

Notes on Deportation from Malaysia

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Introduction

Halaw, a Malayo word, literally means to “cast out, to eject, to throw away.” This word came to the nation’s consciousness when in mid-August of 2002, thousands of undocumented Filipino workers were deported from Malaysia. They were called halaw, an apt description considering the often-forcible means of their removal from an unwelcoming country.¹

The halaw is not a recent phenomenon. It had its beginnings when people from Tawi-Tawi and neighboring provinces risked crossing the ocean in search of work and to engage in buying and selling of goods (Dañguilan-Vitug and Yabes, 1998). Trading was good and lucrative; taxes were not imposed. Thus, there was a strong lure for people to venture. The clandestine buying and selling peaked in the 1960s and 1970s, with cigarettes as the most popular item being smuggled to the country. Barter trade stalls proliferated in Zamboanga carrying goods produced in Malaysia and Indonesia.

The steadily increasing influx of people to Malaysia, most heavily in Sabah, went on over the years. The coming and going was mostly illegal and there were sporadic cases of migrants being sent back. Yet the streams of movement from Tawi-Tawi to Sabah remained unabated; Tawi-Tawi then came to be known as the “southern backdoor” of migration to nearby islands.

In 1997, the issuance of a border pass was considered a significant act to legitimize migration. The pass bearing the stamp of the Philippine Immigration Office allowed a Filipino to stay for a maximum of thirty days in the eastern part of Malaysia, including Sandakan, Tawau, Semporna, and Lahad Datu (Dañguilan-Vitug and Yabes).

The open and somewhat legalized travel to and from Malaysia resulted to more waves of migration. Over time, however, the issuance of border pass was riddled with corruption and abuses. Tampering of documents or selling them at an exorbitant price rendered the border pass inutile. The Malaysian government then fine-tuned the immigration bureaucracy and imposed stringent entry measures. Thus, Filipino traders and workers caught without the necessary documents or those considered dissident entrants were deported or sent back to the Philippines.

As early as 1996, the Department of Social Welfare and Development (DSWD) Field Office IX started to receive and serve deportees from Sabah, Malaysia. However, the agency report stated that "they were only few in number." The number of repatriates doubled in 1997, tripled in 1999, and further increased in the next couple of years (DSWD IX, 2002). While no record of deportees prior to January 2002 was obtained from the said agency, it was reported by the Malaysian Federal Special Task Force that 20,441 irregular migrants were repatriated in 1999, of which 10,332 were sent back to the Philippines.

By the third quarter of 2002, the DSWD had processed a total of 15,385 deportees since January 1 of that year (DSWD Memo, 2002). This number represented only those who came by the DSWD processing centers. A newspaper account placed the number of repatriates, both voluntary and forced deportees, at 64,000 from February to the end of August (Philippine Daily Inquirer, 29 August 2002).

An undated report obtained in October 2002 from the Technical Education and Skills Development Authority (TESDA) Region IX quoted a Bureau of Immigration IX report that 29,619 Filipino repatriates had been processed from January to 10 September 2002. Forced deportees constitute about twenty-seven percent (8,008) while voluntary repatriates numbered about 21,611 (or 72.19%). The same TESDA paper quoted a DSWD IX report dated 10 September 2002 stating that the latter had served a total of 22,473 deportees (TESDA IX Report, 2002).

The variation in numbers cited may have arisen from the confusion in categorizing those who had been considered as "served," "processed," or "arrivals as recorded from boat manifest." The figure cited by the DSWD IX varied very widely from that given by Habib Majahab Hashim, a top official of the Moro National Liberation Front (MNLF) who claimed that there are as many as 500,000 undocumented

Filipinos in Malaysia. Hashim said that that around 400,000 among these are detained in various camps in Sabah and Sarawak (www.newsflash.org, 2002).

From August to September 2002, newspapers bannered pictures which stabbed at the nation's conscience: Thousands of halaw packed liked sardines in rickety sea vessels, reminiscent of the 1960s boat people fleeing from Vietnam; anguished and desperate faces in an immigration queue; a young Filipino staring blankly behind detention bars; a woman weeping over her dead child in a holding center in Sabah (ABC News, 2002).

At the height of the deportation controversy in the last half of 2002, Filipinos expressed a mix of outrage, dismay, and indignation at the hostile treatment received by the deportees from Malaysian authorities. Politicians and civil society groups rivalled each other in issuing statements condemning Malaysia and demanding redress. Some burned the Malaysian flag and pictures of then-Prime Minister Mahathir at public demonstrations; others called for boycott of Malaysian products; and a number lobbied for the international community to denounce Malaysia's blatant human rights violation against undocumented Filipino migrants. The fingerpointing among the various government agencies eventually heaped most of the blame upon the Department of Foreign Affairs (DFA) for its failure to act soon after Malaysia announced a crackdown on illegal aliens.

The forced migration reached its peak in September and October 2002. The Episcopal Commission for the Pastoral Care of Migrant and Itinerant People (ECMS) deplored the heavy influx of the deportees and the way the government agencies grappled with the emergency situation. The issue drew numerous articles and commentaries, culled from the testimonies and opinions of the deportees, stakeholders, government officials, and international observers.

The Impact of Forced Migration

Migration of refugees has taken place since time immemorial albeit systematic data on the number of these migrants have only started to be recorded in the last fifty years (Keely, et al., 2002). It is noted that the numbers have been dramatically increasing during the past decades due to famine, ethnic cleansing, conflict, or natural disasters.

