

# **TECHNICAL ASSISTANCE MISSION REPORT**

IOM/ UNHCR/UNIFEM/UNOHCHR/WB

Joint Tsunami Migrant Assistance Mission to  
the Provinces of Krabi, Phangnga, Phuket and Ranong, Thailand

20-25 January 2005



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## **Overview**

### *Objective*

The objective of the 20-25 January 2005 mission was to conduct a rapid mapping assessment of the geographical distribution, dislocation and general situation of tsunami affected migrant workers in the Provinces of Krabi, Phuket, Ranong and Phangnga in order to more precisely determine the issues that need to be addressed and to ensure that the foreign workforce is properly assisted so that it is readily available for the reconstruction in the tsunami devastated areas. Both registered and unregistered migrant workers were the target of this exercise.

In particular, the mission attempted to determine the following in each tsunami-affected area:

- (i) Direct and indirect damage and/or loss caused by tsunami (Loss of family members, damage to settlement, loss of employment, general conditions faced, mental and physical health, and any other damages);
- (ii) Migrants' current location/residence (Have they been displaced if so, from where to where);
- (iii) Employment status and prospects (Have they lost jobs? Do they have other opportunities?);
- (iv) Health needs (Do they have access to health care? Are there post traumatic stress disorder (PTSD) cases?);
- (v) Future prospects (Do they intend to return to their country of origin or do they wish to stay in Thailand?).

The mission focused on labour migrants however, according to the registration figures from the Ministry of Interior, 98.6% of the registered migrants in the affected provinces are from Myanmar. Migrants from Laos and Cambodia make up the remaining 1.4%. The mission did not meet any migrants from Laos or Cambodia.

### *The Team*

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Technical support and coordination was provided by IOM Bangkok.

### *Methodology*

The mission team interviewed relevant government offices (labour, immigration, police, public health, foreign affairs) community-based groups, NGOs, humanitarian aid camps, temples, hospitals, Burmese migrant communities, employers, and other

key stakeholders responsible for providing relief and support for Burmese migrant workers. The team obtained both quantitative data (migrant registration) and qualitative information although the emphasis of the mission was on the quantitative data.

The mission took place following an IOM assessment from 5 to 8 January 2005 to determine the affect of the tsunami on migrant workers in Phuket, Phangnga and Ranong provinces as well as the UN Country Team assessment in Phuket and Phangnga provinces.

The Mission's itinerary is attached as Annex I  
Terms of Reference for the Mission are attached in Annex II.

### **Executive Summary**

Based on the July 2004 registration, according to figures from the Ministry of Interior, there were a total of 120,971 registered migrants and dependents in the provinces of Krabi, Phangnga, Phuket, and Ranong. In addition there are an unknown but likely significant number of unregistered migrant workers and their dependants.

It is not possible at this time to estimate the number of deceased migrant workers due to the lack of information including: (i) the total size of the migrant population prior to tsunami and (ii) the extent of their displacement after tsunami. In addition, to date only a few migrants have been able to identify and collect the bodies of deceased migrants.

It is roughly estimated that at least 7,000 migrant workers plus their dependants were affected by the tsunami<sup>1</sup> This estimate is based on the number of registered migrants who were employed in sectors that were most affected (fishery, construction and tourism) in the areas devastated by the tsunami. The figure does not take into account either dependants or unregistered migrants.

It is clear that large-scale relocation/displacement has occurred amongst the migrant population in the tsunami affected provinces. In the aftermath of the tsunami, some registered migrant workers returned to their countries of origin voluntarily while others, who may or may not have had a right to live and work in Thailand were deported. Some unregistered migrant workers have been deported to their countries of origin as they were in Thailand illegally without permission to stay.

During the emergency immediately following the tsunami, relief was made available to migrant workers. Following the immediate emergency response, however, it has become increasingly difficult for migrant workers to avail themselves of further assistance. The most often cited factors which prevented migrants from accessing aid were: (1) fear that both documented and undocumented migrant workers may be subject to further arrests and/or deportation; and (2) discrimination at aid camps.

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<sup>1</sup> Throughout this documents, "affected" means: deceased, injured, lost houses/employment, returned home or relocated to other provinces.

## Summary of Recommendations

- Measures need to be taken that will allow all migrants to access basic humanitarian assistance without fear of reprisal. The fear of arrests and deportation is seriously impeding the ability to deliver basic humanitarian assistance. Needs of the more vulnerable group of women and children should be kept in mind when planning assistance.
- In order to ameliorate health conditions arising as a result of the tsunami, migrants should be immediately provided with access to and basic physical and mental health care.
- The temporary suspension of the arrest and deportation of unregistered migrants should be considered as this would: **(i)** assist to preserve the labour force in affected areas; **(ii)** allow for a more effective targeting of humanitarian assistance; **(iii)** facilitate family reunions and the identification of both affected individuals and their deceased/injured loved ones.
- Registered migrants who have lost their documents should be assisted to have their documents re-issued so that they are not unlawfully arrested and deported and have access to the services to which they are entitled.
- Women who have lost income earning family members during the tsunami should be given the opportunity to register with the Ministry of Labour if they wish to change their status from dependants to workers.
- Specific migrant rights and obligations attendant on registration should be publicly promulgated in Thai, Burmese and other applicable languages and further distributed to migrants and local authorities.
- Employers and authorities should be informed of and respect all measures affecting migrant workers including those designed to guarantee migrant worker: **(i)** security; **(ii)** rights and obligations; and **(iii)** eligibility for humanitarian assistance.
- Measures to ensure that migrant workers (both registered and unregistered) have the opportunity to identify and claim the bodies of deceased family members through DNA testing should be introduced. The families of registered migrants who died during the tsunami should be informed of their right to claim compensation and assisted to file claims. Assistance with the return of the deceased to their country of origin should also be made available.
- A regular census of migrants in Thailand should be re-introduced coupled with an economic needs assessment and review as to the numbers of migrants and conditions of migrants.
- A gender and rights perspective approach must be taken in planning and delivery of assistance.

