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THAILAND MIGRATION REPORT 2024



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Thailand Migration Report 2024

UN Network on Migration in Thailand

Co-edited by
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The UN Network on Migration in Thailand continues to support the Royal Thai Government as a Champion Country of the Global Compact for Safe, Orderly and Regular Migration. It ensures that migration is meaningfully mainstreamed into the government's national policies as well as within institutional frameworks like the UN Country Team's Sustainable Development Cooperation Framework. The Network partners reaffirm their commitment to inter-agency collaboration to improve migration governance and promote the well-being of migrants in Thailand.

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Foreword

This Thailand Migration Report 2024 comes at a critical time in Thailand's journey towards continued socioeconomic growth and provides insights into how migration can help boost Thailand's ambition to become a high-income country by 2037.

In this context, the report's five key themes reflect pressing challenges for the Royal Thai Government, businesses, migrants, and Thai society more broadly:

- 1) Migration Dynamics in Thailand:** This section provides an update on the migration profile and policies in Thailand since the last report in 2019.
- 2) Leave No One Behind:** This section examines Thailand's progress in ensuring that migrants are included in all aspects of sustainable development, with a focus on vulnerable groups such as children, women, and migrants with diverse sexual orientation, gender identity, and expression, and sex characteristics (SOGIESC).
- 3) Working Conditions of Migrants:** This section assesses ongoing challenges in ensuring decent work for migrant workers, focusing on key sectors such as domestic work and the blue economy, including fishing and seafood processing.
- 4) Towards Human Rights and Access to Justice:** This section discusses progress towards achieving human rights and legal protection for migrants, including efforts to implement the United Nations Guiding Principles on Business and Human Rights and the development of Alternatives to Detention.
- 5) Expanding Social Protection and Health Care:** This section addresses the urgency of expanding access to social protection and health coverage for migrants, highlighting the need for comprehensive and effective policies to ensure the well-being of all migrants in Thailand.

The Thailand Migration Report 2024 is the sixth publication of its kind, developed by members of the United Nations Network on Migration in Thailand. Authoring agencies and working group names may have changed over the years, but the purpose and relevance of the report remains. It aims to share the latest information on migration trends in Thailand and highlight positive developments in migration policies and practices. It also provides insight on current challenges and actionable policy, programming and research recommendations for a collective way forward.

With authors mindful that migration is complex and multidimensional, this report was developed for the benefit of all stakeholders interested in the field of migration. It aims to promote a whole-of-government approach so that migration policies and practices can be developed and implemented coherently across all sectors and levels of government. At the same time, it encourages a whole-of-society approach, promoting multi-stakeholder partnerships including migrants, civil society, academia, the private sector, trade unions, the media and other relevant stakeholders in migration governance.

We commend this report as a useful resource for policymakers, researchers and practitioners working in the field of migration. We invite all stakeholders to engage with the findings and recommendations of this 2024 edition to collectively advance migration governance in Thailand.



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Acronyms and abbreviations

ADBI	Asia Development Bank Institute	DCY	Department of Children and Youth
ADL	Activities of Daily Living	DDPM	Department of Disaster Prevention and Mitigation
AIDS	Acquired Immunodeficiency Syndrome	DLPW	Department of Labour Protection and Welfare
AMFL	ASEAN Forum on Migrant Labour	DoE	Department of Employment
APTN	Asia-Pacific Transgender Network	DoF	Department of Fisheries
ART	Antiretroviral Therapy	DoLE	Department of Learning Encouragement
ASEAN	Association of Southeast Asian Nations	DoP	Department of Older Persons
ASEAN-ACT	ASEAN-Australia Counter Trafficking	DPA	Department of Provincial Administration
ATD	Alternative to Detention	EEF	Equitable Education Fund
BCG	Bio-Circular Green Economy	EMN	European Migration Network
BID	Best Interest Determination	ESG	Environmental, Social and Governance
CCS	Country Cooperation Strategy	EVAW	Eliminating Violence Against Women
CCS-MHP	Country Cooperation Strategy-Migrant Health Programme	FLA	Fair Labour Association
CCTV	Coordination Centre for Trafficking Victim	FTE	Full-Time Equivalent
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	GAATW	Global Alliance Against Traffic in Women
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families	GBV	Gender-Based Violence
COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking in Persons	GCC	Gulf Cooperation Council
COVID-19	Coronavirus Disease 2019	GCM	Global Compact for Safe, Orderly and Regular Migration
CRC	Convention on the Rights of the Child	GCR	Global Compact on Refugees
CRI	Climate Risk Index	GDP	Gross Domestic Product
CRSP	Coalition for the Rights of Refugees and Stateless Persons	GLJ-ILRF	Global Labor Justice - International Labor Rights Forum
CS3D	Corporate Sustainability Due Diligence Directive	GMS	Great Mekong Subregion
CSO	Civil Society Organization	GOCI	Global Organized Crime Index
		HRDF	Human Rights and Development Foundation
		HINT	Health Insurance for Non-Thai People

HIV	Human Immunodeficiency Virus	MHIS	Migrant Health Insurance Scheme
HRDD	Human Rights Due Diligence	MHV	Migrant Health Volunteers
HRW	Human Rights Watch	MHW	Migrant Health Workers
ICJ	International Commission of Jurists	MHWG	Migrant Health Sub-Working Group
ICT	Information and Communication Technologies	MLC	Migrant Learning Centre
ID	Identity Document	MMN	Mekong Migration Network
IDC	Immigration Detention Centre	MoE	Ministry of Education
IDMC	International Displacement Monitoring Centre	MoI	Ministry of Interior
IDP	Internally Displaced Person	MoJ	Ministry of Justice
IFPRI	International Food Policy Research Institute	MoL	Ministry of Labour
ILO	International Labour Organization	MoPH	Ministry of Public Health
ILRF	International Labor Rights Forum	MoU	Memorandum of Understanding
IMF	International Monetary Fund	MoU-ATD	Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers
IOM	International Organization for Migration	MSDH	Ministry of Social Development and Human Security
IPCC	Intergovernmental Panel on Climate Change	MSME	Micro, Small and Medium Enterprise
ISP	Institute for Strategy and Policy	MWG	Migrant Working Group
ITU	International Telecommunication Union	NAP	National Action Plan
IUU	Illegal, Unreported and Unregulated (fishing practices)	NDWT	Network of Domestic Workers of Thailand
LAO	Local Administrative Organization	NEET	Not in Employment, Education or Training
LFS	Labour Force Survey	NESDC	National Economic and Social Development Council
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and Others	NFE	Non-formal education
LMA	Labour Market Assessment	NRM	National Referral Mechanism
M-Fund	Migrant Fund	NSM	National Screening Mechanism
MCRC	Mother and Children Reception Centre	NSO	National Statistical Office
MDT	Multi-Disciplinary Teams	OBEC	Office of Basic Education Commission
MECC	Migrant Education Coordination Centre	OCHA	United Nations Office for the Coordination of Humanitarian Affairs
MFA	Ministry of Foreign Affairs	OECD	Organisation for Economic Co-operation and Development

OHCHR	United Nations Human Rights Office of the High Commissioner	UDHR	Universal Declaration of Human Rights
OSH	Occupational Safety, Health and Environment	UHC	Universal Health Coverage
OSMEP	Office of Small and Medium Enterprise Promotion of Thailand	UN DESA	United Nations Department of Economic and Social Affairs
PIPO	Port-In / Port-Out	UNDP	United Nations Development Programme
PSDH	Provincial Social Development and Human Security Office	UNESCO	The United Nations Educational, Scientific and Cultural Organization
RLPD	Department of Rights and Liberties Protection	UNFPA	United Nations Population Fund
RTF	Regional Task Force	UNGP	United Nations Guiding Principles on Business and Human Rights
RTP	Royal Thai Police	UNHCR	United Nations High Commissioner for Refugees
SAC	State Administration Council	UNICEF	United Nations Children's Fund
SAR	Special Administrative Region	UNICEF EAPRO	UNICEF East Asia and Pacific Regional Office
SDG	Sustainable development goal	UNMG-THA	United Nations Migration Group - Thailand
SEI	Stockholm Environment Institute	UNNM	United Nations Network on Migration
SEZ	Special Economic Zones	UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
SLAPPs	Strategic lawsuits against public participation	UPR	United Nations Universal Periodic Review
SME	Small and Medium Enterprise	USD	United States dollar
SOGIESC	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics	VAW	Violence Against Women
SOP	Standard Operating Procedure	VHV	Village Health Volunteer
SSF	Social Security Fund	WBA	World Benchmarking Alliance
SSO	Social Security Office	WCF	Workers' Compensation Fund
SSW	Specific Skilled Workers	WCS	Workers' Compensation Scheme
STI	Sexually Transmitted Infection	WHO	World Health Organization
THB	Thai Baht		
TICAC	Thailand Internet Crimes Against Children Task Force		
TiP	Trafficking in Persons		
TPQI	Thailand Professional Qualification Institute		
TSA	Temporary Safety Areas		
UCS	Universal Coverage Scheme		



Thidaporn Mayeo (Phorn) from Chiang Mai is a stateless child but was born in Thailand. She dreams of being a tour guide after finishing school.
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EXECUTIVE SUMMARY

Introduction

In 2024, migration continues to be a defining feature of social, demographic and economic development in Thailand. Thailand is located centrally within an increasingly integrated South-East Asia region, and therefore its migration patterns are complex and diverse. One defining feature of these migration flows is the movement of inbound migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar, and to a lesser extent Viet Nam, primarily due to Thailand's higher economic status, ageing society and structural reliance on labour migration across many key economic sectors.

Labour migration from neighbouring countries into elementary occupations is a key focus of this report, reflecting its predominance – other categories of migrants in professional occupations and those with permission for temporary stay are much smaller. Thailand is also home to a significant number of people without citizenship, including ethnic minorities and hill tribes, and other stateless populations, along with asylum seekers and refugees. Outbound migration and internal migration are also key characteristics of mobility dynamics, driven largely by migrants seeking livelihoods, employment and access to services, in addition to sporadic internal displacement including following crises and emergencies.

The migration landscape since the Thailand Migration Report 2019 has been impacted by two defining crises: the COVID-19 pandemic beginning in 2020 and the military takeover in Myanmar in February 2021. Mobility restrictions, border closures and economic effects of the pandemic had a considerable impact on Thailand's migrant worker population. Despite commendable efforts by the Royal Thai Government, in coordination with employers and workers' organizations, United Nations agencies and civil society organization (CSOs), the pandemic shed light on structural discrimination against migrants in labour laws and social protection, and inefficiencies in migration governance. Likewise, the military takeover in Myanmar and subsequent crises including armed conflict impacted on intraregional migration as people were displaced and crossed borders to escape.

Despite efforts to incentivize the use of regular migration pathways, the largest group of non-Thai nationals in the country remain irregular migrant workers. Regular and irregular migrants alike continue to be at risk of violence, exploitation and abuse including trafficking and forced labour. Restrictive policies combined with social barriers prevent migrants from accessing services and justice systems, further inhibiting the protection and promotion of migrants' rights, particularly for those with other intersecting marginalizations such as ethnicity, gender and poverty.

Cognizant of these ongoing challenges, since the last Thailand Migration Report 2019, Thailand has taken significant steps to address issues affecting migrants. In 2020, Thailand became one of 27 champion countries for the Global Compact for Safe, Orderly and Regular Migration (GCM) and in 2023, became the first country in Asia to adopt a second National Action Plan on Business and Human Rights, which contains 18 action points specifically related to migrant workers. In 2024, Thailand also became the first country in South-East Asia to legalize same-sex marriages, cementing its reputation as an attractive and comparatively safe destination for migrants with diverse sexual orientation, gender identity and expression, and sex characteristics (SOGIESC).¹

Achieving these commitments at the national level by closing protection gaps through policy reform, enforcement and implementation remains a challenge. Recent positive policy reforms include the establishment of a National Referral Mechanism (NRM) to Protect and Assist Survivors of Trafficking in Persons in March 2022. In 2024, Ministerial Regulation No. 15 on Domestic Work expanded protections in a sector long associated with limited labour and social protection coverage, but gaps remain. While the past decade has seen important reforms in the fishing sector, the revocation of the Fisheries Act, B.E. 2558 (2015) in January 2024 leaves future protection and welfare for workers in the industry uncertain. Successive Cabinet Resolutions continue to provide irregular migrants with opportunities to stay and work in the country, although this stop gap measure offers more limited rights and protections compared to regular migration pathways.

Purpose and content of the report

The Thailand Migration Report is an independent report providing reliable data and analysis on migration-related trends and patterns in Thailand. It was first produced in 2005, and this sixth iteration has been produced by the United Nations Network on Migration (UNNM) in Thailand, with chapters produced by United Nations agencies in accordance with their mandates.

The report is divided into the following five themes, although the issues discussed in individual chapters often cut across these themes, reflecting the dynamic and intersecting nature of migration-related issues.

Migration dynamics in Thailand

This section provides an update on the migration profile and policies in Thailand since the Thailand Migration Report 2019, and considers Thailand's pathway to sustainable development in light of current and anticipated macro-level trends, as well as their implications for the future of migration in Thailand.

Chapter 1 on Thailand's migration profile and policies draws on migration-related data from January 2019 to December 2023,² providing a situation analysis of inbound, outbound and internal migration, with an emphasis on labour migration, while also considering other people on the move. The analysis shows that migration continues to be a key factor in Thailand's socioeconomic development; after slowing during the pandemic, it has recovered and further been substantially shaped by the crisis in Myanmar. While Thailand continues to attract migrant workers, irregular migration remains a notable feature, although data do not fully capture its extent, composition and dynamics.

The second chapter looks beyond these contemporary trends, considering how migration can and will contribute to socioeconomic development as Thailand responds to an ageing population, crisis situations, climate change and economic and technological transformations. An ageing population profile means labour migration will play a vital role in filling worker shortages. Thailand's ambitious plan to pivot to a more knowledge and value-based model will sustain existing demand and increase demand in new areas for migrants to fill occupations at all skill levels, necessitating greater investment in human resource development. Thailand will also need to prepare to respond to increased regional human mobility related to climate change, natural disasters and crisis situations.

¹ For definitions see International Labour Organization (ILO) and UN Women (2022), and United Nations Development Programme (UNDP) (2019).

² In some instances, within this chapter and other chapters, data from 2024 are used.

Leave no one behind

With just over five years remaining to realize the *2030 Agenda for Sustainable Development* and its cross-cutting “Leave No One Behind” principle, this section examines Thailand’s progress in ensuring that all migrants are included in all aspects of sustainable development. For certain migrants, nationality and migration status intersect with other identities, which may compound the risk of inequality and discrimination.

Children in the context of migration are among the most vulnerable groups in Thailand. [Chapter 3](#) provides a comprehensive review of their situation, pointing to positive progress in recent years, including efforts to address child statelessness, improve birth registration and expand access to health care and education, as well as to important milestones in developing and implementing regional and national frameworks. Remaining challenges include gaps in legal protection and limited capacity to address the specific needs of migrant children in relation to child protection services, and the continued exclusion of some children from alternatives to immigration detention. The analysis shows the importance of cross-sectoral collaboration to ensure the well-being and rights of all children regardless of their legal status or circumstances.

[Chapter 4](#) considers gender as a key determinant of migration experiences. While Thailand has in place legislative protections against gender-based discrimination, ensuring their full implementation and closing protection gaps is critical. Pervasive issues include gendered divisions of labour; exclusions to full labour and social protection; gender wage gaps; a lack of gender-responsive information and training; and an unpaid care work burden in Thailand and countries of origin. Thailand has also made significant strides in strengthening legal protections for people with diverse SOGIESC, but the reality on the ground can be complicated. Migrants with diverse SOGIESC are not included in official statistics, but their experiences are increasingly well documented. Challenges include a lack of legal gender recognition in origin countries, inhibiting access to safe migration pathways; risks of violence and harassment during transit; and specific barriers in accessing services and skills training opportunities. Reviewing laws, policies and procedures to ensure they effectively protect the rights and well-being of women migrants and migrants with diverse SOGIESC will benefit both countries of origin and destination.

Working conditions of migrants

Despite their significant contributions to Thailand’s economy, accelerated efforts are needed to ensure decent work for migrant workers including freedom from exploitation, forced labour and trafficking. Important sectors of employment for migrant workers include construction; fishing and seafood processing; agriculture and livestock farming; agricultural processing; manufacturing; services and domestic work. This section examines two of these key sectors.

Domestic work is an important sector for women migrant workers in Thailand. Using findings from a survey of 400 women migrant workers and 200 employers in Thailand, [Chapter 5](#) describes progress and remaining challenges in realizing decent work for migrant domestic workers. Despite dedicated efforts to expand protections, the current model of employment for migrant domestic workers does not fully protect them from exploitation and forced labour due to weak enforcement of laws and continued exclusion from full labour and social protection. Considering the expected increase in demand for care work as the population ages, the analysis shows Thailand’s current policies cannot fully match labour market needs for care work. With greater regional and global demand for care, Thailand is likely to face increased competition for migrant care workers, including domestic workers, requiring steps to create an attractive labour market by valuing the skills of migrant domestic workers.

The fishing and seafood processing sectors in Thailand have been a flashpoint for global concerns about exploitation of migrant workers during the last decade. While attention has justifiably been paid to exploitative working conditions aboard Thai fishing vessels, women migrant workers also perform low-paid, precarious, and often informal work with poor occupational safety and health standards in seafood processing. [Chapter 6](#) examines working conditions for 630 Cambodian and Myanmar survey respondents who worked in fishing and seafood processing in Thailand. Despite dramatic reforms since 2014, gaps in adherence to national laws and international labour standards require

urgent action. With increased global demand, improved employment practices are required to remain a competitive labour market, while guaranteeing the fundamental right to freedom of association and collective bargaining is needed to ensure a more balanced relationship between migrant workers and their employers.

Towards human rights and access to justice

In addition to Thailand's commitments under the 2030 Agenda for Sustainable Development and GCM, Thailand has ratified eight of nine core international treaties that apply to migrant workers and other migrants under the principle of non-discrimination but has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). Thailand has also ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); and seven of the 10 fundamental International Labour Organization (ILO) instruments including those related to forced labour, but none of the Conventions directly related to labour migration. Realizing international laws and standards in practice requires not only enacting these principles in national and subnational laws, but also adequate implementation and enforcement.

[Chapter 7](#) provides an overview of the migration, business and human rights ecosystem in Thailand, examining efforts in Thailand to implement the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the underlying "Protect, Respect and Remedy Framework" in the context of migrant workers. This chapter provides a situation analysis in Thailand based on the three Pillars of the UNGPs: (1) the State's duty to protect human rights; (2) the corporate responsibility to respect human rights; and (3) the shared roles of States and businesses in ensuring access to effective remedy. It also examines opportunities for the Government, businesses, civil society and others to scale-up or adapt successful strategies to Thailand. The analysis shows that the Government has improved Thailand's legislative and policy framework to respond to the nexus between migration, business and human rights through two successive National Action Plans on Business and Human Rights. However, gaps persist in terms of policy coherence, enforcement and access to remedy.

The well-being of migrants and the right to liberty as enshrined in various international human rights instruments³ are of central relevance to the practice of placing migrants in immigration detention. [Chapter 8](#) examines Thailand's efforts to develop ATDs, which enable people at risk of immigration detention to live in the community. Thailand's demonstrated commitment to ATDs has resulted in several mechanisms and systems that allow different groups to live outside immigration detention. This chapter finds that these measures represent positive progress, but that the current immigration detention regulations lack adequate safeguards against arbitrary immigration detention as they do not require individualized screening and assessment as stipulated in international human rights law and standards. Moreover, Thailand has not introduced firewalls to separate the provision of services from immigration enforcement, in order to facilitate interactions with public services without fear of arrest, detention and other repercussions due to immigration status.

[Chapter 9](#) provides an update on the situation in Thailand as an origin, transit and destination country for trafficking in persons in South-East Asia. The Anti-Trafficking in Persons Act and associated legal frameworks align with the United Nations Protocol, criminalizing all forms of trafficking and applying stringent penalties. The Government has implemented important measures to prevent trafficking in persons and protect victims, notably the NRM for trafficking victims, and through capacity-building programmes. Challenges in enforcement of anti-trafficking legislation and policies, victim identification, victim protection, prosecution and prevention persist in the context of complex regional dynamics, and trafficking continues to occur in various sectors in Thailand such as fisheries, agriculture, construction and sex work. Another challenge is the relatively new trend of trafficking in persons for forced criminality, which has seen an untold number of Thai nationals trafficked to neighbouring countries, and thousands of non-Thai nationals trafficked within the region through Thailand.

³ Namely: Article 3 of the Universal Declaration of Human Rights (UDHR); Article 9 of the International Covenant on Civil and Political Rights; Article 37 (b)–(d) of the Convention on the Rights of the Child; Article 14 of the Convention on the Rights of Persons with Disabilities; and Article 16 and 17 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Expanding social protection and health care

Thailand has earned a reputation as a country with a comprehensive social security system, and a robust commitment to public health, including health prevention and promotion. The inclusiveness of these systems was tested during the COVID-19 pandemic, highlighting gaps for the most vulnerable in society including migrants, who continue to face considerable barriers in accessing social security and health care, primarily due to the practice of tying social security including health care access and coverage to migration status and sector of employment.

Chapter 10 analyses the situation of migrant workers in Thailand in terms of social protection needs, coverage, effectiveness and coherence, examining the extent to which migrant workers are included in existing social security legislation. It considers the level of enrolment of migrant workers in available schemes, the obstacles to enrolling and receiving compensation and steps to ensure comprehensive and more effective access to social protection. Existing measures generally do not cover irregular migrants, except for some limited health insurance coverage. Regular migrant workers from neighbouring countries who have either entered Thailand under Memorandum of Understanding (MoU) arrangements, the Border Pass scheme, or who have temporarily regularized their status in the country through Cabinet Resolution procedures are eligible for enrolment in Thailand's Social Security Fund (SSF) and Worker's Compensation Fund (WCF) on an equal basis with Thai citizens, provided they are employed in the formal sector. However, the analysis in this chapter indicates that migrant workers are not enrolled in the SSF and the WCF at the levels they should be, and that those who are enrolled are experiencing challenges in access, coverage and claiming benefits.

The final chapter is a follow-up review, examining further developments in ongoing efforts to advance universal health coverage (UHC) for migrants in Thailand using five of the six⁴ World Health Organization (WHO) health system building blocks as an analytical framework. Major policy initiatives to expand migrants' enrolment and coverage under established health care schemes include the 2022 National Health Assembly Resolution on the Right to Health of Migrant Workers. In terms of health financing, two public coverage options are available to migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam in Thailand – the SSF, or the contributory Migrant Health Insurance Scheme (MHIS) for migrants who are not eligible for the SSF. Many migrants remain outside of coverage, even when eligible for enrolment, with an urgent need to address barriers to health insurance uptake. Overall, the analysis shows almost half (49%) of migrant workers eligible for either the SSF or MHIS lack any form of health insurance.

The challenges in achieving UHC for migrants were highlighted by the COVID-19 pandemic when migrant communities in Thailand were disproportionately impacted. The COVID-19 pandemic response shows a mixed picture. On the one hand, collaboration between the Ministry of Public Health, United Nations agencies and CSOs led to dedicated efforts to address disparities in health care access and mitigate the impact on migrants. On the other, unequal vaccine access and discriminatory mobility restrictions and isolation requirements applied exclusively to migrants compounded both infection risks and mental health effects for migrants. Enhanced communication strategies are needed to increase uptake of health insurance and use of services, which could be achieved through harmonized health information systems, continued capacity-building of health personnel, and an enhanced role for migrant health volunteers and migrant health workers who act as a bridge between providers and migrant workers. The goal of UHC for all persons living in Thailand is attainable but requires policies and mechanisms to expand coverage and remove barriers to access among migrants, particularly those in irregular situations, while strengthening the already mature health system.

⁴ The building blocks used are: (i) governance; (ii) financing; (iii) health information system (iv) workforce, (iv) and service delivery. Access to essential medicines is not covered.

Conclusion

The analysis in this report points towards three major findings: (1) the Royal Thai Government has shown, at the highest levels, the intention of improving the situation for migrants in the country through national law reforms, and regional and international commitments; (2) nevertheless, ingrained challenges remain, largely stemming from weak implementation and enforcement – and conflicting policy priorities between protecting and promoting the rights and well-being of migrants on the one hand and the securitization of migration on the other – which increase risks, undermine existing protections and lead to more complicated, costly and inefficient migration procedures; and (3) contemporary crises such as the COVID-19 pandemic response and recovery, and the military takeover in Myanmar, reveal gaps in Thailand’s migration governance system that must be tackled using a consultative, transparent, whole-of-society approach, as the complexity of macro-scale migration-related challenges are expected to increase in the future.

Recommendations

Rapid changes and increasing complexity within the region and globally require an appraisal of migration governance. The analysis in this report shows that gaps and inconsistencies in the current policy settings have significant detrimental effects on access to services and social protection, economic productivity, and the realization of human rights and sustainable development. Building on both progress and lessons learned from the past five years, this report presents detailed recommendations for Thailand to translate its high-level policy commitments into an efficient, effective and fair migration system, to the benefit of all. In summary:

1. **Thailand needs an overarching policy framework that consolidates migration laws, policies and procedures, and which increases and diversifies opportunities for regular migration and longer-term stay in Thailand.** The framework should be comprehensive, future-facing and rights- and evidence-based, bringing together multiple branches of Government at national and subnational levels, along with civil society, trade unions, migrant groups, academia and the private sector. It should also establish a socioeconomic inclusion process to facilitate the integration of longstanding migrant communities into all facets of Thai society. It should expand regular pathways for family reunification, including for migrant workers with spouses and dependent children. Finally, the policy framework should also strategically promote regular migration pathways, providing migration options and recruitment procedures that are accessible and flexible and that eliminate worker-borne recruitment fees and reduce overall costs.
2. **Thailand should mainstream skills across all aspects of labour migration governance and management,** including by strengthening Thailand’s labour market information system to better support Thailand’s economic transformation and respond to an ageing population profile. Thailand should expand occupations and skills categories available to workers from neighbouring countries beyond elementary occupations, enabling better matches between workers and employers, by revising the current bilateral MoUs on labour migration which restrict migrant workers to manual work. Revising limited employment terms for migrants would allow employers to retain valuable skills, qualifications and experience and reduce migration-related costs for employers and workers. Investments in migrant-inclusive skills training and recognition should address gendered barriers to access by promoting paid leave for training and study; more accessible childcare options; and awareness raising among women’s organizations and LGBTIQ+ networks.
3. **Collect more and better data, including by harmonizing data collection and management systems across all tiers of Government.** More accurate data on migrants in an irregular situation would support the Government in designing sustainable registration processes and addressing the needs of groups most at risk, including Myanmar nationals.⁵ Improvements to data collection and tracking on internal migration

⁵ The collection, storage, transfer and disposal of these data should be firmly grounded in ethical principles to ensure protection of the right to privacy, personal information and data protection of migrants and their families, including by establishing appropriate reporting firewalls and access limitations, and erasure of personal information once the purpose of data collection has been achieved, so that personal data are not used for migration control or for discrimination in public and private services.

and implications for those who remain behind, especially children, is needed, as is expanded tracking systems related to emergencies and crises, and specific actions to enhance data disaggregation, including on the basis of nationality and gender, to collect reliable data on migrants with diverse SOGIESC, among others.

4. **Mainstream gender in employment laws and policies and eliminate sectoral discrimination.** The Government should set a clear timeframe for ratification of ILO Conventions of particular relevance to women migrant workers and migrants with diverse SOGIESC, in particular the Maternity Protection Convention, 2000 (No. 183) and Violence and Harassment Convention, 2019 (No. 190). National, bilateral and regional efforts should focus on improving recruitment processes, reducing migration costs or costs for regularization, and expanding labour and social protection for women in the informal sector to incentivize regular migration channels. Gender-sensitive recruitment and registration processes should be developed in dialogue with women’s organizations and LGBTIQ+ groups.
5. **Ensure all migrant workers enjoy rights equal to those of other workers, both in law and practice.** Thailand should sign and ratify the ILO Domestic Workers Convention, 2011 (No. 189). Thailand should also address the continued prevalence of forced labour and extend full coverage under the Labour Protection Act including to domestic workers. Expanding the highly restrictive conditions currently in place to allow migrant workers to change employment without losing their regular migration status, enabling them to lodge complaints in cases of abuse without fear of retaliation and to pursue decent working conditions in other jobs when necessary, is critical.
6. **Migrant workers must also be able to exercise their fundamental rights to freedom of association and collective bargaining** to voice their interests and positively influence their work conditions. The Government should ratify and move to fully implement the Freedom of Association and Protection of the Right to Organize Convention (No. 87) and the Right to Organize and Collective Bargaining Convention (No. 98). The Government should also ensure adequate protections for CSOs, human rights defenders, the media and other actors to effectively carry out their business and human rights-related work, and create a direct feedback loop between migrant workers, CSOs, trade unions and the Government in policy development, implementation and monitoring.
7. **Eliminate all worker-borne recruitment fees and related costs through ratifying and fully implementing the Private Employment Agency Convention (No. 181).** The international labour standard set forth in the convention is that “private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers”. Ratification of this international standard would make it clear that employers are legally responsible for paying recruitment fees and related costs – regardless of the migration channel or regularization process used – rather than allowing for migrant workers to continue to shoulder most expenses involved in this process.
8. **Improve labour inspection on board fishing vessels and in seafood processing factories to more effectively identify and prosecute violations.** A remaining important gap in ensuring decent working conditions for migrant workers in the Thai fishing and seafood processing sectors is that very few labour rights violations are currently identified and prosecuted during labour inspections. In particular, the labour inspectorate should apply a strategic compliance approach to more effectively target potential violations, seek to create safer spaces for migrants to report abuses, increase collaboration with trade unions and civil society organizations during the inspection process, and more robustly inspect occupational safety and health concerns.
9. **The current legal framework should be reviewed and reformed to prevent arbitrary detention of people on the move, ensure legal and procedural safeguards against unlawful immigration detention, and to avoid the detention of all children for immigration purposes.** Priorities should be the decriminalization of irregular migration, an explicit prohibition of mandatory or indefinite detention, a presumption against immigration detention and the introduction of mandatory individualized screening. Thailand should guarantee the right to consular assistance and access to judicial remedies to challenge the lawfulness of detention decisions. Thailand should also ensure family unity cannot be used to justify the detention of children.

- 10. Existing ATDs should be enhanced and expanded through increased community-based care options,** particularly for children and other migrants who have specific needs or are at particular risk. The practice of detaining transgender women in men's immigration detention centres should be explicitly prohibited and standard operating procedures should be updated to account for the needs of migrants with diverse SOGIESC. Such efforts should ensure clear roles and responsibilities for concerned agencies, rights-based training for public servants and adequate budget allocations.
- 11. Take active steps to ensure protection and enhance access to justice for victims of trafficking,** with particular attention to new or emerging forms of exploitation, such as trafficking for forced criminality. Screening tools should be regularly reviewed and updated, ensuring all relevant frontline professionals are aware of trafficking in persons indicators. Continued efforts to strengthen assistance are needed, including regular monitoring and evaluation of the NRM to identify any service provision and/or referral bottlenecks. Access to justice must be enhanced by ensuring the agency of victims of trafficking in shelter settings including opportunities to work, move and communicate freely, and upholding the principle of non-punishment of victims at all times.
- 12. The Government should expand social security coverage to occupations including in sectors where migrant workers are overrepresented and should expand options for migrant workers to cover their dependents with more comprehensive social protection measures.** Thailand should ratify the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and amend its legal framework to ensure full conformity with the ILO Conventions it has ratified. Furthermore, Thailand should prioritize development and implementation of bilateral social security agreements that will enable migrant workers to maintain their entitlements across borders and ensure equal compensation for workplace accidents for returnee migrant workers, or to their dependents in the case of death.
- 13. Develop a coherent, flexible and actionable national migration health strategy to advance UHC for migrant health and the health security of the country, and commit to a specific timeframe for its fulfilment.** This strategy should reduce policy incoherence and involve community engagement and feedback mechanisms. Ensuring access to health care for stateless and migrant children, and improving affordability, availability and coverage of health insurance for migrants and their families are urgently needed. Ensuring equity in the health system by harmonizing existing health insurance schemes, especially the MHIS, with UHC in Thailand will address persistent challenges in ensuring uptake of existing schemes as improvements in accessibility, affordability and quality will remove barriers to gaining and maintaining enrolment.
- 14. Remove barriers and expand pathways to access sexual and reproductive health, education and gender-based violence services for all people on the move.** Thailand can promote trust in social services and the justice system by introducing firewalls to protect migrants from immigration enforcement when accessing them. Consolidating the legal registration and accreditation process and bolstering financial and capacity investments for Migrant Learning Centres will facilitate better integration and educational outcomes. Thailand should work with countries of origin and via the Association of Southeast Asia Nations (ASEAN) to strengthen gender-based violence services across the migration cycle and build on positive attitudes among health professionals to increase capacity to deliver migrant-friendly services, including through sexual and reproductive health promotion and prevention in schools and other service settings.
- 15. Complement efforts towards more inclusive systems by promoting positive narratives regarding the contribution of all people on the move to Thailand** and combatting xenophobia, stigma and discrimination.



Migrants participating in a computer class in Bangkok, Thailand | ©IOM 2022



THAILAND AS A REGIONAL MIGRATION HUB: AN INTRODUCTION

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Migration in South-East Asia

Today, migration is a priority of the global policy agenda, its dynamics and impacts eagerly observed and debated. As the world becomes more interconnected, a growing number of people live in a country other than the one in which they were born. The latest, and probably conservative, estimates by the Population Division of the United Nations Department of Economic and Social Affairs (UN DESA), count 281 million international migrants in July 2020 or about 3.6 per cent of the global population. While migration to the United States of America, Europe and Australia capture media and public attention, large movements occur in other continents.⁶ Particularly Asia, amid widespread poverty with high-income pockets and rapidly industrializing centres, has become the second main destination, hosting 86 million of all international migrants globally, almost equivalent to Europe (UN DESA, 2020).

As discussed throughout this Thailand Migration Report 2024, an increased portion of present-day intraregional migration occurs in South-East Asia, with Thailand as one of its most important intraregional regional hubs. These flows have been growing since the region rebounded from the financial crisis in the 1990s, spurred by improved infrastructure and transportation as well as age and wage differentials (IOM, 2022). Of the estimated global migrant population in 2020, about 23.6 million originate from South-East Asia.⁷ Among these, close to 15 million move within Asia, of whom about half (7.1 million) remain in South-East Asia. Intraregional migrants in South-East Asia are also a majority of the region's overall migrant population, estimated at 10.6 million migrants, with the remaining migrants coming from outside the region (UN DESA, 2020; Migration Data Portal, 2023). These trends have emerged

⁶ This is a persistent feature, as noted in the International Migration in Thailand report by the United Nations Thematic Working Group on International Migration (Sciortino and Punpuing, 2009).

⁷ More than 6 million were from the Philippines, making it the country with the highest number of emigrants in the subregion, as well as the ninth highest globally (UN DESA, 2020).

and consolidated into a dominant circuit in which migrants from less developed economies move within the region to neighbouring higher-income countries in South-East Asia and forward to East Asia, and to a lesser extent to the Middle East.

Rural–urban migration remains a significant trend in South-East Asia as are seasonal movements within and across borders. Livelihoods, family and study continue to be primary drivers of internal and intraregional migration, but increasingly people move to escape conflict, persecution and human rights violations, or are displaced by natural disasters or crises and emergencies linked to climate change. At face value, labour migration of workers mainly in elementary occupations under temporary contract arrangements and/or in an irregular situation is the dominant migration pattern. But in reality, most often people migrate for multiple, often intertwined reasons, and economic motives are rarely the only primary driver, making the neat categorization of migrants particularly difficult in South-East Asia (Hickey et al., 2013). As a recent study observed:

Although Southeast Asia has a long history of migration—which has been researched and written about extensively—the complex nature of people movement within and from the region has grown significantly in recent years. Increasingly, Southeast Asian countries are having to deal with compound mixed migration flows of labour migrants crossing national borders (primarily irregular) and forced migration including environmental displacement and asylum and refugee flows. Driven by poverty, economic disparities, persecution and exclusion, the region stands out globally at a time when intraregional movements in other parts of the world are declining (Capaldi, 2023).

In the context of these complex migration dynamics, governments have applied a two-tier system that enables tourist, business and investor movements, but limit migrant workers in elementary occupations to temporary contract arrangements. These limitations exist despite a dependence on migration to fill low-wage and heavy-duty jobs in agriculture, construction, manufacturing, domestic work and services sectors across the three main destination countries of Malaysia, Singapore and Thailand. In Malaysia and Singapore, migrant workers come primarily from Indonesia, but also from the Philippines, Myanmar, Thailand and Viet Nam. In Thailand, neighbouring Cambodia, Lao People’s Democratic Republic and Myanmar are the primary origin countries, with migrant workers coming in smaller numbers from Viet Nam. Labour-intensive economic growth and the ageing profile of national populations in destination countries (Economist Impact, 2023) makes this intraregional workforce essential, and yet protections remain insufficient despite the widely documented prevalence of exploitation, trafficking and forced labour.

Asylum seekers and refugees are also in a precarious position, struggling to survive in Indonesia, Malaysia and Thailand – all countries that have not subscribed to the 1951 Refugee Convention. Furthermore, the region has a sizeable stateless population, with Myanmar and Thailand ranking among the top three in the world in this respect (UNHCR, 2023). In all major destination countries in the subregion, the COVID-19 pandemic revealed double standards in the prevention, treatment and vaccination of all categories of people on the move in comparison to nationals, showing South-East Asia as “a region with strong depictions of irregularity and much less emphasis on underlying protection issues and human rights” (McAuliffe, 2017).

The state of migration in Thailand reflects these regional trends, as documented in this Thailand Migration Report 2024. Thailand is a hub for intraregional migration as a main destination country for economic and humanitarian movement, while also being a transit country for workers, refugees and asylum seekers, and trafficked persons; and an origin country deploying Thai workers across the region and beyond. This review aims to provide up-to-date information on selected migration trends in Thailand as well as analysis of relevant issues and policy developments drawing on the expertise of United Nations agencies in Thailand and other experts.

In recognition of the significant contribution of the migrant population to Thailand's development and society, this report centres on what has become the main intraregional migration circuit in South-East Asia, examining its characteristics and trajectory in the last five years. Other migrant populations and flows discussed in this introduction are touched upon only briefly in the first overview chapter, with successive chapters providing an in-depth glimpse of the policies and realities of Greater Mekong Subregion (GMS) cross-border migrants and especially workers in Thailand.

Two events, namely the COVID-19 pandemic in 2020–2022 and the military takeover in Myanmar in February 2023, reveal major themes in recent migration patterns. Several issues and trends surface from the various chapters that are of relevance for migration policy and practice. This introduction provides context to the issues covered in this report, consolidating central elements of Thailand's migration profile to better understand Thailand's past, present and future dynamics.

Past migration flows shape Thailand's diversity today

The diverse composition of Thai society today derives from a rich history that continues to shape migration realities. In the far past, various ethnic groups from across the GMS and beyond freely moved in a region then without borders. Some settled in what is now Thailand, where they can still be found today, a portion of whom still lack Thai citizenship. Successive movements from India and the People's Republic of China shaped a syncretic culture and population, and led to the oldest and most prominently integrated overseas ethnically Chinese community in South-East Asia, while today Chinese nationals arrive in search of business, education, and lifestyle opportunities (Siriphon et al., 2022).

The emergence of the tourism industry since the 1960s has seen an increase in intercultural families and outward and inward marriage migration (Statham et al., 2020). Industrialization and the growth of the service industry further ingrained internal and international low-wage labour migration from poorer provinces in the north, north-east and south of Thailand. Today, these same areas remain the primary origin point for internal migration to the central region, especially Bangkok. In the case of the southern provinces, cross-border migration to Malaysia is also prevalent ([Chapter 1](#)).

In the 1970s and 1980s, people from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam sought refuge in Thailand, resulting in the establishment of supposedly temporary shelters to host them, nine of which are still inhabited by refugees from Myanmar and their descendants. Echoing the arrival of pro-democracy activists from Myanmar who were forced into exile by the military crackdown of 1998, Thailand is today witnessing much larger movements of people fleeing Myanmar since the military takeover (Schuldt, 2021).

The resulting sociocultural diversity further increased in the early and mid-1990s, as Thailand developed from a low- to middle-income country with a growth rate of about 10 per cent (Jitsuchon, 2012), precipitating the arrival of high-skilled workers and professionals from high-income countries and low-wage workers from across the border. After a brief interruption due to the Asian financial crisis, Thailand's recovery created new demands for a migrant workforce, and despite lower growth rates, spurred migration from GMS countries again, making Thailand a net-labour importing country (Sciortino and Punpuing, 2009). With the region's growing economic and infrastructural integration, the widening gap between Thailand and its neighbouring countries, and the ageing of the Thai population, the migration of mostly young workers from Cambodia, Lao People's Democratic Republic, Viet Nam and especially Myanmar to work in elementary occupations has become the dominant migration pattern for Thailand.

Over the years, GMS migrants have come to surpass by far the immigration of professionals and other arrivals for investment, study, marriage or retirement purposes, gradually taking root in Thailand. Considered temporary in policy and employment practices, a significant portion of these cross-border migrant workers have made Thailand their home. Already in 2012, academics asked whether "permanent settlement of temporary migrant workers" had already started in Thailand (Boonchalaksi et al., 2012), in light of their lengthy if not permanent migration and increasing integration in Thai society, including through marriage and by having children in the country. Migrant communities are an established component of Thai society, and social networks across borders in turn facilitate current and future migration (Sarapirom et al., 2020).

Current migration trends in Thailand

Since the Thailand Migration Report 2019, the COVID-19 pandemic and the military takeover in Myanmar have both had profound ramifications for all people on the move. With an emphasis on migrant workers from neighbouring countries, this report is framed in the context where these two events have highlighted the risks faced by these groups, with three features strongly emerging: precarious work and living conditions; limited access to legal and social protection, and health security; and irregularity as both an independent risk and an underlying factor to these vulnerabilities.

The COVID-19 pandemic has revealed pre-existing inequities, with differentiated impacts based on migration, gender and socioeconomic status (Sciortino and Saini, 2020). As in other destination countries in South-East Asia, workers in the informal sector and low-wage migrants and refugees were disproportionately impacted by the pandemic in Thailand (Sciortino, 2023). The pandemic further highlighted the ways nationality, economic and immigration status further intersect with other structures, including gender, with migrant women and people with diverse SOGIESC experiencing an even greater level of informality, irregularity and exploitation (Chapter 4). Age is also a determining factor, with an urgency to protect the rights of children in the context of migration (Chapter 3). Information on ageing migrants is missing and is a sign of their invisibility in Thailand.

Migrants' precarious work conditions have been well-documented over the years, and this report confirms how to date, large portions of migrants, especially those in the informal sector and in irregular situations, tend to be excluded from full labour and social protection – affected by limited implementation and enforcement of existing legal safeguards – resulting in decent work deficits including low or no wages, excessive working hours and threat of menace of penalty. The pandemic further highlighted the precariousness of this situation, with migrant workers (together with Thai workers in the informal sector) bearing the brunt of job losses, reduced working hours, lost wages and inadequate protection from COVID-19 transmission (ILO, 2021). The pandemic also brought much needed attention to migrants' living conditions, with migrants compelled to live in cramped and unsanitary dormitories and other housing facilities exposed to greater risk of infection (ILO, 2020a) – a situation that also affected Thai migrant workers, for example those in agriculture in Israel (Barkay et al., 2024).

Most importantly, the pandemic showed that despite comprehensive social and health protection systems that make Thailand a leader in the region, considerable challenges remain in reaching those most in need, including Thai workers in the informal sector, and migrant workers, especially those in the informal sector and in an irregular situation. The multifarious barriers preventing access to services documented in this report range from language and communication barriers to systemic and organizational barriers, discrimination and stigma, and fear and distrust – especially for migrants at risk of immigration detention and deportation. It is the exception rather than the norm for commonplace abuses to be addressed, due to lack of enforcement and barriers in accessing legal and remedial mechanisms (Chapter 7 and Chapter 8).

In the midst of the pandemic, the military takeover in Myanmar in February 2021 led to significant movements of people seeking refuge in Thailand, composed of a variety of people with diverse socioeconomic backgrounds, motivations, skills and education levels, distinct from ongoing and existing movements of Myanmar migrant workers. The characteristics and needs of this group do not match existing labour migration pathways nor are current arrangements for refugees and asylum seekers effectively providing options for integration or resettlement. Three years after the beginning of this political and humanitarian crisis, already deep-rooted irregularity, precariousness and vulnerability have become even more of a feature of intraregional migration to Thailand, and an increase in the number of irregular migrants has been observed when compared to 2019 (Chapter 1).

High levels of irregular migration are a prominent feature of the region's migration landscape and of concern in migration policy discourses, thus taking a central place in this report. Irregular migration refers here to cross-border movements that take place outside of the regulatory norms of the sending, transit and receiving country and can occur at different points of the migration process (entry, stay or employment) – and often outside of the control of the migrants (ILO, 2020b; IOM, 2019) – implying that migrants' status may move between 'regular' or 'irregular'. In the context of Thailand, existing legislation means migrants may easily find themselves in irregular situations through no fault of their own, when overstaying their visa, losing their job and work permit, or moving outside of designated areas they are confined to.

As explained in detail in the report, regular migration opportunities for migrants in elementary occupations are more restrictive than those for workers at other skill levels. For these migrants, only certain temporary pathways are available, through: 1) bilateral Memorandums of Understanding (MoUs) with neighbouring countries for new entrants to migrate and stay in Thailand as contract workers for a maximum of four years; 2) border pass arrangements between provinces for day and seasonal workers to migrate only to a specific border province, and 3) regularization via in-country nationality verification and registration processes governed by ad-hoc Cabinet Resolutions for a limited period.

In this context, various chapters in this report show that irregularity is shaped by a combination of factors. Despite efforts to incentivize the use of regular migration pathways, the restrictive and costly nature of employment via regular migration pathways and limited allowable time to recoup the investments made to migrate, make irregularity a necessary option for many. Gaps in the law further expose migrant workers' dependents to irregularity, as do minimal provisions for people fleeing conflict or for multilayered crises like in the case of Myanmar. Moreover, migrants may be in irregular situations because of illegal actions of other parties, such as in the case of trafficking, exploitation and forced labour. In a context where the full spectrum of rights violations is diffuse, as this report shows, successfully navigating the narrow available channels for redress and remedy is rare.

Better data are needed to understand the complexity, fluidity and diversity of migration to Thailand, and to also appreciate the agency of migrants in navigating restrictive environments while providing for their families' livelihoods and security and their own future (see also Petcharamesree and Capaldi, 2023). Such knowledge is essential to formulate much needed evidence-based policies that expand regularization pathways and provide comprehensive legal, social and health protection coverage to migrants to ensure their well-being and maximize their positive contribution to both Thailand and their countries of origin.

Looking ahead

The report foresees a combination of factors that will make migration from neighbouring countries likely to continue in the coming decades (Chapter 2). Demographic and economic trends will increase demand for migrant workers to replenish the ageing workforce, particularly in expanding sectors such as care. At the same time, climate and crisis situations will lead to internal and cross-border displacement in the years to come of a more varied type of migrants – as we are observing for Myanmar.

An overarching consideration not discussed fully in the report is the growing wealth disparities in an increased integrated region and globalized world. Current trajectories suggest that migration from low-income to higher-income areas will continue to expand as remittances will become of even greater significance and mobility costs will be reduced by more integrated transport and infrastructure, especially in the GMS (Capaldi, 2023). The longstanding nature of migrant communities in Thailand and their established networks across borders as a factor contributing to present and future intraregional migration also underpins the analysis – confirming a well-established trend. For example, a recent study of 296 migrants mainly from Myanmar in Phuket found that the median length of stay of migrant workers in Thailand was eight years (Wongsuwanphon, 2024). Migrant communities act as a pull factor with cross-border social networks supporting migration by making information available on migration and regularization routes and on employment and housing in the destination country, reducing migration and settlement costs, and providing support to new arrivals.

Thailand's increased dependency on migrant labour and the expected continuation and expansion of migration in Thailand raise questions as to whether temporary contract management systems remain appropriate. The overall picture of migration in Thailand presented in this report reaffirms the Thailand Migration Report 2019's observation that as "Migrant workers have now been coming to Thailand for decades and staying for many years at a time, policies that treat them only as short-term labourers may no longer be sufficient" (Harkins, 2019, p. 189). The assumption that migrant workers migrate on their own also does not match with reality, and measures to include spouses, of all genders, and children in regular migration and regularization processes remain a gap.

Moreover, the diversification of flows and increased education levels of migrant populations as countries of origin develop will eventually challenge the differentiated migration management system for cross-border migrants. The ongoing arrival in large numbers of people with a variety of skill levels from Myanmar has already prompted public and policy discussions on the need to develop a comprehensive approach that harmonizes and integrates existing policies into a coherent system.

Another broad policy challenge is the concept of universality as applied in a diverse society. Considering Thailand's well-earned reputation as a regional leader in public health and social protection, the deficits associated with differentiated systems for Thai nationals and various groups of people on the move is ripe for innovation. For example, could the Universal Coverage Scheme for Thai nationals also be extended to migrants, considering the potential inefficiencies of separate, specific and more reduced migrant health insurance schemes, especially considering that they too are paying taxes? Protection can also be enhanced by reconsidering categories of formal and informal work and sectors – an issue relevant also to Thai workers, the majority of whom are in the informal sector and in micro, small and medium-sized enterprises. Extending to migrant workers the same possibility of accessing social security as independent workers would be a possible reform in this direction.

With only five years remaining to realize the 2030 Agenda for Sustainable Development, it is critical that all migrants benefit from efforts towards achievement of the Sustainable Development Goals (SDGs). The cross-cutting commitment of United Nations Member States to leave no one behind can serve as a guide, in its call to “reduce the inequalities and vulnerabilities that leave people behind and undermine the potential of individuals and of humanity as a whole” (UNDP, 2024).

These reforms would help make migration the powerful driver of sustainable development increasingly stressed by global frameworks, foremost the Global Compact for Safe, Orderly and Regular Migration (GCM). The GCM reasserts the importance of having a whole-of-society approach to addressing migration as a development issue in a comprehensive manner, while recognizing the principle that migrant rights are human rights to be respected irrespective of their migration status. Thailand in 2020 became one of 27 champion countries for the GCM, declaring its commitment to addressing many of the challenges identified in this report, including access to health care, non-detention and birth registration of children, and promoting a positive narrative on migration (MoFA, 2022).

At the regional level, and considering the cross-border nature of migration, Thailand's engagement in the Association of Southeast Asian Nations (ASEAN) continues to play a key role in regional migration governance. In particular, the ASEAN Forum on Migrant Labour (AFML) provides an important platform to tackle shared challenges. In 2019, Thailand hosted the 12th AFML on the theme Future of Work and Migration, generating forward-thinking recommendations to ensure a just transition towards an inclusive, fair, secure and gender-responsive future of work, in which migrant workers are protected from all forms of abuse, exploitation and rights violations. The demands of the future of work call for accelerated progress in harmonizing migration and employment governance across the region, particularly as envisioned in the ASEAN Qualifications Reference Framework and Sectoral Mutual Recognition Arrangements. Likewise, there is a continuing need to ensure full implementation of the ASEAN Declaration and Consensus on the Protection and Promotion of the Rights of All Migrant Workers, and the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN ([Chapter 10](#)).

In advancing the policy agenda at the national, regional and international levels, including migrant organizations and other civil society groups will be key. This report does not do justice to their crucial role in advocating for a rights-based approach to migration governance; collecting data and conducting research; delivering basic services for migrant communities; providing legal assistance, translation and representation to migrant workers, particularly women; and voicing migrants' needs and concerns (Subramanian, 2021). They provide strategic know-how grounded perspectives that benefit national consultations and processes, for instance in Thailand's implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs) framework ([Chapter 7](#)).

The Migrant Working Group, a coalition of organizations monitoring migration policies, the MAP Foundation organizing safe spaces for migrant women to exchange views and articulate their strategies (see [Chapter 4](#)), and the Human Rights and Development Foundation (HDRF) a migrant-led legal assistance organization, are just a few examples of the many organizations active in Thailand. Ensuring civic space remains open for debates on issues of public interest and for human rights defenders to operate will be crucial for ensuring that migrants' rights and well-being are appropriately protected and promoted (Subramanian, 2021). Most importantly, as various

chapters in the report argue, freedom of association and the right to organize are essential elements for migrants to engage in policy processes affecting their lives and livelihoods and to fully contribute to the economic and social development of Thailand.

Process and structure of the report

GCM Objective 1 commits to collect and utilize accurate and disaggregated data, recognizing that quality data, evidence and research that accounts for sex, age, migration status and other characteristics can guide coherent and evidence-based policy-making and well-informed public discourse. It also allows for accountability through effective monitoring of policies and commitments.

In this context, the Thailand Migration Report is an independent report providing reliable data and analysis on migration-related trends and patterns in Thailand coordinated through the United Nations Network on Migration (UNNM) in Thailand.⁸

This sixth iteration has been developed through the UNNM, with chapters produced by United Nations agencies in accordance with their mandates, beginning in October 2023. In close collaboration with the co-editors, the authors have highlighted a specific aspect of migration. Content was validated and enhanced via a thorough peer review process among participating UNNM members. Drafts were also rigorously reviewed by two leading migration experts from academia and civil society, Jackie Pollock and Sirada Khemanitthathai.

The information presented in the report derives from official data by government sources, United Nations research and reports as well as available literature and media reporting. To ensure consistency across the chapters, efforts were made to ensure data cover the same time period from October 2018 (aligned with the latest date from the Thailand Migration Report 2019) to December 2023, although some chapters use more recent data to make specific points, and where appropriate older literature is used to contextualize the issues.

The report is structured around five themes:

- 1. Migration dynamics in Thailand** provides an update on the migration profile and policies in Thailand since the Thailand Migration Report 2019 and considers Thailand's pathway to sustainable development in light of current and anticipated macro-level trends, and their implications for the future of migration in Thailand.
- 2. Leave no one behind** highlights progress and challenges in ensuring that all migrants benefit from efforts towards achievement of the SDGs, focusing on women migrants, migrants with diverse SOGIESC and children.
- 3. Working conditions of migrants** assesses ongoing challenges in ensuring decent work for migrant workers focusing in-depth two key sectors: domestic work and the blue economy, including fishing and seafood processing.
- 4. Towards human rights and access to justice** discusses progress towards achieving human rights and legal protection of migrants. It begins with an overview of the migration, business and human rights ecosystem in Thailand, followed by an assessment of immigration detention and alternatives to detention, and finishing with an update on the situation in Thailand regarding trafficking in persons, including the recent trend of trafficking for forced criminality.
- 5. Expanding social protection and health care** addresses the urgency of expanding access to social protection and health coverage and services.

This report provides much needed evidence on longstanding trends and emerging challenges and opportunities for Thailand as a regional migration hub, which is essential for informed decision-making and effective, balanced and fair responses.

⁸ Initially called International Migration in Thailand Report written by external experts, since 2014 it has been titled the Thailand Migration Report and written directly by United Nations agencies in collaboration with external experts.

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Migrant worker apartments in Satun province, Thailand | ©IOM 2024



MIGRATION PROFILE AND POLICIES

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Introduction

Since the 1990s, Thailand has evolved into a net immigration country, with entries consistently exceeding exits. Today, Thailand's migration system reflects dynamic and complex inbound, outbound and internal movements, including displacement. Drawing on migration-related data from January 2019 to December 2023,⁹ this chapter provides a situation analysis of migration dynamics and the underlying factors and policies that structure and influence them.

Two defining features have influenced migration dynamics since 2019: the COVID-19 pandemic and the military takeover in Myanmar in February 2021 (Box 1). While the former brought a series of mobility restrictions, prolonged border closures and challenging economic conditions, the latter emerged as a key driver underpinning movements of asylum seekers and displaced people to Thailand in search of safety, although the country has not ratified the 1951 Refugee Convention.

While accounting for other types of migration, the primary focus in this chapter reflects the predominance of migrant workers from neighbouring South-East Asian countries, particularly Cambodia, Lao People's Democratic Republic and Myanmar, who are drawn by labour market opportunities in an economy facing a shortage of nearly 280,000 workers (MoL, 2024a). Although Thailand is one of the champion countries of the Global Compact on Safe, Orderly and Regular Migration (GCM), signalling its commitment to international standards (IOM, n.d.a), several challenges persist. Migrants in Thailand remain at risk, exposed to violence, exploitation and abuse, including trafficking, forced labour and immigration detention. The fragmented governance framework, limited existing pathways that enable migrant workers to move to, enter, live and work in the country, and inconsistent implementation of migration policies further undermine their access to safe and regular migration. Structural discrimination and stigmatization also compound these vulnerabilities.

⁹ In some instances, within this chapter and other chapters, data until the first half of 2024 are used.

While Thailand is primarily known as a destination for migrants, its role as a country of origin is growing. As the chapter shows, although the overall number of Thai workers abroad remains modest, outbound labour migration has gained importance, bringing with it concerns about protection risks (MoL, 2024b). The chapter further examines the evolution of internal movements, primarily driven by people moving from rural areas to urban centres in search of better economic opportunities, alongside internal displacement, which adds complexity to the country's migration landscape.

Given the substantial scale and impact of Myanmar-to-Thailand migration in the context of the complex and rapidly evolving crisis in Myanmar, the chapter includes text boxes to highlight key implications of recent developments on this migration corridor, which is the largest in South-East Asia.

BOX 1

Military takeover and subsequent crisis in Myanmar

Since General Min Aung Hlaing seized power in February 2021 and established the junta's State Administration Council (SAC), ending a decade of semi-democratic rule in February 2021, Myanmar has been in turmoil. This chapter provides a series of case studies to highlight significant implications of these developments on migration in Thailand.

In the aftermath of the military takeover, military forces have been trying to impose their power by force with opposition movements and ethnic armies countering with mass resistance and armed struggle. The political, humanitarian and security situation has continuously deteriorated, resulting in further human rights restrictions and worsening socioeconomic conditions. Three years post military takeover, the country faces expanding conflict, economic collapse and widespread displacement. As of January 2024, Myanmar ranked among the most violent and fragmented conflict countries globally (ACLED, 2024).

Latest available data in September 2024 indicates that over 3.3 million people are internally displaced (UNHCR, 2024a). This displacement includes over 306,000 people in protracted displacement prior to 2021. Humanitarian needs in Myanmar are on the rise and the operational environment is deteriorating, with one third of the population – 18.6 million people – estimated to need humanitarian assistance in 2024, among whom 6 million are children (UNOCHA, 2024). Nearly half of the population now lives below the poverty line, a figure that has doubled since the pre-crisis period.

Past and present conflicts are also affecting neighbouring countries. Around 1 million Rohingya are currently displaced in Bangladesh following successive waves of persecution in Myanmar's Rakhine State, especially the violent military crackdowns in 2017 and the recent conflict between the military regime and local resistance forces in 2024. Another established escape route is to Thailand. Significant episodes resulting in substantial movements from Myanmar into Thailand include the flight of members of the Civil Disobedience Movement soon after the military takeover, and following the prominent Operation 1027 in October 2023, an anti-SAC offensive by three ethnic armies in Shan State.

Inbound migration

Framework, laws and policies regulating inbound labour migration

Governmental commitments through national and international laws and policies are crucial in promoting better protection of migrant workers throughout the labour migration processes. Among other international standards to which Thailand is committed, Objective 6 of the GCM recognizes the need to “facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.”

Thailand is party to seven out of 10 fundamental International Labour Organization (ILO) Conventions (ILO, n.d.), including the Forced Labour Convention, 1930 (No. 29), but has yet to ratify the remaining three, namely: the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and the Occupational Safety and Health Convention, 1981 (No. 155). Non-ratification of the three Conventions remains a key obstacle in ensuring that all workers, including migrant workers, can fully exercise their labour rights.

Thailand has ratified eight of nine core international treaties that apply to migrant workers and other migrants under the principle of non-discrimination (OHCHR, n.d.). Thailand signed in 2012 and ratified in 2024 the Convention for the Protection of All Persons from Enforced Disappearance (CED), but not the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). Thailand has also ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) (Chapter 9).

Thailand effectively has in place a two-tier migration governance system which differentiates between 1) non-Thai nationals who can hold various types of visa for purposes such as study, retirement and family, and/or who can attain work permits to perform professional and skilled work in the country, and 2) temporary workers in elementary occupations from selected neighbouring countries. At the national level, the Immigration Act, B.E. 2522 (1979) is the main instrument for migration governance in Thailand, determining the legal rights and duties of non-Thai persons, regulating emigration and immigration including visa rules and permissions to stay in the country, as well as punishments for irregular stay, including immigration detention and deportation. The Foreign Employment Act, B.E. 2521 (1978) and its amendments further define rules for non-Thai nationals to work in Thailand, requiring a work permit.

Additionally, the main instruments that shape temporary cross-border labour migration to Thailand are:

- The Royal Ordinance Concerning Management of Foreign Workers in Thailand, B.E. 2560 (2017) and its 2018 Amendment to systematically manage the employment of migrant workers, regardless of the sector in which they work.¹⁰
- Memorandums of Understanding (MoUs) regarding labour migration have been established with Cambodia, Lao People’s Democratic Republic, Myanmar and Viet Nam. Bilateral MoUs establish procedures for workers from the cooperation countries to migrate to Thailand to perform “manual labour”, except for under the Border Pass scheme. The first MoUs on employment cooperation were signed by the Government of Thailand with the governments of Cambodia, Lao People’s Democratic Republic and Myanmar in 2002 and 2003 and revised in 2015 and 2016 to broaden the scope of cooperation and address previous inefficiencies. A new MoU was signed with Viet Nam in 2016. Migrants who have entered Thailand under the MoU process are allowed to stay and work in Thailand for up to two years and can renew their visa for another two years (four years maximum in total), with yearly visa renewal. When the four years elapse, migrant workers under MoU procedures must return to their countries, where they can reapply to return (commonly referred to as “U-turn workers”).

¹⁰ This replaced and unified the Working of Foreigner Act B.E. 2551 (2008) and the Royal Decree on Recruitment of Foreigners B.E. 2559 (2016).

- The Section 64 Border Pass scheme allows Cambodian and Myanmar nationals from provinces sharing a land border with Thailand to enter temporarily or engage in seasonal work at specified locations. Border passes are available for varied durations. Permanent border passes issued generally for two years are applicable to cross-border seasonal employment, while temporary border passes are issued daily or for shorter periods. In addition, a 90-day Thai work permit specific to the border areas is required.
- The Immigration Act Section 17 allows for special conditions to be set for an individual or group of people to not comply to the immigration laws. This provision has enabled the issuing of Cabinet Resolutions that facilitate registration of migrant workers in irregular situations and their dependents already in Thailand, and temporarily exempt them from deportation while allowing them to work during their stay (Muntarbhorn, 2005).

Regular migration pathways from the countries of origin, namely recruitment and entry via MoUs and border passes, suffer from a lack of accessibility, flexibility and sustainability, and do not consider regular migration for dependents. While MoUs were introduced to curb irregular migration and enable temporary labour migration, they fail to respond to market and migrant needs for longer stays and greater flexibility, with migrant workers overstaying or opting out of MoUs to remain in Thailand irregularly (ILO, 2023a). In practice, the MoU process is expensive, complicated and time-consuming, and the Border Pass scheme has limited functionality and a number of protection gaps (IOM, 2021a).

Since its beginnings in the 1990s, cross-border migration to Thailand has been characterized by a high degree of irregularity (Sciortino and Punpuing, 2009). To address this problem, ad-hoc amnesties and registration windows have been offered for migrant workers in an irregular situation already in the country “to extend their stay and avoid deportation”, through repeated Cabinet Resolutions (Grimwade and Neumann, 2019; Table 1). This system was eventually improved with the introduction of a Nationality Verification process in 2006 for Cambodian and Lao migrant workers and in 2009 for Myanmar migrant workers. For workers without valid passports, the governments of Thailand and respective neighbouring countries agreed to verify together the workers’ nationality within Thailand and for the country of origin to issue a temporary identity document (ID) without requiring migrants return to their country of origin. While permitted to live and work in Thailand temporarily, migrant workers governed by the Cabinet Resolutions remain in a precarious status with limited legal and social protection, while subjected to restrictions, including movement and employment limitations.

These in-country regularization measures were expanded to fill the gaps created by the temporary halting of the MoU process during the COVID-19 pandemic and maximize the ability of businesses to maintain a regular migrant workforce. Since the borders were closed and to address the difficulties and dangers for Myanmar migrants returning to Myanmar after the military takeover, some Cabinet Resolutions have specific clauses granting permission for MoU workers to extend their work permits within Thailand. The Amnesty of 29 December 2020 (and related two-year stay extension on 28 September 2021) as well as the Amnesty of 28 September 2022 (and related two-year stay extension on 5 July 2022) were significant, allowing large numbers of migrant workers and their dependents in the country to remain in the country, in the most recent case until February 2025 (see Table 1).

Table 1. Selected cabinet resolutions issued between 2019 and 2023, by date and provision

Date	Provisions
2019	
20 August 2019	Permitting foreign workers who have undertaken steps to regularize their status to reside and work in Thailand until 30 September 2021 or 31 March 2022.
2020	
20 March 2020	Targeted at migrant workers whose permit had expired, and their dependents (younger than 18 years). The migrant workers were expected to have complied with the Cabinet Resolution of 20 August 2019 and have submitted their names to the Department of Employment (DoE) name list by 31 March 2020. Extension of stay until 30 June 2020. Expected to apply for Non-Thai Identity Card by 30 June 2020, otherwise loss of permission to stay in the Kingdom.
4 August 2020	Waiver for workers who had or used to have legal status but was no longer valid because of the COVID-19 pandemic. This category includes MoU workers who had completed four years of employment; migrant workers whose work permits expired from 30 September 2019 – 30 Jun 2020 and did not proceed with the 20 August 2019 Cabinet Resolution; migrant workers who entered through MoU, were terminated and could not find a new employer on time; migrant workers whose border pass had expired. Permitting the first three groups to stay until 30 March 2022 and for border pass holder's requirement to renew border pass every three months and work until 31 March 2022.
10 November 2020	Extending the permitted period of stay and work for MoU-based foreign workers for another two years. Permitting foreign workers who have undergone steps to regularize their status to reside and work in the Kingdom until 13 February 2023.
29 December 2020	Amnesty: Waiver of undocumented/ irregularly entered migrants without valid permits, open to migrants from Cambodia, Lao People's Democratic Republic and Myanmar between 15 January 2021 and 13 February 2021. Open to migrants who already have an employer wishing to hire them and for migrants not working (not yet identified employer) and dependents not older than 18 years.
2021	
26 January 2021	Extending the period for migrant workers to regularize their residence status and obtain work permits stipulated in Cabinet Resolutions dated 20 August 2019, 4 August 2020, 10 November 2020 and 29 December 2020.
7 April 2021	Extended COVID-19 testing process and identity data collection to 16 June 2021 (in follow-up to the 29 December 2020 Cabinet Resolution).
8 June 2021	Extending process of COVID-19 testing, health insurance, and applying for work permits until 21 September 2021 (in follow up to 29 December 2020 Cabinet Resolution).
13 July 2021	Waiver for workers who had or used to have legal status but lost it during the COVID-19 pandemic. Targeted those covered under the 20 August 2019 Cabinet Resolution, 4 August 2020 Cabinet Resolution and MoU workers whose permit expired between 1 November 2020 and 31 December 2021, allowing the latter to stay until 1 August and able to extend their visa by two years.
28 September 2021	Amnesty: Waiver for migrants without valid permits. Authorized to work until 13 February 2023.
2022	
15 February 2022	Extending the period for paying the fees for registration under the 28 September 2021 Cabinet Resolution.
15 March 2022	Extending the permitted period of stay and work in Thailand for an additional two years for MoU-based migrant workers whose permit would otherwise expire in 2022.
5 July 2022	Aimed at those previously permitted to work in Thailand pursuant to concerned Cabinet Resolutions and their permits were about to end on 13 February 2023 (1,766,215 individuals), allowing them to renew their work permits for another two years (until February 2025 at the most) if they completed the required procedures. Also covering those who live in Thailand irregularly because of either entering the country through irregular channels, overstaying their permits or staying with terminated permits (700,347 individuals). This brings the total to 2,466,562 migrant workers required to complete the procedures under this Cabinet Resolution.

Date	Provisions
2023	
7 February 2023	Temporarily allowing migrant workers who are required to renew their work permits and pay the fees before 13 February 2023 to stay in the Kingdom until 15 May 2023 to help them prepare proper documents and possibly allowing them to continue to stay and work in Thailand until 13 February 2024 or 13 February 2025.
30 May 2023	Addressing concerns of MoU workers losing their registered status – exemption for Cambodian and Myanmar MoU workers from requirement to wait 30 days before re-applying, and the ability to apply online when reaching their four-year term. Also extends the time for migrant workers who failed to comply with the previous Cabinet Resolutions to obtain visas and work permits with their new passports by 31 July 2023.
5 July 2023	Extending the foreign migrants' amnesty programme (since over 500,000 workers missed the 15 May deadline stipulated in the 7 February 2023 Cabinet Resolution)
8 August 2023	Extending the registration period under the 5 July 2023 Cabinet Resolution, provided that the employer of the concerned migrant workers had submitted their name list, thus allowing them to stay and work in Thailand until 30 September 2023.
3 October 2023	Extending the registration window to stay in Thailand (from 30 September 2023 to 15 January 2024), to regularize stay until 13 February 2025. Reduction of visa fees to THB 500. MoU workers who completed their four-year term between 01 November 2020 and 31 December 2023 can continue to stay until 30 April 2024.

Source: Authors' compilation from a documentary review.

Note: THB = Thai baht.

Despite being originally envisioned as a stop-gap measure, Cabinet Resolution procedures have evolved into a longer-term migration management strategy, becoming the main pathway for migrant workers to work regularly in Thailand (Table 2). However, these procedures have been criticized as unsustainable and burdensome for both migrants and their employers, due to the short temporary nature, the large number of workers involved, and the lack of consideration for the integration of migrants into society. Complex procedures and time-limited registration windows also create reliance on brokers whose fees may be excessive or unaffordable (ILO, 2023b). The costs of regularization can be burdensome for migrants in Thailand, who may be forced to borrow or add to their existing migration-related debts. Questions around the integrity of existing practices include instances of bribery (IOM, 2023a).

As a result, many migrant workers are in an irregular situation, which heightens their exposure to arrest and deportation and labour rights abuses, and excludes them from social protection, with the exception of a contributory Migrant Health Insurance Scheme (MHIS) (Chapter 10 and Chapter 11). Even when they possess the correct documentation to reside in the country, they may still encounter issues that can lead to irregular situations. Regular migrant workers are tied to their employers, and the criteria to change employers can be challenging to meet, for example when they have to leave exploitative workplaces for an employer offering better working conditions. Incomes from one employer may also not be sufficient.

In addition to migration-related permissions, migrant workers' work rights are also subject to sectoral policies. Of particular relevance for this report are:

- The recently revoked Fisheries Act, B.E. 2558 (2015) and its 2017 amendment, which outlined the general principles for fisheries management, including measures to enhance oversight, traceability and welfare of seamen, while combatting illegal fishing practices. The Act was revoked and set for further revision in 2024 (Chapter 6).
- Ministerial Regulation No. 15, B.E. 2567 (2024) which governs domestic work, equally covering migrants and nationals. This recent Regulation extends the rights of domestic workers, but still excludes them from full legal and social protection (Chapter 5).

Non-Thai nationals living in Thailand

As of mid-2020, Thailand was among the top 10 destination countries for international migrants in Asia and the Pacific (IOM, 2021b). However, data on the number of non-Thai nationals living in the country are estimates, given the substantial presence of migrants in an irregular situation, a population inherently hard to reach and accurately enumerate. To provide an overview of the non-Thai population residing in Thailand by immigration category and status – and identify changes since the last Thailand Migration Report in 2019 – Table 2 compares the estimates as of December 2023 with those reported in November 2018 (Harkins, 2019).

Table 2. Estimated non-Thai population in Thailand, by category and status in November 2018 and December 2023

	November 2018	December 2023 or latest
Foreigners holding work permits for professional and skilled work^a	112,834	174,986
Investors	-	52,013
General	112,834	122,973
Migrant workers in elementary occupations from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam	3,086,161	2,349,234
Admitted under Memorandum of Understanding (MoU) ^b	850,302	592,529
Seasonal work permit holders ^c	21,561	39,469
Registered under Cabinet Resolutions ^d	2,214,298	1,717,236
Irregular population estimate^e	811,437	1,800,000
Temporary stay^f	200,110	227,682*
Temporary stay with Thais	37,822	6,312*
Temporary stay with resident family	23,640	N/A
Temporary stay with Thai spouse	16,276	36,411*
Retirement	72,969	126,654*
Special Law – Investment	45,882	58,305*
Special Law - Industrial Estates	2,331	0*
Special Law – Petroleum	1,190	0*
Tertiary students^g	31,571	29,928
Other populations without citizenship	552,923	675,696
Ethnic minorities and hill tribes ^h	66,483	89,148
Stateless persons ⁱ	486,440	586,548
Refugees and asylum seekersⁱ	103,425	87,613
Total	4,898,461	5,345,139

Note: The figures are as of December 2023. If data for that specific date are not available, the most recent figures up to December 2023 were used. Investors were not included in the October 2018 figures (Harkins, 2019), and so have not been included here in the overall estimates for 2018.

