

BURMA

INFO FROM IOM

- Capital: Nay Pyi Taw
- Population (2010): 50.5 million
- Area: 676,578 sq km
- Language: Myanmar (Burmese)
- Currency: Kyat (MMK)
- GDP per Capita PPP (2007): USD 904
- HDI Rank (2008): 133 of 177
- Remittances (2008): USD 150 million
- Net Migration Rate (2005-2010): -2.0 migrants /1,000 population
- Immigrants (2010): 0.25%
- Women as a Percentage of Immigrants (2010): 48.7%
- Population under 15 (2010): 26.6%
- Adult HIV Prevalence (2007): 0.7%

Migration Trends

Burma has a diverse population of 50.5 million made up of the majority ethnic Burmese, with 30% of the population including Shan, Karen, Rohingya, Arakanese, Kachin, Chin, Mon, and other smaller indigenous ethnic groups. Burma, has ruled by military since a 1962 coup. Political repression, widespread human rights violations and a failing economy has driven millions of war refugees, economic migrants and political dissidents into exile to neighbouring countries, including Thailand, Bangladesh, India and Malaysia and further abroad to the West. The military junta's mis-management of the economy has devastated the once rich country and forced the majority of the population into poverty.¹ The regime has created a downward economic spiral with a 2007 GDP per capita of USD 904 and over 30 per cent of the population with incomes below that necessary to provide for basic food and other needs.² Foreign investment has declined since 1999 due to the increasingly unfriendly business environment and international sanctions. Education has suffered from a lack of public funding and in 2007, the expected levels of education for males was 13 years and females 14 years with only a quarter of Burmese children completing primary school.³

In 2006, public health expenditure equalled only 0.3% of Burma's GDP and high infant mortality rates and short life expectancies highlight poor health and living conditions.⁴ In 2008 Burma was ranked 133 out of 177 countries on the Human Development Index. With an estimated 10% of its population migrating out of Burma, the most common destination for Burmese migrants is the neighbouring Kingdom of Thailand, with over one and a half million migrants estimated to be living there.⁵ Other receiving countries with significant Burmese populations include South Korea, Japan, Malaysia, and Singapore. It is difficult to estimate the actual number of Burmese migrants working in Thailand, due to the complex social, legal and historical factors to migration. Estimation of Burmese migrants in Thailand includes documented migrants (i.e. those that are registered with a work permit) and undocumented/ unregistered migrants. In December 2007, the total number of migrants registered in Thailand was 537,732 with approximately 91% of these being from Burma.⁶ Estimates of

1 Turnell S (2008) Burma's Economy 2008: Current Situation and Prospects for Reform, Burma Economic Watch/Economics Department Macquarie University, Sydney, Australia

2 United Nations Development Programme (UNDP) 2006, Impact of the UNDP Human Development Initiative in Myanmar, 1994-2006, Yangon: UNDP

3 World Bank Database 2007 :
<http://ddpext.worldbank.org/ext/DDPQQ/showReport.do?method=showReport>

4 UN Development Programme 2006 Asia Pacific Human Development Report Trade on Human Terms, UNDP, Macmillan India Ltd, New Dehli

5 Asia Migration Yearbook 2005 Burma, Asian Migrant Centre :
http://asian.station186.com/index.php?option=com_docman&task=doc_details&gid=47&Itemid=48

6 Sciortino R and Punpuing S. 2009 International Migration In Thailand 2009, ILO Bangkok

unregistered migrants in Thailand vary between 800,000⁷ and 1.2 million.⁸ The majority of Burmese migrants in Thailand are undocumented due to the fact that most migrate through irregular means, leaving Burma without notifying the authorities, and arriving without personal and travel documents.⁹ Although undocumented migrants face a precarious situation due to their status as illegal migrants, most are able to find employment in Thailand as the demand for low skilled labour is high and many Thai employers prefer to employ unregistered migrants as a cheap and flexible form of labour.¹⁰

Labour Export Policies and Procedures

The government of Burma has shown a strong interventionist approach to labour export from Burma or Myanmar (the official country name used by the military government). The motto of the Myanmar Ministry of Immigration and Population is “The Earth will not swallow a race to extinction but another will” portraying the protectionist approach to migration inherent in government policy.¹¹ The stated aims of the Ministry are: to prevent the illegal movement of foreigners into Burma and control the movement of foreign citizens within Burma; to prevent citizens of Burma who have left illegally from returning; and to collect demographic data of Burmese citizens for population census and security purposes.¹² The Ministry of Immigration, established in 1995, supervises the Immigration and Manpower Department to execute immigration services, under an extensive system of nation-wide offices including the Head Office, 14 State/Division Offices, 64 District Offices 324 Township Offices, 22 Teams for Preventing illegal immigrants and the Border Immigration Headquarters (Maungtaw) with a strength of 641 officers and 8,623 of other ranks totalling 9,264.¹³ The Ministry also oversees numerous border trade areas along its borders, including three checkpoints and official trading zones along the Thai Burma border.

