



## Migrant Information Note

Issue # 29 – March 2016

*This issue of the IOM Migrant Information Note (MIN) provides information on the Extension of Registration for Migrant Workers in the Fisheries and Seafood-Processing Sectors, Migrant Workers Management after 31 March 2016, Registration of Migrant Workers in accordance with the Cabinet Resolution on 23 February 2016, Ministerial Regulation on Workplaces Where Employers Are Not Permitted to Employ Children below 18 Years of Age 2016 (B.E. 2559), Procedural Guidelines for Skilled Labour Mobility in the ASEAN Economic Community (AEC) according to the ASEAN Mutual Recognition Arrangements (MRAs), Interior Minister Order No. 1/2558 to Prohibit the Re-entry of Foreigners Who Overstayed and Statistical Data of Registered Migrant Workers.*

### 1. Extension of Registration for Migrant Workers in the Fisheries and Seafood-Processing Sectors

On 2 February 2016, the Cabinet approved the proposal of the Ministry of Labour to extend the **registration of migrant workers from Cambodia, Lao PDR and Myanmar** in the fisheries sector, including their children below the age of 18.

- 1) For the fisheries sector, the extension of registration for Cambodian, Laotian and Myanmar, migrant workers, including their children below the age of 18, is open from 2 February 2016 to 31 July 2016. Migrants registered during this period are permitted to work in Thailand starting from the day of permit issuance until 31 January 2017.
- 2) For the seafood processing sector, the extension of registration for Cambodian, Laotian and Myanmar migrant workers, including their children below the age of 18, is open from 23 February 2016 to 22 August 2016. Migrants registered during this period are permitted to work in Thailand starting from the day of permit issuance until 22 February 2017.

### 2. Migrant Workers Management after 31 March 2016

On 23 February 2016, the Cabinet approved in principle the management of migrant workers in 2016, proposed by the Ministry of Labour, as outlined below.

Migrant workers from Cambodia, Lao PDR and Myanmar are temporarily permitted to remain in the Kingdom of Thailand in order to undergo a medical examination, purchase health insurance, register and apply for a work permit within 120 days (1 April – 29 July 2016). All migrant workers registered during this period will be permitted to work in Thailand from 1 April 2016 to 31 March 2018. Eligible categories of migrant workers are as follows:

- 1) Cambodian, Laotian and Myanmar migrant workers, including their children below the age of 18, who are permitted to temporarily work in Thailand in accordance with the order of the National Council for Peace and Order (NCPO) in 2014. These are the 1,626,235 'pink card' holders.
- 2) Migrant workers, including their children below the age of 18, who possess passports or travel documents and have completed the Nationality Verification process as well as their four or six-year periods of employment.

Migrant workers recruited under the Memoranda of Understanding (MOUs) and workers in the fisheries sector from the two latest registrations are not included in this scheme.

The Nationality Verification process will comply with the requests from the countries of origin. The Ministry of Labour shall negotiate with the countries of origin with support from the Ministry of Foreign Affairs.

### [3. Registration of Migrant Workers in accordance with the Cabinet Resolution on 23 February 2016](#)

Registration of migrant workers is open for 120 days starting from 1 April to 29 July 2016. Migrants registered during this period will be permitted to work in Thailand from 1 April 2016 to 31 March 2018.

#### **1. Two groups of migrants eligible to register**

##### **1.1 Pink Card Holders**

- 1.1.1 Holders of pink cards according to the policy of the NCPO. The expiry dates on the back of the cards can be either in 2014 or 2015.
- 1.1.2 Holders of pink cards according to the policy of the NCPO, who registered to renew their cards which expire on 31 March 2016.
- 1.1.3 Holders of pink cards who are not eligible to register during this period:
  - Holder of pink cards with expiry dates prior to 2014
  - Migrant workers registered in the fisheries and seafood-processing sectors as follows:

##### Fisheries Sector

- The back of the pink card specifies the expiry date of 1 November 2016
- The back of the pink card specifies the expiry date of 31 January 2017

##### Seafood-Processing Sector

- The back of the pink card specifies the expiry date of 24 November 2016
- The back of the pink card specifies the expiry date of 22 February 2017

##### **1.2 Holders of documents issued by their countries of origin**

- 1.2.1 All Cambodian, Laotian and Myanmar workers who have completed the Nationality Verification process, including their children below the age of 18 years old, who possess one or more of the following documentation:

- Passport (PP)
- Temporary Passport (TP)
- Travel Document (TD)
- Certificate of Identity (CI)