Source: Authors' compilation based on various sources. a, b, c, d: As of December 2023, Department of Employment, Ministry of Labour; d: Migrants who initially entered Thailand irregularly but had their nationalities verified and work permits issued during registration processes instituted by the Government; e: Estimate provided by IOM (2024a). The figure is likely underestimated due to its limited coverage (including only Myanmar nationals and excluding other nationalities), methodological biases, and the conservative approach taken in the analysis;¹¹ f: Thai Immigration Bureau (the figure for temporary stay with resident family was not provided); g: United Nations Educational, Scientific, and Cultural Organization (UNESCO, 2024), International Mobility in Tertiary Education; h: DoE, n.d.a; ai: Stateless persons refer to those who are not recognized as nationals by any State under the operation of its law (United Nations 1954 Convention relating to the Status of Stateless Persons); i: United Nations High Commissioner for Refugees (UNHCR, 2024b) (the figure refers only to registered refugees and asylum seekers, the actual figure of people in need of international protection may be significantly higher). * = Average for the whole year 2023. Figures were only provided from January to April 2024. These figures were averaged and annualized.

11 The methodology relies on the proportion-inverse proportion method, utilizing data from IOM multisectoral assessments of needs and DoE statistics.

The total estimated figure for non-Thai nationals in Thailand amounted to almost 5.345 million as of December 2023,¹² a marked increase of at least 446,000 migrants compared to nearly 4.9 million individuals in November 2018. Table 2 further shows that holders of work permits for professional and skilled work represent less than 3 per cent of the non-Thai nationals living in Thailand. Besides, migration of migrant workers in elementary occupations from Cambodia, Lao People's Democratic Republic, Myanmar and to a lesser extent Viet Nam remains by far the main regular migration flow to Thailand. However, regular migrant workers decreased from over 3 million in November 2018 to 2.3 million in December 2023.¹³ Between November 2018 and December 2023, migrant workers under the MoU decreased by 30 per cent and those registered under Cabinet Resolutions by 20 per cent, while seasonal work permit holders increased by 83 per cent. As discussed in the following section, large-scale returns of regular migrant workers to their countries of origin in April 2020 and the halting of MoUs during the COVID-19 pandemic may provide some explanation for the reduced number of regular migrant workers, while cross-border migration since the military takeover in Myanmar (Box 4) could help explain the increase in border passes, although other factors may also be contributing to this trend.

In a parallel trend, the number of migrants in an irregular situation has increased. According to IOM (2024a), at least 1.8 million Myanmar migrants were in an irregular situation as of the end of 2023. Although the estimate pertains only to Myanmar migrants and adopts a conservative approach, it is more than double the November 2018 estimate. The actual increase is likely somewhat higher, given the hidden nature of irregularity and the exclusion of migrants from neighbouring countries other than Myanmar.

Apart from migrant workers from neighbouring countries, there are no notable variations in the number of non-Thais who lawfully stay and/or work in the country, and this group continues to constitute only a small portion of the total non-Thai population living in Thailand. As of December 2023, 122,973 non-Thai nationals held visas and work permits for professional and skilled work, representing a 10 per cent increase compared to November 2018. By nationality (Table 3), they were predominantly from the People's Republic of China, the Philippines, India, Japan and the United Kingdom. Over the last five years, the top origin countries remained similar, with some variation in rankings.

Likewise, there was no significant change in the overall number of people holding visas for temporary stay, although the estimates for 2019 and 2023 are not fully comparable, as the figure for those staying with resident families was not available for 2023. By category, the number of temporary stays with Thai nationals has decreased in favour of other categories, such as stays with a Thai spouse (Table 2). The category of tertiary students from abroad saw a small decrease of 5 per cent, likely due to border closures and global economic uncertainty during the COVID-19 pandemic.

¹² The number of temporary stayers with resident family in 2023 was not provided by the Thailand Immigration Bureau.

¹³ Noting that according to the DoE, by the end of December 2023, about 1 million migrant workers were in the process of gaining working permits via procedures stipulated in the Cabinet Resolution of 3 October 2023.

Table 3. Non-Thai nationals holding work permits for professional and skilled occupations, by nationality (2019–2023)

2019		2020		2021		2022		2023	
Country	#	Country	#	Country	#	Country	#	Country	#
China	21,163	Philippines	17,177	Philippines	16,215	China	16,774	China	18,875
Philippines	19,025	China	15,223	China	13,693	Philippines	16,715	Philippines	18,640
Japan	14,182	Japan	12,041	Japan	11,148	Japan	11,213	India	10,173
India	11,256	India	9,489	India	8,494	India	10,125	Japan	9,586
United Kingdom	9,516	United Kingdom	8,467	United Kingdom	8,390	United Kingdom	8,667	United Kingdom	8,536
United States of America	7,319	United States	6,258	United States	6,090	United States	6,261	United States	6,111
Republic of Korea	4,682	Republic of Korea	3,950	Republic of Korea	3,641	Republic of Korea	4,020	Republic of Korea	3,761
France	3,907	France	3,195	France	2,934	France	3,285	France	3,442
Taiwan, Province of the People's Republic of China	3,778	Taiwan, Province of the People's Republic of China	3,189	Taiwan, Province of the People's Republic of China	2,895	Taiwan, Province of the People's Republic of China	2,926	Taiwan, Province of the People's Republic of China	2,730
Australia	2,518	Australia	2,125	Australia	1,941	Australia	1,988	Australia	1,899
Other	36,678	Other	29,682	Other	28,241	Other	34,025	Other	39,220
Total	134,024	Total	110,796	Total	103,682	Total	115,999	Total	122,973

Source: Authors' compilation based on DoE, n.d.a.

Trends regarding populations living in Thailand without Thai citizenship varied significantly. Compared to November 2018, the number of ethnic minorities and hill tribes increased by nearly 37 per cent and the number of stateless persons rose by 18 per cent due to the increased effort to regularize these populations through specific identity cards. By contrast, the number of refugees and asylum seekers officially recorded by the United Nations High Commissioner for Refugees (UNHCR) decreased by 8 per cent due to UNHCR facilitated third-country resettlement, especially to the United States, and to a smaller extent their return to the countries of origin through the Facilitated Voluntary Return programme initiated by the Governments of Thailand and Myanmar in 2016 for camp-based refugees (UNHCR, 2024c).

Migrant Populations from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam

Cross-border migrant workers

Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam play a prominent role in inbound labour migration to Thailand. Table 4 displays the trend in the number of these migrants by nationality and work permit type between 2019 and 2023. According to the Department of Labour, of the 2.349 million registered migrant workers in 2023, most (73%) originated from Myanmar, with smaller percentages from Cambodia (17%), Lao People's Democratic Republic (10%) and Viet Nam (<1%). This pattern mirrors that of 2018 where a majority (almost 64.5%) of migrant workers came from Myanmar (Table 2 and Table 4), consistent with the long-standing presence of migrants from Myanmar in Thailand (Box 2).

BOX 2

Thailand-Myanmar migration corridor

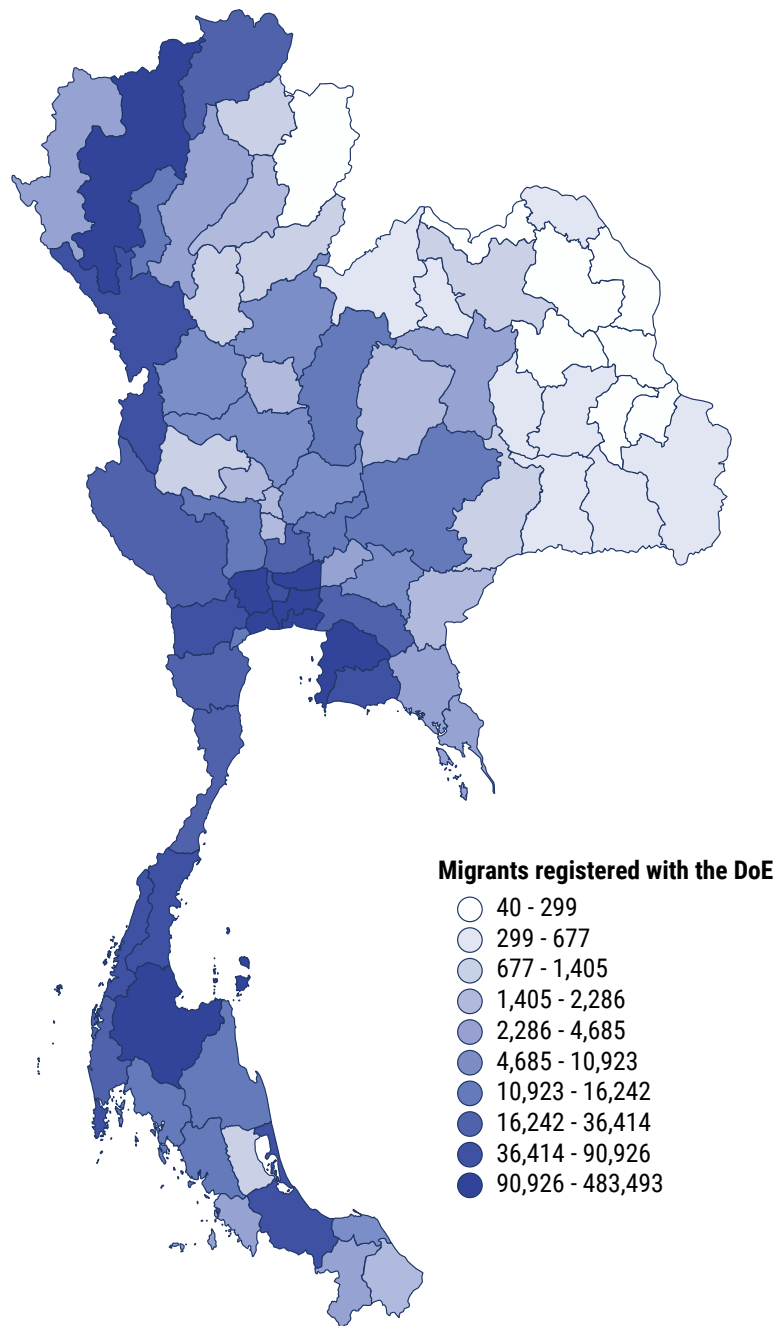
Myanmar has long been a country with a high degree of mobility, both internally (within Myanmar) and internationally (cross-border), with a complex range of migration drivers. In the mid- and late- 80s, major exoduses of people fleeing conflict between the military and ethnic armies led to the establishment of border camps (officially called temporary shelters) along the Thai–Myanmar border. These patterns continued with the exodus of dissidents in the leadup to political and economic reforms during 2010–2021, which saw industrialization, urbanization, greater connectivity, a peace process and regional integration. These developments induced greater inbound, outbound and internal movements of people. Throughout, conflict – mostly localized in border states, primarily involving the military against various ethnic armed organizations (IISS, n.d.) – continued as a driver of internal and cross-border displacement.

People from all backgrounds, but particularly those in border areas with large non-Bamar populations, leave Myanmar in search of safety and better opportunities. Thailand and Malaysia are the main destinations, followed by the People's Republic of China, while displaced Rohingya from Rakhine State are primarily in Bangladesh. Many Myanmar nationals in Malaysia from Chin State, which borders Bangladesh and India. An estimated 4.25 million Myanmar nationals were living abroad in the last census conducted in 2014 by the Myanmar Ministry of Immigration and Population, of whom 3 million were estimated to have lived in Thailand.¹ Nonetheless, the COVID-19 pandemic in 2020 and following mobility restrictions until the first quarter of 2022 disrupted both internal and cross-border movements, especially from Myanmar to Thailand, which started to grow again after the military takeover of February 2021 (Box 4).

Origin locations of Myanmar migrants to Thailand have evolved over the years. Initially, people from regions and states bordering Thailand, such as Mon, Kayah, Kayin and Shan states and Tanintharyi region moved across the border. Over time, people from inner and more distant regions in Myanmar started migrating to Thailand as their social networks expanded to bordering states and Thailand. This shift in migration patterns saw greater diversities of origin locations of Myanmar migrants in Thailand in recent years, with larger proportions of Myanmar migrants from Ayeyarwady, Bago, Kachin, Mandalay, Rakhine and Yangon regions.

Additionally, intended destinations within Thailand are driven by labour market demand and work opportunities as well as the presence of Myanmar communities. Myanmar workers registered by the DoE are mostly in provinces such as Chiang Mai, Tak, greater Bangkok area, Chonburi, Songkhla and Surat Thani (Map 2).

¹ The census excluded the Rohingya population and some ethnic groups in conflict-affected areas.

Map 1. Myanmar migrant workers registered by the Department of Employment (March 2024)

Source: DoE, n.d.a

Data on the number of migrant workers from neighbouring countries confirms that procedures governed by the MoUs remain underutilized. As of 2023, migrant workers registered via MoU procedures accounted for 25 per cent of the regular migrant worker population, down from 36 per cent in 2019. By contrast, those registered via Cabinet Resolution procedures represented approximately 73 per cent of the migrant worker population in 2023, up from 62 per cent in 2019,¹⁴ despite being intended as a temporary means to address irregularity. The remaining 2 per cent were seasonal workers.

¹⁴ Another category, not included here or in Table 2, is migrant fishers, who can also work in Thailand under Section 83 of the Fisheries Act with a Seamen's Book. The required data gathered by the Ministry of Fisheries are not made publicly available. Chapter 6 is dedicated to those workers.

Table 4. Number of migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam, by process and nationality (2019-2023)

Country	Process	2019	2020	2021	2022	2023
Cambodia	MoU	303,971	223,622	153,030	117,287	152,337
	Seasonal worker	39,896	-	-	14,941	34,352
	Cabinet resolution	342,562	230,753	302,446	387,534	214,665
	Total	686,429	454,375	455,476	519,762	401,354
Lao People's Democratic Republic	MoU	183,460	156,672	116,372	95,756	157,564
	Seasonal worker	-	-	-	-	-
	Cabinet resolution	97,502	50,616	96,831	139,229	75,073
	Total	280,962	207,288	213,203	234,985	232,637
Myanmar	MoU	518,321	416,616	324,869	351,183	282,516
	Seasonal worker	26,095	-	-	7,507	5,117
	Cabinet resolution	1,276,512	1,024,033	1,138,066	1,623,049	1,426,223
	Total	1,820,928	1,440,649	1,462,935	1,981,739	1,713,856
Viet Nam	MoU	96	248	137	131	112
	Seasonal worker	-	-	-	-	-
	Cabinet resolution	-	-	-	1,573	1,275
	Total	96	248	137	1,704	1,387
Total	MoU	1,005,848	797,158	594,271	564,226	592,529
	Seasonal worker	65,991	-	-	22,448	39,469
	Cabinet resolution	1,716,576	1,305,402	1,537,343	2,149,812	1,717,236
	Total	2,788,415	2,102,312	2,131,614	2,736,486	2,349,234

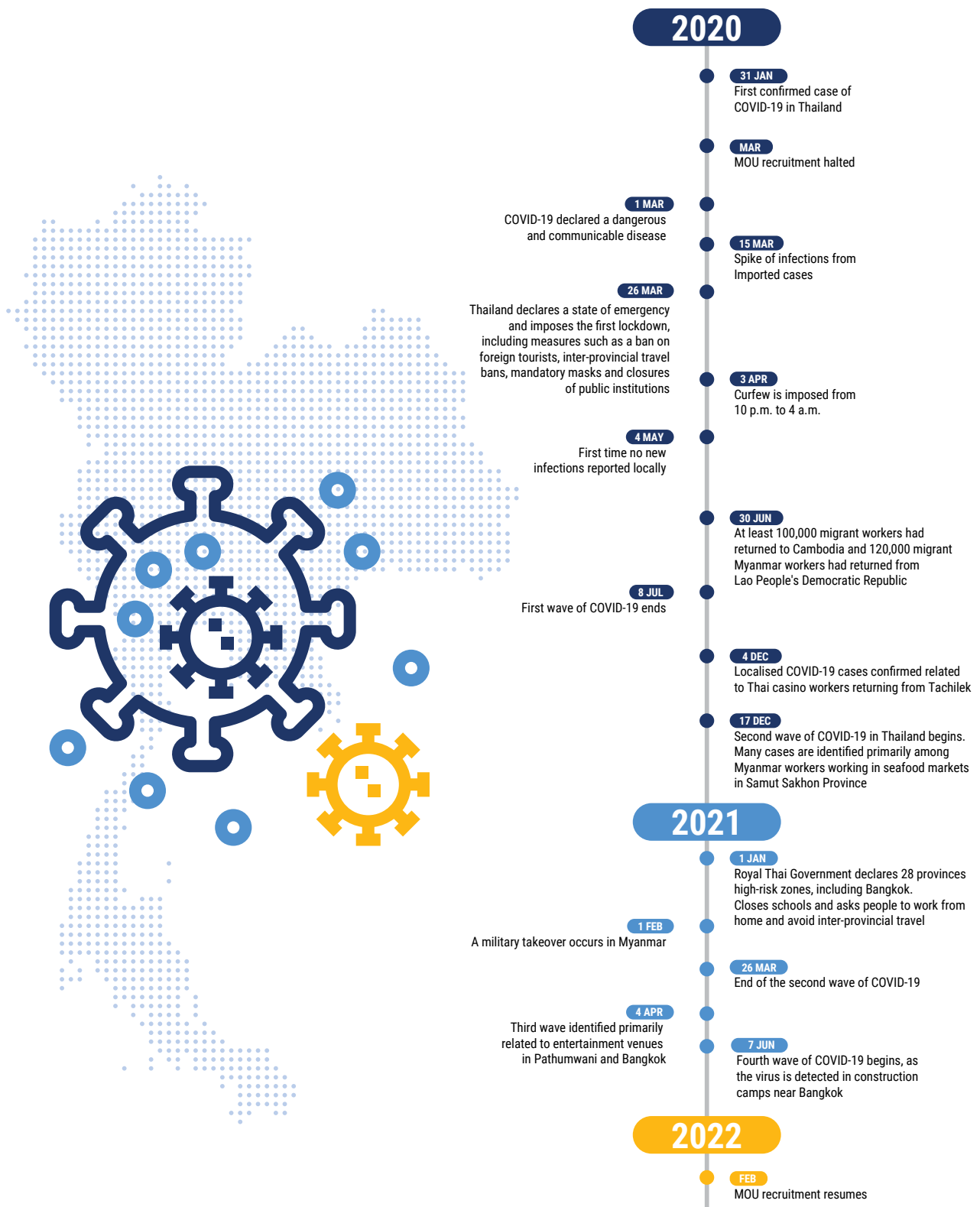
Source: Authors' compilation based on DoE, n.d.a.

Note: MoU = Memorandum of Understanding on Cooperation in the Employment of Workers.

During the COVID-19 pandemic, Thailand experienced a temporary decline in registered migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar (IOM, 2023b). Total numbers dropped to nearly 2.1 million in 2021, from 2.78 million migrant workers in 2019. By the end of 2022, there were 2.73 million, returning to levels similar to 2019 (Table 4).

MoU recruitment was temporarily halted from March 2020. Border closures, also implemented in March 2020, resulted in a backlog of workers unable to enter Thailand despite having identified employers. For instance, the Migrant Working Group (Khemaniythathai, 2022) reported that as of December 2020, over 60,000 migrant workers recruited in Myanmar were unable to enter Thailand due to the closures. Further challenges posed by the lockdowns and related economic impacts during the pandemic such as job losses, reduced working hours and wages, unpaid leave and associated struggles with meeting basic needs were widely reported by migrants in Thailand (Jones et al., 2021). These factors partly contributed to the large-scale return of migrant workers to their countries of origin during the earlier stages of the COVID-19 pandemic. Based on IOM estimates, approximately 240,000 Cambodian and 280,000 Lao migrant workers left Thailand and returned to their countries of origin up to August 2021, and about 233,000 Myanmar migrant workers did so by July 2022 (IOM, 2023c; Figure 1).

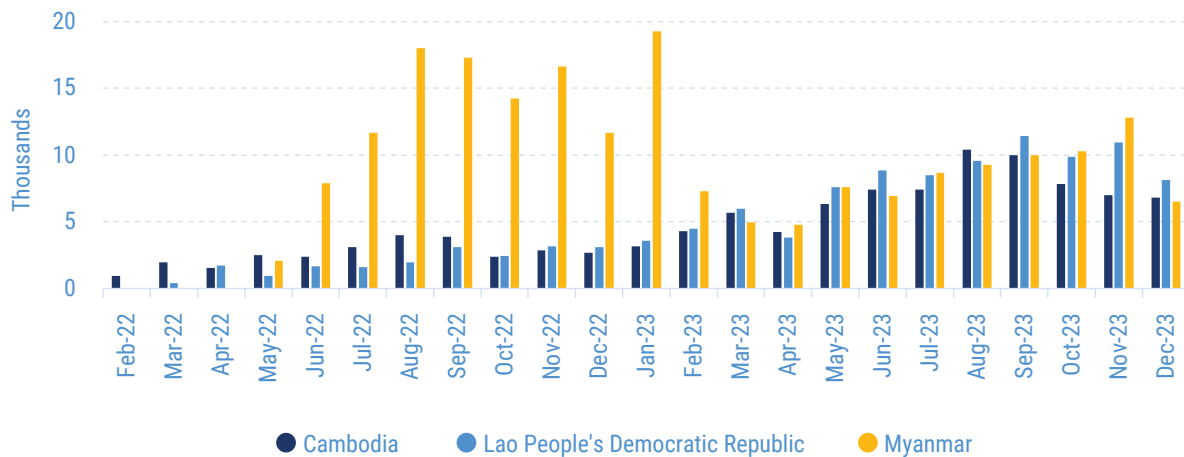
Figure 1. Timeline of COVID-19 in Thailand 2020–2022



Source: Adapted from IOM, 2022 and Sakulsri et al., 2023.

Figure 2 shows monthly entries of migrant workers under MoU procedures following the resumption of recruitment in February 2022. Quarantine requirements were dropped for migrant workers in June 2022, and while the number of migrant workers from Myanmar increased exponentially from June 2022 to January 2023 compared to Cambodian and Lao migrant workers, this was followed by a drop in February 2023, with overall numbers remaining significantly lower than pre-pandemic volumes (Table 4). Throughout the 2023 calendar year, with the exception of December, the monthly entries of migrant workers under MoUs steadily increased but did not return to 2019 levels (Table 4).

Figure 2. MoU migrant workers' monthly entries, by nationality (February 2022–December 2023)



Source: Authors' compilation based on DoE, n.d.a.

Note: MoU = Memorandum of Understanding on Cooperation in the Employment of Workers. Given the low numbers, Viet Nam is not included in Figure 2.

Less than half (45%) of all regular migrant workers are women, with similar proportions of women under both MoU and Cabinet Resolution arrangements – while men (52%) and women (48%) were closer to parity under the Border Pass scheme, as discussed in detail in [Chapter 4](#). Migrant workers who migrate through the MoU or border pass channels are unable to bring their families with them, with only the Cabinet Resolution arrangements allowing for the registration of children up to 18 years of age as dependents (but not when unaccompanied). An estimated 300,000–400,000 migrant children were in the country as of 2018, many of them in irregular situations (Harkins, 2019), with updated estimates unavailable. Children are particularly vulnerable to risks associated with migration, including family separation, exploitation, forced labour, trafficking and health and nutrition issues ([Chapter 3](#)). Calculating the number of migrant children is challenging due to the large proportion who are undocumented.

Despite efforts to expand labour and social protection for migrant workers, continuing risks of exploitation, trafficking, arrest and deportation are widely documented and described in the following chapters. As the COVID-19 pandemic highlighted, migrant workers often have hazardous jobs at low pay, are subjected to restrictions and provided with substandard and crowded accommodation. Many live precariously and in fear of arrest, especially among recent arrivals from Myanmar. Accessing health services poses significant challenges due to language barriers and costs. These conditions have persisted over the years,¹⁵ with a multisectoral assessment of needs conducted in 10 provinces in 2023–2024 observing increased vulnerabilities among Myanmar nationals, particularly those who arrived after the military takeover, accelerating since 2023 as the crisis in Myanmar persisted ([Box 3](#)).¹⁶

¹⁵ They were, for instance, already noticed in a previous Thailand Migration Report by Sciortino and Punpuing, 2009.

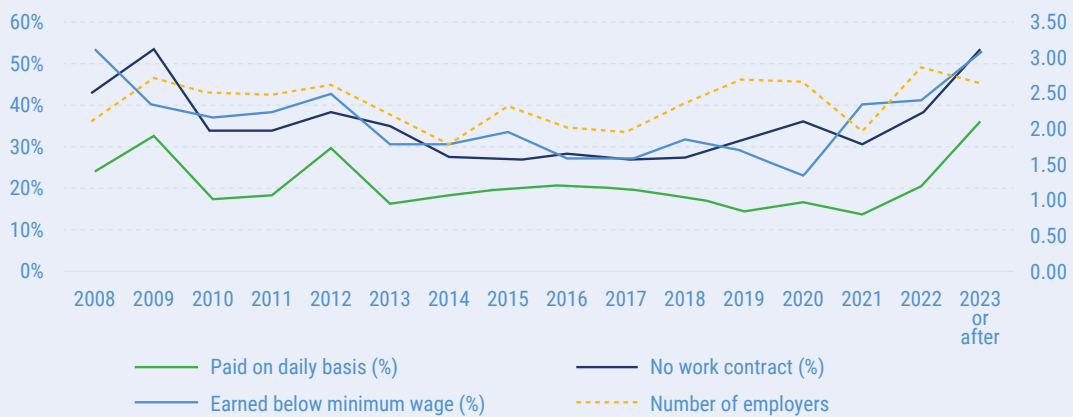
¹⁶ The ten provinces are: Bangkok, Chiang Mai, Chiang Rai, Chumphon, Kanchanaburi, Nonthaburi, Pathum Thani, Ranong, Samut Sakhon and Tak.

**BOX
3**

Increased vulnerabilities of recent arrivals from Myanmar

Those who have recently arrived from Myanmar faced worsening economic conditions, characterized by informal employment arrangements and earnings often below the minimum wage. Figure 3 shows the decline in employment standards based on arrival year. Starting from 2021, new arrivals have experienced more precarious employment conditions, particularly pronounced in border provinces including Tak and Kanchanaburi. Although most Myanmar nationals have been paid monthly, there has also been a notable increase in the proportion of daily wage workers.

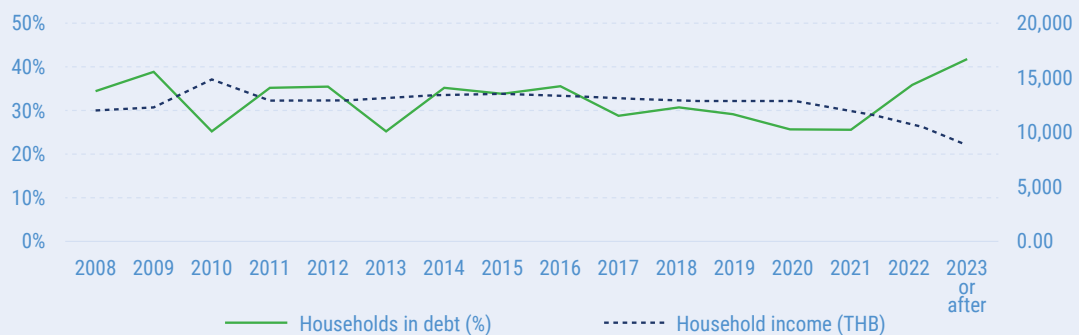
Figure 3. Precarious employment conditions, by year of arrival



Source: IOM, 2024b.

Additionally, recent arrivals have seen a decline in median household incomes, accompanied by a rise in indebtedness among households (42% in 2023 to early 2024), largely stemming from migration expenses (Figure 4). To manage reduced earnings, these newcomers have turned to diverse income streams, such as support from family or friends, begging, loans and using savings.

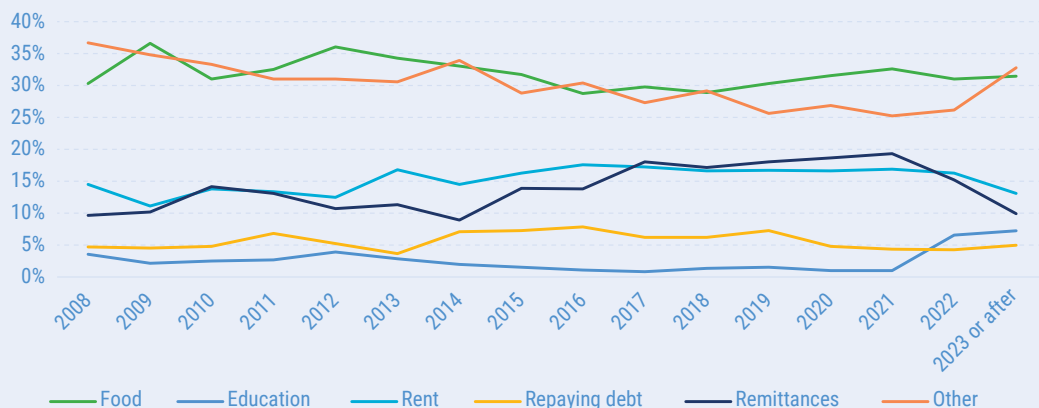
Figure 4. Proportion of households in debt and household income by year of arrival (% and THB)



Source: IOM, 2024b.

With reduced household incomes, a larger share of their budgets have been allocated to education, food, and other expenses, and a growing portion to repaying debts, coupled with a reduced ability to remit (Figure 5).

Figure 5. Proportion of expenditure in household budget by type and year of arrival (%)



Source: IOM, 2024b.

Fees and costs

Migrant workers continue to spend considerable amounts on recruitment fees and related costs. Although the 2017 Royal Ordinance Concerning Management of Foreign Workers in Thailand and its 2018 amendment prevent recruiters from charging fees to migrant workers, thus taking an important step towards zero recruitment fees, the Ordinance still allows migrant workers to pay for other related costs incurred in Thailand, and inconsistency between Thailand and countries of origin means migrant workers often bear the cost of fees incurred in origin countries (IOM and ILO, 2022).

Migrant workers entering Thailand may be recruited through several means: (1) directly by Thai employers with support from private recruitment agencies in the countries of origin; (2) through private recruitment agencies in both Thailand and the origin country; and (3) cross-border seasonal recruitment. According to ILO (2020), over half of migrant workers surveyed reported paying a recruitment agency or broker in Thailand although this practice is prohibited by the Royal Ordinance. The average cost borne by a migrant worker to migrate for work in Thailand was approximately THB 16,042,¹⁷ with slight variations based on nationalities (THB 17,991 for migrant workers from Cambodia, THB 17,504 for migrant workers from Lao People's Democratic Republic, and THB 11,321 for migrant workers from Myanmar). Migrant workers in a regular situation incurred higher costs (THB 17,295) compared to those in an irregular situation (THB 16,495). The study also showed that those who did not make a payment to an agency or broker incurred lower total costs. An IOM survey of 5,805 migrants working in informal sectors¹⁸ showed an increase in recruitment fees and related costs post-pandemic, from THB 4,400 paid on average in 2018 to an average of THB 16,701 in 2023 (IOM, 2023a).

To cover recruitment fees and related costs, migrant workers generally rely on their personal savings, sell assets or opt for loans that often come with high interest rates, reaching up to 20 per cent – all practices which can lead to debt bondage and forced labour (ILO, 2023a).

¹⁷ Exchange rate based on the 2023 average, USD 1 = THB 34.8.

¹⁸ IOM conducted several assessments between 2018 and 2023 focusing on recruitment fees and related costs paid by migrant workers in Thailand. Findings are broken down by migration status, type of market (formal or informal) and other indicators such as nationality, period (pre- or post-COVID-19 pandemic), province of employment and sector of employment.

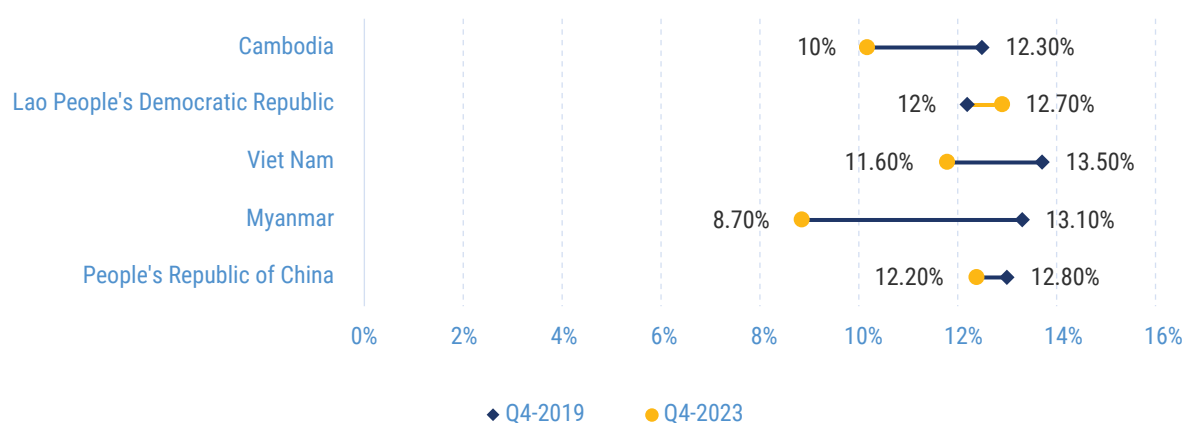
Outbound remittances

As of 2022, the value of personal transfers made by Thai and non-Thai people from Thailand to the entire world amounted to 6.502 billion United States dollars (USD), compared to USD 8,912 billion in 2019 (World Bank, 2023a) as remittance flows were affected by the pandemic. The main remittance corridors from Thailand, in descending order, were to: Myanmar (USD 975 million), Cambodia (USD 637 million), the People’s Republic of China (USD 325 million) and Lao People’s Democratic Republic (USD 155 million). Some evidence exists regarding the impact of remittances in neighbouring countries, for example in Lao People’s Democratic Republic, whereby the indirect impact of migration through remittances has contributed to poverty reduction, especially in rural areas, and improved education and health outcomes (IOM, 2023d).

These data are likely underestimates and only capture formal transfers, failing to capture transfers via informal channels, which are an important part of financial transfers from Thailand. In a recent assessment of cross-border remittances received by Myanmar households with at least one member living and working in Thailand in 2023 and 2024, approximately 55 per cent of the 1,083 respondents received remittances through informal channels, 12 per cent through mixed channels, and the remaining one third exclusively through formal channels (IOM, 2024c).

Remitting through formal channels can be costly for migrants. The costs of remittance transactions usually include a fee charged by the sending agent and paid by the sender, a currency conversion fee for delivery of local currency to the beneficiary in another country, and often a fee to collect remittances applied by some smaller operators. As of the last quarter of 2023, remitting nearly THB 7,000 from Thailand to Myanmar cost on average 9 per cent of the amount remitted (World Bank, 2023b).¹⁹ The cost to remit through formal channels has, however, decreased since the last quarter of 2019 for all top corridors except from Thailand to Lao People’s Democratic Republic (Figure 6).

Figure 6. Percentage cost to remit ≈THB 7,000 from Thailand to selected destination countries in Q4-2019 and Q4-2023



Source: Authors’ compilation based on World Bank, 2023b.

¹⁹ The World Bank relies on credits to the balance of payments data file of the International Monetary Fund as reported by central banks. Most central banks use remittance data reported by commercial banks and leave outflows through money transfer operators and informal personal channels.

Stateless persons

The situation for stateless persons in the country is complex and challenging. Successive reforms to nationality and civil registration laws in 2008, 2016 and 2019 affirmed Thailand's pledge to resolve statelessness. The Government also committed in 2023 to developing a national action plan for the reduction of statelessness within two years (UNHCR, 2024d).

According to the Government's classification system, there are three categories of "persons without registration status": Thai Indigenous ethnic groups; Ethnic Thai displaced persons; and non-Thai ethnic minority groups. These groups might not have any documents and might have irregular status or might have attained a 'person-without-registration status' identification card, also known as a zero card or 10-year card, as it allows to temporarily reside in Thailand for 10 years (Cheva-Isarakul, 2019).

The current pathways to citizenship and processes to mitigate statelessness remain limited and inaccessible due to bureaucratic barriers and strict birth registration criteria. Specific groups are also excluded from statelessness recognition and citizenship pathways, despite long-standing residence in Thailand. As of 2023, the Government registered 586,548 persons as stateless, mostly living in highland border areas (81%). According to the Ministry of Interior, by the end of 2023, there were 171,635 registered stateless children (Chapter 3). During 2023, 12,650 stateless people were registered, 7,708 obtained Thai nationality and 663 gained permanent residency (UNHCR, 2024e).

Refugees and asylum seekers

Thailand is not a signatory to the 1951 Refugee Convention, despite its long history of hosting refugees and asylum seekers and having recently endorsed the Global Compact on Refugees (GCR). Officially, Thailand's refugee population is roughly divided between the larger group of camp-based refugees along the Thailand-Myanmar border and the much smaller group of urban refugees registered with UNHCR (considered by the Government as "persons of concern"; see Chapter 8).

As of 31 December 2023, according to UNHCR, Thailand was hosting approximately 82,400 refugees from Myanmar in nine official border camps (also officially named "temporary shelters") along the Thailand-Myanmar border. These were set up in the mid and late 1980s for "people fleeing conflict" between ethnic armed groups and the Myanmar military (UNHCR, 2024f). The majority are Karen and Karenni people, but some camps have more mixed populations. The camp population has an equal gender ratio, with around 38 per cent younger than 18 years, mostly children born in the camp as documented in August 2024 (UNHCR, 2024g). While a repatriation programme was introduced in 2016, the events following the military takeover in Myanmar in February 2021 have further diminished the prospects of voluntary return.

An additional 5,213 urban refugees and asylum seekers registered with UNHCR as of 1 January 2024, including 1,704 asylum seekers. The largest groups are from Cambodia, Pakistan and Viet Nam (UNHCR, 2024b; 2024e). UNHCR registers persons of concern in urban areas, undertakes refugee status determination and provides protection and assistance in coordination with other stakeholders. On 23 September 2023, Thailand started implementing the National Screening Mechanism (NSM) to identify individuals in need of protection. Chapter 8 elaborates on its implementation.

Many other asylum seekers, refugees and displaced people go unrecognized, especially those fleeing armed conflict since the military takeover in Myanmar (Box 4). To address the new arrivals, Temporary Safety Areas (TSAs) were established under the Royal Thai Army's jurisdiction along the border (Chapter 8). As recorded by the provincial Thai-Myanmar Border Command Centres, since the military takeover in February 2021 and up to February 2024, 48,572 individuals from south-eastern Myanmar sought safety across the border, mostly in successive movements, including two major exoduses in 2023. According to official sources, they returned to Myanmar as the immediate danger dissipated (UNHCR, 2024e), but on several instances, they were pushed over the border, even if at risk of persecution (HRW, 2023). UNHCR and civil society groups continue to advocate for access to territory, adherence to the principle of non-refoulement and humanitarian access to refugees during their stay in Thailand.

Due to the lack of a national legal framework for the protection of refugees, refugees and asylum seekers continue to be in precarious conditions and at risk of being detained on immigration grounds – for irregular entry or for overstaying visas – and deportation as they are considered irregular by the authorities.

BOX 4

Crisis in Myanmar and migration trajectories to Thailand

Since the second half of 2023 and especially after Operation 1027 in October 2023, an increase in the already high number of Myanmar nationals crossing into Thailand has been observed (IOM, n.d.b). Except for those who returned after staying in the TSAs, most of the new arrivals who have not applied or have not been deemed eligible for protection in Thailand are likely to join the already large share of migrants in an irregular situation (see also Table 1).

In 2023 alone, an estimated 1.3 million cross-border entries from Myanmar to Thailand were recorded (including multiple entries by the same individual). When asked about their intention to stay in Thailand, 20 per cent (260,000) responded that they intended to stay for at least a week or had uncertain stay durations (long-term), and the remaining 80 per cent (1.04 million) stated an intention to stay for one week or less. This trend persisted into the first four months of 2024, with approximately 428,000 Myanmar nationals crossing the border, representing a 24 per cent increase compared to early 2023. The percentage of individuals who self-reported plans for longer-term stays increased from 15 per cent in January to April 2023 to 28 per cent (120,000) during the same period in 2024 (IOM, n.d.b).

Since 2022, economic factors such as seeking employment, trading and better living conditions, remain the primary reason cited by respondents who reported intending to stay for at least one week in Thailand or who were uncertain about their intended length of stay. Visiting families and friends was mentioned as another reason for crossing into the country. Since January 2024 and particularly in March and April 2024, an increase was observed in the percentage of Myanmar nationals citing conflict as their reason for entering Thailand (IOM, n.d.b). These findings offer valuable insights into cross-border movements but should not be used to make determinations regarding protection needs since answers given may not reflect the actual situation.

In early 2024, the SAC announced it would activate its military conscription law. A SAC spokesperson reported that 13 million people would be eligible for conscription. An estimated 50,000 people would be recruited annually, starting with 5,000 people, mostly men, in the first batch in April 2024.¹ This announcement has compelled many youth to leave the country or join the resistance forces. Internal return migration of young migrants from peri-urban areas to rural areas is also occurring as they seek to escape conscription and cope with job losses in cities. Children and youth are also among those crossing into Thailand, with the number of students in educational spaces in neighbouring Thai provinces with Myanmar surging (Chapter 3).

As increasing numbers of young people opted for migration abroad, the SAC introduced a range of disadvantageous policies impacting Myanmar migrant workers, including: requiring biometric ID; forced usage of Myanmar national banking system to remit a minimum of 25 per cent of earnings; and increasing taxes required for all registered migrant workers. Labour offices operations in Myanmar are also affected by the conflict, leading to an important rise in informal fees for acquiring passports and deployment.

¹ Announcement of Junta chief Min Aung Hlaing. Not available publicly.

The multidimensional crisis together with the need to resource the conflict (arms and personnel) as well as the early release of thousands of convicted criminals from prison (in lieu of the release of political prisoners) have also spurred an increase in crime, leading to the consolidation of new illicit markets and cyber trafficking (Chapter 9). As of 2023, Myanmar was ranked as having the highest level of organized criminal activity in the world, fuelling the current surge in trafficking in persons for forced criminality in the region (GOCI, 2023).

The worsening conditions in Myanmar have driven increased cross-border movements, but options for regularly entering and staying in Thailand continue to lack accessibility, flexibility, scalability and sustainability. The Government's preferred migration channel for migrant workers, the MoU, lacks incentives, even more so now as many now avoid contact with SAC authorities while still in Myanmar. When already in Thailand, regularization opportunities through the Cabinet Resolutions are limited without employment and documentation, as are pathways for asylum seekers and refugees. In many cases, highly educated and skilled young Myanmar nationals who are overqualified for jobs in elementary occupations, have difficulties entering their chosen jobs as professionals.

Other regular pathways not related to migrant workers show comparable drawbacks. Myanmar nationals can apply for an Education Visa (a Non-Immigrant ED Visa) if accepted into a full-time educational course, training programme or internship in Thailand (OHCHR and Sweden Sverige, 2022). The visa is initially valid for three months and is extendable while the holder is in Thailand and remains enrolled. However, many ED visa holders have faced challenges from the Thailand Immigration Bureau. Additionally, the O Medical Visa can be granted to non-Thai nationals to access health services in Thailand, provided they have sufficient financial resources for treatment and stay. Further protective pathways are currently not in effect.

As conditions in Myanmar continue to deteriorate, more people are expected to cross the border into Thailand in the near-to-medium term. Furthermore, new arrivals are likely to also stay for extended periods, enlarging the longstanding Myanmar community in Thailand. Ensuring the best protection outcomes for these populations and reducing the risk of refoulement, trafficking, exploitation and abuse is vital. Options to do so could include the adoption of new protective pathways to better manage these large and continuous cross-border movements of migrants and refugees, benefitting both Thai and Myanmar nationals.

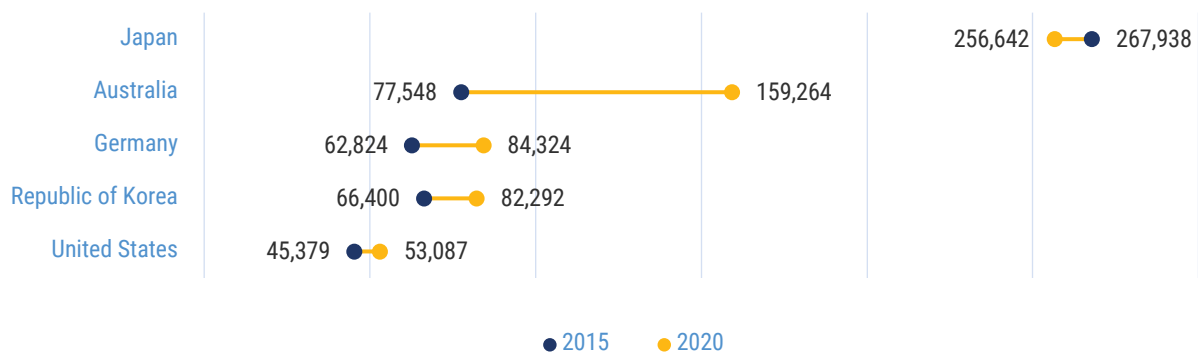
Noting the overall deteriorating situation and the international protection needs of people fleeing Myanmar, including those unable to return due to a fear of persecution, this cross-border context is one in which the GCM and the GCR can be complementary touchstones driving interventions for all affected populations.

Outward migration

Thai nationals living abroad

Data on the number of Thai nationals living abroad and exit movements are difficult to track. Only estimates can be provided. As of mid-2020, a total of 1.086 million Thai nationals were living abroad. Among them, 61 per cent were women and girls and the remaining 39 per cent were men and boys (UN DESA, 2020). The top-five countries of residence, listed in descending order, were the United States (256,642 Thai nationals as of mid-2020), the Republic of Korea (159,264), Germany (84,324), Australia (82,292) and Japan (53,087). Rankings remained stable over the years (Figure 7).

Figure 7. Thai nationals living abroad as of mid-2015 and mid-2020

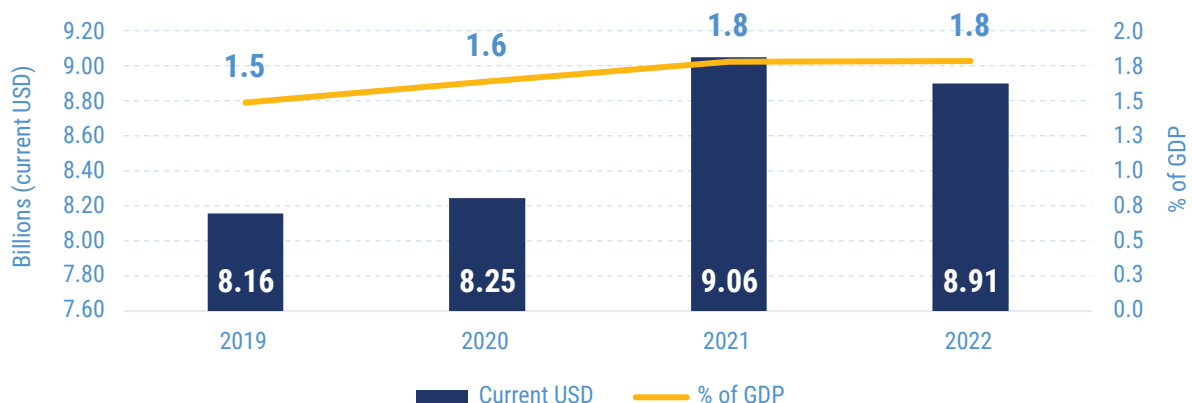


Source: Authors' compilation based on DESA, 2020)

Inbound remittances

Inbound remittances sent by Thais using formal channels have slightly increased since 2019 from USD 8.1 billion to USD 8.9 billion in 2022 (Figure 8). However, their contribution to gross domestic product (GDP) has remained relatively low, constituting 1.5 per cent in 2019 and 1.8 per cent in 2022 (World Bank, 2023a).

Figure 8. Inbound remittances to Thailand (2019–2022)



Source: Authors' compilation based on World Bank, 2023a.

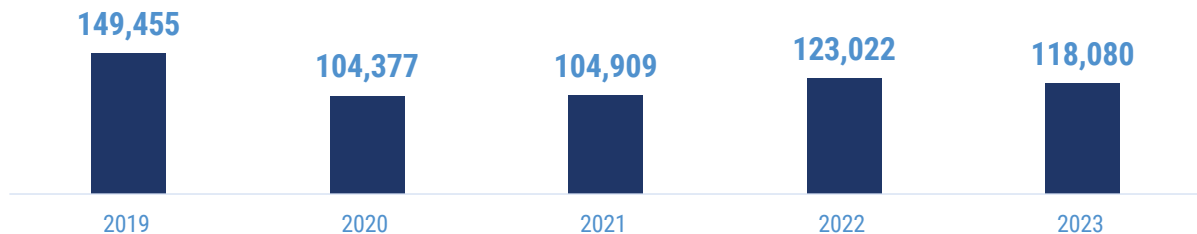
Migration of Thai workers overseas

Emigration of Thai nationals is mostly driven by employment through regular and irregular migration. To enhance protection and reduce risks, the Royal Thai Government favours formal deployment of Thai workers in selected countries overseas. The process is managed by the DoE through bilateral agreements. Notable agreements since 2019 include:

- On 13 July 2020, Thailand and Israel signed an agreement to recruit Thai workers for temporary employment in the agricultural sector in Israel, within the Thailand-Israel Cooperation framework.
- On 28 March 2022, an MoU was signed between Thailand and the Kingdom of Saudi Arabia on the export of Thai labour to be employed in the hospitality, health and industrial sectors, including provisions for safe working conditions. Another agreement on domestic workers' recruitment between the Thai Ministry of Labour and the Saudi Arabian Ministry of Human Resources and Social Development is also in place.
- On 26 June 2023, Thailand and the Republic of Korea entered an MoU for Thai workers to work in seasonal agriculture and fisheries sectors to address labour shortages and advance agricultural technology in the Republic of Korea, with the DoE as the sole recruiter.

In September 2023, the Ministry of Labour identified the expansion of overseas markets for Thai workers as a priority, aiming to increase the volume of deployed workers (MoL, 2023). The volume of deployed workers saw a substantial decrease in 2020 and 2021 and has not yet recovered from the effects of the COVID-19 pandemic. As of December 2023, 118,080 Thai workers were formally working abroad compared to 149,455 at the beginning of the period in 2019 (Figure 9).

Figure 9. Annual number of Thai workers formally deployed abroad (2019–2023)



Source: Authors' compilation based on DoE, n.d.b.

As of 2023, the main channels used by Thai nationals for overseas employment were re-entry (39%), arrangements of agencies (33%) and arrangements of DoE (10%). Less common channels were the arrangement of employers (10% in 2023), self-arrangement (7%) and training (2%). The nature of jobs remained relatively stable over the years, with the main occupations being elementary occupations, including in agriculture, general work, and wild fruit picking.

The latest patterns on formal deployments by destination and channel in December 2023 indicate that Asia remains the main region of destination (88%), followed by Europe (5%) and the Middle East (3%) (Table 5). The top five destinations were, in descending order, Taiwan, Province of the People's Republic of China (2,568 workers), Republic of Korea (1,013 workers), Japan (684 workers), Malaysia (568 workers) and Lao People's Democratic Republic (551 workers). The ranking slightly differs from the top five destination countries in 2017 which were Taiwan, Province of the People's Republic of China, Israel, Japan, Republic of Korea and Malaysia.

Israel has long been in the top five destination countries. Deployments temporarily stopped following the 7 October 2023 Hamas attack and subsequent humanitarian crisis in Gaza but was due to restart in 2024 (MoL, 2024c), despite the still unresolved crisis. The attack put the conditions of Thai workers under the spotlight, as 39 Thai workers were killed and 32 Thai workers were taken hostage (of whom 23 have been released and returned to Thailand). As of October 2023, an estimated 30,000 Thai migrant workers were in Israel, including 7,000 with irregular status mostly due to overstay (PIA, 2023). All of them entered the country regularly for a maximum of five years, mainly working in the agricultural sector through a bilateral agreement established in 2002. In Israel, most Thai migrants lived in temporary accommodation, often in the fields – which is legal in the country provided it meets security requirements – but places them at risk. Over the years, several violations of rights such as pay below minimum wage, excessive overtime and high recruitment fees were identified (PIA, 2023).

Table 5. Top five countries of destination for formal deployment of Thai nationals by channel and sex (December 2023)

Country	Independently		By government		By employer		For training by employment		By recruitment agency		Total newly deployed			Total renewed contracts		
	M	F	M	F	M	F	M	F	M	F	M	F	Total	M	F	Total
Taiwan, Province of the People's Republic of China	12	0	7	0	11	0	1	0	1,491	230	1,522	230	1,752	651	165	816
Republic of Korea	6	0	498	114	0	0	1	0	19	0	524	114	638	307	68	375
Japan	45	26	19	2	11	6	70	42	160	207	305	283	588	47	49	96
Malaysia	6	5	0	0	19	1	0	0	5	21	30	27	57	341	170	511
Lao People's Democratic Republic	0	0	0	0	474	26	0	0	0	0	474	26	500	47	4	51

Source: Authors' compilation based on DoE, n.d.b.

Note: M = male and F = female.

Outside of formal deployments, Thailand has a long history of migration across the border and beyond, but these dynamics are poorly documented. In Southern Thailand, the provinces of Songkhla, Yala, Satun and Narathiwat share a border with Malaysia where daily movements occur. The outbound movements of ethnically Malay Thai nationals are substantial and often outside regular pathways, driven by intertwined economic, social, cultural and network factors (Angchuan and Maneeikul, 2024). Preliminary findings of IOM scoping activities in Songkhla, Yala, Satun and Narathiwat confirmed these patterns. While interest is growing in this migration corridor, further data collection is needed to inform policies and programmes.

Since the 1970s, Thai nationals especially from disadvantaged provinces in the north and the north-east of Thailand, migrate to seek jobs the Middle East and East Asia. Most find employment in elementary occupations in the same sectors targeted for formal deployment of Thai migrant workers, but often live and work abroad irregularly at risk of exploitation (ILO, 2023c).

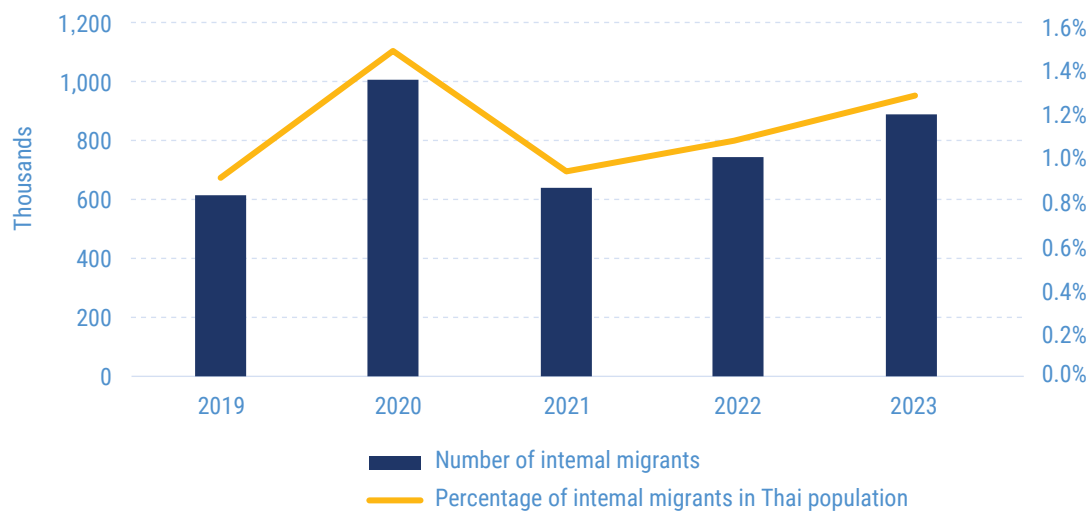
Challenges faced by Thai migrant workers abroad generally mirror those faced by migrant workers in Thailand, characterized by high protection risks (Hedberg et al., 2019; Kurlander et al., forthcoming). Over the years, new destination countries such as Sweden and Finland gained traction. Hedberg et al. (2019) examined the system allowing seasonal migration of Thai berry pickers in Sweden during summer. Their findings showed a lack of transparency, resulting in high costs and risks being transferred to the berry pickers (IOM, 2021c). Additionally, evidence showed that pay was often below the minimum wage, contrary to collective agreements. Some Thai workers were to replace Ukrainian seasonal ones following the conflict in Ukraine that started in February 2022. Such trends were a topic of several trafficking and labour rights violation cases but accurate data are lacking (EMN, 2019).

Internal migration and displacement

Thailand experiences substantial internal migration, with important movements of people from rural areas to urban centres. This is primarily driven by the pursuit of better economic opportunities and improved living standards. Urban centres offer more diverse employment prospects in industries such as manufacturing and services, compared to the predominantly lower-paid agricultural work available in rural areas. Such dynamics shape the country's demographic and socioeconomic landscape (Jampaklay, 2020). Migration to urban areas contributes to economic growth and urban development. However, it also presents challenges such as increased demand for housing and social services.

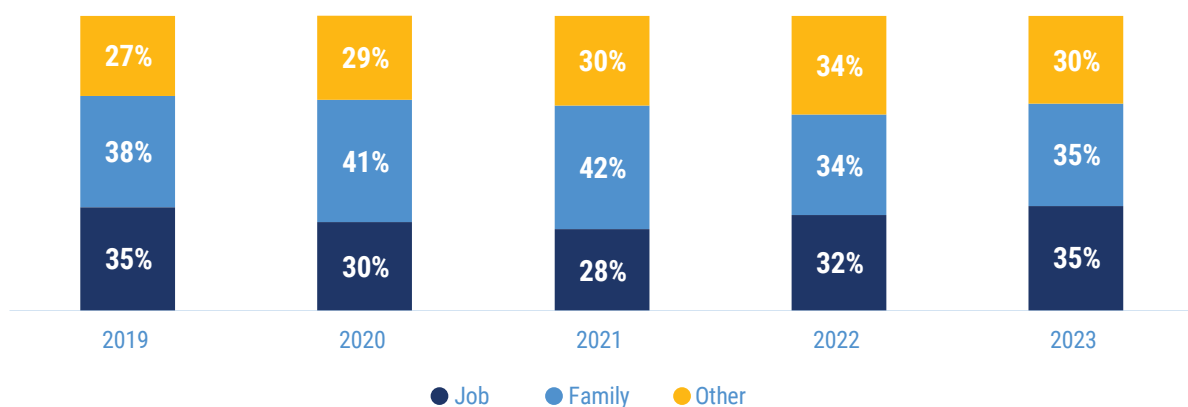
Data on internal migration generally come from the Population and Housing Census. However, since the latest round in Thailand was conducted in 2010, the primary source of information comes from the Labour Force Survey (LFS) Migration Module (NSO, n.d.). In Thailand, internal migration is operationally defined as the change in residence of an individual within the last year.

According to the LFS Migration Module data, in 2023, an estimated 906,458 people, constituting 1.29 per cent of the Thai population, moved internally (Figure 10). From the peak of 1 million in 2020 (or 1.5% of the Thai population), it decreased during the COVID-19 pandemic as migrants returned to rural areas, before growing again in 2022 following the end of pandemic-related restrictions. Slightly more than half (52%) of internal migrants were men and the remaining 48 per cent were women in both 2019 and 2023.

Figure 10. Number and percentage of internal migrants in the Thai population (2019–2023)

Source: Authors' compilation jointly with NSO based on LFS Migration Module (2019–2023).

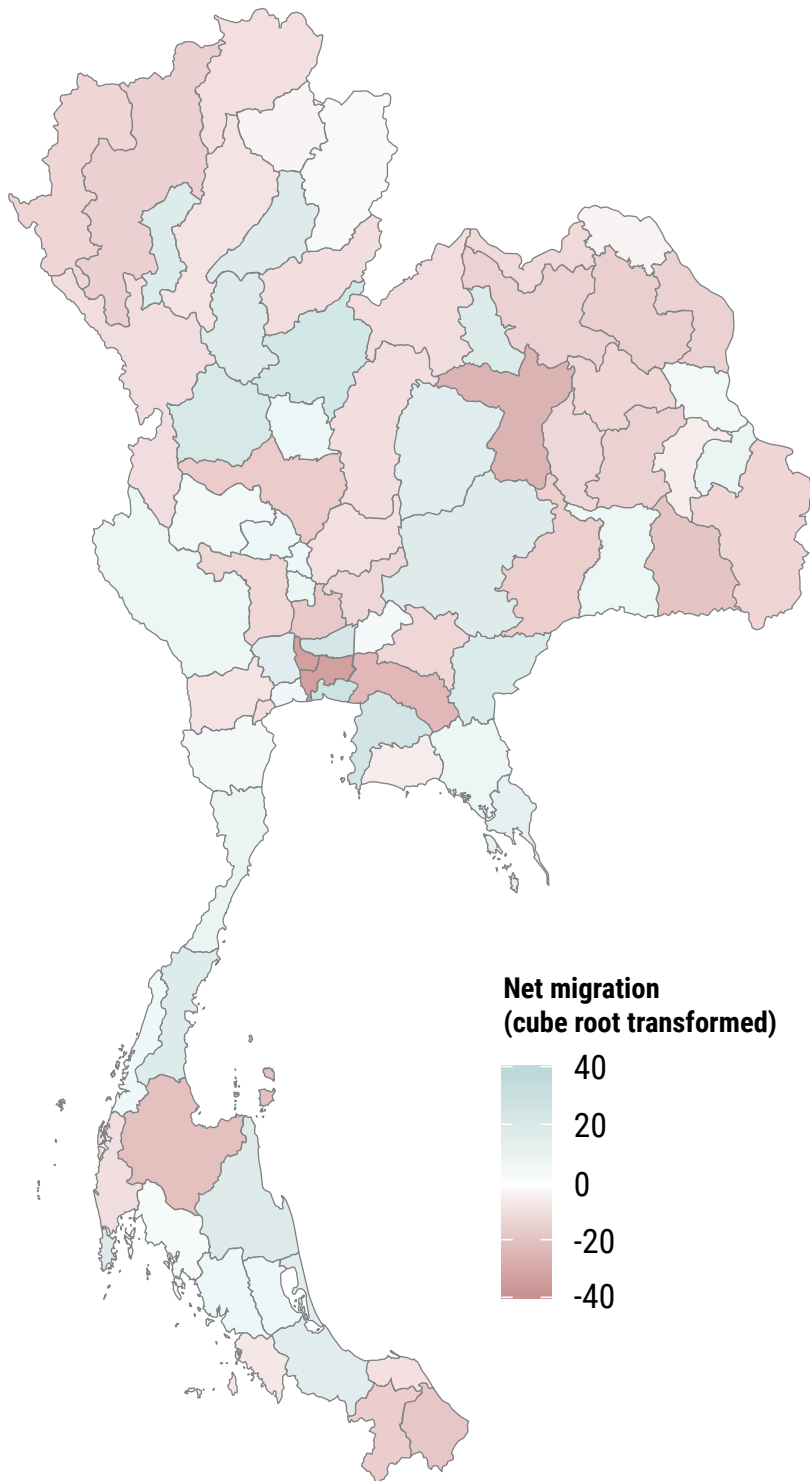
In the LFS Migration Module, the main reason for internal migration is categorized into three groups: job, family and other (Figure 11). As of 2023, 35 per cent of internal migrants migrated for job-related reasons, such as seeking or changing jobs, job assignments or seeking higher income. An equal percentage (35%) migrated for family-related reasons, including following family members, returning home and engaging in family business. The remaining 30 per cent migrated for other reasons, such as education or caregiving. During 2020 and 2021, amid the COVID-19 pandemic, family-related reasons were the most frequently cited (41% and 42%, respectively). Over time, the percentages remained stable.

Figure 11. Internal migration by main reason (2019–2023)

Source: Authors' compilation jointly with NSO based on LFS Migration Module (2019–2023).

Map 2 provides information on net internal migration at the provincial level in 2023. Provinces such as Bangkok, Chachoengua, Khon Kaen, Surat Thani and Chiang Mai had more exits than entries within the country. Despite Bangkok's overall attractiveness due to economic and educational opportunities, factors such as high living costs outweigh these advantages, prompting some residents to seek alternative opportunities in adjacent provinces with more favourable conditions, such as in Chonburi and Samut Prakan – whose net internal migration is positive.

Map 2. Net internal migration at the provincial level in 2023

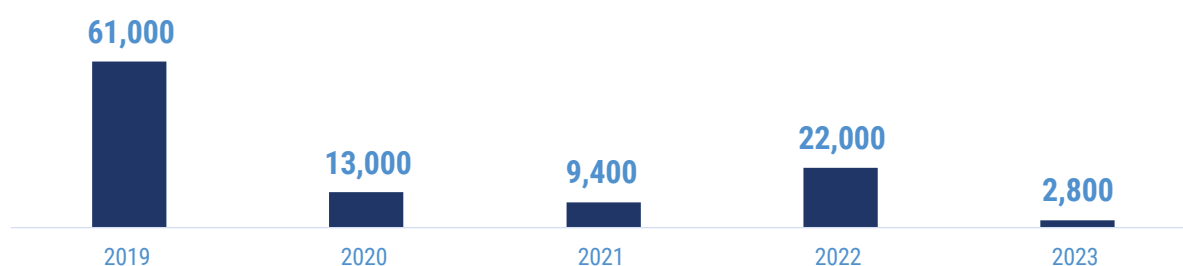


Source: Authors' compilation jointly with NSO based on LFS Migration Module (2019–2023).

Internal migration has a deep impact on living arrangements. As of 2023, one in four children lived apart from their biological parents (NSO and UNICEF, 2023), a slight increase since 2019. Regional variations correlate with internal migration dynamics. Regions less attractive with negative net internal migration showed the highest percentages of children who remain behind. Approximately one third of children lived apart from their parents in the north-east region, one fourth in the north, and 12 per cent in Bangkok. Most children without their biological parents in the household stayed with their grandparents or other relatives. However, these arrangements can expose the children to child protection risks (IOM and UNICEF, 2024). For example, they might be placed with extended family members who are already overwhelmed with responsibilities, potentially compromising the children’s wellbeing and safety. In some cases, adverse psychosocial effects may be compensated for by the long-term benefits of remittances. Evidence based on secondary data analysis indicated that such arrangements did not significantly impact the likelihood that these children will experience violent discipline or face challenges with foundational reading and numeracy skills (NSO and UNICEF, 2023).

Internal displacement triggered by disaster or conflict also occurs in Thailand. Between 2019 and 2023, 40 disaster events were reported leading to 109,000 internal displacements (Figure 8). Nearly 88 per cent of these new forced movements of persons were triggered by storms and the remaining 12 per cent by flood (IDMC, 2024). In 2023, 2,800 new displacements were monitored mostly due to floods in Ubon Ratchathani in September that triggered 1,800 displacements (Figure 12).²⁰ However, this is likely an underestimate as the authorities do not consistently track and provide information on the number of evacuees.

Figure 12. Internal disaster-led displacements (2019–2023)



Source: IDMC, 2023.

During 2021, 520 new internal displacements were recorded in Thailand due to conflict and violence (IDMC, 2024). Data on internally displaced persons (IDPs) has not been updated since 2007, when there were approximately 41,000 IDPs, primarily in protracted displacement in the southern border provinces of Yala, Pattani, and Narathiwat, following a resurgence of armed conflict in 2004.

²⁰ The figure is based on data from the Department of Disaster Prevention and Mitigation (DDPM) shared in coordination with IOM and triangulated with the data compiled by the Association of Southeast Asia Nations (ASEAN) Coordination Centre for Humanitarian Assistance (AHA Centre).

Conclusion

Migration is a key factor in Thailand's socioeconomic development. Since the last Thailand Migration Report in 2019, migration has been substantially shaped by the COVID-19 pandemic in 2020 and the waves of crisis in Myanmar, including the military takeover in February 2021 and subsequent protracted armed conflict. As a prominent country of destination in the region, Thailand continues to attract migrant workers, primarily from Myanmar, and to a lesser extent Cambodia and Lao People's Democratic Republic, in response to the structural and growing demand for labour migration. Irregular migration is a notable feature of the country's migration patterns, although accurate data to fully capture its extent, composition and dynamics are lacking.

Recommendations

Several key recommendations could be prioritized to ensure that Thailand meets its commitments under the GCM and improve existing migration policies, procedures and services:

- **Increase and diversify opportunities for regular migration and longer-term stay in Thailand, and improve the accessibility, flexibility and scalability of existing migration pathways:** The existing regular migration pathways do not fully achieve their intended outcomes, and migrants, including those in an irregular situation, risk falling into situations of abuse and exploitation. The complexity of migration movements requires an examination of policy options designed to enhance migration management in a pragmatic manner.
- **Address the drivers of irregular migration:** Cabinet resolutions provide a temporary solution, allowing non-nationals in irregular situations to stay in the country and access some limited social and labour protections. However, the ad hoc and unpredictable nature of these successive policies – as well as the cost and complexity of the associated procedures – means more reliable and predictable alternatives are required.
- **Collect more and better data:** To improve evidence, enhancing data collection on several fronts is essential. More accurate data are needed on migrants in an irregular situation and the dynamics associated with their movement, stay and work. These data will support the Government in designing sustainable registration processes and addressing the specific needs and vulnerabilities of particular groups, including Myanmar nationals.

Improving data collection and tracking of internal migration would increase understanding of the characteristics and motivations of internal migrants, as well as the implications for those who remain behind, especially children. Expanding tracking systems related to climate change and disasters across provinces should also include the systematization of data collection on internal displacement.

- **Establish a structural approach for those who intend to stay in the country:** The Government needs to consider establishing a socioeconomic inclusion process to facilitate the integration of longstanding migrant communities into Thai society. This process should guarantee the right to access services such as health care and remove barriers to these services to ensure the successful integration of migrants.
- **Enhance protection systems for Thai nationals working abroad:** The expansion of the overseas job market for Thai workers that DoE is prioritizing should be accompanied by a labour mobility system that ensures the protection of human and labour rights. Assessing and monitoring the experiences of Thai workers overseas will enhance the evidence-base for such systems. Lessons from recent cases of human trafficking highlight the need for better protection of Thai nationals who are migrants in irregular situations and/or employed informally.

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Migrant worker performing daily tasks on a farm in Mae Sot, Thailand | ©IOM 2022



THAILAND'S FUTURE AND THE PROMISE OF MIGRATION

Winnie Sachdev, Vivian Liang and Maximilian Pottler, IOM

Introduction

Thailand has been making robust progress on its path towards achieving the 2030 Agenda for Sustainable Development, ranking 44th among 163 countries worldwide and in the top position within South-East Asia. The country is on track to improve in relation to nine of the 17 Sustainable Development Goals (SDGs), including Zero Hunger (Goal 2), Quality Education (Goal 4), Gender Equality (Goal 5) and Affordable and Clean Energy (Goal 7), according to the United Nations 2022 Sustainable Development Report (Sachs et al., 2022).

Thailand's 13th National Economic and Social Development Plan (2023–2027) recognizes the importance of addressing key global challenges in a multifaceted manner. These challenges include economic fragility, climate change, scarcity of natural resources and conflicts. The Plan highlights the importance of pursuing reasonable and moderate growth, while building resilience and a greener economy. The central principle of the 2030 Agenda for Sustainable Development, leaving no one behind, serves as the compass guiding the country's socioeconomic development in a people-centred way.

The Plan aims to sustain growth by strengthening and modernizing key economic sectors such as agriculture, manufacturing and services, while advancing the green transition and placing greater emphasis on environmental protection and the people's right to a healthy environment. The Plan also focuses on enhancing investment in human resources, building digital skills, expanding social security and equal economic opportunities, and developing the capacities of Thailand's micro, small and medium-sized enterprises (MSMEs) to remain competitive in the globalized economy.

Thailand's future pathway to sustainable development and the realization of the aspired economic and social transformations will require a close linkage with comprehensive migration governance. This chapter looks at four macro-level trends in Thailand – demographic changes; economic and technological transitions; climate change; and crisis situations – to examine how they will impact migration patterns and what it means for migrants at various stages of their journey. Importantly, the chapter also describes options for policymakers on how migration can contribute to sustainable development and resilience building in Thailand and neighbouring countries in light of these macro-level trends.

The chapter argues that future migration governance structures will need to be based on clear and predictable migration policies and procedures grounded in evidence and whole-of-society consultation, while remaining flexible in responding to new and emerging challenges. Doing so is necessary to enhance legal protection for migrants, while maximizing their positive contributions to Thailand and their countries of origin. Migration alone will not solve all problems, but needs to be part of the solution and of Thailand's transformation on its path to sustainable development.

Demographic changes and the labour market

Thailand's society is ageing at an accelerating rate. The share of Thailand's population aged 65 years or older is projected to rise from 15.21 per cent in 2022 to 35 per cent in 2060 (UN DESA, 2022), placing it firmly on the list of "super-aged societies," where the number of people older than 60 years will account for more than one fifth of the population (World Bank, 2021). Along with the rapid ageing of the Thai population comes the shrinking of the working-age population, projected to decline from 71 per cent in 2020 to 54 per cent in 2060 (UN DESA, 2022). This is equivalent to a nearly 30 per cent reduction or 14.4 million additional unfilled jobs, the third largest decline in the Asia-Pacific region after the Republic of Korea (43%) and Japan (34%) (World Bank, 2021).

The primary driver of ageing is a drastic decline in fertility rates. The Ministry of Public Health of Thailand has stated that the decline in Thailand's birthrate has hit critical levels (The Nation Thailand, 2023), falling from 6.1 in 1965 to 1.08 in 2023, as a result of rising incomes and education levels as well as the successful National Family Planning Program launched in 1970.²¹ Thailand's Total Fertility Rate has been below the replacement level of about 2.1 children per woman since 1993. Importantly, this trend is occurring while Thailand remains an emerging economy. Within the region, Hong Kong, Special Administrative Region, China (SAR); Japan; Republic of Korea and Singapore had twice the gross domestic product (GDP) per capita compared to Thailand (around 41,000 United States dollars, USD) when their elderly dependency ratios were at the same level. This means that fewer resources are available in Thailand to address the challenges of an ageing society, including less robust public investment in strengthening relevant sectors, such as pension schemes, health care, and Government-subsidized retirement homes. Thailand will therefore need to find its own smart mix of policy measures, while learning from policy responses in countries that are already addressing similar demographic changes. Even countries such as Japan that have been historically reluctant to incentivize migration are now reforming their labour migration policies in response to the rapidly declining workforce, as demonstrated by the expansion of their Specific Skilled Workers (SSW) Programme aimed at filling labour shortages through Memorandums of Understanding (MoUs) with 14 Asian countries.

