

CAMBODIAN MIGRANTS' SOCIAL PROTECTION, LOCAL INTEGRATION
AND MULTIPLE BOUNDARIES IN THE THAI BORDER VILLAGES
OF KHOK SUNG, SA KAEO PROVINCE

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งานวิจัยนี้ออกแบบเพื่อศึกษาการปรับตัวร่วมกับท้องถิ่น และการคุ้มครองทางสังคมของผู้อพยพชาวกัมพูชาในหมู่บ้านชายแดนไทย อำเภอโคกสูง จังหวัดสระแก้ว ชาวกัมพูชาที่อาศัยอยู่สามารถแบ่งออกได้สามกลุ่มด้วยกันคือ อดีตผู้อพยพจากภัยสงครามเขมรแดง ผู้สมรสกับไทย และแรงงาน

โดยเน้นการศึกษาเรื่องกระบวนการเจรจาต่อรองในหลากหลายมิติแห่งเขตแดนทางกายภาพ ทางสังคม และทางกฎหมายของผู้อพยพเพื่อให้เห็นว่าการปรับตัวร่วมกับท้องถิ่นมีนัยสำคัญก่อให้เกิดการยอมรับจากชุมชน และเป็นปัจจัยนำไปสู่การคุ้มครองทางสังคมได้อย่างไร เพื่อให้ภาพแบบองค์รวม งานวิจัยจึงครอบคลุมไปถึงสาเหตุและปัจจัยที่มีผลต่อการตัดสินใจเลือกพื้นที่ในการตั้งถิ่นฐานใหม่ในหมู่บ้านชายแดนไทยอำเภอโคกสูง ประกอบด้วยปัจจัยทางภูมิศาสตร์ ประวัติศาสตร์ และลักษณะความสัมพันธ์ทางกลุ่มชาติพันธุ์

การวิจัยในครั้งนี้โดยอาศัยวิธีการเชิงคุณภาพที่มีผู้เข้าร่วมให้การสัมภาษณ์มากกว่าหนึ่งร้อยคน และประยุกต์ใช้กับการสังเกตการแบบไม่มีส่วนร่วมในหกหมู่บ้านชายแดนไทย เพื่อศึกษาวิถีชีวิต สำนึกความคิดเห็น และทัศนคติจากผู้อพยพชาวกัมพูชาและชาวบ้านเพื่อนำไปสู่การวิเคราะห์หาองค์ประกอบการคุ้มครองทางสังคมที่มีอยู่ และข้อจำกัดระหว่างชุมชนและภาครัฐในฐานะเป็นผู้ให้

จากศึกษาพบว่ากระบวนการการปรับตัวร่วมกับท้องถิ่นของผู้อพยพส่วนใหญ่มีผลมาจากความสัมพันธ์ระหว่างกลุ่มชาติพันธุ์เดียวกันในหมู่บ้านชายแดนไทยกัมพูชา รวมถึงการสมรสระหว่างผู้อพยพและชาวบ้านในพื้นที่เป็นตัวช่วยสร้างเครือข่ายสนับสนุนในขณะที่อาศัยอยู่ในหมู่บ้านไทย ปัจจัยเหล่านี้ทำให้ผู้อพยพชาวกัมพูชาอาจไม่ได้ถูกมองในแง่ลบจากชาวบ้านในพื้นที่เหมือนกับแรงงานต่างด้าวทั่วไป ในทางตรงกันข้ามพวกเขาได้รับการยอมรับเช่นเดียวกับสมาชิกในหมู่บ้านโดยเปิดโอกาสให้เข้าถึงสวัสดิการและประกันสังคมภายใต้การบริหารจัดการของชุมชน ส่วนจากภาครัฐนั้นมิใช่ข้อจำกัดโดยสถานภาพทางกฎหมายของผู้อพยพเป็นอุปสรรคต่อการเข้าถึงสิทธิในการได้รับการคุ้มครองทางสังคม ซึ่งดูเหมือนว่าข้อจำกัดที่แตกต่างระหว่างชุมชนและรัฐสามารถช่วยสนับสนุนบางบทบาทที่ขาดไปของอีกฝ่ายได้

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This thesis is designed to examine the local integration and social protection for Cambodian migrants in the Thai border villages of Khok Sung district, Sa Kaeo province. Cambodian migrants can be divided into three groups: former refugees, intermarriage migrants and current migrant workers.

Much attention is paid to the migrants' negotiation the multiple boundaries of physical, social and legal in order to see how local integration and local acceptance are met and transformed into social protection. In order to see the phenomenon from the inclusive view points, this study also covers the causes of the migration flow into the preferred destination in which links to the geographic, historical and demographic conditions of ethnic relations between Thai-Cambodian borders' population.

The research methods draw upon extensive interview with more than one hundreds interviewees and key informants and also apply with ethnographical technique of non-participant observation. I visited the migrants and local people with different villages, seeing their livelihoods, attitudes and perceptions from migrants and local citizens to find out the different limitations of existing social protection items for migrants from local collective practice and state based mechanism.

This study reveals that migrants' settlement and local integration process are strongly influenced by ethnic and intermarriage relations between Cambodian migrants and host citizens in Khok Sung district. These conditions provide the migrants with the networks as supporting systems and the sympathizers in the receiving society. The migrants seem to be recognized by the local villagers or by themselves as the members of host community in a different way than what outsiders would imagine so-called migrants and aliens. They are totally included into community welfare and insurance programs except only what are so called legal barriers and selective included by state based mechanism into social protection schemes. Therefore, it seems that the differences of existing social protection items from the community and the state can eventually able to supplement some roles during the absence of one another.

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List of Acronyms

CMHI :	Compulsory Migrant Health Insurance
JBC :	Joint Boundary Committee
KPRP :	Kampuchean People's Revolutionary Party
LPR :	Permanent lawful residents
ILO :	International Labor Organization
MOE :	Ministry of Education
MoPH :	Ministry of Public Health
MOL :	Ministry of Labor
MOI :	Ministry of Interior
MOU :	Memorandum of Understanding
OECD :	Organization for Economic Cooperation and Development
SSF :	Social Security Fund
WCF :	Workmen's Compensation Funds
VSO :	Voluntary Service Overseas

CHAPTER I

INTRODUCTION

1.1 Introduction

Cambodian migrants have been in the Thai border villages of Khok Sung District, Sa Kaeo Province for decades. This location has become a preferred destination of some groups of Cambodian migrants due to the fact that local populations between Thailand and Cambodia have shared two similar ethnicities: Khmer and Laos (Schliesinger, 2011). Most of the Khmer ethnic group in Khok Sung descended from their ancestors who originally moved from Cambodia and migrated to Thailand before 1962 were granted as Thai citizens. These people can be seen in three villages namely, Talom Tim, Rom Sai and Noi. During the Khmer Rouge regime (1975-1979) and Vietnamese invasion (1979-1989) in Cambodia many affected local villagers took inside-migration and searched for refuge in the Thai villages from their relatives or friends. For those who lived in the cities or distanced areas from the borderlands and could not flee during the Khmer Rouge military that took control over Cambodia, they stayed at Nong Chan refugee camp for a period of time before they were able to contact their relatives or friends inside the Thai villages for help.

This relationship enabled some groups of refugees to stay and resettle in the villages. In 1991 when decades of conflict in Cambodia formally ended, most refugees were repatriated to their home country but some have decided to remain in the Thai villages (Leckie, 2009). Many Cambodian migrants decided to marry with local villagers in order to remain in Thailand. This intermarriage later has become a key factor for Cambodian female migration and settlement in the Thai villages. Migrants who migrated due to intermarriage often remain as long-term residents when they have children born in Thailand. Therefore, migrants in Khok Sung can be categorized into three groups which are: former refugees who migrated since early and post Khmer Rouge regime (1975-1993), intermarriage migrants which began after 1993, and current migrant workers from daily border crossing of Non Mak Mun.

Despite decades of being in Thailand, migrants are still recognized by the Thai state as undocumented migrants who entered into Thai soil illegally. Until in 2005, the District Office carried out undocumented person census for the first time under government's strategy for people with legal status problem in Thailand (Saisoonthorn, 2006). Whether this survey shows that there are, in fact, 629 Cambodian migrants in Khok Sung, it was in 2011 when Identification of persons without civil registration status or so called white ID card were issued to 214 people.. Many villagers missed the chance to have ID card neither because of their length of stay in Thailand nor the document as all 629 after the survey conducted they were issued with a temporary residential status (Tor Ror 38 Kor). That is one of the requirements for person to receive ID card. One of the most disputes over this issue among villagers did not access to white card is migrants stay in the village only ten years obtained white card while other stay in village over twenty years remain illegal status unchanged. It is because the missed management of District Office and also some village head men ignored about to contribute the process of survey and final selection that they are appointed as the communities with district officers. In so doing, the status of migrants can be categorized into three groups: (1) undocumented persons; (2) those holding white card of person without civil registration status; and (3) some who obtained Thai nationality after arrival.

As a result, undocumented persons can hardly depend on formal social protection policies of the State and are excluded from most of state welfare and insurance programs since the "rights" are particularly for "legible recipients". They cannot access these basic rights like other people in Thailand. The liminal legality for migrant workers produced by national laws of Thailand is nothing more than temporary status (Truong, Gasper, Handmaker, & Berg, 2014, p. 20). This temporary status does not encourage long-term migrants and intermarriage migrants to access it. While they cannot find proper legal status make them keep illegal status over time. Generally, undocumented persons consider their community as the source of social protection when in the absence of the formal social protection schemes from the State.

The family and community are the main sources of support of their households during difficult times (Feeny, 2014).

This thesis studied on boundaries of migrant integration that can affect to the limitations of social protection from Thai border community. I will begin with a brief discussion of general overview of Thai border community follow by analysis the strategies and roles of migrants as the keys to integrate with local community and then point out some attitudes from local citizens toward migrants in order to reflect how integration, acceptance and protection are met. Then illustrate the existing social protection items either from local community and the state to see their different limitations and mutual fulfillment the gap of social protection when in the absence of one another's roles.

1.2 Research Question

How has the Cambodian migrants gained access to social protection, local integration and negotiating with multiple boundaries in the Thai border villages of Khok Sung, Sa Kaeo province?

1.2.1 Sub-questions

1. What are the boundaries and their impacts on Cambodian migrants in terms of accessing social protection and local integration in the Thai border villages?
2. How do migrants negotiate with the boundaries in order to access and enable local integration in the Thai border villages?
3. How has local integration facilitated social protection among the Cambodian migrants?
4. What are the limitations that Cambodian migrants still encounter and what kind of measures should be applied to widen and deepen their social protection?

1.3. Objectives

1. To identify the boundaries and their impacts on Cambodian migrants in terms of accessing social protection and local integration in the Thai border villages;
2. To examine the migrants' negotiating practices in the boundaries in order to access and enable local integration in the Thai border villages;
3. To analyze the effect of local integration process in terms of facilitating social protection among the Cambodian migrants; and
4. To identify the limitations that the Cambodian migrants still encounter and the kind of measures that should be applied in terms of widening and deepening their social protection.

1.4. Terminology Used

1.4.1 Migration

Migration is the physical transition of individual, or a group of people from one society to another (Datta, 2003). Mangalam (1968) argues that this transition involves “abandoning one social setting and entering another and different one (p. 7)”. It is closely correlated with short-term and long-term migration and refers to particular sectors and occupations when migrants are in destination (Truong et al., 2014). Short-term or long-term migrants can transform themselves when they meet with the suitable place and living condition and people may be essential to social networks. This provides support to newcomers, fueled by new arrival and stabilized by permanent migrants (Freeman, 2010).

1.4.2 Local integration

The local integration is a process of mutual exchange between migrants and host population (Castles, 1993). Park (1940) defines this as “a process that goes on in society by which individuals spontaneously acquire one another's language, characteristic, attitudes, habits, and modes of behavior. There is also a process by which individuals and groups of individuals are taken over and incorporated into larger groups (p. 606)”. In more specific domains, migrants are able to integrate or participate in particular levels of socioeconomic of the host society (Wu, Zhang, & Webster, 2013). With the very dimension, local integration can refer with the main

four main aspects: social, cultural, economic and legal-political as the cornerstone to understanding the levels and perspectives of integration in which the migrants are reached.

1.4.3 Vulnerability

Vulnerability is referred to the violation of human rights taking place in a country of destination of migrant (Bustamante, 2002). Chambers (1989) argues that vulnerability refers to “exposure to contingencies and stress, and difficulty in coping with them (p. 1)”. This means that migrants are unprotected and lack access to social protection. As a social condition, the rights of migrants are violated and labeled as deviants on the basis of his or her nationality of origin which make them powerless in destination country (Becker, 1968).

1.4.4 Social protection

The term “social protection” in the common sense means well but its purposes are different as defined by institutional arrangements. Rein & Rainwater (1986) refer social protection to “social provision of resources to individual and families in order to deal with particular risks and needs (p. 25)”. Devereux and Sabates-Wheeler (2003), however, focus on income or consumption transfers to the poor in order to protect them from vulnerabilities and livelihood risks while enhancing to social status and rights of those marginalized groups (p. 9). International Labor Organization (ILO) suggests that the public or collective arrangements can be used as sources of provision of benefits to protect households and individuals against low or declining their living standards (Bank, 2000).

1.4.5 Multiple boundaries

The “symbolic” and “social or physical” are represented to the boundaries. Lamont and Molnar (2002) define social boundaries as “objectified forms of social differences manifested in unequal access to and unequal distribution of resources and social opportunities (p. 2)”. When the objectified forms by symbolic boundaries are widely recognized and agreed upon by the people in particular society or state then they become social boundaries that can take constraining character and patterns of social interaction in important ways (Tate, 2012). This refers to race, ethnicity, class, gender, and nationality as social categories that produce social groups by social actors

to categorize objects, people, practices, and even time and space with unequal access to resources and opportunities (Lamont & Molnar, 2002).

1.5 Conceptual Framework

1.5.1 Migration

The conceptual frameworks have been drawn from four main concepts, namely migration, multiple boundaries, local integration and social protection. The term “migration” is a complex phenomenon which involves people, places, and society of destination where the people migrated. It is primarily defined by the “push” and “pull” factors of migration which help to explain why people have to migrate to their destinations of choice and the reasons behind such decision makings (Brettell & Hollifield, 2015). This research is particularly focused on long-term migrants who often ended up with permanent settlement and who are seeking for local integration. Historically speaking,, Cambodian migrants were brutally forced by Khmer Rouge and Vietnamese armed forces to migrate from their own country and they later on became economic migrants in the host country. As they get integrated in the community, the Cambodian migrants ended up marrying locals. This phenomenon would be best explained by an international migration system theory of Castles and Miller (1993) who describe this gradual transformation status of migrants from temporary residents to the permanent residents with “a four stage model”(p. 25):

1. Temporary labor migration of young workers, remittance of earnings and continued orientation to the homeland,
2. prolonging of stay and development of social networks based on kinship or common area of origin and the need for mutual help in the new environment,
3. family reunion, growing consciously of long-term settlement, increasing orientation towards the receiving country, and emergence of ethnic communities with their own institutions (associations, shops, cafes, agencies, professions),
4. permanent settlement which, depending on the actions of the government and population of the receiving country, leads either to secure legal status and eventual citizenship, or to political exclusion, socioeconomic marginalization and the formation of permanent ethnic minorities.

1.5.2 Multiple boundaries

The “symbolic” and “social or physical” are represented to the boundaries. Lamont and Molnar (2002) note “the conceptualization of symbolic boundaries is made by social actors (p. 2)”. The social actors are essentially from the people who acquire status that allow them to access in resources and status is objectified by the social boundaries. These social boundaries are often referred to as physical and legal boundaries to objectify forms of social differences experienced in unequal access to and unequal distribution of resources (material and nonmaterial) and social opportunities (Tate, 2012). Therefore, this research defines multiple boundaries of migrant local integration and social protection into three dimensions namely, social, physical and legal. Thus, Calavita (2005) argues that “migration is at one level about space, about the movement of people across spatial and territorial boundaries but it is also about more than physical or even political space; social and cultural space as well (p. 12)”. Migrants are required to overcome the boundaries before they become locally integrated and can access social protection. This border crossing process in permitted border areas allows migrants to freely enter and build up connection with the local citizens. The migrants use the ethnic relations and intermarriage to undermine the social boundaries that were created by local social actors. This in effect allows migrants access to more secure social status especially when they have the children of second generation who are recognized as citizens of host country and eventually may contribute to future legal recognition from the state. All these three strategies are considered as tools migrants often used in negotiating with the local community then the State.

1.5.3 Local integration

The concept of integration is a process of mutual exchange between immigrants and host population. It sees adaptation of migrants as two-way process in which both sides of migrants and population learn from each other (Castles, 1993). Castles (1993) argues that integration can range from multiculturalism to full cultural assimilation. From the other side of non-cultural aspect, integration is seen as more specific domains, in which migrants also integrate or participate in particular levels of

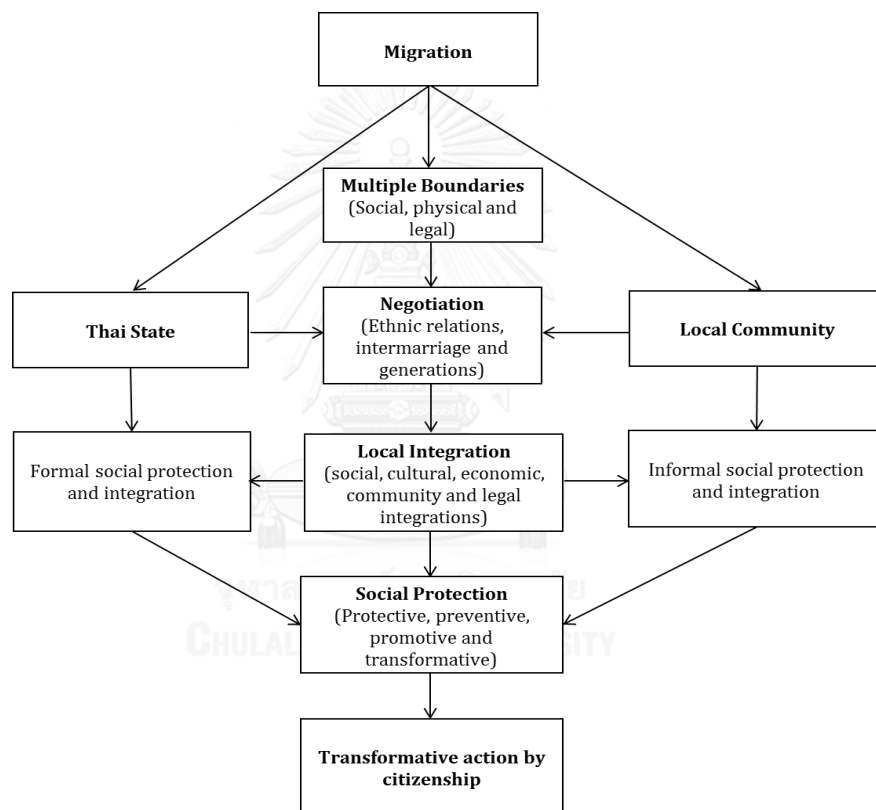
socioeconomic and legal-political activities in the host country (Wu et al., 2013). There are five main instruments for assessment of the integration process, namely: social, cultural, economic, community and legal integrations. It is seen as a largely linear process from the very basic to the most advanced, in which the beginning of integration is cultural integration, local language acquisition, understanding values of cultural practices; complete assimilation through interracial marriages, to enable migrant to be no longer distinguishable (Gordon, 1964). Par and Bugess (1940) note that “in order to gain one another's language, characteristic, attitudes, habits, and modes of behavior migrants will take over or associate with mainstream society (p. 606)”. After sometime, local integration is manifested through intermarriage or through learning the local language so that they can earn income, either individually or as a household, disperse their residential patterns, and decline attachment to ethnic labels (Danico, 2014).

1.5.4 Social protection

The broadening concept of social protection has been redefined in many developing countries as it reflects complex issues. In general, it refers to wage employment and the payment of cash transfers that maintain income, however, the way that term is currently used not only about “occupationalist” but also “conceptual basis” which sometimes expand further scope of terminology (Hoefer & Midgley, 2013). It can cover all protective transfer, services and institutional safeguards. The sources of social protection can be formal and informal. In other words, it is between the collection practice and state mechanism (Holzmann, Richard Hinz, & Team, 2005). Sabates-Wheeler and Waite (2003) conceptualized the multiple approaches to social protection where the vulnerable migrants are widespread and highly differentiated. They have divided social protection into four aspects, namely: protective, preventive, promotive and transformative measures to indicate the social protection for migrants in host country. All four measures can be equal to social assistance, social insurance, social services and transformative action. The social protection can be either from informal and formal mechanism that are often interchangeable between public collective practice and the state-based system in provision protection (Eyébiyi, Herrmann, & Sheen, 2010, p. 65). It is similar to pro

and post protective practices which link between social protection and social security as the mutual supportable mechanism. Standing (2007) points out that “Social protection is the broadest, signifying the full range of protective transfer, services, and institutional safeguards supposed to protect the population ‘at risk’ of being ‘in need’. Social security is the term that covers the state-based system of entitlements linked to what are often called contingency risk(p. 512)”.

Figure 1 Conceptual framework for the research



1.6 Research Methodology

This thesis used qualitative methods to collect data. Ethnographical technique was deployed based on non-participant observation field notes, in-depth interviews and semi-structured interviews that were gathered and administered in the Thai border villages for one month, from 15 April to 15 May 2015. The information from the Khok Sung District Office shows that there are 622 Cambodian migrants widely distributed in different villages. In order to see a great number of migrants together, I

focused my field work in six particular villages only 156 long-term migrants. These villages were divided into two communities according to ethnic groups who are speaking different local languages which are: (1) the Khmer community consisting of three villages (Talom Tim, Noi and Rom Sai) in Khok Sung Sub-district, and (2) the Lao community with three selective villages (Non Chan, Non Mak Mun and Kut Phur) in Non Mak Mun Sub-district. Further, I used additional sources in the forms of reports from the District Office, migration articles and documents on social protection for migrant workers in Thailand to provide comparable data for discussion and analysis. To provide more detail about the data collection process, certain techniques used in this thesis are discussed in the sections that follow.

1.6.1 Documentary Research

Document based research depended on the secondary data from the Thai State such as the statistics of Cambodian migrants in Khok Sung District Office, immigration law and policies regarding the Strategy on Administration of Legal Status and Rights of Persons who remain legal status-less, nationality-less and stateless in Thailand. Information about social protection schemes for migrant workers in Thailand were obtained from national laws such as the Social Security Act (1990), the Workmen's Compensation Act (1994), the Ministry of Public Health (MoPH) (2013), and the National Education Act (2005). All of these were examined within the social protection framework for long-term migrants in the Thai border villages. In addition, secondary data were collected from academic journals, theses and border agency reports and information of Cambodian migrants in Khok Sung District Office.

