
LEGAL FRAMEWORK OF MALAYSIA FOR MIGRANT WORKERS AND PRISONERS BELONGING TO PAKISTAN: A CRITICAL APPRAISAL

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Abstract

The current study aims to demonstrate the legislative system of Malaysia regarding migrants' rights and protection along with the practical insight of imprisoned Pakistani who experienced living in Malaysian jails for different reasons. This qualitative study collected the data by using purposive sampling. The study analyzed the data by using thematic analysis. The study found that majority of the Pakistani who experienced living in Malaysian jails were illegal and undocumented due to different reasons. The other categories of Pakistani migrant workers in jail were involved in violent acts or immigration operasi (raids) to check the documents of the foreign workers. The study found that foreign workers have predefines and proper rights in Malaysia. However, in case of violence, the imprisoned Pakistani migrants were treated cruelly. Despite predefined acts and laws regarding immigrant workers, they faced inhuman treatment for being immigrant workers. The study also found that only a few Pakistani live in Malaysia after release from jail, as most of them are deported to Pakistan and rarely get a chance to return to Malaysia. The study concludes that the Malaysian laws and rules are strict for immigrant workers, especially in cases of violence. It is also concluded that there is a need for the immigration department to revise its

policies to treat the immigrant workers to avoid inhuman behavior toward them despite having complete documents. There is also the need to check the police behavior and deal with imprisoned workers to avoid unprivileged and inhuman behavior. The study's findings can help the legislative system of Malaysia deal with immigrant workers in a privileged way than cruelty in prison.

Keywords: Criminal Justice of Malaysia, Migrant Workers, Human Rights, Prisoner's Rights, Law of Immigration

1. Introduction

Since the dawn of humanity, immigration has been a profoundly difficult process all over the planet. People tend to relocate to other nations whose economy is growing. As a result, Asian immigrants choose to go to those Asian states from the Middle East. Malaysia is one of Southeast Asia's most well-liked labor migration destinations (Ajis et al., 2014). Since the government of Malaysia created the First Industrial Master Plan in 1985, immigrant workers in Malaysia have received significant attention in academic studies (1985-1990). Because of the labor shortage, the Malaysian government encouraged immigration after 1990 (Reza & Subramaniam, 2018). As the Malaysian Ministry of Human Affairs reports, 2,135,035 immigrants were working there in 2015, and that figure has been rising over time (Arisman & Jaya, 2020).

Post-crisis public worries about migrant workers and the development of new laws and government procedures are Malaysia's results. All documented and undocumented foreign employees deemed "troublemakers" are rounded up and expelled by police and immigration authorities using their authority." In post-crisis Malaysia, public worries over foreign labor have prompted new government policies and legislative changes. Police and immigration officials utilize their authority to apprehend and expulse any foreign employees, legal or illegal, who are seen as "subversives" (Pillai, 1998).

Due to Malaysia's strong economic expansion, labor migrants from many nations including Indonesia, Bangladesh, India, and Pakistan prefer to go there. With this kind of study, researchers may assist policy-makers and other academics in evaluating existing government programs and inform them of enhancements and adjustments that are essential to making it easier for immigrant workers to settle in their host nations. The experiences, problems, and challenges faced by labor migrants from Bangladesh, Indonesia, Japan, and other nations that came to Malaysia have been investigated by scholars (Balakrishnan, 2013; Killias, 2014; Andrevski & Lyneham, 2014; Reza & Subramaniam, 2018), but little research has been done on Pakistani labor migrants' hurdles or difficulties in Malaysia. Furthermore, the studies done on immigrants' labor in Malaysia discussed the high salaries, labor shortage, better job opportunities, encouraged foreign direct investment, reduced transaction costs and large workforce (Ajis et al., 2014). Other than it, issues in HR resources, gaining occupational skills, imparting different cultures and styles, low skills/wages (Said 2015) and other challenges and issues of immigrant labor in Malaysia (Shariff & Ghani, 2016; Tasleem, Ajis & Abidin, 2019).

