



THAILAND MIGRATION REPORT 2011



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Migration for Development in Thailand: Overview and Tools for Policymakers



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edited by
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International Organization for Migration



International Labour Organization



United Nations Development Programme



United Nations Population Fund



United Nations High Commissioner for Refugees



World Health Organization



United Nations Children's Fund



United Nations Office on Drugs and Crime



United Nations Entity for Gender Equality
and the Empowerment of Women



Office of the High Commissioner for Human Rights



International Telecommunication Union



World Bank



United Nations Country Team in Thailand



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CoverPhotos: Top left: Martine Perret (UN), Centre top: Claudia Natali (IOM), Top right: Daniel Tshin (UNDP)
Centre right: Chris Lom (IOM)
Bottom left & right: Labour Rights Promotion Network

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Foreword

Thailand Migration Report 2011 - the third in a series which started in 2005 - is the product of a collaborative effort between member agencies of the United Nations Thematic Working Group on Migration in Thailand, under the leadership of the International Organization for Migration.

Like its predecessors, it aims to provide policymakers, practitioners and academia with current information on migration trends and patterns in Thailand, together with relevant policy developments.

In addition to its standard features, this new volume focuses on "Migration for development in Thailand: overview and tools for policymakers". This theme has been high on the United Nations and government agendas in recent years, as the world increasingly recognizes that migration can be a key driver for development, if it is managed in a comprehensive manner.

Thailand has evolved into a global and regional migration hub for outgoing, incoming and transiting migrants in South-East Asia. Economic and demographic differences have resulted in the movement of low-skilled migrants from weaker economies in the region to Thailand.

A significant number of Thai workers are also migrating to stronger economies in Asia or the Middle East. With the establishment of the ASEAN Community by 2015, mobility within the region is also expected to increase among highly skilled workers. Internal migration in Thailand is another trend that merits further study.

Migration is a phenomenon that has a multi-faceted impact on societies, economies and cultures, both in countries of origin and destination. The economy, human rights and gender are some of the interrelated dimensions of development that require close attention in defining an effective and comprehensive migration policy.

With this in mind, this volume of the Thailand Migration Report includes specific chapters that analyse the relationship between migration and these areas. It provides insights into how policies can help to maximize migration's benefits, while minimizing its costs.

Migration, whether temporary, transient or long-term, has a significant impact on Thailand's development, growth and stability. However, as a country of origin, transit and destination for migrants, Thailand faces unique challenges in migration management.

A comprehensive and coherent migration management strategy is critical in ensuring, firstly, that there is proper coordination across distinct policymaking spheres, and secondly, that migration benefits both the host society and the migrants themselves.

The successful implementation of such a strategy will ensure that the potential developmental benefits of migration are fully realized. For Thailand, this could mean moving from being a middle-income country to a high-income country.

Thailand will continue to face the challenges of managing both inward and outward migration in a manner that meets societal interests, while respecting migrants' legitimate aspirations, dignity and human rights.

The ongoing process of migrant nationality verification and the latest developments related to the management of irregular migrants pose particular challenges in this respect.

It is our hope that the Thailand Migration Report 2011 will provide valuable guidance on how human mobility can best contribute to development in Thailand.



Rebecca Hansen

Resident Coordinator of
the United Nations System in Thailand



Monique Filsnoël

Chief of Mission
IOM Thailand

Preface

In recent decades Thailand has evolved into a regional migration hub in South-East Asia, and is concurrently a country of origin, transit and destination for large numbers of both regular and irregular international migrants. With a dynamic economy, there is also a great deal of internal migration, including circular and seasonal migration. However, the highly dynamic nature of migration trends and patterns in Thailand makes the timely formation of comprehensive and coherent migration policies very challenging.

It is also increasingly being recognized that migration can play a key role in stimulating and facilitating social, economic and human development, a theme that has been high on the United Nations and government agendas in recent years. Migration is having a significant impact on the growth, development and stability of Thailand, and will continue to do so in the future. It is with these challenges and opportunities in mind that “Migration for development” has been chosen as the central theme of the Thailand Migration Report 2011 with an objective to explore how Thailand can most effectively harness the developmental potential offered by its flows of international and internal migrants.

The Thailand Migration Report 2011 follows in the footsteps of the successes of the 2005 and 2009 editions, which were both very well received by key stakeholders and the public. The 2005 report compiled and reviewed available information on international migration in Thailand in one study for the first time, while the 2009 report expanded and updated this information based on the rapidly changing migration situation in Thailand.

The 2011 report again aims to expand on previous reports by including an analysis of internal migration, while also adopting a different format to previous versions in order to broaden the focus and cover a number of key thematic issues. Part one of the report – “Migrants and Migration Policies in Thailand” – updates information on migration trends and patterns in Thailand (including out-migration, in-migration and internal migration) and reviews the relevant policy developments and challenges.

The second part of the report – “Development Goals and Migration in Thailand” looks more closely at the development objectives set by Thailand and explores the channels whereby migration (both internal and international) affects these objectives. Individual chapters on thematic issues provide a closer insight into the relationship between migration and specific dimensions of development, and how migration policy can maximize specific development objectives.

The report concludes with recommendations to support the Government of Thailand and relevant stakeholders in formulating pro-development and rights-based migration policies.

Similar to the previous reports, the 2011 edition was prepared under the leadership of the International Organization for Migration (IOM) in its capacity as Chair of the United Nations Thematic Working Group on Migration, an inter-agency body consisting of the following entities based in Thailand:

- *International Organization for Migration (IOM)*
- *International Labour Organization (ILO)*
- *Joint United Nations Programme on HIV/AIDS (UNAIDS)*
- *Office of the High Commissioner for Human Rights (OHCHR)*
- *United Nations High Commissioner for Refugees (UNHCR)*
- *United Nations Children's Fund (UNICEF)*
- *United Nations Development Programme (UNDP)*
- *United Nations Educational, Scientific and Cultural Organization (UNESCO)*
- *United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP)*

- *United Nations Office on Drugs and Crime (UNODC)*
- *United Nations Office of the Resident Coordinator (UNRC)*
- *United Nations Population Fund (UNFPA)*
- *United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN)*
- *World Bank (WB)*
- *World Health Organization (WHO)*

All of the agencies that comprise the Working Group participated in the production of the report by providing financial support and/or technical advice. The Working Group is also indebted to the International Telecommunication Union (ITU) for contributing financially towards the production of this publication. The involvement of ITU further highlights the cross-cutting nature of migration and the need to look beyond traditional disciplines to get a well-rounded understanding of the forces and mechanisms shaping migration and development. Telecommunication technology facilitates migration while also further harnessing its development potential.

IOM played a central role in the preparation of the Thailand Migration Report 2011. Through tireless coordination between members of the Working Group, the editors, Mahidol Migration Center experts, language editors and other relevant service providers, IOM guaranteed the high quality and timely submission of each chapter and at the same time ensured that the report was the result of a truly collaborative and participatory effort.

Several chapters of this report have been compiled by relevant experts from the Mahidol Migration Center through a combination of desktop research and interviews with relevant stakeholders. In particular, the preparation of this report has benefited immensely from the cooperation of the Government of Thailand, which provided both published and unpublished data on migration trends. Chapter authors also conducted interviews with representatives of several government offices, as well as with other relevant stakeholders.

Following completion of the first draft of each chapter, an expert group meeting (EGM) was organized at Mahidol University on 17 September 2010, which enabled the authors to present their work to the Working Group, as well as to governmental and non-governmental stakeholders. The authors then reworked their chapters based on the feedback received during the EGM. Following the subsequent completion of the revised versions, IOM again presented each chapter to members of the Working Group, who, in turn, provided additional comments on areas for improvement. A concluding section, including a set of recommendations to support the Government of Thailand, was drawn up as a collaborative effort between the authors and members of the Working Group.

Acknowledgements

IOM, as the Chair of the Thematic Working Group on Migration, took the lead and made invaluable contributions at every stage of preparation of this report. The editors especially wish to thank Monique Filsnoël, Chief of Mission of IOM Thailand, for her constructive guidance throughout the two-year project to prepare, edit and publish the report. Claudia Natali, Labour Migration Programme Manager, and Euan McDougall, Labour Migration Programme Assistant coordinated and oversaw every stage of the work. Yuko Hamada, Regional Programme Development Officer, Hans Beckers, Regional Programme Coordinator; Chris Lom, Regional Information Officer and Spokesperson; and Michiko Ito, Assistant Resettlement Coordinator: read drafts of chapters and provided incisive feedback. Bethsabée Souris, Intern: provided valuable support in proofreading the final chapters. Ganon Koompraphant, Junior Programme Assistant liaised with Government offices and obtained many of the statistics used in the report.

The member organizations of the Thematic Working Group conceived the report, developed the structure and outline, and reviewed each chapter as it was being prepared and revised. Financial support was provided by ILO, IOM, UNDP, UNFPA, UNICEF, UNODC, OHCHR, WHO, UNHCR, UNWOMEN, ITU and the United Nations Resident Coordinator Office. The World Bank contributed the chapter on migration and the economy, prepared by Piriya Pholphirul, Human Development Economist.

The Mahidol Migration Center of the Institute for Population and Social Research, Mahidol University, made the arrangements for several IPSR faculty members to prepare chapters of the report. The Center also organized and hosted an Expert Group Meeting on the Thailand Migration Report 2011 on 17 September 2010, at which draft chapters of the report were presented in order to obtain feedback from Government and United Nations officials and academics.

Many offices in the Government of Thailand provided essential information to IOM and the authors. In particular, the Ministry of Labour and the Ministry of Interior provided a wealth of statistical data, much of it previously unpublished. The editors and authors are grateful for this assistance.

Alan Cooper carried out the English-language editing but also worked closely with the respective authors to strengthen the substantive content of every chapter. Wimontip Musikaphan translated the full report from English to Thai.

Jerrold W. Huguet and **Aphichat Chamratrithirong**, *Editors*
Bangkok, 2011

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List of Acronyms

AEC	– ASEAN Economic Community
AED	– Academy for Educational Development
AFTA	– ASEAN Free Trade Area
ASEAN	– Association of Southeast Asian Nations

BOI	– Board of Investment
CCSDPT	– Committee for Coordination of Services to Displaced Persons in Thailand
CEAB	– Community Elders Advisory Boards
COMMIT	– Coordinated Mekong Ministerial Initiative against Trafficking
DPLW	– Department of Labour Protection and Welfare
DSDW	– Department of Social Development and Welfare
DOE	– Department of Employment
ECHO	– European Commission Humanitarian Office
ESAO	– Education Service Area Office
FTI	– Federation of Thai Industry
GCIM	– Global Commission on International Migration
GNI	– gross national income
HRDF	– Human Rights and Development Fund
HRLA	– Human Rights Lawyers Association
IAWMC	– Illegal Alien Workers Management Committee
IIED	– International Institute for Development
ILO	– International Labour Organization
IOM	– International Organization for Migration
IRC	– International Rescue Committee
IQ	– Intelligence Quotient
IPCC	– International Panel on Climate Change
IPSR	– Institute for Population and Social Research
ITU	– International Telecommunication Union
JTEPA	– Japan-Thailand Economic Partnership Agreement
JITCO	– Japan International Training Cooperation Organization
MOE	– Ministry of Education
MOFA	– Ministry of Foreign Affairs
MOI	– Ministry of Interior
MOL	– Ministry of Labour
MOU	– Memorandum of Understanding
MSDHS	– Ministry of Social Development and Human Security
MWG	– Migrant Working Group
NESDB	– National Economic and Social Development Board
NGO	– non-governmental organization
NHRC	– National Human Rights Commission
NSC	– National Security Council
NV	– nationality verification
OHCHR	– Office of the United Nations High Commissioner for Human Rights
OEC	– Office of the Education Council
OLA	– Office of Labour Affairs
R&D	– research and development
SSO	– Social Security Office
STD	– sexually transmitted disease
STI	– sexually transmitted infection
TDRI	– Thailand Development Research Institute
TOEA	– Thailand Overseas Employment Administration
UNDP	– United Nations Development Programme
UNFPA	– United Nations Population Fund
UNICEF	– United Nations Children's Fund
UNHCR	– United Nations High Commissioner for Refugees
UNODC	– United Nations Office of Drugs and Crime
USCRI	– U.S. Committee of Refugees and Immigrants
WCF	– Workmen Compensation Fund
WHO	– World Health Organization

Executive Summary

The nature of economic development in a more globalized world has strengthened the role of international migration in the economy of Thailand. Income disparities among countries have generally widened so that there is a stronger incentive to migrate. A number of features of economic development in Thailand have stimulated international migration. Much of the manufacturing sector is financed by foreign direct investment, and those companies employ both highly skilled and low-skilled migrant workers. As both outbound and inbound international migration have increased, private recruitment and placement agencies have been established that promote and facilitate migration. The Government of Thailand has promoted the country as a destination for international tourism, medical care, secondary and tertiary education, and retirement, each of which leads to an increase in international migration.

There are more than 3.5 million persons without Thai nationality living in the country, including many long-term residents and children of migrants born in Thailand. More than 3.0 million of them are working in the country.

Thailand has been attracting low-wage workers from neighbouring countries as well from countries further away since at least the early 1990s. It initiated a policy to register workers from Myanmar in ten provinces along the border in 1992. That policy has steadily expanded in scope to include workers in low-skilled occupations from Cambodia, the Lao People's Democratic Republic and Myanmar in every province in Thailand. In 2010, there were one million workers from those three countries at some stage of registration and approximately 1.4 million dependents and others who were not registered.

The Government of Thailand is attempting to put in place a system to recruit all migrant workers from the three neighbouring countries through formal procedures. It signed Memoranda of Understanding with the three countries for that purpose in 2002 and 2003. By the end of 2010, however, fewer than 80,000 migrant workers had entered the country through that formal process.

The Alien Employment Act of 2008 regulates the employment of low-skilled migrant workers according to the three guiding principles of national security, protecting work opportunities for Thai persons, and establishing a level of labour migration that would support the growth and development of Thailand. In 2006, Thailand began implementing a process that requires low-skilled migrant workers to have their nationality verified by their country of origin before they are eligible to obtain a work permit in Thailand. That process has been beset by operational problems, however, and by the end of February 2011, only 550,000 migrant workers had completed the nationality verification process. However, the Government has recently opened a new registration for migrant workers in the country, beginning in June 2011, that gave irregular migrant workers a renewed opportunity to regularize their status.

While most public and policy attention is focused on low-skilled migration to Thailand, it should not be overlooked that the country's relatively open economy also attracts large numbers of professional, managerial and highly skilled workers from a wide range of countries around the world. In 2010, more than 100,000 foreigners held work permits in these occupations.

The Government of Thailand also has in place a process to regulate the deployment of Thai workers to other countries. While Thailand does not have a comprehensive policy on the overseas deployment of migrant workers, their recruitment and placement is governed by the Recruitment and Job-Seekers Protection Act of 1985, which was amended in 1994 and 2001. The Government has signed bilateral agreements with several of the main destination economies to regulate this temporary labour migration, and approximately 150,000 migrant workers have been formally deployed overseas each year since 1999.

Research indicates that international migration has a net positive impact on the Thai economy, albeit rather small. Most studies conclude that international migrants contribute approximately 1.0 per cent to the real gross domestic product. The impact of international migration is clearly greater in sectors in which migrant workers are concentrated, such as in fishing and frozen food preparation. The benefits of migration accrue to employers and the migrants themselves while low-skilled Thai workers experience a net loss owing to reductions in employment opportunities and marginally lower wages. The use of international migrant workers may have a long-term negative impact on the Thai economy if employers rely on low-wage labour and invest less in research and development and in increasing labour productivity. The expansion of the industrial and service sectors of the economy in Thailand has resulted in internal migration to industrial estates and urban areas.

In considering human rights aspects of migration, it is useful to employ a typology of international migrants in Thailand that includes: (a) temporary migrant workers, both registered and unregistered; (b) ethnic minorities; (c) other persons without Thai nationality and stateless persons; and (d) displaced persons. The Government has introduced policies to encourage migrant workers to become registered, which enhances the protection of their rights, but upwards of a million migrant workers are not registered making them vulnerable to abuse and exploitation. Enforcement of the Labour Protection Act of 1998 is weak for Thai workers and migrants alike. Access to justice and to social services is limited for each of the above categories of migrants. Similarly, migrants in all of those categories are not permitted to move freely within Thailand but are restricted to their district of registration (or temporary shelter for displaced persons). Civil society, especially international and national non-governmental organizations (NGOs), has been instrumental in promoting the rights of migrants in Thailand.

Relatively little attention has been given to the relationships between migration and the environment in Thailand. There is some evidence, however, that drought, flooding, deforestation, land degradation and diminishing fish stocks in rivers have stimulated rural-to-urban migration. The Asian tsunami in December



2004 displaced thousands of persons in southern Thailand, of whom some migrated away from their previous residence. Migration can also have an impact on the environment. Migrants in urban areas are likely to consume more resources than persons in rural areas. Migrants may also live in congested areas that are unsanitary and cause pollution. Industries that damage the environment are often located away from urban areas and thus, rely on migrants for workers.

Low-skilled migrant workers in Thailand who obtain work permits must pay a fee in order to obtain the universal health-care coverage they are entitled to. Once these workers have the coverage, they can seek health care in a government clinic or hospital for little or no cost. Migrants who are not registered, however, do not have such coverage and must pay for any treatment received. Government facilities also treat many migrants who cannot afford to pay. In this context, three key policy issues are: (a) improving migrants' access to the health system, (b) improving the quality of health services for migrants and (c) financing health care for migrants.

There are at least 377,000 children (under 18 years of age) of international migrants in Thailand, or about 11 per cent of the total migrant population. In fact, perhaps at least 150,000 of those were born in Thailand, but for official purposes they are categorized the same as their parents. The total includes 113,000 children of registered ethnic minorities, 128,000 children of registered migrant workers, 54,000 children of displaced persons and 82,000 children of unregistered migrants. Even though it is a Government policy that all children in Thailand have a right to primary education, only a small fraction of the children of migrant workers are enrolled in public schools. Others attend learning centres operated by NGOs. Children of displaced persons from Myanmar attend schools operated by NGOs in their temporary shelters. As there is no provision for low-skilled migrant workers in Thailand to bring dependents with them, their children are not formally covered by the health-care system.

A significant proportion of Thai children remain in rural areas when one or both of their parents migrate for employment in urban areas or overseas. Research on Thai children left behind by migrating parents has given a mixed picture of the impact on them and more comprehensive studies would be of value.

Approximately 45 per cent of the low-skilled migrant workers in Thailand are women, including a majority of those from the Lao People's Democratic Republic. In contrast, females constituted only 16 per cent of Thai migrant workers formally deployed abroad in 2009. Females equaled 46 per cent of internal migrants in Thailand in 2009 but were dominant in migration to urban areas. Females accounted for only 42 per cent of the rural-to-rural migrants but 52 per cent of the rural-to-urban migrants that year. Migration patterns by sex are largely explained by occupational sex segregation. Male migrants, both internal and international, are more likely than female migrants to be employed in agriculture and construction. Large numbers of male internal migrants also work with heavy manufacturing or in the transport sector. On the other hand, female migrants are more likely to engage in work involved with seafood processing, light manufacturing, the service industries and domestic employment.

Mass movement of persons from Myanmar began in 1984. The Government of Thailand recognized them as "persons fleeing fighting" and permitted them to enter "temporary shelters" with the assumption that they would return when the situation in Myanmar permitted. There are currently nine temporary shelters along the border. Their population, as registered by UNHCR, peaked at 131,549 in 2006. Beginning in 2004, Myanmar displaced persons in Thailand have been permitted to seek resettlement in third countries. The International Organization for Migration had assisted the departure of 68,410 Myanmar persons from Thailand by the end of 2010. As a consequence, the population in the shelters, as registered by UNHCR, had declined to 95,330 at the end of 2010. The Thailand Burma Border Consortium, however, estimated that the total population in the shelters equaled 141,076 when taking into account persons who had not yet been registered and those in other categories not included in the UNHCR count. The Government of Thailand envisages closing the temporary shelters eventually but ensuring the security of persons currently in the camps is likely to pose a challenge in the foreseeable future.

The degree to which the Government of Thailand envisages that the 3.5 million international migrants in the country will be integrated into the Thai nation varies according to the group. The Government approved a Cabinet Resolution on 18 January 2005 on a "Strategy to solve problems on legal status and rights" of persons who were stateless, of indeterminate migration status or without Thai nationality. This policy applies essentially to the highland population and other ethnic minorities. Long-term migrants have the potential to obtain the status of a legal migrant and their children born in Thailand may obtain Thai nationality.

On the other hand, temporary migrant workers are expected to return home at the end of their contract so no long-term integration is envisaged for them. As they are not expected to bring dependents with them, there is no provision for the integration of their dependents in Thai society, other than permitting their children to attend school. In reality, some migrant workers will integrate through marriage and some of the children who are born and educated in Thailand are unlikely to leave voluntarily.

Similarly, those displaced persons from Myanmar who are not resettled in third countries are expected to eventually return to Myanmar. It may be assumed, however, that many of them, especially younger persons who have no memory of Myanmar, will opt instead to remain in Thailand in an irregular status.

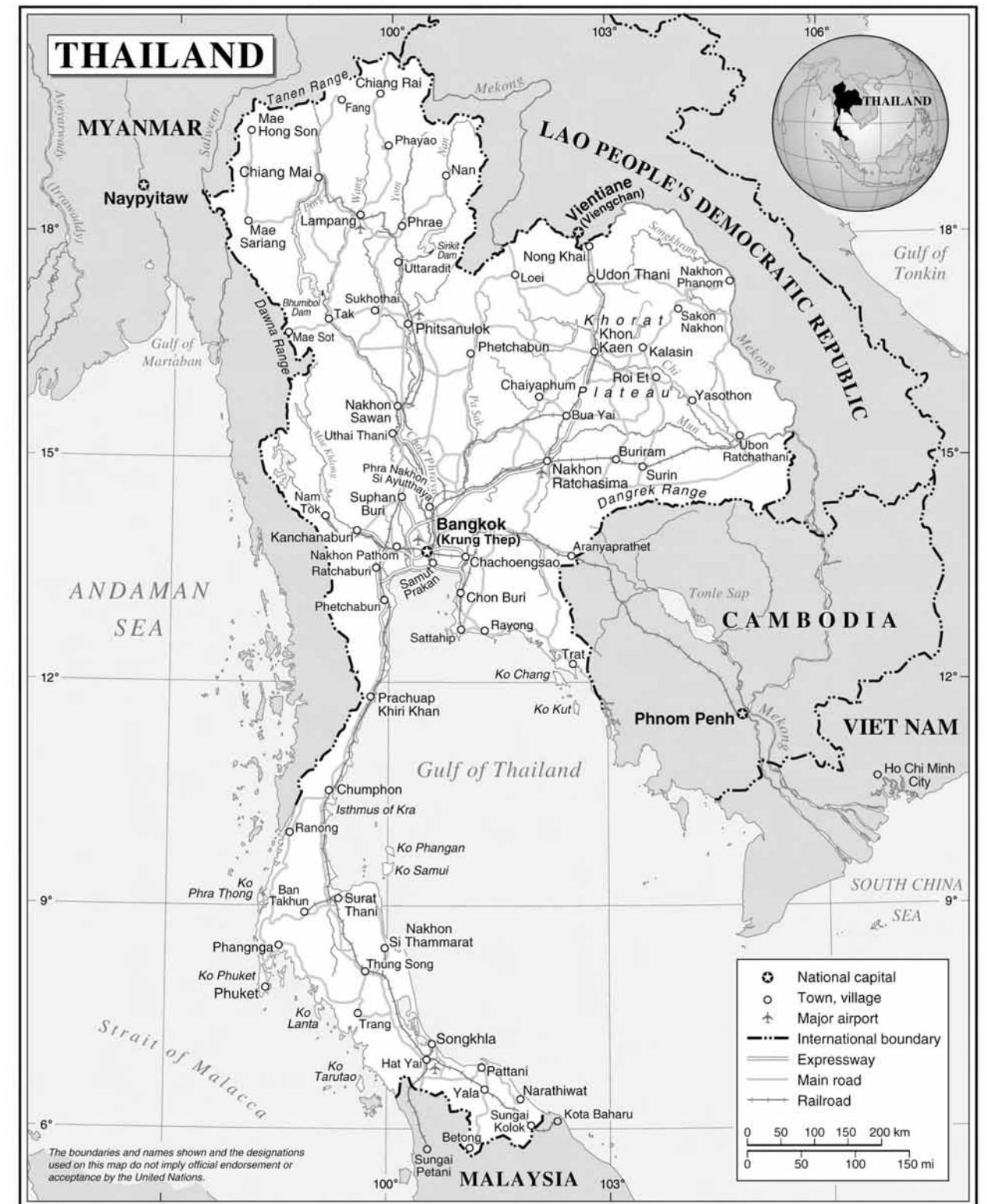
Thus, the future situation of the 3.5 million international migrants in Thailand remains unresolved. While the Government of Thailand perceives many of them to be temporary migrants, irregular migrants and displaced persons who should return home, it may be anticipated that large numbers of them will wish to remain in the country, even if they are in an irregular status.

The following key recommendations are directed generally at the Government of Thailand but such development partners as other Governments, international organizations and NGOs could provide valuable contributions towards their implementation.

- Establish a migration management authority with responsibility for oversight of both in-migration and out-migration of highly skilled and low-skilled labour migration, and registered and unregistered workers. The authority should come under the aegis of the Office of the Prime Minister to reflect the cross-cutting nature of migration policies.
- Formulate a comprehensive migration policy document in consultation with stakeholders, including migrants' representatives. The policy would state long-term goals of migration policies and link migration with national social and economic development strategies.
- Greater public dialogue on international migration should be promoted. Such a dialogue could be led by the migration management authority, but include the active participation of the mass media, academia, the private sector and civil society.
- Publicize and create greater public awareness among all stakeholders about the potential benefits of labour mobility among skilled workers and the ASEAN priority professional sectors.
- Enhance skills and standards among skilled workers to meet international standards and upgrade Thailand's human resource development strategy to increase the competitiveness of the Thai workforce in ASEAN.
- Formulate and implement a strategy to increase the efficiency and effectiveness of the nationality verification system and migrant worker registration. Discussions with governments of countries of origin should be undertaken with the goal of ensuring that both processes are carried out cheaply, safely, responsibly and with full respect for human rights.
- The organization of migrant workers and the establishment of migrants' labour unions should be permitted.

- Legal counselling should be provided to migrants in their native languages concerning work safety, workers' rights and the protection of those rights, job opportunities and trade unions.
- In order to promote greater labour productivity and to contribute to economic growth, the enforcement of labour standards should cover all workers in Thailand, regardless of nationality, and those in both formal and informal sectors.
- Strengthen strategic planning with the governments of destination countries to develop more efficient and effective migration programmes that provide enhanced protection to migrant workers.
- Migration policies should explicitly take into account the gender aspects of migration because migration and work experiences are often quite different for men and women.
- Laws concerning labour standards should be expanded in scope to cover occupations in which female migrants (both internal and international) tend to be clustered, such as in jobs involving domestic services or seafood processing.
- All migrants, irrespective of their registration status, should have access to basic health services, with attention to the specific needs of female migrants.
- In order to prevent the existence of statelessness among children in Thailand, the Government should make every effort to ensure that children born in Thailand to non-Thai parents have sufficient documentation for them to acquire the citizenship of the country of their parents. Children born in Thailand to such long-term residents as the highland population or other ethnic minorities should be considered Thailand residents and have a clear path to acquire citizenship.
- A thorough study of the interrelations among economic development strategies and migration should be carried out. Development strategies should emphasize types of development that are less harmful to the environment, such as high-technology research and development, family farming, education, the creative arts, financial services and eco-tourism. Migration policies should be tailored to support such environmentally friendly forms of development.
- Policymakers should begin to consider a strategy of earned adjustment of immigration status for the integration of some members of groups that have established a long-term presence in Thailand, in particular (a) migrant workers who have been registered for several years, (b) displaced persons who have lived in shelters for many years and (c) ethnic minorities who are long-term residents but remain stateless or without nationality, particularly those born in Thailand.
- A renewed effort should be made to achieve durable solutions for displaced persons residing in shelters along the border with Myanmar. These include (a) safe and voluntary repatriation, (b) partial local integration based on a self-reliance strategy and (c) continuation of the resettlement programme.
- Because effective policymaking requires reliable information, a systematic effort should be made to estimate the total number of migrants and their dependents residing in Thailand and to obtain information about their situation. Data should be disaggregated by sex, age, employment status and occupation.
- Policy and operational research should be strengthened in order to assess existing policies and regulatory mechanisms and to propose improvements or alternative approaches.

Map 1.1. | Map of Thailand



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Cartographic Section



Introduction

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| Migration and development in Thailand

Economic development has shaped migration trends in Thailand and both internal and international migration have, in turn, contributed to the country's rapid and sustained development.

Economic growth in Thailand has resulted in marked improvements in a number of economic and social indicators. In 2009 the per capita gross national income (GNI) equaled USD 3,760 in current US dollars (World Bank, 2011). The gross enrolment ratio at the secondary level of education was 74 per cent in 2008, with the female ratio exceeding the male ratio by 9 per cent. The official unemployment rate was only 1.4 per cent that year. Also in 2008, 95 per cent of the urban population had access to improved sanitation facilities (World Bank, 2011). The infant mortality rate was estimated to be only 12 per 1,000 live births in 2010 (United Nations, 2010) and the combined life expectancy for the period 2005-2010 was 68.8 years. Of significance for both international and internal migration, the proportion of the population in the age group 15-24 years decreased from 16.4 per cent in 2005 to 15.7 per cent in 2010, owing to earlier declines in fertility (United Nations, 2009:456).

Thailand rapidly expanded the deployment of migrant workers in the early 1990s, from 63,000 in 1990 to a peak of 202,000 in 1995. After that, the number of formal deployments declined gradually to 161,000 in 2002 (Huguet and Punpuing, 2005:25). Since then, annual deployments have fluctuated but declined to 143,795 in 2010. It might be tempting to conclude that the annual number of workers deployed abroad declined due to improved job opportunities at home in line with the sustained growth of the Thai economy. The limited effectiveness of the Ministry of Labour (MOL) to identify employment opportunities abroad and to make arrangements for placing Thai workers may also be a factor, however.

At the same time as the number of Thai workers deployed abroad was declining and stabilizing, the number of low-skilled migrant workers from neighbouring countries registering for work in Thailand was increasing to exceed one million persons. (The number of low-skilled migrant workers obtaining work permits has fluctuated greatly from year to year because in some years only re-registration was allowed.)

With regard to low-skilled workers, the Government of Thailand only grants work permits to this category of workers from Cambodia, the Lao People's Democratic Republic and Myanmar. The per capita GNI in each of those countries is only a fraction of that in Thailand. In 2009, it was USD 610 in Cambodia and USD 880 in the Lao People's Democratic Republic. (The figure for Myanmar is not available). Approximately one third of the population in each of these countries is below the official poverty line (World Bank, 2011). The number of work permits issued to migrants from those three countries has increased from 102,000 in 1992 (for Myanmar nationals only) to 303,000 in 1996, 568,000 in 2001 and 871,000 in 2005 (see Sciortino and Punpuing, 2009:56-57, for the details of each round of migrant worker registration). Currently, more than one million migrants are at some stage of the registration process (see chapter 2 for a description of the current process) and an unknown number of migrant workers in Thailand are undocumented.

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Continuing conflict and political instability in Myanmar has caused large numbers of displaced persons to cross into Thailand to seek shelter. At the end of 2010, there were 95,330 displaced persons registered in nine shelters along the Thailand-Myanmar border (see chapter 1 and chapter 10).

While most public and policy attention is focused on low-skilled migration to Thailand, it should not be overlooked that the country's relatively open economy also attracts large numbers of professional, managerial and highly skilled workers from a wide range of countries around the world. In 2009, more than 103,000 work permits were issued to foreigners in these categories (chapter 1).

Internal migration, especially from the North-eastern and Northern regions to Bangkok and the Central region has supported economic growth in the country by providing labour for construction, manufacturing and services, and by generating remittances to the regions of out-migration. Although 20 per cent of Thai children are not living with their parents, largely because of significant levels of internal migration, little is known about the consequences for the children who are left behind. The movement to Bangkok and the Central region is both permanent and temporary, including significant levels of seasonal migration. However, recent data show that the annual rates of internal migration have slowed (see chapter 1). This may be because the urban system of Thailand has become more mature, with a lower level of primacy of Bangkok, but also because of the declining proportion of population in the ages of 15-24 years, when age-specific migration rates are usually the highest.

| The development objectives of Thailand

The Tenth National Economic and Social Development Plan (2007-2011), prepared by the National Economic and Social Development Board (NESDB), stresses the importance of "keeping up with globalization and building resilience in all sectors" (NESDB, 2007: i). In assessing changes in the global context, it explicitly acknowledges the importance of human resources for knowledge-based and technological development, and it takes into account the implications for international migration both to and from Thailand.

The Plan recognizes five broad changes in the global development context that Thailand must address: (a) economic groupings and global financial markets, (b) advances in technology, (c) social changes, (d) movement of people and (e) changes in environment and natural resources. It notes that trade policy must be directed at expanding markets and that domestic producers must enhance their competitiveness through the application of better resources and technology. It states that it is imperative that Thailand prepare itself for technological advances by systematic management of existing bodies of knowledge and the creation and development of new bodies of knowledge (NESDB, 2007:ii).

In the context of strengthening the knowledge base of the country, the Plan stresses "the importance of highly knowledgeable people for the competitive capacity of the country" and states that "Thailand must pay attention to measures that support Thai workers moving overseas, measures that attract foreigners to work in the country, and measures to deal with the consequences that may arise, especially [e]ffects on the health security of people and the safety of life and property". The Plan also raises the fear of brain drain by stating "the movement of skilled and trained labour to countries with higher returns represents a threat" (NESDB, 2007: ii).

The Tenth Plan recommends five broad strategies for handling complex changes that occur with globalization but the elaboration of these strategies does not explicitly mention either international or internal migration. The strategy "for development of human quality towards a knowledge-based and learning society" does not mention the potential role of international migration while the section on promotion of peaceful coexistence in society refers only to the rights and duties of citizens. Similarly, the strategy to reform the structure of the economy for balance and sustainability, while calling for efficient production and enhancing the value of

production on a basis of knowledge, makes no mention of how international or internal migration might affect these goals (NESDB, 2007:xi). Thus, while international migration is explicitly addressed in identifying the most significant global changes that Thailand will confront during the period of the Plan, neither internal nor international migration is incorporated in the proposed strategies for dealing with those changes.

It remains to be seen whether the Eleventh Plan 2012-2016, which focuses on three main targets - promoting a just society, strengthening economic and security cooperation, and managing natural resources and the environment towards sustainability - will be more effective in addressing migration issues.

| Potential for migration policy to enhance contribution of migration to achievement of national development objectives

Although international migrants constitute a significant share of the labour force in Thailand, their economic contribution is modest because most have low-wage paying jobs and many work in occupations with low levels of added value, such as agricultural and domestic work. The approximately 3.1 million migrants working in Thailand (see chapter 1) comprise about 8 per cent of the labour force but most economic studies have concluded that migrants account for only about one per cent of gross domestic product (see chapter 3).

Economic analysis indicates that migrant workers lower the wages for Thai workers only marginally. This could possibly be attributed to labour market segmentation. The economic benefits of labour migration accrue to the employers and to the migrants themselves but not to Thai workers. A topic that has not been given adequate attention is the economic magnitude of the migration industry itself. A vast network of recruiters, brokers, transport workers and persons handling the remittances has developed to make arrangements for and provide services to the more than three million foreigners working in Thailand.

Analyses of the effects of migration on the Thai economy have for the most part narrowly focused on the wages earned by migrant workers and have only recently begun to consider migration's impact on the broader structure of the economy. Pholphirul (chapter 4) suggests that relying on low-paid migrant workers may be problematic for long-run development because it lowers productivity, investment in research and development, and the incentive to train workers. Employing migrants with few skills at low wages can divert the country away from the goal of achieving a knowledge-based economy.

Punpuing (chapter 6) examines the interrelationships among migration, the environment and the economy. She notes that a lot of economic growth has been supported by internal migration to Bangkok and industrial estates near Bangkok and at the Eastern Seaboard, but that the nature of this development has led to environmental degradation. She also points out that not enough is known about the role of environmental degradation in causing out-migration from rural areas. Extending Punpuing's analysis, one could argue that there exists a strong relationship between migration and the environment because the forms of development that are the most harmful to the environment, such as seafood production, industrial estates, plantation agriculture and perhaps tourism, all rely heavily on both internal and international migrant workers.

In addition to the economic aspects of migration in Thailand, international migration has raised a number of social issues, including access to health care, the situation of migrant children and gender aspects of migration. More complex issues, such as statelessness of migrants and their integration (or lack of) in the host society are also emerging and the Government of Thailand is only beginning to confront them. In order to realize migration's potential contribution to the development of Thailand and for migrants to fully benefit from it, Government policies aimed at resolving many of the social issues must be initiated.

Baker (chapter 7) observes that three major policy issues exist in ensuring quality health services for migrants: how to pay for the system; how to ensure migrants can access the health system; and how to improve the quality of services migrants receive. He argues that migrant health should not be viewed only as

a cost but that it should be seen as an investment, owing to the sizeable contribution that migrants make to the Thailand economy.

International migrant children in Thailand comprise those in highland populations, the children of migrant workers and displaced persons. Jampaklay (chapter 8) cites an estimate by the International Labour Organization (ILO) that there are about 377,000 such migrant children in the country, of whom the vast majority are in an irregular immigration status. Because low-skilled migrant workers are not authorized to bring dependents with them, most of the migrant children in Thailand have no formal access to health care. While all children in Thailand have the right to attend school, irrespective of their immigration status, only a small proportion of migrant children are enrolled in Thai schools. Many more study in learning centres of varying quality operated by non-governmental organizations (NGOs), and many of the older children work, but only those at least 15 years of age may apply for a formal work permit.

International migration and employment patterns often differ considerably between men and women. Much of the difference results from occupational segregation, whereby male migrants in Thailand largely work in agriculture, construction or on fishing boats and female migrants are more likely to be employed as domestic workers, in factories, or in seafood processing plants. The working conditions, vulnerabilities and wages differ according to type of job but most policies affecting migrants in Thailand remain gender-blind and do not provide adequate protection to either male or female migrants (chapter 9).

Thailand does not have a comprehensive migration policy that incorporates most forms of in- and out-migration. The separate policies that pertain to different types of in-migration are all premised on the assumption that such migration is temporary in nature. Work permits for migrant workers are mostly valid for only one year and must be renewed. Displaced persons from Myanmar are considered to be fleeing fighting and are provided with “temporary shelters”. Much of the ethnic minority population in Thailand remains unregistered or restricted to the province of residence.

The reality, however, is that many of the in-migrants to Thailand have stayed for long periods of time and are not prepared to return to their country of origin voluntarily. A survey covering 3,387 migrant workers conducted in 2008 by the Institute for Population and Social Research (IPSR), Mahidol University found that their (weighted) average duration of stay in Thailand was 5.3 years and that the average for migrants in Chiang Mai and Tak Provinces was 9.0 years. Among married female migrants from Myanmar, 75.5 per cent had delivered their most recent birth in Thailand (Chamrathirong and Boonchalaksi, 2009:99 & 184).

There were already 92,505 displaced persons in “temporary shelters” along the Thailand-Myanmar border at the end of 1995 (Huguet and Punpuing, 2005:11), meaning that many displaced persons have resided in Thailand for more than 15 years. Although many villages of ethnic minorities remain unregistered, some have been in Thailand for decades and most of their residents were born in Thailand.

The chapters in this volume covering the topics of government policies (chapter 2), human rights (chapter 5), displaced persons (chapter 10), and integration and citizenship (chapter 11) make clear that migration policy-making in Thailand has been fragmented and has not achieved many of its objectives. Because migration policies have often been framed in a context of national security, they have failed to permit migration to make a full contribution to national development.

The final chapter, and several others, in this volume make a number of specific recommendations concerning migration policy in Thailand. Those recommendations cannot be implemented effectively unless two fundamental changes are made in the way the government perceives in-migration to the country. The first change would require a realistic assessment of the situation of the main types of in-migration to recognize that most migrants will remain in Thailand for an extended period, if not permanently. The second shift in perceptions would require that the developmental potential of migration be given greater weight in policymaking and that national security aspects be de-emphasized.

The implications of these two fundamental shifts in perception would entail: (a) devising mechanisms by which more migrant workers, both the highly skilled and low-skilled, would be permitted to stay for more than a year at a time; (b) promoting some degree of integration of displaced persons in the local economy; and (c) regularizing the situation of ethnic minorities who have lived in Thailand for a long period and removing restrictions on their travel and employment.

Migration has great potential to contribute to the country's robust and resilient economic and social development, particularly, as the Thai labour force stabilizes and begins to decline. However, in order to realize its full potential, fundamental changes in the way migration is perceived and managed need to take place.

References

- Chamrathirong, A. and Boonchalaksi, W
2009 *Prevention of HIV/AIDS Among Migrant Workers in Thailand Project (PHAMIT): The Impact Survey 2008*, Nakorn Pathom, Thailand, Institute for Population and Social Research, Mahidol University.
- Huguet, J. W. and Sureeporn, P.
2005 *International Migration in Thailand*, International Organization for Migration, Bangkok.
- National Economic and Social Development Board (NESDB)
2007 “The Tenth National Economic and Social Development Plan (2007-2011)”, available online at www.nesdb.go.th/Default.aspx?tabid=402, accessed 15 March 2011.
- National Statistical Office
2008 “Children and Youth Survey 2008” National Statistical Office, Bangkok.
- Sciortino, R. and Sureeporn, P.
2009 *International Migration in Thailand 2009*, International Organization for Migration, Bangkok.
- United Nations Department of Economic and Social Affairs/Population Division
2009 *World Population Prospects: The 2008 Revision, Volume I: Comprehensive Tables*, United Nations, New York.
- United Nations Inter-agency Group for Child Mortality Estimation
2010 *Levels & Trends in Child Mortality Report*, available online at http://www.childinfo.org/files/Child_Mortality_Report_2010.pdf, accessed 15 March 2011.
- World Bank
2011 Data available online at <http://data.worldbank.org/country/>, accessed 15 March 2011.



Chapter 1

Thailand Migration Profile

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As a middle-income country, Thailand is concurrently the origin and destination of large numbers of international migrants. It also serves as a country of transit for asylum-seekers, victims of trafficking and irregular migrants. With a dynamic economy, there is a great deal of internal migration as well, including circular and seasonal migration.

The nature of economic development in a more globalized world has strengthened the role of international migration in the economy of Thailand and other countries. Income disparities among countries have generally widened so that there is a stronger incentive to migrate. A number of features of economic development in Thailand have stimulated international migration. Much of the manufacturing sector is financed by foreign direct investment, often spurred by tax incentives offered by the Board of Investment (BOI). Foreign companies are permitted to bring in high-level managers and technicians. When BOI privileges are extended to firms locating at the border, it is understood that they will have access to migrant workers.

Private recruitment and placement agencies have been established as both outbound and inbound international migration increased. These agencies not only facilitate but also promote international labour migration. Thailand has promoted international tourism as a development sector and in some years this sector is the largest earner of foreign exchange. With millions of persons encouraged to visit Thailand every year, a tourism infrastructure has evolved, which relies on a number of foreign specialists in the hospitality industry. This large-scale tourism has also resulted in a substantial number of persons residing in Thailand beyond the duration of their visa.

In recent years, the Government of Thailand has promoted the country as a centre for medical care (so-called medical tourism) and secondary and tertiary education as well as a place for retirement. These areas have, consequently, contributed to the increase in international migration.

In order to provide some conceptual structure to these varied forms of international movement, a typology of international migration could be proposed, as follows:

- Professional and skilled workers
 - Registered + dependents
 - Irregular + dependents
 - Valid visa but no work permit
 - Visa overstayers
 - Diplomats and officials + dependents
- Low- and semi-skilled workers
 - Registered
 - Irregular + dependents
- Community migrants
 - Highland population
 - Other communities from nearby countries

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Part One : Migrants and Migration Policies in Thailand

- Refugees, displaced persons and asylum-seekers
 - Camp population near Myanmar border
 - Asylum-seekers from other countries
- Students
- Marriage and retiree migrants

Before describing in more detail the situation with regard to each category of migrant in the typology, a few key points need to be made. The typology refers specifically to international migration to Thailand. In principle, it may also be applied to out-migration from Thailand but there are no Thai community groups, that have moved as communities to other countries and the number of Thai refugees is negligible. Were such a typology developed for most countries, it might begin with the categories, “Permanent migrants” and “temporary migrants”. In Thailand, however, the number of persons who become naturalized citizens or permanent residents is negligible. Essentially all of the migrants to Thailand are considered to be temporary. The only exceptions are the community migrants who are granted permission to stay or who receive citizenship status.

Conceivably, the category of refugees and asylum-seekers could be expanded to cover all forced migration, including migration caused by natural and man-made disasters or by such development projects as construction of infrastructure or slum clearance that force people to leave their homes. To date, however, these other forms of forced migration have been insignificant in Thailand.

It should also be recognized that the migration typology is arbitrary in some ways. The distinction between skilled and semi-skilled may be more administrative than actual. As an example, because Thailand issues work permits to low-skilled migrants only from Cambodia, the Lao People’s Democratic Republic and Myanmar, an irregular migrant worker from any other country is likely to be considered a skilled worker. Foreigners who are in primary or secondary school may be considered dependents of other migrants rather than international students.

Because victims of trafficking may be recognized as such under Thai law, it could be argued that they should constitute a separate category in the migration typology. Conceptually, however, victims of trafficking could be found in any of the other categories (although they are unlikely to be students or retirees).

Administratively, some persons who are born in Thailand are classified as international migrants. Children born in Thailand to migrant workers, displaced persons or unregistered highland populations are normally treated in the same category as their parents although technically they are not migrants.

Some discussion of the term “irregular migrant” is required. In this report, the term refers to foreigners whose immigration or work status is not authorized. There are a number of ways that migrant workers can enter an irregular status:

- they may enter the country clandestinely or without approval;
- they may enter the country with a valid document, such as a visa or day-pass, but stay longer than permitted;
- they may be in the country legally but working without permission;
- they may have been working with permission but their status has changed, as when the work permit expires or the migrant changes employers.

The terms “undocumented” or “unauthorized” are also commonly used but are less accurate because many migrants in an irregular status are documented (such as visa overstayers). The term “unauthorized” can also be ambiguous because, for example, students or retirees who work are authorized to be in the country, although not to be employed. Some migrants who are authorized to work may be working for a different employer than the one specified on their permit. Persons in temporary shelters along the Myanmar border often work outside the camp, contrary to regulations but with tacit authorization of the authorities.

Thai immigration law considers irregular migrants as “people entering Thai territory illegally”, which includes some ethnic minorities, most migrant workers, the stateless, victims of trafficking and refugees. Thus, when discussing “irregular migration” some definition or degree of specification is required. The concept of irregular migrant is also made ambiguous because of the many steps required by migrant workers to become regularized. As described in the following chapter, an irregular migrant must apply for nationality verification (NV), be approved by the government of the country of origin, then apply for and receive a Thai work permit. As there are migrant workers currently at each of these stages of the process, are they to be considered to be in a regular or irregular status?

In-migration

Table 1.1 provides official figures for the foreign population living and working in Thailand as of late 2009 or 2010.

Table 1.1. | Estimated foreign population residing and working in Thailand, approximately end of 2009

Category	Stay	Stay and work
Professional, skilled and semi-skilled workers ^{a b}		
• Foreigners with work permits		100,338
• Diplomats and officials		6,148
<i>Subtotal</i>		<i>106,486</i>
Other temporary stay ^a		
• Stay with Thais	14,946	
• Stay with Thai wife	11,381	
• Stay with resident families	1,098	
• Retirement	28,509	
• Others (including medical treatment and study)	65,175	
<i>Subtotal</i>	<i>121,109</i>	
Tourist and transit visa extension and visa changes ^a	92,014	
<i>Subtotal</i>	<i>92,014</i>	
Students		
• Higher education (2010)	19,052	
<i>Subtotal</i>	<i>19,052</i>	
Other regular ^c		
• Residents awaiting nationality		233,811
• Born in Thailand to non-national parents		69,799
• Previously undocumented persons		210,182
<i>Subtotal</i>		<i>513,792</i>
Undocumented expatriates		
• Persons overstaying visas, 2007 ^d		65,558
<i>Subtotal</i>		<i>65,558</i>
Refugees and asylum-seekers ^e		
• Registered in official camps (December 2010)	95,330	
• Unregistered and other categories	45,746	
<i>Subtotal</i>	<i>141,076</i>	
Migrants from Cambodia, Lao PDR and Myanmar		
• Regular new entrants under MOU (end 2010) ^f		78,686
• Entered or completed NV process (end 2010) ^f		932,255
• Unregistered and family members ^c		1,444,803
<i>Subtotal</i>		<i>2,455,744</i>
Total	373,251	3,141,580
Overall total		3,514,831

^a Data provided by Immigration Bureau. ^b Includes dependents. ^c See chapter 11.

^d Scioritino and Punpuing (2009:16) ^e See chapter 10 ^f Data provided by Ministry of Labour.

^g UNESCO, table 18, International flows of mobile students at the tertiary level, <http://stats.uis.unesco.org/TableViewer.aspx>, accessed on 8 August 2022

As of March 2010, 100,338 professional and skilled foreign nationals held work permits in Thailand (table 1.2). Japanese, by far, topped the list of foreign groups in Thailand with work permits with 23,060 in total. Foreigners from China, India, the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America, were high on the list, holding between 6,800 and 8,500 work permits for each country. Nearly two thirds of the work permits for foreign nationals were for senior officials and managers and nearly one fourth were for professionals. While 77 per cent of work permits held by Japanese nationals were for senior officials and managers, a majority of those held by Filipinos and Americans were for professionals, many of whom worked in the education sector.

By industry, 30 per cent of the work permits for foreign nationals were in manufacturing, 16 per cent were in education and 15 per cent were in trade (data not shown in table 1.2). A majority of the work permits held by Japanese were in industry. In contrast, 59 per cent of those held by Filipinos were in the education sector.

Diplomats and foreign officials in international organizations, and their dependants, are not required to obtain work permits but hold permits to stay in the country.

The Bureau of Immigration estimated that at the end of 2007 (the most recent date for which data have been made available) there were 65,558 persons from some 190 countries staying in Thailand beyond the expiration date of their visa, and it is assumed that virtually all of them are employees or are operating their own businesses (Sciortino and Punpuing, 2009:16).

As elaborated upon in the following chapter, the Government of Thailand has taken a number of initiatives to regularize the in-migration of low-skilled workers, including issuing work permits to workers who were already in the country from Cambodia, Lao People's Democratic Republic and Myanmar, if they applied, obtained medical clearance and paid the requisite fees.

The Government has also signed Memoranda of Understanding (MOUs) with the three neighbouring countries for the formal recruitment of migrant workers. The MOU with the Lao People's Democratic Republic was signed in October 2002, that with Cambodia was signed in May 2003 and that with Myanmar was signed in June 2003. By the end of 2010, a total of 25,207 workers had been recruited from the Lao People's Democratic Republic and 51,966 had been recruited from Cambodia. The MOU with Myanmar had only recently become operational, with only 1,513 migrant workers recruited from that country. The relatively small number of workers entering Thailand through the MOU process is probably due to the fees, many administrative steps and time involved in the process.

Table 1.2. | Number of foreigners holding work permits for professional and skilled occupations by nationality, March 2010

Occupation	Total	Nationality						
		Japan	United Kingdom	China	India	Philippines	United States	Others
All occupations	100,338	23,060	8,481	8,414	8,047	7,052	6,838	38,446
Senior officials and managers	64,586	17,681	4,792	4,482	6,452	1,271	3,040	26,868
Professionals	23,920	2,471	3,053	2,478	839	5,114	3,453	6,512
Technicians and associate professionals	7,099	2,155	409	895	398	470	233	2,539
Clerks	1,439	288	125	86	63	100	53	724
Service and sales workers	1,313	186	42	160	175	42	21	687
Skilled agricultural and fishery workers	33	5	1	1	0	1	1	24
Craft and related trades workers	675	109	20	143	69	10	9	315
Plant and related operators	721	152	33	153	38	20	23	302
Elementary occupations	322	5	3	8	3	3	3	297
Trainees	230	8	3	8	10	21	2	178

Source: Department of Employment, Ministry of Labour. Calculated by summing data from table 5 on general workers (according to Article 9 of the Alien Employment Act, 2008) and table 9 on workers permitted by agreements with the Board of Investment (Article 12).

Because the formal recruitment of migrant workers through the MOU process was relatively ineffective, the Government of Thailand decided that migrants from the three neighbouring countries who were already in Thailand could be regularized and become eligible to obtain a work permit if their nationality was verified by the Government of the country of origin. After several delays and extensions of deadlines, migrants were required to have applied for NV by the end of February 2010 and had two years to complete the process. Table 3 indicates the progress of nationality verification as of December 2010. Between the beginning of the NV process in 2006 and the end of February 2011, a total of 550,003 migrant workers had completed the process – 103,826 from Cambodia, 93,429 from Lao People's Democratic Republic and 352,748 from Myanmar. As of February 2011, of those yet to complete the NV process, 396,234 migrants had renewed their work permits and were thus still eligible to complete NV by the February 2012 deadline (IOM, 2011).

Table 1.3. | Status of nationality verification (NV) as of December 2010

Nationality	Number of migrants eligible for NV in Feb. 2010	Number who completed the process as of December 2010	Number who had not completed NV process by December 2010
Cambodia	56,479	45,417	11,062
Lao People's Democratic Republic	62,792	34,999	27,793
Myanmar	812,984	308,090	504,894
Total	932,255	388,506	543,749

Source: Data provided by Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand.

Of the estimated 1.3 million low-skilled migrants from Cambodia, the Lao People's Democratic Republic and Myanmar in Thailand in 2009 and 2010, a total of 274,000 did not apply for the NV process. Some of them may intend to return home and others likely intend to remain in Thailand in an irregular status. More than one million migrant workers (including those who have entered through the MOU process) are working in Thailand and have either been regularized or are recognized to have entered the process to be regularized. As Hall notes in the following chapter, however, many of those who have entered the NV process have submitted false information so some proportion of the 544,000 migrants who had not yet successfully completed the process as of December 2010 will not be able to do so. However, the Government of Thailand has recently announced that it will open a new registration for migrant workers in the country, beginning in June 2011, giving irregular migrant workers a renewed opportunity to regularize their status.

It must also be recognized that the actual number of migrants from the three neighbouring countries may be considerably larger than the 1.0 million estimated by the Ministry of Labour because many of them have never registered with Thai authorities. At the end of 2007, the Ministry of Labour estimated that there were 1,936,346 migrants from those countries in Thailand (Sciortino and Punpuing, 2009:16). That could well be a conservative estimate and there is no reason to believe that the number has decreased since then. The Ministry of Interior (MOI) estimates that there is a total of 2.46 million low-skilled migrants from the three neighbouring countries, of whom 1.4 million are unregistered (table 1.1).

