



THE EFFECT OF THE ROYAL DECREE ON MANAGING THE WORK  
OF ALIENS B.E. 2560 (2017) ON MYANMAR MIGRANT WORKERS  
IN FACTORIES: CASE STUDY OF FOUR SELECTED  
COMPANIES IN SAMUT SAKHON PROVINCE

BY

MISS SU SANDARR THAN

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR THE DEGREE OF MASTE OF ARTS (ASIA PACIFIC STUDIES)  
THAMMASAT INSTITUTE OF AREA STUDIES  
THAMMASAT UNIVERSITY  
ACADEMIC YEAR 2018  
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was approved as partial fulfillment of the requirements for  
the degree of Master of Arts (Asia Pacific Studies)

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## ABSTRACT

This study assesses the impact of the Royal Decree on Managing the work of Aliens B.E. 2560 (2017) on Myanmar migrant workers (legal and illegal). There are many migrants from Myanmar in Thailand whether it may be through legal or illegal channels. The illegal migrants especially have little choice and have limited hope of being treated fairly according to prevailing labour laws. Despite being deceived and exploited by unscrupulous employment brokers, harsh employers, terrible experience of being under paid or not being paid wages and numerous other labor issues, these migrants have little options but to endure it all. After the above issues were identified, the military junta imposed new law on 23<sup>rd</sup> June 2017 which officially came into force on 1<sup>st</sup> July 2018. As the law was enforced without much notice, both governments agreed to a grace period for the illegal migrants to get legal status. The case study for this research is Samut Sakhon province in Mahachai, Ekachai and Bang Bon district which has a large number of migrant workers from Myanmar. The author conducted the field works from end August 2018 to middle of September 2018 using structured in-depth interviews. During the session, the author

interviewed various stakeholder in order to get a grasp of their views, perceptions and opinion of the issue involved. Based on the initial outcomes of the fieldwork and review of available literature on the subject, there are several interesting takes on the impact of the new law. However on the whole the Royal Decree has had positive effect on migrant workers: it has helped create an efficient process for migrant workers to seek employment legally, solve the uncertainty in making long term plans about employment and help safeguard their rights, created better opportunities and employment conditions. This law is adopted in accordance with ILO convention relating migration of labor and therefore aims to protect migrant workers. SMEs sector is facing a difficult situation due to shortage of labor. After enforcing this law, illegal migrants cannot change their legal status. On the other hand, United States and European Union have upgraded Thailand's levels from what had been previously. Therefore, it is imperative that the law is effectively enforced for all stakeholder concerned.

**Keywords:** Myanmar migrant workers (legal and illegal migrants), Royal Decree on Managing the work of Aliens B.E.2560 (2017), Government, Employer, Broker

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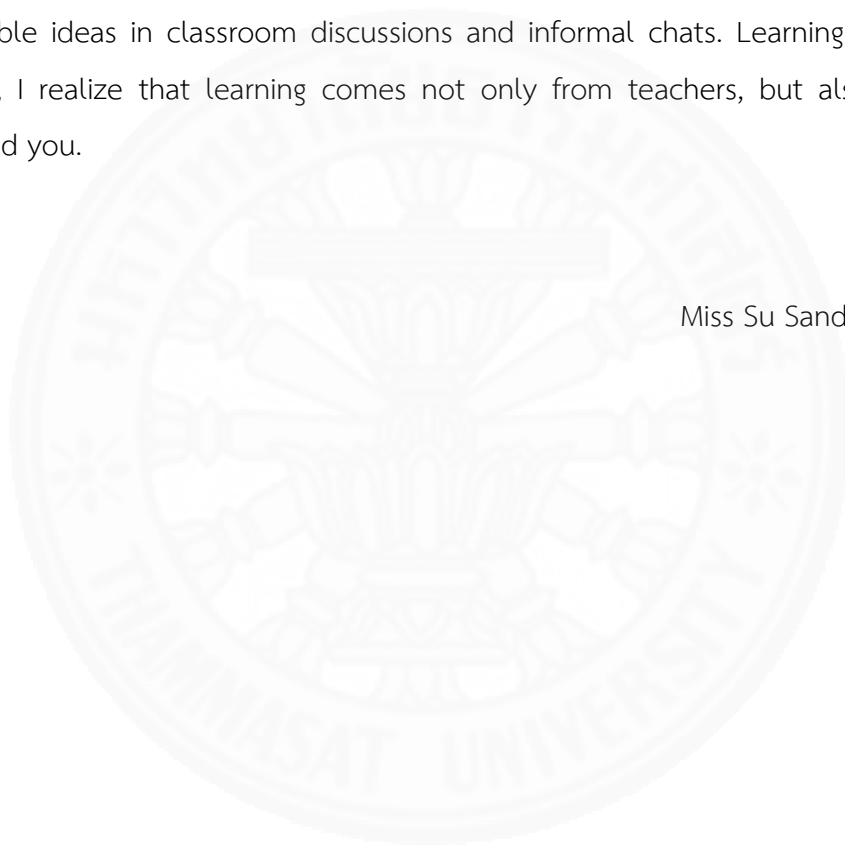
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Miss Su Sandarr Than



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## LIST OF ABBREVIATIONS

Symbols/Abbreviations	Terms
US	United States
EU	European Union
IMF	International Monetary Fund
IOM	International Organization for Migration
ILO	International Labor Organization
GMS	Greater Mekong Sub-region
ADB	Asia Development Bank
AEC	ASEAN Economic Community
ICE	Immigration and Customs Enforcement
NGOs	Non-Governmental Organizations
CSOs	Civil Service Organizations
CBOs	Community Based Organizations
CI	Certificate of Identity
NV	National Verification
SMEs	Small and Medium Enterprises
SEP	Simplified Employee Pension
ATM	Automatic Teller Machine
TIPs	Trafficking in Persons
TTIA	Thailand Tuna Industry Agency
IUU	Illegal, Unregulated and Unreported
MOU	Memorandum of Understanding
MOL	Ministry of Labor
DOE	Department of Employment
ASEAN	Association of Southeast Asia Nations
FS	Fishery Sector
IDP	Internally Displaced Person
ICE	Immigration and Customs Enforcement
MWRN	Migrant Worker Rights Network
SMEs	Small and Medium Enterprises

## CHAPTER 1

### INTRODUCTION

#### 1.1 Background of the Study

At one level, migration is a statement of individual needs and aspirations. At the global level: migration encapsulates profound historical, social, political, and economic consequences. Although it is a phenomenon that is deeply rooted in human culture, it has evolved significantly in reaction to significant changes over time. Migration is primarily a cultural event and a culture shock for the individual and the group. It can be described as consisting of at least one of four distinct phases: honeymoon, negotiation, adjustment and adaptation. The emotions associated with migration are usually complicated since the decision to migrate is challenging one to make, and the outcome usually involves mixed feelings. Migration is customarily conceptualised as a product of the material forces at work in our society (Brettell, 2003).

Large-scale movement of Myanmar migrant workers began in the 1970s following the establishment of a dictatorship in 1962 which resulted in economic decline resulting from the failure of the 'Burmese Way to Socialism' combined with ongoing civil conflict, natural disasters and rural poverty in Myanmar. Higher wages attracted workers to other ASEAN countries, especially Thailand, which is close and has, at least in modern times, one of the more robust economies in Southeast Asia. Most labourer moving to Thailand from Myanmar are unskilled or semi-skilled from minority ethnic groups and rural areas, looking to escape poverty in their regions. According to Asian Development Bank records, weak migration policy in the Greater Mekong Subregion is the single reason greatest reason for people to migrate illegally. The AEC, established by ASEAN in 2015, envisages free flows of skilled labour, capital, technology, and enterprises across the region. However, as yet it has not been completely effective, especially for poorer member states like Myanmar, Cambodia, and Laos. Myanmar unskilled or semi-skilled workers who are working abroad cannot

enjoy the benefits, despite the increased integration of the economies. In Myanmar's case, legal procedures of migration are costly, time-consuming and bureaucratic. Therefore, it appears less challenging and more affordable to migrate illegally, rather than following cumbersome and lengthy official channels. As a result, migrant workers end up with low-skilled jobs in industries such as fishing and seafood processing, construction, garment manufacture and domestic services (Ma, 2008)

Thai, Myanmar and ILO officers estimate that over 2.2 million Myanmar legal migrant workers out of 3.5 of total legal migrants in Thailand now have proper documents. However, the number of illegal Myanmar migrants is not known. Legal migrants are categorised in the ILO Triangle in ASEAN Quarterly Briefing Note in the following table (ILO, 2018).

Table 1.1

*Categories of Myanmar legal migrants*

No.	Types of Migrants	Total Legal Migrants (Cambodia, Myanmar, Laos)	Myanmar Legal Migrants
1.	MOU Migrants	677,583	322,947 (48%)
2.	Migrants Completing Nationality Verification (NV) process	1,344,935	1,098,815 (82%)
3.	Seasonal Workers	9,735	609 (6.3%)
4.	Migrants Registered at One-stop Service Centres	1,187,803	777,217
	<b>Total number of migrants</b>	3,220,055	2,199,588

Source: ILO's Triangle in ASEAN Quarterly Briefing Note



Most migrants from Myanmar in Thailand are undocumented because they cannot afford to enter legally. Despite the hardship, they continue to take their chances in Thailand seeking better support for their dependents back in Myanmar. In the absence of registration documents, their lives in Thailand often become very challenging as they experience exploitation or risk of expulsion by the authorities. There are instances where employers and brokers abuse and ill-treat workers or refuse to pay them for their work. Some are indebted to employers and are forced to continue to work until they pay their debts off. At the same time, their working conditions are poor, and they do not have labour rights. Due to the lack of integration and discrimination, they have not given facilities to gather within their communities. Inevitably, since migrants are unable to gain official documents, they are exploited by dishonest job brokers and employers and become prey to human trafficking, forced labour, violence and sexual exploitation (Hall, 2012).

As a solution, Thailand's military government announced its new policy of dealing with illegal labour in June last year. Although successive Thai governments adopted migration policies for undocumented workers from 1992 onwards, most policies did not work well. Therefore on 23 June 2017, the Thai government published a Royal Decree on Managing the work of Aliens B.E. 2560 (2017) (the new labour law or the Royal Decree). It quickly distorted the labour market and created a labour crisis as many illegal Myanmar workers fled fearing persecution. The government then decided to defer enforcement until June 2018. Initially, the new law increased prison penalties and fines for both employees and employers (Tungsuwan, 2018). However, on 23rd March 2018, the government reduced the imprisonment penalties and fines. This law aspires to prevent and alleviate the problems of human trafficking in Thailand. Therefore, this research seeks to investigate how it will affect Myanmar's migrant workers, especially the illegal ones.

## 1.2 Research Problem

Thailand is the leading destination of migrant workers in the Southeast Asia region, and millions of migrants are working in Thailand. Most migrants from neighbouring countries come as illegal migrant and majority are from Myanmar, Cambodia, and Laos. They are the backbone of Thailand's manual labour force. Thailand is the third largest seafood industry in the world, and these firms entirely depend on foreign migrant workers. However, particularly in this industry, illegal migrant workers are exploited by some unscrupulous brokers and fall victim to human trafficking.

The new law was drafted in direct response to a storm of international criticism focused on poor working conditions of migrant workers. As a result, the government has responded with hasty action and some significant legislative changes (Limited, 2018).

Although this law is meant to protect migrants from human trafficking, it had the potential to adversely impact SMEs and as a result, damage the economy of Thailand. This is because tens of thousands of migrants fled Thailand to their countries of origin voluntarily in fear of the consequences of the new legislation. 80% of the SME workers who fled were from Myanmar. In addition, many migrants continue to face adverse work conditions. Some employers manage to retain their employees and legalise them, but many were dismissed without compensation. Although this new law aims to protect employers and migrant labours, it can still fall prey to influential officials, agents and brokers again (BenarNews, 2017).

## 1.3 Research Question

“How does Thailand's new labour law (the Royal Decree on Managing the Work of Aliens B.E. 2560 (2017) impact Myanmar migrant workers?”

To realistically answer this question, the research will focus on a sample of workers in four factories, Regal Jewelry Manufacture Co., Ltd., Thai Union Group

PCL, Calcomp Precision (Thailand) Co., Ltd., NAGANI CO., LTD., and one NGO, the Migrant Workers Rights Network (MWRN).

#### **Sub-Questions**

- How does this law impact migrant workers in general?
- What will happen to those illegal migrants following the introductions of this new law?
  - Will this law help Thailand curb the numbers of illegal or undocumented migrant workers?

#### **1.4 Hypothesis**

The research hypothesis is that this new labour law may continue to encourage human smuggling even though it does offer a degree of protection. This new law may have an adverse effect for Myanmar migrants, especially illegal ones.

#### **1.5 Research Objective**

The research objective is to find out whether the new law helps Myanmar migrants from becoming victims of unscrupulous and corrupt brokers, officials and agents. In short, this paper attempts to assess the effects of the new Thai labour law on Myanmar migrant workers in Thailand.

## CHAPTER 2

### LITERATURE REVIEW

#### 2.1 Introduction

This chapter will review three topics. It begins with definition of migration and migrants alongside the types of migration. The definitions are followed by the second section which examines issues involving temporary illegal migrant workers. Lastly, the third section presents a case study on the situation of migrants in Thailand which covers seven subsections.

#### 2.2 Definitions and Types

##### 2.2.1 Migration

Migration of human is a phenomenon that has occurred since the time immemorial. Indeed, human migration created the dispersal of humans across the seven continents. Migration happens for many reasons, but most often it is associated with seeking a better life. This notion remains true to this day despite changes in context and factors. Before considering the impact of migration in depth, it is useful to look at some definitions of migration to pave the way for a clearer understanding of the concept itself.

Human migration is a movement (physical or psychological) by humans from one place to another, sometimes over long distances or in large groups. Psychological means relation between mental and emotional of a human being concerning with migration. The movement of populations in modern times has continued as both voluntary migrations within the region, country or continent and involuntary migration due to the slave trade, human trafficking, ethnic cleansing, fear of persecution and other safety concerns. Voluntary migration is when a person migrates by choice to another country seeking better opportunities. An example of this is people working in a country other than their own so they receive better

benefits (wages/ welfare) relative to their home country (Chatty, 2013). On the other hand, involuntary migration is often forced. It refers to the coerced movement of a person or persons away from their home. It includes the slave trade, human trafficking and ethnic cleansing. The practice of slavery has existed since ancient times where humans were traded for profit and often forcibly moved away from their home country. Human trafficking can be understood as the process of illegally transporting a person from one place to another, generally for forced labour or for sexual exploitation but also to profit from those looking to enter a country illegally. Terrorism also can lead to human trafficking. In some instances, migration is forced by terrorists, while some others migrate to escape extreme rules or pressure brought due to religious beliefs; for example, large numbers of people have fled Boko Haram in northern Nigeria (Chatty, 2013). Lastly, migration is sometimes a consequence of ethnic cleansing root - the systematic forced removal of ethnic or racial groups from a territory by a more powerful ethnic group, often with the intent of making it ethnically homogeneous. Different forces may be applied to achieve this such as deportation, intimidation or even mass murder, as in the Holocaust (Safire, 1993).

Another definition of migration focuses more on the socio-economic spectrum. Using the push and pull factor considerations, this definition sheds some light on the reason why people migrate. Push factors are the fewer opportunities and socio-economic conditions in the home country and pull factors relate to the better opportunities elsewhere. These push and pull factors are forces that can induce people to leave their homeland and move to more promising destinations. Push factors are usually the reason why people migrate. This includes economic factors, not having enough job opportunities, poor living conditions, poverty-political factors, violence due to political turmoil or instability, and environmental factors, natural disasters, desertification, famine/drought/ disease and factors such as inadequate facilities or access to free movement (Krishnakumar & Indumathi, 2014).

A third definition is primarily concerned with issues related to migration. When a person crosses a national boundary, it is considered migrating, although it may be temporary. However, long-term migration (migration for good),

can have severe implications since it could happen through human trafficking or terrorism, exploitation, persecution, diseases which are of concern to international security and human rights. For receiving states, this irregular flow of migrants is seen as a threat to national security as well as an economic burden and a health risk. In the cases of diseases, HIV-related conditions are more the most common cases, while others relate to diseases endemic to originating countries. (Gushulak et al., 2004).

Lastly, the final definition classifies migration by type of migration. Here, migration is understood as a process concerned with the movement of human beings from one place to another either temporarily or permanently for various purposes regardless of the legal status and whether or not their movement is voluntary. Temporary migration may be for short term stays on work, student, holiday and other temporary visas; for example, a person working under a work visa abroad who plans to accumulate capital in the host country for investment in the home country after returning home. As the workers are often incompletely informed about the economic variables in the host country, they might prolong the stay unexpectedly if the economic conditions in the host country are unfavourable. Economic conditions may mean that temporary migration turns into permanent migration. Permanent migration may be skilled or educated persons and family stream migration. For example, when someone working abroad in skilled labour is joined by family (Sinha, 2006).

For this research, the appropriate definition will be: “When people cross over their national boundary, it is called migration.” This includes short-term temporary migration for leisure or a temporary visit to long-term migration seeking employment or better opportunities or to escape from war or poverty. For this reason, temporary or long- term migration raises concerns as in the case of Myanmar nationals seeking employment in foreign countries. This kind of migration raises international concerns not only for destination countries but also for the originating country because they may be connected to human trafficking, national security issues, the outbreak of diseases and terrorist attacks. However, temporary and long-term migration remains important due to push factors in the home countries and

pull factors in the destination country. Push factors mean fewer socio-economic opportunities and pull factors may include better socio-economic and political freedom opportunities than in the originating country. Frequently, the impetus for migration comes from a complex of factors; for example, economic factors, such as the absence of opportunities combined with sluggish economic growth, political factors such as violence due to political turmoil (Krishnakumar & Indumathi, 2014).

### **2.2.2 Definition of Migrant**

The International Organisation for Migration (IOM) defines a migrant as one who leaves the home country legally or illegally as a result of the country's political or other situation. The IOM looks at four factors when considering an individual status: (1) personal status in the home country, (2) whether migrants are leaving the home country voluntarily or involuntarily, (3) the main reason to become a migrant and (4) the duration of stay extension. The IOM functions largely within the bounds of migrant law and the rules of the relevant countries or states (IOM, n.d.).

According to the 1951 United Nations' convention, rules and regulations for migrants as refugees or asylum seekers entitled to aspire for a better life in their future. The terms of the legal or illegal migrants as refugee and asylum seekers are defined and referenced by international standards in all signatory countries.

According to the asylum seeker determination process, migrants are entitled to access affordable and adequate health services. In some member states, even migrants with legal status face restricted access to health care despite prolonging their stay permission visa or stay extension through relevant residence. Poor health and serious diseases frequently threaten the welfare of migrants causing them to have to rely on the healthcare system of the residence country. The wide variety of definitions by collecting data processing of health information systems in the Region. This variation and its consequences create an obstacle to achieving universal health care, are belong to the countries of migration. Intersectoral collaboration is needed to be done to ensure coherence among definitions ("What is a migrant? How definitions affect access to health care," 2017).

### 2.2.3 Types of Migration

Types of migration may be divided into two types: internal and international. Internal migration involves the movement of people within the country; for example, rural people move to urban centres from their original places. International migration means movement people from one country to another to have better opportunities than their original one — Myanmar migrants working in Thailand (Migration - Types of Migration, n.d.).

As for international migration, there are five categories: emigration, immigration, refugee or asylum seeker, internally displaced person (IDP) and migration stream. All of these migrations arise from the primary sources of push and pull factors. This thesis focuses only on emigration and immigration. Emigration is the movement of people who leave their country of origin to destination countries. It happened primarily due to push factors. Emigration usually takes place in developing and underdeveloped countries, especially in countries where there is political instability. People emigrate motivated by economic factors, want to flee from political turmoil or natural disasters and want to get a better quality of lives for their families. There are two types of emigration: illegal and legal emigration. Due to the nature of emigration, this kind of migration cannot escape from exploitation such as human trafficking (Myers, 2017).

On the other hand, immigration is the movement of people who are induced by pull factors; for example, better opportunities than a place of origin in destination countries. They are not natives or where they do not possess citizenship in order to settle or reside there, especially as permanent residents or naturalised citizens, or to take up employment as a migrant worker or temporary as a foreign worker (Myers, 2017). Pull factors are the main reason in immigration. They are the causes which can create positive effects on migrants. It is the conditions in a country which incentives migrants and attracts them to that place. Immigration takes place predominantly in developed countries and developing economy (destination/host country). The following table explains the Push and Pull factors in a simple form.



Table 2.1

*Push and Pull factors in migration*

<b>Types</b>	<b>Pull Factors</b>	<b>Push Factors</b>
Economic factor	Better job opportunities, higher wages, Robust economy, better quality of life	Economic declining, can't get job opportunities, lower wages, hazardous work
Political factor	Political stability, democracy, freedoms	Political turmoil, civil war, persectution
Social factor	Better living standards, plenty of food, available services, lots of a medical doctors	Poverty, hunger, food shortage, racial discrimination,
Environmental factors	Favorable weather conditions	Natural disasters, drought, Flooding, Land sliding

Source: Author's Analysis

Economic, political, social and environmental factors are all push and pull factors. The economic factor is searching or looking forward to finding a better job to have a sustainable life for the future life, with background education, career and the professional profile of life experiences. Political factors are the matter of country's unstable situation or political affairs, which focus on moving or leaving from the home country to develop better future life and also for their next generation. The Social factor is looking forward to having a better society with a family, relatives, and friends. The Environmental factor is focusing on protection and conservation our nature on earth from the natural disasters (BBC, 2018).

In discussing migration, the issue of illegal migration becomes the main focus. Illegal immigration has to understand their entry as an illegal migrant and intention to remain in the destination country where across the border are following by according to the illegal migrant law and process from the relevant country that they across the border. In some cases or issues with illegal is that it makes it has for the destination to keep track of related criminal activities related to illegal migration (Law Teacher, 2013).

Push and pull factors are the primary sources for illegal migration. Illegal migration exploitation has become rampant. Illegal migration opens up the door to human trafficking and slavery. In this reason, much emphasis will be placed on this issue as it will shed some light to Thai government efforts to curb illegal migration of how this affects the livelihood of Myanmar migrants commonly as a whole.

### **2.3 Issues Involving Temporary Illegal Migrant Workers**

In this section, the research investigates issues involving temporary illegal migrant workers from the perspective of the state and the victim themselves. In term of state, it will look at the problems caused by these migrants in the host country and how the originated country handles the one that already deported back. As for the victim, it tries to shed some light on the difficulty living as illegal migrants and what their lives look like after being deported. The literature tries to create an understanding of issues related to temporary illegal migrant workers as a whole.

#### **2.3.1 Problems in the Host Country**

For the host country, illegal migrants usually constitute the problems with immigration. If one stays in the country legally, as for constitute in the 1951 United Nation Law, they are allowed to stay and work on the specified time and profession. However, legally entering a country requires a lot of bureaucratic processes not to mention quite an amount of money to enter, stay and work legally in the host country. Most of the migrant workers come from a poor background with little to no education. Therefore, it is easier for them to become the prey for greedy industrialist, brokers, agency and smugglers. Apart from that, the migrants themselves brave their way by entering the host country illegally and try not to be caught by the authorities. Due to their illegal status, they often fall short of having access to any kinds of welfare and benefits such as medical care or insurance. Some may enter legally and chose to overstay. There are three types of illegal migrations which generally faced by the host countries. They are the people who enter to the destination country without complete documents and work permit, the person who

faked their own identity and third legally stay and work in the host country for a specified time but choose to stay longer.

In term of social problems, due to the nature of their entry to the country, these migrants preferred to stay with their fellow countrymen. They avoid too much interaction with the local to avoid any suspicion. This isolation makes it harder for the state to track them. Some even cheated by their brokers, end up having a difficult life abroad. They often found to have limited social activities, working in dirty and dangerous work and live in a squatter with minimum facilities. Due to such difficulty, it forces these migrants for other alternatives to make a living such as committing a crime or involving in some illegal activities such as drugs and prostitution. This criminality will present a considerable amount of a headache for the authorities as it is hard to detect such activities when the people who conduct them is not known. In the US, migrants often associated with violent crime such as murder, gang activities and theft. Often the case, it involved another kind of crime such as drug overdose, abuse and many more. Therefore, US Immigration and Customs Enforcement (ICE) was set up to enforce the law and deported migrants who have a potential threat to the society.

In some cases, migrants cannot communicate well with the locals. When this happened, it hampers their capacity to learn and grow as well as integrated into the larger society. The language barrier has become one of the critical issues the host countries try to address, by making it a requirement for incoming migrants to learn the native language before entering the country. For example, New Zealand realised that the Asian migrant workers have the difficulty to adapt due to insufficient proficiency to communicate in English. Due to such problem, they do not receive equal opportunities like the locals despite their favourable performance.