The Myanmar Department of Labour collaborates with a select number of source and destination countries to support overseas employment for Myanmar nationals.¹⁴ The Department provides economic migrants with information on the policies and regulations of certain destination countries and operates a formalized emigration process undertaken through government recruitment agencies or the Department of Immigration. Major countries of destination of migrants from Myanmar are Australia, India, Indonesia, the Philippines, Thailand, and the United States.¹⁵ According to UN Population Division estimates, the foreign population represented 0.2 percent (117,435) of the total population of Myanmar in 2005.¹⁶ Two sets of laws, the Immigration Emergency Act of 1947 and amended in 1990, and the Citizenship Statutes of 1982, form the core of migration policy within Burma/Myanmar.¹⁷ The Emergency Act contains strict entry provisions for persons to travel into Burma and allows for immigration officials to conduct searches without a warrant and to charge fees according to their own prescriptions.¹⁸ The Citizenship law proclaims ethnic group of the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan to be Burmese citizens, excluding the Rohingya citizens in Arakan state

7 Mekong Migration Network and Asian Migrant Centre, 2008 Migration In The Greater Mekong Subregion Resource Book, (Third edition) In-depth Study: Arrest, Detention and Deportation, Mekong Migration Network (MMN) and Asian Migrant Centre, Hong Kong

8 Martin, P. 2007 The Economic Contribution of Migrant Workers to Thailand, ILO, Bangkok

9 Sciortino R and Punpuing S. 2009

10 Mekong Migration Network 2008

11 Myanmar Ministry of Information and Population Government and Policy:

<http://www.modins.net/myanmarinfo/ministry/population.htm>

12 Ibid

13 Ibid

14 Wongboonsin P 2003 Comparative Migration Policies in the ESCAP Region, in Migration Patterns and Policies in the Asian and Pacific Region Asian Population Studies Series No. 160, Economic and Social Commission for Asia and the Pacific, New York: United Nations. 2003

15 Migration Policy Institute database:

<http://www.migrationinformation.org/datahub/countrydata.cfm?ID=559>

16 UN Population Division. 2006. Trends in Total Migrant Stock: The 2005 Revision. POP/DB/MIG/Rev.2005

17 Myanmar Immigration Policies :

http://www.ehow.com/about_6542313_myanmar-immigration-policies.html

18 UNHCR Burma Immigration (Emergency Provisions) Act, 1947:

<http://www.unhcr.org/refworld/type.LEGISLATION,,MMR,3ae6b4fa18,0.html>

and mandating the Council of State with the power to decide whether any ethnic group is national or not.¹⁹ The Myanmar government restricts international travel for women, particularly those under 25 years of age, forbid females under the age of 25 from crossing the border unless accompanied by a guardian in the stated aim to reduce and control trafficking.²⁰

Domestic: Recruitment Repatriation and Protection

An ordinary citizen needs three documents to travel outside Burma/Myanmar: a passport from the Ministry of Home Affairs; a revenue clearance from the Ministry of Finance and Revenue; and a departure form from the Ministry of Immigration and Population.²¹ Since August 2004 migration policy has allowed citizens to retain their passports after completing trips abroad through their validity dates, namely: one year for incidental travel; three years for dependents; four years for employment; and 18 months for those travelling on business. In January 2005 the government announced that new passports would be issued within a week. However, it is still common for citizens to wait for several months to receive a passport, as the government implements rigorous control of passport and exit visas in a climate of rampant corruption. In 2005 applicants were forced to pay bribes of up to \$230 (300,000 kyat), the equivalent of a yearly salary.²² Furthermore applicants may be denied passports on political grounds, and many people from the country's ethnic groups such as Karen and Shan groups, are vulnerable to this exclusion due to continued and historical resistance of these groups to the rule of the central government. The formal migration channel however is essentially inaccessible to the majority of the population, as the process of obtaining a passport is expensive, difficult to obtain, and relies on the applicant having well-placed connections, and the ability to pay large amounts of money. Generally, only the wealthier, better-educated Burmese are able to utilize these channels.²³ In addition, Myanmar law prohibits males under the age of 18 and females under the age of 25 from travelling abroad without a legal guardian.²⁴ The impact of this law as well as the costs associated with formal migration means that many young people and those from poorer areas in Burma migrate illegally or through informal channels. National ID procedures in Burma do not reach all rural populations, and exclude many ethnic minority groups and those escaping political persecution are often unable to access documentation.