## Map of Affected Areas



Source: <http://www.sawadee.com/tsunami/>

## I. Size and location of the Tsunami-Affected Migrant Population

### a) Total number of migrants in four provinces

A total of 120,971 migrant workers and their dependents are registered with the Ministry of Interior (MOI)<sup>2</sup> in the four provinces Krabi, Phangnga, Ranong and Phuket based on the July 2004 migrant registration (Table 1). Data from the most recent registration in July 2004 suggests that 98.6 % are Burmese, and 1.2 % Laotian, and 0.1% Cambodian. The majority (61.6%) of the registered population is male. The number of unregistered migrants is difficult to estimate however, several sources of information including migrants themselves indicated that there are significant numbers working and living in tsunami affected areas, with numbers ranging anywhere from 20% to 500% of registered migrant workers depending on the area and sector of the economy.

**Table 1 – Registration Figures**

	Min. of Interior (ID registration basis)	Min. of Labour (work permit basis)	Min. of Public Health (health check up basis)	
	31-Jul-04	15-Dec-04	4-Nov-04	
	Migrants	Employer	Migrant	Migrants
Krabi	3,820	576	2,586	3,020
Phuket	30,572	3,333	27,300	22,433
Phangnga	31,473	4,643	22,480	23,988
Ranong	55,106	7,339	30,158	31,546
<b>Total</b>	<b>120,971</b>	<b>15,891</b>	<b>82,524</b>	<b>80,987</b>

**Source:** Ministry of Labour (see also Annex III)

Males constitute 67% of the population of registered migrants in all provinces except Phuket where they constitute 55% of the registered migrants. According to the figures from the Ministry of Interior, the breakdown of males and females is as follows:

- (i) Krabi - 2,561 males (67%); 1,259 females (33%);
- (ii) Phuket – 21,256 males (67%); 10,217 (33%);
- (iii) Phangnga – 20,391 males (67%); 10,181 (33%); and
- (iv) Ranong – 30,398 males (55%); 24,708 (45%).

<sup>2</sup> This figure is based on the registration of migrant workers and dependents at the Ministry of Interior (MOI). There are three official figures for registered migrants available in Thailand: the MOI figure (based on migrant registration at district level, including dependents), a Ministry of Public Health (MOPH) figure (based on the numbers of health-checks at local health authorities after MOI registration, inclusive of dependents if they requested health service) and a Ministry of Labour (MOL) figure (based on the number of work permits granted, not including dependents if they do not work). In many districts, the MOI figure is higher than that of MOPH or MOL figures by up to 50 or 60%. Note that all figures are subject to change on a daily basis due to the relocation of migrants among provinces, loss of employment and etc.

The nationalities of the registered migrants are: 119,316 (99%) from Myanmar, 1,473 (less than 1%) from Lao and 182 (less than 1%) from Cambodia.

## **b) Phangnga Province**

According to the July 2004 registration, 30,572 migrants were registered with the Ministry of Interior in Phangnga province. Of these, 23,988 underwent a medical examination carried out and recorded at provincial Public Health Office. Based on figures from the Ministry of Labour there were 22,480 migrants in Phangnga with work permits distributed according to the following sectors: 68% agriculture, 8.5% fisheries, 7.7% construction and 2% secondary fisheries.<sup>3</sup>

The three Districts of Phangnga affected by the tsunami are:

- 1) Takua Pa;
- 2) Thai Maeng; and
- 3) Kura Buri.

The most up to date information provided by the provincial labour office indicates that the number of migrants with work permits (excluding family members) in each district was: 5,139 in Takua Pa, 4,739 in Thai Maeng and 3,063 in Kura Buri.<sup>4</sup>

Most of the tsunami-damage in these three districts occurred along the coast, up to 3km inland from the shoreline and on the neighbouring islands. Affected industries which employed high numbers of migrants included fisheries, coastline construction and tourism. Some damage to plantations was also reported.

Immediately after the tsunami struck, large numbers of migrants in Phangnga voluntarily departed for Myanmar or other districts/provinces of Southern Thailand to locate work, however, on or about 28 December 2004, law enforcement officials commenced to arrest and deport illegal migrants and an unknown number of registered migrants who may or may not have lost their documentation in the natural disaster. The arrests and deportations of migrants in the immediate aftermath of the tsunami created a culture of fear within migrant communities whereby many were compelled to scatter into rubber plantations and other locations where they felt safer from arrest making them difficult to locate for aid purposes).<sup>5</sup> Because of this fear, migrants did not seek available State and international humanitarian/medical aid. For example, mission delegates were advised by some migrants that they would like to return to Myanmar temporarily to visit, however, in the current climate, they do not dare to walk to the main road where they would access transport because of missing documents.

According to NGOs working with migrant workers, the police have also intervened in terms of conducting constant security checks and members of migrant settlements have reported harassment by the authorities.

### **i) Takua Pa District**

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<sup>3</sup> Work permit documents are in the process of distribution. Many migrants are awaiting their documentation.

<sup>4</sup> Source Labour Unit Phangnga

<sup>5</sup> According to reports from NGOs the police have progressively thinned out migrant numbers seeking refuge on rubber plantations through a series of raids/arrests where anything of value is “confiscated”.

In the Takua Pa district village of Ban Nam Kham, pre-tsunami, the fishery sector employed a large number of migrants. The natural disaster caused heavy damage to this village and the majority of its Thai residents have since left the area, temporarily relocating to Bam Muang camp. Based on interviews with migrant workers who fled the village, employers, and NGO staff, it is estimated that 2000-3000 migrants could have been in the area before the tsunami struck. The current migrant population has now fallen to below 100 according to one migrant who used to work in the area. No Burmese migrant workers were identified in the village by the mission team.

Many migrants in Takua Pa district are employed in coastline construction projects, on plantations and in hotels. While some construction work has now resumed, fewer migrant workers have returned to this area. World Vision estimates that over 5,000 migrant workers could have been working on construction sites and on rubber plantations in the area prior to 26 December 2004, however, the mission team could not confirm this figure.

Prior to the tsunami, in the Takua Pa district area of Koh Ko Kao, (also known as or Ko Kao Island) there were at least 500-1000 migrant workers on several major hotel/resort construction sites. Local residents informed the team that a large number of these construction workers may have died.

