



## Migrant Information Note

Issue #18 – January 2013

*This issue of the IOM Migrant Information Note (MIN) explores the latest developments in migration issues and regulations in Thailand, including information relating to the latest cabinet resolution on the regularization of migrant workers following the NV deadline of 14 December 2012; the rights of domestic workers; and an overview of the measures taken by the Ministry of Labour for the establishment of seven Seafarer's Coordination Centers.*

### 1. Cabinet Resolution on an extension for legalization of irregular migrant workers

Following the Nationality Verification (NV) deadline of 14 December 2012, on 15 January 2013 the Cabinet approved a new resolution granting a “grace period” of 120 days for irregular Burmese/Myanmar, Laotian and Cambodian migrant workers and their children under 15 years of age. The grace period aims to allow employers and migrants to complete the process of regularization that will allow workers to lawfully reside and work in Thailand together with their children.

Below is important information regarding the new approved procedures for migrant workers:

1. The regularization process is **OPEN TO**
  - a. **ALL IRREGULAR LAO AND MYANMAR/BURMESE MIGRANTS CURRENTLY LIVING AND WORKING IN THAILAND AND THEIR CHILDREN UNDER 15**
  - b. **ALL CAMBODIAN MIGRANTS WHO DID NOT COMPLETE NV BY 14/12/12.**
2. Migrants do not need to return to their countries of origin to enter the regularization process.
3. The new process will be concluded by 13 April 2013.
4. Once regularization is completed, Lao migrants will obtain a one-year temporary passport; Myanmar/Burmese migrants will obtain a six-year temporary passport and Cambodians will obtain a three-year regular passport.
5. Employers of irregular migrant workers are required to submit the relevant documentation to provincial/Bangkok Employment Offices as soon as possible and at the latest **by 16 March 2013**

6. Such documentation consists of 1) the name list of migrant workers they would like to regularize, 2) a demand letter, 3) the migrant's personal profile form, 4) an employment contract 5) a quota for employment of migrants, 6) the household registration certificate and ID card of employer (in case of individual employer) or certificate of juristic person registration, 7) power of attorney with a 10-baht stamp in the case that an employer assigns a representative to act on his/her behalf, along with a copy of ID card of attorney-in-fact (authorized person) and grantor (employer) and four photos sized 4 x 6 cm.

7. Migrants' documents submitted to DOE by the employers are then sent to the country of origin for further processing and approval.

8. Once the documents have been approved by the country of origin, employers will be notified by DOE to collect the **temporary passport or regular passport** of migrant workers and their children at **12 newly established One Stop Service Centers in Thailand**<sup>1</sup>.

One Stop Service Centers (OSSCs) are located in the following provinces of Thailand: Kanchanaburi, Khon Kaen, Chiang Mai, Chiang Rai, Pathumthani, Ranong, Songkhla, Samut Sakorn, Samut Prakarn, Surat Thani, Rayong, and Tak. The OSSCs will officially open on 14 February 2013.

Myanmar/Burmese migrants being processed at the OSSCs in Chiang Rai and Tak provinces will have to cross the border to collect their temporary passports in Myanmar/Burma's service centers in the towns of Tachilek and Myawaddy respectively, and return to the OSSC in Thailand on the same day to get a visa stamp (non-immigrant-LA), apply for a work permit, and have bio-data collected at the OSSC.

**ATTENTION!--SPECIAL PROCEDURE FOR CAMBODIAN MIGRANTS:** Following the meeting between Thai and Cambodian authorities on 16 January 2013, Cambodian authorities will deploy 5 mobile teams to issue passport to their workers. The Cambodian authorities requested the Thai authorities to submit a name list of around 160,000 Cambodian workers who did not complete the NV process by December 2012 in order for the Cambodian side to set up an operational plan in priority provinces to interview Cambodian migrants. Cambodian officials will notify Thailand's Department of Employment of the Ministry of Labour of the name list of Cambodian workers who will collect passports. Provincial Employment Offices in Thailand will then notify employers to process passport collection, work permit application, bio data collection, and visa stamp at the OSSCs.

The **visa** fee is THB 500 both for the first stamp and renewal. The visa fee for children under 15 years of age remains at THB 2,000 pending the issuance of a ministerial regulation from the Ministry of Interior. Once the ministerial regulation is issued, the visa fee for children will be THB 500.

9. Migrant workers have to undergo a **medical check-up** (THB 600) at any hospital specified by the Ministry of Public Health or at a mobile health check-up car at an OSSC.

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<sup>1</sup> At the OSSC in Songkhla Province, there will not be Burmese officials to process temporary passports. So the Songkhla Province's OSSC will be operated for Cambodian migrants only.

A medical certificate is needed in order to obtain a **work permit**. Only once employers submit the migrant's medical certificate to the Bangkok/Provincial Employment Offices, they will obtain a work permit. Work permits are valid for 1 year (THB 900-1,800 varying according to the province and occupation).

10. Employers have to apply for the migrant worker's entry into the **social security scheme** from the Social Security Office of the Ministry of Labour. For migrant workers in the informal sector who are ineligible for entry into the social security scheme, employers are responsible for obtaining health insurance from the Ministry of Public Health or a private insurance company.

