-57.
- McKay, D. 2001. *Migration and Masquerade: Gender and Habitus in the Philippines*. Geography Research Forum, Special Issue on the Habitus, Hillier, J. (ed.), 21, pp. 44-56.
- McKay, D. 2005. Reading Remittances Landscapes: Female migration and agricultural transition in the Philippines. *Danish Journal of Geography*, Vol. 105(1), pp. 89-99.
- Medina, B. 1991. *The Filipino family: A text with selected readings*. Quezon City: University of the Philippines Press.
- MIGPROSP. 2017. *About the Prospects of International Migration Governance (MIGPROSP) Project*. Available at: <http://www.migrationpolicycentre.eu/migprosp/about/>
- Migrant Workers Right to Redress Coalition. 2017. *Towards a Comprehensive National Policy on Labour Migration to Malaysia*. Available here: <https://partisialis.org/wp-content/uploads/2019/01/Towards-A-Comprehensive-National-Policy-on-Labour-Migration-for-Malaysia.pdf>
- Miles, L. and Croucher, R. 2013. Gramsci, Counter-hegemony and Labour Union–Civil Society Organisation Coalitions in Malaysia. *Journal of Contemporary Asia*, Vol. 43(3), pp. 1-15
- Miles, M. B. 1979. Qualitative data as an attractive nuisance. *Administrative Science Quarterly*, Vol. 24. pp. 590-601.
- Miles, L., Lewis, S, and Wan Teng, L. 2019. Advocacy for women migrant workers in Malaysia through an intersectionality lens. *Journal of Industrial Relations*, Vol. 61(5), pp. 682-703.
- Mills, B. M. 2017. Gendered Morality Tales: Discourse of Gender, Labour, and Value in Globalising Asia. *The Journal of Development Studies*, Vol. 53 (3), pp. 316-330.
- Ministry of Human Resources (MOHR). 2017. *Guidelines and Tips for Employers of Foreign Domestic Helpers*. Publication prepared by MOHR and the ILO. Ministry of Human Resources: Putrajaya, Malaysia. Available at: <http://apmigration ilo.org/resources/guidelines-and-tips-for-employers-of-foreign-domestic-helpers>
- Mok, O. 2015. 'High Court sets aside Nepali's conviction in Penang abortion case', *Malay Mail*, 12th July. Available: <https://www.malaymail.com/s/817965/high-court-sets-aside-nepalis-conviction-in-penang-abortion-case>
- Mokhtar, K. S. Reen, C. A. and Jamir Singh, P. S. 2013. The New Economic Policy (1970-1990) in Malaysia: The Economic and Political Perspective. *GSTF International Journal on Media & Communications (JMC)*, Vol. 1(1), March 2013.
- Moreno-Fontes Chammartin, G. 2006. Female Migrant Workers in an Area of Globalisation. In: International Organisation for Migration (IOM) *Female Migrants: Bridging the Gaps Throughout the Life Cycle*, Selected Papers of the UNFPA-IOM Expert Group Meeting, New York, 2-3 May 2006. Available at: https://publications.iom.int/system/files/pdf/female_migrants.pdf
- Mpetsheni, Y. 2001. Time use studies – putting a value to women's work. *Agenda: Empowering Women for Gender Equity*, No. 47, Realising Rights? Pp. 60-64.
- Nah, A. 2012. Globalisation, Sovereignty and Immigration Control: The Hierarchy or Rights for Migrant Workers in Malaysia. *Asian Journal of Social Science*, Vol. 40, pp. 486-508.
- Nah, A. 2016. Seeking Refuge in Kuala Lumpur. In: Yeoh Seng Guan (ed.), *The Other Kuala Lumpur: Living in the Shadows of a Globalising Southeast Asian City*. London/New York: Routledge.
- Nasa, A. 2017. 'More than 1.7 million foreign workers in Malaysia; majority from Indonesia', *New Straits Times*, 27th July [Online]. Available at: <https://www.nst.com.my/news/nation/2017/07/261418/more-17-million-foreign-workers-malaysia-majority-indonesia>
- Nesadurai, H. S. 2013. Malaysia's conflict with the Philippines and Indonesia over labour migration: economic security, interdependence and conflict trajectories. *Pacific Review*, Vol. 26(1), pp. 89-113.
- Newland, K. 2010. The Governance of International Migration: Mechanisms, Processes, and Institutions. *Global Governance*, 1 July 2010, Vol. 16(3), pp. 331-343.
- Newman, M. A. 1995. The gendered nature of Lowi's Typology: Or who would guess you could find gender here? In: G. Duerst-Lahti and R. M. Kelly (eds.), *Gender, power, leadership and governance*, pp. 141-164. Ann Arbor: University of Michigan Press.
- O'Brien, E. 2018. *Challenging the Human Trafficking Narrative: Victims, Villains, and Heroes*. Routledge.

