

## The Dynamics of Thailand's Migration Policies, 1972-2008

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### Abstract

Thailand is one of the main destinations for migrant workers in Southeast-Asia. Bringing in migrants from neighboring countries is an important strategy used in sustaining the country's competitiveness in industrial economies. Based on a qualitative approach that relies on documentary analysis and interviews with key members of the government, this paper aims to examine changes in the government's efforts regarding Thailand's migration policies. Rarely mentioned in previous studies are the various attempts that were made to deal with the flow of migrants into the country prior to the registration program period. Moreover, this paper will hopefully contribute to a better understanding of how a policy on migration issues has been addressed and adapted in different contexts from 1972-2008. The role of the government as the main agent in dealing with the flow of migrants, since the enactment of Revolution Order No. 322, should be explored to explain the decision-making on this issue in order to support economic development for maximum benefit.

It has been argued that after three decades of policy development on migration management, porous borders make exact figures of migrant numbers impossible, and that Thailand's government, with its unstable domestic political situation which reflected by frequently changing parliamentary cabinet, plays an inactive role in managing the migrant issue. Moreover, policy input on labor demands is unclear, leaving problems unsolved and policies inconsistent with the country's development strategy. In this scenario, migrant worker issues become a low priority.

**Keywords:** *migrant worker, Thailand migration policy, national security, policy analysis, migration, public policy.*

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### 1. Introduction

Thailand shifted direction on its economic development from agriculture to industrialization in 1960 by passing the Investment Promotion for the Industrial Sector Act BE 2503 (1960), for import-substituting activities. Instruments of industrial policy aimed to develop industry at all levels; employment, growth in each industrial sector, and regional development with a consistent strategy to develop industrial growth (World Bank, 1980). The Investment Promotion Act was renewed in 1977, however, economic problems and an oil crisis led to limited results in investment. The turning point in Thailand's industrial development came from 1986-1996. The effects of the Plaza Accord saw a large number of Japanese firms move their production sites to Thailand, which then became an export country. After this golden decade of development, Thailand experienced an economic crisis in 1997, delaying the progress and development of the technology-based industries that had emerged during the previous ten years. In addition, political problems and military coups in 2008 and 2014 hampered outcomes in developing new schemes for industry, with results under-performing expectations (Kasikorn Research Center, 2017). Thailand delivered many proper measures for business firms to support industrial growth, and it attracted many investors abroad to boost the economy, but the management of its workforce, especially that of migrant workers, is still in question.

Thailand has a long history with migrant workers that can be traced back to thirteenth century caravan traders and merchants from what is now modern China. This was followed by people from Persia and India, who settled in this area by the fifteenth century (Wongboonsin, 2013). The government tried many different approaches to manage the influx of migrants at a time when the country's border was undefined, but since the borders have become more clearly demarcated, rigorous measures have been introduced, with border security always the main concern for the Thai Government at any stage of policy revision.

Migrant workers and irregular migration became a topic of interest across many aspects. Traitongyoo (2008) adopted a historical perspective to investigate how Thailand has dealt with different groups of migrant populations since the registration of irregular migrants in 1992, revealing that "Thainess" has a profound implication on the Thai government's management of irregular labor migration issues. During the policy formulation, a so-called Thai nationalism and "Thainess" were employed as the main perspectives to solve

the problem and a quick-fix way of eliminating the irregular migration, though these approaches failed to reach the goal of reducing the number of illegal migrants.

Likewise, due to the ineffectiveness and inconsistency of Thailand's migration policies, Srivarathonbul (2010) explored the gap in the registration program between policy goals and outcomes, which focused on Burmese migrant workers, as the largest group of migrant workers in Thailand. The study determined that policy gaps were created by a macro-structural factor, with an imbalance between demands from domestic sources and supply from neighboring countries. In addition, the effect of a corrupt system was policy failure, followed by ambiguous registration measurement and the influence of business actors to shape the process of migration policies, all factors that led to the ineffectiveness of the migration management system.

Most of the research on Thailand's migration policies has focused on the outputs of policies and their implementation in a specific area and over a certain period of time, especially the initial effort of the registration program in 1992. This paper looks back to the first enactment of measures that limited the business activities of foreigners and illustrates the complexity of the problems these workers have faced during each period, up to and including analysis of the national verification program included in the latest Foreign Employment Act of 2008, in order to explore the different practices of Thailand's government across a diverse historical context.

