

SMUGGLING OF FEMALE MIGRANT WORKERS FROM MYANMAR TO
THAILAND

Miss Rebecca Jane Carden



จุฬาลงกรณ์มหาวิทยาลัย

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By	Miss Rebecca Jane Carden
Field of Study	International Development Studies
Thesis Advisor	Professor Supang Chantavanich, Ph.D.

Accepted by the Faculty of Political Science, Chulalongkorn University in Partial Fulfillment of the Requirements for the Master's Degree

..... Dean of the Faculty of Political Science
(Associate Professor Ake Tangsupvattana, Ph.D.)

THESIS COMMITTEE

..... Chairman
(Assistant Professor Naruemon Thabchumpon, Ph.D.)
..... Thesis Advisor
(Professor Supang Chantavanich, Ph.D.)
..... External Examiner
(Jerrold W. Huguet)



จุฬาลงกรณ์มหาวิทยาลัย
CHULALONGKORN UNIVERSITY

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ประเทศไทยเปิดให้มีการเข้ามาของแรงงานต่างด้าวกว่าห้าล้านคนตามแนวชายแดนเพื่อใช้เป็นแรงงาน
 แรงงานต่างด้าวส่วนใหญ่เป็นชาวเมียนมาร์และอีกหลายๆคน ในจำนวนนั้นเข้ามากับขบวนการลักลอบเข้าประเทศ
 เนื่องจากการเข้าประเทศอย่างถูกกฎหมายนั้นขึ้นชื่อว่ามีขั้นตอนที่ซับซ้อน ต้องใช้ค่าใช้จ่ายเยอะ และเสียเวลา จึงมี
 กระบวนการนายหน้า และผู้ให้การช่วยเหลือในการลักลอบแรงงานเข้าประเทศแบบผิดกฎหมาย นายหน้าเหล่านั้นสามารถ
 เรียกเก็บค่าใช้จ่ายราคาสูงได้เพื่อการให้บริการด้านเอกสารที่เกี่ยวข้อง การจัดหางานและสถานที่อยู่ อีกทั้งรับผิดชอบ
 ขั้นตอนการเดินทางขนส่งเข้าประเทศไทย ในกระบวนการลักลอบเข้าประเทศ แรงงานต่างด้าวไม่ตระหนักถึงขั้นตอนที่อันตราย
 ในการเดินทาง อีกทั้งผู้ที่ไม่มีความรู้เรื่องขบวนการต่างๆ ต้องตกอยู่ในสถานการณ์เสี่ยงกับการโดนหลอกหลวงเรื่องค่าจ้าง
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Thailand's porous borders have enabled up to five million migrant workers to become employed in the country, the majority of whom originate from Myanmar, and with many entering through the process of migrant smuggling. Since formal migration channels are deemed complicated, expensive, and time consuming, the assistance of brokers, facilitators, and agents is often sought in order to facilitate irregular migration. Such brokers can charge high fees to provide services such as the provision of relevant documentation, employment and housing placements, and assistance with the process of transit and entering Thailand. During the smuggling process, migrants, who are often unaware of the risks, can experience dangerous journeys and those without established social networks are highly vulnerable to deception upon arrival such as the withholding of wages and poor working conditions.

The purpose of this research is to explain the role of social networks in facilitating the irregular migration of female labour migrants while also exploring the process of irregular migration and the subsequent vulnerabilities that female migrants can face, particularly in relation to determining factors, namely gender, ethnicity, regularization and sectors of employment. Data collection involved 55 structured interviews with migrant workers employed in Bangkok and the city's surrounding provinces. Of these interviews, 52 involved migrants who had entered Thailand irregularly, and 3 were conducted with migrants who were formally recruited. Additionally, the research involved interviews with key informants and a literature review was also undertaken.

This research focuses on the experience of females employed in the construction, garment manufacturing, seafood processing and domestic work sectors and argues that female labour migrants who migrate irregularly do not necessarily find themselves in a more vulnerable situation than their counterparts who have entered Thailand through formal channels since irregular migration can result in successful outcomes for migrant workers. The major research findings include that social networks often reduce the prominence of vulnerability, that vulnerabilities can be gender-specific, and that certain vulnerabilities such as low wages and long working hours are often aligned with construction and domestic work.

Additionally, the research also provides recommendations concerning the safe migration of vulnerable female migrants in addition to an exploration of the Memorandum of Understanding (MoU) between Thailand and Myanmar and the relevant migration, registration and labour policies currently in practice in the country that currently influence the vulnerabilities of migrant workers.

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Student's Signature
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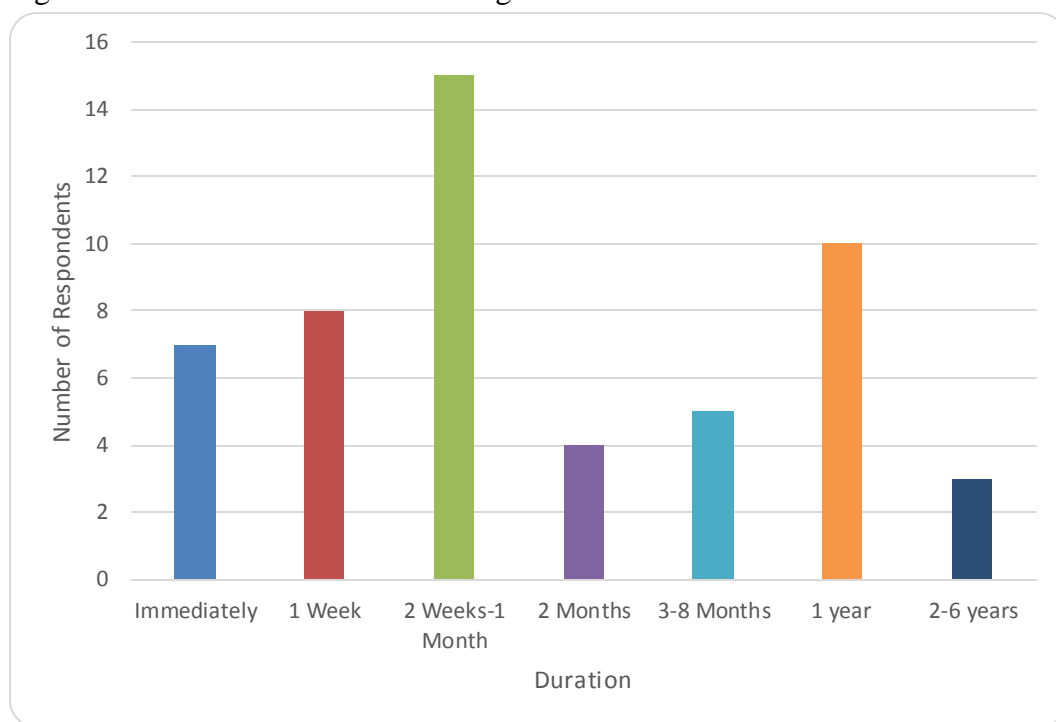
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ABBREVIATIONS

ICPRMW	International Convention on the Protection of the Rights of All Migrant Workers and Their Families
MAT	Myanmar Association in Thailand
MoU	Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers
MW	Migrant Worker
NCCM	National Catholic Commission on Migration
NV	Nationality Verification
THB	Thai Baht
UN	United Nations



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CHAPTER I

INTRODUCTION

This chapter will outline the research problem, the research questions and objectives, in addition to the research methodology and the limitations of the research.

1.1 Statement of the Problem

Thailand's economic growth has led to labour shortages and a demand for low-cost workers, resulting in up to five million migrants from neighbouring nations seeking employment in the country, according to unofficial estimates from Thailand's Immigration Bureau. However, the opportunity for women to participate in the workforce has, in many cases, led to migration and employment processes being characterized by exploitation and vulnerability. There is the possibility of migrant smuggling leading to a trafficking situation, and a prominent proportion of migrants do not hold the necessary documentation and can therefore be defined as 'irregular'. As female migrants from Myanmar are often unaware of their human and labour rights and usually unable to speak Thai at the point of migration, they are vulnerable to discrimination, abuse, forced labour, deception, coercion, poor working conditions, wages being withheld, exploitation and exclusion from, or lack of access to, health and other social welfare provisions.

Current policies and legal frameworks can both impede and facilitate the safe migration and situation of female labour migrants and irregular migrant workers are often referred to as 'invisible' since they lack official government documentation. Therefore, it is necessary to identify the trends, challenges and potentials of female labour migration, including the process of migration, particularly human smuggling, and the vulnerabilities faced by women who have been smuggled into Thailand.

Migrant workers have contributed greatly to Thailand's GDP growth over previous decades¹ and will continue to play a major role in the country's development. As one agent stated, "Thailand would collapse without Burmese migrant labour", highlighting the country's dependence on labour migrants. However, these unskilled migrants are often unlikely to report concerns to the authorities. Migrants may find themselves in employment sectors different to those that they were promised by the smuggler and with no knowledge of how to obtain assistance, further increasing their vulnerability. Nevertheless, smuggling also has the potential to provide a somewhat safe passage to the host country whereby migrants can enter employment without formal contracts and subsequently maintain their freedom as the employer may not withhold documentation.

In order for migrant labour to be sustainable and ethical while aiding Thailand's continued economic growth, there is a need for the vulnerabilities of female labour

¹ Philip Martin Martin, P. (2007). The Economic Contribution of Migrant Workers to Thailand: Towards Policy Development. Bangkok ILO xiv+32 p .

estimated the migrant contribution to be 1.25% of Thai GDP, totalling approximately US\$ 2 billion.

migrants to be addressed to protect them from exploitation and human rights abuses during the process of irregular migration and upon arrival in the country of destination.

With regards to the smuggling transportation process, for some, the combination of encountered risks and the resulting situation render them particularly vulnerable and susceptible to risks. The vulnerabilities here may relate to being unprepared, lacking experience, support networks and family contacts, possible interruptions to the journey as a result of a lack of money or discovery by public officials, or simply feeling afraid during the process. Migrant workers also face the possibility of arrest or of employers holding onto their passports.

As female migrants from Myanmar are often unaware of their human and labour rights and usually unable to speak Thai at the point of migration, they are vulnerable to discrimination, abuse, forced labour, deception, coercion, poor working conditions, wages being withheld, exploitation, and exclusion from, or lack of access to, health and other social welfare provisions. Migrants may find themselves in employment sectors different to those that they were promised by the smuggler and with no knowledge of how to obtain assistance, further increasing their vulnerability. While such vulnerability can lead to trafficking situations, smuggling also has the potential to provide a somewhat safe passage to the host country whereby migrants can enter employment without formal contracts and subsequently maintain their freedom as the employer may not withhold documentation.

Although the scale of migrant smuggling is difficult to estimate due to the hidden nature of the process and of eventual employment, it is possible to identify the vulnerabilities faced by individuals during the process by understanding the practice from their point of view. The purpose of this research is to explore the situation and vulnerabilities of Burmese female migrant workers during the three stages of the migration process: pre-departure, transit, and employment upon arrival. The regular channel for migration to Thailand is considered as lengthy, complicated and expensive, resulting in individuals who want to migrate immediately considering irregular passages. Whether these individuals choose to convert to become regular migrants upon arrival in Thailand, with the assistance of brokers, or retain their irregular status will also be explored. In order to answer the research question, it is first necessary to understand the situation before linking the phenomenon to related factors and finally assessing the impacts and effects of human smuggling.

This research covers the entire migration process including the decision to migrate, facilitation of migration, means of travel, duration of transit, cost of migration, challenges on arrival, encounters with Thai police and immigration officials, finding employment, and remuneration. Therefore, the research will refer to the common junctures where smuggled migrants may encounter cheating or exploitation: in the home province, at the border areas, at the destination and during the transportation process. This research also reviews the MoU process, the reasons why migrants seek the assistance of brokers and facilitators, and outlines suggested measures to improve the migration process and outcomes for migrant workers.

To summarise, it is necessary for research to be undertaken on the topic of the human smuggling of female labour migrants and their vulnerabilities since migrants play an important role in the economic development of Thailand, yet they are not adequately protected during the process of migration and employment. Therefore, there is a need

for action to be taken to improve the lives of female migrant workers and ensure they are able to safely migrate. In order to take such action, however, it is first necessary to ensure that there is accurate data and information available concerning the issue and that the research gap relating to the process of migrant smuggling is filled.

1.2 Research Questions

Main Question:

Do smuggled female migrants find themselves in vulnerable situations during the migration process?

Sub Questions:

What are the roles of social networks, agents and facilitators in the process of the smuggling of female migrant workers from Myanmar to Thailand?

What are the human smuggling situations among female migrant workers in relation to recruitment, transit and networks that lead to either successful outcomes or gender-specific vulnerabilities?

How do determining factors influence whether smuggled migrants end up in a vulnerable situation after arriving in Thailand?

1.3 Research Objectives

To determine the roles of social networks, agents and facilitators in the process of the smuggling of female migrants from Myanmar to Thailand;

To explore human smuggling situations among female migrant workers in Thailand in relation to recruitment, transit and networks that lead to either successful outcomes or vulnerability upon arrival in Thailand in relation to gender; and

To assess the determining factors that influence whether smuggled migrants end up in a more vulnerable situation than regularised migrants once they have reached Thailand.

1.4 Hypothesis

Due to the willingness of migrants from Myanmar to enter Thailand in order to gain employment and obtain higher wages than those available in their country of origin, many migrants are recruited by, or actively seek out, facilitators who may or may not already be a part of their social network. During this irregular, unmonitored migration process, it is likely that migrants, especially females, face a variety of vulnerabilities.

The expected outcome of the research is that the female migrants who have been smuggled will have experienced a number of vulnerable situations during the smuggling process or while in an employment situation, ranging from high migration

fees and false promises regarding the nature of work and the amount of wages, to abuse. However, migrants who have the correct documentation may also face vulnerabilities while employed and migrants who migrate through the regular channel may not necessarily hold a regular status after arrival in Thailand. It is expected that established positive social networks can assist migrant workers in achieving an outcome where limited vulnerabilities are experienced.

The study may also reveal that the vulnerabilities of females working in the 'invisible' sector of domestic work differ from those faced by women employed in other sectors, and that the experiences of women who have been smuggled into Thailand differ to those who have migrated regularly.

Therefore, it is expected that intersectionality, specifically gender and ethnicity, regularity, sectors of employment and social networks will act as factors which determine vulnerability.

1.5 Research Methodology

The research was conducted during the summer of 2014, with two months of documentary and field research relating to the concepts outlined in the conceptual framework. Qualitative and quantitative mixed-methods research were used in addition to a review of the existing literature, legal frameworks, policies and conventions, with a specific focus on the Memorandum of Understanding between Myanmar and Thailand. Since studies show that women are more likely to be employed as undocumented workers than men, the research exclusively focuses on the experiences of female migrant workers. The methodology outlined below was used to allow the researcher to answer the research questions that guided this study.

1.5.1 Documentary Research

A study of relevant research works, literature, and statistics in order to identify the perceived risks and vulnerabilities faced by female labour migrants during and after the migrant smuggling process.

An analysis of the current policies relating to labour conditions and the vulnerabilities of female labour migrants and gaps in the legal frameworks.

An examination of previous and current policies relating to regular and irregular migration and the Nationality Verification process.

1.5.2 Data Collection

Data collection was undertaken, prior to the commencement of data analysis, using a predominantly quantitative study approach.

Quantitative Research

A total of fifty-five anonymous structured interviews with set questions were undertaken with female migrant workers in order to obtain information about their experiences of entering Thailand and gain an understanding of the nature and conditions of their current and previous employment as well as the vulnerabilities arising during the process.

These interviews consisted of a mixture of open ended and closed questions grouped into six categories (see Appendix A). Firstly, the migrants were asked questions concerning their background and current employment, followed by enquiries about the decision to migrate. Thirdly, the ways in which migrants were recruited was ascertained and respondents were then asked to describe their migration route and forms of transport. The role of recruiters was then discussed, concluded by questions relating to vulnerabilities at the place of employment.

Due to the nature of certain sectors of work and the employee-employer relationship, it was necessary to conduct the interviews away from the workplace, in a location where the migrant worker felt safe to speak about their situation. The interviews primarily took place on weekday evenings, beginning at around 6pm after the migrants had finished work, and these interviews took place at the migrant workers dwellings, or at a local market. Additional interviews were conducted at the weekends at schools providing technical and language skills for migrant workers.

The criteria for selection included that the majority of migrants must have first entered Thailand during or after 2009 and were primarily employed in the construction, garment manufacturing, seafood processing, and domestic work sectors or were working as market vendors. This criteria was chosen because Burmese migrants first began to enter through the MoU in 2009, and these types of employment are reflective of the work that the large majority of female migrant workers are employed in. In order to provide greater analysis, four interviews with migrants who first entered Thailand between 2001 and 2004 were conducted in addition to three interviews with migrants who entered through the MoU process, as well as six interviews with migrants who migrated irregularly. These interviews with migrant workers who migrated before 2009 or were not smuggled were conducted in order to allow a comparison of migration route trends, and thus greater analysis of the vulnerabilities arising from migrant smuggling. Migrant smuggling as a method of entering Thailand was not a criteria used to select the migrants who were interviewed, highlighting the high proportion of migrant workers who enter the country with the assistance of a smuggler.

Table 1 Sample Size of Respondents

Method of Entry	Date of entry	Number of migrants
Formal recruitment	After 2009	3
Irregular migration	After 2009	6
Migrant smuggling	After 2009	42
Migrant smuggling	Before 2009	4
Total		55

In order to identify and gain access to smuggled females migrants who remain in Thailand irregularly, it was necessary to approach a number of language schools through utilizing personal contacts and coordinating with a translator with his own network and who is known among the migrant community. Additionally, a number of major hotspots where migrants are employed were visited before applying the snowball sampling technique, whereby migrant workers provided contact details of other migrant workers who met the criteria listed above. It was then possible to contact these migrants in order to arrange interviews and obtain further contacts for future interviews. Such hotspots included Or Tor Kor market in Chatuchak and Talay Thai Seafood market in Samut Sakhon where it was possible to approach migrant workers and make enquires as to whether they matched the necessary criteria and interviews were then arranged to take place after they had finished work for the day. When migrant interviews were pre-arranged, these interviews primarily took place at the accommodation site of a migrant worker and at schools. On two separate occasions, migrants living near to the translator's apartment were able to travel to this location to be interviewed. In total, the 55 interviews took place at 14 different locations, the nature of which is shown in the table below.

Table 2 Migrant Worker Interview Sites

Interview site	Number of interviews
Bangkok	
Migrant dwellings	14
Or Tor Kor Market	5
NCCM Migrant Training and Job-placement Centre	4
Pa-Oh Education Project	4
MAT Office	3
Temple	2
Translator's apartment	2
Pathum Thani	
Construction site	5
Samut Prakan	
Migrant dwellings	12
Samut Sakhon	
Talay Thai Seafood Market	4
Total	55

Qualitative Research

A search for former or current brokers and personal interviews with brokers who assist females from Myanmar with gaining entry into Thailand, finding employment and securing official documentation. Such data about the role of agents in the place of origin was collected from female migrants in Thailand. This search was conducted by asking migrants whether or not they still maintain contact with their brokers and

whether or not they hold connections within the community who might have contact with a broker.

Semi-structured in-depth interviews with ten key informants working as specialists in government and relevant non-governmental organisations.

