

## Thailand's Policy towards Irregular Migration: Situation Analysis of Burmese Migrant Workers under Thailand's Migration Policy

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### Abstract

The huge economic disparities within the GMS countries will cause labor migration to Thailand to be increased rapidly over the next decade. This paper focuses on the impact of the migration policy toward human rights situation of migrant labors in particular from Myanmar, as these migrants are the largest cheap-labor supply in Thailand. They have the highest potential to be adversely affected by the latest approach of labor migration in the restrictive form. The cause found as influential factors are push and pull factors: push factors are related with economic, social, and political situation in Myanmar while pull factors are the growth of Thailand's economy, and the labor shortage in low-skilled sector in Thailand. The results show that Thailand's labor migration policy should aim to obtain maximum benefits for both registered and non-registered migrant workers by enforcing coherent migration policy which meets the need of current situation and dynamics of labor migration.

### Background

Over the past few decades, Thailand has become the most developed country in the Greater Mekong Sub-region (GMS), having relatively higher employment opportunities and higher wages than any neighboring

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countries. IOM. Significant economic disparity can be demonstrated by comparing Thailand's per capita gross domestic product (GDP) to that of Cambodia, Lao PDR and Myanmar. In 2010, Thailand's per capita GDP was \$9,180, compared to Cambodia's of US\$ 2,470, Lao PDR's of US\$ 2,435 and Myanmar's of US\$ 1,250. Hence, due to its economic boom and other factors including widening income gaps and slowing growth of work force, Thailand has become a destination country for most of the labors from neighboring countries, particularly from Myanmar, Cambodia and Lao that choose migration as their livelihood strategy.

Labor migration to Thailand would be increased rapidly over the next decade due to huge economic disparities within the GMS countries. Cross-border migration of unskilled migrants into Thailand has been prominent while the majority of workers have no legal status. Thailand's policies towards irregular migration are still ambivalent and controversial (ILO, 2009). Thailand, being one of the largest labor receiving GMS countries, cannot avoid hiring low-skilled labor migrants. Despite Thailand's frequent policy changes made to best tackle, the irregular migration remains challenging issues over the periods of "numbers".

The most recent registration policy changed which Thailand claimed as the last round is still a controversial issue for migrants and human rights activists due to its complicated policy implication which required Burmese migrants to undergo a national verification (NV) process in their own country. And it was an obstacle to a large number of migrants. As a bigger portion of the migrant population had not gone through the process before the N.V deadline, they will be subjected to immediate deportation, according to the policy. Since

the Burmese migrant workers, who are basically the largest cheap-labor supply in Thailand, come here due to the intolerable economic and political turmoil in Myanmar, they are most likely to be affected by the deportation process. It is conceivable that the new policy triggering mass deportation of migrant workers could impregnate with high potential of human rights violations, especially to Burmese migrants as the deported migrants have high risks of abuses between the Thai-Myanmar borders. A recent research by KHRC (2009) described how deported migrants were exploited at checkpoints under the control of DKBA, saying *“even workers who do not face abuse upon return face abuse at the checkpoints to which Thai authorities transfer them during deportation procedures. These abuses include taxation, forced labour, beatings, killing and rape.”*

With the continued supply of labor migrants and extreme scarcity of local labor, Thai Ministry of Labor acknowledged the need to employ 1.2 million low-skilled migrant workers in 2008 (Boot, 2008). It is estimated that migrant workers contribute 370 billion THB, or about 6.2 per cent of Thailand's Gross Domestic Product (GDP) (CPPCR, 2009). Though Thailand's economy is largely dependent on the labour contribution of the migrant workers, the immigration policies towards them are largely biased, for the sake of Thailand's national security concerns, with little consideration upon their protection. Furthermore, in the international migration pattern, the tight border control has many potential to fertile the brokers and agents services where human trafficking and exploitations are most likely to occur instead of combating the irregular migration. This paper focuses on the impact of the immigration policy toward human rights situation of migrant labors in particular from Myanmar: Thailand's

largest migrant labors supply which has the highest potential to be adversely affected by the latest approach of labor migration in the restrictive form.

