

Research Article

Beyond Digitization: Recruitment Governance Systems Gaps and the Persistent Exploitation of Bangladeshi Migrant Workers in Malaysia

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(Received: October 15, 2025; Revised: March 05, 2026; Accepted: April 08, 2026)

Abstract

This study examines the recruitment governance of Bangladeshi migrant workers in Malaysia, which has evolved from the ePPAx and SPPA systems (2016–2018) to the current Foreign Workers Centralized Management System (FWCMS). While these reforms aimed to improve efficiency, transparency, and accountability, informal recruitment networks run by private agencies and syndicates continue to dominate the process, undermining worker protection. The study adopts a qualitative research design, integrating interviews with government officials, employers, NGOs, and migrant workers, alongside analyses of policy documents, bilateral agreements, and media reports. The findings highlight four key dynamics: 1) digital

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platforms improve procedural efficiency but fail to address structural vulnerabilities 2) informal recruitment channels perpetuate high fees, quota manipulation, and debt bondage 3) workers experience persistent rights violations and 4) stakeholders remain divided, with employers prioritizing convenience and authorities constrained by enforcement gaps. The study concludes that Malaysia's recruitment governance remains largely procedural rather than protective and calls for a framework that prioritizes workers' rights, accountability, access to justice, and migrant agency.

Keywords: Bangladeshi Migrant Workers, Labor Recruitment Governance, Malaysia

Introduction

Labor migration is central to Malaysia's economic growth, providing an essential workforce for the construction, agriculture, manufacturing, and service sectors. As of 30 June 2025, Malaysia hosts 2,144,789 documented migrant workers, of whom 803,322 are from Bangladesh, making it one of Malaysia's largest labor-sending countries (Parliament of Malaysia, 2025). This situation reflects a migration partnership and positions Malaysia as a key destination for South–South labor mobility (Sritharan et al., 2024). For Bangladesh, labor migration to Malaysia generates substantial economic benefits, with remittances from Bangladeshi workers reaching USD 13,730.41 million as of May 2025, supporting household livelihoods and strengthening national foreign exchange reserves (BMET, 2025). Despite these mutual gains, recruitment governance remains problematic, exposing workers to systemic exploitation (Khondaker & Dali, 2024).

Over the past two decades, Malaysia has implemented several reforms, from government-to-government (G2G) arrangements to digital systems such as ePPAx, SPPA, and FWCMS, to enhance transparency and curb irregularities (BAL, 2025). However, persistent challenges, including excessive recruitment fees, quota manipulation, syndicate involvement, debt bondage, contract substitution, and passport confiscation, continue to undermine worker protection (Palma, 2024). This indicates that administrative digitalization has modernized procedures without addressing underlying structural vulnerabilities.

Objectives

1. To examine the coexistence of formal recruitment mechanisms and informal recruitment practices in the Malaysia–Bangladesh migration corridor.
2. To identify structural factors that enable exploitation to persist despite repeated governance reforms and digitalization.

By focusing on recruitment reforms implemented between 2016 and 2024, this study contributes to migration governance and the fight against modern slavery by demonstrating how procedural reforms can coexist with entrenched informal power structures, thereby limiting substantive rights protection.

Literature Review

Recruitment Governance in Global Migration Studies

Globally, recruitment governance has become a centerpiece in migration studies, as vulnerability often originates at the point of recruitment. The International Labor Organization (ILO) highlights recruitment as a key site where inadequate regulation facilitates excessive fees, debt dependency, and diminished bargaining power (ILO, 2024). Crane et al. (2021) frames such practices as a form of modern slavery, sustained through governance gaps rather than overt coercion.

Hollifield and Bevelander further highlight the persistent “implementation gap” between policy design and enforcement capacity (Hollifield & Bevelander, 2022), while Surak (2018) demonstrates how states frequently outsource migration management to private actors, creating structural vulnerabilities (Surak, 2018). Recruitment must therefore be understood not as a technical

procedure but as a governance domain shaped by power asymmetries among states, intermediaries, employers, and workers.