1.5.3 Research Scope and Limitations

The primary research location was Bangkok in addition to the bordering provinces of Pathum Thani, Samut Prakan and Samut Sakhon, areas which have been identified by the Ministry of Labour as having a high demand for labour (Chantavanich 2008). These locations were also chosen as migrants living in non-border provinces are more likely to have entered Thailand through brokers than migrants living in border provinces (ARCM and ILO 2013). All of the interviews with migrant workers were conducted with the assistance of a Burmese translator and the data gathered from the interviews was checked to ensure its sufficient coverage. The research aims to conclude with a summary and interpretation of the presented data in relation to integrating the findings within the broader framework before applying the significance of the findings (LeCompte and Preissle 1984).

Since the research concerns irregular female migrant workers who have been smuggled from Myanmar into Thailand and are currently employed as workers in Bangkok and the surrounding provinces, this group of migrants form the subjects of the research. As the research is concerning adults, the majority of respondents interviewed were over the age of 18, although many of the migrants first migrated at a younger age. Since Thailand's minimum legal working age is fifteen, migrants between the ages of fifteen and seventeen have been classed as youth workers rather than child migrants. The study does not limit the ethnicity of the migrant workers but only includes those with a sufficient grasp of the Burmese language.

1.5.4 Methodological Constraints

While participant observation would be invaluable to researchers studying human smuggling and labour vulnerabilities, the underground nature of this form of migration combined with a lack of access to workplaces, in this case, garment factories, construction sites, and private homes, largely prevents the researcher from gaining entry into situations where such observation can be completed. Carrying out ethnographic research among migrant workers and relevant informants is the next best way to obtain information on the topic.

It is necessary to acknowledge the inherent limitations of snowball sampling outlined by Biernacki and Waldorf (1981), since biases can be reinforced during the selection process resulting in an unrepresentative sample, yet this is necessary in order to reach irregular migrant workers. Additionally, snowball sampling prevents the researcher from accessing migrants in the most vulnerable situations, such as individuals who

lack a social network and those who may be prevented from leaving their workplace. Additionally, due to time and logistical restraints, the total number of respondents interviewed is a small sample and is therefore not representative of the situation and vulnerabilities of all migrant workers.

Although all respondents were interviewed individually, on some occasions, the interviews took place at locations where other migrants were observing the process, which may have prevented the respondents openly discussing their experiences. Additionally, the use of a translator could have resulted in some of the information being lost due to the difficulties in translating phrases.

To understand the risks and vulnerabilities of irregular migrants, it is necessary to compare the experiences of individuals who have been smuggled to those of regular migrants who entered under the MoU. However, very few migrants have entered Thailand through this regular channel, and so the research primarily compares those who remain irregular with those that have converted to a regular status.

1.5.5 Political Constraints

Due to Thailand's May 2014 military coup and the resulting sensitive situation which arose for irregular migrants and their facilitators, it was not possible to undertake an in-depth search for former or current brokers, nor to conduct personal interviews with agents who assist females from Myanmar with gaining entry into Thailand.

Additionally, migrant workers, especially those who held an irregular status, were concerned about the political situation and were therefore sometimes unwilling to be interviewed. As a result, on some days, it was not possible to collect data at certain locations and so the research was conducted at accessible areas. It was possible to overcome this constraint and conduct the required number of interviews by using a translator holding established links to the migrant worker community which enabled the migrant workers to trust the researcher and openly answer the questions. These migrants voluntarily took part in the research and were not reluctant to talk about their experiences due to the large numbers of irregular migrants employed in Bangkok. Although the respondents were able to stop the interview or refuse to answer questions, this did not occur.

1.6 Significance of the Study

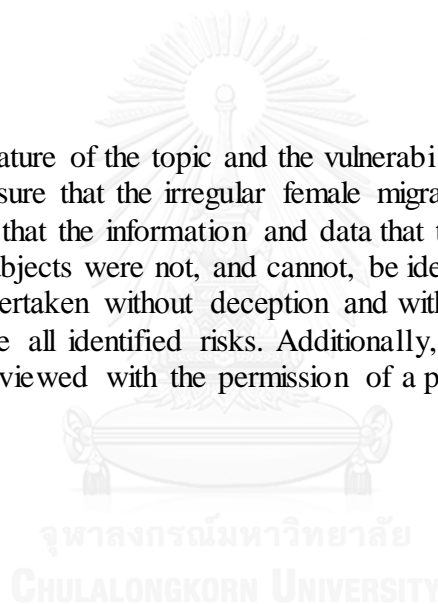
Since there is a dearth of accurate data relating to the experiences of female labour migrants who have been smuggled and a greater interest in human trafficking rather than human smuggling, the vulnerabilities of women who have been smuggled are under-researched. The research provides data which can be used as a basis for recommendations to solve problems of extortion and abuse during the smuggling process, and information relating to how governments can make the process of migration and employment in the host country safe for female migrant workers. The information provided can also act as a contribution to the basis for wider recommendations concerning protection mechanisms for migrant workers.

Despite the fact that all irregular female migrant workers face vulnerabilities regardless of their sector of employment, studies concerning the seafood processing industry, especially in Samut Sakhon, an area which appears to have received considerable attention from researchers, are numerous, with other locations and employment sectors, as well as the migrant smuggling process itself, receiving comparatively less attention from academics and organizational researchers.

To summarise, the research can contribute to academic knowledge of labour migration and human smuggling in addition to NGO monitoring with the potential to impact policymakers and improve the lives of female migrant workers should the gaps identified by the research be further explored, considered and implemented by dominant actors.

1.7 Ethical Issues

Due to the sensitive nature of the topic and the vulnerability of the research subjects, it was important to ensure that the irregular female migrant workers were safe during the field research and that the information and data that they provided was recorded in such a way that the subjects were not, and cannot, be identified. This meant that the methodology was undertaken without deception and with regards for people's rights and a view to minimize all identified risks. Additionally, migrants under the age of fifteen were only interviewed with the permission of a parent or guardian.



CHAPTER II

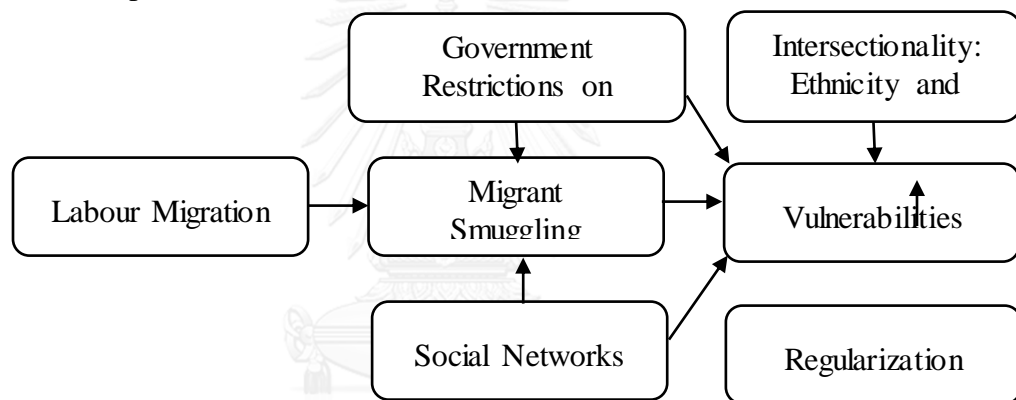
CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW

This chapter will provide the conceptual framework utilized for the research, ascertain the definitions of key terms used throughout the study, and outline the current literature and existing data concerning the research topic. There is a dearth of academic research relating to this subject, and therefore the contribution of this research is necessary to provide a greater understanding of the theme.

2.1 Conceptual Framework

The conceptual framework for this study is separated into six major sections.

Figure 1 Conceptual Framework



The first segment represents the theory of labour migration which is the key reason for migrants seeking to be smuggled across an international border in order to seek employment in the receiving country.

For the purposes of this study, The term “migrant smuggling” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry² of a person into a State Party of which the person is not a national or a permanent resident, as defined in the Protocol to the UN Convention Against Transnational Organized Crime (UNODC 2004). Such migrants voluntarily give consent to the process of crossing an international border without state authorization and with the paid or unpaid assistance of smugglers and there is therefore an absence of coercion whether through the direct application of physical force or the threat of the use of force (Kyle 2011), indicating the key difference between migrant smuggling and human trafficking The nature of migrant smuggling, also referred to as “people smuggling”, “alien

² This differs to irregular migration where the method of entry into Thailand may be legal, such as through the utilization of the ‘day border pass’, but the stay becomes illegal.

smuggling” and “human smuggling”, further differs from human trafficking since it is always transnational and because the process of transportation is not primarily defined by threat, abduction, fraud, deceit or abuse of power and does not result in forced labour, involuntary servitude, debt bondage or slavery. Furthermore, in smuggling, the fee paid by the irregular migrant is the major source of revenue and there is usually no ongoing relationship between the offender and the migrant once the latter has arrived at the destination (UNODC 2006).

Migrants can be assisted in seeking and utilizing the services of a broker by their social networks. Here, the concept of “social networks” refers to the fact that the migrant may be assisted in smuggling by a friend, family member or other personal contact, who can be categorized as belonging to the migrant’s direct social network, or as part of an extended social network where brokers are recommended by a “friend of a friend”. There are a number of sub-categories within a migrant’s social network according to the role of each person. The contact may be categorized as a ‘recruiter’ who has no further involvement in the smuggling process other than introducing the migrant to the facilitators (Zhang and Chin 2002), such as a friend or family member, or as a ‘broker’ ‘coordinator’, ‘facilitator’, ‘transporter’, ‘document vendor’ or ‘debt collector’. This segment is also linked to the concept of vulnerability since social networks have the potential to reduce or increase the vulnerabilities of migrant workers.

Additionally, the absence of an attractive formal recruitment channel can cause migrants to seek out the use of a broker. Therefore, the concept of “Government restrictions on regular migration” can refer to constraints at both the country of origin and the destination. According to the process of regular migration, in order for a migrant to be authorized to enter Thailand, they must enter through the regular migration channel provided by the MoU. Article 5 of the ICPRMW specifies that migrant workers are considered to be documented or in a regular situation “if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party”.

Similarly, the process of regularization in Thailand refers to migrants who hold the correct documentation, namely a passport with the correct visa in addition to a work permit, and is also applied to migrants during the process of entering Thailand through the MoU. Additionally, regular migrants may have entered Thailand irregularly, but have become regularized by processes such as Nationality Verification, and so this segment is also linked to vulnerability since a regular status entitles migrant worker to greater protections, and can therefore reduce vulnerability.

The last major segment of the conceptual framework relates to the vulnerabilities faced by migrants in the context of labour migration. With regards to the smuggling transportation process, for some, the combination of encountered risks and the resulting situation render them particularly vulnerable and susceptible to risks. As

vulnerability can be understood as a process of *becoming* while on the move rather than a fixed state (Truong 2014), the vulnerabilities here may relate to being unprepared, lacking experience and support networks, possible interruptions to the journey as a result of a lack of money or discovery by public officials, or simply feeling afraid during the process. In Thailand, vulnerability can be defined as holding an irregular status, as irregular migrants live with the threat of arrest and deportation, and migrants whose employers hold onto their passports are particularly vulnerable since they lack freedom of movement. Additionally, a lack of access to affordable healthcare, especially reproductive and occupational, an absence of safety in the workplace and substandard living and working conditions which do not meet Thailand's labour standards, including low wages, will form the definition of 'vulnerability' in this research.

Since this study explores whether intersectionality is a major determinant of vulnerability, this concept is used in relation to gender and ethnicity 'as a combination of forms of institutional discrimination' (Truong, Gasper et al. 2014) and will disregard age as a determinant. "Gender" will refer to the set of roles, responsibilities, constraints, opportunities, and privileges of women and men in any context. Those attributes are learned and socially constructed, changeable over time and can vary within and between cultures. The concept of gender is relational and refers not simply to women or men but to the relationship between them (IOM 2011). "Ethnicity" will refer to the migrants' ethnic groups, since more than 135 recognized ethnic groups exist in Myanmar, and the possible linkages between migration, ethnicity and vulnerability.

2.2 Terminology

Since it is necessary to determine the definitions of key terms that will be used that are not included in the conceptual framework, this section will aim to succinctly outline the relevant terminology used throughout this research.

Burma/Myanmar- Since the respondents referred to their country both as Burma and Myanmar, these terms will be used interchangeably in reference to the country officially known as the Republic of the Union of Myanmar.

International Migration- The "movement of a person/group of persons from one geographical unit to another across an administrative or political border, who wish to settle definitely or temporarily in a place other than their place of origin" (IOM n.d.). In this case, the international border is that existing on land or sea between Thailand and Myanmar. This term refers to the economic, sociological and legal theories relating to the concept of international migration where female migrant workers are migrating as labour migrants.

Recruitment- The action of finding new people to be smuggled to Thailand for the purpose of providing an employer with labour and/or a providing a smuggled individual with paid employment.

Migrant Worker- Article 2 (1) of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICPRMW) defines a migrant worker as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”.

Voluntary migrant- A person who is migrating for economic reasons and not because of political or environmental reasons as in the case of forced or impelled migrants (Chantavanich 2006)

Irregular Migration- The movement of a person to a new place of residence or transit using irregular or illegal means, without valid documents or by carrying forged documents, This term also covers the smuggling of migrants (Chantavanich 2006).

Irregular Migrant- This will refer to migrants who do not hold valid documentation for employment and those who have entered Thailand without the country’s legal authorisation, and therefore do not meet the ICPRMW definition of a regular migrant. This term also covers migrants who have migrated with legal authorisation but remain in the country after such permission has been terminated. This term will be used throughout the research since it is a neutral term and does not invoke criminality in the way that the term “illegal migrant” does. This operational definition will also encompass migrants who hold incomplete or expired documentation as well as those who are employed in a different occupation than that stated on their work permit.

Broker- For the purposes of this study, the broker will refer to the experienced predominant organiser and the initial person the migrant has contact with in the migration process, perhaps after utilizing social networks to obtain this contact as the broker can be solicited directly by the migrant, or through a recruiter. Brokers may be formal (licenced by the state to provide one or more labour market services), or informal (not licensed by the state to provide such services).

Facilitator- An individual that plays the role of a middleman to facilitate the migration of an individual from the country of origin to the country of destination. Throughout the human smuggling process, numerous facilitators can be involved and hold various roles such as driving vehicles. Facilitators may also be categorized according to their roles, and be referred to as ‘coordinators’, ‘transporters’, ‘document vendors’ or ‘debt collectors’ (Zhang and Chin 2002).

Agent- According to the Royal Thai Institute’s dictionary, an agent means a person who offers help or facilitation for the two parties to come to an agreement (Sakaew and Tangpratchakoon 2009). For the purposes of this study, this term will refer to individuals unconnected with migrant smuggling who offer migrants assistance with finding employment and obtaining documentation in Thailand.

Exploitation- The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit (IOM 2011). As defined in the 2008 Thai Anti-Trafficking in Persons Act, this term therefore refers to slavery, forced labour, or causing another person to be a beggar and is consequently more closely aligned with human trafficking than migrant smuggling.

2.3 Historical and geographical overview of migration to Thailand

Thailand is a regional hub attracting migrant labour from a number of countries in the region, with flows predominantly originating from Myanmar but also from Cambodia and Laos, and is also a magnet for transiting migrants. Such international migration has emerged as a result of uneven development in the region. Myanmar's current GDP per capita is around US\$ 1,105, one of the lowest in East Asia and the Pacific, with 26% of the population living below the poverty line (World Bank 2014), compared with Thailand's GDP per capita, which is US\$ 5,779 (World Bank 2014). Such disparities have been fuelled by economic growth which has resulted in scarce labour. Indeed, Thailand's current unemployment rate is among the lowest in the region. Furthermore, demographic changes in Thailand have led to an ageing population compared with the large and youthful families which characterise neighbouring countries (UNIAP 2010).

Thailand's policy towards migrant workers has altered according to each government and depending on the country's economic situation (UNESCAP 2006). In 1972, the National Executive Council introduced the requirement for migrant workers to obtain work permits from the Ministry of Labour, but it was not until 1992 that the government began to address the issue of migration for the first time, under an area-based, non-quota system which existed until 1998 (Chantavanich 2007). The year 1996 marked the start of the migrant registration process, when the Thai Cabinet approved a policy allowing immigrants to be employed in 43 of Thailand's 76 provinces within specified work sectors, including construction and domestic work (Chantavanich and Stern 1998), by allowing migrant workers to obtain temporary migrant worker cards. Less than half of the total estimated number of irregular migrants registered, partly due to the fact that employers were unwilling to pay fees and also because migrants sought to minimize their involvement with the Thai authorities (Chantavanich and Stern 1998), reasons which are still prominent today.

The next policy implemented was the 2006 Nationality Verification process, which has been extended on numerous occasions, involving the establishment of NV centres in Myanmar and Thailand where migrants were able to receive temporary passports. However, the process has been beset by operational difficulties and significantly captured by brokers, often requiring migrants to pay a high service fee (ARCM and ILO 2013). The current military government is pursuing the policy of encouraging irregular migrants living in Thailand to become regularised through One-Stop Service Centres.

2.4 Intersectionality

Intersectionality can be defined by a mixture of complex identities such as gender, social background, age and ethnicity and how these classifications of discrimination interact and overlap to influence the situation of vulnerable or disadvantaged groups. Therefore, intersectionality functions by providing a critical type of analysis, allowing individuals and groups to be examined with a multi-faceted approach and by taking into account the multiple characteristics of migrant workers.

While Truong (2014) argues that intersectionality refers to a “combination of forms of institutional discrimination (gender, age, migrant status, and ethnicity) that are interconnected and cannot be examined separately”, Eunjing Kim (2009) concludes that theorising intersectionality through the independent construction of categories is the most useful model. The latter approach will be used throughout this study in order to ensure that the most relevant classifications, namely gender and ethnicity, are discussed in relation to the vulnerability of female migrant workers, however it is noted that other classifications outside the scope of this study, such as social background, can also act as determining factors of vulnerability.

2.5 Gender and Migration

It is only over recent decades that academic literature and policy analysis has focused on women who migrate independently with the intention of seeking employment rather than accompanying relatives who are male labour migrants (Kusakabe and Pearson 2014). As Oso and Garson (2005) note, literature has overlooked female labour migrants, with migrants typically viewed as male. The majority of research concerning human smuggling is not focused on women, with gender related research in the region relating to Indonesian and Filipina domestic workers, or the trafficking of Thai women into the sex trade. Indeed, female migrants have been stereotyped as ‘mail-order brides’, ‘domestic workers’ or ‘sex workers’, with scholarly focus aligning to the themes of exploitation, victimization and human rights violations epitomized by the execution of Flor Contemplacion in Singapore (Piper and Roces 2003). The temporary nature of migration flows and the process of migration itself is therefore a new portion of academic literature and relationships between migration and gender are still developing, with women now being viewed as both actors in migration and as bearing the consequences of male migration, as explored by Ester Boserup (2007).

Research concerning international migration in the region has shown that women and young workers are especially vulnerable (Chantavanich 2008) in relation to the migration process, exiting entrenched attitudes towards the division of labour, power and responsibilities, and the subsequent expected distribution of resources and benefits. Women often migrate independently at a stage in their lives when marriage is seen as appropriate, and the image of a woman as a migrant worker can obscure her other roles as a mother or wife, (Piper and Roces 2003) as the social construction of

gender roles, states, norms, values, behaviours and social representations aligning with the idea of the male as a breadwinner do not necessarily support female individuals migrating alone to pursue work. As women are increasingly dominating migration flows, leading to the feminization of migration, it will be increasingly necessary to address this situation.

