Labour migration in Thailand

Department of Employment
Ministry of Labor Thailand
14 June 2012
Globilization

Investment

Marketing

Tourism
Thailand as a magnet country for migrant workers

Business & Investor

Tourist & Irregular migrant workers

Service & regular migrant workers
Migration of irregular workers from neighboring countries to Thailand (Illegal - Migration)
## Work Permit Issuing

### Legal entry

#### Investors:
- BOI (Investment Promotion Act B.E. 2520)
- Petroleum Act B.E. 2514
- Industiral Estate Authority of Thailand Act B.E. 2520
- Over 30 million bath Capital Investment
- Others

#### Process
- One stop services
- 3 hours

#### Applicants
- 1 October 2003 – 31 September 2004
- 20,760 applicants

#### Top 3 nation
- Japan
- Taiwan
- China

### Normal business:

#### Process
- 1 - 7 days
- 3 - 6 months (According to the consideration process of the committee)

#### Applicants
- 108,643 people

#### Top 3 nation
- Japan
- England
- India

### Illegal entry

#### Blue Collar
- Laborers

#### As fix by the cabinet Resolution

#### Applicants
- 788,270 people

#### Top 3 nation
- Myanmar
- Laos
- Cambodia
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.

<table>
<thead>
<tr>
<th>B</th>
<th>Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-A</td>
<td>Business or investment</td>
</tr>
<tr>
<td>IB</td>
<td>Investment or other related affairs under the Investment Promotion Act B.E. 2520</td>
</tr>
<tr>
<td>IM</td>
<td>Investment approved by relevant ministries or departments</td>
</tr>
<tr>
<td>ED</td>
<td>Study or education</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>RS</td>
<td>Scientific research or teaching in a research or educational institution</td>
</tr>
<tr>
<td>M</td>
<td>Performance of duties in the mass media.</td>
</tr>
<tr>
<td>R</td>
<td>Missionary work with approval of relevant ministry or department.</td>
</tr>
<tr>
<td>EX</td>
<td>Performance of skilled or expert work.</td>
</tr>
<tr>
<td>O</td>
<td>Other purposes as per ministerial regulations (as dependents, retired persons, or for family reunions, medical treatment, and legal proceedings).</td>
</tr>
<tr>
<td>O-A</td>
<td>Temporary residence.</td>
</tr>
<tr>
<td>Visa Type</td>
<td>Description</td>
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<td>---------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>Diplomatic Visa D</td>
<td>Diplomatic or consular mission or duties with international organizations.</td>
</tr>
<tr>
<td>Official Visa “F”</td>
<td>Performance of official duties (involving the Thai government).</td>
</tr>
<tr>
<td>Immigrant Visa</td>
<td>Permanent residence.</td>
</tr>
<tr>
<td>Non-Quota Immigrant Visa</td>
<td>Permanent residents wishing to leave Thailand and return within a year.</td>
</tr>
<tr>
<td>Courtesy Visa</td>
<td>Diplomatic and/or official passport holders other than for official duties and ordinary passport holders responding to and official Thai request.</td>
</tr>
<tr>
<td>Category</td>
<td>Stay</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Professionals, skilled and semi-skilled workers, 2007</strong></td>
<td></td>
</tr>
<tr>
