

# TDRI

Quarterly  
Review

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*While these foreign workers live in Thailand, they must be provided with social services on par with those afforded to Thais. See related article on page 6.*

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# Managing Risks from Volatile Capital Flows: Multi-level Approaches\*

Chalongphob Sussangkarn\*\*

The East Asian financial crisis and the global financial crisis showed that rapid and large capital flow reversals can create tremendous strains on foreign exchange liquidity and even lead to severe financial crises as in 1997/98. On-going sovereign debt problems in the Euro-zone may again pose the risk of another round of capital flow reversals to emerging Asia, so countries need to be vigilant and make sure that they have the understanding and the tools to deal with such a situation if it should arise. Compared to the situation prior to the 1997/98 crisis, lessons should have been learned about the risks associated with capital flows, particularly short-term capital flows, and policies regimes of various countries should have evolved from the lessons learned and now be much more appropriate to deal with these risks. Nevertheless, there could be unanticipated events that create strains on foreign exchange liquidity of various countries in spite of more prudent policy regimes, and there may also be many constraints on the ability of countries to manage the risks from large and volatile capital flows. Because of this, the development of international mechanisms beyond the country level that could help countries ride through episodes of capital flow reversals and prevent them from leading to full blown foreign exchange crises becomes very important. From developments since the East Asian financial crisis through the global financial crisis, mechanisms have been developed or have evolved at three levels beyond the country level; bilateral level, regional level and global level. However, these have created confusions about how mechanisms at these different levels should best relate to each other, are they complimentary or competitive, and what would be the best approach for particular countries to protect themselves from the risks of volatile capital flows.

The most effective way to protect against the risks arising from volatile capital flows is to have appropriate policies at the country level. In the case of Thailand prior to the 1997 crisis, the macroeconomic policy regime was simply based on the wrong paradigm. Macroeconomic policy combination was the

classic Mundell “impossible trinity;” fixed exchange rate (to a basket), liberalized capital flows (hoping to make Bangkok a regional financial center), and attempted independent monetary policy (short-term interest rate about 4 percentage points above US level on average for 5-6 years prior to the crisis). Large short-term capital inflows came into the country (mostly as short-term foreign debt) fueling an economic bubble. As short-term debt increased, reserves increased in line, but because the authorities were viewing the situation from a current account perspective, comparing reserves to months of imports, the increases in foreign reserves were considered to be signs of strengths. The fact that reserves should also cover short-term foreign debt was not considered to be important at that time. Even a bigger mistake was for the central bank to use up almost all of the foreign reserves to try to defend the value of the currency. This led to the country becoming insolvent in terms of not having enough foreign currencies to meet its obligations. The baht had to be floated and Thailand had to enter an IMF assisted program.

Experiences from the East Asian financial crisis and the global financial crisis showed the importance of having adequate foreign reserves to back up a country’s short-term foreign currency obligations. Short-term debt (by remaining maturity) is an important part of these short-term foreign currency obligations, but there are also other obligations that should be taken into account, particularly foreign holdings of stocks and bonds that can be quickly liquidated and the proceeds converted to foreign currencies to take out of the country. This means that it would be safest for a country to absorb as much of the short-term capital inflows into reserves so that if a sudden reversal occurs, for whatever reason, the reserves can be used to prevent large changes in the exchange rate and minimize spillovers into the real economy. This strategy would also reduce exchange rate volatilities from short-term capital inflows and outflows. This seems to be the right approach, as the exchange rate should be based more on fundamental

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factors, such as current account transactions and long-term foreign direct investment, rather than short-term speculative flows.<sup>1</sup> There may, however, be important constraints to pursuing such a strategy, particularly the need to sterilize the inflows that are absorbed into reserves to reduce inflationary pressures may lead to large losses for the central bank, especially in a situation like the present where interest earnings from reserves (say, from investing in US treasuries) is lower than the interest cost from sterilization. There could be significant fiscal implications from the losses of the central bank, and in Thailand the current policy of the government to transfer about US\$38 billion of bonds that were issued to cover losses of financial institutions from the 1997 crisis to the Bank of Thailand is related to past losses incurred by the Bank of Thailand from managing capital inflows and the exchange rate, which meant that the principal cost of these bonds could not be reduced for a number of years now, necessitating an annual budgetary expenditure of about US\$1.5 to 2 billion to cover the interest costs.

Because of constraints of individual country's policies in dealing with volatile capital inflows, cooperation at bilateral, regional and global levels have emerged as additional safety nets. The IMF, of course, is the main global institution for dealing with crises arising from foreign exchange liquidity shortages, and in fact it is now also deeply involved with sovereign debt crises in local currencies (the Euro zone) as well. From the East Asian financial crisis, regional facilities in East Asia have also been developed, the Chiang Mai Initiative (CMI), a system of bilateral swaps among the ASEAN+3, and its more recent evolution, the Chiang Mai Initiative Multilateralization (CMIM), a self-managed reserve pooling mechanism now totaling US\$240 billion with a single contractual agreement.<sup>2</sup> However, neither the global or regional facilities played any roles for emerging East Asia during the global financial crisis. There were significant US\$ liquidity shortages for some countries in the region, notably Korea and to some extent Indonesia. Both of these were members of the CMI but neither utilized it, mainly because the CMI was still mostly tied to the IMF in that a country using more than 20 percent of its quota under CMI<sup>3</sup> had to be under an IMF supervised program and there was (and is) still a stigma attached to the IMF in East Asia from bad experiences with IMF conditionality during the East Asian financial crisis. Instead, Korea got a swap with the US Federal Reserve. Indonesia also requested a swap with the Fed but was refused. Instead she got a swap with China and expanded the swap with Japan under the CMI so the portion unlinked to the IMF would be larger. It was a pity that CMI played no direct role, but the link to the IMF means that the value added the CMI (and currently the CMIM) provides to the IMF is minimal. This is a problem that needs to be sorted out to make an East Asia liquidity support mechanism effective and worthwhile, especially now that the ASEAN+3 Macroeconomic and Research Office

