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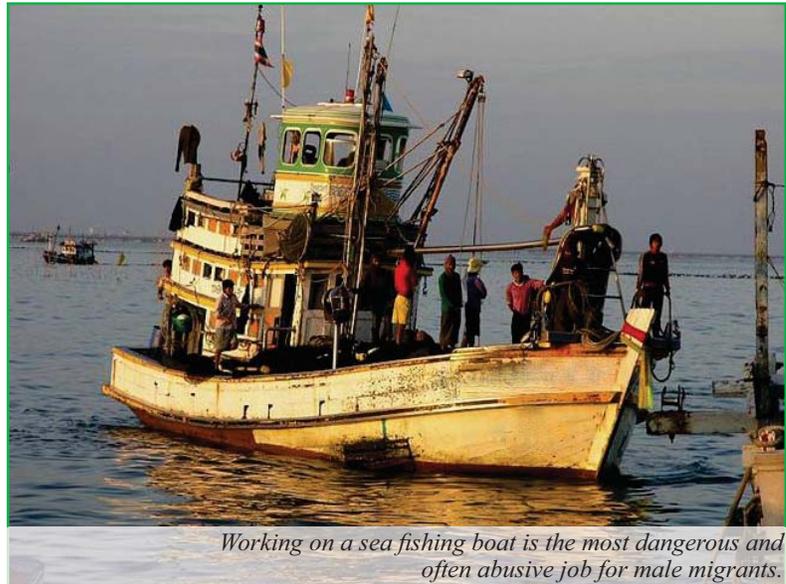
ADDRESSING IRREGULAR MIGRATION FROM CAMBODIA¹

Introduction

In Cambodia, most migration is irregular, the journey usually facilitated by pioneer migrants or brokers. This has emerged as one of the most complex and intractable issues affecting the governance of labour migration. It is a management problem because journeys are often made outside the regulatory frameworks of sending and receiving countries, making them difficult to record and monitor. It is also a protection problem. Their illegal status puts irregular migrants at the gravest risk of abuse and exploitation by employers, often without access to legal protection. In the worst cases, they are victims of human trafficking. The serious gaps in policy and practice regarding irregular migration echo stronger needs for in-depth analysis and policy intervention and are a prime ground for this research.

Overview of Irregular Migration in Cambodia *Definition and Situation*

Irregular migration is commonly defined as illegal movement to work in a country or movement without authorisation to work. It includes the case of persons migrating legally but later losing their legal status (due, for instance, to overstaying) (UN General Assembly; Brennan 1984; Global Commission on International Migration 2005; Le Voy & Geddie 2010; Lee 2005). The term “irregular” is used interchangeably with “undocumented”, “unauthorised”, “unofficial”, “informal” or “clandestine”.



Working on a sea fishing boat is the most dangerous and often abusive job for male migrants.

Irregular migration has been the most popular form of cross-border movement among Cambodian workers seeking jobs abroad. There are two streams of irregular migration. The first is short-distance migration along the Cambodian-Thai border. The jobs are usually agricultural, which migrants learn about from pioneer migrant relatives, friends or villagers. These pioneers facilitate job placement

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Table 1: Irregular Migrants in Thailand by Industry, 2009

Industry	Number of Workers			
	Cambodia	Laos	Myanmar	Total
Fisheries	14969	1800	39809	56578
Fisheries-related	6020	1180	129773	136973
Farming and livestock	24085	18035	179583	221703
Farming and livestock -related	7077	4469	62611	74157
Construction	32465	12635	175136	220236
Mining/quarrying	61	35	1747	1843
Wholesale and retail	4778	7565	30471	42814
Food and beverage (salespersons)	4483	13074	36668	54225
Housemaid	6578	21267	101945	129790
Others	24245	30794	321024	376063
Total	124761	110854	1078767	1314382

Source: Paitoonpong & Sukaraji (forthcoming)

and form networks linking the primarily rural households and the destinations in Thailand. This practice is widely regarded by migrants as relatively secure, convenient and cheap: there is no waiting time, no required documents and no complicated recruitment procedures. For those who buy a one-week border pass called bat, the initial cost of migration ranges from USD3.00 to USD5.50—taxi USD2.50 to USD5.00 and border pass USD0.50. Migrants need to renew the pass every week at the border. Alternatively, they can purchase a one-year pass for USD19. The second

category is long-distance migration to Thailand or Malaysia to work on fishing boats or as construction or factory workers. In most cases, migrants travel in small groups with a broker who escorts them to the workplace in Thailand. The basic services offered by brokers include transportation to the border and securing a work permit and a job in the destination country. Migrants have to pay the facilitation fee of USD100–200 in advance.

