

## **INTERACT – RESEARCHING THIRD COUNTRY NATIONALS’ INTEGRATION AS A THREE-WAY PROCESS - IMMIGRANTS, COUNTRIES OF EMIGRATION AND COUNTRIES OF IMMIGRATION AS ACTORS OF INTEGRATION**

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### ***Policy and Institutional Frameworks on Emigration and Diasporas in Thailand***

**Rananan Boonyopakorn**

INTERACT Research Report 2014/11



**INTERACT**  
**Researching Third Country Nationals' Integration as a Three-way Process -**  
**Immigrants, Countries of Emigration and Countries of Immigration as Actors of**  
**Integration**

**Research Report**  
**Country Report**  
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**Policy and Institutional Frameworks on Emigration and Diasporas**  
**in Thailand**

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## **INTERACT - Researching Third Country Nationals' Integration as a Three-way Process - Immigrants, Countries of Emigration and Countries of Immigration as Actors of Integration**

Around 25 million persons born in a third country (TCNs) are currently living in the European Union (EU), representing 5% of its total population. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active, not a passive, process that involves two parties, the host society and the immigrants, working together to build a cohesive society.

Policy-making on integration is commonly regarded as primarily a matter of concern for the receiving state, with general disregard for the role of the sending state. However, migrants belong to two places: first, where they come and second, where they now live. While integration takes place in the latter, migrants maintain a variety of links with the former. New means of communication facilitating contact between migrants and their homes, globalisation bringing greater cultural diversity to host countries, and nation-building in source countries seeing expatriate nationals as a strategic resource have all transformed the way migrants interact with their home country.

INTERACT project looks at the ways governments and non-governmental institutions in origin countries, including the media, make transnational bonds a reality, and have developed tools that operate economically (to boost financial transfers and investments); culturally (to maintain or revive cultural heritage); politically (to expand the constituency); legally (to support their rights).

INTERACT project explores several important questions: To what extent do policies pursued by EU member states to integrate immigrants, and policies pursued by governments and non-state actors in origin countries regarding expatriates, complement or contradict each other? What effective contribution do they make to the successful integration of migrants and what obstacles do they put in their way?

A considerable amount of high-quality research on the integration of migrants has been produced in the EU. Building on existing research to investigate the impact of origin countries on the integration of migrants in the host country remains to be done.

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## **Abstract**

This report aims to answer questions concerning emigration policy and institutional frameworks in Thailand. It identifies the different types of measures taken by the Thai Government since the introduction of the first constitution in Thailand. The government currently has three departments working extensively with emigrants and diasporas, namely: (i) the Ministry of Labour and Social Welfare–the Thailand Overseas Employment Administration; (ii) the Ministry of Foreign Affairs–the Protection of Thai Nationals Abroad Division, and (iii) the Office of the Attorney General–the Office of International People’s Rights Protection (OIPP)–the Department of Peoples’ Rights Protection and Legal Aid. In summary, the report highlights the fact that the roles and functions of existing migration departments are designed primarily for labour emigrants. In the end, the organised nature of labour migration (which is handled recruitment agencies) facilitates a higher volume of migrants to be assisted and protected. Unfortunately, such a policy makes others – who are less prepared or more isolated – more vulnerable to unsafe migration situations.

**Key words:** Migration, Diaspora, Policy, Thailand

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## Introduction

Significant movements of Thai nationals out of the country started during the 1970s (Archavanitkul 1995; Chantavanich 1995). Most of the migrants were professionals who sought employment in the United States. Later, in the 1980s, a massive outflow of Thai migrants went to the Gulf region for employment during the oil boom. In the 1990s, the trend of movement changed in favour of the newly industrialised countries in Asia (Kang 2012). There was no massive Thai emigration to Europe recorded during the same periods.

In the past decade, Thailand has faced ongoing political instability. Thus the public attention has remained focused mainly on national, political and economic problems. Until now, migration issues reported in Thai news mostly covered in-migration, making immigration more obvious than emigration; migrations of Thai citizens abroad therefore raised less interest. However, the growing issue of Thai females working in the sex industry in the Gulf countries has recently raised questions among Thai officials about the need to discourage such practices and will probably give more importance to emigration policies in a near future.

