



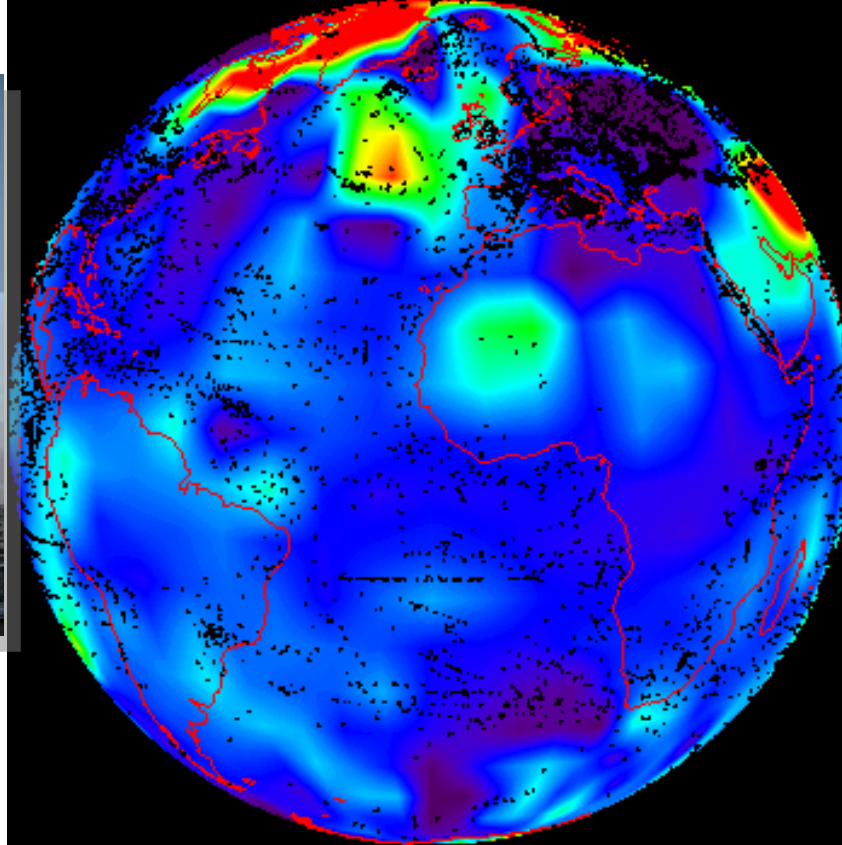
# **Labour migration in Thailand**

**Department of Employment  
Ministry of Labor Thailand  
14 June 2012**

# Globalization



**Investment**



**Marketing**



**Tourism**

# Thailand as a magnet country for migrant workers



**Business  
&  
Investor**

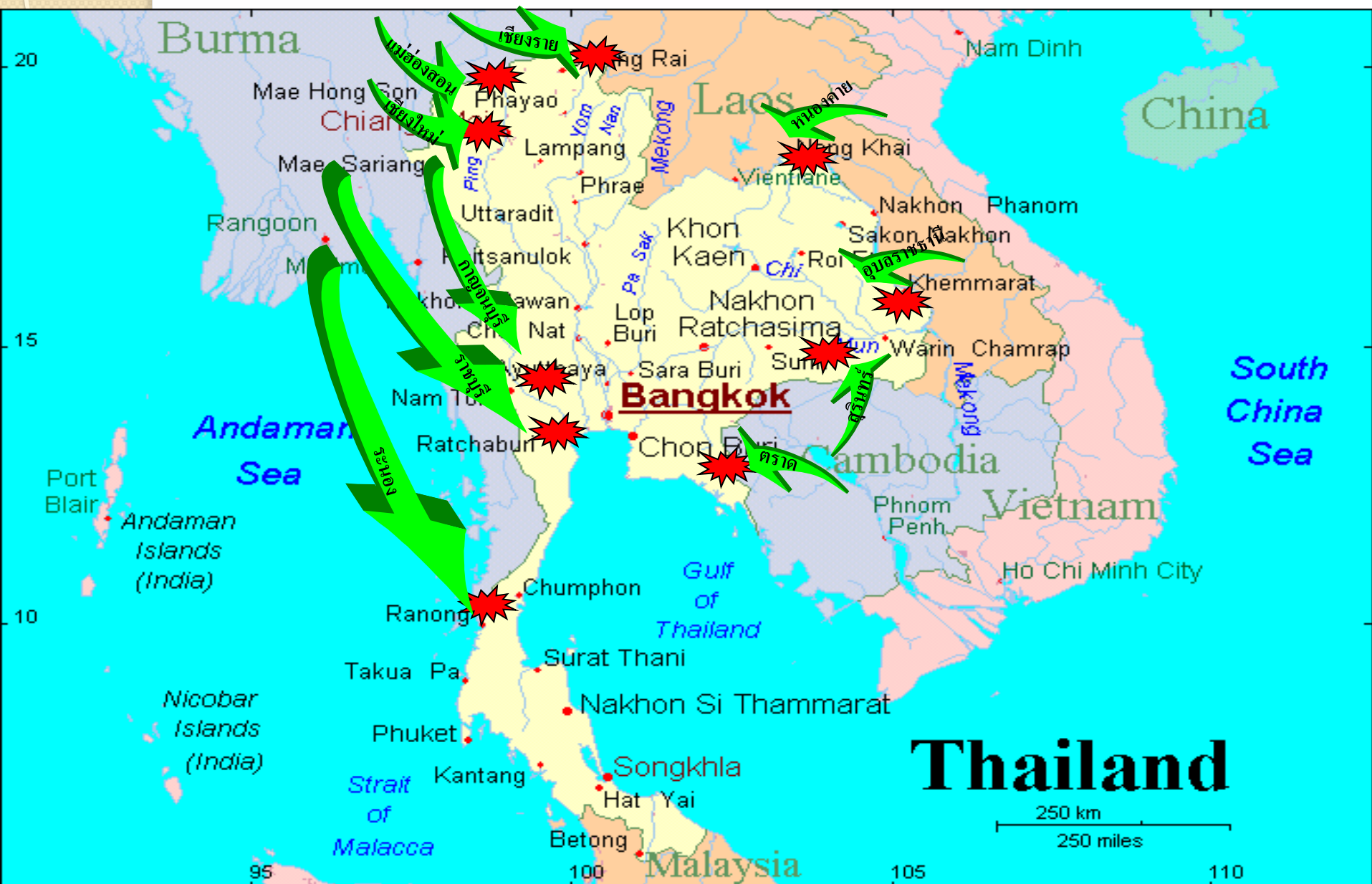


**Tourist &  
Irregular  
migrant  
workers**



**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  
Industrial 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 :

- Capital investment of lower than 30 million bath

### Process

1 - 7 days

### Applicants

108,643 people

### Top 3 nation

- Japan
- England
- India

- Foreign Non – Government Organizations

3 - 6 months  
(According to the  
consideration process  
of the committee)

49  
Organizations

## Illegal entry

### Blue Collar

- Laborers

As fix by the  
cabinet Resolution

### Applicants

788270  
people

- 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.

<b>B</b>	<b>Business</b>
<b>B-A</b>	<b>Business or investment</b>
<b>IB</b>	<b>Investment or other related affairs under the Investment Promotion Act B.E. 2520</b>
<b>IM</b>	<b>Investment approved by relevant ministries or departments.</b>
<b>ED</b>	<b>Study or education</b>

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 and official Thai request.