The Asia Pacific has significant flows of irregular migrants who are move for work opportunities. Large-scale labour mobility is related to smuggling, trafficking in persons and other transnational crimes. The Asia Pacific has become one of the hubs for cross-boundary human trafficking, not to mention cross-border crime such as smuggling of illegal items and commodity such as rare animals, elephant tusk

and drugs. These are just some of the reason why illegal migrants have become a serious issue for many host countries (Bedford et al., 1997).

### **2.3.2 Problems in the Origin Country**

After being deported, the origin country has to arrange and responsible for the cost of sending back their people to the country. In order to discourage illegal migration, some state enacts harsh punishments to returnees. These penalties include jail terms or hefty fines that will set an example for the people. However, these measures punish the wrong parties, as brokers and illegal hiring agency should be crack down and punish as well. In some countries, the locals develop a norm to banish the returnees, which seen as bringing a great embarrassment to the country and a traitor. Others opted to help their people than punish them, hoping for them to stand up and make a living in the country so that they do not see the needs to find a job elsewhere. An example of this is the latino descendant 'dreamers' in the US. After taking office, Donald Trump makes it his priority to send migrant, illegal or legal, temporary or naturalised citizen; to be deported to Mexico (Brgida, 2017). It is reported that it has been hard for them to start a new life in Mexico.

However, the Mexican government is helping to support them regarding employment, healthcare, and education. So far 80% of the returnees are trying to get a job as an English teacher through a Simplified Employee Pension (SEP). However, they still have some difficulty meeting requirements, especially to adapt to the Mexican environment and culture as they had been spending almost all of their lives in the US (Brigida, 2017).

Another good example is the Armenian returnees from Russia, the US, and France, after the genocide in 1915 and Soviet annexation in 1918. After long decades of living abroad, the second and third generation of Armenians living abroad starts to return to their ancestor's homeland. What they found is an entirely different world, from language barrier to different environment and standard of living. The government has been working with the United Nations to streamline and reintegrate the Armenians returnees. Incentives such as economic aid, social network, and support, psychological support have been extended with the hope it will work.

Despite all these efforts, Armenians returnees end up either forcing their way to integrate or return to the host country and forget about returning to their homeland (Johansson, 2008).

### **2.3.3 Life for Illegal Migrants**

People who cannot afford to immigrate legally and sometimes they fall victim to agents or brokers who wish to make a fast buck and mislead them into believing that all they need to do is enter to a foreign country and the rest will work out fine. Those who were illegally staying in the host country at the point of their return have embedded better on a psycho-social level as compared to those who were still in the asylum. Although they also often left because of the lack of opportunities there was a small, but significant, degree of voluntariness in their decision to return, which made them more psychologically prepared. This preparedness has a positive impact on their ability to re-embed socially and psycho-socially upon return.

For those who migrated with a temporary intention, their goal was often to earn money, send remittances and to return after some years when their economic situation has stabilised. There are various migration histories of returnees where they stayed. For example, returnees who received healthcare abroad often value their migration experiences positively. Their illegal living was more economically and socially active during their migration time in this country, and they got a benefit time when they were living. Agents take much money from people into travelling to foreign countries with their powerful inducements which are the only incentive. The author has seen and heard about the illegal migrants who are trapped as illegal immigrants and regret what they have got themselves into.

Illegal migrants, who find themselves as slaves in a foreign country, work for their beloved ones in their original country which is thousands of miles far away from their destination country. Some may wish to leave and get a legalized status but they worry about facing the law. Actually illegal migrants are being exploited by the unscrupulous agents and brokers. There appears to be no ending problem around the world. In the Indian illegal migrant's issues, Indian people are paying a lot of lakh rupees for being smuggled abroad. Even though they paid a lot

of money to the brokers or agents, most of their life get as illegal workers in the respective foreign countries.

Since they have been arriving as illegal status workers, they have to face the worst situations which they never expected them before. The problems associated with the life of illegal migrants are: fear of being arrested, inferior wages and the threat of deportation, low social status as they cannot show proper documentation, illegal migrants' children cannot attend school, illegal migrants have poor jobs, no medical coverage and are afraid to go to the authorities even though they are victims of injustice. Illegal migrants who are caught and deported also risk a ban from never being allowed entry into the country in future, illegal migrants cannot go back to their own countries as they do not have documentation to get back, many Indian people wanted to go back to the original countries even though they are professionals who have lived abroad for several years ("Illegal immigrants-Living in Fear," n.d.).

#### **2.3.4 Capture and Deportation of Illegal Migrants**

In the case of Mexican illegal migrants, the deportation is like a death sentence because most of them settled down in the US over one decade or more so they face under difficulties when they go back to their original country. They do not live with their own tradition in their country for many years that's why they have to try to adopt and practice their own customs, situation and current affairs. After setting down they have to find their jobs for their livelihood.

In many cases of Mexican illegal migrants, they flee from their own country to avoid from the gang which threatened their life and their family life also. That's why most people don't want to go back their original destination. Some deportees were prime targets for crime and some were killed by the gang (Stillman, 2018).

In the case of Armenia, many returnees face tough to adjust and to deal with Armenians. The estimated amount of 22% are not comfortable in its own country and face it challenging to re-embed on a psycho-social level. Due to lacking Armenia's economically and socially. They miss their higher living standard and culture in the European Countries. Most returnees feel socially isolated due to unemployment. They spend most time at home and cannot afford to participate in

any activities. The loss of employment has reduced their social life and the isolation and passivity they are forced into affect their psycho-social well-being negatively (Johansson, 2008).

## 2.4 Case Study

### 2.4.1 Myanmar Migrant Workers in Thailand

Thailand is a magnet for migrant workers of three types: business-owners and investors, tourists and irregular migrant workers, and service and regular migrant workers. Among them, this thesis focuses on Myanmar migrant workers, especially illegal ones. An estimated 2.2 million Myanmar migrants in Thailand have got the proper documentation, and thousands of migrants are in the process of regularising their status according to statistics from Thai and Myanmar sources. According to the International Labor Organization (ILO), there are approximately 3.5 million legally, documented migrants from Myanmar, Cambodia and Laos PDR in Thailand (approximately 95% of total migrants), of which nearly 92% (over 2.2 million) are from Myanmar (ILO, 2018). These range from unskilled and less-skilled or semi-skilled.

Pull factors are the main reason for workers to seek work in Thailand. Most labourers from Myanmar are unskilled, from ethnic groups or come from rural areas to escape from poverty by getting higher wages than they would at home. As most are unskilled, they are accepted in the agriculture, construction, fisheries and domestic work. A few low-skilled migrants do manage to get a better job, usually working in manufacturing garments and plastics, or flower cutting in agriculture, fishery-related work and services, as well positions requiring Thai language ability. Skilled-workers, who come in are limited numbers, tend to work in white collar jobs (Chantavanich, 2012). When having a conversation with the Myanmar Labour Attaché in Bangkok, it was explained that since the adoption of the new Royal Decree, Myanmar illegal migrants have been transferred to the Myanmar Embassy in Thailand for repatriation by Thailand police when caught.

Most Myanmar migrants in Thailand are undocumented labourers, so they face severe problems in their jobs while they are working in this country. There is no specific protection scheme to prevent wage exploitation, adverse job demands or the denial of labour rights and medical care and lack of integration in host societies. Sometimes they are brought from one place to another, and the employer, agent or broker keep official documents. Eventually, some become victims of human trafficking, forced labour, violence, sexual exploitation and expulsion by the authorities. Despite their hardship, they continue to take their chance in Thailand, seeking a better life for their dependants in Myanmar (Hall, 2012).

Migrant workers in Thailand are exploited through human trafficking and smuggling. They are locked up in factory compounds or in fishing boats where they have to work without getting paid. They are not allowed to go outside the factory compound. They are also watched by Thai guards, who have guns.

Remittances of migrants can contribute to the origin country's revenues when sent officially. They also contribute to the destination country's revenue through work permit fees, taxation and other contributions. Myanmar is one of the countries that depends most on remittances from migrants to promoting employment and reducing poverty. Although the government has adopted various policies and procedures to protect the migrant rights in the receiving country, great threats and problems remain. In the improvement of Myanmar economic sector, remittance plays an essential role to support the country. In 2004 Myanmar received US\$ 81.3 million from formal remittances from migrants according to a report by the 2008 International Monetary Fund (IMF). Before this, there was no formal migrant remittance policies and procedures, so informal remittance dominated within the country. Registered migrants with a short temporary work permits and illegal migrants cannot open bank accounts to send via official channels because they do not have the proper documents, even though the government has introduced formal banking channels. Due to efforts of the government and the private sectors, banks have facilitated informal remittance channels by transferring from Thai ATMs to the informal operators, and then they make payments to the recipients from the branches of Myanmar banks (Htay, 2016).



The country of origin becomes more developed where there is migration due to remittances, which are often the primary source of household income. Because of remittances, migrant families' living standards, education standards of their children, and economic status have improved (Koc & Onan, 2004). Also, when migrants return home, they have a chance to implement their own small business with experiences, skills, technology or remittances which have come from destination countries (Piracha & Vadean, 2013).

There is a mechanism according to which those who do not have money can still go across the border and get a job. In this situation, brokers pay in advance for these people and get these expenses plus bonus back from those in Thailand who employ them. The employers do not pay daily wages until brokers are reimbursed. Although these cases are voluntary migration cases, brokers are not registered overseas employment agents. These cases are considered human smuggling and human trafficking cases as employers exploit migrants in various ways. Human smuggling, which based on movement, means voluntary migration and it is willingly to pay fees for being carried across the territory. Human trafficking means involuntary migration which based on exploitation of people for using various ways. Both of them are against the laws which they are committed concerning with the reasons.

#### **2.4.2 New Labor Law 2017 AD/2560 B.E.**

After taking power in May 2014, Thailand's military government announced its new policy for dealing with illegal labour. Thailand had adopted migration policies for illegal workers over the last two decades. The policies can be described as a series of three steps: from 1992 to 2000, from 2001 to 2006 and from 2009 to 2011. However, the policies did not work effectively. In 2011, a new registration system for "temporary stay" was introduced for all migrant workers. By utilising migrant workers are a main driving force for economic development, Thai opened registration fully in all occupations and seventy-six provinces without imposing any quotas during the time of Thai former PM Thaksin Shinawatra. This "wide-open" approach led to increased numbers of illegal and underground migrant workers as well as the government failure to control the flow of migrant workers.

To remedy this, a Royal Decree on Managing the Work of Foreigners B.E. 2560 (2017) came into effect on 23 June 2017. Although Thailand's new labour law was adopted on 23 June 2017, the government deferred the enforcement of this law until 31st June 2018 (as a grace period) to allow migrants time to prepare their official documents in their home country to fully protect their labour status before the law became fully operational on 1st July 2018 and return to work legally in Thailand after following the process. Section 44, the so called 'Dictator Law' was used to defer the adoption of new penalties for employment of illegal migrants until the end of June 2018. This law gives high imprisonment penalties and fines to migrants who do not have official documents.

The new law consists of eight chapters: General Provisions, Foreign Working Management Policy Commission, Bringing Foreigners and Working with Employers in the Country, Foreigners' Work, Foreigners' Working Management Fund, Administrative Measures, Competent Officials and Penalties. The main objective of the implementation of this new law is to raise the standards of recruitment and management of labour and to prevent and avoid accusations (by the international community) of abuse or even the human trafficking in Thailand. This is an important international problem, so the law imposed stiff penalties for employers or foreigner labourers who do not abide by the law. Also, the human trafficking issue can threaten national security. As a consequence, illegal, unreported and unregulated industries, like fishing, could damage the country's reputation and national economy.

The law emphasises recent issues of migrant workers working in Thailand and human trafficking issues. This law address two problems, first, foreign employees working in Thailand and second, hiring and bringing in migrant workers to work in Thailand. In this law, it is obvious to see the increase of imprisonment penalties and fines to face difficulty for both employer and migrant workers recently (Tungsuwan, 2018).

#### **2.4.3 Comparison of the Penalties under the Old and New Labour Laws**

The new law was issued in the form of a Royal Decree instead of an Act which had been used previously. The New labour law is tighter than the old one because it increases prison penalties and fines. This new law mainly handles

issues in two main pieces of legislation: the Royal Decree on Bringing Aliens to Work in Thailand B.E. 2559 (2016) and the Alien's Work Act B.E.2551(2008) for foreign employees working in Thailand. It still upholds the main requirements and principles of previous legislation and has been adopted up to date with current situation issues to respond in the country. The old law emphasised rules and regulations for the employees, but it lacked emphasis on the employers responsibilities. So that the new law is more equal for both employer and employee. For foreign employees working in Thailand, there are a lot of stiff imprisonment penalties and fines, which are applied in the new law. The significant differences between the old and new law's penalties and fines are summarised as follows (Tungsuwan, 2017):

Table 2.2

*Comparison of the penalties of old and new labor laws*

Title	Old Alien's Work Act B.E.2551(2008)	New Royal Decree on Managing the work of Alien B.E.2560 (2017)
Employing a foreigner without a work permit	A fine from THB 10,000 to 100,000 per foreigner	A fine from THB 400,000 to 800,000 per foreigner <b>(Now - THB 10,000-100,000 (Royal Ordinance on 23 March 2018))</b>
Employing a foreigner to work differently than the conditions specified in a work permit	A maximum fine of THB 10,000	A maximum fine of THB 400,000 per foreigner
Working differently than the conditions specified in a work permit	A maximum fine of THB 20,000	A maximum fine of THB 100,000 per foreigner

Table 2.2

*Comparison of the penalties of old and new labor laws (cont.)*

Title	Old Alien's Work Act B.E.2551(2008)	New Royal Decree on Managing the work of Alien B.E.2560 (2017)
Working on an urgent and necessary basis without notifying officials	A maximum fine of THB 20,000	A fine for THB 20,000 to Bhat 100,000
Confiscating a work permit or identification document of a foreigner	Nothing	A maximum of six months imprisonment and/or a maximum fine of THB 100,000
Alien's working without a work permit	Five years imprisonment and fine of THB 2,000 - 100,000 or both	According to Royal Decree, five years imprisonment and fine of THB 20,000 - 100,000, Second adoption (Royal Ordinance) on 23 March 2018, THB 5,000 - 50,000 without imprisonment ( <b>Now send back and prohibit to work in Thailand in two years</b> )

Source: Baker McKenzie's Journal and The Diplomat Magazine

In hiring and bringing in Aliens to work in Thailand, the New law largely implements the inclusion of old one. As a core, only Thai employer or a licensed operator can bring and hire a specified number of migrant workers to work in Thailand and after that, they have to submit the work permits of migrant workers to the authorities for working. The New law imposes eligibility of an employer and lacks for handling a firm of recruiting Aliens in it. It also specifies the requirements to

protect human trafficking. (For instance, the employer needs to send Aliens back to their native state upon employment cessation with the employer's own money and necessity an employer to provide a security money for any debts owed or damages caused to migrant workers (Anna, 2016) (Morch, 2018).

In new labor law, the employer's fine is two times higher than an employee when employing employee has no work permit and higher than employing legal one comparing with an official minimum wage. According to "Minimum Wage Rate (No.8)" Notice 2017, the minimum wage is 300 THB per day varies from province to province. Since 1st April 2018, it has been increased nationwide. The highest rate is 330 THB and the lowest one is 308 THB. There are (7) wage rates: 308, 310, 315, 318, 320, 325, and 330 Baht respectively vary by province. The average minimum wage is 315.97 Baht. For instance, Bangkok and Samut Sakhon where the cost of living are not higher than Phuket, Chon Buri, and Rayong so their minimum daily wages are 325 Baht (New minimum wage ranges between B308 and B330, 2018).

#### **2.4.4 Damage to the Thai Economy**

Thailand's economy mostly relies on SMEs. In order to run the SMEs, lower migrant and cheaper labours play an essential role. Thai's SMEs only need unskilled labour from neighbouring countries. Most Thailand locals do not work in this field. They work in the Middle East and Eastern countries because they get higher wages than this Thai SMEs. According to this new law, thousands of migrant workers flee from Thailand because of higher penalties and fines. As a result, Thai's SMEs can face a labour shortage and cannot run smoothly. Thai's economy can face an adverse situation shortly. According to the Thailand Tuna Industry Agency, there are more than 2 million migrant labourers in Thailand, and most of them have not yet got legal documents and are likely against the law. In the construction site, it also relies on 80-90% low skilled labours from neighbouring countries so it may delay for lack of labour and the costs will be higher. Mr Chanintr, president of the TTIA, said that Thai government investigates some recovery measures to trim the adverse effects on the real sector: business, the private sector, which still needs the migrants especially the SMEs (FERNQUEST, 2017).

In Cambodia, over (40) border points into Thai were shut down to prevent Cambodians entering and being punished. On the Myanmar and Thailand border, two police stations were closed after accusations of Thailand police of taking bribes from migrants. There is news which is spreading of paying some money to Thai officer at a checkpoint in Muang District, Tak province. A Thai Third Army officer, Interior Deputy Undersecretary and national police chief have been handling this claims with the in-depth investigation strictly and have ordered police not to take charge from illegal migrants and employers or risk stiff penalties. At the same time, there are jobs in private sectors, but Thais will not do so if labour shortage. So a business cannot move forward said Tanit Sorat, Vice Chairman of Employer's Confederation of Thailand. President of Chiang Mai Tourism Business Association worried that this law appeared damages for SMEs and tourism (Kowitwanij, 2017).

In reality, Thailand put this law in place shortly after the United States, the Department of State kept the nation in the Tier 2 group of countries on its Trafficking in the person watch list. Tier 2 countries are judged to have governments that do not fully meet the requirements of a U.S. law on human trafficking. Due to the threat of European Union in 2015, both public and private sectors carried out joint efforts to combat human trafficking a bid to protect the successful fishing firm from losing profit. Such efforts have to save Thailand being upgraded from a tier 2 watch list to tier 2 in US State Department's Trafficking in Persons (TIPs) 2018 report. Mr Chanintr, president of Thailand Tuna Industry Association, said that upgrading TIPs is a blessing for Thailand's seafood firm, which is one of the leading global seafood exporters, precisely in canned tuna and shrimp (Janthong, 2018).

Although Thai Union, which is the biggest canned tuna company, Charoen Pokphand Foods, which is agribusiness giant, and others are not much use, small firms like construction, fishing, agriculture, domestic work, and factory sites are more effective. The giant firms use legal migrants. According to the recent news, there is 80 percent of workers left from construction sites in Bangkok, and 30,000 boats dock at fishing sites.

#### 2.4.5 Myanmar Migrant Status after Adoption the New Law

After the adoption of this new law, tens of thousand of migrant workers, including Myanmar, fled from Thailand to avoid stiff penalties and high fines. According to the International Organisation for Migration, there are more than three millions migrant workers. Among them, Myanmar, Cambodia, and Laos are significant numbers. Migrants from Myanmar are the most affected. Since 29 June 2017, more than 16,000 migrants, which consist of both legal and illegal migrants have left for Myanmar day by day. Thai government trucks have been carrying migrants to Myawaddy, Myanmar border and opposite the Thai town of Mae Sot where they are picked up by Myanmar Labor Ministry authorities. (Kowitzwanij, 2017).

In migrant workers networks, the news is spreading that Government authorities unofficially inspired migrants and employers to pay to the agency. It is easier and takes shorter time due to the money.

Concerned with the loss of the jobs of Myanmar migrants, Aung San Suu Kyi, State Counsellor, said that she would negotiate with the Thai government to help and solve the dilemma appearing from Thai Royal Decree. According to negotiate with Myanmar and Thai authorities, they set up a joint working committee to solve migrant problems. Thailand has asked Myanmar to be quickly verifying the identities of workers, issue a certificate of identity and the equivalent of passports for them so that they can work legally in Thailand (Nadi, 2017).

After the adoption of this new law, Myanmar migrants now need a certificate of identity for applying Thailand two years to work permit and visa before 31st March 2018. So Myanmar Embassy issues Certificate of Identity (CI) to Myanmar migrants who hold temporary work permit or temporary passports as well as to undocumented workers who hold recommendation letters from the Thai Department of Employment. After that Thai concerns are investigating, issuing the visa and work permit as needed after getting CI (Myanmar Embassy warns migrant workers to register for certificates of identity before the year-end deadline,2017). As migrants, who hold CI, need to apply for Myanmar ordinary passport during the life of CI.

According to Thai advice, the national verification centres are built in border regions to issue CI for migrants who go back to Thailand. So nine CIs issuing stations have been opening in Thailand since 1st September 2017. They are Mahachai 1 and 2 near Bangkok, Samut Prakan, Ranau, Songkhla, Chiang Mai, Maesai, Mae Sot and Nakhon Sawan. However, migrants cannot come in time because it takes money, travel and time consuming from work. Some are in other places and far from CIs issuing stations so they cannot reach in time. Even though they arrived there, they could be late for making various reasons: applying for a travel permit and taking time from their places or they must wait another day if it exceeds the day of a limited amount. Some migrants cannot wait, so they go back home and apply for another travel permit from the Labor Ministry in Myanmar (Nadi, 2017).

It is estimated that there are 4 million migrant workers in Thailand and between 1 and 2 million are undocumented workers. It may be one thing that the registration process is bulky, costly and beset by bribery. Most often, they are hired by employers with lower wages than official minimum wages and fewer safeties (Nadi, 2017).

#### **2.4.6 Positive Effects of the New Labor Law**

Recently, the Thai government allowed migrants to work in 10 to 12 occupations out of 39 occupations which were reserved for Thai local only in the earlier because of a labour shortage in some labour-intensive works for neglecting of Thai nationals. These areas are construction, animal husbandry, farming, fishery and garments, jewellery and shoemaking, dressmaking and pottery which are not allowed to show Thai's identity, culture or arts. However, a migrant is only allowed when hired under MOU contracts and not allowed to run separately. According to the ASEAN agreement of free labour migration, Thai government could allow foreigners to work in which on conditions if they need to hire in civil engineering, architecture and accountancy places, except work requiring specialised knowledge. Although Thai New Labor law restricts on migrants, employers could not find Thai workers to work in these fields. Others are still locked for migrants. They are woodcarving, driving vehicles, front -shop sales, cutting or polishing precious or semiprecious stones, tour guides, hawking of goods and Thai massage therapy (Charoensuthipan, 2018a, 2018b).



### 2.4.7 Terms and Conditions of Various Types of Cards and Passports Before and After the Introduction of the New Law

The terms and conditions of registration, temporary stay and work permit (pink), temporary passport (red) and (purple), certificate of identity (CI) (green) and ordinary passport (red) are expressed as followings:

Table 2.3

#### *Variety of Cards and Passports' Effects*

Types of Passports and Their Terms and Conditions Before the Law	Types of Passports and Their Terms and Conditions After the Law
<p><b>Registration, temporary stay &amp; work permit (Pink):</b></p> <p>Registration, temporary stay and work permit was issued due to government justification for national security, labor shortage and the actual demand for cheap labor as a labor supply to regulate and control irregular migrant workers while legalizing the use of them from 1992 to the before enforcing the law off and on issued based on the country's requirement and situations. Despite making the series of registration programmes throughout the years with upgrading their rights little by little upon the country's needs, its aim was only one thing that it was temporarily permit the legalization of irregular migrant workers employment for as long as migrant workers were required by employers. If migrant workers are no longer required, they (as well as their families) would be deported eventually.</p> <p><b>Terms and Conditions:</b></p> <ul style="list-style-type: none"> <li>- One year validity in the first registration (two years and one year validity appeared off and on according to the registration conditions)</li> </ul>	<p><b>Certificate of Identity(CI)(Green):</b></p> <p>CI was issued by Myanmar in the agreement of Myanmar and Thai governments before enforcing the law (within the grace period ).</p> <p>Terms and Conditions:</p> <ul style="list-style-type: none"> <li>- Certificate of Identity replace the aim of recent temporary work permit as an admission to live in Thailand.</li> <li>- Four years validity includes two years extension</li> <li>- Thailand's two years visa and two years work permit can be applied and health care insurance can be taken out with this CI</li> <li>- Certificate of Identity holder who don't have a Burmese ID card and household registration document at hand.</li> <li>- Certificate of Identity holder can travel freely</li> </ul>

Table 2.3

*Variety of Cards and Passports' Effects (cont.)*

<b>Types of Passports and Their Terms and Conditions Before the Law</b>	<b>Types of Passports and Their Terms and Conditions After the Law</b>
<ul style="list-style-type: none"> <li>- It does not grant regularized working status</li> <li>- It is intended to allow short -term stays and work permit in Thailand for people who entered the country for undocumented</li> <li>- The migrant who holder this card can be deported at any time and is valuable to arrest or extortion by police</li> <li>- Its holder is not eligible for benefits like social security, leave, workers' compensation or a driver's license in the first registration programme.</li> <li>- Its holder does not have the same right as the Thai national or becomes a Thai national.</li> <li>- It has restricted/limited areas. (Migrant could not work outside the designated area in which it was issued in that place)</li> <li>- It did not include visa showing that they can repatriate migrants anytime.</li> </ul> <p>(Traitongyoo, 2008; AUNG, 2016; OO, 2015)</p>	<ul style="list-style-type: none"> <li>- During Certificate of Identity valid time (within two years), the migrant who holder CI can apply Myanmar Ordinary Passport.</li> <li>- According to Thai policy, all migrants must be MOU's migrants in 2020.</li> </ul> <p>("Myanmar and Thailand implement CI "Certificate of Identity"; another attempt to identify Burmese migrants", n.d.)</p>
<p>Temporary Passport (Red):</p> <p><b>It had been issued by Myanmar in the agreement of Myanmar and Thai governments since 15 July 2009.</b></p> <p><b>Terms and Conditions:</b></p> <ul style="list-style-type: none"> <li>- It allows six years valid with four-year visa (two years National Verification visa and extension two years) and two years work permit for Myanmar migrant workers</li> <li>- There is no limited boundaries (It includes a few pages)</li> </ul>	<p>Myanmar Ordinary Passport (Red color):</p> <p><b>It has been issued by Myanmar government.</b></p> <p><b>Terms and Conditions::</b></p> <ul style="list-style-type: none"> <li>- It allows migrants to work not only in Thailand but also in other countries</li> <li>- Migrant who hold temporary work permit and household registration can apply directly to Ordinary Passport</li> </ul>

Table 2.3

*Variety of Cards and Passports' Effects (cont.)*

Types of Passports and Their Terms and Conditions Before the Law	Types of Passports and Their Terms and Conditions After the Law
<ul style="list-style-type: none"> <li>- They can come back their country at anytime</li> </ul> ("Myanmar Migrant Workers in Thailand Face Visa Extension and Passport Issuance Chaos and Extortion," n.d.)	
<p><b>Temporary Passport (Purple):</b> It had been issued by Myanmar in the agreement of Myanmar and Thai governments (2011-2017 before enforcing the law).</p> <p><b>Terms and Conditions:</b></p> <ul style="list-style-type: none"> <li>- Temporary Passport (purple) has the same rights like Temporary Passport (Red)</li> <li>- It is the same validity like Temporary Passport (Red). (more pages than the red one)</li> </ul> ("Myanmar and Thailand implement CI "Certificate of Identity"; another attempt to identify Burmese migrants", n.d.)	