- OECD/Scalabrini Migration Center. 2017. *Interrelations between Public Policies, Migration and Development in the Philippines*. OECD Development Pathways, OECD Publishing, Paris.
- Oishi, N. 2005. *Women in Motion: Globalisation, State Policies and Labour Migration in Asia*. Stanford: Stanford University Press.
- O'Neil, T., Fleury, A. and Foresti, M. 2016. *Women on the move: migration, gender equality and the 2030 Agenda for Sustainable Development*. London: Overseas Development Institute. Available at: <https://www.odi.org/publications/10476-women-move-migration-gender-equality-and-2030-agenda-sustainable-development>
- Ong, A. 1990. Japanese Factories, Malay Workers: Class and Sexual Metaphors in West Malaysia. In: J. Monnig Atkinson and S. Errington (eds.), *Power and Difference: Gender in Island Southeast Asia*. Stanford University Press: Stanford, California.
- Ong, A. 1995. State versus Islam: Malay Families, Women's Bodies and the Body Politic in Malaysia. In: A. Ong and M. G. Peletz (eds.) *Bewitching Women, Pious Men: Gender and Body Politics in Southeast Asia*, Chapter 5. Berkeley/ Los Angeles/ London: University of California Press.
- Ong, A., and Peletz, M. G. (eds.). 1995. *Bewitching Women, Pious Men: Gender and Body Politics in Southeast Asia*. Berkeley/ Los Angeles/ London: University of California Press.
- Parreñas, R. S. 2008. *The Force of Domesticity: Filipina Migrants and Globalisation* (Nation of Nations).
- Pasadilla, G. O. 2011. *Social Security and Labour Migration in ASEAN*. Research Policy Brief 34, November 2011. Asian Development Bank Institute.
- Peng, I. 2017. *Transnational Migration of Domestic and Care Workers in Asia Pacific*. International Labour Office; Global Action Programme on Migrant Domestic Workers and their Families. Geneva: ILO.
- Petcharamesree, S. 2016. ASEAN and its approach to forced migration issues. *International Journal of Human Rights*, Vol. 20(2), pp. 173-190.
- Peters, B. G., and Pierre, J. 2001. Developments in intergovernmental relations: towards multi-level governance. *Policy and Politics*, Vol. 29(2), pp. 131-135.
- Peters, G. 2012. Governance As Political Theory. In: D. Levi-Faur (ed.), *The Oxford Handbook of Governance*, pp. 19-32. Oxford: Oxford University Press.
- Peterson, V. S. 1992. Transgressing Boundaries: Theories of Knowledge, Gender and International Relations. Millennium: *Journal of International Studies*, Vol. 21(2).
- Petrozziello, A. 2013. *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective*. Santo Domingo, Dominican Republic: UN Women Training Centre [Online]. http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2013/unwomen_migrationmanual_low4.pdf?vs=1502
- Phillips, N. 1973. Differences between Bahasa Indonesia and Bahasa Malaysia. *Indonesia Circle: School of Oriental & African Studies, Newsletter*, Vol. 1(2), 1973, pp. 7-9.
- Phizacklea, A. 1983. *One Way Ticket? Migration and Female Labour*. London: Routledge and Kegan Paul.
- Pierre, J. (ed.). 2000. *Debating Governance*. Oxford: Oxford University Press.
- Piper, N. 2000. Migration, Globalisation and Gender: Japan's Sex Workers. *Pan-Japan: The International Journal of the Japanese Diaspora*, Vol. 1(1), pp. 24-48.
- Piper, N. 2003. Bridging Gender, Migration and Governance: Theoretical Possibilities in the Asian Context. *Asian and Pacific Migration Journal*, Vol. 12(1-2), pp. 21-48.
- Piper, N. 2005. *Gender and migration*. Paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration. Available at: <http://incedes.org.gt/Master/pipersentacuatro.pdf>
- Piper, N. 2006. Migrant Worker Activism in Singapore and Malaysia: Freedom of Association and the Role of the State. *Asian and Pacific Migration Journal*, Vol. 15(3), 2006.
- Piper, N. 2008. Economic migration and transnationalisation of rights. In: C. Gabriel and H. Pellerin (eds.) *Governing International Labour Migration*. Routledge/RIPE Studies in Global Political Economy.
- Piper, N. 2008. Feminisation of Migration and the Social Dimensions of Development: the Asian case. *Third World Quarterly*, Vol. 29(7), pp. 1287-1303.
- Piper, N. 2011. Toward a Gendered Political Economy of Migration. In: N. Phillips (ed.), *Migration in the Global Economy*, Vol. 17, International Political Economy Yearbook. Boulder, CA: Rienner Publisher.

- Piper, N. 2013. Political Participation and Empowerment of Foreign Workers: Gendered Advocacy and Migrant Labour Organising in Southeast Asia and East Asia. In: N. Piper (ed.) *New Perspectives on Gender and Migration: Livelihood, Rights and Entitlements*. London/New York: Routledge.
- Piper, N. 2017. Migrant domestic workers as 'agents' of development in Asia: collective organising at the intersection of temporality and transnationality. *European Journal of East Asian Studies*, Vol. 16(2). pp. 220-247.
- Piper, N., and Rother, S. 2012. Let's Argue about Migration: advancing a right(s) discourse via communicative opportunities. *Third World Quarterly*, Vol. 33(9), pp. 1735-1750.
- Piper, N., and Rother, S. 2014. More than remittances—resisting the dominant discourse and policy prescriptions of the Global 'Migration-Development-Mantra'. *Journal fuer Entwicklungspolitik/ Austrian Journal for Development Studies*, Vol. 1, pp. 44–66.
- Piper, N. and Rother, S. 2019. Political remittances and the diffusion of a rights-based approach to migration governance: the case of the Migrant Forum in Asia (MFA). *Journal of Ethnic and Migration Studies*, Special Issue: Political Remittances and Political Transnationalism: Practices, Narratives of Belonging and the Role of the State.
- Piper, N., Rother, S., and Rüländ, J. 2018. Challenging State Sovereignty in the Age of Migration. *European Journal of East Asian Studies*, Vol. 17, pp. 118-133.
- Polson, E. and Kahle, S. 2010. Limits of national discourse on a transnational phenomenon, a case study of immigration framing in the BBC Online. *International Communication Gazette*, Vol. 72(3), pp. 251–68.
- Power, M., Mutaria, E. and Figardt, D. M. 2003. Beyond Markets. Wage Setting and the Methodology of Feminist Political Economy. In: D. K. Barker and E. Kuiper (eds.), *Toward a Feminist Philosophy of Economics*. London/ New York: Routledge.
- Prem Kumar, P. Kanyakumari, D. 2017. “1.7m legal foreign workers registered in Malaysia”, in *The Malaysian Reserve*, 9th November [Online]. Available at: <https://themalaysianreserve.com/2017/11/09/1-7m-legal-foreign-workers-registered-malaysia/>
- Prime Minister's Office. Economic Planning Unit. 2015. *Eleventh Malaysia Plan*. Chapter 5: Accelerating human capital development for an advanced nation. Available at: <https://www.mprc.gov.my/sites/default/files/policies/11th%20Malaysia%20Plan%20-%20Chapter%205%20-%20Human%20Capital.pdf>
- Prügl, E., and Meyer, M. K. (eds.). 1999. *Gender Politics in Global Governance*. Oxford UK: Rowman & Littlefield Publishers.
- Pyakurel, U. P. 2018. Restrictive Migration Policy on Nepalese Women and Consequences. *Sociology and Anthropology*, Vol. 6(8), pp. 650-656.
- Rai, S. 2004. Gendering Global Governance. *International Feminist Journal of Politics*, Vol. 6(4), pp. 579-601.
- Rai, S. and Waylen, G. 2008. *Global Governance: Feminist Perspectives*. London: Palgrave Macmillan UK.
- Ramamurthy, B. 2003. *International Labour Migrants: Unsung Heroes of Globalization*. Sida Studies 8. Sida, Stockholm. <http://www.sida.se/Documents/Import/pdf/No8-International-Labour-Migrants-Unsung-heroes-of-Globalisation1.pdf>
- Raustiala, K. 1997. States, NGOs and International Environmental Institutions. *International Studies Quarterly*, Vol. 41, pp. 719–40.
- Recruitment Advisor. 2018. *Recruitment Advisor* [Online]. Available at: <https://www.recruitmentadvisor.org>
- Rees, T. 1998. *Mainstreaming equality in the European Union: Education, training and labour market policies*. London: Routledge.
- Rein, M. and Schön, D. A. 1977. Problem setting in policy research. In: C. H. Weiss (ed.), *Using social research in public policy making*, pp. 235-251. Lexington, MA: Lexington Books.
- Rein, M. and Schön, D. A. 1991. Frame-reflective policy discourse. In: P. Wagner, C. H. Weiss, B. Wittrock, B. and H. Wollman (eds.), *Social sciences, modern states, national experiences and theoretical crossroads*, pp. 262-289. Cambridge, MA: Cambridge University Press.
- Rein, M. and Schön, D. A. 1993. Reframing policy discourse. In: F. Fischer and J. Forester (eds.), *The argumentative turn in policy analysis and planning*, pp. 145-166. Durham, NC: Duke University Press.
- Rein, M. and Schön, D. A. 1996. Frame-critical policy analysis and frame-reflective policy practice. *Knowledge and Policy*, Vol. 9, 85-104.
- Renshaw, C. 2016. Human Trafficking in Southeast Asia: Uncovering the Dynamics of State Commitment and Compliance. *Michigan Journal of International Law*, Vol. 37(4), pp. 611-659.

