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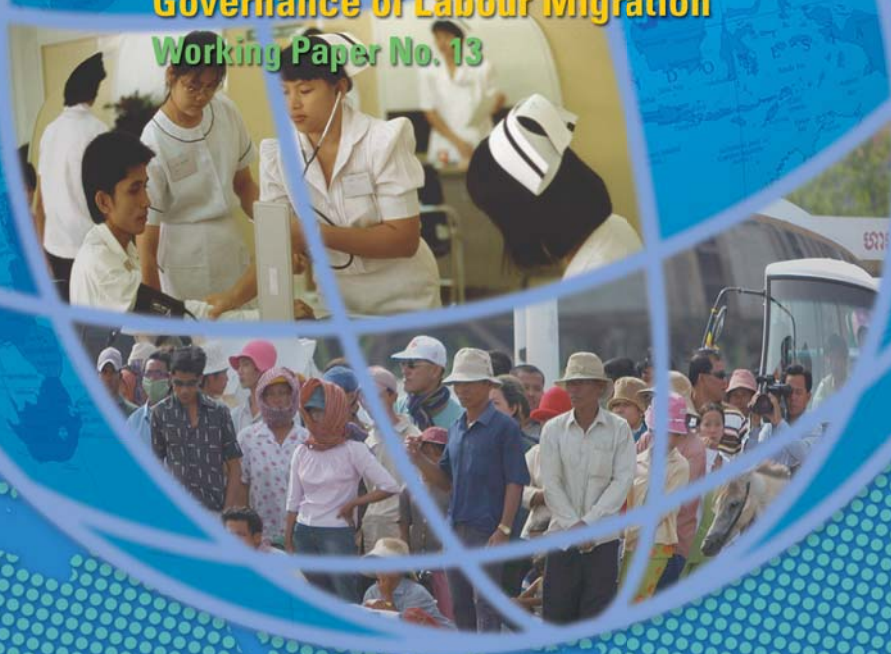
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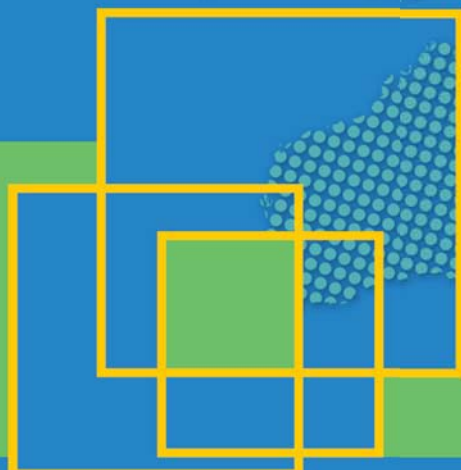
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# **Do International Migration Policies in Thailand Achieve Their Objectives?**

**Jerrold W. Huguet**

**Regional Office for Asia and the Pacific  
March 2008**





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# Do international migration policies in Thailand achieve their objectives?

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# **Do international migration policies in Thailand achieve their objectives?**

**Jerrold W. Huguet\***

## **1. Introduction**

The study of migration policy provides numerous illuminating examples of the law of unintended consequences. Perhaps the most widely cited example in migration studies is that of Turkish “guest workers” in Germany, who were brought in on fixed-term contracts beginning in the 1960s. As a group, they are now well into the third generation in Germany and some of their members have been elected to Parliament or starred in the national football team.

The opening of an international airport at Rarotonga in 1974 was a means of developing the tourist industry of the Cook Island but it was also a catalyst for emigration. The population of the country plummeted in the 1970s and has only slowly recovered (Connell, 2005:333). That process provided a clear example of the “migration hump” well before Martin (1993) wrote about it. Zolberg (2006:247) suggests that an analogous “refugee hump” occurs during the “democratization” of formerly authoritarian states. The cases of the former Yugoslavia and the current situation in Iraq are evidence for the hypothesis.

The purpose of this paper is to assess whether international migration policies in Thailand produce the intended impacts. In order that policies achieve their objectives, at a minimum they would require: (1) a clear statement of objectives; (2) internal consistency; and (3) congruence with broader development objectives. The paper first reviews recent international migration trends in Thailand and then links them to theories of migration. Policies concerning the employment of unskilled and semi-skilled migrants in Thailand will be described in detail then assessed, keeping in mind these three requirements for effective policies.