Source: University of Leeds School of Politics and International Studies (POLIS), Myanmar Times, Myanmar Business Today, Foundation for Education and Development, Human Rights in ASEAN Online Platform (Informal talked from Myanmar Labor Attaché and Chairman from Migrant Worker Rights Network)

**Note:** Even though Myanmar Temporary Passport had been issued by Myanmar government since 2009, Thai government had issued Pink Card (Registration, Temporary Stay and Temporary Work Permit) off and on for Myanmar migrant workers on conditions of their country's requirement to know the amount of migrants because Myanmar migrants entered into Thailand continuously. But after enforcing this law, Pink Card role had totally stopped till now because of issuing Pink Card means employing illegal migrants who are given a job by legalizing the use of them so it is not conformity with ILO's Convention.

Table 2.4

Forms and Colors of Cards and Passports

<p>Registration, Temporary Stay and Work Permit (Pink)</p> 	<p>Myanmar Temporary Passport (Red)</p> 	<p>Myanmar Temporary Passport (Purple)</p> 
<p>Certificate of Identity, CI (Green)</p> 	<p>Myanmar Ordinary Passport (Red)</p> 	

Source: ISSAN Lawyers, Myanmar Passport Images Stock and Myanmar government issued various passports for migrant

## 2.5 Conclusion

To sum up, labour migration is an issue not only affecting destination and origin countries; migration has become globalised. To improve development, it is necessary to introduce improvements in both developing and underdeveloped countries. Therefore, migration is also a development issue. Several factors influence migration levels. However, push and pull factors are the primary factors, especially, lack of socio-economic status and political freedom.

According to this study, human history has also become a history of migration. Migration is a strong impetus for human development. These days, migration is often seen as a problem or threat, but it is also a natural social phenomenon. Each person's reasons are always different, but they are usually based on a balance of either push and pull factors. Currently, there are approximately 216 million people are leaving away from their originating country according to the world record. This number is equal to about 3% of the world population. Most migrations occur between developed countries and developing countries. Migration contributes to cultural diversity in destination countries. However, as migrants seek economic and social opportunities and political freedom, some may become illegal migrants. In reality, there are several reasons why migrants pursue illegal routes: the legal means are expensive, low education background, and the prospect of higher wages, better employment opportunities, living standards and better medical care. In this research, Myanmar migrants, who hold purple, red (or) pink card, have a chance to get Certificate of Identity (CI) or Ordinary Passport and to get more job occupations than earlier time after enforcing this law.

Migration also has positive and negative aspects. Concerning this study, the author will show positive impacts on the socio-economic development of the originating country — migrants around the world transfer remittances of 300 billion US\$ to their home countries each year. By legally sending remittances to their home countries, their dependants get support and the destination countries benefit from taxation. Even if illegal remittances are sent, families become richer than non migrants' families, so their social and economic status improves more than non migrants. Originating countries can get mostly positive effects from migrants by

utilisation of useful skills from the education and technology of destination countries when these are repatriated to their home countries.

Therefore, the social and economic impacts of irregular migration are nearly the same effect on the family who still live in the original country. In economic impacts, they intend to go back when they have enough money to make welfare business in their home country. It is directly related to social impacts. When they can make their welfare business, their social status will be promoted and can be changed in their social community. By their uplifting of social status, education standard of their offspring can be developed. Moreover, then they can fill their basic needs, pay off their debts and donate in the religious affairs. The primary source behind the problem is transferring remittance. Depending on the remittance amount, welfare status can be changed. Many scholars approved that remittance enhances the improvement of assets, housing, consuming, making small businesses and even medical health care in their local community. Gradually, migration becomes not only dependant on economic status but also dependant on social status for improving to move from one place to another.

The researcher contends that legal and illegal migrations stem from the same intention: getting a better future life. Both legal and illegal migrants depend on their educational background and social status. In the case of Myanmar migrants in Thailand, most are from rural areas, border areas (ethnic groups) and of lower education achievement. As a result, they tend to end up working in 4D jobs: dirty, dangerous, difficult and devalued jobs without getting social and medical status. In addition, many Myanmar illegal migrants fall prey to human trafficking by brokers and employers. If they have a good qualification or skills and come from a wealthy family, they can be legal migrants and get an attractive job with 'white colour' status. If not, they may fall into an illegal trap. Although legal migrants status is higher than in the home country, illegal migrants status are treated like criminals with the restriction of all social, economic and medical status. Despite this, thousands enter Thailand every day even though they know these risks.

Recently, Myanmar has begun transferring to a democratic system but has not fully completed yet. Currently, it is moving towards a more dynamic political system, but it is still lagging economically. Therefore, it has fewer job opportunities

than Thailand. However, it is trying to create job opportunities for unskilled labour, though limited progress has been made. In Myanmar, it is possible to gain a good job and salary only when one has a higher qualification. Those who are not well-qualified are denied opportunities. In this situation, unskilled labourers face difficulty in finding work. Their minimum wages are nearly three times lower than those of Thailand. However, in Thailand, there are many job opportunities for unskilled labourers because it is a labour intensive country and a robust economy. There are several reasons why people become illegal migrants-they cannot afford to pay the cost of the legal process and are attracted by persuasive but corrupt brokers. To protect migrants, it is especially important to develop and implement effective migration policies in both original and destination countries. Such policies should provide legal regulation as well as to protect the rights of illegal migrants in the destination country.

The Thai Royal Decree on Managing the work of Aliens B.E 2560 (2017) offers significant protection to migrants, especially in preventing human trafficking. It has strict penalties and high fines for both employers and employees. It promised a complete overhaul of conditions for migrants in the destination country. However, in reality, the new law has created considerable challenges for both migrants and Thai SME. Additionally, in order to overcome these difficulties, the Thai government has interpreted the law loosely and introduced loopholes to facilitate businesses, such as allowing migrants in to some positions that were supposed to be restricted to Thai nationals under the original draft of the law. The new law has a long way to go before migrants, especially illegal ones, will be free from exploitation by employers and brokers, not subject to police searches and get medical care entitlements. Progress has been made, and many of the problems and adverse situations that have arisen may be seen as teething problems during the transition period. The author hopes that the law will offer a brighter future to migrants, especially illegal ones. In conclusion, destination country immigration policy plays an essential role in ensuring the protection of migrant workers as demonstrated by impact of the recent change in the law on migrant workers from Myanmar in Thailand.

## CHAPTER 3

### RESEARCH METHODOLOGY AND RESEARCH DESIGN

#### 3.1 Introduction

In this thesis, to attain the relevant data, the primary research method was fieldwork. Archival research was the secondary research method. These approaches were complemented by documentary and literature analysis. The research questions will be answered by presenting a qualitative approach applied during the research.

First, the author considered her positioning as a researcher, with particular attention to the issue of power in the research process. It is important to get effective results from the sources which are chosen correctly by the researcher. In this chapter for primary research, it includes three ways: site selection, sampling method and recruitment of the participants which validate to get good outcomes for this research. Next, the data collection process will be described, followed by a brief summary of the approach to the data analysis.

As mentioned in Chapter One, the main research question will be: “How does Thailand’s Royal Decree on Managing the Work of Aliens B.E.2560 (2017) impact Myanmar migrant workers?”.

To realistically answer this question, the research will focus on a sample of works in four factories, Regal Jewelry Manufacture Co., Ltd., Thai Union Group PCL, Calcomp Precision (Thailand) Co., Ltd. and NAGANI CO., LTD.,.

In addition to interviews with the personnel of the companies listed above, efforts were made to include as many stakeholders as available, comprising officers from the Myanmar Labour Attaché office, officer from the Thai Ministry of Labour, one Chairman from Migrant Workers Rights Network (MWRN) and the National Project Coordinator from the International Labour Organization (ILO). It was assumed that the various stakeholders would have different conceptions and understandings of the situation in accordance with their own field. Without first surveying the



perceptions of these various stakeholders, and then performing a detailed analysis of these views, it would be almost impossible for any authority concerned to adopt more realistic policies to create available, manageable and safe migration processes. Therefore, the research performed represents an important step in the evaluation process of the new labour law and its impact.

There are three sub-questions which support the main question by using qualitative approach method with systematic structure in-depth interview in which interviewing twenty one participants as a primary research. Documentary analysis, archival research and literature analysis will be used as a secondary research which can get important sources. Using the above mentioned methods, this research can gain valuable outcomes to fulfil its questions.

After collection of data, data management analysis will be performed. As the research seeks to evaluate the effect of the new Thai labour law on Myanmar workers, so a qualitative case study approach has been selected for this study. The roll out of the new law can be thought of as a type of experiment, and the research seeks to explore the impact and effect of the new laws on one group. This research design applies a combination of exploratory and descriptive approaches. It is grounded in the context to collect data, analysis, interviews and present the findings. In doing so, it will require both primary and secondary research methods in an attempt to answer the proposed question.

### **3.1.1 Primary Research**

In this research, a qualitative approach with systematic structured in-depth interview will cover both the administrative structure and the practical processes that were used by various stakeholders in connection to the new law and its application.

#### **3.1.1.1 Qualitative Approach**

A qualitative approach offers an effective way to explore and analyze the data collected for this study. First, qualitative methods are flexible enough to consider data from different dimensions and emphasizes that a number of aspects or perspectives need to be taken into account. The researcher chose this

approach because it takes into account the setting chosen for the site, the population and the phenomenon. Its main advantages and disadvantages depend upon the decisions that will lead all the necessary processes in the following steps of the research. According to (Marshall & Rossman, 2006), this method, exploratory, descriptive and context-centred, is the core activity if the researcher wishes to understand the participants' perspectives in-depth, in a social and economic setting.

### **3.1.2 Secondary Research (Documentary Analysis, Archival Research and Literature Analysis)**

This secondary research includes documentary analysis, archival research and literature analysis. A variety of sources was consulted in order to obtain tangible results for this research.

#### **3.1.2.1 Documentary Analysis**

This method employs the collection and analysis of primary research data from interviewees through an in-depth interview with a structured interview. By using this method, it is hoped to gather the most recent practices and effects of the new Thai labour law and its impact on Myanmar migrants, especially illegal ones. Many companies and NGOs offer employment to Myanmar migrants.

#### **3.1.2.2 Archival Research**

This research also takes a historical perspective and the researcher wants to gain insights into management decisions outside the memories of those who were interviewed. Archival research is an important tool in research disciplines. The archival research is the part of qualitative research and can give evidence and sources which are involved by identifying and consulting as a secondary sources.

#### **3.1.2.3 Literature Analysis**

This part is one of the core parts of my research. Initially, this research will form the basis of my conceptual framework on which the researcher will structure the study. It will also serve to further inform and contextualise the findings.

### 3.2 Theoretical Framework

According to Meyers (2000), immigration policy is a core part in decision making to shape immigration: people who want to go the developed countries for economic or political issues and get firmly restricted liberty. It regulates the scope of global migration which includes irregular migration. Every government decide on the people who enter and it means the policies of the potential receiver which limits whether the movement can take place and what kinds of immigrants.

In accordance with the theory of political science of the Marxist approach appropriately forecasts the short-term correlation between the economic chain and migration rules and regulations. Actually, it enacts policies concerning with legal and illegal migrants which conclude complex procedures approaching migration policies on migrant workers.

According to the international relation of neoliberal theories, supranational organizations and international regimes promote and understand the migration policies with the EU. Eventually, most scholars summarize that supranational organizations and international regimes have had little effect on the migration policies of individual countries (Meyers, 2000). In the case for the adoption of this new labour law, it is really dominant of US and EU.

Realism is composed of four key assumptions. Among them, national security is the most important in the international arena. It emphasizes current struggles within the countries. According to this, security and strategic issues are cited as high politics, whereas economic and social issues are viewed as less important or low politics Meyers (2000). While some followers of the realist approach, they agree the core of economy in international relations and concept this effect as working in the field of political conflicts between states and non-states actors (Gilpin, 1986: 308, as cited in Knud Erik Jorgensen, 2018). In accordance with realist approaches, this new labour law prevents to combat the human trafficking which can threaten national security.

Liberalism accepts that groups are core creators in international relations and socio-economic issues are also crucial like military ones (Meyers, 2000). But

some approve the norm of liberalism, for instance economic, interdependence and republican liberalism have had a few impacts on migration policy (see Meyers, 2001 a) and neoliberalism and globalization theory also. In accordance with the liberalism ways, the effect of non-state actors and state actors are an important role in this new labour law issue. Due to the threat of the United State's Trafficking in Person Report and European Union's yellow card sanction, this new labour law is adopted.

In accordance with the above-mentioned theories, Royal Decree on the Managing the work of Aliens B.E. 2560 (2017) came into force for migrants as well as employers also for the protection of human trafficking, human smuggling and getting the role of migrant right. When this new labour law is analysed for conformity with the theories of political science and international relation, migration policies mostly depend on state and non-state actors' response.

### **3.3 Scope of Study**

#### **3.3.1 Site Selection**

In accordance with the qualitative approach, it is needed to choose a representative population or place in order to get more outcomes and data resources of the research topic which has the potential not to be accurate to the rest of the people or place (Sandelowski, 1995, as cited in Ko Ko Si Thu, 2016). In choosing site selection, stratified sampling method was used to get critical study place. In Myanmar migrants case, Samut Sakhon province in Mahachai, Ekachai and Bang Bon districts are suitable for this study because many Myanmar migrants are working there as a Myanmar society. Along this way, choosing this region can get specific solution upon this research questions. This survey kept within limits (3) years and above working experiences in Thailand.

Concerning with interview questions, this interview made two categories: Characteristics and After Adoption of the Royal Decree on Managing the work of Foreigner B.E. 2560 (2017) for officers, ILO, NGO, employers (or) supervisors and employees (migrant labours). And then author could divide these categories for employees as follows: Characteristics, Reasons and Duration, Welfare, Compensation

and After adoption of the Royal Decree on Managing the worker of Foreigner B.E. 2560 (2017).

This research chose to hold interviews with many stakeholders like officers from Myanmar and Thai Labor Ministries, National Project Coordinator from ILO, Chairman from one NGO, supervisors, managers (or) employers from four factories and employees.

### **3.3.2 Sampling method and Recruitment of the Participants**

In this research, this thesis used official way as sending official letters from the author's University to the research target places. The researcher requested to make an interview with one employer (or) supervisor and his three employees from one company each. The researcher interviewed with four companies. And then the researcher applied interview with one officer from Myanmar Labor Attaché's office, an officer from the Ministry of Thai Labor, National Country Coordinator from ILO and one Chairman from NGO. Some are used with snowball sampling technique like telephone conversation because it is also an effective way when the author wants to know more concerning with this issue. Before holding interviews, the author prepared documents for this survey such as Information letters from my program of our Thammasat University, Participants' list (Appendix A), Interview Guide (Appendix B), Interview Questionnaires (Appendix C). After this author collected their answers as Interview Transcription from Interviewees (Appendix D) and attached the analysing views as a Table for Analysing from Various Stakeholders View (Appendix E). And then researcher compiled the above mentioned data.

When interviewing employers (or) supervisors from the factory side according to my fieldwork, researcher make relevant questions asking the core sense of my objective and norm for recruiting employees who have minimum three years of working experiences in Thailand. (Sandelowski, 1995, as cited in Ko Ko Si Thu, 2016) shows that it is needed to classify what types of widening and lessen while exploring the thoroughgoing method. I classified major portion for the recruitments of the employer (or) supervisor, employees or migrant workers, officers from both

Myanmar and Thailand Labor Ministries, officers from ILO and chairman from NGO. The classification for the respective participant recruitments are as follows:

Employer (or) Supervisor/ Officers / Secretary General

1. Characteristics
2. After the adoption of new labour law

Employees (or) migrant workers

1. Characteristics
2. Reasons and Duration
3. Welfare
4. Compensation
5. After the adoption of new labour law

According to the above mentioned categories, author could collect (17) participants from four factories, a chairman from NGO, an officer from Myanmar Labor Attache's office, one officer from ILO and an officer from Thai Labor Ministry which author chose for my thesis in Samut Sakhon province in Machai, Ekachai, Bangbon districts and Bangkok.

### 3.4 Data Collection

While I make a case study, the collection of the data formed from after adoption of this new labour law on 23 June 2017 till now, considering that this law affects Myanmar migrants. In doing so, (Yin, 2003) advises that six important causes are mainly practiced for collection data even though bountiful causes. They are documentation, archival records, interview, direct observation, participant observation and physical artefacts. In qualitative approaches, interviews are the main source to get collection data. In using a variety of data collection methods, three principles are used multiple sources of evidence, create a case study database and maintain a chain of evidence. They are vital for the researcher to upgrade the level of research. This course handled structured interviews as a primary data collection and documentary analysis, archival research and literature analysis as a secondary data collection method.

### 3.4.1 Structured interviews

In a qualitative approach, the researcher's interview is an in-depth interview because of specific nationality like Myanmar and finding critical point. And it is needed to understand in-depth of interviewees' characteristic and experiences through face-to-face interactions (Marshall & Rossan, 2006, as cited in Ko Ko Si Thu, 2016). Therefore, primary research data was collected through structured interviews. Firstly, an interview guide which is guided by the literature on Myanmar migrants situation and new labour law studies were developed in consultation with my research supervisor. Qualitative data such as open-ended responses, interviews, field notes and reflections etc. The interview questionnaire includes characteristics, welfare, compensation after the adoption of new labour law questions. The questionnaire was helpful to emphasize my intention of this research within my fieldwork. The main emphasis of the questions was how does Thailand's new labour law impact on Myanmar's migrant workers.

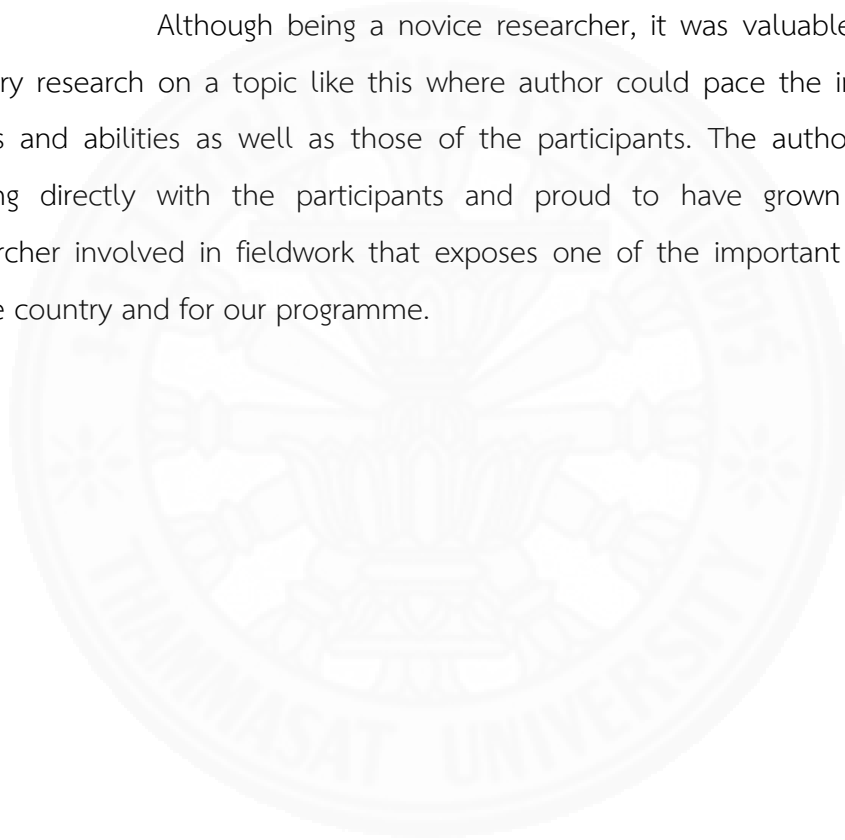
Based on the questionnaire, the leading question exposes interviewee's feeling to describe as to why and how impact concerning with new labour law and Myanmar migrants. The main investigating the interviewee concepts about economic and social impact especially in terms of the new labour law effect on Myanmar migrants' jobless situation and flee from Thailand.

In the fieldwork section, the interviewing time is set to round about at least from 20 mins to maximum: 23mins per person and recording voice were collected. In setting the interview place, I could choose their working site because I could interview the migrants more than expected depending on their answering and they also didn't give their extra time after working hours.

In this study, the researcher used primary and secondary research for getting effective results according to Meyers's Theories of International Immigration Policy and Knud Erik Jorgensen's International Relations Theory. In accordance with Meyer's Theories, immigration policy is a crucial role for disparate migrant workers' life. In primary research, it is employed a qualitative case study approach for analyzing the practice and impacts of Myanmar migrants. In the data collection process, structured interviews are employed for gaining a chance of face-

to-face interactions between the researcher and the participants. Using structured interviews was a helpful method not only to get fruitful results but also to promote the friendly contact among them via in person to make the interviews. I pursued the instructions for qualitative approaches in a collection of data process in which cypher or kinds were informed by the literature reviews. In secondary research, document, archival and literature analyses were necessary for this research according to construct the body form and necessities facts studying from this.

Although being a novice researcher, it was valuable to engage in primary research on a topic like this where author could pace the investigation to needs and abilities as well as those of the participants. The author felt satisfied dealing directly with the participants and proud to have grown as a trainee researcher involved in fieldwork that exposes one of the important issues for my native country and for our programme.





## CHAPTER 4

### FINDINGS, ANALYSIS AND DISCUSSION OF THE IMPACT OF THE NEW LABOR LAW ON MYANMAR MIGRANT WORKERS

#### 4.1 Introduction

This chapter presents the findings illustrating the impact of the new labour law by exploring the opinions of various relevant stakeholders. The researcher interviewed officers from both Myanmar and Thai labour ministries, the National Project Coordinator of the ILO, Chairman of NGOs, Vice Human Resource Managers, Human Resource Supervisors, Managers and employees. This chapter arranges their responses into four categories of opinion: employer (or supervisor), employee (or migrant worker), NGO and ILO, and both countries labour officers. These answers focus on various stakeholder perceptions and attitudes in accordance with which they undertake their own prospects. These opinions are then considered in light of the literature. If policymakers are not aware of these different views and their context, it will be impossible for them to advance better empirical and energetic policies to enact available, manageable and protected migration routes.

Interview surveys were started at the end of August 2018 around Samut Sakhon province in Mahachai, Ekachai and Bangbon districts which are near Bangkok. Bangkok was chosen as the location for interviews due to the availability of officers from both Myanmar and Thailand and ILO staff. In addition, Bangkok is surrounded by industrial areas where there are a lot of Myanmar migrant workers.

