

INTERNATIONAL MIGRATION IN THAILAND 2009

Rosalia Sciortino
Sureeporn Punpuing



IOM International Organization for Migration



International
Labour
Organization



UNAIDS
Joint United Nations Programme on HIV/AIDS



United Nations Development Fund for Women
UNIFEM



UNFPA
United Nations Population Fund



UNHCR
The UN Refugee Agency

unicef



World Health
Organization



THE
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BANK

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United Nations Population Fund



United Nations High Commissioner for Refugees



World Health Organization



United Nations Children's Fund



World Bank



UNITED NATIONS
COUNTRY TEAM IN THAILAND

United Nations Country Team in Thailand

Rosalia Sciortino and Sureeporn Punpuing, both from the Institute for Population and Social Research (IPSR), Mahidol University, prepared this report as independent consultants to the International Organization for Migration (IOM), Thailand Office, and the Thematic Working Group on International Migration in Thailand. Opinions expressed in this document are those of the authors and do not necessarily reflect the views of IOM or other member organizations of the Thematic Working Group.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As the leading international organization for migration, IOM acts with its partners in the international community to: assist in meeting the growing operational challenges of migration management; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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Foreword

Transborder migration is a well-known phenomenon in Thailand. Over the past 30 years, Thailand has promoted and administered the export of its labour as well as hosted hundreds of thousands of nationals from neighbouring countries, who have fled their homelands due to war, internal conflict or national instability. Although the number of people seeking refuge has varied during different periods, Thailand has accommodated these displaced people on a humanitarian basis. In addition, the Royal Thai Government has regularly given refuge and assisted in times of crisis. The government has erected temporary shelter along the border to house them and provided security personnel. Repatriation and resettlement has been on-going. However, with conflict and instability persistent in certain areas, some of the displaced people have been unable to return home and today as many as 130,000 remain in the country.

While many of its neighbours have had to deal with internal difficulties, over the past 20 years Thailand has seen remarkable progress in human development. Thailand has demonstrated its success in meeting most, if not all, Millennium Development Goals (MDGs), and has moved on to set more ambitious targets of MDG "Plus" that go well beyond the internationally agreed MDGs. Thailand reached the international MDG poverty target of halving the proportion of people living in poverty between 1990 and 2015, and will achieve these goals well in advance of 2015. This economic success and development enjoyed by Thailand has attracted thousands of migrants from neighbouring countries looking for a better standard of living. Furthermore, it has shaped migration flows in the region. While 500,000 Thais are reported to be working overseas, it is estimated that there are more than two million migrant workers from neighbouring Myanmar, Lao People's Democratic Republic and Cambodia in Thailand, out of which 501,590 hold a valid work permit.

In recent years, international migration is a topic of discussion high on the agenda of governments, the United Nations, international organisations and non-governmental organisations, due to its links to a broad range of economic, social and demographic issues. The United Nations Partnership Framework (UNPAF) 2007-2011 has embraced migration-related issues in its main areas of cooperation to promote the reduction of disparity and sustainable human development.

The United Nations Thematic Working Group on International Migration, active since 2004, aims to implement migration-related joint activities in Thailand. Raising the profile of and facilitate better understanding on migration issues will improve the living and working conditions of migrants in Thailand in line with the UNPAF 2007-2011. The member agencies have been cooperating to create a better understanding and developing a common approach of the migration phenomena in Thailand by strengthening coordination mechanisms and information sharing among concerned United Nations agencies, in close cooperation with several Ministries of the Royal Thai Government.

The International Migration in Thailand Report is the result of joint collaboration among the members. The second edition (2009 report) has been prepared to review and analyze recent international migration trends and issues in Thailand. This edition is an update of the country's migration situation report published in 2005. Many ministries and offices of the Royal Thai Government have also cooperated closely in the preparation of this report.

It is our hope that this 2009 Report will provide valuable, up-to-date information that can be used in policy recommendations on international migration. Furthermore, it is anticipated that this report will be of value to the Royal Thai Government, the United Nations, international organisations and non-governmental organisations in the formulation of policies and implementation of programmes that affect the lives of displaced people, migrant workers and their children and that pave the way for effective migration management.



Gwi-Yeop Son
United Nations Resident Coordinator



Monique Filsnoël
Chief of Mission
International Organization for Migration

Preface

Over the past few decades, Thailand has played an important role in international migration in the region and it is currently not only a country of origin, but also of transit as well as of destination. Because of its relatively prosperous and stable economy, Thailand has become a safe haven for hundreds of thousands of asylum seekers and millions of migrant workers from its neighbouring countries. Simultaneously, many Thais continue to look for better opportunities overseas. However, these continuous changes in migration trends and patterns, coupled with the dearth of data and sound research on the topic, make it very challenging for government policies, legislation, institutions and programmes to respond to the evolving reality in a quick and effective manner. Furthermore, most available studies only focus on selected issues of migration and do not provide a comprehensive overview.

For these reasons, the inter-agency Thematic Working Group on International Migration published a study on international migration in Thailand conducted by Jerrold W. Hugueta and Sureeporn Punpuing in 2005. The purpose of the 2005 Report was to compile available information on international migration in Thailand that would consolidate and review in one study the existing situation of regular and irregular migrants, refugees, asylum seekers and displaced persons, and the migration of Thai nationals abroad.

The 2005 Report was well received by key stakeholders and the public, and has served as a reference for research, intervention and policy efforts. To maintain the relevance of this widely-used resource, and in recognition that migration conditions change rapidly, the Thematic Working Group decided to publish a follow-up study to gather more recent information. This 2009 report expands and updates the 2005 Report and emphasizes research undertaken in the last three years. This report comes out at a time when the global economic assumptions have started to be questioned and the economic system is in turmoil. This can potentially have a great impact on migrant populations. However, the concrete consequences will be measurable only after some time and will not be reflected in this report. A future edition of this report will look at the impacts of the economic crisis thoroughly.

The objectives of this report are to:

- Review and analyze recent international migration trends and issues in Thailand, updating the country's migration situation report published in 2005.
- Identify gaps in knowledge in international migration in Thailand.
- Provide input to the Thai Government policy-making process on international migration.
- Make recommendations for international organizations, civil society and other relevant stakeholders that support management of international migration in Thailand.

Like the previous report, this report has been commissioned by the International Organization for Migration (IOM) on behalf of the Thematic Working Group on International Migration, an inter-agency body consisting of the following agencies based in Thailand:

- International Organization for Migration (IOM)
- International Labour Organization (ILO)
- Joint United Nations Programme on HIV/AIDS (UNAIDS)
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Population Fund (UNFPA)
- United Nations High Commissioner for Refugees (UNHCR)

- United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP)
- United Nations Development Fund for Women (UNIFEM)
- United Nations Children's Fund (UNICEF)
- United Nations Office on Drugs and Crime (UNODC)
- World Bank (WB)
- World Health Organization (WHO)
- Office of the High Commissioner for Human Rights (OHCHR)

The preparation of this report has benefited immensely from the cooperation of the Thai government who provided both published and unpublished data on migration trends as well as many excellent studies on migration issues which have been published in recent years. Many of the members of the Thematic Working Group also made resources available to the authors.

Finally, in order to gather information for the report, the researchers interviewed representatives of member organizations in the Thematic Working Group. They also conducted interviews in Bangkok with representatives of many Thai government offices whose work is related to migration in Thailand. Moreover, the authors made field visits to Phuket and Phang Nga in Southern Thailand, which were selected based on the large presence of migrants, the issuance of provincial decrees on migration, and their being a hub for further migration to Southern Thailand, Malaysia and Singapore.

Acknowledgments

IOM, as the co-chair of the Thematic Working Group, was closely involved in the production of the report. The authors are indebted to Irena Vojackova-Sollorano, Regional Representative; Monique Filsnoël, Chief of Mission; Federico Soda, Regional Programme Development Officer; Stine Laursen, Research Associate; Vipunjit Ketunuti, Labour Migration Programme Manager; Michiko Ito, Programme Development Support Officer; and Varamon Ramangkura, Project Officer, for their support and dedication. Saranya Chittangwong, Labour Migration Coordinator for the Phang Nga and Ranong Offices, is to be thanked for facilitating the field visits.

The member organizations of the Thematic Working Group on International Migration provided valuable inputs and gave helpful comments to the report. Their officials gave time for interviews and made available unpublished reports and other relevant materials. Financial support from the World Bank, WHO, ILO, UNICEF, UNAIDS, UNDP, UNHCR, UNIFEM and UNFPA has made this report possible. The United Nations Country Team (UNCT) in Thailand also provided support, time and essential information which the authors greatly appreciate.

Thai Government officials devoted precious time to assist the authors, providing essential information and supplying unpublished statistics. They include representatives from the Ministry of Interior, Ministry of Labour, Ministry of Public Health, and Immigration Bureau. Special thanks are due to Nara Ratanaruj, Senior Labour Officer, Office of Foreign Worker Administration, Department of Employment, Ministry of Labour, who helped cross-check official statistics of migrants in Thailand.

Non-Governmental Organizations (NGOs) active in Thailand also provided support for this endeavor. The Mekong Migrant Network, Migrant Assistance Program (MAP) Foundation, and Raks Thai Foundation, among others, shared information and experiences, helping the authors to understand the situation of migrants in Thailand.

A number of migration scholars took the time to peer review drafts of the report and suggest improvements. They are Philip Guest, Chief, Demographic Analysis Branch Population Division, United Nations Department of Economic and Social Affairs; Yongyuth Chalamwong, Research Director for Labour Development, Thailand Development Research Institute; Giuseppe Sciortino, Associate Professor, University of Trento; and Jerrold W. Huguét, independent consultant and author of the "2005 Report".

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To the many more who contributed their time and expertise to this effort, but could not possibly be mentioned here, goes our most sincere appreciation and gratitude.

Rosalia Sciortino and Sureeporn Punpuing
Bangkok 2009

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List of Acronyms

| | | |
|----------------|---|---|
| 3-D | = | Dirty, Dangerous and Difficult |
| 3K | = | Kitsui, Kitanai, Kiken (equivalent of 3-Ds in Japanese) |
| ABAC | = | Assumption Business Administration College |
| ACMECS | = | Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy |
| ADB | = | Asian Development Bank |
| AFAS | = | ASEAN Framework Agreement on Services |
| AIDS | = | Acquired Immuno Deficiency Syndrome |
| AMC | = | Asian Migration Center |
| AMI | = | Aide Medicale Internationale |
| ANM | = | Action Network for Migrants |
| APMM | = | Asia Pacific Mission for Migrants |
| APP Inc | = | Asia Pacific Project Incorporated |
| ARC | = | American Refugee Committee |
| ARCM | = | Asian Research Center for Migration |
| ART | = | Anti-Retroviral Treatment |
| ASEAN | = | The Association of Southeast Asian Nations |
| ATPAC | = | The Association of Thai Professionals in America and Canada |
| B.E. | = | Buddhist Era |
| BATWC | = | Bureau of Anti Trafficking in Women and Children |
| BOI | = | Board of Investment |
| BOT | = | Bank of Thailand |
| BP | = | Border Pass |
| BRC | = | Bangkok Refugee Center |
| BRLC | = | Bangkok Refugee Learning Center |
| CBW | = | Cross-border worker |
| CCSDPT | = | Committee for Coordination of Services to Displaced Persons in Thailand |
| CEAB | = | Community Elder's Advisory Board |
| CLA | = | Council of Labour Affairs |
| CMR | = | Crude Mortality Rate |
| COERR | = | Catholic Office for Emergency Relief and Refugees |
| COMMIT | = | Coordinated Mekong Ministerial Initiative against Trafficking |
| CPA | = | Comprehensive Plan of Action for Indochinese Refugees |
| CSR | = | Corporate Social Responsibility |
| DAN | = | Development Analysis Network |
| DOE | = | Department of Employment |
| DSDW | = | Department of Social Development and Welfare |
| EFWA | = | Employment of Foreign Workers Act |
| EOC | = | Environmental Operation Center |
| EPS | = | Employment Permit System |
| EPZ | = | Export Processing Zones |
| ESCAP | = | Economic and Social Commission for Asia and the Pacific |
| EU | = | European Union |
| FDI | = | Foreign Direct Investment |
| FTUB | = | Federation of Trade Unions-Burma |
| FWP | = | Foreign Workers Program |
| GATS | = | General Agreement on Trade in Services |
| GDP | = | Gross Domestic Product |
| GMS | = | Greater Mekong Subregion |
| HIV | = | Human Immunodeficiency Virus |
| HRW | = | Human Rights Watch |
| HWC | = | Hope Workers Center |
| IB | = | Immigration Bureau |
| IC | = | Immigration Center |
| IDP | = | Internally Displaced Persons |
| IHT | = | International Herald Tribune |

| | | |
|----------------|---|---|
| ILO | = | International Labour Organization |
| IDC | = | Immigration Detention Center |
| IOM | = | International Organization for Migration |
| IPEC | = | International Programme on the Elimination of Child Labour |
| IPSR | = | Institute for Population and Social Research |
| IRC | = | International Rescue Committee |
| IT | = | Information Technology |
| ITS | = | Industrial Trainee System |
| JRS | = | Jesuit Refugee Service |
| JTEPA | = | Japan-Thailand Economic Partnership Agreement |
| KRC | = | Karen Refugee Committee |
| KnRC | = | Karenni Refugee Committee |
| KRTC | = | Kaohsiung Mass Transit Company |
| LAK | = | Lao Kip |
| LSCW | = | Legal Support for Children and Women |
| MAP | = | Migrant Assistant Program |
| MCHVs | = | Migrant Community Health Volunteers |
| MCHWs | = | Migrant Community Health Workers |
| MFA | = | Ministry of Foreign Affairs |
| MMN | = | The Mekong Migration Network |
| MOE | = | Ministry of Education |
| MOFAJ | = | Ministry of Foreign Affairs of Japan |
| MOHA | = | Ministry of Home Affairs |
| MOI | = | Ministry of Interior |
| MOJ | = | Ministry of Justice |
| MOL | = | Ministry of Labour |
| MOPH | = | Ministry of Public Health |
| MOU | = | Memorandum of Understanding |
| MSF | = | Médecins Sans Frontières International |
| MTC | = | Mae Tao Clinic |
| NAPAC | = | National AIDS Prevention and Alleviation Committee |
| NESDB | = | National Economic and Social Development Board |
| NGO | = | Non-Government Organization |
| NSO | = | National Statistical Office |
| NUFFIC | = | The Netherlands Organization for International Cooperation in Higher Education |
| OECD | = | Organization for Economic Co-operation and Development |
| OFWA | = | Office of Foreign Workers Administration |
| OHCHR | = | United Nations Office of the High Commissioner for Human Rights |
| PAB | = | Provincial Admission Board |
| PDSALVY | = | Provincial Department of Social Affairs, Labour, Vocational Training and Youth Rehabilitation |
| PHAMIT | = | Prevention of HIV/AIDS among Migrant Workers in Thailand |
| PPP | = | Purchase Power Parity |
| RLI | = | Relief Logistics International |
| RSD | = | Refugee status determination |
| SES | = | Socio-Economic Survey |
| SGD | = | Singapore Dollar |
| SSA | = | Shan State Army |
| TB | = | Tuberculosis |
| TBBC | = | Thailand-Burma Border Consortium |
| TDRI | = | Thailand Development Research Institute Foundation |
| TFR | = | Total Fertility Rate |
| THB | = | Thai Baht |
| TLSC | = | Thai Labour Solidarity Committee |
| TOEA | = | Thailand Overseas Employment Administration |
| TWA | = | Thai Welfare Association |
| TWNE | = | Thai Women Network in Europe |
| TWP | = | Temporary Work Permits |
| UN | = | United Nations |

| | | |
|---------------|---|---|
| UNAIDS | = | The Joint United Nations Programme on HIV/AIDS |
| UNBRO | = | United Nations Border Relief Operation |
| UNDP | = | United Nations Development Programme |
| UNESCO | = | United Nations Educational, Scientific and Cultural Organization |
| UNFPA | = | United Nations Population Fund |
| UNIAP | = | The United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region |
| UNHCR | = | United Nations High Commissioner for Refugees |
| UNICEF | = | United Nations Children's Fund |
| UNIFEM | = | United Nations Development Fund for Women |
| UNODC | = | United Nations Office on Drugs and Crime |
| USCRI | = | United States Committee for Refugees and Immigrants |
| VIU | = | Victim Identification Unit |
| WHO | = | World Health Organization |
| WTO | = | World Trade Organization |
| WVF | = | World Vision Foundation of Thailand |
| ZOA | = | ZOA Vluchtelingen zorg (ZOA Refugee Care) |

Executive Summary

This report documents and analyzes international migration trends and issues related to Thailand, updating the country's migration situation report published in 2005. The purpose is to assess the state of knowledge on international migration in Thailand and provide input to the Thai Government and other stakeholders in the formulation of policies and intervention strategies.

Thailand is a leading economy in Southeast Asia that is evolving into a global and regional migration hub for outgoing, incoming, and transiting migrants. Because of economic and demographic differentials in the increasingly interconnected global and regional economies, labour migration dynamics in Thailand are primarily structured along a chain in which low-skilled workers from the weakest economies in Southeast Asia move to Thailand, and slightly more skilled Thai migrants move to the stronger economies in East and Southeast Asia, the Middle East and other parts of the world. With the exception of labour migration, specific migration patterns are driven by the key economic role played by the Thai tourism industry since the 1960s and by the aging of populations in the more economically advantaged East Asian and Western countries.

Outward flows consist of organized government-led migration and independent migration. In 2007, there were 161,917 predominantly male, low-educated and low-skilled contract Thai workers employed abroad, of whom about 40 per cent were in Taiwan Province of China, and less than 10 per cent were in each of the other top five Thai labour-importing countries of Singapore, the Republic of Korea, Israel and the United Arab Emirates. No figures are available on the overall number of independent migrants, but destination countries' statistics reveal that it is a larger number than contract migrant workers. Like contract migration, Thai independent labour migration is dominated by low-skilled workers, but these are often irregular having entered the destination countries illegally, or having become irregular after overstaying their visa. The share of high-skilled workers is higher among independent migrants due to professionals with tertiary education working in Western countries and wherever Thai companies have established a presence. The two migrant groups of "low-skilled" and "high-skilled" Thai workers, even if originating from the same sending country, are treated very differently by receiving countries. While the entry of low-skilled migrants is heavily restricted and tolerated only for the short-term, high-skilled migrants usually benefit from facilitated entry and opportunities to settle with their families.

In the last decade, "migration-by-means-of-marriage" by women from the poorer Thai regions of the Northeast and the North to European countries with long histories of male tourism to Thailand has increased because of the introduction of stringent European migration laws. The other side of this evolving phenomenon is that of European men who marry Thai women and settle in Thailand, especially in the Northeastern part of the country. There they add to the growing number of retirees. Spurred by the ageing populations in well-off East Asian and Western countries, and the growth of Thai medical tourism, many foreigners are retiring in Thailand alone or with families.

Restrictive residency and immigration criteria mean that the majority of foreigners can legally migrate to Thailand only on a temporary basis, most often under a renewable non-immigrant visa. These criteria also stipulate that they can only work in certain high-skilled and semi-skilled jobs and only after obtaining a specific work permit. The total foreign population with approval for temporary stay totaled 300,194 in 2007. Three quarters of this number were men coming from Western countries (118,397) and East Asia (85,558). Of these, about half was formally authorized to work as executives and managers, professionals and technicians. "Grey migration" of foreigners from developed countries is substantial with many overstaying their visas and living and working in Thailand irregularly.

The regulations that govern Western and East Asian migrants do not apply to the growing number of low-skilled migrants from the Greater Mekong Subregion (GMS) countries of Cambodia, the Lao People's Democratic Republic, and Myanmar. A small portion has been registered and considered regularized as far as their work permit is concerned, but not in terms of their visas. As of December 2007, there were about 625,883 registered GMS migrants and 14,150 migrant workers regularly imported from Cambodia and the Lao People's Democratic Republic under bilateral agreements. An additional 1.3 million are estimated to be living and working in Thailand irregularly, most for more than three years, making Thailand the largest destination country for labour migrants in the sub-region. About 70-80 per cent of

the total GMS migrant population is from Myanmar. There are more male than female migrant workers from Cambodia and Myanmar, but more females from the Lao People's Democratic Republic.

Overall, the GMS migrant population is extremely vulnerable, working in difficult and exploitative conditions, living in unsanitary and crowded environments, lacking legal and social protection, having little freedom of movement and reduced civil entitlements, and being exposed to arrest and deportation. Still, the disadvantaged situation and insecurity in the countries of origin encourage permanent migration if not high rates of re-emigration. The GMS Governments' tendency to concentrate on temporary contract migration schemes may compel migrants to make different choices, caught as they are in a cycle of compounded vulnerability at home and abroad that still has to be broken.

Public appreciation of GMS migrant labour remains limited in Thai society, despite the important contribution of migrants to the Thai economy, calculated to be 1.25 per cent or US\$ 2 billion of the US\$ 177 billion Thai GDP in 2005. GMS migrants also make important contributions to their families left behind. In the GMS, as with other regions experiencing recent emigration due to weak local economies, remittances are mostly employed as a household survival strategy rather than for productive investments, and do not seem to contribute to community and national development in the countries of origin yet.

Long before Thailand became a major destination for GMS labour migrants, it sheltered people fleeing war and conflict in neighbouring countries. Alternating between restrictive policies dictated by national security concerns and pragmatic tolerance of a refugee situation that has been difficult to resolve geo-politically, Thailand has de facto provided asylum to some 1.2 million refugees from the GMS and beyond over the last three decades, and still hosts hundreds of thousands of them. These intra-regional movements have produced three main groups of persons seeking shelter in Thailand today: (i) "displaced persons" from Myanmar in nine border temporary shelters; (ii) the so-called "urban" asylum seekers and "refugees", i.e. persons originating from more than 30 different countries throughout the world who have applied to the United Nations High Commissioner for Refugees (UNHCR) for refugee status; and (iii) migrants outside of international protection, including Lao Hmong in Petchabun Province, Shan and Rohingyas from Myanmar in Northern and Southern Thailand respectively, and people from the Democratic People's Republic of Korea in Bangkok and other locations.

As more migrants and asylum seekers arrive in Thailand, conditions and impacts of migration acquire greater relevance for policymakers and civil society. The Thai Government has been very active in the last several years in implementing progressive measures to enhance migrants' access to health and education, and in producing legislative measures on international migration. In 2008 major national laws were passed, such as the Alien Employment Act B.E. 2551 and the Act to Prevent and Suppress Human Trafficking B.E. 2551, and Thailand became a signatory of the 2007 Association of Southeast Asian Nations (ASEAN) Declaration on the Protection and Promotion of the Rights of Migrants Workers. Bilateral relations have been strengthened to better manage inward and outward flows and to reduce human trafficking, while international arrangements, such as the resettlement of refugees to third countries, have made it possible to find an alternative to protracted internment for camp residents. Lower administrative levels of government are experimenting with policies and interventions to cope with the growing migrant population within their jurisdictions. Although there are concerns about the decrees issued in six provinces because they limit migrants' rights, there is also recognition that many local governments are trying to ensure better services to marginalized groups, especially in health care and education.

These ongoing efforts are to be commended, as they are essential for Thailand to "capitalize" on international migration. Still, the response remains inadequate to properly address the magnitude and diversity of the phenomenon, and many knowledge, policy and intervention gaps remain that ought to be filled if international migration is to contribute to human and economic development.

Recommendations

To improve the availability, comparability and quality of information:

- Build independent think-thanks to systematically study and analyze migration trends to and from Thailand.
- Devise strategies to integrate monitoring of migration trends into other existing information systems, in order to capture both regular and irregular migrants.

- Strengthen data collection at the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Labour and work toward a joint database inclusive of all categories of foreign immigrants both working and staying in Thailand and Thai emigrants.
- Enhance the capacity of non-government organizations (NGOs) to document their work and the issues they are confronted with.

To fill knowledge gaps:

- Promote cross-country collaborative efforts to study international migration so as to better capture its transnational character and learn more about its regional and global determinants.
- Strengthen policy research to assess existing policies and regulatory mechanisms and propose improvements and/or alternative approaches.
- Continue to study the economic benefits and costs of migration, and when possible link it with an analysis of social impacts.
- Devote attention to the forming of transnational communities and families, and to migrants' occupational health.
- Promote comparative studies of migrant populations with the Thai population.
- Foster research in border areas to better understand the flows of GMS migrants coming into Thailand and of Thai migrants crossing to Malaysia.
- Study grey migration of foreigners from Western countries to Thailand, when possible in comparison to other migrant groups.
- Promote theoretical studies that, although rooted in the context of Thailand, are of a global relevance.

To improve governance of migration at the international, regional and national level:

- Intensify participation in international fora and international agreements, strengthen transnational collaboration efforts and promote cross-country or in-country dialogue that is inclusive of all stakeholders.
- Integrate migration concerns into regional cooperation programs and regional bodies, and work at developing region-wide mechanisms specifically devoted to regular interaction and cooperation on migration in the context of regional development and stability.
- Work towards a comprehensive national migration policy that harmonizes and regulates all stages and aspects of migration.
- Foster inclusive policy processes which seek the views of the public, civil society and other relevant stakeholders throughout the decision-making process.

To better manage outward migration:

- Strengthen protection of overseas Thai workers at all stages of the migration process.
- Devise information systems to better document irregular conditions of Thais abroad and strengthen strategies to assist those in need.
- Devote greater attention to family law issues that relate to migration, in particular to migration-by-marriage.

To better manage inward migration:

- Consider introducing more flexible options for durable immigration for both skilled and unskilled migrants.
- Formulate a Safe Migration Act (or Act to Prevent and Suppress Exploitation of "Migrant Workers") to prevent and control exploitative practices in labour migration.
- Ensure adequate labour protection to migrants including access to education and health services, irrespective of their legal status.
- Review existing registration, Memorandum of Understanding (MOU) and provincial decrees taking into account the dignity and needs of unskilled GMS migrant workers and their families.
- Improve the management system for seasonal and daily cross-border migrant workers.
- Continue to expand access to education and health services to migrants and their children.
- Ensure migrants' rights are respected during arrest, detention and deportation.

To enhance management of forced migration:

- Launch another Provincial Admissions Board (PAB)-led registration round for unregistered asylum seeking residents in border camps and support UNHCR's registration and screening of asylum seekers.
- Support initiatives to alleviate the impact of resettlement and rising costs of living on the remaining camp population.

Figure 1. Map of Thailandⁱ



Map No. 3853 Rev. 1 UNITED NATIONS
January 2004
January 2004

Department of Peacekeeping Operations
Cartographic Section
Cartographic Section

List of Footnotes

ⁱ Available at <http://www.un.org/depts/cartographic/english/htmain/html>



Chapter I

Introduction

Background and Objectives

Increasing technological and infrastructure interconnectivity and interdependence of goods and labour markets in an unbalanced global economy are spurring migration flows across the world. In the last few decades, international migration has expanded to an unprecedented range of countries and socio-economic groups, giving way to multiple migratory circuits of a diverse nature. While the much discussed migration movements to Europe and the United States of America continue to catch media and scholarly attention, recent estimates suggest that a significant portion of international migration occurs in the southern hemisphere, with South-to-South migrants as numerous as South-to-North migrants (United Nations, 2006:6; Sciortino et al., 2007).

Asia, with its high-income countries and rapidly industrializing centers rising amidst widespread regional poverty, is a primary source and locus of international migration from within the region and beyond. As socio-economic conditions change and new poles of attraction develop, dynamic and intricate flows emerge that need to be better understood and addressed. This report aims at partly filling this knowledge gap by furthering the documentation of expanding migration movements to and from Thailand, a leading open economy in Southeast Asia that is evolving into a global and regional migration hub for incoming, outgoing and transiting migrants.

More specifically, this report is a sequel to a previous study conducted by Jerrold W. Huguet and Sureeporn Punpuing that was published by the International Organization of Migration (IOM) in 2005. The two authors worked with the support and guidance of the inter-agency Thematic Working Group on International Migration to consolidate and analyze existing knowledge on both inbound and outbound migration trends impacting Thailand. The produced *International Migration in Thailand* report (hereafter referred to as the “2005 Report”) was well received by key stakeholders and the public, and has served as a reference for research, intervention and policy efforts.

To maintain the relevance of this widely-used resource, and in recognition that migration conditions change rapidly, the Thematic Working Group commissioned a follow-up study to gather more recent information. Meant as an update, this 2009 Report emphasizes research undertaken in the last three years, with the assumption that older information is better known to the intended readership, and also to avoid redundancy with the 2005 Report. This does not imply a lack of historical perspective, crucial to the understanding of current trends, but rather the use of more recent sources when analyzing past and current developments and the way they interact with each other. Also, to accommodate new research and perspectives, the structure of the previous report has been modified, highlighting those aspects that are now considered a higher priority.

Within this defined scope, the follow-up study aims to:

- Review and analyze recent international migration trends and issues in Thailand, updating the country's migration situation report published in 2005.
- Identify gaps in knowledge in international migration in Thailand.
- Provide input to the Thai Government policy-making process on international migration.
- Make recommendations for international organizations, civil society and other relevant stakeholders that support management of international migration in Thailand.

Methodology

The study was conducted from December 2007 to June 2008 in Thailand. To accomplish the established objectives, a comprehensive desk review was undertaken and complemented with informal interviews and field visits in selected locations.

The literature search gathered published material on international migration in Thailand both in Thai and English. Information derived from internet sites, unpublished documents, and statistics provided by both government and non-government sources was integrated in the analysis. Where possible, relevant sources examining Thailand's incoming and outgoing migration flows from the perspective of the respective destination and origin countries were taken into account.

To understand the different views on migration issues, informal interviews were conducted with various stakeholders, including representatives of:

- National government bodies such as the Ministry of Labour (MOL), the Ministry of Interior (MOI), the Ministry of Public Health (MOPH), and the Immigration Police.
- Provincial and local government organizations, and provincial labour, health and social offices.
- United Nations agencies and other international institutions.
- Academic and non-governmental organizations (NGOs) working on migration in Thailand and legal and human rights bodies.
- The National Thai Chamber of Commerce.

A field visit was also made to the coastal provinces of Phuket and Phang Nga in Southern Thailand to observe the day-to-day activities and living conditions of migrants, and interact with them and other stakeholders. The two adjacent provinces were selected based on the large presence of migrants, the issuance of provincial decrees on migration, and their being a hub for further migration to Southern Thailand, Malaysia and Singapore. Just a few days after the field visit was conducted on April 10, 2008, the shocking death of 54 migrants from Myanmar in an enclosed cold storage delivery truck heading from Ranong to Phuket, tragically emphasized the significance of the selected provinces as destination and transit points for smuggled migrants (see further Chapter IV).

In applying these methods, important limitations ought to be acknowledged. First, a scarcity of reliable and disaggregated data, and poor organization and consolidation of the existing data, restricted the scope and depth of the investigation. Secondly, lack of linguistic proficiency precluded the inclusion of material in languages other than Thai and English, which would have enhanced the triangulation of information and the comparison of different country perspectives. Finally, time constraints limited systematic fieldwork and observation, and the number and quality of contacts. Because of this, not all parties having a stake in migration, such as border police, could be included, or, if included, as in the case of migrants, could not be given the full attention they deserve.

Despite these limitations, the report is still expected to contribute to a better understanding of international migration in Thailand by systematizing fragmented knowledge from multiple sources, while stimulating more extensive research to fill the gaps that exist.

Key Concepts

Discussion of international migration is beset with conceptual difficulties in defining and differentiating the various types of migrants and migration flows because of their overlapping and interlinking nature. International migration in itself is an extremely broad concept vaguely defined as the crossing of national boundaries for a determined period of time, and whose statistical operationalization implies the inclusion of any person living outside their nation of birth. As a result, disparate social groups (such as students, retirees, workers, refugees and displaced persons, and even persons who, without moving, find themselves in a foreign country after the changing of national boundaries) are clustered together as “migrants”.

While this report aims to provide an overview of international migration issues related to Thailand, it is important to recognize that an exhaustive coverage is virtually impossible, and by necessity selected facets of migration and types of migrants had to be prioritized. As in the 2005 Report, this update's main focus is on those that move abroad for labour purposes (migrant workers and their families) and for those seeking refuge (refugees and asylum seekers). Other categories of migrants and migration flows will be discussed in more general terms.

Additional ambiguities arise when trying to define the legal status of migrants, especially in Thailand where situational factors blur the already tenuous delineations. For the purpose of this report, it is important to discuss “irregular” vis-a-vis “regular” migration. It is also important to examine the relationship between “irregular migration”, “trafficking” and “statelessness”, considering that these key concepts not only set research parameters, but also affect the design of policy and interventions in the country.

No universally accepted definition exists for “irregular migration”, but IOM (2004:34; 54) defines it as movements that take place outside the regulatory norms of the sending, transit and receiving countries, and that may include illegal exit, entry, stay or work in a country. This is in contrast to “regular migration” that occurs through recognized, legal channels. ILO (2004:11) further stresses that irregularities can happen at various points in the migration process and that this is not always under the control of workers.

Such variability undermines the conceptual distinction, as the label of “regular” and “irregular” could apply to the same person depending on the time of reference. The Thai registration process further complicates this situation. As we will see in Chapter IV, migrant workers from the neighbouring Greater Mekong Subregion (GMS)¹ countries of Cambodia, the Lao People's Democratic Republic and Myanmar can “register” and be allowed to work in specific locations in Thailand by recording their presence during one of the organized registration periods. While “regular” in terms of their work, “registered” workers remain “irregular” for immigration purposes since they are still considered to have entered the country illegally.

The responsibility factor also creates definitional complications for those migrants that are irregular against their will. In Thailand, irregularity is compounded by trafficking, defined in the United Nations Convention against Transnational Crime and its Protocol to Suppress, Prevent and Punish Trafficking in Persons as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (United Nations, 2000).

In the case of migrants smuggled into a country or working in exploitative conditions, it is difficult to draw clear-cut limits in establishing the extent of deception and coercion. Consequently, whether the movement constitutes voluntary migration or trafficking is hardly distinct. For the purposes of simplicity, trafficking in this update will be treated as one element of the “migration continuum” or “migration space”. This (i) stresses that trafficking may occur during the migration process, and that this is especially the case for Thailand and the GMS; (ii) recognizes the agency of migrants even in utterly abusive situations; (iii) avoids validating the representation of trafficking as related to the sex industry, which dominates much of the trafficking discourse in Thailand and in the region; and

(iv) emphasizes that preventing trafficking is about preventing exploitation rather than limiting movement of people (see Derks et al., 2006:15; Pearson et al., 2006:10).

The concept of irregularity is further complicated by the presence of a significant stateless population in Thailand, mostly highland ethnic minorities living in remote, mountainous areas along the borders of other GMS countries. Members of these so-called “hill tribes” who could not prove that they, or one of their parents or grandparents, were born in Thailand, are not able to obtain Thai citizenship. According to the Department of Social Development and Welfare, there were around 923,257 highland ethnic minorities in 2002, of which about half had yet to obtain Thai citizenship (in McKaskill et al., 2008:15). Albeit for different reasons, their legal status is similar in many regards to that of irregular migrants as they also lack full legal rights. As migrant labour in Thailand includes ethnic people from neighbouring GMS countries, to differentiate between the two groups in terms of “indigenous” and “alien” has proven difficult for the authorities, complicating the already tortuous citizenship application process. In this report, stateless ethnic groups will not be included as migrants in recognition of their claim of being indigenous Thai citizens, except when their issues and challenges merge with those of non-Thailand born migrants. Discussion of statelessness, however, is still warranted in the context of migration, since many children of GMS migrant workers who are born in Thailand also find themselves stateless, having not been recognized by the Thai Government nor by the Government of their parents.

Finally, it should be mentioned that country-specific conditions also affect the way “refugees” are defined in Thailand. The international community defines them as persons who are forced from their countries by war, civil conflict, political strife or gross human rights violation and may seek asylum from persecution (becoming in this case “asylum seekers”). However, the Thai Government prefers to refer to them as “displaced persons” or “persons of concern to the United Nations High Commissioner for Refugees” (UNHCR) because Thai law makes no provision for refugee status determination (see also Chapter II and V). In this update, to acknowledge the position of the Thai authorities, while also considering the international nature of the targeted readership, the various terms will be used selectively depending on the specific context to which they refer and their suitability in conveying nuanced meanings.

Structure of the Report

Based on the information collected and the conceptual choices made, this update has been structured only along the axis of “inward” and “outward” migration, abolishing the additional chapter configuration in “regular” and “irregular” migration found in the previous report.

Contextualizing international migration in Thailand, Chapter II, provides an overview of regional and national processes affecting migration, a description of the main migration flows and migrant groups, and an overall discussion of policies related to migration. Expanding on this country migration profile, each of the ensuing chapters probes selected trends and, if preferred, can be read independently to obtain insights into specific topics.

Chapter III focuses on outgoing migration from Thailand to other countries. Regular and irregular as well as contract and independent flows will be discussed per emigration circuit, with special attention for those directed to East and Southeast Asia and to the Middle East as main destination regions for Thai migrant workers.

Shifting the focus to migration into Thailand, Chapter IV concentrates on those seeking work and other life opportunities while Chapter V focuses on those seeking refuge in the country. Intra-regional migration from neighboring GMS countries will receive the most attention considering its growing relevance for Thailand, and the greater policy and intervention challenges it presents.

Finally, Chapter VI, summarizes the main findings, identifies knowledge and intervention gaps, and proposes recommendations for addressing and governing international migration in Thailand.

List of footnotes

- i The GMS is an emerging geo-economic area encompassing the watersheds of the Mekong River and comprising Cambodia, the Lao People's Democratic Republic, Myanmar, Thailand, Viet Nam and Yunnan and Guaxi, two Southern provinces of the People's Republic of China (see further Chapter II).

Chapter II

Migration in the Context of Thailand

Foreign Trade and Interlinked Markets

Thailand is a lower middle-income country in Southeast Asia that has in the last thirty years achieved remarkable growth from its open economy and export-oriented policies. Struck by economic crisis in the late 1990s, the country has recovered to pre-crisis levels, attaining greater fiscal accountability and macro-stability in the process. These strong economic fundamentals are expected to hold as Thailand struggles to accelerate its pace of expansion, which has recently slowed due to political instability following the ousting of Prime Minister Thaksin Shinawatra in 2006, high-energy prices, and waning consumer and investor confidence. As a result, real GDP growth declined from 6.2 per cent per year between 2002-2004 to 4.6 per cent per year between 2005-2007 (World Bank, 2007:2).

Table 1. GDP per Capita and per Capita Growth Rate in Southeast Asia, ⁱ2006

| Country | GDP per Capita | | Average Annual GDP per Capita Growth Rate |
|-------------------|-----------------|-------------------|---|
| | 1990 US dollars | 2000 PPP* Dollars | Percentage |
| | 2006 | 2006 | 2006 |
| Brunei Darussalam | 12,763 | n.a. | 1.5 |
| Cambodia | 384 | 2,629 | 5.4 |
| Indonesia | 1,104 | 3,570 | 4.3 |
| Lao PDR | 403 | 2,013 | 5.5 |
| Malaysia | 4,417 | 10,091 | 4.0 |
| Myanmar | 417 | n.a. | 6.1 |
| Philippines | 908 | 4,731 | 3.3 |
| Singapore | 23,164 | 28,305 | 6.5 |
| Thailand | 2,797 | 8,065 | 4.3 |
| Timor-Leste | 171 | n.a. | -5.7 |
| Viet Nam | 241 | 2,925 | 6.3 |

* PPP = Purchase Power Parity adjusting for differences in the price of goods and services across countries

Source: Economic and Social Commission for Asia and the Pacific, 2007.

Despite the current uncertainties, Thailand remains the fourth richest nation in Southeast Asia in terms of per capita income after Singapore, Brunei, and Malaysia, well ahead of many other countries in the region, especially Cambodia, the Lao People's Democratic Republic and Myanmar, three of the least developed countries in the world. In 2006, Thailand's per capita GDP (in 1990 United States Dollars) was about seven times that of these three countries (Table 1). Economic differentials also translate into different degrees of social development. For example, levels of education, health, and access to safe drinking water and sanitation are higher in Thailand than in the neighbouring GMS countries. Not surprisingly, Cambodia, the Lao People's Democratic Republic and Myanmar have much lower life expectancy at birth, and maternal and infant mortality is very high when

compared to Thailand (see Table 2).

Table 2. Selected Social Indicators of Thailand and Neighbouring GMS Countriesⁱⁱ

| Goal/Target/Indicator | Cambodia | Lao PDR | Myanmar | Thailand |
|--|-------------|--------------|---------------------|-------------|
| Life Expectancy at Birth* | 56.4 years | 53.5 years | 61.0 years | 70.2 years |
| Net enrollment ratio in primary education (%) | 91.9 (2005) | 81.8 (2003) | 84.5 (2005) | 80.4 (1998) |
| Infant mortality rate (per 1,000 live births) | 66.0 (2005) | 70.0 (2005) | 49.7 (2003) | 22.0 (2002) |
| Maternal mortality ratio (per 100,000 live births) | | 405.0 (2005) | 100.0 (2001, urban) | 24.0 (2002) |
| Percentage of rural population with sustainable access to safe drinking water | 41.6 (2005) | | 65.8 (2000) | 91.0 (2000) |

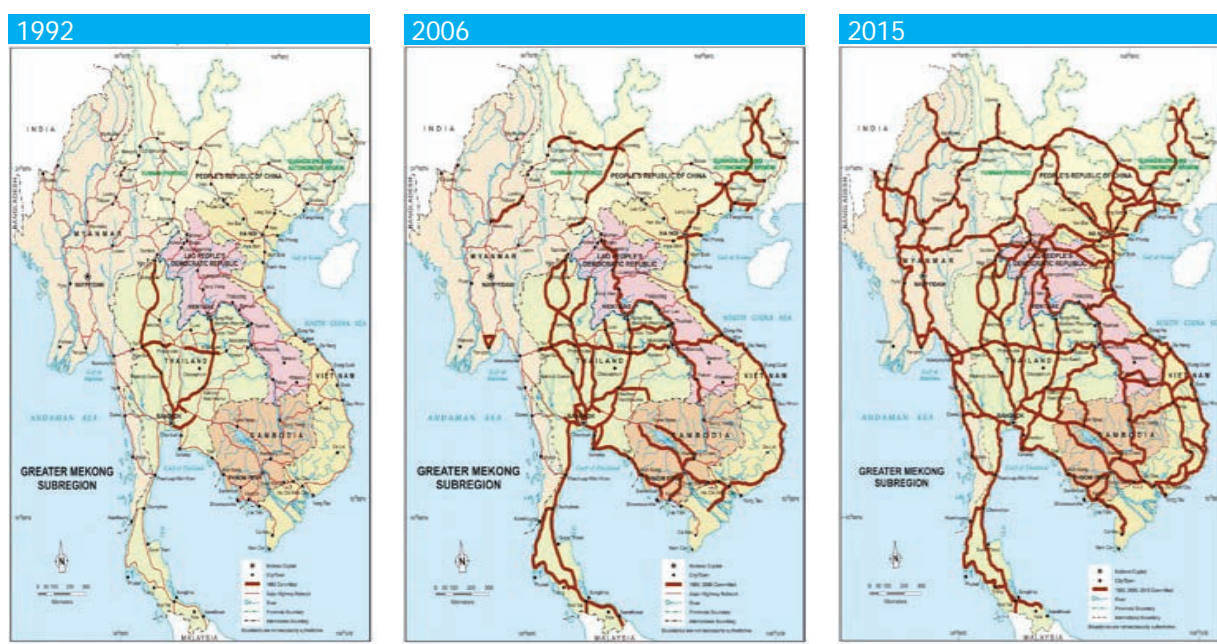
Source: Various national data sources collated in Asian Development Bank 2007 and *from Environmental Operation Center website.ⁱⁱⁱ

Thailand's attainment of this relatively advantaged position as a developing country originates in the early 1970s, when it committed to an open market economy. Adopting an export promotion strategy, Thailand favored foreign investment and exchanges to facilitate industrial and tourism development and to stimulate domestic growth (Nikomborirak, 2004). To this day, Thailand invites foreign investment in all economic sectors except those that are related to national security, fisheries, and mass media. This provides incentives for both labour-intensive as well as high-tech manufacturing and other key industries. Thailand's foreign direct investment (FDI) totaled US\$ 14.5 billion in 2006, with Japan, the European Union (EU), Taiwan Province of China, Singapore, the United States of America, and Hong Kong, China topping the list of investors (TBI, 2008:2). The same countries are also major sources of international tourism revenues, totaling approximately THB 480 billion in 2006 (at the time about US\$ 11 billion).^{iv}

Exports, though currently affected by declining markets, will remain Thailand's key driver of growth for the foreseeable future. In the 1980s, Thailand transitioned from a primarily agricultural country to a rapidly industrializing one. Since then, export-oriented manufacturing accompanied by growth in the service and tourism-centered industries has been fueling the country's economy, accounting for about 70 per cent of its 2007 GDP. In 2007, major export items included computers and computer components, automobiles and automotive parts, gems and jewelry, integrated circuits, and rubber, with major export destinations being the United States, Japan and China. Thailand in turn imports the most goods from these countries, but in the reverse order (Japan, China and the United States). Key import items are crude oil, industrial and electrical machines, chemicals and integrated circuits.^v

In the last decade, Thailand's merchandise exports with other Southeast Asian countries have also been increasing under the cooperation frameworks of the Association of Southeast Asian Nations (ASEAN) and, more significantly, that of the GMS and the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy (ACMECS).^{vi} These last two arrangements emphasize Thailand's integration into a regional market economy composed of its immediate neighbours through the construction of large-scale telecommunication and transportation infrastructure projects, facilitating the joint use of natural resources and the transnational movement of goods, investments, and people. The extensive network of so-called "economic corridors" (Figure 2), which links transport systems, power grids, and production centers across and beyond the sub-region, together with visa harmonization and cross-border transport facilitation, has reduced distances and enhanced intra-regional trade and movement (Sciortino et al., 2007). Since the formation of the GMS in 1992 up to 2004, intra-regional trade driven by Thailand and China increased 11 fold (ADB, 2006), not including informal cross-border trade, estimated to be equivalent to 30 to 50 per cent of the official trade volume. Thailand is further an important anchor market for the disadvantaged GMS countries of Cambodia, the Lao People's Democratic Republic, and Myanmar, primarily importing natural resources to feed its export-oriented industrial sector at an annual compound growth rate of almost 10 per cent since 2000 (Menon, 2005:41).

Figure 2. Expansion of the Infrastructure Network in the GMS



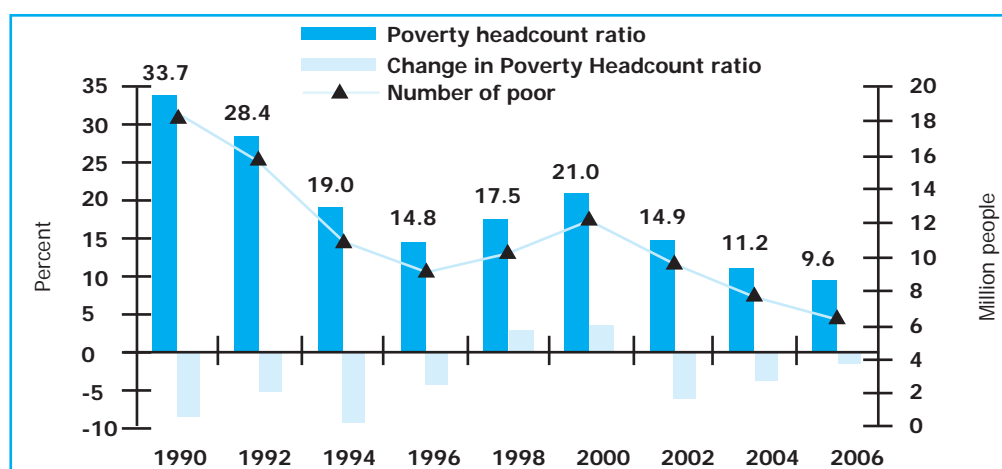
Source: Asian Development Bank website.^{vii}

In parallel to trade, travel within the sub-region has picked-up, with Thailand as a main destination of sub-regional travel and tourism flows. The number of visitors crossing GMS land borders has climbed steeply, rising 19 per cent from 2004 to 2005 to a total of 24 million (ADB, 2005:22; APP Inc, 2005). In particular, border area travel to Thailand has boomed in response to the establishment of tourism facilities, and investment and export-processing zones close to frontiers. The creation of border passes^{viii} has also contributed to the increase in cross border travel. As cross border travel becomes easier, and the previously confined economies in the GMS become more interconnected, labour markets also transcend national boundaries. Regionalization is having unprecedented migratory consequences for Thailand and its neighbours as Chapter III and IV will show.

Disparities in Growth

Within Thailand, the development of the export sector has spurred a high-wage, high-income economy concentrated around the capital, Bangkok. This part of the economy is expanding much faster than the low-wage, low-income, agriculture-dependent economy of the rest of the country (Sciortino, 2007). Agriculture is, however, still important to the Thai economy, with Thailand ranking among the top five food producers in the world, and the agriculture sector employing roughly 40 per cent of its total labour force in 2006. Still, data from the Bank of Thailand (BOT) also indicate that, in the same year, agriculture contributed only 8.9 per cent of GDP, implying a significant labour productivity and income gap with other economic sectors.

Figure 3. Poverty Head Count Ratio and Number of Poor, Thailand, 1990-2006

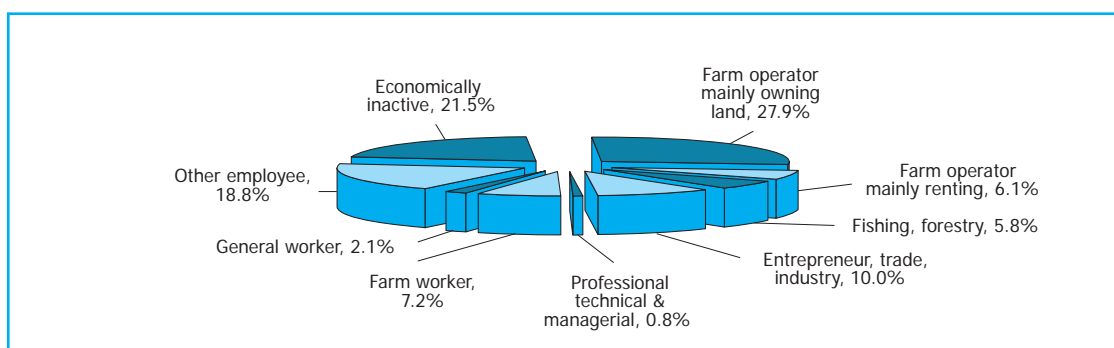


Note: Head Count Ratio = Percent of total population

Source: National Economic and Social Development Board, World Bank, 2007:12.