- Reuters. 2018. 'Malaysia considers amending human trafficking law after U.S. report,' *Reuters*, 20th June [Online]. Available at: <https://www.reuters.com/article/us-malaysia-trafficking/malaysia-considers-amending-human-trafficking-law-after-us-report-idUSKBN1JQ04Y>
- Rhodes, R. A. W. 1996. The new governance: governing without government. *Political Studies*, Vol. 44, pp. 652–667.
- Rhodes, R. A. W. 2012. Waves of Governance. In: D. Levi-Faur (ed.), *The Oxford Handbook of Governance*. Oxford: Oxford University Press.
- Rhodes, R. A. W., Marsh, D. 1992. New directions in the study of policy networks. *European Journal of Political Research*, Vol. 21(1-2),
- Riaño, Y. 2011. Drawing new boundaries of participation: Experiences and strategies of economic citizenship among skilled migrant women in Switzerland. *Environment and Planning A*, 43, pp. 1530-1546.
- Risse, R., Ropp, S. C., and Sikkink, K. 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press: Cambridge, UK.
- Ritchie, J. 2003. The Applications of Qualitative Methods to Social Research. In: J. Ritchie and J. Lewis (eds.), *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage
- Ritchie, J. and Lewis, J. 2006. *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage.
- Ritchie, J. and Spencer, L. 1994. Qualitative data analysis for applied policy research. In: A. Bryman and R. G. Burgess (eds.), *Analysing Qualitative Data*. London: Routledge.
- Ritchie, J., Lewis, J. and Elam, G. 2003. Designing and Selecting Samples. In: J. Ritchie and J. Lewis (eds.), *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage.
- Rodriguez, R. and Schwenken, H. 2013. Becoming a Migrant at Home: Subjectivation Processes in Migrant-Sending Countries Prior to Departure. *Population, Space and Place*, Vol. 19(4), pp. 375-388.
- Rodriguez, R. M. 2002. Migrant heroes. Nationalism, citizenship and the politics of Filipino migrant labour. *Citizenship Studies*, Vol. 6(3), pp. 341-356.
- Rodzi, N. H. 2016. 'Immigration Dept to start freezing assets of employers who protect illegal foreign workers', *The Star Online*, 13th September. Available at: <https://www.thestar.com.my/news/nation/2016/09/13/immigration-dept-to-start-freezing-assets-of-employers-who-protect-illegal-foreign-workers/>
- Rosenau, J. 1992. Governance, Order and Change in World Politics. In: E-O Czempiel, J. N. Rosenau (eds.) *Governance without Government*, Chapter 1. Cambridge University Press: Cambridge, UK.
- Rosenau, J. 1995. Governance in the Twenty-first Century. *Global Governance*, Vol. 1, pp. 13-43
- Rosenau, J. 1997. *Along the Domestic Foreign Frontier: Exploring Governance in a Turbulent World*. Cambridge University Press: Cambridge, UK.
- Rosli, L. 2018. 'Malaysia hits United Nation's 3pct target in cross-border remittances cost', *New Straits Times*, 8th May [Online]. Available at: <https://www.nst.com.my/business/2018/05/367195/malaysia-hits-united-nations-3pct-target-cross-border-remittances-cost>
- Rother, S. 2018. ASEAN Forum on Migrant Labour: A space for civil society in migration governance at the regional level? *Asia Pacific Viewpoint*, April 2018, Vol. 59(1), pp. 107-118.
- Rother, S. and Piper, N. 2015. Alternative regionalism from below: Democratizing ASEAN's migration governance. *International Migration*, Vol. 53(3), pp. 36-49.
- Russell, A. M. 2014. "Victims of Trafficking": The Feminisation of Poverty and Migration in the Gendered Narratives of Human Trafficking. *Societies*, Vol. 4(4), pp. 532-548.
- Rydström, H. (ed.). 2010. *Gendered Inequalities in Asia: Configuring, Contesting and Recognizing Women and Men*.
- Santoso, A. 2017. *Migrant Workers and ASEAN: A Two Level State and Regional Analysis*. London/New York: Routledge.
- Saravanamuttu, J. 2015. *Malaysia in the in New Geopolitics of Southeast Asia*. London School of Economics, Reports, SR015, pp. 47-52. Available at: <http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR015/SR015-SEAsia-Saravanamuttu-.pdf>
- Savage, M. and Witz, A. 1992. Theoretical introduction: Gender in organisations. In: M. Savage and A. Witz (eds.), *Gender and Bureaucracy*, pp. 3-62. Oxford: Blackwell Publishers.
- Schattschneider, E. E. 1960. *The Semisovereign People: A Realist's View of Democracy in America*. Dryden Press.