In Malaysia, the majority of the employees were leading incredibly stressful lifestyles. According to Karim Bux, people could expect police and immigration raids on the streets, in

buses, cafés, restaurants and places of employment. In addition, they frequently had to pay bribes, and some owners deducted their earnings. Most responders experienced problems with their work permits and spent more than four years living illegally in Malaysia. A handful had legitimate work licenses but were unaware whether their employers were on blacklists or whether the migrant workers had obtained the work permits secretly. In this case, the parent firm is unaware that the employees have obtained a work visa on its behalf from the immigration officers who accepted payment in the form of tea (Khosro, Thambiah & Hussin, 2020). Employers that violated the law by hiring over five undocumented laborers are also subject to penalties, including paying fines, being incarcerated, and receiving corporal punishment. The NGO Suaram claims that "very few" employers have been prosecuted in court (Suaram, 2006). Rela citizens are offered financial awards (MYR 80 or US\$21) for each illegal immigrant arrested and only get rudimentary training. Upon this information from the Immigration Department, Rela personnel move about in a group in slum areas or the temporary shelters when illegal migrants or refugees are at home at night or during the early morning hours (accompanied by immigration officials). They have the authority to enter homes and make citizens' arrests.

The illegal immigrants and refugees are subsequently sent to one of the several detention facilities in the nation. Around "500,000 authorities and citizens" were deployed during the 2005 crackdown on irregular migrants, including involuntary migrants, to round them up (Migrant Watch, 2005). Additionally, there are proposals to increase the authority of Rela members and give Rela control over prisons. Since changes in recruitment policies - which provide companies with the authority to recruit foreign employees via labor directly hired firms - have made the issue worse, one of the problems is that the various departments do not interact with one another. Labor-hire companies hire large groups of employees without clear work agreements, and "excess" people who cannot find employment are made "illegal" through no fault. Malaysian Trade Union Congress reported that human trafficking has increased and worsened due to such labor hiring activities since bringing as many as 500 laborers as sold and outsourced (Human Trafficking organization, 2007). Thus, there are several ways that migrant workers are victimized in Malaysia (Kuar, 2008).

Locals are reluctant to take up hazardous, low-status, and demanding tasks in industries including manufacturing, construction, agriculture (plantations) and the services sector, which creates job possibilities for migrant labor (Yamada, 2015). Migrant laborers from other nations, including Indonesia, Nepal, Bangladesh, Myanmar, Vietnam, and a small number of Pakistanis, began coming to Malaysia in the 1980s (Garces-Mascareñas & Penninx, 2008). After India, Pakistan was the second country in South Asia to send people abroad to take positions in various nations. However, most South Asian migrant laborers in Malaysia come from Bangladesh. There are 18 Memorandums of Understanding (MoUs) between Pakistan and Malaysia, one of which is the MoU recruiting Pakistani workers.

The Malaysian government authorized firms to hire migrant labor from five nations, including Pakistan, in the services and industrial sectors in July 1992 (Nah, 2012). However, the nations have no official written agreement about this authorization. The information on the MoUs and the quantity of Pakistani migrant workers in Malaysia are inconsistent overall. Compared to information accessible in Malaysia, Pakistani officials (and the media) share different figures (Siddiqui, 2007).

The labor migration to Malaysia was significantly influenced by Pakistan's foreign policy toward that country. The tension between Malaysia and Pakistan began in the 1960s. It peaked in the 1970s when millions of Pakistani laborers traveled to the gulf nations with the aid of governmental institutions and agents (Yousef, 2013). Pakistan cut ties with Malaysia because it believed Malaysia supported India (Sayeed, 1968). Meanwhile, the influx of small-scale Pakistani migrants continued to satisfy the labor need in the plantation, construction, and agricultural industries. On a modest scale, Malaysia's state level provided employees through authorized channels (such as the Pakistan Bureau of Emigration and Overseas Employment), where authorized firms from both nations' governments sent Pakistani workers.

Nevertheless, many migrant workers enter Malaysia through colloquial intermediaries such as agents, sub-agents, travel agencies, suppliers of labor, employers, and government officials. Compared to migrant workers from other nations, there are few Pakistani laborers in Malaysia. However, it is uncertain how many migrant laborers from Pakistan work illegally in Malaysia. According to Malaysia's Ministry of Human Resources, over 58,000 Pakistani migrant workers registered there in 2017. Compared to the 3.26 million foreign workers officially registered in 2017, this is a small percentage of migrant workers (World Bank, 2019, p. 20). Unskilled or low-skilled migrant workers from Pakistan (including those from 15 different countries) must pay a tax and are given a visit pass.

