



IOM International Organization for Migration

## MIGRANT INFORMATION NOTE

Issue # 4 – February 2010

### **Extension of Nationality Verification Process FAQs: Frequently Asked Questions**

*Important policy developments affecting migrant workers from Cambodia, Lao PDR and Myanmar/Burma in Thailand were made at the end of 2009 and the beginning of 2010. One important development was the 19 January 2010 Cabinet Resolution to extend the nationality verification process. In addition, a Regulation passed by the Ministry of Labour on 21 December 2009 established new “work fees” and “levy fees”<sup>1</sup>.*

*This issue of the IOM Migrant Information Note provides some answers to some of the most frequently asked questions regarding the latest policies of the Royal Thai Government and how they affect migrant workers in Thailand.*

#### **CABINET RESOLUTION OF 19 JANUARY 2010**

##### **1. What does this Cabinet Resolution provide?**

According to the 2009 registration, undocumented workers who registered and obtained work permits (“pink cards”<sup>2</sup>) in 2009, were permitted to stay and work in Thailand until 28 February 2010. After this date, only migrants who had successfully completed the nationality verification (NV) process were allowed to stay and work lawfully in the country.

The Cabinet Resolution passed on 19 January 2010, does the following for migrant workers who registered and received work permits in 2009: (i) it extends their temporary permission to stay and work in the country until 28 February 2012; and (ii) extends the deadline to complete the NV process by two years until 28 February 2012.

To be eligible for the extensions, migrant workers must apply for the NV process by 28 February 2010.

##### **2. How does it change the previous resolution of 18 December 2007?**

According to the Cabinet Resolution of 18 December 2007, migrants who entered Thailand without documents, had to successfully *complete* the NV process (i.e. obtain a temporary passport and two-year visa) by 28 February 2010. If migrants failed to do so, they would face the possibility of deportation by Thai authorities.

The Resolution of 19 January 2010 extends the deadline to *complete* NV to 28 February 2012.

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<sup>1</sup> “Work fees” refer to: application fees for a new work permit; renewal of a work permit; substitute document of work permit; changing employers or increasing the number of employers; changing locality and place of work; and changing/adding conditions of employment. “Levy fees” refer to the fees collected from employers for hiring low-skill or non-specialist workers.

<sup>2</sup> The work permits given to registered migrants were pink and they were referred to as “pink cards”. They indicated that migrants were given temporary permission to stay and work in Thailand pending deportation. Upon completion of NV, migrants’ immigration status changes and they are allowed to stay and work lawfully in the country for two years with a possibility to renew for two more years. The new work permits are green (“green cards”).

### **3. What does it mean that migrants have to apply for the NV process by 28 February 2010?**

This means that migrants have to complete and submit both the NV process form **and** their work permit application form. Both application forms must be submitted to the Provincial Employment Office in the province where the migrant worker is employed<sup>3</sup>.

This must be done before 28 February 2010 and if completed successfully, will allow migrants to stay and work temporarily in Thailand until 28 February 2012, while his/her NV application is being processed.

### **4. How many migrants can potentially be granted permission to stay and work in Thailand under the 19 January 2010 Resolution?**

According to the Thai Ministry of Labour registration figures, a total of **1,315,932** migrants may benefit from the 19 January 2010 Resolution. Of these, 9.5 % (124, 902) are from Cambodia, 8.5 % (111,039) are from Lao PDR<sup>4</sup> and **82%** (1,079,991) are from Myanmar/Burma.

As of 25 January 2010, a total of 147,381 migrants had successfully completed the NV process: 70,047 from Cambodia, 58,430 from Lao PDR and 18, 904 from Myanmar/Burma<sup>5</sup>.

### **5. What government agencies are involved in implementing the Resolution?**

A total of eight Royal Thai Government agencies have a role in implementing the Cabinet Resolution as follows:

#### Ministry of Interior:

- Issue a notice granting permission to remain in Thailand as a temporary measure for migrant workers from Cambodia, Lao PDR and Myanmar/Burma who have applied for the NV process by 28 February 2010.
- Issue a notice accepting the use of identity documents instead of a passport for migrant workers who have been granted amnesty.
- Issue a notice stating the conditions for permitting migrant workers to travel to complete NV.

#### Ministry of Public Health:

- Conduct medical examinations and collect insurance fees (THB 600 for health examination and THB 1,300 for one -year health insurance) from migrants who have been granted the extended permission to stay and work in Thailand. Note: Migrants whose work permit is still valid at the time when they receive a visa through the NV process are exempt from the medical examinations and related fees.

#### Ministry of Labour:

- Renew work permits to migrants who have applied for the NV process by 28 February 2010. The fee for the work permit is paid by the migrant.
- Issue new work permits to migrants who have completed the NV process. In case the migrant's previous work permit is still valid, the migrant worker will be required to pay only for the period for which the work permit is being extended.

#### Ministry of Foreign Affairs:

- Delegate authority to the Immigration Bureau to issue visas to migrant workers who have completed the NV process.
- Liaise with Myanmar/Burma, Lao and Cambodian authorities regarding the NV process.

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<sup>3</sup> The NV application form is submitted in Thailand to Thai authorities. Myanmar/ Burmese nationals do not need to return to Myanmar/Burma at this stage.

<sup>4</sup> These figures are updated as of 27 January 2010.

<sup>5</sup> The NV process for Cambodians and Laotians has been implemented since 2006 while the NV for Myanmar/ Burmese nationals started in 2009.