- Scheufele, D. A. 1999. Framing as a theory of media effects. *Journal of Communication*, Vol. 49(1), pp. 103-122.
- Schön, D. A. 1993. Generative metaphor. In A. Ortony (ed.), *Metaphor and thought*. Second Edition. Cambridge, UK: Cambridge University Press. (Original work published 1979).
- Schön, D. A. and Rein, M. 1994. *Frame reflection*. New York, NY: Basic Books.
- Schutt, R. 2006. *Investigating the Social World: The Process and Practice of Research*. Fifth Edition. Thousand Oaks, CA: Pine Forge Press.
- Schwenken, H. 2008. Beautiful Victims and Sacrificing Heroines: Exploring the Role of Gender Knowledge in Migration Policies. *Journal of Women in Culture and Society*, Vol. 33(4), pp. 770-776.
- Schwenken, H. and Eberhardt, P. 2010. Gender Knowledge in Economic Migration Theories and in Migration Practices. *GARNET Working Paper* No: 58/08. August 2008.
- Schwenken, H. and Eberhardt, P. 2010. Gender Knowledge in Migration Studies and in Practice. In: C. Scherrer and B. Young (eds.), *Gender Knowledge and Knowledge Networks in International Political Economy*. Baden-Baden: Nomos.
- Scuzzarello, S. 2015. Policy actors' narrative constructions of migrants' integration in Malmö and Bologna. *Ethnic and Racial Studies*, Vol. 38(1), pp. 57-74.
- Shaw, J. 2000. Importing gender: The challenge of feminism and the analysis of the EU legal order. *Journal of European Public Policy*, Vol. 7(3), pp. 406-431.
- Sidel, J. 1999. *Capital, coercion, and crime: Bossism in the Philippines*. California: Stanford University Press.
- Silverman, D. 2005. *Doing qualitative research*. Second Edition. London: Sage.
- Sim, A. 2003. Organising Discontent: NGOs for Southeast Asian Migrant Workers in Hong Kong. *Asian Journal of Social Science*, Vol. 31(3), pp. 478-510.
- Sivanandam, H. and Kaos Jr, J. 2017. 'Guidelines for employers of foreign domestic helpers launched', *The Star Online*, 25th May [Online]. Available at: <https://www.thestar.com.my/news/nation/2017/05/25/guidelines-for-employers-of-foreign-domestic-helpers-launched/>
- Sivanandam, H. 2019. 'Foreign workers a constant issue', *The Star Online*, 26th April [Online]. Available at: <https://www.thestar.com.my/news/nation/2019/04/26/foreign-workers-a-constant-issue>
- Skeldon, R. 2009. *Managing Irregular Migration as a Negative Factor in the Economic Development of Eastern Asia*. ILO Asian Regional Programme on Governance of Labour Migration, Working Paper no. 18 (March 2009).
- Snape, D. and Spencer, L. 2003. The Foundations of Qualitative Research. In: J. Ritchie and J. Lewis (eds.), *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage.
- Snow, D. A. and Benford, R. D. 1988. Ideology, Frame Resonance, and Participant Mobilization. *International Social Movement Research*, Vol. 1, pp. 197-217.
- Snow, D. A., Rochford, E. B. Worden, S. K. and Benford, R. D. 1986. Frame Alignment Processes, Micromobilization, and Movement Participation. *American Sociological Review*, Vol. 51, pp. 464-481.
- Sobel, A. 2015. 'What to Look for in the 2015 Trafficking in Persons Report', *Human Rights First*, 1st July [Online]. Available at: <http://www.humanrightsfirst.org/blog/what-look-2015-trafficking-persons-report>
- Spaan, E. and van Naerssen, T. 2017. Migration decision-making and migration industry in the Indonesia–Malaysia corridor. *Journal of Ethnic and Migration Studies*, Vol. 44(4), Special Issue: Exploring the Migration Industries, pp. 680-695.
- Spencer, L., Ritchie, J. and O'Connor, W. 2003. Analysis: Practices, Principles and Processes. In: J. Ritchie and J. Lewis (eds.), *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. London: Sage.
- Stalker, P. 2008. *Protecting Migrant Workers: Governance of Labour Migration in Asia and the Pacific*. International Labour Organisation.
- Stevenson, W. B. and Greenberg, D. 2000. Agency and Social Networks: Strategies of Action in a Social Structure of Position, Opposition, and Opportunity. *Administrative Science Quarterly*, Vol. 45(4), pp. 651-678.
- Stockdale, A. 2016. From 'trailing wives' to the emergence of a 'trailing husbands' phenomenon: Retirement migration to rural areas. *Population, Space and Place*, Vol. 23(3).
- Stone, D. A. 1989. Causal Stories and the Formation of Policy Agendas. *Political Science Quarterly*, Vol. 104(2), pp. 281 – 300.
- Stone, D. A. 2002. *Policy Paradox: The Art of Political Decision-Making*. New York: Norton.