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## **2. Recent migration trends in the context of migration theories**

International migration dynamics affecting Thailand have evolved rapidly in the recent past in response to economic and demographic trends and government policies. Until relatively recently, the major migration issue was the movement of Thai workers overseas for temporary employment, initially to the Middle East and more recently to economies in East and Southeast Asia. Thailand first deployed more than 100,000 (112,443) workers overseas in one year in 1986 (Sussangkarn and Chalamwong, 1992:168). The number of official deployments has fluctuated since then, reaching a low of 63,200 in 1990, recovering to 202,300 in 1995 (Battistella, 2003:12) and declining after that to 148,596 in 2004 (Huguet and Punpuing, 2005:26). As recently as 1992, when deployments from Thailand were surging, irregular low-skilled migration into the country was not yet an issue. Sussangkarn and Chalamwong (1992:173) were able to write, concerning the irregular migrants, “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.” Given the speed with which the main migration dynamic has shifted from the deployment of workers overseas to the registration of 1.28 million irregular migrants in the country in 2004, perhaps it is understandable that policies sometimes appear to have lagged behind circumstances.

Both macro and micro neoclassical economics posit that wage differentials between countries of origin and of destination are the essential determinant of migration (Massey et al., 1993). By 2003, the per capita GDP of Thailand adjusted for purchasing power was 3.7 times that of Cambodia and 4.3 times that of Lao People’s Democratic Republic (table 1). No estimate of per capita GDP is available for Myanmar but the disparity with Thailand is probably similar to that of the other two countries.

The new economics of migration uses households or families as the unit of analysis. Because poor people often lack access to banking, formal credit mechanisms and crop insurance, families may attempt to diversify their sources of income and economic risks by having a member become a migrant worker. Such a strategy may explain much of the migration to Thailand from countries with relatively high levels of extreme poverty (Table 1).

**Table 1. Selected demographic and economic indicators for Cambodia, Lao People's Democratic Republic, Myanmar and Thailand**

Indicator	Cambodia	Lao People's Democratic Republic	Myanmar	Thailand
Population, 2006 (million)	14.1	6.1	51.0	62.5
Population growth rate, per cent, 2006	2.0	2.2	1.0	0.5
Average annual rate of growth of population aged 15-39, 2005-2010	2.5	2.7	1.2	-0.05
Per capita GDP, 2003 <sup>a</sup>	2,078	1,759	...	7,595
Proportion < \$1/day <sup>b</sup>	34	26	...	<2
Male gross enrolment ratio at tertiary level, 2000/01	4	7	8	35
Female gross enrolment ratio at tertiary level	2	4	15	38

*Sources:* Growth rate of population 15-39: United Nations Population Division, *World Population Prospects, the 2004 Revision. Volume II: Sex and Age Distribution of the World Population*, New York, 2005.

Enrolment ratios: United Nations Statistics Division, MDG Indicators Database.

Other indicators: United Nations Economic and Social Commission for Asia and the Pacific, *2006 ESCAP Population Data Sheet*, Bangkok, 2006.

<sup>a/</sup> Per capita gross domestic product, purchasing power parity, US dollars.

<sup>b/</sup> Percentage of population living on less than US\$1 per day, purchasing power parity 1993 dollars. Figures refer to most recent year available.

Much of the demand for migrant workers in Thailand is consistent with dual labour market theory as summarized by Massey et al. (1993). According to the theory, economic dualism results in a capital-intensive sector employing skilled workers with specialized training and education. Employers provide high wages and other benefits to attract and retain those workers. At the same time, a labour-intensive sector develops for unskilled and seasonal workers. Employers do not offer benefits or job security because they want to lay off workers during slack periods. Such a dual economy is partially developed in Thailand. The much higher ratios of tertiary educational enrolment in Thailand compared with its neighbours (Table 1) are an indication of a labour market requiring advanced training and skills. While Thai workers are still numerous in agriculture, services, construction and the informal economy, certain segments of the labour force have developed into occupations employing migrant workers to a significant degree. Most workers on fishing boats are migrants, as are most of those in garment and textile factories near the border with Myanmar. Seafood processing companies employ large numbers of both Thai and migrant workers. In 2004, the Ministry of Labour issued more than 100,000 work permits to migrants in each of the agriculture, construction and domestic services sectors (Huguet and Punpuing, 2005:31).

The demand and supply equation for labour between Thailand and its neighbours is reinforced by their demographic dynamics. The absolute number of Thai nationals in

the young working ages of 15-39 years has begun to decline, whereas that segment of the population in Myanmar is still increasing by 1.2 per cent a year and in the other two countries it is increasing by more than 2.5 per cent a year (Table 1).

In addition to the continuing demographic stimulus to further migration to Thailand, social networks and migration-related institutions will also perpetuate the movement. Social networks among persons at the place of origin and destination provide better information to prospective migrants and reduce the costs and risks associated with moving (Massey et al., 1993). The business of recruiting migrants, assisting them to cross the border into Thailand and find work there has become a significant industry in itself. If each of the approximately two million migrants in the country paid an average of 5,000 baht to recruiters and agents to enter the country, total payments would equal 10 billion baht, or US\$277 million. This industry will attempt to perpetuate migration by recruiting migrants and finding employment for them in Thailand.