### 1.2.2 Procedural Conditions

- Migrant workers whose documents in 1.2.1 have expired; whose documents have not yet expired but have no visa; whose documents have a valid visa or the visa has expired; as well as migrant workers who have successfully passed the Nationality Verification process and completed four or six-year terms of employment; and migrant workers whose documents have a MOU stamp are eligible to register in order to apply for work permits. However, Cambodian, Laotian and Myanmar workers recruited first through the MOUs are ineligible.
- In case pink card holders according to 1.1.1 and 1.1.2 have lost their cards, they are required to request the original copy of Tor Ror 38/1 from the District/Local Register Offices as an identity document. Only the original copy of Tor Ror 38/1 is accepted at the registration (photocopied version is not accepted). For holders of documents issued by the countries of origin (according to 1.2.1) who have lost their documents, photocopied versions of the documents alone are not accepted. The migrants must submit a supporting document such as a work permit which specifies their full name with the spelling similar to that in the PP, TP, TD or CI.
- Migrant workers who either wish to work with the same employers specified on their pink cards or new employers whose names are different from those on their cards are eligible to register and apply for work permits.
- Migrant workers below the age of 18 years old are not permitted to work except in the occupations stated by the relevant laws.

## 2. Procedural Steps

### 2.1 Medical Examination and Purchase of Health Insurance

Eligible migrant applicants must undergo a medical examination and purchase health insurance from designated hospitals according to the Ministry of Public Health (MoPH) between 1 April and 29 July 2016. The medical examination fee is THB 500, and a two-year health insurance package costs THB 3,200. Migrant workers insured under the Social Security Fund are not required to purchase health insurance. Migrants employed in sectors where membership in the Social Security Fund is compulsory, but have not yet been insured, are required to purchase 90-day health insurance.

#### Locations for Medical Examination

1. There are 7 locations in Bangkok.
  - Klang Hospital
  - Nopparat Hospital
  - Lerdsin Hospital

- Rajavithi Hospital
- Taksin Hospital
- Charoenkrung Pracharak Hospital
- Vajira Hospital

2. For other provinces, the decision about the locations will be made by the MoPH.

## **2.2 Work Permit Application Fee Payment**

2.2.1 After a migrant worker successfully passes the medical examination confirming s/he does not suffer from any prohibited diseases, s/he must pay a work permit application fee at a counter service facility, any Provincial Employment Office or the Bangkok Employment Offices 1-10. The two-year work permit fee is THB 1,800, and the application fee is THB 100, totaling THB 1,900. S/he must bring with her/him the original medical certificate together with her/his pink card or PP/TP/TD/CI.

In case a migrant worker has lost her/his documents, s/he must pay the fee at one of the Province Employment Offices or the Bangkok Employment Office 1-10 in order for officials to review her/his migrant worker status before collecting the fee.

Employers and migrant workers must check the worker's eligibility before making a payment. If the worker is ineligible to register, there shall be no reimbursement of the fee.

### 2.2.2 Locations of Fee Payment

#### 1. Counter Service

Each migrant worker will pay an application fee of THB 100, a two-year work permit fee of THB 1,800, and a counter service fee of THB 10, totaling THB 1,910. In case an employer has a large number of migrant workers, they are advised to make an appointment with the Counter Service facility in advance.

#### Migrant Workers will receive:

- Receipt and appointment slips
- SMS confirming receipt of payment to the phone number provided by the worker of the employer

#### 2. Provincial Employment Offices and Bangkok Employment Offices 1-10

Each migrant worker will pay an application fee of THB 100, and a two-year work permit fee of THB 1,800, totaling THB 1,900. No service fee shall be collected. In case an employer has a large number of migrant workers, they are advised to make an appointment in advance.

#### Migrant Workers will receive:

- Receipt
- Appointment slip

### 2.3 Supporting Documents for Work Permit Application

Work permit application form (Tor Tor 8) together with the following supporting documents:

1. Original medical certificate
2. Employer's documents such as identity card/house registration or company registration documents if applicable
3. Employment contract
4. Employment certificate
5. House registration/certified document/other documents that confirm the migrant's place of work
6. Map of the workplace
7. Two 3 x 4 cm. photos
8. Counter Service slip or receipt issued by the Provincial Employment Office or Bangkok Employment Office

In case more than one application is submitted, one set of the employer's documents is required per submission. Employment contracts must be arranged between the employer and each migrant worker. Only one certificate of employment is required (the same applies to the other documents of the employer) with a remark at the bottom of the certificate "certifying the employment of migrant workers on the list in the attachment". A list of migrant workers' names must also be attached.

**2.4 The employer together with migrant worker(s), or migrant workers must submit the prepared documents to officials at the One Stop Service Centers.** Migrant workers will receive a work permit on the same day of the application submission. Worker must pay a pink card fee and registration fee (Tor Ror 38/1) totaling THB 80.

