

Management of Cross-border Low-Skilled Workers in Thailand: An Update

Yongyuth Chalamwong*

1. OVERVIEW

Cross-border migration into Thailand has steadily increased since the mid-1980s and early 1990s. During these periods, the country moved from low-end, labor-intensive operations to more capital- or technology-intensive manufacturing industries. As a consequence, a large number of Thai workers sought work in the skilled labor market to support the country's rapid economic growth. This, in turn, created labor shortages at the low-skilled level. As a result, during the past decade the private sector put pressure on the government to allow industry to employ migrant labor (Supang 2007, 2-10).

Currently, it is less likely to be argued that migrant workers have played a very important role in the Thai labor market, especially at the low-skilled level, and at a time when the government is trying to place more emphasis on advanced skilled workers to support the development of a "creative economy," that is, economic activity which will overcome the "middle-income trap" so that the country can remain "competitive on the global market." This phenomenon is actually due to the Thai labor market being characterized structurally by low-skilled labor as well as the attitudes of employers. Therefore, the influx of millions of migrant workers has been seen as an obvious consequence.

Migrant workers from neighboring countries, namely Cambodia, the Lao People's Democratic Republic and Myanmar, are characterized as "irregular or undocumented" workers because most of them entered Thailand illegally. About 80-90 percent of such migrant workers are from Myanmar. Figure 1 illustrates that the total number of migrant workers from the three neighboring countries has been growing over the past five years, especially in 2009; the total number of migrant workers who obtained work permits was 1,314,382. In 2010, the total number of migrant workers who obtained work permits decreased slightly from that of the previous year; however, it is estimated that the

actual figure for irregular migrant workers in Thailand, including registered (with work permit) and non-registered workers, is over 2 million (Yongyuth and Prugsamatz 2009).

Traditional "Push" and "Pull" Theory

The increase in migrant workers from neighboring countries can be explained by push and pull factors. Different internal push and pull factors exist that eventually influence migrant workers from neighboring countries to migrate to Thailand in search of work (Yongyuth and Prugsamatz 2009, 4-5).

Push Factors

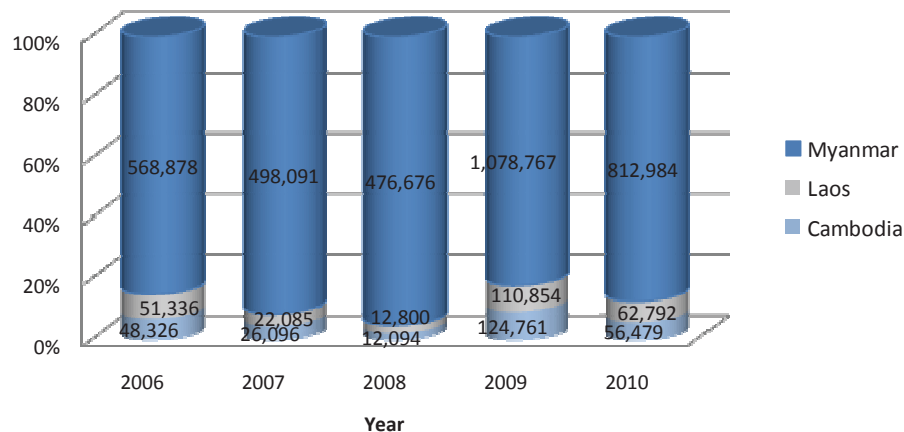
Political instability and the economic situation within the countries of origin are major push factors: migrant workers from low-income and poor households feel that they must look elsewhere for a better life.

Political unrest is a major push factor for migrant workers from Myanmar. Most such migrant workers had been living in areas of internal armed conflict where fighting still exists between ethnic minority-based armed opposition groups and the central Myanmar government. As political unrest creates traumatic experiences, such as unemployment, forced labor and poverty, then people affected leave their homes in Myanmar. In effect, they have been "pushed out" by those factors.

Pull Factors

It is clear that wage differentiation between countries of origin and destination influences cross-border migration. Despite the fact that some migrant laborers working in Thailand earn wages below the standard minimum wages set by the Thai government, the migrants are still able to earn more than they would usually get back home (Yongyuth and Prugsamatz 2009, 4-5).

* This research paper was prepared by Dr. Yongyuth Chalamwong (Research Director, Labor Development, Human Resources and Social Development Program, TDRI). Some parts of this paper have been drawn from an article entitled "Management of Cross-border Migration: Thailand as a Case of a Net Immigration Country," which was presented at the Workshop on Exit and Integration Strategies for Labour Migration in South East Asia: Putting Principles into Practices; the workshop was organized by Monash University, in Malaysia, in November 2011.

