IOM International Organization for Migration

MIGRANT INFORMATION NOTE

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The Memorandum of Understanding on Employment Cooperation[1] between Thailand and Myanmar/Burma was signed in 2003. However, it was not until 2009 that its implementation began. Since July 2009, Myanmar/Burmese migrant workers who had irregularly entered Thailand have been given the opportunity to receive regular status upon completion of the Nationality Verification Process[2]. The MOU of 2003 also established a framework for low-skilled migrant workers to enter and work in Thailand regularly. It has taken some time for this part of the agreement to become operational but lately both governments have taken steps forward towards this end.

This issue of the Migrant Information Note (MIN) looks at the procedures in place to recruit migrant workers from Myanmar/Burma. Information about NV for Cambodian migrant workers is also provided.

Myanmar/Burmese authorities approve over 11,000 nationals to work in Thailand

On 26 August 2010 the Office of Foreign Workers Administration, Department of Employment (DOE), of Thailand issued a memorandum to inform Provincial and Bangkok Employment Offices about the procedure to recruit Myanmar/Burmese workers to Thailand. According to the memo, the Myanmar/Burma Labour Department had approved a list of 11,759 workers requested by 86 employers to work in Thailand. The procedure required Employment Offices to notify the employers that their request for workers has been approved and to re-confirm with employers their level of demand for workers. The Employment Offices were then to submit the confirmation to the Office of Foreign Workers Administration by 31 August 2010 so it could be forwarded to Myanmar/Burmese authorities.

Process for recruitment of workers from Myanmar/Burma under the bilateral MOU

The procedure to recruit migrant workers from Myanmar/Burma under the MOU is quite complex. Here below is a summary of the steps involved[3].

Step 1: An employer in Thailand applies with a Provincial/Bangkok Employment Office, Thai Ministry of Labour (T-MOL), for a quota for employing migrants.

Step 2: The Provincial/Bangkok Employment Office of T-MOL approves the quota.

Step 3: The employer applies for recruitment of Myanmar/Burmese migrant workers at a Provincial/Bangkok Employment Office of T-MOL with a demand letter to employ foreign labour and contract. T-MOL collects the applications and sends them to Myanmar/Burma Ministry of Labour (M-MOL) through its Embassy. The applications are then forwarded for a cabinet approval.

[1] *Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers, 21 June 2003.*

[2] Please refer to previous issues of the MIN for a thorough account and deadlines of the NV process.

[3] The described procedure was summarized in 11 steps by IOM based on the information gathered through interviews with relevant government officials.

Step 4: Upon approval, M-MOL/Department of Labour (DOL) posts vacancy announcements through its local DOL offices in Myawaddy, Kawthoung, Tachileik.

Step 5: The local DOL offices in Myanmar/Burma process the applications, arrange for a pre-medical check-up of the applicants, and send a list of approved candidates to T-MOL/DOE through Myanmar Embassy.

Step 6: Upon notification from T-MOL/DOE, Thai employers[4] go to a Nationality Verification Coordination Centre in Thailand (Chiang Rai, Mae Sot or Ranong) and interview the candidates, who come to Thailand using a border pass. A medical check-up is also arranged at this time[5]. Migrants and employers have to report to the Provincial Employment Offices in Chiang Rai, Mae Sot or Ranong before and after undertaking the health check-ups. M-MOL/local DOL offices are then informed by the NV Coordination Centre of the successful candidates and the local DOL in Myanmar/Burma notifies the successful candidates of their selection.

Step 7: The T-MOL notifies the M-MOL through the Myanmar/Burma Embassy of the name of the employer who will pick up the selected workers at the Temporary Passport Issuance Offices in Myanmar/Burma (Myawaddy, Tachileik, Kawthoung). Additionally, the Employment Office of the T-MOL gives an English-version document to the employer indicating the approved name list. The employer can then present this document to the Myanmar/Burmese authorities to prove their permission to pick up their selected workers.

Step 8:The selected migrant workers apply for a temporary passport in one of the three Myanmar/Burma Temporary Passport Issuance Offices (fee: 3,000 Myanmar Kyat).

Step 9: The employer travels to Myanmar/Burma to meet the migrant workers at the Myanmar/Burma Temporary Passport Issuance Offices, in order to assist them through the immigration process. Upon arrival in Thailand, migrants must contact the Thai Border Immigration Office to apply for visas and stay permits. Visa fee for the first 10,000 workers will be THB 500 per person, compared to the normal rate of THB 2,000 per person. The visa is valid for two years and is renewable for another two years. A re-entry permit or a multiple entry visa must be purchased by migrants before travelling back to Myanmar/Burma and returning to Thailand.

