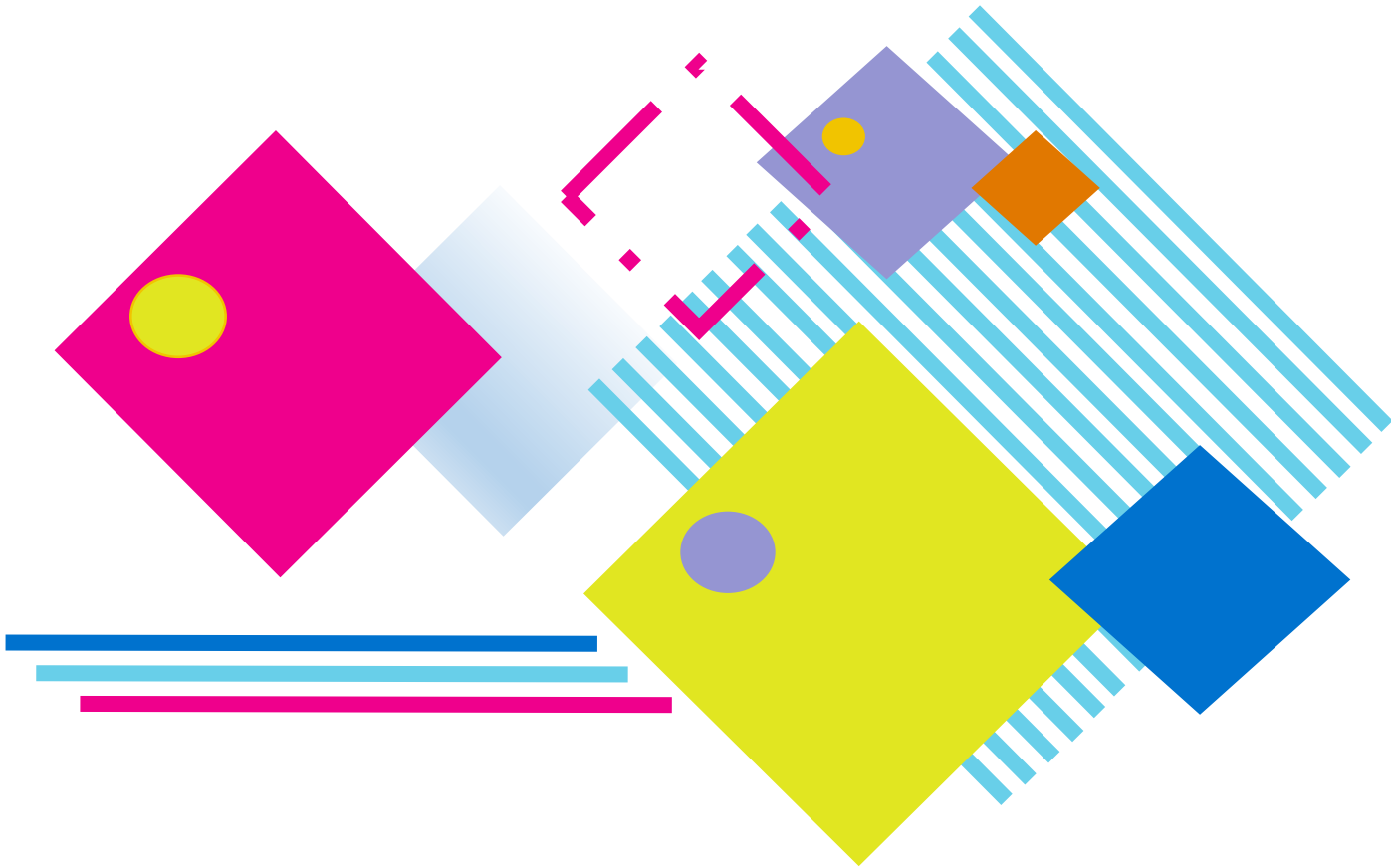




**FAIR FISH**



# **THE REPORT ON THE ROUTE OF MIGRATION FROM MYANMAR AND CAMBODIA TO THAILAND**

Siwat Chairattana & Thawatchai Khanawiwat

The Fostering Accountability in Recruitment for Fishery Workers Project

Plan International Thailand



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Siwat Chairattana & Thawatchai Khanawiwat

The Fostering Accountability in Recruitment  
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## Preface

This Report on the Route of Migration from Myanmar and Cambodia to Thailand was produced by the Fostering Accountability in Recruitment for Fishery Workers (FAIR Fish) project of Plan International Thailand which seeks to contribute to a fair global playing field for workers and responsible businesses by engaging with the private sector to reduce forced labor and human trafficking in the fishing and seafood processing sectors in Thailand. The project period spans January 2019 – December 2022 and it is made possible with financial support from United States Department of Labor (USDOL) under cooperative agreement number IL-32819-18-75-K. One hundred percent of the total costs of the project is financed with federal funds, for a total of 4 million US dollars.

This report aims to increase understanding of project staff and relevant stakeholders about the migration of Myanmar and Cambodian workers from their countries to Thailand as well as risks of forced labor and human trafficking that migrant workers may encounter. Particularly, the report highlights the profile of Myanmar and Cambodian migrant workers in Thailand, recruitment procedures, migration routes from source countries to Thailand, and potential risks to forced labor and human trafficking. Furthermore, the report provides readers with the lists of licensed Thai recruitment agencies in Thailand and overseas employment agencies in Myanmar and Cambodia that are derived from the website of the Department of Employment of Thai Ministry of Labor.

Last but not the least, many thanks go to the relevant staff of Plan International Thailand and USA for providing technical support to this report as well as USDOL for the financial contribution made to this report.

Research Team

Bangkok, October 2019

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## Acronyms

ACRA	Association of Cambodian Recruitment Agencies
ARCM	Asian Research Center for Migration
ASEAN	Association of Southeast Asian Nations
CBOs	Community-based Organization(s)
CSOs	Civil Society Organization(s)
DOE	Department of Employment, Thailand
ILO	International Labor Organization
IOM	International Organization for Migration
Lao PDR	Lao People's Democratic Republic
MLVT	Ministry of Labor and Vocational Training, Cambodia
MMK	Myanmar Kyat
MOEAF	Myanmar Overseas Employment Agencies Federation
MOL	Ministry of Labor, Thailand
MOU	Memorandum of Understanding on Cooperation in the Employment of Workers
NGOs	Non-governmental Organizations
NV	National Verification
PRAs	Private Recruitment Agencies
RCG	Research and Communications Group
RTG	Royal Thai Government
THB	Thai Baht
TOT	Training of Trainers Program
UNDESA	United Nations Department of Economic and Social Affairs
USD	United States Dollar

# 1. Introduction

## 1.1 Background and Objective

Thailand is both a transit and destination country for many less skilled migrant workers in Southeast Asia. Recent studies show that besides the geographical and cultural similarities, the economic condition of Thailand also attracts migrant workers from neighboring countries. The migrant workers from Myanmar and Cambodia frequently come to Thailand by land, but a relatively small number of migrants also migrate by sea, especially from southern Myanmar. Thailand shares a border of 2,202 kilometers with Myanmar and 798 kilometers with Cambodia<sup>1</sup> where many temporary and permanent immigration checkpoints are located. Legal points of entry are less popular due to the time-consuming administrative paperwork required and the expensive fees.

On June 23, 2017 the Royal Thai Government (RTG) announced the Royal Ordinance on the Management of Foreign Workers Employment B.E. 2560 (2017) in the Royal Gazette, which includes severe penalties for employers hiring undocumented workers or workers without work permits. News of this caused chaos among migrant workers, and led to approximately 60,000 workers leaving Thailand between June 23 and 28, 2017, presumably because of fear of penalties. Because of this reaction, the RTG postponed the enforcement of the law, and amended the Royal Ordinance to take effect on June 30, 2018.

The revised Royal Ordinance also requires employers to recruit migrant workers exclusively through the Memorandum of Understanding on Cooperation in the Employment of Workers (MOU). The MOUs between Thailand and Myanmar, and Thailand and Cambodia were signed in 2003, but the statistics as of November 2013 show that only an estimated 200,000 workers<sup>2</sup> who were staying and working in Thailand actually were recruited through the MOU system. This is quite low given that as of April 2019 the Ministry of Labor (MOL) Thailand reported that there were 925,813 MOU migrant workers in Thailand (56.92 percent males and 43.08 percent females).

Plan International Thailand is implementing the Fostering Accountability in Recruitment for Fishery Workers (FAIR Fish) project, which aims to improve pilot companies' approaches to addressing forced labor (FL) and human trafficking (HT) in recruitment processes; improve compliance with the recruitment policies and procedures by third-party recruiters; and promote responsible recruitment among other small- and medium-sized enterprises (SMEs). The objective of this report is to collect, compile, and analyze the existing sources on migration routes and the recruitment of migrant workers from Myanmar and Cambodia in order to inform the design of the project communication messages and project implementation. The report was conducted using a desk review research methodology, and collected information solely from secondary sources. Therefore, the information and the sampling size may not represent the exact target population of the project. The scope of document review is from 2017 to 2019 in order to capture the most recent patterns of labor migration after the Royal Ordinance came into effect. Documents published before 2017 are used as supplementary sources. The information will be checked and

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<sup>1</sup> "Thailand," NECTEC, accessed August 2, 2019, <https://www.nectec.or.th/thailand/thailand.html>.

<sup>2</sup> International Organization for Migration, *Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round One)* (Bangkok: IOM, 2018), 16.



updated throughout the life of the project to ensure reflection of situational changes that might occur. Therefore, the report is a living document, and is intended for internal use by project staff. Nevertheless, some information may be useful to other stakeholders and partners, and the project may consider sharing relevant parts of the information as deemed appropriate.

## 2. Myanmar

### 2.1 Profile of Myanmar Migrant Workers in Thailand

Thailand is among the top destinations for migrant workers from the neighboring countries, especially Myanmar, as mentioned in the “Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand Report (Round One)” by the International Organization for Migration (IOM) in 2018. The 2018 United Nations Department of Economic and Social Affairs (UNDESA) report stated that in 2017 there were 2,894,741 Myanmar nationals residing outside their country of origin. Of the three million Myanmar nationals working overseas, 1,835,106 (63 percent) were officially registered in Thailand, which is the largest concentration of migrant workers from Myanmar, followed by Malaysia, Bangladesh, and Qatar. As shown in Table 1, the most recent statistic from the MOL stated that Thailand hosted 3,091,453 migrant workers<sup>3</sup>, including an estimated 1.8 million migrant workers from Myanmar (55 percent male and 45 percent female) registered through four channels that include: 1) Nationality Verification (NV) for those who passed nationality verification according to the cabinet resolution in 2018; 2) MOU; 3) ongoing NV group for those who passed the nationality verification according to the cabinet resolution in 2016, and 4) seasonal workers. According to the MOL’s statistics presented in April 2019, most of migrant workers from Myanmar were residing in Bangkok and Samut Sakhon, respectively.

**Table 1: The Number of Documented Myanmar Migrant Workers in Thailand in April 2019**

Category	Male		Female		Total	
	No.	%	No.	%	No.	%
NV group (according to the cabinet resolution in 2018)	398,912	55.80%	315,877	44.20%	714,189	38.01%
MOU	271,640	60.00%	181,074	40.00%	452,714	24.07%
NV group (according to the cabinet resolution in 2016)	397,082	55.94%	312,778	44.06%	709,860	37.75%
Seasonal workers	2,186	69.68%	951	30.32%	3,137	0.17%
<b>Total</b>	<b>1,069,820</b>	<b>56.89%</b>	<b>810,680</b>	<b>43.11%</b>	<b>1,880,500</b>	<b>100%</b>

Source: Foreign Workers Administration Office, *Statistics of Foreign Workers in April 2019* (Bangkok: 2019), 29-44.