Figure 1 Statistics on Irregular Migrant Workers Obtaining Work Permits during the Period 2006-2010

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour. Statistics on irregular migrant workers obtaining work permits during the period 2006-2010.

Social networks and migrant-relation institutions are other pull factors influencing cross-border migration. Our study found that many migrant workers decided to leave their country because of the information received from their relatives or friends already working in Thailand. Not only do such networks and institutions influence cross-border migration, but they can also help potential migrants cope with problems of incomplete and asymmetric information. They help increase the safe movement of migrant workers by providing information on the destination country (Pungpond 2009, 4).

Impact of Cross-border Migration and Migrant Workers

It is indisputable that cross-border migration into Thailand has produced positive effects for the country. Although only limited study has been undertaken on the actual economic contribution of migrant workers to Thailand, different perspectives exist on the types of positive effects migrant workers have had on the country's economic growth and success at the sub-regional level. Migrant workers contribute to Thailand's national output, and this is especially true for sectors such as agriculture and construction (Pungpond 2009, 6-7). The value of Thailand's agricultural exports has increased significantly over the years, by 75 percent in 2005 to reach 280 billion baht. Migrant workers contributed greatly to this sector as well as to the manufacture of garments and textiles worth 175 billion baht (Martin 2007).

Moreover, with the increase in the number of migrant workers in Thailand, employers in labor-intensive sectors have access to the workers that they need. Since most of the jobs taken by migrant workers are considered as dirty, dangerous, and difficult, employers do not have to worry about being able to hire

sufficient numbers of workers for such jobs. Hiring migrant workers in Thailand also means lower costs for employers. It is evident that migrant workers are much cheaper to hire than local Thai workers given the wage differentials and the output gained from hiring migrant workers versus Thai workers. Lower costs incurred by employers translate into lower prices for goods sold, which helps to keep the national inflation rate low.

Opportunities to exchange knowledge and information are also another benefit of migration. These include the sharing of specialized skills, knowledge, working methods, and new working processes. Moreover, with the availability of migrant workers in the country and employers to hire them in labor-intensive sectors, Thai workers are able to move up to sectors that require higher skills and benefit from the work and training gained from working in those sectors (Yongyuth and Prugsamatz 2009, 6-7).

Labor migration also has negative impacts. While some of these negative impacts are accounted for in view of their nature, others are more difficult to pinpoint but often result in social costs that affect the migrant worker as well as those involved in the labor migration process. With the continued availability of migrant workers in the country as well as the easy, albeit illegal, access to migrant workers, employers have been known to prefer hiring migrant workers rather than local Thai workers and this has implications for the utilization of the skills of Thai workers (Pungpond 2009). The high number of migrant workers in Thailand (registered and unregistered) can also have negative implications that result in social problems/costs: migrant workers who work in the sex industry, engage in drug trading, human trafficking, and other forms of crime; it may also result in the transmission of dangerous diseases endemic to the neighboring countries. Irregular migrant workers also lose out on benefits that could help protect them.

Vulnerabilities of Migrant Workers

As previously noted, most migrant workers from neighboring countries are irregular migrants; they therefore become the group most vulnerable to rights violations owing to their invisibility in destination countries. Regular migrant workers generally encounter fewer problems than irregular migrants who have limited legal status and are continually subject to arrest, extortion and deportation.

To prevent exploitation and protect migrant workers from such abuse, the Royal Thai Government initiated the Anti-Trafficking in Persons Act B.E. 2551 (2008), which is aimed at preventing and suppressing trafficking in persons (Box 1).

However, migrant workers, especially irregular migrant workers, still remain vulnerable to being trafficked. In 2009, 103 cases of trafficking in persons

were reported to the Mirror Foundation. “*Trafficking in persons*” is basically at one end of a range of exploitative situations confronting migrants in Thailand; it results partly from the inability of workers to formally cross borders to meet market demand for low-skilled labor. Molland (2010) pointed out that human trafficking is “*the perfect business*” because the supply of persons in the vulnerable group is constant. Enforcement of the law means that the vulnerable group can be exploited for years on end.

These trafficking patterns, including sexual abuse, physical violence, and hazardous working conditions without any protection or recourse to labor laws, can also break hearts. This is consistent with a report of World Vision International, which pointed out that victims are often physically and mentally abused and lack medical treatment, health care and social services. They are forced to work to pay off inflated

Box 1: The Anti-Trafficking in Persons Act, B.E. 2551 (2008)

The Anti-Trafficking in Persons Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 29, in conjunction with section 32, section 33, section 34, section 35, section 36, section 41 and section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law.