#### **ii) Thai Maeng District**

Tablamu pier is the center of a large fishing industry in which over 3000 migrant workers and dependents are employed (of which 2407 are registered)<sup>6</sup>. After the tsunami the number of migrant workers that remained in the area was approximately 1300.

There is one camp for displaced Thais in Ban-nai-rai village; there are no migrants there.

The team visited a migrant community (approximately 100 people) that had not been affected by the tsunami except for some minor flooding. There were no injuries or deaths in this village. One of the migrants interviewed reported that he was receiving assistance from his employer and that the relationship between the employers and the migrant workers had improved post-tsunami.

#### **iii) Kuraburi District**

Kuraburi has a large migrant settlement in Nan Yuan village near Kuraburi Port. During the mission, no immediate damage was observed. Although some migrants fled the area during and immediately after the tsunami, it is estimated that this number is small. According to World Vision which has a project in the area, over 2,500 remain employed, mostly in the fishing industry.

Koh Pa Tong is a neighbouring island damaged by the tsunami. At least 30-40 migrants lived there before the tsunami. All residents of the island relocated near the

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<sup>6</sup> Interview with employers, cross checked with WV estimate

school but no migrant workers could be identified during the mission. Local residents reported the death of one migrant child.

**c) Ranong Province**

According to the July 2004 registration, 55,106 migrants were registered with the Ministry of Interior in Ranong Province. As of 15 December 2004, 30,158 migrants were registered with the Ministry of Labour. Official figures on the distribution of migrants in specific work sectors and geographic districts is not available however, information received from the Ranong Province Labour Unit suggests that as of 21 January 2005, migrant workers were employed in the following sectors: 9,872 (32.6%) seafood processing, 7,252 (23.9%) agriculture, 2,097 (6.9%) construction, 1,609 (5.3%) sea fishing, 1,590 (5%) domestic work; 1,185 (3.9%) fresh water fish farms; 1,010 (3.33%) general labour; 994 (3.26%) food and beverage production; and the remaining 4,710 (15%) in 19 other sectors including in agricultural processing, hospitals, wood processing, gas service stations and boat repair.

It was a full moon the night before the tsunami and as the degree of illumination is not conducive to fishing, many migrants who worked on fishing boats had the day off and were not at sea. As migrants in this area do not live on their employers' boats or close to the shore, there were very few injuries and no reported deaths among migrants.

It is estimated that in Ranong Province at least 1,600 migrant workers were affected by the tsunami.

Because Ranong is the only tsunami-affected province bordering Myanmar, it is a transit province for migrant workers from other Thai provinces to cross the border. Soon after the tsunami the Ministry of Interior established a transit center to accommodate for migrants from Ranong, Phangnga and Phuket (see Section IV(b) for more detail). Some undocumented migrant workers were deported from the transit center to their country of origin while others returned voluntarily. The three tsunami-affected Districts in Ranong are:

- i) Muang;
- ii) Kapoe; and
- iii) Suksamran (ging).

**i) Muang District**

There are 23,496 migrant workers registered in Muang district representing 77.5% of the registered workers in Ranong Province. They are employed primarily in seafood processing, fisheries and construction.

**ii) Kapoe District**

There are 1,041 workers registered in Kapoe district representing 3.4% of the registered workers in Ranong Province. They are employed primarily in fisheries and on rubber plantations.

### **iii) Suksamran District**

There are 498 workers registered in Suksamran District representing 1.6% of the registered workers in Ranong Province. They are employed primarily in fisheries.

### **d) Phuket Province**

According to the Labour Office in Phuket, 30,572 migrants were registered with the Ministry of Interior in Phuket Province under the July 2004 registration, however, a total of 27,039 work permits had yet to be issued to registered migrant workers at the time of the tsunami. To date, only 800 permits have been issued. Most migrant workers in Phuket Province are employed in the construction sector (60%) and at the time of the tsunami there was little or no construction work on along the coastline. Approximately 4,000 migrant workers are employed in fisheries and related sectors followed by agriculture and domestic services.

The affected Districts in Phuket Province are Muang, Kratu, and Talang. The number of registered migrant workers in these districts is: 15,586 in Muang; 6,629 in Keatu; and 4,824 in Talang.

Raschatda pier in Muang District possessed a considerable number of migrant workers in the fisheries sector. There are reports from government officials in Phuket that as many as 200 migrant workers are missing since the tsunami however, the team did not witness damage in this area and could not confirm the aforementioned estimates as to missing migrants.

The team also visited affected sites such as Patong beach, Kamala beach, and Ao Po areas, which are mostly settled by Thais and frequented by tourists. There are reports that the bodies of a child and an adult from Myanmar were found on Kamala beach.

### **e) Krabi Province**

According to the July 2004 registration, 4,820 migrants and their dependents were registered with the Ministry of Interior in Krabi Province, of which 2,586 migrant workers were registered with the Ministry of Labour. Pre-tsunami, sixty-seven per cent (67%) or 1,729 migrant workers were employed in agriculture (including rubber plantation work) and 327 in construction. Only 18 migrants were engaged in marine fisheries work.

Most of the tsunami damage in Krabi province occurred on outlying islands including Muang District (Phi Phi Island), Lanta Island District and Nua Khlong District. Migrant workers in Krabi Province were not really affected by the tsunami as the vast majority worked inland in the agricultural sector.

### **i) Muang District**

There were 601 registered migrant workers in Muang District employed in agriculture and construction. Phi Phi Island, also in Muang District, was severely damaged by the tsunami. NGOs estimate that at least 90 migrant workers were killed on the island. There are now 20 registered migrants working on Phi Phi Island (16 in agriculture and

4 as domestic workers). Residents of Phi Phi Island's mostly Thai Muslim population are now relocated to mainland Klong Hin Camp. The team found no migrants in this camp.

The chief of Phi Phi village No. 8 informed the team that some migrants are doing construction work on the island and were not affected by the tsunami.

