15. Situation of Migrant Workers

15.1 Background

Throughout 2005 thousands of people from Burma continued to leave their country in order to seek employment abroad. Due to a range of political, economic and social factors, the population of Burma is highly mobile. Mass migration out of Burma has continued since the 1962 Ne Win military takeover of the country. The ongoing exodus represents one of the largest migration flows in Southeast Asia. It is estimated that 10 percent of Burma’s population has migrated to other countries. Most migration from Burma involves overland cross-border travel to neighboring countries, including Bangladesh and India to the west, China to the north, and Laos, Malaysia and Thailand to the east. The greatest concentration of migrant workers from Burma is in Thailand followed by Malaysia, Singapore and Japan. Accurate demographic data of migrant workers from Burma in most countries however is difficult to obtain because many are undocumented and unregistered in their destinations.

In many cases migration is the only option for those targeted by the regime and caught in the middle of military conflict, particularly those of ethnic minority groups. Systematic human rights violations such as mass forced relocation, arbitrary arrest, torture, rape, and extra judicial killings carried out by the SPDC leave no other option other then to seek refuge in other countries. Because entry into refugee camps in Thailand and Bangladesh is limited and only some are granted refugee status, many are forced to either enter the camps illegally or seek unauthorized employment. Many who have fled severe human rights abuses in Burma with valid claims to refugee status are categorized as economic migrants and therefore are vulnerable to involuntary repatriation.

15.2 Migrants from Burma in Thailand

The size of the migrant population from Burma in Thailand is estimated to be from 400,000 to 2 million persons, making up approximately 80 percent of the migrant workforce in Thailand (sources: Migrant Domestic Workers: From Burma to Thailand, Institute for Population and Social Research, July 2004; Myanmar: Leaving Home, AI, 8 September 2005). Many of migrant workers from Burma work in the illegal, unregulated labor market or in “3-D jobs” (dangerous, dirty and difficult) that often pay well below the minimum wage. The migrant community from Burma is comprised of a myriad of ethnic groups from conflict areas from all across Burma’s 14 states and divisions. Due to the combination of economic and humanitarian reasons prompting migration into Thailand, it is difficult to distinguish between economic migrants and asylum seekers. While many are forced to flee their homes in Burma due to continuing systematic human rights violations, migrants are also drawn across Thailand’s expansive border to escape Burma’s continually deteriorating economy in the hopes of benefiting from Thailand’s booming economy and constant demand for cheap labor. Regardless of the motivations perpetuating the constant flow of migrants from Burma into Thailand, the Thai Government maintains a strict and sometimes arbitrary policy on classifying all people from Burma who arrive in Thailand as illegal immigrants. In turn, many victims of direct human rights abuses are refused access to refugee camps, international humanitarian aid, and are subject to deportation. Meanwhile, neither Thailand nor Burma are signatories to the 1990 UN International Convention on the Protection of the Rights of All
Migrant Workers and Members of their Families, which provides basic human rights to those crossing international borders (source: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004).

**Patterns of Migration and Trafficking**

Migrants from Burma enter Thailand through a variety of methods. Some cross the border legally with work permits and return to Burma upon expiration of their registration. Others enter at legal border crossings such as Mae Sai and Mae Sot on day passes, establish new lives in Thailand and fail to return to Burma. Thai immigration records indicate that up to 15,000 of the 50,000 people from Burma entering Thailand in a month do not return. Many others cross at illegal border points, swimming or wading across rivers, hiking long distances through mountains or smuggled by human traffickers. People entering this way usually have to pay large sums of money as fees for carriers for guided passage as well as bribes to police and officials on both sides of the border.

Once inside Thailand, many migrants remain in border areas because jobs are easy to find and a well-networked migrant community from Burma already exists. Furthermore, they face greater risk of arrest if they attempt to leave the border areas without proper documentation. In the border town of Mae Sot, for example, there are an estimated 150,000 migrant workers employed in approximately 250 factories. It is estimated that 95 percent of factory workers in this area are from Burma. Other places of employment in Mae Sot and the surrounding Tak Province include fruit and vegetable plantations, flower farms, and informal work sectors such as the domestic service industry. Elsewhere many people from Burma, particularly from Shan State, work in the northern Thai-Burma border areas as seasonal agricultural workers. Thousands of people from Burma, mostly from Mon State, are employed in the fisheries, rubber plantations, service industries, and post-tsunami construction sites in the six southern provinces of Thailand.

To reach destinations beyond the border areas, migrants must frequently rely on the assistance of traffickers and carriers. Migrants from Burma have reported paying 6,000 to 14,000 baht to be transported from the border town of Three Pagodas Pass to other locations inside Thailand. A 14,000 baht fee will secure transport to Hat Yai in southern Thailand. Migrants in Three Pagodas Pass who are unable to furnish the high fees of traffickers are forced to hike over the Bilauktaung mountain range to avoid checkpoints of Thai law enforcement personnel. (Source: “Hundreds Waiting to Cross the Border,” *Kaowao News*, 5 May 2005). In 2005, there were reports of a group of human traffickers receiving 20,000 baht from 41 migrants from Burma for transportation from Mae Hong Son to construction sites in Mae Chaem, Chiang Mai Province. In addition, a group of 5 women from Burma paid 10,000 baht each to be carried from the Mae Sai border area, Phrae Province to Nakhom Pathom in a car belonging to a Thai police sergeant. (Source: “50 Burmese Held in Illegal Alien Sweep,” *The Nation*, 5 June 2005). Migrants who contract the services of traffickers frequently end up in abusive or exploitative employment settings.

In an attempt to contend with trafficking, Thai law enforcement officials engaged in several crackdowns throughout the year to apprehend human traffickers. In addition, the Thai government established the National Committee on Prevention and Suppression of Human Trafficking in March 2005. Thailand also announced the enactment of new human trafficking laws during the year. Despite such efforts, trafficking in Thailand remains a widespread problem, earning Thailand a place on the second tier of the U.S. human trafficking
monitoring system in 2005 for its failure to combat the problem (source: Trafficking in Persons Report - 2005, U.S. Department of State, 3 June 2005). Moreover, in its concluding observations of the review of Thailand as a signatory to the International Covenant on Civil and Political Rights, the UN Human Rights Committee expressed concern “that Thailand is a major country of origin, transit and destination in trafficking of persons for purposes of sexual exploitation and forced labor” (source: “Concluding Observations of the Human Rights Committee: Thailand,” Eighty-fourth session of the UN Human Rights Committee, 28 July 2005).

Burma has also been subject to international criticism for its failure to address the occurrence of trafficking both with in the country and across international borders. Since 2001, Burma has been ranked as a Tier 3 country by the U.S. Department of State for failing to comply with the minimum standards of the 2000 Trafficking Victims Protection Act (source: Trafficking in Persons Report -2005, U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 3 June 2005). While Burma has also claimed to have implemented various measures to combat trafficking, these efforts have been criticized for failing to address the push and pull factors that perpetuate its existence. For example, the restrictions placed on the movement of women, particularly in border areas, force them to become increasingly dependent upon traffickers. At the same time, the increasing numbers of checkpoints along travel routes have contributed to higher travel and trafficking costs, as bribes are required to complete the journey. In addition, Burma’s anti-trafficking efforts have failed to address the complicity of officials that perpetuate the practice by accepting bribes. In 2004, the Shan Women’s Action Network (SWAN) reported that nine distinct groups of public officials profit from the practice of trafficking: Immigration, Military Police, Military Intelligence, Police Special Branch, Customs, Narcotics Control, Army, TPDC and municipal officials (source: Shan Women’s Action Network Newsletter, SWAN, September 2004). (For more information see Chapter 12 Freedom of Assembly, Association and Movement and Chapter 7 Rights of Women).

Situation of Female Migrant Workers

Women make up an estimated 40 percent of adult migrants from Burma. In Thailand there is a strong demand for female labor. Yet female migrant workers in Thailand consistently earn less than males. (Source: Burma Economic Watch, January 2005). Women who emigrate are more likely than men to work as undocumented workers. This is partly due to the fact that many women are forced to take jobs in the informal sector that are not included in the government registration process. Women working in the informal sector are also not accorded protections under Thai labor law and therefore are vulnerable to abuse and exploitation.

Many women migrant workers are recruited into the domestic services industry. There are at least 100,000 female domestic migrant workers from Burma in Thailand, and possibly many more that are unaccounted for. Although the Thai Ministry of Labor officially recognized domestic workers when registering migrant workers in 1996 and again in 2001, the Thai Labor Protection Law does not afford any rights or protections to these workers. Instead, “migrant domestic workers [are] expected to work on demand, without agreed upon responsibilities or a written contract delineating working hours, days off, accommodations, salaries, sick leave, care or pay.” Nearly all domestic workers in Thailand earn less than the legal minimum wage, with many earning less than half that. Meanwhile, 80 percent of domestic migrants surveyed in Thailand indicated that they emigrated for the purpose of
procuring money to send back to their families in Burma. (Source: *Migrant Domestic Workers: From Burma to Thailand*, Institute for Population and Social Research, July 2004).

While women are subject to the same poor working conditions and abuses as men migrant workers, women also suffer gender specific abuses. Many women face sexual harassment and sexual assault in the workplace, in government detention centers, and in their homes and communities. Undocumented women migrant workers have little recourse when they are abused, as their abusers often threaten them with arrest and deportation if they complain to the authorities or try to escape their situation. There have been numerous allegations from human rights bodies of sexual molestation and rape of female migrant workers on the border by police and immigration officials. In several cases, factory owners in Thailand have allowed police to enter the women’s sleeping quarters and intimidate women. As a result of such incidents, a number of young migrant women have reported feeling pressure to marry to have some protection against unwanted sexual advances from others.

In December 2004, the Thai Labor Ministry attempted to institute a policy that would allow the Thai Government to deny work permits to women found to be pregnant. This policy was reminiscent of a similar January 2002 enactment. (Source: “Thai Government To Deport Pregnant Foreign Workers,” ASEAN Watch, 27 December 2004). The December announcement was met with outrage from labor and human rights advocates. As a result, the government revised the policy to entitle female migrant workers to remain in Thailand for a year after birth or indefinitely if they find employment or can be supported by their husband (source: “Thailand Not to Deport Pregnant Illegal Workers,” MCOT NEWS, 16 December 2004).