The Bangladesh–Malaysia Corridor and Structural Vulnerabilities

Bangladesh has long served as a primary labor source for Malaysia, and these labor flows sustain Malaysia's economic expansion while contributing significant remittances to Bangladesh. However, the recruitment system connecting the two countries has been plagued by inefficiency and exploitation. The 2012 G2G mechanism sought to eliminate private brokers and reduce recruitment costs, but limited capacity led to the introduction of G2G+ in 2015, which reintroduced agencies under state supervision. This hybrid model, however, created monopolistic behavior among a few licensed agencies, leading to fee inflation beyond official limits (USAID, n.d.). Efforts to formalize recruitment thus reproduced what Xiang and Lindquist (2014) describe as the “paradox of regulation,” in which formalization creates new rent-seeking opportunities rather than eliminating informality.

Malaysia's shift toward digital recruitment platforms such as ePPAx, SPPA, and later the FWCMS represents a broader global trend towards technology-driven migration management (Low, 2021). While these systems improved data centralization and administrative efficiency, studies consistently show that digitalization has not reduced workers' reliance on informal brokers or paying excessive recruitment fees (Syazmeena, 2024). This suggests that technological reform alone is insufficient to address deeper structural vulnerabilities.

Governance Loopholes, and Global Labor Chains

Despite multiple reforms, informal recruitment networks remain entrenched in the Bangladesh–Malaysia corridor. Employers prefer private agents for their ability to circumvent bureaucratic delays (Palma, 2024), while workers depend on sub-agents in Bangladesh who expedite placements but impose high costs (Siddiqui, 2024). Such informality signals systemic governance weaknesses rather than voluntary preference. The Malaysian government acknowledged that although FWCMS improved transparency, it has limited jurisdiction over recruitment activities abroad, allowing sub-agents to operate unchecked (Parliament of Malaysia, 2024). Lin (2019) similarly highlights loopholes in monitoring that syndicates exploit.

As a result, workers often incur recruitment costs between RM15,000 and RM20,000, typically financed through high-interest loans (Siddiqui, 2024). Weak enforcement of cost caps and failure to implement the employer-pays principle shift financial burdens onto workers, embedding debt bondage as a structural feature of the corridor (ITUC, 2023). These dynamics align with the ILO’s indicators of forced labor (ILO, 2019). From a global labor chain perspective, recruitment exploitation is not incidental but embedded within production systems that prioritize low labor costs. Malaysia’s regulatory gaps therefore function within broader global supply chains, linking bilateral governance to international corporate accountability.

Legal and Policy Framework Relating to Bangladeshi Workers in Malaysia

Malaysia has enacted several laws and administrative instruments to regulate migrant recruitment and combat trafficking, including the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM, Act 670), the Employment Act, and the Immigration Act. These instruments outline employer obligations, permit conditions, and penalties for illegal recruitment. Additionally, procedural improvements, such as Section 60K under the Employment Act, aim to improve transparency through centralized processing. However, monitoring and audit activities consistently reveal a gap between statutory intent and execution. International monitoring reports and national audits indicate that prosecutorial and victim-support provisions are ineffective, investigative resources are constrained, and overlapping mandates among immigration, labor department, and police agencies result in coordination failures that render migrants vulnerable to recruitment fraud, wage withholding, and exploitative working conditions, notwithstanding the availability of criminal and administrative remedies (Parliament of Malaysia, 2024).