#### 4.2 Major Findings from the Surveys

##### 4.2.1 Migrants Abroad: Informal Movement

Previously, the main sources of migration from Myanmar were Tanintharyi Division, Kayin, Mon and Shan States according to the interviewees. The following facts are based on this survey. One NGO's Chairman said that at the

present time, many adults enter Thailand due to lack of job opportunities and most migrants are illegal ones. The most pertinent finding of the survey are that the main push factors are lack of employment opportunities, low socioeconomic attainment, brokers (or) relatives and network between home and host communities. Migrants who entered Thailand illegally with brokers (or) relatives tended to have paid at least THB 120 to a maximum of THB 60,000 according to this interview. Mostly Thailand was chosen for its location as it is next to Myanmar and accessible through long border areas. Some migrants reported that they could not afford to pay to work at other places and they can return home anytime from Thailand. The education levels are various: some labourers have a higher education, some persons have a middle education and some persons have only a primary education. This research found out that some could not write well when the author invited them to record their biography. Another point is that the younger Myanmar migrants who have been in Thailand for at least three years tend to have more education than the earlier ones. According to this survey, it can be found that all migrants' intent to get a better job for their families who live in Myanmar. Some migrants have lived for more than twenty years in Thailand, some persons have arrived there ten, six, three years ago respectively. Even though they came to Thailand illegally, they hold ordinary passports or Certificates of Identity (CI) now. In asking them informally about returning home, all claimed that they want to return when they have enough money to manage their small own business, build their own houses or buy some land.

#### **4.2.2 Myanmar Migrant Workers Views of the New Law**

This research noted that older migrants who went through informal channel normally lack knowledge about the destination country's situation or the benefits of legality. At present, young migrants are more educated than the older ones. Fortunately, they hold CIs or ordinary passports even though they came illegally. One of the noticeable findings of this study is that the migrants have only little knowledge of the new law according to their educational background. Their situations leave them entirely at the mercy of their employers and some even do not even know about their rights and opportunities. For instance, they do not know the minimum overtime allowance. As a result, some get overtime allowances that

are lower than the minimum wage. It emerged that, while nearly all of the interviewees are registered for social security (pakansanhun), some are only applying now. Most migrants do not send money through the bank. They send money through *hundi transfers*, an informal channel used in earlier times before the appearance of the banking system in Myanmar or through their friends when they visit. They use traditional way means they do not want to use with banking system because they are not familiar with this system which complicates upon them.

The research revealed that the migrants know more about the MOU system. However, some thought that MOU and the new law are the same and some thought that the changes were due only to martial law. Even though they thought in different ways, lack of knowledge in the system was the biggest issue. Actually, this law and the migrant labors have a gap between them because employer looks like a medium layer so they cannot know more about it as they are working under the employer. Now they have full confidence for holding an ordinary passport or Certificate of Identity so they do not fear the police as the pink card grants them status.

According to an informal telephone conversation with some NGO staff, it was found that some migrants do not have social security. In addition, some migrants are working in migrant-restricted places and some fishermen cannot get the official rate of pay.

### **4.2.3 View of Various Stakeholders**

#### **4.2.3.1 Views of Assistant General Managers, Human Resource Managers, Department Manager and Production Manager**

This thesis found that the majority of interviewees agree that this new law represents a positive overhaul of the system. In the earlier times, enforcement of the law was challenging due to the complex documentation processes. There is a lot of evidence to support this analysis. For example, there is a wide range of necessary documents: pink card, purple card, certificate of identity and temporary passports from both Myanmar and Thai governments. With so much documentation, it is little wonder that they faced so many difficulties.

Some foreign companies do not like the MOU system because it takes time, long processes give higher hiring cost than Thor. For which was the hiring migrant system, they take all responsibilities for employees instead of subcontract and government didn't instruct how to make when an employee's absent their obligations. One striking observation concerning two different answers from one question is that the MOU cannot change employer for at least two years and employees can change employer if they want to or in the event that the employer is in breach of the contract and pay back recruitment cost due to this law. If there is no subcontractor, the employers are held accountable for administration processes for their employee documents. Legal employees can work everywhere in Thailand and can receive social security. This law's impact depends on the people who practice it effectively and efficiently. The rules and procedures need to be simplified to enhance the understanding of all stakeholders.

#### **4.2.3.2 Views of the Chairman of Migrant Worker Rights Network (MWRN) and National Project Coordinator for Thailand in ILO**

According to the Chairman of the Migrant Worker Rights Network, the Royal Decree imposes stiff penalties. As a result, many organizations and civil society organizations including the MWRN opposed it because it could not protect migrants from human trafficking and it could lead to corruption. Due to the lack of information sharing from both governments, there are a lot of illegal migrants who still enter and remain in Thailand at present. However, this law encourages good discipline for employees to function with the practice of official documents and the prohibition of foreigners from entering illegally. Employers have full responsibilities for their migrants to prevent them becoming victims of the law. Concerning human smuggling, the main actors are both governments and employers. If they cooperate systematically within international norms, human smuggling and trafficking will be kept out of migration. Most migrants have already converted their status to legal migrants who can submit their rights following the concerted efforts of both governments. Being victims, they have less awareness so the original country government has to provide more pre-departure education and training with the cooperation of Community Based Organizations, NGOs and Civil Society Organizations.

Although both governments imposed the fees for a recruitment agency in their countries, some paid more than the official rate in both places. In order to enforce effectively, it is needed to inspect on ground situation thoroughly by the government who enacted the law.

The survey of the ILO officers noted that over 92% of total, 95% of Myanmar migrants, are legal. Of over 3.5 million legal migrants and skilled labourers, only 5% of foreign migrants are excluded. In fact, this new law is the labour migration governance for migrant workers working in Thailand, advancing and consolidated a combination of two enforcing laws: the Bringing Aliens to Work in Thailand (2016) and Alien Working Acts (2008) which are based on three ILO conventions: No. C 181(Private Employment Agencies Convention, 1997), No.97(Convention concerning Migration for Employment, 1949) and No.143 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers,1975) and one UN Convention 1990. To enforce it effectively, it needs simplification to ensure it is understood by the public who abide by the law and its rules and regulations are enacted effectively. It can give different penalties for everyone who is involved in this issue when they break the law. Due to the economic impact, penalties were reduced. Even there is the law mandates the adoption of a zero fee policy, enforcing the issue of migration cost and fees has not been yet addressed by the Thai government. SMEs employers face the worst situation for high penalties because a lot of employees left from their work sides so their businesses paused. The government have to discuss putting high penalties because it can affect concerned people adversely.

Migrant workers, who rely on brokers to come to Thailand, have already broken the law by smuggling. They know their situation risks exploitation because they are outside of the law. Officers, who are one of the main parts to drive enforce efficiently, need a great skill to practice the law. Migrants, who are the main actor, have to know themselves how to complain about their exploitation in various ways.

To get better results, it is not only concerns the law. Policies and other rights are needed. Ad hoc policies and technical support are being

provided in cooperation with NGOs now. Changing illegal to legal status is not a law. It is a policy means Ad hoc policy. The law means it has rights to protect for all and all should respect its instructions so there is no victim. It is good for all workers within Thailand so the original country's cooperation needs to become a better condition. If it can do well functioning, issues of awareness of the law could be enacted in it. It is good for migrant labors because it is labor migration governance for safeguarding them from all dangers.

According to this new law, illegals migrant will be prosecuted, sent home and prohibited to work in Thailand in two years.

#### **4.2.3.3 Views of Myanmar Labor Attaché and Thai Labor Officer**

According to the Myanmar Labor Attaché, this survey found out that there are over 2 million legal Myanmar workers in Thailand. Before the enforcement of the law, a lot of Myanmar illegal migrants had illegal status. Previously under article 47, employers and their subcontractors had authority to issue pink cards to illegal immigrants. This paved the way to human trafficking and exploitation. However, the pink card system was against ILO conventions. The new law has eliminated the role of sub contractors and complies with ILO conventions. In the past, Myanmar labourers entered through illegal channels but now they can enter through legal channels with the MOU system. According to this new law, the three types of illegal migrants must follow the procedures as follows: illegal migrants, who does not have documents, has to go back to Myanmar; illegal, who does not have complete documents, must go back home and can make again with MOU system and if an illegal migrant who has the wrong documents or name, he must correct the information, so it will take time.

It can be seen that this law can protect migrants because it prohibits the hiring of illegal migrants and prevents them being exploited by the broker. As long as employer and employee depend on brokers, they will always risk being victims. It is obvious that this new law has been adopted to reflect the facts of the situation on the ground. If the above mentioned requirements are in place, there will be no human trafficking, human smuggling and force of labor and employer is the most responsible person for his employees not to send to the wrong place.

In agreement with the Thai Labour Officer, this research recognized that there are 2,204,527 legal Myanmar migrants in Thailand even though number of illegal migrants cannot be known. According to the international norms, Thailand needed to change the law, especially regarding management of migrant labourers so they adopted it to prohibit illegal migrants and can manage, protect and encourage with the cooperation of respective persons. As a priority of management of migrant labour law, both employer or migrant worker will suffer a lot more than before if they break the law. Its objectives are to safeguard workers and cooperate to work legally under international norms such as safe and equal treatment of workers.

As mentioned by the Thai officer, it can be seen that this law imposes employer responsibilities such as returning migrant is sent back to his country after the end of the contract and reporting his employee resignation letter to the government. There may be the people- employers, organizations and migrant workers- who break the law so the government needs to emphasize the spread of sufficient news to public. It is clearly to see employer's liabilities that employers or organization/business, who hire or bring in foreign migrants in Thailand, must register and protect the against becoming a victim of human trafficking. If employer and foreign migrants follow the rules of the law, the new law will be increase the number of legal migrants. If they get a better status, they will get a brighter future.

### **4.3 Analysis and Discussion**

In analysing the above major findings, this thesis recognizes that this new law is positive for employees because it adopts more rigorous labor migration governance than in the past and emphasises employer responsibilities such as administration processes, office matters, documentation and liaising with official agents. In this law, if employers hire foreign migrants, they must take full responsibilities for the registration process and preventing human trafficking. The employee cannot be exploited as easily because there is no subcontractor and a zero-fee policy. However, this law is too stringent in its combination of two older laws concerning recruitment practice and migrant work. Nonetheless, the Thai Royal Decree on Managing the Work of Foreigners B.E. 2560 (2017) impacts positively on

Myanmar migrant workers especially illegal migrants because over 4 lakhs of illegal migrants converted to a legal status within the grace period. However, the problem of illegal immigrants who have fake, incomplete or wrong documents remains. Illegals, who lack documents, must be prosecuted, sent back and prohibited to work in Thailand for two years. Now this law is not effective for illegal migrants.

The old law gave priority to rules and regulations which were followed by the employee but it did not emphasise employer's responsibilities. This law is very strong on legal and systematic matters. But enforcement depends on the people who practice the law and the government who handles matters such as inspections on the ground, employer responsibilities to employees and the adoption of simple rules and procedures.

This research examined Myanmar migrants who lack educational background, from rural and border areas, who want to get a job and money. They have no intention except to work in the knowledge that the minimum wages in Thailand are at least over three times more than their origin country. While they should know their rights and opportunities, they do not have sufficient knowledge of the new law. The reasons for this is lack of information, not only from the destination country government but also original country government. As these migrants come through illegal channels, the origin government cannot know their real problems. The most important factor is the migrants themselves. They need to upgrade their knowledge. Under the new law, the names of employer, employee and job are more prominent in the MOU. Because of this, migrants are more confident in holding CIs or passports which mean they can work anywhere in Thailand now. Concerning social security, it is important that migrants should have this right since they are employed according Social Security Act (No.2), B.E.2537 (1994), section 4 and 34.

Employers or assistant general managers who were interviewed and other findings of this study, indicate that employers in the destination country are only somewhat aware of their full responsibilities to protect employees from all dangers according to the ILO convention. Therefore, they need to know more about the laws, policies and rights. The interviews reveal that some employers could not understand why their employees had been forced to resign and flee. Actually, employees who



hold the pink card under the MOU system can resign from the job if he is exploited, if the employer cancels the contract, in the event of the death of employer and some other exceptional cases, which already existed under the old law. At that time, it was necessary to have resignation of job and cancellation of work permit letters from the employer. Some employers do not like impositions under the new rules: having more responsibilities due to banning of subcontractor, the lengthy and complex eleven-steps MOU process, higher hiring costs and the lack of guidelines in the event of a employee absencing him/herself from obligations. As mentioned above, the law will surely offer migrants protection, but due to lack of inspection from Thai government, employees did not enjoy their rights fully.

Lastly, this research surveyed NGO, ILO and both labour officers from Myanmar and Thailand. According to this group, this new law is good for employees because of the combination of recruitment processes and alien work acts which create labor migration governance and management for migrant workers in accordance with ILO conventions. The law emphasizes employer's responsibilities to their employees, includes zero fees and has no subcontractor roles. These facts may help employees to avoid human smuggling and trafficking. To make this law efficiently, the officers recommend that both governments need to enhance cooperation on the ground, follow the rules and regulations exactly, and share information with the public more effectively. To enforce the law effectively, rules and regulations is the first priority for smooth operation and it needs time to evaluate the efficiency of enforcement. To get good results, more policies and effective laws or rights are required to support the enacted law. But SMEs employers are facing adverse situations under the law so the government is adjusting it to alleviate the situation. However, these adjustments are being done on an ad hoc basis and so weaken the existing law. Instead, more technical support is needed as well as cooperation with NGOs, CBOs and CSOs. It is necessary to simplify the instructions under the law for the public and publicized the information. Lastly, due to a lack of inspections on the ground by both governments, migrants are still being forced to pay recruitment fees at higher rates than mandated.

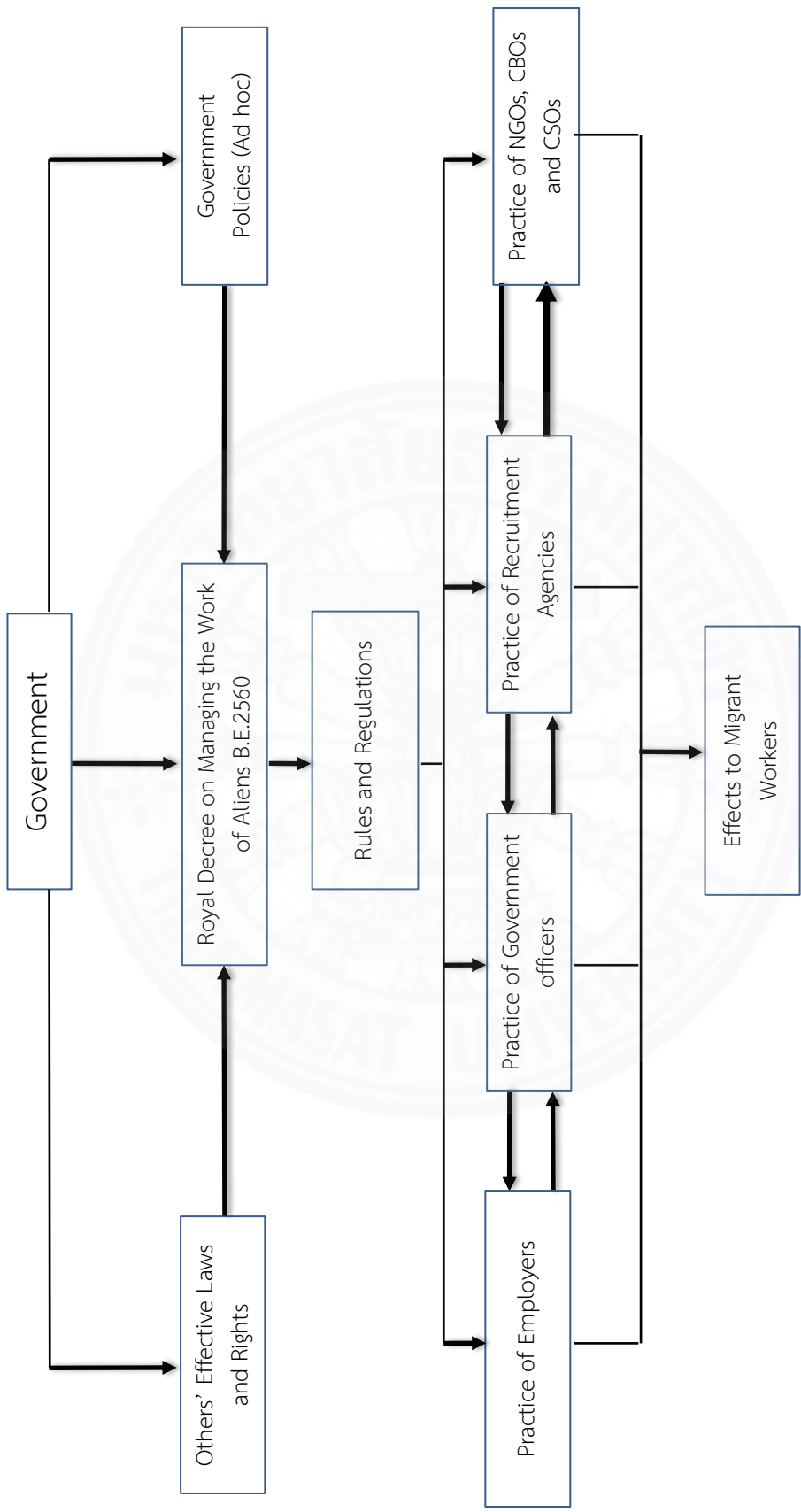


Figure 4.1 Law Effect to Migrant Workers  
Source: Author's Analysis based on the survey

#### 4.4 Conclusion

To sum up, the Royal Decree on Managing the Work of Aliens B.E. 2560 (2017) has had mostly positive effects for Myanmar migrants by granting them legal status. Most gained ordinary passports during the grace period and at least few Myanmar migrants were granted CI status. They did not get it from the law but they got it from policy which the government implemented to affiliate with the law. So this research analyze that to become enforcing the law with strong foundation and brilliant future, it is needed the policies and other effective laws which provide and support the enacted law. Finally, this law is good and perfect for labor migration issue which is based on ILO labor convention norms but it is needed to enforce effectively and dominantly upon the respective persons. It is necessary to fully understand the rules and procedures for concerning people.

Following the completion of the surveys, this thesis recommends increasing responsibilities of employers, especially documentation processes, and dealing with official matters, so Myanmar migrants can avoid exploitation. The adoption of zero fee recruitment is a welcome innovation for all migrants. On the other hand, SME employers are facing adverse situations. But government has responded flexibly to those who face difficult situations. For instance, both governments are joining together to rebuild the fishery sector now and enacting policies change illegal migrants to legal ones. There are still large numbers of illegal migrants in Thailand so they may have to negotiate with some SME employers. If the governments fulfil the requirements and adopt some policies helpful to the SMEs, they will return to normal conditions again. Finally, due to this law, MOUs are more important and widely used. Therefore more cooperation is shaping employer-employee relationships of the future. Despite all these developments, migrants are still reliant on the will of their employers because some processes cannot be solved the employee, therefore the employer needs to assume more responsibility.

## CHAPTER 5

### CONCLUSIONS

#### 5.1 Conclusion and Policy Recommendations

##### 5.1.1 Conclusions

The core conclusion of this thesis is that the adoption of the appropriate laws by a destination country has had a significant effect on migrant workers welfare, particularly the Myanmar migrants who were the participants in this research. Accordingly, laws and policies are driving force for countries to make serious improvements to handling of migrant labourers. The research reveals that Thailand remains a labour-intensive economy and serves as the principal destination of migrant workers in the Greater Mekong Subregion, especially those from Myanmar, Cambodia and Laos. Among them, Myanmar is the source for the majority of migrant workers. Geographically Thailand is quite distinct from countries such as Malaysia, Korea and Japan or others which are separated by extensive sea barriers. Migrants from neighbouring countries can enter Thailand because of extensive adjacent borders. Due to this geographical reality, the new law alone is not sufficient to deal with the migrant labourer issue. It needs to be supported with ad hoc policy across a variety of relevant sectors. Lastly, the fact remains that Myanmar migrants continue to rely on job opportunities in Thailand because of the lack of job opportunities for unskilled labourers in Myanmar.

Following completion of a survey addressing the effectiveness of the enforcement of the Royal Decree on Managing the Work of Aliens B.E. 1560 (2017), the author has gained the following understandings:

1. The Royal Decree has made a mostly positive impact on Myanmar migrants, according to the case study surveys and the literature reviews. Now, by holding an ordinary passport or certificate of identity, migrants can work wherever they want in Thailand. It is an important milestone for Myanmar migrants. The law provides more security than ever before. As a piece of labour migration

governance, the law is effect in that it not only protects migrants' opportunities but also penalties- through fines- both employer and employee if they break the law. By emphasizing employer responsibilities, terminating the sub contractor's role and adoption of zero fees, the policy can prevent migrants, not only those from Myanmar, but all migrants, from falling victim to criminality and exploitation from greedy and dishonest brokers, powerful officials and agents.

2. The law tasks officials to promote employer cooperation, and provide support for difficulties and challenges on their side. Employees are encouraged to understand and exercise their opportunities and rights fully. However, considerable work is still required to ensure employers and employees understand and practice this legislation. Moreover, the government should reduce procedures for documentation, most particularly in such sections as change of employer and others. Without further streamlining, migrants can fall victim to corrupt practices again.

3. Due to this law, Thailand's TIP level has been upgraded by the US to recognise efforts to reduce human trafficking and improve national security. Recently, European Union (EU) has lifted it from its imposed level as the recognition of the progression in illegal, unregulated and unreported fishing (IUU). Now illegal migrants who enter Thailand, or those still inside the country, have no chance to become legal migrants and will be prosecuted and sent back to their country. Before enforcing the law, the government gave a grace period in which migrants were expected to regularise their legal status. However, there were significant problems with the uptake during the grace period. It would appear that a variety of explanations explain why some migrants did not legalise their status. Clearly, they may not know about the procedures or may have been influenced by brokers. However, migrants from some parts of the SMEs sector, like the fishery sector, where is necessary for the State's requirement, became legal workers through Ad hoc policy.

4. This Royal Decree represents a powerful combination of two laws concerned with migrant status which adhere to International labour standards, including three ILO conventions and one UN Convention from 1990. Enforcement is key to effective labour migration management. The high fines will prevent hiring of

illegal migrants employers' accountabilities such as registration, documentation and giving grantee will protect migrants from human trafficking and reduce human smuggling in future. Also, then there is no subcontractor role and zero fee recruitment system in this new law. However, employees themselves need to know the complaint mechanism and learn more knowledge concerning with their rights. Due to this law, MOUs are more frequently employed to detail exact employer, employee and job name in the hiring process.

5. Despite some progress, Thailand faces challenges in effectively enacting the legislation and enforce to the end point. Laws concerning labourers are still not wholly affecting the people concerned. Some migrants do not have social security, some are working in migrant restricted places, and some fishermen do not get salaries at official rates. Lack of enforcement is not only confined to Thailand, it is a feature of other developing countries too. In addition, there is no clear process by which the Royal Decree can be evaluated effectively for enforcement or practice on the ground. This would ensure public confidence in the law. To effectively enforce, the Thai government is the main actor to inspect the laws thoroughly.

6. During the role out of the law, the SME sector has faced adverse situations such as pauses at their work sides. In order to restore the situation to normal, the government has expedited relevant policies. Now both Myanmar and Thai governments are cooperating with concerted effort to facilitate illegal migrants in the fishery sector to become legal ones. By imposing policies on SMEs, the governments risk creating loopholes from worsening the situation. According to the literature review and survey, there are a lot of illegal migrants in Thailand. So this situation relies on both governments' ad hoc policies.

7. If Myanmar migrants want to go abroad, they have to understand the destination country's basic rules and policies concerning with their work, cultures, traditions, weather, norms and labour rights. Most particularly, they should have basic knowledge of passport and work permit expiry dates. They should also know how to use smartphones which can provide information from various sectors so that they can know of work opportunities. If migrants do not have access to information, they will become victims of brokers with many persuasive ways. To

prevent these situations, both governments are working with recruitment agencies under the government-to-government system so that the process of going abroad can be free of exploitation from brokers and employers. If they follow this process, they will get labour rights and medical care which are essential for migrants and will be protect them from human smuggling and trafficking. Despite this, some migrants have paid higher recruitment costs than the official rate in both countries. These cases show that both governments need to inspect effectively on the ground more often.

8. It seems that the broker role will never disappear completely in migration cases because some employers or migrants depend on brokers for getting benefits or interests or do not want to waste their time in learning more about the procedures. Service charges to the brokers create a continue risk of voluntary smuggling because people who rely on the brokers. Human smugglings vary from brokers to broker. If the broker is good, it becomes a case of voluntary smuggling, or if they find a bad broker, it will a case of involuntary smuggling or human trafficking. Thus they should be aware of the possibility of being exploited by brokers before coming to Thailand. If they do not want to become victims of smuggling, as Myanmar saying that “Prepare well beforehand” they have to learn to know more about the country's knowledge, rules and procedures, labour rights, and social mores. However, migrants from neighbouring countries, especially Myanmar, will continue to enter Thailand even though it has strict laws due to the economic and political situation and they will still use to pay the fee for the subsistence of loopholes within Thai legal regulation.