## ii) Land Island and Nua Khlong Districts

Lanta Island and Nua Khlong Districts house 125 and 194 migrants respectively. They work mostly in construction and agriculture (shrimp farms hire many migrant workers). Fisheries are small in size and are almost entirely managed and staffed by Thai citizens. Sources advised that wages for Thai workers are low and that there is thus not as much demand for migrant workers in this province. Most migrant workers are employed on plantations, a sector little affected by tsunami.

**Table 2**

### **Tsunami affected districts in Krabi, Phangna, Phuket and Ranong:**

*-Number of migrant workers and major industries employing migrants-*

<b>Affected provinces</b>	<b>Affected districts</b>	<b>Number of migrants (MOL)</b>	<b>Sectors hiring migrants</b>
Phangnga	Takua Pa	5,139	Agriculture Fishery Construction
	Tay maeng	4,739	Fishery
	Kuraburi	3,063	Construction Fishery Rubber plantation Shrimp firm
Krabi	Muang	601	Construction
	Lanta Island	211	not identified
	Nua Khlong	194	not identified
Phuket	Kratu	6,629	Construction Plantation
	Muang	15,586	Fishery Construction
	Talang	4,824	not identified
Ranong	Muang	23,496	Seafood processing Fishery Construction
	Kapoe	1,041	Sea Fishery Rubber plantation
	Suk Sam Ran (ging)	498	Fishery
<b>Total</b>		<b>66,021</b>	

**Source:** Labour Units, Phangnga, Krabi, Phuket and Ranong

## **II. Effect of Tsunami on Migrant Workers**

### **a) Death Toll and Injuries of Migrant Workers**

It is extremely difficult to estimate the number of migrant workers and/or their dependants killed by the tsunami because the exact size of the migrant population prior to tsunami is not available. In addition, large-scale displacement of migrants after the tsunami struck, including through return to their countries of origin, deportation, and relocation to other districts/provinces make it difficult to determine whether a missing migrant is deceased or merely relocated.

Authorities in Phangnga Province provided no official death toll, although a number of migrant workers interviewed said that they have identified the bodies of their relatives. Based on interviews with migrant communities and from the non-governmental sector, the estimated death toll in Phangnga Province ranges anywhere from 800 up to 3000 persons. The number of bodies found and identified to date, however, is much lower. Based on a community assessment, Burmese volunteer organizations confirmed nearly 200 deaths in Phangnga Province. The Labour Unit of Phangnga Province is considering a plan to collect more information from health facilities and employers of migrants in order to more accurately determine the size and geographical distribution of migrants in the district.

A number of deaths, as based on the number of missing or destroyed fishing boats, were reported in the media. This figure, however, may need to be reconsidered because the night before tsunami there was a full moon and fishing boats were not at sea. Although some migrant workers employed in the fishing industry live and work on the fishing boats in Phuket and Phangnga provinces, this is not the case for all of them and it cannot be assumed that all of the boats that were destroyed had migrant workers on them.

In other provinces, officially confirmed cases of missing, injured or deceased migrant workers include:

- i) two (2) migrants missing in Krabi;
- ii) two (2) bodies of Myanmar nationals in Phuket; and
- iii) no deaths reported and 14 injured reported in Ranong.

In order to have a better understanding of the number of missing and deceased migrant workers it will be necessary to have the collaboration of employers.

While Thai citizens were provided with a list of the dead and had opportunities to avail themselves of State sponsored DNA testing for identification purposes, most migrants fearing arrest and deportation have not come forward to identify and care for the remains of loved ones killed by the tsunami.

### **b) Women Migrant Workers affected by Tsunami**

In the Province of Phangnga, which is the worst hit province in the South of Thailand, out of 10,119 women migrants registered with the Ministry of Interior, 6,755 women migrants are registered with the Ministry of Labor and hold work permits. The

remaining 3426 women stay in Phangnga as dependents or work without work permits. The mission team also learnt from the employers that the women dependents were used for work if needed.

Women migrant workers registered as dependents do not have access to health services unless they become part of the “30 bahts” scheme by paying the initial fee of 1300 baht. It was reported that in Suksamran District, the women and children registered for fee of 300 baht/person but were in fact not covered.

Many women did not buy the health scheme as they felt they would not fall sick often. Some migrant women also fear deportation upon pregnancy. The family planning service is offered free of charge for Thai women at the Public Health offices while migrant women workers have to pay for this service.

After the Tsunami there have been no requests by women dependents who have lost the income earners in their family for assistance in finding work or work permits. The Phuket Provincial Employment Unit mentioned that women dependents who were directly affected by Tsunami wished to go back home rather than stay in Thailand to find employment. The women and children are also feeling psychological trauma and anxiety.

There have been no reported cases of abuse but there were rumors of abuse in the Ranong Transit Center but it was clarified by World Vision Ranong that the rumors were not true and World Vision volunteers were always present. Women and men had separate accommodation in the transit center and 20 separate bathrooms were built for men and women. Group counseling was provided to women about the traveling and work opportunities in Ranong. Women and children were repatriated first. After the closure of the transit center, World Vision arranged for the accommodation of women and children affected by the tsunami before they were repatriated. The men stayed at the Immigration office.

The assessment team interviewed two women migrant workers at Koh Kho Khao Island and realized that they had very little knowledge of their rights and entitlements of the registration card. They were not even given copies of their registration card as both the original and copies were kept with the employer.

### **c) Other damage**

The tsunami also destroyed the houses and settlements of migrant workers in Phangnga Districts, especially in the areas of Baan Nam Kean, Koh Ko Kao, Tab Lamu, and Koh Pa Tong. Damage was observed in migrant settlements near the coastline by Kao Lak.

In the affected districts of Ranong province most of the damage was to Thai communities because migrant workers do not live close to the coastline.

In Krabi, migrant settlements on Phi Phi Island were most probably damaged, however, the mission team did not visit the island.

No damage to migrant settlements was reported in Phuket.

Generally, it is reported that those who lost houses have either returned to their countries of origin, moved into the houses of relatives/friends in the same or in another province, are hiding in make shift accommodation on hills or plantations, or have moved on to other provinces in search of work.

Many migrants have lost their employment due to the direct effects of the tsunami, for example, through the destruction of workplaces or they have lost employment indirectly, through a decline in demand for their labour.