1.6.2 Semi-Structured Interview

I conducted 79 face-to-face interviews with different groups of migrants and local citizens. Interviews were also conducted with 57 Cambodian migrants who are former refugees, intermarriage migrants, migrant children or Cambodian-Thai nationals. I also interviewed 22 people who are either villagers or local authorities. The conduct of semi-structured interviews lasted from 30 to 45 minutes for each interviewee. All interviewees were randomly selected from different villages without

pre-selection or pre-appointment except some particular people that I could not get direct access to meet them for interviews although appointments were required. During the field work, I would ask the migrant to introduce me with others migrants who live in the same village so that I could get access to other migrants for interviews.

For migrants to be interviewed, they must have been living in the local villages for at least ten years. During the conduct of the interviews, the focus was made on the direct experiences of migrants guided by a well-structured questionnaire consisting of closed and half-opened forms of questions. The questions were particularly designed to know about their attitudes and perceptions toward Cambodian migrants who live in the same village.

1.6.3 In-depth Interview

For this thesis, I conducted in-depth Interviews with 37 key informants from many different groups of people including Cambodian migrants and Thai citizens. For the key informants from the migrants group, I divided into three types and selected three persons from each group which are: (1) undocumented migrants, (2) migrants who received white ID card of person without civil registration status, and (3) migrants who were able to access Thai citizenship. During the course of the data collection, I became aware that it was difficult to find people who have white card and who were able to access Thai citizenship. It took some time to build trust with undocumented persons and village headmen who could introduce me to particular key informants I want to meet. I used a snowball technique to find out my interviewees from one person to another. In some cases, they were among the groups of migrants to whom I conducted semi-structured interviews with and I realized that they should be my key informants then I had to come back and set an interview with them again for the second time. For interviews I conducted with the other 27 key informants, I divided them into five groups comprising of people from different local institutions, namely: (1) six village headmen, (2) five local hospital officers, (3) four school teachers, (4) nine local authorities, and (5) five abbots/monks. To be able to conduct the interviews, I have requested for their permission to be interviewed by using a

letter issued by my university. Most of the target informants were able to allow me to interview them. For some of them who do not usually work in the office like the village headmen, I made sure to secure an appointment with them according to their availability.

1.6.4 Non-Participant Observation

I employed ethnographical techniques based on non-participant observation to observe the relationship between migrants and local people such as the ways they associate with the groups of migrants themselves and to other villagers. The more association of migrants with local people would significantly affect to their relation and language acquisition. As the monk I could easily access to migrant families and could see their residences as they are gathered as groups of migrant households or distributed among the location of other Thai homes. Moreover, when I had opportunities to talk with them then I realized that what I have assumed from the observation process is either true or not. On the other hand, I also observed migrants during my participation in the local ceremonies at the villages and Buddhist temples.

However, it was a challenge for me to pretend myself as an “outsider” due to my personal characteristics and the robe that I wear which are different from ordinary people. Therefore, non-participant observation for others is not so difficult for me but it has limitations that I could only do in particular places and times. I was able to easily get direct access to the places, homes and people rather than simply walking around like a visitor. The observation process at the Thai villages was not difficult compared to the border checkpoints of Non Muk Mun, Nong Chan and Ang Sila because the police and soldiers were aware that I am a researcher. Even though authorities did not prohibit me to access or cross the border to visit Cambodian community, soldiers at the checkpoints were always informed in advance before my arrival so that they can observe me. Once when I crossed the border to Cambodian Nong Chan village, there were several Cambodian soldiers who came to observe very closely. As they followed me to my destination and observed me while interviewing people, I felt insecure that I could not take any photos until I finally decided to return to the Thai village. However, I could see that crossing the border of Thai and

Cambodian villagers was very easy. The villagers would simply ask for permission and they could drive their motorcycle across the border after granting them passage.

When I reached to any checkpoints the police and soldiers would ask me: “Are you a researcher?” This means that they always know in advance about my purpose of the visit. These security protocols made me uncomfortable in the observation process in the villages because I was always aware that somebody was looking at me. The local authorities were likely afraid that I would see some activities that they would not want a researcher to know.

1.7 Scope of Research

This thesis aims to focus on local integration, social protection of long-term migrants from Cambodia in the Thai border villages. It considers multiple boundaries in migration such as social, physical and legal boundaries that migrants have to negotiate with local citizens and the State before getting access to social benefits. In doing so, I carried out this research at six villages divided by two communities, first in Tambon Khok Sung and another in Tambond Non Mak Munk. For local integration of migrants, I measured this concept with five indicators: (1) social-ethnic integration, (2) cultural integration, (3) economic integration, (4) community integration, and (5) legal integration. For social protection, on the other hand, I considered measuring it from both formal and informal sources of protection contexts. Informal social protection refers to community management and its exemption such as the rights to: (1) lands and housing, (2) movement, (3) community self-help saving group, and (4) funeral fund group. According to the State based mechanism and its formal social protection schemes these include: (1) health services, (2) education, and (3) legal recognition as the basic and primary protection from the State.

1.8 Significance of the Research

From the research it can be argued that the state of community exemption is unlimited if migrants are well-integrated within the host society unless the legal boundary of the State affects the capacity of migrants’ integration as well as

undermines the wish of collective practices by local community toward migrants. There is no significant limitation for migrants to enjoy social protection provided by local community as they seem to have openness to migrants such as on rights to land, housing, occupation, welfare, and insurance. The limitations are primarily related to the legal barrier of migrants that delimit the rights and capacity of migrants access to adequate social protection according to national social protection schemes for its citizens and migrant workers. Some previous studies did not focus much on local integration and informal social protection. Most of the studies emphasized the roles of the State in the integration policy and providing social protection for migrants while in fact an actual integration of migrants is happening in the local and at the community levels and not the State (Aerschot & Daenzer, 2014). Community has played a key role to recognize the status of its members including migrants. This thesis can, therefore, illustrate particular negotiating strategies employed by Cambodian migrants to overcome the boundaries of community and the State before acquiring local integration and receiving protection from local community they reside during the absence of state roles.

1.9 Ethical Issues

As a researcher I am concerned about ethical issues that might affect people who are involved in my research especially the undocumented migrants. For those who opted for anonymity, I have replaced their real names with aliases. I would not interview any migrant or local citizens without asking for permission at the beginning of the field work. Letters issued by the University were submitted to particular local authorities for requested interviews. During the conduct of the interviews, no interviewee was forced to answer any questions that they did not want to answer. The interview would be immediately stopped should participants show discomfort to continue.

CHAPTER II

CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW

This chapter is divided into two sections for discussion: theories and literature review. The section on theories will explain the concept of boundaries in the multiple dimensions and meanings that are objectified by different social actors. This section will also discuss the different experiences of migrants in terms of their access to resources and social opportunities. In the same section, there will also be a discussion on local integration concept as the process of exchanging experiences between migrants and hosts. The theory sees integration as the strategy that enables migrants to access to resources and opportunities. The last concept that will be introduced in this section is the social protection for migrants which seems to be generally interchangeable with social security to cover pre and post protective actions. On the other hand, the second section will discuss the literature reviews relating to the policies and state-based mechanisms regarding migrants' integration and their social protection in Thailand. Some examples from the United States and European countries will be presented in this section to elaborate on the point. The states use different policies to integrate migrants based on the characteristics of their social and economic demands. Finally, current social protection schemes for migrants in Thailand and their limitations within the schemes and beyond their implementations will be discussed as well.

2.1 Conceptual Framework

2.1.1 Multiple Boundaries

The “symbolic” and “social or physical” are represented to the boundaries. As Lamont and Molnar (2002) note, “the conceptualization of symbolic boundaries is made by social actors”(p. 2). The social actors are essentially from the people in which acquire status that allow them to access in resources. On other hand, status is objectified by the social boundaries. These are often referred to as physical and legal

boundaries to objectify forms of social differences experienced in unequal access to and distribution of material, non-material resources and opportunities (Tate, 2012). Whenever, the objectified forms by symbolic boundaries are widely recognized and agreed upon by the people in particular society or state then they become social boundaries that can take constraining character and patterns of social interaction in important ways. They can translate the identifiable patterns of social differences and exclusions, for instance, on class, racial, national and religious segregation. Lamont & Molnar (2002) note that “in this way, social boundaries are synonymous with ‘borders,’ which ‘provide’ most individuals with a concreted, local, and powerful experience of the state” (p. 183).

State imposed segregation of border lines that divide people by nation or nationality. Kellas (1991) explains that “Nations have ‘objective’ characteristics which may include a territory, a language, a religion, or common descent and ‘subjective’ characteristics, essentially a people’s awareness of its nationality and affection for it” (p. 2). The migrants are often seen as strangers in their host country because of what is known as “nation” or “nationality differences”. Because of the differences in culture, language, religion and ethnicity, migrants may find it difficult to integrate within the population in the host country. Integration will be tedious migrants do not have certain feeling of belongingness to the national identity of the country they live in. A nation represents its specificity, uniqueness, and distinctiveness from other nations and language is of particular significance for the problem of migrant integration and host populations to communicate with migrants. Thus, populations do not want to associate with alien people. Further, alien population often will not integrate with the host populations perhaps except only at work. They generally form their own cultural enclaves that will grow into mini-nations once a critical mass of their people has been reached (Barrett, 2012).

The problem of boundary in integration is a subset of generic problem of the cultural and political reproduction of any nation, and arises particularly in those nations which accept migrants (Ueda, 2005). Such as, in 1990, Southern European

countries faced with first large-scale migration in which mostly from Mexico and similarity according to the Central and East European countries that introduced the EU policy regarding integration of migrants only after their arrival to the EU in 2004 (Scholten, Entzinger, Penninx, & Verbeek, 2015). As a result, the non-integration of migrants to the natives can cause marginalization in which prejudices and discrimination on the basis of “national identity” can be a main factor. This prejudice which is an attitude with an emotional bias may come from negative ideas of dominant group toward subordinate group (Marger, 2005). Migrant with status as stranger is an important factor for the development of a negative attitude. Consequently, this attitude can bring to discrimination between migrants and natives; it is an actual behavior of how people of majority treat the minority. This discrimination may also rooted from different faith, identity, race and ethnicity (Parrillo, 2002). For example, discriminatory practices were used against minority groups in Thailand during Phibulsongkram’s regime where Chinese and Malay-Muslims were the targeted groups (Boonwanno, 2007).

Cholewinski (2005) suggests that “affording rights to migrants can be an important feature of ensuring their integration in society but the absence of rights in contrast can lead to inevitably risks their social exclusion(p. 17)”. In this regard, ILO provides international standards for social protection of migrants based on five conceptual principles which include: (1) equality of treatment, (2) maintenance of acquired rights, (3) determination of applicable legislation, (4) maintenance of rights in the course of acquisition, and (5) reciprocity (Huguet, 2014). Equality of treatment is one of the important principles in terms of State policy implementation on social protection and social security based on non-discrimination on the basis of nationality (Bender, Kaltenborn, & Pfleiderer, 2013). However, many countries use the policy to limit social rights for migrants by making their life more difficult for those already present in host countries (Cholewinski, 2005). The problems of social protection for migrants in many countries appear to be a selective practice where host countries include only some particular types of migrants into their social protection schemes. Irregular migrants generally face discrimination because of legal boundaries. Cholewinski (2005) argues that “ restricting the access to rights of irregular migrants

to social protection will increase not only their marginalization but also the stigmatization in the eyes of the general population that views irregular migrants as unworthy recipients of social protection (p. 18).” This can eventually affect the integration of migrants because they will lack sense of belongingness to the community, society, and country they live in as they receive unequal treatment from the state and its population.

2.1.2 Local Integration

Integration and assimilation are two words mainly used to address the host-migrant relationship. These terms are often used interchangeably. The former is mainly used in the European countries while the latter is used in the USA (Wu et al., 2013). Par and Bugess note that “assimilation is a process of interpenetration and fusion in which persons and groups acquire the memories, sentiments, and attitudes of other person or groups, and, by sharing their experience and history are incorporated with them a common cultural life (1964, p. 64)”. They explain the process wherein individuals naturally gain one another's language, characteristic, attitudes, habits, and modes of behavior by which people will take over or associate with larger groups in host society (1940, p. 606). This theory was later popularized by Milton Gordon (1964), who developed structural assimilation as the cornerstone of migrant integration. Gordon argues that assimilation which happens across generations and generations are considered as the vehicles for ethnic changes (Ramiro Martinez & Abel Valenzuela, 2006, p. 39). As the integration process progress one will see more specific domains, in which migrants are able to integrate or participate in particular levels of socioeconomic of the host society. From the literature reviews, integration is multidimensional in form in which the most well-known seven steps of Gordon including cultural, behavioral, structural, marital, identification, attitude reception, behavior reception and civil assimilation (Wu et al., 2013). The integration is seen as a largely linear process in which migrants make process from the very basic to the most advanced. The beginning of integration is cultural integration, local language acquisition, understanding values of cultural practices while complete assimilation is manifested through interracial marriages, to enable migrant to be no longer distinguishable (Gordon, 1964).

Classical assimilation aims to explain the process of assimilation in ethnic relations. Robert Park (1950) points out that the minorities will incorporate into the mainstream culture then the interethnic relations will be connected (Ramiro Martinez & Abel Valenzuela, 2006). He divides the connection process into four stages which pertain to contact, conflict, accommodation, and assimilation (Park, 1950; Park & Burgess, 1969). The process of racial and ethnic assimilation will not go quickly but rather integrate slowly (Smith & Edmonston, 1997). According to Milton Gordon (1964) he notes on classical assimilation by using principle of generations to get access to integration, however, it is not the case that it must happen within the lifetime of one migrant. Migrant can access into some levels and dimensions of integration. As Gordon proposed, there are seven dimensions of migrant integration which are on: cultural, behavioral, structural, marital, identification, attitude reception, behavior reception and civil assimilation (Wu et al., 2013). The acculturation is seen as an infinite stage for other structural forms of assimilation and is necessitated to process from the very basic to the most advanced (Gordon, 1964).

In Neo-classical assimilation, on the other hand, the process of assimilation capitalizes on the experiences of past migrants which in a way contribute to the assimilation of current migrants. Richard Alba and Victor Nee have given different views from the classical assimilation and shared the perspective of neo-classical theory when they further argued that the former groups who have already assimilated will facilitate the later groups enter into the mainstream wherein their children will also benefit from this assimilation template whether they are unintended (Danico, 2014). Thus in a historical overview of European migrants at the turn of the 20th century “became” white over several generations, group such as the Irish and Italians became white through intermarriage (Alba & Nee, 2003). This intermarriage with host citizens allows migrants to acquire the local language, increasingly dispersed their residential patterns and declined attachment to ethnic labels. However, in neo-classical assimilation theory, these will not be readily apparent until the third or fourth generations of migrants (Danico, 2014).

In segmented assimilation, the most influential theorists are Portes and Zhou (1993) who focused on the second generation migrants and the socioeconomic outcomes. The theory attempts to explain how new migrant groups may depart from the straight-line by reframing the questions of whether the second generation will assimilate as a question to what segment of society it will assimilate (Ramiro Martinez & Abel Valenzuela, 2006). Therefore, the theory has identified two important alternatives to straight-line assimilation. When the migrant youth integrated into a disadvantaged neighborhood and without support from family and co-ethnic community, the youth will be able to adopt the norms and values of inner-city youth subcultures. In contrast, migrant youth who maintains strong attachments to the values and still has tight solidarity with its co-ethnic community, the youth will depart from the straight-line assimilation because this will resist the acculturation process (Ramiro Martinez & Abel Valenzuela, 2006).

2.1.3 Social Protection

Social protection has been recognized by the 1948 Universal Declaration of Human Rights and other fundamental international human rights instruments (A. B. García & Gruat, 2003). The ILO's mandate points out accessing to such protection as universal through the promotion and development of social justice (A. B. García & Gruat, 2003). The broadening concept of social protection has been redefined in many developing countries and it shows complex issues. In general, it refers to wage employment and the payment of cash transfers that maintain income, however, the way that term is currently used results not only about "occupationalist" but also "conceptual basis" which sometimes expand further scope of terminology (Hoefer & Midgley, 2013). It should cover all protective transfer, services and institutional safeguards. According to the work of Standing on social protection, he classifies it into pro and post protective practices to link between social protection and social security as the mutual supportable mechanism. Social protection is employed with the population at risk of being in need but social security covers the state-based system of entitlement associated to what extents are often called contingency risk (Standing, 2007, p. 512). Social protection and social security are interchangeably used according to the contexts of particular population in vulnerable situations as ILO

provides comprehensive definitions and explanations between social protection and social security published in Work Social Security Report (Hall, 2012, pp. 13-14; ILO, 2011, pp. 13-14):

Social protection ... is often interpreted as having a broader character than social security (including protection provided between members of the family or members of a local community) but is also used in some contexts with a narrower meaning (understood as comprising only measures addressed to the poorest, most vulnerable or excluded members of society) ... Social protection has the following aspects: (1) interchangeable with “social security;” (2) as “protection” provided by social security in case of social risks and needs.

Social security covers all measures providing benefits, whether in cash or in kind, to secure protection from: (a) lack of work-related income (or sufficient income) caused by sickness, disability, maternity, employment injury, unemployment, old age or death of a family member; (b) lack of access or unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents; and (d) general poverty and social exclusion... Social security has two main dimensions, namely ‘income security’ and ‘availability of medical care.

Social protection remains to be problematic in practice as many countries still have not recognized migrants as the population according to their social protection schemes. Ulriksen and Plageron (2014) note that the “rights carry correlative duties in which individuals can enjoy rights by virtue of their citizenship while non-citizens are excluded” (p. 755). Generally, social protection is focused mainly on social insurance, social assistance, and public services to the population at large but many international covenants attempt to expand these to support the rights of international migrant workers. The 1990 International Convention on the Protection of the Rights

of All Migrant Workers and Member of Their Families (which enter into force in 2003) and the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Hall, 2012) are the landmark international agreements on migrants rights protection. The five basic principles of international standard social protection of migrants include: (1) equality of treatment, (2) maintenance of acquired rights and provision of benefits abroad, (3) determination of the applicable legislation, (4) maintenance of rights in the course of acquisition, and (5) reciprocity (Huguet, 2014).

Social protection is often limited by political contexts toward non-citizens, as many countries do not treat international migrants like their citizens. Particularly, undocumented workers are faced with discriminatory legislations which violate their entitlement to social protection. Hall (2012), notes that there are two main barriers that limit the migrants from accessing social protection. In the ASEAN context, the legislations on social protection are in place but are generally accorded to the citizens and are applied to particular groups of migrants. This legislative barrier apparently excludes the welfare of the greater population of migrants. On the other hand, administrative barriers to social protection pertains to a fundamental flaw in the administrative practice where entitled migrant workers to social protection may face limited access to social protection mechanisms (p. 18). This, therefore, requires active promotion and implementation of social protection from both formal and informal duty-bearers (Ulriksen & Plagerson, 2014).

2.2 Literature Review

2.2.1 Integration of Migrants in the United States and Europe

Migration is a complex phenomenon that involves people, places, and society of destination where the people wish to migrate. The study on migration is multidisciplinary in nature as it seeks to understand why people migrate and their reasons for choosing a particular destination. It is primarily defined by the “push” and “pull” forces of migration which helps to explain if migration is likely to occur (Brettell & Hollifield, 2015). However, it does not always provide insight about who migrates and what happens after migration has ended. Other theoretical frameworks

(insert your reference here) can help better explain the different migration phenomena for different groups of migrants, particularly the long-term migrants who often ended up with permanent settlement and are seeking for local integration. Castles and Miller describe the patterns of migration from the Mediterranean countries to western Europe and to Australia, and from Latin America and Asia to North America until it becomes the four stage model of international migration system (Skeldon, 2014). It was noted that migrants generally begin with temporary migration for work before prolonging their stay for later settlement and then become the permanent residents in the host country (Castles, 1993).

In general, countries of destination in Europe can be differentiated into three types. Firstly, traditional migration countries such Australia, Canada, New Zealand, and the United States are unique from other migration countries because these countries still encourage migration for permanent settlement on a significant scale. Secondly, migration countries such as those in Europe (United Kingdom, France, Netherlands, Austria, Germany and Sweden) are often seen as for temporary migration only. Lastly, new European migration countries (e.g. Ireland, Italy and Spain) have transformed from emigration to migration countries (Bauer, 2003). Migrants in Italy and Spain were mainly the natives returning from the Northern European countries after migrant recruitment was stopped in the first half of 1970. Therefore, these countries do not yet have a long experience with inflow migration as they are still developing migration policies for their countries.

Prior to 1920, migration to the United States was not very restricted but later on tightened where a policy based on national origin was used to determine those who are qualified to be given an entry visa or not (Bauer, 2003). The 1965 Amendment to the Immigration and Nationality Act which uses the principle of family reunification has become the key determinant of US migration policy. The law is given priority for those who have relative/s who are citizens or permanent lawful residents (LPR) in the US. Moreover, the policy changed from the preference for specific countries to a selection of migrants based on the labor market characteristic that favor skilled workers. Currently, some two-thirds of all migrants in the United

State entered via family reunification laws (Hernandez, Nguyen, Saetermoe, & Suarez-Orozco, 2013). In general, the migration policy in the United States defines the legal status of non-citizens or aliens into two categories: permanent resident and temporary resident. The permanent lawful residents who possess a green card are eligible to enter and leave the country freely. Under the law of the State, they may later apply for the citizenship called naturalization (Richardson, 1996). However, migrants who entered the country illegally cannot apply for an adjustment of their status for permanent lawful residents because they are considered as having violated the US law. A non-citizen who wants to become a US citizen must become a permanent resident first before he/she can apply for the citizenship after waiting a period of generally five years (Motomura, 2006). Recently, Mexico was the leading country of origin of permanent lawful residents in the United States. In 2011 alone, an estimated 3.3 million or 25 per cent of all 13.1 million green card holders originated from Mexico (O'Leary, 2014). Garcia (2002) who studied on the Mexican Americans notes that millions of Mexican residents in the United States can access to citizenship rights of both countries because the 1996 Mexico's law allows its citizens to hold a dual nationality (p. 123). However, despite the United States recognizing this law, it does not encourage its citizens to hold dual citizenship. After World War II, there are numerous forms and types of migration that are observed in European countries, namely: permanent migration, temporary migration, labor migration, asylum seeking, legal and illegal migration (Lister & Pia, 2008). From 1945 to early 1960s, there were 20 million displaced persons by the war who migrated to Germany as well as returnees from European colonists and labor migrants to Great Britain, France, Belgium and the Netherlands (Bauer, 2003). Fortunately, most of European countries opened to accept the inflow of migration. As the result of labor shortages, some countries like Germany, Austria, the Netherlands, and Sweden introduced an active recruitment policy to receive unskilled workers from Southern European countries. However, after 1973, with the first oil price shock, recruitment of unskilled workers stopped all over Europe. Since 1988, there was an inflow of east-west migration, and asylum seekers and refugees from Germany (Ethnic Germans), Africa and Asia came to Western Europe.

