

**พัฒนาการของการดำเนินการต่อแรงงานต่างด้าว,
2521 – 2551: มุมมองของรัฐและนโยบาย
Development on Thailand's practice toward Migrant
Workers, 1978–2008: Government Views and Policies**

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บทคัดย่อ

จากการที่ประเทศไทยได้รักษาความสามารถในการแข่งขันทางเศรษฐกิจด้วยการพึ่งพิงแรงงานทักษะต่ำ ราคาถูกอย่างต่อเนื่อง และให้ความสำคัญกับการพัฒนาเทคโนโลยีน้อย ทำให้ประเทศไม่สามารถสร้างนโยบายที่เข้มแข็งเกี่ยวกับแรงงานต่างด้าว นอกจากการกำหนดนโยบายที่ไม่สอดคล้องกับบริบท ความไม่สมดุลระหว่างอุปสงค์กับอุปทานแรงงาน และเป้าหมายที่ไม่ชัดเจน ด้วยสภาพดังกล่าวประเทศไทยต้องเผชิญกับปัญหาหลายด้าน รวมถึง การที่ผู้กระทำผิดกฎหมาย ได้รับประโยชน์ จากการมีแรงงานเข้าเมืองไม่ถูกต้องตามกฎหมาย ว่าด้วยคนเข้าเมือง

บทความนี้เน้นวิเคราะห์พัฒนาการเกี่ยวกับมาตรการที่ประเทศไทยได้ เลือกใช้เพื่อตอบ สอนองกับกระแสแรงงานต่างด้าวระหว่าง 2521 – 2551 เพื่อนำเสนอมุมมองใหม่เพื่อทำความเข้าใจนโยบายการจัดการแรงงาน ต่างด้าวของประเทศไทย ผ่านมุมมองของรัฐในแต่ละช่วงการเปลี่ยนผ่าน และพบว่า การพัฒนาของนโยบาย ที่เกี่ยวข้องนั้นไม่ได้ถูกออกแบบอย่างเป็นองค์รวม แต่แยกส่วนจากตลาดแรงงานในประเทศ และขาดการวางแผนระยะยาว รวมถึงการละเลยสาเหตุที่แท้จริงของปัญหา ประเด็นความมั่นคงของชาติ เป็นปัจจัยพื้นฐานที่มีความสำคัญมากที่สุดต่อการแก้ไขปัญหา ดังกล่าว ทั้งนี้ ความพยายามแก้ไขปัญหาแรงงาน ต่างด้าวว่าสามทศวรรษของประเทศไทยนั้น ถือว่ายังไม่ประสบผลสำเร็จ

คำสำคัญ: การอพยพในประเทศไทย แรงงานต่างด้าว นโยบายแรงงานต่างด้าว

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Abstract

Thailand's economic competitiveness has continued to depend on cheap and unskilled labor and has paid little attention in technology development. The country has been unable to reach a concrete policy on foreign workers, instead relying on incoherence policy; imbalance of labor demand and supply and vague goals. Without an effective policy on immigration, Thailand has been facing with many problems, including the illegal actors who benefit from undocumented immigrants.

The article focuses on the development of Thailand's measurements in response to the flow of immigrant workers during 1978 – 2008 and aims to contribute a new understanding on Thailand's migration policies in aspect of government views in each transitional period. It is arguable that the evolution of policies during this period is that Thailand's policies on managing migrants are not designed with a holistic approach, but instead isolates migration issues from the domestic labor market, without long-run policies, and overlooked the actual causes of the problems. National Security is the crucial fundamental on the government view. Hence, The Thai government has been concerned with and has attempted to solve this problem for many years, though after three decades of development, Thai policies in managing migrant workers are still ineffective.

Keywords: Thailand's migration, Migrant worker, Migration policies

Introduction

The movement of people is a common phenomenon in the modern era. Migration can bring redundant benefits both to the sending and the receiving countries in terms of development at the individual and the state level. Nationally, aside from financial aspect, human capital is one of the significant factors for surviving in a competitive world, especially for countries that employ a labor incentive strategy to gain an advantage in economic growth.