Thailand is the main destination of irregular migration from Cambodia. The International Organisation for Migration has said that there could

Table 2: Households and Their Migrant Members

	Regular	%	Irregular	%	Non-Migrant	%	Total
Households	16	3	293	56	217	41	526
Migrants	19	4	494	96	-	-	513
Females	6	3	171	97	-	-	177

Source: Chan (2009)

Table 3: Social Characteristics of Migrants and Non-Migrants

Migration type	Regular	Irregular	Non-Migrant
Average household size	5.0	5.6	4.8
Number of dependants*	1.6	2.2	2.1
Average age of migrants	28.6	27.8	-
Average years of schooling of migrants	6.8	4.3	-

* Household members who are less than 15 or over 54 year-old; Source: Authors' calculations based on survey data 2007

be 180,000 Cambodians unofficially working in Thailand. The Ministry of Labour of Thailand (Paitoonpong & Sukaraji forthcoming) estimates around 120,000 informal Cambodian migrants. According to the same source (Table 1), the largest numbers of irregular Cambodian migrants in Thailand are engaged in agriculture (42 per cent) and construction (26 per cent). Malaysia is the destination of the second largest number of undocumented Cambodian migrants, many of whom

Table 4: Sample Means of Daily Consumption and Value of Assets

		Mean			T-Value [†]		
		Regular (a)	Irregular (b)	Non-Migrant (c)	(b)–(a)	(b)–(c)	(a)–(c)
Consumption (riels/capita)	Food	1142.0 (478.5)	1168.6 (450.1)	1391.8 (469.4)	0.2	-5.3***	-2.0**
	Non-food	1223.0 (752.46)	877.2 (578.8)	990.4 (668.2)	-2.2**	-1.9*	1.2
	Overall	2515 (1155)	2249 (1241)	2641 (1367)	-0.8	-3.3***	-0.3
Assets (000 riels/capita) [‡]	2002	818.9 (727.2)	371.2 (517.3)	433.9 (562.5)	-3.3***	-1.2	2.5**
	2007	1265.9 (670.6)	665.5 (765.9)	721.1 (737.7)	-3.1***	-0.8	2.8***

Note: Standard deviation in parentheses. † Two-sample t-test of different means with equal variance.

‡ Excluding land and house. * Significant at 10% level. ** Significant at 5% level. *** Significant at 1% level.

Source: Authors' calculations based on survey data 2007

are from the Cham ethnic group. The most common route is to fly to Malaysia as a tourist and then seek a job without a work permit. Most of the unauthorised migrants to Malaysia seek jobs in construction and manufacturing.

Socio-economic Characteristics of Cambodian Irregular Migrants

More than half of the households in the sample² have migrant family members, a large majority of them irregular. Females account for about a third of migrants (Table 2). Both regular and irregular migrants are predominantly in their late 20s. Their average household size is comparable to that of non-migrants, around five persons. The difference in education between regular and irregular migrants is significant (Table 3).

Households with irregular migrants had a lower economic status than regular migrants and non-migrants. Table 4 indicates that irregular migrants spent 19 per cent less on food than non-migrants, but just slightly more than regular migrants; the latter difference is not statistically significant. Non-food consumption of irregular migrants was around 40 per cent less than that of regular migrants and 13 per cent less than that of non-migrants. Overall consumption of irregular migrants was 17 per cent

less than that of non-migrants. The value of assets of irregular migrant households was about half that of regular migrants (in both 2002 and 2007).

Causes of Irregular Migration

Reasons for irregular migration are mixed. We argue that labour policy and labour market conditions in host countries are partly to blame for the huge flow of Cambodian informal migrants. There is a mismatch between labour demand and labour supply in host countries along with a black market with strong networks to supply workers. Lacklustre law enforcement against employers who hire illegal workers encourages employers to recruit labourers from the black market. In the case of Thailand, the imbalance is evident in the registration of irregular workers since 1992 (Paitoonpong & Sukaruji forthcoming). As of 2009, 124,761 Cambodian informal migrants had been registered (*ibid*).