Experts highlight three interrelated fault lines in Malaysia's governance: 1) regulatory fragmentation due to overlapping jurisdictions 2) technological dependence without complementary field enforcement and 3) limited legal inclusivity, as some worker groups fall outside statutory protection (BAL, 2025). Thus, while Malaysia's laws appear comprehensive, their enforcement remains weak, enabling overcharging, contract substitution, and wage manipulation to persist. In conclusion, when regulatory or

procedural gaps exist, licensed agents, sub-agents, and informal brokers may operate with minimal oversight. The result is a long-term policy problem. Malaysia's laws and rules are clear about how serious the government is about stopping trafficking and keeping workers protected. Nevertheless, it often fails to mitigate the abuse that such regulations are intended to prevent. The issue not only affects individuals but also undermines trust between the two countries and exacerbates tensions between the governments of the labor-sending and receiving countries.

Comparative Insights from Other Migration Corridors

Comparative analysis of migration corridors places Malaysia's recruitment governance within a broader regional context. The Bangladesh–Malaysia corridor forms part of Asia's South–South labor mobility network, alongside the Nepal–Gulf, Indonesia–Malaysia, and Philippines–Asia corridors. Each corridor faces persistent challenges of high recruitment fees and weak enforcement. Nepal's 2015 “zero-cost migration” policy sought to shift costs to employers but failed due to the dominance of informal brokers (ILO, 2021). The Philippines, through its Philippine Overseas Employment Administration (POEA), demonstrates a rights-based model integrating licensing, orientation, and welfare systems (Adhikari & Khatri, 2023). In contrast, Indonesia–Malaysia recruitment remains vulnerable to abuse due to weak bilateral enforcement (Surak, 2018). Malaysia's experience mirrors these trends but shows greater dependence on cheap, flexible labor and limited state capacity for enforcement. Overall, while governance deficiencies are region-wide, stronger state oversight and regulatory capacity, as seen in the Philippines, significantly reduce exploitation risks.

While existing studies document recruitment abuses and governance reforms in the Bangladesh–Malaysia corridor, most focus either on policy design or individual worker experiences. Limited research systematically examines how digital recruitment reforms interact with informal power structures to reproduce exploitation. Moreover, few studies explicitly integrate governance-oriented analysis with a rights-based perspective. This study addresses these gaps by examining recruitment governance as a structural system shaped by formal rules, informal practices, and enforcement constraints.

Research Methodology

This study adopts a qualitative research design to examine recruitment practices affecting Bangladeshi migrant workers in Malaysia and their implications for rights protection. Fieldwork was conducted in Pulau Pinang (Manufacturing), Pahang (Agriculture), and Selangor (Construction). A purposive sampling strategy combining maximum variation and typical case sampling was used. Twenty-two semi-structured interviews were conducted with migrant workers, employers, NGO representatives, and government officials selected based on direct involvement in recruitment or regulation. Interviews were conducted in safe settings, audio-recorded with consent, and supported by field notes. Data collected were analyzed using thematic analysis through iterative coding and cross-group comparison. Triangulation with policy documents, parliamentary reports, and international assessments strengthened analytical rigour. Ethical considerations included informed consent, anonymity, and attention to power imbalances. This study is also subject to

several limitations. The qualitative sample size limits and access constraints restricted interviews with recruitment agents. These limitations were mitigated through triangulation with secondary sources and cross-sectoral comparison, enhancing analytical credibility.

Theoretical Framework

This study adopts the rights-based theory of labor migration, international human rights law, international labor standards, and modern slavery. A rights-based approach evaluates migration and recruitment systems based on their capacity to protect migrant workers' fundamental rights, rather than on administrative efficiency or procedural compliance. Core rights include freedom from forced labor, freedom of movement, equality before the law, and access to effective remedies (Malaysia: Bangladeshi Workers Must Be Protected from Exploitation and Criminalisation, Say UN Experts, 2024). Within this framework, recruitment is conceptualized as a critical stage in the migration process where labor and human rights violations frequently originate. The ILO's Fair Recruitment principles identify practices of forced labor as violations of workers' rights rather than as technical or procedural failures (ILO, 2019). Accordingly, recruitment systems that permit or fail to prevent these practices cannot be considered protective, regardless of their degree of digitalization or administrative refinement.