Section 4 defines the characteristic of trafficking which comprises exploitation, sexual exploitation, slavery, causing another person to beg, forced labor or service, coerced removal of organs for the purpose of trade, or other similar practices resulting in forced extortion, regardless of such person’s consent.

Sections 14-26 mention the “Anti-Trafficking in Persons Committee” and responsibilities of the committee which are as follows:

- To make recommendations to the Cabinet concerning the policy on prevention and suppression of trafficking in persons;
- To make recommendations to the Cabinet on the revision of laws, rules, regulations or the restructuring of any governmental agency responsible for the prevention and suppression of trafficking in persons to enable more effective implementation of this Act;
- To lay down strategies and measures for the prevention and suppression of trafficking in persons;
- To prescribe guidelines and monitor the implementation of international obligations, including cooperating and coordinating with foreign bodies in relation to the prevention and suppression of trafficking in persons;
- To direct and supervise the arrangements of study or research projects and the development of an integrated database system for the benefit of prevention and suppression of trafficking in persons;
- To issue regulations relating to the registration of non-governmental organizations with a view to preventing and suppressing trafficking in persons, and to prescribe rules for assisting such organizations in carrying out their activities;
- To lay down rules, with the consent of the Ministry of Finance, concerning the receipt, payment, keeping, fund-raising and management of funds;
- To lay down rules concerning reports on financial status and the administration of funds for the purpose of implementing this Act;
- To give instructions and supervise the performance of duties of the Coordinating and Monitoring of Anti-Trafficking in Persons Performance (CMP) Committee;
- To perform any other acts as entrusted by the Cabinet.

Sections 42-51 mention that the “Anti-Trafficking in Persons Fund” was found for the purpose of:

- Providing assistance to trafficked persons;
- Providing safety protection for trafficked persons;
- Providing assistance to trafficked persons in a foreign country to return to the Kingdom or domicile under section 39;
- Preventing and suppressing trafficking in persons according to the regulations prescribed by the CMP Committee;
- Managing the Fund.

Sections 52-56 describe the penalties to punish offences of the Act.

Source: [http://www.baliprocess.net/files/Thailand/1.%20trafficking_in_persons_act_b.e%202551%20\(eng.\).pdf](http://www.baliprocess.net/files/Thailand/1.%20trafficking_in_persons_act_b.e%202551%20(eng.).pdf) (accessed on November 8, 2011)

“debt” and are generally not allowed to leave their work premises or contact anyone outside the workplace (Björk and Gulzar 2010, 4-5).

In fact, women migrants and children, in particular girls, are more vulnerable to trafficking than men because most of them work in domestic services or service sectors, which make them more invisible than men. Human Rights Watch (2010) reported that they are vulnerable to physical and social isolation in their place of employment. This is because they often work in jobs in the domestic and service sectors which may not afford them contact with other migrant workers (see Box 2).

Though male migrants seem to be less vulnerable to trafficking than women and children, the study found that most of the male victims were trafficked in the fishing industry (Box 3). Some of them, when they reach the destination country, are locked up and sold to fishing boat captains. Workers on fishing boats are deprived of food and sleep and have to use dangerous, heavy equipment. They are often forced to be out at sea for months or years at a time. In addition, physical abuse and threats are common and workers who try to resist or who become sick have been killed or thrown overboard to die (Björk and Gulzar 2010, 9).

This illustrates that migrant workers crossing borders illegally commonly become vulnerable to human trafficking. Most of them find work in slavery-like conditions, i.e., long hours of work, low-wages, and restricted freedom of movement. Furthermore, most of them are in debt to their agents or employers.

In addition, migrant workers also experience a range of barriers to cultural and social integration in

Thai society and in the world of work. These include restrictions attached to their ambiguous immigration status, discrimination, negative public attitudes, information gaps and linguistic difficulties. Unlike countries with well-planned immigration management, Thailand does not prescribe any program for the integration of the migrant workers into its social, cultural and working environments. Alarming, the growing number of foreign migrants is prone to occupational and health hazards and is largely outside the coverage of the national social security program and the Workmen’s Compensation Fund.

Some of the vulnerabilities are due to government officials who lack an understanding about migrant workers’ basic rights. Their ignorance sometimes undermines the efforts of workers in non-governmental organizations (NGOs) 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 positive contribution that migrant workers make to Thai society.

In view of the traumatic problems described, this study therefore is aimed at assessing the management of cross-border migration and migrant workers in Thailand in order to increase the effectiveness of the mechanisms concerned with the management of cross-border migration and migrant workers in Thailand. The study emphasizes migrant workers from Cambodia, Lao PDR and Myanmar.

