

THE ILLEGAL IMMIGRANTS IN SABAH: WHY DO THEY COME BACK?

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Abstract

The numbers of illegal immigrants from neighbouring countries of the Philippines and Indonesia is said to have reached an alarming figure. Recent statistics estimates that the number of immigrants in the country is approximately half a million. Such noticeable presence of the immigrants has been a major concern to many. Although, the immigrants may have profoundly contributed to the economic development of Sabah, their contribution is not without its cost. While providing cheap labour to timber, construction, plantation and domestic sectors, they are also seen as a threat to the society as a significant numbers of them are also involved in criminal activities. In order to negate negative effects, the government responded by taking several measures *inter alia* canning and deportation. Nonetheless, those measures failed to completely hinder them from coming back. Based on interviews and observations carried out in Kota Kinabalu, Sandakan, Tawau, Semporna, Kunak and Lahad Datu, this paper seeks to verify the reasons of their returning. This paper concludes that the immigrants will continue to come back regardless of whatever measures taken by the government for as long as job opportunities are abundantly available in Sabah. In addition, the availability of 'shelter' provided by their relatives who are locals is also a crucial factor.

Keywords: indeterminate people, security, illegal immigrants, palm oil plantations

Introduction

For many years, foreign labors have been the crucial element in the economic development of Sabah. These labors come mainly from Indonesia and the Philippine. Most of the immigrants from the Philippines are Muslims and they are either of the Bajaus or Sulu' that originate from the Southern Philippine. On the other hand, the Indonesian immigrants consist of the Bugis, Torajas and Flores from Sulawesi and Flores islands or the Muruts from the Kalimantan-Sabah

borders. While the Bugis are mainly Muslims, the Torajas and the Flores are mostly Christians and the Muruts are either Christian or pagan. Besides the Indonesians and the Philippines, Sabah also receives immigrants from many other countries such as India, China and Pakistan. This is shown in Table 1. However, some of them may become illegal due to overstay or through other means.

Table 1: Number of Arrivals by Citizenship, Sabah

Permanent Place of Residence	Jan-July 2006	Jan-July 2007
Malaysia	740,618	1,019,187
Brunei Darussalam	4,799	33,844
Singapore	10,735	7,605
Australia & New Zealand	9,610	10,050
Canada	2,418	2,721
Hong Kong	1,932	1,830
India	1,013	1,189
UK & Ireland	7,363	10,258
USA	4,339	4,815
China	32,746	36,002
Western & Eastern Europe	3,713	5,443
Philippines	21,844	36,929
Indonesia	170,597	201,129
Japan	19,985	15,833
Taiwan	24,497	26,772
South Korea	27,644	41,376
Thailand	1,425	2,175
Others	6,381	13,926
TOTAL	1,091,659	1,471,084
Period	2005	2006
Total Arrivals	1,940,671	2,107,288

Notes: Arrival and departure statistics are compiled based on the arrival and departure monthly returns provided by the Immigration Department Sabah.

These statistics are obtained by the Immigration Officers stationed at all the various immigration entry/exit points in Sabah.

According to Sabah Immigration and Passport (Exemption) Order, 1984, all arrivals into Sabah (includes Sabahans) for whatever purposes are being recorded except those persons whose place of embarkation is Sarawak are excluded. However, all departures from Sabah (includes who place of disembarkation is Sarawak) are being recorded.

In view of the above, users are cautioned to take note when making comparisons of the arrivals/departures data series.

Source: Monthly Statistical Bulletin Sabah, August 2007.

Being both the sending and the receiving country, Malaysia generally and Sabah specifically has no choice but have to deal with the issue of immigrants and their attendant problems. One of the main concerns is the problems of illegal immigrants who keep on coming back after deportation. This paper is specifically written to examine such phenomena. The pertinent question that needs to be addressed is; why do they keep on coming back or what are the reasons of their returning? This paper is based on several trips of fieldworks conducted in several places namely Kota Kinabalu, Sandakan, Tawau, Kunak, Keningau, Semporna, and Lahad Datu. Interviews and observations were carried out at the said locations as those places are the centre of activity for the Filipinos and Indonesians.