## 1. Brief history of labor migration in Thailand

The migrant population movement to settle and to work in Thailand is not a new phenomenon. Since in the early period of Rattanakosin (Bangkok), migration of a considerable number of Chinese had filled up the labor shortage in rapidly growing urban areas of Thailand, especially Bangkok. As a consequence, the population of Thailand (Siam by then) recorded as rising to 45,000 within the period between 1882 and 1917, and Chinese migrants population was estimated around 600,000 by 1898 (Pitayanon, 2001).

In the wave of globalization, Thailand entered economic acceleration with particular focus on export-led industrial development and the promotion of private sector investment in the early 1970's which was followed by rapid expansion of labor-intensive industrial sectors. Large number of rural Thais migrated to urban areas to meet the demand of both skilled and unskilled workers (Pitayanon, 2001). The official deployment of foreign workers was recorded as 112, 443 in 1986 alone in response to Thailand's economic boom (as cited by Sussangkarn & Chalamwong, 1992). In response to a serious labor shortage in Thailand's economy in the 1990s, both skilled and unskilled migrant workers were legally allowed to work while a considerable number were illegal migrants. Until that time, there was no clear mechanism to handle the illegal migrants issue as Huguét (2007) mentioned in the citation: "No clear policy at present exists, mainly because the magnitudes are small and any problems

associated with this group of workers have yet to manifest themselves.” (as cited from Sussangkarn & Chalamwong, 1992).

## **2. Influential factors of Burmese labor migration to Thailand**

The main push and pull factors influencing Burmese labor migrations to Thailand lie under the huge disparities in economic, political and social development which increases Burmese irregular migration to Thailand.

### **2.1 Push factors**

In the contemporary of migration from Myanmar, there are at least 3.5 million individuals, approximately 7% of the country's total population, who are not currently at their home country (KHRG, 2010).

The migration of Burmese to Thailand is mainly related with economic, social and political situation in their country. Economically, Myanmar faces a deteriorating economy, rampant inflation rate, limited employment and educational opportunities, and heavy taxations imposed by authorities which make lives of ordinary people unbearable to survive economically (ILO, 2007, p. 26). On top of that, the escalating commodity prices for basic necessities cause people usually caught up in a cycle of debt for their daily expenses and the limited job opportunities could not lift the people up from poverty (Awatsaya, Khaing, Therese & Sureeporn, 2008, p. 307).

Rural people from ethnic groups are often reported as being prone to forced migration, forced relocation due to development projects such as building dams, gas pipe-lines, large-scale agricultural projects. People residing in areas where there are still ethnic oppositions to the regime are often found to

be violated in various forms of human rights abuses: rape, torture, extrajudicial killings, forced labour both in military use and infrastructure building. Furthermore, heavy taxations imposed by the local officials and military authorities have compelled local people especially farmers to sell the crops far below the market prices and even to give simply to the local authorities in some cases. Armed conflict-related threats, landmines and military attacks against villages are prevalent in ethnic states (KHRG, 2009, pp. 29, 32).

International response to Burmese government's political oppression against opposition groups: ethnic organizations, political activists as well as repeated house arrest of Nobel price laureate Aung San Su Kyi has contributed into economic isolation of the country together with international pressure. Intensification of economic sanctions has deepened the difficulties of people in struggling for economic survival (ILO, 2006, p. 27). Hence, economics and politics are closely intertwined in Myanmar which push many people to migrate to foreign countries especially to Thailand not merely for a political reason for economic opportunity but also as a security concern in response to the exploitative and violent abuse which cause vast majority of Burmese intolerable to survive.