In general, the movement of people from one place to another is propelled by a web of factors jointly at work yet exerting

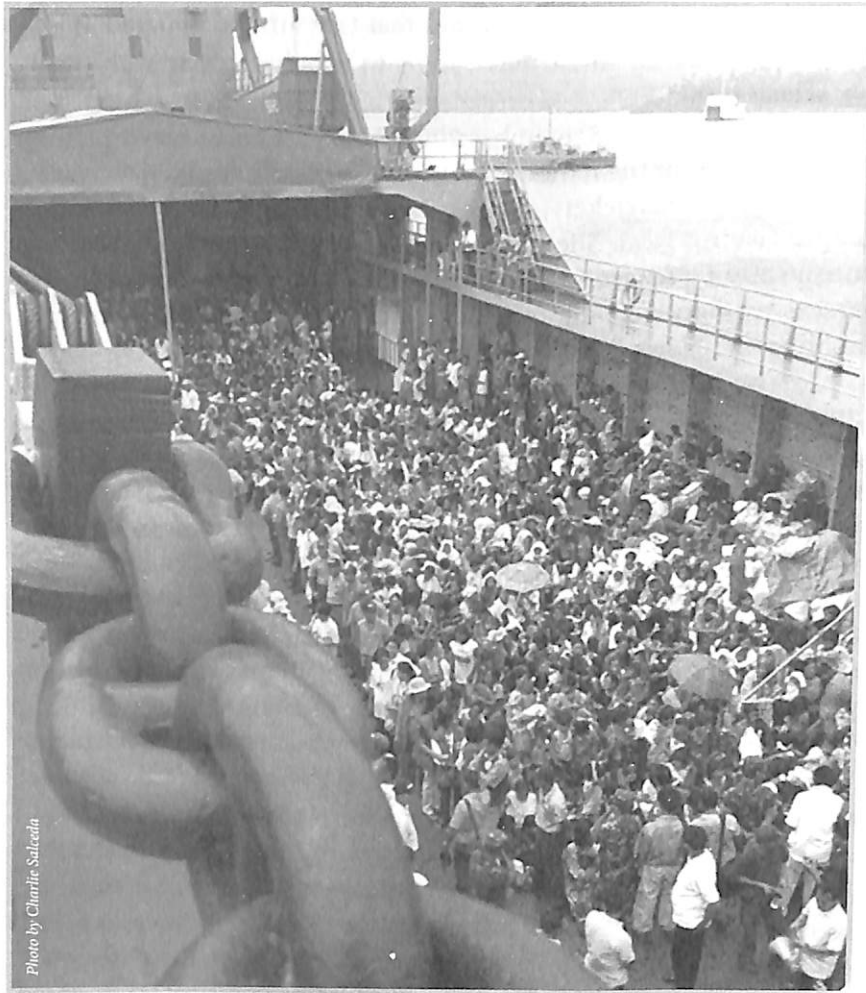


Photo by Charitic Salceda

varying pressures. While economic reason predominates, other equally significant and forceful factors act as direct motivators to migrate. Migration takes into account the geographic and political characteristics of the sending and receiving areas, the demographics of migration, and the warlike or pacific intent of the movement.

Forced migration usually comes about as a response to the enforcement of migration policies or by the occurrence of disastrous events. People are forced to leave their place of origin and seek refuge in places of destination. Or it could be about migrants who are forcibly driven out of the place where they migrate to. The migrants driven out of a country are viewed as dissident population. When a country

promulgates a policy to expel dissident groups from its territory, the expulsion leads to displacement. Getting rid of these people can be done by repatriation or deportation.

Forced migration produces an emergency situation that affects both the individuals and the receiving communities. On the individual level, the emergency situation approximates a disaster which impacts on one's health, livelihood, family structure, and on the psychosocial aspect of a deportee's life. The receiving communities, on the other hand, have to grapple with the consequences of too many deportees. Immediate assistance for basic necessities, maintenance of sanitation and hygiene, and provision of health services and livelihood are gargantuan tasks given the immediate need for massive resources. In the case of deportation and repatriation, the methods of expulsion exacerbate the difficulties for the deportees. The interaction between the dissident population and the country's law enforcers is decidedly unbalanced with the former being placed at a very disadvantaged position.

Looking into the Halaw Phenomenon

The findings here were drawn from in-depth interviews with twenty-five deportees and from the proceedings of focus group discussions (FGDs) conducted among twenty-five other deportees from October to December 2002. The FGDs, as well as most of the interviews, were held in the processing centers in Zamboanga City and Bongao, Tawi-Tawi. However, there were some deportees who were reached in their homes after they had complied with the processing of their re-entry to Philippine territory. Most of these primary respondents were found to be from Mindanao – Sulu, Tawi-Tawi, Basilan, and the Zamboanga Peninsula. There were also a few who came from Luzon and the Visayas.

A total of fifteen key informants composed mostly of health providers and stakeholders were also interviewed for data on institutional responses to the humanitarian crisis. The key informants primarily come from government agencies involved with providing assistance for travel documents and health services and having access to memorandum orders, reports, statistical data, and other pertinent records on the deportation of Filipinos from Malaysia.