In organization the contents, after the introduction, section two presents the objective, which is followed by the methodology employed in this study. Findings are explained through a chronological narrative in section four, while section five includes the discussion with the argument that developed from empirical evidence. The conclusion will be the final section of the article.

## **2. Objective**

To examine how Thailand's government respond to the flow of migrant workers during 1972-2008, which measures were used and how policies transformed to tackle the problem.

## **3. Materials and Method**

To understand how the government recognized the issues related to migrant workers and provided solutions amidst differing contexts since 1972. This paper employs documentary research that relies on 1) primary documents - acts of parliament, policy statements, statistical bulletins, ministerial or departmental annual reports, cabinet meeting minutes, Thailand's National Economic and Social Development Plan, law codes, and the government gazette, and 2) secondary documents - research papers, journals, dissertations, theses, and books relating to Thai policies towards the influx of migrant workers. Findings from multiple sources are analyzed and presented in a narrative manner.

Additionally, in-depth interviews with key participants are used in data collection in order to form the basis for the variation of Thailand's migration policy in a historical context. The key participants consist of government authorities (mainly from the Office of the National Security Council, the Ministry of Labor, and the Office of the National Economic and Social Development Board) with additional key players from the academic sector, including university lecturers. A total of seven participants were selected through snowball sampling. Semi-structured interviews were conducted to provide a better understanding of the change of policies throughout any transition period.

The analysis period is from 1972-2008, which spans from the year after the enactment of the Revolution Order No. 322 in 1972, to the third revision of the Foreign Employment Act 2551 (2008).

## **4. Findings**

Thailand has a long history as one of the destinations for cross-border mobility. However, many people are not aware of the role that migrant workers have increasingly played in Thai society and their contributions to the country's economic prosperity. The Thai government has launched several measures to deal with migrant people, both directly and indirectly.

Thailand instituted a labor policy after the revolution against the government regime in 1932. The Cabinet then considered the increasing labor problem, along with the worldwide economic recession that resulted in a higher unemployment rate. The government agency then known as the Office of Employment

BE 2475 (1932), was tasked with the mission “to maintain economic prosperity through occupations provided for all citizens.” It endeavored to facilitate activities related to the employment process for a small fee. The mission of this domestic labor organization was targeted only at Thai citizens.

#### **4.1 Strict measurement on migrant control: refuge by the end of the Indochina war (1972-1986)**

Thailand during this time was facing political turbulence from a second coup, an unstable domestic political situation, and the expansion of the communist party, prior to it transforming into an era of democracy beginning with the Fourth National Economic and Social Development Plan (1977-1981). During this socio-political economic transition, the government was forced to adopt new ideas under the Inter-Sectoral Planning Scheme (National Economic and Social Development Board, 1977), with efforts aimed at economic development and social justice promotion.

Through industrial growth, the Thai economy absorbed some of the labor force migrating from the rural sector to the urban areas. At that time, it was common to witness rural villagers renounce their farmland to look for work in factories. The demand for unskilled workers from rural areas continued, and in 1980 there was competition from Central East Asian and East Asian countries that led to increasing numbers of foreign workers. At that time, some Thai workers, with the support of the Thai government, decided to immigrate to other countries to look for work. This caused domestic labor shortages in Thailand. Moreover, with the introduction of a new law that required all Thais to receive compulsory education as a way to improve their skills in order to serve the industrial demand for high-skilled workers, undocumented migrants from neighboring countries came to fill the gap left by the scarcity of low-skilled workers.

Thailand employed immigration control as a measure to monitor the number of migrant workers entering the country and officially introduced laws and regulations pertaining to immigrants by passing the Immigration Act 1927 on July 17, with the objectives of systematically monitoring and inspecting aliens immigrating to the country, with “aliens” being defined as any persons not of Thai nationality, and any acts of violation of the law committed by aliens would be penalized (Immigration Act BE 2470, 1927). Two types of immigrants were classified, namely lawful and unlawful, with this classification officially recognized.

With regard to the economic crisis, which affected the opportunity of employment for Thais, the government limited the number of foreigners allowed to legally enter the kingdom. The border was not closed completely to immigrants, though the number of foreigner migrant workers accepted into the country was reduced (Declaration on the revision of Immigration Act, 1932). The Alien Registration Act BE 2479 (1936) approved by the board of regents during the Rama VII reign, announced that aliens aged 12 years and over who had entered the Kingdom prior to the enactment of this act would receive an identification certificate within 90 days. Foreigners entering the kingdom on diplomacy missions or as a government requirement were exempted by this act.