Poverty in Thailand has traditionally been a rural phenomenon (World Bank, 2006). Notwithstanding the impressive reduction in the number of people living below minimum standards, from about 13 million in 2000 to 6.1 million in 2006 (see Figure 3), stark disparities persist across rural and urban areas. In 2004, more than 87 per cent of the poor lived in rural areas, a similar number to before the 1997 economic crisis. In 2006, poverty affected 12 per cent of the rural population, over three times the rate of 3.6 per cent in urban areas, with almost half of the poor households dependent on agriculture, fishing and forestry for their livelihoods (Figure 4) (World Bank, 2006:17; 2007:13; UNDP, 2007:9).

Figure 4. Proportion of Poor Households by Economic Activity, Thailand, 2006



Source: Socio-Economic Survey, World Bank, 2007:13.

The urban-rural divide is also reflected in intra-regional disparities. As the economy grew, the gap between predominantly urban regions and rural regions has become wider, with Bangkok and the Central Region accounting for a 72 per cent share of national GDP in 2004, up from 70 per cent in 2002 and 60 per cent in 1996 (Richter, 2006:38-40).

In a correlated trend, poverty has been reduced the most in Bangkok and its vicinities and less so in the South, North and the Northeast respectively (see Table 3). Approximately 60 per cent of the country's poor or about 3.8 million people reside in the Northeast, the most populous Thai region, with about one third of the total population (UNDP, 2007:9; Sciortino, 2007). Data from relevant ministries also indicate that the Northeast is behind in social development, having lower education enrollment ratios at all levels, and less access to services than other parts of the country (World Bank, 2007:15; World Bank, 2006). The disadvantaged position of the Northeast and the North is central to internal and international migration, as these regions have become the primary source of Thai migrants for the expanding industrial sector and for wealthier countries in Southeast Asia and beyond.

Table 3. Thailand Poverty Head Count Ratio Classified by Region, 1996-2006

| Region | 1996 | 2000 | 2004 | 2006 |
|-----------|------|------|------|------|
| Thailand | 14.8 | 21.0 | 11.2 | 9.6 |
| Northeast | 24.5 | 35.3 | 18.6 | 16.8 |
| North | 17.8 | 23.1 | 15.7 | 12.0 |
| South | 10.3 | 16.6 | 6.0 | 5.5 |
| Central | 6.1 | 9.0 | 4.5 | 3.3 |
| Bangkok | 1.2 | 1.7 | 0.8 | 0.5 |
| Urban | 9.9 | 8.6 | 4.6 | 3.6 |
| Rural | 22.9 | 26.5 | 14.2 | 12.0 |

Source: National Economic and Social Development Board, World Bank 2007:12.

Demographic and Labour Market Transitions

By shifting to an industrialized society, Thailand has undergone the so-called “demographic transition”. This process, where fewer births and fewer deaths result in slower population growth and eventually an aging society, with fertility rates reaching replacement level of 2.1, has since long occurred in the economically advanced Western countries. Later in the 1950s, this transition began in the highly industrialized East Asian countries. In the 1970s, Singapore became the first country in Southeast Asia to complete the transition, followed by Thailand in the 1990s and Indonesia and Viet Nam in the 2000s. The demographic transition is still ongoing in the Philippines and Malaysia and has barely begun in other Southeast Asian countries (Atoh et al., 2004; Ananta and Arifin, 2007).

These distinct transition times have resulted in different levels of aging with Thailand having a somewhat younger population than most East Asian countries. However, the Thai population is still older than most Southeast Asian countries, especially its immediate neighbours, Cambodia, the Lao People's Democratic Republic and Myanmar. These countries have a higher fertility rate and much larger youth populations — 60 per cent of the people in Cambodia and 50 per cent in the Lao People's Democratic Republic are less than 20 years old, compared with Thailand's 30 per cent (ADB, 2004:6). The next chapters will show that these demographic differentials, as summarized in Table 4, shape migrant movements to and from Thailand in more than one way.

Table 4. Demographic Indicators for Selected East and Southeast Asian Countries, 2007

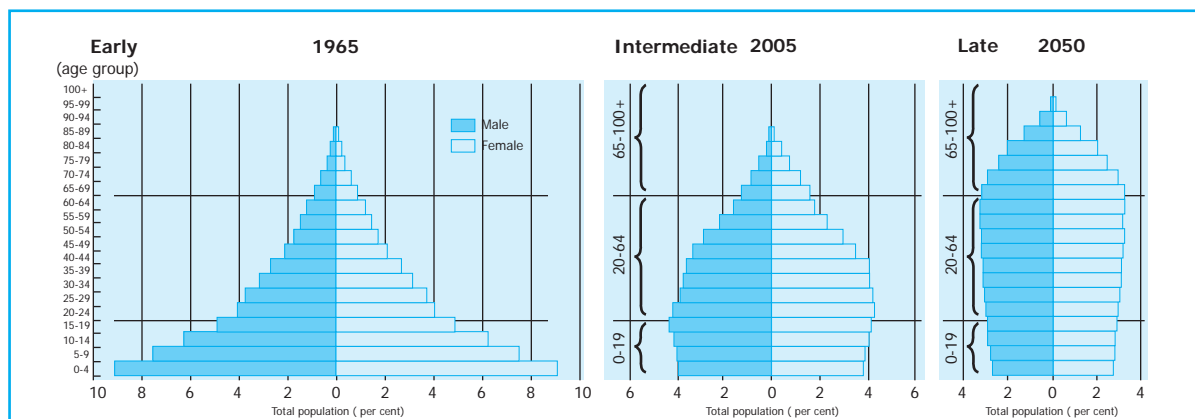
| Country | Total population (thousands) 2007 | Population growth rate % 2007 | Growth rate 15-39 years age group % 2005-2010 | Total fertility rate 2007 |
|-------------------|-----------------------------------|-------------------------------|---|---------------------------|
| Cambodia | 14,364 | 2 | 2.93 | 3.4 |
| China | 1,320,509 | 0.63 | -0.95 | 1.71 |
| Indonesia | 231,627 | 1.2 | 0.596 | 2.2 |
| Japan | 128,191 | 0.1 | -1.34 | 1.3 |
| Lao PDR | 5,859 | 1.7 | 2.97 | 3.3 |
| Malaysia | 27,124 | 1.8 | 1.62 | 2.6 |
| Myanmar | 48,798 | 0.9 | 0.596 | 2.1 |
| Philippines | 88,462 | 2 | 1.94 | 3.2 |
| Republic of Korea | 48,456 | 0.5 | -0.8 | 1.2 |
| Singapore | 4,543 | 1.3 | 0.29 | 1.3 |
| Thailand | 65,909* | 0.5 | -0.61 | 1.6 |
| Viet Nam | 85,590 | 1.4 | 1.42 | 2.1 |

Source: Economic and Social Commission for Asia and the Pacific 2007 and *National Statistics Office.^{ix}

In more detail, Thailand has attained a total fertility rate (TFR) of about 1.6 in the past eight years, which coupled with a rapid increase in life expectancy, is slowing down the growth of the Thai population, which is estimated at roughly 65.9 million persons (see Figure 5). The annual growth rate is projected to decline from 0.75 per cent in 2000 to 0.42 per cent in 2030. This slow down is caused by the decline in the number of young people (in the 0-14 age group), while the number of persons aged 60 years or more increases and will surpass that of young people between 2020 and 2030 (Chalamwong, 2008:3).

The ongoing ageing process affects the labour force and supply. With the population pyramid in the intermediate stage of demographic transition, the work force still temporarily grows, albeit at a slower pace, even if the number of people below 14 is decreasing. However, in the medium-term, the decline in fertility rates and the shrinking numbers of people of working age reduces the labour supply (Figure 5).

Figure 5. Demographic Transition in Thailand, 1965 - 2050



Source: United Nations World Population Prospects (2004 Revisions) in Lee and Mason, 2006.

For now, with the work force still growing from about 34 million in 2004 to roughly 37 million, Thailand's economy has been able to accommodate most entrants, leaving only 0.56 million persons unemployed in 2007. In this tight labour market there are shortages at all skill levels, but especially at the extreme ends of the spectrum. The Thai work force has a large proportion of workers with limited education: about 70 per cent are at or below lower secondary level, whereas 35 per cent are below the basic education level. Only 14 per cent have an academic education (MOL in Chalamwong, 2008:8). Thai industry's increased use of more medium and high technology is resulting in a shortage of high-skilled personnel. To address this gap, the Thai Government besides allowing migration of high-skilled workers in selected occupations (see below) is trying to enhance the educational level of the population by extending basic education to 12 years and offering scholarships for MA and PhD study abroad. The new entrant work force is therefore gradually becoming more educated (Chalamwong, 2008:3-12).

The smaller, higher educated population, with work opportunities at its disposal, is finding lower-paying, lower-status and more physically demanding jobs unattractive. Even the less educated and skilled workers have begun to shun these so-called 3-Ds (Dirty, Dangerous and Difficult) jobs, finding them poorly compensated as employers suppress wages to maintain competitiveness in labour-intensive industries. Low-skilled jobs in the agricultural sector are particularly unappealing as the wages are the lowest and the conditions harsh (Chalamwong, 2008). In the more rural Northeast and North of Thailand, wages are one third to one half lower than those in Bangkok and the Central Region respectively, and unemployment and temporary employment rates are higher than in other regions (World Bank, 2007:15). These factors compound migration of disadvantaged inhabitants from these regions to other countries where at least, for the same kind of low-skilled jobs, they can earn more and gain a relatively higher status in return. At the same time, workers from poorer and younger GMS countries are willing to migrate to Thailand to fill jobs at the bottom of the occupational pyramid as the suppressed wages are still higher than what they could earn in their own countries.

Migration Patterns

Economic and demographic differentials in the increasingly interconnected global and regional economy, combined with the specifics of the labour market, provide the backdrop for labour migration dynamics centered on Thailand. These are primarily structured along a chain in which low-skilled workers from the weakest economies in Southeast Asia move to Thailand, and slightly more skilled Thai migrants move to the stronger economies in East and Southeast Asia, the Middle East, and other parts of the world (Kaur, 2004).

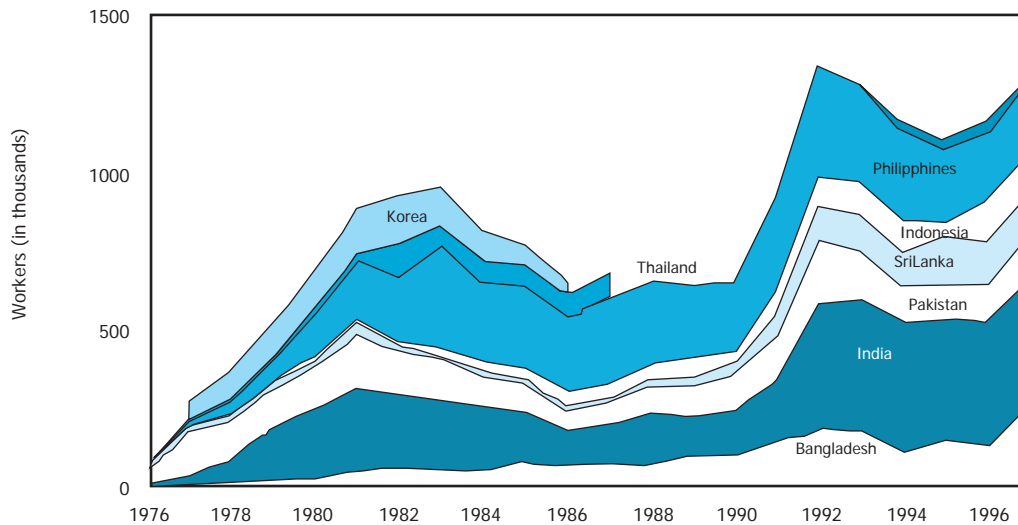
Labour expert Yongyuth Chalamwong (2004; 2005) identified four main migration trends coexisting in the country today, which have arisen during the transformation of the Thai economy from agricultural to manufacturing-led. The first trend refers to internal migration, which began in the 1980s, made of movements of young adults, both male and female, from the poorest regions, especially the Northeast, to the central part of the country to work in the industrial, service, and informal sectors. As Plambech (2007:39) puts it, “the cheap labour that sustained Thailand’s urban-based accumulation came largely from the agricultural periphery like Isaan (the Northeast)”.

Concurrently with the increase in rural-urban flows, the share of rural-rural flows declined, but it was only in more recent years that urban-rural flows, still increasing in the late 1980s, also began to abate (Ashakul, 1988; Saifi, 2006). In comparison with the past, fewer migrants are now willing to return home from the cities to work on family farms during the peak agricultural season. This reduction in temporary migrants, a traditional feature of Thai internal migration, is further tightening the rural labour market and opening up space for hiring foreign migrant workers from neighbouring countries (Chalamwong, 2005).

The second trend consists of outward migration from disadvantaged regions of Thailand to higher income countries. Since the late 1970s, rural residents with low education and, thus, poor prospects in the industrializing labour market, have had the option to work abroad as contract or independent labour (Chalamwong, 2005). Though male dominated in the last two decades, outgoing migration has been increasingly characterized by a growing number of women, especially among irregular migrants. Destinations have also changed over time. From the late 1970s up to the mid-1980s, Thai workers migrated primarily to the Arab states of the Gulf, which had turned into wealthy, migrant-dependent economies due to the rise in oil revenues. With the collapse of oil prices, the Gulf War crisis, increasing competition by other labour-exporting Southeast Asian countries, and the deterioration of relations with Saudi Arabia in 1985, due to the still unresolved robbery and murder of three Saudi diplomats in Bangkok, the Thai migrant work force began seeking new markets in the East.

In the late 1980s, Thai migration to the Middle East almost vanished, except for Israel, where it substituted Thai for Palestinian workers (see Figure 6). This happened, at a time when the newly industrialized countries of East and Southeast Asia began pulling workers from their poorer neighbours, including Thailand, thus giving way to the so-called “Asianization” of Thai labour flows (Chantavanich et al., 2000). In a parallel trend, a growing number of Thai women started migrating to Europe, Australia and other Western countries to establish families and work in the manufacturing and service sectors. There are indications, however, that the Middle East may soon regain its status as a priority market for Thai labour because of Thailand’s growing commercial interest in that region (see discussion in Chapter III).

Figure 6. Estimated Annual Flow of Workers from Asia to the Middle East 1976-1996



Source: Lucas, 2004.

In the late 1970s, Thailand started to formally employ significant numbers of international migrants. This third trend emerged in response to new demands from the expanding industrial and service sectors, which could not be met by the local workforce because of limited or non-existent expertise. As part of the Government's efforts to incentivize foreign investment and facilitate industrial development, highly skilled professionals were allowed to immigrate in order to fill executive, managerial and high-tech positions mainly in foreign and national corporations concentrated in Bangkok and nearby provinces. Some of these workers, posted in Thailand for significant periods of time, later decided to retire in the country. As discussed further in Chapter III, expatriate employment declined in the aftermath of the 1997 economic crisis, but started to grow again in 2002 when the Thai economy recovered, before decreasing again due to the recent ongoing uncertainties. Consistently over time, principal sending countries have been those with a high degree of investment in Thailand, namely Japan; the EU countries, especially the United Kingdom of Great Britain and Northern Ireland; the United States; and China, including Taiwan Province of China and Hong Kong, China.

The gradual transition of Thailand from a labour-exporting into a net labour-importing country was eventually completed in the 1990s with the large influx of lower-skilled migrants from neighbouring GMS countries. This fourth, and last, migration trend implies a change in intra-regional migration from being spurred by conflict to being stimulated by economic conditions. Thailand has a long history as a regional safe haven. In the second half of the last century, thousands fled from China, Viet Nam, the Lao People's Democratic Republic, Cambodia, and especially Myanmar, into Thailand because of war or internal conflict. Gradually, these intra-regional flows have expanded to include migrant workers in a process intrinsically linked to Thailand's more rapid economic growth in relation to its GMS neighbours. This process is further fueled by regional infrastructure development that has reduced transport costs and facilitated cross-border interaction, thereby lowering the costs of migrating abroad. As the economy prospered and the Thai education levels and relative job expectations increased, Thailand's tight labour market started to face a manpower shortage in low-skilled jobs. The shortfall was eventually filled by an influx of low-skilled labour from less industrialized neighbouring countries with scarce employment opportunities and growing working age populations (Chalamwong, 2004; 2006; Chalamwong and Sevilla, 1996; Sciortino et al., 2007). In the words of Athukorala, Manning and Wichramasekara, (2000:3) "It is precisely the relative shortage of low-skilled workers in Thailand, in a regional context of surplus rural workers in other GMS countries, that has provided an incentive for substantial migration flows within the region". The establishment of investment and export processing zones in border areas as part of the Thai Government efforts to regionalize supply chains and decentralize industrial development further enforces the pulling of workers from across the border (Arnold, 2004; Martin, 2007).

sectors and the aging of the Thai population. The Thailand Development Research Institute projected in 2006 In the years to come, the Thai economy is expected to grow more dependent on low-skilled migrant labour because of the regionalization of the economy, the growing demand for primary workers in almost all economic sectors and the aging of the Thai population. The Thailand Development Research Institute projected in 2006 that from 2007 to 2012 there will be a need for 300,000 primary workers of whom only 33 per cent can be satisfied by new Thai entrants to the labour market (Chalamwong, 2008:10). The shortage will probably continue

to be filled by workers from neighbouring GMS countries. Unless the uneven spread of opportunities in the GMS is addressed, which is unlikely in the short term as even with reduced growth rates Thailand's economic advantage is projected to consolidate between 2007-2017, the low wages for low-skilled jobs in Thailand will remain higher than those in other GMS countries. Thailand will, thus, continue to appeal to the poorer and, in the case of Myanmar, also politically disenfranchised populations across the border. For Thai employers, the lasting oversupply of cross-border labour continues to suppress wages and maximize profit (Caouette et al., 2006; World Bank 2006; Sciortino et al., 2007). As Martin puts it, (2007:6) "demand pull factors in Thailand, supply-push factors in migrant countries of origin, and networks that bridge borders are likely to sustain migration". Still, Thailand has been hesitant to acknowledge its growing integration into the emerging sub-regional labour market and, to this day, as Chapter IV makes clear, migration flows from Cambodia, the Lao People's Democratic Republic and Myanmar remain largely unregulated.

Outside of labour, specific migration patterns originate from the key economic role played by the tourism industry in Thailand since the 1960s. During the Cold War, the presence of American bases and other foreign agencies based in Thailand stimulated the establishment of a diverse tourism and entertainment industry, which prospered in successive years thanks to the expansion of global tourism and the open market policy of the Thai Government. Of the large numbers of tourists who have been drawn to Thailand in the course of the years, some have subsequently decided to stay and engage in business or other activities in the country. Relationships have also been established between foreigners and the local population leading to mixed marriages, formation of inter-cultural families in Thailand and abroad, and migration, especially of Thai women, to a multitude of countries across the globe. The growth of the sex industry as an integral part of the tourism industry has fostered migration of entertainers and sex workers, as well as trafficking of women and children for sexual purposes, from Thailand to East Asian and OECD^x countries, and from Cambodia, the Lao People's Democratic Republic and Myanmar, to Thailand (Yamanaka and Piper, 2005:4).

The migration patterns described here and other less prominent international movements to and from Thailand have resulted in a diverse migrant population consisting of both immigrants and emigrants of various types, who have crossed borders at different times and for different reasons.

Migrant Population

The composition of the immigrant population includes different categories of migrant workers with different skill levels and legal status, and groups who have entered Thailand for various reasons: displaced persons seeking refuge (in camps and outside camps); persons on student or retirement visas; spouses and relatives of Thai citizens; undocumented expatriates, including persons who have overstayed their visas; and victims trafficked for sexual or labour purposes.

The features of these different migrant groups will be discussed in the following chapters. For now it is sufficient to emphasize that labour migration from neighbouring GMS countries (which as estimated in Table 5, includes about 1.8 million, mainly irregular, migrants) is the most significant stream in determining the magnitude and structure of the foreign population in Thailand. When displaced persons seeking refuge and trafficked persons from the GMS are also taken into account, it becomes clear that Thailand is primarily a destination country for cross-border migrants who are in precarious situations. Other foreign workers and residents have a minor presence in Thailand and their position is more secure because they have fulfilled formal requirements or have the means to reduce the hazards of their irregular situation (Muntarbhorn 2005:4). Hence, they receive less attention in research, policy and interventions, and are therefore less emphasized in this report.

To provide an indication of the total migrant population in Thailand, the rough estimate provided in the 2005 Report has been updated and refined by combining official statistics and commonly accepted assumptions. In the produced summary table (Table 5), the classification into sub-categories of migrants follows the official system of the Thai Government, employing policy-related nomenclature whose meaning will become clearer in the next section and ensuing chapters. The estimated total of almost 2.8 million foreigners working and living in Thailand in 2007, although significantly higher than the 2.3 million calculated in the 2005 Report, is consistent with a 2006 MOL presentation reporting that in 2006 the foreign population in Thailand was roughly 2.8 million (Martin, 2007:4). The difference with the previous report results mostly from (i) more accurate information that has become available for temporary migrants; (ii) the fact that the new estimates follow the Immigration Bureau in also including tourist visa extensions and exemptions; (iii) and the assumption of a larger volume of irregular migrants from the GMS among experts, the Government and NGOs. The possibility of double counting and the selective choice of not always consistent statistics could also have impacted on the estimate now as in the past.

Still, the proposed total can be considered conservative, due to unreliable or missing information. For example, it does not include migrants who never registered and came to Thailand without a visa; dependents of expatriates and residents; commuters from neighbouring countries who enter and exit on border passes; migrants in immigration detention centers, and trafficked persons. The number of students is also outdated and it can be assumed that in 2007 there was a larger student population due to the growing interest in studying in Thailand among Asians (see further Chapter IV).

Table 5. Estimated Foreign Population Residing and Working in Thailand by Group*

| Category | Stay | Stay and Work |
|--|------------------|------------------|
| Professionals, skilled and semi-skilled workers | | |
| ▪ Foreigners granted work permits, 2007 (a) | | 133,810 |
| ▪ Diplomats, 2007 (b) | | 4,009 |
| <i>Subtotal</i> | | 137,819 |
| Other Temporary Stay, 2007 (b) | | |
| ▪ Stay with Thais | 7,873 | |
| ▪ Stay with Thai wife | 7,163 | |
| ▪ Stay with resident families | 1,611 | |
| ▪ Retirement | 22,388 | |
| ▪ Others (include medical treatment and study) | 31,157 | |
| <i>Subtotal</i> | 70,192 | |
| Tourist and transit visa extension and change of visa (b) | | |
| <i>Subtotal</i> | 124,373 | |
| Students, 2005 (c) | | |
| ▪ Basic education | 26,000 | |
| ▪ High education | 42,000 | |
| <i>Subtotal</i> | 68,000 | |
| Other Regular | | |
| ▪ Residents, 2007 (d) | | 257,356 |
| <i>Subtotal</i> | | 257,356 |
| Undocumented expatriates, 2007 (b) | | |
| ▪ Person overstaying visas (from 190 countries) | | 65,558 |
| <i>Subtotal</i> | | 65,558 |
| Refugees and Asylum Seekers, 2007 | | |
| ▪ In official camps, 2007 (e) | 140,913 | |
| ▪ Shan in Weng Heng (e) | 607 | |
| ▪ Refugee/Persons of Concern to UNHCR (f) | 1,081 | |
| ▪ Asylum Seekers (f) | 866 | |
| <i>Subtotal</i> | 143,467 | |
| GMS migrants | | |
| ▪ Regular new entrants under MOU, 2007 (a) | | 14,151 |
| ▪ Regular certified identity workers under MOU, 2007 (a) | | 75,923 |
| ▪ Registered for Southern Provinces, 2007 (a) | | 10,540 |
| ▪ Registered, 2007 (a) | | 535,732 |
| ▪ Unregistered (g) | | 1,300,000 |
| <i>Subtotal</i> | | 1,936,346 |
| Total | 406,032 | 2,397,079 |
| Overall Total | 2,803,111 | |

* Latest available year, in most cases end of 2007.

Sources:

- (a) Office of Foreign Workers Administration, Department of Employment, Ministry of Labour 2008.
- (b) Information Center, Immigration Bureau, 2008.
- (c) Ministry of Education, in Myanmar Times (2006).
- (d) Immigration Bureau (Section 4, Kor Kor 1, Tor Mor 1), 2008.
- (e) Thai Burma Border Consortium, 2008.
- (f) United Nations High Commissioner on Refugees, 2008.
- (g) Estimate by Martin (2007:4; see further Chapter IV).

Based on this total and the 2007 Thai population estimate of 65.9 million, the foreign proportion of both the Thai and non-Thai population in the country could tentatively be put at around 4 per cent. With regard to the Thai work force, estimated by the NSO at about 37.4 million in 2007, migrant workers alone would make up approximately 6 per cent of the total. These crude estimates, while imprecise, are sufficient to indicate that Thailand is becoming a major receiving country in Southeast Asia, together with Malaysia, Singapore and Brunei

(see also Tullao and Cortez, 2006; Kaur, 2004).

Shifting the focus to the emigrant population, relatively reliable Thai official figures are only available with regard to Thai nationals who migrate through government channels (in the following indicated as "overseas Thai workers" to differentiate from other types of Thai emigrants). According to the MOL they numbered 161,917 in 2007 (Table 6). As will be discussed in the next chapter, these overseas Thai workers are predominantly male, have low educational levels, and are employed in low-skilled occupations.

The volume of Thai contract labour has fluctuated over the last decade. As Table 6 indicates, after reaching a peak during the economic crisis in the late 1990s, the export of Thai labour gradually declined, before significantly rising again in the last two years due to increased demand from Israel, the United Arab Emirates, Qatar and new market openings with the Republic of Korea. This resurgence in contract labour is also related to the recent deterioration of the Thai economy, as well as a more active role of the Thai Government in establishing or renewing bilateral agreements with key destination countries. Interestingly, in 2007, because of the United Arab Emirates and Qatar's growing demand, the Middle East surpassed Southeast Asia for the first time in this decade to become the second largest destination region for Thai labour after East Asia.

Notwithstanding volume fluctuations, throughout the decade, the top destination for overseas Thai workers has been Taiwan Province of China. This, despite a downward shift in demand since 2000 due to rising competition among labour-exporting Southeast Asian countries. In 2007 Taiwan Province of China still absorbed roughly 40 per cent of the total Thai worker population deployed abroad, while the other top five Thai labour-importing countries, i.e. Singapore, the Republic of Korea, Israel and United Arab Emirates, employed less than 10 per cent each.

Table 6. Officially Deployed Overseas Thai Workers, 1997-2007

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|--------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Total | 183,689 | 191,735 | 159,566 | 177,709 | 165,047 | 160,807 | 147,769 | 148,596 | 139,667 | 160,846 | 161,917 |
| Middle East and Africa | 17,662 | 18,128 | 18,124 | 15,949 | 20,094 | 23,489 | 18,414 | 22,040 | 21,755 | 31,224 | 39,362 |
| - Saudi Arabia | 1,510 | 1,561 | 858 | 1,250 | 1,318 | 1,204 | 953 | 962 | 858 | 856 | 845 |
| - Qatar | 1,387 | 887 | 563 | 392 | 837 | 1,939 | 1,710 | 1,963 | 3,139 | 7,516 | 5,762 |
| - Bahrain | 233 | 368 | 277 | 392 | 403 | 367 | 541 | 538 | 789 | 1,094 | 1,113 |
| - Kuwait | 994 | 986 | 643 | 919 | 1,062 | 1,264 | 1,215 | 1,261 | 1,092 | 3,906 | 3,723 |
| - UAE | 547 | 1,298 | 1,310 | 1,902 | 1,743 | 2,171 | 1,835 | 1,842 | 2,127 | 3,624 | 9,850 |
| - Libya | 1,250 | 1,545 | 1,177 | 1,460 | 1,152 | 1,942 | 3,099 | 1,779 | 1,269 | 1,194 | 2,269 |
| - Israel | 10,780 | 10,644 | 12,765 | 8,764 | 12,163 | 12,952 | 6,327 | 10,611 | 8,746 | 9,312 | 10,903 |
| - Others | 961 | 839 | 531 | 870 | 1,416 | 1,650 | 2,734 | 3,084 | 3,735 | 3,722 | 4,897 |
| East Asia | 114,976 | 122,327 | 111,103 | 123,540 | 106,396 | 92,148 | 94,091 | 91,109 | 82,796 | 90,250 | 78,065 |
| - Japan | 10,106 | 10,790 | 5,033 | 5,207 | 5,246 | 4,701 | 5,037 | 5,857 | 6,585 | 7,218 | 8,002 |
| - Taiwan Province of China | 100,910 | 106,828 | 101,814 | 110,753 | 94,126 | 79,589 | 75,849 | 69,982 | 57,663 | 62,067 | 52,193 |
| - Hong Kong, China | 3,960 | 4,709 | 2,702 | 5,121 | 5,488 | 4,962 | 4,143 | 4,126 | 3,790 | 3,760 | 3,504 |
| - Republic of Korea | | | 1,154 | 2,094 | 1,187 | 2,443 | 8,631 | 10,650 | 14,232 | 16,456 | 13,287 |
| - Others | | | 400 | 365 | 349 | 453 | 431 | 494 | 526 | 748 | 1,079 |
| Southeast Asia | 49,011 | 45,671 | 27,011 | 32,565 | 32,375 | 38,321 | 27,278 | 26,318 | 24,681 | 25,959 | 27,351 |
| - Singapore | 17,770 | 17,069 | 18,181 | 21,273 | 20,411 | 15,354 | 12,480 | 11,338 | 11,780 | 15,115 | 16,271 |
| - Malaysia | 8,860 | 9,031 | 1,723 | 1,579 | 2,197 | 14,619 | 7,479 | 5,853 | 4,915 | 3,418 | 3,432 |
| - Brunei | 17,671 | 15,246 | 6,086 | 8,607 | 8,607 | 7,155 | 6,118 | 5,680 | 5,216 | 5,141 | 4,143 |
| - Others | 4,710 | 4,325 | 1,021 | 1,106 | 1,160 | 1,193 | 1,201 | 3,447 | 2,770 | 2,285 | 3,505 |
| South Asia | | | 312 | 1,292 | 906 | 1,308 | 1,464 | 1,283 | 1,477 | 2,438 | 3,242 |
| - India | | | 156 | 284 | 317 | 273 | 260 | 369 | 603 | 1,024 | 1,481 |
| - Others | | | 156 | 1,008 | 589 | 1,035 | 1,204 | 914 | 874 | 1,414 | 1,761 |
| Western | 2,040 | 5,609 | 3,016 | 4,363 | 5,276 | 5,541 | 6,522 | 7,846 | 8,958 | 10,975 | 13,897 |
| - USA and Europe and Australia | 1,238 | 2,624 | 2,666 | 3,865 | 4,511 | 4,893 | 5,917 | 7,298 | 8,359 | 9,191 | 12,144 |
| - Others | 802 | 2,985 | 350 | 498 | 765 | 648 | 605 | 548 | 599 | 1,784 | 1,753 |

Source: Thailand Overseas Employment Administration, Ministry of Labour, 2008.

The magnitude of the flow of Thai nationals who migrate through other channels is difficult to estimate since no comprehensive data set exists. The segmented information derived from official immigration sources in destination countries and individual research efforts show very differentiated flows (see Chapter III). These flows vary from Thai men working in restaurants in Malaysia and as agricultural labourers in Israel, to Thai women working as domestic workers in Singapore and other Asian countries; moving for marriage to Western countries; or being trafficked across the globe. From this multitude of migrant realities, one derives the impression of vulnerable migration flows, “with women more liable to being exploited than their male counterparts” (Singhanetra-Renard in Sobieszcyk, 2002:1).

Among the migrants leaving Thailand, some are from a third country. Since the 1980s, refugees from the Lao People’s Democratic Republic, Myanmar and other countries have been relocated from Thailand to the United States, Europe and Australia or other asylum destinations. Thailand is also a regional hub for trafficking, with persons from Myanmar, China, Cambodia and Viet Nam being trafficked from the border areas to Thailand and then on to Malaysia, Japan and other destinations in Asia and the Americas.^{xi}

Migrant workers from neighbouring GMS countries often transit through Thailand to reach Malaysia and Singapore in search of better opportunities. A recent article in *ASIANEWS* (2008:11-12) discusses the plight of migrants from Myanmar who cross the Thai-Myanmar border either by walking through the uplands or by boat from Kawthuang in Myanmar to Ranong in Thailand, before proceeding to Phuket and then by boat to Malaysia, or to the Thai-Malaysia border directly (Figure 7). Some may cross over from Johor Baru in Southern Malaysia to Singapore by boat, or by swimming across the strait that separates the two countries, risking their lives.

Figure 7. Migration Route from Myanmar via Thailand to Malaysia and Singapore



Source: ASIANEWS, 2008:11.

Migration Policy

Thailand’s varied emigration and immigration flows are governed by multiple regulations that have yet to be harmonized into a comprehensive policy framework. In this section, the most relevant national legislation and some of the relevant transnational commitments will be briefly described, while their implications will be discussed in successive chapters.

Starting with emigration, legislation of outbound labour in Thailand is grounded in the Recruitment and Job Seekers Protection Act B.E. 2528 (issued in 1985 and amended in 1994), which regulates the rendering of employment and recruitment services for workers seeking to migrate abroad. The Act prohibits foreign employers from recruiting Thai workers directly, and sets the conditions for exercising foreign employment services, including pre-departure examinations and training, the establishment of a Fund to Assist Workers Abroad, and the provision of monitoring measures and sanctions for eventual violations, including the reimbursement of workers by recruitment agencies if the jobs and wages abroad are not as specified in the contract. To ensure enforcement, a dedicated agency, the Overseas Employment Administration Office (OEAO), under the Department of Employment (DOE) of the MOL has been formed with the mandate of:

- Administrating Thai workers who work overseas
- Centralizing overseas employment information
- Protecting the rights and the benefits of overseas Thai workers

- Promoting and developing overseas labour opportunities for Thai workers
- Providing overseas employers needs with suitable experienced Thai workers.^{xii}

A number of MOUs and bilateral agreements to be discussed in Chapter III have also been signed between Thailand and key Thai labour destination countries. Two MOUs aim to regulate, among others, recruitment, testing and certification of applicants; employment sectors and quotas; conditions of and social security arrangements. These include a 2002 bilateral agreement with Taiwan Province of China, a 2005 MOU with the Republic of Korea, and a 2007 recruitment procedure agreement signed between the Republic of Korea and Thailand (Piyasiri, 2006; Go, 2007).^{xiii}

With regards to immigration, the two main acts that have been governing it until very recently are: (i) the Immigration Act B.E. 2522, issued in 1979 and amended in 1992, which is administered by the Immigration Bureau of the Royal Thai Police Department, MOI; and (ii) the Alien Employment Act B.E. 2521, issued in 1978 and administered by the MOL, which was repealed on 23 February 2008 with the coming into force of the Alien Employment Act B.E. 2551 (IOM, 2008). In addition, for foreigners wishing to engage in business, the Foreign Business Act B.E. 2532 issued in 1999, defining the scope of foreign business participation in Thailand, the Investment Promotion Act B.E. 2520 issued in 1977 and the Industrial Estate Authority of Thailand Act B.E. 2522 promoting national and foreign investment in Thai provincial areas and Export Processing Zones (EPZ), are of relevance. Thailand's fundamental labour law, the Labor Protection Act B.E. 2541 of 1998, although in principle establishing basic employee rights for all employment contracts, has limited value for most migrants in Thailand considering that a majority have irregular status. In addition, labour protection does not extend to the sectors where most low-skilled workers are employed (see Chapter IV).

As stated in the Immigration Act B.E. 2522, foreigners who wish to stay and/or work in the country, must first meet immigration requirements by obtaining a visa, except for visitors from selected countries under special agreements who may attain border passes at frontier checkpoints or are exempted from visa requirements. Immigrants who enter the country without a visa and/or act in breach of the Immigration Act, including refugees, are illegal and may be penalized and deported.

As can be seen from Box 1, Thailand has several types of visa. Of these the two main categories are: (i) tourist visa granted to applicants entering the country for tourism purposes and (ii) non-immigrant visa for specific stay and work purposes. A visa-waiver policy is further applied to tourist visitors, who are nationals of selected, mostly OECD and wealthier East Asian countries granting a 30-day stay, which may be extended twice. Whether with tourist visa or under the visa-waiver program, tourists are not allowed to work or conduct business in Thailand and are expected to leave the country within the maximum authorized 90 day stay period (Paitoonpong et al., 2008).

For foreigners who want to stay longer and/or wish to engage in productive activities in Thailand, a non-immigrant visa is needed. There are numerous categories of non-immigrant visa restricted to the specific purpose for which the visa has been issued (see Box 1 and Chapter IV). The length of stay depends on the category, but it is generally one year with possibility of renewal, except for investors and employees working for companies under special laws who may attain a longer renewable visa for up to three years.

Box 1. Thai Visa Categories^{xiv}

| | |
|--|---|
| Transit Visa: Applicable to crew members (C) or visitors for the purpose of transiting (TR) and participating in sport activities (S) | |
| Tourist Visa: Applicable to visitors for the purpose of leisure. | |
| Non-Immigrant Visa: Applicable to aliens entering Thailand on a temporary basis for a particular purpose: | |
| ▪ B | - Business. |
| ▪ B-A | - Business or investment. |
| ▪ IB | - Investment or other related affairs under the Investment Promotion Act B.E. 2520 |
| ▪ IM | - Investment approved by relevant ministries or departments. |
| ▪ ED | - Study or education |
| ▪ RS | - Scientific research or teaching in a research or educational institution. |
| ▪ M | - Performance of duties in the mass media. |
| ▪ R | - Missionary work with approval of relevant ministry or department. |
| ▪ EX | - Performance of skilled or expert work. |
| ▪ O | - Other purposes as per ministerial regulations (as dependents, retired persons, or for family reunions, medical treatment, and legal proceedings). |
| ▪ O-A | - Temporary residence. |
| Diplomatic Visa D: Diplomatic or consular mission or duties with international organizations. | |
| Official Visa "F": Performance of official duties (involving the Thai government). | |
| Immigrant Visa: Permanent residence. | |
| Non-Quota Immigrant Visa: Permanent residents wishing to leave Thailand and return within a year. | |
| Courtesy Visa: Diplomatic and/or official passport holders other than for official duties and ordinary passport holders responding to an official Thai request. | |

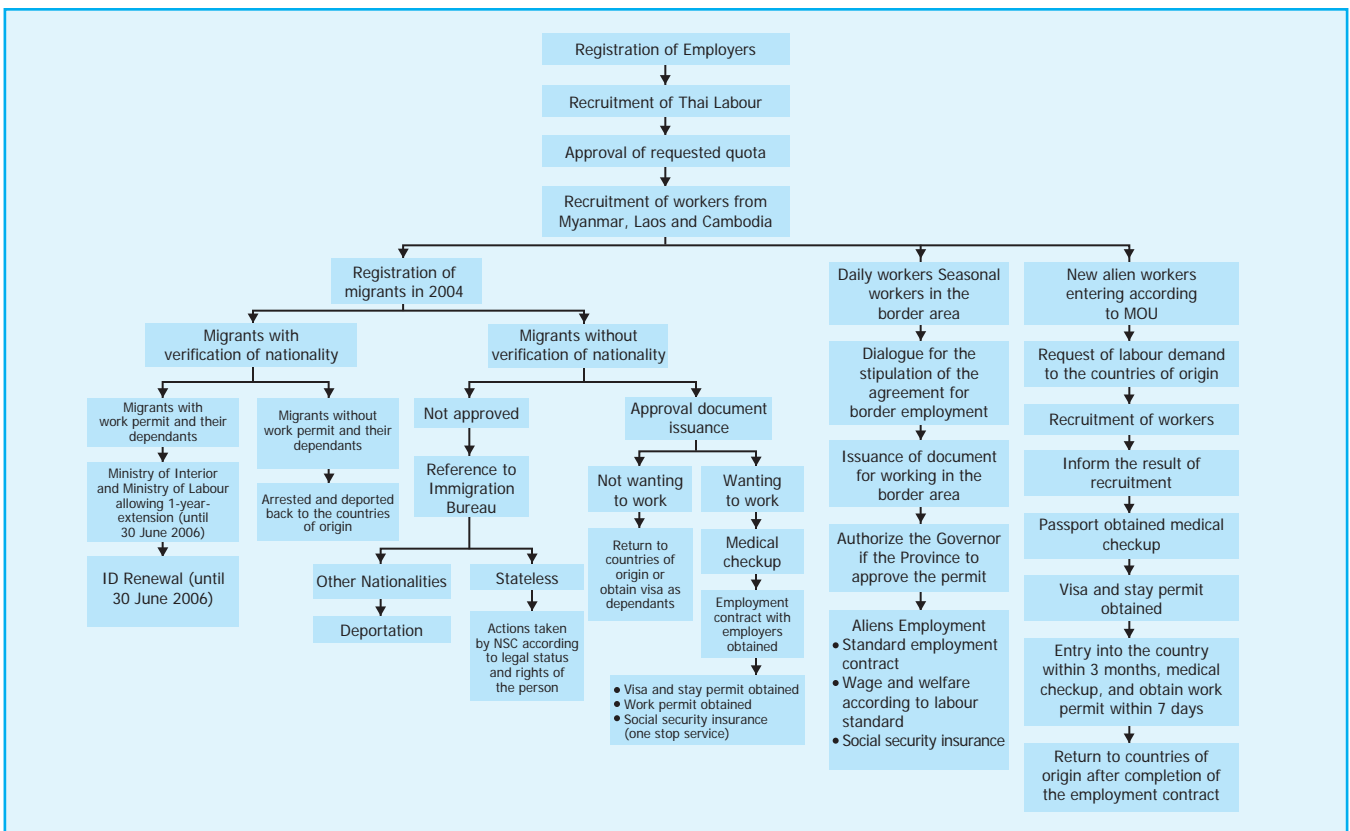
Immigrants who intend to work in Thailand were subject to the Alien Employment Act B.E. 2521 until early 2008 when its successor, the Alien Employment Act B.E. 2551 came into force. The old Act stated that no foreigner can work without having been issued a work permit, even if a suitable visa has already been obtained. The work permit is valid only for a particular job and employer, and may have geographic limitations. The worker's spouse is allowed to stay as a dependent, but not to work unless he or she has been granted a work permit individually. Work permits are meant only for selected occupations for which expertise is considered lacking in the country. The Royal Decree Stipulating Work in Occupations and Professions Prohibited to Aliens B.E. 2522 of 1979 listed 39 activities precluded to foreign workers, including general labour, farming, weaving and construction, thus disallowing the issuing of work permits for low-skilled migrant workers.

Certain provisions have, however, conceded some discretion to Thai authorities in governing irregular migrants and excluded workers. Section 12 of the Alien Employment Act B.E. 2521 has enabled authorities to permit migrants to work temporarily in some sectors as conditioned by cabinet resolutions hence allowing the enactment of periodic registration for low-skilled migrant labourers. Section 17 of the Immigration Act B.E. 2522, stipulating that under special circumstances the MOI may authorize stay in Thailand, further provides the Ministry with flexibility in exempting irregular migrant workers from being deported (Muntarbhorn 2005). It is these provisions that have been used to tackle the growing migration of low-skilled migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar through a registration approach in which the migrant workers would come into the open and be "registered" by the authorities who would then permit them to work while "awaiting deportation". Registered migrants are considered regularized as far as their work permit is concerned, but not in terms of their visa. They remain illegal for immigration purposes having entered the country illegally or having overstayed their border pass, and are therefore still subject to deportation at the end of the work permit. In the

words of Martin, (2007:5) “Thai migrant worker policy is best described as a series of employer-initiated registrations of foreign workers that defer their removal”. This semi-official legal status, as discussed in more length in Chapter IV, while providing registered migrant workers with a certain degree of legal protection in comparison to unregistered migrants, has fallen short of addressing exploitative work conditions and guaranteeing protection of their individual rights.

The use of cabinet resolutions as the regulatory mechanism for GMS migrant workers has been based on the general belief that their employment would be temporary and that more substantial legislative changes were unnecessary (Chantavanich, 2007). As this belief proved incorrect, new measures had to be introduced. In 2002/2003 the Thai Government signed MOUs on Cooperation for the Employment of Workers with Cambodia, the Lao People’s Democratic Republic and Myanmar that allow nationals of these countries to enter and work legally in Thailand as contract labour for up to two terms for a total of four years. The MOUs further aim at regularizing migrant workers already registered in the country by having their nationality verified before the granting of a stay and work permit. In addition to the MOUs, taking note of the high concentration of migrants along the borders, the government authorized border provinces to negotiate cross-border agreements for employment of daily and seasonal labourers in 2005. As a result, four categories of semi-official and regular GMS migrant workers were produced, namely: (i) registered migrants waiting for nationality verification; (ii) registered migrant workers already verified and granted stay and work permits; (iii) day and seasonal migrants under contract; and (iv) new entrants under the MOUs (Figure 8). All remaining migrant workers are supposed to be arrested and deported to their country of origin, thus gradually converting intra-regional flows from irregular to regular.

Figure 8 Semi-Official (Registered) and Regular Employment Schemes for GMS Migrant Workers



Source: Adapted from the World Bank, 2006.

In further recognition of the need to encourage regular labour migration, at the time of writing the Thai Government issued the new Alien Employment Act B.E. 2551 (2008), which has still to be fully operationalized. For the first time in Thailand, the Act formally regulates the hiring of low-skilled and semi-skilled migrant workers from Cambodia, the Lao People’s Democratic Republic, and Myanmar, structuring their contract employment through a Singapore-like system of dependency ceilings, sector-specific restrictions, and employer levies (Chalamwong, 2008). A repatriation fund was also established to deport migrants to their countries. The fund will be financed through duties collected by the employer and deducted from the migrant workers’ salary. At the same time, the Act increases penalties for both employers and employees ranging from fines to imprisonment

and introduces a reward system for those who inform on migrant workers and for those who arrest migrant workers^{xv}. The Act further gives permission to employ cross-border contract workers on the border or on areas adjacent to the border (IOM, 2008). To discuss the pros and cons of such a system and the implications for the management of labour migration from neighbouring countries and for the protection of migrant workers, a group of Thai and regional networks coordinated by the Action Network for Migrants (ANM), the Mekong Migration Network (MMN), and the Thai Labour Solidarity Committee (TLSC) held a national consultation in June 2008 with all the various stakeholders, including migrants (see also Chapter IV).

This evolving body of national laws on labour migration is complemented by two types of multilateral and regional agreements subscribed to by Thailand namely (i) on facilitation of the movement of persons for the purpose of expanding trade in services and fostering economic integration, and (ii) on the protection and rights of migrant workers and their families. With reference to the first kind, at the regional level, Thailand takes part in the ASEAN Framework Agreement on Services (AFAS) and, at the global level, the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO). These commitments that intend to promote trade and commercial exchanges include provisions for enhancing intra-corporate transfers of professional, managerial and technical personnel. Their impact, however, has been quite limited so far due to national limitations on market access and labour mobility (Tullao and Cortez, 2006).

Under the second type of agreement, Thailand has ratified 14 ILO Conventions on labour standards, and signed the ILO Resolution Concerning a Fair Deal for Migrant Workers in the Global Economy adopted by 176 countries at the International Labour Conference in 2004, which proposes a rights-based approach to migration. Still, it is not among the signatories of major ILO conventions on migrant workers such as the ILO Migration or Employment Convention (Revised) No. 97, the ILO Migrant Workers (Supplementary Provisions) Convention No. 143, and the ILO Migrant Workers Recommendation No. 151, and it has not ratified the United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. This important instrument of international law in protecting migrant workers' rights, which came into force in 2003, has only been ratified by three countries in Asia, namely the Philippines, Sri Lanka and Tajikistan. All three are major labour exporting countries (Huguet and Punpuing, 2005; Pearson et al., 2006; Chantavanich et al., 2008).

At the regional level, Thailand is a signatory of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers issued at the 12th ASEAN Summit on 13 January 2007 in Cebu, Philippines. The Declaration, still to be ratified by the parliaments of the member countries, aims at promoting the full potential and dignity of migrant workers crossing borders in the region as well as providing recommendations for both receiving and sending countries. Recognizing the irregularity of migration flows in Southeast Asia, it emphasizes the need for cooperation in resolving, "the cases of migrant workers who, through no fault of their own, have subsequently become undocumented" and urges States to take into account the fundamental rights of these migrants and their families. At the same time, the signatories are quick to add that, "nothing in the present Declaration shall be interpreted as implying the regularization of the situation of migrant workers who are undocumented".^{xvi} As such, the Declaration reflects the unease of Southeast Asian Governments regarding independent and permanent flows, which, as elaborated further in Chapter III, leads them to opt for state-controlled and time-bound contract migration.

The Thai Government is also active in international and regional fora to combat trafficking. At the global level, Thailand has signed the United Nations Convention on Transnational Organized Crime in 2001 together with the accompanying protocols to prevent and control trafficking of persons, especially women and children, and the "smuggling of migrants by land, sea and air" (United Nations, 2000), and has ratified other relevant ILO conventions such as the ILO Convention No. 29 and No. 105 on Forced Labour and the ILO Convention No. 182 on the Worst Forms of Child Labour (Chantavanich et al., 2008). Thailand also cooperates with several OECD destination countries, such as Japan, Germany, the United Kingdom, and Australia on return and reintegration programs for Thai trafficking victims.

At the regional level, in 1997 Thailand signed the ASEAN Declaration on Transnational Crime, including trafficking, and in 2004 the ASEAN Declaration against Trafficking in Persons Particularly Women and Children, reaffirming international protocols and committing its members to undertake concerted efforts against trafficking. Also in 2004, Thailand subscribed with other GMS countries to the MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region produced under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), establishing priority actions to address human trafficking in the region. In previous years, a detailed agreement on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of

Trafficking had been agreed upon with Cambodia, and anti-trafficking provisions had been included in the above-mentioned MOUs with Cambodia, the Lao People's Democratic Republic and Myanmar on Cooperation for the Employment of Workers to reduce irregular migration and improve the repatriation process of trafficked victims (Burke and Ducci, 2006; Vital Voices Global Partnership, 2007). Thailand and China's Yunnan Province have further set up focal points for joint action against transnational organized crime, including human trafficking.