Massey et al. (1993) argue that, in addition to social networks and migration-related institutions, a number of factors lead to cumulative causation of migration. These include the distribution of income and land, the depletion of human capital, and the development of a culture of migration in the place of origin. A migration system has evolved, with Thailand attracting large numbers of low-skilled and low-wage migrant workers and their dependents from its three poorer neighbours. The migration system has been promoted through both informal and formal agreements between the Thai Government and its counterparts.

While poverty and low incomes in the neighbouring countries are the major factors propelling their citizens to seek work in Thailand, the political and administrative climate in Myanmar is also a significant stimulus. In one survey of migrants from Myanmar in Thailand, 21 per cent of them reported that they had been subjected to forced labour in Myanmar and a third of them reported a combination of traumatic experiences, including forced labour, unemployment, and extreme poverty (World Vision Foundation of Thailand, no date:105).

### **3. Policies concerning labour migration to Thailand**

Two areas of migration policy are not covered by this paper: the migration of Thai nationals overseas and of skilled or professional workers into Thailand. While both types of migration present many development issues of interest, consideration of them here would blur the paper's focus. In both cases, the official number of migrants involved is a small fraction of the number of low-skilled migrants and their dependents living in Thailand. In 2005, Thailand officially deployed 128,612 workers to foreign economies. In 2006, there were 154,220 foreign professional workers registered in Thailand.

#### **3.1. Regional policy**

As the Thai economy began to generate demand for a large number of foreign migrant workers and as that demand was relatively easily supplied by neighbouring

countries, policy makers became concerned about the number of migrants entering and working in the country in an irregular status. The approach taken by successive Governments to gain control of and better manage this migration has been to regularize the desired types and magnitude of migration but to strengthen efforts to control irregular migration and trafficking. The Thai Government has pursued this approach consistently at the regional, bilateral, and national levels.

A key concern for policy makers has been to prevent irregular migration and to encourage migrants to return home after their work permits expire. In order to enlist the support of other governments in the region, especially those of countries of origin, Thailand organized and hosted an International Symposium on Migration in April 1999. The Symposium adopted “The Bangkok Declaration on Irregular Migration” that clearly reflected Thailand’s position on migration. The Declaration stated that “international migration, particularly irregular migration, has increasingly become a major economic, social, humanitarian, political and security concern for a number of countries in the Asia-Pacific region”. It also noted that “comprehensive, coherent and effective policies on irregular/ undocumented migration have to be formulated within the context of a broader regional framework based on a spirit of partnership and common understanding”.

Two paragraphs of the Bangkok Declaration clearly indicated the approach that Thailand wished to follow in tackling irregular migration.

12. Concerned countries, in accordance with their national laws and procedures, should enhance cooperation in ascertaining the identity of undocumented/illegal migrants who seemingly are their citizens, with a view to accelerating their readmission;

13. Timely return of those without right to enter and remain is an important strategy to reduce the attractiveness of trafficking. This can only be achieved through goodwill and full cooperation of countries concerned. Return should be performed in a safe and humane way.

The broader regional framework for addressing migration issues, called for by the Bangkok Declaration, has not materialized. Several regional consultative processes and consideration of migration issues by the Association of Southeast Asian Nations (ASEAN, 2007) have yet to lead to any firm commitments by the governments involved.

### **3.2. Bilateral policies**

The Thai Government has incorporated many of the principles and objectives of the Bangkok Declaration in Memoranda of Understanding (MOUs) that it has signed with the Governments of the Lao People’s Democratic Republic (October 2002), Cambodia (May 2003) and Myanmar (June 2003). The three bilateral MOUs describe an elaborate system for the employment of nationals from one country in the other country (Morris, 2004). One country would prepare a list of jobs to be filled and the other would select applicants for them. When the two countries have agreed on the workers to be hired, they will cooperate to provide the workers with a visa, work permit, health insurance, a work contract and contributions to a savings fund. (The MOU with Lao People’s Democratic Republic does not specify that a contract is required.)

The MOUs state that the terms and conditions of employment shall not exceed two years. The term may be extended for another two years but should not exceed a total of four years. After that, the worker must return home and would not be eligible to re-apply for three years. In order to ensure that the migrant workers return home upon completion of their employment, the MOUs envisage a savings fund for them. The employer would pay 15 per cent of the worker's wages into the fund. The worker would then receive that amount plus interest only when his/her government verified that the worker had returned home.

Implementation of the MOUs has begun on a limited scale with Cambodia and Lao People's Democratic Republic although the savings fund has not been established in either case. A total of 49,214 migrants in Thailand from those two countries have had their nationality identified and have applied for work permits. Another 3,988 migrants have been newly admitted to Thailand under the MOU system. No substantive progress has been achieved in implementing the MOU with Myanmar. Because implementation of the MOUs requires intensive cooperation by the government of the country of origin, with little direct benefit to that government, it could have been anticipated that progress would be slow.