Abroad: Bi-Multilateral Agreements and Migrant Worker Protection

Most of the regime's formal efforts related to regulation of labour mobility have been focused on trafficking and HIV AIDS. In 2001 Burma signed an MOU for Joint Action to Reduce HIV Vulnerability Related to Population Movement, with Cambodia, China, Laos and Vietnam. In 2005 the Burmese government signed the Anti-Trafficking in Persons Law and has since established a government Task Force, the Working Committee for the Prevention of Trafficking in Persons, and hosted the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) meetings, to promote anti-trafficking efforts in the Mekong sub-region as well as working with international NGO and the UN on the trafficking issue. From July 2002 to September 2006, Burmese authorities detected a total of 748 human trafficking cases, arrested 1,484 traffickers and rescued 3,694 victims.²⁵

The Burmese government has also taken steps to formalise labour migration with Thailand in response to increasing pressure from the Thai government to regulate the large numbers of Burmese migrants. In 2003 a Memorandum of Understanding was signed between Burma and Thailand on the Cooperation of Employment of Workers, however implementation of the MOU was delayed for a number of years. In November 2006, the

19 UNHCR Burma Citizenship Law 1982, <http://www.unhcr.org/refworld/docid/3ae6b4f71b.html>

20 Bureau of Democracy, Human Rights, and Labor 2009, 2008 Country Reports on Human Rights Practices <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119035.htm>

21 Home Office UK Border Agency, Operational Guidance Note Burma: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyo/gns/burma.pdf?view=Binary>

22 Ibid

23 Asian Migration Yearbook 2005

24 Social Environmental Research Consultant (SERC), 2010, A Comparative Picture of Migration in Laos, Myanmar, Cambodia, Vietnam and Thailand accessed at On Line Burma library: <http://www.burmalibrary.org/show.php?cat=1672>

25 Asian Migration News (AMN) February 2007, Scalabrini Migration Centre, Available at: <http://www.smc.org.ph/subscribe.php?code=AMNS> 17 Mar 2009

Burmese government took steps towards regulation by issuing provisional (temporary) passports at three offices along the Burmese-Thai border (in Tachilek, Myawaddy and Kawthoung) to Burmese nationals wishing to work in Thailand implement the National Verification (NV) process, a designated process in the 2003 MOU with Thailand, to ensure migrants from Burma could legally stay and work in Thailand upon verification of their nationality. The Burmese government's commitment to the NV process however has been criticized for the lack of adequate resources committed to process the thousands of workers applications required, the delays in implementation, as well as concerns from migrant workers regarding costs, and possible intimidation, corruption and threats to the security of migrants and their families.²⁶ Further information about the NVP process is included in the Thailand Country section. In addition Burma as an ASEAN partner country has signed a number of Asean Declarations including: the Declaration against Trafficking in Persons Particularly Women and Children 2004, the Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007 and the Declaration on the Elimination of Violence Against Women in the ASEAN Region 2004.

Signatories to UN/ILO Treaties and Conventions

The Burmese government has a poor record of ratifying international human rights and labour rights treaties and faces regular and high level criticism through the UN Security and Human Rights Council and the International Labour Organization for its appalling human rights record. The Myanmar government has in fact signed two of the UN human rights conventions – related to the Rights of the Child and Elimination of Discrimination Against Women (CEDAW and ratified the ILO Conventions against Forced Labour and Right to Organize. In reality however there has been consistent criticism and documentation of violations of all these conventions by various international human and labour rights advocates and governments over the last fifty years. Burma's military government has used forced labour in many forms, from building roads to carrying military supplies through the jungle with reports of people being forced to act as human shields in minefields in ethnic states. In 2009, the Network for Human Rights Documentation recorded continued human rights violations perpetrated by state authorities including forced labour, murder, rape, forced relocation, torture, and more.²⁷ In 2010 the ILO noted that the use of forced labour, including the forced recruitment of children into the military was continuing to occur despite Burma's ratification of the ILO convention against forced labour and the UN Convention on the Rights of the child.²⁸ The trade union movement in Burma continues to remain under government restriction with a recent rejection by the government in 2010 telling seven labour organizers that they could be prosecuted if they formed a national union.²⁹ Burma's violations of the CEDAW convention have also been documented and include failed policies impacting on women and girls in the areas of education, health, and rural development.³⁰ The women of Burma face high levels of violence perpetrated by state and non-state actors, including violence at the hands of the military. Failed policy responses have in fact led to increased trafficking of women.³¹ Systematic militarization of Burma has also propped up the existing patriarchal system, with the 2008 constitution failing to promote gender equality, and giving limited protection and promotion of women's rights under the militarized system of governance.