These international and regional agreements build on Thailand's long-standing legislation against trafficking. In 1928, Thailand had already passed the Trafficking in Women and Girls Act B.E. 2471 to counter the perceived increase of foreign women in Thai brothels. In more recent times, the two main legislative tools to counter trafficking have been: (i) the Prostitution Prevention and Suppression Act, B.E. 2539 issued in 1996, which put emphasis on punishment of pimps, procurers, traffickers and other parties involved in prostitution, and (ii) the Measures in Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 of 1997. Even though the 1997 Act included provisions for the protection of trafficked boys in exploitative work situations, the priority concern of both laws has been on the elimination of sexual exploitation through tightening the border, clamping down on prostitution, and repatriation of the victims. The scope of these traditional measures, however, is bound to be broadened with the enactment of the new Act to Prevent and Suppress Human Trafficking B.E. 2551 of 2008, and the likely to be approved Draft Guidelines on the Prevention and Protection of Victims of Human Trafficking developed by the Ministry of Social Welfare and Human Security and the MOL, with support from ILO. Both legal measures go well beyond exploitation in the sex industry and child labour to include cheated and exploited adult migrant workers of either sex in their definition of "victims of trafficking" (*The Nation*, 2007a; *Bangkok Post*, 2008). They further comprise humanitarian provisions for the victims to temporarily remain and work in Thailand until they are rehabilitated and their compensation claims settled. This, however, is pending MOI's permission. Without such permission, according to the Immigration Law, trafficked migrant workers remain liable to be deported immediately, albeit "under conditions of safety and well-being" (Chantanavich in *The Bangkok Post*, 2008). The persistent focus on rehabilitation and repatriation has provoked concerns among migrant advocates that the key issues of regularizing labour migration and providing labour protection to migrant workers in Thailand may not be adequately addressed through a trafficking framework and should be covered by specific immigration legislation.^{xvii} Principal considerations apart, it remains a question how the enforcement of these measures will differentiate between "trafficked" and "smuggled" migrant workers, and what degree of exploitation at work will be considered trafficking, since as Chapter IV will show, a significant portion of the large GMS migrant worker population in Thailand experience deception and exploitation to some extent.

In contrast to trafficking victims, the governance of migrants who flee conflict or political repression remains largely unregulated. Thailand has no legal provisions for refugees and asylum seekers, nor for the determination of their status. It has not signed the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 protocol, defining who is a refugee, their rights and the legal obligations of States to protect them. However, it allows UNHCR, the International Red Cross and other relevant bodies to operate in the country on humanitarian grounds. The Thai Government also re-established an exceptional screening mechanism in late 2005 for the admission of Myanmar nationals fleeing fighting or political persecution into nine border camps in four provinces. Because of concern over the costs of sheltering large numbers of refugees and the fear of possibly having to assimilate them into society, Thailand has opted to view their stay in the country, while waiting for placement in other countries, as a time-bound exception. Similarly to the way Section 17 of the Immigration Act B.E. 2522 has been employed to defer the deportation of GMS migrant workers, executive decision has been used to defer the deportation and provide temporary refuge in Thailand for "persons of concern to UNHCR" and "displaced persons" from Myanmar as well as other individuals registered by UNHCR as refugees and asylum seekers. How these, and other previously described migration-related policy measures play out in the actual situation will be the focus of the next chapters.

List of footnotes

ⁱ Available at <http://www.unescap.org/stat/data/syb2007/14-Economic-growth-syb2007.asp>

ⁱⁱ The table is provided as indication only as data across countries are not consistent in years and methodologies.

ⁱⁱⁱ Available at <http://www.gms-eco.org/Country/Country.aspx>

^{iv} Available at http://www2.tat.or.th/stat/web/static_index.php

^v Available at <http://www.hktdc.com/mktprof/asia/mptha.htm>

- ^{vi} The regional cooperation framework of ACMECS was spearheaded in 2003 by Thailand and it includes all the GMS countries less China, thus comprised of Cambodia, the Lao People's Democratic Republic, Myanmar, Viet Nam and Thailand.
- ^{vii} Available at <http://www.adb.org/documents/reports/mid-term-review-gms/Midterm-Review-GMS-Final.pdf>.
- ^{viii} Border passes enable citizens of GMS countries to cross the border of a neighbouring country in the subregion at special border checkpoints for a limited number of hours, days or weeks in lieu of passports.
- ^{ix} This estimate in the Labor Force Survey of the National Statistical Office or NSO (available at http://web.nso.go.th/eng/en/stat/lfs_e/lfse00.htm) is higher than other estimates, including that by IPSR counting roughly 63 million people in 2007. The choice of using this estimate was purely for consistency purposes in relation to labour force estimates used in other parts of this report.
- ^x The Organization for Economic Co-operation and Development (OECD) includes Australia, Canada, selected countries in Europe and the United States (US).
- ^{xi} See <http://www.humantrafficking.org/countries/thailand>
- ^{xii} Quoted from OEAO website at <http://www.overseas.doe.go.th/body.html>
- ^{xiii} Hareetz.com at <http://www.haaretz.com/hasen/spages/906360.html>
- ^{xiv} Adapted from <http://www.mfa.go.th>, <http://www.vfs-thailand-co.in/nonimmigrantvisa.html> and <http://www.thaivisalegal.com/nonimmig.htm>
- ^{xv} From the Principal and Main Content of the Alien (Migrant) Worker Act B.E. 2551
- ^{xvi} Downloaded from www.12thaseansummit.org.ph on 13 February 2007
- ^{xvii} Discussion among Mekong Migrant Network members on mmn-list@mekongmigration.org on 19 April 2008

Chapter III

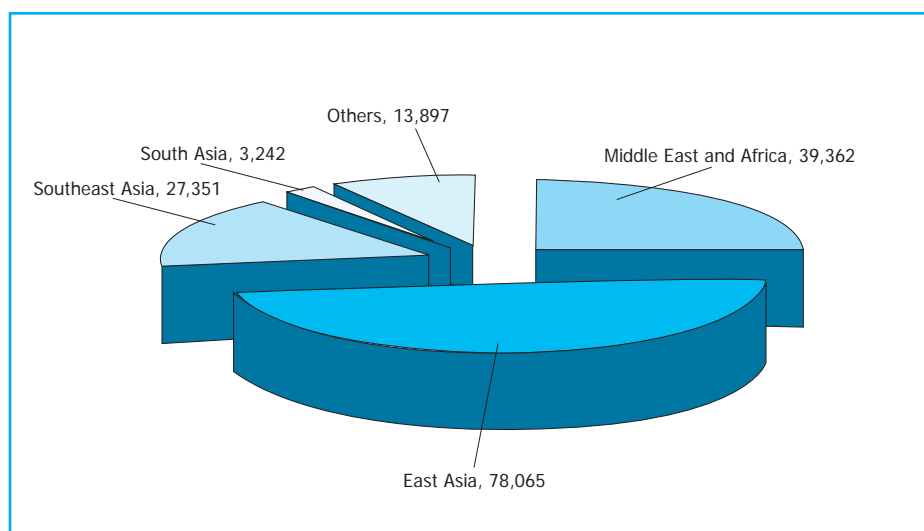
Migration from Thailand

Overseas Contract Employment

A common feature of international migration in Southeast Asia is the involvement of States in promoting and administering export labour. Together with the Philippines, Thailand led the way in introducing overseas contract employment in the region, a practice later followed by Indonesia and more recently by Myanmar, Viet Nam, the Lao People's Democratic Republic and Cambodia.

As early as the Fifth National Economic and Social Development Plan (1982-1987), the Thai Government formulated the policy goal of promoting labour exports to address rising unemployment, and set the conditions for the recruitment and placement of “overseas Thai workers” through government agencies and licensed private recruitment companies. Under this government-dominated migration system almost 1.5 million “overseas Thai workers” have migrated during the last decade from Thailand, mainly to East and Southeast Asia and the Middle East. As said in Chapter II, the largest proportion of the 161,917 Thais officially deployed abroad in 2007 were in East Asia (Table 6; Chapter 2).

Figure 9. Number of Overseas Thai Workers by Region, 2007



Source: Ministry of Labour, 2008.

Migrant contract labour, like in the “guest-worker” rotation system found decades ago in Europe, is expected to be temporary and circulatory. Countries in Asia and the Middle East do not approve of permanent settlement and expect migrants to travel alone, and remain single and childless during their stay, and return home at the end of the contract (*Financial Times*, 2007). Evidence, however, shows that formal rules do not stop migrants from engaging with the local population, marrying and having children in the destination country. Nor do they preclude

migrants from deciding to overstay or re-enter the destination country irregularly. How many overseas Thai workers have returned to their country of origin is, in this context, difficult to assess, due to a lack of data on returnees. In 2007, the MOL reported looking after 500,000 overseas Thai workers currently abroad (Rojvithee, 2007), which would imply that about a million workers sent during the last decade have returned home or are no longer under TOEA oversight. Generally, it is assumed that most overseas Thai workers return to Thailand at least for some time before engaging in successive contracts to the same or another destination country (Chantavanich and Germershausen, 2000:5), but the literature presented below suggests that many actually continue to stay abroad outside of the contract scheme.

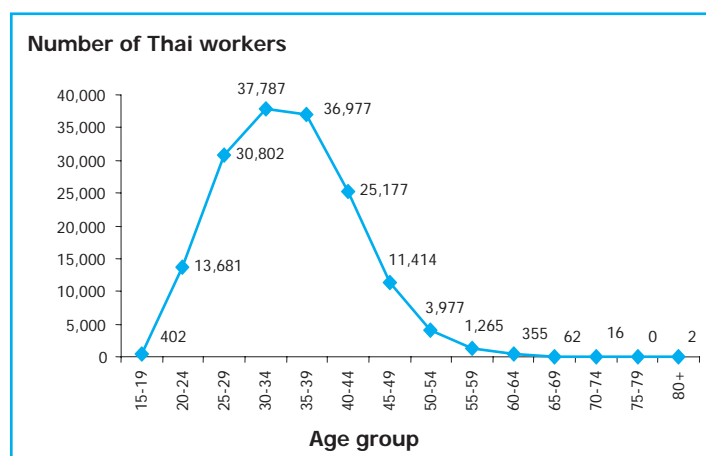
Table 7. Sex Ratio of Overseas Thai Workers, 1997-2007

| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Total | 159,566 | 177,709 | 165,047 | 160,807 | 147,769 | 148,596 | 139,667 | 160,846 | 161,917 |
| Male (%) | 81.8 | 80.6 | 85 | 84.7 | 83.4 | 81.56 | 83.29 | 84.4 | 85.0 |
| Female (%) | 18.2 | 19.4 | 15 | 15.3 | 16.6 | 18.43 | 17.69 | 15.6 | 15.0 |

Source: Thailand Overseas Employment Administration, Ministry of Labour, 2008.

In 2007, as in the past, the great majority of overseas Thai workers were males, but the number of women had increased to 14 per cent from 11.9 per cent in 1997 (Table 7). Male migrants have usually been employed in construction, manufacturing, and agriculture, while female migrants have been concentrated in the household and commercial service sectors, working as live-in maids, caregivers, entertainers, service employees and sex workers (Yamanaka & Piper, 2005). After reaching 18.43 per cent in 2004, the proportion of Thai female workers underwent a decline, which could indicate a growing reliance on Thai labour in the male-dominated markets of Israel, the United Arab Emirates, Qatar, and the Republic of Korea, as well as gender shifts in labour demand from the more established destinations of Taiwan Province of China and Singapore (see below). The trend could also reflect a growing preference for female workers to go through irregular channels because of increasingly established migration networks and the higher costs of regular channels.

Figure 10. Number of Overseas Thai Workers by Age Group, 2007



Source: Data provided by the Thailand Overseas Employment Administration, Ministry of Labour, 2008.

The overseas Thai worker population is relatively old, with the majority over 25 years of age and the highest concentration in the 30-39 age group (Figure 10). Most of the migrants are from the Northeast and the North, the poorest and most disadvantaged regions in Thailand. A significant proportion also comes from the Central Region, indicating that Bangkok and its surroundings may not offer adequate employment opportunities, and that residence close to the capital facilitates administrative recruitment processes, reduces transport costs, and thus the cost of migration.

Similar to the past and in line with Thailand's educational structure as discussed in Chapter II, education levels of overseas Thai workers were generally low in 2007, with half of them having only partial primary school education (below Grade 4), more than 70 per cent having less than lower high school (Grade 9 and below), and only roughly 11 per cent having a diploma or a bachelor degree. No Thais with a Master's or PhD degree were recorded as being deployed abroad through government-led overseas employment schemes in the last decade (Table 8).

Table 8. Education Levels of Overseas Thai Workers, 1999-2007

| Educational Level | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Undefined | 119 | 267 | 206 | 244 | 172 | 251 | 582 | 836 | 1,268 |
| Grade 4 | 128,475 | 137,810 | 118,029 | 107,226 | 89,263 | 83,645 | 75,377 | 84,305 | 78,490 |
| Grade 9 | 19,351 | 24,165 | 28,484 | 34,087 | 35,413 | 32,183 | 29,936 | 34,563 | 36,585 |
| Grade 12 | 4,296 | 6,200 | 8,099 | 8,789 | 11,144 | 15,641 | 15,894 | 19,484 | 21,601 |
| Cert.VOC. | 2,056 | 2,259 | 2,555 | 2,302 | 2,877 | 4,182 | 4,186 | 5,172 | 5,405 |
| DIP.VOC. | 2,038 | 2,990 | 2,953 | 3,183 | 3,341 | 5,555 | 5,830 | 7,202 | 7,816 |
| DIP. TECH | 121 | 139 | 143 | 142 | 499 | 208 | 190 | 189 | 216 |
| Bachelor Degree | 3,098 | 3,850 | 4,561 | 4,814 | 5,041 | 6,912 | 7,652 | 9,078 | 10,514 |
| Master Degree | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| INS. Of Skill | 12 | 29 | 17 | 20 | 19 | 19 | 20 | 17 | 22 |
| Total | 159,566 | 177,709 | 165,047 | 160,807 | 147,769 | 148,596 | 139,667 | 160,846 | 161,917 |

Source: Thailand Overseas Employment Administration, Ministry of Labour, 2008.

Consistent with the low level of education, overseas Thai workers are generally employed in relatively low-skilled occupations. The occupational structure has not varied much since the 2005 Report. Table 9 shows that in 2007, as in 2004, less than four per cent of overseas Thai workers were employed in executive and professional positions and only eight per cent filled high-skilled occupations, the majority still being employed in less skilled occupations, with one in three women employed as service (mostly domestic) workers. An interesting change, however, is the drastic increase since 2005 in "skilled labour", probably in compliance with requirements for more skilled labour by the destination countries as articulated in bilateral agreements. It also should be noted that this form of classification could be misleading, since the label refers to jobs not entailing elaborate skills that in other contexts would be classified at most as "semi-skilled".

Table 9. Occupations of Overseas Thai Workers by Sex, 2000-2007

| Year Position | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | | 2007 | |
|--|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|----------------|---------------|
| | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female |
| Legislator, Senior Official and Manager | 2,965 | 940 | 3,407 | 1,042 | 3,568 | 1,437 | 1,021 | 350 | 1,186 | 383 | 1,448 | 471 |
| Professional | 845 | 304 | 666 | 203 | 749 | 239 | 2,362 | 805 | 3,028 | 826 | 3,345 | 801 |
| Technician and Associate | 403 | 353 | 580 | 397 | 674 | 481 | 1,846 | 1,272 | 2,420 | 1,769 | 2,647 | 2,497 |
| Professional Clerical and Related Work | 211 | 146 | 181 | 143 | 154 | 163 | 565 | 555 | 856 | 437 | 1,116 | 642 |
| Service Worker and Dealer | 4,570 | 8,694 | 4,701 | 8,923 | 5,458 | 9,435 | 5,232 | 7,058 | 5,666 | 7,290 | 5,979 | 7,342 |
| Agricultural and Fisheries Worker | 12,554 | 692 | 6,079 | 613 | 11,426 | 1,537 | 268 | 50 | 445 | 69 | 3,944 | 257 |
| Skilled Labour, Craft and Related Trade Worker | 11,505 | 1,526 | 10,297 | 1,462 | 9,502 | 1,388 | 40,831 | 3,804 | 51,284 | 3,650 | 51,345 | 3,578 |
| Labourer and Technical Worker | 56,852 | 9,702 | 60,165 | 9,815 | 56,162 | 10,272 | 29,533 | 6,072 | 32,354 | 6,204 | 31,402 | 5,225 |
| General | 36,293 | 2,252 | 36,622 | 2,473 | 33,507 | 2,444 | 33,591 | 4,434 | 38,518 | 4,466 | 36,696 | 3,142 |
| Soldier | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 136,198 | 24,609 | 122,698 | 25,071 | 121,200 | 27,396 | 115,267 | 24,400 | 135,752 | 25,094 | 137,922 | 23,995 |

Source: Thailand Overseas Employment Administration, Ministry of Labour, 2008.

The low-educated and low-skilled overseas Thai workers are supposed to be in good health and to have the necessary skills to perform in a foreign setting, having undergone physical examinations, pre-departure tests and orientation sessions. They can also be expected to receive adequate compensation given that wages and other work conditions have been established in official contracts, and to enjoy a certain degree of protection overseas under the 1985 Employment Act, which stipulates that employment agencies have to reimburse them if the job and wages are not as specified in their contract. Because of these and other support mechanisms, contract migration is considered a relatively safe option for Thais wishing to work overseas.

Still, as the following sections show, overseas Thai workers continue to encounter many challenges in their migration efforts. At recruitment, they remain at risk of being overcharged and exploited, despite improved TOEA commitment to ensuring legal compliance by both public and private agencies. As noted in the 2005 Report, recruitment and travel costs are high, while wages earned are often moderate. This results in disproportionate levels of debt for migrant households and migrants being trapped in debt bondage. Female migrants are required to undergo urine testing when pursuing overseas employment and if found to be pregnant are excluded from the program (Wiwanitkit and Ekawong, 2007). Some destination countries, such as Taiwan Province of China, screen migrant contract labourers for HIV/AIDS and other communicable diseases. Once abroad, overseas Thai workers cannot easily go back if conditions are not as expected because of logistical difficulties and the fact that fee reimbursements would not cover all the costs, nor the lost opportunities. Opting to stay, many complain of: receiving wages below the amount agreed to in their contracts; working overtime without pay; exposure to health hazards due to unsafe working conditions; and physical and mental abuse by their employers. Their freedom of movement may be curtailed and, against internationally agreed labour and public health principles, they may lose their jobs and be repatriated if found infected with HIV (United Nations, 2005) or, for women, if they become pregnant. Limited proficiency in English and local languages is a major barrier to performing their jobs and adapting to the new country and, while wanted by employers, they often feel discriminated against and looked down on by the surrounding society.

Given that Thailand, like many of the Thai labour-importing countries, has not signed international migrant conventions, overseas Thai workers (and their compatriots who have migrated independently) cannot hope for many safeguards abroad (Chantanavich et al., 2000; Chalamwong, 2005). Assistance is provided to Thai workers in distress through TOEA, Thai embassies and consulates. Statistics show that in the last three years the number of cases handled is much higher than previous years for still unknown reasons. In 2006, the total reached 5,183 cases varying from "misfortune" or accident, to trafficking and death of the migrant abroad (Table 10).

Table 10. Assistance to Overseas Thai Workers, 2001-2006

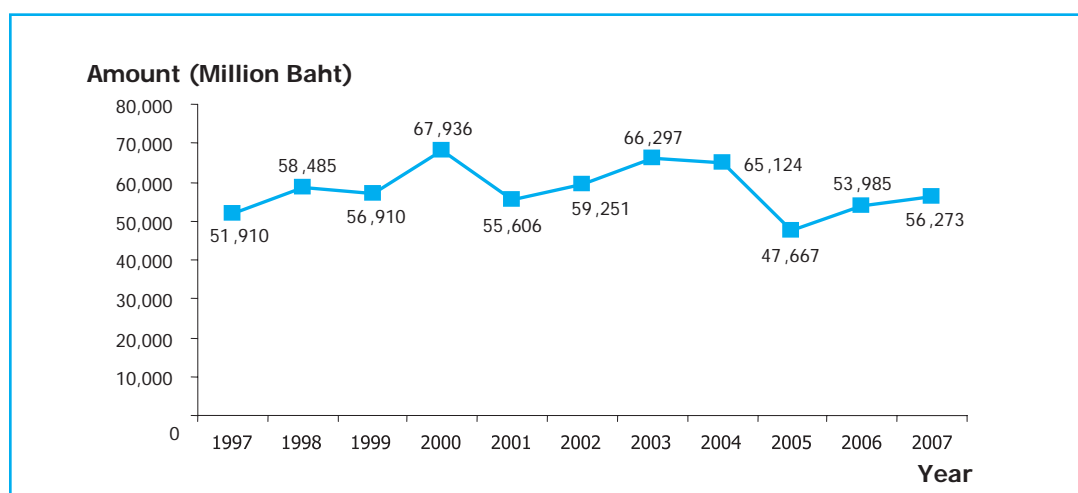
| Activities | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| General assistance to Thai migrant workers who meet with misfortune | 2,184 | 1,688 | 1,547 | 1,192 | 2,330 | 1,146 | 1,291 | 1,185 |
| Assistance to Thai migrant workers who meet with misfortune to go back to Thailand | 2,622 | 429 | 991 | 148 | 624 | 484 | 198 | 1,708 |
| Assistance to Thai fishermen | 1,424 | 242 | 643 | 373 | 629 | 639 | 387 | 183 |
| Assistance in case of death, preserved benefit and find relatives | 1,523 | 1,158 | 1,112 | 153 | 1,061 | 1,108 | 1,203 | 881 |
| Assistance to Thais who were trafficked | 0 | 0 | 0 | 0 | 37 | 318 | 295 | 297 |
| Taking care of Thai students (government scholarship and official internship) | 0 | 0 | 0 | 0 | 1,309 | 1,487 | 1,608 | 929 |
| Others | 79 | 33 | 22 | 0 | 0 | 0 | 669 | 0 |
| Total | 7,832 | 3,550 | 4,315 | 1,866 | 5,990 | 5,182 | 5,651 | 5,183 |

Source: Department of Consular Affairs, Ministry of Foreign Affairs.

The impact of migration is also felt at home, as the migrant's absence puts a strain on remaining household members. As overseas Thai workers are predominantly men, their migration may impact their wives and children, with women often having to take over traditionally male responsibilities in running households. Marital problems may occur during migration and upon return of the migrant worker, especially if the separation has been long and the family has grown apart. For single migrants, it is their parents and siblings who have to adjust to the change. In rural areas, households are confronted with the loss of manpower necessary for farming, and may have to look for substitute workers.

That overseas Thai workers are willing to endure an often-strenuous situation is testament to their resilience and desire for better lives for themselves and their families. Studies show incomes earned from foreign countries, when saved and sent home, are used to repay debts, pay for and build new houses, pay for education of children, purchase consumer goods, invest in small-scale businesses, acquire land and other assets, pay medical bills, and temporarily enjoy higher standards of living (Angsuthanasombat, 2001:177-178). In areas where international migration has been widespread, it has impacted beyond the migrant households, alleviating community poverty, while deeply changing social norms and lifestyles. Migrants' remittances are also important at the macro economic level as a source of foreign exchange and day-to-day consumption. The already significant figure of about US\$ 1.8 billionⁱ recorded for 2007 by the BOT (Figure 11), could be even greater if the remittances sent through informal channels by the much larger number of independent migrants were to be established and taken into account.

Figure 11. Remittances of Overseas Thai Workers, 1995-2007



Source: Bank of Thailand, 2008.

Independent Migration

In addition to organized government-led migration, Thailand has a long history of independent outward migration, both regular and irregular, which may occur through direct application for employment by the migrant, formal and informal brokerage services, or via social networks.

Sino-Thais have habitually traveled for business and other work to Hong Kong, China, Penang (Malaysia) and Singapore. In the 1950s and 1960s, a growing number of Thais left to study in the United States, Australia and Europe, and some remained after graduation. During the Cold War period, Thai women who had married American service men migrated to the United States, followed in later years by Thais seeking study and employment opportunities in richer OECD countries (Chantanavich and Germershausen, 2000:1; Hewison, 2003:5).

In the mid-1970s, the composition of the independent flow diversified further with the emergence of labour migration to the Middle East and to Southeast Asia. The efforts of the Thai Government to export contract labour did not preclude Thais from migrating in search of jobs on their own. Even in periods when the Thai Government intensified its policy of promoting overseas contract labour to counter widespread abuses by recruitment agencies or to relieve pressure on the labour market (at the height of the economic crisis in the late 1990s, for instance), independent migration continued unabated:

Thus, it appears that major changes and developments in Thai migration have mainly been triggered by consideration apart from the political sphere: on the level of migrants' families and households, supported by transnational networks emerging between communities in Thailand's rural sector and social and economic niches in the receiving countries (Chantavanich and Germershausen, 2000:5).

Thai independent labour migration, like contract migration, is dominated by low-skilled workers. However, it has a somewhat larger share of high-skilled workers and it includes professionals with tertiary education. "Low-skilled" and "high-skilled" workers, even if they are from the same sending country, are treated very differently by receiving countries. While the entry of low-skilled migrants is heavily restricted and tolerated only in the short-term, high-skilled workers usually benefit from facilitated entry and opportunities to settle with their families (IOM, 2006).

Migration routes also vary. The literature review presented in the next sections points out that high-skilled migration from Thailand is mainly directed toward OECD countries, although it can be found wherever Thai companies have established a presence. Low-skilled migration is mainly directed toward East and Southeast Asian countries, although it also increasingly reaches OECD countries.

Highly skilled and highly educated Thais occupying technical, scientific and managerial positions abroad remain relatively few at present. Data from the 2005 OECD Database on Immigrants and Expatriates show that Thais with tertiary education who migrate to OECD countries constitute 1.48 per cent of highly educated workers in the Thai population. This is far less than other middle-income countries in Southeast Asia, such as Singapore (13.23 per cent), Malaysia (11.64 per cent) and the Philippines (7.31 per cent).ⁱⁱ Possible reasons for this include restricted career opportunities due to language difficulties, limited incentives to migrate because of significant economic growth in Thailand, and strong cultural and family ties with the homeland (Chalamwong, 2004a:3).

The decision by white-collar Thais to work abroad also depends on the type of profession. Not many Thai physicians and nurses migrate because remuneration in urban areas and in private hospitals is relatively high in Thailand. The market demand for physicians is growing vis-à-vis actual supply, especially as a result of policies to develop Thailand into a medical hub for foreign patients. For the roughly 1,000 Thai doctors employed in the United States in 2004, the motivation to work abroad was better educational opportunities for their children and specialized training for themselves, rather than a lack of jobs in their country of origin. For nurses, efforts by agencies to facilitate migration to Canada and the United States are hampered by certification and language barriers (Chalamwong and Tansaewee, 2005:19). Thus, it would seem that the global concern for "brain drain", or emigration, of health personnel, is not pertinent to Thailand at this stage. Rather, the increasing job opportunities in the burgeoning tourism-oriented medical industry may lead to the reverse trend of foreign health personnel immigrating into Thailand under GATS and AFAS agreements to fill the supply gap, if and when certification restrictions are lifted.

In other occupational sectors, however, there is greater interest in migration among Thai professionals. In particular, in the Information Technology (IT) sector, specialists are willing to leave Thailand and remain in the host country after graduation because of the lower wages, limited job market, and scarce opportunities for career advancement (Chalamwong and Tansaewee, 2005).

Irrespective of the professional field, an important source of white-collar migrants is the population of Thai students enrolled in tertiary education abroad. The Netherlands Organization for International Cooperation in Higher Education (NUFFIC) estimated their number at almost 18,000 in 2002 and expected a fourfold increase by 2025. A large majority was enrolled in master's degree programmes, with the remaining pursuing undergraduate and doctorate studies (71, 20 and 7 per cent respectively).ⁱⁱⁱ Today, the main study destination for Thais is Australia, followed by the United States, the United Kingdom, other European countries, New Zealand, and Canada. Japan, Singapore and, increasingly, China are also attractive to Thai students.^{iv}

Thai students and professionals play an important role in transferring knowledge and skills and in acting as a liaison between their country of origin and their respective destination countries. Thai student and professional associations including the Thai Student Association (with chapters in the United States, Europe, Australia and Japan) and the Association of Thai Professionals in America and Canada (ATPAC), provide a sense of community to Thais studying abroad, and aim to promote bilateral relations and stimulate the advancement of scientific knowledge, technology and education in Thailand.

As Thailand further integrates into regional and global markets, growth in the volume of student and white-collar migrants can be expected. For now, it is the independent movement of low-skilled workers that constitutes the largest and most vulnerable outbound flow from Thailand and therefore deserves the most attention in the following sections. Comprehensive overviews are lacking (with the possible exceptions of Chantavanich et al., 2000; and Chantanavich et al., 2001), but generalizing from the sketchy information on key destination countries (as presented below) it can be argued that many of these independent low-skilled migrants share the same socio-economic characteristics as overseas Thai contract workers. Both groups are similarly driven by household economic considerations in their decision to migrate.

In terms of gender, there appears to be a higher level of low-skilled female workers participating in independent migration than contract migration. Still, for most destination countries, Thai outbound flows are at an early stage of feminization when compared to migratory flows from other Southeast Asian sending countries. In Asia, Hong Kong, China and possibly Japan are the only two destination countries where a majority of Thai migrants is female, whereas the majority of migrants to the Middle East is definitively male (see below). Notable exceptions are Northern European countries and Australia as the majority of Thai migrants to these destination countries are women. They are or were married to citizens of the destination countries and work as low-skilled labourers in the manufacturing, services and entertainment industry. The resulting geographically differentiated gender pattern of Thai migration depends on many contributing factors including: strong competition by Indonesia and the Philippines for the female-intensive housekeeper and caregiver markets in Asia and the Middle East; greater demand for Thai male labour in government-to-government contract migration; different gender roles and expectations in Thai society for male and female migrants with more pressure on women to marry and support their parents; global expansion of prostitution and trafficking networks; and stringent labour migration regulations making mixed marriage a feasible option for entering and working in another country.

Low-skilled independent migrants further differ from officially deployed overseas Thai workers and Thai expatriates in that they often work abroad in irregular conditions. The legal division is, however, far from being permanent. Irregular, independent Thai migrants may at some point be able to regularize their position through official employment, marriage to a resident or citizen, or legalization reforms in the country of destination. Much more commonly, overseas Thai workers who migrate regularly, but do not abide by contract rules or visa requirements, descend into an irregular status and lose entitlements to social and legal protection, thus becoming highly vulnerable.

Migration to East Asia

In 2006, the primary receiving countries in East Asia for officially deployed Thais were Taiwan Province of China with the Republic of Korea coming in a distant second. Japan and Hong Kong, China remained important destinations for both contract and independent migration flows from Thailand.

Thailand, followed closely by the Philippines, has traditionally been the top exporter of low-skilled labour to Taiwan Province of China, notwithstanding increased competition since 2000 from Indonesia and Viet Nam (Table 11). In 2006, of the 338,087 temporary contract workers admitted under the Foreign Workers Program (FWP), 93,340 were Thais, of whom almost 80 per cent were men employed as factory workers and construction workers in government infrastructure projects. The remaining were women employed as domestic workers and caregivers (Lee, 2007:2).

Table 11. Foreign Workers in Taiwan Province of China by Country of Origin, 1998-2006

| Country of origin of Foreign Workers | Number of Foreign Workers in Taiwan Province of China | | | | | |
|--------------------------------------|---|----------------|----------------|-----------------|-----------------|-----------------|
| | 1998 | 2000 | 2002 | 2004 | 2005 | 2006 Nov. |
| Thailand | 133,367 | 142,665 | 111,538 | 105,281 | 98,322 | 93,340 |
| Philippines | 114,255 | 98,161 | 69,426 | 91,150 | 95,703 | 91,442 |
| Indonesia | 22,058 | 77,830 | 93,212 | 27,281 | 49,049 | 82,191 |
| Viet Nam | 0 | 7,746 | 29,473 | 90,241 | 84,185 | 71,021 |
| Malaysia | 940 | 113 | 35 | 22 | 13 | 12 |
| Mongolia | 0 | 0 | 0 | 59 | 79 | 81 |
| Total | 270,620 | 326,515 | 303,684 | 314,034* | 327,351* | 338,087* |

* These totals had to be adjusted since those in the original table were incorrect.

Source: Council of Labour Affairs 2007, Lee 2007:2.

The manufacturing sector in Taiwan Province of China continues to employ the greatest proportion of foreign workers, including Thais, but a shift is occurring toward the health sector because of the growing need to provide hospital and home care to the aging population (Lee 2007:2; 2008). In view of the limited mobility of Thai nursing personnel, this realignment could further reduce Taiwan Province of China's demand for overseas Thai workers, who are already negatively affected by the rapid expansion of Indonesian and Vietnamese labour in the home care and service sectors.

The volume of irregular migration into Taiwan Province of China is difficult to estimate, except for the officially recorded "absconding" or "missing" overseas workers, who have broken their contracts by leaving their assigned employer or overstaying their visa. As Table 12 shows, their numbers are increasing, as is the proportion of Thais in this category, from 946 (0.68 per cent) in 2001 to 2,040 (2.1 per cent) in 2005, with the bulk of the "missing workers" continuing to be from Viet Nam and Indonesia. A 2005 study by the Hope Workers Center gathered information on approximately 100 irregular workers from each of the following countries, Thailand, the Philippines, Viet Nam and Indonesia. The study found that they continued to work in the same FWP sectors, but with a higher concentration in construction because of the higher wages and the widespread practice of irregular hiring. A few also worked in less common jobs, such as in restaurants and farming. The main reason for abandoning contract employment was to avoid paying salary deductions for placement, food, accommodations, and other fees such as the compulsory repatriation fund. This combined with the harsh working and living conditions has proven to be a strong enough incentive for migrants to brave deportation and lack of health coverage by working for "underground employers" (AMC, 2007:299-300).

Table 12. "Missing" Workers by Country of Origin, Taiwan Province of China, 2001-2005

| Country of origin | Missing workers | 2001 | 2002 | 2003 | 2004 | 2005 |
|--|---------------------------|-------|-------|--------|--------|--------|
| Indonesia | Number of missing workers | 2,804 | 3,809 | 3,411 | 1,978 | 1,973 |
| | Missing Rate (%) | 3.21 | 3.99 | 4.62 | 4.92 | 6.65 |
| Philippines | Number of missing workers | 1,048 | 643 | 873 | 1,177 | 1,543 |
| | Missing Rate (%) | 1.22 | 0.93 | 1.17 | 1.35 | 1.65 |
| Thailand | Number of missing workers | 942 | 1,042 | 1,171 | 1,369 | 2,040 |
| | Missing Rate (%) | 0.68 | 0.86 | 1.09 | 1.32 | 2.1 |
| Viet Nam | Number of missing workers | 293 | 1,584 | 4,233 | 7,536 | 7,363 |
| | Missing Rate (%) | 2.75 | 7.79 | 9.63 | 10.16 | 8.17 |
| Mongolia | Number of missing workers | 0 | 0 | 0 | 2 | 19 |
| | Missing Rate (%) | 0 | 0 | 0 | 3.65 | 24.08 |
| Total number of missing workers | | 5,089 | 7,079 | 9,688 | 12,062 | 12,938 |
| Average missing Rate (%) | | 1.58 | 2.31 | 3.23 | 3.96 | 4.16 |
| No. of missing workers still at large | | 6,220 | 8,143 | 11,125 | 16,593 | 21,679 |

Note: Missing rate = number of missing workers ÷ number of foreign workers in Taiwan Province of China x 100

Source: Lee, 2007:9.

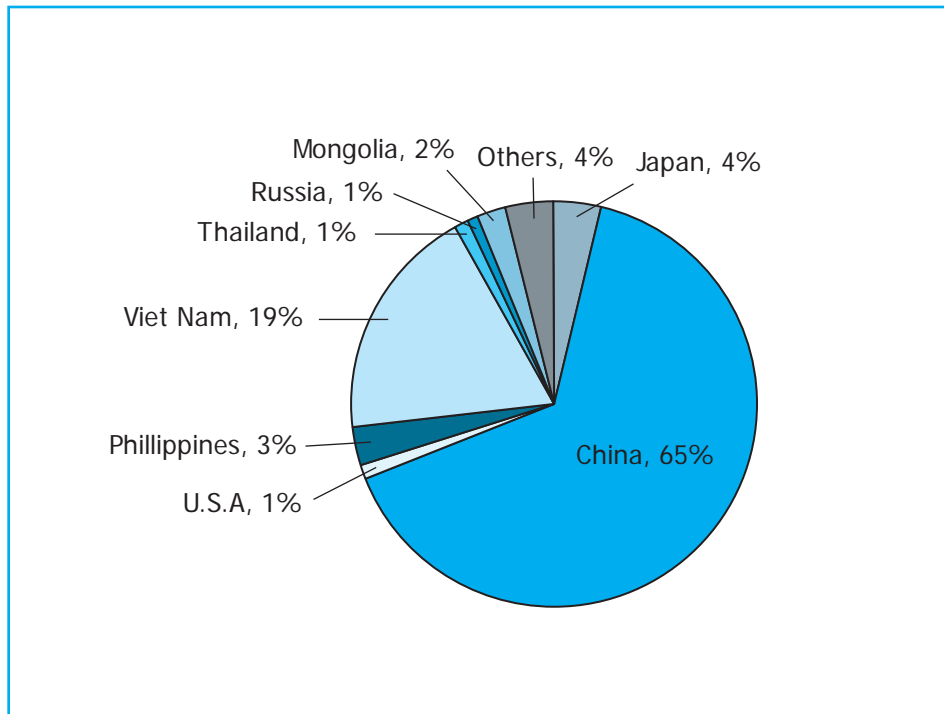
Though unintended, the brokerage fees tend to discourage workers from migrating regularly. Taiwan Province of China's labour rules limit recruitment and placement fees by sending countries to a maximum of THB 19,317, or about US\$ 500, which is the equivalent of a month's salary. They further stipulate that the maximum amount the brokers from Taiwan Province of China may collect is the equivalent of roughly US\$ 1,800 over a three-year period for service and transportation fees (Lee, 2008:20). The Bilateral Agreement between the Taipei Economic and Cultural office in Thailand and the Thailand Trade and Economic Office in Taipei on Employment of Thai Workers signed in 2002, also allows employers in Taiwan Province of China to directly hire from Thailand's representative office in the territory in order to by-pass private employment agencies and cut the brokerage fees. However, it has been observed that overseas Thai workers actually pay roughly the equivalent of between US\$ 3,000 and US\$ 3,700, because employers in Taiwan Province of China continue to recruit workers through private companies out of convenience (AMC, 2007:296; Lee, 2008). This implies that overseas Thai workers have to work for about a year before they are able to repay the fees, in addition to the other costs encountered in the migration process. Still, wages in Taiwan Province of China, being four or more times higher than what they would earn as low-skilled workers in Thailand, are compelling enough for them to endure these conditions.

That overseas Thai workers are not necessarily protected from exploitation was forcibly brought to public attention in December 2005 by the protest of hundreds of Thai migrant construction workers against their employer, Kaohsiung Mass Transit Company (KRTC), and its dormitory management, Hua Pan Manpower. The workers complained about excessive fees deducted from their salaries, overcrowded dormitories, poor sanitation facilities, and a ban on drinking, smoking and the use of mobile phones even when off work. The riots exposed widespread abuses of overseas contract workers and widespread irregularities among officials, and had far-reaching political repercussions (CSR Asia, 2005:10). In reaction to these and other cases, and realizing its dependency on low-skilled migrant labour, the authorities in Taiwan Province of China have tried to improve the FWP under the close watch of civil society groups, permitting more transfers across employers, ensuring better living and working conditions, tightening control of employers and recruitment agencies, and offering assistance to migrants through the Legal Aid Foundation (AMC, 2007).

Mixed marriages, which are sometimes entered into for migration or trafficking purposes, are another international migration issue concerning Thais in Taiwan Province of China. In 2006, of the 124,266 Southeast Asian brides moving to Taiwan Province of China, 76,946 were from Viet Nam, 26,182 from Indonesia, 9,396 from Thailand, and the remaining from the Philippines, Cambodia and Myanmar (APMM, 2007; Taiwan Review, 2007; 2007a). The bridegrooms are generally of low socio-economic status and have difficulties finding a native spouse because of the population's unbalanced gender ratio, while the foreign brides appreciate the opportunity to improve their living standards by moving and establishing a family in a wealthier country. Interviews with Thai women in Taiwan Province of China further reveal three other possible scenarios for mixed marriages: (i) The marriage is arranged by the Thai women in Taiwan Province of China through match-making agencies in order to return and continue working there with an Alien Resident Certificate. This allows them to take advantage of the lower cost of the marriage procedure when compared to labour brokerage fees (ii) The marriage is arranged without the knowledge of the women in Thailand, who simply expect to be deployed abroad, and on arrival find themselves placed in Thai massage parlours and karaoke bars, or forced into prostitution by their "husbands" (iii) The marriage allows sex workers in Thailand to move and work in the sex industry in Taiwan Province of China. It is estimated that a third of women in prostitution in Taiwan Province of China are from Southeast Asia, with a significant proportion from Thailand (AMC, 2007:300-301; Taiwan Review, 2007).

The flourishing of inter-cultural marriages also poses an integration challenge to the Republic of Korea, where people in rural areas increasingly seek brides from other Asian countries. In 2005, of the 31,180 foreign brides, about 1 per cent was from Thailand (Figure 12). Cultural and language barriers, economic hardship, and an unwelcoming environment are among the problems encountered by foreign brides. Research has further shown that they often endure domestic violence, and do not dare divorce for fear of losing their legal status before the three years of marriage required for a citizenship (AMC, 2007:187-188).

Figures 12. Nationality of Foreign Wives of Korean Spouses, 2005



Source : Korea National Statistical Office, Vital Statistics, 2005.^v

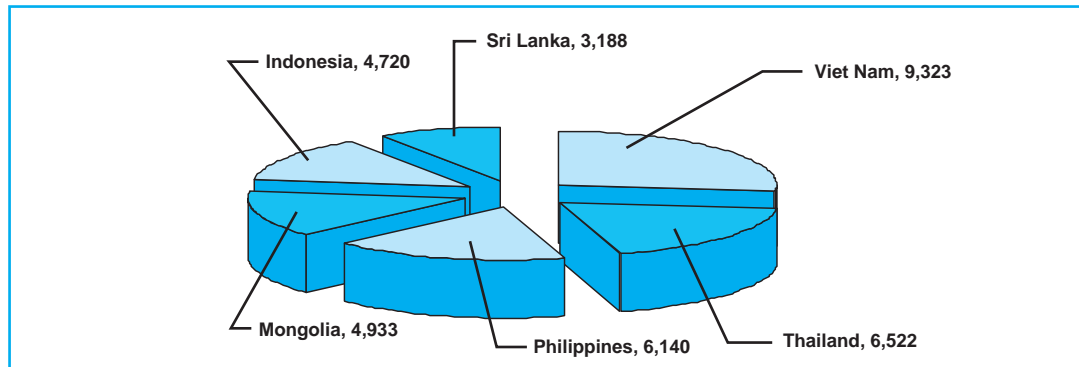
Most Thais migrate to the Republic of Korea for work. In 2004, the Government enforced the Employment Permit System (EPS) to regulate the employment of lower skilled overseas workers in unattractive jobs in construction, manufacturing, livestock production and agriculture. Among the first six countries selected to send overseas workers was Thailand, and a MOU was signed in the same year to regulate labour exports from Thailand to the Republic of Korea on a government-to-government basis, including the following standard components:

- The selection of overseas workers ought to be performed by Governments or other public agencies.
- Objective criteria are to be used to compose a list of job seekers, with the understanding that inclusion in the list does not imply a guarantee of employment in the Republic of Korea.
- The country quotas can be adjusted and the MOU revised every two years depending on the number of irregular migrants in the Republic of Korea, and employers' needs and preferences.
- Obligations are imposed on all parties to prevent absences without leave, and foreign workers are received on condition that they shall be deported if found to be staying irregularly (adapted from Yoo, 2005:11).

For Thais to become EPS overseas workers they must be between 18 and 40 years old, pass medical and Korean language proficiency tests, and have no record of criminal activities or of illegal stay in the Republic of Korea. No accompanying family members are allowed and they have to return after a three-year period. Thereafter, they are required to stay out of the country for at least one year before re-applying for a second, and last, term. Accepted overseas workers have to comply with Korean immigration laws and are expected to enjoy the same labour protection as Korean workers, except that they are not free to change employers and can request only one employment transfer and only in extreme cases (Ha, 2006; Park, 2006).

By the end of 2005 there were 34,826 "general permit" EPS workers concentrated in manufacturing, of whom 6,522 were Thais. This number excludes "special permit" workers of Korean descent employed in the construction and service sector (Figure 13). Interestingly, as the DOE only reports the labour exports to the Republic of Korea starting in 2006, these overseas Thai workers do not appear in official Thai statistics, (as previously presented in Table 6) probably due to a different reporting system.

Figure 13. EPS Overseas Workers in the Republic of Korea as of 31 December 2005



Source: Ha, 2006:11.

The introduction of the EPS formalized Thai labour migration to the Republic of Korea. Labour migration had already begun by the late 1980s with workers traveling on tourist and short-term visas and later travelling under the Industrial Trainees System (ITS), the precursor to the EPS. Initially meant to upgrade the skills of employees of Korean firms abroad, in reality the ITS allowed companies to directly recruit overseas workers to fill the low-skilled labour shortage in the manufacturing sector. In 2005, a year after the signing of the MOU, of the 747,467 foreigners residing in the Republic of Korea, roughly 37,000, or about 5 per cent, were Thais (Lee S., 2007). Of these, 11,146 were officially recorded as having overstayed their visas and having an irregular status (see Table 13), but more probably went undetected.

Table 13. Overstaying Migrants in the Republic of Korea by Country of Origin, 2005

| | Total | China | Republic of Korea | Thailand | Philippines | Bangladesh | Indonesia | Viet Nam | Mongolia | Uzbekistan | Pakistan | Others |
|--------|---------|--------|-------------------|----------|-------------|------------|-----------|----------|----------|------------|----------|--------|
| Number | 180,792 | 79,377 | 36,699 | 11,146 | 13,249 | 13,605 | 5,521 | 10,838 | 10,354 | 6,321 | 4,991 | 25,390 |
| % | 100 | 43.9 | 20.3 | 6.2 | 7.3 | 7.5 | 3.1 | 6 | 5 | 3.5 | 2.8 | 14 |

Source: Ha, 2006:3.

Due to the nature of the work, and the lack of adequate safety measures, migrant workers in the Republic of Korea are exposed to many occupational risks; with the number of industrial accidents they suffered increasing from 1,197 in 2002 to 2,336 in 2003. In 2005, a case that received public attention was that of five female Thai workers who suffered inflammation of multiple limb nerves after prolonged exposure to harmful substances without protective gear. After that case, even irregular workers can receive medical treatment for occupational accidents, but they have to leave the country as soon as they are discharged from the hospital (AMC, 2005:185-186).

Whereas in the Republic of Korea, international labour migration is a relatively recent phenomenon, in neighboring Hong Kong, China, labour migration from outside Mainland China began in the 1960s. The last Hong Kong, China Population By-Census^{vi} indicates that in 2006 five per cent of the total population was of non-Chinese ancestry, and of this 11,900 or 0.2 per cent were Thais, but no information is provided on whether they also held citizenship and were born in Thailand (Table 14).

Table 14. Population by Ethnicity in Hong Kong, China, 2001 and 2006

| Ethnicity | 2001 | | 2006 | |
|-------------|-----------|------------|-----------|------------|
| | Number | % of total | Number | % of total |
| Chinese | 6,364,439 | 94.9 | 6,522,148 | 95.0 |
| Filipino | 142,556 | 2.1 | 112,453 | 1.6 |
| Indonesian | 50,494 | 0.8 | 87,840 | 1.3 |
| White | 46,584 | 0.7 | 36,384 | 0.5 |
| Indian | 18,543 | 0.3 | 20,444 | 0.3 |
| Nepalese | 12,564 | 0.2 | 15,950 | 0.2 |
| Japanese | 14,180 | 0.2 | 13,189 | 0.2 |
| Thai | 14,342 | 0.2 | 11,900 | 0.2 |
| Pakistani | 11,017 | 0.2 | 11,111 | 0.2 |
| Other Asian | 12,835 | 0.2 | 12,663 | 0.2 |
| Others | 20,835 | 0.3 | 20,264 | 0.3 |

Source: 2006 Population by Census Office, Census and Statistics Department.^{vii}

Hong Kong, China's rapid industrialization and subsequent development into a service and financial center has made this city-state one of the region's major migration poles, especially for Southeast Asian women. Filipino, Indonesian and, to a much lesser extent, Thai female migrants find employment as domestic workers, contributing at least 13.8 billion HKD (or 1 per cent of GDP) to the economy. The total number of domestic workers rose from 218,430 in 2004 to 223,200 in 2005, with an increase in Indonesians and a corresponding decline of Filipinos and Thais (AMC, 2007:131; see Table 15).

Table 15. Number of Foreign Domestic Workers in Hong Kong, China, 2004-2005

| End of Month/Year | Philippines | Indonesia | Thailand | Other Nationalities | Total Number |
|-------------------|-------------|-----------|----------|---------------------|--------------|
| Dec. 2004 | 119,710 | 90,050 | 5,920 | 3,750 | 218,430 |
| June 2005 | 118,370 | 94,070 | 4,607 | 3,730 | 220,840 |
| Dec. 2005 | 118,030 | 96,900 | 4,510 | 3,760 | 223,200 |

Source: Hong Kong Immigration Department in AMC 2007:131.

While domestic workers remain the largest occupational group for all three countries, Thailand, unlike the Philippines and Indonesia, has traditionally had a more diversified migrant population in Hong Kong, China. In 2000, there was a significant portion of managers, professionals, and workers in service and sales (Hewison, 2003; see Table 16). This is probably related to the long-standing Sino-Thai business networks, the significant volume of trade and investment between Thailand and Hong Kong, China, and the growing presence of Thai companies and representative offices in Hong Kong, China.

Table 16. Occupational Structure of Filipino, Indonesian and Thai Migrant Populations in Hong Kong, China, 2000

| Occupation | Filipinos | Indonesians | Thais |
|----------------------------|-----------|-------------|-------|
| Managers and Professionals | 4.4 | 2.2 | 26.5 |
| Clerks | 0.2 | 0 | 3.1 |
| Service and sales | 1.0 | 1.0 | 12.4 |
| Other low-skilled workers | 94.4 | 96.8 | 58 |

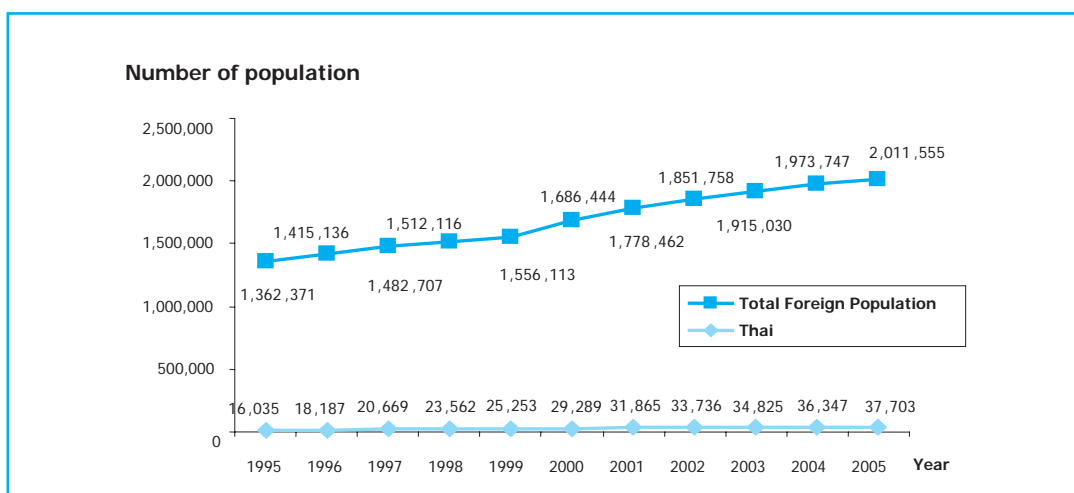
Source: Adapted from AC Nielsen 2000 in Hewison 2003:4.