Government policies designed to deal with the flow of migrant workers are impacted by that country's resources and limitations. Policies are often determined based on the perceptions of migration issues, which in turn affect decisions to raise, maintain, or lower the number of migrants admitted into a country (Department of Economic and Social Affairs, 2013). All countries have their own stories and experiences, which lead to differing views on migrants' issue. However, international migration could be a solution for countries that struggle with labor shortages regarding to the low fertility rates.

Beginning in 1977, Thailand entered a stage of industrial development through the inauguration of the Fourth National Economic and Social Development Plan (1977–1981). With an intention to acceleration of industrial growth, it was inevitable that the Thai economy would need to absorb an increase in the labor force migrating from rural sector to work in urban areas such as Bangkok and its periphery areas. During that period, it was quite common to witness large numbers of rural villagers who gave up cultivating their fields to take up employment opportunities in factories in an attempt to better their lives. Rapid growth in those countries led to large numbers of Thai workers leaving Thailand in search of work in Central East Asian and East Asian countries, where they could earn higher wages in working abroad (Chantavanich and Vugsiriphisal, 2012). This exodus created a domestic labor shortage in Thailand. Moreover, with the introduction of a new education law that required all Thai people to receive compulsory education, the anticipated labor force decreased as young people who would have gone into the work force became or remained students instead. During this time, Thailand had no choice but had to invite unskilled laborers from neighboring countries into Thailand to fulfill the labor requirements, with the greatest number of migrants coming from Myanmar, as well as smaller numbers of workers from Cambodia and Laos PDR.

As a major country situated in the middle of mainland Southeast Asia, Thailand is an important destination for migrant cross-border mobility, and is one of the 25 countries with the highest rates of change in migration population. The countries as shown in Figure 1 are separated into three groups, by mode of immigration policy: the top group shows countries lowering their immigrant intake, the middle group show countries maintaining the number of immigrants they accept, and the third group shows those countries where the number of immigrants is increasing.

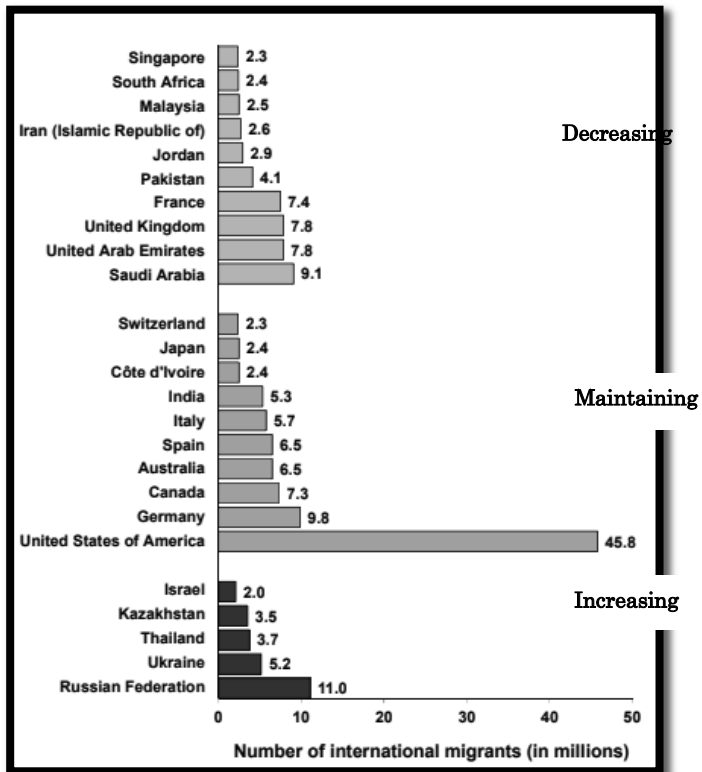


Figure 1 Immigration policies of the 25 countries with the highest numbers of international migrants, 2011

Source: United Nations (Department of Economic and Social Affairs), 2013.

According to the total population of migrants in 2013, Thailand was categorized as a country that is expected to increase its level of migrant immigration. Among the Top 10 destination countries for immigrants in Asia and the Pacific in 2013, Thailand joins Russia, Australia, India, Pakistan, Kazakhstan, China, Iran, Malaysia, and Japan by the ranking number of International migrant population (United Nations, 2013). Thailand has the highest number of immigrants for countries in the ASEAN community, which presents challenges to the government in how to manage the migrant workers in order to achieve best suit both the sending and receiving countries.