However, after 1992 some European countries decided to restrict on migration of asylum seekers and refugees into their countries. Germany, for example, changed the respective article in the constitution in order to reduce the inflow of asylum seekers and at the same time made it possible to send back those refugees and asylum seekers to their respective countries of origin. The implantation is defined to be safe by law. It should be noted that since 1991, member countries of Organization for Economic Cooperation and Development (OECD) were careful on migration policy decision making. The permanent residency status that European countries have granted for migrants and asylum seekers in the past have stopped and banned later illegal migrants from accessing this (Lister & Pia, 2008). Some European countries do not grant citizenship to anyone born in the country, nor do they readily provide passport to migrants (Jovanovic, 1998), unlike the US and Australia which have birthright citizenship. In contrast, European countries do not grant the citizenship on the basis of *jus soli*¹ but they still allow children of migrants born in the countries to have the right to access naturalization process after they have stayed from five to twelve years in the host country. In Germany, for example, the 1990 Foreigners Law made naturalization of migrant children either born or those who have been staying in the country for eight years automatically grants them citizenship (Stout, Buono, & Chambliss, 2004).

2.2.2 Local Integration of Migrants in Thailand

Local integration of migrants in Thailand from the past to the present can be divided into three main periods and strategies namely: (1) integration by nationality acts, (2) Civil Registration Acts, and (3) immigration acts.

Prior to 1939, Thailand was then called Siam. The populations consist of multiethnic groups living under the same ruler, devoid of the notion of citizenship. This was continued until the notion of Thai nation-state was introduced during the reign of King RAMA V which declared that every group of population in the country

¹ *Jus soli* is the right of anyone born in the territory of a state to nationality or citizenship. These considerations demonstrate how national identity informs citizenship and potentially allows for the exercise of prerogative power upon noncitizens. It is the predominant rule in the Americas, but is rare elsewhere.

shall be integrated and recognized as Thai under the codes included in the first Naturalization Act and the first Nationality Act that came into force in 1911 (B.E. 2454) and in 1913 (B.E. 2456), respectively.

The second period of integration was by the civil registration acts which were introduced in 1955. The implementation of this law caused many undocumented and nationality-less persons experience even greater difficulty in accessing the state civil registration process. This especially happened with ethnic minority groups who live in the remote areas and along northern border of Thailand. It must be noted that in the past throughout the Cold War, the Thai government's concerns about community insurgency in which some border populations were suspected of being involved with communism caused the restriction on civil registration. Children from undocumented families also could not receive their birth registration certificates. However, in the past decade, there has been vast improvement on birth registration for every child regardless the status.

The third period of integration was by immigration acts. The Government of Thailand has no direct policy to grant the permanent resident status or integrate migrants into the Thai State but rather applies the national policies to solve the problems of particular undocumented groups. For example, in the past, the Thai government had granted different legal status for ethnic minority groups and aliens. In the early 1970s, the government surveyed and assigned colored cards² for minority group and border population. Then in 1990, the minority groups were fully articulated and classified into 15 types of groups (Pongsawat, 2007). According to the Ministry of Interior, the 15 groups are namely (1) nationalist Chinese army settlers and descendants; (2) immigrant Haws; (3) free Haws; (4) migrant Vietnamese (5) ex-Chinese Malaya communists; (6) Thai Leu; (7) displaced Laotians; (8) migrant Nepalese; (9) displaced Burmese nationals; (10) Burmese irregular migrants; (11) displaced Burmese nationals with Thai ancestry; (12) hill tribes, Mra Bris and

² Aliens who were born outside Thailand and migrated into Thailand before 3 October 1985 (B.E. 2528) had to be registered and given one of four types of identification cards including: (1) Highlanders (blue-color card), (2) Displaced Burmese Nationals (pink-color card), (3) Nepalese migrants (green-color card) and (4) Independent Jean Hor (orange-color card).

Mogens; (13) migrants from Koh Kong with Thai ancestry; (14) Cambodian irregular migrants; and (15) communities in the highland areas (not including hill tribes) (Huguet, 2011). In 2005, the Thai cabinet introduced the “strategy to solve problems on legal status and rights of person” with the new identification of the unregistered population (Saisoonthorn, 2006). This becomes the stage to recognize legal status of particular undocumented persons whether they belong to any ethnic minority groups or long-term migrants in Thailand. Each group is registered and assigned a color card that signifies its entitlement status which varies among groups. There is a possibility under the decision of the state to grant full citizenship to some groups or even all groups that are registered.

Pongsawat (2007) who studied on border partial citizenship argues that the partial status of the minority group in contemporary Thailand can be considered as the status of “minority migrant” is different from the conventional immigration of an alien to the Kingdom of Thailand as stipulated in the Immigration Act 1979. In general, legal migrants who enter the country can be divided into two categories: the short and the long stays. Migrants must apply for a work permit if he/she wants work in Thailand. Illegal migrants are not allowed to enter Thailand according to the Immigration Act. If a migrant illegally enters the country, he/she will be arrested, put to jail and be deported. However, “minority migrants” are not arrested, put to jail and deported like other illegal migrant workers because they are contained and controlled by the State in terms of mobility restriction while they are in the process of waiting for the State’s decision whether to deport them, or grant them alien status or Thai citizenship. They share the similar limitations like other migrant workers in terms of the need to obtain formal work permits and movements within registered areas only. Their mobility outside these areas require obtaining prior permission from the State. The minority migrants as they are “temporarily” allowed to stay in Thai soil are given on the basis that the State still does not have yet specific policy regarding deportation therefore this temporary status can become the foundation of the newest form of integration and partial citizenship.

Boonwanno (2007) who studied on stateless persons in Chiang Mai Province focused on citizenship acquisition of persons holding pink cards (Burmese displaced person). Many villagers in Mae Ai village have to become undocumented persons because they missed registration during the census and thus they have revoked their Thai nationality. They have used the pink card like the Burmese displaced persons until they have the chance to prove their Thai nationality through local public opinions and legal documents submission to the District Office. However, this study is likely to point out that acquisition of Thai nationality is not only for the original villagers but also for the real displaced persons who moved from Myanmar. There is an argument on local corruption and weak process on national verification as many migrants could not access to Thai nationality while some villagers still remain stateless. Inadequate and untrustworthy evidence of residency cause them to still unable to obtain the Thai nationality. However, the study of Wong-a-thitikul (2006) on stateless person in Chaig Ria province argues that it is possibly for non-original Thai to receive the Thai nationality even though they moved from Myanmar. This is due to the process of nationality verification that has still been taking place in the local levels. In his study, it is not really about corruption that slows down the process but rather the flexibility of the provincial officer for migrants and their children to process through nationality acquisition according to the Nationality Acts in a step-by-step manner. For example, the Mae Fa luang District Office allowed the migrant children who have finished high school and pre-university degree to register the Tor Ror 14 document which allows them to use this document to apply for the Thai nationality according to article 7/2 of the 1992 Nationality Act. As a result, in 2006, the Ministry of Interior has considered and approved the Thai Nationality for those migrants from Myanmar on the basis of applicable document they have.

Somboon (2005) suggests that sources of information and awareness of individual migrants and stateless persons on entitlement to Thai nationality is very important. His study in Mae Fa luang District shows the importance of community and local leader and authorities as the sources of information to recognize the status of persons in the community. In general, the elder migrants will not understand much about their rights to Thai nationality. They depended mainly on their village headman

who in turn receives information from the District Office regarding nationality. On the other hand, seeking for information from relatives, friends and villagers who have previously acquired Thai nationality is the common alternative approach for minority migrants. In this study, it reveals the challenges that even if they have adequate evidence of their identity, it would be difficult, if not impossible, to process it alone because of lack of help from the community and the local. At the least, the minority migrants must create for themselves favorable local public opinion and that they must acquire recognition from the community. Should the migrant pursue the application for Thai nationality without going through this protocol, the community and the local leader will refuse to support the migrant and therefore face the possibility of being refused to let the migrant continue on his/her application.

2.2.3 Social Protection for Migrants in Thailand

Thailand's social protection schemes are based mainly on four main pieces of legislation namely: (1) the Social Security Act (1990); (2) the Workmen's Compensation Act (1994); (3) the Ministry of Public Health (MoPH) Announcement on Health Examinations and Insurance for Migrant Workers from Myanmar, Lao PDR, and Cambodia (2009) (revised in 2013); and (4) the National Education Act (1999) (Huguet, 2014). These legislations are categorized by key provisions of social protection to migrant workers which includes: social security, workmen's compensation, health care, old-age, child benefits, unemployment and education (Huguet, 2014, p. 35). These items are legible only for migrants who entered the country legally or those who obtained the legal status after arrival. For legal migrant workers, they can be divided into three categories namely: (1) Memorandum of Understanding (MOU) migrants; (2) migrants who completed nationality verification; and (3) registered migrants (entered regularization process). All these groups have differential benefits according to the social protection schemes that will be discussed in the sections that follow.

2.2.3.1 The rights to public health services

Health insurance program for migrant workers was first introduced in 1997 and is called the Compulsory Migrant Health Insurance (CMHI) (ILO, 2009). A

migrant who is eligible to access the state health insurance must possess a passport, completed nationality verification or is a registered illegal migrant worker (Manajit & Na, 2011). This will allow hen migrant to purchase the health insurance that costs 2,800 for health care insurance annually (Huguet, 2014). Registered migrant workers are required to purchase the CMHI during their period of employment in Thailand (Balbo, 2005). On the other hand, migrants can instead access to health benefits through Workmen's Compensation Funds (WCF) and Social Security Fund (SSF) (Hall, 2012). In so doing, the migrants or employers should make monthly contributions of 5 per cent to the SSF or 0.2-1 per cent to the WCF (Huguet, 2014). Sakunphanit and his colleagues (2013) conducted a social protection assessment in Thailand and note that "although migrant workers under the MOU or who have passed nationality verification can in theory be registered under the SSF and the WCF, they encounter difficulties in fully accessing benefits because of limited compliance with the law by employers (p. 14)". It remains a challenge though for migrants to access this health insurance package as it is commonly out of reach in practice. Huguet (2014) notes that it was also sometime the migrants' own wishes because they do not want to lose their income.

To include illegal migrants in the benefit package, the Ministry of Public of Health (MoPH) revised the policy regarding CMHI for irregular migrants. This policy allows irregular migrants to have alternative options in terms of buying health insurance package valued at THB 2,800 per year (THB 365 for migrant children under age 7). However, Huguet (2014) argues that even this policy is positive for migrants but due to the expensive fee as a major deterrent for migrant not to purchase it, moreover, young and healthy people may not see the importance of voluntarily purchasing coverage, as they likely not to enroll it.

Table 1 Social protection schemes for migrant workers

Legal status	Entitlements	Application	Institution
MOU migrants	Social Security and Workmen's Compensation Funds*	Compulsory (registration and monthly worker/employer matching contributions of 5 per cent required for SSF and registration and employer contribution of 0.2-1 per cent for WCF)	Social Security Office of the Ministry of Labor
Migrants completed nationality verification	Social Security and Workmen's Compensation Funds*	Compulsory (registration and monthly worker/employer matching contributions of 5 per cent required for SSF and registration and employer contribution of 0.2-1 per cent for WCF)	Social Security Office of the Ministry of Labor
Registered migrants (entered regularization process)	Compulsory Migrant Health Insurance scheme	Compulsory (enrolment fee of THB 2,800)	Ministry of Public of Health
Irregular Migrants	Compulsory Migrant Health Insurance Scheme	Optional (enrolment fee of THB 2,800)	Ministry of Public of Health

Sources: (Huguet, 2014; Schmitt et al., 2013)

2.2.3.2 The rights to education

Since the early 2000, the Thai government started to express concern about the migrant children with regard to child trafficking and exploitation of migrant child labor (Truong et al., 2014). Therefore, based on Cabinet resolution on education for undocumented children the Ministry of Education (MOE) introduced the 'Education for All' policy in 2005 in order to expand and enforce education as the universal rights for all groups of children in Thai society (Truong, Gasper, Handmaker, & Bergh, 2011). Then undocumented children are eligible to enroll in Thai public schools and can receive 12 years of free education like the Thai citizens (Bartlett & Ghaffar-Kucher, 2013). Pyne (2007), on her studies on schooling and statelessness along Thai-Myanmar border after this educational right is stipulated, argues that

migrant children generally cannot speak Thai therefore many public Thai schools often discourage their enrollment in order to avoid difficulty to teach undocumented students and Thai students together (p. 171). Voluntary Service Overseas (VSO) (2013) which has been working with the migrant community in Thailand since 2005 revealed that many Thai teachers are still lack understanding of the community from which migrant children are coming and of how to manage a multicultural classroom (p. 35).

Recently, the numbers of undocumented children in Thailand are believed to attain schools less than 20 percent (Allden, MD, & Murakami, 2015). Due to many reasons as Bartlett and Ghaffar-Kucher (2013) who work on refugees, migrants and their education argues that barriers to education of migrant children in Thailand can be summarized in five points:, namely: (1) a lack of awareness of migrant families or a lack of willingness on the part of some Thai schools to register non-Thai children; (2) parents' concerns about the cultural relevance in attending schools; (3) pressure for undocumented children to work; (4) the itinerant lifestyle of many undocumented families; (5) and security concerns for undocumented family members that result in an unwillingness to assert their rights (p. 157). However, one of most obstacles in this regards is that the parents still fear to be arrested by the police if they send their children to school in spite of the fact that government is flexible for children and their parents on the basis of education. In theory, if migrant children do not have birth certificate or registration paper, a family biography of migrants as well can be used to enroll in school (Allden et al., 2015). This often applies to many schools which are located at the borders or remote areas. However, many migrant families are still uninformed about this possibility and also some think that the school enrollment process may require many documents that they cannot meet (Bartlett & Ghaffar-Kucher, 2013).

Table 2 Migrant children enrollment rates in Royal Thai government schools in Thailand, 2012 – 2014

Years	Total Children in RTG School	Thai Students	Non-Thai Students	Percent of Non-Thai Students
2012	7,355,041	7,255,108	99,933	1%
2013	7,243,713	7,130,646	113,067	2%
2014	7,114,804	6,981,458	133,346	2%

Source: (OBEC, 2014, p. 17)

2.2.3.3 The rights as a professional

The rights to work of aliens and migrants are limited. The work that may be engaged by an alien as well as the workplace and period of work shall be prescribed by the Ministerial Regulation. Foreigners who intend to work in Thailand are subject to the Alien Employment Act 2008 (B.E. 2551). Under the provisions of this Act, an alien or a foreigner cannot perform any work or service unless a work permit has been issued by the Alien Employment Division of the Labor Department and Social Welfare Ministry. This is based on the major concerns of national security and occupation opportunities in Thailand. The available types of work for aliens are defined according to the demands for labor necessary for the development of the country. Therefore, the matters to be prescribed can be different according to the categories of worker and their work permit (MOL, 2008). There are 3 categories of aliens who are legible to apply for work permit (MOL, 1978):

1. Alien who resides in the Kingdom of Thailand or is allowed temporary stay in the Kingdom, but not as a tourist or a transit traveler;
2. Alien who is allowed to work in Thailand according to the investment promotion laws or other laws; and
3. Alien who has been deported but is allowed to work in certain location in replacement of deportation or while waiting for deportation; alien who has entered Thailand illegally or is waiting a forced transfer out of the Kingdom; and alien who was born in the kingdom but not granted Thai

nationality or was denaturalized, is eligible to work in 27 occupations as stipulated in the Ministerial Announcement.

These 3 categories are legible to work in 27 occupations according to the Ministry of Labor permission, namely: vehicle maintenance, house construction, dress-making and laundering, some forms of agriculture, sales (other than strategic goods such as weapons, communication equipment, etc.), food-making, shoe, clock, watch and glasses repair, knife-grinding, picture framing, metal-working, weaving (other than silk) and general laboring (Boonwanno, 2007). On the other hand, aliens are banned to work in 39 occupational categories, which include annual workers and traditional craft skills that are reserved only for Thais (Bilsborrow, 1997). The work permit is further divided into two main categories which are the temporary and permanent permits. In general, the temporary permit is valid two years last and in some cases renewable for another two years.

CHAPTER III

PROFILE OF CAMBODIAN MIGRANTS AND THEIR NEGOTIATION ISSUES IN THE BOUNDARY CROSSING

This chapter is divided into two parts: profile of Cambodian migrants and their negotiation issues in the boundary crossing. This chapter begins with an introduction of the contexts of border communities in Khok Sung District wherein the research sites were selected. I then described the causes of Cambodian migration and the settlement in Khmer and Lao communities. Subsequently, I have illustrated the demographic profile of Cambodian migrants which provided insight in this thesis. For the second part, I drew upon the idea of negotiation in the boundary crossing in which I described the circumstances of Cambodian migrants in the Thai border villages in terms of how they physically, socially and legally negotiate with the multiple boundaries. Thai-Cambodian border crossing in Khok Sung is considered as a state of local exemption because of its ambiguity s between legal and illegal crossing of people in this border. I then analyzed the way in which migrants use ethnic relation and intermarriage as a social capital to reduce the social boundary before integrating with the hosts. Finally, I showed in this chapter how migrants access to social protection despite the absence of the State duties especially in situations where they are faced with legal barriers.

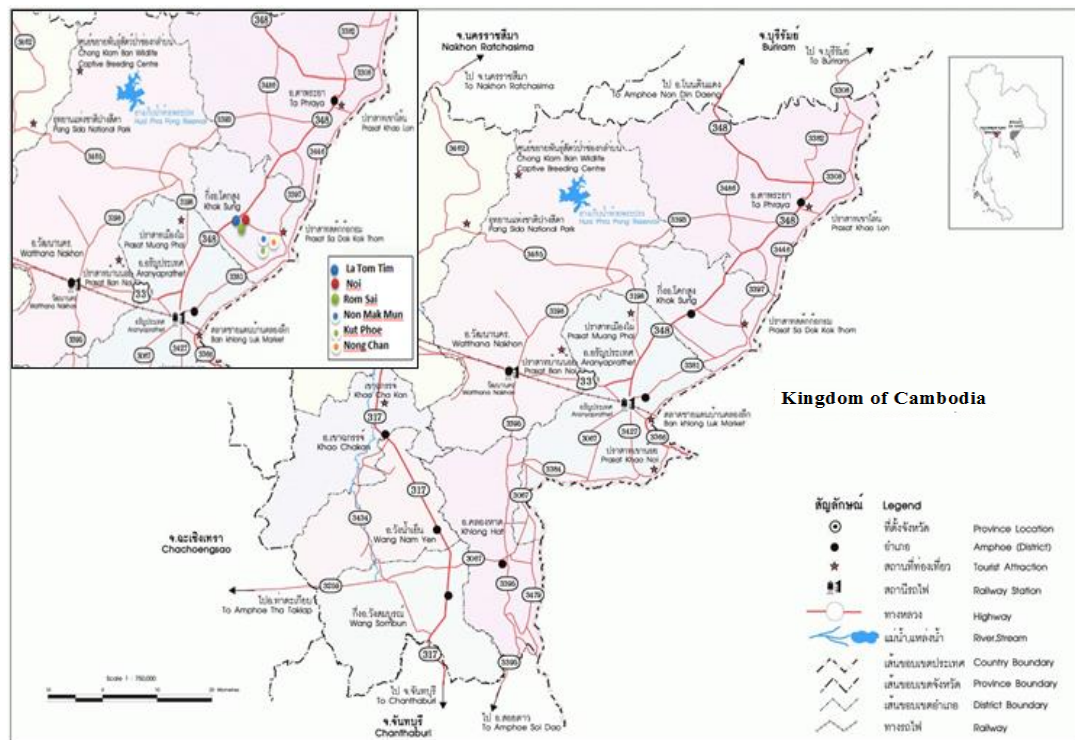
3.1 Profile of Cambodian Migrants

3.1.1 Profile of the Thai Border Villages

At the beginning, I carried out the study in Thai border villages located in Khok Sung District. Its neighboring districts from the South are Aranyaprathet, Watthana Nakhon and Ta Phraya of Sa Kaeo Province, Thailand and to the East is Banteay Meanchey of Cambodia. Khok Sung District accommodates 629 Cambodian migrants out of 26,466 Thai locals in the villages. Majority of the Cambodian

migrants live in Khok Sung and Non Mak Nun Sub-districts in which the Thai population are represented into two ethnic groups of people who either speak Khmer or Lao. There are three Khmer villages adjoining together and these include Talom Tim, Noi and Rom Sai in Khok Sung. These three villages were originally divided from Talom Tim, a Khmer term which literally means “twin fallen (tree)”. The villagers still commonly use this name to refer to all three villages. From the narrative of local people, their ancestors were originally from Cambodia and when the first group of Khmers arrived in these areas, they saw a big twin fallen tree therefore they named the village as Talom Tim. From the literature review, the people moved to relocate in these areas after the World War II when Battambang and the neighboring provinces of Siem Reap in Cambodia were occupied by Thai authorities from 1794 to 1907 before the French colonial regime came which ended the Thai occupation (Ooi, 2004). The local population still uses Khmer as its local language. There are approximately 87 long-term migrants living in these villages among 2,378 local citizens. It takes only five kilometers from the East of Khok Sung Subdistrict to Khok Sung Township and two kilometers from the West to Non Mak Mun and its temporary permitted areas and border check points between Thailand and Cambodia.

Figure 2 Map of Thai border villages in Khok Sung district, Sa Kaeo Province



Source: Sa Kaeo Map, retrieved 30 July 2015, <http://www.novabizz.com/Map/57.htm>.