A study of 50 Thai migrants in Hong Kong, China (Hewison, 2003) confirms the general profile of the Thai migrant population, i.e the large majority being poorly educated and coming from the Northeast, especially Nakhon Ratchasima Province, and the North, but also from the Central Region. By and large, Hong Kong, China was their first destination country, but most had friends and relatives who had worked in the Middle East or East Asia, and who provided information and facilitated contact with placement agents and employers in Hong Kong, China.

The respondents were all females and were concentrated in the 20-49 age group. Of these, 70 per cent were employed as domestic workers and the remaining did similar jobs in restaurants, shops and cleaning firms. Male Thai migrants mostly work and live in construction sites under tight control, precluding their being approached for interviews. In contrast to the majority of low-skilled female migrant workers of other nationalities in Hong Kong, China, most Thai female workers were married, or had been married, and had left children at home with their spouse or parents. Interestingly, of those still married, 42 per cent had Thai spouses also working and living in Hong Kong, China (Hewison, 2003:9). This finding seemingly contradicts the New Conditions of Stay policy enacted to deny residency to family members of domestic workers (AMC, 2007:131), and could imply that migration of either or both spouses is occurring irregularly or spouses have migrated as overseas workers under parallel channels. Before departing, Thai migrants worked in low-skilled jobs similar to the ones that they took in Hong Kong, China, suggesting that the probable reason for their migration was to earn higher wages and not to get out of those jobs, a finding that also has implications for the debate on the actual demand for foreign low-skilled labour in Thailand (see Chapter IV).

All interviewed Thai female workers were paid according to the minimum wage set at HKD 3,670 (equivalent at the time to about THB 19,000), but not more than HKD 5,000 a month. In general, they experienced significant financial improvement in their lives. When they were in Thailand, more than a quarter did not receive any wage, and the remaining earned on average THB 5,000 a month. Their monthly remittances averaged THB 13,000, which they sent home through informal "Thai shops", were used for the living expenses of the household, education of children, farming activities, home improvements and debt repayment. Purchase of consumer goods and motor vehicles was a low priority. After remitting a large part of their salary, Thai female workers were left with little to live on or save in Hong Kong, China. They also missed their relatives, complained about long hours and heavy workloads, felt discriminated against because of their jobs' low status, and at times encountered sexual and other abuses in the work place. Still, these difficulties were viewed as being "part of the job", worth enduring in order to satisfy their primary migration objective of earning higher incomes for their families. A large majority had stayed in Hong Kong, China for at least six years, and the general aspiration was to remain as long as possible, although all planned to return to Thailand eventually (Hewison, 2003:13-16).

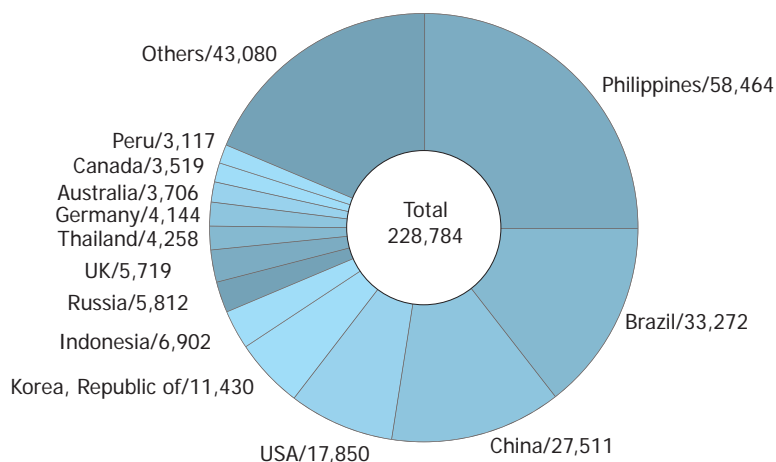
Figure 14. Documented Thai and Total Foreign Population in Japan, 1995-2005



Source: Ministry of Justice, 2006.

When compared to Hong Kong, China, the situation of the larger Thai migrant community in Japan appears more precarious. There is a perception in Japan that it has a unified mono-culture which makes it extremely difficult for migrants to assimilate. With a population of 127 million as of the end of 2005, it had 2.01 million (or about 1.5 per cent) registered foreign residents, consisting mostly of persons of Japanese descent born in other parts of the world (called *nikkei* in Japanese), and to a lesser extent foreigners who had a residency status allowing for commercial activities such as teaching, or providing a special skill including entertainment. Of this total, 37,703 were Thais, more than double the number in 1995 (see Figure 14). In 2006, new entrants permitted to work included 4,144 Thais, mostly on “entertainment” visas, with Thailand being the third largest Southeast Asian labour-exporting country to Japan after the Philippines and Indonesia (Figure 15).

Figure 15. Number of Foreigners Granted Residency Status Allowing Work in Japan, 2005



Note: Including those with designated activities status.

Source: Ministry of Justice, 2006.

In addition to these documented migrants, hundreds of thousands more, including Thais, are thought to be living and working irregularly in Japan. This is the result of almost two decades of backdoor importing of low-skilled workers, despite the explicit national policy to the contrary. Through “Student”, “Trainee”, and “Intern” visa programmes, officially presented as developmental capacity building efforts, workers from China, Thailand, the Philippines, Indonesia and other developing countries entered Japan to perform low-skill work, unappealing to an increasingly wealthy, educated and aging population, even if their visas were meant for educational purposes only, and eventually overstayed (Debito, 2007).

From estimates by Japan’s Ministry of Justice (MOJ), it appears that Thai visa overstays reached their peak in the mid 1990s, thereafter declining from over 40,000 in 1995 to 10,352 in 2006. Of these Thai overstayers, 60 per cent were women and 40 per cent men who had entered the country as “temporary visitors” and trainees (MOJ, 2006a). Often-cited reasons for the declining trend include diminishing attractiveness of Japan during its prolonged economic slump and recurrent crackdowns. MOJ reports that since 2000, on average two thousand Thais have been deported annually. Also, 644 Thais were arrested in Japan in 2004, of whom 611 had committed offences mostly related to migration issues and the remaining 33 were guilty of serious crimes (Maciano, 2004). It can also be argued that the overstay figures do not accurately describe the situation, since they do not take into account the much larger group of Thais who entered Japan with fake documents by air or who were smuggled by boat, including trafficked persons. There are regular reports of Thai women being trafficked for sexual purposes with estimates in the thousands (*Japan Today*, 2007). At the same time, it is acknowledged that more attention needs to be devoted to the exploitation of irregular male workers (*Asia Times*, 2005).

In this context, the implications of the Japan-Thailand Economic Partnership Agreement (JTEPA)^{viii} remain to be seen. This bilateral free trade agreement, signed in April 2007, includes a section on the “movement of natural persons”, which besides professionals, also provides migration options for (i) Thai cooks and (ii) “instructors” in Thai dance, Thai music, Thai cuisine, Thai boxing, Thai language and Thai spa services. Under JTEPA, Japan is further committed to enter into negotiations with Thailand on the possibility of accepting Thai certified caregivers and Thai spa therapists. At present, female Thai migrant workers continue to be employed in the wide-ranging entertainment sector, including the sex industry, while male workers find work in 3Ds (in Japanese 3K: Kitsui, Kitanai, and Kiken) jobs in manufacturing, construction, agriculture and the service industry.

Details of the Thai migrant population's situation in Japan are provided by a 2004/2005 study based on interviews with both male and female Thai migrants (Angsuthansombat, 2007). Most of the 67 respondents came from the Northeast and the North and had worked in Thailand in manual labour jobs, with one third having previous migration experience to other Asian countries and to the Middle East. The majority had migrated through the brokerage system, and 90 per cent were in the country irregularly and living in precarious conditions. The male respondents earned an average equivalent to THB 4,000 a day from daily-wage jobs, while the female respondents had daily incomes of about THB 3,000 a day. One fifth of the respondents, especially sex workers, were in debt because of brokerage fees and repayment of debts incurred in Thailand before departing. The great majority sent remittances home. Contrary to the findings of other research, Thai male migrants were able to save more money than female migrants, except for the few who had adopted drinking and gambling habits due to stressful conditions. Almost half had stayed in the country for a long period, some since the early 1990s. In their struggle for survival in Japan, Thai migrants were exposed to exploitative and unhealthy situations, while fearing family disintegration back home. Still, only 4 per cent of the respondents felt they were ready to return to Thailand, not having earned enough to start a small business or invest in agriculture, and worrying about the lack of income and investment opportunities at home. The author concluded that, if their return was to be encouraged, comprehensive reintegration programmes would be needed that provide financial and job search assistance, as well as psycho-social and health services and that cover both the returning migrants and their families.

Migration to Other Countries in Southeast Asia

In Southeast Asia, intra-regional migration flows over the last three decades have primarily originated from the Philippines, Indonesia and Thailand to fill low-skilled labour shortages in the wealthier economies of Singapore, Malaysia and Brunei.

Singapore was the first country in Southeast Asia to attract Thai labour. To sustain rapid industrialization and export-led growth in the early 1970s, Singapore opened its labour market to low-skilled overseas workers from "non-traditional" (meaning "non-Malaysian") sources, including Thailand. These "temporary migrant workers" were recruited through government-to-government bilateral agreements. Over time, hundreds of thousands of Thais found work in the construction, service and manufacturing sectors, as well as the shipbuilding and shipyard industry. According to Thai officials statistics (Table 6 in Chapter II), since 2000 an average of 15,000 overseas contract workers has left Thailand annually for Singapore under the Employment of Foreign Workers Act (EFWA), becoming part of the large population of low-skilled Asian workers in the country, estimated at 580,000 in 2006 or about 25 per cent of the total employed labour force (Yeoh, 2007).

The EFWA regulates the granting of temporary work permits to low-skilled migrants with monthly salaries below Singapore Dollar (SGD) 2,000 (currently about THB 46,573), though a system of (i) dependency ceilings (ii) sector-specific restrictions on sending countries and (iii) the imposition of employer "levies". The system also forbids low-skilled workers, unlike high-skilled workers, to marry Singaporeans and screens them for HIV. Under the system, if a woman is found to be pregnant she is repatriated, a practice which has led migrant women to seek abortion services, often in unsafe circumstances (HRW, 2005).

Under the EFWA, overseas Thai workers are currently targeted for the construction sector, the shipbuilding and shipyard industry, and to a lesser extent as domestic workers, but no longer for the manufacturing and service sector as was the case in the past (Teng and Wu, 2007). Even though the EFWA measures are intended to ensure that the labour market does not over-rely on low-skilled migrant workers, the demand for these workers is likely to grow due to the low birth rate in Singapore and the shunning of 3Ds jobs by the increasingly status-conscious and wealthy population (Yeoh, 2007). The Singapore Government's recent approval of infrastructure projects will increase demand for overseas labour in the construction sector, likely resulting in greater labour exports from Thailand (Teng and Wu, 2007).

It is not known how many Thais under the EFWA have disregarded contract rules or overstayed their contract in Singapore, and how many have entered irregularly through Malaysia or other sea routes. The number of students and Thai professionals falling under the coveted category of “foreign talent” is also difficult to estimate, but it is believed to be much smaller than that of Thai low-skilled workers, both regular and otherwise. Irrespective of the size of the Thai migrant population, its presence is highly visible due to their congregation on holidays in “Little Thailand” at the Golden Mile Complex in Beach Road. Together with Thai shops and restaurants, the Complex also hosts the Friends of Thai Workers Association office, founded by the Thai Government’s Office of Labour Affairs in Singapore. The Association acts as the intermediary between Thai Government agencies and Thai workers in the country, and provides Thai migrants with psycho-medical, recreational and educational services.

A less discussed, but actually quite significant destination country for Thais is neighbouring Malaysia, the largest labour receiving country in Southeast Asia.^{ix} Official data from the Malaysian Ministry of Home Affairs (MOHA) indicate that the number of Thais with Temporary Work Permits (TWP) has been steadily increasing from 2,865 in 1999 to 11,499 in 2006. Considering the 1.8 million strong migrant labour force in Malaysia, this implies that the proportion of Thai workers grew from 0.4 to 0.6 per cent over the same period (Table 17). These official figures are higher than those of the Thai Government (see Chapter II), pointing to a large proportion of independent Thai migrants, who are able to find regular employment on their own in Malaysia. There are also many Thais from the Southern provinces who have families on the other side of the border, and regularly cross on border passes for family visits, trade and day-wage work, and about 1,000 Thai students doing postgraduate studies in Malaysia (Bernama, 2007).

Table 17. Number of Foreign Workers in Malaysia by Country of Origin, 1999-2006

| Country of origin | 1999 | | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | | 2005 | | 2006 | |
|-------------------|----------------|------------|----------------|------------|----------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|------------|
| | Total | % | Total | % | Total | % | Total | % | Total | % | Total | % | Total | % | Total | % |
| Indonesia | 512,766 | 73.5 | 537,444 | 73.4 | 566,983 | 75.1 | 754,845 | 71.4 | 867,437 | 70 | 1,024,363 | 69.7 | 1,211,584 | 66.7 | 1,221,409 | 64.4 |
| Bangladesh | 129,004 | 18.5 | 144,380 | 19.7 | 105,744 | 14 | 77,635 | 7.3 | 89,914 | 7.3 | 54,929 | 3.7 | 55,364 | 36 | 3,809 | 3.4 |
| Thailand | 2,885 | 0.4 | 6,661 | 0.9 | 2,440 | 0.3 | 23,660 | 2.2 | 14,745 | 1.2 | 5,463 | 0.4 | 5,751 | 0.31 | 1,499 | 0.6 |
| Philippines | 30,510 | 4.4 | 16,471 | 2.2 | 17,287 | 2.3 | 21,113 | 2 | 16,167 | 1.3 | 16,663 | 1.1 | 21,735 | 1.2 | 25,151 | 1.3 |
| Pakistan | 3,280 | 0.5 | 2,993 | 0.4 | 2,218 | 0.3 | 1,854 | 0.2 | 2,373 | 0.2 | 1,156 | 0.1 | 13,297 | 0.7 | 21,135 | 1.1 |
| Others | 18,774 | 2.7 | 24,639 | 3.4 | 74,894 | 8 | 178,049 | 16.8 | 249,226 | 20.1 | 367,516 | 25 | 507,507 | 28 | 552,240 | 29.1 |
| Total | 697,219 | 100 | 732,588 | 100 | 769,566 | 100 | 1,057,156 | 100 | 1,239,862 | 100 | 1,470,090 | 100 | 1,815,238 | 100 | 1,895,243 | 100 |

Source: Ministry of Home Affairs, Malaysia, 2006.^x

The volume of irregular Thai migrants is even larger, contributing to the considerable irregular migrant population of Malaysia, estimated to be in the range of 2 to 4 million (AMC, 2007:208-209). A two-year study by Prince of Songkhla University, funded by the Thailand Research Fund and reported in *ASEAN Affairs* in 2008, found that of the estimated 200,000 Thais working in Malaysia the majority was irregular because of the high cost of obtaining work permits (about THB 30,000 per person). Almost 150,000 Thais from the three southern provinces of Yala, Pattani and Narathiwat, generally owned or were employed in Thai (so-called “tom-yam”) restaurants, especially in Selangor and Kuala Lumpur. The remaining Thais were from the Northeast and other poor parts of Thailand, and were working in rubber plantations in the northern Malay states or other low-skilled jobs in manufacturing, construction and agriculture.

In total, Thai migrants were sending home THB 300 to THB 400 million a month, with individual remittances varying from THB 20,000 to THB 100,000 for restaurant owners and THB 1,000 to THB 2,000 for manual labourers earning an average of THB 5,000 a month. These remittances were used for the migrant households’ living expenses, house building and renovating homes, and education of children.

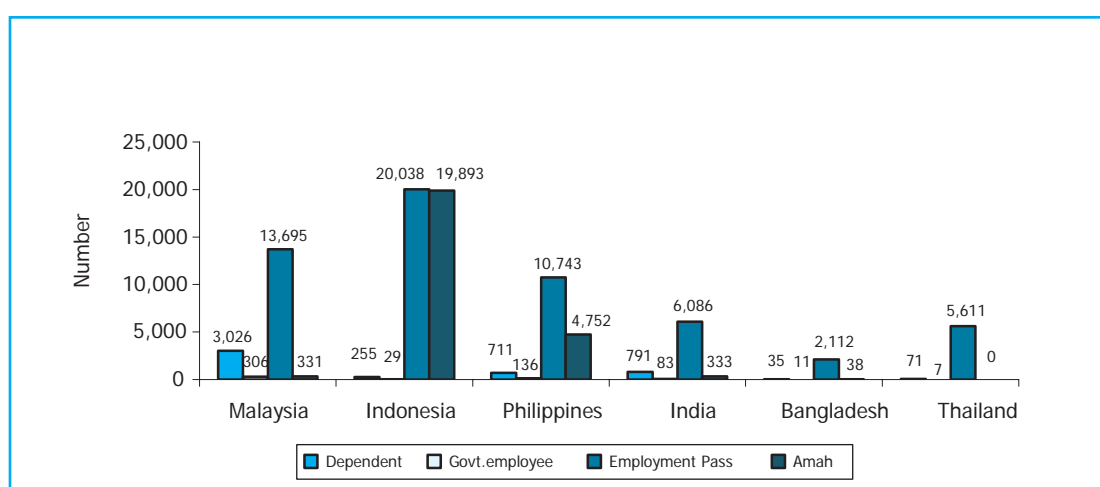
In general, the reputation of Thai workers was good, except for their jumping across employers once they had secured a work permit in locus. Thai migrants from the Southern provinces could assimilate particularly well because of the shared language, culture and religion. Most Thai migrants wished to return to their homeland, but a shortage of jobs and security concerns in the restive Southern provinces had motivated many to settle in Malaysia with their families, even if, at times, they had to endure hardship and discrimination in the host country (*ASEAN Affairs*, 2008). Despite their being relatively well accepted when compared to other migrant groups, such

as Indonesians and Bangladeshis, Thai workers remain in a vulnerable position. Like other irregular workers, they are continually at risk from crackdowns, incarceration in detention centers, caning and repatriation.

If not in absolute numbers like Malaysia, Brunei is among the largest receiving countries in Southeast Asia in terms of proportion of the foreign-born population. Of the 383,000 inhabitants in 2006, 33.2 per cent or 124,193 people were immigrants.^{xi} The resource-rich country badly needs both high-skilled and low-skilled labour to compensate for its scarce labour resources.

Thai migration to Brunei has a long history, having started in the mid-1970s, following the discovery of oil and gas fields. In the Brunei 2001 Census, of the total 92,296 foreign-born population, 5,343 were Thais, of whom about 63 per cent had arrived within the last three years. The remainder had stayed in the country for at least four to ten years. In 2006, out of a total of 94,258 passes issued by the Department of Immigration and National Registration to migrants and their families, 5,511 “employment passes” for semi-skilled and low-skilled contract labour were granted to Thais (Figure 16). Most Thai overseas workers in Brunei are men and perform manual labour in manufacturing and construction, with a few women in the services sector.

Figure 16. Number and Type of Migrant Passes to Brunei Darussalam by Six Major Countries of Origin, 2006



Source: Department of Immigration and National Registration, Brunei Darussalam, 2007.

In addition to the long-standing labour flows to wealthier countries in insular Southeast Asia, Thailand has known traditional movements, often of a circulatory nature, across the border to the more disadvantaged GMS countries of mainland Southeast Asia. A more recent phenomenon, still poorly researched, is the migration of Thais to Cambodia, the Lao People's Democratic Republic and Myanmar, along with the expansion of Thai interests in the region.

In Cambodia, the 1998 Census reported that Thais were the second-largest foreign-born population, after Vietnamese, amounting to 61,949 migrants (Table 18), but no specifics are given on their occupation or location. From informal talks with Cambodian sources, it appears that large Thai communities were established on Koh Kong island near the border with Thailand, in the North-Western Cambodian province of Battambang and engage in cross-border trading. In addition both high-skilled and low-skilled workers can be found in the hotel industry in Siem Reap and Phnom Penh. Thais also work in the telecommunication and construction sectors, where Thai businesses are active.

In the Lao People's Democratic Republic, Thai construction companies, in addition to management and technical personnel, often bring, not always regularly, their own semi-skilled and low-skilled workers to the sites and establish construction settlements. The ItalThai Engineering company at the Neum Teun 2 site employed at least 500 Thai labourers,^{xii} and for the Second Mekong International Bridge Construction Project, 1,300 labourers from both Thailand and the Lao People's Democratic Republic traveled between the two countries to work on the construction of the 1,600 meter-long bridge (MOFAJ, 2006). As with the construction industry, in the tourism industry in Luang Prabang, many Thai hotels and other service outlets employ some Thai nationals in management as well as in lower skilled positions.

Similarly in Myanmar, Thai companies involved in mining, construction, tourism and energy projects employ Thai workers with different skill levels. As regional integration efforts intensify and Thai investments in the GMS expand, it is expected that Thai intra-regional migration flows will grow in significance and impact, requiring more attention than has been the case until now.

Table 18. Top Five Countries of Origin of the Foreign-Born Population in Cambodia, 1998

| Country of Origin | Number | Per cent of total foreign born population |
|-------------------|---------------|---|
| Viet Nam | 75,369 | 51.7 |
| Thailand | 61,949 | 42.5 |
| China | 3,141 | 2.2 |
| France | 569 | 0.4 |
| Lao PDR | 536 | 0.4 |
| other countries | 4,158 | 2.8 |
| Total | 14,722 | 100.0 |

Source: Cambodia Population Census 1998.^{xiii}

Migration to the Middle East

In the Middle East, Thai migrants are dispersed across the region because of past migration flows and continuing small scale migration of overseas Thai workers to, among others, Saudi Arabia, Bahrain, Kuwait, United Arab Emirates and Libya. Notwithstanding the sudden increase in Thai labour exports to the United Arab Emirates and Qatar in the last two years, the main destination in the Middle East throughout this last decade remains Israel.

Data from Israel's Central Bureau of Statistics show that of the 102,000 migrant workers who entered the country since 1995 and still resided there at the end of 2006, 30,000 were from Thailand. This makes it the top sending country, ahead of the Philippines, Romania and China. In 2006, the largest share of the 32,700 entrants with work permits were again overseas Thai workers, accounting for about 28 per cent of the total regular migrant workforce, followed by workers from the Philippines (20 per cent) and various other Asian and Eastern European countries (see Table 19).^{xiv} In the same year, about 9,000 Thai workers left or were deported and it is suspected that a larger number of irregular migrants stayed in the country after having left their employers, being fired or overstaying their visa.

Table 19. Migrant Workers Entering Israel, 2000-2006 (in Thousands)

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 % male | |
|------------------------------|------|------|------|------|------|------|----------------|-----|
| Total | 49.0 | 75.2 | 32.4 | 25.1 | 32.0 | 29.4 | 32.7 | 54 |
| Asia total | 22.5 | 38.5 | 23.1 | 16.0 | 23.1 | 21.0 | 24.4 | 62 |
| India | 0.5 | 0.5 | 0.4 | 0.4 | 0.9 | 0.9 | 1.1 | 53 |
| Turkey | 1.7 | 4.8 | 0.6 | 1.7 | 1.4 | 1.0 | 1.1 | 100 |
| Nepal | 0.0 | 0.0 | 0.0 | 0.1 | 0.9 | 1.3 | 2.8 | 17 |
| China | 2.9 | 12.1 | 1.8 | 1.1 | 2.9 | 1.9 | 3.3 | 99 |
| Philippines | 7.3 | 9.0 | 7.7 | 6.1 | 6.4 | 6.8 | 6.4 | 14 |
| Thailand | 8.5 | 11.5 | 12.1 | 6.2 | 10.2 | 8.4 | 9.0 | 93 |
| Other countries in Asia* | 1.7 | 0.8 | 0.4 | 0.4 | 0.6 | 0.7 | 0.7 | 52 |
| Africa Total | 0.6 | 0.5 | 0.2 | 0.2 | 0.1 | 0.1 | 0.1 | 82 |
| Europe Total | 24.6 | 35.1 | 8.6 | 8.5 | 8.6 | 8.0 | 8.0 | 30 |
| America-Oceania Total | 1.2 | 0.9 | 0.5 | 0.4 | 0.2 | 0.2 | 0.2 | 61 |

* Includes former Republics located in Asia

Source: Israel Socialist Central Bureau of Statistics, 2007.^{xv}

As Table 19 shows, Thailand's contract migration to Israel is definitively male, having one of the highest men-women ratios (93 per cent) when compared to flows of other sending countries. Most male overseas Thai workers are employed in agriculture, generally in peripheral and isolated rural communities or kibbutzim, with only a few in construction, industry or services. The small Thai female migrant population is employed primarily in home care and services, including in restaurants, but also in agriculture.

Unlike in the home care and construction sectors, migrants working in agriculture are not allowed to move to a new employer, and can be easily fired. The restricted occupational mobility, combined with geographical remoteness, places overseas Thai workers in a vulnerable position. A 2007 survey of 147 overseas Thai workers, conducted by the workers' rights organization Kav Laoved,^{xvi} found that their most common complaints consisted of: (i) bonded labour because of high brokerage fees on average of US\$ 8,000 divided between agents in Thailand and in Israel; (ii) disregard of minimum daily wages as mandated by Israeli law and contract requirements; (iii) forced and underpaid overtime; and (iv) withholding of wages for several months or even indefinitely. Other grievances included unsanitary living conditions and inappropriate accommodations, such as metal tanks or animal pens; confiscation of passports by employers; withholding of social benefit payments; extra fees not stipulated in the employment contract; and forced deportation to Thailand under false pretenses.

Ironically some of these practices derive from regulations intended to better manage migration. For example, recent changes in Israeli law allowing foreign workers to stay in the country for up to 5 years, have resulted in increased brokerage fees, which in turn motivated employment agencies to look for new workers rather than take care of the workers already in the country. The policy to allow employers to import a new worker only when one of their currently employed migrants leaves the country leads to forced deportation of "demanding" workers by employers.

Migration to OECD Countries

Thai migration to OECD countries is usually not taken into account in discussions of Thailand's main destination regions. Still, significant Thai communities are found in the United States, Australia, Europe and other Western countries. Unlike migration within Southeast Asia, Thai migration to the West only started to become significant in the second half of the last century and was not related to colonial dependency, as in the case of Indonesia, nor to conflict or war, as in the case of Viet Nam or Cambodia (Suksomboon, 2007).

The oldest and largest Thai concentrations in an OECD country can be found in the United States, with estimates of 80,000 or more Thai residents living in Los Angeles, and sizeable Thai populations in Chicago, Houston and Philadelphia. Official statistics from the US Department of Homeland Security show an increase in the Thai-born population from 187,000 in 1995 to 209,000 in 2006, with Thailand accounting for about 0.6 per cent of the total foreign-born population in the United States, making it the third largest Southeast Asian sending country after the Philippines and Viet Nam (Table 20). During the same period an average of 4,000 Thais per year acquired United States citizenship, but the largest proportion of Thais remain non-citizens.

Table 20. Stock of Foreign-Born Population in the US by Country of Birth, 1995-2006 (in Thousands)

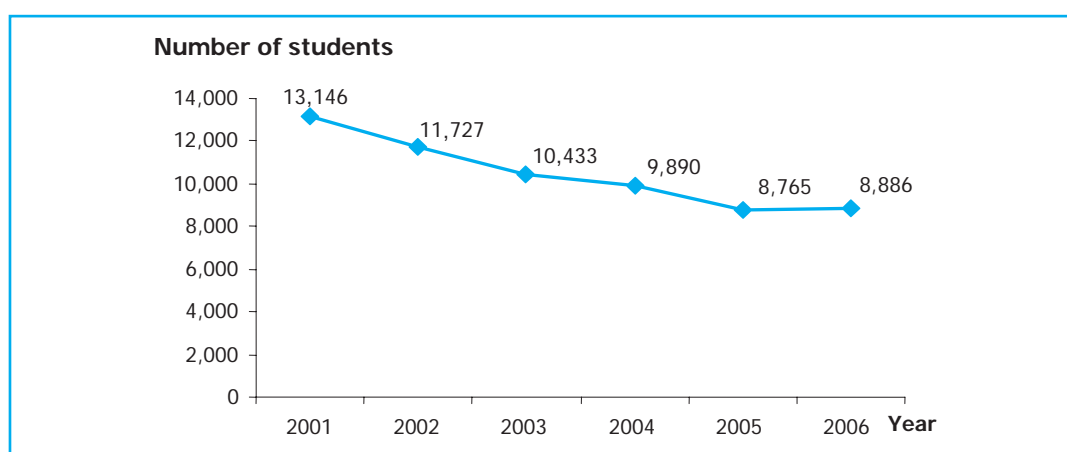
| Region/Sub-region/Country of Birth | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| All Countries | 24,473 | 24,557 | 25,779 | 26,281 | 26,448 | 28,375 | 29,927 | 32,453 | 33,471 | 34,244 | 35,157 | 35,662 |
| South-East Asia | 2,647 | 2,607 | 2,511 | 2,763 | 2,972 | 2,589 | 2,546 | 2,900 | 2,878 | 2,953 | 3,188 | 3,140 |
| Cambodia | 152 | 152 | 150 | 109 | 161 | 122 | 92 | 145 | 136 | 157 | 146 | 155 |
| Indonesia | 39 | 64 | 61 | 52 | 56 | 53 | 72 | 104 | 83 | 87 | 60 | 81 |
| Lao PDR | 261 | 248 | 174 | 176 | 152 | 74 | 117 | 146 | 127 | 141 | 150 | 99 |
| Malaysia | 19 | 40 | 51 | 44 | 33 | 43 | 40 | 56 | 34 | 46 | 64 | 44 |
| Myanmar | 26 | 20 | 6 | 14 | 20 | 35 | 22 | 45 | 49 | 65 | 53 | 59 |
| Philippines | 1,341 | 1,164 | 1,132 | 1,207 | 1,455 | 1,222 | 1,275 | 1,429 | 1,346 | 1,329 | 1,530 | 1,580 |
| Singapore | 8 | 16 | 31 | 11 | 11 | 29 | 23 | 24 | 33 | 10 | 19 | 35 |
| Thailand | 187 | 163 | 136 | 117 | 117 | 147 | 142 | 131 | 174 | 200 | 170 | 209 |
| Viet nam | 613 | 740 | 770 | 989 | 966 | 863 | 762 | 819 | 895 | 918 | 996 | 879 |

Source: United States Department of Homeland Security, 2006.^{xvii}

Compared to other Asian-born migrants, a higher proportion of the current Thai-born population (nearly 40 per cent) came to the United States before 1980 (Reeves and Bennet, 2004:10). As mentioned before, Thai migration to the United States started to gain volume in the mid-1960s at the time of the Viet Nam War, with about 5,000 immigrating to the United States between 1961 and 1970. The number of Thai migrants continued to grow thereafter.^{xviii} Over the course of the years, Thais have migrated to the United States for the purposes of family formation and reunion, as well as for labour, investment and study. Data from the 2000 United States Census indicate that of the employed Thai-born population in the country about 33 per cent filled management and other professional jobs, 26 per cent worked in services (the highest proportion among Asian-born populations) with the remaining in sales, office work, transportation and construction (Reeves and Bennet, 2004:14).

In the 2006/2007 academic year, 8,886 Thais studied in American colleges and universities, making Thailand the 9th highest ranking sending country for educational migration to the United States.^{xix} Although this is an increase compared to the previous year, Thai enrollments have not fully recovered from the slump that followed September 11, 2001 and the related visa restrictions and security concerns (see Figure 17).

Figure 17. Thai Student Visa Admissions to the United States, 2001 - 2006



Source: Adapted from IIE, 2007; USCIS Yearbook of Immigration Statistics 2004.^{xx}

No information is available on the volume of irregular Thai migrant flows to the US, but it can be assumed that it constitutes a relatively small share of the large unauthorized migrant population of the United States, considering that in 2005, only about 9 per cent of the approximately 11.6 million (40 per cent) irregular migrants in the country came from Asia. Of those the overwhelming majority was from China, India, the Republic of Korea or the Philippines.^{xxi} Still, news of Thais trafficked and exploited in sweat shops and the sex industry regularly appear in the media.

Compared to the United States, the growth of Thai migration to other OECD countries has been more recent, having taken off only in the late 1970s. In Australia, a few Thais arrived in the 1950s to study under the Colombo Plan, which provided development aid to Asia-Pacific countries after War World II. However, it was only with the abolition of the xenophobic "White Australia" policy in 1973, and the Thai people's growing interest in pursuing higher education abroad in the 1980s, that Thai migration to Australia increased substantially. New arrivals were students, spouses of Australians and military trainees, who were later joined by their family members entering Australia under the Preferential Family visa category. The Thai-born population doubled from 14,220 in 1991 to over 30,000 in 2006, ranking as the fourth largest Southeast Asia-born population after the Philippines, Malaysia and Viet Nam (Table 21). The majority performs clerical, sales and service jobs, usually in the hospitality industry.^{xxii} Another 13,300 Thais enrolled in higher education in 2006, making Australia the largest destination country for Thai students.^{xxiii}

Table 21. Southeast Asia-Born Population in Australia by Country of Birth, 1995-2006

| /Country of Birth | 1991 | 1996 | 2001 | 2006 |
|------------------------|-----------|-----------|-----------|-----------|
| All Countries | 3,754,841 | 3,908,173 | 4,105,688 | 4,416,037 |
| South-East Asia | 377,844 | 456,456 | 497,070 | 552,641 |
| Brunei | 1,643 | 1,827 | 2,069 | 2,387 |
| Myanmar | 8,266 | 10,138 | 10,973 | 12,379 |
| Cambodia | 17,643 | 21,551 | 22,979 | 24,526 |
| Indonesia | 33,254 | 44,175 | 47,159 | 50,975 |
| Lao PDR | 9,646 | 9,646 | 9,565 | 9,372 |
| Malaysia | 72,566 | 76,225 | 78,858 | 92,337 |
| Philippines | 73,673 | 92,948 | 103,942 | 120,538 |
| Singapore | 24,557 | 29,490 | 33,485 | 39,969 |
| Thailand | 14,023 | 18,937 | 23,599 | 30,550 |
| Timor-Leste | -- | -- | 9,389 | 9,315 |
| Viet nam | 122,325 | 151,052 | 154,830 | 159,849 |

Source: Australian Bureau of Statistics, 2006.^{xxiv}

Thai migration to Australia is predominantly female. In New South Wales, the state with the most immigrants in the country, 63 per cent of Thai migrants are women.^{xxv} Nation-wide, according to the 2001 Census, 85 per cent of Thai-born women had a spouse of a different ancestry, with a higher rate of intermarriage with Australian men than Thai men with Australian women (Siew-Ean Khoo, 2004:38). Some Thai women work in or have been forced into prostitution, but their numbers have been declining in recent years due to stricter policies. Moved by the scale of the problems encountered by Thai women in mixed marriages and other vulnerable situations, a group of Thai migrants in New South Wales established the Thai Welfare Association (TWA) in 1990 to provide assistance to their peers with the support of both the Thai and the Australian Governments.^{xxvi} Today, many other community organizations and migrant associations, at times jointly with other migrant groups such as the Thai-Lao-Australia Association of the Northern Territory, have emerged to back the Thai community. These efforts are complemented by the spiritual and social support provided by Thai temples.

Thai women also play a major role in migration to Europe, having contributed to the increase of migration flows to the continent in the last thirty years. Thai women are mainly concentrated in the Northern European countries with long histories of male tourism to Thailand. Germany, the top destination for Thais in Europe, housed 45,458 Thais in 2002, of whom roughly 80 per cent were women, a substantial increase from 26,675 in 1995 and from 998 in 1975.^{xxvii} Similar increases, albeit proportional to the much smaller populations of the countries involved, and the related gender ratios were also documented in Norway, Denmark, Sweden, the United Kingdom, Switzerland and the Netherlands. For example, in Denmark, Thai immigrants increased from 339 in 1979 to 5,627 in 2005 with a female share of 83 per cent (Danmarks Statistik in Plambeck, 2007), and in the Netherlands the number of Thai women increased from 3,865 in 1996 to 9,483 in 2006 or about 72 per cent of the total 13,112 strong Thai population in the country (Suksomboon, 2007).

Most of the Thai migrant women are from the Northeast and North, and are, or have been, married to European men. Some have children who follow them to the new country, or remain behind with their grandparents. In Thai villages, high concentrations of emigrants are correlated to high concentrations of mixed marriages. These concentrations often have high numbers of mixed marriages with men from one nationality. For example, the rural Northeast village of Baan Jarn is called the "Swiss village" because nearly one in three of the 330 village women between 20 and 59 years of age has married a foreigner, in most cases a man from Switzerland (Impact, 2005:30). More generally, a study of Khon Kaen University found that in 2007, 15 per cent of all marriages in the Northeast occurred between Thai women and foreign, mostly European, men, resulting in the migration of the Thai brides to Europe or, as discussed in the next chapter, in the settlement of the European bridegrooms in Thailand (IHT, 2007).

The increasing significance of Thai "migration-by-means-of-marriage", and of the surrounding industry of dating services, is probably related to the introduction of stringent European migration laws. Such laws make it virtually impossible for people with limited skills and resources, such as rural women from the North and Northeast of Thailand, to migrate in search of jobs regularly. In Europe, while caring for their new family, Thai women work in manufacturing, services (including in the sex industry) and as domestic helpers to achieve economic security for themselves and their families back home, including children from previous unions with Thai men. This blurring of

the boundaries between “bride” and “worker” as well as between “romantic union” and “pro-forma marriage”, with economics intertwined with relationships, erodes the scholarly distinction between “marriage migration” and “labour migration” (Plambech, 2007:41-44). Marriage too can be exploited for trafficking purposes, as criminal networks find new ways of circumventing the law.

The situation of Thai women and Thai migration in Europe is illustrated in Box 2, which includes a quote from a recent report on “Thai Perspectives on Life in Britain” (Sims, 2008). Although the situation in the United Kingdom may be different from that of other European countries, the general picture is that of a minority of highly educated Thai professionals and students, both men and women, migrating side by side with a much larger stream of low-skilled women. The majority of these low-skilled female migrants appreciate the tenure of life they have achieved and the ability to send remittances. A recent study in Germany (Nakagawa and Yongvanit, 2007) of 100 Thai migrant women and some of their German husbands, found that on average they had been in the country for 13 years and that 86 per cent were satisfied with their experience. Asked about whether they encountered problems, 60 per cent responded negatively. The remaining shared the same kinds of difficulties reported by other Thai women in Europe. Their limited proficiency in the country's language has kept them isolated and lonely. Some experience domestic violence; are exposed to health hazards in prostitution and unsafe jobs; feel discriminated against by society; and are abused sexually and exploited in their work (Plambech, 2007; Suksomboon, 2007; Sims, 2008).

While there is relative agreement on the features of the growing phenomenon of female Thai migration to Europe, opinions differ strongly on how it should be viewed and addressed. Should Thai women be considered passive “victims” of gender and economic inequity, structural power imbalances between developed and developing countries, global forces and criminal networks, or family obligations? Or should their “agency” be recognized in that they make decisions, are resilient to difficulties, and seek to achieve autonomy and security in their lives (Plambech, 2007; Suksomboon, 2007; Sims, 2008). The answer to these questions is also relevant to the work of the increasing number of agencies, Governmental and otherwise, which are trying to ensure safer migration of Thai women to Europe. These include the Frauenrecht Ist Menschenrecht (FIM) in Germany and the Thai Woman Network in Europe (TWNE), a volunteer organization with chapters in 13 European countries supported by UNESCO and now also by the Thai government (*The Nation* 2008; 2008a).

In this context, the role and impact of financial and social remittances from Europe also requires attention. Research shows that remittances not only serve to improve the lives of migrants' families in Thailand, but also enable Thai women to maintain the link with their motherland, fulfill familial obligations, and acquire a higher status in the community. At the same time, remittances create socio-economic inequity between migrant and non-migrant families, and create competition among migrants. The fact that these are sent by women and that men in the community may be without comparable incomes further strains existing gender norms. As the level of remittances is a measure of success, Thai women may feel pressure to send more than they can afford, and may keep silent on the hardships they experience while abroad. This may result in migrant women failing to receive adequate support and failing to properly inform other potential migrants about what to expect while overseas. Exchange of cultural ideas and practices are further challenging established lifestyles in both sending and destination countries in ways that are still to be grasped, including changes in mate selection behavior for both Thai women and European men (Suksomboon, 2007; Plambech, 2007). The extent of this inter-cultural issue will become even more clear in the next chapter where the other side of the story, namely European men who marry Thai women and settle in Thailand, especially in the Northeast, will be discussed.

List of footnotes

- i Calculated at current THB value.
- ii These figures are produced using Cohen and Soto Database, one of the two methods used by OECD.
- iii Available at www.ehef-bkk.org
- iv BuyUSA.Gov US Commerical Service available at www.buyusa.gov/asianow/theeducation.html
- v Available at http://atlas.ngii.go.kr/english/explanation/social_3_2.jsp
- vi Hong Kong conducts a population census once every ten years, and a by-census in the middle of the intercensal period
- vii Available at http://www.bycensus2006.gov.hk/data/data3/statistical_tables/index.htm#F1
- viii Available at www.mofa.go.jp/region/asia-paci/thailand/epa0704/index.html
- ix Untitled and unpublished BWI project report available at www.fes.org.ph/pdf/Marktplace%202%20BWI.pdf
- x Available at www.epu.jpm.my/new%20folder/ses/pdf/1.4.1.pdf
- xi Available at siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1181678518183/Brunei.pdf
- xii Available at http://www.apheda.org.au/projects/laos/pages/1144640252_27444.html
- xiii Available at www.migrationinformation.com/datahub/pdf/CAMBODIA.pdf
- xiv Available at http://www.kavlaoved.org.il/media-view_eng.asp?id=970
- xv Available at http://www.kavlaoved.org.il/media-view_eng.asp?id=970
- xvi Available at http://www.kavlaoved.org.il/media-view_eng.asp?id=1191
- xvii Available at www.dhs.gov/ximgtn/statistics/publications/LPR06.shtm
- xviii Available at http://en.wikipedia.org/wiki/Thai_American
- xix IIE Open Doors 2007 Data Table available at <http://opendoors.iienetwork.org/?p=113118>
- xx Available at <http://opendoors.iienetwork.org/?p=113121>
- xxi Available at <http://www.migrationinformation.org/Feature/display.cfm?ID=329>
- xxii Derived from <http://museumvictoria.com.au/origins/history.aspx?id=63> and www.migrationheritage.nsw.gov.au/exhibitions/painaima/community.shtml
- xxiii Data from Australian Education International, Department of Education on <http://www.abs.gov.au/AUSSTATS/>
- xxiv Adapted from <http://www.migrationinformation.org/DataHub/countrydata/data.cfm>
- xxv Museum Heritage Center <http://www.migrationheritage.nsw.gov.au/exhibitions/painaima/migrant-brides>.
- xxvi Migration Heritage Center at www.migrationheritage.nsw.gov.au/exhibitions/painaima/community.html
- xxvii Adapted from Plambeck 2007:7 and data from the German Federal Statistical Office at <http://www.migrationinformation.org/DataHub/countrydata/data.cfm>



Chapter IV

Migration to Thailand

Permanent and Temporary Migration

Migration to what is now Thailand has been occurring for centuries, as a consequence of the expansion of frontiers and the resettlement of displaced populations from warring kingdoms. With the establishment of national boundaries, ethnic groups who had previously moved freely across the uplands have sometimes become minorities in a “foreign” country. A large number of Indians, Chinese and Malays assimilated into Thai society and, particularly during the 19th century, European traders settled in Thailand both to trade with the local population and to act as a segment of worldwide commercial networks. During World War II, Western forces and Japanese contingents intersected in Thai territory (Sciortino et al., 2007). In more recent times, as discussed in the next chapter, war and civil conflicts throughout the region have forced large numbers of people to seek refuge in the relatively stable environment of Thailand. With the return of international peace to the area and a growing Thai economy, immigration has been spurred by global exchanges brought about by the expanding tourism sector and by the industrial demand for high-skilled and, later, for low-skilled labour.

Of these latest immigrants, few have been able to acquire legal residency in Thailand because of legislative restrictions, such as a yearly quota of a maximum of 100 resident permits for each nationality, and byzantine administrative procedures. Immigration Bureau data show that from 1937 to 2007 only 962,819 foreigners were granted permanent resident status, of whom 705,463 have died, left the country or changed nationality. In the 1980s, 270,000 foreigners who had entered Thailand before 1972 received permanent resident status and life-long work permits. Roughly 85 per cent of them were Chinese who had helped build canals and railroads in the Bangkok area (Archavanitkul, 1998:7). In recent years, the volume of approved residencies has been much smaller, consisting of just 313 foreigners per year in 2006 and 2007.ⁱ

The number of foreign-born persons who have acquired Thai nationality is currently unknown, but is likely to be low considering the restrictive legal environment. According to Thailand’s Nationality Act B.E. 2508 issued in 1965 and amended in 1992,ⁱⁱ Thai nationality is conferred by birth to anyone who has either a Thai father or mother, or can otherwise be attained by special categories of people such as ethnic minorities (if they can prove their family history), and wives of Thai citizens, but not foreign husbands of Thai women. Children of foreign parents who are born in Thailand are also in principle entitled to Thai citizenship. However, since the provision does not apply to children of diplomatic officials, professionals, nor to temporary workers, irregular workers or refugees, it has little significance for most of the current foreign population. Any adult foreigner who is unrelated to a Thai citizen and wishes to undergo the naturalization process should have been domiciled in the country for a long period, have a regular occupation with a certain income level, and know the Thai language and regulations. The Thai naturalization procedure is complicated, costly and often slowed by bureaucratic obstacles, discouraging most foreigners from trying.

Not having access to permanent immigration options, the majority of foreigners can legally migrate to Thailand only on a temporary basis, most often under a renewable non-immigrant visa. As explained in Chapter II, the visa procedure is separated from the temporary work permit procedure, meaning that a visa to stay does not necessarily allow the foreigner to work. Among the foreigners entitled to stay, but not work in Thailand, are students, retirees, and those who migrate to Thailand for marriage and other family reasons. Whereas those who may acquire both stay and work permits are mainly professionals and semi-skilled workers (for specific visa categories see Box 1 in Chapter II). The temporary non-immigrant group is primarily composed of nationals of OECD and East Asian countries, and to a lesser extent of countries in peninsular Southeast Asia. Most migrants from neighbouring GMS countries are not classified under these rules and are subjected to specific regulatory provisions.

In addition to these (semi-) sanctioned foreigners, the status of many more migrants living and working in Thailand is irregular. This will become clear in the next sections, which focus first on inward flows from wealthier countries and, subsequently, on incoming migration from the poorer GMS countries.

Migration from OECD and East Asian Countries

The total foreign population with approval for temporary stay, according to official Immigration Bureau data provided to the authors, totaled 300,194 in 2007. About three quarters of these approvals were granted to men from OECD countries (118,397 approvals) and East Asia (85,558 approvals). Among countries of origin, China (including Taiwan Province of China and Hong Kong, China) and Japan rank the highest with 44,807 and 33,579 persons respectively.

Of these about half are formally engaged in work activities. Following the ups and downs in Thailand's economic situation, the number of foreigners with visas and work permits has been fluctuating. After increasing in the 1990s, it decreased soon after the economic crisis, bottoming out in 2001. It then increased to a total of 154,220 in 2006 and fell again in 2007 to 133,810 as economic growth declined and political uncertainties ensued (Table 22). Reflecting the demand for qualified personnel in the industrial and service sectors, MOL statistics show that, in 2006, 44 per cent of work permits were granted to executives and managers, and another 21 per cent to professionals and technicians. Interestingly, in the last five years, more work permits have been issued to workers in basic occupations, their number increasing from about 7,000 (11 per cent) in 2002 to about 31,000 (20 per cent) in 2006 (Chalamwong, 2008:16).

Table 22. Number of Foreigners with Work Permits in Thailand, 1997-2007

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|--------------|--------|--------|--------|--------|--------|--------|--------|---------|---------|---------|---------|
| Total | 63,582 | 69,751 | 73,613 | 76,796 | 59,978 | 71,165 | 86,205 | 106,988 | 135,984 | 154,220 | 133,810 |
| : Japanese | 10,224 | 11,368 | 13,608 | 13,355 | 14,144 | 13,677 | 16,738 | 19,467 | 21,098 | 22,976 | 24,312 |
| : British | 7,903 | 8,934 | 6,144 | 5,694 | 5,166 | 5,150 | 6,216 | 7,392 | 8,485 | 9,494 | 11,247 |
| : American | 7,128 | 8,023 | 6,090 | 4,683 | 4,185 | 4,099 | 4,827 | 5,541 | 6,429 | 7,234 | 7,838 |
| : Chinese | 5,964 | 6,648 | 5,656 | 5,890 | 5,458 | 4,883 | 6,008 | 6,520 | 9,573 | 11,268 | 11,299 |
| : Indian | 6,237 | 6,937 | 6,506 | 5,083 | 5,555 | 5,144 | 5,917 | 6,752 | 8,263 | 9,296 | 9,704 |
| : Filipino | 2,117 | 2,397 | 3,135 | 2,725 | 2,777 | 2,337 | 2,819 | 3,501 | 4,709 | 5,916 | 7,525 |
| : Australian | 2,480 | 2,764 | 2,093 | 2,106 | 1,916 | 2,090 | 2,399 | 2,723 | 3,125 | 3,405 | 3,641 |
| : Myanmar | n.a. | n.a. | n.a. | n.a. | n.a. | 4,559 | 5,247 | 6,117 | 7,818 | 8,664 | n.a. |
| : Others | 21,529 | 22,680 | 30,381 | 37,260 | 20,777 | 29,226 | 36,034 | 48,975 | 66,484 | 75,967 | 58,244 |
| Share % | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| : Japan | 16.1 | 16.3 | 18.5 | 17.4 | 23.6 | 19.2 | 19.4 | 18.2 | 15.5 | 14.9 | 18.2 |
| : British | 12.4 | 12.8 | 8.3 | 7.4 | 8.6 | 7.2 | 7.2 | 6.9 | 6.2 | 6.2 | 8.4 |
| : American | 11.2 | 11.5 | 8.3 | 6.1 | 7.0 | 5.8 | 5.6 | 5.2 | 4.7 | 4.7 | 5.9 |
| : Chinese | 9.4 | 9.5 | 7.7 | 7.7 | 9.1 | 6.9 | 7.0 | 6.1 | 7.0 | 7.3 | 8.4 |
| : Indian | 9.8 | 9.9 | 8.8 | 6.6 | 9.3 | 7.2 | 6.9 | 6.3 | 6.1 | 6.0 | 7.3 |
| : Filipino | 3.3 | 3.4 | 4.3 | 3.5 | 4.6 | 3.3 | 3.3 | 3.3 | 3.5 | 3.8 | 5.6 |
| : Australian | 3.9 | 4.0 | 2.8 | 2.7 | 3.2 | 2.9 | 2.8 | 2.5 | 2.3 | 2.2 | 2.7 |
| : Myanmar | n.a. | n.a. | n.a. | n.a. | n.a. | 6.4 | 6.1 | 5.7 | 5.7 | 5.6 | n.a. |
| : Others | 33.9 | 32.5 | 41.3 | 48.5 | 34.6 | 41.1 | 41.8 | 45.8 | 48.9 | 49.3 | 43.5 |
| Growth rate% | | 9.7 | 5.5 | 4.3 | -21.9 | 18.7 | 21.1 | 24.1 | 27.1 | 13.4 | -13.2 |
| : Japan | | 11.2 | 19.7 | -1.9 | 5.9 | -3.3 | 22.4 | 16.3 | 8.4 | 8.9 | 5.8 |
| : British | | 13.0 | -31.2 | -7.3 | -9.3 | -0.3 | 20.7 | 18.9 | 14.8 | 11.9 | 18.5 |
| : American | | 12.6 | -24.1 | -23.1 | -10.6 | -2.1 | 17.8 | 14.8 | 16.0 | 12.5 | 8.3 |
| : Chinese | | 11.5 | -14.9 | 4.1 | -7.3 | -10.5 | 23.0 | 8.5 | 46.8 | 17.7 | 0.3 |
| : Indian | | 11.2 | -6.2 | -21.9 | 9.3 | -7.4 | 15.0 | 14.1 | 22.4 | 12.5 | 4.4 |
| : Filipino | | 13.2 | 30.8 | -13.1 | 1.9 | -15.8 | 20.6 | 24.2 | 34.5 | 25.6 | 27.2 |
| : Australian | | 11.5 | -24.3 | 0.6 | -9.0 | 9.1 | 14.8 | 13.5 | 14.8 | 9.0 | 6.9 |
| : Myanmar | | n.a. | n.a. | n.a. | n.a. | n.a. | 15.1 | 16.6 | 27.8 | 10.8 | n.a. |
| : Others | | 5.3 | 34.0 | 22.6 | -44.2 | 40.7 | 23.3 | 35.9 | 35.8 | 14.3 | -23.3 |

Source: Data Provided by the Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, 2008.