The Geographical, Cultural and Economic Context of the Halaw Phenomenon

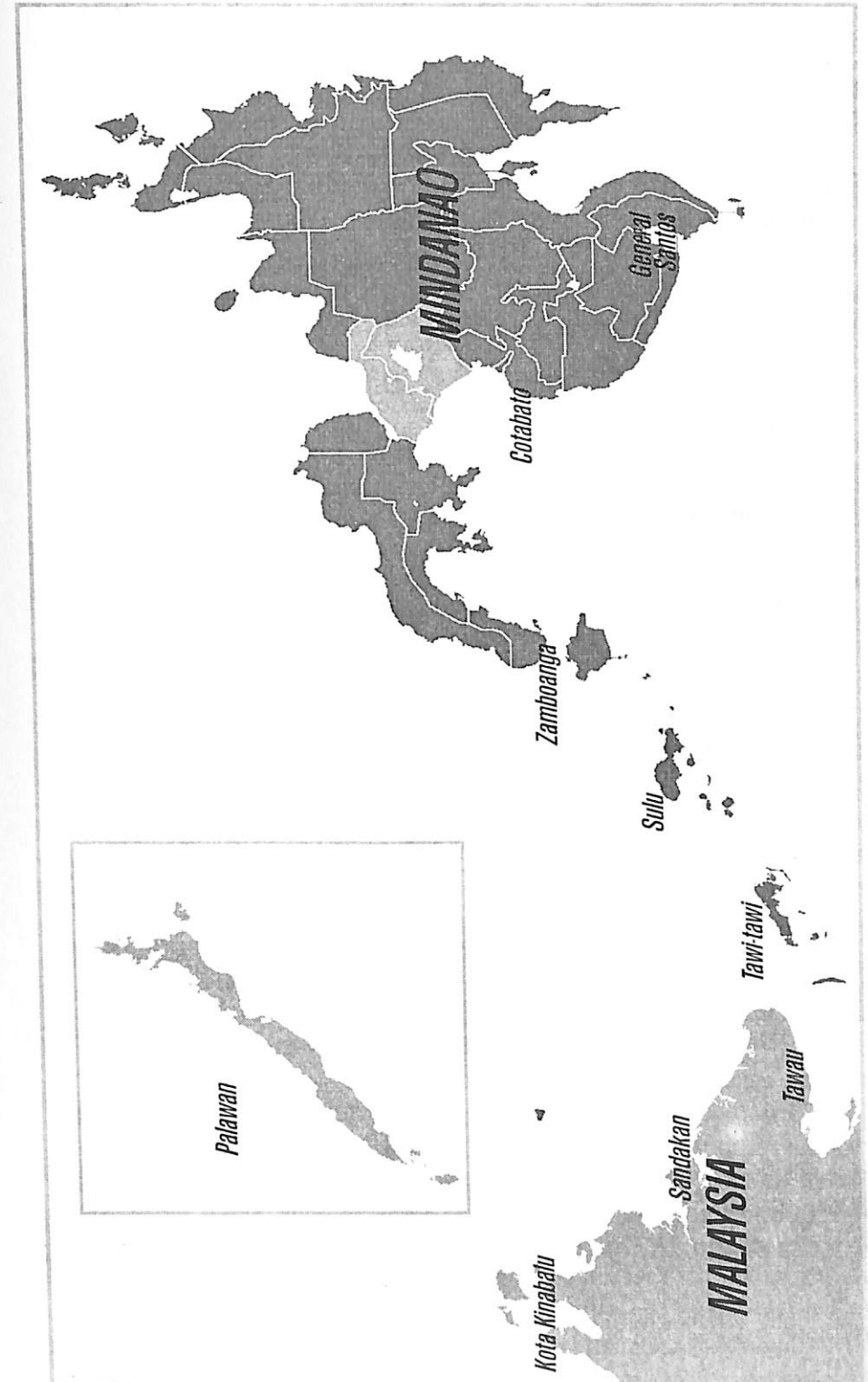
The halaw phenomenon and the attendant problems of deportation are best understood by taking a look at the historical context that had shaped policy decisions.

Malaysia: Home to Migrant Workers

Malaysia is a relatively new state, formed in 1963 through a merging of the former British colonies of Malaya and Singapore, including the East Malaysian states of Sabah and Sarawak on the northern coast of Borneo. Divided into two regions of Peninsular Malaysia and East Malaysia, the country comprises thirteen states and two federal territories. Its border countries are Brunei, Indonesia, and Thailand. Its estimated population as of midyear 2002 is 22.7 million, composed primarily of Malay and other indigenous groups (58 percent); Chinese (24 percent); Indian (8 percent); and others (The World Factbook, 2002). In the few years after the founding of Malaysia, it was rocked by Indonesian efforts to control Malaysia, the Philippine claims to Sabah, and Singapore's secession in 1965.

Malaysian economy flourished in the 1970s. Today, it is widely regarded as one of East Asia's greatest economic success stories. This growth is attributed to the shift of its development strategy from being a mere producer of raw materials into a multisector economy. Export-oriented industries propelled its economic growth, such that its Gross Domestic Product (GDP) growth rate was sustained at eight percent over some years.

In its early years as a newly industrializing economy, Malaysia welcomed migrant workers, especially to its so-called 3D (dirty, dangerous, and demeaning) employment sectors - mainly in agriculture and logging. The fast growing manufacturing, construction, and service sectors soon prompted the government to legalize importation of foreign labor. The resulting expansion of the country's middleclass and the increased employment of Malaysia's female workforce in the industries also created a demand for foreign female domestic workers to tend to their homes. Like a magnet, Malaysia attracted hundreds of thousands of migrant workers from the Philippines, Indonesia, Thailand, Myanmar, Bangladesh, and Sri-Lanka. As of 1998, Malaysia



was the largest importer of foreign workers in East Asia (Malaysia Country Report, 1998).

Precisely because they are undocumented, the number of illegal migrant workers is difficult to track and ascertain. Consider the variation of the figures in the following reports:

In 1994, it was estimated that there are over 1 million illegal immigrants in Malaysia, including 800,000 Indonesians, 100,000 Filipinos and 100,000 Bangladeshis (Migration News, 1994).

Malaysia's Central Bank estimated that for a total workforce of 8.6 million people, there were 1.7M foreign workers at the end of 1997, of which 1.14 million entered the country legally (World News Inter Press Service [IPS], 2002).

Migration News reported that in 1999, Malaysia had one of the world's highest percentage of foreign workers: roughly 2M of the country's eight million workers. About half of this is estimated to be undocumented (www.hrw.org/report, 2002).

In Malaysian Migration News 2000, official estimates of irregular migrants in Malaysia remain at approximately 300,000. The government regarded irregular migration in Sabah as particularly serious. Estimates of migrants in Sabah ranged from 400,000 to 600,000, perhaps 100,000 of them in an irregular status. As of February 2000 authorized migrant workers were estimated to number 697,219, mostly from Indonesia (517,766), Bangladesh (129,004), the Philippines (30,510), Pakistan (3,280), Thailand (2,888) and others (www.hrw.org/report, 2002).