2.6 Migrant Smuggling

The market for clandestine transportation and border crossing has developed worldwide (Piper 2005) and global profits from human smuggling are estimated to total between US\$ 5 and 10 billion annually (Martin and Miller 2000). Mon (2010) estimates that 300 migrants are smuggled into Thailand daily, with an additional 150 migrating from Mae Sot to Bangkok, highlighting the popularity of this method of migration that the porous border between Thailand and Myanmar, with a length of 2107 kilometres (Myanmar Embassy in Tokyo n.d.) allows, and the major challenge it represents to the Thai government's efforts to manage inflows of migrant labour.

Although there is a significant body of research regarding irregular migration and human trafficking to Thailand, the role of migrant smuggling in facilitating irregular migration has not attracted significant attention (UNODC 2012). Within the Greater Mekong Sub region, available literature concerning smuggling is not gender-specific and in depth studies are based in Cambodia and Laos rather than Myanmar. Larger in-depth studies, such as the UN Inter-Agency Project on Human Trafficking Sentinel Surveillance in Cambodia are lacking with regard to Burmese females. According to the report, the risk of being exploited or trafficked increased 1.5 times for every broker involved (UNIAP 2010), highlighting the need for research concerning the roles of brokers involved in migrant smuggling. Discussions regarding the reasons for migrant smuggling to Thailand often focus on the fact that compliance with legal requirements is deemed expensive and time-consuming (UNODC 2013).

Additionally, even studies which explicitly state that the focus will remain on human smuggling, such as David Kyle's *Global Human Smuggling: Comparative Perspectives*, dedicate a considerable amount of explanation relating to human trafficking. 'An honest broker' (2008), explores whether migrants receive better protection when migrating through formal channels, if migrants prefer formal or informal channels and whether workers who migrate through informal channels are exposed to greater risks and exploitation than those who migrate through formal channels, yet this study is limited to informal recruitment among Cambodian and Laos migrants.

Theoretical approaches include viewing migrant smuggling as a business, as a crime, or as a combination of humanitarian responses which engage with human rights debates (Baird 2013). However, to approach migrant smuggling as transnational organised crime reveals inaccuracies regarding social constructions of crimes, what constitutes 'organised' activity and to what extent organised criminal activity transcends international borders (Baird 2013). Instead, a good approach towards this

form of migration is to recognize that “migrant smuggling is both a criminal justice and a human rights issue” (Schloenhardt 2003).

Migrants who are smuggled are often defined as “clandestine”, “irregular”, “illegal”, “unauthorised”, “undocumented” or “unregistered” during transit and upon arrival in Thailand and are accompanied by a ‘broker’, ‘facilitator’, ‘travel coordinator’ or ‘smuggler.’ While little is known about the internal workings of migrant smuggling rings, it can be asserted that “smuggling is a robust and vigorous “industry” where demands seems inexhaustible and growing and where those who are set to restrict or end smuggling are too often corruptly profiting from the trade through complicity” (Horwood 2014). There is limited capacity and an arguable lack of commitment of immigration and law enforcement officers to control the borders, and so the use of fraudulent documentation is rare (UNODC 2012) as migrants are able to irregularly enter the country without holding passports. Demand for the services of informal brokers occurs as Burmese migrants seek to enter Thailand for employment purposes and thus to become a migrant worker, and brokers often views migrants as commodities providing profit, which can lead to vulnerabilities as smugglers aim to maximise their income at the expense of providing a safe, comfortable journey. However, not all smugglers are exploitative since they are operating a business which, like any other, relies on customer satisfaction (Wahab 2013), and some brokers do not charge any fees for offering assistance to enter Thailand.

2.7 Reasons for labour migration

While a variety of push and pull factors related to cultural, political and social theories and globalization are often cited, it is clear that the most prominent pull factor for many migrants is the economic benefit of migration. Such related benefits include the prospect of seemingly guaranteed employment, comparatively higher wages and the associated improvements in living standards. The socioeconomic situation of the country of origin and the economic disparities between Myanmar and Thailand are key motivations for migration, in addition to the lack of education and employment opportunities in both rural and urban areas in the place of origin. This is reflected by the Government of Myanmar’s spending on health and education, which is the lowest in the region at just 1.6% of GDP (TBBC 2009).

Theoretically, GDP is an indicator of labour migration (Chantavanich and Vungsiriphisal 2012) for those migrating with the purpose of seeking paid employment. In terms of economic theories of migration, neo classical economic theory states that migrants are primarily concerned with obtaining a higher wage and therefore migrate with the intention of monetary gain. In Thailand, the minimum wage of THB 300 per day is available to regular migrants and comparatively higher average wages are available to irregular migrants considering the salaries for unskilled work in Myanmar, where there is no provision for a decent working wage. Introduced in late 2011, the increased minimum wage was first implemented in provinces such as Bangkok and Samut Sakhon, where large numbers of Burmese labour migrants are situated. Consequently, Thailand provides an economic incentive for migration with the country’s established minimum wage.

The theory therefore assumes that migration occurs from an area with high unemployment to areas with low unemployment, or labour shortages, as is the current situation in Thailand. The cost of transportation to, and entry into, the country varies dramatically between each migrant, due to the risks of high fees charged by ‘brokers’, ‘smugglers’ or ‘facilitators’ and the official expenses of visas, passports, insurance and associated formal costs. Despite these costs, low transportation fees and easy border crossings can suggest an easy migration route, thus acting as a reason for the migration process to occur. Likewise, the dual labour market theory emphasizes the pull factors of the host country, which have been discussed above. Research focusing on the experiences of Burmese migrant returnees has revealed that their time in Thailand allowed them to gather considerable savings and improve the financial situation of their families, and their situation therefore falls in line with these economic theories.

Reliable data concerning Myanmar’s GDP growth and poverty rates are not available due to the country’s closed nature, and therefore estimates concerning net migration also vary widely. According to the World Bank, in 2012, 67% of the population lived in rural areas, where unemployed and landless farmers facing financial insecurity considered migration to Thailand in order to earn an income. While Thailand has one of the world’s lowest unemployment rates with just 0.7% of the total available labour force out of work, 4.1% of Myanmar’s population are unemployed (ILO 2014), a conservative estimate considering the informal nature of much of the country’s employment and the fact that a quarter of the population live below the national poverty line (ADB 2013).

In the case of Thailand, the segmented labour market theory is particularly relevant since the assumption that the immigrants are filling the employment sectors that the native population reject is true. Indeed, many migrants from Myanmar are employed to fill labour shortages in the construction sector, whereas few Thai nationals wish to enter into such employment. Additionally, the idea of the creation of ‘ethnic enclaves’ is demonstrated by the established Burmese community in Samut Sakhon, where economic activities are generally isolated from outsiders. This established community can provide a network in the host country which can aid the migration process and help migrants solve any problems they encounter while undertaking employment. Indeed, established diaspora communities can reduce the risks associated with migration and ease any problems with adjustment that the migrant may face (Castles 2000). Having relatives and friends already in Thailand can also persuade migrants to seek employment in Thailand by sharing positive labour migration experiences and outcomes, as can the likelihood of family members accompanying each other during the migration process.

The fact that the Thai government has primarily focused on the situation of migrant workers in the country rather than addressing migration routes and has followed the process of “regulating the irregular” (Traitongyoo 2008) is also likely to be a contributing factor to the decision to migrate informally since migrants are aware that they can become ‘regularised’ at a later date. The so-called “Registration Amnesties” implemented by the Thai government, such as the NV process, allow migrant workers to obtain documentation after entering Thailand irregularly. Therefore, many migrants

choose to enter the country through irregular channels where they can work and save money in order to pay for the costs associated with regularization.

It is important to note that in the case of migration to Thailand, the distinctions between labour migrants, internally displaced people (IDPs), refugees, and those fleeing from environmental degradation and disasters such as droughts and floods, are blurred. Indeed, according to Castles' (2009) hypothesis, distinctions between types of migrants are becoming increasingly meaningless. Moreover, it is also important to note that the divisions between the many push and pull factors are also blurred, with each labour migrant choosing to leave their home country for a unique combination of reasons.

2.8 Situation of female migrant workers in Thailand

Reliable statistics concerning the number and distribution of migrant workers are lacking and estimates vary widely. The poor quality of existing data does not accurately reflect the number of irregular migrant workers as the scale and scope of irregular is difficult to estimate due to the hidden nature and illegality of journeys and the migrant's eventual employment (Capaldi 2014).

According to UN-HABITAT(2005), more than two million migrants were residing in Thailand in 2003, 800,000 of whom were undocumented workers. More than 1.28 million migrants who had entered the country irregularly registered with the Ministry of Interior in 2004 (UNESCAP 2006) and by mid-2013, the total number of migrants in the country had increased exponentially to 3,721,735, with migrants comprising 5.6% of the country's total population (UNDESA 2013). Interviews with key informants revealed that the current total of regular and irregular migrants in Myanmar is likely to exceed five million. The discrepancies between official estimates concerning the number of migrant workers in the country and the actual total figures were demonstrated by the exodus of more than 225,000 irregular Cambodian workers in June 2014 (IOM 2014), when the total number of Cambodian migrants was previously estimated to be 180,000, including 110,000 registered migrant workers (Sophal 2009).

As inflows of migrant workers have grown, so has the share of females entering Thailand. The proportion of Burmese females increased from 29% in 1998 to 45% in 2005 (UNESCAP 2006), and of the migrants registered in 2009 from Myanmar, 487,999 were female and 591,992 were male (UNODC 2013).

2.9 Vulnerabilities

Relating to women's vulnerabilities, Burmese women are protected by neither their state of origin nor their state of destination since the welfare and rights of the migrants abroad are often overlooked by Myanmar, leading Kyoko Kusakabe and Ruth Pearson (2014), to assert that 'Burmese migrant workers constitute an especially vulnerable

and exploitable source of cheap labour’ and, as has been extensively documented, are subjected to arbitrary and exploitative labour conditions including excessive hours of work, unhygienic living conditions, arbitrary deductions from their wages, and vulnerability to arbitrary dismissal, arrest and deportation. Furthermore, these women suffer from, and are fearful of, sexual harassment and violence from police, employers and local gangs. While such acts take place, a far higher proportion of female migrants are faced with everyday vulnerabilities such as a general lack of safety in the workplace, the confiscation of documentation by employers, harassment by the authorities in order to supply bribes, or, in more extreme cases, arrest and deportation. Women employed in the ‘invisible’ and often isolated domestic work sector especially at risk, particularly since this sector of employment is excluded from the 1998 Thai Labour Protection Act.

Truong and Des Gosper’s *Migration, Gender, Social Justice and Human Security* (2014), establishes the links between migration and gender but is not specific to the Asia Pacific region. The chapter on *Burmese Female Migrant Workers in Thailand: Managing Productive and Reproductive Responsibilities* considers the reproductive health aspect of vulnerability in Thailand in relation to the role of females as a mother yet does not explore access to general health services nor occupational health hazards.



CHAPTER III

SOCIAL NETWORKS AND THE MIGRANT SMUGGLING PROCESS

This chapter aims to provide an overview of the major research findings in relation to the roles of social networks in facilitating the migrant smuggling process. After a brief presentation of the migrant profiles and demographics, the pre-departure stage will be discussed, followed by a section concerning the transit stage before an exploration of employment in Thailand.

3.1 Migrant profiles and demographics

A variety of terms are used to describe migrant workers, including ‘labour migrants’ and ‘economic migrants’. According to Section 5 of Thailand’s 2008 Alien Employment Act, a migrant worker can be defined as an alien or foreigner who temporarily enters the Kingdom in order to undertake employment, legally or illegally. The latter type of migrant can more accurately be defined as ‘irregular’.

Since Myanmar is an ethnically diverse country with more 135 recognized ethnic groups, the respondents represented a number of these ethnic groups, as shown in the table below. The linkages between brokers and migrants of the same ethnicity will be discussed later.

Table 3 Ethnicity and Place of Origin of Respondents

Ethnicity	Number of respondents
Burmese ³	39
From Mandalay	2
From Bago Region	13
From Yangon	10
From Tanintharyi Division	6
From Mon State	7
Fro, Ayeyarwady Region	1
Pa-oh	5
From Mon State	1
From Karen State	4
Rakhine (Rakhine State)	4
Mon (Mon State)	3
Karen	3
From Karen State	1

³ Includes migrants who described their ethnicity as ‘Dawei’

From Mon State	2
Nepalese (Mandalay)	1
Total	55

While large migration flows have existed over the last twenty years, as the table below demonstrates, more than half of the respondents entered Thailand during 2009 and 2013. The fact that only two of the respondents had entered Thailand during the first six months of 2014 is arguably reflective of the time it takes to establish social networks.

Table 4 Year of entry into Thailand

Year of first entry	Number of respondents
2000-2004	4
2009	13
2010	6
2011	4
2012	9
2013	17
2014	2
Total	55

The ages and backgrounds of migrant workers vary widely, some females hold undergraduate degrees in law or science while others have not received any formal education. Female migrants choose to migrate at very different stages in their lives and prior to migrating, the majority were employed in family businesses or were farmers, while younger migrants were studying.

The working and living situations in Myanmar can reveal much about a migrant's decision to leave their country, and the occupation of migrants can reflect these situations.

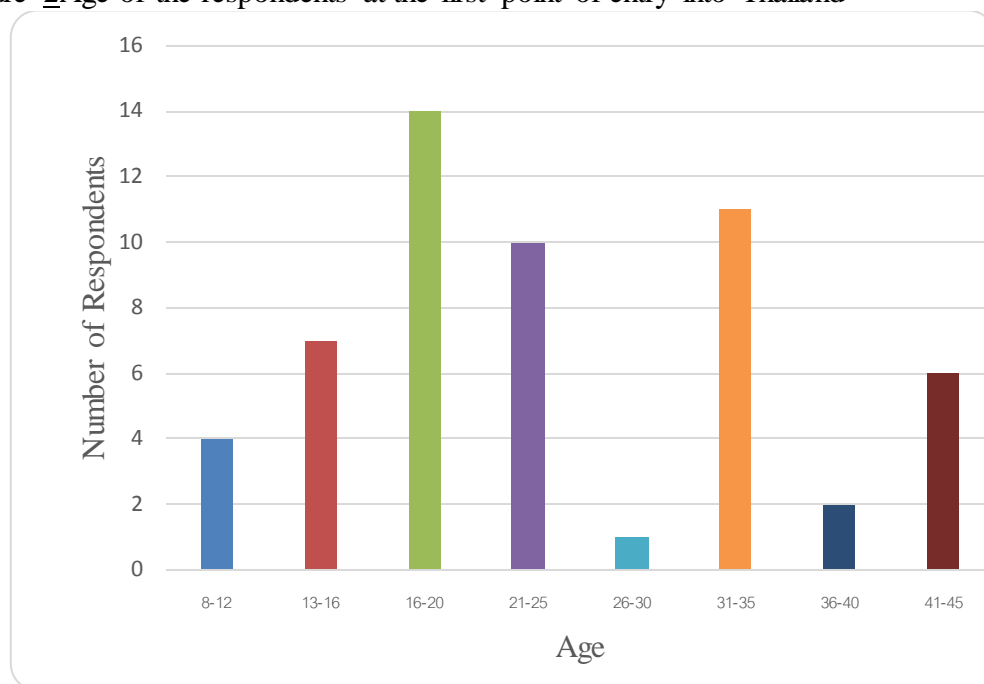
Table 5 Occupation of Migrants in Myanmar

Occupation	Number of Respondents
Family business worker	18
Student	15
Farming	10
Housewife	5
Garment worker	2
Teacher	1
Department store saleswoman	1
Teacher	1
General worker	1

Unemployed	1
Total	55

As Table 5 shows, few migrants were involved in regular employment in Myanmar, with most informally involved in family business activities including making and selling cotton, running a grocery store, selling fruit, vegetables, or snacks at markets or from their home, running a tea shop, constructing bamboo roofs and assisting teak merchants. The low incomes derived from the nature of such self-employed work provides a key reason for migration.

Figure 2 Age of the respondents at the first point of entry into Thailand



As Figure 2 displays, a large proportion of the respondents migrated between the ages of 16 and 25, corresponding to the theory discussed in Chapter II that many women migrate at a young age.

The migrants interviewed were employed in a variety of occupations in Thailand; 29% worked in garment factories, 22% worked in shoe factories, 10% were employed as domestic workers, 10% as construction workers, 7% worked in seafood factories and an additional 7% worked as market store vendors. The remainder were employed as primary school assistants and factory workers while one respondent worked as a coffee shop employee, another as a waitress, and one respondent worked as a salesperson for a Burmese-Thai company selling Burmese phone cards to migrants. Nearly all of the migrants had been previously held one or more jobs in Thailand, and two respondents had recently become unemployed.

3.2 The Migrant Smuggling Process

This section aims to provide an overview of the process of human smuggling and the roles of social networks in order to provide a basis from which analysis concerning vulnerability can be conducted. The process of migration can be divided into three parts, namely, the pre-departure, transit, and employment stages, and the role of social networks throughout each phase will be discussed.

3.2.1 Stage One: Pre-Departure

Key Drivers of Migration

While every migrant chooses to migrate for a unique combination of reasons, it is possible to observe the major factors involved in the decision by grouping these reasons into sectors relating to the migration theories discussed in Chapter II. Social networks can be influential on migration decisions, with family members sometimes deciding when, how, and if the migrant will migrate, and recommendations provided by friends are also often prominent determining factors.

Table 6 Primary reasons for migration

Primary Reason for Migration	Number of Respondents
Economic	42
Joining family in Thailand	2
Accompanying family	3
Improvement in life	4
Personal	2
Failed exam	1
Permanent settlement	1
Total	55

Table 6 displays the wide variety of factors contributing to the decision to migrate. The most prominent primary reasons were economic, as three-quarters of migrants attested, with respondents citing insufficient income in Myanmar and subsequent financial hardship, the intention of sending remittances to support family members or businesses in Myanmar, or to pay off debts acquired from business-related activities. While some of the migrants interviewed migrated before the introduction of the minimum wage in Thailand, they cited high earnings as a motive for migrating.

Specifically in relation to social networks, the positive experiences of friends and family in Thailand, as well as returnees to their villages in Myanmar, also motivated a number of migrants who believed that the higher income offered in Thailand provides economic security and an easier life. Two respondents migrated with the intention of saving money, one in order to pay for further education, and the other with the purpose of establishing a business in Myanmar.

Two respondents were prompted to migrate as a result of the destruction of their house. In one instance, the migrant's property was destroyed by Cyclone Nargis,

while another respondent's house was destroyed by a fire, driving the family to seek to establish a new life by permanently settling in Thailand.

Examples of unique personal reasons include political rivalry with the Burmese government, such as that revealed by one Rakhine respondent who stated that her students would not receive certification since she was not trained by the government and so was no longer able to teach. While one respondent migrated after the death of her daughter as she felt that a new environment would be beneficial for her, another did so in order to provide an income for her children after a divorce. Furthermore, one migrant stated that she had always dreamt about migrating to Thailand and her high opinion of the country had been moulded by watching Thai movies.

Table 7 Secondary Reasons for Migration

Secondary Reasons for Migration	Number of Respondents
Joining family	22
Economic	8
Life improvement	5
Accompanying family	4
Join friends	4
Positive experiences of returnees/friends in Thailand	3
No secondary reason	3
Media	2
House destroyed	2
Failed exam	1
Total	55

Since migration inflows from Myanmar have taken place over several decades, "ethnic enclaves" in areas such as Samut Prakan and Samut Sakhon have been established, resulting in the most common secondary reason for migrating, as Table 7 shows, being to join relatives who have previously migrated and are already employed or residing in Thailand, especially aunts, husbands and siblings. Unsurprisingly, economic reasons were the next prominent secondary reason, meaning that 90% of respondents included economic reasons as a primary or secondary reason for migration.