Nevertheless, information and data on Thai emigrants is rare or difficult to access. Currently, three official entities are involved in the migration of Thai citizens abroad, namely:

- The Ministry of Labour and Social Welfare–the Thailand Overseas Employment Administration
- The Ministry of Foreign Affairs–the Protection of Thai Nationals Abroad Division
- The Office of the Attorney General–Office of International People’s Rights Protection (OIPP)–Department of Peoples’ Rights Protection and Legal Aid

Thai workers and the general population consistently leave the country with various purposes. Interestingly, very few have a work permit (Table 1) while living abroad, which raises the question of the nature of Thai migration overseas. In 2012, more than 200,000 Thai people were reported living in European Union member countries but less than 10,000 had left Thailand with a work permit. By comparison, the total number of Thai migrants worldwide was estimated at approximately one million (Ministry of Foreign Affairs 2012b).

**Table 1. Thai immigrants in EU Member Countries in 2012**

Country	Number of permitted workers	Number of Thai citizens registered for National Election 2012
Germany	62	56,153
United Kingdom	127	50,000
France	9	30,000
Sweden	5,535	28,739
Netherlands	14	16,000
Denmark	237	8,395
Finland	2,965	6,747
Italy	24	5,534
Ireland	3	4,000
Belgium	6	3,811
Spain	37	951
Portugal	88	750

*(continues)*

**Table 1 (cont.). Thai immigrants in EU Member Countries in 2012**

Country	Number of Permitted Workers	Number of Thai citizens registered for National Election 2012
Czech Republic	42	609
Greece	1	400
Poland	58	256
Luxembourg	-	226
Slovenia	9	95
Romania	3	59
Slovakia	18	41
Lithuania	1	26
Estonia	-	17
Malta	7	-
Austria	3	-
Bulgaria	3	-
Croatia	12	-
Cyprus	-	-
Hungary	157	-
Latvia	-	-
<b>Total persons</b>	<b>9,421</b>	<b>212,809</b>

Source: Ministry of Labour 2012 and Ministry of Foreign Affairs 2012b.

The top 5 European host countries for Thai immigrants are Germany, the United Kingdom, France, Sweden and Netherlands. But more work permits were delivered to Thai citizens in Sweden (59%) and Finland (31%) than in any other EU member countries. Officially, Thai workers in these two countries were hired in the agricultural field to harvest cherries. Table 1 also shows the number of Thai citizens who registered for the national election at Thai embassies (212,809) in EU member countries, as reported by the Ministry of Foreign Affairs. It is evidence that some of the permitted Thai workers did not participate in this national political event because presumably they did not register themselves at the Thai embassy in the country where they were residing. This raises the question about ‘emigrants’ knowledge of their rights and access to protection.

### **General Policy Framework concerning Emigration and Diasporas of Thai Citizens**

Since the reformation of Thailand’s governmental regime from absolute monarchy to democracy on 24 June Buddhist Era (BE) 2475 (1932), concepts relating to emigration have been lightly introduced in a various branches of laws.

Concerning migration issues, visa and immigration law is outlined in the Immigration Act BE 2522 (1979) and its amendments. Since 1988, Thailand, as a leading ASEAN country, has become a major ‘receiver’ of low-skilled labourers from lower-income neighbouring countries: Myanmar, Cambodia, and Lao PDR (Kantayaporn 2004). Therefore the general policies are mostly focusing on the control of immigration to Thailand. Note that for Thai citizens wishing to go abroad, only valid travel and ID documents are required.

The general policy framework primarily concerns the migration of Thai citizens through recruitment agencies. Meanwhile, the government of Thailand requires receiving countries to provide Thai migrants with proper rights in terms of wages, social welfare and other basic human rights. To fulfil its obligation, which is to ensure support to Thai nationals living abroad, the Thai government

has established several departments in different ministries: the Ministry of Labour and Social Welfare—the Thailand Overseas Employment Administration; the Ministry of Foreign Affairs—the Protection of Thai Nationals Abroad Division; the Office of the Attorney General—the Office of International People’s Rights Protection (OIPP)—the Department of Peoples’ Rights Protection and Legal Aid.