Migrants in Thailand are categorized into three groups: 1) General migrants allowed to enter the Kingdom with a non-immigrant visa for business or education, 2) migrants allowed to work under the investment promotion law and other related laws, and 3) migrants specified in Article 12 of the immigration law, which consists of migrants who are waiting to be deported, undocumented migrants (refugees from Vietnam, Laos, Nepal and Myanmar), migrants born in the Kingdom without Thai nationality (born after 13 December 1972), and migrants with expatriation status as set forth by Revolutionary Order No. 322, issued on 13 December 1972 (Panita Somsri, 2016). All of the migrant groups listed are permitted to work according to distinct rules and regulations, with stricter measures engaged for migrant workers in the third group, as they are undocumented migrants.

Number of the historical research on Thailand's migration policies is limited. However, what there is can explain a specific phenomenon of governmental migration policy during a certain period. Additionally, the previous studies focused on 1992, which was the beginning of the relaxation of registration procedures for an influx of migrant workers from neighboring countries. The policy is often described as part of the larger migration context, or as outlining the scope of the topic under discussion, but the mechanisms of policymaking, and how those have changed over time, is rarely discussed.

The contents of the paper employ a chronological narrative to demonstrate how Thailand has confronted its problems with immigration, including the government's views and the measurements used to solve those problems. This paper begins with an

introduction of the topic to be discussed. Section two includes a summary of Thailand's economic development and the labor situation, followed by section three's chronological discussion of Thailand's practices on migration. The paper's conclusion will be put forth in the final section of this paper.

Objectives

To delineate the development of Thailand's migration policies during 1978 – 2008 and explain how the government responded to the influx of migrant workers.

Methodology and Materials

This article looks at the unstable solutions for complex types of migrants. Documentation of government records such as Acts, Parliament's Minutes of Meeting, other official documents and research papers relating to Thailand's migration policies. Additionally, informal interviews are employed to explain how the government has established its policies to manage the flow of migrants in each transitional period of economic fluctuation in the global market.

The period under analysis is from 1978 – 2008, which spans from the year that the Thai government released the first Foreign Employment Act BE 2521 (1978) and ends with the measurement of the third Foreign Employment Act BE 2551 (2008).

Results and Discussion

Overview of migrant workers in history and the government response before the enactment of the Foreign Employment Act BE 2521 (1977)

The pioneering group of migrants in Thailand consisted of Chinese people who came into the Kingdom between 1809 – 1824 due to natural disasters in their home country. They looked for employment opportunities – as laborers on construction sites throughout the country, in mining jobs in the southern provinces, and as sugar cane farm workers in the eastern region of Thailand.

During the King Rama IV period, the Kingdom was opened to trading with foreign countries, increasing economic growth and bringing in skilled foreigners came to work as consultants to the country's administration (Department of Employment, 2002). The Thai government was selective in its choice of countries from which to employ foreigner workers: consultants to the Interior Affairs Departments were American, Law consultants were French, Rail consultants came from Germany, those working in the seafaring trades were Dutch, etc. (Rangsan Thanapompan, 1989) Along with migrant workers from western countries, during this period, Indians also came to the Kingdom as a workers and people who start their own businesses, by this context, Thailand has a long history with foreign workers. It is appeared that the first standardized migrant labor law was introduced in 1911, which regulated that all rickshaw workers were required to be 18–40 years old, in good health, and proficient in the Thai language. This marked the first steps in regulating the influx of migrant workers (Department of Employment, 2002).

During a domestic economic recession during the 1942, in order to solve the problems with unemployment, the government announced the Royal Act (Occupations and Professions Promotion Act BE 2484, 1942) and the Royal Decree, which identified and preserved certain occupations to be for Thais only (Royal Decree on Determination of Occupations and Professions for only Thais BE 2485, 1942), with the intention to limit the employment opportunities and capacity for migrant workers. These regulations were renewed in 1945, 1952, 1956, and 1960, expanding the scope of restricted occupations to 39 types of jobs, primarily related to cultural careers. The government introduced nationalism policy to enforce rice mills and construction sites to ensure that at minimum, 50 percent of all workers must be Thai citizens. The situation with Chinese migrants intensified, and Chinese leaders who were engaged in labor strikes were prosecuted and deported. Regulations for Chinese migrants were tightened, leading to a limited number of Chinese migrants being allowed into the country and the renewal of a higher migrant income tax.