In summary, social networks can act as a key driver of migration, as friends and family already in Thailand and labour migrants who have returned to Thailand can influence the decision to migrate.

The Decision to Migrate

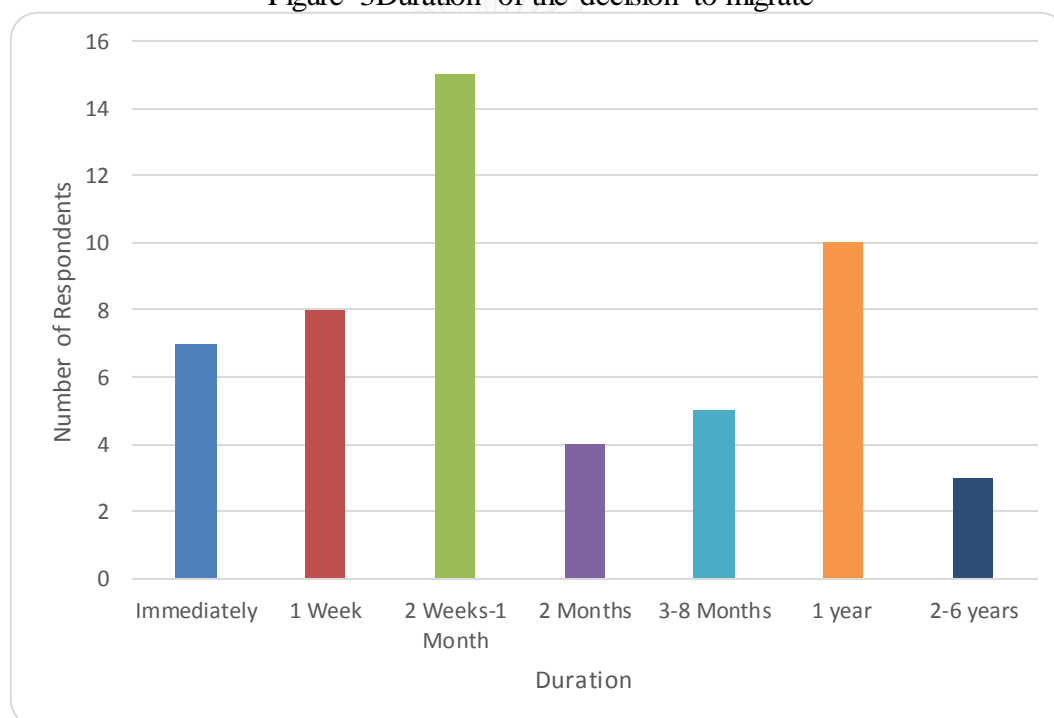
While the reasons for migration are important, the method and duration of the migration process can be influenced by other factors such as social networks, particularly recruiters and brokers. Indeed, where parents made the decision for the migrant to be smuggled into Thailand, the presence of familial obligations suggests a lack of agency and decision making by the migrant.

Table 8 Who Was Responsible for the Decision to Migrate?

Responsible Person	Number of Respondents
Herself	44
Parent	8
Other relative	3
Total	55

While 80% of migrants made an independent decision to migrate, others, especially those under the age of 18, migrated as a result of arrangements made by their relatives. Regardless of who made the decision, relatives and social networks are usually utilized to facilitate irregular migration.

Figure 3 Duration of the decision to migrate



The length of time between a migrant making the decision to migrate and departing their home village ranged from immediately to six years, with most respondents migrating between two and four weeks after making the initial decision. Reasons for delaying the migration process included pregnancy, making arrangements for the care of relatives, and saving money to fund the migration process.

A number of respondents stated that they had previously considered migrating and delayed the process for reasons such as waiting for the political situation in Thailand to stabilize, waiting for their parents in Thailand to arrange employment which could be entered into immediately, in addition to organising trans-border care arrangements such as selecting guardians for children left behind, completing pregnancies, and fulfilling the wishes of their parents by having children before working in Thailand.

At the pre-departure stage, few migrants were aware that they might be exposed to hazards or danger during the migrant smuggling process. One respondent stated she had heard rumours that females were arrested by the authorities and raped, another recounted that her sister experienced fighting between the brokers and Thai forest patrols and one migrant revealed that her broker has warned her that Burmese women should not come to Thailand unless they have economic problems.

Cost of Migration

Funding the migration process is an important aspect of the pre-departure stage. All of the respondents were informed of the broker's fee prior to migrating and were able to make arrangements to secure the funding. One key respondent stated that illegal brokers often have to pay the police and local 'mafia' figures, and this fee is reflected in the high costs of migration.

Table 9 Method of Securing Funding

Method	Number of Respondents
Savings	
Personal savings	2
Family savings	3
Sold belongings	3
Pawned belongings	2
Personal savings and pawning belongings	1
Loan	
From relative	9
From friend	4
From stranger	4
From village	1
From broker	1
Borrowed from friend and relative	1
Other	
Relative paid	14
Employer paid (broker fee deducted from salary)	5
Borrowed from relatives and sold belongings	2
Relative borrowed money to make the payment	1
No payment	1
Total	55

As Table 9 shows, many migrants borrowed money, usually from relatives such as aunts and sisters, but also from friends and strangers, highlighting the role of social networks in providing funding for the process. Migrants who took out loans from strangers established this contact through extended social networks and involved two migrants paying interest at 7%. One respondent's husband arranged for her to borrow money at 15% interest, paid back over the course of one year and other migrants took out loans from friends, often with interest rates of 20%. One respondent borrowed gold from her friend and promised she would pay back double its worth, and was able to complete the payments three years later. Another respondent borrowed from her village with 10% interest, and another used her house as collateral in order to secure a loan and was fortunately able to finish the payments within eight months. This instance, as well as the possibility of the accumulation of interest payments, highlights the possibility of vulnerability through incurring unmanageable debt if the migration attempt is unsuccessful or if the migrant is unable to find a job within a short period of time after arrival.

Most commonly, the fee was paid by relatives such as brothers and sisters, mothers, grandfathers, aunts, and uncles, with migrants often not having to repay the fee, although one migrant was charged 20% interest by a relative. Around 10% of the respondents funded the migration process by pawning or selling gold and silver belongings. For example, one respondent pawned her mother's necklace and was able to pay back the amount in full after one year.

Five respondents noted that their employer paid for the smuggling process, highlighting the involvement of employers in the smuggling process. Although in these cases, the employers were not brokers, they were involved in facilitating the process, and it is also possible for an employer to act as a broker to bring migrant labour to their workplace. The involvement of employers can lead to greater vulnerability for migrant workers since it creates a form of debt bondage and could lead to employers confining the migrant to the workplace or holding onto any documentation that the migrant may have acquired. The fact that two of the employers who funded the migrant smuggling process were employing the migrants as domestic workers attests to this potential for vulnerability due to the 'invisible' nature of the sector of work. The other employers who funded the migration process were garment or seafood processing factory owners.

Table 10 When Was the Broker Fee Paid?

When Fee Paid	Number of Respondents
Paid before	15
Paid after	17
Partly paid before and partly paid after	10
Employer Paid	5
Total	47

In some cases, the employer subtracted the fees directly from the employee's wages. One respondent's husband arranged for his boss to pay for his wife to come to

Thailand. The fee was deducted at THB 1,000 over 13 months, while another respondent agreed to have THB 7,500 deducted from her salary for two months.

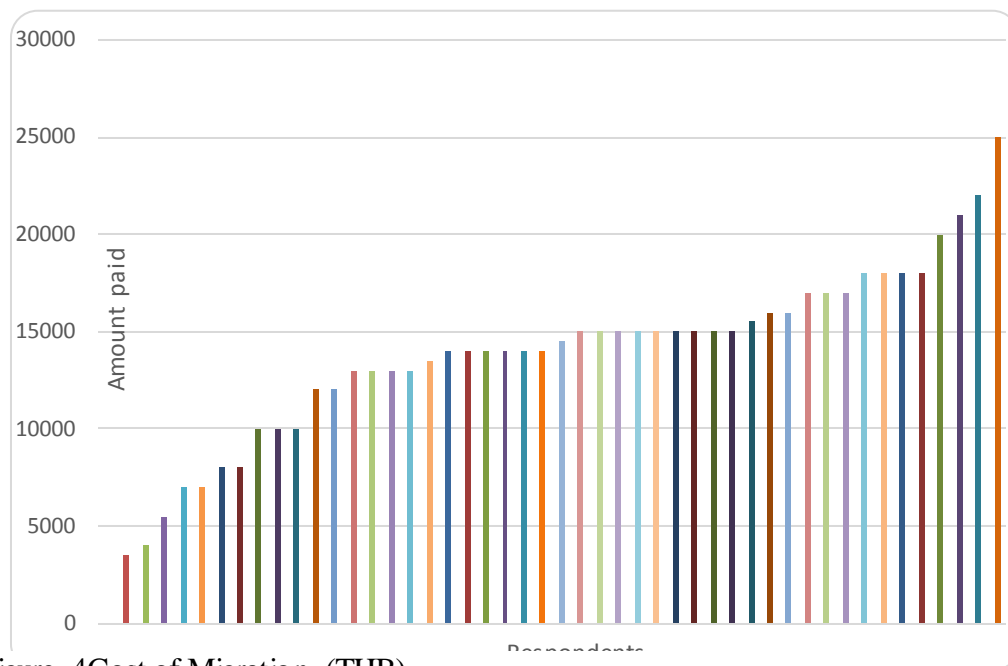


Figure 4 Cost of Migration (THB)

migration varies between THB 3,500 and THB 25,000, with an average cost of THB 13,500 which can be paid in full or in part before or after the migration process, or may be paid by an employer or facilitator and deducted from the migrant worker's salary. The highest cost was paid by a migrant who entered into employment in a seafood processing factory in Samut Sakhon and paid the full amount to her broker six months after arriving in Thailand. Notably, the three migrants who paid more than 20,000 to be smuggled were employed in seafood processing factories in Samut Sakhon. The total cost of migration is often higher than the monthly salary of the migrant and therefore migration is usually funded by relatives, or by selling belongings, using personal savings or by taking loans from relatives, friends or strangers, often with high interest rates. The cost may be partly reflective of the conditions of the journey, for example, travelling by vehicle is more costly than walking and a lower payment may correlate to higher numbers of migrants in the same vehicle, and thus more cramped conditions. The migrants who entered Thailand before 2009 paid less, with fees averaging THB 5,500, reflecting the increase in the cost of migration.

Introductions to Brokers

While all of the respondents contacted their agent while they were still in their country of origin and were aware of the required fee and at which points it was necessary to make the payment, there are indications of the potential for vulnerability

during transit. At this stage, half of the respondents were unaware of the duration of the journey and the large majority had no knowledge of the migration route. Furthermore, many migrants were unaware of the potential for dangerous conditions during the journey. Such a lack of information concerning the journey can result in migrants failing to make adequate preparations for their comfort and safety.

Table 11 Introductions to Brokers

Person who provided introduction	Number of Respondents
Relative	24
Friend	13
Already knew broker	10
Other	7
MoU Office	1
Total	55

The large majority of respondents contacted a broker residing in Myanmar, and only nine respondents stated that they used a broker in Thailand, all of whom were provided the contact by a relative. As demonstrated by Table 11, family and friends play a considerable role in the selection of brokers. Many of the migrants were introduced to their broker by a relative, or had the migration process arranged by a family member. Such family members included aunts, uncles, sisters, grandfathers, and husbands, some of whom had used the same broker to enter Thailand. It is also common for friends to provide a telephone number of the contact or to arrange for the broker to call the migrant, or for the migrant to already know the broker as they both live in the same area. Other ways the respondents were introduced to their brokers include through speaking with a returnee, meeting the broker while in Mae Sot, being given the contact details of a broker from a local broker, and by attending a MoU Office.

In some cases, the contacts recommended the broker, but the contacts often had no experience, or knowledge of, the standard of facilitation organised by the broker. Therefore, many respondents did not select a broker based on reputation, and many did not enquire about the duration and safety of the process.

3.2.2 Stage Two: Transit

a. Modus Operandi of Smugglers

The process of migrant smuggling is not particularly well understood as a result of the difficulties in observing, measuring and gathering reliable data (Baird, 2013), however it is possible to draw conclusions about the nature of brokers and their actions through discussions with migrant workers.

The role of brokers and facilitators is largely restricted to providing a method of clandestine travelling across the border and to the designated destination, but can also include job placement, assisting with obtaining documentation, arranging accommodation and providing extra services such as exchanging Burmese Kyat to Thai Baht upon arrival in Mae Sot and sending remittances. However, such roles can be divided between numerous facilitators, and migrants who did not previously pursue support with seeking employment and regularization may approach an agent unaffiliated with the original broker after arrival in Thailand for assistance. Additional people are involved in the facilitation of migration when a migrant stays at accommodation during the transit period. As a result of the varied roles of all the players involved in the migration process, it is arguably more accurate to refer to each individual as a 'facilitator' rather than as a smuggler or agent. The respondents did not receive assistance concerning arranging communication with friends and family in Myanmar and did not send remittances with the assistance of brokers or migrant smuggling facilitators, but instead utilized agents in Thailand.

It has been reported that some employers pay recruiters a fee for supplying them with workers (UNIAP 2010), although in some cases, as one of the respondents noted, the broker can also be the employer. However, the fact that it was necessary for most migrants to independently seek employment reflects that many brokers do not have direct links with employers. In addition to sometimes receiving payments from employers, brokers also receive income from migrant workers by charging high fees. A 2008 study by ILO found that informal recruiters assisting migrants from Cambodia and Laos into Thailand received between THB 300 and THB 500 in profit from migration fees of THB 2,500. Since the interviews revealed the average cost of migration to Myanmar to be THB 13,500, profit between 12% and 20% of the total fee represents a gain of THB 1,620 to THB 2,700 per migrant smuggled. Agents assisting migrants in Thailand with documentation are also able to profit from the situation of migrant workers. One Burmese agent stated that she is often handed the passports of migrant workers by other agents, and so although she charges THB 70, the migrants will have to pay an additional fee to the first Burmese broker for his service. She stated that on average, she will visit the local immigration office with at least fifty passports each day, and was considering establishing a for-profit training centre for migrant workers, further demonstrating the opportunities to generate income from migrants.

The facilitators are commonly males who are between the ages of 25 and 50, and, where social networks were involved in the introduction to the broker, may correspond with the ethnic group of the migrant. The facilitators included males from the Dawei, Indian, Karen, Mon, Pa-Oh and Rakhine ethnic groups. Four migrants stated that their broker was a Burmese female, one of whom worked alongside her Thai husband, suggesting that the migrant smuggling process is dominated by males. Furthermore, one respondent stated that at a meeting point, the facilitators were wearing masks to cover their faces and this arguably reflects their recognition of participating in criminal activity.

Firstly, the Thai or Burmese broker will arrange the process, which can involve the lead facilitator being Thai or Burmese and accompanying the migrant for the majority of the journey, or, more commonly, for the first facilitator to be Burmese and for the succeeding facilitators to be Thai. While some brokers work independently, the majority appear to have connections with facilitators throughout Thailand who are responsible for different stages of the process, and the migrant is usually accompanied by a facilitator for the duration of the journey.

Often, the migrants have little personal interaction with the facilitators due to language barriers or a lack of access to them as a result of their positioning within vehicles. However, they are sometimes able to observe details about their facilitators. Some facilitators are involved with armed groups in Burma, and three migrants stated that they believed the driver to be a police officer due to their uniform and the ease with which they were able to pass through checkpoints. The complicity of the authorities can be further demonstrated by one respondent who recalled how she had previously entered Thailand by being smuggled in 2002. The car in which she was travelling was stopped by the police and she spent seven days at Chumpong police station before being sent to another facility where her broker had connections with the authorities. It was arranged that she would be sent back to Myanmar by boat, but the boat docked in Thailand and she was taken to her original destination in a police car.

Although the hidden nature of human smuggling does not always allow the migrant to observe the situation outside of the vehicle, the observations of the sixteen migrants who noticed passing up to four checkpoints reveals an overlap and collusion between the facilitators and the authorities, most notably immigration officials, military personnel and the police who staff these border controls. In some cases the vehicle was able to pass through the checkpoint without being checked, and it was suggested that this was because the authorities recognized the vehicle and its involvement in migrant smuggling. When the vehicles did stop at checkpoints, the driver was often able to show their face, a torch was sometimes directed at the driver's seat to enable identification, or the driver briefly spoke with the authorities before passing through and continuing the journey. One migrant stated that they stopped at a checkpoint and the authorities knocked on the sides of the vehicle, but did not check the pickup truck properly and she was not found. In some cases, additional vehicles or motorbikes travelled ahead of the vehicle transporting the migrants to inform the facilitator about potential risks ahead. Migrants with Burmese facilitators often avoided the checkpoints by travelling on motorbikes or on foot.

Migrants are sometimes prevented from continuing their journey when they are intercepted by the authorities and arrested. Two migrants stated that they had previously attempted to enter Thailand and had not been able to reach their intended destination for this reason. One migrant was arrested by the forestry management authority while hiding in a cane field and sent back to Mae Sot and another was beginning her journey in Mae Sot when the songthaew in which she was travelling passed through a checkpoint and she was arrested and spent one night at a detention centre along with ninety other people before being sent back to Myawaddy and entering Thailand with the assistance of her broker one week later. In some cases, the migrant is able to pay money to the authorities in order to allow them to continue their

journey. One migrant paid THB 1,000 after a police officer noticed that her documentation was not valid for travel to Bangkok, however, none of the respondents witnessed their facilitators or other migrants paying bribes.

Only five of the migrants were still in contact with their first broker, although a small number stated that they would be able to communicate with them if necessary. Since migrants often cease contact with the broker after arrival in Thailand, the broker does not play a role in providing follow up support or access to complaint mechanisms relating to problems at the destination. Despite this, information concerning brokers often circulates among the migrant community. One migrant believed that her Thai broker was in jail for his involvement in the creation of fake passports, while another had heard that her broker had died.

While it is generally understood that brokers are part of a migrants existing social network at the pre-departure stage, the fact that a large proportion of migrant workers ceased to communicate with their broker would suggest that this is not always true. It is perhaps more accurate to state that brokers are part of a migrant's extended social network, whereby the broker maintains communication with an individual who is included within the migrant worker's immediate social network, and therefore it is possible for migrants to re-establish contact with the broker.

Routes

Social networks can also influence the routes taken by labour migrants. Where members of the social network were involved in selecting the broker or arranging the migration process, the migration experiences of migrants already in Thailand may influence the choice of route.

The most common routes include:

Myawaddy-Mae Sot

The Thai border town of Mae Sot is the country's busiest crossing point (Arnold and Hewison 2005), where migrants are able to cross the Moei River by small boat for a fee of THB 20 with the assistance of a smuggler. Once they have crossed the river and entered Thailand, they meet a facilitator on the riverbank in order to continue their journey. Additionally, a small number of respondents entered the country by obtaining a one-day pass and met their broker in Mae Sot before continuing their journey to their intended destination. Since these migrants crossed the border with the intention of the duration of their stay exceeding the validity of the border pass and becoming employed in Thailand, they can be defined as irregular but do not meet official definitions of smuggling.

Three Pagodas Pass

The second most popular route was the Three Pagodas Pass where migrants in vehicles were able to pass through Payathonzu Border Checkpoint undetected.

