

# Challenges of Labor Migrants to Thailand: Issues of Bilateral Agreements for the Employment of Workers in the Greater Mekong Subregion (GMS)

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## Abstract

The governments of the Kingdom of Thailand and neighboring countries have, over the past few years, attempted to legalize the flow of migrant workers. This paper aims to examine, based on empirical data consisting of 97 semi-structured interviews with migrant workers in the Kingdom of Cambodia, Lao People's Democratic Republic, and Republic of the Union of Myanmar, the challenges migrants face in facilitating legal work in the Greater Mekong Subregion (GMS). This paper analyzes, by employing a rights-based approach to migration issues, the obstacles migrants face in seeking legal work in these regions. The findings of the study indicated four main issues related to migration under the current governance system including lack of knowledge of authority and procedure, perceived expense of the recruitment process, migrants' perspectives concerning formal and informal recruitment and limited capacity for assessing labor market needs. Based on the results, the development of laws or measures have been suggested in both the migrant-sending country and Thailand which specify the costs and duration of the process to import labor. It is essential that all personnel give consistent information to interested persons and improve pre-departure training courses to help migrant workers understand the specifications in the bilateral MOUs with Thailand. This knowledge and information should be provided to migrants, prospective migrants, their families, and relevant agencies in both countries.

## Keywords

Bilateral Agreements; challenges; employment of workers; Greater Mekong Subregion; labor migrants

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## Introduction

Migration is a rapidly evolving issue in contemporary discourse, and no migration policy is universal. International migration, internal migration, and border mobility are categorized as illegal migration within the Greater Mekong Subregion (GMS). Labor migration is one of the primary purposes of mobility for both short and long periods, aiming towards employment opportunities and better futures for migrants and their families ( International Labor Organization, 2017).

Historically, migration into Thailand has been driven by armed conflict, war, and territorial expansion and contraction among neighboring countries. During the first period of migration into Thailand, starting in the 1920s, most migrants came from China because of the Chinese civil war (Arnold, 2012).

During similar political conflicts, influxes of refugees from the Kingdom of Cambodia (Cambodia), Lao People's Democratic Republic (Lao PDR), and the Socialist Republic of Vietnam (Vietnam) fled to Thailand from 1970 onwards. Migrants to Thailand from other countries of the GMS represent diverse cultural groups, e.g., from the countries of Cambodia, Lao PDR, the Republic of the Union of Myanmar (Myanmar), and Vietnam. The first census of the resident population in Thailand was conducted in 1909 and included questions on ethnicity and language. By the early 1980s, the contributions of migrants to Thai social and economic life were significant. The objective of migration between countries was driven by economic disparities, demographic inequalities, and labor surpluses in poorer countries (Chantavanich & Jayagupta, 2010; Huguet & Chamratrithirong, 2011). Poverty is perceived as a significant factor in the decision to migrate for labor, particularly for low-skilled workers. However, levels of irregular migration increase with weak legal enforcement, human trafficking, porous borders, and overstaying (Asian Development Bank, 2013).

Statistics from the Office of Foreign Workers Administration (2019) show that of the three of Thailand's bordering neighbors who have migrant labor registered to work in Thailand, Myanmar accounts for the highest number of migrants with 1,907,999, followed by Cambodia with 639,670, and Lao PDR, with 232,914. Migrant workers represent, in total, about 3% of the Thai labor force are mainly employed in the sectors of agriculture, construction, fishery, and domestic work. Migrant labor in the farming/animal husbandry and fisheries sectors accounts for 461,473 workers: 325,333 in farming/animal husbandry and 136,140 in fisheries. Of these, 48,299 were legally approved to work in the fisheries sector, and 87,841 were authorized to work in seafood processing.

