

ILO/MOL Training Workshop on Labour Migration Policy and Management
23-27 February 2009, Amari Orchid Resort, Pattaya, Chonburi Province

Background: Over the last decade, the rapid social and economic development through the export-led policy has transformed Thailand to become a net labour immigration country, despite a brief pause in 1997 when Thailand confronted with ever severe economic crisis. The economic success has attracted a large number of foreign workers from neighboring countries where their economic development is lagging behind that of Thailand. The long porous borders between Thailand and the three neighboring countries – Cambodia, Lao PDR, and Myanmar have made it convenient for migrants from these countries to seek employment opportunity in Thailand.

The wide economic disparity, the labour market imbalances between countries, and the undeveloped labour migration regimes have contributed to cross-border movement of labour, largely irregular migration. With the continued persistence of economic and demographic imbalances, this trend is expected to intensify in the future. In 1996, it was estimated that (a) approximately 100,000 overstayed their visa and engaged in unlawful employment; and that (b) about 970,903 illegally entered and worked in Thailand. The latter number included roughly 300,000 irregular migrants who registered with authorities for temporary work permits following the resolution of the Cabinet on 25 June 1996. In Thailand there are also two groups of people who have been residing in Thailand for a long time. The first group is the stateless people, the hill tribe or ethnic peoples who do not have any citizenship document. As at 1996, there were 348,421 people registered under this category. The second category is refugees, which was estimated at about 100,000, largely the minority people residing in Myanmar, who sometimes fled in and out between the two countries' borders.

Over time the movement of migrant workers from Cambodia, Lao PDR, and Myanmar has spread all over the regions in Thailand, which has caused the authorities to introduce measures to curb, control, and account for the number of migrant workers through a series of ad hoc regularizations and registration programmes started since 1993. The most dramatic change was in 2004 when the government introduced the concerted regularization programme, resulting in about 1.3 million migrants came forward and registered with the authorities. Of these, 849,525 obtained one-year work permit. The regularization in 2004 has set a stage for launching the bilateral cooperation between the labour sending and receiving countries to embark on conversion of the registered migrants through verification of nationality and issuance of official travel documents. This is the first of its kind when Thailand invites and facilitates the labour sending countries (Cambodia and Lao PDR) to take part in the legalization process in its territory. However, similar arrangement could not be materialized for Myanmar due to administrative and ethnic complexity.

From late 2005, the MOUs on employment have been formally implemented, in parallel with the verification of migrants' identity. Thailand had placed demands for 51,105 workers from Lao PDR and 17,470 from Cambodia. In response, Lao PDR and Cambodia were able to provide only 3,418 and 570 workers, representing 7 and 3 percent of the targets, respectively. Between 2006 – August 2007, the demands for admission of foreign workers had increased to 60,890 for Lao PDR and 36,733 for Cambodia, far exceeding the ability of these countries to furnish. Lao PDR was able to deploy only 3,939 workers, while Cambodia dispatched 5,282 workers.

Although not specifically articulated, the immigration policy in Thailand has been characterized as “non-immigration country”. In reality, this may be contrary to fact that over 2 million immigrants are now residing and working in Thailand, largely having illegal status. Denying this

reality has long hindered the creation of sound and comprehensive legislation on immigration and employment of foreign workers. Since Thailand has embraced the open door policy and fully mainstreamed in globalization, its economy depends on international trade in goods and services, overseas capital, and foreign labour. The recent reform of the legislation to regulate the employment of foreign workers, replacing the Alien Employment Act (1978) has been the first step in creating a comprehensive body of legislation in this area, especially managing labour migration in a more targeted way that takes economic and security needs into account.

Objectives: The workshop aims to enhance the capacity of government officials to improve and rationalize the management of labour migration: Specifically, they will understand:

- 1) challenges on migration governance and development;
- 2) key issues be considered in formulating labour migration policy;
- 3) examples of admission and integration programmes in various countries; and
- 4) mechanisms for effective enforcement of legislations governing labour migration and protection of migrant workers.

Expected outcome: The training will contribute to the improvement in labour migration management, the formulation of sound regulatory framework, and the effective enforcement of legislations under jurisdiction of Ministry of Labour.

Training methodology: The training workshop will comprise of technical presentations, discussions, and group exercises. The Thai version of the Labour Migration Policy and Management: Training Module developed by the ILO will be used as basic training tool, and supplemented by others (ILO's Multilateral Framework on Labour Migration, and International Labour Standards on Migrant Workers' Rights). A field visit to Chonburi Province will be arranged for participants to observe the operation of the provincial labour offices dealing with labour migration and to meet with employer associations so as to understand practical issues relating migration management. Where feasible, some migrant workers will also be invited to share their experience from working in Thailand.

Target groups: 25 participants of middle management to Director level from the Office of Permanent Secretary, the Department of Employment, the Department of Labour Protection and Welfare (from the central and provincial offices), and the National Security Council, the Ministry of Interior and the Department of Immigration.

Venue: Amari Orchid Resort, Pattaya, Chonburi province

Dates: 23 - 27 February 2009

Administrative arrangement: The training programme will be administered and funded by the ILO projects, with technical support from the project staff, and resource persons from Ministry of Labour, Thailand, and the Labour Department of Hong Kong (to be confirmed). The Ministry of Labour will be responsible for sending invitations to the concerned agencies/departments within the labour ministry to nominate participants for the workshop. The ILO will provide shared-twin accommodation, breakfast and lunch for participants. An ad hoc daily allowance will be provided to participants. The nominating Ministries/Department /agencies are to cover the travel expenses for participants to journey from their respective office/place of resident to the venue of the workshop and return.