### **3.3. National policy**

The Thai Government had been grappling with the dilemma of how to employ a limited number of migrant workers without attracting excessive numbers of migrants for several years before it steered the adoption of the Bangkok Declaration on Irregular Migration in 1999 and signed MOUs for the regular and orderly employment of migrants with neighbouring countries in 2002 and 2003.

Registration of migrant workers has been implemented through a series of Cabinet Decisions. Employers must request a specific number of foreign workers, to be approved by the Ministry of Labour. Employers are encouraged to be prudent in their requests by the need to pay a bond and a substantial registration fee, which is usually reclaimed from the workers' wages. In principle, the Ministry of Labour takes into account the availability of Thai workers to fill the job openings before granting the employers' requests for foreign workers.

Initially, permission to employ foreign workers was granted to a limited number of provinces and for specific occupations or sectors. The process began cautiously in 1992, when employers in 10 border provinces were permitted to register workers from Burma by paying a 5,000-baht bond and a registration fee of 1,000 baht. Only 706 migrants were registered. In 1993, employers in 22 coastal provinces were granted the right to employ foreign fishery workers.

Widespread registration was instituted in 1996, when employers in 39 (later 43) provinces could hire foreign workers in seven (later 11) industries, and a health fee was added. Registration costs included a 1,000-baht bond, 1,000-baht fee and 500-baht health fee. A total of 304,000 two-year work permits were issued.

Although the Cabinet requested that 300,000 migrants be removed in each of 1997 and 1998 because of the Asian financial crisis that begun in Thailand in July 1997,

by mid-1998 permission was given to employ foreign workers in 54 provinces and 47 types of jobs, and to extend work permits expiring that year for another year. Some 91,000 migrants were registered in 1998. The extent of employment of foreign workers was essentially frozen in 1999 and 2000 to 37 provinces and 18 job sectors, with 106,000 approvals for work permits granted each year. A total of 100,000 work permits were actually issued each year. (See Martin, 2004:19, for a more-detailed description of each annual registration).

The magnitude of migrant labour registration changed dramatically after businessman Thaksin Shinawatra became Prime Minister in 2001. Permission to register migrant workers was extended to all provinces and all industries. The initial fee was 3,250 baht for a six-month work permit, with an additional fee of 1,200 baht to extend the permit by six months. In 2001, some 568,000 migrant workers were registered. In 2002, 350,000 of those re-registered for six months. Punpuing (2006) gives the total registration in 2002 as 430,000 workers. In 2003, those workers who had registered in 2001 were again allowed to extend their work permits, and 289,000 did so (Punpuing, 2006:8).

The scope and magnitude of registration of migrants expanded significantly in 2004. On 21 July 2003 the National Security Council had adopted a resolution with six main approaches to migration management: (a) accept the use of irregular migrant workers in some sectors but limit the overall number by considering demand by sector; (b) prepare personal records and identification cards for the migrant workers; (c) employ only the migrant workers, not their family members; (d) ensure that proper wages are paid; (e) implement effective repatriation measures; and (f) develop the economy of regions opposite the Thai border in order to reduce the volume of migration.

In order to implement this resolution, employers were asked to submit requests for the number of foreign workers they wanted to employ. The Ministry of Labour reviewed these requests and allocated a “quota” of 1,512,587 workers that could be hired by 245,113 employers. The revised approach to registration began in July 2004, when all irregular migrants in the country from Cambodia, Lao People’s Democratic Republic and Myanmar could register without a fee with the Ministry of Interior at local government offices. The period of this registration was limited to July 2004. A total of 1,284,920 migrants completed this first step; in many cases the employer did it for them. These migrants were given permission to remain in Thailand until 30 June 2005 and to seek employment. Those who wanted to obtain work permits first needed to pay a fee of 600 baht for a medical exam and 1,300 for health insurance valid at government clinics and hospitals. Some 817,254 migrants had completed this step by December 2004.

Those migrants who had registered with the Ministry of Interior, who had completed the medical check-up and who were aged 15-59 years were expected to apply for a work permit at the Provincial Labour Office. They needed to pay 1,800 for a one-year work permit and 100 baht for the registration fee. Thus, the total cost of the health registration and work permit equaled 3,800 baht, or approximately US\$100. A total of 814,247 migrants had applied for a work permit by December 2004 (Huguet and Punpuing, 2005:36-38).

A Cabinet Resolution of 19 July 2005 permitted migrants with work permits from 2004 to remain in the country until 30 August and to extend their work permits up to 30 June 2006. A total of 705,293 migrants extended their work permits (Punpuing, 2006). The Cabinet Resolution also made provision for the entry of daily commuters and seasonal workers (Maltoni, 2006:34). In 2006, migrants could renew their work permits and new migrants were permitted to register. Some 53,202 work permits were issued under the MOU framework and 668,576 were issued separately, for a total of 721,778 work permits in 2006. The decline of nearly 100,000 in the number of work permits issued in 2004 and 2006 reflects changes in registration procedures and is unlikely to be indicative of any decline in the number of migrant workers in the country.

