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**BORDER SECURITISATION AND ECONOMIC FACILITATION:
THE QUEST FOR FREE VISA AND OPEN-BORDER POLICIES**

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ABSTRACT

In the context of Malaysia's economic and border policies, two important developments have taken place. In 2023, the government decided to reopen the Wang Kelian free-flow zone in favour of economic development after its closure in 2015. In the same year, the government eliminated visa requirements to attract tourists from China and India. This study examines the two above mentioned case studies that illustrate the debates in the facilitation of entry for economic development and security concerns. Three findings are revealed. First, this article proposes the hypothesis that Malaysia's migration control policies can be framed as tension between border securitisation and economic facilitation. From an enforcement perspective, border securitisation is undermined by the facilitation of legal entry in the quest for the state's economic interests, as the abuse of legal entry facilities is prevalent. Second, security and economic interests may be harmonised through smart border control mechanisms, such as the Digital Arrival Card, data centres that evaluate passenger information, delegating gatekeeping responsibilities to airlines and tourist firms, enforcement, surveillance and denying entry and amnesty for overstayers. Third, the amnesty regime functions as an entry and exit mechanism by blacklisting overstayers from re-entering the state using biometric data.

Keywords: Border securitisation, economic facilitation, irregular migration, open border, policy making, visa liberalisation.

INTRODUCTION

Past studies have discussed various factors that can sustain irregular migration, including the role of private agencies in the migration industry (Spaan & Van Naerssen, 2018), the lucrative labour recruitment industry (Jones, 2000; Low, 2020), clandestine entries and porous borders (Garcés-

Mascareñas, 2010; Franck, 2019), harbouring of irregular migrants (Kassim, 1977), socioeconomic factors in migrants' home countries (Garcés-Mascareñas, 2012; Kassim & Mat Zin 2011), migrant smuggling (Ajis et al, 2019; Hoffstaedter & Missbach, 2021), and ad hoc labour migration management (Abella & Martin, 2016; Anderson, 2021; Devadason & Chan, 2014). This study offers an alternative explanation by exploring the liberalisation of entrance facilities as the main reason for the continuous influx of irregular migrants. After four decades of policy debates on economic development and national security, the Malaysian Immigration Department has conducted enforcement operations as a spillover result of the liberalisation of entrance facilities. Although the availability of liberal entrance facilities can boost the state's revenue, it also presents major problems for national security by opening doors to potential overstayers. Therefore, this study aims to answer the following research questions: (1) How can border and migration control be conceptualised? (2) How can border securitisation and economic liberalisation be reconciled? In the context of security, government policies perceive migrant labourers as a potential hazard to national security. Consequently, the labour migration policy was established to regulate immigration rather than labour administration. Malaysia's labour migration policies prioritise national security concerns and emphasise the reduction of undocumented migration rather than the effective management of labour migration for economic growth or the protection of workers' rights (Harkins, 2016; Ullah, 2013b). The rise of undocumented migrants could be attributed to inconsistencies in migration and deportation policies. Deportation, retrenchment and migration bans conducted through policy reforms are mostly *ad hoc* administration measures, which are followed by return migration and lifting of bans due to the increasing need for migrant workers (Devadason & Chan, 2014). The periodic changes in policy regarding migrant labourers are indicative of the conflict between the employment market and immigration control. The policies concerning recruitment, employment and enforcement have been inconsistent and reactive, usually without the involvement of stakeholders. The government's conviction that foreign workers are a temporary phenomenon and that the recruitment of a foreign workforce is a temporary solution is the root of the conflicting viewpoints on labour market requirements (Abella & Martin, 2016; Anderson, 2021).

The management of migrant workers in Malaysia reflects the conflict arising from the balance between ensuring economic stability and safeguarding national interests. The Malaysian government initially addressed the issue of migrant workers from an economic perspective, intending to regulate their inflows to optimise national economic benefits. In the interest of national security, large-scale deportation of illegal workers is taking place, primarily to the Philippines and Indonesia (Nesadurai, 2013). To date, the various departments involved in migration management are unable to resolve the conflict between seeing migration as an economic need and perceiving it as a security issue. Attracting more visitors through the implementation of visa-free visits and reducing visa processing time has had a negative effect on enforcement agencies, which consider it a potential concern that may contribute to the rising number of illegal migrants (Tedong et al., 2018). According to enforcement authorities, managing Malaysian borders has become challenging due to the aggressive efforts by the Ministry of Education and the Ministry of Tourism, Arts and Culture (MOTAC) to facilitate easy access to Malaysia. The Immigration Department seeks to attract discerning visitors who prioritise national security, whereas the tourism industry prioritises attracting a larger number of tourists. The conflicting interests between influential economic sectors are seen to undermine national security (Low & Mokhtar, 2017). There have been contradictory policy goals across different government ministries. Although the Immigration Department is responsible for managing Malaysian borders, the MOTAC is aggressively promoting tourism, particularly during Visit Malaysia Year (Kassim & Mat Zin, 2011).

Based on the framework of securitisation versus facilitation, this paper discusses two case studies on how the facilitation of entry has raised questions of security: (1) the open border policy at Wang Kelian