## **2.2 Pull factors**

The rapid growth of Thailand's economy over the past decades has attracted the workers from neighboring countries to enter Thailand in search of better employment opportunities and higher wages as it is the most developed country in the Greater Mekong Sub-region (GMS). In 2005, Thailand's per capita GDP was the highest with US\$ 8,300 while the GDPs of its neighboring countries were left behind with US\$ 2,200 in Cambodia, US\$ 1,900 in Laos and

US\$ 1,700 in Myanmar. (IOM, 2007, p. 5). With the rapid economic growth, Thai workers managed to attain better working positions than before that labour shortage in the low-skilled sectors create demand for foreign workers from less developed surrounding countries in the substitute positions (Chantavanich, Vungsiriphal & Laodumrongchai, 2007, p. 1).

ILO (2006) states that “Since the mid-1990, Thailand has actively promoted the decentralization of both foreign and domestic industrial investment to rural , largely non- industrialized provinces, and away from Bangkok and its heavily industrialized suburbs (p.28).” The three zone system, set up by Thai Board of Investment (BOI), is to promote border economic trade with neighboring countries and the uneven development which accompanies such industrial concentration in central. On November 12, 2003, Prime Ministers of Cambodia, Laos, Myanmar and Thailand signed an agreement of “Bagan Declaration” whose objective is to increase competitiveness and generate greater economic growth along the borders (MOFA (Myanmar), 2003).

Aiming at attracting labour-intensive industry, the government promoted Mae Sot as “Special Investment Promotion Zone” and plans have been developed with the Asian Development Bank, as part of its Greater Mekong Sub-region “Flagship Initiative” on the planned East-West Economic Corridor, to put in place the necessary infrastructure to establish a special border zone (ILO, 2006, p. 28).” As Thailand is becoming one of the most developed countries in the Greater Mekong Sub-region in recent years, offering more employment opportunities and higher wages than any of its neighbours and the high demand of low-skilled workers for the labour-intensive industries attract the migrant workers especially from Myanmar due to their poverty-

stricken situation and limited options for gainful employment at home (IOM, 2007).

### 3. Why do Burmese migrant workers become illegal?

In fact, a lot of migrant workers attempt to seek legal status as no one wants the risk of constant arrest, deportation and exploitation. However, legal channel for labor migration in Thailand is inaccessible to most of the migrants. Rukumnuaykit (2009) mentioned that “many migrants wished to enter Thailand legally, but current institutional settings in both the labour sending and receiving countries made legal admission to Thailand difficult for most of them. Therefore, these workers become “irregular” migrants, as they enter and stay in Thailand illegally”. Lom (2008) also highlighted the complicate and expensive process of registration which enforces many Burmese workers and Thai employers to avoid legal registration.

According to a research conducted in Samut Sakun on brokers and labor migration from Myanmar by Sakaew and Tangprapakoon (2009), migrant labors who arrived to Thailand after 2004 become technically illegal when the Thai cabinet resolution barred them from applying for work permit. And 90% of migrants wished to get registered and looked for information regarding the labor registration. However, due to several constraints: language barrier, complex procedure of labor registration and limited knowledge about the immigration policy and regularization process, migrants are often exploited in search of assistance from agents/brokers services. Service fees were charged around 3,000-8,000 baht but ended up with nothing in many cases, leaving the migrants in the illegal status.



In many cases, the fundamental policy itself remains constraints for regularizing the migrant workers and even sustaining the irregular migration indirectly and increasing migrants vulnerability.

#### 4. Regularization of irregular migration

##### 4.1 Overview of immigration policy: Registration process

Thailand's immigration policy is based on two acts: Immigration Act 1979 and the Foreign Employment Act 1978. According to the 1979 Immigration Act, an immigrant who enters the country without visa and /or acts in breach of the immigration law becomes illegal and is subject to deportation and /or penalty by other sanctions. Nevertheless, under the implication of Section 17, an illegal migrant worker can be exempted from deportation if the registration process is undertaken. Article has been the basis for the registrations that define Thailand's immigration policy. Migrants must obtain work permit and be eligible to work only under designated sectors while prohibiting activities such as general labor, farming, weaving and construction under the Foreign Employment Act 1978. However, Section 12 provides the authorities to allow migrants to work temporarily in some sectors as conditioned by cabinet decisions. Chantavanich, et al., 2007 as cited in Muntarbhorn, 2005).