Attempts to manage the population of non-Thai migrant workers have been short-term and have centered on the temporary regularization of undocumented migrants. The Thai authorities have made significant progress for regularizing temporary migrants. Firstly, registering migrant workers already in Thailand initiated in 1992 for workers from Myanmar, Lao PDR, and Cambodia. Secondly, bilateral agreements for the employment of workers were signed between the government of Thailand and the sending countries. The first MOU was signed with Lao PDR in 2002, followed by Cambodia in May 2003, and Myanmar in June 2003 (Huguet, 2008; Huguet & Punpuing, 2005). This MOU strategy was designed to create a legal path for migrant-worker

entry through a guest-worker program. Under temporary contract employment or guest-worker programs, labor-sending states promote and organize labor emigration through agreements with labor-destination countries. As part of the MOUs, the sending countries screen job applicants for qualifications based on the specifications of employers in Thailand. These specifications are compiled by the Ministry of Labor and reported to the sending countries. Thailand then issues temporary visas and work permits to applicants who meet the hiring criteria. The work permit has a two-year validity, with the possibility of a one-year extension.

However, the mechanism that exists under the MOUs utilizes private recruitment agencies for the establishment of procedures where there are still unclear conflicts of interest involving laws and regulations as well as agencies exploiting recruitment labor, and also where the capacity of laborers themselves may cause unintentional legal offenses. In 2017, 1,178 global migrant fatalities were reported by the International Organization for Migration (IOM), sighting obstacles in migration processes involving procedures or requirements that put these migrants in dangerous situations regarding carriers and traffickers, which caused their deaths (Guild, 2017).

Recently, increasing concerns centered on a rights-based approach to migration have been addressed in management discourse. Organizations from around the world that deal with migrant rights have come together in recognition of the vulnerability and marginalization of migrants, both from a structural and experiential perspective, to critique the dominant global discourse on this issue (Piper et al., 2017). This critique identifies the side-lining of human and labor-rights concerns affecting migrants' ability to become 'agents of development'. What is proposed is a human rights framework to ensure the successful management of migration and human development towards security. As a rights-based approach to the governance of migration, this is then a counter-discourse that posits a holistic perspective on rights that addresses the deficit of the migrant workers as causal in the migration process, as well as being relevant both in the country of destination and origin (with an inevitable return to the country of origin considering the temporary migration schemes).

This paper analyses the issue of migrants using a rights-based approach, which aims to address the difficulty migrants have of securely finding legal work. Although the issue of the migration policies of sending countries has recently been explored in other studies, particularly citizenship and return migration studies (Guarnizo, Portes, & Haller, 2003; Skrentny et al., 2007), this study examines the "Agreement on Employment", a vital element of the MOU on Labor Cooperation, which is significant in the receiving and sending of migrant workers for recruitment and registration purposes.

## **Labor migration policy and challenges**

Two interlinked paradigms currently dominate the global discourse on migration: (1) the 'management of migration' (which concerns the provision of legal channels for migration which mitigate human trafficking and other irregular movements by legally controlling migrants' exit and entry and, therefore, access to employment opportunities); and (2) the 'migration-development nexus' (which explicitly concerns the alleviation of poverty in countries of origin with low levels of resources through migration to destination countries with higher levels) (Piper, 2017). According to the paradigms, a dual policy classification mechanism determines migration flows. The first part involves regulatory policies, which act directly to control immigration. These

are made up of the procedures and laws under which foreigners are to be selected, admitted, and deported (Meyers, 2000, 2002). The second part involves regulating the status of denizens and resident immigrants (Hammar, 1985, 1990). As with most policies of receiving countries, migrant workers are categorized into two main groups: highly skilled and unskilled (also including semi-skilled and domestic workers), depending on fluctuations in the local labor market (Piper, 2004). The mechanisms through which work permits are regulated include employment stabilization fees along with quotas and ceilings (Castes, 2002; ILO, 2005).

The solution for labor shortages in most receiving countries in Asia comprises temporary migration policies. These are instituted on a rotating basis, i.e., migrant workers are invited for short periods and must depart on the expiration of their permits (Ruhs & Martin, 2008). The option of permanent stays through family reunions, permanent visa extensions, changes in employee status, and marriage to locals is ordinarily absent in these temporary migration programs.