The Non Mak Mun population communicates in Laos local language and majority of migrants (56 out of 1,642 locals) live in three villages Nong Chan, Kut Phoe and Non Mak Mun. These areas were previously established as refugee camps at Non Mak Mun and Nong Chan on the Thai-Cambodian border in 1979 before it was destroyed by the Vietnamese military in late 1984 (Stedman & Tanner, 2003). Currently, the Cambodian people set up new villages on the former location of refugee camps along the Cambodian-Thai border by using similar names with Thai villages. The Nong Chan and Ang Sila villages of Cambodia are located opposite to Nong Chan and Ang Sila villages of Thailand. Migrants in the Cambodian-Thai border villages are Cambodian villagers who were former refugees and are new generation of settlers from other provinces in Cambodia. There are three temporary permitted check points located at Non Mak Mun, Nang Chan and Ang Sila. Each is one kilometer away from another. Thai and Cambodian villagers are allowed to visit each other under the permission of authorities (soldier) at each border check point.

From interviews, majority of migrants are married to local villagers either before or after migration and some were displaced persons who fled into the Thai border villages after the Vietnamese military destroyed Non Chan camp. Thai local people cultivate mainly rice, sugar cane and cassava crops according to the seasons. Migrants work as farmers and also local laborers in the Thai community they live in. Generally during harvest, the local villagers will hire Cambodian people from the border check points and the authorities will allow them for a one-day round entry. This recognizes as the way to share the mutual benefits between Thai and Cambodian communities. Business places such as markets, peddler stalls restaurants, shipping agency, and internet shops, among others, are present in the villages. For public services, there are four hospitals and five schools located in Non Mak Mun Mun and Khuk Sung Sub-districts. In general, Cambodian people can access medical services at hospitals and their children can study at Thai schools.

Table 3 Cambodian migrants categorized by status in Khok Sung District, Sa Kaeo Province

No	Sub-districts (Tambon)	Male	Female	White ID card	Undocumented persons	All groups
1	Khok Sung	97	138	114	121	235
2	Nong Muang	47	65	33	79	112
3	Nong Wang	125	101	19	207	226
4	Non Mak Mun	29	27	48	8	56
Total		298	331	214	415	629

Source: Amita Nurthong, Khok Sung District Registration Office (17 April 2015)

3.1.2 Cambodian Migration and Settlement

Cambodian migration to the Thai villages can be divided into three groups by periods. First, during the period of 1975-1993 when refugees and displaced persons are rampant. Second period is after 1993 when marriage migration is progressing, and

third and at the present are the proliferation of local migrant workers. Many Cambodians moved inside the villages during the early stage of the Khmer Rouge regime because they have Thai relatives. Particularly, people who live in the villages opposite to Thai borderlands could easily escape before unrest situations in Cambodia came to crisis. As the story of 85- year old monk in Wat Nong Chan states:

“I lived in a village that close to Thai border therefore, it’ wasn’t a problem for me to escape into Thai border. Actually, I didn’t intend to move because even though the Khmer Rouge army controlled everything in Cambodia but it wasn’t restricting on the population in the border community. I could live in a village as normal; however, I afraid it would come to control people like other parts of Cambodia so I decided to escape. (Monk, Wat Nong Chan, 2 May 2015)”

For those who were living in the cities or distanced areas from the border, they could not flee during the Khmer Rouge military took control over Cambodia. They would stay at Nong Chan refugee camp for a period of time before they were able to contact their relatives or people inside the Thai villages. On the other hand, after the Vietnamese invasion of Cambodia, some study shows that at the border district of Aranyaprathet, many Thai locals took part in the illegal cross-border of Cambodians (S. E. Cook, 2009). When they entered the villages, the local authorities would come to check at the villages in order to arrest displaced persons and then pushed them back to Cambodia or the camp. The Thai government prohibited villagers to provide accommodations to Cambodians otherwise they could be fined or punished by the State authorities. This is due to the fact that the Thai government was concerned on communism being practiced by its neighbors and that it might influence or impact to the practice of democracy in Thailand. Although, any movement related to the communist countries like Cambodia would be restricted and prevented. Thai relatives with village headmen were required to recognize the status and existing of Cambodian people. For those without Thai relatives or friends, they had to hide themselves from investigation done by local authorities while receiving humanitarian help from local villagers. As recalled by a former village headman of Lalom Tim, he states:

“I have to inform the local authorities if I see Cambodian refugees in my village but some could help only allowed them to stay out of village areas or at the rice fields. This is very rare to see the refugees could live in the villages if they don't know any people at the villages because village headmen would be assigned to check and report to the local authorities. (Former village headman of La lom Tim, 9 May 2015)”

From the interviews, it revealed that in most of the cases, Cambodian migrants found sharing accommodation or land with Thai villagers. For some who have access to land and housing decided to stay longer even after refugee repatriation took place. Migrants have been in the Thai border villages for a long time and decided not to return back. Some of them reasoned that it is too late for them to go back home as they have no more land in Cambodia. This can be traced back as in 1989 before the Paris Peace Agreements when the Cambodian government introduced the private ownership of land. This policy consolidated the land allocation under the Kampuchean People's Revolutionary Party (KPRP) regime that had denied pre-1979 land rights (Takeuchi, 2014). As a result, neither restitution nor the return of refugees to their homes of origin happened, while in fact, many refugees did not return to their original villages, but rather went to villages in urban areas. In rural areas, landless returnees had difficulties in making a living. In so doing, long-time migrants in Thailand cannot access to their own land in Cambodia.

“I won't be back to Cambodia my land in Cambodia already took by others. I will live here because my house and family are here. (Huean, Non Mak Mun, 23 April 2015)”

Furthermore, when situation in Cambodia improved, the forced migration was replaced by economic migration. Then accessing to settlement of migrants in the Thai border villages has changed. In general, Cambodian people can cross the border to work in Thai soil. From the interviews with 60 Cambodian migrants, 49 are married

to locals. This marriage migration gradually increased after the time when refugee camps closed down.

Table 4 Cambodian migrants from interviews categorized by gender, marriage and legal status

Gender		Marriage status		Nationality of marriage		Legal status	
Male	Female	Married	Single	Thai	Cambodian	White card	Undocumented
14	36	56	4	49	7	36	28
60		60		60		60	

Source: From the field work in Khok Sung and Nonk Mak Mun subdistricts during April and May 2015

Another face of settlement of Cambodian migrants is through seasonal migration. It is in this condition where migrants take the role of seasonal migrant workers at the Thai border villages during harvest period and meet with the Thai guys and eventually get married with the local villagers. After having children in Thailand, the migrants are likely to extend their stay even though some of them are expected to return home.

“I did not have a job to work at home in Cambodia therefore in 1995 I followed my neighbors to work in the Thai border villages during harvest and met with my present husband before we married. Now we have a daughter and a son. They have received Thai citizenship as their father. (Chia, Non Mak Mun, 7 May 2015)”

Lastly, the temporary migrant workers who have been granted with one-day entry permit must return to Cambodia in the evening. This arrangement is due to the absence of immigration checkpoint office in Khok Sung that is why only temporary permitted border points are available. Migrant workers who want to work in Thai soil will have to wait for their employers to pick them up at the Thai-Cambodian border

checkpoints every morning. Generally, migrant workers are unofficially permitted to work within the border areas and district zone. While the former groups are recognized by local community as villager, the migrant workers don't enjoy this entitlement as they do. However, the long-term migrants can be clearly distinguished from migrant workers who can only stay inside for half-day with temporary permit. It should be noted that although migrants have (unofficial) permission from patrol police and local authorities, they still recognized as illegal migrants under the Immigration Law of Thailand.

3.1.3 Categories of Migrants

Cambodian migrant who came to Thailand after the Khmer Rouge regime (1975-1979) faced more difficulty obtaining Thai citizenship than an individual who is a former Thai who moved to Cambodia prior the Khmer Rouge regime. Some former Thais still has the migrant status in the Thai border villages in Khok Sung District. Most of Cambodian migrants migrated to Thailand before 1962 were granted as Thai citizens. These people can be seen in three villages namely, Talom Tim, Rom Sai and Noi. They called themselves as the "Khmer ethnic group". However, no more they can consider themselves as migrants or Cambodians since the pioneer group become very old and less in number over time while at the present the population is dominated by new generations of people who are born in Thailand and have more sense of belonging to Thainess.

Cambodian migration after post Khmer Rouge regime in the form of refugees and remain in the Thai border villages after the time of refugees have ended. The Thai government neither treated them as displaced persons, nor provided Thai citizenship like earlier Cambodian migrants. They are generally considered by the Thai state as illegal migrants. This made the post Khmer Rouge migrants structurally stand somewhere as illegal migrants, displaced persons or citizens.

If migrants are categorized by legal status, there are three main groups: (1) those holding official Thai ID card; (2) those holding ID card of person without civil registration status; and (3) undocumented persons.

While there are already several migrants who have obtained the Thai citizenship after their arrival, it is still very difficult to classify them from other Thai citizens as they are generally not willing to reveal their status as former migrants or those who used to live and was born in Cambodia. The second group of migrants is those who possess white cards of person without civil registration status. These migrants belong to the groups of former refugees (1979-1999) and to the new form of intermarriage migrants. These people have just received white cards in 2011 as result of the 2008 government's strategy to solve problems on legal status and to uphold rights of persons in Thailand. However, they never have had previous color ID card like the ethnic minority groups and Burmese displaced persons which are (color) and (color), respectively. White card holders have acted as illegal migrants in the Thai border villages until the Thai government made a resolution on their status.

Table 5 Cambodian migrants from interviews categorized by age and lengths of stay in Thailand

Age	Migrants	Lengths of stay in Thailand (No. of Years)	Migrants
15-25	3	1-5	1
26-30	2	6-10	2
31-35	10	10-15	17
36-40	10	16-20	11
41-50	23	21-25	9
51-55	7	26-30	9
56-60	3	31-35	2
61-65	1	36-40	8
66-70	1	41-50	2
Total	60	Total	60

Source: From the field work in Khok Sung and Nonk Mak Mun subdistricts during April and May 2015

While their current status guarantees them the right to take refuge in Thailand, though temporarily, the Thai government still does not accord them with full legal status. The last group is primarily either from old group of migrants who have remained illegally in Thailand because of unequal distribution of rights under

state/local mechanism or new irregular migrant workers in the Thai-Cambodian border areas. They are completely considered as illegal migrants on the basis of entry or stay in Thailand. In so doing, they are in the most vulnerable position among other groups of migrants. Thus, undocumented persons are disadvantaged from the state welfare and insurance programs and they will be arrested, put in jail and deported to Cambodia if the police and authorities find them.

3.2 Negotiation with Boundary Crossing

3.2.1 Thai-Cambodian Physical Boundary

The notion of “border” illustrates the sovereign nation-state system that traditionally means inviolable authorities of the State that has the ability to control movements across its borders (Diener & Hagen, 2012, p. 67; Kieh, 2008, p. 99). The State has authorities that implement the legal acts regarding administration of the State frontier. The border checkpoints have been set up along the frontier between the State and its neighbors and regulated the rules of the activity of the border crossing points. Generally, undocumented persons are not permitted to cross the border of any state. In theory, the state has to restrict people from entering the country illegally and check movements and possessions that are considered as unlawful. However, the Thai government has announced that some particular border crossings are within a State of exemption in which it is ambiguous between legal and illegal. Border crossing and border trading with its neighboring countries are set up in three different categories which include permanent border crossing, temporary border crossing and temporarily permitted points. The temporarily permitted points are employed with the principle of mutual assistance, shared benefits and develop relations between border populations of both countries in the local level. The announcement of this openness is mandated by the authorities of the provincial governor and issued by Ministry of Interior.

Figure 3 Photo of Ban Non Mak Mun Point in Non Mak Mun Subdistrict, Khok Sung District, Sa Kaeo Province

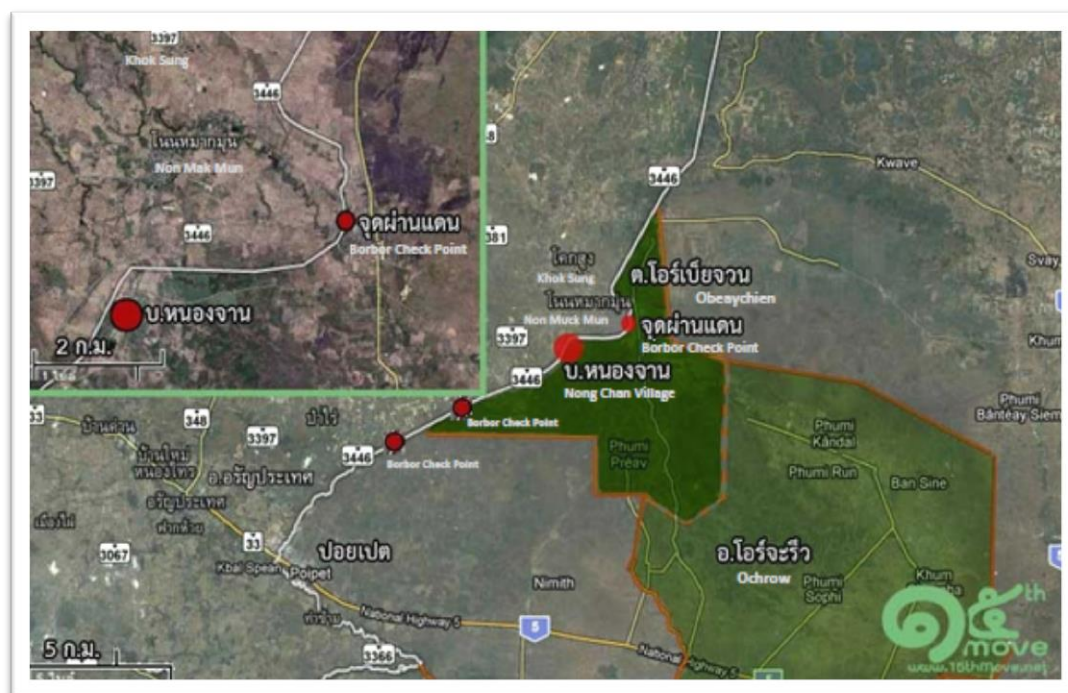


Source: photo from field work during April-May 2015

The temporary permitted point is defined by informal economic activities between the countries that share the border, however, an agent of such informal activities does not need to conform to the formal procedures like other official immigration check points (Pongsawat, 2007). In general, the people are flexible and have less restriction to enter the border crossing. In Khok Sung, there are three temporarily permitted points. These are located in Non Mak Mun, Nong Chan and Ang Sila villages. All have been opened unofficially for many years and only Non Mak Mun point that is in the process of negotiation between two local governments of Sa Kaeo in Thailand and Banteay Meanchey in Cambodia. It will be a temporary trading point after Joint Boundary Committee (JBC) from both countries conduct the detail survey of the border. Recently, the Deputy District Chief from the Ministry of Interior has stood as the commander of border checkpoints. The Ranger Army and Civil Defense Volunteers are state security agents responsible for security issues

along Thai-Cambodian border and in the Thai community. The Thai Ranger Army is supervised by the second infantry regiment based in Khok Sung Township.

Figure 4 Map of Thai-Cambodian temporary border permitted points in Non Mak Mun Subdistrict, Khok Sung District, Sa Kaeo Province



Source: Sa Kaeo Map, retrieved 30 July 2015, <http://www.15thmove.net/news/thai-khmer-set-open-non-maakmun-border/>.

Moreover, the checkpoints are set up at the entrance and exit along the road in the Thai border villages. The army and civil defense officers cooperate with each other in terms of monitoring and screening irregular migrants and illegal products in the areas. The irregular migrants are those who intend to leave permitted areas within the Khok Sung Township. Generally, Thais and Cambodians can enter border crossing to visit each other by asking for permission from soldier at the border checkpoint. The villagers from Cambodia often enter to buy Thai products for sale in Cambodia and some come to work as migrant workers in agricultural and construction sectors. The Thai employers will go to the border checkpoints when they need labor forces. The Ranger Army allows one day entry for Cambodian local villagers. The

practices are different between ordinary villagers and migrant workers. Cambodian villagers have received more flexibility than migrant workers in terms of entering the Thai villages as the latter can only do so if their employers come to pick them up at the border checkpoints. Every early morning from 6 am onwards, hundreds of migrant workers will be waiting for their employer at each border checkpoint. From the interviews, it was found out that the frontier labor forces are in fact the people from many provinces in Cambodia who moved to work in the Thai-Cambodian border areas. Information on labor forces management from a soldier at Non Mak Mun border checkpoint reveals that:

“Every morning I responsible for checking and arranging the migrant workers at the border check point. Here, doesn’t use individual document to issue one day entry of migrants but use the regulation that how many migrant workers that employers have taken from the border check point then at the evening they have to send them back with the same numbers. I’ll note the names of employers and numbers of migrant works enter to work with them if any missing the employer must be responsible. (Soldier at Non Mak Mun border checkpoint, 4 May 2015)”

This rule is used to prevent migrant workers from escaping to other cities and provinces but it does not apply with the local villagers who have the permanent residences in the areas. The legal and illegal crossing in the border is considered with a state of community exemption. It is a mutual local agreement and traditional practice of border livelihoods that sometime can be absent from the state roles. During the interview with a soldier, it was apparent that Cambodian villagers will show their Cambodian ID or any ID card they have to the soldier at border check point and some of them simply raise their hands to let the authority know that they will enter Thailand.

3.2.2 Social Boundary between Citizens and Migrants

It is important to attribute the formal and informal distinctions between citizens and aliens in the Thai border villages. With regard to the nationality, it is considered as a formal boundary distinct to a group of Cambodian migrants. A less formalized but socially relevant is that between majorities and minorities, migrants are often characterized as minorities of ethnic groups in host society. However, on the basis of ethnicity, Cambodian migrants are not really considered to be minority group in the Thai border villages because the local population there share the similar ethnicity as well and called themselves as “Khmer group of Thai national”. For example, particular villages in the Khok Sung Subdistrict speak Khmer as their local language.

Ethnicity as an informal boundary may blur and transform beyond the boundary because the ethnic relations of two different Khmer groups of Thai natives and aliens and the internal cohesion and sense of collective ethnic identity are met. From the interviews with local citizens of Khmer community, the people are likely to see migrants as the villagers rather than look at them as migrants based on the nationality they belong to. This is because the villagers still have their sense of ethnicity belonging to Cambodia. As some villagers were told, their grandparents were moved from Cambodia, therefore, just a hundred years up to date the Khmer ethnic group has grown up in the Thai border areas. Moreover, some villagers still help build connection with their relatives in Cambodia.

“Every year I go to Siem Reap for visiting my relatives and sometimes my relatives there also came to visit us here. This connection has since the time of my grandparents and I still keep it. (Village head man of La Lom Tim, 1 May 2015)”

This relation as well can be seen in other villages of none Khmers such as the Lao ethnic groups. Cambodian migrants who stay in these villages may not benefit much from ethnic relations but may be challenged by the language barrier. Migrants often occupied a position that is separated by this cultural marker if they cannot

communicate the same language as local people speak. In so doing, acquisition of local language is very important for migrants in terms of accelerating the process of their integration. However, Lao ethnic groups are widely distributed along the border communities of both countries hence this has helped them get by in their daily lives. The historical background and current relations of villagers with their relatives are not so different from the Khmer group. For migrants who are originally from the Lao community in Cambodia, there is no difficulty for them to learn local language because they also speak Lao when they were in Cambodia as So from Non Mak Mun shared:

“I came from Non Sawan village (but Khmer calls Kon Trey) in Cambodia. In there the people speak Lao and Khmer therefore when I came here (Non Mak Mun village) I talk with local people as normal. (So, Non Mak Mun, 23 April 2015)”

Moreover, distinctions between cultural or ethnic majorities and minorities become blurred when Thai and Cambodian natives have intermarriages. The intermarriage phenomenon has been widespread along the Thai-Cambodian border villages which leaves the distinction between insiders and outsiders. This is seen as individually crossing the boundary as a practice in assimilating one's self into the majority. Thai villagers are likely more open for new migration and settlement than other groups of migrants. The villages that have long historical background of intermarriage migration can treat new comers with less distinction from the locals when they enter the villages and make a living with Thai natives.

However, the phenomenon of boundary blurring does not mean that migrants have already overcome the boundary of social determination and its discrimination to active participation in civil society. The social advantages can be defined differently by the state and the local community. In theory, the social integration is considered on the basis that migrants are able to access social welfare on education, income and accommodation. Along these three dimensions we can examine the social boundaries and integration of migrants in a more narrow meaning of the term “social”.

With regard to the legal barriers the migrants are often prevented to access a variety of occupations since it is relevant to the national law of Thailand to secure the job for Thai citizens. However, this is not the case in the community where employment is seen as a potential for solidarity and as a way of pooling of resources which may contribute to alleviate the effects of overt discrimination and to overcome obstacles to upward social mobility of migrants. The integration of social and cultural dynamics among migrants and locals can and will inevitably contribute greater access to socioeconomic integration. For example, a village head reflects on his observation since early Cambodian migration into his village:

“In the past, the accommodations and household economic between villagers and migrants were clearly distinct. Of course the villagers were quite better, however, at the present when migrants have children and send their children to work in Bangkok like the local villagers do, they are in the position that not much different from the villagers. (Village head man of Non Mak Mun, 2 May 2015)”

It seems that migrants use ethnic relations, intermarriage and generations to reduce the effect of social boundary within the narrow contexts of local community. Migrants see community as the spaces of less legal binding in term of member. In so doing, social negotiating can be direct done between migrants and the local villagers.