(AMRO) has been set up to do regional surveillance and requires real financial contributions from each of the ASEAN+3 countries.

Possibly because the bilateral swaps seemed to be effective during the global financial crisis, countries have been moving to do more bilateral swaps with each other as part of their defensive mechanism against foreign exchange liquidity shortages. For example: Korea has a total of about US\$70 billion swaps with Japan, a \$30 billion Won-Yen swap, a \$30 billion Won-US\$ swap and a \$10 billion swap under the CMI; Korea also has a Yuan 360 billion (about \$57 billion) with China, which may possibly be convertible to US\$ in the future; Indonesia has a Yen 1.5 trillion (about \$19.5 billion) Rupiah-Yen swap with Japan and a Yuan 100 billion (about \$15.9 billion) Rupiah-Yuan swap with China. Bilateral swaps in the two countries' currencies can help to ease possible liquidity shortages of the two currencies for bilateral trade and investment, and this is an important reason for having these bilateral swaps. However, when the swaps involve a convertible currency, such as the Yen, then they can become means to deal with liquidity shortages of global currencies, particularly the US\$. Even in the case of the Yuan, a policy to make the swap convertible to US\$ could be implemented, particularly given China's huge holdings of the US\$. So these bilateral swaps are actually being developed to deal with potential foreign exchange liquidity shortages in general. It is not clear whether this is the direction that should be encouraged. With bilateral swaps, it is inevitable that political considerations enter the equation in the decision to grant these swaps. How does good country economic policies fit in? Given their huge holdings of foreign reserves, and competition for influence in the region, one can easily envisage a competition between China and Japan to do bilateral swaps with their trade and investment partners to gain political leverage. And given current links between CMIM and the IMF, countries in the Southeast Asia, with strong trade and investment links to both Japan and China, are likely to prefer bilateral deals with Japan and China to the CMIM. What will this mean to the regional and global facilities?

The linkages between the CMIM and the IMF will need to be modified in ways that will make both facilities effective and complimentary. At present, the percentage that can be utilized from CMIM without having to be under an IMF supervised program is 30 percent (increased from 20% to 30% in May 2012). However, the IMF unlinked amount is still too small to be useful for either crisis prevention or resolution. For example, Thailand's IMF unlinked portion is US\$6.828 billion, which is very small compared to the US\$17.2 billion IMF package in 1997, or the US\$30 billion swap that Korea got from the US Federal Reserves to tie it over during the period of US\$ liquidity shortages caused by the global financial crisis.

While the IMF itself has been developing new facilities, such as the Flexible Credit Line (FCL) and

Precautionary Liquidity Line (PLL), it needs to understand the deep stigma attached to it in East Asia and be fully supportive of the regional facility, otherwise countries in East Asia will bypass both the global and regional facilities and develop more and more ad hoc bilateral swaps arrangements. This will not be good for the overall global and regional financial architectures.

At the global level there is also the G20. Being someone from a non-G20 country I am not very knowledgeable about it. As long as the G20 is simply a consultation forum, like, say, the East Asia Summit, then it does not really matter for a country like Thailand. If the G20 is to be something more than simply a non-binding consultation forum, then the question of legitimacy cannot be avoided, and a real global economic governance structure will need to be discussed in detail. If G20 is considered an appropriate level, then membership criteria may need to be reconsidered. Is it just economic size (measured by GDP for example)? What about linkages to the global economies? Should a big country with less links to the global economy than another smaller economy be given

priority? Maybe it's the linkages to the global economy that should be more important. For example, Singapore is much, much smaller than Indonesia in terms of GDP size, but has much greater external trade and financial linkages to the global economy, so should Singapore replace Indonesia in the G20. Questions like this are of course highly controversial, but cannot be avoided if a global economic governance structure with real teeth is going to be established.

#### ENDNOTES

- <sup>1</sup> However, in recent years, many East Asian countries have also been preventing their currencies from appreciating even though they have large current account surpluses and net foreign direct investment inflows.
- <sup>2</sup> CMIM came into effect in March 2010. It's size at that time was US\$120 billion. This was doubled to US\$240 billion in May 2012.
- <sup>3</sup> CMIM was not yet implemented at that time.