From 1992, the Thai Government permitted illegally entering migrant workers to be employed. This policy contravened neither the Immigration Act, B.E. 2522 nor the Working of Alien Act, B. E. 2521, which both permitted undocumented migrant workers as well as those staying temporarily in the country awaiting deportation to be employed. This permission was first granted to four border provinces before being eventually expanded to ten provinces. In 1996, two more nationalities, Laotians and Cambodians, were allowed, along with Burmese, to register in 43 (later extended to 54) provinces, and to work for up to two years in specific provinces and occupations in Thailand. Despite being registered, the official status given to these migrants was “illegal migrants pending deportation but allowed to work temporarily” (Chantavanich & Vungsiriphisal, 2012).

A registration system for migrant workers from Myanmar, Lao PDR, and Cambodia was established in 2001 by the Thai Government. According to the policy, those who registered were given an extra year's extension of stay; migrant workers who had not completed the registration process, however, were not included in this continuation policy. At the same time, the Thai Government began negotiation with officials from Lao PDR, Cambodia, and Myanmar, and the three countries agreed on a memorandum of understanding in 2002- 2003, which facilitated cooperation on the problem of migrant worker employment (Amnesty International, 2009).

In 2004, the Thai Government announced a migrant worker management policy. According to this policy, all migrant workers in the country, regardless of status, needed to report, along with their dependents, to the Ministry of Interior to apply for work permits at the Ministry of Labor. The policy intended to record migrant worker numbers in Thailand and require home countries to verify nationalities and provide legal documents rather than passports. This allowed migrant workers to work legally and gain easy access to health services and other rights. The policy was intended in the long term to systematize migrant worker management. To summarize, this registration system comprised three strategies: 1) Migrant and family member registration, 2) migrant nationality verification, and 3) the recruitment of formal migrants. The system aimed to identify the number and location of migrant workers and their family members by recording them on the Thai Registration System.

Each unskilled migrant and their dependents received an identification number (ID) as part of the process. Under the rules, only employers and registered businesses are allowed to bring migrant workers to Thailand, and only registered recruitment agencies can bring foreign workers into the country.

From 2010 to the present, the Thai Government has put in place an important measure to resolve the migration issues through just one system, to avoid any confusion, that migrants have to go through the MOU where the role of the recruitment agencies is key and that employers need to make sure that migrants that they hire need to have proper documentation (IOM, 2011).

The nationality verification system is a temporary measure initiated in 2004 to register all irregular migrants from Lao PDR and Myanmar who were already living and working in Thailand, without requiring them to return to their countries of origin. This process allows registered migrant workers who entered Thailand illegally to stay in the country temporarily (until March 31, 2020) and work as laborers and domestic workers. Migrants who wished to legalize their status through the nationality verification mechanism were required to obtain certification documents from their country of origin, such as temporary passports or certificates of identity (CI). The CI offers migrants temporary legal status and allows them to travel freely in Thailand in order to obtain the necessary documents to apply for a work permit. However, by 2020, all registration processes for CIs, as well as for temporary passport extensions (purple temporary passports), will have to go through the MOU system in order for permission to enter and work in Thailand to be granted (International Labor Organization, 2019).

The border pass (Section 64) was designed as a short- term document for seasonal migrant workers in certain border districts. The pass allows for multiple entries and is valid for one to two years, depending on the country of origin. Migrants can apply for a border pass at the provincial administration office or district office in border areas.

Later in 2015-2016, MOUs were revised and changed to “MOUs on Labor Cooperation” that included the “Agreement on Employment” that detailed the process of receiving from and sending migrant workers to the countries of origin and destination. MOUs govern cooperation between Thailand and Vietnam, Cambodia, Myanmar, and Lao PDR. “Agreement on Employment”, a vital component of the MOU on Labor Cooperation, describes the process of receiving and sending back workers between Thailand and the country of origin. The agreement is effective for two years with four objectives respectively, including; 1) performing an appropriate process of employment; 2) having effective procedures for sending back workers whose employment term expires to the countries of origin; 3) workers are protected by law and must abide by the law of the partner country and 4) prevention of, and effective action against, illegal border crossings, trafficking of illegal workers, and illegal employment of workers.