Foreign workers made up 20 percent of Malaysia's workforce. In November 2001, 1.1 million migrant workers had legal work permits. Even more, however, were undocumented migrants (Inglis, 2002).

Most probably, these estimates of Malaysia's undocumented migrant workers do not take into account a significant number of migrant family members, such as the women who do not join those formally hired, but still earn from the informal sector of the economy, as well as stay-at-home women and minor children. Also, children born of undocumented parents could not be registered at birth and therefore remain unaccounted.

While immigration laws regulate the inflow of tourists and migrant workers, the economic boom in the 80s to the late 90s and the high corollary demand for workers forced Malaysia to ease its

migration restrictions. Many among the repatriated Filipinos related how even though they were not holding valid travel and identification documents they had stayed in Malaysia or travelled in and out of the country virtually unmolested for close to thirty years, in fact, a number of deportees had been born in Malaysia or were brought there when they were still very young. They had known no other home but that country.

Malaysia had periodically expelled undocumented persons from the country, but it was in 1997 when it started a massive crackdown, evidently in response to the Asian economic crisis. The regional crisis affected the flow of migrant workers across national borders. While people left their distressed home countries for work elsewhere, they found that what used to be welcoming countries were driving out foreign migrants so as to prioritize their nationals for employment. But even as the climate for employment soured for migrant laborers in Malaysia, Filipinos desperate for work that could not be had in the Philippines continued to brave the risks in going to that country.

Sabah: The Entry Point From Tawi- Tawi

Many Filipinos in the cluster of islands of Southern Philippines, particularly the Tausog, Sama, and Bajao, have historically been free to go in and out of Malaysia, especially in the province of Sabah or North Borneo. Similarly, Malaysians have freely travelled to Southern Philippines. The respective national borders are just a few nautical miles apart, such that the lights of Sandakan in Malaysia can be seen from Turtle Island in the Philippines. The boat trip from Bongao, Tawi-Tawi to Sandakan takes only a few hours.

In Turtle Island, the Malaysian ringgit and the Philippine peso are accepted even in small sari-sari stores and sidewalk stalls. Radio and television broadcast Malaysian programs and stores sell Malaysian-manufactured coffee, detergent, and cosmetics.

In these border islands, the people may differ in nationality but share common ethnic origins and the Islamic faith, and even relatives. It was only during the formation of modern states in recent times that the demarcation of their corresponding geographic boundaries restricted this intercourse.

The Philippines has a long unresolved claim over the province of Sabah. Historically, in 1658, the Sultan of Brunei gave the Sultan of Sulu the north coast of Borneo in return for his help in settling a civil war dispute between Sultan Abdul Mubin and Pengeran Bongsu. The

Sultan of Sulu leased the island to the British East Indies Company. Thus, in 1888, North Borneo became a British Protectorate but obtained the right to self-govern in August of 1963. In September of that year, North Borneo's name was changed to Sabah.

The geographic proximity of Sabah, its cultural heritage, its social and religious similarities plus the historical claim had led to a consciousness among Filipinos, especially the generational residents of Turtle Island, that Sabah is an extension of home. According to Rina Jimenez-David,

There is no 'border' to speak of between Sulu, Tawi-Tawi and Sabah. In fact, the Philippine claim to Sabah is based on the documented fact that the oil and timber-rich island is part of the Sultanate of Sulu. The Sultan merely leased the island to the British East Indies Company but the British turned around and claimed it as part of their colonial territory and then passed it on to Malaysia upon independence.

These historical and political arrangements though went unnoticed by the people of Sabah and Sulu and Tawi-Tawi as they traded and intermarried for generations. (Philippine Daily Inquirer, 2 September 2002)

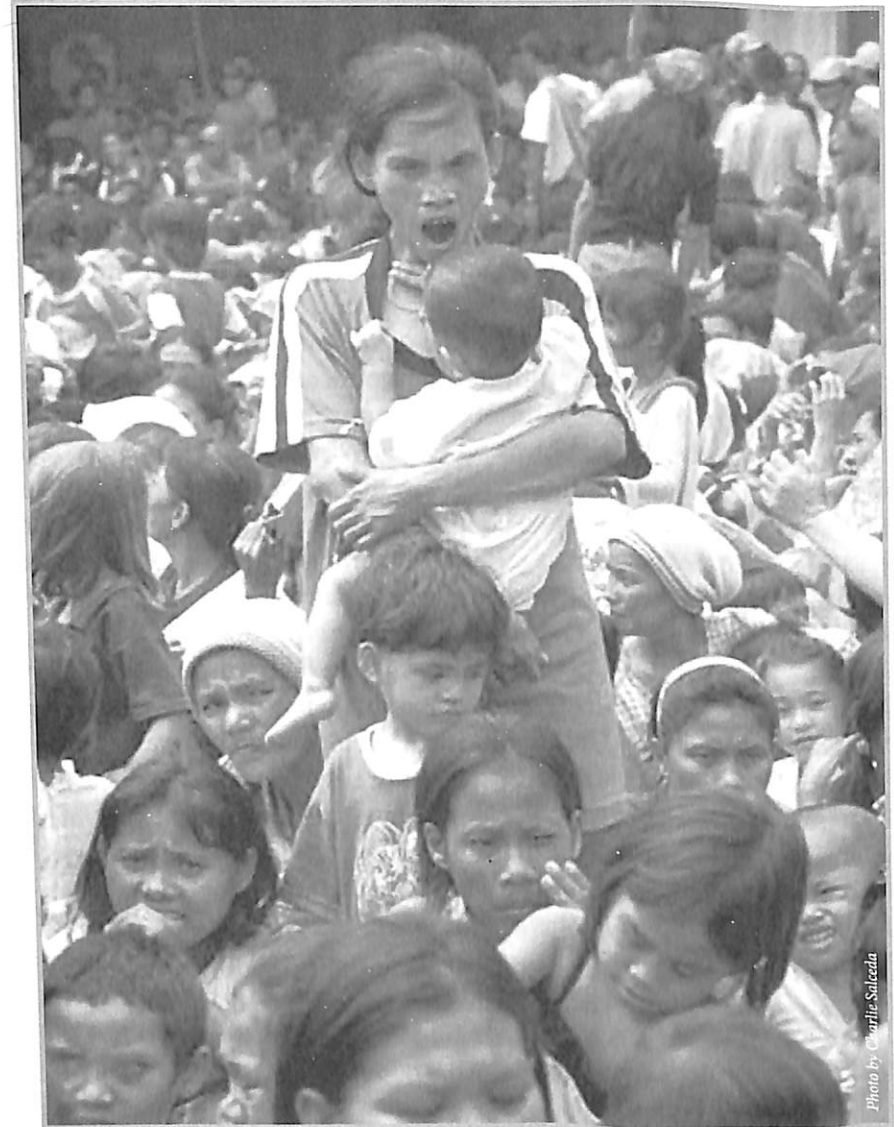
Economic opportunities in Malaysia, especially in Sabah have, for years, lured Filipino southerners to come. But for a great number, the reason is not merely economic, but political. According to a United Nations High Commission on Refugees (UNCHR) estimate, about 45,000 Filipino Muslims who fled ethnic strife in Mindanao in 1972 and 1974 had been locally integrated in Sabah (Inglis, 2002).

