

Statistics

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Percentage of migrant workers by types of work permit

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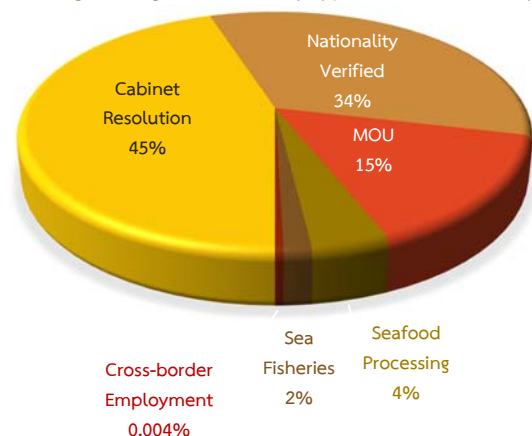
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Statistics of Migrant Workers, February 2017

Category / Country	Myanmar	Cambodia	Laos	Total
Nationality Verified	724,874	95,757	60,618	881,249
MOU	203,182	151,106	45,454	399,742
Cabinet Resolution	723,360	385,829	69,489	1,178,678
Sea Fisheries	21,041	16,946	845	38,832
Sea food Processing	76,081	29,693	3,436	109,210
Cross-border Employment	1,069	10,606	-	11,675
Total	1,749,607	689,937	179,842	2,619,386

Percentage of migrant workers by types of work, February 2017



Statistics of Registered Dependents of Migrant Workers

Category / Country	Myanmar	Cambodia	Laos	Total
Cabinet Resolution	11,157	10,559	1,953	23,669
Sea food Processing	1,888	1,330	161	3,379
Total	13,045	11,889	2,114	27,048

Data from the Foreign Worker Administration Office and the website of Ministry of Labor, retrieved from February 2017

1. Specification on work categories and employment fee exemption for migrant workers who are victims or witnesses in human trafficking cases

On 24 January 2017, the Cabinet approved the proposals made by the Ministry of Labor to specify the categories of work and to exempt employment fee for migrant workers who are victims or witnesses in human trafficking cases. The following are two laws as mentioned:

1. Ministerial announcement on specification of work categories for migrant workers who are victims or witnesses in human trafficking cases B.E. 2551 (2008)

The brief details are as follows:

(1) Specifying the migrant worker involving with this announcement, he or she has to be the person whose work and stay in Thailand as a special case is allowed by the Prime Minister and the Minister of Interior, with the approval of the Cabinet, to be in line with the cabinet resolution dated December 13, 2016. The migrant worker to meet the requirement are as follows:

- 1) The migrant worker who is a victim of human trafficking-related offence.
- 2) The migrant worker who is a witness that has been testified before the trial or pending a prosecution of offender under the anti-trafficking in persons Act B.E 2551 (2008)
- 3) The dependent, a child of the migrant worker under 1) or 2), whose age is not less than 15, but not yet reaching 18.
- 4) The child of the migrant worker under 1) or 2) who is over 18, has proceeded on an application for a work permit, his/her personnel record has been updated within 30 days before the full age of 18, as well as enable to stay in Thailand according to his/her parents' rights.

This cabinet resolution that allows the migrant workers and their children to work and stay in Thailand is the sequel of the cabinet resolution dated 13 December 2016 on permission to human trafficking victims and witnesses 2 years to reside in Thailand and allow to engage in work legally after ending a lawsuit.

Having been approved of the cabinet, this resolution gives a chance to the victims and witnessed of human trafficking cases as well as their dependents aged over 15, being able to legally engage in all kinds of paid work without a work-permit charge.

So, this permission is deemed to be a great chance for migrant workers being a victim or a witness in human trafficking cases to live better, and to enhance them much more motivation in dealing with legal aid processes.

The MWG and civil society, however, dealing with this issue will have to monitor and work together with the Ministry of Social Development and Human Security, requiring effective practices, fast, clear and accessible for migrant workers involving in human trafficking case, including requiring a continuously monitoring system toward their work life after being gained such permission.

(2) Designating the areas of work for the migrant worker involving with this announcement, he/she can involve in all kinds of work as an employment agreement, except for such migrant worker whose age is not less than 15 but not over 18 can work with the employer under the law.