Pakistan has been a significant labor exporter to the Middle East over the past three decades, with an estimated 1.9 million Pakistanis employed there as of 2004. While there have been major yearly swings throughout the era, in recent years, Pakistan has had an annual migrant outflow of over 150,000 workers to various Middle Eastern nations, particularly the United Arab Emirates (UAE) and Saudi Arabia. There are several significant aspects to labor migration from Pakistan to the Gulf. First, in the past 30 years, there has not been much change in the skill mix of Pakistani workers migrating to the Middle East. Second, according to recent data, only 20 of Pakistan's 110 districts or more than 60%, are home to Pakistanis who migrate. Third, most immigrants either obtain a direct visa or a contract for foreign employment through private Overseas Employment Promoters (OEPs). In addition, although migration to Malaysia and Korea has started on a small scale, Pakistan still significantly depends on the Middle Eastern market to absorb its migrant workers. Fifth, labor migration from Pakistan to the Middle East is nearly exclusively male. Most immigrants are either directly granted a visa or are hired by private firms.

The number of people migrating through the Overseas Employment Corporation (OEC), the nation's official recruiting agency, is extremely small and steadily decreasing over time. For instance, less than 1% of emigrants from the nation in recent years compared to roughly 9% in the early 1980s used the OEC. Sixth, men predominate when laborers migrate from Pakistan to the Middle East. For instance, out of 183'191 cases handled by the Bureau of Emigration and Overseas Employment (BEOE) in 2006, just 73 involved women. Finally, migration to these nations has grown since Memorandums of Understanding (MoU) with Korea and Malaysia were signed in 2003 and 2006, respectively. In 2005, slightly under 8000 employees went to Malaysia. However, Pakistan continues to rely significantly on the Middle Eastern labor migration market. The offices of Community Welfare Attachés have been formed in important destination nations such as Saudi Arabia, the UAE, Oman, Qatar,

Bahrain, Kuwait, Libya, and the UK, as was previously reported. These offices watch out for the interests and welfare of migrants and locate job possibilities for Pakistani employees. Along with signing MOUs with Malaysia, South Korea, Jordan, Qatar, and Qatar, the government was also considering MOUs with Bahrain and Brunei (Arif, 2009).

They were only permitted to work for one year in the five rigorous sectors of construction, agriculture, plantations, domestic work, agriculture and services. They had to renew their work permits every year for ten years. The host nation's regular immigration sweeps have created a social climate where people are constantly in fear of being detained, humiliated, and deported. The news of these raids is frequently disseminated through all forms of media, notably social media like Facebook and WhatsApp. The news spread quickly among the foreign laborers whether the raid was phony or real. The temporary employees are extremely watchful. These deliberate social behaviors result from migrant workers' sense of responsibility to defend their fellow migrants from their place of origin. Strategic social practices become more intense due to the anxiety of going to jail, being deported, and feeling guilty about returning home with no money. In their social behaviors, migrant workers' transnational emotional emotions (of caring) towards their country's citizens and people are evident. However, covering up their fellow citizens' bad behavior, so that migrant workers from that country is not vilified in the host country reflects their transnational affective tie to their homeland (Khosro, 2022).

Every year, there are more immigrants from Pakistan working abroad. Therefore, a few policies relating to settling Pakistani immigrant workers in Malaysia must be created and put into effect by the authorities. These policies serve to adjust Pakistani immigrant workers as a tool for the government in terms of accessing housing, particularly entrance into the property market, housing quality, and the negative health effects caused by inadequate housing, as well as in terms of finding career opportunities, particularly entrance into the labor market and securing a job. Pakistani workers are drawn to Malaysia in search of a brighter future since Malaysia's GDP is fifteen times greater than Pakistan's. Additionally, Pakistani workers are drawn to Malaysia since it is a Muslim nation (Sajid, 2010). Malaysia receives the majority of the labor migrants from Pakistan.

According to statistics from 2005, Malaysia was one of the top three countries importing labor from Pakistan. The Ministry of Home Affairs also said that 21,278 Pakistani immigrants worked in Malaysia in 2008, 22,989 in 2010, and 72,931 in 2015 (Tasleem, Ajis & Abidin, 2019). Whereas many foreign employees are employed in Malaysia without the proper work visa, Rela teams cannot distinguish between authorized employees and those with documentation. Tenaganita argues that militaristic vigilante groups should never be allowed authority over migrant laborers, who are already an especially susceptible population. The five Pakistani garment workers' deportation was handled by Rela personnel with the employer's approval. The workers were reportedly brought to the detention facility and then deported after the employer allegedly phoned the Rela people after the employees went to the police and filed an official complaint. The Pakistani laborers were deported despite formal petitions from Tenaganita, partially quoted below, to the Immigration Department. The enterprises claimed that most of their manufacturing staff consisted of foreign labor. In the manufacturing department of certain industries, foreign employees made up 80% of the workforce while Malaysian workers made up 20%. In general, nothing is