Among the 1.3 million migrants from three neighbouring countries who held work permits for low-skilled employment at the end of 2009, a total of 82 per cent of them were from Myanmar (table 1.4). Forty-five per cent of those migrant workers were women, including a majority of those from the Lao People's Democratic Republic. Migrants work in a range of low-paying and difficult jobs. Fifteen per cent of them work on fishing boats or in seafood processing, 17 per cent work in agriculture, 17 per cent in construction, 8 per cent in domestic employment and 43 per cent in a range of other businesses.

There is no way to estimate the number of migrants from the neighbouring countries who are not of labour force age. In 2004, MOI carried out a registration, without a fee, of migrants in an irregular status. At that time, 1.28 million migrants registered and 103,082 of those were not of labour force age – 93,082 were below age 15 and 10,000 were above age 60 (Huguet and Punpuing, 2005:37). The International Labour Organization (ILO), in a report cited by Aree Jampaklay in the chapter of this volume on migration and

children, estimates that there were 376,845 children of migrants and migrant children below the age of 18 years in Thailand as of 30 October 2008.

Because the borders of Thailand are often mountainous and not clearly demarcated, highland populations and other community groups have historically crossed them with little regard for their official status. Thaweesit and Napaumporn, in their chapter in this volume, cite data from MOI that indicate that in 2009, a total of 233,811 persons residing in Thailand were awaiting nationality status. It also showed that there were 69,799 children born in Thailand to ethnic minority parents and 210,182 persons who were previously undocumented but recently identified in a survey.

Table 1.4. Registered migrant workers in Thailand from Cambodia, the Lao People's Democratic Republic and Myanmar, by type of work, nationality and sex, December 2009

Type of work	Total three nationalities	Nationality								
		Cambodia			Lao People's Democratic Republic			Myanmar		
		Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	1,314,382	124,761	78,945	45,816	110,854	52,980	57,874	1,078,767	591,370	487,397
Fishing	56,578	14,969	13,208	1,761	1,800	1,153	647	39,809	34,496	5,313
Seafood process.	136,973	6,020	3,044	2,976	1,180	629	551	129,773	60,477	69,296
Agriculture	221,703	24,085	15,141	8,944	18,035	11,355	6,680	179,583	110,441	69,142
Construction	220,236	32,465	21,502	10,963	12,635	8,469	4,166	175,136	112,204	62,932
Agric. process,	65,305	6,635	3,930	2,705	3,677	2,209	1,468	54,993	35,408	19,585
Meat processing	8,852	442	296	146	792	478	314	7,618	4,877	2,741
Recycling	13,172	2,215	1,365	850	1,360	906	454	9,597	6,007	3,590
Mining, quarrying	1,843	61	40	21	35	20	15	1,747	1,210	537
Metal sales	12,556	995	738	257	2,191	1,479	712	9,370	6,617	2,753
Food sales	54,225	4,483	2,262	2,221	13,074	4,833	8,241	36,668	19,378	17,290
Soil business	5,879	689	432	257	322	212	110	4,868	2,871	1,997
Const. materials	11,441	1,003	673	330	1,296	871	425	9,142	6,337	2,805
Stone processing	3,543	229	153	76	263	188	75	3,051	2,021	1,030
Garment business	49,501	1,739	673	1,066	6,121	2,738	3,383	41,641	16,993	24,648
Plastic business	16,954	1,341	782	559	2,673	1,534	1,139	12,940	8,064	4,876
Paper business	2,569	139	81	58	399	239	160	2,031	1,256	775
Electronics	2,595	152	93	59	342	198	144	2,101	1,358	743
Transport	9,596	2,502	1,726	776	601	393	208	6,493	4,431	2,062
Trade	42,814	4,778	2,895	1,883	7,565	3,994	3,571	30,471	18,604	11,867
Car repair & serv.	5,631	376	261	115	1,276	865	411	3,979	2,839	1,140
Fuel and gas	3,439	281	170	111	777	518	259	2,381	1,554	827
Education, foundations, assoc.	837	36	20	16	67	26	41	734	320	414
Household	129,790	6,578	1,422	5,156	21,267	3,227	18,040	101,945	16,977	84,968
Other	238,350	12,548	8,038	4,510	13,106	6,446	6,660	212,696	116,630	96,066

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Statistics on Foreigners Obtaining Work Permits during 2009 (Bangkok, Ministry of Labour, 2010).

Table 1.5. Number of workers deployed, by destination, 2010

Destination	Males	Females	Both sexes
Total	121,168	22,627	143,795
Middle East and Africa	37,131	2,969	40,100
Israel	7,655	481	8,136
Libyan Arab Jamahiriya	8,087	3	8,090
Qatar	5,945	136	6,081
United Arab Emirates	7,409	899	8,308
Other	8,035	1,450	9,485
Asia	73,807	15,010	88,817
Brunei Darussalam	3,148	577	3,725
Hong Kong, China	82	2,929	3,011
India	2,787	396	3,183
Japan	4,059	2,043	6,102
Malaysia	2,467	1,163	3,630
Republic of Korea	8,869	1,225	10,094
Singapore	12,264	455	12,719
Taiwan Province of China	35,387	5,540	40,927
Other	4,744	682	5,426
Europe	6,803	2,925	9,728
Finland	1,599	353	1,952
Sweden	2,913	416	3,329
Other	2,291	2,156	4,447
Americas	1,996	1,372	3,368
Pacific	1,431	351	1,782
New Zealand	671	312	983
Other	760	39	799

Source: Data provided by Thailand, Ministry of Labour, Department of Employment.
Note: Includes both new deployments and contract renewals, labeled "re-entry".

Out-migration

Thailand has deployed through official channels approximately 150,000 migrant workers a year since 1999. The number deployed in 2010 was 143,795 (table 1.5). Sixty-two per cent of the migrant workers were deployed to economies in Asia, and 28 per cent were deployed to the Middle East and Africa. Only 16 per cent of the deployed workers were women.

The Thailand Ministry of Foreign Affairs (MOFA) requests its Embassies and Consular Offices abroad to estimate the number of Thai nationals residing in other countries and areas. A compilation of those estimates indicated that 1,006,051 Thai persons were residing abroad at the beginning of 2010 (table 1.6). By far the largest number, 282,000, were in the United States of America, followed by 140,581 in Germany and 67,600 in Taiwan, Province of China. There were between 40,000 and 50,000 Thai nationals residing in each Japan, the Republic of Korea, Singapore and the United Kingdom of Great Britain and Northern Ireland. It should be noted that MOFA also compiles the number of Thai nationals eligible to vote from overseas in Thai elections. Those figures are roughly consistent with the statistics presented in table 6 for most countries but large discrepancies appear in a few cases. For example, the estimated number of Thai eligible voters in Germany is only 54,391, compared with the estimate of 140,581 Thai residents. While table 6 indicates that 28,286 Thai nationals reside in Malaysia, the estimated number eligible to vote is 58,182. Similarly, the table indicates that there are 30,000 Thai nationals resident in Australia but the estimated number of eligible voters is 55,000.

Table 1.6. Estimated number of Thai persons residing in other countries at the beginning of 2010

Country or area	Number
Total	1,006,051
United States of America	282,000
Germany	140,581
Taiwan Province of China	67,600
Japan	49,609
Singapore	45,000
Republic of Korea	43,865
United Kingdom	40,000
Sweden	32,000
Australia	30,000
Malaysia	28,286
Israel	26,000
Libyan Arab Jamahiriya	23,000
New Zealand	22,353
Switzerland	22,000
All others	153,757

Source: Statistics provided by the Thailand Ministry of Foreign Affairs.

Internal migration

Internal migration has long been a common response to land pressure, economic crisis and/or opportunity, and the seasonal nature of rice cultivation in Thailand. Census data (table 1.7) show that the percentage of the population who are lifetime migrants has gradually increased from 11 per cent in 1960 to 17 per cent in 2000, while five-year migrants have increased from about 4 per cent of the population to 6 per cent over the same period.

Table 1.7. Census data on the percentage of the population who are lifetime migrants (living in a different province than that of their birth) and who are five-year migrants (having moved in the past five years)

	1960	1970	1980	1990	2000
Lifetime migrants	10.8	13.1	14.1	13.9	16.8
Five-year migrants	3.6	5.9	4.1	5.1	6.3

Source: National Statistical Office (NSO)

The National Statistical Office has conducted a migration survey since 1997, and since 2005 it has been conducted annually. As seen in table 1.8, one-year migrants (who live in a different community than they did one year ago) have declined from a peak of 4.6 per cent of the population in 2002 to less than 3.0 per cent in 2008 and 2009.

Table 1.8. Migration survey data on the percentage of the population who are living in a different location than they did one year ago

	1997	2002	2004	2005	2006	2007	2008	2009
One-year migrants	3.6	4.6	4.3	3.7	3.3	3.2	2.8	2.7

Source: National Statistical Office (NSO)

These long-term migration patterns have resulted in regional shifts in the population as well as increasing urbanization. As seen in table 9, the North-east has seen a net loss in population for decades, as has the North to a lesser extent. While Bangkok was the main area gaining migrants through 1990, by 2000 the Central region was gaining at a much higher rate.

Table 1.9. Net gain or loss by region from Census 5-year migration (thousands)

Region	1965 - 1970	1975 - 1980	1985 - 1990	1995 - 2000
Bangkok Metropolis	64.5	212.3	365.9	134.7
Central (excluding Bangkok Metropolis)	-11.2	-5.8	293.4	671.0
North	-3.2	-23.9	-89.3	-71.6
North-east	-47.6	-181.3	-553.7	-369.7
South	-2.5	-1.3	-16.3	57.9

Source: National Statistical Office (NSO)

Growth in the Central region in recent years is due to high growth in Bangkok's periphery. The National Economic and Social Development Board projects the Bangkok periphery to be growing at 2.25 per cent per annum in 2010, while Bangkok itself is growing at 1.1 per cent. At the same time, other urban areas are now growing faster than Bangkok (1.6 per cent annually).

It should be remembered that Census data underestimate migration, as they do not include those who migrated for a shorter period (such as an agricultural season) and returned. The National Migration Survey, conducted in 1992, found that 22.0 per cent of the population had moved elsewhere for one month or more in the past five years (Chamrathirong et al., 1995). Like the Census, the migration survey of NSO asks where the respondent lives now in relation to where they lived one year ago, and is normally conducted during the wet season when seasonal migrants normally return home. In 2009, however, the Survey was conducted during the dry season in order to gauge the impact of the 2008 economic crisis. At that time 73.9 per cent of rural migrants said that their most recent migration was to return home, an increase over the 66.4 per cent from who said this in 2008. This finding provides evidence that return migration is a common response in times of economic contraction (Boonyamanond and Punpuing, 2010).

References

- Boonyamanond, S. and Sureeporn, P.
2010 "The global financial crisis: impact on internal migration in Thailand", discussion paper for UNDP.
- Chamrathirong, A., Archavanitkul, K.; Richter K., Guest P., Boonchalaksi, W., Piriathamwong, N. and Vong-Ek, P.
1995 *The National Migration Survey of Thailand*. Mahidol University. Institute for Population and Social Research, no.188.
- Huguet, J. W. and Sureeporn, P.
2005 *International Migration in Thailand*, IOM, Bangkok.
- International Organization for Migration
2011 "Migrant Information Note", issue no. 10, April, IOM, Bangkok.
- Sciortino, R. and Sureeporn, P.
2009 *International Migration in Thailand 2009*, IOM, Bangkok.
- Thaweessit, S. and Bongkot, N.
2011 "Integration of minorities in Thailand", chapter 11 in this volume.



Chapter 2

Migration and Thailand: Policy, Perspectives and Challenges

Andy Hall¹

In the early 1980s, as Thailand continued to move from an agricultural to a more labour-intensive export-oriented economy, rural Thais migrated to Bangkok and surrounding areas in greater numbers to undertake work. Skilled labour was required to support the rapid economic growth, which was accelerated by a sharp increase in foreign direct investment. This, in turn, created demand for non-Thais to fill the gaps in the workforce. Given the political and economic malaise in Myanmar, refugees and migrants entered Thailand during the 1980s. With the addition of the entry of Cambodian and Lao migrants, and given absorption by an economy experiencing low-skilled labour shortages, Thailand moved from being a net exporter to a net importer of migrants by the late 1980s (Huguet and Punpuing, 2005a; Sciortino and Punpuing, 2009).²

In the aftermath of the 1997 regional economic crisis, Thailand's economy bounced back, and the crisis had only a short-lived and minimal effect on migration into the country. The economy grew into the twenty-first century and demand for migrants likewise increased as unemployment declined and labour markets tightened. As migrants became a more permanent feature of Thai society, a generation of stateless migrant children that had not obtained citizenship emerged as a pressing issue. Internal migration continues to be strong in Thailand but the mass rural to urban movements of the 1980s have slowed (Chamratrithong, 2007; Huguet and Punpuing, 2005; Sciortino and Punpuing, 2009).

Thailand's development policies are directed towards transitioning to a knowledge-based economy to remain competitive in the global markets. However, the short-term advantage of utilizing the surplus of low-skilled labour entering from neighbouring countries in labour-export industries as well as the skills mismatch between the requirements of a creative economy and existing education strategies in Thailand is slowing the transition (Rukumnuaykit, 2009; Vasuprasat, 2010). As low-skilled labour shortages continue and the Government of Thailand allows more hiring of migrants from neighbouring countries, including in companies supported by Board of Investment (BOI) incentives since September 2010, debates on migration policies in Thailand remain crucial. Around two million migrants in Thailand continue to contribute to growth, development and social and ethnic diversity but significant challenges in managing migrant flows linger. Negative effects from the country's migration management with regard to Thailand's development, economy and migrants themselves are now increasingly evident.

A holistic migration policy for Thailand should be promoted at this time given that the existing policies of the Government of Thailand have generally been short term and reactive. Migration policies can be considered holistic when they are developed alongside careful research and consideration of social and economic development plans, demographic realities, labour shortages and the wider global market trends. In addition,

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² Structural factors explain large-scale low-skilled migration into Thailand during the 1990s, including the opening of borders to increased movement of people and trade within the Greater Mekong Subregion (GMS); increasing demographic deficits; low unemployment and tight labour markets in Thailand as a shift to an ageing society began while neighbouring countries remained youthful with surplus labour and unemployment; extended education opportunities for Thais and a shift to non-agricultural and service-based work; widening disparities between Thailand and its neighbours in terms of development and poverty reduction; and a development of migration networks and institutions.

a holistic migration policy should be based, as much as possible, on a longer term perspective with national security, economic imperatives and human security equally prioritized.

This chapter summarizes recent migration policy developments in Thailand, with an emphasis on low-skilled in-migration, given that this accounts for the majority of all migration into and out of Thailand.³ The policies of the Government of Thailand to manage low-skilled in-migration since the 1990s are mapped out, followed by a brief discussion of highly skilled in-migration and internal migration. The most pressing issues that have emerged after analysing the Government's migration policies are then fleshed out and evaluated.

Government of Thailand Policies for managing low-skilled in-migration

Stage one: acknowledging irregular migrants and piecemeal migration management

In the 1990s, Thailand began to acknowledge the presence of low-skilled migrants from the neighbouring countries of Cambodia, the Lao People's Democratic Republic and Myanmar within its borders (Martin, 2004:18).⁴ However, at this time of rapid economic development and low-skilled labour shortages, restrictive employment laws disallowed low-skilled migration (Archavanitkul, 2010:1). Smuggling networks flourished to fill the gaps created by the absence of legal labour import alternatives and increasing market demand for low-skilled workers. Such networks were able to operate with ease due to the porous borders, ineffective interception and indirect support from some officials (Chalamwong, 2008:3).⁵

Since the early 1990s, undocumented migrants and their employers have utilized an almost yearly amnesty programme. Reflecting tension with regard to national security concerns, economic necessity and employer demand, this quasi-regularization of migration by means of Cabinet resolutions allows "illegal" workers to register legally to work for one to two years as "labourers" or as "domestic servants". However, once registered, from an immigration point of view, a worker's status remains "illegal, pending deportation" due to illegal entry. Cabinet resolutions restricted registrations by province, work sector or quota but by 2001, all provinces and most sectors could utilize low-skilled migrants. Since 2004, in recognition of the increasing number of children born to migrants, registration of dependents has been granted intermittently (Chalamwong, 2003:357; Hugué and Punpuing, 2005; Sciortino and Punpuing, 2009:55).

Migrant registration openings usually last 30 days, and are restricted to those who had registered previously. The ineffectiveness of this process is apparent by data which show plummeting registration figures and increasing numbers of unregistered migrants. Migrants have dropped out of the registration process on the view that it was cumbersome, confusing and expensive or have not entered it because they had recently entered Thailand and were ineligible (Chantavanich et al., 2007:54). Migrants who have registered are limited to living in the province of registration in all but exceptional circumstances given their "illegal" status. In theory, registration provides migrants with better protection against arrest or extortion as well as rights protection and access to health services and limited social security. Lack of access to rights accorded in practice to these registered workers, lack of enforcement against unregistered workers and employers and harassment by officials continue to make incentives to regularize weak. Underground work has flourished

³ Numbers of migrants who enter Thailand irregularly to work and those irregular migrants already in the country working exceed numbers of regular migrants (chapter 1).

⁴ As Archavanitkul (2010:1) points out, low-skilled migrants from other countries such as Bangladesh, China or Viet Nam have not been permitted to work in Thailand.

⁵ When smuggled into Thailand, migrants fall victim to trafficking, deception, high costs and debt bondage as well as other human rights violations. Although some low skilled migrants may enter Thailand legally through border pass systems, many discard passes after entry or then link up with smuggling networks to ensure safe passage around checkpoints in border areas and a move to work further inside the country (Chantavanich et al., 2007:12; South China Morning Post, 2008).

and illegality and informality became endemic to migration management (Human Rights Watch, 2010:83; Hugué, 2008:11).

To respond to the low registration numbers, the Government of Thailand announced large migration amnesty programmes, particularly during the Thaksin Shinawatra administration (2001-2006). The amnesties, which until 2011 were most pronounced in 2001, 2004 and 2009, provided undocumented workers opportunities to register. More than 1.3 million migrants were registered on completion of the 2009 amnesty. Within a year of each of the amnesties however, work permit renewals plummeted as lessons of past registrations remained unaddressed, including the fact that many of the low-skilled migrants often change work and employers, which unless done legally according to complex regulations, results in their status becoming "unregistered"⁶ (Chantavanich et al., 2007:67; TDRI, 2009:20).

Stage two: towards a migrant regularization policy

With periodic registration processes continuing for low-skilled migrants, the Government of Thailand, with prodding from National Security Council (NSC), began discussions with neighbouring countries in 1999 on this matter. The discussions culminated in the signing of MOU (memoranda of understanding) on employment cooperation with Cambodia, the Lao People's Democratic Republic and Myanmar during 2002-2003. In 2003, NSC designated the Ministry of Labour (MOL) to lead in developing policies for legalization of irregular migrants. By early 2004, the MOL had prepared a strategy which was discussed with agencies, modified and approved (Hugué, 2008:5; Rukumnuaykit, 2009:10).

Two methods for legalizing irregular migration in Thailand were devised by 2004: (a) nationality verification (NV) of registered (but "illegal") workers already in Thailand to enable them to acquire a legalized status by means of temporary passports; and (b) import of workers directly from neighbouring countries with temporary passports. The registration of migrants already in Thailand would continue only until these two principal means of regularization were achieved. Despite a growing presence of dependents (particularly children) of migrants in the country, regularization was intended only for adult workers.

As part of the NV process, registered migrants needed to provide personal data to home countries for verification to receive a temporary passport or a certificate of identity, a visa to remain in Thailand for two years (extendable for two years before they must return home for at least three years) and a change of work status to legal. On completing NV, for which a deadline date of 28 February 2010 was originally set, migrants were to receive rights, including social security, work accident compensation, access to motorbike licences and unrestricted travel within Thailand and between Thailand and home countries. Procedures for the "import" of workers from neighbouring countries involved a plethora of agents, embassies and government departments (DoE, 2009; Vasuprasat, 2009).

Another policy to assist migrant regularization is the Alien Employment Act 2008 to regulate all migrants according to temporary legal⁷ or temporary illegal⁸ status. The formal regulation of low-skilled migrants completing NV or entering by way of the MOU process is provided for, while registered (but "illegal") migrants were still allowed to work in low-skilled sectors pending deportation. The Act is to be supplemented by regulations with lists of occupations migrants are allowed to work in, including low-skilled work, in accordance with guiding principles of national security, career opportunities for Thai persons, level of migrant labour necessary for growth and development and social impact (Archavanitkul and Vajanasara, 2009:xiii).

⁶ Thailand Cabinet resolution issued 19 January 2010

⁷ That is, those entering into the country legally as highly skilled workers as well as those low-skilled workers completing NV or entering legally under MOUs with Thailand's neighbouring countries (Section 9 Alien Employment Act 2008).

⁸ That is, both those illegal entries allowed to work pending deportation and those stateless or from minority groups not yet provided with Thai citizenship: Section 13 Alien Employment Act 2008.

The Alien Employment Act 2008 allows migrants to obtain work permits for longer periods (up to two years). The Act also introduced a levy to balance the use of migrants by employers in specific sectors and areas, provided the means for more flexibility in regulating seasonal and border contract work and cut registration fees in border provinces to apparently encourage migrants to stay in border areas (Archavanitkul and Vajanasara, 2009:4). Controversial provisions in the Act included a deportation fund to which all migrants must contribute through their employers. In addition, regulations related to the Act specified a reward scheme for informants who notify authorities about undocumented workers. It also permitted law enforcement officials to enter establishments suspected of hiring undocumented migrants from dawn to dusk without warrants and arrest anyone without proper documents. Punishments for breaching the Act were also increased when compared with past punishment provisions. Most of the Act remains unimplemented due to the delay in issuance of regulations required for it to take effect (Sciortino and Punpuing, 2009:21).⁹

Stage three: a rocky road towards implementing “regularization” strategies

In late 2008, the Government of Thailand announced plans to prioritize migrant regularization, particularly NV for documented migrants already working. As NV was applicable to registered migrants only, a May 2009 Cabinet resolution to maximize the numbers of workers entering the process allowed a final amnesty opportunity for undocumented migrants to register to work until 28 February 2010, which was also the deadline for completion of NV. Upon the completion of the three 2009 registration periods, 1,310,690 migrants had become eligible for NV (Cabinet, 2010a).

Negotiations between the Government of Thailand and Myanmar to prevent Myanmar migrants from having to return home to complete NV had been relatively unsuccessful over the years while the Governments of Cambodia and the Lao People’s Democratic Republic were amenable to sending officials to Thailand to carry out the process. It was not until the end of 2009 that NV of Myanmar migrants actually began, 3 years after the start of the process for Cambodian and Lao migrants. With the exception of Ranong in Southern Thailand where Myanmar has conducted NV since July 2010, many Myanmar migrants must still return to Myanmar to complete the process.

The Thai Prime Minister and Minister of Labour have both sought the opening of more Myanmar NV centres in Thailand during visits to Myanmar in October 2010 and January 2011, respectively, in order to speed up the NV process. Towards the middle of 2011, Myanmar hinted at plans to open two more NV centres during visits by its senior officials to the country. From 1 July 2011, Myanmar also extended the validity of its temporary passport from three to six years to ensure its workers could remain in Thailand at least the four years agreed upon in the MOU. Cambodia and the Lao People’s Democratic Republic started NV in 2006 with initial enthusiasm, but within a year the process halted only to begin again recently with increased speed and effectiveness.

As the 28 February 2010 NV deadline approached, very few migrants had completed the process, notably only around 10,000 from Myanmar. Rights groups petitioned the Government of Thailand to seek clarification of its policies and what the rights of 1.3 million documented migrants would be after 28 February 2010 (HRDF, 2010a). On 19 January 2010, the Cabinet issued a resolution that in essence extended the process for two more years. The resolution stated that 1.3 million plus registered migrants had until 28 February 2010 to enter NV by submitting information to home countries and if workers did not comply with this deadline, they would be deported. But, it also indicated that once the information was submitted, workers could remain in Thailand to complete NV until 28 February 2012 (Cabinet, 2010a).

⁹ In September 2010 the MOL issued a regulation setting up a deportation fund with employers ordered to deduct money from migrant worker salaries after December 2010. After protests from employers, rights groups and migrant workers, the deduction of migrant salaries for payments into the fund was postponed until March 2012 in a Cabinet resolution issued on 4 January 2011. This Cabinet resolution orders the MOL to conduct further studies on this issue in the interim.

The NV concept and its deadline remained shrouded in mystery, confusion and alleged danger, especially for workers from Myanmar. In February 2010 rights groups petitioned the prime minister alongside the United Nations and the International Labour Organization (ILO) with their concerns (HRDF, 2009a-c; HRDF, 2010a/b). On 18 February 2010, the United Nations Special Rapporteur on Migrants issued a statement on NV policies, warning mass deportation of migrants not entering NV would breach international law (OHCHR, 2010). In addition, domestic and international media coverage regarding the human rights implications of NV became widespread, raising political sensitivities for the Government.¹⁰ The Department of Employment (DOE) consequently announced that the deadline for entering NV remained but that only extension of work permits and “intention to enter NV” forms must be submitted. If workers had entered NV by the 28 February 2010 deadline, then they and their employers would have until 31 March 2010 to submit additional information into the process (DOE, 2010a/b). It appeared that the Government again was stepping back from the deadlines for regularization.

As of February 2011, a total of 352,748 migrants from Myanmar had completed NV from the total number of 812,984 migrants who had agreed to the process by February 2010 (see chapter 1). By the same date, 103,826 Cambodian migrants and 93,429 Lao migrants had completed NV. Bringing in migrants through a formal process is widely discussed as a successful policy by the Government of Thailand to regularize migration but by the end of 2010, a total of 1,513 low-skilled migrants from Myanmar, 51,966 from Cambodia and 25,207 from Lao People’s Democratic Republic had entered Thailand through the official MOU process (MOL, 2010). Moreover, many of the Cambodian and Lao workers entering Thailand legally in previous years have fallen into an irregular status because of difficulties in adhering to conditions attached to a legal working status that include difficulty in changing employers, a lack of awareness of legal duties and unregulated broker involvement (Vasuprasat, 2009).

Whilst these regularization processes have successfully increased both the confidence of migrants and their access to rights, challenges to regularization processes continue to include: (a) an inability to develop efficient systems with the other countries concerned; (b) the highly complex nature of NV/import processes and absence of one-stop services; (c) lack of information among employers and migrants about what the processes entail; (d) high costs from unregulated brokers; (e) fear among minorities from Myanmar that authorities in that country could misuse personal data to the detriment of them and their families, as well as a belief they may be detained in Myanmar when undertaking NV; and (f) delays caused by migrants, from Myanmar in particular, having to return home for NV (Human Rights Watch, 2010; TDRI, 2009: chapter 5).

Stage four: sticking to a “regularization” policy

By the 31 March 2010 NV document submission deadline, about 1 million migrants had entered NV, while another 273,690 eligible migrants missed the deadline and thus became irregular workers. Reports suggest that a significant number of migrants entering NV did so with false information to receive permission to stay in Thailand until February 2012, particularly given the backdrop of threats of deportation and confusion stemming from a lack of public awareness. The input of false information seemed likely to not bode well for the success of NV if information was genuinely screened but very few instances of migrants failing NV have been evidenced. In addition, perhaps up to a million migrants ineligible for NV due to their unregistered status remained in limbo (see chapter 1).

After the political unrest in Thailand in 2010 subsided, the prime minister, on 2 June 2010, issued Order No. 125/2553 re: Establishment of a Special Centre to Suppress, Arrest and Prosecute Alien Workers Who Are Working Underground to affect a deportation policy for migrants in Thailand who did not enter into NV processes by 28 February 2010, and to confirm the Government’s regularization policy (HRDF, 2010c; The Nation, 2010a). This order was announced despite intervention by the United Nations Special

¹⁰ See in particular, ABC, 2010; Al Jazeera English, 2010; Bangkok Post, 2010; Economist, 2010; The Nation, 2010; Radio Australia, 2010; Wall Street Journal, 2010.

Rapporteur on Migrants (OHCHR, 2010), intensive media interest and intervention from the National Human Rights Commission (NHRC, 2010) warning against such a policy. The Government, while claiming that the only means for unregistered migrants to work in Thailand was through entry under MOU, said unregistered migrants should return home or face being deported (Sanook, 2010).

From June 2010, there were reports of increasingly high profile crackdowns on migrants who did not enter NV (ABC, 2010a; Bangkok Post, 2010a). Serious concerns over the Government's methods to deport migrants were also highly publicized after news reports showed the deportation of Myanmar migrants to an ethnic militia at the Thai/Myanmar border instead of to Government authorities. The militia subjected the migrants to extortion, violence and trafficking. In addition, other reports have alleged that deported migrants at sea have been subject to extortion and trafficking (Al Jazeera, 2010; ABC, 2010; South China Morning Post, 2010).

Stage five: migration policy u-turns and progressive developments

Reports issued in early May 2010 suggested that BOI would relax its policy so that companies receiving grants and tax privileges could employ non-Thais, given the impending labour shortages. But the Prime Minister requested that this policy change be reconsidered on the basis of national security, concerns about Thai workers' security and the need to ensure that labour shortages were genuine. Stressing that there is definitely a shortage of labour, which could impede economic growth, employers again demanded in July 2010 the right to hire more migrants. Finally in September 2010, BOI granted permission to hire migrants with conditions attached. Thailand's genuine need for migrants continues to be a sensitive debate in the face of competing employer demands, national security claims and lack of data on Thai unemployment and availability of Thai workers to fill vacant positions (Matichon, 2010; Matichon, 2010a; Naewna, 2010; The Nation, 2010c).

In August 2010, rights groups campaigned for the reopening of migrant registration due to an increasing number of undocumented migrants in Thailand, and so as to allow all migrants to enter NV (Bangkok Post, 2010b; The Nation, 2010d). At the same time, employers called for new registrations to address ongoing shortages of low-skilled workers. Despite the Government's insistence that no new migrant registration would be allowed and only unregistered migrants returning to home countries and entering through MOUs could work in Thailand, in September 2010, the MOL announced that there may be a new registration amnesty to ensure that more than 2 million workers outside formal systems could become legal migrants (Post Today, 2010; Thai News, 2010).

On 27 October 2010, following more international news reports of extortion and trafficking of deported Myanmar migrants and a day after a visit to Bangkok of the United Nations Secretary General (Al Jazeera, 2010a; HRDF, 2010c), the Prime Minister issued order number 282/2553, modifying the setting up of a Centre to Suppress, Arrest and Prosecute Alien Workers Working Underground and Human Trafficking Processes. The words "and human trafficking processes" distinguish this Centre from the previous Centre established by the Prime Minister's Order No. 125/2553 on 2 June 2010.¹¹ According to the order, the new Centre would extend results of the previous June 2010 crackdown on migrants working in Thailand underground to financial backers involved with trafficking of alien workers such as smugglers, harbouring persons or employers. The Deputy Prime Minister, utilizing his authority as chairperson of the new Centre, ordered the mobilization of forces to inspect, suppress, arrest and prosecute unregistered foreign workers, their employers, smugglers, and persons harbouring undocumented foreigners in all regions of Thailand in November 2010. No clear crackdown resulting from this policy took place, however.

At the end of 2010, the Prime Minister frequently issued comments about the need to formally respond to the ongoing migration challenges in Thailand. He also often spoke about the need to come up with reliable

estimates of the number of migrants in the country and genuine labour requirements to assist in long-term migration policy development (MCOT, 2010a; National Channel, 2010). During the year, frequent negotiations to increase the effectiveness of NV and labour recruitment were held between Thailand and neighbouring countries as a sign of the strengthening intention to genuinely formalize migration (MCOT, 2010). Myanmar authorities seemed to be taking an increasingly active role in negotiating for speedier regularization of its nationals. In addition, the amount of information being disseminated regarding NV increased, although most of it was directed at Cambodian and Lao migrants.

During late 2010, the National Assembly's Labour Committee sought feedback on its draft Migrant Workers Law. The draft envisioned a new Migrant Worker Management Committee, chaired by the prime minister and comprised of relevant ministers and academics, employers and workers' representatives. A central agency to prepare and implement policies laid down by the Committee, the Thai International Labour Office, would be authorized to deal with migration into and out of Thailand, and all related migration laws would be subject to modification. In addition, a draft amendment to the Alien Employment Act 2008 was also proposed, with the goal of decentralizing decision-making on migration to provincial and community levels while ensuring greater private sector (particularly employer/NGO) involvement in policy development. Ideas expressed in both these drafts are innovative and symbolize increased political interest in solving ongoing migration challenges.

During the first few months of 2011 the Illegal Alien Workers Management Committee (IAWMC) and its subcommittees concluded their deliberations and recommended the opening of a new migrant worker amnesty/registration to address serious low-skilled labour shortages reported by employers. On 26 April 2011, the Cabinet approved the measure. The Cabinet decision to re-open migrant worker registration to all workers from Cambodia, the Lao People's Democratic Republic and Myanmar in Thailand, including those not previously registered, was a significant reversal of Government of Thailand migration policy as it had previously stated that only migrants who have completed nationality verification would be eligible to apply for work permits. The resolution also states that the composition of IAWMC and its way of working shall be adjusted. The change in policy was welcomed by employers, human rights activists and migrants but again suggested that the policies of the Government in managing migration remain short-term and unpredictable.

Thai officials successfully undertook a number of actions to make the latest registration amnesty, carried out between 15 June and 14 July 2011, more effective. The registration period for fisherman was extended to two months and one stop service centres were opened in many provinces with large concentrations of migrants. Public awareness campaigns, although focused mainly on employers rather than migrants themselves, were more successful than in the past, demonstrated by a steady flow of migrants registering during the 30-day period, unlike previous years when a rush at the end of registration periods had been evidenced.

Summary of low-skilled migration policy developments

It is reasonable to conclude from a consideration of the low-skilled migration policies of the Government of Thailand in the last 20 years that responses lagged behind circumstances (Huguet, 2008:2). In general, the Government set piecemeal and short-term policies to manage an influx of low-skilled migrants from neighbouring Cambodia, the Lao People's Democratic Republic and Myanmar recruited to fill labour gaps resulting from the rapid development of the Thai economy. Policy responses vacillated between those influenced by national security concerns and economic necessity. Human rights concerns weakly acknowledged in the past became more relevant given increasing international awareness that the Government's regulation of migration was leading to more unregistered workers, more illegality and increasing networks of brokers, which in turn, resulted in human rights abuses (Sciortino and Punpuing, 2009:101). The Government came under pressure, in particular with regards to human trafficking and forced labour. Thai officials stressed however that the rating of Thailand by the Government of the United States of America in its annual Trafficking in Persons reports (US Department of State, 2010:320) was unfair two years in a row.

¹¹ The 27 October 2010 order revoked prime minister's Order No. 269-53 that had been issued on 15 October 2010.

Reflected by the changing contents of the Cabinet resolutions, confusion over the direction of low-skilled migration policy resulted from the absence of a holistically considered migration policy from a long-term economic and social perspective (Huguet, 2008:8). The Government's 10th National Economic and Social Development Plan 2007-2011 contained references to economic restructuring, movement towards an enterprise economy and promoting work of Thais overseas but did not refer to long-term migration policies, particularly in relation to low-skilled migrants, to cope with ongoing labour demands accompanying development (Rukumnuaykit, 2009:12). It continues to be unclear how much attention will be given to migration issues and holistic migration policies in the upcoming 11th National Economic and Social Development Plan 2012-2016.

During the past 20 years however, the Government of Thailand has acknowledged the need for migrants from neighbouring countries. This has fostered an increased realization that this need is not temporary and that formal measures to more effectively address migration for the long term are required. The Government committed to formal measures to regularize migration into Thailand from neighbouring countries through NV, labour "imports" and the Alien Employment Act 2008. In addition, positive measures to estimate labour shortages and how many migrants are in the country are being implemented as well as innovative draft law proposals appearing. The recent 2011 migrant registration amnesty increased the number of documented migrants in Thailand to almost two million, an unprecedented level, and innovative and more considered measures were taken by the Government to improve the effectiveness of this registration process, despite it remaining at 30 days.

The likelihood of emerging and more considered policies in long-term migration policy planning will be considered in the next section. The informal migration management and continued lack of holistic long-term migration policies during the last 20 years may well prove to be a formidable hurdle to effective implementation of positive policies which benefit migrants, the economy and future development and security in Thailand.

Key discussion points on government's management of low-skilled migration

Migration, policy making and policy implementation

During the past 20 years, the Government of Thailand has had no specific host agency tasked with planning long-term migration policies or managing the increasing flows of migrants, particularly low-skilled migrants, into Thailand (Rukumnuaykit, 2009:9). Cabinet decisions, worked out between officials and the main agencies involved, particularly the NSC, have instead been utilized to set a piecemeal migration policy. What has emerged have been inconsistent short-term decisions made in reaction to labour shortages, employer pressure and political expediency. This approach has resulted in overall confusion and inadequate protection of temporary migrants. The confusion has fostered the creation of a thriving informal market for bringing low-skilled migrant workers into Thailand (Chantavanich et al., 2007:16).

However, during this time period, there were discussions intermittently on the need to implement long-term policies on the use of migrant labour, particularly low-skilled workers from neighbouring countries. In the late 1990s, the NSC and Ministry of Interior (MOI) were assigned to consider migrant policies from an agreed position that that they should be enacted on the basis of the necessity of migrants to fill job shortages. The two government units were also tasked with conducting impact assessments on the effects of such employment. Policy developments followed labour market demands, however, and migrants were increasingly employed in ineligible provinces and sectors (Chantavanich et al., 2007:44).

The NSC headed a committee set up in 1997 to address migrant policy issues and an agreement was reached to set up a central body to plan and manage migration but this was sidelined by the economic crisis. Even though migrants were deported in increasing numbers in response to the crisis, Thais did not come forward to fill the jobs they left behind. So, in 1998, the registration of migrants recommenced (Chantavanich et al., 2007:45). By 1999, academic debate and policy discussion resumed on the weaknesses of Cabinet decisions to manage migration, the need for longer term policies and the need to consider the human security of migrants. The NSC continued to push for a central organization to manage migration and subcommittees were formed to move forward on this issue (Chantavanich and Prachason, 2004). By 2001, recommendations made by NSC calling for an end to Cabinet decisions, given challenges faced by increasing irregular migration were worsening, were sidelined. Policy shifted to a reopening of registration by allowing, all low-skilled migrants to register in all sectors and in all provinces.

In 2001, IAWMC was set up by a Prime Minister's Office regulation to centrally manage irregular migration (Chalamwong, 2003:364). IAWMC, in the short term, was tasked to plan, implement and monitor programmes to regularize the status of irregular migrants and more effectively manage them, while in the long term, the Committee was designated to plan, implement and monitor programmes to "import" low-skilled workers from neighbouring countries (Rukumnuaykit, 2009:9; TDRI, 2009:20). In addition, IAWMC was assigned to plan and implement policies directed at preventing the entry of undocumented migrants into the country and arresting and deporting those that are already in the country. During a period beginning in 2003 and extending into 2004, the Government's regularization strategy emerged as a result of discussions involving the IAWMC, NSC and relevant agencies (TDRI, 2009: chapter 3). IAWMC was meant to be chaired by the Prime Minister with the Minister of Labour acting as the deputy, but in practice the Deputy Prime Minister presided over the meetings. The DOE became the secretariat for IAWMC in 2003, and the office continued to be based in the MOL. All main ministries with a role in migration are represented in IAWMC.

Thus far, IAWMC has not been able to implement the Government's regularization strategy given that there are too many undocumented migrants employed in key sectors of the Thai economy and subcommittees of the IAWMC responsible for prevention, suppression and deportation have not been able to adopt stringent enforcement measures because of the negative effects they could have on the economy (Huguet, 2008:13; TDRI, 2009). The subcommittees and task forces working under IAWMC have been provided unrealistically small budgets while the DOE, as secretariat to the IAWMC, has received little manpower and budgetary increases, resulting in overworked staff and preventing the effective management and liaison required to ensure that the Committee functions effectively (TDRI, 2009:27). Many officials have lamented that IAWMC ended up under a MOL division, DOE, in 2003 given that those who nurtured the idea of this body, particularly the NSC, envisioned it as being a separate entity void of close oversight by any ministry or department. Recent plans to adjust the make up of IAWMC and de-centralise some of its functions to provincial authorities, as contained in the 26 April 2011 Cabinet resolution, may well be significant. The details have not yet been spelled out.

The Government of Thailand often suggests that IAWMC should provide a unified umbrella for consideration of migration policies, consisting of all relevant governmental actors responsible for managing migration and a central secretariat that serves as an effective liaison. In reality, however, the Committee is a relatively weak policymaking and implementation body that relies specifically on the overburdened DOE, and is made up of ministries and departments that have competing visions and interests and lack unity, and are all working in the absence of a long-term migration policy or vision (Huguet, 2009:8). Meanwhile, IAWMC has become a body that deals with migration challenges only as they arise (Rukumnuaykit, 2009:12; TDRI, 2009:26) and functions amid unresolved national security and economic necessity debates on migration and without reliable data (Chalamwong, 2003:362).

NSC works on wider issues of internal security, dealing with aliens and irregular migration. IAWMC, on the other hand, is tasked with managing irregular migrants from an economic perspective. NSC has been heavily involved in policy developments due to the steady increase in irregular migratory flows. It continues to issue

recommendations which guide the MOL and IAWMC in their work, although it is also a member of IAWMC. Currently, NSC is drafting a revised and comprehensive policy on the status of individuals, such as migrants and minority groups.¹² Although academic debate has been given varying levels of importance in the development of migration policy, generally input has been weak. In addition, the role of civil society in development of these policies has been lacking such that migration policy can be said to be government led without accompanying social dialogue (Huguet, 2008:13).

Effectiveness of ensuring demand for low-skilled migrants

The cost savings from hiring low-skilled migrants has contributed to export competitiveness during the country's development (see chapter 4). Consequently, the Government of Thailand should ensure that the required number of low-skilled migrants enter Thailand to meet demand through formal recruitment channels for migrant workers.

Evidence points to flourishing networks of unregulated brokers who continue to smuggle migrants into the country illegally despite formal recruitment and NV mechanisms developed to bring migrants into Thailand legally and existing registration schemes. Demand for migrant labour remains strong yet the systems to bring in such workers remain cumbersome and slow due to cost, complex procedures and a lack of public information. The majority of low-skilled migrants in Thailand have for most of the past 20 years remained irregular due to the ineffectiveness of previous amnesty registrations to bring irregular workers above ground combined with an NV process which is ineffective and inefficient on a number of levels. In addition, the very slow process to bring large numbers of workers legally into the country is an indication that the Government has yet to ensure effective recruitment channels for employers to meet continued demand for low-skilled migrants.

Another factor contributing to the inefficiency in bringing in legal migrants is the lack of cooperation between Thailand and its neighbouring countries in carrying out some of the functions required to make the process go smoothly. Thus, informal import systems and the smuggling of workers continue to be prevalent as a means for employers to secure migrants and risks to migrants from this informality remain high. However, given the considerable number of migrants registering under the 2011 amnesty, the number of undocumented migrants in Thailand is likely to have lowered considerably.

Worker security: protection and acceptance

As outlined in detail in chapter 5, Thailand, as a signatory to most major international rights treaties, has international obligations to respect human rights of all persons, including migrants, and provide them with basic services. However, the country's record in protecting migrants and their families continues to fall short of these standards. Both at the policy level and in practice, basic rights are denied to migrants and their families against a backdrop of prejudice, discrimination and gross exploitation or abuse of power (Amnesty International, 2005; Human Rights Watch, 2010). The informal status accorded to migrants during the past 20 years prior to the advent of regularization channels resulted from the lack of a formal means for them to enter and work in Thailand. This contributed to extensive rights abuses, particularly labour exploitation and trafficking in persons, both of which remain pervasive. The basic rights of migrants have been weakened as the result of decrees limiting their freedom of movement, expression, association and assembly (Human Rights Watch, 2010:33). In addition, their basic social rights like marriage, applying for driving licenses, owning vehicles and registering property are denied and migrants' access to justice has been compromised (Bangkok Post, 2008; HRDF, 2009d).

¹² NSC issues recommendations responding to requests from various ministries for national security consideration relating to migrants. See in particular a response denying migrant workers the right to apply for a motorbike license on national security grounds (NSC, 2009).

As discussed in more detail in chapter 7, part of protecting and upholding the basic rights of migrants entails that States ensure their effective access to health care, sanitary housing and social security (UN, 2010). Since 1977, registered migrants in Thailand must pay a yearly fee to participate in the Compulsory Migrant Health Insurance Scheme (IOM/WHO, 2009:25). However, utilization of the benefits of this scheme have been relatively low for varying reasons and migrants often self-medicate using clinics (IOM/WHO, 2009: 11/25). Unregistered migrants continue to be without health-care coverage and hospitals have discretion on whether to treat them (Pinkaw, 2008:7).

In relation to social security or work accident compensation, low-skilled migrants who remain "illegal" (but registered) are denied access to such schemes, leaving them highly vulnerable in terms of economic security if they fall victim to accidents, disabilities or unemployment. Even though legal or regularized low-skilled migrants are entitled access to such schemes (IOM/WHO, 2009:25), most migrant employers are not likely to respect the requirements to pay into these systems while enforcement by officials and rights knowledge among migrants remains weak. The Government of Thailand has no clear policy to assure and promote sanitary housing and living conditions for migrants who generally live in temporary shelters and housing in high concentrations in small areas. Often basic prerequisites including access to clean water, ventilation, waste disposals systems and adequate toilet facilities are lacking. As a result, outbreaks of infectious and parasitic diseases like malaria, dengue and TB occur, with diarrhoea and a variety of skin and eye conditions widely reported (Chantavanich et al., 2007:29).

Another issue Thailand continues to grapple with is the notion that low-skilled migrants, having spent many years in Thailand, naturally settle in their own communities, establish long-term relationships, seek to get married and have children, resulting in specific social needs including education. Migrants living and working in Thailand in excess of 5 or 10 years are not so rare (Chantavanich et. al, 2007: 82; Huguet and Punpuing, 2005:31). For some countries that host large numbers of migrants, regulations are in place that allow persons residing for an extensive period to apply for citizenship or permanent residency. Other countries deny migrants rights to give birth during their limited working periods. However, without a long-term migration policy in place, the Government of Thailand has not had a framework to deal with citizenship rights and children with regard to migrants (Chalamwong, 2008:18).

As discussed in more detail in chapter 8, in 2004, more than 93,000 children under 15 years of age had registered with the MOI, of which 74,000 were under 12 years old (Huguet and Punpuing, 2005a: 125). The number of children born to migrants in Thailand each year is unclear but not insignificant (Acthichat and Kongkhunthot, 2004). Children born to migrants are denied rights to Thai citizenship so consequently, they and their parents face difficulties relating to the certification of birth, right of residence and right to education, health and other social services. Despite the positive developments associated with the implementation of the Civil Registration Act 2008, which allows all children born of migrants to have their births registered, hurdles still remain that prevent registration of many such births (CPPCR, 2009:13). In a worrying omission, the Government's recent policies for regularizing migrants through NV make no mention of children already in Thailand who are not eligible for NV themselves. However, the recent 2011 migrant amnesty allowed the registration of dependents of documented migrant workers, aged 15 years and under.

The apparent negative effects of migration widely discussed in Thailand generally revolve around national security (discussed below), but also include: alleged increases in crime committed by and related to migrants, including increased corruption; an increase in communicable diseases and poor sanitation; reductions in Thai wages and increased unemployment; dilution of culture; and increased spending for services such as health care and education for migrants and children. However, only limited evidence exists to support such claims. There is evidence of an increase in communicable diseases and poor sanitation as well as the reintroduction of diseases previously extinct in Thailand, stemming from the influx of migrants from neighbouring countries where poor health conditions exist (IOM/WHO, 2009).¹³ In addition, research

¹³ Discussed in more detail in chapter 7.

continues to suggest a small reduction in native wages resulting from migrant employment, albeit no increase in unemployment given that the work of migrants complements the work of native Thais (Rukumnuaykit, 2009:7). Accompanying these findings is the view that employers and a small number of powerful persons reap the benefits from migration rather than the general population. However, evidence from research and studies indicate that the Thai economy has undoubtedly benefited from migrants (Pholphirul, 2010:4; Pholphirul, Kamlai and Rukumnuaykit, 2009:9).

However, little evidence has been provided to support the existence of the other negative effects of migrants for Thailand. Although data remain scarce, migrants are perhaps victims of crime more than they are perpetrators, and are also victims of systems of smuggling, trafficking and broker syndicates and gangs that have developed as a result of demand for low-skilled labour and the lack of formal labour import systems. With the exceptions of unregistered workers who cannot apply for health insurance and children of migrants who are not covered by any health-care policy and attend school, the Government seems to recoup most of the money expended on migrants for health and basic education from them and their employers in applicable fees and through tax on general consumption (IOM/WHO, 2009).

Given the established need for low-skilled migrants, a lack of evidence for widely held beliefs on the negative implications of these migrants and the proven positive implications of employing migrants, the Government of Thailand should make the population more aware of the positive impact of migrants. Public opinion polls suggest that Thais have negative attitudes towards migrants. An important factor behind this may be the media's negative portrayal of migrants. In a poll conducted in 2006, a high number of Thais thought migrants should not be entitled to equal rights as native Thais. Most respondents did not believe migrants were required to sustain the Thai economy and that the number of migrants should not be increased. In addition, many of the respondents were of the view that migrants adversely affected employment and skills advancement (ABAC, 2006). A study on the perception of migrants in Thai society was also conducted in 2010 and findings are reported in Textbox 1. Positive portrayals of migrants and discussions of the human rights abuses or exploitation they face are rarely evidenced in mainstream Thai media. In addition, no policies exist to integrate migrants with Thai communities or promote harmonious existence (Chalamwong, 2008:18; Chantavanich et al., 2007:31). Indeed, the 4-year stay limit imposed through NV and formal import systems suggest the Government has little intention to integrate low-skilled migrants into Thai society, even temporarily.

Textbox 1: Thai public attitudes to migration and migrant workers, by the ILO TRIANGLE project

Attitudes matter because they may translate into actions and behaviours that have a negative impact on individuals and groups in society. For migrant workers this can lead to marginalization and social exclusion, and discrimination and exploitation in the workplace. In addition, where opinion surveys report negative attitudes towards migrants, policymakers and politicians may be drawn into introducing policies which demonstrate that negative attitudes and public hostility are being taken into account.¹⁴

In late 2010, the ILO conducted a study on public attitudes to migration and migrant workers in Malaysia, Republic of Korea, Singapore and Thailand. Based on a representative sample of 1,000 respondents in each country, the survey asked a mix of knowledge, attitude and behaviour questions.

The findings of the study were used in the design of a campaign to present an image of migrants that is commensurate with the positive contribution they make to society and the economy in host countries. The findings helped to shape the key messages of the campaign, select the most effective communication channels and identify specific target groups. The survey also serves as a baseline measure against which to gauge the impact of the social awareness campaign.

In Thailand, the survey was conducted in the four provinces with the highest number of registered migrant workers: Bangkok, Chiang Mai, Samut Sakhon and Surat Thani. The findings revealed many of the same negative attitudes and misconceptions that are prevalent in most destination countries around the world.

Key Findings in Thailand

In Thailand, only 17 per cent of the respondents knew migrants personally, and most of those people did not have close relationships with them. Those who know migrant workers personally, either through work or socially, show significant higher levels of support, such as knowledge coupled with non-discriminatory attitudes. Employers or people in decision-making roles regarding employment were the most supportive. Support for migrants was higher in Bangkok and Samut Sakhon, where migrant populations are higher than in the other provinces. The correlation between support and relationships with migrants was consistent in all four countries.

Knowledge

Proportion of respondents that answered "True" to the following statement:

Migrant workers are often exploited in this country	59%
Migrant workers are needed to fill labour shortages in certain sectors	55%
Migrant workers make a net contribution to economy	40%
The wages that migrant workers receive can impact on the wages and employment of national workers	24%

There was only limited recognition among respondents that migrant workers are needed to fill specific niches in Thailand's labour market. In fact, unless there is a significant economic restructuring, demographic dynamics point to a continued demand for migrant workers in Thailand. The sectors are specified in a Ministerial Regulation, and in accordance with the Alien Employment Act take, into account national security concerns, career opportunities for Thai workers and the demand for migrant workers for national development.

¹⁴ Crawley, H. (2009) *Understanding and changing public attitudes: A review of existing evidence from public information and communication campaigns*, Centre for Migration Policy Research, Swansea University.

Only 40 per cent of respondents felt that migrant workers make a net contribution to the economy. The ILO and the World Bank have conducted separate studies that reveal the positive contribution migrants make to the Thai economy. In addition, it is important to note that many of the country's key industries depend on the presence of migrant workers. Studies in this field take into account various factors, including the relationship between migrant workers' wages and the wages of nationals (chapter 4).

Attitudes

Proportion of respondents that answered "Agree completely" or "Agree to some extent" to the following statement:

Government policies to admit migrants should be more restrictive	89%
Unauthorized migrants have broken the law and should not expect to have any rights at work	84%
Authorized migrant workers who do the same job as national workers cannot expect to have the same pay and working conditions	64%
The authorities do enough to protect migrant workers from being exploited	57%
Migrants commit a high number of the crimes in this country	78%
The number of migrants is threatening our country's culture and heritage	48%
Reduce opportunities for skilled workers from ASEAN countries	18%

Although nearly 6 in 10 of respondents felt that migrant workers were often exploited and a similar proportion felt that the authorities were not doing enough to protect them, there is little support for protecting migrants' rights, regardless of their legal status. In a similar ILO/UNIFEM study conducted in 2006, the reasons respondents gave for backing unequal wages included: migrants are not as skilled as Thai workers; they do not speak the Thai language; and Thai wages are still higher than the wages in the migrants' home country. In principle, Thai workers and migrant workers are entitled to the same labour protection standards under the Labour Protection Act, 1998. This Act provides a legal basis for minimum wages, maximum work hours, occupational health and safety, and regulations on working conditions for women and children.

The way that national security influences the Government's policies on labour migration is reflected in or reflective of the public's perception of the impact of migrants on crime rates and the culture.

Interestingly, there is more support for skilled migration in Thailand than in the three other host countries surveyed. This is particularly relevant to the 2015 target of economic integration in the Association of Southeast Asian Nations (ASEAN), and the greater flow of skilled workers in the region.

Behaviour

Proportion of respondents that had done the following:

Educated friends about some positive aspect about migrant workers	33%
Helped a migrant worker to integrate into society or get ahead at work	7%
(Hypothetical) Would you report and follow up on an employer you suspected was abusing migrant workers?	41%

The proportion of respondents that had educated their friends or acquaintances about some positive aspect of migrant workers was higher in Thailand than in the three other countries. Only 7 per cent of people surveyed had helped a migrant to integrate or get ahead, but given that only 17 per cent of the respondents had any type of relationship with migrants, this is not so surprising.