<b>Category</b>	<b>Stay</b>	<b>Stay and Work</b>
<b>Professionals, skilled and semi-skilled workers, 2007</b>		
◆ Foreigners granted work permits (a)		133,810
◆ Diplomats (b)		4,009
Subtotal		137,819
<b>Other Temporary Stay, 2007 (b)</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	
Subtotal	70,192	

<b>Category</b>	<b>Stay</b>	<b>Stay and Work</b>
<b>Tourist and transit visa extension and change of visa, 2007 (b)</b> <ul style="list-style-type: none"> <li>◆ Tourist and transit visa extension and change of visa</li> </ul> <b>Subtotal</b>	 124,373  124,373	
<b>Students, 2005 (c)</b> <ul style="list-style-type: none"> <li>◆ Basic education</li> <li>◆ High education</li> </ul> <b>Subtotal</b>	 26,000  42,000  68,000	
<b>Other Regular, 2007 (d)</b> <ul style="list-style-type: none"> <li>◆ Residents</li> </ul> <b>Subtotal</b>		   257,356  257,356

<b>Category</b>	<b>Stay</b>	<b>Stay and Work</b>
<b>Undocumented expatriates, 2007 (b)</b> ◆ Person overstaying visas (from 190 countries) Subtotal		 65,558  65,558
<b>Refugees and Asylum Seekers, 2007</b> ◆ In official camps (e) ◆ Shan in Weng Heng (e) ◆ Refugee/Persons of Concern to UNHCR (f) ◆ Asylum Seeders (f) Subtotal	 140,895  607  1,081  723  143,306	

<b>Category</b>	<b>Stay</b>	<b>Stay and Work</b>
<b>GMS migrants, 2007</b> <ul style="list-style-type: none"> <li>◆ Regular new entrants under MOUs (a)</li> <li>◆ Regular certified workers under MOUs (a)</li> <li>◆ Registered for Southern Provinces (a)</li> <li>◆ Registered (a)</li> <li>◆ Unregistered (g)</li> </ul> Subtotal		14,151 75,923 10,540 535,732 1,300,000 1,936,346
<b>Total</b>	<b>405,871</b>	<b>2,397,079</b>
<b>Overall Total</b>	<b>2,802,950</b>	

**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



**Ministry of Labor New Measurement to manage Illegal migrant workers problem According to National Security Council Resolution on 26 / April / 2004**

- 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 to enter in the country.**
- 4. Strategy to suppress, arrest and prosecute illegal worker.**
- 5. Strategy to shove, and return Alien workers.**
- 6. Strategy on Public Relation and management of alien worker procedure.**
- 7. Strategy on follow up and assessment.**

## **Thai Cabinet Decisions on irregular Migrations : 1992 – 2010**

<b>Year</b>	<b>Province</b>	<b>Number of authorized business (business type)</b>	<b>Number of irregular workers allow to work as legal workers ( person)</b>
<b>2004</b>	<b>all Province</b>	<b>all sectors</b>	<b>849,552</b>
<b>2005</b>	<b>all Province</b>	<b>all sectors</b>	<b>705,293</b>
<b>2006</b>	<b>all Province</b>	<b>all sectors</b>	<b>460,014</b>
<b>2007</b>	<b>all Province</b>	<b>all sectors</b>	<b>668,576</b>
<b>2008</b>	<b>all Province</b>	<b>all sectors</b>	<b>546,272</b>
<b>2009</b>	<b>all Province</b>	<b>all sectors</b>	<b>501,570</b>
<b>2010</b>	<b>all Province</b>	<b>all sectors</b>	<b>1,094,984</b>
<b>2011</b>	<b>all Province</b>	<b>all sectors</b>	<b>1,346,636</b>