Step 10: Migrant workers whose health clearance has expired (more than 60 days have passed between the time of the first check-up and actual arrival in Thailand) must undergo the health examination again, either at the border or in the province in which the worker is employed.

Step 11: Migrants must apply for a work permit at a Provincial/Bangkok Employment Office within 30 days upon receipt of visa. Work permit fees vary according to the rates stipulated in the ministerial regulations on work fees (please refer to IOM MIN No. 4 for details on work fees).

<u>According to the regulations, migrant workers who enter Thailand under the MOU can enjoy the following:</u>

- They can work legally in Thailand and should not be subject to arrest or deportation.
- They can travel in every province in Thailand.
- They can travel back to Myanmar/Burma. However, a re-entry permit must be requested at the immigration office if the worker wants to re-enter Thailand.

<u>Obligations:</u>

- Migrants must report to an immigration office every 90 days.

N.B.: Recruitment is facilitated by the three M-DOL Offices during this pilot phase of the MOU.

[4] Employers themselves may choose the services of persons/companies to facilitate the recruitment process on their behalf.
[5] The medical check-up results are valid for 60 days only. Should the migrant travel to Thailand after the check up expired, he/she will have to repeat the health examination at the border or in their province of employment (see Step 10).

Update on Cambodian Nationality Verification

The Department of Labour, Cambodian Ministry of Labour and Vocational Training, has issued a three-month plan of action to carry out the NV process for Cambodian workers in Thailand. The NV process will be conducted in selected provinces of Thailand as per the schedule below:

Employment Office where NV will be conducted	Address	Duration of NV (inclusive of weekend /official holidays)
Trat	Trat Provincial Hall, Ratniyom Rd., Bang Phra Sub-District, Muang District, Trat Province	2 – 10 September 2010
Rayong	Rayong Government Center, 2nd floor, Sukhumvit Rd., Noen Phra Sub-District , Muang District, Rayong Province	13 – 19 September 2010 21 – 26 September 2010 28 – 30 September 2010
Chonburi	199 Moo 3 Rarotmontrasevi Rd., Samet Sub-District , Muang District, Chonburi Province	11 – 12 October 2010
Samut Prakan	29/65-66 Moo 7, Srinakarin Rd., Teparak Sub-District, Maung District, Samut Prakarn Province	1 – 7 November 2010
Prachuap Khiri Khan	133/1 Suk-Jai Sub-District, Muang District, Prachuap Khiri Khan Province	13 – 14 November 2010
Nakhon Ratchasima	1936/3 Mittraphap Rd., Nai Muang Sub-District , Muang District, Nakhon Ratchasima Province	20 - 21 November 2010
Songkhla	The former building of Songkla Provincial Hall, Ratchadamnoen Rd., Bo Yang Sub-District, Muang District, Songkhla Province	27 - 28 November 2010

STATISTICS*

- **Total number of migrants who have been recruited through MOU from 2005 - 2010**

Nationality	Number of workers requested by employers	Number of migrants allowed to enter Thailand for work
Cambodia	69,542	21,595
Lao PDR	83,236	11,950
Myanmar/Burma	47,906	534
Total	200,684	34,079

- **Total number of migrants who have successfully completed NV since 2006, by nationality**

Nationality	Total number of migrants who have successfully completed NV since 2006				
	2006	2007	2008	2009-2010*	Total
Cambodia	37,329	8,299	5,037	86,684	137,349
Lao PDR	43,657	12,502	167	59,411	115,737
Myanmar/Burma	0	0	0	142,338	142,338
Total	80,986	20,801	5,204	288,433	395,424

- **NV detailed figures for 2009-2010**

Nationality	Number of migrants eligible for NV in 2009-2010 (i.e. who obtained a work permit)	Number of migrants who have completed the NV process in 2009-2010*	Number of migrants who have applied for NV in 2009-2010, but not yet completed it	Number of migrants who did not enter the NV process in 2009-2010
Cambodia	124,902	86,684	11,506	26,712
Lao PDR	111,039	59,411	51,628	0
Myanmar/Burma	1,079,991	142,338	690,675	246,978
Total	1,315,932	288,433	753,809	273,690

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand.
** Figures updated as of 25 July 2010.*

The Migrant Information Note is produced by the Labour Migration Programme, IOM Thailand Office. Special thanks for the compilation of this issue go to colleagues in IOM Yangon, Myanmar. For further information, please contact us by tel.: 02-3439300, fax: 02-3439399, or e-mail: migrantnews@iom.int