3.2.3 Legal Boundary for Migrants

Migrant integration is further complicated by the issue of legality whether or not an actual integration has happened at the local level. Only legal migrants are legible to access to official channels of integration recognized by the State and are given official entry to Thailand or adjust their status unlike undocumented migrants that lack legal permission to either stay or work in the country (Arnold, 2011). Undocumented migrants in the Thai border villages are generally aware about the importance of legal status as a key to access to more opportunities and life security. Despite this they still do not intend to register for the legal status with the Thai government for migrant workers because they considered themselves as long-term

residents. While the legal status for migrant workers under national laws of Thailand is nothing more than temporary status of one up to two years of work permit under a specialized employment in formal sector, the migrants who never participated in registration for undocumented migrant workers show the reason on not to involve him/herself through a reflection by a current migrant worker in Nong Chan:

“I’m not migrant worker I only work at my village and nearby areas within the Khok Sung district. (Kwarng, Nong Chan, 9 May 2015”

The seeking for legal status among the migrants who underwent intermarriage and later on became long-term residents in the village can only be made official by a marriage registration and not by a marriage ceremony. In Thailand, registration is a matter of getting required documents from a foreigner and a Thai national before they get married. Apart from the registration of marriage the law never recognizes persons as lawful husband and wife through a ceremony (Buxbaum, 1968). Several Thai-Cambodian couples have tried to register at the District Office to enable their foreign partners benefit from the marriage visa as a legitimate way to stay in Thailand. However, most of the cases, applicants were not able to satisfy the requirements of legal marriage registration in Thailand. For example, some documents needed for the registration must be submitted to and processed in embassies of the couple’s respective countries (Boonwanno, 2007). Further, the foreign national must earn a high income of at least 40,000 baht per month and has a minimum money deposit in Thai bank of not less than 800,000 baht. Obviously, poor, migrants cannot meet these criteria and many will become illegal over stayers after their tourist visas expire (Balbo, 2005). While the Thai Law does not prohibit aliens from registering their marriage and this right shall not be refused by the officials unless the persons are unqualified according to the requirements of marriage law, the district officials usually will refuse to register marriages between Thai citizens and migrants from Thai neighboring countries. As Su accounts:

“We have tried to do marriage registration at the district office but the government official says that migrant worker cannot do marriage

registration with Thai national. Therefore, we merely entered into traditional marriage ceremony. (Su, Nong Chan, 22 April 2015)”

Truong and her colleagues (2014) note that “this liminal legal status of migrants leads to specific kinds of vulnerability that significantly affects their experiences of assimilation in Thailand in general (p. 13)”. Undocumented persons are subjected to low pay despite the fact that the Thai government has set up the minimum wage standard for migrant workers. In the Thai border villages, migrants receive the same wage if they work with the local villagers. Therefore, those who care about wage discrimination will not generally work outside of the district areas or with other people who are not from their villages. Despite this mutual arrangement, having an undocumented status has barred migrants from participation in most state welfare and insurance programs. Only some of group of documented migrants are legible to benefit from social protection for migrant workers in Thailand. For example, self-insurance for migrants who work in formal sectors are required to buy or access the health benefit package through SSF or WCF funds. Currently, MoPH allows irregular migrants with an alternative option wherein they can buy a health insurance package at a lower cost (THB 2,800 per year) but is extremely rear for migrants to buy it. Reasons raised for not participating in the social protection program of the government are the lack of information about the program and the cost of the insurance package which is not considered cost-effective for migrants given the income that they earn monthly. As one informant complained:

“I used to buy it for one time when I got pregnant, however, after that I won’t buy it anymore because I think it is so expensive for me. (Nath, Tal Lom Tim, 5 May 2015)”

For migrants who could access legal status such as the white card, they are restricted by many regulations: they are not allowed to travel out of Khok Sung district unless they obtain permission from the district authorities. They cannot own lands and have limited access to job opportunities. The desire of the white card holders to gain enough income is subjected to labor limitations that only allow them

to access only 27 occupations permitted by the Ministry of Labor and 39 occupational categories, which include annual workers and traditional craft skills that are entitled only to Thais (Bilsborrow, 1997).



CHAPTER IV

LOCAL INTEGRATION AND SOCIAL PROTECTION FOR MIGRANTS IN THE THAI BORDER VILLAGES

In this chapter, I will analyze how Cambodian migrants can integrate with the hosts in the Thai border villages of Khok Sung, Sa Kaeo Province and I will identify the existing social protection mechanisms for migrants provided by the State and the local community. The first part of this chapter explains the local integration of Cambodian migrants in various domains of social, cultural, economic, community and legal aspects. It shows the actual integration that happens at the local level and how it has deepened beyond the state-based mechanism. This part of the chapter will measure how far migrants have already been integrated into the host society. For the second part, I will describe how local integration enables migrants to access in resources and protection in which it shows the different limitations of existing social protection items from local community and the state schemes. I will then identify the limitations that the Cambodian migrants still encounter and what kind of measures should be applied to widen and deepen their social protection. Rather than looking at the limited capacity of local community in terms of providing social protection to the migrants, I will focus more in this chapter the basis of how migrants are included to benefit from existing community welfare and insurance programs. Finally, all different existing social protection items from the State and local community will be analyzed as interchangeable resources of protective, preventive, promotive and transformative actions for Cambodian migrants in the Thai border villages.

4.1 Local Integration

4.1.1 Social Integration

Cambodian migrants have typically been in the Khmer community more than in the Lao community because of the strong relation between the location choice of

migrants to the language being used in the village. Migrants who have limited language skill tend to migrate to the border villages with substantial number of migrants or people in the location who share a similar language (Steven James Gold & Stephanie J. Nawyn, 2013). Most of migrants in the Khmer community are likely well-integrated with local community as the people there share the similar ethnic background and use the same language in communication. This in effect allow Cambodian migrants to avoid certain impacts from negative attitudes expressed by local citizens toward migrants because people recognize themselves as “Khmer group” of Thai national. It is the notion of belonging to the groups with some emotional attachment and values significantly shared within the close ethnic group (Ooi, 2004). However, Gold and Nawyn (2013) argue that “this ethnic enclave may negatively affect migrants’ destination language acquisition (2013, p. 278)”. As migrants who have advantage from this ethnic integration tend not to learn the Thai language as they ignore to obtain a greater local integration with other communities that speak Thai. This negative effect is generally not being felt by migrant children because of their education in Thai schools. For example, Ba is an 18 year-old boy who grew up and has been staying in the Khmer community with his mother. From a look of his physical characteristics and language capacity, it is difficult to recognize him as a Cambodian. In contrast, his mother who migrated during her middle-age cannot speak Thai very well even if she has been there for a long time:

“I born in Cambodia but when I was age of one my mom took me to Thailand and since then we’ve lived here (Lalom Tim village). Now I’m a high school student therefore I can speak both Thai and Khmer. For my mom she can’t speak Thai very well because she always speaks Khmer with the villagers here and she never moved to work in other places that people speak Thai. (Ba, Ta Lom Tim, 5 May 2015)”

For migrants living in other communities, the ways on how they integrated are not really related to ethnicity but rather depend upon the individual migrants’ capacity in language acquisition and the acceptance from local citizens. Migrants have great

effort in adjusting their personal characteristics whether on speaking the local language (Laos) or dressing like other local villagers. For example, when I entered into other villages I can hardly distinguish the Cambodian migrants from the locals because most of them can speak local language like the native speakers. Moreover, some migrants spoke the local language rather than Khmer which only revealed their lack of aptitude in their own language. For example, during the interviews my questions were prepared in Khmer but when I was talking with the migrants they often showed difficulty answering in Khmer unlike the Khmer native speakers. Therefore, in order to avoid this inconvenient conversation I turned my interview language into Thai in spite of the fact that the migrants and I are Cambodian nationals. This reflects that the minority migrants who live among the majority host population can gradually lose their own language (Jenkins, 2009). This can be seen from an example of a migrant who only speak Laos in the family:

“In my family we don’t speak Khmer because my daughter suggested that “mom if you want to stay in Thailand you should learn the language [Laos] otherwise if the police come he’ll arrest you”. As in the past there was restriction on Cambodian migrants who moved into the villages and I was afraid of police coming to check in the village, so, I tried not to speak Khmer and learned [language] word-by-word from local villagers. Even now I only speak Laos to my children and all of them attained Thai school they cannot speak Cambodian anymore and I still forget some Khmer terms. (Chim, Nong Chan village, 17 May 2015)”

The factors affecting the acquisition of the destination language by the Cambodian migrants may be due to the impact of the past restriction on aliens in the late of 19th century along the Thai border with its neighbors because the fear of communism in Southeast Asia would affect to the practice of democracy in Thailand (Saisoonthorn, 2006). At that time Cambodia was among the most extremist communist countries in the region, therefore, the Thai border villages had seriously restricted Cambodian displaced persons to enter the villages. These restrictions

affected many migrants who are self-settlers and marriage migrants who are staying in the Thai village. As a result, migrants have a higher motivation to learn the destination language because they realized that it will help them avoid the investigation and the possible arrest of the State authorities who regularly come to check illegal migrants in the villages.

Some migrant families overcome this fear by creating an obligation among their family members not to speak Khmer in their daily communication. From my observation, this practice is not only among Cambodian migrant families but also with other groups of migrants. Particularly in the Lao and Thai villages, migrants generally do not speak Khmer to each other. For example, I have witnessed by myself during my visit in a migrant home in Nong Chan village and his friend from Kut Phure village came to invite him to see his son who would be graduating in the university, however, they were talking in Laos.

Moreover, some children of second generation need to act as language brokers to their family members (Thomas & Schwarzbaum, 2011). This can be a very significant factor for parents to stop speaking Khmer in the family because their children feel of shame or shy to speak their parents' language even at home or school. They do not want to learn or use the parents' language because it shows the original identity of minority among the majority except in the Khmer community where people speak the language of their parents. In general, when parents speak Khmer to their children, the children often answer in Thai like two people are communicating with different languages but understandable between each other. This is a common reaction and interaction of children of second generation so that they can still maintain their parents' language. Then finally this can be the main and last factor to encourage migrants to learn the host language.

4.1.2 Cultural Integration

Cultural integration describes the dimensions between cultural maintenance and cultural adaptation of Cambodian migrants in the Thai border villages. Thus, integration can be manifested through a process where one brings from one's

indigenous culture or what one absorbs from one's settlement culture (Bornstein, 2010). In fact, most forms and practices of cultural activities between Thailand and Cambodia are similar to each other (Keyes, 1995). There is no significant difficulty in cultural integration between migrants and host citizens since the people there have shared the same ethnicity. Common easiest way to cultural assimilation includes language usage and participation in religious activities because both countries are dominated by the same forms of Buddhist teachings, rituals and practices. None of these issues are seen as obstacles for Cambodian migrants in the Thai border villages.

Migrants still can enjoy with their cultural activities in Thailand, as most of the traditional festivals and customs that are being performed are similarly practiced in Cambodia as well. The specific cultural integration may refer to the participation in religious activities at the local Buddhist temple. Thus, a temple can play a very important role in gathering all groups of people in the community. Every Buddhist holiday (want phra in which four days a month) will see some migrants bring the food to offer to the monks at the temples like other local villagers. In each temple I visited during the Buddhist holiday, each has two to three Cambodian migrants among other twenty to thirty local villagers were there in the temple. Moreover, some Cambodians also cross the border for merry-making activities with local villagers at Thai temples.

Cambodian Buddhism is not seen by migrants as different from Buddhism in Thailand so they are likely to openly show the way of their life as Buddhist by offering food to the monks daily in the morning and involving themselves with other local ceremonies. Particularly in the village, yearly merry-making ceremony is performed every May (*Tham bun mubaan prachumpi*). I was also invited to visit for chanting and took a chance to see local villagers' gathering in each village. Despite migrants being considered as a minority group, they are strongly involved with the local ceremonies like ordinary villagers. However, some villagers have simply participated in the ceremony and returned home after the end of activities some migrants would help keeping and cleaning the village hall until everything is in place before they returned home. As one villager recalls:

“I’ll offer the food to monks every morning before I start to work by selling my vegetable to the local villagers and some small noodle restaurants but on the Buddhist holiday I’ll a bit late to work as sometime I also have to help other villagers wash the dishes. (Chim, Nong Chan village, 17 May 2015)”

The way of migrant’s engagement in Buddhist ceremonies practically accelerate the process of their gradual acculturation despite migrants being unaware about this. Migrants generally can meet with new friends at the temple they visit and some eventually can form a new social network with local citizens because people who are socially engaged in the temple will likely to have their own group that will call each other when they need help:

“When a temple in my village has Kathina ceremony (rob offering ceremony) and other activities the village headman and villagers will call me to help them in arranging the place for ceremony. (Phan, Non Mak Mun, 17 April 2015)”

The engagement and contributions of migrants to local temples are beneficial to them in terms of cultural inclusion such as if a son of migrants is eager to receive ordination as monk or novice at local temple, he will receive special permission from abbot and preceptor (*phra uppachaya*) despite the fact that undocumented person will not allow to receive ordination in Thailand. This can refer as one of the community exemptions on the basis of common cultural preservation that it is not seen as a negative impact of migration:

“I wanted my son to be ordained here; at first I was very afraid that abbot may refuse to provide ordination for my son because he does not have any document and usually ordination requires people to show document before he is allowed to ordain. However, abbot here said that it is okay if my son does not have any document to show like others at least he is well-known as a local villager here.

Therefore, my son is permitted to ordain otherwise may not possible for him. (Chueat, Non Mak Mun, 7 May 2015)”

However, on the other side of the legal aspect, the violation of this rule may cause the preceptor to be punished from higher Sangha administrative organization. This rule lays down not only to restrict an alien but also persons from different communities. Generally, preceptor requires the candidate to have a guarantor from a local villager and the candidate must show his Thai ID card and document. This rule is used in order to prevent some hidden persons who intend to be monks as the way to prevent and select person who should be allowed to be ordained. In some cases, though, the abbot may not ordain a Thai citizen if he does not know the origin and destination of the candidate. For example, a man who moved out from a village (Talom Tim) at a very young age and returned again after 40 years. However, when he wanted to be ordained as monk, the abbots of local temples refused his wish because he did not have any document to show whether the local villagers could attest that his parents are Thais.

“I moved from a village for over forty years and everyone here thought I already died, therefore my information at the district office was deleted. When the abbot here did not allow me to be ordained then I went to Cambodia for receiving monk ordination there and returned to stay at Wat Nong Puk Bung. (Monk, Wat Rom Sai, 2 May 2015)”

In this case, the local abbots do not trust a person who disappeared from a village for decades therefore when he returned again the local people also treated him as an outsider rather than an insider.

4.1.3 Economic Integration

In general, the job employment for migrant workers is mainly based on the agricultural and infrastructure (construction) sectors. The labor market which in Thai policy gives more advantage to Thai locals seems to be insignificant within the state

of community exemption where migrants living in the villages can access to any jobs available (Iredale, Hawksley, & Castle, 2003). Migrants have the option to be self-employed or work as laborer. As for the minimum wage, migrants are likely to receive as much as the locals do if they work together in the same workplace/industry. Unless they work with other migrant workers who are from daily border crossing, the pay can be a bit lower than the standard of minimum wage in Thailand which is 300 baht per day (Santiago-Fandiño, Kontar, & Kaneda, 2015). Some migrants will opt not to work with other migrant workers if they need to receive better pay:

“If I work with Cambodian migrant workers I know that I cannot get a better pay because everyone will receive the same wage even though it is lower than Thai people. However, if I work with my local villager they know that I stay here so they’ll pay me like other people and I don’t want to work with other migrant workers. (Phan, Non Mak Mun, 17 April 2015)”

The employers can hire migrant workers at three Thai-Cambodian border checkpoints of Non Mak Mon, Nong Chan and Ang Sila villages. This is under the permission of local authorities that allow migrants to work inside Thai soil for one day permit. The wage will be pre-negotiated between employers and employees before migrants cross the border to work. The wages for unskilled laborers are approximately 250 up to 300 baht per day. However, these wages do not give much attraction to the local villagers because they are interested to work in the urban city in order to receive better pay than at their home villages. In so doing, migrant workers occupy most jobs at agricultural and infrastructure sectors in the border areas. It is important to note that there is no significant negative attitude on job competition between migrant workers and local citizens. Thus, some locals point out that the labor market is clearly distinguished between a group of migrants and a group of natives due to the types of jobs available for migrants. The low wages will naturally separate them from a group of natives and that these natives will never associate themselves with the migrant workers.

“I don’t think that migrant workers here seize the jobs of Thai locals because Thai people they have a lot of choices and they’ll not take hard work even I pay them according to standard minimum wages. (Singto, Kut Phoe, 22 April 2015)”

According to some migrants, entrepreneurship within social and community exemption seem to have no limitation for migrants living in the villages. Most of migrants who are married with Thai locals will work as farmers and even some migrant families will rent the land for farming, too. For land rental for farming, the owner generally receives payment by cash or rice/paddy instead after harvest depending upon the agreement made between land owner and renter. However, most of migrants prefer to pay the rental fee by rice or paddy rather than by cash because, they only have to share only 20 per cent out of total production to the land owner, whether the result of harvest is good or bad. In so doing, it helps to mitigate the risk from high investment with land rental under uncertain agricultural production which depends primarily on seasonal rain.

“I’ll rent the land for farming every year if I earn twenty sacks of rice I’ve to give two of them to the land owner but if it is less than that I still can talk with the owner as how much we can share. (Chim, Nong Chan, 7 May 2015)”

The community will not restrict migrants in the villages if they want to open grocery stores in the villages. However, only a few migrants can form this business, for example, running a mini shop in the local village. Generally, the village shop is in one room of the ground of a house or sometimes in public land that local government allocated for small shops. For example in front of Lalom Tin School there are shops run by Cambodian migrants in a village:

“I open a small fruit shop here (La Lom Tin School) I have to pay 500 baht per month for land rental fees to the Khok Sung Municipal Government Office. (Nak, Noi, 6 May 2015)”

Figure 5 Occupations of some migrants in the Thai border villages in Khok Sung and Non Mak Mun Subdistricts, Khok Sund District, Sa Kaeo Province



Source: photo from field work during April-May 2015

Moreover, Cambodian people sometimes come to sell their food and products in Thai villages such as fresh fish and fermented rice flour noodles from Cambodia by motorcycles. They simply ask for permission from the soldier at the border checkpoint and then they can enter the Thai villages without difficulty. For migrants who are not interested to work as laborers, they will seek for other alternative jobs such as collecting ant eggs from the local forest and sell to the villagers for 400 baht per kilogram in which several migrants in Lalom and Noi villages take it as their main occupation. Moreover, buying the products from the major vendors and selling them through a motorcycle in local villages is preferred among some migrants. Buying salted eggs from private company is one of the good examples to illustrate:

“My husband work as deputy of village head man (Non Chan village) and his salary is only 5,000 baht per month. It is not enough for living for all family members. Therefore, I decided to buy salted eggs (as dealer) from private company in Aranyaprathet district and use my motorcycle to travel in order to sell the salted eggs to local villagers in Khok Sung district. It is a good job and good income that I can profit about 80 baht from each stall of salted eggs and every day I can sell at least 15 to 20 stalls. That means I can earn approximately 1,200-1,600 baht per day. (Su, Nong Chan, 22 April 2015)”

Only a small number of migrants are able to form their own businesses. However, under community exemption scheme, this enables opportunities for some potential migrants to achieve self-reliance or have a stable income. This refers to the accessible sources and economic opportunities of migrants. One of the most remarkable cases I have seen is a migrant who transformed herself as a middleman/broker of food exports and products from Thailand to Cambodia. Ren lives in the Non Mak Mun village. She used to be a construction laborer along with her husband (who is Thai) for several years. She started simply with small chicken farm at home until she became an exporter:

“I started with having a small chicken farm at home and soled the chickens to Cambodian people by myself at the Thai-Cambodian border of Nong Chan village. However, when the demand for chicken in Cambodia was gradually increased I had not enough chickens in respond to the demand of the market. Then, I tried to contact with the CP Company in Sa Kaeo province and play as the middleman to export chicken to Cambodia in which I will profit 1.5 to 2 baht per kilogram with 3 to 5 tons (profit about 4500-7500 bath) of chickens are exported to Cambodia for each time. The CP trucks will send the chickens directly to me at the border and Cambodian trucks will be waiting to receive at the border. Since, I have doing

this (occupation) my life and family is improved much better than in the past as I could build a new house for my family and bought a new car. (6 May 2015”

This example can reflect that under community exception there is no significant restriction on migrants’ occupations even under Thai Alien Employment Act they are restricted only 27 occupational categories. The limitations generally from lack of individual financial capital to invest and education level to access in greater opportunity.

4.1.4 Community Integration

Before I entered to any villages I would have information from District Office about the location where the migrants live. Once I was asking a question to a group of three villagers in Non Chan village that “Do you know in this village which houses can I meet Cambodian people?” They did not realize that I am too is Cambodian, having asked the question in Khmer. Then an answer was unanticipated to hear when I was informed that “there is no Cambodian in this village”. They were likely feeling afraid of telling an outsider about their true identity in the fear that this might affect migrants who live in a village illegally who were arrested by police many times in the past. The local citizens showed they were trying to protect other villagers who are migrants. I used my first encounter to interview with local citizens at different villages. With regard to the relationship between migrants and local villagers, the inquiry gave an impression that they treated each other as families when interview answers were in the form of “we live here together like relatives, brothers and sisters”. This is a common Thai form of answer in a positive way. However, I tried with raising some questions which would likely create negative impacts to migrants regarding “the status as migrant and alien”. Many showed concerns about using the terms “migrant” or “alien” as the symbolic to divide the groups of people in the same villages. The informants preferred to call everyone as a “villager”. As pointed out by a local leader:

“Unlike the state looks at the border as territory of the country but people here see it as home. Their livelihoods familiar with the border

and villagers from Cambodia, they do not look at each other with the form of “people of nationality differences” as we are Thais and they are Cambodians but simply all are villagers. Therefore, we can live together without any conflict even though sometime government of both countries have conflict about border issues but villagers here they don’t have any conflict. (The governor of Mak Mun Sub-district Administrative Organization, 8 May 2015)”

The “Community” has played a very significant role in recognizing the status of migrants living in there. This is despite the community lacking of power or jurisdictional role regarding the mandates of the national immigration policies, it is at the local level where the actual settlement and integration of migrants takes place (Aerschot & Daenzer, 2014). The membership is a key determinant for migrants in feeling the sense of “belonging” to the community where they live. This sense of belonging in general is a clear manifestation of their “right” in participation like what villagers enjoy in the community. Some studies argued that, in some occasions, a community will only accept long-term migrants as “members” of the village (Stacul, Moutsou, & Kopnina, 2006, p. 201). In general, most of the border villages organize monthly village meeting. At the meeting, villages report any progress of government projects or local activities (Young, 1955). The villagers, including the migrants, are required to participate in these meetings. Each household have to send at least one representative to attend the meeting but this rule does not really force on villagers to show up every time there is a meeting. On the contrary, some village headmen use this rule as the requirement for migrants to attend the meeting regularly. This kind of recommendation can be seen either as the way of community to include migrants as “member” or use it as the strategy to control and observe over migrants’ behaviors. The village headmen often call migrants to help when they need the workforces. Some migrants told that the activities that they participated, the village headmen usually will note the names of all participants including migrants. This means that migrants will be judged according to their participation and contribution to the local community:

“Usually I’ll encourage all Cambodian migrants in my village to participate in the meeting and other village’s activities. If some migrants are absent in the meeting for several times I’ll have to ask them about their reasons for not attending. I would recommend them to participate the next time because they should care about their status as migrants; it is very important for them to show gratitude to the village they reside in by showing their participation and contribution to the village, especially in times when it need people to help. (Village headman of Non Mak Mun village, 2 May 2015)”

Therefore, based on the interviews conducted, the involvement of migrants in most villages’ activities is reported to be high. Owing to migrants is strongly encouraged to participate in nearly every activity except to those activities that only require the presence of Thai citizens such as the election and about the One-Million-Baht-a-Village Fund. However, in some cases, the local leader allows individual migrant he trusts to work as Civil Defense Volunteers in the border villages which has the similar role to village police. As the story of Mr. Thai’s father who worked as one of the Civil Defense Volunteers for many years described this:

“My father is well-known among local leaders and general villagers because he works as Civil Defense Volunteers in a village. Whenever, the community has an activity the village headman will call him to work [volunteer security man]. Even me too, I used to work in sometime when the village needs a security man. However, I really love to be the border patrol police even though I know that my status is impossible but I have attained some training programs like the soldier. (Thai, Nong Chan, 9 May 2015)”

In addition, there are local training workshops and activities that require particular numbers of local citizens from each village to participate such as those for handmade products and drug prevention training workshops. Some Cambodian migrants will be ordered to attend the activities instead of other villagers when the

village headmen could not find the voluntary villagers to join. As for some activities that will take place for several days, participants are asked to stay for a few nights especially when trainings are organized in other district or province. For example, Thai and Kwang living in Nong Chan village, the village headman often send them to participate in various program and activities held in Sa Kaeo province and other provinces:

“In fact, sometimes I’m not so interested to attend the training activities but if the village headman requests and no one is willing to attend then I’ll have to accept it. Last time was on drug prevention training for ten days. I had to stay in the prison like the prisoner as the program require participant to learn about life of drug prisoner. (9 May 2015)”

This can be seen that village headmen encourage migrants to participate in most villages’ activities except the activities are preserved only for people with Thai nationality such as local and national elections. In so doing, I may say that migrants are total recognized as permanent residents of local community even on the other hand, such resident status still unrecognized by the Thai state.

