

MIGRATION ISSUES BETWEEN MYANMAR AND THAILAND SINCE 1988

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Abstract

Cross border migration issue between Myanmar and Thailand has occurred for centuries. Myanmar migrants have crossed the border to work in Thailand and it consists of irregular unskilled workers in various labour intensive industries, agriculture, trading and services. The outflow of Myanmar migrant has rapidly increased after 1988 when the political unrest incident broke in Myanmar. Although Thailand did not set up any policy to manage migrant from its neighbor, in 2012 Thailand had launched a long-term policy in the case of migrants and legalize migrant workers. On the other hand, political and economic reform in Myanmar since 2011 has brought changes to the development of the country. In order to invite experienced, semi- skilled and skilled Myanmar migrants working in Thailand for development in Myanmar, an appealing policy in Myanmar is needed. Under such background, this research will find out how has Myanmar cooperated with Thailand in migration concern and what are the pushing and pulling factors of migration between Myanmar and Thailand.

Keywords: Migration, Migrant workers, Push and pull factors, Cooperation

Introduction

Migration has been one of the globalization issues which has shaped the interdependence among nations. Illegal migration is one of the most complex, sensitive, and intractable issues affecting global and national governance of labor migration. It is a management problem for sending and receiving countries because journeys are often made outside the regulatory framework of both countries, making them difficult to record and monitor. Rapid economic growth in some countries has led to a surge in labour migration, both skilled and unskilled, from neighboring countries. The issue of illegal immigration is of growing importance worldwide. Cross- border migration of people from Myanmar to Thailand has a long history spanning many decades. In the past, ethnic groups who lived along the Thai-Myanmar borders especially the Karen, the Mon and the Shan,

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spontaneously crossed the borders to visit friends, buy goods or seek healthcare services in the area regularly. During the military regime administration in the 1980s, the borders were quiet with no official crossings although the ethnic people commuted unofficially. On the other hand, a significant number of asylum-seekers who were ethnic minorities fighting against the Myanmar government started to enter Thailand to take refuge in that decade. Another wave of migrants arrived in the 1990s for economic reasons. Since 1992, Thailand has started to officially recognize the arrival and the entrance of migrants from Myanmar into Thailand's labor market. Major labour market sectors for Myanmar migrants in Thailand include agriculture, construction, manufacturing and service which absorb large numbers of workers. Recent political and economic reform in Myanmar has brought changes to the development of the country. In order to invite experienced, semi-skilled and skilled Myanmar migrants working in Thailand for development in Myanmar, an appealing policy in Myanmar is needed.

Causes of Migration between Myanmar and Thailand

There are various factors shaping migration flows. It compose of economic disparity, poverty, demographic inequality, labor market fragmentation, political and security issues, national and regional policies, and institutions. Myanmar constitute the largest proportion (about 80%) of migrants in Thailand.(www.wvi.org/myanmar,2) High cross-border migration flows of Myanmar into Thailand are explained by a combination of political, social and economic push-and-pull factors. The main cause of Myanmar migration to Thailand is economic – unemployment is rife in Myanmar and unemployed workers look to neighboring Thailand for better jobs and higher wages. Moreover, political and social conflict in Myanmar and the large number of internally displaced persons (IDPs) and refugees, especially from the ethnic minorities, have also played a significant role in initiating and shaping migration flows into Thailand. (<https://www.migrationpolicy.org>, 3)Thailand's economic growth and labour shortages have been the pull factors and opportunity for workers from neighboring countries. Another prominent pull factor on the Thai side is the steady demand for low skilled labour in the fishing, agriculture,

construction and domestic sectors. All four sectors rely on migrant workers to perform jobs that are difficult to be filled by the Thai workforce. (http://www.rockmekong.org/pubs/year2003/amc_GMS%20p%20021-050 Burma migration, p.5) In Thailand, migrants from Myanmar who are apprehended for illegal entry are generally not prosecuted by the Thai authorities and are usually released from the Thai Immigration Centre if they volunteer to be deported. (Huguet, J.W. 2005, 7) These returns are informal and not government-to-government; the deportees are taken to unofficial border crossings and permitted to walk across the border back to Myanmar.