**Table 1:** Summary of migration policy changes (1992-2016)

Year	Summary of migration policy changes
1992	The Thai Government first granted migrant workers employment in four border provinces before this was eventually expanded to ten provinces.
1996	Laotians and Cambodians were allowed, along with Burmese, to register in 43 (later extended to 54) provinces and to work for up to two years in specific provinces and occupations in Thailand.
2001	A registration system for migrant workers from Myanmar, Lao PDR, and Cambodia was established in 2001 by the Thai Government.
2002-2004	The Thai Government began negotiations with officials from Lao PDR, Cambodia, and Myanmar, and agreed on a memorandum of understanding (MOU), which facilitated cooperation on the problem of migrant worker employment.
2010	The Thai Government processed registrations through a single system. Labor migrants had to go through the MOU where the role of the recruitment agencies was vital.
2015-2016	MOUs were revised and changed to the "Agreement on Employment", a key component of the MOU on Labor Cooperation.

Table 1 summarizes migration policy changes between 1992 to 2016. In principle, under the MOUs, migrant workers must be employed at the workplace where the applicant received the permit to employ them. According to the Royal Decree on Management of the Work of Foreigners (No.2) B.E.2560, which prescribes the systematized and efficient management of alien workers, workers can terminate employment. Still, they must immediately find new work or return home (Department of Employment, 2017). Workers are permitted to change employers in case of the employer's death, closure of business, abuse by employers, employer's violation of the Labor Protection Act, or if workers have re-paid their debts (or paid for damages) to their previous employer. MOU employment limits work in Thailand for four years.

As a matter of fact, migration is a complex issue involved in migration management, and among all stakeholders and any rule of thumb may only work for particular situations. To explore the migration phenomenon, theories of migration policy tends to address two overlapping areas on the question of why migration policies fail.

The first theme deals with the existing gaps between regulatory policies and policy outcomes (Boswell, 2007; Castles, 2004). The second concerns protectionism and the emergence of more inclusionary policies in the context of Western democratic states. Another important theoretical approach relevant to the study of migration policy in Asia is the institutional approach. This approach focuses on the role of the state as a structure of society and main actors in shaping policy (Bertocchi & Strozzi, 2008; Boswell, 2007; Meyers, 2000; Russell, 1989).

There is no denying that governments of nation-states have been in engaging in efforts to better manage the volume and pattern of the flow of migration. However, the patterns of recruitment that often involve state-level engagement and cooperation are also significant reasons why this policy pertains to the Asian context.

## Research methodology

This study uses qualitative research methods involving the interviewing of key informants, including: 1) laborers from Cambodia, Myanmar, and Lao PDR, who had previously illegally migrated, have proven their citizenship of the origin country, and hold travel documents (Visas) according to the Illegal Migration Policy since 2004; and 2) laborers from Cambodia, Myanmar, and Lao PDR under the Memorandum of Understanding (MOUs).

Semi-structured in-depth interview guidelines were developed, covering interview themes, such as motivations for migration, support of migration, benefit from migrations, decision-making, socio-demographic background, migration experience, and legal status. The guidelines were translated into the migrants' native languages, and the interviewers translated into the respondents' language where appropriate during the interview.

Data collection during field research comprised of a purposefully selected sample of 97 migrants. Fieldwork was carried out from April to August 2018 and took place in Bangkok, Nonthaburi, Pathum Thani, and Ubonrathani in Thailand.

Face- to- face interviews between 40- 60 minutes were conducted by two researchers in the migrants' native language and recorded and transcribed into English. The interviewees' consent was recorded. NVivo 12 software was employed for analysis. The protocol and data collection tool for this study was approved by the Human Research Ethics Committee of the IPSR-Institutional Review Board (IPSR-IRB), with an approval number of COA. No. 2018/01-010.

The 97 migrants from Myanmar, Lao PDR, and Cambodia were interviewed. Table 2 describes the migrant's nationality, gender, age, marital status, education, migration status, and sector of employment.

**Table 2:** Number of migrant workers interviewed (N=97)

Characteristics		Number
Nationality	Cambodian	40
	Myanmar	24
	Laotian	33
Gender	Male	31
	Female	66
Age	18-25	29
	26-35	30
	Over 35	38
Marital status	Unmarried	25
	Married	69
	Divorced	3
Education	None	15
	Elementary	65
	Lower Secondary	17
Migration status	MOU (passport and work permit)	13
	Border pass	6

Characteristics		Number
	Pink ID card (issued to stateless people to restrict their movement within the Kingdom of Thailand)	37
	Passport with visa on arrival and/or work permit	41
Sector		
	Construction	44
	Agriculture	4
	Domestic work	13
	Fishery industry	5
	Services	27
	Factory	4
<b>Total</b>		<b>97</b>

## Result

The challenge of labor migration can be categorized into four issues as follows.