Other types of emigration from Thailand can refer to purposes of either mixed marriage or studying. According to consular statistics in 2010,<sup>1</sup> the top 10 countries of mixed marriage with Thai citizens were: Germany (approx. 50,000 cases); France (approx. 30,000 cases); USA (approx. 30,000 cases); Australia (approx. 25,000 cases); England (approx. 10,000 cases); Sweden (approx. 8,700 cases); Taiwan (approx. 8,000 cases); Austria (approx. 3,000 cases); Finland (approx. 2,800 cases); and Denmark (approx. 1,086 cases). It is interesting to notice that seven countries out of ten are EU member states and account for 105,586 Thai spouses in EU territories. In the meantime, the number of Thai students remains unclear since this has not been reported by any Thai governmental body.

In order to cover all types of Thai emigrants, the Ministry of Foreign Affairs through its foreign embassies, the Protection of Thai Nationals Abroad Division and the Office of the Attorney General (the Office of International Peoples’ Rights Protection) were created to protect all Thais living abroad. These organizations cooperate together to support any Thai immigrant abroad having issues related to human rights and use the following international agreements as a reference: the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR); the European Convention on Human Rights (ECHR); the Universal Declaration of Human Rights and ILO Conventions 87 and 98.

## **Roles and Functions of Thai-Assisting Governmental Offices**

### **Thailand Overseas Employment Administration (TOEA)**

The Ministry of Labour and Social Welfare was established in 1993. The parliament enacted a law for the transfer of power, duties and some functions including issues of migration to the Ministry. It became effective as of 23 September 1993 and the Thailand Overseas Employment Administration (TOEA) was recognized as one of the agencies under the Ministry.

The TOEA is in charge of supervising and facilitating the process for Thai workers wishing to work overseas. Since it was established, the Thailand Overseas Employment Administration has worked under the sphere of the Thai Immigration Act of 1979, the Employment Recruitment Act of 1983 and the Recruitment and Job Seekers Protection Act of 1985, amended in 1994. These laws regulate recruitment by the Ministry of Labour and Recruitment and other recruitment agencies. TOEA’s role can therefore be divided into three main areas. The first area is a monitoring role functioning under the Recruitment & Job Seekers Protection Act BE 2528, for example, allowing or cancelling the recruitment agency and claiming for damages. Second, its supporting role is to improve administrative procedures, to coordinate with host countries (with regards to facilitating, sending and protecting the permitted workers) and to develop bilateral cooperation with the main destination countries. Lastly, the TOEA plays a protective role, providing “the Overseas Workers Aid Fund” and having set up several Labour Affairs offices which are located in most Thai embassies to provide necessary information and assistance to Thai workers.

The TOEA is comprised of staff from the following offices: the Ministry of Labour; the Ministry of Foreign Affairs; the National Police Bureau and the Ministry of Public Health. TOEA is an

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<sup>1</sup> See <http://pantip.com/topic/30980927> [Accessed 15 June 2014 (data on official websites are no longer available online)].

organization set up with the cooperation of public and private sectors (recruitment agencies and foreign employers), which are engaged in the process of dispatching Thai workers to work overseas. TOEA's functions include:

- 1) Centralizing overseas employment information (The Overseas Job-Seekers Registration Centres–TOEA's department).
- 2) Administering preparation for Thai workers to work overseas within a pre-departure training centre. After a physical examination, TOEA facilitates both the issuance of passports and access to an Aid Fund for Overseas Workers application. It then provides workers with free technical education, skills development and foreign language training.
- 3) Protecting the rights and the benefits of overseas Thai workers.
- 4) Promoting and developing overseas labour opportunities for Thai workers through the allowance of permits for overseas recruitment agencies.
- 5) Responding to overseas employers' demands by providing suitable Thai workers through the examination of Thai workers' criminal records.

As of today, TOEA has only signed memoranda of understanding (MOU) with Taiwan, Japan, Korea, Israel, Brunei, Malaysia and the United Arab Emirates. Currently, only four of these countries are actively demanding workers: Taiwan, Japan, Korea, and Israel. In the framework of these MOU, TOEA receives job opportunities directly from foreign companies willing to hire Thai citizens and then intervenes to select and to recruit employees before delivering a work permits to selected candidates. In addition to its MOUs with the above-mentioned countries, the TOEA controls and supplies licenses to Thai private-recruitment agencies and brokers sending Thai citizens to work in other countries all over the world.