National security and irregular migration

Most Government announcements, official press statements and general policy discussions relating to migration in Thailand emphasize national security concerns. In fact, in discussions on migration, national security is stressed as the most important consideration, before that of the economy or human rights (Human Rights Watch, 2010:30; Vajanasara and Archavanitkul, 2008). National security refers to the control of threats against the nation state, both internal and external, and when discussed in terms of migrants in Thailand, the suggestion is that migration, particularly irregular migration, is a threat to the national security of the country. Others equate national security with strong Thai nationalism (TDRI, 2009).

Evidence as to why migrants are a threat to national security is rarely provided, leading to suggestions such claims are discriminatory, xenophobic or intended to further exploit and deny rights to migrants (The Nation, 2007). However, when politicians, security officials or individuals do expand on how migrants are a national security threat to Thailand, they often refer to the same issues highlighted above as to why migrants have a negative impact in Thailand even though there is a lack of evidence to support many of these contentions. A large amount of evidence shows that measures enacted for national security purposes also lead to further gross exploitation of migrant communities by officials mandated to enforce the measures. Migrants and employers frequently find alternative ways to avoid restrictions imposed upon them through paying bribes or undertaking other underground activities (Human Rights Watch, 2010: chapter two).

Economic security: irregular migration, development and global competitiveness

An issue being discussed by economists and policymakers, and explored in much more detail in chapter 4, is that employment of low-skilled migrants jeopardizes future sustainable growth in Thailand and slows the development of capital intensive, knowledge- and enterprise-based industries, which in the long-term could decrease the global competitiveness of the country (Numnak, 2006:35; Vasuprasat, 2010). As Thailand's demographic situation changes, the number of persons entering into the workforce will decrease and the number of aged dependents will increase (Numnak, 2006:25). In addition, there are now increased educational opportunities for Thais, meaning new entrants into the workforce possessing only basic education are declining significantly while those entering with university degrees and higher education are increasing. Higher skills result in an accompanying reluctance by Thais to enter 3D (dirty, dangerous and demanding), low-skilled and perceived unrewarding jobs and the country, consequently, experiences a shortage of workers with a basic education and a surplus of workers with an advanced education. Unless the nature of the economy changes to one requiring higher skills, there will be a shortage of low-skilled workers which will be met by migrants from neighbouring countries (Chalamwong, 2008:5; Vasuprasat, 2010:4).

At the same time, a skills mismatch is being created in Thailand whereby many skilled workers entering the workforce do not possess the skills needed by industry. This, consequently, compels companies to hire foreign experts to fill positions essential for economic development, particularly jobs relating to science and technology. The unemployment rate among native workers with high levels of skills and education thereby increases alongside the increased employment of low-skilled migrants (Chalamwong, 2008:7; Numnak, 2006:42).

The long-term economic and social development plans of Thailand suggest an aspiration to move towards a knowledge-based economy supported through research and development, capital investment, ethics promotion and quality (Pholphirul, 2010:6; Vasuprasat, 2010). Evidence increasingly indicates that the country will not be able to compete on low labour costs with more populous or less developed countries in Asia (Huguet, 2008:12). Without technological development, economists suggest that the Thai economy would eventually experience a fall in national economic growth, competitiveness and productivity (Numnak, 2006:36). In addition, research suggests that the employment of low-skilled migrants, even if it reduces production costs and increases competitiveness in the short-term, would eventually result in lower productivity (Pholphirul et. al, 2010:30). Based on this, the Government of Thailand needs to set a long-term

migration policy that is fine-tuned to the needs and aspirations of the country's economic development and social development plans.

Irregular migration and profit

The relationship between migration and profit is interesting in that it suggests that if opportunities to make profit from irregular migration flows decrease or are minimized then the status of low-skilled migrants from neighbouring countries may change from being irregular to regular. However, any dramatic move to achieve this change has and will continue to face stiff opposition from those benefiting from irregular migration flows. Examples of money-making opportunities from irregular migration that are well-embedded in the system are discussed in the following paragraphs.

Since the early 1990s informal channels have been used to recruit and bring in labour from neighbouring countries into workplaces all across Thailand to fill the demand created by unskilled labour shortages. While these smugglers and brokers have provided an invaluable service to employers, they can likewise become strong, intimidating and are implicated in gross human rights violations which in their worst form equate to trafficking in persons (Human Rights Watch, 2010:62; Huguet, 2008:4).

A variety of individuals and/or groups also use opportunities to abuse their powers to profit from migration and the Government frequently announces crackdowns not only on irregular migrants but also on networks of smugglers, brokers and employers that employ and assist irregular migrants. However, prosecution of employers, brokers and smugglers is rare in contrast to the thousands of migrants that are rounded up each month. In addition, there are numerous opportunities for officials to extort money from migrants and their employers, who may be threatened by criminal prosecution for breach of employment and immigration laws (ARCM, 2002/2002a). Human Rights Watch (2010) alleges that it is not rare for employers to make monthly payments to local officials to ensure they can continue to employ irregular workers.

One of the main aims of regularization processes is to remove the profit opportunities in an irregular migration environment. However, recent policy developments have prompted a shift in the centres of profit making, and new means to make money from migrants. Central actors in these processes are brokers, given both NV and recruitment processes are complex and time consuming for employers and migrants. Notably, the Government of Thailand does not have the authority to regulate these brokers as they are not providing overseas employment placement services as regulated by existing job seeking/job placement laws.

Another area where profit may be made from irregular migrants is in the NV process, a procedure which enables irregular migrants to become regular migrants. Despite official caps on NV fees to be charged by brokers, set at 4,500 Thai baht THB (USD 150) in September 2010, the fees being charged for NV services generally exceed this amount. Additionally, to date, there has been no cap on "import" charges. NV processes continue to cost between THB 5,000 to 10,000 (USD 166 - USD 330) and labour import fees generally start at THB 10,000 (USD 330).

Finally, it must be noted that the profit (or cost savings) to employers from hiring irregular migrants has contributed to export competitiveness during the country's economic development (Pholphirul et al., 2010:9, see chapter four) and that a range of actors stand to gain from the continued employment and exploitation of irregular migrants in Thailand. This, therefore, constitutes another set of pressures and challenges that need to be considered in attempts to formulate and implement effective migration policies.

Government of Thailand policies for managing highly skilled migration and Asean 2015

The Government of Thailand has recently started to consider a specific policy for managing the migration of highly skilled workers in response to the country's commitment to realizing the ASEAN Economic Community (AEC) by 2015. The AEC represents a major step forward in the Association's economic, political and cultural integration while the AEC Blueprint explicitly addresses the need for increased labour mobility in order for enhanced regional integration to be achieved through its provisions for the liberalized flows of service providers and skilled labour. The integration plan initially focuses on professional service providers/skilled professionals¹⁵, rather than encompassing skilled labour more generally. The member States have already agreed to liberalize flows of service providers across priority professions, namely accountancy, engineering, surveying, architectural, nursing, medical, and dental services.

For Thailand, the prospect of AEC creates numerous opportunities as well as challenges. The overall economic welfare benefits to Thailand of the AEC have been estimated as six times the benefits realized from the implementation of the ASEAN Free Trade Area (AFTA) (Rashid et al., 2009). Although estimating the quantitative effect of liberalizing flows of service providers and skilled labour is more difficult, in the medium- to long-term, the resultant rise in overall economic welfare across all ASEAN member States, including Thailand, is likely to be substantial. Thailand is likely to attract a significant number of professionals from other ASEAN countries, leading to improved productivity, increased knowledge transfer and an upgrade of the Thai economy, all of which will have direct positive effects on the economy. Additionally, AEC will facilitate opportunities for Thai professionals to take advantage of employment opportunities overseas, which can potentially have positive knock-on effects for Thailand through the facilitation of technology transfers and foreign investment and the sending of remittances.

The Government of Thailand is aware that a clear and comprehensive analysis of the costs and benefits of AEC to the country, together with the steps that can be taken to maximize the benefits while minimizing the costs, can go a long way towards alleviating any existing apprehension and uncertainty and gaining the backing of relevant stakeholders. To this end, a seminar entitled "Towards and Beyond ASEAN 2015: Labour Mobility and its Implications for Thailand" was organized in December 2010 in Bangkok by the United Nations (under the leadership of the Thematic Working Group on Migration) in close cooperation with the Ministry of Labour. During the seminar, which brought together government officials, international development agencies, civil society groups, academics and other relevant experts, a number of policy recommendations on the development of an action plan to assist Thailand in preparing for the liberalization of flows of professional service providers and skilled labour in ASEAN by 2015 were identified. The recommendations stressed the importance of focusing on knowledge management to facilitate greater mobility of labour and the need to enhance coordination and consultations between all relevant stakeholders, review legislation relating to labour mobility, promote the recognition of qualifications and competency standards and foster policy coherence across different policy spheres relating to labour mobility.

Government of Thailand policies for managing internal migration

The Government of Thailand has not formulated policies to directly promote or discourage internal migration. Instead, it has long attempted to implement policies to achieve a more-balanced regional development that would result in a lower degree of primacy of Bangkok and of migration to the capital. As the chapter on migration and the environment notes, the seventh National Economic and Social Development Plan (1992-1996) represented a policy of decentralization with an aim to reduce the growth rate of Bangkok and slow urban sprawl. The ninth Plan (2002-2006) emphasized a people-centred approach that was meant to promote balanced economic, social, political and environmental development. The tenth Plan (2007-2011) emphasizes the sufficiency concept of economic development promoted by His Majesty the King.

¹⁵ The terms "professional service providers" and "skilled professionals" are used interchangeably.

Any government's agricultural, educational and training, industrial and infrastructure policies, and its system of administration, indirectly affect internal migration, even when migration is not explicitly taken into account in the formulation of these policies. In spite of general attempts of the Government of Thailand to promote more-balanced regional and greater rural development, other development strategies have tended to lead to increasing levels of internal migration, at least until about 2002.¹⁶ Development strategies that have focused on industrial production for export, tourism in selected locations and major infrastructure projects in the capital have promoted internal migration to areas with industrial estates, Bangkok and a few major tourist destinations.

The declining rates of internal migration between 2002 and 2009, noted in chapter 1, have not been carefully analysed. They might have resulted from cumulative efforts of the Government to decentralize economic growth to other regions and provinces. They might also have been affected somewhat by the global economic recession that began in late 2008. In addition, there may be a strong demographic determinant involved as well. As fertility in Thailand fell rapidly to a very low level between 1970 and 2000, the age cohorts now entering the labour force are declining in size. A calculation based on United Nations (2009) estimates indicates that the population aged 15-24 years declined from 10.8 million in 2005 to 10.7 million in 2010. With young persons being the most mobile segment age group, a reduction in their number would cause overall migration rates to decline. The declining size of the young population may also result in less pressure to migrate out of areas of origin.

An ageing, post-industrial economy may have a greater impact on levels of internal migration than explicit policies meant to reduce migration.

References

ABAC

2006 *Thai Attitudes Regarding Foreign Workers in Thailand* (ABAC, Bangkok).
ABC/Australian Broadcasting Corporation.

ABC/Australian Broadcasting Corporation

2010 "Thailand to enforce worker nationality checks", aired 21 January, available online at <http://www.radioaustralianews.net.au/stories/201001/2798275.htm?desktop>, accessed 15 April 2011.

2010b "Burma to Investigate Border Rape, Murder Allegations", aired on 22 July, available online at <http://www.abc.net.au/pm/content/2010/s2961489.htm>, accessed 15 April 2011.

Al Jazeera English

2010a "Myanmar migrants in Thailand caught in Thai graft and crime circle", aired on 17 July, available online at <http://www.youtube.com/watch?v=VgQnOwwQ3c4>, accessed 15 April 2011.

2010b "Traffickers exploit Myanmar's poor", aired on 1 November 2010, available online at <http://www.youtube.com/watch?v=XZGgNNOV4Sc>, accessed 15 April 2011.

Amnesty International

2005 *Thailand: The Plight of Burmese Migrant Workers*, Amnesty International, Bangkok.

Archavanitkul, K and, Vajanasara, K.

2009 *Employment of Migrant Workers under the Working of Aliens Act 2008 and the list of occupations allowed to foreigners*, IOM (Thai only, but Executive Summary in English).

Archavanitkul, K.

2010 "Thai state policy to manage irregular migration from neighbouring countries", *Mahidol Migration Centre Newsletter*, Edition 1.

Asian Research Center for Migration

2002a "Improving Migration Policy Management with a Special Focus on Irregular Labour Migration: Construction Sector", unpublished paper.

2002b "Improving Migration Policy Management with a Special Focus on Irregular Labour Migration: Fishery Sector", unpublished paper.

Bangkok Post

2008 "Uneasy riders", published on 16 March, available online at <http://www.statelessperson.com/www/?q=node/3889>, accessed on 15 March 2011.

2010a "Doubt being raised over migrant rights", published on 4 July, available online at <http://www.bangkokpost.com/news/investigation/184846/doubts-being-raised-over-migrant-rights>, accessed 15 April 2011.

2010b "Fresh nationality verification round urged", published on 28 August, available online at <http://www.bangkokpost.com/news/local/192932/fresh-nationality-verification-round-urged>, accessed 15 April 2011.

Chalamwong, Y.

2003 "Government policies on international migration: illegal workers in Thailand" in Ananta, A. and Arifin, E. (Eds.) *International Migration in Southeast Asia*: 352-373, ISEAS, Singapore.

2008 "Demographic change and international labour mobility in Thailand," paper for the PECC- ABAC Conference on "Demographic Change and International Labour Mobility in the Asia Pacific Region: Implications for Business and Cooperation" in Seoul, Republic of Korea on 25 and 26 March 2008.

Chamrathirong, A.

2007 "Research on internal migration in Thailand: The state of knowledge", *Journal of Population and Social Studies*, Volume 16(1):1-20.

Chantavanich, S. and Prachason, S.

2004 *Migration Without Borders: A Conflict Between National Security and Human Security in Thai Migrant Worker Policy*, ARCM, Bangkok.

Chantavanich, S., Vungsiriphisal, P. and Laodumrongchai, S.

2007 *Thailand Policies towards Migrant Workers from Myanmar*, ARCM, Bangkok, Committee for Promotion and Protection of Child Rights (CPPCR), Burma.

2009 *Feeling Small in another Person's Country: the situation of Burmese migrants in Mae sot*, Committee for Promotion and Protection of Child Rights (CPPCR), Burma.

Department of Employment

2009 *Manual for Employers and Establishments on the Stages of Nationality Verification for Alien Workers from Myanmar, Laos and Cambodia* (in Thai/English/Burmese), Bangkok.

2010a "Circular Letter Ror Ngor 0307/2791 re: Clarify Understanding on the Renewal of Migrant Work Permits for Migrants from Burma (Correction and Addition)", issued on 19 February 2010.

2010b "Circular Letter Ror Ngor 0307/3 re: Requesting Work Permit Extension for Alien Workers In Accordance with the Cabinet's Resolution of 19 January 2010", issued on 25 February 2010.

Human Rights and Development Foundation (HRDF)

2009a "Letter requesting urgent inquiry into nationality verification process for Burmese migrants in Thailand", submitted to the UN Special Rapporteur on the Human Rights of Migrants on 16 September 2009 (Jointly signed by HRDF, the State Enterprise Workers Relations Confederation of Thailand and the Thai Labour Solidarity Committee).

2009b "Letter on nationality verification of migrant workers from Burma", submitted to the Thai prime minister on 5 October 2010, (Jointly signed by HRDF, the State Enterprise Workers Relations Confederation of Thailand and the Thai Labour Solidarity Committee).

2009c "Letter requesting urgent dialogue with the Thai and Burmese Governments on the nationality verification process for Burmese Migrants", submitted to the UN Special Rapporteur on Human Rights of migrants and the UN Special Rapporteur on Situation of Human Rights in Myanmar on 16 November 2009.

2009d "Migrants and motorbikes: unlawful police practices and systematic discrimination in Northern Thailand", HRDF, Bangkok.

2010a "Open letter of concern for the safety and security of migrant workers in Thailand", submitted to Thai Prime Minister on 18 January 2010 at Government House, Bangkok, n.b. multiple signatories, available online at <http://www.hrw.org/en/news/2010/01/18/open-letter-concern-safety-and-security-migrant-workers-thailand>, accessed 15 April 2011.

2010b "Open letter of concern for the safety and security of migrant workers in Thailand", submitted to Thai Prime Minister on 16 February 2010 at Government House, Bangkok, n.b. multiple signatories, available online at http://www.imfmetal.org/files/10021609064566/Letter_of_Concern_to_Thai_Prime_Minister.pdf, accessed 15 October 2011.

Huguet, J.W.

2008 "Do International Migration Policies in Thailand Achieve Their Objectives?", ILO Asia Regional Programme on Governance of Labour Migration, working paper No. 13, ILO, Bangkok.

Huguet, J.W. and Sureeporn, P.

2005 "Child migrants and children of migrants in Thailand", *Asia-Pacific Population Journal December 2005*: 123.

2005a *International Migration in Thailand*, IOM, Bangkok.

Human Rights Watch (HRW)

2010 *From the Tiger to the Crocodile, Abuse of Migrant Workers in Thailand*, HRW, New York.

International Organization for Migration (IOM)/World Health Organization (WHO)

2009 *Financing Healthcare for Migrants: A Case Study from Thailand*, IOM/WHO, Bangkok.

Martin, P.

2004 *Thailand: Improving the Management of Foreign Workers*, International Labour Office/International Organization for Migration, Bangkok.

Maticchon

2010 "Prime Minister orders reduced special privileges for industries employing alien workers and BOI's reconsideration of the Issue", (in Thai), published on 9 July, available online at http://www.maticchon.co.th/news_detail.php?newsid=1278679620&grpid=03&catid=, accessed 15 April 2011.

2010a "BOI approve employment of alien workers to address labour shortages with conditions", (in Thai), available online at http://www.maticchon.co.th/news_detail.php?newsid=1284379245&grpid=03&catid=03, accessed 15 April 2011.

MCOT

2010 "Nationality identification center set up for Myanmar labourers", 14 July 2010, available online at http://www.mcot.net/cfcustom/cache_page/78163.html, accessed 15 April 2011.

2010a "Permanent secretary for labour advances making formal system for alien workers become a reality", 10 November 2010, available online at http://www.mcot.net/cfcustom/cache_page/127655.html, accessed 15 April 2011.

Naewna

2010 "Minister of Industry orders BOI to consider solutions to alien worker problems", (in Thai), 27 July 2010, available online at <http://www.naewna.com/news.asp?ID=220962>, accessed 15 April 2011.

National Channel

2011 "Prime Minister directs clean up of alien workers problems throughout the System", aired 8 November 2010, available online at <http://breakingnews.nationchannel.com/read.php?newsid=478497>, accessed 15 April 2011.

National Human Rights Commission

2012 "Protection of migrant worker rights and extension of the nationality verification deadline", letter issued to the Prime Minister on 26 February 2010.

Numnak, G.

2006 "Development and structural Diversification of the Thai economy: the cause of labour immigration", IZA/World Bank Conference on Employment and Development, 25-27 May 2006, Berlin.

Office of the High Commissioner for Human Rights

2011 "UN expert on migrants raises alarm on threat of massive deportations from Thailand", OHCHR, Geneva.

Pholphirul, P.

2011 "Migration and the economy" Chapter 4 of this volume.

Pholphirul, P., Kumlai, J., and Rukumnuaykit, P.

2010 "Do immigrants improve Thailand's competitiveness", report submitted for the World Bank under Project entitled "Managing Cross-Border Labour Mobility in the East Asia and Pacific".

Pinkaew, E.

2006 "Good practices to protect migrant workers in Thailand", paper presented to the International Conference on "Rights of Migrants in a Multicultural Society" in Seoul, 10 to 12 November 2008.

Post Today

2010 "Minister of Labour Requests 1 month to unravel problem of informal alien workers", (in Thai), published on 14 September 2010, available online at www.posttoday.com.

Rashid, Z., Zhai, F., Petri, P. A., Plummer, M. G. and Yue, C. S.

2009 "Regional Market for Goods, Services and Skilled Labour" in Plummer, M. G. and Yue, C. S. (Eds.) *Realizing the ASEAN Community: A Comprehensive Assessment*, Institute of South East Asian Studies, Singapore.

Rukumnuaykit, P.

2009 *Synthesis Report on Labour Migration Policies, Management and Immigration Pressure in Thailand*, ILO, Bangkok.

Sanook

2010 "Director general of employment department confirms there will be no new round of alien worker registration", (Thai only), Sanook Website News Report, 20 April 2010.

Sciortino, R. and Punpuing, S.,

2009 *International Migration in Thailand*, IOM, Bangkok.

South China Morning Post

2010 "It's merry-go-round of misery in Thailand", published on 7 September 2010, available online at <http://www.burmanet.org/news/2010/09/07/south-china-morning-post-iis-merry-go-round-of-misery-in-thailand-myanmar-tell-how-authorities-profit-from-human-smuggling-they-are-meant-to-stop-%E2%80%93-chutimasidasathian-and-alan-morison/>, accessed 15 April 2011.

Thailand Development Research Institute Foundation (TDRI)

2007 *Review of Labour Migration Policies, Regulatory Framework, Management Institutions and Immigration Pressure in Thailand*, (in Thai), ILO, Bangkok.

The Nation

2010 "No arbitrary expulsion of Burmese labourers", printed on 26 February, available online at <http://www.nationmultimedia.com/search/read.php?newsid=30123454&keyword=Abhisit+Vejjajiva>, accessed 15 April 2011.

U.S. Department of State

2010 *Trafficking in Persons Report, 10th Edition*, Department of State, Washington D.C.

Vasuprasat, P.

2009 "Inter-state cooperation on labour migration: Lessons learnt from MOU's between Thailand and neighbouring countries", ILO Asian Regional Programme on Governance of Labour Migration Working Paper No. 16, ILO, Bangkok.

2010 *Agenda for Labour Migration: Policy in Thailand*, ILO, Bangkok.

Wall Street Journal

2008 "Bangkok under fire on immigration policy: New rules, which demand compliance by March 2, could cause massive deportation of migrant workers", published on 1 March, available online at <http://online.wsj.com/article/SB10001424052748703940704575089091156855482.html>, accessed 15 April 2011.



Chapter 3

Out-migration from Thailand: Policy, Perspectives and Challenges¹

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Labour migration dynamics in Thailand are primarily structured along a chain in which low-skilled workers migrate from weaker neighbouring economies, while slightly more skilled Thai workers move to the stronger economies in East and Southeast Asia, the Middle East, and other parts of the world. Estimates of the number of Thai nationals working overseas range from 450,000 (DOE, 2010) to 600,000 (Bangkok Post, 2011). The number of workers who migrated in 2010 was 143,795, which included 79,792 new recruits, 62 per cent of whom stayed within East and Southeast Asia (approximately half to Taiwan, Province of China), while 28 per cent moved to the Middle East and Africa. Consistent with their low levels of education, overseas Thai workers are generally employed in relatively low-skilled occupations. As discussed further in Chapter 9, a great majority of Thai workers overseas are male (about 84 per cent). Male migrants usually work in construction, manufacturing and agriculture, while the employment of female migrants is mainly concentrated in the household and commercial service sectors, as live-in maids, caregivers, entertainers and service employees (DOE, 2010).

This chapter assesses Thailand as a country of origin, and analyses the legal, policy and regulatory frameworks in place to administer and manage out-migration from Thailand and protect Thai workers overseas. The main focus is on low-skilled migration from Thailand, given that this accounts for the majority of migration out of Thailand and represents the biggest policy challenge to the Government of Thailand with regard to the management of out-migration.

The Government of Thailand plays a central role in promoting and administering out-migration, through a series of national legislation and transnational commitments that provide the framework for out-migration management in the country. Thailand has established bilateral agreements with Taiwan, Province of China, and Japan, two prominent destinations for Thai workers; and MOUs (Memoranda of Understanding) with several other receiving destinations, namely: Israel; Malaysia; Republic of Korea; and United Arab Emirates. It was also recently negotiating pacts with Libyan Arab Jamahiriya and Canada. The agreements aim to regulate, among others things, recruitment, testing and certification of applicants, employment sectors and quotas, and conditions of employment and social security arrangements. However, unlike some other countries in the region, Thailand does not have a coherent and clearly articulated migration policy, and labour migration has not featured explicitly in the Government's National Economic and Social Development plan since its fifth version in 1982, when the policy goal of promoting labour exports to address rising unemployment was formulated.

Legislation of outbound labour migration in Thailand is grounded in Chapters III, IV and V of the Recruitment and Job-Seekers Protection Act of 1985, revised in 1994 and 2001. The Act, which regulates the rendering

¹ The lead author of this chapter is Euan McDougall, Labour Migration Programme Assistant, IOM Thailand. Guidance and inputs were provided by Claudia Natali, Labour Migration Programme Manager, IOM Thailand and Max Tunon, Technical Officer with the ILO TRIANGLE project.

of employment and recruitment services for workers seeking to migrate abroad, calls for the protection of Thai workers overseas and sets the conditions for carrying out foreign employment services, including pre-departure examinations and training, the establishment of an aid fund for overseas workers, and the provision of a written employment contract between job seekers, employers and, when applicable, representatives of an employment agency. The contract must specify a range of terms and conditions, including the name and address of the employer, rate of pay, tenure of employment, location of workplace, working hours, and other benefits for workers, such as holidays and rate of overtime pay. Additionally, the Act stipulates that recruitment agencies must be responsible for taking care of their workers, and provides monitoring measures and sanctions in the event of violations. For example, if a worker does not get the job stipulated in his/her employment contract, the recruitment agency is responsible for all expenses involved in the migrant's repatriation and has to return all fees and expenses collected. Similarly, if the worker gets paid less than what is stipulated in the contract or the job position differs from the contract and the worker requests to return to Thailand, his/her return must be arranged and paid for by the agency.

The Thailand Overseas Employment Administration (TOEA), set up under the Department of Employment (DOE) of the Ministry of Labour (MOL), is the primary agency tasked with ensuring enforcement of the Act. TOEA works closely with other departments in the DOE, including the Inspection and Job Seekers Protection Division, as well as with the Ministry of Interior (Police Bureau), the Ministry of Foreign Affairs, and the Ministry of Public Health in regulating recruitment, pre-departure training and services available to migrant workers. While abroad, migrants are supported by the Office of Labour Affairs, formed under the Permanent Secretary of MOL, through 13 offices in 11 different countries and territories.² The offices provide support services through the labour attachés, which aim to protect the rights of overseas Thai workers.

Pre-migration phase – procedures for recruitment and placement

The pre-migration phase for Thai workers going overseas has been largely influenced by government efforts to manage and regulate the recruitment and placement of Thai workers overseas. The Government of Thailand sets the conditions for the recruitment and placement of workers through government agencies and licensed private recruitment companies. TOEA is the primary agency responsible for managing out-migration. Its functions include: regulating the practices of private recruitment companies; centralizing overseas employment information; administering Thai workers overseas; facilitating overseas employment opportunities; and providing overseas employers with suitable and experienced Thai workers.

As explained in a recent interview with a TOEA official, systems of recruitment vary depending on whether recruitment occurs as part of a bilateral agreement³. For example, labour migration to the Republic of Korea must be carried out through government channels (TOEA), as stipulated by the bilateral agreement signed between Thailand and the Republic of Korea. The recently signed MOU between Thailand and Israel also stipulates that the recruitment of Thai workers must take place through government-to-government channels (The Nation, 2010). However, the recruitment procedure for Thai workers going to Japan is different, occurring primarily through a training system known as the Japan International Training Cooperation Organization (JITCO) (ARCM 2010: 6). In April 2007, Thailand also signed a bilateral free trade agreement with Japan called the Japan-Thailand Economic Partnership Agreement (JTEPA). It includes a section on the "movement of natural persons", which besides professionals, also provides migration options for lower skilled workers such as cooks, and "instructors" for Thai dance, music, boxing, Thai language and spa services (Japanese MOFA, 2007). Recruitment to other countries, including those other countries that have signed bilateral agreements or MOUs with Thailand, occurs primarily through private recruitment agencies, which must hold a TOEA-approved licence in order to recruit legally. In addition to government-led migration and

² Brunei Darussalam; Germany; Israel; Japan; Malaysia; Republic of Korea; Singapore; Saudi Arabia (2 offices); Switzerland; Hong Kong, China; and Taiwan, Province of China (2 offices).;

³ Much of the information in this chapter was collected through interviews with TOEA and other MOL officials.

migration facilitated by private recruitment agencies, out-migration may also occur independently through a direct application for employment by the migrant. The proportion of Thai workers migrating independently has increased in recent years, from 1.7 per cent in 1999 to 12.9 per cent in 2009 (DOE, 2010).

According to the 1985 Recruitment and Job-Seekers Protection Act, an overseas employer wishing to hire Thai workers must notify the Royal Thai Embassy or Consulate in their country, and is required to recruit workers through the DOE or licensed private recruitment companies. An employer has to provide the appropriate documentation, including power of attorney to the DOE or recruitment agency, demand letter, copy of business registration permit, employment contract and visa forms for workers in order to legally begin the process of hiring Thai workers (DOE 2009).

The selection of workers can only begin once an employer is registered with the DOE, or in the case of recruitment through private channels, once recruitment agencies have received approval from the DOE to publish vacancies (ARCM 2010). If a worker wishes to migrate independently, he/she must declare his/her intent to work abroad and submit the appropriate documentation, including a copy of the employment contract, to the DOE. TOEA attempts to keep track of unsuitable or exploitative employers by maintaining a blacklist of employers, formed on the basis of complaints received from Thai workers abroad through the labour attachés. However, should a company appear on the blacklist, TOEA will not prevent that employer from recruiting Thai workers, but instead attempt to be more stringent and extensive when screening the employer's application documents.

In the case of government-led deployment, TOEA maintains a reserve of workers' applications, from which appropriate candidates are selected when requested by employers. If no suitable workers can be found, TOEA then advertises for the type of workers required through the media (expenses are covered by employers). In cases in which a worker's skills need testing, the Department of Skill Development will either refer the applicant to one of its testing centres or recommend an external testing centre. Upon completion of testing, workers must undergo a medical examination, apply for a passport and visa, attend a pre-departure training⁴, and make a contribution to the Aid Fund for Overseas Workers, all organized by TOEA (DOE, 2009).

Recruitment agencies

Private recruitment agencies sending workers overseas must get a licence from TOEA, obtain approval to advertise vacancies and request permission before sending workers abroad, as specified in the Recruitment and Job-Seekers Protection Act. As with recruitment through government channels, workers selected to go overseas must undergo medical examinations and skills testing, when appropriate. Employment agencies must also arrange for workers to sign an employment contract, contribute to the Aid Fund for Overseas Workers, and attend a pre-departure orientation.

As of 1 December 2009, there were 218 registered recruitment agencies in Thailand. About 44 per cent of them began operating in the last 10 years. The older agencies tend to send semi-skilled workers to the Middle East, while the newer agencies are more likely to place low-skilled workers in Asia (ARCM 2010: 14-18). To obtain a licence, recruitment companies must be registered as a "limited partnership" or "limited company" and include "recruitment office" or "employment agency" in their name, submit the appropriate documentation, and pay an insurance deposit of 5 million Thai baht (USD 165,000). Licensed agencies risk having their licence suspended or revoked altogether if they fail to meet the following criteria, set by TOEA:

- Agencies must issue a receipt when they accept money from jobseekers.
- Agencies that receive payment from job seekers must send workers abroad within a limited period of time specified in their contract.

⁴ According to an official from TOEA, the Agency provides basic training for all workers going overseas, but the comprehensiveness of pre-departure training depends on the type of out-migration and whether a bilateral agreement has been signed with the destination country. For example, more extensive training, including language training, is provided for workers migrating to Japan and the Republic of Korea based on the bilateral agreement/MOU signed with Thailand (TOEA, 2010).

- Should money need to be used from the 5 million baht insurance deposit to cover the costs of irregularities, the responsible agency must pay this money back within 30 days.
- Agencies must register both their company and their employees with TOEA.
- Agencies must not charge their clients more than double their monthly wage (based on the first month or the first 30-day period after work commences) for employment contracts of one year or longer. This amount covers only the service fee and does not include travel expenses or visa fees⁵. However, this ceiling varies by:
 - (a) Length of contract: In cases where the contract is less than one year, the service fee is to be reduced in proportion to the contract duration. Similarly, for employment contracts that last two years, recruitment companies cannot charge more than four times the first month's wage.
 - (b) Destination country: For example, recruitment fees for workers going to Taiwan, Province of China cannot exceed four times the first month's salary, primarily due to the fact the territory is a very popular destination with a minimum wage considerably higher than other countries in Asia (ARCM, 2010: 61).

One violation of the above criteria will result in that agency having their licence suspended for a period of 30-120 days. A second violation will mean the licence is cancelled. Agencies found to be recruiting workers without a government-approved license are referred to the police.

Problems with the recruitment process

In reality, the recruitment procedure rarely follows the correct legal procedures, as dictated by the Recruitment and Job-Seekers Protection Act, and very few workers go through all the required legal steps for working abroad. Many of the actors involved in recruitment (including employment agencies, government officials and job seekers themselves) undertake shortcuts and circumvent the law to facilitate their own operations and increase their profits, when applicable. Both licensed and unlicensed recruitment agencies continue to carry out activities that range from being in a grey zone to being blatantly illegal. Additionally, Thai workers themselves may also opt to migrate through irregular channels to reduce costs and waiting times (ARCM, 2010: 6).

One of the most common complaints brought against both licensed and unlicensed recruitment companies is that they often charge exorbitant fees to their clients and then fail to place them in a job. Migrants often take out loans with high interest rates to pay these fees, and are therefore left in desperate financial situations should recruitment agencies not follow through with their promise of delivering a job. Even when a recruitment company delivers a job, the fees charged are often higher than those allowed by law, thus leaving the client with unreasonably high levels of debt to pay off. Agencies normally collect around 75,000 -130,000 Thai baht (THB) (USD 2,500-4,300), although this amount varies by destination. For example, licensed and unlicensed agencies recruiting workers to go to Taiwan, Province of China had raised their prices from a range of THB 60,000-80,000 in the 1990s to THB 180,000-200,000 in 2008. However, there is rarely a clear paper trail or other evidence of the excessive fees charged (ARCM 2010: 123). Additionally, migrants that accept these payments are often coerced into signing a form stating that the fee paid is not higher than the amount set by the law. To avoid any responsibility, some agencies or brokers also: (a) advise job seekers to declare to the DOE that they are accepting the work on their own cognizance; (b) advise job seekers to travel on visas that have no provision for permission to work in the destination country; or (c) "sell" the workers to other agencies (ARCM, 2010).

⁵ In addition to this service fee, agencies may recoup actual expenses incurred during the recruitment process, not exceeding three times the monthly wage. Another procedure that may increase costs or delay deployment is the criminal record check, for which workers must pay THB 3,000 (USD 100) to obtain immediately or THB 1,500 (USD 50) to expedite the process. Workers that do not want to pay must wait two months for a free copy.

Unlicensed recruiters

The operation of unlicensed brokers is one of the major problems hampering efforts to more effectively manage out-migration from Thailand. Persons or organizations illegally engaged in foreign job placement services in Thailand range from local and community level "headhunters" to representatives of domestic or foreign employment agencies (ARCM, 2010: 108). There are five types of companies that are often illegally involved in recruitment and job placement services, namely, foreign employment loan services, mail-order bride services, tour companies, foreign language schools and trade skill schools. The first three types of companies technically should be registered with, and therefore, monitored by the Ministry of Commerce; the latter two by the Ministry of Education.

One study found that over a five-year study period, the majority of infractions against the law were committed by unlicensed job placement services and recruiters (ARCM, 2010). Reports from many provinces also indicate that the number of people who have experienced malpractice from unlicensed private individuals acting as recruiters is larger than the number cheated by legal employment agencies. In 2008, a total of 1,648 grievances were filed against unlicensed recruiters. An additional 1,069 cases involved licensed recruiters, and only in recent years has the number of cases filed against licensed recruiters fallen below the number filed against unlicensed recruiters. During the period 2004-2008, the number of complaints brought against licensed recruitment agencies steadily decreased, while the proportion of cases in which assistance was provided rose (ARCM, 2010: 77).

The most serious problems associated with unlicensed recruiters occur through deliberate deception and typically involve large sums of money being handed over to recruiters who have no intention of placing their clients in jobs overseas, or are wittingly sending their clients into exploitative situations. Many job seekers are cheated and deceived every year by such malpractice, indicating that they lack sufficient access to accurate information regarding the costs and risks involved in using unlicensed recruiters.

Unlicensed recruiters often employ aggressive tactics and go deep into rural areas where there are greater opportunities to exploit poor families who wish to find better employment opportunities overseas but are uninformed of the dangers and risks involved. Often, personal acquaintanceships and word of mouth play an important role in ensuring the reputability and legitimacy of unlicensed recruiters in rural communities. A common ploy employed by unlicensed recruiters, who often have connections to one or more employers abroad, is to send job seekers abroad on tourist visas. As these recruiters operate illegally in a deliberately deceptive manner, it is difficult to stop or even find them, and the informal agreements they reach with job seekers are almost impossible to enforce. The unlicensed brokers' surreptitious nature also enables them to avoid responsibility for the welfare of workers once they have been sent overseas. The workers are subsequently left stranded in a foreign land, often in an irregular situation with little recourse for legal action against their recruiters.

August 3 declaration

The DOE and the National Committee to Combat Human Trafficking have acknowledged the need to regulate recruitment practices to better protect Thais from abuse and exploitation. In 2010, the MOL announced the "August 3rd Declaration for Work with Dignity", which primarily aims to: reduce recruitment costs; suppress unlicensed recruitment actors; and protect the rights and welfare of migrant workers and members of their families. Soon after this announcement, 87 recruitment agencies signed up to the Declaration, 100 individual brokers were registered, 50 officials participated in an DOE-ILO training workshop on labour trafficking, a fast-track channel for migrant workers was opened at Suvarnabhumi Airport in Bangkok, and a task team was appointed to monitor possible incidents of labour trafficking. In addition, the Government of Thailand began to review protective legislation, with revisions proposed to the Recruitment and Job-Seekers Protection Act.

Challenges in regulating recruitment

- **Information dissemination**

One of the main challenges in reducing the incidence of exploitation and extortion of Thai workers in the recruitment process is raising awareness of the pitfalls and risks of overseas employment. Notably, ARCM (2010) found no public dissemination of the names and offences of employment agencies involved in illegal recruitment practices, thus, making it easier for those agencies to continue to break the law and breach contracts, while failing to deter other recruitment agencies from acting in a similar manner.

A key issue is the lack of information and warnings on recruitment scams and malpractice reaching communities in rural areas. Proactive dissemination of warnings and information regarding the dangers of trusting illegal recruiters is rarely carried out, and is clearly limited in its geographical scope and coverage. Government authorities need to put more effort into warning job seekers of the dangers of trusting unlicensed recruiters, and publicly announce the names of both licensed and unlicensed recruiters who commit deception, malpractice and fraud, through the use of a range of media channels, such as newsletters, websites and government office bulletin boards.

- **Pre-departure orientation**

Pre-departure orientation seminars provide an opportunity for the Government of Thailand to provide workers, who have been selected to go abroad, with information about their rights and responsibilities overseas, an accurate understanding of their expected working and living conditions, and clear instructions regarding what to do should they encounter difficulties. However, the orientation provided by TOEA lasts only a half a day and does not fully inform out-bound Thai workers on what they need to be prepared for, how to protect themselves, and how to conduct themselves while abroad. Migrant workers often feel that the length of the course is too short, while others have pointed to the uninteresting content of the programme (ARCM, 2010). The seminar is largely seen as a legal requirement that must be completed, rather than a meaningful exercise which enables workers to learn about these important issues. As a result, many out-bound migrants possess insufficient knowledge about working overseas. Many recruitment agencies conduct their own skills testing and orientations – as desired by potential employers – rather than depend on the briefing organized by governmental authorities. There do not appear to be any pre- and post-migration surveys to evaluate the quality or content of this training (ARCM, 2010).

- **Limited governmental capacity**

Numerous gaps remain with regard to the enforcement of legislation and regulation of recruitment practices. For example, in provincial areas, a shortage of personnel limits governmental authorities from effectively protecting job seekers from deception and fraud (ARCM, 2010: 100). According to a recent interview with a TOEA official, limited resources are preventing the Agency from exploring additional labour markets for Thais wishing to migrate abroad. The addition of new markets could give job seekers a wider range of migration options and thus potentially reduce the incidence of exploitation.

- **Law enforcement**

The legislation in place to manage out-migration from Thailand and regulate the recruitment process is arguably not comprehensive enough. However, the inadequate enforcement of existing laws is even more damaging to efforts to manage out-migration from Thailand. This is clearly illustrated by, among other things, the exorbitant recruitment fees being collected by recruitment agencies; the large number of unlicensed recruitment agencies that remain in operation; and the deception and fraud that occurs when recruitment agencies accept payment for job placements that do not exist. Given the difficulties in providing protection to Thai citizens once they have left Thailand, it is essential that the laws governing the recruitment process in Thailand are more stringently enforced if the process is to serve job seekers themselves rather than the unscrupulous recruiters and brokers who continue to profit at their expense.

Despite the tough penalties on paper for infractions against the law, the actual penalties meted out for deceitful or irresponsible practices are not severe enough and do not serve as a sufficient deterrent to agencies and brokers (legal or illegal). Between 2005 and 2009, a total of 12 recruitment companies were put on probation, 28 had their licences temporarily suspended, and 6 had their licenses revoked (DOE, 2010). However, the total number of grievances brought against recruitment agencies (both licensed and unlicensed) during the period 2004-2008 was 16,157, and the number of cases in which assistance was provided to job seekers during the same period was 14,329 (ARCM 2010: 74). Therefore, only a very small minority of recruitment agencies were penalised for deceitful and irresponsible practices, and punishment of offenders has been relatively minor compared to the levels of hardship that they have inflicted on job seekers. Only in one instance has deception or misinformation in recruiting for work abroad resulted in the revocation of a license. Most violations detected in Udon Thani province resulted in licenses being suspended for 120 days, but decisions can be appealed and the period of suspension is often reduced. Usually, partial compensation is agreed upon in order to avoid a long, drawn out trial. When charges are filed against unlicensed job placement services, the adjudication process is generally lengthy, and defendants often flee to escape punishment, or it is difficult to prove their wrongdoing (ARCM, 2010: 62-63, 112). A major obstacle in ensuring more robust enforcement of the law is the reluctance to confront the culture of corruption that is pervasive in the recruitment industry and the vested interests that stand to gain from the deception and exploitation of Thai job seekers.

Destination phase – protection of workers while overseas

Contract and employment conditions in the country of destination

If the appropriate steps are followed in the recruitment and placement of workers, Thai migrants overseas can expect to receive adequate compensation and enjoy a certain degree of protection under the 1985 Recruitment and Job-Seekers Protection Act, particularly with regard to the clause that stipulates that employment agencies must reimburse workers if the job and wage are not as specified in their contract. Wages and other work conditions are supposed to be established in official, legally binding contracts. In addition, overseas Thai workers should be in good health and have the necessary skills to do a particular job in a foreign setting if they have completed the required medical and skills tests prior to their departure (Sciortino and Punpuing, 2009: 28).

However, a large number of Thai workers continue to encounter a range of problems while working overseas, including exploitation, abuse and trafficking, many of which stem directly from recruitment malpractice, as described above. The problems most commonly reported by Thai workers overseas relate to some aspect of their job, such as the type or location, being different to what was specified in their job contract, or not receiving the salary that was stipulated in their contract (ARCM, 2010: 53). This is often because the initial contract (that had been approved by the DOE) is substituted once the worker is in the country of employment, in exchange for the “real” contract between the worker and the foreign employer/contractor, which is written in another language (ARCM, 2010).

Other problems include the late payment of salaries, excessive wage deductions, no payment for working overtime as promised, dangerous or dirty working conditions, physical or mental abuse from employers and inadequate social and welfare arrangements including accommodation standards, food arrangements and medical services. Additionally, workers’ freedom of movement may be curtailed and they may lose their jobs and be repatriated if found to be infected with HIV or if they become pregnant (Sciortino and Punpuing, 2009: 28).

Some Thai workers have to work for up to a year before they have paid off the migration and recruitment fees, their debts and accumulated interest. Others leave before they begin earning, and return home indebted. There have been reports of Thai workers, who migrate for low-skilled contract work, being subjected to

conditions of forced labour and debt bondage in the Gulf States, Israel, Malaysia, the Republic of Korea and Taiwan, Province of China. During 2009, Thai workers were deceived about their working conditions in Sweden and subjected to conditions of forced labour in Finland, Poland, and the United States of America for work in slaughterhouses, on construction sites, and on farms (US Department of State, 2010).

Access to rights, welfare, and services

Once abroad, the ability of Thai workers to independently challenge and resolve such difficulties and violations of their contract is severely limited. Moreover, logistical difficulties and high travel costs mean that Thai workers cannot easily return to Thailand if conditions are not as expected. Migrants' access to support services differs by destination state, depending on whether a bilateral agreement has been signed between the destination state and Thailand, the policies of host governments, and the capacity of Thai missions and labour offices overseas to respond to the needs of migrants.

- **Assistance provided by recruitment companies**

Employment agencies in Thailand usually lack a mechanism by which they can follow-up on and assist workers overseas. This is often due to the reluctance to assume responsibility for workers once they have left Thailand. Despite the law which states that employment agencies must accept responsibility for bringing workers back to Thailand at the agency's own expense should a job overseas not be as specified in the contract, employment agencies often fail to comply with this law and do not accept responsibility for workers they have sent overseas, leaving them stranded abroad as a consequence (ARCM, 2010: 98).

A number of employment agencies, especially those sending workers to Singapore and Taiwan, Province of China, use overseas agents in the destination state to manage the welfare of Thai workers rather than managing it themselves. Thai workers in Taiwan, Province of China have expressed a preference for seeking assistance through this system rather than through their recruiter in Thailand. Alternatively, recruitment companies may assign a "camp boss" to ensure the well-being of Thai workers in the destination state. This person is then responsible for ensuring that the working and living conditions of the Thai workers are as stipulated in their contracts. However, their ability to bargain on behalf of workers in possible disputes is highly questionable (ARCM, 2010: 28-29).

- **Government assistance**

Given that neither Thailand nor the major labour-receiving states of Thai workers have signed international migrant conventions such as the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Thai workers receive limited protection against trafficking and exploitation under international law. However, the United Nations human rights instruments apply to all migrants, as do the ILO fundamental rights and principles at work. Assistance to Thai workers overseas is provided primarily through MOL and the Ministry of Foreign Affairs (MOFA). The Office of Labour Affairs (OLA), formed under the Permanent Secretary of MOL, provides support to migrants through 13 offices in 11 different countries and territories. In these destinations, the OLA provides assistance to Thai workers while the diplomatic mission in a foreign country, such as the nearest consular office, accepts initial contacts and complaints. In countries where there is no OLA, consular offices also handle assistance efforts.

OLA provides support services through its labour attachés, which aim to protect the rights of overseas Thai workers by giving advice, counselling and assistance to Thai workers who encounter problems regarding wage payments, health issues or personal safety, among others. The Office also provides some access to legal recourse for Thai migrants who face problems while working overseas, for example, by negotiating directly with the related parties on behalf of the Thai person undergoing hardship, or should the negotiation be unsuccessful, enlisting the assistance of lawyers and/or government agencies in the host state. Labour offices mainly supervise documented workers, while most undocumented workers that experience difficulties abroad are reluctant to turn to them.

Unsurprisingly, Thai migrants overseas in irregular situations receive little assistance through formal channels and are not covered by domestic labour laws or bilateral agreements. In the case of workers who have migrated through irregular channels and sought assistance with Thai embassies or consulates overseas, the MOFA will make available funds budgeted for repatriation in order to return the worker to Thailand. However, migrants must pay back this cost, which may add to their already crushing levels of debt.

During 2009, most Thai victims who were repatriated to Thailand with assistance from the Government of Thailand were exploited in Bahrain, Malaysia, Maldives and Singapore (US Department of State, 2010). Often, migrants have deliberately entered into an irregular status by overstaying their tourist visas or running away from their registered employer and working with irregular status. For example, Thai workers in Taiwan, Province of China attributed their decision to abandon contract employment to harsh working and living conditions and numerous salary deductions, and chose to work for underground employers, despite the dangers of exploitation and deportation (AMC, 2007: 299-300). In 2008, more than 1,500 Thai women in the entertainment industry sought assistance from the Royal Thai Embassy in Bahrain, many of whom had entered the country on tourist visas (ACRM, 2010: 120).

According to a recent interview with a TOEA official, the Government of Thailand has recently taken steps to increase the level of protection afforded to Thai workers overseas by setting up a MOU between the DOE (under MOL) and the Department of Consular Affairs (under MOFA). This cooperative agreement, signed in 2010, is independent of assistance provided through labour attachés, which varies considerably by destination state. The agreement aims to increase coordination between the two departments and achieve consistent standards in the levels of protection extended to migrants overseas. The MOU encompasses a number of specific commitments including: a specialized committee to monitor the problems of Thai workers abroad and act on these problems appropriately and promptly; the use of a range of media activities to raise awareness among migrants of the potential risks and dangers associated with working abroad; and to continue to seek additional opportunities for Thais wishing to work abroad.

- **Aid Fund for Overseas Workers**

The OLA also implements the Aid Fund for Overseas Workers, which workers sign up for and contribute to before their departure to ensure that financial support is available for migrants who encounter difficulties or exploitation while abroad, or wish to return to Thailand before the end of their contract. Workers who migrate independently also have the option of voluntarily contributing to this fund, which makes them eligible to receive the benefits. Assistance through the fund can take many forms, ranging from help with repatriation in case of death or disability, a subsistence allowance if waiting to start a new job, medical expenses and skills testing (ARCM, 2010: 84).

- **Assistance from destination states**

While it is clear that there is substantial room for improvement in the protection offered to Thais working overseas through the current legal and regulatory frameworks, it is also important to acknowledge the difficulties in protecting them once they have left Thailand, particularly when working in risk sectors, with irregular status or in destinations where there is limited protection for migrants. For example, in Taiwan, Province of China, the destination with the highest number of Thai migrant workers, workers are prohibited from changing employers, leaving them open to exploitation and ill treatment in the workplace. The government also requires employers to pay an assurance bond, which is deducted from the salaries of migrant workers and is equal to approximately two months salary. Procedures for receiving medical care are complicated, and require workers to first obtain a police record of an accident before hospitals will admit them.

Bilateral agreements, such as the one signed between the Government of Thailand and the government of Taiwan, Province of China in 2002, should, in theory, provide a mechanism for the two parties to engage in a regular and constructive dialogue regarding the situation of migrant workers and thereby ensure their

protection, while also weakening the influence of private recruitment companies. However, bilateral agreements, especially those that fail to minimize or regulate the role of agencies and brokers, tend to provide only limited protection to Thai workers overseas (Wickramasekara, 2006). For example, the MOU signed with Malaysia contains no minimum standards for conditions of work.

Access to financial services

Funds sent home by Thai workers constitute an important source of income for many families in Thailand (see Chapter 4), and the sending of remittances therefore represents a primary objective of working abroad for many Thais. However, more needs to be done to lower costs and simplify procedures for Thai workers wishing to transfer money back home. TOEA provides information to migrants and cooperates with commercial banks, but beyond this, does not provide any support for migrants wishing to remit funds. Transferring funds through informal channels therefore remains a popular option as the process tends to be comparatively less complicated and more cost-effective (MOL, 2010). Numerous studies have shown that a majority of remittances from Thai workers abroad are sent home through informal channels and used for living expenses of the household, children's education, farming activities, home improvements and debt repayment (Sciortino and Punpuing, 2009: 46).

Challenges in protecting Thai workers overseas

The overall degree of assistance provided to overseas Thai workers is limited, and it is questionable whether recent efforts to increase the level of assistance afforded to migrants, such as the aforementioned MOU, will have any significant impact on their well-being. The potential dangers and problems faced by migrants remain substantial, while the labour laws that aim to protect Thai workers overseas are limited in serving this purpose.

The overall level of success in attempting to address forced labour and trafficking of Thai citizens abroad has also been inadequate, despite significant efforts to continue implementation of the Government's comprehensive anti-human trafficking law that came into force in 2008⁶. For example, while MOFA reported that it had assisted and repatriated 309 Thai nationals classified as trafficking victims during 2009, the Government of Thailand did not report any investigations or prosecutions of Thai labour brokers involved in the trafficking of Thai workers abroad during the same year (US Department of State, 2010). Similarly, in 2007, arrest warrants were issued for 19 suspects in Thailand involved in human trafficking of Thai women to the Middle East, but by 2010 only six of these suspects had been arrested (ARCM 2010: 121).

Furthermore, the capacity of the Government of Thailand to support migrants abroad is limited. MOL has few offices in foreign countries and no offices exist in countries where there have been recent increases in the number of Thai workers such as Libyan Arab Jamahiriya. This leaves the task of assisting Thai workers to local Thai diplomatic missions that are insufficiently equipped to handle the caseload, particularly in the Middle East. As a result, the time necessary to provide assistance has been significantly prolonged in these areas and has become a burden to Thai consulates and embassies (ARCM, 2010: 101). Additionally, once abroad, DOE does not provide any assistance to Thai employees who wish to change jobs should their working conditions not be as expected, and employees most often face a choice between continuing in that position, working underground, or deciding to return to Thailand. When problems arise overseas, the laws of the host state are the basis on which these problems are dealt with (ARCM, 2010).

The difficulties in protecting Thai workers overseas again highlight the importance of information dissemination. Thais working overseas often lack access to specific information regarding their rights in host states, and even in destinations where the legislative framework exists to protect migrants, they often have

difficulty taking advantage of the framework without external support. This problem essentially has its roots in the pre-departure phase of migration. All workers should be provided with accurate and complete information regarding their rights and responsibilities in destination countries, as well as how to challenge contract violations, prior to their departure.

Return and reintegration phase

Situation of returning migrants

The prospects for Thai workers returning to Thailand depend on several factors. Returnees to Thailand may be, among others, documented workers who have finished their contracts; undocumented workers who have decided to surrender to immigration authorities due to health problems, accidents at their jobs or other difficulties; deported persons; persons volunteering to return prematurely; and trafficking victims who have been rescued or escaped from their employers. In some cases, such as for Thai migrant women who were trafficked for sexual exploitation, the process of returning to Thailand often requires facilitation from some authority or organization (Angsuthanasombat, 2007). Due to the range of circumstances and difficulties associated with returning to Thailand, support for reintegration into Thai society and the Thai workforce is a crucial but somewhat neglected aspect of out-migration management in the country.