The Indonesian could be located especially in Tawau, Kunak, Lahad Datu, Sandakan and also in Kota Kinabalu. The Filipinos normally could be located in the eastern part of Sabah especially Sandakan, Lahad Datu, Kudat, the towns that are closer to the Philippines. This is not to say that there is no Filipino immigrant at all in other places, but the numbers are either too small or non-existence. Although the number of the Filipinos in Tawau is small compared to the Bugis (from Indonesia), Tawau could still be regarded as a focal point of entry for the Filipinos. This is due to the fact that there are 3 villages or *kampongs* that are dominantly populated by the Filipinos.

This paper will be divided into several parts; part one will delve into the concept of illegal immigrants. The second part will give a brief account on the unique interactions between the locals and the immigrants. The third part will elaborate on the reasons of their returning. The fourth part will touch on the illegal immigrants' perceptions on the government's previous measures. Finally in the concluding remarks, the writers pose some comments on the measures taken by the government as well as suggesting several approaches that could be considered in the near future.

The Concept of Illegal Immigrant

Not all immigrants are illegal and vice versa. The focus of this paper is the immigrants who are termed as 'illegal'. Who are they? According to Azizah Kassim, "illegal immigrant is those in one of the following categories;

- (a) A foreigner who enters a country without permit or pass.
- (b) A foreigner who slips into a country through undisclosed channel.
- (c) A foreigner who enters a country legally but stays on without renewing the permit or pass
- (d) A contract worker (expatriate/semi-skilled and skilled) who violates the work permit by changing their work or their employer.
- (e) A foreigner who misuses the pass visit, for instance those who enters on tourist or student visa but abuses the given visa by staying on to do other things.
- (f) Those who possess fake document or legal document gained through illegal means.
- (g) A foreign worker who fails to renew his or her working permit.
- (h) A refugee who fails to renew his or her yearly IMM13 pass.

According to the Federal Task Force, the illegal immigrants includes the foreigners who enter the country without proper travel document or those who enters legally but stays longer than permitted. In short, illegal immigrants are foreign nationals who enter the country through legal ways but overstayed, or those who slipped into the country through illegal channel, or foreign workers who works without the required permit.

The Locals and the Immigrants: Love and Hate Affairs

One bitter fact when discussing about the locals and the immigrants is that we (the locals) need them but at the very same time we despise them. This is indeed not a mere perception as it was proven in previous research. Azizah Kassim & Fazli Abdul Hamid (2005) for instance, discussed dilemma faced by the locals with regards to the employment of foreign workers. While the need for foreign labours is compelling, their accompanying negative aspects are often detested.

Despite such dilemma, one could not ignore the enormous economic contribution of the immigrants to the development of the state. Kurus (1999) and several others have deliberated on the issue in great detail. Their involvement in

construction, agriculture, timber, fisheries, and domestic sectors are inherently dominant. In addition, they are also significant players in informal sector. Most of them are petty traders selling goods such as cigarettes, vegetables and fishes around market places. Therefore, we could say that their involvements are highly crucial such that the survival of most of these sectors is really dependent on the migrant communities. Without them, Sabah economic sectors would be seriously affected.¹

Another aspect that could not be isolated when one discussing about the migrants is the threat they pose to the security of Sabah. This question has been dealt with, with details by Kamarulnizam Abdullah & Shawaluddin Hassan (2002), W. Shawaluddin Hassan & Ramli Dollah (2002) and W. Shawaluddin Hassan (2000). Most of the writers highlighted the concerns by the society due to the presence of Filipinos in Sabah. While it is common for us to blame illegal immigrants for all the committed crimes, the statistics has shown the contrary. Data from reliable sources depicts that the number of crimes committed by the locals with regards to property crimes such as housebreaking and automobile theft is higher compared to those committed by immigrants.