To facilitate the departure of Thai workers, TOEA, in cooperation with three public banks – Krung Thai Bank, Bank for Agriculture and Agricultural Cooperatives and Government Savings Bank – offers a maximum loan amount of 150,000 baht for any person owning a work permit. In addition, TOEA manages the Overseas Workers Aid Fund – founded in BE 2529 (1986) under Section 52 of the Act on Employment and Job-Seekers Protection Act BE 2528 and amended by the Employment Protection and Job Seekers (No. 2) Act BE 2537 (1994) – with three different purposes. First, it aims to arrange the repatriation of Thai workers abandoned in a foreign country. Second, it provides assistance to Thai workers abroad or to their statutory heirs. Last, it selects and examines the skills of emigrant workers and organizes pre-departure trainings.

In 1993, the Department of Employment Recruitment recorded 137,950 workers who were contracted to work overseas (APMRN 1997) including in EU member states. In 2012, TOEA – which is a sub department of the department of employment recruitment – reported that a total of 134,101 Thai workers had received work permits, less than 10% of which were for Europe. There were 79,628 successful first-demands from Thai workers and 54,473 demands from workers for re-entry permits. With regards to the demand for European permits, there were 10,250 new workers and 2,905 re-entry workers. Interestingly, we therefore observe a decrease of registered Thai emigrants abroad over past 20 years.

### **The Protection of Thai Nationals Abroad Division**

In BE 2541 (1998), the Ministry of Foreign Affairs began restructuring and established the Department of Consular Affairs, which includes the Protection of Thai Nationals Abroad Division. The official opening ceremony was held on 2 February BE 2542 (1999). On its website, the Protection of Thai Nationals Abroad Division states that it has six principal responsibilities.

First, it provides assistance to Thai nationals in distress. A Thai National confronting difficulties while abroad and unable to solve the problem by himself or herself, particularly in the case of serious illness, severe living conditions or an inability to return to Thailand can seek assistance from the Thai Embassy or Consulate General directly or through his or her close relatives. Ways and means of assistance depends on the nature of each case (Note: Sufficient and comprehensive information for each case is essential to carry out the assistance).

Second, it aims to promote and protect Thai workers abroad by (i) providing information and basic analysis on the labour market, government policies, trends, opportunities and demand relevant to the promotion of Thai workers abroad (ii) providing protection of the rights and interests of Thai workers while working abroad in accordance with local labour laws, wages and contracts with their employers (iii) assisting Thai workers who have been deceived by illegal employment agencies and have been left stranded abroad, by ensuring their safe return home.

Third, it assists Thai Fishing or Commercial Vessels as well as their crews outside of Thailand. The assistance generally involves cases in which Thai fishing boats are confiscated and their crews are arrested or detained. The Embassy and Consulate General coordinate with the foreign authorities concerned to ensure that Thai fishermen are fairly and well treated and to ensure their safe return to Thailand.

Fourth, it supports Thai women who are victims of illegal trafficking. The Thai Embassy and Consulate General will coordinate with local authorities in order to help Thai women who were lured into prostitution or other illegal work and to ensure that they can quickly return to Thailand. Thai embassies and Consulates General also coordinate with local police authorities in the suppression of illegal traffickers' rings.

Fifth, it provides assistance in the case of a major natural disaster, political turmoil or war. All Embassies and Consulates General have drawn up and updated an Emergency and Evacuation Plan which will be used to assist Thai nationals in each country in case of political or natural emergencies. Full support will also be given to Embassies and Consulates General by the Thai Government in carrying out the plan.

As a final responsibility, assistance can also be sought/will be given to Thai nationals arrested, put on trial or imprisoned. In cases involving the death of a Thai national, assistance can include checking on the living condition of a Thai National who has lost contact with his or her family.

### **The Office of International Peoples' Rights Protection (OIPP)**

The Prosecutor Centre for International Civil Rights Protection, which is under the supervision of the Department of Peoples' Rights Protection and Legal Aid (DPPL), was established by the Order of the Office of the Attorney General (OAG) No. 251/2548 dated 02 June 2548 (2005). It was established as the Office of International Peoples' Rights Protection (OIPP) by the Ministerial Regulation of the Office of the Attorney General BE 2549 (2006) (2nd issue), Article 15 (24) Ngor.