The Crackdown on Illegal Migrants

The term "illegal," "irregular," and "undocumented migrant" are used interchangeably. In the context of this research, these terms apply to all persons present in a state without formal permission to be there. It includes both those with no official form of identification and those with passports from their home country but without visas that allow them entry into Malaysia (www.hrw.org/report, 2000).

For a Filipino national to legally stay in Malaysia, a valid Philippine passport and a work permit are needed. Identity Cards (IC) and permanent residence cards or temporary passes, which deportees call *pass pangti* or *gambal pulis*, are also issued to legalize the stay of migrants.

Starting in 1994, Malaysia tried to rein in a fast growing migrant labor force and rationalize its migration policy. This move was



prompted primarily by the perception of local residents that these migrants took away their jobs, provided competition for their small business, or were responsible for crimes including theft, prostitution, and drug trafficking.

The government mandated employers to register all their employees by December 1996. During this amnesty period, the employers who submitted work permit applications to the Immigration Department on behalf of migrant workers were issued a "Yellow Card" to signify

that a temporary work permit had been approved. To complete the process, however, employers had to pay a levy before the temporary card expired on 15 August 1997. Meanwhile, workers were to carry a photocopy of the card at all times.

However, while some employers collected from their workers to pay for the levy, many among them did not bother to complete the registration process. Many workers thus became illegal migrants in the absence of such employment registration (Malaysia Country Report, 1998).

In late 1997, Malaysian immigration police became more zealous in arresting people who could not show proof that their stay in the country was legal. Checkpoints were set up, and factories suspected of harboring illegal migrants were inspected without warning. Police and immigration authorities swooped down and raided residences at odd hours to catch and cart away undocumented persons — babies and children included — to detention centers in preparation for shipping them out of the country.²

On 8 April 2002, the Malaysian Parliament passed The Immigration (Amendment) Act 2002, which provided a maximum fine of 10,000 ringgits (USD2,600) and a jail term of no more than five years, or both, for both the illegal immigrant and those who harbor him. Amnesty was given until end of August 2002 for undocumented persons to voluntarily surrender for repatriation to their country of origin or face arrest, detention, fine, and forcible removal from Malaysia. Inglis observed that,

The immediate government explanation for the most recent crackdown was concerns about possible involvement of undocumented workers in the drug trade and other criminal activities. However, local human rights groups also cite the slowdown in the economy and concerns about possible terrorist connections with Muslim fundamentalists as factors encouraging this latest effort.

It was at this point that the horde of undocumented Filipinos started streaming out of Malaysia, finally galvanizing the Philippine government into action.

The Deportation Experience and Its Consequences

The Halaw Respondents

Forty forced deportees and ten voluntary repatriates, all relatively less educated Muslims with a mean age of thirty-three, agreed to take part in interviews and discussions for this report. Thirty-five were women who reported to have worked in Malaysia as domestic helpers, entertainers, or plantation laborers. The men, on the other hand, had been employed in fishing, trade, construction, or agriculture.

They all claim that it was easy to find work in Malaysia. Men, however, expected to be paid more at an average monthly income of 500 ringgits. The women took home about half that amount.

A third of the respondents claimed to have migrated to Sabah at an early age, with some as young as twelve years old when they first came to Malaysia. There were two who had been born there. Among them, the shortest stay had been four years, while the longest stay was reported at twenty-four years. Included in the respondents was an Indonesian woman who was married to a Filipino.

The Process of Expulsion

Deportation was not an alien experience to the respondents, some of whom report to have been deported out of Malaysia once or twice before. Most of them knew that their stay there at that time was illegal. They were also aware of the risks that included five years' jail time, a heavy fine, and potential caning. Moreover, most of them knew of the government crackdown as the move was publicized and circulated over a greater part of Malaysia through television, radio, and newspaper. A few deportees, however, claimed to have been caught unaware.

Those who knew of the crackdown tried to avoid being apprehended by law enforcers. "We slept in different places," said a female halaw who, together with her three brothers, moved from relative to relative, seeking shelter for the night. "We slept in the farm because the police conducted house search very early in the morning, usually 1:00 to 2:00 o'clock," said a male respondent who was an agricultural worker. A diver and his wife eluded arrest by sleeping under the house. They padlocked their door, making it appear that the house was vacant.