**- Implementation according to The Cabinet Decisions on irregular migrants in March 2, 2004 and continue to present.**

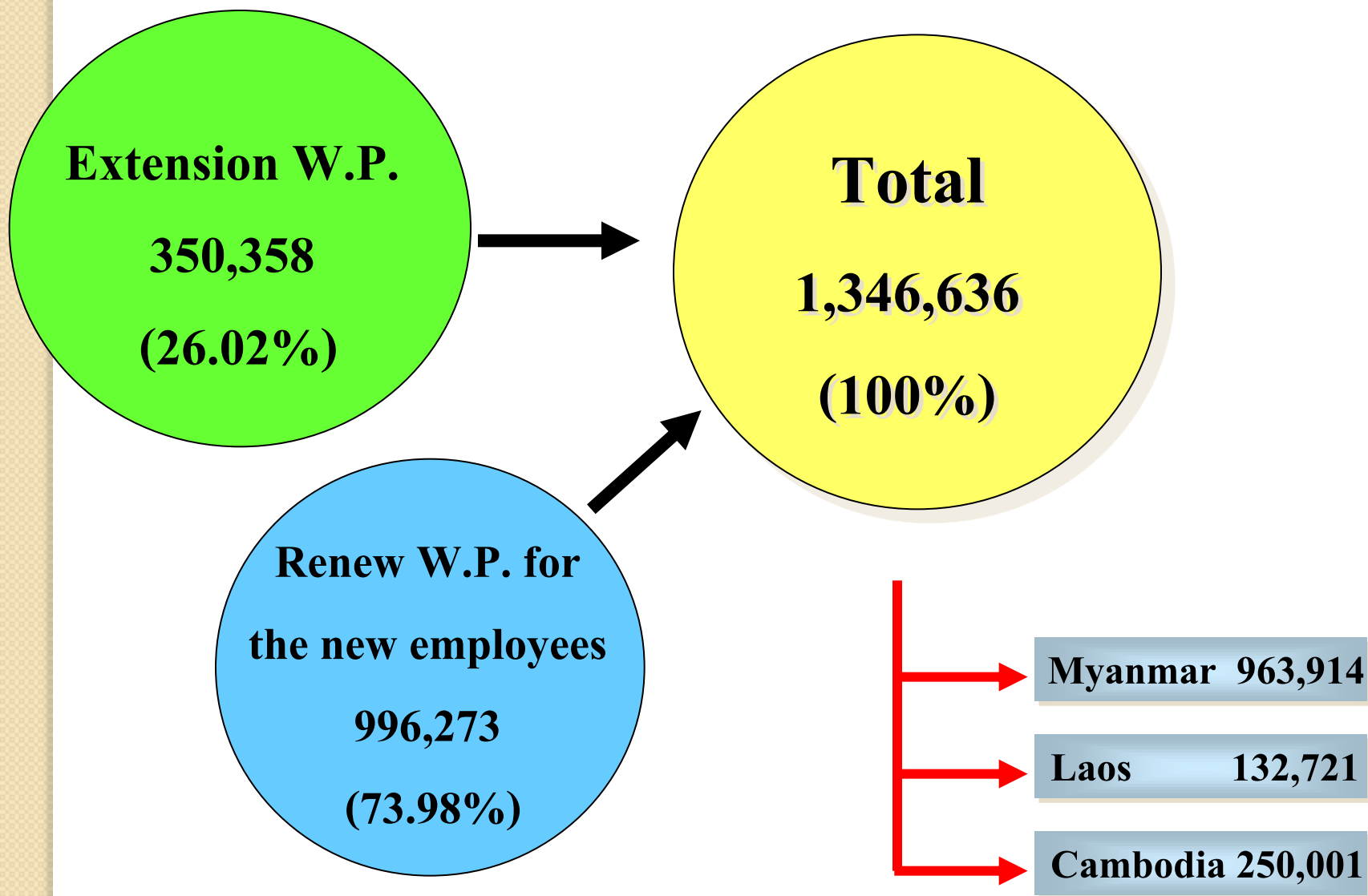
**- Irregular migrants form 3 Bounties (Myanmar, Laos , Cambodia) about 1.3-2 Million persons will manage in 2 Phase.**



