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## **REFORMING MALAYSIA'S DEPORTATION REGIME: DIGITALISATION, INTEGRATION, AND MILITARISATION**

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### **ABSTRACT**

This paper examines transformations undertaken by the Malaysian government in reforming its deportation policy, operation, and enforcement. It focuses on the post-2008 period during which Malaysia embarked on several reform initiatives, notably the introduction of biometric technology, the implementation of the National Blue Ocean Strategy, and the establishment of a National Task Force under military leadership. This paper aims to analyse the implementation of the reforms and the implications of these initiatives. The analysis draws upon parliamentary debates, ministerial documents, legal texts, online news media and secondary literature. This paper has found the following three findings. First, deportation could be conceptualised as a migration control strategy to achieve zero irregularity. Second, Malaysia's deportation regime is increasingly technologically driven, integrated, and militarised. Third, Malaysia has established a network of border and migration management databases centred on

the identification, monitoring, and surveillance of individuals. The integration of biometrics technology in interior enforcement has led to the emergence of a digital border.

**Keywords:** Biometrics, blue ocean strategy, deportation regime, migration control, military.

## INTRODUCTION

In the global literature on migration control, migrant-receiving countries have intensified their migration control measures, which include militarising border crossings, imposing harsher sanctions, expanding surveillance, and deporting unwanted elements (Coutin, 2015). Deportation is a critical last-resort strategy to regulate the flow of irregular migrants, which occurs when border measures fail to prevent unlawful entrance or when migrants breach the terms of their admission. The implementation of deportation is undermined by the reluctance of many foreign governments to participate in the return process of their citizens (Ellerman, 2008). Weber et al. (2020) conceptualised deportation as an attempt to reverse the unwanted flow of irregular migration through the removal of unwanted populations via formal legal processes. Additionally, deportation (as well as detection and detention) of irregular migrants is regarded as the internalisation of border controls. These strategies are part of internal enforcement, which functions to govern internal national borders and to control non-citizens (Menjivar, 2014). According to Kanstroom, deportation is a tool of “extended border control” which serves as a mechanism to reaffirm the state’s sovereign power over the control of its territory as it allows the state to expel non-citizens from its territory (2007, p.5). It is a practice that enables sovereign states to exercise immigration control within their borders. Undocumented migrants, visa over-stayers, and unsuccessful asylum-seekers are vulnerable to the threat of detention and deportation (Gibney, 2013). This exercise of state authority is crucial to end the relationship of responsibility between the state and the non-citizen by forcing the non-citizen to exit the sphere of the state’s authority (Anderson et al., 2011).

Information, identification, and surveillance are crucial internal migration control tools. States acknowledge the significance of

establishing the legal identity of foreign individuals and maintaining accurate records of their migration backgrounds to ascertain if they entered the country unlawfully, applied for or remained past the expiration of their visa (Broeders & Engbersen, 2007). There is a consensus that deportation, which is applied to those who have already arrived in the territory, is no longer seen as an adequate control measure. Although deportation involves huge resources and cannot effectively prevent entry, it is still widely implemented (Bloch & Schuster, 2005). Deportation only “partially” addresses the issue of illegal migrants as labour recruitment has expanded into a lucrative labour smuggler industry involving various stakeholders. Measures such as detention and deportation have been found to not deter illegal entry, as evidenced by the rising cases of new entry or re-entry. The state has again turned to cracking down on arrests and amnesties, while the migrants “continued to look for ways of getting to Malaysia, legally and illegally, to better their lives, regardless of the risks they faced” (Jones, 2000, pp.37-38). According to Andrijasev (2010, p.11), detention centres are not “the end-point in one’s migrational projects”. Migrants are detained, released, and then they move on. Similarly, deportations are not simply a disciplinary practice and do not stop migratory movements (Andrijasev, 2010). It is also a complex procedure because identifying persons and coordinating for them to be sent to other countries are time-consuming and resource-intensive processes. Deportation is also contentious because it appears irreconcilable with human rights, involving vulnerable people, children, as well as individuals who have been separated from their families (Gibney, 2008). The model of “arrest, detain and then deport” is also costly particularly concerning the government’s financial burden of maintaining the detention centres, as well as its adverse effect on the productivity of the economic sectors (Kassim, 1997).

This paper suggests that deportation could be conceptualised as a migration control strategy to achieve zero irregularity. There is a zero-tolerance deportation regime currently in practice, with Malaysia exercising final authority in deporting unlawful immigrants based on the grounds of national security (Anderson, 2020; World Bank, 2013). The government has declared several zero-tolerance policies for irregular migration, including zero landings since 2002, zero illegal immigrants by 2020 since 2014, zero tolerance for human trafficking and migrant smuggling since 2015, and zero tolerance towards graft since 2017 (Low & Mokhtar, 2017). The immigration

department of Malaysia has been enforcing a policy of zero illegal migrants, requiring all migrant workers to have proper documentation and showing no tolerance for irregular immigration. A statement by the immigration department in 2014 reiterated that Malaysia would be completely free from illegal immigrants by 2020. The department's objective was to effectively mitigate the problem of illegal immigration to a "zero level". Its strategic initiatives included the collaborative participation of the Malaysian Armed Forces and all law enforcement agencies responsible for overseeing both land and maritime borders (Immigration Department, 2014). In 2019, the government announced a holistic enforcement plan to ensure Malaysia achieves "zero undocumented migrants". The five-year "Holistic Plan on Enforcement Against Illegal Immigrants" (2020-2025) calls for strategic collaboration across various ministries and relevant agencies based on stricter law enforcement. The then Home Minister, Muhyiddin Yassin stated that: "Through this plan, we want to ensure the level of existence of undocumented migrants will drop annually until a stage where there are no more foreign workers entering or working illegally in the country" (Holistic Plan, 2019). Its goals include creating an uncomfortable ecosystem for illegal immigrants to go about their everyday lives by strengthening current enforcement and regulatory authorities (Muhyiddin, 2019).