Sometimes tipped off by friends about impending raids or the scheduled inspection of their premises, several Malaysian employers aided their employees' evasive attempts by transporting them to temporary shelter to avoid being seen by the police. To dry up this

bootleg support to illegal migrant workers, the Malaysian government imposed a stiff fine on employers who hired and coddled illegal workers. Many among those who were hiding were eventually caught because the law enforcers were tipped about their whereabouts. Among the respondents for this study, there were six who claimed that unidentified persons filed complaints or notified the policemen about their illegal status and where to find them.

The final decision to be voluntarily repatriated seemed to stem from several reasons: unemployment, depleted resources, the enticement of free transportation, and fear of imprisonment or caning. Some who had tried to avoid being deported remembered the circumstances of their capture:

"We were apprehended at the house. It was past 10:00 in the evening. We were sleeping. There was a loud knocking at the door by people identifying themselves as policemen. They demanded to show our IC and passport. I have a border pass because our employer obtained it for us but was not able to show it. Together with my children and companion, we were directly brought to jail in Kudat."

"I was taking a bath early in the morning when policemen came. I was told that the Chief of Police wanted to see me at the police station. Upon arrival at the station, I was immediately placed in a cell without any questions asked. Then I was immediately sent to Kunnak in Panampungan. My family was worried; it took some time for them to trace me."

"It was after midnight; we were sleeping. Suddenly, policemen arrived, banging and demanding to open the door. I was immediately handcuffed. It was a good thing my wife and children were spared of being handcuffed."

Tales of Detention

The length of stay in jail varied from person to person. Several male prisoners languished for six months or more, while the females generally had a shorter incarceration. Detention facilities were segregated by sex. In both facilities, the halaw reported some measure of police brutality, such as mauling, physical blows, and caning. A male respondent reported having witnessed a fellow detainee being mauled to death by the detention authorities.

Those who had been taken for detention earlier reported that conditions at these holding facilities had been a lot better then. Water

was abundant, quarters were clean and spacious, and there was adequate rice, although the dried fish that went with it at mealtime was of an inferior quality. As more detainees were brought in, however, the conditions worsened. Food rations went down to a cup of rice and some dried *tamban* (sardinella) every meal. Bathing time and restroom access was also regulated.

At its worst, some forty to fifty people crowded a jail cell intended for ten. Because restroom access was regulated, children were relieving themselves inside and causing the smell to permeate the entire cell. Even adults had taken to defecating in plastic bags which an assigned detainee collected and disposed of in the morning.

Visitors were restricted; the packages they brought were closely inspected, sometimes confiscated. Thus, some relatives had no recourse but to bribe the guards just to make sure that their loved ones received basic necessities. In the Rumamera jail, in particular, the deportees reported to have been subjected to harsher conditions and equally harsher punishment, such as water treatment and brutal mauling. In some detention facilities, on the other hand, some respondents were a lot luckier. According to one: "In fact, I felt safer in jail. They treat you well if you just follow the rules and regulations."

Consequences of Forced Migration

Deportation, whether it had been voluntary or forced, caused the deportees to go through a crisis situation. Beyond the loss of income, it seems evident that the direst effects of the ordeal were on aspects of the halaw's health and family structure.



The crowding and unhygienic condition in the jail exacerbated the health risks for deportees, especially the children. A female deportee who remained in detention for three weeks along with her children reported that the authorities had her children attended to when they got sick. Another female deportee, however, was not as lucky. She was travelling with her Indonesian husband and their eight children whose ages ranged from six months to eight years. She took ill in transit from Malaysia to the Philippines. She was given medical attention in the vessel, but required more care for her recuperation upon arrival in Zamboanga. This proved difficult as her husband was not allowed to disembark and look after her and the children because he lacked travel papers.

A nurse who was sent to Sabah to receive and accompany deportees observed the following health conditions of her charges:

The first time I saw them, their condition was deplorable. Children were sick; they were crying; they were dirty and they stank. You could sense the neglect. They were starved. Some women were pregnant; they were all sickly and haggard-looking. Some looked like they hadn't slept. Mothers carried their children. A woman told us her two children weren't moving or talking. My partner and I checked the children. They were dead; one had probably been dead for over an hour already as rigor mortis has set in. The other must have just expired; the body was still warm. I estimate the children to have been one and two years old, respectively.

While still in transit aboard the Philippine Navy boat, government personnel treated cases of respiratory infections, pneumonia, measles, diarrhea, and related gastro-intestinal diseases. Department of Health (DOH) personnel who received the deportees off the boat affirmed this observation of their general health condition. Their state of malnutrition was glaringly evident even at a glance.

Cases documented by the DSWD staff reflected how deportation affected the health of illegal migrants. A pregnant woman miscarried sometime during the month she was detained prior to deportation; a man became mentally-unbalanced; two young children died of complicated ailments exacerbated by the stress of detention and travel. Cases of dehydration, acute gastro-enteritis, pneumonia, and severe malnutrition were recorded and addressed by the DSWD. The Tawi-Tawi Provincial Health Office, on the other hand, reported an outbreak of measles among the deportees just as soon as they arrived.

One of the more stressful consequences of migration was the physical separation it caused on families. Gender segregation of detention facilities forced wives and husbands, parents and children apart. Many among them lost contact with each other, unable to inform their loved ones about their whereabouts.

In Zamboanga, a Tausug male who was detained for six months did not know what happened to the other members of his family; a 46-year-old mother of three who had been a Malaysian resident for seventeen years was deported

with one of her children;³ a 54-year-old woman from Siasi, Sulu who resided in Malaysia for ten years had to leave behind her husband and their four children; a 35-year-old male was separated from his wife and children and he did not know what happened to them; a documented Filipino had to send home his wife and their five children who did not have the necessary papers to stay with him in Malaysia.

In Tawi-Tawi, 33-year-old Wahid, a Sama male said he did not know if his wife and their three children knew what became of him. Several women deportees reported that their last contact with their husband had been during their arrest or detention in Malaysia. Meanwhile, an NGO worker told of how a penniless grandmother kept her infant granddaughter alive throughout the ordeal of deportation. They had gotten separated from the child's parents at some point during their ordeal. Although stunted and emaciated, the child arrived alive in the Philippines.