Kawthaung-Ranong border crossing

Migrants can also enter Thailand by boat or can cross the border by walking through jungle areas. Additionally, irregular migrants may enter Thailand by obtaining a one-week pass and overstay the permitted number of days.

Kanchanaburi

Furthermore, migrants are able to cross the Thai-Myanmar border while walking through the jungle aided by a facilitator.

Yangon-Bangkok Airports

It is possible to enter Thailand by plane after obtaining a Myanmar passport and tourist visa for Thailand with the assistance of a broker. Migrants who arrive in Thailand in this manner can be defined as irregular since tourist visas do not allow migrants to work.

Tashilek-Mai Sai

An additional route, not utilized by any of the respondents, is the border crossing between Tashilek and Mai Sai. It is important to note that the majority of these migrant smuggling routes are not possible without corruption and collusion between the authorities and brokers.

Methods of Transportation

In order for migrants to cross the border from Myanmar to Thailand and reach their intended destination of Bangkok and the city's surrounding provinces, many combinations of transport mechanisms are utilised, with the table below demonstrating the unique nature of each journey. Respondents were not asked to detail the method of transport from their place of origin to the Thai border, and so this data is not reflected in the table.

Table 12 Methods of Transportation

Methods of Transportation	Number of Respondents
Migrant Smuggling	46
Boat / lorry / pickup truck / minivan / cars	1
Boat / minivan / car / pickup truck	1
Boat / motorbike / walk / pickup truck	1
Boat / motorbike / pickup truck / car	1
Boat / walk / pickup trucks / car	1
Boat / pickup truck / motorbike / pickup truck	1
Boat / pickup truck / walk / pickup / car	2

Boat / pickup trucks / lorry	1
Boat / pickup truck / minivan	2
Boat / pickup truck / taxi	1
Boat / walk / minibus	1
Boat / walk / pickup truck	1
Boat / walk / car / pickup truck	1
Boat / walk / car(s)	2
Boat / motorbike / car	1
Boat / car / pickup truck / van / car	1
Boat / car / pickup truck / car	1
Boat / car	4
Boat / pickup truck / minibus	1
Boat / pickup truck(s)	3
Bus	2
Car / pickup truck / walk / lorry / pickup / taxi	1
Car / boat / bus	1
Pickup truck / walk / boat	1
Pickup truck / walk	1
Pickup truck (2) / minibus	1
Pickup truck(s)	5
Motorbike / minibus / walk / boat / minibus	1
Motorbike / boat / pickup truck (2) / minibus	2
Motorbike / songthaew	1
Train	1
Walk / boat / walk / minibus	1
Irregular Migration	6
Airplane	3
Bus	2
Pickup / motorbike	1
MoU	3
Minibus	2
Pickup	1
Total number of journeys	55

Methods of crossing the border include by foot, motorcycle, vehicle or boat. During the process, migrants, who are often unaware of the risks and poor transportation conditions, are highly vulnerable and there have been reports of fatalities during transportation. In April 2008, 54 migrants suffocated to death in a container truck in Ranong province while attempting to enter the country illegally (Kyle 2011).

Approximately 57% of the migrants who were smuggled travelled in a pickup truck during some stage of their journey, often in very cramped conditions with migrants

sitting or lying on top of each other in as many as four rows in the front or back of the truck. Often, the migrants chosen to stay in the front compartment were females, especially those with small bodies, or those that looked Thai in order to reduce suspicion from anyone who might observe the vehicle. Migrants travelling in the rear of the pickup truck were predominantly concealed by tarpaulin, although others were covered by wood or flowers, and one migrant travelled inside a large ice box along with nineteen other people.

Migrants who travelled by bus were sometimes concealed from the other passengers by hiding in the cargo area or in the driver's room on the upper deck of the bus. Usually, migrants who travelled by car were not hidden and were able to sit or lie down, although a small number were locked in the boot of the car and one migrant sat in the rear of the car and was concealed by cardboard. The one migrant who travelled by train was informed by her broker that her documentation would not be checked, and she was able to reach Bangkok without being asked to present documentation.

The combination of vehicles utilized by smugglers highlights the complex and organised nature of the process due to the preparations needed to facilitate migrant smuggling. Many migrants referred to 'meeting points' where they would rest overnight or change vehicles and recalled seeing hundreds of migrants at these sites, with one migrant stating that she slept in a hall with four hundred other people who were each provided with a coloured wristband according to their destination.

A further example reflecting the logistical preparations involved in the process is the number of vehicles utilized. One migrant travelled in ten pickup trucks and believed the reason for this was that locally registered vehicles are less suspicious to the authorities. More than half of the smuggled migrants travelled during the night, further highlighting the efforts taken by brokers and facilitators to reduce the chances of detection and of arousing the suspicions of the public.

Many migrants do not receive adequate information concerning the migrant smuggling process. This lack of information included having no knowledge about the route or duration of the journey, as noted by 56.4% of respondents. Those who did know were often told by returnees and relatives rather than brokers. In some cases, migrants were informed that the trip would take a certain amount of time, yet the journey exceeded these estimates, resulting in worried friends and family who were unable to contact them. When this occurred, the journey usually lasted one day longer, although one migrant who expected the journey to take two or three days arrived at her destination eleven days after departing her village. Such delays were a result of the broker or facilitators suspending the journey's progression due to a heightened risk of being noticed by the authorities. One migrant responded that her broker informed her the journey would take longer if there were any dangers and another was told by her broker not to ask about the duration. Conversely, one migrant responded that she expected the journey to take three or four days but arrived in Bangkok after just one day. Where family members made arrangements for the migrant, the journey was generally shorter.

The efforts of relatives to improve the migration experience is reflected by one migrant workers assertion:

“My husband walked for five days as part of his journey to Bangkok. He wanted my journey to be easier and shorter, and so he arranged with the broker that I would travel using vehicles. I was told the journey would take one day but I had to sleep at the broker’s home for two nights because of security problems.”(Female migrant worker from Mon State, interviewed Thursday 17th July).

Table 13 Duration of Transit

Duration of Transit (Days)	Number of Respondents
1	15
2	15
3	10
5	2
6	2
7	3
8	2
11	1
Total	55

Although it has previously been asserted that females tend to migrate with family members (UNIAP 2010), as the table below reflects, 60% of the migrants travelled alone, representing a further vulnerability during the process since they lack a trusted companion who can assist with any problems faced during the journey.

Table 14: Who Were The Migrants Accompanied By?

Accompanied by	Number of respondents
Not applicable- travelled alone	33
Husband	4
Sister	4
Friend(s)	4
Aunt	3
Daughter	2
Mother	2
Son	1
Brother	1
Father	1
Total	55

However, migrating with a relative does not always provide a safety net. For example, when the police were questioning one migrant regarding the absence of the correct documentation required for travel to Bangkok, the migrant's Aunt did not intervene to help the migrant since she was also fearful of arrest. At least 11% of respondents left their children in Myanmar, in some cases the mothers arranged for their children to stay with relatives, and others felt that another child was capable of looking after the younger children. Of the 25 married respondents, four respondents came with their husbands, two of whom were also accompanied by their children, and 11% of respondents were joining their husbands already employed in Thailand.

3.2.3 Stage Three: Seeking Employment

The majority of migrants did not find seeking employment a challenge, and all were able to find work within six months of their arrival, largely due to assistance from friends and relatives already in Thailand who had already arranged a job or were able to utilize connections to promptly find employment.

Table 14 Assistance with Job Placement

Job Placement Arrangement	Number of respondents
Relative in Thailand	25
Friend in Thailand	8
Herself	3
Agent in Thailand	1
Broker (included as part of smuggling process)	6
Total	55

Only six migrants were supplied with employment as part of the smuggling process. In one case, the broker said he would find a job, but a relative was able to find a position sooner. Indeed, as Table 15 displays, relatives, particularly aunts, brothers and sisters, but also husbands and mothers, were able to secure employment for the migrant.

In two cases, the migrants sought assistance from agents in Thailand to assist with job placement. One respondent paid THB 500 and successfully entered employment while another paid THB 3,000 to an agent but was cheated and had to find employment independently. Of the six respondents whose employment was found by their broker, four found that the working conditions were different to what had been promised. Two of the migrants were promised payments of THB 300 a day but the daily wages received totalled THB 200, one did not receive remuneration as the broker took the money, and another respondent felt that she had been deceived about working conditions as she worked sixteen hour days at a noodle factory and was required to stand all day.

The migrants who encountered deceitful behaviour from agents did not report their situation to the authorities as they were unaware of their rights and how to seek assistance. A further reason for not reporting cases might be as a result of fear of their brokers, employers, or the police, in addition to their inability to speak Thai (UNIAP 2010). The critical shortage of available interpretation services across government agencies (US Department of State 2014) can act as a further barrier to migrants reporting problems.

Migrants who used the MoU process were also not protected from the possibility of being cheated or deceived by a broker offering employment, since all three migrants who entered through the regular channel had to independently seek out employment. The experience of one MoU migrant is as follows:

“I came to Thailand through the MoU process and I was taken to Bangkok where I had to find my own job. It took one month to find employment. My husband saw an advert at the market, called the phone number, and soon after I had a job baking bread.” (Female migrant worker from Irrawaddy Region, interviewed Sunday 20th July).

3.3 The Role of Social Networks

Various individuals within a migrant’s social network are involved with the process of migrant smuggling, with each person holding different roles and influencing the process in a number of ways. As discussed above, brokers can be considered a part of a migrant’s extended social network and are therefore responsible for facilitating the smuggling process. However, the recruiter, who may be a returnee, relative, or acquaintance is arguably more influential since they are responsible for providing contact with the broker and thus determining the nature of the migration process. This is particularly true when migrant worker returnees are sent to Myanmar by an employer in Thailand with the intention of recruiting new workers as this can lead to migrants experiencing vulnerability. Where the recruiter is concerned with the welfare of the migrant, this can be particularly efficient as demonstrated by the case of a husband who had a negative experience of being smuggled and wished to ensure that his wife had a safer journey. However, migrants are often inclined to trust their social networks and are especially trusting of individuals who are deemed to be knowledgeable about working in Thailand. The potential vulnerabilities arising from misplaced trust will be discussed in Chapter IV.

The table below provides an overview of the functions of social networks at each stage of the migration process according to the research findings.

Table 16: Overview of the Functions of Social Networks throughout the Migrant Smuggling Process

Assistance Provided	Type of Social Network					
	Relative in Myanmar	Relative in Thailand	Acquaintance in Myanmar	Broker/Facilitator in Thailand	Broker/Facilitator in Myanmar	Agent in Thailand
Pre-departure						
Providing information	✓	✓	✓	✓	✓	
Recruitment	✓	✓	✓	✓	✓	
Funding	✓	✓	✓	✓	✓	
Transit						
Transportation				✓	✓	
Accommodation				✓	✓	
Arrival						
Providing accommodation		✓		✓		✓
Providing employment		✓		✓		✓
Regularization				✓		✓
Sending remittances						✓

Within these groupings of social networks, there are also sub-categories. For example, acquaintances in Myanmar can include migrant worker returnees, friends, or individuals inhabiting the same village as the migrant. Additionally, the broker may be based in Myanmar or Thailand, and in some cases the broker can also be the employer. Notably, where social networks exist in the country of origin, their functions are limited to the pre-departure stage, whereas relatives in Thailand are influential throughout the entire process. The exception to this is the role of the brokers and facilitators, who may be situated in Myanmar or Thailand and are responsible for arranging assistance throughout the entire migration process, although this assistance may be directly provided by a facilitator belonging to the broker's own network.

Furthermore, social networks provide the financial resources for migration, often without interest, reducing the vulnerability of migrants who might otherwise be inclined to borrow from an unscrupulous individual who charges high interest rates. Furthermore, social networks play an important role in assisting migrants to secure employment. The research findings revealed that relatives were able to seek out employment for the arriving migrant worker, allowing migrants to enter into employment in a timely manner, and removing the need for migrants to seek the assistance of agents where there is the potential for exploitation. Moreover, since many of the relatives were already employed at the same workplace as that of the role secured for the smuggled migrant, this can further reduce vulnerability as the relative is already aware of the working conditions.

3.4 Migrant Reflections on the Process

Migrant smuggling can result in a number of human social costs including trauma and socio-economic impacts resulting from high migration fees. In order to assess the migrant's overall reflections on the human smuggling process and the key determinants of vulnerability, qualitative research was undertaken and respondents were asked to provide advice that would be useful for a fictional female friend considering migrating to Thailand.

This method acted as a learning experience for the respondents as they were able to reflect upon their method of entry and consider the safest migration routes. A small proportion of respondents stated that since the legal channel exists for migrants to enter with a passport, newcomers do not need to worry and will not face obstacles and that they would recommend utilizing the MoU process since it is safer and can be cheaper. These respondents stated that they would assist their friend to find information about how to enter Thailand with a passport. Overall, the preferred channel of migration was to enter through an airport, with or without the assistance of a facilitator, and most migrants stated that they would now choose to migrate through the MoU process.

Many respondents revealed that they would not want a friend to enter in the same manner in which they have done and would not recommend being smuggled, with only one migrant, whose own migration journey had been relatively straightforward, stating that she would say that both regular and irregular migration routes are a good way to enter Thailand. The majority stated that they would share their experiences, which might evoke fear in the respective migrant, and would give warnings about potential dangerous situations, including the fact that if the process involves walking and the migrant cannot walk anymore, they might be left behind.

Many migrants said they would provide advice to migrants who insisted on being smuggled, such as taking a car rather than walking, ensuring that the route did not include mountainous areas, limiting the belongings they carry with them, in addition to pretending to be strong and to have relatives and networks in Thailand already. Further advice was demonstrated by one migrant:

“I wouldn’t want anyone else to come in this way. If they really have to, they should collect important information, have three or four contact numbers, know the destination by heart, get a passport, and use a plane.” (Female migrant worker from Mon State, interviewed Sunday 13th July).

Some went further and would not recommend entering Thailand since there are many obstacles, including corruption and working in hard situations. These respondents noted that it might be hard to dissuade some individuals from pursuing migration, so they would explain that it is hard to work and live in Thailand due to the differences in language and culture and it is only worth migrating if migrants are prepared to work hard and if they do not have a stable life in Burma.

A small number of respondents stated that they had been approached by friends and relatives considering migrating, and they had attempted to dissuade them from entering Thailand.

“My daughter’s friend has just graduated but there are no jobs in Burma. She wants to come to Thailand but I don’t know what to suggest to her. I have told her that she must only enter by using a flight, but I don’t want her to come because living here is hard. I only finished paying back my loan last month, and this month I haven’t had overtime so I can’t support my children in Burma” (Female migrant worker from Yangon, interviewed Sunday 13th July).

The lack of employment opportunities available in Myanmar was mentioned by a number of respondents while reflecting on the process, although one respondent believed that it was better for her relative to remain unemployed in Myanmar than to enter into employment in Thailand.

“I wouldn’t want anyone to use a broker to enter Thailand. Sometimes, people I know ask for help, but I always tell them that they shouldn’t come. My son recently graduated and others suggest he should join me, but I don’t want him to work here.” (Female migrant worker from Rakhine State, interviewed Sunday 13th July).

Many of the migrants reflected on the high cost of migration and the possibilities of incurring large amounts of debt. For one migrant, this possibility acts as a major factor for dissuading others from migrating.

“My friends have asked me to help them come here and so I explain about the process and the debt incurred as I don’t want them to owe money. If they save money or their relatives pay for their trip, then I might support the idea.” (Female migrant worker from Bago Region, interviewed Sunday 13th July).

Despite the fact that migrants are made aware of the possible hardships which might occur during the journey through contact with their social networks, this does not always prevent them from considering smuggling as a method of entry into Thailand. One migrant who entered Thailand by airplane stated that she would like to experience the smuggling process on her way back to Myanmar so that she can share the experiences of all nearly all other migrants, highlighting the popularity of entering Thailand in this manner.

In summary, respondents had learnt from their migration experiences and were able to provide recommendations for prospective migrants such as entering through the MoU if possible, collecting information about working in Thailand prior to migrating, and saving money to ensure no debt is incurred since such monetary commitments reduce the benefits of migration. Additionally, the respondents suggested that there are easier ways for migrants to be smuggled, including travelling by car rather than walking, having knowledge about the migration route, limiting the amount of belongings carried, and, for those with an absence of contacts in Thailand, pretending to have existing social networks at the destination. Therefore, the migrant workers identified as the method of migration and existence of social networks as factors determining vulnerability in Thailand.



CHAPTER IV

GENDER AND VULNERABILITIES

This chapter will provide an overview of the vulnerabilities of migrant workers at all stages of the migration process, specifically in relation to intersectionality, specifically gender and regularity.

4.1 Vulnerabilities during Transit

The process of human smuggling involves the migrant placing trust in the first broker and the facilitators with whom they interact, with migrants believing that they will arrive at the agreed destination within a reasonable timescale and in a safe manner while also avoiding detection from the Thai authorities. Less than half of the respondents (36%) stated that they fully trusted their broker for a variety of reasons including the fact that the broker was part of their social network, a relative had used the same broker or had arranged for the migrant to use the broker's services, and because the broker had a friendly attitude and reliable nature and made assurances that any problems would be solved. One respondent was impressed by the fact that the broker possessed two degrees, had his own office and attended meetings in Bangkok.

A further 27.2% of respondents stated they had partial trust in their brokers while 9% fully distrusted the broker, citing knowledge of migrants being sold to fishing boats, a lack of belief in the broker, and a feeling that they should remain alert and look out for themselves during the process. These migrants were partially aware of the potential risks of migrant smuggling, whether due to rumours or an overall lack of trust in strangers, yet still expected the journey to be safer and more comfortable than what they experienced. One respondent who had fully trusted her broker since migrants from her village had used his services recalled that she was not fully informed about the dangerous situations encountered during the journey before her departure. Others noted that facilitators made them feel uncomfortable or unsafe, with one migrant stating that the broker joked about selling her, and some migrants experienced threatening behaviour.

“I walked for four days in the jungle and mountainous areas and was only allowed to sleep for one hour each night. We had to climb the mountain fast so that we would not be seen, and I was so scared that I began to cry. The broker threatened to throw me from the mountain if I didn't stop crying.” (Female migrant worker from Bago District, Sunday 20th July).

Migrants can be deceived by the facilitators in a number of ways. Firstly, the journey may take longer than the broker had originally stated, with some respondents arriving at their destination eleven days after departing Myanmar. Secondly, the actual method of transport may differ from the migrants' expectations, as crossing rivers, climbing mountains, trekking through jungle areas without opportunities to rest, and experiencing dark, cramped conditions within vehicles, are a common feature among

smuggling methods. More than fifty migrants can be squeezed into pickup trucks, resulting in uncomfortable journeys for migrants who may have difficulty breathing.

“The truck was so cramped, dark and hot. There were fifty of us in total and I sometimes had difficulty breathing. I worried that I would die and my parents would not know what had happened to me.” (Female migrant worker from Mandalay, interviewed Tuesday 17th June).

Additionally, respondents described being temporarily deserted in remote areas, experiencing exhaustion, witnessing and experiencing verbal and physical abuse or demands for additional payment from facilitators, and having a lack of access to food and water. This situation is highlighted by the recollection of one migrant worker who did not have adequate access to food or safe drinking water.

On the first night, we stayed at the broker’s home in Mae Sot. We weren’t provided with food or drink and I wasn’t allowed to leave the house so I secretly drank water from the bathroom tap. (Female migrant worker from Yangon, interviewed Monday 23rd June).