To sum up, this law consolidates three ILO Convention norms and the UN Convention of 1990. It is too early to get the complete results of the reforms. Generally, the law can be applied to labour migration management: to solve problem of illegal migrants, to protect migrant workers' right and to handle the problem of human trafficking but it can face difficulties in some parts because of the transition period. If the law is effectively enforced, not only the status of Myanmar legal migrants but also other legal migrants' status will improve considerably.

### 5.1.2 Policy Recommendations

The law is adequate and fair for both employers and employees because they will be given for both if they break the law. However, the fines are not the same. The law is overly consolidated as it represents the combination of two enforcing laws: the Royal Decree on Bringing Aliens to Work in Thailand B.E. 2559(2016) and the Alien's Work Act B.E. 2551(2008). The combination of the recruitment management and employment practice is rather complex and cumbersome. It is more secure for employees' life than before because of the adoption of the labour migration governance under the three ILO Convention norms and the UN Convention. It is effective in taking responsibility of the employer, removing the subcontractor's role and adoption of zero recruitment fees. This law makes MOU more significant for employers and employees. The US has upgraded Thailand's TIP level so it can be free from human trafficking and increase national security. European Union (EU) has also lifted it recently from the yellow card level to the green card level as the acknowledgement of its prominent evolution the defects in its fisheries' rules, regulations and management in tackling illegal, unregulated and unreported fishing (IUU). As a result, it can be said that its regulations and enforcement has gradually affected to the respective sectors.

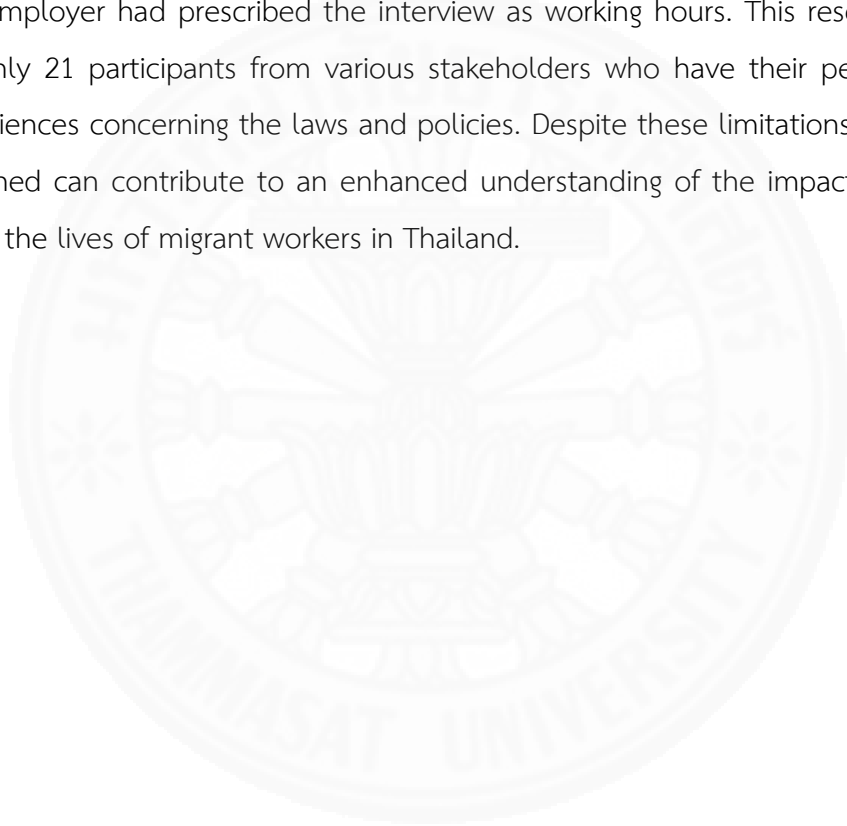
However, MOUs appear to complicate the migration process and increase the length of time to complete the process. This could be improved by moving some procedures in the MOU system online in both countries. It needs to enforce effectively, efficiently and rapidly among them. The legal aspect of this law is good, but the issue of enforcement part depends on the people who abide by the law. No matter what the value of the law is, if it is not used effectively by the people, the law cannot be enforced fruitfully.

## 5.2 Limitations

This research has several fieldwork and literature review limitations. Limitations include time constraints, geographical location, language barriers and the status of participants (legal migrants). In view of safety concerns for myself and the



participants, I could not interview illegal migrants at their work sites. In terms of methodological limitation, the survey contains restraints in sampling and recruitment. As qualitative research, the research lacks sufficient data to cover all migrants (Descombe, 2007, as cited in Ko Ko Si Thu, 2016). Furthermore, while recruiting participant, the researcher could not do interviews with some participants who were busy at their workplaces. Some employers would not allow interviews with their employees within their working hours. Other employees informed the research that the employer had prescribed the interview as working hours. This research is based on only 21 participants from various stakeholders who have their perceptions and experiences concerning the laws and policies. Despite these limitations, these results obtained can contribute to an enhanced understanding of the impact of legislation of on the lives of migrant workers in Thailand.



## REFERENCES

### Books

- Bedford, R., Spoonley, P., Castles, S., Chandra, R., Wong Siu-lun, Dwiyanto, A., ...  
Castles, P.S. (1997). *Migration issues in the Asia Pacific*. University of  
Wollongong, Australia.
- Brettell, C. (2003). *Anthropology and migration*. Lanham: Alta Mira Press.
- Jorgensen, K. E. (2018). *International Relations Theory, A New Introduction*. (2nd ed.).  
Basingstoke: Palgrave Macmillan.
- Marshall, C., & Rossman, G.B.(2006). *Designing qualitative research*. (4th ed.).  
Thousand Oaks, Calif.; Sage Publications.
- Yin, R. K. (2003). *Case study research: design and methods*. Thousand Oaks, Calif.:  
Sage Publications.
- Hall, A. (2012, April). *Myanmar and Migrant workers: Briefing and Recommendations*.  
Salaya, Thailand: Mahidol Migration Center.
- Sinha, B. R. K. (2006). *Human migration: concept and approaches*. Visva-Bharati  
University, Shantiniketan.

### Articles

- Aung, N. L. (2016). Workers in Thailand told to re-register for pink cards. *Myanmar  
Times*.
- BenarNews. (2017). Migrants Leave in Large Numbers as Thailand Adopts Tough New  
Labor Rules. *Radio Free Asia*.
- Koc, I., & Onan, I. (2004). International migrants' remittances and welfare status of the  
left-behind families in Turkey. *International Migration Review* 38(1), 78 – 112.
- Krishnakumar, P., & Indumathi, T. (2014). *Push and pull factors of migration*. 8(4), 8-  
13.

OO, T. M. (2015). Gov't to Issue Identity Cards to Undocumented Workers in Thailand. *Myanmar Business Today*.

### Theses

Piracha, M., Randazzo, T., & Vadean, F. (2013). *Remittance and occupational outcome of the household members left-behind*. (Master's thesis). University of Colorado at Boulder and IZA.

Thu, K.K.S. (2016). *Myth Reality in Irregular Migration*. (Master's thesis). Victoria University of Wellington.

Traitongyoo, K. (2008). *The Management of Irregular Migration in Thailand: Thinness, Identity and Citizenship*. (Doctoral dissertation). University of Leeds School of Politics and International Studies (POLIS).

### Electronic Media

Anna, C. (2016). Penalties for being caught working without a permit in Phuket. *Phuket News*. Retrieved from <https://www.thephuketnews.com/penalties-for-being-caught-working-with-out-a-permit-in-phuket-58476.php#ELApU652IUys06CJ.97>

Asylum Seekers Centre. (n.d.). *Employment Assistance Service*. Retrieved from <https://asylumseekerscentre.org.au/employment/>

BBC. (n.d.). *Economic migration. Bitesize GCSE*. Retrieved from [http://www.bbc.co.uk/schools/gcsebitesize/geography/migration/types\\_migration\\_rev4.shtml](http://www.bbc.co.uk/schools/gcsebitesize/geography/migration/types_migration_rev4.shtml)

Brigida, A. (2017). *What happens to Mexicans returned from US?* Retrieved from <https://Brightthemag.com/immigration-mexico-deportation-mental-health-services-e89a566a62e2>

Chantavanich, S. (2012). *Myanmar Migrants to Thailand and Implications to Myanmar Development*. Retrieved from [https://www.ide.go.jp/library/English/Publish/Download/Brc/pdf/10\\_06.pdf](https://www.ide.go.jp/library/English/Publish/Download/Brc/pdf/10_06.pdf)

- Charoensuthipan, P. (2018a). 10 new job types eyed for migrants. *Bangkok Post*. Retrieved from <https://www.bangkokpost.com/news/general/1449534/10-new-job-types-eyed-for-migrants>
- Charoensuthipan, P. (2018b). Migrant workers allowed to work in 12 new sectors. *Bangkok Post*. Retrieved from <https://www.bangkokpost.com/news/general/1473461/migrant-workers-allowed-to-work-in-12-new-sectors>
- Chatty, D. (2013). *Forced migration*. Wiley Online Library <https://doi.org/10.1002/9781444351071.wbeghm236>.
- Fernquest, J. (2017). New foreign labor law: Harm potential to Thai economy. *Bangkok Post*. Retrieved from <https://www.bangkokpost.com/learning/advanced/1277819/new-foreign-labor-law-harm-potential-to-thai-economy>
- Gushulak, B.D., & MacPherson D. (2004). Globalization of infectious diseases: the impact of migration. *NCBI*. Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/15227621>
- Htay, M. W. M. M. (2016). *Labor Migration in Myanmar*. Retrieved from [https://www.pic.org.kh/images/2016Research/20170404%20Lao%20Labour%20Migration\\_Eng.pdf](https://www.pic.org.kh/images/2016Research/20170404%20Lao%20Labour%20Migration_Eng.pdf)
- Illegal immigrants-Living in Fear*. (n.d.). Retrieved from NRI Information website: [http://nriinformation.com/articles2/illegal\\_immigrants.htm](http://nriinformation.com/articles2/illegal_immigrants.htm)
- International Labor Organization. (2018). *ILO: TRIANGLE in ASEAN Quarterly Briefing Note*. Retrieved from [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/generic\\_document/wcms\\_614383.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/generic_document/wcms_614383.pdf)
- International Organization for Migration. (n.d.). *Who is a migrant?* Retrieved from <https://www.iom.int/who-is-a-migrant>
- Janthong, P. (2018). Fishing for renewed respect. *Bangkok Post*. Retrieved from <https://www.pressreader.com/thailand/bangkok-post/20180709/281891594034323>
- Johansson, A. (2008). *Return Migration to Armenia*. Retrieved from <https://www.ru.nl/publish/pages/533483/reportarmeniafinal.pdf>
- Kowitwanij, W. (2017). Thailand's new labor regulations causes an exodus of foreign workers. Retrieved from <http://www.asianews.it/news-en/Thailand%E2%80%A2s-new-labor-regulations-causes-an-exodus-of-foreign-workers>

80%99s-new-labour-regulations-cause-an-exodus-of-foreign-workers-41204.html

Law Teacher. (2013). *Illegal Immigration*. *Free Human Rights Law Essay*. Retrieved from <https://www.lawteacher.net/free-law-essays/human-rights/illegal-immigration.php>

Ma, A. (2008). *Labor Migration from Myanmar: Remittances, Reforms, and Challenges*, *migrationpolicy.org*. *Migration Policy Institute*. Retrieved from <https://www.migrationpolicy.org/.../labor-migration-myanmar-remittances-reforms->

*Migrstion - Types of Migration*. (n.d.). Retrieved from <http://family.jrank.org/pages/1169/Migration-Types-Migration.html>

Morch, M. (2018). *Thailand's Migrant Workers in a Changing Legal System*. Retrieved from <https://thediplomat.com/2018/05/thailands-migrant-workers-in-a-changing-legal-system/>

*Myanmar and Thailand implement CI "Certificate of Identity"; Another attempt to identify Burmese migrants*. (2017). Retrieved from <http://ghre.org/en/2017/01/27/myanmar-and-thailand-implement-ci-certificate-of-identity-another-attempt-to-identify-burmese-migrants/>

*Myanmar Embassy warns migrant workers to register for certificates of identity before year-end deadline*. (2017). Retrieved from BNI Multimedia Group website: <https://www.bnionline.net/en/news/myanmar-embassy-warns-migrant-workers-register-certificates-identity-year-end-deadline>

*Myanmar Migrant Workers in Thailand Face Visa Extension and Passport Issuance Chaos and Extortion*. (n.d.). Retrieved from <https://www.humanrightsinasean.info/campaign/myanmar-migrant-workers-thailand-face-visa-extension-and-passport-issuance-chaos-and>

Myers, K. (2017). *Refugee, Migrant, IDP: What's the difference?* *Concern Worldwide U.S.* Retrieved from <https://www.concernusa.org/story/refugee-migrant-idp-whats-the-difference/>

Nadi, N. M. (2017). *Burma, Thailand agree to collaborate on migrant worker fiasco*. *The Bangkok Post*. Retrieved from <http://webcache.googleusercontent.com/>

search?q=cache:Olluyqgv w4J:www.dvb.no/news/burma-thailand-agree-collaborate-migrant-worker-fiasco/76424+ & cd=1&hl=en&ct=clnk&gl=th&client=safari

New minimum wage ranges between B308 and B330. (2018). *Bangkok Post*. Retrieved from <https://www.bangkokpost.com/news/general/1397454/new-minimum-wage-ranges-betw-eeen-b308-and-b330>.

Safire, W. (1993). On Language; Ethnic cleansing. *The New York Times Magazine*. Retrieved from <https://www.nytimes.com/1993/03/14/magazine/on-language-ethnic-cleansing.html>

Stillman, S. (2018). *When deportation is a death sentence*. *The New Yorker*. Retrieved from <https://www.theyoungcenter.org/stories/2018/1/23/must-readsarah-stillmans-new-yorker-article-when-deportation-is-a-death-sentence>

Tungsuwan, S. (2018). *New Law on Foreign Employees and Migrant Workers*. Baker McKenzie. Retrieved from <https://www.bakermckenzie.com/en/insight/publications/2017/06/new-law-on-foreign-employees>

*What is a migrant? How definitions affect access to health care*. (n.d.). Retrieved from World Health Organization website:<http://www.euro.who.int/en/health-topics/health-determinants/mig-rateon-and-health/news/news/2017/03/what-is-a-migrant-how-definitions-affect-access-to-health-care>



## APPENDICES

APPENDIX A  
PARTICIPANTS LIST (MYANMAR VERSION)

ပါဝင်သူမှတ်တမ်း

ကုမ္ပဏီ	ရက်စွဲ
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ဖြေဆိုသူ၏ ကိုယ်ရေးရာဇဝင်

- (၁) အမည် -----
- (၂) အသက် -----
- (၃) လူမျိုး/ဘာသာ -----
- (၄) ပညာအရည်အချင်း -----
- (၅) နေရပ်လိပ်စာ(မြန်မာ) -----  
-----
- (၆) မည်သူနှင့်လာရောက် -----

ဖြေဆိုသူ၏ လာရောက်ခြင်းနှင့်ပတ်သက်သောအချက်အလက်

- (၇) လာရောက်ခြင်းအကြောင်း -----
- (၈) အချိန် (ကြာမြင့်ချိန်) -----
- (၉) မည်သည့်နည်းလမ်းဖြင့်လာရောက်ခြင်း (အမှတ်ဖြစ်ရန်)  
က တရားဝင် ခ တရားမဝင် (အခြားလမ်း)
- (၁၀) လာရောက်ခြင်းအတွက် ကုန်ကျစရိတ်/ အကျိုးဆောင်ခ -----  
-----

(၁၁) ငွေပေးပို့ခြင်းနည်းလမ်း  
က ဘဏ်      ခ လူကြို      ဂ ဟွန်ဒီ      ဃ အခြား

ဖြေဆိုသူ၏ လူမှုဖူလုံရေးဆိုင်ရာခံစားမှု

- (၁၂) မည်သည့်အကျိုးအမြတ်ကို ခံစားရပါသလဲ (အမှတ်ဖြစ်ရန်)  
က နေအိမ်ခန်း ခ ကျန်းမာရေး ဂ လူမှုဖူလုံရေး ဃ မရှိ
- (၁၃) လုပ်အားခ တရားဝင်သတ်မှတ်ချက်နှင့်အညီ ရ / မရ



(၁၄) အလုပ်ခွင်တွင် အခက်အခဲတွေ့နဲ့ ရင်ဆိုင်ရမှုရှိလား။ (အမှတ်ခြစ်ရန်)  
က ရှိ ခ မရှိ

ဖြေဆိုသူ၏ နစ်နာကြေးဆိုင်ရာအချက်အလက်

(၁၅) နစ်နာကြေးအတွက် ခံစားမှုရှိလား။  
က ရှိ ခ မရှိ

လေဘာဥပဒေသစ်နှင့်ပတ်သက်သောခံစားမှု

(၁၆) လေဘာဥပဒေသစ် နှင့် ဥပဒေဟောင်းကြောင့် ခံစားရသောအပြောင်းအလဲ -----  
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(၁၇) ဒီဥပဒေသစ်သည် တရားမဝင်မြန်မာအလုပ်သမားတွေအပေါ်  
အကျိုးသက်ရောက်မှုရှိလား၊ ဘယ်လိုအကျိုးသက်မှုရှိတာလဲ။  
တရားဝင်လုပ်သားတွေအပေါ် ကောအကျိုး သက်ရောက် မှုရှိလား။

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မှတ်ချက်။ အထက်ပါ အချက်အလက်များအား အခြားသူများထံ  
မပေါက်ကြားစေရန် အထူးတာဝန် ယူပါသည်။

## APPENDIX B

### INTERVIEW GUIDE

#### Questions used:

After adoption of Thailand's new labor law, how does Thailand's new labor law impact on Myanmar's migrant workers.

- 1) What difficulties have Myanmar migrants/ employers/ NGO faced and what impacts have they got?
- 2) What is your opinion on the effect of the new labor law to the foreign migrant workers especially Myanmar migrants? (Thai officials and Myanmar official)

#### Supporting questions

- Do you get compensation from employer? (Employee)
- Do you cover by yourself or paid by your employer?(Employee)
- In your opinion, does this new law affect to Myanmar illegal migrant workers? How much does it affect on them? (Employee)
- How much differences before and after adoption this new law?(Employee, Employer)
- Do you take the responsibility for them to change legal status? (Employer)
- What are the strengths and weakness of new law in Thailand? (NGO, ILO)
- Who will be the victim for future? (Employer, NGO, ILO, officers from Myanmar and Thai Labor Ministries)
- Why did the new law adopt? (Thai officials)
- What are the difficulties on your side in implementation of the new law and how will you overcome? (Myanmar and Thai officials)
- Are there any other focus of this new law apart from migrant workers, if yes please explain in detail? (Myanmar and Thai officials)

#### Sub questions

- How much this law impact the migrant workers in general?
- What will happen to those illegal migrants as the introductions of the new law?
- Will this law help Thailand curb illegal or undocumented migrant workers?

## APPENDIX C

### INTERVIEW QUESTIONNAIRES

Interview Questions to Myanmar migrant workers are as follows:

#### Characteristics

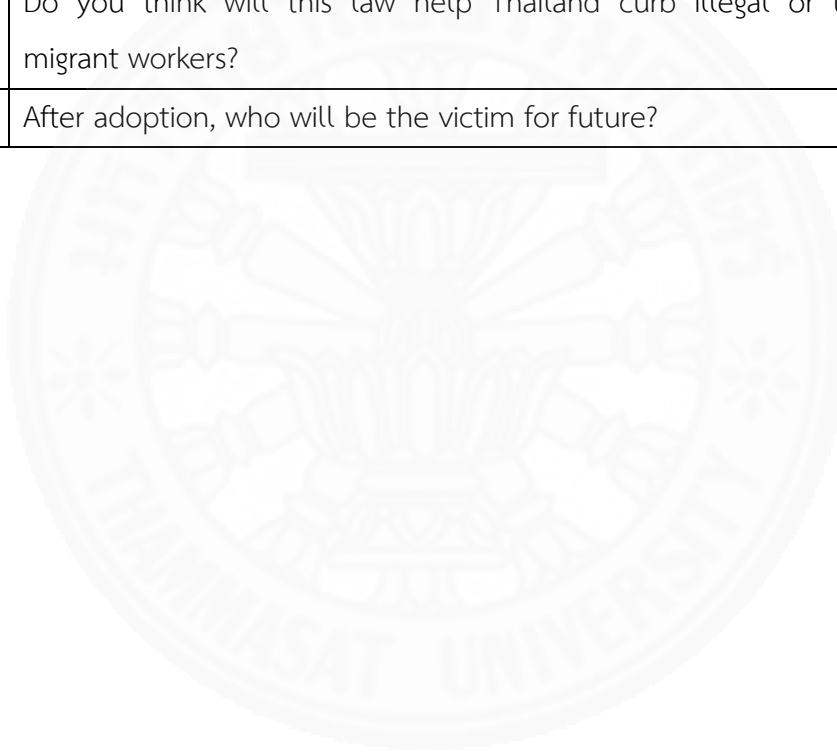
No.	Questions
(1)	What is your name?
(2)	How old are you? (M/F)
(3)	What is the maximum year of the education?(What's your qualification?)
(4)	Where do you come from and what is your background?
(5)	What nationality are you?
(6)	Did you enter to Thailand alone or as a family?
(7)	How much do you need to pay to work in Thailand?
	<b>Reasons and Duration</b>
(8)	Why do you choose to work in Thailand?
(9)	How long have you been working in Thailand?
(10)	Do you enter Thailand through official (MOU) or non-official channel?
(11)	Are you recruited by recruited agency or other ways?
(12)	How do you get Certificate of Identity (CI)?
	<b>Welfare</b>
(13)	What kind of benefit do they give (housing/ food/ health insurance /medical care/ social security fund)?
(14)	Are there any difficulties at work?
(15)	Do you get your daily wages in accordance with official rate?
(16)	How do you get OT allowance?
	<b>Compensation</b>
(17)	Do you cover by yourself or paid by your employer?
(18)	While you are working here, do you get any compensation?
	<b>After adoption of New Labor Law</b>
(19)	After adoption Thai's New Labor Law, what difficulties have you faced or What impact have you got it from?
(20)	In your opinion, does this new law affect to Myanmar illegal migrant workers? How much does it affect on them?
(21)	How much differences before and after adoption this law?

Interview Questions to Employers (or) Supervisors of the companies (or) firms are as follows:

### Characteristics

No.	Questions
(1)	What is characteristics of your company?
(2)	How long have your company been running?
(3)	Why is your company want to use legal?
(4)	Why is your company not to use the illegal?
(5)	How many migrants are you using in your firm?
(6)	How many Myanmar migrants are you using in your firm?
(7)	Are they illegal or legal?
(8)	How long do they work in your firm?
	<b>After adoption of New labor Law</b>
(9)	After adoption of new labor law, what is your company happening?
(10)	What difficulties have you faced or what impact have you got it from? (production and recruitment)
(11)	How do you think upon this high penalties?
(12)	How do you think advantages and disadvantages upon employer and migrants (Myanmar migrants) especially illegal one?
(13)	How is your opinion upon exploitation of migrants? (eg. Human Trafficking, Labor Rules etc.)
(14)	Do your company need to change its behavior or procedure?
(15)	Do you think it is good for you (or) your firm future?
(16)	How many Myanmar migrants have been repatriated to their original countries after adoption this law?
(17)	How is differences between before and after the new law? Can it become good or bad effect upon Myanmar migrants especially illegal one?
(18)	Did you take the responsibility for them to change legal status?
(19)	Do you think this new law can affect Myanmar migrants especially illegal one?

No.	Questions
(20)	Do you think this new law can encourage human smuggling upon Myanmar migrants?
(21)	How does this new law help them from become a victim of human smuggling? (eg. dishonest broker, powerful officials and agent)
(22)	How does this new law impact on Myanmar's migrant workers especially illegal one?
(23)	What will happen to those illegal migrants as the introduction of the new law?
(24)	Do you think will this law help Thailand curb illegal or undocumented migrant workers?
(25)	After adoption, who will be the victim for future?