**Health Issues of Female Migrant Workers**

Despite an estimate from the Thai Ministry of Public Health that the cost of providing health services to a migrant worker is on average 250 baht per year, the vast majority of female migrant workers in Thailand lack access to medical care. Women are inhibited from accessing healthcare due to the prohibitive cost when paid for on an individual basis and the difficulties associated with traveling to receive healthcare services. Not only are some employers unwilling to allow women to travel but also undocumented women risk arrest and potential deportation when traveling. According to Dr. Cynthia Maung of the Mae Tao Clinic, a clinic for refugees and migrants on the Thai-Burma border, such fears are justified as “The local Mae Sot police do stand outside the clinic and harass and arrest patients…” (Source: Suzanne Belton and Cynthia Maung, *Working Our Way Back to Home*, Melbourne University and OSI, 2005).

As in Burma, most migrant women suffer from a lack of access to reproductive healthcare, information on sexually transmitted diseases and contraceptives. In Burma, it is estimated that only 28 percent of fertile-age women use a modern method of contraception, compared to 72 percent of Thai women in Thailand (source: Suzanne Belton and Cynthia Maung, “Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border,” *Forced Migration Review*, Issue 19, January 2004). Furthermore, the cost of condoms is over half a day’s average wage and migrant workers have limited access to free condoms. Meanwhile, according to staff from the Mae Tao Clinic, female in-patients have readily accepted a range of temporary and permanent contraceptive methods when offered and were “very interested” in talking about family planning. In Thai hospitals, however, women requiring medical care following serious abortion complications “are discharged without education, counseling or

Reproductive health issues continue to be complicated by labor concerns. Pregnancy remains a ground for dismissal by many employers (source: Suzanne Belton and Cynthia Maung, “Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border,” Forced Migration Review, Issue 19, January 2004). In a study of female migrant workers in Thailand, a typical interviewee reported, “When I was pregnant I went to end my pregnancy with the letthay (traditional midwife/women’s healthcare practitioner) because my female boss didn’t want me to be pregnant. She shouted and swore at me. I would lose my job.” (Source: Suzanne Belton and Cynthia Maung, Working Our Way Back to Home, Melbourne University and OSI, 2005). Furthermore, pregnant migrant workers are generally not offered maternity leave and breast-feeding is often forbidden during work hours (source: Marwan Macan-Markar, “Thailand: Motherhood a Risk for Burmese Migrants,” IPS, 23 September 2003). In addition to job retention, women from Burma also cite poverty, domestic violence, ill timing, and community pressure as reasons to terminate a pregnancy. Financial reasons for terminating pregnancy are especially common, with many women reporting that “pregnancy interrupts family plans to save money, pay off debts or feed the extended family back in Burma.” (Source: Suzanne Belton and Cynthia Maung, Working Our Way Back to Home, Melbourne University and OSI, 2005).

The illegality of abortion in both Thailand and Burma forces migrant workers to seek assistance outside formal channels, often to the detriment of their physical and mental wellbeing. Key findings from research on women’s health issues on the Thai-Burma border, found:

- At least a quarter of women with post-abortion complications have had self-induced abortions.
- A third of the women interviewed had five or more pregnancies, which is a health risk in itself.
- Most women and lay midwives classified menstrual regulation and abortion as traditional methods of fertility control.
- Unqualified abortionists and home remedies are the only practical recourse women have to end an unwanted pregnancy.
- Women used a wide variety of methods to end their pregnancy, including self-medication with Western and Burmese medicines, drinking ginger and whisky, vigorous pelvic pummeling and insertion of objects into the sex organs.
- Temporary contraceptive information or methods were not offered to women during post abortion care in the local Thai hospital.
- The Thai Ministry of Health has recorded the abortion rate among migrants as 2.4 times higher than that of Thai women.

It was also noted that the women interviewed had little to no education and nearly 25 percent could not read or write, making alternatives to written information on reproductive health a necessity. (Source: Suzanne Belton and Cynthia Maung, “Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border,” Forced Migration Review, Issue 19, January 2004).
HIV and AIDS

“The HIV infections among the migrant communities look like those of Thai people about ten years ago. It’s infected so fast at that time. Now migrant workers are like this because they don’t know how to prevent HIV and some people think HIV/AIDS is not a big problem for them.” - Staff from the Migrant Assistance Program (MAP) Foundation (Source: “Fear, Ignorance Raises Risk of HIV in Migrant Workers,” SHAN, 28 November 2005).

Social taboos prohibiting open discussions about sex and lack of public information regarding sexually transmitted diseases render migrants from Burma at high-risk for contracting HIV/AIDS. The migrant community’s knowledge of sexually transmitted diseases is riddled with myths, including the belief that transmission can occur via toilet seats, kissing and coughing. Of greater concern is the belief that contraceptive pills act as transmission preventatives. (Source: “The Aids embargo: Cover Story,” Irrawaddy, 1 January 2002). Other reports have revealed a belief among fishermen that a “persons HIV status can be discerned from appearances, citing fair skinned women and those with cool skin as ‘clean’” (source: “Migrant Fishermen’s Risky Behavior Spreads HIV,” Vietnam News, 17 July 2004). In Burma, the SPDC has been unwilling to engage in any large-scale education campaigns and references to condoms are still heavily restricted in the Burmese media. Lack of understanding and awareness of HIV/AIDS among the migrant population is exacerbated by limited Thai government-sanctioned prevention initiatives targeting the migrant population (source: “HIV/AIDS Stalks Burmese Migrant Workers,” Mizzima, 11 July 2005). NGOs have initiated some prevention campaigns in areas with high migrant worker populations and HIV infection rates such as Samut Sakhon, Mae Sot, Ranong and Chiang Mai. Migrants from Burma living in Chiang Mai also have access to HIV/AIDS counseling services at the New Life Friends Center. Fearing ostracism by their employers and community members, most seek counsel via telephone. Thai media provides some information however it is generally inaccessible to migrants from Burma who typically have low levels of comprehension of the Thai language. (Source: “Fear, Ignorance Raises Risk of HIV in Migrant Workers,” SHAN, 28 November 2005).

In addition to lack of access to information, HIV/AIDS in the migrant community is perpetuated by a lack of access to healthcare, lack of protection for pregnant migrant workers in the work force, and the prevalence of trafficking, violence and exploitation. Such discriminatory treatment renders the migrant community to be more susceptible to HIV/AIDS than the local population in Thailand (source: No Status: Migration, Trafficking & Exploitation of Women in Thailand – Health and HIV/AIDS Risks for Burmese and Hill Tribe Women and Girls, Physicians for Human Rights, June 2004). Consequently, the UNDP reported that 4.3 percent of pregnant migrant women were HIV positive as opposed to 2 percent of pregnant Thai women (source: “HIV/AIDS Stalks Burmese Migrant Workers,” Mizzima, 11 July 2005).

Reports have indicated that “although credible data is not available, infection rates among Burmese sex workers in the border towns of Mae Sot, Mae Sai and Ranong are considered high” (source: Aung Zaw, “The Aids Embargo: Cover Story,” Irrawaddy, 1 January 2002). In addition, the Suphamitr Foundation, a Thai NGO, reported that gonorrhea, syphilis and other sexually transmitted diseases continue to spread within the migrant population of Mae Sot. The spread of disease is attributed partly to the daily cross border migration of sex workers from Burma and the patronage of migrant workers from Burma. (Source: “Thailand: STDs Spread along Mae Sod Border due to Immigration Labor Sexual Activity,” Thai Press
reports, 21 June 2005). Statistics from Mae Sot Hospital revealed that 11.11 percent of sex workers who have quarterly checkups at the hospital are HIV positive (source: Jean-Baptiste Ronat, Migrant Population Assessment in Mae Sot District: Health Access Situation Analysis, MSF, October 2005). The high rate of infection among sex workers due to unprotected sex implies that their clients also suffer high rates of infection and may unknowingly transmit diseases to their partners and spouses.

**Situation for Migrant Children**

Ninety-three thousand children below the age of 15 accompanied the 1.3 million adult migrants from Burma, Laos and Cambodia who registered as workers in Thailand in 2004. Sixty-three thousand were children from Burma below the age of 12 (source: “Thailand Risks Creating ‘Lost Generation’ of 100,000 Child Migrants: IOM,” AFP, 23 August 2005). According to a study conducted by Save the Children UK from 1999 to 2001, children from Burma as young as 13 years of age migrate either independently or alongside relatives to neighboring countries in search of employment. Thai law stipulates the minimum age of employment to be 15 years of age. (Source: Caoutte, Therese, Small Dreams Out of Reach, The Lives of Migrant Children and Youth along the Borders of China, Myanmar, and Thailand, Bangkok: Save the Children UK, 2001). However, the International Confederation of Free Trade Unions (ICFTU) revealed that children from Burma as young as 8 years old work in a number of workplaces within Thailand including such industries as textiles, garments, bottle making, tinning, domestic work, snack bars, dish washing, fishing, construction, and agriculture. Migrant children are also employed as sex-workers, however, efforts by the Thai government to eliminate the practice has caused a significant decrease in the number of children involved in the sex industry. The exact number of child laborers in Thailand is difficult to ascertain due to their undocumented status and clandestine presence in the workplace. (Source: Growing Up Under the Burmese Dictatorship, ICFTU, August 2003).

Like adult migrants, young people and children from Burma have been involved in abusive, exploitative and sometimes violent situations and working environments. Those with minimal levels of education are more vulnerable to these circumstances. In its concluding observations of Thailand as signatory to the International Covenant on Civil and Political Rights, the human rights committee expressed “concern about the significant proportion of children, often stateless or of foreign nationality...who engage in labour and are often victims of trafficking.” Furthermore, the Committee recommended that “the state party should make every effort, including preventative measures, to ensure that children who engage in labor do not work under conditions harmful to them and that they have access to education.” (Source: “Concluding Observations of the Human Rights Committee: Thailand,” Eighty-fourth session of the UN Human Rights Committee, 28 July 2005).