(Malaysia–Thailand border) and (2) the Visa on Arrival (VoA) policy. The federal government is dedicated to reinstating the free-flow zone at the Malaysia–Thailand border crossing at Wang Kelian, which was closed in 2015 upon the discovery of mass graves and human trafficking camps. The Ministry of Home Affairs (MOHA) assured that security would not be compromised and that security protocols would be more stringent than before. In the past, when this path (free flow) was accessible, individuals were only required to present their identification cards without the necessity of formal documentation (‘Home Minister,’ 2024). The MOHA collaborated with the Perlis administration to revamp the Wang Kelian infrastructure in anticipation of the reopening of the free-flow zone. The reconstruction, anticipated to be concluded by 2026, would be funded by a MYR 30 million contribution from the federal government. The MOHA guaranteed that the economic revitalisation of Wang Kelian would not jeopardise national security. He said that more stringent controls would be enforced following the restoration of the free-flow zone to ensure security while promoting seamless movement and commerce (Zulkifli, 2024b). In 2023, the Malaysian government introduced the Visa Liberalisation Plan (PLV) to generate national income and attract foreign visitors. Beginning 1 December 2023, five initiatives have been implemented to enhance the current immigration facilities: (1) a 30-day visa exemption for citizens of China and India, (2) a Graduate Social Visit Pass for international students, (3) a multiple-entry visa facility, (4) an enhancement to the validity and eligibility period of visas and social visit passes and (5) an umrah transit visa (Immigration Department, 2023). The introduction of these initiatives has led to continuous policy debates on immigration control and border securitisation. To prevent the country from being flooded with unauthorised foreigners and to avoid overstaying by visa-free tourists from China and India, the Minister of Home Affairs has enforced integrated control measures and monitored their departure from the country. In conjunction with Visit Malaysia 2026, Malaysia has set a target of 26.1 million foreign visitor arrivals and an estimated domestic expenditure of MYR 97.6 billion through visa liberalisation (Lim, 2023). The MOHA asserts that Malaysia will not jeopardise national security, even with the introduction of visa reform. Despite the state’s endeavours to enhance the national economy via the tourism sector, the Home Ministry will never compromise on security concerns. The MOHA maintains a comprehensive database to monitor the locations and durations of stay of travellers using the Malaysian Digital Arrival Card (Zulkifli, 2024a). The discussion below raises the question of ‘security versus facilities’ as the key driver in the crisis of migration control faced by the country.

This study is situated in the economy–security nexus of migration and border control. The border is a ‘security/economy nexus’ (Coleman, 2005). This nexus involves a conflict in which international movements of money, commodities and individuals need debordering to enable profit generation through commerce, investment and tourism. However, this debordering may invigourate undesired, undocumented and even illicit flows that are considered threats to national security. The geopolitics of cross-border tourism is intertwined with bordering dynamics, illustrating the economy–security nexus that underscores the need to protect border security during economic liberalisation (Su & Li, 2021). Su (2024) captured the nexus by flipping the term ‘touristification of borders’ in examining the interplay between economic and security dynamics at the border. Su delineated three distinct motivations influenced by tourism, namely commercialisation, desecuritisation and differentiation, to cultivate a sophisticated comprehension of boundaries. This nexus underscores the intertwining of territorial and economic principles at borders and promotes some flows while obstructing others. Moreover, the economy–security nexus highlights an analytical perspective that reveals how tourism influences border behaviours for economic gain while simultaneously being regulated by border control measures for national security purposes (Su, 2024). Specific types of border crossing, such as commerce and tourism, are often endorsed, but irregular migration—defined as movement occurring outside officially sanctioned channels—is routinely obstructed, usually by active and militarised measures in several

border regions. The persistent territorial rationale in spatial regulation in a world increasingly defined by global economic and human movements leads to the restriction of mobility for some while enhancing the mobility of others in open economies (Stoffelen, 2022). Regarding visa restrictions, there is a ‘global mobility divide,’ which illustrates the different travel prospects linked to certain passports. Borders and border restrictions function as ‘sorting mechanisms’ to differentiate between desirable and undesired movement (Gülzau & Mau, 2024). The response to the problem of the facilitation–security nexus lies in the flexibilisation of border management through risk. The examination of the facilitation–security nexus critically hinges on how risk is operationalised as the connecting mechanism between the two rationales. Risk has become the essential criterion for determining who is eligible to cross borders in a ‘smart’ and frictionless manner, while those unable to prove their trustworthiness are barred from the advantages of ‘flexibilized border regimes’ (Leese, 2016).

This study examines the tension between security and entrance facilities in Malaysia’s migration control governance. It is structured into four sections. The first section explains the global experience of border securitisation and economic liberalisation, followed by the contextualisation of the border control issues faced by Malaysia’s migration control. In the second section, two case studies are discussed: (1) the open border policy at Wang Kelian (Malaysia–Thailand border) and (2) the VoA policy. The third section presents the policy implications and proposes how the conflicting interests between various stakeholders (i.e. the Ministry of Home Affairs and the MOTAC) over migration control in Malaysia could be mitigated through smart border and entry and exit mechanisms. This study is based on the document analysis of official documents, legislations, Hansard documents, online news media and secondary resources.

LITERATURE REVIEW

The European Union (EU) uses visa policy as an instrument of foreign policy and utilises visa-free travel as leverage in facilitating agreements over cooperative migration management. Visa liberalisation emerged as a significant topic in bilateral discussions with the EU on migration management cooperation and is often used as leverage by EU institutions. Negotiating partners, such as Moldova, Morocco and Turkey, explicitly articulated the terms under which they were prepared to act as ‘gatekeepers’ for the EU, which imposes reciprocal agreement on international cooperation for migrant management (Laube, 2019). The EU now perceives visa facilitation regimes as essential incentives for the ratification of readmission agreements. By providing more lenient travel requirements in return for support of a European Commission (EC) readmission agreement and improvements in domestic justice and home affairs, the EU discovered a novel method of exerting pressure for reforms in participating countries. The EC’s agreement on visa facilitation and readmission was institutionalised with the Russian Federation, Ukraine and Moldova (Trauner & Kruse, 2008). The EU’s internal security-focused migration strategy towards third nations has resulted in the establishment of readmission and visa facilitation agreements. The visa facilitation system was implemented as an incentive for readmission to Eastern European nations (Hernández i Sagrera, 2010). The EU also uses visa liberalisation agreements with neighbouring nations as leverage for collaboration on migration management in its efforts to combat irregular immigration. Visa overstayers have not been securitised to the same degree as other illegal migrants, and visa overstays have consistently been excluded from the securitisation discourse about irregular migrants in FRONTEX’s risk assessments, which have mostly focused on irregular migrants through irregular entry. The unequal securitisation of various migrant groups as security dangers serves as a fundamental element in using visa liberalisation agreements as incentives for collaboration on borders and migration management (Hansen & Pettersson, 2021). The visa policy