One of the key difficulties faced by Thai workers upon their return from overseas is the question of what kind of job they will pursue. When Thai migrant workers return home they are faced with limited options and the same factors that caused them to migrate in the first place. Most are unable to use the skills and knowledge gained abroad to apply for new jobs or transfer them for education credits in Thailand (Angsuthanasombat, 2007). TOEA has no specific programmes to assist returning migrants in the reintegration process. It offers advice to returning migrants on where and how to apply for jobs, but due to financial and practical constraints, does not provide any additional support to returnees. In fact, very few migrants even contact TOEA when they return to Thailand. Thai workers who receive social security benefits while working abroad on the basis of tax payments to host states are not able to enjoy the portability of these benefits.⁷ In addition, many workers return with no personal savings while others who do return with savings may not know how to invest carefully, or may spend all their savings within a few months. Many migrants also encounter family problems or have become strangers to their children. It is for these reasons and more that the decision and experience of returning to Thailand is often more difficult than the initial decision to work overseas (Angsuthanasombat, 2007).

The return of victims of trafficking is facilitated by Thai embassies and consulates overseas in coordination with the Department of Consular Affairs, together with other governmental and non-governmental actors. The Department of Social Development and Welfare (DSDW), of the Ministry of Social Development and Human Security (MSDHS), is the agency responsible for providing assistance to victims of trafficking returning from abroad, in accordance with the Anti-Trafficking in Persons Act B.E. 2551. Direct assistance to victims of trafficking may entail a broad range of services, including shelter assistance, financial support, medical and psychological care, social and legal counselling and vocational training. In practice, these services are often provided in collaboration with other organizations, as the MSDHS has limited resources available to devote to the reintegration of victims of trafficking (IOM 2009: 49). IOM specializes in providing reintegration support for trafficked victims in coordination with MSDHS, and has delivered specialized reintegration support to 201 Thai victims of trafficking since 2005. ILO is also currently supporting the delivery of more comprehensive and coherent assistance to Thai migrants, including victims of trafficking, returning from the European Union and neighbouring countries.

⁶ Anti-Trafficking in Persons Acts B.E. 2551 (2008)

⁷ An MOL official explained in an interview that these benefits are not applied towards pension schemes or welfare entitlements in Thailand.

The lack of data on return migration limits the possibility of a more detailed understanding of the needs of return migrants and the resources required to properly attend to these needs while maximizing the benefit of return migrants to Thai society. Data on repeat migration, its determinants, and its effects on migrants in terms of employment prospects and family life would also help to better understand the difficulties associated with migrants' return to Thailand.

Return and reintegration support needed

Despite the limited resources at its disposal, the Government of Thailand must formulate a framework of support for return and reintegration if returning migrants are to overcome the difficulties associated with return to Thailand. Such support could also help ensure that the developmental value of out-migration goes beyond remittance flows alone to incorporate more sustainable forms of development among Thai families and communities, and Thai society as a whole. Key elements of such a programme should include personal/social reintegration and economic reintegration. With regard to the former, the reintegration of returned migrants into local community life should be facilitated, in addition to the provision of medical or legal consultations and psycho-social counselling for those with personal or family challenges. Migrants who have been exploited or abused while overseas are likely to be in especially great need of psychosocial assistance on their return (Angsuthanasombat, 2007). Key elements of an economic reintegration programme could include job-seeking support, training programmes in various vocational and technical skills, technical assistance for entrepreneurial activities or self-employment, and savings and livelihood programmes providing low-interest loans and access to microfinance to enable return migrants to start small businesses.

Conclusion

Thailand's successful management of out-migration and its protection of workers overseas depend largely on the implementation of government laws and policies that call for the protection of Thai migrants overseas and the strict regulation of the recruitment industry. These laws and policies, particularly the Recruitment and Job-Seekers Protection Act of 1985, have created a system in which governmental agencies, employers and host country governments can facilitate and regulate the recruitment and placement of Thai workers. However, in practice, Thai migrants continue to be exploited and deceived during multiple stages of the migration process, and face a difficult time upon their return to Thailand. The difficulties in managing and regulating out-migration from Thailand stem from a number of factors, including the huge profits that can be made from exploiting the hopes of Thais seeking better employment opportunities abroad; the failure to sufficiently educate Thai job seekers of their rights and responsibilities overseas and the risks involved; and inadequate enforcement of the law, particularly with regard to the recruitment of workers in Thailand.

The latest indications show that out-migration trends from Thailand are unlikely to subside in the near future. For example, the Government of Qatar announced in April 2010 that it had approved the recruitment of 54,000 Thai workers by various companies in Qatar, to add to the 13,000 Thai labourers already working there (Bangkok Post 2011). While such opportunities may signal new and exciting possibilities for Thais wishing to work overseas, it is essential that the Government of Thailand takes concerted steps towards improving its management of out-migration if the exploitation and extortion of Thai workers abroad is to be minimized, and Thailand and its workers are to reap the benefits.

In this regard, it is strongly recommended that the Government of Thailand reassess and tighten its management of out-migration from Thailand. Key measures to reduce the exploitation of Thai workers at the recruitment phase should include: more focused and concerted efforts to disseminate information, particularly among rural communities, of the dangers involved in irregular migration; harsher penalties for recruiters found to be guilty of fraud or infractions against the law; enhanced efforts to examine and strictly regulate the practices of private recruitment agencies; and upgrading the pre-departure orientation to better prepare Thai workers for going overseas.

Additionally, the Government of Thailand should strengthen the framework of support for Thai workers overseas through adequate follow-up on job placements and employers overseas, and increase efforts to foster communication and collaboration with a range of actors, including host country governments, civil society organizations, trade unions, employers and lawyers.

Finally, formulating a basic but coherent return and reintegration programme through the DOE, encompassing aspects of personal and economic reintegration, would ensure that Thai workers are better able to deal with the difficulties associated with their return to Thailand while utilizing the skills and funds they have gained overseas, and help ensure that the developmental contribution of out-migration to Thai families and communities is maximized.

References

Angsuthanasombat, K.

2007 "Reintegration Program for Thai Returnees: A Case Study of Thai Migrants in Japan and Comparison with Filipino Experience.", in *The Nippon Foundation Fellowships for Asian Public Intellectuals Reflections on the Human Condition: Change, Conflict and Modernity* : 348-362, Bangkok: The Nippon Foundation.

Asia Migrant Centre (AMC)

2007 Asian Migrant Yearbook 2005, AMC and Migrant Forum in Asia, Hong Kong.

Asia Research Center for Migration (ARCM)

2010 *Research Report on Understanding Recruitment Industry in Thailand*, ARCM, Bangkok.

Bangkok Post

2011 "Looking after our workers overseas", available online at <http://www.bangkokpost.com/news/investigation/216622/looking-after-our-workers-overseas>, accessed 17 January 2011.

Department of Employment (DOE)

2009 Hiring Thai Worker, Department of Employment, Ministry of Labour, Bangkok.

2010 Yearbook of Employment Statistics 2009, Department of Employment, Ministry of Labour, Bangkok.

2011 Department of Employment, Ministry of Labour, available online at <http://www.doe.go.th>, accessed 11 January 2011.

International Organization for Migration (IOM)

2009 *Case Management Manual – Assisting Trafficked Persons With their Return and (Re) integration in Thailand*, IOM/Ministry of Social Development and Human Security, Bangkok.

Sciortino, R. and Sureeporn P.

2009 *International Migration in Thailand 2009*, IOM, Bangkok.

Thailand Overseas Employment Administration (TOEA)

2011 Thailand Overseas Employment Administration, Department of Employment, Ministry of Labour, available at <http://www.overseas.doe.go.th>, accessed 11 January 2011.

The Nation

2010 "Govts to control Thai workers in Israel", available online at <http://www.nationmultimedia.com/home/Govts-to-control-Thai-workers-in-Israel-30145018.html>, accessed 12 March 2011.

US Department of State

2010 *Trafficking in Persons Report 2010* Thailand.

Wickramasekara, P.

2006 "Labour migration in Asia: role of bilateral agreements and MOUs", ILO powerpoint presentation at the Japan Institute of Labour Policy and Training (JILPT), workshop on international migration and labour market in Asia, Tokyo, 17 February 2006.



Chapter 4 Migration and the Economy

Piriya Pholphirul¹

During the past decades, the movement of workers and their families has been increasing rapidly, and this has, consequently, evolved into an important social and economic development issue in Thailand. Economists often cite inequality among countries as a main economic driver of international migration flows in Thailand and other developing countries. Differing from other countries, Thailand is both a significant country of origin in the global market and a major country of destination among Southeast Asian countries. The lack of employment and educational opportunities in rural areas and the segmentation of the labour market in urban areas are considered the major push factors driving Thai workers to seek employment overseas. At the same time, widening income gaps between Thailand and its neighbouring countries, the slowing growth of Thailand's workforce and improvements in the roads and infrastructure linking the Mekong sub region are the major drivers of cross-border movement of labour into Thailand. Strong demand for low-skilled workers in labour-intensive production also attracts foreign labourers to come across the borders and work in Thailand. Understanding both the out-migration and in-migration trends of workers is therefore very complex and challenging when attempting to implement migrant-related labour policies.

Within Thailand, regional income disparities have been exacerbated by a decade of economic boom that was concentrated mainly in the Bangkok metropolitan area and the Eastern Seaboard. The concentration of growth created more internal migration from rural to urban areas. At the same time, improvements in communication and transport facilities have helped facilitate the movement of people at unprecedented levels.

Labour migration is acknowledged as a catalyst for economic development, but there is also growing recognition that both positive and negative impacts result from this type of migration. The economic pros and cons of both international migration and internal migration in Thailand should therefore be analysed before formulating labour migration policies. Appropriate policies should be geared for maximizing beneficial outcomes while minimizing economic costs that may occur. The comparison of the benefits and the costs of labour migration is essential to addressing relevant gaps in formulating and implementing effective policies.

| In-migration and the Thai economy

In-migration issues are at the forefront of current economic and political concerns as the economic benefits of in-migration to the Thai economy is a hotly debated topic, and a number of empirical studies attempt to measure the costs and the benefits to the country.² The contributions of migrant labour to increasing economic output are the most obvious benefits of migrant workers to the Thai economy, as indicated in a number of papers (Sussangkarn, 1996; Martin, 2007, and Pholphirul, Rukumnuaykit, and Kamlai, 2010).³

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² These studies only take low-skilled migrant workers into account and exclude foreign professionals and highly skilled workers.

³ Sussangkarn (1996) used the SAM-CGE model to gauge the impact and concluded that about 750,000 immigrants were estimated to raise Thai GDP by 0.55 per cent at current prices in 1995. Martin (2007) applied the renewal of the model to the data ten years later. He found that migrants, who were about 5 per cent of the total workers, increased GDP by about 1.25 per cent. The most recent study from Pholphirul et al. (2010) also confirms that migrants increase real GDP by around 0.75-1.07 per cent. By constituting over 5 per cent of the Thai labour force but only around 1 per cent of GDP, it is clearly seen that migrants are in very low-productivity occupations.

Part Two : Development Goals and Migration in Thailand

These economic benefits not only contribute to overall gross domestic product (GDP) growth, but are also particularly prominent in labour-intensive sectors and industries in which low-skilled migrants are employed (Pholphirul, et al., 2010).⁴ In-migration also rectifies market failures that result from the uncertainty of output production, which itself is the result of incomplete information in the labour market. At the company level, employing migrants helps to stabilize the labour supply in these sectors and prevent uncertainties arising from production and unfilled vacancies.⁵ Hiring low-paid migrants also enables Thai firms to maintain price/cost competitiveness, especially in the global market, promote domestic investment and create excess profit.⁶

Another benefit of migrant workers to the Thai economy is that they help producers keep prices low, which, in turn, reduces upward pressure on inflation, thus benefiting Thai consumers. Vasuprasart (2010) explains that real minimum wages in Bangkok have been declining since the 1997 economic crisis, which may be due to the presence of low-skilled migrants and the weak bargaining power of low-skilled Thai workers.

Even though there are definite economic benefits from employing migrants, economic costs occur simultaneously when these benefits are unevenly distributed among different groups, but mainly go to the owners of capital, firm owners and employers, and the migrants themselves. Thai workers can also be affected, especially in low-skilled positions in situations when it is often more lucrative to hire migrant workers. Theoretically, employing migrants causes an upward shift of labour supply, which, in turn, drives down the wages of Thai workers. Bryant and Rukumnuaykit (2008) and Kulkolkarn and Potipiti (2007), for example, have completed empirical studies quantifying the effects of wage reduction due to in-migration in Thailand. Both studies confirm that in-migration appears to have caused only a small reduction in wages.⁷ However, when taking into account classification by skills and education, the adverse effects on Thai workers would be much larger for young and low-skilled workers. In-migrants are found to benefit highly skilled Thai workers who have a secondary and tertiary education (Lathapipat, 2010).⁸

Pholphirul and Rukumnuaykit (2010) completed a report that quantifies the gains from employing migrants. They estimate that the gains were about 0.04 per cent of real GDP allocated to Thai employers (during the period of 1995-2007), while losses incurred by domestic workers were about -0.016 per cent of real GDP during the same period. However, the losses were outweighed by the gains made by the employers (capital gains). The gains and losses of different groups reflect the political economy agendas in which employers, despite comprising smaller groups, consistently have a stronger voice in the bargaining process of pro-in-migration.

The comparison of the costs and the benefits of employing migrants tend to be measured for the short-term. However, other effects can exist for the long-term. For example, employing migrants who are mostly low-skilled may help accelerate the shift of Thai workers to higher-skilled sectors (occupational mobility). Generally speaking, when there is a greater supply of labour to fill low-skilled jobs vacated by local workers, the local workers are indirectly pushed into higher-skilled sectors, such as services, computers and

⁴ The recent study of Pholphirul et al. (2010) confirms this by using a macroeconomic simulation model. It finds that migrants had increased agricultural production by around 1.33 per cent in 2007, which is more than the increase in production of the manufacturing sector (0.9 per cent) and of the service sector (0.53 per cent). By using firm level data in the same paper, labor-intensive sectors such as textiles and garments show a significant relationship between employing low-skilled migrants and output growth.

⁵ Pholphirul (2010) also finds that the probability that firms with unfilled low-skilled position vacancies of 10 per cent will employ migrant workers is expected to increase by 0.8-0.9 per cent or about 2.9-3 percentage points of low-skilled immigrant shares.

⁶ For example, an analysis from Kura et al. (2004) regarding the shrimp industry, Kohpaiboon (2009) regarding garment factories in Tak province, and the recent study from Pholphirul et al. (2010) who conducts a firm survey.

⁷ In Bryant and Rukumnuaykit's (2008) study, a 10-percentage point increase of migrant share was found to cause only a 0.23 per cent reduction in domestic wages. This is supported by Kulkolkarn and Potipiti (2007) who found no statically significant effect of in-migration on the wages of Thai workers.

⁸ Even though the effects on a percentage basis are relatively small, the number of persons, such as low-skilled Thai workers is large relative to the labour force. In this position, the numbers of the groups benefiting (highly skilled Thai workers and employers themselves) are small.

electronics, and automobiles and spare parts. This could be considered beneficial in moving Thailand towards more innovative production. Nevertheless, this phenomenon is hardly observed in the short run because it requires a very long period of adjustment.

According to the Thai government's long-term national economic and social development plan to promote a knowledge-based economy, the key factors required to achieve such a goal include upgrading Thai labour productivity through substantive human capital investment, promoting the coverage of the social protection floor and encouraging innovation as well as research and development. There are still concerns whether employing migrants, who are mostly low-skilled, poses an obstacle to long-term economic growth. For example, Pholphirul et al. (2010) found that a 10-percentage point increase in employing low-skilled migrants is likely to reduce overall labour productivity by about 5 per cent. The answer is clearer by classifying firms at the industry level. Firms in industries with labour-intensive production, such as in the textile industry, face more depression on their labour productivity.⁹ This depression may be even more important from a gender-specific perspective. Since around 70 per cent of the workers in the Thai textile industry are female, the negative effects of employing low-skilled migrants in this sector adversely affect female workers more than male workers. In addition, a large proportion of textile and garment firms are established in the informal sector, so many of the female workers are subcontracted. Consequently, the adverse effects of employing low-skilled migrants include less job security and increased layoffs of certain employees, as well as less bargaining power and lower memberships in the labour unions without any sort of protection, such as employment benefits.

Besides depression on labour productivity, employing low-skilled migrants could blunt a firm's incentive to make innovative investments or prompt them to reduce the training of workers. Firms employing cheap labour from abroad are adopting a kind of "labour-using technology", which slows down productivity improvement and leads to deteriorating global competitiveness in the long run (Martin, 2007).¹⁰ Pholphirul et al. (2010), using firm-level data, found a negative relationship between research and development investment and employing low-skilled migrants, in particular for firms located in border provinces. A 4 per cent reduction in research and development investment corresponded to a 10-percentage point increase in using migrant labour. In the concept of knowledge-pooling and capital accumulation, this disincentive to invest in research and development and skill training can result in a slower pace of poverty reduction and therefore, be harmful to the Thai economy in the future.

In summary, there are definite economic benefits from employing migrant workers, chief among these is supplying labour to fill low-skilled jobs that are shunned by native workers. Migrant labour increases Thailand's overall output (GDP) and profits, particularly in labour-intensive sectors, by stabilizing the labour supply to prevent uncertainties in production by filling vacancies as needed. In addition, in-migration benefits Thai and foreign producers by presenting opportunities to enjoy lower wage costs to maintain price competitiveness. However, these are short-term benefits whereas the contribution to long-term economic development is still doubtful. Higher labour productivity and research and development investment are key factors in creating a higher standard of living, so a reduction in labour productivity and the tendency for Thai firms to use labour-intensive technology by employing low-skilled migrants poses challenges for long-term economic and social development. In addition, migrants, as well as their families, are usually entitled to social services, such as health care and child education. Registered migrants pay for their health services through an insurance scheme. Health-care costs for unregistered migrants are shared among the migrants themselves, the government and non-governmental organizations (NGOs). As the children of essentially all low-skilled migrants are in an irregular situation, the costs for their education are mostly met by the migrants themselves and by NGOs.

⁹ In the textile industry, a 10-percentage increase in employing low-skilled migrants means accepting a 15 per cent drop in labour productivity. For textile firms located in border provinces, labour productivity is about 45.2 per cent lower than firms located in non-border provinces.

¹⁰ Kohpaiboon (2009) argues for less concern about the adverse effect on technological progress from employing Myanmar migrants in clothing factories in Tak province and Bryant (2006) uses the 2003 Thai Agriculture Census to reject the hypothesis that farms in districts with large numbers of migrants possibly use less labour-saving technology.

Out-migration and the Thai economy

As well as being an important migrant-destination country in the region, Thailand is also a significant migrant-origin country. The Government of Thailand has implemented a policy to encourage Thai labourers to seek employment abroad by establishing a recruitment system of “overseas Thai workers” through government agencies and licensed private companies. During the period 1995-2009, more than 2.5 million Thai workers were deployed abroad. Nonetheless, the annual number of Thai migrant workers deployed overseas decreased by about 27 per cent from 202,296 workers in 1995 to 147,711 workers in 2009. The reduction of 8.6 per cent between 2008 and 2009 was due to the severity of the global economic crisis, which made it more difficult for Thai workers to find jobs abroad. An economic analysis of out-migration can also be considered by using a simple cost-benefit analysis. Among the benefits, out-migration provides opportunities that are not available at home to Thai workers, while at the same time helps ease surplus labour and reduce unemployment. Out-migration also boosts trade and investment flows between Thailand and countries receiving Thai workers.

The benefits of out-migration are noticeable, but difficult to quantify. The easiest way to quantify the direct benefits of out-migration is by analysing the inflows of foreign exchange and inward remittances. Even though the number of Thai workers deployed overseas has been decreasing, the financial benefits from inward remittances have been moving in the opposite direction, increasing annually by an average of 6 per cent. The inverse trend between remittances and the number of out-migrant Thai workers clearly indicates that Thai out-migrants are earning higher incomes abroad. However, it must be noted that there are several other factors supporting this trend, such as better data collection of remittance flows, lower costs and wider networks in industries that support remittances, and improvements in banking access and the technology of money transfers, which promote transfers through official channels.

Computing remittance amounts as a percentage of GDP in Thailand shows that the proportion has been relatively stagnant over time, reaching a maximum point above 1 per cent in 1998-2000, but stood at 0.6-0.7 per cent in 2009. Except for the Lao People’s Democratic Republic, the 2008 level of 0.6-0.7 per cent of remittances to GDP in Thailand is much lower than for other Association of Southeast Asian Nations (ASEAN) countries.¹¹

Even though remittances to Thailand are relatively low compared to the size of the Thai economy, they are still an important source of external finance, helping to smooth consumption and stabilize the economic status of Thai households. By computing the ratio of international remittances to household consumption, remittances as a share of personal consumption expenditure in Thailand rose substantially during the 1997-2000 financial crises (from 1.94 per cent in the year 1997 to 2.1 per cent in the year 2000).¹² Unlike other types of capital inflows, remittances are person-to-person flows, which tend to directly benefit recipient households suffering from an economic downturn. Overseas Thai workers sent more money to help their families during the hard times, sharply increasing inward remittances by 20.1 per cent in 1997 and 30.8 per cent in 1998. Therefore, remittances seem to have a strong countercyclical relationship with regard to the Thai economy.¹³

From a macroeconomic perspective, remittances are more reliable than volatile inflows of foreign investment, such as portfolio and equity investment, and foreign direct investment. Even though remittance flows are likely to reflect the underlying microeconomic considerations that determine individual decisions to remit

funds, an increase in the aggregate consumption of households brought about by remittances should help stimulate the local economy and diffuse into the economy as a whole. The consumption-smoothing pattern due to remittances also creates economic stability, particularly at the community level. From a microeconomic perspective, remittances not only improve living standards directly, but also reduce poverty and enhance children’s education, all of which have a high social return in most circumstances. At the local level, remittances and the resulting social changes affect mainly socio-economic inequality.

In the case of Thailand, both macro- and micro-benefits of remittances are especially magnified to households located in the Northeast, the poorest region of Thailand, which is also the area that supplies most of the overseas workers. Remittances can be regarded as the savings of out-migrants. Of note, these amounts are generally higher than the savings of domestic Thai workers.¹⁴ This is consistent with the life-cycle theory of consumption which predicts that overseas Thai workers who most probably expect to return to Thailand foresee a drop in future incomes and therefore, feel compelled to save more to smooth out their lifetime levels of consumption. Nevertheless, studies of overseas Thai workers indicate that remittances are used mostly for consumption rather than investment or the education of their children, which implies low development value received from remittances. Even though there are debates about some negative consequences that may arise from inward remittances that are used mainly for consumption purposes and less for investment, the effects of Thai out-migrants on domestic investment can be considered in a more positive light when taking into account the migrants’ new experiences, skills, and savings, which enable them to set up their own businesses (Jones and Kittisuksathit, 2003).

It is important to compare the benefits of remittances with the potential costs of out-migration for Thailand in terms of loss of scarce human skills, known as the so-called brain drain phenomenon. A traditional argument is that out-migration lowers growth in the source economy because brain drain occurs when highly skilled workers emigrate. However, 70 per cent of all overseas Thai workers have little secondary education, and these workers are mainly employed in relatively low-skilled and semi-skilled occupations, such as service workers and traders of Thai products (30 per cent) and labourers and technical workers (28 per cent) (Sciortino and Pungpung, 2009). The cost of losing Thai out-migrants from the labour force is still not that large as the proportion of overseas Thai workers in relation to the overall labour market is still quite small. There is still no empirical evidence that indicates a serious lack of labourers due to the loss of low-skilled and semi-skilled workers abroad. The brain drain problem is not significant as only a small fraction of the out-migrants are highly educated.¹⁵

Nonetheless, there have been no studies regarding the long-term effects of the loss of Thai talent and professionals, such as medical doctors, engineers, scientists, and university professors, as well as of semi-skilled and skilled Thai workers going abroad. The Government of Thailand also has implemented policies to help Thais working overseas by providing short training programmes, manuals, and labour protection. Part of this effort is in response to a series of multilateral and bilateral free trade agreements that Thailand has signed or is negotiating with other countries. Some basic costs, such as productivity loss and insufficient supply of workers for key professions, resulting from the out-migration of highly skilled workers have not yet become serious concerns.

¹¹ In the Philippines and Viet Nam, this ratio was far higher at 11.17 per cent and 7.94 per cent, respectively, while the ratio was a bit higher than for Thailand in Indonesia (1.32 per cent) and Malaysia (0.98 per cent). The average remittance to GDP ratio in low-income countries has remained at around 1.9 per cent.

¹² During the 1997 financial crisis, the baht was devalued or depreciated by 60 per cent, which gave greater value to remittances changed into Thai baht.

¹³ The correlation between the growth of remittances and Thailand’s output growth is about -0.2, which clearly confirms the countercyclical impact of remittances on the Thai economy.

¹⁴ By comparing average household savings per year, which was 49,920 baht per household in 2007, and remittances per worker, which was 348,320 baht in the same year, it can be seen that remittances per overseas Thai worker were around 7 times higher than the average savings of a Thai household.

¹⁵ According to migration data from the World Bank, the emigration rate of tertiary educated (percentage of total tertiary educated population) in Thailand is about 2.2-2.3 per cent. By simple approximation, about 5.5 million workers in the Thai labour force have earned higher education degrees, which implies that there are about $(2.3\% \times 5.5 \text{ million}) = 126,500$ highly educated Thai workers abroad.

Internal migration and the Thai economy

The movement of people in Thailand occurs not only across borders, but also within borders as most people move toward better opportunities. Rural-to-urban migration is prevalent in Thailand due to rapid urbanization and industrialization and improved transport and communication networks. Internal migration in Thailand has been influenced mainly by disparities in both economic and social status among urban and rural areas. These disparities have been exacerbated by the rapid economic growth since the 1980s that has been mainly concentrated in Bangkok and its vicinity, including the Eastern Seaboard areas. Economic development policies coupled with export-led growth policies and the development of the industrial and service sectors have created high demand for labour, attracting large flows of workers from rural or non-municipal areas into urban areas, resulting in a massive relocation of the labour force from the agricultural sector to the industrial sector.

Internal migration in Thailand seems to be pro-cyclical with macroeconomic outcomes. During the boom periods when there were relevant jobs available in Bangkok and other municipal areas, in-migration into cities significantly increased. On the other hand, the economic downturns of 1997-1998 and 2008-2009 not only slowed the trend of migrant resettlement around Bangkok, but also reversed it. A large number of migrants in the industrial and service sectors were laid off and many of them chose to return to the rural areas.

Similar to the cases of other types of migration, linkages between internal migration and economic outcomes can be analysed by cost-benefit comparisons. The benefits of internal migration accrue directly to the migrants and their families as they are able to earn higher incomes and send home remittances that help to improve living conditions. Nevertheless, communities with high numbers of international out-migrants have very unequal income distributions as a result of the remittances, while remittances from internal migrants have a favourable effect on the village income distribution (Boonyamanond and Punpuing, 2009: Paris, et.al.2009, and Guest, 1998).¹⁶

Therefore, similarly to remittances from abroad, internal remittances are predominantly used to meet daily expenses, including food purchases, investment in farms and sending children to school. A high volume of internal remittances (relative to household income) helps alleviate poverty at the household level.¹⁷ Internal migration is more likely to decrease inequality than is international out-migration since the former is less selective, less costly, and less risky than the latter, which is more selective for the relatively wealthy and skilled segments of the population.

The relationship between urban-rural income inequality and internal migration is not clear-cut in a number of countries in ASEAN, because it is probably a two-way relationship. There is evidence that remittances enhance inequality in some ASEAN countries, for example, in the Philippines (Leones and Feldman, 1998) and in Viet Nam (Adger, 1999) depending on the location/region. Remote and resource-poor regions and/or communities may have more unequal distributions of income than do regions where more resources and income-earning opportunities are available. This pattern of unbalanced community/regional development explains why remittances may increase income inequality. Nonetheless, with regard to Thailand, empirical

¹⁶ Using data from the Migration Survey conducted by the National Statistical Office in 2007, Boonyamanond and Punpuing (2009) find that the largest proportion of remittances were sent by migrants to their parents (74.6 per cent), followed by that sent to their children (15.4 per cent), to their spouses (6.62 per cent), and to other relatives (2.6 per cent). Using a survey of 1,874 rice farming households in the Northeast, Paris et al. (2009) have found that 40 per cent of their household incomes were contributed to by remittances. Guest (1988) also estimates that remittances to Thai households could constitute on average about a quarter of all household incomes.

¹⁷ Unlike international remittances, which reach fewer households, internal remittances are more evenly distributed to specific areas and poor families since internal migration stems from a broader range of households, even though the remitted amounts per capita are smaller than those remitted from abroad (Piriyakul, 2010).

studies conclude that internal migration clearly alleviates poverty and decreases regional inequality in Thailand (Yang, 2004: Guest, 1998).¹⁸

Even though the relevant research studies agree that internal migration helps reduce income inequality in Thailand, it exacerbates the ongoing concern over the lack of a young and energetic labour force in rural areas. Nevertheless, since the need for labour on farms varies by season, internal migrants usually decide to return home during the cultivation and the harvesting periods. Many jobs in agriculture are currently filled by employing low-wage labourers migrating from neighbouring countries. Internal migration, especially of young labourers, also causes significant changes in living arrangements, with fewer young persons to support older persons and their children, posing a serious challenge to aspects of filial support. This is especially the case in the context of an ageing society where elderly people, including those suffering from chronic illness and frailty, and requiring long-term personal care, are left behind in rural areas (Knodel et al., 2010).

Conclusion

Migration is creating an economic dilemma in the labour market of Thailand. The dilemma is that Thai workers lack the skills to perform jobs requiring high skills but at the same time the wage structure discourages these workers from competing with low-wage migrants from neighbouring countries for low-skilled employment. A major challenge has emerged on how to resolve this dilemma.

It is clear that the availability of low-wage migrants is a driver of economic growth, as it helps promote short-term investment in labour-intensive industries in which the lower wage costs considerably raise the potential for profits. Relying on poorly paid migrants may, however, be problematic to long-run development in terms of productivity loss, lower probability for research and development investment and lower incentive to train workers. The treatment of migrants as a source of low-skilled labour can possibly divert the country away from its long-term goal of being a knowledge-based economy. To be consistent with a long-term plan, first of all, the country's migration policy should definitely be included in the national economic and social development plan by taking into account the need for human resources and skill development, the demographic transition, and economic development. Promoting substantive research and development investment within Thai firms, securing intellectual property rights, upgrading the technical skills of both domestic workers and migrant workers, and enhancing value-added in the production of goods and services through the adoption of technology should be immediate responses to overcome those adverse effects. Promoting social protection to cover not only Thai workers, but also migrant workers, is a way to improve the overall living standard. Access to health care, education, and labour protection should improve the quality of economic migrants, which, in turn, should result in higher labour productivity and contribute to overall economic growth. And last of all, a long-term vision with regard to the contributions of migrant workers to the Thai economy should also be incorporated in international agreements, both multilateral and bilateral, on migration. Bilateral cooperation between Thailand and the migrant-sending countries of Cambodia, Lao People's Democratic Republic and Myanmar, in terms of economic partnership would reduce in-migration pressure and help create jobs in the sending countries. Examples of bilateral cooperation include providing capital-intensive production technology, and outsourcing, such as labour outsourcing and relocating factories to neighbouring countries. Multilateral cooperation can be pursued according to the context of the ASEAN Economic Community encompassing not only the free trade of goods, investment liberalization, but also the free movement of skilled labour within the ASEAN community.

¹⁸ Yang (2004) finds a statistically significant negative relationship between out-migration and income inequality. An increase in the mean fraction of out-migrants to Bangkok by 1 per cent leads to a 0.058 reduction in the average ratio of Bangkok's income to all other provinces. Guest (1998) analyses changes in household income. During the years 1992-1994, remittances were found to contribute towards significantly improving household incomes. The largest increases in incomes were for households that contained migrants who had returned home.

Regarding out-migration, even though the number of overseas Thai workers has declined over time, inward remittances remain an important and reliable source of external finance. These funds are stable and countercyclical to economic performance. In the long run, remittances have reduced poverty and resulted in better development outcomes in many poor Thai households for decades. Policy schemes intended to enhance the amounts remitted are very common. In general, the Government of Thailand should introduce policy measures, which encourage migrants to maximize the flow of remittances. Also, since remittances to Thailand can incur leakages, steps should be taken to promote sending these funds through official channels.¹⁹ To accomplish this, the Government should cooperate with the private sector to ensure that efficient and reliable channels for remittances exist. This should not only apply just to Thai out-migrants remitting money back to Thailand, but also to foreign in-migrants in Thailand sending money back home.

In addition, Thai out-migrants should be encouraged to hold savings in financial assets in Thailand rather than abroad. Thai workers overseas can facilitate investment in self-employment and/or enterprise creation in local communities. Therefore, in the long term, there is a need to formulate comprehensive, coherent, and clear labour migration policies that take into account the transition in the labour market, demographic trends, long-term competitiveness and the rights-based approach.

References

Athukorala, P-C.

1992 "The use of migrant Remittances in Development: Lessons from the Asian Experience", *Journal of International Development*, 4(5): 511-529.

Boonyamanond, S. and Punpuing, S.

2009 *The Global Financial Crisis: Impact of Internal Migration in Thailand*, Report submitted to the United Nations Development Programme, Bangkok, Thailand.

Bryant, J. and Rukumnuaykit, P.

2007 *Labour migration in the greater Mekong sub-region: Does In-migration to Thailand Reduce the Wages of Thai Workers?*, The World Bank, Bangkok.

Guest, P.

1998 "Assessing the consequences of internal migration: Methodological issues and a case study on Thailand based on longitudinal household survey data", in Richard Bilsborrow (Ed.), *Migration, Urbanization and Development: New Directions and Issues*, UNFPA, New York. 275-318.

Jones, H. and Kittisuksathit, S.

2003 "International labour migration and quality of life: Findings from rural Thailand", *International Journal of Population Geography*, 9(6): 517-530.

Knodel, J., Kespichayawattana, J., Saengtienchai, C. and Wiwatwanich, S.

2010 "How left behind are rural parents of migrant children? Evidence from Thailand". *Ageing and Society*, published online by Cambridge University Press 20 Jan 2010 doi: 10.1017/S0144686X09990699

Kohpaiboon, A.

2009 International Labour Migration and Competitiveness: Evidence of Thai clothing industry at the border. *Discussion Paper No. 18*, Faculty of Economics, Thammasat University.

Kulkolkarn, K. and Potipiti, T.

2007 "Migration, wages and unemployment in Thailand", *Chulalongkorn Journal of Economics*, 19(1): 1-22.

Lathapipat, D.

2010 *The Absorption of Immigrants and its Effects on the Thai Wage Structure*, Thailand Development Research Institute, Bangkok.

Leones, J. P. and Feldman S.

1998 "Nonfarm activity and rural household income: Evidence from Philippine micro-Data", *Economic Development and Cultural Change*, 46(4): 789-806.

Martin, P.

2007 *The Contribution of Migrants Workers to Thailand: Towards Policy Development*, ILO, Bangkok.

Paris, T.R.; Fay Rola-Rubzen M., Luis, J. Thi Ngoc Chi, T., Wongsanum, C. and Villaneuva, D.

2008 "Comparative analysis of the impact of labour emigration and remittances on income and rice productivity in the Philippines, Thailand, and Vietnam", paper presented at the AARES 53rd Annual Conference, 10-13 February 2008, Cairns, Australia.

Pholpiphul, P.

2010 "In-migration, job vacancies, and employment dynamics: Evidences from Thai manufacturers", The World Bank, Mimeo, Bangkok.

Pholpiphul, P. and Rukumnuaykit, P.

2010 "Economic contribution of migrant workers to Thailand", *International Migration*, 48(5): 174-202.

Pholpiphul, P.; Rukumnuaykit, P. and Kamlai, J.

2010 "Do immigrants improve Thailand's competitiveness", paper presented at the World Bank and IPS Conference on Cross-Border Labour Mobility and Development in the East Asia and Pacific Region, 1-2 June 2010, Singapore.

Piriyakul, M.

2006 "Determinants of internal migration flows in Thailand", available online at www.ru.ac.th/news/mov1.doc, accessed 3 April 2011.

Sussangkarn, C.

1996 "Macroeconomic impacts of migrant workers: Analyses with a CGE model", *TDRI Quarterly Review* 11(3): 3-11.

Tingrabadth, C.

1989 "Maximizing development benefits from labour migration: Thailand", in Amjad, R. (Ed.), *To the Gulf and Back: Studies on the Economic Impact of Asian Labour Migration*, ILO/ARTEP, 304-338, New Delhi.

Vasuprasat, P.

2010 *Agenda for Labour Migration Policy in Thailand: Towards Long-Term Competitiveness*, ILO/Japan Project on Managing Cross-Border Movement of Labour in Southeast Asia, ILO Regional Office for Asia and the Pacific, Bangkok.

Yang, L.

2004 *Unequal Provinces by Equal Families?: an Analysis of Inequality and Migration in Thailand*, doctoral dissertation, Department of Economics, University of Chicago.

¹⁹ Athukorala (1992) mentions two types of remittance leakages: one due to erroneous and imprecise accounting, and the other due to remitting through informal channels. Leakages of remittances to Thailand were estimated to be 18 percent of the total (Tingrabadth; 1989).



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Chapter 5 Migrant Workers and Human Rights in a Thai Context

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Issues arising as a result of international migration have become much more complex in recent years. This is due to increased mobility of people and populations as a whole amid rapid changes that result from the transition to globalized economies and high technology transfer societies. Consequently, the challenges pertaining to migration management faced by countries receiving migrant workers have also become more cumbersome.² One issue that stands out for host governments is how to protect migrants against abusive practices inflicted by employers, private individuals or state officials. The Office of the United Nations High Commissioner for Human Rights (OHCHR) clearly sums up these concerns in the following statement:

“Human rights are at the heart of migration and should be at the forefront of any discussion on migration management and policies... Although countries have a sovereign right to determine conditions of entry and stay in their territories, they also have an obligation to respect, protect and fulfil a wide range of human rights of all individuals under their jurisdiction, regardless of their nationality or origin and regardless of their immigration status.”³

Irregular migrants are one of the groups most vulnerable to rights violations in a host state since their invisibility in society often means that they are unable to report abuse (Global Migration Group, 2010). At the country of destination, regular migrants generally encounter fewer problems both in daily life and at work than do irregular migrants who have limited legal status and are continually subject to arrest, extortion and deportation. In many situations, the only rights that irregular migrants may be able to benefit from are minimum levels of protection as guaranteed by internationally recognized “human rights” such as those codified in the 1990 Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and in other core international human rights conventions. Fear of arrest and deportation is a major threat often used by employers to control and ensure the continual exploitation of irregular migrants. Being arrested is often a greater concern for irregular migrants than working and living in inhuman conditions because, once arrested, there is a strong likelihood they will be deported to their homeland. As Grant (2005:2) says:

“The more illegal a migrant, the greater is the danger of the journey, or of being exploited, or even enslaved by traffickers and unscrupulous employers”.

This chapter reviews the policies and practices of the Government of Thailand in relation to migrant workers and human rights. It examines the actual and legal situations of migrants when they encounter abusive practices or violations of their basic rights. The discussions focus mainly on migrants engaged in low-skilled and labour-intensive work because these workers are marginalized and tend to have their rights violated much more than highly skilled migrants.

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² Challenges regarding migration management are also faced by countries sending migrant workers abroad. This chapter only deals with the human rights of in-migrants. The issues related to protection of rights of out-migrants are covered under chapter 3 in this report.

³ See: <http://www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx>

Typology of migrants in Thailand

“Migrant workers” discussed in this chapter are both regular and irregular migrants and can be divided into the following four groups.

Migrant workers from Cambodia, the Lao Peoples’ Democratic Republic and Myanmar

Prior to 1988, Thailand did not experience a massive influx of migrants from these three countries. But since that time, the large number of migrant workers entering the country irregularly necessitated a response at the policy level by the Government of Thailand. Citing article 17 of the Immigration Act 1979, the Government relaxed its strict immigration policy, allowing undocumented migrants only from these three countries to work “legally” on a temporary basis in Thailand. Since 1996, Cabinet resolutions have been issued to establish the framework for the legal registration of this workforce on a yearly basis (see chapter two for a more detailed discussion). As most migrants from neighbouring countries entered Thailand without documentation or “illegally”, they have only been permitted to work temporarily pending deportation. This temporary permission has been extended on a year-to-year basis in recognition that migrants fill important gaps in the labour force and strengthen the Thai economy. Presently, migrants from these three countries can be divided into four subgroups:

(i) Registered migrants

This group refers to irregular migrants who have registered for temporary stay registration (Tor Ror 38/1) and received a 13-digit ID number from the Ministry of Interior beginning with 00. These workers then passed a health check and applied for a work permit with the Ministry of Labour. As a result, they have obtained three official documents, a temporary stay document (Tor Ror 38/1), a health insurance card and a work permit card.

(ii) Unregistered migrants

These are migrants who work without work permits, although they may have the Tor Ror 38/1 document. The number of unregistered migrants in Thailand is not known. These workers often live in continuous fear of arrest, extortion and deportation.

(iii) Nationality Verification (NV) migrants

Since 2006, the Government has had in place a procedure for formalizing irregular migration flows between countries. Migrants who originally had “illegally” entered into Thailand but were registered as irregular migrant workers were given the opportunity to receive regular status upon completion of the NV Process. As discussed in chapter two, NV for migrants from the Lao People’s Democratic Republic and Cambodia has been ongoing since 2006 in Thailand. Migrants from the Lao People’s Democratic Republic receive a temporary passport issued by the Ministry of Foreign Affairs while Cambodian migrants obtain a certificate of identification issued by Cambodia’s Ministry of Labour. The NV procedure for migrants from Myanmar only began in 2009. The procedure has been complicated and slow as the process generally must be completed in Myanmar and consists of several more complex steps. Migrants passing NV should not be subject to arrest or deportation and they can travel in every province in Thailand as well as back to their home countries (but a re-entry permit must be requested at the immigration office if the worker wants to return to Thailand after their departure). NV migrants are obliged to report to an immigration office every 90 days. These workers are not permitted to extend their work permits beyond four years (2 years x 2 times) and must wait three years before they can reapply for employment in Thailand after four years of work are completed.

(iv) MOU Migrants

The memoranda of understanding (MOU) between the Government of Thailand and the Governments of Cambodia, Myanmar and the Lao People’s Democratic Republic in 2002 and 2003 also established

a framework for low-skilled migrant workers to enter and work in Thailand “legally”.⁴ Migrant workers under this scheme are entitled to the same welfare, health care, rights and other benefits provided to Thai workers and migrants who pass NV.⁵ MOU migrants from the Lao People’s Democratic Republic and Cambodia have been coming to Thailand since 2005 but for MOU migrants from Myanmar, it has taken seven years for the agreement to be operational and they have only started to come to Thailand recently in very small numbers. Similar to NV migrants, MOU migrants cannot extend their work permits beyond four years (2 years x 2 times) and must wait three years before they can apply for a new work permit after four years of work are completed.

Ethnic minorities

According to Thai law, ethnic minorities are considered “aliens” or people who have entered Thai territory illegally even though some of them were born on Thai soil. The Ministry of Interior’s Department of Provincial Administration implemented a classification system of the various groups of ethnic minorities in Thailand in 1992, giving identity cards of different colours with 13-digit identification numbers to all members of ethnic minorities more than 12 years of age. The ID numbers for those born elsewhere begin with the digit “6” while their children who were born in Thailand receive ID numbers beginning with the digit “7”, according to the 2004 Regulation on National Identity Cards for Non-Thai Nationals.⁶ A large proportion of these people are actually long-term irregular migrants from neighbouring countries. Evidence also suggests that many members of minority groups from Cambodia, Myanmar and the Lao People’s Democratic Republic have registered under the registration scheme for irregular migrants (Pearson et al., 2006b).

“Stateless/Nationality-less persons”

“Stateless/Nationality-less persons” refers to people who live in Thailand but are not formally registered with the MOI (Ministry of Interior). Most of these people are ethnic minorities who were born or have been living in Thailand for a long time but have been overlooked by surveys conducted by the Department of Provincial Administration. The government has announced what it refers to as a “strategy to solve problems on personal legal status and rights” to provide long-term nationality or legal status solutions for many groups of people whose descendants arrived in Thailand many years ago.

Displaced persons

This group consists of people who fled Myanmar due to political and civil conflict. They are not classified as refugees as the Government of Thailand does not grant refugee status to displaced persons because it has yet to ratify the Convention Relating to the Status of Refugees 1951. Instead, the Immigration Act 1979 is the Thai law that applies to this group of people. The Act states that illegal immigrants are people who do not have valid approval to stay in Thailand in their travelling documents. According to the Act, they are considered to be either illegal immigrants or displaced people. In principle, all displaced persons cannot leave their areas of registration without permission and can only work in supporting positions in the shelter

⁴ MOU on Employment Cooperation, signed by the Thai Minister of Labour and Lao Minister of Labour and Social Welfare on 18 October 2002; signed by the Thai Minister of Labour and Cambodian Minister of Social Affairs, Labour, Vocational Training and Youth Rehabilitation on 31 May 2003; and signed by the Thai Minister of Labour and the Government of the Union of Myanmar on 21 June 2003.

⁵ Migrant News (a newsletter by the Ministry of Labour of Thailand, the National Human Rights Commission of Thailand, and the International Organization for Migration), December 2008.

⁶ “Non-Thai nationals”, according to this regulation, refers to aliens who are specifically granted permission to reside in Thailand group by group under the mandate of the Minister of Interior as approved by the Cabinet decision regarding immigration. The Ministry of Interior has registered members of 15 ethnic categories, namely: (1) Nationalist Chinese Army settlers and descendants; (2) immigrant Haws; (3) Haws; (4) migrant Vietnamese; (5) ex-Chinese Malaya communists; (6) Thai Leu; (7) displaced Laotians; (8) migrant Nepalese; (9) displaced Burmese nationals; (10) Burmese irregular migrants; (11) displaced Burmese nationals with Thai ancestry; (12) hill tribes, Mra Bris and Mogens; (13) immigrants from Koh Kong with Thai ancestry; (14) Cambodian irregular migrants; and (15) communities in the highland areas (not including hill tribes).

administration, while entry to and exit from shelters are strictly controlled. In practice, however, the strictness of enforcement differs from one area to another, depending on the situation in a province. Despite the rule forbidding displaced persons from leaving the camps, as many as 40 per cent of camp residents leave to seek jobs outside. In some areas like Mae Hong Son, many residents work as day labourers for the agricultural sector in nearby areas with the knowledge of and/or support from government officials (USCRI, 2008).

Abusive practices against migrants in Thailand

It must be stressed at the onset that large numbers of regular and irregular migrants work in Thailand without encountering serious human rights violations. However, a significant number of migrants do face a wide range of gross exploitation, occupational hazards, intense suffering and depression (Archavanitkul, et al. 2000; Amnesty International 2005; Pearson et al. 2006a; Human Rights Watch 2010). Migrants are often forced to do heavy and difficult work for low wages, and are placed in unsafe or unsanitary work environments. Most migrants are unable to access proper health care and generally are not protected by Thai labour laws, which are loosely enforced even for Thai workers. There have been frequent stories of employers refusing to pay workers and then telling the police to arrest them, which then often results in the migrants being deported. Moreover, many migrant workers fall into semi-forced employment as they are prohibited from leaving their workplace due to the strictness of their employers or debt bondage related to the high costs of unregulated registration/regularization processes often paid by their employers first and then deducted from their salaries over many years. Reports of migrants falling victim to systematic violence (including torture and killings), extortion, unlawful arrest, detention and other kinds of exploitation in their everyday lives are also widespread (Amnesty International, 2005; Human Rights Watch, 2010).

Women migrants are more likely to encounter abusive practices than their male counterparts. There have been a considerable number of well-documented reports of physical violence against children and women but very few arrests have been made in any of these cases. The vulnerability of women migrants partly stems from the physical and social isolation of their employment. While male migrants usually live and work with other migrants, women migrants often work in jobs in the domestic and service sectors, in which they may have no contact with other migrant women. More importantly, female migrants are prone to be trapped by the human trafficking trade and/or physically and sexually abused.

Trafficking in persons is basically at one end of a range of exploitative situations confronting migrants in Thailand that results partly from the inability of workers to formally cross borders to meet market demand for low-skilled labour. Many scholars are of the view that most migrants are actually “smuggled” from neighbouring countries to work in Thailand at their own free will by employers in need of labour (Chantavanich et al., 2008:36). However, when migrants are tricked into situations which they do not expect, or are sent into situations of forced labour, gross exploitation, violence or even prostitution, the process can be deemed as “trafficking” (Human Rights Watch, 2010:61).

The Government of Thailand has contributed to these situations of trafficking by not putting in place formal workable mechanisms for recruiting workers from abroad that assist as well as regulate employers. Also, its inability to regulate brokers and smuggling networks and the involvement of officials has made it easy for traffickers to operate. On the other hand, the Government has been active to some extent at the policy level with regards to trafficking issues. In 2008, the Act to Prevent and Suppress Human Trafficking was passed and the Government drafted accompanying inter-agency guidelines, and signed MOUs with neighbouring countries, specifically to address trafficking problems. The Government of Thailand needs to address the issue of the irregular nature of imports of workers into Thailand and prosecute key actors who are behind the trafficking networks (State Department, 2010:320). It is believed that some victims of trafficking are reluctant to be so identified because of the long period they would need to remain in a shelter while family tracing takes place, and if they are required as witnesses for prosecution of offenders. This issue has yet to be resolved by the Government (Chantavanich, 2008:20).

Government policies and practices towards rights or migrants and international law

As a signatory to a number of major international human rights treaties, the Government of Thailand has international obligations to respect human rights of all persons and provide them with basic social services.⁷ The Government is also obligated to ensure decent work in accordance with international labour standards, and has agreed to the Declaration on Fundamental Principles and Rights at Work set by the International Labour Organization (ILO) in 1988 as well as ratified 15 other labour conventions issued by ILO.⁸ Of particular importance is the International Convention on the Elimination of All Forms of Discrimination, which was signed in 2003. Measures enacted to ensure this treaty's application should make specific reference to equality of rights for migrants. ILO Convention 19 (1925) on Equality of Treatment (Accident Compensation) was also signed in 1968. It concerns equality of work accident compensation rights of migrants.

In 2000, the United Nations Convention against Transnational Organized Crime was signed by the Government of Thailand. The Government also signed two major protocols relating to trafficking and smuggling of migrants in 2001, and additional regional treaties on trafficking and organized crime between 1997 and 2004.⁹ The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was also jointly signed with all other Association of Southeast Asian Nations (ASEAN) members in 2007. Meanwhile, in 2010, the country became a member of the United Nations Human Rights Council. Prior to its election as a member and then to the presidency of this Council, the Government of Thailand pledged specifically to protect migrant and minority rights (MOFA, 2010). Although the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the three specific migrant worker standards of ILO¹⁰ have not been signed by the Government of Thailand, the standards contained in these instruments generally overlap with the main rights conventions that already bind the country.

Regarding Thai domestic laws, section 4 of the 2007 Constitution of Thailand stipulates that: “The human dignity, rights and liberty of the people shall be protected”. This means that the Government of Thailand cannot discriminate against migrants because of their being non-Thai, stateless or undocumented persons.

National security: the threat of irregular migration

Thailand's migration policies have been strongly shaped by national security ideologies. The policies target control rather than administration, and are intertwined with notions of sovereignty. Threats against the basic rights of migrants stem from the Thai state's view of them as security threats. From a human rights perspective, this policy is centred on maintaining structures and rules that permit close and continuous control of migrants while effectively discouraging them from exercising their rights to freedom of assembly, association, expression and movement (Human Rights Watch, 2010:6).

⁷ Thailand ratified the Universal Declaration of Human Rights (in 1948), the Convention on the Elimination of All Forms of Discrimination against Women (in 1985, additional protocol in 2000), the Convention on the Rights of the Child (in 1992, optional protocols on children in armed conflict and sale of children, child prostitution and child pornography soon to be signed), the International Covenant on Civil and Political Rights (in 1997), and the International Covenant on Economic, Social and Cultural Rights (in 1999).

⁸ See annex 1 for list of signed conventions. Thailand also agreed in 2004 to the ILO Resolution Concerning a Fair Deal for Migrant Workers in the Global Economy.

⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble; Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; 1997 ASEAN Declaration on Transnational Crime; 2004 ASEAN Declaration against Trafficking in Persons Particularly Women and Children; and the MOU on Cooperation against Trafficking in Persons in the Great Mekong Sub-region, produced under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). See also Chantavanich et. al (2007:64).

¹⁰ C97 ILO Migration for Employment Convention (revised) C143 ILO Migrant Workers (Supplementary Provisions) Convention, and R151 ILO Migrant Workers Recommendation.

Moreover, domestic laws criminalize irregular migration and the migrants themselves with high penalties. According to article 81 of the 1979 Immigration Act, irregular migrants are subject to sentences of up to two years in prison or a fine of up to THB 20,000, or both. Article 54 of the same Act permits the authorities to deport irregular migrants immediately or to hold them in a detention centre for up to seven days. After seven days, if the authorities would like to continue holding the irregular migrants, they have to ask permission from the court. For each time permission is granted, the irregular migrants can be held up to 12 days. Migrants who work without a work permit are subject to prison sentences of up to five years in prison or a fine from THB 2,000 to THB 100,000 or both, according to article 51 of the 2008 Alien Employment Act.

National security is also the primary consideration stated in the 2008 Alien Employment Act when drafting regulations pertaining to what work “regular” migrants can do and when drafting Cabinet resolutions pertaining to what work “irregular” migrants are allowed to do.¹¹ One of the primary departments related to migrant policy making is the National Security Council (NSC). The duty of the NSC is to safeguard the national security of Thailand both internally and externally. The Council issues general observations which are authoritative (although not legally binding) in policymaking. Prior to the creation of the Illegal Alien Workers Management Committee (IAWMC) in 2001, NSC was a central policymaker on irregular migration (Archavanitkul, 1998). However, even after the creation, the Council continues to have an influential role in migration policy developments behind the scenes.

The abusive practices against migrants are systemically rooted in the lack of a rights-based approach to formally manage the flows of migration. Failure to regulate irregular migration flows¹² is widely seen as an important factor that contributes to the increasing vulnerabilities of irregular migrants, who are often exposed to discrimination, exploitative conditions and abuse. This has led to more systematic corruption and networks of unregulated brokers, resulting in increasingly severe rights abuses (MWG, 2008; Sciortino and Punpuing, 2009; Vasuprasat, 2010).

In order to shed meaningful light on the actual situations of migrants encountering discrimination and abusive practices, dimensions of policies and practices related to migrant workers’ basic rights are examined further in the following sections.

Labour protection

The Department of Labour Protection and Welfare (DLPW) of the Ministry of Labour (MOL) is responsible for the promotion of the right to labour protection. In principle, under the 1998 Labour Protection Act¹³, both regular and irregular migrant workers are entitled to the same labour protection standards. This Act provides a legal basis for minimum wages, maximum work hours, occupational health and safety, regulating the employment of women and children and a system of labour inspections and penalties against those breaching provisions of the Act. However, migrants often receive less than the legally mandated minimum wage for excessively long hours of work and face routine deductions from their salaries (ACILS, 2007:79; Chantavanich et al., 2008; Human Rights Watch, 2010:88).