An issue of increasing concern has been the growing population of stateless children of migrants from Burma. In August 2005, the International Organization for Migration (IOM) reported that over 100,000 migrant children in Thailand were stateless (source: “Thailand Risks Creating ‘Lost Generation’ of 100,000 Child Migrants: IOM,” AFP, 23 August 2005). Under the 1982 Citizenship Law of Burma, citizenship is refused to children whose parents have left Burma illegally. Therefore, children born in Thailand whose parents are nationals of Burma are denied citizenship in Burma. At the same time, Thailand denies citizenship to undocumented migrants from Burma. In addition, Thai Ministry of the Interior (MOI) regulations prohibit registration of the births of children born to undocumented migrants. While children born in either refugee camps or government health facilities may obtain a
delivery certificate, a delivery certificate is not the same as a birth certificate. Furthermore, very few migrant births occur in either location. As a result, a class of stateless children born to migrants from Burma has developed in Thailand who will be “unable to prove that they are from Myanmar [Burma] should they ever go there.” (Source: “Prospects for Hope? Myanmarese Refugees in Thailand,” *World Refugee Survey 2005*, USCRI, 15 June 2005).

Children of migrants also face great difficulties accessing education and health institutions. As a signatory to the Convention on the Rights of the Child as well as under the Thai Ministry of Education’s 1992 Regulation on Evidence of a Child’s Birth for School Admission, Thailand is obligated to allow non-Thai children to attend Thai schools. In addition, Thai law prohibits admission determinations that are contingent upon possession of civil registration documents. However, most children of Burma are unable to access the Thai school system. According to Thai Ministry of Education statistics, only 13,500 children of migrants from Burma, Laos and Cambodia under the age of 15 were enrolled in Thai schools. The few that have been able to attend Thai schools reportedly have been “unable to attain an official degree or certificate permitting the young person to pursue further education or to find a job.” The IOM indicated that because many migrant children learn both Thai and Burmese, the lack of a formal education prevents full literacy in either language. Furthermore, without receiving a proper level of education, migrant children are often only equipped for low level employment in Thailand and are unprepared to return to Burma. (Sources: “Stolen Future: The Stateless Children of Burmese Asylum Seekers,” RI, 25 June 2004; *World Refugee Survey 2005*, USCRI, 15 June 2005; “Thailand Risks Creating ‘Lost Generation’ of 100,000 Child Migrants: IOM,” AFP, 23 August 2005).

The inaccessibility of Thai schools often forces children to attend unauthorized schools funded and operated by NGO’s, ethnic minority groups from Burma, religious organizations and political groups. In some cases, these schools lack an appropriate curriculum or the necessary resources for students to attain a high level of education. The informality of these schools also results in an ‘unaccredited’ education that is unable to provide the necessary documentation or recognition for more advanced educational placement. (Source: *Growing up under the Burmese Dictatorship*, ICFTU, August 2003). While some children from Burma are able to access education available in one of the border refugee camps, the quality of this education is at risk due to the number of refugee teachers being resettled to third countries. Additionally, those children who complete camp education receive a certificate issued by ZOA Refugee Care (Netherlands) that is neither recognized by Burma nor Thailand. (Source: *International Migration in Thailand*, IOM, August 2005).

On 5 July 2005, the prospects for attaining an education in Thailand seemingly expanded when the Thai Cabinet passed a resolution granting non-Thai and undocumented children access to the Thai education system from kindergarten through university. According to the resolution, children under this category are entitled to receive a 13-digit registration number allowing them to attend school. Moreover, undocumented children would be permitted to travel within Thailand for approved education related purposes. However, by the end of 2005, the resolution had yet to be implemented and the situation for children from Burma remained largely the same. (Source: World Education, 2005)
Thai Migration Policy and Legal Registration of Migrant Workers

Thailand’s policy on migration prioritizes economic development and national security, often instead of protecting the rights of migrant workers. For nearly the past decade, Thai migration policy has been drafted through a series of cabinet resolutions that reflect the attitude of the administration in office. Contradictions between these resolutions have inhibited the formation of a coherent policy on migration. Compounding this problem is the traditional high degree of autonomy that local police, military and immigration officials are allowed to operate with further inhibiting consistent implementation.

Thai law defines an illegal migrant as a person without Thai citizenship who has entered the Kingdom in violation of section 12 of the Immigration Act of 1979. According to this Act, migrants found to be in the country illegally will be repatriated to their countries of origin. In March 1992, the Thai cabinet passed the first of a successive number of resolutions that have allowed migrants to pay a fee and apply for a work permit allowing them to work legally in Thailand. The permit limits work to specific industries in designated parts of the country. In 2001, 568,249 workers were registered, 409,339 in 2002 and 353,274 at the beginning of 2003. However, by August/September 2003 only 110,000 migrant workers were registered. A dramatic turnaround occurred in 2004 with 838,943 migrants registering for work permits, 625,886 of whom were from Burma. However, in 2005, the number of migrants who completed the registration process decreased again.

Migrants with work permits are protected under the 1997 Constitution of the Kingdom of Thailand and covered by most of the provisions in the Labour Protection Act of 1998. Unregistered workers are also protected by various provisions of the Labour Relations Act. The work permit also grants migrant workers access to the Thai public healthcare system, subject to an initial medical check and payment of health insurance. Unfortunately, enforcement of these protections for migrant workers has been lax, resulting in a large divide between policy and practice. Additionally, language barriers and a lack of political initiative have meant that many workers are not aware of what rights the permit entitles them to and how to respond if these rights are violated.

In an attempt to establish a legal labor import system, Thailand and Burma signed a Memorandum of Understanding (MoU) in June 2003, comparable to agreements previously signed with Cambodia and Laos. The terms, initially aimed to commence in 2004, entitled all legal migrants to have passports, visas, official contracts and limited terms of stay. Specifically, imported workers from Burma would receive a two-year work permit, renewable only once. Fifteen percent of their wages would be deducted and returned to them when they return to Burma, theoretically to help with the costs of repatriation. The migrant workers would have to cover the costs of the medical examination and work permits, while employers would be charged around 3,000 baht for permits and for arranging utilities and other services for their staff. In addition, there were anticipated changes to the permitted categories of labor for migrants. The Thai Ministry of Labor has further plans to allow migrant workers into Thailand for the day to work in border factories, as long as they return home in the evenings. By the end of 2004, however, the SPDC failed to meet their set of obligations.

To implement the terms of the MoUs, the Thai government planned to send registered workers’ records to Burma. In turn, the SPDC would be responsible for verifying worker’s information and issuing travel documents. By mid-April 2005, the SPDC had done little to
act on their responsibilities. Conversely, as of the same time under comparable MoUs, the Cambodian government had commenced the verification process for 183,541 migrants while Laos had already authorized 1,300 migrants. In order to complete the process, the SPDC authorities requested that the Thai government send the entire migrant population of approximately 1,000,000 persons back to Burma, arguing that the authentication and document issuing procedure should transpire in Burma. (Source: “Burma’s Nationality Check ‘A Ploy,’” BP, 13 April 2005). Determining the plan to be impractical, the Thai government proposed to host SPDC officials in Bangkok to perform the work (source: “Myanmar Wants Workers in Thailand to Return Home: Minister,” AFP, 12 April 2005).

On 10 May 2005, the Thai cabinet passed a resolution allowing migrants with work permits or temporary IDs to register for a work permit for an additional year. The resolution also granted permission to dependents of migrants with work permits to remain in Thailand for an additional year. New arrivals or those who had not registered in 2004 however were not permitted to register. In addition, only migrants employed in construction, domestic work, farming, fishing, labor for shipping, manufacturing, plantation and rice mills sectors were eligible for registration. Unlike the 2004 registration process, migrants no longer retained the option to register only for a temporary ID or temporary residence permit. The registration process also includes the final step of nationality verification necessary for the implementation of the June 2003 MoU. The resolution has also allowed for workers in close proximity to the border to cross into Thailand on a daily basis for seasonal employment on the condition that they return to their country of origin at night. Finally, provincial governors have been granted authority over the determination of whether migrant laborers should be employed. The process commenced on 1 June 2005. (Source: MAP, 2005).

The fees for registration varied according to whether or not a migrant obtained a work permit or only a temporary ID card during the 2004 registration. Migrants already in possession of valid work permits and who planned to remain with the same employer paid 1,900 baht for medical related fees. The work permit cost 1,800 baht for one year, 900 baht for 6 months and 450 baht for 3 months. Meanwhile, migrants registering with new employers or with expired work permits faced additional fees of 650 baht to cover work permit application and renewal fees from 2004. Migrants who possessed only a residence permit/temporary ID from 2004 were charged the same additional fees on top of the work permit costs. Furthermore, health related fees amounted to 2,900 baht. Therefore, migrant laborers were required to expend from 3,700 to 5,350 baht for legal permission to work and live in Thailand until June 2006. (Source: MAP, 2005).

Upon the close of the registration process at the end of August 2005, Thailand faced a severe labor shortage. While employers reported a need for 1,800,000 workers only a total of 702,179 migrants registered, which included migrants from Burma, Lao and Cambodia. In November 2005, Minister of Labor Somsak Thepsuchin reported a plan to import an additional 200,000 workers from Cambodia and Laos through agreements with the respective governments. A further 300,000 migrants from Burma would be recruited from among the migrant population already residing within the Thai borders without proper documentation. However, the Thai Cabinet had yet to endorse the plan. (Source: “Thailand Eyes Workers from Neighboring States to Fill Shortages,” Asia Pulse, 9 November 2005).

In December 2005, a new resolution was passed allowing for another registration period in 2006. Yet, unlike previous registration exercises, employers will be required to furnish a 10,000 to 50,000 baht registration fee deposit, aside from the fees for the work permit, for
each worker. The deposit is meant to serve as insurance in the event that workers change jobs unofficially or participate in illegal activities. Also in December, plans were reported to create “One Stop Service Centers” for work permit registration. The centers are planned to be located in Chiang Rai, Kanchanaburi, Tak and Ranong Provinces. (Source: “Migrant Policy Shift Draws Fire,” 23 December 2005).

Migrant and labor advocates have voiced strong concern over the possible repercussions of the new regulations. Increased deductions in migrant workers’ wages and greater employer control over employees leading to heightened vulnerability and abuses were some of the possibilities cited. Others argued that the high cost of the deposit will lead employers to hire fewer registered workers and more illegal workers, rendering larger communities without the protection of labor laws. (Source: “Migrant Policy Shift Draws Fire,” Irrawaddy, 23 December 2005). By investing in securing a work permit, there is a strong disincentive for workers to change employers. This hinders the ability of workers to leave abusive work environments.