Having said that, many illegal activities could still be linked to illegal migrants especially those staying in the squatter colonies (W. Shawaluddin W. Hassan & Ramli Dollah, 2005). Among the known illegal activities in those areas are syabu smuggling and distribution, prostitution, fake documents and money syndicates, smuggling of goods and arms from neighbouring countries, etc. Squatter colonies are also nuisances in the eyes of the locals. Besides being dirty and filthy due to improper sanitation, the squatter areas are also prone to spread epidemic diseases. In addition, the squatters are also susceptible to cause and to spread fire. Water and electricity theft are also rampant in the squatter colonies.

Contrary to what is discussed above, some of the locals do take advantage of the illegal immigrants and the squatter colonies. Some of them may be providing houses or rooms for rent in the squatter colonies as a way to boost their income. The squatter areas may also be a blessing in disguise for the employers who do not provide housing for their immigrant employees. Thus, we could say that, the relationships between the immigrants and the locals with regards to squatter areas is not merely where the former causing problems to the latter. It is also the case where the latter took advantage from the former.

The illegal immigrants were also allegedly employed by political parties as phantom voters during elections. As a result, this matter has been raised by political parties such as PBS, SAPP, UPKO and the DAP in the local print media. The illegal immigrants are also implicated with identity card syndicate. Some of the local politicians claimed that the illegal immigrants obtained Malaysian citizenship in a very convenient manner.² Such matter is highly sensitive as it is said to have affected the outcomes of past general elections. It is believed that in return for their votes for Barisan Nasional, the illegal immigrants were given identity cards which in turn accord them the citizenship.

In short, we could say that relationship between the locals and the immigrants is far from straightforward. We may need them to get things done but we are reluctant to accept problems associated with their presence. We are aware and acknowledge their presence as nuisance but some of us do take advantage of

them. This love and hate affairs will not come to an end for as long as they are around.

Why Do They Come Back?

Albeit, depending heavily on foreign labors, significant presence of the illegal immigrants still raise up many concerns. In the recent years, large inflow of foreigners particularly the illegal immigrants has been officially categorized as a security issue. Such categorization had prompted the government to undertake various measures aimed to flush out illegal immigrants. In the past, Ops Nyah operations were carried out nationwide to track down immigrants without proper documentations. Once arrested, they would be deported back to their country of origin. Table 2 shows the number of deported illegal immigrants (Indonesians and the Filipino) from 1990s until 2007.

Table 2: The Statistics of Repatriated Immigrants, 1990-2000

YEAR	REPATRIATED IMMIGRANTS			TOTAL (Numbers)
	FILIPPINOS	INDONESIANS	OTHERS	
1990-99	66,414	65,826	0	132,240
2000	13,553	13,416	84	27,053
2001	12,265	15,166	326	27,757
2002	19,701	11,244	321	31,266
2003	11,246	5,542	156	16,944
2004	8,598	5,207	317	14,122
2005	7,051	3,858	520	11,429
2006	11,092	5,433	558	17,083
2007	11,784	6,495	428	18,707
JUMLAH	161,704	132,187	2,710	298,601

Source: Federal Task Force (Sabah/Labuan)

Besides the operations, the government had also imposed stricter measures to punish not only the illegal immigrants but also those who employ them illegally. In August 2002, the amendment to the Immigration Act 1959/1963 came into force and under the amended Act, foreign workers without permit and anyone who employs or harbors them, may be fined up to RM10, 000.00, imprisoned for five years and sentenced to receive up to six strokes of canning (Marja Azlima Omar, 2005).

In spite of the measures, the illegal immigrants continue to come back to Sabah. The media reported that the illegal that were caught, caned and deported back to their home country would come back to the shores of Sabah within a matter of days or in some cases, the next day. Intriguingly, they would continue to return even after being arrested and deported for more than one time. Table 2 shows that some of the illegal immigrants would still come back to Sabah after being caught for more than seven times. From Table 2 and Table 3, we learnt that

from 1990-2007, an estimated of 360,000 illegal immigrants had been caught by the authorities and 280,000 of them were send back home and the number of those who had returned for more than once is approximately 6,000³. From Table 3, we also learned that the illegal immigrants who came back for the second time from the Philippine outnumbered those from Indonesia. From the data, we also gathered that the larger proportion of the returnees is those from the Philippines (4,223 Filipinos as compared to 2072 Indonesians).