The composition of this foreign worker population reflects the specifics of foreign direct investment into Thailand. Table 22 indicates that in 2007 the largest nationality groups in the country were from Japan, China, the United Kingdom, India and the United States. This reflects the composition of foreign and joint-ventures in Thailand with a majority being operated by firms from Japan, Taiwan Province of China, the United Kingdom, the United States, Hong Kong, China and Mainland China (Chalamwong, 2008; see also Chapter II), as well as the growing interest of Indian firms in the Thai market. Japan, as the largest long-term investor in Thailand, has had the most nationals with work permits in the country over the last decade, in 2007 doubling the number of workers from the second and third top-ranking countries China and the United Kingdom. Interestingly, since 2003 the fastest growing foreign population with both stay and work permits are Filipinos, with their number increasing by 27 per cent in 2007. This trend, which is poorly understood, is probably related to the growing migration of relatively highly educated workers from the Philippines and their greater competitiveness in the expatriate market due to lower salaries vis-à-vis OECD and East Asian nationals. Another cause could be the larger numbers of permits issued for middle-level and basic occupations in recent years.

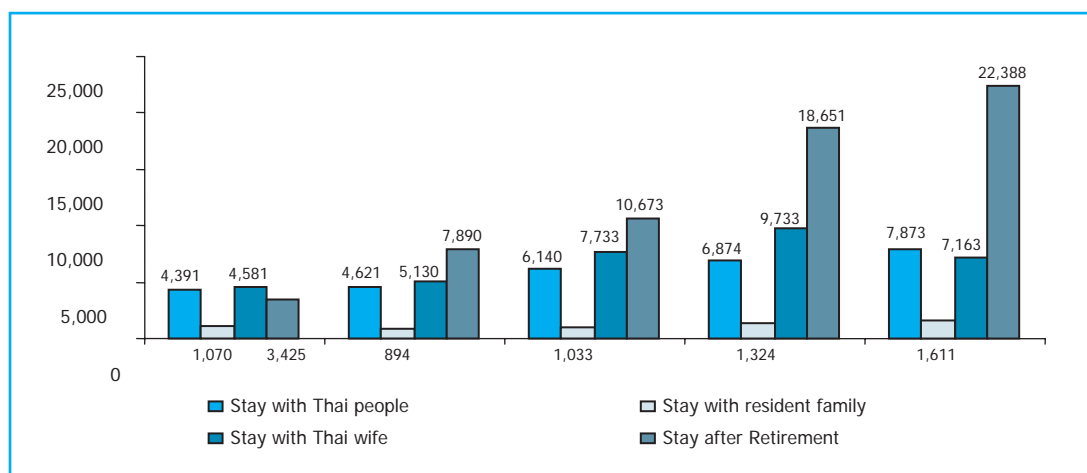
In addition to this category of foreigners who obtain work permits under the Ministry of Labour, another official expatriate group allowed to work in Thailand is composed of diplomatic staff and staff of selected international organizations. These workers are permitted to reside in Thailand with their dependents, and are subject to different visa requirements under the Ministry of Foreign Affairs (MOFA). Immigration Bureau figures indicate that the number of diplomats almost doubled from about 2,500 in 2004 to 4,009 in 2007.

The number of persons working for international agencies is not known, but it is expected to be substantial considering that Thailand is a regional hub for the United Nations and other international organizations. Over 15 United Nations agencies and a larger number of international non-governmental organizations (NGOs) are based in Bangkok and staffed by a mix of local and foreign personnel engaged in both country-based and regional activities. Foreign activists also work in the approximately 10,000 local NGOs providing technical assistance or English language support. From observations it can be said that nationals of OECD and of English-speaking Asian countries dominate this group of expatriates.

Shifting the focus to foreign groups that are allowed to stay, but not to work in Thailand, the international student population is somewhat more diverse, in that it also includes nationals from neighbouring countries often on fellowships provided by the Thai Government or international donors. Thailand has witnessed in recent years an increase in international student enrolment reflecting the advance of South-to-South educational exchanges in Asia, the proliferation of international English-language programmes at Thai academic institutes, as well as a growing confidence in the Thai education system by foreign students and the families and donors supporting them. According to Thailand's Ministry of Education (MOE), from 2004 to 2005, enrolment of foreign basic education students increased from 24,420 to 26,000, while that of higher education students went up from 39,334 to 42,000, bringing a total of THB 10 billion in revenues to the country. With the exception of the United States, the top nine sending countries were all in Asia, in the following order: China (including Taiwan Province of China), Myanmar, the United States, Viet Nam, the Lao People's Democratic Republic, India, Japan, Cambodia and the Republic of Korea (reported in *The Myanmar Times*, 2006).

Another trend concerns foreigners who have decided to retire in Thailand, their number increasing seven fold from 2003 to 2007 (Figure 18). This development, spurred by the aging of the population in well-off East Asian and Western countries and the growth of the Thai tourism-oriented medical industry, has been facilitated by the open-door policy of the Thai Government towards foreign retirees. The key turning point in the marketing of the country as a low cost retirement destination was the establishment in 1998 of a renewable one-year non-immigrant visa for middle income people of 55 or older, followed by other facilitation, such as the "Elite Card Program", offered to wealthy visitors wishing to spend time or retire in the country (*Asian Economic News*, 1998; *IHT*, 2008).

Figure 18. Selected Categories under Non-Immigrant Visa O and O-A, Thailand, 2003-2007



Source: Information Center, Immigration Bureau, 2008.

Japanese men, who make up the bulk of the foreign business workers in Thailand, have been quick in responding to the opportunity of retiring in Thailand, becoming a target market for clinical, entertainment and housing services. Three to four thousand Japanese citizens, mostly men, are estimated to have retired in Chiang Mai, where their pension has greater economic value and nursing care is cheaper, affording them a higher quality of living, often in the company of a Thai spouse or partner (Japan Times, 2007). Other tourist destinations such as Phuket, Pattaya and Hua Hin also attract Japanese retirees.

Aging Westerners also increasingly consider Thailand as a retirement option for them alone or with their families. A recent online survey of 152 current and former Western retirees in Thailand revealed that their selection criteria included the low cost of living, pleasant climate, disaffection for their home country, appreciation of the Thai lifestyle and culture, and personal relations with the local population, a majority having a Thai spouse or partner. Most of the respondents were satisfied with their experience, but worried about visa insecurity and possible negative reactions to the growing influx of Westerners (Howard, 2008).

In addition to Bangkok and tourist locations, large concentrations of Western retirees and other Westerners with Thai wives can be found in the rural areas of the Northeast. Roughly 300 Americans, many veterans based at the US Air Force Base in Udon Thani Province during the Viet Nam War, are still living there with their Thai wives (IHT, 2007). It was, however, with the rise of Thai-European marriages, as discussed in the previous chapter, that foreign presence became more manifest in northeastern provinces. Some of these mixed couples have in fact decided to establish their home in the women's villages of origin, or to alternate between the two countries, spending the winter in warmer Thailand. The European husbands are often older than their Thai wives and, like their wives, have experienced failed marriages. Life in Thailand offers them the opportunity to start anew and, at retirement age, to get more value from their pension. Adaptation is often required on both sides as cultural values and gender roles differ, language is a barrier, and expectations do not always coincide. Following the growth in mixed marriages, more divorces are being filed by Thai wives against their foreign husbands. In 2007 the number reached 142 in Khon Kaen Province (*The Nation*, 2007).

The expanding volume of "migration-by-means-of-marriage", regularly exposed in the Thai media, is confirmed by official Immigration Bureau data. As Figure 18 shows, the number of men receiving a non-immigrant visa as spouses of Thai women has been growing from a yearly average of 5,000 in 2003-2004 to a yearly average of 7,000 in the 2005-2007 period. Of these men, half were Westerners in 2007, with the majority being Europeans. The actual dimension of the phenomenon is probably greater, since we have no information on marriages of foreign women to Thai men due to the lack of a specific visa category devoted to them. Moreover, some spouses of Thai nationals could have received a non-immigrant visa under other categories, including visas for "staying with Thai families" and "retirees", or be part of the large number of Westerners and East Asians who stay in Thailand with no visa and no work permit.

As discussed in Chapter II, visitors from OECD and wealthy East Asian countries are often eligible for a visa-waiver, allowing them to legally stay in Thailand for tourism purposes for a maximum of 30 days. Until recently, however, many were able to remain longer by traveling to nearby countries where they could extend their authorized stay period at a Thai Embassy or Consulate every three months. In 2006, based on the size of the transportation and service industry operating around these so-called "visa runs", it was estimated that 30,000 to 50,000 foreigners lived in Thailand under this semi-official system, and that they generally spent about US\$ 1,000 per month in the country on rent, meals, transportation, entertainment and other living expenses. A significant number also worked as English teachers, free lancers, traders or for small enterprises and NGOs, thus disregarding the tight Thai visa cum work permit system.ⁱⁱⁱ There are also reports of foreign missionaries entering the country using tourist visas and conducting religious activities outside of the set quota established by the Thai Government.^{iv}

Concerned about the abuse of the tourist visa policy and the resulting tax evasion, crime and security concerns, the Thai Government has tried to stop this "grey migration" from developed countries by introducing new regulations on October 2006. The latest rules allow visitors who are eligible for the visa waiver to only stay in Thailand for 90 days over a given six-month period, thus forcing them to remain out of the country for at least 90 days before re-entering (*Asia Sentinel*, 2006). Enforcement, though, is expected to be a challenge in view of the very large number of visitors entering Thailand every year, with arrivals totaling almost 14.5 million in 2007, up 4.65 per cent from 2006 and expected to grow to 15.7 million in 2008. The largest proportion of these arrivals is from countries under the visa waiver programme (*Bangkok Post*, 2008). A side effect could be that the already high number of foreigners overstaying their visa, reported by the Immigration Bureau to total 65,558 in 2007, could increase as the option of repeatedly extending the visa is no longer available. As a matter of fact, in recent years eight of the ten countries with the greatest volumes of overstaying nationals in Thailand have been OECD countries, with the overall numbers rising substantially between 2005 and 2006 for reasons that have yet to be researched (Table 23).

Table 23. Number of Overstaying Foreigners in Thailand per Top 10 Countries, 2005-2007

| Country | 2005 | 2006 | 2007 |
|--------------------|---------------|---------------|---------------|
| United Kingdom | 2,436 | 10,258 | 8,974 |
| United States | 1,604 | 6,351 | 5,042 |
| Germany | 753 | 2,998 | 3,138 |
| Sweden | 497 | 2,777 | 3,090 |
| Australia | 430 | 2,379 | 2,723 |
| China | 831 | 2,314 | 2,478 |
| France | 746 | 2,494 | 2,179 |
| Russian Federation | 218 | 1,530 | 2,069 |
| Canada | 461 | 2,361 | 1,914 |
| Japan | 490 | 1,736 | 1,458 |
| Others | 9,282 | 31,580 | 32,493 |
| Total | 17,748 | 66,578 | 65,558 |

Source: Information Center, Immigration Bureau, 2008.

For a short period of overstay, visitors can pay a fine of THB 500 a day. However, for longer periods they may be imprisoned or deported. Still, official figures of deported foreigners do not seem to be consistent with those of the overstaying population. Even if for confidentiality reasons the country of origin of deported foreigners is not provided, from the type of deportation (as defined in Table 24) it can be deduced that the largest and still growing group of deportees being expelled through land check points is from neighbouring countries, and thus not from countries recorded as having the largest number of nationals overstaying their visa. The skewed proportion of deportees from neighbouring countries points to the much larger and more vulnerable population of GMS migrants who, as discussed in the remainder of this chapter are not covered by the same immigration rules that apply to OECD and East Asian migrants, and fall in a juridical limbo with little social protection.

Table 24. Number of Deportees by Type of Deportation, Thailand, 2003-2007

| Type of deportation | 2003 | 2004 | 2005 | 2006 | 2007 |
|---|----------------|----------------|----------------|----------------|----------------|
| Deported by Immigration Bureau officials through border check points | 258,093 | 223,653 | 228,282 | 286,801 | 395,054 |
| Deported by Immigration Bureau officials via airplane (international) | 7,206 | 4,421 | 4,143 | 5,702 | 4,253 |
| Total | 265,299 | 228,074 | 232,425 | 292,503 | 399,307 |

Source: Information Center, Immigration Bureau, 2008.

Migration from Neighbouring GMS Countries

The mid-1970s to the 1990s was a period of isolation for most GMS countries that significantly reduced cross-border movements to Thailand, with the exception of the continuous stream of displaced persons from Myanmar. The situation, however, changed in the early 1990s when regional integration and its economic and demographic divides produced a strong increase in intra-regional immigration to Thailand and a shift in the nature of migration flows from politically-caused to economically-induced (World Bank, 2006). Today, Thailand is the largest destination country in the sub-region for, mainly low-skilled, migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar with their families.

This growing migrant population has, by and large, an irregular status, having migrated through irregular means or become irregular in successive phases of the migration process. Many of them may have left the country without notifying the authorities as prescribed. More generally, GMS migrants travel without personal and travel documents since the process of obtaining them is difficult, lengthy and costly. With the help of relatives, friends or brokers, they cross the porous borders through river crossings, forests and hill routes. For those who have identity cards, they enter Thailand at official checkpoints with border passes and fail to return. Some may carry or later acquire fake identity or travel documents. Very few come as tourists and overstay their visas (Caouette et al., 2006).

Once in Thailand, GMS migrants continue to live in irregularity. As explained in Chapter II, the entry and employment of low-skilled workers is poorly regulated under Thai law, and the periodic registrations enabled by cabinet resolutions only permit GMS migrants to work temporarily in the country without being deported, but do not change their irregular immigration status. The regularizing value of the registration process is further limited by the fact that it only covers the migrants who attain a work permit (thus not all those who initially sign up) and that it only applies to specific locations and only as long as the migrants remain with the same employer. Moreover, the registrations' reach has proven inadequate in the face of growing migration flows, with fully irregular, unregistered migrants constantly outnumbering semi-official, registered workers in all registration rounds (see Figure 20 later).

More details on the various registration rounds are provided in Table 25. The first registration efforts started in 1992 with very limited coverage and became full-fledged only in 1996. Since then, seven registration rounds and a number of related re-registrations have been held that have expanded over time to more sectors and provinces, eventually culminating in 2004 in a nation-wide effort covering all kinds of low-skilled jobs. In a parallel development, the registered population has gradually become more diversified. In 1992 it consisted exclusively of workers from Myanmar's conflict affected border provinces. Later it included migrants from all of Myanmar who were escaping the economic deterioration of their country, and a growing number of migrants from the Lao People's Democratic Republic and Cambodia, albeit migrants from Myanmar remain the majority among GMS migrants (MAP Foundation, 2006:36). Following the broadening of the registration's scope, the volume of migrants documented in the organized registration rounds has grown steadily from 1992 to 2004, except for during the financial crisis, when the Thai Government sought to enforce employment of local workers to reduce unemployment. The effects of the clampdown did not last long. Participating migrants had grown from only 706 in the 1992 registration round to 372,000 in the 1996 registration round. After the crisis their number went from 99,974 in the 1999 registration round to the record number of 1,284,920 migrants showing up for an Identification Card in the 2004 registration round (see Table 25).

Table 25. Registration of GMS Migrants in Thailand, 1992-2006

| Cabinet Resolution & Related Registration Round | Features | Fees | Actions |
|--|---|--|---|
| 17 Mar 1992 | <ul style="list-style-type: none"> Two year permit; Migrants from Myanmar only; Migrant workers card; 10 border provinces; | <ul style="list-style-type: none"> THB 5,000 deposit fee; THB 1,000 fee for card; | <ul style="list-style-type: none"> 706 migrants registered; 101,845 purple cards^V issued; |
| 22 Jun 1993 | <ul style="list-style-type: none"> 22 coastal provinces; Fisheries | | <ul style="list-style-type: none"> Not implemented in fisheries until 1939 law amended; |
| 25 Jun 1996 1st Registration Round | <ul style="list-style-type: none"> Two year permit; Migrants from Lao PDR, Cambodia and Myanmar; Migrant and employer to report to Immigration every 3 months; 43 of 72 provinces; 11 sectors (including agriculture, fishing, construction, pottery and brick industries, domestic labour); "Temporary resident permit while awaiting deportation" (Tor Mor 69); | <ul style="list-style-type: none"> THB 1,000 fee for Tor Mor 69; THB 1,000 fee for work permit; THB 500 health fee; | <ul style="list-style-type: none"> Covered period: Nov 1996-Aug1998; 372,000 registered, of whom 263,782 or 87% from Myanmar; 303,088 work permits granted; MOL estimated 897,417 undocumented migrants mainly from Myanmar; |
| 2nd Registration Round | <ul style="list-style-type: none"> One-year permit; Jobs to be advertised for Thai workers first; Allocated quota of 159,902 work permits; 37 provinces, 18 types of manual labour; Permit border commuters; Refused work permits for advanced tuberculosis, physical weakness, physical deformation, third stage syphilis, drug addition, alcoholism, psychological disorder ad mental illness; | <ul style="list-style-type: none"> Total THB 3,210: bond (THB 1,000), medical certificate (THB 700, health card (THB 500), work permit (THB 1,000), and government stamp (THB 10); | <ul style="list-style-type: none"> Covered period: Aug 1998-Aug 1999; Employers requested 233,346 workers; 90,911 migrants registered (79,057 from Myanmar, 10,593 from Cambodia and 1,261 from Lao PDR); Permits expiring in August 1998 extended to August 1999; |
| 4 Aug 1999 3rd Registration Round | <ul style="list-style-type: none"> One-year permit; 7 provinces; 18 types of work; Exclusion of jobs performed predominantly by women such as domestic work, restaurant and retail jobs; Same as in Registration 2, but HIV test also included in medical form at provincial level; | <ul style="list-style-type: none"> Vary according to province; On average THB 3,700 ; | <ul style="list-style-type: none"> Covered period : Aug 1999-Aug 2000; Employers requested 355,050 workers; 99,974 migrants registered; |
| 29 Aug 2000 4th Registration Round | <ul style="list-style-type: none"> One-year permit; 37 provinces; 18 sectors; Exclusion of domestic workers 7 conditions checked: TB, syphilis, elephantiasis, leprosy, drug addition, mental illness, alcoholism; Pregnancy tested as condition for deportation; | | <ul style="list-style-type: none"> Covered period: Sept 2000-Aug 2001; 106,684 migrants registered; |
| 28 Aug 2001 5th Registration Round | <ul style="list-style-type: none"> Six-month permits renewable for another six months; All types of manual labour; Registration without employer (employer to be found within 6 months); Inclusion of domestic workers; Health check-up after 6 months; | <ul style="list-style-type: none"> Total THB 4,250 : for deportation deposit (THB 1000), card (THB 150), health check-up (THB 900) and registration fee (THB 900); | <ul style="list-style-type: none"> Covered period: Sept 2001-Feb 2002 568,245 migrants registered (451,335 from Myanmar); 80,000 domestic workers registered; 100,000 registered without employer; |
| Completing of 5th Registration Round | <ul style="list-style-type: none"> 6 months renewal; Only migrants registered in Registration 5; No pregnancy test (see also above); One-year permit; Only migrants who had completed Registration 5 and only if have found employer; Change of employer only allowed if with papers from previous and prospective employers; Firms with BOI not allowed to employ alien workers (see also above); | <ul style="list-style-type: none"> (See above); Total THB 4,450 (THB 3,250 for first six months and THB 1,200 for second six months); | <ul style="list-style-type: none"> Covered period: March 2002-August 2002; Of the 568,245 registered migrants 409,339 completed medical check-up ; Covered period: August 2002-July 2003; Re-registration of 353,274 migrants who had completed Registration 5; |
| Re-registration related to 5th Registration Round April 27, 2004 | <ul style="list-style-type: none"> One-year permit; Only migrants registered in 2001 and re-registered in 2002; | | <ul style="list-style-type: none"> Covered period: Aug 2003-Aug 2004; Re-registration of 288,780 migrants previously registered in 2001-2002; |
| 6th Registration Round | <ul style="list-style-type: none"> One-year permit; Quota of 1,598,752 work permits; Application for temporary 13-digit ID card at district level (Tor Ror 38/1), independent of employer; Registration for work permit with employer; | <ul style="list-style-type: none"> Total THB 3,800: for work permit (THB 1800), medical exam (THB 600), health fee (THB 1300), registration fee (THB 100); | <ul style="list-style-type: none"> Covered period: July 2004- June 2005 248,553 employers requested 1,598,752 foreign workers; 1,284,920 migrants and dependents signed up for ID card (921,492 or 72% Myanmar nationals, 179,887 or 14 percent Laotian and 183,541 or 14% Cambodian); |

| Cabinet Resolution & Related Registration Round | Features | Fees | Actions |
|---|---|---|---|
| | <ul style="list-style-type: none"> ▪ Mobility limited to place of employment; ▪ Medical check; | | <ul style="list-style-type: none"> ▪ 1,222,192 completed fingerprinting process (93,082 under 15 year of age and around 10,000 over 60); ▪ 817,254 completed medical check and 814,247 applied for work permits from 1 Aug 2004 to 30 Jul 2005; |
| May 10, 2005 Re-registration related to 6th Registration Round | <ul style="list-style-type: none"> ▪ One-year permit; ▪ Approved quota: 1,773,349; ▪ Migrants who had acquired an ID card in 2004 could register for the first time with an employer; ▪ Re-registration of migrants who had registered with an employer; ▪ Allowed migrants to move their place of residence from one province to another; ▪ Dependents of migrants who registered allowed temporary status in Thailand; ▪ Border provinces could make arrangements for cross-border seasonal workers; ▪ 7 conditions checked as in Registration 6; | <ul style="list-style-type: none"> ▪ Total THB 3,800 for migrants with work permits; ▪ Extra THB 450 for migrants with only temporary ID card; | <ul style="list-style-type: none"> ▪ Covered period: July 2005-June 2006; ▪ 240,297 employers requested 1,881,520 workers; ▪ 871,170 migrants who had previously registered in 2004 granted work permits (Myanmar nationals 705,293, Laotian 90,073, Cambodian 75,804); |
| 20 Dec 2005 (Unsuccessful) 7th Registration Round Re-registration related to 6th Registration Round | <ul style="list-style-type: none"> ▪ Migrants registered in 2004 who had maintained the registration; ▪ Attempt to employ an extra 500,000 workers to fill labour shortage; | <ul style="list-style-type: none"> ▪ THB 50,000 deposit fee for new arrivals; ▪ THB 10,000 for migrants who previously registered; | <ul style="list-style-type: none"> ▪ Covered period: March 2006-Feb 2007; ▪ Re-registration of 208,392 migrants who had re-registered in 2005; ▪ 12,490 new registrations; |
| 18 May 2006 Re-registration related to 6th Registration Round | <ul style="list-style-type: none"> ▪ One-year permit; ▪ Only migrants registered in 2004 who had maintained the registration; ▪ Only allowed to register with new employer in exceptional circumstances; | <ul style="list-style-type: none"> ▪ Total THB 3,800: for work permit (THB 1800), medical exam (THB 600), health fee (THB 1300), registration fee (THB 100); | <ul style="list-style-type: none"> ▪ Covered period: July 2006- June 2007; ▪ Employers requested 1,333,703 migrant workers; ▪ 668,576 re-registered migrants (568,878 Myanmar nationals; 51,336 Laotian; 48,362 Cambodian); |
| Dec 19, 2006 Re-registration related to 6th Registration Round | <ul style="list-style-type: none"> ▪ One-year permit; ▪ Migrants previously registered; ▪ Verification of identification process; ▪ Strict enforcement of the entry and deportation of unregistered migrants Six months registration period for migrants renewing the July work permit | <ul style="list-style-type: none"> ▪ Health check (THB 600), health insurance (THB 1,300) | <ul style="list-style-type: none"> ▪ Covered period: March 2007 - February 2008; ▪ 141,289 workers (Myanmar nationals 121,448, Laotian 9,159 and Cambodian 10,322); ▪ Covered period: July 2007 - June 2008; ▪ 394,443 workers (Myanmar nationals 367,834, Laotian 12,140 and Cambodian 14,469); ▪ Total of two rounds of re-registrations: 535,732 with work permits for one year |

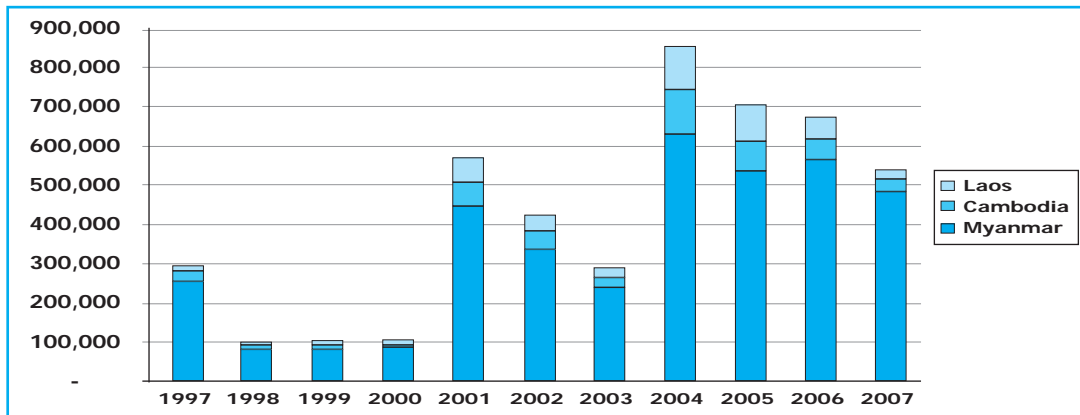
Sources : Adapted from MAP Foundation, 2006:38-55; 65-70; Chantavanich, 2007:3-4; and Martin, 2007:1 (with references in Martin, 2007 to Sontissakyothin, 2000, 154-62; Caouette et al., 2000).^{vi}

The large number of migrants who signed-up in 2004 has been attributed by Chantavanich et al (2007) and MAP Foundation (2006) to the conducive climate for registering migrants as business interests gained more weight during Thaksin Shinawatra's premiership. The eligibility of all GMS migrants, regardless of whether they had previously registered or not; the fact that registration costs were minimal and that migrants could register at the district office; the provisions allowing the initial registration for ID cards to be conducted independently of employers; the involvement of NGOs, which provided information in migrants' languages and encouraged them to apply; and the enthusiastic reaction of migrant workers also contributed toward the ID card, which they perceived as recognizing them as people rather than merely as workers. The possibility of attaining health insurance and declaring dependants was also appreciated by the migrant workers.

Despite the success of the ID card registration system, migrants encountered problems when registering for work permits. Unlike the ID card, they were required to apply at the provincial labour office rather than in their district. Other obstacles included employers who were not willing to register workers, high fees, exclusion of migrants working in retail and entertainment, fear of being deported if deemed unhealthy, and not being tied to a particular employer as required. As a result, only about 70 per cent of the migrants who in the 2004 registration round had obtained an ID card were eventually able to get a work permit.

In successive years, more restrictive cabinet decisions resulting from a changed political climate, prioritized security concerns, preventing the launch of another open round of registrations. Excluding the 2005 registration round, in which only about 14,000 new migrants registered due to the introduction of a costly “bail” fund, since 2004 only re-registration rounds have been held. The re-registration rounds granted and extended work permits for migrants who had been given an ID in the 2004 registration. Limited in scope and marred by operational difficulties, these re-registrations saw the number of registered migrants with regular work permits steadily decline from 871,170 migrants in the 2005 re-registration round to 668,576 in the 2006 re-registration round and 535,732 in the 2007 re-registration round (Table 25; Figure 19).

Figure 19. Registered GMS Migrant Workers in Thailand, 1997-2007

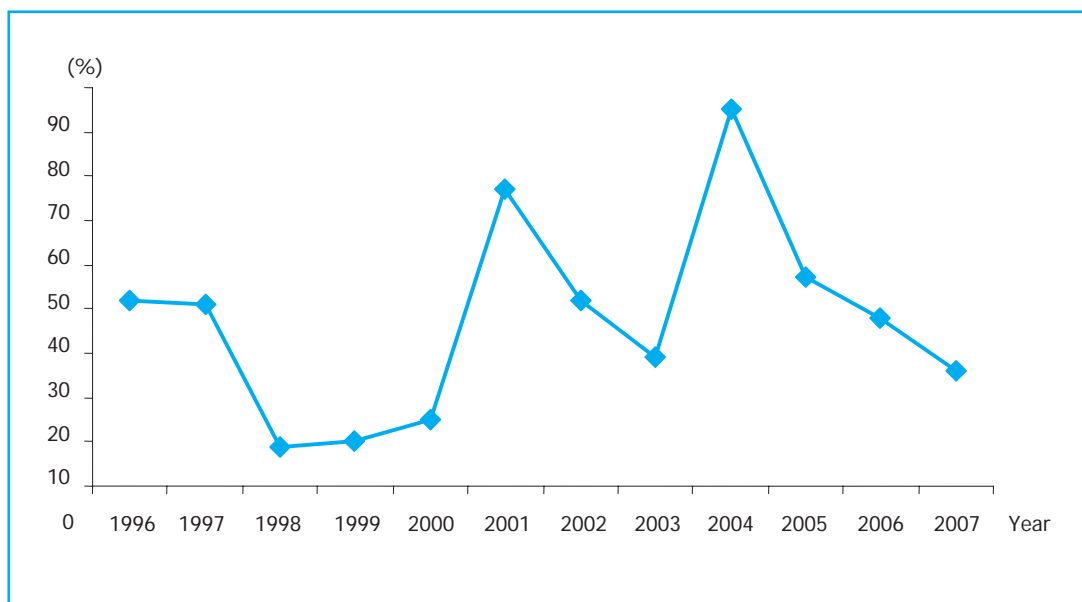


Source: Office of Foreign Workers Administration, Ministry of Labour, MOL in Chalamwong 2008a.

Although it is unclear what happened to those migrants who registered in 2004 but who failed to get a work permit or to re-register, it is generally assumed that many of them are still in Thailand, considering that the demand for low-skilled work remains, and the economic differentials in the GMS have not substantially changed. It is further known that when deported because of being unregistered or in breach of the registration rules, GMS migrants generally return to Thailand, some immediately when left on the border by the immigration officers and others after a brief respite in their villages (MAP Foundation, 2006). No wonder then, that while in the 2005 Report, written soon after the 2004 registration round, the estimated number of unregistered migrants was put at 200,000, in this report it reached 1.3 million (Martin, 2007:4).

This figure, based on the volume of unmet employers' requests combined with the number of migrants who failed to re-register since 2004 and an approximate number of new entrants, is not particularly high, considering that other available estimates go beyond two millions. In a consistent trend, the proportion of registered migrants to the overall population is estimated to have declined sharply. While in 2004 an estimated 85 per cent of all GMS workers in Thailand signed-up in what is today considered the most comprehensive registration effort in Thailand, in 2007 only 27 per cent of all migrants from Cambodia, the Lao People's Democratic Republic and Myanmar are thought to have registered (MAP Foundation, 2006:38; Martin, 2007:4). More generally, from 1996 to 2007, the estimated proportion of registered workers to the total GMS migrant population in Thailand has fluctuated to below the 50 per cent level, the only notable exceptions occurring in 2001 and 2004, because of more permissive features in those years' registration rounds that allowed migrant workers to initially sign up independently of employers (Figure 20).

Figure 20. Proportion of Registered Workers to the Total Registered and Unregistered Population in Thailand, 1996-2007^{vii}



Source: Adapted from 2006 Ministry of Labour presentation of Rattanaurut in Martin (2007:4).

This decline in the number of registered migrants has exacerbated the chronic gap between demand for migrant labour and registered workers, with the shortfall filled by unregistered migrants. If in 2004, employers requested 1,598,752 migrant workers and 814,247 work permits were eventually granted, in 2006 employers requested 1,333,703 migrant workers, but only 668,576 work permits were granted (Table 25). At times, specific local circumstances have contributed to acute shortages of local low-skilled labour leading to requests for exceptional registrations. This was the case in 2007, when to alleviate the labour scarcity caused by growing unrest in the Southern provinces, a special registration was held following the establishment of a Special Development Zone (SDZ) for Migrant Workers in the five southernmost provinces - Yala, Pattani, Narathiwat, Satun and four districts of Songkhla. 10,540 migrant workers from Myanmar (9,809), Cambodia (1,305) and the Lao People's Democratic Republic (426) were registered to work in the SDZ, mainly in construction and agriculture (Paitoonpong et al., 2008:9).

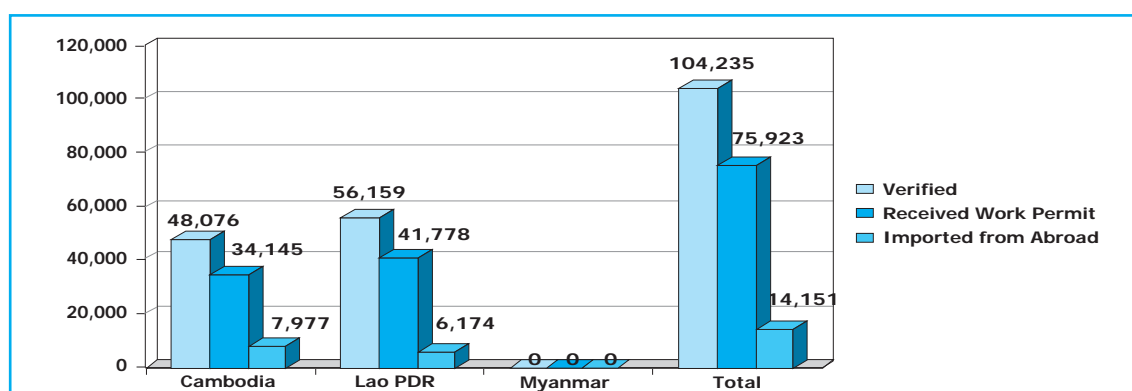
Currently another round of re-registration is ongoing for migrant workers whose work permit expired in February 2008 and June 2008 respectively. A further round of re-registrations has been announced that will grant a work permit for slightly less than two years (until February 2010) to registered migrant workers who were granted a 13-digit identification card in the 2004 registration round. This is viewed as a "final" re-registration round as the system will be replaced by other mechanisms, which have yet to be formulated, grounded in the just issued Alien Employment Act B.E. 2551 (Chalamwong, 2008). The shift away from in-country registration is justified as an effort to avoid encouraging more irregular migration into the country. It also responds to pressures from neighbouring countries arguing that the registration procedure undermines the regular importing of migrant workers under the bilateral MOUs that, as discussed in Chapter II, were agreed upon with Cambodia, the Lao People's Democratic Republic and Myanmar in 2002-2003.

Indeed, the MOUs have underperformed, failing to meet the set quota of 200,000 imported workers for the three sending countries, and have mainly served to regularize a small portion of migrant workers already in the country. The hiring of new workers from countries of origin has been slow owing to differences in the implementation of agreements, expensive fees and other costs involved in the process, and disputes over the role to be assigned to recruitment agencies. In particular, the repatriation fund and the high cost of attaining a passport in the countries of origin have proven a disincentive. The expectation that irregular migrants would be willing, or could be made, to return to their home country to have their nationality certified before regularly re-emigrating to Thailand has not been met due to financial and practical challenges. As no guarantee was given that they would be enrolled as contract workers on return,

most migrant workers saw remaining in Thailand and continuing to work irregularly as the less risky option. Also, the MOUs have no provision for family reunion, implying that for couples, both partners would have to find contract employment in the same location, without having any control over the placement process. In total, only 14,151 migrant workers have been imported under the MOUs as of December 2007, of these 7,977 were from Cambodia and 6,174 from the Lao People's Democratic Republic (Figure 21).

The alternative system of verifying the nationality and regularizing migrant workers who are already registered in Thailand has also made less progress than expected. From the perspective of the migrants, many of whom are registered workers who have been in Thailand for a long time and have no prospect of better livelihoods in their countries of origin, the limited two-year period, renewable for a maximum of another two-year period, was not attractive enough in view of the higher costs involved when compared to the registration process (World Bank, 2006:69). On the Government side, the plan to send documentation back to the countries of origin to have it certified did not work out and, after significant delays, joint teams of Thai officials and officials from neighbouring countries had to be formed to certify the workers and issue them passports or identity cards in Thailand. These certified workers were then granted visas and work permits by the Thai authorities. In total 104,235 migrants have had their identity verified, of whom 75,923 have obtained visas and work permits (Figure 21). As can be seen from Figure 21, which summarizes the regularized migrants by nationality, no migrants from Myanmar are included, as there were difficulties in implementing the MOU with the Myanmar Government, and migrant workers from Myanmar distrusted the set procedures and their possible implications in terms of taxes and movement control (MAP Foundation, 2006:48-49).

Figure 21. Regular migrants from Cambodia, Lao People's Democratic Republic, and Myanmar in Thailand as of December 2007



Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, 2008.

Whether the regularization of GMS migrants through the introduction of provincial cross-border agreements has been more successful is difficult to say as there is little data available and not much is known about the state of negotiations. What we can note is that cross-border movement in the GMS has been increasing in recent years. For instance, the traffic of Cambodians using border passes to cross into Thailand through Ban Laem checkpoint has more than tripled from 160,275 persons in 2005 to more than 600,000 in 2007 in the last three years (see Table 26), while the number of Thais crossing to Cambodia actually decreased. The table also shows that for Cambodians, border passes are the main document for crossing borders at checkpoints, while passports are rarely used. A similar trend of increased use of border passes for cross-border migration has also been documented at the checkpoints between the Lao People's Democratic Republic and Thailand (ARCM, FHI, and NCCA, 2005). Still it is difficult to assess whether these border-pass holders are indeed regular labourers under the cross-border provincial agreements, or if they are just part of the growing group of cross-border tourists and informal traders taking advantage of the harmonized crossing procedures in the GMS as discussed in Chapter II. Another possibility is that they are long-term migrants who enter the country with short-term border passes which they eventually overstay (World Bank, 2006:52).

Table 26. Number of People Crossing the Thailand-Cambodian Border at Ban Laem Checkpoint by Type of Travel Documents, 2005-2007

| | Thais | | | | Cambodians | | | | Others | |
|------|--------|--------|--------|--------|------------|---------|-------|---------|--------|--------|
| | In | | Out | | In | | Out | | In | Out |
| | PP | BP | PP | BP | PP | BP | PP | BP | PP | BP |
| 2005 | 44,131 | 20,642 | 44,495 | 20,317 | 955 | 160,275 | 1,337 | 153,335 | 20,033 | 20,242 |
| 2006 | 26,947 | 14,904 | 27,199 | 15,084 | 1,323 | 458,584 | 1,192 | 465,105 | 68,739 | 68,780 |
| 2007 | 17,612 | 17,747 | 13,651 | 13,691 | 883 | 601,434 | 850 | 595,548 | 52,456 | 53,363 |

Note: BP = Border Pass; PP = Passport

Source: Border Control Department as provided by WHO/SEARO, 2008.

Table 27 provides an overview of the estimated GMS migrant population in Thailand in 2007. At this point, it remains to be seen whether the recently introduced Alien Employment Act B.E. 2551 discussed in Chapter II will lead to improved management of these migrants workers and their dependants, reducing the numbers of irregular migrants. While most observers recognize the importance of the Act in formally acknowledging the demand for regular low-skilled labour in Thailand, some NGOs have expressed concerns that it is insufficient to regularize the migrant population already in the country. These groups also worry that by limiting the contract term to two years and not covering dependents, it does not offer more permanent options to long-term migrants. They further worry that it renders the migratory process more expensive by charging much higher fees and introducing a costly repatriation fund, and that it does not allow enough flexibility to migrants, still limiting their movement across location and employer. The practice of rewarding informants who provide information on irregular migrants, and the lengthy detention of irregular migrants who are caught, are also causes of concern since they could worsen the already vulnerable position of GMS migrants in Thailand.

Table 27. GMS Migrant Population in Thailand as of December 2007

| Type of Migrants | Number of Migrants |
|--|--------------------|
| Registered Migrants | 535,732 |
| Period covered: | |
| March 2007-February 2008 | 141,289 |
| July 2007 - June 2008 | 394,443 |
| Registered Migrants for the Special Development Zone (SDZ) for Migrant Workers in the Five Southernmost Provinces | 10,540 |
| MOU New Entrants | 14,151 |
| MOU Certified in Thailand | 75,923 |
| Estimate of Unregistered Migrants | 1,300,000 |

Characteristics and Distribution of GMS Migrants

Quantitative socio-demographic information on GMS migrants is limited and mainly derived from registration schemes, hence offering only a partial picture of the overall migrant population. In particular not much is known about the proportion and characteristics of migrant workers' dependents, especially children, non-working spouses and older migrants. What is more, because of the reduced reach of recent re-registration efforts, current official data apply to a smaller number of migrants in comparison to those presented in the 2005 Report, and are thus less generally applicable. Qualitative sources help to fill some of the gaps, but are not very representative on a national scale (World Bank, 2006:24-25). Despite these shortcomings, different sources can be combined to provide a tentative profile of GMS migrants in Thailand.

In terms of nationality, migrants from Myanmar of various ethnic origins (mainly Burman,^{viii} Mon, Karen and Shan) outnumber migrants from Cambodia and the Lao People's Democratic Republic due to their longer migration history, and a complex combination of political and economic push factors which make their return home difficult. Of the 535,732 migrant workers registered in December 2007, about 91 per cent was from Myanmar, and about 4.5 per cent each were from Cambodia and the Lao People's Democratic Republic

(Table 28). The proportion of workers from Myanmar is somewhat higher than that registered in 2004 (about 80 per cent), with the remaining share being equally split between migrants from Cambodia and the Lao People's Democratic Republic. This difference does not necessarily imply a true increase in the proportion of migrants from Myanmar, but may indicate their greater accessibility to and familiarity with the registration procedure because of their being the largest migrant group, having a longer history of migration and being assisted by a larger number of NGOs. Also, as said before, migrant workers from Myanmar have not been regularized under the MOUs, while this was the case with some migrant workers from the Lao People's Democratic Republic and Cambodia. The fact that Laotians and Cambodians can move back and forth across the Thai border more easily than migrants from Myanmar, and have thus relatively less interest in the re-registration process, also deserves consideration (World Bank, 2006:29).

Table 28. Registered Migrants in Thailand by Sex and Nationality as of December 2007

| | Total | | Cambodia | | Lao PDR | | Myanmar | |
|-----------|---------|------|----------|------|---------|------|---------|------|
| | Number | % | Total | % | Number | % | Number | % |
| Total | 535,732 | | 24,791 | | 21,659 | | 489,282 | |
| Male | 289,194 | 53.9 | 15,447 | 62.3 | 10,175 | 46.9 | 263,572 | 53.8 |
| Female | 246,538 | 46.1 | 9,344 | 37.7 | 11,484 | 53.1 | 225,710 | 46.2 |
| Sex Ratio | 117.3 | | 165.3 | | 88.6 | | 116.7 | |

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, 2008.

The gender distribution of the GMS migrant population is slightly male dominated. Of the registered migrant workers in 2007, almost 54 per cent were men (Table 28), a figure very close to that of the 2004 registration when men were about 55 per cent of the migrants who signed up for an identity card (Huguet and Punpuing, 2005:4). As in 2004, in 2007 the Lao People's Democratic Republic was the only country of origin with a majority of women in its migrant population, having a male to female sex ratio of 88.6. Interestingly, while a large majority of Cambodian migrants participating in both registration rounds were men, having the highest male to female sex ratio among the three GMS nationalities, other sources document an equivalent if not larger number of female Cambodian migrants (LSCW, 2005; LSCW, 2007), albeit not as pronounced as in the case of the Lao People's Democratic Republic. For example, Chamrathirong (2006) using a sample of the 2000 Housing and Population Census to examine selected migrants' characteristics in comparison to the Thai population and the population in the countries of origin arrives at a 94.8 male to female sex ratio for Cambodian migrants (Table 29). That being said, this ratio is slightly higher than that of people in Cambodia, confirming that with the exception of the Lao People's Democratic Republic, the GMS migrant population has a higher proportion of males compared to the general population in the respective countries of origin. This is especially the case for Myanmar with far more men in its migrant population despite the dominance of women in its general population (male-female sex ratio of 109.3 and 92.7 respectively).

In this context, it also needs to be considered, that women may be less visible and, thus, underreported. This is due to: i) their being employed in the informal sector, or in jobs, such as retail and entertainment not included in the registration; ii) their working closer to the border and returning home more often; and iii) their tendency to work for lower pay and in more vulnerable conditions than their male counterparts, with less freedom of movement and employers who are less willing to declare and register them.

Table 29. Sex of GMS Migrants in Comparison to Thai Population and Populations in the Countries of Origin

| Sex | Thai Nationals | Nationality of migrants | | | Non-migrants in countries of origin | | |
|------------|----------------|-------------------------|---------|---------|-------------------------------------|-----------|---------|
| | | Cambodia | Lao PDR | Myanmar | Cambodia | Lao PDR | Myanmar |
| Total | 59,695,302 | 17,207 | 28,014 | 96,240 | 13,439,419 | 4,496,714 | 129,447 |
| Male (%) | 49.20 | 48.70 | 45.50 | 52.20 | 48.60 | 49.30 | 48.30 |
| Female (%) | 50.80 | 51.30 | 54.50 | 47.80 | 51.40 | 50.70 | 51.70 |
| Sex Ratio | 96.2 | 94.8 | 83.4 | 109.3 | 94.4 | 97.4 | 92.7 |

Sources: 2000 Thailand Population and Housing Census, 1% Sample; LECS III 2002; CSES 2004; MICS 2000 in Chamrathirong, 2006.

The study of Chamrathirithong (2006) also points out the relative younger age of the migrant population in comparison to both the Thai population and the general population in the respective countries of origin, with a larger proportion of migrants in prime labour force ages and below. That a significant number of children cross borders became clear in the 2004 registration when 93,000 persons below the age of 15 registered, of whom 63,000 were children from Myanmar below 12 years old. Even if these children were not given a work permit, not having reached the legal working age, there is enough evidence to show that migrant children work irregularly in Thailand. Recently, a survey of more than 600 migrant workers in four occupational sectors found that 4.8 per cent of the respondents were less than 15 years old, with the remainder below 25 years of age (Pearson et al., 2006:25). This disproportionate number of youth and children in the migrant population reflects the demographic divide among GMS countries (as discussed in Chapter II) and the greater propensity of younger people to migrate for a variety of reasons. Lao teenagers, for instance, not only seek jobs in Thailand, but are also interested in different experiences and are moved by a desire to see the world (Huijsmans, 2007).

Despite their young age and the Thai Government's expectation that GMS migrants would be in Thailand only temporarily, studies have found that their stay is relatively long. In the 2005 Report it was already stated that a majority of surveyed migrant workers had lived in Thailand for more than three years, and an estimated one quarter have been in the country for more than five years (Huguet and Punpuing, 2005:31; World Bank, 2006). If the registered migrant population is of any indication, a five-year stay is not uncommon, since participation in the 2004 registration was the condition for successive re-registrations, and many of those who registered then had already been in Thailand for years. A similar length of stay can also be assumed for many of those who signed-up in 2004, but later did not re-register, as it is believed, that they have not left the country.

The age structure of the migrant population also impacts their level of education, with many having left before completing their basic education. A large proportion of GMS migrants has less than secondary education and a significant share is illiterate. The literacy and education levels are not only lower in comparison to the Thai population, but also in comparison to the general population in their countries of origin, with the possible exception of male Cambodian migrants who are slightly better schooled than their compatriots at home (Chamrathirithong, 2006). Pearson et al. (2006:26) found that 15 per cent of the interviewed migrants had no schooling at all, about 58 per cent had less than six years of basic education, and 20 per cent had less than secondary education with only roughly 10 per cent having 10 years or more of education. Registration data and qualitative information further suggest that the educational level of the overall migrant population is negatively affected by the striking rates of illiteracy and poor schooling of its Myanmar nationals majority, partly due to the high proportion of disadvantaged ethnic minorities among migrants from Myanmar (Caouette et al., 2006).