In 1957, Thailand initiated a link to economic development, along with a change to the world capitalist concept, with an alignment with the U.S. government in the form of military aid, including the establishment of air bases. From that point forward, Thailand employed a laissez-faire philosophy as the core concept of economic development, except for a short period in 1972, when the concept of nationalism prevailed for controlling foreign interference, with the Declaration of the Revolutionary Council No. 322 to control Migrant Labor (Revolution Order no.322, 1972) and the Revolutionary Council No.281 to limit foreigners to run businesses only as defined by the law (Revolution Order no.281, 1972). These two restriction measurements were initiated in 1959 by Field Marshal Sarit Dhanarajata, who believed that law enforcement at the time did not suit the existing economic situation. He then assigned the Department of Public Welfare (labor section) to renew this regulation. The renewal process, however, was delayed longer than expected, and the concept of foreign investment was only revived after the establishment of a new Cabinet, in 1976 (Minutes of Meeting, 2/1978, 8 March 1978).

In 1975, Thailand was confronted with political instability, social unrest, and political changes in neighboring countries; Laos, Cambodia, and Vietnam. Government's changed during the labor unrest of 1975–1976, leading to sluggishness in the economy (Prachachart Weekly, 15 January 1976). With a new government installed in Thailand in 1976, the country moved towards liberalism through a revitalized foreign investment promotion policy supporting by an export-oriented industry. The government made efforts to facilitate immigration services, eliminating unnecessary processes in an effort to reassure investors of its contribution, but the employment process remained insufficient (Ibid).

In 1980, Thailand was threatened by the world economic crisis, and the World Bank advised Thailand to adjust its economic structure in order to increase its volume of exports. However, Thailand was facing an economic recession in 1982–1983, which led to the depreciation of its currency in 1984, with the expectation to support more exports. From 1985 onward, Thailand benchmarked economic development, instead of

agricultural production, as its core value of development for exports. The World Bank stated that Thailand had made a significant development in terms of its economy and social status, escalating the country from low-income country to upper-income with a remarkable achievement in reducing poverty, especially in the 1980s (The World Bank, 2018), through rapid industrialization. Because Thailand was confronted with an insufficient number of domestic laborers, higher wages were required to draw workers, resulting in Thailand becoming a destination for laborers from other countries in the region. At that point, Thailand shifted its status from primarily exporting workers to other countries to both sending laborers abroad as well as receiving migrant workers coming into the country seeking opportunities. With porous borders, it has not been possible for Thailand to stop the entry of migrants from neighboring countries. Adding to that situation, a shortage of domestic workers means Thailand faces labor shortage within country and therefore needs to welcome a cheap labor force from other countries.

The rigorous policy assumed to support Thailand's economy in the wake of the economic slowdown of 1974 can be attributed to change in the world economic situation, with multiple crises resulting in worldwide stagnation. In 1975, Thailand encountered the political and social transition that created political changes in neighboring countries, specifically Laos, Cambodia, and Vietnam. Domestic political instability, brought on by frequent changes of government and labor unrest during 1975–1976, also contributed to the lessening of economic activities (National Economic and Social Development Board, 1976). To protect the country from outside threats, a theme of security played the main part in policy formulation surrounding the labor force.

Thailand's practice on migration policies: the cage of security

Formation of the Foreign Employment Act BE 2521 (1978)

During this period, Thailand introduced the Investment Promotion Act BE 2520 (1977), as well as the first declaration of the Foreign Employment Act 1978, to support and control the influx of migrant workers. Before the enactment of the Foreign Employment Act, Ministry of Interior stated that Burmese workers were not allowed to work after December 31, 1977, regarding to the situation that hiring Burmese workers

was common at the western coastal provinces and the number of Burmese migrants tended to increase. Even the difference in wages between Thais and migrants was less than 10 percent, but employers preferred to hire migrants over Thais because the migrants were willing to work in difficult conditions such as sawmills, fisheries. These migrant workers were given permits to work for one year (Siamrat, 14 July 1977).