known about how these regulations are observed. Monitoring reports are difficult to understand and provide very little information about the working conditions in specific firms. For example, according to Worldwide Responsible Accredited Production (WRAP) and Social Accountability, SA8000, factory names are not disclosed in the report unless the company consents and many audit reports refer to the factories by numbers rather than names. The sections on health and safety are documented in considerable detail in the monitoring charts of six Malaysian factories that independent monitors submitted to the Fair Labor Association (FLA) in 2003. Yet, the part on freedom of association and collective bargaining is blank. According to the section on "Wages and Benefits," the employer or company must pay employees the legal minimum wage in their area. Employees can work only the overtime permitted by national law under the "Hours of Work" clause (FLA, 2003).

Although the nation's regulations generally follow those of the International Labor Organization (ILO), several national rules regarding union membership and minimum salaries have been modified to accommodate the demands of the growing nation and the export manufacturing sector. Additionally, the Employees Provident Fund Act of 1991 mandates a mandatory contribution from employees. According to the Act, each management and employee is required to make a minimum contribution to the Employees Provident Fund (EPF) of 12 percent for the employer and 11 percent for the worker of the employee's monthly income, correspondingly. Except for individuals who are excluded by the Act, such as workers who are not Malaysian residents, all employers must register their employees with the EPF as soon as they start working for them. The International Confederation of Free Trade Union (ICFTU, 2006) claims that Malaysian worker protections are fair, except for the independence of trade unions and the minimum wage. The Malaysian government is reluctant to enact strict employee protection regulations and a minimum wage. The government believes that having access to inexpensive labor is one of their most valuable advantages for luring foreign investment, which they claim generates employment and funds for development (Turner, 2006).

The government has not ratified the International Convention on the Protection of the Rights of All Migrant Employees and Family members despite its good faith efforts to protect its immigrant workers. Instead, it has accepted several International Labor Organization (ILO) labor conventions. Because of this, Malaysian citizens thought that their employers' payment of family medical benefits and provision of free transportation to and from the factory made up for whatever unhappiness they may have had with the monotony of the labor or the corporations' unwillingness to issue salary raises. The fact that they never had to work more than 10 hours of overtime each week also made other employees feel relaxed. Overall, Malaysian nationals working in the apparel and textile industries seemed to have good working conditions. However, they do not have the same working circumstances as the vast bulk of international employees in the sector (Crisis, 2010).

2. A conceptual framework based on the Legislative system of Malaysia

The International Labor Organization (ILO) constitution states that each ILO member country is individually obligated to defend foreign employees' rights. As an International Labor Organization (ILO) member, Malaysia consistently works to uphold migrant workers' rights with its regulations following global labor standards to maintain a strong labor

migration system. The constitutional laws of Malaysia provide justice to millions of migrant laborers. Fundamental rights like equality at work, freedom of movement, freedom from forced labor, rights to form a union, access to health care, the right to refuse issuance of a passport, just compensation, access to justice, and decent working and living conditions are essentially very general across International Labor Organization (ILO) and UN conventions.

The major employment law in Malaysia to safeguard employees' fundamental rights is the Employment Act 1955 (Act 265). This Act lays out minimal safeguards for residents' rights for international employees, excluding local employees in Malaysia. The Act mentioned the necessary pay off in the Deed 265 Employees, payment deductions for overtime, maximum workday hours, maternity leave, and each sort of vacation and holiday for female employees year. Act 265 states that if an employer fails to give the employee access to all of these advantages brought to justice by the Labor Court.

The Industrial Relations Act of 1967 in Malaysia also safeguards the rights of migrant employees. Employees may file a complaint with the Director General of Industrial Relations if their employer prevents them from joining a union. However, migrant workers will not receive justice under this Act since their employers typically fire them after filing a complaint, have their work permits revoked, and are forced to return home. The Malaysian Bar Council issued a public statement against this technique in this case; however, it ignored the employer's attitude.

In essence, the Employment (Termination and Lay-Off Benefits) Regulation of 1980 compensates employees who are fired without cause. Because foreign employees are always less expensive than local workers, there has been a trend to lay off local workers and hire more international workers. The tendency was reversed once the Employment Act was amended in 1998 (Bidin, Khan & Tan, 2012).