4.1.5 Legal Integration

Migrants who migrated or resided in the country for a long time, in accordance with the registration and survey conducted by the Ministry of Interior (MOI) in 2005, they could obtain particular legal status according to the government’s Strategy on Administration of Legal Status and Rights of Persons who remain legal status-less, nationality-less and stateless in Thailand (Huguet, 2011). Students and long-term migrants will obtain ten years temporary status as person without civil registration status granted with an ID with 13 digits which begins with “0” (CRRO, 2005; Saisoonthorn, 2006). However, the students are distinguished from other groups of migrants as the schools have the duty to submit the names of the children of migrants directly to the District Office so as to complete the process.

“We only collected the name list of migrant children who study at our school and then send their information to the District Office. Most of them already have ID card. (Teacher of Khok Sung School, 4 May 2015)”

Since the information of students is being provided by the school, their profile will show that instead of their real residence, the address of the school will be used in their recognition status. In contrast, the “community” has a key role to recognize the status of migrants. As part of the process, the District Office will conduct a survey and after which, the village will organize a meeting to discuss and ask for public opinion about the migrants’ status. This process has a direct impact to the status of migrants and will determine whether the names of migrants are included in the list drawn by the District Office that will be submitted to MOI.

After survey we have requested every village to organize public opinions except the school because it’s already a trustable institution. During conduct of public opinions the, District Officers were cooperating with village headmen because they have to form the committee. Not every migrant is selected; they must come to Thailand before 1999 and we’ve also asked opinions from villagers about t who do they wish to receive the white card. However, in some villages we were not able to go but instead, the village headmen performed [public opinions] on behalf of District Office and sent the information to us. Finally we made a final classification and selection of qualified migrants at District Office before we send the information to MOI. (Officer of Khok Sung District Office, 7 May 2015)”

For example in Non Chan village, when the public opinion meeting was participated by the villagers, migrants and representative officers from the District Office. An officer asked the villagers to say “yes” if any migrants have been in a village for a long time and asked to vote by raising hands for individual migrants who

they think should be given the legal status. All the villagers raised the hands for all migrants in a village' (Chim, Nong Chan, 17 May 2015). In contrast, a case of Non Mak Mun village did the same. However, a village headman said 'some migrants did not receive support from the villagers as they never participated in the village's activities and often make problems in the community such as domestic violence when they are drunk' (village headman, Non Mak Mun, 2 May 2015). It is an effective mechanism to choose particular groups of migrants to obtain access to legal status if the community contributes and participates by following the procedures. However, many other border villages ignored the importance of public opinions as the village headmen were not really forced to do it. In the absence of a village meeting, the District Office will be left to decide on who will be included in the list.

“In Noi village we did not conduct the public opinions but simply asked migrants who stay in the village to fill out a form and these information will then be submitted to the District Office. (Village head man of Noi, 5 May 2015)”

According to the information from Khok Sung District Office it shows that only 269 out of 622 migrants were granted with the 13-digit ID card. From the interviews, many migrants in the villages of non-public opinions have disputed over the issue that some migrants who have been in the villages for only ten years received the white card in contrast other migrants over thirty years in the same villages have still remained illegal in status:

“In fact my family is Thai but we moved to Cambodia since pre-Khmer Rouge regime and I came back to my village [Talom Tim] again after the war ended [1979].I wanted to have the legal status so in the past I had tried by myself in many ways [legal and illegal], however, I never received it and when the village headman called me to fill out the form [MOI survey] I did everything [filled the form] like other migrants but finally others received but I didn't. I don't

know why my name was not there. (Unrevealed name, Ta Lom Tim, 22 May 2015)”

Similarly, some migrants who are entitled to gain legal were deleted from the list because they were not able to present themselves to the District Office for the photo-taking and making of ID card. An officer said that the announcement letters was already sent to every village. In order to know the truth behind this absence, individual migrants in other villages were visited and provided information about the impact of missing the presentation to the District Office because allegedly some village headmen did not inform the migrants in their villages. As a result, these persons decided to go to the District Office and later on they were able to receive the ID card.

After survey for many years ago, I never receive any information from my village headman but since I knew from you [researcher] I went to ask the District Office and when an officer checked and saw my name there she allowed me to take photo and wait another month to receive the ID. (Nee, Susamran, 8 June 2015)”

In addition, even though the persons have already received the white card, if they decide to return to their home country or lose contact with the District Office, there might be a possibility that their names will be deleted from the system. It is found out that students are the most affected persons because their residential profile is a school. As they graduate from the school, their names will no longer be in the list because they have already left the school despite the fact that they still live in the same villages. This is different with adult migrants in the villages as they are recognized by village headmen in which their legal status are more secure than migrant children especially after they have received their white cards.

Table 6 Cambodian migrants categorized by legal status in six villages of Khok Sung District, Sa Kaeo Province

No	Villages	Male	Female	White ID card	Undocumented	Total
1	Lalom Tim	17	11	20	8	28
2	Noi	5	17	9	13	22
3	Rom Sai	8	27	12	25	37
4	Non Mak Mun	16	17	31	2	33
5	Nong Chan	9	5	12	2	14
6	Kut Phoe	11	11	10	12	22
Total		156				

Source: Amita Nurthong, Khok Sung District Registration Office (17 April 2015)

4.1.6 Limitations of Local Integration

It was found out in the study that migrants face with various limitations of local integration. For those who were able to integrate in the community through ethnic relations like Cambodian migrants in Khmer community, the integration process is relatively smooth. They seem to receive more welcoming gestures and do not face much active interrogations from the host. Speaking the same language has accelerated the process of integration. However, migrants who have advantage from this ethnic integration tend not to learn Thai language and ignore to obtain a greater local integration with other communities. Not being able to enter to the greater Thai society, this can be attributed to language barrier. As a result of the ethnic reintegration, it can reflect to the success in a small scale of integration but on the other hand it has limited the capacity of migrants to enter into larger scale of integration. Unlike migrants in non-Khmer communities which face constant difficulty and pressure coming from their environment encourages them to acquire the local languages that means they can be integrated into greater Thai society.

Moreover, village policy regarding migration and settlement of migrants in the past and at the present is never the same. The older generations of migrants who were displaced by armed forces received sympathy and help from local villagers during this difficult time. The integration of migrants in the past as a very successful case that

local villagers in the Thai border villages received them without any negative image. We might need to be reminded that the case of successful integration may happen in limited place with the limited period of time. Nowadays, it has changed due to the policy of most village head men seems no more to accept direct migration from Cambodia with the purpose of settlement. Except only for intermarriage reasons, migrants will be welcomed to settle in the villages. Despite the direction of migrants for settlement has been stopped, there is no prospect of the decrease of number of migrants from Cambodia through intermarriage. Such increasing numbers of intermarriage migrants since 2000 can be another possible direction to the migration movement in the villages.

The smooth integration of migrants may not take place anymore since the numbers of migrants has been gradually increasing. Too many new migrants may also create negative impact on their local integration process because no more migrants will actively associate with the hosts but rather only with their groups of migrants. For example, the current case study we can see is that the smallest group of migrants in Lao community has entered into greater local integration than other groups. On the other hand, the integration capacity of hosts may not be able to catch up if influx of migrants is so fast. Besides, the conflicts concerning the land and resources could arise and create an even growing negative image to the migrants.

4.2 Social Protection

4.2.1 Protective Measures with Social Assistance

4.2.1.1 A State of Community Exemption on Property

The Thai Land Act issued in 2000 stipulates that the foreigners cannot buy or own land unless there is a treaty for such ownership to particular foreigners (Mukherjee, Cuthbertson, & Howard, 2015). However, within the community exemption, migrants were able to access land and housing. They were the first self-settled refugees with assistance from local villagers who were provided with accommodations. As on 18 November 1984, Vietnamese/PRK forces attacked Nong Chan camp therefore many Cambodian refugees fled into the Thai villages (Robinson, 1998). After a long time, some villagers sold their small plots of land to migrants who

in turn built their own houses in the village. This buying process does not make migrants to be legal ownership though but they simply occupied it with “word contract of sale”. The land ownership along the Thai border villages are generally still in the forms of Por Tor Bor 5, Bai Jong (NS-2), and Sor Kor 1 (SK-1) in which local citizens can occupy and use but cannot be leased or sold. Technically the land rights can be transferred from one occupier to another.

Figure 6 Houses of migrants in Non Mank Mun Subdistrict, Khok Sung District, Sa Kaeo Province



Source: photo from field work during April-May 2015

However, to avoid future unanticipated eviction from old owners, some migrants invited village headmen to participate as an eye-witness to the contract. Opinions from some migrants showed they do not fear to be cheated because in the community, villagers have culture of trust to each other. On the other hand, legal ownership will be transferred if migrants have Thai relatives or young children married to Thai nationals.

“I and my family stayed with other villager’s house for ten years before my father could save enough money and bought land [half rai]

from his Thai friend in 2006 costing to 30,000 baht. Then we moved to build a new house. We did not receive land certificate from him [former owner], however, after my sister married with Thai man [already divorced] and has daughter received Thai nationality then when she grows up I'll ask former owner to transfer the land occupying right to her. (Kwarng, Non Chan, 9 May 2015)"

Besides the self-settled refugees, some migrants could access land through the kinship relations with local marriage migrants who suggested other migrants to rent house or buy land from their Thai husbands or relatives. Kinship relation provides migrant a chance to visit and stay in the village until they acquire the permanent residence.

"I and my husband have been in Lalom Tim village for 13 years. We built a house on the land of my friend's husband as she is married with Thai man and her husband allows us to build a house on this farm land. (Kern, La Lom Tim, 5 May 2015)"

4.2.1.2 Movement of Migrants under Restriction

In general, migrants in the borderland have been restricted to traveling at different times when issues of irregular migration or human trafficking became a challenge to the government and to the political working group in the borderlands. As of May of 2015, as a result of the Rohingya trafficking issue in Southern Thailand, security measures in many borderlands including Khok Sung became tighter. Migrants who stay in the Thai border villages can no longer simply ask for permission from a soldier or a police at the checkpoints along the way where they travel within the district. If the authorities recognize they are local villagers, this will not be a problem unless they intend to go into deeper city or other provinces which can be investigated and finally be arrested:

"When I traveled to any place within the district and met with the police he asked me 'where're you going?' I told him that 'I've house

in the village near here, I won't go anywhere'. Then he said 'don't go in the city If you go into the city I'll arrest you!' After he knows that I am a local villager, he says nothing and let me go. (Khuean, La Lom Tim, 5 May 2015)"

To travel out of the district, migrants usually go as a group with other local villagers and if they go alone, they often use personal vehicle or rent a car rather than using a public bus as they are aware of the checkpoints of authorities along the way they go. Migrants will spend a lot of money to rent the car when they need to go to the hospital that is located in the city of Aranyaprathet. Sometimes it cost more than the medical care that migrants have to pay:

"I have 1,000 baht when I go to the [Aranyaprathet] hospital but I have to pay at least 600 baht for a driver who brings me to the hospital. It's easy and secure for me to travel but I don't use it very often as it's so expensive. I use it only in case when necessary. (Nee, Khoksamakee, 8 May 2015)"

For migrants who have a white card despite the fact that they are required to ask for permission prior traveling out of the district according to the regulation of MOI, many revealed that they are free to travel everywhere as whenever they meet the police, they will just show their white cards and the police will let them go or at least just say that 'you should not go out of the district'. Therefore, many of them do not feel that they are really prohibited to go out of the controlled areas as some were able to travel to many provinces in Thailand after they have received the white card. Migrants will face with the real challenge only if they want to move and work in other district or province then the authorities at the destination will request them to change their residence reflecting the new place before they will be allowed to work there.

I work in Pattaya for a year, however, when the authority sees my ID card he requests me to change the residence profile from Khok Sung [Sa Kaeo province] to Pattaya otherwise I won't be allowed to stay

and work there. But when I came back home and contacted with the District's officer she told me that "the person holds this ID can't change the residence". Until now I do nothing, I still have to work here because there is no job at home. (Lan, Nong Chan, 9 May 2015)

Migrants can change the residence but in practice it is very difficult to do so as they have to find out guarantors who would do the following up of the process and are often required to be local authorities from sending and destination districts or provinces. Therefore, ordinary migrants usually cannot meet and satisfy this regulation. In other words, no authority will want to involve and help migrants even the government officials of District Office will simply say that 'persons without civil registration status cannot change the residence' rather than explain the process on how to change it.

4.2.2 Preventive Measures with Social Insurance

4.2.2.1 State Health Insurance

For the first time in 2010, the Thai Cabinet included 400,000 stateless people in national health schemes (THAIVISA, 2015). This covered public health care and services for the stateless people as well as to Thai citizens who will benefit from the Universal Health Insurance (MOPH, 2012). The persons who have this white card can benefit from national health schemes, however the MOI has over 50,000 of persons without civil registration status and the cabinet just has approved 208,631 persons on April 2015 (Post, 2015). It was in this time that field work has been conducted for this thesis therefore every white card holder in Khok Sung is not included yet, as he or she is selectively included to the health schemes. The eligible persons can receive services in the hospital of the province to where they are registered regardless of the districts where their houses are located. If they want to receive the health services in the province, a permit document for outside the area is required except for accidents and emergency events. Generally, migrants will go to Aranyaprathet hospital for medical treatment which it is the biggest medical institution and is not so far from Khok Sung District. However, migrants are not likely aware about their rights to health insurance

included in the white card unless they are sick and have a chance to have a check-up right at the hospital.

“In my family has six members, everyone has white card but only my brother can receive free health care when he goes to hospital but I and others can't. We don't know why we can't even though everyone holds the same type of ID card. A nurse only tells that she can't see my name in the system. (Kwang, Nong Chan, 9 May 2015”

The migrants can access to state health insurance unless their names exist within the system of the Ministry of Health. For those who are ineligible to this health schemes, they can still access to health services but they have to pay for the cost of medicines and services which is more or less expensive than the state-provided services depending on the individual hospitals' management regarding alien patients. The Aranyaprathet hospital sells health insurance card that costs 1,100 baht per year only for migrants who are registered with MOI. This will not be the problem for regular migrants who have employers because they are conditionally required to buy the health insurance card which comes along the with work permit. However, only a few migrants in the Thai border villages have bought this health insurance card because they consider this as expensive lest are uninformed about the scheme itself. Well informed persons who are aware that they have to receive the treatment at the hospital anyway such as the pregnant women, they would buy the health insurance package to reduce the real cost that they have to pay at the hospital:

“When I got pregnant I had to buy the health insurance card from the hospital because I realized that to give birth at the hospital I have to pay a lot of money. In so doing, I could pay less than what I have to pay by myself. However, I still feel that it was expensive for me if not for my son otherwise I won't buy it. (Nath, Ta Lom Tim, 5 May 2015)”

In case of migrants who could not pay for the cost of medicines and services, the hospitals along Thai-Cambodian border often allow them to pay the hospitals later and whenever they have the money. Information from Aranyaprathet hospital reveals that the undocumented migrants will be noted if they come next time in the hospital and will be reminded them if they can pay. On the other hand, they can also request for help from The Social Medical Fund for Vulnerable Persons in the hospitals. However, a staff of Social Medical Fund states ‘most of the cases migrants never or could not return to the fund, however, hospital still helps them to pay for the rest of the cost that migrants could not pay as the hospital cannot refuse to receive the patients’ (Interview, 7 May 2015). Migrants who have outstanding bills in the hospital often avoid not to visit the hospital again because they fear that they will be asked to pay the debt first unless they fall seriously sick and have no choice rather than return to the hospital they ever visited.

“My family owes to (Aranyaprathet) hospital for 10,000 baht during my father received treatment of his cancer, we have to spend a lot of money for his medical treatment but we never have enough money to pay for the cost of medicines and services, therefore we asked for help from hospital. Now, even though my father already passed away, we still afraid to go to the hospital again because we can’t pay a debt if the hospital will ask for it. (Thai, Nong Chan, 9 May 2015)”

“I owe to the (Aranyaprathet) hospital for many times as I have to receive medical care quite often since I’m old. When I don’t have enough money to pay a doctor will allow me to owe until now total 4,000 baht a debt that I still have to pay. (Prayong, Non Mak Mun, 17 April 2015)”

The migrants in the border villages primarily depend on the Tambon Health Promotion Hospitals. For undocumented migrants still have to pay for the cost of medicines except people holding white card because the hospitals consider them as

“a group” of documented migrants. Information from local hospital reveals that ‘illegal migrants have to pay approximately 30 to 100 baht according to medicine cost. However, some doctor/staff do not collect the money from migrants, especially from those who are staying in the villages’ (Interview, a doctor of Talom Tim Hospital, 1 May 2015). The attitudes on cost of medicines from some migrants reflect that even though medicines are not as expensive as in Cambodia, they are hesitant to pay. On the other hand, local hospitals also sell life insurance card (excluded health benefit) to villagers. It cost 420 baht a year and has a benefit of 30,000 baht should the individual member pass away. The regular and irregular migrants are conditionally included in this service:

“Migrant is required to have a letter of recommendation from village headman or sub-district head man (kamnan) to assure as having permanent residence in the community. The hospital then will allow him/her to buy the life insurance. As if without the permanent residence the hospital cannot pay the money to family or relative of member. (A doctor of Ang Sila Hospital, 4 May 2015)”

However, from the experiences of some migrants who bought this life insurance said that usually it is not very difficult like that because the doctor and staff of a hospital know that they are local villagers so they will allow migrants to buy it without asking about a letter from village headman. This is an internal flexibility that individual hospitals can consider and thus they can make a decision by itself.

4.2.2.2 Community Welfare and Insurance

In the same way, migrants can benefit from the “funeral fund group” set up by most border villages. It is one of the very important community institutions that gives support the families of dead persons in the villages in terms of organizing funeral ceremonies (S. Cook & Kabeer, 2010). Every household including migrant families are required to be members of a group if they stay in the villages. Each household have to contribute 50 or 100 baht to the fund when a village member passes away. The mechanism and management are different among the villages. Usually, small

villages like Nong Chan, Kut Phoe and Non Mak Mun will join together to add more capacity of fund accumulation as well as reduce the high fee collection from villagers. Thus, if having over five hundred households will join together as a single group, the fund will be contributing 25,000 to 50,000 baht for each family when a member dies. This is quite important for migrants who face legal barrier to access an external life insurance unlike the Thai citizens. For instance, a case of migrant in Nong Chan village has passed away on February, 2015, because of cancer and his family received support from the fund.

When my husband passed away in our family we have only 10,000 baht to organize the funeral ceremony, however, we also received supports from the community funeral fund and local villagers total 50,000 baht. We don't have to do anything about this money because the villagers and committee of the fun would help us to manage money for daily expenditure till the ceremony is done. (Chim, Nong Chan, 7 May 2015)"

Aside from the "funeral fund group", migrants can also access to the "community self-help saving group" by having to join together as the members of the group to create a significant village fund (Anheier, Simmons, & Winder, 2007). It is a voluntary basis arrangement that every villager has the right to apply for membership. This helps members to accumulate savings and yield from dividends and loan interest at the end of every year. In fact, it has also a cooperative fund with the One-Million-Baht-a-Village Fund of the government which usually only provides loan for local citizens who are members of self-saving group. However, the migrants can save and borrow the money from the community self-help saving group as well as other villagers because it belongs to the community and not the State. The community and its committee have full authority to whether include or exclude migrants from the fund. From the field visit that was conducted, most of the border villages allow migrants to become members of this saving group. In general, regulation is very similar among the villages thus members can save from tens of thousands baht per month and these funds can yield ranging from 76 to 80 per cent at the end of the year.

In addition, if members want to borrow money from the group they will receive a special low interest rate of only 1 per cent per month.

“The migrants can access to the “funeral fund group” and “community self-help saving group” because both are belonged to the community not the government like “One-Million-Baht-a-Village Fund” which only for the local citizens. Therefore, community has full authorities to lay down a rule whether to include or exclude the migrants from the groups. However, we see migrants here as well as other villagers because they have the permanent residences and been here for longtime ago. (Village headman of Noi, 5 May 2015)”

Under community management migrants are included into welfare and insurance programs except what are preserved only for Thai citizens. However, such legal boundary we cannot be used to judge as the limited capacity of community as the limitations of its social protection because the community can provide only what is has. It is based on the wish of community neither about capacity nor legal mechanism like the social protection from the state.