# Immigration to Thailand: New Challenges

Yongyuth Chalamwong and  
the Human Resources and Social Development Team\*

Prior to the early 1990s, Thailand was a major labor-force sending country (Yongyuth 2012b). Each year, hundreds of thousands of Thai workers left the country to work abroad. In addition, those workers were significant contributors to national economy. The situation in Thailand currently is quite the opposite. The country is now distinguished by extreme dependence on foreign workers. Each year, about one million foreign workers come to Thailand and take several types of work, including skilled, semi-skilled and unskilled work. In 2011, the Office of Foreign Workers Administration noted that there were 1.9 million foreign workers in Thailand. Among those workers, 35 percent, or 600,000, were working in the country legally while the remaining 65 percent, or 1.25 million, were irregular foreign workers, especially from the neighboring countries of Cambodia, the Lao People's Democratic Republic and Myanmar (the so-called CLM countries). With regard to the aforementioned proportions, the major reason for this phenomenon is the lack of "semi-skilled and low-skilled Thai workers" in the labor market. Thus, entrepreneurs are forced to employ irregular foreign workers to fill the gap and remain competitive.

Immigration in Thailand can be ascribed to the "push and pull" discourse. Different internal push and pull factors serve to attract foreign workers into Thailand in search of jobs. Political instability and a negative economic situation in the countries of origin are the major push factors. Poverty and the lack of employment opportunities force such foreign workers to seek a better life elsewhere. They are thus "pushed" out of their own countries. Political unrest is another push factor. Many studies point out that foreign workers from Myanmar, many of whom are ethnic minorities, had been living in areas characterized by internal armed conflict, which is a strong push factor (Yongyuth and Prugsamatz 2009; Sravooth and Yongyuth 2012).

As for the pull factors, it is clear that wage differentiation between the countries of origin and destination influences cross-border migration. Although foreign workers in Thailand earn wages below the national minimum wage standard, they are still able to earn more than what they usually would get back home

(Yongyuth and Prugsamatz 2009). Social networks and personal relations are considered to be other pull factors. Pungpond (2009) found that many foreign workers decided to leave their countries based on information received from their relatives or friends prior to entering Thailand. Importantly, social and personal networks assist in the safe movement of foreign workers by providing the migrants with information on conditions at the point of destination.

Immigration is anything but a new topic in Thailand. However, there are some new challenges. One of these relates to the ASEAN Economic Community (AEC), which will be formed in 2015. It will allow the free movement of labor among the countries forming the Association of Southeast Asian Nations (ASEAN). It will consider the issue of increased minimum wages (currently set at up to 300 baht per day), as well as justice and social protection for foreign workers. The free movement of the labor force at all levels will challenge Thailand to consider its status and the mechanisms being used to manage incoming foreign workers and this includes laws and other forms of legislation. In addition, membership in AEC will stimulate Thailand to develop mechanisms for managing foreign workers that is consistent with international standards. In respect of government policy on the daily minimum wage, the greatest challenge Thailand facing concerns the coverage of the daily minimum wage and the impact that it may have on irregular foreign workers. In fact, it is undeniable that entrepreneurs have been employing irregular foreign workers because those workers provide low-cost labor, which enables the entrepreneurs to remain competitive in the market. Thus, implementation of this policy will be questioned if such foreign workers become covered under the policy.

This paper is composed of four main parts: (a) an analysis of the labor market in Thailand, including trends and composition of foreign workers in Thailand, and mention of the impact of immigration in Thailand; (b) the new challenges facing immigration, especially when the country steps into "the era of free labor movement;" (c) constraints in managing immigration in Thailand; and (d) conclusions and recommendations,

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which should be useful to the government for managing foreign workers in Thailand.

## I. TRENDS IN AND COMPOSITION OF FOREIGN WORKERS IN THAILAND

Foreign workers in Thailand currently fall into two categories: “regular foreign workers” and “irregular foreign workers” (Srawooth and Yongyuth 2012). Section I describes the trends in and composition of foreign workers in Thailand by focusing on both regular foreign workers and irregular foreign workers.