The GMS migrant population's low educational levels are not supplemented by training or extensive work experience. Before departing, most migrants were in subsistence farming, with a minority engaged in petty trade, service jobs, domestic work, or manual work in construction and manufacturing. On arrival in Thailand, this low-skilled work force has come to fill low-level jobs spread across the country in a distributional pattern determined by the geographical structure of the economy as described in Chapter II. Migrants are concentrated in: (i) border provinces where EPZ and investment promotion areas have been established as part of the Thai Government efforts to regionalize supply chains and decentralize industrial development; (ii) provinces on the coast where the maritime and fishing industry as well as tourist attractions are located; (iii) in areas, such as the South, with large-scale agricultural production; and (iv) in Bangkok, its surroundings, and the Central Region where the industrial sector is concentrated (see also World Bank, 2006). In 2007, the largest proportion (68 per cent) of registered migrant workers was concentrated in metropolitan Bangkok and the Central Region, with the South as the second most important destination hosting 23 per cent of the registered migrant population. Further down the ranking the Northeast, as the poorest and least developed region of Thailand, only gave employment to 1.4 per cent of registered migrants (Table 30). Similar patterns of geographic distribution also apply to migrant workers employed under the MOUs.^{ix}

In Bangkok and the Central Region, all migrant nationalities are present, but in other regions they are distributed differently. Laotians are mainly employed in metropolitan Bangkok and the Central Region, and in the Eastern provinces close to the border with the Lao People's Democratic Republic. Cambodians are concentrated in the Eastern provinces on the coast across from Cambodia. Migrants from Myanmar are spread across the country, with the highest concentration in the Northern and Southern Provinces bordering Myanmar (Table 30).

Table 30. Registered Migrant Workers in Thailand, by Location, Nationality and Sex as of December 2007

| Region/Provinces | Total | | | Cambodia | | | Lao PDR | | | Myanmar | | |
|------------------------------------|----------------|----------------|----------------|---------------|---------------|--------------|---------------|---------------|---------------|----------------|----------------|----------------|
| | Total | Male | Female | Total | Male | Female | Total | Male | Female | Total | Male | Female |
| All regions | 535,732 | 289,194 | 246,538 | 24,791 | 15,447 | 9,344 | 21,659 | 10,175 | 11,484 | 489,282 | 263,572 | 225,710 |
| Bangkok | 87,255 | 40,803 | 46,452 | 2,125 | 1,185 | 940 | 5,072 | 2,159 | 2,913 | 80,058 | 37,459 | 42,599 |
| Periphery Excluding Bangkok | 133,872 | 70,207 | 63,665 | 2,320 | 1,454 | 866 | 3,479 | 1,683 | 1,796 | 128,073 | 67,070 | 61,003 |
| - Samut Sakhon | 74,531 | 36,855 | 37,676 | 146 | 92 | 54 | 896 | 464 | 432 | 73,489 | 36,299 | 37,190 |
| - Samut Prakan | 20,120 | 11,938 | 8,182 | 560 | 395 | 165 | 330 | 210 | 120 | 19,230 | 11,333 | 7,897 |
| - Nakhon Pathom | 16,168 | 8,603 | 7,565 | 123 | 69 | 54 | 483 | 246 | 237 | 15,562 | 8,288 | 7,274 |
| - Pathum Thani | 13,199 | 7,889 | 5,310 | 693 | 407 | 286 | 858 | 421 | 437 | 11,648 | 7,061 | 4,587 |
| - Nonthaburi | 9,854 | 4,922 | 4,932 | 798 | 491 | 307 | 912 | 342 | 570 | 8,144 | 4,089 | 4,055 |
| Central | 145,664 | 77,191 | 68,473 | 2,920 | 1,796 | 1,124 | 4,225 | 2,013 | 2,212 | 138,519 | 73,382 | 65,137 |
| - Ayuthaya | 2,964 | 1,826 | 1,138 | 348 | 207 | 141 | 368 | 182 | 186 | 2,248 | 1,437 | 811 |
| - Others | 142,700 | 75,365 | 67,335 | 2,572 | 1,589 | 983 | 3,857 | 1,831 | 2,026 | 136,271 | 71,945 | 64,326 |
| East | 47,664 | 29,124 | 18,540 | 17,635 | 11,114 | 6,521 | 4,997 | 2,685 | 2,312 | 25,032 | 15,325 | 9,707 |
| - Chonburi | 16,460 | 9,699 | 6,761 | 3,284 | 2,024 | 1,260 | 1,583 | 792 | 791 | 11,593 | 6,883 | 4,710 |
| - Rayong | 9,875 | 6,332 | 3,543 | 4,460 | 3,145 | 1,315 | 1,014 | 579 | 435 | 4,401 | 2,608 | 1,793 |
| - Chachermsao | 9,241 | 5,846 | 3,395 | 3,265 | 2,016 | 1,249 | 1,263 | 658 | 605 | 4,713 | 3,172 | 1,541 |
| - Others | 12,088 | 7,247 | 4,841 | 6,626 | 3,929 | 2,697 | 1,137 | 656 | 481 | 4,325 | 2,662 | 1,663 |
| West | 32,236 | 18,888 | 13,348 | 273 | 202 | 71 | 473 | 220 | 253 | 31,490 | 18,466 | 13,024 |
| - Rachaburi | 12,925 | 7,469 | 5,456 | 49 | 35 | 14 | 117 | 51 | 66 | 12,759 | 7,383 | 5,376 |
| - Prachubkirikhun | 6,795 | 4,174 | 2,621 | 140 | 122 | 18 | 157 | 83 | 74 | 6,498 | 3,969 | 2,529 |
| - Kanchanaburi | 7,551 | 4,222 | 3,329 | 7 | 4 | 3 | 30 | 13 | 17 | 7,514 | 4,205 | 3,309 |
| - Others | 4,965 | 3,023 | 1,942 | 77 | 41 | 36 | 169 | 73 | 96 | 4,719 | 2,909 | 1,810 |
| North | 89,327 | 41,598 | 47,729 | 130 | 51 | 79 | 769 | 356 | 413 | 88,428 | 41,191 | 47,237 |
| - Chaing Mai | 41,222 | 20,952 | 20,270 | 5 | 3 | 2 | 43 | 17 | 26 | 41,174 | 20,932 | 20,242 |
| - Tak | 26,912 | 8,796 | 18,116 | 1 | 0 | 1 | 0 | 0 | 0 | 26,911 | 8,796 | 18,115 |
| - Chaing Rai | 10,221 | 5,491 | 4,730 | 3 | 1 | 2 | 87 | 33 | 54 | 10,131 | 5,457 | 4,674 |
| - Mae Hong Sorn | 1,296 | 708 | 588 | 0 | 0 | 0 | 0 | 0 | 0 | 1,296 | 708 | 588 |
| - Others | 9,676 | 5,651 | 4,025 | 121 | 47 | 74 | 639 | 306 | 333 | 8,916 | 5,298 | 3,618 |
| North-east | 7,628 | 3,524 | 4,104 | 633 | 276 | 357 | 3,881 | 1,393 | 2,488 | 3,114 | 1,855 | 1,259 |
| - Nakorn Rachasima | 1,906 | 1,105 | 801 | 187 | 92 | 95 | 154 | 62 | 92 | 1,565 | 951 | 614 |
| - Kon Khen | 519 | 264 | 255 | 24 | 4 | 20 | 129 | 51 | 78 | 366 | 209 | 157 |
| - Nakorn Panom | 459 | 183 | 276 | 7 | 2 | 5 | 424 | 167 | 257 | 28 | 14 | 14 |
| - Others | 4,744 | 1,972 | 2,772 | 415 | 178 | 237 | 3,174 | 1,113 | 2,061 | 1,155 | 681 | 474 |
| South | 125,958 | 78,066 | 47,892 | 1,075 | 823 | 252 | 2,242 | 1,349 | 893 | 122,641 | 75,894 | 46,747 |
| - Phuket | 31,079 | 18,236 | 12,843 | 6 | 6 | 0 | 76 | 44 | 32 | 30,997 | 18,186 | 12,811 |
| - Suratthani | 27,913 | 17,427 | 10,486 | 38 | 29 | 9 | 765 | 499 | 266 | 27,110 | 16,899 | 10,211 |
| - Songkhla | 15,243 | 9,621 | 5,622 | 682 | 464 | 218 | 594 | 360 | 234 | 13,967 | 8,797 | 5,170 |
| - Others | 51,723 | 32,782 | 18,941 | 349 | 324 | 25 | 807 | 446 | 361 | 50,567 | 32,012 | 18,555 |

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, 2008.

The geographic distribution of GMS migrants in Thailand is related to the sectors where they work. Traditionally, migrants have been concentrated in agriculture, including both animal husbandry and land cultivation; construction; fisheries; domestic service; and tourism (World Bank, 2006). In 2007, most registered migrant workers were employed in agriculture (18 per cent), construction (15 per cent), fisheries and fish processing (15 per cent), and domestic service (11 per cent). The large category of "others", accounting for over 36 per cent of the registered migrant population, refers to a myriad of employment fields including the textile and garment industries and the tourism sector. Many unregistered migrant workers can be found in these same sectors in addition to being self-employed or in the entertainment industry (including the sex industry). Migrants from Myanmar form the majority of the migrant population, and not surprisingly dominate these sectors. The 2007 registration data, however, show that workers from each country tend to work in specific sectors. Workers from Myanmar are mainly present in agriculture, construction and the fishing industry, Laotian workers in domestic work and to a much lesser extent agriculture and construction, and Cambodian workers in the fishing industry, construction and agriculture (Table 31).

Occupational distribution is also structured along ethnic lines. In the case of migrants from Myanmar, the fishing sector predominantly employs Mon and, to a lesser extent, Burman; the manufacturing sector is shared between Burman, Mon and Karen; agriculture is mainly entrusted to Karen; and domestic work is dominated by Burman and Shan migrants (Pearson et al., 2006:23). These occupational variations are related to social networks, length of stay, and employers' preconceptions regarding the workers' nationalities and ethnicities. Cultural factors also play a role, with the similarity in the Lao and Thai languages facilitating employment of Laotian migrants in domestic work and in the tourist industry. Jobs are also gender-defined. Female migrants tend to be concentrated in fish processing, service-oriented jobs such as maid, shop-keeper, care-giver and entertainer, and in manufacturing, whereas more male migrants are in construction, agriculture and fishing (Table 31; Caouette et al., 2006).

Table 31. Registered Migrant Workers in Thailand by Sector, Sex and Nationality as of December 2007

| Type of business | Number of employers | Total three nationalities | Cambodia | | | Lao PDR | | | Myanmar | | |
|------------------|---------------------|---------------------------|----------|--------|--------|---------|--------|--------|---------|---------|---------|
| | | | Total | Male | Female | Total | Male | Female | Total | Male | Female |
| Total | 157,200 | 535,732 | 24,791 | 15,447 | 9,344 | 21,659 | 10,175 | 11,484 | 489,282 | 263,572 | 225,710 |
| Fishing boats | 3,371 | 14,892 | 3,883 | 3,289 | 594 | 644 | 487 | 157 | 10,365 | 8,739 | 1,626 |
| Fish processing | 3,908 | 67,612 | 1,491 | 868 | 623 | 270 | 131 | 139 | 65,851 | 28,351 | 37,500 |
| Agriculture | 32,894 | 101,457 | 4,596 | 2,833 | 1,763 | 4,262 | 2,655 | 1,607 | 92,599 | 58,267 | 34,332 |
| Rice mill | 904 | 4,752 | 173 | 129 | 44 | 71 | 47 | 24 | 4,508 | 3,351 | 1,193 |
| Brick factory | 763 | 3,173 | 55 | 38 | 17 | 97 | 53 | 44 | 3,021 | 1,952 | 1,069 |
| Ice factory | 895 | 3,743 | 237 | 163 | 74 | 197 | 147 | 50 | 3,309 | 2,648 | 661 |
| Transport | 203 | 971 | 53 | 46 | 7 | 10 | 9 | 1 | 908 | 704 | 204 |
| Construction | 15,196 | 82,887 | 4,285 | 2,893 | 1,392 | 1,754 | 1,116 | 638 | 76,848 | 48,267 | 28,581 |
| Mining | 263 | 1,014 | 29 | 19 | 10 | 24 | 8 | 16 | 961 | 624 | 337 |
| Domestic | 50,041 | 61,328 | 2,102 | 513 | 1,589 | 6,046 | 1,067 | 4,979 | 53,180 | 9,808 | 43,372 |
| Others | 48,762 | 193,903 | 7,887 | 4,656 | 3,231 | 8,284 | 4,455 | 3,829 | 177,732 | 100,897 | 76,835 |

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, 2008.

Occupational and gender differentials also influence the wage structure, with migrant workers in agriculture and domestic service earning the lowest wages, and female migrant workers being rewarded less than male migrant workers. More generally, salaries follow a multi-layered hierarchy of labour in which migrant workers are employed as menial labourers and Thais act as their supervisors or foremen. At the bottom of the pyramid are unregistered migrants, who receive lower salaries than registered migrants, who in turn are paid less than Thai workers (Table 32; Pearsen et al., 2006: xxii). This contravenes the guiding principle of parity between Thai and registered migrant workers. However, it is consistent with the wide-spread opinion among employers, policymakers and the general Thai public that migrant workers should earn less than Thai workers as their suppressed wages in Thailand are still higher than what they would earn at home (2006 ABAC-ILO-UNIFEM polling in Martin, 2007:19). That, in a prejudiced environment a registered status may not provide sufficient protection to migrant workers, and may even cause adverse effects, will emerge more vividly in the following pages.

Table 32. Approximate Monthly Wages of Registered and Unregistered Migrants per Sector, Thailand, 2004

| Sector | Thai Workers (THB) | Registered migrants (THB) | Unregistered migrants (THB) |
|-----------------------------|--------------------|---------------------------|-----------------------------|
| Agriculture | 3,000-4,000 | 3,000-4,000 | 1,000-1,500 |
| Construction | 3,000-6,000 | 4,500-6,000 | 3,000-3,300 |
| Domestic work | 5,900-7,000 | 1,000-4,000 | 700-1,000 |
| Entertainment | - | - | 3,000-10,000 |
| Factory | 5,500 | 3000 and higher | 1,000-3,000 |
| Fisheries | 10,000 | 3,000-4,500 | 2,800-3,900 |
| Fishery-related work | 5,000-6,000 | 3,000-4,500 | 2,800-3,900 |
| General Labour | 4,300-5,000 | 1,000-5,000 | 600-3,000 |

Source: Chantavanich, 2008:27.

Vulnerability and Social Protection

The migrant population's great vulnerability and lack of social protection were tragically exposed when the Tsunami struck Southern Thailand in December, 2004. Based on the 2004 registration a total of 120,971 registered migrants and probably a significant number of unregistered migrants were located in the tsunami-affected provinces of Krabi, Phang Nga, Phuket and Ranong. To this day, it is unknown how many migrants were traumatized, injured or killed by the disaster because of their irregular status, the extent of their displacement after the tsunami, and the fact that few deceased migrants could be identified (IOM et al., 2005:4). Only two years later, in December 2006, thanks to the assistance of NGOs acting as intermediaries between the Thai Government and migrant communities, 410 unidentified bodies, most thought to be migrants from Myanmar, were buried in a collective remembrance ceremony for relatives of deceased migrant victims (MAP Foundation, 2006:27). Even though assistance was made available by the Thai Government and NGOs with support from United Nations bodies and international donors, many migrants were unable to access it because of isolation, fear of arrest and deportation, lack of information, and discrimination at aid camps and by the local population. The announced government compensation of 20,000 THB for registered workers who lost a family member often could not be claimed as death certificates could not be issued. In the aftermath of the tsunami, some migrant workers lost their jobs and living quarters, and some were not able to recover wages owed to them by their employers. No compensation was granted to migrants for loss of personal belongings and housing, and they found themselves unfairly criminalized for purportedly looting from ravaged beach resorts (IOM et al., 2005; MAP Foundation, 2006).

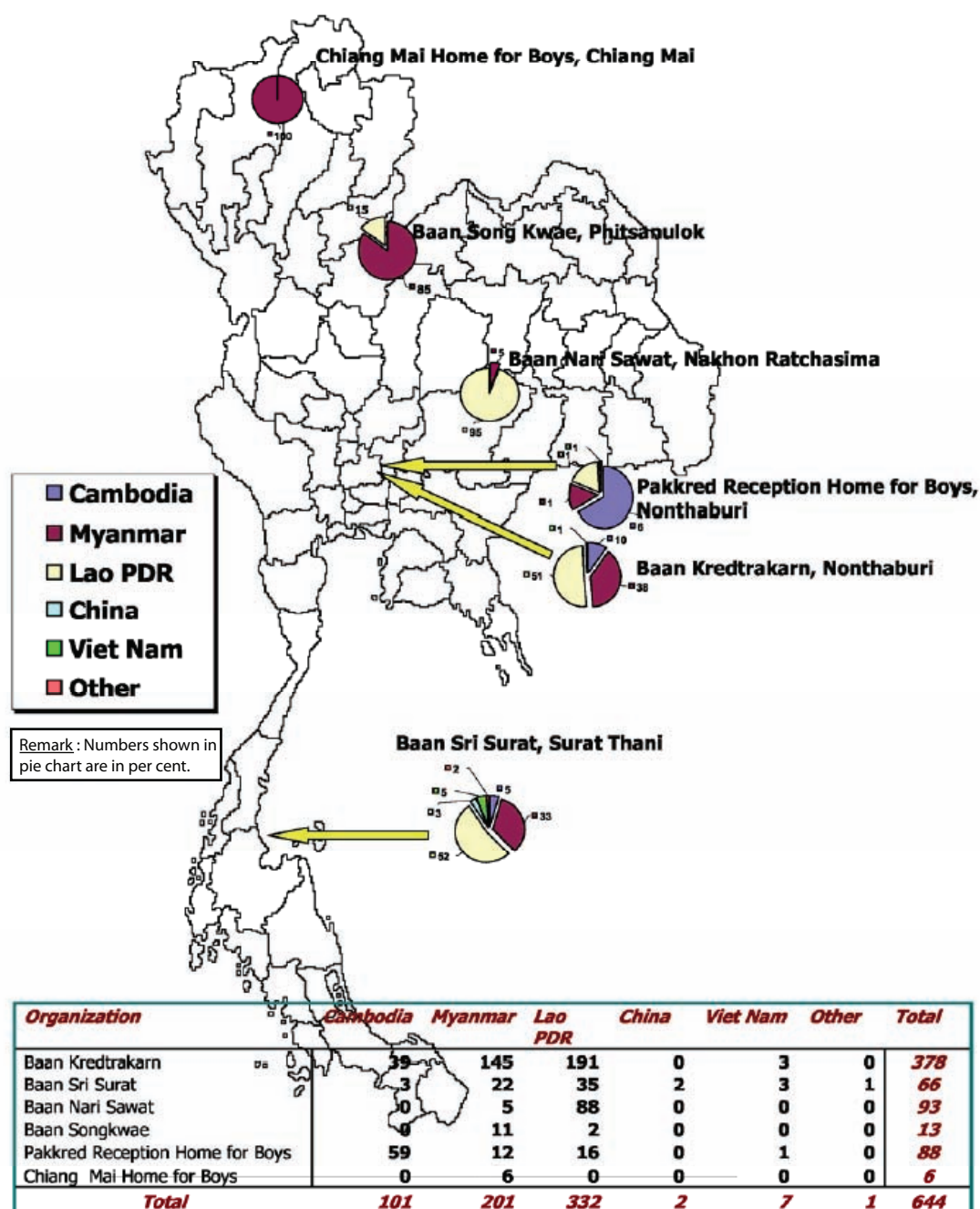
The exceptionality of the tsunami magnified the realities of GMS migrant communities in Thailand and their struggle to persist without social safety nets in an often hostile societal environment. Migrants' precarious situation and their poor working and living conditions have been well-documented over the course of the years. As employees, migrant workers are often at a disadvantage not receiving the minimum wage and the regular benefits prescribed by Thai labour law such as social security, retirement benefits, sick and maternity leave, days-off and compensation for occupational injuries. Withholding or non-payment of wages and working excessively long hours without overtime are commonly reported. Pearson et al. (2006:xxi-xxiii), in their study of over 600 GMS migrant workers, where a majority was registered, found that 82 per cent of domestic workers, 45 per cent of fisheries workers and 19 per cent of manufacturing workers, worked more than 12 hours a day, with most of the remaining migrants working more than the regular eight hours a day. The same study recorded occurrences of violence in the workplace, with 7 to 9 per cent of workers in fishing, manufacturing and domestic work experiencing physical abuse by their employers and many more being subjected to verbal abuse. Fear of the employers, bonded labour and insecure legal status made many stay in abusive situations. Often, migrant workers were limited in their movement, being prohibited from leaving the work premises and at times even being locked-up. In addition, 36 to 43 per cent of the interviewed registered migrant workers were restrained by their employers' retention of IDs and registration papers. This is used as a means of discouraging migrants from absconding and thereby causing financial loss to the employers. The employers' use of this illegal measure leaves registered migrant workers unable to prove their registered status, as photocopies and other substitute documents may not be recognized by the authorities, thus depriving them of the little protection they are entitled to.

The working conditions of migrant workers and of low-skilled Thais labourers, vary by industry, but are generally not up to labour standards. In agriculture, migrant workers often live in isolation on farms and plantations, with restricted access to basic commodities and services, and are exposed without safeguards to chemicals and fertilizers. In the industrial sector, many small factories employing migrants have little or no ventilation, poor lighting, and dusty and polluted environments. The crowded dormitories in self-enclosed compounds are often unsanitary. In construction and fishing, occupational safety standards are generally disregarded and accidents are rife (Chantavanich et al., 2006; 2008). This is especially true at sea, where many abuses have been reported. An extreme case occurred in July 2006 when 30 Myanmar and 6 Thai fishermen died of starvation after having been left adrift for five months on a Thai vessel in Indonesian waters without sufficient food and medicine (*Kaowao News*, 2006; *Bangkok Post* in Caouette et al., 2006:48).

Not only adults, but also children from neighbouring countries who have migrated on their own or with their families experience hardship and abuse in Thailand. A study supported by ILO-IPEC of 2,600 child labourers below 17 years of age in six Thai provinces found that the large majority of children were exposed to the so-called worst forms of child labour, including bonded labour, restriction of movement, exposure to unsafe chemicals and pollution, physical confinement and punishment, and violence and harassment. Most were stateless children from ethnic minorities and GMS migrant children, of whom 67 per cent were from Myanmar (Lisborg, 2006:6).

Some migrants have also been trafficked. A recent report on trafficking in the GMS (Huguet and Ramangkura, 2007:28-35) noted that based on a survey of the World Vision Foundation (WVF) and the Asia Research Center for Migration (ARCM) there could be an estimated 157,000 trafficking victims from the GMS in Thailand. Actual numbers are more difficult to obtain due to the criminal nature of the activities, with identified cases probably only the tip of the iceberg. The report also summarizes the few existing data. From November 2006 to January 2007, 959 GMS detainees were interviewed by the Victim Identification Unit (VIU) of the Immigration Detention Centre (IDC) in Bangkok and 37 were confirmed as victims of trafficking (21 from Myanmar, 12 from the Lao People's Democratic Republic and 4 from Cambodia). From 2000 to 2006, IOM assisted in 1,730 formal returns from Thailand to other GMS countries, of these 44 per cent were victims from Cambodia, 40 per cent from the Lao People's Democratic Republic, 13 per cent from Myanmar, and the rest from other GMS countries. The Bureau of Anti-Trafficking in Women and Children (BATWC) of the Department of Social Development and Welfare (DSDW) further reports that (as shown in Figure 22) 644 trafficking victims from GMS countries resided in its regional pre-repatriation centers in 2006 (Huguet and Ramangkura, 2007:28-29).

Figure 22. Department of Social Development and Welfare Regional Centers and Residents, Thailand, 2006



Source: Bureau of Anti Trafficking in Women and Children, in Huguat and Ramangkura 2007:29.

Despite the worrisome situation, migrant workers generally do not complain because they fear dismissal, arrest and deportation, and because of their unfamiliarity with the Thai language and legal system. Migrants also lack the confidence to approach the judicial system for protection or to pursue prosecution of violations, as their encounters with Thai authorities have not always been positive. There are also obstacles to migrants becoming organized, as they are not allowed to form migrant associations and are discouraged from joining Thai labour unions.

In recent years, however, some registered workers have successfully sought justice in court with the support of NGOs and leading human rights bodies such as the National Human Rights Commission and the Law Society of Thailand. A landmark case, serving as a precedent for successive arbitrations, was the awarding in 2004 in the amount of THB 1,170,000 to eighteen migrant workers from Myanmar in compensation for underpayment over the course of two years at the Nut Knitting Factory in Mae Sot, Tak province (MAP Foundation 2006:18-19). Government institutions have also become more aware of the

plight of migrant workers, and MOL has demonstrated greater readiness to undertake labour inspections and investigate exploitative practices, albeit the agency remains understaffed and continues to lack clear parameters for applying existing labour laws to the protection of migrant workers' rights. Provincial government agencies in collaboration with NGOs and employer groups have further developed a number of strategies and models to promote decent work for migrants, for instance the development of a set of "good practices" for fishing boat captains, the formulation of labour inspection models, and the launching of the "Outstanding Fishing Pier Award Contest" in which employers compete to enhance the "quality of working life". Albeit too small in scale to make a difference, these innovations give hope for improvement of migrants' work conditions in the not too distant future (Chantavanich et al., 2008).

The need to better protect GMS migrants extends beyond the occupational sphere. Migrant workers and their families typically live in insanitary conditions, polluted by industrial waste, trash and other debris. In many border areas, they reside near marshy and mosquito-infested locations. Their rented rooms, shacks, or employer provided facilities are overcrowded, with poor ventilation and limited access to clean water and sanitation (Chantavanich, 2006; Couaette et al., 2006). According to the Ministry of Public Health (MOPH), only 16 per cent of the GMS migrant population has access to clean water and less than 50 per cent to adequate sanitation, including latrines and waste disposal (D'Souza, 2007:27).

These living conditions directly affect the health of migrants, resulting in their suffering from infectious and parasitic diseases. In fact, MOPH data show that of the migrants treated in health facilities in 2006, most suffered from infectious diseases (Table 33). This pattern is consistent with other available information. In 2005, the five leading health problems reported among migrants in ten border provinces were malaria, diarrhea, fever, pneumonia, and hemorrhagic conjunctivitis. Statistics, mostly related to registered migrants using government services, further suggest that the incidence of malaria among the migrant population is higher than among the Thai population (D'Souza, 2007:25). Since 1999, 70 per cent of identified malaria cases in Ranong were among migrants from Myanmar (WHO, IOM and MOPH, 2007:10). Other health hazards include diseases related to malnutrition; skin and eye infections; injuries and occupational accidents; and reproductive and sexual health concerns.

Table 33. Number of Migrants Treated at Health Facilities by Type of Morbidity and Mortality, Thailand, 2006

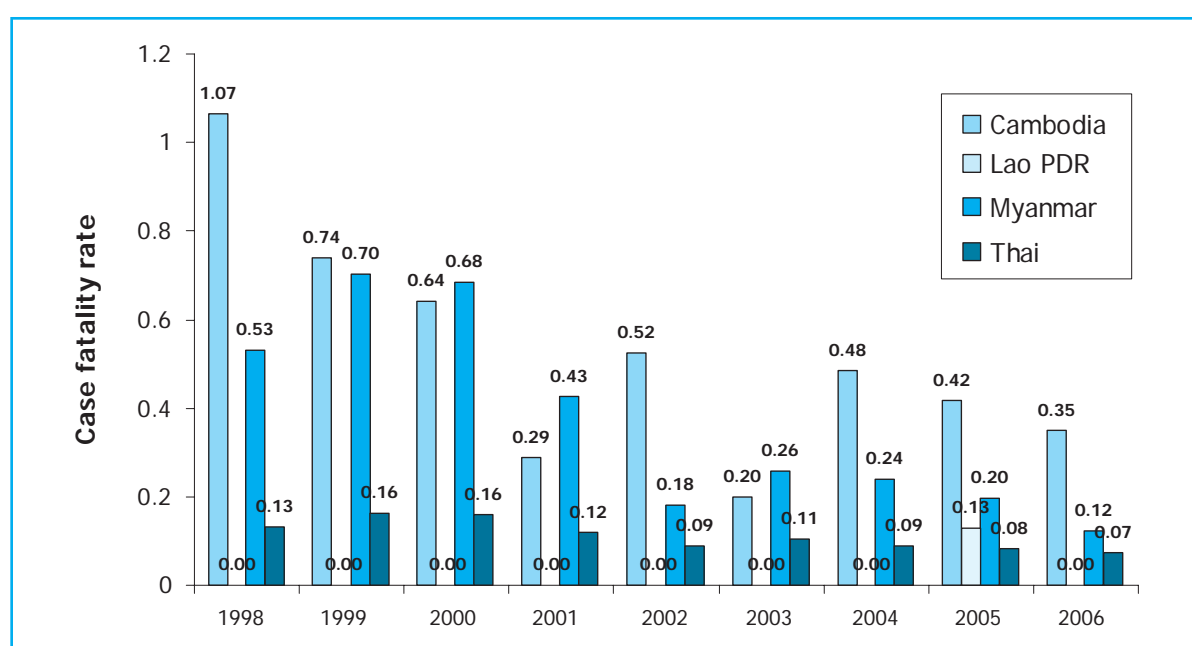
| | 2006 | |
|---|-----------|-----------|
| | Morbidity | Mortality |
| Acute diarrhea | 6,900 | 1 |
| Malaria | 5,912 | 7 |
| Pyrexia of unknown origin | 2,439 | 1 |
| Hemorrhagic Conjunctivitis | 1,305 | 0 |
| Pneumonia | 1,263 | 4 |
| Sexually Transmitted Diseases | 830 | 0 |
| Food poisoning | 646 | 0 |
| Tuberculosis | 529 | 3 |
| Dysentery Total | 355 | 0 |
| Dengue hemorrhagic fever | 337 | 0 |
| Influenza | 295 | 0 |
| Enteric fever | 272 | 0 |
| Scrub typhus | 161 | 2 |
| Chickenpox | 149 | 0 |
| Snake bite | 110 | 0 |
| Herpes zoster | 104 | 0 |
| Hepatitis | 96 | 0 |
| Measles | 96 | 1 |
| Mumps | 52 | 0 |
| Leptospirosis | 45 | 1 |
| Suicide by liquid substance poisoning and drugs | 39 | 1 |

| | 2006 | |
|---------------------------|---------------|-----------|
| | Morbidity | Mortality |
| Meningitis | 22 | 1 |
| Occupational Hazards | 15 | 0 |
| Mushroom poisoning | 11 | 0 |
| Leprosy | 10 | 0 |
| Rubella | 8 | 0 |
| Physical Hazard | 8 | 0 |
| Drug poisoning | 7 | 0 |
| Encephalitis Total | 7 | 0 |
| Hand foot & mouth disease | 5 | 0 |
| Tetanus | 4 | 1 |
| Tropical ulcer | 3 | 0 |
| Filariasis | 3 | 0 |
| Meningococcal infection | 2 | 0 |
| Rabies | 2 | 2 |
| Meloidosis | 2 | 0 |
| Diphtheria | 1 | 0 |
| Trichinosis | 1 | 0 |
| Amoebiasis | 1 | 0 |
| Total | 22,047 | 25 |

Source: Annual Epidemiological Surveillance Data, Ministry of Public Health, 2006.

Migrant patients also seem to have a higher fatality rate than Thai patients. Longitudinal observations of the number of cases resulting in death per disease cases treated at public health facilities reveal that the number of recorded health facility-related deaths among migrants has been decreasing steadily from 1998 to 2006, but a significant gap still persists when compared to the Thai population (Figure 23). More research is needed to explain this disparity, but it could indicate that, because of the many cultural and financial barriers, migrants wait to seek treatment allowing the disease to progress until the advanced stages. It is also possible that the diseases they suffer from are more life-threatening than those suffered by the Thai population. Differences among migrant groups also remain to be explained, especially the much higher case fatality rate of Cambodian migrants when compared to other migrants groups (Figure 23).

Figure 23. Case Fatality Rate of GMS Migrant Patients and Thai Patients, 1998-2006



Source: Annual Epidemiological Surveillance Data, Ministry of Public Health, 1998-2006.

Interventions and studies have devoted particular attention to the cross-border spread of HIV transmission with migrants as the link between Thailand and the other GMS countries. In the Lao People's Democratic Republic and Cambodia, a growing number of infections has been reported among returning migrants. For instance, at the Thai border in Koh Kong, Cambodia, local HIV transmission is generally low with a prevalence of 1.1 per cent among antenatal care cases, but the overall prevalence is around 6 per cent, with an average of 10 new HIV/AIDS cases, identified as migrants coming from the Thai side reported at Koh Kong Hospital (Koh Kong Provincial CDC in Press, 2008). Migrants are vulnerable due to limited knowledge and access to health information and services, new opportunities for casual and transactional sex, and unfamiliarity with prevention methods. Low condom use has been reported among migrant seafarers (Raks Thai Foundation, 2004) and there are indications of high prevalence pockets in provinces with high concentrations of migrants working in the fishing industry. In Samut Sakorn Province, the HIV prevalence rate among pregnant migrant workers was reported at 4.3 per cent versus 2 per cent among Thai pregnant women in 2004, and in Ranong Province it reached 21.3 per cent among migrant sex workers in 2005 (UNDP and Ranong Provincial Health Office in D'Souza, 2007:27).

Fears that migrant communities are not being reached at a time when Thailand has successfully reduced the rate of HIV transmission among its citizens have spurred targeted interventions by the Thai Government and NGOs. Since 2005, migrants have been included in the National AIDS Control program, thanks to the joint efforts of the Government and civil society. Thailand has also received funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) for AIDS control activities among migrant communities. The largest effort in terms of scope is the PHAMIT (Prevention of HIV/AIDS among Migrant Workers in Thailand) project, launched in 2003, which is a collaborative project of eight NGOs: Raks Thai Foundation (the Principal Recipient), Center for AIDS Rights (CAR), World Vision Foundation of Thailand, PATH, Stella Maris Center, MAP Foundation, Empower (Chiang Mai), and Pattanarak Foundation. PHAMIT partners have been working in 22 provinces throughout Thailand in partnership with the MOPH. Implemented through a broad-based NGO alliance, the project focuses on preventing the transmission of HIV among migrants and on improving their quality of life. To increase access to health services, in close collaboration with the Department of Health Service Support, MOPH, a migrant-friendly referral model, involving drop-in centers for migrants and migrant community health volunteers (MCHV), is being piloted in ten provinces (Chiang Mai, Chonburi, Pattani, Phuket, Ranong, Rayong, Samut Prakarn, Samut Sakorn, Songkla, Tak).^x Anti-retroviral treatment (ART) has been made available to HIV-positive migrants, especially HIV-positive pregnant women, albeit many are unwilling to reveal themselves or are not aware that treatment is available. There are also concerns that the treatment may be interrupted once the migrants return home, highlighting the need for bilateral or regional policies in the area.^{xi} Some other health projects for migrants already go beyond a national approach to tackle HIV/AIDS and other infectious diseases at both ends of the migration stream. For example, the PROMDAN (the word for "border" in both the Thai and Khmer languages) project, implemented by PATH and CAR, launched in 2000, links the source communities of Prey Veng and Kampong Cham in Cambodia to the destination province of Ranong in Thailand in a unique cross-border referral model (Kantayaporn, 2004).

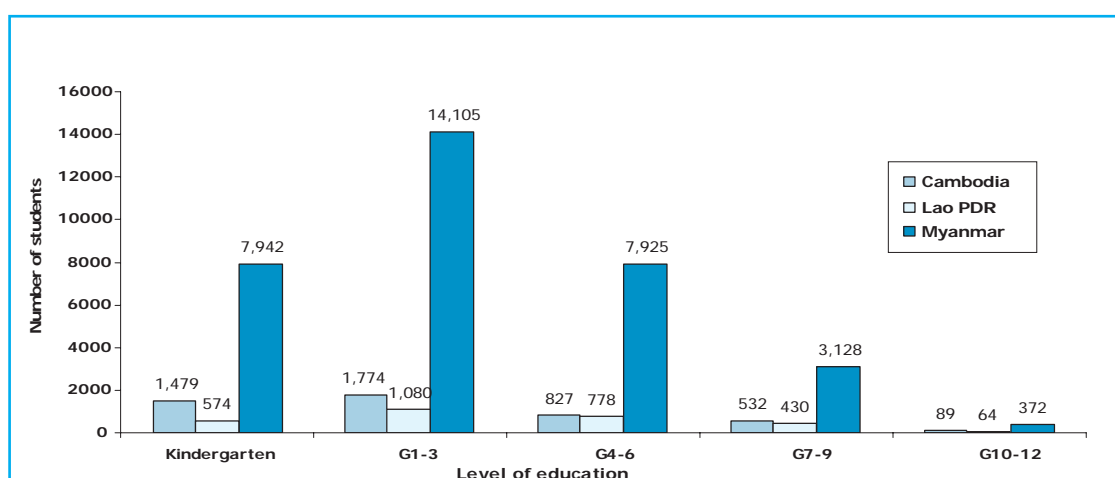
In line with national policies, HIV testing is not included in the health check for registered migrant workers. When it was made mandatory in 1999, protests soon led to the removal of HIV from the list of infections that could result in the deportation of migrants who test positive. There are worries, however, that under the MOUs new entrants are tested in their country of origin and, if found to be infected, are not allowed to migrate,^{xii} and that HIV/AIDS is considered a valid reason for employers to terminate employment contracts (Paitoonpong et al., 2008). Ethical concerns have also been raised with regards to pregnancy testing, although the rationale for this test is to ensure that migrants and employers know about the pregnancy and avoid putting a pregnant person on a job that can be harmful to the health of the mother and the fetus. After protests by civil society following the 2000 registration, pregnancy is no longer deemed an exclusionary condition. Employers are, however, informed of the results of the pregnancy test administered during registration and may still refuse employment. Furthermore, pregnancy is grounds for dismissal in sectors where migrants work, and there have been calls by government officials from the Committee for the Management of Illegal Migrant Workers to deport pregnant migrants. This issue was first raised following the positive testing of 9,383 migrant women who took the health exam for the 2004 registration round, or roughly 3.5 per cent of the women applying for registration.^{xiii} In November 2007, renewed calls to deport pregnant migrants were made on national security grounds (PHAMIT Focus, 2005; Prachatai, 2007). Under

these conditions, migrant women may feel compelled to resort to self-performed and unsafe abortions, putting their health at risk to keep their jobs (PHAMIT Focus, 2005a). According to the MOPH, the complication rate for abortions among migrant women is 2.4 times higher than that of Thai women (Caouette et al., 2006; see also Achavanitkul, 2007). For those who choose to deliver, they may do so at home or in informal facilities, potentially endangering their health and that of their child (PHAMIT Focus, 2005).

Growing awareness of health problems among migrants, coupled with worries that migrant settlements may develop into disease hot-spots and affect the Thai population, have led the MOPH to expand health care to migrants. Two plans on migrant health have been developed, namely the "Thailand's Border Health Strategy 2005-2008" and the "Migrant Health Strategy". The MOPH also collaborates with the WHO on the Border Health Program to improve the health of populations along the Myanmar border, and with IOM. As part of these activities, a Collaborating Center for Migrant Health has been established under the Department of Health Service Support at MOPH and Provincial Migrant Health Committees have been formed in the selected provinces to coordinate migrant-related activities. Migrant community health workers (MCHWs) and MCHVs have been employed since 2003 to act as a link between migrant communities and public health services and to support health providers in the delivery of services to migrants (WHO, IOM, and MOPH, 2007). A Migrant Health Information System is also being developed to enhance data collection on migrant health in order to improve disease surveillance and better provide services to migrants (D'Souza, 2007). Formally, health care services are still limited to registered migrants who are covered under the universal health scheme, but many public hospitals and health centers also provide care to all migrants in need, irrespective of their legal status, and support NGOs in their services to unregistered migrants, especially in areas close to the border or with high concentrations of migrant populations. In Mae Sot, the Mae Tao Clinic (MTC), founded and directed by Dr. Cynthia Maung, a Ramon Mangasay awardee from Myanmar, collaborates with local health authorities in providing free health care to migrant workers, displaced persons and others who cross the border from Myanmar to Thailand.^{xiv} Academics and activists have further argued that migrant health funds garnered from fees paid by registered migrants for health checks and insurance are more than sufficient to cover prevention and treatment activities for the overall migrant population. While access to services for migrants is being debated, registered and unregistered migrants alike, continue to face multiple barriers to seeking care, including communication difficulties, inability to take days off, discrimination by providers, and unaffordable direct and indirect costs.

Socio-cultural and economic barriers also limit GMS migrants' utilization of the Thai education system, despite the recent enactment of progressive policy measures. In a ground-breaking initiative, on 5 July, 2005, the Thai cabinet, following a MOE proposal, ruled that non-Thai and undocumented migrant persons could access the Thai education system with a 13-digit ID number, with no restrictions placed on levels of education and on travel to educational institutes (International Bureau for Children's rights, 2006). Equally important, the government policy of providing free education through secondary school to every child in Thailand was extended to include migrant children. A gradual increase in attendance has been observed since the policy was introduced. Today, 41,099 migrant children are enrolled in primary schools, 33,472 from Myanmar, 4,701 from Cambodia and 2,926 from the Lao People's Democratic Republic, with the large majority attending classes at below grade 6 level (Figure 24). Still, considering that, as previously mentioned, in the 2004 registration about 93,000 migrants below 15-years old had registered, and that many more went unregistered, we cannot but conclude that a large portion of migrant children is not enrolled in Thai schools. Some may attend informal, non-diploma classes run by migrant groups themselves or by NGOs, but for many it has been observed that they work to contribute to the welfare of their families. Migrant parents also find the many indirect costs of education too high and are afraid that by sending children to school they may be identified, arrested and deported (Chantcharas, 2008). For migrant children, language and discrimination often act as discouraging factors. At the same time, the education system is unprepared and not sufficiently funded to implement the government policy. In 2006, in a sample of 24 schools and 5 learning centers that provided education to migrant and stateless children, 45.8 per cent claimed not to have received funds for each of these children as intended by law, and 12.5 per cent of the school administrators were unaware of the MOE policy entitling migrant children to free education (Daily News in Chantcharas, 2008).

Figure 24. Migrant Children from Cambodia, Lao People's Democratic Republic and Myanmar Attending Basic Education in Thailand in 2007



Source: Ministry of Education, 2008.

In addition to lack of or limited formal education, the future of migrant children born in Thailand is put at risk by their unclear citizenship status. As the majority of migrants is irregular, they have difficulties registering marriages and births. More and more hospitals grant an attestation of birth, but formal birth registration remains difficult (Prachatai, 2007), as district officers often refuse to issue a birth certificate if the parents do not have Thai nationality. This may, however, change soon, because of the issuing of the Civil Registration Act B.E. 2551, entitling new born infants of registered migrants to birth certificates with a 13 digit ID number, and making compulsory the issuing of delivery certificates at health facilities to all migrants, irrespective of their status (IRC, 2008). Still, these important proofs of family relationship and of date and place of birth do not grant Thai nationality to migrant children. Since, the parents' countries of origin also do not automatically recognize them as their citizens, migrant children become stateless. This lack of identity and citizenship endangers their education and work opportunities in destination as well as sending countries, making them vulnerable from a very early age (Caouette, 2006:30).

For migrant workers under the MOUs no provisions are made for family forming or reunion, pregnancy, marriage and other personal matters. They are also limited in their movements and choice of jobs. Similarly, registered migrants have few entitlements outside the right to work. The dependants of migrant workers who registered in 2004 are tolerated, if they still live under the same roof with a relative who has a work permit, but all others are prohibited from staying in Thailand and are liable to deportation even at the cost of breaking up families (PHAMIT Focus, 2005). Restrictions are also put on the movement of registered migrants outside the area of employment, limiting their stay only to the province, and sometimes even the district, in which they registered. Transfers for work reasons between different provinces may be authorized, but not travel for personal purposes. In August 2006, 674 Karen migrant workers were arrested and deported because they were attending a traditional New Year celebration outside of their authorized "registered" locations, irrespective of the fact that the proper permission had been given for the event by the Thai authorities (MAP Foundation, 2006:55).

Migrants' limited personal space has been further reduced by the recent issuing of provincial orders concerning migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar in several provinces with a high concentration of migrants. The first province to issue such a decree in late 2006 was Phuket, followed in 2007 by Rayong, Ranong, Surat Thani and Phang Nga. In addition to these Southern provinces, a Northern province, Chiang Mai, is considering implementing similar directives. The orders adduce national security concerns in their enforcing of stringent regulations on migrant workers lives, including bans on public assembly of more than five migrants outside their work premises without prior permission; control on the use of mobile phones, motorcycles and cars; and a curfew for migrants from 8pm to 6am. Human rights activists and NGOs have contested this discriminatory approach, which makes migrant workers even more employer-dependent and cut off from wider Thai society. They have further questioned the legitimacy of such orders, which they believe to be inconsistent with the Thai Constitution and international conventions signed by Thailand (Prachathai, 2007). Although research on the impacts of

the decrees is just starting (Malikaew, 2008), indications show that they are leading to increased extortion by frontline agencies, confiscation of mobile phones owned by migrants, reduced access of migrants to health and education activities, and greater suspicion of migrants by Thais (MMN and AMC, 2008:66).

Control has also been enhanced through more regular police raids and the establishment of police and army check points across locations and provinces to arrest unregistered migrants and registered migrants flouting registration rules. In a May 2008 newspaper article, Phuket's immigration superintendent, Police Colonel Chanatpol Yongbunjerd was quoted as saying that "there had been almost as many arrests of illegal Myanmar workers in the first four months this year as in the whole of last year" (*South China Morning Post*, 2008). To avoid being caught, migrants enter into more risky arrangements with organized smuggling networks, with deadly incidents occurring with worrisome frequency (*Bangkok Post*, 2008). The most shocking incident occurred on April 10, 2008 when 54 migrants from Myanmar died and 67 barely survived suffocation in an enclosed cold storage delivery truck heading from Ranong to Phuket. Some of the migrants had just crossed the border, but others were registered workers in Ranong trying to move to earn higher wages in Phuket or farther south. As there is no immigration law that offers protection to irregular GMS migrants, the survivors were detained and eventually deported to Myanmar a few months later (*Bangkok Post*, 2008a). The Act to Prevent and Suppress Human Trafficking B.E. 2551 issued shortly before the incident, which could have allowed them to remain in the country and receive proper care, at least while the trial was ongoing, proved to be inapplicable in this case as the migrants had moved voluntarily for labour purposes. Suggestions to delay repatriation and to take into account that at the time of deportation Myanmar had just been devastated by Cyclone Nargis were also quickly dismissed, and provincial authorities instead gave instructions to the police to strengthen surveillance as a new influx of cyclone victims was expected.^{xv} Nor was the possibility of allowing them to work in Thailand considered, despite the fact that the demand for migrant labour was booming in Phuket and neighbouring provinces and that migrants have greatly contributed to rebuilding the island after the tsunami, sustaining the growth of its tourism and fishing industries.

Impacts of Cross-Border Labour Migration in the GMS

The benefit of low-skilled migrant labour to Thailand's development is generally played down if not ignored, with public discussion biased toward its negative impacts. While foreign nationals from OECD and East Asian countries are considered an asset for the country, GMS migrants are scapegoated for all kinds of problems from drugs trafficking to illegal logging. They are also accused of spreading diseases and perpetrating crime, even if reliable evidence to substantiate such claims is lacking (Paitoonpong et al., 2008). That GMS migrants are the source of AIDS is debatable, as they may as well be the receivers. Malaria and TB, due to the poor living conditions in migrant settlements, are a more warranted focus. From the scant data, the incidence of crime by GMS migrants appears negligible in view of the size of the migrant population, and there is speculation that the rate of crime perpetrated by Thais against migrants may actually be higher (Caouette et al., 2006).

Other concerns include competition by GMS migrants with Thai citizens over health, education and other social services, and suppression of national wages resulting in unemployment of Thai low-skilled workers (Chalaemwong, 2004). About 59 per cent of the 4,148 Thais polled in 2006 by Assumption Business Administration College (ABAC) with support by ILO and UNIFEM opposed migrant workers in Thailand, believing that they increase unemployment and reduce wages. Public opinion does not seem affected by the growing body of work stressing the significant contribution that low-skilled GMS migrant workers make to the Thai economy by:

- (i) supporting the expansion of the secondary and tertiary sectors when the supply of internal migrant labour is no longer sufficient;
- (ii) enhancing the competitiveness of Thai exports in regional and global markets by providing cheap labour;
- (ii) maintaining the necessary level of employment in sectors and jobs no longer attractive to the local population;
- (iii) compensating for a diminishing work force in agricultural areas affected by out-migration and;
- (iv) subsidizing domestic consumption by providing goods and services at cheap prices (adapted from Caouette et al., 2006:44; World Bank, 2006).

Studies have positively linked the presence of migrants to macro-economic indicators. In 1995, it was calculated using a Computable General Equilibrium model of the Thai economy that a migrant population of around 750,000 workers contributed 0.5 per cent or US\$ 839 million of the then US\$ 168 billion Thai GDP (Sussangkarn in Martin, 2007:7). Applying the same methodology ten years later, with an adjusted set of data to account for the increased migrant share to the labour force, it was calculated that the migrant contribution had reached 1.25 per cent or 2 billion of the US\$ 177 billion Thai GDP in 2005 (Martin, 2007:8). In a consistent indicative trend, with a different simulation model, a significant, albeit lower, net gain due to migrant labour of US\$ 53 million in Thai GDP was measured for the same year (Table 34).

Table 34. Migrants' Contribution to Thai GDP, 1995-2005

| | Wage depression | Migrant share of labour force | Labour's share | Estimated net gain (1/2) | Thai GDP (\$billion) | | Migrant contribution | |
|------|-----------------|-------------------------------|----------------|--------------------------|----------------------------|----------------------|----------------------------|----------------------|
| | | | | | Constant 2000 \$ (billion) | Current \$ (billion) | Constant 2000 \$ (million) | Current \$ (million) |
| 1995 | 0.03 | 0.02 | 0.4 | 0.0001 | 120 | 168 | 16 | 22 |
| 1996 | 0.03 | 0.02 | 0.4 | 0.0001 | 127 | 182 | 17 | 24 |
| 1997 | 0.03 | 0.03 | 0.4 | 0.0002 | 125 | 151 | 22 | 27 |
| 1998 | 0.03 | 0.03 | 0.4 | 0.0002 | 112 | 112 | 20 | 20 |
| 1999 | 0.03 | 0.02 | 0.4 | 0.0001 | 117 | 122 | 14 | 15 |
| 2000 | 0.03 | 0.03 | 0.4 | 0.0002 | 123 | 123 | 19 | 19 |
| 2001 | 0.03 | 0.03 | 0.4 | 0.0002 | 125 | 116 | 21 | 20 |
| 2002 | 0.03 | 0.03 | 0.4 | 0.0002 | 132 | 127 | 23 | 22 |
| 2003 | 0.03 | 0.03 | 0.4 | 0.0002 | 141 | 143 | 24 | 25 |
| 2004 | 0.03 | 0.04 | 0.4 | 0.0003 | 150 | 162 | 39 | 42 |
| 2005 | 0.03 | 0.05 | 0.4 | 0.0003 | 157 | 177 | 47 | 53 |

Sources: Thailand Development Research Institute Foundation I estimates of wage depression; migrant data from the Ministry of Labour in Martin 2007:12.