in the EU not only functions as a mechanism for preventing irregular migration; rather, the prevailing trend in short-term visa issuance reveals an unequal visa system, becoming more accessible to Eastern European nations while remaining notably inflexible in the Mediterranean region (Finotelli & Sciortino, 2013). Turkey's visa regulations have historically been shaped mostly by positive incentives rather than apprehensions about unwanted migration. Turkey's visa policy is considered liberal in enhancing mobility and contributes to conversations about the negative effects of stringent border controls. A significant impetus for a more open visa regime is Turkey's burgeoning tourist sector. Turkey is less inclined to impose visa restrictions to promote tourism (Açıkgöz, 2015). Visa openness is crucial for Southern African Development Community (SADC) to use the continent's demographic dividend and to establish the region as a competitive strategic centre for tourism. Woyo (2017) highlighted three primary reasons for the implementation of visa policies: border security, reduced illegal immigration and reciprocity.

To facilitate the Association of Southeast Asian Nations (ASEAN) Economic Community, which is characterised by the liberalisation of goods, services and labour, ASEAN established the ASEAN Framework Agreement on Visa Exemption (AFAVE) scheme. The primary objectives of this visa exemption for citizens of ASEAN member states are to enhance intra-ASEAN integration and promote the mobility of individuals, particularly labourers. This system generally encompasses the regulation of a 14-day visa exemption from the date of entrance for nationals of ASEAN member nations travelling within Southeast Asia. While this initiative is regarded as a progression in the integration of the ASEAN community, it has concurrently had adverse effects on member states, particularly in light of emerging non-traditional security threats exemplified by the rising menace of transnational crime (Pinatih, 2016). Using the case study of East Java, Pinatih showed a discernible increase in transnational crime in East Java following the implementation of AFAVE. Among the 18 categories of transnational crimes identified by the UN, four types have emerged in East Java: human trafficking, people smuggling, drug trafficking and cybercrime (Pinatih, 2016). The deployment of AFAVE has significantly enhanced tourism and connectivity among Southeast Asian nations. AFAVE significantly affects the operational methods of illegal recruiters, notably the 'Tourist-Worker Scheme'. It enables tourist-workers to circumvent scrutiny in tourist visa applications and effortlessly present themselves as visitors to get entry into ASEAN member states. Several Filipino migrant workers have circumvented this legal procedure and allegedly exited the country as tourists, thereby earning the designation 'tourist-workers'. Their illegal or inadequately documented status renders them susceptible to human trafficking. AFAVE is often used by tourist-turned-workers to travel in ASEAN Member States, such as Singapore, Thailand and Malaysia, for unspecified target destinations, notably the United Arab Emirates and Qatar. Although ASEAN multilateral accords aim to enhance the general welfare of member nations, they may sometimes facilitate cross-border violations (Pioquinto & Dicolon, 2020). Indonesia is also facing significant difficulties in the visa exemption programme, which has been in place since early 2016. The implementation of this strategy was directly associated with the Minister of Tourism's initiative to enhance and elevate Indonesia as a premier tourism destination in Southeast Asia in order to compete with Malaysia and Thailand. Purnomo (2018) contended that the visa exemption policy is not associated with increased immigration breaches; rather, the incidence of immigration offences is affected by other variables, including inadequate administration and oversight of foreign arrivals. For Indrady (2020), the subsequent issue arises from the concept of reciprocity, in which the strength of the Indonesian passport for visa-free entry into other nations is uneven compared with Indonesia's provision of visa-free policies to other countries. From the standpoint of interdependence sovereignty, free visa policies exhibit fundamental deficiencies, as their formulation is predominantly grounded in economic considerations while neglecting security measures and the principle of reciprocity.

In the Malaysian context, the tension between the securitisation of borders and the economy is prominent in the misuse of existing entry facilities through the legal channel. Although numerous illegal migrants have entered Malaysia through irregular channels, many of them have either overstayed their visas or have absconded from their designated employers (Franck & Anderson, 2019). In addition, there have been cases of authorised entry but unauthorised employment, specifically encompassing individuals who enter the country using a tourist visa, social visit pass or student visa and later extend their stay to pursue employment (Kanapathy, 2008). In 2015, approximately 56,000 undocumented individuals were apprehended; the majority (77%) did not have legal passes or permits, while some (12%) had overstayed their permits (World Bank, 2015). Employers also facilitate their workers' illegal stay to capitalise on their unlawful status, enabling them to offer wages that are lower than the minimum wage. Nevertheless, certain migrants who initially entered legally with work permits later transitioned into illegal status. Many individuals, usually without their knowledge, enter Malaysia through illegal routes facilitated by brokers and traffickers (Ullah, 2013a). A migrant can easily become an illegal migrant or *Pendatang Asing Tanpa Izin* (PATI) through infringement of the Immigration Act 1959/63. PATI includes those who commit (I) an offence under Section 6(1) of the Immigration Act 1959/63 by not having a valid permit prior to entering and residing in Malaysia, (II) an offence under Section 15(1) of the Immigration Act 1959/63 by overstaying the limit allowed by their pass and (III) an offence under Regulation 39(d) of the Immigration Regulations 1963 for violating or failing to comply with the regulation imposed through the passes or permits issued. The latter includes migrant workers who have the right to work in Malaysia but are caught working in a sector other than the one pre-approved prior to their entry. Therefore, the abovementioned cases have illustrated the difficulty in estimating the total number of PATI in the country (Immigration Act 1969/63; see also Hansard, 30 April 2014).