Cabinet Resolutions now permit two channels for low-skilled migrants to obtain work permits in Thailand. The Cabinet Resolution of 20 December 2005 granted permission for 200,000 low-skilled workers from Cambodia, Lao People's Democratic Republic and Myanmar to enter the country for work, presumably through the MOU process. It also permitted up to 300,000 migrants who were already in the country to stay and work. For the latter, however, there was an extra registration fee of 10,000 baht if they had previously held a work permit and a fee of 50,000 baht if they had not (Maltoni, 2006:35). The requirement to pay those extra fees was later dropped after objections from both employers and workers but the confusion over their possible assessment no doubt deterred many employers from attempting to register migrant workers.

It is clear that the fees charged and the complexity of the registration system impede a more complete registration. When the Ministry of Interior registered migrants with no fee in July 2004, 1.28 million persons applied although the registration period was only one month. When fees were assessed for obtaining health insurance and applying for a work permit, the number of applicants dropped to slightly over 800,000. NGOs working with migrants frequently comment that not enough information concerning the registration process is made available to migrants, particularly in their language.

## **4. Assessment of policies**

### **4.1. Clarity of objectives**

Several ministries and agencies are directly involved in handling foreign workers. As each has its own objectives, some degree of inconsistency has arisen. During the initial registration of migrants in July 2004, it was clear that the Ministry of Interior was mostly interested in obtaining as much information as possible about the number of migrants in the country and where they were located. Thus, the first stage of registration was free, it could be completed at district government offices and dependents of workers were permitted to register. For the Ministry of Labour, issuing of work permits appears to have a greater control function. Employers first needed to request the number of workers they wanted to register. Application for work permits could be made only at the provincial level and the permits could be collected only from the Provincial Labour Office. The total fee of 1,900 baht more than covered the administrative costs of the

programme. Given these different objectives, it is understandable that 1.28 million migrants registered with the Ministry of Interior but only 814,000 applied for work permits from the Ministry of Labour.

The two ministries mainly responsible for provision of social services to migrants, the Ministry of Public Health and the Ministry of Education, take noticeably different approaches to accommodating migrants. The Ministry of Public Health and the Provincial Public Health Offices carried out medical exams and provided health insurance to migrant workers who registered. While the fees involved were sufficient to cover costs, government hospitals also treat unregistered migrants, including those without ability to pay. Some local hospitals incur considerable financial loss from providing health care to unregistered migrants.

The Ministry of Education has been much less accommodating of children of migrants in spite of a July 2005 Cabinet Resolution that permitted all non-Thai children to study in Thai schools from kindergarten to High School (Thu, 2006:16). Thu (2006:67) estimated that only 14-26 per cent of eligible children of Myanmar migrants in Samut Sakhorn Province were in school. Barriers to education were attributed to the families, to the community, and to the schools themselves. A study by ILO and the Office of the Education Council of Thailand (2006) concluded that those migrants in schools were benefiting from the experience but that many schools and migrant parents were not aware of the 2005 Cabinet Resolution. Nearly half of the public schools in Samut Sakhorn that had enrolled migrant children had not received the per-student subsidy owed them by the Ministry of Education. Education policy toward migrant children reflects a lack of consistency among objectives. All migrants in Thailand are expected to return home upon expiration of their work permits. The Thai Government, however, does not permit any formal instruction in the mother tongue of migrant children. Providing education only in the Thai language might predispose many young migrants to remain in Thailand.

Because different ministries of the Thai Government have quite different objectives and approaches to dealing with migrants, it is perhaps misleading to refer to a Thailand policy on international migration. There could be considered several policies that, while not conflicting, are not particularly consistent with each other.

#### **4.2. Internal consistency of migration policies**

International migration policies, especially the registration of low-skilled migrant workers from neighbouring countries, are marked by ambiguity and ambivalence. While the Thai Government has devoted great effort at the regional, bilateral, and national levels to regularize labour migration, it has also created procedures that are so complex and costly as to discourage many migrants from registering. This apparent irony reflects the dilemmas that all governments face in employing guest worker programmes to obtain temporary labour migrants: (1) how to admit the desired number of migrants without attracting vastly greater numbers and (2) how to ensure that the workers return home when the host government wants them to. (Solving the first dilemma is difficult owing to porous borders. Thailand encourages, and benefits from, cross-border trade so border day-passes are easy to obtain. It is not difficult for a person admitted on a day-pass to

overstay and seek employment. Smugglers of migrants also have routine procedures for arranging border crossings.)