A number of employers in Phangnga have resisted aid organisation efforts to assist migrants under the misbelief that such organisations will assist voluntary migrant repatriations to Myanmar. Other NGOs also report that certain employers do not allow them to access areas where migrant workers live, effectively preventing the delivery of humanitarian assistance.<sup>7</sup>

Despite poor working conditions and virtually no access to health services or the national social safety net, many migrant workers have little desire to return to Myanmar as they believe that, in their home nation, they would not find gainful employment. Aside from the Thap Lamu no-go area and isolated instances where employers have denied migrant worker communities access to aid, most employers are quite good to migrant labourers.

Apparently, there are now two types of work that are currently open to migrant workers in Phangnga:

- (i) Unpaid rebuilding work (working for food and nothing more); and
- (ii) Deferred payment (employers promise to pay the migrant workers in the future).

According to one NGO, many illegal migrants and those who were registered but lost their papers in the disaster, agree to work for little or no remuneration because they believe that they will be offered protection from arrest (and deportation).

There are also health issues as many migrant settlements have limited access to clean water and sanitation.

### **III. Identification of Dead Bodies of Migrants and Provision of Compensation**

#### **a) DNA Testing and Death Certificates**

Several migrants interviewed said that they identified the bodies of their family members or friends, but that they were soon collected by authorities. Since then, they have not been able to claim or access the bodies of deceased. This measure was meant to prevent wrong body claims and/or false compensation claims, which are increasingly prevalent, however, the measures seem to be disproportionately applied to migrant workers.

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<sup>7</sup> Interview with the Human Rights Education Institute of Burma.

DNA testing is opened to all including Thais, foreigners, and migrants but the team found no evidence that migrants have provided DNA samples to compare against the samples of the bodies. There may be several reasons for this.

First, migrants are generally fearful of contacting authority especially if they are not registered because they might be arrested and/or deported. This fear may be compounded by language barriers. This is especially true for unregistered migrants or migrants without documents. Second, it was learned from interviews that migrants who lost family members are most likely ones who have decided to return to their country of origin or to relocate to other places in Thailand because of shock and/or discrimination by the local community. Finally, the cost of transfer and funerary services may be prohibitive for migrant workers. For this reason, they may not wish to collect the bodies of their family members or friends.

The Ministry of Foreign Affairs which is in charge of issuing death certificates for foreign victims, confirmed that if migrant workers are to approach their office, they will be assisted accordingly. According to our interview with Ministry of Foreign Affairs officers in Phuket and Phangnga, they could not recall issuing any death certificates for migrant workers. None of the migrants interviewed by the team had been issued death certificates for deceased friends or relatives.

**Table 3**  
**Death, Injured and Identified Bodies According to the Ministry of Interior**

Province	Reported Missing	Dead				Injured			
		Thai	Foreign	Unknown	Total	Thai	Foreign	Unknown	Total
Phangnga	1,772	1,186	1,633	1,403	4,222	4,344	1,253	0	5,597
Krabi	642	349	198	174	721	808	568	0	1,376
Phuket	642	151	111	17	279	591	520	0	1,111
Ranong	9	156	4	0	160	215	31	0	246
<b>TOTAL</b>	<b>3,065</b>	<b>1,842</b>	<b>1,946</b>	<b>1,594</b>	<b>5,382</b>	<b>5,958</b>	<b>2,372</b>	<b>0</b>	<b>8,330</b>

**Source:** Department of Disaster Prevention and Mitigation (DPM), Ministry of Interior (as of 31 January 2005), quoted in WHO situation report.

**Note:**

- Counts on DEATH are based on the number of bodies recovered
- Counts on the INJURED are based on the number of people rescued, treated at hospitals, and this includes people discharged from hospitals.
- Counts on MISSING are based on the number of people reported missing to the officials.

**b) Compensation for Loss of Family**

It has been announced by the Thai government that compensation of 20,000 baht will be paid to the families of Thais and registered migrant workers who lost a family member during the tsunami. To claim the compensation, a death certificate for the deceased family member is required.

Neither migrants nor NGO staff working with migrants that were interviewed during the mission was aware that compensation was available, let alone how to claim it.

The team found did not locate migrants that had either filed a claim for or received compensation. Further, the team did not locate migrants who had been issued with death certificates for deceased family member(s). Given the aforementioned fear, migrants are also less likely to attempt to access compensation.

In Ranong province special compensation was available for injured migrant workers. There are reports that the Governor of Ranong paid money to injured Thais and migrant workers from the province's contingency fund during a visit to Ranong hospital.

#### **IV. Post-tsunami Relocation; repatriation, deportation and displacement**

##### **a) Displacement and Assistance to Migrant Workers**

It is clear that there following the tsunami there was a large-scale relocation of migrant workers, especially from the affected districts in Phangnga and Ranong Provinces. The migrants have moved either to neighboring districts and provinces or have returned to their homes in neighbouring countries. The size of the migrant population that has been displaced is not known but official immigration and migrant registration records alone suggest that at least 1,000 migrants returned to Myanmar. It is possible that the number is much higher as many more may have returned home voluntarily. It is also estimated that several thousand have probably relocated to other districts within the same province or to other provinces.

In the midst of emergency, migrant workers were seen in many relief distribution centers, temples and camps receiving emergency assistance. In front of Takua Pa city hall in Phangnga Province, over 100 migrants gathered and stayed there for 2-3 days before being transferred to the transit center in Ranong Province by the authorities where they could be assisted to return home or find another employer.

Frightened and traumatized by the natural disaster, many migrants either returned or would like to return to Myanmar, temporarily, to see their relatives and to grieve. Temporary return to their country of origin, however, may not be possible in many cases. For unregistered migrants there is no guarantee that they will be able to return even if there is employment for them and registered migrants may have employers who do not want them to go back, even temporarily and may not rehire them when they return. In addition, there is no guarantee at this time that registered migrant workers who have returned to Myanmar will be allowed to re-enter Thailand.

##### **b) Ranong Transit Center**

In order to accommodate displaced and unregistered migrants mostly from Phangnga Province, the Royal Thai Government established a transit center in Ranong Province under the initiative of the provincial Employment Office in cooperation with the Immigration Office and the Ministry of Interior. The transit center was operational from 30 December 2004 to 9 January 2005.