<td>• Foreigners granted work permits (a)</td>
<td></td>
</tr>
<tr>
<td>• Diplomats (b)</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
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<tr>
<td><strong>Other Temporary Stay, 2007 (b)</strong></td>
<td></td>
</tr>
<tr>
<td>• Stay with Thais</td>
<td></td>
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<tr>
<td>• Stay with Thai wife</td>
<td></td>
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<tr>
<td>• Stay with resident families</td>
<td></td>
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<tr>
<td>• Retirement</td>
<td></td>
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<tr>
<td>• Others (include medical treatment and study)</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
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<tr>
<td>Category</td>
<td>Stay</td>
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<tr>
<td><strong>Tourist and transit visa extension and change of visa, 2007 (b)</strong></td>
<td></td>
</tr>
<tr>
<td>Tourist and transit visa extension and change of visa</td>
<td>124,373</td>
</tr>
<tr>
<td>Subtotal</td>
<td>124,373</td>
</tr>
<tr>
<td><strong>Students, 2005 (c)</strong></td>
<td></td>
</tr>
<tr>
<td>Basic education</td>
<td>26,000</td>
</tr>
<tr>
<td>High education</td>
<td>42,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>68,000</td>
</tr>
<tr>
<td><strong>Other Regular, 2007 (d)</strong></td>
<td></td>
</tr>
<tr>
<td>Residents</td>
<td>257,356</td>
</tr>
<tr>
<td>Subtotal</td>
<td>257,356</td>
</tr>
<tr>
<td>Category</td>
<td>Stay</td>
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<td>----------------------------------------------</td>
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<tr>
<td><strong>Undocumented expatriates, 2007 (b)</strong></td>
<td></td>
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<tr>
<td>• Person overstaying visas (from 190 countries)</td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>65,558</td>
</tr>
<tr>
<td><strong>Refugees and Asylum Seekers, 2007</strong></td>
<td>140,895</td>
</tr>
<tr>
<td>• In official camps (e)</td>
<td></td>
</tr>
<tr>
<td>• Shan in Weng Heng (e)</td>
<td>607</td>
</tr>
<tr>
<td>• Refugee/Persons of Concern to UNHCR (f)</td>
<td>1,081</td>
</tr>
<tr>
<td>• Asylum Seeders (f)</td>
<td>723</td>
</tr>
<tr>
<td>Subtotal</td>
<td>143,306</td>
</tr>
<tr>
<td>Category</td>
<td>Stay</td>
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<td>----------------------------------------------------</td>
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<tr>
<td><strong>GMS migrants, 2007</strong></td>
<td></td>
</tr>
<tr>
<td>Regular new entrants under MOUs (a)</td>
<td></td>
</tr>
<tr>
<td>Regular certified workers under MOUs (a)</td>
<td></td>
</tr>
<tr>
<td>Registered for Southern Provinces (a)</td>
<td></td>
</tr>
<tr>
<td>Registered (a)</td>
<td></td>
</tr>
<tr>
<td>Unregistered (g)</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>405,871</td>
</tr>
<tr>
<td><strong>Overall Total</strong></td>
<td></td>
</tr>
</tbody>
</table>
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)
Section 5 in This Act.