4.2.3 Promotive Measures with Social Services

4.2.3.1 Promoting Right to Education

In the past, rights to education for children were only accessed limitedly and are available only for Thai citizens. This is because the State required for documents that can testify their registration identity which is reflected in the civil registration book. As a result, many migrant children and stateless persons became unqualified to access in the Thai public education system. To address this issue, a Cabinet resolution on education for undocumented children was passed wherein in 2005, the Ministry of Education (MOE) introduced the ‘Education for All’ policy in order to include marginalized children and people in Thai society as a way to uphold the universality of rights to education (Truong et al., 2011, p. 311). Since then many schools started to accept migrant students. It was interesting to learn that even though the policy simply

says that education is for children in Thai society, this principle has been further applied across the border as many schools along the Thai-Cambodian border are open to receive not just the migrant children but also children who daily cross the border to study at Thai schools. From this point of view, many school teachers say that:

“Thai education is open for undocumented children in the country in the same time it doesn’t limit the right of other children [from Cambodia] therefore, we can accept them when children wish to study at our school. (Director of Non Mak Mun School, 9 May 2015)”

Recently, 232 Cambodian students enrolled in 2014-2015 at different schools in Khok Sung. In Ban Non Mak Mun School there are more Cambodian students than Thai students who are enrolled because it is the closest border school between the two Nong Chan villages of Thailand and Cambodia. In the past, many families were not able to enroll their children in the Thai public school because they thought the school would require many documents that they cannot meet (Bartlett & Ghaffar-Kucher, 2013). However, the border schools are well-known about this problem therefore if the children enroll at first level of primary school, the parents simply need to give information of their children by words to the school. In so doing, many Cambodian families encourage their children to study at Thai public school from primary level because after students can graduate at any school level they will have an evidence to apply for higher school levels in other places. From interviews with many school teachers, it was revealed that, in general, children from Cambodia can finish only primary or secondary schools at the most and very few could graduate high school or go to the university. As a reason given by a local school teacher it was explained that:

“Parents of Cambodian students only want them to learn Thai language and after they finish some levels of education they’ll stop and later on work in Thailand to help their families. (Director of Non Mak Mun School, 9 May 2015)”

The economy of the State discourages many families to send their children to a higher education institution so that the children can go to work and contribute to the families' livelihood. However, some particular migrant youths in the villages choose to work and continue their education at the Informal Education Institution in the district. This alternative education provides adults and students who have no chance to get education from a formal school. Some migrant students who were able to graduate from secondary school level will continue at the Informal Education Institution because they can work while studying. Students lamented that they can only study one day per week. This Informal Education Institution as well as the other schools use the same principle that allows students to enroll regardless of their status.

“There are five Cambodian high school students who already graduated from Informal Education School in Tambon Non Mak Mun but in other Tambons there are very few. However, now education is wide open if migrants or people from Cambodia wish to enroll for study, they can do so free of charge like the Thai citizens. (Teacher of Informal Education School, Non Mak Mun, 1 May 2015)”

However, after graduating from the school, most of the migrants face the difficulty of finding the jobs because the status as undocumented and persons without civil registration status serves as a barrier. Because of the status problem, some do not believe that they can use the education certificate from school to apply for jobs in Thailand after graduation. Therefore, the usability of school certificate is another significant point for migrant students should they decide to give up their studies and intend no to pursue higher education. In addition, Thai people still lack understanding about the status of minority groups in society which, in effect, led to the practice of selective and discriminatory hiring which obviously favors the Thai citizens over those who have unclear status persons and generally assumed as aliens or migrant workers.

“I finished high school but when I went to work in Bangkok and used my certificate and white card to apply for a job, an employer said “I don’t know what that means the person without civil registration status? He thinks I am a migrant worker”. Usually I’ll work at wherever [informal sector] that employer does not require me to show an ID card or education certificate, as I can speak Thai very well then my employer will think that I’m Thai and pay me the same as other Thai workers. (Kwarng, Nong Chan, 9 May 2015)”

Table 7 Migrant children enrolled at schools in Khok Sung District, Sa Kaeo Province

No	Schools in Khok Sung District	Cambodian Students						
		Enrolled in 2014-2015			Enrolled before 2014			Total
		Stay in village	Daily border crossing	Total	Stay in village	Daily border crossing	Total	
1	Ban Nong Wang Community School	2	0	2	6	0	6	8
2	Ban Khok Sung School	8	7	15	2	10	12	27
3	Ban Non Mak Mun School	5	21	26	6	61	67	93
4	Ban Nong Chan School	NA	5	5	1	14	15	20
5	Ban Nong Mank School	NA	NA	0	20	0	20	20
6	Ban Nong Make School	12		12	9	NA	9	21
7	Ban Nong Eag School	1		1	1	NA	1	2
8	Bank Ang Sila School	13	4	17	18	NA	18	35
9	Sahasahong Mahakun School	1	NA	1	4	NA	4	5
10	Thammasirivithayakarn Kindergarten School	NA	NA	0	1	NA	1	1
Total		232						

Source: Sa Kaeo Primary Educational Service Area Office 2 (2015)

4.2.4 Transformative Action with Citizenship

“My parents moved to Cambodia since the pre-Khmer Rouge regime, I and my other three siblings born there. After the Khmer Rouge ended we have returned to Non Mak Mun village where my parents ever lived in the past, however, due to before my parents moved to Cambodia it won't have civil registration book like in the present, therefore, all of us become undocumented migrants when we returned to Thailand (Pom, Nong Chan, 24 May 2015)”

It is a challenge to the borderlands' population who share the similar ethnicity and family name as particular undocumented people in the border villages claim that they should be able to access the right to a Thai citizenship. Mrs. Pom came to Thailand since she was 11 years old and as she grew up, she was aware that citizenship is important for her. She has been struggling for right to citizenship for nearly two decades now while her father who supposedly has a Thai sister is not helping him because of his old age. Due to poverty and lack of education, these make it difficult for her to find and get help from local leaders and contact with the authorities. Many times, she went to the District Office to avail of the right to citizenship but the officer always refused her wish based on the assumption that she is an illegal migrant who does not have any connection that will help her to proceed according to legal mechanism.

“Every time the officer only tells me that I can't access to citizenship because I can't read and write Thai and I'm an illegal migrant. She doesn't believe me even though I tell her I have Thai relatives here as well as my Thai aunt and village headman. Nobody wants to get involved because they think it is impossible for me to be Thai as I was born in Cambodia. (Pom, Nong Chan, 24 May 2015)”

In general, citizenship is a sensitive issue that is why State officers are very careful to proceed with any registration application despite the fact that Mrs. Pom is an uneducated person; she hardly gets the trust and help from government officers.

However, she has never given up even though she was been refused for several times already. She tried to do the process again one day but she was refused like before. Because of her persistence, she keeps on coming back to the District Office until she met a man who, without her knowing, is a duty officer at the district governor's office. In their informal conversation, the man asked her to tell him about her story – from where she comes from and who are her relatives in Thailand. Despite not knowing the man who was able to listen to and believe her story, she did not expect that she was able to get the trust of the man. . Through his help, the District Office received her case for consideration and was forwarded to undertake legal actions through DNA test with a closest Thai relative in a village to prove her identity.

“After I told about my story to a man [duty of district governor] he asks me to write my name on a paper, I can write only my own name but out of that I can't. He believes me because he knows that I'm an uneducated person by the way I speak and I can't tell a lie to him. The District Office requested me to do a DNA test with my father's sister and my son [Thai] at Siriraja Hospital. However, I told the duty of district governor that I don't have much money; therefore, he sympathized with me by giving a letter with the hope that the Siriraja Hospital will help me. I went to the Siriraja Hospital with my son and aunt with only 8,000 baht. I have, however, rented a car which costs 5,000 baht so that left me with only 3,000 baht. The hospital told me to do two tests with my son [Thai] and my aunt that cost altogether 16,000 baht. However, because of a letter from District Office I received assistance from the hospital's public funds and the results of my DNA test are positive. (Pom, Nong Chan, 24 May 2015)”

After receiving the DNA test results, the District Office organized a public hearing in the village and invited all villagers to participate. The villagers attested about the blood relation of Pom's family with local villagers to prove that she is legible to access the Thai citizenship through her parents' lineage. After the conduct of the DNA testing and the public opinions, she had to wait for one year to see the

result on whether she could receive the Thai citizenship or not and eventually she received an official Thai ID card in 2007. Pom says that she is the first person who was able to receive the Thai nationality in Non Mack Mun areas. After she received the Thai ID, the villagers learned from her experience and were able to access to the Thai citizenship. Most of the cases, migrants have undergone the same process as Mrs Pom went through but some villagers also have to obtain the Tor Ror 14 document. However, from the interviews conducted, there are not many cases in the Khok Sung districts who have been successful in this regard; only some people were able to get support from local villagers.

As for the case of Dee who is mentally challenged, local villagers helped him to request for Thai nationality. This information was provided through an interview conducted with a former headman of Noi village. According to the headman, Dee moved from Cambodia to Thailand when he was at a very young during the pre-Khmer Rouge regime. He got married with a local villager and after his wife passed away, he was not able to handle her death thus suffering mental illness for decades until now. When he turned 70 years old, the villagers and the village headman felt concerned about his health problems and they thought that the Thai citizenship will help him a lot to get him through his old age. The process to request for the Thai citizenship for Dee was based on the local public opinions. The village headman consulted with the Khok Sung District and then the district officials sent an appointment letter to the village headman to arrange the public opinions hearing to be attended by representative officers from the District Office, village headman, local villagers and Dee as the citizenship requestor. As a result he received total support from the villagers.

“There was none who won’t raise the hands to support him because everyone sympathizes with him and it was initiated from the villagers’ ideas. (Former village head man, Rom Sai, 9 May 2015)”

Dee was able to receive an official Thai ID card even without the DNA test. His eligibility to apply for a Thai citizenship was made stronger on the basis of his

disability and mental illness which the Nationality Act of Thailand gives special consideration for people with mental disability.

4.2.5 Limitations of Social Protection

It was found out in this study that Cambodian migrants still face limitations in social protection particularly for those who are undocumented. However, it can be said that despite the illegal nature of their status they are permitted to enter, stay and work in Thailand. For the health services, of course they have to pay all medical fees when they go to the hospital and are excluded from access to health insurance package like other documented migrants. This leads those to be in situation of health marginalization when in cases of severe illness and accidents the illegal migrants have to pay for medical treatment which often goes beyond their capacity. Because of poverty, migrants in the Thai border villages often go in to debt when they got severe illnesses. Even hospitals resolve this problem by permitting migrants to owe the hospitals in case they do not have enough money to pay. But when the debt is so high the migrants become reluctant to visit a doctor again even if they got sick because of fear to be asked about debt payment. In fact, the study found that long-term migrants do not think that they are entitled to have equal access to free health services like the Thai citizens have. They rather expect the condition that makes them accessible to health services on the basis of their capacity to pay. Generally, they are satisfied with the cost of medical treatments at sub-district hospitals for normal health services which are considered cheaper compared to the general medical cost in Cambodia. Migrants visit the hospital openly and by 420 baht life insurance package but excludes health benefits from sub-district hospitals. In so doing, we think that if the cheap health insurance package is available for migrants, it can encourage those illegal migrants to access for greater health services. However, until now the health insurance package for irregular migrants introduced by MoPH still has limitation as it still available only for those irregular migrants who are registered with MOL. Therefore, other non-registered migrants and those who are undocumented are excluded.

For education for migrant children, it was primarily discussed in this study that equal job opportunities for graduate students and access to higher education are limited because of the stigma that they still hold as illegal migrants. Despite the rights to education for children regardless of status empowered by the MOE, occupations available for migrants are limited by MOL. The migrants and stateless people are allowed to work only in 27 occupations and no one is regarding the professional occupation for the people if they graduate from high school or even from university. The people holding white card of person without civil registration status neither are recognize as Thai citizens nor migrant workers but they are still subjected to respect Alien Employment Act in Thailand. In contrast this can undermine the people's opportunities especially to those who graduated from high school or from a university. The phenomenon beyond the rights to education and partial rights to job employment is totally still ignored in Thai society. In this case we do not talk about Cambodian people from daily border crossing whose nationality has been already identified but those children who are born in Thailand from Cambodian migrant parents. Students who opted to work after graduation is faced with a limited opportunity because employers in Thailand do not hire stateless people even with a university degree. That means incorporation between the rights to education and the rights to job employment for migrant students.

Moreover, white card holders are significantly affected by the restriction on movements. Under the law they are not allowed to travel out of Khok Sung district unless they gain permission from the district authorities. In fact this restriction in practice does not affect to migrants in traveling with the purpose of return to their registered areas. The white card holders will neither be arrested nor deported like other illegal migrant workers. This restriction affects the life of people when they need to move out with the purpose of changing the residence to other places where the job opportunities are available. Whether the regulation says that white card holders are legible to change the residence under permission of district authorities, however, the study found out that district offers have refused the wish of requesters in general by saying that there is no option in the registration system that allows persons without civil registration status to change their address. This situation makes job searching for

migrants even worse because they cannot move to search the jobs and work out of Khok Sung district since their registered residence is not there. We can see that occupation limitations and movement restrictions have relatively undermined the value of education or discourage undocumented or stateless children from getting higher education or upgrade their living conditions. Therefore, the State should reconsider its policies on whether to restrict the movement or limit the types of occupations for those people holding white card IDs. If this is not resolved by the State, people will have less choice and chance to overcome poverty and the cycle of their marginalization. If they have rights to move, they will have access to greater opportunities like local citizens enjoy.

Table 8 Cambodian migrants access to existing social protection items from the state and local community in Thai border villages, Khok Sung District, Sa Kaeo Province

State	Local community
1. health services 2. education 3. legal recognition	1. Lands 2. housing, accommodations 3. movement 4. community self-help saving group 5. funeral fund group

Lastly, despite the absence of needed State roles on socially protecting the migrants, they have received alternative supports from the community in terms of reconstructing their lives and enabling themselves to live independently. Such as in the Thai border villages, migrants are allowed to access to land and housing, and join community self-saving group and funeral fund groups like other villagers. Migrants are included into almost all of welfare and insurance programs of the community except only on what is preserved only for people with Thai nationality. Therefore, it seems that a state of community exemption is unlimited if migrants are well-integrated with host society unless the legal boundary of the State affects the capacity of migrants' integration as well as to undermine the wish of collective practices by local community in assisting the migrants. We cannot look at the limited capacity of local community on social protection because it can only do so much at its limited

capacity. It is the primary duty of the State who has all the power and capacity to provide social protection for all.



CHAPTER V

CONCLUSION AND DISCUSSION

5.1 Conclusion

From the Khmer Rouge regime (1975-1979) up to the Vietnamese invasion (1979-189) in Cambodia, many refugees fled to search for refuge in the Thai soil. The location of Thai border villages in Khok Sung district has been a preferred destination of some groups of Cambodians who lived nearby the Thai border line. This is due to the fact that it is located close to their village in Cambodia and has maintained a strong connection with Khmer and Laos groups that are widespread along the border areas of both countries. After the civil wars in Cambodia, many migrants decided to continue to live in Thailand and to seek for assimilation with local citizens through intermarriage. However, they face with the barriers of rights to basic social protection like Thai people as a result of state's refusal to recognize their status as the legal migrants even many of them have been in Thai soil for decades. They have no rights to stay, work, move and even access to free public health care services. Why they do keep staying in Thailand even they are discriminated as illegal migrants? It is due to the situation that migrants are tied to their marriage to Thai locals and when they have children they are conditionally uneasy to return to their home country even if they wish to do so. Whether the decision making seems to look unreasonable and incomprehensible, the choice they made becomes the binding condition and the social contract make migrants to remain and spontaneously integrate into the host society. However, this social contract making which pushes the migrants to pre-invest on social relations for local integration do not seem to reach the State's understanding on their issues. The legal boundaries of the Thai laws often undermine the wish of migrants to become integrated with the Thai society.

Why they do keep practicing their daily activities even they are under many regulations as outsiders? This is due to the fact that migrants still can access to certain social protection from the community that gives them with traditional recognition.

They are regarded as members of Thai local community but are, at the same time, regarded as illegal migrants by the Thai state. The Thai border community in Khok Sung provides the support necessary for migrants to reconstruct their lives and support themselves independently. It is the circle of ethnic relations that functions to help the migrants deal with many of the everyday matters in life. Local community becomes an unofficial social space for migrants and locals, as it supports all aspects of the daily life of migrants in the absence of State duties.

5.1.1 Local Integration beyond the Boundaries

Cambodian migrants have typically been in the Khmer community longer than in the Lao community as the relation between the location choice of migrants and connected the location decision with their language proficiency. The ethnic communities become the space of supportive networks and potential supporters that make it possible for Cambodian refugees and new migrants take refuge in the Thai soil. However, migrants who have advantage from this ethnic integration tend not to learn Thai language and ignore to obtain a greater local integration with other communities that speak Thai or Laos, unlike migrants in non-Khmer communities who have reached to greater acculturation in host society. These two different patterns of two local language integrations have no significant limitation for migrants to get acceptance from the local villagers.

They built networks with host residents and became members of local community through intermarriage so as to make themselves undistinguishable among the local villagers. Therefore they are willing to be assimilated. Migrants who have this network tend to have frequent interactions with the host villagers as their lives intersect at school, grocery store, temple, on the street, and in the fields. Their integration into the Thai border community is relatively smooth because migrants and hosts share the similar culture that is easy for migrants to get involved without feeling of otherness by cultural markers. Besides, it seems that host residents generally define the migrants as good persons based on their individual characteristics and behaviors especially if migrants actively participate in village and temple activities. This is one of the good behaviors in Thai point of views on people engaging with social, cultural

and spiritual activities as good persons. The village headmen encourage migrants to participate in monthly village meeting regularly. This rule can be considered as the way to include migrants as members of a village and in the same time village head man can control and value migrants through their participations and contributions to the village' activities.

According to economic integration, even under law, migrants are permitted to work only within 27 occupations but under a state of community exemption it seems there is no significant limitation for those who stay in the Thai villages. Out of general agricultural and construction laborers they also can rent the land for farming, open the grocery stores and become the merchants at the community they reside. However, not many migrants can develop themselves from lower income up to the middle income level compared to the local villagers. The low education and lack of financial capital are the personal obstacles of migrants to form their own businesses in the community.

We should first understand that an actual local integration is recognized by the community itself and not the State. However, the formal integration for migrants is different by the fact that they need recognition from the Thai state. The Thai government has not yet fully recognized those migrants as legal persons but the government instead provided them with temporary status as persons without civil registration status or those who receive white card IDs. In 2011, only 214 among 629 migrants in Khok Sung District were able to acquire the white card because migrants are hardly seen as they have the capacity to access Thai citizenship. However, since they are neither be arrested nor deported with this temporary status, this identity can become the foundation of the newest form of integration and partial citizenship.

5.1.2 Social Protection

From the study, it was found out that there are different existing social protection mechanisms from the State and local community that are accessible, however partly, by the migrants. Migrants hardly depend on social protection from the State since the rights are only for legible recipients. As the right to public health services in 2015 was enforced, the Thai cabinet has included all people holding white card of persons without civil registration status into the state health insurance

schemes. Cambodian migrants holding this white card are also legible to health benefits like the Thai citizens. They can receive free health services at the hospitals in province they registered regardless the districts. However, during the conducted of the field work some people with white card are not included yet in the newly approved policy by the Cabinet. They were selectively included into the health schemes due to in the past only half population of people holding colored card are included to health benefits. Undocumented persons still have to pay full for their medical fees.

The right to education which is a landmark policy in the State-sponsored social protection scheme is the only one that Cambodian migrants in the border villages can fully benefit from. Since the Ministry of Education (MOE) introduced the right to education to all in 2005, many schools started to accept migrant students. This policy is in force across the Thai-Cambodia border in Khok Sung District. There are nearly 200 Cambodian children who are enrolled and receive free education in Thai schools in Khok Sung District. The school teachers in Khok Sung quite well understood how to deal with the problem of children that often do not have documents to enroll for the study. They provide chance for child parents to give information by words to the schools and this encourages not only migrant children but also students from Cambodia can enroll at Thai schools.

For other social protection items at the absence of state roles Cambodian migrants have received necessary supports from the community to reconstruct their lives and support themselves independently. After they have been in a village for period of time some, villagers soled small plots of land to migrants to build their own houses for living. This buying process does not make migrants to be legal ownership but this makes them able to have the permanent residence in Thailand. Even this permanent residence does not make migrants to be recognized as permanent residents according to the Thai state but they are already recognized by the local community as permanent residents since they can access to land under its exemption.

Moreover, Migrants are included into almost of welfare and insurance programs of the community except only what is preserved only for people with Thai

nationality. For example, the funeral fund group set up by most border villages. It is one of the very important community institutions to give support the families of dead persons in the villages for organizing funeral ceremony. Moreover, the community self-help saving group to create a significant village fund and share the interests to the members. The members can save and borrow the money group with low interest. Migrants of regardless status can become full members of all groups as they are under the community management not the state. Therefore, the community has full authorizes whether to include or exclude migrants from the programs.

5.1.3 Multiple Boundaries

Thai borderlands in Khok Sung district physically as the territory of the state which is regulated and controlled by rule and order system seen as legitimate by the government. The state uses its authorities to stimulate the legal acts to manage the border crossing. Khok Sung is actually different spaces existing on a different level to manage border closing: it is both the sovereignty nation-state system and a state of local exemption that employed with temporarily permitted points between Thailand and Cambodia on the basis of sharing mutual local benefits. It can be called this kind of border as physically exception that makes ambiguous between legality and illegality. The people are unofficially allowed to across, to exist, and to carry out their daily activities in Thai soil. Cambodian migrants use this gap of border crossing to enter and remain connections with hosts before they are permitted to settle in a village. The space is conditioned by the long-term accumulation of relations between migrants and hosts, moreover, between new migrants and old migrants.

With regard to social boundary migrants primarily distinct from Thai group on the basis of nationality created by the nation state. It is a formal boundary to category Cambodian migrants as minorities among majorities of Thai natives. In contrast, a less formalized but socially relevant is that Cambodian migrants are not really minority group in term “ethnicity” since the Khmer groups of Thai nationals as well have existed there. This becomes boundary blurring when the two different Khmer groups of Thai natives and Cambodian migrants are met and shared the sense of collective ethnic identity. The challenge of social boundary generally affect to

migrants who settled in non-Khmer community in which language barrier is one of the first and primary cultural markers to separate migrants from other villagers. However, most of migrants used intermarriage to undermine the social segregation and to avoid from negative attitudes from local villagers as “outsiders”. As a result, Thai community is more open for intermarriage migrants than other groups of migrants.

From the study Cambodian migrants face with many legal boundaries to lead their life ordinary people in the society even to have official family. They have right to form the family but the district officer generally does not allow migrants to access the marriage registration on the basis of their illegal status or even the people holding white card. The law does not obviously deny their right but the high demand of requirements focus on economic matter excludes the poor from accessing to right in marriage registration. On the other hand, the district officers will refuse since they know that migrants are from Cambodia without suggestion how to get the legal process of marriage reiteration done. This seems to ignore the importance of family and social relations due to the prejudice from the national legal viewpoints fear migrants may use intermarriage to access to Thai nationality.