The first arrival of 255 migrants to the transit center occurred on 30 December 2004. Migrants continued to arrive until 2 January 2005. A total of 692 migrants were accommodated between 30 December and 9 January including 506 males, 139 female and 47 children. Six hundred and seventy-five (675) Burmese returned to Myanmar either on their own or by way of deportation.

Accommodation, food and medical care were provided at the transit center. Medical care was delivered by World Vision doctors under the supervision of the Provincial Health Office.

The transit center was also used to:

- i) Provide assistance to migrants who wished to return to Myanmar with the assistance of the with immigration police.
- ii) Provide assistance to registered migrants to find new employment if they lost their employment. There is only one reported case of this.
- iii) Accommodate unregistered migrants who were in Thailand illegally and would be deported.

**Table 4**  
**Summary: Number of Migrant Workers at the Migrant Workers' Transit Center**

*-Ban Thungka School, Hadsompen village, Muang district, Ranong Province-*

Date	Arrival			Total	Departure			Total	Note
	Male	Female	Children		Male	Female	Children		
30-Dec-04	217	28	10	255				0	
31-Dec-04	191	35	1	227				0	
1-Jan-05	2	53	35	90	26	24	22	72	
2-Jan-05	96	23	1	120	20	81	24	125	
3-Jan-05	-	-	-	0	91	9		100	
4-Jan-05	-	-	-	0	-	-	-	0	
5-Jan-05	-	-	-	0	17	-	-	17	16 escaped; 1 picked up by employer
6-Jan-05	-	-	-	0	100	-	-	100	
7-Jan-05	-	-	-	0	100	-	-	100	
8-Jan-05				0	94	6		100	
9-Jan-05				0	58	19	1	78	
<b>Total</b>	<b>506</b>	<b>139</b>	<b>47</b>	<b>692</b>	<b>506</b>	<b>139</b>	<b>47</b>	<b>675</b>	

Source: Ranong Employment Unit

### c) Undocumented Migrants

After the tsunami, there was a tightening of security in the affected areas, especially in the coast areas of Takua Pa and Muang Districts in Phangnga Province. Additional police officers were deployed to the affected areas from Bangkok and Surathani in order to maintain order. The tightening of security coincided with an increase in the number of arrests of unregistered migrants and migrants who had lost their documentation during the natural disaster.

Burmese migrants were arrested if they did not have a registration card. If they could identify their employer and the employer confirmed that the migrant worked for them they would be released. If not, the migrants were transferred to the Ranong transit and sent back to their country of origin (primarily Myanmar). Because the Ministry of Labour officials had limited manpower, the immigration police and other police also assisted.

**d) Non-assisted Voluntary Return (via Ranong Province)**

In addition to the repatriations (voluntary and involuntary) through the transit center in Ranong Province migrants reportedly returned home on their own independently by using public transportation to the border areas. The cost of this trip is reportedly around 1300 to 2600 baht. The number of migrants that left Thailand independently is unknown, but the team did meet a number of migrants whose friends left this way.

**e) Assisted Voluntary Return via Kanchanaburi Province**

The Phangnga Immigration office also provided repatriation services for registered migrant workers that wanted to return home. The office arranged for transportation (paid for by the migrant workers) to send them back to Ranong Province or Kanchanaburi. This assistance was helpful to registered migrant workers who are not normally allowed to travel outside the province in which they are registered.

**f) Relocation Within or Out of Province**

According to Phuket labour office, over 100 migrant workers registered in Phangnga have found employment in Phuket province and have requested to relocate there. This may be because the original employer in Phangnga province does not have employment to offer the workers.

**g) Migrants Arrests for Stealing**

There were several reports in the media that migrant workers were being arrested for stealing and looting.

The team was informed by Thai and Burmese oriented NGOs and migrant workers themselves that the term looting has been used rather loosely by the authorities. An example was provided of a group of 11 migrants who were arrested for looting, however, they were, in fact, scavenging the post-tsunami landscape at the behest of their employers.

As a result of being labelled as looters, there were reports that migrants now fear walking with any visible possessions on their persons.

Many informants agree that there are 'good migrants' as well as 'bad migrants' but media attention may have focused too much on "bad migrants", and not on Thais who likely also took part in these misconducts.

## **V. Availability of Relief and Assistance for Migrant Workers**

### **a) Immediate Emergency Aid and Shelters**

All of the organizations that the team visited indicated that the first emergency relief was provided to migrants on the basis equal to Thais. Most of government organizations or community-based organizations have indicated that migrants came to them on during the emergency phase and they were treated as equal as Thai in terms of receiving assistance. Some Tsunami-affected migrants confirmed that they received emergency relief including food. Such assistance is no longer available.

Some NGOs claimed that a number of migrants were discriminated against in attempting to access humanitarian aid at relief camps. The assessment team could not locate any migrants who could share experiences about such discrimination, however, many were located who did not attempt to access aid citing fears of arrest, deportation and discrimination.

Health services were also available to the migrant workers during the immediate aftermath of the tsunami, free of charge. As of 27 December 2004, there were 24 Burmese patients at the Takua Pa hospital mostly from Baan Nam Khaem, Baan Bang Muang, and Baan Kuk Kak.

During the post-emergency period, access to free medical service reportedly declined for migrants. However, dependents were given the opportunity to join the “30 baht” scheme at hospitals in the tsunami-affected areas. The “30 baht” scheme allows registered migrants with documentation to access medical services in the province where they are registered. The initial fee to join the “30 baht” scheme is 1300 baht per person. Once a person pays the initial fee he/she can access health service by paying 30 baht.

### **b) Post-emergency Assistance**

Although well-organized and coordinated assistance is generally not available to migrant workers, part of the problem is that so many have been displaced or have relocated that they are difficult to reach. In addition, some are hiding because they are scared of being arrested and deported if they are unregistered or do not have documents (i.e. they have lost them or are registered the documents were never issued). Organizations that are assisting migrant workers also report that they feel threatened and cannot carry out their activities openly. One organization estimated that it was delivering food and other relief materials for 1,000 tsunami-affected migrants in Phangnga alone (as of January 22) and that it was the only aid organization that operated in the area.