In addition to the 120-day grace period for irregular migrant workers, the Cabinet also passed a resolution that assigns the Ministry of Public Health as the lead agency to ensure healthcare coverage for all migrants who do not benefit from the social security scheme.

The Ministry of Public Health in coordination with the Ministry of Labour and the Ministry of Social Development and Human Security will issue a regulation for this group of migrants in order to provide services with regard to health promotion, disease prevention and reproductive health.

## Process Flowchart

### Employers prepare:

- Demand letter
- Name list
- Migrant's personal profile form (*respective country's* official form)
- Migrant photos
- Authorization to employ migrant workers (quota)
- Employment contract
- Other documents of employers

Thai Provincial Employment Offices  
verify documents and forward to DOE

Thai DOE forwards applications to Myanmar/Cambodian/Lao Embassy in Thailand

### At One Stop Service Center

1. DOE checks migrant workers and name list
2. Myanmar/Cambodian/Lao officers interview and grant temporary passport/regular passport
3. DOE collects migrant workers' bio data.
4. The employer submits work permit request form (WP.2) and pays work permit fee to DOE
5. Immigration Bureau stamps Non-Immigrant-LA visa to migrant worker's passport

**Remark:** Myanmar migrants who have to go to the OSCC in **Tak or Chiang Rai** must cross the border to *Myawaddy* and *Tachilek* to get their temporary passport.

### DOE

- Notify One Stop Service Centers (OSCCs) in Thailand of name list of migrant workers
- Notify Bangkok/Provincial Employment Offices of the name list for their further notification to employers to bring migrant workers to OSCCs to receive temporary passport/regular passport, apply for work permit and obtain visa. The centers will be located in 12 provinces: Samut Prakan, Samut Sakorn, Suratthani, Songkhla, Pathumthani, Rayong, Kanchanaburi, Khon Kaen, Chiang Mai, Chiang Rai, Tak and Ranong.

### Myanmar /Cambodia / Lao PDR:

- Verify documents (*Cambodia*: an officer will interview migrant workers at the working sites)
- Prepare to grant temporary passport / regular passport
- Notify DOE of name list of migrant workers who will be granted temporary Passport/regular passport

Migrant workers undergo medical exam and bring medical certificate, a copy of temporary passport / regular passport (including personal info page and visa page) to get a work permit at Bangkok/ Provincial Employment Offices.

## **2. Ministry of Labour Amends Regulations to Improve Conditions for Domestic Workers**

On October 30 2012 the Labour Minister Padermchai Sasomsap signed an amendment to the ministerial regulation no. 14 dated 30 October 2012.

Under the new regulation promulgated in the Royal Gazette on 9 November 2012, domestic workers who are not employed by a cleaning service company are entitled to:

1. At least one day off each week,
2. 13 traditional days of paid holidays a year,
3. Six days paid annual leave after one year of employment.
4. Sick leave can be taken if they are sick. In case of sick leave of more than 3 days, employers can request a medical certificate from employees.
5. Paid sick leave of not more than 30 working days.
6. Children under the age of 18 will receive wages directly from employers. Employers are prohibited from paying workers' wages to third parties, including brokers.
7. If employees work on holidays, they will receive overtime payment.

## **3. Department of Employment Proposes Direction and Measures for new Seafarer's Coordination Centers**

Following the Cabinet resolution of 9 October 2012 which gave approval to the Ministry of Social Development and Human Security's plan to establish seven Seafarer's Coordination Centers, the Department of Employment has issued a directive to further define roles, responsibilities and working mechanisms to establish and run the centers. The directive includes the following provisions:

1. A national subcommittee on the supervision, management and development of guidelines for the operation of the centers will be established by the Ministry of Social Development and Human Security and tasked with direct oversight of the centers' operations.
2. The authorities responsible for supporting the centers to regularly hire migrant workers are the Department of Labour Protection and Welfare, the Immigration Bureau and the Fisheries Association of Thailand and their provincial representatives.
3. The directive also stipulates some of the procedures to be followed by various stakeholders during the processes of recruitment and employment, when dealing with wage or welfare disputes, and following termination of the employment contract.

## Statistics

**Table 1.1 – Total stock of migrants recruited through the MOUs working in Thailand as of 25 November 2012**

<b>Nationality</b>	<b>No. of migrants working with active work permits and valid passports/certificate of identity</b>
Cambodia	132,201
Lao PDR	36,736
Myanmar/Burma	34,022
<b>Total</b>	<b>202,959</b>

*Source: Department of Employment, Ministry of Labour*

**Table 1.2 – Total number of migrants who completed nationality verification (NV) from 2010 – 14 December 2012**

<b>Nationality</b>	<b>No. of migrants working with active work permits and completed NV</b>
Cambodia	117,287
Lao PDR	34,999
Myanmar/Burma	1,179,341
<b>Total</b>	<b>1,331,627</b>

*Source: Department of Employment, Ministry of Labour*

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*<http://th.iom.int/index.php/component/remository/facilitating-migration/migration-information-notes/>*