As the Minister of the Interior took responsibility for this problem, border control and job preservation were the main ideas promoted to be managed through the lens of security, not labor. As the grace period came to an end (December 31, 1977), some employers were unable to fill job vacancies with Thais willing to work for the wages set by the Department of Labor. In these cases, the government stepped in, sending workers from eastern Thailand to the job sites. Although fewer than 100 workers were sent to work, most if not all quit after the third day to return to their homes. It became clear that the policy aimed at limiting the number of migrants looking for work in the country had failed, and an extension was given to allow migrants to stay in the country longer, easing the effects of the labor shortage.

The core objective that accounted for the revision of the Foreign Employment Act BE 2521 (1978) was the decision to modify the Declaration of the Revolutionary Council No. 322. The former versions affected only foreigners entering the Kingdom legally under Immigration Law. Undocumented immigrants, like the Annamese, were not subject to this enforcement, resulting in undocumented aliens working and moving freely within the country, which led to government concern regarding national security. Due to cases such as these, alternative provisions were added to limit the activities of undocumented aliens and reduce vague guidelines on implementation, something that previous versions had not addressed (Foreign Employment Act BE 2521, 1978). Furthermore, this was a law with vast regulations on Foreign Workers that had never existed previously in Thai Law (Krittaya Archavanichkul, 1996). The consideration process on legislating this Act was conducted by an ad hoc committee, with representatives from various public organizations.

At the beginning of this meeting, all committee members insisted on regulations prohibiting work for foreigners in order to preserve jobs for Thais, with the intention of the Department of Labor controlling both employers and foreign employees using rigorous enforcement for an extended period (Minutes of Meetings, 1 / 1978, 1 March 1978). Nevertheless, because of the development of the country, engineers felt threatened, although engineering was one of the occupations in which aliens were prohibited from engaging, thus eliminating this problem. One of the ad hoc committee for the considerations of the Foreign Employment Act concerned the vague definition of both refugee (those who migrate to Thailand with no formal legal status) and alien. A survey from *Malaysia and Singapore* showed that the Immigration Act needed to address a master legal framework (Minutes of Meetings, 1 / 1978, 1 March 1978). Undocumented migrants had, by law, an illegal status. However, in the southern border region of Thailand, Ranong province is an area that at the time employed a large number of Burmese people to work in the mining industry, one in which it was very difficult to find Thai employees. For this reason, temporary permits to enter the country were issued to fill the gap in the vacancy of labor (*Ibid*). In practice, this law contained many loopholes, with discretion for the issuing of work permits assigned to the Minister based on his judgment regarding complex subject matter that was not addressed in the Foreign Employment Act.

The new provisions that were added to the Foreign Employment Act BE 2521 (1978) aimed to clarify the scope of control over the activities of people, as follows;

"Those who enter the Kingdom illegally, according to the Thai Immigration Law, and those with Vietnamese, Laos, and Cambodian nationality who have withdrawn Thai nationality, have no rights to work unless a permit of the committee is granted, according to Article 27 of this Act"(Minutes of Meetings, 2 /1978, 8 March 1978.).

As Thailand did not sign the 1951 Refugee Convention and its 1967 Protocol, the government was free to normalize any regulations based on a border control and humanitarian approach. Newly incoming refugees after 1977 (who were from Indochina) would be subjected to an inspection process to confirm the trustworthiness of their

intentions to enter the country without seeking opportunities to work. The number of refugees increased almost threefold from the early stages, especially in 1986 and 1987 (Minute of Meetings, 29 September 1977). The guidelines were announced as a response to the problem of incapability in sending refugees to third countries. Thailand needed to adapt to this problem for humanitarian reasons while reducing the costs of treating this group of refugees (*Ibid*). Thailand had no specific measures to deal with this except the Immigration Act, which defines two resolutions – naturalization and deportation – though in reality, Thailand was the destination of many groups of immigrants. To respond to this complicated problem, a new law was established.