The study “Assessing Potential Changes in the Migration Patterns of Myanmar Migrants and their Impacts on Thailand,” published in December 2013 by the IOM and the Asian Research Center for Migration (ARCM), looked at the reasons for migration patterns. The study’s sampling size was 5,027 migrant workers in seven target provinces (Bangkok, Chiang Mai, Kanchanaburi, Ranong, Samut Sakhon, Surat Thani, and Tak). The study showed that the primary reason for

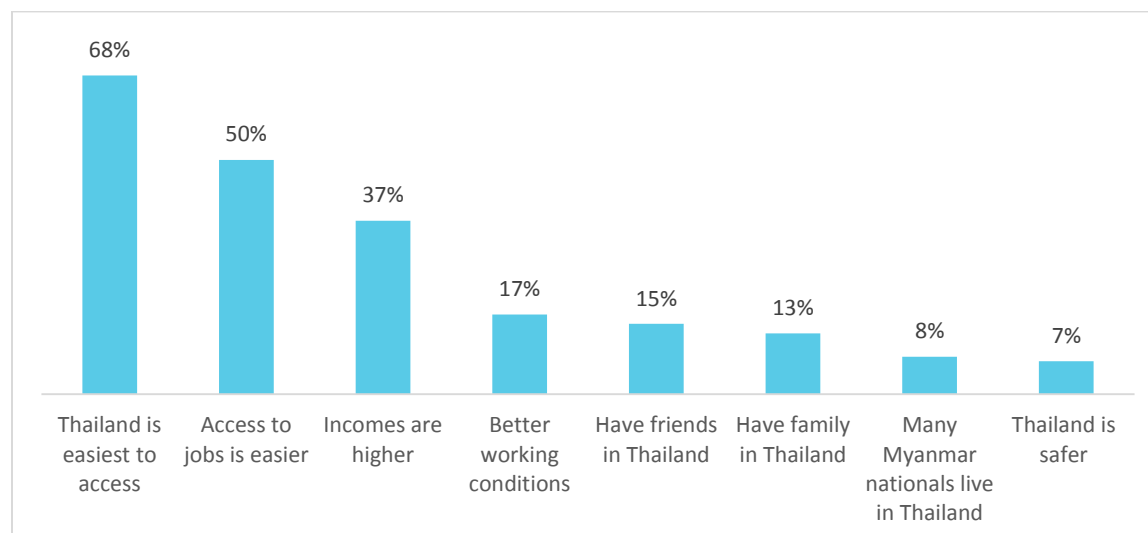
<sup>3</sup> Foreign Workers Administration Office, *Statistics of Foreign Workers in April 2019* (Bangkok: 2019), 14.

migrating to Thailand was for economic reasons, such as the desire for higher income and better employment opportunities.<sup>4</sup>

In 2018, the IOM conducted two surveys which unveil more factors. The first survey<sup>5</sup> conducted from mid-June to mid-August 2018 with 3,765 migrant workers who came to Thailand by Mae Sot and Phop Phra borders, found that 78 percent of inflow migrants said “employment” was their main reason.<sup>6</sup> Similar findings were confirmed in the second survey<sup>7</sup> conducted between mid-August to mid-October 2018 with 3,013 migrant workers who came to Thailand by the same channels as the first survey. It found that 84 percent of inflow migrants came to Thailand for employment.<sup>8</sup>

In addition, the two surveys mentioned that when migrants were asked why they preferred to migrate to Thailand rather than other countries, they responded that Thailand is the easiest country to get to, with easier access to jobs and higher potential incomes (Figure 1). This implies that the geographical context, and close proximity, is a compelling factor for migration, in addition to economic reasons.

**Figure 1: Reasons for Preferring Thailand Over Other Countries in the Region**



Source: International Organization for Migration, *Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round One)* (Bangkok: IOM, 2018), 37.

According to the IOM’s study in 2013, the top five largest ethnic groups among the 5,027 migrant workers from Myanmar, who participated in the survey were Bamar (43.5 percent), Shan (18.3 percent), Mon (15.1 percent), Karen (12.5 percent), and “other” (10.6 percent). However, the IOM’s Round One survey in 2018, found that the top five ethnic groups were Bamar (51.5

<sup>4</sup> Supang Chantavanich, et al, *Assessing Potential Changes in the Migration Patterns of Myanmar Migrants and Their Impacts on Thailand* (Bangkok: IOM & ARCM, 2013), 12.

<sup>5</sup> *Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round one)* (Bangkok: IOM, 2018).

<sup>6</sup> International Organization for Migration, *Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round One)* (Bangkok: IOM, 2018), 36.

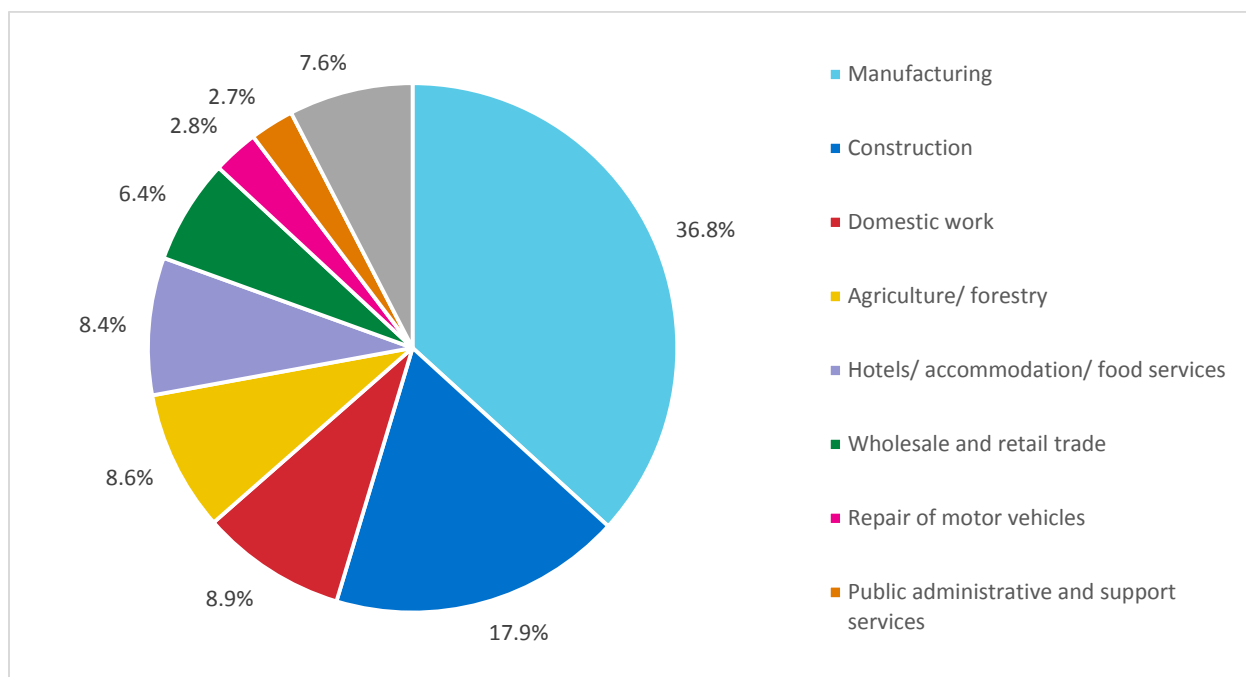
<sup>7</sup> International Organization for Migration, *Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round Two)* (Bangkok: IOM, 2018),

<sup>8</sup> International Organization for Migration, *Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round Two)* (Bangkok: IOM, 2018), 14.

percent), Karen (20 percent), Mon (15.8 percent), mixed (3.6 percent), and Pa-O (2.4 percent). These ethnic groups are from the border states and regions in Myanmar. As shown in Figure 2, the IOM's Round One survey also shows that the two main employment sectors were manufacturing (37 percent) and construction (18 percent).

When analyzing destination provinces in Thailand, Bangkok seemed to be the most popular destination for migrant workers from Myanmar looking for employment in hotels, accommodation, food services, and domestic work (both over 45 percent). For migrants from Samut Sakhon, the most popular employment options were those from the fishing industry (43 percent). Most incoming migrant workers who came through the Phop Phra border stayed in the province of Tak. Phop Phra district is an area with a lot of agricultural work opportunities, and many Myanmar nationals travel there to work on farms.

**Figure 2: Main Employment Sectors in Thailand**



Source: International Organization for Migration, Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round Two) (Bangkok: IOM, 2018), 17.

Focusing on the seafood processing industry, the MOL provides statistics, as of April 2019, of the number of Myanmar migrant workers in the seafood processing industry, as shown in Table 2

**Table 2: The Number of Documented Myanmar Migrant Workers with Work Permits in the Seafood Processing Industry in Thailand as of April 2019**

Category	Male		Female		Total	
	No.	%	No.	%	No.	%
NV group (according to the cabinet resolution in 2018)	7,180	48.04%	7,767	51.96%	14,947	34.55%
MOU	5,915	43.38%	7,720	56.62%	13,635	31.52%
NV group (according to the cabinet resolution in 2016)	7,360	50.13%	7,323	49.87%	14,683	33.94%
<b>Total</b>	<b>20,455</b>	<b>47.28%</b>	<b>22,810</b>	<b>52.72%</b>	<b>43,265</b>	<b>100%</b>

Source: Foreign Workers Administration Office, *Statistics of Foreign Workers in April 2019* (Bangkok: 2019), 61-66.

Samut Sakhon, the province where the FAIR Fish project is focused, is experiencing rapid growth in the industrial sector. With its 41.8-kilometers of coast line, the province has high potential and productivity for fishing.<sup>9</sup> Moreover, the province receives a lot of investment from both domestic and international investors that are establishing factories. The province is attractive to investors because it is close to Bangkok and has good logistical infrastructure. The province, therefore, has become an industrial zone and has a high demand for cheap labor.<sup>10</sup> The main industries of Samut Sakhon are concentrated on fishing and seafood processing. In both industries, there is high demand for migrant workers, specifically in seafood processing, because jobs are considered “3D” (dirty, dangerous, and difficult), and Thai workers prefer higher paid and less difficult jobs.<sup>11</sup> Currently, Samut Sakhon is hosting 238,201 registered migrants (Table 3).

<sup>9</sup> „Summary of Samut Sakhon Province,” Strategy and Information for Provincial Development Subdivision, accessed June 13, 2019, [http://www.samutsakhon.go.th/document/brief\\_sk.pdf](http://www.samutsakhon.go.th/document/brief_sk.pdf).

<sup>10</sup> Taweechai Rabiab, Taweechai, Mr. “The Prostitution of Female Migrant Worker: Case Study of Female Migrant Workers in Samut Sakhon Province,” *Academic Services Journal* 23, no. 3 (2012): 12, <https://journal.oas.psu.ac.th/index.php/asj/article/view/5554>.

<sup>11</sup> Malee Chetsadalak, *Entry into the Labor Market of Migrant Burmese: Case of Seafood Supply Chain, Samutsakorn Province* (Bangkok: Thammasat University, 2015), 1.

**Table 3: The Number of Documented Myanmar Migrant Workers in Samut Sakhon in April 2019**

Category	Male		Female		Total	
	No.	%	No.	%	No.	%
NV group (according to the cabinet resolution in 2018)	33,125	49.28%	34,087	50.72%	67,212	28.22%
MOU	37,853	46.21%	44,061	53.79%	81,914	34.39%
NV group (according to the cabinet resolution in 2016)	51,086	57.35%	37,989	42.65%	89,075	37.39%
<b>Total</b>	<b>122,064</b>	<b>51.28%</b>	<b>116,137</b>	<b>48.72%</b>	<b>238,201</b>	<b>100%</b>

Source: Foreign Workers Administration Office, *Statistics of Foreign Workers in April 2019* (Bangkok: 2019), 30-40.

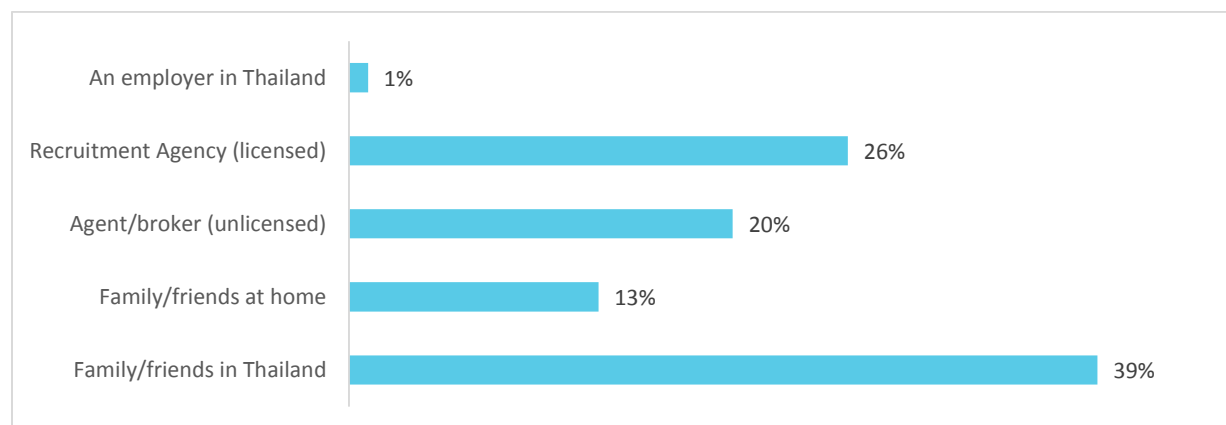
## 2. 2 Recruitment Procedure of Myanmar Migrant Workers

According to the IOM study on Myanmar migration patterns in 2013, 43.3 percent of the migrants surveyed came to Thailand through arrangements made by family members and friends; 37.7 percent through brokers; and 18.5 percent on their own. Only 0.5 percent of the 5,027 respondents came to Thailand through the formal recruitment process stipulated in the MOU on the cooperation in the employment of migrant workers signed on June 21, 2003. The IOM's 2018 survey on the migration situation at the Thai-Myanmar border found that most of incoming migrants relied on their family or friends in Thailand (39 percent), followed by formal/ licensed recruitment agencies (26 percent), unlicensed agents (20 percent), and family or friends in Myanmar (13 percent), as shown Figure 3.

