IOM International Organization for Migration

MIGRANT INFORMATION NOTE

Issue # 5 – April 2010

NATIONALITY VERIFICATION REGULATIONS: FEBRUARY- APRIL 2010 UPDATES

Following the Cabinet Resolution of 19 January 2010, additional developments regarding the nationality verification process have taken place between February and April 2010. These include letters from the Department of Employment of the Ministry of Labour.
While the last Migrant Information Note focused on the 19 January Cabinet Resolution, this issue provides in chronological order, an overview of the latest developments of nationality verification regulations and how they affect migrants in Thailand.

- **Nationality Verification Service Fee Will Not Be More Than 5,000 THB**

On 9 February 2010 the Department of Employment had a meeting with 12 broker companies at the Ministry of Labour. At that meeting, the 12 companies agreed that the nationality verification (NV) service fee would not be more than THB 5,000 per person. If any company charged more than 5,000 THB, the Department of Employment would ask the Myanmar/Burma Embassy to remove them from the NV broker company list. The Thai Labour Minister visited Myanmar/Burma during 12-15 February 2010 and discussed the new service fee with the Myanmar/Burma government.

- **Migrants Must "Consent" to the Nationality Verification Process by 28 February 2010**

On 19 February, the Office of the Alien Workers Management Committee instructed Employment Offices in all provinces of Thailand that migrant workers had until 31 March 2010 (as opposed to 28 February 2010) to apply for NV, In order to be eligible for the 31 March deadline, migrants were required to submit a consent form[1] by the deadline on 28 February whereby they agreed to submit their completed NV paperwork by 31 March. Migrants were also requested to apply for work permit extension by 28 February 2010. Migrants failing to meet these deadlines would be subject to immediate arrest and deportation.

- **28 February Deadline Extended to 2 March 2010**

A letter from the Employment Office dated 25 February 2010 extended the 28 February 2010 deadline (by which migrants had to submit completed NV applications or the consent form and request extension of the work permit) to 2 March 2010. This extension was granted because 1 March was an official Thai public holiday and government offices were closed.

- **Conditions for the Arrest of Migrants**

On 2 March 2010, the Deputy Director General of the Employment Office sent a letter to the Commander of Thailand's National Police Authorities stating that:

1. 2 March 2010 was the final day for requesting extension of work permits for migrant workers in Thailand.
2. Alien workers who submitted the request to extend their work permits should have received two documents: an acknowledgement slip and a receipt.
3. If police approach migrants for investigation, both of these documents must be produced by migrants to show they have legal status to stay in Thailand.
4. If migrants produce these documents to police, they should not be arrested.

- **Migrant Travel Discouraged and Monitored Closely Due to Political Unrest**

The Ministry of Labour's Office of Irregular Foreign Workers Administration, in a 'most urgent' letter

[1] The name of the form, as per the unofficial translation by HRDF's Migrant Justice Program is "Form for Expressing Intention to Request an Extension of Time to Submit Nationality Verification".

on 12 March 2010 sent to Provincial Employment Offices, stated that "*the authorities will strictly monitor the travel of migrants*". The letter expressed concern that migrants who happened to be travelling for purposes of completing NV might become inadvertently involved in the "red shirts" protests ongoing in Thailand. In order to prevent additional confusion and growing unrest, authorities recommended that provincial employment offices "*temporarily halt permission of Burmese migrants to travel for NV*".

- **"No Tax, No Search, No Arrest" of Myanmar/Burmese Migrants**

In February 2010, the Ministry of Labour published a brochure titled "No Tax, No Search, No Arrest" in Thai and Burmese languages to distribute to employers and to Provincial Employment Offices. The brochure referred to a statement made by Myanmar/Burma's Deputy Foreign Minister during a meeting with Thai authorities on 10-11 October 2009. He stated that Myanmar/Burma authorities would not punish or tax the relatives of migrants in Myanmar/Burma. Migrant workers who travelled to Myanmar/Burma for NV would receive temporary passports and could travel back to Thailand without being arrested. Any cases of arrest or taxation should be reported to the Myanmar/Burma Embassy.

- **Recommendations to Improve NV Information Dissemination: a DOE analysis**

The Labour Market Research Division of the Department of Employment undertook a study on the effectiveness of NV information dissemination to employers.
The study was published on 2 March 2010 and it revealed that:

1) Many employers did not receive the letters regarding NV from the Department of Employment. The study recommended that the employers' address lists be updated.
2) Dissemination of NV information through the media improved employers' awareness on the NV process.
3) Longer time to publicize information about work permit renewal and NV process was needed if the systems had to be effective.
4) Migrants in the fisheries sector lacked access to information about NV.
5) Employers in the construction sector failed to bring their workers to renew their work permits and apply for NV. The study recommended that after the work permit renewal period, there should be an investigation of those employers.

- **Survey on the NV Intent of Migrants who have not Applied for the NV Process**

As a result of the low number of migrants applying for NV, the Department of Employment issued a letter dated 30 March 2010 requesting Provincial Employment Offices to evaluate how many of those migrants who had not yet applied for NV would still consider applying despite the deadline having passed. The results of the survey will assist the MOL in determining if there is a need to extend the NV submission deadline. The survey was to be completed by Provincial Employment Office by 2 April 2010.

- **Director General of Employment Department Confirms there will be No New Round of Alien Worker Registration**

On 20 April 2010 the Director General of the Employment Department confirmed that there will not be an opening for a new round of alien worker registration. The short fall in alien labour shall be solved through development of the systems for labour import.

Updated Statistics*: Number of Registered Migrants and Nationality Verification Statistics

Number of migrants		Nationality Verification		
Nationality	Number of registered migrants	Number of migrants who have not entered the NV process	Number of migrants who have entered the NV process	
			Already submitted NV forms or NV intention forms	Already received passport/Certificate of Identity/Temporary Passport
Cambodia	124,902	31,120	93,782	70,790
Lao PDR	111,039	9,454	101,585	58,430
Myanmar/Burma	1,079,991	257, 898	822,093	71,390
Total	1,315,932	298,472	1,017,460	200,610

** Figures updated as of 27 April 2010, Office of Foreign Workers Administration, Ministry of Labour.*

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