### Regular Foreign Workers

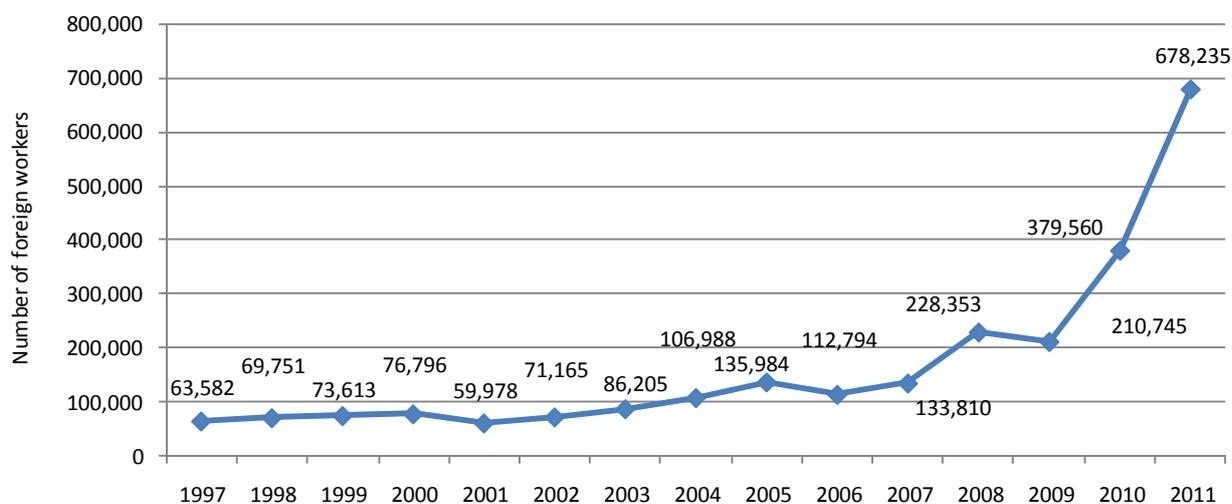
Figure 1 shows the trend in regular foreign workers in Thailand during the period 1997-2011. Before the 1997 Asian financial crisis, most regular foreign workers were highly skilled workers or those who came to work with a joint-venture partner or spouse’s business (Srawooth and Yongyuth 2012). Figure 1 also shows that the immigration of regular foreign workers into Thailand in 1997 was very low. Later, immigration increased slightly due to the country’s economic recovery. In 2009, an economic downturn in Thailand, which may have been caused by the subprime crisis in the United States of America, resulted in a decrease in the number of regular foreign workers immigrating to Thailand; however, this phenomenon was short-lived. The immigration of regular foreign workers recovered within one year. In 2011, the trend showed an increase in the number of regular foreign workers to 678,235 persons; thereafter, the trend in regular foreign workers showed a gradual increase every year.

According to Srawooth and Yongyuth (2012), the composition of the regular foreign workforce reflects countries which make significant investments in Thailand. However, current data from the Office of Foreign Workers Administration show an element of convertibility. In 2011, the three largest groups of regular foreign workers were from Myanmar, Cambodia and Lao PDR, which reflects the impact of the open “national verification” and other agreements according to memorandums of understanding (MOUs) (see Figure 2).

Regarding the number of foreign workers in Thailand, the largest group comprises foreign workers who have obtained a national verification permit, i.e., 74.49 percent of the total number of regular foreign workers, or 505,238 persons. The second and the third largest groups are temporary or general permit foreign workers and foreign workers under section 11 or MOU arrangements, respectively. These two groups account for 10.89 and 10.67 percent respectively of the total. The smallest group comprises permanent residents or those holding a lifetime stay permit; they account for only 0.14 percent of the total, or 983 persons (Figure 3). In the early 2000s, the government entered into an MOU on the employment of foreign workers from CLM countries. In 2007, the government implemented the national verification program, which is aimed at regularizing irregular foreign workers. The program brought about a significant increase in the number of regular foreign workers from the CLM countries.

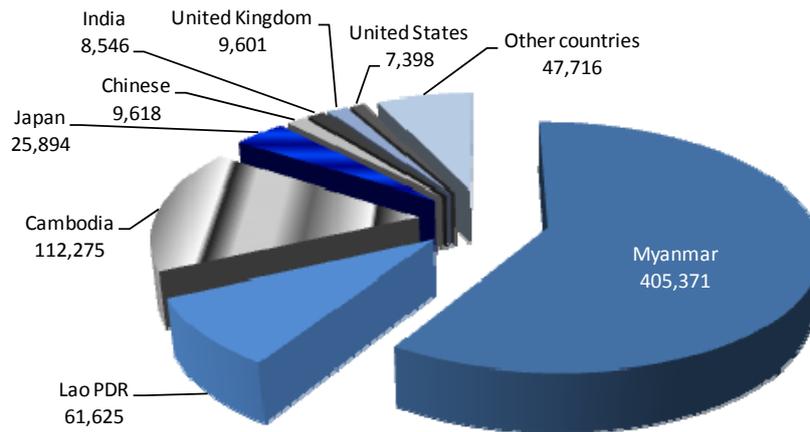
As shown in Figure 4, the three largest groups of regular foreign workers are located in Bangkok, the Central Region, and the vicinity of Bangkok. They account for 38.35 percent (260,074 persons), 19.14 percent (129,841 persons) and 17.79 percent (120,634) of the total, respectively.

Figure 1 Trend in Regular Foreign Workers in Thailand



Source: Data from the Office of Foreign Workers Administration (2011).

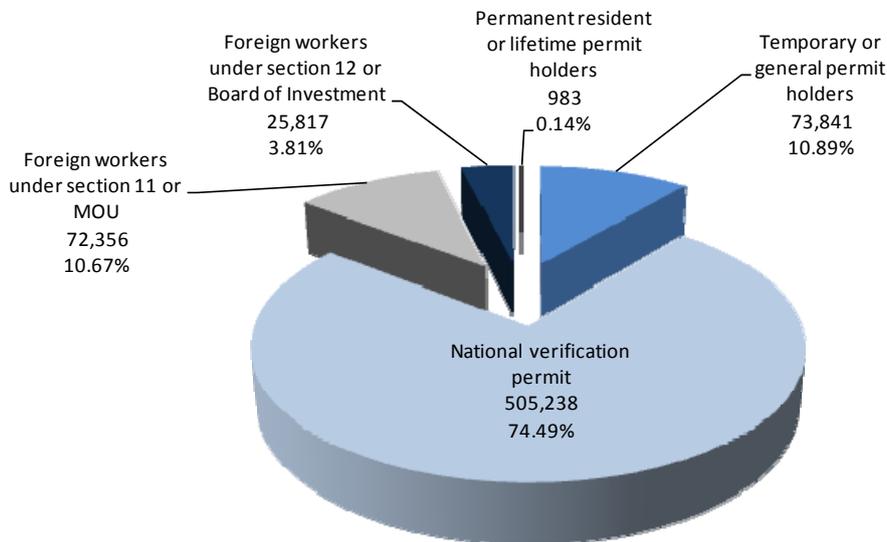
**Figure 2 Composition of Regular Foreign Workers by Country of Origin, 2011**



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Source: Data from the Office of Foreign Workers Administration (2011).