Comparing the two surveys mentioned above, shows that since the Royal Ordinance on Foreign Worker Management (B.E. 2560) was implemented, migrants have been more inclined to come to Thailand through regular channels, given that the number of migrants coming through formal or licensed agencies has increased since the study in 2013, even though the MOU was implemented in 2003. However, in 2016, research by the IOM and the International Labour Organization (ILO) of 451 returning Myanmar workers found that nearly half of them (47 percent) migrated to Thailand using unlicensed brokers, while 25 percent came through regular channels, including government agencies, licensed private recruitment agencies (PRA), and direct recruitment by employers.<sup>12</sup> Those respondents in the IOM & ILO's studies stayed on average three years in Thailand. This means that, presumably, they migrated to Thailand around 2013. This assumption could reinforce the claim that the Royal Ordinance contributes to regular migration. Even though this report does not reflect the benefits workers get from the enforcement of the Royal Ordinance, it can be implied that workers recruited through the MOU are protected under the Royal Ordinance. Therefore, through the MOU process, it can be guaranteed that the workers can get a job when arriving in Thailand, and that there will be a return process for migrant workers once they finish their employment contracts or face unfair dismissal.

<sup>12</sup> Benjamin Harkins, Daniel Lindgren, and Tarinee Suravoranon, *Risks and Rewards: Outcomes of Labour Migration in South-East Asia Bangkok* (Thailand: ILO Regional Office for Asia and the Pacific, 2017), 34.

**Figure 3: Actors Involved in the Migration Preparations**



Source: International Organization for Migration, Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round Two) (Bangkok: IOM, 2018), 19

## 2.2.1 Legislative Framework

The Thai and Myanmar governments first signed the MOU in 2003, aiming to regularize the employment of migrant workers. The MOU establishes the legal procedure for the employment of migrant workers, and the process of repatriation after the end of the employment contract. The MOU also helps to ensure that migrants can access their rights and protections provided by the receiving country. The MOU is applicable to recruitment actors in both countries, as follows:

- a) Proper procedures for employment of workers;
- b) Effective repatriation of workers who have completed terms and conditions of employment or are deported by relevant authorities of the other Party before completion of terms and conditions of employment to their permanent addresses;
- c) Due protection of workers to ensure that there is no loss of the rights and protection of workers and that they receive the rights they are entitled to; and
- d) Prevention of, and effective action against, illegal border crossings, trafficking of illegal workers, and illegal employment of workers.

Apart from the MOU, the overseas employment of Myanmar workers is also governed by two Myanmar national laws which are The Law Relating to Overseas Employment and The Anti-Trafficking Law of 2005 described below:<sup>13</sup>

- 1) The Law Relating to Overseas Employment (State and Peace Council Law 3/99) defines the terms related to overseas employment, service agents, as well as duties and rights of the workers and service agents; for example, a worker (a) has the right to claim through the Service Agent full compensation or damages to which he is entitled for injury sustained at a foreign worksite; and (b) has the right to take civil or criminal action for loss of his rights and privileges relating to overseas employment. In this law the “service agent” means a person or organization, who/which for a prescribed service fee, acts an agent in

<sup>13</sup> Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR* (Amherst: Verité, 2019), 37.

securing employment for those who seek overseas employment. The law also states that the service agent shall communicate with the overseas employer concerned and undertake responsibility for obtaining in full the rights and privileges in the case of loss of rights and privileges of workers.

2) The Anti-Trafficking Law of 2005 (Order Supplementing Order 1/1999, 2000) [3], which criminalizes and prohibits trafficking in persons and forced labor and describes fair conditions related to labor, details the following:<sup>14</sup>

- a) The work or service shall not lay too heavy a burden upon the present population of the region.
- b) The work or service shall not entail the removal of workers from their place of habitual residence.
- c) The work or service shall be important and of direct interest for the community. It shall not be for the benefit of private individuals, companies, or associations.
- d) It shall be in circumstances where it is impossible to obtain labor by the offer of usual rates of wages. In such circumstances, the people of the area who are participating shall be paid rates of wages not less favorable than those prevailing in the area.
- e) School teachers and pupils shall be exempted from requisition of work or service.
- f) In the case of adult, able-bodied men who are the main supporters of the necessities of food, clothing, and shelter for the family and indispensable for social life, requisition shall not be made except only in unavoidable circumstances.
- g) The work or service shall be earned-out during the normal working hours. The hours worked in excess of the normal working hours shall be remunerated at prevailing overtime rates.
- h) In case of accident, sickness, or disability arising at the place of work, benefits shall be granted in accordance with the Workmen's Compensation Act.
- i) The work or service shall not be used for work underground in mines.

## 2.2.2 The MOU Process

To send and receive Myanmar workers through the MOU channel, the workers must be recruited through registered recruitment agencies only. According to the list of registered PRAs of the Myanmar Overseas Employment Agencies Federation (MOEAF) as of July 2019, there were 261 agencies registered under the MOEAF. Of these 261 registered agencies, as of August 20, 2019, only 124 agencies<sup>15</sup> were allowed by the Thai Department of Employment (DOE) to send workers to Thailand, and 201 Thai registered PRAs that were allowed to import overseas workers.

The MOU process on the Myanmar side is complicated, and workers have to make at least 2-3 trips to Yangon to process the employment contract and MOU-related documents. The overall procedure of sending workers to Thailand takes about 45-90 days.<sup>16</sup> Figure 4 shows the MOU process, which can be summarized in the following 10 steps:

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<sup>14</sup> Ibid.

<sup>15</sup> Foreign Workers Administration Office, *List of Registered Licensed Overseas Employment Agencies (Myanmar)* (Bangkok, 2019)

<sup>16</sup> Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR*, 38.



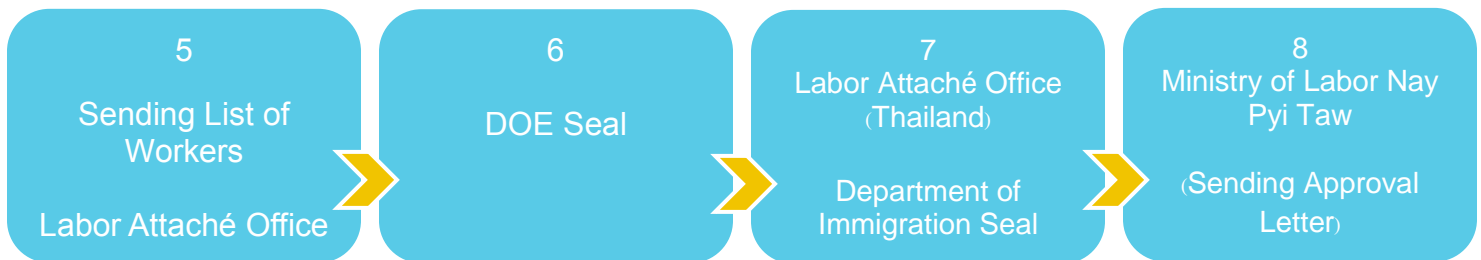
1. Approval of a demand letter by the DOE in Thailand. The employer/PRA in Thailand must submit documentation, including company photos, how many workers are needed, types of work, company profile, Myanmar company license, etc. (this stage takes approximately 10 days).
2. Submission of documents to the office of the Myanmar Labor Attaché in Thailand, with a cover letter by the concerned Myanmar agency detailing the number of workers, as well as a declaration of responsibilities signed by both Myanmar and Thai agencies/employers. This will be checked by the Myanmar Labor Attaché, if necessary (duration: a week to a month).
3. Submission of the documents from the Labor Attaché to the Ministry of Labor in Nay Pyi Taw (duration: two to three weeks, depending on the day of submission and given cabinet meetings take place every two weeks).
4. Employment contract signing in Myanmar with the presence of three Myanmar government officials (Director/Assistant Director, Staff Officer, and Deputy Staff Officer) from the Ministry of Labor, Thai agency representative or employer, Myanmar agency representative, and the jobseeker. The contract is signed at Pinlon Hall of the Labor Department in North Dagon, Yangon (duration: one to two days, usually preceded by a day or two of interviews).
5. Submission of list of workers to the Myanmar Labor Attaché in Thailand for seal (duration: One to two days).
6. Collection of approved documents from the Labor Attaché by Myanmar agency representative and delivery to the Thai PRA or employer for DOE seal. (duration: 10 to 14 days).
7. Submission of documents to the Labor Attaché and acquiring seal from the Department of Immigration in Thailand (duration: one day).
8. Submission of approved letter to the Ministry of Labor in Nay Pyi Taw (duration: three to 10 days).
9. Provision of approved letter to Myawaddy Passport Office and collection of smart cards. The person who signed the employment contract will pick up jobseekers at the Myawaddy border checkpoint (duration: one to two days).
10. The recruited workers are then transported to their Thai job site. The Thai employers and agents will have to accomplish the required paperwork on the Thai side, such as work permit and insurance for workers to get the two-year visa.

**Figure 4: The MOU Process**

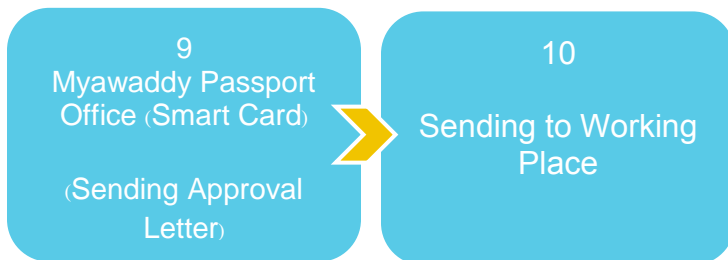
1) Approve of Demand Letter Process (Thai) (MOU)



2) Recruitment Process



3) Sending Process



Source: Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR* (Amherst: Verité, 2019), 39.

## 2.2.3 Fees

In Thailand, the Foreigners' Working Management Emergency Decree No. 2 (2018) specifies what fees may be collected from workers by employers. Section 49 states that "An employer ... shall not accept or request any money or assets ... except if it is for the expenses paid by the employer beforehand, such as for passport fee, health checkup fee, work permit fee, or other fees in the same manner as prescribed in a notification by the Director-General." The employer can recover the costs from migrant workers by deducting them from wages and overtime payment, but not more than ten percent of the salary.

In addition, Myanmar law indicates it is allowable to charge workers up to MMK 150,000 (or around USD 100) for recruitment-related costs. This includes a fee for the PRA, which can be charged up to MMK 60,000 (USD 39.35). However, according to research by the ILO in 2018 migrant workers from Myanmar paid around THB 11,000<sup>17</sup> or around USD 357.

<sup>17</sup> Jason Judd, Supavadee Chotikajan, and Karen Emmons, *Ship to Shore Rights Baseline Research Findings on Fishers and Seafood Workers in Thailand* (Bangkok: ILO Country Office for Thailand, Cambodia and Lao Peoples Democratic Republic, 2018), 13.

**Table 4: The Costs Indicated by the Myanmar Government**

Description	Price (MMK)	Price (USD)
Transportation cost from Yangon to Myawaddy (2 trips/ 10,000/ trip)	20,000	13
Passport application fee	25,000	16.5
Employment contract fee	6,000	4
Documentation fee	3,500	2
Labor card application fee/ photograph fee/ food and accommodation	15,000	10
<b>Total</b>	<b>69,500</b>	<b>45.5</b>

Source: Suthasinee Kaewleklai (MWRN Coordinator) in discussion with Plan International Thailand, July 2019.