Problems in their homeland also push people out. Internal conflicts and political instability are no longer a major concern for Cambodians; economic issues, particularly poverty, are now primary. Table 4's consumption figures indicate that the migrants are living just below the poverty line. Many people migrate simply to escape from poverty. Internal migration to urban areas is a choice, but jobs are limited to low-skilled labour-intensive sectors such as construction and garments.

Why don't people opt for legal migration? Socio-economic characteristics of migrants provide no inference that socio-economic differentials influence

² The survey was conducted by CDRI in late 2007 for "Costs and benefits of cross-border labour migration in the GMS: Cambodia case study". It interviewed 526 households from six villages with a high incidence of migration.

their decisions. In other words, those people are not born to be illegal workers; they choose the methods that are available and affordable to them. Chan (2009) argues that the high initial cost of legal migration is a main reason for the preference for illegal movement even though the net benefit from the former is higher. He finds that to secure work legally in Thailand, a worker needs around USD700, an amount that most Cambodian rural workers cannot afford. Costs are much less if they migrate irregularly. The qualitative data also confirm Chan's argument in that poorer irregular migrants show no interest in seeking jobs through a legal recruitment agency. While legal migration to Thailand may take three to six months, illegal migration takes only a few days and requires fewer or no documents.

Geographical proximity further encourages the flow of informal migrants (Battistella 2002). Cambodia shares an 803 km land border with Thailand that has many informal entrances. Such a long border makes control difficult. Finally, established networks also facilitate the movement of irregular migrants who often depend on friends or relatives working in the host country. This type of network reduces the costs of job seeking and increases the possibility of employment (Chiuri *et al.* 2005).

Issues and Challenges of Irregular Migration

Irregular migrant workers face a higher risk of being exploited and denied fundamental rights such as access to health care and education (IOM 2003). Abuse by employers is well documented, including forced overtime, wage cuts and sexual harassment, lower than average wages and poor working conditions.

Naro (2009) compiled case studies of Cambodian migrants mistreated by their employers, some of them having to work long hours for low wages, while others were physically harmed when they refused to follow instructions. Marshall (2001) provided evidence of Cambodian children trafficked as beggars and flower vendors in Thailand, while female migrants are forced to be sex workers. According to UNIAP (2010), every year thousands of Cambodians are trafficked to Thailand. Men are often trafficked to work on fishing boats or as construction workers. Women are trafficked to the entertainment industry, including prostitution.

Working on a sea fishing boat is the most dangerous and often abusive job for male migrants. Besides being underpaid, migrants experience harsh working conditions: they face severe physical punishment if they are found to commit a fault; they have to work up to 15 hours a day; and there are reported cases of migrants being forced to take drugs so they can stand heavy work (ICSW 2007). Some of the migrants are trafficked and sold without knowing, hence have to work many years to repay the debt (*ibid*). In addition to exploitation, many Cambodian irregular migrants are unable to access social services such as health care and education for their children, because avoiding authorities is the only way to secure their clandestine status.

Regulatory Approach to Irregular Migration

There is an international consensus that irregular migration needs to be addressed in a holistic and comprehensive manner by looking at its causes, responding to its effects and improving international cooperation.

Address the Causes of Irregular Migration

Extreme poverty, high costs of legal migration and malpractice by some private employment agencies push Cambodian workers to migrate via informal channels. Interventions that address these push factors would reduce informal migration.

Strengthening the development of communities of origin: The preceding analysis indicates that households choose migration to escape from extreme poverty and local economic hardship. Although there is not yet firm empirical evidence on the relationship between development and migration, community development might diminish migration by helping to overcome the reasons migrants undertake irregular migration. Possible priority measures for community development include increasing agricultural assistance; improvement of rural infrastructure; increasing access to natural resources; and strengthening public service delivery, especially education and health. Development assistance needs to be targeted at communities with high rates of migration.