Subsequently, in 1937, the Immigration Act was revised, with clarification added for exemption regulations that included children under 12 years of age and foreigners who entered to work by government order (Royal Gazette, 1937). The Immigration Act was later revised again, in 1939, to limit the duration of the Alien Identification Document and re-entry permit to be valid for only 1 year. Additional revision to the Certificate of Residence, formerly valid for a lifetime, was reduced to 1 year, with the added stipulation that the certificate would expire if the alien departed the Kingdom without notifying immigration officers of a pre-determined return date (Royal Gazette, 1939). Later, the Revision of Immigration Act BE 2497 (1954), was established to abolish Article 15 of the law, with the objective of preventing any persons suspected of conducting a sex business, acts of immorality, or child abuse activities from entering the country. The reasons behind the revision were to assure that, due to the unstable political situations of border countries, such people would be prevented from entering the country. The government frequently launched new regulations to deal with the influx of migrants during this period.

With consultation given by the legislative body of the state, the laws and regulations concerned - that is, the Immigration Act BE 2493 (1950) and Immigration Act (Revision II) BE 2497 (1954) - were dissolved, to be replaced by the Immigration Act BE 2522 (1979), and supplemented by additional divisions, such as the appointment of an Immigration Committee (Article 6). In order to enforce the laws as written, there was a committee set up, chaired by the General Secretary of the Ministry of Foreign Affairs and composed of the General Secretary of the Police Department, the General Secretary of the Security Council,

the Director of the Thailand Tourism Promotion Authority, with the Director of Immigration Control as secretary, in order to ensure that the latest regulations were appropriate to the actual situation of a massive influx of migrants (Royal Gazette, 1979). This act existed as the master legal framework for migrant workers.

Anti-foreigner sentiment at that time led the government to install regulations in an attempt to maintain the balance of power in the domestic economy. Revolutionary Order No. 281 (1972) was enacted in order to limit the type of businesses that foreigners could operate under government permission. This was followed by Revolutionary Order No. 322 (1972), established to protect and preserve opportunities for employment for Thais. These two laws were the first measures aimed at promoting the concept of nationalism; the Ministry of the Interior was responsible for specifying the number of immigrants permitted to enter the kingdom annually. Apart from the quota measure, the Ministry of the Interior legislated a Royal Decree BE 2516 (1973) prohibiting foreigners from participating in 39 types of professions and occupations in all areas of the Thai Kingdom, including engineering, accountancy, law, secretarial work, and jobs relating to cultural performances. The basis for the approach of this measurement was to maintain careers for Thais, with the intention of limiting the business activities of foreigners (Royal Decree on Determination of Occupations and Professions prohibited for foreigners BE 2516, 1973).

After the limitation measures put in place in 1972, Thailand enacted the first Foreign Employment Act BE 2521 (1978), to revise former Revolutionary Order No. 322, that only allowed foreigners to enter the Kingdom under immigration law. Prior to this order, undocumented migrants were not restricted and could work anywhere without regulations or control. The law was issued in response to that situation (Foreign Employment Act BE 2521, 1978). Additionally, the Investment Promotion Act BE 2520 (1977), written to promote the development of industry, addressed the need for professionals and technicians, as well as the problem of undocumented migrants. Migrants who held passports and came to Thailand under the Investment Promotion Act could work in the country with fewer regulations, with the government easing admission procedures, as well as the time it would take gain entry, in an effort to facilitate the flow of industrial growth. Concern, however, was for how to ensure the transfer of technological knowledge to Thai citizens.

Previous laws aimed to provide first priority for employment to Thais, but because Thailand could not fill the workforce demand with domestic workers, exemptions were announced to continue the flow of industrial growth by permitting foreigners to work in specified occupations. After Thailand adapted its industrial structure to be more export-industry focused in response to a suggestion made by the World Bank during the economic crisis in 1982-1983, a large number of middle-skilled and high-skilled workers from Japan, China, and the USA came to Thailand between 1982-1984 (Interview, 2015).