### Lack of knowledge of authority and procedure

In accordance with the Memorandum of Understanding (MOU), the agencies provided their counterparts with lists of selected applications for consideration by prospective employers with the necessary information, for example, ages, permanent addresses, referees, education, experience, etc.

Migrants selected by employers have to fulfill specific requirements, including; 1) Visa or other forms of entry permission; 2) work permits; 3) health insurance or health services; 4) Employment contracts of employers and workers and fees as may be required by the parties.

The employer must issue a written contract with detailed items as required by the Director-General, and keep the contract at the employer's office for when the Registrar or competent official conducts an inspection. A copy of the contract must also be kept by the worker. If the worker resigns for any reason, the employer must notify the Registrar within fifteen days from the date the worker has ceased work and identify the cause of the work terminating.

When across the country, the Post-Arrival and Reintegration Centre for Migrant Workers provides training courses on introduction to working in the sectors and related workers' rights and welfare. At the Centre, workers are required to submit documents for the following: (1) A Name List; (2) A Thai visa; (3) Passport; (4) Contract of employment; and (5) electronic work permits issued by the Ministry of Labor.

In-depth interviews reveal that, in practice, many regulations and procedures are provided without translations. Under MOU procedures, the steps require a complicated submission and approval process on both sides of the border starting at the village, then provincial to the central level, with various other ministries and departments which are not always standardized. The

lengthy approvals processes include a vast quantity of documents and are challenging to understand.

Due to this processing problem, many migrants rely on both legal and illegal agencies as intermediaries, consequently leading to a lack of concern for migrants having to engage with legal processes and government authorities. With a lack of information coupled with a complicated process of registration and regularization, many migrant workers believe that the MOU process offers insufficient benefits in comparison to irregular migration. Because of this confusion, migrant workers and their employers might decide to cross illegally.

The excerpts from the interviews of labor migrants revealed the following:

*“My mother has a friend who used to come and work in Thailand, and her friend knows the broker who can bring me to work. I go with my mother, but I don’t remember the process.”*

(Fern [Pseudonym], Cambodia, female)

*“The first time I came illegally via a broker to Thailand. I took a taxi from my village (for 200,000 riel) with my wife and my two children. I arrived near the border, then called to the broker my relative had given me the phone number of. At that time, I did not know what to do and how to get legal documents. I got arrested several times, and they put me in police station. The conditions were very poor on my first day of work in the corn factory (standing all day, I got a swollen leg). Before, I could not understand Thai. When I was cheated, I could not complain. Now I can speak Thai, so I feel confident speaking and complaining.”*

(Ken [Pseudonym], Cambodia, male)

*“Because I was so poor, with no job/rice farm, nothing to do and no money to spend for food, electricity, water (everything requires money), I decided to come to Thailand with my parents and left my two brothers living with my grandmother. I didn’t want to migrate, but I had no choice. I did not know where to go (I didn’t know Phnom Penh, or Siem reap). I had a neighbor (in my village) who previously came to Thailand. I asked them, and they gave me the broker’s phone number. My first time was as an illegal, and I crossed the border without any documents. The first time I and my parents took a car (taxi) from my province to the border. When I arrived at Poipet (Khmer side), I called the broker. The broker asked me to wait at one point before the moto-taxi would come to pick me up. After that, the broker brought us across the border. I joined a queue, and they wrote a number on my hand as I waited for the pickup truck. In the past, when I started working in Thailand, I didn’t know anything, and I had problems communicating with my employer. But now I can communicate without any challenges.”*

(Aoi [Pseudonym], Cambodia, female)