Migrants who were travelling in a vehicle often stated that they were not permitted to carry drink with them as the driver did not want to stop to allow them to use the bathroom, and the migrants could only carry a limited amount of possessions with them. In some cases, the migrants were not allowed items which might create noise such as plastic bags since such noise could alert the authorities of the migrants during an inspection of the vehicle. The lengths taken by facilitators to ensure that migrants are concealed often result in uncomfortable journeys which can result in sickness.

“We sat in the back of the pickup truck and we were covered by tarpaulin. Some people were sick and asked the driver if the cover could be removed, but he refused as the authorities might have been able to see us. I wasn’t worried about the journey because many people come to Thailand with a broker, however, the journey was very scary and I was surprised that people are migrating in this way.” (Female migrant worker from Thanintharyi Region, interviewed Sunday 13th July).

While the language barrier can result in miscommunication between facilitators and migrants, such as in the case where a family of migrants were taken to a mountain to rest overnight and believed they had been abandoned without food or drink before a facilitator returned the next day, other risks can occur as a result of placing trust in brokers. One migrant was offered, and took, sleeping tablets before being locked in the boot of a car. In this instance, she arrived at her destination, yet her willingness to take unknown medicine demonstrated how easily she could have become a victim of human trafficking.

During the journey, many migrants experienced heightened emotions of fear and sadness due to the conditions of the journey’s challenging environments, because they were leaving children behind, or due to a fear of capture by the Thai authorities

resulting in the failure of reaching the destination and therefore having to pay back the debt incurred to allow the migration process. Such worries about arrest can have a significant impact on the emotional state of migrant workers.

“I walked in the jungle for two days. During the night, I saw torch lights ahead and I thought it was the authorities. I was so worried about being arrested and sold that I lost consciousness.”(Female migrant worker from Mon State, interviewed Sunday 22nd June).

Furthermore, some respondents witnessed or experienced physical or verbal abuse by their broker or facilitator, resulting in migrants feeling fearful for the duration of the transit stage.

“It took me eight days to reach Bangkok. I walked for seven days among the mountains and with very little rest, and had to eat and drink from the jungle. I was scared because the guide was beating other migrants for coughing or talking.” (Female migrant worker from Bago District, interviewed Monday 23rd June).

The lack of knowledge displayed by almost all respondents concerning the journey route also has the potential for vulnerability to develop. Firstly, migrants who are abandoned by their facilitator will not know their location, migrants who may become separated from their group in jungle or mountainous areas may be unaware of how to access assistance, and those travelling in a vehicle may be more confident of arriving at their intended destination. Secondly, knowledge of the journey route can provide a basis for the migrant becoming aware of the duration and conditions of the journey.

“I was alone in the car with the driver and I was fearful of where he was taking me. He could have taken me anywhere and the migrants in the car behind wouldn’t know. So I paid respect to Buddha in my mind and hoped I would arrive in Bangkok.” (Female migrant worker from Mon State, interviewed Sunday 13th July).

There are a number of protection mechanisms which migrants themselves can utilise to potentially make their journey safer. This can include having an emergency contact and carrying a mobile phone or cash. Around 65% of the respondents had an emergency phone contact number, largely those of relatives, but also of friends and the first broker, although a similar percentage did not carry a mobile phone, and among those that did, most did not have access to the device for all or part of their journey. One respondent stated that she was forbidden to bring one with her for the journey, while the 16.3% who did were often required to surrender the phone to the broker for the duration of the journey or asked to turn off the mobile phones for the entire journey or near checkpoints.

Forty four per cent of migrants carried additional cash with them, ranging from THB 100 to THB 3,000, with the majority carrying emergency money or small denominations to purchase snacks, and 11% of the respondents carried part of the broker’s fee, ranging from THB 6,000 to THB 15,000. Three of the four migrants who

travelled by air had significant amounts of ‘show money’ with them, valued at approximately US\$ 1,000. Two migrants stated that they were given small amounts of Thai currency by the broker to purchase food and drink. However, carrying cash can also result in vulnerability since one respondent gave THB 200 to her driver after he demanded cash, and if money intended to pay a broker fee was stolen during transit, this could result in a negative situation for the migrant upon arrival.

“I was worried that someone would try to steal the cash I was carrying to pay for the remainder of my broker’s fee, so I hid the money on my person and told the broker someone would pay for me upon arrival.” (Female migrant worker from Thanintharyi Region, interviewed Sunday 13th July).

An additional protection mechanism is documentation. While those that travelled irregularly were able to present their border passes to the authorities if requested, all but two of the smuggled migrants did not hold any documentation for the duration of their journey. One migrant was smuggled into Thailand and applied for a temporary passport at the one-stop centre in Ranong, although one facilitator held the passport and only returned it to her after her broker had transferred the payment to the facilitator’s bank account. Another migrant was provided with a fake Burmese passport by her broker and cut her hair in order to obtain a similar appearance to that of the passport photo. However, according to key informants, the use of fake documentation in Thailand is very rare.

4.2 Regularization

4.2.1 The MoU Process

a. Overview

The Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers was signed in 2003, while migrants began to formally migrate in 2009, peaking in 2012. Prior to 2009, Thailand had never implemented a regular migrant worker policy, only temporary irregular migration management policies. In brief, the process involves Thai employers paying to advertise vacancies with registered employment agencies in Myanmar who are contracted to arrange the deployment of migrant workers into occupations that are not reserved for Thai workers, and the employer is required to sign the contract. The selected workers must pass a medical assessment in order to apply for a passport, are issued with a two-year visa by immigration officials, and must apply for a work permit after they arrive, during a process which can take longer than six months.

The intention of the MoU is to encourage migrants to obtain the relevant documentation prior to leaving Myanmar, and for a job to be allocated to them, reducing the potential for deception. However, due to a lack of capacity in Myanmar, it can take considerable amounts of to provide the documentation, by which time the

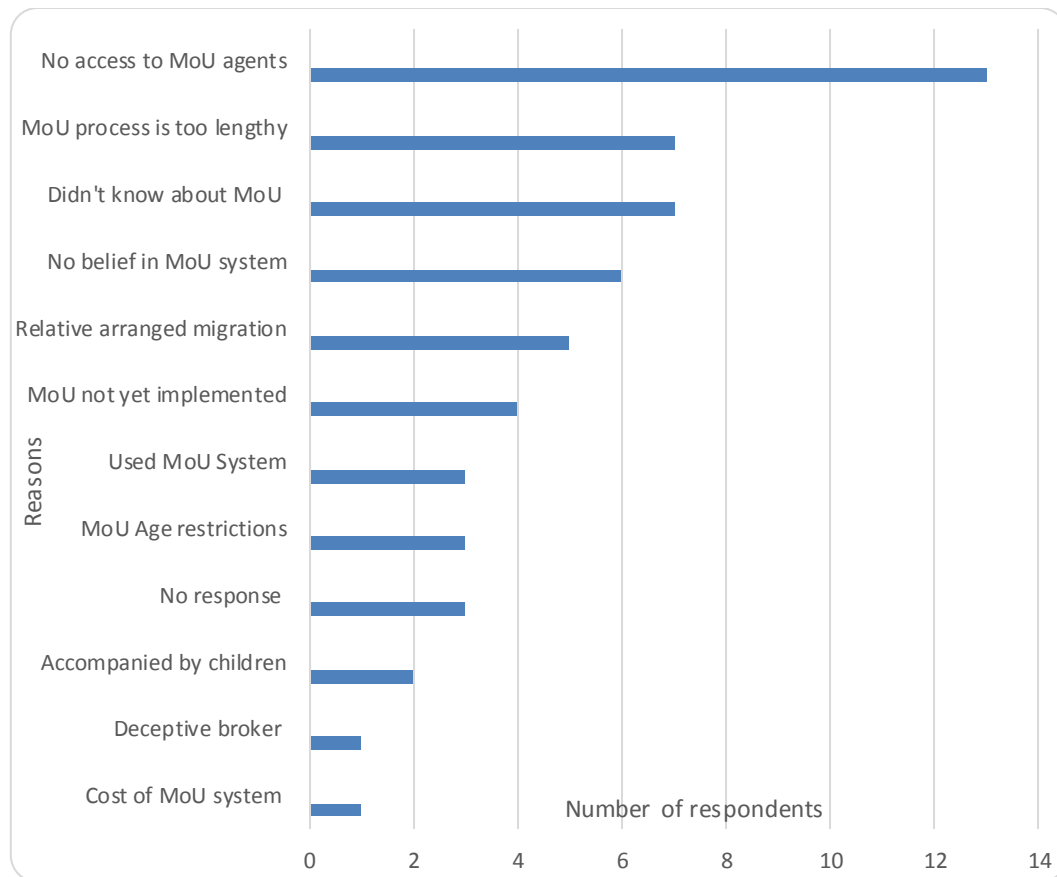
original designated job position may no longer be available. For example, as one key informant described, a migrant selected to work at a construction site may find that the construction has been completed, while a migrant expecting to be employed at a garment factory may find that the factory has downsized and new staff are not required. Indeed, the three respondents who migrated through the MoU process were required to independently seek out employment upon arrival. It is important to note that these respondents migrated before the summer of 2013 and that improvements to the regular channel have reduced the time taken to receive passports to between four and six weeks.

The MoU system aims to guarantee that regular labour migrants receive the same protections as native workers, however the lack of coordination between governments and recruiting agencies and among government departments increases the elapsed period of time during the formal migration process (Chantavanich 2008) and the restrictive nature of the MoU causes irregular migration. Therefore, this regular channel for migration to Thailand is considered as lengthy, complicated and expensive for low-skilled labourers, resulting in individuals who want to migrate immediately considering irregular passages. According to the Office of the Foreign Workers Administration, by March 2012 only 18,372 held the MoU Temporary Passport, a very small proportion of the overall number of migrant workers in the country.

b. Reasons for Not Migrating Through the MoU

While the MoU process itself is flawed, there are challenges for migrant workers who might seek to utilize the regular channel. Firstly, as demonstrated in Figure 6, many respondents stated that there were no MoU agents or offices in their area, and so they did not have easy access to the MoU process. Due to the fact that much of the migration flows can be classed as 'rural-urban', many migrants do not have MoU agents based in their region. Indeed, the place of origin for 56% of the respondents can be classed as rural.

Figure 5: Primary reasons for not migrating through MoU System



Additionally, some respondents had heard rumours about the process, or had friends who had negative experiences of the system, leading to the migrant having no belief in the MoU process. The fact that the MoU system was not popular among other people migrating to Thailand was also noted.

One respondent stated that she was informed by her broker that she would be migrating through the MoU. Another began the process, but had still not received any information after three months and so sought out an informal broker. The length of time that the MoU took was another factor in the decision not to migrate through this process, with respondents stating that they had heard the system could take up to 6 months. One respondent stated that her husband wanted her to leave Myanmar immediately, and therefore she did not have time to consider migrating through the MoU, while another believed that her parents, who were not supportive of her wish to migrate to Thailand, might be able to interfere and halt the process.

Relatives, especially aunts and mothers, were responsible for arranging or influencing the migration patterns of a number of respondents. One respondent noted the migrant registration process in Thailand allowed her to migrate immediately and obtain the relevant documentation within two months, more quickly than the MoU system might allow. A number of the respondents were under the legal age when they first entered Thailand, or were accompanied by siblings or children that were under age, and were

therefore not successful candidates for the process, while others were over the age of 40 and believed they did not meet the age requirements of the MoU.

Although one respondent cited the high cost of the MoU system as a deterrent, another believed the total cost of migration through the MoU would have been lower for her, when the costs of acquiring the relevant documentation are included. Indeed, for the respondent dissuaded by the MoU fees, a lack of transparency is evident since the total cost includes documentation and can be lower than the amount charged by brokers. Notably, four respondents stated that they would use MoU agents if they were to migrate again due to the benefit of an easier trip to Thailand.

Misconceptions concerning the MoU process reveal a dearth of information available. Respondents cited reasons such as not being able to change jobs easily, feeling that the MoU is only available for strong males capable of hard labour, a belief that the MoU only call for skilled garment workers and that applicants therefore require significant relevant work experience, confusion about the documentation that is required for the process⁴, and rumours that MoU workers were sent to different areas than those agreed by the brokers.

For those who used the MoU system, reasons for migrating through this process included a fear of arrest by the Thai authorities for not having the correct documentation and suggestions from relatives already in Thailand that the process is a safer option than being smuggled. One migrant who entered through the MoU channel stated that they were confused about the process while waiting to receive their passport, further demonstrating the complex nature of the MoU.

The reasons outlined above demonstrate that the migrant smuggling process is therefore more flexible, as are border passes since these processes largely allow migrants to enter Thailand as soon as they would like to. A number of migrants therefore chose to migrate informally and these respondents used flights to enter Thailand. Their decision to enter in this way was influenced by the many obstacles faced by relatives who migrated with the assistance of a broker, Burmese TV reports on human trafficking, and a fear of possible dangerous situations which might arise as a result of using a broker.

4.2.2 Obtaining a Regular Status

Efforts to legalize migrants involve high fees for irregular workers as migrants seek the assistance of brokers who are poorly regulated and often unlicensed, increasing the vulnerability of migrant workers to deception, trafficking and debt bondage (US Department of State 2014). Since migrants often do not have knowledge of the Thai language, they rely on agents as intermediaries in the documentation application process (Sakaew and Tangpratchakoon 2009).

⁴ One respondent believed that it was necessary to acquire a letter from a Thai employer before entering the MoU system.

Despite the fact that two thirds of the respondents who entered Thailand through the MoU process did not hold the correct documentation at the time of the interview as a result of MoU migrants having to seek out employment and obtain a work visa upon arrival, it is possible for smuggled migrants to find suitable employment with the assistance of social networks and to obtain the correct documentation upon arrival. Indeed, half of the respondents became regular with the assistance of an agent. However, the 50% of migrants who remained irregular cited facing difficulties with employers, the high cost of regularization (up to THB 18,000 with the assistance of an agent), and being cheated by agents, as barriers. It is possible for migrant workers to visit One-Stop Service Centres in order to obtain a work permit and health insurance.

Table 15 Cost of Registration at One-Stop Service Centres (July 31st 2014-Present)

Service	Cost (THB)
Health Insurance (1 year)	1600
Health Check	500
Work Permit (1 year)	900
Preparation of Registration	80
Total	3,080

The benefits of attending a One-Stop Service Centre are highlighted by the fact that migrants using a broker reported paying between THB 1,900 and THB 3,500 in order to obtain a work permit, significantly higher than the work permit fee displayed in Table 17. Additionally, migrant workers are provided with a card which can be used to access Thai hospitals

All of the migrants interviewed stated that they possessed their documentation, although a small number were in the process of renewing or obtaining work permits and therefore did not have their temporary passports with them at the time of the interview.

Table 18: Documentation Held by Respondents

Documentation held		Status	Number of Respondents
Temporary Passport	With valid work permit	Regular	25
	With work permit valid for a different occupation/area	Irregular	7
	With expired work permit	Irregular	7
	Without work permit	Irregular	7
None		Irregular	3
No response		Unspecified	6

Total	55
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Some migrants had work permits valid for a different occupation, such as for a general worker at a small business, but in reality they are employed elsewhere. It is clear from the interviews with respondents that they were often unaware that holding a work permit for a different occupation to that which they are employed in would categorize them as irregular since they are able to show this documentation to the authorities outside of the workplace without any problems, but, according to Thai law they are classed as being irregular. The work permit is the crucial document, which must be held alongside a passport and relevant visa in order for a migrant worker to be classed as 'regular' or 'legal'. Additionally, migrant workers may hold a migrant worker card which includes information such as the migrants address and date of issue and can be shown to the authorities.

In addition to one migrant who stated that her supervisor was in the process of applying for a new work permit for her, four migrants had received some form of assistance from their employer to obtain a work permit. One migrant employed at a coffee shop was provided with all the necessary documentation by her employer who also covered the cost of the documentation. Such instances appear to be rare, and if the employer does pay the upfront costs, it is usually deducted from the migrant's monthly wage by around THB 2,000 until the debt is paid. It is far more common for migrants to independently seek the assistance of an agent in Thailand in order to obtain documentation. This agent is usually not linked to the facilitators involved in the migrant smuggling process, as only one respondent used the broker from her village in Myanmar for assistance with both migration and regularization.

Due to the complicated nature of becoming documented, migrants often feel that they have no choice other than to seek the assistance of an agent. Indeed, one respondent independently attempted to obtain a temporary passport in order to minimise the total payment yet was unable to do so.

The fact that migrants seek the assistance of agents, who are often unlicensed, creates opportunities for exploitation, particularly among women who lack social networks and therefore also lack a safety net which provides opportunities to receive valid recommendations. One respondent recalled how she had paid a broker THB 13,500 in order to receive temporary passports for herself, her husband and her son, but was cheated and never received the passports. The risks of being cheated combined with the migrant having to save money in order to pay for documentation can delay the regularization process.

Table 19: Time Elapsed between Entering Thailand and Obtaining a Temporary passport⁵

⁵ Data concerns migrants who entered Thailand during or after 2009

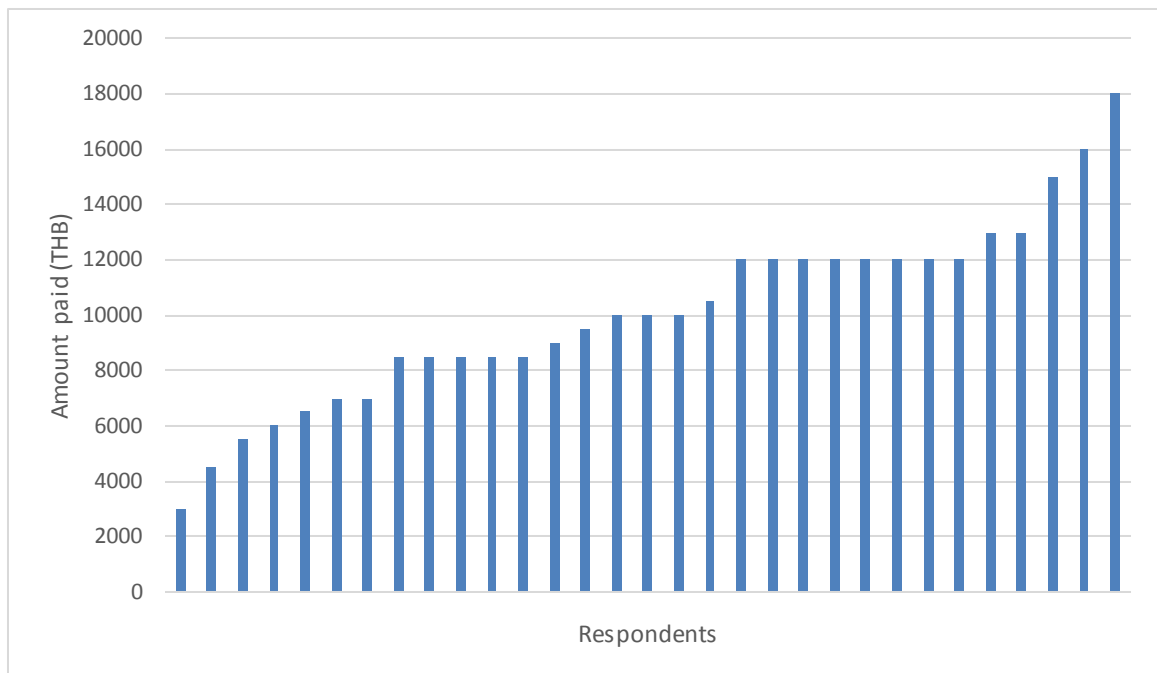
Time Elapsed	Number of Respondents
One year or less	28
Between two and three years	7
3 years or more	3
Total	55

While many migrants were able to obtain a temporary passport within one year of arrival, largely through Nationality Verification, nearly 20% of the respondents did not obtain the document within two years of arriving in Thailand. Eight of the 46 respondents holding a temporary passport were unable to recall when they received the document, largely due to the fact that a relative was responsible for arranging the process. The respondents who migrated through the MoU process received a temporary passport before entering Thailand.