## 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.

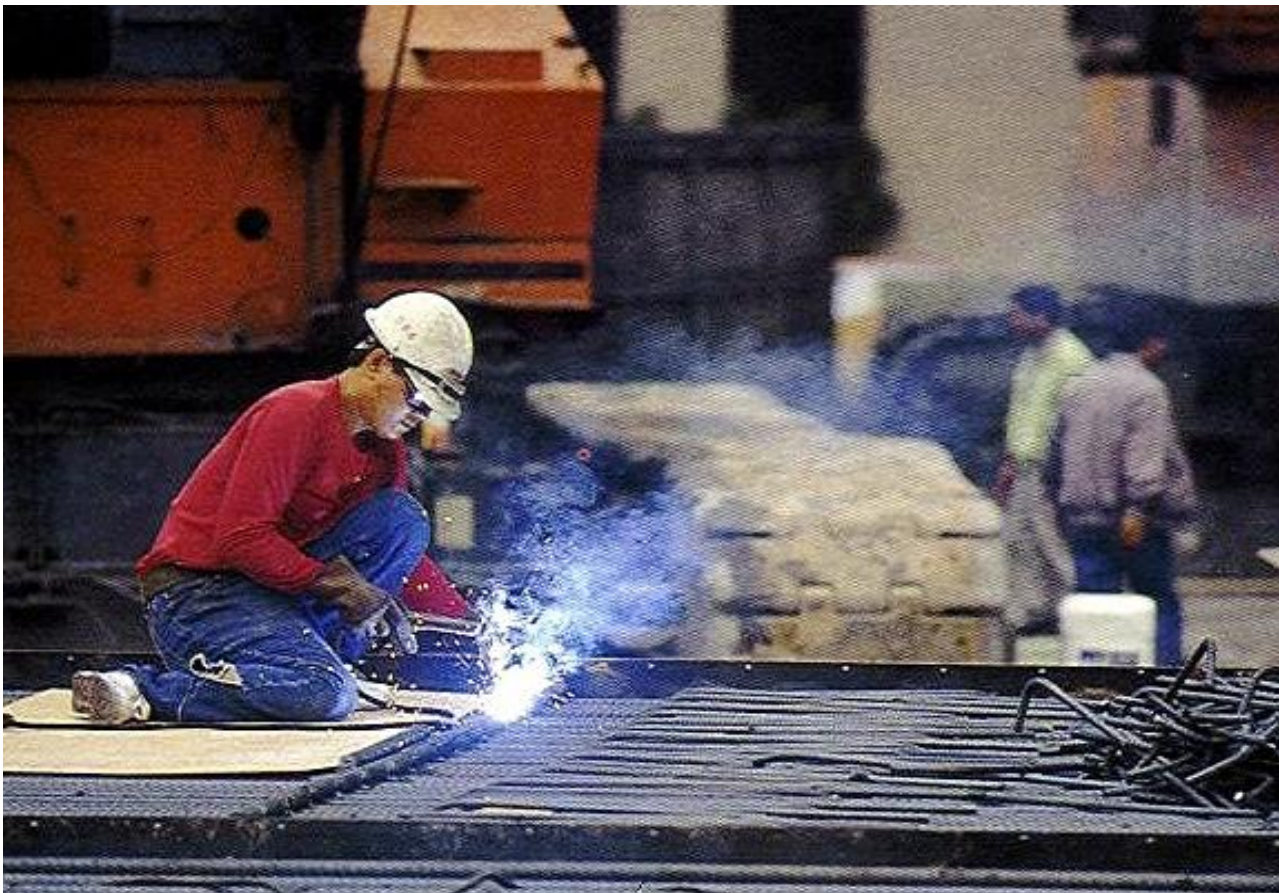
# Number of irregular workers in to 2011