*"I migrated because I am poor, lack food, and have insufficient income in my daily life for my family. My debt is increasing because I borrowed money for medical expenses and food for my family. My husband and I decided together to migrate to Thailand after receiving information from my relatives and neighbors. Actually, I didn't want to migrate out of my hometown, but I did it because I needed money to raise my family. My relatives and neighbors who had been working in Thailand had more money, so I decided to migrate. The first time I migrated to Thailand without documents with my husband. After I got my documents, I traveled the formal way, and it was easy."*

(Art [Pseudonym], Myanmar, male)

From the above interview excerpts, it was clear that some migrants, with a lack of information due to the problem of communication, utilized employment agencies, which seriously undermines migrant safety in these migration channels. As a result, many migrants often turn to illegal brokers due to a lack of engagement with relevant legal processes and government authorities.

## **Perceived expense of the recruitment process**

The migration fees vary between THB 15,000 to 35,000 depending on travel expenses, accommodation, and food for workers at the pre-migration stage.

Legally, agencies can only charge 15 percent of the migrants' monthly base wage throughout their employment abroad to cover all the expenses associated with the recruitment process. Both Thai workers and migrant workers come under the scope of the "Foreigners' Working Management Emergency Decree, B.E. 2560" (Sections 42 and 49). In this case, the employer can advance fees for the workers, such as passport fees and recruitment process charges. However, employers can deduct these advanced fees from workers' wages based on actual advance payments, but not exceeding 10% of each worker's pay per month. Such deductions must be disclosed before employment starts, and details on deductions of salary would then be included in the contract. Interviews indicated that most employers pay a registration fee and deduct payment from their workers' wages. However, wages in the country vary across sectors and provinces and specific occupations (from 150 baht to 300 baht per day).

Information obtained through interviews indicated that formally recruited migrants entered into loan agreements, or borrowed from brother or sister with and without interest, to finance their migration. In contrast to the costs of formally recruited migrant workers, recruitment agencies take full responsibility for organizing all the necessary documents for migration.

For Cambodian workers, migrating for work under the MOUs requires approximately a 12 weeks with a total expense of THB 15,000- 25,000, which including passport arrangement, visa processing, filling out the required travel visa documents, completing the application form, and dealing with the bureaucratic hurdles on the receiving end. In Myanmar, migrants going through the MOU process require 2 to 10 weeks to complete the procedure, with average expenses for the entire process between THB 20,000 to 35,000. In Lao PDR, the cost of recruitment is THB 13,000- 20,000, with the MOU process requiring 2 to 10 weeks to complete (Table 3).

**Table 3:** Breakdown of recruitment costs under the MOU process (Thai Baht).

Item	Lao PDR migrants	Myanmar migrants	Cambodia migrants
Medical assessment (physical examination, chest x-ray, phlebotomy, etc.),	500	500	500
Work permit (2 years' validity)	1,900	1,900	1,900
Passport and Visa	1,600 (E-passport) 1,200 (Non-E passport)	1,000-1,500	4,000-8,000
Thai Visa			
-Single entry	2,000	2,000	2,000
- Multiple entry	5,000	5,000	5,000
Service/Brokerage fees (Fill in work permit form, attending training or orientation session)	3,000-5,000	5,000-8,000	3,000-5,000
Social Security	5% of monthly salary for 2 years	5% of monthly salary for 2 years	5% of monthly salary for 2 years
Traveling	Differs according to distance from community to recruitment company/employment office		
Estimated total expenses to cover operating costs	13,000-20,000	20,000-35,000	15,000-25,000

Source: Information in this table refer to respondents from the in-depth-interview (N=97)

However, in-depth interviews revealed minimally THB 15,000 had been paid to the local, district, and provincial authorities, in addition to the costs of recruitment. These amounts were in none of the cases deducted from the fee charged by the recruitment agency.