Projections of the potential economic impact in Thailand suggest that, absent any adjustments, changes in demographics will lower the growth of GDP per capita by 0.86 per cent in the 2020s, with mounting pressure on the pension and health care systems (World Bank, 2021). More than half (52%) of employment in Thailand is informal (NSO, 2023), exacerbating these pressures – informality, as defined by the National Statistical Office (NSO), refers to employed people who are not protected by or have no social security from work (NSO, 2023; see [Chapter 10](#)), and are thus less financially secure once retired as their only option is to self-fund participation in social or private schemes.

²¹ The National Family Planning Program was launched under the auspices of the Ministry of Public Health with the objective of reducing the population growth rate from over 3.0 per cent to 2.5 per cent per annum by the end of 1976.

The year 2023 marked a demographic turning point in Thailand, where the population aged 20–24 years, representing those entering the workforce, was lower than the number of individuals aged 60–64 leaving the workforce (IOM, 2023a). This shift will widen the gap between those entering and exiting the workforce, raising concerns about labour shortages and negative effects on growth across the economy, especially in the agricultural sector, which as of 2022 employs 30 per cent of the Thai workforce and contributes to 8.8 per cent of the Thai economy (World Bank, 2022). A 2021 study on elderly farmers in rural Thailand indicated that with a growing number of Thai youth leaving to seek improved education and employment opportunities in urban areas, most farmers are concerned about labour shortages and will further rely on migrant workers to ensure the sustainability of their operations (Jansuwan and Zander, 2021). As such, it will be important to advance the formalization of agricultural work in Thailand, including by ensuring fair and ethical recruitment, decent work, adequate accommodations and social protection for all workers, including migrants, employed in the sector.

Thailand's Office of the National Economic and Social Development Council (NESDC) recognizes that the demand for workers in care sectors, including health care and eldercare, is expected to increase significantly (NESDC, 2022) as the population ages. However, this trend is happening in parallel with other countries, driving up global demand for care workers. For example, Taiwan, Province of the People's Republic of China – one of the key destinations for Thai migrant workers – has already admitted 225,000 migrant care workers, with estimates that the figure will rise to 280,000 care workers as the number of elderly persons increases (Henley, 2021). Japan has also identified a new need for more than 330,000 care workers between 2020 and 2025 (Wright, 2019). Additionally, Gulf Cooperation Council (GCC) countries and other countries in Europe, North America and East Asia have been increasing the number of bilateral labour migration arrangements for health workers in recent years. Such trends may place pressure on Thailand's labour market as skilled care workers are attracted to higher-income countries, further exacerbating domestic labour shortages.

What are the options available for Thailand to mitigate the impacts of an ageing population, a declining workforce across sectors and growing demand for health care workers in the future? NESDC recognizes that becoming an aged society bears the risk of increasing economic disparities within society, increasing workforce shortages and leading to high budgetary requirements for social security. To mitigate these risks, Thailand has introduced policies (discussed further below) that aim to enhance investments in its economy to boost productivity, such as through automation and technological advancements. Human resource development is another priority, including improving the quality of education, lifelong learning processes and increasing participation of women in the labour market (UNFPA, 2011).

Considering these future scenarios and far-reaching effects on both Thailand's economy and society, further enhancing policy-level responses to address anticipated challenges in various sectors will be critical. Especially in the care sector, technological advancements can only be part of the solution as by its very nature, effective care work will have to be provided by human beings who possess adequate skills and qualifications. Therefore, Thailand's care sector will likely require increasing investment, including targeted training and skills recognition programmes for larger groups of care workers. Considering the declining availability of Thai workers, such programmes can be expected to involve migrant workers, following the example of many high-income countries around the world.

Considering the situation in specific economic sectors, Thailand will possibly need to begin recruiting migrant workers to respond to a growing future demand for care workers in its ageing society. Therefore, it is recommended that Thailand's care sector considers the role of labour migration in its future planning. Hiring care workers from abroad will likely require close cooperation with potential countries of origin to align professional qualifications and promote skills development. There are already an estimated 100,000 migrant domestic workers supporting families and households in Thailand (DoE, 2024). The future of care work in Thailand is discussed further in [Chapter 5](#).

The example of the care sector shows that labour migration is a critical policy tool for Thailand to offset current and future demographic pressures. In recent years, migrant workers have constituted up to 10 per cent of the total labour force and have been responsible for up to 6.6 per cent of Thailand's GDP (Smith and Lim, 2019). Given the projected 14.4 million vacancies in Thailand's labour market by 2060, Thailand will likely continue to increase its admissions of migrant workers over the next decades to offset labour shortages (IOM, 2023b). As Thailand's economic transformation evolves and its domestic workforce declines, the economic participation of migrant workers may increasingly spill over to medium or higher-skilled occupations that are traditionally filled by Thai nationals. This shift will require Thailand to reform current labour market and immigration policies and procedures, including by removing restrictions that prevent migrant workers from filling relevant occupations. It will also increase the importance of close cooperation with countries of origin on labour migration, with additional emphasis on harmonizing the skills development and certification of migrant workers, including through bilateral labour migration agreements and skills mobility partnerships.

Economic transformation and new technologies

In recent decades, Thailand's economy has modernized, transitioning from an agriculture-based model to an export-oriented economy with a focus on both light and heavy industry. This transition has led to large scale poverty alleviation in the country, culminating in Thailand gaining the status of an upper-middle income country in 2011, in less than a generation (World Bank, 2011). Despite significant progress, the country now faces challenges in meeting the requirements of a modern economy, including a high concentration of elementary, lower-productivity jobs, and skills imbalances in the labour market (OECD, 2021). As a result, the middle-income trap looms large, with Thailand's real GDP growth rate averaging at only 3.6 per cent between 2010 and 2019, lagging behind other countries in the region such as Viet Nam (5.4%) and Indonesia (6.9%) (World Bank, 2023).

The Royal Thai Government adopted Thailand 4.0 in 2016, which spanned until 2023, and aimed to transform Thailand into a high-income country through an innovative, technology-based and service-focused economy. In 2024, the Government unveiled a new framework, Thailand Vision 2030 'Ignite Thailand', which aims to boost Thailand as a global industrial hub, driving the economy towards a sustainable future through tourism, wellness and medical services, agriculture, automotive manufacturing, technology and finance. The success of Thailand's vision for social and economic development hinges on the country's ability to address skills shortages and foster a labour force capable of fulfilling evolving economic demands. In recent decades, Thailand has relied on migrant workers to support the growth of key industries including manufacturing, agriculture, construction and services. As a result, migrant workers form the backbone of many of Thailand's export-oriented industries.

However, structural limitations in labour migration governance reveal a lack of responsiveness to the emerging needs of labour markets. Labour migration is persistently treated as transient in Thailand, with regular work permits²² spanning a maximum of four years. Moreover, restrictions that limit migrant workers to 'manual work' curtail opportunities for upskilling and upward mobility. As a result, Thailand's migration management system has largely prevented greater and more coordinated investment in skills development and skills recognition for migrant workers, even though there is an increasing need for Thailand's economy to develop human resources. Employers are also unable to retain skill levels and productivity as migrant workers who come to the end of their employment term in Thailand are required to return home, although many of them come back to Thailand. These U-turn practices increase the cost of migration for both workers and their employers, and decrease the efficiency of Thai businesses employing migrant workers.

²² For migrant workers entering under MoU procedures established between Thailand and neighbouring countries in Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam, described in full in Chapter 1.

Opportunities to optimize the benefits of labour migration include removing restrictions on the nature of employment in existing MoUs, expanding duration of work permits, allowing access to long-term resident status and prioritizing skills development. Simplifying administrative procedures for labour migration and the admission of migrant workers, promoting regular migration pathways and reducing costs of migration will be critical measures to ensure positive migration outcomes for both migrants as well as the Thai economy. According to a forthcoming labour market assessment conducted by IOM, most employers in Thailand, particularly those from MSMEs, reported difficulties in navigating the complex and bureaucratic nature of MoU recruitment and in-country registration processes. Inefficient and lengthy processes, frequent legislative and procedural changes, and a lack of procedural knowledge among Government officials were cited as key barriers to recruiting migrants through regular channels.

MSMEs play a vital role in the Thai economy, accounting for over 99 per cent of enterprises and employing over three quarters of the private sector workforce (OSMEP, 2022). Findings from IOM's labour market assessment further reveal the strong reliance of MSMEs on migrant workers to fulfil large orders from international buyers and subcontracts from larger factories (IOM, 2023d). However, the nature of these orders mean MSMEs are subject to volatility and uncertainty: enterprises frequently depend on single large contracts and need workers as soon as the contract is signed. Regular migration procedures can take between six weeks and six months, resulting in a lack of alignment with employer needs (IOM, 2024a). Additionally, MSMEs often lack the capital resources to maintain a long-term workforce as the nature of their businesses require them to hire workers for short periods of time. Consequently, MSMEs are more inclined to turn to irregular recruitment channels in an effort to mitigate risks associated with volatile revenue streams and the lack of flexibility and time constraints associated with regular recruitment channels.

Besides the difficulties in recruiting migrant workers through regular channels, MSMEs face additional challenges related to technological advancement, particularly automation. With significant investments in the modernization of its economy since the late 1990s, Thailand has seen initial positive outcomes in the automation of productive processes and digitalization of the economy. E-commerce and digital payments grew rapidly during the pandemic, at 140 per cent; while automation of manufacturing processes in automobiles and electronics reached 50 and 30 per cent, respectively, in 2019 (IMF, 2022). While larger enterprises have the resources to invest in automation, MSMEs might continue to be dependent on migrant workers in elementary occupations and struggle to keep up with the demands of the knowledge economy. Without adequate skills training for their workforce, MSMEs' competitiveness might be negatively impacted, impeding the sustainability of Thailand's economic transformation plans and exacerbating existing challenges related to economic stagnation.

To support employers to make more effective use of labour migration, streamlining administrative processes will be necessary. Options include shortening timelines for work permit approvals and exploring options for flexible labour migration schemes, for example by eliminating restrictions on changing employers for migrant workers. The Government should also expand subsidies for migrant-inclusive skills development programmes to empower its existing workforce in adapting to emerging job opportunities and to competition arising from automation.

Thailand's technological advancements can also be harnessed to enhance its migration management system, following the example of other countries. In Asia, India and Sri Lanka have made progress in digitalizing and streamlining key aspects of their labour migration programmes through online platforms. Focused on recruitment regulation, India's eMigrate streamlines administrative processes, including receipt of job orders from employers, demand approvals and workers' grievance management. The Sri Lanka Bureau of Foreign Employment similarly streamlines several administrative processes, but also provides information services useful to migrants, such as registered recruitment agencies and employers, official administrative costs, and employment opportunities, among others (ADB, OECD and ILO, 2023). These platforms show mixed results for migrant protection, as direct use by migrant workers is seemingly low, and many reportedly continue to rely on intermediaries such as recruitment agencies to access them. However, these platforms do demonstrate the potential for technology to enhance the efficiency of labour migration systems.

Information and communications technologies (ICTs) are increasingly being used to equip migrants with rights-based information. The ILO observes a growing number of digital products targeting migrant workers, including applications and online platforms aimed at enhancing access to information (ILO, 2021). A 2023 study on digital inclusion conducted by IOM in collaboration with the International Telecommunication Union (ITU) revealed that 95 per cent of migrants used smart phones daily, with Facebook being the most widely used social media platform. Existing approaches can be designed to enable access to information on mobile platforms, bridge communication gaps between migrants and other actors, promote safe and informed migration practices, facilitate more direct recruitment and skills matching, and promote financial inclusion and safe remittances.

However, ICTs also have the potential to create a new risk environment for migrant populations. Data security and privacy are important considerations when implementing ICT-based solutions for migration. Widespread online scamming operations have also become a major issue in Asia, including Thailand, and is closely linked to trafficking in persons for forced criminality. Concerningly, the 2023 IOM-ITU study revealed that migrant respondents rated online safety as their weakest digital competence area, highlighting the importance of efforts to promote digital safety and cyberfraud awareness among migrant communities in Thailand (IOM, 2023c). Trafficking including for forced criminality is covered in detail in [Chapter 9](#).

Climate change

South-East Asia, including Thailand, is one of the most vulnerable regions globally to the impacts of climate change. Rising temperatures, changing precipitation patterns, and an increased frequency of extreme weather events pose significant threats to the region's ecosystems, economies and communities (IPCC, 2022). Anticipated climate impacts worldwide are projected to lead to a loss of over 18 per cent of current global GDP by 2048 in the absence of effective climate change responses. In the Association of Southeast Asian Nations (ASEAN) region, projections suggest a potential GDP loss of up to 37.4 per cent by 2048, exacerbated by the region's heavy exposure to the physical risks of climate change (Gray and Verbanov, 2021). These trends have far-reaching implications, including impacting livelihoods, displacing communities and driving migration. Although prevailing evidence suggests that climate-induced human mobility primarily occurs within State borders (that is, from rural to urban areas), emerging evidence suggests an increase in international migration as a result of climate change impacts (IOM and SEI, 2023).

The 2021 Global Climate Risk Index (CRI) ranks Thailand ninth in the "extreme risk" category of countries most vulnerable to future climate change effects over the next 30 years (Eckstein et al., 2021). Rising sea levels particularly threaten Bangkok, which has an average elevation of 1.5 meters above sea level. Moreover, extreme and unpredictable weather patterns, ranging from floods to droughts, disproportionately affect rural communities engaged in the agricultural sector, which account for 6 per cent of the country's GDP and approximately 30 per cent of total employment (Economist Intelligence Unit, 2023).

Despite its climate vulnerabilities, Thailand is poised to remain the primary destination for migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar. While migration to Thailand has long been a key livelihood strategy for individuals in the Greater Mekong Sub-Region (GMS), climate change is creating yet another reason to migrate and has increased potential for mixed migration flows motivated by both economic and humanitarian push factors. All three neighbouring countries face climate hazards characterized by frequent extreme weather events and shifting rainfall patterns. These challenges are compounded by socioeconomic factors, with livelihoods tied closely to climate-vulnerable sectors such as agriculture and forestry, and many GMS communities located in climate-vulnerable geographical zones such as coastal regions and river deltas (ASEAN, 2024).

Climate situations in each country of origin are likely to influence international migration patterns to Thailand in the future. Lao People's Democratic Republic, with its agrarian economy and dependence on the Mekong River, faces risks from altered water flow and disastrous floods. Cambodia, characterized by low-lying plains and a reliance on agriculture, is susceptible to changes in precipitation patterns and temperature rises (IOM, 2023b). Over the years, these trends have led to decreased paddy yields, resulting in food and income insecurity among

rice farmers, who often must migrate for livelihood security (Bylander, 2016). Myanmar, endowed with diverse ecosystems, has suffered massive climate change losses, particularly through cyclones, in addition to disastrous floods and rising sea levels. It ranks second on the 2021 CRI, and an estimated 21 million people, or 40 per cent of the population, are vulnerable to climate change, environmental degradation and disaster. In 2021 alone, Myanmar witnessed 158,000 displacements from disasters, predominantly weather-related, according to the Global Report on Internal Displacement (IDMC, 2022).

Human mobility patterns, including migration and displacement, are already being influenced by climate and environmental factors across the world. These factors are expected to prompt cross border migration as an adaptation strategy, as communities seek to mitigate risks associated with climate change impacts. While isolating the direct impacts of climate change on migration is challenging, evidence indicates that economic and environmental drivers of migration are intertwined, with remittances playing a crucial role in supporting the resilience of migrants' communities of origin and acting as a buffer against climate-induced shocks (IPCC, 2022; IOM and SEI, 2023). For instance, in the decade following the catastrophic Cyclone Nargis in Myanmar, 70 per cent of households that had at least one migrant family member successfully built entirely new houses (World Bank, 2018). Thus, well-managed migration may support adaptation to climate change if it enhances the well-being of migrants and their communities of origin.

While affected populations may choose labour migration as a livelihood strategy to adapt to adverse climate change effects, the responsibility for mitigating these impacts and developing adaptation strategies ultimately lies with government actors (Bylander, 2016; IOM and SEI, 2023). Thailand's existing policy framework, characterized by a restrictive migration governance approach, creates a less conducive environment for safe and orderly migration. Moreover, regular pathways are often costly and time-consuming, becoming a hindrance for migrants who are adversely impacted by climate or environmental shocks. Considering Thailand's porous borders and longstanding economic and social connections with neighbouring countries, important humanitarian emergencies in the GMS are likely to lead to increased rates of irregular migration into Thailand, unless viable safe migration pathways are made available and accessible (ASEAN, 2024).

Although Thailand acknowledges the potential impacts of climate change on human mobility in its Climate Change Master Plan 2015–2050, the lack of integration of climate considerations into migration policies hinders effective responses to the challenges posed by environmental stressors. A key consideration is the improvement and expansion of the existing Border Pass system to better facilitate seasonal labour migration, with the aim of using its capacity to support migrant workers and their families' resilience to negative climate impacts in communities at home, while yielding positive outcomes for economic sectors facing labour shortages. Reforms should seek to render the scheme more flexible, eliminate recruitment fees and related costs borne by migrants, reduce bureaucratic hurdles, and ensure the full protection and enforcement of labour and human rights. Such reforms should address the decent work deficits and lack of social protection afforded especially to temporary and seasonal workers who are employed on an ongoing basis in Thailand, including by extending full coverage under the Worker's Compensation Act, B.E. 2537 (1994) and Occupational Safety, Health and Environment (OSH) Act, B.E. 2554 (2011) to seasonal and temporary workers in agriculture (Chapter 10). Similarly, Thailand should also integrate internal and international migration scenarios into climate policies, acknowledging the adaptive potential of international labour migration in the context of climate change (IOM and SEI, 2023).

In addition to inbound migration, climate emergencies can also give rise to outbound and internal migration trends. Studies indicate that extreme weather events such as floods and storms have led to considerable internal displacement within Thailand, with approximately 3.2 million new displacements occurring between 2008 and 2022 (IDMC, 2022). Additionally, prolonged droughts and water scarcity will continue to trigger internal migration as rural populations migrate to urban areas in search of alternative livelihoods. Consequently, integrating climate considerations into migration policies is crucial not only for addressing inbound migration but also for managing internal displacement and outbound migration to ensure the resilience of affected communities. Leveraging Thailand's relative success in responding to the COVID-19 pandemic with emergency Social Security Fund (SSF) payments and ad hoc cash transfers for informal workers provides a valuable blueprint for disaster preparedness. Building upon these experiences can ensure that the social security system is ready and able to respond effectively to an increasingly unstable regional environment.

Thailand's efforts to mitigate the impacts of climate change are well underway with their adoption of the Bio-Circular-Green Economy (BCG) model in 2021, which aims to harmonize economic development with environmental sustainability. This green transition holds transformative potential for the labour market, creating opportunities in renewable energy, sustainable agriculture, and eco-friendly industries (Economist Intelligence Unit, 2023). However, this transition also poses challenges, including potential job displacement in conventional sectors. Given the significant role of migrant workers in Thailand's labour force, their inclusion is paramount for a successful and equitable green transition. Strategies should encompass skills development programmes tailored for green industries, ensuring the protection of labour and human rights, and fostering collaboration between stakeholders. This inclusive approach not only would align with a rights-respecting framework but also enhances the resilience and longevity of green initiatives.

Evident linkages between climate change and human mobility affecting Thailand and its neighbours will need to be included in Thailand's policy planning and development processes. For example, providing access to safe migration pathways for at-risk communities in countries of origin could help build resilience and prevent displacement in the long term. In this way, communities could be provided with solutions to stay. Putting this model to work would require closer collaboration between Thailand and countries of origin. Developing such migration pathways should be combined with disaster risk reduction strategies and financial inclusion models that support migrant communities in enhancing their climate resiliency through smart use of remittances with additional support through public financing schemes. Naturally, this model can only be successful if such pathways are facilitating ethical recruitment and decent work for migrant workers.

Situations of crisis

The GMS region is vulnerable to various forms of crisis. In addition to climate change as a major trigger for both slow events and sudden onset disasters, other forms of economic and political crises leading to increased vulnerability of population groups can also result in mixed migration. Risks of public health crises also exist, and as the COVID-19 pandemic has highlighted can have enormous impacts on human mobility and the health and livelihoods of migrants. However, several of the crises have shown that migration can support crisis response and recovery measures. During the pandemic, it became apparent that migrant workers have been vital in sustaining essential economic and social sectors in Thailand, including health, agriculture and services.

When conflicts or disasters erupt, they can disproportionately affect migrants living, working or transiting in the country who lack equal access to emergency assistance, social protection and other basic rights and services. Thailand has faced several crises, such as the 2004 Indian Ocean tsunami and 2011 nationwide flood. In recent years, the economic, health and mobility-related crises caused by the COVID-19 pandemic had a seismic impact on migrant workers. A study conducted by IOM in 2021 found that during the pandemic, migrants were working the same hours for less pay. Women migrant workers, already subject to lower wages and income before the pandemic, saw their wages reduced even further during the pandemic (Chapter 3). In addition, vaccination mandates at the workplace coupled with inequalities in COVID-19 vaccine coverage, inadequate social services, gaps in health care access and insufficient information on COVID-19 vaccines exacerbated pre-existing challenges for migrant communities (IOM, 2022) (Chapter 11).

Meanwhile, the pandemic prompted many migrant workers to return home, creating labour shortages for businesses and presenting challenges for migrants in the context of return and reintegration. Statistics published by the Ministry of Labour (MoL) in late 2021 showed a significant decrease in the number of officially registered migrant workers in Thailand: Myanmar migrant workers by 532,841, Lao migrant workers by 70,782 and Cambodian migrant workers by 252,683 since the onset of the COVID-19 pandemic. According to an IOM study, unemployment was high among returnees, with almost two-thirds (63%) of 818 returnees surveyed in Cambodia and Lao People's Democratic Republic being unemployed (IOM, 2021). Meanwhile, in Thailand, stringent border controls temporarily halted labour migration, exacerbating labour shortages caused by returned migrant workers and significantly impacting business productivity. Two years after the pandemic's onset, the Federation of Thai Industries reported a severe shortage of 700,000 workers and prompted the Royal Thai Government to better facilitate the recruitment of migrant workers to alleviate these shortages (Apisitniran, 2022).

As described in [Chapter 1](#), the situation in Myanmar has deteriorated sharply since the February 2021 military takeover, with political instability, escalating armed conflict, persistent displacement, economic recession and reduced access to basic services. Widespread economic disruption continues, exacerbated by a decrease in crop yields from climate change with almost half of the population estimated to be living in poverty as inflation rises (OCHA, 2023). Recent conflicts in Shan State resulting in the destruction of crucial trade routes between Myanmar and the People's Republic of China will further compromise access to food and other vital commodities. The adverse impacts of climate change, environmental degradation and disasters intensify the situation of economic insecurity for those individuals whose livelihoods depend on natural resources. In May 2023, Cyclone Mocha created widespread devastation, exacerbating an already dire humanitarian situation in Myanmar. The resurgence of El Niño in 2023 has further aggravated the situation, leading to more severe weather events, and amplifying the challenges posed by the "Climate-Conflict-Humanitarian Triple Nexus" in Myanmar (ISP, 2023).²³

As a result of these crises, more than 2 million people remain displaced in the country, 1.73 million, of whom have been newly displaced since the February 2021 military takeover and continued armed actions in 2023, including 559,200 in states and regions on the border with Thailand (HRW, 2024). Following the enforcement of mandatory conscription among Myanmar men aged 18 to 35 years and women aged 18 to 27 years in February 2024 (OHCHR, 2024), an increase in visa applications as well as irregular border crossings into Thailand has been observed. The crisis is contributing to human insecurity and driving large-scale internal and international migration and displacement, especially to Thailand, while posing challenges for an eventual return and reintegration of migrants.

Myanmar nationals are the largest migrant population in Thailand, filling critical gaps in Thailand's workforce and contributing considerably to Thailand's continued socioeconomic growth in key sectors such as construction, manufacturing and hospitality. However, options for migrating regularly have become increasingly limited, complicated and expensive. As of December 2023, MoU workers represent only 16 per cent of the total number of registered Myanmar workers in Thailand. The recent regulations adopted in Myanmar requiring Myanmar nationals to remit 25 per cent of their income back to a bank regulated by the Central Bank of Myanmar and to pay a 10 per cent income tax on foreign income will likely further disincentivize migrants to opt for regular channels (IOM, 2024b). Non-compliance with these regulations could lead to a three-year ban on overseas work after the expiration of their work permits, which may also deter Myanmar migrants from engaging in in-country registration processes.

Because a significant proportion of migrant workers already in Thailand come from Myanmar and in the context of the ongoing crisis affecting the country, both regular and irregular Myanmar migrants in Thailand are some of the most vulnerable populations, as returning to their country of origin likely puts them at greater risk. With no peaceful solution in sight, the situation in Myanmar is likely to remain unstable in the foreseeable future, resulting in continued mobility and displacement within the country and cross-border movement into neighbouring countries, including Thailand.

Meanwhile, Thai migrant workers going abroad can be equally affected by crises. For example, Thai nationals form the largest group of migrant workers in Israel, mostly in the agriculture sector (Duangdee, 2023). During the Hamas-led attacks in southern Israel on 7 October 2023, 22 Thai citizens were taken hostage, 32 were killed and 19 were injured, according to the Thai Foreign Ministry. As of October 2023, 7,415 Thai citizens have returned via repatriation flights offered by the Royal Thai Government. Many more, however, are reluctant to leave Israel because of debts they owe associated with obtaining their jobs, despite often experiencing low pay, excessive working hours and hazardous working conditions in Israel (Kavlaoved, 2020).

Conflicts, disasters and economic and public health crises have shown how administrative and legal barriers, linguistic and cultural differences, limited access to rights and services and isolation often cause the disproportionate suffering of migrants and their families during crises. In situations of crisis, migrant-inclusive approaches are vital to ensuring the well-being and security of communities at global, regional, national and local levels. These efforts must become an essential component of humanitarian action, disaster risk reduction and climate change adaptation, labour migration governance and sustainable development. In addition, well-managed, regular migration will enhance outcomes for migrant workers, their families and broader communities, hence building their resilience in the face of crises.

²³ In September 2024, floods devastated large areas of Myanmar.

Conclusion

Thailand's future socioeconomic development will depend on the country's response to ongoing and future demographic changes, economic and technological transformations, climate change and situations of crisis. As shown in this chapter, labour migration is poised to be an effective policy tool at the disposal of the Royal Thai Government to help foster sustainable development. In turn, these macro-trends are expected to continue to be a driver for large-scale human mobility, especially from Cambodia, Lao People's Democratic Republic and Myanmar to Thailand in the future. Mobility trends will include labour migration that is boosted by the demands of Thailand's economy due to increasing shortages of workers across multiple sectors primarily due to an ageing population profile. Thailand's ambitious plan to further transform its economy to a more knowledge and value-based model will continue to create demand for migrants to fill elementary and semi-skilled occupations over the next decade. Growing adoption of technology, digitalization and automation in Thailand will necessitate greater investment in human resource development and possibly lead to new demand for migrants to also fill medium and higher-skilled occupations and open up new sectors of employment previously filled by Thai nationals. Climate change, natural disasters and crisis situations, on the other hand, can be expected to increase human mobility in the GMS and it will be important for Thailand to prepare and respond to such developments.

Recommendations

The analysis above delineates key future drivers of migration in Thailand. While not comprehensive, the evidence presented in this Chapter suggests that the Government's vision for transformative change in line with its 13th National Economic and Social Development Plan can only benefit from recognizing migration as a central positive factor to Thailand's path towards sustainable development. While Thailand, as a champion country of the Global Compact for Safe, Orderly and Regular Migration, has made significant progress in its migration management framework in recent years, emerging drivers and migration challenges will have to be met by new, well-planned and more comprehensive policy-level responses, including allocating sufficient resources to strengthen the infrastructure of Thailand's migration management. Recommendations include:

- **Strengthening Thailand's labour market information system to better anticipate future labour market developments and skillsets needed to support Thailand's economic transformation.** Doing so would allow for better planning of labour market policies, including to identify more precisely where the recruitment of migrant workers will be needed.
- **Developing a future-facing, evidence-based and comprehensive migration policy for Thailand following a whole-of-government and whole-of-society approach.** Considering the cross-cutting nature of migration issues but also growing importance of well-planned and regular migration to support Thailand's sustainable development, Thailand would benefit from a more comprehensive policy framework on migration. This policy development process could bring together multiple branches of the Government at national and subnational levels as well as civil society, trade unions, migrant groups, academia and the private sector. The policy should aim to strategically promote regular migration pathways and reduce irregular migration, promote the rights and well-being of migrants and help build an inclusive Thai society to maximize the positive impact of migration while addressing national security concerns.
- **Simplifying and digitizing regular recruitment procedures for migrant workers and effectively reducing the costs for migration and recruitment.** Shortening timelines for approvals, simplifying administrative requirements, reducing costs and increasing transparency, especially through a more digitized migration management system or one-stop service centres, would not only improve the matching between employers and workers, but also likely reduce risks of irregular migration as one of the remaining major challenges of Thailand's migration management.

- **Systematically including migrants in technical training, upskilling efforts and recognition of their qualifications, in line with labour market demand, especially in the care sector and as part of the green transition.** Thailand's economic transformation will require a boost in productivity levels and increasing investment in the development of human resources. The planned economic transformation would also raise the importance of skills retention for both Thai employers and Thailand's economy at large. At present, the limited terms of migrants' employment in Thailand of up to four years means that employers cannot retain valuable qualifications and experience. Subsequent recruitment and re-training of new employees place significant additional costs on employers, workers and governments involved.
- **Expanding regular pathways for labour migration and promoting skills mobility between Thailand and its neighbouring countries.** IOM observes a growing consensus among stakeholders that the current bilateral MoUs on labour migration, which currently only cover manual work, should be officially expanded to allow for recruitment of migrants at various skills levels. A labour migration management system that is genuinely responsive to the needs of migrant workers and their employers in Thailand would entail improved regional mobility, potentially building on the ASEAN Mutual Recognition Agreements, and predictable and accessible pathways for longer-term stay in Thailand.
- **Increasing flexibility of labour market and migration-admission policies.** Restrictions on the rights of migrants to change employer in Thailand are a barrier to more positive competition for talent in Thailand's labour market. Allowing migrants to participate in Thailand's economy more freely would create additional incentives for Thai businesses to invest in human resources development but also become an employer of choice for the best talent.
- **Including migrant workers in the national legal and policy framework on crisis preparedness, response and recovery.** Migrant workers and their family members residing with them, irrespective of their migration status, should have access to emergency services and public assistance without delay or discrimination in times of crisis, including timely consular and repatriation services.
- **Integrating climate impact considerations into migration policies to establish safe pathways for climate-induced mobility.** Thailand should ensure that migration policies incorporate measures to anticipate and respond to climate-induced mobility, including displacement and planned relocation, at both national and local levels. Policies should prioritize the protection of migrants and fostering sustainable, resilient livelihoods to promote migration as an adaptive strategy.

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A team from UNICEF, led by UNICEF Representative for Thailand Kyungsun Kim, visited remote migrant communities in Mae Sot in northern Thailand on 25-27 May to see first-hand the impact of UNICEF-supported efforts for children's well-being. The team met with this mother and child. The team also met and exchanged ideas with partners, including local education authorities and non-governmental organizations delivering services to marginalized communities. | © UNICEF Thailand/2022/Preechapanich



RIGHTS OF CHILDREN IN THE CONTEXT OF MIGRATION

By Muhammad Rafiq Khan and Parinya Boonridrerthaikul, UNICEF

Introduction

The situation of children in the context of migration in Thailand is complex. There are limited avenues for children to migrate legally into the country for education or to be with their migrant families, and they may also be unaccompanied or separated from their primary caregivers. This situation can lead to a precarious existence for children and their families, without the protection and security that regular status can provide.

Children in the context of migration fall within a range of legal and non-legal categories and statuses, which may overlap and change as their circumstances fluctuate and can have important impacts on their living conditions, how they are treated and the services they are entitled to. Their migration status is often linked to that of their parents, and as discussed in [Chapter 1](#), alongside the regular movement of migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar, a large proportion of migration into Thailand occurs irregularly. As well as migrants from neighbouring countries seeking economic opportunities, who may have to bypass restrictive, bureaucratic and complex immigration law requirements to enter Thailand (UNICEF EAPRO, 2023), groups seeking safety from conflict and unrest also enter Thailand irregularly. Following the military takeover in Myanmar in 2021 and subsequent and continuing outbreaks of violence, many people continue to cross the border into Thailand, including various ethnic groups from Karen, Karenni and Shan States bordering Thailand, but also Bamar and Rohingya refugees.

Though the exact figures are not available, an estimated 300,000–400,000 migrant children were living in Thailand by the end of 2018 (UNMG-THA, 2019) out of a population of an estimated 4.9 million migrants. Of these, 3.08 million were migrant workers from neighbouring countries, of whom about one third were in irregular situations (see [Chapter 1](#), Table 1). It is likely that these numbers have increased due to significant flows from Myanmar, including child refugees and asylum seekers. These estimates do not cover children with Thai citizenship migrating internally from one address to another. In 2021, over 125,000 children and adolescents lived in Thai households that had migrated within Thailand, with slightly more girls than boys (NSO, 2021).

Thailand has progressive laws and policies upholding non-Thai children's rights to access education, health care and child protection services. In recent years, the Government has also made significant progress in ensuring birth registration and developing alternatives to child immigration detention. The Government's policy and legislative framework, alongside its regional and global pledges and commitments, affirm its determination to continue strengthening the rights of children in the context of migration. However, several key barriers remain that limit the extent to which they can access their rights. As well as a lack of documentation, language barriers and economic factors are important obstacles for migrant families to overcome when trying to access services: they may not know what services are available to them or find application processes challenging to navigate, time-consuming or potentially costly.

Meanwhile, a lack of capacity on the service side – such as limited alternative care placements or appropriately trained staff to deal with the unique needs of migrant children, as well as the complexity of cross-border collaboration and coordination between Government agencies within Thailand – can cause prolonged delays that result in vulnerable migrant children who may be separated from caregivers, lacking emotional support, missing out on educational or other opportunities, and potentially experiencing further trauma while navigating protracted procedures to resolve their situation.

This chapter provides an overview of the situation of children in the context of migration in Thailand with a focus on cross-border and international migration, including the different legal and non-legal statuses of migrant, asylum-seeking, refugee and stateless children and the extent to which these legal entitlements in Thailand are consistent with international law and particularly the United Nations Convention on the Rights of the Child (CRC), a “legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities” (OHCHR, 1989); the range of services and protections to which they are entitled in Thailand; the barriers faced by migrant children in accessing their rights; and the progress made in different policy areas in realizing such rights, as well as implementation challenges faced by the Government and other stakeholders. Information is presented in four main sections: the first defines relevant legal and policy frameworks defining the diverse status of children in the context of migration; the second discusses child protection systems for this vulnerable group of children; the third gives attention to education and health care services available to them; and the fourth takes a look to the future, summarizing Thailand's pledges and commitments to uphold the rights of children in the context of migration. In reviewing the many efforts underway, issues of accessibility, acceptability and quality will be addressed to conclude with highlighting the progress achieved and suggesting recommendations to fill existing gaps.

Migration status of children in the context of migration

Children and migration status

The Immigration Act, B.E. 2522 (1979), as the primary legislation used by the Government to regulate the movement of migrants into the country, sets out several circumstances in which entering and remaining in Thailand will be considered “illegal”, including entering without the necessary documentation, staying beyond the period of time permitted, and violating the terms of entry and stay ([Chapter 1](#)).

Those in a regular situation have documents to demonstrate that their entry and/or stay in Thailand is in accordance with the Immigration Act, through registration under Cabinet Resolutions, bilateral agreements to which the Royal Thai Government is a party or through the border pass scheme. In contrast, those in an irregular situation lack legal status as their movement occurred outside of the laws and regulations governing entry to or stay in Thailand or due to visa expiration or non-renewal of migrant registration.

Migrant children living in Thailand may be accompanied, unaccompanied or separated from parents or legal caregivers, although separated children may still be with other adult family members. These definitions can be challenging to apply in practice, as migrant children's situation may change during their migration journey: for

example, they may begin migrating with their parents but then become separated if their parents are arrested, detained or deported (UNICEF EAPRO, 2023). Although unaccompanied migrant children may not have any other choice but to use irregular migration pathways, “the fact that they migrate irregularly does not relieve States from the obligation to protect their rights” (IOM, 2023). Children who migrate with family members may risk crossing the border irregularly too to be together with their relatives as no other options exist. The Memorandums of Understanding (MoUs) governing regular migration from Cambodia, Lao People’s Democratic Republic, Myanmar and Viet Nam and the border pass scheme, in fact, forbid migrant workers from bringing family members, including accompanied children (UNICEF EAPRO, 2023).

Although limited in its reach, the registration process as governed by Cabinet Resolutions is the only available pathway to regularize migrant children once in the country (UNMG-THA, 2019). While registration exercises in the light of the different Cabinet Resolutions applicable during the period covered by this report have included children of migrant parents, most of them and other dependents remain in irregular situations (OHCHR, 2022) at risk of exploitation and trafficking.

In March 2022, the Anti-Human Trafficking Commission approved the setting up of a National Referral Mechanism (NRM). As discussed in [Chapter 9](#), once fully operational, the NRM will help to systematically screen migrants who are victims of trafficking and forced labour including children.

Refugee status

Thailand is not a signatory to the 1951 Refugee Convention and does not have any domestic laws in place to determine and grant refugee status. However, after initially maintaining a reservation to Article 22 of the CRC, which determines that States Parties should provide appropriate protection and humanitarian assistance to children seeking refugee status, Thailand withdrew its reservation on 30 August 2024 (United Nations, 2024). This withdrawal of the reservation on the CRC can further enable the Royal Thai Government to ensure that all refugee children are protected, including under the National Screening Mechanism (NSM). The NSM was established by the Government in 2019 and became operational in 2023, to identify persons in need of protection, including children. The NSM grants the status of “protected person” to those who enter or stay in Thailand but are unable or unwilling to return to their country of origin due to fear of persecution for valid reasons.

As mentioned in [Chapter 1](#), among the 82,400 refugees living in the border camps, 38 per cent – or almost 31,000 – are children, in addition to hundreds of children who are urban refugees. Outbreaks of violence following Myanmar’s military takeover in 2021 caused a spike in the number of people entering Thailand from Myanmar ([Chapter 1](#), Box 4), but the number of children is undocumented.

Stateless population

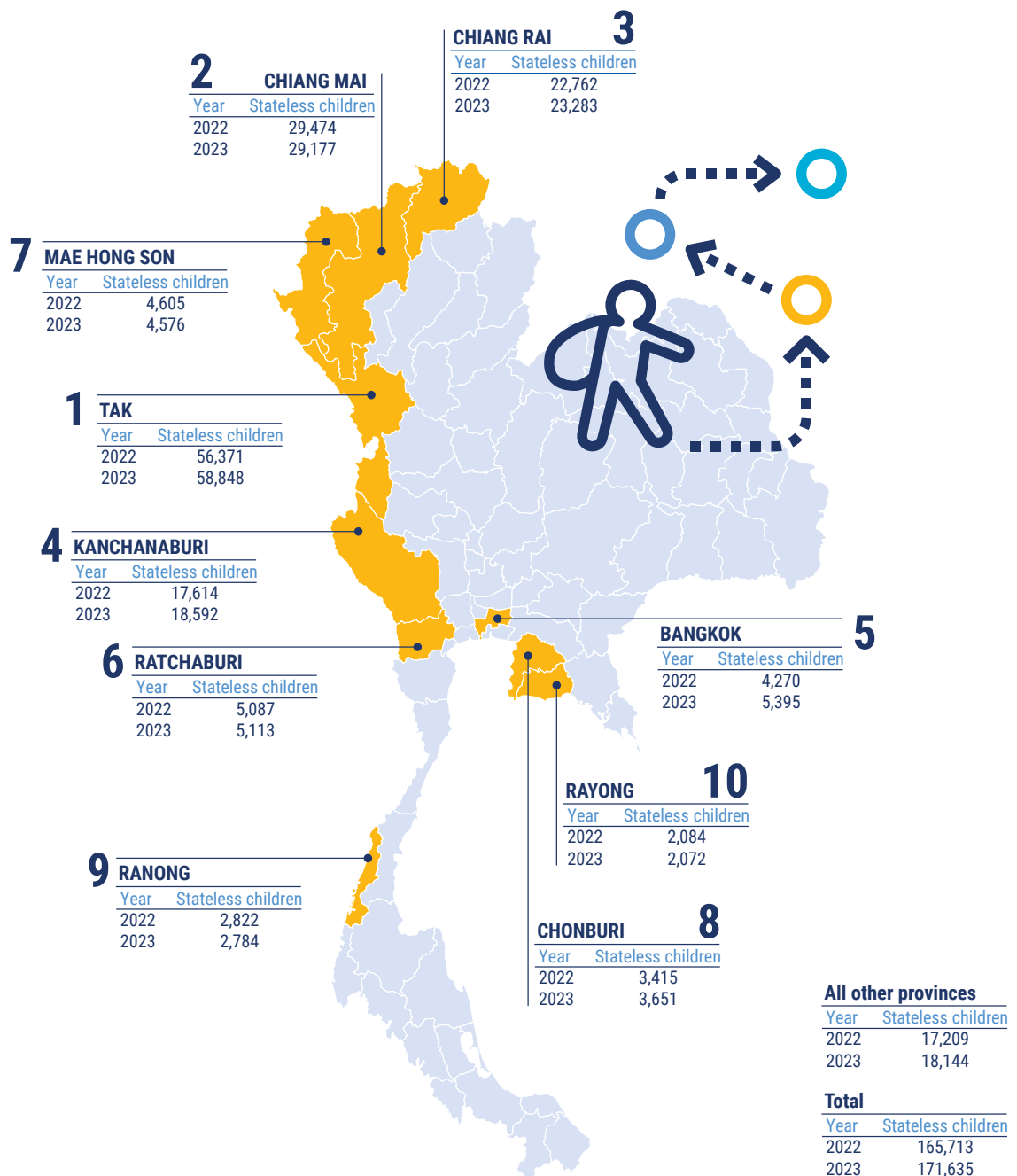
Thailand has a substantial population of stateless children, which as explained in [Chapter 8](#), fall into the two groups of registered stateless persons and unregistered stateless persons. Data from the Ministry of Interior (MoI) for the years 2022 and 2023 regarding the registered stateless population in Thailand present several noteworthy trends, particularly concerning children (Table 6). In 2022, the total number of registered stateless population in Thailand was 573,898 persons (408,185 adults and 165,713 children). By September 2023, both the adult and child stateless populations slightly increased, reaching 584,955 (413,320 adults and 171,635 children). Tak province had the highest number of stateless children in both years, followed by Chiang Mai and Chiang Rai (Map 3). While there was an overall increase in the registered stateless population from 2022 to 2023, the rate of increase appears to be relatively modest.²⁴ However, it is noteworthy that in both years there were more boys than girls among the registered stateless child population in Thailand, and a more substantial increase in the number of stateless children compared to adults during this period.

²⁴ This was also the case as of end 2023, when 586,548 stateless persons were recorded (Table 6).

Table 6. Registered stateless population in Thailand, 2022 and 2023

Year	Adult		Children		Total Adults	Total Children
	Men	Women	Boys	Girls		
2022	201,772	206,413	85,536	80,177	408,185	165,713
2023	204,294	209,026	88,618	83,017	413,320	171,635

Source: Department of Provincial Administration, Mol, September 2023.

Map 3. Top 10 provinces according to number of registered stateless children, 2022 and 2023


Source: Department of Provincial Administration, Mol, September 2023.

Thailand has made progress in enabling stateless children to access education, lifting some restrictions on freedom of movement, and adopting legislative measures to resolve the issue. The Nationality Act (No.4), B.E. 2551 (2008), and related amendments to Thailand's civil registration laws have helped stateless persons in Thailand to acquire nationality under conditions designated by the Cabinet. To prevent children of foreign or stateless parents from becoming persons without legal status or irregular migrants, two Cabinet Resolutions approved in 2016 ensure the following: (1) granting foreign children born in Thailand the right to legally stay in Thailand in order to prevent them from being criminalized as illegal migrants and (2) providing a legal pathway for foreign children born in Thailand to apply for Thai nationality.

More recently, in 2022, Thailand accepted several United Nations Universal Periodic Review (UPR) recommendations to make additional efforts in providing birth documentation for all children to reduce the risk of statelessness. The country also recommitted to ending childhood statelessness in Thailand during the 2023 Global Refugee Forum and has endorsed the United Nations High Commissioner for Refugees (UNHCR) #IBelong campaign (UNHCR, 2024) and its goal of achieving zero statelessness by 2024. This strong political will is crucial to further improving the complex legislative framework and strengthening the capacity of Government officials involved in civil registration, particularly regarding protection risks for women and abandoned children.

Birth registration and legal status for children in the context of migration

The CRC and other international treaties enshrined children's rights to a name and nationality. Registering children at birth is the first step in securing their recognition before the law and safeguarding their rights. Birth registration is also instrumental in preventing statelessness (UNICEF, 2023), by providing a formal legal record of where a child was born and who their parents are. Birth certificates provide the first form of legal identity and are often required to access health care or education, obtain a passport, social assistance or a job in the formal sector, and buy or inherit property. Having legal identification can also protect children from entering into marriage or the labour market or being conscripted into the armed forces before the legal age.

Overall, 99.8 per cent of births are registered in Thailand (NSO, 2023), meaning the country is on track to meet target 9 of Sustainable Development Goal (SDG) 16, of birth registration for every child by 2030. However, a 2021 study on access to birth registration among migrant children found that, from a sample of 723 children aged 0–14 years, just over half (56.6%) of children born in a hospital in Thailand were issued with a birth certificate. For ethnic minorities, this was 68.6 per cent, while for migrant worker households, the percentage was slightly lower at 46.6 per cent (IPSR, 2021).

Migrant parents in Thailand face various challenges when trying to register the births of their children, including a lack of required documents such as proof of birth and limited awareness about the importance of birth registration (*ibid.*). Language barriers (*ibid.*), geographical limitations and bureaucratic complexities (Bangkok Post, 2018) further compound the challenges migrant families face in completing the birth registration process.

The lack of identification documents, especially birth certificates, limits migrant children's access to health care, higher education, social services and protective laws or measures that usually apply to children, which can make them vulnerable to exploitation and a range of protection risks. A lack of legal status can also significantly impact a child's identity and sense of belonging, leading to feelings of exclusion that impact their well-being. A recent study found that adolescents in the context of migration interviewed commonly referred to feeling like an "outsider", citing differences in culture and language as contributing to their isolation, as well as a lack of identity documentation (ID) being a source of anxiety and insecurity (UNICEF EAPRO, 2023b). As one adolescent boy from Myanmar with irregular status said: "It's like having to stay in hiding. I can't buy a motorcycle or a house or land. I can't do anything. It's difficult." (*ibid.*).

For undocumented migrant or stateless children in Thailand, there are two pathways to obtain legal status: those born in Thailand can obtain a birth registration certificate from the MoI, and those not born in Thailand but enrolled in educational institutions can obtain a G Code, which can be further developed to acquire an MoI 13-digit ID.

Since 2017, an important development for migrant children in irregular situations has occurred. After being admitted to study in Thai schools, children with no Thai identity status, can receive a special G-code for students with no ID. The G-code, explained in more detail below, can then be used on the pathway to obtain the 13-digit ID number, which is generated by the MoI upon receiving and reviewing the student's information from the Ministry of Education (MoE) and to obtain identity cards, which need to be renewed every 10 years until 70 years of age. After that, they remain valid until the individual's death or return to the country of origin. These 'person-without-legal-status' identification card are commonly known as a zero card or 10-year card (Chapter 1). Once these children obtain legal status through a 13-digit ID number, they can access basic rights. These rights include the right to temporarily stay in Thailand, the right not to be arrested, detained or deported, the right to movement (with approval to cross provinces), the right to higher education and the right to health care, among others.

Protection systems for children in the context of migration

National child protection system

All migrant children face a range of protection risks, especially children who are or whose parents are in irregular situations. Risks include separation from parents or abandonment, statelessness, violence, including community violence and harassment, child trafficking and sexual exploitation. Considerable barriers to accessing formal law enforcement and child protection systems compound their vulnerability and likely increase their exposure to violence and exploitation (UNICEF, 2019a). Due to their often-precarious financial situation and irregular status, they are also vulnerable to economic exploitation and exposure to health and injury risks when engaging in underage or hazardous work (UNICEF, 2022). Concerns have been raised about the exploitation and safety of children of workers in the construction, agriculture, vending, domestic work, garment manufacturing and fishing sectors, including excessive working hours.

Thailand's Child Protection Act, B.E. 2546 (2003), provides the legal and policy framework for the care and protection of children at risk, including children affected by migration. The Act applies to all children and includes special protections for unaccompanied or separated children (Article 32).²⁵ Thailand also has a comprehensive Thailand Anti-Trafficking in Persons Act, B.E. 2562 (2019), which entitles victims of trafficking to assistance and placement in shelters, including for children (Article 33; Chapter 8 and Chapter 9).

Challenges remain in supporting migrant children and their families in child protection cases. A significant number of child protection issues likely do not enter the formal system due to barriers preventing migrant families or children from approaching formal child protection systems and services (UNICEF, 2019a). A lack of documentation may mean that families fear arrest or deportation or believe they will be denied access to services due to their status (UNMG-THA, 2019). They may also have limited knowledge of how or where to access help, likely compounded by language barrier issues. These challenges, combined with a limited number of social workers or trained staff in communities at the subdistrict level, impedes the identification and referral of migrant children into the overall national child protection system. At this stage, linkages between the anti-trafficking NRM and the child protection system require strengthening.

²⁵ This aligns with General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin: an unaccompanied or separated child should be provided with a guardian to represent their best interests and to provide a link between the child and relevant agencies, as well as child-friendly information, an interpreter if required and legal representation in the case of court or administrative proceedings (United Nations Committee on the Rights of the Child, 2005).

Alternative care

In Thailand, alternative care for children, including children in the context of migration, includes several options such as kinship care, foster care, adoption, community placement and children's homes. Per Article 3 of the CRC,²⁶ decision-making about a migrant child's living arrangement should consider the child's best interests and should be assessed in a multidisciplinary way, involving a range of child protection and welfare professionals. While such need is specified under Article 22 of the Child Protection Act, these requisites are not currently being implemented consistently in Thailand, for Thai children as well as for migrant children specifically (UNICEF, 2019a). However, Phase 1 of the Department of Children and Youth's (DCY)²⁷ National Action Plan of Alternative Care (2022–2026) demonstrates that the Royal Thai Government is taking action to close the gap between the current practices of institutional care providers and the United Nations Guidelines for the Alternative Care of Children, to consider the best interests of the child more effectively.

One key issue is the placement of migrant children in residential care rather than family-based or alternative family-based care. Children are placed in care for a variety of reasons that are mostly related to poverty, education opportunities and a lack of support networks. Research conducted by DCY et al. (2021) found that, in Sangkhlaburi, 47 per cent of children in residential care facilities had no nationality, 41 per cent had Thai nationality while 9 per cent were from Myanmar. The study also found that over 90 per cent of all children in care could have been living with their families or extended families who lived in Thailand. Furthermore, the research found minimal evidence of mechanisms to support parents to resume their role as primary caregivers, with residential care viewed as a permanent, rather than a temporary, solution. These findings suggest a need for more formal pathways for informal kinship care or foster care to be explored. Another key issue is the limited skills of staff in Provincial Social Development and Human Security Office (PSDHS) shelters, including language barriers and lack of training to address the trauma that children in the context of migration may have faced.

Ensuring that children's placements in alternative care are decided independently and impartially is crucial. This should be based on professional assessments and factual information (DCY et al., 2021). Currently, age assessments are not being conducted in line with best practices (UNICEF, 2019a), and guardians are not being appointed to act on behalf of unaccompanied or separated children. There is also a shortage of social workers at the local level, and limited understanding of the legal framework – especially the Child Protection Act – to address the needs of migrant children (UNICEF 2019a), and a lack of available care placements for unaccompanied and separated children, all of which considerably affect migrant children (UNICEF, 2015). Additionally, the absence of specific guidelines for working with migrant children in the child protection system, aside from victims of trafficking, may hinder the implementation of best practice interventions. This gap suggests a need for clear standard operating procedures (SOPs) for staff to follow when meeting the specific vulnerabilities of migrant children.

Alternatives to immigration detention (ATD)

Thailand has made remarkable progress in removing undocumented migrant and refugee children from immigration detention and implementing ATD in recent years. The Royal Thai Government has taken an active role in sharing insights into its progress towards ending child immigration detention. Thailand shared lessons learned and positive practices at the first International Migration Review Forum, held in May 2022 (UNNM, 2022a), where it also pledged to implement ATD measures for migrant children effectively.

Prior to 2019, adults and children older than 10 years could be arrested, charged and prosecuted for immigration offences, including remaining in short-term stay immigration detention facilities for long periods of time until being deported back to their country of origin. However, in January 2019, seven Government ministries co-signed a MoU on the Determination of Measures and Approaches Alternative to the Detention of Children in Immigration Detention Centres (MoU-ATD), which states that non-Thai children should not be detained at immigration detention centres

²⁶ Article 3.1 of the CRC states that "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

²⁷ DCY is under the Ministry of Social Development and Human Security (MSDHS).

except when unavoidable, as a measure of last resort, and for the briefest period of time possible. It should be noted that during the COVID-19 pandemic, migrants with irregular status, including children, were at risk of prolonged detention while borders were closed (UNNM, 2022b). As well as prioritizing family-based care, the MoU-ATD states that the child's best interests and the child's opinion must also be considered when making decisions (UNNM, 2022a). In July 2020, SOPs were implemented to deliver the MoU-ATD. Under the SOPs, a multidisciplinary working group is required to develop an individual care plan for each child and ensure that relevant service providers work together to implement the care plan.

Between January 2019 and December 2023, over 742 children and their parents were processed following the provision of the MoU-ATD and its associated SOPs (Table 7). The most notable progress is related to the community placement of 172 children and their parents.

Table 7. Number of migrant and refugee children and their caregivers benefiting from MoU-ATD procedures, 2019 to 2023

Children/ parents	Return to the country of origin	Resettle in a third country	Community placement	DCY shelters	Total
Children	54	33	99	401	581
Mothers	41	9	50	27	127
Fathers	3	8	23	0	34
Total	98	50	172	428	742

Source: Administrative data from DCY, December 2023.

As of December 2023, 44 girls, 121 boys and 14 caregivers, mostly Rohingya from Myanmar, are still detained at the mother and child centre at Bangkaen, which is managed by the Immigration Bureau (DCY, 2023). These children and their caregivers are being assessed by DCY social workers to identify community placement and other alternative arrangements.

Although the MoU-ATD heralds a progressive step forward, several gaps remain. At present, Thailand's MoU-ATD only applies to some children and excludes Rohingya and other groups who are considered a security threat. Migrant children from Cambodia, Lao People's Democratic Republic and Myanmar are also excluded from the protections offered by MoU-ATD. Moreover, MoU-ATD protections only apply once a child is in detention rather than preventing a child from being arrested and detained in the first place. Moreover, it only provides a framework for safe repatriation, but it does not provide a route to some form of legal (temporary) status in Thailand. Families also face issues in terms of the prohibitive bail costs incurred if a mother wishes to be released with her children, while fathers are usually not eligible for release with their children, leading to family separation.

Furthermore, in the case of Rohingya children, community placement options have not been fully developed and explored, thus leaving Rohingya to spend extended periods of time in DCY shelters. Due to limited resources and capacity, the Thai Immigration Bureau has reached out to various organizations to support funding ATD for these children, and the DCY is currently working on finding community-based placement options for Rohingya children. There is a pressing need for Government and non-governmental stakeholders to work together to formulate more sustainable solutions to ensure that ATD is available to all children, avoiding the potential physical and psychological harm caused by unnecessary and harmful detention.

Protection from cross-border trafficking in children

Children who have been trafficked into Thailand are highly vulnerable. They may be subject to child labour, sexual exploitation, or exploitation in massage parlours, bars, hotels and private residences, as well as being exploited online.

The Regulation Permitting Non-Governmental Organizations to Establish Shelters to Assist Victims of Trafficking, B.E. 2560 (2017) aimed to expand the capacity of the social welfare and child protection systems to respond to cases of trafficking (MSDHS, 2018). Meanwhile, the Government has established the Thailand Internet Crimes Against Children Task Force (TICAC) to deal with online exploitation (MSDHS, 2023; see [Chapter 9](#)), and provides a range of services to victims of trafficking in partnership with civil society organizations (CSOs), including economic empowerment programmes, access to legal support, access to health care and education and repatriation processes. In 2023, TICAC handled 540 cases involving 358 child victims (TICAC, 2024). Cases included investigations related to 99 cases of child sex trafficking in 2023, an increase from 41 investigations in 2022 (*ibid.*). The NRM is expected to improve the service provision for these victims through victim-centred and trauma-sensitive interventions.

Along with the Anti-Trafficking in Persons Act, Thailand has bilateral agreements (MoUs) with Cambodia, Lao People's Democratic Republic and Myanmar to protect children and others from cross-border human trafficking setting out rights and obligations in bilateral working arrangements. A 2019 qualitative assessment by the United Nations Children's Fund (UNICEF) found these agreements operate sufficiently, although gaps were identified, including the fact that the care and protection of child victims in trafficking do not appear to be subject to and guided by a child's best interest determination (UNICEF, 2019a),²⁸ and instead relied heavily on personal, less formal connections in order to deal with cases expeditiously.

For unaccompanied children identified as victims of trafficking, family tracing is conducted by Thailand's Anti-Human Trafficking Division and through cross-border mechanisms. However, there is currently no established cross-border mechanism between Thailand and neighbouring countries to ensure that children in the context of migration who come into contact with the law are provided with necessary protections. This discrepancy contradicts the guidance set by the Association of South-East Asian Nations (ASEAN) for cases of trafficking leading to the sexual exploitation of children (ASEAN, 2023). Moreover, the existing differences in child protection standards and systems pose a challenge for Thai–Myanmar cross-border collaboration. Thailand operates a decentralized system, while Myanmar's system is centrally managed with limited devolution to the local level.

Difficulties also arise from the lack of clear guidelines or mechanisms in Thailand, as well as the absence of established budgets for addressing child protection cases (other than child trafficking) with a cross-border dimension. Examples include vulnerable unaccompanied children who are separated from parents or guardians due to immigration or criminal processes or as a result of risk or harm. Currently, no assessment tools or standardized procedures exist to assist social workers in managing child protection cases with a cross-border dimension, nor are there procedures to follow up on cases once children have been returned in situations unrelated to trafficking (UNICEF, 2019a). Furthermore, there is no effective system for family tracing in non-trafficking cases, leading to migrant children spending extended periods in shelters. A system exists for trafficking cases, but is being implemented with some challenges.

Coordination between Thai Government agencies is also reportedly somewhat limited due to fragmented and unclear mandates. For example, while the Division on Trafficking in Persons (under the MSDHS) is mandated to cover all trafficking cases, DCY also provides relevant services (such as shelters). A lack of clarification also exists between the Division of Trafficking in Persons and DCY on who is responsible for carrying out child protection and best interest assessments (UNICEF, 2019a). As a result, some cases involving migrant children fall through the gaps between regular child protection processes and the specialized anti-trafficking system. In addition, budget allocations for some services are tied to the Thai issued 13-digit ID number, which many migrant children may not possess.

²⁸ A best interest determination (BID) is a formal process that weighs relevant factors to make decisions that best protect a child's rights. The term "best interests of the child" is a legal test that considers a child's needs and who can best meet them. It is used in courts, care plans and investigations to determine child custody, services and actions that best serve a child's physical, psychological and emotional well-being.

Education and health care services for children in the context of migration

Education

Education is an essential step in empowering and preparing migrant children to participate fully in society and the labour market in the future (Chulalongkorn University and UNICEF Thailand, 2022). As per the 1999 Education for All policy and 2005 Cabinet Resolution on Education for Unregistered Persons, Thailand has a progressive policy that states that every child is entitled to 15 years of free education regardless of their legal status or nationality.²⁹

As mentioned above, Thailand's MoE has developed a unique mechanism to register migrant and stateless children into the formal education system by issuing them with a temporary student ID number popularly known as the G-code. December 2023 data from the MoE provide insights into the number of G-code students enrolled in schools in Thailand across different levels of education. The data in Table 8 indicate that the highest number of G-code students in 2023 was at primary level (79,674 students), followed by preschool level (27,816 students), lower secondary (19,172 students), upper secondary level (8,153 students) and higher education (6 students).

Table 8. Number of G-code students attending schools in Thailand in 2023

Level of education	Total
Preschool	27,816
Primary	79,674
Lower Secondary	19,172
Upper Secondary	8,153
Higher Education	6
Total	134,821

Source: Administrative data from MoE (April 2024).³⁰

Out of 134,821 G-status students, 81,889 students (41,851 boys and 40,038 girls) attend public schools under the jurisdiction of the Office of Basic Education Commission (OBEC) alone (MoE, 2024).

The provinces with the highest number of G-code students in 2023 were Chiang Mai, Bangkok, Chiang Rai and Tak, all provinces with large numbers of migrants and stateless persons, followed by Chonburi and Kanchanaburi, again locations with high concentrations of migrants (Table 9).

²⁹ Thailand has three main education choices available for migrant children: Thai public schools under the Office of Basic Education (OBEC), non-formal education (NFE) under the Department of Learning Encouragement (DoLE) and migrant learning centres (MLCs).

³⁰ The data in Table 8 is consolidated by the office of the Permanent Secretary of MoE and includes data from schools, OBEC, the Bangkok Metropolitan Assembly, the Department of Local Administration, the private sector and others.

Table 9. Thai provinces with the most G-code students attending schools in 2023

Province	Number of Students
Chiang Mai	22,369
Bangkok	21,624
Chiang Rai	12,863
Tak	9,840
Chonburi	6,260
Kanchanaburi	5,133
Srakaew	3,115
Rayong	3,080
Mae Hong Son	2,956
Chanthaburi	2,944
Surathani	2,880
Ratchaburi	2,765
Nakhon Pathom	2,627
All other provinces	36,365
Total	134,821

Source: MoE, 2024. (Administrative data from MoE, April 2024).

Overall, the data reflect a substantial enrolment of G-code students especially at the primary school level in Thailand – significant progress in achieving education for all. Still, it is estimated that approximately half of migrant children in Thailand remain out of school (Harkins, 2019). According to a 2022 IOM report, 31 per cent of Myanmar children and 22 per cent of Cambodian children surveyed had not attended a learning space in the seven days prior to data collection (IOM, 2022). Recent research shows that a range of structural, cultural and economic barriers impede migrant children, stateless children and ethnic minorities from equitable access to educational opportunities in Thailand. For example, access to Thai public schools can be hindered by local authorities and school staff who may lack capacity or not fully understand the proper enrolment and registration procedures for migrant children (UNICEF, 2019a). Reportedly, schools might ask for official documentation for enrolment even though this is no longer legally required (Tuangratananon et al., 2019). Low enrolment rates of migrant children may also be partly attributed to language barriers, as Thai public schools only provide enrolment information in Thai (Nawarat, 2017).

Furthermore, migrant children in Thailand receive 15 years of free basic education under the Education For All Policy. However, young migrants between 18 to 24 years of age encounter considerable challenges when accessing higher education. The main obstacles include high costs, lack of documentation and travel restrictions. Furthermore, student loans and scholarship programmes are only available to Thai nationals, which means that children without Thai nationality cannot benefit from overseas scholarship opportunities (Chulalongkorn University and UNICEF Thailand, 2022).

Support to enable migrant children's capacity to integrate with their peers is another issue (UNICEF, 2023). Thai public schools may place migrant children in the first grade, regardless of their age, believing there may be a learning barrier when they enrol in the formal system. Because of these practices, migrant children are usually over-aged in their class, which can cause embarrassment and discourage students from attending (Chulalongkorn University and UNICEF Thailand, 2022). Furthermore, teachers in public schools are not adequately supported to teach students with multilingual and diverse learning needs, particularly in building migrant children's Thai language proficiency.

Another option for children from Myanmar in Thailand is to attend leaning centres in Thailand. According to recent estimates, nearly 27 per cent of migrant children between 3 to 18 years of age are receiving education in these centres (ibid). Research has demonstrated that the locally developed and community-based migrant learning centres can provide marginalized children in Thailand with a more supportive environment by offering fewer enrolment barriers and providing culturally sensitive education delivered in migrant children's native language (UNICEF, 2023). Compared to Thai public schools, migrant learning centres can play an important role in supporting migrant children's overall development and provide a safe place for children who otherwise might experience exploitation or abuse (Chulalongkorn University and UNICEF Thailand, 2022).

Some of these centres provide multiple educational pathways including both Myanmar and Thai non-formal education. However, the quality of education is inconsistent across providers, and very few are formally recognized by either the Thai or Myanmar Governments. The vast majority of students risk going through their entire basic education without receiving any accreditation, severely limiting their future education options and job prospects. The establishment of the Migrant Education Coordination Centre (MECC) in Tak offers a local good practice of providing coordination support, transparency and oversight for the participating 64 migrant learning centres. However, the governance and financial sustainability of migrant learning centres, as well as their legal recognition and accreditation, remains a key challenge (Tyrosvoutis and UNICEF Thailand, 2023).

During the COVID-19 pandemic, the move to online learning proved challenging for many migrant families. One study found that 70 per cent of sampled migrant households reported negative educational impacts due to extended periods of school closures. Negative effects included children lacking devices or internet access to participate in online lessons and parents being unable to help children with schoolwork due to work commitments or having limited language skills or educational background (Workie et al., 2022). Income and job losses during this period may also have forced migrant families to take their children out of school in order for them to earn a supplementary income (UNESCO, 2020a). Migrant learning centres also faced many challenges during the pandemic: due to students' lack of access to devices, some of centres sent teachers to migrant communities, but there were not enough teachers available, resulting in a high number of dropouts and a decrease in the number of enrolled students.

Now the challenge migrant learning centres (MLCs) encounter is the opposite, with increased enrolment pressures because of the ongoing conflicts in Myanmar. According to a recent UNESCO survey in early 2024, the 2023–2024 school year witnessed a 40 per cent increase in enrolment in MLCs compared to the previous year in Tak province – which borders Myanmar. As of April 2024, MECC reported 14,368 students enrolled in the 64 MLCs – well above by 20 per cent the pre-pandemic MLC enrolment level of 12,000 students in 2019 (UNESCO, 2024).

Most of these centres are located in Mae Sot, followed by Tha Song Yang, Phop Phra and Mae Ramat, with none in Umpang. There are 700 migrant teachers, 80 Thai teachers and 165 staff members. Additionally, the MLC facilities including classrooms, dormitories and IT infrastructure are inadequate and pose a further risk to migrant children. The MLCs report having to cut down on school lunches to accommodate the new entrants and emerging priorities include resources for food supplies, teacher salaries, school supplies and social and emotional support.

These MLCs continue to operate in a space that is not fully regulated and remain at risk of closure or Government scrutiny. In 2019, the Government closed down 13 MLCs in Ranong province and pursued immigration-related charges against those working in them (Chulalongkorn University and UNICEF Thailand, 2022). While most migrant children were admitted to Thai schools, a high number dropped out and ended up working in different exploitative situations (Nanchanok, 2020). If MLCs are closed down, it would be difficult for all these children to be mainstreamed into the Thai education system, putting them at risk of exploitation and abuse.

To ensure the effective integration of migrant children into Thai education and society, recognizing MLCs as essential education providers is essential. This recognition should be supported by improved data collection on MLCs' resources to inform planning and the creation of flexible pathways for teacher certification and legal registration. At the subnational level, local education agencies should collaborate with MLCs on resource allocation, planning and technical support, facilitating their legal registration and offering flexible educational pathways, including language support and vocational training. Doing so would help migrant children transition smoothly into the Thai education system.

A recent study on youth not in employment, education or training found that migrant youth and ethnic minority groups in Thailand face considerable challenges in accessing education and work opportunities, including language barriers, stereotyping and administrative barriers such as not having an ID card (UNICEF and CPS, 2023). Frequent relocation and economic pressures were also commonly identified as causes for migrant children to drop out of school. The Royal Thai Government provides school fees support and subsidies for migrant children, and has established the EEF, which aims to support the education of poor and disadvantaged students, including migrant and stateless children enrolled in Government schools (UNICEF, 2019b). Still, migrant families – especially those with multiple children – may struggle to afford the extra spending required on books, school supplies, extracurricular activities, uniforms and transportation to and from school.

Health care

The development of inclusive health care policies and programmes aimed at addressing the needs of vulnerable populations is ongoing in Thailand. As discussed in [Chapter 10](#) and [Chapter 11](#), the country offers regular migrants access to health care via two channels: 1) migrant workers in formal full-time jobs in allowed sectors can access health care through the country's Social Security Fund (SSF), and 2) migrants working in the informal sector can join the Migrant Health Insurance Scheme (MHIS) for an annual fee. However, migrant workers under the MoU and the border pass migration pathways are officially precluded from being accompanied by dependents, including children, and registering them with the MHIS. Moreover, SSF's benefits for dependents do not include health, but only child allowance ([Chapter 11](#), Table 38). Thus, only children of migrants who have regularized their status through Cabinet Resolutions or children in irregular situations when together with their parents may access the MHIS. Barriers that often prevent them from doing so are discussed in [Chapter 10](#) and [Chapter 11](#).

Table 10. Number of migrant children registered with MHIS in Thailand, 2022 and 2023

Country	Cambodia		Myanmar		Lao People's Democratic Republic		Viet Nam		Others		Total
	M	F	M	F	M	F	M	F	M	F	
2022	5,865	4,998	26,793	24,163	1,883	2,459	3	7	898	951	68,020
2023	5,238	4,210	22,188	19,611	1,229	1,436	8	3	323	435	54,681

Source: Administrative data from MoPH, September 2023.

As the data in Table 10 indicate, in 2022, a total of 68,020 migrant children were registered with MHIS, with varying numbers across different countries of origin. The highest numbers of registered migrant children were from Myanmar, followed by Cambodia, Lao People’s Democratic Republic, other countries, and lastly, Viet Nam. By 2023, the total number of registered migrant children had decreased to 54,681, reflecting fluctuations in enrolment over the two-year period. Given the lower annual fee for children younger than 7 years and the fact that they ought to register with migrant workers registered under Cabinet Resolution procedures when applying for a work permit, the majority of migrant children registered with MHIS are 0–7 years of age (Chapter 11).

In recent years, the Royal Thai Government has also granted basic health rights to stateless and migrant children who don’t have proper legal identity documents. The data presented in Table 11 show that the number of people either registered as stateless or who have received Thai nationality from previously being registered as stateless accessing free health care services increased from 169,094 in 2022 to 180,072 in 2023. The disaggregated data on children are not available for this dataset. However, thousands of children are still waiting for ID numbers to be assigned to them, hindering their access to health care.

Table 11. Number of registered stateless (including those who have obtained Thai nationality from the stateless status)³¹ accessing free health services

Year	M	F	Total
2022	87,361	81,733	169,094
2023	92,983	87,089	180,072

Source: Administrative data from MoPH, September 2023.

The Royal Thai Government has committed to universal health care and has taken positive steps to include migrants and improved access to health care for migrant children, particularly those younger than 7 years of age. However, migrant families still encounter bottlenecks due to fears of being identified by the authorities, facing discrimination from health care facilities (such as being turned away or refused treatment), the high costs of treatment and language barriers, among others. A recent study also found that some migrant communities may not know what health services are available to them (UNICEF EAPRO, 2023b).

To address some of these barriers, the Government’s Early Childhood Development Plan 2021–2027 aims to ensure that all children in Thailand, including children of migrant workers and children from non-Thai families residing in the country, can access health care, education and social welfare to support their development, placing an emphasis on serving the child’s best interest (Early Childhood Development Policy Committee, 2021). Additionally, in December 2022, the Cabinet passed a resolution (No. 13) to adopt the National Health Assembly’s resolution. To follow up and plan for the implementation of the Cabinet Resolution, the National Health Commission formed a committee to address the issues facing stateless children in accessing health insurance and other health services. The implementation of this Cabinet Resolution remains challenging with limited progress.

³¹ This includes those registered people who had registration numbers starting with 7,8,0-89,0-00 but are now Thai nationals. The MoPH still keeps track of the data.

Thailand's commitments to uphold the rights of children in the context of migration

Thailand, as a signatory to various international and regional agreements, has increasingly integrated the rights of children in the context of migration into its national programmes, plans and systems. For instance, in relation to Article 12 of the CRC that affirms the right of children to express their views freely in all matters affecting them, the Government has taken steps to recognize the importance of involving young people in the decision-making processes that affect their lives. In December 2021, the DCY organized a capacity-building workshop for personnel involved with the participatory process on developing the National Plan of Action on the Rights of Children in the Context of Migration. The workshop included a consultation forum involving the participation and input of 175 children of migrant workers, refugee and asylum-seeking children, and stateless children (DCY et al., 2021). This event, the first of its kind in the country, is an important example of inclusiveness in ensuring that the voices of migrant children and youth are heard and that their rights are reflected in national plans and policies.

Specific commitments and pledges made by the Government in recent years across key international and regional fora are presented in Table 12. These commitments provide valuable insights into Thailand's evolving efforts to uphold the rights and promote the well-being and protection of vulnerable children within its borders, address their unique needs and foster a more inclusive society for all.