### **c) The Reissuance of Registration Documentation**

The basic procedure for re-issuing of documents is to: (i) go to the police; (ii) obtain a certificate of ID loss (from the Ministry of Interior); and (iii) submit the certificate to the Ministry of Labour for re-issuance.

Note: There are multiple identification documents available for migrants: a registration slip (a letter containing 13 digits registration number and a picture) issued by Ministry of Interior, a picture ID card with work a permit issued by Ministry of Labour, and a health card issued by the Ministry of Public Health.

There is conflicting information regarding the procedure for the re-issuance of work permits as each province seems to follow different procedures. For example, in Phangnga, the labour office informed the mission team that re-issuance is possible only if the 13-digit code is known. If it is not known the office cannot retrieve the personal information of the migrant from the central database. In Phuket however, the labour office informed the team that if migrants can show any piece of identification, they can re-issue the document.

There are no reported cases of the re-issuance of registration documentation in Phangnga or Krabi provinces. Approximately 20 have be re-issued in Phuket Province.

#### **d) Current Concerns**

One of the most common concerns among the migrants that the team interviewed is that they be able to continue to work. Many unregistered migrants are hiding because they are scared that they will be arrested and/or deported. Registered migrants who have lost their documentation or never had proper documents issued may also need assistance to obtain their documents.

Some migrant workers would also like to be able to go home and return to Thailand to work. For unregistered migrants, there is no guarantee that they will be able to return. For registered migrants the extent to which they are able to access assistance also depends on their relationship with their employer and the extent to which the employer is able to and willing to assist the worker. There are cases where employers have not allowed registered migrants to leave.

There is no clear policy on whether Thailand will accept returning migrants and if so, who will be allowed to return. The governors of some provinces have expressed an openness to permitting registered migrants return.

#### **e) Special Health Concerns**

Although this mission did not focus on health issues (because a joint WHO/IOM/UNICEF mission was conducted separately focusing exclusively on health issues) it can be confirmed that most of existing migrant settlement lack basic sanitation including fresh water and sewage. Migrants in hiding cannot be reached and their living conditions cannot be assessed but if they are living in hiding, the conditions are likely not ideal.

## **VI. Recommendations**

On the basis of the mission's findings, the following recommendations can be made:

### **Security**

By way of securing a secure migrant living and working environment for the present and into the future, specific migrant rights and obligations attendant on registration should be publicly promulgated in both Thai, Burmese and other applicable languages and further distributed to migrants, provincial/local State authorities and law enforcement officials. Rights guaranteed to migrants should accord to national legislation and international legal instruments Thailand has subscribed to.

Migrants should be provided with equal access to humanitarian relief, health care services and compensation without fear of reprisal. Until an effective measures guaranteeing migrant security are both in place and respected, humanitarian assistance should be provided directly to migrant workers through specialized NGOs that already work with migrant communities in the affected areas.

The needs of the more vulnerable group of women and children should be taken into account when planning assistance.

Registered migrant workers should be provided with equal access to emergency and non-emergency housing facilities open to those affected by the tsunami.

### **Access to Health Care**

Only documented migrants who are part of the "30 baht" scheme can access health care.

### **Arrest and Deportation**

In the exceptional circumstances created by the tsunami, consideration should be given to the temporary suspension of the arrest and deportation of irregular migrants who have been affected by the natural disaster. Such a measure would: **(i)** assist to preserve the labour force in affected areas; **(ii)** allow for a more effective targeting of humanitarian assistance; **(iii)** facilitate family reunions and the identification of both affected individuals and their deceased/injured loved ones.

### **Identification of the Deceased**

Measures to ensure that migrant workers (both registered and unregistered) have the opportunity to identify and claim the bodies of deceased family members through DNA testing should be introduced. Assistance with the return of the deceased to their country of origin should also be made available.

### **Compensation**

The immediate family members of deceased registered migrant workers should be made aware of their right and applicable procedures for the claiming of financial

compensation. In addition, assistance should be provided to these victims of the tsunami to ensure that meritorious claims are satisfied.

### **Unpaid Wages**

Measures should be implemented to ensure that all wages due for labour services provided to employers both pre and post-tsunami are paid.

### **Re-Registration**

Special re-registration assistance should be provided to migrants who lost registration documentation/information in the natural disaster.

### **Employment of Migrant Workers**

Employers who employ illegal migrant workers, pay their employees at a rate below the nationally established minimum wage and/or violate migrant rights to security, freedom of movement, freedom of association and other human rights should be prosecuted.

### **Information Sharing**

National, Provincial and local authorities, including immigration, labour and law enforcement/military officials and employers should be informed of and respect all measures affecting migrant workers including those designed to guarantee migrant worker: **(i)** security; **(ii)** rights and obligations; and **(iii)** eligibility for humanitarian/reconstruction assistance.

National, Provincial and Local State authorities, including immigration, labour and law enforcement/military officials, migrant employers and migrants should be afforded the opportunity to meet and discuss issues of common concern.

Measures should be adopted to ensure that all measures affecting migrant workers are communicated to them both the Thai language and the language commonly spoken by migrant workers in applicable the area.

### **Census**

An annual census of migrants in Thailand should be introduced coupled with an economic needs assessment and review as to the numbers of migrants that will be allowed to remain in Thailand.