- Stone, D. A. 2012. *Policy Paradox*. Third Edition. New York: W.W. Norton & Company.
- Suaram and the International Federation for Human Rights (FIDH). 2008. *Undocumented migrants and refugees in Malaysia: Raids, Detention and Discrimination*. March 2008 [Online]. Available at: <https://www.fidh.org/IMG/pdf/MalaisieCONJ489eng.pdf>
- Subrahmanian, Ramya. 2004. Making Sense of Gender in Shifting Institutional Contexts: Some Reflections on Gender Mainstreaming. *Institute of Development Studies*, Vol. 35(4), pp. 89–94.
- Sugiyarto G. and Agunias D.R. 2014. *A 'freer' flow of skilled labour within ASEAN: aspirations, opportunities and challenges in 2015 and beyond*. International Organisation for Migration: Bangkok and Washington, D.C.:
- Sukumaran, T. 2018. 'Mahathir's U-turn on UN race treaty: for Malaysia, a necessary - if backwards - step?' *South China Morning Post*, 2nd December [Online]. Available at: <https://www.scmp.com/week-asia/politics/article/2175870/mahathirs-u-turn-un-race-treaty-malaysia-necessary-if-backwards>
- Sunindyo, S. 1998. When the Earth is Female and the Nation is Mother: Gender, the Armed Forces and Nationalism in Indonesia. *Feminist Review*, No. 58 Spring 1998.
- Sutcliffe, K. M. 2013. Sensemaking. In: M. Augier and D. Teece (eds.), *The Palgrave Encyclopedia of Strategic Management*. Basingstoke: Palgrave Macmillan.
- Tacoli, C. 1999. International Migration and Restructuring of Gender Asymmetries: Continuity and Change among Filipino Labor Migrants in Rome. *International Migration Review*, Vol. 33(3), pp. 658-682.
- Tansey, O. 2007. Process tracing and elite interviewing: A case for non-probability sampling. *Political Science and Politics*, Vol. 40(4), pp. 767-772.
- Testaverde, M., Moroz, H., Hollweg, C. H. and Schmillen, A. 2017. *Migrating to Opportunity: Overcoming Barriers to Labour Mobility in Southeast Asia*. Washington, D.C.: World Bank Publications, The World Bank Group.
- The Fair Labour Association. 2018. *Triple Discrimination: Woman, Pregnant, and Migrant. Preventing Pregnancy Discrimination among Temporary Migrant Workers: Lessons from Malaysia, Taiwan, and Thailand*. March 2018. The Fair Labour Association. Available at: https://www.fairlabor.org/sites/default/files/documents/reports/triple_discrimination_woman_pregnant_and_migrant_march_2018.pdf
- The Straits Times. 2016. 'Malaysia and Bangladesh ink MOU to recruit 1.5 million workers', *The Straits Times*, 18th February [Online]. Available at: <https://www.straitstimes.com/asia/south-asia/malaysia-and-bangladesh-ink-deal-to-recruit-15-million-workers>
- The Straits Times. 2018. 'Indonesia mulls ban on sending maids to Malaysia after abuse case', *The Straits Times*, 17th February [Online]. Available at: <https://www.straitstimes.com/asia/se-asia/indonesia-mulls-ban-on-sending-maids-to-malaysia-after-abuse-case>
- The Straits Times. 2018a. 'Thousands sign petition after Malaysian woman escapes jail time for abusing maid', *The Straits Times*, 19th March [Online]. Available at: <https://www.straitstimes.com/asia/se-asia/thousands-sign-petition-after-malaysian-woman-escapes-jail-time-for-abusing-maid>
- The Straits Times. 2019. 'Anger as Malaysian cleared of murdering Indonesian maid in Penang,' *The Straits Times*, 22nd April [Online]. Available at: <https://www.straitstimes.com/asia/se-asia/anger-as-malaysian-cleared-of-murdering-indonesian-maid-in-penang>
- The Straits Times. 2019a. 'Malaysia authorities found Rohingya trafficking camp months before going public,' *The Straits Times*, 18th April [Online]. Available at: <https://www.straitstimes.com/asia/se-asia/malaysia-authorities-found-rohingya-trafficking-camp-months-before-going-public>
- Thomas, Nicholas. 2009. Understanding Regional Governance in Asia. In: N. Thomas (ed.), *Governance and Regionalism in Asia*, pp. 1–31. Abingdon: Routledge.
- Tigno, J. 2012. Trafficking discourse in the Philippines. In: M. Ford, L. Lyons and W. van Schendel (eds.), *Labour Migration and Human Trafficking in Southeast Asia: Critical Perspectives*. London: Routledge.
- Tiwon, S. 1996. Models and Maniacs: Articulating the Female in Indonesia. In L. J. Sears (ed.) *Fantatising the Feminine in Indonesia*.
- Today Online. 2018. 'Malaysia aims to get rid of illegal immigrants within a month'. *Today Online*, 23rd July [Online]. Available at: <https://www.todayonline.com/world/ph-aims-rid-malaysia-illegals-within-month>
- Tyldum, G. 2015. Motherhood, Agency and Sacrifice in Narratives on Female Migration for Care Work. *Sociology*, Vol. 49(1).
- Tyner, J. 1999. The Web-based Recruitment of Female Foreign Domestic Workers in Asia. *Singapore Journal of Tropical Geography*, Vol. 20(2), pp. 193-209.

- UN General Assembly. 1990. *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 18 December 1990, A/RES/45/158, Article 2. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>
- UN General Assembly. 2000. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, available at: <https://www.refworld.org/docid/4720706c0.html>
- UN Human Rights Council (UNHRC). 2015. Behind closed doors: Protecting and Promoting the human rights of migrant domestic workers in an irregular situation, HR/PUB/15/4: https://www.ohchr.org/Documents/Publications/Behind_closed_doors_HR_PUB_15_4_EN.pdf
- UN Human Rights Council (UNHRC). 2015a. *Report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro*. 15 June 2015, A/HRC/29/38/Add.1. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/38/Add.1 [last accessed 26th November 2018]
- UN Women, 2012. *Factsheet: Domestic work and migration in Asia*. Available at: <http://asiapacific.unwomen.org/en/digital-library/publications/2012/9/factsheet-domestic-work-and-migration-in-asia>
- UN Women. 2013. *Contributions of Migrant Domestic Workers to Sustainable Development*. United Nations Entity for Gender Equality and the Empowerment of Women Regional Office for Asia and the Pacific. Available at: <http://asiapacific.unwomen.org/~media/7148BD87A4F7412D8CBD10482146276F.ashx>
- UNESCAP. 2015. *Asia-Pacific Migration Report 2015: Migrants' Contributions to Development*. ST/ESCAP/2738
- UNESCO. 2008. *The Hague Process on Refugees and Migration, People on the Move: Handbook of Selected Terms and Concepts*. The Hague/Paris: UNESCO Section on International Migration and Multi-cultural Policies.
- UNHCR. 2012. *Overview of UNHCR's operation strategies in Asia and the Pacific*. Executive Committee of the High Commissioner's Programme. 6 March 2012. Standing Committee, 53rd Meeting.
- United Nations Department of Economic and Social Affairs (UN DESA). 2017. *International Migrant Stock 2017: By Age and Sex* [Online]. Available at: <https://www.un.org/en/development/desa/population/migration/data/index.asp>
- United Nations Department of Economic and Social Affairs (UNDESA). 2013. *UNDESA International Migration Policies 2013 Wall Chart*.
- United Nations Development Programme (UNDP). 1997. *Governance for sustainable development: A UNDP policy document*. New York: UNDP.
- United States Department of State. 2019. *Trafficking in Persons Report - Malaysia*, 20 June 2019. Available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/malaysia/>
- Van Hear, N., Bakewell, O. and Long, K. 2012. *Drivers of Migration*. Research Programme Consortium. Working Paper 1, March 2012. Migrating Out of Poverty: Brighton, United Kingdom.
- van Hulst, M. and Yanow, D. 2016. From Policy "Frames" to "Framing": Theorising a More Dynamic, Political Approach. *American Review of Public Administration*, Vol. 46(1), pp. 92-112.
- van Hulst, M. J., Siesling, M., van Lieshout, M. and Dewulf, A. 2014. The riot, the people and the neighborhood: Narrative framing of social disorder in four cases. *Media, Culture & Society*, Vol. 4, pp. 456-472.
- Varia, N. 2011. "Sweeping Changes?" A Review of Recent Reforms on Protections for Migrant Domestic Workers in Asia and the Middle East. *Canadian Journal of Women and the Law*, Vol. 23(1), pp. 265-287.
- VOA News. 2018. 'Indonesian Migrant Workers Remain Vulnerable, Activists Say,' *VOA News*, 12th November [Online]. Available at: <https://www.voanews.com/east-asia/indonesian-migrant-workers-remain-vulnerable-activists-say>
- Wan Husin, W. N. 2012. *Cultural Clash between the Malays and Chinese in Malaysia: An Analysis on the Formation and Implementation of National Cultural Policy*. 2012 International Conference on Humanity, History and Society. IPEDR, Vol. 34 (2012). Available at: <http://www.ipedr.com/vol34/001-ICHHS2012-H00001.pdf>
- Waylen, G. 2014. Informal Institutions, Institutional Change, and Gender Inequality. *Political Research Quarterly*, Vol. 67(1), March 2014, pp. 212-223.
- Waylen, G., Ceila, K., Kantola, S. and Weldon, L. 2013. *The Oxford Handbook of Gender and Politics*. Oxford: Oxford University Press.
- Weick, K. E. 1979. *The social psychology of organizing*. Second Edition. New York: McGraw-Hill.
- Weick, K. E. 1988. Enacted sensemaking in crisis situations. *Journal of Management Studies*, Vol. 25(4), pp. 305-317.