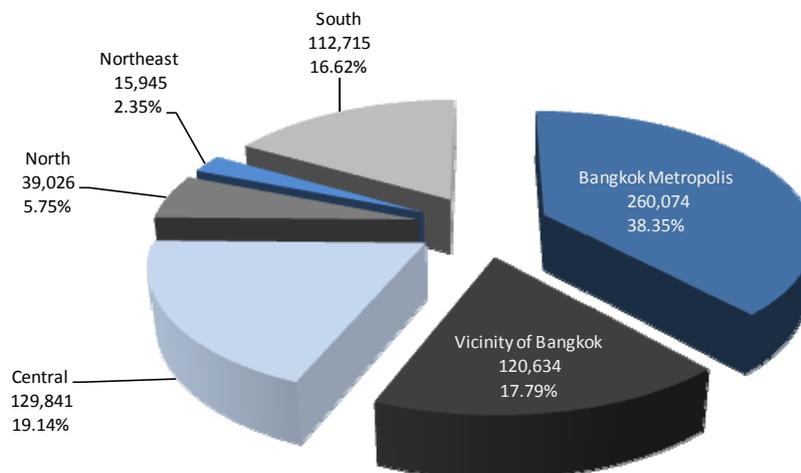
**Figure 3 Composition of Regular Foreign Workers by Type of Immigration, 2011**



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Source: Data from the Office of Foreign Workers Administration (2011).

**Figure 4 Composition of Regular Foreign Workers by Region of Thailand, 2011**



Source: Data from the Office of Foreign Workers Administration (2011).

In three years, when Thailand participates in AEC, the number of regular foreign workers may increase, especially foreign workers from other countries in Southeast Asia. The increase in the number of regular foreign workers from other countries in Southeast Asia will not be limited to semi-skilled and/or low-skilled workers but will include highly skilled workers. The aforementioned policy will have a significant impact on increasing the number of regular foreign workers from the CLM countries.

### Irregular Foreign Workers

The immigration of irregular foreign workers into Thailand has increased steadily since the mid-1980s and the early 1990s. These were transition periods when Thailand was transformed from being a low-end labor-intensive economy to a more capital or technology-intensive one. During this transition, the government implemented a number of policies, such as expanding educational opportunities for workers. Consequently, a large number of local Thai workers moved into the skilled-labor market, which caused a shortage of labor at the low-skilled level.

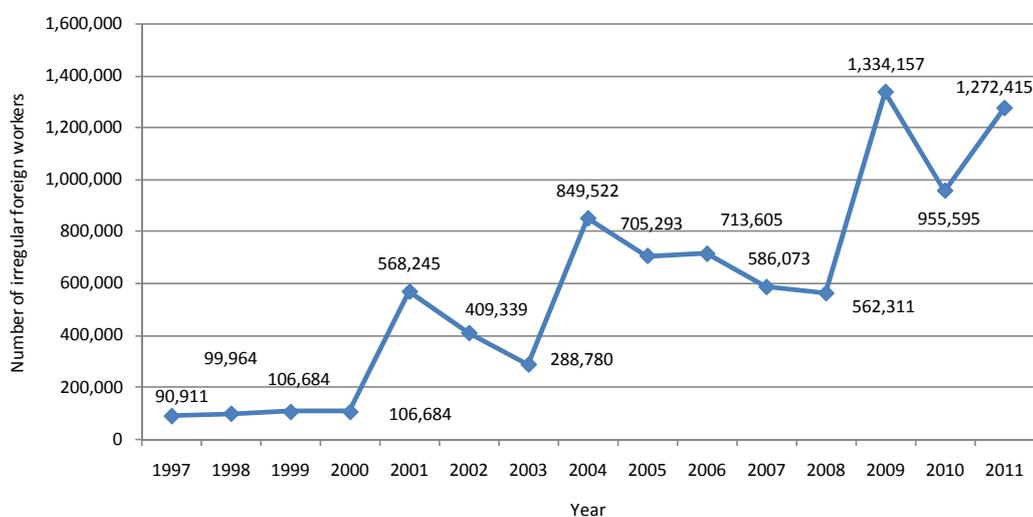
Currently, low-skilled foreign workers are playing a very important role in the Thai labor market, especially in the semi-skilled and unskilled categories. This phenomenon is structurally embedded by the attitude of employers who prefer low-skilled laborers. In 2011, there were approximately 1.2 million irregular foreign workers in Thailand, or 65 percent of the total number of foreign workers. In fact, irregular foreign workers are predominantly foreign workers from neighboring countries.