“alien” means a natural person who is not of Thai nationality;

“work” means engaging in work by exerting energy or using knowledge whether or not in consideration of wages or other benefit;

“permit” means a work permit;

“holder of permit” means an alien who has been granted a permit;
Section 5 in This Act.

Any work which an alien is prohibited to engage in any locality and at any particular time shall be prescribed in the Ministerial Regulation with;

- regard to national security.
- Thai national’s work opportunity,
- demand of alien labor necessary for country’s development

1. To adopt of using irregular workers by some economic sectors and limit the number of alien worker by considering the demand of economic sectors.
2. Making Personal record and Identification card Carefully.
3. Employ only alien workers, their family are excluded.
4. Fix a proper wages.
5. Issue effective repatriation measures.
6. Promote and develop border – line economic.
Ministry of Labor

7 Strategies to reach the final target:

1. Strategy to manage Alien Worker Procedure.
2. Strategy to Determine Alien Worker Employment standard.
3. Strategy to Strengthen the border until the illegal workers cannot enter in the country.
4. Strategy to suppress, arrest and prosecute illegal worker.
5. Strategy to shove, and return Alien workers.
7. Strategy on follow up and assessment.
<table>
<thead>
<tr>
<th>Year</th>
<th>Province</th>
<th>Number of authorized business (business type)</th>
<th>Number of irregular workers allow to work as legal workers (person)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>all Province</td>
<td>all sectors</td>
<td>849,552</td>
</tr>
<tr>
<td>2005</td>
<td>all Province</td>
<td>all sectors</td>
<td>705,293</td>
</tr>
<tr>
<td>2006</td>
<td>all Province</td>
<td>all sectors</td>
<td>460,014</td>
</tr>
<tr>
<td>2007</td>
<td>all Province</td>
<td>all sectors</td>
<td>668,576</td>
</tr>
<tr>
<td>2008</td>
<td>all Province</td>
<td>all sectors</td>
<td>546,272</td>
</tr>
<tr>
<td>2009</td>
<td>all Province</td>
<td>all sectors</td>
<td>501,570</td>
</tr>
<tr>
<td>2010</td>
<td>all Province</td>
<td>all sectors</td>
<td>1,094,984</td>
</tr>
<tr>
<td>2011</td>
<td>all Province</td>
<td>all sectors</td>
<td>1,346,636</td>
</tr>
</tbody>
</table>
- Implementation according to The Cabinet Decisions on irregular migrants in March 2, 2004 and continue to present.

- Irregular migrants form 3 Bounties (Myanmar, Laos, Cambodia) about 1.3-2 Million persons will manage in 2 Phase.
Phase 1: Manage by:

- Census & Registered all irregular workers for supporting better migration management and administration.
- Census & Registered all Employers who hired irregular workers.
- Recruiting thai labor to job vacancies.
- Consider to give the work permit (Quota) for irregular workers.
- Medical check up & Make Health Insurance.
- Consider to give work permit.
Number of irregular workers in to 2011

Extension W.P.
350,358
(26.02%)

Total
1,346,636
(100%)

Renew W.P. for the new employees
996,273
(73.98%)

Myanmar 963,914
Laos 132,721
Cambodia 250,001
Types of works

Labor & Domestic Helper
Labor

Definition of Labor was problem to the Employers
Migration

- Bangkok Declaration, 1999, signed by 19 countries/territories including all the countries in the GMS
- Thailand-Lao PDR MOU on Employment Cooperation, signed by Thai Minister of Labor, and Lao Minister of Labor and Social Welfare on 18 October 2002
- Thailand-Cambodia MOU on Cooperation in the Employment Workers, signed by Thai Minister of Labor and Cambodian Minister of Social Affairs, Labor, Vocational Training and Youth Rehabilitation on 31 May 2003
- Thailand-Myanmar MOU on Cooperation in the Employment of Workers, signed by Thai Minister of Foreign Affairs and Myanmar Minister of Foreign Affairs on 21 June 2003
Highlights of the MOUs

The MOUs on cooperation in the employment has the following stated objectives:

- proper procedure of employment of migrant workers;
- effective repatriation of migrant workers;
- due protection of migrant workers; and
- prevention of illegal crossings, trafficking of illegal workers and employment of illegal workers.
MOUs

- Thailand and Lao PDR/Myanmar/Cambodia

Key articles include:

- 3. regular high-level meetings once a year
- 5,6. exchange information on labor needs and available workers
- 17,18. national laws apply to foreign workers
- 20,21. joint effort to halt illegal migration and trafficking
Some consideration regarding MOUs (1)

- Recruitment practices – false or misleading offers
- Regulations too difficult – confusing – expensive;
- Right’s of workers in host countries
- Work conditions – wages, benefits, treatment
- Health care - gender concerns - family
- Remittance:
  - informal channels: dangerous, money not put to good use
  - formal channels: expensive – lack of awareness, trust on part of migrants
Limited length of stay

- According to the MOUs, migrants will not be able to extend their work permit beyond four years (2 years x 2), and will not be able to re-apply for employment for three years. Many migrants have left their countries for various reasons other than only for pure “economic needs”. In such cases, sending them back home without ensuring the safety of migrants upon return will not do justice.
Number of irregular workers was verified Oct, 2011

Laos
Verified Workers 34,999 (5.85%)

Cambodia
Verified Workers 30,156 (5.04%)