Table 12. Thailand's recent global commitments or pledges to integrate the rights of children in the context of migration into its national plans and systems

Regional or global organization	Government commitments or pledges made towards children in the context of migration (in the table CCM)
2021 Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration	<ul style="list-style-type: none"> Strengthen policies and procedures to enhance the accessibility of child protection systems. Strengthen policies and procedures to enhance the accessibility of basic services (that is, health care, nutrition, clean drinking water, sanitation and hygiene, education, social protection, a safe place to live, a clean and safe environment and psychosocial support services). Increase capacity of relevant actors (law enforcers, social workers, service providers, civil society organizations and others) to respond, in a multidisciplinary manner, to the rights and needs of CCM. Strengthen the evidence base on the situation of CCM by improving and investing in the collection and analysis of accurate, reliable and comparable data, disaggregated by sex, age, migration status and other characteristics relevant in national contexts, including contributing factors to movement, where such data are available.
2022 International Migration Review Forum	<ul style="list-style-type: none"> Progress towards the achievement of universal health coverage, including for wider groups of migrants. Promote public perceptions regarding the positive contribution of migrants and to end discrimination and stigmatization against them. Effectively implement ATD measures for children.
2023 Global Refugee Forum	<ul style="list-style-type: none"> Strengthen the NSM. Resolve statelessness, with priority being given to children born in Thailand. Review ATD to enhance inclusivity and further develop community-based care. Enhance access to education and skills development for forcibly displaced and stateless children, including to consider providing additional financial support. Develop health coverage schemes for migrants to ensure access to affordable health services. Expand cooperation with other countries to find durable solutions for persons in need of international protection. Provide humanitarian assistance to the Rohingya, and development assistance to the country of origin.

Conclusion

Children affected by migration are among the most vulnerable groups in society. Whether they are migrants, refugees, asylum seekers, stateless children or dependents of migrant workers, their unique experiences of displacement, insecurity and often a lack of access to basic services highlight the urgency of protecting their rights. This chapter illustrates these children's multifaceted challenges while underscoring the importance of international standards, national policies and cross-sectoral collaboration to ensure their protection and well-being. International and regional frameworks, particularly the CRC, have laid the foundation for children's rights in migration contexts. These frameworks emphasize that all children, regardless of their legal status or circumstances, must be protected from harm and have access to essential services, such as health care, education and legal protection. Article 2 of the CRC, which prohibits discrimination, is particularly significant in advocating for migrant children's rights.

Thailand has taken several steps to ensure that children's rights in migration contexts are increasingly embedded in national plans and systems. Efforts to address child statelessness, improve birth registration, and expand access to health care and education for migrant children reflect a growing recognition of the need to protect these vulnerable groups. In particular, Thailand's implementation of the National Plan of Action on the Rights of Children in the Context of Migration is an important milestone. The consultative process involving children of migrant workers, refugees, asylum seekers and stateless children has set a new precedent for inclusivity in policy development. By creating platforms where children can express their views, the Government has demonstrated its commitment to upholding Article 12 of the CRC.

Additionally, the Government's engagement in international and regional frameworks such as the 2021 ASEAN Declaration on the Rights of Children in the Context of Migration and its participation in the 2022 International Migration Review Forum, show Thailand's dedication to contributing to a collective regional response. These engagements have strengthened Thailand's policy framework, enhanced its service capacity and improved cross-border cooperation on migration issues.

Despite these advancements, significant challenges remain. Children affected by migration often experience gaps in legal protection, especially regarding birth registration and access to identity documentation. Similarly, while Thailand's Child Protection Act applies to all children within its borders, including migrant children, practical barriers prevent many from accessing child protection services. These barriers include language obstacles, legal status issues and limited capacity among frontline workers to address the specific needs of migrant children. The challenge is compounded for certain groups such as Rohingya children, who are disproportionately affected by these barriers and remain highly vulnerable.

Furthermore, while Thailand has made progress since 2019 by adopting alternatives to immigration detention for children and families, these measures have yet to be fully institutionalized. The continued exclusion of some children from these measures and the continued use of detention in some instances raises concerns about compliance with the CRC, which calls for the prohibition of detention as a means of immigration control. Thailand's review of its ATD policies, including community-based care options, will be critical to ensure that these vulnerable children are treated with dignity and that their best interests are prioritized.

Recommendations

Several key recommendations could be prioritized to ensure that Thailand fully meets its obligations to protect children's rights in migration contexts and improve the existing policies, procedures and services.

- **Strengthen the implementation of child protection protocols during screening processes.** Enhance the enforcement of the NRM and NSM to ensure child protection protocols are consistently followed during the screening process. This includes producing standardized documents for screening, conducting best-interest assessments and properly registering and assessing vulnerable children. These protocols must align with existing trafficking and MoU-ATD procedures to ensure a comprehensive approach across relevant agencies (MoI, Ministry of Labour (MoL), Immigration Bureau of Royal Thai Police (RTP), Ministry of Education (MoE), Ministry of Social Development and Human Security (MSDHS), MoPH and Ministry of Foreign Affairs (MoFA).
- **Expand legal pathways for family reunification.** Amend the MoUs with Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam to allow migrant workers to bring their dependents, including children. Such provisions could also include the introduction of special visas or permits for family reunification to ensure that children can migrate regularly with their parents or guardians.
- **Explore flexible approaches to birth registration.** Deploy mobile teams to areas with significant populations of migrant and stateless individuals, including children and youth, to provide flexible birth registration services. This strategy will help ensure all migrant and stateless persons, regardless of geographic barriers, can access essential legal status (MoI).
- **Strengthen the capacity of child protection services for migrants and refugees.** Increase the capacity of service providers to support migrant and refugee children by addressing language barriers and ensuring the availability of interpreters, trained counsellors and child psychologists. These services are vital to tailored care for vulnerable children in migration contexts (MSDHS).
- **Expand community-based alternative care options.** Increase the availability of community-based alternative care for migrant and refugee children, including well-trained foster care placements. The use of shelters should be a last resort for all migrant and refugee children. The implementation of the MoU-ATD provisions must prevent family separation and ensure that responsible agencies have clear roles and adequate budgets to implement these improvements. These provisions should prioritize family unity and provide clear guidance on budget allocation (MSDHS, MoI, RTP).
- **Expand flexible educational pathways for migrant children.** Consolidate legal registration and accreditation processes for MLCs so they can contribute meaningfully to the "Education for All" policy. This recognition should be accompanied by improved resource allocation, flexible teacher certification pathways and collaboration at the local level to ensure migrant children can access quality education. Furthermore, MLCs should also include the expansion and the availability of Thai language learning programmes for both migrant communities and schools enrolling migrant children. Doing so will help reduce language barriers, improve educational outcomes and facilitate smoother integration of the children into Thai schools and society (MoE, MoI, Local Administrative Organizations (LAOs), CSOs).
- **Develop standard operating procedures for cross-border child protection.** Collaborate with neighbouring countries to develop clear SOPs for the safe and dignified repatriation of migrant children and prevent refoulement of children in need of protection. These SOPs should include well-laid-out procedures for child protection professionals to address cases involving cross-border dimensions that are not related to trafficking while respecting the best interests of children (MSDHS, MoFA).
- **Ensure access to health care for stateless and migrant children.** Fully implement Cabinet Resolutions to guarantee access to health care for registered stateless children and migrant workers. Additionally, improve the availability of affordable health insurance for migrant children, including expanding reduced MHIS fees for all children younger than 18 years of age (Ministry of Health (MoH), MSDHS).

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Migrant women and children registering for COVID-19 vaccinations in Mae Sot, Tak province. | ©IOM 2023



GENDER AND MIGRATION IN THAILAND

By Naruedee Janthasing and Saranya Chittangwong, UN Women

Introduction

Women and people with diverse sexual orientation, gender identity and expression, and sex characteristics (SOGIESC)³² are among the migrants pulled by Thailand's geographical proximity, availability of jobs and comparatively high-income levels.

A combination of economic, social and demographic factors may lead women migrant workers to migrate to take up employment opportunities, often in elementary, informal jobs, such as in construction, agriculture, garment industry, manufacturing, domestic work and other services. Despite considerable progress towards gender equality in Thailand, women migrant workers continue to face direct and indirect discrimination in accessing safe migration pathways, decent work, services and social protection (Harkins, 2019). Factors that continue to inhibit progress towards gender equality and empowerment of women migrant workers, and that were exacerbated during the COVID-19 pandemic, include gendered divisions of labour, exclusions to full labour and social protection and lower wages in feminized sectors, a lack of gender-responsive information and training, and an unpaid care work burden in both Thailand and countries of origin (GAATW, 2019).

Thailand is perceived as comparatively accepting of people with diverse SOGIESC. Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) people in neighbouring countries are often less able to live openly in comparison to Thailand, due to a combination of social discrimination and a lack of legal protections. While Thailand has progressively strengthened legal protections for people with diverse SOGIESC, the reality on-the-ground can be complicated (UNDP, 2019; ILO and UN Women, 2022). Thai and non-Thai nationals with diverse SOGIESC may face direct and indirect discrimination and stigma affecting access to employment opportunities, essential services including health care, and safe migration pathways, especially for transgender, non-binary and gender non-conforming migrants due to a lack of legal gender recognition (UNDP, 2019; APTN, 2018).

³² For definitions see the International Labour Organization (ILO) and UN Women (2022) and UNDP (2019).

This chapter outlines laws and policies relevant to women migrants and migrants with diverse SOGIESC; provides an update compared to the Thailand Migration Report 2019 regarding profiles and trends among women migrant workers; describes gender-specific challenges in migration and employment; and identifies opportunities and presents recommendations to improve outcomes and close protection gaps for women migrants and migrants with diverse SOGIESC. This analysis is presented in the context of the gendered impacts of COVID-19, which as shown in Box 5 are reflective of structural challenges affecting women migrants and migrants with diverse SOGIESC.

BOX 5

COVID-19: The Great Revealer of Gender Gaps

The COVID-19 pandemic has brought to light important gaps in protections for women migrant workers and migrants with diverse SOGIESC in Thailand, with limited mobility, the temporary shutdown of businesses, reduced economic activities and limited social safety nets, exposing the precarious nature of their employment conditions and access to services.

During the pandemic, migrant workers, including women, lost their jobs in large numbers, or lost income due to reduced working hours/days and overtime following the lockdown and closures of businesses. Considering their prevalence in the informal sector, women migrant workers might have had insecure contracts or none at all. Sudden terminations of contracts placed women migrant workers in visa, employment and housing limbo, unable to seek due compensation.

Migrant workers who were able to keep their jobs lost significant income. Women migrant worker respondents in one IOM study lost 28 per cent of their income, compared to 21 per cent for men migrant workers. Migrant workers with diverse SOGIESC lost 41 per cent of their income, which likely also reflected the fact that, within the sample, they were predominately employed in entertainment and sex work. Women migrant workers' savings, already generally lower than men migrant workers' savings, were heavily reduced, with fewer women able to cover their immediate needs for health care (39% women versus 46% men) and housing (35% women versus 49% men) (IOM, 2021a).

Losses of jobs and income caused migrants to take on more debt. Twice as many women (28%) than men (14%) linked the increase in debt to a job loss. In addition, one in four migrant workers with diverse SOGIESC reported their debts had increased because of job losses (IOM, 2021a). Without income, the situation caused ripple effects for their families back home.

While studies suggest no noticeable spike in harassment in the workplace during COVID-19 (IOM, 2021a), restrictions limited mobility, particularly affecting women migrant workers employed in domestic and care work, who may have limited outside contact and narrow recourse should they experience violence and harassment. Globally, evidence suggests that gender-based violence (GBV) risks for irregular women migrant workers were exacerbated (UN Women, 2020b).

Gender disparities in employment were compounded by the pandemic, during which many women migrant workers – for example, those in non-eligible sectors such as domestic work and agriculture – could not access financial support as they are excluded from the Social Security Fund (SSF). In one IOM survey, none of the migrants with diverse SOGIESC interviewed were enrolled in any form of benefit scheme or had accessed social security compensation. While during the pandemic 97 per cent had access to some form of health care, there were anecdotal reports of having to choose between basic needs such as food and hormones (IOM, 2021a). Migrant workers who were eligible and enrolled still faced barriers to claiming benefits including lengthy processes and

a lack of paperwork. Access to appropriate health care services, especially sexual and reproductive health services, was also inhibited by high costs of testing and treatment and difficulty travelling to testing locations.

Many of the sectors that commonly employ women migrant workers – for example, domestic work, care work, construction and agriculture – were considered essential and continued to function during the pandemic, thus placing them at further risk of infection. Power differentials meant women migrant workers faced challenges in communicating with employers including on requesting leave, accessing masks and hand sanitizers and work from home/flexible arrangements.¹ Access to accommodation that would ensure adequate space for physical distancing and protection with appropriate hygiene was lacking, particularly in workplaces such as construction sites and agricultural plantations where sanitation is usually a challenge. Mobility restrictions also adversely impacted women migrant domestic workers who were restricted or unable to attend social gatherings on days off.

Source: UN Women, 2021.

¹ Project progress report submitted to UN Women during the COVID-19 Prevention and Response Project Implementation in 2022–2023.

Intersecting issues of gender and migration are complex. In Thailand, and globally, gender-disaggregated data accounting for the experiences of women migrants and migrants with diverse SOGIESC are limited. Due to scarce availability of data and research, the primary focus of this chapter is on available official data regarding women migrant workers, drawing also on research and the voices and experiences of migrants with diverse SOGIESC. For the latter group, studies are largely qualitative, or based on limited samples, but nevertheless offer important insights. In particular, this chapter provides insights using a 2022 International Labour Organization (ILO) and UN Women regional study that engaged 147 current and former migrant workers with diverse SOGIESC across Cambodia, the Philippines, Thailand and Viet Nam.³³

³³ In interpreting findings from this study, it is important to note that Thailand was not the only destination country considered. Respondents were from across elementary, semi-skilled and professional occupations.

Laws, policies and standards relevant to women migrant workers

Thailand has made efforts to apply and implement national, regional and international laws, policies, and standards, establishing a relatively comprehensive framework to protect the rights of women migrants and to promote and integrate gender equality into employment policies and programmes, including within the context of migration.

Table 13. Key international frameworks relevant to women migrant workers

Framework	Status in Thailand
<ul style="list-style-type: none"> The 2030 Agenda for Sustainable Development including Sustainable Development Goal (SDG) 1 on No Poverty; SDG 4 on Quality Education; SDG 5 on Gender Equality; SDG 8 on Decent Work and Economic Growth; and SDG 10 on Reduced Inequality. 	Adopted in 2015
<ul style="list-style-type: none"> Global Compact for Safe, Orderly and Regular Migration (GCM) enshrines human rights and gender-responsive approaches as cross-cutting guiding principles. 	Endorsed in 2018 In 2020 became one of the 15 Member States who signed up as a champion country for the GCM
<ul style="list-style-type: none"> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) including Article 1 on Discrimination on the basis of sex; Article 3 on Equality; and Article 11 on Eliminating discrimination against women in employment. CEDAW General Recommendation on Women Migrant Workers No. 26 (2008) covers a wide array of considerations affecting situations of women migrants that foster discrimination throughout the labour migration process in origin, transit and destination countries. 	Acceded to CEDAW in 1985 Ratified Optional Protocol in 2000
<ul style="list-style-type: none"> International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is focused on the protection of migrant workers' rights and emphasizes the link between migration and human rights. The Convention seeks to establish minimum standards for migrant workers and members of their families regardless of their migration status. 	Not ratified

In addition to the ILO's fundamental instruments and migration-related Conventions, other Conventions of particular relevance to women migrant workers include:

<ul style="list-style-type: none"> Equal Remuneration Convention, 1951 (No. 100) 	In force
<ul style="list-style-type: none"> Discrimination (Employment and Occupation) Convention, 1958 (No. 111) 	In force
<ul style="list-style-type: none"> Workers with Family Responsibilities Convention, 1981 (No. 156) 	Not ratified
<ul style="list-style-type: none"> Maternity Protection Convention, 2000 (No. 183) 	Not ratified
<ul style="list-style-type: none"> Violence and Harassment Convention, 2019 (No. 190) and Recommendation (No. 206) are the first international labour standards to provide a common framework to prevent, remedy and eliminate violence and harassment in the world of work, including gender-based violence and harassment. 	Not ratified
<ul style="list-style-type: none"> Domestic Workers Convention, 2011 (No. 189) outlines protections for domestic workers. 	Not ratified
<ul style="list-style-type: none"> ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. Among multiple other initiatives, the ASEAN Qualifications Reference Framework was initiated under the Declaration, as a regional framework to harmonize qualifications across Member States. 	Adopted in 2007 and in 2017 respectively

Framework	Status in Thailand
Non-binding guidance and policy papers issued by United Nations entities relevant to migrants with diverse SOGIESC, including : <ul style="list-style-type: none"> The ILO in 2019 issued an information paper on protection against SOGIESC discrimination, which analyses the law and practice of ILO Member States in relation to discrimination in employment and occupation. In December 2023, UN Women issued a policy paper on Migration Experiences of People with Diverse SOGIESC. 	Not applicable
<ul style="list-style-type: none"> The Yogyakarta Principles +10 (2017) outline Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics, in complement to the Yogyakarta Principles (2007). Led by civil society, the Yogyakarta Principles address understanding of violations suffered by persons on grounds of sexual orientation and gender identity and the recognition of the distinct and intersectional grounds of gender expression and sex characteristics. 	Not applicable

Notes: ASEAN: Association of Southeast Asian Nations

At national level, gender equality is enshrined in Article 27 of the 2017 Constitution of the Kingdom of Thailand, guaranteeing equal rights and legal protections regardless of race, sex, age and disability, among others. The Gender Equality Act, B.E. 2558 (2015) prohibits “unfair gender discrimination” whether “a person is male or female or a member of a ‘sexual diversity group’”, with the latter applying to both gender identity and expression. However, it is understood that this provision under the Gender Equality Act does not apply to sexual orientation (UNDP, 2018).

Thailand passed the Marriage Equality Act on 18 June 2024, becoming the first country in South-East Asia to legalize same-sex marriages. This step has likely implications for lesbian, gay and bisexual migrants, as it will allow married same-sex couples to bring spouses to Thailand if eligible (for example, under skilled employment visas). Current labour migration governance policy settings mean there will be no change for migrant workers from neighbouring countries, who are not permitted to register their spouses under Memorandum of Understanding (MoU) or Cabinet Resolution procedures, regardless of sexual orientation. Furthermore, marriages would have to occur in Thailand as same-sex marriage has not been legalized in origin countries – although civil unions are permitted in Viet Nam, these are not recognized as equivalent to marriage in Thailand.

Regarding employment, both Thai and non-Thai workers are protected under the Labour Protection Act, B.E. 2541 (1998), albeit with limited coverage in specified sectors. The Act requires employers to treat workers equally with regards to wages, contract and welfare, among others. Gender considerations are included in the Act insofar as it covers some issues affecting women, for example allowing for an entitlement of 98 days of maternity leave. The continued exclusion of sectors that predominately employ women migrant workers (Table 15), for example domestic work, entertainment and sex work,³⁴ from full coverage under the Act remains an issue. The Government has undertaken reforms to expand protections for sectors with limited coverage, although not to the fullest extent allowed for under the Labour Protection Act, for example through Ministerial Regulation No.15 on Domestic Work (2024) (Chapter 5).

The Social Security Act, B.E. 2533 (1990) and its amendments establish the scope of benefits under the SSF. The Act applies to workers in formal employment, as discussed in Chapter 10. Considering that many feminized occupations are informal, this is a structural barrier for women migrant workers. Notably for women migrant workers, domestic workers (when employed in private households) and street vendors are excluded. As of May 2024, 1.43 million migrants were insured by the SSF, among whom 1.31 million were from Cambodia, Lao People’s Democratic Republic, Myanmar and Viet Nam (MoL, 2024). While most do not access services, more women than

34 See Fisher, Olsen and Villar, 2019 for a discussion of working conditions of migrants in Thailand’s sex industry.

men utilize their benefits especially for maternity, child benefits and sickness. Likewise, exclusions from the Worker's Compensation Act, B.E. 2537 (1994) for irregular migrant workers and migrant domestic workers preclude them from accessing benefits for occupational injuries, illness or death ([Chapter 10](#)).

The Skill Development Promotion Act (No. 2), B.E. 2557 (2014) stipulates that any workplaces with 100 employees or more must arrange annual skills development programmes for at least 50 per cent of employees. However, it does not cover specifically for migrant workers and workers in the informal sector, thereby limiting access for large numbers of women migrant workers who are often employed in the informal sector, in micro, small and medium-sized enterprises, or self-employed and thereby not covered by the Act. Encouragingly, the Ministry of Labour (MoL) has prioritized the employment of migrant workers and fostered the role of employers in promoting migrant workers' skill development (MoL, 2017).

Other related laws include the Anti-Trafficking in Persons Act (No. 3), B.E. 2560 (2017), which provides criminal sanctions against human trafficking, although the continued criminalization of sex work under the Act places women migrant workers at risk, as discussed in [Chapter 9](#).

To prevent and respond to violence against women including women migrant workers, the Royal Thai Government continues to improve the mechanisms and legislations to ensure women and girls experiencing violence access essential services and protection. The Domestic Violence Victim Protection Act, B.E. 2550 (2007) is the key legislation providing protection and services on eliminating violence against women (EVAW) and GBV, and applies equally to women in Thailand regardless of nationality. The Ministry of Social Development and Human Security (MSDHS) is currently reviewing the Promotion of Family Institution Development and Protection Act to improve coordinating mechanisms and services on prevention on and response to GBV including violence against women. Services available to migrant workers through the Social Assistance Centre Hotline include shelters, interpretation and case referrals to civil society organizations (CSOs).³⁵

Profile of women migrant workers in Thailand

As outlined in [Chapter 1](#), there were approximately 4.149 million migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam in Thailand as of December 2023. Of these, 2.349 million are regular migrant workers under MoU and border pass schemes or had registered in the country via Cabinet Resolution procedures. The remaining estimate of 1.8 million migrant workers are in an irregular situation (see [Chapter 1](#); IOM, 2024). While gender-disaggregated data on irregular migrant workers are not available, Table 14 shows that among regular migrant workers, women comprise less than half (44.91%). There is a 10-percentage point difference between men and women migrant workers admitted to Thailand via MoU procedures, and between men and women registered via Cabinet Resolution procedures. Border pass holders are much closer to parity, with men forming a narrow majority (51.74%) compared to women (48.26%).

Consistent with overall trends by country of origin, migrant workers from Myanmar were the largest group of regular women migrant workers, although the ratio of Myanmar women (43.33%) to Myanmar men (56.67%) was proportionally lower compared to other origin countries. Myanmar women were particularly unlikely (39.03%) to have migrated via MoU procedures but formed a significant majority (70.69%) of Myanmar border pass holders, in part because care responsibilities may mean women choose to work and stay in proximity to origin communities.

By country, Lao women migrant workers were a clear majority (56.68%) – as discussed in [Chapter 5](#), this may be partly due to the recently lifted ban on migration for domestic work. Vietnamese women migrant workers (51.19%) also formed a majority, although both men and women migrant workers were very small in number. For Cambodia, men were the clear majority (55.17%) due to their employment in long haul fishery.

³⁵ Organizational structure and services provided by the Department of Women's Affairs and Family Development, see [here](#).

Table 14. Number of migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam, by process and nationality as of December 2023

Type	Total			Myanmar			Lao People's Democratic Republic			Cambodia			Viet Nam		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
MoU	325,770	266,759	592,529	172,263	110,253	282,516	69,256	88,308	157,564	84,199	68,138	152,337	52	60	112
Cabinet resolution	947,927	769,309	1,717,236	797,476	628,747	1,426,223	31,526	43,547	75,073	118,300	96,365	214,665	625	650	1,275
Border pass	20,423	19,046	39,469	1,500	3,617	5,117	0	0	0	18,923	15,429	34,352	0	0	0
Total	1,294,120	1,055,114	2,349,234	971,239	742,617	1,713,856	100,782	131,855	232,637	221,422	179,932	401,354	677	710	1,387

Source: Foreign Workers' Administrative Office, Department of Employment, MoL, December 2023.

According to data from the MoL, as of December 2023 (Table 15), construction, agriculture (including forestry and fishing) and livestock farming, and agricultural processing combined employed 41.37 per cent of all regular women and men migrant workers.³⁶ The largest group of women migrant workers are employed in construction (15.67% of all regular women migrant workers), followed by agriculture and livestock farming (10.99%), agricultural processing (10.4%), food and beverage services (10.2%) and services (9.99%). Though domestic work is not generally among the top three sectors, it is a major sector employing 8.74 per cent of all registered women migrant workers. The garment sector is also important, employing 6.46 per cent of women migrant workers.

Despite some overlapping sectors of employment, the gendered divisions of labour persist and, in some cases, are becoming more embedded. Women make up 86.33 per cent of migrant domestic workers as of December 2023, a slight increase from 79.53 per cent in January 2019. Within domestic work, women almost exclusively take on jobs such as housekeepers, nannies and care workers while men are employed as drivers, gardeners and security guards (Ramirez, 2023).

Men comprise 64.13 per cent of migrant workers employed in construction, while women migrant workers take up 35.87 per cent. This represents a slight increase from 34.77 per cent in January 2019.³⁷ Tasks performed are also gendered. Men perform semi-skilled jobs such as roofers, carpenters and electricians while women are assigned elementary general labour tasks and domestic work in construction camps. Employers often only employ married women accompanying their husband. As a result, women are often paid less than men even when working in the same position (ILO, 2016).

In addition, there are migrant women working in other sectors such as sex work, who cannot apply for work permits and are therefore invisible in terms of statistics. While data remain limited, generally, the sectors that typically employ women migrant workers in Thailand have limited social and labour protections and have a strong correlation with irregular migration (Harkins, 2019).

As Department of Employment (DoE) statistics on migrant workers are only disaggregated by sex, official data are lacking regarding employment patterns for migrants with diverse SOGIESC, who are known to be employed under all schemes and sectors described in this section, as well as in a wider range of elementary, semi-skilled and professional occupations.

³⁶ Among the total number of 2,349,234 migrant workers in Table 14.

³⁷ Foreign Worker Administration Office, [Data of Migrant Workers' Employment](#), as of January 2019.

Table 15. Comparison of men and women migrant workers from Cambodia, Myanmar and Lao People's Democratic Republic in sectors with the highest rates of women's employment, by process and sector of employment³⁸

Men													
Sectors	Total	MOU				Border Pass				Cabinet Resolution			
		M	L	C	Total	M	L	C	Total	M	L	C	Total
Construction	295,643	56,873	5,614	24,097	86,584	175	-	1,878	2,053	155,766	3,353	47,887	207,006
Agriculture and livestock farming	145,473	3,190	9,883	6,150	19,223	65	-	11,221	11,286	95,114	7,260	12,590	114,964
Agricultural processing	139,736	25,516	5,341	15,890	46,747	25	-	1,306	1,331	81,810	1,786	8,062	91,658
Services except subcontracting	124,842	12,299	8,969	6,530	27,798	43	-	3,170	3,213	80,956	3,097	9,778	93,831
Food & beverage / servers	97,776	6,409	15,709	4,555	26,673	49	-	304	353	60,616	4,921	5,213	70,750
Garments	50,900	6,181	2,683	1,376	10,240	710	-	131	841	36,296	1,333	2,190	39,819
Domestic work	14,613	165	1,716	407	2,288	6	-	47	53	10,360	1,020	892	12,272

Women													
Sectors	Total	MOU				Border Pass				Cabinet Resolution			
		M	L	C	Total	M	L	C	Total	M	L	C	Total
Construction	165,344	12,510	3,525	17,760	33,795	24	-	1,202	1,226	91,653	2,608	36,062	130,323
Agriculture and livestock farming	115,912	2,000	7,738	5,067	14,805	23	-	9,303	9,326	74,529	6,454	10,798	91,781
Agricultural processing	109,694	23,227	4,825	13,791	41,843	27	-	1,002	1,029	58,549	1,558	6,715	66,822
Food & beverage / servers	107,627	4,636	23,876	4,971	33,483	76	-	397	473	58,176	8,989	6,506	73,671
Services except subcontracting	105,367	7,610	12,810	4,976	25,396	28	-	2,553	2,581	65,015	3,710	8,665	77,390
Domestic work	92,264	872	15,525	1,481	17,878	22	-	191	213	60,293	10,076	3,804	74,173
Garments	68,150	12,049	4,385	1,471	17,905	2,341	-	171	2,512	43,249	2,053	2,431	47,733

Source: Foreign Workers' Administrative Office, DoE, Ministry of Labour, December 2023.

³⁸ This table shows selected sectors from among the 25 sectoral categories available from the Foreign Workers' Administrative Office. They were selected because they have the highest rates of employment among women migrant workers, as of December 2023. Data on men's employment in the same sectors are provided for comparison, but do not reflect the overall highest rates of sectoral employment for men migrant workers. For these reasons, the total number of migrant workers shown in Table 14 (2,349,234) exceeds the total number in Table 15, but both figures are from the same data source.

Gender-specific challenges in the migration cycle

As noted in CEDAW General Resolution No. 26, migration is not a gender-neutral phenomenon. Gender determines migration channels, sectors of employment and the forms of abuse that are most prevalent for women migrant workers, including gender-based violence. This concept extends also to migrant workers with diverse SOGIESC. The GCM notes that ensuring that specific needs based on gender are properly understood and addressed is essential.

Based on gender, migrant workers may experience specific forms of discrimination and protection challenges throughout entire migration cycle, due to several intersecting factors.

Pre-departure

Structural inequalities, such as discrimination against women, unequal power relations, gender bias and patriarchal attitudes and behaviours often shape daily realities and experiences. These factors act as a driver for migration and may mean that for women and people with diverse SOGIESC, migration may not be a choice (UN Women, 2023). In some countries of origin, there is limited recognition or acceptance of people with diverse SOGIESC, while Thailand is perceived as more open and accepting, influencing their decision to migrate, although economic considerations remain the main driver (ILO and UN Women, 2022).

On deciding to migrate, regular channels – which evidence suggests have the highest cost for migrant workers (ILO, 2020) – may not be affordable for women migrant workers who already face discrimination at home led by higher rates of poverty and lower levels of education. Gender-based barriers to accessing education, skills training, job opportunities and safe recruitment channels in origin countries, as well as a lack of information about safe migration, mean women have more reasons to migrate irregularly and into informal employment, increasing the risk of forced labour and human trafficking. Thailand's regular migration channels for migrant workers entering Thailand from neighbouring countries do not allow for dependent spouses. This means that spouses seeking to accompany each other have to each gain employment in Thailand, or otherwise migrate irregularly; likewise, a lack of regular pathways for dependent children incentivizes irregular migration especially for women (Karim, 2024). For transgender migrants, a lack of legal gender recognition and gender-affirming health services in countries of origin creates additional barriers to accessing regular migration pathways, as documentation may not match their gender presentation or identity.

Transit

Unsafe migration may increase the risks of sexual and gender-based violence, exploitation and trafficking for women. Women migrant workers in garment factories along the Thai–Myanmar border have reported psychological stress and fear of police inspections during their migration journey (MAP Foundation 2019). Other common complaints for migrants of all genders in transit include higher costs and charges than planned, demands for bribes, poor accommodation and transport, harassment and documents being held by intermediaries (ibid.). The absence of effective firewalls amplifies these risks, as hesitancy to contact authorities and fear of potential arrest, detention and deportation affect help-seeking behaviour, leading to the lack of reporting of instances of violence and exploitation.

This general hesitancy is further exacerbated for migrants with diverse SOGIESC who may avoid lodging complaints or accessing services due to stigma and discrimination, and/or anticipation of stigma and discrimination based on past experiences. ILO and UN Women (2022) found that almost one in three migrants with diverse SOGIESC (27%) had experienced some form of violence and harassment during transit. In more than half of these instances (56%), the perpetrators were police, followed by border officials (20%). Other perpetrators included recruitment agents, other travellers, doctors and health professionals and drivers. While results were not specific to Thailand, findings are indicative of the high level of risk involved for people with diverse SOGIESC in transit.

On arrival

Evidence is anecdotal but suggests that women are more likely than men to be in an irregular situation. For example, an ILO (2022a) study in selected subsectors within agriculture found that women (18.2%) were more likely than men (14.8%) to be in an irregular situation. In one IOM study (2021b), 72 per cent of people with diverse SOGIESC did not hold a work permit, possibly due to a high representation of sex workers among the sample. Reasons include that, with limited family resources, regularization of men migrant workers may be prioritized within families. Women may also miss short registration periods as a result of returning to countries of origin more regularly due to care responsibilities (ILO, 2016). Employers may also prioritize men migrant workers for Cabinet Resolution registration, due to attributing to them greater value and based on preconceived notions that women migrant workers may become pregnant and access their entitlement to maternity leave (Quandrini, 2018). Women migrant workers under Cabinet Resolution procedures are required to undertake pregnancy tests as part of annual medical check-ups to attain work permits. Although this test is meant to ensure maternal care and does not disqualify them for a work permit, results are shared with the employer who may use other pretenses to interrupt the registration process (FLA, 2018).

Evidence from the COVID-19 pandemic suggests that women migrant workers may face more challenges remaining in the country. One IOM survey found that the costs for regularization via Cabinet Resolution procedures amounted to approximately 8,000–9,000 Thai baht (THB), equivalent to one month's salary at minimum wage (IOM, 2021a). Considering that women migrant workers are generally in lower-waged occupations (Harkins, 2019) and lost more income than men during the pandemic (IOM, 2021a), meeting these costs was more challenging for most women.

Because work permits are tied to employers, migrant workers who lose their employment are at risk of arrest, detention and deportation. Transgender women may be placed in men's immigration detention centres, placing them at particular risk (Figueiredo, 2019), while for asylum seekers with diverse SOGIESC, screening may be inadequate (Soe Moe, 2022). As discussed in the following section, many women migrant workers and people with diverse SOGIESC are not adequately protected from labour and human rights violations, discrimination, exploitation and abuse in the workplace and options to report and claim remedy are limited.

Returning to countries of origin

The return journey to countries of origin may expose women migrant workers and people with diverse SOGIESC to risks such as harassment when the journey is not done in a safe and dignified manner, especially through irregular channels. They also face stigmatization/suspicion of misconduct about their time abroad (ILO and IOM, 2017).

Despite gaining valuable skills and experience through labour migration, a lack of skill transfer and gender-responsive social and economic reintegration support and services result in limited economic and financial stability, becoming a push factor for women migrant workers to remigrate. Evidence suggests that, while labour migration does make a positive contribution to savings and income on return to origin countries, these benefits are not distributed equally between men and women returnees. For example, ILO and IOM (2017) found that among migrant workers returning to Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam, men reported having savings 55 per cent greater than women's.

Many migrants with diverse SOGIESC gain new freedom in countries of destination, and report returning to the same legal and social discrimination that motivated them to leave – or may avoid returning for these same reasons. One survey found that, among migrants with diverse SOGIESC who sent remittances, 43 per cent reported that remittances earned during their time overseas strengthened their family relationships and helped dispel negative perceptions of their sexual orientation and/or gender identity, thus improving relationships with family members on return (ILO and UN Women 2022).

Key issues in employment for women migrant workers and migrants with diverse SOGIESC in Thailand

Women migrant workers and migrants with diverse SOGIESC face various risks during the employment stage, including insecure forms of labour, language barriers, overcrowded living conditions, lack of legal recognition and undervaluation of their contribution to social and economic development. In contravention of ILO Conventions No. 100 and No. 111, they may also be exposed to multiple and intersecting forms of discrimination based on race, ethnicity, nationality, age and migration status. These conditions were amplified and highlighted by the COVID-19 pandemic (Box 6).

Labour Exploitation

While evidence suggests that migrant workers are susceptible to labour rights abuses regardless of gender, women migrant workers are recognized as being vulnerable to particular types of abuse in the sectors that commonly employ them, such as agriculture and domestic work (ILO and IOM, 2017; UN Women 2021). Gender stereotypes also corral men into high-risk jobs with poor occupational safety and health practices including in construction, especially for day workers who are taken to different sites, and in the fishing industry. Challenges discussed include but are not limited to prolonged work hours, inadequate compensation, restrictions on freedom of movement, retention of identity documents and forced labour, highlighting the need to ensure fair and equitable working conditions for all genders.

Women migrant domestic workers experience long working hours with no overtime pay. One survey found that average working hours for domestic workers are 65 hours per week and 10 hours a day (Rapid Asia and UN Women, 2022). They also receive limited or no paid day(s) off including sick leave and have limited access to medical assistance. Their right to maternity leave is often ignored and when pregnant, often attend work and return soon after giving birth to avoid being fired (GAATW, 2019).

The prevalence of workplace discrimination against people with diverse SOGIESC is reasonably well documented. A survey in Thailand with 2,210 respondents found transgender women (32.1%) were most likely to experience discrimination in the workplace, followed by intersex (22.9%) and queer/non-binary people (18.6%) (UNDP, 2019). Migrant workers with diverse SOGIESC in Thailand report mixed experiences, ranging from severe rights violations and sexual and gender-based violence, to positive examples of acceptance and support from employers and colleagues (ILO and UN Women, 2022).

Complaint and remediation mechanisms can be inaccessible for migrants, often requiring support of CSOs or organized groups. Barriers for migrants with diverse SOGIESC are even more significant, as most mainstream migration-focused CSOs lack the knowledge and capacity to meet their needs, although momentum towards LGBTIQ+ inclusive advocacy and services is increasing (Cyment, 2021). Migrant workers rely on employers both for income and to maintain regular migration status, and for women migrant workers the informality of their jobs often means unwritten contract agreements and the risk of arrest, migration detention and deportation. These factors, combined with limited knowledge and awareness, limits access to the justice system for women migrant workers (GAATW, 2019) and people with diverse SOGIESC.

Women migrant workers face barriers to accessing appropriate health care services, including sexual and reproductive health services. As discussed in [Chapter 10](#) and [Chapter 11](#), migration status determines access and eligibility for labour rights and social security, with the widespread irregularity among migrant women workers reducing their degree of access to services. Employers may also fail to enrol eligible migrant workers in the formal sector in the SSF and Workers' Compensation Fund (WCF) (IOM, 2021b), although some companies provide basic health care and contraceptive services on site (FLA, 2018). Counselling and other mental health services are not widely available in Thailand, and language, costs and cultural factors prevent migrants from seeking assistance. For migrant and Thai men alike, seeking help for mental health issues or trauma is even more difficult culturally, and less information and fewer services are available for men who have been abused.

Gender wage gap

Women migrant workers earn less on average compared to Thai women and compared to other migrant workers from the same country of origin (Napier-Moore and Sheill, 2016). A 2017 ILO study of migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam found an overall 14 per cent gender wage gap between men and women migrant workers across Malaysia and Thailand as destination countries. Migrant workers in Thailand, regardless of gender, earn 38 per cent lower per month than Thai nationals, with women migrant workers earning 41 per cent less, compared to men migrant workers, who receive 35 per cent less than non-migrant counterparts (ILO, 2019). While one study shows migrants with diverse SOGIESC earning higher pre-pandemic income than men and women migrant workers, these results were skewed as sex workers were over-represented in the sample (IOM, 2021a).

The feminization of particular sectors of employment are a key determinant of the wage gap. Within the same sector, evidence suggests that women migrant workers performing the same duties still earn less than men counterparts. For example, one study found that migrant women garment workers received THB 160 per day, while men migrant workers earned up to THB 200 per day. These figures are well below the minimum legal daily wage of THB 310 and for women workers, at times as little as half (MAP Foundation, 2019). Wage gaps are also entrenched in the seafood processing sector, with women reportedly earning 13 per cent less than men for the same jobs (CSO Coalition 2021; Chapter 6). In construction, a 2016 study of the sector found that migrant women workers considered as "spouses" are given feminized, and lower-paid, jobs such as cleaning, landscaping and cooking, and are paid less even when in the same jobs (ILO, 2016).

Nevertheless, considering the economic differentials with neighbouring countries and the often-depressed wages for women and people with diverse SOGIESC in countries of origin, migration still offers improved livelihoods opportunities. For example, ILO and UN Women (2022) found that 63 per cent of migrants with diverse SOGIESC responding to the survey could meet their basic needs and save or remit money.

Violence against women (VAW) and gender-based violence (GBV)

While exact figures on prevalence of VAW and GBV among migrants in Thailand are not available, indications exist that many women migrants experience GBV and harassment in the workplace as well as intimate partner violence. According to the Foundation for Labour and Employment Promotion (commonly known as HomeNet), around 80 per cent of migrant domestic workers in their national network have experienced sexual violence or harassment, but few file a complaint, and hence it remains invisible (Charoensuthipan, 2022). Women migrant workers in the agricultural sector face risks of violence against women and sexual harassment due to inadequate living and working facilities (Thongpan, 2020). These facilities are often overcrowded, offering limited or no privacy, security, and even basic amenities like toilets. The 2022 regional ILO and UN Women study found that 40 per cent of migrant workers with diverse SOGIESC reported workplace discrimination, violence and harassment in destination countries, but have limited access to services, assistance and justice. Two thirds (66%) of perpetrators were colleagues and employers, well in excess of clients and customers (27%).

Patriarchal norms and social and language barriers, coupled with limited financial resources and inadequate social and legal protections, compound the risk of experiencing sexual harassment in the workplace and beyond (GAATW, 2019). Women migrant workers experiencing GBV and other rights violations face further barriers to lodging complaints and accessing services as a result of their work features, since remote and isolated workplaces make it difficult to conduct labour inspections. Furthermore, isolated workplaces mean external communication and support are restricted, and therefore victims/survivors are unable to report on or leave violent or exploitative situations. Affected sectors include domestic workers in private households and workers in plantations or construction sites, who face particular barriers and risks to filing complaints.

Challenges also remain in accessibility to services and complaint and justice processes for cases such as domestic violence and workplace gender-based and sexual harassment and abuses. Women migrant workers and migrants with diverse SOGIESC face structural and systemic discrimination, and multiple barriers prevent them from seeking

help through both formal and informal channels. Cultural factors, language barriers and a lack of full and clear information on where to seek help as well as a lack of required documentation, such as proof of residency, can affect access to services. A lack of firewalls affects help-seeking behaviour among regular and especially irregular migrants and deter them from reporting instances of violence or seeking legal redress, due to fear of arrest and deportation.

Opportunities for decent work for women migrant workers and migrants with diverse SOGIESC

Skills development

Skills development is key to economic empowerment of women migrant workers and migrants with diverse SOGIESC. Skills development can improve productivity in Thailand and enhance possibilities of securing better and more diverse employment opportunities both in Thailand and countries of origin. While research in this area is limited, one ASEAN-wide study of 103 returnees during the pandemic indicated that 44 per cent of women were utilizing skills gained during labour migration in their current job, compared to 29 per cent of men (ILO, 2021).

In countries of origin, skills development opportunities tailored to jobs available in Thailand remain limited. To address this gap, migrant workers recruited through MoU procedures are required to attend a post-arrival orientation on safe migration and labour laws in order to obtain work permits. The orientation is available at the provincial post-arrival and reintegration centres located along the border including Tak, Sa Kaeo and Nong Khai provinces. However, the orientation provides only basic information, not job-specific skills. In addition, it is only half day and does not provide gender-responsive information or skills focused on sectors that predominately employ women sectors (Tinnaphop et al., 2021).

In Thailand, various initiatives on vocational and skills development are in principle also open for migrants. For instance, the Thailand Professional Qualification Institute (TPQI) offers more than 300 occupational courses, available virtually and free of charge to everyone including migrant workers (UN Women, 2021). However, various factors affect the ability of women migrant workers to take advantage of these opportunities. The available skills development programmes tend to focus mainly on technical/vocational dimensions and less on transferrable skills including communication, interpersonal relationships, problem solving, decision-making skills, financial literacy, Thai language as well as prevention of sexual exploitation and GBV. As noted in [Chapter 5](#), these are all valuable skillsets, particularly in domestic work. Such investments could further maximize workers' capabilities and improve decent work outcomes for women migrant workers through improved and more secure job opportunities in the formal sector.

Gender norms and stereotypes play a significant role in limiting women's opportunities for skills development. With multiple burdens at home and at work, women migrant workers struggle to manage their time to attend a skills development course, particularly at off-site venues, even when available and otherwise accessible. Among migrant workers in Thailand, one in four women (24%) reported household duties as the reason for not attending trainings, compared to 17 per cent of men (IOM, 2021b). Employers are also not always willing to provide paid leave for skill training or other educational opportunities (UN Women, 2021). CSOs try to fill these gaps by providing skills development programmes tailored for women migrant workers in different sectors and locations. These programmes also serve as a platform for women migrant workers to connect and discuss employment and well-being issues and eventually self-organize (ILO, 2022b).

Although migrants with diverse SOGIESC report gaining skills on-the-job (ILO and UN Women, 2022), little information is available on targeted training programmes for them. IOM (2021b) found that migrants with diverse SOGIESC were more likely to cite affordability of transport and training as barriers to participation, and were particularly likely (69%) to cite a lack of awareness of available training programmes compared to men and women migrant workers (42%). These findings suggests that training service providers and CSOs should build networks with LGBTIQ+ organizations to increase the reach of their training programmes.

Women's voices and agency

Forming a collective voice and translating it into actions to realize decent work for women migrant workers remains a challenge, especially since migrant workers cannot form or hold office in trade unions to participate in dialogue with employers and the Government. To promote gender-responsive policy and protection of their rights, CSOs and migrant workers themselves are instead forming migrant groups and networks.

Migrant networks and CSOs play a crucial role in supporting women migrant workers, providing services, information and knowledge on their rights and acting as a reporting channel on VAW and labour rights violations. Supports or services include legal counselling, case referrals, training and awareness raising, as well as immediate support through shelters, psychosocial and financial assistance, vocational training and job placements. In Thailand, HomeNet and other CSOs have collaboratively developed an application called "Smart Domestic Worker" and created a Facebook Page titled "END VAW Plus" to provide information on prevention of VAW and labour exploitation, in Thai and migrants' languages. Women migrant workers can report incidents to seek help through the application (Bangkok Post, 2022). HomeNet has also trained migrant domestic workers from Myanmar on self-organization, facilitation and critical thinking skills, who in turn have provided training and support to their peers. MAP Foundation, a migrant CSO, initiated women exchange groups where women migrant workers working in manufacturing agriculture or seafood processing meet to share knowledge, experiences and concerns in a safe space, which now operate autonomously (ILO, 2022b).

Migrants with diverse SOGIESC further face specific challenges accessing services and organizing, and may avoid seeking support including from migrant or sector-based networks in anticipation of stigma and discrimination. They often comprise "a minority within a minority", in the sense that LGBTIQ+ communities lack visibility among migration-focused CSOs, while among LGBTIQ+ organizations their migration status is not adequately recognized or addressed (Cyment, 2021). Research suggests that increasing access to services for migrants with diverse SOGIESC must be paired with increased community acceptance and community networks (ILO and UN Women, 2022). Although all migrants with diverse SOGIESC may face these challenges accessing networks and services, this is particularly the case for transgender men who have less extensive community support networks and receive less support from service providers (ibid.).

Rights, justice and access to services

Legal protections from discrimination based on gender and country of origin are reflected in the MoUs for migrant workers from neighbouring countries and their mention of non-discrimination in pay and benefits. The Gender Discrimination Act also allows anyone to bring cases to the Committee on Consideration of Unfair Gender Discrimination (WorLorPor) and provides for compensation for these cases, using the Gender Equality Promotion Fund (ILO 2016; Bhula-Or 2019). Moreover, Thailand has coordination mechanisms, for instance the Social Assistance Centre (SAC)'s hotline 1300 of the Ministry of Social Development and Human Security (MSDHS), in place to provide services and assistance for anyone experiencing violence, including migrant women and migrants with diverse SOGIESC.

Barriers to protection and access to justice are deeply linked to normative and structural sociocultural factors, and it is essential to understand and address the nexus between discrimination and GBV affecting migrants (Chuemcit et al., 2024), especially women and people with diverse SOGIESC. Responding to the unique needs of migrants must entail considering other intersecting factors including gender, sexual orientation, gender identity and expression, among others – along with ethnicity, country of origin, sector of employment and migration status. To be successful, efforts to increase accountability and access to justice and remedy, must address biased perceptions of migrants among the Thai population and employers, as well as strengthening enforcement and ensuring tailored outreach mechanisms for relevant legal frameworks and coordination mechanisms.

Conclusion

Migrant workers play important roles in the Thai economy. Despite increasing demand for workers across sectors that rely on women migrant workers, their contributions remain undervalued and unrecognized. The high cost and complexity of recruitment through MoU processes is a particular barrier for aspiring women migrant workers and migrants with diverse SOGIESC and often limits their choices, leading to increased risks of exploitation.

The intersection of gender and migration in Thailand reveals a complex landscape of challenges and opportunities, particularly for women migrant workers and migrants with diverse SOGIESC. The risks of violence, exploitation, discrimination and inadequate legal protections underscore the urgency of addressing gender-specific risks within the migration framework (Quadrini, 2018). Thailand has shown commitment to gender equality in its Constitution and by developing and mainstreaming gender considerations into laws and policies related to migrant workers. Ensuring their full implementation and closing protection gaps, particularly by expanding gender-sensitive regularization pathways and by ensuring full social and labour protections in sectors that employ migrant workers, is critical. Reviewing laws, policies and procedures to ensure they effectively protect the rights and well-being of women migrants and migrants with diverse SOGIESC will contribute to a prosperous economy and benefit both countries of origin and Thailand. In collaboration with countries of origin, employers, CSOs and non-governmental organizations, academia, private sector, public organizations and migrant workers themselves, the Government can take important strides in fostering an environment of dignity, equality and empowerment within the migration context.

Recommendations

- **Mainstream gender in employment laws and policies and eliminate sectoral discrimination:** While Thailand has made positive progress in promoting gender equality and reducing discrimination on the basis of gender and SOGIESC status, gaps remain. In particular, the more limited rights under the Labour Protection Act and Social Security Act for workers in sectors that rely heavily on migrant workers negatively affect migration outcomes and well-being of women migrant workers, as highlighted during the COVID-19 pandemic (MWG, 2023). While reforms via Ministerial Regulation No. 15 represent progress, the Government should set a clear timeframe for ratification of relevant instruments including: ILO Conventions No. 156, No. 183, No. 189, and No. 190. In light of the country's regional leadership on marriage equality, Thailand should amend the Gender Equality Act that applies equally regardless of nationality or migration status, to explicitly prohibit discrimination on the basis of sexual orientation including in the workplace.
- **Promote gender-sensitive recruitment and registration processes, in coordination with countries of origin.** Thailand should engage with countries of origin to ensure safe migration pathways through MoU procedures are available to workers in feminized sectors, particularly domestic work. National, bilateral and regional efforts should focus on improving recruitment processes, reducing migration costs or costs for registration through Cabinet Resolution procedures, and expanding labour and social protection for women in the informal sector to incentivize regular migration channels. Gender-sensitive recruitment and registration processes should be developed in dialogue with women's organizations and LGBTIQ+ groups.
- **Restrictions on migration should be reformed** to ensure a structural approach to reunification of families (including spouses), especially in light of current realities and the need for socioeconomic inclusion of longstanding migrant communities. Thailand should also consider clarifying the implicit right to migrate with dependents for migrants with a spouse of the same gender, and ensure relevant officials are adequately trained to facilitate their visa and work permit registration processes on an equal basis with heterosexual married couples.

- **Promote positive attitudes among Thai employers and society and recognize the contribution of migrant workers of all genders.** The Government should work with employers to improve migrant workers' living and working conditions, particularly ensuring that women and migrants with diverse SOGIESC have safe, secure, hygienic and dignified accommodation and facilities. The Government should also increase awareness among employers of their legal obligations, considering they play a vital role in closing the gender wage gap, and increasing enrolment in social security and health care.
- **Increase access to decent work in the formal sector for migrants of all genders,** by capitalizing on increasing momentum towards migrant-inclusive skills development and addressing barriers to participation for women and migrants with diverse SOGIESC. Efforts are needed to harmonize skills development and certification programmes between Thailand and countries of origin, ensuring qualifications and certificates are recognized across borders. The Government, in partnership with training service providers and employers, should work to remove gendered barriers to skills training. Strategies could include promoting paid leave for training and study; more accessible childcare options to reduce women's unpaid care burden; and gender-responsive awareness raising. In particular, dedicated efforts are needed to increase awareness of available training programmes among migrants with diverse SOGIESC.
- **Improve availability of GBV services for women migrants and migrants with diverse SOGIESC** by strengthening coordination among service providers including across borders. Noting Thailand's positive progress in expanding migrant-inclusive services, for example by providing translation and referrals via the 1300 hotline, Thailand could consider working with countries of origin or through ASEAN to strengthen services across the whole migration cycle. Considering reports of GBV at border points and during transit, practices by officials from Thailand and countries of origin, and other involved non-governmental actors, could be assessed to understand the full scope and dynamics of harassment and violence against women migrants and migrants with diverse SOGIESC during the transit process, to inform recommendations that will reduce and eliminate risks. Furthermore, the practice of detaining transgender women in men's immigration detention centres should be explicitly prohibited and standard operating procedures should be updated to account for the needs of migrants with diverse SOGIESC.
- **Ensure comprehensive data collection:** Gather data on gender, age, and migration status to inform evidence-based policies that address the specific needs of women migrant workers, including gender-disaggregated remittance data. To ensure evidence-based policy and planning for migrants with diverse SOGIESC, efforts by the National Statistical Office to develop a system to collect reliable data on LGBTQ+ Thai citizens could be expanded to include non-Thai nationals.
- **Empower women migrants and migrants with diverse SOGIESC through dissemination of migrant-friendly information on rights, access to social protection and services, and complaint and remediation mechanisms.** The Government should ensure access to information, services, social protection and justice for women migrant workers and those with diverse SOGIESC, enhancing their capacity to exercise their rights. Donors and United Nations agencies should invest in supporting migrant-focused CSOs to work with LGBTQ+ organizations in Thailand and countries of origin, to enhance capacity to deliver appropriate services to migrants with diverse SOGIESC.

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A man domestic worker is cleaning a sofa with a vacuum cleaner. | ©ILO 2016



MIGRANT DOMESTIC WORKERS: POLICY, SKILLS, DEMAND AND WORKING CONDITIONS

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Definition of domestic workers according to the Domestic Workers Convention, 2011 (No. 189)

1. Domestic work is work performed in or for a household or households.
2. A domestic worker is any person engaged in domestic work within an employment relationship and on an occupational basis.

Domestic workers can be employed by a household or through/by a service provider (public or private).

Introduction

The domestic work sector provides crucial employment in the Association of Southeast Asian Nations (ASEAN) region, particularly in Thailand, presenting opportunities especially for migrants and nationals who may have not been able to benefit from formal skills training. Migrant domestic workers in Thailand are predominantly women from the neighbouring countries of Cambodia, Lao People's Democratic Republic and especially Myanmar. They are hired by private households as well as by service providers and companies and perform a diverse set of tasks

³⁹ Ruttiya Bhula-Or, Chulalongkorn University, contributed to the section "Demographic shifts and demand for carers in Thailand".

in households, with a majority engaged in direct care (including taking care of children, older people, persons with disabilities or sick persons). With the ageing of Thai society and growing need for critical care, the demand for domestic workers, including migrant domestic workers, is high and expected to continue increasing. Yet, domestic work is not comprehensively covered by Thai labour law and social security, and limited regular migration pathways expose migrant domestic workers to irregular and at-risk situations. Recently, years of calls for reform from workers' organizations, civil society organizations (CSOs) and the United Nations have led to a positive change in regulation, which could lead to important improvements.

This chapter aims to provide an overview of the laws and policies governing domestic work and the working conditions and skills of migrant domestic workers in Thailand. In 2023, the ILO TRIANGLE in ASEAN programme⁴⁰ commissioned an employer survey and a women migrant domestic worker survey about the skills and working conditions of women migrant domestic workers in Malaysia, Singapore and Thailand to update knowledge on the sector. Findings from the surveys of 400 women migrant workers and 200 employers in Thailand (ILO 2023a hereafter also referred to as 'domestic worker survey' and 'employer survey') inform the majority of this chapter, with secondary data used to contextualize the findings and provide the policy context. In the following section, the governance of migrant workers (both progress and remaining challenges) will be briefly described before presenting the findings of the surveys with relation to the profile and working conditions of migrant domestic workers in Thailand. Attention will also be given to the expected increase in demand for care work by domestic workers due to the ageing demographic profile of Thai society.

Governance of migrant domestic work

Law and policy governing the entry to Thailand for migrant workers, including domestic workers, include Thailand's Memorandums of Understanding (MoUs) with Myanmar, Cambodia, Lao People's Democratic Republic and Viet Nam. As discussed in [Chapter 1](#), these MoUs place high requirements on the ability to change employers, do not allow for dependents and require that workers be recruited in their countries of origin (commonly through recruitment and employment agencies). However, for migrant domestic workers, the MoU is not a commonly used channel. As Table 1 shows, only 16 per cent of migrant domestic workers, mostly from Lao People's Democratic Republic, entered Thailand through MoU procedures. In part this is because Lao People's Democratic Republic⁴¹ and Myanmar⁴² only recently lifted bans on migration for domestic work and neither have subsequently put in place mechanisms for regular migration to the sector in Thailand. In Myanmar, while new recruitment of domestic workers under the MoU is not permitted, an exception is made for those who were previously employed in Thailand as domestic workers with regular status to remigrate for domestic work with the same employer via the MoU system. The majority of regular migrant domestic workers in Thailand have regularized their status in the country via provisions in the periodic Cabinet Resolutions (DoE, March 2024 administrative data; Table 16).

Migrant workers (and sometimes their children) registered through procedures governed by Cabinet Resolutions are permitted to stay in Thailand for up to two years, renewable for another two years, with yearly visa renewal. Employers of migrant workers are required to sponsor work permits. Reliance on agents to acquire documentation is pervasive. In addition, domestic workers who are working for multiple households may get their work permit through an agent or through just one of their employers, or their employer's business. For migrants working through service providers or other companies as cleaners or caretakers and deployed in private households as domestic

40 See information about the ILO TRIANGLE in ASEAN programme [here](#).

41 In Lao People's Democratic Republic, Guideline No. 3824/MoLSW bans jobs that are deemed incompatible with Lao's tradition, culture and law, including sex work, and previously including domestic work, among others. Migration for domestic work is now allowed following the adoption of Decree on Placement of Lao Workers to Work Abroad (Decree 245) in May 2020 which clarified that domestic work is a potential sector for regular migration. However, regular recruitment to the sector has not yet commenced.

42 In Myanmar, in 2014, the then-Government banned women's first-time outward migration for domestic work to all countries (see ILO, 2017). In December 2019, the then-Minister of Labour, Immigration and Population announced the lifting of the policy banning migration for domestic work for the destinations of Hong Kong, SAR, China; Macao, SAR, China; Singapore; and Thailand. Standard Operating Procedures for migration for domestic work to these four destinations are not yet written or implemented. In late 2020, the Myanmar Overseas Employment Agencies Federation penned a bilateral agreement with Singaporean recruitment associations for recruitment of domestic workers to Singapore with the endorsement of both governments. This was not able to proceed further after the military takeover in Myanmar, as the de-facto authorities are in practice not authorizing women's migration into domestic work.

workers, their work permits are registered to the service provider or company, and not to the households in which they work. The 2018 Informal Employment Survey produced by the Thai National Statistical Office estimated that 34 per cent of domestic workers in Thailand (not disaggregated by migration status) worked through service providers (ILO, 2021).

Once in the country, migrant domestic workers are offered limited legal protection. While domestic workers fit the criteria set out by the Thai Supreme Court to be considered dependent workers, or employees, entitled to the protections of labour and social protection legislation, the Labour Protection Act, B.E. 2541 (1998) and its 2023 amendment specifically exclude “work which does not involve business operations.” While “business operations” is undefined, this has meant exclusion of domestic workers directly hired by private individuals in households. Consequently, the majority of domestic workers who are not employed by service providers or other companies are also excluded from the Social Security Act, B.E. 2533 (1990). This exclusion is specified in the Royal Ordinance on Category of Enterprise and Employees Who Are Not Covered Under the Social Security Act, B.E. 2560 (2017) on prescribing other activities or employees not subject to the law on social security.⁴³ As a result, whereas formal sector wage earners in Thailand are mandatorily insured through Section 33 of the Social Security Act, domestic workers hired by individual employers, not businesses, are specifically excluded from full coverage.

Likewise, domestic workers are not covered by the Worker’s Compensation Act, B.E. 2537 (1994) and its amendments, which provide eligible workers with benefits should they experience occupational injuries or illness (ILO and UN Women, 2023). Thai nationals, excluding migrants, employed as domestic workers by individual employers have the option to voluntarily enrol through sections 39 and 40 of the Social Security Act which offer limited benefits (ILO, 2023b), although many do not because of the costs involved (paid wholly by the worker) and lack of information. The Social Security Office found in 2018 that 96.4 per cent of domestic workers surveyed were not members of the Social Security Fund (SSF) even under the limited-benefit sections 39 and 40, and 40.6 per cent of them were not aware they could enrol voluntarily (SSO, 2018). Importantly, migrant domestic workers not employed by a business have no such option and are excluded from the Act entirely (ILO, 2023b). Migrant domestic workers hired by private individuals are eligible only to enrol, at their own cost, in the Migrant Health Insurance Scheme (MHIS). The benefits under MHIS are limited to health coverage and are also less comprehensive when compared to the SSF (see [Chapter 10](#) and [Chapter 11](#)).

The sector saw a significant increase in rights protections on 31 April 2024, with Ministerial Regulation on Domestic Work No. 15, B.E. 2567 (2024) governing domestic work (equally covering migrants and nationals). The regulation, which replaced a previous Ministerial Regulation No. 14, BE. 2555 (2012), extends the following rights to domestic workers, among others: national minimum wage, an eight-hour workday with additional one-hour rest, educational leave for youth, 98-day maternity leave, protection from dismissal due to pregnancy and prohibition from wage deductions. The regulation, however, continues to exclude domestic workers from many other Labour Protection Act, B.E. 2541 (1998) provisions including compensation for overtime hours and severance pay. Although the Regulation does extend maternity leave to domestic workers, the majority of migrant domestic workers receive fewer paid leave days because they are generally not enrolled in the SSF. SSF-enrolled workers in other sectors receive 45 days paid by employer, 45 by the SSF and the remaining days as unpaid leave, but migrant domestic workers employed in private households are only paid for the 45 days covered by the employer. Thai law and policy also do not regulate stand-by or on-call hours, which are pervasive in the sector, wherein domestic workers are not free to use their non-working hours as they wish.

Attitudes and behaviours towards the sector may be linked to the differentiated sectoral policy approach. Domestic work is perceived as the role of women family members, resulting in the fictive kin relationship which erodes the recognition of domestic work as work and of economic and societal value (ILO, 2016). Campaigns to raise awareness of policymakers, employers and public about the economic and societal contribution of migrant workers and domestic work are necessary to ensure human and labour rights including fair working conditions and access to social protection.

⁴³ Per Section 3: “The following activities or employees shall not be subject to the law on social security:... (8) employees of employers who are natural persons and the employees’ work does not have any business involvement”.

Profile of domestic workers in Thailand

Data on Thai nationals and migrants in domestic work are not comprehensive, and methods used for different data sources result in significantly varying estimates. The 2018 study by the Social Security Office indicated that there were 1.4 million domestic workers in the sector, including both migrants and Thai nationals (SSO, 2018). Of the 3 million regular migrants registered by the Department of Employment (DoE) as of March 2024,⁴⁴ 125,016 were migrant domestic workers, primarily from Lao People's Democratic Republic and Myanmar, the majority of whom are women (107,540, or 86%). Of those regular migrant domestic workers, 84 per cent have regularized their status while in Thailand under Cabinet Resolutions, and 16 per cent have come via MoUs (Table 16 and Chapter 1, Table 4). These figures are an underestimate and do not account for the large number of migrant domestic workers working in Thailand without regular status.

Table 16. Migrant domestic workers in Thailand per documentation type and gender, as of March 2024

Country of origin	MOU			Border Pass			Cabinet Resolution 7 February 2023			Cabinet Resolution 3 October 2023		
	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men
Cambodia	1,922	1,508	414	186	158	28	4,362	3,553	809	980	759	221
Lao People's Democratic Republic	17,898	16,062	1,836	0			10,188	9,272	916	1,953	1,702	251
Myanmar	507	414	93	45	38	7	67,404	57,545	9,859	19,385	16,375	3,010
Viet Nam	0	0	0				78	66	12	108	88	20
Sub-total	20,327	17,984	2,343	231	196	35	82,032	70,436	11,596	22,426	18,924	3,502
Total migrant domestic workers (all documentation types)											125,016	

Source: DoE Administrative Data, 2024.

Of the 400 women migrant domestic workers in Thailand surveyed by ILO in 2023,⁴⁵ 46 per cent were from Lao People's Democratic Republic and 54 per cent were from Myanmar (Table 17). Note that while only Myanmar and Lao women domestic workers were surveyed (due to interpretation and cost constraints), when the surveyed 200 employers were asked about the nationality of migrant workers they employ, they also reported a significant number (17%) of Cambodians employed in the sector (Table 18). They further reported employing a large majority of women workers, confirming the predominance of women in domestic work.

⁴⁴ This figure is higher than the one in Table 1, Chapter 1 since it refers to a different time period (March 2024, instead of December 2023).

⁴⁵ See the full ILO, 2023a report for sampling and other methodological details.

Table 17. Demographic profile of women migrant domestic workers in Thailand

Demographic profile	Thailand n=400 women migrant domestic workers (%)
Country of origin	
Lao People's Democratic Republic	46
Myanmar	54
Age (years)	
18–29	34
30–39	43
40 or older	23
Education	
Never attended school	16
Primary school	54
Middle school	23
High school or higher	7
Marital status	
Single	38
Married or de facto partner	53
Divorced or widowed	9

Source: Domestic Worker Survey, ILO 2023a, p. 24.

Table 18. Migrant domestic workers by sex and country of origin

	Thailand n=200 employers
Women among migrant domestic workers employed (%)	84
Country of origin of main* migrant domestic worker (%)	
Myanmar	39
Lao People's Democratic Republic	34
Cambodia	17
Philippines	6
Indonesia	3
Other	1

Source: Employer Survey in ILO 2023a, p. 24, and unpublished Employer Survey data.

Note: 'Main domestic worker' refers to a situation in which an employer employs more than one domestic worker and subjectively defines for the purpose of this survey who the primary member of their household staff is.

In the domestic worker survey, 60 per cent of women migrant domestic workers reported living-out (not in the employer's house), and 44 per cent stated that they work part-time, with 43 per cent responding that they work for multiple households (Table 19; ILO, 2023a). Qualitative in-depth interview data from this survey indicates that part-time workers in Thailand experience autonomy and benefits from this arrangement, including better pay and more flexible living and working conditions. These benefits should be considered, however, against the challenges of precarious migration status and high levels of informality in their work. Four in every five (81%) of the workers in the survey reported relying on family and friends to settle in or solve problems related to migration. As a result, many of these workers are independently and directly negotiating employment arrangements with households/employers.

I work as a part-time domestic worker – working for three employers. All of them are single men. I pay a Thai broker to arrange the work permit and have [the agent listed] as the employer on the work permit. I like the freedom, and I have a lot of free time. When I have free time, I can do whatever I want to do (Myanmar woman domestic worker in Thailand).

Domestic workers in Thailand hired through service providers, for instance by cleaning or nanny agencies, are estimated at 36 per cent (Table 19). This practice involves the workers being recruited and employed by a service provider as a cleaner or carer, who is then deployed to work in a private household. In some other cases, companies owned by the householder or a relative of the householder are listed as the employers. As explained by one of the respondents, a Thai employer of a Myanmar domestic worker: "My mother-in-law has a company, and when anyone in the family wants to hire a migrant domestic worker, we hire them through the company – the company is the employer". As mentioned above, workers in these arrangements nominally have full labour protection and access to social protection.

Two thirds (62%) of the migrant domestic workers surveyed in Thailand reported being enrolled in the MHIS, which is the basic cover available to migrant domestic workers employed by an individual household. However, 21 per cent of respondents in Thailand reported being enrolled in social security schemes that are not available to migrant domestic workers employed by an individual household, indicating that these workers are recorded as employed by a service provider or a company rather than by a private household. Relatedly, 36 per cent of domestic workers surveyed (Table 19) reported being employed by a service provider or agency.

Table 19. Employment profile

Employment profile	Thailand n=400 women migrant domestic workers (%)
Employer	
Household	64
Service provider/agency	36
Live in or live out	
Live in	40
Live out (own housing)	57
Live out (service provider housing)	3

Employment profile	Thailand n=400 women migrant domestic workers (%)
Type of employment	
Full-time	56
Part-time	44
Work for two or more households	
Work for more than one household	43% (n=170)
Among those who work for more than one household, number of households worked in during the last week (average)	3
Facilitation of recruitment	
Licensed private agency	9
Unlicensed broker	15
Family and friends	39
Independently on my own	29
Directly with employer	7

Source: Domestic Worker Survey in ILO 2023a, pp. 27–28.

Note: Self-reported. Interviews were conducted outside the home, possibly intercepting more part-time and live-out workers than representative given they have more mobility in public spaces.

Migrant domestic workers deliver critical direct and indirect care

In June 2024, the 112th Session of the International Labour Conference adopted a tripartite Resolution concerning domestic work and the care economy (ILO, 2024a, setting a common understanding of care work. The resolution defines care work as consisting of, among others, activities and relations that pursue sustainability and quality of life; nurture human capabilities; foster agency, autonomy and dignity; develop the opportunities and resilience of those who provide and receive care; address the diverse needs of individuals across different life stages; and meet the physical, psychological, cognitive, mental health and developmental needs for care and support of people including children, adolescents, youth, adults, older persons, persons with disabilities and all caregivers (ILO, 2024a). Care work can involve:

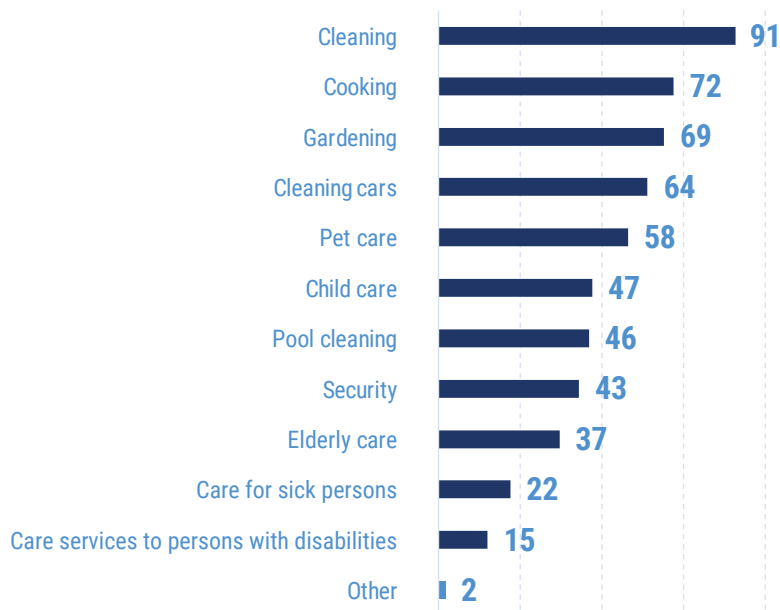
- Direct care, meaning personal care activities that are relational;
- Indirect care, including tasks such as cooking, cleaning, gardening and other work that enables well-being without necessarily involving personal contact (ILO, 2024a).

Per the ILO Domestic Workers Convention, No. 189 (2011), domestic work can be considered care work when performed in or for a household or households within an employment relationship and on an occupational basis (ILO, 2024b). Per the ILO 2023 employer survey, 65.5 per cent of migrant domestic workers in Thailand provide direct care (including taking care of children, older people, persons with disabilities or sick persons). The growing demand for care in Thailand has led to structural dependency on domestic workers to fill critical care gaps. The wealthiest, however, are the most able to afford workers in their homes, leaving lower-income families with few options – either no care, or a family member dropping out of the labour market to provide care to family members.

Households often decide to meet care needs by employing domestic workers when other options are either too expensive, out of reach or unattractive, which can reflect insufficiencies in the care services provided by the State. In other cases, social norms as well as household preferences may lead to decisions to hire domestic workers to take care of elderly or children at home for instance rather than relying on a care institution (ILO, 2024b).

Figure 13 shows work duties performed by migrant domestic workers in Thailand. Workers are clearly multitasking, combining indirect cleaning, cooking and other duties (91% of the employers report that workers clean; 72% regularly cook) with direct care of children, older people, sick persons or persons with disabilities. When presented with a full list of direct and indirect tasks, 99 per cent of the employers said that workers provided indirect care. Furthermore, of the full 100 per cent of employer respondents, 65.5 per cent added that their domestic workers also provided direct care.⁴⁶

Figure 13. Work duties of migrant domestic workers in Thailand (%), n=200 employers



Note: This is a multiple-response question.

Source: Employer Survey in ILO 2023a, p. 40.

⁴⁶ Respondents could select more than one core duty, reflective of multiduty work in practice in the region.

Migrant domestic workers are skilled workers

Domestic work is often dismissed as “unskilled” work that people, predominately women, are naturally born knowing how to do (ILO, 2016). The survey findings (ILO, 2023a) challenge this misconception. By using International Standard Classification of Occupations (ISCO-08), which classifies occupations across four skill levels (ILO, 2012),⁴⁷ the survey assessed the skills level of the tasks that domestic workers regularly undertake.

The 65.5 per cent of domestic workers in Thailand providing direct care are automatically undertaking work classified as at least medium-skilled or Skill Level 2; this is because all childcare and personal care is classified as Skill Level 2 work. In addition, the 99 per cent of workers who identified indirect care as a core work duty⁴⁸ were asked to perform an average of 47 per cent of the tasks listed in the ISCO-08 Skill Level 2 classification for domestic housekeeper. Even though this finding is already significant, it is also likely an underestimate. Possibly, domestic workers have the skills to do more of the tasks classified in Level 2 but are not currently required to do them for their current job.