Institutional Responses to Mass Deportation

Data analyzed in this section were derived from in-depth interviews of fifteen stakeholders and service providers who were greatly involved during the height of the crises situation brought about by massive deportation.



Photo by Clarific Salcedo

Management of Deportees

As repatriated deportees tricked in beginning early 2002, the Philippine government did not immediately issue official directives on how its line agencies should respond. By October, however, the number of deportees swelled to thousands and their reports of illnesses, deaths, and maltreatment suffered in the hands of Malaysian authorities gained national and even international attention. This prompted to Philippine government to recognize and act on the crisis situation.

Perhaps the slow response of both the populace and the government was due to the fact that the deportation had been going on for some time. After all, such had happened before — people get deported, stay in the country for a while, then return to Malaysia still without a passport or border pass. In the scheme of things, the coming and going of illegal workers had been commonplace in these islands.

However, the emergency situation in August 2002 caught the attention of the media. The plight of the deportees was bannered in newspaper headlines and became the focus of television news. Concerned people began to drum up support and assistance to the deportees.



To coordinate the efforts of government agencies in responding to the humanitarian crisis, President Gloria Macapagal-Arroyo issued Administrative Order No. 40 dated 1 October 2002 creating Special Task Force “Pagbabalik Tulong” to address the problems posed by the deportation of Philippine citizens from Sabah. Chaired by the Presidential Adviser on Muslim Communities, the Task Force was composed of the heads of the Department of Foreign Affairs (DFA), DSWD, Department of Labor and Employment (DOLE), DOH, Department of Interior and Local Government (DILG), Department of National Defense (DND), the Philippine National Police (PNP), the Bureau of Immigration of the Department of Justice (DOJ), and LGUs.

Among others, the primary functions of the Task Force were given to be:

To ensure maximum coordination and cooperation between the concerned national

government agencies and LGUs to address the requirements of the deportees and to show the concern of the national government for the well-being of our returning countrymen;

To ensure adequate humanitarian facilities and social support services to include the reception, classification, alternate livelihood, temporary shelter, including transportation of Philippine citizens from Sabah to their respective places of origin or domicile;

To provide adequate health services to deportees as may be necessary upon their arrival in the Philippines;

To facilitate the documentation of those who wish to return to Malaysia, upon compliance with the pertinent immigration laws rules and regulations of that country; and

To arrange for adequate security while returning deportees are in transit, upon their arrival in the country, and during their reception and processing at designated government processing centers.

Shortly after the creation of Task Force, representatives of LGUs, DOH, and DSWD were directed to go to Sabah and attend to the deportees. The first batch of service providers were inadequately prepared for what they would find. Their medical supplies proved drastically lacking. Their report, however, informed the interagency team on the needs of the deportees, such that they were able to smoothly begin the registration of 1,500 deportees as soon as the team got to

Sandakan. At the same time, they were able to put in place a more effective detention camp management that addressed the needs of the Filipino detainees. Doctors and nurses on the team promptly got down to treating children and pregnant women as the team visited each detention center to officially oversee the turnover of deportees.

According to one key-informant who witnessed the turnover proceedings, deportees were transported to the dockyard where the Navy boats were anchored. The men were handcuffed, bare from the waist up. They looked pale and haggard, but disciplined. No one was talking or complaining. They walked by twos to the boat ramp under the watchful eye of Malaysian police who were armed with M-16 rifles.

The condition in the Navy boats turned chaotic as soon as the voluntary deportees joined the ones from the detention centers. The voluntary repatriates brought personal belongings with them and aside from the physical crowding, soon there also were reports of stolen belongings.

When the deportees got to the processing centers in Zamboanga and Tawi-Tawi, volunteers from civil society and rights groups joined the hard-pressed government workers in seeing to their needs. The DSWD provided PhP90 daily meal allowance per person for seven days, augmented by the distribution of rice, instant noodles, and others. Bottled water and plastic water containers were also distributed, and aside from the convenience package provided by the DSWD, private entities and business corporations donated mosquito nets, diapers for children, blankets, shampoos, toothbrushes, toothpaste, and soap.

Coordinating and harmonizing the emergency response proved to be a logistical nightmare given the number of people who needed attention. Among the donated stuff were medicines scraped together from the inventory of government health units, LGU executives and other elected officials, and pharmaceuticals company. Despite the amount of the medicines gathered, it was still a problem getting these to whoever needed these.

Various agencies and institutions did medical outreach and critical incident stress debriefings (CISD) among those coming off the boats. For verified repatriates, the DFA issued passports free of charge. The DOLE, through the Overseas Workers Welfare Administration (OWWA) and the Philippine Overseas Employment Administration (POEA), provided assistance to process the deportees' membership in welfare fund and health insurance. The arriving deportees were

also provided assistance to locate missing family members and to unite them with their loved ones. Efforts were made to give the dead a decent burial. After processing, the repatriated workers were also given money for fare so that they could finally go home.

Some NGOs that sent their personnel to help out perceived that they were less than warmly welcomed by the staff of line agencies. Perception was high among NGO women that the government workers did not view their voluntary offer of services as sincere. Bureaucratic red tape hampered the formation of a meaningful partnership between the government workers and their civil society counterparts. For instance, NGO workers were told that solicited donations must first be given to implementing agencies for acknowledgment of the donors and distribution to those in need. Many among the NGO volunteers questioned the need to course their material donations through government channels. They felt that the crisis situation deserved immediate response and people should not be made to wait when what they need is already there.

Interagency Actions

The continued arrival of deportees en masse from Malaysia ferried by Navy and commercial boats demanded that procedures be streamlined for processing them. In the context of interagency action, processing meant receiving the deportees upon their arrival, attending to their most immediate needs like food, shelter, medical attention/medicines as needed, and obtaining the necessary data for their proper documentation.