Box 2: Examples of Trafficking in Women and Child Migrant Workers in the Past Few Years

- **The rose seller:** When Mya Islam was seven years old she was sold by her mother to a trafficking agent for just under US\$ 100. She was destined for Bangkok, to sell roses in Ekamai. Her first Thai word was “20 baht” which she was taught by her boss.

According to her testimony, her parents were illegal migrants from Myanmar living in the border town of Mae Sot. Her mother agreed to the sale because she was promised that around US\$ 200 a quarter would be sent back to the family. However, the situation turned bad when she found that Mya had a debt to work off first, because it had cost 10,000 baht (US\$ 285 at that time) to get her to Bangkok. She worked from 9 pm to 6 am each night. She recalled that in the beginning she had cried a lot, and wanted to go home for her parents. It took her a year to get used to the feeling.

During her fourth year of working on the streets of Bangkok, Mya and another Burmese child were arrested on their way home with the daughter of the employer. She was first sent to the capital’s Immigration Detention Center and later transferred to Kredtrakarn Protection and Occupational Development Center. She was sent back to her parents four months later.

- **Life a nightmare:** A 17-year-old ethnic Mon from a poor family in Myanmar, Ma Suu, paid a facilitator to help her cross the border and find employment as a domestic worker. In July 2002, after a year of living and working in Thailand, she was accused of stealing by her employers. When she refused to confess, she was severely beaten, set on fire and left for dead in a ditch. A man found her and took her to hospital in Nakhon Sawan where she died a couple days later, but not before she was able to tell her story and identify her murderers.

The employers, an Air Force officer, his wife, and another accomplice, were not charged until 2004, and proceedings were delayed several times thereafter. Finally in March 2007 the case concluded in Uthai Thani Provincial Court with the officer being convicted of murder and handed down a life sentence. His wife was given a five-year sentence for depriving the victim of her freedom and for hiring an illegal migrant.

Source: Björk and Chalk. 2009. *10 Things You Need to Know about Human Trafficking*. Bangkok: World Vision Asia-Pacific, pp. 9-13.

Box 3: Example of Old Stories about Trafficking in the Thai Fishing Industry in Recent Years

- Between June 2007 and December 2008, 49 trafficked Cambodian fishermen were interviewed after they had all been trafficked onto fishing vessels and either had been rescued or had escaped. Of these, 18 percent had been children when they were recruited and forced onto the vessels. All of them had experienced debt bondage to Cambodian and Thai brokers.
- In February 2010, five trafficked Cambodian men jumped into the sea to escape a fishing boat after one of their fellow Cambodian workers was murdered on board; they were assisted by the International Organization for Migration (IOM) after reaching Timor-Leste. They had been promised construction jobs in Thailand, but found themselves trapped on board. In this case the men were able to escape and find assistance, but countless others suffer unnoticed, with no way out of their dire situations.
- Some employers threaten their employees with oppressiveness and unfairness. The employees are not allowed to use the telephone, ask for their leave/rest day, speak to neighbors, change employers, mix with men, or leave the house without their employer's permission.

Source: Björk and Gulzar. 2010. *10 Things You Need to Know about Labour Trafficking in the Greater Mekong Sub-Region*. Bangkok: World Vision International, pp. 9-14.

2. MANAGING CROSS-BORDER LOW-SKILLED MIGRANT WORKERS IN THAILAND

Cronology of Managing Cross-border Migration and Migrant Workers in Thailand

With regard to the development of managing cross-border migration and migrant workers in Thailand, some scholars, namely Kritaya and Hall (2011), Supang (2007), and Vitit (2005), classified the development on managing cross-border migration and migrant workers as shown in Figure 2.

During the past decades, the Thai government developed a number of coping mechanisms, both internal and external mechanisms, related to cross-border migration and migrant workers, including the more serious implementation of bilateral cooperation measures, especially with neighboring countries, as well as international mechanisms.

Internal Mechanism

Law is a major internal mechanism in regularizing and controlling migrant workers, particularly irregular migrant workers. For decades, Thailand has enacted many laws to protect migrant workers and prevent them from becoming victims of human traffickers, or suffering abuse and exploitation; examples are the 1996 Prostitution Prevention and Suppression Act, Labour Protection Act B.E. 2541 (1998), the 1997 Act concerning Measures to Prevent and Suppress Trafficking in Women and Children, the Alien Employment Act B.E. 2551 (2008), and the Anti-Trafficking in Persons Act, B.E. 2551 (2008).

Theoretically, the principles of the laws are aimed at protecting all migrant workers, including legal migrant workers and irregular migrant workers; however, irregular migrant workers seem less able to access the protection the laws afford than legal migrant workers, which is due to irregular migrants being less visible than legal migrant workers.