**Withholding Work Permits**

Employers frequently withhold work permits providing workers with either a photocopy or nothing at all. By retaining the permit, employers are able to protect their labor supply and costs by restricting the mobility of their workforce. Workers are still subject to arrest and deportation, while employers are exempted from penalties related to employing unregistered migrants. The practical result of this for migrant workers employed in factories is that they are often forced to live in the factory. Life inside the factory is attenuated with low sanitary conditions with hundreds of workers forced to share very few bathing facilities, cramped living quarters and the low quality drinking water. These harsh conditions typically lead to incidences of violence, intimidation and threats of violence. Isolation in the factory also heightens worker dependence on their employer. In this situation, according to section 76 of the Labor Protection Act, unlawful and disproportionate deductions are taken from a worker's wage to pay for accommodation, water, and rice. Such deductions are a reason cited for the low rates of remuneration received by migrant workers. (Source: Dennis Arnold, “The Situation of Burmese Migrant Workers in Mae Sot, Thailand,” Working Papers Series, No. 71 September 2004).

In addition, without their original work permits, workers are unable to access healthcare services. One of the aims of registration was to bring migrant workers within the public health system, initially involving a medical check-up and payment of health insurance. As photocopies of the work permit are not accepted by Thai hospitals, access to the public health system is effectively blocked. Furthermore, it may be difficult for workers to access healthcare since many employers do not provide sick leave. Access to healthcare is a particular problem for migrants that live on the employer’s premises.

**The Labor Protection Office (LPO) and the Federation of Thai Industries (FTI)**

The Labor Protection Office (LPO) is responsible for ensuring adherence to Thai labor laws. The LPO is invested with the power to act as negotiator and arbitrator in disputes between employees and employers. Yet, criticism has persisted over perceived ambivalence to violations of labor rights and biases toward the interests of employers. In January 2004, there were reports that the LPO relayed a message to labor rights focused NGO’s “to stop trying to utilize the labour protection mechanism and to stop calling for the enforcement of the legal
minimum wage which is not enforced even for Thai workers.” (Source: Dennis Arnold, “Work, Rights, and Discrimination against Burmese Workers in Thailand,” *Asian Labour Update*, December 2004).

Many commentators cite the close relationship between the LPO and employer organizations such as the Federation of Thai Industries (FTI) as the reason for the Office’s failure to adequately respond to violations of labor law against migrant workers (source: Dennis Arnold, “The Situation of Burmese Migrant Workers in Mae Sot, Thailand,” *SEARC Working Papers Series No. 71*, September 2004). The influence of the FTI was evident in December 2003 when the Tak Chapter requested the Tak governor to investigate the operations of NGO’s in the area on the basis that organizations such as the Yaung Chi Oo Workers’ Association (YCOWA) and the Migrant Assistance Program Foundation (MAP) were provoking workers’ strikes. Shortly after, prominent members of these organizations were targeted by thugs (source: Dennis Arnold, “Work, Rights, and Discrimination against Burmese Workers in Thailand,” *Asian Labour Update*, December 2004).

**Migrant Workers’ Rights Organizations**

The growth of labor activism and the prominence of worker organizations focused on migrants from Burma, including exiled trade unions from Burma, have begun to address the labor and human rights abuses that traditionally characterize the conditions that the migrant labor force faces in Thailand. These organizations include: Federation of Trade Unions-Burma (FTUB), the Migrant Assistance Program Foundation (MAP), Yaung Chi Oo Workers’ Association (YCOWA), shelter organizations and other smaller groups. These groups are dedicated to promoting the observance of labor rights and disseminating information about labor rights to migrant workers in their own language, issuing press releases, and assisting in the preparation of complaints to initiate compensation proceedings. However, due to restrictions on their activities, these organizations have been impeded from representing the interests of migrant workers in the Thai court system. (Source: Dennis Arnold, “Work, Rights, and Discrimination against Burmese Workers in Thailand,” *Asian Labour Update*, December 2004).

Employer organizations and Thai law enforcement personnel have continuously attempted to intimidate and discredit the workers’ organizations and those who work for them (source: Dennis Arnold, “Work, Rights, and Discrimination against Burmese Workers in Thailand,” *Asian Labour Update*, December 2004). For example, on 5 September 2005, Thai police assaulted a man standing on the road in front of the YCOWA office. When the man attempted to run inside the YCOWA office, the police forced their way in, retrieved him and continued to beat him. The victim however was not a YCOWA member but a visitor to friends in the organization. YCOWA filed a complaint with the immigration office. However, as of 8 September, the police failed to take any action. (Source: “Burmese Labor Group Targeted by Police,” *Irrawaddy*, 8 September 2005). In addition, employers have reportedly offered a 300,000 baht bounty for the death of five YCOWA members (source: “Burmese Workers Intimidated by Thai Police and Employers,” DVB, 5 September 2005).
Deportation of Migrants

When undocumented migrant workers are arrested in Thailand, they are dealt with in a number of ways. Some are quickly released after paying a bribe to the police either on the spot or after being held for a short time at a police station. Others are sent to the Immigration Detention Centers (IDC) in Mae Sot or Bangkok.

Once an undocumented migrant worker has been sent to an IDC, there are three possible scenarios. The vast majority of these migrants are “informally” deported, which entails being dropped off on the Thai side of the border or taken across the border. Migrants informally deported at the Mae Sot – Myawaddy border crossing maybe taken across the river to areas controlled by the junta-aligned DKBA. Thai Immigration statistics estimate that the number of unofficial deportations from Mae Sot in 2003 averaged about 10,000 people per month. Migrants deported in this fashion are frequently able to bribe their way or contract traffickers to secure passage back across the border or into town. Therefore, these workers are caught in a cycle between the Thai authorities, the SPDC, armed ethnic groups, and traffickers – all of whom profit from the continued movement of migrant workers.

Other undocumented migrants in the IDC are transferred to the Special Detention Center (SDC), which is primarily reserved for political activists. It is very difficult for people held here to gain release.

Finally, an undocumented migrant worker may be released from IDC by “formal” deportation, a process that returns migrants from Burma directly into the SPDC holding center in Myawaddy. The holding centre, known as Ke Say Yee Sa Kan in Burmese, was established in February 2002 following negotiations between the Royal Thai Government and the SPDC. At the reception center, deportees are reportedly placed under a combined police, military and DKBA guard. All returned migrants are screened through a series of interviews with immigration officials, public health officials and members of military intelligence. This screening process is particularly dangerous for any migrants seen to have political connections, ties to ethnic armed resistance groups or who test positive for HIV.

As a result of the June 2003 MoU, the deportation process has been accelerated as the SPDC has agreed to accept all undocumented migrant workers, regardless of ethnicity. In the past, Thai officials had to verify the names and citizenship status of undocumented workers with the SPDC before deportation. Thus, the Thai government was often required to hold deportees in detention centers for long periods while the SPDC determined whether or not to allow the return of its nationals. However, since August 2003, when the MoU was implemented, 400 migrants have been “officially” deported every month from Mae Sot directly to the SPDC holding center in Myawaddy. These formal deportations take place on the first and third Monday of every month, with 200 people being deported on each day. (Source: “Myanmar-Thai Meeting on Illegal Workers Ends in Myanmar,” Xinhua, 15 May 2003).

Thai immigration officials make no attempt to determine if any deportees are refugees or have any fear of persecution if returned to Burma. Instead, local Thai officials regularly assume that all people without ID documents outside the refugee camps are undocumented economic migrants or simply ignore documents a refugee or asylum seeker may have. The UNHCR has been invited to screen the IDC list of all formal deportees and to provide assistance to those claiming refugee status. It is also possible for individuals slated for formal
deportation to make an asylum claim with UNHCR officials at the IDC in Bangkok. These individuals can then be removed from the formal deportation system. However the only option for these individuals is to be informally deported. (Source: *Six-Month Report*, BBC, July-December 2003).

In the formal deportation process, SPDC officials accept the deportee into the Myawaddy holding center. Conditions in the holding center are reportedly poor, however, aside from occasional visits from the ICRC, there are no international organizations regularly monitoring the conditions at the reception center. Upon entry, the SPDC authorities specifically screen returned migrants to identify those opposed to the regime-rule. Thai authorities also submit personal data on deportees to SPDC officials at the time of repatriation. These officials then cross-check the information provided with their own files and though questioning each deportee in search of dissidents. As most political activity is criminalized in Burma, this process places past and present politically active deportees at severe risk of arrest, interrogation, torture, and arbitrary detention. Furthermore deportees are subject to potential arrest and imprisonment up to 7 years for illegal emigration pursuant to SPDC regulation 367/120-(b)(1). Returned migrants are also tested for a number of communicable diseases such as HIV/AIDS, malaria, tuberculosis, and sexually transmitted diseases. A number of human rights organizations have protested this mandatory HIV/AIDS testing, and the reported separation of at least 20 individuals who tested positive for HIV/AIDS. Such mandatory testing contravenes UN HIV Principles and Guidelines, of which both Thailand and Burma are signatories. Moreover, aside from occasional visits from the ICRC, there are no international organizations regularly monitoring the conditions at the reception center.

At the end of the screening process, deportees are dealt with in several ways. Those who are able to find a resident of Myawaddy prepared to vouch for them are simply released after paying between 2,000-3,500 kyat. The remainder are transported by truck back to their home districts. Some migrants have reported that once they are returned to their villages from the Myawaddy holding center, they are forced to sign pledges saying that they will never attempt to leave Burma again. They are threatened with prison sentences and heavy fines if they do so.

**The Tsunami**

On 26 December 2004, tsunami waves ravaged the Andaman coastline causing unprecedented damage to the western coast of Thailand, specifically to the provinces of Ranong, Phuket, Phangnga, Trang, Satun and Krabi. According to Surapong Kongchanthuek, deputy chairman of the Law Society of Thailand's Committee on Human Rights for Stateless and Displaced People, 127,714 migrant workers from Burma were employed in the effected provinces, however, only 22,504 were registered with the Ministry of Labor. The majority of these workers were employed in fishing, construction, on rubber plantations, as well as in various hospitality-related positions. (Source: “800 Burmese Workers ‘Killed in Catastrophe,’” *BP*, 30 December 2004). Although everyone in the area at the time the wave struck was impacted by the tsunami, migrant workers from Burma suffered particularly severe hardships when the waters receded due to their marginalized status in Thailand.