- Weick, K. E. 1995. *Sensemaking in organisations*. Thousand Oaks, CA: Sage Publications.
- Weick, K. E. 2005. Managing the unexpected: Complexity as distributed sensemaking. In: R. R. McDaniel Jr. and D. J. Driebe (eds.), *Uncertainty and surprise in complex systems: Questions on working with the unexpected*, pp. 51–65. Berlin: SpringerVerlag.
- Weick, K. E. 2009. *Making Sense of the Organisation, Volume 2: The Impermanent Organisation*. Chichester: John Wiley & Sons Ltd.
- Weick, K. E. 2012. Organised sensemaking: A commentary on processes of interpretive work. *Human Relations*, Vol. 65(1), pp. 141-153.
- Weick, K., Sutcliffe, K., and Obstfeld, D. 2005. Organizing and the process of sensemaking. *Organization Science*, Vol. 16(4), pp. 409-421.
- Weiss, T. G., Seyle, D. C., and Coolidge, K. 2013. *The Rise of Non-State Actors in Global Governance: Opportunities and Limitations*. Discussion Paper for One Earth Future Foundation.
- Wickramasekara, P. 2002. *Asian Labour Migration: Issues and Challenges in an Era of Globalisation*. International Migration Papers 57. Geneva: ILO Labour Office [Online]. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_160632.pdf
- Wickramasekara, P. 2011. *Circular Migration: A Triple Win or a Dead End*. Discussion Paper 15. Global Union Research Network. Geneva: International Labour Organisation.
- Wieringa, S. 2002. *Sexual Politics in Indonesia*. Institute of Social Studies, The Hague. Palgrave MacMillan.
- Wojnicka, K., and Pustulka, P. 2017. Migrant men in the nexus of space and (dis)empowerment. *NORMA, International Journal for Masculinity Studies*, Vol. 12(2), pp. 89-95.
- Women's Aid Organisation (WAO). 2018. *NGO CEDAW Shadow Report, for the Malaysian Government's Review by the CEDAW Committee*, at the 69th CEDAW Session in February 2018. Submitted 29th January 2018. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MYS/INT_CEDAW_NGO_MYS_30011_E.pdf
- Women's Aid Organisation (WAO). 2019. *The Status of Women's Human Rights: 24 years of CEDAW in Malaysia*. Selangor, Malaysia: Women's Aid Organisation. Available at: <https://wao.org.my/wp-content/uploads/2019/01/The-Status-of-Womens-Human-Rights-24-Years-of-CEDAW-in-Malaysia.pdf>
- World Bank. 2018. *Migration and Remittances Data* [Online]. [Last Accessed 1st August 2019]. Available for download at: <https://www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data>
- World Values Survey. 2014. *World Values Survey* [Online]. Available for download: <http://www.worldvaluessurvey.org/WVSDocumentationWV6.jsp>
- Wright, M. W. 2006. *Disposable Women and Other Myths of Global Capitalism*. Taylor & Francis.
- Yahaya, Y. 2018. 'Dr M pledges to uphold UN principles in New Malaysia,' *New Straits Times*, 28th September [Online]. Available at: <https://www.nst.com.my/news/nation/2018/09/415933/dr-m-pledges-uphold-un-principles-new-malaysia>
- Yamanaka, K. and Piper, N. 2004. *Gendered Migration, Entitlements and Civil Action in Asia*. Commissioned background paper for the United Nations Research Institute for Social Development. Geneva: UNRISD.
- Yanow, D. 2006. Thinking Interpretively: Philosophical Presuppositions and the Human Sciences. In: D. Yanow and P. Schwartz-Shea (eds.), *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*. London/New York: M.E. Sharpe.
- Yanow, D. and Ybema, S. 2009. Interpretivism in organizational research: On elephants and blind researchers. In: D. A. Buchanan and A. Bryman (eds.), *Handbook of Organizational Research Methods*, Chapter: Interpretivism in organizational research: On elephants and blind researchers, pp.39-60. London: Sage.
- Yin, R. K. 1984. *Case study research: Design and Methods*. Thousand Oaks, CA: Sage.
- Yin, R. K. 1994. *Case Study Research Design and Methods: Applied Social Research and Methods Series*. Second Edition. Thousand Oaks, CA: Sage Publications.
- Yin, R. K. 2003. *Case Study Research: Design and Methods*. Third Edition. Thousand Oaks, CA: Sage Publications.
- Yin, R. K. 2009. *Case Study Research: Design and Methods*. Fourth Edition. Thousand Oaks, CA: Sage Publications.
- Yin, R. K. 2012. *Applications of case study research*. Third Edition. Thousand Oaks, CA: Sage Publications.
- Young, B. and Scherrer, C. (eds.). 2010. Gender Knowledge and Knowledge Networks in International Political Economy. *Feminist and Critical Political Economy*. Vol. 3. Baden-Baden: Nomos.