It is also interesting to note that majority of the immigrants from Indonesia would come back through legal means that is with proper traveling documentation and entering through recognized point of entry. It is believed that only less than one per cent of the Indonesian immigrant would come back illegally⁴. This is so because the Indonesians only has to pay Rp.75,000 (equivalent to RM22) for the required document to enter back into Sabah. Since it is affordable for them to obtain the legal document, many of them prefer to come back through the legal channel. Such situation suggests that getting the needed document is a not an issue and this could explain why they choose to come back in the case of Indonesian immigrants. Nonetheless, these groups of immigrants would eventually become illegal as many of them tend to stay longer than permitted.

Table 3: The Statistic of Confirmed Frequent Illegal Returnees Based on Biometric Record and Nationalities, 2003-2008

FREQUENCY	NATIONALITY OF IMMIGRANTS		
	INDONESIANS	FILIPPINOS	OTHERS
SECOND TIME	1,664	3,474	110
THIRD TIME	264	513	7
FOURTH TIME	73	154	0
FIFTH TIME	46	51	0
SIXTH TIME	11	22	0
SEVENTH TIME AND MORE	14	9	0
TOTAL	2,072	4,223	117

Source: Federal Task Force (Sabah/Labuan)

There are several reasons to explain the phenomenon of why do the illegal immigrants come back. Those factors are close proximity, close relatives in Sabah, the role of estate supervisors, no relatives back home and difficulties in the home country. Each of those factors will be elaborated in the next part of this essay.

Close Proximity

The proximity of Sabah to the Philippines and Indonesia is one the main factor that never fails to attract the immigrants to come back to Sabah. The distance is so near that it is almost impossible for the migrant not to come back to Sabah. It is said that from certain parts of Sabah it only takes two hours of boat ride to enter the Philippines's border. This is true if one were to take a boat ride from Tanjung

Labian (one of an illegal entry point in Lahad Datu district) to either Tawi-Tawi Island or Bongao Island. Tawi-Tawi Island is said to be only 27 nautical miles from the Sabah shore. Besides than Tawi-Tawi Island or Bongao Island, the Filipino may also choose to enter Sabah from Sitangkai Island. From there, one could reach Semporna or Kunak in approximately six hours of boat ride. The distance is so enticing such that on a clear day, Tawi-Tawi Island and Bongao Island could be seen from Tanjung Labian in Lahad Datu.

As for the Indonesian, they could take either the land or sea-route to slip back into Sabah. Since most of the Indonesians arrive from Sulawesi by ferry that docked at Nunukan Island, they will enter through Tawau from the island of Sebatik. By taking a boat ride from Sebatik Island, one could end up at the jetty right in the town of Tawau.⁵ As for the other route, illegal migrants would come back into Sabah through the border town of Kalabakan.⁶ Kalabakan is only manned by not more than 20 army and police personnel. Besides being the popular point of entry, Kalabakan is also known for smuggling activities. From Kalabakan, they will find their way to Tawau, Tenom and other places in Sabah.

Early Comers

The role played by early comers is also another factor that attracts the illegal to re-enter Sabah. Who are the early comers? They are the Bajau and Sulu from nearby islands. They could be regarded as the early comers as they are among the earliest to set foot on Sabah. In the Philippines the Bajaus and Suluks could be located on the islands of Jolo, Basilan, Tawi-Tawi, and smaller islands of Sibutu. They have plighted the region even during the supremacy of the Sulu Sultanate whom once dominated Sabah.⁷ Thus the Bajaus and Suluk population in Sabah are scattered especially in the east coast and also the west coast. Of the two, the Bajaus are bigger in number compared to the Suluk who could be located in the east coast of Sabah. The two groups are also badly affected by the war in the 1970s. When the war broke out in 1972, many of Bajaus and Suluks escaped the war by crossing over to Sabah due to its closeness. Due to such historical background, it is not surprising to see that even after the war; the two groups still flock into Sabah.