The present paper surveys the state's attempt to reform its deportation regime with the following research questions: (1) What are the transformations introduced in the state's deportation regime? (2) What are the implications of these initiatives? This study has used the case study methodology in examining the development of the state's deportation policy. Next, it discusses the three transformations undertaken, focusing on the rationale and significance of each reform. Finally, it concludes by analysing the implications of the transformations.

## **CASE STUDY METHODOLOGY**

Based on a case study in Malaysia, this paper examines how the state sought to improve its deportation regime through the introduction of biometric technology in interior enforcement, the National Blue Ocean Strategy (NBOS), and the increasingly significant role of the military.

In 2008, the Malaysian government introduced the NBOS, which witnessed the strategic collaboration between the Ministry of Defence and the Ministry of Home Affairs in enforcement operations and border control. The NBOS concept is a total security strategy that incorporates all agencies, such as the military, police, civil departments, and other security and enforcement agencies, through different activities. The tight cooperation and dismantling of silos are the main features of the NBOS, which emphasise knowledge dispersion, resource sharing, and cross-pollination within agencies (Ministry of Defence, 2013, Chap 2). In the same year, Mobile Immigration Enforcement Teams were utilised to authenticate the fingerprints of foreigners by comparing them with government databases. Since 2008, the Home Ministry has begun issuing color-coded identity cards (I-Card) to migrant workers based on their occupational sectors to improve monitoring (Kaur, 2014). The effectiveness of the monitoring and surveillance of foreigners in the country was improved by updating their biometric fingerprint data during the specific process of registration, legalisation, granting of amnesty, and deportation (Low, 2021a). When the COVID-19 pandemic intensified, a special task force known as the National Task Force was established on 6 May 2020 under the leadership of the Malaysian Armed Forces to strengthen the country's border control against the influx of illegal immigrants. The enforcement operation, called *Ops Benteng*, was conducted by deploying integrated troops to control the country's land, sea, and air (Carruthers, 2020; Omar, 2021)

Document analysis was used to critically examine the data gathered. Four sets of sources were utilised, namely parliamentary debates (2008-2021), ministerial documents, legal texts, and online news media. The analytical technique encompassed the systematic process of identifying, choosing, assessing, and synthesising data derived from various documents. The use of content analysis served as a systematic approach for classifying information according to its relevance to the main research questions. Content analysis encompassed several key conceptual components, which include ensuring the availability and accessibility of the text corpus, formulating research questions that will guide the corpus analysis, selecting a specific context to interpret and comprehend the text corpus, employing an analytical construct to translate this understanding into practical terms, drawing inferences to address the research questions, and validating the evidence obtained through the analysis (Bowen, 2009; Krippendorff, 2004).

## **THE DEVELOPMENT AND FUNCTIONS OF DEPORTATION IN MALAYSIA**

Migration control in the state is focused on intensified raid operations, which criminalize migrants rather than protect them. Deportation has been an integral part of Malaysia's migration instrument, whereby detection, raids, detention, and deportation operations have become a daily routine to manage the flow of illegal migration. Since 1992, ongoing operation campaigns known as *Ops Nyah I* (Get Rid Operation I) and *Ops Nyah II* (Get Rid Operation II) have been conducted to minimise the number of unauthorised migrants. Any migrants apprehended during both enforcement operations will be sent to a detention centre and then deported after serving time. Apart from the detention, the migrants might also be fined and in some cases, be subject to whipping (Ford, 2006; Kassim & Mat Zin, 2011). The use of immigration detention has become an integral component of Malaysia's approach to migration management, with its justification rooted in the need for safeguarding national security. Its primary purpose is to provide immigration officials the opportunity to thoroughly examine the legal status of migrants and thereafter establish an appropriate course of action for them (Nah, 2015).

Malaysia is a noteworthy case study due to the extensive media coverage and popular mobilisation. The Malaysian deportation efforts involved not only the police and military personnel, but also the active involvement of citizen volunteers (People's Volunteer Corps) in government-sponsored raids against illegal migrants. Hedman described the Malaysian deportation mechanism as a "comparatively high-profile" and "large-scale" activity (Hedman, 2008, p.381). The government has intensified its extensive crackdowns on illegal migrants over time through *Ops Nyah I* (1992), *Ops Nyah II* (1992), *Ops Tegas* (2005), *Ops 6P Bersepadu* (2013), *Ops Mega* (2017), *Ops Mega 2.0* (February 2018), and *Ops Mega 3.0* (July 2018) (Amnesty International Malaysia, 2018; Loh et al., 2019; Omar et al., 2016). Continuous enforcement operations involving multi-agencies have been conducted to track down, apprehend, bring legal action against, and deport foreign individuals who violate the nation's immigration and anti-human trafficking regulations. On the first day of *Ops 6P Bersepadu*, the then Minister of Home Affairs, Ahmad Zahid Hamidi, stated "This is not a seasonal operation. It will not end this year, we will continue (until we reach) our goal of zero illegal immigrants in the country" (Lee, 2013). During the operation of *Ops Mega*, the

Immigration Department reiterated its pledge to liberate the country from illegal migrants with the intensified enforcement operation. Undocumented migrants who failed to take part in the state's regularisation and voluntary repatriation programmes would be subject to large-scale operation ("Immigration Dept pledges," 2018). The Malaysian Immigration Department's statistics on the issue of illegal immigrants in the country are at a rate of 3:1, meaning that for every three foreign workers checked in an enforcement operation, one is found to be irregular (Malaysia, 2016a).