When done, those who had homes or relatives to go to were given transportation expenses to enable them to go and join their families. Minors who had been separated from their parents and had no identified relatives in the Philippines were housed at the DSWD Crisis Intervention Unit until a more long-term solution could be arrived at.

An Interagency One-Stop-Shop was put up on 9 September 2002 at the Office of the Civil Defense in Sta. Barbara, Zamboanga City. Representatives from the DOLE, DFA, the Office of Muslim Affairs (OMA), National Statistics Office (NSO), Local Civil Registry (LCR), Bureau of Immigration and Deportation (BID), and National Bureau of Investigation (NBI) staffed this set-up primarily to facilitate the re-employment of deportees/returnees. A process flow was devised to clearly show the steps, documents needed, and time frame involved



for the processing of required papers. The DFA waived the fee required for passport application. The only amount required from the deportees was PhP100 for NBI clearance.

As agreed by the Task Force, the DSWD, in coordination with the BID, was made the “universal registrant” of all the deportees/returnees. This meant that the DSWD — which had the master list of all deportees — issued the General Certification attesting that the holder was a deportee/repatriate. The Regional Disaster Coordinating Council (RDCC) coordinated the implementation and monitoring of the short-term emergency intervention for deportees, while participating agencies implemented the component programs.

Two processing centers were established. The first one which was in Talon-Talon, Zamboanga City, was used to temporarily house the deportees. The center is a makeshift tent, open on one side and with wooden plywood on planks for floor. While not very comfortable and providing no privacy, the Center offers a haven after the deportees’ grueling detention and travel. Deportees were allowed to stay at the

Center for a maximum of one week. Those who had special concerns were housed at the Sta. Barbara Crisis Intervention Unit. A processing center was also put up. Assistance programs and projects were evolved and implemented by various line agencies. Among these are the following:

- The DOLE has created the Special Employment Assistance Center (SEAC) in Zamboanga to assist, train and re-employ Filipino workers in Sabah under Department Order No. 28-02 series of 2002. The center provided for the simplification of employment documentation through special registration for re-employment. It despatched a mobile team to Malaysia to “continue to explore employment opportunities for Filipino workers with concerned government authorities and employer federations in the said country and implement on site registration system for Filipino workers already staying legally in Sabah who shall be hired by employers.”

For the issuance of an Overseas Employment Certificate, a work permit from the Malaysian employer and an Affidavit of Undertaking duly attested by OWWA⁴ that workers would pay welfare fund and Medicare contributions on installment basis were required.

- The TESDA implemented livelihood training courses for an organized halaw group in Arena Blanco, Zamboanga City and in the Barangays of Cawit, Mampang and Sta. Barbara. Repatriated halaws were taught food processing and garment making. At the end of the course, the graduates each received PhP1,000 to start a small business (e.g., fishball making and vending, or sewing) and to buy equipment such as kitchen utensils and sewing machines. TESDA also planned to hold courses for finfish culture, fish processing, enterprise development, seaweed or *agar-agar* farming, hair science, food processing (*ampao*, *kropek*, and *pancit*), mat weaving, farming of high value crops, hollowblock making, and manual arc welding. Later, the National Economic Development Authority (NEDA), through funding from the German Technical Cooperation, also initiated a project to assist the halaw with their immediate needs.

- The PNP was tasked to “conduct intelligence and investigation activities geared towards the identification of the individual deportees and those unscrupulous individuals who may take advantage of the confusing situation” and “maintain an information system relative to the actual number of deportees at the designated Zamboanga City Evacuation Centers prior to their transport to their respective destinations.” In addition, the PNP undertook the task of photographing the deportees and providing them with pictures necessary for their documentation, such as for securing their passport and NBI clearance.⁵
- The Zamboanga City Legislative Council (Sangguniang Pampook) responded to the humanitarian crisis as early as March 2002 when more than a thousand deportees arrived. It allowed for the Joaquin F. Enriquez, Jr. Memorial Sports Complex to initially shelter deportees. Several resolutions were formulated, covering a range of assistance: allocation of area/space to accommodate the deportees; creation of medical and a social relief team to attend to the health condition of illegal migrants; and request for the Philippine Ports Authority (PPA) to provide space within the port area for processing the arrivals from Malaysia.

Despite the considerable combined efforts of LGUs, line agencies, civil society, and concerned individuals, it would prove to be months before the conditions would normalize for the deportees and their host cities. A lady councilor in Zamboanga City complained that national government ignored the LGUs’ petitions for assistance in behalf deportees made earlier in 2002 before the situation escalated to crisis proportions. The mass concentration of deportees gave local executives a lot of headache. They feared that the deluge of repatriated migrant workers would exacerbate problems in health, housing, and employment, as well as the peace and order situation (Daily Zamboanga Times, 9 September 2002).

Notes

- 1 The term also extends its applicability to dissident individuals expelled from Malaysia.
- 2 Prior to this crackdown on undocumented migrant workers, Malaysia has already been detaining illegal migrants who had been accused of some crimes. In 1996, TENAGANITA, a Malaysian women and migrant rights group, exposed the appalling conditions of these detention centers and the cruel, dehumanizing treatment of detainees. In the course of researching the HIV/AIDS incidence among migrant workers in detention camps, the NGO documented the ill treatment, sexual abuse, and denial of adequate medical care to the detained migrant workers (Claude and Issel, 2000).
- 3 The two others had Malaysian birth certificates and had to be left with her husband in Malaysia.
- 4 As a sub-agency to the DOLE, the OWWA worked on the registration and membership of the deportees in order for them to avail of benefits: loan program for livelihood, scholarship for their children, training on skills for employment, hospitalization, burial gratuity in the amount of 20,000.00 pesos, medical assistance and repatriation program.
- 5 This service, however, was met with suspicion by some deportees who were apprehensive that their photos might be used for other purposes.

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