There are three categories of legal crossing sites along the Malaysian border: land crossing points, maritime crossing points (ports) and airspace crossing points (airports). Land crossing points in Malaysia are classified as either 'official' through the Immigration, Customs and Quarantine (ICQ) Complex or 'unofficial' through rat routes (*lorong tikus*). Padang Besar and Wang Kelian in Perlis, Bukit Kayu Hitam and Durian Burung in Kedah, Pengkalan Hulu in Perak, and Bukit Bunga, Rantau Panjang and Pengkalan Kubor in Kelantan are among the 'official' land crossings of Peninsular Malaysia (Zainol et al., 2020). Most cases of illegal entry occur through land crossing points involving individuals with no valid travel documents. Some even employ syndicates to transport them without regard for their safety. Among the land routes commonly used by migrants to access the country are Bukit Kayu Hitam and Padang Besar in the northern region and the Golok River in Kelantan (Ajis et al., 2019). Clandestine entry into Malaysia can be speedily and easily attempted by Indonesians across the Straits of Malacca and those from Thailand, Bangladesh, India, Nepal and Myanmar along the Malaysia–Thailand border (Kassim, 1997). Re-entry is also common, as illegals can always find their network to enter the county. Deportees gathered during enforcement operations are sent back to their home countries only to find themselves attempting to re-enter Malaysia. This scenario aligns with Garcés-Masareñas' study, which described the Malaysian border as 'can always be re-crossed' (2012, p. 101). The perpetuation of the transborder movement is a result of the facilitation of security officials. The symbolic sanction of low-ranking officials serves to reinforce the state's cooperation in illegal markets, power hierarchies and control networks. Furthermore, the state is significantly involved in perpetuating illegal markets for irregular migration within the Indonesian–Malaysia migration corridor. State officials' involvement can be interpreted as a conjunction of symbolic law enforcement and extra-legal income generation (Hoffstaedter & Missbach, 2021). Migrants in the state strategically use bribery as a method to evade arrests and deportation. Corruption affects migrants' capacity to cross the border and distorts the enforcement logic in a manner that affects their actual control of the border (Franck, 2019).

With the advent of the influx of migrants, Malaysia's preoccupation with deportation has intensified on a massive scale. Desecuritisation at the home front has been implemented through a series of emergency measures. By the mid-1990s, raids by police and immigration officers had become common in Malaysia (Hedman, 2008). Unauthorised presence in Malaysia after the expiration or cancellation of any immigration Pass will be deemed guilty of an offence and, upon conviction, shall be subject to a fine of no less than MYR 10,000, imprisonment for a period not exceeding five years or both penalties (Article 15 (4), Immigration Act of 1959/1963). No individual, except a citizen, shall enter Malaysia unless (a) he possesses a valid Entry Permit lawfully issued under section 10; (b) his name is endorsed on a valid Entry Permit in accordance with section 12, and he accompanies the Permit holder; (c) he holds a valid Pass lawfully issued for entry into Malaysia; or (d) he is exempted from this section by an order issued under section 55. Any individual who violates paragraph (1) will be deemed guilty of an offence and, upon conviction, shall be subject to a fine not exceeding MYR 10,000, imprisonment for a period not exceeding five years or both, in addition to a maximum of six strokes of whipping. The Immigration Act of 1959/1963 Article 6(1) states that illegal entry without a valid Entry Permit into Malaysia shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding MYR 10,000 or imprisonment for a term not exceeding five years, or both, and shall also be liable to whipping of no more than six strokes (Article 6(1), Immigration Act 1959/63). Since 2013, the Malaysian government has instituted an official policy of 'zero illegal immigrants'. Mandatory deportation measures (Ops Nyah II, Ops Tegas, Ops 6P Bersepadu, Ops Mega and Ops Benteng) represent the state's enforcement efforts to eliminate the population of irregular migrants. The Malaysian agency has adopted a zero-tolerance policy towards illegal migrants, requiring all migrant workers to hold valid identities. In 2019, the government developed a five-year 'Holistic Plan on Enforcement Against Illegal Immigrants' (2020–2025), which includes creating an inhospitable atmosphere for undocumented immigrants in their everyday pursuits by augmenting current enforcement and regulatory authorities (Low, 2024).

CONTEXTUALISING THE FACILITATION OF ENTRY

Case Study 1: The Open Border Policy at Wang Kelian (Malaysia–Thailand Border)

The Wang Kelian Free-Flow Zone is a designated area located within 1 km of Malaysia's international border in the northern region. On 19 June 2009, the Ministry of Home Affairs implemented the 2009 Order, which establishes an exclusive free-flow facility between Wang Kelian and Wang Prachan (Hansard, 11 August 2020). The Order exempts Thai citizens from the requirement of presenting a passport and obtaining a visit permit at the Wang Kelian entry area in Malaysia, as well as Malaysian citizens from the need to present a passport at the Wang Prachan entry area in Thailand. Such policy allows citizens of both nations to access the other country without a travel document from 8 am to 7 pm on weekends (Saturdays and Sundays) and visitors are only allowed to remain within a 2-km radius of the border checkpoint (Immigration and Passport [Wang Kelian Free-Flow Zone] [Exemption] Order 2009). The free-flow concept was mainly prompted by the high inflow of tourists at Wang Kelian, which is attributed to the government's policy of promoting border tourism activities. The primary goals of such a concept are to develop a commercial zone along the Malaysia–Thailand border and to establish a tourism attraction that can provide economic benefits to the state and the local population. The free-flow concept at Wang Kelian was established on 14 June 1991, with the inauguration of the eco-tourism town. However, the Chief Minister of Perlis, Malaysia, and the Governor of Satun, Thailand, did not officially introduce the free movement concept until 6 December 1993. The state government briefly suspended the free-flow practice on 1 February 2008 for safety reasons, but it was reinstated in 2009 (Goh, Tan, & Ern, 2014). Both Padang Besar and Wang Kelian are inland entry sites to Perlis, which is

also the gateway from Southern Thailand. The jetty checkpoint is located in Kuala Perlis. These entry points recorded a total of 695,681 passenger arrivals to Perlis in 2008. Subsequently, the development of tourism became recognised as a significant factor in the state's economic growth, with Padang Besar, Wang Kelian and Kuala Perlis having the potential to be developed as competitive tourism centres (Perlis State Government, 2013).