The number of deaths of migrant workers from Burma caused by the tsunami remains unclear, although estimates range from 1,000 to 7,000 dead. The unknown number of migrant workers from Burma in the southern provinces before the wave hit has contributed to the problem of determining the number of such workers affected by the tsunami. Thai relief agencies and police were also criticized for ignoring corpses of victims from Burma and failing to take
official record of the deaths. (Source: “Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin,” IPS, 13 January 2005). Meanwhile, 200 migrant workers from Burma have been reported missing by family members and are likely to be among the 1,800 unidentified bodies recovered from the tsunami disaster (Source: Thailand to Lead Tsunami Victim ID, Irrawaddy, 23 August 2005; Tsunami Action Group Final Report, TAG, November 2005).

Difficulties in establishing the numbers of dead and missing were also related to the reluctance of migrant workers from Burma to claim the dead bodies of friends, family and co-workers in morgues or monasteries, due to fear of arrest and deportation. This fear surfaced as a result of the mass deportations undertaken by police in the wake of the tsunami. As many migrant workers lost their work permits during the tsunami, they were rendered unable to prove their legal status. The death of employers also left registered workers with no one to vouch for them. Regardless, police indiscriminately arrested unregistered as well as registered migrant workers, rendering the entire segment of the population vulnerable to potential deportation (source: “Tsunami aftermath; Help or Hurt? An Uncertain Future,” BP, 16 March 2005). In turn, migrant workers from Burma were discouraged from entering areas with a Thai law enforcement presence to identify the dead and report the missing (source: “AHRC Update (Thailand): Updates on The Tsunami-Affected Burmese Migrant Workers,” AHRC, 16 February 2005). In the days following the tsunami, around 1,000 migrant workers were deported. In the weeks that followed, dozens of migrant workers from Burma continued to be arrested and deported each day.

Unfounded Thai television and media news reports attributing post-tsunami looting to migrant workers from Burma served to heighten tension and discrimination against them and escalated the crackdown against migrant workers without documents. Accusations of looting were also used as a pretext to strip migrant workers of their possessions and even cash. (Source: “Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin,” IPS, 13 January 2005). Following the reports, 14 migrant workers from Burma were arrested. Nine confessed to the charges under promises of leniency in sentencing. As of the end of 2005, they were serving 30 months in detention. The five others maintained their innocence and were acquitted on 3 November 2005. They were released after having spent 10 months in prison. (Source: “Burmese Migrants Acquitted, Irrawaddy, 4 November 2005). The Thai police were heavily criticized by the international community for providing false and misleading information to the Thai media and the Thai media was criticized for their use of racially inflammatory language in the reports.

Fear of arrest and deportation also prevented both registered and unregistered migrant workers from Burma from accessing humanitarian aid, despite the fact that the Thai government and the international community were quick to respond to the after-effects of the tsunami, with the delivery of humanitarian aid, air and ground support. In an attempt to escape the authorities, many migrant workers fled the beaches and their former workplaces and went into hiding, placing themselves in positions where they were unable to access aid. At the same time, there were numerous reports that migrant workers from Burma were denied humanitarian relief at distribution points despite contrary statements by Thai public health officials that migrant workers from Burma were entitled to relief. (Source: “Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin,” IPS, 13 January 2005).

By April 2005, no Thai agency had set aside any portion of their budget to assist the foreign population in Thailand affected by the tsunami. Although Thai survivors received US$500
from the Thai government, survivors from Burma received nothing. (Source: “Migrant Workers from Myanmar, Forgotten Victims of Tsunami, Now Rebuild Thai Resorts,” AP, 24 June 2005). The Labor Ministry, however, approved a portion of the funds raised from the last worker registration period to go to family members of foreign victims of the tsunami. Through this decision, relatives of victims killed in the tsunami would receive 20,000 baht while family members of missing victims 15,000 baht. (Source: “Alien Survivors of Tsunami in Need of More State Assistance,” BP, 20 April 2005).

In addition to the difficulties faced by migrant workers from Burma in accessing humanitarian aid, reports of Thais intervening to prevent aid agencies delivering assistance to people from Burma also surfaced. In one incident, three World Vision aid workers reported being beaten up and placed in a cage by local Thais in response to assistance they were providing to migrant workers. A fourth World Vision worker sought to intervene and was also beaten up. The tension that flared was reported to be related to Thai fears of the potential loss of the cheap labor that migrant workers represent. (Source: “Burmese Migrant Workers in the Aftermath of the Tsunami,” APFWLD, 11 January 2005).

Months after the disaster, thousands of survivors from Burma continued to have no access to healthcare services and tsunami aid provisions. In light of the difficulties in accessing equal treatment in Thailand, the Tsunami Action Group (TAG) was set up through the coordinated efforts of several Burma NGO’s and human rights organizations to provide targeted relief services and legal advocacy to the overlooked population of migrant workers from Burma. Many survivors without proper documentation, however, remained in hiding. (Source: “Fear, Disease Grip Myanmar Tsunami Victims,” Reuters, 20 June 2005). Although TAG focused efforts on re-registering migrants and obtaining new ID and healthcare cards, the process progressed slowly. By July, only 320 workers had received replacement documents. (Source: Tsunami Action Group Final Report, TAG, November 2005).

The junta, meanwhile, demonstrated complete disregard for its own nationals affected by the tsunami. No effort was made to offer any support to tsunami survivors or family members of victims living in Thailand. (Source: “Myanmar Workers in Thailand are the Forgotten Tsunami Victims,” AFP, 19 January 2005). The regime was not only unresponsive to the needs of survivors but obstructive in the repatriation process of those returning to Burma. At least 40 survivors at the Three Pagodas Pass border crossing were required to furnish fees to re-enter Burma despite having lost all their possessions in the tsunami. (Source: “Survivors of the Tsunami Fined in Burma,” Mizzima, 24 January 2005). Other returnees were barred from entering Burma at the Kawthaung border checkpoint. (Source: “Burmese Migrants Fear Expulsion from Thailand: Following the Disaster, Many are in Hiding in the Hills,” Financial Times, 13 January 2005).

In addition to impeding the repatriation process of tsunami survivors, the regime has also impeded the identification and repatriation process of tsunami victims. In general, the identification process of victims from Burma has been difficult. Initial reports indicated that Thai police denied the access of migrant workers from Burma to the corpses in order to identify family members, friends, and colleagues. In one instance, Aung Myo Min, an activist-in-exile and director of the Human Rights Education Institute of Burma (HREIB), attempted to identify and retrieve the bodies of friends but was prevented from doing so by local search and rescue teams. (Source: “Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin,” IPS, 13 January 2005). In April the Thai Tsunami Victim Identification’s Information Management Center approved a plan to use DNA testing. The
Thai Action Committee for Democracy in Burma and the Law Society of Thailand led efforts to help families of migrant workers fill out the necessary documentation and travel arrangements. (Source: “Operation to Trace Burmese Tsunami Victims Underway,” *Irrawaddy*, 20 May 2005). Although the testing process commenced in July, some migrant families were inhibited by fears that participation would lead to arrest and deportation by the Thai authorities. Others were prevented by their employers from missing work to participate in the process. (Source: “Burmese Tsunami Search Underway,” *Irrawaddy*, 4 July 2005). By the years end, 80 bodies were identified for repatriation to Burma. The bodies however remain in Thailand due to the lack of detailed information necessary for their return and the lack of cooperation from the SPDC. (Source: “Lack of Identity Papers Holds up Return of Tsunami Bodies,” *Irrawaddy*, 2 December 2005). In late November, a forum of NGO representatives and Thai officials met to formulate a strategy to expedite the process (source: “Burmese Tsunami Bodies Caught in Red Tape,” *Irrawaddy*, 23 November 2005).

Discrimination against survivors and family members of victims from Burma continued on the one year anniversary of the tsunami. While the Thai government invited thousands of foreigners impacted by the disaster to attend commemorative events, people from Burma were markedly left off the list of invitees. Furthermore, there was no mention of victims from Burma nor any provision to remember them in the ceremony organized by the Thai government. (Source: “Burmese Migrant Survivors of Tsunami Remain Invisible,” *Mizzima*, 24 November 2005).

**Timeline of 2005 Events Relating to Migrant Workers in Thailand**

**January**

Throughout the first half of January 2005, several reports surfaced claiming discriminatory distribution of aid among tsunami victims. Migrant workers from Burma were reportedly told by Thai authorities that they could not access the aid or participate in body identifications like Thai nationals or other non-Thais.

During the first week of January 2005, Thai media reports accused migrant workers from Burma of widespread looting in tsunami affected areas. The reports fuelled racist sentiments and caused both Thai authorities and community members to be hostile towards migrants from Burma. Subsequently, more than 500 migrants from Burma were arrested and deported. (Source: “Tsunami Impact: Thai Compassion for Burmese Migrants Wears Thin,” IPS, 13 January 2005).

On 13 January 2005, local Thai employers detained a group of aid workers from World Vision, a humanitarian NGO, in a cage in Tap Lamu fishing village, Phang Nga province, after employers feared that they were arresting and deporting the workers, jeopardizing their investments in work permits. (Source: “Tsunami-hit Thai Villagers Assault Health Workers Aiding Burmese Labourers,” *The Nation*, 13 January 2005).

February

On 1 February 2005, Thai police arrested a man from Burma for having counterfeit passports that he intended to sell to migrants. The police also confiscated over 100 Burmese, Bangladeshi and Panamanian passports and document forging equipment. The man purchased the old passports in Mae Sot, Tak Province for 2,000 baht each. After replacing the photos with those of his customers, he sold the passports for 4,000 to 8,000 baht. (Source: “Thai Police Arrest Burmese Man on Passport Forgery Charges,” Bangkok Post, 1 February 2005).

In early February 2005, the IOM, multiple UN agencies and the World Bank went to tsunami affected areas in Thailand to determine the affect on the migrant community. The delegates noted the unfair distribution of aid to victims and the fact that migrants from Burma were reluctant to access aid out of fear of arrest and deportation. The agencies called on the Thai authorities to re-issue worker documents and ensure equal access to available assistance. (Source: “Burmese Migrant Tsunami Victims Suffer Discrimination in Thailand,” VOA, 8 February 2005).

April

On 12 April 2005, a senior member of the Thai Foreign Ministry reported that he had received a letter from the SPDC requesting that the population of approximately 1,000,000 migrants from Burma be sent to Rangoon to carry out Burma’s obligations under the MoU of 2003. (Source: “Myanmar Wants Workers in Thailand to Return Home Minister,” AFP, 12 April 2005).

On 15 April 2005, 68 migrants from Burma were arrested in Ranong Province after police were informed that two boats from Burma anchored in Pak Am. The 38 men and 30 women arrested were from Song Island and had paid 1,500 baht each in order to get to Phangnga Province in the hopes of finding employment. (Source: “Illegal Myanmar Immigrants Arrested in Thailand,” Xinhua, 15 April 2005).