As per the Thai Ministerial Regulation on Fees and Fee Exemptions on the Employment of Alien/Foreign Nationals, the work permit costs for workers in the seafood processing industry are controlled by Section 3 and 5 as follows:

*“Section 3. The fees for alien/foreign employees working as domestic helpers and laborers are prescribed as follows:*

*1. Work Permit*

- a) Validity: not exceeding three (3) months: THB 225*
- b) Validity: more than three (3) months, but not exceeding six (6) months: THB 450*
- c) Validity: more than six (6) months, but not exceeding twelve (12) months: THB 900*
- d) For work permits with validity exceeding one (1) year, refer to the fees enumerated in (a), (b), and (c).*

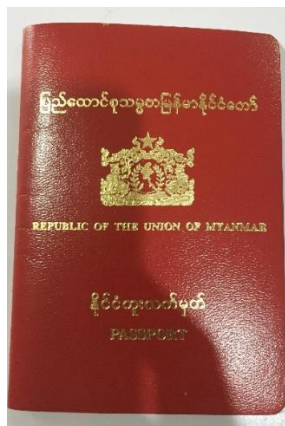
*2. Renewal of Work Permit*

- a) Validity: not exceeding three (3) months: THB 225*
- b) Validity: more than three (3) months, but not exceeding six (6) months: THB 450*
- c) Validity: more than six (6) months, but not exceeding twelve (12) months: THB 900*
- d) For work permits with validity exceeding one (1) year, refer to the fees enumerated in (a), (b), and (c).*

- 3. Temporary Work Permit: THB 200*
- 4. Approval of the change/addition of industry: THB 900*
- 5. Approval of the change/addition of employer: THB 900*
- 6. Approval of the change/addition of employment location: THB 900*
- 7. Approval of the change/addition of work permit conditions: THB 150*

*Section 5. The processing fee for a request of work permit is THB 100 per work permit.”*

**Figure 5: Documents Required by Thai Government for Migrant Workers**



Passport for job (PJ)

Source: Community Based Organization in Phang-Nga, LINE message to Plan International Thailand, July 2019.

Contract

Source: "Employment contract for Burmese worker," Department of Employment, accessed July 23, 2019, [https://www.doe.go.th/prd/assets/upload/files/alien\\_th/9a084d9ac36c8e6cfa2e747f196b278a.pdf](https://www.doe.go.th/prd/assets/upload/files/alien_th/9a084d9ac36c8e6cfa2e747f196b278a.pdf)



E- Work Permit

Source: "New E-Work permit", Foreign Worker Employment Agency Global Event Company Limited, accessed July 23, 2019, <http://passport.co.th/ใบอนุญาตทำงานต่างด้าว>



Myanmar Overseas Worker Identification Card

Source: Community Based Organization in Samut Sakhon, Facebook message to Plan International Thailand, July 2019.

## 2.2.4 Subagents

Although there are strict regulations on recruitment costs from both governments, overcharging from informal recruiters and subagents are out of the government's control. Many PRAs have representatives or subagents in most of the provinces across Myanmar. The subagents help to connect jobseekers to the PRAs, and provide information about jobs to the jobseekers. From the interviews conducted for the FAIR Fish project's pre-situational analysis by Plan International Thailand in July 2019 with local NGOs based in Samut Sakhon, it was found that PRAs may use subagents to reach out to villages in Myanmar, and charge workers MMK 700,000 – 1,200,000 (USD 450-780) to expedite the process. It is still unclear whether those costs are inclusive of document preparation, transportation, accommodation, and loans prior to the formal MOU process.

Research by Verité<sup>18</sup> in 2019 determined that jobseekers found employment in Thailand in a number of ways. For example, "Village-to-worksite" is one common channel, wherein jobseekers are alerted to job vacancies by relatives, friends, and acquaintances currently working in Thailand and are referred to local informal agents who can assist with preparing the necessary documents, or to a PRA in Yangon with a preexisting service agreement with the employer.<sup>18</sup>

### **Box 1: Myanmar Overseas Employment Agency Federation (MOEAF)**

"Since the Thai government reduced the amount that Thai agencies can collect from jobseekers from THB 10,000 (USD 300+) to 3,000 (USD 100), the difference has been absorbed by the Myanmar agents but passed on to the jobseekers. This has also driven Thai agencies to shop around and choose which Myanmar agency can offer the better package."

One Myanmar agency sending 4000 migrant workers to Thailand, the majority of them to the seafood industry, claims to collect only USD 70 from each worker. The rest of the fee is obtained directly from the Thai employer, bypassing the Thai agents. He reported that a decreased recruitment fee is a screening criterion of the Thai employer.

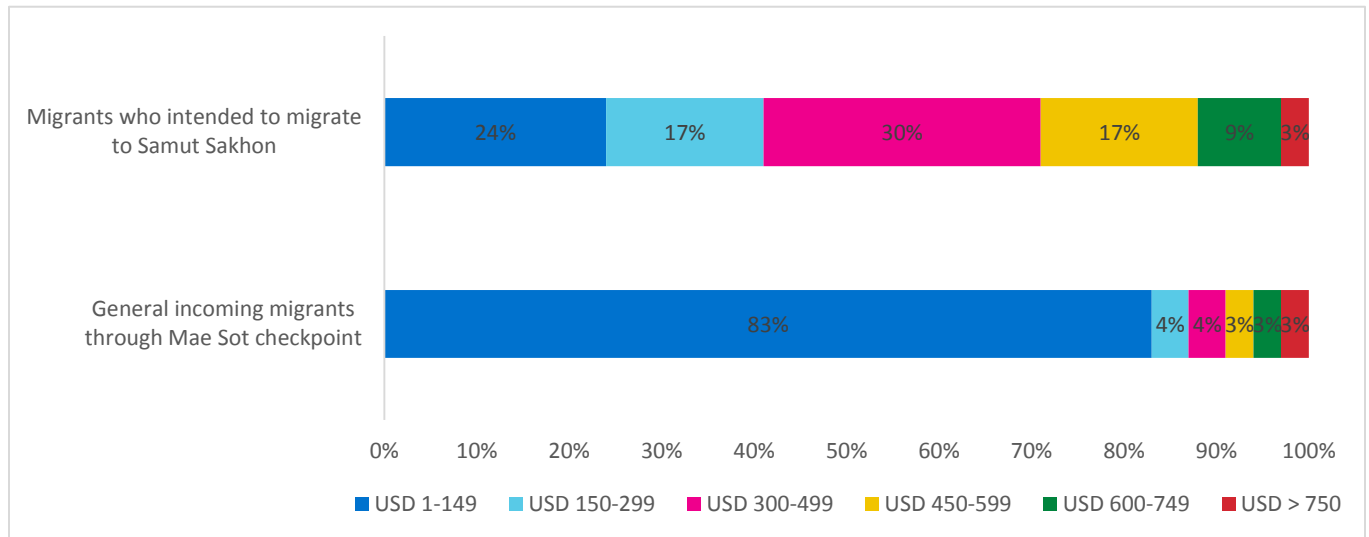
*Source:* Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR* (Amherst: Verité, 2019), 42.

## 2.2.5 Migration Cost

The IOM survey in 2018 showed that the migration cost for incoming migrants was around USD 130, depending on the distance from the border to the worksite. Figure 6 presents information from this survey, comparing the migration cost of general migrants and migrants who intended to migrate to Samut Sakhon, where many seafood processing factories are located. The migration costs for migrants in Samut Sakhon largely vary, and 30 percent of the surveyed migrant workers said they paid around USD 300-499.

<sup>18</sup> Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR*, 48.

**Figure 6: Migration Costs Paid by Migrants**



Source: International Organization for Migration, Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round Two) (Bangkok: IOM, 2018), 18.

## 2.3 Migration Routes from Myanmar to Thailand

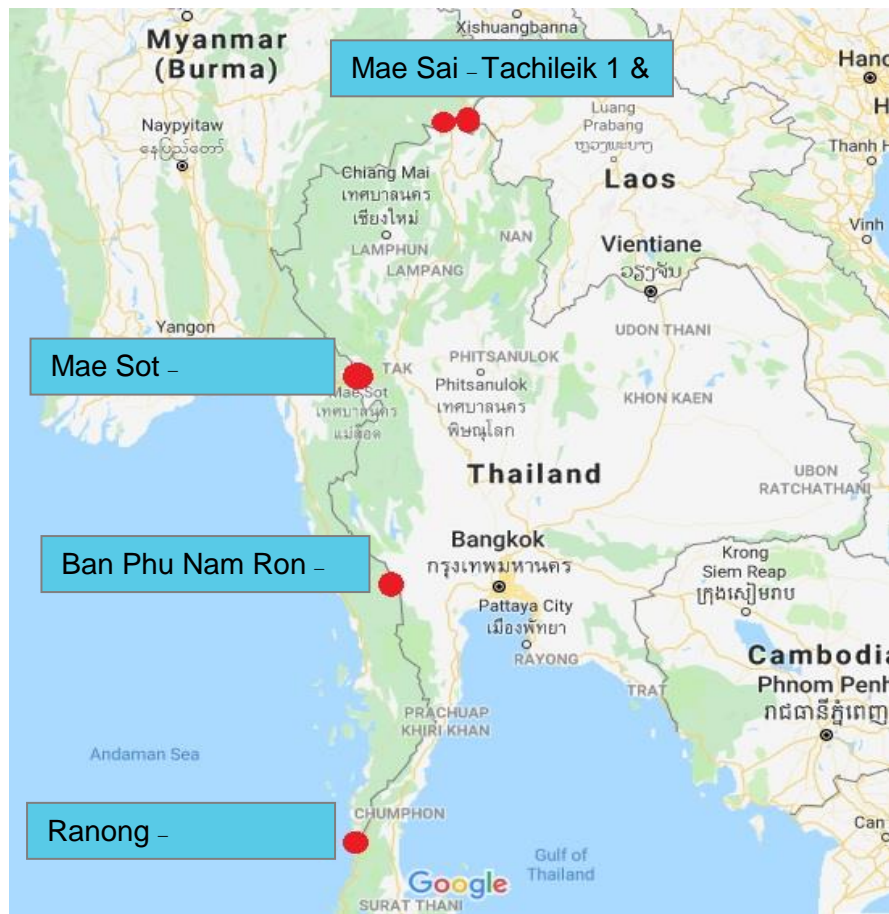
### 2.3.1 Entry Point

In Thailand, there are five permanent border checkpoints (see Figure 7) - two in Chiang Rai (Mae Sai – Tachileik and Mae Sai – Tachileik 2), one in Tak (Mae Sot – Myawaddy), one in Ranong (Ranong – Kawthaung), and one in Kanchanaburi (Ban Phu Nam Ron – Tiki). However, Myanmar migrant workers who are recruited through the MOU can only pass through the checkpoints at Mae Sot in Tak province and Ranong, so workers from every region or state in Myanmar need to travel to Myawaddy or Kawthaung.

Upon arrival in Thailand and prior to their travel from the border areas to their worksites, workers are required to attend a training at the Post-Arrival and Reintegration Center for Migrant Workers. The curriculum of the post-arrival training includes Thai cultural orientation, language, and laws. Then, the workers travel to the worksites by travel agency minivan or bus arranged by PRAs or companies.



**Figure 7: Official Permanent Border Checkpoints between Thailand and Myanmar**



(Map: Google)

Source: Department of Provincial Administration, Ministry of Interior

### 2.3.2 Migration Routes

The migration route from Myanmar to Thailand seems to flow from all states and regions to eastern Myanmar, which borders Thailand at Mae Sot. As shown in Table 5, migrants are mostly from Mon State, Kayin State, Shan State, and Tanintharyi Region. These four states and regions border Thailand. Travel to the Thai border is quite long and difficult, passing through mountainous areas. It may take up to two days to travel from Yangon to the Mae Sot border checkpoint, and more for western states. For the Ranong – Kawthaung checkpoint, it takes approximately two or three days to travel from Mawlamyine in Mon State, and one day from Dawei in Tanintharyi Region. All permanent checkpoints can be accessed by road, with the exception of the Ranong – Kawthaung checkpoint that can be accessed by boat only. However, there are several unofficial border checkpoints along the border areas where undocumented migrants frequently cross. The most popular one is in Mae Sot, near the Friendship Bridge where undocumented migrants can cross by foot during the dry season and by boat.