According to the interviewees, there are significant differences in costs between going through informal and formal recruiters. With all the documents required, workers paid from THB 8,000 to THB 12,000 for regularization via illegal brokers. It is well-known amongst migrants that legal recruitment agencies are considerably more expensive than unlawful channels of migrations. Still, the workers feel they have no choice because these are the only way to migrate legally, as the following illustrates:

*“I don't remember the process, but the cost is about 25,000 THB, take for three months, and I borrowed money from money lender in my village (10,000 THB, 5% of interest rate).”*

(Fa [Pseudonym], Cambodia, female)

*“Total cost 22,000 THB. Employer paid for us and deduct from our salary.”*

(A [Pseudonym], Lao PDR, female)

*“I started first job in company at Ayutthaya, received 300 baht per day. I worked for 3-4 months and resigned due to low wage. Then, I moved to work as a construction worker in Phra Pradaeng District, Samut Prakan, and*

*earned 540-550 baht per day. I worked every day without day off from 7:30 a.m. to 8:00 p.m. Firstly, I worked without document, and I even had to run away when seeing an ambulance. After returning hometown, I met my sibling, who worked in Thailand. He advised me for paying 30,000 baht to a broker for working as MOU document, and I decided to pay. After that time, the travel was very convenient."*

(Karn [Pseudonym], Myanmar, male)

## **Migrants' perspectives concerning formal and informal recruitment**

The responses to the in-depth interviews illustrate that migrant workers expressed differences in their perspectives concerning formal and informal recruitment. They also showed that the role of relatives and neighbors was one of the sources of motivation for migration.

Some of the migrant workers have their parents who used to work in Thailand for many years, others were told by neighbors who invited them into work in Thailand, others were told by their siblings working in Thailand who earn much money, and some others worked along the Thai border, and their relatives in Thailand contacted them for work.

Furthermore, the workers relied on brokers who, in some cases, are not known to villagers directly but through relatives, illustrating that many migrants decided to cross illegally because of trust in relatives, as the following excerpts show:

*"At that time, I used to work in Siem Reap province, but the labor fee was too low per day. First time I illegally migrated, I used to get the cheat broker for my wife's passport arrangement. But fortunately, I got the passport because another colleague of the broker prepared for me. I was good luck. I would like to suggest Government of Cambodia to discount the reasonably passport price to make it easy for migrate worker like me and all."*

(B [Pseudonym], Cambodia, female)

*"I try to find the information from immigrants. I contacted my Khmer friend to find other job. I found a new job through my friend, and now I still work with the same owner since that time. We are like family now."*

(C [Pseudonym], Cambodia, male)

## **Limited capacity for assessing labor market needs**

Thailand has yet to anticipate and predict future migration flows for measuring the apparent labor shortages in certain sectors and provinces, and to setting admissions quotas based upon these labor market needs. As some Thai recruitment agencies have noted, the quotas established under the policy are generally not a limitation because they cannot, in any case, find enough workers willing to go through the process. As a result, recruitment agencies in sending countries find it challenging to provide workers with the right skills needed to access the available job opportunities, and it is also challenging for many migrant workers to change employers after

commencing work with different conditions and not having received any payments. After signing up with an employer, workers are allowed to change employers if one of the previously stated six conditions are met. The recruitment agency must then find new jobs for the worker within thirty days, without changing their permitted employment sector.

Excerpts from the labor migrants' interviews revealed the following:

*"I listened to the radio and heard a recruitment company was looking for workers in Thailand. I went to the company office in Battambang and registered my name. They informed me that for a maximum of one month, they would inform me about jobs. The company asked me to pay 3,000 baht for registration. After registration, I waited for half a month, the company called me and informed me that there were jobs available in Thailand. The company staff accompanied me to Poipet to start to process the documents at the checkpoint. I didn't know about the work before I applied, and I didn't know about the process of changing employers."*

(Wa [Pseudonym], Cambodia, male)

*"I worked in several jobs and locations. My first job when I arrived in Thailand was in the construction sector. I waited for one week before starting work. I received 270 baht per day, although, actually, I was told from the company in Battambang that I would get 300 baht per day. There was no cheating during the work. After that, the company sent me to work for a gardener and brought me back to work in construction. For my second job (new employer), I moved to another construction site in Lat Krabang, Bangkok (because the visa had expired in my red passport). The employer cut 300 baht per month from my wage for police clearance and told me when they opened for PINK card registration, they would bring me to do it, but that never happened. For my third job (new employer), I moved to chicken feeding.*