Security was a decisive issue addressed in the House of Representatives debate, aside from refugees, migrants from East India came as tourists, who then found work as pickers in the fields, with no official records of the numbers of people or where they were living (Minutes of the Meetings, 29 September 1977). After the debate, parliament agreed to raise the issue of migrant workers as an important topic on the agenda related to its impact on the country's security. Regulations needed to be carefully considered and government officers were required to adhere to their border control obligations.

This migration policy put in place in 1977 was the consequence of the Investment Promotion Act BE 2520 (1977) that attracted international investors through labor incentive principles and targeted domestic workers to stimulate the economy (Panthip Kanchanjitra Saisunthorn, 1997). By ignoring the free labor market and the root causes of the problems of the labor shortage, low-skilled level, and undocumented migrants entered the country to fill this gap.

Government response to a request from the private sector, 1992–2000

Before 1989, fishermen in Thailand were Thai nationals. Then, on November 4, 1989, Typhoon Gay hit the southern part of the country, leaving 500 people dead and 400 people unaccounted for. The disaster caused damage to public and private properties valued at more than ten billion Baht, and over 500 ships were destroyed (Thai encyclopedia, 2018: online). This incident caused a great number of Thais to leave

their fishing industry jobs and became migrant workers in other developed countries. In 1992, a registration program for workers from Myanmar and Mon hill tribes (also in Myanmar) was introduced to ensure that the Thai fishery association would continue to be able to function (Matichon Economics, 24 November 1992). However, conflicts between locals and newcomers occurred, with the governor of Nakorn Sri Thammarat province (one of the largest provinces dependent on fishing) reporting that Thais were losing job opportunities to illegal foreign migrant workers who were willing to work for lower wages. With employers looking to save costs, migrants were recruited to fill the vacancies that Thais would not accept (Prachachart Biznews, 15 December 1992).

Aside from the fishery business, the disparity in the economy and the uncertainty of the nation's politics were the main factors that forced the mistreated Shan (Thai Yai) and Karen people from Burma into leaving their homeland to cross the border into Thailand, beginning in 1988. Within a year, Thailand's Council for National Security began to realize the severity of the problem and established a subcommittee to block the border with Burma and acknowledged the existence of the migrant problem to border security (Kachatphai Burutpat, personal interview).

In 1996, with the economy struggling (and the subsequent economic crash in 1997), businesses were scared and investment slowed considerably, both of which greatly affected the construction industry. With a rise in the number of factories outside the city, Thais left or were let go from their construction jobs and headed to work in industrial factories, where they received higher wages, additional benefits, and a permanent working location (Bangkok Biznews, 10 June 1996). Others left the country and moved abroad to work in Taiwan, Japan, Singapore, and Malaysia. With this gap in the domestic work force, migrants from neighboring countries came to fill the vacant positions. The private sector requested a reasonable fee from the government for employing migrant workers to bolster the economy. At the consideration stage in preparing the eighth development plan, labor issues were also addressed among the country's administration (*Ibid*). A drop the construction sector was evidence of ineffective policies in managing labor as a whole, and in balancing the work force supply and

demand. At the same time, new concepts of migrant management were announced with expectations of protecting Thai workers from losing their jobs to illegal migrants from other countries. A survey was conducted of the actual labor demand in the private sector, with a quota then set to import migrant workers legally (Prachachartbiz news, 10 June 1996).

The development of Thai economics through the international mechanism under the scheme of “changing the battlefield to the trade field” was initiated by the Choonhavan administration, along with strengthening the politics and army forces under the theme of “good fences, good neighbours.” Thailand also faced a dramatic growth in exports, especially within the handicraft industry. Rangsan Thanaponpan (The Manager Weekly (Special Edition), 29 January – 4 February 1990) describes this phenomena and its supportive factors as follows: the depreciation of the Thai baht, on November 1984, was a crucial turning point that urged the expansion of Thailand’s exports and resulted in the Plaza Accord of September 1984, degrading the competitiveness of Japanese products in the global market, which allowed Japanese investors to start a new wave of offshore and foreign outsourcing of industry to Thailand due to plentiful resources and a lower wage rate. Later on Thailand announced the resolution of the registration program for Burmese immigrants at ten border provinces. However, only 706 migrants registered. In reality, Thailand was a destination for illegal immigrants from Vietnam, Cambodia, Laos, Myanmar, Pakistan, India, Malaysia, and Hong Kong. These people were suspected of committing crimes, search for job opportunities that impact the domestic labor market, and work as secret agents of their governments (Minute of Meetings, 29 September 1977). Armed with this information, the Thai government increased its efforts to understand the reality of the situation. The Ministry of Labor broadly debated the timing of systematically bringing laborers into the country, expressing concern about income distribution, jobs being taken from locals, and a lack of development in the manufacturing sectors, stating that the government needed to study this situation in greater detail (Thansettakij, 6–8 January 1994). A comprehensive management has begun in order to develop an effective policy.