The primary destination for migrants from Bangladesh, Myanmar, Cambodia, Vietnam and Thailand is the Malaysia–Thailand border. The Golok River, Bukit Kayu Hitam and Padang Besar or Chuping are the three primary routes commonly utilised for smuggling activities along the border. Typically, they enter the Bukit Kayu Hitam border in small groups of 4–5 individuals by cutting the fence and sneaking in at night. This was demonstrated during the visit, as it is frequently violated by illegal immigrants (Ajis et al., 2019). Throughout the region and at the Malaysia–Thailand border, border security is a pervasive issue that involves cross-border criminal groups and terrorists. The discovery of 139 graves in 28 transit shelters constructed by human trafficking syndicates along the Malaysia–Thailand border in Wang Kelian, Perlis, also caused significant concern, particularly in Malaysia. The presence of numerous rat routes along the Malaysia–Thailand border further heightens the risk of cross-border criminality. Furthermore, numerous immigrants from the southern region of Thailand are employed in Malaysia, particularly in illegal restaurants, as a result of the existence of their social networks. These networks are crucial in providing information, particularly regarding job opportunities in Malaysia and assistance in securing employment (Rahim et al., 2023). Moreover, the illegal crossing points established by these transnational organised crimes have been utilised for human trafficking, illegal immigration and contraband activities along the Malaysia–Thailand border. This demonstrates that the frontier of the Malaysian border is porous and susceptible to illegal migration (Zainol et al., 2020).

Despite its objective to promote economic activity in neighbouring states, the open-border policy implemented at the Malaysia–Thailand border poses a risk to border security measures. Until April 2015, the authorities of both nations permitted unrestricted cross-border movement, allowing more than 30,000 foreigners to enter Malaysia each week at the Wang Kelian checkpoint without requiring a permit. Moreover, the leniency granted to Malaysians for entering Thailand could potentially facilitate cross-border criminal activities, including human trafficking and smuggling. The Wang Kelian checkpoint is considered an example of a permeable border gate (Rusli, 2015). The Immigration Department eventually recognised the security implications of designating the region as a free-flow area, particularly the potential for facilitating illegal operations such as gun smuggling. The discovery of colonies and graves at Wang Kelian in Bukit Wang Burma in January 2015 and at Genting Perah in March and May 2015 sparked public concern regarding the entrance of illegal migrants through the Malaysia–Thailand border in the Wang Kelian district. Human trafficking and migrant smuggling were brought to the international community's attention as a result of the incident, which elicited a sense of public anxiety (Royal Commission of Inquiry, 2019). On 30 April 2015, the Thai authorities declared the discovery of a mass grave in an improvised camp located in a forested area near the Malaysian border. The grave contained over 30 corpses of suspected human trafficking victims who were believed to be Rohingya Muslims and Bangladeshi nationals. The Royal Malaysian Police later announced the discovery of 139 graves and 28 suspected human-trafficking sites in Wang Kelian, Perlis, on 25 May 2015 (Suhakam & Fortify Rights, 2019).

Eventually, the Malaysian government ceased the free-flow facility at the Wang Kelian Immigration, Customs, Quarantine and Security (ICQS) Complex effective 1 April 2015, where the 2009 Order was repealed by the 'Immigration and Passports (Wang Kelian Free-Flow Zone) (Exemption) (Revocation) 2015' to enforce the laws and regulations governing the control of exit and entry into the country. Since

then, Malaysian citizens wanting to cross the frontier must pass through a gazetted entry portal and possess valid international passport and travel documents, such as a border pass. Similar procedures and requirements apply to Thai citizens who wish to enter Malaysia. Such a regulation is implemented to regulate the movement of entry and exit, as well as border control, to prevent and mitigate the infiltration of prohibited products perceived as threats to the country (Hansard, 11 August 2020). The Malaysian government also established a Royal Commission of Inquiry on 26 October 2018 to investigate transit camps and graves in Wang Kelian, Perlis. The Wang Kelian incident was precipitated by deficiencies in the country's border enforcement, which presents a lucrative opportunity for criminal syndicates to profit from human trafficking and migrant smuggling. The overland frontier between Malaysia and Thailand in Perlis spans 106 km, but border fences and constructed walls are incomprehensive in areas where only 48 km of concrete walls or metal fencing are constructed and certain regions are equipped with only barbed wire (Royal Commission of Inquiry, 2019).

The closure of the free-flow facility by the Malaysian Immigration Department in Wang Kelian on the grounds of security factors was made without reference to the state government. Security monitoring at the border, which is said to be porous, is often done by local authorities and international bodies from time to time until Malaysia is labelled as a transit country for transnational crimes. Therefore, such a preventive measure is more effective as a proactive preventive measure than punitive measures denoted by the law. The government does not plan to reconsider Wang Kelian because failure to eradicate crime would lead to far-reaching effects on Malaysia, such as a trade embargo and financial aid (Hansard, 2 April 2015). Due to security concerns, the government has no intention of reopening the border-free movement zone between Wang Kelian and Wang Prachan. The Minister of Home Affairs stated that the government had ceased the unrestricted flow of traffic at the ICQS complex in Wang Kelian on 1 April 2015 to enforce the laws and regulations regarding entry/exit control at the border. This measure is essential to prevent the transportation of prohibited items into the country and mitigate security threats ('Free-flow zone,' 2019). After the free-flow zone between Malaysia and Thailand was abolished in 2015, the local community expressed its concerns and encouraged the state government to expedite the opening of the Wang Kelian retail arcade to stimulate economic activity in the border towns. The reopening of the retail emporium can assist Wang Kelian in generating new business, as it has the potential to generate additional income for the local community, which is predominantly composed of farmers ('Opening Wang Kelian,' 2023).