The trend in irregular foreign workers is shown in Figure 5. During the period 1997-1998, the Asian financial crisis resulted in limited employment

opportunities for foreign workers. In fact, the government started to repatriate foreign workers who had come from neighboring countries in order to solve the problem of unemployment facing Thai workers at that time. In 1999, the government allowed foreign workers to work in 18 industries in 37 provinces; as a result, the number of foreign workers from neighboring countries increased from 99,964 persons in 1998 to 106,684 persons in 1999. In 2000, the government implemented a policy of not increasing the number of foreign workers. According to Srawoath and Yongyuth (2012), the government decided to maintain the status quo with regard to the previous numbers, areas and industries permitted. Owing to new registration policies issued in 2001 and 2004, the number of foreign workers increased significantly. The number of irregular foreign workers increased from 106,684 persons in 2000 to 568,245 persons in 2001, and from 288,780 persons in 2003 to 849,522 persons in 2004.

In 2009, the government issued recommendation 2/2552 dated April 27 that year, which allowed foreign workers to register and work in Thailand. A new registration round that started in July 2009 allowed irregular foreign workers to obtain temporary stay registration (Tor/Ror 38/1) and a work permit. Consequently, the total number of irregular foreign workers from neighboring countries increased from 562,311 persons in 2008 to 1,334,157 persons in 2009. The types of work that could be performed by irregular foreign workers were also expanded in 2009 to cover 24 areas or types of activity. In 2010, the government issued its policy on national verification, which required foreign workers to go through the national verification process. At the first, only 200,000 foreign workers registered as part of the national verification process; however, the number increased to 850,000 persons by March 31, 2010. As of December 2010, the number of

**Figure 5 Trend in Irregular Foreign Workers in Thailand**



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Remark: The figure refers to irregular foreign workers from neighboring countries and minorities.

Source: Data from the Office of Foreign Workers Administration (2011).

irregular foreign workers was 955,595 persons. Srawooth and Yongyuth (2012) pointed out that there were two major reasons for the drop in the number of foreign workers from neighboring countries: the first was that 30 percent of foreign workers did not show up in the ensuing registration round and the second was the phenomenon that some foreign workers who had registered in 2009 changed their status to become regular foreign workers in the meantime. This trend is estimated to be increasing because Thailand still lacks laborers in the semi-skilled and unskilled categories. In addition, the current policy on the daily minimum wages that the government requires employers to pay (at least 300 baht per day) their employees has led to increased number of foreign workers in the border provinces.

Figure 6 shows the number of irregular foreign workers from neighboring countries, including Cambodia, Lao PDR, and Myanmar, in 2011. The largest group was working in construction, which accounted for 19 percent of the total, or 232,162 persons. The second largest group was working in farming and livestock, which accounts for 18 percent of the total, or 228,041 persons. The manufacturing and sales sector is the third largest employer, accounting for 11 percent of the total, or 137,843 persons. Next in importance is the fishery-related sector, which accounts for 9 percent of the total, or 106,851 persons. Service sector accounts for 8 percent of the total, or 100,554 persons, while domestic work accounts for 7 percent, or 85,062 persons. This breakdown shows that irregular foreign workers are involved predominantly in unskilled work.

In 2011, most irregular foreign workers were concentrated in the vicinity of Bangkok (52%), followed by the Central Region (15%). The irregular foreign workers in the Southern Region accounted for about 14 percent of the total, while those in the Northeastern Region comprised the lowest proportion of irregular foreign workers (1%) (Figure 7). This is

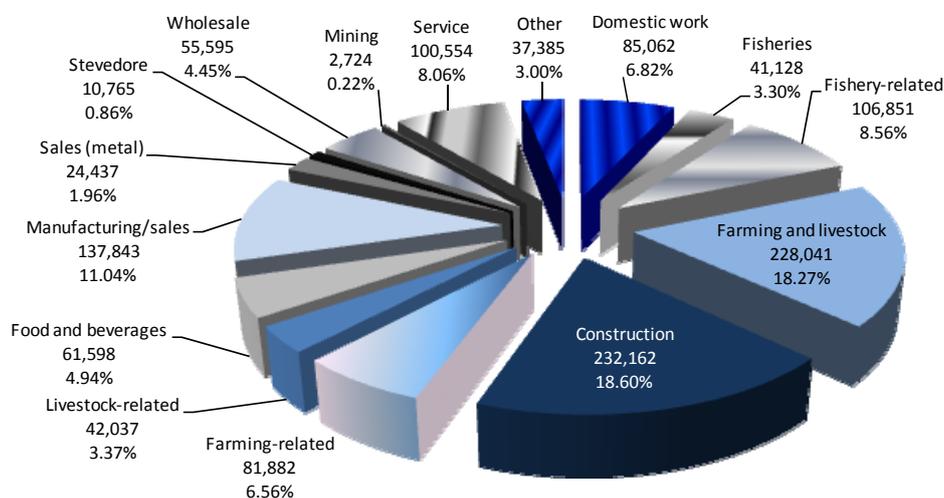
due to the fact that the manufacturing sector is found mostly in the vicinity of Bangkok and the Central Region. For the Southern Region, most of the employment is in the fisheries sector, which relies mostly on foreign workers from neighboring countries. With regard to the provinces, Bangkok and Samut Sakhon were found have the highest number of irregular foreign workers; Bangkok has 205,899 such workers and Samut Sakhon 128,697.