Interview Questions to NGO official are as follows:

### Characteristics

No.	Questions
1.	What is characteristics of your NGO?
2.	How long have your NGO been running?
	<b>After Adoption the New Labor Law</b>
3.	How is your opinion upon Thai's Royal Decree?
4.	Do you think it can protect the human trafficking in Thailand?
5.	What is your experience with this new law in Thailand?
6.	How consistently is the new law being conducted?
7.	What are the strengths and weakness of new law in Thailand?
8.	What are the issues faced by illegal migrants in Thailand?
9.	What are the tactics do you use to gain favourable decision?
10.	Do you have any concerns about this new law as a whole?
11.	What is your view of the procedural standards and safeguard elements in the system?
12.	After adoption of this new law, what cases are you solving and which facts in this law cause these cases?
13.	How does this law affect on illegal migrants who enter without complete documents and work permit and who are working differently than conditions specified in a work permit?
14.	After adoption of this new law, what cases are you solving and which facts in this law cause these cases?

**PLEASE ANSWERS ALL QUESTIONNAIRES IN PROFESSIONAL CAPACITY**

Interview Questions to Ministry of Labour official in Thailand are as follows:

**Characteristics**

No.	Questions
(1)	What is your name, position and responsibilities in this ministry?
(2)	How many Myanmar migrant workers in Thailand?
(3)	How many Myanmar illegal migrant workers in Thailand?
(4)	What are the difficulties on your side before adoption of the new law and how did you overcome?
(5)	What are the difficulties on Myanmar migrant workers side before the implementation of the new law and how did you render assistance to them to overcome these difficulties?
(6)	What is the role of your ministry relating to this new law?
(7)	Why did the law adopt?
	<b>After Adoption New Labour Law</b>
(8)	What is your opinion on the effect of the new law to the foreign migrant worker, especially Myanmar mainly legal and illegal?
(9)	What is the plan of action for implementation of the new law relating to the above mentioned groups?
(10)	How much this law impact the migrant workers in general?
(11)	What will happen to those illegal migrants as the introduction of the new labour law?
(12)	Are there any other focus of this new labour law apart from migrant workers, if yes please explain in detail?
(13)	Do you think this law really affect into employers and their employees, if yes please explain and if no how to make?
(14)	Do you think this new law can damage Thailand SMEs? Why? How?
(15)	After adoption of this new law, what cases are you solving and which facts in this law cause these cases?

No.	Questions
(16)	What are the difficulties on your side in implementation of the new law and how will you overcome?
(17)	What are the difficulties on Myanmar migrant workers side in implementation of the new law and how will you render assistance to them to overcome these difficulties?
(18)	Do you think this new law can encourage to Human smuggling even though can protect Human Trafficking? How do you think upon it? So it may be bad effect on Migrants especially illegal one?
(19)	Can and cannot this law help the migrant who does not have documents now? How?
(20)	Do you think this new law can help Myanmar migrants from become a victim of greedy and dishonest brokers, powerful officials and agents? How?
(21)	Do you accept or not cancelation letter from migrant workers who resign from current job?
(22)	Who will be the victim for future?
(23)	Will this law help Thai curb illegal or undocumented migrant workers?
(24)	Do you think this new law will be the brighter future for migrants (legal or illegal)? How?
(25)	How does government provide technical support to the employers and workers to understand, comply and implement the new law? How far do you reach?
(26)	How can we measure the usefulness of new law so far? In what extent?
(27)	How do the stakeholders contribute for implementation?



Interview Questions to Myanmar Labour Attaché at Myanmar Embassy in Thailand are as follows:

### Characteristics

No.	Questions
(1)	What is your name, position and responsibilities in this ministry?
(2)	How many Myanmar migrant workers in Thailand?
(3)	How many Myanmar illegal migrant workers in Thailand?
(4)	What are the difficulties on your side before adoption of the new law and how did you overcome?
(5)	What are the difficulties on Myanmar migrant workers side before the implementation of the new law and how did you render assistance to them to overcome these difficulties?
(6)	What is your opinion on the adoption of new law?
<b>After Adoption New Labor Law</b>	
(7)	What is your opinion on the effect of the new law to the Myanmar migrant worker legal and illegal?
(8)	What is your plan concerning with implementation of the new law relating to the above mentioned groups?
(9)	Are there any other focus of this new law apart from migrant workers, if yes please explain in detail?
(10)	What are the difficulties on your side in implementation of the new law and how will you overcome?
(11)	What are the difficulties on Myanmar migrant workers side in implementation of the new law and how will you render assistance to them to overcome these difficulties?
(12)	How do you cooperative with Thailand authorities and other state holders relating to this new law?
(13)	Do you think this new law can help Myanmar migrants from become a victim of greedy and dishonest brokers, powerful officials and agents? How?
(14)	Who will be the victim for future?
(15)	Do you think this new law will be the brighter future for Myanmar migrants (legal or illegal)? How?

Interview Questions to ILO official are as follows:

### Characteristics

No.	Questions
(1)	What is the role of ILO in Thailand concerning with migrant workers?
(2)	How long have ILO been dealing with this issue?
(3)	How many migrant workers in Thailand? Among them, how many Myanmar migrants? Are they legal? How many illegal Myanmar migrants are here?
<b>After Adoption the New Labor Law</b>	
(4)	How is your opinion upon Thai's Royal Decree?
(5)	Do you think this law really affect into employers and his employees, if yes please explain and if no how to deal with it?
(6)	Do you think it can protect the human trafficking in Thailand?
(7)	Do you think it can encourage to human smuggling?
(8)	What is your experience with this new law in Thailand?
(9)	How consistently is the new law being conducted?
(10)	What are the strengths and weakness of new law in Thailand?
(11)	What are the issues faced by illegal migrants in Thailand?
(12)	What are the tactics do you use to gain favourable decision?
(13)	Do you have any concerns about this new law as a whole?
(14)	What is your view of the procedural standards and safeguard elements in the system?
(15)	After adoption of this new law, what cases are you solving and which facts in this law cause these cases?
(16)	How do you think thousand of migrant workers have left from SMEs side? Can it damage to SMEs side (or) can it lose to migrants' jobs (or) both?
(17)	Have you got good result from effect of legal or illegal migrants due to this law even though it is not long enough to enforce?
(18)	Are there any other focus of this new law apart from migrant workers, if yes please explain in detail?

No.	Questions
(19)	How does this law affect on illegal migrants who enter without complete documents and work permit and who are working differently than conditions specified in a work permit?
(20)	Who will be the victim for future?
(21)	Will this new law good or bad effect upon Myanmar migrant workers (legal and illegal)?
(22)	Will this law help Thailand curb illegal or undocumented migrant workers?
(23)	Do you think this new law can help Myanmar migrants from become a victim of greedy and dishonest brokers, powerful officials and agents? How?
(24)	What will happen to those illegal migrants as the introduction of the new law?
(25)	Do you think this new law will be the brighter future for Myanmar migrants (legal or illegal)? How?
(26)	Can and cannot this law help the migrant who does not have documents now? How?
(27)	How do you think upon Thai government provide technical support to the employers and workers to understand, comply and implement the new law? Is it enough to support for them? How far do they reach?
(28)	How do you think of future prospect concerning with this law?
(29)	May I know your opinion why the government relief in some affects concerning with new law?

**APPENDIX D**  
**INTERVIEW TRANSCRIPTIONS FROM INTERVIEWEES**

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree						
Questions	Sources					Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL		
1. What is the maximum year of the education?	A: 6 <sup>th</sup> grade B: 10 <sup>th</sup> grade C: 4 <sup>th</sup> grade		A: 10 <sup>th</sup> grade B: 8 <sup>th</sup> grade C: 4 <sup>th</sup> grade	A: 4 <sup>th</sup> grade B: 2 <sup>nd</sup> grade C: 9 <sup>th</sup> grade D: 10 <sup>th</sup> grade E: 9 <sup>th</sup> grade		In the present days of young migrants are more educated than older ones so they have more senses and knowledge.
2. Where do you come from and what is your background?	A: Motama township, Mawlamyine city B: Mawlamyine city C: Waw township, Bago division		A: Bago division B: Dawei district, Taninthayi division C: Yangon city	A: Dawei district, Taninthayin division B: Thanbyuzayat township, Mon state C: Kayin state D: Taninthayi division E: Mudon, Mon state		Most of them are from rural area and border area.
3. What nationality are you?	A: Myanmar B: Myanmar		A: Myanmar B: Myanmar	A: Myanmar B: Mon		Myanmar who lives rural areas and ethnic groups who

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	C: Myanmar		C: Myanmar	C: Myanmar Kayin D: Myanmar E: Mon	lives border areas.
4. Did you enter to Thailand alone or as a family?	A: Came with brother (with the help of broker) B: Came only one (with the help of broker) C: Came only one (with the help of broker)		A: Came with brothers (with the help of broker) B: Came with brother (with the help of broker) C: Came with friend (with the help of broker)	A: Came with friends (with the help of broker) B: Came with Aunt (with the help of broker) C: Came only one (with the help of broker) D: Came only one (with the help of broker) E: Came only one (with the help of broker)	Most of them came into Thailand with the help of brokers.
5. How much do you need to pay to work in Thailand?	A: Baht 5000 B: Baht 60,000 (1994) C: Baht 40,000		A: Baht 6,000 (2012) B: Baht 3,000 (2008) C: Baht 35,000 (2012)	A: Baht 3,700 (1999) B: Baht 120 (1998) C: Baht 20,000 (2012) D: Baht 5,500 (2008) E: Baht 1,100 (2015)	The broker fees depend on the broker not concerning with time.

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
6. Why do you choose to work in Thailand?	A: Close to Myanmar B: Close to Myanmar C: Close to Myanmar and could not go anywhere		A: Easily to come B: Close to Myanmar C: A friend is staying in Thailand	A: Close to Myanmar and if they seize, I'll pay fines in Malaysia that's why I chose Thailand B: Auntly is living in Thailand C: Close to Myanmar D: Close to Myanmar E: Close to Myanmar	They chose Thailand because it is next to Myanmar and they go back easily whenever they want.
7. How long have you been working in Thailand?	A: Here (7) years & others (a few years) B: (20) years C: (20) years		A: (9) years B: (10) years C: (6) years	A: (19) years B: (20) years C: (6) years D: (10) years E: (3) years	Some are working in Thailand at least three years and some are working nearly 6 years and above.
8. Do you enter Thailand through official (MOU) or non-official channel?	A: Non-official channel B: Non-official channel C: Non-official channel		A: Non-official channel B: Non-official channel C: Non-official channel	A: Non-official channel B: Non-official channel C: Non-official channel D: Non-official channel E: Non-official channel	All of them came through illegal channel.

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
9. Are you recruited by recruited agency or other way?	A: Another way B: Another way C: Another way		A: Another way B: Another way C: Another way	A: Another way B: Another way C: Another way	All do not come from agency way.
10. How do you get Certificate of Identity?	A: From Purple card to CI B: From Pink card to temporary Passport and now holding ordinary Passport C: From temporary Passport to ordinary Passport		A: From Purple card to ordinary Passport B: From Pink card to temporary Passport and then have got ordinary Passport C: From Purple card to CI	A: From Pink card to temporary Passport and now holding ordinary Passport B: From Pink card to ordinary Passport C: From temporary Passport to ordinary Passport D: From Pink card to ordinary Passport E: From Pink card to ordinary Passport	Luckily they hold at least CI or ordinary passport even though they came from illegal way.

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
11. What kind of benefit do they give?	A: Social Security, give room for MOU and medical care B: Social Security, give room for MOU C: We get equal status with others		A: Applying for Social Security card B: Applying for Social Security card C: Applying for Social Security card	A: Social Security Card, give room for single, provide food in canteen, annually bonus B: Social Security C: Social Security D: Social Security, provide room E: Social Security, provide room	all of interviewees who I interviewed have Social Security cards (Pakansanhun) but some are applying now.
12. Are there any difficulties at work?	A: No B: No C: No		A: No. We get same status B: No C: No	A: Not always B: No C: No D: No E: No	Most of them are not difficult to work in their work side
13. Do you get your wages in accordance with official rate?	A: Yes, baht 325 B: Yes we get the same with others		A: Baht 350 B: Baht 350 C: Baht 325	A: Baht 326 B: Yes, I get it from official rate	They get at least the daily wages according to the official rate.



(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	C: Yes we get daily wages with official rate			C: Yes, I get it from official rate D: Yes, I get it from official rate E: Yes, I get it from official rate	
14. How do you get OT allowance?	A: I get OT allowance according to government instruction B: I get OT allowance according to government instruction C: I get OT allowance according to government instruction		A: Baht 50 per hour B: Baht 60 per hour C: Baht 50 per hour	A: Baht 60 per hour B: Baht 60 per hour C: We get it with same amount D: We get it from description E: C: We get it from description.	Some don't get OT in accordance with official rate.
15. While you are working here, do you get any compensation?	A: It has compensation. E: § They provide for pregnancy woman.		A: If someone accident in his working hours, he will get it.	A: We have this right but I have not face this situation myself that is	All of them can get compensation if they face accidents in their working

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	B: We have this right. Society Security Fund and our company give this. C: We have this right.		B: It has compensation. C: It has compensation.	why I don't know much. It depends on accident to get different money. B: Yes, they give compensation. C: If someone face accident, he get compensation. D: It has compensation. E: It has compensation.	hours. All of them can get compensation if they face accidents in their working hours.
16. After adoption of Thai's new labor law, what difficulties have faced or what impact have you got it from?	A: It becomes higher living standard. B: It has many effects. Now if I want to go back, I can go back directly no need to worry for catching police because of MOU		A: It is good. B: It is good for increasing money. C: It is good because of making for employees.	A: Some employees went back because they didn't like MOU system which have to work with employer at least (4) years whether they like it or not. B: We get good effect. We	All of them like new labor law because they are holding CI or ordinary passport so they don't need to worry about meeting Thai police catching police.

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	but earlier time we paid a lot to hire a car if we go back which is not official. C: It is good. No need to go unofficially because we have documents.			are not afraid when we go out for meeting police. C: It is good effect for being not afraid when we go over limited area. D: It is good for ours. E: It is good.	
17. In your opinion, does this new law affect to Myanmar illegal migrant workers? How much does it affect on them?	A: It was good for making passport renewal of illegals. B: Now this law is nothing for illegals. C: No effect for illegals.		A: It has no effect for illegal and good effect for legal now. B: It is no effect for illegal. C: It is no good for illegal.	A: It was good effect for illegal for getting CI. B: Now it is no effect for illegal but it will be good if it makes something for them. C: For illegal, it is difficult and afraid for everything. D: It is no good upon illegal. E: It is nothing for illegal.	Most of them know that it was good for illegal for getting legal status.

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree					
Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
18. How much differences before and after adoption this law?	<p>A: Before, we were afraid but now we have CI or temporary passport so we don't afraid.</p> <p>B: In the earlier time, even though we didn't have a pink card, we could stay to work here. Now if we don't have any cards, we cannot live here so we have to make documents. Only when we can live here. So it becomes higher standard.</p> <p>C: This new law is good for having complete documents. The old law</p>		<p>A: This new law is good. But I don't know much about old law.</p> <p>B: It is good for wages.</p> <p>C: Now it is good for having the opportunity to submit if employer exploit upon employees.</p>	<p>A: This new law is a taught law like a Marshal law so we have to abide by the law. It is so good for our security and our rights because we have rights to submit when we are being exploited by employer according to the MOU.</p> <p>B: It is needed to have a passport so we have right employer. It was easy to find a job but wage was lower than normal because they were illegal who didn't have a passport in the old law time. According to the old</p>	<p>All of them know that this law is good for their rights and security. They know more about the MOU system. Some think that MOU and this new law are the same.</p>

(I) Major Findings from Myanmar Migrant Workers upon Thai Royal Decree				
Questions	Sources			Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	
	is no good for having not exactly anything. It is good for getting equal standards and opportunities for both Myanmar and Thai employees.			law, they have to have a passport but they could stay without passport as an illegal. C: It is good upon legal but it is difficult to find job for illegal. D: It is good for being MOU. Pink card is restricted in places. E: It is good for being MOU. Pink card cannot go anywhere.

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
1. What is characteristics of your company?	Production is Jewelry, real silver and yellow gold and selling to Europe and US.	Our production is injection plastic products: a case of printer part of plastic.	Production jewelry.	Our company is Sea food manufacturer and has 6 main products Tuna, Sardine and Mackerek, Shrimp, Cephalopod, Fish snack and Meal and Bakery.	Jewelry production, injection plastic and sea food manufacturer
2. How long have your company been running?	Starting from 1989 and now over 20 years.	6 or 7 years. We take over from another plastic company.	28 years old.	It has been running for 25 years since 1993.	Most companies have been over two decades and some have over five years.
3. Why is your company want to use legal?	Our company has already got a place in the world market. So we can accept the migrants only having Thai's government documents.	We use all migrants who are legal. We want to make requirement with the labor law.	Our employer is a foreigner so we use legal ways only.	Our company has 2 main policies which based on law, social compliance and ILO standard : 1) Business Ethics and Labor Code of Conduct, 2) Ethical Migrant Recruitment Policy. Both policies prohibit illegal	They use legal ways according to the law instructions.

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
4. Why is your company not to use the illegal?	Customers are foreigners so they don't accept if the employees are not real.	No use an illegal worker.	Follow the law's instruction.	labor, Child labor, Forced labor and Human trafficking. Both policies prohibit illegal workers	They don't want to do against the law.
5. How many migrants are you using in your firm?	There are altogether 3,700 migrants.	Roundabout 1,000 migrants.	Total migrants are 30.	Total employees are 12,000. They are Thai and Myanmar.	Depend on big and small firms, migrants workers' amounts are different.
6. How many Myanmar migrants are you using in your firm?	Among them, 1,400 migrant's are Myanmar.	30% are Cambodia and others are Myanmar.	30 migrants	Myanmar migrants are 9,000.	Myanmar migrants are majority workers.
7. Are they illegal or legal?	All are legal.	We use legal only.	All are legal.	All are legal.	They use all legal workers.
8. How long do they work in your firm?	Myanmar migrants have been starting to	Depends on their enter dates. Some	Maximum is 15 years. Some are 10 years, 5	3- 5 years is about 50% and 5- 10 years is about	The maximum is over decades and minimum is

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
9. After adoption of new labor law, what is your company happening?	<p>accept in 2011.</p> <p>Myanmar has so much evidences such as pink, purple, CI cards and passport from the embassy. So some migrants applied CI first in embassy. When company change the name of employer for this migrant; it found that they were holding other types in the earlier times. We can</p>	<p>one, two or three years respectively. More than five years, they went back because of MOU.</p> <p>The cost is higher than before because we make visa for them. Before law out, we hired directly from the subcontractor. So at that time we didn't burden for training fee and social security fee. We paid only service fee to sub-contract. or.</p>	<p>years and 4 years respectively.</p> <p>Not too much need to change because employees live with their disciplines and this new law is not too many changes that is why. There is a law in the earlier time and employees have got their opportunities so no need to change much.</p>	<p>20%.</p> <p>We didn't impact this effect because we have already complied with the new law.</p>	<p>one year. It depends on their enter dates.</p> <p>Most companies faced difficulties in the earlier times because they tried to adjust its new instructions especially documentation processes and there is no subcontractor so they have more responsibilities upon employees.</p>



(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
10. What difficulties have you faced or what impact have you got it from? (production and recruitment )	<p>accept the migrant only when he showed their resignation letter from old employer. We faced many difficulties concerning with documents.</p> <p>In solving this issue, we could instruct migrants where to go for taking resignation letter and how to make it. So they spread good news. When we want to hire more than hundreds of migrants, we go to Myanmar with MOU</p>	<p>Now we have a burden for all cost of an employee. So higher than before to hire cost of employee.</p> <p>Recruitment (Difficulties) –take a long time. After law come out, the process take one and a half months and Myanmar policy change and change around. So we have to adept ourselves to the requirement</p>	<p><b>Recruitment</b> (Difficulties) – Now if we want employees, we use Thai's approval agent because of MOU. After that the agent sent the employees but we use rarely this way because there are so many</p>	<p>Recruitment – We had already complied with this law so we hadn't impact. Production – We have impact the new law allow the employees can change employer if the employees resign on account of employer's breach of the contract or the employees resign as</p>	<p>Most companies faced difficulties for the long processes of documentation concerning with new law. Some told that employees can change easily employer due to this law. Some told that migrant workers are difficult to find here due to MOU. Some told brand new employee is difficult for</p>

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	<p>even though we can hire few migrants here. In doing so, we could get secure and good migrants for the company from good reputation. Firstly, we met long processes. Now we take at least (4- 5) days for a letter despite taking 2 days long in the past. After solving these problems, we can handle it all. Now our migrants have work permit, visa and passport</p>	<p>of both governments policies. Actually we try to hire own employee. If we hire brand new employee, it is really difficult for them to listen Thai language. That some problems of brand new Myanmar migrants.</p>	<p>migrant workers here. When we want employees, we write this advertisement in front of our office, they applied. MOU system could not change employer. In the earlier time, there are many migrants but now reducing means due to MOU system so it is difficult to find for migrant workers. But we don't accept the migrants who do not</p>	<p>their voluntariness and pay back recruitment cost. Normally seafood industries are unattractive because we must strictly control according to Good Manufacturing Practice or GMP and production lines are wet and have fishy smell so some employees don't like them so they may work with us first because they pay according to law and our policy which cheaper than others employers and then they may change employer.</p>	<p>them not to used training before coming to Thailand.</p>

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
11. How do you think upon this high penalties?			<p>have complete documents.</p> <p><b>Production</b> - There is no difficult if there is enough work force.</p> <p>There is no need to get penalties when we do according to the law. The person who don't follow the law must get this penalties. We follow the instruction of law so we will not affect this high penalties.</p>		
		<p>I totally agree. We should hire MOU's employees.</p> <p>Although both governments issue a law, don't tell us method like if employee just absent the rules.</p> <p>What should we do, when we meet with the problem? Before law, we don't have</p>		<p>We fully agree. Our company comply with law. Every employer must comply with law as well. If they don't comply, not only impact for their company but also impact for Thailand's image.</p>	<p>All employers agree to the high penalties for the people who broke the law. But some told that both governments didn't instruct how to deal with the problems when we face like employee absent more than three days concerning with MOU.</p>

(I) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
12. How do you think advantages and disadvantages upon employer and migrants (Myanmar migrants) especially illegal one?		responsibility but not now. So we have had a condition. Government has to give us the right answer.	Since the person, who has entered into an illegal way, has already broken the law. For illegal, it must be effective. There are (2) types of employers: the person who abide by the law and who does not abide by the law and who	(1) Governments give a chance to change legal. (2) As hiring legal employees, employer will receive trust from their customers and stakeholder. (3) Legal people can work everywhere in Thailand and they receive social security.	According to them, illegal migrants got advantages from this law for getting legal status. Some employers think that it can get disadvantages for employer to pay hire cost higher than before and take time procedures and limits.

## (II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
13. How is your opinion upon exploitation of migrants? (eg. Human Trafficking, Labor Rules etc. )		This new law fully protects the employee. In the olden days, an employee had to give the cost to the sub contractor the amount which they asked for. Recently as they are being hired directly by employer, they don't need to pay more than before.	does not abide by the law. The former one cannot get disadvantages. Due to disobey employers, employees lose their opportunities. So it will be better that this new law should protect employees who are exploited by employers instead of protection illegals. Ours use legal way and employees are wanted to get legal opportunities	In our opinion, we disagree exploitation. We have policies which treat employees equally, no discrimination and prohibit illegal labor, child labor and force labor and human trafficking and any abuses.	This law is good for employees because of no subcontractor so they are free from exploitation. Some has own policies for concerning with employees.