This situation arises partly because under Thai law, migrant workers are not allowed to form labour unions or be on the executive committee of any Thai unions. Although they can legally join Thai unions, a number of factors make it difficult for the unions to take them in as members. One such reason is the resistance

¹¹ Alien Workers Act Section 7 states: “Any work which an alien is prohibited to engage in any locality and at any particular time shall be prescribed in the Ministerial Regulation with regard to national security, Thai nationals’ work opportunities, and demand for alien labour necessary for the country’s development.” Section 13 states: “An alien unable to apply for a permit under Section 9 due to the following grounds may apply for a permit to the Registrar in order to engage in work as prescribed by the Cabinet in the Government Gazette upon the recommendation of the Committee with regard to national security and the effect on society”.

¹² See details in chapter 2.

¹³ Notable exclusions from protection by the Labour Protection Act 1998 include workers in the agriculture and fishing sectors

of employers and the Government to let migrant workers obtain union membership (Arnold and Hewison, 2005). Consequently, there is very little organization and use of collective bargaining power among the migrants for getting increased rights and protections.

Moreover, under the registration system, migrants have been restricted from changing employers since 1996. The Cabinet resolution dated 19 January 2010 stated that migrants could request to change their employer only in “the most necessary situations, such as an employer becoming deceased, an employer activities ceased, an employer breaches the rights of workers or commits violent acts, or the employer does not act in accordance with the labour protection laws”. Even under these situations, migrants can change employers only within the same industrial sector and the old employer must sign the transfer form allowing them to work for another employer. In addition, the procedure of changing employers must be completed within a seven-day period, which is impractical for migrant workers who do not wish to expend large amounts of money to access formal or informal employment agencies or services. As such, migrants are practically unable to change employers at will and if they quit a job or are dismissed, they are liable to immediate deportation. This restriction has thus become a tool for controlling migrants by employers and has increased risks of forced labour (Arnold and Hewison, 2005; Human Rights Watch 2010).

In practice, the Government’s existing mechanisms and systems are not effective in providing protection to migrant workers. No clear policy has been set at the ministerial level or departmental level that specifically targets protection for vulnerable migrants. Consequently, the legal service centres to assist migrants are inadequate, especially in cases when migrants fall victim to abusive practices, accidents, disabilities, or unemployment. One concern that continues to stand out is that registered migrants and their families are not entitled to work accident compensation from the MOL’s Workmen Compensation Fund (WCF). Their exclusion is a breach of ILO Convention 19, on equality of treatment (Accident Compensation) 1925, which Thailand ratified in 1968.

Access to justice

Utilizing the Thai justice system could be one way to counteract the pervasive abusive practices against migrant workers. The right to access to justice could ensure a fair trial or hearing relating to abuse. However, migrants’ lack of information or awareness of their human and labour rights, plus an inability to speak Thai, which is often the case, are major obstacles when migrants want to either submit their complaints to DLPW or within other rights systems, or when bringing their cases up to the court.

Another channel for migrant workers to submit complaints, which is more accessible, may be through the National Human Rights Commission (NHRC). This institution may consider cases and grant justice by the provision of the Constitution that allows independent organizations to do so. Notably in the past the NHRC has accepted many complaints from migrant workers supported by migrant advocate organizations. However, more recently such mechanisms have become less accessible. In addition, NGOs and lawyers associations routinely provide legal assistance to migrants to help them voice their complaints through the legal system or stand up for their labour rights. However this assistance is piecemeal, generally dependent on overseas aid funding and does little to ensure increased work standards and access to these rights generally or systematically.

Right to quality of life

The right to quality of life of migrants can be divided into five aspects, namely: (1) right to social security; (2) right to education; (3) right to movement; (4) right to property entitlement; and (5) the right to life.

• Right to social security

Regarding social security, irregular migrants’ access to such schemes are denied in a similar manner to the denial of access to work accident compensation, leaving migrants highly vulnerable in terms of economic

security if they fall victim to accidents, disabilities or unemployment. However, regular migrants entering under the new MOU labour import schemes and those passing NV are covered under the Social Security Office (SSO) schemes (IOM/WHO, 2009:25). The schemes developed for these workers do not however fit with the reality of their specific situations as contributions and rights are proclaimed to be the same as those for Thai workers even though in practice the situations of migrant workers require a much more considered and individual response.

• Right to education

In principle, unregistered migrants and their dependents can register in the Thai state education system. As mentioned earlier, this was made possible by the Cabinet Resolution on Education for Unregistered Persons (2005), which provides the right to education at all levels for all children in Thailand who have no legal status (OEC 2008). According to the Government report of right to education for migrants, refugees and asylum seekers,¹⁴ all education institutions are duty bound to admit children of school age to study in their institutes, with or without evidence of civil registration. The Government has also allocated additional national budget funds to support schools providing education to migrants, and the Ministry of Education (MOE) allocated THB 2.5 billion over three years (2008-2010) to offer a standard education to children of migrant workers and ethnic minorities.

The official number of migrant and stateless children attending formal schools is about 75,000. In terms of informal education, there are around 130 learning centres for migrant and stateless children run by local NGOs and foreign organizations mainly in provinces with high concentrations of migrant workers. More than 100,000 migrant students attend classes at these centres.

• Right to movement

The right to movement among migrant workers is restricted under Thai State laws and policies which dictate that these workers must reside and travel only in the province where they have their personal registration or labour registration. Leaving or travelling out of a province where they work and reside is a violation of immigration law. Registered migrants can travel outside the province where they registered only when the governor of that province grants them permission to do so.¹⁵ Also of note, migrant workers continue to be denied the right to apply for motorbike or car licenses despite the necessity of vehicle use in rural areas without effective transport links and continued lobbying for this restriction to be eased (DLT, 2009).

• Right to property entitlement

In general, migrant workers have the right to property entitlement and to transfer their properties, but this right is often not acknowledged and there is a lack of clarity in implementing the law and policies pertaining to it. For example, before 2009, migrants' access to money deposits or money transfers through the Thai banking system was denied. This was mainly because migrants' and minorities' ID cards were not considered legal documents that could be used to open a bank account. However, following policy advocacy on the right to property in 2009 led by the Bangkok Legal Clinic of the Law School, Thammasat University, the National Bank of Thailand and other government organizations, the National Security Council and the Bureau of Registration Administration of the Ministry of Interior agreed that registered migrants and minorities could use their ID cards to open a bank account and transfer money within Thailand or abroad.

Until 2009, migrants were denied the right to formally register vehicles they had legally purchased with the Department of Transport, but following an extensive campaign by rights groups, migrants can now register vehicle ownership themselves even though they still cannot apply for licences to legally ride these vehicles (HRDF, 2009).

• Right to life

Deportations of migrant workers to areas of conflict are unlawful under domestic and international laws. Forced repatriation of unaccompanied children, meaning without relatives, to countries where they face an

¹⁴ Submitted to United Nations on 12 May 2010

¹⁵ According to the Ministry of Interior's Promulgation on Permission for selected migrants to reside in Thai territory under special instances, migrants would be allowed to travel out of the confined province to: (1) comply with the regulations; (2) be a witness in court; (3) be requested for interrogation by the police; (4) be asked by the officials of any department of MOL; and (5) for health treatment.

uncertain livelihood or do not know the local customs or language can be considered as condemning them to a life of extreme hardship. This is illegal under both Thai and international law (Yongsomecheep, 2003). The right to life argument can also be used as grounds to deny the deportation of migrant workers when deportations are potential threats to lives and the survival of these people. The lack of transparent procedures for the deportation of irregular migrants, including the violence, extortion and even torture or rape that they face during the process, have recently become more public (Al Jazeera English, 2010; HRDF, 2010).

| The role of civil society in the protection of migrant worker's rights

Amid widespread violations of migrant workers' rights, the Government of Thailand has to some extent allowed space for civil society to assist in dealing with this problem. Many NGOs have combined resources to provide assistance to migrant workers when their rights are violated. These civil society organizations work at different levels. They comprise international NGOs with numerous projects and national-level organizations and local bodies and community groups organized by the workers themselves. The issues these organizations deal with include, among others, the right to health and education, labour rights and the right to personal legal status. Right to life is the predominate focus of the civil society organizations. This is mainly because this issue is not politically sensitive and activities related to it generally involve providing services and receive a continuous flow of funding, particularly in the areas of human rights issues related to AIDS and reproductive rights.

| Gap remarks

Human rights violations against migrant workers in Thailand remain systematic and institutionalized. Those which should be addressed urgently with relevant policies are (a) human rights violations by employers and (b) human rights violations in the form of exploitation by government officials, particularly the police. Disputes over employment conditions put migrant workers at risk of employment termination and deportation and characteristically, few court verdicts have been decided in favour of migrant workers.¹⁶ As for the other mentioned issues, very few government officials accused of human rights violations against migrant workers have been investigated or prosecuted. Discrimination against migrant workers in the forms of regulations, rules and ordinances is persistent at the local and national levels.

Moreover, most government officials lack an understanding about migrant workers' basic rights. Their ignorance sometimes undermines the efforts of NGO workers to provide assistance to these people and also undermines the quality of their legal support. A large number of Thais including officials, employers and lay people do not understand the different immigration status of migrant workers and classify all of them as "illegal aliens" or "second-class citizens" coming to earn money in Thailand. In addition, they usually fail to recognize the contribution migrant workers make to Thai society.

¹⁶ For example, the case of Nut Knitting factory in Mae Sot, Tak province in which the employer did not pay minimum wages according to the law and/or overtime when the workers worked more than eight hours. The case was taken to the Labour Court and was pursued for two years. Finally, the migrants were awarded THB 1,570,000 in what is considered a landmark case for migrant workers in Thailand (For more details see Arnold and Hewison 2005: 9-11).

Annex 1

Convention	Ratification date	Status
C14 Weekly Rest (Industry) Convention, 1921	05:04:1968	ratified
C19 Equality of Treatment (Accident Compensation) Convention, 1925	05:04:1968	ratified
C29 Forced Labour Convention, 1930	26:02:1969	ratified
C80 Final Articles Revision Convention, 1946	05:12:1947	ratified
C88 Employment Service Convention, 1948	26:02:1969	ratified
C100 Equal Remuneration Convention, 1951	08:02:1999	ratified
C104 Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955	29:07:1964	ratified
C105 Abolition of Forced Labour Convention, 1957	02:12:1969	ratified
C116 Final Articles Revision Convention, 1961	24:09:1962	ratified
C122 Employment Policy Convention, 1964	26:02:1969	ratified
C123 Minimum Age (Underground Work) Convention, 1965	05:04:1968	denounced on 11:05:2004
C127 Maximum Weight Convention, 1967	26:02:1969	ratified
C138 Minimum Age Convention, 1973	11:05:2004	ratified
C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	11:10:2007	ratified
C182 Worst Forms of Child Labour Convention, 1999	16:02:2001	ratified

Ratified: 14 Conditional ratification: 0 Declared applicable: 0 Denounced: 1

Source: ILOLEX - 28. 2. 2011

References

American Center for International Labour Solidarity

2007 *The Struggle for Workers' Rights in Thailand*; American Center for International Labour Solidarity; Washington.

Al Jazeera English

2010 "Myanmar migrants in Thailand caught in web of bribes and abuse", aired on 17 July 2010, available online at <http://www.youtube.com/watch?v=VgQnOwwQ3c4>, accessed 29 April 2011.

Amnesty International

2005 "Thailand: The plight of Burmese migrant workers", Amnesty International, Bangkok, available online at <http://www.amnesty.org/en/library/info/ASA39/001/2005>, accessed 2 April 2011.

Archavanitkul, K.

1998 "Policy Options for Importation of Foreign Labour into Thailand: A Synthesis Report", paper presented in the Regional Workshop on "Transnational Migration and Development in ASEAN Countries" organized by Institute for Population and Social Research and International Organization for Migration, 25-27 May, Bangkok and Huahin, Thailand.

Archavanitkul, K., Caouette, T. and Pyne, H. H.

2000 *Sexuality, Reproductive and Violence: Experiences of Migrants from Burma in Thailand*, Institute for Population and Social Research, Mahidol University, Nakhonpathom. (In Thai but also available in English).

Archavanitkul, K. and Vajanasara, K.

2008 *Employment of Migrant Workers under the Working of Aliens Act 2008 and the List of Occupations Allowed to Foreigners*, IOM, Bangkok.

Arnold, D. and Hewison, K.

2005 "Exploitation in global supply chains: Burmese migrant workers in Mae Sot", *Journal of Contemporary Asia*, Vol. 35(3): 319-340.

Chantavanich, S., Vungsiriphisal, P., and Laodumrongchai, S.

2007 *Thailand Policies towards Migrant Workers from Myanmar*, Asian Research Center for Migration, Chulalongkorn University, Bangkok.

Department of Land Transport

2009 *Circular Notice by the Land Transport Legal Division re: Issuance of Driving Licenses In Accordance with the Automobile Act for Aliens Who Illegally Entered into Thailand*, ref: KKO408/W108, issued on 22 March 2010).

Grant, S.

2005 *International Migration and Human Rights*, a paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration (GCIM).

Global Migration Group

2010 *End Discriminations*, Infonote/Migration/27072010, the United Nations Office of the High Commissioner for Human Rights.

Human Rights and Development Foundation (HRDF)

2009 *Thailand's Systematic Discrimination against Migrant Work-Related Accident Victims: Learning from the Nang Noom Test Case*, HRDF, Bangkok.

2010 *Migrants and Motorbikes: Unlawful Police Practices and Systematic Discrimination in Northern Thailand*, HRDF, Bangkok

Huguet, J. W. and Punpuing, S.

2005 "Child migrant and children of migrants in Thailand", *Asia-Pacific Population Journal*, vol.2(3), 123-142.

Human Rights Watch (HRW)

2010 *From the Tiger to the Crocodile, Abuse of Migrant workers in Thailand*, HRW, New York.

International Organization for Migration (IOM) /World Health Organization (WHO)

2009 *Financing Healthcare for Migrants: A Case Study from Thailand*, IOM/WHO, Bangkok.

Thai Ministry of Foreign Affairs

2010 *Thailand's Human Rights Commitments and Pledges: Human Rights Council Election 2010*, Ministry of Foreign Affairs, Bangkok.

Thai Ministry of Labour

2008 Migrant News (a newsletter by the Ministry of Labour of Thailand, the National Human Rights Commission of Thailand, and the International Organization for Migration), December.

Office of the Education Council

2008 *Education Provision for Stateless and Cross National Migrant Children in Thailand*, Office of the Education Council, Ministry of Education, Bangkok.

Pearson, E., Punpuing, S., Jampaklay, A., Kittisuksathit, S. and Prohmmo, A.

2006 *Underpaid, Overworked and Overlooked: The Realities of Young Migrant Workers in Thailand, Volume One*, series on The Mekong Challenge. ILO, Bangkok.

Sciortino, R. and Punpuing, S.

2009 *International Migration in Thailand 2009*, IOM, Bangkok.

Department of State

2010 *Trafficking in Persons Report, 10th Edition*, Department of State, Washington.

United Nations

2010 *Right of Reply Exercised by the Royal Thai Government to the Statement by Human Rights Watch at the 11th Session of the UN Human Rights Council*, viewed at <http://www.un.org/webcast/unhrc/archive.asp?go=090602>.

Vasuprasat, P.

2010 *Agenda for Labour Migration Thailand: Direction to Long-term Competitiveness*, ILO, Bangkok.

United States Committee of Refugees and Immigrants

2007 *World Refugee Survey 2008*, United States Committee of Refugee and Immigrants, Washington DC.

Yongsomecheep, P.

2003 "Human Rights and Personal Legal Status: Case Study of People at Risk of Persecution at Sangklaburi District, Kanchanaburi province", unpublished M.A. thesis, the Office of Human Rights Studies and Social Development, Mahidol University.

Chapter 6

Migration and Environment

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Thanate Kitisriworaphan²

Wimontip Musikaphan³

Most migration streams result from economic differences between places of origin and destination. South-to-north migration is a typical example of a macro migration stream caused by migrants from developing countries who are looking for better economic opportunities in developed nations. In the case of Thailand, this kind of international migration stream is reflected in the movement of migrant workers to other Asian locations and countries in the Middle East, such as Singapore; Taiwan, Province of China; and United Arab Emirates (Department of Employment, 2007). Currently, the cross-border migration to Thailand is a south-to-south stream based on economic differences but also influenced by state policies and human rights issues both at the place of origin and destination. The links between internal and international migration are complex and have not been adequately studied in Thailand (IOM, 2005).

Moreover, the trade-off between the benefits of migration to economic growth and its costs in terms of adverse affects on the environment is a controversial issue that is under discussion in Thailand. The interrelationship between migration and the environment needs to be addressed along with the issue of human security for migrants at their point of origin and destination. Presently, many organizations and scholars want to go forward with addressing this relationship but are stymied by the lack of significant evidence to support this. For example, climate change is a prioritized topic of the present environmental impact on socio-economic aspects but further studies are needed in order to predict how climate change will affect population distribution and movement. From this perspective, a clear understanding of the specific characteristics of migrant flows - duration, destination and composition - is essential in order to analyse their impact on the origin and destination areas (Tacoli, 2009). Many international and local organizations have tried to launch climate change adaptation studies based on the view that migrants would have difficulty adapting for an extended period of time to the totally unpredictable conditions/occurrences stemming from environmental change.

Many interrelationships exist between migration and the environment. In Thailand, (a) most migration induced by environmental effects appears to be internal migration while forced migration resulting from conflict in neighbouring countries causes mostly international migration, and (b) migration both causes and is the consequence of environmental change. Migration related to environmental change and disasters has a greater impact on poor and vulnerable groups because they do not have sufficient resources to protect themselves or for recovery. Moreover, the accelerating rate of environmental change certainly increases the interrelationship between migration and the environment (Hugo, 1996; IOM, 2008b).

On the other hand, at the country level, the migration dimension of environmental quality is not the first priority when compared with political and economic needs, and this serves as an obstacle to launching rapid action in the case of natural disaster. The Asian tsunami in 2004, for example, demonstrated that Thailand lacked a sufficient monitoring system that could identify residents and migrants, which led to a delayed recovery of victims, especially migrant workers from Myanmar (Naik et al., 2007). Therefore, a policy orientation strongly based on consideration of the interrelationship between the environment and migration is essential to serve both human security and human rights and to encourage sustainable social development.

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During the 1980s and 1990s, the growth of the Thai economy was concentrated in Bangkok and the Eastern Seaboard industrial estates, and was stimulated by the manufacturing and service sectors, which strongly needed human capital to sustain their businesses. This trend encouraged young adults to migrate to the cities in search of better economic opportunities (Walsh et al., 2005). Since the Seventh National Economic and Social Development Plan (1992-1996), the Government of Thailand has pursued a decentralization policy to mitigate the pressure on the country's primary city, Bangkok, and urban sprawl, while urban environmental management has also been an important issue (Prasith-rathsint et al, 1981). National development plans have made note of the need to reduce rural-urban migration and set directives to narrow the developmental gap between cities and rural areas and eradicate poverty, the root of rural-urban migration. However, contradictory actions that promote the growth of Bangkok continue, such as the implementation of many large infrastructure projects in the capital city.

For the most part, decision makers tend to focus on poverty as the main cause of rural-to-urban migration even though environmental degradation can result in low productivity of agricultural land and ultimately induce farmers to migrate to urban areas as a survival strategy. The International Organization for Migration (IOM) points out that there is still a weak understanding of the links between migration and the environment at the place of origin because most migration data do not include the concise reasons why people decide to leave their places of origin. Thus, it is often difficult to determine how much environmental degradation leads to rural-urban migration (IOM, 2008a).

| Climate change

Scientists generally agree that extreme weather patterns and climate change are the result of global warming. In a report, the International Panel on Climate Change (IPCC) frequently points out the effects climate change is having on human migration, as increased drought, water shortages and coastal flooding affect many local and regional populations. These phenomena lead to relocation within and between countries and ultimately may increase conflict between local residents and migrants. It is estimated that 1.1 billion-3.2 billion people will experience water scarcity, 200 million-600 million people will face food shortages and 2 billion-7 billion people will suffer from coastal flooding by 2080 (IPCC, 2007). Furthermore, it is predicted that about 200 million people will have to migrate due to climate change by 2050, with imbalances in the ecosystem being a major cause of migration in the next 20-30 years. The rise of the sea level, which is predicted to be more than 2 metres in the Mekong delta, will result in about half of the adjacent agriculture land being under water (CARE International, 2009). This will spur out-migration of the local population.

Studies have found that during the past 60 years, land area along coastal zones of Thailand in the Gulf of Thailand has declined due to the rising sea level. Currently, in an area of 180.9 kilometres or about 10.9 per cent of the total area along the coast, which extends into 12 provinces, about 5 metres of land are lost annually (Vongvisetsomjai, 2007). Rising sea levels are strongly associated with climate change. A World Bank report on the potential effects of rising sea levels shows that in this century, Bangkok will experience serious flooding as the result of rising sea levels, which, in turn, could lead to mass migration out of the city. A rise in the sea level of between 1 and 3 metres would affect about 10-15 per cent of the Thai population (World Bank, 2007).

| Drought

One result of climate change is the less predictable water supply because of uncertain seasonal changes. This is especially a problem for agriculture-based economies, which for the most part are less developed countries (Tacoli, 2009). Rosegrant et al. (2002) point out that average irrigation efficiency ranged from 25–40 per cent for India, Mexico, Pakistan, the Philippines and Thailand while for more economically advanced economies, such as Israel, Japan and Taiwan, Province of China, the rate was higher. Insufficient

water distribution often leads to low crop productivity and reduced incomes, forcing some members of farm households to move out to earn extra money to sustain their household economic status (Pattamasiriwat et al., 2003).

Economic factors are the main determinants of rural-urban migration. However, in terms of environmental economics, an effective irrigation system is also a main determinant for rural Thais in deciding whether to move to another location. A report by the Thailand Development Research Institute (TDRI) about poverty eradication strategies reveals that many key informants have accepted that the water management system for their agricultural production is a key factor in deciding whether to migrate from a rural area. A good irrigation system can protect agricultural production from drought or flooding, enabling the farmers to sustain their income, which consequently, reduces their need to seek employment in urban areas (Pattamasiriwat et al., 2003). Severe and continuous drought in the northeastern part of Thailand is another factor behind the heavy migration from this area to urban areas. Similarly, continuous droughts since 1998 in Myanmar have prompted local residents to move towards the eastern borders and then into Thailand (Chantavanich, 2003).

| Deforestation/flooding

Data of FAO (2001) indicate that from 1950 to 2000, half of the forest cover in developing countries was lost, including for example in Thailand and Costa Rica. Deforestation leads to land degradation due to the loss of vegetation cover, such as trees, brush and grass. In areas hit by deforestation, flooding and soil erosion from wind and water often occur due to the lack of tree roots to channel water underground. About 60 per cent of recent deforestation in developing countries occurred in agricultural areas, and most poor farmers in these areas are likely to migrate into tropical rainforests (World Bank, 1991).

A study of the relationship between road construction and deforestation in Thailand between 1976 and 1989 indicates that the increased road density in the central and southern regions was responsible for reducing forest cover area by about 15 per cent (Cropper et al, 1997). The increased concentration of the road networks, particularly in southern Thailand, has consequently resulted in flooding and landslides due to the lack of trees to slow water runoff while the roads themselves have blocked water drainage.

One of the effects from flooding is temporary evacuations, which could ultimately lead to permanent migration due to the loss of agricultural production and/or the land becoming unavailable for agricultural activities (The Nation Channel, 2010).

| Land degradation

The removal of protective vegetation leads to the drying of soil. Of note, in many parts of Asia, comparisons of data on rainfall show that precipitation is declining in agricultural frontiers (Falkenmark, 1994; Postel, 1997). In addition, 20 per cent of soil degradation in developing countries directly involves deforestation. This figure rises to 40 per cent in Asian countries (Oldeman et al., 1990). The poorest 20 per cent of the population in developing countries live in the "low potential" lands, areas that have limited precipitation with low-fertility soil and/or steep slopes. In these areas, the inhabitants, who are often very poor, migrate to other marginal areas after they have exploited the land where they had been residing. This pattern creates cumulative causation among rural poverty, deforestation and soil degradation. The migration behaviour of those poor farmers could be linked to vegetation clearance and micro-climate change in rural areas (Bilsborrow et al., 1987).

On a positive note, there is some evidence of improvement of land-use techniques in the northeast region of Thailand associated with the return migration of local residents. The return migrants have gained their knowledge and skills through migration and education at their destination. Upon return to their place of

origin, they help improve local farming techniques to enhance effective land-use management, which, in turn, mitigates land degradation. Improved land management has also had a positive impact on environmental conditions in this dry region of Thailand (IOM, 2008a). The returning migrants often come from poor farm families who live in areas suffering from land degradation and produce very little. Normally, these families occupy small, poor-quality land and face water scarcity. The only option to survive is to overexploit the land, which leads to a vicious circle that ends with more land degradation. Therefore, some family members often migrate to more developed areas and send remittances home to sustain their entire family.

Biodiversity

A few studies in Thailand provide evidence on migration and biodiversity degradation. A study on the Pak Mun dam, which generates electricity and is located to the west of the confluence of the Mun and Mekong rivers, points out that this construction threatened diversity of local fishery resources. At least 50 of 256 fish species have disappeared and numbers of other fishery resources have declined significantly (World Commission on Dams, 2000). Moreover, it has resulted in the relocation of around 3,000 local families.

In contrast, in-migration to or near to protected areas can affect the wildlife habitat and lead to biodiversity depletion. For example, the decreasing distance between migrant settlements and wild animal habitat is significantly decreasing the diversity of species in Kangkachan National Park, Thailand (Polpun, 2009).

Moreover, most road grids and irrigation lines (with inappropriate planning) generally block the natural water drainage from paddy fields, a factor associated with low rice productivity and agricultural wages, which prompts agricultural labourers to search for better job opportunities in other places. An impact of an abandoned paddy field is land-cover change, which adversely affects the ecosystem of a paddy field, particularly with respect to the decline of animal species and other plants such as palm or rubber trees (Chareanjiratrakul et al., 2008). Theoretically, up to 55 per cent of all species on the planet are found in tropical rainforests, and rural-to-rural migration has a devastating effect on biodiversity, which is recognized as the world's gene pool. This phenomenon could threaten future human food production and medicine production (Cincotta and Engleman, 2000).

In addition, for more than a decade, aquaculture, such as black tiger shrimp farming, has bounced back and forth from booms to busts in Thailand. Approximately 7 per cent of mangrove areas in Thailand were converted to shrimp ponds before the 1980s. This area grew to about 30 per cent by 1986, but declined to 17 per cent in 1994. In contrast, the annual conversion of mangroves to be used for other activities, such as tourism, industry and agriculture, increased from 15 per cent before 1980 to 17 per cent in 1986, and 36 per cent by 1994. Since 1975, 50-65 per cent of mangrove areas in Thailand have been lost to shrimp farm conversion (Barbier and Cox, 2002).

The consequence of this intensive aquaculture is mangrove deforestation along coastlines as well as loss of inland paddy fields. Mangrove forests are decreasing due to farm construction, while the salinity needed for the inland shrimp farms on paddy fields has degraded soil. These paddy fields are no longer suitable for growing rice (Flaherty and Vandergeest, 1998). This situation has resulted in conflicting interests between environmentalists, local people and shrimp farm investors, who normally are not local inhabitants. Barbier and Cox (2002), however, point out that the loss of mangroves in Thailand is more related to the price of shrimp than migration within the country.

Tsunami

Natural disasters, such as tsunamis, are other examples of how the environment affects migration. A large tsunami occurred in the Indian Ocean and hit the coastlines of many Asian countries, including Thailand,

on 26 December 2004. It caused more than 230,000 deaths and many more persons went missing or were injured or displaced. Tens of thousands of people lost their livelihood. Some of them migrated to safer places while new settlements were constructed by new immigrants (Citizenship and Immigration Canada, 2005). Along the coastline in southern Thailand affected by the tsunami, the land was found to be contaminated by high salinity from sodium, calcium and sulphate and some heavy metal elements such as cadmium and zinc that could affect the food chain and plantations in these areas (Szcucinski et al., 2005).

Moreover, a study shows that the tsunami removed sand from the coastline and deposited it in inland areas, which has resulted in increasing coastal erosion and adversely affected fishery resources (Choowong et al., 2006). These changes could have a possible effect on the livelihood of local workers, who rely on shrimp aquaculture and fishing. Out-migration may occur under these conditions as the victims most likely lack the means to restart their livelihoods, forcing them to find other ways to survive (IOM, 2008a). For those who work in inland areas affected by salinity from the tsunami, it will take several years before fields flooded by saltwater will be capable of producing cash crops again (Laczko and Collett, 2005). Meanwhile, among the people who have lost their entire families and businesses, particularly young labourers, the incentives to stay and rebuild their livelihoods are low, and great numbers of out-migrants may seek employment in other places or even overseas.

A study by Wilson (2005) on the health impact on Myanmar migrant workers in tsunami-hit areas conducted six months after the disaster found that many of them lost their work permits and were afraid of being arrested. Because of this, they avoided receiving medical treatment from hospitals. Some of them, mainly irregular migrants lacking a health insurance card, tended to buy medicine for curing themselves from drug stores, making it difficult for the Ministry of Public Health to control a pandemic if one were to occur.

Urban environment

Migration's environmental footprint, the amount of environmental degradation caused by man-made activities, is easy to ascertain in urban areas because of differences in consumption patterns. City dwellers tend to consume more energy for vehicles and household appliances than people living in rural areas. They also generate more volume and a greater variety of waste. In Thailand, seasonal migration is prevalent. It puts pressure on city planning, which normally does not account for this population segment. One result is urban poverty because of insufficient resources to accommodate the added population while the lack of adequate eco-friendly water management and public transportation systems to address the needs of growing rural-to-urban migration exacerbates water and air pollution (IOM, 2008a). Migrant workers, who may live in squalid settlements due to their economic constraints, also must deal with unhealthy sanitation systems.

Klong Toei community in Bangkok has been a classic example of an unhealthy community and destination place for migrants for more than half a century. Residents of this community live in uncertain social and economic conditions and try to survive in an environment which at times could be life threatening (Chiengkul, 2008; ASTV Manager Online, 2010). A clear example supporting the above statement occurred on 2 March 1991 when chemical containers in Bangkok Port (Klong Toei) exploded and burned. It took about three days to control this fire and residents of both the Klong Toei community and nearby areas were evacuated to temporary housing in Lumpini Park. A total of 5,417 people were displaced as a result of the incident (Khao Sod newspaper, 2002).

Keb Moo community is on Klong Suroi, Nung Street. This area, which provides a number of low-skilled construction labourers in Bangkok, is another example of an urban community that faces several environmental problems. Many rural-urban migrants reside here on both a permanent and seasonal basis. Since 2004, the number of residents in this area has increased sharply from about 150 families to more than 3,000 families. The residents struggle with limited accessibility to basic sanitation systems, electricity, clean water supply and proper domestic waste management (TCA, 2007).

Industrial pollution

Thailand is a developing country in which industrial development is one of the Government's priority policies. Industrial development has created all types of pollution including noise, water and air pollution. Consequently, health issues have evolved, forcing people to move out of the industrial areas. For example, the Map Ta Phut Industrial Estate has been declared by the Administrative Court as a pollution control district. This area was embroiled in many conflicts between the factory owners and the local community. In one case, the Map Ta Phut district school had to evacuate students because of air pollution from a nearby oil refinery while in another incident, the Map Ta Phut hospital had to evacuate its in-patients because of a bad smell that emanated from a nearby waste landfill (Rangsit University-RSU News Center, 2009).

Cross-border migration

An influx of cross-border migrants into Thailand since the early 1990s has provided advantages as well as disadvantages to the country. The majority of cross-border migrants in Thailand have a poor economic status and low education level, and were previously living in areas with low-quality infrastructure and a bad environment. In Thailand, environmental problems are mentioned frequently, but there are few studies that explore environmental problems associated with large cross-border communities, such as in Mae Sot, Tak province, Samut Sakhon, or Ranong province (Boonmarat, 2005; Human Right Lawyers Association (HRLA) 2009). Some studies comment only on the indirect effects of the environment on migrants' health (see the WHO Thailand and IOM Bangkok websites).

Environmental management, especially for garbage, waste, toxic material, sanitation and drainage systems, requires cooperation from local communities, even if they are migrants, to be effective. In practice, however, environmental management is under the mandate of the local administration or government and not the local people or migrants. There are also frequent conflicts between the local and migrant populations in communities. The local residents often ignore the living status of the migrants or the fact that the migrants are also community members. The community's environmental management cannot be effective unless all stakeholders participate, including governmental agencies, local administrative officers, NGOs, local residents and migrants. This concept needs to be implemented through appropriate policies to solve environmental problems for everyone, not only for local people.

National policy

A poor environment in rural areas causes low productivity and, consequently, generates low earnings for people in the agricultural sector. A study by Taethiengtam and Pradkatanyoo (2001) demonstrates that environmental pressure in the place of origin, as measured by weather conditions, fertile soil, abundant watershed and forest biodiversity, is associated with the out-migration rate in Thailand by 85.0, 83.9, 82.2 and 64.7 per cent, respectively. Furthermore, at the place of destination, although there is no concrete evidence supporting the view that migration directly causes environmental problems such as air and water pollution, it can be assumed that a change in population density from the number of migrants added in any area directly relates to environment degradation (Taethiengtam, 2001).

Throughout the 1960s, Thai planners viewed the development process as primarily growth-oriented. This approach has been implicitly and continually adopted by the Government of Thailand. Later, unbalanced growth emerged through the development of Bangkok as a primary city, and the increasing development gap between urban and rural areas, which resulted in migration from rural areas of persons seeking better economic earnings in the city. Since the early 1970s, a prominent form of migration has been seasonal migration to Bangkok and its periphery after the annual harvest period (Prasith-rathsint et al., 1981). It was not until the mid-1970s that people started to recognize that some environmental problems, such as flooding in Bangkok, were due to deforestation in the northern region of Thailand (Chao Phraya river watershed) and

that water pollution in the Chao Phraya river and Mekong river was caused by nearby factories. The people became aware of these problems, prompting the Government to launch national policies that promoted environmental quality.

The 4th National Economic and Social Development Plan (1977-1981) was the first plan of this type that recognized the significant environmental problem. However, economic growth and social quality were given a higher priority over environmental protection and natural resource conservation, resulting in minimal budget funding being allocated towards serious environmental management (Prasith-rathsint et al., 1981). The 9th National Economic and Social Development Plan (2002-2006) took a holistic approach, placing people at the centre of the development process. This plan called for balanced development of the economy, society, political system, and environment to assure social well-being, improve economic self-reliance, and affect the modernization of Thai society in a way that maintained its distinctive identity (NESDB, 2002). For the 10th National Economic and Social Development Plan (2007-2011), economic growth remains the first priority for the country's development but the concept of economic development has been dramatically changed to a sufficiency economy, which is a philosophy for the country's sustainable development. The environment paradigm is shifted from biodiversity conservation to a focus on climate change. Under this plan, the status of the environment and migration in Thailand are expected to improve.

The national economic and social development plans not only spur internal migration, but prompt international migration as well, especially cross-border migration. Migration is strongly related to environmental issues in both the place of origin and place of destination. An important principle related to this is that environmental impacts on health and well-being affect everyone, not just local residents or migrants.

The Government's approach to environmental management over a long period of time reveals that it views environmental problems as the responsibility of local organizations and residents. Environmental problems are clearly the responsibility of all parties. This means that environmental problems must be addressed effectively by everyone, regardless of nationality or place of birth. Since the effects of a poor environment are enormous and extend far beyond territorial boundaries, national and local policies for environmental protection should maximize the gross benefit and minimize the possible loss for all.

In conclusion, more knowledge and research is urgently needed on climate change with regard to its potential impact on the local economies and migration. The environmental degradation resulting from certain aspects of climate change is a priority issue. Normally, the agricultural sector can adjust to changes in weather conditions but because of climate change, serious natural disasters and dangers can occur at anytime or anyplace. Moreover, the effects of climate change on cross-border migrants' health in terms of infectious disease, as well as on vulnerable people (children and older persons) who are less able to adapt to changing conditions, are other points of concern.

References

ASTV Manager Online

2010 "Klong Toei slum in Bangkok metropolis" (in Thai), available online at <http://www.manager.co.th/Daily/ViewNews.aspx?NewsID=9530000017622>, accessed 19 March 2011.

Barbier, E. and Cox M.

2002 "Economic and Demographic Factors Affecting Mangrove Loss in the Coastal Provinces of Thailand", 1979-1996, *Ambio, Journal of the Human Environment*, 31(4), 351-357.

Bilsborrow, R., McDevitt: T., Kossoudji S., and Fuller R:

1987 "The Impact of Origin Community Characteristics on Rural-Urban Out Migration in Developing Countries", *Demography* 24(2).

Boonmarat, V.

2005 "Community Leaders and Environmental Problems in Samut Sakhon Province" (in Thai), online, available online at http://www.wiszanu.com/index.php?option=com_content&task=view&id=130_&Itemid=46, accessed 19 March 2011.

CARE International

2009 "Climate change set to drive unprecedented levels of human migration", available online at <http://www.careinternational.org.uk/news-and-press/press-release-archive-2009/1262-climate-change-set-to-drive-unprecedented-levels-of-human-migration>, accessed 19 March 2011.

Chareanjiratrakul, S., Kongmanee, C., Longpichai, A. and Pornsawang, C.

2008 "Causes and impacts of abandoned paddy fields in Pattani province". *Environment and Natural Resources Journal*, 6(1): 50-65 (in Thai).

Chantavanich, S.

2003 Culture of Peace and Migration: Integrating Migration Education into Secondary School Social Science Curriculum in Thailand, ARCM, Chulalongkorn University

Chiengkul, V.

2008 "Urban poor issues", (in Thai), available online at <http://www.manager.co.th/mgrWeekly/ViewNews.aspx?NewsID=951000087199>, accessed 20 March 2011.

Choowong, M., Murakoshi, N., Hisada K., Charusiri, P., Daorerk, V., Charoentitirat, T., Chutakositkanon, V., Jankaew, K. and Kanjanapayont, P.

2006 Erosion and Deposition by the 2004 Indian Ocean Tsunami in Phuket and Phang-nga Provinces, Thailand, Japan Society for the Promotion of Science, 23: 11-17.

Cincotta, R. and Engleman, R.

2000 "Nature's place: Human population and the future of biological diversity", Washington, DC: Population Action International.

Citizenship and Immigration Canada

2005 "Report on Cross-Canada Consultations in Response to the Tsunami of December 26, 2004".

Department of Employment, Ministry of Labor

2007 "Report of Thai worker in overseas 2007", Ministry of Labor and Social welfare, Bangkok. (in Thai).

Falkenmark, M.

1994 "Water availability as carrying capacity determinant: A new factor in third world demography", in Basia Zaba and John Clarke (Eds.), *Environmental and Population Change*, 170-195, Liege, Belgium, Derouaux Ordina.

Flaherty, M. and Vandergeest, P.

1998 *Low-salt shrimp aquaculture in Thailand: Goodbye coastline, hello Khon Kaen!*, Environmental Management 22(6): 817-830.

Food and Agriculture Organization of the United Nations (FAO)

2001 *The global forest resources assessment 2000: Summary report*; Food and Agriculture Organization, Committee on Forestry, Rome.

Human Right Lawyers Association (HRLA)

2009 "HRLA Ranks 10 Progress and 10 lag behind Projects in Human Rights Thailand in 2009", (in Thai), available online at <http://www.naksit.org/content/view.php?id=216>, accessed 18 March 2011.

Hugo, G.J.

1996 "Environmental concerns and international Migration", *International Migration Review*, 30(1), 105-131.

International Organization for Migration (IOM)

2005 "The Millennium and Development Goals and Migration", No.20. Geneva.

2008 "Migration, Development and Environment. International Dialogue on Migration", No.38, Geneva.

Khao Sod newspaper

2002 "Toxic disaster in Klong Toei", *Khaosod newspaper*, 11 November 2002, p.10, Matichon Public Co., Ltd. (in Thai).

Laczko, F. and Collett, E.

2005 "Assessing the Tsunami's Effects on Migration." Migration Information Source: Fresh Thought, Authoritative data, Global reach, available online at <http://www.migrationinformation.org/USfocus/display.cfm?id=299>, accessed 19 March 2011.

Naik, A., Stigter, E. and Laczko, F.

2007 Migration, Development and Natural Disasters: Insights from the Indian Ocean Tsunami, IOM, Geneva.

National Economic and Social Development Board (NESDB)

2002 The Ninth National Economic and Social Development Plan (2002-2006), NESDB. Bangkok.

The Nation Channel.

2010 "25 communities in Ubon Ratchatani province have flood evacuation", (in Thai), available online at <http://breakingnews.nationchannel.com/read.php?newsid=475880>, accessed 19 March 2011.

Oldeman, L.R., Van Engelen, V. and Pulles, J.

1990 The extent of human-induced soil degradation. L.R. Oldeman, R. Hakkeling, and W. Sombroek (Eds.), World map of the status of human-induced soil erosion: An explanatory note, Washington, Netherlands: International Soil Reference and Information Centre.

Pattamasiriwat, D., Pahuyuth, D., Soithong, P., Kamuni, V., Teerakarunwong, T, Wisandej, S. and Mutita, A.

2003 *Poverty Study Project phase 2: Research and Policy analysis and Poverty eradication strategy*, Thailand Development Research Institute, (in Thai).

Polpun, S.

2009 "Impacts from forest area utilization of local communities to habitat utilization of wildlife: A case study of Kaeng Krachan National Park", *Environment and Natural Resources Journal* 7(1): 84-93.

Postel, S.

1997 "Dividing the waters: Food security, ecosystem health and the new politics of scarcity", *Worldwatch Paper 132*, Worldwatch Institute, Washington, DC.

Prasith-rathsint, S., Supapongpichate, S., Sukreeyapongse, P., Prasartsaeree, M. and Plainoi N.

1981 *A study of the Interrelationships of Population, Environment and Development in Thailand*, Family Planning Project, Ministry of Public Health.

Rosegrant, M, Cai, X, and Cline; S:

2002 *World Water and Food in 2025: Dealing with Scarcity*, IWMI (International Water Management Institute) Publications, Washington, D.C.

RSU News Center

2009 "The triumph of Map Ta Phut community:", (in Thai), available online at <http://www.rsunews.net/Green/untilTheWin/Gpage.htm>, accessed 19 March 2011.

Szcucinski, W., Niedzielski, P., Rachlewicz, G., Sobczynski, T., Ziola, A., Kowalski, A., Lorenc, S., and Siepak, J.

2005 "Contamination of tsunami sediments in a coastal zone inundated by the 26 December 2004 tsunami in Thailand", *Environmental Geology* 49: 321-331.

Tacoli, C.

2009 "Crisis or adaptation? Migration and climate change in a context of high mobility", paper prepared for Expert Group Meeting on "Population Dynamics and Climate Change", UNFPA and International Institute for Development in collaboration with UN-HABITAT and the Population Division, UN/DESA 24-25 June 2009.

Taethiengtam, A.

2001 "Impact of population on environmental change in Thailand" presented at the proceeding of the 39th Kasetsart University Annual Conference. Kasetsart University, (in Thai)

Taethiengtam, A. and Pradkatanyoo, K

2001 "Internal migration: determinants and its demographic, socio-economic and environmental consequences", presented the proceeding of the 39th Kasetsart University Annual Conference. Kasetsart University, (in Thai).

Thai Contractors Association under H.M. the King's Patronage

2007 "'Keb Moo street' a golden location of cross bordering labor market" (in Thai), Constructor's Times, available online at <http://www.thaicontractors.com/content/cmnu/5/20000000046/253.html>, accessed 20 March 2011.

Vongvisetsomjai, S.

2007 "Coastal Erosion", (in Thai), Academic Seminar 2009. Faculty of Engineering, Kasetsart University, available online at <http://www.pe.eng.ku.ac.th/files/seminar/2009/sitegroup9/index.html>, accessed 20 March 2011.

Walsh, S., Rindfuss, R.R, Prasartkul, P., Entwisle, B. and Chamratrithirong, A.

2005 "Population Change and Landscape Dynamics: The Nang Rong, Thailand, Studies", in: Entwisle, B. and Stern, P.G. (Eds.) *Population, Land Use and Environment Research Directions*, National Academy Press, Washington, DC.

World Bank

1991 *Forestry* (Second report), World Bank. Washington DC.

2007 "The Impact of Sea Level Rise on Developing Countries: A Comparative Analysis." policy research working paper 4136, World Bank, Washington DC.

World Commission on Dams

2000 "Thailand: Pak Mun Dam and Mekong/Mun River Basins. Final paper – executive summary", available online at: http://www.dams.org/kbase/studies/th/th_exec.htm, accessed 20 March 2011.

Chapter 7

Migration and Health

Simon Baker

Providing health coverage to migrants is a complex and important issue for Thai health policymakers. It is complex because the health needs of migrants are influenced by their past health histories and their socio-economic well-being once migrating. In addition, the health system is challenged due to the following factors: the movement of migrants can place strains on particular hospitals; many migrants do not speak the local language or fully understand the local culture; migrants often do not have the financial resources to purchase health coverage; and many migrants are irregular and cannot or do not want to seek treatment from local health facilities. This is the case for the large number of migrants from Cambodia, the Lao People's Democratic Republic and Myanmar, for Thais leaving the country and even for some internal Thai migrants.

The health of migrants is an important issue for policymakers from a human rights perspective, a public health perspective and an economic perspective. From a human rights perspective, migrants should not be excluded from accessing basic health services. In terms of public health, migrants should not be excluded from the health system as they are mobile and could contract diseases and transmit them to the wider community. They are also often not immunized or rapidly treated when sick, which consequently not only puts them at risk but presents risks to the overall community as well. The economic perspective is that given the cost to employers of recruiting, training and maintaining staff, migrants should have access to health services to safeguard a healthier workforce (Burns, 2010).

To ensure that Thailand invests in the health of migrants for the benefit of both them and Thai society as whole, policymakers need to 1) be aware of key policy issues and 2) understand the health problems afflicting migrants. A sustainable, cross sectoral, holistic, approach to health security for Thailand has been proposed and accepted, with support from a range of national agencies in Thailand and through agreed partnerships among international agencies, and funding for this development is currently being mobilized (Burns, 2010).

In 1996, the main activity of the Ministry of Public Health in the area of labour migration involved conducting compulsory health examinations for migrants during each registration period. The role of the Ministry has since expanded to include preventing the spread of infectious diseases among migrant workers, providing family planning, promoting health, preventing disease, dealing with environmental health and developing a health information system on migrants (Archavanitkul and Saisoonthorn, 2005). Beginning in 1998, registered migrants were required to buy health insurance cards, costing 500 Thai baht THB (USD 17.00) per year. The cost of the cards increased to THB 1,300 (USD 43.00) in 2004 and it has been kept at that level since then.

Under the current circumstances, three major policy issues need to be tackled to guarantee quality health services for migrants: how to pay for the system; how to ensure that migrants can access the health system; and how to improve the quality of services migrants receive.



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Financing the health system

With regard to migrants, the most important health policy issue is how best to finance health care for them, particularly for irregular migrants. Registered migrant workers currently are partially subsidizing the health services of irregular migrants. To overcome this and other problems, Srithamrongsawat and others (2009) suggest that the Government of Thailand fund a scheme using the national budget on the grounds that migrants make a major contribution to the wealth of Thailand. However, this raises the question of how much money should Thailand spend on irregular migrants, given that it cannot afford comprehensive health services for its own citizens.

An alternative strategy could be to find out which industries are benefiting from irregular migrants, and then require them to make special contributions to cover the health of these migrants. This would most likely include the fishing industry and factories along the borders.

Research must be done to enable policymakers to determine what would be the cost to the Government of Thailand if they were to use the national budget to fund health services for all migrants. The research should also determine whether: health coverage should be based on the Thai national budget; industries benefiting from irregular migrants should be forced to contribute; or the irregular migrants themselves should pay part of their health services. This research would not necessarily have to single out one particular area for funding but include a combination of all three areas. In addition, the research needs to ascertain who should be covered. In other words, should the coverage continue under the present situation in which only regular migrants are covered, or include dependents of migrants as well, particularly children, irregular migrants and/or migrants who cross national borders to take advantage of the superior Thai health system.

Improving migrants' access to the health system

From the public health perspective alone, it is important to ensure that migrants are given access to the health system.

Currently, regular migrants can access the Thai health system, while irregular migrants, who account for possibly the majority of migrants, are denied this right. Many regular migrants, however, do not take advantage of this facility. The outpatient utilization rate for regular migrants is lower than the rate for Thais; it appears that many regular migrants seek medical assistance from the Thai health system only when they are seriously ill. During 2004-2006 more than half of the regular migrants did not collect their health cards which would have entitled them access to the health system (Pearson et al., 2006: 49, 97 and 157; and Archavanitkul et al., 2007: 27). In some cases, employers create problems for migrants to access health services by, for example, keeping health cards, which not only deters them from running away or changing jobs, but also prevents them from getting medical care. (Limnonda and Peungposop, 2009: 29).

Although irregular migrants and those accompanying regular migrant workers do not have the right to obtain health insurance cards, they are able to access public health-care services, as long as they can pay for them. However, in cases when it is apparent that the migrants cannot afford the expenses, a hospital can consider fully subsidizing the cost using its own budget allocated for the Universal Health Scheme (Archavanitkul, 2007). Many migrants are reluctant to access health facilities due to a range of factors, including language barriers, perceived and real discrimination, fear of arrest for not having proper documents and an inability to pay the fees. With regard to discrimination, many migrants claim that they had been treated with lower standards in comparison to similar treatment extended to Thai nationals. In some provinces, hospital officials have notified the police when migrant workers sought health care and the migrants were subsequently arrested. One official from a provincial hospital who called the police claimed a provincial governor ordered him to do this (Archavanitkul and Saisoonthorn, 2005).

The reluctance to access medical facilities results in migrants self-medicating, not seeking medical help until the problem is serious or going without care. With communicable diseases, this can worsen the health of

migrants and the larger public as a whole (Baker, Holomyong and Thianlai, 2010). To overcome this, policymakers should consider enabling all migrants, irrespective of their registration status, to have access to emergency health care and immunization and vaccination services.

Improving quality of health services for migrants

Providing health care to migrants has likely increased the workload of caregivers, limiting their ability to provide quality services to their patients. Furthermore, the health staff is challenged with deciding how to allocate limited resources. Staff need to determine whether to focus on taking care of Thais or providing a service to all people in need.

Policymakers working with the Ministry of Public Health could help medical staff deal with migrants by providing them training on how to work with patients from different cultural and linguistic backgrounds. Such training should stress the importance of communication techniques.

The Ministry should provide medical staff guidelines on what they can and cannot do for migrants. Such guidelines would remove the dilemma faced by medical staff who want to provide health services to those in need but are concerned about breaking laws. At times, health personnel are unsure if they are violating legal regulations when dealing with migrants, particularly those who do not have documentation.

The employment of migrant health workers at health facilities, a practice that began in 2005, is a significant development in overcoming migrants' language and cultural barriers. These workers provide valuable services to both migrants and health workers by bridging communication gaps between them. Their role, however, needs to be institutionalized. Based on current policy, migrant health workers are denied official recognition, as it is not possible for migrants to obtain skilled employment through the migrant registration process and without this recognition it is difficult to improve the quality of the service they provide.

Migrants and their health problems

Policymakers dealing with migrant health need to take into consideration the following: (a) migrants when they first arrive in Thailand tend to be healthier than the general population; (b) many of the migrants' health problems result from their living and working conditions; and (c) health issues related to migrants include both contagious and non-contagious diseases.

To make health comparisons between migrants and non-migrants, the vast differences between age-sex structures and socio-economic backgrounds must be considered. Migrants from Cambodia, the Lao People's Democratic Republic and Myanmar tend to be concentrated in working-age groups, less educated and poorer than Thais (Sciortino and Punpuing, 2009; IOM, 2007). So, a useful comparison would be between Thais and foreign migrants of a similar age, sex and socio-economic background, who share similar work and living conditions, and can access the medical system.

The migration process is invariably tilted towards young adults and the healthier persons in this group (Hugo, 2008: 201; Mladovsky, 2009: 58), in particular among regular migrants who have to pass a health exam before being accepted to legally work in Thailand. In the period 2004-2005, close to 97 per cent of foreign migrants seeking registration were healthy, less than 2 per cent required follow-up care and only 0.03 per cent had conditions prohibiting them from working (D'Souza, 2007: 26).

The Recruitment and Job Seekers Protection Act, B.E. 2528 (1985) requires Thai migrant workers to receive a medical examination (Huguet and Punpuing, 2005: 28-29). Each destination accepting these workers has their own medical requirements. Taiwan, Province of China, the destination of over a third of all Thai workers in 2009 (Ministry of Labour), requires one physical examination in Thailand and a follow-up examination

when they enter the territory. This test includes: chest x-ray; HIV antibody test; serum test for syphilis; hepatitis B surface antigen test; blood test for malaria; and faecal examination for parasites. In addition, infectious diseases are screened and treated (Jiang, Lin et al., 1997: 171).

Many health problems of migrants come about after they leave their country of origin and are the result of marginal living and working conditions. Often, migrants live in areas polluted by industrial waste and other debris or near marshy and mosquito-infested locations. Their accommodation tends to be overcrowded, with poor ventilation and limited access to clean water and sanitation (Hugo, 2003: 19; Chantavanich and others, 2006; Caouette and others, 2006). In one study, only 16 per cent of the migrants in Thailand had access to clean water and less than 50 per cent to adequate sanitation, including latrines and waste disposal (D'Souza, 2007: 27). Interventions improving migrant living and working conditions may be a more cost-effective approach than only treating sick migrants.

Migrants and contagious diseases

Although it is difficult to make comparisons between migrants' and non-migrants' health, policymakers must take into account that migrants do have health problems that need to be considered in order to effectively control diseases and to provide services for those in need. As noted earlier, some of these diseases can impose real health concerns for Thais.

One example of this is HIV and AIDS. The association between HIV and migration is problematic, given the tendency to blame outsiders for the spread of this disease. Nevertheless, the first recorded case with HIV in Thailand was a migrant, a Thai returning from overseas (UNAIDS, 2004).