In addition, the 2023 ILO domestic worker survey found that migrant domestic workers are using key transversal skills – skills that can be used in a wide variety of work settings and are not particular to domestic or care work – including speaking the local language, clear communication and managing their or others’ emotions, among others. Transversal skills are increasingly valued in the modern workplace and seen as critical, transferable and sought after across job sectors (Table 20). As a Myanmar woman migrant worker explained: “The first time I came to Thailand, I could not speak Thai or English. I learnt Thai from a Thai family and watched Thai TV. Now I speak four languages – English, Thai, Myanmar and Karenni.” (ILO, 2022, p. 22).

Table 20. Transversal/core skills among migrant domestic workers in Thailand

Employers’ assessment of skills used by migrant domestic workers	Speak the local language	57%
	Explain what you mean and listening	55%
	Manage yours or others’ emotions	49%
	Problem solving	45%
	Creative thinking	41%
Migrant domestic workers’ assessment of skills used in their jobs	Explain what you mean and listening	34%
	Working with other staff	23%
	Explain what you mean and listening	14%
	Recycle	13%
	Speak the local language	12%

Source: Employer Survey results (unpublished), and Domestic Worker Survey, ILO, 2023a, p. 44.

⁴⁷ Skill Level 1 occupations typically include simple and routine physical tasks, and includes domestic cleaners and helpers (as well as office cleaners, freight handlers, garden labourers and kitchen assistants). Skill Level 2 occupations require more technical skill, good transversal skills and a higher educational standard, and, in this sector, include domestic housekeepers, childcare workers, and home-based personal care workers.

⁴⁸ Respondents could select more than one core duty, reflective of multiduty work in practice in the region.

That so many domestic workers are undertaking tasks classified as medium-skilled is significant because the knowledge and skills required for occupations at Skill Level 2 often involve specialized vocational education or on-the-job training (ILO, 2012). Still, as a Myanmar domestic worker and advocate argues, “People look down on you. Everybody likes to say that for domestic work you don’t need anything – just two feet and two hands, go to the house and start working” (ILO, 2022, p. 38).

Because domestic work is considered unskilled and informal, migrant domestic workers are engaging in tasks classified as medium skilled with little or no related training. In Thailand, only 19 per cent of workers reported receiving any training. Of these, all reported receiving the training in Thailand, with 87 per cent reporting that the training had been focused on cleaning and was provided by their employer. The Thailand Professional Qualification Institute (TPQI) has developed a certifiable standard for training in housekeeping (TPQI, n.d.), however, this has only been available to migrant domestic workers through a pilot scheme supported by the International Organization for Migration (IOM). There is no mandatory skills development or certification for migrant domestic workers from Cambodia, Lao People’s Democratic Republic or Myanmar. For the latter two countries, no mandatory pre-departure orientation requirements exist for those migrating into domestic work. Nor are there Recognition of Prior Learning tests and certification programmes so that domestic workers can show and receive acknowledgement for the skills they have learned on the job.

In addition to not being consistently available, few employers of domestic workers participating in the ILO employer survey consider skills training a requirement. When asked for their hiring criterion, employers identified experience (66%), gender (54%), age (49%) and language (47%) over proof of training (37%).

Skills improvement is often achieved by domestic workers through on-the-job skills development. This accounts for both technical and transversal skills. Evidence exists of workers sharing skills and learning with each other, in particular over Facebook or other social media, and also in-person informally or through domestic worker associations. Social networks, including relatives, friends and colleagues, may share information on visas and health care, recipes and detailed technical skills advice for elderly care (Raksmey, 2022). In the words of an interviewed woman domestic worker from Myanmar:

My first employer taught me how to work and speak Thai, and my sister taught me how to speak English. At that time, I only did cleaning, but I learned how to prepare food. I was working in a house for three years with another worker who was the nanny. After the nanny left, I took over nannying (ILO, 2022, p. 46).

Demographic shifts and demand for carers in Thailand

The demand for domestic workers to meet direct and indirect care needs is expected to increase due to the ageing of the population. Various projections confirm the ageing demographic profile in Thailand. ILO and Chulalongkorn (forthcoming) estimate that by 2037, 34 per cent of the Thai population will be 60 years and older, and UN DESA (2022) projects that the age group of 65 years and older will increase from 15.21 per cent of the population in 2022 to 35 per cent in 2060 (Chapter 2). Based on these projections, the need for care is expected to increase in line with the growing elderly population. The Government's 2021 Survey of Older Persons provides data on home-based care provided by family members and paid carers. The Survey of Older Persons includes measurement of those traditionally considered paid domestic workers, as well as nurses and community care volunteers and/or workers who go to elderly people's homes to care for them. Migrants are not formally allowed to work in the latter two occupations.

According to the Survey of Older Persons (2021), while only 3 per cent of people in their 60s report needing a caregiver for daily activities, this figure increases to 29 per cent of people over 80 years. And in a 2018 survey, only 2 per cent of Thai people aged 60 years and older reported receiving care from paid staff at a care centre or a health specialist (World Bank, 2021). Thailand's community-based long-term care pilot programme provided care to only 11 per cent of elderly people above 60 years (219,518 elderly persons in 2019) (DoP, 2020). The majority of Thai elderly people are being cared for in their home, and in Thailand those able to afford it rely on domestic workers for home-based care services to the elderly, children and persons with disabilities.

Although care is traditionally provided within the home by family, there is an increasing shift towards smaller family sizes and a growing number of women are engaging in diverse economic and social roles. As a result, whereas in 2021 59.9 per cent of caregivers were the adult children of the person being cared for (Thai Survey of Older Persons, 2021), this figure is likely to reduce, with families increasingly relying on paid elder carers in homes, that is, domestic workers.

Care requirements will also be compounded by the estimated increase in persons with reduced capacity to do essential, basic, self-care tasks, in addition to other direct care needs. The share of older persons with activities of daily living (ADL) disabilities or difficulties is projected to increase steadily from 14.8 per cent in 2024 to 19.4 per cent in 2037 – that is, a rise in the total number of older persons with ADL disabilities from 547,000 in 2024 to 919,000 in 2037; and a rise in those with ADL difficulties from 1,717,000 in 2024 to 3,016,000 in 2037 (ILO and Chulalongkorn, forthcoming).

Considering these trends, and based on an eight-hour shift full-time equivalent (FTE) as per the 30 April 2024 Ministerial Regulation No. 15 on Domestic Work, ILO and Chulalongkorn University (forthcoming) estimates 46,000 paid carers in homes are required to meet care demand in 2024. This need will increase to 78,000 in 2037 if future demand follows a similar trajectory to current levels of demand. Notably, the projected need for paid carers is halved based on current practice, thus envisioning a continued reliance on employees working long hours with low pay (not in line with the new Ministerial Regulation No. 15), particularly for those caring for individuals with severe dependency. Projections based on current practice are 20,000 paid carers in 2024, rising to 34,000 in 2037 (Table 21).

Table 21. Paid elder-care workers in homes. Projection for currently met /afforded needs

	Current employment practice (long workdays and on-call hours)	8-hour workdays (per April 2024 Ministerial Regulation No. 15)
2024	20,000	46,000
2037 projection	34,000	78,000

Source: ILO and Chulalongkorn University projection, forthcoming.

Using the FTE model, projections can also be made on the basis of current demand for care, added to data about care that is required but currently unaddressed. Using this method, the need for paid carers increases to 128,000 in 2024, rising further to 213,000 in 2037 (Table 22). When modelling further considers factors such as solo-living trends, possible stagnation of community care and unequal access to health technologies, there is projected potential for a need of 258,000 paid home-based caregivers in 2037.

Within the 2037 figures, the projected number of migrant (versus national) domestic elder care workers needed is between 48,000 and 55,000, dependent on the scenario (Table 22). Efforts to meet this demand should be complemented by dedicated efforts to ensure labour and social protections.

Table 22. Paid elder-care workers in homes, to meet current and unmet needs; and allowing for further external factors

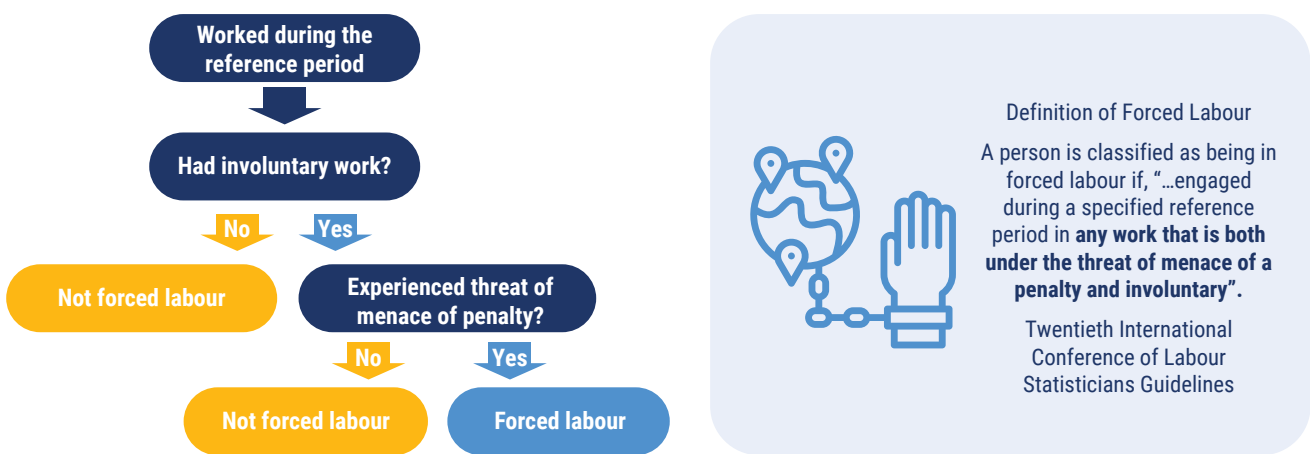
	8-hour workdays (per April 2024 Ministerial Regulation No. 15)	8-hour workdays and other external factors (e.g. increased solo living, stagnation of community care and health technology inequalities)
2024	128,000	154,000
2037 projection	213,000 (including 48 000 migrants)	258,000 (including 55 000 migrants)

Source: ILO and Chulalongkorn University projection, forthcoming.

Working conditions: Forced labour, excessive fees, overtime, underpayment and document retention

The ILO 2023 domestic worker survey found that while migrant domestic workers are engaged in work classified as medium skilled and demonstrating transversal skills, they are not valued, hired or paid at a corresponding, appropriate level. In fact, as the next section shows, not only are they not respected as skilled workers, but a substantial number also find themselves in working conditions at the worst end of the spectrum including forced labour. Thailand's recent ratification of Protocol of 2014 to the ILO Forced Labour Convention No.29 shows commitment to address conditions that are exploitative.

Figure 14. Flowchart to identify forced labour

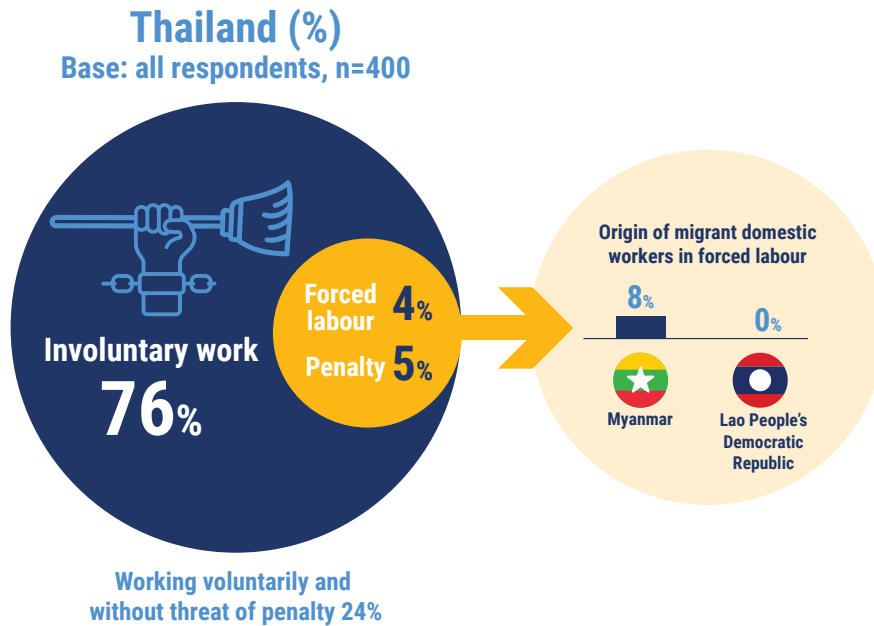


The survey found that 4 per cent of surveyed migrant domestic workers in Thailand reported conditions meeting the ILO's statistical definition of forced labour. All of the workers meeting this definition were from Myanmar, representing 8 per cent of workers from Myanmar surveyed. None of the Lao workers surveyed had experiences that met the definition of forced labour (Figure 15). While the exact reason for these findings is not known, this could be because of stronger language similarities between Lao People's Democratic Republic and Thailand, making it easier to negotiate terms and find new jobs if the worker is in an abusive situation. Lao workers in Thailand also paid significantly less in recruitment fees and costs (240 United States dollars (USD) as opposed to USD 380 for Myanmar nationals), most likely resulting in fewer forced labour conditions related to debts (Figure 16 and Figure 17). As in the illustration and definition above (Figure 14), a person must be experiencing conditions that are both indicators of involuntariness and of threats.

Reported circumstances that may give rise to involuntary work included not being paid at all or work for very low wages and not being paid overtime when working over eight hours per day, 48 hours per week. Indicators of threat of menace of penalty were that documents, such as ID, passport and other personal documents, were taken away.⁴⁹

49 Note on bias due to methodology: Workers who could not leave the workplace were not surveyed.

Figure 15. Estimated prevalence of forced labour among migrant domestic workers in Thailand

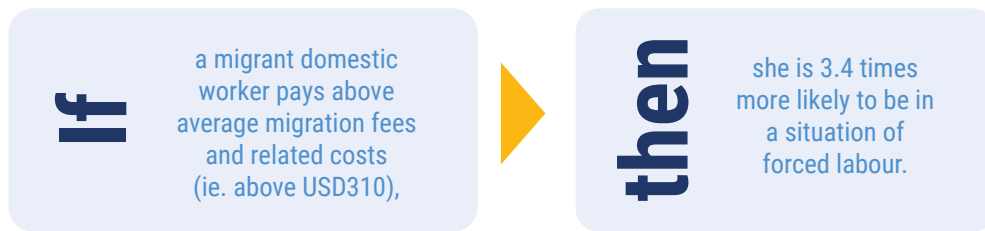


While forced labour is always a rights violation, the forced labour estimate of migrant women domestic workers in Thailand was relatively low in comparison with Malaysia and Singapore in ILO's 2023 women domestic workers survey. This comparatively low prevalence correlated with a higher proportion of respondent domestic workers in Thailand working part-time and living in their own accommodation, both signifying relatively more freedom for workers. Domestic worker respondents in Thailand were also around 50 per cent less likely to engage in direct care work, a duty that correlates with longer working hours, sometimes on stand-by around the clock.

When looking at possible risk factors for forced labour, one stands out: the survey analysis found that domestic workers who paid above-average migration fees and related costs were 3.4 times more likely to be in a situation of forced labour. The average cost paid by those surveyed (using both regular and irregular channels) is USD 310, equivalent to around one month of salary. Note that higher costs, as shown in Figure 17, are generally associated with migration via regular channels. Regular migration as currently structured is costly, involving migrants taking on debts and employers deducting from salaries – both creating relationships of dependency and conditions amenable to coercion.

Figure 16. Migration fees and related costs

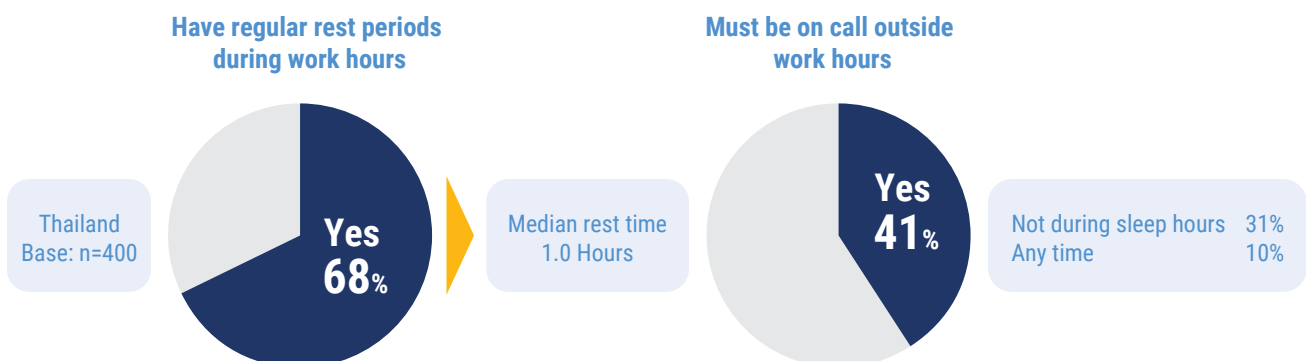


Figure 17. Migration fees and related costs as a risk factor for forced labour in Thailand

The most catalytic factor in the prevalence of forced labour within the control of the Thai Government, however, is the continued exclusion of domestic workers (nationals and migrants) from full labour rights under the Labour Protection Act. Improvements in this area can be expected since, as noted in the first section of this chapter, with the adoption of Ministerial Regulation No. 15 on Domestic Work in early 2024, domestic workers are now on par with other workers in Thailand due several more labour provisions. These changes need to be socialized and communicated to employers and domestic workers, and enforced by the Government.

Without enforcement of the new Ministerial Regulation No. 15, the practice of work for long hours and well below the minimum wage in poor conditions will continue, and can constitute exploitative conditions, including forced labour. ILO's survey found that working conditions in the sector are less than ideal and, for many workers, do not meet several of the newly stipulated conditions. Among the survey sample, 38 per cent of migrant domestic workers in Thailand work seven days per week, despite the previous Ministerial Regulation No. 14 (applicable at the time of the survey and later replaced by Ministerial Regulation No. 15) entitling domestic workers to one day off per week. In addition, more than half of surveyed workers in Thailand (54%) work 48 hours or more per week, and 46 per cent work more than 10 hours per day. A Lao woman migrant worker stated: "I work 24 hours a day, with a one-day break [a week]. I am entirely accountable for one patient" (ILO, 2022, p. 78).

When accounting for overtime hours, no domestic worker was paid the minimum wage. The average wage per month (including overtime) is USD 330, and minimum wage at the time of the survey, averaged for provincial variances, was USD 267. Yet, when wages are adjusted for the 48-hour week applicable to other occupational sectors in Thailand, domestic workers are effectively earning USD 205.71 per month, well below minimum wage.

Figure 18. Rest and on call hours

Limited ability to organize or collectively bargain

Limiting workers' ability to organize and bargain collectively also limits the realization of other labour rights. Lack of freedom of association is also commonly linked with forced labour. In Thailand, various legal obstacles still prevent domestic workers from forming, and sometimes joining, trade unions. While migrant workers can join trade unions, they cannot form them or serve as committee members or officers within them. So far, representative organizations of domestic workers have failed to secure their registration as trade unions. This is an important issue because of the role that trade unions play in advocating for rights of workers. Without functioning trade unions, domestic workers struggle to organize and collectively bargain for better pay and conditions.

Nonetheless, in 2012 workers formed an association, the Network of Domestic Workers of Thailand (NDWT), with support of the CSO HomeNet (also known as the Foundation for Labour and Employment Promotion). Members include both Thai and migrant (predominantly Myanmar) domestic workers. The participation of both nationals and migrants has been critical to success in lobbying for legal changes that affect both groups. As of end 2023, the Network had an active member base of 1,089 domestic workers (around one third Thai and two thirds migrants) and engages another several hundred more non-members in activities.

HomeNet and NDWT advocate for legal change, while simultaneously providing workers with peer and direct support and capacity-building empowerment. Notwithstanding the rights gained recently in the Ministerial Regulation No. 15, NDWT's current advocacy aims are access to social protection; ratification of ILO Convention No. 189; and expansion of the use of a code of conduct for employment of domestic workers and a standard employment contract (UNNM, 2022). In addition to NDWT, smaller groups of domestic workers join for instance with cleaners at hotels and offices to form a migrant women's group in Chiang Mai under MAP Foundation, where they regularly attend community events to pass out leaflets on provisions in the Ministerial Regulation, as well as perform a drama about domestic workers' rights. They convene consultations between domestic workers and social security officials, and together with other work sectors regularly present recommendations to the Chiang Mai Governor and provincial government (MAP Foundation, 2024).

Good practices in Thailand

Compared to nearby countries in the subregion that are also destinations for migrant domestic workers, Thailand offers workers better conditions on several metrics, not least forced labour and hours worked (ILO, 2023a). In Thailand, migrant domestic workers, households, service providers and companies navigate laws related to migration, labour and social protection that offer some protections but maintain some exclusions for the sector. Importantly, the new Ministerial Regulation No. 15 on Domestic Work (which replaced Ministerial Regulation No. 14) and Thailand's recent ratification of Protocol of 2014 to the ILO Forced Labour Convention No.29 show commendable commitment to ensure migrant domestic workers are afforded work in decent, rights-based conditions. Inclusion of domestic workers in the national minimum wage and capping hours to an eight-hour regular workday are rare in the region, and indeed globally.

Compared to Malaysia, Singapore and some other countries of destination in the wider Asia region, Thailand does not require migrant domestic workers to live in their employers' home. This practice affords personal freedoms and has decreases the risk of situations of isolation and confinement. Furthermore, as the Labour Protection Act does not discriminate between nationals and non-nationals, when employed by a service provider or company, migrant domestic workers can have access to full labour and social protections. There is increasing evidence (including from the ILO surveys) that those who are able to live out, change employers (or work for multiple employers), pay less in migration fees and related costs, negotiate working time and hours, and are able to access better conditions and better pay.

Conclusion

Domestic work is often dismissed as “unskilled” work, but the reality is far more nuanced. Domestic workers in Thailand undertake a range of tasks within their work that are classified as Skill Level 2 by ISCO-08. In addition, workers use key transversal skills, including speaking the local language, explaining what they mean and listening, and managing their or others’ emotions. These are skills increasingly valued in the modern workplace and employers of domestic workers take them into account when hiring. However, skills training for domestic work is not consistently or comprehensively available to migrant domestic workers. Workers’ skills are not recognized by employers for the purposes of determining employment conditions, including wages.

Because they do not recognize the skills aspects of the domestic work sector, Thailand’s labour migration governance systems cannot fully match labour market needs for care work. The ageing demographic challenges facing Thailand are seen elsewhere in ASEAN. A greater regional and global demand for care could lead to increased competition for migrant care workers from South-East Asia, including domestic workers. This could be an opportunity for Thailand. If Thailand can create an attractive labour market for domestic workers, it could secure migrants from the region who may otherwise look to migrate elsewhere.

Of the 400 migrant domestic workers surveyed for the ILO 2023 study, many worked hours well in excess of the normal Thai working times, and usually without overtime pay. When seemingly decent wages are adjusted for the standard working week of eight hours, all migrant domestic workers in the ILO 2023 survey reported earning less than the Thai minimum wage.

The current model of employment for migrant domestic workers does not fully protect them from forced labour. Documented migrant workers who come through the MoU are tied to employers with high barriers to change jobs, take on debts including for recruitment, face document confiscation and attract little labour law enforcement or social protection, thus putting workers at risk of forced labour. However, in Thailand many migrant domestic workers are able to take control over their living arrangements, without mandatory live-in arrangements – which are prevalent in other parts of the region. A key factor in the prevalence of forced labour is the continued exclusion of migrant domestic workers from full labour and social protection, as well as exclusion from enforcement through labour inspection or other mechanisms. Recent improvements in the legal framework offer better prospects for domestic workers that can be further enhanced with the recommendations below.

Recommendations

To catalyse improvements to domestic work, the Royal Thai Government, in coordination with social partners, needs to ensure, at minimum, four critical changes:

- **Sign and ratify the ILO Domestic Workers Convention, 2011 (No. 189) and continue to close legal gaps to ensure domestic workers enjoy rights at least equal to those of other workers, in the Labour Protection Act, Social Security Act, Labour Relations Act, B.E. 2518 (1975), and in practice.** Ministerial Regulation No. 15 (2024) affords progressively more labour rights under the Labour Protection Act. Full extension and enforcement are needed. Migrant and national domestic workers also need fair access to comprehensive social protection equivalent to other workers, and in particular access to Section 33 Social Security coverage for those employed by individuals in private households. The Labour Relations Act continues to restrict access to freedom of association and collective bargaining as well as the ability for migrant workers and domestic workers to establish trade unions. Full participation in tripartite negotiations will enable grounded policy making that all constituents agree on.
- **Implement the Forced Labour Convention (No. 29) and Protocol and ensure urgent action for the effective and sustained suppression of forced labour of domestic workers.** Forced labour is still a prevalent part of the domestic work sector for migrants. A proactive Government enforcement scheme aimed at detecting abuse, including forced labour, is needed. This should include random house checks and direct, private domestic worker interviews with interpretation into migrant languages with due regard for the special characteristics of domestic work.
- **Formalize skills recognition opportunities for domestic workers, which consider years of experience and transversal skills.** In the case of this sector, migrant domestic workers have learned on the job, and not only have direct and indirect care skills, but also core communication and emotional skills. Very few migrant domestic workers have any certification for their skills. Recognition of Prior Learning can test and certify workers, giving them acknowledgement and a document to use in their professional lives as they seek to show potential employers what they can offer, and in return command skill-appropriate salaries and other conditions.
- **Ensure regular migration pathways for domestic workers that eliminate worker-paid recruitment fees and do not tie workers to employers through high requirements to changing employer.** In line with ILO standards and guidance, worker-paid recruitment fees and related costs should be eliminated. ILO Convention No. 189 does not allow for national exceptions for the domestic work sector. The current requirements for migrant workers to be able to change employer put high onus on workers and can lead to situations of coercion to stay in abusive workplaces.

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Myanmar migrant fishers sort the catch on a fishing vessel in Phuket, Thailand (From the SEA Junction and ILO photo exhibition "Not Just Labour: Migrant Photo Voices from Thailand's Fisheries") | ©Mg Myo Oo 2024



WORKING CONDITIONS FOR MIGRANTS IN THAILAND'S BLUE ECONOMY

Benjamin Harkins, ILO.

Introduction

The Thai fishing and seafood processing sectors have been a flashpoint for global concerns about exploitation of migrant workers during the last decade. As attention to supply chains and the sourcing of consumer products increased in many market states, widespread reports emerged of forced labour and human trafficking among migrants working on fishing vessels in Thailand. Initially, the result of empirical research by international organizations, a series of high-profile media reports were released in 2014–2015 that clearly demonstrated the linkage between the abusive working conditions for migrants and the consumer products being sold by multinational corporations in the Global North.

Thailand came to be viewed as a textbook example of the potential problems that can emerge at the confluence of weak labour migration governance and unchecked illegal, unregulated and unreported (IUU) fishing practices. The increased media attention and accusations of modern slavery raised the stakes for private sector companies sourcing seafood products from Thailand, who responded by increasing their investments in auditing, certification and corporate social responsibility initiatives to protect their reputations by demonstrating they were making an effort to clean up their supply chains (Marschke and Vandergeest, 2016).

Much of the attention to exploitative working conditions in the seafood supply chain was focused on men migrants working on board Thai fishing vessels. In relation to seafood processing factories, achieving greater traceability of seafood products was the primary concern (Boles, 2019). Largely neglected in the discourse that followed was

the industry's heavy reliance on women migrant workers to perform low-paid, precarious and often informalized work at all tiers of the seafood processing sector in Thailand. Research on the working conditions of women migrants within the industry has recurrently revealed substantial decent work deficits, including gender wage gaps, restrictions on freedom of association, violence and harassment, and termination of employment based on pregnancy (ILO, 2022a.)

Mechanisms for diplomatic engagement by key market states intensified pressure on the Royal Thai Government to take action on human trafficking and illegal fishing practices – backed up by the threat of potential trade sanctions. The United States of America placed Thailand's anti-trafficking response at Tier 3 in its 2014 and 2015 Trafficking in Persons reports, largely based upon exploitation in the fishing sector. In April 2015, the European Commission issued a notification ("yellow-card warning") of the possibility of Thailand being identified as a non-cooperating third country in fighting IUU fishing, which would have blocked market access in the European Union (Chotikajan et al., 2019).

In response, Thailand enacted a broad series of measures to strengthen its legislative frameworks and improve enforcement. Key among the labour governance reforms were the amendments in 2018 and 2022 of the Ministerial Regulation on Labour Protection in Sea Fisheries Work, B.E. 2557 (2014), amendment of the Anti-Trafficking in Persons Act, B.E. 2562 (2019), ratification of the Work in Fishing Convention, 2007 (No. 188), ratification of the Protocol to the Forced Labour Convention, 1930 (No. 29) and the establishment of 30 Port-in/Port-out (PIPO) Centres to conduct multidisciplinary inspections of fishing vessels in Thailand's coastal provinces. To address the concerns relating to IUU fishing, Thailand adopted a new Royal Ordinance on Fisheries, ratified the Port State Measures Agreement and United Nations Fish Stocks Agreement, and enhanced monitoring, control and surveillance systems (ibid.).

Adopting these measures succeeded in reducing the negative global attention paid to the Thai fishing sector. In practice, however, evidence continues to emerge that many decent work deficits remain. Prior research by the International Labour Organization (ILO) published in 2020 showed some improvements in working conditions for migrant fishers and seafood processing workers but highlighted persistent labour rights abuses, such as contract substitution, retention of identification documents, debt bondage, excessive working hours, wage theft, violence and harassment, and forced labour. The research also revealed that serious injuries and deaths are a common occurrence among migrant workers and provisions for occupational safety and health on-board vessels are not adequate (ILO, 2020). Many of these decent work deficits were further exacerbated by the impact of the COVID-19 pandemic, as migrant workers were disproportionately targeted by lockdown policies and excluded from many forms of social protection assistance (ILO, 2022b).

The rapid timeframe and largely top-down approach to enacting the reforms in Thailand has raised questions about whether the new regulations are being robustly implemented and can be sustained in the long-term (Kadfak and Linke, 2021). For example, the non-governmental Seafood Working Group has repeatedly flagged its concerns about the lack of labour rights violations identified at the PIPO Centres, which it attributed to the perfunctory approach taken and lack of safe space created for migrants to report abuses (GLJ-ILRF 2023). Moreover, the substantial constraints to freedom of association for migrant workers in Thailand prevent them from adequately representing their interests. To date, no trade unions have been allowed to register in Thailand under the Labour Relations Act, B.E. 2518 (1975) to provide a voice for migrant fishers and seafood processing workers in social dialogue.

Perhaps most forcefully, fisheries associations and vessel owners have strongly opposed the labour governance reforms, viewing the international labour standards promoted by the Work in Fishing Convention (No. 188) as incompatible with the fishing industry in Thailand and as imposing an unfair financial burden on employers (Auethavornpipat, 2022). Through organizing mass protests and advocacy at the highest levels of the Royal Thai Government, they succeeded in preventing the full application of certain articles of the Convention, notably permitting private health insurance as an alternative to the Social Security Fund (SSF) despite the reduced benefits provided to fishers (ibid.).

Following elections in May 2023, the new Government voiced support for rolling back several of the key fisheries reforms to “unlock the fishing sector” (Jones, 2023). Supported by extensive lobbying from fisheries associations, the draft legislation being considered includes reduced penalties for IUU fishing, relaxing the prohibition on trans-shipment of catch, re-allowing at-sea crew transfers, reduced vessel monitoring system requirements, relaxing distant water fishing controls and eliminating vessel crew list requirements before leaving port (Environmental Justice Foundation, 2024). In October 2023, both non-governmental organizations and private sector businesses sent letters to Prime Minister Srettha Thavisin to register their opposing concerns and request dialogue on the changes proposed. Nevertheless, the existing Fisheries Act was revoked in January 2024 and drafts of the new law have been proposed for consideration. At stake is the future of a 5.4 billion USD industry (FAO, 2021), which currently employs approximately 192,000 registered migrant fishers and seafood processing workers,⁵⁰ as well as tens of thousands more in an irregular situation.

The Ship to Shore Rights South East Asia programme – implemented by the ILO, the International Organization for Migration (IOM) and the United Nations Development Programme (UNDP) – has conducted timely research that can inform the ongoing dialogue on Thailand’s legislative reforms in the fishing sector. Between May and July 2022, a large-scale regional survey of working conditions was conducted for migrant workers in the fishing and seafood processing sectors, including an estimate of the prevalence of forced labour. A subset of 630 survey respondents (284 women) from Cambodia and Myanmar who had worked in various provinces of Thailand was analysed to produce this chapter, together with 16 key informant interviews with key stakeholders and 24 in-depth interviews with migrant workers (half of whom were women). Although not statistically representative, the survey sample was collected from returned migrant workers across six localities of Cambodia (Banteay Meanchey, Koh Kong and Siem Reap) and Myanmar (Bago, Dawei and Kawthaung) through multistage random sampling. Conducted in partnership with the consulting firm Rapid Asia, the research findings provide a robust evidence-base for further progress towards decent work in Thailand’s blue economy.

Recruitment practices

Migration information

Nearly all survey respondents said that they had obtained information about migration and employment before going abroad (Table 23). For the vast majority of the migrant workers interviewed (93%), friends and family were their primary source of information. This result is in line with previous studies, which have found that most migrants rely on their friends and family for information because they are more trusted sources even if not necessarily providing official information (Harkins et al., 2017).

This finding suggests that one of the most important ways to deliver such information to migrants is to increase the quality of information circulating within communities of origin. Respecting the value of trusted community networks rather than trying to impose entirely new platforms on migrants to access information is strategic (ILO, 2019; Harkins et al., 2017). As one Cambodian woman from Siem Reap who worked in seafood processing said: “My siblings and friends who have worked in Thailand before assisted me by giving me information on how to obtain a passport and other necessary documents, as well as introducing me to the employer, so I didn’t have to worry too much.”

An important absence is that none of the respondents stated that they had relied on local authorities in their origin countries to obtain information about migration before going abroad. Many migrant workers lack confidence in the accuracy and usefulness of information provided by Government officials. A Cambodian woman who had worked in seafood processing explained: “I got all of the information I needed about migrating to Thailand from friends who had worked there before. They helped me through the process of applying for a passport and other documents because they know what the correct price should be. That was my preference as I really don’t feel comfortable going to the government office on my own”.

⁵⁰ Source: Thailand’s Department of Employment and Department of Fisheries (as of June 2024). As the data are not harmonized between the two departments, there is the possibility of some duplication.

Table 23. Main source of information about migration by nationality (n=630) (%)

	Cambodia (n=325)	Myanmar (n=302)	Total (n=630)
Local authorities (origin country)	0	0	0
Friends and family	89	98	93
Brokers	10	1	6
Online channels	0	<1	<1
None	<1	1	1

Note: One migrant from Indonesia and two migrants from Viet Nam also reported working in Thailand and are included in the total.

Migration channels

The study found that fishing and seafood processing workers continue to use irregular migration channels (63%) more frequently than regular channels (37%), most commonly through assistance from friends and family (Table 24). Myanmar migrants were more likely to migrate regularly (50%) than Cambodians (23%), with the most significant difference being greater use of brokerage services by Cambodian migrants. Migrants employed in seafood processing used regular channels to go abroad (47%) more often than fishers (25%), particularly licensed recruitment agencies.

Official restrictions imposed on Cambodian fishers migrating to Thailand through licensed recruitment agencies are a key contributing factor to irregular migration. Cambodia's Ministry of Labour and Vocational Training issued an announcement prohibiting recruitment of migrant fishers in 2007. While this decision by the Cambodian Government was intended to protect migrant workers from exploitation and abuse, the policy has not achieved its intended outcomes. Cambodian workers still go to work abroad in Thailand's fishing sector with irregular legal status or are deceived by unscrupulous actors into working in the sector. Although many regularize their status later through Thailand's periodic amnesties, the lack of legal status increases their vulnerability during the recruitment process and limits their access to official assistance (Hodge and Harkins, 2024).

In Myanmar, many of the survey respondents migrated to Thailand prior to the military takeover on 1 February 2021, and the likelihood of using a broker to migrate has significantly increased during the last three and a half years. Not only are more people migrating from Myanmar now, but also more need to do so quickly in response to the escalating economic crisis and armed conflict (see [Chapter 1](#)). This situation typically means avoiding the slower regular migration routes available and instead relying on the services of unregulated brokers to expedite the process. Another important incentive for using brokerage services is that they require less engagement with the de facto authorities in Myanmar, which is increasingly viewed as risky by many migrants given the introduction of a military conscription policy, as well as new taxation and remittance requirements (ILO, forthcoming).

As the demand for migration services in Myanmar has increased, so too have the scale and diversity of broker services to fill these needs. New forms of brokerage have emerged as rent seeking by the de facto authorities has gone largely unchecked, including the need for broker services to assist with obtaining a passport, receiving a labour demand letter from a Thai employer, issuing the Overseas Worker Identification Card required under Myanmar's Overseas Employment Law (1999), and opening a bank account in Thailand. Although many brokers are local community members who provide effective services to migrants, there is little doubt that the post-coup situation in Myanmar has created additional vulnerabilities to exploitation due to the decline in rule of law (ibid.).

Table 24. Migration channels used (n=630) (%)

	Cambodia (n=325)	Myanmar (n=302)	Total (n=630)
Government agency	0	26	13
Licensed recruitment agency	23	16	20
Directly with employer	0	8	4
Unlicensed broker	37	14	26
Family and friends	38	32	35
Independently	1	4	2

Note: Channels depicted in green are classified as “regular” and channels in blue are “irregular”.

Migration costs

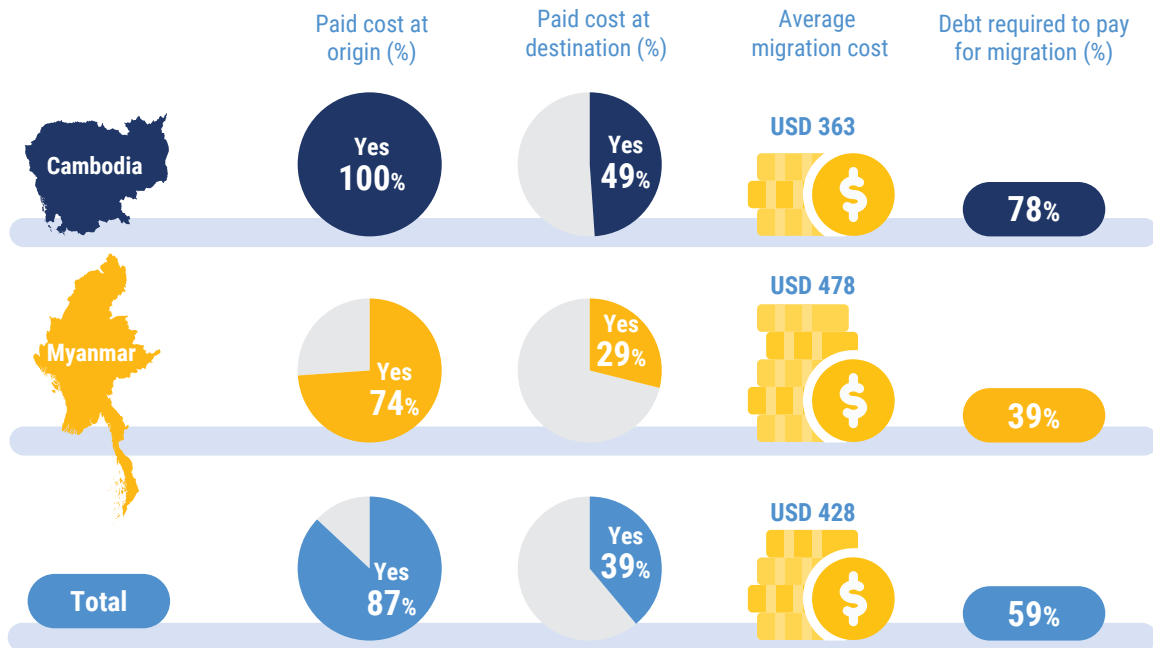
Survey respondents were asked to provide an estimate of the total costs and fees they paid to migrate, including any broker fees, recruitment agency fees, documentation costs, medical exam costs, travel costs, training costs, bribes and others. As shown in Figure 19, the vast majority had paid costs and fees in countries of origin, including 74 per cent of Myanmar migrants and all Cambodian migrants (100%). The average total cost paid to migrate was significantly higher for Myanmar than Cambodian migrants (USD 478 versus USD 363), which likely reflects the greater share of Myanmar migrant workers who went abroad through regular channels.

Although Thailand has stipulated that migrant workers should not be charged recruitment fees under the Royal Ordinance Concerning the Management of Foreign Workers, the survey found that a substantial portion of both Cambodian (49%) and Myanmar migrants (29%) were required to pay these costs and fees in Thailand. There is legal ambiguity on exactly what fees and costs are prohibited for migrants on the Thai side of the border. Service fees are prohibited under section 42 of the Royal Ordinance, while section 49 stipulates that certain costs can be charged to migrants if they were paid for by the employer beforehand, “such as passport fees, health examination fees, work permit fees or other fees as prescribed in a notification by the Director-General”.⁵¹ The lack of clarity has meant that many migrants continue to bear responsibility for paying most of the recruitment fees and related costs for employment in Thailand.

Nearly three out of five of the migrants interviewed (59%) had to take on various forms of debt to afford the recruitment costs, which likely restricted their ability to leave their employment until the amounts were paid off. Debt was much more common for Cambodian than Myanmar migrants (78% versus 39%), even though the costs involved were lower. Most frequently, the loans were provided by friends and family, money lenders or employers. If Thai employers pay for these costs in advance, they are legally allowed to deduct up to 10 per cent from the wages of migrant workers each month to recover them. However, it is often difficult for migrant workers to keep track of how much they owe, which can be used by unscrupulous employers as leverage to get them to stay in their jobs longer than required (ILO, 2020).

The international labour standards set forth in the Private Employment Agency Convention, 1997 (No. 181) and the Work in Fishing Convention, 2007 (No. 188) are that recruitment fees and related costs should not be charged to workers. Although both Cambodia and Myanmar have legislation in place to regulate recruitment agency fees, a commonly held view among policymakers is that eliminating these costs entirely for migrant workers is impractical and may lead to reductions in the number of migrant workers who can be deployed. Likewise, many Thai employers are reluctant to take full responsibility for the fees and related costs of recruitment for migrant workers, particularly those incurred in countries of origin.

⁵¹ Royal Ordinance Concerning the Management of Foreign Workers, B.E. 2561 (2018).

Figure 19. Recruitment fees and related costs paid by nationality (n=630)

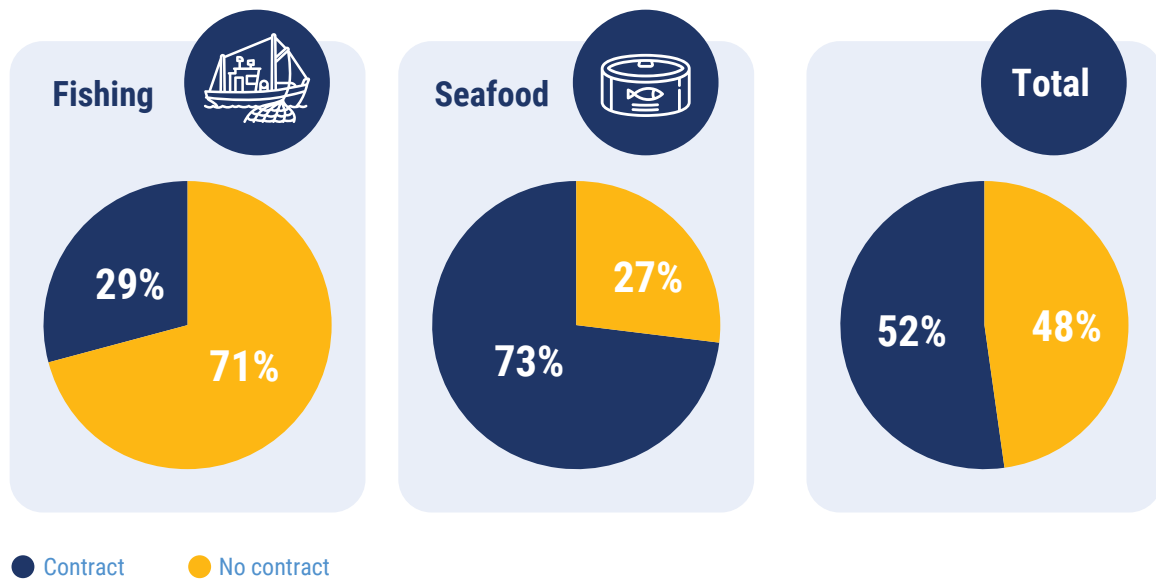
Working conditions

Work agreements

Signing a standardized employment contract in a language that migrants can understand is an important measure to help ensure transparency and accountability for their working conditions. In some countries of origin such as Cambodia, the Government requires that contracts issued to migrant workers are checked by labour authorities to confirm that they contain the required terms and conditions and meet certain legal standards (Harkins et al., 2017).

As shown in Figure 20, only about half of migrant fishing and seafood processing workers (52%), received a written work agreement to specify the terms of their employment. The share receiving a contract was much lower for fishers (29%) compared to migrants working in seafood processing (73%), which is likely the result of the greater informality of employment in the fishing industry.⁵² As one Cambodian fisher from Siem Reap said, “For my job, there was no work agreement and I did not know how much I would be paid. I just had to do whatever I was told by the skipper”.

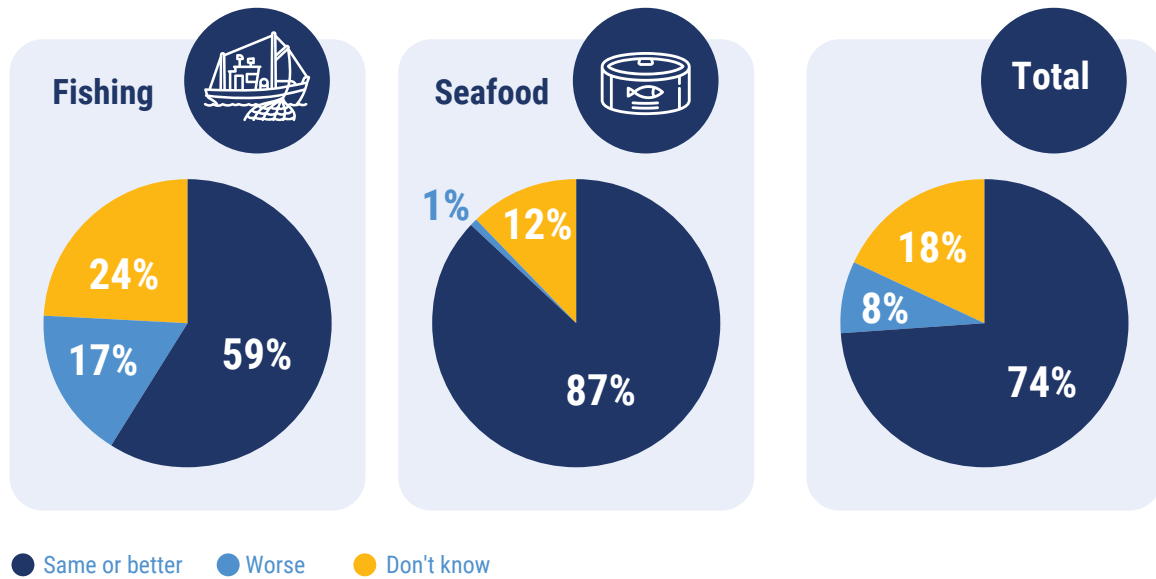
⁵² Note: Fishers are required to receive a written employment contract under the Ministerial Regulation on Labour Protection in Sea Fisheries B.E.2565 (2022), while either a verbal or written contract is permitted for seafood processing workers under the Labour Protection Act B.E. 2541 (1998).

Figure 20. Employment contracts by sector (n=630)

Contract substitution

Although it is an important basic labour protection, having a written work agreement is no guarantee that the conditions outlined will be provided to migrant workers in practice. It is not uncommon for a contract drafted and signed for submission to authorities, while a second contract contains the actual employment terms for the worker – providing less favourable working conditions (Bylander, 2019). Figure 21 reveals that nearly three quarters of migrant workers said that their jobs were the same or better than promised (74%) but a portion did report that the conditions were worse (8%). Moreover, a larger share of the respondents did not feel that they understood their contracts well enough to answer the question (18%).

Contract substitution appears to be a more substantial problem in the Thai fishing sector than in the seafood processing industry. The vast majority of migrant workers who said that their conditions were worse than promised (n=50) were employed in fishing work (96%). In most cases, these discrepancies related to longer working hours or more working days than had been stated in their contracts. However, 17 fishers reported that they had been placed in entirely different jobs than they had agreed upon. This finding points to the need to extend the chain of liability across borders, so that all of the parties involved in recruitment and employment of migrant fishers are accountable for respecting the terms of employment contracts.

Figure 21. Working conditions better or worse than promised (n=630)

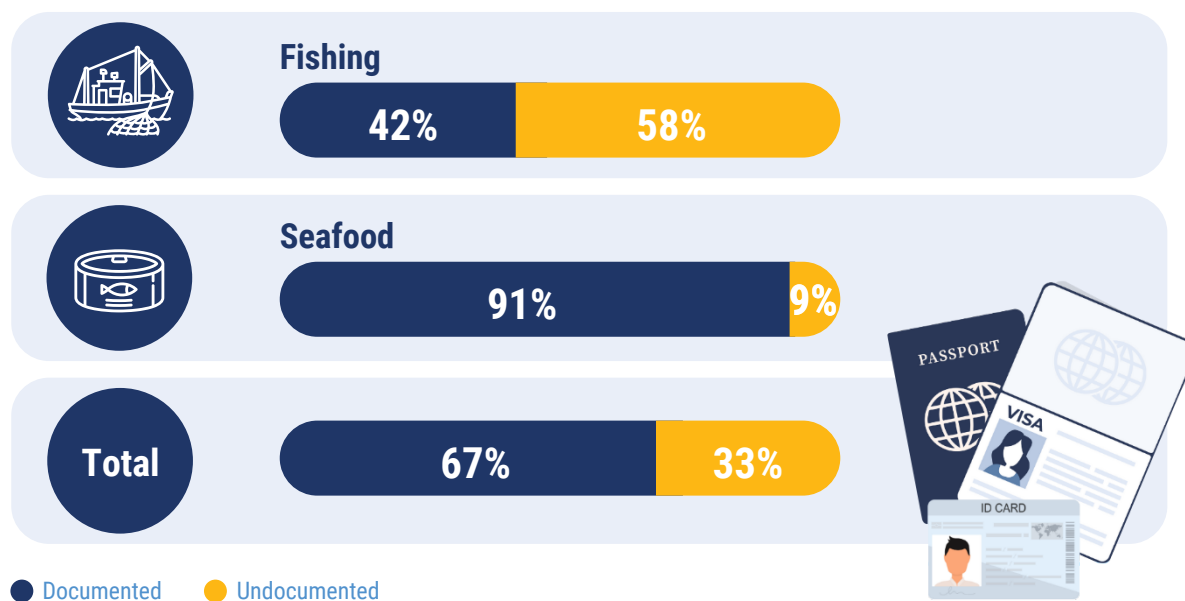
Legal documentation

The legal documentation required for labour migration in Thailand is extensive and regularly in flux. Migrant workers entering Thailand under the MoU process with a passport, registering under Cabinet Resolutions for a “pink card” or completing nationality verification to receive a “certificate of identity” are all afforded different legal permissions to stay and work. In addition, migrant fishers can obtain seamen’s books provided by the Department of Fisheries, which provide separate but overlapping permissions. Despite the multiple options for legal documentation in Thailand, most migrant workers live and work in a precarious legal status that is almost entirely at the discretion of their employers (Harkins, 2019).

As migrant workers in Thailand commonly go through periods of regular and irregular legal status, the survey respondents were asked not only what documents they held but also whether they had legal documentation for the majority of their time in Thailand. Figure 22 shows that two thirds of migrants were documented most of the time (67%), while one third had typically worked without legal documents (33%). There was a major discrepancy between the fishing and seafood processing sectors, as only 42 per cent of fishers held documentation for the majority of the time in comparison to 91 per cent of seafood processing workers.

The research also examined whether migrant workers had access to their legal documents. Although withholding of personal documents, such as a passport, work permit, registration card or ATM card, is clearly prohibited under Thai law, it remains a common occurrence. As one Cambodian woman from Koh Kong working in a seafood processing factory said, “I have my own legal documents but the employer requires that they keep my passport as per the rules in my work agreement. This is to keep workers from running away during the contract period.”

Research by the Human Rights and Development Foundation (HRDF) found that employers most commonly retained documents to ensure that migrant fishers serviced their debts before leaving their employment, or said they were doing so to prevent them from being lost or damaged. Based upon HRDF’s extensive experience in providing legal assistance to migrants, retention of legal documents is such a common practice that migrant workers seldom bother to make complaints about it and the problem only emerges when they come to complain about other types of labour rights violations (Jankomol, 2023). Nevertheless, withholding of legal documents for any reason is considered to be an indicator of forced labour (Chapter 5) as it restricts the ability of migrant workers to leave their employment and therefore constitutes a “menace of penalty”.

Figure 22. Held legal documentation for stay and work by sector (n=630)

Working hours

Due to the specificities of commercial fishing work, fishers often experience long working hours and unpredictable working schedules. To maximize the return on investment in labour, fuel, maintenance, ice and other inputs, and take full advantage of limited fishing days, fishers worldwide often work long hours at sea. Nevertheless, excessive overtime is also a key indicator of forced labour in the fishing sector, which may occur when the number of crew members is inadequate, excessively long fishing trips are undertaken or workers are chronically denied adequate rest or shore leave (ILO, 2023).

As depicted in Table 20, migrants working in the fishing sector typically worked extremely long hours (13 per day) nearly every day of the week (6.6 days per week). The working schedule for fishers was considerably longer than the nine hours per day and 6.1 days per week put in by workers in the seafood processing sector, which nonetheless represents a substantial amount of overtime work. This finding suggests continuing problems with excessive working hours for many migrant workers, which may place them at higher risk of experiencing workplace injuries and accidents due to fatigue, as well as more generally reducing their quality of life. In many cases, migrant workers in seafood processing factories have little choice but to work long overtime hours because the low wages they earn are otherwise insufficient to support their families back home.

Table 25. Working days and hours by sector (n=630)

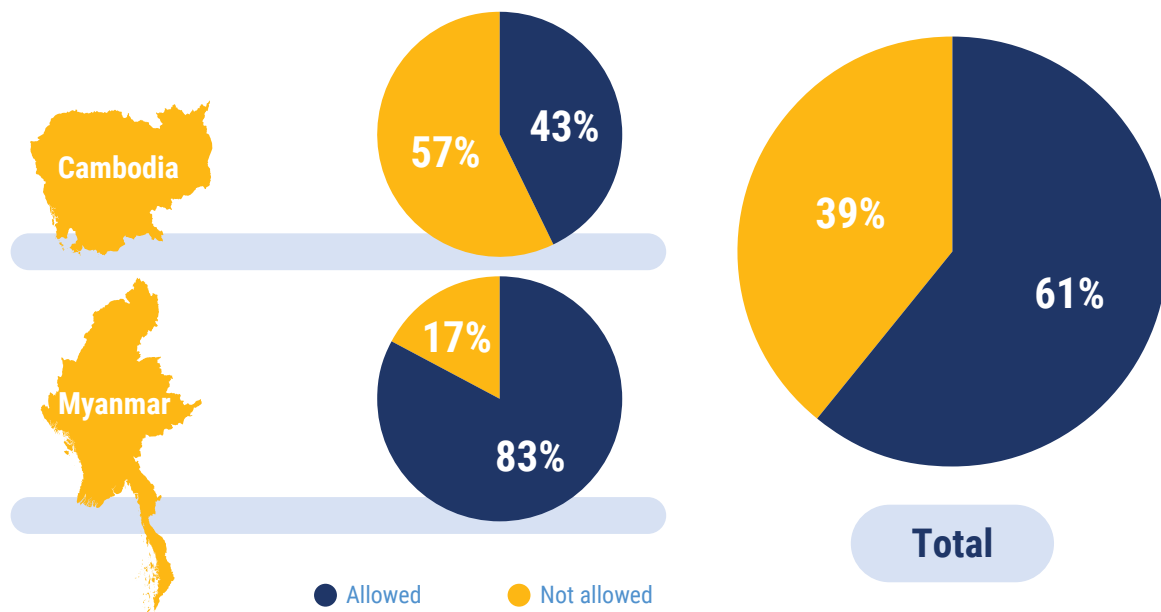
	Fishing (n=305)	Seafood (n=325)	Total (n=630)
Average hours per day	13	9	11
Average days per week	6.6	6.1	6.4
Average hours per week	86	56	71

Rest hours

Although the Work in Fishing Convention does not set a maximum number of working hours, it does clearly stipulate the required rest hours for fishers. Article 14 states that “Minimum hours of rest shall not be less than (i) ten hours in any 24-hour period; and (ii) 77 hours in any seven-day period,” which is reflected in the provisions of Thailand’s Ministerial Regulation on Labour Protection in Sea Fisheries B.E. 2565 (2022).

As shown in Figure 23, approximately three out of five migrant fishers (61%) in Thailand reported receiving at least the 10 hours of rest per day required by law. The share of Cambodian fishers who reported receiving adequate rest was substantially lower than for Myanmar fishers (43% versus 83%), which likely relates to the greater number of Cambodians found to be working on-board trawling vessels as opposed to purse seiners. Whereas purse seiners typically fish at nighttime only, trawlers often fish during both day and night. One Myanmar fisher from Dawei described the work schedule he experienced on a trawler as follows: “There were no fixed working hours. They just gave us signals when we had to work. If the fish were caught in the trawl, we had to jump into the water and get the net onto the boat. The resting hours were only about two to three hours a day. We only got to rest when there were no fish. If there were fish, we had to work.”

Figure 23. Fishers allowed at least 10 hours rest during 24-hour period by nationality (n=305) (%)



Wages

Previous studies have found that wage-related abuses, such as underpayment of wages, withholding of wages and making illegal wage deductions, are some of the most common labour rights violations for migrant workers in the fishing and seafood processing sectors (Chantavanich et al., 2013; ILO, 2018a; ILO, 2020). Problems with traditional payment practices persist, including providing cash payments, lack of or unclear pay slips and irregular pay periods, making migrants vulnerable to these types of abuses. Moreover, the application of different minimum wage rates in each province, difficulties in determining the legitimacy of wage deductions, and challenges with calculating the money they are owed as a share of the catch or in overtime pay can lead to confusion among migrant workers about the wage they are due. Entrenched gender wage gaps also exist within the seafood processing sector, with women reportedly earning 13 per cent less than men for the same jobs (CSO Coalition 2021; Box 6; see also [Chapter 4](#)).

Acknowledging the scale of the problem, the Royal Thai Government has made a concerted effort to improve wage protections in the fishing sector. With technical support from the ILO, an amendment to the Ministerial Regulation on Labour Protection in Sea Fisheries Work was adopted in March 2018. The Regulation requires that fishers are paid monthly wages via electronic transfers to their bank accounts rather than in cash. In addition, fishers must be paid not less than the daily minimum wage rate multiplied by 30 days.

However, many of these wage protections have yet to be fully realized in practice (Table 26). Average monthly wages were USD 368 but were substantially higher in the seafood processing sector (USD 404) than in fishing work (USD 329). Only half of fishers were found to be receiving at least the minimum wage (50%).⁵³ In addition, less than half of respondents said they received their wages through bank transfers (35%), including just 22 per cent of fishers. Wages were received at least monthly by all seafood processing workers but only approximately half of fishers said they were always paid at least monthly (52%).

During in-depth interviews, systematic challenges were found with coercion of migrant fishers through illegal pay practices. Many migrants had signed contracts for one to two years of employment that provided a small monthly wage payment of around USD 150, which is considerably below the legal minimum. Fishers are not provided with the rest of their wages until they complete the entire contract period, preventing them from leaving their employment. In order to fulfil the requirements of Thai law that full payment must be made monthly into a bank account, these employers withhold ATM cards, make deposits and then withdraw a portion of the money to create a paper trail of false compliance. In complaint cases handled by legal assistance providers, the ubiquity of employer efforts to circumvent the wage protections enacted for migrant fishers through cash payments have proven a major obstacle to verifying the actual wages received (Jankomol and Subsrirjunai, 2024).

Table 26. Wage payment practices by sector (n=630)

	Fishing (n=305)	Seafood (n=325)	Total
Average wage per month (USD)	329	404	368
Received minimum wage (%)	50	94	73
Paid with electronic transfer (%)	22	48	35
Received wage at least monthly (%)	52	100	76
Had wage deductions (%)	27	43	35

Note: Average monthly wages include any share of the catch received by fishers or overtime pay received by seafood processing workers.

⁵³ Note: The legal minimum wage rate in Thailand was THB 313–336 per day (depending upon province at the time of data collection). This rate is particularly important for migrant workers in Thailand as it frequently represents the practical rate of pay for migrants rather than the lowest legally allowable amount.

**BOX
6****Women migrants in home and pier-based work**

Labour performed by home and pier-based workers represents a substantial and problematic portion of the Thai seafood industry. The work is precarious: few labour or social protections apply; wages are often low and irregular; and the majority of migrants are unable to regularize their legal status. Most work in the subsector is performed by women, the majority of whom are migrants from Myanmar and Cambodia, with a small number from Lao People's Democratic Republic.

Home-based workers and pier-based workers are engaged in loading/unloading vessels and vehicles, sorting fish for transport to the appropriate processing factory, as well as in primary processing of fish and seafood (such as cleaning fish and peeling shrimp). These informal jobs constitute non-standard forms of work, with employment arrangements externalized and employers bearing little or no statutory responsibility. Wages normally depend on the volume of catch and are quite variable, with the worker absorbing all or nearly all of the risk of disruption to the catch for any reason. A substantial portion are paid a piece rate, which renders them particularly vulnerable to variations in the catch.

Although some women in this subsector work in informal jobs because they did not succeed in securing more formalized work, it is clear that for a number of women, the flexibility of the sector enables balancing paid work and domestic responsibilities. There is a trade-off between finding more formal work – which is more secure with better conditions – and being able to fulfil the expectations of their gender roles within their families. For example, some women find pier and home-based work convenient, despite its vulnerability, because it enables them to live near the ports and therefore be with their fisher husbands when they return from sea at irregular intervals. They can rent housing near the port that is convenient, and the relatively flexible hours are more likely to fit with family life, including the unpredictable patterns of men's work in fishing.

Importantly, this type of work gives some women the practical opportunity to manage their childcare responsibilities, as childcare services are very rarely provided in more formalized seafood processing work. Young children are often brought to play at or near the workplace before starting school, and women may make temporary reciprocal care arrangements with their friends. In other cases, women simply choose to work fewer hours to better reconcile their childcare duties. The informality also allows for children to "help out" with work when they are in their teens, and some young people report entering the sector in this way.

A major challenge is that few workers in this type of employment hold full legal documents – in part due to the stipulation that there must be a single employer for a work permit. In informal pier and home-based work, there is often no direct employer, and a single employer is usually not sufficient to guarantee full-time employment. To earn enough money, many migrant women work for more than one employer. To circumvent the legal constraints, they make use of brokers who essentially register themselves as a false employer. Using these brokerage services is usually more expensive but is the simplest method to obtain regular legal status while working informally.

Source: Ship to Shore Rights South East Asia: Gender equality and women's empowerment strategy (ILO, 2022b).

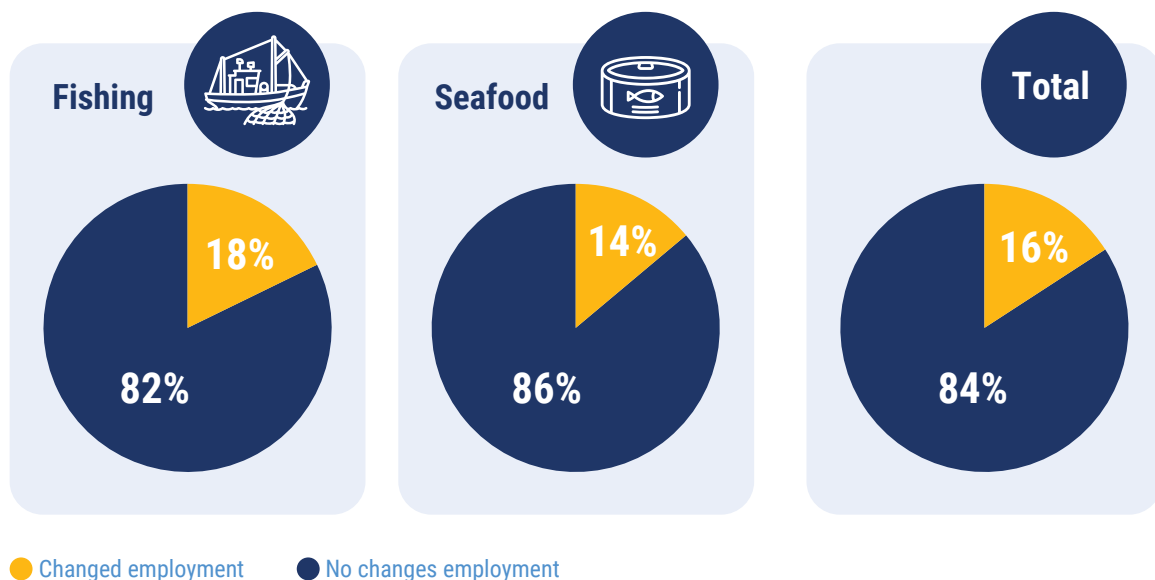
Labour market mobility

Migrant workers in Thailand are provided with very limited opportunity to change employment, as their legal status is directly tied to their employer. As stipulated by the Royal Ordinance Concerning the Management of Foreign Workers, only migrants working under the Memorandum of Understanding (MoU) process are allowed to change jobs. To do so, migrants must prove that their employer is at fault, provide reimbursement for any recruitment costs incurred and complete the change within 30 days. These strict requirements not only hinder migrant workers from asserting their rights in Thailand but also contribute to an inefficient labour market as businesses are not able to promptly fill jobs with locally available workers.

The tightly restrictive conditions for changing employment create a relationship of dependency that can be exploited by unscrupulous employers. During interviews, migrants reported they were required to buy themselves out of employment relationships if they wanted to change jobs. A Cambodian woman working in a seafood processing factory from Koh Kong said: “Only when the contract was over and I had fully paid my debt for my legal documents was I able to leave my employer. If not, I had no right to change my job.”

When asked if they had changed employment during their time abroad, only a small portion (16%) of migrants in both fishing and seafood processing work said they had (Figure 24). In addition, among migrants who had changed employment (n=101), nearly two thirds (67%) reported that they had to obtain permission from their employer before doing so. Greater flexibility to change employment of their own volition is a critically important policy change needed to help protect migrants from poor working conditions and abuses in Thailand. This change would provide migrants with the opportunity to lodge complaints or pursue better working conditions in other jobs when necessary – ‘voting with their feet’ when they are treated badly.

Figure 24. Changes of employment by sector (n=630) (%)



Forced Labour

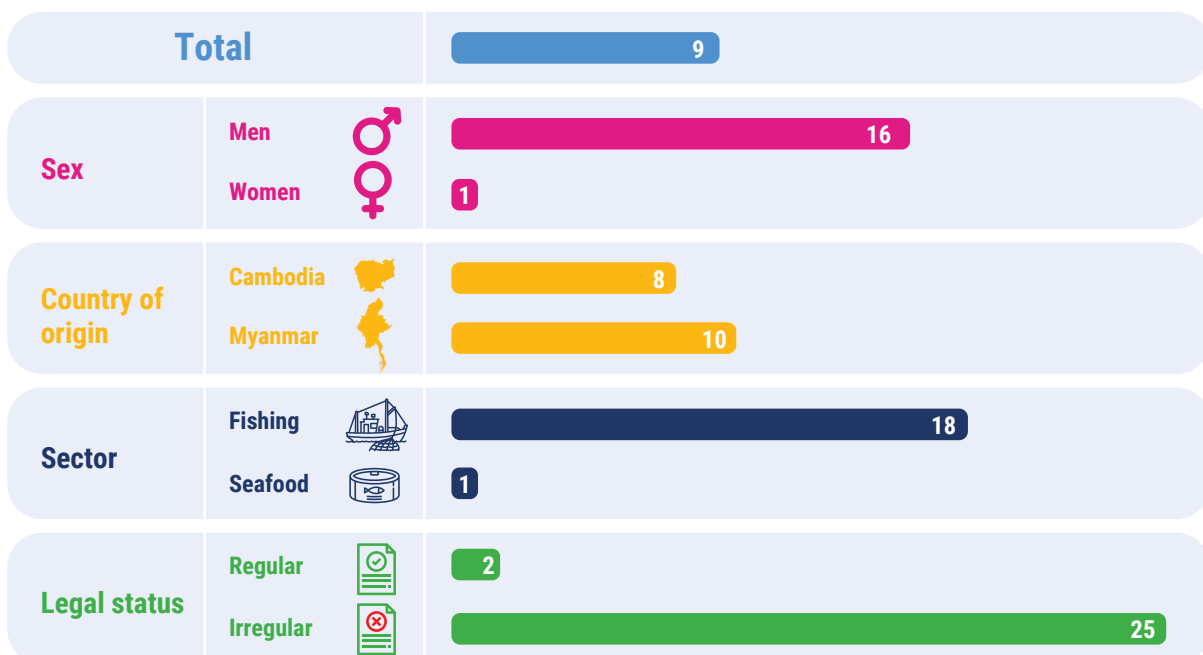
To estimate the prevalence of forced labour within empirical research studies, the ILO adopted new guidelines for measurement in 2018, which were applied in this study. The ILO methodology focuses on evaluating the two elements of 'involuntary work' and 'threat or menace of penalty' for each survey respondent. A case of forced labour is identified if both of these conditions are present within the same reference period of employment.

Based upon confidential interviews, it was found that 15 per cent of workers in Thailand's fishing and seafood processing sector showed indications of working involuntarily, most commonly in the form of deception about the job they would be doing, having to be on-call to work at any time, dangerous working conditions, and poor living situations. As one Cambodian fisher from Siem Reap explained: "My work was very difficult because I had to be available at any time day and night, and only had 30 minutes to an hour of rest per day. I was also paid low wages and had to live in terrible conditions."

In addition, it was found that 10 per cent of the migrant fishers and seafood processing workers interviewed showed indications of experiencing a threat or menace of penalty for leaving their work, which most frequently related to being kept under surveillance, not being allowed to leave the workplace and acts of physical violence. A Myanmar fisher from Dawei said: "We never saw land and were always out at sea. We couldn't talk about it out loud if we were planning to leave the boat or we would be beaten. When one fisher did run away, the rest of us had to work harder and our salary was cut off as punishment."

Combining the two elements of involuntary work and threat or menace of penalty, an estimated 9 per cent of migrants in the survey had been employed under conditions of forced labour (Figure 25). Analysis of the differences between subgroups found that cases of forced labour were much more common among fishers than seafood processing workers (18% versus 1%), for men than women (16% versus 1%) and for irregular than regular migrant workers (25% versus 2%). The results suggest that despite the changes made to address the issue, forced labour remains a substantial problem in Thailand's fishing sector.

Figure 25. Prevalence of forced labour by gender, nationality, sector and legal status (n=630) (%)



Access to assistance

Assistance for labour rights abuses

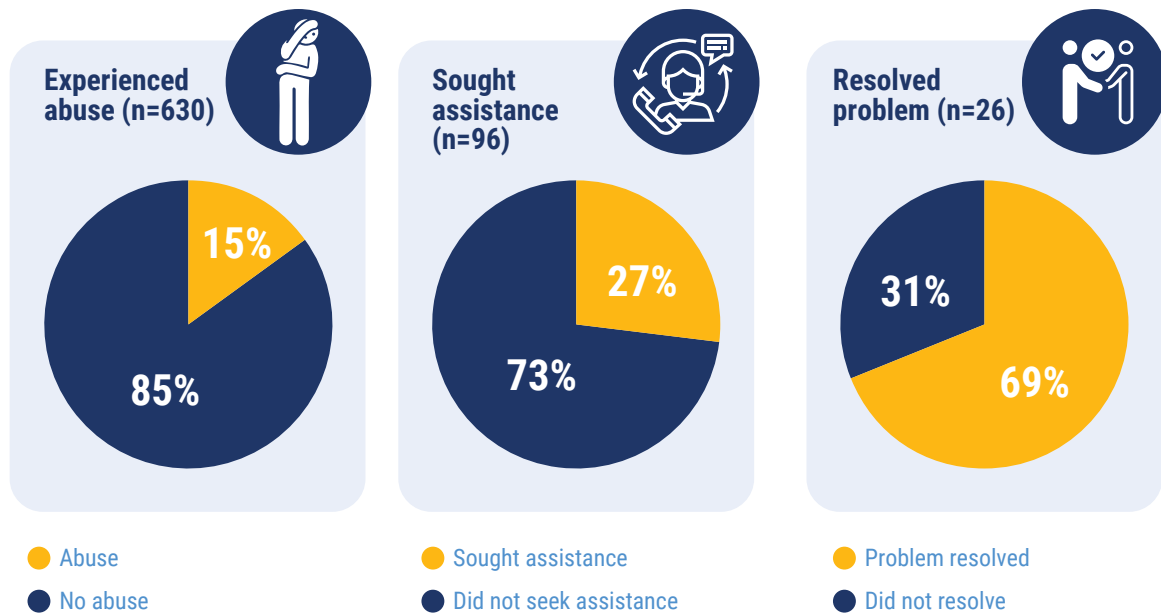
Barriers to pursuing redress are a key factor behind the vulnerability of migrant workers to labour rights violations in Thailand. Challenges in seeking help through official channels mean that migrant workers often reach out for informal support. Although this approach can be effective in resolving immediate concerns, any settlements reached are usually limited in legal enforceability, no sanctions are applied as a deterrent against future violations, and longer-term improvements in working conditions are typically out of reach (Harkins and Ahlberg, 2017).