The outflow of Myanmar migrant rapidly increased after 1988 when the political unrest incident broke in Myanmar, admit the limited economic growth of the country. These cross-border migrants have a variety of motives for moving. Some are Myanmar students and political activists who have fled persecution and imprisonment by SLORC, some are members of ethnic minorities who have escaped the Myanmar military's counterinsurgency operations, many are migrants workers seeking higher-paid jobs than are available in Myanmar and a growing number are women and girls who are the victims of trafficking operations. At the beginning, Thailand did not set any policy to manage migrant from its Thailand. The graduates of Myanmar have to do labour work in Thailand. If not so, their families cannot survive and send the children to school. (www.humanrights.or.jp/.../human-trafficking-in-the-mekong-region-one-res....,2) In some villages, only old people and children remain at home; people from ten years old to sixty work in Thailand as migrant workers.

In June 2016, in official addresses, the NLD leadership has made clear that three key migrant groups require urgent management: the significant population of internally displaced persons (IDPs) stemming from longstanding ethnic conflicts and military prosecution, the vast numbers of workers in Thailand, and the growing population of Myanmar workers in other overseas destinations. (<https://journals.sub.uni-hamburg.de>,.1) It is reforms implemented by the preceding government- the USDP- that established the precursors to an increasingly liberal and internationalized Myanmar labor market.

The Situation of Migration between Myanmar and Thailand

Cross border migration between Myanmar and Thailand has occurred for centuries. Thailand itself hosts up to 1.7 million illegal workers, mainly from Myanmar, according to the International Organization for Migration. (<https://journals.sub.uni-hamburg.de,.1>) *Managing labor migration in ASEAN : Concerns for Women Migrant Workers*.(2013).UN Women Asia Pacific)located in the heart of mainland Southeast Asia, Thailand shares several thousand kilometers of land border with its neighboring countries, notably Myanmar, Laos and Cambodia. Thailand's geographical location as regional transportation hub and relatively advanced economy makes the country a desired destination for migrants from countries in the region.

Each day migrant workers willingly cross the border, both legally and illegally, with the hope of pursuing better lives or even to settle in Thailand. Legal migrant workers are fully protected by Thai laws while illegal ones are vulnerable to becoming victims of human trafficking. In Thailand, the migration situation has become more complex as the country shifted from being a labour supplying country into the position of a both labour sending and receiving country. The largest immigrant groups in Thailand at present stem from Myanmar, Cambodia and Laos PDR respectively. According to the IOM around 80% of Thailand's migrant workers are from Myanmar. (<http://asiapacific.unwomen.org>, 2013, 6) In the context of international labor migration, Thailand has transformed from a net labor emigration to net labor immigration country during the past decade when taking into account undocumented workers from neighboring countries. The positive impacts include the provision of much needed supply of unskilled workers and the contribution of such labor to the country economic growth. On the other hand, the negative impacts include the pressure on wages of Thai workers, and the slowdown of technological intensity as well as labor productivity. (Huguet, 7)Migrant workers are often linked with social problems, human trafficking, and national security.

Thailand is the main destination for Myanmar migrants, whose number has been steadily increasing during the past two decades. The economic disparities between the two countries and their geographical

proximity have been the most influential pull factors for Myanmar migrants to enter Thailand. Myanmar and Thailand share a long, porous border that is difficult for both Governments to control. (Huguet, 7) Myanmar migrants are particularly concentrated in industries located along border areas such as Tak and Ranong provinces of Thailand.

IOM estimates there could be as many as 3 million Myanmar migrants, in 2017, according to the latest census, came from Mon State (427,000), Kayin State (323,000) and Shan State (236,000). The US State Department insisted that migrant workers, particularly from Myanmar, faced significant hardships and physical danger. Myanmar factory workers, both legal and illegal, faced poor wage, safety, and health conditions. Community groups and NGOs alleged instances of physical intimidation and abuse by criminals employed by factory owners, and harassment and robbery by gangs of young men. There were several instances of sexual abuse of the primarily young and female Myanmar migrants employed in textile production. (Amarijit, 1) A further obstacle to regular migration for many Myanmar nationals is limited access to government-issued travel documents. A lack of passports or other travel documents often force prospective migrants to choose irregular channels.