The functions of deportation in Malaysia can be viewed from three perspectives. From an economic perspective, deportation operations have been intended to emphasise a basic element of Malaysian labour migration policies, namely migrant workers' temporality and malleability. Detention and deportation have been used to demonstrate official control over the national territory and borders during times of economic hardship, when demand for both legal and illegal migrants decreased, or during times of social upheaval (Garcés-Mascareñas, 2012). A migration system where migrants find it simpler and cheaper to be arrested and deported rather than to pay absurdly high fees to keep their documents updated is clearly dysfunctional (Jones, 2000). Notwithstanding the national security framework that governed the deportation process, economic realities prompted a policy change. Economic security concerns also prevailed with the need to maintain adequate labour supply for an economy that had become heavily reliant on migrant labourers. The national security framework dictated immigration enforcement efforts; nevertheless, Malaysia's economic reliance on foreign labour thwarted any enforcement actions (Nesadurai, 2013). Due to the high demand for labourers, deportation of illegal migrants is often a frustrating task. Malaysia has been very "half-hearted about deportations of undocumented workers" who are much needed for menial jobs in construction sites, plantations, factories, and the services sector (Skeldon, 1998). The government's policy on immigrants and foreign workers has never been consistent because the country's economic survival is at stake if decisive action is taken to address the problem of foreign workers in the country. Despite the fact that the government is extensively engaged in rhetoric regarding severe action on foreign workers, addressing such an issue is difficult due to the imperative need for labour in the state's major economic sectors (Dollah & Abdullah, 2015).



Second, deportation is also viewed as a form of internal border control. Malaysia's migration policies do not focus on border control but rather seek to limit immigrants' presence after they arrive. Deportation is mostly conducted within national territory rather than at the border. The "securitization from inside" shows that internal borders are critical in the creation and preservation of a cheap, flexible labour force (Garcés-Mascreñas, 2015). In examining internal border control, Franck (2019) suggested that border policing occurs across the everyday locations where migrants live via immigration policing, detection, and expulsion campaigns. Her study demonstrated how corruption is an integral feature of immigration policing in Malaysia and how migrants use bribery tactically to avoid arrest and subsequent deportation (Franck, 2019). The sophisticated structure and organisation of the people smuggling network present a challenge to the various state enforcement agencies. Given the number of transit nations involved, various parties benefit from migrant smuggling. The increased complexity necessitates a new paradigm which is capable of eliminating the participation of organised crime while also ensuring that there are adequate incentives to being a documented migrant (Tedong et al., 2018). Using the term "hacking deportation", Franck and Vigneswaran (2021) investigated how migrants hack regulatory regimes by shifting between legal and illegal status. Migrants see legal status and documents in the context of power, protection, and assistance. They routinely 'hack' the condition of deportability by alternating between illegal and legal status in order to strike the best balance between their own goals and security. For Missbach and Palmer (2022), illegal border crossings are utilised by illegal labour migrants who want to return home. The emergence of smugglers and illegal non-state actors involved in facilitating return via illegal channels occurs when authorities routinely fail to provide economic, non-punitive, and rapid legal return options.

Third, given that legalisation programmes have delivered limited impact, deportation continues to be the primary tool for reducing the number of irregular migrants. Legalisation registers current unregistered workers by issuing short-term work permits and temporary legal status. If these workers fail to renew their yearly work permits, they will lose their legal position as documented workers (Low, 2021b). Government policy alternates between tightening immigration controls and softening them through the provision of amnesty and legalisation. Since 1989, deportation practices have



been supplemented by periodic amnesty programmes to encourage voluntary removal (Devadason & Chan, 2014; Kassim, 1997). While raids, arrests, and deportations are conducted simultaneously with the promise of amnesty and surrender opportunities all over the country, many migrants continue to enter Malaysia illegally as foreign workers through a variety of networks (Jones, 2000). The thriving black market for illegal employment has made deportation efforts unsustainable. Due to the slow and costly official channel of labour recruitment, unofficial channels through illegal entry are sought after by most migrants, suggesting their preference to “bypass official channels” (Chin, 2002, p.31). Moreover, the measures implemented were largely *ad hoc* and unsuccessful in restricting the immigration of undocumented workers (Chin, 2002). The entry of illegal immigrants will continue as long as the legal recruitment process remains complex, costly, and time-consuming. Employment of undocumented migrants indicates resistance by both workers and employers to the legal channel. Illegal employment is caused by the ineffective enforcement of laws prohibiting the harbouring and employment of illegal workers (Garcés-Mascareñas, 2012; Kassim, 1997).

Deportation presents challenges to both the destination and home countries. In the country of destination, obtaining documents from the embassies of the detainees’ home countries is the greatest obstacle faced by law enforcement officers. Detainees may confess that they are from a certain country, only to have their government denying the claim. Due to complications in determining citizenship with the respective embassies and acquiring valid documentation, forced deportation is time-consuming. Insufficient cooperation from foreign missions is the main hurdle in deportation. Foreign missions must evaluate whether the detainees are, in fact, their nationals. The process takes time, particularly if the detainees are undocumented. They also need to prepare travel documents and provide financial assistance for the detainees to travel home (Kassim & Mat Zin, 2011; Low & Mokhtar, 2017). A research carried out in the Belantik detention centre has shown that the centre encountered five challenges, namely in the aspects of managing the flow of detainees, identifying detainees, establishing effective communication with detainees, limited technological infrastructure, and recurring issues with the water supply (Ajis & Zain, 2019). In the home country (i.e., Indonesia), the mass deportation of undocumented foreign workers resulted in a humanitarian crisis in the transit provinces. During the