As depicted in Figure 26, only around one quarter of migrant workers who showed indications of forced labour said that they sought assistance (27%). The most frequent reasons for not seeking help were not knowing who to go to for support, not feeling that the problem was serious enough, language barriers and fears of retaliation. The findings suggest that many migrant workers are unable to seek redress even in highly abusive situations, contributing to an enabling environment for exploitation. As a Myanmar fisher from Dawei said: “I could not complain about anything. If I did, it just meant that I was abused more, so I did not say a word. I just had to do what I was told.”

Among the migrants who did seek assistance, most either attempted to negotiate directly with their employer (50%) or went to friends and family for support (27%). No migrants sought help from labour authorities, police or other Government officials, showing continuing challenges with a lack of trust in official sources of support, particularly among irregular migrants who may fear detention or deportation. A Cambodian migrant fisher from Siem Reap said: “There was no one to help me solve my problems because I was working illegally as a fisher and did not dare to seek assistance from the Thai or Cambodian Government.”⁵⁴

Although the majority of migrants who sought assistance said they were able to resolve the problem (69%), it can be assumed that the use of informal channels for support means that no penal sanctions or legally binding remedies were ordered. Only a small portion of the migrants who face labour rights violations in the fishing and seafood processing sectors are currently able to obtain remedies, and in most cases, they are not fully restored financially or provided with additional compensation for harm suffered. Reducing the structural barriers that inhibit migrants’ access to justice, including employer-tied visas and work permits, slow and burdensome legal processes, and the lack of firewall protections for irregular migrants, is key to ensuring that labour rights abuses cannot be committed with impunity in Thailand.

⁵⁴ It should be noted that migrant workers in Thailand are legally entitled to access the complaint mechanisms provided by the Department of Labour Protection and Welfare regardless of their legal status, though it can be a risky and intimidating process for irregular migrants.

Figure 26. Assistance for labour rights abuses (n=630)

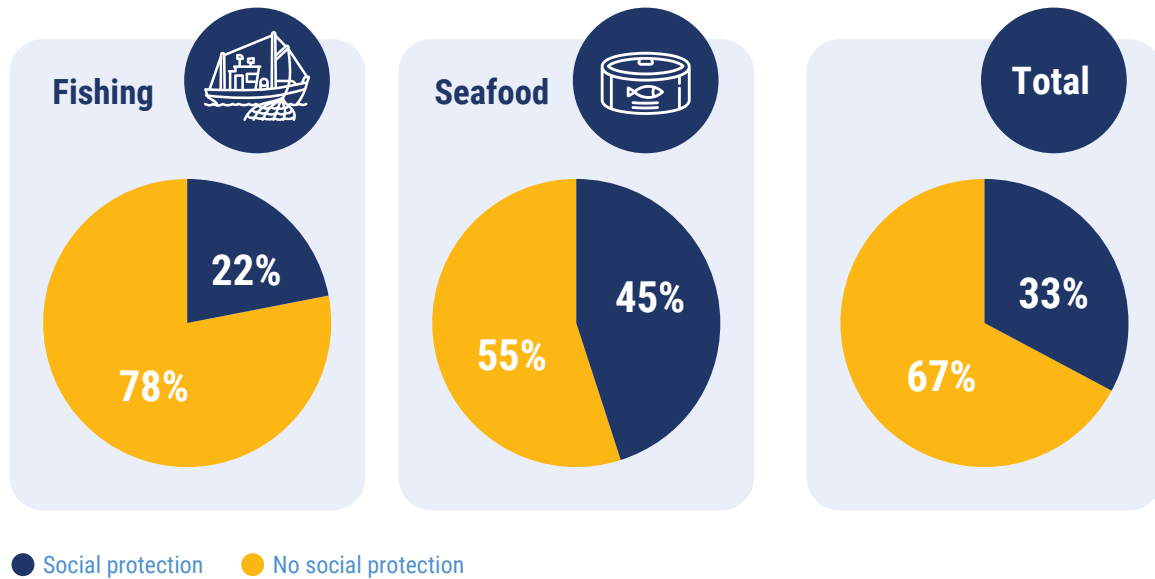
Social protection

The entitlements to social protection for regular migrant workers are relatively comprehensive, including all nine of the recognized branches of benefits. In practice, however, coverage remains low among migrants as many are excluded from enrolment because of the informality and irregular legal status of their employment. A recent social protection diagnostic review conducted in Thailand found that even for regular migrant workers, more than half do not have access to any form of social protection (ILO et al., 2022).

As shown in Figure 27, only one of three migrant workers in the fishing and seafood processing sectors were enrolled in any public or private insurance scheme (33%). Although enrolment is meant to be compulsory in both sectors, lack of legal documentation, inter alia, appears to pose a particularly substantial barrier to registration. Analysing social protection coverage by legal status, approximately half of regular migrant workers reported having some type of social protection coverage (49%), while almost no irregular migrants were enrolled (1%). The scope of coverage was also significantly lower in fishing than in seafood processing work (22% versus 45%), which is likely related to higher levels of informality and irregular legal status in the former.

In addition, only a small portion of insured migrant workers are able to make practical use of their benefits in Thailand (ibid.). As Cambodian and Myanmar migrants come from countries with very limited social protection frameworks in place, they are often unfamiliar with how to utilize these types of benefit schemes. Lack of knowledge on how to use their entitlements may be compounded by language barriers, limited ability to visit Government offices and concerns about approaching authorities to make claims. As one Myanmar fisher from Dawei stated: "I was always at sea. I really didn't know what benefits were available to me from the Government or how to make use of them."

Because of under-utilization, the social security contributions of migrants can be viewed as a de facto subsidy for the benefits of Thai workers. Cases have also been reported where migrant seafood processing workers tried to access their social security benefits and found that their employer had never actually enrolled them despite making regular deductions to their pay checks to cover their contributions (IOM, 2023).

Figure 27. Enrolment in social protection by sector (n=630) (%)

Freedom of association

A key gap remaining in the fundamental labour rights of migrant workers in Thailand are the obstacles to realizing freedom of association and collective bargaining. Under the Labour Relations Act, migrant workers may join trade unions but – contrary to international labour standards – they are prohibited from establishing their own unions or being a member of a union committee. As commercial fishing vessels in Thailand are now predominantly crewed by migrant workers, no Thai trade unions are available for them to join. For similar reasons, only a very small number of registered unions operate in seafood processing factories (ILRF, 2020).

The legal restriction preventing migrants from organizing is typically framed as a national security issue in Thailand. However, it also serves to maintain the severe power imbalance between migrants and their employers, making them more vulnerable to exploitation. Research by the ILO has shown that forced labour is almost always linked to restrictions on workers' ability to exercise their rights to organize. Where these basic labour rights are denied to workers, they are unable to raise a collective voice, defend their interests or positively influence their conditions of work (ILO, 2018b).

Until their right to organize is formally recognized, migrant workers in the Thai fishing and seafood processing sectors have formed informal worker organizations with support from trade unions and civil society organizations. For example, the Migrant Workers Rights Network is a membership-based organization that has been organizing migrant workers in Samut Sakhon since 2009, particularly within the seafood processing sector. Operating in a legal grey area, these organizations are typically constrained in terms of their ability to reach legally binding collective bargaining agreements with employers. However, they do provide meaningful peer support, particularly for resolving grievances.

Overall, only 8 per cent of migrant workers reported that they had joined any type of membership-based organization during their employment in Thailand, most of which can be categorized as very small and informal community-based organizations (Table 27). Trade union density among fishing and seafood processing workers was even lower, with just 1 per cent holding formal union membership. Most migrants said that they had not joined an organization at their workplace because they were unsure of their rights to organize, held irregular legal status or had no time to join an organization because of long work hours. However, some migrants also described not being permitted to join a union by their employers. A Cambodian woman from Koh Kong said: "In Thailand, they didn't allow us to join any organizations. We were told that we did not have any right to join a trade union."

Table 27. Organization or association membership by sector (n=630) (%)

	Fishing (n=305)	Seafood (n=325)	Total (n=630)
Trade union	<1	1	1
Migrant association	<1	0	<1
Women's group	0	<1	<1
Religious group	0	1	<1
Worker welfare committee	<1	0	<1
Other	6	8	7
None	94	90	92

Workplace injuries

Fishing has long been known as one of the world's most dangerous professions. A fishing boat is an unstable platform in perpetual motion. When the weather is particularly rough, the movements may be extreme and unpredictable. Vessel decks are slippery and often covered with nets and gear. There are generally no fixed working hours, which may lead to fatigue and increase the likelihood of accidents (Chantavanich et al., 2013). Although accurate official data are limited, a recent study estimated that more than 100,000 fishing-related deaths occur each year, many of which could have been prevented with greater regulation of occupational safety and health conditions (FISH Safety Foundation, 2022).

Because of the hazardous nature of fishing work, an analysis of workplace injuries and accidents was conducted within the survey. As shown in Table 28, nearly half of fishers (48%) and one third of seafood processing workers (30%) reported experiencing workplace injuries requiring medical attention, which is a very high rate that raises major concerns about safety standards. Most commonly, the types of injuries reported were cuts and lacerations (37%), impact-related injuries from slipping or falling (23%), and crashes and collisions (17%). Asked whether they had actually received medical treatment for these injuries, almost one quarter of fishers (24% cent) and a small share of seafood processing workers (9%) said they had not.

The survey findings suggest the need for considerable changes to enhance the safety of work environments for both fishing and seafood processing work, including increased training, improved inspection of occupational safety and health issues, provision of free personal protective equipment, access to immediate medical treatment and provision of workers' compensation payments for injuries. Currently, the safety conditions for migrant workers in the fishing and seafood processing sectors appear to be largely neglected. As a key informant from a civil society organization said: "Some of the workplaces provide first aid kits and medical care for injured workers. Other employers just don't care at all. They literally dump migrant workers at the hospital if they get hurt."

Table 28. Workplace injuries requiring medical treatment by sector (n=630) (%)

	Fishing (n=305)	Seafood (n=325)	Total (n=630)
Cuts and laceration	44	27	37
Slips, trips and falls	28	14	23
Crashes and collisions	22	9	17
Muscle strains	3	25	11
Illness related to heat/cold stress	3	20	9
Skin rashes or infections	0	4	2
Bone fractures	1	0	1
None	52	70	62

Conclusion

Dramatic reforms to labour and fisheries governance have been enacted in Thailand since 2014. Key international standards were ratified, a raft of legislative amendments were adopted, new institutional frameworks were established and self-regulation initiatives by the private sector proliferated. As a key bellwether, the Royal Thai Government reported on the progress achieved in implementing ILO Convention No. 188 to the ILO supervisory mechanism in 2021. The observations on the Government's report by independent legal experts revealed that significant gaps remain in adherence to the labour standards outlined (ILO, 2021). Dovetailing closely with these observations, the findings presented in this chapter demonstrate that many of the changes made to improve working conditions have yet to be realized by migrants in practice.

In the coming years, what is required is not just a change in policy but a change in mindset among many of the key stakeholders in the Thai fishing and seafood processing sectors. As Thailand has become an aged society, expanding the need for migrant workers to fill significant labour shortages, employers must consider how they can retain migrant workers through providing better working conditions rather than through coercive and precarious employment practices. The industry must continue to enhance conditions so that it genuinely provides decent work for migrant workers not only in law but also in practice. Particularly as new destination countries emerge for migrant fishers and seafood processing workers globally, employers will need to continue to make improvements if Thailand is to remain a competitive labour market.

The case of the fishing and seafood processing sector in Thailand also raises important questions about whether supply chain pressure can be successful in achieving long-term and sustained improvements to working conditions if it does not directly engage with the demands of organized labour. A robust and ever-expanding evidence base demonstrates that the auditing and certification regimes implemented under corporate social responsibility initiatives have had a negligible effect in reducing labour exploitation (LeBaron, 2018). These efforts have sought to leverage a 'neo-liberal ethics of the self', with the notion that consumer demands for greater corporate social responsibility and corresponding attempts at self-regulation by the private sector can eliminate abuses (Molland, 2019).

Placing the power in the hands of consumers, corporations and market states to affect change rather than workers themselves creates a significant risk of short-term and superficial improvements rather than genuine accountability to worker demands. Migrant workers must be provided with their fundamental rights to freedom of association and collective bargaining for a more a balanced relationship between migrant workers and their employers to emerge in Thailand. Achieving credible and sustainable progress towards decent work in Thailand's blue economy requires that migrants are provided with the right to form democratic and representative labour unions to bargain directly with their employers, rather than expecting social justice to be delivered by an invisible hand reaching down from above.

Recommendations

- **Ensure that migrant workers are able to exercise their fundamental rights to freedom of association and collective bargaining by ratifying and fully implementing the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and the Right to Organise and Collective Bargaining Convention (No. 98).** A major factor in the exploitation of migrant fishing and seafood processing workers is the lack of opportunities and restrictions posed on their ability to organize into trade unions. Increasing freedom of association and the right to collective bargaining is needed so that migrant workers have a more balanced power relationship with their employers and are able to raise a collective voice, defend their interests and positively influence their conditions of work.
- **Eliminate all worker-borne recruitment fees and related costs through ratifying and fully implementing the Private Employment Agency Convention (No. 181).** The international labour standard set forth in the convention is that “private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers”. Ratification of this international standard would make it clear that employers are legally responsible for paying recruitment fees and related costs rather than allowing for migrant workers to continue to shoulder the majority of the expenses involved.
- **Provide migrant workers with greater freedom to change employers, expanding the highly restrictive set of conditions currently in place.** Greater flexibility to change employment of their own volition is a critically important policy change needed to help protect migrants from poor working conditions and labour rights abuses in Thailand. Allowing migrant workers to change employment without losing their legal status would enable them to lodge complaints in cases of abuse without fear of retaliation, as well as to pursue decent working conditions in other jobs when necessary.
- **Expand childcare services for women and men migrant workers in the seafood processing industry.** Private sector actors in the seafood processing sector should develop firm-level policies that better recognize the childcare responsibilities of women and men migrant workers. This may include establishing flexible working arrangements that better accommodate the care responsibilities of migrant workers; provision of employer-subsidized childcare services during working hours; and support for the development of peer-based childcare arrangements among workers.
- **Improve labour inspection on board fishing vessels and in seafood processing factories to respond to labour rights violations and protect occupational safety and health.** A significant gap remaining in ensuring decent working conditions for migrant workers in the Thai fishing and seafood processing sectors is that very few violations are currently identified and prosecuted during labour inspections. In particular, the labour inspectorate should apply a strategic compliance approach to more effectively target potential violations, seek to create safer spaces for migrants to report abuses, increase collaboration with trade unions and civil society organizations during the inspection process, and more robustly inspect occupational safety and health concerns.

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Migrant worker travelling to work on an agricultural farm in Mae Sot, Thailand | ©IOM 2022



MIGRATION, BUSINESS AND HUMAN RIGHTS: POLICY AND ACTION

Kevin Lehmann, UNDP and Evie van Uden, IOM

Introduction

Thailand's fast-paced economic growth in recent decades has led to remarkable levels of poverty reduction but has not always translated into sustainable development outcomes. Pro-growth policies coupled with relatively limited Government regulation and/or enforcement – for example, in terms of decent work, migration, environmental protection, anti-corruption and the rule of law – have widened power imbalances between businesses and rights holders in Thailand, which in turn has contributed to various business-related human and labour rights abuses (United Nations Working Group on Business and Human Rights, 2019a).

Migrant workers continue to face a wide range of human rights abuses, and high levels of irregularity make them vulnerable to arrest, detention, deportation and exploitative working conditions. Migrants may also be subject to discrimination and stigma; human trafficking; forced labour; unethical recruitment practices; low wages; lack of access to health care; lack of freedom of association and collective bargaining; restricted movement; violence and exploitation, including gender-based violence; lack of access to effective remedy; and a host of other decent work deficits (UNDP, 2023a; IOM, 2021a; IOM, 2022; ILO, 2022a)

This chapter provides an overview of the migration, business and human rights ecosystem in Thailand, shedding light on the progress made to date by the Government and businesses in implementing the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the underlying “Protect, Respect and Remedy Framework” in the context of migrant workers. The chapter is structured based on the three pillars of the UNGPs: (1) the State duty to protect human rights – with particular focus on Thailand's National Action Plan (NAP) on Business and Human Rights; (2) the corporate responsibility to respect human rights; and (3) the shared roles of States and businesses in ensuring access to effective remedy. The chapter then outlines various force multipliers (actors and

initiatives) which may create new entry points for engaging the Royal Thai Government and the private sector and concludes with recommendations for stakeholders to strengthen progress on the migration, business and human rights agenda in Thailand.

The UNGPs and the Protect, Respect and Remedy Framework

The UNGPs, endorsed by the United Nations Human Rights Council in 2011, is the global, authoritative standard on business and human rights. The UNGPs provide guidance to stakeholders in Thailand on how to address business-related human rights abuses faced by rights holders, including migrant workers, in line with established international human rights law. Although the UNGPs are non-binding and constitute international 'soft law', they can create legal effects for businesses through, for example, regulation or their application by courts and international pressure for States.

Pillar I

Pillar I of the UNGPs addresses the responsibilities of States to protect rights holders, including migrant workers, against business-related human rights abuses under international human rights law.

Pillar II

Pillar II establishes the responsibilities of businesses to respect human rights – independent of and complementary to the State's duty to protect human rights. Pillar II also provides an overarching framework for businesses on how to know and show that they respect human rights (Ruggie, 2020), including through corporate human rights policies, human rights due diligence (HRDD) processes and remediation of human rights abuses through operational-level grievance mechanisms.

Pillar III

Pillar III of the UNGPs highlights the need for both States and businesses to ensure access to effective remedy for rights holders facing business-related human rights abuses.

The United Nations Working Group on Business and Human Rights (referred to hereafter as "the United Nations Working Group") defines a NAP as an "evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UNGPs" (United Nations Working Group, 2016a). Thailand has adopted two successive NAPs, the first from 2019 to 2022 and the second from 2023 to 2027, to implement the UNGPs in Thailand. As Thailand's main reference point for implementation of the UNGPs, the NAPs may be used to assess the extent to which the State is effectively promoting business respect for human rights. The NAP should be considered along the various policies, laws and regulations governing labour migration in Thailand, which are outlined in [Chapter 1](#), and discussed further under Pillar I below.

Pillar I: The State's Duty to Protect Human Rights

While overall Thailand's NAPs relate to business and human rights, each NAP contains specific provisions on labour migration and migrant workers. The NAPs do not always specify if other provisions are universal and therefore, the extent to which they are developed or implemented in a migrant-responsive way is not explicitly clear. As outlined below, Thailand's NAPs are a commendable first step in outlining how the Government will promote business respect for human rights. However, several challenges remain, and constructive engagement by various stakeholders will be crucial to address these gaps moving forward.

NAP development process

In 2015, the European Commission put Thailand on formal notice by issuing a so-called "yellow card" for not taking sufficient measures in the international fight against illegal, unregulated and unreported (IUU) fishing, an industry in which migrant workers account for a significant proportion of the workforce (European Commission, n.d.). Moreover, during its second Universal Periodic Review, Thailand received a recommendation from Sweden to develop, enact and implement a NAP (OHCHR, 2021). These two events, in addition to ongoing advocacy by various stakeholders including workers and their representatives, kickstarted business and human rights discourse in Thailand.

The Department of Rights and Liberties Protection (RLPD), under the Ministry of Justice (MoJ), led on NAP development and implementation in November 2016, and established a NAP Committee. To develop the first NAP, the NAP Committee hosted several dialogues and consultations between 2016 and 2019 based on three drafts. Civil society organizations (CSOs) criticized the process for being top heavy, with limited engagement of CSOs and affected communities (Asia Centre and Friedrich Naumann Foundation, 2021), and details on who was consulted and what feedback was received were not publicly reported. As such, it is also unclear whether and how many migrant worker representatives or organizations were consulted, and whether their feedback was incorporated in the final version of the first NAP, which was implemented from 2019 to 2022.

Thailand became the first country in Asia to adopt a second NAP, to be implemented from 2023 until 2027. While the development process of the second NAP also involved stakeholder consultations, held from May to September 2022, the International Commission of Jurists (ICJ) reported only limited participation by relevant stakeholders, and that participants did not have access to timely and relevant information during a consultation period that was too short. The MoJ responded by extending the consultation period (ICJ, 2022).

Implementation of the First NAP: progress and challenges

This section highlights key achievements and ongoing challenges under the first NAP relevant to migrant workers in Thailand, as summarized by the Government in the second NAP. While the below are noted by the Government as progress as a result of the first NAP, qualitative and quantitative review of their impact on migrant workers is lacking. Such data could be used to inform and enhance ongoing NAP implementation and additional interventions in the future.

To support migrant workers to maintain and obtain regular status to live and work in Thailand, the Government issued various Cabinet Resolutions. This measure allowed 1,717,236 irregular migrants or migrants with expiring documents to regularize their status between July 2022 and December 2023 (DoE, 2023). Furthermore, two Government working groups were established and tasked to review laws governing border-pass employment of migrant workers, and employment in domestic work (applicable to Thai nationals and migrant workers).

The second NAP states that, under the first NAP, the Ministry of Labour, through the Department of Labour Protection and Welfare (DLPW), implemented a project to promote awareness of labour standards and improve migrant workers' protection, while the Social Security Office carried out awareness raising among migrant workers on social security and Worker's Compensation Scheme (WCS) benefits. The second NAP also noted that the RLPD partnered with labour-related CSOs to conduct training programmes aimed particularly at migrant workers, and that the Royal Thai Police and the Ministry of Labour have both conducted regular inspections in industries with a risk of forced labour (such as the fishing industry).

The Government also identifies various ongoing challenges, such as unequal rights between Thai and migrant workers including in accessing welfare and benefits, issues relating to the registration of migrant workers and non-compliance by employers with applicable laws. The Government notes that these challenges result in migrant workers being unable to claim their rights, including social security benefits, under Thai law. The NAP identifies various other challenges with explicit or implicit reference to migrant workers, including related to informal and subcontracted workers, seasonal workers and migrant workers holding border passes, occupational safety and health, and the effects of the COVID-19 pandemic (Royal Thai Government, 2022).

Analysis of the second NAP also reveals additional challenges, which are outlined below.

Coverage of migrant worker-related human rights issues

In operationalizing the UNGPs, NAPs have the potential to cover a wide range of business-related human rights impacts faced by migrant workers. Thailand's second NAP contains a chapter on "Labour" with 18 action points specifically referring to migrant workers (Table 29). While it contains a number of timely and relevant commitments that can have a significant impact if effectively implemented, several issues affecting migrant workers are not adequately or clearly covered. These include the right to adequate housing (a need which was highlighted during the COVID-19 pandemic), freedom of movement, and freedom of association and collective bargaining. These issues are particularly important, considering that migrant workers may face restrictions to their movement in Thailand depending on the documentation they hold and their sector of employment. Furthermore, while non-Thai nationals can join trade unions, they are not allowed to form them or serve as committee members or officers under Thai law, limiting their ability to negotiate better working conditions (ILO, 2023).

The NAP also contains a range of broadly defined action points which do not specifically mention migrant workers, and as such, it is not clear whether such action points will be implemented with migrant workers in mind.

Table 29. Summary of action points directly related to migrant workers in Thailand's second NAP

Action points in the Labour Chapter of the second NAP (Number according to the Table in NAP 2)	
2. Amendments to laws, regulations, policies and related measures	
2.3	Review laws, regulations, policies and measures related to migrant workers, ⁵⁵ in line with international and regional standards.
2.5	Consider revising and improving the Social Security Act, B.E. 2533 (1990) to ensure that access to the social security fund is easy, timely and non-discriminatory for all types of workers, with a particular focus on workers in the informal sector and migrant workers across all sectors.
2.8	Consultations including coordination with countries of origin to develop and improve laws and policies related to the management of migrant workers.
4. Recruitment and labour registration	
4.2	Develop measures to incentivize migrant workers to register legally and enhance the overall management of migrant workers to ensure it is conducted efficiently, continuously and without unnecessary complexity. Enable effective communication with employers and migrant workers in a language they understand and review the registration system with reference to the ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs.
5. Labour protection	
5.1	Organize training sessions and disseminate knowledge in languages understood by migrant workers about grievance channels, consultation channels, and support on rights and responsibilities under the labour protection law, including gender equality and the prevention of human trafficking.

⁵⁵ Including migrant workers holding border passes, seasonal workers, contract workers, informal sector workers, service workers, workers living with HIV/AIDS and victims of human trafficking and forced labour.

Action points in the Labour Chapter of the second NAP (Number according to the Table in NAP 2)

- 5.2 Assist workers, including migrant workers, who have been laid off by reviewing and improving support, compensation and relief measures.
- 5.4 Examine and inspect business' operation licenses, employment contracts, working conditions and work permits (in the case of migrant workers) to ensure full compliance with protective laws and regulations, and enforce occupational safety and health, especially noting fisheries, agriculture and construction.
- 5.5 Provide effective health care services to workers, including migrant workers. This includes disease prevention and control, health promotion, medical care, mental health screening and rehabilitation. Also, develop a health service system that is friendly for migrant workers and their dependents.
- 5.6 Train job seekers before they travel abroad to work by providing knowledge about their legal rights and benefits in the destination countries, for both Thai migrant workers and MoU workers in Thailand.

6. Addressing discriminatory practices, labour rights violations and ensuring equal access to labour benefits

- 6.1 Develop a system for collecting data and compiling statistics on labour rights violations, including those affecting migrant workers and vulnerable groups.
- 6.2 Establish protection of the rights of vulnerable workers including migrant workers⁵⁶ who may be subject to discriminatory practices, ensuring alignment with human rights principles, promoting employment for these groups and conducting public awareness raising activities to reduce stigma.

7. Care for the children of migrant workers

- 7. Ensure that all children, including dependents of migrant workers and undocumented migrants, have access to basic education and promote the establishment of registered childcare centres within workplaces.

8. The workforce of the future

- 8.1 Provide training to enhance the knowledge and skills of workers, including migrant workers, in accessing and utilizing technology.
- 8.2 Study the risks and protective measures, and promote the capacity of workers, including migrant workers, who may be affected by potential future events such as the spread of diseases, climate change, the use of technology and automation and international conflicts and tensions.

10. Promotion of business operations

- 10.1 Provide training to create understanding and promote the adoption of Good Labour Practice and Migrant Worker Guidelines in business management.
- 10.4 Encourage large businesses and those listed on the stock market that rely on migrant workers as their main labour force to prepare human rights due diligence reports and publicly disclose them.

12. Access to justice

- 12. Develop mechanisms for dispute resolution that promote and protect workers, including migrant workers, by increasing the number of and enhancing the capabilities of officials responsible for resolving labour disputes and translators.

13. Compensation/Remedies

- 13.1 Develop and modernize both Government and private sector mechanisms for compensation and support at the national and local levels and enhance systems for providing legal advice, consultation, and support services to migrant workers.

⁵⁶ Specifying: women workers, ethnic minorities, stateless persons, refugees, migrant populations, migrant workers employed in the agricultural and fisheries sectors, seasonal workers, domestic workers, individuals with diverse sexual orientation, workers living with HIV/AIDS, elderly workers, formerly incarcerated individuals or those currently imprisoned.

State-business nexus

The UNGPs and United Nations Working Group guidance calls on States to address human rights risks in their own economic activities, whether through direct procurement or subcontracting (United Nations Working Group, 2016b). While migrant workers cannot be employed by State-owned enterprises in Thailand, they may be linked to State-funded projects, including through subcontractors. In its written inputs to the NAP process in August 2018, the Migrant Working Group highlighted that migrants working via subcontracting arrangements on State construction projects received payments below the minimum wage (Migrant Working Group, 2018), despite the Government's economic leverage (as a procurer or contractor) to influence the business practices of its business relationships. Encouragingly, the second NAP commits to (1) prepare guidelines and processes to assess contracts between governments and State-owned enterprises doing business with multinational corporations; (2) adopting guidelines for State-owned enterprises to prevent and mitigate transboundary human rights violations; and (3) conduct studies and undertake human rights due diligence prior to implementing large infrastructure or public service projects involving private enterprises (Government of Thailand, 2022). However, the extent to which implementation will cover migrant workers remains to be seen.

Policy coherence

The issue of policy coherence has significant implications for the effectiveness of a NAP in protecting migrant workers. The UNGPs call for alignment of national policies and laws with international human rights law (United Nations Working Group, 2019a). Despite the second NAP committing to ratify several ILO Conventions by 2027 – including the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); Right to Organize and Collective Bargaining Convention, 1949 (No. 98); and Domestic Workers Convention, 2011 (No. 189) – it does not contain a similar provision on other key conventions applicable to migrant workers, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Smart mix of measures

The UNGPs highlight the need for States to promote a smart mix of national and international, mandatory and voluntary measures to foster business respect for human rights. A frequent complaint levelled by CSOs towards the NAPs are the lack of legally binding measures (ICJ, 2022). For example, CSOs have urged the Government to adopt mandatory HRDD requirements for companies (Manushya Foundation, 2022). While Thailand has not yet enacted such requirements, the first NAP committed to introducing HRDD reporting requirements for businesses (Royal Thai Government, 2019). This requirement prompted the Securities and Exchange Commission of Thailand to introduce mandatory reporting on HRDD for companies listed on the Stock Exchange of Thailand, which came into effect in 2022. HRDD is discussed further in the following section.

Pillar II: The Corporate Responsibility to Respect Human Rights

The UNGPs recognize that the steadily increasing economic and political power of businesses, and contemporary challenges surrounding State-based governance, make it imperative for businesses to meaningfully contribute to sustainable development and respect for human rights (Ruggie, 2020; United Nations Special Rapporteur on the right to development, 2023; United Nations Working Group, 2021).

This section assesses progress and challenges among businesses operating in or linked to Thailand in implementing Pillar II of the UNGPs – which outlines the responsibilities of businesses to respect human rights – with particular emphasis on migrant workers' rights and HRDD.

Business implementation of Pillar II of the UNGPs

Data on the extent to which multinational enterprises sourcing from or otherwise linked to Thailand are implementing Pillar II are lacking. In this respect, adopting Thailand-specific benchmarks, as highlighted in section 3 on "Force Multipliers", is needed.

For Thai businesses, despite the absence of comprehensive benchmarks on implementation of Pillar II, some relevant data points do exist. For example, benchmarks developed by the World Benchmarking Alliance (WBA) – which compare the social performance of the largest companies across the world on the Sustainable Development Goals (SDGs) and UNGPs – offer useful anecdotal insights into large Thai businesses, many of which employ migrant workers.⁵⁷ Analysis of these benchmarks indicate that while progress has been made, overall, these companies still have significant room for improvement in terms of adopting human rights policies, HRDD processes and grievance mechanisms and aligning them with the UNGPs.⁵⁸

The WBA and most available benchmarks include only the world's largest companies, which arguably have the most resources at their disposal to respect human rights. Micro, small and medium-sized enterprises (MSMEs) and informal enterprises likely face more important challenges in aligning with the UNGPs. While exact figures on migrant workers in informal employment and/or employed in MSMEs are not available, agriculture, fishery and construction all rely heavily on labour migration, have high levels of informality and are dominated (like the rest of the Thai economy) by MSMEs. Notably, 99.5 per cent of roughly 3.2 million⁵⁹ formal enterprises in Thailand were MSMEs contributing 35 per cent of gross domestic product (GDP) and 70 per cent of employment in 2022 (ADB, 2023), and Thailand's informal economy was estimated to be 46.2 per cent of the total economy in 2022 (World Economics, 2022). Financial constraints, a lack of support from buyers, and low levels of awareness on international standards relating to business and human rights can mean MSMEs and informal enterprises have less capacity to effectively undertake HRDD, as outlined in a recent assessment of HRDD for migrant workers in small and medium-sized (SMEs) in the agricultural sector in Thailand (Tungjiewlee, 2023).

A recent study (Sal Forest et al., 2023) provides an overview of the extent to which Thai businesses are conducting HRDD and the differences between large business and smaller enterprises. The survey involved 57 companies, including 43 large and 14 SMEs – supplemented with in-depth interviews with seven large companies and seven SMEs. High-level conclusions from the survey relevant to migrant workers are highlighted below.

More than half (54.39%) of these companies adopted publicly available human rights policies with reference to international standards such as the UNGPs, though fewer (47.37%) extended these policies to suppliers. Only 42 per cent of companies have policies on consulting rights holders, and 50.88 per cent appointed employees or working groups directly responsible for the human rights policy. No data were provided as to whether dedicated efforts to include migrants in consultations were made, or whether translation was available.

Moreover, 47.37 per cent of surveyed companies indicated that they had previously conducted HRDD. Most large companies interviewed had conducted HRDD yearly, but indicated that they, and their suppliers, often lack the knowledge, capacity and financial resources to conduct HRDD effectively and navigate value chain complexity. They were also unaware of HRDD legislation adopted across the European Union and its Member States. None of the SMEs interviewed had conducted HRDD due to a lack of awareness and knowledge. However, some had undergone audits by their clients and international social compliance audits – all systems with some level of corrective action – which could imply that they have some elements of the HRDD process as outlined in the UNGPs. Lack of capacity on human rights was an impediment to effective HRDD by SMEs, compounded by language barriers when engaging with international firms, initiatives and standards; and a failure to grasp how their business can adversely impact human rights and how this ties back to business performance. Interviewed companies of all sizes voiced a need for the Royal Thai Government to provide HRDD support, including through capacity-building and HRDD tools.

⁵⁷ WBA Benchmarks that feature Thai companies include the corporate human rights, gender, food and agriculture, nature, digital inclusion, finance and urban benchmarks.

⁵⁸ Two Thai companies on the Corporate Human Rights Benchmark received 30.8 and 19.4 out of 100 points respectively; six Thai companies on the Food and Agriculture Benchmark scored 51.2, 35.6, 31, 28.6, 19.1 and 17.5 points out of 100 points respectively; one Thai company on the Electric Utilities Benchmark received 1 out of 20 points; one Thai company on the Oil and Gas Benchmark scoring 13.5 out of 20 points.

⁵⁹ Of the 3,202,002 enterprises identified, 14,623 were large enterprises and 3,187,378 were MSMEs (data drawn on data from Data from the Government's Office of Small and Medium-Sized Enterprises Promotion in ADB, 2024).

Business respect for migrant workers' rights

To assess Thailand's performance under Pillar II of the UNGPs, an analysis of various studies – including those relating to the garment, rubber, seafood processing and agriculture industries – is provided that examine the relationship between recruitment and employment practices, and the realization of human rights for migrant workers in Thailand (IOM, 2023a; IOM, 2024a; ILO, 2022b). However, there are gaps in existing literature regarding the construction, hospitality and wider services industries for the period covering 2019–2023.

Recruitment-related challenges

As Chapter 1 highlighted, regular migration is costly, complicated, time-consuming and temporary in nature, meaning Thailand has a mix of migrant workers in regular and irregular situations. Migrants employed in large enterprises across the garment, rubber and seafood processing sectors tend to be recruited through Memorandum of Understanding (MoU) procedures or allowed to stay and work through Cabinet Resolutions (IOM, 2024a). Others are in an irregular situation. For example, 50 per cent of migrant workers in agriculture and 30 per cent in SMEs, home or pier-based workplaces, or in processing garages⁶⁰ in the seafood processing sector, reported migrating irregularly (ILO, 2022a, IOM, 2023a).

However, the labour migration management systems and HRDD processes established by companies supplying to multinational enterprises tend to be tailored towards recruitment through MoU procedures. This means that companies often do not identify and address human rights risks linked to in-country recruitment. Moreover, both businesses and workers tend to rely on informal intermediaries to complete the in-country registration process (IOM 2024a, Dignity in Work for All, 2024), which adds a layer of complexity and acts as another impediment to identifying and addressing human rights abuses.

International standards on recruitment stipulate that jobseekers shall not pay any fees and costs to obtain employment.⁶¹ Instead, the fees and costs related to recruitment – such as for the services of labour recruiters or travel and documentation – should either be eliminated, subsidized by the State or paid for by the employer. However, existing studies suggest that businesses operating in Thailand across industries often do not uphold this principle, especially in respect to in-country recruitment, leaving workers to pay for recruitment fees and related costs. Research suggests that migrant workers pay six times more compared to their employer, and that the average recruitment fees and related costs paid by migrant workers surveyed amount to roughly two to three times minimum monthly wages (IOM 2023a; IOM, 2024b; ILO 2022a). Migrant workers in Thailand reported using their savings or taking out loans with interest rates of up to 20 per cent to cover these costs (ibid.), meaning recruitment fees and related costs paid by migrant workers continue to represent a key risk factor for forced labour in Thailand.

In Thailand, as is common across Asia and the Pacific, all pathways for regular labour migration and regularization are temporary in nature. The Office of the United Nations High Commissioner for Human Rights (OHCHR) notes that such temporary programmes reinforce gender biases, making women migrant workers more likely to have irregular migration status and be employed informally (Chapter 4). Barriers to accessing safe migration pathways, discriminatory employment practices, along with other structural barriers, may increase the risk of gender-based violence and discrimination (OHCHR, 2022) while gender-sensitive HRDD is still lacking, as detailed in the following section.

⁶⁰ Processing garages are establishments in the form of concrete garages or wooden sheds found by fishing piers or away from the pier. Work in processing garages includes sorting, grading, boiling, salting, cleaning, skinning and drying seafood. Although these establishments are registered with the Department of Fisheries (DoF), most appear not to have been inspected and approved for food hygiene standards by the DoF fish inspection and quality control division, unlike SME factories (IOM, 2023a).

⁶¹ As outlined in the ILO's General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs; and ILO Private Employment Agencies Convention, 1997 (No. 181).

Working conditions

Working conditions vary among businesses and affect workers, including migrant workers, differently. Larger businesses tend to have policies and management systems in place to ensure compliance with Thai law on wages, working hours, occupational safety and health standards, and social protection schemes for their employees (though not necessarily in alignment with international human rights and labour standards) (IOM, 2024b). Migrant workers in large companies are more likely to have a signed employment contract; receive minimum wage, albeit sometimes with illegal wage deductions; work within legal working hour limits; work in observance of occupational safety and health standards; and tend to be covered by the Social Security Fund (SSF) where eligible (IOM, 2024b; [Chapter 10](#)).

Conversely, migrant workers employed in SMEs, home or pier-based workplaces, in processing garages in the seafood processing sector or in precarious employment, for example in the agriculture sector, are more likely to have a verbal employment agreement, if any at all; receive payments below the minimum wage and tend to work on a no-work-no-pay or a piece-rate, basis; have irregular working hours that may exceed legal working hour limits; work in contravention of legal requirements; and tend to not be covered by social protection schemes (ILO 2022a; IOM 2023a). Other sectors are also affected, for example, sex workers also reported unfair wage deductions, such as for failing to undergo health checkups or taking sick leave (Villar, 2019).

These findings do not suggest that migrant workers in large and formal businesses do not face adverse human rights impacts, and even large Thai companies have a long way to go in conducting HRDD in alignment with the UNGPs (Sal Forest et al., 2023). Importantly, findings do not necessarily account for supply chain risks involving subcontracting practices, which are reportedly widespread.

Gendered and intersectional human rights effects that disproportionately affect women migrant workers in Thailand are widely documented and discussed in detail in [Chapter 4](#). Thai businesses have a critical role to play in closing the gender wage gap (ILO, 2016; ILO, 2022a). Women are often overrepresented in sectors associated with lower wages, and while some women migrant workers may opt for the flexibility offered by informal employment, these workers are also more vulnerable to rights violations such as non-payment of wages, excessive working hours and lack of access to social protection (IOM, 2023b). Evidence shows that business practices in Thailand negatively reinforce gender stereotypes or actively discriminate based on gender. For example, ILO (2016) found adverse impacts on women in the construction industry, including that companies had policies to dismiss pregnant women; gender-based discrimination in overtime pay; and that women workers had less secure documentation status and more barriers to documentation than men, among others. In this respect, businesses of all types and sizes should adopt a gender perspective in implementing the UNGPs.

Pillar III: Access to Effective Remedy

The UNGPs outline the concept of access to remedy, assigning a role to both States and businesses in ensuring access to grievance mechanisms (procedural remedy) and remediation through apologies, restitution, rehabilitation, financial and non-financial compensation, punitive sanctions and guarantees of non-repetition (substantive remedy). The United Nations Working Group notes that rights holders experiencing human rights abuses should have access to a wide range of remedies depending on varied circumstances, including the nature of the abuses and the personal preferences of rights holders (United Nations Working Group, 2017).

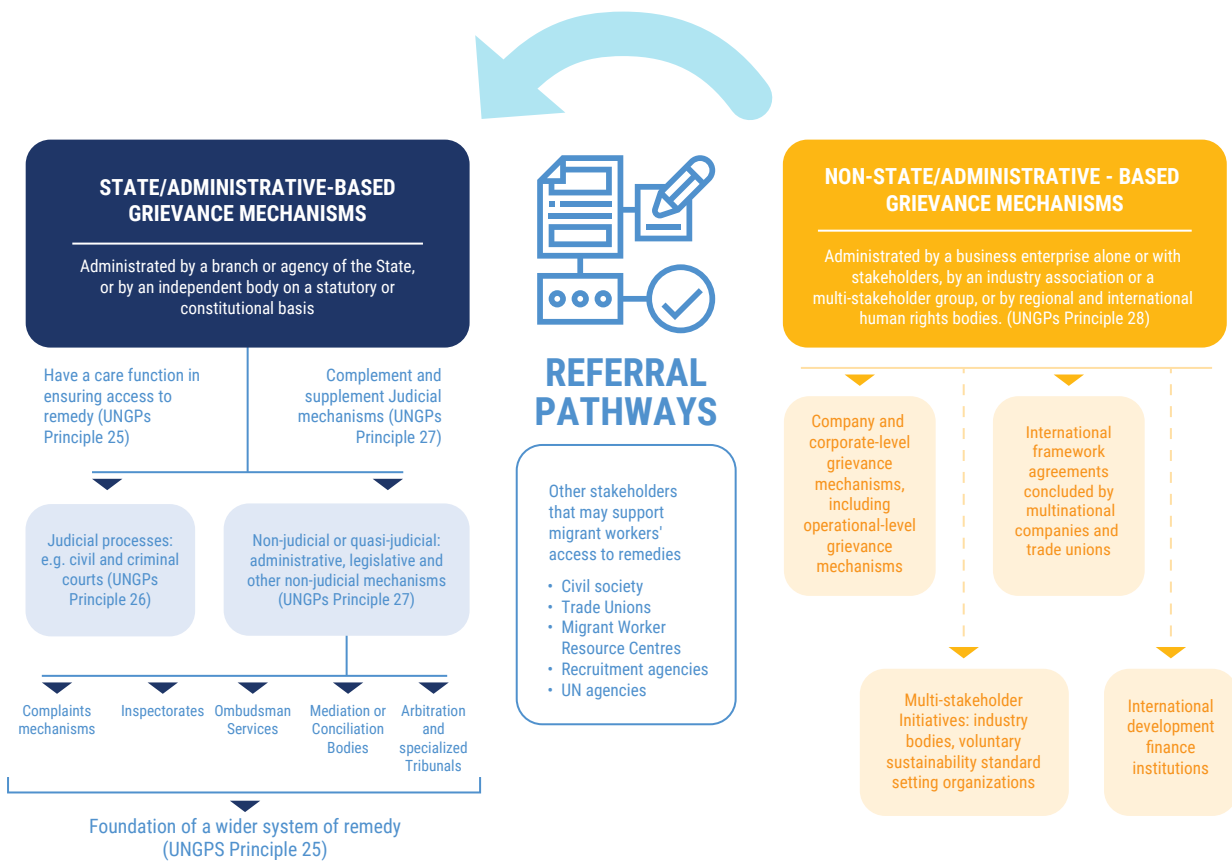
The UNGPs outline that States can ensure access to effective remedy through judicial mechanisms (that is, access to justice), and through non-judicial mechanisms such as administrative authorities and national human rights institutions. The UNGPs also elaborate on operational-level grievance mechanisms, which can be operated by businesses; by industry, multi-stakeholder and other collaborative initiatives; or a combination thereof (Figure 28).⁶² These may help businesses to proactively identify issues on the ground (alongside HRDD) and serve as feedback loops to improve business practices. The UNGPs also specify effectiveness criteria under Guiding Principle 31: grievance mechanisms should be legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning – and in the case of operational-level grievance mechanisms, based on engagement and dialogue.

⁶² See Guiding Principles 28 and 29.

After reviewing a draft of the first NAP in 2018, the United Nations Working Group called on the Royal Thai Government to pay special attention to access to remedy (United Nations Working Group, 2019b). Similar to experiences in other countries, Thailand’s first NAP struggled to deal with access to remedy in a meaningful way (White, 2021). While the second NAP contains a few action points that relate to remedy – for example, broadly defined action points to raise awareness on grievance mechanisms and law reform to strengthen access to justice – the extent to which the NAP will succeed in strengthening access to remedy remains to be seen.

Migrant workers in Thailand face a wide range of barriers to accessing remedy, compounded by power imbalances, lack of awareness and trust, and reluctance to speak up due to fears of being deported, criminalized or losing their jobs and livelihoods (IOM, 2023b). These challenges, along with potential solutions, are explored in more detail below.

Figure 28. Types of grievance mechanisms



Source: IOM, 2023.

State-based remedy

In 2023, Thailand ranked 82nd out of 142 countries worldwide in terms of the rule of law according to the World Justice Project Rule of Law Index (World Justice Project, 2023). Without a strong, durable justice system, only so much progress can be made under Pillar III, especially because barriers to remedy are compounded when influential business actors are involved (UNDP, 2021).

Despite having a relatively wide range of State-based grievance mechanisms in place in Thailand, migrant workers face a number of language, procedural (such as time and cost) and legal barriers that prevent them from effectively accessing such mechanisms – in addition to the barriers to remedy faced by rights holders in general.

On paper, migrant workers have access to labour, civil, administrative and criminal courts in Thailand (Box 7). However, they face significant difficulties in seeking to access judicial remedy, for instance, to obtain enforcement orders and compensation from the Labour Court, especially as legal aid is not available for such actions. Moreover, nearly one in every four cases submitted to the Labour Court in 2019 were transferred to the following year (IOM, 2021a). This practice entails additional financial burdens and time, which regular migrant workers usually do not have, considering their term of employment and right to stay and work in Thailand is short-term and tied to their employer, against whom they have just lodged a complaint. Unless they are a victim of a serious violation such as forced labour or human trafficking or able to identify a new employer, they are required to leave the country and may not be able to access remedy as a result (IOM, 2023b). Similarly, State-sponsored legal aid is not available for civil cases, which may present an important barrier to receiving compensation for damages (ibid.).

Migrant workers also have several State-based non-judicial grievance mechanisms at their disposal, including administrative authorities with different mandates and powers. For example, the Labour Protection Act, B.E. 2541 (1998) enables migrant workers to file a complaint before the labour inspector for labour-related disputes (IOM, 2021b), and submit a complaint to the Labour Relations Committee, including for disputes involving collective bargaining or unfair labour practices.

BOX 7

Administrative authorities in Thailand with responsibilities relevant to migrant workers

Relevant administrative authorities include:

- The **Committee on Consideration of Unfair Gender Discrimination (WorLorPor Committee)**, which provides grievance mechanisms allowing submission also in migrant languages when accompanied with translation in Thai;
- The **Damrongtham Centres of the Ministry of Interior**, which can hear complaints related to public administration, law enforcement, and public service access;
- The **Rights and Liberties Protection Department**, which can receive and investigate complaints regarding various human rights violations or abuses and can provide legal assistance and advice;
- The **Justice Fund** managed by the MoJ, which can provide financial assistance and support services to facilitate access to justice;
- The **Victim Compensation and Restitution board**, which primarily focuses on providing compensation and restitutions to victims of crimes, including gender-based violence.

Challenges also persist with administrative grievance mechanisms. The services provided to migrant workers by the DLPW – which is often the first point of contact for migrant workers with grievances – is a case in point. The DLPW monitors legal compliance of employers with applicable labour laws, promotes decent working conditions for migrant workers and helps them to access the Labour Court. Although the DLPW and MoJ have made commendable steps in improving their capacity to provide counselling, mediation and other assistance in, for example, Khmer, Laotian and Myanmar languages, important gaps remain in terms of literacy and language among migrant workers (IOM, 2023b; Winrock International, 2020). In addition, migrant workers express frustration about their ability to obtain compensation due to the lengthiness of the process. Speedy resolution of cases is essential for migrant workers who are generally required to leave the country within 15 days of the expiry of their work permit, unless they are able to comply with requirements for extension (IOM, 2023b). Swift resolution is particularly important because potential escalation to the Labour Court is a lengthy procedure, and staffing and resource constraints often mean that cases remain unresolved once repatriation occurs, which reduces confidence among workers, and may deter them from filing claims or lead to them withdrawing their complaints (ILO, 2023).

Fear of retaliation, including detention, deportation and criminalization, serve as barriers to accessing grievance mechanisms. Moreover, migrant workers may face retaliation from their employers, or fear that it would prevent them from securing future employment. The systematic use of strategic lawsuits against public participation (SLAPPs) in Thailand to silence workers, advocates and whistle blowers speaking publicly on business-related human-rights abuses is well documented (UNDP, 2023b).

Winrock International (2020) considers State-based grievance mechanisms in Thailand and identifies that inadequate means to seek compensation, mistrust among migrant workers in public officials and lack of awareness of available grievance mechanisms and processes fail the effectiveness criteria of Guiding Principle 31. Finally, migrant workers may face numerous intersectional barriers to remedy, including in the case of women, people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) and stateless people (Winrock International, 2020).

BOX 8

Access to justice? The role of CSOs in filling gaps in the justice system

While acknowledging that barriers to remedy need to be addressed by States and businesses, civil society and other actors can play a crucial role in helping migrant workers navigate both judicial and non-judicial mechanisms (IOM, 2023b).

In Thailand, CSOs raise awareness among migrant workers of their rights and support them in navigating grievance mechanisms through legal and interpretation support. For example, in 2021, the Human Rights and Development Foundation (HRDF) supported migrant workers in a criminal case against the Compensation Fund for Victims and Defendant's Expenses. This resulted in the Fund's committee changing their policy so that migrant workers, regardless of their legal status, could access the Fund. On 20 August 2024, the Court of Appeal for Specialized Cases ruled that employees' heirs have the right to receive compensation from the Compensation Fund immediately, without considering their legal status or whether the employer already contributed to the fund, thus also benefiting irregular migrant workers.

Non-State-based remedy

In Thailand and globally, most businesses lack human rights policies or effective HRDD processes, and as a result, few businesses have operational-level grievance mechanisms in place that meet the standards set by the UNGPs. The granular and siloed nature of operational-level grievance mechanisms also mean anyone seeking remedy requires the knowledge, time and resources to navigate each unique mechanism (UNDP, 2021). In addition, IOM (2023b) notes that “businesses and industry bodies often play the role of the judge, jury and defendant in the operational-level grievance mechanisms of their creation.”

The lack of migrant worker and CSO engagement in the design and operation of these mechanisms means that remediation processes and outcomes may not be responsive to the needs and concerns of migrant workers. Such top-down structures are unlikely to be sufficiently independent or to be perceived as such by migrant workers. In turn, this affects the usage and effectiveness of these mechanisms. In Thailand, since migrant workers rely on their employers, and in some cases recruitment agencies, to remain in the country, they may be compelled to avoid voicing their grievances. Unless this power imbalance is addressed, including through external and State-sanctioned oversight, migrant workers will continue to be deterred from using operational-level grievance mechanisms (ibid.).

Assessments undertaken by IOM between 2018 and 2023 identified that while migrant workers in formal workplaces are aware of the grievance mechanisms at their disposal, conditions are not conducive to their submitting a complaint. For instance, complaint boxes are often placed in highly visible areas. Other challenges included language barriers between migrant workers and their supervisors, and lack of follow-up on complaints. These circumstances were an impediment to migrant workers voicing their grievances due to a lack of trust in the effectiveness of available grievance mechanisms (ibid.).

Because operational-level grievance mechanisms are so rare, providing a concrete, data-driven analysis of the barriers faced by migrant workers in securing remedy through them remains challenging. Among the 57 companies surveyed in Sal Forest et al., (2023), 92.98 per cent had some form of operational-level grievance mechanism in place, but only one company provided it in a language other than Thai or English, and only 47.74 per cent had a process through which stakeholders could co-design and improve the effectiveness of these mechanisms. Most large companies interviewed noted that they had never received any grievances from rights holders or other stakeholders, which casts doubts on the effectiveness of such mechanisms. Most interviewed SMEs reported having operational-level grievance mechanisms for employees (such as through corporate intranet, websites, Line applications and QR codes), while only few had mechanisms for “external” stakeholders.

While most surveyed companies did not have a non-retaliation policy, 71.93 per cent of surveyed companies had privacy protection policies for complainants (Sal Forest et al., 2023). Even if operational-level grievance mechanisms provide for non-retaliation policies or some level of anonymity, it is unclear whether these protections are implemented in practice or adequately communicated to migrant workers. Hence, independent and impartial oversight coupled with robust protection against retaliation are critical, as also conveyed by migrant workers (IOM, 2023b).

Sporadic efforts have been undertaken by companies to socialize operational-level grievance mechanisms with migrant workers in Thailand, including through collaboration with local CSOs. However, this collaboration is insufficiently utilized, as research reveals that some companies remain hesitant to engage CSOs due to perceived reputational and other risks (ibid.). In addition, despite companies partnering with CSOs to enhance remedy, migrants may not be aware of this partnership and of how they can reach out to the CSO (IOM, 2024b). In a landscape where grievance mechanisms are designed without the perspectives and needs of migrant workers in mind, migrant workers prefer to reach out to their communities, informal networks, and CSOs to seek assistance, rather than to their employer (IOM, 2023a).

Presently, operational-level grievance mechanisms often do not fulfil many of the effectiveness criteria outlined under Guiding Principle 31 of the UNGPs. When corporate remediation does occur, it happens inconsistently, with limited transparency to assess whether the remedy was effective.

Force multipliers

In endorsing the Global Compact for Safe, Orderly and Regular Migration (GCM), Thailand committed to enhanced cooperation in all dimensions of migration. The cross-cutting whole-of-society principle of the GCM calls for governments to cooperate with, among others, the private sector, national human rights institutions, CSOs and migrants themselves. Likewise, in addition to State-based governance, the UNGPs call for corporate governance (such as HRDD) and civil society governance (for example the courts of public opinion). The following section discusses opportunities for different stakeholders, including governments, the business sector and civil society to ramp up past successful strategies or leverage those that remain underutilized in Thailand.

Financial regulators and other State-based entities such as the Ministry of Finance, the Securities and Exchange Commission, the Bank of Thailand and the Stock Exchange of Thailand are increasingly focusing on business and human rights specifically, or environmental, social and governance (ESG) and sustainable finance more broadly (Ministry of Finance et al., 2021). The finance industry has leverage to incentivize companies to respect the rights of migrant workers. Financing criteria can impact industries relying on migrant workers that are dependent on investments and loans, in particular activities related to Special Economic Zones, infrastructure or other large projects; manufacturing; agribusiness; construction; and MSMEs. All these industries could be of relevance to migrants considering they are commonly employed in related sectors.

However, Thai financial institutions generally lag behind their peers in high-income economies in terms of business and human rights (WBA, 2022; Banktrack, 2022), despite a global shift towards sustainable finance. Efforts to grow the sustainable finance ecosystem in Member States of the Association of Southeast Asian Nations (ASEAN), including Thailand, are likely to align with the ASEAN Declaration and ASEAN Consensus on the Protection and Promotion of Rights of Migrant Workers, (ASEAN Taxonomy Board, 2023), but may fail to fully align with globally authoritative standards such as the UNGPs, alongside international human rights and labour standards relevant to migrant workers.

The UNGPs have inspired numerous regulatory initiatives across the world. From 2017 to 2022, France, Germany, the Kingdom of the Netherlands, Norway and Switzerland adopted HRDD laws (Deva, 2023; European Coalition for Corporate Justice, 2022).⁶³ Moreover, with the objective of harmonizing mandatory due diligence across the European Union, the Corporate Sustainability Due Diligence Directive (CS3D) came into force in July 2024. Under the CS3D, any natural or legal person – including migrant workers in Thailand – are expected to be able to submit “substantiated concerns” to national authorities tasked with supervising compliance with the CS3D. This capacity would open avenues to enforce the prevention, mitigation and remediation of business-related human rights abuses by companies covered by the CS3D, and can lead to divesting from Thailand if the Government and businesses fail to protect and respect human rights, including those of migrants.

Similarly, corporate sustainability reporting regulations, including the European Union Corporate Sustainability Reporting Directive and Modern Slavery Acts in Australia and the United Kingdom of Great Britain and Northern Ireland set out reporting requirements. While they do not provide avenues for remedy, corporate disclosures may be used by various stakeholders in their business and human rights-related work. Encouragingly, the Securities and Exchange Commission of Thailand has already enacted mandatory human rights reporting obligations for Thai listed companies, which includes reporting on HRDD, in 2021. Such efforts, especially if developed or expanded, have the potential to strengthen transparency and accountability on issues related to migrant workers in Thailand.

Past efforts to promote business and human rights through trade and investment include the aforementioned “yellow card” issued by the European Union to Thailand. Efforts remain piecemeal for now, but trade and import bans for goods produced using forced labour are proliferating.⁶⁴ Moreover, the EU-Viet Nam Free Trade Agreement, which abolished 99 per cent of customs duties, required Viet Nam to adhere to the ILO’s fundamental instruments,

⁶³ These laws will need to be harmonized with the CS3D by July 2026.

⁶⁴ For example, measures are in place in the United States (United States Customs and Border Protection, no date), and Canada (Business & Human Rights Resource Centre, 2023); whereas the European Union (European Union, 2022), Australia (Parliament of Australia, 2021), and the United Kingdom (Business & Human Rights Resource Centre, 2023) are proposing or contemplating similar measures.

and prompted Viet Nam to ratify ILO Convention No. 98 as well as amend its labour code in 2019 (Nguyen et al, 2023). While this approach is yet to be applied to Thailand, to remain competitive in the global marketplace, the Royal Thai Government and businesses will need to ensure that they effectively respond to the most salient human rights impacts faced by rights holders. Considering the reliance of many of Thailand's export-oriented sectors on labour migration, dedicated efforts to ensure they meaningfully include migrant workers are critical. To achieve this, future updates of the NAP must be based on effective stakeholder consultation, participation and engagement, simultaneous to making business practices more migrant-sensitive.

The work of human rights defenders is vital; however, they face high personal costs including SLAPPs (UNDP, 2023c). In the context of its country visit to Thailand, the United Nations Working Group noted that both the Royal Thai Government and Thai businesses should regard CSOs and human rights defenders as "critical partners" and engage with them constructively to prevent, mitigate and remedy adverse human rights impacts (United Nations Working Group, 2019b).

The media influences public and corporate policy. For example, the Associated Press in 2015 highlighted how migrants and other workers in the South-East Asian fishing industry were subjected to modern slavery (Associated Press, 2015). The reports led to international scrutiny of the fisheries industry, which eventually incentivized Thailand to develop a NAP (see section 2.1). At the same time, it is imperative for the media to prevent negative portrayals of migrants by overemphasizing "illegal migration", "trafficking" and "smuggling", as this may contribute to a negative perception of migrant workers.

Conclusion

The analysis shows that the Royal Thai Government has improved Thailand's legislative and policy framework to respond to the nexus between migration, business and human rights. Encouragingly, the NAP contains targeted actions to address business and human rights challenges affecting migrant workers in the country. However, gaps persist in terms of policy coherence, enforcement and access to remedy, necessitating further efforts to implement the NAP and protect migrant workers. Moreover, if Thailand is to make meaningful progress on the 2030 Agenda for Sustainable Development, moving towards regulatory frameworks and sustainable business models that protect migrant workers and leave no one behind is clearly needed.

Recommendations

- **The Government should ensure that NAP implementation retains focus on migrant workers**, including by confirming that action points that do not specifically refer to them will be applied to all workers, regardless of nationality and migration status. The Government should consider creating a direct feedback loop between rights holders, CSOs and trade unions, and the Government, in NAP dialogue, implementation, monitoring and review. Moreover, to communicate progress and challenges on NAP implementation, the Government should publish the monitoring and evaluation report of the first NAP, and of the second NAP once it has concluded. Finally, the Government should ensure adequate protections for CSOs, human rights defenders, the media and other actors to effectively carry out their business and human rights-related work.
- **Businesses operating in or linked to Thailand – irrespective of their size, sector, operational context, ownership and structure – must prevent, mitigate and remediate human rights abuses through human rights policies, HRDD processes and operational-level grievance mechanisms** as outlined in the UNGPs and the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises on Responsible Business Conduct. These efforts should be informed by effective engagement with (potentially) affected rights holders, including migrant workers. Businesses should ensure that their efforts to implement Pillars II and III of the UNGPs are migrant-sensitive, and based on coordination and collaboration

with Government agencies, business associations, CSOs, human rights defenders and potentially others. Due diligence measures and corporate policies should include initiatives and targets to reduce the role of brokers and intermediaries and reduce costs and fees paid by migrant workers. Finally, multinational enterprises operating in or linked to Thailand should prevent shifting responsibility for addressing human and migrant workers' rights abuses to their business relationships (such as suppliers), especially in the case of MSMEs, and instead promote shared responsibility along value chains, including through responsible purchasing practices, and capacity-building, financial incentives and other support.

- **The Royal Thai Government and businesses should address structural factors that make women migrant workers more likely to have irregular migration status and be employed informally, ensuring gender-sensitive business and human rights practices and HRDD for migrants.** The United Nations Working Group's Gender Dimensions of UNGPs (no date) can guide businesses, comprising MSMEs, to uphold the rights of women included those in the informal economy.
- **CSO networks should be supported to collectively engage the Government on issues affecting the human rights of migrant workers,** including through engagement in the various stages of NAP implementation, monitoring, evaluation and review. Moreover, the Government, United Nations agencies and donors should ensure adequate resourcing for civil society actors to continue providing crucial support to migrant workers' associations and assisting migrant workers to lodge and resolve complaints and connect with Thai trade unions.
- **All stakeholders should explore how they can leverage existing, emerging and/or innovative "force multipliers" to create new entry points in promoting migration, business and human rights discourse in Thailand.** For example, civil society actors could assess how they can utilize the international regulatory ecosystem (for example CS3D), human rights benchmarking, the trade and investment ecosystem or the media, to promote access to remedy and push for more responsible business practices in Thailand. To date, some of these approaches remain underutilized in Thailand, which acts as an impediment to further uptake of the UNGPs by the Government, businesses and the promotion of the UNGPs by other stakeholders.
- **The Royal Thai Government and finance industry need to ensure that ESG and sustainable finance approaches are aligned with globally authoritative standards such as the UNGPs, alongside international human rights and labour standards relevant to migrant workers.** Special consideration should be afforded to the inclusion of migrant workers and their representatives in the development of sustainable finance frameworks and strategies to ensure these efforts are genuinely responsive to their needs.
- **Stakeholders in Thailand should consider replicating, expanding and contextualizing benchmarks which seek to measure whether companies integrate the UNGPs and implement wider responsible business practices.** They can draw inspiration from the Corporate Human Rights Benchmark by WBA, the Know the Chain Benchmark by the Business & Human Rights Resource Centre, and the BankTrack Human Rights Benchmark.

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A migrant worker from Myanmar passes a stucco frieze outside Yodpiman Flower Market in Bangkok, Thailand. | ©Getty Images 2022



IMMIGRATION DETENTION AND ALTERNATIVES TO DETENTION (ATDS) IN THAILAND

By Nuchnalin Leerasantana and Taisuke Komatsu, OHCHR

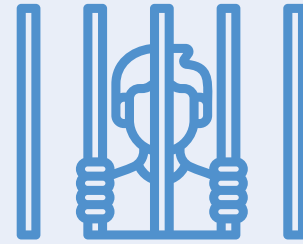
Introduction

In the last few decades, immigration detention has been increasingly used by countries across the world as a mechanism to arbitrarily detain migrants en masse, causing disproportionate negative impacts, particularly on migrants in a situation of vulnerability, with intersectional marginalizations such as race, ethnicity, nationality, gender and poverty (CMW, 2021). Immigration detention has wide-ranging impacts on the human rights and well-being of migrants, including their physical and mental health. Internationally recognized challenges in procedures and conditions of immigration detention include: indefinite detention, arbitrariness and uncertainty of detention; lack of due process; separation from family; overcrowding; inadequate access to food, water and health care; long-term solitary confinement; statelessness; and physical and psychological abuse by officials, guards and other detainees (CMW, 2021).

Thailand is not exempt from the increasing securitization of migration, which employs immigration detention as a primary tool to deter irregular entry and enforce removal from the country. The Royal Thai Government relies on Section 12 of the Immigration Act, B.E. 2522 (1979) as the principal legal framework in this regard. However, the Act lacks adequate safeguards against arbitrary immigration detention and other human rights violations, including the prohibition of indefinite detention. Anyone who does not hold a valid passport or visa, including refugees, asylum seekers and migrants in vulnerable situations, can be subjected to imprisonment or a fine for staying in Thailand irregularly (IDC, 2022). Victims of human trafficking and ethnic minority groups are also at risk of immigration detention and groups considered by the Government to be a security concern are especially vulnerable to the risk of immigration detention.

At the same time, the Government has developed several measures that respond, to an extent, to the vulnerability of various groups of people on the move. This chapter examines these measures, including alternatives to detention (ATDs), that allow migrants to stay regularly in Thailand – and how they are applied to migrants, refugees and other groups of people on the move.

The information in this chapter relates to people who may fall under different protection regimes of international law including refugees as defined in the 1951 Refugee Convention as well as migrant workers as defined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Importantly, regardless of a person's status under these regimes, under international human rights law immigration detention of adults should always be a measure of last resort and comply with the principles of lawfulness, necessity and proportionality, and children should never be held in immigration detention. While some of the measures described in this chapter may only apply to people who meet the criteria of refugees, the goal is to provide a comprehensive overview of immigration detention and alternatives to detention in Thailand in light of the complementarity between the Global Compact for Migration and the Global Compact on Refugees, detention being a common area of concern between the two frameworks.



Alternative to detention (ATD)

There is no internationally agreed definition of an alternative to detention. The working definition adopted by the International Detention Coalition describes it as a “range of laws, policies and practices by which people at risk of immigration detention are able to live in the community, without being detained for migration-related reasons” (IDC, 2015).

Right to liberty and international human rights standards

Under international human rights law, States have the responsibility and duty to respect, protect and fulfil the human rights of all persons – including migrants – in their jurisdiction, without discrimination. The right to liberty, central to human rights considerations of immigration detention, is enshrined in various international human rights instruments, namely: Article 3 of the Universal Declaration of Human Rights (UDHR); Article 9 of the International Covenant on Civil and Political Rights; Article 37 (b)–(d) of the Convention on the Rights of the Child; Article 14 of the Convention on the Rights of Persons with Disabilities; and Article 16 and 17 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. With the exception of the latter, Thailand has ratified these international human rights treaties. In addition, as a member of Association of Southeast Asian Nations (ASEAN), Thailand has reaffirmed its obligation to protect the right to liberty under Article 12 of the ASEAN Human Rights Declaration and agreed to develop ATDs in order to promote the best interests of the child as enshrined in the ASEAN Declaration on the Rights of Children in the Context of Migration.

Table 30. Thailand's ratification status for nine core international human rights treaties

Human Rights Treaty	Ratification, Accession, Succession
International Convention on the Elimination of All Forms of Racial Discrimination	✓
International Covenant on Civil and Political Rights	✓
International Covenant on Economic, Social and Cultural Rights	✓
Convention on the Elimination of All Forms of Discrimination against Women	✓
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	✓
Convention on the Rights of the Child	✓
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	✗
Convention on the Rights of Persons with Disabilities	✓
International Convention for the Protection of All Persons from Enforced Disappearance	✓

Everyone, including migrants, has the right to liberty, irrespective of their migration status, which applies to all forms of detention.⁶⁵ In accordance with the fundamental nature of the right to liberty, consideration on the use of immigration detention should be guided by the principle of exceptionality. In other words, immigration detention can only be used as a last resort after satisfying the tests of legitimacy, legality, necessity, and proportionality in each individual case. Furthermore, immigration detention is never in the best interest of the child, therefore children should never be detained for reasons related to their or their parents' migration status (Chapter 3). The Office of the United Nations High Commissioner for Human Rights (OHCHR) Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations also clarify that immigration detention must be avoided for people in specific situations of vulnerability or those who are at particular risk of exploitation, abuse, sexual or gender-based violence or other forms of violence (OHCHR, 2018). These include pregnant and nursing women, older persons, persons with disabilities, survivors of torture or trauma, migrants with particular physical or mental health needs, LGBTQI+ individuals and stateless persons. Hence, in order to fully protect the right to liberty and other human rights of migrants, non-custodial ATDs must be provided.

In the last few years, Thailand has repeatedly shown its commitment to ATDs to the international community. At the Leaders' Summit on Refugees and Migrants in 2016, the Government pledged to end the immigration detention of refugee and asylum-seeking children, with consideration to the best interests of the child (United Nations, 2016). This



Migrants in vulnerable situations

The Office of the United Nations High Commissioner for Human Rights (OHCHR) understands migrants in vulnerable situations as “persons who are unable effectively to enjoy their human rights, are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer’s heightened duty of care”.

⁶⁵ Article 4 (2) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines the deprivation of liberty as “any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.”

pledge was reaffirmed and strengthened in 2020 when Thailand declared itself to be a champion country of the GCM, under which States agreed to “[u]se migration detention only as a measure of last resort and work towards alternatives” in its Objective 13. Most recently, in 2022, Thailand made a pledge at the International Migration Review Forum, as the main platform to share progress on the GCM, to effectively implement ATD measures for migrant children.

National legislation and policy in Thailand

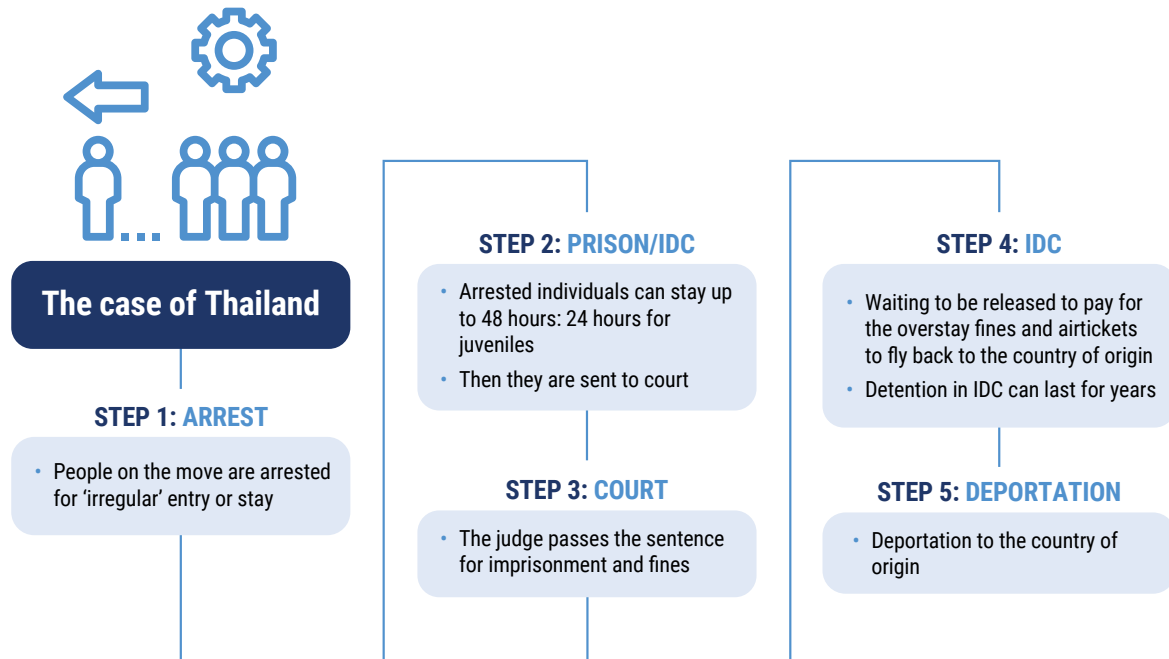
The Immigration Act, B.E. 2522 (1979) is the main instrument for migration governance in Thailand ([Chapter 1](#)). Section 12 defines the categories of individuals who are not allowed to enter Thailand and Section 81 states that irregular entry or stay is punishable by imprisonment for up to two years or a fine not exceeding 20,000 Thai baht (THB). Anyone who does not hold a valid passport, visa or work permit including refugees, asylum seekers and migrants in vulnerable situations, can be subjected to immigration detention while waiting for deportation. No adequate safeguards are in place against arbitrary immigration detention and other human rights violations, including the prohibition of indefinite detention.

Additional measures adopted by the Royal Thai Government related to specific situations and vulnerabilities of people on the move include the Anti-Trafficking in Persons Act, B.E. 2551 (2008). Of relevance, Thailand is not a party to the Convention Relating to the Status of Refugees (“1951 Refugee Convention”), although for decades it has allowed “persons of concern” to stay in Thailand albeit with precarious status. This population consists of refugees from Myanmar in nine temporary shelters along the border and urban refugees from other countries registered with the United Nations High Commissioner for Refugees (UNHCR) ([Chapter 1](#)).

One recent landmark development was the signing of the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres (MoU-ATD) in 2019, which strives to protect all children from immigration detention. A series of national legislation and policies were introduced in recent years, aiming at or related to improving the migration governance and the human rights and well-being of migrants and people on the move. Relevant instruments considered in this chapter include the Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin, B.E. 2562 (2019), Prevention and Suppression of Torture and Enforced Disappearances Act, B.E. 2565 (2022), and National Referral Mechanism (NRM) to Protect and Assist Survivors of Trafficking in Persons (2022). Intermittently over the years, successive Cabinet Resolutions have also enabled the regularization of migrant workers in Thailand.

