

Managing Migration in 2010: Effective Registration or Effective Deportation?

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On 20th January (or in just 8 working days) the end of the “permission to stay and work in Thailand for one year, pending deportation” for 61, 543 Burmese, Cambodian and Laotian migrants who “illegally” entered the country will arrive. As the first migrant work permit renewal deadline of the year it is somewhat different to past deadlines however. For if any of these workers refuse to go through the Royal Thai Government’s (RTG) Nationality Verification (NV) process, policy announcements suggest they will be deported. Whether deportation starts then or on 28th February (the “final” deadline to agree to NV or be deported for the other million or so registered migrants whose work permits expire on that day) remains unclear.

NV is the RTG’s policy to formalise the status of some of the approximately 2 million migrants from Burma, Cambodian and Laos currently working in Thailand. These workers contribute an estimated 5-6% of Thailand’s GDP and make up around 5% of the nation’s workforce. For these workers who work in Thailand’s most dangerous, dirty and demeaning jobs, NV is apparently required because they left their countries without permission and entered Thailand “illegally”. They are currently nationality-less labourers. As around 90% of these workers are from Burma and in the most unenviable position of all, urgent attention must be given to this group.

Migrants from Burma have since 2008 been given a clear choice by the RTG. Whatever their ethnicity or personal histories, they must send their biographical details to the Burmese government and see if it agrees that they are “Burmese.” If “no,” no-one yet knows what would happen to them as the RTG has yet to make any policy announcements on this issue and it is unclear where they could be deported to. But if “yes,” they can request permission from the Ministry of Interior to leave their province of registration and return for NV in Burma (N.b. Cambodian and Laotian workers have the luxury of their officials coming to see them in Thailand, but Burma has for years refused such a sensible step giving the RTG an understandable headache!). If once migrants arrive in Burma they are not arrested (rumours continue to abound they will be) and are “approved” of as being Burmese, they will get a 3-year 100 Baht (3, 000 kyat) “temporary” passport. These “Burmese” nationals then return to Thailand “legally” and receive a 500 baht 2-year visa. Total costs 600 baht.

However, the NV process is not as easy as it seems. It is 13-steps, involving at least 3 Thai ministries, the Burmese embassy in Bangkok and a few more Burmese ministries. Unless you like adventure, employers and migrants are well advised to hire a broker for the journey. According to a Ministry of Labour's (MoL's) statement on 22nd December 2009 in response to a Thai PBS documentary on these brokers, the ever increasing number of broker companies are approved by the Burmese Embassy and have nothing to do with the MoL. This is despite the fact they are all based in and registered in Thailand.

Costs for NV increase from around 600 Baht to 6, 000 Baht with a broker. And that does not include the yearly fees for a work permit (1, 800), health check up (600 baht) and health insurance (1, 300 baht). For migrants who often earn as little as 4 - 5, 000 baht per month, it's a small fortune most would prefer to send to their families in Burma. Most still have not paid off debts for the last work permit renewal. Costs are just one part of the equation however. Security risks associated with the involvement of the Burmese government in NV weigh heavily on migrant's minds, as does the suspected relationship between NV and the 2010 Burmese elections.

However there seems to be more pressing problems. The MoL has yet to announce its policy on renewal of migrant work permits that expire on 20th January or 28th February 2010. The RTG has also yet to officially announce what it will do given that as a result of high costs, lack of transparency, perceived insecurity, multi-layered bureaucracy and a lack of public awareness (by both migrants and employers) associated with NV, in almost one year only around 6, 000 migrants from Burma have completed the process. In addition, NV relates just to the 1 million plus migrants currently "registered." There are at least a million more workers "unregistered."

The Alien Workers Management Committee (AWMC) apparently decided on 21st December 2009 that it would submit the following recommendations to the Cabinet to deal with this unfortunate mess: (1) An extension of NV from Feb 28th 2010 for 2 years to allow all those concerned to get their act together and make NV a success; (2) Only migrants who are currently registered and agree to NV should be allowed to stay in Thailand and renew their work permits during these 2 years. For others, mass deportation presumably starts?

The RTG seems to be making it clear that 28th February 2010 is the end of the era of year on year piecemeal migrant registration in Thailand and the move to NV. Thailand will no longer allow the country to be overrun by "illegal" migrants and all import and export of migrants must now be formalised between governments. MoUs with Cambodia, Laos and Burma must be made to work effectively. All eyes are now on the Cabinet (perhaps during the meeting on 12th January) where the AWMC recommendations shall either be approved, modified or rejected.

HRDF's Migrant Justice Programme (MJP) comes into contact daily with

migrants from Burma whose work permits expire on 20th January. Fear, sleepless nights and stress is building in migrant communities. What if work permits are not renewed, especially for the significant number of migrants who have been working and living in Thailand for more than 10 years now? Migrants are considering if they shall have to go underground within days, or even just give up with a free deportation journey home to Burma to start a new chapter in their confusing lives.

As usual, the policy decision from the Cabinet is keenly awaited by migrant communities from Burma and makes once again for their precarious existence. But this year the executive decision is later than usual in coming. If all this is formalised on 12th January that leaves just 5 working days for over 60, 000 migrants (if they have agreed to NV) to renew their work permits. Migrants, employers and officials feel a last-minute administrative headache coming on again.

But more worryingly, is 20th January also the first round of mass deportations of those migrants who refuse to go through NV, with the second round coming soon after on 28th February? At MJP, we also hear daily what migrants who refuse to go through NV think about returning to life in Burma. Given many refusing to go through NV are from Burma's ethnic minorities, we hear about their past lives in Shan, Karen or Mon States. We also hear what they think about going underground again and the pressures on them as being for years the breadwinner's for their families.

Which leaves us too eagerly awaiting the RTG's policy regarding the potentially mass deportations of such huge numbers of migrants, especially after the recent international attention given to Hmong and Rohingya incidents. We receive some comfort from Thailand's statement in the UN's Human Rights Council on 2nd June 2009 in which it said "Thailand attaches importance to the rights of all migrant workers, and well recognizes their valuable contribution to our labour market." But the recent return home of thousands of Hmong sends a shiver up our spines. We are concerned at this time not only for our friends and our communities, but also for employers and the Thai economy, which continues to be heavily dependent on these workers.

Mass deportation is surely not possible, right? But if mass deportation did go ahead, would the government ensure it was "real" deportation and not the usual arrest and costly release processes we have all seen for years? Would migrants return to Thailand on the same day as they were deported to Burma and things go on as normal?

The migrant worker issue in Thailand will in 2010 take on increased importance. Let's hope that the winners are migrants, their employers and the economy, and the losers irregular migration, bureaucracy, lack of transparency and even violence.

P.S.

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