New approach the managing an inflow of migrant workers, 2001–2008

Throughout the Thaksin Shinawatra administration, “Think and Act Differently” was the operating slogan of the government cabinet, with new and systematic measures of management. This cabinet’s policies aimed to support free trade, define appropriate laws by the labor demand from the private sector, along with balancing domestic security with the public order (Government Policy Statement under Prime Minister Thaksin Shinawatra, 26 February 2001). A new approach was introduced that aimed to quantify the actual number of migrants in the country.

However, at the government debate in 2001, migrant issues came to a serious discussion in the Parliament meeting. A new registration program was opened to all migrants for all job types and in every location in the country. The idea was to bring underground workers to light and to create an actual record of labor demand. While the policy’s objectives were clear, the results were not.

Thailand relied on the measurements provided by the registration program established through cabinet resolutions in 1996, 1998, 1999, 2000, April 2001, and again in August 2001. The registration program no longer met the goal of limiting the number of migrants, thus a new appropriate measure with longer terms was required. By the end of extension period in August 2001, there were a total of 562,527 migrants who joined a registration program, with 79 percent coming from Myanmar. The real estate sectors and agriculture employed the largest number of migrant workers, while more female than male migrants were employed as domestic workers. The total number of registered migrants increased more than five times from April 2001, when that total was 106,648 (37 provinces, 18 business sectors). Among Thais, unemployment numbers were more than 1.5 million people, but most of them were individuals with vocational or university degrees that were overqualified for unskilled labor positions (Record of Parliament meeting 30–32 (general legislature) no.12).

After the debate, the government worked with international organizations – the International Organization for Migration (IOM) and International Labor Organization (ILO) – to project long term plans and initially established the Committee on Illegal Migrant

Workers Administration (CIMWA) in 2001. The agency formulated migration policies and coordinated with related organizations to effectively manage the system (Declaration of Prime Minister's Office about Management of Committee on Illegal Migrant Workers Administration BE 2544, 2001), along with rigid border control and working with Myanmar in a joint working group in order to set up a temporary area at the border to house migrant workers during the deportation process and eliminate illegal re-entry (Record of 30–32 Parliament meeting No.12).

The same year, the Foreign Employment Act BE 2544 (2001) adjusted the registration fee to meet the current currency rate (Foreign employment Act BE 2544 (No.2), 2001). The later version was the Foreign Employment Act BE 2551 (2008) that regulated new measures in accordance with the movement of people in the global economic system, which the former version could not support. A migrant repatriation fund was also set up to manage activities related to migrant workers (Foreign employment Act BE 2551, 2008).

In 2002, the Thai government renewed all the previous regulations by extending the period of registration for migrant workers. In 2003, the Department of Employment Regulation on Criteria and Conditions for Alien Employment Authorization BE 2545 was enacted. This allowed migrant workers to carry out local labor jobs in cases of labor shortages, representing a turning point in the solving of this problem. A Memorandum of Understanding on the Cooperation in the Employment of Workers (MOU) was signed to complete the management process with the origin countries.

In 2004, a cabinet resolution on 2 March and 27 April 2004 agreed to the guidelines on systematic management for migrant workers in an effort to solve the problem of undocumented migrants from neighboring countries. The five main government departments involved were: the Ministry of the Interior, the Ministry of Defense, the Ministry of Health, the National Police Office, and the Ministry of Labor. These five departments collaborated to implement this policy, starting with encouraging employees to agree to a request to employ migrant workers at any employment office and prepare identity records under the Registration Act of 1991. Every migrant aged

1 year or older was required to register (Ministry of Interior, 2006). Formerly, business firms under the investment promotion offered by the Board of Investment (BOI) were not allowed to hire migrants due to extra tax benefits they received, but the Board of Investment (BOI) requested the government to allow migrants to work because of the severe labor shortage.