### 2.5 Change of Employer/Location/Workplace

- No change of employer is permitted for migrant workers who registered and obtained work permits during the registration period between 1 April and 29 July 2016 at the OSSCs.
- Change of employer will be permitted after the registration period has passed based on the below conditions:
  - The employer terminates the employment contract
  - The employer closes down their business or closes the unit that involves the migrant worker
  - The employer commits violence
  - The employer delays wage payments or violates labour protection laws.

The fee for changing employers will comply with the law. After the migrant worker has successfully changed employer, s/he must report to the District Registration Office or Local Registration Office in order to change their pink card and work permit accordingly (information on the back of the card).

Procedure for Changing of Employer

1. The migrant worker or potential new employer must provide evidence of contract termination, closing down of business, or complaint against previous employer (see ‘Employer terminates employment contract’ above).
2. The Department of Labour Protection and Welfare will handle complaints against the previous employers in relation to violence, delay of wage payments and violation of labour protection law. Employers found guilty will not be allowed to employ migrant workers for a period of two years.
3. Migrant workers who change employers with no appropriate justification will not be permitted to work in Thailand for a period of two years, and must return to their country of origin. If s/he wishes to come back to work in Thailand, s/he can apply for employment under the MOU.
4. Employers who employ undocumented migrant workers are subject to prosecution.

**Locations of One Stop Service Centers in Bangkok**

Location	District
Laksi IT Square, T Floor. Changwattana Road, Laksi District	District No. 2 Chatuchak, Don Muang, Bang Sue, Bang Khen and Laksi)  District No. 3 (Din Dang, Phayathai, Ratchathewi and Huay Kwang)
Van Center Building, Bangkok Bus Station (South) Borommaratchachonnani Road, Taling Chan District	District No. 5 (Khlong San, Thonburi, Bangkok Noi, Bangkok Yai and Bang Plad)  District No. 6 Taling Chan, Taweewattana, Bang Khae, Phasi Charoen and Nong Kham and Nong Kham)  District No. 7 (Jom Thong, Thung Khru, Bang Khun Thian, Bang Bon and Ratchaburana)
Thanya Park Srinagarindra Road, Suan Luang District	District No. 8 (Klong Toei, Bang Na, Phraakanong, Wattana, Suan Luang and Prawet)  District No. 9 (Kannayao, Bang Kapi, Lad Prao, Wang Thonglang and Bueng Kum)
Nong Jok Intersection Market Suwinthawong Road, Nong Jok District	District No. 10 (Khlong Sam Wa, Meenburi, Lad Krabang, Saphan Sung, Nong Jok and Sai Mai)

Remarks District No. 1 (Dusit, Pomprab, Phranakorn and Samphanthawong)

District No. 4 (Bangrak, Pathumwan, Yannawa, Sathorn and Bang Kho Laem) can register at any OSSC.

Relevant documents for registration and work permit application can be downloaded at <http://www.doe.go.th/node/1322>

#### **4. Interior Minister Order No. 1/2558 Prohibiting Re-entries of Foreigners Who Overstayed**

The Prime Minister and the Minister of Interior, in the interests of the nation and public order, issued an order No. 1/2558 on 27 November 2015 by virtue of Section 16 of the Immigration Act 1979 (B.E. 2522) to prohibit re-entry of foreign nationals who have overstayed.

##### **1) In case of overstaying and surrendering to the authorities**

- 1.1 Foreigners who overstayed in the Kingdom of Thailand more than 90 days are not permitted to re-enter for a period of one year after the date of their departure.
- 1.2 Foreigners who overstayed in the Kingdom of Thailand more than one year are not permitted to re-enter for a period of three years after the date of their departure.
- 1.3 Foreigners who overstayed in the Kingdom of Thailand more than three years are not permitted to re-enter for a period of five years after the date of their departure.
- 1.4 Foreigners who overstayed in the Kingdom of Thailand more than five years are not permitted to re-enter for a period of ten years after the date of their departure.

##### **2) In case of arrest for overstaying**

- 2.1 Foreigners who overstayed in the Kingdom of Thailand less than a year are not permitted to re-enter for a period of five years after the date of their departure.
- 2.2 Foreigners who overstayed in the Kingdom of Thailand more than a year are not permitted to re-enter for a period of ten years after the date of their departure.

##### **3) This Interior Minister Order does not apply to the following cases.**

- 3.1 Foreigners who left the Kingdom before turning 18 years of age
- 3.2 Foreigners who had left the Kingdom before this Order was issued.

This Order comes into force 90 days after its promulgation in the Government Gazette.

#### **5 Ministerial Regulation on Workplaces Where Employers Are Not Permitted to Employ Children below 18 Years of Age 2016 (B.E. 2559)**

By virtue of Section 6 of the Labour Protection Act 1998 (B.E. 2541) and Section 50 (4) amended by the Labour Protection Act (No.2) 2008 (B.E. 2551), the Minister of Labour has issued a Ministerial Regulation to prohibit employers from employing workers below the age of 18 years old in the following workplaces:

- 1) Seafood processing factories according to factory-related laws
- 2) Seafood processing workplaces according to the Fisheries Emergency Decree 2015 (B.E. 2558)

Other workplaces where employees below the age of 18 years old are not permitted to work include slaughterhouses, gambling venues and entertainment venues according to the Entertainment Act and other workplaces in accordance with ministerial regulations.