2002 deportation exercise, immigrant settlements were destroyed and nearly 400,000 undocumented Indonesians were deported to Sumatra (Belawan, Batam, and Dumai) and Kalimantan (Pontianak and Nunukan). The huge influx of deportees exceeded the capacity of the transit provinces, thus causing a humanitarian crisis (Ford, 2006). Interstate relations with Indonesia and the Philippines were strained due to the crackdown and subsequent deportation of illegal migrants in 2002 (Nesadurai, 2013). In Indonesia, the Ministry of Social Welfare formed a special task force that has been entrusted with the crucial responsibility of facilitating the secure repatriation of deported migrants within their respective territories. Nevertheless, these territorial agencies have not always been well coordinated. Officials from the agencies have expressed their concerns over the absence of coordination and a culture of assigning blame to other institutions in areas where responsibilities are shared (Juliawan, 2018). In response to the surge of COVID-19 cases in the regions of Kalbar (Indonesia) and Sarawak, the Governor of Kalbar issued a formal directive mandating the closure of cross-border checkpoints within the province, including Entikong. The order included a prohibition on those residing in Kalbar from travelling to Sarawak, which was effective from 18 March 2020. Nevertheless, the Indonesian government had granted permission for its people who were stranded in Sarawak to repatriate to Indonesia only via the Entikong CIQ complex (Anuar & Raharjo, 2022). The next section of this paper will further explore the following three innovations introduced: biometric technology, the NBOS, and the role of the military.

## **BIOMETRIC TECHNOLOGY AND DIGITALISED OPERATIONS**

The implementation of a biometric system has changed how government agencies conduct internal control and surveillance. Since 2005, all foreign nationals who are deported to their country of origin will have their biometrics taken. The biometric data is used to check if a foreigner has ever been deported from the country to prevent those citizens who have been blacklisted by the government from re-entering the country. It is also mandatory for all foreign workers who work in Malaysia to have their biometrics taken since 2005 (Malaysia, 2008). In 2008, the Immigration Department introduced the Mobile Immigration Enforcement System (MIES)

to detect all unlawful foreigners with the aim of handling the flood of unauthorised visitors and combating identity fraud. The system is equipped with computers that can read identification cards, recognise thumbprints, and spot forged documents, thus providing a means for foreigners to demonstrate their legal status. As a person's thumbprint may be the resort for identification in the absence of a passport, the biometric system has collected the thumbprints of one million foreigners. The MIES system technology allows Malaysian law enforcers to immediately and conveniently confirm the status of a foreign worker using laptops ("Immigration Department introduces mobile computers," 2008). In 2008, it was reported that one-third of 3.3 million foreign workers employed legally in the country either overstayed their visas or entered the country illegally. Therefore, the distinctive properties of MIES would allow for the successful verification of the status of foreign nationals residing in Malaysia and stop the influx of illegal immigrants ("ASEAN governments," 2008).

Biometric technology was incorporated as part of the government's 6P Programme (1 August 2011 - 30 November 2013), which was a one-time event comprising the following six processes: biometric registration, legalisation, granting of amnesty, monitoring, enforcement, and deportation. A total of 1,303,126 illegal immigrants registered their presence in the country using the biometric registration process, 330,770 immigrants were repatriated to their countries of origin, and 503,161 immigrants legalised to meet the pressing demand in the industrial and economic sectors (Malaysia, 2013). The Foreign Workers Biometric Registration Programme was implemented on 13 July 2011 as part of the government's 6P Programme to guarantee national security. The extensive transformation initiative was enforced by the Immigration Department to address several issues, including human trafficking and legal workers who leave their original employers ("Biometric programme," 2011). It is a nationwide endeavour to gather biometric information from undocumented immigrants for security purposes and to combat the forgery of identification and travel documents, ultimately upholding the nation's capacity for law enforcement. Throughout the country, more than 1,400 government-appointed businesses and 37 immigration offices handled the registration of these foreign nationals ("Wanita PKR told to prove claims," 2011). The biometric technology has enabled the Immigration Department to precisely identify legal foreign workers, those who have fled their employers, and those who had thrown away

their original personal documents and obtained a new identity under a different name. This has been made possible through the gathering of all necessary data from each foreigner (e.g., name, parents, residence, employment, country, and blood type) in addition to their photograph, facial and hand geometry, iris measurement, and thumbprint (“Biometric registration of foreign workers,” 2011).

According to Tenaganita, a migrant rights organisation, the implementation of the biometric system in the 6P programme will fail if the primary reasons why workers become undocumented remain unaddressed. Both recruiting agents and errant employers will continue to plague the hiring system as their involvement in corruption is still a significant issue. In this regard, the label undocumented migrants not only describe those who entered the country illegally, but also refer to those who entered the country legally and overstayed because their work permits were not renewed or renewed by employers fraudulently (Fernandez, 2011). The issue ultimately contributes to irregularity, particularly when workers, employers, and agencies choose to risk punishment rather than comply with the legal hiring requirements. Despite the fact that it is illegal to hire undocumented workers, the recruitment, handling, transportation, and employment of unauthorised workers appear to be widespread and ongoing in several sectors of the labour sector (Aurora, 2011). After the implementation of the 6P biometric and legalisation procedures, enforcement agencies started to detain unlawful foreign employees and their employers who were hiding, operating in unapproved or informal industries, freelancing, or were self-employed. The authorities have used the biometric system to locate any other foreigners who may be present; the system not only keeps track of foreign workers’ places of employment and the names of their employers, but it also stores the thumbprints of all authorised foreign workers in Malaysia, making it simpler to distinguish between regular and irregular workers (World Bank, 2013).