## Annex I - Itinerary

<p><b>Day 1</b> Jan 20</p>	<p><b>Arrival in Phangnga Province</b></p> <p>Visit to the temporary office of Burmese Lawyers Association in Kuraburi          Visit to MFA Phangnga office          Visit to 2 migrant settlements in Kao Lak areas</p>
<p><b>Day 2</b> Jan 21</p>	<p><b>Team 1</b>          Labour Unit, Phangnga          Chamber of Commerce,          Tap Lamu district, Fishery port          Visit to HREIB office, Kao Lak</p> <p><b>Team 2</b>          Ta Kua Pa District          Health care center at Baan Pak Koh, Koh Koh Khao          Takua Pa Hospital          Nam Keam</p>
<p><b>Day 3</b> Jan 22</p>	<p><b>Team 1</b>          Kuraburi district          Kuraburi Police Station, Wat and school areas          Kuraburi Port          Meeting with CODI          Attended migrant community leaders meeting in Kuraburi</p> <p><b>Team 2</b>          Muang District Phuket          Ban-nai-rai, Thuy Muang district          Meeting with World Vision Phuket          I-hle island (Ratsada pier), Maung district</p>
<p><b>Day 4</b> Jan 23</p>	<p><b>Team 1 – Krabi Province</b>          Meeting with UNICEF          Visit to shelter construction site, briefing by MOSDHS          Visit to Klong Hin camp (temporary shelter for Phi Phi Island residents)          Visit to Awe Nang, Muang District          Visit to Krabi Police Station, Muang District</p> <p><b>Team 2</b>          Travel to Ranong</p>
<p><b>Day 5</b> Jan 24</p>	<p><b>Team 1 Phuket Province</b>          Visited Kamala Beach Patong Beach areas          Visit to construction sites, migrant settlements in Katu district</p> <p><b>Team 2 Ranong Province</b>          Ban Ta Lay Nok, Kam Puan sub district, Suksamran (ging) district, Ranong          Bang Bain beach, Laem Son national park, Kapoe district, Ranong          Public health office, Muang district, Ranong          Employment office, Muang district, Ranong          Immigration office, Muang district, Ranong          Mr. Gary Dalh, ARC country director &amp; regional representative (Kuraburi)</p>
<p><b>Day 6</b> Jan 25</p>	<p>Visit to Governor of Phuket          Visit to Labour Unit, Phuket</p>

## **Annex II – Terms of Reference**

### **Technical Assistance Mission About The Labour Migrant Situation in: Krabi, Phuket, Phangnga and Ranong Provinces**

UN Country Team Consisting of: IOM, World Bank, UNHCR, UNOHCHR and UNIFEM

20 to 26 January 2005

#### **Background**

Following the tsunami of 26 December 2004, the fate of thousands of migrant workers in the affected regions of Thailand is mostly unknown. Before the tsunami, there were over 120,000 registered migrants in the Krabi, Phuket, Phangnga and Ranong province. While not all labour migrants were affected by the tsunami, it is expected that a substantial number have been displaced, injured, left unemployed or even deceased.

The mapping exercise led by IOM in collaboration with the UN country team, will be used to more precisely determine the issues that need to be addressed in order to ensure that the foreign workforce is properly assisted so that it is readily available for the reconstruction in the tsunami devastated areas. The mission will also ensure that any assistance made available to labour migrants is properly coordinated and targeted.

Through a rapid assessment of the tsunami affected provinces carried out by IOM in early January, it is already known that some registered migrants have accessed assistance through a transit center in Ranong province coordinated by the Thai Ministry of Interior and some unregistered migrants are being deported while others have gone into hiding for fear of being arrested and deported to their countries of origin. Although the health needs of these migrants are little known, it is clear from the case of tsunami-affected Thais and foreign tourists that medical and psychological interventions are probably necessary.

In addition, the stigmatization of migrant workers as robbers and thieves who are allegedly using the chaos and devastation left by the tsunami as an opportunity to loot and rob, further victimizes the migrant workers and increases their vulnerability.

#### **Objective**

This **one-week** mission aims to conduct a mission mapping of the geographical distribution and/or dislocation of tsunami affected migrant workers in the selected districts of Phuket, Ranong, Phangnga and Krabi (each province contains, 1-3 tsunami affected districts for a total of 5 affected districts). Both registered and unregistered migrant workers will be the targets of this mapping exercise.

Two teams of up to 4 will be deployed. One team will cover Krabi and Phuket provinces; the other team will cover Phangnga and Ranong provinces.

The mission will determine the following in each of the tsunami-affected areas:

- (vi) Direct damage caused by tsunami (Loss of family members, damage to settlement, loss of employment, mental and physical health, and any other damages);
- (vii) Migrant's current location of residence (Have they been displaced if so, from where to where);

- (viii) Employment status and prospect (Have they lost jobs? Do they have new jobs coming up?);
- (ix) Health needs (Do they have access to health care? Are there post traumatic stress disorder (PTSD) cases?);
- (x) Future prospects (Do they intend to return to their country of origin or do they wish to stay in Thailand?);
- (xi) Identify which are the best ways to assist the migrant workers (i.e. what are their needs and the employer's needs).

Registration data from July 2004 will be used as baseline information of migrant population for this mission.

### **Activities**

The mission will consist of the following activities:

- (i) Compilation of detailed registration statistics to examine the migrant population before the tsunami;
- (ii) Identification of key informants in each of the districts and sub-districts of the affected provinces including: district officials, community leaders, employers, non-governmental organizations and migrants for in-depth interviews;
- (iii) Development of standardized questionnaires;
- (iv) Field visits to towns and villages in each of the affected areas where migrant workers were known to be before the tsunami (approximately 7 days);
- (v) Mission report including issues that need to be addressed and mapping of migrant workers in the tsunami affected areas.

The team working on the mission will consist of one or two or three Thai or Burmese nationals (at least one of whom is a Burmese speaker).

**Annex III – Ministry of Interior registration result by Nationality and Sex**  
*(result of registration conducted in July 2004)*

Province	Burmese			Laotian			Cambodian			Total
	Male	Female	Total	Male	Female	Total	Male	Female	Total	
Krabi	2,183	1,073	3,256	345	179	524	33	7	40	<b>3,820</b>
Phangnga	20,251	10,119	30,370	118	53	171	22	9	31	<b>30,572</b>
Phuket	20,665	9,924	30,589	493	283	776	98	10	108	<b>31,473</b>
Ranong	30,395	24,706	55,101	0	2	2	3	0	3	<b>55,106</b>
<b>Total</b>	<b>73,494</b>	<b>46,651</b>	<b>119,316</b>	<b>956</b>	<b>515</b>	<b>1,473</b>	<b>156</b>	<b>26</b>	<b>182</b>	<b>120,971</b>

Source: Ministry of Interior