In addition, there are various memorandums of understanding (MOUs) between Thai government agencies and NGOs. Vitit (2005) mentioned that a new trend is for MOUs to focus not only on protection but also on prevention, that is, to help the workers not to become victims of human trafficking and exploitation.

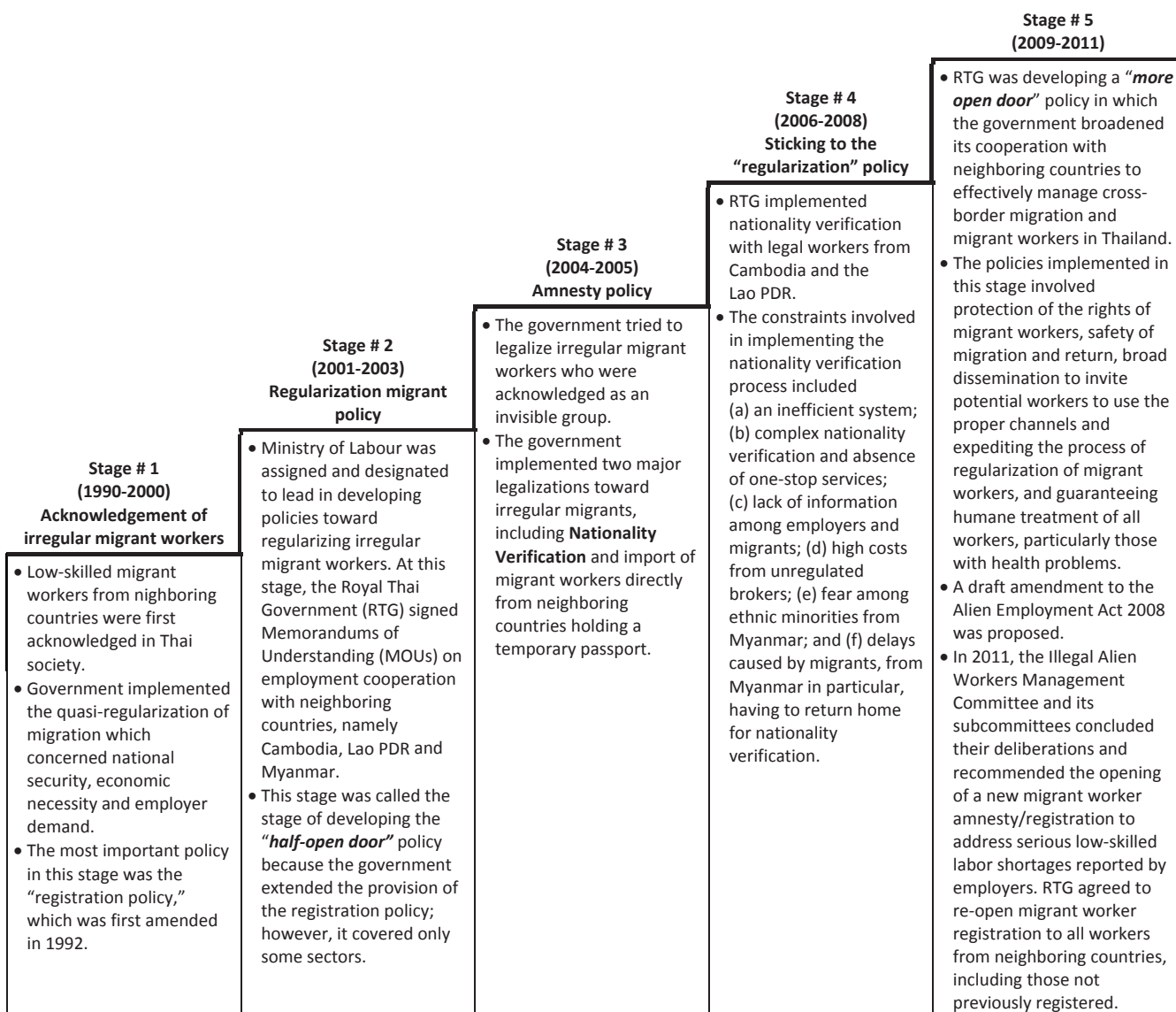
Bilateral Cooperation and an International Mechanism

In past decades, the government has also signed MOUs with neighboring countries and two other economies in the Greater Mekong Subregion, China and Viet Nam. It also has ratified some conventions that have implications for the labor migration situation in Thailand. A major objective of the MOUs is to broaden the cooperation on prevention and on the protection of the rights of migrant workers. However, implementation of MOUs has been limited owing to their lack of consistency and of mechanisms to monitor their implementation.