Malaysian Employment Laws, however, give migrant workers some fundamental rights where the following household servants are included:

- After eight hours per day or 48 hours, overtime compensation is every seven days.
- No more than 12 hours per day of employment; monthly overtime of 104 hours.
- Thirty minutes every five hours of work Rest time.
- One day off every week, excluding any holiday emergency.
- Twelve paid holidays are given each year.
- Eight days or more of paid yearly leave if the employee has completed a full year of employment.
- Paid sick days that are at least 14 days long every 365 days.

(Bidin, Khan & Tan, 2012).

The number of foreign employees in Malaysia may raise the country's crime index. Due to lax border controls and ineffective management of foreign employees, particularly undocumented ones, criminal activity has significantly increased. Fights, robbery, theft, smuggling, murder, rape, and other crimes are only a few illicit acts involving overseas workers. The Home Ministry once said that 14809 of Malaysia's 37446 inmates are foreign laborers, most of whom are illegal immigrants. This number reportedly exceeds 28 percent of the maximum supportable capabilities for the Malaysian jail (Ajis et al., 2014).

There are now tougher sanctions for immigration infractions because of additional amendments to the Immigration Act made in 1997 and 2002. As a result, hiring foreign workers without work permission or visa became illegal, and harsh penalties, such as caning employees, were instituted. Domestic employees with documentation who had suffered abuse or fled from their employers were also considered unlawful workers and held in detention facilities. More than five unauthorized workers were considered an offense, and violating companies were also susceptible to fines, jail time, and corporal punishment. Two sections of the Immigration Act, Section 6 and Section 51, are utilized to detain and prosecute foreign workers. The criteria for lawful admission are outlined in Article 6 of the Act. As a result, anyone caught entering the country illegally faces harsh penalties. Overstaying a visa is referred to in Article 15 as "Unlawful admission or residence in the nation." Therefore, in a nutshell, the employer has also become a factor in a foreign worker's legal recognition (Sreenevasan, 2006). As previously mentioned, the state also uses the indefinite imprisonment of illegal immigrants to limit migration. Therefore, under the Immigration Act, illegal individuals in Malaysia might get a five-year prison sentence, a RM 10,000 (US\$ 2,600) fine, or even six cane blows, depending on suspected asylum seekers or economic migrants (Kaur, 2008).

In every region, joint operations involving the director of security and public order, the local councils, immigration department and [police] teams are carried out at least twice a month to arrest illegal immigrants (New Straits Times, January 1, 2002). The Malaysian government implemented a new modification to the Malaysian Immigration Act in August 2002. Under this amendment, illegal immigrants are subject to a maximum five-year prison sentence, a fine of 10,000 Malaysian dollars, or both, and six strokes of the Rotan. Employers are confused by the Malaysian government's inconsistent foreign labor policies, which also fuel Malaysia's growing unlawful immigration problem (Lim, 1996). The public and the labor movement have opposed it (Crisis, 2004).

Based on the literature review and the legislative system of Malaysia for the protection of migrant workers, the study found the gap that very few studies focused on the migrant workers in Malaysia. Still, no deep study has been found based on the experiences of the imprisoned migrant Pakistani workers in Malaysia. The current study aims to demonstrate the legislative system of Malaysia regarding migrants' rights and protection along with the practical insight of imprisoned Pakistani who experienced living in Malaysian jails for different reasons.

3. Methodology

This qualitative study was conducted on the Pakistani migrant workers who experienced living in Malaysian jails. Transformative paradigm supports they study to demonstrate the inequality, social justice and migrations marginalization in host country. Considering these stances, this study focused on the transformation of living style of migrant workers in imprisoned condition and the situation of law and order to deal with migrants in Malaysia. The data was collected using purposive sampling from eight Pakistani migrant workers via a semi-structured interview. The interview duration was half an hour to forty-five minutes, and the duration of living in jail was three to eight months. The interviews were tape recorded with informants' consent and the data was discarded after the completion of result

complication and analysis. The ethical consideration of respondents’ confidentiality and permission was attained by informing them about the research purpose. Special permission was also attained from the jail superintendent to interview the relevant respondents under the supervision of assistant supervisor to avoid any inconvenient situation. The demographic details of the respondents are as follow:

Table 1

Respondents profile

#	Camp	Year of arrest	Duration in jail	Reason of arrest	Currently working in
R1	Semenyih Kajang	2018	Three months	Expired work permit	Pakistan
R2	Semenyih Kajang	2019	Three months	Using someone else’s passport copy	Malaysia
R3	Semenyih Kajang	2020	Five months	Expired work permit	Malaysia
R4	Semenyih Kajang	2018	Seven months	Working on visit visa	Pakistan
R5	Lenggeng	2021	Five months	Working on visit visa	Pakistan
R6	Lenggeng	2022	Eight months	Using someone else’s passport copy	Malaysia
R7	Lenggeng	2021	Six months	Expired work permit	Pakistan
R8	Lenggeng	2022	Four months	Working on visit visa	Pakistan

The imprisoned Pakistanis experienced living in Semenyih Kajang camp and Lenggeng camp. The researchers analyzed the data by using thematic analysis, dividing it into nine main themes, including the type of permit and passport, circumstances of the raid (operasi), the first stay, camp life, schedule of food provision, the behavior of police and army, rules to meet the friends and relatives in jail, how illegal Pakistani migrants released from jail and rights to take legal actions. Similar method was also used by to study the imprisoned migrants in British (Turnbull, 2019) and European prisons (Van Hout, Lungu-Byrne & Germain, 2020).

4. Results

The results showed that the Pakistani migrant workers were imprisoned for using another passport copy to get a work permit and work illegally. They also started working on a visit visa and did not apply for work permits or return to their home country. A few of them applied for a new work permit, but at the time of arrest and raid, they did not have a new visa, original passport or work permit allowing date. The detail of the respondents’ stories about work permission and life in jail has given below based on the thematic analysis:

i. Type of permit and passport

The data revealed that most of the imprisoned Pakistani did not have their legal passport with them. Some used the photocopy of others' passports to get work in Malaysia. A few had passports but submitted them to immigration for work permit renewal.

ii. Circumstances of operasi

The respondents said that Malaysian immigration had the information in doubtful ways to raid the illegal residents from various countries. Most of them were at the residence and

didn't know about the raid at the time. The immigration officers were arrested when these migrant workers failed to show their passports and work permits. Respondent 6 said:

"The immigration raid in such dramatic way that no one can get the chance to escape from the spot. They arrest everyone who could not show his passport while many migrant workers have their original documents with legal permits. But at that time, the officers only want to fill their vehicles with foreign workers to show a successful raid to the government and media."

The data revealed from the Pakistani migrant workers that the immigration officers did not listen to anyone during the raid (operasi). They are too cruel and deal with the people so inhumanly that they make the laborers feel out of this place. All the respondents showed their helpless sentiments at the operasi attack that they could do nothing except go with them to jail. At that time, these workers broke emotionally and missed their families.

iii. The first stay

During the immigration raids in KI, the immigration officers took the workers to the relevant area like Jalan Duta immigration. Those who can negotiate or pay some amount to the officers are released on the spot. The others who had a legal passport and their friends or family brought it to the immigration department on the first day are also released by passing some legal procedures. While those who do not have money along with a legal passport and there is no one to support their back are shifted to the jail camps allocated specially for the illegal migrant workers. The jail administration lists shifting illegal workers that they send to camp admin to verify the number of prisoners sent and received with security. They make sure that the police should not release any prisoners on the way. By taunting this system, respondent 3 said:

"They receive the bribe when they bring the illegal workers to jail. But when they shift them (illegal workers) to the camp, they follow the legal process in a very honest way that they never are dishonest with their duty."

iv. Life in camp

First, the police shifted them to a hall room with many other nationality holder prisoners. Every prisoner had a card with the date of arrival and a specific serial number to assign a new identity. Every prisoner must pass three months here to get the right to buy a ticket to go back home. The duration of completing three months was recorded through the cards they gave on the first day in the camp.

In camp, the administration appointed the police and army to the imprisoned foreign laborers with alternative shifts of days. The army shuffled its members every four hours, and every new army officer counted the imprisoned persons from different countries. They do not bother with the names but only count the number of prisoners every shift. Respondent 5 said that:

"They had the list of people belonging to different countries such as Pakistan, Bangladesh, Nepal, India, Indonesia etc. They counted the people of residents of different countries when shifted change by alerting all prisoners regardless of their resting or sleeping time."

All the respondents said that they were living in a hall where other prisoners were also living with them. There were no separate cells for different categories related to different countries as they all fall in one category of illegal migrant workers. There was no physical labor in the camp, and they passed their day by gossiping, sleeping, lying down, and resting.

