



IOM International Organization for Migration

## **MIGRANT INFORMATION NOTE**

**June 2009**

### **Thailand Approves a New Registration Round for Irregular Migrant Workers from Myanmar/Burma, Lao PDR and Cambodia**

A total of about 1.8 million migrants were living and working in Thailand in 2008. Of these, only about 500,000 were registered and allowed to stay and work in the country. The Thai government has signed MOUs with Cambodia, Lao PDR and Myanmar/Burma and under these MOUs established mechanisms to allow foreigners to migrate legally into its territory, and also granting to those already registered in Thailand a stay and work permit on condition that their nationalities have been verified by the respective governments. The government of Thailand has decided to proceed with the seventh (7<sup>th</sup>) and final registration round to allow irregular migrants to stay and work in Thailand until 28 February 2010. After this date, all migration flows from neighbouring countries into Thailand will be regulated according to the mechanisms established under the MOUs.

On the 26 May, 2009, the cabinet of the Thai government passed a resolution to register irregular migrant workers from Cambodia, Lao PDR and Myanmar/Burma. Migrants who work in six specific sectors that include fishery, agriculture/livestock, construction, fishery processing, domestic work and other sectors<sup>1</sup>, will be eligible to register and apply for temporary work permits. The Ministry of Interior will oversee the registration, including agency coordination and advertisement.

The details of the registration process were drawn up by the National Committee on Illegal Worker Administration. The plan for the new registration round includes three procedural stages for the migrant to obtain a work permit. This note will serve as a guide to these procedures.

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<sup>1</sup> The Cabinet passed the resolution on 3 June 2009 to identify a total of 19 sectors for 'other sectors'.

## **Migrant Registration 2009 Step by Step**

### **STEP 1. Temporary Stay Registration (1<sup>st</sup> July, 2009 – 30<sup>th</sup> July, 2009, extended to 30 September 2009 for fisheries sector)**

Irregular migrants in Thailand must obtain their registration document (i.e. Tor Ror 38/1) in order to proceed to the latter stages of obtaining a work permit.

- Migrants, with approval from their employers (in the form of a signature by the employer), must report themselves to the district/sub-district/municipality offices.
- Migrants will receive their **registration document (Tor Ror 38/1)** once they:
  - Have their photograph and fingerprints taken;
  - Receive a 13-digit identification number;
  - Pay the fee of THB 80 for photograph and document for registration.

*NOTE: This registration will not include migrant worker's children or dependants; only migrant workers are eligible for this registration. The registration document alone, i.e. not accompanied by the work permit, does not allow migrants to stay in Thailand. If accompanied by a valid work permit, the Tor Ror 38/1 will allow migrants to stay in Thailand until the 28<sup>th</sup> of February, 2010. Only registered migrants who are undergoing nationality verification before this date will be allowed to stay longer.*

### **STEP 2. Health Examination and Insurance (1<sup>st</sup> July, 2009 – 14<sup>th</sup> August, 2009, extended to 15 October 2009 for fisheries sector)**

Once the migrants are granted their registration document, they will have to undergo a medical check-up and pay for health insurance through the Ministry of Public Health. A medical clearance and health insurance are pre-requisites for migrants to obtain a work permit.

- The Ministry of Public Health will lead this stage of the registration. The Ministry will:
  - Select designated health care facilities in which the migrant medical check-ups will take place;
  - Conduct the migrant medical check-ups;
  - Issue medical insurance to migrants;
  - Collect the fees for medical check-ups and insurance;
  - Issue medical certificates.
- Either the migrants or the employers must cover the following fees:
  - THB 600 for the check-up;
  - THB 1,300 for the insurance.

Document for work permit application: Tor Ror 38/1

### **STEP 3. Work Permit Application (1<sup>st</sup> July, 2009 – 29<sup>th</sup> August, 2009, extended to 30 October 2009 for fisheries sector)**

The final step for the migrant workers is applying for the work permit. Only those who have successfully been through the registration process and the medical check-up are eligible to apply for a work permit. The work permit gives migrants the right to

temporarily stay and work in Thailand. If a migrant fails to obtain a work permit the migrant will lose these rights and will have to return to the migrant's state of origin.

- The Department of Employment accepts applications at Provincial Employment Offices and the Bangkok Employment Office.
- Eligible migrants must have a Tor Ror 38/1 and participate in the Ministry of Public Health insurance program. The migrant applies for work permit with his/her employer. However, the migrant and employer may authorize representative on behalf of them.
- The Department of Provincial Administration, at the Bureau of Registration Administration, prints out the work permits within 60 days after receiving information from the Department of Employment.
- The fees for the work permits are:
  - 1 year permit – THB1,800
  - 6 months permit – THB 900
  - 3 months permit – THB 450
  - Application fee – THB 100
- The permits are color coded (front and back) and indicate the sector in which the migrant is employed Thus, after registration, the migrant will not be hired in the different sector from the sector he/she is already registered and employed:

Fishery: pink/light blue

Fishery Processing: pink/orange

Agriculture/Livestock: pink/green

Domestic Worker: pink/grey

Construction: pink/ yellow

Other Occupations: pink/pink

*NOTE: Employers have to report the employment of the registered migrant workers every three months. If the migrant leaves their workplace or there is termination of employment, the employer has to report to Provincial Employment Office within 7 days. The employer cannot hire the migrant workers who have absconded from a former employer. If the employer hires a migrant without work permit, he/she will be prosecuted under the law.*

### **National Forces and Law Enforcement**

The 26 May 2009 Cabinet resolution to register irregular migrants also establishes guidelines for the Thai national forces and law enforcement to curb the inflow of migrants in to Thailand.

- The National Security officials are responsible for preventing the influx of new migrants by securing the border areas. This is a coordinated effort by various branches such as the army and navy.
- The police, especially the National Police Bureau and Immigration Bureau, are responsible for arresting migrants and employers that do not follow the immigration laws. The police will step up its effort 30 days before and after the registration period.

#### Sources:

- Thai Cabinet Resolution: 26 May, 2009
- The meeting minutes of the committee under the National Committee on Illegal Worker Administration dated 6 May 2009

- Rosalia Sciortino and Sureeporn Punpuing. International Migration in Thailand 2009. International Organization for Migration. Bangkok (2009)
- Thai Cabinet Resolution: 3 June 2009