Next, the Foreign Workers biometric card (I-Card) was implemented on 15 November 2013 as a surveillance and control exercise. The use of the biometric system has transformed the work of government departments regarding internal control and surveillance. To address the issue of undocumented immigrants in Malaysia, around 2.3 million foreign workers should acquire the I-Card by the end of 2014 as it would ease the detection of foreign employees across 10

sectors in the country and prevent forgeries. The I-Card is equipped with high-tech security features like biometric fingerprint recognition, Nexcode, and a contactless chip. Prior to deportation, all illegal immigrants will have their biometric fingerprints registered to prevent them from returning to Malaysia under a different identity ("I-Kad to solve illegals problem," 2014). No middlemen or agencies are allowed to apply for the card on behalf of the workers. According to the then Home minister Ahmad Zahid Hamidi, these measures were taken to ensure that all foreign workers would possess proper documentation, such as an identification card, to aid the authorities in verifying their personal details and the employing entities. Additionally, the i-Card has eliminated the need for foreign workers to always bring their passports with them ("i-KAD for foreign workers," 2014). The i-Card is also granted according to the industry in which the foreign workers are working in, which is distinguished by its colour: expatriates (gold), agricultural (green), plantation (orange), construction (grey), services (yellow), manufacturing (red), and domestic servants (brown). It offers foreign workers the right to work solely for that company at a single location; however, many employers have been reported to abuse such feature by hiring workers in occupations other than those they have been registered for, to avoid paying high levy rates ("DG: Misuse of I-Kad," 2018) ADVERTISEMENT.

The biometric intervention continues to be utilised across subsequent legalisation exercises, such as the Rehiring Programme (2016) and the Enforcement Card (E-Card) Programme (2017). Applications for legalisation under rehiring will not go through if the workers fail to provide their biometric information. The E-Card programme is seen by industrial stakeholders as an attempt to collect data on undocumented workers and to serve the state's surveillance purposes. In a voluntary repatriation programme known as Three Plus One (2014-2018), a total of 840,000 deported illegal immigrants were prohibited from entering the nation for five years after their biometric records were recorded (Low, 2021b). During the subsequent voluntary repatriation code-named Back for Good (B4G) (2019), biometrics were utilised for blacklisting the re-entry of immigrants who had surrendered to the Immigration Offices. Upon its end on 31 December 2020, the B4G programme recorded 195,471 immigrants who had registered to be repatriated to their country, the majority of whom were from Indonesia, Bangladesh, and Myanmar (Alhadjri, 2019; "165,040 illegals repatriated," 2020).

## **INTEGRATED DEPORTATION ENFORCEMENT AND THE NATIONAL BLUE OCEAN STRATEGY**

The National Blue Ocean Strategy was implemented in 2008 by the former Malaysian Prime Minister, Najib Tun Abdul Razak, to creatively unlock and multiply national resources. Expenses were reduced by breaking down institutional walls to liberate underutilised resources, while more value was offered to people by creatively deploying those resources to hot areas (Ministry of Defence, 2013, chaps 1-2). The NBOS stands as part of the country's transformational efforts towards becoming a developed nation by 2020. Its nationwide implementation involves strategic collaboration across more than 80 ministries and agencies, including the police and armed forces. In the context of Malaysian security, the NBOS is now deemed to be a fruitful collaboration between the Malaysian Armed Forces (MAF) and the Royal Malaysia Police (RMP), both of which had previously worked in their respective silos (Abu Bakar, 2016). The strategic partnership was the outcome of the coordination between the Ministry of Defence and the Ministry of Home Affairs, and was aimed at building a working relationship that could promote national security goals. These collaborative measures have included the military tasked with supervising border operations, training police officers at military facilities, recruiting ex-military individuals into the police, and the beginning of combined patrols by the military and police (Ministry of Defence, 2013, chapter 3).

Under the NBOS concept, the army has become increasingly involved in a number of initiatives, including taking over border patrols. Inadequate staff is one of the issues faced by the police in combating crime. The army has aided the police by taking over border enforcement tasks from the General Operation Force (GOF), such as in *Ops Wawasan* and *Ops Nyah 1*. After the military took over the responsibility of border patrol, a total of 8140 GOF troops were freed of their border patrol duties and promptly redeployed to urban crime prevention duties (Malaysian Institute of Defence and Security, 2011). On 15 November 2010, the police formally handed over the command of *Ops Wawasan* and *Ops Nyah 1* to the army. Thus, the task of monitoring 567 km of land border between Malaysia and Thailand, which was previously a shared responsibility, would be undertaken exclusively by the army. The handover of this operational responsibility indirectly obliged the military to ensure constant

surveillance of over 1200 km of land and coastal border involving nine states within Peninsular Malaysia. The strategic partnership has led to the removal of the silo working culture among multiple agencies and in turn, a significantly huge decrease in operating costs (Ministry of Defence, 2013, chap 3).

