

Restricted Rights Updates: Thailand

POLICY UPDATE

- Thailand's minimum wage was raised to 300 baht per day (about \$10 per day) in April 2012 in Bangkok and 7 neighbouring provinces, and generalized to the whole of Thailand in January 2013.
- Non-compliant employers face a fine of 100,000 baht and/or a 6 month jail sentence.

Source: <http://asiafoundation.org/in-asia/2013/01/30/thailand-adopts-nationwide-minimum-wage-policy-amid-controversy/>

MIGRATION STATISTICS AND OTHER

Migration to Thailand:

- Regular migrants entering through MOUs (August 2013): 168,486
 - Burma/Myanmar 27%, Cambodia 62%, Lao PDR 11% -
- Migrants who have completed the National Verification process (August 2013): 917,212
 - Burma/Myanmar 85%, Cambodia 11%, Lao PDR 4% -
- Total number of regular migrants who came under the MOU and migrants who have completed Nationality Verification (August 2013): 1,085,698
 - Burma/Myanmar 76%, Cambodia 19%, Lao PDR 5% -

Migrant workers in Thailand:

- Overall number of regular and irregular migrant workers in Thailand: up to 3 million in 2013
- Number of migrant workers from Burma/Myanmar: 2.3 million

Source: *Office of Foreign Workers Administration, Ministry of Labour, Thailand, 2013*

KEY ISSUES

- Migrant workers who came to Thailand under the MOU process (2003) were asked in 2009 to register under the National Verification Scheme (NV). Following the bilateral MOUs on Employment Cooperation which Thailand signed with Laos, Cambodia and Burma/Myanmar in 2002 and 2003, migrants who came formally to Thailand through recruitment agencies as well as those who have legalised their status once in Thailand through the NV receive a 2 year work permit renewable only once before they are required to go back to their country for a period of at least 3 years.
- The Bangkok Post reported that in late 2013, the Thai and Burmese governments agreed to amend the MOU, extending the maximum 4-year visa and reduce the 3 year period in which migrants are required to return to their country of origin to one day. According to the Bangkok Post, this change has not been endorsed by the caretaker cabinet which has no power to sign agreements that legally bind the next government. It is not clear whether this change is also intended to be made to the MOUs with Cambodia and Laos.
- At present, there is no clear procedure in place for migrant workers to renew their visas, leaving them vulnerable to extortion from law enforcement officials and employers, and leading a growing number of migrant workers to become irregular. Testimonies from migrant workers in Bangkok show a number of them have lost their jobs and are forced to hide from the authorities until the situation is resolved, while workers in the north of Thailand (Chiang Mai) seem to still be able to work.
- In the interim, the Bangkok Post reports that the Immigration Police have been requested not to arrest workers for overstaying their visas, and the Department of Employment had stated that workers will retain their right to social security coverage as long as they remain employed and contribute to the Social Security Fund, regardless of whether they overstay.
- The Burma/Myanmar government also announced a change in policy concerning the passports delivered to Burmese workers in Thailand who have undergone NV. Temporary passports will be replaced by regular passports, putting at risk the benefits already secured with the former (social security, insurance benefits).

- In March 2014, the Thai Ministry of Labour started implementing the controversial clause of the MOUs which requires migrant workers to pay into a deportation fund. The amount was set to be 1000 baht (250 baht a month for 4 months).

Sources:

<http://www.irrawaddy.org/burma/thai-protests-leave-many-burmese-migrant-workers-without-visas.html>

<http://www.karennews.org/2014/02/migrant-workers-extorted-amid-policy-chaos.html>

<http://www.humanrightsinasean.info/campaign/myanmar-migrant-workers-thailand-face-visa-extension-and-passport-issuance-chaos-and>

<http://www.bangkokpost.com/breakingnews/398426/govt-eases-welfare-rules-for-migrants>

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