The varying cost of obtaining a temporary passport is demonstrated in the figure below.



Figure 6: Amount paid for Temporary passport (THB)



One of the benefits of obtaining a temporary passport is that migrants are able to return to Myanmar and legally re-enter Thailand. Twenty two of the migrants interviewed had visited home between one and six times since they first entered, with the majority returning during the month of April for Thingyan, the Burmese New Year Water Festival. However, 60% of the respondents has not returned to Myanmar since first entering Thailand. Temporary passports also provide convenience for travelling, living and working in Thailand. The respondents cited feeling more happy, confident, secure and comfortable, and the advantages of freedom of movement as they no longer feel the need to stay at home or fear arrest after obtaining documentation. Despite this, one key informant and a small number of the migrant workers interviewed stated that they believed holding a work permit would not prevent harassment from the authorities, since there have been instances where the authorities demand money regardless of the regular status of the migrant and rumours that police ask to check documentation and then tear it in order to receive a bribe. A significant proportion stated that they had been asked to provide a bribe when they held an irregular status, or had witnessed other paying bribes, and such experiences appear to be common.

“When I first arrived in Thailand on a tourist visa, I stayed with my aunt and uncle who were working and living at a construction site. An officer arrived to check the status of the workers, and questioned me. Even though I wasn’t employed, I had cement on my skirt and they accused me of working so I paid him THB 2,000 to avoid being sent back to Burma. Now that I have a work permit, I feel at ease and don’t have to worry about being deported.” (Female migrant worker from Yangon, interviewed Thursday 10th July).

The fear of being stopped by the authorities and being requested to show documentation can restrict some migrant's freedom of movement as they may be unwilling to leave their site of accommodation or employment.

"I don't have a work permit so I am fearful of being arrested. I spend all of my time at work or at home as I have already had to pay the authorities twice. The first time I paid THB900 and the second time I paid THB 1,200." (Female migrant worker from Mon State, Thursday 24th July).

Some respondents expressed anger towards the authorities for having to pay such bribes regardless of whether they held a regular status. *"Migrant workers should be exempt from corruption. I have seen my friends pay THB 3,000 to the authorities regardless of whether they have work permits or not. It is not fair."* (Female migrant worker from Mon State, interviewed Sunday 22nd June).

There are also a number of barriers that can prevent migrant workers from obtaining documentation, such as cost and inconvenience. The migrant workers also expressed dissatisfaction with the cost and time involved with using a service provider to obtain documentation. One migrant in the process of applying for a work permit and had been without her temporary passport for ten days, and had a paper copy, and the respondents reported that it can take as long as one month to receive the documentation.

"My friend arranged a two year work permit for me for THB 4,500. If I used a broker, it would have cost me more than THB 12,000. I am concerned that the brokers are taking money into their pockets. It is also not convenient to be moving around for one to two weeks without documentation while waiting to receive a new work permit." (Female migrant worker from Taninthayi Division, interviewed Wednesday 18th June).

While the majority of irregular migrants were aware of the benefits of obtaining documentation and wanted to become regular to relieve their concerns about arrest, there are some perceived disadvantages of holding a work permit. One migrant stated that her husband didn't want her to obtain documentation since they were planning to return to Myanmar and therefore wished to save the money that they might otherwise use to pay for the documentation corresponding to a regular status. Additionally, it is not easy for migrant workers to legally change employment, as demonstrated by the following assertions:

"I had a different mindset to my last employer and was not happy with the working conditions. When I left, he kept my work permit and would not provide a resignation letter so now I cannot legally change jobs. All I want is to work and live in Thailand freely, but there are many obstacles." (Female migrant worker from Mon State, interviewed Monday 23rd June).

The permission of the current employer is required in order to start new employment, and one migrant worker reported paying THB 500 for a resignation letter. Since migrants are only able to legally change employment with this letter, or if the employer is deceased, or the business closes, or if the migrant has lodged a legal complaint about exploitation or abuse, and only has seven days to find a new employer and then obtain a new work permit, it is relatively easy for a migrant to become irregular after resigning.

There are also a number of requirements that migrant workers must abide by, such as the 90 day reports, which involve missing work or using a broker. Taking the cost of reporting into account in addition to the overall costs of regularization, this can amount to a significant proportion of the migrant worker's income. One key informant revealed further confusion concerning documentation in the form of migrants holding re-entry permits exiting the country without passing through official checkpoints, for example by boat, and the migrant workers who entered with a Burmese passport had also obtained a temporary passport and were confused about whether they would be required to show this card when departing the country.

A small proportion of respondents who had been working in Thailand for some time stated that they previously held labour cards which they preferred to the current documentation that is required.

Before, I had the labour card and it was better. Now that I have a temporary passport, I must report every ninety days, get a resignation letter to change jobs and many other things. It is confusing and I didn't have to worry about these complications before. (Female migrant worker from Bago Region, interviewed Sunday 20th July).

Despite measures allowing migrant workers to become regularized, the fact that regular workers are often still paid below the minimum wage can dissuade migrants from obtaining documentation since there is a perceived lack of incentive. Yet, migrants with a lack of documentation live with the threat of arrest and deportation and temporary passports are good for travelling and living, but do not have a significant impact on improving working conditions or increasing wages. Additionally, the level of confidence to contact the Thai authorities rises with each level of documentation (MAP Foundation 2012).

However, migrants are often not aware of the incentives to become documented, which include access to affordable health care, a reduction in the number and value of bribes paid to the authorities, less fear of arrest, the ability to take a driving test and obtain a license, permission to open a bank account, easier travel routes and lower payments at checkpoint, in addition to the fact that the children of migrants have greater access to education (MAP Foundation 2012). Moreover, the incentives arguably outweigh the positive outcomes of obtaining a regular status, since regularisation is a costly process which takes a considerable amount of time, is not compensated for by an improvement in working conditions, places restrictions on

changing employment, and results in additional financial and organisational burdens such as the compulsory reports to immigration every ninety days.

Sections 9 and 10 of the 2008 Thai Alien Workers Act limit labour protection to foreign employees holding a work permit and engaging in permitted work (UNIAP 2010). Although Thailand is not a party to ICPRMW which assigns additional rights to migrant workers and members of their families who are documented or in a regular status, such as the right to freely move in the territory of the State of the State of employment and freely choose their residence there (art. 39), the right to form associations and trade unions (art. 40) in addition to enjoying the same opportunities and treatment as nationals in respect of protection against dismissal and the enjoyment of unemployment benefits (art. 54), regularity would provide additional internationally recognised rights

The existing complex and lengthy procedure to process work permit applications, combined with the payments required from employers⁶ can lead to problems in the implementation of relevant laws (ARCM and ILO 2013) and there are also problems with consistency regarding the validity of documentation since expiration dates do not always align.

To summarise, regular migration channels do not necessarily result in migrants obtaining a regularised status, while migrant smuggling can lead to successful outcomes defined by regularization and good working conditions, therefore vulnerability is not restricted to smuggled migrants. This demonstrates the fluid nature of migration, since categories such as regular and irregular are not fixed (Chantavanich, Middleton et al. 2013).

In summary, the complications concerning the process of becoming regularized often prevent migrants from obtaining documentation, preventing them from holding the protections associated with being regularized. In areas such as Samut Sakhon where factories often wholly employ migrant labour, employers with large firms simply cannot manage the process of recruiting workers in addition to the many required formalities, and so the work of agents is very necessary. However, unregistered agents can be seen as one of the factors that cause mismanagement and inefficiency of the migrant labour system (Sakaew & Tangpratchakoon, 2009), as regulating those that assist with job placement is a difficult task and the THB 500 fee limit that brokers can charge for their services is rarely enforced.

4.3 Employment and Conditions at the Destination

4.3.1 Vulnerabilities in the Workplace

Undocumented migrants are usually characterised as an exploited workforce who face oppression, debt bondage, forced labour, poor working and living conditions, fear of harassment, arrest or deportation (Capaldi 2014). While irregular migrants face many

⁶ Such costs include registration fees, physical examination fees, bio-data preparation fees and social insurance.

problems, such as those outlined above, documented migrants can also become vulnerable and face deception in addition to poor living and working conditions. Regardless of their legal status, both groups are primarily exposed to '3D' (dirty, dangerous and difficult) jobs that the Thai labour force are unwilling to undertake. Examples of poor working conditions among both groups of migrants include exposure to toxic waste or contaminated wastes in the workplace without the provision of adequate protection, a lack of ventilation in the workplace and no access to healthcare facilities (UN-HABITAT 2005). In some workplaces, irregular migrants have to pay money to police officers on a regular basis to avoid arrest and deportation (Inthasone 2007). However, the migrant may not realise that they have entered into employment with sub-standard labour conditions or perceive the conditions as problematic until time passes and they are subjected to sustained poor working conditions, abuse, and non-payment (UNIAP 2011).

Conditions at the site of employment, including working hours and the nature of work, are not necessarily improved by holding a regular status, and the absence of safety mechanisms such as employment contracts highlight the potential for vulnerabilities in the workplace.

Only one of the respondents had a formal written employment contract, one stated she had a verbal agreement while another stated a contract was not necessary since she and her boss were friends. One domestic worker explained that she did not want to sign a contract and she was suspicious of regulations which might be included to 'trick' her. A key informant believed that less than 10% of the total number of migrant workers in Thailand have employment contracts, and that many migrants don't have knowledge of such binding agreements. The dearth of contracts highlights the importance and necessity of maintaining a positive relationship with the employer as a result of the lack of legal protection that contracts provide.

Working hours largely vary according to the occupation and status of the migrant workers. Overall daily working hours are generally lower for regularized migrant workers, with the average working day totalling eight hours, in line with the maximum outlined in Thailand's Labour Protection Act, and with factory work usually allowing for around two hours of overtime work, bringing the total working hours to ten hours. However, the working day can sometimes reach eighteen hours, inclusive of overtime, as the factory workers are permitted to take numerous breaks at unstipulated times. For irregular factory workers, working hours commonly total ten hours a day and the additional hours are not classed as overtime and therefore do not qualify for higher rates. Migrants are often willing to work long hours, as highlighted by one migrant irregularly employed in a shoe factory who stated:

"I usually work from 8am to 8pm every day, I want to work as much as I can."
(Female migrant worker from Yangon Region, interviewed Saturday 26th July).

However, migrants employed in factories are not always able to work as much as they would like to. For example, one respondent employed in a seafood processing factory explained that the factory was facing declining demand and as a result, she had

recently been working for between two and four hours a day. Domestic workers commonly find that working hours are more flexible compared with factory work, with most working a twelve hour day but with the opportunity to take unregulated breaks.

More than half of the migrants had changed occupations while working in Thailand, and nearly 10% of respondents had worked for three or more employers, highlighting low job satisfaction. Reasons for changing occupations relate to the vulnerabilities outlined above, with those previously employed as domestic workers citing their inability to understand the Thai language and low wages, construction workers attributing poor work conditions, and a childcare worker cited the non-payment of wages.

Many of the respondents noted that they felt that they had faced prejudice displayed by Thai people, including employers. As UN-HABITAT (2005) note, workers from Myanmar are stigmatized by some Thais because of historical conflicts between the two countries, which may lead to differences between the treatment of Thai and Burmese workers by the employer.

Interviews with key informants revealed that further vulnerabilities faced by migrants can include the fact that they often receive verbal abuse from employers, work in unsafe environments, and attend private health clinics with high fees which are not covered by the health card.

More than half of the migrants had a low level of understanding of Thai language, with only two stating that they had a high proficiency of the language and one domestic worker was able to speak basic English to communicate with her Australian employer. This language barrier can act as an obstacle to migrants seeking assistance and communicating with the authorities to seek assistance or report crimes. One migrant stated that since she cannot speak Thai, she is worried that the authorities will cheat her.

While this study does not aim to examine the living conditions of migrants, it is important to note that migrant workers are often forced to live in cheaper areas with poor quality housing and infrastructure and heavy pollution (UN-HABITAT 2005), especially among construction workers living at their work site. Usually, migrants stay with friends and relatives after arriving in Thailand before finding accommodation of their own, and facilitators are not involved. Only two respondents were provided with accommodation by their broker who had arranged for them to be employed in construction work, and this was at the construction site.

In summary, migrant workers who are employed on construction sites are the most vulnerable in terms of poor living and working conditions, while factory workers often have the longest working hours and domestic workers receive the lowest wages.

4.3.2 Remuneration

While the deceptive hiring of migrant workers may include the sector of employment that females enter differing to what promised or poor working conditions, misleading hiring most commonly leads to the salary differing from what had been promised and in some cases, abuse can occur in the form of non-payment of wages. The Thai minimum wage of THB 300 a day applies to all workers in Thailand regardless of their nationality. However, the informal conditions in which female migrant workers are often employed are reflective of the low wages they receive and the absence of contracts. At a work site, wages may differ according to the documentation held by the migrant, the duration of their employment at the site, their gender, and their nationality. Such discriminatory practices often occur regardless of whether the migrant holds a regular status and some migrants asserted that Thai workers received a higher overall income or higher wages for overtime work.

In many cases, it was necessary for the migrant to work overtime in order to receive THB 300 a day and among the respondents, irregularly employed construction workers received the lowest wages of THB 200 a day, and garment factory workers often receive between THB 240 and 280 a day. Overtime is particularly common among garment factories, where a combination of regular and irregular migrants are usually employed, allowing migrant workers to boost their incomes.

All of the respondents in their current employment were paid their wages directly, but one respondent previously revealed that her employer paid the wages directly to an agent, and the agent often failed to provide her with the money.

One migrant worker was able to supplement her income by around THB 1,000- 1,500 a day by working as a small self-employed agent for construction jobs due to her husband being employed in the sector and having contacts throughout the area. However, obtaining such additional income does not appear to be common for the large majority of migrant workers.

Since many of the migrant workers are living with their relatives in Thailand, the majority do not send remittances to Myanmar, but those that do use a Thai agent to do so. As migrants do not always have a bank account in Thailand, they often trust a relative or Thai neighbour to transfer the funds to the agents account. This creates the potential for vulnerability since unscrupulous agents can take advantage of migrant workers who have no other way to transfer funds by charging high fees or failing to transfer the money to Myanmar.

4.4 Gender and Intersectionality

This section will discuss the vulnerabilities faced by migrant workers in reference to the concept of intersectionality. Since the study exclusively focuses on female migrant

workers, this approach will predominantly the migration process from a gender perspective.

4.4.1. Gender

In order to approach vulnerabilities with a gender perspective, it is important to note the many statuses that migrant workers can hold, such as ‘migrant worker’, ‘wife’, ‘mother’ and daughter’, as described by Nicola Piper (2003). Such roles can provide protection for migrants, for example when husbands in Thailand are involved in arranging entry into the country, but can also result in additional burdens during the migration process, such as transborder care arrangements for mothers. As Chant and Radcliffe (1992) assert, “female household members may be restricted from migration because of power hierarchies in the family and sociocultural expectations”. As a result of such expectations, a small number of the respondents did not inform their families of their intention to migrate as they believed their parents would prevent them from migrating. Such instances largely stem from the belief that it is dangerous for women to migrate, yet the fact that women are migrating without informing their families of their decision prior to departure can result in additional vulnerability since the relatives are unaware of the situation and thus unable to provide any assistance that might be required.

For female migrant workers, marriage can act as a strong protection mechanism and therefore reduce vulnerability. Female migrants who are married to a Thai national or a regular Burmese migrant worker are able also able to obtain a regular status more easily due to their position as a dependent, and, notably, more than half of the 25 married respondents held a regular status, and the majority held passports, suggesting that marriage is closely aligned with the regularization process and that single females are more likely to remain irregular.

In relation to the experiences of the transit stage of the migration process concerning gender, one respondent stated that her broker provided her with male clothing in which she was told to dress to prevent her being kidnapped by village bandits. Although many respondents stated that they felt more vulnerable than males, females are often placed in more comfortable areas of the vehicle and may be separated from males. The reasons for feeling vulnerable provided by respondents included think that they could be more easily sold than men, were often surrounded by large groups of males, and one migrant, despite travelling with her husband, was fearful of rape. Additionally, one migrant was left alone at a meeting point with her teenage daughter and felt worried for her daughter, and many respondents felt that their journey would have be safer if they were male.

“Sometimes during the journey I felt angry that I am a female and not a male.”
(Female migrant worker from Mon State, interviewed Sunday 20th July).

Respondents who did not feel vulnerable as a female during transit provided reasons such as the fact that they were accompanied by many female migrants or their

husbands, they were young when they migrated, and that the males took care of the females.

During employment in Thailand, further gender-specific vulnerabilities can be observed. Firstly, although many female workers in Thailand are employed in factories where entry-level staff are female, supervisors may be male and gender-based discrimination can occur whereby males can look down upon female migrant workers, and there is the potential for harassment at workplaces such as construction sites.

Further vulnerability can be defined by the differences in wages between males and females. One migrant worker attested that males earn THB 280 a day while females earn THB 257 a day for the same work at a garment factory producing shoes.

4.4.2 Social background and Ethnicity

According to the concept of intersectionality, the social background and ethnicities of female migrant workers can also indicate vulnerability. However, this research does not display any relationship relating to an increase or reduction in the possibility of vulnerabilities among migrant workers concerning their age, level of education, previous employment in Myanmar, or their location of origin within Myanmar.

In terms of ethnicity, during the transit stage of the migration process, migration involving a broker or facilitator of the same ethnic group as the migrant be beneficial, if only by allow the migrant to feel safer and to communicate more easily during the journey. Of the eleven cases where the broker or primary facilitator was not ethnically Burmese, six of the ethnicities corresponded to the ethnicity of the migrant. Notably Karen, Pa-Oh and Rakhine migrants were assisted by facilitators belonging the same ethnic group.

The research findings show that the domestic work is more likely to be undertaken by migrants belonging to ethnic groups, thus presenting the fact that the vulnerabilities that coincide with this sector of employment may be relevant among a higher proportion of ethnic migrant workers than among migrants who are ethnically Burmese. Apart from this linkage, there does not appear to be any direct relationship between ethnic migrant workers and vulnerability.

4.5 Policy and Guidelines: Implementation and Challenges

Despite the many laws and regulations regarding the protection of migrant workers, including labour laws and the MoU, these are largely ineffective due to weaknesses in law enforcement among the authorities (Chalamwong and Paitoonpong 2012) and an absence of effective cooperation and collaborative framework. Therefore, the absence of implementation of policy is a major factor contributing to the vulnerability of migrant workers.

Currently, there are a number of governmental actors involved in the migration process, including the Ministry of Labour's Department of Employment which is responsible for regulating brokers and issuing and renewing work permits, involving the ministry of public health through conducting health examinations and assisting with the compulsory health insurance scheme and collaborating with provincial employment offices to register migrant workers. The Thai Alien Worker's Act allowed for increasing powers of inspection and arrest of migrant workers as the authorities are able to enter workplaces without a court warrant.