# Types of works

## Labor & Domestic Helper





# Labor

**Definition of Labor was problem to the Employers**





# Bilateral and Regional Policies & Agreements (1)

## 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

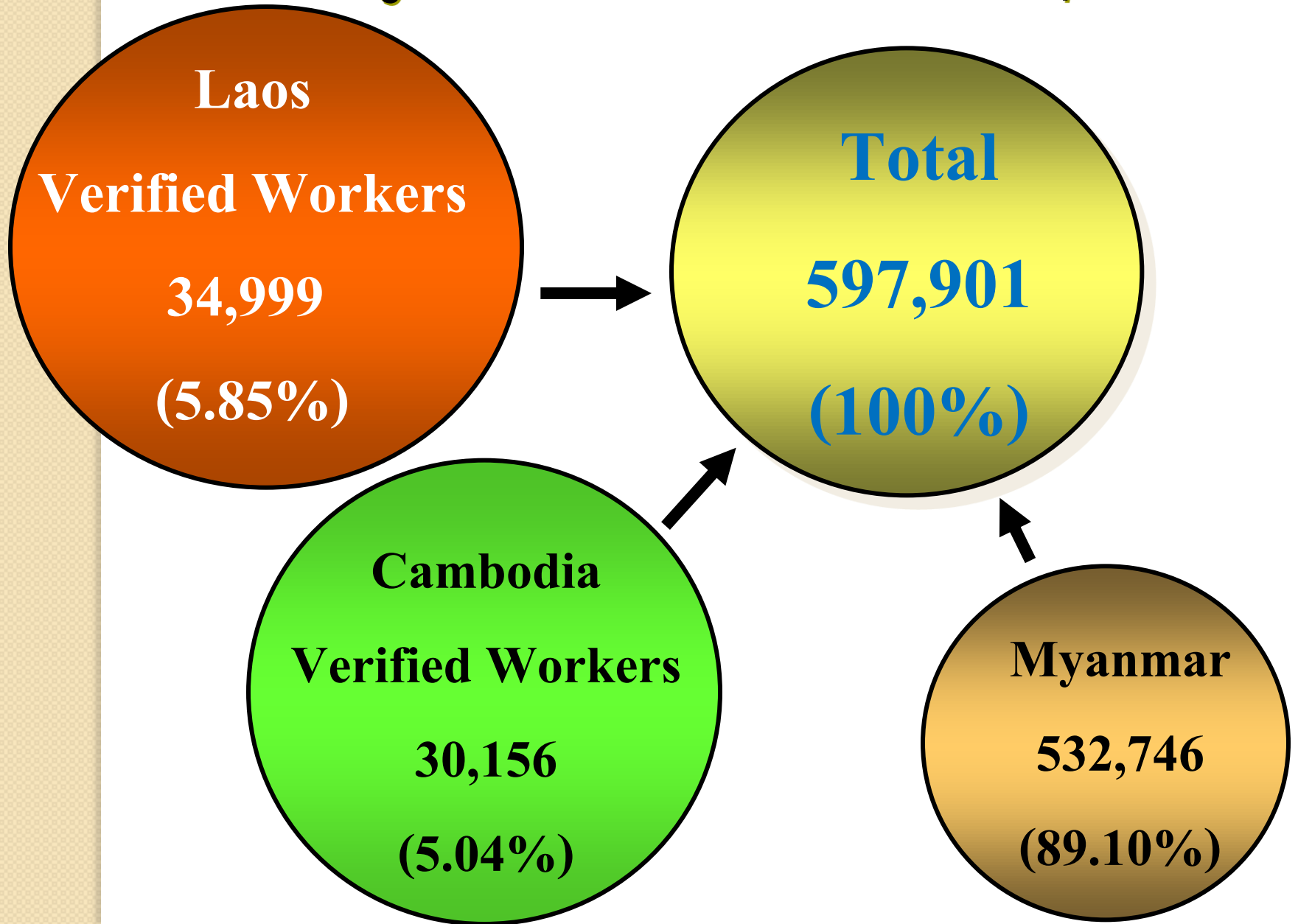


## Some consideration regarding MOUs (2)

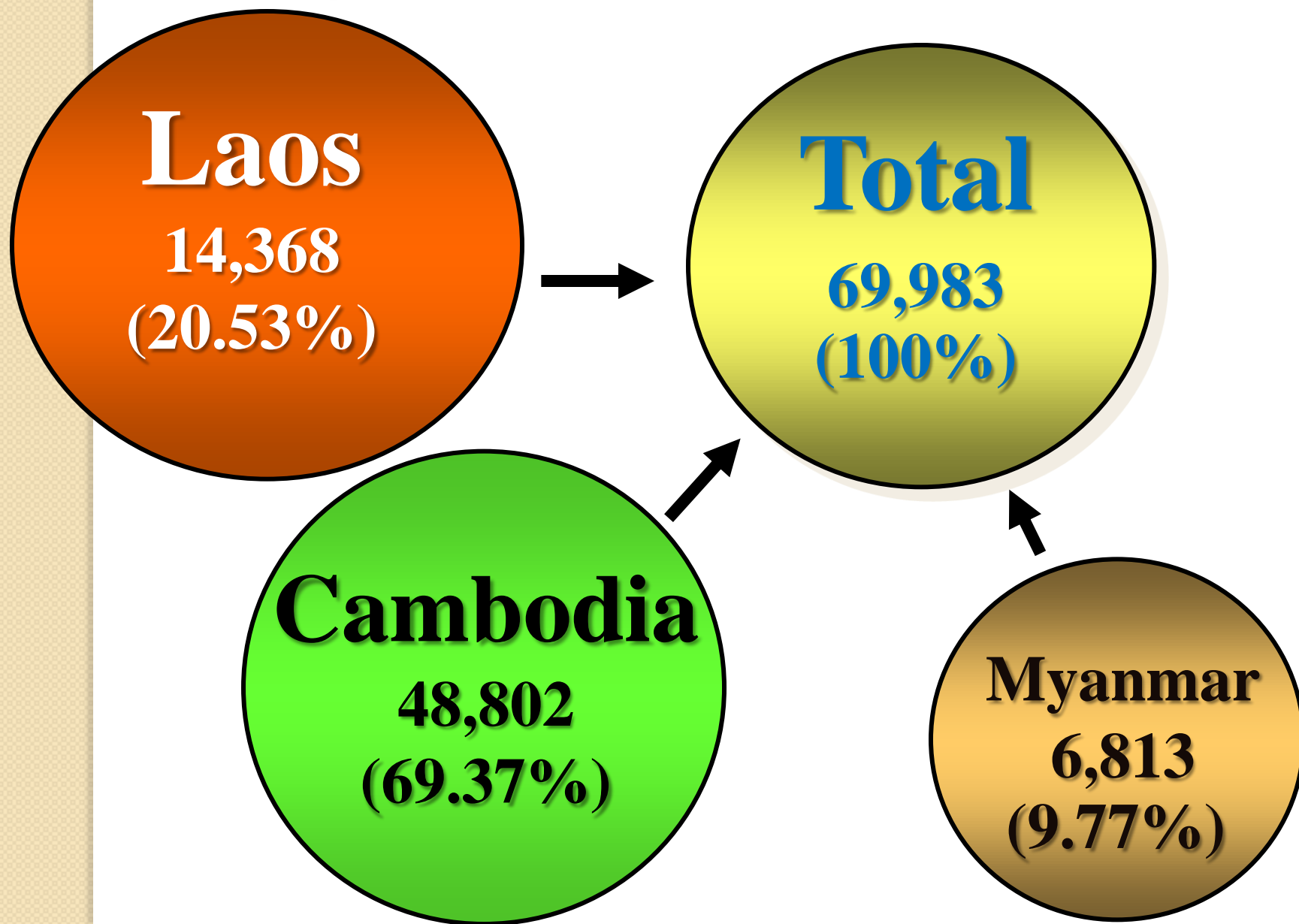
### Limited length of stay

- ❖ 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



# Number of Imported workers from Laos & Cambodia Oct, 2011



# FROM 1 JULY 2012 ONWARD FOR THE NEW COMERS

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**Cambodia/Laos/Myanmar  
Workers with passports**



**year – by – year work  
permit**

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**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

## 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 Myanmar 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.**

