

Open Letter of Concern for the Safety and Security Of Migrant Workers in Thailand

Urgent

..... February 2010

To: The Honorable Prime Minister Mr. Abhisit Vejjajiva

We, the undersigned, are deeply concerned for the safety of over 2 million migrants from Burma, Cambodia and Laos working in Thailand who may face deportation after 28th February 2010. Over 80% of these migrants originate from Burma and face ethnic and political conflict as well as continuing economic deterioration in their homeland, which is controlled by a military government.

Most migrants from Thailand's neighbouring countries entered Thailand without documentation, but are permitted to work temporarily pending deportation by the Royal Thai Government (RTG). This temporary permission has been extended on a year to year basis in recognition that migrants fill important gaps in the labour force and strengthen the Thai economy.

On 19th January 2010, the Thai Cabinet issued a resolution linking extension of migrant work permits to nationality verification (NV). For over 1.3 million migrants who received permits during 2009 and are willing to submit biographical information to their home governments prior to 28th February 2010, they will receive permission to remain and work in Thailand until 28th February 2012 so NV can be completed. However, migrants who do not enter NV and all undocumented migrants (estimated to be around 1 million persons) shall be deported after 28th February 2010.

We appreciate the importance the Thai government attaches to enacting workable migration policies and we support exploration of ideas such as NV for formalising irregular migration flows between countries. But we also believe migration policies must be carefully planned to ensure protection of migrants' human rights. For this reason, we are deeply concerned the Cabinet's 19th January 2010 resolution responds neither realistically nor appropriately to the situation of migrants in Thailand.

Accordingly, we request your urgent consideration of the following recommendations:

NV Deadlines, Processes and Deportations

- **RTG should extend the 28th February 2010 deadline for migrants to enter NV and immediately cease threats of mass deportation**

Threatening migrants to comply with this imminent deadline or face deportation disregards the challenging situation faced by migrants from Burma. If mass deportation is carried out it will serve only to harm businesses reliant on migrant labour. This deadline neither persuades nor assists migrants or employers to enter NV, nor does it allow sufficient time for awareness raising on NV and its benefits. We have received reports that migrants are confused by and afraid of this deadline, so some are filling in false information on NV forms to ensure they may remain in Thailand, thereby compromising the future success of the process. Other migrants are preparing to go into the underground economy to avoid NV.

- **RTG should regulate services by brokers assisting migrants and employers with NV**

The failure to regulate NV brokers has allowed unscrupulous agents to exploit migrants by charging excessive costs for processing NV applications. Fees charged by these brokers should be capped at significantly lower levels than currently charged, and the RTG should compel agencies processing NV applications to register with the Department of Employment. The RTG should set up mechanisms to receive complaints from migrants in cases of exploitation. Migrants and employers should be able to safely and effectively navigate NV themselves or choose services from an open field of brokers with competitive rates.

- **RTG should continue to negotiate with Burmese authorities to conduct NV in Thailand**

NV should be conducted in Thailand to simplify and speed up the process, as well as to remove unnecessary expenses, increase safety of migrants and encourage other migrants to enter the process.

- **Ministry of Labour (MoL) should work with migrant support organisations to conduct awareness raising on NV**

Raising awareness of migrants and employers on NV and its benefits is urgently needed in all ethnic languages and in Thai. To facilitate this communication with migrants in a format that is easy for them to understand, RTG should seek assistance from experienced migrant support organisations working closely with migrant communities who can provide effective supplemental channels of communication to migrants.

- **RTG should start interactive discussion to find permanent solutions for migrants who cannot enter into or complete NV**

RTG should urgently start inclusive discussions with all stakeholders on the real possibility that there may be significant numbers of migrants who are either unwilling or unable to complete NV. RTG should listen to the needs of all these individuals concerned and reach out to migrant support organisations for advice and assistance. RTG's international humanitarian obligations to those facing extreme situations of political and ethnic conflict should remain a paramount consideration.

Migrant Registration

- **RTG should re-open migrant registration to allow all migrants to enter NV**

At least 1 million migrants are currently excluded from NV because they are unregistered workers or children/dependents of registered migrants. RTG should consider urgently opening up a new migrant registration round to provide these migrants with the right to register and enter the NV process, thereby allowing all migrants in Thailand the opportunity to apply for NV.

Forced Labour

- **Migrants who receive permission to work in Thailand should be able to freely change employers to prevent exploitation and forced labour**

The Cabinet's latest resolution restricts rights of migrants to change employers beyond limited situations including gross exploitation and violence. Some employers will use this policy to impose sub-standard working and living conditions upon migrants, and such practices could result in conditions equivalent to forced labour. Restricting migrants' right to work freely chosen constitutes a violation of the RTG's international human and labour rights obligations.

We believe respect for the fundamental rights of migrant workers must be central to the management of migration in Thailand. Migration policies should also take into careful consideration of the real economic situation and continuing need for migrant labour. We hope that the RTG will provide a speedy and amenable response to the above recommendations, given the urgency of this issue and the impending 28th February 2010 deadline.

Yours respectfully,

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