Immigration Detention in Thailand

According to the Immigration Act, individuals arrested for an immigration offence after serving their sentence or paying the fine are transferred to a designated Immigration Detention Centre (IDC) awaiting deportation, where they may be held for an indefinite period before being repatriated (Figure 29).

Figure 29. Immigration detention process

Source: Adapted from Refugee Rights Litigation Project. *In*: Soe Moe, 2022.

There are 22 IDCs operating in Thailand. The conditions of these facilities have long been subjected to criticisms for overcrowding, inadequate food, water and sanitation, as well as limited access to health care and other basic services (Human Rights Watch, 2023). Civil society organizations (CSOs) have also raised concerns about the authorities' mistreatment of detainees in IDCs (United States Department of State, 2022). During the COVID-19 pandemic, IDCs became a cluster for the virus to spread among detainees (Human Rights Watch, 2020). In addition to diplomatic missions, a few CSOs, IOM, UNHCR and foreign embassies/consulates have been granted access to most IDCs to provide basic services, such as food and health care, and other assistance to certain groups such as children, women, asylum seekers and refugees. As of August 2021, there were at least 198 refugees and asylum seekers being held in immigration detention, including 140 Rohingya (United States Department of State, 2022). Since 2015, over 50 Uyghurs have been detained (United States Department of State, 2022), and two deaths of these men were recorded while in detention in 2023 (Human Rights Watch, 2023). The Thai police further reported that more than 42,400 migrants had been detained in 2021 for entering the country irregularly (IDC, 2022). In 2024, CSOs reported to OHCHR that 233 persons had been held in immigration detention for more than one year due to procedural, personal and other reasons.

In addition to the 22 IDCs, there is the Immigration Bureau's Centre for Mothers and Children in Bang Khen, Bangkok. The Centre has been designated by the Government as a reception centre for mothers and children while waiting for a decision on a plan for their care and placement. However, it has received criticism as a de facto form of detention due to its restrictions on movements and lack of access to basic services (CRSP, n.d.). Similarly, other placement options, such as shelters and child welfare institutions, impose considerable restrictions on liberty, freedom of movement and communications with the outside, while families can be separated due to the facilities being divided by sex (Winrock International, 2022). For example, female victims of trafficking with sons younger than 6 years of age are directed to female shelters in specific provinces; boys aged 6–15 years are referred to Pak Kred Reception Home for Boys; and male victims older than 15 years or those with family members to male shelters in various provinces, while there is no guidance for LGBTQI+ individuals (Winrock International, 2022). While the Government considers those facilities as ATDs and their material conditions are better in comparison with IDCs, they fall short in meeting the threshold of non-custodial and community-based ATDs (United States Department of State, 2023).

Groups at risk of immigration detention

The people at risk for immigration detention are those without a valid passport, visa or work permit. Refugees, asylum seekers and migrants in vulnerable situations, including those belonging to national, ethnic, religious and linguistic minorities, persons with disabilities, survivors of torture or trauma, migrants with particular physical or mental health needs, LGBTQI+ individuals, stateless persons and victims of trafficking, are not protected from immigration detention due to the policy of detaining anyone who does not have a valid visa or passport. Uyghurs from the People's Republic of China, citizens of the Democratic People's Republic of Korea, Rohingya from Myanmar and individuals who fled Myanmar following the military coup in 2021 are considered by the Royal Thai Government as groups "who have security issues related to international politics or that may severely impact Thailand's international relations" (Office of The Council of State, 2019), resulting in a heightened risk of immigration detention.

The current immigration detention regulations in Thailand do not require individualized screening and assessment for legitimacy, legality, necessity and proportionality of immigration detention required by international human rights law and standards, and hence there is a significant risk of arbitrary detention. Moreover, Thailand has not introduced firewalls to separate the provision of services from immigration enforcement and to allow anyone with irregular status to interact with public servants such as the police, labour inspectors, social workers, school personnel and health care professionals, without fear of arrest, detention and other repercussions due to their immigration status. Nevertheless, a number of mechanisms and systems are in place that allow different groups to live outside immigration detention.

Implementing ATDs: Progress and challenges

This section describes the following measures introduced in Thailand to prevent specific groups from immigration detention, namely:

- Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres (MoU-ATD).
- Bail and Reporting.
- National Screening Mechanism (NSM).
- National Referral Mechanism (NRM).
- Cabinet resolutions.
- Civil registration.

Among these measures, the MoU-ATD and the Bail and Reporting mechanisms are the most frequently used ATDs in the country. The former seeks to protect children from immigration detention and allow them to live in the community instead, while the latter requires a strict reporting compliance on migrants. The others are efforts to regularize the legal status of migrants through civil registration or similar mechanisms.

Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres (MoU-ATD)

Following the pledge at the Leaders' Summit on Refugees and Migrants in 2016, the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres (MoU-ATD) was signed on 21 January 2019 by the heads of seven Government agencies: the Royal Thai Police; the Ministry of Social Development and Human Security; the Ministry of Foreign Affairs; the Ministry of Interior; the Ministry of Public Health; the Ministry of Education; and the Ministry of Labour. Standard operating procedures (SOPs) to implement the MoU-ATD began in September 2020, accompanied by the establishment of a Multi-Disciplinary Working Group, composed of immigration officials, competent officers under the Child Protection Act, B.E. 2546 (2003) and representatives from IOM, UNHCR, and the United Nations Children's Fund (UNICEF). CSOs contribute to the screening and assessment processes in collaboration with the Department of Children and Youth (DCY) at the Ministry of Social Development and Human Security (MSDHS).

The MoU-ATD provides a framework for migrant and refugee children from the point of reception to repatriation or, in the case of refugees, other durable solutions, where efforts are made to avoid the separation of children from their parents, but falls short of providing a pathway to temporary or permanent legal status in Thailand ([Chapter 3](#)). Under the MoU-ATD SOPs, groups of vulnerable children are prioritized, such as children in vulnerable situations, children with UNHCR's persons of concern status, children who were victims of trafficking and abuse, and children with special protection needs (Government of Thailand, 2020).

The SOPs of the MoU-ATD highlight the key principles that "children shall not be detained unless there is an absolute necessity in which it would be a measure of last resort and implemented with the shortest period possible" (Asylum Access, 2020). Furthermore, the SOPs provide that the whole decision-making process is based on the best interests of the child and the child's opinion must be taken into consideration. Lastly, it mentions the rights to an adequate standard of living, family-based care, and appropriate protection and support. The MoU-ATD stipulates that it protects all children under the Child Protection Act.

These children released under the MoU-ATD are cared for through four main channels: Government-provided services, such as shelters under DCY; private shelters; family-based care in the community; and foster family care primarily for unaccompanied children, which is rarely made available in practice. According to DCY administrative data, between January 2019 to December 2023, over 742 children and their parents were released under the MoU-ATD and its associated SOPs (see [Table 7, Chapter 3](#)).

However, a number of limitations are observed in the MoU-ATD. First, its provisions only come into effect once a child has been arrested and detained, therefore failing to prevent their detention in the first place. Second, the system is heavily reliant on bail. Parents are required to be bailed out under high bail costs (THB 50,000) and fathers are often excluded from the measure. In practice, asylum seekers and refugees who are not able to register with UNHCR face more challenges to apply for bail. Furthermore, children of migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar are detained and repatriated under the norms set by the bilateral MoUs for labour migration, yet data on such deportations including their number and operations are not made available to the public, raising concerns on the transparency of repatriation procedures. Gender-responsive and gender-sensitive approaches are generally lacking in MoU-ATD policy and practice. For example, the separation of families due to the MoU-ATD pushes migrant mothers to be single heads of household during their stay in Thailand while fathers remain in immigration detention, affecting the level of vulnerability and the well-being of both parents and their children (IDC, 2022). Unaccompanied minors, including Rohingya, who are relocated to Government-managed shelters are limited in their freedom of movement within the premises and in their access to education and learning. In practice, the process for releasing children from detention can be slow and the provision of basic services is limited due to the lack of resources and capacity, although CSOs and other partners are trying to alleviate the situation ([Box 9](#)).

**BOX
9****Sia's Journey from Detention to Community Care**

At just 7 years old, Sia was arrested with his family in Bangkok after initially moving to Thailand to seek asylum. Sia, his pregnant mother, and his two younger siblings were transferred to the Mother and Children Reception Centre (MCRC), while his father was held in a separate Immigration Detention Centre (IDC). Despite the introduction of internal Government procedures in Thailand in 2019¹ to release children and their mothers from immigration detention into community-based alternatives, challenges in operationalizing these procedures often delay the release of children and their families from detention, including detention in the MCRC.

Securing an ATD solution is a complex process that requires the collective efforts of various stakeholders, particularly CSOs. They can arrange bail for families detained in IDCs, offering financial and legal support needed to secure their release – a process that often takes several months. After waiting two months, Sia's family was released into a local community.

Following their release, CSOs continued to support the family's integration by visiting them monthly and providing essential supplies such as educational material to help Sia and his siblings attend school. Sia was able to enrol in a local Thai school with the assistance of the Bangkok Refugee Centre, a social service centre for the urban refugees in Bangkok, and partners, including IOM, facilitated community tours and activities to help the family integrate into the local community, expanding their social network and support system.

Though Sia's family has found a degree of stability, uncertainty still lingers. As Sia approaches adulthood, limitations imposed on non-Thai nationals without regular status, especially on the ability to work, remain constant worries. These challenges underscore the urgent need for policy changes and collaboration of all relevant agencies to create lasting, durable solutions for migrant families like Sia's.

Remark: The name mentioned in this case study is a pseudonym. This example story is written based on IOM and partners' interventions.

1 Memorandum of Understanding on The Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres B.E. 2562 (2019).

Bail and Reporting

The ‘Bail and Reporting’ mechanism shares certain attributes with the MoU-ATD, allowing asylum seekers, refugees and migrants in vulnerable situations to live in the community. Although official statistics are not available in the public domain, 300 to 400 urban refugees are estimated to have been released under this mechanism. This mechanism requires bail usually of THB 50,000 per adult, a guarantor with Thai citizenship or residence permit and a bail application with information on where the asylum seeker, refugee or migrant will live after being released. When the application is approved, a document is given allowing stay in the country while on bail. After release, asylum seekers, refugees and migrants must meet monthly reporting obligations to the designated IDC, accompanied by the guarantor, which may be logistically difficult at times. If the requirement is not met the bail may be revoked. The bail is returned to the guarantor only after the bailed person leaves the country legally (UNHCR, 2023).

The monthly reporting requirement restricts the rights and freedoms of those under bail. Specifically, it only allows them to travel within the designated province unless they obtain a permit to travel outside of the province (IDC, 2022). Many face challenges in accessing the bail system, due to the financial burden, language barriers, lack of legal representation and difficulty in securing a guarantor. In practice, many have to rely on CSOs to find people who are willing to act as their guarantors. Other groups are excluded from the mechanism such as migrant workers and the previously mentioned groups considered by the Royal Thai Government to “have security issues related to international politics or that may severely impact Thailand’s international relations” (Office of the Council of State, 2019).

National Screening Mechanism (NSM)

A National Screening Mechanism (NSM) was approved by the Prime Minister’s Office 2019 Regulation on the Screening of Aliens Entering into the Kingdom and Unable to Return to their Country of Origin (UNHCR, 2019). Clause 3 of the Regulation stipulates that a “Protected Person” means any alien who enters into or resides in the Kingdom and is unable or unwilling to return to his/her country of origin due to a reasonable ground that they would suffer danger due to persecution as determined by the Committee” (UNHCR, 2019). The Regulation, alongside additional prescriptions published in the Royal Gazette in March and July 2023, establishes criteria for screening to determine and grant the status of a “Protected Person”. Other than offering temporary stay and protection from refoulement, the legal status of a “Protected Person” remains unclear and does not include freedom of movement or the right to work. Individuals who apply to the NSM are only allowed to live outside immigration detention upon the payment of THB 20,000 for bail. Concerns have also been raised that the NSM explicitly does not extend to certain groups of people on the move including registered migrant workers from Cambodia, Lao People’s Democratic Republic and Myanmar as well as groups who are considered by the Royal Thai Government to “have security issues related to international politics or that may severely impact Thailand’s international relations”. While no official data are available, since it came into effect on 22 September 2023, the number of applications has reportedly been limited. According to communication with the authorities, between 25 September 2023 and 31 August 2024, a total of 217 individuals submitted applications for NSM, and only seven cases had been granted protected person status as of 31 August 2024.⁶⁶

Observations made on the reasons behind the limited number of applications ranged from challenges in accessibility including appropriate interpreters, and a lack of awareness and confidence among potential applicants about the NSM. CSOs have pointed out that the lack of clarity on the legal status of those undergoing the NSM resulted in a fear that they will be subjected to arrest and immigration detention for their irregular status at the time of application. This overlap in scope and limitations across the existing Bail and Reporting mechanism and the NSM may not provide incentives for people to apply under the new mechanism.

⁶⁶ As reported to IOM on 18 September 2024, by SD4 of the Thai Immigration Bureau.

National Referral Mechanism (NRM)

The NRM aims to improve and develop the existing legal frameworks for victims of human trafficking. The NRM was established in April 2022 as a standardized mechanism to guide the implementation procedure of relevant agencies involved in coordination, information sharing and individual referrals for appropriate assistance and protection to victims of human trafficking, forced labour or exploitation. According to the Guidelines on the National Referral Mechanism, victim identification is conducted by Multi-Disciplinary Teams (MDTs), which are made up of a number of governmental agencies and CSOs (Chapter 9). The guidelines provide for a “reflection period” that gives potential trafficking victims time to feel safe and secure, while allowing them to receive medical treatment, counselling, basic requisites and trauma-informed care, prior to formal identification. The NRM complies with the non-punishment principle enshrined in Section 41 of Thailand’s Anti-Trafficking in Persons Act, B.E. 2551(2008), guaranteeing that all victims of trafficking receive no penalty for illegal entry or stay, among other offences prescribed in the Section (ASEAN-ACT, 2022), thus preventing their detention. The NRM allows victims of trafficking to choose to stay inside or outside the shelters provided by the Government and CSOs. The shelters provide basic services, rehabilitation services, vocational training and legal assistance. If a victim of trafficking does not choose to stay in a shelter, they are referred to relevant agencies for appropriate support.

Of the 444 victims identified during 2022, 165 were men and boys and 279 were women and girls. The majority were Thai nationals, with 97 non-Thai victims from Asia and Africa. More than half (242) lived outside shelters, while 170 were accommodated in Government shelters and 32 victims stayed in CSO-run shelters registered with the Government (United States Department of State, 2023).

The Ministry of Social Development and Human Security, in collaboration with the Ministry of Interior, can also allow temporary residence for victims of trafficking by granting a two-year work permit, with possibility to apply to remain in Thailand every one year, issued under Section 37 of the Anti-Human Trafficking Act, BE. 2551 (2008) (Migrant Working Group, 2016). This permit enables migrants to travel outside the shelter for work or other activities. However, in practice, only those with a valid visa or work permit at the time of formal identification are allowed to live outside Government shelters while legal proceedings against traffickers take place (United States Department of State, 2023) (for a review of challenges in the implementation of the NRM mechanism, see Chapter 9).

Cabinet Resolutions

The regularization of migrant workers from Cambodia, Lao People’s Democratic Republic, Myanmar and Viet Nam through Cabinet Resolutions in response to the high number of irregular migrants can be considered an ATD measure since it allows them to stay and work in the country without being subjected to arrest and detention. The complexity, time-consuming, costly and short-term nature of the migration governance system described in detail in Chapter 1 means that the risk of detention remains high, since many irregular migrant workers continue to experience challenges in accessing and maintaining regular status. Moreover, no clear policies and procedures exist yet to regularize migrant children and other dependents of migrant workers, as MoUs and border pass schemes do not allow dependents, meaning that if children follow their parents they are at risk of arrest and detention.

Civil Registration

The Civil Registration Act, Amendment No. 2, B.E. 2551 (2008) and other regulations of the Central Registration Bureau are important instruments to prevent immigration detention by providing legal documentation to people in an irregular situation, thus diverting them out of the risk of detention and into a more secure situation. As described in [Chapter 3](#), Thailand allows all migrant children born in Thailand to have their birth registered regardless of their parents' nationality, immigration status or possession of a work permit, as an essential first step to documented status. Under the Civil Registration Act, the births of 681,000 migrant children had been registered between 2008 and 2021 (United Nations, 2021).

Other civil registration measures addressing irregularity and statelessness and thus reducing the risk of immigration detention include the Non-Thai Identification Card, otherwise known as 'Pink Card' for migrants who meet the definitions in law. The card, registered in the house registration system, is renewable for every 10 years (until reaching 70 years of age, upon which it is valid until death) and enables these individuals to access basic rights in Thailand. These rights include the right to work, if they obtain a work permit, though it does not grant rights that are equal to those of Thai nationals as it limits movement within the province of registration. In order to travel outside that province, 'Pink Card' holders are required to ask for permission at the district office and report back to the office on their return.

Identification cards for "persons without registration status" (white front, pink back) (also known as zero-cards; [Chapter 1](#)) provide access to rights similar to those of the non-Thai nationality card. People eligible for the unregistered person card include those who live in Thailand but do not have a house registration or any identification, who are not able to verify their nationality or who live in Thailand but do not have a different country of origin to which they can return.

Access to the civil registration remains to be improved. Opportunities for improvement include better awareness among the concerned groups, increased capacity of authorities at the district level, reduced complexity and time-consuming nature of the procedures, language assistance and accessibility for those in remote areas.

Conclusion

Thailand has put in place a series of measures that aim to reduce the risk of immigration detention for specific groups of people on the move with irregular status, including migrants in vulnerable situations, through regularization pathways, among others. However, urgent work is needed to improve relevant policy and legal frameworks and accelerate their implementation. No comprehensive law governing different forms of ATDs exists. Rather, current practices act to divert people from immigration detention while not addressing the structural conditions that put them at risk. Legal reforms are needed to decriminalize irregular migration and more effectively define ATDs in a way that protects human rights.

Migrants, asylum seekers, refugees and stateless people – and the CSOs and other stakeholders who play a primary role in supporting them – lack access to information concerning immigration detention and ATDs, as a result of a lack of transparency across all ATD measures, albeit to varying degrees, discussed in this chapter. These barriers to access put people at risk of arbitrary detention and hinder independent monitoring and assessment of ATDs. Inadequate resources and the limited capacity and training of Government staff are other major challenges, although some promising training initiatives are discussed in [Chapter 9](#). Officials across all levels of Government are often unaware or not adequately informed of proper procedures, including provincial government and IDC staff (Migrant Working Group, 2021). An absence of appropriate individual screenings to assess the legitimacy, legality, necessity and proportionality of immigration detention continues to leave refugees, asylum seekers and migrants in vulnerable situations held in immigration detention with little recourse to challenge their detention.

Recommendations

The Royal Thai Government should take measures to fully protect the right to liberty of all people on the move in line with international human rights law and standards, as clarified by the Principle 8 of the OHCHR Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations. The current situation calls for a thorough overhaul of laws and policies related to immigration detention and ATDs, which includes the following measures:

- 1. Review and reform the current legal framework to prevent arbitrary detention of people on the move.** To this end, decriminalization of irregular migration and the prohibition of mandatory or indefinite detention are called for, and should be accompanied by establishing in law a presumption against immigration detention and introducing mandatory individualized screening to assess the legitimacy, legality, necessity and proportionality of immigration detention.
- 2. Put in place legal and procedural safeguards against arbitrary and unlawful immigration detention.** As part of the guardrail for the right to liberty, Thailand should guarantee the right to consular assistance and access to judicial remedies to challenge the lawfulness of a detention decision. Similarly, through explicit and binding procedures and standards, firewalls should be introduced to protect people from immigration enforcement activities when they access public services, labour law enforcement and criminal justice processes.
- 3. Enhance the existing ATDs to fully respect the human rights of migrants and people on the move.** Thailand should guarantee the access to basic services by removing undue restrictions imposed under the existing ATDs and extend them to all refugees and migrants in vulnerable situations who have specific needs or who are particularly at risk of exploitation, abuse, sexual or gender-based violence or other forms of violence.
- 4. Avoid the detention of all children for immigration purposes.** The Committee on the Rights of the Child clarified in its expert guidance that children should never be detained, even for short periods, regardless of their status or the status of their parents. Family unity cannot justify the detention of children. Instead, ATDs should be provided to the whole family to ensure the right to liberty and the right to family life of children.
- 5. Promote whole-of-government and whole-of-society approaches in line with GCM.** Thailand should take measures across all levels of Government to ensure the accessibility and availability of the existing ATDs, including through increasing the budget and the capacity of relevant authorities, raising awareness among both public officials and migrants, and removing procedures and practical barriers such as language, distance, time and cost. Thailand should strengthen cooperation with civil society, including human rights defenders and people with lived experience of detention, the National Human Rights Commission of Thailand, United Nations agencies and other relevant stakeholders to ensure that immigration detention is used only as a measure of last resort and that non-custodial, community-based ATDs are made available.

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Ahmad is one of thousands of individuals trafficked into scam centre compounds, forced to deceive people online for financial gain, as part of a growing trend across South-East Asia. | ©IOM 2023



TRAFFICKING IN PERSONS, INCLUDING FOR FORCED CRIMINALITY

Deanna Davy, UNODC and Saskia Kok, IOM

Introduction

Thailand is primarily a destination country for trafficking in persons, but also remains an important origin and transit country for trafficking in persons for labour and sexual exploitation in the South-East Asia region. As discussed in [Chapter 1](#), migrant workers from neighbouring countries are pulled to Thailand because of better employment opportunities, and the significant wage differential between the countries (United States Department of State, 2023) and refugees from Myanmar (and other countries) seek safety, family reunification and an improved economic situation (IOM, 2023a). Pre-existing vulnerabilities associated with irregular status or high levels of debt increase the likelihood of these migrants and refugees experiencing various forms of exploitation, including trafficking in persons.

Thai nationals are trafficked domestically, as well as to various destination countries, and non-Thai nationals from the region and beyond are trafficked through Thailand to neighbouring South-East Asian countries and farther afield. Thais and non-nationals with diverse sexual orientation, gender identities and expression, and sex characteristics (SOGIESC), and children are also trafficked in various sectors in Thailand, including fisheries, agriculture, construction, garment-making, domestic work, and the sex industry (United States Department of State, 2023).

Thailand is also currently affected by trafficking in persons for forced criminality for online scams and fraud. This relatively new trend in South-East Asia, but with global implications, can be understood as trafficking in persons for the purpose of exploitation of victims through forcing or otherwise compelling the trafficked person to commit criminal acts for the economic or other gains of traffickers or exploiters (UNODC, 2023; IOM, 2024a). An untold number of Thai nationals have been trafficked to neighbouring Cambodia, Lao People's Democratic Republic and

Myanmar, where they are forced to commit online scams and fraud. Thousands of non-Thai nationals are also trafficked through Thailand to Cambodia, Lao People's Democratic Republic, Myanmar and other South-East Asian countries for the purpose of forced criminality into the cyber-enabled scam industry.⁶⁷ Thailand is also a transit country for trafficking in persons for forced criminality in the region (UNODC, 2023). The current phenomenon of trafficking in persons for forced criminality is shining a light on how Thailand's robust anti-trafficking frameworks may come under immense strain when traffickers are able to recruit and exploit victims with relative impunity, and the regional response is uncoordinated.

Thailand's legal framework on trafficking in persons

The definition of the term 'trafficking in persons' derives from the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000),⁶⁸ supplementing the United Nations Convention on Transnational Organized Crime. Under the United Nations Protocol definition, trafficking in persons refers to the recruitment, transportation, transfer, harbouring or receipt of persons – by force, coercion, fraud, or some other form of deception – for the purpose of exploitation.

The centrepiece of Thailand's anti-trafficking legal framework is the Thailand Anti-Trafficking in Persons Act, B.E. 2562 (2019), which was enacted in 2008 and revised in 2015, 2017, and more recently in 2019. The Anti-Trafficking in Persons Act broadly adopts the international definition of 'trafficking in persons' provided in the United Nations Protocol. The Act complies with the United Nations Protocol by criminalizing all forms of trafficking in persons and prescribes penalties that are sufficiently stringent. The Act also aligns with the United Nations Protocol's provisions for the protection and assistance of trafficking victims. The Act addresses the protection of the human rights of victims and provides measures for the physical, psychological, and social recovery of trafficking victims. The Government continues to review and update this important piece of legislation. For example, the 2019 Amendment provides a separate provision under section 6/1, specifically addressing 'forced labour or services,' which prescribed penalties of six months' to four years' imprisonment, a fine of 50,000 Thai baht (THB) to THB 400,000 per victim, or both (United States Department of State, 2023). Although the Act encompasses a range of services for victims of trafficking in line with the Recommended Principles and Guidelines on Human Rights and Human Trafficking, the availability of these services is limited to the victims who collaborate with law enforcement agencies to prosecute their cases in Thailand. Consequently, not all victims are able to exercise their rights and access the protection services available in Thailand.

Thailand also applies various other laws to combat trafficking in persons and related offences. These laws include the Penal Code, B.E. 2499 (1956); the Child Protection Act, B.E. 2546 (2003); the Anti-Money Laundering Act, B.E. 2542 1999; the Anti-Participation in Transnational Organized Crime Act, B.E. 2556 (2013); the Witness Protection Act, B.E. 2546 (2003); the Labour Protection Act, B.E. 2541 (1998); the Extradition Act, B.E. 2551 (2008); the International Cooperation in Criminal Matters Act, B.E. 2535 (1992); and the Procedures for Human Trafficking Cases Act, B.E. 2559 (2006). Several articles of the Prevention and Suppression of Prostitution Act, B.E. 2539 (1996) refer to trafficking in persons, noting that it continues to criminalize sex work – the Thailand Migration Report 2019 discusses issues related to this Act and recommends the decriminalization of sex work in Thailand. Thailand has also ratified International Labour Organization (ILO) instruments key to trafficking in persons and related conduct, such as the Forced Labour Convention, 1930 (No. 29).

To date, cases of trafficking in persons for forced criminality have been prosecuted under the Anti-Trafficking in Persons Act, the Penal Code, and the Anti-Participation in Transnational Organized Crime Act.

⁶⁷ See UNODC, n.d., Cybercrime: "Cyber-dependent crime would not be possible without internet and digital technologies and has technology as a target (e.g. creation, dissemination and deployment of computer viruses, and attacks on critical national IT infrastructure). Cyber-enabled offences, on the other hand, are those that are facilitated by our ever-growing technological capacities (e.g. online fraud, online trade in illicit goods such as drugs or firearms, and online child sexual exploitation and abuse)".

⁶⁸ Hereafter referred to in abbreviated form as the 'United Nations Protocol'.

Trafficking in persons trends in Thailand

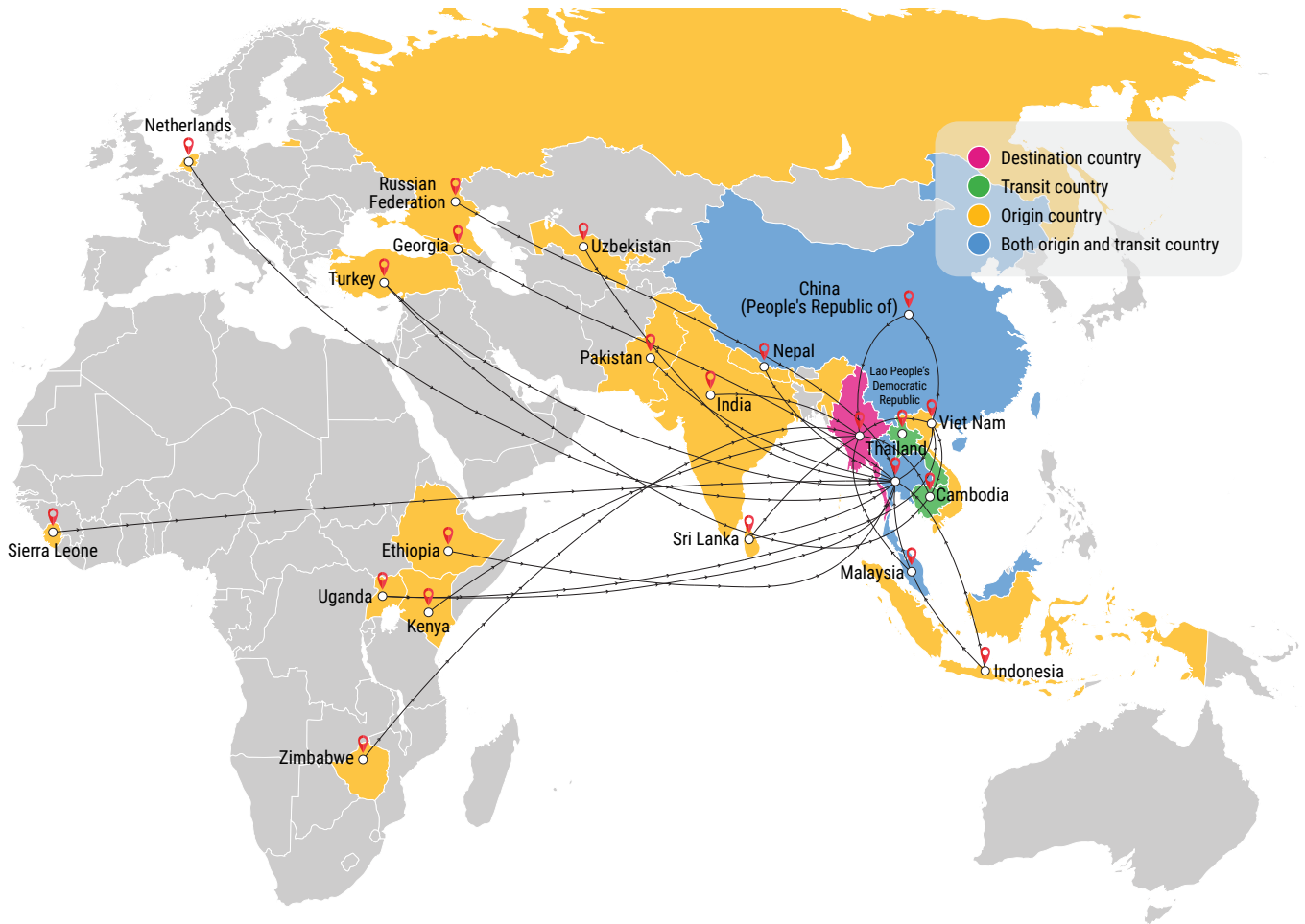
Overview of general migration and trafficking flows

Migrants in irregular situations and migrants working in sectors that are not adequately protected by labour laws are at heightened risk of being trafficked in Thailand due to their irregular status in the country (and associated fear of contacting the national authorities for assistance), and the difficulties in accessing Government support services and access to justice (such as legal aid). Migrants in irregular situations are more likely to be in debt (to unregulated brokers and intermediaries, Thai employers and others), accept work without a formal contract and at low pay (Harkins, 2019). Migrants unable to speak Thai and lacking social support networks in Thailand are further vulnerable (UNODC, 2017). As explained in [Chapter 1](#), Thailand receives a high volume of migrant workers through both regular and irregular channels, with a large proportion compelled by various conditions to migrate irregularly to Thailand and/or over-stay, who are at heightened risk of exploitation and trafficking in persons due to their irregular status in the country, in addition to other vulnerabilities. Migrants in the country without legal status, including children, face risks of detention and deportation by police and immigration authorities. This is despite recent policy developments in Thailand which have aimed at ending immigration detention of children (IOM, 2024b).

Thai nationals are trafficked to other parts of Asia and other regions of the world (United States Department of State, 2023). For example, in the current phenomenon of trafficking in persons for forced criminality, an unknown number of Thai nationals are trafficked to neighbouring Cambodia, Lao People's Democratic Republic and Myanmar (Map 4); this represents an inverse flow from the longstanding trend in which migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and other countries in the Greater Mekong Subregion are trafficked to Thailand for forced labour and sexual exploitation (UNODC, 2023). While the number of Thai victims trafficked for forced criminality in the region is unknown, media reports show that hundreds of Thai victims have been repatriated from Myanmar (Bangkok Post, 2023).

Thailand also remains an important transit country for trafficking in persons. In the current phenomenon of trafficking for forced criminality, non-Thai nationals are trafficked through Thailand to other South-East Asian countries, where they are forced to conduct online scams and fraud. Many non-Thai victims also flee from Cambodia, Lao People's Democratic Republic or Myanmar to Thailand after their rescue or escape from the scam compounds, prior to returning to their country of origin (UNODC, 2023).

Map 4. Trafficking for forced criminality – illustration of flows to Myanmar⁶⁹



Source: Updated version from the Regional Situation Report on Trafficking in Persons into Forced Criminality (IOM, 2023b).

Volume of trafficking in persons

Due to the clandestine nature of trafficking in persons, accurately estimating the prevalence of adults and children trafficked in Thailand is difficult. Official figures suggest that in 2023 the Royal Thai Government identified 640 trafficking victims (Table 31). This total included 248 male (men and boys) victims, and 392 female (women and girls) victims. Most (77%; n=490) of the victims identified were Thai nationals; and the rest (23%; n=150) were migrants or refugees from Burundi, Cambodia, the People’s Republic of China, Ethiopia, India, Indonesia, Ghana, Lao People’s Democratic Republic, Malaysia, Myanmar, Nepal, Rwanda, South Africa, Tajikistan, Tanzania and Uganda,⁷⁰ or were stateless or nationality unknown. A slight majority of the victims (49%; n=314) were trafficked for sexual exploitation, while 48 per cent (n=309) adults and children were trafficked for labour exploitation (of this number, 203 were identified as victims of forced labour under Section 6/1 of the Anti-Trafficking in Persons Act) (Royal Thai Government, 2023).

Government reports do not disaggregate victim data by age group; however, the annual Government trafficking in persons reports provide some indication of the prevalence of child trafficking in Thailand. For example, a 2021

⁶⁹ The data for these maps are derived from IOM’s victim assistance case management data, and information provided by government and non-government frontline responders, with whom the Organization collaborates to combat trafficking in persons for forced criminality. For detailed information on the most prevalent routes taken by trafficking victims, please refer to the Regional Situation Report on Trafficking in Persons into Forced Criminality in online scamming centres in Southeast Asia (IOM, 2024a).

⁷⁰ In alphabetical order. No further breakdown of numbers by country is provided in the 2023 Royal Thai Government report.

report notes that, among 148 victims admitted to State shelters⁷¹ in the country in that calendar year, 77 were children (Royal Thai Government, 2021). As Chapter 3 outlines, data from the Thailand Internet Crimes against Children Taskforce (TICAC) indicate an increase in child sex trafficking cases related to online exploitation, from 41 in 2022 to 99 in 2023 (TICAC, 2024).

The number of Thai nationals who have been trafficked for forced criminality in Cambodia, Myanmar and other South-East Asian countries is unknown, but the number is likely in the thousands (IOM, 2024a; UNODC, 2023).

As illustrated in Table 31, the number of identified trafficking victims in Thailand has increased steadily since 2020 after a sharp decline from 2019 when Thailand identified a large number of Rohingya trafficked victims following the forced exodus from Myanmar.

Table 31. Identified trafficking victims in Thailand, 2019 to 2023

	2019	2020	2021	2022	2023
Total number of identified victims	1,821 ⁷²	231	424	572	640
Total victims – female	663	165	270	354	392
Total victims – male	1,158	66	154	218	248

Because trafficking victims are usually a hidden population and many victims are reluctant or unable to approach national authorities due to fear of arrest, detention and deportation, or reprisals from their traffickers or employers, only a small number of victims come into contact with law enforcement, undergo a formal victim identification process, and thus are included in national trafficking in persons statistics.

Sectors and forms of exploitation

While the exact number of trafficking victims in Thailand is unknown, other aspects of the trafficking in persons phenomenon are better documented. For example, the labour sectors with elevated risks of exploitation and forced labour in Thailand are relatively well understood. Thai nationals and migrant workers are trafficked in a range of high-risk sectors in Thailand, which include but are not limited to construction, agriculture, manufacturing, garment-making, fisheries, domestic work and street begging (United States Department of State, 2023). These sectors tend to involve poor working and living conditions, lack of formal contracts and inadequate labour inspections, increasing the risk of trafficking in persons.

In recent years, there has been particular attention on trafficked persons in Thailand's fisheries sector. As discussed in Chapter 6, despite improvements, working and living conditions on fishing vessels often remain dire, including the lack of food and sanitation, and victims' inability to seek help or leave the vessels (IOM, 2023c; UNODC, 2019).

Since early 2022, Thailand, and more broadly the South-East Asia region, has experienced an increase of trafficking in persons for forced criminality, enabled by a range of conditions. Pre-pandemic, casinos were proliferating alongside a growing gambling industry in the Special Economic Zones (SEZs). Casinos were forced to close during the pandemic, leading to organized crime groups looking for other ways to use the casino complexes. This context, combined with a lack of decent work opportunities and social protection more broadly in many countries, further exacerbated by the COVID-19 pandemic and business shutdowns during the pandemic, meant traffickers were easily able to fraudulently recruit people into criminal operations (OHCHR, 2023; UNODC, 2023). Recruitment of victims through various social media channels has been a distinct feature of this form of trafficking. Thailand has primarily been used as a country of transit but is also a country of origin for trafficking for forced criminality. Thai nationals are trafficked from Thailand to hotels and casino complexes in Cambodia, Lao People's Democratic Republic and Myanmar for the purpose of forced criminality.

⁷¹ Shelters are the most widespread model of service provision to address the complex needs of victims of trafficking. Government shelters are run by the Ministry of Social Development and Human Security (MSDHS) in Thailand; these shelters provide access to counselling, legal assistance, medical care, education and vocational trainings. See Winrock International, 2019.

⁷² Most (n=1,306) of the victims in 2019 were Rohingya refugees from Myanmar.

This crime also affects thousands of victims from other regions and countries. While reliable data are lacking, in the current phenomenon of trafficking for forced criminality in South-East Asia, the main countries of origin of trafficking victims are the People's Republic of China, followed by other Asian countries. Well-educated Thais, alongside qualified young nationals of many other origin countries, are deceived by job advertisements that promise professional work in human resources, information technology, translation and interpretation, and other professional sectors, but are trafficked to 'scam compounds' in South-East Asia where they are forced to commit online scams and fraud for up to 16 hours a day and subjected to a range of human rights violations (UNODC, 2023; OHCHR 2023).

Profile of victims

The profile of trafficking victims in Thailand is diverse. As a destination country, most victims are from neighbouring Cambodia, Lao People's Democratic Republic and Myanmar, but Thailand has also identified victims who are nationals from regions beyond South-East Asia, including South Asia and Africa. As an origin country, Thai nationals are trafficked to other parts of Asia, and farther afield, including the European Union, North America and the Middle East (United States Department of State, 2023).

Most identified trafficking victims in Thailand are female, but it can be argued that this is because law enforcement have traditionally searched for victims in sectors perceived to pose a higher risk for trafficking in persons, such as the sex industry. Most victims identified in the fisheries sector, construction and agriculture are male, while most victims identified in the sex industry, domestic work and garment-making are female (UNODC, 2019). Child trafficking also occurs in Thailand, with the United States Department of State reporting that child victims from Thailand, Myanmar, Cambodia and Lao People's Democratic Republic have been identified in the sex industry in the country, as well as in agriculture, automotive repair, construction, manufacturing and hospitality (United States Department of State, 2023). Awareness is increasing that people with diverse SOGIESC are also trafficked in Thailand, particularly in the sex industry, and for forced labour more broadly (ASEAN-ACT, 2022).

While data and information on the profile of victims in Thailand as an origin and transit country of trafficking in persons are limited, UNODC research in 2023 on trafficking in persons for forced criminality identified that trafficked Thai nationals rescued from scam compounds in Cambodia and Myanmar are mostly well-educated (with university degree/s), multilingual young professionals. Similarly, IOM data on assistance to vulnerable migrants and victims of trafficking from 2022 to 2023 show that many of the non-Thai victims who have been trafficked through Thailand or received by Thailand after being 'pushed' to Thailand from Myanmar post-escape or rescue from the scam compounds, have similar educational levels and backgrounds. Both men and women victims (Thai and non-Thai nationals) have been identified in the scam compounds in Cambodia, Myanmar and other South-East Asian countries. Some child victims of trafficking for forced criminality, other forms of forced labour (such as cooking or cleaning), and sexual exploitation have also been identified in the scam compounds (UNODC, 2023; IOM, 2024a).

Modus operandi of traffickers

Traffickers operating in Thailand are not a monolithic group. Traffickers can work in large, organized networks, or in small groups of unscrupulous individuals who recruit and exploit adults and/or children for their own economic advantage. Traffickers often speak the same language and originate from the same country as their victims (UNODC, 2019; UNODC, 2023). Traffickers employ a range of methods to recruit potential victims, which increasingly include fraudulent job advertisements posted on social media platforms that offer well-paid jobs in Thailand and other South-East Asian countries, as in the current phenomenon of trafficking for forced criminality (IOM, 2024a; UNODC, 2023).

In trafficking for forced criminality cases, the fraudulent job offers are posted either by criminal networks from the inside of scam compounds or by recruitment agencies or individual agents/brokers who are connected to criminal networks. Traffickers organize the international transfer of victims from, to or through Thailand, and once in the destination, control victims through multiple methods, including confinement; confiscation of the victims' travel documentation; threats to them and their families; physical and/or sexual violence; and indebtedness. In the ongoing case of trafficking in persons for forced criminality, Thai nationals are trafficked after applying for seemingly legitimate job advertisements that they see on social media. After undergoing one or more job 'interviews,' they are flown to Cambodia or Myanmar, where they are confined in highly secured scam compounds, and further controlled through physical violence and threats (UNODC, 2023). They are further exploited by being forced to pay a ransom or to recruit other victims, in order to secure their own freedom from the scam compound. Widespread abuse, violence and torture, including arbitrary detention, beatings, food deprivation, sexual violence, heavy physical exercises and electrocutions have been reported by victims (IOM, 2024a; OHCHR, 2023). Despite the payment of a ransom, many victims in Myanmar, including Thai nationals, are not released by the organized crime groups (UNODC, 2023).

Promising practices in victim identification, protection, and access to justice

The Royal Thai Government has demonstrated commendable efforts to advance trafficking victim identification and protection between 2019 and 2023. The National Steering Committee Chaired by the Department of Anti-Trafficking in Persons, the Ministry of Social Development and Human Security (MSDHS), and the Office of the Attorney General, developed the National Referral Mechanism (NRM) for the protection and assistance of trafficking victims. Extensive consultations with key stakeholders from Government and civil society organizations (CSOs) resulted in the adoption of Standard operating procedures (SOPs) as well as a referral flow chart on victim screening, identification, protection and assistance, endorsed by the Prime Minister in 2022. The NRM functions as a cooperative mechanism, operationalizing provisions offered under the Anti-Human Trafficking Act of 2008, allowing trafficking victims access to social support such as work permits, legal assistance, shelter, health care services, rehabilitation and vocational training. In accordance with the 2008 Act, the NRM policy encompasses all trafficking victims in Thailand within its purview, including both Thai and non-Thai nationals. In 2023, the Government provided protection and assistance to 640 victims of trafficking in persons. A total of 292 victims came under the care of shelters, with 270 in Government's shelters and 22 in private-run shelters (Royal Thai Government, 2023).

The Government prioritized the operationalization of the NRM at provincial levels in 2022 and 2023, including through capacity-building of MSDHS officials from 77 provinces. In 2022 and 2023 combined, 44 provinces were monitored to assess progress for the implementation of the NRM and plans are underway to monitor the remaining provinces in the country during 2024. Capacity-building programmes have been delivered to provincial-level officials, law enforcement as well as multidisciplinary teams. A central registry has also been developed comprising of 484 interpreters and translators, to support screening and identification efforts, especially of non-Thai nationals (Royal Thai Government, 2023).

The Government has further implemented measures to strengthen capacities amongst law enforcement agencies, including through enhanced partnerships with CSOs and other partners. In 2021, the Coordination Centre for Trafficking Victim (CCTV) was established to enhance coordination between relevant agencies and civil society partners in victim assistance and protection. Another promising practice involves the establishment of specialized units within the law enforcement apparatus, tasked with identifying and assisting trafficking victims. These units receive specialized training to recognize indicators of trafficking, and work in tandem with social services to provide immediate support to victims. Training programmes were conducted to empower enforcement officers in areas such as victim identification, collaboration with multidisciplinary teams, adherence to SOPs and implementation of the NRM. In 2023 alone, eight projects were initiated, resulting in the training of 2,168 officers (Royal Thai Government, 2023). Whilst these are commendable steps, it is important that the Government continues to monitor the impacts of these specialized units and trainings in achieving their objective of better screening, identification, referral and protection.

The Government has coordinated with embassies and consular officials to facilitate the repatriation of non-Thai victims of trafficking for forced criminality to their countries of origin. While the volume of victims requiring repatriation poses an immense strain on Thailand's victim identification and protection mechanisms, it has also shed light on the country's ongoing efforts to enhance procedures for screening and protecting victims. Furthermore, the Government with the support of IOM is currently developing the Consular Guide to Assist and Refer Potential Victims of Trafficking in accordance with Thailand's NRM.

The Government is also strengthening access to justice measures. The Office of the Attorney General has established the Witness Assistance Service to facilitate the preparation of witnesses before court proceedings. In 2023, 312 trafficking prosecutions were initiated, a 23.23 per cent increase from the 253 cases in 2022 (Royal Thai Government, 2023). The number of cases initiated steadily increased since 2020 (Table 32) which the Government attributes to the collaborative efforts among relevant Government agencies to expand the breadth and depth of their investigations and appraisal of trafficking cases (Royal Thai Government, 2023). In 2023, cases of Trafficking in Persons (TIP) for forced criminality saw an increase, with around 193 cases reported. The Government assessed a total of 50 of these cases (Royal Thai Government, 2023). Despite the Government's efforts to document TIP for Forced Criminality, the reported cases appear to be underrepresented, and a lack of clarity on the number of victims who have received protection services remains. "Prostitution",⁷³ pornography and forced labour constituted the majority of cases from 2019 to 2023.

Table 32. Number of human trafficking cases initiated 2019 to 2023⁷⁴

	2019	2020	2021	2022	2023
"Prostitution" ⁷⁵	158	96	136	163	219
Pornography	15	17	13	34	48
Sexual exploitation	12	6	6	8	13
Enslavement	33	0	2	1	0
Forced begging	9	2	2	3	15
General forced labour	35	12	18	42	16
Extortion/other	26	0	11	2	1
Total	288	133	188	253	312

Furthermore, the Government has taken steps to strengthen bilateral and multilateral partnerships. In 2022, Thailand and Cambodia signed the SOP for Law Enforcement Cooperation on Trafficking in Persons and commenced the development of a Plan of Action for its implementation. The Royal Thai Government has supported regional and subregional dialogues with the People's Republic of China, Myanmar, Lao People's Democratic Republic, Cambodia and the Philippines to strengthen cooperation and coordination efforts (Royal Thai Government, 2023). Thailand has also taken steps to promote the establishment of transnational referral and coordination through ASEAN processes as well as the Coordinated Mekong Ministerial Initiative Against Trafficking in Persons (COMMIT). For example, the MSDHS acted as joint Secretariat of the COMMIT process and hosted the Regional Task force Meeting (RTF) and 15th Senior Officials Meeting. The COMMIT Secretariat and its members, including Thailand, have implemented further efforts to develop the 5th COMMIT Sub-Regional Plan of Action.

⁷³ As categorized under Thai Law.

⁷⁴ Table taken from the Royal Thai Government's Country Report on Anti-Human Trafficking Efforts, 1 January–31 December 2023.

⁷⁵ These cases were categorized as "prostitution" under Thai Law.

Victim identification, protection, and access to justice gaps and challenges

Victim identification and protection challenges

While the above measures and progress towards a robust system for victim identification and protection are significant, gaps and challenges in victim identification and protection remain. National authorities' inconsistent interviewing techniques with suspected victims, and officials' lack of knowledge of forced labour and forced criminality indicators, mean that many potential trafficking victims (Thai and non-Thai) are not being identified. Due to insufficient training on trauma-informed approaches, victims and survivors also do not routinely receive comprehensive and trauma-informed support and services from national authorities.

A lack of awareness among the Thai public and some frontline officials on the difference between voluntary sex work and trafficking in persons for sexual exploitation continues to negatively impact victim identification efforts. Too much emphasis is placed on finding trafficking victims in brothels and other locations, to the detriment of identifying victims of forced labour. Some 'victims' are rescued from brothels and other locations, only to be later punished for engaging in sex work, highlighting the need for continued efforts to decriminalize sex work in Thailand (Harkins, 2019).

Thailand faces challenges in the identification of its nationals in situations of trafficking for forced criminality in Cambodia, Lao People's Democratic Republic and Myanmar. Cooperation between the Thai and Cambodian authorities to facilitate Thai trafficking victim identification in Cambodia has proved challenging. Frontline professionals interviewed by UNODC for a 2023 study reported that Cambodian police were initially reluctant to approach the scam compounds located in SEZs, and there has been ongoing denial on the part of the Cambodian Government to acknowledge trafficking for forced criminality victims as such. As a result, few Thai trafficking victims have undergone a victim identification process in Cambodia; rather, they have been swiftly repatriated to Thailand (or other countries of origin) and denied protection and support services in Cambodia (UNODC, 2023). In Lao People's Democratic Republic, coordination between Lao People's Democratic Republic and Thai authorities has been slow, although provincial level cooperation proved beneficial to the swift identification, rescue, and repatriation of Thai victims (UNDP, 2023). The current conflict and political instability mean there are limited victim identification and protection mechanisms for Thai nationals in Myanmar (alongside victims from various other origin countries). At best, Thailand can communicate by mobile phone with its nationals who are held in scam compounds in Myanmar and attempt to facilitate their escape from the compound and return across borders into Thailand (Bangkok Post, 2023).

The current situation of trafficking for forced criminality in the South-East Asia region has shown that even Thailand's robust victim identification and protection mechanisms can quickly come under strain. Multidisciplinary teams can be slow to organize and some frontline officials lack an understanding of trafficking in persons, which has resulted in an inconsistent implementation of identification procedures. When faced with hundreds of victims, especially in more rural border areas of the country, multidisciplinary teams have not been fully effective for victim identification in the current case of trafficking for forced criminality. As well, the shelter system cannot keep up with the sheer volume of Thai and non-Thai victims requiring accommodation and support, leading to most presumed victims being unable to access protection and reintegration support (UNODC, 2023).

Actors such as the United States Department of State have also criticized shelters in Thailand. A key criticism is that State shelters rarely allow non-Thai victims to freely leave the shelter while they are awaiting trial, for security purposes, which can have detrimental effects on the mental health and well-being of victims. Another criticism is that non-Thai victims have to spend too long (often more than one year) in the shelter, with little ability to communicate with their families during this time (United States Department of State, 2023). While a full analysis of the shelter system in Thailand is beyond the scope of this chapter, Winrock International (2019) provides a recent, comprehensive assessment of models of care for trafficking survivors in Thailand.

Access to justice challenges

Thailand continues to strengthen its criminal justice responses to trafficking in persons and has successfully prosecuted a number of trafficking cases in recent years, including the cases of 35 Government officials charged with complicity in trafficking in persons crimes in 2022 (United States Department of State, 2023). A key remaining challenge in the successful prosecution of trafficking in persons cases in Thailand is that the Government generally requires victims to remain in shelters in the country awaiting the trial – this can lead to many victims not participating in the criminal justice process, as their mobility, ability to communicate with support networks and right to work are curtailed. All presumed victims should have freedom of movement while staying in Government shelters and be given the opportunity to provide evidence remotely through, for example, video conferencing platforms.

In the current phenomenon of trafficking for forced criminality, victims who are identified by the multidisciplinary teams have access to protection and assistance services under the NRM. However, screening and identification procedures have not been implemented consistently throughout the country, resulting in many non-Thai nationals (potential victims) being detained in immigration detention, fined for over-staying their Thailand tourist visa⁷⁶ and deported to their countries of origin. Some suspected Thai victims have been charged with criminal offences (online scams and fraud) that they were forced to commit while they were confined to the scam compound. Many of these cases are the direct result of a lack of evidence to prove victimhood of persons escaping or being rescued from scam compounds, which highlights the lack of cross-border investigation and cooperation between law enforcement agencies. As noted above, there are significant barriers to the investigation of trafficking for forced criminality offences in Cambodia, Lao People's Democratic Republic and Myanmar, including a lack of political will to acknowledge the scale of the problem and to conduct regular and comprehensive investigations, let alone proactive, joint investigations with Thai law enforcement entities. Events in the region, such as the military takeover in Myanmar, have further limited the ability of police to conduct proactive cross-border investigations.

Challenges in prevention

Finally, while Thailand continues to strengthen its efforts to prevent trafficking in persons, migrants, and especially migrants in irregular situations, continue to be trafficked for sexual and/or labour exploitation in the country. Regular channels remain overall slow and expensive for migrants, serving as a disincentive to migrate regularly, while regularization windows once in-country are provided on an unpredictable and ad hoc basis. The 2023 United States Trafficking in Persons Report further highlights that inadequate regulation of brokers and recruitment agencies and insufficient labour inspections continue to contribute to unscrupulous practices that facilitate trafficking in persons (United States Department of State, 2023).

While various CSOs, private sector entities, and Government agencies are designing and implementing trafficking awareness campaigns to prevent trafficking for forced criminality, these seem to be having only limited impact on the number of Thai and non-Thai nationals being trafficked for forced criminality and other forms of exploitation.

These challenges highlight the need for Thailand to adopt a more comprehensive approach to trafficking in persons, which addresses, at once, poverty, economic differentials, gender norms, exploitative use of use technologies, corruption and organized crime.

⁷⁶ Many victims of trafficking for forced criminality initially fly to Thailand and enter the country on a tourist visa before being smuggled over the border into neighbouring Cambodia, Lao People's Democratic Republic or Myanmar. Some of these victims are unaware that they have left Thailand and only find out later, on arrival in the scam compound, that they are in a different country.

Conclusion

Thailand continues to serve as an origin, transit and destination country for trafficking in persons in South-East Asia. The legal framework against trafficking in Thailand, notably the Anti-Trafficking in Persons Act, aligns with the United Nations Protocol, criminalizing all forms of trafficking and applying stringent penalties. The Royal Thai Government has implemented significant measures to prevent trafficking in persons and protect victims, including the establishment and implementation of the NRM for trafficking victims at the central and provincial levels, as well as implementing capacity-building programmes with multidisciplinary teams, law enforcement actors and frontline officials. However, given the complex regional dynamics, especially in the context of forced criminality, challenges in combating trafficking in persons persist, including in enforcement of anti-trafficking legislation and policies, victim identification, victim protection, prosecution and prevention. With these challenges to a robust and comprehensive response to trafficking in persons remaining, trafficking continues to occur in various sectors in Thailand, such as fisheries, agriculture, construction and the sex industry, and Thai nationals continue to be affected by trafficking in persons, including for forced criminality.

Recommendations

- **The Royal Thai Government should increase its efforts to identify trafficking victims, paying particular attention to victims of 'new' or emerging forms of exploitation**, such as trafficking for forced criminality (online scams and fraud). As part of this effort, national trafficking in persons indicators and screening tools should be regularly reviewed and updated by the agencies that use these tools, such as Police and MSDHS. The Government should further ensure, through regular and institutionalized capacity-building, that all frontline professionals working within the Royal Thai Police, Bureau of Immigration, Ministry of Labour and MSDHS are aware of trafficking in persons indicators.
- **The Government and CSOs should continue to strengthen protection and assistance infrastructure at individual, community and structural levels**, such as shelters (especially for people with diverse SOGIESC), and service provision (health, psychosocial counselling, legal aid, employment training, etc.). Regular monitoring and evaluation of the NRM should be conducted to identify any service provision and/or referral bottlenecks and gaps in assistance and protection.
- **Steps should also be taken to remove barriers in accessing justice**, including amending the Anti-Human Trafficking Act to ensure that victims have the right to access protection services regardless of their participation in the criminal justice process. Moreover, special measures to ensure the rights of victims of trafficking in shelter settings need to be revisited, including through increasing opportunities to work, move and communicate freely while in shelters.
- **The Government should ensure that the principle of non-punishment of victims, which is enshrined in international and national law, is upheld at all times.** Victims should not be fined or punished for criminal offences that they committed while they were trafficked.
- **The Royal Thai Government should continue its efforts to work collaboratively with neighbouring South-East Asian countries to strengthen law enforcement capacity** to investigate organized crime in the region, particularly online scam and fraud operations, trafficking for forced criminality, money laundering and allegations of officials complicit in these operations. Joint investigations should be proactive, rather than reactive.
- **The Government should create new or update existing bilateral Memorandums of Understanding (MoUs) and SOPs to take into account new forms of exploitation** and other recent and current trafficking in persons trends, such as different or inverse trafficking routes. Plans of Action should be developed to ensure the effective implementation of MoUs and SOPs.

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Portrait of Sai Sai, a migrant worker in the construction sector, from Shan State, Myanmar working in Chiang Mai, Thailand. | ©ILO 2021



MIGRANT WORKERS' ACCESS TO SOCIAL SECURITY IN THAILAND: LAW AND PRACTICE

By Anna Engblom and Chonticha Tangworamongkon, ILO

Introduction

This chapter analyses the situation of migrant workers in Thailand in terms of social protection needs, coverage, effectiveness and coherence, drawing on a combination of a literature review and study of relevant legislation. In particular, it looks at the extent that the legal framework in Thailand foresees inclusion of migrant workers in existing social security legislation. The chapter also discusses the level of enrolment of migrant workers in available schemes, the obstacles they encounter in enrolling and in receiving compensation, and what needs to be done to ensure that migrant workers have comprehensive and more effective access to social protection in Thailand.

Existing social protection measures (and thus the analysis of this chapter) generally do not cover irregular migrants, except for some limited health insurance coverage. The focus is mainly on regular migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar⁷⁷ working in Thailand who have either entered Thailand under Memorandum of Understanding (MoU) procedures, the border pass scheme, or have temporarily regularized their status in the country through ad-hoc amnesties and registration windows through procedures governed by Cabinet Resolutions ([Chapter 1](#)). Even regular migrant workers, as this chapter and [Chapter 11](#) show, do not enjoy fully comparable benefits with Thai citizens in the existing schemes, having more limited access and coverage and experiencing more constraints on claiming the benefits.

⁷⁷ Migrant workers from Viet Nam are not included in this chapter due to their small number (less than 0.1%) and the unavailability of relevant data for this group.

Relevant national legal frameworks and international standards

Thailand has ratified some ILO Conventions on social security, but none of the key ILO migration Conventions – namely ILO Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86), 1949; and Migrant Workers (Supplementary Provisions) Convention (No. 143) and Recommendation (No. 151), 1975 – which together cover the protection of migrant workers and the governance of labour migration. Thailand has also not ratified the ILO Private Employment Agencies Convention, 1997 (No. 181) (ILO, 2024). Notably, Thailand has ratified the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) (in 1968); and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (in 2016). As a party to the ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), Thailand is obliged to guarantee equal treatment of all workers, regardless of nationality or legal status. However, Thailand has not ratified the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

In 1999, Thailand also acceded to the United Nations International Covenant on Economic, Social and Cultural Rights (1966). Article 9 of the Covenant guarantees the right to social security to everyone and does not draw a distinction on the basis of nationality or migration status. The Article also does not require reciprocity – in other words, the ratifying country is bound to provide social security protection to migrant workers, regardless of whether the migrant worker's country of origin has granted equal protection to nationals from the ratifying country. This implies that Thailand is obliged to provide social security protection to migrant workers from Cambodia, Lao People's Democratic Republic and Myanmar, regardless of the coverage, if any, that these countries afford to Thai migrants.

Thailand's comprehensive social security system covers all nine branches of social security benefits provided for in ILO instruments, in particular ILO Convention No. 102, despite Thailand not having ratified it. The country does so through two main pieces of complementary legislation: the Social Security Act, B.E. 2533 (1990) and its related scheme, the Social Security Fund (SSF); and the Worker's Compensation Act, B.E. 2537 (1994) and related scheme, the Worker's Compensation Fund (WCF). The SSF provides for medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit and maternity benefit, while the WCF covers invalidity benefit and survivors' benefit.

These two schemes cover all eligible workers regardless of nationality, although terms vary per category of workers, including among formal, informal and self-employed workers, and these differences have clear impacts for migrant workers. In essence, with some qualifications, regular migrant workers in formal employment should also be covered under the same arrangements as Thai workers when not in sectors and occupations excluded by Thai law. However, those who do not qualify for enrolment in the SSF and WCF can only be enrolled in the Migrant Health Insurance Scheme (MHIS), a contributory insurance scheme specifically for migrants that is limited to provision of medical care and screening for communicable diseases. Dependent spouses of migrant workers are not eligible for enrolment in any of these schemes, and only the MHIS allows enrolment and coverage of children of migrants (Table 34).

A summary of social protection entitlements under the various schemes accessible to migrant workers in relation to migration pathways and sectors of employment is presented in Table 33. The following sections discuss each scheme, their modalities and the resulting level of inclusion for migrant workers. The health aspect of social protection will be discussed only succinctly since both the health benefits of SSF and MHIS are discussed in detail in [Chapter 11](#).

Table 33. Summary of social protection entitlements for migrant workers

Migration pathway	Sector of employment	SSF (Section 33)	WCF	MHIS
Migrant worker registered under MoUs	Work in agriculture, fishery, forestry and livestock with employers not hiring employees for the whole year	NO	YES	YES
	Temporary or seasonal work (i.e. with a contract shorter than one year with one employer)	NO	YES	YES
	Domestic work and those in street vending regardless of contract duration	NO	NO	YES
	All other allowed sectors of employment (i.e. with a contract longer than one year with one employer)	YES	YES	YES in initial 3-month transition period/ NO thereafter
Migrant worker registered under Cabinet Resolutions	Work in agriculture, fishery, forestry and livestock with employers not hiring employees for the whole year	NO	YES	YES
	Temporary or seasonal work (i.e. with a contract shorter than one year with one employer)	NO	YES	YES
	Domestic work and those in street vending	NO	NO	YES
	All other allowed sectors of employment (i.e. with a contract longer than one year with one employer)	YES	YES	YES in initial 3-month transition period/ NO thereafter
Migrant worker under the border employment scheme	Work in agriculture, fishery, forestry and livestock with employers not hiring employees for the whole year	NO	YES	YES
	Temporary or seasonal work (i.e. with a contract shorter than one year with one employer)	NO	YES	YES
	Domestic work and those in street vending	NO	NO	YES
	All other allowed sectors of employment (i.e. working with one employer longer than one year)	YES	YES	YES in initial 3-month transition period/ NO thereafter
Migrant worker in irregular situations	All sectors of employment	NO	NO	YES by law, NO in practice

Note: Table 1 is adapted from IOM, 2021.

Note 2: SSF = Social Security Fund; WCF = Worker Compensation Fund; MHIS = Migrants Health Insurance Card Scheme.

At the regional level, the Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN⁷⁸ demonstrates the commitment of the Association of Southeast Asia Nations (ASEAN) and its Member States, including Thailand, to work towards developing and implementing bilateral agreements on portability of social security benefits for migrant workers. However, no such agreements are in place as of yet. The absence of portability agreements hinders cross-border payment of benefits, including periodic pension payments and compensation for death, among others, as discussed further below.

78 ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN, 16 November 2022.

Migrant workers' entitlements under the Social Security Act

The Social Security Act creates the legal framework for a comprehensive contributory social security scheme, which essentially provides coverage to:

- Regular⁷⁹ employees in the formal sector (compulsory coverage; fixed government, employer and worker contribution) (Section 33 of the Act);
- Workers previously covered as employees under Section 33, and who are newly self-employed and willing to continue being insured under the Act (voluntary coverage; fixed worker contribution amount) (Section 39 of the Act), noting that inclusion under Section 39 excludes unemployment benefits;
- Anyone not covered under Sections 33 or 39, mainly informal economy workers (voluntary coverage; fixed worker and government contribution) (Section 40 of the Act), noting that inclusion under Section 40 only covers limited protections: injury and sickness, invalidity, death and pension benefits.

While Section 33 covers all formal workers (Thai nationals and migrant workers in a regular situation) alike, Sections 39 and 40 does not apply to the migrant workers from neighbouring countries that this chapter is concerned with, as they are not allowed to engage in self-employment (Section 39) or to enrol in the SSF on a voluntary basis (Section 40).

Migrant workers' access to social security in Thailand is closely linked to their immigration status, and historically also linked to the pathway they used to enter and/or stay in Thailand. While migrant workers with irregular status remain excluded from SSF and WCF, those who entered Thailand through the MoU procedures, with border passes, or who have regularized their status in-country, have gradually been included into the existing schemes to a certain extent. Uncertainty around whether or not migrant workers employed under the border employment scheme were covered by SSF and WCF was addressed in November 2022, when the Social Security Office (SSO) issued a notification instructing SSO staff to enrol them.

Still, both Thai and regular migrant workers in certain situations have restricted access under Thai law. Despite the Social Security Act stating that all employees (including migrant workers) between 15 to 60 years of age shall be compulsorily insured under the SSF, workers in some sectors are excluded. Importantly, all workers in agriculture, forestry, fishery and animal husbandry are excluded when their employers are operational for less than a full year. Workers who are employed on a seasonal or temporary basis are also excluded from compulsory coverage (ILO, 2021; IOM, 2021). This exclusion implies that many migrant workers have no access to social security since they tend to be employed in the excluded sectors, typically working seasonally or temporarily and are not allowed to access voluntary SSF coverage (as per Sections 39 and 40).

Furthermore, Section 5 of the Act defines an employee as "a person agreeing to work for an employer in return for wages irrespective of designation but excluding an employee who is employed for domestic work which does not involve in business." It follows that domestic workers can be enrolled in SSF only when they are employed by companies and service providers (rather than privately by individuals; see [Chapter 5](#)). As women make up the vast majority of domestic workers, this provision disproportionately affects women – both Thai nationals and migrant workers. The difference among these two groups, however, is domestic workers with Thai citizenship, unlike migrant domestic workers, can voluntarily enrol as self-employed under Section 39 or 40 of the Social Security Act that provides some reduced level of benefits, although few do in practice due to the costs involved. Another excluded occupation group are workers hired by street-vending employers, who are also often women (Tulaphan, 2016). Not being eligible for enrolment, they are hence excluded from any benefits under the Act (as defined in Section 33) regardless of contract duration.

⁷⁹ "Regular employees" here means workers who are hired to work on a full-time or part-time basis on regularly scheduled shifts of a continuing nature. Then there are sectors of employments that are excluded, and these are described in the body of the text.

Dependents are further excluded since SSF and WCF do not cover them, and MoU and border pass workers are not allowed to bring them. For children and young migrants, the only insurance option is MHIS, and this only when registering with their parents (Table 34; Chapter 3 and Chapter 11).

Table 34. Social protection entitlements of dependents (i.e. children) of regular migrant workers

Type of migrant worker dependents	Sector of employment of migrant worker	SSF (A33)	WCF	MHIS
MoU migrant worker dependents	All sectors of employment	Not allowed to bring dependents		
Registered migrant worker under Cabinet Resolutions (NV process) dependents	All sectors of employment	Can register dependents but SSF and WCF do not register dependents		✓ (up to 18 years)
Border pass migrant worker dependents	All sectors eligible for border pass scheme	Not allowed to bring dependents		

Source: Adapted from IOM, 2021, p. 18.

For the population covered by the SSF, the employer and migrant worker each pay a monthly contribution equivalent to 5 per cent of the worker's income, or according to a maximum rate set by the Cabinet, and the Government contributes an additional 2.75 per cent. Employers are required to register workers (both Thai and migrant workers) with SSO within 30 days of hiring, by submitting the name of the worker, their wage or salary, and other details that may be required. SSO will issue a certificate to the company and issue a card to the worker. As members, per section 54 of the Social Security Act, workers have the rights to a complete range of benefits for which they need to pay a monthly contribution for between one to seven months, depending on the type of benefit (ILO, 2021):

- Injury or sickness benefits;⁸⁰
- Maternity benefits;
- Invalidity benefits;
- Death benefits, including a funeral grant (available to a dependent);
- Child benefits;
- Old-age benefits;
- Unemployment benefits (also available in the event that the employer temporarily ceases operations due to force majeure).

In particular, the old-age benefits consist of either a regular lifetime pension income paid until death, or a lump sum (Section 77). Monthly pensions are paid if the beneficiary has contributed for at least 180 months (15 years). While normal retirement age is 60, workers ceasing employment having attained at least 55 years of age are entitled to receive the retirement benefit. Those who have contributed for a shorter period are entitled to a lump-sum payment to be paid out at the time when they cease to be an insured person (that is, at the time their employment ends or at age 60 if later).

⁸⁰ According to Section 63, benefits for non-occupational injury or sickness consists of: "(1) medical examination expense; (2) medical treatment expense; (3) lodging, meals and treatment expenses in hospital; (4) medicine and medical supplied expenses; (5) cost of ambulance or transportation for patient; (6) other necessary expenses in accordance with the rules and rates prescribed by the Medical Committee, with the approval of the Committee."

Regarding the lump-sum option, the ILO (2018a) notes that in accordance with an amendment introduced in 2015, non-Thai nationals who cease to be insured and will not continue residing in Thailand are entitled to old-age compensation, in the form of a lump sum determined by the length of contribution.⁸¹ Regular migrant workers who stay in Thailand should also be receiving regular income payments if they have contributed for more than 15 years and have turned 55 years of age. However, no portability agreements exist (allowing payments to be made in the migrant’s country of origin), and as very few possibilities are available for migrant workers to be allowed to stay in Thailand regularly once their work permit has ended, this option remains largely hypothetical. The fact that Thailand has not entered into any portability agreements with Cambodia, Lao People’s Democratic Republic or Myanmar is a barrier to cross-border payments that needs to be resolved. As it stands, the lump sum is currently the only possible option for migrant workers.

Migrant worker entitlements under the Worker’s Compensation Act

The Worker’s Compensation Act, B.E. 2537 (1994) and its amendments are a regulatory framework providing workers with benefits should they experience occupational injuries or illness.

All workers, including migrant workers, insured under the SSF should automatically be registered under the WCF and be eligible for the following benefits:

- Temporary disability benefits;
- Permanent disability benefits;
- Medical benefits;
- Survivor benefits, including a funeral grant.

The WCF covers more categories of regular migrant workers than the SSF. Since February 2019, a Notification issued by the Ministry of Labour⁸² extended the WCF coverage to workers in agriculture, fishery, forestry and animal husbandry with contracts shorter than one year. Other seasonal and temporary workers with employment contracts shorter than one year are also insured in the WCF. However, domestic workers and employees of street or mobile vendors remain excluded from WCF coverage (ILO, 2021), as do all irregular migrant workers.

Under the Act, employers are required to register and submit workers’ registrations with the WCF within 30 days of hiring, and to pay an annual contribution to the WCF at the rate prescribed in the Act and whose level depends on their claims experience (ILO, 2021). Emphasizing employers’ responsibility to provide safe and healthy workplaces for their workers, the cost for enrolment in WCF is entirely shouldered by employers, and the benefit level is higher than general sickness or invalidity benefits under the SSF.

Furthermore, the employer must provide the worker with access to medical treatment and cover their medical expenses immediately in the event of work-related injury or illness. The employer must inform the local authority – namely the Social Security Office or Department of Employment (DoE), depending on the situation – that the worker has been injured, is sick or is missing within 15 days of the event. A worker may submit a claim for compensation to the local authority within 180 days of such events. However, the Worker’s Compensation Act does not limit the time period during which the local authority may consider the compensation claim and deliver the decision which means that claimants may wait a long time to receive compensation. Slow processes are a form of injustice for workers who often have little financial means at their disposal, and is particularly challenging for migrant workers, who may have returned to their countries of origin before compensation has been paid out.

⁸¹ Introduced by the Social Security Act (No 4), B.E. 2858 (2015).

⁸² See the 21 February 2019 Notification by the Ministry of Labour on categories, sizes, and authorized local administration units of employers required to pay financial contributions to the fund, the contribution rate, the deposit rate, the evaluation criteria and the methods of contributing to the fund. The Notification is available (in Thai) [here](#).

The Act further provides for survivors' benefits in the event of a work-related death. In these cases, the dependents of the worker are eligible to make a compensation claim assuming it is reported by their survivor within 180 days. However, in the absence of any portability agreements in line with the ASEAN Declaration, the claimants need to be in Thailand to make the claim and to access compensation, which is a major deterrent for family members needing to claim death benefits.

The Migrant Health Insurance Scheme

MHIS is a contributory scheme, which consists of a mandatory health examination and a medical care programme covering general medical treatment and communicable disease prevention. While providing protection from catastrophic expenses in case of disease, benefits under the MHIS are less comprehensive than the Universal Coverage Scheme exclusive to Thai citizens, or health care benefits provided under the SSF (Sakulsri et al., 2023).

All regular migrant workers in the informal sector not covered under the SSF or the WCF and their dependents should be enrolled in the MHIS. To attain a work permit through Cabinet Resolution procedures, they are required to pass a health examination and purchase health insurance at designated local public hospitals. Migrant workers who are eligible for the SSF and are enrolling for the first time are also required to have three months of temporary coverage under the MHIS, during the period until SSF coverage becomes effective. Migrant workers in irregular situations and their dependents are also allowed to purchase insurance under this scheme. However, they may encounter access challenges at the designated public hospitals, especially when lacking ID documents (Chapter 11).

