

A positive U-turn, but still no real long-term solution

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Nai Joe is an undocumented migrant from Mon State in Burma. He has lived in Thailand much of his life and has no Burmese ID card. The 21-year-old worked in agriculture on the Thai-Burmese border for years until an easier and better paid job appeared in Bangkok last year. He then travelled to Bangkok from the border in a policeman's car who for 13,000 baht cleared all checkpoints without hassle. Joe's employer pays police a hefty sum per month to conduct his business and 500 baht as "protection" for Joe as he is undocumented and not allowed, as a "non-Thai", to work in a job that is neither "manual labour" nor "domestic work".

Every time I meet Joe he asks if the Thai government has re-opened migrant registration again. His employer has promised to register him as a "domestic worker" when they do. Joe dreams to venture outside the building he works in to buy food to eat with rice his employer provides him free every day. In over a year he has mostly stayed inside for fear of arrest. Police protection extends only to his workplace.

When I see Joe again, I can tell him his chance to become registered is near. For on Tuesday, the Illegal Alien Workers Management Committee, chaired by Deputy Prime Minister Sanan Kachornprasart, approved the new registration opportunity for millions of nameless workers from Cambodia, Laos and Burma working in Thailand without documents. Around 85% are likely from Burma. Although final approval for the policy remains with the cabinet, opening of registration is expected to be approved and new registration started within weeks. Tipped off registration brokers have received money and names for a June registration for months already.

If Joe is registered, his employer still has to pay bribes to police, given that he works in a "Thai-only" occupation. Just like all the migrants in Phuket who sustain the services industries there. But he can finally leave his workplace to buy food. His immigration status will be "semi legal" even if his employment status is not. Joe must then join hundreds of thousands of migrants who have to pass the government's nationality verification (NV) process to become "fully legal".

Nationality verification requires payment of lots of money to unregulated brokers who continue to extort migrants in collusion with government officials, lots of paperwork (and kickbacks) and for Burmese migrants, a trip to Burma's official NV centres in Ranong or Tachilek (Mae Sai) to pick up their temporary passports. For migrants, registered status means increased confidence and in theory protection against arrest or extortion. Rights protection and access to health services should be guaranteed too. Lack of access to rights accorded in practice, the necessity to register with one employer and inability to change, expense of registration, lack of understanding what is involved, lack of enforcement against unregistered workers and employers, and continued extortion by officials mean incentives to register still remain weak, however.

Tuesday's decision to re-open migrant registration is very significant as it is proof that the government's previous migration management strategies have dramatically failed.

Let's recap some important events to prove this point.

In February last year, a senior Labour Ministry official said: "This is enough now. If migrants still refuse to comply with government rules, then we must send them home." He referred to a Feb 28 deadline for 1.3 million migrants to enter national verification.

The same official said on June 26 that "preparations are now under way to set up a committee to suppress alien workers which will be completed by the end of 2010 so new workers can be brought in legally from neighbouring countries to replace illegal aliens".

Prime Minister Abhisit Vejjajiva issued his first order in June last year to set up a committee to arrest and deport migrants who missed the national verification deadline. With the Mae Sot-Myawaddy official deportation route closed, law enforcement officials had nowhere to send Burmese workers, so they either demanded money for their release or handed them to traffickers or people smugglers during deportation. Workers were efficiently returned to Thailand.

In mid-September after months of debate, the Board of Investment relaxed rules for companies receiving government incentives to employ migrants, citing massive low-skilled labour shortages and despite an ongoing crackdown. Stringent conditions were attached to revocation of the rule for BoI companies to employ only Thais. But Thai workers laid off following this decision know they are often disregarded.

At the end of the same month, the Labour Ministry changed positions on migrant policy in the midst of the crackdown. The ministry stated publicly it was now considering reopening migrant registration in the face of massive low-skilled labour shortages. In the meantime, officials still apparently were trying to work out how to ensure effective deportation of undocumented workers and rapid import of legal workers to replace them in one seamless process.

In October, Mr Abhisit issued his fourth migrant crackdown order and created yet another committee. This was likely a response to petitions to the visiting United Nations secretary-general about deportation and trafficking links in Ranong. Mr Abhisit said the Ranong issue would be investigated and stopped. Reports suggest nothing has changed there.

The ministry went to Burma in January. Reports suggest Burma's delegation raised concerns on exploitation of Burmese workers in Thailand which were "unfortunately being reported too often in the media".

They also apparently suggested a new registration was better than a crackdown, agreed to increase NV centres in Thailand and requested Bangkok to rein in Thai companies grossly overcharging for the 600-baht nationality verification process.

In March, the ministry confirmed plans to import migrants from Bangladesh and Indonesia to replace undocumented migrants who would be deported in the ongoing crackdown. With only around 30,000 workers imported legally over eight years from neighbouring countries (only around 1,500 from Burma), labour shortages were threatening Thailand's national and economic security now. Most migration observers laughed off the prospect of employers shelling out hefty airfares to bring such workers in and coping with the cultural difference they would encounter with less passive workers. Likely just a media tactic intended to push Burma on the import issue?

This month a new migrant registration is recommended for approval to the cabinet by the Illegal Alien Workers Management Committee. Meanwhile, an unregistered migrant worker crackdown continues, NV is ongoing and plans for fresh import for workers from Indonesia and Bangladesh remain in place.

Chronological explanations show a circle of exploitation, corruption, unrealistic targets for migrant deportation and import and poor migration management. Protection for around 2-3 million migrants, assistance for good employers and national, economic and human security of Thailand and its people are undermined. But this explanation is for events over one year only. The situation has been the same since the 1980s, with the exception now of increased focus on NV and imports. Crackdowns, opening registration, threats, extortion, abuse of power.

The U-turn in re-opening registration for up to one million migrants with unregistered status in Thailand is, of course, commendable. But the migration management systems creating all this are clearly not working. Thailand remains without a long-term migration policy that integrates human, national and economic security.

The Illegal Alien Workers Management Committee, an umbrella of 22 agencies, really doesn't work. It has very little budget and is a smokescreen for decisions clearly made elsewhere. The ministry is put forward as the face of migration management in Thailand but everyone knows it is clearly not the brains behind it all.

Thailand's economy now depends on 2 million low-skilled migrants from Burma. Many are unregistered and less than half this number are in the nationality verification process. Employers want increased numbers of Burmese migrants as soon as possible. Burma is so far not delivering workers fast enough, nor can it possibly do so legally.

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