There was a bathroom at the backside of the hall where they took a shower and used it for other washing necessities. The majority of them also started praying when they came to the camp. One respondent (R1) said:

"In prison, the person who never said prayer also started praying regularly because we do not have any other activity to do there. I became so punctual that till now; I say my prayer regularly."

v. Schedule of food provision

They got the proper meal two times a day. In the morning, they only got two cookies with a cup of kehwa (tea) called "teh" in the local language. Respondent 8 said:

"The tea was so tasteless that it seemed like I was drinking bitter hot water, and the biscuits were also not according to my tastebud as we traditionally eat in Pakistan. But living there, we became used to it."

They provided the first meal between 12 pm to 1 pm and the second meal at 6 pm daily.

vi. The behaviour of the police and army

The respondents said that the overall behaviour of the police and army was very rude to them. They never politely talked to them. Most of the time, they did not communicate and remained silent by observing the prisoners. But they were harsh to those who showed them as smart, sharp, and clever. Sometimes, when the police officers were doubtful about the attempt to escape a prisoner, they kicked, hit, and tortured him. Besides these people, the police behaviour was very formal and rude. Respondent 4 said:

"I always felt they are like machine robots who do their duties without feeling. I felt like we are animals, and they have to only look after us by counting and providing us with food. Besides this, we did not have any kind of sentiments and associations."

vii. Rules to meet the friends and relatives in jail

The data found that every prisoner had the right to meet their incoming person related to family or friends, but there were some rules. The police allowed to meet the prisoners with their friends or family members only for half an hour, while the army was more lenient to let them talk for an hour or more. Respondent 7 revealed that:

"The policemen did not let us meet peacefully. After fifteen minutes, they asked to leave as the meeting time had finished, but when we gave them some money, they kept quiet. Then after fifteen minutes, they started asking to leave. It was their trick to get money from the prisoners."

In jail, the visitors can talk on the telecom now. Previously, they were allowed to talk by letting them sit in a meeting room or grassy area inside the jail. But in the last fifteen years, the telecom system advanced the meeting conditions. In most camps, the visitors are not allowed to bring package items from outside as the police have their shops there. They want the prisoners to buy their things of necessities from them at high costs. The visitors can submit the amount to the shop for the prisoner to buy things and food from the shop, and the police can also hand over the money to the relevant prisoner if he wants money. Respondent 3 said:

"The person having money can live a life of a king in jail. He can order food or other things of choice from outside by paying some commissions to the police on duty. But if someone did not have money is like an orphan there."

viii. How illegal migrant Pakistanis released

When everyone tells his identity and belonging to the country, their identity is verified through the country. After verification, they were deported to Pakistan and blacklisted for not entering Malaysia. An imprisoned respondent of a few years back said:

"At my imprisonment, the immigration did not verify the identification through the country of belonging. I told them I belonged to Burma, and they simply left the Burmans at the Thailand border. At the Thailand border, most people returned by paying RM 1000 to the agents and then started working back in Malaysia."

Moreover, illegal workers also found illegal ways of escaping from jail. Few of them altered their cards with the previous prisoners by paying them some money. Because it was the rule of camp imprisonment that every prisoner could get permission to buy a ticket to the home country after three months. One respondent, R1, said:

"I shuffled my card with one of the previously living Burman people who have competed for three months there. He did not have money to pay an agent at the border to come back to Malaysia to work. I paid him RM 500 and bought a bus ticket for RM 50 to the Kota Bharu border. From there, I paid RM1000 to an agent who managed my arrival back to KL, where I started working after legal documentation."

This is how the illegal Pakistani and other nationality holder workers managed to release from jail and started working in Malaysia.

ix. Right to take legal action

Almost all the respondents who experienced living in immigration jails and camps said they could never take legal action or follow a legal procedure for their freedom from jail. All the prisoners whose companies or bosses denied accepting the person as their workers always face difficulty releasing themselves from jail. They don't know about the legal procedures and ways to take a step for them. No one listened to them once the immigration had shifted them to camps. The only way of their release from jail was deportation or payment of heavy fines paid by a few of their friends in Malaysia if they wanted to continue living and working there. Respondent 6 said:

"I was released when my friends and boss paid RM 8,000 to the police. Then I must show my original passport and permit to the police after release. It became very difficult for me to continue working securely after jail. I had to pay the amount back to my friends who helped me in my difficult time."

Another respondent 8 said:

"We foreign workers come here but face many difficulties in visa renewal and work permits. Our families depend on us to send money to them, and we are not landlords to return and establish any business. So, we must survive here by illegal means. The government should consider migrant workers to allow us to work here by legal means."