#### Thai Armed Forces: Army and Navy:

- Take actions to prevent irregular entries of migrant workers into Thailand.

#### Royal Thai Police:

- Arrest and prosecute migrants who fail to go through the NV process or work without permission in Thailand.

#### Immigration Bureau:

- Accept visa applications and issue visas to migrant workers who have completed the NV process. The visa fee is THB 500.
- Develop plans to deport migrants who do not begin the NV process and remain in Thailand undocumented.

#### National Security Council:

- Consider plans for what to do with migrant workers who do not begin or complete the NV process.

### **6. What do migrants need to do now?**

- ✓ Migrant workers whose work permit expired on 20 January 2010 or will expire on 28 February 2010, should complete and submit the NV application form when they submit their work permit renewal form at the Provincial Employment Office in their province. The authorities of the Provincial Employment Office will issue a receipt of the work permit application and a document indicating that the migrant have applied for NV. These documents extend the migrant worker's permission to stay in Thailand.
- ✓ Migrants take their Provincial Employment Office receipts to the hospital to undergo a medical examination. Migrants return to the Provincial Employment Office with the results of medical examination to obtain work permits.
- ✓ Once migrants received their work permit extension and a document confirming that they submitted a NV application, they are allowed to temporarily live and work in Thailand while the Royal Thai Government (RTG) and the Myanmar/Burmese authorities process the applications. The migrant's status during this period is still "illegal pending deportation".
- ✓ Myanmar/Burmese migrants who are eligible for NV are informed by the Department of Employment through their employers. They receive permission from the Thai Ministry of Interior to leave their province of employment and complete NV in the Thai Border Operational Centers in Mae Sai District of Chiang Rai Province, Mae Sot District of Tak Province or Maung District of Ranong Province and in the Temporary Passport Issuance Offices in Tachilaik, Myawaddy or Khawthaung.
- ✓ Migrant workers who have received a temporary passport from their country of origin can apply for a visa and a new work permit in Thailand. They will be allowed to remain and work in Thailand for two years, renewable for an additional two years.

### **7. Do Myanmar/Burmese migrants still have to return to Myanmar/Burma to collect their temporary passports?**

Yes, the NV process for Myanmar/Burmese migrants was not modified by the Cabinet Resolution<sup>6</sup>. Migrants who have passed the first step in the NV application process will have to complete the process and obtain temporary passports at the Temporary Passport Issuance Offices in Tachilaik, Myawaddy or Khawthaung in Myanmar/Burma.

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<sup>6</sup> For the detailed steps that migrants have to follow in order to complete the NV process, please refer to the IOM Migrant Information Note # 2 (August 2009) and 3 (November 2009).

## **8. Do migrants who successfully complete NV have to pay the work permit and health insurance fees again?**

Migrants who successfully complete the NV process must apply for a new work permit and health insurance and pay the appropriate fees. Migrants who complete NV process and have valid work permits that are not expired are exempted by the Ministry of Labour from the payment of work permit fees for their remaining work period time. The Ministry of Public Health will exempt these migrants from the health examinations.

## **9. What if migrant workers do not apply for NV by 28 February 2010?**

If migrants for any reason do not apply to NV by 28 February 2010 and remain in Thailand, they are subject to arrest and deportation by Thai authorities.

## **10. What if migrant workers do not complete the NV process?**

The Thai Government has not yet decided what will happen to migrants who begin NV and whose applications are rejected. The Cabinet Resolution calls for the National Security Council and related authorities to consider plans to deal with such migrants.

## **NEW “WORK FEES” AND “LEVY FEES”**

Pursuant to the Working of Aliens Act 2009, a regulation on work fees and levy fees was promulgated on 21 December 2009 by the Ministry of Labour.

### **What is the cost of a new or renewal work permit?**

The cost depends on the sector and province of employment. Domestic workers and labourers have to pay between THB 900 to THB 1,800 a year for their work permit depending on the province. Migrants employed in fisheries, fishery processing, agriculture and livestock pay THB 900 per year for their work permit in all provinces. The application fee is THB 100 for everyone.

### **What is the levy fee employers must pay?**

Employers of low-skilled and non-specialist workers must pay between THB 200 to THB 600 per migrant worker depending on the province. Employers of workers in fisheries, fishery processing, agriculture and livestock must pay THB 200 in all provinces.

### **Will levy fees be collected immediately?**

No. Despite the issuance of the ministerial regulation 21 December 2009, the collection of levy fees will not occur until the Ministry of Labour issues a regulation to specify the low-skilled and non-specialist occupations.

### **What are other fees specified in the ministerial regulation?**

Fee for work permit or a duplicate: THB 200 per copy.

Fee for changing/adding jobs: THB 900 for each change.

Fee for changing/adding employers: THB 900 for each change.

Fee for changing/adding locality or place of work: THB 900 for each change.

Fee for changing/adding conditions of employment: THB 150 for each change.

## **MINIMUM WAGE INCREASE**

On 29 December 2009, the Cabinet has approved an increase of the minimum wage in Thailand. The increase, which ranges between THB 1 and 7, was effective as of 1 January 2010. Minimum wages per day are 206 Baht in Bangkok, 205 Baht in Samutsakorn, and 153 Baht in Tak. The minimum wage rate can be downloaded from [www.mol.go.th/statistic\\_01.html](http://www.mol.go.th/statistic_01.html)