## II. NEW CHALLENGES POSED BY IMMIGRATION

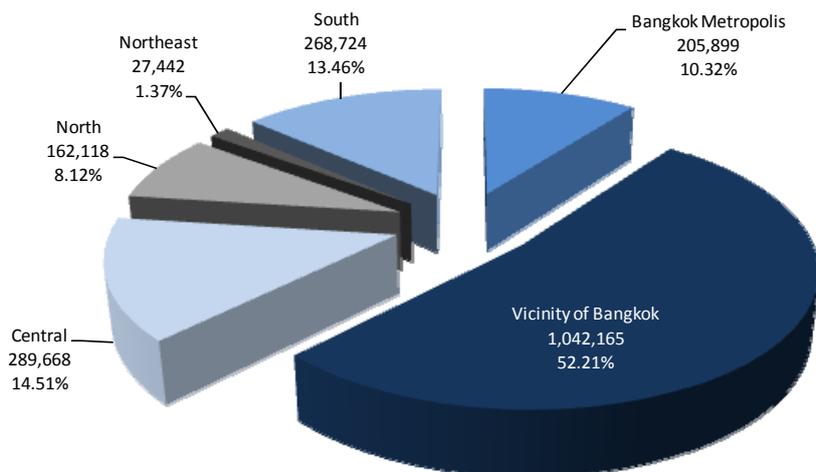
The study makes a further point about new challenges posed by immigration. Thailand is currently shifting to a policy allowing the free flow of labor in line with its preparations to become a number of AEC in 2015 and the open-door policy of the government. These changes are resulting in a large-scale transformation of Thailand's labor market; the country is now preparing for an influx of foreign workers. For decades, Thailand has encountered many challenges in managing migration, including economic recessions, and unstable government policies toward managing foreign workers. Thailand is now facing yet another new challenge in managing immigration: "social integration."

Social integration is the process of building relationships among "individuals" and it concerns the attitudes that individuals have toward society. Two words describe social integration: "inclusion" and "acceptance." Social integration involves interaction between the immigrants, that is, the "newcomers," and the members of the host society. There are three important aspects concerning social integration: the "feeling of belonging in a society," "recognition of the society" and "equal opportunities" in the host society. Bosswick and Heckmann (2006) defined social integration as follows:

**Figure 6 Composition of Irregular Foreign Workers by Industry, 2011**



Source: Data from the Office of Foreign Workers Administration (2011).

**Figure 7 Composition of Irregular Foreign Workers by Region of Thailand, 2011**

Source: Data from the Office of Foreign Workers Administration (2011).

Social integration means the inclusion and acceptance of immigration into the core institutions, relationships and positions of a host society. For the immigrants, integration means the process of learning a new culture, acquiring rights and obligations, gaining access to positions and social status, building personal relationships with members of the host society and forming a feeling of belonging to, and identification with, that society. For the host society, integration means opening up institutions and granting equal opportunities to immigrants. In this interaction, however, the host society has more power and more prestige.

Social integration is not new for the European Union but it is a new challenge for Thailand. It is undeniable that, while foreign workers, especially those from the labor-intensive sectors, have played a very important role in Thailand's labor market, such workers are excluded from involvement with local communities. Foreign workers have less access than Thais to social activities and social protection schemes provided by the government. Owing to the lack of social integration with local communities, most foreign workers become vulnerable to being trafficked or exploited. Sometimes such foreign workers are referred to as "perfect businesses<sup>1</sup> for employment agencies" (Molland 2010).

Thus, social integration is posing a new challenge to managing immigration in Thailand because it involves improving the recognition that Thais give to foreign workers. Theoretically, social integration is aimed at creating a sense of belonging between local communities and foreign workers. The social integration framework assumes that an increase in the sense of belonging would help achieve a better quality of life for foreign workers. This section, therefore, contains a debate about the challenges that immigration poses with regard to social integration between the foreign workers

and local communities. Social integration in this study is focused mainly on integration in social services and social protection schemes. The study does not mention other aspects due to limited sources and legislation.

### Social Integration between Foreign Workers and the Thai Community

For decades, both regular and irregular foreign workers have played a very important role in maintaining Thailand's competitiveness in the global market. They have not only strengthened the labor force, but also share knowledge and skills that contribute to the improvement of Thailand's markets. Despite their important role, the study found that many foreign workers are socially excluded. However, in view of the social services and social protection schemes provided by the government for regular foreign workers, this group has less worries than the irregular foreign workers. Owing to the legality of their status, regular foreign workers can access social services and social protection under Thai law. For example, they can access social insurance and the Workmen's Compensation Fund. Additionally, regular foreign workers can contribute to the National Health-care System and access medical treatment under the National Migrant Health System. Such integration also covers the workers' families. The study found that the children of workers can receive educational services and health treatments under the National Health-care System. Regular foreign workers are also able to gain access to the Social Security Protection Scheme, or "SSO scheme," and the Deportation Fund.