Besides, undocumented people cannot access to free public health services if without the legal status they have to pay full medical fees. Although due to the poverty migrants in the Thai border villages are often go in to debt when they got severe illness that must only go to Aranyaprathet Hospital. That means if they do not have enough money to pay they have to borrow from other people or even owe to the hospital and when the debt is so high they reluctant visit a doctor again even they got sick because of fear to be asked about debt payment.

Moreover, for white card holder neighbor recognizes as the neither Thai citizen nor migrants but they cannot own lands and can work only 27 occupations permitted by the Ministry of Labor. In addition, they are significantly affected by the restriction on movements. Under law they are not allowed to travel out of Khok Sung District unless gain permission from the district authorities. In fact this restriction in

practice does not affect to migrants in traveling with the purpose of return to their registered areas. Due to ID card holders neither be arrested nor deported like other illegal migrant workers. The restriction goes to affect the life of people when they need to move out with the purpose of change the residence to other places where the job opportunities are available. Whether the regulation says that white card holders are legible to change the residence under permission of district authorities, however, the study found that district offers have refused the wish of requesters in general by saying that registration system is no menu available to change the residence of people holding white card. This situation worsen both job limitations by Alien Employment Act and job opportunities by the nature of people cannot move to search the jobs and work out of Khok Sung district since their registered residence is not there.

5.2 Discussion

There are four main theories that were used to explain the phenomenon and situations of Cambodian migrants in the Thai border villages. These include migration, multiple boundaries, local integration and social protection.

I used the concept of migration based on the “push” and “pull” factors of migration to help to explain why the people have to migrate and where the destination would they choose and what are the reasons behind such decision makings. However there is gap in theory that primarily focuses on economic factor may not totally be applicable with the former migration flow of refugees affected by civil war in Cambodia. The theory is manifested by a phenomenon when Cambodian migrated into the Thai border villages to work and marry local citizens. This theory can also be articulated by looking at the transformation of former refugees/displaced persons to economic migrants when they decided to remain in Thailand due to the better economic and living condition in Thailand compared to when they are still living in Cambodia.

I used the concept of multiple boundaries to explain the conditions of physical, social and legal boundaries for Cambodian migrants in the Thai border villages. Migrants have to negotiate with these boundaries to access to the resources and social

opportunities from the state and local community. I have shown that the physical boundary where new forms of border permitted areas established in Thai-Cambodian border villages. The state of exemption areas assigned by the Thai authorities make border crossing movements ambiguous between legally and illegally when Cambodian migrants enter into Thai soil. From the social boundary, on the other hand, formally distinct people by nationality become a less formalized but socially relevant when the concept of nationality is replaced by ethnicity relations between Cambodian migrants and Khmer groups in the Thai border villages. Further, migrants resort to intermarriage with local villagers in order for them to stay in Thailand even the fact that the legal barrier might hinder them from staying in and integrate into Thai society. In so doing, the legal boundary becomes the boundary blurring to secure the status of intermarriage migrants who receive partial right to stay in host country.

Local integration is seen as a process of mutual exchange between immigrants and host population. Castles (1993) sees it as two-way process in which both sides of migrants and population learn from each other. However, I found that the possibility of two-way process is difficult to achieve unless the migrant population are nearly as equal to the local population. Hosts never learn from the migrants if their number is very few. As the case of Cambodian migrants in non-Khmer communities, therefore it will become only one way process that migrants must learn how to integrate with the hosts through language and behavioral orientations. The local integration is seen as linear process from the very basic to the most advanced. As Gordon (1964) points out that cultural integration is the starting point and is followed by local language acquisition and ending it with intermarriage to enable migrant to be no longer distinguishable. However, it was found out in this study that such linear process happened only with the former group of Cambodian migrants while the later groups do not follow this linear process. In contrast, they took intermarriage as the first step before going to the rest of the steps.

The lengths of stay and intermarriage can contribute migrants to be granted white card by the Government of Thailand. Even this status is so called as waiting for deportation if the process of national verification is found that those are not originally

born in Thailand but the fact is that the Thai Government seems to keep them stay in Thailand rather than deport them back to Cambodia. The government knows very well that most undocumented persons in the border areas are migrants because the process of conducting survey and selection take place from the local level whereas village headmen and district officers as the committee. It can be argued that national verification is not set up to prove nationality of “minority migrants” in order to deport because information about nationality and country of origin have submitted since during the first survey of MOI. However, the MOI still granted the status for Cambodian migrants in Khok Sung District as person without civil registration status. This means they are recognized as neither Cambodian migrants nor Thai citizens. Pongsawat (2007) calls a partial citizenship or the newest form of integration. Deportation may not the way that Thai government wants to implement with minority migrants but rather keeps their longer temporary status.

Moreover, if there is no specific policy regarding deportation there is a possibility under the decision of the state to grant full citizenship to certain part of the group or even the whole group. This can be seen from the previous studies of people holding pink card of Burmese displaced person, the government seems to keep them rather than send back to Myanmar. Boonwanno (Boonwanno, 2007) points out that many of them could access to Thai citizenship. Especially, the full Thai citizenship is favored to students who graduated from high school and university. Moreover, even the Thai Government has not yet specific policy to grant the Thai nationality for people holding white card but the Nationality Act of Thailand provides the space and gap of law for individual persons to apply for Thai nationality in step-by-step. As children holding white card and they also have Tor Ror 14 Kor document that can be used to apply for the Thai Nationality.

Lastly, I used to the concept of social protection to cover all protective, preventive, promotive and transformative actions in which the theory sees collective practices from the local community and state based mechanism as interchangeable sources of social protection. From the study it seems that social protection from the community is more progressive than the state in many aspects of protective,

preventive, promotive measures. A less legal condition but socially relevant between migrants and hosts enable migrants can access to land, community welfare and insurance programs. Even some categories of rights are in fact band by Thai law to migrants but under community management migrants still able to access them within a state of community exemption. Cambodian migrants consider this community exemption as alternation sauces of social protection when they cannot access what are so called state-exclusion. The state is a less socially relevant but legal binding to entitle people into social protection schemes. From the study found that only right to education that the state issued as universal right to all children. For other rights seem selective practice of the state primarily only for documented migrants and people holding white card can access. One of the most important social protections is the state health insurance. The right to this state social health insurance has tied with the legal status of persons. It is a selective practice of the state whether to include or exclude migrants from the state protection schemes.

The different existing social protection items from the local community and the state may transform into interexchange supporting factors during the absence of one another. It seems that the benefits of having a state of community exemption will be unlimited if migrants are well-integrated with host society unless the legal boundary of the State affects the migrants' capacity for integration. Further, this legal boundary might undermine the wish of collective practices by local community to help migrants. The limited capacity of the local community to provide social protection for the migrants should be regarded well as it can only function as much it could. Needed change in the social protection mechanism should be well focused on the State's that has all the power and capacity to provide better living conditions not only for Thai citizens but to migrants as well. It is the State has priority role the facilitation, promotion and extension of social protection as dispensable part of government social policy. The State should expand some necessary social protection items such as no-cost health services to undocumented migrants in the informal sector without social security benefits under the universal coverage program. This is not just help migrants during contingency risk due to cannot afford to pay for health services but also to prevent infectious diseases may transfer from migration.

In addition, offer migrants the option to access social protection from local community on the basis of its willingness is the alternative way the State can reduce some burden. This openness option should not consider as the cost of community and who benefits because the condition of social protection can be shared from community to migrants only function as much it could and considers as not the burden. Such community collective practice to help migrants should not be prevented by the state because the image of migrants as the threat to social security. The community should have full authorities to consider and decide whether to include or exclude migrants from its welfare and insurance programs based on its wishes. It may to increase negative impacts to social security when migrants cannot access any sources of social protection.

5.3 Recommendations

1. Right to marriage registration should be treated equally regardless the status of persons. Migrants are refused by the district offers on the basis of their status and low income does not qualify to marriage with Thai citizens. This regulation and practice undermines the value of family relations. It is not necessary that migrants are legible to apply for the Thai citizenship after access to the marriage registration. They want only recognition from the state as regal family and can stay in Thailand legally. On the other hand, the female migrant can protect herself from domestic violence if she is abused by the legal husband.
2. The basic right to health services is the barrier for undocumented migrants. They should not be discriminated to health services on the basis of their illegal status. It is not necessary that all the rights of Thai citizens should be granted to illegal migrants but at least undocumented migrants be allowed to buy the health insurance package like the legal migrant workers. However, the cost of health insurance package should be computed according to the capacity of migrants to pay so that more people can afford it.
4. Employment opportunities of people who are white card holders should not be limited by the list of occupations allowed under Alien Employment Act. They should

be to free to work according to their educational level and personal aptitudes and capacities. This limitation does not simply discourage undocumented children to get higher education and at the same time it undermines the value of education as an enabling factor toward a better paying job and an improved livelihood. Both locals and the migrants should be well informed about the mandates of the laws, especially on rights claiming in education, health and employment.

5. The right for movement or mobility of all people especially those without civil registration status should be observed and respected. In so doing, migrants are able to change their address as they wish and seek employment in another place without any restriction from the State. The current limitations articulated in the Alien Employment Act violate the fundamental right to move and further bars migrants from accessing job opportunities that are available in other districts. Therefore, if any part of Alien Employment Act or regulation on movement for these ID card holders is improved, they will have more choice or chance to live their life with dignity and not become the burden of society due to the legal barrier.

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APPENDIX

Appendix A: Guideline Questions for Semi-structured Interviews

Part I: Cambodian Migrants Profile

1. What is your name?
2. Where were you born?
(a) Cambodia (b) Thailand
3. What was your occupation before moving to Thailand?
(a) Self-employed (b) Farmer (c) Labor (d) Other.....
4. When did you come to Thailand?
5. When did you start to live in this village?
6. Why did you choose this village to settle?
7. How long will you stay in Thailand?
8. Are you a single or married?
(a) Single (b) Married
9. With Thai or Cambodian?
(a) Thai (b) Cambodian

Part II: Negotiating Boundary Crossing

Collective identity

1. Which language and dialect can you speak?
(a) Khmer (b) Standard Thai (c) Northern Thai
(d) Southern Thai (e) other languages
2. Where did you learn these languages?
(a) At school (b) TV and radio (c) At the working place
(d) From friends (e) family (f) others

Class and ethnic discrimination

1. Since you've been here, have you ever feel as the minority groups among Thai locals?
(a) Yes (b) No (c) Sometime
2. Do you receive a good treatment like other people in the village?

- (a) Yes (b) No (c) Sometime

Gender and sex inequality

1. Does your husband allow you to keep his money? (Female immigrants married with Thai locals)
 - (a) Yes (b) No
2. Can you access to local labor market? How often if compare with the men?
 - (a) Yes (b) No (a) Often (b) Not

Education and occupation

1. Have you or your child attended a school? If what is levels of your/child education?
 - (a) Have (b) Haven't Class
2. What your occupation? Could you explain to me how do you work?

Communities and national identities

1. Since you have been here for a long time, do you have any feeling as Thainess or Khmerness?
 - (a) Thainess (b) Khmerness (c) Otherness

Part III: Local integration

Social aspects

1. Do have any relatives who are Thais?
 - (a) Yes (b) No
2. Still you contact with the people in Cambodia?
 - (a) Yes (b) No
3. How often do go back to visit Cambodia?
 - (a) Often (b) Sometime (c) Not at all

Cultural aspects

1. Have you ever been participated any festival or Buddhist ceremony here?
 - (a) Yes (b) No
2. Do you have a son or relatives ever ordained at the Thai Buddhist temple?
 - (a) Yes (b) No
3. How often do you visit the temple here?
 - (a) Often (b) Sometime (c) Not at all

Community and political aspects

1. In your village does it has a monthly meeting? If has, do you have to participate?
 - (a) Yes (b) No (c) Sometime
2. When the village has any activities such as community cleaning, drug campaigning and preparing festival, do the locals invite you help?
 - (a) Yes (b) No (c) Sometime

Institutional aspects

1. Do you have any identification card? What kind is it?
 - (a) Yes (b) No If yes
2. If no, have you ever applied or registered for any legal status?
 - (a) Yes (b) No If yes, how and where?
3. Do you think the legal status is important for you to live here?
 - (a) Yes (b) No If no, why.....
4. Do you want to live here forever or go back to Cambodia?
 - (a) Live here (b) Back to Cambodia (c) Other

Part IV: Social protection

Protective (social assistance)

1. Do you have your own house or rent?
 - (a) My own house (b) Rent
2. If own house, do have the rights to buy the land? How?
 - (a) Yes (b) No (c) How.....
3. When in need, have you ever borrowed the money?
 - (a) Yes (b) No
4. If yes, from whom?
 - (a) Friends (b) Relatives (c) community saving group (d) Bank

Preventive (social insurance)

1. If you work here, do receive an equal pay like local people?
 - (a) Yes (b) No

2. When you get sick where did you go for treatment?
 - (a) Sub-district hospital
 - (b) District hospital
 - (c) Provincial hospital
3. Do you have to pay for the treatment and medicine?
 - (a) Yes
 - (b) No
 - (c) Other
4. In your village has any community saving group or funeral society? If has can you become a member?
 - (a) Can
 - (b) Cannot
 - (c) If cannot why

Promotive (Social services)

1. Do you feel free to travel out of the village, district and province?
 - (a) Yes
 - (b) No
2. How many of your children have attended and finished from the school? What are the highest and lowest levels?

Transformative (Transformative action)

1. Have you participated with the previous government policies on registration status for immigrants?
2. Did the village headmen or local authorities help or facilitate you to receive the legal status?
3. Do you mind if I would like to ask about your individual or family monthly income? How much per month you can earn?

Appendix B: Key informants and interviewees

Semi-Structure Interviews

No	Name	Age	Status	Sex	Villages	Length of stay (Years)	Date of interview
1	Rin Ruean	35	Ten years ID	Female	Non Mak Mun	13	17 April 2015
2	Am Kha	40	Ten years ID	Female	Kut Phue	13	17 April 2015
3	Prayong	75	Ten years ID	Male	Non Mak Mun	38	17 April 2015
4	Phan Duang	50	Undocumented	Male	Non Mak Mun	30	17 April 2015
5	Lai	60	Undocumented	Female	Non Mak	40	

			nted		Mun		
7	Su	34	Undocume nted	Female	Nong Chan	23	22 April 2015
9	Sot	61	Undocume nted	Female	Non Mak Mun	38	23 April 2015
10	So	50	Undocume nted	Female	Non Mak Mun	39	23 April 2015
11	Huean	71	Undocume nted	Female	Non Mak Mun	28	23 April 2015
12	Su Ni	39	Ten years ID	Female	Non Mak Mun	22	24 April 2015
13	Tim	50	Undocume nted	Female	La Lom Tim	30	1 May 2015
15	Toy	48	Undocume nted	Female	La Lom Tim	25	1 May 2015
16	Tuak	45	Undocume nted	Male	La Lom Tim	14	2 May 2015
17	On Uai	46	Ten years ID	Male	Rom Sai	20	2 May 2015
18	Tin	50	Undocume nted	Male	Rom Sai	50	2 May 2015
19	Chan	27	In Cambodia	Male	Phum Nong Chan	-	4 May 2015
20	Khuean	54	Undocume nted	Female	La Lom Tim	10	5 May 2015
21	Su Phia	40	Undocume nted	Female	La Lom Tim	12	5 May 2015
22	Yet	45	Ten years ID	Female	La Lom Tim	12	5 May 2015
23	Iat	50	Ten years ID	Female	Noi	22	5 May 2015
24	Sa Rueang	59	Undocume nted	Female	La Lom Tim	30	5 May 2015
25	Ni	51	Undocume nted	Female	Noi	13	5 May 20155
26	Chan Thi	30	Undocume nted	Female	Noi	21	May 2015
27	Chan Tha	32	Ten years ID	Female	Noi	3	May 2015
28	Phai	35	Undocume nted	Female	La Lom Tim	15	May 2015
29	Bun Cho	42	Undocume nted	Female	La Lom Tim	20	May 2015
30	Phliao	49	Undocume nted	Female	La Lom Tim	10	May 2015
31	Suan	40	Undocume nted	Female	Noi	20	6 May 2015

32	Lan	45	Ten years ID	Male	Noi	20	6 May 2015
33	Luan	42	Ten years ID	Female	Noi	16	7 May 2015
34	Chia	30	Undocumented	Female	Noi	13	7 May 2015
35	Chueat	40	Undocumented	Female	Non Mak Mun	13	7 May 2015
36	Pen pian	46	Ten years ID	Male	Non Mak Mun	13	7 May 2015
37	Chi	54	Ten years ID	Female	Phum Nong Chan	-	7 May 2015
38	Nuai	17	Ten years ID	Female	Noi	5	7 May 2015
39	Abbot of Wat Phum Chan	35	In Cambodia	Male	Phum Nong Chan	-	87 May 2015
40	Phum	40	In Cambodia	Female	Phum Nong Chan	-	87 May 2015
41	Pa Sot	43	Ten years ID	Female	Rom Sai	15	87 May 2015
42	Nga	43	Ten years ID	Female	Thawon Samakkhi	20	87 May 2015
43	Pon	44	Ten years ID	Female	Khok Samakkhi	16	87 May 2015
44	Noi	40	Ten years ID	Female	Khok Samakkhi	13	87 May 2015
45	Nath	40	Ten years ID	Female	La Lom Tim	20	5 May 2015
48	Ba	17	Ten years ID	Male	La Lom Tim	16	5 May 2015
49	Nak	50	Ten years ID	Female	Noi		6 May 2015
50	Mom Ping	50	Ten years ID	Female	Non Mak Mun	13	6 May 2015
51	Phon La	50	Ten years ID	Female	Non Mak Mun	30	6 May 2015
52	Wan Chittra	30	Ten years ID	Female	Ang Sila	10	7 May 2015
53	Kwang	35	Ten years ID	Male	Nong Chan	30	7 May 2015
54	Nee	45	Undocumented	Female	Khok Samakkhi		8 May 2015
55	Phan ni	45	Ten years ID	Female	Suk Samran	25	8 May 2015
56	La Wi	34	Ten years ID	Female	Ang Sila	13	9 May 2015

57	Lun	23	Ten years ID	Female	Nong Chan	20	9 May 2015
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In-depth Interviews (Migrants)

No	Name	Age	Status	Sex	Villages	Length of stay (Years)	Date of interview
1	Phan	59	Undocumented	Male	Kut Phue	25	17 April 2015
2	Boe	37	Undocumented	Male	Non Mak Mun	25	17 April 2015
3	Yiao	73	Undocumented	Female	La Lom Tim	36	21 May 2015
4	Thai	20	Ten years ID	Male	Nong Chan	20	9 May 2015
5	Ren Rin	54	Ten years ID	Female	Non Mak Mun	20	6 May 2015
6	Chim	54	Ten years ID	Female	Nong Chan	36	17 April 2015
7	Dee	70	Thai ID	Male	Rom Sai	50	9 May 2015
8	Pom	45	Thai ID	Female	Nong Chan	37	24 April 2015
9	Swai	42	Thai ID	Male	Rom Sai	30	2 May 2015

Key Informant Interviews

Village headmen

No	Key Informants	Sex	Date of interview
1	Non Mak Mun	Male	2 May 2015
2	La Lom Tim	Male	1 May 2015
3	Khok Sung	Male	1 May 2015
4	Rom Sai	Female	2 May 2015
5	Khok Mai Ngam	Female	2 May 2015
7	Swarng Patthana	Male	2 May 2015
9	Nong Chan	Male	4 May 2015
10	Noi	Male	5 May 2015
11	Former village head man of Noi	Male	5 May 2015
12	Noi Nong Eag	Male	4 May 2015
13	Ang Sila	Male	9 May 2015
15	Rom Sia	Male	9 May 2015

Key Informant Interviews Doctor and Staff of Local Hospital

No	Key Informants	Sex	Date of interview
1	Health Promotion Hospital of La Lom Tim	Female	1 May 2015
2	Health Promotion Hospital of Ang Sila	Male	4 May 2015
3	Health Promotion Hospital of Non Mak Mun	Male	4 May 2015
4	Health Promotion Hospital of Khok Sung	Female	4 May 2015
5	Aranyapratheth Hospital	Female	7 May 2015

**Key Informant Interviews
Directors and teachers**

No	Key Informants	Sex	Date of interview
1	Khok Sung School	Female	9 May 2015
2	Thapwitthaya School	Male	1 May 2015
3	Non Mak Mun School	Male	9 May 2015
4	Informal Educational School (Non Mak Mun)	Male	1 May 2015

**Key Informant Interviews
Local authorities**

No	Key Informants	Sex	Date of interview
1	Non Mak Mun Point	Male	4 May 2015
2	Ang Sila Point	Male	7 May 2015
3	Khok Sung Police Station	Male	7 May 2015
4	Khok Sung District Office	Male	7 May 2015
5	Nong Chan Point	Male	7 May 2015
7	Non Mak Non Administrative Organization	Male	8 May 2015
9	Khok Surng head men	Male	9 May 2015

Key Informant Interviews
Abbots of Local Buddhist temples

No	Key Informants	Sex	Date of interview
1	Wat Non Mak Mun	Male	25 April 2015
2	Wat La Lom Tim	Male	2 May 2015
3	Wat Rom Sai	Male	2 May 2015
4	Wat Nong Chan	Male	10 May 2015

Key Informant Interviews
Villagers

No	Name	Sex	Villages	Date of interview
1	Waen Khamsuksawat	Male	Non Mak Mun	17 April 2015
2	raksa	Female	Non Chan	17 April 2015
3	thong rat chantha ma	Female	Non Chan	22 April 2015
4	singto ya wiset	Male	Kut Phoe	22 April 2015
5	Tim	Female	Kut Phoe	1 May 2015
7	Tee	Female	Kut Phoe	1 May 2015
9	Tarn	Female	Non Mak Mun	23 April 2015
10	Chamnian Tun	Male	Noi	6 May 2015
11	Suwan Net	Male	Non Chan	6 May 2015
12	Somsak Banluesap	Male	Susamran	8 May 2015
13	Son Sin	Male	Silarat	9 May 2015

VITA

Kimpicheth Chhon was born in Siem Reap, Cambodia in 1990. He graduated Bachelor Degree of Public Administration in 2011 and his first Master of Arts in Buddhist Studies in 2013 from Mahachulalongkornrajavidyalaya University. He then got scholarship from the Consortium of Development Studies in Southeast Asia (CDSSEA) in 2014 to study in Master of Arts in International Development Studies, Chularlongkorn University, Thailand.