GMS migrant workers contribute positively to the real national income, averaging 2.3 per cent, or 760 million THB, per year (Pholphirul and Rukumnuaykit, 2007:20). It is also thought that their expenditures in Thailand increase Thai GDP by US\$ 2 billion (Martin, 2007:14), and that with their cheaper labour they enhance the competitiveness of the Thai economy. Thailand's place as a leading shrimp exporter has been made possible by the low wages paid to migrant workers, thanks to the abundant supply of such workers (Kura et al., 2004). On a national level, it was specified that employing migrant workers increases the country's competitiveness, with migrant unit labour costs lower at an equal level of productivity than Thai workers (Pholphirul and Rukumnuaykit, 2007:27-28).

How these macro-economic benefits accrue to specific groups has been hotly debated since 1996, when the pioneering study of Sussangkarn argued that the presence of the migrant worker population suppressed the wages of less educated Thai workers by 3.5 per cent, but kept those of the more educated up. Projections showed that if migrant workers were to be removed, the real income of the poorest 60 per cent of Thai households would increase by 0.4 per cent, but that of the richest 40 per cent would decrease by 0.3 per cent (Sussangkarn in Martin, 2007:8). A recent study could not find differentiated impacts along socio-economic lines, but identified an overall slight downward pressure on local wages accounting for a reduction of about 0.2 per cent for a 10 per cent increase in immigration. No negative effect on Thai employment could be found, with immigration not reducing jobs or work time for Thai workers. Contrary to expectations, wages are higher in areas with high concentrations of low-skilled migrant workers likely because migrants move to districts with higher wages (Bryant and Rukumnuaykit, 2007). From this, it would appear that migrant workers in Thailand integrate and complement rather than compete with the Thai workforce, "filling jobs in a manner that creates jobs for national workers in upstream and downstream industries" (Martin 2007:16).

In this context, a lingering question is whether higher wages for jobs that are being done by migrants would indeed be sufficient to draw low-skilled Thai workers. Considering (i) the poor work conditions and the low-status associated with such jobs, (ii) the precedent of the 1997 crisis when unemployed Thais declined to

take over jobs performed by migrants (Maltoni, 2007:7), and (iii) the above-mentioned finding that inward migration does not impact Thai employment (Bryant and Ruamnuyakit, 2007), this would seem improbable. Higher wages could also result in mobile, labour-intensive industries relocating to countries with lower wage structures, thus still not creating employment for low-skilled Thais (Caouette et al., 2006). Also, as discussed in Chapter II, the Thai labour market is relatively tight, and even if Thai migrants were to return they may still not be sufficient to fill the current shortage.

Many other impacts of GMS labour migration flows on Thai society need to be better understood, including the price value of migrant-produced goods, whether the availability of cheap labour delays adoption of labour-saving technology, and the costs of managing migration flows and social expenditures for migrants (World Bank, 2006; Caouette et al., 2006). Similarly, more research ought to be undertaken regarding the benefits and costs of these flows for the sending countries. As in other parts of the world, in the GMS migration of low-skilled workers could contribute positively to the economy of the countries of origin by easing unemployment, enabling capital investment and skill transfers, increasing inflows of foreign exchange, and alleviating poverty (World Bank, 2006). Still, evidence to back up these claims is sorely lacking, nor are there empirical data to assess the suspected negative impacts often emphasized in the literature, such as decreasing productivity in the agricultural sector, lower return for public investments in basic education, increased consumerism in migrant communities, and growing disparities in the home countries.

Somewhat more is known about the consequences of emigration for migrant households and communities in Cambodia and the Lao People's Democratic Republic, and to a lesser extent, Myanmar. On the minus side, families and communities appear to struggle to cope with the loss of migrant members. In the previously mentioned PROMDAN project, source communities in Prey Veng, Cambodia, identified a number of problems as being related to migration to Thailand and the vulnerable conditions of migrants there. These ranged from reduced help in the household and its farm activities to high debt burden and imported health hazards (Box 3). Anxiety also arises from lack of interaction and communication. Even if migrants from Cambodia and the Lao People's Democratic Republic can more easily cross borders, they often stay abroad for long periods of time, to save on costs and avoid risky travel, rarely visiting their families back home. In the PROMDAN Project of the 812 migrants who had migrated for more than two years to Thailand, only 101 had visited home (Caouette, 2006:65). Family disruption may also occur as migrants start new lives in Thailand and abandon their spouses and children. More commonly, migrants may fail, or be unable to stay in touch. A 2005 study of Lao migrants found that 20 per cent of families with migrant children have not heard from them and did not know where they were (Phouxay, 2008).

Box 2. Reported Problems Associated with Migration from Prey Veng, Cambodia to Thailand

- A high migration rate equates to a loss of able-bodied workers at home to help with farming and other subsistence or domestic activities (although many men return home for the rice planting season);
- Debt incurred by paying an agent is often borne by the spouse or the family who remain in the community, burdening their financial resources;
- Migrants leave for four months up to seven years and, especially men, rarely remain in contact;
- Migrants send little or no money home;
- Migrants who return often have only been able to save a small amount of money;
- Hardships, exhausting manual labour and exploitation take an emotional and physical toll on the migrants affecting their lives on return;
- Some migrants become sick in Thailand without being able to access treatment, including those arrested, and return physically weakened;
- Migrants return home not knowing they have HIV/AIDS and infect others in their community.

Source: PROMDAN Project.

On the plus side, GMS migrants contribute to the welfare of their families and communities by supporting them from the little they can save in Thailand. A variety of channels, both formal and informal, have developed to facilitate the sending of remittances. Formal money transfer operators, including the

expanding Western Union and MoneyGram chains in the GMS, are expensive by both local and international standards, and mainly accessible to registered workers (World Bank, 2006). These restrictions encourage the use of informal mechanisms, already popular because of their greater adaptability to the diverse needs of migrants. Migrant seafarers from Cambodia are inclined to rely on a phone system to transfer money to their families, while many domestic workers from Myanmar use underground brokers to personally carry the funds and deliver them to the migrant households (Maltoni, 2006; Panam et al., 2004). Migrants working across the border from the Lao People's Democratic Republic and Cambodia prefer personal channels, when they cannot access bank channels. Of the 1,183 surveyed migrant household members in Sa Keo and 39 in Mukdahan who were recorded as sending remittances in 2006, almost 75 per cent brought back the money in person, 13 per cent had a relative cross the border, and the remaining 12 per cent deposited the funds into a household bank account (Paitoonpong and Chalamwong, 2007:8).

The 2005 Report attempted to calculate the overall volume of remittances being sent by migrants working in Thailand to neighbouring countries based on the number of registered and estimated unregistered workers and an average amount of monthly remittances. The authors provided a conservative and a more "realistic" monthly estimate of THB 590 million (US\$ 14.8 million) and THB 1 billion (US\$ 26 million) respectively, 75 per cent of which was sent to Myanmar and the rest shared between the Lao People's Democratic Republic and Cambodia (Huguët and Punpuing, 2005). These initial calculations have still to be polished as successive studies have mainly illustrated the behavior of particular sample populations. A comprehensive picture is difficult to produce as sending of remittances depend on many factors, including the personal characteristics of the migrants, length of migration experience, and employment sectors and wages (Caouette, 2006). A recent ADB study provides an indication of the variation in remittance flows from Thailand both across and within sending countries, showing that the average value of monthly remittances per cross-border worker (CBW) over the entire migration period was lower for flows to Cambodia than for flows to the Lao People's Democratic Republic, and within Cambodia lower to Svay Rieng than to Banteay Rieng, for reasons that need to be better understood (Table 35).

Table 35. Remittance Flows in Cambodia and the Lao People's Democratic Republic, 2006

| | Cambodia | | Lao PDR | |
|--|-----------------|------------|-------------|------------|
| | Banteay Meachey | Svay Rieng | Savannakhet | Saravan |
| Percentage of Households Claiming Remittances as a Source of Income | 9.24% | 9.45% | 22.67% | 21.08% |
| Estimated Average Share of Remittances in total Household Income | 35.92% | 29.49% | 43.41% | 40.44% |
| Percentage of Household with remittance share \geq 40% of total HH income | 3.45% | 3.47% | 12.28% | 10.21% |
| Average Value of Monthly Remittance & Earnings per CBW (in US\$) | \$78.08 | \$39.45 | \$89.57 | \$92.17 |
| Total Estimated Remittance & Earnings Per Month per Total CBW (in US\$ thousand) | \$5,390.34 | \$750.39 | \$5,354.18 | \$2,004.81 |

Source: Regional Technical Assistance Survey Estimates, 2006 in Singh 2007.

Paitoonpong et al (2008) confirm that in comparison to Cambodian migrant workers, a greater proportion of Laotian migrant workers are able to send remittances (70 and 89 per cent respectively), do so more regularly, and in larger amounts. Over the entire migration period, the majority of Laotian workers send between THB 15,000 and 30,000 (or about US\$ 500 and US\$ 1,000) while the majority of Cambodian workers send below THB 15,000. This notwithstanding the fact that, as Table 36 shows, the net return on migration for an estimated four years stay in Thailand is on average higher for Cambodian migrant workers when compared to Laotian migrant workers, indicating different lifestyles and saving patterns in the host country for these two groups of migrants. The same table also shows that the level of benefits and costs derived from migration is clearly impacted by the status of the migrant workers, with regularized migrants

under the MOUs having greater net returns from migration than undocumented workers.

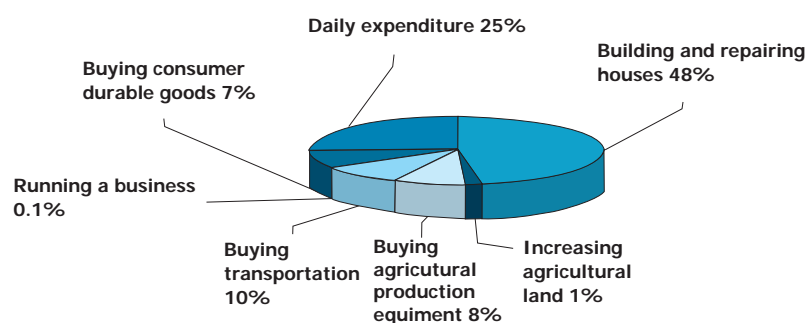
Table 36. Summary of Costs and Benefits of Migration by Cambodian and Laotian Migrant Workers by Category (THB)

| | Cambodia | | | Lao PDR | |
|--------------------------------|--------------------------|-----------------------------------|--------------------------------------|-----------------------------------|--------------------------------------|
| | Legal worker (under MOU) | Irregular worker (with documents) | Irregular worker (without documents) | Irregular worker (with documents) | Irregular worker (without documents) |
| Total benefit | 323,280 | 202,721 | 248,323 | 195,129 | 128,750 |
| Total cost | 236,663 | 131,893 | 171,722 | 130,704 | 67,248 |
| - Fixed cost | 39,827 | 4,800 | 6,951 | 1,794 | 3,390 |
| - Variable cost | 196,836 | 127,093 | 164,771 | 128,910 | 63,858 |
| Net return to migration | 86,617 | 70,828 | 76,601 | 64,425 | 61,502 |

Source: Paitoonpong et al., 2008:7-9.

In the GMS, as in other sending countries with weak local economies and relative recent emigration, remittances are mostly employed as a household survival strategy rather than for productive investments (World Bank, 2006). In the town of Mawlamyine, located in the Mon State, Myanmar, in 2007 most interviewed migrant households used remittances for household consumption, repayment of debts and religious and social events. As migrants often had to sell land to finance the migration of their members, migration implied a transformation from durable assets into consumption goods. The author concluded that it cannot be expected that migrant workers in low-paid 3-D jobs will be able to productively invest for their return home. The weak potential for investment in the home country produces circular migration of a next generation of migrant workers as limited remittances, if not for consumption, are used to finance the travel abroad of younger household members (Khine, 2007). In Prey Veng, Cambodia, in 2005 migrant households used remittances to satisfy basic needs, especially covering health expenses and paying for food, and repaying debts (Maltoni, 2006). In the Lao People's Democratic Republic, in 2007, remittances contributed to improving household conditions, with the greatest portion used to repair and build houses and for daily expenditures, and the remaining mainly used for enhancing agriculture production, paying for children's education, and acquiring durable goods (Figure 25). Some very preliminary data, however, suggest that gradually some of the remittances are being used for community development. A recent study (Souksavat and Voladet, 2008) of migrant communities spread across the Lao People's Democratic Republic, indicated that migrants had contributed LAK 320 million (US\$ 320 million) to building or repairing roads, schools and pagodas.

Figure 25. Remittance Utilization in the Lao People's Democratic Republic, 2007



Source: Souksavat and Voladet, 2008.

Whether migration will indeed contribute to development in the GMS is still an open question, which in part depends on the formulation of appropriate policies and interventions in both destination and sending countries, on one side, to allow migrants to earn more secure incomes and, on the other side, to enable

favorable conditions for the investment of these incomes and the reduction of negative impacts on families and communities. Likewise, efforts will be needed to aid migrants' return and reintegration. For now, the return home from Thailand is challenging because in the Lao People's Democratic Republic and Myanmar there are measures that penalize migrants who left irregularly, and in all countries of origin the economic situation remains disadvantaged with few opportunities for transfer of skills and investments. These conditions encourage permanent migration or high rates of re-emigration, irrespective of the degree of hardship encountered in Thailand. Despite the GMS government focus on temporary contract migration, the migrants themselves may be compelled to make a different choice, caught as they are in a cycle of compounded vulnerability at home and abroad that has yet to be broken.

List of footnotes

- i Immigration Bureau (Section 4, Kor Kor 1, Tor Mor 1), 2008
- ii English translation of http://chanyakomol.com/thailaws/law/t_laws/tlaw0173.htm
- iii Available at www.asiasentinel.com/index.php?option=com_content&task=view&id=231&Itemid=31
- iv US State Government at <http://www.state.gov/g/drl/rls/irf/2006/71359.htm>
- v Thailand uses a system of colored ID cards to identify different migrant and ethnic populations in the country. Purple ID cards are for persons who entered irregularly after 9 March 1976 and live with their employers (D'Souza 2007:Annex 1).
- vi When the two sources were found in disagreements, MAP and/or Chantavanich have been followed, as these sources appeared to contain more detailed information.
- vii Please note that figures in this and the following tables provides an indication of the trends, but may not necessarily be exact to the number as different sources provide different, albeit close, figures on registration numbers.
- viii For lack of a better term, "Burman" is used in the report to refer to the particular ethnic group to differentiate it from "Burmese", which is used to refer to the entire population of Myanmar.
- ix Based on MOL data not reported here.
- x For more information see www.phamit.org
- xi <http://www.youandaids.org/Features/CambodiaMay05.asp>
- xii www.mapfoundationcm.org/Eng/MOUUpdate.html
- xiii www.phamit.org/download/thailand_migrant_policy2004.html
- xiv Available on <http://www.maetaoclinic.org>
- xv Available at www.phuketgazette.net/news/index.asp?id=6515&display=1



Chapter V

Seeking Refuge in Thailand

In the Midst of Regional Tensions

Long before Thailand became a magnet for labour migration flows in the GMS, it was the main destination for intraregional influxes spurred by conflict and war. As discussed in the 2005 Report, when the region became affected by the rise of anti-colonialism and socialism and divided by the Cold War, displaced and defeated groups from nearby countries sought refuge in Thailand. Among those were 13,000 troops of the 93rd division of the Chinese Nationalist Party or Kuomintang, who fled from Yunnan because of the communist take-over and, after struggling for a decade in Myanmar, settled in the uplands of Northern Thailand. After being granted Thai citizenship for their help in countering the Thai communist insurgency in the 1970s, some remnants of the original group and their descendants still reside in Mae Salong village of Chiang Rai Province.ⁱ

At about the same time, following World War II, the brief reinstatement of French rule, and the newly-established Democratic Republic of Viet Nam, a wave of Viet Kieu ("overseas Vietnamese") sought refuge in Thailand, leaving behind conflict and deprivation. In 1959, the number of Vietnamese refugees and their children in Thailand totaled 68,800 persons, of whom about half returned to Viet Nam in the early 1960s. The other half remained in Eastern Thailand, concentrated in the provinces of Udon Thani, Nong Khai, Sakon Nakhon, Nakhon Phanom and Ubon Ratchathani.ⁱⁱ During and after the Viet Nam War, a new wave of 158,000 more Vietnamese reached Thailand. Decades later, in 1989, under the Comprehensive Plan of Action for Indochinese Refugees (CPA), the majority of the Vietnamese asylum seekers were resettled to third countries, mainly to the United States, after being screened and registered by the Thai Government with assistance from UNHCR and IOM, or returned home. The exact number of Vietnamese refugees and their descendants who are today in Thailand is not known. Official figures show that from 1998 to 2004, 24,914 registered for residence with "alien status" (first generation Viet Kieu) or acquired the Thai nationality (second and third generation Viet Kieu), but more are believed to be in the country. In 2001, 35,624 had applied for "alien status" or Thai nationality and it is common knowledge that many, especially from the older generation, never bothered to apply.ⁱⁱⁱ

Together with the Vietnamese, about 320,000 Laotians also escaped to Thailand because of the Viet Nam War. A majority was later resettled to the United States under the same CPA or returned home, but a small group of about 15,500 ethnic Hmong, composed of former camp residents and their children born in Thailand, remained behind. They settled on the land of Wat Tham Krabok in Saraburi Province, protected from repatriation to the Lao People's Democratic Republic by the temple's abbot. In 2004, this residual group became eligible for resettlement to the United States and a majority were processed by IOM and departed.^{iv} In more recent years, the dwindling group of Hmong, who did not resettle to the United States, moved to Petchabun Province and were joined by new entrants from across the border who alleged persecution by the Lao authorities due to the Hmong's allegiance to the United States during the Viet Nam War (see last section of this chapter).

The exodus of Indochinese to Thailand also included successive groups from Cambodia driven by a series of dramatic events including: (i) the Khmer Rouge's victory in 1975; (ii) the Vietnamese army's intervention against the Khmer Rouge in 1979; (iii) the 1984/85 Vietnamese offensive along the Thai border; (iv) the collapse of Cambodia's four-year-old coalition Government mandated by UN-organized elections in 1997 and the subsequent persecution of those opposed to the newly installed Government; and (v) the Khmer Rouge's demise in 1998. To address these massive flows, "displaced persons" camps were established by the Thai Government along the Thai-Cambodian border and managed by the United Nations Border Relief Operation (UNBRO)^v with the assistance of international NGOs. The first camp was opened in 1979 and the last closed in 1999, after roughly 235,000 Cambodians had been resettled in the United States and other countries, and 370,000 had been repatriated to Cambodia (Robinson in Huguet and Punpuing, 2005:9).^{vi}

In addition to the refugee flows from China and the former Indochinese countries, since 1972, Thailand has experienced an ongoing influx of people fleeing Myanmar. Many have escaped armed conflicts between the central Government and ethnic minority-based opposition groups, which are ongoing in small areas of Kayin, Kayah and Mon States, and in the Tanintharyi Division (Amnesty International, 2005:2). Others have been victims of abuses, included forced labour, torture, arbitrary arrest and detention, and destruction or forced appropriation of their livelihoods or property, or live in fear for their life and that of their relatives. Many have also faced insecurity in other aspects of their lives, lacking adequate food and shelter, their hope for a job and better livelihood opportunities in Thailand blurring the already complex differentiation between economic and forced migrants. A 2006 survey of 1,704 Myanmar nationals in the border provinces of Tak, Mae Hong Son and Chiang Mai concluded that it is difficult to differentiate between forced and bona fide labour migrants and that as many as 50 per cent of the migrant population from Myanmar in Thailand may actually deserve international protection as refugees (Green-Rauenhorst et al., 2008). A combination of socio-economic and political factors is also triggering a growing influx of members of the marginalized Rohingya Muslim ethnic group from the Northern Rakhine State of Western Myanmar on the border with Bangladesh to Southern Thailand and Malaysia in search of protection from discrimination and abuse (see last section).

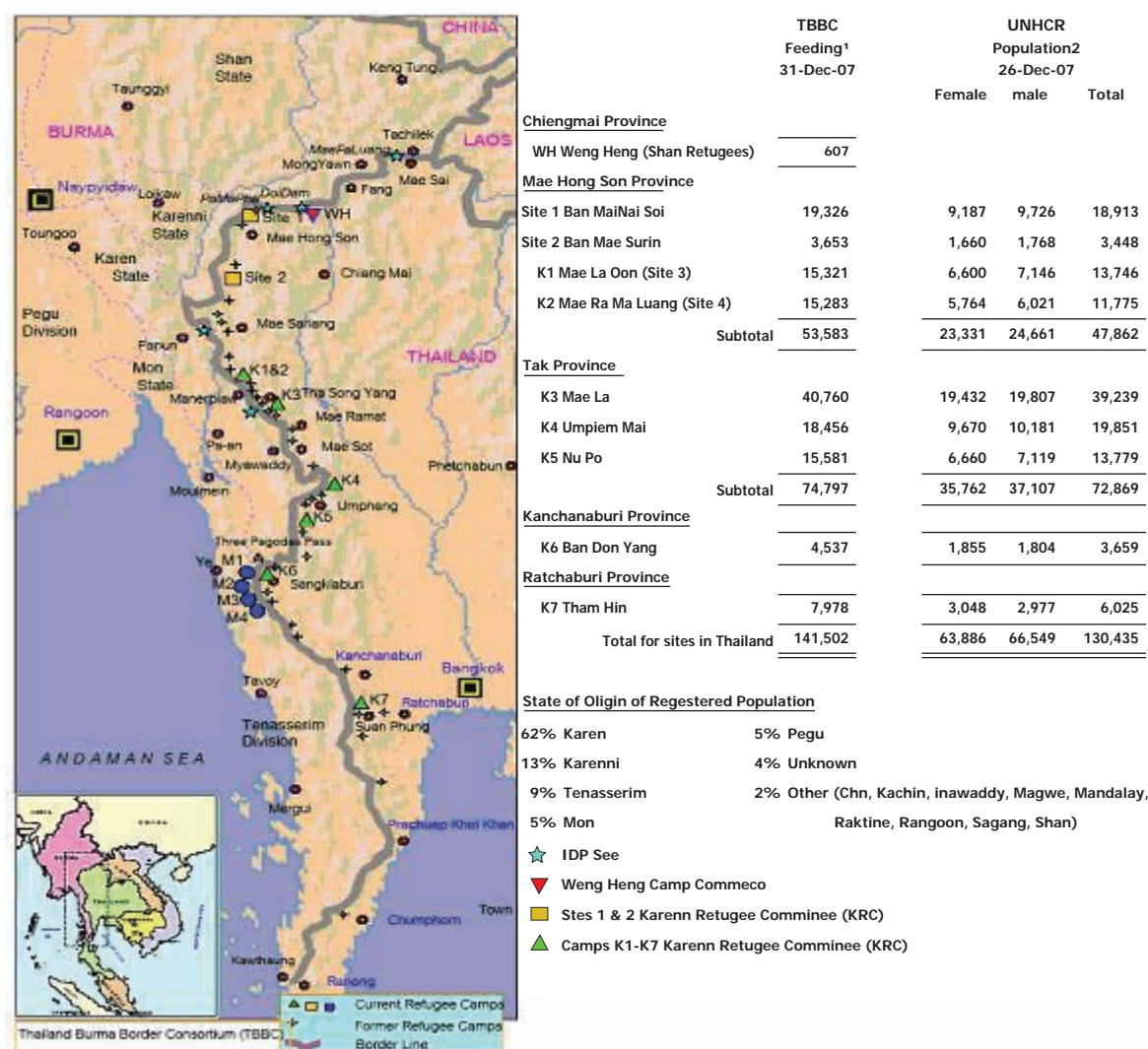
These intra-regional movements, coupled with smaller politically-motivated flows from other countries, have produced three main groups of persons seeking shelter in Thailand today. As elaborated in more detail below, these are: (i) "displaced persons" from Myanmar in nine border temporary shelters (ii) the so-called "urban" asylum seekers and refugees, i.e. persons originating from more than 30 different countries throughout the world who have applied to UNHCR for refugee status; and (iii) forced migrants to whom UNHCR has not been granted access, including Lao Hmong in Petchabun Province, Shan and Rohingyas from Myanmar in Northern and Southern Thailand respectively, and nationals from the Democratic People's Republic of Korea in Bangkok and other locations.

Not only specific nationalities and migration histories distinguish these three groups, but also the ad-hoc administrative policies applied to each by the Thai Government. As mentioned in Chapter II, Thailand is not a signatory to the 1951 Refugee Convention or to other relevant international instruments, and has enacted no domestic legislation which relates specifically to the treatment of refugees and asylum seekers in the country. As such, Thailand considers these groups to be illegal migrants who, being in breach of the Immigration Act B.E. 2522, are subject to arbitrary arrest, detention, prosecution and deportation. Yet, it permits UNHCR, as the United Nations body entrusted with protection of refugees, to operate in the country through a country office in Bangkok and three field offices in Mae Hong Son, Mae Sot and Kanchanaburi under its directives, and it allows international and local NGOs to provide humanitarian assistance. Also, as the sections below show, on political and humanitarian grounds and under international pressure, the Thai Government has repeatedly made administrative exceptions to defer the deportation of "displaced persons"/"persons fleeing fighting", permitting them temporary respite in the country. Alternating between restrictive responses dictated by national security concerns and pragmatic tolerance of a refugee situation difficult to resolve geo-politically, Thailand has de facto provided asylum to some 1.2 million refugees from the GMS and beyond over the last three decades (UNHCR, 2007:251), and still, somewhat reluctantly, hosts over a hundred thousand of them.

Displaced Persons from Myanmar in Border Camps

To cope with mass movements of persons fleeing armed conflict in Myanmar the Thai Government has established “temporary shelters” (camps) for “displaced persons” along its borders, the first of which was established in Tak Province in 1984 (D’Souza, 2007:8). In total, there are nine official camps formally recognized by the Thai Government that are located in Mae Hong Son, Tak, Kanchanaburi and Ratchaburi provinces (Figure 26). For reasons to be discussed later, most members of the Shan ethnic group have limited access to these official camps and related UNHCR protection, and assemble in an informal site in Chiang Mai Province.

Figure 26. Border Camps and Site Locations and Populations, in Thailand, 2007



Notes:

1. Derived from TBBC “feeding figures” consisting of “the actual number of people in the camps eligible to receive rations at any given time, including both the registered and unregistered, but excluding people temporarily or permanently absent from the camps” (TBBC, 2008:2).
2. UNHCR figures include registered residents, residents awaiting Provincial Admission Board registration and some students but exclude new arrivals.

Source: Thailand-Burma Border Consortium, 2008. ^{vii}

Access to the nine camps is determined by the Provincial Admission Boards (PABs), whose responsibility is to screen the forced migrants, ascertain that they are indeed fleeing fighting, register the eligible ones as displaced persons, and grant them permission to live in the camps. From 2001 to 2005 the PABs suspended their activities and no new entrants were formally accepted in the camps even if they were already living there. In 2004 and 2005 MOI and UNHCR re-registered the entire camp population to include previously unregistered residents, and with the PABs' reinstatement in 2005 and the introduction of an expanded set of criteria which included fleeing political conflict, some 33,520 persons from Myanmar were regularized and attained formal permission to live in the border camps as of the end of 2007 (TBBC, 2008:2). Including these new official admissions and excluding those who have left the camps, UNHCR reckons that at the end of 2007 the camp population consisted of 130,435 registered residents and residents awaiting PAB registration, with more than half concentrated in the three camps in Tak Province (Table 37; Figure 26). A higher number of "displaced persons" is, however, documented by the Thailand-Burma Border Consortium (TBBC), a consortium of 11 international NGOs providing humanitarian assistance to refugees and displaced people from Myanmar. TBBC counts a total of 140,913 displaced persons by including unregistered residents in the nine camps and 141,502 by also adding those in the unofficial Shan site in Northern Thailand (see Figure 26). Notwithstanding the different modes of calculation, in both cases an increase can be noted in respect of the figures documented in the 2005 Report, namely 117,559 counting only the registered camp population, and 135,000 including the unregistered camp population (Huguet and Punpuing, 2005:11).

Table 37. Number of Registered Persons in Border Camps in Thailand, December 2007

| Name of camp | Province | Registered Camp Residents | | |
|---------------------------|--------------|---------------------------|---------------|----------------|
| | | Male | Female | Total |
| Ban Kwai/Nai Soi | Mae Hong Son | 9,726 | 9,187 | 18,913 |
| Ban Mae Surin | Mae Hong Son | 1,768 | 1,680 | 3,448 |
| Mae La Oon (Mae Kong Kha) | Mae Hong Son | 7,146 | 6,600 | 13,746 |
| Mae Ra Ma Luang | Mae Hong Son | 5,754 | 6,021 | 11,775 |
| Total Mae Hong Son | | 23,221 | 24,661 | 47,882 |
| Mae La | Tak | 19,432 | 19,807 | 39,239 |
| Umpiem Mai | Tak | 9,670 | 10,181 | 19,851 |
| Nu Po | Tak | 6,660 | 7,119 | 13,779 |
| Total Tak | | 35,762 | 37,107 | 72,869 |
| Ban Don Yang | Kanchanaburi | 1,855 | 1,804 | 3,659 |
| Tham Hin | Ratchaburi | 3,048 | 2,977 | 6,025 |
| All camps | | 66,549 | 63,886 | 130,435 |

Source: United Nations High Commissioner for Refugees, 2008.

The observed increase, signifying that people continue to flee Myanmar and seek refuge in the camps, acquires more significance if it is considered that since 2005, the Thai Government has finally allowed third-country resettlement of the camp population. The United States and other OECD countries, with the assistance of IOM and UNHCR, resettled 19,138 camp refugees from Myanmar from January 2005 to December 2007 (Table 38). Most resettlements have been to the United States, first in 2006 from Tham Hin and later in 2007 from Mae La and, to a much smaller degree, from Umpien Mai and Nu Po in 2007, with other recipient countries focusing on these and other camps (see Table 39 for the resettlement distribution in 2007). In what is considered by UNHCR (2007) the "world's largest resettlement programme to resolve one of Asia's most protracted refugee problems", it is anticipated that 27,000 more submissions in 2008 and 22,000 in 2009 will be made (UNHCR, 2007a:252).

Table 38. Resettlement of Myanmar Nationals from Thailand by Country of Resettlement, 2005-2007

| Country of Resettlement | Myanmar Nationals | | |
|-------------------------|-------------------|---------------|---------------|
| | Submitted | Accepted | Departed |
| Australia | 5,550 | 2,939 | 2,291 |
| Belgium | 1 | 1 | 0 |
| Canada | 3,899 | 2,742 | 2,253 |
| Finland | 1,107 | 862 | 525 |
| United Kingdom | 286 | 204 | 182 |
| Ireland | 92 | 87 | 87 |
| Netherlands | 265 | 175 | 101 |
| New Zealand | 461 | 330 | 286 |
| Norway | 1,137 | 715 | 696 |
| Sweden | 907 | 702 | 671 |
| US | 47,009 | 15,782 | 12,046 |
| All Countries | 60,714 | 24,539 | 19,138 |

Source: United Nations High Commissioner for Refugees, 2008.

Table 39. Distribution of Resettlement Departures of Myanmar Nationals from Thailand by Camp and Country, 2007

| Country of Resettlement | Myanmar Nationals | | | | | | | | |
|-------------------------|-------------------|---------------|------------|-----------------|--------------|------------|------------|--------------|--------------|
| | Ban Kwai/Nai Soi | Ban Mae Surin | Mae La Oon | Mae Ra Ma Luang | Mae La | Umpiem Mai | Nu Po | Ban Don Yang | Tham Hin |
| Australia | 36 | 8 | 17 | 14 | 784 | 230 | 97 | 29 | 131 |
| Canada | 4 | 4 | 774 | 681 | 16 | 19 | 3 | | |
| Finland | 341 | 3 | 2 | | | | | | 1 |
| United Kingdom | | | | | 27 | 42 | 42 | | |
| Ireland | | | | | | | | 87 | |
| Netherlands | | | | | 1 | | 3 | 23 | |
| New Zealand | 10 | 4 | 3 | | 21 | 30 | 45 | 16 | 4 |
| Norway | | | 1 | 3 | 148 | 145 | 95 | 1 | 1 |
| Sweden | 7 | | | | | | 18 | 105 | |
| United States | | 1 | | | 8,138 | 31 | 28 | | 1,832 |
| All Countries | 398 | 95 | 797 | 698 | 9,135 | 497 | 331 | 261 | 1,969 |

Source: IOM, 2008.

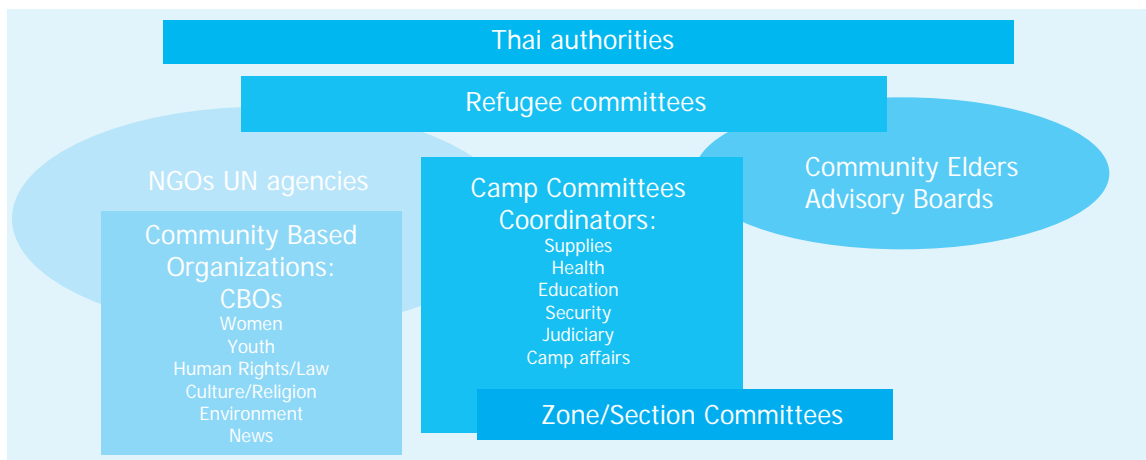
In an ideal scenario, most of the camps would gradually close down. This would only be possible if no new entrants arrive from Myanmar or if registration and resettlement manage to exceed the pace of their arrival and of the high birth rates in the camps (IRC, 2007). With regard to accelerating the registration process, in late June 2008, MOI camp commanders and provincial authorities approved a UNHCR-proposed pre-screening operational framework for the unregistered population in the nine camps. The pre-screening exercise, planned to occur in early 2009, is viewed as an exceptional measure to address the inflow of camp residents who, especially since mid-2007, have not gone through the holding centers that are part of the PAB camp admission procedure. This temporary fix could eventually open up opportunities for resettlement. Still, as discussed later, to close down the camps, it will be necessary not only for registration to cover all residents, but also for the scope of resettlement to become more accepted.

Shifting the focus back to the camp situation, a closer look at the characteristics of the registered

population indicates that as of the end of 2007 the male to female sex ratio was almost equal, with a slightly higher number of men (Table 37). At the time of the 2005 report, the age structure remained young with about 47 per cent of the population less than 18 years old,^{viii} possibly resulting from a high fertility rate in the camps and in parents sending their children to avail of the camp education opportunities in Myanmar languages. In terms of state of origin, seven of the camps are inhabited predominantly by Karen, and two, in Mae Hong Son Province, mainly by Karenni, who have fled to Thailand because of fighting between Myanmar's military, the Tatmadaw, and armed ethnic minority-based opposition groups in their respective places of origin. According to UNHCR, in 2007, 80.8 per cent of the registered camp population was Karen, 13.9 per cent Karenni, 3.1 per cent Burman and the remaining 2.2 per cent comprised of some 13 other ethnicities. The TBBC adds that 62 per cent of the registered camp population is originally from Karen State, with the remaining 48 per cent coming from the Karenni (also known as Kayah) State, Tenasserin State, Mon State and other locations (see Figure 26).

Government oversight of the camps is provided by the MOI, with the help of other agencies such as the Ministry of Defense, through provincial and district authorities. In the camps, residents take an active role in daily operations and provision of basic services through various organizational structures. These include the Community Elders Advisory Boards (CEABs), providing overall guidance and advice on internal matters, and the Refugee Committees and the Camp Committees (CCs) as the main camps' coordinating and operational bodies respectively (Figure 27). As representatives of the camp population, in performing their respective roles, these committees liaise with local MOI officials, UNHCR, NGOs coordinated through the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT), and other relevant stakeholders. Reflecting the ethnic composition of the camps, predominantly Karen camps are entrusted to the Karen Refugee Committee (KRC) and the Karenni-dominated camps to the Karenni Refugee Committee (KnRC).^{ix}

Figure 27. Organizational Structure of Border Camps along Thai-Myanmar Border



Source: Thailand-Burma Border Consortium, 2008.

Camps are guarded, and the population is formally not allowed outside the camp boundaries, with residents caught outside the camps liable to arrest and deportation. Those who, for many reasons (including visiting relatives, or taking up employment or education), have to move in and out, sneaking through natural passes or crossing the various checkpoints, at times become entrenched with a smuggling system that exposes them to many risks.^x This restrictive regulatory system keeps camp residents semi-insulated from the surrounding Thai and migrant communities and places them in a vulnerable position. To start with, they are deprived of regular opportunities to work and earn sufficient incomes. In their struggle for survival, some take the risk of "irregularly" working outside the camps for days or months at a time as manual labourers, or undertake "housework" or some small scale trading in the camps. The better educated may be hired to staff camp positions or to help NGO programmes at very modest salaries. Still, a 2005 survey conducted in seven camps with a random sample of 4,508 camp residents in 2005, found that 44 per cent of the respondents earned no income whatsoever, and about a quarter earned less than THB 100 a month. Only 0.1 per cent earned more than THB 2,000 per month and 1.3 per cent earned between THB 1,000 and 2,000 a month, with the remaining earning between THB 100 and 1,000. Non-monetary incomes, important

in the camp economy, were being curtailed by increasingly strict restrictions on agriculture and forestry activities inside the camps and in their surroundings (Oh et al., 2006: 16; 60-61). As a result, camp residents are very dependent on the external support provided by the Thai Government, international donors, NGOs, and United Nations agencies for their subsistence. Reforms introduced in 2006 to alleviate the situation, for the first time allowing NGOs to experiment with occupational training and employment outside the camps (IRC 2007), are still to have an impact, having been barely implemented due to the changes in government in the last two years.

Camp residents are also badly prepared for an eventual life outside the camp because educational opportunities are limited and confinement rules disallow them from traveling outside the camp to enroll in higher-level education. In most border camps, educational services managed and staffed by the camp population in partnership with NGOs, especially ZOA Refugee Care, consist of nursery, primary and lower secondary education, from kindergarten up to tenth grade, and simple vocational courses. Enrollment rates are high, with 97.5 per cent of registered residents in the five to 17 age group entering nursery, basic and lower secondary education in 2006 (Thawda, 2007:23). Attendance is, however, much lower due to language and economic barriers, and quality is substandard because of poor facilities, inadequate curriculum, limited personnel and know-how, and lack of equipment. As the diploma issued in the camps is not accredited by either Thailand or Myanmar, and may not be accepted in the country of resettlement, the opportunity to eventually pursue further education or to find skilled jobs once out of the camps is compromised (van der Stouwe and Oh, 2008).

People in the camps are not only doomed to “lives of poverty and unrealized potential”, but also to “lives of frustration and stress” (UNHCR, 2006:115). Severe, long-term internment, in combination with the unsatisfactory camp setting, affects behaviour and relationships, and contributes to a plethora of social problems from alcohol and drug abuse to sexual harassment, domestic and sexual violence, and crime. Even if the camps have been functioning for over twenty years, and a majority of the population has been living there for over ten years, they remain rudimentary, being meant to offer only temporary shelter, not to provoke resentment of the surrounding Thai population by fostering the perception that camp residents are better treated, and not to entice more entrants from Myanmar. Infrastructures to and within the camps, including roads and drainage systems, even if at times improved, remain in precarious status. Growth of the camp population over the years has led to overcrowded housing, lack of public space and, in some camps, to water and sanitation problems. Humanitarian assistance is directed at fulfilling the most basic needs of food, shelter, health care and education for the children according to standards that are supposed to be consistent with that of the surrounding local population, but are, in fact, generally lower. Although only the registered camp population is entitled to material assistance, unregistered residents also impinge on the available resources, with the unintended consequence of reducing individual shares. Lack of funding further affects the quality of the services and results in shortages of basic necessities and precarious living conditions. The food basket provided by TBBC has been enhanced to bring it up to energy and nutritional standards (CCSDPT, 2007), but rations are not always sufficient to feed both registered and unregistered persons, and the diet is monotonous, lacking flavour and variety. In December 2007, rations of fish paste and chilies had to be reduced because of lack of funding, and there are concerns that with the increasing prices of rice and other staples, the food basket cannot be maintained at the current level (TBBC, 2008:11; TBBC, 2008a).

Encampment conditions affect the health status of the camp population. Even if health standards can be considered higher than those in Myanmar (CCSDPT, 2007:13), and improved health services have significantly contributed to better health of the camp population in the last five years, the burden of infectious and chronic diseases remains significant. The single most common causes of death in 2007 were cancer and cardio-vascular diseases, causing 15 per cent and 10 per cent of all deaths respectively. Morbidity rates are higher for infectious diseases. According to the CCSDPT surveillance data, morbidity rates were highest for respiratory diseases, skin diseases, diarrhea, fever of unknown causes and malaria (Table 40). When compared to the overall border population, camp residents are more affected by diarrhea, malaria and dengue fever, but this could also be a function of heightened disease surveillance and different systems of reporting in and outside the camps. Chronic malnutrition among children has been brought down, but it is still higher than the Thai average (D'Souza, 2007:22; 25). Crude Mortality Rate (CMR) in the camps is lower than in both Thailand and Myanmar, but infant and under-five mortality rates, albeit lower than in Myanmar, remain higher than rates in Thailand, also when compared with the rates of

provinces in which the camps are located (CCSDPT, 2006:41-44). HIV infection rates are believed to be lower than for the overall Thai population (CCSDPT, 2007:13), with HIV prevalence in over 3,400 women tested being as low as 0.03 per cent in 2007. Still, vigilance is required to reduce the possibility of transmission in view of vulnerability of the camp population and the surrounding communities. Stress, due to suffered abuses, trauma, uncertainty and prolonged confinement, is also taking a toll on the camp population, with many suffering from psychological problems and mental illness.

Table 40. Morbidity Rates of Border Camp Population in Thailand, 2006

| Morbidity | Rate | %of total |
|----------------|---------|-----------|
| Respiratory | 1216.58 | 29.59 |
| Skin disease | 433.99 | 10.56 |
| Diarrhea | 283.85 | 6.90 |
| FOU | 141.12 | 3.43 |
| Malaria | 120.86 | 2.94 |
| Injury | 56.41 | 1.37 |
| Conjunctivitis | 26.59 | 0.65 |
| Beri Beri | 24.81 | 0.60 |
| Dengue | 15.79 | 0.38 |
| Scrub Typhus | 10.19 | 0.25 |

Source: CCSDPT (2006:56).

To address these problems, a community-based health care system has been developed in the camps. The provision of health services, like in that of educational and other social services, closely involves the camp population. Residents participate in the management and delivery of primary care in collaboration with NGOs, including Malteser, International Rescue Committee (IRC), American Refugee Committee International (ARC) and Aide Medicale Internationale (AMI), while secondary and tertiary cases are referred to government facilities under the Provincial and District Health Offices (D'Souza, 2007). Notwithstanding quality inadequacies in drug supplies, equipment, facilities and personnel, the available primary health services are crucial, in combination with camp schools and other target programmes, to ensure a minimum of social protection for the camp population.

According to UNHCR, resettlement is a vital instrument of protection and a durable solution for refugees, and in this situation resettlement may be the only durable solution. A worry, in this context, is that resettlement may affect service provision as well as the very organization of the camps, through the depletion of camp administrators and service providers, as a disproportionate number of higher educated and more skilled residents are applying and being accepted for resettlement. Up to May 2007, 11.5 per cent of camp residents with a post-10 grade education had departed compared to only 2.4 per cent of those with no education (Banki and Lang, 2007:vii). Among health workers, approximately 12.9 per cent of skilled health staff had departed and 56.2 per cent had submitted their request, with the large majority of the remaining share expressing their wish to resettle (CCSDPT, 2007:13). By 2008, it is expected that about 40 per cent of the residents employed by NGOs in the camps will have left (RI, 2007). To replace the departing skilled resources is difficult considering (i) the above-the-budget costs of eventually employing Thai or expatriate workers; (ii) the restrictions on cross-camp movement impeding a redistribution of

qualified residents across the nine camps and/or the training of new batches outside of the camps; (iii) the limited pool of potential candidates who could be trained to substitute for those departed; and (iv) fears that the newly trained may quickly depart, resulting in endless turnover (CCSDPT, 2007; Banki and Lang 2007, 2008; KWO et al., 2008).

Largely hailed for resolving a stalled situation, mixed feelings of hope and fear among the camp population can still be seen. Uncertainties are rife about moving to a third, faraway and unknown country, with little skills and preparation. The fact that refugees are not supposed to choose the country of destination, if not for family reunion, further aggravates their insecurity. Some, especially among the older population, do not wish to leave, as they prefer staying in a familiar environment with people they know, close to their home country. Many are still undecided on whether to apply to the programmes, because of fear of being rejected or separated from their relatives (Banki and Lang, 2007; IR, 2007; KWO et al., 2008). IOM's cultural orientation team, working with IRC and the US Embassy's Overseas Processing Entity, conducts information campaigns on resettlement in the camps to reduce anxiety among the camp community. These campaigns are designed to help refugees who are still unsure of whether or not to resettle to make informed decisions, and to answer important questions about the resettlement process.

Most of the countries require a mandatory medical check-up, including chest X-rays, and some (Canada, Australia, the United States and New Zealand) ask for HIV testing prior to departure. Under IOM's medical screening programme, 478 cases of tuberculosis were detected and treated from 2004 through 2008. This contributes to the promotion of public health in the camps. Even if not all diagnosed diseases are automatically grounds for rejection, they may delay and complicate departure. At the initial phase of resettlement from the camps, there was over-emphasis on the integration potential of refugees in third countries. However, various efforts have been exerted to address it in the course of the resettlement operation. In 2006, resettlement to the United States was halted until waivers were issued for provisions in the Patriot and Real ID Acts excluding everyone who had provided "material support" to armed groups, thus excluding members of the Karen National Union (KNU) and other groups fighting the Myanmar military. Until recently those who have been combatants (including child soldiers) and those who have received military training were ineligible.^{xi} Unregistered camp residents are also excluded, as the Thai Government only permits the registered population to be considered for resettlement. The only option for those who missed or came to Thailand after the 2005 registration is to wait for the PAB to authorize a new registration round^{xii} (Banki and Lang, 2007; KWO et al., 2008; RI2005, 2007; *Irrawaddy*, 2008).

The most excluded from current resettlement considerations are, however, the Shan and the other ethnic groups from Shan State who continue to flee to Thailand driven by ongoing conflict and abuses. As will be discussed in the last section of this chapter, they are not accepted in the official border camps, and are thus bereft of any hope of being eventually registered under the PAB system and, consequently, of international protection through UNHCR and resettlement.

Urban Refugees and Asylum Seekers

In addition to displaced persons in the camps, Thailand has traditionally allowed UNHCR to service urban asylum seekers and refugees applying for protection directly to its offices. This group is composed of people from disparate countries, and it also includes student activists and political dissidents from Myanmar, mostly ethnic Burman, who had been persecuted, but could not reside in the camps as they did not meet the Thai Government's criterion of "fleeing fighting". Asylum seekers approved by UNHCR after undergoing refugee status determination (RSD) are considered "persons of concerns to UNHCR" by the Thai Government and their deportation supposedly suspended until UNHCR, third country Governments and IOM process their resettlement. Since the 2005 Report, however, UNHCR has been challenged in fulfilling its international protection mandate due to a series of restrictions posed on its operations. In order to manage resettlement only through the border camps, the Thai Government in 2004 instructed UNHCR to cease RSD activities for new arrivals from Myanmar, unless for applications already under process. Instead, from January 2004 through November 2005, UNHCR registered all new Myanmar arrivals for eventual presentation to the PABs (although, of the more than 11,000 registered only some 2,500 have thus far been screened). In late 2005 this registration process was barred and only allowed to resume in September 2007 (UNHCR, 2007), but with no entitlements to refugee status, deportation suspension or resettlement (MMN, 2008; Lee and Glaister, 2008).

RSD for other nationalities was also suspended in April 2007, pending consultation with the Thai authorities on a number of sensitive cases, and restrictions lifted only after provision of the necessary clarifications in December 2007. While this most recent development bodes well for international asylum seekers and refugees, UNHCR is still limited by the 2007 withholding of formal permission to visit those detained in immigration detention centers (UNHCR, 2007). An additional complication is last year government decision ruling that all departing refugees (other than those from Myanmar, the Lao People's Democratic Republic, and Cambodia) must be prosecuted for illegal entry before departure, which normally results in a substantial fine or imprisonment.^{xiii}

Notwithstanding these constraining developments, the urban caseload of UNHCR remains sizeable. As of end of December 2007, UNHCR was entrusted with 1,081 persons who had been granted refugee status, but were still in Thailand, and 723 asylum seekers seeking to be recognized as refugees. They come from various countries, including, in order of magnitude, the Lao People's Democratic Republic, Sri Lanka, China, Nepal, Iraq and Palestine. The majority of the refugees from African countries originate from the Democratic Republic of Congo, Cote D'Ivoire and Somalia (see Table 41). Unlike the 2005 Report, because of the previously discussed limitations imposed on UNHCR, these official figures no longer include persons from Myanmar. With no mandate to screen them, UNHCR protection has mainly consisted of trying to resettle previously approved urban refugees from Myanmar, with 154 departing through IOM from Bangkok or from the camps in 2007.^{xiv}

Table 41. Urban Refugees and Asylum Seekers in Bangkok, 2007

| Country/Area of Origin | Refugees/Persons of Concerns | Asylum Seekers |
|-----------------------------|------------------------------|----------------|
| Afghanistan | 3 | - |
| Bangladesh | 1 | 1 |
| Belarus | - | 1 |
| Burundi | 1 | 1 |
| Cambodia | 41 | 44 |
| Cameroon | - | 4 |
| China | 147 | 68 |
| Congo (Democratic Republic) | 26 | 10 |
| Cote d'Ivoire | 19 | 2 |
| Egypt | 2 | 3 |
| Eritrea | - | 9 |
| Ethiopia | 2 | |
| United Kingdom | - | 1 |
| Guinea | - | 3 |
| India | 1 | - |
| Indonesia | 2 | - |
| Iran (Islamic Republic of) | 21 | 22 |
| Iraq | 49 | 81 |
| Kuwait | - | 1 |
| Lao PDR | 417 | 81 |
| Lebanon | - | 1 |
| Liberia | 4 | - |
| Nepal | 51 | 24 |
| Nigeria | - | 6 |
| None/Stateless | 2 | 1 |
| Pakistan | 2 | 18 |
| Palestine | 47 | 4 |
| Rwanda | 4 | 4 |
| Saudi Arabia | 1 | - |

| Country/Area of Origin | Refugees/Persons of Concerns | Asylum Seekers |
|------------------------|------------------------------|----------------|
| Sierra Leone | 1 | 1 |
| Singapore | - | 1 |
| Somalia | 17 | 52 |
| Sri Lanka | 173 | 248 |
| Sudan | 3 | 4 |
| Syria | 2 | - |
| Togo | 1 | - |
| Tibet (SAR, China) | - | 1 |
| Turkey | 1 | - |
| Uganda | 1 | - |
| Viet Nam | 32 | 20 |
| Yemen | 2 | - |
| Zimbabwe | 5 | - |
| Total | 1,081 | 866 |

Source: UNHCR, 2008.