The ambivalence toward labour migration that results from these dilemmas leads to a number of internal inconsistencies in migration policies. The most apparent is in the registration system as it has been applied in recent years. While the Government wants all migrants working in the country to register and obtain work permits, the high fees and complexity of the process discourage many from doing so. The total fee for a one-year work permit is currently 3,800 baht (approximately US\$100). This is nearly one month's earnings for many workers, or several months of possible savings. Incidentally, the total fee of 1,900 baht for a medical exam and one year of health insurance is probably well worth it for most migrant workers. A problem is that they often do not enroll their family members because each one would need to pay the same fees.

The procedure for obtaining a work permit is complicated, involving at a minimum, two visits to the district government office, a trip to a government hospital and two trips to the Provincial Labour Office in the provincial capital. Additional trips may sometimes be required to obtain information, forms etc. The Cabinet Resolution of 20 December 2005 provides for four provinces to establish one-stop centres after implementing a pilot project in the District of Mae Sot, Tak Province (Maltoni, 2006:35). These will be beneficial in areas where large numbers of migrants are concentrated. Migrant workers are employed in every province in Thailand, however, sometimes relatively far from the provincial capital, so the new one-stop centres will not benefit many of them.

The registration of migrant workers is not a continuous process. It is usually required to be done during a one- or two-month process. Sometimes an extension of the period is granted. In some years, new migrants may register but in other years, such as 2005, only renewals of previous work permits are allowed.

The frequent changes in rules and procedures are themselves an obstacle to complete registration, as employers and migrants often do not have accurate information about the process and are reluctant to enter it. For example, if only renewals are permitted, a new migrant who approaches authorities could be detained and deported. Similarly, if an unregistered migrant approaches the district office after the deadline for registration, he/she is simply an illegal migrant and can be detained. The registration process could be more efficient if concise and accurate information were disseminated about it to employers, to NGOs that work with migrants, and in areas where migrants are concentrated. Some of that information should be printed in the languages of the migrants.

Official ambivalence toward migrants is reflected in the fact that the Ministry of Labour tends to refer to them as illegal migrants or workers (because of the way they entered the country) even when they have received work permits. Thus, the concept of regularization is only partial.

The work permit system disproportionately favours employers vis-à-vis migrant workers. The quota system used in the registration was very generous to employers. They requested to register a total of 1.60 million migrants in 2004 and the Government allocated a quota of 1.51 million but, in fact, only 1.28 million migrants completed even

the first step of the free registration process. The name and address of the employer is printed on the work permit and the migrant is not permitted to travel outside of that district without permission from the local government. In principle, a worker can change employers but that would require a new registration and fees, and the worker would need to wait until the next registration period. In effect, migrant workers are tied to their employers. If they lose their job, their legal status reverts simply to illegal migrants and they are subject to detention and deportation.

All workers in Thailand, including specifically migrant workers with work permits, are entitled to protection under the Labour Protection Act of 1998, which to a large extent is consistent with international labour standards (Muntarbhorn, 2005:14). In reality, official labour inspectors in Thailand are not pro-active; they normally respond only to complaints. Reports are common of migrants working more than the hours permitted by the Labour Protection Act and receiving wages below the legal minimum. Assessing high registration fees or bonds for employers who want to hire migrant workers, as a means of reducing the incentive to do so (policies pursued with greater success by Malaysia and Singapore), can only be successful if there exists active enforcement with employer sanctions. Otherwise, the high fees act as a disincentive to comply with migrant registration.

Employers often hold the original of workers' registration documents and work permits, which is a violation of registration rules. A study of migrants working in agriculture, fishing, and manufacturing found that 39 per cent of the migrants did not possess their original registration documents, although 60 per cent of those reported that they had access to them when they wanted them (Pearson et al., 2006:39). An employer who holds a migrant's original identity documents exercises considerable control over that person because, without the documents, s/he may be arrested by the police.

These common violations of labour standards and registration regulations act as disincentives for migrants to register because they often feel that they do not obtain the protection for which they are asked to pay and to which they are entitled. The cost and complexity of the process to issue work permits to migrants mean that many migrants and employers find it much faster and less expensive to ignore the official process and operate through unofficial channels.

The registration procedures carried out in 2004 resulted in 1.28 million migrants registering with the Ministry of Interior and 814,000 receiving work permits. These numbers are far greater than achieved by any previous registration campaign yet perhaps only half of the irregular migrant workers in the country obtained a work permit. (It must be emphasized that there exists no valid estimate of the number of irregular migrants in Thailand, nor any adequate basis for making such an estimate.) Hence, judging whether the registration policy has achieved its objectives is akin to deciding if a glass is half full or half empty.

### **4.3. Policy coherence**

While the previous section examined consistency within migration policies in Thailand, this section looks at the congruence between migration policies and other

development goals. The broad development goals of Thailand include: (a) human capital and social development, including the promotion of education in order to achieve a knowledge-based society; (b) promoting Thailand as a regional hub for various industries; and (c) achieving the status of a developed country.