2. Draft ministerial regulation on employment fee exemption for migrant workers who are victims or witnesses in human trafficking cases B.E....

The following are conditions for the migrant worker who is a victim of human trafficking case, and is allowed to work without employment fee:

- 1) The migrant worker who is a victim of human trafficking case under the Anti-trafficking in Persons Act B.E 2551 (2008)
- 2) The migrant worker who is a witness of human trafficking case under the anti-trafficking in persons Act B.E 2551 (2008)
- 3) The dependent, a child of the migrant worker under 1) or 2), whose age is not less than 15, but not yet reaching 18.
- 4) The child of the migrant worker under 1) or 2) who is over 18, has proceeded on an application for a work permit, his/her personnel record has been updated within 30 days before the full age of 18, as well as enable to stay in Thailand according to his/her parents' rights.

(2) Specifying the migrant worker under this regulation able to

engage in all kinds of work as agreed with the employer, except for such migrant worker whose age not less than 15, but not reaching 18, to engage in work under the provisions of the law.



2. Extension of stay and work for migrant workers in the fishery and seafood processing sectors

On 24 January 2017, the Cabinet agreed on the proposal made by the Ministry of Labour concerning the extension of stay and work in Thailand for migrant workers in fishery industry, whose permit will be expired on January 31, 2017, as well as those in seafood processing industry (including dependents with age less than 18 years) whose permit will be expired on February 22, 2017. Permission is made until November 1, 2017. Such extension aims to allow migrant workers to complete a nationality verification process within the given timeframe. Migrant workers have already passed the NV process, and received their passports, travel documents, and a

certificate of identity, would be allowed to live and work in Thailand until November 1, 2017, and could renew a work permit for another time with a maximum of two years. The details of guidelines are as follows:

1. Now that **the Myanmar officials** had informed of changing the date of a nationality verification (NV) operation originally from October 2016 to January 2017, so this caused a delay of 3 months. For **the Cambodian officials**, having begun distributing out passports, travel documents, etc. to Cambodian migrant workers during mid November 2016, the interested minority of Cambodian migrant workers actively went to received their documents, falling short of the plan. In this regard, Ministry of Labour had sent a letter to the Cambodian Embassy in Thailand, informing the situation and requiring a solution to work towards. For **the Laotian officials**, there haven't been any notices to proceed the NV. Problems abovementioned, migrant workers in the sectors of sea fishing and seafood industry the work permit of which were going to run out on 31 January 2017 and 22 February 2017 respectively, of more than 100,000 workers in total, would be unable to be proved their nationality by the deadline. Consequently, Fishing Association and the associations related to marine food industry had requested the extension of the NV process, seeing that present workers are skilled, recruiting new workers could be a waste of time to teach and adapt oneself to a new job.

2. The Policy Management Committee on problems related to migrant workers and labor trafficking held the first meeting of the year on 16 January 2017, presided by Deputy Prime Minister, General Prawit Wongsuwan. The committee approved to extend the work-and-stay permission for migrant workers in the sectors of fishing and seafood processing, to conduct registration at the One Stop Service centers in 22 provinces bordered by the sea. For the migrant workers who have already registered for a nationality verification can apply for a Non-Immigrant L-A visa and request for a new visa stamp at the Immigration Bureau or its provincial offices where migrant workers about to work, and the places designated by the Ministry of Labour. Note that the visa fee is 500 Baht; to remake a visa application should be within 15 days after getting the visa. Conditions for the visa process are as follows:

- 1) *Not permitting migrant workers aged over 55 to engage in work*
- 2) *Dependents whose age over 15 to engage in a legal work of all kinds should ask for a permission, enabling to stay and work in Thailand equal to that of their parents.*
- 3) *Dependents whose age over 18 to engage in a legal work of all kinds should ask for a permission, enabling to stay and work in Thailand for a year, not exceeded that of their parents.*
- 4) *Permitting to change or add types of work, employers, work areas or places after completing a registration process (on 31 March 2017), abided by the regulations of the Ministry of labor.*
- 5) *Assigning the Department of Provincial Administration to update the migrant-worker database as being informed by the Department of Employment. This operation will be taken place on 1 February until 31 March 2017.*