**Table 5: The Percentage of Myanmar Migrant Workers from the Top Three Source States and Regions**

Studies	Source states/ regions		
	1st	2nd	3rd
<i>Chantavanich, Suphang and Vungsiripisal, Premjai, "Myanmar Migrants to Thailand: Economic Analysis and Implications to Myanmar Development", In Economic Reforms in Myanmar: Pathways and Prospects. (Bangkok Research Center, 2012) (n=204)</i>	Mon State <b>56.9%</b>	Yangon Region <b>10.8%</b>	Kayin State <b>10.8%</b>
<i>Assessing Potential Changes in the Migration Patterns of Myanmar Migrants and their Impacts on Thailand. (IOM &amp; ARCM, 2013) (n=5,027)</i>	Mon State <b>26.7%</b>	Shan State <b>19%</b>	Tanintharyi Region <b>16.2%</b>
<i>Flow Monitoring Surveys: Insights into the Profiles and Vulnerabilities of Myanmar Migrants to Thailand (Round two) (IOM, 2018) (n=3,233)</i>	Kayin State <b>23%</b>	Mon State <b>21%</b>	Bago East Region <b>13.5%</b>



## 3. Cambodia

### 3.1 Profile of Cambodian Migrant Workers in Thailand

Thailand is a popular destination for regular and irregular Cambodian workers because of geographical proximity, cultural familiarity, higher wages, and the prior migration by friends and family members. In 2018, the number of overseas Cambodian workers was around 1.22 million, amounting to 7.51 percent of the total population of Cambodia. Thailand hosts the largest number of Cambodian workers, followed by Korea, Malaysia, Japan, and Singapore.<sup>19</sup> However, it is still unclear how many Cambodian migrants live, and work in Thailand, even though the Governments of Cambodia and Thailand established a system to register undocumented migrant workers between 2017 and 2018. The MOL in April 2019 showed that there were 700,000 Cambodian workers (57.23 percent males and 42.77 percent females) in Thailand registered through four different immigration processes: 1) NV group for those who passed the nationality verification according to the cabinet resolution in 2018 (37.82 percent); 2) MOU (43.82 percent); 3) NV group for those who passed the nationality verification according to the cabinet resolution in 2016 (14.16 percent); 4) and seasonal work (4.19 percent) as shown in Table 6.<sup>20</sup> This number, however, is significantly less than the number reported by the Ministry of Labor and Vocational Training (MLVT), which indicated that 1.13 million Cambodian workers were in Thailand. Moeun Tola, the Executive Director of the Center for Alliance of Labor and Human Rights, a civil society organization in Cambodia, estimated that there were up to 1.70 million Cambodian workers in Thailand, of which 20 percent of those might be working without any legal documents.<sup>21</sup>

**Table 6: The Number of Documented Cambodian Migrant Workers in Thailand in April 2019**

Category	Male		Female		Total	
	No.	%	No.	%	No.	%
NV group (according to the cabinet resolution in 2018)	149,224	21.22%	116,814	16.61%	266,038	37.82%
MOU	179,495	25.52%	128,741	18.30%	308,236	43.82%
NV group (according to the cabinet resolution in 2016)	57,123	8.12%	42,501	6.04%	99,624	14.16%
Seasonal work	16,708	2.38%	12,746	1.81%	29,454	4.19%
<b>Total</b>	<b>402,550</b>	<b>57.23%</b>	<b>300,802</b>	<b>42.77%</b>	<b>703,352</b>	<b>100%</b>

Source: Foreign Workers Administration Office, *Statistic of Foreign Workers in April 2019*, 29-44.

<sup>19</sup> Ouk Ravuth, "Cambodian Context on Labour Migration," (presentation, 9th ADBI-OECD-ILO Roundtable on Labour Migration in Asia Them: Innovative Approaches for the Effective Management of Labour Migration in Asia, Tokyo, Japan, January 24-25, 2019).

<sup>20</sup> Foreign Workers Administration Office, *Statistic of Foreign Workers in April 2019*, 29-44.

<sup>21</sup> Khorn Savi, "Cambodian Workers 'vulnerable' in Thailand," Phnom Penh Post, accessed July 17, 2019, <https://www.phnompenhpost.com/national/cambodian-workers-vulnerable-thailand>.

Many studies, conducted after the enforcement of the Royal Ordinance on the Management of Foreign Workers Employment, B.E. 2560 (2017), similarly showed the decline in the number of undocumented migrants in Thailand. The most recent study by IOM and ARCM, involving 901 Cambodian migrant respondents in five major provinces, showed that only three percent of respondents did not have any documents to reside and work in Thailand, while 97 percent held some form of legal documents, including work permits, border passes, pink cards, and passports.<sup>22</sup> This finding is consistent with the ILO's survey on fishery workers in 2018. The survey revealed that two percent of 412 respondents (125 Cambodian workers) were undocumented, a decrease from 55 percent of respondents in a 2013 ILO survey on working conditions of fishing and seafood processing workers.<sup>23</sup> However, this does not mean that all Cambodian workers had lawfully worked in Thailand. There are Cambodian migrant workers who do not have all the documents required to work, or they do jobs that are restricted according to Thai laws, such as working as a security guard, street vendor, food seller or motorcycle taxi driver. From July 2018 to June 2019, 1,060 Cambodian migrants were fined and prosecuted for working without permission or doing restricted jobs.<sup>24</sup> In addition, Plan International's 2019 research of Thai immigration laws demonstrated that while all of 215 Cambodian respondents had at least one legal document, only two percent of them, excluding seasonal workers, held a red passport officially issued by a government agency in Cambodia.<sup>25</sup> This implies that very few Cambodian workers had obtained the necessary documents before coming to Thailand, and did not migrate using regular channels.

Cambodian migrant workers are employed mainly in construction, manufacturing and general labor work. According to the survey by the IOM and ARCM, the majority of Cambodian respondents said that they worked as construction workers, while 23 and 19 percent of them worked in the manufacturing, and general labor work sectors, respectively. Moreover, the proportion of Cambodian workers employed in the Thai fishery sector is relatively low, accounting for only 13 percent. The percentage of Cambodian workers in this sector has significantly decreased due to the reduction in the local commercial fishing fleet and the permanent closing of informal factories in many coastal provinces.

The fishery sector jobs along with other sectors tend to be segregated by gender. Cambodian men tend to work as seafarers or construction workers, while Cambodian women work in food processing, garment workers, and in the service sectors. In Rayong where the FAIR Fish project is located, the percentage of Cambodian migrant workers was evenly distributed between various sectors, with a higher percentage working in the fishery sector – (28 percent), followed by 12

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<sup>22</sup> Premjai Vungsiriphisal, Waranya Jitpong, and Nithis Thammasaengadipha, *Assessing Potential Changes in the Migration Patterns of Cambodian Migrants and Their Impacts on Thailand and Cambodia* (Bangkok: IOM & ARCM, 2019), 21.

<sup>23</sup> Jason Judd, Supavadee Chotikajan, and Karen Emmons, *Ship to Shore Rights Baseline Research Findings on Fishers and Seafood Workers in Thailand*, 15.

<sup>24</sup> "More than 6,500 Irregular Migrant Workers Were Arrested." Thai Rath, accessed July 19, 2019, <https://www.thairath.co.th/news/local/1601550>.

<sup>25</sup> Ananya Surangpimol, *Policy Analysis of Anticipated Impact of Recent Changes in Migration Laws and Regulations That Affect the Thai Fishing Industry and Migrant Workers* (Bangkok: Plan International Thailand, 2019), 20.

percent in domestic work, and 10 percent in industrial work.<sup>26</sup> The predominance of Cambodian migrants working in the fishery sector is due to the fact that Rayong has a long coastline where lots of fishing communities and small processing factories are located.

The socioeconomic impacts of migration among Cambodian workers and their families have been widely studied. Economic research, published by Thammasat University, examined the economic impact of remittances on Cambodia's economic growth using regression models. It found that after MLVT adopted a new migration governance policy and liberalized labor migration flows in 2010, remittances sent back by overseas Cambodian workers grew dramatically from nearly USD 150 million in 2010 to more than USD 350 million in 2016. The inflow and uses of remittances were also found to have positive, significant effects on economic growth in recent years.<sup>27</sup> In addition, the 2019 IOM and ARCM report estimated that the amount of the remittances in 2018 was around 460 million USD, calculated based on the average remittance of 901 Cambodian informants.

Remittances contribute substantially to increased household income and improved living conditions for families. The majority of the workers in the IOM and ARCM study stated that the remittances were necessary for their families, and had positive impacts on their villages and communities in Cambodia. Their family savings increased, providing families with greater financial security and the ability to cope more effectively with social and economic shocks. Remittances are used for various purposes, such as paying down debt, purchasing plots of land, investing in children's education, furnishing a house, and investing in income generation activities.

In terms of the social impact of migration for work, Cambodian migrant workers acquired various useful skills through on-the-job training, preparing them for better future career opportunities both in Thailand and Cambodia. An IOM and ILO study in 2017, exploring the process of intra-ASEAN migration, showed that skills Cambodian migrants gained during their work abroad were both soft skills and technical skills, including financial literacy, foreign language, numeracy, and vocational skills. However, the study also indicated that Cambodian migrant workers' skills development was lower compared to migrants from Mekong sub-region countries, such as Myanmar, Laos, and Vietnam.<sup>28</sup>

## 3.2 Recruitment Procedure of Cambodian Migrant Workers

### 3.2.1 Legislative Framework

The Governments of Cambodia and Thailand signed the Memorandum of Understanding on Cooperation in the Employment of Workers in 2003, as a result of enormous efforts to eliminate illegal employment. The MOU is a legal framework, establishing procedures of overseas worker employment and of the return and repatriation after expiration of employment contracts. It also binds the governments to create proper protective and preventive measures to ensure that

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<sup>26</sup> Premjai Vungsiriphisal, Waranya Jitpong, and Nithis Thammasaengadipha, *Assessing Potential Changes in the Migration Patterns of Cambodian Migrants and Their Impacts on Thailand and Cambodia*, 2019, 20.

<sup>27</sup> Virak Khiev, *Migration Policy, Remittance Inflows, and Economic Growth in Cambodia* (Bangkok: Thammasat University, 2017)

<sup>28</sup> Benjamin Harkins, Daniel Lindgren, and Tarinee Suravoranon, *Risks and Rewards: Outcomes of Labour Migration in South-East Asia* (Bangkok, 70).

migrant workers fully enjoy their rights according to jurisdictions of the receiving country, and that they are not subjected to illegal border crossing, trafficking, or illegal employment. Regular recruitment under the MOU officially started in 2006.

However, the MOU system is not considered to have been effectively implemented, since many Cambodian workers choose to migrate to Thailand through irregular channels, and some have experienced maltreatment by traffickers and employers, as reported by local civil society organizations (CSOs). To deal with these issues and strengthen mutual cooperation on labor issues, both governments agreed to revise the MOU, which went into effect in 2015. Significant changes were made in Article 7, which reduces the length of time required to wait before being allowed to re-apply for employment from three years to 30 days. It also sets the minimum age of migrant workers at 18 years old. It additionally requires recruitment agencies to prepare a copy of employment contracts for workers, and provide workers with relevant information about labor rights, working conditions, contracts, grievance mechanism, and culture in a pre-departure training program that is free of charge. Moreover, employers have the responsibility to provide workers with accommodation that meets sanitary conditions when they arrive at the work sites.

Apart from the MOU, there are a number of legal instruments, governing the flows of Cambodian workers overseas. The key legal document is Sub-Decree No. 190 on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies, which was adopted by the Government of Cambodia in 2011 that replaces Sub-Decree No. 57. The Sub-Decree outlines the conditions of obtaining a PSA license, and also provides the framework of cooperation between the MLVT and licensed PRAs.<sup>29</sup> Importantly, it provides safeguarding measures for the workers from job advertisement to repatriation process, as highlighted below:

- **Minimum age:** Workers under 18 years old are prohibited to work abroad
- **Job advertisement:** job advertisements shall appropriately and clearly state facts regarding job requirements, working conditions, and benefits without deceptive or misleading information.
- **Written contracts:** An employment contract between the worker and foreign employers shall be written in Khmer, English, and the language of the receiving country. It should clearly specify working conditions, job status, types of work, benefits, and key contact details. In addition, another contract, namely a job placement service contract, shall be signed between the workers and PRAs based on Cambodian laws.
- **Pre-departure training:** PRAs are obliged to provide a pre-departure training program incorporating the regulations of MLVT. PRAs are required to have a training center with sizable dining and accommodation facilities, and also trainers to deliver orientation and language courses. The training program should sensitize the female workers on gender discrimination and exploitation.
- **Social security:** It is a duty of PRAs to ensure that the workers get social security membership and benefits in accordance with the applicable laws and regulations of the receiving country.

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<sup>29</sup> Max Tunon, and Khleang Rim, *Cross-border Labour Migration in Cambodia: Considerations for the National Employment Policy* (Bangkok: ILO Regional Office for Asia and the Pacific, 2013), 10.