The army is highly committed to ensure that security control at the Malaysia-Thailand border is maintained, as evidenced by the implementation of numerous operations, such as *Ops Pagar*, *Ops Kota*, *Ops Merpati*, and *Ops Wawasan*. The MAF also held joint operations with Thailand through the General Border Committee agreement. Concerning operational effectiveness, the MAF has implemented various approaches like positioning troops in strategic areas for pedestrian and vehicular patrols as well as conducting operational training (Malaysia, 2016b). It was estimated that more than 90 illegal jetties existed along the Kelantan-Thai border in 2022. Therefore, *Ops Wawasan* was launched to apprehend illegal immigrants from entering the nation through these illicit jetties. Human trafficking smugglers were also reported to create new “rat lanes” to bring in illegal immigrants across the Golok River (Mahsinah, 2022). Between January and August 2022, the authorities blocked the attempt of 1,119 illegal migrants from entering the country illegally through the Malaysia-Thailand border along the Golok River. The majority of illegal immigrants were from Myanmar and they were suspected of entering the country illegally to work in the manufacturing and construction sectors. *Ops Wawasan* also witnessed the arrest of 111 land smugglers in addition to migrants from Myanmar, Thailand, Vietnam, India, and Bangladesh (Mustafa, 2022). *Ops Wawasan* targeted the Malaysia-Thailand border areas in the states of Kedah, Perlis, and Kelantan, and the major task was the prevention of smuggling, illegal immigration, and unlawful poaching at border crossings (Ministry of Defence, 2013, chap 2). A massive integrated operation known as *Ops 6P Bersepadu* (Integrated 6P Operation) was conducted nationwide in September 2013 to remove illegal immigrants and workers in Malaysia. The nationwide crackdown involved 135,000 enforcement officers gathered through the coordination between the Immigration Department, RMF, National Registration Department, People’s Volunteer Corps, and Civil Defence Department. The *Ops 6P Bersepadu* targeted the arrest of 400,000 foreign workers and 45,000 errant employers (Ministry of Home Affairs, 2013). Similar to past enforcement operations, an integrated operational approach was



adopted in conducting the *Ops 6P Bersepadu* by optimising existing resources through the NBOS principles. This involved the cooperation of various agencies at the federal, state, and local authority levels (Malaysia, 2016a). In the first phase of the 6P operation, a total of 17,180 foreigners and 223 employers were apprehended (“10,000 to take part in nationwide,” 2014). The second phase of *Ops 6P Bersepadu* (21 January 2014 - 2 April 2014) brought together 15,818 members from various enforcement agencies under 1,424 operations. A total of 9,214 illegal immigrants and 125 employers were arrested for violating the Immigration Act. Approximately 13,000 undocumented migrants were deported and the figure indicated the large scale of such operations (Ministry of Home Affairs, 2014). All detainees were transported to detention facilities and their personal details, including biometric information, were recorded and logged into the system to prevent them from returning to Malaysia under a different identity (“Illegal immigrants detained,” 2014). The Kelantan Anti-Smuggling Unit reported that migrants who departed for their home nations during *Ops 6P Bersepadu* would still return to Malaysia. Preliminary investigations by the authorities revealed that syndicates smuggled the illegal immigrants into the country over the Malaysia-Thailand border in Kelantan through the Golok River. The syndicates charged between MYR170 to MYR270 to bring each illegal immigrant into Malaysia and offered them work in the Klang Valley (“Increased influx of illegal immigrants,” 2014).

The Blue Ocean Strategy further improved the coordination and cooperation to tackle the task of controlling the influx of illegal workers between the Sarawak Immigration Department with other enforcement agencies, such as the police, army, RELA, and the Fire and Rescue Services Department, (Sibon, 2012). In the state of Sabah, the National Security Council (NSC) has been leading a high-impact operation to increase coordination across government departments, particularly in maritime security, and to boost public trust. Government security spending was reduced by millions as a result of the NBOS. Initially, building additional training facilities to accommodate the hiring of more police officers costed the government a sizable sum of money; however, training can now be done using military facilities. The authorities also engaged with locals, such as the fisherman community, in activities called “friendly patrolling” where the community was asked whether they needed help during the conduct of such patrols. Eventually, they would support the

authorities by becoming the “enforcers’ eyes and ears”. Through this initiative, the issue of security has become the duty of everyone and is not solely exclusive to law enforcement bodies (“Enforcement agencies,” 2011). The NSC of Sabah optimised all available resources to launch a continuous and large-scale operation to hunt down illegal immigrants. By collaborating with various enforcement agencies, the NSC of Sabah MKN successfully repatriated 93,315 illegal migrants to their countries of origin within a period of five years from 2013 to 2018. Moreover, Sabah has repatriated 564,087 illegal immigrants of various nationalities since 1990 until 1 January 2018 (“Lebih 90,000 PATI,” 2018). In the eastern coastal region of Sabah, the NSC established the Eastern Sabah Security Zone to mitigate security risks. Meanwhile, the Eastern Sabah Security Command (ESSCOM) has made significant advancements in tracking undocumented migrants in the regions of Tawau, Semporna, Kunak, Lahad Datu, Kinabatangan, Sandakan, and Beluran. From 2015 to 4 May 2016, a total of 1,823 ESSCOM enforcement operations were conducted, resulting in the successful apprehension of 11,688 irregular immigrants (Anuar & Harun, 2019).

The National Security Council (NSC) issued Operational Directive 1/2022, which served as the key reference in compliance with the Action Control Regulations and Standing Orders of Operations of the security forces. According to Operation Directive 1/2022, the security forces’ assets will be organised in an integrated and coordinated manner so that prevention and deportation can be executed more effectively. The National Operations Planning Committee determined that the police force, specifically the northern brigade of the General Operations Force, will be responsible for controlling the Malaysia-Thai land border in Perlis under *Op Wawasan*. The PGA tightens border control to prevent illegal immigration through operations like *Ops Wawasan* and *Ops Benteng*. The Immigration Department conducts enforcement operations in various locations as part of its enforcement strategy (Sharif, 2023). As instructed by the NSC on 29 April 2020, *Ops Benteng* was activated by the National Task Force (NTF) under the authority of Act 342—Prevention and Control of Infectious Diseases 1988—to combat the entry of illegal immigrants into the nation and to stop COVID-19 from spreading. It further strengthens the necessity for government agencies to work together under the “Whole of Government” idea, which involves mobilising

the entire government apparatus to overcome obstacles in the future. The effective integration of the three NTF components—land, sea, and air—has demonstrated the high level of security, law enforcement personnel’s expertise, and the reliability of the field-tested communication system integration (Malaysia Military Times, 2022).