In 2023, the State of Perlis proposed the Wang Kelian Development Special Area Plan (RKK), which intends to improve Wang Kelian's reputation as an international gateway and stimulate the local economy. The state government also urges the federal government to reopen Wang Kelian as a free-flow zone and is dedicated to its restoration without compromising national security ('Wang Kelian,' 2023). Eventually, the government approved an additional MYR 14 million for the Wang Kelian ICQS Complex project as part of its efforts to reinstate the free-flow zone. All agencies under the Malaysia Checkpoints and Border Agency will be housed in the new complex. Biometric data will be used to monitor the presence of travellers from China and India who enter the country under the PLV. The government also declared that it would not compromise national security ('Gov't committed to reopening free-flow,' 2024). The Perlis Infrastructure, Transport and Border Relations Committee is requesting that the federal government increase the operational hours of the border gates at the ICQS Complex in Padang Besar and Wang Kelian by 2 hours. The state government aims to extend operations at the ICQS Complex in Padang Besar until midnight, which currently closes at 10 pm, and to extend the hours at the ICQS Complex in Wang Kelian until 9 pm, which currently closes at 7 pm. This initiative seeks to furnish economic opportunities for residents and allows them to augment their income should the operating hours be extended by an additional 2 hours. It also encourages the federal

government to accelerate the restoration of the free-flow zone in Wang Kelian to revitalise local economic activity and tourism in the region ('Perlis seeks operation,' 2024). Similarly, the growth of the tourism industry in the state of Kelantan has pushed the East Coast Economic Region Development Council to develop Rantau Panjang as one of the centres of the cross-border tourism corridor with Pengkalan Kubor and Bukit Bunga, which are in proximity to the Narathiwat border (Thailand). Kelantan's proximity to neighbouring Thailand has made it a strategic gateway for cross-border tourism and commerce for decades. The Thai government concurrently established the Southern Border Provinces Special Zone to promote development in its southern region, including Narathiwat, while the Malaysian government launched the Eastern Corridor Economic Region to promote the East Coast region (Anuar & Harun, 2018).

Case Study 2: Visa on Arrival and Overstaying of Tourists

A significant influx of undocumented migrants has entered Malaysia using the VoA system. One strategy to attract visitors is to facilitate admission to Malaysia. Consequently, the VoA entrance process was implemented, which allows travellers to obtain their visas upon arrival at Kuala Lumpur International Airport (KLIA). However, the VoA facility is a highly debated aspect of migration control in which policies that prioritise economic interests have weakened efforts to enhance border security. An inter-ministerial disagreement has arisen about the operation of border control due to the visa dispute between the Immigration Department and MOTAC. Some immigrants took advantage of the VoA to seek work opportunities in Malaysia (Kassim & Mat Zin, 2011, 2014). The VoA programme was initiated in September 2006, enabling visitors to register for a one-month visa upon their arrival. This coincided with the Visit Malaysia 2007 campaign, which aimed to attract 20.1 million visitors in 2007 and generate approximately MYR 44.5 billion (USD 13.2 billion) in revenue. Tourism is Malaysia's second largest source of foreign exchange revenue, but it is subject to intense competition from its neighbours, namely Thailand and Singapore. Furthermore, the visa programme was extended to citizens of 24 countries, including Bangladesh, India, Myanmar, Nepal and Nigeria, who were previously required to obtain a visa in advance to enter Malaysia. According to the Ministry of Home Affairs, one-third of visitors did not depart when their visas expired. Thus, the VoA facility experienced numerous issues, including exposing the country to the risk of additional unauthorised immigrants. The majority of the overstayers were Indians who had remained in Malaysia to work on plantations and in restaurants. In December 2006, Malaysia discontinued the issuance of visas to tourists arriving from Chennai, India, due to the discovery that a significant number of individuals were using the permit to extend their stay ('Malaysia mulls axing,' 2007). Law enforcement officials are apprehensive about the potential consequences of granting free visas to visitors. Policymakers have advocated for more regulations and the adoption of an alternative method to screen these 'tourists', even if they have valid paperwork. Visitors who possess a valid passport are given a three-month permit based on their claimed status as visitors. At the immigration counters, individuals who claim to be 'tourists' or 'students' may earn entry into the nation with legitimate documents, despite the possibility of their intents being highly suspicious (Hansard, 27 October 2010).

The Cabinet Committee for Foreign Labour–Illegal Immigrants resolved in 2010 that VoA should not be granted to countries that are more likely to produce illegal immigrants, including China, India, Nepal, Bhutan and Bangladesh. According to the Malaysian government, a significant number of foreign immigrants are truly foreign vacationers who have abused their VoA by overstaying to work (Ajis et al., 2019). Malaysia allows visitors from ASEAN member countries to access the country without a tourist visa and to remain for a maximum of 30 days. Nevertheless, the introduction of VoA among non-ASEAN member countries resulted in the widespread abuse of tourist visas, particularly by visitors

from South Asian countries such as India, Pakistan, Bangladesh and Sri Lanka. It was estimated that 36% of the 146,500 visitors who arrived under VoA in 2007 overstayed their visit, with many seeking employment (Yi et al., 2020). These statistics included over 39,000 Indian nationals and 6,000 Chinese citizens who exceeded their permitted stay in Malaysia via VoA. Nevertheless, VoA was reintroduced in 2013 for visitors from India and China, but only if they entered Malaysia through a third country (Lee, 2013). The reality is that Malaysia has visitors from various countries, including Bangladesh, who enter the country as tourists to embrace the economic and social opportunities available. During the parliamentary sitting, it was reported that there were six direct daily flights coming from Dhaka, Bangladesh, to KLIA, Malaysia, which carried approximately 1,000 passengers under a tourist visa or student visa. However, not all of them were bona fide tourists and only entered the country to work. Flooded by these tourist-turned-workers, the government created the legalisation programme to identify, legalise and deport them, as their expired visas legally disallowed them to work in Malaysia (Hansard, 1 October 2013, 35).