A key concern in the policy is to prevent irregular migration and to encourage migrants to return home upon the end of their temporary work permit which was clearly stated in "The Bangkok Declaration on Irregular Migration" from International Symposium it hosted in 1999. (Huguet, 2007)

Migrant workers registration began in 1992, when employers from nine Thai-Myanmar border provinces were allowed to register Burmese migrant

workers during which only 706 Burmese migrants were registered due to the extremely high registration bail (5000-baht bond and registration fee of 1000-baht) imposed on the employers. It had prompted negative consequences in expanding the number of irregular migrant workers in the following years. Hence, in 1996, Thai Ministry of Labor and Social Welfare imposed another migrant labor policy with much lower registration fees expanding to cover Laos and Cambodian workers from 39 (later 43) provinces in which 239,652 out of 323,123 migrants were granted for two-year work permit. (Chantavanich et al., 2007, p. 45)

Following the economic crisis in 1997, in an attempt to open up more jobs for local, Thai government planned to remove 300,000 migrants each in the two consecutive years (1997- 98) by denying the renewal of work permits. However, due to the insufficient number of Thai workers to replace deportees, a new registration was in 1998 imposed again during which 90,911 workers were granted for work permit (Chantavanich et al., 2007, p. 52). During the period between 1996 and 2000, the number of registered migrants dropped from 372,000 to 99,650 migrants or 33% per year due to rigid and inconsistent policy.

In 2001, migrant registration was expanded to all 76 provinces and all industries under Thaksin Shinawatra's administration. The National Committee on Illegal Worker Administration (NCIWA) was formed by the Cabinet with the objectives to regularize irregular migrants: to reduce irregular migration and to allow more migrants legally. In 2001 alone, 568,000 migrants were registered but the number decreased to 350,000 in 2002 when only registered migrants were eligible to extend their work permit under the same employer (Rukumnuaykit, 2009). Thailand's Labor Protection Act, updated in 2008, does

not discriminate between Thais and foreigners in terms of labor rights protection and just wages. According to current Ministry of Labor official statistics, minimum wage in Thailand varies from 203 baht per day in Bangkok to 104 baht per day in the rural provinces. Thailand has signed off on a number of international conventions and there are a range of laws in place which theoretically protect the rights of all migrants but, so many times, it does not translate into practice, even for those migrants who are legally registered with work permits. (Fox, 2009)

The most significant migrant worker registration process took place in 2004, as all irregular migrants including family members of the migrant workers could get registered without a fee with the Ministry of Interior until July 2004 that there were 1,280,000 migrants registered. The registered migrants were eligible to reside till the end of June 2005 but were not allowed to work nor to seek employment, and could not travel apart from within the area of registration. A total of 814,000 migrants were registered for work permit which is twice the number of migrant workers registered in 2001 and 2002. The registered migrants were covered with Health Insurance issued by the Ministry of Physical Health with a fee (ILO, 2005)

#### **4.2 Implementation of MOUs**

To support the management of regularizing labor migration, Thailand signed MOUs with Laos (October 2002), Cambodia (May 2003) and Myanmar (June 2003). However, the actual undertaking of MOUs seems to focus on regularizing the migrants registered in 2004 by having their nationality verified before the granting of a stay and work permit. The scope and objectives of the MOUs are very similar among these three countries under which nationals of

these countries are allowed to enter and work legally in Thailand as contract labor for up to two terms for a total of four years. These countries are obliged to process nationality verification and issue formal identification such as passports or other documents to irregular migrants, which also covers procedures for recruitment and employment of workers, protection of the rights of migrant workers, conditions of repatriation of workers and to combat illegal recruitment (Vasuprasat, 2009).