Open legal migration opportunities: With few options available for regular migration, irregular migration has become the only affordable channel for most Cambodian migrant workers. There is international consensus, as expressed in the

2003 ILO Asia Regional Tripartite Meeting in Bangkok, that easy and transparent legal migration opportunities could be part of an effective response to irregular migration. The most important priorities for Cambodia's legal placement system are to streamline administrative procedures, speed up facilitation services and reduce placement costs.

Regulating private employment agencies: Repeated serious incidents of non-compliance and malpractice suggest an urgent need for strong regulation of recruitment agencies. Recruitment and placement need to be strictly regulated through the licensing system, in which the responsibilities of agencies, conditions for recruitment and penalties for violation and performance guarantees should be clearly defined. Good regulations also need to be accompanied by active monitoring to ensure maximum compliance. Monitoring should include, but not be limited to, obtaining reports by agencies on job placement and employment status of those deployed; and periodic visits or inspections by state agencies or their representatives.

Protection and Well-being of Migrant Workers

Intensifying education and awareness raising: Better information means better protection, and we therefore recommend intensified education and awareness raising before departure. Information can be disseminated through creation of national and provincial migration resource centres. Among the important functions of the centres would be to register prospective migrant workers and provide information via booklets, posters, counselling, tours, mass media, meetings, workshops and seminars.

Expanding support services: Posting labour attachés in Thailand and Malaysia, where most Cambodian migrants work, is one way to strengthen support services. Their functions should include developing a strong working relationship with the host country on labour issues; monitoring the treatment of migrant workers; providing legal assistance against contract violations, abuse or exploitation; providing advice on problems with contracts or employment; and ensuring that irregular migrants are protected and facilitated in repatriation.

Strengthening International Cooperation

Migration is inherently a multilateral issue, making international dialogue and cooperation

essential for orderly and regulated labour migration (ILO 2010). Irregular migration can best be addressed in bilateral and regional frameworks complementing national policy.

Strengthening bilateral cooperation: Cooperation between sending and receiving countries proves to be effective in addressing irregular migration. The MoU signed by Cambodia and Thailand in 2003 is a showcase of effective collaboration to address migration issues. While the primary goal is a framework for recruiting Cambodians to work in Thailand, the MoU also seeks to convert Cambodian undocumented workers to legal migrants. The two governments jointly undertook regularisation by providing certificates of identity to undocumented workers, with which they apply for a two-year work permit. Cambodia should also ask Malaysian government to consider regularisation for irregular Cambodian workers.

Toward an integrated Greater Mekong Subregion labour market: Cross-border labour movement across the GMS has been dynamic, with Thailand being a major labour market destination and Cambodia, Laos and Myanmar being sources of unskilled labour. Despite the magnitude of intra-regional labour flow and its economic importance, there is no subregional regulatory or institutional framework to facilitate labour movement. The GMS should work toward an integrated labour market. This proposal can be of benefit to every participating country. For labour-scarce countries like Thailand, access to an integrated regional labour market can guarantee a steady and reliable supply of workers, which is critical to sustaining competitiveness in many labour-intensive sectors. For labour-abundant countries like Cambodia, easier movement of workers can ease unemployment pressures. The initial step to achieve this is to include labour migration in the GMS-wide development agenda and then create an expert forum to explore the feasibility and provide recommendations to leaders.

ASEAN economic integration and free movement of labour: Intra-ASEAN migration has been phenomenal, yet it has happened without a regional regulatory or institutional framework. Not until 2007 did ASEAN leaders sign a Declaration on the Protection and Promotion of the Rights of Migrant Workers. The declaration is perceived by many as an important first step towards greater protection and respect for migrant workers' rights,

but the delay in drafting the framework instrument suggests that ASEAN needs to step up its ensuring of commitments under the declaration. ASEAN needs to adopt necessary guidelines and regulations and set up institutional mechanisms to ensure smooth implementation and effective monitoring. These tools shall be incorporated in the legally binding ASEAN Framework Instrument.

Conclusion

The preceding analysis clearly suggests that irregular migration has emerged as a major issue in the governance of migration in Cambodia. Addressing it is a priority policy issue, and it requires a holistic and comprehensive approach involving policy and programmatic interventions at all stages of migration by a range of those concerned. The success of managing irregular migration in Cambodia depends not only on the country's ability to transform "migration as survival" into "migration as choice" but also on how regional organisations like the GMS and ASEAN and the international community respond to this issue.

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