The policy support to several industries (particularly fishing, manufacturing and agriculture) to employ migrant workers at low wages is inconsistent with the broad objectives above. Such policies direct development capital away from industries requiring higher levels of technology and human capital. In so doing, they undercut employment opportunities for low-skilled and high-skilled Thai workers alike. The policies slow Thailand's climb up the ladder of comparative advantage because Thailand cannot (and should not want to) compete on the basis of low wages with more populous and less developed countries in Asia.

The practice of granting tax privileges through the Board of Investment to industrial zones located on the border detracts from the development of depressed regions within Thailand. At the same time as the Ministry of Labour is preparing to issue more than 600,000 work permits to migrant workers in 2007, it is ordering Provincial Labour Offices in the northeast to help create jobs and provide occupational training to villagers in drought-stricken areas to keep them from migrating to cities (*Bangkok Post*, 2007). Perhaps that problem could have been alleviated by establishing some industrial zones in the northeast rather than on the border with Myanmar.

Migration policies could evolve to become more consistent with other development policies if migration were integrated with development planning. Currently, international migration is not a component of national population projections, education planning or five-year development plans. It is encouraging that the National Statistical Office plans to cover migrants in the 2010 population census.

To guide its own policy development and to inform the public, it would be valuable for the Government to issue a White Paper on its international migration objectives and policies, as is done in the United Kingdom (Coleman and Rowthorn, 2004).

The Government and civil society would benefit from a public dialogue on the many issues surrounding international migration in Thailand. An opinion poll conducted in late 2006 found that a majority of respondents lacked knowledge about migration policies in Thailand and disagreed with key aspects of those policies (ABAC Poll Research Center, 2007). The opinion poll was commissioned by the ILO and the United Nations Development Fund for Women (UNIFEM) and interviewed 4,148 respondents in 11 provinces. Fifty per cent of the respondents believed that migrants should not have the same working conditions as Thais, although their work permits entitle them to the same conditions. Sixty per cent of the respondents felt that migrants should not have freedom of expression, although that right is provided by the Thailand Constitution.

When asked if the Government should admit more foreign workers, 59 per cent said no, 10 per cent said yes and 32 per cent did not have an opinion. The great majority of the respondents, 82.5 per cent, believed that admitting foreign workers would have a negative impact on Thai workers with lower skills and/or income. The general lack of knowledge about and disagreement with Government migration policies imply that the

Government should foster a public dialogue in order to guide its policy-formulation process and to inform the public about the rationale for and benefits of its policies.

## **5. Conclusion**

If the objective of international migration policy in Thailand is simply to gain access to a large number of low-skilled and low-paid foreign workers, the objective has been fully achieved. The stated objectives of government policy have also included, however, employing only registered migrant workers, the return of unregistered migrants and ensuring that migrants have the same labour standards as Thai workers. Achievement of these objectives has been only partial. By encouraging low-wage manufacturing in selected border regions and fishing and seafood processing in coastal provinces, the combined industrial and migration policies may be retarding the broader national goals of developing a knowledge-based economy and one reliant on a higher level of technology.

This paper has attempted to demonstrate that migration policy has manifold objectives that are not always consistent with each other and that the resulting policies are often ambiguous. How could Thailand reshape its migration policies and programmes to achieve greater internal consistency and congruence with other national development objectives? The broad approaches suggested below are not intended to be comprehensive. More-detailed sets of policy recommendations have been offered by Martin (2004), Punpuing (2006), Huguet (2005) and Huguet and Punpuing (2005).

Two fundamental changes in the approach to international migration by the Thai Government are suggested. The first is to acknowledge that labour migration to the country will remain at high levels and almost certainly expand at least for the next 10-20 years. The second main shift in policy would be to change the incentive structure of the work permit system so that both migrants and employers find it beneficial to comply with the system rather than work outside of it.

One implication of acknowledging that labour migration to Thailand is a long-term phenomenon would be to issue work permits for durations of more than one year. Philip Martin, in a lecture at the ILO in Bangkok in January 2007, suggested that the guest worker programme should become multiple programmes, with different fees and duration of work permits for seasonal and long-term employment, and targeted to certain provinces or specific industries.

In order to achieve the goal of employing only registered migrant workers, the registration system should be streamlined and the fees should be reduced. The Ministry of Labour is experimenting with one-stop centres for issuing work permits and that practice should be expanded. If fees were reduced, migrants would not need to rely on a specific employer to become registered. There is no compelling reason that work permits should be valid for only one employer. Abolishing that requirement would benefit not only migrants but also Thai workers because adherence to labour standards should be improved.

Major dilemmas in operating a guest worker approach to international migration are how to prevent many more migrants than are needed from entering the country and how to ensure that migrants return home upon expiration of their work permits. Because Thailand has essentially open land borders with adjacent countries, it is not feasible to approach the issue of excessive migration largely through immigration control. Migrants will continue to seek work in Thailand as long as employment is available. Hence, the only effective way to limit labour migration is through more pro-active sanctions on employers who hire unregistered migrants. Such an approach is not likely to be pursued, however, because it would require Cabinet-level policy makers with a different political constituency than is currently the case.