To enhance the effectiveness of managing cross-border migration and migrant workers, Thailand has ratified 14 conventions of the International Labour Organization (ILO). According to Vitit (2005), Conventions No. 29 (on forced labor), 105 (on abolition of forced labor), 100 (on equal remuneration), 122 (on employment policy) and 182 (on the worst forms of child labor) have greatly influenced national laws. For instance, Convention No. 138 has influenced Thailand's employment protection law and Convention No. 182 led to the Anti-Trafficking in Persons Act B.E. 2551 (2008) (Vitit 2005, 21).

Obstacles still remain in implementing these bilateral agreements, some of which include the legal status of migrant workers; their recruitment under the framework; the recruitment expenses incurred; trends in illegal labor migration; conflict among workers, employers, and recruitment agencies; and the protection of the rights of migrant workers (Pracha 2008, 3-34).

Figure 2 Mechanisms toward Managing Cross-border Low-skilled Migrant Workers in Thailand



Source: Kritaya and Hall 2011.

Constraints in Managing Cross-border Migration and Migrant Workers in Thailand

Thailand has constantly used the registration of migrant workers as a tool to enable them to work legally. From the first registration in 1996 to the most recent one in 2009, the process covers the registration of migrant workers by employers, the conduct of a health examination, preparation of a photo identification card and fingerprint procedures, and the issuance of a work permit. In each registration, the government announced its policy through Cabinet resolutions; the process requires the concerted effort of various government offices.

1. Registration System

Although Thailand has had a decade of experience with the registration system, the system has a number of pitfalls and obstacles as described below:

Registration Fees: In order to register migrants, as of 2009 employers had to pay fees of 3,780 baht for each worker, including 80 baht for photographs and registration documents (Tor Ror 38/1), 600 baht for a medical check-up, 1,300 baht for medical insurance, 100 baht for a work permit application and 1,800 baht for a one-year work permit. Many employers were not willing to pay such amounts because they found the fees too expensive and the registration process a waste of time even though they deducted monthly instalments from their employees to cover those costs.

Awareness of Registration: Awareness of the registration system is low, depending on the decision of employers. Most migrant workers have no access to information on registration due to the problem of language and lack of information. The Ministry of Labour has tried a promotion campaign through the media, which could lead to higher registration numbers.

Discontinuity of the Measures in the Registration Policy: For registration between 1992 and 2009, the government policy on registration continued but in different measures. There was no standard with regard to area; the only specifics were related to occupation or industry, resulting in alien workers being spread throughout Thailand, which is a difficult situation to manage.

Inadequate Capacity of Government Officials: In 2006, about 500,000 migrant workers from the so-called CLM countries (Cambodia, Laos and Myanmar) illegally crossed borders into Thailand. In 2009, such workers increased to 1.31 million. The figures would seem to suggest that the trend in irregular migration has been rising every year, although the number of irregular migrants being arrested in Thailand and deported was increasing only slightly every year.

Corruption among Government Officials: Owing to bribery, some government officials turn a blind eye to employers who hire illegal migrant workers.

Ineffective Mandates: Every time there is a registration, there is always a mandate regarding registration time, duration of work permits, repatriation warning, etc. However, these mandates have been ineffective, never having been implemented successfully.

2. Memorandums of Understanding

The MOU process is also facing some problems in implementation. The system requires consultations at the level of senior officials and/or ministers. Temporary employment of workers is allowed through the granting of permission by authorized agencies in the respective countries. The MOUs state the terms and conditions, such as the employment of the worker shall not exceed a period of two years, although it may be extended for another two years. A worker who has completed a four-year contract must take a three-year break, before he or she can apply for another round of work. According to the MOUs, the employing country has to set up and manage a savings fund, so that every worker would contribute 15 percent of his/her monthly wage to such a fund. The savings plus interest earned would be given back to the workers within 45 days of the completion of their period of employment. In addition, the governments of origin and destination are responsible to ensure the return of workers to their permanent address at the end of the employment period.

In addition to these aspects, the entry of alien workers under MOUs entails relatively high costs. For example, agency and management fees in Laos are about 10,000 baht. Addition expenses of about 5,000 baht are incurred when the migrants arrive in Thailand: 1,800 baht a year for a work permit, 100 baht for an application fee, 600 baht for medical check-up, and the cost of transportation from the border to the workplace. Although it is required that prospective employers assume all costs, all the expenses are transferred to the migrant who pays them off in instalments.