3. Zoning of migrant workers' residences to ensuring orderliness

On 17 January 2017, the Prime Minister have issued the policy on the overall zoning of migrant workers, assigning Ministry of Labour, Ministry of Interior, Ministry of Foreign Affairs and related agencies to regulate migrant worker all over the country. The zoning operation is in line with the Thai government's policy in ensuring orderliness of each province where there are at least 50,000 migrant workers to cover security, economic and social dimensions through conducting zoning for their workplaces and residential areas. Under the Thai government's policy, 12 provinces are to regulate and carry out the zoning for their migrant workers, including Samut Sakhon, Ranong, Pathum Thani, Chon Buri, Samut Prakarn, Surat Thani, Chiang Mai, Nonthaburi, Nakhon Pathom, Rayong, Phuket, Songkhla and Tak.

The said policy had yield to the Problem-Solving Subcommittee on Human Trafficking and Illegal Migrant Workers resolving the extension of migrant worker orderliness onto 11 provinces where there are at least 50,000 migrant workers, those are; Pathum Thani, Chonburi, Samut Prakarn, Surat Thani, Chiangmai, Nonthaburi, Nakhon Pathom, Rayong, Phuket, Songkhla and Tak. The operations is covered residential zoning in communities, systemically data collecting on migrant workers at a provincial level, new registration-ceasing but importing migrant workers through the MOU, and skill-training given to migrant workers, etc. The main objectives of this operation are to provide Burmese,

Cambodian, and Laotian workers a permanent dwelling, accessing to sanitation, being easy for cleanliness and safety provisions, and easy to control diseases such as elephantiasis and tuberculosis, accessing to a family planning system, limiting the number of migrant population not in excess of 2.6 million nationwide. Each provincial governor is required to administer and report progresses to the Ministry of Labor within April 2017.

As to the pilot zoning in Samut Sakhon, at present there are around 280,000 neighboring migrant workers. Baan Eau-Arthorn, a housing project for low income people located at Tha Chin Sub-district, was set to be a residential area for 5,000 migrant workers

living in. 250 vacant rooms will soon be allocated for enterprises to rent for their migrant employees. In addition, conducting improvement to another Bann Eau Arthorn along Klong Siwa canal which have 18 buildings is to serve around 3,000 people; regulating all residential measures relevant to registration, regulation, safety, sanitation, garbage, health care and disease prevention. The Zoning will be furthered to another five communities, those are; Khlong Krunok, Sarn Chao Hun Sew, Wat Noi Nang Hong, Ban Khlong Jek, and Ban Nong Bua.

For Ranong, there are around 67,000 migrant workers; two zoning areas are; 1) Ban Mai community – serving 9,300 migrant people; and 2) Pak Khlong community – serving 5,504 migrant people. Moreover, the project about constructing apartments invested by the private body will be open to let for migrant people.

This government’s zoning policy was preliminarily taken place requiring migrant workers entering to dwell voluntarily, by offering incentives such as healthcare services. Even though this operation is not a mandatory measure, in the long term it may be a tool in forcing migrant people to stay at only the zoning areas. Such view as migrant workers are a problem, based on nation security, is highlighting controllability over migrant workers

within the confines regardless of social and culture factors and other things.

Zoning operation that separates migrant workers from community displays orderliness in an aspect of phenomenon, but it gives an emphasis on a big dissimilarity between migrant people and Thais. In the long run that emphasized dissimilarity would probably become suspicion and abhorrence, which this condition ever appeared in some countries that carried out this kind of zoning operation. Compared by living in community, even if it seems not to be in good order, it enhances a learning process for people to live together in a multi-cultural society, as well as arousing a sense of being a part of Thai society more than that. At the same time conducting zoning in an area far away from the community and/or a workplace, it may cause a travel burden, and also supplementary services may consume a government budget. The migrant worker zoning policy is effective for a short term; if estimating in a long term it would probably be a burden and problems regarding management and more disharmony in society that it would not be propitious to the route of ASEAN development.