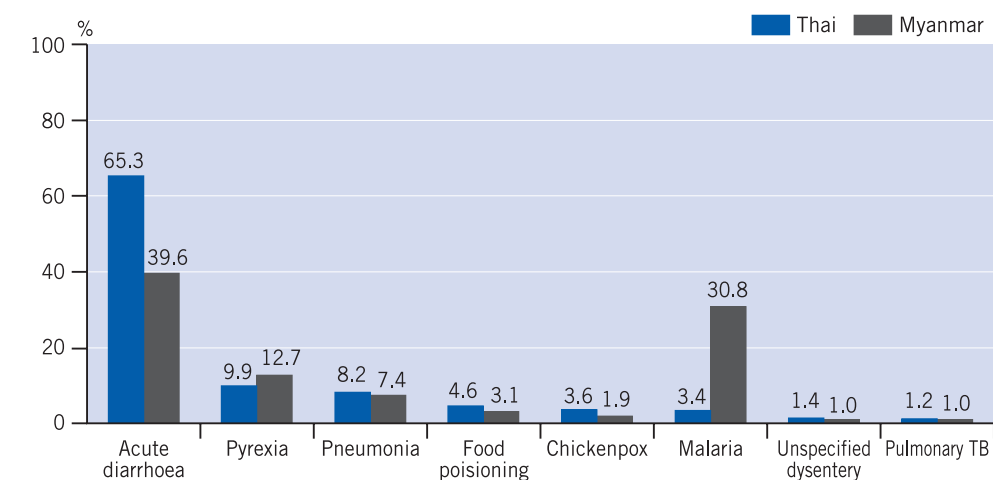
Despite the attention on migrants and HIV and AIDS, the magnitude of the HIV infection among foreign migrants in Thailand is unknown. However, available data indicate foreign migrants in Thailand have a higher proportion of HIV cases compared to the general Thai population (Jitthai et al., 2010: 28). This seems to be because migrants' living and working conditions predispose them towards high risk behaviours, such as unprotected sex and drug use (Hugo, 2008: 197).

Policymakers need to be concerned about how best to treat migrants living with HIV. With regard to this, provincial health personnel are being forced to make difficult ethical and moral decisions. Officially, registered and non-registered migrants cannot get access to antiretroviral (ARV) treatment, although in practice, health personnel provide them these drugs through special programmes, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria. Pregnant migrants living with HIV can receive AZT to reduce mother to child transmission under the National Health Care scheme, but only if they are registered. If unregistered, it is up to health personnel to decide whether they get treated. In the cities of Trad and Kanchanaburi, for example, they were being treated, but in the city of Tak only the women who remained in contact with doctors, generally those who return for antenatal care, were receiving AZT (Archavanitkul, 2007).

Differences in the health of Thais and migrants from Myanmar in ten border provinces are illustrated with data from the Bureau of Epidemiology Department of Disease Control (figure 7.1). The data are not controlled by age, or for living and working conditions.

Malaria accounted for 31 per cent of the cases of communicable diseases reported by migrants but only 3 per cent of the cases reported by the Thai population. D'Souza (2007: 25), WHO et al., (2007: 10), and Limanonda and Peungposop (2009: 27) have also found that foreign migrants have greater incidence of malaria than Thais. These differences could be explained by the recrudescence of inadequately treated malaria among those from Myanmar, or the possibility that they may be facing new malaria strains in Thailand against which the local population has acquired resistance. Furthermore, it is possible that those from Myanmar may have a greater rate of *Ovale* and *Vivax* malaria which can hide in the liver and periodically recur.

Figure 7.1. Percentage distribution of main reported cases of communicable diseases among Thais and people from Myanmar in ten provinces bordering Myanmar: 2007



Source: Bureau of Epidemiology, Department of Disease Control, Ministry of Public Health (2007)

Not shown in figure 7.1 is scrub typhus, which was the seventh most common reported disease among migrant workers, but was not in the top ten diseases for Thais. This is a rickettsial disease transmitted by mites and ticks living in transitional vegetation, mainly on the outskirts of towns, where original vegetation has been cleared for farming or building, and has regrown. In developing countries it has been found among farm labourers and those living in makeshift dwellings on the fringes of towns. People who regularly cross frontiers on foot are also at greater risk.

Figure 7.1 also shows that foreign migrants compared to Thais are far less likely to suffer diseases afflicting children. The data indicate that 65 per cent of Thais who reported a communicable disease had acute diarrhoea, compared to approximately 40 per cent among those from Myanmar. In addition, the proportion of cases of Thais with chickenpox was close to twice that of the migrants (3.6 and 1.9 per cent, respectively). Not shown in figure 1 are dengue and dengue haemorrhagic fever, which were the seventh and tenth most common diseases afflicting Thais, respectively, but neither disease was in the top ten diseases afflicting migrants.

Additional diseases that migrants may spread include elephantiasis, meningococcus, plague and polio, all of which were nearly extinct in Thailand (Caouette et al., 2000: 51; Wiwanitkit, 2005: 1; Suwanvanichkij, 2008: 2; Limanonda and Peungposop, 2009: 28; and Srithamrongsawat et al., 2009: 25). However, an official at the World Health Organization (WHO), interviewed for this chapter, indicated that this initial concern seems to be overstated and that these diseases remain under control.

Migrants and non-contagious health concerns

Migrants have non-contagious health issues, whether they are foreigners entering Thailand, Thais migrating to other countries or within the country, which policymakers need to be aware of.

Child migrants have a range of particular health problems, which are discussed in chapter eight on migration and children. Nevertheless, it is important to mention that many child migrants are unlikely to complete their child vaccinations, posing a threat to the health of Thai children. To tackle this problem, policymakers should consider allowing registered migrants to enrol their children in the health scheme.

Female migrants from Cambodia, the Lao People's Democratic Republic and Myanmar face problems related

to pregnancy, delivery and unmet needs for contraception. In addition, they are more likely to have abortions compared to Thai women. Belton and Muang (2003) and Caouette et al., (2000: 173) indicated that female migrants had limited information and were unable to openly discuss sexuality and reproductive health issues. A study by Belton and Muang (2003) highlighted high rates of complications associated with abortions among migrant women. Around 17 per cent of the participants who had an unwanted pregnancy attempted to have an abortion, with over half of them being unsuccessful or resulting in complications. Belton and Muang (2003) also showed high rates of health complications connected to abortions among migrant women from Myanmar. For women with unwanted pregnancies, the only recourse was to seek unqualified abortionists and home remedies and as a result a quarter of the women with post-abortion complications had self-induced their abortions (Belton and Muang, 2003: 37).

Occupational health and safety is another issue affecting migrants. Greater attention should be given to the prevention of injuries through more effective regulation of this area in the workplace. In Thailand, foreign migrant workers often carry out the most dangerous, dirty and difficult jobs, making this group susceptible to high rates of injuries. However, no data have been systematically collected on this matter. Also, foreign migrant workers are not covered by any welfare schemes in case they have an accident, injury or die (Chantavanich et al., 2007: 24).

In a study by Caouette et al., (2000: 119) involving migrants, 40 per cent of the participants indicated that they had an injury, while in Chiang Mai province, a subset of the study, close to 90 per cent of the migrants reported a work injury within the last six months of the survey. Srithamrongsawat and others (2009: 25) indicated that the major health concerns of migrant workers included skeletal or muscular illnesses due to heavy workloads and poor occupational health and safety standards.

A study by Jiang, Lin et al., (1997: 173) that reviewed deaths among Thai migrant workers in Taiwan, Province of China between 1992 and 1996 showed that one-fifth of all deaths were caused by occupation accidents, with a majority of them occurring in the construction industry, while a report of Thai workers in Brunei Darussalam found that many of the workers suffered from body aches, works stress and skin diseases (Daniel and Mahmud, undated).

The mental health of migrants is another issue that needs to be addressed. It is influenced by a mix of culture shock, language problems, homesickness, difficulties in staying in touch with families, anxiety about work insecurity, the impact of often undertaking high-risk jobs in terms of accidents and diseases, poor housing and in the case of irregular migrants, the constant fear of deportation (Carballo and Mboup, 2005: 4-5; Carballo, 2007: 2).

Insights into the mental health of migrants in Thailand can be derived from a study by Caouette et al., (2000: 121), which indicates that migrants frequently suffer from depression; two-thirds of those participating in in-depth interviews and focus group discussions reported that they suffered from stress, depression or anxiety. This is unsurprising, given that arrest, detention, and deportation or fear of these were big concerns, as 38 per cent of them indicated that they had been arrested while in Thailand and many others claimed that they had been sexually abused.

Little is known of the mental health of Thai migrants abroad. Nevertheless, a study by Griffin and Soskolne (2003) of Thai men working in Israel showed levels of psychological distress, homesickness and drinking problems. Thais working in other countries likely face similar problems.

Mental health problems among Thai internal migrants are likely to be limited, compared to their international counterparts, as they are less likely to be undertaking dirty, dangerous and difficult jobs, and generally do not have to deal with culture shock or linguistic challenges. In addition, due to improved communication and transport systems, it is easier for them to stay in touch with family members. The exception to this rule is ethnic minority groups without Thai citizenship; their migration within Thailand is irregular and thus, they face many problems international irregular migrants experience.

Migrants, like all people, carry a personal health “print” that is made up of the ethnic and family disease susceptibilities that they inherited (Carballo, 2007: 1). Part of the health print of Thais is a susceptibility to a sudden unexpected death syndrome, in which seemingly healthy adults, mostly males, die in their sleep (Munger, 1987). A study in Singapore found that between 1982 and 1990, a total of 235 apparently healthy male Thai migrant workers died, mostly during their sleep (Goh, Chao et al., 1993). A study in Taiwan, Province of China of 264 deaths among Thai migrant workers between 1992 and 1996 found that 29 (11 per cent of all deaths) were sudden unexplained deaths (Jiang, Lin et al., 1997: 174).

This disease affects Thai internal migrants, and in particular, men from northeast Thailand. Although epidemiological knowledge of this disease is limited, it is one of the ten most serious diseases in Thailand. In reaction to this outbreak, men from the northeast fear a female spirit, which they hope to fool by wearing sarongs, painting their fingernails or wearing phallic objects (Lyttleton, 1996: 43).

Conclusion

Providing proper health services for migrants, whether they are foreigners in Thailand, Thais going abroad, or even Thais moving within the country, is difficult. Nevertheless, efforts must be made to challenge the viewpoint that migrant health is just a “cost” and not an “investment” for both the migrants and Thailand as a whole. Providing preventive and promotive health activities plus addressing the working and living conditions of the migrants can be more cost-effective than treating migrants with advanced health conditions. In particular, all migrants, irrespective of their status, should have access to emergency health care and immunization and vaccination services. The health scheme for regular migrants should be expanded to allow them to enrol their children and greater attention should be given to the prevention of injuries through more effective regulation of occupational health and safety in the workplace.

References

- Archavanitkul, K. (Ed).
2007 “Country Findings in Thai State and Change in Policy on HIV/AIDS and Reproductive Health in Transnational Migrants” Institute for Population and Social Research, Mahidol University, Nakhonpathom (in Thai).
- Archavanitkul, K. and Kanchanachitra Saisoonthorn, P.
2005 *Questions and Challenges to Thai State Regarding the Management of Migrants’ Well-being and Rights*, Institute for Population and Social Research, Mahidol University, Nakhonpathom (in Thai).
- Archavanitkul, Kritaya and Suchada Thaweessit, Saowapak Suksinchai, Malee Sanpuwan, Kullapa Wajanasara, Kanachana Tangchonlatip, Parnachat Seangdung and Benjamas Rodphai
2007 *The Thai State and Changes in AIDS and Reproductive Health Policies for Undocumented Migrants.*, Institute for Population and Social Research, Mahidol University, Nakhon Pathom (in Thai).
- Baker, S., Holomyong, C. and Thianlai, K.
2010 *“Research gaps concerning the health of migrants from Cambodia, Lao PDR and Myanmar in Thailand”*, Institute of Population and Social Research, Mahidol University, WHO. Bangkok.
- Belton, S. and Muang, C.
2003 “Fertility and abortion: Burmese women’s health on the Thai-Burma border”, FMR Magazine 19: 36-37.
- Bureau of Epidemiology Department of Disease Control
2007 *Disease Situation among Thai People and People From Myanmar in Ten Select Provinces 2004 – 2007*, Ministry of Public Health, Bangkok.
- Burns, M.
2010 “Improving access to health care for migrants and refugees”, Bangkok: 25.

- Caouette, T., Archavanitkul, K. and Pyne, H. H.
2000 "Sexuality, Reproductive Health and Violence: Experiences of Migrants from Burma in Thailand", Institute for Population and Social Research, Mahidol University, Nakhonprathom.
- Caouette, T. and Sciortino, R., Guest, P. and Feinstein, A.
2006 Labor Migration in the Greater Mekong Sub-region. Bangkok.
- Carballo, M.
2007 "The challenge of migration and health", available online at http://www.icmh.ch/WebPDF/2007/WHA%20DISTRIBUTION%20ARTICLE%2018_05_2007formatted.pdf, accessed 25 March 2011.
- Carballo, M. and Mourtala Mboup
2005 "Research Programme of the Global Commission on International Migration", International Centre for Migration and Health.
- Chantavanich, S., Vangsiriphisal, P. and Laodumrongchai, S.
2006 "Labor migration in the Greater Mekong Subregion: Thailand policies towards migrant workers from Myanmar", unpublished paper.
- Chantavanich, S., Vungsiriphisal, P. and Laodumrongchai, S., et al.
2007 *Thailand Policies Towards Migrant Workers from Myanmar*, Asian Research Centre for Migration, Bangkok.
- D'Souza, C.
2007 "Review of health issues and activities along the Thai-Myanmar border", report to the Border Health Program of the WHO. WHO, Bangkok.
- Fritz, D. and Mahmud, H. DP
Undated "Health Problems Among Thai Workers", available online at <http://www.brudirect.com/DailyInfo/News/Archive/Mar08/250308/nite32.htm>, accessed 25 March 2011.
- Goh, K., T., Chao, T.C., Heng, B.H. and Pohl, S.C..
1993 "Epidemiology of sudden unexpected death syndrome among Thai migrant workers in Singapore," *International Journal of Epidemiology* 22(1): 88-95.
- Griffin, J. and Soskolne, V.
2003 "Psychological distress among Thai migrant workers in Israel", *Social Science and Medicine* 57(5): 769-774.
- Hugo, G.
2003 "Migrants and their Integration: Contemporary Issues and Implications", situation report on International Migration in East and South-East Asia: Regional Thematic Working Group on International Migration including Human Trafficking, available online at <http://unesdoc.unesco.org/images/0014/001466/146680e.pdf>, accessed 25 March 2011.
2008 "Migration and Health", situation report on International Migration in East and South-East Asia: Regional Thematic Working Group on International Migration including Human Trafficking. Bangkok, International Organization for Migration, Economic and Social Commission for Asia and the Pacific, International Labour Organization, Joint United Nations Programme on HIV/AIDS, United Nations Development Programme, United Nations Population Fund, United Nations Children's Fund and United Nations Development Fund for Women, 195-209.
- Huguet, J. W and Punpuing, S.
2005 *International Migration in Thailand*, Bangkok, IOM, Bangkok.
- International Organization for Migration (IOM)
2007 "Assessment of Mobility and HIV Vulnerability among Myanmar Migrant Sex Workers and Factory Workers in Mae Sot District, Tak Province, Thailand", IOM, Bangkok.
- Jiang, D.D., Lin C. M., Tan L.B., Chen K.T., and Horngl C.B
1997 "Causes of Death among Thai Workers in Taiwan", *Epidemiology Bulletin* 13(10): 171-179.
- Jitthai, N., Yongpanichkul, S. and Baijaisordatl, M.
2010 "Migration and HIV/AIDS in Thailand: Triangulation of biological, behavioural and programmatic response data in selected provinces", IOM, Bangkok.

- Limanonda, B. and Peungposop, N.
2009 "Policy Review on Access to Health Care Service and Health Insurance among Migrant Workers in Thailand", Raks Thai: 121, Bangkok.
- Lyttleton, C.
1996 "Health and development: knowledge systems and local practice in rural Thailand", *Health Transition Review* 6: 25-48.
- Mladovsky, P.
2009 "A Framework for Analysing Migrant Health Policies in Europe", *Health Policy* 93: 55-63.
- Munger, R. G.
1987 "Sudden death in sleep of Laotian-Hmong refugees in Thailand: a case-control study", *American Journal of Public Health*, 77(9): 1187-1190.
- Pearson, E., Punpuing, S., Jampaklay, A., Kittisuksathit, S. and Prohmmo, A.
2006 *The Mekong Challenge: Underpaid, Overworked and Overlooked*, International Labour Organization, Bangkok.
- Sciortino, R. and Punpuing S.
2009 *International Migration in Thailand 2009*. IOM, Bangkok.
- Srithamrongsawat, S., Wisessang, R. and Ratjaroengkajorn, S.
2009 Financing Healthcare for Migrants: A case study from Thailand. IOM, Bangkok.
- Suwanvanichkij, V.
2008 "Displacement and disease: the Shan exodus and infectious disease implications for Thailand", *Conflict and Health* 2(4): 2-4.
- Thai Ministry of Labour
Various Years "Number of Thai Workers Who Receive Permission to Travel and Work Overseas" Thai Ministry of Labour, Bangkok (in Thai).
- UNAIDS
2004 "HIV/AIDS prevention and control: An experience of the Royal Thai army in Thailand", UNAIDS series Case study 3: Engaging uniformed services in the fight against AIDS, available online at http://data.unaids.org/publications/irc-pub06/jc890-thaiarmy_en.pdf, accessed 25 March 2011.
- Wiwanitkit, V.
2005 "High prevalence of flariasis in Myanmar-migrant workers from screening program of a local hospital in a rural district of southern Thailand", *The Internet Journal of Tropical Medicine* 2(1).
- World Health Organization, International Organization for Migration, et al.
2007 "Improvement of Health Conditions of Migrants in Ranong and Samutsakorn Provinces in Thailand", Project report September 2006-August 2007, Bangkok.

Chapter 8

Migration and Children

Aree Jampaklay¹

Available statistics on the number of migrants in Thailand, especially those who have overstayed their travel permits or those without proper documents, are limited and patchy. However, as elaborated in chapter 11, irregular migration in Thailand involves millions of people. Breakdowns of statistics by gender and age are even harder to come by, but it is well known that migrants with families comprise a significant share of the irregular migrants. Members of this segment often settle down permanently and the social services they require are different from migrants who come to Thailand by themselves. In general, migrant children and children of migrants have little access to social services, including health facilities and education.

On the other side of the migration flow, Thai people also move to other locations, both within the country and abroad. The main driving force behind the large flows of low-skilled labour migration is economic disparities between the country of origin and the country of destination and opportunities to eke out a better life. Often people who migrate are not just doing it for themselves but to support their families. Inevitably, the stay-behind families need to adjust to life without the family member who has moved away.

This chapter provides a brief overview of children and migration in three migration flows: (a) children of labour migrants and migrant children in Thailand; (b) children and parental overseas migration; and (c) children and internal parental migration. One limitation of previous studies on migration and children is the failure to delineate the effects of internal and international migration. This chapter attempts to separate these effects wherever possible.

Children and in-migration

Children of in-migrants and migrant children

While it is important to distinguish between the children of migrants and migrant children, most research on this subject has failed to do so. This may be largely because of the overlap between the two categories. Some children of migrants were born in Thailand and are, therefore, not migrants themselves. Some young persons have migrated to Thailand without their parents and are not children of migrants. And then there are young people who crossed the border into Thailand with their parents, making them migrants as well as being children of migrants. Children of migrants as well as migrant children, for the most part, have been overlooked in migration research and quantitative data on them are limited. In this section, migrant children and children of migrants are generally used interchangeably, except when it is specifically stated. The term broadly refers to children below 18 years of age who have an irregular immigration status with or without permission to stay in Thailand temporarily. The parents of most of the children are from Cambodia, the Lao People's Democratic Republic or Myanmar.

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In 2010 Thailand removed its reservation under Article 7 of the Convention on the Rights of the Child (CRC) regarding birth registration and nationality. This is a result of the revision of the concerned national legislation supported by the United Nations during the last several years in conformity with the principle of universal birth registration. Thailand is now legally obliged to ensure birth registration for all children born in Thailand and the lifting of the reservation has spurred action and greater progress towards universal birth registration.

Table 8.1 provides a summary of estimates from the Government of Thailand on the number of children of migrants and migrant children in Thailand by immigration and registration status as of 30 October 2008. The estimated number of children of migrants with permanent residency status (category 1.1) or who have been granted temporary residence (category 1.2) is relatively small, although these estimates do not include the children of diplomats and officials, for example.

The second category in table 8.1, which is comprised of three subgroups, shows figures of children of migrants and migrant children who have an irregular immigration status but have been granted permission to remain temporarily in Thailand. The first subgroup (2.1) in this category consists of highland populations and ethnic minorities. Among these children, 38,625 migrated to Thailand and 73,962 were born in Thailand. The second subgroup (2.2) consists of the children of registered migrants or registered migrants themselves from Cambodia, the Lao People's Democratic Republic and Myanmar. Of the total, 115,088 were non-workers and 12,900 were aged between 15 and 18 years and holding work permits. The third subgroup (2.3) are "persons with no registration status as classified by the Strategy to Manage the Status and Rights Issues of Persons Residing in Thailand". Following a Cabinet decision dated 18 January 2005, a survey of these persons was conducted and the information was compiled and registered.

Some children of migrants and migrant children are also embedded among displaced persons in nine temporary shelters along the Thailand-Myanmar border. As of 31 October 2008, a total of 54,021 children below the age of 18 years were registered with the United Nations High Commissioner for Refugees (UNHCR). There are other migrants in Thailand with irregular immigration status who are subject to detention and deportation, but no reliable estimates exist on the total number of them nor on the number of children among them.

The estimated total of 376,845 children of migrants and migrant children equates to 11 per cent of the estimated 3.4 million migrants in Thailand (see chapter 1). However, it must be noted that both figures have a considerable margin of error due to the difficulty in estimating the numbers of migrants that hold an irregular status.

Table 8.1. Children of migrants and migrant children residing in Thailand, 30 October 2008

1. Children with regular immigration status and residency rights	
1.1 Permitted to have permanent residence	537
1.2 Permitted to stay temporarily	n.a.
2. Children with irregular immigration status but permitted to stay temporarily	
2.1 Such children plus those born to parents in this category	112,587
2.2 Children of registered migrant workers and child migrants	127,988
2.3 Children with no registration status	81,712
3. Illegal entrants	
3.1 Displaced persons from Myanmar	54,021
3.2 Other illegal entrants	n.a.
Total	376,845

Source: International Labour Organization (2009).

Access to health care

As a result of the substantial share of migrants with families, which in itself implies permanent settlement, and the high number of migrant children, different types of social services, for example in the areas of health and education, are required than what would be needed if most migrants came individually. As for health services, although no official policy gives migrant children access to health care, with the exception of migrant children that are 15-18 years old and have registered for coverage under the national health scheme, health treatment, including vaccines and other health services, are usually provided to migrants as well as to migrant children.

Access to education

A provision which opened up the education system to migrant children is seen by many advocates as one of the most progressive moves the Government of Thailand has implemented regarding migrants. Following intense lobbying from many agencies, the Cabinet passed a decision on 5 July 2005 which made education available to all people living in Thailand, including migrant children, regardless of their identity status, except for displaced persons in the temporary shelters where schools are provided. Since 2005, the Ministry of Education (MOE) has implemented the regulation, directing schools to enrol all students, including those that do not have proper identification documents (ILO, 2010).

An amendment to laws that restricted migrant children from travelling outside their residential areas is another recent progressive move of the Government of Thailand. Specifically, the amendment lets migrant children travel outside their areas of residence for study purposes without seeking permission. This measure has facilitated education for migrant children (ILO, 2010). Consequently, there has been a marked increase in school enrolment among migrant children from 13,673 in 2003 to 41,099 in 2008 (Sciortino and Punpuing, 2009). Although these policies have reached only a small fraction of migrant children (13-28 per cent of children between the ages of five and 14, according to (Huguet and Punpuing, 2005)), the effort is worth noting.

Despite these recent measures, it is important to note that a majority of migrant children still remain outside of the education system. Raks Thai Foundation, for example, has found that less than 10 per cent of the Burmese children in Mahachai commercial district of Samut Sakhon province, a number estimated to be at least 5,000, are in the school system. In Mukdahan, a border province in the Northeast, World Vision estimates that more than half of the stateless children living there are not enrolled in schools (ILO, 2010). Meanwhile, the Office of the Basic Education Commission (OBEC) says that only 75,000 migrant children are currently enrolled in Thai schools. From another perspective, not surprisingly, the National Statistics Office reports that migrant children, as a group, account for one of the largest numbers of some 900,000 children of primary school age not in school or with late enrolment, and that the proportion of migrant children in government schools is very low (Bangkok Post, 2010).

In addition to the government schools in which migrant children can enrol, a number of non-governmental schools or NGO-run learning centres for migrant children should also be acknowledged. In 2007, more than 50 learning centres provided educational services to about 6,000 children in the areas of Mae Sot, Mae Ramat, and Phop Phra districts of Tak province. Classes in these learning centres follow the Burmese educational system, using mainly Burmese and English as the languages of instruction (ILO, 2010). Fang district, Chiang Mai, one of the largest orange plantation areas in Thailand, is a popular destination for migrants from the Shan State of Myanmar. A number of schools catering to them have been established in the district. With support from the United Nations Children's Fund (UNICEF) Thailand, seven schools inside orange orchards have been established to provide basic primary education to around 300 migrant children (Bangkok Post, 2010).

These special schools are very beneficial in providing migrant children with the basic knowledge needed for their future lives either in Thailand or in their parents' country of origin. The schools' curricula not only include Thai classes and other academic subjects but have instruction on ethnic traditions and cultures. These special schools provide an alternative for migrant children whose education level is very low for their age, which restricts them from attending Thai schools, or do not speak Thai well.

It should be noted that Thailand's education authority has played a key role in making education available to migrant children. The orchard schools, for example, have been part of the Government's pilot programme for migrant schools since 2008. Chiang Mai's Education Service Area Office (ESAO) 3 provides the schools with academic and evaluation support, including training for teachers. Support from education authorities has increased the enrolment in the schools and helped reduce misunderstandings and doubts towards migrants and migrant schools. Previous studies have found that one of the reasons that migrant parents do not send their children to local schools is because of the general prejudice and discrimination against migrant children. Other factors include fear of being arrested and deported, cultural barriers, educational background differences and limited financial and human resources. The education authorities are also now issuing a certifying letter of the student's academic level. This letter is essential for enrolling in new schools. Therefore, it enables migrant children, who have to move to a new location as their parents search for jobs, to continue their education (Bangkok Post, 2010).

Schools run by migrants in the shelters with support from non-governmental organizations (NGOs) and United Nations-related organizations are provided for children staying in the nine temporary shelters along the border with Myanmar. Huguet and Punpuing (2005) note that one reason for the high proportion of children in the camps is the availability of schools. These schools are believed to be better than schools in Myanmar, prompting parents to send their children to the camps.

Outside the temporary shelters, the schools for migrant children may be more culturally sensitive but there are concerns about their quality. A qualitative report by Purkey notes that the schools for child migrants or children of migrants tend to have poor conditions and limited facilities such as sanitation, food, learning space, teaching personnel and materials. Purkey notes that, based on observations at schools in and around Mae Sot, the numbers of students exceed the schools' capacities. In addition, even though learning the Thai language is essential for students to advance in Thai schools, these schools do not have qualified teachers to teach the language properly.

In addition to the poor quality of the schools for migrant children, there are a number of other concerns affecting their education. In a recent International Labour Organization (ILO) report (2010), hurdles to accessing education are discussed, including the lack of schools in some remote areas, prejudice of Thai parents who do not want their children to be classmates with migrant children, a high drop-out rate among migrant children and children of migrants and refusal of government schools to accept migrant children. In addition, efforts of migrant parents, both those with proper documents and those that lack them, to continue their children's education in the absence of financial support, infrastructure, and legal status in Thailand have been understated (Purkey) and should be acknowledged. To keep their children in school, migrant parents, especially those without proper documents, are often burdened with high transportation costs and face the risk of deportation.

Some inconsistent practices of the Government of Thailand regarding education for migrant children should be noted at this point. According to a school director, the Government only accounts for students with proper identity cards when setting the budget for pre-schools to upper secondary schools, which include students without proper documents. This practice places a financial burden on schools that serve children without proper documents, and could eventually prompt schools to turn away migrant children who lack proper identification.

Child labour

Although existing studies report a decline in child labour during the period 1995-2000, child labour remains a major concern. A recent estimate from ILO puts the number at 250 million in the world. Among them, almost half work under health- and life-threatening conditions and about 96 per cent of them live in developing countries. As for Thailand, although there are no clear data that indicate the number of children of migrants engaged in work activities, it is widely believed that a good portion of children of migrants and migrant children are working in some capacity. As of 15 September 2008, a total of 12,900 migrants from Cambodia, the Lao People's Democratic Republic and Myanmar aged 15-18 years were holding Thai work permits. Because they have official documents, these children are generally perceived to be working under better conditions than migrant children working without proper documents. For example, they are most likely covered under the national health insurance scheme, although in practice the efficiency of responsible agencies in providing health care remains in doubt (ILO, 2009). On the other hand, there are cases in which these children are not engaged in the work specified in the work permit (ILO, 2009).

A study on migrants under the age of 26 years, who were working in fishing and fish processing industries, found that 15 per cent of them were younger than 15 years old (Jampaklay, 2008). Working migrant children are vulnerable to exploitation, overwork, and less pay. Using low wages as a proxy for exploitation, a multivariate analysis by Jampaklay indicates that regardless of other individual characteristics and work conditions, migrants under the age of 15 years are more likely to receive lower wages than migrants aged 15 years and older. Other studies note that, in general, migrant children come to Thailand voluntarily, often arranged by their families (Wille, 2001, cited in Huguet and Punpuing, 2005) and are drawn into exploitative working conditions only after they arrive. Most child migrants who are working are employed in the agricultural sector, do domestic work or engage in activities that fall under the urban informal economy. Their working conditions are often hazardous, and they are at high risk of being abused (ILO, 2010). Anecdotal figures from NGOs in border and migrant-concentrated areas confirm the ILO report. They point to cases in which migrant children are mistreated, including being exploited at work, forced to work under hazardous conditions, sexually abused and forced to do sexual work.

Child beggars

Migrant children who beg or wander the streets selling small items are of particular concern. In a UNICEF report, Vungsiriphasal et al (undated) estimates that half of the street people in Thailand are migrants, including child migrants. Cambodian children account for a high percentage of the child beggars. Based on records of the Ministry of Social Development and Human Security, during the 10-month period from October 1996 to July 1997, about 80 per cent of all child beggars were Cambodian (Yodpayoung and Archavanitkul, 2004). In fact, the issue of Cambodian child beggars has been a major concern of the anti-trafficking community for years.

Based on their fieldwork in 1998-1999, Vungsiriphasal et al (undated) note that migrant child beggars are usually controlled by beggar gang leaders. Some of them live with their families who become involved with the begging business or are labourers, while some children are lured into begging work. A report by the Academy for Educational Development (AED) indicates, however, that most of the child beggars from Cambodia have come to Thailand with their mothers, while only about a fifth have migrated with people they are not related to. It also concludes that child beggars are more related to economically vulnerable migration than to trafficking. Due to their working and living conditions, these children are vulnerable to infectious diseases and face a high risk of accidents. Street children are at a significant risk of contracting diseases because of their squalid living and working conditions, lack of nutritious food and limited sleep. In addition, the children have limited access to health services (Vungsiriphasal et al, undated).

In addition to the vulnerabilities mentioned above, migrant street children are at high risk of being physically and sexually abused, addicted to drugs and forced or lured into inappropriate jobs.

Stay behind children and parental overseas migration

Migrant parents who leave their children behind in the home country raise issues in both the country of origin and the country of destination. The plight of stay-behind children is a concern, particularly when the mothers migrate. The number of women participating in labour migration is increasing and the long absence from home of mothers is much more detrimental to the well-being of families than in cases in which men migrate without their families.

A report conducted by Bryant in 2005 may be the only available source with estimates for Thailand of stay-behind children of international migrant parents. It indicates that 500,000 children have a parent who is working overseas, or in other words, approximately 2-3 per cent of Thai children have a parent working overseas. In Asia, in general, studies on migration of parents and children have been relatively limited and mostly involve Filipino and Sri Lankan overseas migrants and their families because of the long history of the out-migration of domestic workers from these respective countries. Research on Thailand that directly documents the potential effects of parental overseas migration on stay-behind children is very limited.

Impact on health

Although very few studies evaluate children's well-being in terms of physical health as a consequence of parental overseas migration, both positive and negative effects have been observed. The psychological effects of parental migration on the children left behind are primarily negative.

In Thailand, research by Puapongsakorn and Sangthanapark (1988) suggests that international migration is related to marital disruption and a rise in child truancy. Another study in Thailand (Jones and Kittisuksatit, 2003), however, indicates little evidence that children left behind by migrant parents experience a higher incidence of social problems.

Educational outcome

With regard to education, research on the effects of parental international migration also provides mixed results. According to Battistella and Conaco (1998), children of Filipino migrant parents, especially those with absent mothers, lag behind academically compared to other children. This was found to be the case even though the children are generally well-cared for by their extended kin and the migrant mothers usually send money to invest in their children's education.

Other studies, however, indicate the opposite, such as Rahman et al. (1996, cited in Afsar, 2003); Kuhn (2006) and Asis (2006). Asis' study in the Philippines acknowledges that migrants' children largely study in private schools, are generally well-adjusted and perform better academically when compared to children of non-migrants. This is true at least during the elementary school levels. Thus far, there has been no comprehensive study on the impact of parental migration on the educational performance of children in Thailand.

Effects of parental migration may vary depending on who is the migrant. When men move, women, children, and the elderly assume tasks traditionally done by men, such as agricultural work (Hugo, 2002; Xiang, 2007). It also leads to financial hardship as well as difficulties with disciplining children (Battistella and Conaco, 1998; Dwiyanto and Keban, 1997; Hugo, 2000), less food security (Smith-Estelle and Gruskin, 2003) and increased loneliness and isolation (Skeldon, 2003; Gardner, 1995). When mothers move, greater stress among stay-behind fathers results in heavy drinking and drug-taking as a form of escape, while children are more prone to facing emotional problems and likely to perform poorly in school (Gamburd, 2005).

Children and parental internal migration

Only recently has research on migration begun to focus on its impact on families remaining in the country of origin. This is especially true in the context of Thailand. Available data in Thailand at the national level only show prevalence of children living separately from parents without distinguishing causes of separation. Thus, the prevalence of children of internal migrant parents is not known. For example, data at the national level, calculated from the Socioeconomic Survey of Thailand in 1986 and 2006, show that the percentage of children under 18 years of age living with grandparents without both parents has increased in the past two decades, from about 2 per cent in 1986 to 8 per cent in 2006. These figures include children whose parents passed away, divorced or moved out for work-related reasons. The proportion of children whose parents moved away to work in another location is not spelled out in these figures. To effectively evaluate the effects of parental migration on the well-being of stay-behind children more specific data and research are needed.

Existing studies on the impact of internal migration on children left at the place of origin in Thailand provide rather mixed results, making it difficult to draw conclusive statements. Most of the studies on this subject are small scale. Very few of them have dealt with a large number of migrants or compared the migrant populations with the non-migrant populations. Theoretically, migration may affect children, adolescents, and caretakers through multiple mechanisms. Public policies that aim to minimize the negative effects of migration, while maximizing the positive impact should highlight the distinct causal mechanisms by which each group is affected in order to formulate the design and choice of action, monitor its implementation and evaluate its impact.

From a broad perspective, research indicates that human well-being may be affected both positively and negatively by migration.

A study in Thailand indicates that during a six month period, there was no relationship between parental migration and the health or nutritional status of children (Nanthamongkolchai, et al., 2006).

Research on the effects parental internal migration has on their children's education has been conducted by, among others, Jampaklay (2006), Deb and Seck (2009), and Srivastava and Sasikumar (2003). Jampaklay (2006) finds that parental absence has mixed effects on their children's academic performance. The analysis reveals that children perform poorly when their mothers are away for a long time but excel when their fathers are absent for an extended period of time. These mixed results signify the importance of duration of absence as well as which parent is away. The author also argues that while migrants' remittances may help keep stay-behind children in school, they may also act as a motivation for the children to leave school and migrate as well.

A study conducted by Deb and Seck in 2009 shows that children in migrant households are likely to be in the appropriate school for their age, while a study conducted in India in 2003 by Srivastava and Sasikumar reports that migration to urban areas has increased awareness of the value of education. The study, on the other hand, points out that stay-behind girls are less likely to go to school when men migrate as they tend to be saddled with more domestic tasks.

The study conducted in 2006 mentioned above is one of the few that evaluate the outcome of migration in Thailand (Nanthamongkolchai, et al., 2006). It finds that there is a negative relationship between parental migration and child development and child caring. The authors reveal that children who live in households that have migrants are 1.4 times more likely to have a low intelligence quotient (IQ) than their counterparts.

In summation, an evaluation of existing studies shows that parents' internal migration has mixed effects on the well-being of their children. The studies indicate that the effects are conditional on several factors. Parental absence due to migration may affect stay-behind girls differently than stay-behind boys.

The magnitude of the effects may also vary depending on whether the migrant is a mother or father and the length of the parental absence.

Conclusion

Low-skilled migrants have increasingly become a prominent feature of Thai society. They have settled down in the country and established families. The number of migrant children, who either crossed the border with their parents, with others or independently, or were born in Thailand, is a growing phenomenon and not a negligible number. Undeniably, many of these children are set to be part of Thailand's future. The quality of life and well-being of these children warrant serious attention.

While the growing number of migrant children and children of migrants has been more or less officially acknowledged, more intensive attention must be paid to their concerns and needs. Existing documents, though limited, indicate that migrant children are often exploited and deprived of social opportunities that would improve their standard of living. Specifically, many of them have limited access to education, are stuck in exploitative working conditions or forced to work in the worst forms of child labour, as beggars, or in the sex business. Although the Government of Thailand has stepped up efforts to enrol migrant children in schools, many factors prevent them from getting a proper education. Among them are: prejudice of local people towards migrants and migrant children; limited financial resources; and demand for child labour. Another key expense of the children's schooling foisted upon migrant parents are concerns related to the parents' illegal status in some cases. In other words, by sending their children to local schools, parents without documentation run the risk of deportation.

Migrants living and working in Thailand tend to be in the country for a long time or permanently. Thus, the Government of Thailand should no longer assume that low-skilled migrants are temporary workers. Without access to Thai citizenship and the rights associated with it, migrants and migrant children face difficulties in acquiring other basic human rights including education, health and other social services. A serious plan to comprehensively integrate migrant children into Thai society and be part of the country's development is needed urgently.

The existence of child labour deprives migrant children of an education. To eradicate child labour, many agencies have advocated that it be banned outright as stated in various forms of legislation such as ILO Convention C182 on the worst forms of child labour. However, some scholars have cautioned against this (e.g. Dessy and Palage, 2005). They argue that the root cause of the demand for and supply of child labour, including the worst forms among migrant children, is poverty and that the best way to eliminate the forms of it that are not forced would be for a country to alleviate poverty in general. On the other hand, they say child labour resulting from abuse should be taken care of by effective enforcement of bans in existing laws. It is suggested that using legislation to ban child labour should be implemented cautiously as it could be more harmful than helpful for poor families if the appropriate steps are not taken.

With regard to migration of Thai people, the findings on the impact of parental migration, internal or international, on children's well-being are mixed. However, it is difficult to draw any definitive conclusions in the case of Thailand because existing research on this topic is extremely rare. Whether migration has strongly affected stay-behind children depends on many factors, including among them, the specific focus and the related outcome of the research. For example, findings indicate that parental migration has yielded both positive and negative effects on the physical well-being of stay-behind children. Meanwhile, the mental health and emotional well-being of these children seem to be adversely affected. Outcomes on school progression between children of migrant parents and non-migrant parents remain far from conclusive. Future research on this topic also needs to include possible mediating factors which could either help mitigate or worsen the negative effects of parental absence. The mediation could involve communication between the children and the absent parents and responses of other family members including the

stay-behind parent. The roles of remittances should also be comprehensively explored. While remittances may help maintain stay-behind children in school, they can also act as a motivation for children to explore alternative life patterns other than staying in school.

Evidently, more systematic research that covers comparative aspects is urgently needed. Understanding characteristics of contexts which positively or negatively affect children's well-being as consequences of parental migration would help broaden this research area. Thus far, research has not dealt with the relationship between communities and the effects of parental migration. Studies that focus on the perspectives of children growing up in a transnational family are equally important. In addition, most of the studies assume children of migrants remain in the place of origin but, in reality, this is not always the case, especially among adolescents. Often, they move away to receive an education or for other reasons. In some cases, especially with regard to internal migration, parents may bring the children along to the destination location for an extended period of time, such as during summer break. The impact of this dynamic arrangement on parental migration should be taken into consideration. Therefore, further studies that investigate the effects of parental migration on the children's well-being needs to evaluate this type of living arrangement more deeply.

Further research also needs to focus on the children's perspectives. Recent studies tend to look at the effects of parental migration on stay-behind children through the lens of agencies dealing with children in determining the outcomes. Understanding how children improve their own well-being, take charge of their lives, create ways of coping with the absence of their parents while keeping the family together at the same time should be incorporated in further research. Questions of how they cope without restrictive parental control, how and to what extent they learn important skills, and their view of their situation have not been thoroughly studied. In other words, an important element in understanding the effects parental migration has on children is the perspective of the children themselves.

References

Academy for Educational Development

Undated "Cambodian Child Beggars in Bangkok: New Research to Initiate Action", available online at <http://www.humantrafficking.org/publications/514>, accessed 2 December 2010.

Afsar, R.

2003 *Internal Migration and the Development Nexus: the Case of Bangladesh*, Bangladesh Institute of Development Studies.

Asis, M.M.B.

2006 "Living with migration: experiences of left-behind children in the Philippines" *Asian Population Studies*, 2(1): 45-67.

Bangkok Post

2010 "Special schools ensuring basic education to children", published on 2 February 2010.

Battistella, G. and Conaco, C.

1998 "Impact of labour migration on the children left behind: Philippine study", *Sojourn*, 13(2): 220-241.

Bryant, J.

2005 *Children of International Migrants in Indonesia, Thailand, and The Philippines: A Review of Evidence and Policies*. UNICEF Innocenti Research Centre.

Deb, P. and Papa A. Sek.

2009 "Internal Migration, Selection Bias and Human Development: Evidence from Indonesia and Mexico", UNDP Human Development reports, research paper 2009/31, July 2009.

Dessy, S. E. and Pallage, S.

2005 "A Theory of the Worst Forms of Child Labor", *The Economic Journal*, 115 (January), 68-87, Royal Economic Society 2005, published by Blackwell Publishing.

Dwiyanto, A. and Keban, J.

1997 "Migration issues in the Asia Pacific: issues paper from Indonesia.", in P. Brownlee and C. Mitchell (Eds.), *Migration Issues in the Asia Pacific*, Working Paper Series No.1, Asia Pacific Migration Research Network.

Gardner, K

1995 *Global Migrants, Local Lives: Travel and Transformation in Rural Bangladesh*. Clarendon Press, Oxford.

Gamburd, M. R.

2005 "Lentils there, lentils here! Sri Lankan domestic labour in the Middle East", in Huang, S., Yeoh, B.S.A. and Abdul Rahman, N. (Eds.), *Asian Women as Transnational Domestic Worker*, Marshall Cavendish, 92-114, Singapore.

Hugo, G.

2000 "Migration and women's empowerment", in Presser, H.B. and Sen, G. (Eds.), *Women's Empowerment and Demographic Processes: Moving beyond Cairo*, Oxford University Press, 287-317, New York.

2002 "Effects of international migration on the family in Indonesia", *Asian and Pacific Migration Journal*, 11(1): 13-46.

Huguet, J. W. and Punpuing, S.

2005 "Child migrants and children of migrants in Thailand", *Asia-Pacific Population Journal*, December, 2005.

International Labour Organization

2010 Accelerating Action against Child Labor: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

2009 Report on the Situation of Migrant Children in Thailand, 2008, Promoting Advocacy Work on Migrant Children in Thailand and The Mekong Sub-region for the Thai Coordinating Committee for Migrant Children (Thai-Cord).

Jampaklay, A.

2006 "Parental absence and children's school environment: evidence from a longitudinal study in Kanchanaburi, Thailand", *Asian Population Studies*, 2(1): 93-110.

2008 "Young Migrant Workers in Fisheries and Fish Processing: Are Children More Exploited?", unpublished manuscript.

Jones, H. and Kittisuksathit, S.

2003 "International labour migration and quality of life: findings from rural Thailand", *International Journal of Population Geography*, 9, 517-530.

Kuhn, R.

2006 "The effects of fathers' and siblings' migration on children's pace of schooling in rural Bangladesh", *Asian Population Studies*, 2(1): 69-92.

Nanthamongkolchai, S., Mohsuan, L., Reungdarakanon, N. and Isaranurak, S.

2006 "Family migration and IQ of school-age children and adolescents in Thailand", *Journal of Demography*, 22,1 (March 2006), 33-45.

Puapongsakorn, N. and Sangthanapurk, H.

1988 *Consequences of Overseas Contract Labor Migration on the Rural Economy: The Case of Two North eastern Villages*, ILO, Bangkok.

Purkey, M.

"Survival Story from the Thai-Burmese Border: The Struggle for Education in the Burmese Community in Thailand." *Refuge*, Volume 23, No.1, available online at <http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21341/20011>, accessed 11 March 2011.

Sciortino, R. and Punpuning S.

2009 International Migration in Thailand, IOM, Bangkok.

Skeldon R.

2003 "Migration and migration policy in Asia: a synthesis of selected cases", paper presented at the regional conference on "Migration, Development and Pro-Poor Policy Choices in Asia", Department of International Development, UK, 22-24 June 2003.

Smith-Estelle, A. and Gruskin, S.

2003 "Vulnerability to HIV/STIs among rural women from migrant Communities in Nepal: a health and human rights framework", *Reproductive Health Matters*, 11(22): 142-151.

Srivastava, R. and Sasikumar, S.K

2003 "An Overview of Migration in India, Its Impacts and Key Issues." paper presented at the Regional Conference on "Migration, Development and Pro-Poor Policy Choices in Asia", Dhaka, Bangladesh, 22-24 June 2003.

Vungsiriphisal, P., Auasalong, S. and Chantavanich, S.

Undated Migrant Children in Difficult Circumstances in Thailand, a report submitted to UNICEF.

Xiang, B.

2007 "How far are the left behind left behind? A preliminary study in rural China", *Population, Space and Place*, 13(3): 179-191.

Yodpayoung, T. and Archavanitku, N.I

2004 "Non-Thai population who are under the care of the Social and Welfare Department Ministry of Social Development and Human security", Kritaya Archavanitkul, (Ed.), *Who are the Foreigners in Thailand? How Many? And What is the Best Database System?* Publication No. 288, Institute for Population and Social Research, Mahidol University, Nakhorn Pathom, (in Thai).





Chapter 9

Gender and Migration

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Population mobility trends in Thailand, similar to those of other countries, show that female migration is increasing in significance. Some evidence suggests that this trend is partly due to gender dynamics, which have a strong impact on the migratory process as they play an important role in an individual's decision to migrate. Men and women tend to migrate for different reasons and use different channels, and gender is perhaps the most important factor shaping the migrants' experiences.

Currently, women account for almost half of the migrant population globally. These women are sometimes dependants or may migrate for family reunification purposes, but they are also recognized as independent agents and economic supporters of the family. The increasing participation of women in migration is partly due to changing labour market structures in places of origin and destination. The new labour structures characteristically increase demand for jobs in highly feminized sectors, such as health care, domestic work, entertainment and textile manufacturing. At the same time, the changes have made it more difficult for men to find full-time employment in the place of origin as well as at the destination (Piper, 2005).

Social norms also influence women's mobility to a greater or lesser extent. A gendered division of labour determines that women take jobs that are connected to social reproduction, such as caregiving and domestic work, or do work that requires "nimble fingers", such as in textile manufacturing, while men are employed to do construction work, in security services, at rubber plantations, or in the fisheries industry, as well as in the manufacturing sector of medium-size companies (Piper, 2005; Riley, 1997; Tyner, 1994; Charles, 1992).

For these reasons, this paper aims to explain the relationship between gender and migration and how gender influences individuals' experiences in migration in Thailand.

The paper is organized into three main sections. The first section examines both internal and international migration trends classified by sex. The extent and ways that gender affects migration will be elaborated. The next section discusses the consequences of gendered migration, in terms of vulnerability of both male and female migrants. The last section focuses on migration policy and includes suggestions for incorporating gender into national migration policy.

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Trends in migration in Thailand

Internal migration

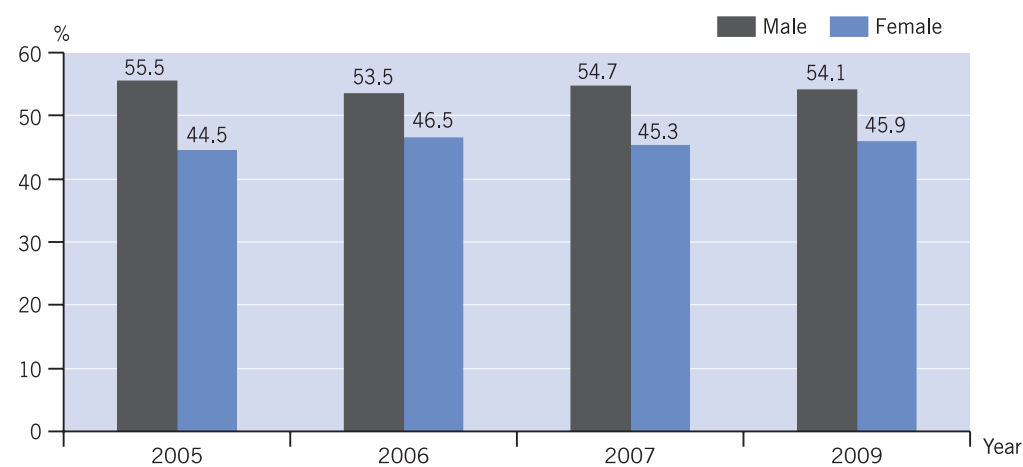
Table 9.1. Percentage of 1-year migrants by sex

	1997	2002	2004	2005	2006	2007	2008	2009
Male	4.1	5.3	4.8	4.2	3.6	3.5	3.1	2.9
Female	3.2	4.0	3.9	3.3	3.1	2.9	2.5	2.4

Source: National Statistical Office, Migration Survey, 1997-2009.

Table 9.1 indicates that internal migration declined in 2009 for both males and females. This trend is consistent with a decline in the number of 5-year migrants found in the Government census, from 7.8 percent in 1990 to 6.3 percent in 2000 (National Statistical Office, 2000). Female migrants constitute almost half of all migrants in Thailand, and the proportion has been stable in recent years (45-47 per cent) (see figure 9.1).

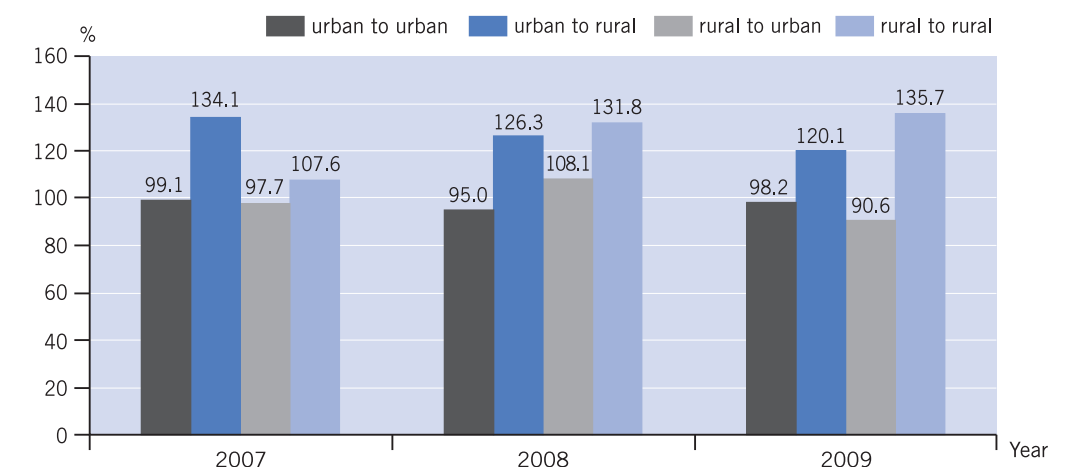
Figure 9.1. Percent of migrants by sex, 2007-2009



Source: National Statistical Office, Migration Survey, 2005-2009.

Although males dominate migration overall, in some migration streams females are in the majority. Figure 9.2 shows the sex ratio for different migration streams for 2007-2009. During that period, women tended to dominate migration streams to urban destinations while men were more prominent in rural streams. For every 100 females who migrated from rural to urban or urban to urban destinations, there were less than 100 male migrants, aside from rural to urban migration in 2008. The higher proportion of female migrants was most evident for migration to Bangkok and the peripheral provinces (Tangchonlatip et al., 2006) (See Figures 9.3 and 9.4).

Figure 9.2. Sex ratio by migration streams, 2007-2009



Source: Migration Survey 2007- 2009.

Note: Sex ratio refers to number of males per 100 females.

Figure 9.3. Number of migrants in Bangkok

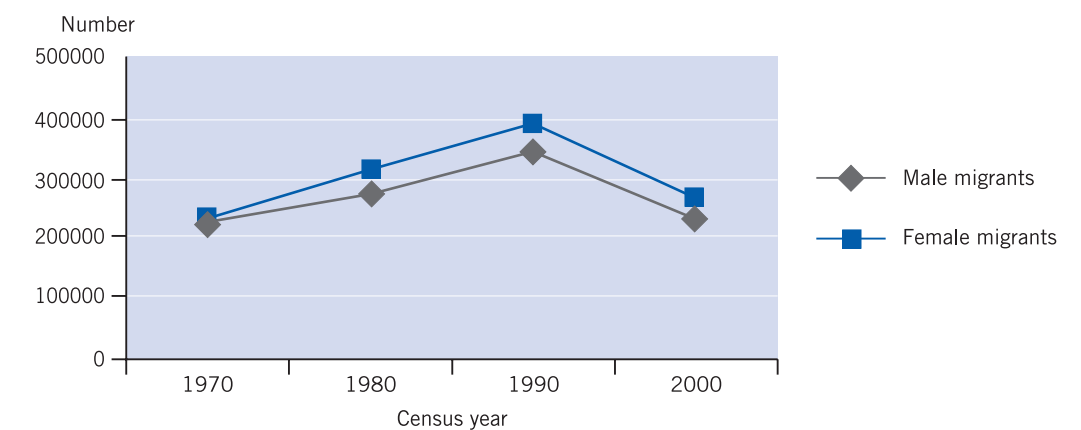
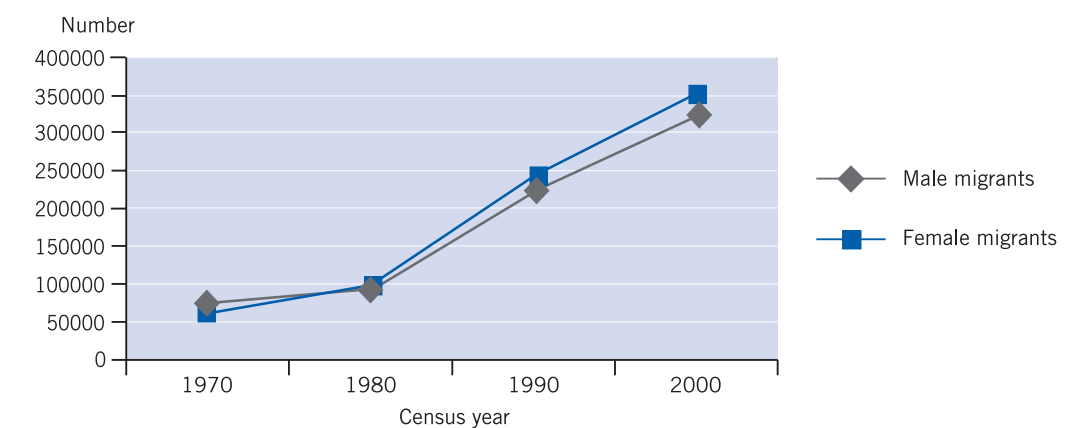


Figure 9.4. Number of migrants to five peripheral provinces



Sources: Calculated from 1% sample of Population and Household Census, 1970 - 2000.