*One of my friends introduced this job to me, and I received 270 baht per day and received monthly pay at 8 hours every day, but sometimes I worked until late (but did not receive overtime pay). I worked four months (with my expired red visa, which my employer knew about). I got up at 4 a.m. every day, which meant I didn't have enough sleep/rest. Later, I moved to work on a construction site with another employer. I had many reasons for moving; one reason was that I was tired and did not get enough sleep, and I had never get overtime pay.*

*For my fourth job with a new employer, I worked in the construction sector at Suvarnabhumi airport. I got 350 baht per day, and I had to give about 300 baht per month of my wage to the police. After six months, my employer brought me to the office of registration. However, I decided to leave without getting any payment because my employer paid a low wage and paid it late and when I asked my employer about it, he said that the big company paid late if they paid, he would pay me, so I had to wait."*

(Wat [Pseudonym], Cambodia, male)

## Discussion and conclusion

Many actors, instruments, and multilateral agreements exist regarding migration, and many of them have existed for decades. Migration is key to economic, social, and cultural wealth. Conversely, migrants, expectedly, or unexpectedly, encounter a risk of labor exploitation during migration.

Therefore, both the positive and negative outcomes of migration should not be overlooked, and, as such, migration-specific issues must be appropriately dealt with, and the implementation of what has already been approved or committed should explicitly be put into action. Acceptable practices and lessons learned from other contexts can also be taken into consideration for potential interventions.

This study, in particular, aimed to explore and address the challenges found regarding labor migration from Cambodia, Lao PDR, and Myanmar, countries which provide the majority of the migrant population in Thailand. In addition, the findings aimed at contributing to the development of migrant-worker related policies and interventions to fulfill migration processes and reduce irregular migration to Thailand.

In principle, under the MOUs, migrant workers must be employed at the workplace where the applicant received the permit to employ the migrant workers.

Under the MOUs for the employment of workers in the Greater Mekong Subregion (GMS), the proper procedures for the employment of workers and for receiving and sending migrant workers are detailed. The findings of the study indicate four main issues in government migration systems.

Firstly, in-depth interviews revealed that many regulations and procedures are, in practice, not provided with translations, and the lengthy approvals processes are challenging to understand. Under the MOUs, the steps require detailed submissions. A lack of knowledge of these procedures can result in a reluctance to engage with legal processes and government authorities, and a belief that the MOU process offers insufficient benefits in comparison to irregular migration. Migrants, therefore, often turn to brokers. Secondly, information obtained through the interviews indicated that formally recruited migrants need to arrange loans to finance their migration. There is a contrast between the costs of formal and informal migration procedures. Payments are required by workers to local, district, and provincial authorities. These amounts include extra costs and are excluded from the fee charged by the recruitment agency. Thirdly, Thailand has yet to anticipate and predict future migration flows and measure the apparent labor shortages in certain sectors and provinces in order to set admissions quotas based upon labor market needs. As a result, recruitment agencies in sending countries find it challenging to provide workers with the right skills needed to access the job opportunities available. Fourthly, regarding migrants' perspectives, migrant workers expressed little preference between formal and informal recruitment. Many migrants decided to migrate to Thailand because of friends and family.

Based on the findings of this paper, the researcher suggests the further development of laws or measures in both the sending country and Thailand specify the costs and duration of the process

of importing labor, and that this knowledge and information should be provided to migrants, prospective migrants, their families, and relevant agencies in both countries. It is essential that all personnel give consistent information to interested persons and improve pre-departure training courses to help migrant workers understand the specifications in the bilateral MOUs with Thailand. The steps in the process need to be convenient for the migrant, with both the sending country and Thailand jointly defining operational guidelines on sending and receiving migrant workers in order to increase the efficiency of the process, streamline procedures, and reduce the number of unnecessary obstacles that hinder labor migration.

Migrants still face a language barrier; thus, authorities need to simplify their language, clarify the process, and reduce the procedures and costs of gaining entry. However, Thailand also has achieved some progress, which has been indicated in the interviews. This includes increased levels of awareness concerning regular labor migration. It is often not cost-effective for migrants to pay for their work permits and other costs compared to what they can expect to earn. If Thailand is to import migrant labor during certain times of the year, there should be conditions in place that facilitate all parties to the process.

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