

Regularization of migrants in Thailand

Overview

- The majority of regular and irregular migrants in Thailand are economic migrants. As of 26 December 2022, there are over 2.9 million legal migrant workers in Thailand, of which 2.7 million are unskilled labour. Irregular migrant workers are either those who overstayed, or entered the country illegally since the beginning.
- There are also a small number of irregular migrants, consisting of those fleeing from conflicts and persecution, and victims of trafficking in person. There are approximately 77,000 Myanmar Displaced Persons (MDPs) in 9 temporary shelters along the border and 5,000 Persons of Concern (POC) of UNHCR, many of which are classified as urban cases.
- Among promising practices regarding Thailand's regularization processes for migrants, 6 achievements stand out, namely, (1) Memorandum of Understanding (MoU) on labour cooperation with neighbouring countries, (2) special extensions of stay for migrants from neighbouring countries during the spread of COVID-19, (3) non-discriminatory access to COVID-19 vaccines and treatment, (4) birth registration and access to education for migrant children, (5) assistance and protection towards migrants who are victims of human trafficking, and (6) National Screening Mechanism (NSM).

1. Memorandum of Understanding (MoU) on labour cooperation with neighbouring countries

- With a view to promoting regular pathways for migrant workers, Thailand has concluded bilateral MoUs on labour cooperation with neighboring countries which are the major sources of migrant workers in our country, namely Myanmar, Cambodia, Laos, and Vietnam (CLMV). As of 26 December 2022, 564,357 migrant workers have been recruited through these MoUs. The largest group is from Myanmar (351,183 people), followed by Cambodia (117,287 people), Laos (95,756 people), and Vietnam (131 people).
- These MoUs guarantee fair and transparent recruitment, facilitate safe travel, and enable enrollment in the Social Security Scheme, which provide benefits and compensations in cases of accident, health and sickness, disability, death, birth and welfare of descendant, retirement, and job loss similar to those accorded to Thai employees. MoU workers can stay in Thailand initially for the period of 2 years, renewable up to 4 year without returning to their countries of origin.
- Upon arrival to Thailand, migrant workers under the MoU will undergo medical check-up and receive an orientation on their rights and duties, introduction to Thai culture and etiquette, and channels to seek assistance should they need, in their native languages at the Centers for Initiation and Termination of Employment in the three border provinces (Tak, Sa Kaeo, and Nong Khai). Upon completion of this process, they will receive non-Thai ID cards, which will facilitate transactions, such as opening of a bank account, and their movement anywhere in Thailand.
- Should the MoU-based workers face any difficulties during their stay in Thailand eg. late or non payment of salary or compensation, or conflicts with their employers, they can seek advice and assistance from 10 Centers for Initiation and Termination of Employment operated by the Ministry of Labour. In 2022, 41,823 migrant workers were assisted.

2. Special extensions of stay for migrants from neighbouring countries during the spread of COVID-19

- Recognising extreme difficulties faced by migrant workers during the COVID-19 pandemic, particularly job loss and expiration of visa/work permit/stay permit/identity or travel document, which inevitably affect their legal status; as well as travel restriction that made them unable to go back to their home countries, the Thai Government has implemented several regularization schemes from 2020-2022.

- The majority of regularization schemes are dedicated to migrant workers from Myanmar, Cambodia, Laos and Viet Nam, whose work permits have already expired or are about to expire during the specific periods, or who do not have any legal document or entered Thailand illegally.¹ These workers are allowed to register with the Ministry of Labour and have their work permits issued or extended for up to 2 years without having to return to their home countries as per normal practice. Once registered, their dependents, including children, are also given Non-Thai ID cards, which will ease their access to several basic services, including health and education.
- One regularization scheme specifically targets fishery workers and allows for 1 year extension of their Seaman Books.²
- So far, 2.15 million migrant workers have been regularized by the above-mentioned regularization schemes.
- The main challenge in the implementation of these schemes lie in the lack of awareness and understanding of migrant workers and their employers about the procedures and requirements and the verification of identity of irregular migrants, especially those without any documentation. The Ministry of Labour has implement awareness raising through various channels and closely cooperate with countries of origin to overcome these challenges.

3. Birth Registration and access to education for migrant children

- Thailand has allowed birth registration for all migrant's children born in Thailand, regardless of their parents' regular or irregular status.
- Children of registered migrant workers (through MoU or regularization schemes) who are not born in Thailand but migrate along with their parents can apply for Non-Thai ID cards.
- With the "Education for All" policy, the Ministry of Education is committed to providing 12 year basic education (from pre-school to grade 9) to all children, regardless of their nationalities or legal status. Both documented and undocumented migrant children can enroll in public or private schools. Undocumented migrant children will be assigned "G code" by schools, which opens doors for opportunities, such as to further develop their legal status and to pursue higher education. The Government provides schools with per head subsidy for these migrant children in the same amount as Thai students' per head subsidy.
- Nonetheless, obstacle to access to education lies in practice, such as language barrier and the fact that migrant parents often move from one job/place to another, sometimes in the middle of academic year, causing interruption to the education of their children.