Provisions on the rights of migrant workers in MOUs include the rights to temporary return to their country of origin; entitlement to legal protection; non-discriminatory treatment with respect to gender, race and religion, especially on wages and other benefits; and settlement of disputes based on laws and regulations in the receiving country (Vasuprasat, 2009). On the contrary, the implementation of rights protection is lenient and a lot of studies found that migrants are often found to be working under exploitative conditions and vulnerable to labor and human rights violations especially in terms of wages, working hours and working conditions.

**Table 1** Comparison of Contents of MOUs on Employment Cooperation between Thailand and Cambodia, Lao PDR and Myanmar

| Components / Countries  | Cambodia | Lao PDR | Myanmar | Notes Variations |
|---|----------|---------|---------|------------------|
| Reference to the Bangkok Declaration on Illegal Migration in 1999 | ✓        | ✓       | -       |                  |
| Objectives/Scope  |          |         |         |                  |
| Employment/recruitment procedure                                  | ✓        | ✓       | ✓       |                  |

Table 1 (continued)

| Components / Countries  | Cambodia | Lao PDR | Myanmar | Notes Variations   |
|---|----------|---------|---------|--|
| Conditions for repatriation of workers  | ✓        | ✓       | ✓       |  |
| Protection of rights of workers   | ✓        | ✓       | ✓       |  |
| Prevention and combating illegal recruitment, border-crossing and employment of workers   | ✓        | ✓       | ✓       |  |
| <b>Administrative Procedures and Consultative Mechanism</b>   |          |         |         |  |
| Meeting of senior officials level at least once year  | ✓        | ✓       | ✓       |  |
| Establish procedures to integrate irregular migrants, prior to enter into force of MOU  | ✓        | -       | ✓       |  |
| Recruitment and placement of migrants requires prior permission of authorities in both countries; Revocation of work permit           | ✓        | ✓       | ✓       | Recruitment and placement have to be approved by authorities. Revocation of work permit is applicable by authority |
| Provision of information job opportunities, qualifications, working conditions and wages offered by prospective employers             | ✓        | ✓       | ✓       | Information about job vacancies in migrant receiving country   |
| Provision of information about the particulars of prospective/recruited migrants as to their age, education, work experience, address | ✓        | ✓       | ✓       |  |

Table 1 (continued)

| Components / Countries  | Cambodia | Lao PDR | Myanmar | Notes Variations   |
|---|----------|---------|---------|--|
| Fulfillment of specific administrative requirements with respect to: visa, work permit, health insurance, taxes, employment contract, contribution to saving fund<br>Myanmar- Employment contract between worker & employer | ✓        | ✓       | ✓       | Cambodia & Myanmar – Compulsory contribution to saving funds has not yet been enforced.<br>Lao – Compulsory contribution to deportation funds, instead of saving funds Myanmar – Requirement for employment contract signed by workers and employer with copy submit authorities |
| Maintaining database/list of workers recruited to under the MOU and ensure that they return to the place of origin in sending country upon expiration of work contract- four years  | ✓        | ✓       | ✓       | Lao – Deportation not applicable to workers whose employment contract terminated, not as a result of their faults.   |