### **MILITARISATION OF IMMIGRATION ENFORCEMENT DURING THE COVID-19 PANDEMIC**

Controlling the border was one of the crucial steps taken by the government to stop the nationwide surge of COVID-19 cases. This included the establishment of the National Task Force (NTF) on 6 May 2020 under the leadership of the MAF. An integrated operation called *Ops Benteng* (Fort Operation) was conducted by mobilising 19 government agencies led by the MAF. Its main objective was to prevent the entry of illegal immigrants and to curb the spread of COVID-19 (Mohd Asri, 2020; Omar, 2021). The NTF’s creation was based on the Defence White Paper issued by the Malaysian government in 2019, which had outlined the concept of “Comprehensive Defence,” involving the notion of Whole-of-Government and Whole-of-Society. The government, non-governmental organisations, and society as a whole took part in the operation to defend the country’s sovereignty against all types of attacks from military or non-military entities (Khrisnan et al., 2021). During the COVID-19 pandemic, all international borders of Malaysia remained closely guarded to protect the country’s sovereignty and combat illegal immigration trafficking. The NTF continued its operations by applying the Resistance Prevention technique at all hot spots and national border crossings through *Ops Benteng*. To accomplish the goals, human resources were fully utilised, particularly in intelligence capacities and information exchange between agencies. Cooperation was further improved as a result of the NTF’s merger of the land, sea, and air components. Furthermore, the operation was tightened and coordinated better as each procedure in the 6D method had a distinct goal. These 6D procedures included the following: (1) Deter – Using strategies to constantly show presence in the area of activity to implement barrier prevention; (2) Detect - Improving the network for information distribution, tracking, and illegal immigration boat identification; (3) Deny - Working together with other security authorities to

coordinate actions for stopping the entry of illegal immigration; (4) Detour - Expelling migrant vessels from Malaysian seas; (5) Detain - Holding illegal immigrants in custody and turning them over to the police for further action; and (6) Deportation - Helping authorities and organisations to return illegal immigrants to their place of origin (Omar, 2021).

*Ops Benteng* was an integrated operation with a cross-agency constituency, which included agents from several agencies. It was aimed at guarding the country's borders in an integrated manner against unauthorised immigrants from unlawfully sneaking in, limit cross-border crime, and prevent the spread of COVID-19 (Carruthers, 2020). It was a project that "multi-enforcement agencies" worked on to stop foreigners from entering the country illegally and to reduce COVID-19 infections. Apart from illegal immigrants seeking to enter the country, *tekong* (skippers) and human traffickers were also detained during the *Ops Benteng* exercise. Authorities also confiscated land vehicles, yachts, and other objects involved in transnational crime (Nik Anis, 2020). Its implementation involved the cooperation of various national security and enforcement agencies, such as the MAF, RMP, Malaysian Maritime Enforcement Agency, Royal Malaysian Customs, and Malaysian Immigration Department. This initiative has strengthened security controls at the country's borders, whether national land borders or water borders. The operational area in Malaysian land borders covered the north of Peninsular Malaysia and the Sarawak-Kalimantan land border, whereas the water operations involved the Strait of North Malacca, the West Coast of the Peninsula, Johor waters, and the east coast of Sabah (Malaysia, 2021).

Immigration enforcement activities have been underway since 1 May 2020 and have led to the undocumented migrant workers hiding from the authorities. The government's immigration sweeps caused undocumented migrant workers to be afraid of seeking COVID-19 testing. A number of immigration raids resulted in the arrest of nearly 2,000 unauthorised migrant labourers, who were then held in several immigration detention facilities as of May 2020. As a result, immigration detention facilities later became COVID-19 hotspots (Wahab, 2020). The costs incurred by handling these irregular migrants (e.g., rations, accommodation, and deportation costs) were absurd and became a heavy burden on the country's finances. It was reported that the authorities arrested 48,464, 48,372, and 51,300 undocumented

migrants in 2017, 2018, and 2019, respectively (Malaysia, 2020a). Following the discovery of COVID-19 cases at three immigration depots in Bukit Jalil, Semenyih, and Sepang in Malaysia, countries such as Indonesia, Nepal, and Bangladesh decided to facilitate the return of their nationals back home. The Ministry of Foreign Affairs Malaysia coordinated with the above three nations to complete the immigration return procedure and contacted all embassies whose citizens were still at the depots (Kanyakumari, 2020).

The NTF was successful in fulfilling their assigned goals, as evidenced by the string of victories achieved from *Ops Benteng*. Apart from controlling the entry of illegal immigrants and cross-border crimes through the government's decision and investment in the NTF's formation, the success in bringing together numerous law enforcement and security agencies within the government was perhaps its most important achievement. On 31 December 2022, the NTF was formally disbanded. Its success was demonstrated by an increase in the number of illegal immigration arrests and the amount of plunder recovered from immigrants from May 2020 to December 2022, totalling MYR1.10 billion. There were 1,444 illegal immigrants detained from the total of 7,490 arrests made (Malaysia Military Times, 2022). As of 31 October 2021, which was 18 months after its implementation, the operation successfully led to the arrest of 16,229 illegal immigrants and the expulsion of 3,666 illegal immigrants who attempted to cross Malaysia's land borders and national waters illegally. Apart from that, *Ops Benteng* was also successful in curbing smuggling activities at the national border with an estimated value of MYR668.47 million in confiscated goods, such as prohibited materials, vehicles, and personal belongings. *Ops Benteng* utilised ISR (intelligence, surveillance, and reconnaissance) to track cross-country criminal activities (Malaysia, 2021). The accomplishment of NTF's goals depended largely on financial support. The 2021 budget included an increase in funding for the Ministry of Defence totalling MYR15.86 billion. This was an increase of 1.8 percent or MYR280 million in value compared to the 2020 allocated budget of MYR15.58 billion (Khrisnan et al., 2021).