Relatives in Sabah

Many of the deported illegal immigrants have families in Sabah. Thus, it is only natural for them to re-enter Sabah since they are the bread-winner of the family. In one interview, we came across a deportee who was deported back to the Philippines only to be found Semporna one week later⁸ During Ops Nyah operation, there are cases where some of the illegal immigrants left their children under the care of trusted friends. Some of them come back for their children. However, some did not. Perhaps, this could be the cause of problems associated with street kids that are prevalent in Kota Kinabalu and as well as other towns in Sabah.

Having relatives in Sabah is also one of the factors that perpetuate chain migration. Relatives, friends or acquaintances who have long settled in Sabah provides some kind of shelter and security for the new comers and the returnees.

In other words, they serve as the pull factors that facilitate the return of the deported immigrants. Those returnees who survived the rigours of being the illegal would later on settle down and they in turn serve to be the host of the new comers.

It was also revealed in a study that illegal migrants would look for opportunity to marry the locals. That kind of marriage arrangement may be null and void but they would still look forward for such an arrangement. Why is it so? By marrying locals, the illegal hopes to be accepted as locals and later on such acceptance would enable them to obtain legal documents which in turn would increase their chances of becoming Malaysian citizen. In addition, by being married to the locals, the illegal also expects to be exempted from deportation exercises. Thus, it is not surprising to have illegal *jurunikah* among the illegal community. The present of these illegal *jurunikah* has make it easier for the illegal immigrants to marry the locals. Majlis Ugama Islam Sabah (MUIS) may treat such marriages as null and void because it is not done according to the prescribed rules as well as being performed by unauthorized *jurunikah*. Nonetheless, according to Islam the marriage is considered legal since the *akad* has been performed accordingly (interview with MUIS official).

The Role of Estate Supervisor

Supervisor or *mandor* plays a big role in an estate plantation. They are the important link between the management and the workers. Normally, the estate manager will delegate to the supervisor a considerable degree of power in order to ensure tasks are carried out accordingly. Besides that, the job of the supervisor also includes taking care of the estate labour shortage. Hence, it is within the jurisdiction of a supervisor to recruit new estate workers for the plantation to run smoothly. To execute the task, the supervisors in question (who are normally Bugis) will travel back to their villages in Sulawesi to recruit new workers. to travel back to Sulawesi. Normally the supervisor will travel back to Sulawesi twice a year and on each trip they are usually given a certain amount of money (sometimes up to RM20,000). The supervisors would travel to Sulawesi via ferry from Nunukan Island and then from there, they will continue the journey until they reach Makassar.⁹ Besides Makasar, the recruitment is also carried in other places such as Pinrang, Bone and Bulu Kumba. When it comes to recruitment exercises, the supervisor tends to select their relatives, family friends or the people from the same village. Sometimes, the selection is also based on recommendations by relatives.¹⁰ Thus the vicious circle will continue until the workforce of the plantation is consist of the people who are related or remotely related to the supervisor.

The question is why do they incline to choose from their own people? Firstly, selecting people who are relatives or villagers folk will make things less complicates as it is easier to manage people whom you know rather than total strangers. Secondly, they spoke the same language, Bugis even though of different sub-group.¹¹Thirdly, the Bugis also known for their loyalty and thus the risk of abscondment is minimized. Fourthly, the Bugis are hard working and discipline hence they are very suitable to work as estate worker which needs the mentioned criteria.

Hence, it is not a surprise for the writers to discover that there are approximately more than 500 illegal Bugis working as estate workers in any estates in the eastern part of Sabah. This is true particularly true in the estates situated in remote areas of Sabah. In such places, the employers are prepares to build *rumah kongsi* for the workers to hide from the authorities.¹²

No Relatives Back Home (especially the Filipinos)

Most of the returnees do not have relatives back in the Philippines and that is the reason why they come back to Sabah.¹³ About 80 percent of the respondent interviewed stated that they do not have any more relatives in the Philippines. This is especially for those who had been staying in Sabah for two decades. Worst still, some stated that they do not even own any kind of inheritance in terms of land or house. In this sense it is quite difficult for those sent back to stay in the Philippines since they do not have reason to go back to their hometown although they are deported back. Their problems is further complicated when they could not speak or communicate in the local language. Normally they will hang around Zamboanga or Bangao Island to find ways to re enter Sabah through backdoor. However, this is not the case with the Indonesians. They still have many relatives back home and they often travel back to Sulawesi or Flores in order to visit their families.

