



IOM International Organization for Migration

## **MIGRANT INFORMATION NOTE**

**August 2009\***

### **Procedures for nationality verification of Myanmar/ Burma nationals in Thailand**

On 15<sup>th</sup> July 2009, the process of nationality verification of Myanmar/Burma migrants living and working in Thailand began to be implemented. Under the MOU that Thailand signed with Myanmar/Burma in June 2003, migrants from Myanmar/Burma in Thailand are entitled to legally stay and work in the country upon verification of their nationality. After this, a temporary passport can be issued by the Myanmar/Burma authorities, and a visa by Thailand.

The procedure that migrant workers and employers have to follow to complete the nationality verification process is quite complex. Below is a step-by-step guide.

#### **STEP 1**

The employers receive application forms for nationality verification from the Department of Employment of the Thai Ministry of Labour and distribute them to their migrant employees. The migrant workers fill in the forms.

N.B. If the employers do not receive the forms, they are also available at Provincial Employment Offices (PEO).

**NOTE! Only migrant workers with valid work permits are eligible for nationality verification.**

#### **STEP 2**

The employers submit the following documents to the PEO:

- Copy of migrants' Tor Ror 38/1 (registration documents) or copy of work permits.
- Nationality verification application forms.
- Migrant hiring quota document.

#### **STEP 3**

The PEOs send the applications to the Department of Employment in Bangkok.

#### **STEP 4**

On the 25<sup>th</sup> of every month, via diplomatic channels, the Department of Employment sends all the applications for nationality verification it has received from the POEs to the Myanmar/Burma authorities.

\* Updated on 24 September 2009

## **STEP 5**

The Myanmar/Burma authorities verify the information and send a list of the migrants that qualify for nationality verification to the Thai Ministry of Foreign Affairs (MFA) through diplomatic channels.

## **STEP 6**

The MFA informs the Department of Employment about the results of the nationality verification applications and submits a list of migrants eligible for nationality verification.

The Department of Employment then makes an appointment for those migrants who have been accepted at one of three Thai Border Operational Centres situated in Maesai, Mae Sot, Ranong. It then informs the relevant centre and the migrants through their employers about the appointment.

The POE then provides these migrants with a paper that allows them to travel freely from their workplace to the relevant Operational Centre on the border.

## **STEP 7**

The migrants, together with their employers (or a nominated substitute), report to the Operational Centres, bringing all the relevant documentation. The officials at the centres then prepare and release 'Delivery Letters' for the migrants to submit to a Myanmar Temporary Passport Issuance Office.

## **STEP 8**

Once the migrants receive this document, they can cross the border and report to the Myanmar Temporary Passport Issuance Offices in Tachileik, Myawaddy or Kawthaung.

## **STEP 9**

These offices then verify the nationality of the migrants and charge them 3,000 Kyat to issue each Temporary Passport.

## **STEP 10**

The offices also provide the migrants with a paper stating the result of their nationality verification process and whether or not they were issued with a Temporary Passport. This paper must be handed to the relevant Thai Border Operation Center, which has to provide monthly updates to the Thai Ministry of Labour on the outcome of nationality verification processes in their region.

## **STEP 11**

The migrants, together with the employers (or their substitutes), can then request a visa from the closest immigration centre.

The following documents are needed to apply for a visa:

1. Temporary passport and one photocopy.
2. Application form with one photograph (size 4x6 cm).
3. TM. 6 form. Visa fee of THB 2,000<sup>1</sup>.

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<sup>1</sup> According to the Cabinet Resolution dated December 9, 2008, the Ministry of Interior shall issue a ministerial regulation to reduce the visa fee from THB 2,000 to THB 500 for migrant workers from Myanmar/Burma who have undergone the nationality verification process and received a temporary passport (Passport Substitute Document) from the Burmese/Myanmar authority. < Note: at the time of publishing this migrant information note, the ministerial regulation is yet to be issued.>

4. Pink card with one photocopy.
5. Tor Ror 38/1 application form and receipt of the fee payment (if the applicant cannot provide a pink card).
6. Migrant hiring quota document (from employer) with one photocopy.
7. Identification card of employer with one photocopy.
8. Company registration document.

After having obtained a visa, the migrants need to notify their place of residence to the immigration office every 90 days. If they fail to comply with, the payment of a THB 5,000 fine (maximum) will be claimed, with an additional line not exceeding THB 200 for each day until the notification<sup>2</sup>.

### **STEP 12**

Migrants who work in the fishery, agriculture/livestock, and household work sectors cannot enter social security schemes. Therefore, they have to apply for and receive benefits from migrant health insurance instead (THB 600 for a medical check-up and THB 1,300 per year for health insurance fee). All other workers can enter social security schemes. 3.5 per cent<sup>3</sup> of their wage is deducted by the employer and paid to the Social Security Fund, with the employer contributing the same amount.

### **STEP 13**

Migrant workers must then pay THB 100 to apply for a work permit. A 1-year permit costs THB 1,800 and a 2-year permit THB 3,600. The 2-year permit can be renewed for another two years.

Myanmar/Burmese migrants who have already had their nationality verified and have valid work permits are exempt from the fees. But the exemption only applies to the unused period of the work permit.

#### Source:

The Operational Manual for Burmese Nationality Verification, Office of Irregular Foreign Workers Administration of Department of Employment of Ministry of Labour, Thailand.

*The Migrant Information Note is produced by the Labour Migration and Research Unit, IOM Thailand Office.*

*Should you have further query, please contact us at tel: 02-3439300, fax: 02-3439399, or e-mail: [migrantnews@iom.int](mailto:migrantnews@iom.int); website: [www.iom-seasia.org](http://www.iom-seasia.org).*

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<sup>2</sup> Immigration Act B.E.2522 Section 76.

<sup>3</sup> The deduction rate was reduced from 4.5 per cent to 3.5 per cent.