Modern slavery theory provides an analytical bridge by explaining how rights violations are sustained through structural conditions rather than overt coercion. Crane et al. (2021) conceptualize modern slavery as exploitation embedded within legal, economic, and institutional arrangements that constrain

workers' agency through debt, legal dependency, and restricted mobility. In labor migration contexts, employer-tied work permits and immigration enforcement regimes intensify vulnerability by discouraging workers from exiting abusive employment relationships or seeking redress. Guided by this framework, the study examines Malaysia's recruitment reforms by assessing their impact on two interrelated dimensions: 1) protection of migrant workers' rights during recruitment, and 2) access to justice and effective remedies for migrant workers subjected to exploitation. By centering workers' rights, this framework enables an evaluation of why recruitment reforms that prioritize procedural modernization, such as digital recruitment systems, often fail to eliminate exploitation within the Malaysia–Bangladesh migration corridor.

Findings

Recruitment Reforms and Administrative Outcomes

Over the past decade, Malaysia has introduced a series of recruitment reforms aimed at improving administrative efficiency and transparency in migrant labor management. The ePPAx system, introduced by the Ministry of Human Resources to centralize recruitment applications across sectors and digitize approval processes, reduces reliance on paper-based documentation and limits opportunities for document manipulation (BAL, 2025). The SPPA platform (2016–2018), which focused specifically on the Bangladesh–Malaysia corridor, integrated databases from both governments to verify workers and reduce intermediary involvement. However, its limited scope led to monopolistic control by selected agencies (Palma, 2024). The following FWCMS, the most

comprehensive reform, integrated employer registration, quota management, medical screening (Bio-Medical), and visa issuance through a single interface (FWCMS, 2025). A government official in Selangor noted that the system “allows us to track recruitment flows more systematically, compared to manual systems where documents were easily lost or manipulated” (Government official, personal communication, Selangor, August 2025)

Employers confirmed that the FWCMS reduced bureaucratic delays, improved record-keeping, and minimized fraudulent medical certificates (Uddin & Mohammed, 2022). The integration of eVDR and ePLKS further enhanced transparency and efficiency in documentation. Nonetheless, the benefits of these reforms were uneven across sectors and among employers. Manufacturing employers in Pulau Pinang experienced greater procedural efficiency due to more stable labor demand and direct engagement with formal systems. In contrast, agriculture in Pahang and construction in Selangor continued to rely heavily on intermediaries because of seasonal labor needs, subcontracting practices, and project-based employment. Across all sectors, NGOs emphasized that reforms prioritized immigration control and employer convenience over workers' protection, particularly in regulating recruitment fees paid in Bangladesh. As a result, administrative improvements did not translate into substantive rights protection.

Persistence of Informal Recruitment Practices

Despite formal recruitment reforms, the findings reveal that informal practices remain deeply embedded, operating parallel to and sometimes within official systems. Both workers and employers

report that private agencies and sub-agents continue to dominate recruitment, exploiting loopholes in formal mechanisms. Employers acknowledged that agencies offered convenience and reduced bureaucratic burden, especially in construction and agriculture. One construction employer in Selangor explained that agencies handled most recruitment procedures, allowing employers to focus on production timelines (employer, personal communication, Selangor, September 2025).

In Bangladesh, recruitment typically began with local sub-agents who relied on verbal agreements and informal payments, offering no receipts or legal documentation (Haque & Ghani, 2020). Workers across all three sectors reported paying excessive recruitment fees based on misleading information about wages and working conditions (ITUC, 2023). Informal syndicates played a particularly prominent role during recruitment bans or policy suspensions. Several workers who attempted to enter Malaysia during that period using tourist visas reported paying up to MYR 17,000, with payments structured before departure and upon arrival (Bangladeshi worker, personal communication, Pulau Pinang, July 2025). These practices circumvented formal procedures, leaving workers undocumented and highly vulnerable. Another informal practice involves employers sourcing workers through subcontractors. This was particularly common in the construction sector. Such arrangements allow employers to evade liability while shifting risks onto subcontractors and workers. One subcontractor interviewed in Selangor, admitted that only half of his 100 Bangladeshi workers held valid permits, while the rest were undocumented (subcontractor, personal communication, Selangor,

September 2025). In agriculture, irregular status often resulted from overstaying permits during peak seasons, while manufacturing displayed comparatively higher documentation compliance. These findings suggest that informal practices are not marginal but structurally integrated into labor market functioning, sustained by the demand for flexible, low-cost labour and limited enforcement capacity.