Difficulties Back Home

Added to this predicament is the fact that it is difficult for them to earn a descent living in the Philippines due to the on going war on the islands.¹⁴ This is also applies to the Indonesian. Copra production is the most important economic activity in most of the islands in the Philippines. However, the price of copra itself is very cheap. The monthly income for those who are involved in this sector is about 70 pesos which is equivalent to RM7.00. Due to the current domestic condition, potential or would be investors tend to stay away from Mindanao. Not even the much said BIMP-EAGA that has been seen as a saviour for the peoples of the south could convince the investors to invest in the war-torn region. To make the matter worse, the remaining infra-structure has been destroyed by the on going war. New jobs are almost non-existent. Thus, high unemployment rate and poor economic growth in their country of origin are the factors that compel the returnees to come back to Sabah.

Although the living condition for the illegal in Sabah is not particularly luxurious but jobs are abundantly available. Living in illegal settlements, they may be deprived of electricity, clean water supply and some other basic needs such as amenities (toilet, rubbish dumping). The house itself may be in shanty condition and congested with not only their children but also sometimes parents, brothers and sisters and relatives. Despite such conditions, there are many opportunities for them to carry on their living here. Since most of this Filipino migrants stayed closed to town, there are a lot of economic activities that they could venture into particularly in the informal sector. Among the activities are selling cigarettes,

vegetables, fish, or operating a small shop within the Filipino community in the nearby kampong air vicinity. For those who do not have enough money, they could still work as illegal labours at construction sides, plantation or even as domestic workers.

Unlike the Filipinos, there are plenty of jobs back home for the Indonesian. Nevertheless, the pay is much lower as compared working in Sabah or Malaysia.¹⁵ Desire to earn a better living, lure them back to Sabah. In Malaysia it is a matter of whether or not you are willing to work hard because for any work you do, you would be dully rewarded. In the case of the Bugis who works in the estate, their living conditions are indeed much better compared to their place of origin. Big companies such as Sawit Kinabalu Berhad, IOI and KERTAM provide wide range of facilities for their workers. Recently Sawit Kinabalu Berhad had replaced the oil kongsi housing to semi-permanent duplex and they had spent over RM8 million for that purpose (James Gatidis, 2005). To optimize utilization of workers, crèche is made available to look after the children of the workers while they are at work. Besides than the housing and basic needs such as electricity and water supply, the employer also provides facilities for recreational activities such as badminton halls and footballs fields. Working as estate workers in oil palm plantations has given the Bugis ample opportunities to raise their living standard. Some of them manage to accumulate large amount of money which in turn use to purchase land and other properties back home.

Illegal with criminal record

Some of those deported illegal with criminal record back home would normally find their way back to Sabah. In the quest to seek for a secure place to hide, they refuse to return back to the Philippines. Nonetheless, this situation may not apply to the Indonesian. Although in Sabah, the Filipino are known for their toughness and bravery but some of them live in fear back home. There are two factors that contribute to this fear, one is the availability of firearms among the people for security and second, laws are not properly observed in the south (Mindanao and all the islands in the south). As a result people took the law in their own hands. Retaliation is rampant and murder is the likely results of retaliation. To make the matter worst, leaders of business and gangsterism have their followers heavily equip with arms such as the M-16. Thus any wrongdoing could possibly end one's life.