On 29 April 2005, a 17-year-old Karen domestic worker filed a complaint against her employer with the police in Huai Khwang District. The woman reported that her employer had assaulted her with a heavy metal object and beat her when she was sad and missed her home in Burma. The woman sustained a broken back, fractured skull and shattered ribs resulting in medical costs of approximately 400,000 baht. It was reported that police arrested the employer on 27 April under charges of “physical assault as well as sheltering and employing an illegal immigrant.” However, the employer was released after he posted bail of 200,000 baht. (Source: “Domestic Violent: Employer Accused of Beating His Young Maid,” The Nation, 29 April 2005).

In early April 2005, it was reported that the rising cost of petrol resulted in loss of jobs for about 8,000 Rakhine migrants working in the fishing industries of southern Thailand in areas such as Chumphon. (Source: “Arakanese Migrant Workers Facing Uncertain Future after Being Sacked from Their Jobs in Thailand,” Narinjara News, 6 April 2005).
May

On 8 May 2005, Thai authorities arrested over 200 documented and undocumented migrants from Burma in Ranong, Thailand. Some of those arrested were attempting to secure employment in various locations in Thailand while others hoped to find work in Malaysia. On the Burma side of the border in Kawthaung, a special board of army, customs and police personnel inspected travelers and visitors to arrest persons believed to be en route to Thailand. (Source: “200 Burmese Migrants Arrested in Thailand Border,” Mizzima, 8 May 2005).

On 10 May 2005, the Thai cabinet agreed to permit daily workers from Cambodia, Laos and Burma to cross the border to work as seasonal laborers during the day and return to their home countries in the evening. (Source: “Migrant Day Laborers Allowed to Work in Thailand,” Xinhua, 11 May 2005)

On 19 May 2005, two Thai men dressed in plain clothes and carrying walkie-talkies abducted workers’ rights advocate Ko Moe Naung from his home in Ranong. A week later, his whereabouts remained unknown. Unofficial reports suggested that Thai gangsters were responsible for his abduction and that he was sent to the SPDC LIB 431 base in Kawthaung, Burma where he was killed during interrogation. However, others refute these reports insisting that there were no new detainees at the base. (Source: “Former Trade Union Member Missing,” Mizzima, 26 May 2005).

On 20 May 2005, police arrested a Thai couple after finding 14 dehydrated and underfed persons from Burma detained in a house in Suphani Province. The couple was responsible for trafficking the group for work in Thailand. Male workers were sold to Thai employers for 5,000 baht per head while females were sold for work in the entertainment industry for 10,000 to 15,000 baht each. (Source: “14 Trafficked Myanmar People Rescued in Thailand,” Xinhua, 20 May 2005).

On 30 May 2005, the first court hearing in the case of six workers against B.B. Top factory in Mae Sot was held after the group filed a complaint for unfair wages and asked for 200,000 baht in back-pay. The workers initially attempted to come to a settlement with their former employers out of court. However, when this did not render positive results, they took legal action. (Source: “Burmese Migrants, Labor Groups Fight for Fair Wages,” Irrawaddy, 16 June 2005).

June

On 4 June 2005, two groups of migrants from Burma were arrested as they were being trafficked in northern Thailand. A group of 41 migrants destined for a construction site in Mae Chaem, Chiang Mai were arrested as they traveled from Mae Hong Son. One human trafficker was also arrested while three were able to runaway. The migrants had paid 20,000 baht for the trip. In a separate incident on the same day, 5 women from Burma driving a car belong to Police Sgt. Sithi Wanna from Bang Len District, Nakhon Pathom were arrested at a border checkpoint in Phrae Province. The women reported paying 10,000 baht each to reach Nakhom Pathom. (Source: “50 Burmese Held in Illegal Alien Sweep,” The Nation, 5 June 2005).

July

On 3 July 2005, a DNA matching project commenced for the purpose of identifying 110 missing migrant workers from Burma who may have been victims of the tsunami. (Source: “Burmese Tsunami Search Underway,” Irrawaddy, 4 July 2005).

On 12 July 2005, fishing operators called for the return of migrant workers from Burma as they were needed in order to fill jobs unwanted by the Thais and revive the local economy. While approximately 1,000 migrants had lived in the area prior to the tsunami, only a few hundred were there as of mid-July 2005. (Source: “Recovery Needs Migrant Workers,” BP, 12 July 2005).

On 20 July 2005, the Mae Sot LPO ruled in favor of a group of workers from Uni Ocean factory who filed a complaint against their employer for unfair wages. As a result, the employer was ordered to pay the workers approximately 2,000,000 baht in back wages. (Source: “Migrant Workers Get Compensation,” Irrawaddy, 21 July 2005).

August

On 10 August 2005, it was reported that 4 male Mon migrant workers had been killed in Phangha District potentially due to the increase competition for more profitable rubber collection jobs. (Source: “Mon Killings Increase in Southern Thailand Due to Competition for Jobs,” IMNA, 10 August 2005).

On 23 August 2005, International Migration in Thailand, a report commissioned by the IOM, ILO, WHO, UNICEF and the UNDP, was presented in Bangkok. The report called for, among other things, the Thai government to make the work permit registration process more straightforward, reduce fees for registration and to provide migrants with more information about their rights. The report also called for the Ministry of Labor to enforce proper labor standards for workplaces and anti-human trafficking laws. (Source: “Thailand Urged to Ease Migrant Labor Regulations,” Irrawaddy, 23 August 2005).

On 30 August 2005, more than 700 migrant workers from Burma were fired from their positions at a sardine factory in Banbon, Bangkok after being recently hired under the mistaken notion that they would be able to obtain work permits in the 2005 registration process. When this proved false, their positions were terminated and they were forced to leave the factory premises within 2 days. Most of the group had paid traffickers 7,000 baht to be transported from Burma to the factory. (Source: “Thai Sardine Factory Lays Off 700 Burmese Workers,” Mizzima, 30 August 2005).


On 31 August 2005 was the deadline for migrants to register for work permits. Migrants who failed to register were vulnerable to arrest and deportation. Employers who did not comply
also faced a maximum punishment of 3 years in jail or a 60,000 baht fine. (Source: “Thai Government Set to Crack Down on Migrant Workers,” TPR, 1 September 2005).

September

On 1 September 2005, police arrested 106 migrant workers from Burma during a 1:00 am raid of the Tain Pyar food factory in Mahachai, Bangkok. Only 2 workers had photocopies of their work permits while the other 104 had no documentation at all. The group was held in a Bangkok police station for deportation at the Mae Sot-Myawaddy border. (Source “Over 100 Burmese Workers Arrested in Mahachai,” Mizzima, 1 September 2005).

On 4 September 2005, it was reported that 250 workers from Burma were excused from their positions in the Htee Char Phannit Factory in Khao Ke Township in eastern Thailand after striking against the 12 hour work day calling for a 9 hour work day instead. When workers protested the arrest and deportation of the strike leaders, the employer dismissed and deported all the protestors. MAP was reportedly attempting to assist the workers in obtaining permission to remain in Mae Sot. (Source: “250 Burmese Workers Sent back to Thai-Burma Border,” Mizzima, 4 September 2005).

On 5 September 2005, Thai police beat a man standing in front of the YCOWA office in Mae Sot. When the man entered the office in an attempt to escape the beating, the police barged their way in, retrieved him and resumed the beating. The man was visiting a YCOWA member friend but was not a member himself. (Source: “Burmese Labor Group Targeted by Police,” Irrawaddy, 8 September 2005).

On 7 September 2005, the Lawyers Council of Thailand identified 15 bodies of migrant workers from Burma killed in the tsunami. Again on 13 September, the Lawyers Council of Thailand identified an additional 29 bodies. (Source: “More Burmese Tsunami Victims Identified,” Irrawaddy, 26 September 2005).

October

On 13 October 2005, a group of more than 10 persons beat and raped a female migrant worker from Burma and tied up her father in their home in Phang Nga Province. The woman sustained injuries causing her to remain in the hospital for 2 days and reportedly tried to commit suicide. Despite the fact Thai authorities reportedly possessed photos of the rapists, as of a week later they had yet to be apprehended. (Source: “Rape Case Heads to Court,” Irrawaddy, 21 October 2005).

On 27 October 2005, it was reported that Thai industrial estate experts were assessing Mongton, Moulmein, Myawaddy and Pa-an, all in Burma, for the purpose of creating industrial areas on the Burma side of the border to provide migrant labor with employment opportunities within their own country, alleviate poverty in Burma and help to control the flow of migrants across the border. The Thai government would reportedly subsidize the project, 70 percent through loans and 30 percent through grants. Thailand would also support infrastructure projects like a 18 km road from Myawaddy into Burma. (Source: “Thais Help Search for Industrial Zone,” Irrawaddy, 27 October 2005).
November

On 3 November 2005, a court in Phang Nga Province found 5 migrant workers from Burma accused of looting following the tsunami to be innocent. The 5 were among 14 migrants from Burma arrested. The 9 others plead guilty and were sentenced to 30 months imprisonment. (Source: “Burmese Migrants Acquitted,” *Irrawaddy*, 4 November 2005).

On 9 November 2005, the Saint Hein knitting factory in Mae Sot dismissed approximately 130 workers who protested against 400 baht deductions in their salaries to cover the costs of their work permits. The employers first denied the workers entry to the factory for three days before terminating their positions. According to Thai labor law, workers may be dismissed if they are absent from their positions for 3 days. The workers reportedly planned to take legal action against their employer. (Source: “Mae Sot Factory Fires 130 Burmese Workers,” *Mizzima*, 10 November 2005).

On 23 November 2005, it was reported that migrant worker Zaw Lin from Burma received 5,000 baht compensation for two broken hands sustained while working for Pau Si Yan cargo handling company in Mae Sot after filing a complaint against his employer with the LPO. Zaw Lin was also to resume his position at the company. (Source: “Thai Labour Office Awards Compensation to Burmese Worker,” *Mizzima*, 23 November 2005).

On 30 November 2005, the beaten and charred remains of 28-year-old migrant worker Kyaw Naing Tun were discovered in the outer parts of Mae Sot. Kyaw Naing Tun had worked for the Jiab Tuk garment factory and disappeared two days after expressing dissatisfaction about the low salaries to a company liaison officer. (Source: “Migrant Worker’s Burned Body Found,” *Irrawaddy*, 2 December 2005).