**Source** ILO Asian Regional Programme on Governance of Labor Migration, 2009

### 4.3 What is significant about nationality verification?

Under MOUs between Thailand and Myanmar, previously registered Burmese migrant workers are entitled to legally stay and work in the country for up to four years upon the verification of their nationality, followed by temporary passport issued by Burmese authorities and visa by Thailand (IOM, 2010). While 72,098 Cambodian and Laos migrants had had their nationality verified by the respective authorities within Thailand by 2007, nationality verification (NV) with Burmese government could only be established in 2009 due to ethnic

conflicts in the country of origin (Rukumnuaykit, 2009). This time, Thai government announced the seventh round short-term worker registration process as the last round and migrants who do not submit a complete N.V paperwork by 31<sup>st</sup> March 2010 (before it was 28<sup>th</sup> February) will be deported. Only registered migrants with valid work permit are eligible to apply for NV by the extended deadline on the condition that they submit a consent form (whereby they agreed to submit the completed NV on 31<sup>st</sup> March) by 2<sup>nd</sup> March (28 February deadline, previously). Migrants are also requested to apply for work permit extension by the extended deadline, 2<sup>nd</sup> March.

#### **4.4 Why was NV a controversial issue for Burmese migrants?**

NV is apparently required for Burmese migrants as they left their country without permission and entered Thailand illegally. Being in the illegal status, Burmese migrants are literally lack of legal protection and are often prone to immediate arrest and deportation; various deprivation of migrants' right protection and remain vulnerable to exploitation and extortion from employers, brokers and local police. By entering N.V process, migrants' illegal status will be formalized and they will be granted to stay and work legally.

Nevertheless, complicated and costly N.V process which includes 13 steps, involving at least dealing with 3 Thai ministries, Burmese embassy in Bangkok and some Burmese ministries remained constraint to migrant workers without hiring the broker services which could often charge much more legal fees along with high potential exploitation. Furthermore, many migrants were reluctant to enter N.V as it seems to associate with their security risk: especially the ethnic migrants who felt uncomfortable and suspected the relationship between NV and 2010 Burmese election when N.V process required their

biography to be sent to Burmese government and legalization process carried out in Myanmar across the border. (AHRC-FAT, 2010).

The IOM (2010) updated statistics shows that a number of registered migrants were only 1,079,991 and out of which only 822,093 have entered NV while 71,390 migrants have received legal status to stay and work in Thailand . Regardless of the repetitive extension, the number of Burmese migrants who entered N.V is relatively quite low comparing to the estimated number of over 2million Burmese migrant workers residing and working in Thailand which means that a vast majority of migrants who did not entered NV will be subjected to immediate arrest and deportation with high potential human rights violation upon their return.

**Table 2** Updated Statistics\*: Number of Registered Migrants and Nationality Verification Statistics

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

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

Source Migrant Information Note, Issue# 5, IOM (2010)



## 5. Impact of restrictive approach migration policy on safety and security of Burmese migrants

In Thailand's restrictive approach to irregular migration policy upon this last round, migrant workers registration has triggered the mass deportation of Burmese migrants as a vast majority failed to enter the N.V due to several constraints which involved security concern in their home country unlike any other Thailand's neighboring countries. Most of them left Myanmar without permission and entered Thailand illegally not merely for economic survival but often as a protection strategy in response to their deprivation of human rights and constant exploitation which drives their home areas into poverty. In the recent report from KHRG (2010), as cited from its previous report: Abuse, Poverty and Migration: Investigating migrants' motivation to leave home in Myanmar concluded that *"most people traditionally understood as 'economic migrants' flee Myanmar to avoid the life-threatening poverty that results from persistent exploitative abuse; roughly 78% of Burmese workers interviewed by KHRG cited exploitative abuse as a factor that negatively affected their own, and their communities' economic situations in Myanmar."* The similar case was found in a study undertaken by the International Rescue Committee and Tufts University to assess the degree to which Burmese workers in Thailand merit international protection as refugees in 2006 came up with conclusion that "as many as fifty percent of Burmese working in Thailand merit further investigation as to their refugee status." (KHRG, 2010)

Currently, a vast majority of migrants are at risk of being deported and becoming more vulnerable upon their return to Myanmar. On the one hand, these migrants were subject to detention by the Burmese government in breach

of Myanmar Immigration (Emergency Provisions) Act of 1947 when leaving the country without valid documentation. As cited from Huguet and Punpuing, 2005, it is interesting to note that Burmese migrants who are apprehended for illegal entry are usually released unofficially without prosecution from the Thai authorities if they volunteer to be deported. The deportees are taken to an unofficial border area crossing and permitted to walk across the border back to Myanmar (IOM, 2007).