The Illegal Immigrant's Perceptions on the Government's Previous Measures

Having discussed the reasons of their returning, the writers also inadvertently discover the perceptions of the illegal immigrants on the government's previous measures. Firstly, they are of the opinion that despite efforts taken to tighten the security at the border, infiltration is still possible. After the Sipadan kidnapping incidence in 2000, the government has stepped up security measures by stationing

layer after layer of security personnels to safeguard from encroachment. Nonetheless, the illegal immigrants were still able to slip into Sabah through the eastern town of Sandakan, Kinabatangan, Lahad Datu, Semporna and Kunak. Why is it so? The answer lies in bribery, a timeless human error. As the saying goes, "to err is human", the illegal are truly aware of such weaknesses. Bribery among security personnel is rampant and it is also an open secret.¹⁶

Secondly, in the minds of illegal, the government will from time to time conduct operations to flush them out or to curb them from coming into Sabah illegally. But normally such practices will be followed by amnesty. Hence, this is the opportunity for them to get out of Sabah and come back later on.¹⁷ In a way, the government has unintentionally sent a wrong message to the illegal as many of them perceive the measures as 'lenient'.

Thirdly, in the past, the use of technology in monitoring and surveillance is minimal and this lacking has led to the influx of the illegal. The illegal are of the opinion that traditional methods of monitoring and surveillance have given them ample rooms to slip back into Sabah. They are indeed wary of the introduction of biometric system¹⁸ and the usage of high-tech radar equipments by the authorities.

Conclusion

The writers would like to put forward three alternatives to deal with the issue in hand. Firstly is to pursue a harsh policy, similar to actions taken by the Australian authority that is to turn back the immigrants to the international waters. Such approach may be received with a mixture of reactions. Some may term it as it as 'inhumane'.¹⁹ Nonetheless, such action would send a clear message to the immigrants that the Malaysian authorities are more serious in the effort to curb the deportees from coming back.

Secondly, the task of monitoring Malaysian waters should be entirely managed by the navies. At the moment, the task is jointly undertaken by the Malaysian Navy and the General Operation Force (police) and Malaysian Maritime Enforcement Agency. In the writers' view, joint efforts could sometimes lead to duplication of resources if delegations of works are not properly coordinated. Thus, to avoid unnecessary waste of human resources as well as cost, the task should be entrusted solely to the Malaysian Navy.

Thirdly is to explore the possibility of working closely with the Philippines authorities to address the issue in a proper manner. Both countries could work out a way to regulate the arrival and departure of the Filipinos. However, the proposal could be difficult to execute due to the fact that Manila has not been helpful in finding solutions to the Muslim Filipinos plight. This is due to the long standing Philippine's claim over Sabah. Unlike the Indonesian who has a G to G arrangement regarding illegal and Indonesian workers in Malaysia, that is not the case with the Philippines. Clearly Manila has not been receptive on this matter. The Indonesian even send their navy to transport back Indonesia. While the Indonesian had to bear the costs to transport their citizen, the Muslim Filipinos passage were fully paid by the Malaysian government. Therefore, Kuala Lumpur and Manila should work closely to initiate a mechanism or solution to the problem.

In August 2008, the Malaysian government carried out the Ops Nyah operation that has led to repatriation of approximately 150,000 illegal immigrants from Sabah. Several years ago (in the year 2002), the same kind of measures were carried in Sabah. During the 2002 mass deportation exercise, the Malaysian government had to face severe criticism from various parties on various issues. The prominent concerns were the overcrowded condition of the detention centres and the manner in which the illegal were deported. We should learn from what happened in the past. An odd sense of *déjà vu* should be avoided at all cost. The completion of Camp Paradise transit camp in Kota Belud, Sabah may solve the problem of over crowdedness. But this does not mean that all of the problems relating to deportation exercises are completely settled. We have to be mindful of the human rights issues as well as ensuring that deportation exercises are coordinated in stages to avoid mass exodus.

In addition, the 2004 mass deportation exercise has left a profound impact on the economy. The estate sector for instance incurred RM 2.4 billion losses as a result of unharvested palm due to deportation of Indonesian estate workers. Sabah's economy suffered tremendously. This scenario highlights the dependency of the Sabah's economy on foreign labour. Bearing this 'heavy reliance' in mind, the government must ensure that measures taken to flush out the immigrants should take into accounts the repercussions of such measures on the economy.