On 30 November 2005, police arrested and deported 46 undocumented migrants from Burma in Hat Yai after raiding the Inter Toptour Co. Ltd. the previous day as part of increased security measures along the border. The company owner, Than Tun, was a Muslim man from Burma and police questioned his responsibility in transporting the migrants to Thailand. (Source: “Burmese Migrants Held in Southern Thailand Security Sweep,” *Irrawaddy*, 30 November 2005).

On 31 November 2005, a plan to cultivate cassava, oil palm, rubber and sugarcane on 7,000,000 hectares of land in Burma was presented to the Thai Cabinet. In addition, Thai factories would receive the produce. The contract farming agreement was part of the Ayeyarwaddy-Chao Phraya-Mekong economic Cooperation Strategy (ACMECS). The project is hoped to contribute to addressing the flow of migrants to Thailand as well as to help develop the area. (Source: “Myanmar Agrees to Cultivate Seven Million Hectares Under Contract Farming with Thailand,” TPR, 1 December 2005).

December

On 8 December 2005, police arrested 138 undocumented migrant workers from Burma during a raid on a garment factory in Mae Sot. The workers were detained for one week before being deported to Myawaddy. However, 9 women were not deported to be used by the police to press charges against the employers. As of 16 December, most of the workers had returned to Mae Sot. (Source: “Deported Burmese Workers Return,” *Irrawaddy*, 16 December 2005).
On 20 December 2005, the Thai Cabinet passed a resolution allowing for another work permit registration process. However, employers would be required to pay a deposit of 10,000 to 50,000 baht for each worker they registered to serve as insurance in the event that a worker broke the law or changed employers with authorization. (Source: “Migrant Policy Shift Draws Fire,” *Irrawaddy*, 23 December 2005).

### 15.3 Migrants from Burma in Malaysia

As of mid-2004, approximately 1,300,000 foreign migrants worked legally in Malaysia. However, estimates of the number of undocumented migrants in Malaysia have ranged from 700,000 to 1,200,000 (source: *Malaysia: Human Rights at Risk in Mass Deportation of Undocumented Migrants*, AI, 4 December 2005). Malaysia has not ratified the 1951 Convention relating to the Status of Refugees, and the Malaysian government does not, for the most part, differentiate between refugees and undocumented migrants. According to the UNHCR, there were approximately 15,000 Rohingya asylum seekers in Malaysia and the Chin Refugee Center reported that 9,000 Chin have initiated the first steps of the asylum seeker process. However, under immigration policy, all undocumented people including asylum seekers are considered “illegal immigrants” and are therefore subjected to harsh and arbitrary immigration laws.

For undocumented migrants, work is somewhat scarce in Malaysia because employers are reluctant to hire them. The work that they can find is often daily work for daily pay with very little security. According to one source, some migrant workers from Burma go unpaid for months at a time and have no legal recourse against their employers. Undocumented workers also typically lack access to basic healthcare and education services. Migrants are demonized in the mainstream Malaysian media, portrayed as social parasites and law-breakers who contribute to crime and poverty in the country. Moreover, undocumented migrants are also vulnerable to extortion by police and government agencies as well as harassment and exploitation in their workplace.

In August 2002, the Malaysian Parliament implemented new laws for immigrants including jail time and caning for people caught without proper entry documents. Those found to have entered the country illegally or overstayed their visas are liable to a maximum fine of 10,000 RM (US$2,600), a jail term of up to 5 years and up to 6 strokes of a cane. Those arrested under the 2002 provisions have been detained in detention camps for unspecified lengths of time awaiting mass deportations. Some migrants from Burma have been held for up to a year or longer in these overcrowded prisons. While in detention, they are often subject to “assault, sexual abuse, inadequate living conditions, lack of medical treatment and even death.” Although human rights groups have expressed concern over abusive detention conditions, Home Affairs Minister Azmi Khalid assured, “Compared to Guantanamo Bay, we are a five-star hotel.” To expedite the deportation process, family or friends must pay for their transportation back Burma. Employers harboring undocumented migrants also face a jail term of 1 year, fines of up to US$13,000 for each undocumented worker as well as possible canings. (Source: “Overview of the Situation of Refugees and Asylum Seekers in Malaysia,” SUARAM, delivered at the Regional Conference on the Protection of Refugees from Burma, 6-7 November 2003; “Malaysia's Massive Crackdown on Migrants Sparks Rights Fears,” AFP, 30 January 2005; “U.N. Refugee Agency Worried Over Malaysia's Migrant Crackdown,” AP, 4 March 2005).
In 2004, the Malaysian government announced a crackdown on undocumented workers in an attempt to gain greater control and regulation over its migrant workforce. Prior to the crackdown, undocumented workers were granted an amnesty period to leave the country (source: “Malaysia Warns Illegals: Amnesty Your Last Chance,” *The Manila Times*, 1 November 2004). This period commenced on 29 October 2004 and was originally scheduled to end on 14 November 2004. However, a disappointing response to the general amnesty caused the Malaysian government to extend it until the end of December (source: “Malaysia Extends Amnesty Deadline for Migrant Workers,” *The Jakarta Post*, 6 November 2005). In the wake of the 26 December 2004 tsunami, the amnesty was again extended to the end of February 2005 following a request from Indonesian President Susilo Bambang Yudhoyono (source: “Malaysia Extends Migrant Amnesty,” BBC, 2 February 2005).

Many illegal migrants chose to return to their home countries during the amnesty while others fled to hide in rural areas. It was estimated that 400,000 to 450,000 undocumented migrants departed from the country while approximately 400,000 remained (source: “Illegal Workers in Malaysia Go into Hiding,” AP, 2 March 2005). A number of reasons were cited for the poor response to the amnesty period. Of particular relevance to undocumented workers from Burma was the cost of transport to return home, coupled with the likely prospect of arrest and detention upon arrival at the Burma border for illegally leaving the country and continuing fear of human rights abuses and religious persecution once inside Burma.

Government officers were expected to inspect building sites, plantations, factories, restaurants and even private homes with domestic servants to pursue arrests. To enforce the crackdown, Malaysian officials recruited about 500,000 members of the People’s Volunteer Corp. (*Ikatan Relawa Rakyat* (RELA)) who were given policing powers and monetary incentives to search for non-complying migrants who failed to leave Malaysia during the amnesty period. Human rights groups expressed concern over the minimal training of these groups and the cash rewards for capture of undocumented migrants, suggesting these factors were likely to encourage vigilantism. Government statements indicated that the operation would be carried out humanely, although doubts were cast over the ability of the government to control the volunteer groups entrusted with the power to arrest. (Source: “Malaysia’s Massive Crackdown on Migrants Sparks Rights Fears,” AFP, 30 January 2005).

Fearing the high potential for human rights abuses and vulnerability of asylum seekers and trafficked victims in raids by untrained volunteers, UNHCR, human rights groups, and the governments of Indonesia and Philippines pressured Malaysia to extend the amnesty period (source: “Government Delays Crackdown on Illegal Immigrants,” AFP, 1 February 2005). The pressure worked and on 2 February the Home Ministry announced an indefinite extension of conditional amnesty (source: “Malaysia Extends Amnesty for Illegal Immigrants,” AFP, 2 February 2005). Leniency, however, was short-lived. On 14 February Prime Minister Abdullah Ahmad Badawi set the new deadline for 1 March. In an attempt to secure a degree of protection during the crackdown, some people from Burma sought temporary refugee status through the UNHCR. In addition, UNHCR personnel sent mobile teams to register asylum seekers living in communities in the jungles and outskirts of cities before the onset of the crackdown. (Sources: “Illegal Immigrants Seek UN Protection Ahead of Crackdown in Malaysia,” AFP, 28 February 2005; “UN Combs Malaysian Jungles for Refugees Ahead of Crackdown,” AFP, 1 December 2004). Subsequently, the UNHCR was criticized by the Malaysian government for issuing refugee status arbitrarily. The UNHCR denied the charge. Even with UNHCR papers, however, some migrants were arrested and
sent to detention centers. (Source: “UN Body Urges Malaysia to Free Aceh, Myanmar Migrants Detained in Crackdown,” AFP, 6 March 2005).

When the crackdown finally commenced on 1 March 2005 many undocumented migrants went into hiding. Some migrants from Burma fled across the border to Thailand. On the first day of the crackdown 500 to 800 persons, including some from Burma, were arrested (source: “Illegal Workers Go into Hiding,” AP, 2 March 2005). While the crackdown was aimed at removing undocumented migrants from the country, official statements indicated that expulsion did not preclude re-entry with legitimate documentation (source: “Malaysia Widens Recruitment for Foreign Workers,” DVB, 4 April 2005). However, the requirements of legal re-entry include payment of a 1,325 RM (US$ 348) government levy and 180 RM (US$ 47) for medical tests. With monthly incomes for migrant workers estimated at approximately US$ 144 per month, the costs associated with legal re-entry are prohibitively expensive. Another problem for migrant workers from Burma attempting to enter Malaysia legally is the inability of many to obtain proper travel documents due to the cost of such documentation.

As a result of the crackdown, Malaysia suffered from a severe labor shortage. According to the Human Resources Minister Fong Chan Onn, the construction sector was in need of nearly 200,000 workers while the plantation sector was in need of 300,000. In an effort to alleviate the shortage, the Malaysian government began recruiting labor from countries such as Burma, India, Nepal, Sri Lanka and Vietnam. Concurrently, the UNHCR advocated for POCs to be granted permission to work to also address the economic needs of the refugee community in Malaysia. On 5 July 2005, Home Affairs Minister Azmi Khalid announced that the population of approximately 60,000 UNHCR-recognized refugees would be granted temporary work permits to fill the labor shortage. A committee was scheduled to meet in August to organize a strategy for implementing the decision. By the end of 2005, however, little information about this plan was known and it had yet to be implemented. (Sources: “Malaysia to Allow Thousands of Refugees to Work to Solve Labour Crunch,” AFP, 5 July 2005; “UN Urges Malaysia to Allow Refugees to Work amid Labor Shortages,” AFP, 13 June 2005; “Refugees to Be Absorbed,” New Straits Times, 1 August 2005).