Of the three MOUs, the most difficult to implement is the one between Thailand and Myanmar owing to the precarious political situation in Myanmar. There is also the fact that, since there is an ongoing struggle between various minorities and the Myanmar authorities, it is improbable that migrant workers from minority communities will come forward to be managed by a regime with which they disagree. Collection of fees under all three MOUs also needs to be realistic, and the bureaucratic “red tape” needs to be minimized; if the fees are too hefty and if there is too much red-tape, potential applicants may be driven underground, which would again fuel illicit channels of migration.

The numbers of workers from Lao PDR and Cambodia brought into Thailand under MOUs up to December 2009 were 11,957 and 15,230 respectively. Between 2006 and 3 December 2009, a total of 121,203 migrant workers had their nationality verified. Of these, 58,430 were Laotians and 59,238 Cambodians; however, only 3,535 nationals of Myanmar successfully completed the process. Although more than 80 percent of legal migrants were from Myanmar, only 0.4 percent of them got approval for nationality verification.¹ Among the important causes of the limited progress were rumours among migrants and employers concerning (a) an unofficial tax collected from the relatives of migrants in the community of origin; and (b) the possibility that migrants would be arrested by the government of Myanmar. As there was no evidence of an unofficial tax or the possibility of arrest, the Thai and Myanmar governments launched various campaigns to eradicate these rumours.

As is the case with the registration system, the effectiveness of MOUs is also questionable. Obstacles still remain in implementing these bilateral agreements, including the following:

- High recruitment expenses and fees;
- Long and complex procedures in processing/obtaining documents within and between the receiving and the sending country, especially identify verification, passports, and other documents;
- Lack of experience among agencies;
- Inadequate capacity of government administrative organs to provide support both in the host and origin countries;
- Agencies in the origin country do not have networks in villages;
- Restrictive regulations in the labor-sending country;
- Premature return of migrants; and
- Migrant workers having no or limited experience in working in a factory environment.

With a view to improving policy implementation, the Thai Cabinet on April 26, 2011, approved five

measures to tackle the problems faced by illegal migrant workers from the CLM countries submitted by the Ministry of Labour. The measures are as follows:

(a) Registration measures: Reopening registration for those who missed the February 2010 deadline. Under new guidelines, the registration includes immigrant workers' children under 15 years of age. Legal migrants and their children can stay temporarily in Thailand for one year while waiting for repatriation. Those due for repatriation are allowed to work temporarily in Thailand with permission given on a case-by-case basis.

(b) Measures for prevention and suppression: These will be strengthened with serious and continued enforcement both before and after the new round of registration and target both illegal migrants and the unlawful employers of such migrants.

(c) Measure to encourage the legal migration of workers: By a Cabinet resolution of December 20, 2005, the legal importation of workers from CLM countries is encouraged and will be expedited.

(d) Measure to restructure the Committee on Illegal Migrant Workers Administration (CIMWA): The major change involves adding CIMWA subcommittees at the central and provincial levels.

(e) Measure to upgrade the CIMWA secretariat: The secretariat will be upgraded to department status from its current status as a division within the Department of Employment.

Kritaya and Hall (2011) pointed out that the management of immigration of CLM migrants is poor and involves a circle of exploitation, corruption, and unrealistic targets for migrant repatriation as well as for the importation of and protection for about 2-3 million migrants. They also maintain that the current situation undermines assistance for good employers and national economic and human security for Thailand and its people. They further noted that the situation has been the same since the 1980s, with the exception being an increased focus on workers from northern Viet Nam. While re-opening registration for up to 1 million CLM migrants is commendable, the migration management system creating all these measures is clearly not working. Thailand remains without a long-term migration policy that would integrate human, national and economic security. They conclude that the re-opening of migrant registration approved by the Cabinet on April 26, 2011 demonstrated that the Thai government's previous migration management strategies had failed dramatically.

3. CONCLUSION AND RECOMMENDATIONS

In conclusion, Thailand's migration policy is inconsistent but pro-employer. There have been endless rounds of registration which do not promote a good climate for the regularization of migrant workers and do not allow the MOU or levy systems to work. There have

been neither effective preventive and/or suppressive measures nor other supporting measures to discourage dependency on migrant workers. In addition, the regulation of the labor protection law is always questionable with regard to migrant workers.

In order to mitigate the problems of labor immigration management, the following steps are recommended:

(a) Formulate a long-term consistent foreign labor policy and related measures;

(b) Take strong leadership and establish an effective secretariat for CIMWA;

(c) Obtain adequate financing for the management of migrant workers;

(d) Seriously punish and eliminate the trafficking of migrant workers;

(e) Strengthen and build up law enforcement regarding the management of cross-border migration and migrant workers in Thailand;

(f) Reform laws and policies which are not yet consistent with international standards;

(g) Advocate effective management of cross-border migration and migrant workers in government sectors and broaden cooperation with non-governmental organizations;

(h) Strengthen cooperation in-country and at the international level, through bilateral cooperation and regional cooperation; and

(i) Investigate, formulate and implement international policy for low-skilled workers in the countries of the Association of Southeast Asian Nations (ASEAN).