The Office of International Peoples' Rights Protection intervenes at four different stages. First, it gives legal advice – to Thai nationals who marry foreigners; to foreigners who visit, work or reside across the country, and to Thai nationals living abroad – in the form of law clinics in foreign countries where a large number of Thai nationals work or having residency. Second, it answers legal questions sent via internet from Thai persons who reside abroad as well as from foreigners residing in Thailand, without discrimination. Third, it acts as the law clinic in Thailand where foreigners can walk in and ask for legal advice. Last, it cooperates with Ministry of Foreign Affairs and Ministry of Labour to provide legal assistance to Thai nationals being prosecuted in foreign jurisdictions.

## **The Rights of Emigrants and Diasporas**

### **Political rights of emigrants**

Here we define political rights as referring primarily to voting rights and nationality rights. With regards to voting rights, voting is both a right and a duty for everyone. The constitution of the Kingdom of Thailand, BE 2550, Chapter 4, Section 99, *Duties of Thai citizens*, allows emigrants to vote abroad through the embassy organization where they have to first register. Thai citizens in a foreign country can only vote in national and legislative elections. There are no representatives for Thai nationals abroad unlike in other countries such as France.

The debate on multiple citizenships for Thai people remains unclear. Citizenship laws have been based on the Nationality Act, BE 2508 (1965), amended by Acts No.2 and No.3, BE 2535 (1992) and the Act No. 4, BE 2551 (2008), and were implemented immediately. Currently, it is based on the Nationality Act (No. 4) BE 2551, Section 21 and 23. The law mentions that any man or woman who marries a foreign national and acquires his/her citizenship has technically lost his/her Thai citizenship. Should the marriage end in death or divorce, the Thai national man/woman can regain his/her Thai citizenship. In practice, Thais who gain another nationality are most likely remaining Thai by not making a declaration to the competent official according to the form and in the manner prescribed in the Ministerial Regulations. This is an unofficial dual citizenship mostly designed to protect female Thai nationals. A child born abroad of Thai parents, who obtains the citizenship of the foreign country of birth, may retain dual citizenship until reaching the age of majority (18). At this point, the person must choose which citizenship to retain. All information referring to multiple citizenships is displayed primarily by the Ministry of Foreign Affairs of Thailand (Embassy websites). However, all citizenship policies are solely the responsibility of the Ministry of the Interior.

### **Socio-economic rights of emigrants**

For emigrants living abroad, there are no direct official programs supporting emigrants' involvement in the economy of their home country. However, Thai embassies are supposed to have the capacity to answer questions and advise Thai emigrants willing to invest in their homeland. The necessary information is for the most part placed on embassy websites in both Thai and the languages of the country where they are located. For more information, emigrants can ask to consult with a commercial service.

In Thailand, the Thai government through the work of TOEA has a promotional policy for overseas jobs for Thai workers wishing to gain more experience and labour skills, upgrade their knowledge and working capacity, receive an adequate income, benefits, and welfare, and have an appropriate standard of living in an acceptable environment with a decent cost of living.

Relating to socio-economic rights, all Thai citizens can access and benefit from social rights once they are in Thailand even though they live abroad. With respect to the duty to pay taxes, emigrants must follow the same law as regular Thai citizens. Since 1959, according to Revenue Code Section 41, a taxpayer who, in the previous tax year derived assessable income under Section 40 from employment, from business carried out in Thailand, from the business of an employer residing in Thailand, or from a property situated in Thailand, must pay tax in accordance with the provisions of this law, whether the income is paid within or outside Thailand.

### **Cultural rights of emigrants**

Through the 9th and 10th Economic and Social Development Plans (BE 2545-2554), the Thai Ministry of Education indicates that "Every Thai citizen has the opportunity to learn continuously throughout his life. As for those who are Thai but have to stay abroad, it is expected that they will also

be supported by the Thai government through long-distance programs of non-formal and informal education”. Until now, there are still no implementations abroad of this policy created by the Ministry of Education. However, there are some Thai associations in European member countries that have tried to set up education centres to provide language classes and cultural activities to both Thai emigrants and local people. Lately, some of these centres have been successful in cooperating with the non-formal education department of the Ministry of Education. They must follow Thai curriculum issued by this department in order to provide an official certificate to students abroad. Officially, there are few Thai registered schools/associations teaching Thai language abroad but many registered associations are active in Thailand.