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4. Payment old age pensions for insured persons having no Thai Nationality

This ministerial regulation was issued under the Social Security Act, section 77 bis, paragraph 3, revised in B.E. 2558 (2015), concerning old age benefits particularly for migrant workers. It states **“an insured person who has non-Thai nationality, in the case his or her insurance is terminated whether or not he or she has paid contributions for a period of not less than one hundred and eighty months, and intend to not continue to live in Thailand, such person shall be entitled to old-age benefits, in accordance with rule, procedure and conditions prescribed in the Ministerial Regulations”**. Conditions that migrant workers shall receive the old age pensions described as follows;

(1) An insured person who has a nationality of the country having made an agreement on old age benefits with Thailand whether or not a person has reached the age of fifty five is eligible for an old age pension.

(2) An insured person who has right to receive an old age pension under (1) whose insurance is to have to be terminated and he or she is to be about not to live in Thailand.

(3) Payment of the old age pension under (1) is to proceed according to the following rates;

1) In the case the insured person has paid contributions for a period less than twelve months, the payment of old-age benefits shall be given to his or her equally to a full amount of contributions in the part of an insured person paid to the Fund of Child Benefits and Old Age Benefits.

2) In the case the insured person has paid contributions for a period more than twelve months, the payment of old-age benefits shall be given to his or her equally to a full amount of contributions in the part of both the insured person and the employer paid to the Fund of Child Benefits and Old Age Benefits, and additional benefits as prescribed by the Social Security Office.

(4) The insured person is required evidences to show that he or she is about not to stay in Thailand as prescribed in the ministerial regulation.

Such conditions clearly specified that migrant workers who will claim for the old age pensions as their employment are terminated and about to return their home country, in this case the migrant worker the country of which has signed the MOU with Thailand about an agreement on social security of old age pensions. In fact there has not been any countries to sign the MOU.

With the said conditions, it becomes an obstacle to migrant workers that cannot make claims to receive the old age pension as soon as they terminate the job and intent to back home until whose the country of origin is to sign such agreement. It is remarkable whether specifying such condition in the ministerial regulation is in excess of the law, which will diminish the access of benefits of migrant workers.

The things that the MWG ought to take action are to consider and inform migrant workers to make sense of the rights to gain form this ministerial regulation. At the same time, we should compile relevant information and do letter against that condition described in the ministerial regulation to the Social Security Office to amend and to force conducting the MOU between the two countries, to assure that migrant worker will get the old age pension soon.

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1. Progress on delivery of PP/TD and OCWC, and on national verification process of Cambodian Migrants

On 14 February 2017, there were a meeting of Thai – Cambodian Working Group at the Department of Employment, discussing and following up the progress on delivery of passports (PP), travel documents (TD) and Overseas Cambodian Worker Cards (OCWC), and about a nationality verification. With regard to delivery of such documents, there are two operations; 1) for the enterprises of over 80 Cambodian workers, and 2) For the enterprises of under 80 Cambodian workers.

1) For enterprises of over 80 Cambodian workers. Total 173 places. The Cambodian Officer will conduct the NV process on March 1, 2012 upward. Details of conducting are as follows;

- 1.1 to send a purposive letter to employees, enterprises, Department of Employment, and Provincial Employment Offices requesting the number of migrant workers who will take a nationality verification. In the letter would provide the information about procedures and expenditures, in both Thai and Cambodian languages.
- 1.2 to require the employer checking up the listing of current Cambodian workers filling out into a given form, then sending back to the Cambodian officers to acknowledge. In the case that there has been an increase of the number of migrant workers and those who have never been verified their nationality, but have done a registration and holding the pink card; the Cambodian officer will collect such information and then will conduct the NV later on. Initially, it is expected to be conducted within June 2017.
- 1.3 The Cambodian official is to correspond with the employer / enterprise within seven days to inform the date to deliver the PP/TD/OCWC, also such official letter is to be copied to send the provincial office of Employment and the Immigration Bureau.
- 1.4 On the date of delivery, the Cambodian officials are to assign five officers to do so in the area, with showing a personal card and a letter certified by the Cambodian Embassy to the employer. The fee for such documents is 950 Baht. The employer is entitle to sign on the documents. Thereafter the Cambodian side is to send the copy of document as a delivery-evidence to the Department of Employment and the Provincial Employment Office to keep record.
- 1.5 After receiving the personal documents, the migrant worker is required to bring his/her own passport to stamp a visa with 500 Baht for the fee. Two officers of the Immigration Bureau are to deal with the visa at the workplace in the same day with the delivery of the documents. Next step, the migrant worker need to proceed a work permit application with 100 Baht for the fee.