On the contrary, KHRG (2010) has highlighted the violent and exploitative abuse by the Thai authorities which include taxation, forced labor, beating and rape followed by the deportation of Burmese migrants. The report also pointed out the case of abuse and exploitation that many deported migrants faced at the DKBA checkpoints along the Moei River in the immediate area of the Thailand-Myanmar Friendship Bridge between Myawaddy and Mae Sot. Burmese deportees are transferred by Thai authorities to Myanmar through DKBA checkpoints where migrants face money extortion of between 1000 to 2000 baht in order to get released to Myanmar or to simply return to Thailand. Those who could not afford are subject to forced labour in place of demanded payment. The report demonstrated how DKBA have earned from deportation procedures facilitated by the Thai authorities. Hence, in any cases either in the case of arrest or deportation by the Thai authorities or in the checkpoints of DKBA, migrant workers are prone to exploitation and violation following the mass deportation.

## 6. Conclusion

Burmese migrant workers in Thailand are undeniably a vulnerable population which is comprised of 80 percent of labor migrants who contribute an estimated 5-6% of Thailand's GDP and make up around 5% of the nation's workforce by working in Thailand's most dangerous, demeaning and dirtiest jobs (3D jobs). These migrant workers are often subject to abuses by human traffickers, unscrupulous employers, police and government officials due to their irregular status.

Realizing the plight of irregular migrants' vulnerable situation, Mr. Abhisit expressed the objective of national migration policy by saying *"We realize that the most effective way to protect these migrants is to legalize their status and bring them into the formal labor market and migration is simply an expression of the freedom and desire of each individual to seek better opportunities in life."* (Winn, 2009)

Nevertheless, many studies mentioned that the registered migrants are also deprived of their worker rights in many cases as Thailand's labor laws do not really give full protection. Though entering N.V could formalize their irregular status, many Burmese migrants were unable to get access to undertake N.V process due to several factors. As a result, those migrants would be deported to their home country from where they had originally left for Thailand due to intolerable economic and political turmoil along with the high risk of being abused at the checkpoints to which Thai authorities transfer them during deportation procedures.

The UN special rapporteur Bustamante urged the Thai Government to reconsider its plan to deport unregistered by saying: "Mass expulsion will result

in unprecedented human suffering and will definitely breach fundamental human rights obligations” and also mentioned that “Among the groups who may potentially be deported, there may be some who may be in need of international protection and should not be returned to the country of origin”.

The effectiveness of Thailand’s restrictive border tight control to tackle the irregular migration is highly questionable while the cabinet decision to deport the vast majority of migrants who failed to apply for NV has increased the vulnerability of migrant workers which in turn adversely has got impact on the safety and security of migrants who are subject to deportation. In addition, throughout the period, there were many cases that deported migrants often return to Thailand with the assistance of agents and brokers during which migrants are taking the risk of exploitation by agents during the process of their journey in search of protection and economic survival strategy. Furthermore, Thailand’s economy has still got high demanding for cheap labor migrants, irregular migration flow would be still challenging to tackle with the existing huge migrant labors supply who would anyway desire to migrate to Thailand. Placing the restrictive barriers between high demand and supply would rather create a potential lucrative market for agents and brokers which most Burmese migrant labors often approach throughout the period. Finally, the labor migration policy should aim to obtain maximum benefits for both migrant workers and Thailand’s economy while ensuring the rights of migrant workers, both registered and unregistered (for instance, in the case of deportation procedures), by enforcing coherent migration policy which meets the need of current situation and dynamics of labor migration.

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