## 6 Procedural Guidelines for Skilled Labour Mobility in AEC according to MRAs

The Department of Employment (DOE), Ministry of Labour (MoL) of Thailand has developed the following procedural guidelines for Skilled Labour Mobility in the ASEAN Economic Community (AEC) in accordance with the Mutual Recognition Arrangements (MRAs):

1. ASEAN Member States include **Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand, Singapore and Viet Nam.**
2. Regulations for issuing work permits to skilled workers from ASEAN Member States are as follows:
  - 2.1 Alien Working Act 2008 (B.E. 2551) – Foreign nationals must obtain a Non-Immigrant-B visa to enter the Kingdom of Thailand.
  - 2.2 1979 (B.E.2522) Decree on 39 Occupations and Professions Prohibited to Foreigners
  - 2.3 1979 (B.E.2522) DOE guidelines on issuance of work permits to foreigners
  - 2.4 Foreign workers must obtain **licenses or certificates from relevant professional associations** according to the Mutual Recognition Agreements (MRAs).

Profession	Association (Thailand)
Engineer	Council of Engineers
Surveyor	Council of Engineers
Architect	Architect Council
Doctor	Medical Council, Ministry of Public Health
Dentist	Medical Council, Ministry of Public Health
Nurse	Nursing Council
Accountant	Federation of Accounting Professions
32 Occupations in Tourism 1. Front Office Manager 2. Front Office Supervisor 3. Receptionist 4. Telephone Operator 5. Bell Boy 6. Executive Housekeeper 7. Laundry Manager 8. Floor Supervisor 9. Laundry Attendant 10. Room Attendant 11. Public Area Cleaner 12. Executive Chef 13. Demi Chef 14. Commis Chef 15. Chef de Partie 16. Commis Pastry 17. Baker 18. Butcher 19. F&B Director 20. F&B Outlet Manager 21. Head Waiter 22. Bartender 23. Waiter 24. General Manger	Ministry of Tourism and Sports



Profession	Association (Thailand)
25. Assistant General Manager	
26. Senior General Manager	
27. Travel Consultant	
28. Product Manager	
29. Sales and Marketing Manager	
30. Credit Manager	
31. Ticketing Manager	
32. Tour Manager	

3. Facilitating work permit issuance for skilled workers from ASEAN Member States
  - 3.1 Submission of application package complies with the Licensing Facilitation Act 2015 (B.E. 2558)
  - 3.2 **Issuance via ASEAN LANE Special Channel** at DOE offices **is processed within one day** (instead of 2-3 working days).
4. Work permit application is submitted at a branch of DOE where the applicant's workplace is located.
  - For Bangkok, please contact the Office of Foreign Workers Administration, DOE, MoL.
  - For other provinces, please contact the Provincial Employment Office.

## 7 Statistics of Migrant Workers in Thailand

**Table 1: Number of migrant workers with valid work permits who have entered Thailand through the MOU process (as of February 2016)**

Nationality	Number
Myanmar	143,461
Cambodia	117,424
Lao PDR	31,795
<b>Total</b>	<b>292,680</b>

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour

**Table 2: Number of Migrant Workers from the Previous Nationality Verification Process (from Myanmar, Lao PDR and Cambodia) remaining in the Kingdom (as of February 2016)**

Nationality	Number
Myanmar	909,916
Cambodia	111,493
Lao PDR	44,372
<b>Total</b>	<b>1,065,781</b>

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour

**Table 3: Number of Migrant Workers with Valid Work Permits Insured under the Social Security Fund (as of February 2016)**

<b>Nationality</b>	<b>Number</b>
Myanmar	319,131
Lao PDR	12,367
Cambodia	85,097
Vietnam	521
Others	89,982
<b>Total</b>	<b>507,098</b>

*Source: Social Security Office, Ministry of Labour*

**Table 4: Number of migrant workers (semi-regular and regular status) who are insured by the insurance scheme provided by the MOPH (as of October 2015)**

<b>Nationality</b>	<b>Number</b>
Myanmar	659,730
Cambodia	496,797
Lao PDR	121,079
<b>Total</b>	<b>1,277,606</b>

*Source: Health Insurance Group, Ministry of Public Health*

*The Migrant Information Note is produced by the Labour Migration Programme, IOM Thailand Office. For further information, please contact us by tel: 02-3439300, fax: 02-3439399, or e-mail: [migrantnews@iom.int](mailto:migrantnews@iom.int)*

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