- Yudhoyono, S. B. 2011. *Statement by H.E. Dr Susilo Bambang Yudhoyono, President of the Republic of Indonesia, at the 100th International Labour Conference* [Online]. Available at: https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/statement/wcms_157638.pdf
- Yuval-Davis, N. 1997. Women, Citizenship and Difference. *Feminist Review*, Vol. 57(1).
- Yuval-Davis, N. 1998. Gender and Nation. In: R. Wilford and R. E. Miller (eds.) *Women, Ethnicity and Nationalism: The Politics of Transition*. Psychology Press.
- Yuval-Davis, N. 2002. Nationalist Projects and Gender Relations. *Nar. umjet.* 40/1, 2003, pp. 9-36.
- Yuval-Davis, N. 2009. Women, globalisation and contemporary politics of belonging. *Gender, Technology and Development*, Vol. 13, pp. 1-19.
- Zainal Abidin, S. 2005. *Migration and National Security: A study of Indonesia transients in Malaysia*, unpublished project paper submitted in partial fulfilment of the requirements for a Master's degree in Defence Studies, Faculty of Social Sciences and Humanities, Universiti Kenabgsaan, Malaysia, Bangi, Malaysia.
- Zainul, E. 2018. 'No more middlemen in hiring of foreign workers next year', *The Edge Financial Daily*, 25th October [Online]. Available at: <https://www.theedgemarkets.com/article/no-more-middlemen-hiring-foreign-workers-next-year>
- Zalewski, M. 2013. *Feminist International Relations: 'Exquisite Corpse'*. London/New York: Routledge.

Appendix 1: Interview Guide

Preamble: I really appreciate you taking the time out of your day to talk to me. I am speaking to key policy actors to hear their opinions and insights on migration governance in Southeast Asia. I want to understand your experiences and I am sure that your insights will be able to help with the research. There are no right or wrong answers.

1.1 Part 1: Opening Questions

I would like to start by asking you to tell me a bit about your role and what you are working on now?

- Could you tell me about the makeup of your team?
- When you think of a migrant, could you tell me what comes to your mind?
- On a daily basis, with which types of migration do you find yourself dealing with the most?
- Based on your own experience, what do you see as the major causes of migration within Southeast Asia? [*Why do people move?*]

1.2 Part 2: Malaysia

I would now like to focus on migration to Malaysia.

1. Why do you think people migrate to Malaysia?

- Do you think men and women come for the same reasons?
- Do you think people migrate alone?
- Do you think people from different countries migrate for different reasons?
- Do you think there are more men or more women migrating to Malaysia?
- Do you think men and women do the same kinds of jobs when they migrate to Malaysia? [Do you think a male migrant can work as a domestic worker? Do you think a female migrant can work in construction?]

2. What do you think are the main consequences of migration to Malaysia?

- Do you think any of these reasons to migrate that you mentioned before, will become more or less important over the next decade? Do you think any new causes will emerge? [Why?]

- [You mentioned ____as the main reasons that people come to Malaysia, and the impact this has on the country] Do you think that your understandings are sufficiently reflected in policy outputs?

1.3 Part 3: Reflections/ Shifting Perceptions

I am interested in the question of how your own understanding of migration has been affected by things that you have read, seen, or attended.

- Looking back over the years, what do you think has shaped your understanding of the causes and consequences of migration?
- Have you ever **attended, read or seen something** that had a powerful influence on the way you perceive international migration? [This can be a positive or negative influence].
- What? Why? How?
- Did you, or your organisation, act differently as a result?
- Did **any specific event** shape your understanding?
- What? Why? How?
- Did you, or your organisation, act differently as a result?
- Did you change your behaviour as a result?
- Do you think your perspective changed over the years? If so, why?
- Did you, or your organisation, act differently because of this shift in perception?
- Do you think your previous experience has had an impact on your work today and the way in which you approach and deal with migration?

1.4 Part 4: Sources

I am interested now in understanding where you get your information from.

- What media/ information sources do you use to find information on international migration?
- Which organisations or people do you liaise with most frequently on migration issues?
- Have any other organisations been particularly influential on the way you or your organisation works?

Appendix 2: Research Sample

Group	Actors (Number, Type and Gender)
Group 1	Government Actors (3): <ul style="list-style-type: none"> • 3 Malaysian Government Officials (1 Female, 2 Males)
Group 2	Representatives from the ‘Migration Industry’ (1): <ul style="list-style-type: none"> • 1 Recruitment Agency (1 Male)
Group 3	Sending Countries’ Government Officials (4) <ul style="list-style-type: none"> • 4 Embassy Officials (2 Females, 2 Males)
Group 4	Regional and international organisations (9): <ul style="list-style-type: none"> • 5 International Organisations (5 Females) • 3 Regional Organisations (2 Females, 1 Male) • 1 Regional Intergovernmental Organisations (1 Male)
Group 5	Employers’ Organisations and Business Associations (3): <ul style="list-style-type: none"> • 1 Business Leader (1 Male) • 1 Business Consultant (1 Female) • 1 Employer Organisation (1 Male)
Group 6	Civil Society Actors (13): <ul style="list-style-type: none"> • 4 Trade Unionists (1 Female, 3 Males) • 4 Non-Governmental Organisations (3 Females, 1 Male) • 2 Faith-based Organisations (2 Females) • 2 Legal Experts (1 Female, 1 Male) • 1 Community Activist (1 Female)
Group 7	Other Stakeholders (8): <ul style="list-style-type: none"> • 3 Think Tanks (1 Female, 2 Males) • 3 Academics (3 Females) • 2 Journalists (2 Males)

Appendix 3: Research Summary for Participant Recruitment



The
University
Of
Sheffield.



Understanding Migration Governance in Southeast Asia

This research analyses the governance of labour migration in Southeast Asia, with a particular focus on Malaysia. This project explores how a governance system for labour migration has developed in Southeast Asia and how various types of policy actors within this network develop their understandings of migration issues in the region, and how these understandings shape the possibilities and limits of migration governance.

As part of this research, we are asking influential policy actors to share their opinions and insights on the governance of labour migration in the region. The new evidence-base generated through this project will contribute to ongoing academic and policy debates about migration governance at state- and regional-level.

The European Research Council funds this project, with fieldwork research supported by the Royal Society for Asian Affairs and the Department of Politics at the University of Sheffield.

This research is embedded in the Prospects for International Migration Governance (MIGPROSP) project, which is a multi-million pound international research project led by leading scholars in the field of international migration. The MIGPROSP project analyses and compares the challenges posed by international migration to governance systems in four of the world's major regions (Europe, North America, South America and Asia-Pacific).

This MIGPROSP project is a collaboration between the University of Sheffield, the Migration Policy Centre at the European University Institute, and the European Union. The European Research Council funds the research. See <http://www.migrationpolicycentre.eu/migprosp/> for more details.