2) For enterprises of less than 80 Cambodian migrant workers. The Cambodian Officer will conduct the NV process on as follows;

- 2.1 Launching the PP/TD/OCWC delivery centers in four different provinces – Bangkok (at the Cambodian Embassy), Pathum Thani (Zeer Rangsit Supermall), Chonburi (Tesco-Lotus) and Samut Prakarn (searching the place). Another two places – in Chachoensao and Rayong, have been setting up. For Song Khla, the setup is pending. The Thai side is to assign the Provincial Employment Office to procure the place for the Cambodian side. All this, the operation will take place in the third week of March 2017.
- 2.2 The delivery centers will open for six days a week (Friday closed). It is estimated that 2,500 of the collection of documents would be distributed. It is expected to be 6 six weeks in operating.
- 2.3 For other provinces, the Cambodian migrant/the employer can proceed by applying via the internet, informing the certain place to keep the PP/TD/OCWC, it can be at the Cambodian Embassy or at six centers said above). Then the Cambodian official is to take further action on delivery. All this, a delivery process will be carried out first place to the province that the center already launched.

Regarding the NV process, the Thai side is to publicize to employees / enterprises. For the NV operation for Cambodian migrant workers and their dependents, the Cambodian Officials will do so thereafter passing the PP/TD/OCWC delivery of one third of the existing collections of documents. It is expected that the operation will be conducted within June 2017, the passport will be given to migrant worker at the same day.



2. Progress on the MOU between Thailand and LAOs on employment cooperation

On 7 February 2017, the Cabinet agreed and approved proposals made by the Ministry of Labour. The details are as follows;

1. Agreed to the Draft Agreement on labor employment between the governments of the Kingdom of Thailand and Lao People's Democratic Republic.
2. Minister of Labor is authorized as signatory of the Agreement on behalf of Thailand.
3. Ministry of Foreign Affairs is to issue Full Powers to Minister of Labor or his representative.
4. Should there be any amendment in wording, if not affecting gist of document or against the benefits of Thailand or against the principle the Cabinet has approved, Ministry

of Labor is authorized to proceed with the amendment, and later notify the Cabinet on the aforementioned amendment.

The Draft Agreement aims to promote cooperation on labor employment between the two countries in a more concrete manner in a bid to respond to the need for labors for social and economic development. Its objective is to ensure legality of labor employment process, protect labor's rights, prevent discrimination, as well as tackle human trafficking and illegal smuggling of labors.

Ministry of Labor concluded that the Agreement would help promote a closer collaboration, enhance efficiency of, and systematize labor employment between the two nations.

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3. Progress on the MOU between governments of the Kingdom of Thailand and Lao People's Democratic Republic on combating human trafficking

On 21 February 2017, The Cabinet approved the following proposals made by Ministry of Social Development and Human Security:

- 1) Approved draft MOU between governments of the Kingdom of Thailand and Lao People's Democratic Republic on combating human trafficking
- 2) Approved for Ministry of Foreign Affairs to issue the Full Powers to Minister of Social Development and Human Security as signatory of the MOU.
- 3) Should there be any amendment in the draft MOU, if not affecting the gist of the document, Ministry of Social Development and Human Security is to proceed without submitting to the cabinet for further consideration.

Gist of the matter This MOU includes cooperation for: a. Prevention efforts, b. Protection for victims and survivors of human trafficking, c. Law enforcement collaboration, d. Repatriation, e. Societal reintegration, f. And Survivor confidentiality.

The purpose of this MOU is to strengthen bilateral cooperation to prevent all forms of human trafficking, especially among women, children, and vulnerable populations at risk of exploitation.

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