The data exposed that the migrant workers do not know about their legal rights of working in Malaysia and never bother to know about it. They only want to work and get a handsome salary living here. All the respondents expressed their will by asking the Malaysian government to take some actions for the easy work permits of foreign workers and allow them to live respectfully rather than in a hidden and illegal way. They said they are always ready to pay the permitted amount though the agents charge too much as commission. Despite it, they are willing to live and work in Malaysia as it is a safe Muslim country, and Pakistan has a good association with Malaysia in all aspects.

Discussion

This study aimed to elaborate on the migrant workers' rights in the legislative system of Malaysia and the experiences of Pakistani migrant workers who experienced living in Malaysia jails. It has been found that most of the imprisoned Pakistani workers who experienced imprisonment in Malaysia were due to illegal, incomplete or absence of legal documents. Due to this, most of them were deported back to Pakistan after passing a specific duration of imprisonment in a Malaysian jail. The study of Sajid (2010) parallels this finding about the illegal migration and deporting of migrant Pakistanis in Malaysia. The study further revealed that the immigration department plans frequent raiding to arrest and remove illegal migrant workers from Malaysia, as found in the study of Nah (2015). During the raids, the legal or migrants with proper passports and documents also fall victim to arrest and some legal inquiries at the first level that the migrant workers do not appreciate as they expect to get respect and a safe working environment in Malaysia. Tasleem, Muhammad, Ajis and Abidin (2022) support this study's findings. The study also found that the migrant workers do not know their legal rights to take any action for their bail or release from jail while not involved in any criminal activity. They failed to access legal assistance, and this finding was supported by the study by Hussin and Khoso (2021) that migrant workers face numerous legal challenges in Malaysia.

Moreover, the study also found that the police and immigration officers' behavior with imprisoned Pakistani people is very rude and cruel. Sometimes, they behave toward the migrant workers inhumanely and hurt their self-respect and human dignity. This finding was supported by the studies of Khoso and Noor (2021) and Loganathan et al. (2019). The study exposed that the Malaysian police also receive a bribe from the imprisoned Pakistani workers when visitors come to see them or ask for something from outside. The police also asked for a bribe right after the raid when the workers were brought to the relevant immigration office after the raid. Few of the illegal workers are released after that, receiving a bribe. Similar findings were also found in the study of Sunam (2022) and Franck (2019).

Conclusion

The study found that the majority of the Pakistani who experienced living in Malaysian jails were illegal and undocumented due to illegal working, absence of work visa, using others' passport photocopy to get work, and working on a visit visa. The other categories of Pakistani migrant workers in jail were involved in violent acts of unavailable documents or immigration *operasi* (raids) to check the documents of the foreign workers. The study found that foreign workers have pre-defines and proper rights in Malaysia. ILO, UN, Employment Act 1955 (Act 265), Industrial Relations Act of 1967 and Immigration Act, Section 6 and Section 51 are a few significant international and national organizations and policies that enlighten the migrant workers' rights in Malaysia. However, in case of violence, the imprisoned Pakistani migrants were treated cruelly. Despite predefined acts and laws regarding immigrant workers, they faced inhuman treatment for being immigrant workers. The study also found that only a few Pakistani live in Malaysia after release from jail, as most of them are deported to Pakistan and rarely get a chance to return to Malaysia. The study concludes that the Malaysian laws and rules are strict for immigrant workers, especially in cases of violence. The workers also feel helpless to pursue the legal work permit process due



to the country's strict regulations, which is why they work illegally. It is also concluded that there is a need for the immigration department to revise its policies to treat the immigrant workers to avoid inhuman behavior toward them despite having complete documents. There is also the need to check the police behavior and deal with imprisoned workers to avoid unprivileged and inhuman behavior. The study also concludes the government should facilitate the migrant workers to proceed with visa renewal by making its foreign and immigration policies flexible. Each policy should be evaluated considering the settlement criteria listed below, including employment, housing, and social network. Therefore, the government must devise a comprehensive and practical strategy to settle Pakistani immigrant workers in Malaysia. The study's findings can help the legislative system of Malaysia deal with immigrant workers in a privileged way than cruelty in prison.

Conflict of Interest

The authors affirm no conflict of interest in this study.

Informed Consent

Informed Consent was obtained from all the participants included in the study by providing them with a document about the research objectives and the nature of the study. In some cases, verbal Consent was taken where the respondents were illiterate.

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