Bilateral Cooperation on Migration between Myanmar and Thailand

The Thai Government's policies changed frequently over the last three decades according to the state of the Thai economy and the relationship of the Thai Government with its Myanmar counterpart. By the early 1990s, undocumented migrant workers become a significant feature of the Thai economy and society. In 1996 the Thai Government made the first attempt to regulate undocumented migrant workers by announcing that they were allowed to work in specified occupations and in certain provinces only. (<https://www.migrationpolicy.org>,2) This policy allowed migrant workers to work in Thailand for up to two years. Since 1998, the policy has been reformulated annually in various forms. Initially, Myanmar emigration was regulated by the colonial era Emigration Act (enacted in 1922), which was superseded by new legislation in 1992. Subsequently, in 1999 the Myanmar Government promulgated a *Law of Overseas Employment to Safeguard Employment Opportunities and Rights*

and Privileges of Myanmar Workers in Foreign Countries. (<https://www.researchgate.net/publication/232882758>, 3) Since Myanmar migrants were vulnerable to trafficking, an *Anti-Trafficking in Persons Law* was also promulgated in August 2005.

Over the past decade, the Thai government has adopted new legislation that directly affects labor migrants. Formal recognition of this labor migration flow occurred in 2003 when Myanmar and Thailand signed a memorandum of understanding (MOU), which is still in effect. The purpose of the MOU is two-fold: to promote formal procedures for employment and protection of Myanmar workers in Thailand, and to prevent irregular migration. But there is significant evidence suggesting that most Myanmar migrants are still entering illegally, calling into question the effectiveness of the MOU. (<https://www.migrationpolicy.org>, 4) However, as a first step in implementing the MoU, the Thai Government required the sending countries formally to verify the nationalities of workers who had registered under the Thai Government's registration scheme. Although the Lao PDR and Cambodia commenced this process, the Myanmar regime did not take any concrete steps to verify the citizenship of Myanmar migrants. In June 2004, the Thai Government and the Myanmar regime signed another MOU concerning Myanmar migrant workers in Thailand. Registration in 2004 took place in two stages: first, registration of migrants for temporary identification cards and registration of employers who declared a potential need for migrant workers; and second, registration of migrant workers and employers for worker permits. (<http://www.irrawaddy.org/article.php?art-id-14713>, 5) Under this MoU, registered migrant workers were legally entitled to the same labour rights as the Thai nationals.

The two countries agreed in June 2006 to work more closely on the verification of the nationality of those Myanmar workers registered in Thailand who do not have identification cards and passports issued by Myanmar. To date, approximately 10,000 forms have been sent by the Government of Thailand to the Government of Myanmar, and 9,000 people have been recognized as Myanmar nationals entitled to Myanmar passports. The MoU also sets out the legal framework for procedures between the two countries for labour recruitment and employment. Under Thai immigration

law the maximum penalty for hiring illegal foreign labour is 10 year, imprisonment and a fine of Bt100,000. In August 2006 the governments of Thailand and Myanmar agreed to speed up the establishment of temporary visa centres to process applications of Myanmar migrant workers on the Thai-Myanmar border. (<http://www.irrawaddy.org.article.php?art.id =6104,7>) These temporary visas were intended to be processed within a day. However, the two countries could not reach an agreement on where the registration centres were to be situated. In November 2008, Myanmar prepared to offer new nationality identification papers to Myanmar migrant workers. The three passport registration offices where migrants could apply for the documents are due to be opened along the Thai-Myanmar border.