The revision to the law of the Foreign Employment Act BE 2521 (1978) started with a clear definition in order to avoid any problems in the implementation process and compatibility with practical situations. Laws concerning migrant workers had never been enforced before, with this act containing regulations regarding the legality of migrants to work in Thailand. Moreover, this act was the result of the cooperation between an ad hoc committee and representatives from government organizations.

The Foreign Employment Act BE 2521 (1978) stated that the number of migrant workers in the country had to be reported to the government on October 1 and April 1 each year in order for the government to keep up to date records. (This requirement was later removed). The fee for entry into the country was also raised, with the exceptions being those people who came to work as diplomats, consular officials, and from international organizations.

Undocumented migrants were not allowed to work in Thailand and were to be deported following immigration procedures under the law. In one instance, more than 90 percent of the workers at a mining area close to the Myanmar border were from Myanmar and were subsequently sent back to their home country. While some of the migrant workers did return, the result of the deportation was a labor shortage at the mine.

While Thailand is a destination for refugees from neighboring countries, many of these migrants were unable to apply for a work permit because they had no identification documents. These regulations meant that Thailand could not send these refugees on to a third country, nor could the refugees be deported, for humanitarian reasons. The government was thus forced to relax the strictness of the regulations and allow the migrants to work in order to reduce the financial burden that came with supporting a refugee population. Thailand at that time had no specific laws for how to deal with refugees. Instead, foreigners were separated into two groups, aliens and refugees, based on the same structures of immigration law as Malaysia and

Singapore. Government policies on investment promotion since 1977 focused on how to attract foreign investment. Labor-intensive principles were the main scheme to boost economic development, and free market labor had not been encouraged in order to provide jobs for Thais.

During this period, Thailand went through a difficult period, having accepted an estimated 100,000 refugees and undocumented migrants staying in border camps in eastern Thailand. Admission of the problems of management and the anxieties of local citizens did not appear in government documents until 1987.

#### **4.2 Relaxing the rules and regulations for supporting business firms (1987-2006)**

The House of Representatives meeting on 22 April 1987, stated that a large number of migrants came to Thailand to work at rubber and oil palm plantations, as well as other agricultural farms, along with working illegally in the entertainment business, causing a negative effect on the domestic economy. Moreover, ineffective measures aimed at retaining occupations for Thais failed at the practical level (House of Representatives, 1987). It seemed that the government underestimated the situation and that their first strategy was ill equipped to deal with the realities of the labor shortage. The key factors that supported illegal employment relied mainly on the ability of employers to find gaps in the lax enforcement of government policies in their search for low-cost labor. At that time, foreigners came to work in many parts of Thailand, and a general committee should have been established to look into these issues.

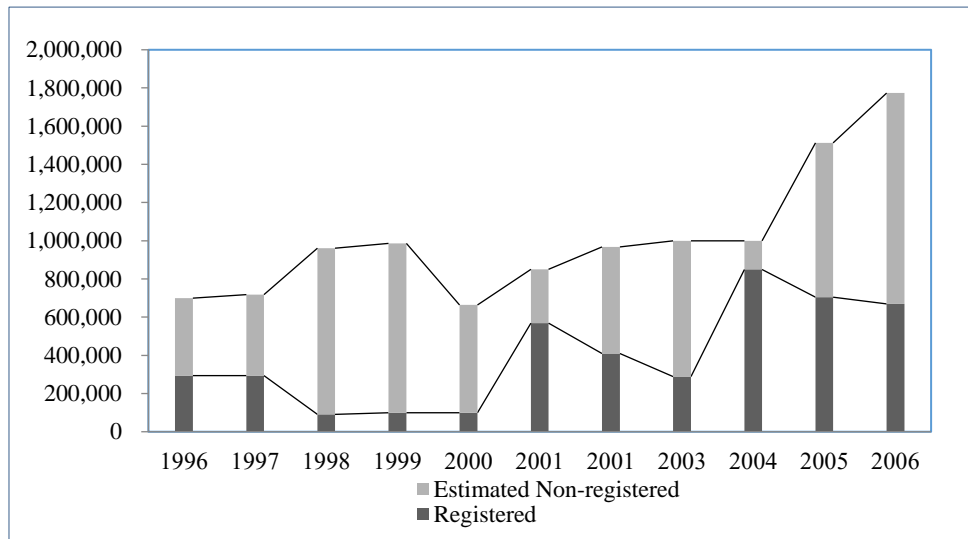
The issue of migrants was addressed and the government was made aware of the problem, resulting in the decision to make undocumented migrants stay in designated areas in the provinces adjacent to the Myanmar border. However, as the economy expanded, national security concerns became tied to economic security (Interview, 2016). The actual number of migrants living in Thailand each year could not be accurately assessed due to incorrect data from various organizations, and the number of migrants who entered the country through back channels was even more difficult to estimate.