Concurrent with the implementation of *Ops Benteng*, the government executed the Holistic Plan for the Enforcement of Illegal Immigrants (2020-2025) to combat the influx of irregular immigrants. The Ministry of Home Affairs emphasised the issue of undocumented

immigrants in the country that required a continuous eradication strategy. As a measure to strengthen governance and improve the existing enforcement work system, the ministry has come up with a more comprehensive and strategic enforcement plan called the Holistic Plan, which consists of the following five main strategies: legal strategy and enforcement policy; border and entry control strategies; foreign worker management strategy; operation strategy for enforcement; and media and publicity strategy. The Immigration Department involved the various state governments through their local authorities, village development, and security committees, as well as residents' associations in channelling information on the whereabouts of irregular migrants (Malaysia, 2020b). The objective of this plan is to create an ecosystem that is not conducive for irregular migrants to go about their daily lives, by empowering the existing enforcement and control agencies, including increasing strategic cooperation and local community awareness (Malaysia, 2019; Malaysia, 2020c). The Holistic Plan was launched as a comprehensive plan to ensure that Malaysia achieves its target of zero illegal immigrants through strengthened governance and enforcement. This comprehensive strategy called for strategic collaboration among many ministries and relevant agencies based on stricter law enforcement, thus reflecting the NBOS spirit ("Muhyiddin," 2019).

## CONCLUSION

The preceding analysis suggests three findings. First, deportation could be conceptualised as a migration control strategy to achieve zero irregularity. The Malaysian state has proclaimed its official policy of "zero illegal immigrants" since 2013. During the *Ops 6P Bersepadu*, the Minister of Home Affairs emphasised the goal of achieving zero illegal immigrants, demonstrating the dedication of the Ministry of Home Affairs (MOHR) to eliminate illegal migration. The state's Immigration Department, with its goal of zero illegal immigrants, has conveyed a clear message since 2014 that all migrant workers must be documented and the presence of irregular immigrants will not be tolerated. In 2019, a new holistic plan was introduced to attain zero undocumented migrants in Malaysia. Forced deportation exercises (*Ops Nyah II*, *Ops Tegas*, *Ops 6P Bersepadu*, *Ops Mega*, and *Ops Benteng*) and voluntary deportation programmes (6P, Three Plus One, and Back for Good) are part of the state's enforcement operations to

bring down the number of irregular migrants to zero. Their success was dependent on the integrated approach involving collaboration from multi-enforcement agencies.

Second, Malaysia's deportation regime is increasingly technologically driven, integrated, and militarised. The three reforms undertaken since 2008 have strengthened the governance and operational front of Malaysia's deportation regime. In terms of technological innovations, various initiatives have been implemented to protect the border. These included the 2008 Mobile Immigration Enforcement System to identify and address unauthorised aliens and to prevent identity fraud, the 2011 Foreign Workers Biometric Registration Programme (6P Programme) to combat the forgery of identification and travel documents, the 2013 Foreign Workers biometric card (i-Card) to facilitate the identification of foreign employees in different industries and deter counterfeiting. Biometric intervention is also used in following regularisation programme such the "Rehiring Programme" (2016) and the "Enforcement Card (E-Card) Programme" (2017). Biometrics were used to blacklist the re-entry of undocumented migrants participating in the voluntary repatriation programme, such as "Three Plus One" (2018) and "Back for Good" (2019). Before being deported, all undocumented immigrants will have their biometric fingerprints recorded to prevent them from re-entering Malaysia with a new identity. Biometric data is used to verify whether a foreign individual has already been expelled from the nation, in order to the block entry of people who are on the government's blacklist. Technological intervention combined with integrated enforcement under the National Blue Ocean Strategy (NBOS) has transformed the implementation of interior control (raids, detention, and deportation). The NBOS is a comprehensive security plan that integrates several agencies, including the military, police, civil departments, and other security and enforcement organisations, via their respective diverse operations. Close collaboration and breaking down barriers are the key components of the NBOS, that focuses on spreading information, sharing resources, and promoting collaboration across agencies. The NBOS included a strategic partnership between the Ministry of Defence and the Ministry of Home Affairs in enforcement operations and border control, highlighting the increasing role of the military. The Malaysian Armed Forces (MAF) is more engaged in many efforts under the NBOS idea, such as assuming control of border patrol in *Ops Wawasan* and *Ops Nyah I*. After the military assumed control of border patrol, the police force personnel were reassigned to urban



crime prevention tasks. Militarisation of enforcement operations was evident with the MAF leading *Ops Benteng* to prevent the influx of undocumented migrants and control the spread of COVID-19.

Third, digitalisation in interior control such as regularisation, voluntary repatriation, forced deportation, and immigration enforcement has led to the development of migration databases. In border and migration management, Malaysia has moved towards establishing a network of databases focused on identification, surveillance and control through mechanisms, such as the National Foreigners Enforcement and Registration System (NERS), the Malaysian Immigration System (MyIMMs), Foreign Workers Centralised Management System (FWCMS), and My Electronic Government (MyEG) for foreign worker permit renewal (Low, 2021b). A digital border, rather than the physical border is important for the interior control of the immigrant population instead of the physical border. The creation of a digital border has the potential to enhance the state's ability to detect illegal immigration. The digitization of borders provides information about migrants' identification and movement history (Broeders & Engbersen, 2007). Due to the limitations of borders and immigration policy in preventing irregular migration, a digital infrastructure is becoming a powerful instrument for monitoring irregular migrants (Broeders, 2007).

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