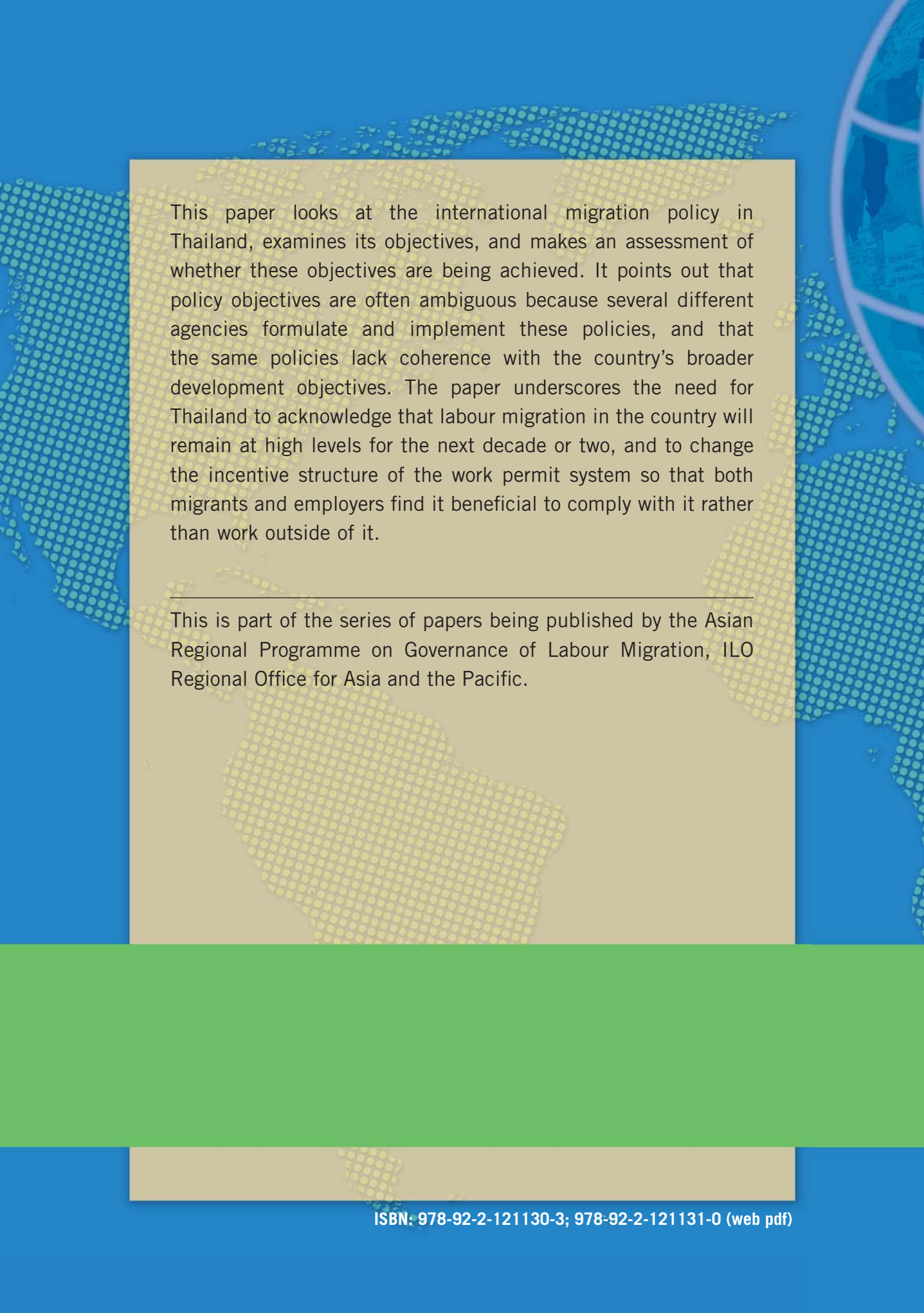
The Thai Government has achieved rapid progress in regularizing labour migration to the country, in ensuring the rights of migrants, and in the application of basic labour standards in their employment. It can be expected that international migration policy will continue to change and that migration management will strengthen. Hopefully, those changes will be based on a broader public dialogue concerning migration, its benefits and its economic and social impacts.

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This paper looks at the international migration policy in Thailand, examines its objectives, and makes an assessment of whether these objectives are being achieved. It points out that policy objectives are often ambiguous because several different agencies formulate and implement these policies, and that the same policies lack coherence with the country's broader development objectives. The paper underscores the need for Thailand to acknowledge that labour migration in the country will remain at high levels for the next decade or two, and to change the incentive structure of the work permit system so that both migrants and employers find it beneficial to comply with it rather than work outside of it.

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