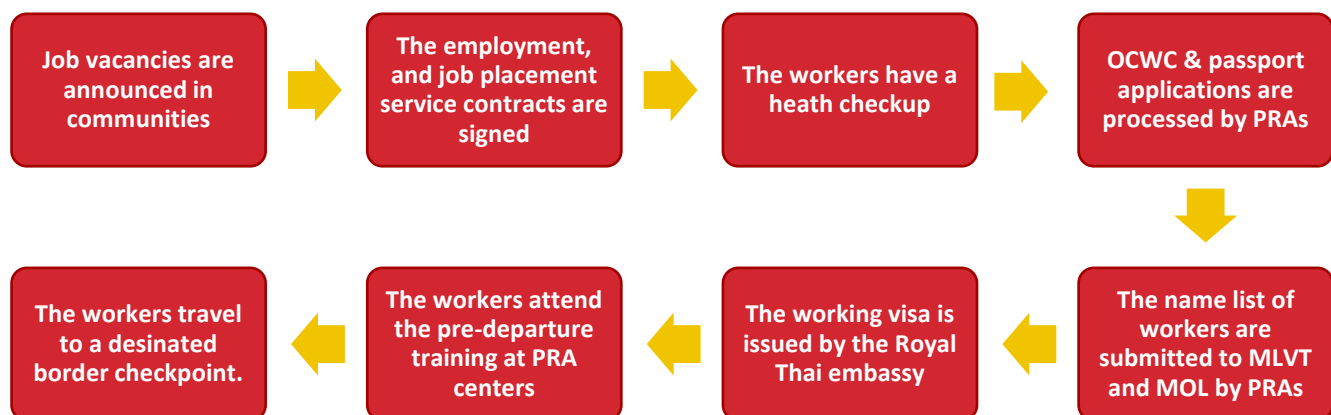
- **Support services:** PRAs shall cover the travel costs of officials sent to monitor the workplace situation in receiving countries, as well as intervene when disputes between the workers and their employers arise.
- **Repatriation:** When the employment contract ends, PRAs shall arrange for the repatriation of the workers, but if their contracts are terminated before a specified period, PRAs shall work to ensure that the workers travel back to Cambodia safely.

However, the Sub-Decree does not clearly specify what types of costs are borne by the worker nor the ceiling of fees that PRAs can charge the recruited workers. There are no measures to prevent PRAs or employers from deducting the migration costs from wages and confiscating identity documents during recruitment processes, potentially putting the workers at great risk of forced labor. Even though it stipulates the role of PRAs in settling disputes between the workers and their employers, the accessibility to and reliability of PRAs are still questionable. In 2014, the Government of Cambodia first introduced a policy to deploy labor attachés to the receiving countries. The labor attachés have to provide protection to the workers, and also assist them, and their families to access social services. Local CSOs in Cambodia, however, reported that labor attachés lacked adequate capacity to provide assistance to victims of forced labor, and human trafficking, and were unresponsive when the workers asked for assistances.

### 3.2.2 Roles of Intermediary Agents

Like in Myanmar, PRAs play an intermediary function, linking workers in Cambodia to employers in Thailand. To send Cambodian workers abroad, PRAs have to obtain a license from the MLVT by submitting a request and depositing a surety of USD 100,000 to the Ministry. The key roles of PRAs are to assist the workers to obtain documents, coordinate with Thai recruitment agencies or employers on filling job vacancies, and transport workers to a designated border crossing point. The whole process of migrating from Cambodia to work in Thailand is illustrated in Figure 8.

**Figure 8: The Formal Process of the Recruitment of Cambodia Workers**



Note: the workers may apply for documents first in order to be ready to be deployed after job opportunities come in.

Cambodian workers usually rely on their friends and family members in their social networks to get jobs. Friends, relatives, and individual brokers play a vital role in providing would-be migrant

workers with information regarding job opportunities and working conditions in Thailand, assisting with the processing of required documents, or referring them to PRAs or Thai/ Cambodian unlicensed brokers who are able to help them to obtain documents and migrate to Thailand with employer references. In circumstance where the workers do not have existing social networks in Thailand, the brokers play a critical role in disseminating information about job vacancies. If the brokers represent PRAs in Phnom Penh or other major provinces, they will also refer prospective migrant workers to PRAs for further steps. If the brokers do not have partnerships with legal agents, it is possible that the migrant workers could end up migrating irregularly. It is difficult to determine whether the brokers are legitimate since there is no written contractual relationship between the brokers and PRAs.<sup>30</sup>

**Figure 9: Documents Required for Working Abroad**



Source: “4 documents in Cambodia, before you depart,” Gruppo di Volontariato Civile, accessed July 19, 2019, <https://www.migra-info.org/information-for-migrants/documents/>.

<sup>30</sup> Mekong Migration Network, *Beyond Tolerance: Working Hand-in-Hand to Promote the Social Inclusion of Migrants and Their Families*, 2016, 4

### **Box 2: Association of Cambodian Recruitment Agencies (ACRA)**

ACRA is a voluntary body, founded in 2008, to promote regular and safe labor migration, and to bring PRAs together. ACRA adopted a voluntary Code of Conduct in 2009. It also provides a free/fee-based Training of Trainer (TOT) program to PRA instructors who are responsible for conducting a compulsory 13-hour training program for the migrant workers. ACRA also serves as a mediator when conflicts arise among its members, and between the members and external agencies, such as MLVT, for example. In 2019, there were nearly 100 PRAs in Cambodia. Of those, only 35 PRAs send workers to Thailand, while the rest send workers to Japan, Malaysia and South Korea.

Source: Mekong Migration Network, *Beyond Tolerance: Working Hand-in-Hand to Promote the Social Inclusion of Migrants and Their Families* (2016), 4. and Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR*, 29.

### **3.2.3 Migration Costs**

In previous studies, the amount of labor migration costs paid by Cambodian workers varied greatly. The ILO study in 2017 found that the average cost for migrating from Cambodia to Thailand was USD 211, twice as much as presented by the 2016 IOM survey of Cambodian returnees (see Figure 10). However, the most recent survey of IOM & ARCM suggested that 44 percent of respondents paid between THB 2,000 – 3,000 (USD 63-94), although nearly one-fifth of migrants were still being charged more than THB 5,000 (USD 156).<sup>31</sup> Furthermore some of the workers seemed to be paying as much as USD 1,000 for obtaining a passport, and for accelerating the work placement process.

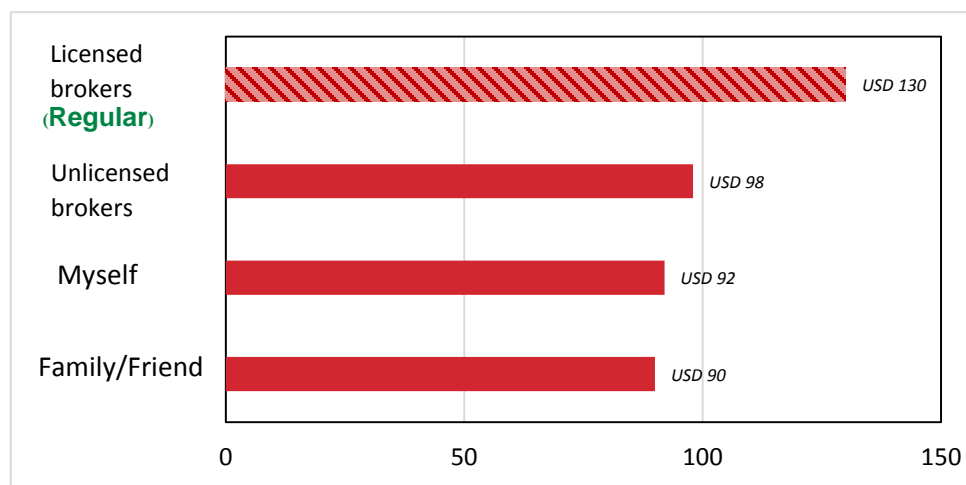
It is clear that the cost of migrating through irregular channels is less than through regular ones, such as using the assistance of licensed recruitment entities and following the MOU procedures. The average cost of irregular labor migration from Cambodia was USD 123, while regular labor migration was USD 548, five times higher.<sup>32</sup> The data in the figure below confirms that the cost of migrating independently or with the assistance of friends or relatives was substantially lower than migrating legally with the help of PRAs. The reason it is cheaper is because irregular workers do not pay for any documents, or their employers subsidize some or all of the costs. Considering the huge cost differential between regular and irregular migration, it is not surprising that many workers choose to migrate through illegal channels.

<sup>31</sup> Premjai Vungsiriphisal, Waranya Jitpong, and Nithis Thammasaengadipha, *Assessing Potential Changes in the Migration Patterns of Cambodian Migrants and Their Impacts on Thailand and Cambodia*, 18.

<sup>32</sup> Benjamin Harkins, Daniel Lindgren, and Tarinee Suravoranon, *Risks and Rewards: Outcomes of Labour Migration in South-East Asia Bangkok*, 2017, 36.



**Figure 10: The Average Cost of Migration by Types of Assistance**



Source: Brett Dickson and Andrea Koenig, *Assessment Report: Profile of Returned Cambodian Migrant Workers* (Phnom Penh: IOM, 2016), 15.

Cambodian migrants are likely to pay higher than the normal rates for migration costs (see Table 7). The official fee for a 10-year passport is USD 100, but the fee paid to PRAs can be up to USD 400. Verité<sup>33</sup> reported that many PRAs set their per person agency fee as high as USD 600, which covers the costs for a passport, Overseas Cambodian Worker Card, medical checkup, work visa, initial work permit application documents sent to Thailand, pre-departure training, and transportation from Cambodia to Thailand. However, the fee excludes expenses incurred by the workers for traveling to and from their homes to the PRA's office throughout the job application process, and then to the pick-up point for departure. The agency transaction fee is not documented with receipts, which means that the workers may not know how much a particular service item costs.<sup>33</sup> PRAs are for profit organizations, and have an incentive to seek to profit from the job placement services they offer workers. The average agency fee charged by PRAs is approximately USD 225 (formerly USD 505), reduced by half, as a result of the negotiations between PRAs and MVL.<sup>34</sup> Apart from total costs charged by PRAs, the workers may bear additional expenses in Thailand, such as a work permit fee and medical checkup.

<sup>33</sup> Brett Dickson and Andrea Koenig, *Assessment Report: Profile of Returned Cambodian Migrant Workers* (Phnom Penh: IOM, 2016), 15.

<sup>34</sup> Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR*, 2019, 30.



**Table 7: The Breakdown of Fees Charged by Private Recruitment Agencies in Cambodia**

Item(s)	Rate (USD)
(1) Overseas Cambodian Worker Card	27
(2) Photo	4
(3) Visa	20
(4) Employment card	10
(5) Transportation	15
(6) Red passport (20-day service)	100
(7) Red passport (10-day service)	150
(8) Red passport (1-day service)	200
(9) Black passport	35-75
(10) Medical checkup	20

Source: Item No. 1-5: Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR*, 39; Item No. 6-9: "New Cambodian passport fees announced," Cambodia Expats Online, accessed July 17, 2019, <https://cambodiaexpatsonline.com/newsworthy/new-cambodian-passport-fees-announced-t14298.html>; No. 10: Mekong Migration Network, *Beyond Tolerance: Working Hand-in-Hand to Promote the Social Inclusion of Migrants and Their Families*, 4

**Box 3: A Male Poultry Processing Worker from Battambang**

*"My mother was working in Lopburi, and sent USD 800 to me for processing a passport and work visa through a licensed recruiter. First, I had to pay around USD 400 for the passport, and wait for one year to have my name, added to a waiting list. After that, I paid around USD 350 to finalize the process. If the workers do not want to wait for one year, they can pay about USD 1,000 to expedite the process. After coming to the factory in Thailand, I attended the three-day orientation session to learn about the factory's rules and regulations, and then went straight to work."*

Source: Panadda Changmanee, *Situation and Stakeholder Analysis of Child Protection Services for Cambodian Migrant Children and Youth, Especially Girls, in the Supply Chain of Thai Poultry Industry*, (Plan International Thailand, 2019), 24.