**Procedure and Goal  
in management of  
irregular migrants.**



# **Legal Worker Employment**

**8. Alien Worker Movement Control**

**7. Strategy and Measurement Determination to the Target Group**

**6. Alien Worker administrative center in target area**

**5. Work Permit issuance**

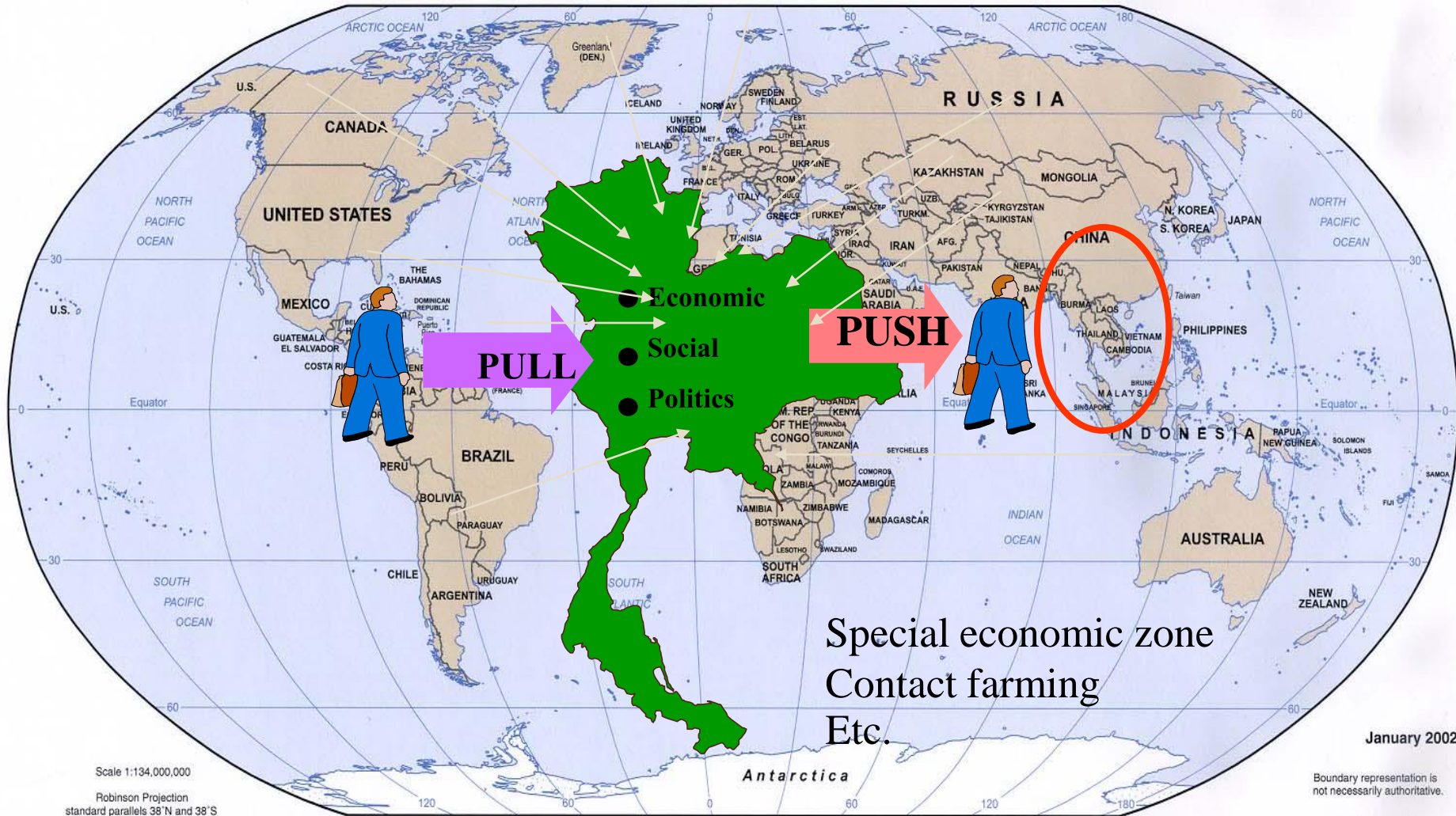
**4. Worker's quota determination**

**3. Thai Worker Recruitment**

**2. Public Relation**

**1. Database arrangement**

# IRREGULAR MIGRATION → REGULAR MIGRATION





## 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 11<sup>th</sup> 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.



**(3)**

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 lose 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 11<sup>th</sup> 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.

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