Links with both Thailand and Thai language for Thai emigrants are for the most part based in existing communities established abroad and via internet access. There is no Thai media broadcast directly on foreign cable TV, however all TV channels and newspapers – public and private – are now available online. Cultural practices are likely to depend on the number of Thai emigrants in the receiving country; countries where Thai emigrants are numerous are likely to have more cultural activities and products.

For cultural events, in big cities such as Berlin, London or Paris, several Thai associations commonly cooperate with their respective embassy to organize important events every year such as the Nation Day ceremony/King’s Birthday (5 December) and Thai New Year (Songkran Festival, 13 April). The ceremonies for other important Buddhist holy days are usually held at Thai pagodas/Buddhist centres (Wat Thai). At these kinds of events, traditional dance and Thai food, rather than the religious ceremony, are typically part of the affair.

### **Relevant policies**

Thai emigration policies have all been created and implemented by the central government. Offices of the ministries are involved in each province of Thailand with the duty to support the implementation of national policies. Local government has no responsibilities in such areas.

#### *The Engagement of Non-State Actors and their Roles*

Non-state actors such as associations are present in most European countries with the objective of facilitating the integration of Thai people abroad. Their existence depends on the size of the Thai community. Thai embassies in Europe usually display a list of these associations. So far, there is no official record of Thai associations involved in emigration policies. Stakeholders and other actors such as the ILO, the UNHCR and related NGOs involved with Thai emigrants are frequently providing support services to returnees or trafficked victims rather than focusing on others emigrants. They are not involved in policy making. For example, the FOUNDATION FOR WOMEN (FFW) provides information, support, referrals and emergency financial assistance to women who have been victims of exploitation, violence and trafficking. The ILO also ran the Return and Reintegration Project ‘Going Back-Moving On’. This project provided economic and social empowerment support to emigrants from Thailand and the Philippines, including victims of trafficking who had returned from the EU and its neighbouring countries. There is currently no migration agreement between Thailand or ASEAN with Europe.

The objectives of Thai associations located in EU member countries are primarily to facilitate the integration of newcomers. In addition to the general information they provide on their webpages, many associations have created online forums in order to provide a space of information exchange based on emigrant problems and their solutions. They also often produce survival kits to distribute to emigrants. These materials are in the form of guidelines in books/booklets and pamphlets/leaflets which primarily compile the must-know-rights, basic everyday laws, lists of contacts for aid and basic vocabulary/sentences of the destination-country language. Within the last five years, some of the Thai

women's associations in European countries have joined together to launch an annual conference. The objective of this conference is to identify and brainstorm the causes of and solutions to problems that occur regularly in emigrant life, such as marriage/divorce difficulties for a mixed-nationality couple, domestic violence, prostitution, community violence and/or human trafficking.

### *Prevailing Public Discourses on Emigration in Thailand*

In general, emigration is related to a personal/household's decision. Since there have been serious political conflicts in the country, emigration issues are not actually mentioned either by government bodies or by the public. However, there are many stories of deception of Thai workers abroad that have been highlighted by national newspapers and raised the Thai government's awareness of these issues. For example, on 22 February 2013 the Dailynews, a national newspaper, reported that a Swedish trafficker set up an agency in Thailand and sent 168 Thai workers to pick berries in Sweden. He earned more than 13 million baht (approx. 290,000 euros) from travel fees and 24.8 million baht (approx. 551,000 euros) from the workers' wages (Dailynews 2013). In another recent case, reported by ASTV on 19 May 2014, 58 Thai workers asked for help from the Thai consular in Malaysia after finding themselves locked in an apartment for almost a month without the work the broker had promised. In this case, each worker had paid 21,000 baht (approx. 460 euros) to the broker (ASTV 2014). These stories of human trafficking and of Thai migrants being overcharged by recruitment agencies have led the Thai government to legislate in order to allow its people to go and work safely overseas and to reduce the costs of middlemen.

## **Discussion**

Despite an existing policy framework to facilitate the sending and protection of Thai workers abroad, the high number of emigrant workers (in 2012, 134,101 workers) makes it impossible for the Thai government to enforce related policy frameworks with only 13 Offices of Labour Affairs in Thailand; thus it is difficult to efficiently administrate all Thai workers/emigrants. The table below, however, through showing the number of cases and types of Thai citizens receiving aid in foreign countries, confirms that it remains an important matter.

