

Compulsory return A means of migration control in East Asia

Compulsory return is central to most programmes of transnational unskilled labour migration in East Asia. Migrants have to go home not only when their contracts expire, but also whenever they fall ill, become pregnant, or have disputes with employers. Compulsory return places migrants in a perpetually liminal, disposable and transient position, and thus renders the migration flows controllable.

Xiang Biao

MR TANIMURA, OWNER of a garment factory in Kobe, Japan, hires about 10 Chinese workers at any point of time since 1996. The most difficult part in managing foreign workers, he said, is sending off workers in the airport. Not that it is too sad to say goodbye; on the contrary, he has to work hard to make sure that the workers leave Japan to return home on time. In his words, it is like 'fighting a battle'. Whenever he sends off two workers, Tanimura normally brings five colleagues or friends. In the airport, the Japanese team makes a human cage by holding hands and encircling the workers in the middle. Step by step they move, across the hall, through the crowds, towards the immigration checkpoint.

At the checkpoint, Tanimura hands each worker a neatly wrapped package. Inside are the air ticket, passport – which Tanimura (like most other employers) has kept since the worker's arrival – and the unpaid salary accumulated over the past one or two years. It is a standard practice, not only in Japan but also in other countries such as Canada and Australia, that employers pay Chinese migrant workers between 10 and 50 per cent of their monthly wage as allowances, and pay up the rest immediately before the airplane takes off. Because of the large amount of cash they carry, the workers normally place them in pockets purposely sewn into the underwear for safety. To see the workers (all female) do so in the middle of the busy airport is awkward, Tanimura admitted. He is also genuinely concerned that the migrants' family would lose literally everything in the case of an air crash. If so, why does he not remit the money to migrants' families? Tanimura has obviously thought this through:

"If we remit the money after [the workers] return, they won't agree. They are worried that we won't remit. But if we remit the money before they go home, there will be a time gap. The worker will insist that they leave only after receiving the confirmation from their family [about the receipt of the money]. During that time, they can plan to run away and overstay."

Such an obsession about return is not, of course, simply unfounded paranoia. In Japan, as well as in South Korea and Singapore, the employer or the recruitment agent will be fined and/or banned from importing migrant workers, if their workers go missing or overstay. It would be a nightmare if the workers absconded as a group in the airport when they are supposed to leave. Compulsory return serves as the states' central means of regulating labour migration.

Return-oriented migration programmes

In East Asia, the admission of unskilled foreign workers is based on the assumption that the migrants would return. In the case of Singapore, employers have to pay a SGD 5,000 security bond (USD 3,400) to the government for each foreign worker recruited. The bond will be confiscated if the worker fails to return on time. As for South Korea, the government determines the number of admissions based on the number of exits, in order to control the overall size of foreign migrants. Employers who fail to ensure the exit of their workers when their visas expire will not be given 'replacement quotas' and thus, will be unable to bring in new workers. This 'no return, no new arrival' policy was clearly designed to enforce the 'rotating door' principle. In Japan, before the workers' arrival, many local employers pressure the workers to sign an 'agreement' that, in case of the company's closure, the workers will return to China at their own expense and will not demand compensation.

Compulsory return is often seen as an effective solution to potential social tensions arising from migration. Migrant workers have to return, not only when their contracts expire, but also when employers terminate the contracts. In Japan, South Korea and Singapore, when a dispute arises, the employer can simply cancel the worker's visa. As the immigration law supersedes employment and other legislations, an illegal being cannot practically pursue justice, and the worker has to return unconditionally.

Once they return, migrants are effectively deprived of their basic capacity to take legal actions due to the sheer physical distance, the differences in legal systems across countries, and the territorial boundaries of state authority. When migrants fall ill in Japan or female migrants become pregnant in Singapore, they are required to leave as well. Furthermore, compulsory return enables the states to 'reverse' migration flows in economic downturns to minimise undesirable social repercussions, as the Malaysian and Thai governments have done.