During that year, new labor migrant management regulations were implemented, with a registration process scheduled for a one-month period beginning on 1 July. This allowed migrant workers from three source countries (Myanmar, Laos, and Cambodia) to register for a one-year work pass, which allowed the pass-holders to work or to seek employment for a year. Deportation rules applied if the migrant workers could not find employment within a year. However, the MOU measures undertook to register laborers and prove their nationality, and their new legality as workers in Thailand, did not achieve the preset decrease in the yearly number of foreign workers, while the insufficient labor demand may have compromised a large number of illegal workers in the country.

The policies in year of 2006 are called the comprehensive policy and contained protections of migrants and their dependents from abuse (personal interview, 20 August 2015). The government agreed to assign the Thailand Development Research Institute (TDRI) to conduct research on levying the tax system as a guideline to set appropriate rates for various industries (Thailand Development Research Institute, 2003). However, the levy tax system did not include the managing of migrant workers in Thailand.

With unclear policies, the Japanese Chamber of Commerce revealed in 2006 that Thailand must make greater efforts in skill development for the work force, especially in the fields of software and hardware expansion. In 2001, Japanese investment, which plays a significant role in Thailand's economy, began moving to Vietnam. In the near future, Thailand will no longer be a foreign investment paradise for Japanese or other countries' business investments (Bangkok Biznews, 23 December 2006). This situation demonstrates that Thailand overlooked the labor market after the registration program

for migrant workers. No other measures to develop necessary skills for the Thai workforce were initiated after filling the gap left for unskilled workers with migrant workers.

As recently as 2018, as a result of the labor shortage, the Thai government relaxed the rules, allowing migrant workers to be employed in two of three job categories: 1) no longer reserved for Thais, as a laborer at a construction site, however legal permit is necessary, 2) jobs by production to order, consisting of accountant (not internal audit), farming and fishery, civil engineer, architecture, craft works (shoes, hat, bed, blanket, knife, pottery), and 3) strictly reserved for Thais only, related to all cultural occupations, tour guide, hair salon, jewelry, wooden craft, driver, shop seller, and newly added, Thai massage (Dailynews, 2018: online). Previously, all reserved career policies were to block migrants from any jobs. However, currently cultural jobs in group three are still reserved, with no supportive measure to fill the vacant gap by Thai people.

Since the industrial development of the 1980s, Thailand has succeeded in bringing in foreign capital to boost its economy, but human capital is still a part of the learning process. The labor shortage problems not only affected the low skilled workers; during 1994–95, high skilled labors were also scarce, which exemplified the failures of careless government policies designed to play a significant role in managing the workforce to serve the business sector.

Conclusion

The study demonstrates that, as a newly industrializing country, there are difficulties in managing large numbers of foreign workers. Strict measurements introduced in the Foreign Employment Act 1978 (the first official law by a civilian government) for controlling the number of migrant workers aimed to protect certain careers for Thais. The Immigration Act was the main scheme to deal with the flow of migrant workers. However, in 1992, due to trends in industry development, pressures imposed by the business sector eliminating strict measurements in hiring migrant workers. The Thai government instituted a management concept of migrant worker registration for a designated period.

Even now, unstable measurement fails to control the number of undocumented migrant workers. A turning point in managing this problem was launched in 2001 and a model was introduced using the concept of human capital management, as clearly stated in the government policy statement, with the idea of balancing economic security with national security, and initiating a Memorandum of Understanding on cooperation in the employment of workers with neighboring countries

For Thailand, migration policy is an output of the political context, with the changing administration affecting policies, cabinet resolutions on extending the registration period are employed repeatedly, the labor shortage remains unsolved, and every effort is focused on dealing with undocumented migrants. Based on government documents regarding the dynamics of Thailand's policies on migrant workers, it can be concluded that Thailand has no coherent objectives to handle the influx of migrant workers to the country, with poor information on migrant labor and a misunderstanding of the labor shortage problem leading to the existing number of undocumented workers. Moreover, the implementation gap and the limited nature of public participation are underrated.

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