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
14. Do your company need to change its behavior or procedure?	<p>As knowing the law is going to be adopted, we gradually changed our procedures and behaviors. So we don't need to change much after adoption. As lack of educating in this knowledge, the problems was confronted between employer and migrants. So we lost our old migrants who did not want to follow the instruction</p>	<p>For employer, hire cost is higher than before.</p> <p>Yap, totally different with tor and MOU system. Before the law, when we need (30) employees, we can hire here. But now we have to submit documents to Thai and Myanmar governments. It has a lot of procedures. We have to learn and change. Not change only one</p>	<p>completely.</p> <p>Yap, we have changed a little in the procedures because of becoming the detail documents. But the procedures are not so difficult. MOU system is a good system. But it has good and bad effects. For eg. in the recent day, Thai's economy is not good. At that time,</p>	<p>Yes, it needs to change. Now our procedures have been changed to comply with the new law.</p>	<p>All of them have change their procedures for concerning with documents. Some employers don't like much upon MOU because it has a lot of procedures, takes time and creates higher for hiring cost. Sometimes they get salary even though employer has no order from their customers like that. So MOU is good and protect the employees.</p>

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources			Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	
	<p>because they did not understand well about this MOU procedures. Now they have well known only when authorities in Myanmar Embassy came and explained about this so they don't resign from the job. As understanding of MOU, they have known difficult to change a job even though they can speak Thai language well.</p>	<p>time. When Myanmar changed, we changed. When Thai changed, we changed. Yes changes a lot.</p>	<p>employees are entered into Thailand with MOU. There is no job for these employees. But employer have to pay for them monthly even though there is no job because of MOU. MOU has two years life time. On the other hand, employees have to get worker's right fully even though Thai's economy is not good recently</p>	

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
15. Do you think it is good for you (or) your firm future?	<p>It is good for our firm future because they know for being difficult to change employer and they don't resign from the job. As part of our company, we can calculate concerning with visa and how many migrants so we can arrange with Myanmar. But it takes more time than before for hiring migrants with MOU in Myanmar.</p>	<p>It is good for Thailand and its national. It is no good for foreign company because of higher cost for hiring. After four years, they will go back to Myanmar for making MOU so some don't come back that's why.</p>	<p>and employer has no order. I heard like this.</p> <p>It is generally good because it is to protect workers.</p>	<p>It is good. (1) Government provide chance for migrants to transform illegal to legal. (2) As hiring legal employees, they will trust from their customers and stakeholders. (3) Legal people can work everywhere in Thailand and they receive social security.</p>	<p>Most of them like this law for their firm future because they can see easily how many migrants are working here or needed for future and get trust from customers and stakeholders for using legal ways. But some (foreign company) does not like it for hiring cost is higher than before.</p>



(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
16. How many Myanmar migrants have been repatriated to their original countries after adoption this law?	There is no migrant who are repatriated to Myanmar. But they resigned themselves because they don't like MOU system. If they work with MOU, they will not change the employer even though they don't like him.	I didn't have record. I think 10%. Employees themselves don't like MOU system so they went back.	There is no repatriate workers.	We did not have because no one went back.	According to their saying, some migrants themselves don't like MOU system so they went back.
17. How is difference between before and after the new law? Can it become good or bad effect upon Myanmar migrants especially illegal one?	It is good for our company. In accordance with MOU, migrant has to work with company that at least two years. If our company doesn't like	higher cost for hiring and long process now	I think this new law is better than the old one because of adoption the need facts from the old one. There are some	The new law allow the employees can change employer if the employees resign on account of employer's breach of the contract or the employees resign as	According to them, it can protect the migrants who are being exploited, create higher cost for hiring, takes time, can control at least two years due to MOU, can resign employees if

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	him within this two years, we will allow to let him go other places without extension visa.		migrants who are exploited so they can get better opportunities from this law. For illegal workers, they must become legal workers first and then they can get protection from this.	their voluntariness and pay back recruitment cost. In case the employer advance pay identity document fees for their employees. The employer can deduct fees from salary. Some fines are cheaper than the old one but some are higher than the old one.	employer exploit them or their wish but latter case need to pay back recruitment cost.
18. Did you take the responsibility for them to change legal status?	They have to pay for their personnel affairs like visa, work permit and passport but other administration matters like joining with brokers, sending	We make them for administration process.	In olden days, we took responsibility for becoming legal status. But we couldn't make it now if they have no documents. because	All employees were legal before adopted the new law.	Employers handle administration processes for employees except their personnel affairs.

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	<p>letters to office are managed by the company so they don't need to take a leave from their work. Then we also handle the document letters which are picked up from Mae Sauk and (90) days visa extension without need to pay extra fees.</p>		<p>of policy. Now they can come with MOU if they are illegal. In my company, there are no MOU migrants. But they all are legal. As not being MOU's workers, they have a chance to change employer and jobs easily.</p>		
<p>19. Do you think this new law can affect Myanmar migrants especially illegal one?</p>		<p>For legal workers, they wouldn't be exploited now because there is no sub contractor and they are being hired</p>	<p>I think that this new law was good upon illegals for getting legal status before enforcing law. For legals, it can protect</p>	<p>Yes, this new law had affected.</p>	<p>It can protect legal migrants who are being exploited because of no sub-contractor and illegal got legal status before entering the law.</p>

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
20. Do you think this new law can encourage human smuggling upon Myanmar migrants?		directly by employer so they are protected by this new law. It is good effect upon migrants.	the migrants who are exploited against the law.		They don't think this new law cannot encourage human smuggling and it depends on governments, employer and agencies who need to explain more upon MOU system.
			Our employees will not be the victims forever. Our's has Thai staffs for solving this documentation parts and worker affairs in accordance with this new law. It depends on the employer. I don't think this new law does not encourage human smuggling.	No, it cannot encourage human smuggling. It is practical. For instance, if Myanmar migrant needs to work at Thai company, they need to apply MOU channel from Myanmar. Thai government clarify MOU processes. If Myanmar government and agencies clarify MOU processes, it's easy to make.	

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
21. How does this new law help them from become a victim of human smuggling? (eg. dishonest broker, powerful officials and agent)			Migrants themselves need to know more about their rights, pros and cons. If they know their opportunities, there is no need the law and they will not be victims of all. They need to open their mind for getting more awareness. Now some migrants don't know their work permit and passport expired date. It depends on how much do the people obey upon it.	The new law is not supporting for becoming victim. It is practical.	According to this, they cannot be trapped by this law to become a victim of all but it depends on employers and employees only not concerning with law. There are several laws which are adopted by authority but some are not being practiced effectively.

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
22. How does this new law impact on Myanmar's migrant workers especially illegal ones?			<p>There are other laws. But migrants paid more than their pay even though it has official rate. So this new law cannot become human smuggling. It depends on employers and employees.</p> <p>It depends on the number of people who practice it. So the impact of this new law depends on how much it influences upon people. This new law</p>	<p>I answered this in question no. (12).</p>	<p>For illegal, they got legal status before enforcing the law but now whether it is effective or not upon the people who apply truthfully in their work sectors.</p>

## (II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD. is needed to apply effectively in the offices and people need to know and practise about this law.	Thai Union Group PCL Our company has no illegal migrants so we don't have any ideas for this item.	
23. What will happen to those illegal migrants as the introduction of the new law?			This new law cannot protect illegal migrants because they are out of law. At this situation, employers must not hire illegal migrants. So it will be good for illegal migrants if their employers make them to get legal status.		This law cannot protect illegal migrants because they are out of law but if their employer make them to legal status, it will be good for them.

(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
24. Do you think will this law help Thailand curb illegal or undocumented migrant workers?			Yes. For instance in the fishery sector, if workers faced the problem into the sea with no evidence, they would suffer a lot. Due to this law, they are under their employer's list. If they lost, they had evidence. So employer must has responsibility for their compensation.	Yes, new law helps to control illegal.	It can control illegal migrants especially fishery sector.
25. After adoption, who will be the victim for future?	No one will become victim if they follow the law instructions. Due to MOU, the	It should be in Thailand in accordance with the international norms	There is no victim. Everybody can do according to the law's instructions.	No one will become victim because the law is practical. In my company, every one can comply it.	No one will be the victim if the people who use effectively. It is needed for labor management. If



(II) Major Findings from Assistant General Managers, Human Resource Managers, Department Managers and Production Manager

Questions	Sources				Findings
	RJM (Regal Jewelry Manufacture Co. Ltd.	Calcomp Precision (Thailand) Ltd.	NAGANI CO., LTD.	Thai Union Group PCL	
	<p>migrants in Thailand will be a few problems because they have to go back to do documents after (4) years and they could not change their job immediately. Now they can go everywhere due to holding passport or CI. Myanmar government can know Myanmar migrants amount easily.</p>	<p>concerning with labor management. If there is no law, the government doesn't know easily the migrants amount. Now it is good. In my view, employer will become victim due to hiring high cost and taking long time processes.</p>		<p>In addition we have a program to monitor in every recruitment process in both Myanmar and Thai in order to ensure that comply with law.</p>	<p>Employees themselves don't know about the procedures, they will face difficulty.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
1. What are characteristics of your NGO? And What is the role of ILO in Thailand concerning with migrant workers?	The members who are working in Thailand so we are working as a Union. We represents the migrants from Cambodia, Myanmar, Laos and Vietnam.	We are a migration program in ASEAN that's why I was assigned to tell the migration issue. But actually we have a project and six operating countries under the TRIANGLE in ASEAN even though we are ILO but it has different structure so we are a programme so we have operation six ASEAN countries and we also work with ASEAN level. The six countries are CLMV, Thailand and Malaysia.	<ul style="list-style-type: none"> <li>- Members are still working in Thailand and serving as a Union which represents CLMV's migrants.</li> <li>- ILO's role is a migration programme, six operating countries under the TRIANGLE in ASEAN, so it handle the migration issue.</li> </ul>
2. How long have your NGO been running?	Running since 29 March 2009.	<p>Labor migration becomes the priority for the ILO. My project is starting and before the previous project which can be aware to the case in this region. So we have continued as the project from different donors since 2002 until now but different donors. Four projects were started in 2010</p>	<ul style="list-style-type: none"> <li>- NGO It has been over 9 years.</li> <li>- ILO It's role as a project with different donors in Thailand since 2002 until now. From 2010 to 2015, 4 projects had been finished for the first phase and second phase is 15</li> </ul>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
3. How is your opinion upon Thai's Royal Decree?	<p>It was adopted the cooperation between Thai government and Labor Ministry on 23 June 2017. Firstly, it struck the world including organizations and workers because of stiff penalties and fines for not only employees but also employers. On 5<sup>th</sup> June 2017, we attended with Net Work, NGO, Civil Society Organizations, Community Based Organizations, Unions, entrepreneurs and professors from Universities the meeting and extremely denounced upon it. They said that these stiff penalties could not control the</p>	<p>and ended in 2015 for the first phase and second phase is starting in 2015 to 2025 so our project is 15 years projects.</p> <p>2016 was the starting point in terms of drafting the law on recruitment and employment practice for migrant workers. That law in 2016, there is the prohibition that employer or recruitment agency cannot ask migrant workers to pay for the fees. So the Royal Decree was consolidated for combination of two law 2016 recruitment law and the law on Alien Working Acts.</p> <p>In this law, you can do two things to direct employment: employer directly employ employee and is not necessary to seek and help from</p>	<p>years projects from 2015 to 2025.</p> <p>- NGO It's first adoption was so taught so not only his organization but also various stakeholders: NW, NGO, CSO, CBO, Unions, entrepreneurs, professors denounced and explained about leading to the corruption way. As a results, Thai government relieved the penalties and fines in this law on 23<sup>rd</sup> March 2018. The imprisonment penalty is removed and only send employees back to their country in this new law. - ILO</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
	<p>migrants' issues and it could lead to be corruption way. Thailand is not a country which does not have any corruption. They pointed out that employer's financial solving method will place in all migrants' issues so government should adopt affordable law. Due to this, Thai government reduced the penalties and fines in this new law on 23<sup>rd</sup> March 2018. It reduced imprisonment penalty for workers and included send them back to original country only.</p>	<p>recruitment agency so no need to involve fees. But employers still need to face the recruitment agency in Myanmar in which they cannot find employees easily so employer or employee pay themselves fee for recruitment to agency or not. In terms of legal aspect is good but issue of enforcement is another issue. We really want to advocate further. What are the minimum that migrant and employer need to pay or not? We should put it in the law.</p>	<p>This law is consolidated for combination of two laws: 2016 recruitment law and Alien Working Acts law. Accordingly you can direct employ to employee and you don't need to find and help from recruitment agency so no need to involve fees. It needs to put for what are the minimum that migrant and employer need to pay or not.</p>
<p>4. Do you think it can protect the human trafficking in Thailand?</p>	<p>To eliminate human trafficking, this stiff penalties and fines method could not solve the problem. In my point of view, it can eliminate if both governments have to emphasis systematically with international</p>	<p>This law make sure like the labor migration governance to be migrant worker to work in Thailand so you have to reduce the recruitment costs, migration costs and fees. The law can prevent the forced labor or</p>	<p>- NGO Not only this law but also both governments governments' inspection on ground situation with international norms are needed. - ILO</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
	norms for inspection on ground concerning with migrant issues. If not it cannot protect human trafficking.	human Trafficking which is the bad side of the labor migration. But all the law will respond to it. I don't believe on that not only this law but also other laws how the labor practice in this country, how they treat migrant workers as equal to other workers that's the main issues.	Actually, the law is the labor migration governance so it can prevent it but other laws' reactions are needed upon it.
5. What is your experience with this new law in Thailand?	There are a lot of people entering to Thailand till now because of lack of both governments' sharing news. It is not only responsibilities of destination country's government but also original country's government have to make pre departure training and educating with international standard before leaving for Thailand. It will need to use national media for educating	After a week of enacting this law, a lot of migrants was going back home due to high penalties so Thailand had negatively effects on the economic issue. After revises and adopts, I see more arrested. This is one of the issue they need to clarify to discuss although this law is under the Ministry of Labor but when it comes to issues are criminal often. So they need to discuss about what	- NGO This migration issue is not only concerning with destination country but also original country have to make sufficient educating training and spread the information. Due to lack of this, migrants are still entering into Thailand. Myanmar migrants themselves have a lack of knowledge about this law and

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
	<p>migrant issues if necessary. As Myanmar migrants who based on poverty, they do not know about the new labor law, want higher wages than their native country and are attracted many incentive ways by brokers only. Main thing is not enough to distribute the information so a lot of illegal migrants are still in Thailand till now. In this situation, we repatriate them to Myanmar cooperation with Myanmar Embassy.</p>	<p>can the enforcement to do and what cannot to do because a lot thing that kind the part of law. But the law is good. The law has more procedures and regulations. How we make sure like simplify is not too burden for employers and migrant workers.</p>	<p>want higher wages than their place. - ILO The law is good but it has more procedures and regulations so it is needed to simplify for employers and migrant workers for understand well.</p>
<p>6. How consistently is the new law being conducted?</p>	<p>The main conduct of the new law is due to the pressure of US and EU. The main customers of Thai's trade are US and EU. To uplift and recover of Thai's economy again, Thai's government have to change and adopt the laws more often but it</p>	<p>When they adopted this law in 2017 but they had to revise it so it is failure for me. And then law enforce, a number of issues the need to wait for the main actors like the number of regulations. So if it delays, the law cannot be fully enforced. Others</p>	<p>- NGO To uplift of Thai's economy again and overcome the threat of the US and EU, they have changed and adopted the laws more often but not become effectively.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
	could not manage to enforce actually.	how to make sure is the develop and happening now. There are a lot of migrant workers working in the restaurants even though they are not allowed to work in it. This is the big problem because some agents misuse this gap some how.	<p>- ILO</p> <p>The main actor for function is the number of regulations. These regulations are essential for a number of issues. So if it delays, the law cannot be fully enforced. Even though migrants are restricted, they are still working in the restaurants. So some agents misuse this gap.</p>
7. What are the strengths and weakness of new law in Thailand?	To be able to do a good job according to the law, the rights, the wages and the safeguards, which are prescribed in the law, can become good mobility. Due to losing of illegal migrants, Thai economic cooperation between US and EU will become better than before. Only when boosting of firms or factories,	Strength is the adoption of the 0 fee and the other issues like management of the recruitment agencies like they have to apply in line with the international standard. Issues of penalties and regulation that need to be discussed them that really largely affects badly because the law cannot alone translate into	<p>- NGO</p> <p>As the losing of illegal migrants, Thai economic will be upgraded by promotion of cooperation between US and EU. As a result, migrants' wages can be upgraded. If it cannot enter into force effectively, migrants can still be exploited by existing of corruption.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
	<p>migrants' wages can be upgraded. If Thai government cannot enter into force effectively, corruption can happen continuously. According to the records of international intellectual and intelligentsia, it can proceed not to get deserve wages for migrants due to existing of corruption.</p>	<p>the action. Weakness is delay of the regulations can be. If more delay regulation that help law long working, the law cannot work. Regulation is still needed.</p>	<p>- ILO Strength is having zero fee and international norms of recruitment for management. Penalties and regulations are needed to discuss thoroughly because it cannot alone run the action. The weakness may be the delay of regulations.</p>
<p>8. What are the issues faced by illegal migrants in Thailand?</p>	<p>Currently, Thai government face not sufficient migrants in its country. So it follows Myanmar government will. According to making an official request for fishermen from Myanmar, Myanmar government agreed this issue. Both illegal migrants who are staying inside and entering the country can face seriously attacked by this new law.</p>	<p>Migrants are facing a lot of issues. Not socially this law alone only but also exploiting issue. The officers is the lack of knowledge and understanding so this law cannot be affected for enforcing of a lot of regulations there so they need to up to capacity among those who be part of this law to understand first. The migrant workers need to know</p>	<p>- NGO Recently Thailand faces not sufficient of migrant workers so they make official request for sending fishermen from Myanmar. Myanmar also accepted it. There is no loophole for illegal migrants who are inside or enter into it now. - ILO Migrants face not only social but</p>



(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
	I felt surprise that Myanmar government agreed Thai government's request even though fishermen cannot get fully applied their wages currently according to this stiff law.	to realize whether they are in terms of recruitment agency they think that I was built during the recruitment process you need to know the complain mechanism.	also exploit and some other issues. If the officers who lack of knowledge upon this law, it cannot be run smoothly. As part of employees, they have to know the complain mechanism if they are made by recruitment agency.
9. What are the tactics do you use to gain favorable decision? (Only NGO)	Today, the suggestions to Thai government is a great momentum in Thailand. This suggestions come from inspection and data collection of ground level made by cooperation of migrant union, NGOs and migrant working group. So government adopts the law.		- NGO Nowadays, submitting of the unreasonable situations or demands etc. by all stakeholders to the government is a hot issue in Thailand.
10. Do you have any concerns about this new law as a whole? (NGO, ILO)	Firstly, the whole country worried about this new law. We held meetings cooperation with CSO, CBO. We could suggest our	A lot of concern especially the issues of regulations.	- NGO It's ok now. Any concerns will be shown as strength and weakness upon this which emphasize the

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
11. What is your view of the procedural standards and safeguard elements in the system?	<p>experiences. We pushed government with the outcomes from these meetings. Among this, we gained a lot of successes. We will show strength and weakness of this new law to government and we will emphasize the better facts than others and then it will be made into force.</p> <p>We can accept this condition for reducing the penalties and fines. They can interest upon living with official documents and not entering illegally only when it has legal discipline. Thai government need to enforce truthfully the law which they adopted it with the requirement of the US and EU.</p>	<p>Every one needs to safeguard by this law. Key benefits in this law will be obtained by migrant workers because recruitment and others comply with the law for migrant workers. I think the law is fair already telling you who else about relationship need to be responding to each other. Migrant workers cannot come to Thailand illegally</p>	<p>better facts for future and will be entered into force these facts in the law. It gained a lot of successes.</p> <p>- ILO</p> <p>The issues of regulations are the most concern.</p> <p>- NGO</p> <p>As migrants, they become understanding of the legal status for having official documents. So it is needed to enforce effectively.</p> <p>- ILO</p> <p>In this law, migrant worker is the key beneficial person and recruitment and others are</p>

(II) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
12. After adoption of this new law, what cases are you solving and which facts in this law cause these cases?	<p>It can see good effect for reducing gradually illegal migrants. Migrants should have official documents if not they will suffer like a victims of employers and brokers. If they want government's opportunities, they must have complete documents. Due to the cooperation with both governments, most migrants become legal migrants so they become courage person for submitting their opportunities to governments openly.</p>	<p>anymore if you come, you get penalties. So Every one get penalties with this law not in equal sense but they have some.</p> <p>It is not concerning with recruitment issues. They got penalties for lacking documents.</p>	<p>supporter for them. This law is fair for reacting each other and getting different penalties who involve in this issue.</p> <p>- NGO Concerted efforts of both governments, a lot of migrants turn into legal so they have legal status.</p> <p>- ILO Migrants got penalties not concerning with recruitment issues but lack of documents.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
<p>13. How does this law affect on illegal migrants who enter without complete documents and work permit and who are working differently than conditions specified in a work permit?</p>	<p>It is concerning with Thai's employers because they did not follow the law's instructions. The rule is as follows: - one migrant can get work permit after getting the registration with his employer. He resigned from the job as he did not get the opportunities according to the law and was not happy in this job. If Thai government easily opened for changing the employers, there would be no complex issues. But there is a long processes for making documents so migrant himself cannot manage and his employer could not make systematically for this process at that time the complex results may appear. Eventually, the migrant becomes the victim of this bad</p>	<p>Now illegal migrants become prosecuted by under the law section 101.</p>	<p>- NGO It depends on employer and government. If he follows the rules and the government make it easy to change the employer, these problems will not be happened. Employer is the responsible person to protect his employee's safety. Government needs to adopt the simplification the procedures for changing employer.</p> <p>- ILO Today, illegal migrants are prosecuted by section 101 under the law.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
14. Can this law encourage human smuggling?	<p>effect. So they have full responsibilities for protection of their migrants to become the victim of this law.</p> <p>The mainly things are government and employer. According to Thai government's migrant procedures, there are many processes making step by step. For instance if Thai employer wants Myanmar migrants, the employer or the person who authorized by employer have to go to Myanmar and sign with agency in front of Myanmar labor ministry. In some cases, employer used broker so it could lead to bad effects. To disappear the broker's role, Thai government officially allows an agency which needs to make</p>	<p>Firstly you come intentionally for violation and immigrant in Thailand. Perhaps they need to help for smuggling to come to Thailand. They don't wait with MOU and they know this way is illegal but this is the most effective way for them. After arriving, they can be exploited by many people like employer, broker and others. How do you call them? Are they smuggling or trafficking? They will be penalized because they are smuggling. We cannot solve this problem because a lot of people are coming to do</p>	<p>- NGO Not this law. The employer himself or authorized person must hire directly employees so there is no human smuggling.</p> <p>- ILO Migrant, who comes to Thailand, relies on broker has already broken the law concerning with smuggling. As long as procedures are having complexity, migrants will rely on brokers.</p>

(II) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
	<p>5millions baht deposit to the government. If employers cannot go himself to hire employees, they could hire this agency. If this agency breaks the law, Thai government can confiscate the agency's deposit. On Myanmar side, there are (260) official agencies which deposited 5 millions kyats to the government. If these agencies break the law, the government can confiscate this amount. Actually, if the employer himself or the authorized person directly to hire employees, this human smuggling cannot be appeared.</p>	<p>this. I don't see any state in the world can prevent immigration even in US. So I am not sure human smuggling is law enforcement issue. From my sense, if more complexity in the procedures, migrants cannot do themselves so they need to find helper and then helper charge them a lot of money.</p>	

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
15. Is it good or bad effect upon Myanmar migrants?	<p>One cannot say directly good or bad effect. It depends on the both governments. If they directly inspect to employers with the cooperation of international organizations, it can change good effect.</p> <p>For instance, according to Myanmar side, it enacted the agency fees not more than one hundred and fifty thousand kyats but we can see the persons who arrive here gave agency fees more than official rate. So it can see that Myanmar government lacks inspection for agencies which are allowed by government officially. It can be seen that both Myanmar and Thai governments lack systematically inspection for entering into force their laws and regulations. If they managed</p>	<p>It is good for all workers not only Myanmar migrants but it cannot be good at the regional level because of the country of origin.</p>	<p>- NGO Both governments need to manage and inspect effectively and comprehensively with the cooperation of international organization upon employers' action and employee's on ground situation. Only when there is no human trafficking and smuggling here. So it depends on both governments.</p> <p>- ILO Not only for Myanmar migrants but also for all workers will be better condition in Thailand.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
16. Who will be the victim for future?	<p>thoroughly, human trafficking and smuggling would be far away from migration.</p> <p>Most migrants become victims due to lack of education and knowledge. If Myanmar government make concerted efforts with CBO and NGO for educating pre departure training, migrants' life can be reduced from the victims. At that time, brokers will be the victims. On the other hand, if migrants have enough knowledge, employers have to follow government's instructions and government inspect strictly their instructions, the migration problems will be ended and development society will be appeared. But it still need time.</p>	<p>The law doesn't have sense for anyone to become victim. It is upon the law to enforce effectively because it should protect all and should have the duty, rights and responsibilities so this is the function of it that's why the law does need it. If you misuse any law, you will become a victim. It is very advanced law and put it in place of systems already. It needs the regulations in place soon. We need related persons to comply with this law. It needs to be simple enough to understand the people.</p>	<p>- NGO If all stakeholders included migrants follow their responsibilities, brokers will be the victim.</p> <p>- ILO It is a very advanced law for putting systems in place already and it needs the regulations in place soon. So it is upon the law enforce effectively. Due to this law, nobody will be a victim. If a user misuse the way, he will be a victim. It needs to be a simplification of the rules to understand every one.</p>



## (III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
17. How many migrant workers are there in Thailand? Among them, how many Myanmar migrants (legal and illegal)? (ILO only)		<p>It is a tough question because Thailand has a lot of registration happening in the past. CLMV which estimates around 3.5 millions. The DOE office's official website expresses it. Myanmar takes around 92% or 95% of total. Myanmar is majority migrant workers in Thailand. Myanmar Migrants who works as a skilled labor is only 5% of the total foreign worker here.</p>	<p>About 3.5 millions according to DOE official website. Myanmar is nearly 95% of majority migrant workers and 5% is skilled labor not included in it.</p>
18. Do you think this law really affect into employers and his employees, if yes please explain and if no how to deal with it? (ILO only)		<p>This high penalties are largely effective for SMEs employers. In my opinion, they have to read about putting the high penalties because employer doesn't mean that every one is rich. The noodle shop owner on the street has illegal employee because no one want to work. So he</p>	<p>SMEs employers has got largely effective. Employer does not mean that every one is rich. For instance, employers can mean the poor those who selling noodle shop on the street has illegal employee because no one want to work with him. If he faced this penalty, he</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
		<p>need to use illegal migrant. What is the impact? He can be bankrupt one day. The other way around some negotiation with enforcement that is ok. If option is to match those who enforce, enforcement it can happen in employer side, if you have employees who do not have permit, you will face a high fine. The migrant who does not have official documents will face prosecution. During the national verification process, the government announced we have 1.9 millions migrant workers who are waiting for this process but the officially outcomes is only 1.3 millions that become regular. So 600,000 migrants where are they? The government gave a reason perhaps they go back home.</p>	<p>could be bankrupt in a day. So in this case he may negotiate with his employees.                      During the national verification process, government announced 1.9 millions migrants who are waiting to make legal but officially outcome is only 1.3 millions. So another 600,000 may be still illegal or go back. It is not sure.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
19. How do you think thousand of migrant workers have left from SMEs side? Can it damage to SMEs side (or) can it lose to migrants' jobs (or ) both? (ILO only)		SMEs and migrants' jobs sides could suffer a lot because employers and migrants didn't want to pay penalties so they left. So SMEs can get impact too. As they don't have the workers in their work sides so they don't generate income for their business.	Migrants have left their work sides for avoiding the penalties so SMEs and migrants' jobs side deteriorated. As a result SMEs suffer a lot.
20. Do you think this new law can help Myanmar migrants from become a victim of greedy and dishonest brokers, powerful officials and agents? How? (ILO only)		Greedy and dishonest brokers, powerful officials and agents who are out of the law so we have to get rid of them. If the officials are making corruption, this law cannot be implemented effectively. The law doesn't want to help these people. If there is a bad thing happening for migrant workers, migrant workers themselves need to stand up their	The law does not help the people who live outside the law such as greedy and dishonest brokers, powerful officials and agents so we have to get rid of them. If the officers are making corruption, the law cannot enforce efficiently. But migrants side need to express their voice if they are being exploited.