Rights Violations Across Sectors

The persistence of informal recruitment practices contributed directly to systemic labor rights violations across sectors, primarily through debt bondage, contract substitution, passport confiscation, and excessive working hours. Nearly all workers interviewed reported paying recruitment fees far exceeding official limits, ranging from MYR 15,000 to MYR 25,000. These costs were commonly financed through personal loans, land sales, or pledging family assets. Workers in agriculture and construction faced longer repayment periods due to lower wages and unstable employment (Bangladeshi workers, personal communication, Pahang and Selangor, August 2025). Moreover, debt created conditions of dependency, discouraging workers from reporting abuse or changing employers. As one agricultural worker in Pahang explained, repayment obligations made it impossible to leave exploitative employment without risking family indebtedness (Bangladeshi worker, personal communication, Pahang, August 2025). Debt bondage thus emerged as a structural outcome of recruitment rather than an incidental abuse.

In addition, the fieldwork also witnessed the practices of contract substitution. Workers described discrepancies between

contracts signed in Bangladesh and those presented upon arrival in Malaysia. In some cases, contracts were in English, which workers could not read and understand. NGO representatives confirmed that such practices were routine and challenging to contest due to workers limited legal literacy and fear of retaliation (NGO, personal communication, Selangor, August 2025). Furthermore, 11 of the 15 workers interviewed reported the passport confiscation practices. Workers were only allowed to keep photocopies of their documents, restricting their freedom of movement and access to grievance mechanisms. This practice reinforced dependency and aligns with recognized indicators of forced labor (ILO, 2019). In addition, workers stated that they work long hours, sometimes they work for twenty-four hours with no day off, and the employer only allows them to rest on public holidays. It is because the employer wants to avoid paying double pay to the workers for working on public holidays (Bangladeshi workers, personal communication, Pahang, September 2025).

Stakeholder Perspectives and Structural Constraints

The findings revealed fragmented governance and conflicting interests and priorities. Government officials acknowledged ongoing exploitation but attributed enforcement challenges to jurisdictional fragmentation, limited inter-agency coordination, and the adaptive nature of recruitment syndicates (government officials, personal communication, Pahang, August 2025). Employers who always prioritized cost efficiency and timely labor supply often viewed formal recruitment channels as insufficiently responsive to market demands.

Furthermore, NGO representatives and experts emphasized systemic accountability gaps, arguing that Malaysia benefits from

cheap labor, Bangladesh relies on remittances, and workers bear disproportionate risks. Workers themselves expressed ambivalence: while employment opportunities were valued, narratives consistently reflected fear, indebtedness, and lack of agency (NGO and academics, personal communication, Selangor, September 2025). Undocumented workers in particular described constant anxiety over detention and deportation (Bangladeshi worker, personal communication, Pahang and Selangor, August-September 2025). These divergent perspectives reflect a governance structure in which responsibility is diffused, enabling exploitation to persist.