#### **Box 4: A Cambodian Worker from Phnom Penh**

*“I was listening to the radio and there was an announcement about a PRA promising that they could help workers find jobs in Thailand that paid at least USD 500 per month. There were a lot of work opportunities that I could do, such as construction, work in factories, or agriculture. I listened a few times and then I noted down the phone number and called the company. Since I was told the same things as I heard on the radio, I was convinced to come to Phnom Penh. I brought USD 300 to process my passport and other documents, as instructed. When I arrived in Phnom Penh, the staff of the PRA picked me up from the bus station and brought me first to their office and then to the passport office. I just gave them my ID, birth certificate, and the money. I was told to wait for about three months to pick up my passport and bring another USD 300 to the company in order to go to Thailand. I do not know the name of the factory where I will work”*

*Source: Verité, Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR, 28.*

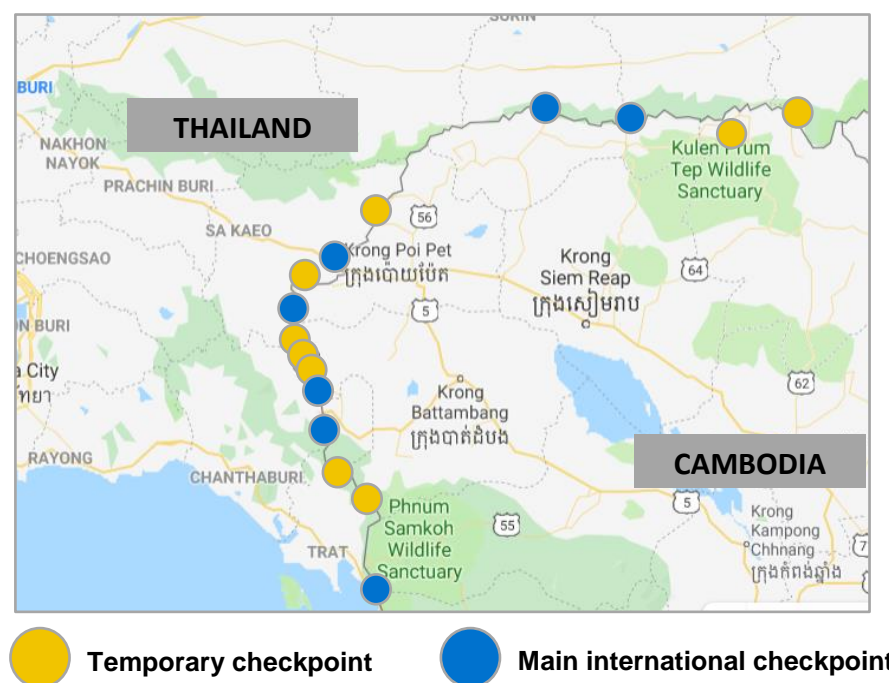
## **3.3 Migration Routes from Cambodia to Thailand**

### **3.3.1 Entry Point**

Thailand shares an 817 km border with Cambodia on the eastern side. Due to their close proximity, people in local communities along the border typically cross the international border to visit family members, get medical services, purchase goods, and seek employment opportunities on a daily basis. Along the Thailand-Cambodia border, there are seven main international checkpoints and 10 border trade checkpoints in six bordering provinces, including Chanthaburi, Trat, Sa Kaeo, Surin, Sri Saket, and Ubon Ratchathani (See Figure 11). Another international check point in Sa Kaeo is planned to serve border trade activities. Besides the above-mentioned official crossing points, several small unofficial border crossings, called “Chong Anu Lom” in Thai, are scattered along the porous border, and are frequently used by locals. Many areas along the border are very remote, and run through wetlands or jungles, which make it difficult, if not impossible, to patrol them.<sup>35</sup> With limited information available about them, it is unclear how many unofficial crossing points there are, where they are actually located, and how often Thai and Cambodian people use these crossing points.

<sup>35</sup> Andreas Schloenhardt, *Trafficking in Persons from Cambodia, Lao PDR and Myanmar to Thailand*, (Bangkok: UNODC and TIJ, 2017), 41.

**Figure 11: Official Border Checkpoints Between Thailand and Cambodia**



(Map: Google)

Source: Foreign Affairs Division Office of the Permanent Secretary Ministry of Interior

Many unofficial crossing points are less patrolled by government officials, and immigration procedures or security checks sometimes do not exist according to the Verité research team; “a team were able to cross to Thailand by a tuk-tuk without showing any travel documents. It is difficult to conclude whether the border guard is usually this lax, because we were obviously going to go back after leaving our van on the Cambodian side. The guard was also acquainted with the tuk-tuk driver, so that was evidently enough of a guarantee that we would be returning.”<sup>36</sup> This not only reflects how easy it is to cross the border by unofficial crossing points, but also highlights how social connections between locals and government officials can serve as a catalyst of irregular migration. Moreover, media coverage in 2018 showed that more than 2,000 Cambodian workers crossed the Ban Thap Prik Doi unofficial crossing points in Sa Kaeo to work on a sugarcane plantation during the harvest season.<sup>37</sup> This strongly supports the argument that the use of unofficial border crossing points by Cambodian people is highly prevalent.

MOU Cambodian workers are only allowed to cross the border at the Aranyaprathet-Poipet international checkpoint, the designated checkpoint according to MOL regulations. Previous quantitative studies confirm that the MOU workers enter by this checkpoint. A Cambodian man who moved to Thailand with assistance from a PRA stated that he and 60 other people from

<sup>36</sup> Verité, *Thailand Bound: An Exploration of Labor Migration Infrastructures in Cambodia, Myanmar, and Lao PDR*, 25.

<sup>37</sup> “Cambodia Migrants Claim They Are Charged Ten Bath for Crossing Border to Work in Sugar Cane Plantation,” *Bangkok Biz News*, accessed July 19, 2019, <https://www.bangkokbiznews.com/news/detail/801587>.

different provinces travelled to Thailand through the Aranyaprathet-Poipet border, and upon arrival, he was given free accommodation near a factory.<sup>38</sup>

Cambodian workers, who live in bordering provinces, have another option for migration. They are able to cross the border through every official entry point using a border pass, and then apply for a work permit. With this work permit they can work as a seasonal worker in bordering provinces for a maximum of 90 days. According to the statistics from MOL, in 2018 there were 33,828 Cambodian seasonal workers in five out of the seven bordering provinces. Chanthaburi had the highest number of the seasonal workers with 16,827, followed by Sa Kaeo (11,167), Trat (4,241) Surin (1,480), and Sri Saket (113).

Irregular Cambodian workers are able to enter Thailand through all checkpoints using a tourist visa, and then can seek work documents later. They can also walk through the forest or cross small streams along the border.

### 3.3.2 Migration Flows from Cambodia to Thailand

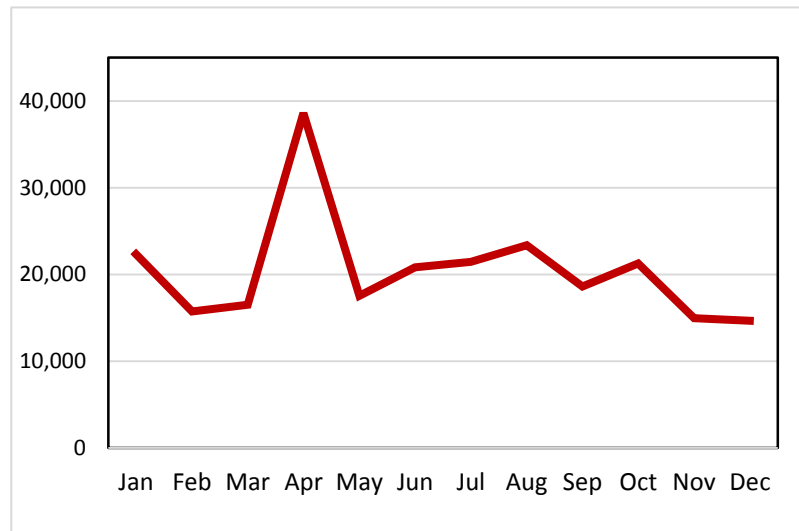
In 2018, there were 240,000 million Cambodian workers who held non-immigration visas for two years (NON L-A) and crossed border checkpoints to Thailand. The NON L-A holders comprised two groups, (MOU and NV workers). Statistics show how many MOU workers flowed into Thailand in each month, with April and January being the peak months due to travel back and forth from home for New Year holidays. From August to December, there is a downward trend indicating a lower labor demand by Thai employers during the last quarter. (See Figure 12). However, this data does not show migration flows of all long-term Cambodian migrant workers because there are no records for pink card workers (workers who irregularly worked in Thailand and were later regularized by the Thai government and allowed to work temporarily in Thailand).

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<sup>38</sup> Panadda Changmanee, *Situation and Stakeholder Analysis of Child Protection Services for Cambodian Migrant Children and Youth, Especially Girls, in the Supply Chain of Thai Poultry Industry*, (Plan International Thailand, 2019), 30.

**Figure 12: The number of Cambodian NON L-A 2 Year visa holders by month in 2018**

Month	No. of MOU workers (NON L-A 2 YEAR)
January	22,332
February	15,746
March	16,521
April	38,609
May	17,538
June	20,832
July	21,458
August	23,380
September	18,614
October	21,262
November	14,958
December	14,682
<b>Total</b>	<b>245,932</b>



Source: The Immigration Bureau, "Immigration statistic of in-out of country by using passport in 2018," *The Royal Thai Police*, accessed July 20, 2019, [https://www.immigration.go.th/immigration\\_stats](https://www.immigration.go.th/immigration_stats).

### 3.3.3 Migration Routes

The common land routes of Cambodian workers are strongly related to provinces where they come from. The first route, named the **"East-to-West"** route goes from interior-areas of western provinces ( Banteay Meanchey, Siem Reap, and Battambang) to bordering districts where crossing points are situated, such as Poipet, Phnom Proek, Sampov Loun, and Kamrieng. This route is likely to have the highest volume of traffic due to the fact that most of the migrants come from the northwest, and western regions ( see Table 8) , and road infrastructure to the border is well constructed. Another route is from the southern part of the country, called the **"South-to-North"** route. The workers travel from Pry Veng, Takeo, and other provinces near Phnom Penh to Koh Kong, and then cross to Trat via the Ban Hat Lek Cham Yean international checkpoint. However, crossing through the northern border is less popular among the migrants because it is obstructed by mountainous terrain, the Phanom Dong Rak or Dângrêk mountain range, and covered by dry evergreen forest and high cliffs. Importantly, it is a security sensitive area, because Thailand and Cambodia had a border dispute in the area of Preah Vihear Temple in 2011. As a sea route, Cambodian workers, especially fishers, sail from a port in Koh Kong to Trat and perhaps fish and visit ports in coastal provinces, lying on the western shore of the Gulf of Thailand. Fishing vessels normally go to the southwest of the Gulf to catch fish during non-monsoon seasons.

**Table 8: The Percentage of Cambodian Workers by Top Three Source Provinces**

Studies	Sourced provinces		
	1st	2nd	3rd
<i>Assessment Report: Profile of Returned Cambodian Migrant Workers. (IOM, 2016)</i>	Banteay Meanchey <b>17%</b>	Siem Reap <b>15%</b>	Phnom Penh Battambang <b>13%</b>
<i>Assessing Potential Changes in the Migration Patterns of Cambodian Migrants and Their Impacts on Thailand and Cambodia. (IOM &amp; ARCM, 2019)</i>	Banteay Meanchey <b>20%</b>	Prey Veng <b>15%</b>	Battambang <b>15%</b>
<i>Situation and Stakeholder Analysis of Child Protection Services for Cambodian Migrant Children and Youth, Especially Girls, in the Supply Chain of Thai Poultry Industry. (Plan International &amp; RCG, 2019)</i>	Battambang <b>26%</b>	Takeo <b>21%</b>	Kampong Cham <b>8%</b>

**Figure 13: Migratory Routes to Thailand**



(Map: Google)



## 4. Potential Risks Related to Forced Labor and Human Trafficking

Although the Government of Thailand has made significant progress on various aspects to prevent forced labor and human trafficking among migrant populations, potential risks still exist because of the vulnerabilities of this group. In 2014 and 2015 the Department of State's Trafficking in Persons Report ranked Thailand as Tier 3 due to severe human rights violations among migrant fish workers. As a result of the government's efforts to prosecute traffickers and reform many related policies, especially migrant worker recruiting policies, Thailand was upgraded to Tier 2 Watch List, and Tier 2 in 2016 and 2018, respectively. However, vulnerable migrant workers who have low literacy, come from low-income households, and lack awareness about labor rights are still at great risk of human trafficking and forced labor. According to the Ministry of Social Development and Human Security's Thailand anti-human trafficking report 2018, there were 631 people identified as victims of human trafficking. Of those, 205 people were Burmese, 28 were Cambodian, and 14 were Laotian. The number of victims significantly increased from previous years because large trafficking gangs were arrested and prosecuted in 2018. In terms of gender, the number of female victims (349 people) far outweighed their male counterparts (282 people).<sup>39</sup> In addition, the 2018 Global Modern Index, developed by the Walk Free Foundation, estimated that 8.9 out of 1,000 victims of modern slavery (around 600,000 people) in Thailand. (The number of modern slavery victims came from forced labor and forced marriage estimates.) The index also assessed the RTG's performance in response to modern slavery against 104 indicators and ranked Thailand at level B (on a ranking scale from AAA- D) given that victim support and protective services were limited, and some forms of modern slavery were not covered by criminal justice frameworks.<sup>40</sup>

There are several potential risks that Myanmar and Cambodian migrant workers may face during the recruitment process, such as restricted freedom of movement. Recruiters may forcefully confiscate their documents, such as their identity card, passport, and work permit against their consent. The recruitment process limits their options to change agencies when they fall into unfair circumstances or do not get jobs as promised. The 2016 ILO report about grievance mechanisms, showed that 378 out of 1,524 complaints (20 percent), reported to migrant resource centers in Cambodia, were about identity document retention.<sup>41</sup> In addition, restricting movement along the journey, for instance holding migrants in confinement at the transit place, made it difficult for them to escape or seek assistance from locals or police officers when they were physically or sexually abused by traffickers.