The Thai government subsequently adopted two additional methods for legalizing migrant workers. The first was a government program to recruit workers directly from Myanmar. But the details of this process remain unclear, and while the program still exists, it has not been used significantly. The second method for legalizing migrant workers is the nationality verification (NV) process, requiring workers to present identity documents that the Myanmar government issues at eight registration centers throughout the country. Once verified, the worker receives a temporary passport, a certificate of identity, a visa to remain in Thailand for two years, and a change of work status to legal. Migrant workers also obtain other benefits, including social security and work accident compensation. Only adult workers are eligible for regularization, even though the number of dependents of migrants has increased. By December 2012, some 744,000 migrant workers had gone through the NV process. Many activists report that the NV process is flawed and that many unregistered Myanmar workers are actually not eligible for verification. The reasons for not registering are two-fold: first, registering is expensive. Beyond the official associated costs, there have been numerous allegations of corruption, with brokers along the border reportedly charging several times the price for visas. (<https://www.migrationpolicy.org>, 5) A second reason for not registering is that the Myanmar government does not recognize all ethnic groups.

Myanmar State Counselor and Foreign Minister Aung San Su Kyi signed an agreement with Thai Prime Minister General Prayuth Chan-o-cha

in June 2016 during an official three-day visit to make it easier for Myanmar migrants to work legally in Thailand. The MOU that they signed includes provisions to provide proper identity documents for migrant workers and assurances they will be protected from labour abuses. Many migrant workers in Thailand especially those in the country illegally-are at risk of being trafficked as sex workers or for slave-like labour on fishing boats. ([www.rfa.org/english> news](http://www.rfa.org/english/news),.2) Granting the largely undocumented Myanmar workforce in Thailand permanent status has been the subject of negotiations between the two countries.

In July 5, 2017, according to Myanmar government, more than 34,000 migrant workers have returned to Myanmar since the Thai government launched a crackdown on illegal foreign workers. At the ministry's press conference on the issue of Myanmar migrant workers in Thailand in Naypyitaw on Wednesday, the two governments negotiated the issue work permits to undocumented Myanmar workers in Thailand. The Thai government promised not to arrest more illegal Myanmar migrant workers in 2017. (Huguet,2005,25)

And not to detain Myanmar citizens, but hand them over to the Myanmar government. The Myanmar government estimates there are nearly 5 million Myanmar migrants in Thailand with around 2.2 million working legally with the correct documents. The Thai government declared a 180- day delay in enforcing parts of the new labor law aimed at regulating the foreign workforce after criticism that the crackdown had caused economic chaos. State Counselor Daw Aung San Suu Kyi made a special request to the Thai Ambassador to Myanmar and requested him to ask higher-level authorities to consider. Thai authorities relaxed the policy the same day. Since the Thai government's move to arrest foreign workers, Myanmar migrants have been flocking through various border checkpoints along the Thai-Myanmar border. In Karen State, they were welcomed back by government representatives and private businessmen, with the Myanmar Army assisting in transport back to their hometowns. The policy of the president and the State Councilor regarding migrant workers is that the Myanmar government must protect its citizens whether they are working legally or illegally in foreign countries.

(<https://www.migrationpolicy.org>, 9) They have informed the concerned embassies of this policy.

Difficulties and Challenges to tackle Illegal Migration

Migration brings many issues and challenges. Labor importing countries want to maintain their freedom to regulate migration according to policies that are in their national interest, unencumbered by limitations imposed by international agreements. Labor exporting countries, on the other hand, desire more protective measures and benefits for their nationals, which would diminish the benefits that foreign labour brings to destination countries in terms of flexibility in the labour market. Political, social, and cultural differences among member countries present obstacles to consensus on this issue. (http://www.pop.avc.holding.com/ASA/ppt/migration_and_humantrafficking_in_ASEAN.pdf,11) Migration also has security implications, which need to be addressed from a national perspective. On the migration continuum, it also generates the issues of human trafficking, smuggling, forced labor migration, and other social and health issues. According to the International Organization for Migration (IOM), in East and Southeast Asia, irregular migration and human trafficking remain significant challenges, particularly trafficking for sexual exploitation and irregular labor migration movements. (*Migration in an Interconnected World*, 2005, 25) In addition, migration-related public health concerns such as tuberculosis, HIV/AIDS, and malaria need more collaborative efforts and coordination.