Myanmar
Verified Workers 532,746 (89.10%)

Total
597,901 (100%)
Number of Imported workers from Loas & Cambodia Oct, 2011

Laos
14,368 (20.53%)

Cambodia
48,802 (69.37%)

Myanmar
6,813 (9.77%)

Total
69,983 (100%)
FROM 1 JULY 2012 ONWARD FOR THE NEW COMERS

Cambodia/Laos/Myanmar Workers with passports

year – by – year work permit

Cambodia/Laos /Myanmar resident in the border areas with border passport

short – term work permit
4 Process of Recruiting Cambodia Workers to Thailand

**Thai side**

**Step 1**
Confirmed Quota & Document Approval

**Step 2**
Apply W.P. Before worker come in to Thailand

**Step 3**
Reporting, M.D. Recieve W.P.

**Step 4**
Treat as Thai worker. Finished employment contract will send them back to Cambodia

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**Cambodia/Loas Side**

**Step 1**
Recruiting, Selecting, M.D., Passport issuance, apply W.P. (Cambodia)

**Step 2**
Apply Visa, Thai Embassy.

**Step 3**
Send workers to Thailand report to immigration Authority and receive W.P.

**Step 4**
Reporting, receiving workers back to origin country.
4 Process of Recruiting Mynmar Workers to Thailand

Thai side

- Step 1: Confirmed Quota & Document Approval
- Step 2: Apply W.P. Before worker come in to Thailand
- Step 3: Reporting , M.D. Recieve W.P.
- Step 4: Treat as Thai worker. Finished employment contract will send them back to Cambodia

Myanmar Side

- Step 1: Recruiting , Selecting , M.D. , Passport issuance , apply W.P. (Cambodia)
- Step 2: Apply Visa , Thai Embassy & Border check point
- Step 3: Send workers to Thailand by Land & Air report to immigration Authority and receive W.P.
- Step 4: Reporting , receiving workers back to origin country.
ECONOMIC
SOCIAL
POLITICS

PULL

Economic
Social
Politics

PUSH

Special economic zone
Contact farming
Etc.

January 2002

Boundary representation is not necessarily authoritative.
Conclusion  (1)

- Inward flow of labor into Thailand continued to increase
- More than 90 % of the flow were unskilled
- Most inflows of labor entered into Thailand illegally from 3 neighboring countries with Myanmar ranked member one
- Inward flows of labor is expected to increase to the predicted growth of Thai economy decelerating rate of population growth and ageing society
- Future demand for labor is expected to shift toward knowledge workers response to the 11th National Social and Economic Plan
Socio-Economic Impacts and Challenges (2)

- Managing inflows of migrants has not been very effective while increasing number of migrant workers bring down the wage of Thai workers

- Illegal migrant workers often face human rights violation and racial discrimination. In a long run, this can impact a larger scale social problem

- Migrant workers tend to carry with them communicable disease and also it is difficult to apply population or reproductive control on migrants

- Labor migrants usually associates with human trafficking and other type of criminal activities.
In 2015, under AEC agreement, skilled labor within seven branches of profession will flow freely in ASEAN. The agreement could play both positive and negative role in labor migration. Job market could not be more open for Thai skilled labor while Thailand could loses skilled labor to country with higher wage. As a result, Thailand must balance between the cost and benefit migrants and Emigrants of skilled labor.
Policies Approaches (4)

- The 11th National Social and Economic Plan will pioneer Thailand toward knowledge base society and creative economy where structure of production will increasingly diverge from labor-intensive into knowledge and technology-intensive production.

- Set up border economic zone and promote investment in labor-intensive industries within the zone and neighboring countries. Provide vocational training assistance in neighboring countries.

- Register illegal migrant workers to compromise demand for labor and to protect and provide migrants with basic social services. Create a system that will regulate the flow and keep record of migrant workers.

In response to ASEAN community by 2015 labor sector in Thailand is in the process of preparing national system adjustment in order to comprise with international system.
Q & A