Why are there more females in urban-ward migration streams?

In the past years, Thailand's national development plans have had a tremendous influence on migration to urban sites, particularly to the capital city (Clausen, 2002; Phongpaichit and Baker, 1995; Pejaranonda et al., 1995; Leenothai, 1991). For example, the export-oriented industrial strategy has produced a number of jobs in urban areas while in general, the country's overall economic strategy in recent years has boosted demand for workers in the service industries, which are mostly in urban areas. All in all, Thailand has evolved into an urban-based economy that concentrates on manufacturing and services and favours female labour.

Social norms and values that have socially and culturally determined the division of labour within Thai rural households appear to play an important role in the migration decision-making process (Curran and Saguy, 2001; De Jong et al., 1996; Guest, 1993; Phongpaichit, 1993; Singhanetra-Renard and Prabhudhanitisan, 1992). In the Thai rural context, the women's economic role is quite evident. Women participate in the household economy and in production. In addition, they are more likely to demonstrate gratitude to their parents through an economic contribution than men. Thus, households are more likely to send out daughters to search for jobs (Curran et al., 2003; Singhanetra-Renard and Prabhudhanitisan, 1992).

Remittances

Remittance by migrants to their place of origin appears to be practiced differently by sex. In Thailand, many studies show that women migrants are more likely to send back money and other goods to their origin household than their male counterparts. They also tend to remit funds more often and in larger amounts (Korinek and Entwisle, 2005; Osaki, 2003; Clausen, 2002; Curran and Saguy, 2001; De Jong et al., 1996; Curran, 1995).

Cultural beliefs which prescribe different expectations for men's and women's social and economic support to their household have an influence on remittance behaviour. This normative expectation gives women a strong feeling of obligation and responsibility to their parents, and remittances are a means to express gratitude and respect (Jampaklay and Kittisuksathit, 2009; Curran et al., 2005; Osaki, 2003).

International migrants in Thailand

Thailand is the major destination country for migrants from neighbouring countries. This is due to both push factors from the countries of origin and pull factors, particularly economic, emanating from Thailand. There is no way to accurately estimate the true number of international migrants in Thailand, as many (and perhaps most) of these migrants are irregular. Some insights on this can be gained, however by examining the number of migrants who register for work with the Ministry of Labour (MOL). Among the three main countries where migrants originate, the majority are from Myanmar. In 2010, they constituted 87 per cent of the total registered migrants (table 9.2). The remaining migrants are from either Cambodia or the Lao People's Democratic Republic in approximately equal numbers.

Table 9.2. Registered migrants in Thailand by sex and nationality, 2010

	Total		Cambodia		Lao People's Democratic Republic		Myanmar	
	Number	%	Number	%	Number	%	Number	%
Total	932,255	100.0	56,479	100.0	62,792	100.0	812,984	100.0
Male	507,718	54.5	34,289	60.7	29,828	47.5	443,601	54.6
Female	424,537	45.5	22,190	39.3	32,964	52.5	369,383	45.4
Sex Ratio		119.6		154.5		90.5		120.1

Source: Ministry of Labour, Department of Employment website, <http://wp.doe.go.th/sites/default/files/statistic/7/sm12-53.pdf>, table 18, accessed on 16 February 2011.

Considering the gender differences, migrants from Cambodia and Myanmar are slightly male dominated while those from the Lao People's Democratic Republic are female dominated with a sex ratio of 90.5. According to Sciortino and Punpuing (2009), women may be less visible and underreported. This is because they are often employed in informal sectors, are daily workers who often return home or work in jobs in which employers are less willing to register them. These less visible migrants are the most at risk of exploitation and violence since they are less protected.

Remittances

Studies have shown that similar to the remittance behaviour seen in the Thai context, cross-border female migrants remit to their households of origin more frequently and in larger amounts than male migrants. In support of this, Panam et al., (2004) found that the majority of female domestic workers from Myanmar sent money back home. With regard to the amount of money remitted, a study of migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar found that female migrants sent home higher sums of money than male migrants (Jampaklay and Kittisuksathit, 2009).

Occupational sex segregation² among the migrants and immigrants

The national economic structure has influenced Thailand's occupational structures and consequently, influenced migration patterns. The shift of the country's economy from an agricultural to an industrial orientation has increased employment opportunities in the manufacturing and service sectors. As a result, there has been a dramatic decrease in the number of workers in the agricultural sector. Non-agricultural jobs, such as work in production, transportation and services, have subsequently increased in share in the Thai occupational structure.

Occupational sex segregation among internal migrants

Table 9.3 reflects the decline in importance of the agricultural sector for internal migrants. The figures also show the sex segregation of migrant jobs. Female migrants tend to work in the production industry, mainly manufacturing, and in service-oriented work, including work in hotels, restaurants, and in private households as domestic workers. Work in construction and transportation, which often requires strength and other masculine characteristics, is dominated by male migrants.

Table 9.3. Percentage distribution of Thai internal migrants by industry, by sex

Industry	2005			2009		
	Total	% Male	% Female	Total	% Male	% Female
Agriculture	35.2	38.9	28.7	25.8	30.2	18.8
Non-agriculture	64.7	60.9	71.2	74.1	69.6	81.2
Production	19.5	17.5	23.0	21.3	18.1	26.4
Construction	8.3	11.2	3.4	12.8	15.5	8.5
Sale	14.7	14.4	15.3	19.0	17.9	20.8
Service	13.4	10.9	17.6	13.3	12.1	15.3
Financial/ real estate business	2.7	2.7	2.7	2.6	2.6	2.7
Government officers/ administrative/ clerk	5.3	4.2	7.2	4.5	3.1	6.8
Domestic	0.8	0.1	2.0	0.5	0.4	0.8
Unknown	0.1	0.2	0.1	0.1	0.2	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number	1,950,445	1,234,656	715,789	1,206,632	740,022	466,610

Source: Calculated from Migration Survey, 2005 and 2009, National Statistical Office.

² Occupational sex segregation refers to the concentration of men and women in different occupations or jobs.

Occupational sex segregation among international migrants in Thailand

Though the statistics on migrants from neighbouring countries are not very complete in terms of their numbers, their living status, and particularly their jobs in Thailand, some information can be gained by viewing data on working migrants who are legally registered.

Because most migrants are low-skilled and live in Thailand illegally, they tend to engage in jobs that are considered dangerous, dirty and difficult, deemed “3-D jobs”. As seen in table 1.4 of Chapter 1, the most prominent jobs among registered migrants from the three neighbouring countries are in agriculture, construction, fish processing and domestic work. Considering the sex distribution, it is evident that sex segregation exists in the types of work that migrant workers of each nationality engage in. Female migrants from Myanmar tend to dominate in fish processing and manufacturing, while almost half of the female migrants from the Lao People’s Democratic Republic engage in service-oriented jobs, such as domestic work. The male migrants tend to work in construction, fishing and agriculture. Unfortunately, the category of “others” that includes textile and garment industries and the tourism sector, in which many migrants are employed, is not categorized in detail. Thus, some significant information reflecting gendered segregation in occupation is lost. However, the sex segregation in some specific jobs is an indication of the influence of gender on job engagement among migrants. In general, the Thai labour structure has influenced sex segregation of in-migrants as well as Thai people.

The number of registered migrants from Myanmar is low. According to Panam et al. (2004), female migrants from Myanmar employed as domestic workers are estimated to be more than 100,000. If this is really the case, then the numbers of female migrants in the domestic sector is greater than the registered numbers.

Out-migration

As seen in table 1.5 of chapter 1, the vast majority of Thai workers officially deployed abroad are men (84 per cent in 2010). However, the percentage varies greatly by region. While out-migration to the Middle East and Africa is dominated by men (92.6 per cent), the proportion who migrated to Europe, the Americas and the Pacific (while much smaller in number) ranges from 20 to 41 per cent female. Several explanations have been given for this gender imbalance. One is that most contract jobs to the Middle East and Asian countries are for construction and other labour-intensive work, such as manufacturing and agriculture jobs, while female out-migrants are concentrated in domestic labour and service occupations (Sciortino and Punpuing, 2009). One plausible theory is that the jobs held by female migrants are more informal and thus, tend to be held by irregular migrants. Consequently, female out-migrants are less likely to be counted by official statistics.

Social construction of gender: a theoretical explanation of gendered migration

Occupational sex segregation

Social construction of gender can apply to occupational differences between sexes. Within this perspective, the socially constructed view, the belief about “male” work and “female” work is transmitted through the socialization process (Tyner, 1994; Reskin and Padavic, 1994). It channels women into specific roles. Female migrants may be limited to domestic, service-oriented work due to being socialized to perform household tasks. They may also have more opportunities for factory work because they are perceived as low-wage, docile, temporary, and predisposed to factory work, on account of their nimble fingers and good eyesight (Tyner, 1994; Riley, 1997).

Vulnerability from work

In terms of “men’s work” and “women’s work”, occupational risk is different for male and female migrants. Male migrants, who mainly work in agriculture, construction and fishing, face such work hazards as labour exploitation, physical abuse and accidents. Thai male seafarers, for example, experience injuries from accidents on the boats and diseases such as diarrhoea as a consequence of the lack of clean water (Rojnkureesatien and Jampaklay, 2006). In addition, many migrant workers on fishing boats have reported abuse and some have died of starvation after being left adrift (Sciortino and Punpuing, 2009).

Women working in the manufacturing sector may encounter physical hazards from the production process, such as toxic chemicals and fumes, dust, or excessive noise levels. Mills (2003) found in her qualitative study of Thai female migrants that stress was incurred among manufacturing workers who worked overtime or night shifts. In addition, harsh supervisors and sexual harassment often added to the stress. Female migrants in domestic work, manufacturing, service work and entertainment are at risk of physical and sexual abuse (Panam et al., 2004).

Migrant workers often do not receive the minimum wage and benefits guaranteed by Thai labour laws, such as social security, retirement benefits, sick and maternal leave, days off and compensation for occupational injuries. Also, some migrants encounter non-payment of wages, and are forced to work long hours without overtime. In the study of Pearson et al. (2006), long working hours of more than 12 hours per day were mainly found in domestic work, the fishing industry and manufacturing. There is also violence in the same sectors. About 7-9 per cent of migrant workers in fishing, manufacturing and domestic work experienced physical abuse from their employers, and many reported verbal abuse. They also reported being restricted in their movement by the retention of their identification registration documents by employers.

In the gender context, the wage structure varies by type of work and gender. Labour migrants who work in the agriculture and domestic sectors earn the lowest wages (Chamrathirong and Boonchalaksi, 2009; Sciortino and Punpuing, 2009), while female migrants are generally rewarded less than their male counterparts (Sciortino and Punpuing, 2009). Furthermore, women domestic workers face particular vulnerability because of the isolated nature of their work.

Trafficking

Trafficking in the sex industry is often found among female migrants. However, according to Piper (2005), trafficking studies have been dominated by a feminist approach, which only focuses on sexual exploitation of women and children. Trafficking of both men and women occurs, in a sex and non-sex work context. Men have been exploited as slave labour in the fishing industry, agricultural sector and sometimes in the sex industry. Men have been labelled “the invisible dimension of trafficking for researchers and policymakers” (Skeldon, 2000 cited in Piper 2005). It is increasingly recognized that women also get trafficked for labour exploitation.

Sexual health

Young Thai migrants appear to be more at risk in terms of health problems related to reproductive health. For example, young female migrants who dominate urban-ward migration are at risk of risky premarital sexual experiences that may lead to an increased rate of unwanted pregnancies, illegal abortions, associated maternal morbidity and mortality and HIV risk (Ford and Kittisuksathit, 1996). Moreover, it is evident that a large number of young migrant women are entering into the commercial sex industry. This is partly due to the gendered influence of responsibility to the household economy (Boonchalaksi and Guest, 1994).

Among international migrants, a low level of condom use has been reported among migrant seafarers (Raks Thai Foundation, 2004 cited in Sciortino and Punpuing, 2009). The study of Chamrathirong and Boonchalaksi (2009) found a gendered influence on condom use attitude that may lead women to be more

at risk of STIs/HIV infection. In some particular groups, women exceeded men in stating the belief that only men should carry condoms. The study also indicated a decrease in the overall prevalence of sexually transmitted infections (STI) among the migrants between 2004 and 2009. However, the prevalence of infection among female migrants, particularly those who worked in the coastal provinces, appeared to increase.

HIV prevalence is also high in both male in-migrants working on fishing boats and pregnant female in-migrants (Sciortino and Punpuing, 2009). There is no information on HIV prevalence among the female migrants who work in the sex industry due to the lack of official systematic records. Yet, Archavanitkul (2007) indicates that there is high prevalence of HIV among sex workers, who are mostly female migrants, in the border provinces.

The fact that female in-migrants constitute almost half of the migrants in Thailand means attention to their reproductive health is necessary. Though the number of pregnant migrants is not officially recorded, there is evidence of a high prevalence of pregnancy among in-migrants, particularly in the provinces with numerous numbers of female migrants (Archavanitkul, 2007). It has been found that some pregnant women use traditional birth attendants from the same ethnic group due to personal beliefs and the feeling of comfort with this assistance, but also because they do not have access to public services (Archavanitkul, 2007; Chamrathirong et al., 2005). In addition, the fear of being deported or losing their jobs is an issue, since pregnant women are often viewed as less productive. Hence, some migrant women decide to have unsafe abortions. According to the Ministry of Public Health (MOPH) of Thailand, the complication rate for abortions among migrant women is 2.4 times higher than that of Thai women (Archavanitkul, 2007).

Social costs and benefits of migration

Migration of women not only leads to financial remittances, but also social remittances through ideas, skills, attitudes and knowledge. Female migrants also benefit by gaining autonomy. Women who migrate may learn skills and gain self-confidence while women left behind by the migration of their husbands are likely to take on greater responsibilities and increase their status within the family (UNFPA, 2006).

At the same time, traditional male roles are also affected by migration. Male migrants who return home may treat their wives in a more equitable manner due to new experiences in the destination country. Traditional notions of male identity and authority can also be affected by the migration of their wives (UNFPA, 2006).

Gender sensitive migration policy

In Thailand, women constitute a significant proportion of both internal and international migration. Women migrants are not only dependents, but are also economic providers and supporters of their origin households. Their migration can benefit not only themselves and their family but also the nation.

There is evidence that gender plays a significant role in the migration process, and that it influences the migration experiences of both male and female migrants. Yet, most migrant-related policy or regulations seem to be gender-blind. This suggests that migration policy should take gender into account. Gender-sensitive policies would assist both male and female migrants to obtain greater benefit from their migratory experiences.

In the context of sex segregation in the labour market, work that is dominated by female migrants appears to be neglected in policy efforts. For example, women migrants, both internal and international, tend to work in domestic jobs, which are not covered by labour legislation or social protection. Also, the majority of male migrants in other informal sector jobs, including construction and transportation, are not included in policy programmes. Wage disparity is also influenced by gender. Female migrants often get paid less than male migrants in the same jobs since they are considered to be less skilled than their male counterparts.

The lower status of woman makes them more vulnerable to discrimination, exploitation, abuse and trafficking. There should be attempts to support improvements in the status of women in order to protect them from such vulnerability.

From a health perspective, female migrants are vulnerable in terms of reproductive health. Policy/legislation to support proper and adequate accessibility to health services for female migrants is called for, particularly for women who are in the reproductive age group. In addition, male migrants in some specific jobs, such as fisheries and on fishing boats are more vulnerable to infection by sexually transmitted infections, including HIV/AIDS. The destination governments should put more effort into formulating preventive policies and programmes. Additionally information on policies, laws and services should be targeted based on the sector and predominant group (male or female) of workers in the sector.

In conclusion, some government policy is, to some extent, linked to social norms and the understanding of men's and women's appropriate roles. However, more policy in this area is needed, particularly with regard to gender-sensitive issues.

References

- Archavanitkul, K. (Ed).
2007 *The Thai State and the Changing AIDS and Reproductive Health Policies on Migrant Workers* (In Thai), IPSR Publication No. 327. Institute for Population and Social research, Mahidol University, Nakhonpathom.
- Boonchalaksi, W. and Guest, P.
1994. *Prostitute in Thailand*. Institute for Population and Social Research, Mahidol University, Nakhonpathom.
- Chamrathirong, A. and Boonchalaksi, W.
2009 *Prevention of HIV/AIDS among Migrant Workers in Thailand Project (PHAMIT): the Impact Survey 2008*, Institute for Population and Social Research, Mahidol University, Nakhonpathom.
- Clausen, A.
2002 "Female labour migration to Bangkok: transforming rural-urban interaction and social networks through globalization", *Asia-Pacific Population Journal*, 17(3), September, 53-78.
- Charles, M.
1992 "Cross-national variation in sex segregation", *American Sociological Review*, 57 August, 483-502.
- Curran, S.
1995 *Intra-household exchange relations: explanations for gender differentials in education and migration outcomes in Thailand*. Center for Studies in Demography and Ecology Working paper, University of Washington, Seattle.
- Curran, S. and Saguy, A.
2001 "Migration and cultural change: a role for gender and social networks", *Journal of International Women's Studies*, 2(3), 54-77.
- Curran S., Garip, F., Chung, C. and Tangchonlatip, K.
2005 "Gendered migrant social capital: evidence from Thailand", *Social Forces*, 84 (1), 225-255.
- De Jong, Gordon F., Richter, K. and Isarabhakdi, P.
1996 "Gender, values and intentions to move in rural Thailand", *International Migration Review*, 36(3), 748-770.
- Ford, N. and Kittisuksathit, S.
1996 *Youth Sexuality: the Sexual Awareness, Lifestyles and Related-health Service Needs of Young, Single Factory Workers in Thailand*, IPSR Publication No. 204, Institute for Population and Social Research, Mahidol University, Nakhonpathom.
- Guest, P.
1993 "The determinants of female migration from multilevel perspective", in proceeding of the United Nations expert meeting on the feminization of internal migration, Mexico, 22-25 October, United Nations, New York.
- Jampaklay, A. and Kittisuksathit, S.
2009 *Migrant Workers' Remittances: Cambodia, Lao PDR and Myanmar*, ILO, Bangkok.

Korinek, K., and Entwisle B.

2005 *Obligation and opportunity: the influence of gender, earnings, and household obligations upon Thai migrant's remittance behavior.*

Leenothai, S.

1991 "The role of growth centers in migration of women: destination choices of female migrants in Thailand", working Paper in demography, No. 26, Research School of Social Sciences, the Australian National University, Canberra.

Mills, M. B.

2003 *Thai Women in the Global Labor Force, Consuming desires, Contested Selves*, New Brunswick, Rutgers University Press, New Jersey.

National Statistical Office (NSO)

No date *Migration Survey 1997 - 2009*, National Statistical Office, Office of the Prime Minister, Bangkok.

2000 *Population and Housing Census: Whole Kingdom*, National Statistical Office, Office of the Prime Minister, Bangkok.

Osaki, K.

2003 "Migrant remittances in Thailand: economic necessity or social norm?", *Journal of Population Research* 20(2), 203-222.

Panam, A., Mar Kyaw Zaw, K., Caouette, T. and Punpuing, S.

2004 *Migrant Domestic Worker: From Burma to Thailand*, IPSR Publication No.286, Institute for Population and Social Research, Mahidol University, Nakhonpathom.

Pearson, E., Punpuing, S., Jampaklay, A., Kittisuksathit, S. and Prohmmo, A.

2006 *The Mekong Challenge; Underpaid, Overworked and Overlooked* (Vol.1), ILO.

Pejaranonda, C., Santiporn, S. and Guest, P.

1995 "Rural-urban migration in Thailand", in United Nations, *Trends, Patterns and implications of Rural-Urban Migration in India, Nepal and Thailand*, United Nations, New York.

Piper, N.

2005 "Gender and migration", paper prepared for the Policy and Analysis and Research Programme of the Global Commission on International Migration.

Phongpaichit, P.

1993 "The Labour-market aspects of female migration to Bangkok", in proceeding of the United Nations expert meeting on the feminization of internal migration, Mexico, 22-25 October, United Nations, New York.

Phongpaichit, P. and Baker C.

1995 *Thailand Economy and Politics*, Oxford University Press, Kuala Lumpur.

Reskin, B. and Padavic, I.

1994 *Women and Men at Work*, Pine Forge Press, California.

Riley, N. E.

1997 "Gender, power and population changes", *Population Bulletin*, 52(1), Population Reference Bureau, Inc, Washington D.C.

Rojnkureesatien, K. and Jampaklay, A.

2006 *Behavior Change Communication and Strengthening of STI and VCT Services for Thai Seafarers*, IPS Publication No.321, Institute for Population and Social Research, Mahidol University, Nakhonpathom.

Singhanetra-Renard, A. and Prabhudhanitisarn, N.

1992 "Changing socio-economic roles of Thai women and their migration", in Sylvia Chant (Ed), *Gender and Migration in Developing Countries*, Belhaven Press, London.

Sciortino, R. and Punpuing, S.

2009 *International Migration in Thailand 2009*, IOM, Bangkok.

Tangchonlatip, K., Punpuing, S., Chamrathirong, A., Guest, P., Curran, S., and Rachapaetayakom, J.

2006 "Migration and gender-based occupational segregation in Bangkok", *Journal of Population and Social Study*, 15(1), 54-80.

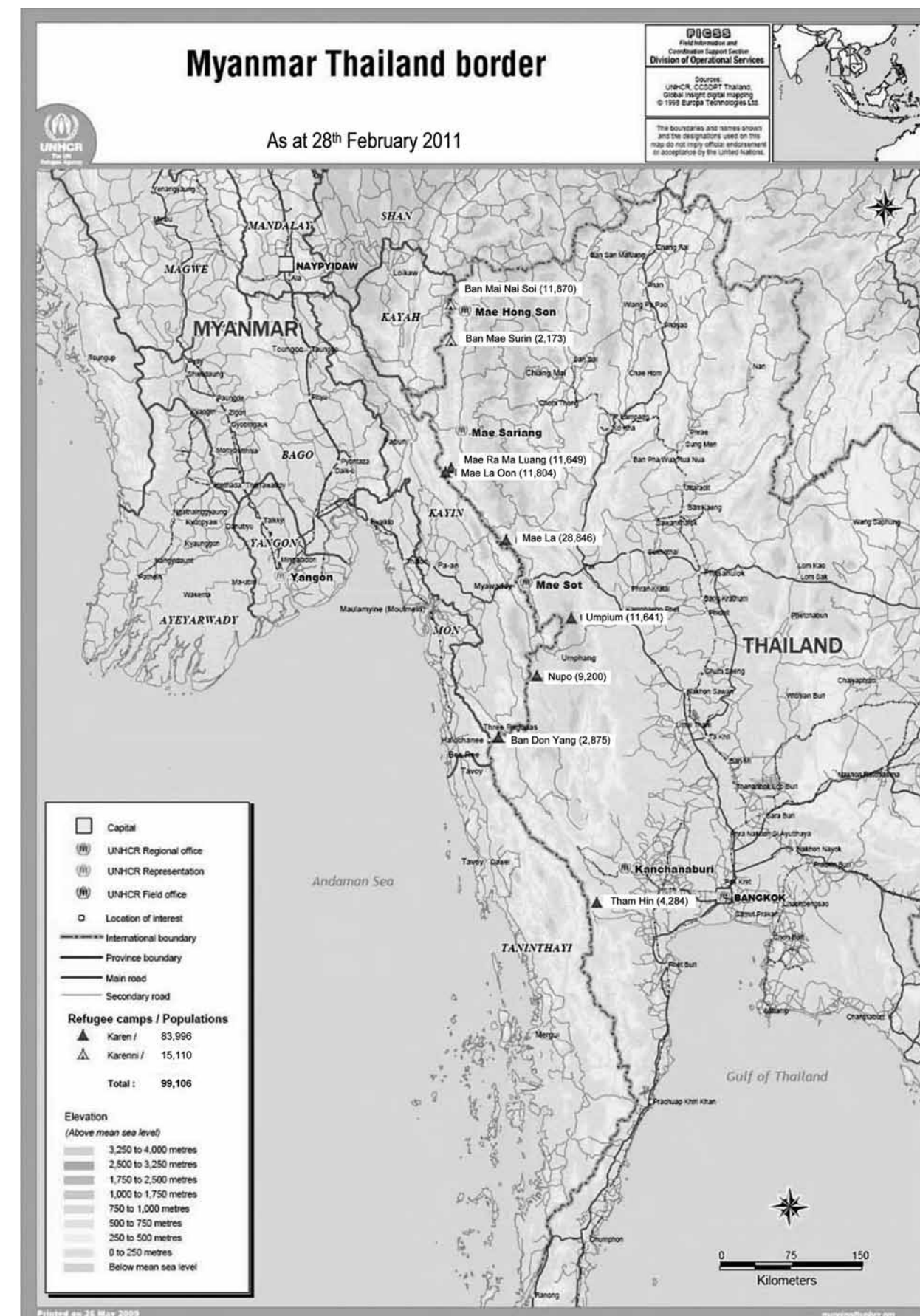
Tyner, J. A.

1994 "The social construction of gendered migration from the Philippines", *Asian and Pacific Migration Journal*, 3(4), 589-617.

United Nations Population Fund (UNFPA)

2006 *State of World Population 2006: A Passage to Hope, Women and International Migration*. UNFPA, New York.

Map 10.1. Myanmar Thailand Border



Chapter 10

Cross-border Displaced Persons from Myanmar in Thailand

Supang Chantavanich

Mass movements of displaced persons from Myanmar (then Burma) to Thailand began in 1984. Reluctant to experience a flow of refugees similar to that from Indochina during the previous decade, the Government of Thailand declared that those persons coming from Myanmar were “fleeing fighting” and would be returned when the situation at home had returned to normal (Huguet and Punpuing, 2005:10). They were, subsequently, placed in camps designated as “temporary shelters”.

This chapter reviews the situation of displaced persons from Myanmar who are in nine camps termed “temporary shelters” along the Thailand-Myanmar border. It highlights some of the concerns for people experiencing a protracted stay in the camps and describes relevant policies set by the Government of Thailand. It also reviews the livelihoods and economic potential of the displaced persons and describes several recent projects intended to expand the range of livelihood options.

Location and population of shelters

There are currently nine official shelters along the Thailand-Myanmar border in the provinces of Mae Hong Son, Tak, Kanchanaburi and Ratchaburi, ranging in population from 2,173 to 28,846 persons (Map 10.1). According to the database of the United Nations High Commissioner for Refugees (UNHCR), the total registered population in the shelters peaked at 131,549 in 2006. Owing to resettlement to third countries, the shelter population has since declined steadily and stood at 95,330 at the end of 2010. The Thailand Burma Border Consortium (TBBC), a group of non-governmental organizations (NGOs) that provides supplies and services in the shelters, maintains a count of shelter residents who have not yet been registered, or are in categories not included in the UNHCR count, such as persons awaiting approval of Provincial Admissions Boards. TBBC counted 45,746 persons who were unregistered or in other categories at the end of 2010, indicating that the total shelter population was 141,076. The Ministry of Interior (MOI) also produces their own figures but they were not available at the time of this report.

The registered shelter population is split almost equally between sexes, with females constituting 50.1 per cent of the total, while the camp population is quite young, presumably because of a high birth rate and some out-migration of the adult population. Persons aged 0-4 years equaled 13.7 per cent of the population in 2010, compared with only 9.2 per cent of the Myanmar population in the country (United Nations, 2009:352). The shelter population below the age of 18 years accounted for 46.4 per cent of the total (UNHCR database).

Resettlement

Since 2005, the Government of Thailand has permitted persons from Myanmar to apply for resettlement in a third country. Aside from the displaced persons in temporary shelters, former students and other asylum seekers who are not in the shelters (sometimes referred to as “urban refugees”) can apply for resettlement. According to the International Organization for Migration (IOM) resettlement figures for 2010, the number of persons from Myanmar who were resettled grew from 4,911 in 2006 to 14,636 in 2007 and to 17,172 in



2008. It declined to 16,690 in 2009 and totaled only 11,107 in 2010. The total number of persons from Myanmar that had been resettled since 2004 was 68,410.

It may be noted that resettlement figures compiled by UNHCR, IOM and the Government of Thailand differ slightly because of some difference in the categories included. The UNHCR database indicates that 63,756 persons who were resident in the temporary shelters had been resettled by the end of 2010. Although 58,799 persons were resettled from the shelters during the period from January 2007 to December 2010, the total shelter population declined by only 36,216 during that period. The difference between the two figures is the result of a natural increase (the excess of births minus deaths) and from some additional registrations.

Among the 11,107 persons from Myanmar who were resettled in 2010 (both from the shelters and others), 9,538 went to the United States of America, 857 to Australia, 339 to Canada and 123 to Finland. No other country resettled more than 100 Myanmar migrants from Thailand in 2010 (IOM database).

Long-term encampment

As shelters at the Thai-Myanmar border have been set up for more than twenty years and many displaced persons have been living there from the early days, displacement in the shelters may now be recognized as a protracted refugee situation. Loescher and Milner (2006) describe a protracted situation as one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance. In 2010, TBBC published a book titled, *Nine Thousand Nights, Refugees from Burma: A People's Scrapbook* to show how displaced persons from Myanmar have lived a life in remote "bamboo cities" ringed by deep forests and high mountains on the western edge of Thailand for more than twenty-five years or "Nine Thousand Nights" (Baron, 2010).

Many displaced persons in the shelters would like to leave the camps temporarily to work, for education purposes, for medical reasons or to visit friends and relatives, but the Government of Thailand does not officially allow them to exit without camp passes/permissions, which are difficult to obtain. The protracted situation not only makes displaced persons dependent economically on external assistance, it can also trigger psychological problems. Cases of physical violence and family violence are reported within shelters (Risser, 2007: 112-115). As for reproductive health, a report of the Women's Commission for Refugee Women and Children (2006) also revealed that 11.8 per cent of pregnancies ended in an abortion, supplies for family planning were not available and some shelter leaders did not allow family planning and condom use for unmarried persons.

Administration of the camps

The Government of Thailand maintains the ultimate authority of the camps for displaced persons but the camp residents have considerable scope for self-administration through community elders advisory boards (CEABs), refugee committees, camp committees and community-based organizations. The MOI, through provincial and district authorities, enforces displaced persons policies and oversees the day-to-day running of the camps in collaboration with the refugee and camp committees. The Thai military and border patrol police assist in providing security. A district officer of MOI is usually appointed as the camp commander, with Territorial Defence Volunteer Corps personnel providing internal security under his jurisdiction (TBBC, 2011).

CEABs and refugee committees are established for all Karen and Karenni displaced persons in Thailand, with a refugee committee also established for Shan displaced persons. They are supra-camp bodies that

operate through camp-based boards and the camp committees. Members of CEABs are appointed by senior elders from each community. CEABs appoint eight members of the refugee committees and another seven are elected by camp committees. Camp committee members are chosen through a process that begins with every camp resident over the age of 20 having a vote at the section level.

Camp committees establish subcommittees to manage activities in the areas of health, education, camp affairs, security, supplies and justice. The main community-based organizations are women's and youth organizations for the Karen and Karenni. United Nations and other intergovernmental organizations and NGOs support the services in the camps. For example, in 2007, legal assistance centres were established in four main shelters with support from UNHCR and the International Rescue Committee (IRC) to facilitate appropriate administration of justice in the shelters. They provide legal information and advice on relevant justice-related procedures, rights and duties under the law and relevant training courses, within this overall context (IRC/UNHCR, 2007).

Sustainable livelihood

Encampment and the protracted refugee situation have made displaced persons totally reliant on external assistance. Actually, there are certain "income generation" activities in some shelters by which displaced persons can earn some income, but they are limited and the amount of income is too low to make them self sufficient. Some displaced persons leave the shelters unofficially to find employment. However, they risk being "deregistered" if the authorities find out and their status as displaced person would be "terminated". In other words, they will lose their status as a registered displaced person. Most displaced persons want to earn some income to have a better livelihood and become less dependent on external aid. The Government of Thailand also generally agrees with the idea of income generation, but it prefers that displaced persons work inside the shelters rather than seek employment outside. This issue persists with no solution in sight. It is elaborated further in a section below.

Existing Government of Thailand policy regarding displaced persons

Since the period of the large influx of Indochinese refugees in the 1970s and 1980s, the Government of Thailand has maintained a policy in which it accepts displaced persons who are fleeing from fighting situations in neighbouring countries temporarily and allows them to receive humanitarian assistance until they can be repatriated safely or durable solutions are found to deal with their plight (Chantavanich, 2010). As discussed in other chapters, Thailand is not a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Consequently, it uses the term "displaced person" to describe an individual who under international law would be called a "refugee" or asylum-seeker. This, however, to some extent, confirms that the country recognizes these people on a humanitarian and not legal basis.

To deal with influx of displaced persons from Myanmar, the Government appears to have adopted three major approaches that were used to handle the Indochinese migrant experience in the 1970s, namely encampment, responsibility sharing and durable solutions.

As for encampment, displaced persons are put in shelters because under laws pertaining to immigration, they are illegal immigrants who entered Thailand without proper travel documents and according to the Immigration Law BE 2527, they have to be detained until a court ruling has them deported. But as the Government recognizes that political reasons are behind their plight, they are permitted to stay in the country temporarily. They are placed in areas provided by the Government and not allowed to leave because the Government considers them a threat to public order and national security and has concerns over their own personal safety.

As explained earlier, the movement of displaced persons outside the shelters is restricted. Shelter administration guidelines allow them to exit the shelters only with the permission of the camp commander. Permission is issued for necessary matters, such as for hospital visits, for children to attend high school in another shelter (in cases where the shelter has no high school) or participation in some capacity-building activities like vocational training organized by NGOs (Guidelines on Shelter Administration, 2010).

With regard to responsibility sharing, the Government allows the international community and donors to help pay the costs of and provide assistance to the displaced persons. TBBC raises funds from donors to feed displaced persons and provide them with shelter and other necessities. In 2010, a total budget of 1.230 billion Thai baht (THB) (USD 41 million) was allocated to assist displaced persons, an increase of 11 per cent from the year before. The annual cost to support a displaced person is THB 8,913 (USD 297) (TBBC, 2010a: 79). This includes their supply of rice, other food items and non-food items. In addition to that, up to 40 other international NGOs provide health and educational services.

Major donors include the European Union and the Governments of Australia, Canada, Denmark, Norway, Switzerland, the United Kingdom and the United States of America. In 2009, funding from these donors totaled THB 1.137 billion (USD 38 million) (TBBC, 2010a: 96-101). Concurrently, the Government of Thailand provides support to displaced persons by granting stipends to MOI volunteers that assist the displaced persons and to pay the rent for land used as temporary shelters. Additionally, a MOI official explained that the Government, as the host country, allocates THB 60 million-100 million (USD 2 million – 3.3 million) annually to pay for costs related to displaced persons. This, however, is not mentioned in any reports and there has been no systematic estimation of the total costs of displaced persons to the country.

Due to the prolonged situation, displaced persons from Myanmar have become dependent on aid, limiting the options for a durable solution to their plight. A resettlement programme for displaced persons in shelters was officially introduced in 2005 but failed to take hold due to the arrival of new displaced persons and the fact that repatriation was simply not possible at the moment and did not appear that it would be in the foreseeable future. So, as another course of action, the Government of Thailand has agreed with other stakeholders to consider ways to make displaced persons more self-reliant and less dependent on external assistance. Some measures in this direction are under discussion and this eventually might lead to large-scale “policy changes”.

Some policy changes in 2009-2010

Nevertheless, some policy changes appear to be in the works. In 2009, TBBC stated that the Government had altered its policy for displaced persons from one that is based on “care and maintenance” to being “solution oriented” (TBBC 2010). The statement is partly supported by a few changes that began even before 2009. Since the resettlement programme was launched, the Government has issued exit permits to displaced persons to leave Thailand legally under the various resettlement plans and welcomed provisions for refugee children’s education through the establishment of special education centres, which provide Thai language instruction. Meanwhile, in 2006, MOI gave NGOs permission to support some occupational training activities aimed at creating work opportunities and income generation for displaced persons. The Government also made some “commitments” to improve education in the shelters and to experiment with employment outside the shelters. Individual ID cards with the MOI logo were issued to registered displaced persons aged twelve years and older, and distributed in April 2007 (UNHCR and CCSDPT, 2007:6). Some deficiencies in the process have been reported but there has not been any further issuance of IDs since then.

The Comprehensive Plan 2007/2008, proposed by TBBC and UNHCR, presented several strategies to protect and assist displaced persons. The strategies were directly related to Government policy and included, among others: income generation projects; employment opportunities and improvement of education in the shelters; opportunities for access to higher education; expanding the number of legal assistance centres from locations

in three shelters to nine shelters; and promotion of access to the justice system and the improvement and protection of the environment in the shelters. Elements of the Plan have been implemented in piecemeal and are discussed below.

The first two strategies address the Government of Thailand policy of confinement. The Government has agreed with the idea of occupational training and income generation for displaced persons and MOI and NGOs have already started to explore the employment opportunities for displaced persons inside the shelters. MOI has had a series of consultations with the Ministry of Labour (MOL) and the local chambers of commerce as well as the private sector. However, MOL reports that little progress has been made up to now in this area, partly due to the mismatch between displaced persons skills and demands in the local labour market. Some progress has been reported with regard to training, specifically for work that does not require manufacturing skills. In one case, ZOA, an NGO, with permission from MOI, began in 2008 to use a plot of land opposite Mae La shelter to train displaced persons in agricultural skills. According to ZOA, the farm is successful and the products are sold in local markets. Meanwhile, in Ban Nai Soi village, Mae Hong Son province, United Nations Development Programme (UNDP), in collaboration with MOI, is operating a livelihood project in which the villagers grow vegetables and other farm products with the objective of becoming self-sufficient (UNDP Nai Soi Project document).

With regards to education, according to ZOA, the Office of Basic Education and the Division of Non Formal Education under the Ministry of Education (MOE) in provinces where shelters are located made visits into the shelters and consequently, established a working committee to explore the possibility of teaching the Thai language to displaced persons. Currently, the progress is at the stage of sending Thai language teachers into shelters.

With regard to environmental protection and improvement, the MOI stated in an interview in June 2010 that the Ministry had implemented a project entitled “Host Community Contribution” in which Thai villagers in host communities near shelters were improving the water conditions and preventing forest fires and deforestation. The Ministry also said that the expansion of the legal assistance centres depended on the readiness of agencies involved.

Livelihood and the economic potential of displaced persons

“Always under

I want to express my feelings about my life under the government, rules, and policies of an alien land. It is pressure in my life. We have no money in the camp. If we go out for work, we are paid very little. Sometimes we’re not paid at all, but you don’t dare to complain or you could be arrested and charged with illegal entry.”

Nine Thousand Nights p. 148

Economic activities in the shelters

During 2005-2008, there was a push to make displaced persons more self-reliant by promoting employment and creating income-generating activities both inside and outside the shelters. A survey conducted by IRC in Mae Hong Son in 2005 showed that agricultural work was the major income-generating activity and along with animal husbandry was the most important source of income for displaced persons. It indicated that other money-generating activities of displaced persons were related to teaching or health, basket making, construction, weaving, selling self-made goods, selling food, selling handicrafts, running a shop or being involved in a small trade (IRC 2005: 9).

Working inside and outside shelters

The IRC assessment of labour activities indicated that refugees were working both inside and outside of the shelters, with approximately 58 per cent of displaced workers engaged in activities inside the shelters. Of the more than 40 per cent of displaced persons engaged in income-generating activities outside the temporary shelters, 23 per cent worked in the area around the shelter and 19 per cent in a nearby village.

The survey also found that displaced persons who earned income spent most of it on food (70 per cent), followed by clothing (12 per cent) and household articles, such as soap, candles and toothpaste (60 per cent). It also found that 60 per cent of displaced persons in the shelter had more than seven years of vocational experience in agriculture and animal husbandry.

According to the survey, 27 per cent of the employers sampled (183 cases) in a selected area had been hiring displaced people. 45 per cent of the employers expressed an interest to hire those displaced people, while 51 per cent stated that they had sufficient labour at the moment. A shortage of labour was the main reason cited for hiring displaced persons but a shortage of only 500 workers was reported. Regarding wages, of the employers who had planned to hire displaced persons, 88 per cent intended to pay an average wage of THB 100 per day.

The IRC assessment shows that the livelihoods and income generation activities of each temporary shelter are unique due to the surrounding environment and the flexibility of the Thai Authorities in the areas.

In 2007, UNHCR/ILO conducted a livelihood report within the temporary shelters located in Tak and Mae Hong Son provinces. The report indicated that there was potential to improve the livelihoods of displaced persons through an increase of individual income and by enhancing the quality of life inside the shelters (UNHCR/ILO Livelihood Report, 2007a).

The report found that some displaced people have camp passes from their shelter and work without permits. Hence, they had the opportunity to earn outside income, and a similar number were illegally engaged in various forms of employment outside the temporary shelters, albeit at very low daily wage rates. The Livelihood Report also detailed some interesting findings on employment opportunities. It stated that the Federation of Thai Industry (FTI), Tak province, suggested that employers could absorb more workers in the textiles, ceramics and electronics industries and that they would prefer workers to stay in accommodations provided by the employers instead of in the shelters. However, FTI needed a written acceptance from MOI to arrange for displaced people to work outside the shelters. The report recommended that seasonal agricultural labour in nearby areas was the most suitable employment for displaced workers. As for work inside shelters, FTI and NGOs in Umpium shelter discussed engaging displaced persons to knit goods to sell outside the shelters. The employers would provide yarn and machines to interested workers. It was also recommended that additional access to suitable land was essential for promoting agricultural work inside or near the shelters (UNHCR/ILO Livelihood Report, 2007b).

ZOA conducted another study on the economic activities of displaced persons in 2008. The ZOA Issue Paper disclosed that 82.7 per cent of the displaced persons generated some income, for example while working for international NGOs that operate the shelters or through other income-generating activities (ZOA, 2008: 2). Table 10.1 illustrates the types of occupation and amount of income earned by displaced persons. It shows that there were nine categories of employment within shelters and that displaced persons could earn the highest income as medical personnel in hospitals (THB 1,620–3,000 per month), and teachers were second (THB 1,200 per month). For the other occupations, displaced persons could earn only up to THB 800 a month.

Table 10.1. Income distribution by occupation (inside temporary shelters)

Occupation	Income
Employed by international NGOs	THB 500 a month (depending on profession and working experience)
Teacher trainer	THB 1,200 a month
Social workers	THB 0 – 700 a month
Medical personnel in hospital	THB 1,620 – 3000 a month
People working for temporary shelter management (section leader or security guard)	THB 400 – 800 a month
Working for community-based organization (CBO)	Often unpaid
Petty trading, shopkeeping	THB 50 – 120 a day
Weaving/sewing	piece work, e.g. THB 220 for a blanket, THB 200 for a longyi (wrap around)
Housework	(unpaid)

Source: ZOA Issue Paper no.1 2008: 2

Progress in employment and income generation for displaced persons

Since 2007, UNHCR, the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) and donor agencies have been supporting pilot-level agricultural activities, income-generation activities and training for displaced persons. Prior to that time, there were some economic activities in shelters but they mainly involved working in small-scale trades or doing stipend work for NGOs, and engaged only a limited number of workers. Displaced persons who earn some income can be classified into three groups: very poor, middle and better off as shown in table 10.2.

Table 10.2. Wealth group in temporary shelter

Very Poor Group (earn < 100 baht/ month)	Middle Group (earn between 100 and 2200 baht / month)	Better-off Group (earn > 2200 baht / month)
Without male adults in the family	Better education	Secondary/tertiary education
No relatives in temporary shelters	More fixed employment	Fixed employment
Low education	Possess agricultural land or productive assets	Own a shop/vehicles/ electronic items
No fixed employment	More Buddhists and Muslim households	Large family without children under five years old
Not owning any vehicles		
Karen ethnicity		

Source: Cardno Agrisystem, ECHO 2009

During 2007-2008, steps were taken to improve the livelihoods of displaced persons. Specifically, in 2008, a Livelihood Stakeholder Committee comprised of the International Labour Organization (ILO), UNHCR and NGOs was set up to enhance cooperation among international and national NGOs as well as United Nations partners and to link with the Government of Thailand and Thai business leaders. Under the CCSDPT/UNHCR Comprehensive Plan 2007/8, a pilot project was proposed to assist displaced persons and poor people in general by providing them with opportunities to participate in an integrated agricultural activity leading to improved self-reliance linked to potential income generation. Mae La and Mae Ra Ma Luang shelters would be the project locations. This project, which has not yet been implemented due to lack of support, would be

in line with the push by MOI to open up occupational training, work opportunities and income generation for displaced persons. The plan entails approaching landowners adjacent to shelters to rent areas for the project, with a minimum of 40 rai (8 acres) for each location (CCSDPT/UNHCR, 2007: 67). This pilot project can be considered as a continuation of the successful ZOA agricultural project in Mae La discussed earlier.

A livelihood analysis conducted by the European Commission Humanitarian Office (ECHO) in 2009 in four shelters found that the major source of income for displaced persons was from casual labour (50 per cent), followed by stipend work (37 per cent), remittances, personal production, sale of food rations, handicrafts, and shops and trading inside the shelters (ECHO, 2009: 35). It found that most households could earn between THB 500 and 1500 a month and that the highest income group was displaced persons who had stipend work and received remittances (ECHO, 2009: 44-45). The study recommended that options for livelihood support should come from income-generating activities within the shelters, such as growing vegetables or raising animals. The recommendation was in line with the results from the ZOA pilot project in Mae La.

The asylum-migration nexus and demand for labour

Most of the people who have crossed the Thai-Myanmar border to seek employment opportunities in Thailand are from ethnic minorities, especially those who lived in the Western Shan, Karen and Mon states. With no end in sight to the armed conflicts in these areas, many ethnic people have decided to seek asylum in Thailand. Some have chosen to come directly in huge numbers to escape from the fighting and identify themselves as asylum seekers wanting to stay in shelters while others have come among the slow waves of migrants crossing the borders to join friends and relatives and seek employment to support themselves. In this era of globalization, root causes of migration are interconnected, making it more difficult to determine the status of individual migrants. Underdevelopment, impoverishment, poor governance, endemic conflict and human rights abuse are closely linked. These conditions lead both to economically motivated migration and to politically motivated flight. Many migratory movements involve both economic migrants and refugees, prompting UNHCR to use the term "mixed flows"¹ (Castles and Miller, 2004: 34). The Shan displaced persons have faced the worst plight as many of them who escaped from armed conflicts arrived in Thailand and entered into the local labour market without immediately seeking asylum. Later, however, a group of approximately 600 Shan people are now staying in Weing Haeng District, Chiang Mai receiving assistance from TBBC but without recognition from MOI as displaced persons.

Nevertheless, not all ethnic migrant workers are potential asylum seekers. In fact, some may hold a double status, while others may be genuinely and exclusively seeking employment or are simply migrant workers. The Government of Thailand has adopted different measures for displaced persons and migrant workers. Basically a displaced person must consider carefully before leaving a temporary shelter as he/she could lose his/her status as a displaced person. Since 1992, the Government has been operating the migrant worker registration policy, which allows workers to be hired temporarily on a year-by-year basis. Its current policy on the registration of migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar requires nationality verification (NV) by the government of the country of origin. Displaced persons are reluctant to undergo the NV process basically due to safety concerns. Consequently, entering the wider labour market in Thailand is not a viable option for them.

Need for self-sufficiency and existing policy

Minimum wages in Thailand currently range from THB 170 to THB 221 per day depending on the province. Some economists estimate, however, that the average minimum wage should be THB 250 per day. Thus, a worker should earn about THB 6,000 per month, which is much more than the highest-earning displaced

persons in the shelters can gain (about THB 2,200). Therefore, a challenge for income-generation projects is to find ways for displaced persons to earn enough to meet their basic needs and to become self-sufficient.

Although stakeholders are in agreement that livelihood opportunities are among the best solutions for reducing displaced persons' dependency on aid and leading them on the road to be self-sufficient, progress in enhancing livelihood opportunities has been slow, partially because the Government requires that it must review and approve all income-generation pilot projects. The Government's policy of confinement in shelters also puts restraints on implementing livelihood initiatives. In 2009, the Livelihood Vulnerability Analysis became a significant milestone in terms of employment and income-generation. It revealed that most households earn only THB 960 on average per month and that they spend more than 50 per cent of their income on food. Daily labour is the most important source of income, followed by fixed employment within shelters and remittances. Some households also earn income from their own production, such as selling handicrafts, running a shop or petty trade. The study thus concluded that the most suitable options for scaling up livelihood support in the shelters include: (a) stimulation of further agricultural production; (b) increase labour market opportunities inside and outside shelters; and (c) support other sources of income such as operating shops, petty trade, handicraft production and sales (TBBC, 2009: 20).

It is evident that income earned in shelters is minimal, and not large enough to feed a household, while employment opportunities outside shelters are still limited, pending more pilot projects and models which prove to be successful and provide inspiration for the Government to more actively promote this. Therefore, at the moment, the short-term solution for increasing displaced person's income is to create more job opportunities inside the shelters.

With regard to displaced persons, self-reliance does not necessarily mean gaining more income to feed oneself. Its principle is the capacity of displaced persons to depend on themselves or to engage in a self-sufficient livelihood or activities that are centred on meeting their basic needs, such as food, shelter and clothes.

Eighty-six per cent of the TBBC annual budget is spent on food, shelter and clothes for displaced persons. In each of these categories, displaced persons have the wherewithal to produce some of the goods themselves. Regarding food, items such as mungbean, chilli and a number of vegetables can be grown by displaced persons. Regarding building supplies, displaced persons can make their own cement posts to repair their huts (which are more durable than the commonly used bamboo posts). They can also make thatch roofs and bamboo fences, walls and floors. These skills are inherent among adult displaced persons and can easily be imparted to the youth. In addition to the construction of shelters, displaced persons can also make cooking stoves to replace the old ones. As for clothes, longyi is the most common wrap-around for displaced persons and many of them, especially members of CBOs, weave longyi to sell in the shelters. In fact during a field visit to the Tham Hin shelter in June 2010, it was observed that two CBOs also produce school uniforms. Based on this, displaced persons could make their own clothes instead of receiving used clothing donations or clothing distributions by donors. Blankets could also be woven by Karen and Karenni displaced persons, as weaving is part of their cultural heritage.

If sanctioned by the Government, the production of various goods could be undertaken in the shelters by displaced persons, dramatically reducing the need for external existence. The inhabitants of the shelters could also take care of their own personal means, a move that would also improve their self-esteem. Above all, this course of action offers a good step forward towards attaining self-sufficiency. In this context, the Livelihood Vulnerability Analysis made an important proposal towards resolving the displaced persons livelihood issue. It suggested that the focus of livelihood activities involving displaced persons should be shifted from income generation through employment in the labour market to self-sufficiency agricultural livelihood within shelters and income generation from the production of goods and stipend work. Small shelters are in a better position to implement agricultural livelihood initiatives than big crowded shelters. However, the possibilities to increase labour market opportunities inside and outside shelters should be explored further. What is needed

¹ refers to both political and economic migrants

at this point is a clear Government policy that would spur appropriate activities based on the skills and needs of displaced persons.

Conclusion

The year 2010 has presented potentials and challenges to the refugee situation at the Thai-Myanmar border. Even after the recent elections in Myanmar, there appears to be limited chances that displaced persons in the shelters can return home safely and permanently in the near future. Resettlement is expected to continue in most shelters at least until an official closure of the programme is announced by resettlement countries concerned. It is purely voluntary and requires a refugee's expression of interest but remains to be the most viable durable solution to the protracted refugee situation for now. It is quite clear that the Government of Thailand has no intention to fully integrate displaced persons into Thai society. In fact, the Government announced in April 2011 its intention to close all the shelters along the border. This decision came as a consequence of the installation of the new constitutional government in Myanmar in March 2011, which has been recognized by Thailand. Governments from both countries intend to collaborate to prepare Burmese living in shelters to go back to Myanmar, although no timescale has yet been set for this.

Nonetheless, the Government's policy has been relatively relaxed, albeit not to the extent required to maximize human resources, livelihoods and/or the economic potential of the displaced persons pending attainment of a durable solution to their plight. The Policy on displaced persons set in 2009-2010 shifted to open opportunities for various stakeholders to address the negative effects of protracted refugee confinement and to allow more self-reliant economic activities for displaced persons. However, it also requires that specific projects and programmes be approved. Thus turning policy into action is the big challenge. While income generation and livelihoods are high priorities within existing programmes, in 2008 CCSDPT received only THB 47 million for funding in the sector of livelihoods and income generation, a reduction from THB 86 million in 2007 (CCSDPT/UNHCR 2007/8 : 20). Another challenge lies in the lack of progress in officially opening a labour market outside shelters to displaced persons. In Mae Sot where there are numerous factories, the business sector is not enthusiastic to employ displaced persons informally. Thus, employment in the manufacturing sector is limited. In the agricultural sector, some kinds of informal seasonal employment exist in Mae Hong Son but to formalize such activity remains a challenge. Income generation outside the shelters consequently requires more exploration, pilot projects and effective regulation.

References

- Baron, S. M.
2010 *Nine Thousand Nights: Refugees from Burma: A Peoples' Scrapbook*, Bangkok, Thailand: Thailand Burma Border Consortium.
- Cardno Agrisystems Limited
2009 *Livelihoods Vulnerability Analysis in Burmese Refugee Camps in Thailand; Final Report*, ECHO October 2009.
- Castles, S. and Miller, M. J.
2004 *Age of Migration: International Population Movements in the Modern World* 4th edition, Palgrave Macmillan.
- Committee for the Coordination of Services to Displaced Persons in Thailand / United Nations High Commissioner for Refugees (CCSDPT/UNHCR)
2007 *A Comprehensive Plan Addressing the Needs of Displaced Persons on the Thailand/Myanmar (Burma) Border in 2007/8*, Santisiri Co., Ltd., Bangkok, Thailand.
- Huguet, J. W. and Punpuing, S.
2005 *International Migration in Thailand*, IOM, Bangkok.