In 1993, Thailand exported labor to support the industrial growth of Singapore, Taiwan, and Japan, with remittances back into Thailand in the top eight of GDP when compared to export income. This was a crucial time for the government to decide on how to handle allowing migrant workers into the country to fill the positions left vacant by those Thai workers who had gone abroad (Prachachart Biznews, 9-12 October 1994). At the same time, workforce development was not meeting the demand for domestic economic growth (Prachachart Biznews, 30 October - 2 November 1994), and over-productivity in domestic labor led to unemployment for skilled Thai workers (Prachachart Biznews, 5-7 January 1995). In the low-skilled market, the labor shortage effected various types of business firms; the construction industry had to employ price strategies to maintain its business cycle (Prachachart Biznews, 27 June 1996), while fisheries in the southern part of Thailand were faced with a scarcity of labor to the point that the government found it necessary to provide training programs for local people to work in fishery industries (Matichon, 25 June 1996). Moreover, big scale food processing firms also requested that the government create a legal system to employ migrant workers from neighboring countries (Matichon, 11 June 1996), though at that time Laos PDR was also facing a domestic labor shortage, with the government of Laos prohibiting its citizens from working abroad (Manager Daily, 12 June 1996).

Government response to a requirement from the private sector, through a Cabinet Resolution in March 1992, allowing Burmese immigrants to register met with limited success when only 706 migrants did so. This was followed the next year with an expansion of the registration program to allow all migrants to register in 22 coastal provinces in the fisheries sector. The Thai government increased its effort on the yearly registration program, with the number of registered migrants increasing, until there was a significant change in 1998, which saw the total number of registered migrant workers dropping from 293,654 to 90,911. The explanation for this phenomenon was the downturn in the local economy, with business sectors having been encouraged to employ Thais instead of migrant workers. This situation was temporary, however, and only affected financial firms (Interview, 2015); registered migrant workers appeared to be at a lower number, but they were still working in the country during that period.

To release pressure on the labor shortage, migrant workers were permitted to work, with restrictions, while eliminating the influx of undocumented migrants through strong prosecution conveyed a certain legitimacy to the program (Bangkok Biznews, 19 April 1999).

In 1999 and 2000, stemming from the economic crisis of 1997, registration was further limited in areas of work for migrants, with specific sectors prohibited from hiring more than 106,684 migrant workers. In 1999, the Thai government initiated the policy of systematically importing migrant workers by suspending the yearly quota measures designed to establish a specific organization to effectively take responsibility for this issue. The trend in the number of migrant workers from countries neighboring Thailand is shown in Figure 1.



**Figure 1** Migrant Workers (Cambodia, Laos PDR, and Myanmar) in Thailand, 1996-2006<sup>1</sup>  
**Source:** adapted from Philip Martin (2007), International Labor Organization.

During the first phase (1996-2003), determination of the policy focused on facing the problem and what to do about it, but in 2002 and 2003, the framework for solving the problem changed, with collaboration from the origin countries of Myanmar, Laos PDR, and Cambodia. The objectives of these measurements were to move migrant workers from an illegal status in the country to a legal system of employment. The fluctuation in the number of registered migrant workers can be seen as evidence of incoherent policies that affect the economic cycle.

This changing step was a result of the cabinet resolution on 28 August 2001, as the government attempted to set systematic controls in the registration program, to arrest and deport undocumented migrants who were not registered, and to encourage employment of Thais. However, these measures had no supportive regulations and lacked strong governmental mechanisms of enforcement. This caused an increase in the number of migrants to more than 1 million, with a massive impact on Thai society. The Office of Economic and Social Consultation conducted research on “The undocumented migrant policies: problems and solutions,” which reflected the real situation through the participation of the agencies involved (National Economic and Social Advisory Council, 2002).