Thus, state governments face great challenges as they seek an agreement on concrete measures; they must overcome differences posed by the diverse interests that exist in the region. Various levels of economic and social development, combined with different political systems and ideologies, add further complexity. Irregular migration has been considered a particularly sensitive issue in this region where noninterference is the norm and state governments are careful not to step into each other's domestic issues. Alternatively, numerous bilateral arrangements exist in the region, providing more concrete means to manage migration. One of weaknesses of bilateral agreements, in fact, is their tendency to tilt in favor of the receiving country, which is less interested in protecting migrants.

(<http://www.gcim.org/mm/File/Regional%20study%202.pdf>,12) Bilateral arrangements also face limitations as migration grows more complex and extends to countries further a field. Once large-scale migration flows are established, it can be difficult for governments to alter them, due both to their commercial institutionalization and to informal networks. In countries where significant migration occurs, large numbers of recruitment and placement agencies normally begin to operate. (*Human Development Report, 2006*, 7) Labour sending countries may have several hundred agencies licensed to recruit migrant workers.

Even when regulations are put in place to control those agencies, governments often lack the capacity to effectively monitor or inspect their practices. Established migration streams create informal networks of relatives, friends or acquaintances in both origin and destination countries. These networks can often recruit and find overseas employment for migrants without going through formal channels. Thus, fees and other costs are eliminated or greatly reduced. Because such movements are not recorded as labour migration, they are particularly difficult for governments to regulate. Migration and its management are currently high on the agenda of many governments in the region; in their policy formulation, they must balance business and economic priorities with social and cultural aspects. This presents a challenge because migration flows tend to respond quickly to labour market demand and supply rather than to government policies, which take time to formulate and implement. The policies are often not comprehensive or coherent, and may only partially meet the needs and or development objectives of the country in question. (<http://www.gcim.org/mm/File/Regional%20study%202.pdf> , 22) Moreover, the countries that could benefit the most from migration often do not have the necessary information or capacity to formulate effective policies. The tendency towards restrictive policies has led to an increase in irregular migration. Irregular migration is of concern, both from the perspective of the receiving country and from the individual migrant.

Finding and Conclusion

The vast majority of migrant workers in Thailand are Myanmar who have emigrated on account of economic hardship, political instability. Regarding migration problem, Myanmar and Thailand has not clearly laid down the policies for exchange of skilled labours across the borders, each country has national policy to protect the rights of migrant workers and to prevent the irregular migration. Although the Myanmar regime has signed Memoranda of Understanding (MoUs) with the Thai Government, a lack of will on the part of the Myanmar Government to implement the MoUs has left undocumented Myanmar migrants worse off. In addition, the Thai Government's corrupt and discriminatory law enforcement record and its failure to protect labour rights have led to ongoing violence against migrant workers, as well as to their exploitation and trafficking by unscrupulous recruiters. The Thai Government, and Thai society at large, should acknowledge the positive contribution of migrant workers to the Thai economy and improve their working and living conditions. The Myanmar Government needs to reform its labour migration policies and institute special programmes to assist Myanmar migrants. The biggest challenge to policy makers has been the growth of irregular migration, trafficking and the consequent large populations of irregular migrants. Widening income differentials between Myanmar and Thailand, especially where they are joined by porous common borders, easily lead to large irregular movements. Thailand has long faced the issue of having many hundreds of thousands of foreigners without legal status within the border. They have experimented with various measures to address the problem such as heightened border controls, amnesties and registrations, deportations, allowing temporary admissions under industry quotas, imposing mobility restrictions on certain areas and, recently, through joint management with source country governments. It is clear that migration controls alone are not adequate for dealing with these problems. The reform of labour market policies, the development of strong labour institutions, the involvement of employers' and workers' organizations, and cooperation with source countries are also important elements of an effective approach to the complex issues that arise with migration.

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