In 2015, the MOTAC aimed to achieve 29.4 million visitor arrivals, accounting for a total tourism income of MYR 89 billion. To accomplish this objective, the ministry conducted aggressive marketing activities in China and suggested the exemption of visa fees for Chinese visitors in conjunction with the Malaysia Year of Festivals 2015. The focus on China was prompted by the fact that the country offers a significant market for the Malaysian tourism sector, following its 115 million middle-class visitors who have substantial purchasing power. The number of Chinese visitor arrivals from January to August 2014 was 18,378,237, which was a 10.3% increase from 16,663,084 over the same period as the previous year ('Malaysia looking to China for tourism target,' 2015). The government promptly agreed to exclude Chinese travellers from the MYR 30 visa fee, effective immediately from 15 February to 31 December 2015. The visa fee waiver would be implemented at all Malaysian embassies abroad that granted visas to Chinese nationals for a duration of 30 days. This aligns with an announcement made by the Prime Minister regarding the provision of free visas to visitors from specific countries, such as China, in order to promote MyFest2015 ('Visa fee waiver for Chinese tourists,' 2015). In its news statement, the Immigration Department firmly said that the country's security would not be compromised by allowing suspicious individuals to enter national borders. It was also imperative to conduct a screening of international visitors to guarantee that only tourists of high quality were allowed to enter Malaysia. Between 2013 and April 2015, the Immigration Department apprehended almost 11,000 Chinese women, the majority of whom were on social visit cards. Conversely, the MOTAC said that the lack of implementation of the visa-free entrance policy for Chinese tourists led to a decrease in the number of visitors (Lokman, 2015). In conjunction with Visit Malaysia 2020, the government approved the VoA facility at six border entrances to encourage an influx of Chinese and Indian tourists. These entrances were the Langkawi International Airport, Immigration Customs Complex in Bukit Kayu Hitam, Miri International Airport, ICQS Sungai Tujuh, Labuan Ferry Terminal and Sultan Abdul Aziz Shah International Airport, also known as Skypark Subang (Hansard, November 14, 2019).

Nevertheless, these tourism initiatives sparked an ongoing debate between security and the economy. The 2018 Auditor-General's Report indicated a substantial number of travellers from China and India who overstayed in the country. According to the audit report, Malaysia failed to maintain records of the departure dates of over 95% of Chinese and Indian tourists who visited between 2016 and 2018, involving 76,258 of the total 79,799 Chinese tourist arrivals. However, the Director-General of Immigration argued that the figures were inaccurate, as the actual number of Chinese tourists who were yet to depart was 18,341. Furthermore, their use of the Electronic Travel Registration & Information system, which is a visa-free facility for visitors from China and India, could account for the disparity ('High number of overstaying,' 2019). Every month, the tourism sector brings approximately 120,000

Chinese citizens into the country, and while it is beneficial in terms of the economy, there is potential for security threats. Thus, the government aims to establish a balance between the economy and security (Hansard, 1 November 2023). Many tourism stakeholders advocate for the expedited implementation of VoA for citizens of all nations, asserting that simplifying the process of allowing tourists to enter the country would stimulate the economy. The Malaysian Association of Tour and Travel Agents, Malaysian Association of Hotel Owners, Malaysian Inbound Tourism Association and the Malaysian Budget and Business Hotel Association stated that tourism is essential for the growth of Malaysia's economy. As of 2023, VOA is available only for Indian and Chinese nationals who transit through neighbouring countries, such as Singapore, Thailand and Indonesia. This resulted in Malaysia being the second, third or even the last destination chosen by travellers. The stakeholders believe that Malaysia's competitive advantage in tourism has been compromised by the arduous process of obtaining VoA and that security should not be used as an excuse to discourage travellers from visiting the country (Leong, 2023).

An investigation into the issue of visitor overstays in Malaysia was conducted by the Parliamentary Special Select Committee on Security in 2020. The committee considered the issue of foreign visitors overstaying an urgent matter that must be addressed. They requested representatives from the MOTAC to provide a briefing on the procedures and surveillance of the activities of unregistered tourism agents that could potentially result in the overstaying issue. Their untraceable and unmonitored presence raises concerns regarding their activities, which have the potential to disrupt the peace and security of society ('Overstaying tourists,' 2024). Between 2018 and 2021, the Ministry of Home Affairs reported that over 1.2 million Chinese visitors had overstayed (Shahrul, 2023). In 2023, the Immigration Department announced the formation of a task force to address the issue of foreign travellers overstaying in Malaysia. The task force was dedicated to conducting a comprehensive examination of the entry and exit data of foreigners. The goal was to effectively address the issue, not only with travellers from China but also those from other countries (Khoo, 2023). For the Ministry of Home Affairs, tourism agencies are held accountable for Chinese visitors who exceed the validity of their visas. Registered tourism agencies must supervise Chinese travellers under their service and ensure their departure upon expiry of their VoA. The government also uses biometric data to supervise the movements of travellers entering and exiting the country. Any travellers who remain beyond the designated period will be blacklisted and receive an entry rejection notice if they wish to return (Shahrul, 2023).