The results reveal that the government managed these issues through cabinet resolutions in 1996, 1998, 1999, 2000, and 2001. In 2001, new measures were put into place to register migrant workers in every area of the country, and for every type of work, in order to ascertain the actual number of migrants working in Thailand at that time. This, however, resulted in unintended consequences, with undocumented migrants registering to work in a greater number of provinces and in additional business sectors. Moreover, the policies were formulated with no long-term vision, a lack of cooperation among related government agencies, and no input from the public. This research paper concludes that the reasons for the failure in managing the numbers of undocumented migrants were due to the lenient measures that allowed them to work in areas that were not suffering from labor shortages, along with slack law enforcement and illegal employment by Thai employers.

<sup>1</sup> An additional 53,202 migrants were registered under the MOUs in 2006. Most were already in Thailand.

The government set goals to: 1) permit the employment of migrant workers in numbers that match the actual demand and in positions that do not jeopardize national security, 2) eliminate the problem of undocumented migrants, 3) revise the management of migrant workers based on cohesive and effective principles, and 4) educate Thai society about these issues to encourage participation from the public (National Economic and Social Advisory Council, 2002). These were seen as concrete steps taken based on credible information in an effort to solve the problem of undocumented migrant workers in Thailand.

With the exception of the problem of personal identification leading to unstable resolutions, all measurements were formulated under a centralized concept. The Parliament Question No. 897 Ror (2003) demonstrates that the regulations from the central government do not fit the actual employment situations in some areas, due to different demands and culture. This was true in the case of the northern Thai province of Mae Hong Son, an area in which most people - approximately 90 percent - are either ethnic Tai Yai (one of the major groups of Shan people) or from other hill tribe populations. These tribal people are not allowed to register for work because they are not on the list of migrants from neighboring countries. For humanitarian reasons, health care and education are services the Thai government provides to all people of any nationality, although this can create a burden to local hospitals tasked with taking care of migrants who cannot enter the formal registration program. To create continuity in solving this problem based on the actual numbers of migrants seeking employment (especially in remote areas), provincial level organizations have undertaken a study of the problem and plan to present recommendations from the field to the government.

The policy in 2003 can be marked as the complete version in managing migrant workers. Regulations to protect both workers and dependents were assigned by the Ministry of Labor to manage this issue through the mechanism of the Committee on Illegal Migrant Workers Administration (CIMWA) (Interview, 2016). At this time, the Thai government shifted to its next step, working through international channels. A Memorandum of Understanding on the Cooperation in the Employment of Workers (MOU) was signed to complete the management process with the origin countries.

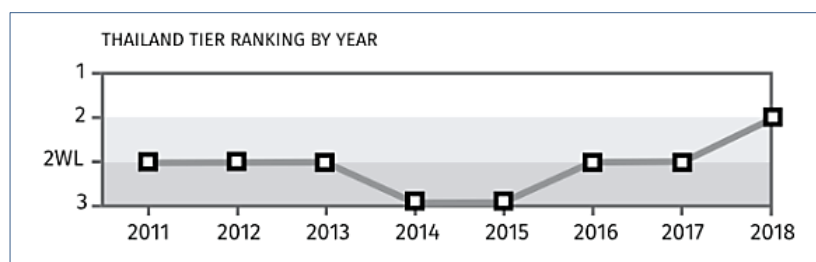
The Foreign Employment Act was changed twice in 2001 in order to increase the fee for a work permit to reflect the economic conditions at that time (The Foreign Employment Act, 2001). Legislation on foreign workers was revised most recently in 2008 to regulate the laws on increasing the work permit fee, permission to work for migrants from neighboring countries, and the creation of a migrant worker repatriation fund that both employees and employers are required to pay into when a migrant worker returns to his or her country of origin. The levy tax topic was addressed in order to improve the migration management system, based on examples from Singapore and Malaysia, in which the employer must choose to invest either in technology or pay a levy for employing migrants. In 2005, the Thai government approved and assigned the Thailand Development Research Institute (TDRI) to conduct research on guidelines for determining the appropriate rate for the fee (Thailand Development Research Institute, 2003), but this measure never got introduced to the system of management of migrant workers due to the military-staged government coup in 2006.

#### **4.3 The emergence of the global trend in Human Trafficking and the government's response**

In 2008, Thailand took its first step towards comprehensive legislation regulating the hiring of migrants from Myanmar, Laos PDR, and Cambodia. Thailand was also facilitating the normalization and deportation of undocumented migrants through a series of bilateral and multilateral agreements and a series of amnesty registration drives, though these efforts were met with only limited success (Jalilian and Reyes, 2012). The purpose of these efforts was to seek more efficient ways to manage the migrant worker population through collaboration with the origin country. However, there were still practical difficulties with the national verification process attempts to issue identification documents.