**Table 2: Statistics of Global Thai Citizens who Received Aid in a Foreign Country, 2009-2013**

Type of Assistance	2009	2010	2011	2012	2013
1. General distress/Drugs Addiction/Student (NFT) *	1,293	1,067	1,624	1,392	2,566
2. Thai Labour/Worker	868	208	33	53	114
3. Thai Fishermen/Repatriated	125	53	126	73	66
4. Illegal Trafficking Victims–Sex Worker/Labour (NFT) *	30	88	5	34	46
5. Sex Worker Distress (NFT) *	279	120	44	69	146
6. Case Involving the Death of a Thai National	132	149	27	173	163
7. Defence of Thai national's Interests	84	153	69	161	7
8. Verification of Living Condition of a Thai National who has lost contact with his or her family etc.	84	64	6	60	23
9. Miscellaneous (Renew Driving License)	32	66	*1,414	22	61
<b>Total</b>	<b>2,927</b>	<b>1,968</b>	<b>3,411</b>	<b>2,037</b>	<b>3,192</b>

Source: Adapted from Ministry of Foreign Affairs (2013)

\* NFT (the emigrants who usually do not following any pre-departure training)

The reader can indeed observe that cases of general distress have doubled within the last four years, reaching more than 2,500 cases in 2013. Cases of other types of assistance are more or less declining,

with a sudden increase in 2013, which raises a question about the validity of these statistics. This shows a certain efficiency of assisting and protecting measures. However, the numbers of Thai immigrants who have received aid are still low comparing to the total number of Thai immigrants. The government, hence, seems to lack of financial and technical means to improve a better prevention and/or a prevention campaigns to avoid such difficulties.

## **Conclusion**

According to Kang (2012), while immigrants – especially foreign unskilled workers – experience a defensive, unwelcoming reaction from the Thai state, particularly in the early years after their arrival, Thai workers who leave for overseas employment receive the opposite: more supportive, albeit inefficient, assistance from the government. In fact, there are three existing departments from three different ministries offering support to all Thai migrants including those who are illegal. The failure of Thai emigrants mostly occurs when potential emigrants do not have access to pre-departure training and services (table 2). What transpires from our research is that the policies in place mainly assist and protect legal workers. But recent statistics on Thai citizens receiving aid in foreign countries show an increase of problems experienced by other Thai migrants abroad as well.

In 2012, 203,388 emigrants, excluding permitted workers, were residing in European member countries (such as students and immigrants through marriage for example). Indeed, they do not benefit from policies or a legal framework anticipating their difficulties abroad. Help is generally provided only when problems occur. There is therefore a need to improve access to information for potential migrants. This means that any branch of any government body should work more pro-actively towards this objective. Strategies have to be defined in order to intervene not only when migrants are in trouble. Studies therefore have to be undertaken, gathering materials on sources of information about potential migrants. Pre-departure training is currently only provided to Thai citizens migrating to countries that have MOUs with Thailand; more partnerships have to be developed with other European countries. This would also concern European embassies in Thailand in cases of mixed-marriage. Information tools in Thai language should be provided by these embassies during any administrative process. Solutions could be quite similar in the case of Thai students who are considering registering at foreign universities or schools.

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## **Annex 1. Legal Documents relating to Emigration and Diaspora Policies**

### **Legal Documents Relating to Emigration Policy**

#### ***Labour migration***

- Employment and Job Seeker Protection Act BE 2528 (1985)
- Skill Development Promotion Act BE 2545 (2002)
- Labour Relations Act BE 2518 (1975)
- Labour Protection Act BE 2541 (1998)
- State Enterprise Labour Relations Act BE 2543 (2000)

#### ***Marriage and family relations involving foreigner***

- The Nationality Act (No. 4) BE 2551(2008), Section 21 and 23
- The Civil and Commercial Code
  - Marriage Section 1435-1500
  - Succession Section 1599-1619

#### ***Human trafficking***

- The Anti-Trafficking in Persons Act BE 2551(2008)

### **Legal Documents Relating to Diaspora Policy**

#### ***Security and politics***

- Voting rights: the Constitution of the Kingdom of Thailand, BE 2550, Chapter 4, Section 99, Duties of Thai citizen
- Social Security Act BE 2533 (1980)
- Workmen's Compensation Act BE 2537 (1994)

#### ***Economics and finance***

- Revenue Code Section 41