Lastly, the writers are of the opinion that repatriation may not be the best way to curb the influx of illegal as they would still come back to Sabah. Instead of being harsh and spending enormous amount of money²⁰ to be harsh, the governments should have come up with ways to recognize the skills of the illegal. In other words, the government must regulate them as skilled or semi-skilled workers. In addition, the government should also embark on different kind of policies to deal with different groups of illegal. The returnees should not receive the same kind of treatment carried out on the new comers. Treating them as equals means that we are disregarding our need for the much needed labour supply particularly in construction and plantation sectors. It is a known fact that many of the returnees are either skilled or semi skilled workers. Therefore, rather than sending them back, the government should regulate them accordingly.

With the existence of attractive pull factors, Sabah is and will always be the ultimate destination of illegal immigrants. Interestingly, Sabah's vibrant economy also heavily depends on the employment of foreign labour. Therefore, the illegal immigrants, the exercise taken to deport them and the returning of the deportees are the 'never ending story' of Sabah. Unless and until we deal with the matter wisely, such problems will be inherited by the future generations endlessly.

Endnotes

¹ It is not unusual to hear estate managers or constructions or restaurant owners complaining about not having enough labours especially when the authorities launched operations against illegal immigrants. Also see "FSM: We do need them, but..." Daily Express, 27th July 2008.

² Interviews conducted with YB Dato' Wilfred Tangau, YB Melannie Chia, Dr Chong Eng Leong, YB Dr Hiew King Cheu in July 2008. All of them raised this issue during the interviews.

³ The figure is based on Federal Task Force data. But we believed that the number is much higher. This is due to the fact that the illegal are much more careful after been in the country for the second time especially in avoiding the authorities. Among actions taken by them are obtaining real documents for instance birth certificate and later on changing to real Identification Card or working in remote areas especially in estates.

⁴ Interview with Mr Didik Eko Pujiyanto, Indonesian Consulate General, Kota Kinabalu, Sabah 22 July 2008.

⁵ From our observation there are no authorities to check those coming in and out of Tawau.

⁶ Kalabakan is the border town which is 20 km from the Indonesian side. Kalabakan is known for the invasion during the Confrontation launched by Sukarno in 1963. Nearly a dozen Malaysian armed forces perished during the ambush. (Abd. Rahman Mad Ali, 2008)

⁷ Interview with Datuk Seri Dr. Hasbullah Mohd Taha, former Sabah Education Director in Lahad Datu on the 27th February 2008.

⁸ This incidents is later clarified by a few of the enforcement officers during interviews.

⁹ Interview with a supervisor who revealed the amount given by the manager just to get workers in Sulawesi. If the supervisor is smart he will be able to spare some amount and not spending the whole lot. Interview with respondent in Sandakan on 26 November 2006.

¹⁰ Interviews with two supervisors who wished to be anonymous in Lahad Datu and Tawau March 2008.

¹¹ Bugis are divided into several group for instance, Bone, Andrekan, Pendrang, Rappeng, Palopoh, Makassar, Wajo, Sinjai, Barru, and others. Discussion with Budi Anton. 22. April 2008. Also see (Suraya Sintang, 2007).

¹² Interview with an anonymous respondent who used to work as an administrator in one of the estates in eastern part of Sabah.

¹³ Many interviewed stated that they do not have relatives in the Philippines. This is especially obvious for those who were in Sabah since the 60's.

¹⁴ "Deportees declare they will return to Sabah" Daily Express, 25th July 2008.

¹⁵ Conversation with a Bugis driver from Tawau Airport to Tawau. The driver is now a Malaysian by virtue of being an early bird and realizing the importance of having legal document. Interview held on 22th February 2008.

¹⁶ Interviews with high ranking government officials.

¹⁷ "Don't worry, the government will always have this amnesty programme."

This has been raised by some of the interviewed illegal.

¹⁸ The use of biometric by the Federal Special Task Force could detect and trace illegal.

¹⁹ In the past Malaysia has been label as such when canning is introduced as one of the punishment for the illegal. See (Marja Azlima Omar, 2005).

²⁰ "RM50m allocation to repatriate Sabah Illegal" New Strait Times, 18th July 2008.

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