ENDNOTE

- ¹ As of 2010 the statistics from the Department of Employment indicate that more than 60 percent of immigrant workers from Myanmar passed national verification.

REFERENCES

- Asian Research Center for Migration (ARCM). 2002. Thailand: Improving Migration Policy Management with Special Focus on Irregular Labour Migration: Construction Sector. Unpublished Paper prepared for International Organization for Migration/International Labour Organization project.
- Björk, Jenny, and Abid Gulzar. 2010. *10 Things You Need to Know about Labour Trafficking in the Greater Mekong Sub-region*. Bangkok: World Vision International.
- Björk Jenny, and Katie Chalk. 2009. *10 Things You Need to Know about Human Trafficking*. Bangkok: World Vision Asia-Pacific.

- Human Rights Watch. 2010. *World Report 2010*. Bangkok: Human Rights Watch.
- Kritaya Archavanitkul, and Andy Hall. 2011. "Migrant Workers and Human Rights in a Thai Context." In *Thailand Migration Report 2011*. Bangkok: International Organization for Migration.
- Kritaya Archavanitkul, and Kulapa Vajanasara. 2009. *Employment of Migrant Workers under the Working of Aliens Act 2008 and the List of Occupations Allowed to Foreigners*. Bangkok: Institute for Population and Social Research, Mahidol University.
- Martin, P. 2007. *The Economic Contribution of Migrant Workers to Thailand: Towards Policy Development*. Bangkok: International Labour Organization.
- Molland, Sverre. 2010. "The Perfect Business: Human Trafficking and Lao-Thai Cross-border Migration." *Development and Change* 41(5): 831-855.
- Office of Foreign Workers Administration (OFWA), Ministry of Labour. 2009. *Annual Report on Foreigners Who Are Permitted to Work in the Kingdom 2009*. Bangkok: Department of Employment, Ministry of Labour.
- Pracha Vasuprasat. 2008. *Interstate Cooperation on Labor Migration: Lessons Learned from MOUs between Thailand and Neighboring Countries*. ILO Asian Regional Programme on Governance of Labour Migration Working Paper No. 16. Bangkok: ILO Regional Office for Asia and the Pacific.
- _____. 2010. *Agenda for Labour Migration Policy in Thailand: towards Long-term Competitiveness*. International Labour Organization/Japan Project on Managing Cross-border Movement of Labour in Southeast Asia. Bangkok: ILO Regional Office for Asia and the Pacific.
- Pungpond Rukumnuaykit. 2009. *A Synthesis Report on Labour Migration Policies, Management and Immigration Pressure in Thailand*. International Labour Organization/Japan Project on Managing Cross-border Movement of Labour in Southeast Asia. Bangkok: ILO Regional Office for Asia and the Pacific.
- Sevilla, Ramon C., and Yongyuth Chalamwong. 1996. "Dilemmas of Rapid Growth: A Preliminary Evaluation of the Policy Implications of Illegal Migration in Thailand." *TDRI Quarterly Review* 11(2): 16-24.
- Srawooth Paitoonpong. 2011. *Different Streams, Different Needs, and Impacts: Managing International Labor Migration in ASEAN: A Case of Thailand (Immigration)*. Manila: Philippine Institute for Development Studies.
- Supang Chantavanich. 2007. *International Migration, Multi-local Livelihoods and Human Security: Perspectives from Europe, Asia and Africa*. The Netherlands: International Institute of Social Studies.
- Supang Chantavanich, Premjai Vangsiriphaisal, and Samarn Laodumrongchai. 2006. *Labour Migration in the Greater Mekong Subregion: Thailand Policies towards Migrant Workers from Myanmar*. Bangkok: Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University.
- Vitit Muntarbhorn. 2005. *Employment and Protection of Migrant Workers in Thailand: National Laws/Practices versus International Labour Standards?* Bangkok: Internal Labour Organization.
- Yongyuth Chalamwong, and Raphaella Prugsamat. 2009. "The Economic Role of Migration, Labour Migration in Thailand: Recent Trends and Implications for Development." *TDRI Quarterly Review* 24(3): 3-9.



Thailand Development Research Institute

565 Ramkhamhaeng Soi 39, Wangthonglang District, Bangkok 10310 Thailand

Tel: 66 2 718 5460, 718 5678-89; Fax: 66 2 718 5461-2

Email: publications@tdri.or.th; Web site: <http://www.tdri.or.th>