Along with a wave of internationalization recognized by most developed countries, issues of labor rights protection and human trafficking are seen as a new paradigm in the management of working migrants. It is estimated that there are about eight million victims of human trafficking in the world, two thirds of whom are from South-East Asia, with the majority being women and children (Tanaka, 2007). Thailand has been an active member of the United Nations, which has adopted the Palermo Protocol as a guideline for government strategy to cope with the problems of human trafficking and regards the protocol as an alternative to supplement former strategies, as is mentioned in the remarks section of the Anti-Trafficking in Persons Act

2008, which was adopted by The Royal Thai Government and came into effect in 2008 (Srivatananukulkit and Smerchuar, 2011). However, the government of Thailand does not fully comply with the minimum standards for the elimination of trafficking adopted by the United States government policy, resulting in Thailand being placed on the Tier 2 Watch List for human trafficking in 2013, along with Cambodia, Burma, Laos PDR, and Vietnam. In 2014, Thailand was downgraded to Tier 3 of the watch list, where it remained in 2015. With this degradation, it created a difficult atmosphere for Thailand and the United States to pursue their foreign policy.<sup>2</sup> Although Thailand has improved somewhat and has been elevated slightly in recent years, its efforts in combating human trafficking are unsteady, while imprudent measures on labor migration have led to unintended consequences.



**Figure 2** Thailand tier ranking of trafficked persons, 2011-2018

**Source:** Department of State United States of America, Trafficking in Persons Report (June 2018)

It should be noted that a large number of people from neighboring countries such as Myanmar, Laos PDR, and Cambodia migrated to Thailand more than century ago at a time when there was no real definition of country borders. People in this region moved from their homelands to Thailand freely. Today, with Thailand sharing borders of many thousands of kilometers with its neighbors, it is not possible for Thailand to completely halt the entry of migrants from those countries. Adding to the difficulty, Thailand still faces a labor shortage problem within country and needs to welcome a cheap labor force from nearby countries, even when it means Thailand must cope with a contradiction in policy and practice.

In response to the increase in human trafficking, Thailand committed to following the 4P paradigm and enacted the Prevention and Suppression of Human Trafficking Act BE2551 (2008) against human trafficking and organized crime by extending the scope of measurement within the Prevention and Suppression of the Exploitation of Women and Child Act BE2540 (1997) (Human Trafficking Act BE 2551, 2008).

## 5. Discussion

Thailand's government has played a significant role in managing migrant workers since 1972, including discontinuing policy implementation by neglecting to focus on the actual situations at hand. General guidelines on managing migrant workers, as recommended by international organizations, may not have been the right fit for the situation in Thailand, including overlooking issues of priority within the country, causing the problems to become worse.

Martin (2007) highlights the contributions of migrant workers for both sending and receiving countries as a positive force to support economic growth, but Thailand's practices are inflexible to the actual demand of migrant workers. Martin also mentions that "Labor migration is a process to be managed, not a problem to be solved," and migrants will continue to move to Thailand as long as employment is available and how it is not feasible to approach the issue of excessive migration solely through immigration control.

According to the evidence of government efforts collected for this paper, it shows that prior to 2001, Thailand's government focused solely border security, while the scarcity of labor was undervalued and the

<sup>2</sup> The concept of trafficked persons was initiated in 2000 by the U.S. Department of State to encourage global awareness in monitoring and combating human trafficking through the 3P paradigm; Prosecution, Protection, and Prevention. A fourth 'P' – partnership – has recently been added. For more details please see <https://www.state.gov/j/tip/3p/index.htm>



root causes of migration were ignored. Based on the article in the newspaper on the management of migrant workers, Wankaew (2001) also stated that the policies each year were enacted without principles or long-term planning, believing that limiting the length of stay per individual would be the primary tool in controlling the number of migrants in the country at any one time. He also believed that the lack of involvement of the businesses involved in hiring migrant workers was a key failure of policy and that the employment of undocumented migrants made possible by the leniency of the registration process undermined the effectiveness of the program, as temporary permits for migrants was the result of the problems with management itself.