The government also introduced the PLV, which was announced by the Prime Minister during the 2024 budget. The strategy encompasses the implementation of a long-term visit permit for international students who have completed their studies to accommodate the industry's demand for competent labour. Furthermore, the introduction of multiple entry visa offers, social visit permits and VoA facilities aims to attract investors and tourists, particularly those from China and India (Azmi et al., 2023). These initiatives include the removal of visa requirements and the authorisation of citizens of China and India to enter Malaysia without a visa for social visits lasting less than 30 days, beginning 1 December 2023 to 30 December 2024. The Malaysian government monitored their exit from the country and mandated that airlines guarantee that these visitors had return tickets and a confirmed hotel reservation for the duration of their stay. Inspections were intensified in areas designated as hotspots for foreigners, including Masjid India, Plaza Lowyat and Bukit Bintang in Kuala Lumpur, to eliminate undocumented migrants. In addition, this enhanced intelligence operations and enforcement against foreign workers and employers who hire or harbour migrants without valid documentation (Lim, 2023). Airlines must ensure that visitors from China and India entering Malaysia under the visa-free entry programme have confirmed return tickets and accommodation reservations. This measure aimed to deter visitors from misusing their visas beyond their permitted stay, thus guaranteeing adherence to immigration

procedures. The government upholds its stringent protocol on the issue of Not-to-Land warnings. Travellers are required to complete the Malaysia Digital Arrival Card, which is connected with the MyIMMs immigration system, therefore assuring the documentation of international tourists' admission data. The Immigration Department of Malaysia has established a specialised unit to oversee the departure operations of visitors from China and India. Monitoring occurs on the last date—that is, the 30th day of the designated resident time in the nation ('Visa Free Tourist,' 2023).

During a parliamentary sitting in 2024, the MOHA was asked whether the implementation of the PLV would not threaten the state's security amid the increase in undocumented foreign workers, including those who misused the facility to stay longer in Malaysia. Part of the control mechanisms included the introduction of the Malaysia Digital Arrival Card, enforcement operations in the identified 224 hotspots, deportation of those without documentation and the implementation of a periodic amnesty programme (Hansard, 26 June 2024). In the first three months of 2024, a total of 950,000 Chinese visitors visited Malaysia, with 3.5% being refused entrance due to being on the blacklist or committing immigration crimes. The MOHA maintains an extensive database to track the locations and lengths of stay of passengers via the Malaysian Digital Arrival Card. If travellers do not depart after the 30-day free visa term, the MOHA will be aware of and able to identify them due to their biometric data. The Home Ministry has a data centre that analyses traveller information, identifying those who exceed their permitted stay. The daily penalty for overstaying is MYR 30, with a maximum charge of MYR 3,000 for overstays not exceeding 30 days. If they exceed a stay of 30 days, an inquiry will be initiated and legal action will be pursued, resulting in potential imprisonment and eventual blacklisting of the individual (Zulkifli, 2024a).

Amnesty programmes, such as Three-Plus-One (22 July 2014–30 August 2018) and Back-for-Good (1 August 2019–31 December 2019), were implemented to facilitate the return of undocumented migrants or overstaying foreigners. Individuals in the Three-Plus-One programme were prohibited from entering the nation for five years after the collection of their biometric data. They were penalised with a fine of MYR 300, had to pay a special pass fee of MYR 100 and were granted immunity from prosecution for associated violations under the Immigration Act 1959/1963. Two immigration violations were eligible for pardon: unauthorised entrance into the nation without a valid passport under Section 6(1)(c) and overstaying or using a tourist visa for entry under Section 15(1)(c) of the Immigration Act 1959/1963 (Low, 2021). Conversely, the Back-for-Good plan involved indefinite blacklisting of migrants instead of the five-year blacklist imposed by the Three-Plus-One plan. Permanent repatriation replaced the previous generous amnesty policy that allowed returning migrants to re-enter Malaysia lawfully. A penalty of MYR 700 was levied on the participants for this voluntary return. Consistent with previous programmes, Back-for-Good targeted overstaying foreigners under section 15(1)(c) of the Immigration Act 1959/1963 and those without proper travel papers under section 6(1)(c) (Loo, 2019).

CONCLUSION

Based on the case study of Malaysia, this study demonstrates how conflicting interests between border securitisation and economic liberation among various governmental agencies are mitigated through smart border control mechanisms, including using Digital Arrival Cards, having a data centre that analyses traveller information, delegating gatekeeper tasks to airlines and tourism agencies and refusing landing to those blacklisted. If the above measures slip through, enforcement actions, including detention and deportation, will take the course. The Ministry of Home Affairs harmonised the discrepancies between border securitisation and economic facilitation while maintaining national

security through intelligent border management, entrance and departure protocols, enforcement and monitoring. Moving forward, a smart border is essential. According to Leese (2016), smart and flexibilised border management is important for achieving a balance between economic advantages and security under the free-visa policy and free-flow at the border. Leese (2016) noted that understanding the current efforts to enhance border security using data-driven 'smart' digital technologies is crucial for managing security and economic interests within a cohesive framework, which requires meticulous examination of the screening mechanism used at the border. In flexibilised border management, the risk assessment of travellers is anticipated to serve as a method for resource allocation to address the rising frequency of border crossings (Leese, 2016). The smart border entails the expansion of border control to various locations for the monitoring of movement. In addition to regulating mobility, the smart border extends within its geopolitical context to observe citizens and non-citizens using intelligence services (Côté-Boucher, 2008).

This discussion posits that the Malaysian border and migration control policy may be conceptualised as the tension between border securitisation and economic liberalisation. Although economic liberalisation targets desirable elements of the population, liberal entry facilities offered to tourists and foreigners may subject the state's borders to undesirable elements. From the standpoint of the enforcement team, the economic quest endangers national security, as the entry facilities serve as a gateway to overstaying and cause them to be subject to enforcement efforts and forced deportation. A simplified and expedited visa procedure at various immigration checkpoints is pushed forward in their quest for state revenue, but economic pursuits are achieved without compromising national security. Aside from the smart border, the state has implemented regular amnesty programmes to encourage voluntary return for those overstaying and those entering the state without documentation. Overstaying and illegal entry are put on equal footing in terms of security risks. Under the amnesty regime, tourist-turned-workers can take the amnesty offers to return to their home country voluntarily. The amnesty regime functions as an entry and exit mechanism by blacklisting tourist-turned-workers from re-entering the state using biometric data. The state's amnesty regime is the spillover of liberal entrance facilities.

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