- International Rescue Committee Thailand
2005 *Assessment of the Labour Market and Labour Activities in the Ban Kwai/Ban Tractor Refugee Camp and the Surrounding Environs*, Mae Hong Son, Thailand, September.
- International Rescue Committee Thailand / United Nations High Commissioner for Refugees (UNHCR).
2007 *Legal Manual: Pilot Project on Legal and Assistance Centre*.
- Loescher, G. and Milner, J.
2005 "Protracted Refugee Situation in Thailand: Towards solutions", presentation given at Foreign Correspondents Club, Bangkok, Thailand on 1st February 2006.
- Risser, G.
2006 *Children Caught in Conflict. The Impact of Armed Conflict on Children in Southeast Asia*. Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University, Bangkok.
- Chantavanich, S.
2002 "International Population Movements in Thailand: Two Decades of Uncertainty and Unresolved Problems" in 4th International APMRN Conference, Manila 2001: Selected Papers (Wollongong: The APMRN Secretariat Center for Asia Pacific Social Transformation Studies, University of Wollongong, Asia Pacific Migration Research Network, MOST UNESCO, Australia).
- Thailand Burma Border Consortium
2009 *Protracted Displacement and Militarisation in Eastern Burma*, Wanida press, Chiang Mai.
2010a *TBBC Program Report July to December 2009*, Scand-media Co., Ltd.
2011 Information available online at <http://www.tbtc.org/camps/management.htm>, accessed on 28 April 2011.
- United Nations
2009 *World Population Prospects: The 2008 Revision. Vol. I: Comprehensive Tables*, United Nations, New York.
- United Nations Development Programme (UNDP)
2009 *Community Development Project at Ban Mai Nai Soi project document*, (in Thai).
- ZOA
2009 "Towards sustainable livelihoods: Vocational training and access to work on the Thai-Burmese Border", ZOA Issue Paper No. 1, Inge Brees, May 2008, series editor Su-Ann Oh.



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Chapter 11 Integration of Minorities in Thailand¹

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As a sociological concept, integration refers to “stable, cooperative relations within a clearly defined social system” (Bosswick and Heckmann, 2006). In this chapter, the term integration refers to a process of inclusion of minorities through which the minority and the majority form the nexus of a nation and thereby strengthens the cohesion of the nation as an “imagined community”.⁴ Successful integration allows minorities to realize their personal, economic and social potential. It promises human security and ensures human rights for minority groups. Furthermore, it minimises degrees of alienation and marginalization of the minorities, which will contribute to national security in the long-run (International Organization for Migration, 2010). In a well integrated society, the majority and minority population groups enjoy benefits and social justices equally.

In Thailand, the term integration has only appeared recently in social policy discussions. In fact, in this regard, there is no equivalent Thai translation for it. When it is applied in the context of minorities, the term is translated into various concepts ranging from naturalization to socialization or from assimilation to an acceptance of multiculturalism. However, the more frequently used term is “assimilation”, which refers to a one-sided process of integration through which minorities are encouraged to give up their culture in order to adopt the national culture. An assimilationist approach to the integration of minorities is usually associated with ethnocentric and cultural suppression of ethnic minorities within the country (Bosswick and Heckmann, 2006).

In the Thai context, however, assimilation happens to mean a peaceful attempt to create a culturally homogenous nation. To many Thais, especially among the authorities, assimilation implies both a socializing and naturalizing process for minorities to become Thai nationals. In the past, an assimilationist approach had been applied strategically and successfully to incorporate national minorities, including highland communities in the north, Malays in the south, ethnic groups in the northeast and overseas Chinese into the imagined nation. Consequently, the present generation of Thais considers Thailand to be an ethnically homogenous nation.

Integration of minorities can vary greatly from country-to-country, and it may be applied differently among various categories of minorities. Common indicators applied to appraise the achievement of integration can be identified in six areas, namely: (a) acquisition of dominant language; (b) integration within the educational system; (c) socialization within the prevailing culture; (d) high economic opportunities in the labor market; (e) membership in associations, unions and political parties; and (f) an absence of housing segregation (International Organization for Migration 2010).

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⁴ The imagined community is a concept used for the first time by Benedict Anderson. It explicates a nation as imagined by people who perceive themselves as part of the group, which means that a nation is socially constructed rather than naturally pre-existing (Anderson 1991).

The presence of mixed race/ethnicity marriage, lack of discrimination in the workplace, equal rights to health-care services and access to legal protection are also used to measure the level of social integration among minority groups. Additionally, acquiring of nationality and rights as citizens, such as residency, education and training, permission to work, and access to public services, can be used to evaluate the degree to which minorities have been integrated into the host community on a long-term basis. The presence of these indicators is believed to promote the well-being of minorities as well as the security of the nation.

This chapter intends to review the dynamics of policies and practices with regard to the integration of minorities in Thailand. Based on empirical evidence from various sources, observations and consultations with experts in this issue, the chapter presents the progressive policies and practices regarding the integration of minorities in the primary domains mentioned in the previous paragraph. To address these issues, the chapter focuses on the practices of integration as stipulated in a series of the Nationality Act, the Civil Registration Act and an important ongoing strategy called the “strategy to solve problems on legal status and rights”. Finally, constraints of integration frameworks and practices are reviewed and analysed, and policy recommendations are outlined in the concluding chapter of this report.

Categorizing minorities in Thailand

During the second half of the twentieth century, Thailand received a large number of irregular immigrants from neighbouring countries and beyond, due to political and ethnic conflicts in their countries of origin. The influx of refugees and asylum seekers from the Indochinese countries of Cambodia, the Lao People’s Democratic Republic and Viet Nam during the Cold War period, in addition to the migration of displaced people from Myanmar and China due to ethnic and political conflicts, provoked concerns about national security among Thai authorities. Unlike the historic Chinese immigrants,⁵ different groups of migrants in contemporary Thailand are still confronted with problems regarding their legal status. Many do not have proper documents or are living without verification of their nationality.

It is difficult to neatly delineate minority groups in Thailand, particularly those who live in the border areas. In the border zones, minority groups often are intertwined through migration, cross-border marriages and kinship ties, and a deficient civil registration system furthers the complexity of minorities’ status. According to records kept by the Ministry of Interior (MOI), the total number of minorities residing in Thailand whose nationality had not yet been recognized in 2010 was 3,130,948 (Archavanitkul, 2011 forthcoming).⁶ They can be classified into five categories discussed below.

Documented ethnic minorities

Documented ethnic minorities refers to documented “aliens” who prior to 2004 held differently coloured identity cards with a 13-digit identification number beginning with ‘6’ or ‘7’. Since then, they have been issued a card entitled “Persons without Thai Nationality” and are classified into two categories. The first category consists of minorities not born in Thailand. It accounted for 233,811 people. The other category refers to their children born in Thailand. It accounted for 69,799 people (Archavanitkul, 2011 forthcoming). People classified in these two sub-categories have been living in Thailand for a long time and are declared “aliens” with permission to stay in the country either temporarily or permanently. Recently, some of the

⁵ Ethnic Chinese migrated to Thailand in several periods starting around the thirteenth century. In the sixteenth century, there was a small Chinese community located in Ayutthaya, a capital of the ancient Kingdom of Siam. By the nineteenth century, the number of Chinese immigrants in Thailand increased substantively. They were engaged in commercial activities and worked in mines, construction and at sugar cane plantations. At the beginning of the twentieth century the Chinese were the largest minority group in Thailand. They have been recognized as Thai citizens since the first written Nationality Act came in force.

⁶ The number is calculated from the documentations of Ministry of Interior, the Bureau of Registration Administration under the Department of Provincial Administration. It was valid on 14 June 2010.

migrants in this category, especially those from hill tribes, Mra Bris and Mogens, underwent the proof of nationality procedure to become Thai nationals.

According to the database of Department of Provincial Administration, Ministry of Interior, there are 15 groups of documented ethnic minorities, namely (a) nationalist Chinese army settlers and descendants; (b) immigrant Haws; (c) free Haws; (d) migrant Vietnamese (e) ex-Chinese Malaya communists; (f) Thai Leu; (g) displaced Laotians; (h) migrant Nepalese; (i) displaced Burmese nationals; (j) Burmese irregular migrants; (k) displaced Burmese nationals with Thai ancestry; (l) hill tribes, Mra Bris and Mogens; (m) immigrants from Koh Kong with Thai ancestry; (n) Cambodian irregular migrants; and (o) communities in the highland areas (not including hill tribes).

Previously undocumented people

Thai experts on the Registration Act often refer to undocumented people in Thailand as “having no personal legal status persons”. Basically, they are persons who have been living in Thailand for a long time or since they were born but not recorded in the national registration system. During the implementation of the registration survey as set in the National Strategy on Administration of Legal Status and Rights of Persons of 2005 by the Department of Provincial Administration of the Ministry of Interior, this group was documented and was assigned 13-digit ID numbers. The total number of the group was 210,182 comprising undocumented long-term migrants from neighboring countries, mainly Cambodia, the Lao People’s Democratic Republic and Myanmar (Archavanitkul, 2011 forthcoming). Also classified in this group are undocumented hill tribe members and Thai descendants who are not recorded in the birth registration system and therefore cannot provide proof of their connection with the Thai State through their birthplace or through blood ties.

In addition, this number includes children of members of this group who were discovered by the registration survey, and currently are enrolled in schools. Upon registration, the group members are assigned a 13-digit ID number that begins with “0” and declared “persons who are not recognized in pre-existing civil registration record”. Currently, they have an ID card that is labelled “a person without civil registration status”. It should be noted that undocumented ethnic people residing along the Thailand-Myanmar border and those residing in highland communities are often placed in this category if they do not have documents that prove that they are children of Thai nationals or were born in Thailand from migrant parents prior to 26 February 1992. This group can also include de facto stateless persons⁷ who may be entitled to Thai nationality if they can provide proof that they have been living in Thailand for more than ten years continuously.

Displaced people

This group refers to those registered by the MOI as “displaced persons” residing in “temporary shelters”. They are displaced people or refugees who escaped political violence or suppression against ethnic minorities in Myanmar. People in this group have been issued a card with a 13-digit ID number beginning with ‘000’. See Chapter 10 for more details.

De Jure stateless persons

According to Article 1 of the 1954 Convention relating to the Status of Stateless Persons, a stateless person is one who is not recognized as a national by any state under the operation of its law. In Thailand, a category of *de jure stateless persons* refers to people who have no personal legal status in a civil registration system of Thailand or of any other countries due to a lack of any proof or document to verify their nationality. Research

⁷ De facto stateless persons refer to people possessing a nationality, but their right to nationality is unrecognized by the State where they reside, or they become refugees/displaced persons and their nationality is ineffective outside their homeland.)

on the situation of Cold War immigrants from the Lao People's Democratic Republic who have been living in the North-east region of Thailand (Suchada, 2009) and information from the Mae Ai Clinic⁸ shows that this group exists in the country, but the members have not been systematically documented because in practice they are often confused with or are lumped together with de facto stateless persons, undocumented persons and migrant workers.

Migrant workers

Migrant workers in this category refer to low-skilled labourers from Cambodia, the Lao People's Democratic Republic and Myanmar. It includes registered and unregistered migrant workers as well as regular and irregular migrant workers. The term registered migrant workers refers to migrant workers with work permits while the term unregistered migrant workers refers to migrant workers without work permits. In February, 2010, Thailand had 2,455,744 migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar. This number includes 78,686 migrant workers from those three countries who had entered through a memorandum of understanding (MOU) process, 932,255 who were registered and 1,444,803 who were unregistered (data provided by Ministry of Labour).

Legal and social integration of ethnic minorities in Thailand: legislative framework, policy and practice

This section explores how Thailand has developed its integration efforts in response to the large influx of immigrants from neighbouring and other Asian countries from the late twentieth century up until now. It is important to point out that many categories of ethnic minorities in Thailand had been former migrants from neighbouring countries. Therefore, it is not possible to discuss all minorities in Thailand as if all are indigenous of the land unless we want to disregard their histories of migration. Based on the Nationality Acts, Civil Registration Acts, Immigration Acts, and the related initiatives, the Government of Thailand has maintained a policy of trying to integrate ethnic minorities. However, it must be noted that the policies directed at the legal integration of ethnic minorities varied between the different groups, resulting in varying degrees in which each group has been integrated.

Some groups of documented ethnic minorities who can verify that they have been long-term residents may be entitled to Thai nationality with the right to become full citizens. While Thailand provides asylum and certain other services to refugees or displaced persons, it accepts no obligation to integrate them into the Thai nation. The situation of these persons is discussed in detail in chapter 10. Similarly, while both regular and irregular migrant workers are entitled to all of the basic human rights and many rights as workers, under Thai law, the Government can within its rights deny them long-term integration into the Thai State. The situation of low-skilled migrant workers in Thailand is discussed in detail in chapter 2.

There have been five different legislative procedures pertaining to the integration of different categories of ethnic minorities in Thailand. First, the Government has attempted to develop ethnic minorities' personal legal status through a nationality verification/proof of nationality⁹ procedure to validate a person's right to Thai nationality.

Second, if a person is eligible to become a Thai national, then their right to be a national is recognized and he/she is issued with a Thai identity card.

⁸ Information about Mae Ai Clinic is presented in another section of this chapter.

⁹ Nationality verification or proof of nationality is a preconditioning legal procedure, which aims to verify a person's nationality. It is indicated in several Thai laws including: the Registration Act; the Evidence Act; and the Procedural Act. According to the Procedural Act concerning nationality, the national verification/proof of nationality procedure needs to be established when a person wants their Thai nationality to be recognized by the State. The person is required to submit relevant documents or proof, such as DNA test results, to verify that they qualify as a Thai national as stated in the applicable Nationality Act.

Third, the ethnic minority groups who are not eligible for Thai nationality are registered as persons who have no civil registration status in Thailand. The registration of undocumented ethnic minorities into the National Registry System is undertaken based on the Civil Registration Act section 38 paragraph 2. Once registered, they receive a 13-digit ID number beginning with "0".

Fourth, if a person can prove that she/he is a long-term resident in Thailand and is unable to return to his/her original country due to a life-threatening reason or statelessness, she/he is granted partial citizenship status, with permission to stay in Thailand at least temporarily. In this situation, some people are allowed to become permanent residents, but are not yet entitled to become Thai nationals. In the past, many Cabinet resolutions were announced to grant legal status to irregular immigrants on a group-by-group basis. Through being recognized as residents of the country, alien minorities are able to socialize into the society, and may be eligible to become Thai nationals through naturalization if they have been residing in Thailand over ten years without leaving the country.

Ethnic minorities, who are eligible to apply for Thai nationality through naturalization, have to submit a request form to the district authority where they are registered. However, some groups of ethnic minorities, especially undocumented hill tribes and undocumented long-term displaced people were often unable to claim their rights to nationality by themselves due to their marginalized position and prejudices against them. Thus, the Cabinet implemented the National Strategy on Administration of Legal Status and Rights of Persons. Announced in 2005, this strategy aims to help disenfranchised minorities access certain rights as citizens¹⁰ of Thailand, or to give them the right to claim Thai nationality.

Fifth, for ethnic minorities, including migrant workers who hold passports from another country, the Immigration Act would be applied to determine their status as foreigners. They are required to re-enter Thailand with their passport issued by their country of origin and have it stamped by the Thai immigration office. The next section provides a detailed discussion about specific laws and policies concerning integration practices in Thailand.

Integration by the nationality acts

Thailand prior to 1939 was called Siam. At that time, it was a multi-ethnic kingdom in which diverse groups of people lived under the same ruler. In the pre-modern era, Siamese people recognized neither the notion of "national" nor "citizen" and all inhabitants were classified according to their ethnicity, residence, and language. Ancient rulers viewed all the groups that resided within the reach of their power as their "subjects" regardless of their ethnicity or immigrant status. It is important to note that becoming subjects of the Siamese kingdom did not suggest the commonality of ethnicity, race or shared national values. It emphasized, instead, the idea of kinship association and loyalty to the ruler. Furthermore, there were no specific customary codes that gave privileges to the subjects of Siam over non-subjects (Saisoonthorn, 2006).

Central to the concerns of all modern nation-states around the globe is the idea of successfully surpassing the fragmentation that characterized the conditions of pre-modern states. In the search for a unified nation characterizing modern states, Thai leaders undertook a nation-building project. The demarcations of both a territory and specific population were the first methods applied to unify the nation. By engaging in these actions, a diverse population was transformed into a relatively mono-ethnic group whom later identified themselves as 'Thai', especially after the adoption of a nationality concept.

¹⁰ The concept of "citizen" is not established well in the Thai laws concerning nationality. When it is applied to non-Thai nationals, it does not necessarily imply entitlement to all the rights deserved by Thai nationals. Particular groups of long-term residents in Thailand may hold certain/partial citizenship rights due to their status as partial/second class citizens. For example, they may hold a right to stay in Thailand temporarily or permanently, the right to work in particular sectors, the right to education, and the right to own certain kinds of property, but at the same time their rights to some kinds of public services, to freedom of movement, and to participation in politics are restricted under the applicable laws.

The concept of nationality was adopted by the country during the reign of King Rama V in response to European colonialism. Between the late 1800s and early 1900s, Thai elites began a nation-building project to avoid being colonized by Britain and France. In the process, the ancient kingdom was transformed to a modern nation-state. The idea of nationality came with the understanding of the modern nation state as a unified and homogenous entity. The realization of this notion led to the need to identify Thai nationals, and nationality became a political issue for Thai elites. This shift gave rise to the first two written modern legal codes regarding formal membership of the Thai nation. The codes included the first Naturalization Act and the first Nationality Act which came into force in 1911 (B.E. 2454) and in 1913 (B.E. 2456), respectively.

Upon the enforcement of these two Acts, different ethnic groups in the Kingdom were recognized as Thai nationals through naturalization. A more comprehensive nation-building project initiated in subsequent decades displayed the State's enormous efforts to inculcate its populace with a sense of "Thai-ness". A modern school system was introduced on a national scale to effectively transform minority populations into Thai nationals. As a consequence, the ethnic diversity and fragmentation that characterized pre-modern Thailand reduced significantly. Thailand changed from a multi-ethnic kingdom to a mono-ethnic nation-state and nationality became an authoritative tool of the Thai State to classify who were its legal members. It should be mentioned here that in the Thai context, it is not the concept of citizenship but the concept of nationality that is emphasized in a person's legal relationship with the State. To acquire Thai nationality means to be recognized as a Thai national and thereby to be able to enjoy full civil rights and legal protections stated in all legislative codes.

The first Nationality Act applied in Thailand in 1913 used three principles to define a national person, namely *jus sanguinis* (by parentage), *jus soli* (by birthplace) and *jus domicilii* (by residence). The last principle was applied in order to extend rights of Thai nationals to immigrants based on residence rather than origin. There were no rigid rules in the first Nationality Act to deny nationality to persons, thus statelessness was not an issue in this period (Saisoonthorn, 2006). The rule of *jus soli* enabled second generation immigrants who were born in Thailand to acquire Thai nationality, while their parents were able to claim nationality through the principle of *jus domicile*. Therefore, the enforcement of the first written Nationality Act as well as the Naturalization Act¹¹ helped historic immigrants including Chinese, Indian, Vietnamese and immigrant descendants born in Thailand become Thai nationals and they were socially well integrated with the dominant group (Saisoonthorn 2006).

The idea of discrimination against immigrants with regard to rights to nationality emerged in Thai legislation in the second written Nationality Bill (1952). The application of this second written nationality law stressed *jus sanguinis* more than *jus soli*, and as a result, failed to recognize rights to Thai nationality of immigrants according to the *jus soli* and *jus domicile* principles. The 1952 Nationality Act stipulated that only immigrant children who were born from a Thai mother received Thai nationality. However, the law allowed room for immigrants to request Thai national status via the naturalization principle. This law particularly affected Chinese immigrants who held an "alien" card, as well as their children born in Thailand, because in one provision it stipulated that any person who obtained Thai nationality based on *jus soli* would automatically lose Thai nationality if that person had accepted an identity card issued with an alien status (Saisoonthorn, 2006). At the time, a Chinese who immigrated to Thailand was issued an alien identity card according to the Alien Registration Act B.E. 2479 (1936). However, this provision was annulled in 1957, allowing children of immigrant Chinese to obtain Thai nationality automatically and be integrated well into Thai society.

The enforcement of the third Nationality Act in 1965 deteriorated the legal personal status of minorities, especially hill tribes in the North because many of them had been registered as "aliens". Section 7 of this Act

¹¹ According to the Bill, immigrants could become a Thai national if they (a) were legally adults and had completely assimilated into Thai society, (b) had contributed significantly to Thailand, (c) had obtained Thai nationality previously, (d) had parents who were granted Thai nationality through naturalization, (d) were women whose husbands received Thai nationality through naturalization, (f) were children whose fathers received Thai nationality through naturalization (Saisoonthorn 2006).

did not allow a person born in Thailand of alien parents to have a right to Thai nationality if at the time of birth her/his father or mother was considered: (a) an irregular migrant who was given leniency for temporary residence as a special case; (b) an irregular migrant who was allowed to stay temporarily; and (c) a migrant who entered Thailand irregularly and stayed in the country without permission. Furthermore, the Declaration of Revolutionary Party No. 337 (Por Wor 337) in 1972 affected children of irregular migrants further. It was introduced to bar migrants who migrated from socialist countries, such as Cambodia, the Lao People's Democratic Republic and Viet Nam, as well as their children born in Thailand from claiming Thai nationality.

Consequently, Thai nationals who had a parent that held an irregular alien status and came to live in Thailand without permission prior to 14 December 1972, the date that the declaration was announced, automatically lost their Thai nationality. The declaration also restricted foreign children born in Thailand between December 1972 and February 1992 from claiming Thai nationality. The declaration affected children of all groups of "aliens", excluding them from becoming Thai nationals on the basis of the nationality law. The situation of minorities, especially of those who were declared "aliens and illegal", deteriorated further due to the application of Article 11 of the Nationality Act (Second Edition) B.E. 2535 (1992), which stated that aliens born in Thailand were irregular immigrants unless there was an order under the Immigration Law that specified otherwise.

Both the Revolutionary Party No. 337 of 1972 and the second edition of the Nationality Act (1992) caused legal status problems for many minorities and their children residing in Thailand. However, the Government of Thailand attempted to fix the problems through the legislative system by granting legal status to irregular immigrants and consequently, integrating them into the society. A series of Cabinet Resolutions aiming to resolve legal status problems among 10 groups of "aliens" was subsequently announced under the mandate of the MOI.¹² Due to the decisions of the Cabinet, the minorities could request to be regular immigrants and permanent residents of Thailand on a group-by-group basis. Furthermore, the Cabinet Resolutions agreed to grant Thai nationality based on *jus soli* to the children of immigrants who were born in Thailand. Most importantly, the Revolutionary Party No. 337 was annulled in February 1992.

The current Nationality Act, enacted in 2008, is quite progressive because it is intended to more effectively reduce the number of people who encounter personal status problems. It especially benefits people who were affected by the Declaration of the Revolutionary Party No. 337. According to Article 23 of this Act, a person whose nationality was revoked by the Declaration of the Revolutionary Party No. 337 or a person who was born in Thailand but had not acquired Thai nationality as a result of the Declaration, including his/her children, is able to reclaim Thai nationality by submitting proof to the district authorities.

Integration by the civil registration acts

The Civil Registration Act was introduced in 1956. The implementation of the Act caused undocumented and nationality-less persons. Today, thousands of residents, especially those who live in remote or highland areas lack state-approved proof of birth registration hindering their access to Thai nationality and consequently, limiting their ability to obtain full citizenship. It must be noted that undocumented persons in Thailand also stemmed from the Government's concerns about communist insurgency throughout the Cold War period. Highland people and other ethnic minorities living along the borders were suspected of being involved with communism hence they were not documented by authorities. Moreover, the suppression of opium trading and

¹² 1) Vietnamese immigrants (Cabinet Resolution on 17 March 1992); 2) immigrants of Thai ethnicity from Koh Kong, Cambodia who immigrated into Thailand before 15 November 1977 (Cabinet Resolution on 5 February 1980); 3) ex-militants of the Chinese National Army (Cabinet Resolution on 12 June 1984); 4) civilians of Haw Chinese immigrants (Cabinet Resolution on 12 June 1984); 5) ex-communist Chinese bandits (Cabinet Resolution on 30 October 1990); 6) Lue Thai ethnic group (Cabinet Resolution on 17 March 1992); 7) displaced persons of Thai Ethnicity with Burmese Nationality (Cabinet Resolution on 27 May 1997); 8) Free Haw Chinese Group (Cabinet Resolution on 29 August 2000); 9) Nepali immigrants (Cabinet Resolution on 29 August 2000); and 10) displaced persons with Burmese nationality (Cabinet Resolution on 29 August 2000) (Saisoonthorn 2006).

the inauguration of watershed preservation policies during the second half of the twentieth century resulted in strong discrimination against hill tribes, especially those living in the twenty Northern provinces as they were alleged to have destroyed the national forest in order to grow opium. Even now, highlanders' claims of rights to Thai nationality are often disregarded by Thai authorities.

However, during the past decade, there has been vast improvement with regard to the human rights of minorities in Thailand due to domestic and international pressure. During April and May 1999, highland people in the North organized a mass protest demanding the Government grant them Thai nationality. They also requested the Government to recognize their rights to community forests and lands. Even though the demonstration was put to an end by police forces, it succeeded in drawing domestic and international attention to the long neglected problems pertaining to the status of highland people in Thailand. Following the protest, the Government has reformed its policies towards these disenfranchised populations.

According to the most recent highland survey conducted in 1999, the hill tribe population in Thailand stood at nearly 874,000, of whom more than 496,000 were recognized as Thai nationals. The remaining 378,000 hill tribe members were classified in various categories, such as aliens eligible for nationality, aliens eligible for permanent residency, or persons with undetermined legal status (US Department of State, 2008). On 29 August 2000, the Government of Thailand decided to grant Thai nationality to this remaining group if they were able to prove that they were born in Thai territory. Children of the highland communities who could verify that they were born in Thailand between 14 December 1972 and 25 February 1992 received Thai nationality automatically due to the amendment of the new Nationality Law.

In addition, Thailand has withdrawn its reservation to Article 7 of the Convention on the Rights of the Child, which guarantees the right of the child to be registered immediately after birth, the right from birth to a name, the right to acquire a nationality, and the right to know and be cared for by his or her parents. The withdrawal, which has been effective since 13 December 2010, is in agreement with the Civil Registration Act (No.2) B.E. 2551 (2008) which states that all children born in Thailand shall be registered at birth. The registration records of births will serve as proof for parents of children born in Thailand to claim nationality by principle of *jus sanguinis* for their children when they return to their country of origin. Or, if the child is brought up in Thailand because their parents were long-term migrants who did not move back to their country of origin, the child might have access to legal status by virtue of their birthplace. However, it must be noted that the withdrawal of the reservation to Article 7 does not require Thailand to grant nationality to every child born or living in its territory.

Integration by immigration acts

This subsection briefly discusses the registration and nationality verification of irregular migrants from Cambodia, the Lao People's Democratic Republic and Myanmar.¹³ As explained in earlier chapters, an influx of migrant workers from these three countries occurred at the end of the 1980s. They can be divided into four subgroups, namely registered migrant workers, unregistered migrant workers, nationality verification migrant workers and MOU migrant workers (see chapter 4 for a more detailed discussion on this). In response to the shortage of local workers, the Government of Thailand in 1996 applied the Immigration Act 1979, Article 17 which enables irregular migrant workers from these three countries to receive a work permit on a yearly basis.

The Government of Thailand has no direct policies that aim to grant permanent residency or to integrate migrant workers into the Thai State. However, the national policies aimed at registering migrant workers from the above-mentioned countries contain some elements that could be considered as setting the groundwork for integrating migrant workers. In 2004, the Government initiated a more progressive foreign migrant registration policy to lift legal constraints confronting foreign migrant workers who entered Thailand irregularly, especially those from Cambodia, the Lao People's Democratic Republic and Myanmar.

¹³ Please see chapter 1 of this report for more details about this issue.

It attempted to regularize the status of irregular migrant labourers by issuing them a Tor Ror 38/1 document with a 13-digit ID number starting with "00". As a result, the irregular migrants received a temporary legal resident status in Thailand and were allowed to obtain a permit to work legally with employers. The renewal of a work permit has to be done on a yearly basis and requires a medical checkup and payment for health insurance.

Drawing from the framework of integration, it can be said that the policies attempting to regularize migrant workers from the three countries and the policy on nationality verification applicable to migrant workers constitute the first step towards enabling migrant workers and their children to obtain regular status in Thailand, and thereby allow them to integrate into the country's labour market to a greater extent than previously. It also has enabled migrant workers to benefit from Thailand's universal health care scheme in the same manner as Thai citizens if they pay 1,300 Thai baht (USD 43) per year for health care insurance or if they are enrolled in a social security scheme.¹⁴ Regular migrant workers can also receive skills training and other benefits as stated in the labour laws of Thailand.

Integration initiatives of Thailand

National strategy on administration of legal status and rights of persons

On 18 January 2005, the Government of Thailand passed a progressive Cabinet resolution called "the strategy to solve problems on legal status and rights". The resolution is a comprehensive endeavor to establish the legal status of undocumented people who remain legal status-less, nationality-less or stateless in the country. It stands as the first step leading to the recognition of rights to citizenship for undocumented highlanders and several groups of long-term migrants. In particular, the strategy stipulates that people who have migrated to Thailand and lived in the country for a long time, in accordance with the registration and the survey conducted by the MOI, can obtain the status of a regular migrant, and their children born in Thailand are entitled to Thai nationality with some specific conditions. Under this resolution, a status classification mechanism was established to develop the legal status of various groups of minorities.

The 2005 Resolution is a notable policy that contributes to the Government's vision of integrating longstanding migrants in the country. Since the implementation of the resolution, many initiatives and programmes regarding the integration of undocumented and documented minorities into Thai society have been developed and carried out by either the Government or civil society. Of note, this resolution refers to undocumented persons as aliens and Thai nationals' offspring who missed the previous civil registrations. They are categorized within this strategy as "people with legal status problem". To enable these groups to get legal status, the Government conducted a survey and assigned a 13-digit ID number to all persons of these groups who were not on the records of the MOI. The resolution also supported the enforcement of the new Nationality Act and the Civil Registration Act. These two important laws contribute greatly to the integration of some specific groups of minorities in Thailand, especially highland people and long-term immigrants.

The Resolution also states that all undocumented children are entitled to receive basic education and medical care. The "education for all policy", which allows non-Thai people and unregistered migrants to gain access to the Thai education system with no restrictions, was approved by the Cabinet on 5 July 2005. As a result of this policy, the right to education of migrant children enrolling in Thai schools is recognized by the Thai State. Furthermore, in March 2010, the Cabinet adopted the resolution of health care gold card scheme for long-term residents, enabling them to enjoy free medical services even though they are not yet classified as Thai nationals.

¹⁴ It should be noted that the health care insurance package for registered migrant workers does not cover HIV anti-retroviral drugs whereas it is included in the universal health-care scheme for Thai people.

The roles of civil society and international organizations

Thai civil society has also developed some initiatives related to the resolution. Examples of these are the Mae Ai Legal Clinic and the Program for 100% Equal Birth Registration Advocacy. The Mae Ai Legal Clinic is a community-based legal consultation centre which assists villagers who have problems getting legal status due to incorrect applications and the limitations of existing laws. The services provided by the legal clinic range from fact-finding missions to the preparation of the proper documents for the villagers to present to authorities to giving legal advice and offering legal aid to villagers. This legal clinic helped Mae Ai villagers reclaim their Thai nationalities after they were revoked by the district authority.

The Program for 100% Equal Birth Registration Advocacy aims for 100 per cent universal birth registration. This programme was initiated by a non-governmental organization (NGO) called Stateless Watch for Research and Development Institute of Thailand (SWIT). It attempts to establish a system that will contribute to the completion of birth registration for children of migrant workers born in Thailand. It was piloted in Ranong province where hundreds of thousands of migrants from Myanmar live. Under the programme, the *Universal Birth Registration Manual* was published to assist and guide government officials about best practices regarding birth registration procedures (Stateless Watch for Research and Development Institute, 2011).

Another example is the Highland Birth and Citizenship Registration Promotion Project funded by the United Kingdom-based Sustainable Development Programme. The project has trained and supported NGOs to assist hill tribe people in meeting the Thai requirements for nationality verification and citizenship. It is estimated that about half of the highland communities have been recognized as Thai nationals through the assistance of this project. Moreover, the Department of Social Development and Welfare, Ministry of Social Development and Human Security, in collaboration with United Nations, Educational, Scientific and Cultural Organization (UNESCO) has conducted an extensive study on hill tribe people with regard to birth registration, legal status and access to social services.

Constraints on integrating minorities

It is clear from previous paragraphs that the ongoing laws and policies directed at different minority groups in Thailand entail different levels of prospects for integrating minorities, and that the degree of integration differs from group to group, depending on the legislative framework in place at the time they were applied. Yet, they are often inefficient when they come to the practical level. The laws and policies have been carried out with a number of limitations. Despite the Government's determination, the process to grant Thai nationality to minorities who are entitled to it has been carried out very slowly. As a result, many minorities and their children still live as de facto nationality-less, otherwise stateless persons (Suchada 2009).

Major constraints regarding the integration of minorities often lie in the ineffectiveness of law enforcement and policy implementation. This is due in part to prejudices against highland communities and the lack of adequate knowledge about the new laws and related policies among government officials. The delay in the nationality verification/proof nationality procedure is also due to the lack of necessary documentation among minorities. Many of them have no witnesses of birth, lack a birth certificate or do not have DNA test results to support their claims to nationality.

Situation of temporary migrant workers

Several restrictions imposed on migrant workers by the Government's foreign labourer management policies hinder social and economic integration of both regular and irregular migrant workers in numerous ways. Regular migrant workers who have gone through the nationality verification procedure or have been granted work permits are still not completely integrated in the country's labour market. Many of them remain subject

to poor working conditions and are paid lower than the legal wage¹⁵. Additionally, as discussed in previous chapters, they are unable to change their employers and have to work with their first employers until the end of their contract or until the employers let them go.

Even though it is illegal, many employers in Thailand continue to keep migrant workers' passports and work permits in order to prevent them from finding new jobs. According to the present labour migration rules, if a migrant worker stops working for his/her contracted employer, he/she is required to find a new employer within a week. This rule is unrealistic, especially since many migrants have limited social networks within Thai communities as well as limited access to employment agencies. This restriction shows that Thailand is reluctant to support the integration of migrant workers in its labour market and community as it limits migrant workers' freedom of movement and right to participate in Thailand's labour market more freely.

Furthermore, regular migrants continue to experience poor legal protection from the Thai State. For example, those who file a complaint of unpaid work or pertaining to a violation of the labour law committed by their employer are subject to being fired, which in turn could lead to deportation before their case would be resolved in court. Moreover, the requirement of nationality verification as a precondition to get a work permit pushes migrant workers to become irregular migrants, bringing to light the failures and limitations of integration as irregular migrant workers are not offered social security or labour protection. Moreover, though the education policy provides free education to the children of migrant workers, the dependents of regular migrant workers, especially their spouses, are not recognized by current policy with regard to legal status and social security. As a consequence, spouses do not gain access to the universal health care scheme insurance and lack freedom of movement.

The practice of residency segregation is another indicator that suggests a limitation of social integration of migrant workers into local communities. Many factories require that their migrant workers live on site and pay high rent for the arranged housing. While the factory owners profit from renting on-site housing, migrants are unlikely to be integrated into local communities where their workplace is located, limiting opportunities for developing community relationships with the local population¹⁶. Finally, few firms offer work-related skill training and Thai language classes to migrant workers. This has resulted in communication problems between migrant workers and local workers as well as between migrant workers and their supervisors, leading to conflicts at work.

Steps towards a better integration of minorities and migrant workers

Ethnic minorities

Thailand has put several integration policies in place which, if they are implemented correctly, will result in a greater degree of integration of minorities in the country. However, at present, they have only partly succeeded due to constraints as discussed in the previous section. Thus, the government should first and foremost adopt universally accepted measures that will result in the improvement of all basic domains of integration of minorities. To ensure successful integration, the Government should put in place a monitoring mechanism of integration with the participation of civil society and the minority communities themselves. There is a need for Thailand to establish a strong and reliable database about the numbers of various groups of minorities, including stateless people as well as people whose legal status has not yet been determined, in order to help them gain access to a particular legal status. Moreover, public campaigns to educate people about minorities should be taken more seriously to reduce prejudices against them and to increase public consciousness regarding human rights in the country.

¹⁵ This is drawn from interviews with migrant workers from the Lao, People's Democratic Republic recruited under the MOU to work in the Northeast of Thailand. It is also based on interviews with legal migrant workers from Myanmar working in Samutsakhon province.

¹⁶ Data are drawn from interviews with migrant workers recruited through the MOU from the Lao People's Democratic Republic.

Migrant workers

In light of the development of the Association of the Southeast Asian Nations (ASEAN) Economic Community (AEC), Thailand should not only emphasize market integration but also begin to take decisive steps to develop clear policies and practical measures to integrate migrant workers from neighbouring countries into Thai society. This would enable migrant workers and their families to benefit from economic and social policies, regardless of their skills, thereby maximizing productivity of the country. The first step in advancing integration policies should include the enhancement of migrants' basic human rights. Policies towards the integration of migrant workers should stress intentions to improve migrants' working conditions and widen their employment opportunities. There is a need also to educate government officials, employers, and members of migrant and local communities about how the effective enforcement of integration policies towards migrant workers will promote national security.

Constraints that limit or avert the economic and social integration of migrant workers, such as restrictions in occupation types, employers and movement; the banning of labour unions; limitations in family welfare and social security; housing segregation; and costly nationality verification processes should be removed from pre-existing foreign labour policies. Local governments and employers should be encouraged to adopt and implement integration policies effectively to ensure that migrant workers are not discriminated against in receiving public services. Migrants should be supported to gain access to social services such as standard wages, education, job training, job promotion, community environments, safety, financial services and health-care services.

References

- Anderson, B.
1991 *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Revised and extended edition). Verso, London.
- Archavanitkul, K.
2011 *Facts and Figures of Irregular Migrants and People with Legal Status Problems in Thailand*, Institute for Population and Social Research, Mahidol University, Nakhon Pathom (forthcoming).
- Bosswick, W. and Heckmann, F.
2006 *Integration of Migrants: Contribution of Local and Regional Authorities*, European Foundation for the Improvement of Living and Working Conditions.
- Calderbank, D.I.
2011 Plight of the hill tribes: Education needed in struggle to empower hill tribe communities, The Human Rights Sub-Committee on Ethnic Minorities, Stateless, Migrant Workers and Displaced Persons, The Lawyers Council of Thailand available online at <http://www.statelessperson.com/www/?q=node/6200>, accessed 15 May 2011.
- International Organization for Migration
2010 *Integration of Migrants*, available online at <http://iom.int/jahia/Jahia/about-migration/managing-migration/integration-of-migrants/policy-challenges/cache/offonce/>, accessed 15 March 2011.
- Saisoonthorn, P.
2006 "Development of concept on nationality and the efforts to reduce statelessness in Thailand", *Refugee Survey Quarterly*, vol. 24, issue 3.
- Stateless Watch for Research and Development Institute of Thailand (SWIT)
2010 รายงานพิเศษ 'จังหวัดระนอง' ตะเข็บชายแดน พื้นที่นำร่องสู่ "การจดทะเบียนการเกิดถ้วนหน้า", available online at <http://www.statelesswatch.org/node/203>, accessed December 10, 2010 (In Thai).
- Suchada T.
2009 *Imagined Citizens and Stateless Lao in the Northeastern Frontier*, Journal of Liberal Arts, Ubon Ratchathani University. Special Issue :Mekong Studies, pp 71-126. (in Thai).
- United States Department of State, Bureau of Democracy, Human Rights, and Labor.
2008 Human Right Report: Thailand, available online at <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119058.htm>, accessed 15 March 2011.



Chapter 12

Conclusion: Policy Priorities

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Other recent reports and seminars have recently provided comprehensive sets of recommendations concerning migration policies in Thailand. The most thorough recommendations are contained in two previous reports issued by United Nations thematic working groups dealing with international migration – Huguet and Punpuing (2005) and Sciortino and Punpuing (2009). Several important sets of recommendations were issued in 2010. Vasuprasat (2010) provides a few key recommendations towards developing a strategic framework for migration policymaking. Human Rights Watch (2010) focuses on protecting the rights of all migrant workers in Thailand. A development cooperation seminar conducted jointly between the United Nations Country Team and the Government of Thailand in December 2009 adopted recommendations for developing a comprehensive migration policy. A similar seminar in December 2010 considered measures to promote the movement of professional and highly skilled migrants within the member countries of the Association of Southeast Nations (ASEAN) (United Nations Country Team, 2009, 2010). The recommendations from both of those seminars have been incorporated in the recommendations below. Naturally, progress in the implementation of those sets of recommendations varies.

Given the existence of the valuable sets of recommendations cited above, this chapter attempts to emphasize a few priority issues for the formulation of migration policy in Thailand. Most of the recommendations below pertain specifically to international migration, both into and out of Thailand, but analogous recommendations could often be made for internal migration. Formulation of policies on internal migration is more complex, however, as most such policies are indirect. That is, internal migration is not controlled in the same way (or by a designated agency) that international migration is; instead, it is influenced by a range of policies on decentralization, urbanization, industrialization and human resources development.

Policy-formulation structure

- Establish a migration management authority, which could evolve from the existing Illegal Alien Workers Management Committee (IAWMC). The authority should have responsibility for oversight of both in-migration and out-migration, of highly skilled and low-skilled labour migration, and registered and unregistered workers. The authority should come under the aegis of the Office of the Prime Minister of Thailand to reflect the cross-cutting nature of migration policies. It should be adequately resourced, should establish a research arm and provincial bodies, and should ensure participation of different groups of migrants, civil society representatives, employers and local government authorities.
- Any new migration management authority should include all the key government ministries and departments that are responsible for some aspects of international migration, including (but not limited to) the Ministry of Labour (MOL), Ministry of Foreign Affairs (MOFA), Ministry of Interior (MOI), Ministry of Public Health (MOPH), Ministry of Education (MOE), Ministry of Social Development and Human Security (MSDHS), and the Immigration Bureau.
- Formulate a comprehensive migration policy document in consultation with stakeholders, including migrants' representatives. The policy would state long-term goals of migration policies and link migration

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with national social and economic development strategies. It should be guided by international labour standards and human rights instruments, including the ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers. It should make use of regional and international mechanisms, such as the ASEAN Human Rights Mechanism and United Nations technical expertise and convening power, to enhance migration policies and their implementation.

- Comprehensive migration policy should be based on the following fundamental objectives: compliance with the commitments of Thailand to international agreements; enhanced linkages between movement of labour and economic development for both origin and destination countries; protection of national security; protection of migrants' human rights, especially for women and children; and promotion of gender-sensitive policies.
- Coherence should be enhanced among the many national legal and regulatory instruments pertaining to labour migration, labour standards, immigration, trafficking in persons, and nationality.
- The National Economic and Social Development Plan should explicitly incorporate international migration in sectoral plans for human resources development, technological research and development, health, and industrialization, to name a few examples.
- Greater public dialogue on international migration should be promoted. Such a dialogue could be led by the migration management authority but include the active participation of the mass media, academia, the private sector and civil society. Such a dialogue should focus both on migration management and the protection and integration of migrants on the basis of international human rights standards, national security, economic security and human security.
- Enhance Thailand's human resources development strategy to upgrade the qualifications of Thai workers going overseas from low-skilled to semi-skilled and highly skilled. Review human resource and marketing strategies to promote greater opportunities for women and men to migrate through legal channels.

Governance of migration

Migration of highly skilled workers

- Strengthen the role of the MOL as the lead agency to engage a broad range of stakeholders and ensure integration of perspectives, policies and programmes related to the promotion of labour mobility.
- Publicize and create greater public awareness among all stakeholders about the potential benefits of labour mobility among highly skilled workers and the priority professional sectors. Conduct an in-depth analytical study on the benefits and impacts of labour mobility to Thailand and clearly communicate its findings as part of broader information-sharing efforts.
- Develop a labour market databank on the supply and demand of the priority skilled professions agreed by ASEAN (accountancy, engineering, surveying, architectural, nursing, medical and dental services) and other forms of skilled labour within the specified and potential job categories. This can then be extended to include other ASEAN countries.
- Enhance skills and standards among highly skilled workers to meet international standards and upgrade Thailand's human resource development strategy to increase the competitiveness of the Thai workforce in ASEAN.
- Review laws and regulations for each skilled professional sector in order to allow highly skilled workers from ASEAN to work in Thailand.

In-migration of low-skilled workers

- Formulate and implement a strategy to increase the efficiency and effectiveness of the nationality verification system and migrant worker registration. Discussions with Governments of countries of origin should be undertaken with the goal of ensuring that both processes are carried out cheaply, safely,

responsibly and with full respect for human rights. Agents and broker companies should be regularized and better regulated. Discussions with Governments of countries of origin should also address the situation of especially vulnerable groups of migrants, such as women workers, the stateless, irregular migrants and migrant children.

- Explore modalities for greater public management of migration, reducing involvement of private agents and brokers while encouraging, with countries of origin, independent migration.
- The organization of migrant workers and the establishment of migrants' labour unions should be permitted by rescinding the requirement in the Labour Relations Act that the founders and committee members of labour unions must have Thai nationality. MOL should promote migrant workers' participation in the management of their own workplace by encouraging the right of migrant workers to be informed about, elect members of or be elected to the employees' committee and safety committee.
- Legal counselling should be provided to migrants in their native languages concerning work safety, workers' rights and the protection of those rights, job opportunities and trade unions. Access to legal protection should be facilitated by, for example, providing interpretation services, petition forms and educational materials on migrant workers' rights in the workers' native languages and in a culture-sensitive manner. Initiatives should also be sensitive to the specific needs of women migrant workers, especially if they have been victims of violence or harassment.
- Information should be collected during the deportation and repatriation processes in regard to unpaid wages, compensation owed and rights impairments to stop employers from carrying out the practice of cheating migrant workers on their wages and compensations by arbitrarily firing them and then sending them to police or immigration officers for deportation.
- In order to promote greater labour productivity and to contribute to economic growth, the enforcement of labour standards should cover all workers in Thailand, regardless of nationality, and those in both formal and informal sectors. The provision of social protection should cover Thai workers and registered migrant workers equally.

Deployment of low-skilled migrant workers

- Strengthen strategic planning with the governments of destination countries to develop more efficient and effective migration programmes that provide enhanced protection to migrant workers.
- Upgrade the pre-departure orientation for workers going overseas, in terms of content and training methodology based on a needs-assessment conducted among migrants, return migrants and employers. Participants should also be tested on the content to ensure that they are prepared to move overseas.
- Strengthen efforts to disseminate news and information about safe migration to job seekers, particularly in the North and Northeast of Thailand, regarding the dangers and risks of trusting unlicensed recruiters. This information should include lists of licensed recruiters and recruiters who have been found guilty of deception and malpractice.
- Measures must be taken to identify and reduce the costs involved in the recruitment and migration process. An upper limit on the fees that agencies can charge should be set and strictly enforced, with tougher penalties imposed for cases of fraud or overcharging. The widespread practice of requiring under-the-table recruitment fees must be acknowledged and addressed. For cases of fraud or overcharging, the process for recouping recruitment fees should be shortened and simplified.
- Harsher penalties should be handed out for cases of infraction against the law. MOL should ensure adequate on-site follow-up on job placements, and employers and recruitment agencies guilty of infractions against the law should be placed on a government blacklist preventing their involvement in the recruitment industry. Similarly, disciplinary action should be taken against workers for unjustified breach of their employment contracts.
- Add personnel to Thai Labour Ministry offices abroad, especially legal experts, and open new Thai Labour Ministry offices in countries which now receive large numbers of Thai migrant workers.

- Labour officials should thoroughly and properly investigate reported cases of trafficking. They should liaise with trafficked persons in order to provide them adequate support and to obtain more complete information on offenders, such as employment agencies and brokers and employers.
- Improve the capacity, role and responsibility of the Thailand Overseas Employment Administration (TOEA) to deal with the return and reintegration of Thais returning from overseas. To do this, MOL should establish a coordination mechanism and case management system among key Government agencies (MOL, MOFA, MSDHS) and civil society at national and provincial levels. It should also publicize information about available services by Government and civil society.

Migration and the economy

- The Government of Thailand should explore and promote more co-development strategies with neighbouring countries to link migration and development. Such strategies would include, for example, outsourcing of labour-intensive work, location of factories in neighbouring countries and cross-border seasonal worker programmes.
- The Government should cooperate with the private sector to ensure that efficient and reliable channels exist for remittances both into and out from Thailand.

Migration and gender

- Migration policies should explicitly take into account the gender aspects of migration because migration and work experiences are often quite different for men and women.
- Laws concerning labour standards should be expanded in scope to cover occupations in which female migrants (both internal and international) tend to be clustered, such as domestic service and seafood processing.
- Greater attention should also be given to occupations in which abuses of male migrant workers have often been reported, particularly work on fishing boats, in agriculture or in construction.
- Health services for female migrants need to give adequate attention to their reproductive health rights.

Migration and health

- All migrants, irrespective of their registration status, should have access to basic health services, with attention to the specific needs of female migrants. Means should be explored to reduce language and cultural barriers to access to health services. Access to required vaccines and medicines should also be ensured.
- The health scheme for registered migrants should be expanded to allow them to enrol their children who are below the age of legal employment.
- Greater attention should be given to the prevention of injuries through more effective regulation of occupational health and safety in the workplace. Registered migrants should participate in the Workmen's Compensation Fund.

Migration and children

- In order to prevent the existence of statelessness among children in Thailand, the Government should make every effort to ensure that children born in Thailand to non-Thai parents have sufficient documentation to enable them to acquire the citizenship of the country of their parents. Children born in Thailand to such long-term residents as the highland population or other ethnic minorities should be considered residents of Thailand and have a clear path to acquire citizenship.

- Ensure, including through cooperation among the Government, non-governmental organizations (NGOs) and other service providers, that all migrant children and children of migrants have access to adequate health care. In this regard, ensuring that all infants complete a full schedule of vaccinations against infectious diseases would improve the health status of both migrant and Thai children.
- The Government of Thailand should ensure, in cooperation with NGOs, that its commitment that all children in Thailand can receive an education is implemented. MOE can provide technical expertise and instructional materials to NGOs that are operating learning centres. It should take steps to increase the enrolment rate of migrant children in Thai schools. It should also act to remove administrative obstacles (such as restrictions on travel and the lack of certification of educational achievement) to the education of migrant children and children of migrants in both public schools and learning centres.

Migration and environment

- A thorough study of the interrelations among economic development strategies and migration should be carried out. This is because the types of industrial development that have caused the greatest harm to the environment in Thailand are often associated with high levels of both internal and international migration. Examples of this type of development are in the areas of fishing and fish farming, seafood processing, industrial estates and plantation agriculture.
- Development strategies should emphasize types of development that are less harmful to the environment, such as high-technology research and development, family farming, education, the creative arts, financial services and eco-tourism. Migration policies should be tailored to support such environmentally friendly forms of development.

Migrants' rights and integration of migrants

- Although Thai policymakers and the general public typically do not perceive Thailand to be a country of immigration, over the past 20 years a number of immigrant groups have established a long-term presence in the country. Thus, Thai policymakers should begin to consider a strategy of earned adjustment of immigration status for the integration of some members of these groups, in particular (a) migrant workers who have been registered for several years, (b) displaced persons who have lived in shelters for many years and (c) ethnic minorities who are long-term residents but remain stateless or without nationality, particularly those born in Thailand. There is also a need for policies to ensure health care, education and welfare for the stateless.
- The Government of Thailand should explore the policy options of partial local integration and a self-reliance strategy for displaced persons residing in shelters along the border with Myanmar. These strategies would include access to quality education up to the tertiary level, the opportunity for sustainable livelihoods, and possible employment outside the camps.
- At the same time, the Government should attempt to implement other durable solutions for displaced persons residing in shelters by continuing to explore the possibility of safe and voluntary repatriation and by continuing the resettlement programme.
- Establish a multi-stakeholder and independent committee to study, carefully monitor, and act as a central body through which to tackle existing exploitation, including the illegal withholding of migrants' personal documents, discrimination, injustice, and smuggling or trafficking that is currently affecting migrant communities in Thailand. The Government should ensure strict, transparent and effective enforcement of the law against persons who exploit or who are involved in the exploitation of migrants. Effective and adequately resourced migrant complaint procedures should be established as part of this process.
- The Government and other stakeholders should support financially and by other means the organizing of migrant communities into informal groupings to enable migrant stakeholders genuine engagement in processes affecting migrants at both the national and regional levels.

Data and research

- Because effective policymaking requires reliable information, a systematic effort should be made to estimate the total number of migrants and their dependents residing in Thailand, and to obtain information about their situation. Data should be disaggregated by sex, age, employment status and occupation. In order to encourage the identification of migrants, a one-year amnesty against deportation could be granted to all migrants who register, as was done in 2004.
- A thorough study should be conducted on the economic contribution of migrants to the Thai economy. Unlike current studies, the new study should attempt to include all categories of migrants, including professional and highly skilled migrants; those among the highland population and other ethnic minorities; and both registered and unregistered migrants from Cambodia, the Lao People's Democratic Republic and Myanmar.
- More research should be conducted on the impact of migration on the long-term goals of economic development in Thailand, particularly human resources development, technological development, enhanced productivity, industrial structure and demographic change.
- Internal and international migration should be incorporated into existing periodic surveys, for example the Household Socio-Economic Survey, the Agricultural Survey and the Labour Force Survey.
- Policy and operational research should be strengthened in order to assess existing policies and regulatory mechanisms and to propose improvements or alternative approaches.
- Studies should be conducted to examine the roles of brokers and private recruitment agencies, including their practices, the economics of their involvement, and their role in stimulating and managing migration.
- Formulation of medium- and long-term policy responses to the significant phenomenon of internal migration in Thailand requires a more comprehensive evidence base, including research into the costs and benefits of internal migration on sending communities and its impact on children and other dependents who are left behind.

References

Huguet, J. W. and Punpuing, S.

2005 *International Migration in Thailand*, IOM, Bangkok.

Human Rights Watch

2010 *From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand*, Human Rights Watch, New York.

Sciortino, R and Punpuing, S.

2009 *International Migration in Thailand 2009*, IOM, Bangkok.

United Nations Country Team

2009 "Migration for Development: Towards a Comprehensive Migration Policy". Recommendations from the Development Cooperation Seminar, Bangkok.

2010 Policy Recommendations from the Development Cooperation Seminar, "Towards and Beyond ASEAN 2015: Labour Mobility and its Implications for Thailand", Bangkok.

Vasuprasat, P.

2010 *Agenda for Labour Migration Policy in Thailand: Towards Long-term Competitiveness*, ILO, Bangkok.