4. Non-discriminatory access to COVID-19 vaccines and treatment

- Thailand has endeavoured to ensure access to health services for all migrants in line with our commitment to promote Universal Health Coverage for all. The Ministry of Public Health (MOPH) has worked proactively to ensure inclusiveness of health services, including through the introduction of Health Insurance Scheme for documented migrants in informal sectors, the deployment of Migrant Health Volunteers and translators in areas with concentration of migrant workers, and the provision of basic vaccines for documented migrant children.
- Disease prevention and care for migrants has also become an integral part of our public health strategies. During the of COVID-19 pandemic, regular/documented migrants could get free COVID-19 vaccination from all available sources including public health centers and hospitals, while vaccines for irregular migrants, such as Myanmar Displaced Persons

¹ Cabinet Resolutions on 20 August 2019, 4 August 2020, 29 December 2020, 13 July 2021, 28 September 2021, 5 July 2022

² Cabinet Resolution on 29 April 2021

(MDPs), were administered through collaboration between the Thai Red Cross Society, local administrations, local health centers and civil society organizations (CSOs). MOPH also provided extra medical equipment to MDPs' shelters for disease prevention and basic treatment, while local public hospitals treated patient transferred from the shelters at no cost.³

- All migrants who contracted the disease were provided with treatment indiscriminately. Medical expenses of migrants with Social Security or other forms of health insurance are covered by those schemes, while migrants without document or legal status could get free treatment at public hospitals. Migrant Health Volunteers trained by MOPH also assisted migrant workers in communities who tested positive and were subjected to home quarantine.

5. Assistance and protection provided for migrants who are victims of human trafficking

- Thailand has provided assistance and protection to victims of human trafficking irrespective of their nationalities or legal status. In the last 3 years, Thailand provided assistance and protection to 237 migrant victims, accounting to 19.78% of the total number of victims.
- In line with the National Referral Mechanism (NRM) established in April 2022, Thailand has put efforts in ensuring that migrant workers' complaints that are indicative of forced labour are investigated for trafficking crimes. The investigation process includes procedures for labour officials to refer potential cases to Multidisciplinary Teams (MDTs) and law enforcement for victim identification. Victim-centered and trauma-informed care approaches have been applied throughout the process from victim identification to return and reintegration.
- In March 2022, the Anti-Human Trafficking Committee approved Standard Operating Procedures for Labour Trafficking which has been integrated into the NRM and served as a victim identification guideline for labour trafficking.
- Another major component of Thailand's assistance and protection for victims of human trafficking is the non-punishment principle. This principle has been applied to all victims, including migrants who entered Thailand illegally.
- Once migrants are identified as victims of trafficking, they can choose to stay either inside or outside of shelters. The shelters, run by either government or private, offer social welfare services for physical and mental rehabilitation, vocational training, and legal assistance to trafficking victims.
- For those who choose to stay outside of shelters, the Ministry of Social Development and Human Security (MSDHS) will coordinate with the Ministry of Interior to grant a temporary stay permit, which allows migrant victims to travel outside shelter for work or other activities as they wish. They will also be provided with the same protection and assistance, including periodic visits to assist with the reintegration process, consultations and legal advice on court proceedings, applications for financial remedies, financial aid from the Anti-Trafficking in Persons Fund and other forms of support for the victims.
- In addition, to ensure the full protection and prevention of trafficking in persons of migrants, more than 100 foreign language interpreters and coordinators in 3 languages (Myanmar, Cambodian, and Vietnamese) have been hired by the Ministry of Labour to work at various centers such as Fisheries Workers' Rights Violation Prevention Project, Anti-Trafficking in Persons in Migrant Workers Project, and the Migrant Workers Employment Project. This initiative aims to ensure effective communication between Thai government officers and migrants and to respond to migrants' needs.

³ As of 2 February 2023, out of the 77,838 MDPs, 26,640 people have received their first dose of COVID-19 vaccine and 23,977 people have received their second doses. Plus, out of the 7,163 people who tested positive for COVID-19, there were only 43 casualties

6. **National Screening Mechanism (NSM)**

- Pursuant to the pledge made by Gen. Prayuth Chan-o-cha (Ret.), the Prime Minister of Thailand, at the 2016 Leaders' Summit on Refugee, Thailand is in process of establishing the NSM. The Cabinet Resolution on "the screening of foreigners who entered to Kingdom of Thailand and cannot return to their countries of origin" was approved by the Cabinet in December 2019. Since then, line agencies have been making necessary preparations for its implementation. Once screened in, the protected persons will not be sent back to their home countries and will be allowed to access education and health services while they remain in Thailand.