Compulsory return is also aimed at rupturing migrants' social ties in the destination country. Since March 2003, for example, the South Korean government has launched periodic crackdowns in order to deport illegal migrants. In these campaigns, those who have overstayed for less than a year are given a grace period to exit without punishment, and those who overstayed longer are detained, fined and immediately deported. Thus, those who have proven themselves to be more employable and have deeper social connections in the Korean society are the target of punishment and are the priority to be returned. Until recently, both South Korea and Japan banned former migrants from re-entering the country as unskilled workers. Behind this apparently bizarre policy is, again, the well calculated fear that workers with previous experiences in the country may have too much information and too wide networks that would complicate future compulsory return.

Migrant repatriation companies

Compulsory return is not an automatic result of particular policies, nor is it executed by government alone. It is, instead, implemented through complex collaboration between the state, the employer, the migrant and various private and semi-private institutions. In Singapore, for example, there were six private companies specialising in repatriating migrant workers on behalf of the employer or recruitment agent in 2007.¹ They are all small companies, registered as transport or other services firms, provide no uniforms for their personnel, and are staffed by 'tough' men. These companies constitute an 'informal sector' of the booming security industry.

The price for the repatriation service in Singapore is fairly standardised. Repatriation companies in 2007 charge SGD 450 for escorting a worker to the airport, an additional SGD 100-150 per day for housing (which is an essential part of the service as the employer often wants the worker to be taken away immediately once the contract has been terminated; the repatriation company is tasked to arrange for the air ticket), SGD 450 for catching a missing worker if the employer provides information about the worker's whereabouts, and SGD 500-1000 if no clue is provided. Companies also provide 'offshore solutions' – to escort workers all the way back to their home countries; the price needs to be negotiated on a case by case basis. Apart from the repatriation companies, recruitment agents also see it in their interest to reinforce compulsory return.

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Fig. 1 (above right) Migrant workers from China have to sign a promise letter like this one, before going to Japan. Signing this document means that they 'agree' to be sent back by force and shoulder all the costs if they: participate in an assembly, strike or petition; terminate contracts unilaterally; repeatedly sleep in different rooms other than the one designated to them; and report internal disputes to other organisations or individuals, or entrust other parties to intervene.

Fig. 2 (above left) A standard form issued by the Japanese authorities, to be filled out by the sending company of labour migrant (the 'trainee'). The last section of the form asks about the arrangement with regard to the migrant's employment status upon his/her return. The visa may not be issued if no proper arrangement about the trainee's return is made.

"How can we make money if they all stay on and foreign companies don't need new people?" A manager of a large labour sending company in China asked. Underlying the compulsory return is thus a complex set of institutional arrangements, and in this sense return provides a productive lens for examining the entire labour migration system and beyond.

Controlling migration by enforcing return reflects the larger logic underlying the current phase of globalisation. When capitalism becomes 'disorganised,' when production, consumption and speculation are globalised, and power appropriation from above and social movements from below both operate through complex networks, it is increasingly difficult to identify oppositional social forces. States, for example, are at once warmly welcoming and deeply wary about labour migration. Return provides a productive means for the state and employer to make order from mobility because return is not against mobility. Return is mobility itself. It is a special kind of mobility that it tames, regulates and curtails mobility. Structurally, compulsory return brings more people on the move. However, at the same time, it places migrants in a perpetually liminal, disposable and transient position, and thus renders them controllable.

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Notes
1. Interviews with an NGO activist, August 11, 2007, and the manager of a security company, August 18, 2007, Singapore.



Fig. 3 (far left) Two Chinese migrants in Singapore await to be sent back the next day. They were both dismissed by the employer due to disputes over salary, and were sent back to the recruitment agency for repatriation. They had paid more than USD 5,000 to their agents, but had only been in Singapore for two months. Returning thus entails huge financial losses. Photo courtesy of the author, 2007.

Fig. 4 (left) A shop sign of a repatriation company in Singapore advertises the kinds of services they offer. Photo courtesy of the author, 2007.