



IOM International Organization for Migration

MIGRANT INFORMATION NOTE

Issue # 14 – February 2012

The flood crisis of 2011 forced many migrant workers in Thailand to flee flood-affected areas and return to their countries of origin – a substantial number of which are thought to have since returned to work in Thailand. The disruptions to efforts to efficiently manage migration in and out of Thailand during the floods, together with the closing of registration opportunities for irregular migrants in Thailand, have led to a shift in focus towards facilitating more efficient import of migrant workers under the MOUs signed between Thailand and its neighbouring countries. Concurrently, improved cooperation between Thai and Myanmar/Burmese authorities signals progress towards ensuring over 850,000 migrants who registered in the final registration round in 2011 are able to complete the Nationality Verification (NV) process.

This Migrant Information Note details the latest developments pertaining to the NV process in Thailand as well as the steps for migrant workers who registered in 2011 to undergo the collection of bio-data and acquire work permits.

Extension of work permits for the renewal group of migrant workers

On 1 February 2012, the Ministry of Labour proposed to the Cabinet to allow the renewal group of migrant workers to request the extension of their work permits until 14 June 2012. The ministry's proposal is being considered by the Cabinet. The renewal group refers to migrant workers who registered in 2010, renewed their work permits in 2011 (which expire on 20 January or 28 February 2012) and have not yet completed NV. A cabinet resolution is expected to be issued to confirm the extension before the end of February. This means that both the work permits of the renewal group and the newly registered group will expire on the same date and the deadline for completion of NV for both groups is therefore expected to be set to 14 June 2012. Migrants who have already submitted NV application forms but have not yet received any news on their applications, can contact MOL or provincial employment offices to follow up on their applications.

This information is also summarized in the table below.

Bio data collection for newly registered migrants¹

- The Ministry of Labour (MOL) is currently collecting bio-data for those migrant workers who newly registered in 2011. The collection of bio-data is part of the work permit application process (as detailed in MIN #11) and the bio data

¹ Newly registered migrant workers refer to the migrants who registered between June-October 2011.

collection period was extended from last year. The bio-data will be used to prevent irregular employment of migrant workers.

- Provincial Employment Offices will send appointment documents to employers for them to bring migrant workers for bio-data collection on specific appointment dates. Any questions about the bio data collection periods should be directed to Provincial Employment Offices. According to the letter of Tak Provincial Employment Office (Mae Sot branch), the bio-data collection process will take place in Tak province from 18 January until 17 February 2012 at NV Coordination Center located at 393/2-3-4, Moo2, Tha Sai Luat Sub-District Office, Mae Sot District, Tak. In Phang Nga province, the Phang Nga Provincial Employment Office announced that the bio-data collection will take place between 7 February and 4 March 2012 at its employment office. The documents required to complete bio-data registration include appointment documents, one copy of the receipt of work permit application and one copy of the registration document (Tor Ror 38/1).
- Whilst migrants have not yet been issues with work permits, the receipt of payment for work permit application together with the receipt of the work permit application form issued by a Provincial Employment Office or one of the Bangkok Employment Offices (area 1-10) is considered a temporary work permit.
- The collection of bio-data will include the collection of photographs and fingerprint scans. Once MOL has collected the bio-data, MOL will issue (print out) work permits for migrant workers and the database will be shared with other agencies such as the Immigration Office and other national security agencies.
- If migrants fail to undertake the collection of bio-data by the deadline of the collection period,² as specified by provincial employment offices, they will not be able to undergo NV, nor will they be allowed to apply for work permits again in the future.

Table: Deadlines for registered migrant workers in Thailand

| | Bio-data collection | Work permit expiration | NV completion | Next steps |
|---|----------------------------|---|---|--|
| Newly registered migrant workers | 28 February 2012 | 14 June 2012 | Not yet set. Expected to be 14 June 2012 | 1. Complete bio-data collection. 2. Enter NV process. |
| Renewal group | N/A | Currently 28 February 2012. Expected to be extended to 14 June 2012 | Currently 28 February 2012. Expected to be extended to 14 June 2012 | 1. Apply for work permit extension 2. Complete NV |

² Deadlines will have to be confirmed with the relevant Provincial Employment Offices.

Flood victims

- Irregular migrants who had permission to temporarily stay and work in Thailand but were affected by the flood and thus returned to Myanmar/Burma must go through the MOU process in order to come back and work in Thailand. The government has no policy of reimbursing those migrants who returned to Myanmar/Burma for work permit fees, even though their work permits are still valid.
- On 16 January 2012, the Ministry of Interior issued a ministerial regulation referring to migrant workers who were permitted to temporarily stay and work in Thailand during the period 1 September – 30 November 2011 and (due to the flooding situation) failed to report their presence in Thailand to the Immigration office according to the Immigration Act 1979. According to the regulation, these migrants will not face penalties (fine and/or imprisonment according to article 76 and 81 of the Immigration Act) for failing to report their presence if they report to Immigration within 60 days of the announcement date of the ministerial regulation. If they fail to do so within the deadline, they will be prosecuted according to law.