Having said that the policies put in place were problematic from the beginning, the registration program was initially introduced as the main tool in migration management. Srivarathonbul (2010) highlights the gaps in the system leading to implementation inefficiencies, with the lack of enforcement illustrated by the ambiguous and ineffective registration process. The results from Rukumnuaykit (2009) showed that Thai policies on migration were still both vague and indecisive, leaving the majority of these workers unable to enjoy full legal status for living and working in Thailand. Chantavanich and Vungsiriphisal (2012) stated that attempts by the government to manage migrant workers had been partially successful. Other studies on Thailand's migration policies came up with similar conclusions - that there were some successes mixed in amongst the failures. This may be the best explanation for the ways in which the Thai government managed migrant workers across a variety of programs.

Another viewpoint, from Meyers E. (2000), pointed out that immigration policy shapes immigration patterns, with three policy domains that consider migration in Southeast Asia defined by a broad range from various policy actors. These are: 1) National Migration Policies and Border Regimes, in which governments generally deal with international migration and crossing state boundaries. Control and management are used, 2) Migrants' Rights and the Treatment of Migrants defines policies that determine the treatment and rights of migrants in the host countries, whose major role is to protect and support migrant workers, and 3) Migration and Development, which considers migration in the context of larger development issues, focusing on the national and local levels through the roles of remittance, poverty reduction, and community development, by utilizing this framework.

The first two domains appear in Thailand's migration policy. However, the assimilation approach has not been realistically considered in Thailand, even though the country is already encountering the trends of an aging society. This is an increasingly challenging issue for the government to consider in order to formulate policies moving forward, knowing that migration could play an even more important role in the years ahead, as Huguet, Chamrathirong, and Natali (2012) declared.

My argument is that politicians drafted insufficient policies and cabinet resolutions to manage migrant workers, wherein those workers were not a top priority. This resulted in Thailand being downgraded to Tier 3 of the Trafficking in Persons Report in 2014 and 2015. The real causes of the problems were not addressed until 2003. However, loopholes in the registration program for migrant workers were caused by the release of ten cabinet decisions, announced in 1996, 1998, 1999, 2000, 2001, 2002, 2003, 2005/1, 2005/2 and 2006.

The main findings revealed that Thailand was formerly a country that hired migrant workers, primarily as unskilled laborers, during its pre-modern state. After the emergence of a national security concept, Thailand adopted a policy aimed at protecting certain careers for Thai people in order to ensure that those occupations would not be taken over by foreigners.

For this reason, the Thai government initiated a policy to control the number of migrant workers in the country through the Foreign Employment Act 1978, which was drafted to establish guidelines for hiring migrant workers. This coincides with the fact that Thailand had a policy to encourage foreign investment during the same period. The main implications of Thailand's migration policy were centralized, proactive, and misleading, which led to unintended consequences and a lack of opportunities for the public to voice their opinions on the policy formulation process.

## 6. Conclusion

Considering the flow of illegal, unskilled workers who come to Thailand, the root causes are reflected by a pattern of economic development in each period. As a result of development policies in the industrial sector, the country needed to position itself to accept a supply of low-cost labor. When the domestic labor supply was not able to respond to this demand, the Thai government was forced to relax its policy in order to support requests for workers from industry owners. In contrast, when Thailand's economic meltdown in 1970 resulted in an oversupply of workers, the Thai government chose to suppress an influx of foreign immigrants into the country. Suppression of aliens was considered a part of national security policy initiated by the National Security Council. Therefore, Thai policy on foreign workers has oscillated from left to right and back again rapidly, depending upon the current circumstances. On the one hand, a demand for foreign workers to support the industrial sector still exists, but on the other hand, the Thai authorities feel there is a threat to national security if nothing is done to control the migrant population. This has paved the way for new policies in controlling workers immigrating from abroad. Registration and legalization of foreign workers has so far been the answer to this question.

In summary, an uncertainty in Thai policy on foreign workers was a result of the economic growth of the country. The process of policy formulation was based on three pillars, namely, national security, economic development, and human rights, the latter of which was lobbied for by international agencies. It can be concluded that if Thailand continues to persist in its pattern of development based on labor-intensive means, the need for foreign workers and the issues contained therein remain unsolved. Without long-term and well-considered policies, there will continue to be a gap between the policy formulation agencies and the policy implementation actors. There is no one right answer for all stakeholders concerned. The Thai government has no choice but to try to find a balance between national security aspects and economic growth in order to develop effective policies of management.

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