While the Department of Labour Protection's inspectors are tasked with conducting investigations concerning potential workplace violations, and with implementing fines ranging between THB 2,000 and 200,000 or court sentences of up to one year imprisonment (UNIAP 2010), one key informant revealed that the Department is only able to inspect around one third of the total number of employment sites each year, often preventing and delaying the potential identification of exploitative employers. Key informants revealed that around 70 employers were fined in 2012, predominantly for hiring irregular migrant workers rather than for instances of labour exploitation, and jail sentences were not given. Additionally, the Immigration Bureau are involved with the issuing of visas and reporting requirements.

International treaties and policies can be applied to the situation of migrant workers in Thailand. According to Article 68 of the ICPRMW, to which Thailand is not a party, states should consider that irregular migrants are frequently exploited and face serious human rights violations, and that appropriate action should be encouraged to prevent and eliminate clandestine movements as well as the employment of migrant workers in an irregular situation. The article lists measures which must States should take, namely those against the dissemination of misleading information relating to immigration, to detect and eradicate clandestine movements of migrant workers and to impose effective sanctions on persons, groups or entities that organise, operate and assist in organizing or operating such movements and also on employers of irregular migrant workers, in addition to imposing effective sanctions on persons, groups or entities that use violence, threats of intimidation against migrant workers or members of their families in an irregular situation.

In relation to migrant smuggling, the Palermo Protocols, particularly the Protocol against the Smuggling of Migrants by Land, Sea, and Air, require states to criminalize acts of smuggling and establish a framework for international cooperation (OHCHR 2005). The presence of corruption and collusion outlined in the previous chapter demonstrate the role of the authorities in facilitating the irregular migration process, and this absence of law enforcement is therefore a key obstacle to any actions to suppress human smuggling and trafficking, as are the inadequate financial and material resources of the authorities. Indeed, Thailand has acknowledged the difficulties faced in controlling national borders due to a lack of funding and personnel (Ali 2014) in addition to addressing national security concerns. Efforts are further hampered by the

difficulties involved with identifying and restricting the operations of unlicensed brokers.

Thailand faces a number of obstacles regarding the efficient implementation of policy. Nearly all of the key informants cited a lack of resources as a major barrier to Thailand's efforts to deal with migrant labour in general and particularly to ensuring that migrant workers are included in the government's system so that they are protected by law.

According to one key informant interview, a further challenge to implementing policy is that it is not always easy for the authorities to gain entry to employment locations as construction sites since migrants attempt to flee the location, and it is therefore difficult to inspect potential cases of exploitation.

Additionally, programmes on safe migration for young women tend to prioritize the prevention of human trafficking for sex work to protect women considered to be at risk, but are silent on the key aspects of gender relations in the everyday lives of people depending on migration as an opportunity for income earnings (Truong 2013), and fail to raise awareness of the non-trafficking related risks of smuggling. As a result, large numbers of migrants are unaware of the nature of smuggling and willing choose to enter Thailand in this way, leading to the current situation where a significant proportion of migrant workers in the country can be defined as holding an irregular status.

As one key informant revealed, the role of social media in recruitment and irregular migration is growing, particularly among Thai workers being recruited to enter into employment in Korea. While social media does not currently appear to part in the migration process of Burmese workers to Thailand, it is important that this trend is monitored so future that instances of unsafe smuggling and trafficking can be intercepted.

There are also breaches of law occurring in relation to the possibility for children to obtain documentation required for employment. One respondent, aged twelve, had recently obtained a migrant worker card from a one-stop service centre, which reflects that the holder also holds a work permit, despite the laws concerning child labour in Thailand and the fact that a migrant must be 20 years old to obtain the card. A key informant stated that this unlikely to be an isolated incident since young migrant workers often do not reveal their true age and it is difficult for the Thai authorities to disprove such claims because of the lack of a reliable birth registration system in Myanmar. Since these children are not receiving education and may be undertaking strenuous work, it is important that efforts to reduce instances of child labour are applied.

Additional obstacles to improving the situation of migrant workers include the many regulations currently in place. One key informant believed that there currently too many complex rules and regulations, and this must be changed, that the current

government's efforts to make migrants regular and visible through the one-stop service centres were a positive step forward. Another recommended that the 90-day reporting system should be scrapped as it places an unnecessary burden on migrant workers and there are limited locations to which workers can report to. However, it would first be necessary to amend existing laws.

Despite these challenges and the fact that the effective implementation of the MoU is hampered by many practical problems at almost all stages, the existence of this process indicates a move towards the incorporation of the protection of human rights within migration policy (UNESCAP 2006).

4.6 Does migrant smuggling always result in vulnerability?

Due to the nature of the migrant smuggling process, particularly transit, social networks such as relatives in Thailand do not always reduce the potential for vulnerability since the process is naturally associated with clandestine movements and therefore vulnerability. Where social networks provide migrant workers with introductions to brokers, vulnerability is not necessarily reduced, but when relatives arrange the migration process on behalf of a migrant worker, the journey is often shorter, safer and more comfortable.

After arrival, smuggled migrants who are assisted in finding employment by relatives are more likely to find an occupation in which they have fewer vulnerabilities, while migrants who were provided with employment by brokers or agents often find that

Table 20: How do Different Types of Social Networks Lead to More or Less Vulnerability during Transit and at the Destination?

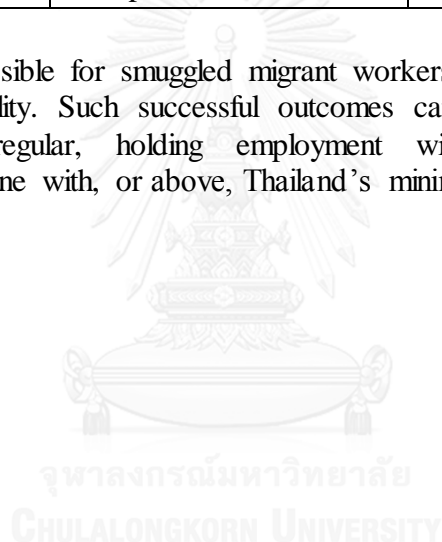
Type of Social Network	Stage at which migrants face vulnerabilities	
	Transit	Destination
Relative in Myanmar	Less vulnerable	
Relative in Thailand	Less vulnerable	Less vulnerable
Acquaintance in Myanmar	More vulnerable	
Broker in Myanmar	More vulnerable	More vulnerable
Broker in Thailand	More vulnerable	More vulnerable
Agent in Thailand		More vulnerable

The vulnerabilities reflected in the table above including dangerous methods of transportation, poor working conditions, low wages poor living conditions, and irregularity. Often, smuggling alone is not the key determining factor of vulnerability since the sector of employment can result in vulnerability regardless of the method of entry. Such sectors include domestic work, characterised by long working hours and low pay, and construction work which often involves dangerous working conditions.

Table 21: Key Determinants of Vulnerability upon Arrival in Thailand

Determinant	Less vulnerable	More vulnerable
Method of Entry	MoU	Migrant Smuggling Irregular Migration
Status	Regularity	Irregularity
Gender	Marriage	Restrictive social constructions of gender roles Low wages
Ethnicity	n/a	n/a
Social Network	Established social network in Thailand prior to migration	No social network present in Thailand
Sector of Employment	Factory work Salesperson	Domestic work Construction work

In summary, it is possible for smuggled migrant workers to have successful outcomes with limited vulnerability. Such successful outcomes can be defined by the migrant worker becoming regular, holding employment with suitable conditions, and receiving a salary in line with, or above, Thailand's minimum wage.



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APPENDIX

APPENDIX A

Structured Interview Questions

Respondent Number:

Date and time of interview:

Location of interview:

A. Background

What is your age?

Please state your ethnicity:

What is your place of origin? Village..... Province.....

3.1. Is this a rural or urban area?

What is the highest level of education you have achieved? (number of years in school):

On which date did you first enter Thailand? (Month/Year):

How many times have you entered Thailand?

If you have entered Thailand more than once, when did you most recently enter?

Please state your current work sector:

Manufacturing

Domestic Work

Construction

Other

Please state your previous occupation in Myanmar:

Please state your marital status:

Single

Married

Divorced

Widow

Cohabiting

B. The Decision to Migrate

11. Did you make the decision to migrate to Thailand?

a) Yes

b) No

12. If no, who made the decision for you to migrate to Thailand?

- a) Spouse
- b) Parents
- c) Brothers/sisters
- d) Relatives
- e) Boyfriend/girlfriend
- f) Recruiter
- g) Other (specify)

13. For what reasons did you decide to migrate?

- a) Economic (poverty, lack of employment, debts, opportunity to send remittances)
- b) Family (accompanying or joining family/friends)
- c) Social network (know the recruiter, positive experiences from returnees)
- d) Personal (adventure, new experiences)
 - e) Problems at home (domestic violence, relationship problems)
 - f) Escape risk or danger at place of origin (flooding/environmental disasters/conflict)
 - g) Other (specify)

14. When did you decide to migrate? (Month/Year):

C. Recruitment

15. Did you use one or more brokers to enter Thailand?

16. If yes, how many brokers were used?

17. Who are your brokers?

- a) Someone known to you and family
- b) Broker in Myanmar
- c) Broker in Thailand
- d) Recruitment company
- e) Employer
- f) Others (specify)

18. Please describe how you first found, or were introduced to, your recruiter.

19. For each recruiter, please specify the following characteristics:

- a) Male/female
- b) Burmese (please state ethnicity) /Thai/other
- c) Approximate age

20. How much did the migration process cost?
21. Was the actual cost of migration higher than the broker stated?
22. How did you fund the migration process?
23. If relevant, were you aware of any risks and dangers involved in migrating through an informal recruiter?
- a) Yes
 - b) No

24. If yes, how did you know?
- a) Recruiter informed me
 - b) Someone in my village informed me
 - c) NGOs informed me through awareness raising activities
 - d) From media reports
 - e) Others (specify)

25. If you migrated after 2009, what were your reasons for not migrating regularly under the MoU?

D. Migration route and transport

26. Where did you cross the Thai-Myanmar border?
27. Please indicate the routes/places you travelled from your home to the location in Thailand where you are now.
28. What form(s) of transport were used?
- Truck
 - Car
 - Lorry
 - Bus
 - Boat
 - Others

29. How many days did the migration process take altogether?
30. Did you travel during the night?
31. How many people did you travel with? Who were they? (If possible, please specify whether they were male or female, their age, and occupation)
32. Did you experience a lack of information during the travel period, such as:
- No idea of journey route
 - No idea of time for travel
 - No emergency phone numbers

33. Did you have a mobile phone with you?

34. Did you experience any of the following difficult travel conditions?

Cramped/dark vehicle

Locked inside vehicle

Going through jungle, forests, mountain, river

Poor weather conditions

No access to food or water

Other (please specify)

35. How much did the journey cost in total? (in monetary form and other forms)

36. Did you have additional money with you? If so, how much?

37. Did you see police or immigration officers on your journey? Please give a brief account of what happened.

38. Did you or your broker pay any money to the authorities?

39. Did you witness anyone else paying money to the authorities?

40. How were the travel costs paid during the journey?

Own money

Already paid broker

Owed broker – will pay broker

Owed broker- will pay employer

Combination of own money and paying someone

41. How did you find your journey - difficult, challenging, scary, sad or relatively easy and smooth? Why?

42. Please state if you experienced any of the following:

a) Threatening behaviour

b) Physical abuse

c) Verbal abuse

d) Being cheated

43. As a female, do you feel that you were more or less vulnerable than male migrants during the process?

44. If a female friend was going to make the same journey, what do you think they should know? What advice would you give them?

E. The Role of Recruiters

45. Are you still in contact with your broker? Why?

46. What types of services has your broker provided? If the broker did not assist you with the service, please state who did.

a) Job placement

b) Helping to make or obtain fraudulent or official travel and/or ID documents

- d) Arranging accommodation at destination
- e) Follow up or support at destination
- f) Access to complaints mechanism (if problem at destination)
- g) Facilitation to open bank accounts and/or facilitation of sending remittances
- h) Arranging for safe travel across border and to destination
- i) Arranging communication with friends and family
- j) Others (specify)

47. Did/do you trust your broker(s)?

48. If you traveled again to work in Thailand, how would you do so?

- a) Through a formal recruitment agency
- b) Through an informal recruiter
- c) By myself

Employment & Vulnerability

49. Do you currently hold regular or irregular status in Thailand?

50. If you are not registered, why didn't you enter the registration process in 2010 or 2011?

- a) I did not know about the registration period
- b) My employer did not allow/support it
 - c) I attempted to register but missed the registration period
 - d) The process is too complicated and time consuming
 - e) I have registered previously
 - f) Other, specify.....

51. What documentation do you currently hold?

Temporary Travel Permit

Work permit

Taw Thaw 8 Form (Receipt of Work Permit)

Certificate of Identity

Taw Thaw 38/1 Form (Temporary Stay Registration)

None

Other (please specify)

52. If you hold regular status, please describe when and how you received this status.

53. If you hold regular status, do you feel more or less vulnerable now that you have regular status? Why?

54. If you are undocumented, do you think you would be more or less vulnerable if you became regular? Why?

55. Can you speak Thai? Please rate your proficiency level from 1-5 (low-high):

56. How long have you worked for your current employer?

57. Please state any previous employment you have undertaken in Thailand:

Occupation:

Duration:

58. What are your wages?THB per day/month.

59. How regularly are you paid?

60. Was your salary deducted in order to pay the recruitment fee?

- a) Yes
- b) No
- c) Not applicable
- d) Don't know

61. If yes, how was it deducted?

- a) Full deduction of salary formonths
- b) Partial deduction salary formonths (state percentage of salary: %)

62. Are your working and living conditions in Thailand the same as what was promised?

- a) Yes
- b) No
- c) No description was promised

63. If no, which parts were different?

Salary

Job Sector

Place of work

Working hours

Overtime pay

Rest days

Living conditions

Working conditions

Risks and dangers

Other (specify)

64. What are your working hours (including overtime)?

65. Do you have possession of your original identity documents?

- a) Yes
- b) No
- c) Does not possess any documentation

66. If no, who has them?

- a) Employer

- b) Recruitment agency
- c) Thai authority
- d) Others (specify)

67. Do you have a written copy of your employment contract?

68. Are you able to change your employer?

Conclusion

69. Do you have any questions?

70. Is there anything else you would like to mention?

Thank you for your time.



APPENDIX B

List of Migrant Worker Interviews

No.	Date	Location	District & Province	Marital Status
1	Tuesday 17 th June	Phet Kasem Soi 69, Migrant dwelling	Bangkok	Married
2	Tuesday 17 th June	Phet Kasem Soi 69, Migrant dwelling	Bangkok	Single
3	Tuesday 17 th June	Phet Kasem Soi 69, Migrant dwelling	Bangkok	Single
4	Wednesday 18 th June	Or Tor Kor Market	Chatuchak, Bangkok	Married
5	Wednesday 18 th June	Or Tor Kor Market	Chatuchak, Bangkok	Married
6	Wednesday 18 th June	Or Tor Kor Market	Chatuchak, Bangkok	Single
7	Wednesday 18 th June	Or Tor Kor Market	Chatuchak, Bangkok	Married
8	Wednesday 18 th June	Or Tor Kor Market	Chatuchak, Bangkok	Single
9	Sunday 22 nd June	NCCM Migrant Training and Job-placement Center	Chom Thong, Bangkok	Single
10	Sunday 22 nd June	NCCM Migrant Training and Job-placement Center	Chom Thong, Bangkok	Married
11	Sunday 22 nd June	NCCM Migrant Training and Job-placement Center	Chom Thong, Bangkok	Single
12	Sunday 22 nd June	NCCM Migrant Training and Job-placement Center	Chom Thong, Bangkok	Single
13	Monday 23 rd June	Migrant's shop within construction site	Pathum Thani	Married
14	Monday 23 rd June	Migrant's shop within construction site	Pathum Thani	Married
15	Monday 23 rd June	Migrant's shop within construction site	Pathum Thani	Married
16	Monday 23 rd June	Migrant's shop within construction site	Pathum Thani	Married
17	Monday 23 rd June	Migrant's shop within construction site	Pathum Thani	Married
18	Sunday 6 th July	Pa-Oh Education Project	Bang Kapi,	Single

8			Bangkok	e
19	Sunday 6 th July	Pa-Oh Education Project	Bang Kapi, Bangkok	Single
20	Sunday 6 th July	Pa-Oh Education Project	Bang Kapi, Bangkok	Single
21	Sunday 6 th July	Pa-Oh Education Project	Bang Kapi, Bangkok	Single
22	Thursday 10 th July	Translator's apartment	Phra Khanong, Bangkok	Single
23	Sunday 13 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Divorced
24	Sunday 13 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Single
25	Sunday 13 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Single
26	Sunday 13 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Single
27	Sunday 13 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Married
28	Sunday 13 th July	Wat Tha Lone	Bangkok	Married
29	Sunday 13 th July	Wat Tha Lone	Bangkok	Single
30	Thursday 17 th July	Katonlon Road, migrant dwelling	Bangkok	Married
31	Thursday 17 th July	Katonlon Road, migrant dwelling	Bangkok	Married
32	Thursday 17 th July	Katonlon Road, migrant dwelling	Bangkok	Married
33	Thursday 17 th July	Katonlon Road, migrant dwelling	Bangkok	Married
34	Thursday 17 th July	Katonlon Road, migrant dwelling	Bangkok	Single
35	Thursday 17 th July	Katonlon Road, migrant dwelling	Bangkok	Married
36	Sunday 20 th July	MAT Office	Bang Khun Thian, Bangkok	Single
37	Sunday 20 th July	MAT Office	Bang Khun Thian, Bangkok	Married
38	Sunday 20 th July	MAT Office	Bang Khun Thian, Bangkok	Married
39	Sunday 20 th July	Phet Kasem, migrant dwelling	Bangkok	Single

40	Sunday 20 th July	Phet Kasem, migrant dwelling	Bangkok	Single
41	Sunday 20 th July	Phet Kasem, migrant dwelling	Bangkok	Single
42	Sunday 20 th July	Phet Kasem, migrant dwelling	Bangkok	Single
43	Sunday 20 th July	Phet Kasem, migrant dwelling	Bangkok	Married
44	Thursday 24 th July	Talay Thai Seafood Market	Samut Sakhon	Single
45	Thursday 24 th July	Talay Thai Seafood Market	Samut Sakhon	Married
46	Thursday 24 th July	Talay Thai Seafood Market	Samut Sakhon	Single
47	Thursday 24 th July	Talay Thai Seafood Market	Samut Sakhon	Single
48	Saturday 26 th July	Translator's apartment	Phra Khanong, Bangkok	Single
49	Saturday 26 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Married
50	Saturday 26 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Single
51	Saturday 26 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Single
52	Saturday 26 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Married
53	Saturday 26 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Married
54	Saturday 26 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Single
55	Saturday 26 th July	Migrant dwelling near Ban Cha Lon market	Samut Prakan	Single

VITA

Rebecca Carden is a graduate student of the Master of Arts in International Development Studies (MAIDS) programme at Chulalongkorn University, Thailand. Rebecca holds an undergraduate degree in History from the University of Southampton, England, and is also studying for a Diploma in Journalism from the National Council for the Training of Journalists (NCTJ), UK, through distance learning. Prior to joining the programme, she held positions at the Asia Pacific Regional Office of the International Organization for Migration (IOM) and at the International Office of ECPAT, an NGO working to end the exploitation of children. Rebecca has experience of working as a journalist at publications in Bangkok and Shanghai and has an interest in the field of migration.