National Remittance Profile

The World Bank estimates that total workers' remittances and compensation of employees received in 2008 in Burma amounted to USD150 million. This official remittance figure however greatly understates the remittances sent by Burmese migrants, due to the significant amount of remittances sent through informal channels. When analyzing the individual remittance behaviour of Burmese migrants in Thailand, studies show that on

26 Migration Assistance Program (MAP) Foundation 2006 No Human Being Is Illegal, No Migrant Worker Is Illegal, 1996-2006, Chiang Mai.

27 Network for Human Rights Documentation ND-Burma quarterly Human Rights violations update (July - September, 2009) <http://nd-burma.org/reports/219-quarterly-report-july-sept09.html>

28 The Irrawaddy News Magazine, Labour Pains, January 2010: http://irrawaddy.org/article.php?art_id=17655&page=2

29 The Irrawaddy News Magazine: Burma rejects Labour Union Application June 2010: http://www.irrawaddy.org/article.php?art_id=18796

30 In the Shadow of the Junta, CEDAW Shadow Report, Women of Burma 2008: <http://www.womenofburma.org/Report/IntheShadow-Junta-CEDAW2008.pdf>

31 Ibid

average Burmese migrants remit an annual aggregate amount of between Bt15,000 (USD440)³² to 30,000 Bhat; (USD881)³³ that most migrants tend to use informal monetary transfer, and that female Burmese migrant workers remit a higher proportion of their income compared to males.³⁴ In a 2005 study of remittances from Burmese migrants in Thailand, an estimate of annual remittances to Burma amounted to \$US367.2³⁵ million. Similarly a 2007 study of Burmese migrant workers, found an estimated aggregate annual flow of remittances to Burma to be approximately \$US300 million.³⁶ This amounts to more than twice the amount of foreign direct investment received in Burma and around 5 per cent of Burma's GDP in the year of the study. These estimates effectively double the official remittance figures for 2008 outlined above.

It is clear that remittances sent to Burma are both intended and utilised for the daily survival of migrant sending families. Studies of remittance use by families in Burma show that the majority of money received is spent on daily living expenses, followed by expenditure on housing, education and health.³⁷ This demonstrates the intensity of poverty within Burma and the dependency on migrant families for remittances to sustain basic survival. Additionally one study found that a significant proportion of migrant-sending families in Burma (over a third of those in the study) also used remittance funds for coerced payment to security officers including military and police, demonstrating the state of insecurity and violation that families in Burma continue to live with.³⁸ The studies found that the majority of families in Burma were not able to use the remittance money for income generating activities or investments, either because there was insufficient money left over after spending on daily needs, or due to the fact that there are limited opportunities for productive investment due to weak infrastructure and wide-spread poverty within sending communities.³⁹ It appears that despite migration and remittance sending over a period from three to ten years there has been no significant industry, income generation or economic improvements within the villages and home communities of Burmese migrants in Thailand.⁴⁰ These studies suggest that any local or national economic development benefit derived from remittances are largely absent in the Burma context due to the political economy which undermines these processes.

32 Turnell 2008

33 Deelen L and Vasuprasat P, 2010, Migrant Workers' Remittances from Thailand to Cambodia, Lao PDR and Myanmar. Synthesis report on survey findings in three countries and good practices. International Labour Organisation, ILO, Thailand

34 Jampaklay A and Kittisuksathit S 2009 Migrant workers' remittances: Cambodia, Lao PDR and Myanmar, International Labour Organization, Thailand

35 Hugué, J.W. and Punpuing S. (2005). International Migration in Thailand, Bangkok, International Organization for Migration

36 Turnell, 2008

37 Turnell, 2008, Jampaklay and Kittisuksathit 2009

38 Jampaklay A and Kittisuksathit S 2009

39 Khine, N.K. 2007 "Migration as a Development Strategy: A Case Study of Remittances Flows from Thailand to Mawlamyine, Mon State, Myanmar", M.A. Thesis in Development Studies, Chulalongkorn University.

40 Khine 2007, SERCA