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
21. Have you got good result from effect of legal or illegal migrants due to this law even though it is not long enough to enforce? (ILO only)		<p>voice that is the complain mechanism function. Issues of awareness of the law could be acted into make sure that the law is effective efficiently.</p> <p>Concerning with good result from the effect of legal or illegal migrants, there are other rights and policies not only this law. They have to make sure migrant workers to become legal. We have the very Ad hoc policy now. Yes, this law cannot measure anything to do in the early stage. Regulations under the law need to be adopted as soon as possible otherwise the law cannot enforce fully.</p>	<p>It is too early to say good or bad result because we couldn't measure it. It is needed not only this law but also other rights and polices are needed. Now they are making illegal to legal with Ad hoc policy.</p>

(III) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
22. Do you think this new law will be the brighter future for Myanmar migrants (legal or illegal)? How? (ILO only)		Yes, it will become brighter future for Myanmar migrants because of the labor governance. The country of origin need to cooperate with it. It is a step towards labor migration governance. Thailand has adopted and recruitment needs to be regulated.	Yes, it is because of labor governance. Additional requirement is the cooperation of original country.
23. Can and cannot this law help the migrant who does not have documents? (ILO only)		No, you cannot work without permit now by law.	Now the migrants, who don't have documents, cannot work here.
24. How do you think upon Thai government provide technical support to the employers and workers to understand, comply and implement the new law? (ILO only)		Yes, Thai government have extended to understand for providing technical support. Not only government but also NGO. But in terms of understanding it is a long term process for some people also. It needs a continuous activities and	Not only Thai government but also NGO have extended for providing technical support to them. To understand well, it needs a time, continuous activities and allocation of more budget. Now they are making Ad hoc policy.

(II) Major Findings from the Chairman of Migrant Worker Rights Network (MWRN) and National Projector Coordinator for Thailand in ILO

Questions	Source		Major Findings
	NGO	ILO	
25. May I know your opinion why the government relief in some affects concerning with the new law? (ILO only)		<p>more budget need to be allocated for this. These activities which they do now Ad hoc.</p> <p>It make impact a lot. People run quickly due to high penalties. Economic can't functioning during that time that's why they made relief it.</p>	<p>Economic impact a lot because people run quickly so businesses cannot run well that's why it is relief.</p>

IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(1) How many are there Myanmar migrant workers in Thailand?	We issued Certificate of Identity for undocumented migrants round about 1,190,000 and MOU process is nearly 550,000 so the total amount is over 1,740,000. According to ILO's survey, there are 2 million legal migrants in Thailand so other three hundred thousand legal migrants are from border pass migrants in border areas which are under industrial development of MOU between two MOFA.	There are 2,204,527 Burmese workers (OSS 784,003 workers, MOU 376,478 workers, prof of original nationality 1,044,046 workers- source: August 2018 )	Myanmar legal migrant workers are over 2.2 millions.
(2) How many are there Myanmar illegal migrant workers in Thailand?	Nobody can estimate this amount.	Department of Employment has the number of legal workers with permission.	Illegal migrants workers amount cannot be estimated.
(3) What are the difficulties on your side before adoption of the new law and how did you overcome?	There were subcontract at that time. They entered as illegal workers and they got pink card so there were a lot	NO ANS.	Before the law, there were subcontractors which had authority to issue pink card for migrants who

IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
	<p>of human trafficking. When they had problem, they did not have no document and had difficulties also. At that time, broker run away from them. If a subcontractor and employer had a problem, hundred of employees became victims like facing trouble and dismissal from their jobs. Our labor attaché solved this problem throughout the eras. Actually, sub contractor means selling labor. This is not conformity with ILO law. But it is terminated in the new law so it is good.</p>		<p>enter illegal. In fact, subcontractor exploits a situation for employee's advantage. Having subcontractor was not conformity with ILO law. They faced employees' troubles from subcontractors and solved the problem till now.</p>
<p>(4) What are the difficulties on Myanmar migrant workers side before the implementation of the new law and how did you render assistance to them to overcome</p>	<p>According to Article (47), an employer gave opportunity to a subcontractor for issuing pink card so illegal migrants role was not eliminated. So Thai's government and Myanmar migrants</p>	<p>There is no problem.</p>	<p>Having subcontracts' role was not good upon Myanmar migrants and illegal migrants role was not eliminated because they can issue pink card to migrants who enter</p>



## IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
these difficulties?	<p>faced difficulties when employer and sub contractor had a problem. As we demanded, there is no sub contract role now. So it is more convenient than before. If migrant workers had a problem, we looked for them to get a new job and if they did not have complete documents or wrong documents, we send them to Myanmar without difficulties.</p>		<p>legal or illegal ways. Myanmar migrants faced problems when employer and the sub contractor had a problem. There is no sub contract role in Thailand due to demanding of our's</p>
(5) What is your opinion on the adoption of new law? <b>(Myanmar only)</b>	<p>Thai government signed one of the ILO's Conventions few months ago. It has been changed the law for standardization among the world. If the employers follow the instructions of law, the law will be upgraded. I noted that it is good for promotion of one step.</p>		<p>It is good for uplifting of one step standardization according to the ILO's norms among the world. It is needed for employers to abide by the law.</p>

IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(6) What is the role of your ministry relating to this new law? <b>(Thai only)</b>		NO ANS.	
(7) Why did the law adopt? <b>(Thai only)</b>		Thailand needs to reform its labour law, particularly law on the management of migrant workers because it is necessary for Thailand to align her migrant labour law in accordance with the international standard.	In line with the international standard, Thailand needs to amend its labor law especially management of migrant workers. If not Thailand may be hit by international community.
(8) What is your opinion on the effect of the new law to the Myanmar migrant worker legal and illegal?	Yes, it will be. In this new law, it has high penalties and fines for employer to hire illegal migrants. This impact leads to good impact so it becomes good. So they have to make their employees to become legal. If employees get legal status, they will get legal rights. So it is good effect for leading to both	It prohibits illegal workers to do work for those legal ones. This is an effective way to manage work of foreign workers.	In this new law, it has fines and penalties for employers who hire illegals and illegal employees prohibit to do legal work so it is leading to good effect for illegals because their employers' have to responsibility upon them to become legal status.

IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(9) What is your plan concerning with implementation of the new law relating to the above mentioned groups?	Illegal (or) migrants who do not have enough documents are making complete documents with MOU. Due to this law, illegals are making to get legal status. Employees have to go back after 4 years of MOU. If all migrants become legal, they will get all legal rights.	NO ANS.	Due to this law, illegal migrants are doing to get legal status. If they become legal, they will get all legal rights.
(10) How much this law impact the migrant workers in general? <b>(Thai only)</b>		It is written to manage, protect as well as encourage corporation among the related persons.	According to this law, it manage, protect and encourage corporation among persons who concern with this issue.
(11) What will happen to those illegal migrants as the introduction of the new labour law? <b>(Thai only)</b>		Those employers and foreign workers who commit the wrongdoings will be punished harder than before in order to prevent the employment of illegal foreign workers.	This law gives harder punishment than before whether the employers or migrant workers who break the law for protecting illegal migrant.

## IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(12) Are there any other focus of this new law apart from migrant workers, if yes please explain in detail?	It is a correction for fulfilling of ILO's convention to upgrade step by step for becoming a peaceful and tranquility work sector. In this new law, the description of not using illegals is different from the old one. According to ILO convention, Myanmar needs to recognize, Thailand needs to give labor's opportunities and employer need to nominate them. So it is good.	NO ANS.	It is a first step to fulfil with a new description to ILO's convention and the encouragement for cooperation among the related persons so it is good.
(13) Do you think this law really affect into employers and their employees, if yes please explain and if no how to make? <b>(Thai only)</b>		It regulates the employers to be responsible for returning their foreign employees back to their home countries after the end of hiring. Employers must report the resignation of their employees to the government based on truthful information.	In accordance with this law, employers must be responsible for their employees' returning home after their contract and submit the resignation of them to the government.

## IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(14) Do you think this new law can damage Thailand SMEs? Why? How? <b>(Thai only)</b>		NO. ANS.	
(15) After adoption of this new law, what cases are you solving and which facts in this law cause these cases? <b>(Thai only)</b>		At the beginning of this law enforcement, there may be employers, organization, and foreign workers who still commit the law. Therefore, we need to publicise and spread the complete information about this new law to the public.	Due to the lack of spreading the complete information, related people may still break the law. So it needs to make more actions for spreading information sufficiently.
(16) What are the difficulties on your side in implementation of the new law and how will you overcome?	In the olden days, Myanmar migrants entered Thailand as an illegal way. Not now. They make MOU and legal. It will take time because of documentation. Both governments are adjusting for reducing processes. They believe brokers words which will issue pink again so they did not make	NO ANS.	At the beginning of this new law, we faced difficulties for requesting to transfer illegal migrants and send them back to the border camps.

IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
	to get legal status during the grace period. At that time, we faced difficulties to request for transferring illegals and sending them to the border camps. But there is no too much difficulties for good relations of both countries.		
(17) What are the difficulties on Myanmar migrant workers side in implementation of the new law and how will you render assistance to them to overcome these difficulties?	There are two types of migrant: legal and illegal. Legal migrants are ok. But there are three types of illegals: without documents, not complete documents and wrong documents. If there are no documents, they will be sent back to Myanmar without difficulties according to friendly relation of both countries. If there are no documents, they will be sent back to Myanmar without difficulties according to friendly relation of both	NO ANS.	According to the law, legal migrants are more convenient but illegal migrants have to make their requirements such as: without documents migrants must be sent back to Myanmar, not complete documents migrants must make MOU process and wrong name migrants must make to be correct it so it will take time.

## IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(18) How do you cooperative with Thailand authorities and other state holders relating to this new law? <b>(Myanmar only)</b>	<p>countries. If there is no complete documents, they will make MOU process. If there is wrong name or something wrong, they will make to be correct and take a time. So employers have to order them to make correction.</p> <p>Concerning with Myanmar migrants right, we deal with Department of Employment, Labor Relation Department and Social Security Fund. Concerning with trafficking, we deal with Royal Thai Police and Department of National Security Investigation. Concerning with sending migrants, we deal with Thai's Immigration. Concerning with Human Trafficking, Human Smuggling, we deal with Royal Thai Police. Recently we deal with National Fishing Association of Thailand because of MOU system.</p>		<p>They are making friendly cooperation with respective sectors for concerning with these issues: Department of employment; Labor Relation Department and Social Security Fund, Royal Thai Police, Department of National Security Investigation, Thailand Immigration and National Fishing Association of Thailand.</p>

IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(19) Do you think this new law can help Myanmar migrants from become a victim of greedy and dishonest brokers, powerful officials and agents? How?	This new law must save them from the victim life. This new law does not allow for hiring the migrants who have without document and exploitation by broker. So I believe that only this part has saved them from victim life. If employers or employees depend on brokers, they can be a victim of brokers. This law is reducing for migrant's convenient so we can accept. I believe that migrants have rely to make themselves their functions without rely on brokers so they will be free from victim by brokers.	Those (business/organisation) who bring foreign workers, and employers who hire workers in the country and employers who are willing to bring foreign workers to work in Thailand must register as well as guarantee to protect those foreign workers from human trafficking.	This law have to save a victim life of migrant workers because the person who bring or hire the workers to employ here have to make responsibilities for checking complete documents or not, making register and guarantee to protect their life from human trafficking.
(20) Do you think this new law can encourage to Human smuggling even though can protect Human Trafficking? How do you think upon it? So it may be bad effect on Migrants especially illegal one? (Thai only)	I don't think concerning with this law. This law is the first step to fulfil the ILO's Convention. It has more activities than before for making documents but it is for their safety. It can see that they themselves are afraid to go these places.	It is not working because workers have no documents.	This law is not working for illegal migrants and cannot encourage human smuggling because of making documentation processes for their safety. If they have to make themselves and not rely on broker, they cannot be a victim.



## IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(20) Do you think this new law can encourage to Human smuggling even though can protect Human Trafficking? How do you think upon it? So it may be bad effect on Migrants especially illegal one? (Thai only)	I don't think concerning with this law. This law is the first step to fulfil the ILO's Convention. It has more activities than before for making documents but it is for their safety. It can see that they themselves are afraid to go these places.	It is not working because workers have no documents.	This law is not working for illegal migrants and cannot encourage human smuggling because of making documentation processes for their safety. If they have to make themselves and not rely on broker, they cannot be a victim.
(21) Can and cannot this law help the migrant who does not have documents now? How? (Thai only)		NO ANS.	
(22) Do you accept or not cancelation letter from migrant workers who resign from current job? (Thai only)		NO NS.	
(23) Who will be the victim for future?	People who live outside the law will become victims. Not only brokers but also the migrants who are still entering through illegal way and the employer who is still hiring illegal migrants will be the victim for future.	NO NS.	People who do not abide by the law, will become victim not only brokers but also employers and employees etc.

## IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(24) Will this law help Thai curb illegal or undocumented migrant workers? <b>(Thai only)</b>		According to the news, it has been seen that both employers and foreign workers are willing to act in accordance with the new law which will definitely help increasing the number of legal foreign workers.	if employers and migrant workers follow the law instructions, this law will help them.
(25) Do you think this new law will be the brighter future for Myanmar migrants (legal or illegal)? How?	The adoption of this new law depends on the survey of ILO Convention, so it completes for all requirements. If we follow the instructions, it will become brighter future for migrants. This law not only can appeal employer who exploits employee but also can send illegal migrants back. I assume that there will be no Human Trafficking, Human Smuggling and forced labor due to this law. Employer has full responsibilities to send right place for their employees.	Legal foreign workers will be allowed to work legally and also receive legal protection and legal rights according to the new law.	If we follow the instructions of the law, migrants' future will be brighter. Employers have the main responsibility to protect their employees' safety.

IV. Finding from Myanmar Labor Attaché and Thai Labor Officer

Questions	Source		Major Findings
	Myanmar Labor Attaché	Thai's Labor Officer	
(26) How does government provide technical support to the employers and workers to understand, comply and implement the new law? How far do you reach? <b>(Thai only)</b>		NO ANS.	
(27) How can we measure the usefulness of new law so far? In what extent? <b>(Thai only)</b>		-	
(28) How do the stakeholders contribute for implementation? <b>(Thai only)</b>		-	

**APPENDIX E**  
**ANALYSING FROM VARIOUS STAKEHOLDERS VIEWS**

Questions	Firms				NGO	ILO	Myanmar Labor Attaché	Thai Labor Officer
	RJM	Calcomp Precision (Thai)	NAGANI	Thai Union PCL				
<b>A. Employee</b>								
(1) After adoption of Thai's new labor law, what difficulties have faced or what impact have you got it from?	√	-	√	√				
(2) In your opinion, does this new law affect to Myanmar illegal migrant workers? How much does it affect on them?	√	-	√	√				
(3) How much differences before and after adoption this law?	√	-	√	√				
<b>B. Assistant General Manager, Human Resource Manager, Department Manager, Production Manager and Department Manager</b>								
(1) After adoption of new labor law, what is your company happening?	√	X	√	√				
(2) What difficulties have you faced or what impact have you got it from?	√	X	X	√				
(3) How do you think upon this high penalties?	√	√	√	√				

Questions	Firms				NGO	ILO	Myanmar Labor Attaché	Thai Labor Officer
	RJM	Calcomp Precision (Thai)	NAGANI	Thai Union PCL				
(4) How do you think advantages and disadvantages upon employer and migrants (Myanmar migrants) especially illegal one? (only three companies)	-	X	√	√				
(5) How is your opinion upon exploitation of migrants? (eg. Human Trafficking, Labor Rules etc. )	-	√	√	√				
(6) Do your company need to change its behavior or procedure?	√	X	√	√				
(7) Do you think it is good for you (or) your firm future?	√	X	√	√				
(8) How many Myanmar migrants have been repatriated to their original countries after adoption this law?	√	√	√	√				
(9) How is differences between before and after the new law? Can it become good or bad effect upon Myanmar migrants especially illegal one?	√	X	√	√				
(10) Did you take the responsibility for them to change legal status?	√ (Admin)	√ (Admin)	√ (Admin)	√ (Admin)				
(11) Do you think this new law can affect Myanmar migrants especially illegal one?	-	√	√	√				
(12) Do you think this new law can encourage human smuggling upon Myanmar migrants? (only two companies) /	-	-	√	√	√	0	√	√

Questions	Firms				NGO	ILO	Myanmar Labor Attaché	Thai Labor Officer
	RJM	Calcomp Precision (Thai)	NAGANI	Thai Union PCL				
Can this law encourage human smuggling? <b>(NGO, ILO, Myanmar and Thai Officers)</b>								
(13) How does this new law help them from become a victim of human smuggling? (eg. dishonest broker, powerful officials and agent) (only two companies)	-	-	√	√				
(14) How does this new law impact on Myanmar's migrant workers especially illegal one? (only two companies)	-	-	√	√				
(15) What will happen to those illegal migrants as the introduction of the new law? (only two companies)	-	-	√	0				
(16) Do you think will this law help Thailand curb illegal or undocumented migrant workers? (only two companies)	-	-	√	√				
(17) After adoption, who will be the victim for future? <b>(Employers, NGO, ILO, Myanmar and Thai Labor Officers)</b>	√	X	√	√	√	√	√	NO ANS.
<b>C. NGO and ILO</b>								
(1) How/What is your opinion upon Thai's Royal Decree? <b>(NGO, ILO, Myanmar and Thai Officers)</b>	-	-	-	-	√	√	√	√
(2) Do you think it can protect the human trafficking in Thailand?	-	-	-	-	X	X	√	√
(3) What is your experience with this new law in Thailand?	-	-	-	-	X	X	√	NO ANS.

Questions	Firms				NGO	ILO	Myanmar Labor Attaché	Thai Labor Officer
	RJM	Calcomp Precision (Thai)	NAGANI	Thai Union PCL				
(NGO, ILO) / What are the difficulties on your side in implementation of the new law and how will you overcome? <b>(Myanmar and Thai Officers)</b>								
(4) How consistently is the new law being conducted?	-	-	-	-	X	X		
(5) What are the strengths and weakness of new law in Thailand?	-	-	-	-	√	√		
(6) What are the issues faced by illegal migrants in Thailand? (NGO, ILO) / What will happen to those illegal migrants as the introduction of the new labour law? <b>(Thai Officer)</b>	-	-	-	-	X	0	-	√
(7) Do you have any concerns about this new law as a whole?	-	-	-	-	√	X		
(8) What is your view of the procedural standards and safeguard elements in the system?	-	-	-	-	√	√		
(9) After adoption of this new law, what cases are you solving and which facts in this law cause these cases? <b>(NGO, ILO, Thai labor Officer)</b>	-	-	-	-	√	√	-	X
(10) How does this law affect on illegal migrants who enter without complete documents and work permit and who are working differently than conditions specified in a work permit?	-	-	-	-	X	√		
(11) Is it good or bad effect upon Myanmar migrants?	-	-	-	-	0	√		

Questions	Firms				NGO	ILO	Myanmar Labor Attaché	Thai Labor Officer
	RJM	Calcomp Precision (Thai)	NAGANI	Thai Union PCL				
(12) Do you think this law really affect into employers and his employees, if yes please explain and if no how to deal with it? <b>(ILO only)</b>	-	-	-	-	-	X		
(13) How do you think thousand of migrant workers have left from SMEs side? Can it damage to SMEs side (or) can it lose to migrants' jobs (or ) both? <b>(ILO only)</b>	-	-	-	-	-	X		
(14) Have you got good result from effect of legal or illegal migrants due to this law even though it is not long enough to enforce? <b>(ILO only)</b>	-	-	-	-	-	√		
(15) Do you think this new law can help Myanmar migrants from become a victim of greedy and dishonest brokers, powerful officials and agents? How? <b>(Employers, ILO, Officers from Myanmar and Thai)</b>	-	-	√	√	√	√	√	√
(16) Do you think this new law will be the brighter future for Myanmar migrants (legal or illegal)? How? <b>(ILO, Officer from Myanmar and Thai)</b>	-	-	-	-	-	√	√	√
(17) Can and cannot this law help the migrant who does not have documents? <b>(ILO and Thai Officer)</b>	-	-	-	-	-	√	-	√



Questions	Firms				NGO	ILO	Myanmar Labor Attaché	Thai Labor Officer
	RJM	Calcomp Precision (Thai)	NAGANI	Thai Union PCL				
(18) How do you think upon Thai government provide technical support to the employers and workers to understand, comply and implement the new law? <b>(ILO)</b> / How does government provide technical support to the employers and workers to understand, comply and implement the new law? How far do you reach? <b>(Thai Officer)</b>	-	-	-	-	-	√	-	NO ANS.
<b>Myanmar Labor Attaché and Thai Labor Officer</b>								
(1) Why did the law adopt? <b>(Thai Officer)</b>	-	-	-	-	-	-	-	√
(2) What is your opinion on the effect of the new law to the Myanmar migrant worker legal and illegal?	-	-	-	-	-	-	√	√
(3) What is your plan concerning with implementation of the new law relating to the above mentioned groups?	-	-	-	-	-	-	√	NO ANS.
(4) How much this law impact the migrant workers in general? (Thai only)	-	-	-	-	-	-	-	√
(5) Are there any other focus of this new law apart from migrant workers, if yes please explain in detail?	-	-	-	-	-	-	√	NO ANS.
(6) Do you think this new law can damage Thailand SMEs? Why? How? (Thai only)	-	-	-	-	-	-	-	NO ANS.

Questions	Firms				NGO	ILO	Myanmar Labor Attaché	Thai Labor Officer
	RJM	Calcomp Precision (Thai)	NAGANI	Thai Union PCL				
(7) What are the difficulties on Myanmar migrant workers side in implementation of the new law and how will you render assistance to them to overcome these difficulties?	-	-	-	-	-	-	√	NO ANS.
(8) Will this law help Thai curb illegal or undocumented migrant workers? (Thai only)	-	-	-	-	-	-	-	√
(9) How does government provide technical support to the employers and workers to understand, comply and implement the new law? How far do you reach? (Thai only)	-	-	-	-	-	-	-	NO ANS.
(10) How can we measure the usefulness of new law so far? In what extent? (Thai only)								NO ANS.

Notes: √ = Support the law

X = Not support the law

0 = No idea

- = Didn't ask questions

## BIOGRAPHY

Name	Miss Su Sandarr Than
Date of Birth	January 6, 1976
Educational Attainment	Academic Year 2018: Master of Arts (Asia Pacific Studies) College of Interdisciplinary Studies, Thammasat University, Bangkok Thailand 1995-2002: B.Sc (Hons.) Physics, Yangon University, Myanmar 2002-2004: M.Sc. Engineering Physics, Yangon University, Myanmar
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