The Malaysian government also introduced several new procedures and methods to increase regulation of the migrant labor force. In August 2005, the Malaysian government initiated a stringent medical screening process for migrant workers requiring workers to be tested within a month of starting their employment for HIV/AIDS, tuberculosis, hepatitis B, leprosy, syphilis and other diseases. Migrants found with communicable diseases would be deported. (Source: “Malaysia Tightens Medical Screening for Foreign Workers,” AP, 7 July 2005). In addition, in October, Minister of Home Affairs Azmi Khalid reported that biometric identity cards would be distributed to migrants in the agricultural, construction, manufacturing and restaurant sectors. The cards would contain a microchip with personal information about the migrant. The cards are designed to be impossible to alter and serve to combat the problem of false passports and the presence of undocumented migrants. (Source: “Malaysia to Issue Biometric ID Cards to Foreign Workers,” AFP, 13 October 2005).
15.4 Migrants from Burma in Japan

There were an estimated 10,000 people from Burma living in Japan in 2004, according to the Tokyo-based People’s Forum on Burma. More than half of these people either entered the country illegally or entered legally and overstayed their visas. The Japanese Immigration Department listed the number of undocumented workers at around 250,000 in 2004. (Source: Naw Seng, “New Fees for Burmese in Japan,” *Irrawaddy*, 8 January 2004)

As of 1 January 2004, the Embassy in Japan introduced a new fee and graded income tax program for those applying to renew or for a new passport. The new fee structure as of the beginning of 2004 is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Fee (Yen)</th>
<th>Income tax (Yen)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal</td>
<td>17,500</td>
<td>Graded</td>
</tr>
<tr>
<td>Passport expiry 1-5 years ago</td>
<td>17,500</td>
<td>200,000</td>
</tr>
<tr>
<td>Passport expiry 5+ years ago</td>
<td>17,500</td>
<td>300,000</td>
</tr>
<tr>
<td>No documents</td>
<td>35,000</td>
<td>300,000</td>
</tr>
</tbody>
</table>

The Japanese Ministry of Justice and the Tokyo government also announced a plan in 2004 to crackdown on the number of undocumented workers in the country over the next five years. The government aims to halve the size of the undocumented population through the enforcement of increasingly strict immigration laws. The high fees for authorization to remain in Japan and the crackdown against undocumented migrants renders them with few options but to remain in detention centers in Japan or on the margins of society, often without access to social security protection. (Source: Naw Seng, “New Fees for Burmese in Japan,” *Irrawaddy*, 8 January 2004).

Migrant workers from Burma have increasingly found themselves in Japanese detention facilities because they tend to work in low-income generating sectors of Japanese society and are unable to afford the cost of legal documentation or the cost of returning home. Meanwhile, hundreds of individuals, including asylum seekers, are detained in Japan while their immigration status is pending. To protest the continued detention of immigration detainees, 300 people including asylum seekers from Burma and human rights activists held a demonstration on 16 March 2005 near the Tokyo immigration appealing for their release. The protestors also called for the Japanese government to relax restrictions that prevent detainees from receiving food from visitors. (Source: “Rally Held to Protest Plight of Thousands of Foreign Detainees,” *Japan Economic Newswire*, 16 March 2005).

In July 2005, a technology transfer agreement was signed between the SPDC Ministry of Labor and the semiofficial Japan International Training and Cooperation Organization (JITCO) to recruit about 2,000 people from Burma to work as trainees in small and medium sized businesses. Representatives from 40 licensed employment agencies in Burma that are responsible for recruiting the trainees traveled to Japan to source the first job offers. Under the agreement, each Japanese employer will recruit up to nine trainees from Burma. The trainee must have at least three years of job experience and 200 hours of Japanese language instruction. From 1992 to 2003, prior to this agreement, only 254 persons from Burma came to Japan with the support of JITCO. (Source: “Myanmar to Send about 2,000 Workers to Japan Annually,” *Japan Economic Newswire*, 23 July 2005).
15.5 Migrants from Burma in India

Migration to India, primarily from Chin State in Burma, continued throughout 2005. Fearing religious, cultural and political persecution, as well as economic destitution, many Chin Christians have continued to flee across the border and into Mizoram and Manipur States, India. However, India has not ratified the 1951 Refugee Convention nor does India allow the UNHCR access to either of these states. Therefore, Chin Christians seeking refugee status and the protection of the UNHCR are labeled illegal immigrants by the Government of India and fall within the jurisdiction of India’s Foreigners Act of 1946.

Approximately 50,000 Chin reside in Mizoram State and an estimated 10,000 are thought to be engaged in unofficial employment. The Mizo, the local ethnic groups of Mizoram State, and the Chin are ethnically and linguistically related and the Chin were initially accepted into the local communities. However, in recent years, relations between the two groups have steadily deteriorated and the Chin are frequently blamed for social problems by political groups such as the Young Mizo Association (YMA). During 2005, there were continued reports of crackdowns on undocumented Chin migrants in Mizoram State during 2005. For example, in July, it was reported that authorities in Saiha town arrested and deported undocumented Chin migrants. On 13 July 2005, authorities in Aizawl arrested people from Burma living and working in the area as market sellers or as goldsmiths. Asylum seekers and those with resident and work permits were among those deported. (Sources: “Tomorrow Deadline for Expulsion of Seven Burmese Refugees,” Khonumthung, 14 July 2005; “Burmese Nationals Driven Out of Mizoram,” Mizzima, 15 July 2005).

Some Mizo nationalist groups in Mizoram employed intimidation tactics against migrants from Burma in an attempt to force them to return to Burma. On 11 July 2005, an underground Mizo youth group known as the Mizo Tlangval (MTV) sent a threatening letter to five migrants from Burma and a human rights lawyer from the Mizo Human Rights and Law Network accusing them of drug running and arms smuggling. They were told to return to Burma by 15 August or face persecution. (Source: “‘War on Drug’ Group Threatens Burmese Baptists, Mizo Human Rights Activist,” Khonumthung, 14 July 2005). Also in July, 50 persons from Burma were arrested under charges of drug trafficking, among other crimes. Most of the arrests were made in the state capital of Aizawl as part of an offensive named ‘Operation Hailstorm,’ which was aimed at armed resistance groups and drug traffickers from Burma. Some were arrested for not having authorization to be in Mizoram. (Source: “50 Myanmarese Nationals Arrested in Mizoram,” Indo-Asian News Service, 16 July 2005).

In early October 2005, approximately 1,000 members of the Champhai YMA engaged in a campaign to curtail both import of illegal goods as well as influx of migrant workers by blockading border crossing points from Burma (source: “Mizoram Youth Group Blocks Roads from Burma,” Mizzima, 4 October 2005). As per the orders of Mizoram State Governor A. R. Kholi, who indicated that the state had no right to interfere with trade agreements forged by the Indian government and the SPDC, the blockades were removed on 6 October (source: “YMA Lifts Mizoram Blockade,” Mizzima, 6 October 2005). Meanwhile, in mid-October, the Mizoram authorities commenced a crackdown on undocumented migrants from Burma. The crackdown was reportedly intended to endure for six months. While some were able to provide payment of 500 rupees for their release, others were detained. Members of the YMA supported the crackdown by verifying work permits in a workplace in Tuithiang Veng Ward. (Source: “Mizoram Officials Arrest Illegal Burmese Migrant Workers,” Mizzima, 21 October 2005).
15.6 Migrants from Burma in Singapore

For decades, migrants from Burma have worked legally in Singapore. Since the mid 1980’s when the country experienced a construction boom and simultaneous labor shortage, the number of migrant workers from Burma has increased. Before January 1998, travel to Singapore was facilitated by the fact that people from Burma could obtain a visa-on-arrival for a seven-day stay. Currently, however, pre-departure visas from the Singapore Embassy in Rangoon are necessary. Some migrants from Burma in Singapore are highly educated and have obtained work as doctors and professors. However, the majority of workers labor in low-level jobs including construction work, carpentry, welding, and painting.

Approximately 300 people from Burma go to Singapore each month to either work or study. Two thousand two hundred and eighteen Burmese workers have been sent to work in Singapore through official channels typically through Department of Labor agreements recruiting skilled migrants from Burma to work in Singapore. For example, in July 2004, the Port Authority of Singapore announced a need for more electricians, container drivers and mechanics, targeting 160 people for an October start and offering to pay for transportation, accommodation and medical care. Employment through this avenue requires prospective employees to meet the criteria established by the Department of Labor. (Sources: “Singapore: Port Authority to Hire Burmese Workers,” Asian Labour News, 29 July 2004; Ye Lwin, “Singapore Port Hires Myanmar Workers,” The Myanmar Times, 7-13 February 2005).

Only educated individuals are eligible to receive work visas for Singapore. People who wish to get a work visa must provide a work permit and a sponsor letter, documents that can only be provided by naturalized Singapore citizens, nationals of Burma with Permanent Resident (PR) status in Singapore, or to those who have already been granted an official Employee Pass (EP). The prerequisites for an EP include a university degree from Burma or enrollment in one of Singapore’s polytechnic schools. Visa applicants who have no one to sponsor them must leave a deposit of 2,000 Foreign Exchange Certificates (FECs) in addition to the 18 FEC visa fee (one FEC is approximately 960 kyat). Individuals who overstay their visa lose this deposit (source: HRDU, 2004).

For many, these fees are only part of the cost necessary to obtain a permit to legally work in Singapore. In Rangoon, job broker agencies connected to Singapore businesses charge high fees to expedite the bureaucratic process of obtaining a work visa. These agencies charge between 1,000,000 to 1,200,000 kyat to arrange passports, air tickets and job training that can last up to six months. This preparation process to immigrate to Singapore can take up to eight months. There are also a large number of fly-by-night brokers who frequently swindle people out of their money.

For the majority of people in Burma, the high costs associated with obtaining legal employment in Singapore effectively prevent them from entering through official means. The majority of undocumented migrants from Burma arrive in Singapore as stowaways on ships. These workers generally undertake menial labor in restaurants, factories and on construction sites. Without legal status they are often forced to pay inflated rent costs from corrupt landlords and can be subjected to arbitrary arrest by officials, even in their own homes.

Migrant workers from Burma arrested in Singapore for illegal entry are repatriated back to Burma, provided they have the money to pay the transport costs. If they are unable to afford the transportation costs back to Burma, they are forced to work in prisons until they are able
to earn the money needed. It has been reported that migrants caught working illegally have also been subjected to caning, a legal form of punishment in Singapore. (Source: “Laboring in the Lion City,” *Irrawaddy*, October 2002).