In providing assistance to urban refugees and asylum seekers, UNHCR works closely with the Bangkok Refugee Center (BRC), funded by UNHCR and operated by the Catholic Office for Emergency Relief and Refugees (COERR) and the Jesuit Refugee Service (JRS). The BRC assists urban refugees with the general aim of ensuring their protection and subsistence, while preparing them for life after Thailand. This dual approach is based on the realization that (i) urban refugees have no choice, but to resettle since they are not permitted to integrate into Thai society; and that (ii) support needs to be provided to them if they are to complete the time-consuming, sometimes year-long, resettlement process. Urban refugees, even if they live outside camps, are not allowed to pursue higher education or to work, although some of the Asian refugees may succeed in finding jobs (den Otter, 2007). At BRC, refugees receive a small allowance and food and other basic livelihood support, and are provided with legal support and essential services. Basic education and skill-building training are offered through the BRC's Learning Center (BRLC), which in 2007 schooled approximately 150 students. Funding and transportation are also available for refugee children who are able to attend Thai primary and secondary schools. Basic health facilities are operated on site, with BRC collaborating with the public health sector for prevention activities, including immunization, and for referrals (McHugh et al., 2007).

UNHCR's other partner organization, JRS, focuses more on providing basic services to asylum seekers, in addition to assisting refugees in immigration detention centers. In 2007, 3,000 asylum seekers received counseling, legal support and financial assistance from JRS' Urban Refugee Bangkok programmes.^{xv} As soon as asylum seekers are registered by UNHCR (which may take on average one month) they are referred to JRS for counseling, while waiting for their RSD interview, which is usually scheduled from three to five months after their completion of the registration process. Particularly vulnerable individuals and victims of sexual violence are signaled to UNHCR for special treatment and accorded priority in all stages of UNHCR processing (from RSD to resettlement). Assistance in filling in and submitting application forms is provided and mock interviews are held to help the asylum seekers in processing their claim. Legal aid is also offered in rejection cases if they appear justified and the applicant wishes to appeal UNHCR's decision (den Otter, 2007). JRS further helps asylum seekers to make ends meet in Thailand by providing food packages, small allowances, and emergency funds to relieve pressing housing and medical needs.^{xvi}

Notwithstanding the assistance provided by the BRC, JRS and other NGOs, urban asylum seekers and, to a lesser extent, refugees remain in a very vulnerable position. Expected to be self-reliant, but barred from finding legal employment to earn sufficient income, they often live in poverty. Daily, they confront language barriers and discrimination, feel intimidated by the surrounding society, and fear arrest, detention and deportation because of legal limbo created by their irregular immigration status (UNHCR, 2007).^{xvii} The risks are indeed real: UNHCR (2008:381) reports a total of 61 urban asylum-seekers and 159 urban refugees arrested during 2007, and it is known that others have been caught and repatriated informally.

Out of UNHCR Reach

All the more vulnerable are those groups that remain out of UNHCR scope of work in the country because

of complex geo-political dynamics, namely the Hmong from the Lao People's Democratic Republic, the Shan and the Rohingyas from Myanmar, and defectors from the Democratic People's Republic of Korea.

The largest of the three groups are the Lao Hmong having, as previously discussed, a long migration history to Thailand. Both the Thai and the Lao People's Democratic Republic Governments do not recognize the Hmong's claim of systematic persecution they allegedly suffer because of their role in the Cold War period and their continued allegiance to the Hmong militant community in the United States. Consequently they believe that Lao Hmong in Thailand do not deserve the attention of UNHCR and should not be considered asylum seekers or "persons of concerns to UNHCR". Disagreement has, therefore, arisen over UNHCR conducting RSD for Lao Hmong. As a result, as of July 2008, 156 Lao Hmong (including 86 children),^{xviii} determined to be refugees by UNHCR, remained detained in Nong Khai Immigration Center. The group has been there since December 2006 in overcrowded and unsanitary conditions, threatened with deportation (MMN, 2008; UNHCR, 2008; Amnesty International, 2008). IOM, since September 2007, has provided basic health care, sanitation and social services to the detainees to improve their conditions and well-being.

UNHCR has also been excluded from accessing roughly 7,800 Hmong (including some Thai-born Hmong) in Huay Nam Khao village in Phetchabun Province. Screening to decide repatriation was conducted in December 2007 and January 2008 by the Thai Government without the participation of any third party. About 1,000 Hmong are former residents of Wat Tham Krabok, which, as mentioned before, closed down when most residents were relocated to the United States in 2004. The remainder are more recent arrivals. After initially living in the forest on the village outskirts, the Hmong assembled in a make-shift camp on the side of the main road, before being relocated to a 20-hectare camp on a hillside with better facilities and sanitation.^{xix} The closed camp is run by the Thai Army under strict rules and only two international NGOs, Relief Logistics International (RLI) and MSF, are allowed to provide food and health care respectively. UNICEF has periodic access to the camp and is providing funding for ongoing subsistence programmes. Food rations are insufficient, and malnutrition remains a problem among the 1,500-1,700 children under the age of five. Moreover, the confined environment makes the camp susceptible to outbreaks, with upper-respiratory tract infections, diarrhea and eye and skin infections the most common problems.^{xx}

Another group that has sought refuge in an unofficial settlement on temple land consists of the Shan and the other ethnic groups fleeing from conflict in the Shan State of Myanmar. As previously mentioned, unlike the displaced Karen and Karenni, this group is generally not allowed into the official camps. The Thai State does not make a humanitarian exception in this case and simply considers them illegal immigrants under the Immigration Act. Among the reasons for the different approach towards the Shan are considered "Thais' ethnic cousins" whose similarities are sufficient to allow them to survive in Thailand. There is also a perceived association with the production and trafficking of drugs in Shan State, making them "unworthy" of the government's assistance. Fears are also there that recognizing them would open a flood of new arrivals, as the situation in Shan State continues to deteriorate (HRW, 2004).

Lack of recognition does not, however, discourage people for whom the only option of safety is either to hide in the jungle and live in very precarious internally displaced persons (IDP) camps along the Thai border, or to cross over to Thailand at great risks. It is estimated that more than 200,000 people have escaped from Shan State to Thailand to avoid the armed conflict between the Shan State Army (SSA) and the Tatmadaw, and to seek protection from widespread abuses. This has taken place since 1996, when thousands of villagers were forced to relocate and their land and other property was expropriated (HRW, 2004; Suwanvanichkij, 2008). Crisis events have intensified in the new millennium, following increased militarization and displacement in areas targeted by large infrastructure projects sponsored under the ACMECS and other regional cooperation plans (Suwanvanichkij, 2008; MMN, 2008).

In 2001, after attacks by the Tatmadaw and the Wa Army, a group of Shan people and few ethnic Chinese and Paluang minorities from Shan State sought shelter in the Wat Nong Kok in Wieng Heng District in Chiang Mai Province. Some 607 are documented as still living there today in the unofficial Ban Kung Jor "temporary" camp on land owned by the temple.^{xxi} Of these, 43 per cent are below 18 years old and 52 per cent are women (Table 42). In March 2005, during the Tatmadaw's dry season offensives, 200 to 500 Shan villagers fled to Northern Thailand. Likewise, in mid-2007 more than 500

villagers from the Eastern Shan State sought refuge in Loi Kaw Wan, still in Shan State, but on the border with Chiang Rai Province, at the very northern tip of Thailand. At least other four IDPs sites along the border with Thailand are documented, with Shan living at night in the camps and crossing the border to work as daily labourers within a range of five kilometers in Thailand (MMN and AMN, 2008).

Table 42. Population in Wieng Heng by age, sex and ethnicity, August 2008

| Breakdown by age | Share in % |
|------------------------|------------|
| <5 years | 7% |
| 5-17 years | 36% |
| 18-59 years | 52% |
| >59 years | 5% |
| Breakdown by sex | Share in % |
| Female | 52% |
| Male | 48% |
| Breakdown by ethnicity | Share in % |
| Shan | 97.5% |
| Palaung | 1% |
| Chinese | 1.5% |

Source: TBBC, 2008.^{xxii}

No accurate demographic statistics are available on the dispersed Shan living outside the camps in the open or in temporary shelters, predominantly in Chiang Mai and Mae Hong Son provinces. They mix with the other migrant populations, mostly earning a living in agriculture, particularly cultivating fruit orchards^{xxiii} Women are also known to work in the entertainment industry, including sex work. The Shan's fate is very much similar to those of unregistered migrants, with little access to health and education, but their fear of being deported back to the conditions from which they fled, makes them more vulnerable to occupational risks, exploitation, abuse, and, trafficking (Suwanvanichkij, 2008). Support from UN agencies and NGOs has been extended to Shan people living in Thailand. This includes the IOM border health project in close collaboration with the Ministry of Public Health to improve the overall health conditions of 20,000 displaced migrants from Shan State living in Mae Fa Luang and other districts of Chiang Rai Province by improving access to primary health care, community disease control, reproductive health services and environmental health and sanitation.

Similar conditions also characterize the situation of the Rohingyas, another group from Myanmar whose plight has recently caught public attention. With a long history dating back to the 7th century when Arab Muslim traders settled in Arakan (Rakhine), the Rohingyas were denied their ethnic minority group status by the Citizenship Act of Burma in 1983, and relegated to statelessness and discrimination. In search of a more welcoming environment in Muslim countries other than the traditional destination options of Bangladesh and Saudi Arabia, where increasingly stringent controls are being implemented, Rohingyas have attempted since 2006 to reach Malaysia transiting through Thailand. The Arakan Project, a research and advocacy Thailand-based NGO devoted to this ethnic group, estimates that in the last two years more than 8,000 Rohingyas, 5,000 of them since October 2007, have sailed from the coast of Bangladesh to Southern Thailand and then travelled overland to Malaysia, with the support of an extended network of smugglers. Arrival in Thailand is considered more strategic, as eventual deportation would be back across the border to Myanmar (Lewa, 2008). Data on the boats from Bangladesh that were caught during the 2006-2007 sailing season over a six and half year period indicate that the great majority indeed landed in Thailand (Table 43). With Malaysia changing its policy towards the Rohingyas and postponing indefinitely a registration process, more of them remain stranded in Thailand for longer periods, although it is generally assumed that in the end they still manage to enter Malaysia.

Table 43. Rohingya Boats Caught between October 2006-May 2007 by Location of Capture

| Countries | Boats caught this season | Number of passengers |
|-------------------------|--------------------------|----------------------|
| Thailand | 41 | 2,472 |
| India (Andaman Islands) | 2 | 130 |
| Malaysia | 1 | 108 |
| Myanmar | 1 | 92 |
| Missing at sea | 4 | 300* |
| Total | 50 | 3,102 |

* Roughly estimated – 2 of the sunken boats had reportedly 93 and over 100 passengers.

Source: Arakan Project, 2008.

In 2007, the Arakan Project estimated that 60 to 80 per cent of the boat people came from Arakan State in Myanmar, with the remaining being long-term residents in Bangladesh. The overwhelming majority is male, between 15 and 40 years old, with only a few women and children among them.^{xxiv} The Rohingyas are mainly concentrated in Ranong, Phuket and other Southern locations where they work in the plantation, construction and tourism sectors to repay the smugglers and support themselves and their further travel to Malaysia. The Thai Government and media are inclined to regard them as a threat to national security because of possible links, so far unproven, with insurgents in the South (*Phuket Wan*, 2008). The official position is, however, that they are smuggled labour migrants and have no grounds to be viewed as asylum seekers. Consequently, the main approach has been to deport them, mostly informally to a cease-fire zone in Myanmar close to Mae Sot, and since March 2007 to the border with Malaysia (MMN and AMN, 2008; USCRI, 2008).

The fourth group of unrecognized asylum seekers of concern to Thai security officials consists of nationals from the Democratic People's Republic of Korea entering Thailand across the Mekong River, after having traveled through China, Myanmar and Lao People Democratic's Republic. Their number has been growing fast, from 40 in 2003 to 367 in 2006. It was expected to reach 1,000 by the end of 2007 (*Bangkok Post*, 2007). The group, diverse in age and sex, share the same intention of escaping famine and oppression in the reclusive Democratic People's Republic of Korea. For the journey they usually pay an average of THB 1 to 1.5 million to smugglers, and there are reports of women who were tricked into forced marriage and prostitution in China before managing to flee to Thailand (*Bangkok Post*, 2007a). On arrival in Chiang Rai, they typically surrender to the authorities and are detained in the Mae Sai immigration detention center or are sent to the Immigration Bureau's detention center on Soi Suan Plu in Bangkok. There they wait for the court case to decide on their illegal entry and eventual deportation (*Bangkok Post*, 2007b). A backlog of court cases has at times resulted in overcrowding and congestion, especially in Mae Sai. As of June 2007, the 50-person immigration detention center had to accommodate 111 nationals from the Democratic People's Republic of Korea (*Bangkok Post*, 2007a). Gradually, some of them have been returned to the Republic of Korea. The Thai government, realizing the impossibility of returning them to Democratic People's Republic of Korea, has allowed bilateral resettlement as long as it is low profile, not to encourage more arrivals from the hundreds of thousands of Democratic People's Republic of Korea nationals who have fled to China (*Bangkok Post*, 2007a). Up to April 2007, UNHCR facilitated on a "good office" basis and without formal RSD the onward travel of nationals from the Democratic People's Republic of Korea to the Republic of Korea and the US. Following assurances from the Thai authorities that none of the defectors would be refouled, and resettlement to the Republic of Korea and the US would continue, UNHCR disengaged from the process.^{xxv}

The different official and semi-official approaches employed in responding to the various asylum seeker groups have caught the attention of the Thai media. On the eve of World Refugee Day on June 20, 2008, there were calls for Thailand to devise a consistent approach in dealing with the country's refugee problem in a transparent and accountable manner, so as to enhance "its long standing record of providing transitional homes for those who want to resettle in a third country" (*The Nation*, 2007b:10A; 2008).

List of footnotes

- ⁱ Available at <http://en.wikipedia.org/wiki/Santikhiri>
- ⁱⁱ Forbes, A., CPAMedia available on http://www.cpamedia.com/history/vietnamese_in_isaan/
- ⁱⁱⁱ Information provided by Thanyatip Sripana, expert on Viet Nam-Thai relations, Chulalongkorn University.
- ^{iv} Information provided by UNHCR, 2008
- ^v UNBRO was a UN agency founded with the specific purpose of providing emergency humanitarian relief to Cambodians in Thai soil.
- ^{vi} www.websitesrcg.com/border/UNBRO.html
- ^{vii} Available on <http://www.tbtc.org/camps/camps/htm>
- ^{viii} Data provided by UNHCR, 2008.
- ^{ix} Available on <http://www.tbtc.org/camps/management.htm>
- ^x Available on Forum Asia http://www.forum-asia.org/index.php?option=com_content&task=view&id=821&Itemid=42, Corroborated also by a confidential report to remain anonymous.
- ^{xi} In December 2007, the United States Congress passed new legislation, which removed the ineligibility grounds for former combatants.
- ^{xii} Donovan B. (2007) at <http://www.watsonblogs.org/donovan/>
- ^{xiii} Information provided by UNHCR, 2008.
- ^{xiv} Information provided by UNHCR, 2008.
- ^{xv} JRS website at <http://www.jrs.or.th/th/quick-facts.php>
- ^{xvi} JRS website at <http://www.jrs.or.th/th/bkk.php>
- ^{xvii} JRS website at <http://www.jrs.or.th/th/bkk.php>
- ^{xviii} Updated data provided by UNHCR, 2008.
- ^{xix} Available at MSF website <http://www.msf.org.au/stories/twfeature/2008/220-twfs.html>
- ^{xx} Available at <http://www.hmongtoday.com/displaynews.asp?ID=2349>
- ^{xxi} Available at TBTC website at <http://www.tbtc.org/camps/mhs.htm>
- ^{xxii} Available at <http://www.tbtc.org/camps/mhs.htm>
- ^{xxiii} RI 2004 available on <http://www.refugeesinternational.org/content/article/detail/972/>
- ^{xxiv} Information provided by Arakan Project.
- ^{xxv} Information provided by UNHCR



Chapter VI

Conclusion

Taking Stock, Moving Forward

The overview of international migration provided in this report indicates the complexity of inward and outward flows centred on Thailand and the societal and political challenges they pose. In a regional context of rapid socio-economic change and political uncertainties, Thailand is still struggling to find the right balance between security, socio-economic and humanitarian concerns. There are migration issues Thailand faces that need to be understood and addressed, if international migration is to contribute to development and economic growth, as well as to migrant welfare.

Looking back, since the time of the 2005 Report, policy and programme efforts have intensified, boosted by the higher prominence international migration has gained on the public and policy agendas. As more migrants and asylum seekers arrive in Thailand, conditions and impacts of migration acquire greater relevance for policy makers and civil society. The Thai Government has been very active in the last two years in producing legislative measures on international migration. If in 2005, most of the policy reforms were at the ministerial level, the most significant being the inclusion of migrant and stateless children into the call for universal education, in 2008 major national laws were passed, such as the Alien Employment Act B.E. 2551 and the Act to Prevent and Suppress Human Trafficking B.E. 2551. The increased political will in regularizing migration is also evident from the signing in 2007 of the ASEAN Declaration of the Protection and Promotion of the Rights of Migrants Workers. Bilateral relations have been strengthened to better manage inward and outward flows and to reduce the occurrence of trafficking, and international arrangements, such as resettlement of refugees to third countries, have made it possible to find an alternative to protracted internment for camp residents. Lower administrative levels of government are experimenting with policies and interventions to cope with the growing migrant population in their jurisdictions. Although there are concerns regarding the issued provincial decrees (see later), there is also recognition that many local governments are trying to ensure better services to marginalized groups, especially in health care and education. Government interventions are also directed at preparing overseas Thai workers to live in a new country and to help Thai migrant returnees reintegrate and maximize the use of their remittances. In neighbouring countries, Governments are taking greater care in preparing migrant workers before they leave to Thailand as well as in encouraging their return.

In late 2004, the tsunami exposed the “invisibility” and vulnerability of migrant workers in the country and triggered a greater involvement of United Nations agencies and international NGOs in efforts to alleviate their plight. Local NGOs have also devoted increasing attention to migrants and migrant rights, and regional and national networks are now fully operating across localities, sectors and borders. Whether for Thai migrants abroad, or for migrant workers and refugees in Thailand, NGOs remain on the front-line in providing services in both destination and sending countries, but with greater interaction with government bodies, the media and the private sector.

Today, international migration garners heightened press and public attention. Media reports on migration and refugee issues appear more frequently, fostering public debate on the predicament of migrants and refugees, and the impacts of migration on economic growth and social cohesion. More studies and seminars are being conducted, looking deeper at different migration facets, and providing important recommendations for programme strategies and policies. The Asia Research Center for Migration (ARCM) at Chulalongkorn University and the Institute of Population and Social Research Studies (IPSR) at Mahidol University, among others, now provide trainings and graduate and post-graduate courses on international migration, building much needed local and regional capacity to analyse migration trends. The Thailand Development Research Institute has also built significant expertise on GMS migration.

These past and ongoing efforts are to be commended, as they are essential for Thailand to capitalize on international migration. Still, the response remains inadequate to properly address the magnitude and diversity of the phenomenon. As the previous chapters reveal, there are still many knowledge, policy and intervention gaps that ought to be filled if international migration is to contribute to human and economic development. In the following, we will identify key areas for study and action based on the literature reviewed for this report and our analysis and prioritization of unaddressed concerns. As in the previous report, we will provide broad recommendations, leaving further discussion of the concrete intervention strategies that could be derived from them to the Thai Government and other key stakeholders concerned with international migration in Thailand.

Beyond Knowledge Gaps

Notwithstanding a significant growth in the body of knowledge on international migration in Thailand, evidence for informed debate and action remains scarce. As noted in the introduction, there is a lack of reliable and comparable data for the various migrant groups, and research is often piecemeal because of time and budget constraints and selective, at times donor-driven, interests. For both Thais abroad and foreigners in Thailand we have to rely heavily on official statistics that are at times poorly collected and tend to exclude the majority of migrants, as most of them are irregular. The main source of data on GMS migrants for the 2005 Report was the registration statistics, but due to the reduced number of registered migrants it has lost much of its generalizing value. Trafficking trends are extremely difficult to determine as crime data are often poorly recorded. Some information is provided by the IOM Counter-Trafficking Global Database and Rehabilitation Centres. Camp residents are probably better documented, but unconfirmed data are conflicting and it is difficult to discern accurate trends. Entire groups, such as migrant children (both of Thai parents abroad and of migrants in Thailand), OECD expatriates, and asylum seekers are poorly understood, and some, including African refugees and migrants in Thailand, totally absent in documents (and consequently also in this report). Appreciation of the changing determinants and impacts of migration is limited by lack of regular observation, while the implemented policies and programmes are poorly monitored and mainly assessed through experiential information from NGOs and the media.

In this context, to improve the availability, comparability, and quality of information, a multi-layered approach is required that combines complementary capacity-building strategies and attention to a wide range of topics. Among the many possible interventions directed at strengthening institutional capacity in collection and analysis of data on international migration in Thailand the following are proposed:

- **Build independent think-thanks to systematically study and analyse migration trends from and to Thailand.** Possible models are the Scalabrini Migration Center in the Philippines or the Migration Policy Group in Europe. Existing research institutes with an interest in migration could be strengthened to develop in this direction, or new ones created for this purpose (Coauette et al., 2006). To ensure their relevance, structures should be devised for the Think-Tanks to disseminate the findings to the public and feed them into the policy-making process.
- **Devise strategies to integrate monitoring of migration trends into other existing information systems, in order to capture both regular and irregular migrants.** Efforts supported by the World Bank to redefine the sampling frame and add a new set of questions in the Population and Housing Census could be intensified, and expanded to other national surveys, such as the Household Socio-Economic Survey, the Agriculture Survey, and the Labour Force Survey (World Bank, 2006). To better capture information on the health of migrants, initial steps to gather

comparative data through existing epidemiological and surveillance systems ought to be accelerated. It is also important to enhance data collection at the MOE to have a better documentation of migrant children attending basic and secondary education as prescribed under the 2005 universal education policy. To improve the data sets, methodologies and tools will have to be developed to more clearly define different migrant groups so as to distinguish internal variations and differentiate them from stateless people. Disaggregation of data by gender and ethnicity, in addition to nationalities, is strongly recommended to allow greater understanding of specific vulnerabilities.

- **Strengthen data collection at the MOI, MOFA and MOL and work toward a joint database inclusive of all categories of foreign immigrants, both working and staying in Thailand, and Thai emigrants.** Among immigrants, students, retirees and spouses (preferably to be differentiated by gender) should receive more attention in view of their growing significance for Thailand. In due time, data gathered from other ministries such as the MOE and MOPH could also be included to further enhance the comprehensiveness of the database and reduce the possibility of overlaps. It is also worth experimenting with strategies to link national and local information systems, as local government agencies, if properly equipped, may be in a better position to capture migratory movements, especially in localities with large immigrant and emigrant populations.
- **Enhance the capacity of NGOs to document their work and the issues they are confronted with.** As front line service providers, NGOs are in a strategic position to identify issues of concern and propose effective models of intervention. Through the years they have collected a wealth of information on issues and practices in the most varied forms, from visual material to administrative reports. However, they need support to systematize and analyse the information, and promote the work of their organizations. Research partnerships between academic institutions, NGOs and community organizations, for example of the study on domestic workers from Myanmar conducted by Panam et al (2004), should be encouraged as they facilitate collection of data, create institutional linkages, and provide alternative perspectives.

Increased capacity in data collection and analysis can, in turn, allow for a diversification of research modalities and a broadening of research questions that would be beneficial to fill some of the knowledge gaps identified in this report. To achieve this goal, the following research approaches and topics are identified as potential fields of inquiry:

- **Promote cross-country collaborative efforts to study international migration so as to better capture its transnational character and learn more about its regional and global determinants.** Translation of existing studies, sharing of information and best practices across countries, and joint research projects would greatly enhance existing understanding of migration systems. For instance, in this report, literature produced in destination countries of Thai migrants has proven indispensable in portraying outgoing flows, completing, and at times showing the flaws in information produced in Thailand. Emerging research networks such as the Mekong Migration Network (MMN) and the Development Analysis Network (DAN) deserve support in their efforts to overcome language and conceptual barriers in conducting joint research of a regional scope. More Thai scholars and students could also be encouraged to research Thai communities abroad, since as mentioned in Chapter III, the last comprehensive reviews are outdated having been published at the turn of this decade (Chantavanich et al., 2000; Chantavanich et al., 2001).
- **Strengthen policy research to assess existing policies and regulatory mechanisms and propose improvements and/or alternative approaches.** In particular, contract labour agreements in Thailand and in Southeast Asia need careful examination, considering that the Thai Government and other Governments in the region see it as the main, if not only, policy approach to migration. Assumptions that lie at the core of the current policy direction for contract migration, such as that a more flexible treatment may foster larger immigration flows; that contract terms are effective in limiting permanence of migrants in the country; that migrants do not engage in personal relations, and that a higher deportation fund would ensure migrants' return home are worth testing (see also World Bank, 2006:67). When assessing these assumptions it will be important to learn from the experiences of Thai migrants in countries that have implemented similar policies for longer

periods of time, like Japan, the Republic of Korea, and Israel. Another area of policy study centres on decentralization and the role of provincial governments in managing migration and servicing migrants, including the controversial issuing of provincial decrees. More studies also need to be made on future scenarios to help the Thai Government better prepare for changes in inward and outward flows. In all these cases, mechanisms also need to be devised to ensure the effective transfer of knowledge to policy-makers.

- **Foster research in border areas to better understand the flows of GMS migrants coming into Thailand and of Thai migrants crossing to Malaysia.** Topics of interest in this research area could be, among others, the impact of regional integration on migration; the use of border passes; the specifics of daily and seasonal cross-border labourers; the impacts of border-area development programmes and EPZs on migration; the implications of border conflicts and forced displacement on asylum or refugee flows; smuggling and trafficking routes; and the emergence of cross-border labour markets.
- **Devote attention to the forming of transnational communities and families.** This study area, which is receiving increasing attention globally, is relatively underdeveloped in Thailand. As mentioned in Chapter III, the extent to which the exchange of ideas and practices are challenging established lifestyles has still to be grasped. More research needs to be conducted on the processes by which identities and family and community structures, in both countries of origin and destination, are changed as a consequence of migration and transnational linkages. Issues of family formation and reunion, migrant children, and financial and social remittances are among those deserving attention. Of pressing importance is the impact of migration on citizenship entitlement as migrant children (both of Thai migrants abroad and GMS migrants in Thailand) may end up stateless with serious implications for their future. Mixed marriages and their multiple economic and socio-cultural implications also deserve attention in view of their growing number.
- **Continue to study the economic benefits and costs of migration, and when possible, link it with an analysis of social impacts.** As recommended in the 2005 Report (Huguët and Punpuing, 2005:76), ILO and the World Bank have supported studies on the impact of immigration from GMS countries on the Thai economy and on wage trends (see Chapter IV). Various studies have also been initiated on the impact of remittances for the families left behind. More efforts, however, remain to be done in this field. Chapter III and IV mention a number of research gaps identified by the literature review. For Thailand as a receiving country, issues to be explored include: the price value of migrant-produced goods; the relationship between migrant labour and labour-saving technology; and social expenditure costs for migrants. Assumed social costs of migration in terms of crime, disease transmission and social tensions should be examined closely, and more thinking given to possible social benefits such as cultural enrichment, and migrants' contribution to a country's human and social capital. Whether migrants are a threat to security or actually contribute to human security by reducing poverty in the destination country (MAP Foundation, 2006:62) is also worth researching. For sending countries, including Thailand, the theory that migration indeed contributes to development and poverty reduction, but leads to family fragmentation, needs to be tested. A closer look should also be taken at how remittances compare to migrant households' debts and related repercussions on bonded labour. Ideally research projects should strive to link economic and social impacts so as to avoid the artificial division that has so far characterized most of the studies.
- **Examine the roles of employers and private recruitment agencies.** These very important actors in international migration seem missing from the research agenda. In view of the increasing reliance on private recruitment agencies and their associates, more ought to be known about their practices, the economics of their involvement, and their role in stimulating and managing migration. Issues of fraud and exploitation in the recruitment process deserve attention, as too often the focus is on individual brokers rather than on institutional patterns. Likewise, more research is needed on employers' involvement in the migration process, possible topics including: the extent of their demand for migrant labour; treatment of migrants, willingness to regularize migrants, and connections to broker networks.

- **Promote comparative studies of migrant populations with the Thai population.** Efforts to compare disease burden and case fatalities of different migrant groups and the Thai population are worthy and should be expanded to other sectors to better understand relative conditions, especially with regards to wages and other benefits.
- **Devote attention to migrants' occupational health.** It is somewhat surprising that not much is known in this field considering the many risks labour migrants encounter in the work place. Again, comparison with the Thai population could be instructive in this context, to determine whether responses should be focused only on the migrant population or should address all population groups working in unsafe settings.
- **Study grey migration of foreigners from OECD countries to Thailand, when possible in comparison to other migrant groups.** As mentioned in Chapter II, this group has received little attention in research, policy and interventions and not much is known about their living conditions and the factors that bring them to live irregularly in Thailand, the hazards they encounter, and the means they employ to address them. Comparisons with other irregular migrant groups would be instructive to understand the different treatment they receive and provide evidence for policy recommendations on comprehensive migration policies (see later).
- **Promote theoretical studies that, although rooted in the context of Thailand, are of a global relevance.** Information from the Thailand case could contribute to the global discussion in at least three key areas under debate. The first, as indicated in Chapter III and IV, relates to migration-by-means-of-marriage and the discussions on women as agents or victims, and on the blurring of sentimental, sexual and economic needs in the context of a growing global tourism industry and aging in richer societies. The second area, appearing in Chapter IV, relates to the degree to which labour exploitation overlaps with trafficking and the many ways such a lack of conceptual distinction affects the policy discourse and the position of migrants. And the third area, hinted at in Chapter V, centres on the mixing of economic and political push factors for inhabitants of countries that are politically and economically devastated, such as Myanmar, raising important questions on whether a migrant who ostensibly escapes famine or forced displacement is less in need of international protection than an asylum seeker and/or refugee who flees conflict. Addressing these conceptual dilemmas also has policy implications as we will see from the recommendations proposed in the last section of this report.

Governing Migration

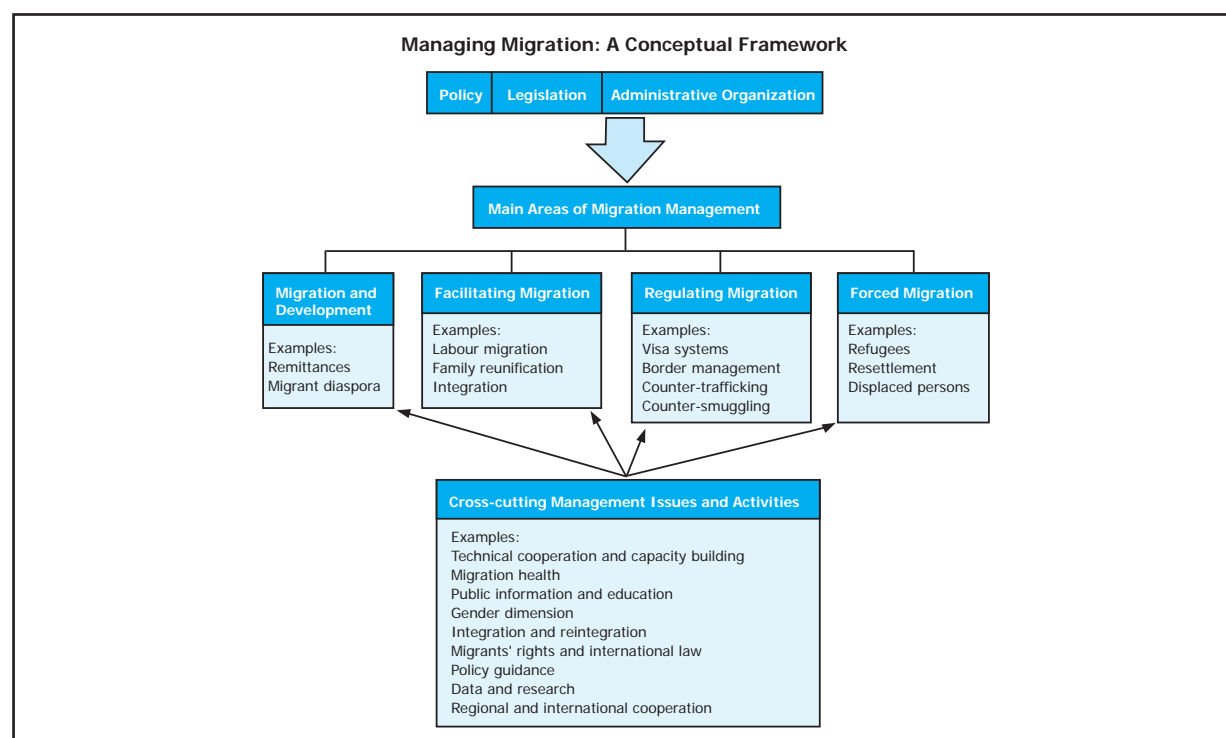
The governance of international migration is a difficult task due to the global nature of migration forces and the many structural conditions impacting its flows. The growing importance of Thailand as a migration hub, where swelling incoming flows intersect with significant transiting and outgoing flows, poses substantial challenges to a Government preoccupied with national security. Today, more than at the time of the 2005 Report, Thailand is confronted with the irregularity and vulnerability of a majority of its emigrants, immigrants and asylum seekers, and pressured to better govern migration.

The greater political willingness to manage migration, as shown in legislative reforms, is crucial since it is to be expected that international migration will remain a key feature of Thai development for the time to come. As long as the structural conditions shaping migration to and from Thailand persist, so will the migration patterns described in this report. This also applies to the most vulnerable flows: low-skilled workers from the weakest economies in the GMS will continue to come to migrant labour-dependent Thailand, and low-skilled migrants from Thailand will seek better opportunities in the stronger economies in East and Southeast Asia and beyond (see Chapter II). What is more, the political situation in Myanmar will continue to impact migration to Thailand. As we write, there are indications of new entrants into Thailand following Cyclone Nargis and the revival of armed conflict on the Myanmar border (*Irrawaddy*, 2008; *Bangkok Post*, 2008c). At the same time as Thailand continues to attract migrants from neighbouring countries, if the country's economic uncertainties continue, more Thais from the poorer provinces may be pushed to migrate, creating an even greater dependency on low-skilled GMS workers. And even if migrants from the Lao People's Democratic Republic and Cambodia become discouraged by the political turmoil in Thailand, push factors in Myanmar will continue to keep the flow going.

The projected scenario makes it more pressing to heed the call for durable and comprehensive migration policies looking at migration, “as a process to be managed, not a problem to be solved” (Martin, 2007:29). This is consistent with the recommendation in the 2005 Report to view international migration as part of sociapment and to apply an integrated approach in managing different types of migrants. Persevering in this line of thought, the following actions, spanning from the international to the national levels, are recommended to enable an effective, balanced and fair policy response to international migration:

- **Intensify participation in international fora and international agreements, strengthen transnational collaboration efforts, and promote cross-country dialogue that is inclusive of all stakeholders, including employers, civil society and migrants** (UNIFEM, 2005). As migration becomes more of a priority issue for the global community, as reflected in the heightened role of the Global Forum on Migration and Development and the formation of the Global Migration Groupⁱ and by the emerging calls for the establishment of a global entity to better coordinate the international response to migration, an active role by Thailand could be critical in shaping the international discourse in a way consonant to its needs and those of the region. In this context, Thailand should consider signing the major ILO conventions on migrant workers and ratifying the United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families to better protect Thai workers against the exploitative treatment they encounter abroad, while also providing a stimulus to government agencies to enforce protective measures in Thailand. By doing so, Thailand would become a model, along with the Philippines, for other countries in ASEAN and East Asia in advocating the interest of its workers abroad. In a parallel move, Thailand could consider reopening the discussion on acceding to if not ratifying the United Nations Convention relating to the Status of Refugees and its Protocol. Application of international rules and standards in this area could take away pressure from neighbouring countries and help Thailand to find clearer criteria and practical mechanisms to differentiate asylum seekers from migrant workers, thus strengthening national security and improving state regulation.
- **Integrate migration concerns into regional cooperation programmes under ESCAP, ASEAN, the GMS and ACMECS, and work at developing region-wide mechanisms specifically devoted to regular interaction and cooperation on migration in the context of regional development and stability.** Since international migration in Thailand is especially embedded in regional dynamics, responses need to occur in a multi-lateral fashion within existing regional frameworks. Linking migration to regional economic integration will contribute to ensuring that development projects launched as part of cooperation efforts lead to a reduction in poverty and inequities and do not cause displacement or have unintended consequences on disadvantaged groups. Gradually, Thailand could move toward a regional management system, possibly under ASEAN, which would expand AFAS to include low-skilled workers and would complement and integrate existing bilateral agreements for Thai workers abroad, as well as GMS workers in Thailand. The regional system should cover all aspects of migration, and balance economic considerations with the imperative of protecting and respecting the rights of migrants, irrespective of the skill levels involved (see also Huguet and Punpuing, 2005).
- **Work towards a comprehensive national migration policy that harmonizes and regulates all stages and aspects of migration.**ⁱⁱ This comprehensive approach would, at a minimum, include measures to: (i) foster regularization of both high-skilled and low-skilled migrant workers in a coherent manner; (ii) facilitate the safe emigration and successful re-integration of overseas Thai workers; (iii) reduce irregular migration and trafficking through transparent control procedures; (iv) strengthen protection and reduce exploitation of migrant workers of all skill levels; (v) spell out the conditions and standards of treatment of asylum seekers and refugees. If this comprehensive approach is adopted, a national agency could be established to oversee the country's response to international migration, which would operate in coordination with relevant government and non-government organizations and integrate key migration areas, such as those proposed by IOM in the chart below, into a single approach (Figure 28).

Figure 28. Comprehensive Migration Management Approach



Source: IOM, www.iom.int.

- Foster inclusive policy processes in order to seek the views of the public, civil society and other relevant stakeholders throughout the decision-making process.** To ensure informed debate, information on migration conditions and related programmes and policies should be made accessible to the public, including groups directly affected by policy decisions. Greater involvement of media is to be encouraged and communication channels should be established with media outlets in countries that have a stake in migration circuits related to Thailand, either as destination or as sending countries.

In addition to these general recommendations covering most types of international migration, specific suggestions will be made in relation to the three main types of flows distinguished in this report, starting from outward migration through inward migration and then ending with forced migration.

- Strengthen protection of overseas Thai workers at all stages of the migration process.** Possible actions include stricter enforcement of existing policies to prevent exploitative practices in recruitment and placement. To avoid migrants becoming indebted and ending up in bonded labour and to reduce incentives for irregular migration, “visible” and “invisible” costs of regular migration need to be reduced through targeted negotiations with destination countries (eventually in strategic cooperation with other sending countries) and by making procedures more transparent to migrants. In particular, as noted in Chapter III, brokerage fees and deportation funds often have a counterproductive effect. Monitoring of the implementation of bilateral agreements through the Offices of Labour Affairs, Royal Thai Embassies and Consulates in the destination countries should be strengthened in order to intervene promptly. Contract labour mechanisms that place Thai overseas workers in a vulnerable position, such as prohibitions on changing employers, should be reconsidered. With assistance of UNAIDS, UNFPA and other concerned agencies, the inclusion of HIV/AIDS and pregnancy testing in medical check-ups should be rejected, and efforts should be made to compel employers not to discriminate against pregnant female workers. To help overseas Thai workers return to Thailand, comprehensive reintegration programmes should be provided covering the economic and psycho-social needs of the workers and their families.

- **Devise information systems to better document the conditions of Thais who have migrated abroad irregularly and strengthen strategies to assist those in need.** Because of their numbers and vulnerability, Thai irregular migrants deserve greater attention. Official diplomatic services should broaden their scope beyond emergency situations. To reach out to irregular Thai migrant communities, support could be provided to NGOs and Thai migrant groups, and if there are none, their establishment encouraged. Models of migrant services employed in certain countries by DOE, such as the drop-in centre of the Friends of Thai Workers Association, or NGOs, like the Thai Women's Network in Europe, should be regularly evaluated to assess their impact and the learning shared among Thai consular services in the various destination countries.
- **Devote greater attention to family law issues that relate to migration, in particular to migration-by-means-of-marriage.** The increase in the number of international marriages and of children born out of mixed unions presents a challenge to policymakers and legislators especially when it comes to recognizing dual nationality in the context of existing national family law and citizenship frameworks. Children of Thai migrant parents require particular attention, especially if the Thai couple or partner are in an irregular situation and the union is not legalized. For Thailand, as for other countries in Asia where Thais work, it is recommended that long-standing gender biases in civil and family laws are re-examined to allow for better protection of women and children (Batistella and Maris, 2004).
- **Consider introducing more flexible options for durable immigration for both high-skilled and low-skilled migrants.** Granting stay and work permits for three to five years could regularize many migrants already in Thailand, encourage employers to provide more skill and competency training, and foster higher labour productivity (Martin, 2007). When considering this proposition, it should be taken into account that, contrary to assumptions, most registered, as well as a majority of irregular and "grey" migrants, stay in the country for long periods of time. Existing rules for residence could also be simplified and broadened to offer a real alternative to people who have significant stakes in Thailand, including spouses of Thai citizens, retired persons and long-term migrants. Given that Thailand does not facilitate naturalization, expanding residence opportunities could become an important instrument in reducing irregular and "grey" immigration (see also Batistella and Maris, 2004).
- **Formulate a Safe Migration Act (or Act to Prevent and Suppress Exploitation of Migrant Workers) to prevent and control exploitative practices in labour migration.** The Act would recognize that exploitation can also occur in situations where it is the migrants who have decided to migrate and to use smugglers to assist them in seeking jobs. As the response to the shocking death of 54 migrants from Myanmar on April 2008 (reported in Chapter IV) pointed out, the new Act to Prevent and Suppress Human Trafficking B.E. 2551 excludes those cases in which migrants have shown agency, even if they have been deceived and abused. Considering that a significant proportion of migrant workers are at risk, specific legislation is needed that ensure fair treatment of the victims and, possibly, allow them to continue working in Thailand, but under better conditions.
- **Ensure adequate labour protection to migrant workers irrespective of their legal status.** The Labor Protection Act B.E. 2541 is an important tool to ensure employee protection for all employment contracts and could be maximized if expanded to those sectors where low-skilled migrant workers are concentrated, namely agriculture, fishing and domestic work. Labour protection mechanisms also need to be developed for the informal sector, to ensure enforcement of labour rules. Guidelines should be disseminated widely among employers, government officials, migrants and other parties, and regular inspections of labour sites intensified to ensure that employers are complying with labour standards (Pearson et al., 2006). Employers who are found in violation should be consistently reprimanded and punished in accordance with Thai labour law. Employers also need to be told not to seize migrants' IDs and work permits and should be fined if they continue to do so, considering that these documents are the only legal protection GMS migrant workers have (FTUB, 2006). Special efforts should be directed at eliminating the worst child labour through both educational and punitive measures. Complaint channels should be created for migrants to safely report exploitation in the workplace and they should be allowed to

organize to strengthen their negotiating position with employers (Pearson et al., 2006). Exploitative cases should be brought to court, and migrants who are victims or witnesses be ensured of protection and exempted from arrest and deportation. That exploitation of workers is unacceptable, whether the workers are Thais or immigrants, should be emphasized through national media campaigns to raise awareness among employers and society. The value of both high-skilled and low-skilled migrant workers for the Thai economy and Thai society should be stressed, and evidence countering prevalent misconceptions should be spread widely to foster a more positive attitude towards migrant workers. By contributing to decent work conditions, all these proposed interventions also benefit the many Thais working side-by-side with migrants.

- **Review existing registration, MOUs and provincial decrees taking into account the dignity and human needs of low-skilled GMS migrant workers and their families.** In particular, the prohibition against changing employers and moving between provinces should be seriously assessed in view of the growing evidence in Thailand, as in other countries, that such measures indirectly increase the vulnerability of migrants in addition to depriving them of a full social life (see Chapter III and IV). Newly introduced provisions under the Alien Employment Act B.E. 2551, such as the repatriation fund, the rewarding of informants, and the lengthy detention for irregular migrants who are caught, will also need to be closely monitored in order to intervene if they produce negative results as many NGOs fear (*Irrawaddy*, 2008). As for the provincial decrees, Thailand should urgently gauge their constitutionality and consistency with national laws and international conventions to which it is a party. Informed discussion should also be fostered about their societal effects. As previously recommended for Thai contract labour, MOUs with neighbouring GMS countries should not tolerate HIV and pregnancy testing of prospective migrant workers (MMN and AMC, 2007). It would also be a commendable change to allow couples to migrate together or to reunite. Common, albeit not legal, practices, such as terminating employment of migrant workers because of marriage and pregnancy should be formally disallowed since they do not conform with Thai labour law. With the growth of the migrant children population, it has become crucial to address issues related to birth registration and the right to nationality of migrant children in GMS fora and to arrive at joint regulatory frameworks in order to avoid making them stateless. The important step taken with the Civil Registration Act B.E. 2551, which makes children of registered migrants eligible to receive birth certificates in Thailand, should be formally expanded to children of unregistered migrants. Barriers discouraging irregular migrants to come to hospital and medical centres where delivery certificates are issued or to the local government offices to register their children, should also be addressed. A database of migrant children born in the absence of a birth registration system should be established, eventually with the assistance of neutral organizations, such as the Thai or International Red Cross (MMN and AMC, 2007).
- **Improve the management system for seasonal and daily cross-border migrant workers.** The introduction of provincial cross-border agreements has opened the way to regularization of short-span migration, but there is a need to establish a transparent administrative system that ensures safe crossing and employment. Information offices servicing both employers and migrants could be established at key checkpoints, and cross-border collaborations initiated to enhance legal protection of seasonal and daily migrant workers on both sides of the border (PDSALVY and SILAKA, 2006).
- **Continue to expand access to education and health to migrants and their children.** As a result of the inclusive Thai policies in health and education, significant progress has been made in enhancing the reach and quality of services. In health, a number of model interventions, such as the introduction of MCHVs and MHVs and provincial initiatives to devise private insurance schemes, seem promising and should be regularly monitored, improved as needed and, if found effective, scaled-up nationally. Health financing schemes for unregistered migrants, eventually cross-subsidized by the migrant health funds paid by registered workers, should be considered, and formal ways to regularize the position of health volunteers examined. Public health efforts should go beyond their current emphasis on communicable diseases to include promotion of occupational health and mental health, and HIV/AIDS efforts should be integrated with other sexual and reproductive health concerns, especially prevention of unwanted pregnancies and unsafe abortion. More structural approaches in improving the living conditions of migrants are recommended given

their impact on TB, malaria, diarrhea and many other diseases. This shift toward a setting-based approach, besides being more sustainable in the long run, would help take away much of the stigmatization of migrants as “carriers” of diseases brought about by a narrow behavioral approach. In education, to enable the realization of universal coverage, the education system needs to be better prepared. Efforts should be made to disseminate information about the Education for All policy to schools, teachers and migrant parents and to improve the financial and administrative support system. In provinces with many migrants, experimentation is recommended with dual language education and standardization of migrant schools' curricula. The issue of certification of diplomas granted by migrant schools (as well as schools in the border camps) is crucial to enable students to take advantage of future occupational and educational opportunities.

- **Ensure migrants' rights are respected during arrest, detention and deportation.** Regulatory measures should be made more transparent, consistent and accountable, and clearly communicated to concerned officials in order to avoid the occurrence of illegal actions against migrants in their custody. Arrest should not occur when migrants are in hospitals or under legal redress procedures because of experienced labour exploitation or sexual and gender-based violence. Alternatives to detention need to be considered particularly in regard to women and children. In any event, conditions in immigration detention centres should be improved and special care granted to migrant women and children. Before deportation, all pending salaries and compensations earned by the migrants while in Thailand should have been settled (eventually, a special, neutral, organization could be established to oversee such matter) and repatriation should occur in a safe and dignified manner. This set of recommendations also applies to unrecognized asylum seekers and refugees, with the added condition that repatriation should be voluntary and only after assurances that the concerned person does not face persecution on return, with voluntariness subject to confirmation and the modalities as well as conditions of return monitored by an independent third party.
- **Launch another Provincial Admissions Board (PAB)-lead registration round for unregistered asylum seeking residents in border camps and support UNHCR registration and screening of asylum seekers.** As the population in the camps continues to change it is important to make the process more expedient, efficient and transparent so that services and resettlement efforts can be adjusted accordingly. Outside the camps, to resolve some of the stalled situations, it is crucial for the Thai Government, UNHCR and other stakeholders to continue the dialogue in an effort to clarify matters and ensure a smooth working relationship.
- **Support initiatives to alleviate the impact of resettlement and rising costs of living on the remaining camp population.** New models of cooperation with provincial and district health and education offices in the provision of social services to the camp population should be tried out in order to find cost-effective ways of compensating for the growing shortage of skilled manpower in the camps. Remaining camp residents may also be temporarily allowed to leave the camp to seek health and educational opportunities in its vicinity, and their access to Thai health and education systems facilitated. A temporary, if not permanent relaxation of existing restrictions on movement should be considered to allow the camp population to earn some additional incomes in this difficult economic period when prices of commodities are increasing and NGOs do not have sufficient financial resources to maintain the same level of programming (see further Banki and Lang 2007). For those who do not wish or are not allowed to resettle, registering them as migrant workers could provide temporary respite, as long as it does not prejudice eventual future claims to international protection. At the same time, negotiations with resettlement countries should be continued in collaboration with UNHCR and IOM, to encourage them to liberalize their acceptance criteria, especially for the most vulnerable groups, to grant more camp residents a chance of a durable, albeit not always easy, solution.

List of footnotes

ⁱ IOM website at <http://www.un.int/iom/GMG.html>

ⁱⁱ See the EU vision on comprehensive migration policy available at http://www.europa-eu-un.org/articles/en/article_7021_en.htm

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