Updates on: 1) Nationality Verification

- On 20 January 2012, the National Committee on Alien Workers Administration met to decide on the operation of five new NV centres in Bangkok, Samut Prakarn, Samut Sakorn, Surat Thani, and Chiang Mai. These five new NV centres together with the three existing NV centres will provide NV services for Burmese migrant workers in Thailand. The five new NV centres are expected to begin operations in February 2012. Around eight Burmese officials from line ministries will be deployed to each new NV centre, and Thai immigration officers will be present in the five new centres to provide visa services for migrant workers.

2) Repatriation Fund

- Moreover, the 20 January meeting also agreed that the required contributions by Burmese, Lao and Cambodian migrant workers towards the Alien Repatriation Fund would be postponed by a year to March 2013. Currently, the postponement of contributions to the repatriation fund is being considered by the Cabinet. For more details on the repatriation fund please refer to MIN No.8 & 9.

3) MOUs

- Following recent bilateral negotiations between Thailand and Myanmar/Burma together, there is a renewed focus on making the MOU recruitment process as streamlined and efficient as possible. Burmese migrants are to be recruited from Yangon and Myawaddy through accredited recruitment agencies and sent to Thailand. The Myanmar/Burmese Government is currently trying to identify the main agencies to be involved in the recruitment of workers. The recruitment agencies will negotiate on behalf of migrants to attempt to ensure migrant workers in Thailand receive minimum wages according to provincial minimum wage

rates. Temporary passports are also to be issued in Yangon for those migrants who wish to travel by air to Thailand.

Labour Attaché at Myanmar Embassy

- A full-time Labour Attaché is now stationed at the Myanmar Embassy in Bangkok with the purpose of providing protection for Burmese migrant workers in Thailand. The Labour Attaché will not be involved in the renewal of passports.

STATISTICS

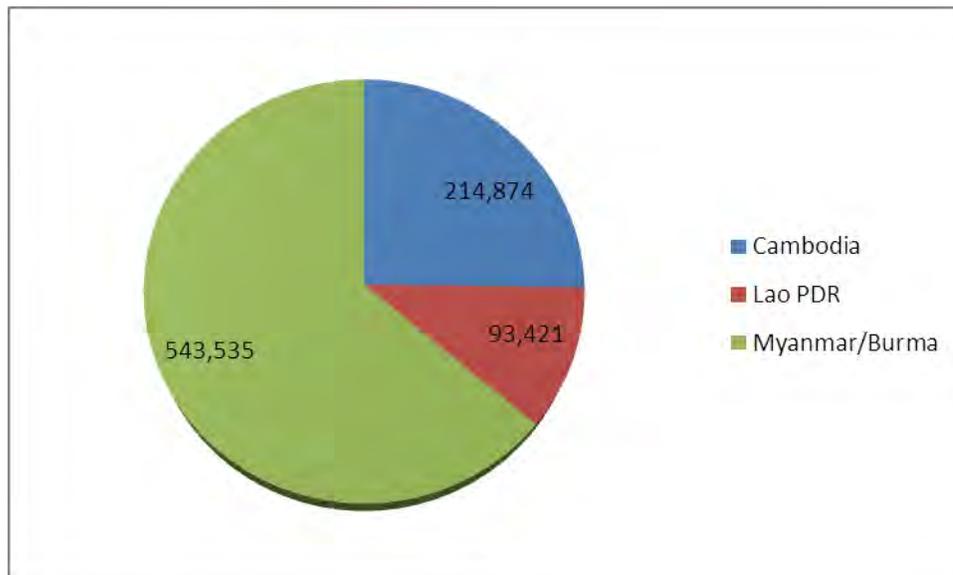
- **Migrant workers newly registered who received work permits in 2011**

| Nationality | Migrant workers newly registered in 2011 |
|---------------|--|
| Cambodia | 214,874 |
| Lao PDR | 93,421 |
| Myanmar/Burma | 543,535 |
| Total | 851,830* |

* This number is less than the total number of 1,011,443 reported in MIN #13, which referred to the number of migrants for whom employers had submitted registration documents. The total of 851,830 reported in this MIN refers to the total number of migrant workers who completed the registration process and received temporary work permits.

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand. Figures updated December 2011.

Figure: Newly registered migrant workers by nationality



- **Total number of migrants who have been recruited through MOU from September 2005 to December 2011**

| Nationality | Number of workers requested by employers | Number of workers granted permission to work in Thailand | Number of workers working in Thailand with work permits |
|--------------------|---|---|--|
| Cambodia | 168,975 | 92,408 | 69,829 |
| Lao PDR | 102,252 | 30,303 | 23,985 |
| Myanmar/Burma | 108,099 | 10,545 | 7,280 |
| Total | 379,326 | 133,256 | 101,094 |

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand. Figures updated December 2011.

- **NV processing status for migrants who registered in 2010**

| Nationality | Number of migrants eligible for NV as of February 2010 | Number of migrants who have completed NV as of December 2011 | Number of migrants who haven't yet completed NV |
|--------------------|---|---|--|
| Cambodian | 56,479 | 31,105 | 25,374 |
| Laotian | 62,792 | 34,999 | 27, 793 |
| Myanmar/Burmese | 812,984 | 565,669 | 247,315 |
| Total | 932,255 | 631,773 | 300,482 |

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand.

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