Implications for Governance and Bilateral Relations

The persistence of exploitation has implications beyond individual workers, affecting Malaysia–Bangladesh bilateral relations and Malaysia’s international image. Recruitment malpractices have repeatedly led to suspensions of Bangladeshi worker intake since 2009 (Azad, 2017), most recently in May 2024 (Ara, 2024). The Bangladeshi government has accused Malaysian agencies of monopolistic practices, while Malaysia cites concerns about undocumented arrivals and syndicate involvement (Tan, 2025). These recurring disputes undermine trust and complicate diplomatic relations. Malaysia has also faced international scrutiny over forced labor allegations, including U.S. bans on imports from glove manufacturers and its placement on the Tier 2 Watch List in the 2024 U.S. Trafficking in Persons Report (U.S. Department of State, 2024). These findings demonstrate that recruitment governance extends beyond bilateral arrangements. It is interconnected with global labor governance frameworks, such as ILO Conventions No. 29 (Forced Labor), 97 (Migration for Employment), and 181 (Private

Employment Agencies). However, their implementation depends on political will and enforcement at the national level (ILO, 2024). Without stronger enforcement, bilateral coordination, and corporate accountability, procedural reforms are unlikely to address entrenched exploitation.

Discussion

The findings indicate that Malaysia's recruitment governance remains fragmented and weak, offering governance without protection for Bangladeshi workers. Digital systems such as ePPAx, SPPA, and FWCMS have improved efficiency, traceability, and state oversight, but they have not altered underlying power relations within the recruitment chain. Analytically, the findings reinforce the distinction between procedural governance and substantive protection. While formalization has reduced administrative inefficiencies, it has neither displaced informal brokers nor enforced the employer-pays principle. This finding supports existing critiques that digitization may modernize migration management while reproducing exploitation when enforcement is weak and financial risks are externalized to workers (Low, 2021). Informality persists because it serves structural demand for low-cost and flexible labor, particularly in construction and agriculture, and because enforcement mechanisms remain fragmented across agencies.

Moreover, the study also contributes to the literature on modern slavery by demonstrating how recruitment governance functions as a mechanism of unfreedom. Debt bondage, contract substitution, passport confiscation, and mobility restrictions are not isolated abuse but systemic outcomes of recruitment structures that

tie workers' legal status to employers. These conditions align with the concept of the “governance of unfreedom,” where state systems indirectly sustain coercive labor relations (Crane et al., 2021). Notably, the findings show that recruitment abuse is embedded within global production networks, linking bilateral labor governance to international supply chains and corporate accountability.

Conclusion and Recommendations

This study concludes that Malaysia's recruitment reforms have achieved administrative modernization but have failed to deliver rights-based protection for Bangladeshi migrant workers. The research questions were answered by demonstrating how formal systems coexist with informal recruitment practices and by identifying structural factors, such as weak enforcement, employer reliance on intermediaries, and debt-driven migration, that sustain exploitation. The study contributes to migration governance literature by showing that digital reforms, in the absence of accountability and cost redistribution, may stabilize rather than dismantle exploitative systems. Future research should adopt longitudinal and comparative approaches across destination countries and integrate supply-chain analysis to assess corporate responsibility more directly.

To address persistent exploitation in the Malaysia–Bangladesh recruitment system, reforms must prioritize enforceable, rights-based measures rather than further procedural expansion. The most urgent intervention is strict enforcement of the employer-pays principle. The Malaysian government, in coordination with Bangladeshi authorities, should mandate audits of recruitment costs

for employers and licensed agencies, supported by meaningful penalties for non-compliance, including license suspension. This measure directly targets debt bondage, the central driver of worker vulnerability.

Moreover, bilateral governance should be strengthened by empowering the Joint Working Group (JWG) with independent monitoring and auditing authority over recruitment practices in both countries. Regular public reporting on recruitment fees, complaints, and enforcement outcomes would improve transparency and accountability. In parallel, Malaysia should expand worker protection mechanisms by providing multilingual grievance channels, legal aid, and safeguards against immigration retaliation, while allowing limited job mobility for workers facing abuse.

Besides, employers and multinational corporations must also be held accountable through mandatory human rights due diligence across labor supply chains, ensuring liability for violations committed by agents or subcontractors. NGOs and international organizations should continue to support monitoring, worker education, and technical assistance. Together, these measures would shift recruitment governance from labor control toward a sustainable, rights-based framework.

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