Migrants may also be subjected by traffickers or unlicensed brokers who employ deceptive recruitment tactics, such as a misleading or fraudulent job advertisement, to lure migrants, particularly those from vulnerable households, to apply and work in exploitative jobs. Under these circumstances, they might possibly end up with employers who force them to work long hours without adequate rest, or pay them lower than minimum wage. There is ample evidence, showing

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<sup>39</sup> Division of Anti-Trafficking in Persons, *Anti-Human Trafficking Report 2018* (Bangkok: The Ministry of Social Development and Human Security, 2019), 14.

<sup>40</sup> Global Slavery Index, "Regional Analysis: Asia, and the Pacific," *Walk Free Foundation*, accessed August 13, 2019, <https://www.globalslaveryindex.org/2018/findings/regional-analysis/asia-and-the-pacific/>.

<sup>41</sup> Jane Hodg, *Assessment of the Complaints Mechanism for Cambodian Migrant Workers* (Phnom Penh: ILO, 2016), 8.

that a significant number of migrant workers in Thailand experienced unfair wage payment, withholding of wages, emotional abuse, hazardous working conditions, and excessive hours. Many victims of human trafficking and forced labor do not receive information about the type of job, working conditions, and location before migration, and importantly do not fully understand the details of contract they signed. Therefore, they are easily deceived. According to the IOM's study in 2017, only 17 and 14 percent of 451 Myanmar and of 457 Cambodian migrant workers received relevant information before leaving their home countries.<sup>42</sup> In many cases, migrant workers do not get overseas job placements in return for the money they pay to recruiters in advance. The data from the above-mentioned ILO study confirms this situation. There were 742 cases (40 percent of the total number of cases) in which migrant workers were not deployed to work after paying fees to PRAs.<sup>43</sup> One Cambodian man who migrated to work in Thailand several times explained that in 2015, a broker convinced him and other villagers to work in Thailand for what seemed to be well-paid jobs. The only thing they had to do was to pay a 600 US dollar-fee to a Phnom Penh-based recruitment agency. The villagers took microloans to gather the required funds. As of 2019, the 31 villagers are still waiting to be sent abroad.<sup>44</sup>

Due to the very high fees charged by recruitment agencies and subagents for overseas job placements, migrants are potentially trapped in debt bondage, as many of them have to take out de facto loans from local money lenders, or from recruitment agencies to pay the advance. According to the above-mentioned IOM study, 39 and 48 percent of the Myanmar and Cambodian migrant workers, respectively, relied on debts to pay for migration. Because of debt, they could sometimes find themselves in a situation where they were unable to leave or change their jobs. If they do not fully repay their debt, it is possible that their friends and families in their home countries will be intimidated or mistreated. One recent debt bondage case, assisted by the Human Rights and Development Foundation, occurred in Prachuap Khiri Khan, a southern province of Thailand. The foundation reported that 12 Myanmar migrant workers were deceived by a broker and forced to work in order to repay costs for travel, documents, and food. If not, they would have to face an excessive daily interest rate."<sup>45</sup>

Lastly, migrants are at risk of an unsafe journey. Many fatal road accidents are frequently reported. This occurs with both regular and irregular workers, but irregular ones appear to be at higher risk because they often travel at night, or use irregular routes in order to avoid police checkpoints to get to jobsites, and may suffer from a poorly arranged travel itinerary. In March 2019, local media agencies reported that five Myanmar irregular migrants were killed, and 19 were injured in a car accident. The lorry truck, which was driving at high speed, rammed into a tree en route to Surat Thani.<sup>46</sup> Another recent horrific accident was reported in Kanchanaburi. A van, carrying 14 migrant workers to a border area to get their visas extended, crashed into a truck, and then careened into a river. This accident caused nine Myanmar passengers to be killed, and

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<sup>42</sup> Benjamin Harkins, Daniel Lindgren, and Tarinee Suravoranon, *Risks and Rewards: Outcomes of Labour Migration in South-East Asia Bangkok*, 28.

<sup>43</sup> Jane Hodg, *Assessment of the Complaints Mechanism for Cambodian Migrant Workers*, 8.

<sup>44</sup> Migra-info, "A Fight for Justice," GVC, accessed August 14, 2019, <https://www.migra-info.org/2019/01/07/a-fight-for-justice/>.

<sup>45</sup> "Press Release: The Criminal Court's Division of Trafficking in Persons Sentences Two Myanmar Defendants to 18 Years in Jail and Orders Them to Pay 1,948,075 Baht as Compensation to the 12 Victims and Family Members in Tambon Ao Noi, Prachuap Khiri Khan," *HRDF*, accessed August 14, 2019, <http://hrdfoundation.org/?p=2148>.

<sup>46</sup> "A Car Carrying Illegal Migrant Workers Crash Against Tree," *Spring News Online*, accessed August 14, 2019, <https://www.springnews.co.th/thailand/south/426491>.



four were injured.<sup>47</sup> Like Myanmar workers, their Cambodian counterparts are likely to experience unsafe conditions as well. In February 2017, a local Cambodian news agency reported that an overcrowded van carrying 16 Cambodian migrant passengers crashed into a tree in Battambang as they were returning from Thailand, causing 11 to be hurt.<sup>48</sup> Besides the unsafe travel, some migrant workers face problems, such as psychological stress, misinformation, demands for bribes and additional payments.

Forced labor and human trafficking are invisible problems that can go undetected until the risks turn into issues or incidents. The number of victims recorded by any government agency does not show the whole picture of human trafficking and forced labor, as many migrants do not even realize that they are victims. The risks likely increase when migrant workers come from a socioeconomically disadvantaged group, such as ethnic minorities, religious minorities, and young women, and if they do not have a social network to get assistance from friends or relatives.

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<sup>47</sup> "9 Migrant Workers Are Killed and 2 Lost in a Truck Crash Accident," *Workpoint News*, accessed August 14, 2019, <https://workpointnews.com/2019/03/23/รถสิบล้อชนพุ่งชนรถตู้/>.

<sup>48</sup> Ros Chanveasna, "Migrant Workers Injured in Battambang Crash," *Khmer Time*, accessed August 14, 2019, <https://www.khmertimeskh.com/83566/migrant-workers-injured-battambang-crash/>.

## 5. Conclusion

**For Myanmar migrant workers**, the driving force for migration is better employment opportunity. They prefer Thailand as a country of destination because the route to Thailand is the easiest to access; incomes are higher; and their friends or families have resided and worked in Thailand. The main employment sectors of the Myanmar migrant workers are manufacturing and construction. Myanmar migrant workers prefer arranging prior to departure by asking their friends or family members in Thailand, but some of them do use unlicensed agents.

Although the governments of Myanmar and Thailand signed the MOU in 2003 with strict rules and regulations on the recruitment fees that can be charged, overcharging is still prevalent. The subagents or unlicensed brokers work in villages to facilitate and expedite the recruitment process by charging MMK 700,000 – 1,200,000 (USD 460-788). It is still unclear if the costs cover document preparation, transportation, accommodation, and loans prior to the formal MOU process. It is most likely that the overcharging of recruitment fees occurs in Myanmar. The average migration cost for workers is USD 130, depending on the distance from border to worksite. For Myanmar migrant workers who intend to migrate to Samut Sakhon the fee is around USD 300-499.

The regular migration channels for MOU workers are Mae Sot – the Myawaddy checkpoint where it is accessible by land and Ranong – at Kawthaung, accessible by sea. Once the workers arrive at the border and obtain visas and smart cards, they have to attend the training on Thai labor laws, language, and cultural orientation at the Post-Arrival and Reintegration Center for Migrant Workers. Then, the recruitment agencies in Thailand arrange transportation to the worksite from private logistical companies.

**For Cambodian migrant workers**, Thailand is among the popular destinations for both regular and irregular Cambodian workers because of geographical proximity, cultural similarity, higher wages, and prior migration by friends and family members. The main employment sectors which employ migrant workers are construction and manufacturing. In addition, the number of Cambodian workers in the Thai fishery sector tends to be decreasing because of the reduction of the commercial fishing fleet and the closing of factories in Thailand's coastal provinces.

Like Myanmar, the government of Cambodia signed the MOU with Thailand in 2003 in order to eliminate illegal employment and establish the process for employment and repatriation once an employment contract expires. Apart from the MOU, another key legal document is the Sub-Decree No. 190 on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies. The Sub-Decree was adopted by the Government of Cambodia in 2011, providing a legal framework on cooperation between the MLVT and PRAs. However, it does not clearly specify the types of costs borne by the worker or the ceiling of fees that PRAs can charge recruited workers. In addition, there are no measures to prevent PRAs or employers from deducting the migration costs from wages, and confiscating identity documents during recruitment processes, potentially posing the workers at great risks of forced labor. According to the most recent IOM & ARCM survey, the migration costs were around USD 63 (THB 2,000) to USD 94 (THB 3,000).

Along the Thailand-Cambodia border, there are seven main international checkpoints, 10 border trade checkpoints, and several small unofficial crossing points, called “Chong Anu Lom” in Thai, scattered along the porous border, which are frequently used by locals. MOU Cambodian workers

are only allowed to cross the border at the Aranyaprathet-Poipet international checkpoint, whereas irregular Cambodian workers are able to enter Thailand through all checkpoints by using a tourist visa and then acquire documents later, or walk through forest or small stream along the border, taking irregular channels. The most frequently used migration routes are the “East-to-West” and “South-to-North” routes. The East-to-West route has highest volume as the infrastructure to border is well constructed. On the other hand, the route to the northern border is less popular because of geographical obstacles and political unrest.

Migrant workers from both countries are potentially at risk of forced labor and human trafficking, especially during the recruitment process. The restriction of free movement can be encountered by migrants because recruitment agencies may withhold their documents. This limits their ability to change agencies when they fall victim to unfair circumstances, or do not get jobs as promised. They may be subjected to human traffickers or unlicensed brokers who use deceptive recruitment tactics, or fake job advertisements to lure migrants to work in exploitative jobs, under bad working conditions, and subject to unfair wages. Due to the very high costs charged for overseas employment by the recruitment agencies or subagents, the migrants are potentially trapped in debt bondage, as they have to borrow money from local lenders or recruitment agencies to make advance payments for their migration costs. In addition, the migrant workers are also at risk of unsafe journeys, as road accidents are frequently reported. This is a bigger risk for irregular workers, as they travel at night or by irregular route to avoid the police checkpoints.

To cope with these problems, stakeholders should work with the source countries to prevent the overcharging of recruitment fees. At the same time stakeholders including the FAIR Fish project should raise the awareness of migrant workers, recruiters and employers about responsible recruitment. Based on research conducted during the Pre-Situational Analysis, it was determined that awareness raising campaign messages should be disseminated using social media (LINE and Facebook), which are quite popular among migrant workers and SME employers. In addition, mainstream media are also important, as they can be effective channels to convey messages to Thai employers, recruiters, and business associations. Local NGOs, and CBOs can play a critical role in lobbying and influencing government and the private sector regarding their policies and regulations regarding migrant worker migration and fees in order to reduce the risks of human trafficking and forced labor. Hence, it is important to nurture relationships with them to foster long-term institutional change.

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Annex I: List of registered Thai licensed recruitment agency that are allowed to import overseas workers

Annex II: List of registered licensed overseas employment agencies (Myanmar)

Annex III: List of registered licensed overseas employment agencies (Cambodia)

Please download Annexes I, II, and III from the website of Department of Employment as follows:

[https://www.doe.go.th/prd/alien/service/param/site/152/cat/17/sub/0/pull/detail/view/detail/object\\_id/451](https://www.doe.go.th/prd/alien/service/param/site/152/cat/17/sub/0/pull/detail/view/detail/object_id/451)

## **The Fostering Accountability in Recruitment for Fishery Workers (FAIR Fish) project**

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