Lead Researcher



Laura Foley is a doctoral researcher at the University of Sheffield who has been awarded a European Research Council PhD Studentship. She has worked on a range of research projects including: research on Religion and Belief in British society; the effects of English language learning on the social integration of migrant women in Ireland; a pilot study on the impact of the 'Right to Rent' immigration checks on migrants in the UK; and research on migrants' employment experiences in Ireland. She holds an MSc in International Relations from University College Dublin, an LLM in International Human Rights and Development from London South Bank University, and a B.A. in Sociology from Trinity College Dublin. Email: laura.foley@sheffield.ac.uk

MIGPROSP Principal Investigator

Professor Andrew Geddes: andrew.geddes@eui.eu

Director of the Migration Policy Centre, the European University Institute. Full profile available [here](#).

This project has been ethically reviewed by the ethics review procedure at the Department of the Politics at the University of Sheffield. All interviews will be treated as strictly confidential and all data obtained from the interview will be anonymised and safely secured. All the research data collected will be securely stored in accordance with the relevant UK legislation (the UK Data Protection Act, 1998).

Appendix 4: Participant Consent Form



The
University
Of
Sheffield.



Participant Consent Form

Title of Research Project: Understanding Migration Governance in Southeast Asia

Name of Lead Researcher: Laura Foley

Participant Identification Number for this project [1]: *Please Tick the box*

1	I confirm that I have read and understand the information sheet explaining the above research project and I have had the opportunity to ask questions about the project.	<input type="checkbox"/>
2	I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.	<input type="checkbox"/>
3	I understand that my responses will be kept strictly confidential. I give permission for members of the research team to have access to my anonymised responses. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.	<input type="checkbox"/>
4	I agree for the data collected from me to be used in future research	<input type="checkbox"/>
5	I agree to take part in the above research project.	<input type="checkbox"/>

Name of Participant

Date

Signature (or electronic signature)

Lead Researcher

Date

Signature

Copies:

Once this has been signed by all parties the participant should receive a copy of the signed and dated participant consent form, the information sheet and any other written information provided to the participants. A copy of the signed and dated consent form should be placed in the project's main record (e.g. a site file), which must be kept in a secure location.

[1] To be filled in by MIGPROSP team member and kept strictly confidential

Appendix 5: Questionnaire

PART 2 - QUESTIONNAIRE: NETWORKS

Participant Number [1]

Please name up to four actors/institutions that you discussed matters regarding international migration within the last 6 months, and specify the nature of your relationship

Actor/Institution (please put name/institution in box)	Frequency of exchange in past 6 months	Value of exchange	Similarity/Difference
With whom did you discuss international migration matters with in the past 6 months? We are aware you speak with many people, but if you had to name 4 particularly relevant ones, which ones would those be?	How often did you discuss international migration matters with this actor?	How valuable are these discussions to you? 5 is high and 1 is low	How similar on a scale from 1 to 5 are the perspectives on international migration of this actor to your own perspectives on the issue? 5 is high similarity, 1 is low similarity
Actor 1: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Put mark in box <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	Put mark in box <input type="checkbox"/> 1 - Low similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High similarity
Actor 2: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Put mark in box <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	Put mark in box <input type="checkbox"/> 1 - Low similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High similarity
Actor 3: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Put mark in box <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	Put mark in box <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity
Actor 4: <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Put mark in box <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	Put mark in box <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity

[1] To be filled out by the MIGPROSP Team and kept strictly confidential

This is a short survey to be filled out by you. It should take only several minutes of your time to fill it out.

Please indicate with whom on this list, you discussed matters regarding international migration with in the past 6 months. **If we have listed one of the actors, you already mentioned before please SKIP this specific actor on the list below.**

Actor/Institution	Frequency of exchange in past 6 months How often did you discuss international migration matters with this actor? (If you tick occasionally, weekly or daily proceed to next questions, otherwise skip)	Value of exchange How valuable are these discussions to you? 5 is high and 1 is low	Similarity/Difference How similar on a scale from 1 to 5 are the perspectives on international migration of this actor to your own perspectives on the issue? 5 is high similarity, 1 is low similarity
National government (please indicate which states/ department/ actors, name multiple if needed) Name:	<input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> 1 - Low similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High similarity
Regional organisation: (please specify which) Name:	<input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> 1 - Low similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High similarity
International organisation (please specify which) Name:	<input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity
Private company (please specify which, e.g. Google, Facebook) Name:	<input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity

This is a short survey to be filled out by you. It should take only several minutes of your time to fill it out.

Actor/Institution	Frequency of exchange in past 6 months	How often did you discuss international migration matters with this actor? (If you tick occasionally, weekly or daily proceed to next questions, otherwise skip)	How valuable are these discussions to you? 5 is high and 1 is low	Similarity/Difference How similar on a scale from 1 to 5 are the perspectives on international migration of this actor to your own perspectives on the issue? 5 is high similarity, 1 is low similarity
Think tank (please specify which) Name: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<i>Put mark in box</i> <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High similarity	
Migrant rights advocacy group/ or opposition group (please specify) Name: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<i>Put mark in box</i> <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High similarity	
Employers Organisation (please specify) Name: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<i>Put mark in box</i> <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity	
Trade unions/ Professional Associations (please specify) Name: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<i>Put mark in box</i> <input type="checkbox"/> Never <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<i>Put mark in box</i> <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity	

This is a short survey to be filled out by you. It should take only several minutes of your time to fill it out.

Please indicate up to four main sources from which you get information on international migration (e.g. certain newspapers, TV, webpages, policy briefs by Think Tanks, reports by universities or NGOs,...)

Source of information (please put name in box)	Frequency of use in past 6 months How often did you use this source in relation to international migration matters in the past 6 months?	Value of information How valuable was the information on international from this source to you? 5 is of high value and 1 is of low value	Similarity/Difference How similar on a scale from 1 to 5 are the perspectives on international migration of this source to your own perspectives on the issue? 5 is high similarity and 1 is low similarity
Name of Source 1: <input type="text"/>	<input type="checkbox"/> Put mark in box <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity
Name of Source 2: <input type="text"/>	<input type="checkbox"/> Put mark in box <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity
Name of Source 3: <input type="text"/>	<input type="checkbox"/> Put mark in box <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity
Name of Source 4: <input type="text"/>	<input type="checkbox"/> Put mark in box <input type="checkbox"/> Occasionally <input type="checkbox"/> Weekly <input type="checkbox"/> Daily	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High	<input type="checkbox"/> Put mark in box <input type="checkbox"/> 1 - Low Similarity <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 - High Similarity