Employers should cover the fees for MoJ workers, while other migrant workers have to cover the cost themselves. Even if the fees (varying per period and age group as in Table 37, Chapter 11) appear relatively modest, few migrants have the resources to pay on an ongoing basis and being generally young and perceiving themselves to be healthy, defer the purchase to when they have to undergo screening for the registration process or a health need arises (Jommaroeng, 2018). On the supply side, with the exception of densely populated migrant areas, an insufficient number of designated public hospitals offer this programme or provide care to migrants (see also ILO, 2021). Chapter 11 provides further information about MHIS, while the following sections in this chapter focus on the SSF and the WCF, discussing related enrolment level, gaps and barriers.

Migrant workers' enrolment in social security schemes

As indicated in Table 35, during the 2019–2023 period, migrant workers made up 8.1 per cent of the total number of workers enrolled on average⁸³ (ranging from 6.6% in 2021, to 10.1% in 2023). However, figures in 2020 and 2021 are likely to have been depressed by the impact of the COVID-19 pandemic, when many migrant workers returned to their country of origin. Furthermore, Table 35 shows that 42.7 per cent of all regular migrant workers were enrolled in the SSF. There is a steadily increasing trend over the period, with 38.8 per cent enrolled in 2019, rising to 51.7 per cent in 2023. This positive shift can partly be explained by the end of the acute impacts of the COVID-19 pandemic, but also points to greater compliance with the law. There is, however, variation based on nationality, with workers from Lao People's Democratic Republic enrolled at the lowest level (at 23.6% over the period), and those from Myanmar at the highest (at 47.6% over the period).

⁸³ The general rule is that migrant workers should not be able to enrol under Section 39 of the Social Security Act. However, when reviewing the statistics, there were a few instances where migrant workers are indeed enrolled under Section 39. Consequently, the review of SSO statistics covers all enrolled under both Section 33 and Section 39.

Table 35. Number of migrant workers (MWs) enrolled in SSF, share of total enrolment, 2019–2023

Nationality	2019			2020			2021			2022			2023			TOTAL
	Persons insured	Registered MWs	% of MWs insured	Persons insured	Registered MWs	% of MWs insured	Persons insured	Registered MWs	% of MWs insured	Persons insured	Registered MWs	% of MWs insured	Persons insured	Registered MWs	% of MWs insured	
Myanmar	793,213	1,820,829	43.6%	716,392	1,583,272	45.2%	669,007	1,462,935	45.7%	895,315	1,916,879	46.7%	975,610	1,726,149	56.5%	47.6%
Cambodia	226,838	686,429	33.0%	179,707	515,600	34.9%	145,249	457,476	31.8%	166,850	498,512	33.5%	169,845	379,248	44.8%	35.0%
Lao People's Democratic Republic	63,053	280,962	22.4%	53,614	224,002	23.9%	43,543	213,203	20.4%	55,298	225,414	24.5%	60,701	226,284	26.8%	23.6%
Total	1,083,104	2,788,220	38.8%	949,713	2,322,874	40.9%	857,799	2,133,614	40.2%	1,117,463	2,640,805	42.3%	1,206,156	2,331,681	51.7%	42.7%
Total insured*	13,334,511			12,923,995			13,076,106			13,517,885			11,890,917			
MWs share of insured	8.1%			7.3%			6.6%			8.3%			10.1%			8.1%

* Total enrolment under section 33 and 39

Source: Social Security Office, Ministry of Labour (data received in 2024).

As noted above, all migrants enrolled in the SSF should also be enrolled in the WCF. Likewise, migrant workers under border pass arrangements or who have regularized their status while in Thailand with contracts shorter than one year should also be enrolled in WCF. Hence, the number of workers included in the WCF should be significantly higher than those in SSF. However, as the SSO does not provide data on enrolment of workers in the WCF disaggregated by nationality, verifying the extent to which migrant workers are properly enrolled in the WCF is not possible.

Table 36 provides a summary of inclusion in SSF by sex in 2023, showing that women make up 43.8 per cent of the total insured, which is proportional to the share of women in the total group of regular migrant workers in that year. However, variations exist across nationalities, with women from Myanmar making up 41.2 per cent of all insured migrant workers from Myanmar, and 51.3 and 55.6 per cent respectively in Lao People's Democratic Republic and Cambodia, respectively. This may reflect sectoral issues – for example, Myanmar women workers are likely overrepresented in domestic work and thus also not included in the SSF. Likewise, women make up a larger proportion of migrants from Lao People's Democratic Republic than men in the SSF, but not at the same level as their proportion in the population.

Table 36. Number and % of migrant workers enrolled in SSF by sex, 2023

Nationality	2023				
	Men		Women		Total
	Total	%	Total	%	
Myanmar	573,406	58.8%	402,204	41.2%	975,610
Cambodia	75,339	44.4%	94,506	55.6%	169,845
Lao People's Democratic Republic	29,566	48.7%	31,135	51.3%	60,701
Total	678,311	56.2%	527,845	43.8%	1,206,156

Source: Social Security Office, Ministry of Labour.

To assess the extent to which migrant workers are enrolled in the SSF and the WCF as required by law, knowing how many migrant workers are employed by sector of employment, and how many are in each category of migration status eligible for social security, is necessary. While assessing this aspect falls outside of the scope of this chapter, for the 2019–2023 period IOM (2021) estimates that at least 60 per cent of all regular migrant workers should be enrolled. Using this estimate, over the 2019–2023 period there is a significant coverage gap of 20 per cent of migrant workers, based on a comparison between the 60 per cent that IOM estimates are eligible, and the 40 per cent that actually are enrolled (Table 35).⁸⁴ Although there has been an increase in the portion of migrant workers enrolled in SSF over the same period (as per Table 35), more can be done to expand access.

Barriers to inclusion and access to benefits

The partial inclusion of migrants in social protection schemes as summarized in Table 33 preclude them on a de facto basis from enjoying the same level of social protection entitlements as Thai citizens. As discussed above, coverage under the SSF and WCF is only extended to migrant workers with regular status and who are employed in eligible occupations and sectors full-time. The only scheme that allows inclusion of migrant workers with irregular status is the MHIS, but coverage is limited to health care benefits and uptake remains challenging (Chapter 11). The available options for migrant workers in elementary occupations to migrate regularly are unsatisfactory and often leave them in irregular situations (Chapter 1). This in turn means that despite the commitment of the Government and the increased risk and poorer occupational safety and health practices associated with the nature of their jobs, they still cannot access and enjoy the full range of social protection benefits.

Besides migration status, sector and duration of employment have become a barrier for many migrant workers to access benefits. While in principle all regular migrant workers in Thailand should be enrolled in the SSF and WCF, the exclusion of certain sectors and types of jobs impact on migrant workers more extensively than Thai nationals since a higher proportion of migrants are employed in those sectors and jobs, and they are excluded from voluntary insurance schemes except for the health insurance under the MHIS. In addition to the structural factors mentioned above, a combination of low compliance and weak law enforcement limit access of migrant workers to social protection even for those who are eligible, resulting in a gap between eligibility and actual enrolment, reduced access to compensation and a higher risk of financial precarity.

Key factors excluding migrant workers from social security schemes

According to the law, it is the responsibility of the employer to register workers with the SSF and the WCF and to pay a monthly contribution to the respective funds. However, the fact that migrant workers are not enrolled in the SSF and the WCF to the extent they should be is partly a result of employers neglecting to enrol their workers. In some cases, employers are unaware that they are legally required to enrol migrant workers they employ in social security schemes. Employers also find both the SSF and WCF enrolment process complicated and difficult to understand. In other cases, non-compliance is a deliberate choice intended to reduce the costs of employing migrant workers. Sectors involving significant levels of subcontracting such as construction have particularly low levels of compliance with the additional difficulty of holding subcontractors accountable (Buckley et al., 2016).

Enrolment requirements are not properly monitored and enforced. IOM (2021, p. xi) notes that “[t]he Social Security Act threatens fines and/or custodial sentences for employers who fail to meet the Act’s legal requirements, but this is effectively not enforced for migrant workers.” Apparently, no regular compliance-monitoring by Government agencies to ensure that employers enrol their workers exists, with SSO only imposing fines when complaints are made, for example by civil society organizations.⁸⁵ This reactive attitude is not sufficient to discourage employers who fail to meet their legal obligations.

⁸⁴ Calculated using the total number of documented migrant workers deducted by those employed in sectors and/or with short contract durations rendering them ineligible for social security inclusion.

⁸⁵ Interview with civil society organizations.

Research further shows a low level of awareness among migrant workers regarding social security entitlements and the processes to enrol and claim benefits. Many migrant workers do not know that they are entitled to enrolment in social security in Thailand (ILO, 2021) and are not informed by their employers. A lack of accessible information in migrant languages limits understanding of migrant workers' rights and responsibilities. IOM (2021) notes that while SSO does provide guidance documents and public materials on social protection entitlements and WCF benefits in five languages, (Thai, English, Myanmar, Laotian and Khmer) it is unclear to what extent these communication materials reach their intended audiences. Furthermore, IOM (2021) notes that while MoJ workers receive briefings on social protection as part of post-arrival training in Thailand, migrants who have regularized their status under Cabinet Resolutions, or who have border passes, receive no such briefings, nor are employers obligated to alert or inform them of their rights.

While ultimately enrolment is the responsibility of their employer, rights awareness is a first step for migrants towards claiming their entitlements. In the case of MHIS, as discussed in [Chapter 11](#), costs are a barrier to self-enrolment. Obstacles also remain for those who manage to become members of SSF and WCF and try to access their entitlements.

Key barriers excluding migrant workers from benefitting from social security

Migrant workers insured under social security schemes experience a number of challenges accessing social security entitlements. Once properly enrolled, claiming benefits under the SSF and WCF is relatively complicated and requires that migrants are aware of the types of benefits they are entitled to.

Language and translation-related barriers put migrants who are not able to speak, read or write Thai at a clear disadvantage. To lodge a claim, migrant workers have to access the Social Security Office in the province where they are employed. While some provincial Government agencies (including for example the DoE and in particular their ten Migrant Workers Assistance Centres; ILO, 2018b) have interpreters available, these options are insufficient according to need, and not available throughout the country. Similarly, while public hospitals with high numbers of migrant insured persons (located in geographical areas with a high proportion of migrants) offer information in non-Thai languages and have interpreters available, these options are insufficient according to need.

Moreover, any supporting documents needed to process or support claims from countries of origin must be translated and notarized (for example in the case of death). This process is complicated and difficult for migrant workers or their dependents to manage without legal help.

The requirements of maintaining regular migration status are also a barrier to claiming benefits. Migrant workers who have lost their jobs have 60 days to find a new employer, as of early 2024.⁸⁶ While this is a welcome increase from the initial seven-day period, which rose to 30 days during the COVID-19 pandemic, if migrant workers do not find a new employer within the time frame, they lose their legal status and are required to leave the country. This short window may not allow them to go through the process to declare their new status (unemployed) to the DoE and the Social Security Office and claim unemployment benefits, despite having paid contributions for the same. Similar time limitations make it very challenging for migrant workers to claim lump-sum old-age benefits.

As well, claimants need to be in Thailand to access compensation, as no portability agreements are in place. This gap is a major deterrent, for example in the case of a family member claiming compensation for a workplace related death.

Discrimination by service providers can also prevent access. ILO (2018a) notes that in some instances, the DoE disregards applications for compensation from migrant workers and prioritizes Thai citizens. IOM (2021) concludes

⁸⁶ The extension from 30 to 60 days was introduced by the Cabinet Resolution dated 13 July 2021 as a COVID-19 related mitigation measure (Bangkok Post, 2021). While the extension to 60 days was initially supposed to end in 2023, it was again extended to 13 February 2025 as per the Announcement from the Ministry of Labour published in the Royal Gazette on 10 August 2022.

that some migrant workers experienced negative attitudes and stigma when trying to access health care or social insurance services. The report notes that:

Officials working in health professions and implementers of migration policies sometimes see migrant workers as a burden on the system rather than as making a valuable contribution to the economy. For example, health workers perceive that women migrant workers have a high fertility rate and therefore place a disproportionate burden on hospital resources (IOM, 2021, p. 41).

Other factors include pressure from employers not to claim benefits, and/or no involvement or assistance from employers in the claims process, for example in the case of workplace injuries.

Conclusion

Thailand has a comprehensive social security system, covering all nine social security branches provided for in ILO instruments. When eligible migrant workers are enrolled in SSF and the WCF, they enjoy, per law, the same level of social protection entitlements that Thai citizens enjoy. Moreover, Thailand's obligations under international law require coverage regardless of nationality and migration status. However, the analysis in this chapter indicates that migrant workers are not enrolled in the SSF and the WCF at the levels they should be, and that those who are enrolled are experiencing challenges in accessing compensation.

A comprehensive review of the social protection response to COVID-19 in South-East Asia found that social security benefits are not distributed to those who are most in need of them, but instead eligibility is determined based on nationality, immigration status and the economic importance associated with the work:

The ties between social protection and citizenship – which lead to the marginalization of migrant workers from neighboring countries, the most vulnerable group in Thai society – must [...] be reconsidered. Social protection must be understood as a basic human right, irrespective of nationality and immigration status so that it can be extended to migrant workers and their families (Sciortino, 2023, p. 194).

While striving for this ideological shift, in the shorter term the gap between policy intentions and actual practices can be addressed through effective implementation of the recommendations below.

Recommendations

- **Thailand should ratify the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), and other Conventions related to social security and labour migration.** As a minimum, Thailand needs to amend its legal framework to full conformity with the ILO Conventions that it has ratified.
- **In line with the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers, Thailand should continue dialogue with neighbouring countries to develop and implement bilateral social security agreements that will enable migrant workers to maintain their entitlements to benefits and ensure they are transferrable across borders.** Immediate steps are needed to ensure that equal compensation for workplace accidents is awarded and transferred to migrant workers after return to their countries of origin or to their dependents in case of death.

- **Consider expanding the coverage to occupations beyond those currently prescribed by law.** Doing so will have a considerable impact on migrant workers as they are overrepresented in such sectors. This is also in line with the recommendation in the second National Action Plan on Business and Human Rights to consider revising the Social Security Act to ensure that access to the SSF is easy, timely and non-discriminatory for all types of workers, with a particular focus on workers in the informal sector and migrant workers across all sectors (see Table 29, Chapter 7).
- **Increase opportunities for migrant workers to cover their dependents** with more comprehensive social protection measures.
- **Ensure that migrant workers are effectively enrolled in the existing social security, worker's compensation and health insurance schemes that they are entitled to in line with their type of work permit and sectors of employment.** Such efforts can include, for example, campaigns targeting employers informing them of their responsibility to enrol their workers in these schemes, and campaigns aimed at workers to inform them of their legal entitlements. Such efforts should ensure that non-compliant employers are effectively sanctioned, without penalizing workers. Sectors with particularly high levels of non-compliance could be initially targeted. In addition, the SSO can provide employers with support to aid affiliation. Special efforts need to be made to address the (very) low enrolment of workers from Lao People's Democratic Republic and Cambodia.
- **The Government should, at minimum, ensure the conditions necessary for irregular migrant workers and other eligible migrants to be able to purchase medical insurance under MHIS.**
- **Simplify processes and increase policy integration across Government departments and agencies** to increase participation in the social security system by both employers and migrant workers.
- **Simplify mechanisms for workers to check whether they are entitled to membership in benefit schemes and to check whether they are properly enrolled.** Information about rights and entitlements concerning social security, worker's compensation and health insurance schemes should be made available in languages understood and spoken by migrant workers.
- **Ensure that all migrant workers are properly briefed about their rights** through post-arrival briefings for those entering through MoU procedures, and devise separate strategies to disseminate information and orientation in local languages for migrants entering under border passes, or who have regularized their status in the country.
- **Claims processes should be simplified and expedited, and the relevant grievance systems should be strengthened** so that migrant workers whose claims are not properly settled can seek and expect effective redress. Better coordination across different agencies, in particular the Social Security Office, the DoE and the Department of Labour Protection and Welfare and their respective provincial offices, can assist in this task.
- **Conduct an analysis of the number and type of social security benefits paid out to migrant workers under the SSF and the WCF** vis-à-vis local workers with a view to assess commonalities and differences in the benefit payment patterns for migrant workers compared to Thai nationals. While some of the differences may be explained by gender, age, economic sector and income level, other barriers are likely to exist to both affiliation and benefit claiming. Furthermore, the WCF should also collect and disseminate regularly disaggregated data on enrolment by nationality.

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Migrant workers and their family at home in Pathum Thani after work at Si Mum Muang Market. | ©WHO 2024



STRENGTHENING THE HEALTH SYSTEM TO ADVANCE UNIVERSAL HEALTH COVERAGE (UHC) OF MIGRANTS IN THAILAND

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Introduction

There is global consensus that affordable, quality health care is critical to sustainable development. Thailand's National Health Security Act, B.E. 2545 (2002) guaranteed health protection to the whole population, ensuring essential preventive, curative and palliative health care for every Thai national across the life cycle (Sumriddetchkajorn et al., 2019). Since then, the country has aspired to advance universal health coverage (UHC) among migrants, by adopting UHC as a target of the Sustainable Development Goals (SDGs) as part of the 2030 Agenda for Sustainable Development and as a champion country for the Global Compact for Safe, Orderly and Regular Migration (GCM).

Today Thailand has different schemes for different groups of migrants, estimated to account for more than 7 per cent of the total population in Thailand, which according to the Bureau of Administration, Ministry of Interior counted 66,052,615 people as of December 2023. Implementation challenges remain in ensuring migrant-inclusive and responsive health services are accessible for all. Achieving Thailand's commitment to UHC for migrants requires addressing gaps across all three dimensions of UHC – population coverage, services coverage and financial risk protection (WHO, 2014). Meeting the health needs of migrant populations in all three areas is essential, not only because health is a fundamental human right, but also because universal health care is vital to both migrant well-being and wider societal health and prosperity, as highlighted by the COVID-19 pandemic.

Historical efforts to progress towards UHC for migrants are detailed in the Thailand Migration Report 2019, which notes the Government's ongoing efforts to expand access to available health and social protection schemes for migrants. It also highlights the substantial portion of migrants from neighbouring countries still without coverage – an estimated 36 per cent of regular migrants and 51 per cent of all eligible migrants – and stresses the need to pursue migrant-friendly, harmonized health services and to improve health information systems (Moungsookjareoun and Kertesz, 2019).

This follow-up review examines further developments to advance UHC for migrants in Thailand from 2019 to 2023, discussing migrants' access to health insurance, information and services, with particular attention to sexual and reproductive health and communicable diseases. The chapter is structured along five of the six⁸⁷ World Health Organization (WHO) health system building blocks for advancing UHC as an analytical framework, namely (i) governance; (ii) financing; (iii) health information system (iv) workforce, (iv) and service delivery. Considering also the significant impact of the COVID-19 pandemic and the related restrictions on migrant populations in Thailand (Box 10), the analysis highlights achievements and challenges, and offers recommendations to the Royal Thai Government and key stakeholders to address them.

Governance to advance UHC for the migrant population

The Thailand Migration Report 2019 observed that public health policy concerning migrants has been inconsistent as it tried to balance national security, economic and health protection concerns (Moungsookjareoun and Kertesz, 2019). The following section summarizes major policy initiatives undertaken in Thailand since 2019, to expand enrolment and coverage under established health care schemes, and address challenges in health promotion and prevention, to progress towards UHC for migrants.

The National Health Assembly Resolution on the Right to Health of Migrant Workers was endorsed by the Cabinet on 27 December 2022, following a comprehensive consultative process led by the National Health Commission Office, with participation of Government agencies, academia, civil society organizations (CSOs) and United Nations agencies (HSRI, 2022). The Resolution seeks to address longstanding policy incoherence, calling for the Government and relevant parties to support the execution of four consensus strategic actions:

- Integration of the migrant worker management strategy in the national development policies, drafting of the Migrant Health Act to ensure their access to health security and services,⁸⁸ and development of a health security scheme for migrant workers of all groups.
- Improving Migrant Information Management Systems across line ministries, that is, Ministry of Interior, Ministry of Labour, Ministry of Public Health and Royal Thai Police.
- Addressing health financing for migrants, considering migrants' socioeconomic status and length of stay in Thailand.
- Expanding primary health care units to cover migrant workers in densely populated migrant communities, organizing outreach services and increasing the number of migrant health workers (MHW) and migrant health volunteers (MHV).

Raising awareness of Thai society to eliminate stigma and discrimination toward migrants is also included in the Resolution as an important cross-cutting issue. A whole-of-government approach and close coordination with non-governmental partners is considered essential to successful implementation of the Resolution. The National Health Commission Office, an advisory body comprised of Government, civil society, academics and professionals, is required to report to Cabinet two years following endorsement, providing an important mechanism for monitoring progress and tackling issues hindering implementation of the Resolution.

⁸⁷ Access to essential medicines is not covered.

⁸⁸ In draft as of August 2024, when the Ministry of Public Health announced it would start working on the strategy.

In 2023, the health of border populations and of people in special areas (including migrants) was included in one of 13 flagship initiatives of then Health Minister Chonlanan Srikaew, aiming to strengthen health information management for non-Thai populations, and access to health services for vulnerable populations. This policy has been continued under the administration of the new Health Minister, Somsak Thepsuthin.

Other significant policies prioritizing the health of migrants include the five-year Border Health Development Master Plan (2022–2027), Special Economic Zones Health Plan and National Operational Plan on Special Health Zones. The Ministry of Public Health-led disease-control policies with migrants as a target group include the Operational Plan to End Tuberculosis Phase 1 (2017–2021) and Phase 2 (2023–2027) and National Strategy to End AIDS 2017–2030.

The Ministry of Public Health further improved the policy framework to enhance coverage of migrant workers, both with and without work permits, under the Migrant Health Insurance Scheme (MHIS) (discussed in the following section), through the Announcement on Health Examination and Health Insurance of Migrant Workers, B.E. 2562 (2019), and its related amendments and addendums, which are currently in force.⁸⁹ The Ministry also continues to implement the Announcement on Health Examination and Health Insurance of Migrants, B.E. 2558 (2015).

The Royal Thai Government's efforts are supported by the Migrant Health Sub-Working Group (MHWG), a multi-stakeholder platform consisting of United Nations agencies, Government and non-governmental partners to promote a more migrant-inclusive health system in Thailand and achieve UHC. MHWG was established in 2021, as an informal working group on COVID-19 Vaccination for Migrants under the United Nations Network on Migration Thailand, to strengthen COVID-19 response efforts, particularly with regards to vaccine distribution and education (IOM, 2024a).

Migrant health is one of the six priority programmes of the Royal Thai Government-WHO Country Cooperation Strategy (CCS), under the first phase (2017–2021) and continuing in 2022–2026. The CCS aims to address policy gaps and fragmented policies to strengthen the migrant health management system and contribute to improving health literacy of migrants. The Strategy brings together key actors on health in Thailand, including Ministry of Public Health (MoPH) departments and other line ministries, universities, national offices and health foundations to address complex issues and uses funding to address policy research gaps, promoting networking and social movements and migrant health information management at national and provincial levels. It further coordinates its efforts with United Nations agencies engaging with the MHWG. In the absence of a dedicated coordinating body on migrant health at the Ministry of Public Health, the CCS-Migrant Health Programme (CCS-MHP) provides a platform for discussions on issues related to the health of migrants (WHO, 2023).

A joint MoPH-WHO mission, conducted in October 2022 to review health system capacity to address migrant health, identified key issues hindering advancement of UHC for migrants in Thailand (WHO, 2024). The mission found that health access is affected by conflicting policies related to labour and national security, while the lack of a coordinating body on migrant health within the MoPH means streamlining and coordinating migrant-focused health programmes within the Ministry and with external partners remains a challenge. More specific issues related to the building blocks of the health system were also discussed and are reported where relevant in this chapter.

The review also highlighted enabling factors that could be leveraged to address gaps and advance migrant health, including 1) the strength of Thailand's health system in terms of health policy and governance; 2) an established health financing system with two main public health insurance schemes for migrants in addition to the recent introduction of a non-profit community health insurance (described in the following section); 3) a targeted service delivery system with a crucial role played by MHVs and MHWs; and 4) a focus on public health response and border health, providing services across the borders (WHO, 2024).

⁸⁹ The Announcement was first issued in 2015 and was replaced in 2019. Addendums to the 2019 Announcement were issued in 2020, 2021 and 2023.

Migrant health financing and insurance schemes

UHC in Thailand has been implemented in phases, initially focusing on the poorest with no safety net in 1975. This coverage was then expanded to family and dependents of civil servants in 1978 with the Civil Servant Medical Benefit Scheme, followed by the Social Security Fund (SSF) for workers in the formal sector in 1990, and lastly by the tax-based Universal Coverage Scheme (UCS) in 2002 for all Thai citizens not covered by the other two schemes. These efforts gradually led to the achievement of UHC for Thai citizens, protecting them from catastrophic health expenditures. In 2023, more than 99 per cent of Thai nationals were covered by some form of health insurance scheme, almost all under the three tax-funded health insurance schemes (NHSO, 2024).

Migrant workers from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam are not covered by UCS, but two public coverage options contingent on eligibility exist, namely Social Security Scheme (SSS) as part of the SSF, and the MHIS. More recently, a private community-based micro-insurance scheme for migrants has become available (Table 37).

The SSF covers migrant workers under Memorandum of Understanding (MoU) or Cabinet Resolution arrangements, provided they work in eligible occupations in the formal sector. Border pass holders in year-round non-seasonal employment are also eligible, although in practice most are in temporary employment and in excluded sectors such as agriculture and therefore not enrolled (IOM, 2021). The SSS links health insurance to work permits and employers are required to enrol eligible workers in the scheme. Contributions are shared among the employer, worker and Government, with the employer responsible for deducting the workers' contributions from their salary (Table 37; Chapter 10).

MHIS is a separate contributory scheme paid directly by migrants that offers health screening⁹⁰ and general health services (Table 37).⁹¹ Regular migrant workers from neighbouring countries in temporary employment or in the informal sector are not eligible to enrol in the SSS. They and their dependent children up to the age of 18 years are required to join the MHIS.⁹² For migrant workers registering under Cabinet Resolutions since 2014 a health check-up report and receipt of enrolment in the MHIS are requirements, making MHIS de facto compulsory for this group (König et al., 2022). Migrant workers in the formal sector who are enrolling for the first time in the SSS are also required to purchase three months' coverage under MHIS, as SSS is activated after three months of contributions (ILO 2021a; IOM 2021; Chapter 10). According to the Announcement on Health Examination and Health Insurance of Migrants, B.E. 2558 (2015), migrants from Cambodia, Lao People's Democratic Republic and Myanmar who are not covered as workers can apply to the MHIS, with identical benefits but slightly higher insurance fees (Table 37).

In addition to the two public coverage options, since 2017 migrants can enrol in the Migrant-FUND (M-Fund) to access medical services (both In-patient and Out-patient services) through a network of more than 200 partner facilities. This micro-insurance scheme for migrants, initiated in Tak province by the social enterprise and foundation "Dreamlopmnts", is currently available in most border provinces with a significant migrant presence as well as Myawaddy township in Myanmar. M-Fund provides health care benefits up to a limit (Table 37). Yearly costs are comparable to MHIS, but have the advantage that migrants can pay monthly, according to their resources. When members use services beyond their M-FUND coverage limit, Government partner hospitals are expected to shoulder the costs. To dilute the risk and enhance enrolment for senior, chronic patients and pregnant members, there are additional fees and a mandatory requirement to enrol at least two family or community members. Pregnant women are covered only if already members for six months (Dreamlopmnts Foundation, 2024a). As of December 2023, over 71,000 members were voluntarily enrolled in M-FUND, and nearly 89,000 outpatient consultations and over 13,000 inpatient admissions had been covered for M-FUND members in partner health care facilities (Dreamlopmnts Foundation, 2024b).

90 The yearly compulsory screening with treatment offered, consists of chest X-ray and sputum confirmation for tuberculosis and exams for syphilis, microfilaria, malaria and leprosy, and for women migrants pregnancy test (FLA 2018).

91 With the exception of migrant workers in the fishery sector whose employers are responsible for bearing the costs of this or other private insurance schemes (IOM, 2021).

92 Announcement on Health Examination and Health Insurance of Migrant Workers, B.E. 2562 (2019) and amendments B.E. 2563 (2020) and B.E. 2566 (2023).

An emerging model to expand access to health care in border areas, particularly for stateless and non-Thai populations, was launched by the MoPH on 1 January 2024 (Bangkok Post, 2023). The Health Insurance for Non-Thai People (HINT) system aims to make registration and verification procedures quicker, allowing people not holding identification documents to register for treatment and coverage and to accelerate e-claim/reimbursements from the Division of Health Economics and Health Security. The system allows health facilities under the network to reimburse medical fees through linkages to the Ministry’s financial data hub. Initiated in 2024 with a focus on stateless people, the phase currently underway is to design and develop a system to capture and increase stateless and migrants’ enrolment in health insurance and health service utilization as a proxy to monitor their health (MoPH, 2024a; 2023a).

Table 37. Comparison of insurance health schemes for migrants

	Social Security Scheme (SSS)	Migrant Health Insurance Scheme (MHIS)	M-Fund
Financing Mechanism	Financed by tripartite contributions	Premium-based financing Health revenues pulled at the MoPH and then distributed to the various local health facilities Premium paid by migrant worker	Not-for-profit micro-insurance fund
Contribution or Fees	5% contribution from employer, 5% from employee (based on monthly salary with a maximum monthly payment of THB 850) and 2.75% from the government	Fees* Migrant workers and dependents of migrant workers aged 7 and up to 18 years i. THB 500 for 3-month health card ii. THB 900 for 6-month health card iii. THB 1,600 for 1-year health card iv. THB 3,200 for 2-year health card v. THB 2,400 for 1.5-year (since 2023) For non-Thais not registered as workers: vi. THB 2,200 for 1 year Migrant children under 7 years of age vii. THB 365 for 1-year card viii. THB 730 the 2-year health card Required health check-up prior to enrolment: THB 500 – adult No charge– child under 7 years of age	Fees** THB 130 a month for people without pre-existing health conditions. THB 330 for persons with chronic diseases or pregnant women (two other members without any such pre-existing conditions have to enrol) THB 230 for senior members 50 and above (two other members without any such pre-existing conditions have to enrol). 1 month free after 12 months of no use
Mode	Mixed contributory-non-contributory scheme Compulsory for work permit application	Contributory scheme Voluntary, but required for work permit application	Contributory scheme
Contract facilities	Public hospitals and contracted private hospitals	Public hospitals and facilities	Partner health care facilities in selected border provinces

	Social Security Scheme (SSS)	Migrant Health Insurance Scheme (MHIS)	M-Fund
Coverage	Outpatient, inpatient, accident and emergency, high-cost care Specialist care	Outpatient, inpatient, accident and emergency, high-cost care except for renal replacement therapy and treatment for psychosis, and drug rehabilitation <ul style="list-style-type: none"> Inpatient care for more than 180 days of the same condition/disease (unless there are additional complications and/or medical conditions) 	Outpatient care up to THB 5,000 Inpatient care up to THB 45,000 (same for treatment and pregnancy) For chronic patients: Outpatient care up to THB 7,000 Outpatient care up to THB 43,000 inpatient care

Notes: THB: Thai baht; MoPH: Ministry of Public Health.

* Announcement for Health Screening and Health Insurance for Migrants (2023) **Dreamlopment Foundation, 2024a.

Source: Adapted from Keunpeuk et al., 2020 with inputs from MoPH, 2020; IOM, 2021; and ILO, 2021a.

Barriers to public health insurance coverage

Notwithstanding these notable efforts, many migrants remain outside of coverage, even those eligible for enrolment. As of February 2024, among the total of 3,021,143 regular migrant workers in Thailand from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam, 2,544,671 (79.5%) were eligible to enrol in the SSF, but only 1,301,547 (51.1%) were enrolled (Figure 30). Among the 476,472 regular migrant workers not eligible for the SSF, only 250,878 (52.5%) of them enrolled in the MHIS. These figures amount to a combined total of 1,468,724 (49%) migrant workers eligible for either the SSF or MHIS lacking any form of health insurance coverage (Figure 31).

Figure 30. Enrolment and non-enrolment of migrant workers in SSF and MHIS schemes

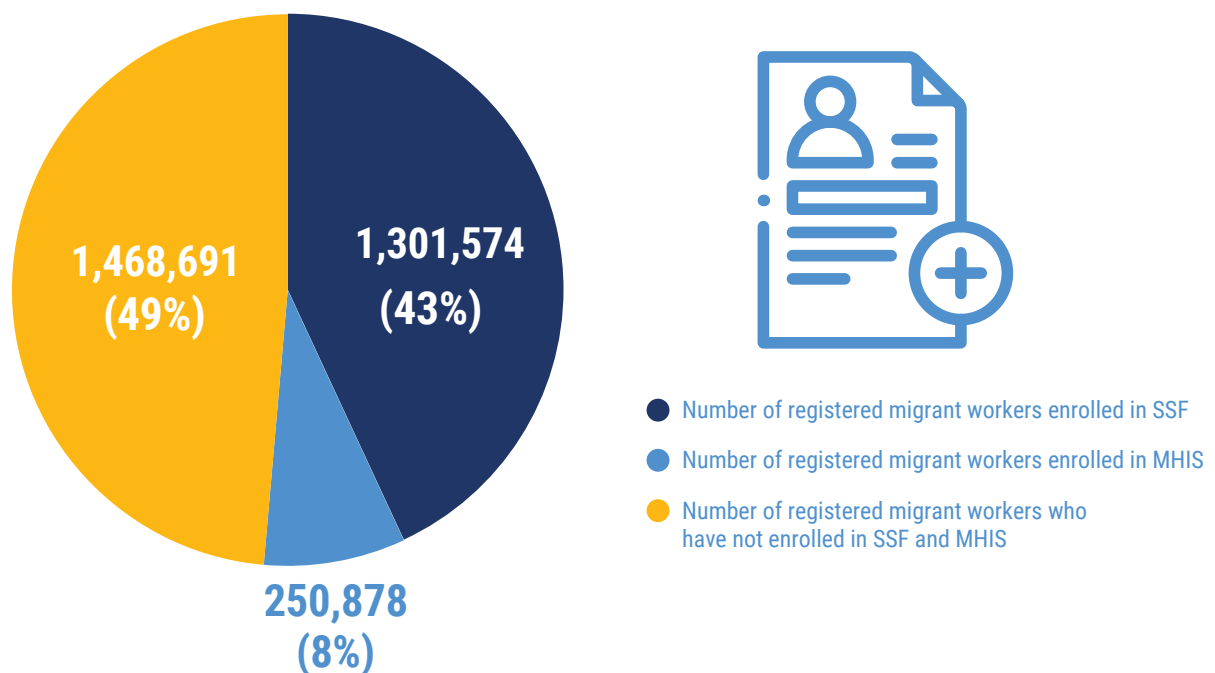
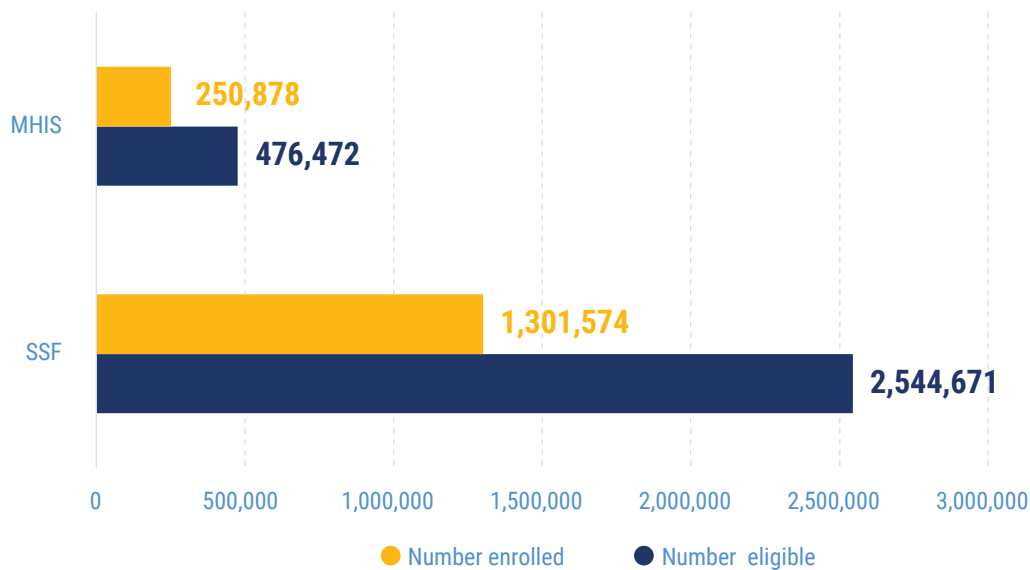


Figure 31. Enrolment status of migrant workers compared to eligibility

Barriers in accessing services inhibit the number of migrant workers enrolling and maintaining enrolment in the SSS and MHIS. A combination of factors including a lack of information, language barriers, discrimination and employer compliance limits access and coverage for migrants and negatively affects their capacity to claim benefits across both schemes (for barriers in enrolling and accessing SSS benefits, see [Chapter 10](#)).

MHIS coverage is provided by an insufficient number of selected public hospitals, at times far from the migrants' homes and workplaces, implying high time and transport costs. Services can only be attained in the facility where migrants are registered, and members often relocate to a new jurisdiction where they are no longer covered. The only exception is for workers in the fishery sector who are not tied to a specific location but can receive care in selected hospitals in 22 coastal provinces (Tschirhart et al., 2021; ILO 2021a). Lack of identity documents may also result in refusal of coverage at public hospitals, although the Announcement on Health Examination and Health Insurance of Migrants (2015) does include enrolment of undocumented migrants. Migrants with pre-existing conditions who are seen as threatening providers' viability are also often declined (König et al., 2022; Sitkulanan et al., 2024).

Differences have been noted across the schemes and groups of beneficiaries. In principle, benefits for migrant and Thai members of the SSS are the same, but access to SSS and related benefits can be more difficult for migrant members, as discussed in [Chapter 10](#). Benefits under the MHIS are less comprehensive than the UCS for Thai citizens (Fung, 2023) and provide more limited coverage compared to the SSS. Coverage gaps combined with out-of-pocket enrolment costs under MHIS may serve as a disincentive to gain and maintain enrolment. For example, migrant workers may opt out after attaining the medical certificate required to gain a work permit under Cabinet Resolution arrangements, to save costs. Migrant worker populations generally skew younger and may perceive themselves to be healthy, thus lacking incentives to enrol in the MHIS. These issues together mean migrants may opt to purchase drugs for minor ailments when the need arises instead of enrolling in the scheme. Past studies indicate a higher use of self-medication and traditional remedies among migrants when compared with the Thai population (Sitkulanan et al., 2024; König et al., 2022).

The WHO-MoPH joint review mission in 2022 confirmed many of the above barriers and noted that the services migrants receive are at times lacking, due to stigma and discrimination by health personnel and restrictive interpretations by the service providers. The mission also identified administrative gaps in promoting health insurance uptake in migrants and limited institutional capacity for MHIS as well as SSS, affecting their sustainability. The mission was concerned about the direct and indirect cost of regular migration and in-country regularization driving irregularity and resulting in greater barriers and a lower incentive to enrol in MHIS, and called for greater

attention to preventive and promotive health to reduce unnecessary burdens on the insurance schemes (WHO, 2024). MHIS is the only scheme with a dedicated budget for health promotion and prevention, mostly focused on primary prevention and control of communicable diseases, with less attention for chronic diseases and occupational and mental health.

Sexual and reproductive health benefit packages and access to services

A majority of women migrants in Thailand are of reproductive age (15–49 years old), requiring services including contraceptives, maternal care and prevention of unwanted and unintended pregnancies and of sexually transmitted infections (STIs), including HIV (Phetsaen and Haritavorn, in Sitkulanan et al., 2024). Women migrant workers in the formal sector can address these needs through the SSS. Relevant benefits consist of family planning, in-patient and out-patient maternity care (including pre- and post-natal care), general medical services and child support.

Most medical services under SSS are free, but there is a co-payment for antenatal treatment, delivery and postnatal care for eligible Thai and non-Thai nationals (Table 38). Coverage under the SSF is more comprehensive than the MHIS, providing the following additional benefits: childbirth allowance, paid leave and child allowances up to 7 years of age (SSO, 2022).

Table 38. Comparison of sexual and reproductive health benefit packages under insurance schemes

	SSS	MHIS	M-Fund
Costs	<p>Included in insurance contribution (Table 37)</p> <p>Implicit co-payment: Lump sum payment of THB 12,000 to cover antenatal treatment, delivery and postnatal care (ILO, 2021a).</p> <p>Pregnancy care expenses up to 5 prenatal visits in the amount of up to THB 1,500</p> <p>Childbirth allowance of THB 15,000</p>	<p>Included in insurance payment (Table 37)</p> <p>Antenatal care, family planning and contraceptives, and delivery costs, but only up to a combined total of THB 10,300</p>	<p>THB 330 a month pregnancy plan only for members who are pregnant after being enrolled for at least 6 months</p>
Available maternity, family planning and sexual and reproductive health coverage	<p>Family planning (contraception, including tubal ligation)</p> <p>Reproductive services (childbirth, emergency birth services)</p> <p>Maternity care (antenatal care, child support up to 7 years old)</p>	<p>Family planning (contraception including tubal ligation)</p> <p>Reproductive services (childbirth, emergency birth services)</p> <p>Maternity care (antenatal care, postnatal care)</p>	<p>Reproductive services (childbirth, emergency birth services, with cesarean section being covered only up to the limit set by the general insurance coverage)</p> <p>Maternity care (antenatal care)</p>

Source: Information compiled from different sources (Pechan Pradubmook, 2022; Tschirhart et al., 2021; Pudpong et al., 2019; SSO, 2022).

Note: MHIS: Migrant Health Insurance Scheme; SSF: Social Security Fund.

While social norms can be a barrier for both Thai and non-Thai populations, stigma and discrimination in service provision compound barriers to access for women migrants (Phanwichatkul et al., 2022). Financial and structural barriers to enrolment remain major obstacles to accessing sexual and reproductive health care. Women migrant workers often hold low-paid and daily wage jobs, with incomes generally lower than those of men migrant workers, making the premium for MHIS more unaffordable (Tschirhart et al., 2021; [Chapter 4](#)). In recent qualitative research, women migrant workers from Myanmar reported being refused renewal in the MHIS on the basis of their pregnancy. Communication was also a challenge due to language barriers, as were transportation costs and lost income due to the time taken away from work (Sitkulanan, et al., 2024). Women migrants without documents and insurance rarely receive paid maternity leave, and have reported giving birth at home and avoiding hospital services due to fear of arrest and the high costs involved, (ibid.). A lack of awareness inhibits uptake of available, low- or no-cost non-profit services, and of the M-FUND which offers plans for maternity care at cost to members (Tschirhart et al., 2020, 2021; Pudpong et al., 2019).

Health information management for migrants

Health programmes planning and monitoring the health of migrants requires data sets including demographic data, disease surveillance, health insurance and health service utilization. Other main data sets are treatment outcomes for diseases requiring a certain period for treatment and those of significant public health concern, mainly communicable diseases such as tuberculosis and HIV.

The often-transient nature of migration in Thailand makes data collection for non-Thai nationals challenging, particularly for irregular migrants and those not enrolled and/or not using health insurance and services. More generally, a lack of integration between health systems on the one hand, and migration management systems on the other, makes capturing reliable data a challenge. This problem was highlighted during COVID-19 vaccination campaigns, which struggled to reach migrants (Box 10).

In Thailand, data related to migrant health are collected by various ministries including the Ministry of Labour, Ministry of Interior and MoPH, the Royal Thai Police and private health facilities. Within MoPH multiple databases collect migrant data, and well-established infrastructure exists across all agencies and offices, but data sharing within the Ministry and across line ministries remains a challenge (WHO, 2022). Digital technology is increasingly exploited to improve sharing of data and health informatics to better manage and improve migration management and migrant health, including across agencies. New innovations include the application of biometrics for access to services and disease control. In 2023, the Department of Disease Control, MoPH and Thai Red Cross with the help of National Electronics and Computer Technology Centre (NECTEC), piloted biometric registration (iris scan and facial recognition) to provide health services to migrants in five provinces with high migrant caseloads, aiming to expand to more provinces in 2024 (n.p., 2023).

Multiple standards and different technologies related to biometrics across different agencies need harmonization (WHO, 2024). Efforts are underway to define an open data policy, in line with the Personal Data Protection Act, B.E. 2562 (2019) which became enforceable in June 2022, and requires consent from data owners and that data are only used for expressed purposes (United States Department of Commerce, 2022).

Healthcare Human Resources

As noted above, stigma, discrimination, language barriers and a lack of migrant-responsive information are key barriers to enrolment and uptake of available health schemes and to access to health services by migrants in Thailand. The MHVs and migrant health workers MHWs play a crucial role in bridging the gap between migrant communities and the health system, thus promoting inclusion of migrants in the public health services and in CSOs' health promotion activities. During the COVID-19 pandemic, they were critical in supporting migrants' access to health information and services (Box 10).

Development of MHVs and MHWs is entrusted to the Provincial Public Health Office in collaboration with CSOs and network partners. While MHWs are considered staff of primary health care facilities or work with non-governmental organizations receiving monthly allowances, MHVs⁹³ receive project allowances only. Both MHVs and MHWs are responsible for health education and promotion, interpretation and coordination among various stakeholders at the community level, while MHWs usually have higher qualifications and play a more substantial role including migrants' data surveillance and provision of health services through home visits (Kosiyaporn, 2020; Suvanathong et al., 2022; Table 39). A qualitative study found that stakeholders perceived MHW and MHVs as integral to Thailand's primary health care, citing their impact on health care access, health system improvement, communication and crisis response (IOM, 2023a).

Table 39. Roles and responsibilities of MHWs and MHVs

Components	Migrant health workers	Migrant health volunteers
Workplaces	Health facilities and communities	Communities
Allowances	Yes	No
Roles and responsibilities		
• Interpretation	Yes	No
• Providing health education e.g. health insurance registration, health promotion and disease prevention	Yes (including to MHVs)	Yes
• Coordinating among health staff, migrant communities and other agencies, e.g. reporting disease outbreaks	Yes	Yes
• Assisting health staff, e.g. screening diseases	Yes	Yes
• Being role models of healthy lifestyles	Yes	Yes
• Translating bilingual materials	Yes	No
• Joining training courses and meeting regularly	Yes	No
• Surveying migrant demographic data in communities	Yes	No
• Following-up home health care	Yes	No

Source: 2016 Training Curriculum of Migrant Health Workers and Training Curriculum of Migrant Health Volunteers in Kosayaporn (2020).

⁹³ MHVs share roles and responsibilities similar to those of village health volunteers (VHV) in primary health care, but unlike VHVs have full-time employment that limits their availability for volunteer duties.

Ongoing efforts are needed to ensure the MHW and MHV programmes are sustainable and fit-for-purpose. Addressing operational challenges, which include insufficient budgets for employment and training and the need to strengthen training curricula and ensure programmes are supported by law and policy, is important (Kosiyaporn et al., 2020).

Delivering migrant-inclusive, rights-based and culturally appropriate health services relies on the attitudes and capacity of Thai health providers. Recent research with 1,365 respondents found 91.05 per cent of health professionals and 91.71 per cent of supportive health workers had positive attitudes towards health services for migrants (Wichaikhum et al., 2024). Nonetheless, there have been reports of a lack of cultural sensitivity in hospitals and clinics as a barrier to receiving appropriate reproductive health care. For example, one ethnographic study that observed interactions between health care providers and women migrants from Myanmar in Ranong province found that despite a generally friendly attitude of health workers, a one-sided directive approach was commonly used with health workers instructing rather than listening to women migrants expressing their needs. For post-delivery contraception, sterilization was suggested to older women who had more than two children, with little consideration of other possible choices (Phanwichatkul et al., 2022).

Health service delivery and access to health services

Thailand's public health system provides access to essential health services, alongside migrant-inclusive disease control programmes, a decentralized health policy on service delivery and a robust community health system. Thailand has also embraced the right to health and education for all. Health service and education programmes are meant to be available regardless of nationality. In reality, in- and out-patient department statistics vary in terms of utilization by Thai and non-Thai populations, but suggest underutilization particularly by irregular migrants (WHO, 2024). For example, in Samut Sakhon province, where 50 per cent of the population are migrants from Myanmar, Samut Sakhon Hospital's annual report (2021) shows that only 40,000 out of a total of 908,057 out-patient visits (4%) were by regular migrants, and just 1 per cent by migrants in irregular situations.

The joint mission identified a number of barriers to access including: lack of knowledge on health, and on how to access health services and navigate the Thai health system; limited primary health facilities easily accessible to migrants in urban and isolated areas; limits in regular Government budgets putting varying pressure on health facilities across districts and provinces due to large migrant and mobile populations that remain uncovered by such budgets; and uncertain quality assurance of health care from private sources that might jeopardize public health measures to control communicable diseases. More specific factors also play out in efforts to address the main health concerns affecting migrants, including communicable diseases, sexual and reproductive health and mental health which are briefly discussed below (ibid.).

Communicable Diseases

As a generally young population, migrants are less affected by non-communicable diseases particularly cancer, cardiovascular diseases, diabetes and chronic lung diseases, compared to the ageing Thai population, with Government attention being mostly directed to communicable diseases. Traditionally the main focus has been on tuberculosis, malaria and HIV, but in recent years the response to COVID-19 pandemic was of particular significance (Box 10).

BOX 10

COVID-19 Response

Thailand's response to COVID-19 has been recognized by WHO as a global success story, particularly for its efforts to include migrants in the response and to address their specific needs and challenges. Nonetheless, migrant communities in Thailand, as in many other countries, were disproportionately impacted by the pandemic.

In October 2021, after the major outbreak of the highly infectious COVID-19 Delta variant, migrants accounted for 9.2 per cent of cases nationwide (7% alone from Myanmar), implying a case burden twice as high as that for Thai nationals (UNNM, 2022). Migrants form the bulk of the labour force in many essential occupations, including services, hospitality and domestic and care work. Throughout the pandemic, they continued to work in key export sectors such as manufacturing and seafood processing, increasing their infection risk. Crowded working and living conditions, limited access to social protection and constrained access to health services – in particular testing, treatment and vaccines – placed migrants at increased risk throughout the pandemic. In addition, initial lockdowns led to large-scale internal and cross-border movements, risking the spread of the virus domestically and internationally by Thai and non-Thai nationals alike (Sakulsri et al., 2023). Successive border closures and economic impacts of the pandemic also precluded recruitment or return of migrant workers from outside of Thailand, eventually leading to a decrease in the number of migrants (Chapter 1), while leaving those already in the country stranded, sometimes without employment and thereby without legal and social protection. Eventually, successive Cabinet Resolutions provided amnesty and allowed migrants already in the country to stay (Chapter 1).

In December 2020, a peak of COVID-19 cases among migrant workers at the Samut Sakhon shrimp market highlighted the profound social vulnerabilities of this population. Despite their integral role in the economy, migrants were scapegoated for the outbreak, with little attention paid to their precarious living and working conditions. Affected migrants in Samut Sakhon were initially contained to their dormitories, regardless of whether they had contracted COVID-19. The Government later introduced a “bubble and seal” policy, restricting the mobility of migrant workers to their worksite and accommodation (Vandergeest et al., 2021). These discriminatory policies – not applied to Thai nationals and mirroring similar discriminatory practices in Singapore and Malaysia – compounded the issue and resulted in disproportionately high infection rates among migrant populations across South-East Asia (Khemanitthathai, 2021; Langkulsen et al., 2023).

Mental health emerged as an important concern, as migrants faced complex stressors including but not limited to isolation, forced separation from family and support networks, job losses and income insecurity, increased debt burdens, and for women in particular, increased care responsibilities due to work from home and lockdown arrangements. Forced quarantine arrangements and migrant-specific mobility restrictions further compounded these mental health challenges and served as an additional barrier to accessing services and social support (ILO, 2021b)

Accessing COVID-19 vaccinations for non-Thai nationals during the pandemic was challenging. Barriers to access for migrants included availability, the high cost associated with vaccinations, concerns about vaccine quality and language barriers. Moreover, having no unified personal identification system for migrants made it difficult to design a nationwide system capable of tracking individuals, as vaccinations required multiple doses. As a temporary solution, the MoPH created a unique code for non-Thai nationals with a standalone database.

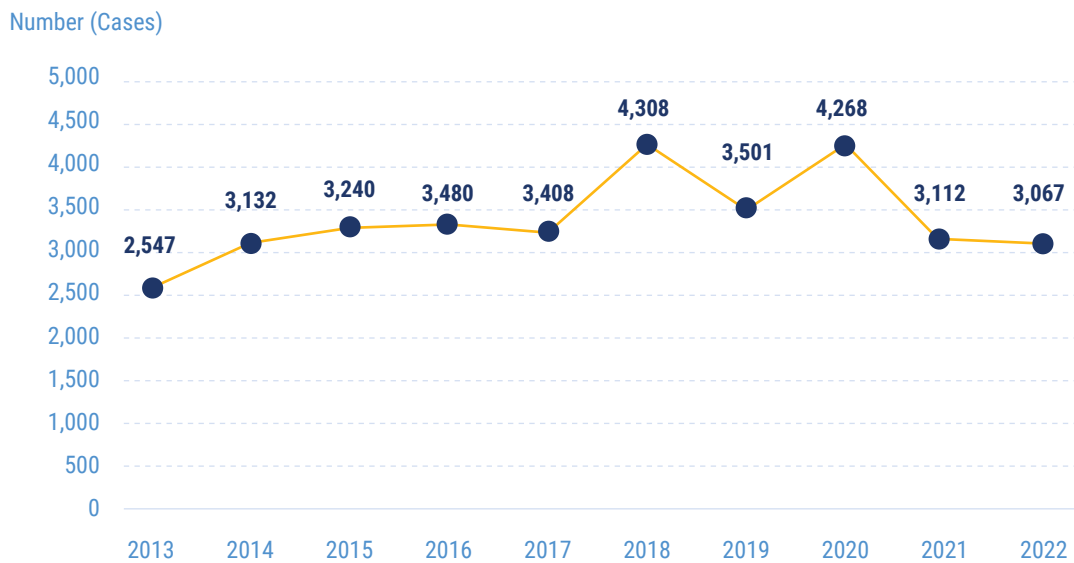
MoPH, in coordination with WHO, United Nations agencies, CSOs and other stakeholders, endeavoured to address disparities in health care access and mitigate the impact on migrants. Community-based networks and initiatives included migrant communities, and particularly MHV and MHW, in collective efforts for awareness-raising, prevention and response. One key initiative was the introduction of multilingual COVID-19 hotlines staffed by MHW, providing crucial information and support to migrants.

Government and civil society collaboration resulted in a wide variety of good practices related to migrant inclusion in health care at the community level. In Ratchaburi province, collaboration among various stakeholders, including the Thai Red Cross Society, Ministry of Interior and international organizations led a proactive approach to COVID-19 vaccination, using technology-driven solutions to facilitate vaccination registration for migrants and ensure equitable access to health care services (NECTEC, 2021). Another case study from Khlong Toei, one of Bangkok's 50 districts, shows the huge efforts of the community and civil society where a temple was transformed into a temporary shelter for patients and where community volunteers implemented isolation measures to prevent the spread of COVID-19, reduced fear and provided food (Noiman et al, 2024). The Vaccination Support Project (November 2021–October 2022) in Bangkok, Nonthaburi, Pattani, Pathum Thani, Samut Prakan and Songkhla, focused on vaccination, capacity-building, relief and case finding (IOM, 2023b). The COVID-19 Vaccination for Migrants multi-stakeholder working group worked closely with the Government to strengthen the COVID-19 response and enhance support for vaccine distribution and education for migrants.

The Government's efforts during the pandemic, including its collaboration with United Nations agencies, CSOs and community-based organizations, demonstrates potential capacity to mobilize and address gaps in health prevention and promotion, and health care access, for migrant populations. These actions, while costly, were required to address gaps in Thailand's social protection and health care systems resulting from direct and indirect discrimination against migrant populations. As such, lessons from the pandemic demonstrate that concrete and preemptive steps are required to address pre-existing barriers to migrant-inclusive health care in Thailand, and that timely action would benefit whole of Thai society.

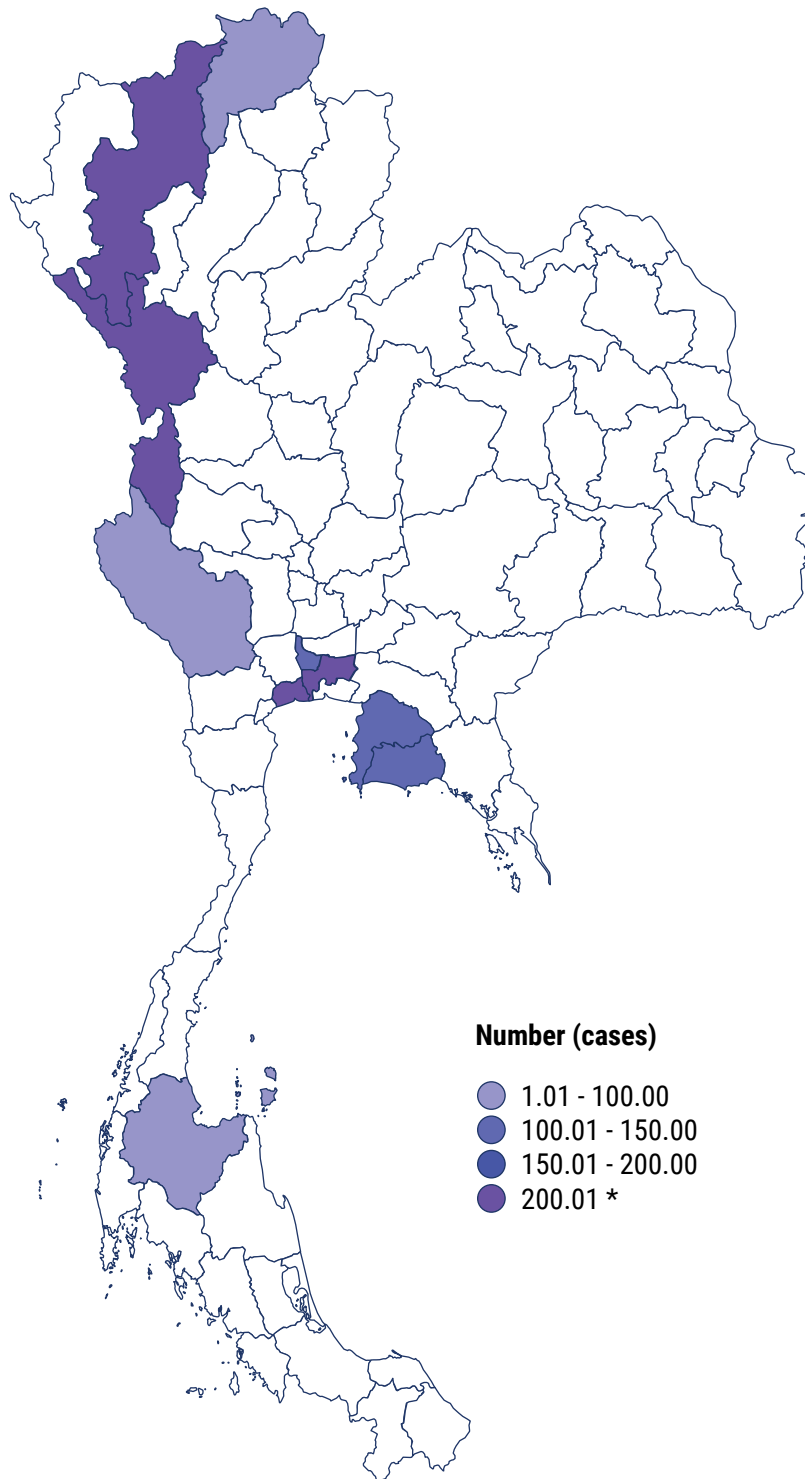
Thailand has made very good progress on SDG 3 (Ensure healthy lives and promote well-being for all at all ages) and is on track to achieve all but two SDG 3 targets: on traffic deaths, and on incidence of tuberculosis. Thailand remained on the WHO top 30 high burden countries for tuberculosis in 2021 despite a decreased tuberculosis incidence rate of 143 per 100,000 population (MoPH, 2023). Migrants share a portion of the tuberculosis caseload. The load of new and relapse cases was especially high during 2013 to 2020, reaching a peak in 2020 before declining from 4,268 cases in 2020 to 3,067 cases in 2022, mainly concentrated in the Bangkok and industrial and border provinces (Figure 32 and Figure 33). A similar trend could be observed for Thai nationals, but with a lower increase in case load. Possible factors may be related to the COVID-19 pandemic, reflecting changes in population structure and distribution of migrant workers (MoPH, 2023).

Figure 32. The number of new and relapse tuberculosis patients among non-Thai nationals detected and registered for tuberculosis treatment from 2013 to 2022



Source: MoPH, 2023.

Figure 33. Top 10 provinces with the highest number of tuberculosis cases in non-Thai population registered for treatment in 2021



Source: *National TB Report, 2021.*

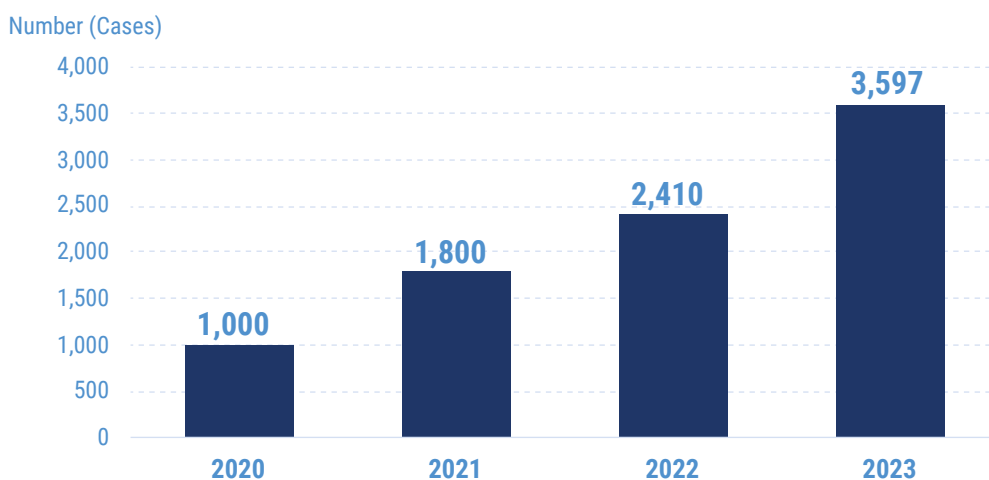
Treatment outcomes are still not optimal, with a lower average treatment success rate for migrants compared to the Thai population, in part due to loss to follow-up (MoPH, 2023b). MoPH is committed to expanding tuberculosis screening and detection activities, with pilot testing of biometric means, to increase identification and control of cases (Box 10), in the awareness that current figures still do not show the true burden of tuberculosis among migrants as a mobile, and partly irregular, population.

Malaria is prevalent in areas near the borders with Myanmar, Cambodia, Lao People's Democratic Republic, and Malaysia, while Thailand has been identified by WHO as having potential to eliminate malaria by 2025. However, recently, there was a sharp increase in the number of malaria cases on the Myanmar–Thai border, from 126 cases in 2021 to almost 3,000 cases in 2023, probably due to the increased cross-border flows.

Sexual and reproductive health including HIV

The numbers of migrants diagnosed with HIV and currently on anti-retroviral therapy (ART) treatment has increased in recent years – 1,000 in 2020, 1,800 in 2021, 2,410 in 2022 and 3,597 in 2023 (Figure 34) – with the expansion of HIV screening, detection and treatment programmes for migrants (MoPH 2024b; 2024c). The MoPH's Thai National AIDS Program Review identified inadequate coverage of non-Thai populations, especially irregular migrants; their dependents; a subset of migrant sex workers most at risk of HIV, other STIs and workplace discrimination; migrants in detention; and stateless persons (DoH, 2023) as a major gap in the AIDS response. ART and lab tests for migrants are currently supported by the Global Fund to Fight AIDS, tuberculosis and malaria, but allocation of national resources will be needed as there is pressure to localize these efforts.

Figure 34. Number of migrants diagnosed with HIV and currently on Anti-Retroviral Therapy (ART) treatment (by year)



Knowledge and education regarding STIs are a precondition for effective prevention but remain insufficient in many migrant communities. A study of 473 Myanmar migrant workers in Samut Sakhon revealed that while all participants knew of HIV, much fewer heard of syphilis. In addition, the participants were unaware of the modes of transmission of these infections, believing, for instance, that HIV could be spread to others who live in the same house or share food. The reported stigma associated with HIV was therefore very high, with some believing that those with HIV should be isolated from their families. Notably, 28 per cent of the migrants surveyed had no health insurance (Paloga et al., 2022).

Understanding of contraceptive options is also limited. A 2020 study by Khamthanet and Suthutvoravut compared knowledge and behaviour regarding sexual and reproductive health rights between Thai and women migrant workers in factories in Samut Sakhon, finding that 65.4 per cent of women migrant workers had a good level of knowledge about sexual and reproductive health, in comparison to 84.1 per cent of Thai women workers. More than two in three (68.2%) of migrant women workers mistakenly believed that the intrauterine device is a permanent form of birth control. One in five (21.5%) women migrant workers surveyed did not know that condoms provide

protection from STIs, in comparison to only 4.7 per cent of Thai women. Among both migrant and Thai women workers, support for sexuality education was low. Low sexual and reproductive health literacy also leads to risks among men migrants in specific contexts, such as those working on fishing boats, who are vulnerable to STIs (Hounnaklang et al., 2021).

Among adolescents, cultural norms surrounding premarital sex and contraception contribute to stigma, limiting knowledge of essential health services and increasing the incidence of unintended pregnancies and STIs. Beliefs, norms and perceptions towards the use of contraceptive products among migrant communities are restrictive, with prevalent negative attitudes towards sexuality education (Chalernphon, 2021). Dissemination of knowledge on family planning and safe sex to unmarried adolescents is considered taboo among many migrants and Thais alike, due to the misconception that it could encourage adolescents to be sexually active (ibid.). Studies show that girls from Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam as well as from Thailand view discussions about contraceptive use to be embarrassing, as they perceive that knowledge of the matter would imply that they engage in premarital sex (ibid.). Shame and stigma affects health-seeking behaviour among adolescent migrants, who are afraid to reach out and access sexual and reproductive health services. This limits testing for HIV and other STIs among migrant adolescents (Soeiro et al., 2023).

Antenatal care services are vital for the well-being of pregnant women and the fetus throughout pregnancy, with services including screenings, nutritional and health education, mental health support and vaccinations. The typical health care coverage challenges, such as being tied to a hospital in a single geographical area, the unaffordability of premiums, history of illness, being in an irregular situation and lack of awareness regarding available resources, are exacerbated among pregnant women migrants (Tschirhart et al., 2021). Furthermore, women migrant workers in irregular situations often face job termination, reduced salaries, and unequal working conditions due to pregnancy (UNDP, 2023) and may be compelled to seek an abortion, which while legal for all women and covered in health insurance benefit packages, may still not be accessible to migrants and Thai women in disadvantaged situations, meaning they may resort to unsafe options (Belton et al., 2007; Tousaw et al., 2017).

A study in Bangkok and nearby areas (Thein and Thepthien, 2020) identified multiple stressors impacting pregnant women migrants, including inadequate nutrition, lack of rest and limited self-care during pregnancy. Factors such as performing household chores after work hours for income, stress from non-consensual sex, and subordinate roles in patriarchal households exacerbate their health risks. Uninsured, most often irregular, migrants may need to pay in full for any emergency birth services received at a Thai hospital. The cost of an emergency Cesarean section, for instance, is insurmountable for many of the women who are left in debt after receiving care (Tschirhart et al., 2021).

On a macro scale, there remain other structural challenges preventing pregnant women migrants from accessing maternal care, most prominent of which are the stretched capacity and insufficient resources of many Government and non-profit clinics. Despite efforts by the Royal Thai Government to make maternal care accessible for every pregnant woman, language barriers and transportation logistics are felt most in rural areas (Tschirhart et al., 2021). Steinbrook et al. (2021) found that long travel distance to the clinic contributes to pregnant women migrants along the Thai–Myanmar border missing antenatal follow-ups. Distance was also associated with receiving antenatal care late, with 59 per cent of the study population presenting to receive care after the first trimester (Steinbrook, 2021). On arrival at clinics, women often face long wait times before receiving care, requiring women to leave their job for long periods, affecting their job security and income (Phanwichatkul, et al., 2022). These barriers led rural women migrants to rely on higher risk options, such a home births, without qualified medical supervision and regardless of the level of risk associated with the pregnancy (Tschirhart, et al., 2020; Steinbrook, 2021).

These conditions affect women's health and fetal development, and lead to low-birth weight newborns. Perera et al. (2022) investigated delivery outcomes among displaced mothers in the Thai–Myanmar border region, revealing that early antenatal care and utilization of family planning services were linked to decreased incidence of low-birth weight infants and preventable maternal deaths. Conversely, advanced maternal age and teenage pregnancy were associated with higher risks of low birth weight and can cause maternal deaths.

These findings underscore the multifaceted vulnerabilities of pregnant women migrants and the urgent need for improved access to comprehensive care beyond conventional reproductive health services.

Mental health

In recent years, greater attention has been given to the mental health of migrants, particularly in light of the impact of the pandemic (Box 10). Among 400 Myanmar migrants in 10 areas across Thailand, almost 12 per cent reported depression and/or anxiety symptoms, leading to recommendations for the development of health promotion strategies that can improve the well-being of this population (Kesornsri et al., 2019). Similarly, a study in 2022 concluded that Myanmar migrant workers in Thailand are among the most vulnerable populations in the Global South due to the combined pressures of political instability in Myanmar and the effects of the pandemic, alongside ongoing challenges including labour-related issues and social isolation, with unemployed and irregular migrants experiencing more prolonged and severe mental health issues, particularly when affected by crises (Khai and Asaduzzaman, 2022). Evidence-based policies that respond to the lived experiences of migrants are required to address their mental health needs (Lerskullawat and Puttitanun, 2024), with efforts towards psychosocial care lagging behind migrant-inclusive biomedical care.

Conclusion

Thailand has been successful in extending UHC to its citizens. Given the recognition of health as a human right, and the importance of its migrant workforce, Thailand has made concerted efforts to provide UHC to migrant workers through both the SSS and MHIS, and through the scale-up of migrant-friendly health services and health promotion. Through a combination of evidence-based policy development, efforts to increase enrolment and expand eligibility and coverage, and by strengthening disease surveillance systems for migrant populations – supported by political commitments and social movements – the goal of UHC for all persons living in Thailand is attainable. In doing so, it is vital to devise policies and mechanisms to also cover and remove barriers to access among migrants, particularly those in irregular situations, while strengthening the already mature health system to close the gaps discussed in this chapter.

Recommendations

Recommendations to address gaps in eligibility, gaps in coverage and lack of affordability necessary to improve migrants' health in Thailand are proposed below, building on MoPH-WHO joint mission report:

- **Governance:** Simplify registration and other regularization processes to reduce the number of migrants in an irregular situation and enhance uptake and access to health insurance and services. **Develop a coherent and flexible national migration health strategy, with adequate monitoring and evaluation mechanisms, to advance UHC for migrant health and the health security of the country and commit to a specific timeframe for its fulfilment.** This strategy should reduce policy incoherence within Thailand, taking into consideration bilateral and regional coherence across ASEAN. Community engagement and feedback mechanisms for public health planning should ensure that policies are holistic and adapted to local migration dynamics and populations.
- **Financing: Continue efforts to harmonize the health insurance schemes contributing to UHC in Thailand with the MHIS** and promote equity, quality, efficiency and sustainability in financial protection against catastrophic health expenditures for everyone living in Thailand. **Address the persistent challenges in ensuring UHC for migrants and their dependents through improved implementation of SSS and MHIS.** Measures should include increasing dissemination of information regarding migrant health insurance to all involved stakeholders especially migrants, employers and health service providers, and provide incentives for the uptake of health insurance regardless of status.



- **Health Information System: Explore ways to harmonize existing health information systems to provide accurate and available health information on migrant populations.** Such data will allow more targeted, evidence-based policy formulation to benefit migrants and protect the health of all in Thailand. Leverage digital technologies to improve information sharing across existing platforms while ensuring data protection and security. Use existing data in the Ministry of Public Health to inform strategy, planning and health responses.
- **Human Resources: Increase the number of MHWs and MHVs, define their roles and responsibilities and provide appropriate remuneration and incentives.** Provide clear guidelines and policy direction for the recognition and employment of MHWs and MHVs to bridge the gaps for migrant communities and improve access to migrant-friendly health services. To ensure the sustainability of MHVs, provide them with certification courses and incentives such as free medical services or stipends. Prioritize research initiatives to identify challenges and barriers in building the competencies of MHWs and MHVs and use evidence-informed interventions to enhance their role as health care providers.
- **Service Delivery:**
 - **Build on experience gained during the COVID-19 pandemic to develop a migrant-friendly health system including improved health service delivery and health surveillance among migrant communities by strengthening coordination across various units and departments in the Ministry of Public Health, and across line ministries, related to migration health.** Build upon positive attitudes among health and allied health professionals by continuing to increase capacity to deliver migrant-friendly services and promoting trust in health care among migrants and a positive narrative of migrants across Thai society.
 - **Address barriers to uptake and utilization of the health system by migrants and promote migrant-friendly health services** to ensure that all migrants, regardless of employment, migration status or whether they are insured, can access health services freely and when needed.
 - **Enhance accessibility and availability of sexual and reproductive health services to improve the well-being of women, girls and adolescent migrants.** Comprehensive education and knowledge about reproductive health are essential to empower them to make informed decisions, preventing STIs including HIV, unintended pregnancies, complications during pregnancy, maternal deaths and gender-based violence. Ensuring informed access to affordable sexual and reproductive health and family planning services not only supports migrant women, girls' and youths' health and well-being, but also reduces risks associated with unintended pregnancies and improves maternal health outcomes. Achieving these goals requires migrant-friendly and rights-based services in schools and other service settings, ensuring that rights and choices are respected and promoted effectively.

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