By contrast, even if irregular foreign workers seem to be in the majority among all foreign workers in Thailand, they have less opportunities than regular foreign workers, according to the findings of the present study. Many irregular foreign workers lack of the

opportunity to integrate with local communities, especially to gain access to social services. Most irregular foreign workers have lived in poverty, hiding themselves from society. As a study by Yongyuth (2012a) pointed out, this apparently shows that irregular foreign workers have less access to social protection schemes than regular foreign workers. For instance, the study found that irregular foreign workers are able to access only universal health care, which is provided through the Ministry of Public Health, while regular foreign workers are covered and protected by the Workmen's Compensation Fund of the Social Security Office.

While irregular foreign workers are less recognized by most Thais, the study found that a small group of non-governmental organizations (NGOs), which have significant power, is advocating that the government increase the level of social integration. The NGOs both locally and internationally are the main body advocating social integration between local communities and irregular foreign workers. Such NGOs as LPN, and Rakthais have tried to work closely with the government and local communities. The study found that such NGOs have been providing educational services, health services, and training programs for stakeholders (foreign workers, government officials, and local communities), as well as advocating in terms of government policies regarding the management of immigration. They not only want to see that foreign workers are provided with basic rights, but also want to have local communities recognize foreign workers as part of their communities. A study by Hall (2012) reported that the government in June 2011<sup>2</sup> tried to establish an accident insurance scheme for foreign workers from neighboring countries. In addition, the children of foreign workers, especially those in labor-intensive sectors, have been provided with formal education in schools along with Thai children. This positive trend in social protection shows some integration between Thais and foreign workers.

As mentioned previously, Thailand needs to increase the level of social integration between foreign workers and local communities in order to prepare for the influx of foreign workers expected under the provisions of AEC when it is launched in 2015, and the implementation of the country's new minimum wage policy. To increase social integration, Thailand needs to review certain aspects of its social structure, including the policies, legislation, role of institutions and most importantly the attitudes of local people and foreign workers.

### III. CONSTRAINTS TO SOCIAL INTEGRATION

The major constraint to social integration between foreign workers and local Thai communities is evident mostly in the attitude of Thais, especially government officials. Thus, this section discusses the

constraints to social integration, especially integration with current mechanisms. It starts with a brief introduction to current government mechanisms. Then, it analyzes the constraints of those mechanisms.

#### Government Policies

The study found that, for the irregular foreign worker, since the late 1990s when the country had been dealing with the aforementioned financial crisis, the increase in manufacturing costs forced local entrepreneurs to hire foreign workers from neighboring countries. This helped the employers remain competitive with others. In this period, there was an influx of foreign workers from countries sharing borders with Thailand. In order to manage those irregular workers, the government started to implement its "registration policy," which had been on the books since 1992. In 2001, the government tried to manage cross-border immigration by enhancing cooperation with the governments of Cambodia, Lao PDR, and Myanmar. Hence it signed MOUs on the employment of laborers from those countries. As a consequence, the government was able to control the number of the irregular foreign workers migrating into Thailand from those three neighboring countries.

National verification was another important policy that the government used to regularize foreign workers. However, there were many constraints to implement this policy: (a) system inefficiency; (b) the complexity of the national verification process and the absence of one-stop services; (c) lack of information among employers and foreign workers; (d) high costs from unregulated brokers; (e) fear among ethnic minorities from Myanmar; and (f) delays caused by foreign workers, particularly those from Myanmar, who had to return home for national verification. Therefore, there were many foreign workers from neighboring countries, especially minorities, that could not complete the process.

In 2009, the government loosened its policy of regularizing foreign workers by focusing more on protecting the rights of foreign workers, assuring the safety of their entry into Thailand and their return to their countries of origin. It encouraged potential workers to use the proper channels to expedite the process of regularization and guaranteed humane treatment of all workers, especially those with health problems. A draft amendment to the Alien Employment Act B.E. 2551 (2008) was proposed. In 2011, the Illegal Alien Workers Management Committee and its subcommittees concluded their deliberations and recommended the opening of a new foreign worker registration campaign to address what employers described as serious low-skilled labor shortages. The government agreed to re-open foreign worker registration to all workers from neighboring countries, including those who had not previously registered. The government's open-door policies on registration and

national verification had regularization as their main objective of the government.

By contrast, irregular foreign workers encountered difficulties entering into Thailand's labor market. For some of them, the country's open-door policies meant an increase in the cost of entering Thailand to work, as well as increased vulnerability to trafficking agents, and unscrupulous employers and government officials. Concerning costs, a study by Yongyuth (2012a) pointed out that the cost of registration for foreign workers was about 7,000-10,000 baht, which includes fees (3,780 baht), photograph and registration document (80 baht), medical check-up (1,300 baht), work permit application (100 baht) and a one-year work permit (1,800 baht), which is similar to the cost of obtaining national verification. Recently, the Department of Employment disclosed that the cost of national verification per foreign worker from neighboring countries is 4,500 baht (*The Nation* 2012). However, the actual fee is higher than that amount. As Hall (2012) noted, the fees for national verification services range between 5,000 and 10,000 baht per worker, which is expensive for both employers and foreign workers, most of whom are poor. Thus, it is undeniable that these policies are not so successful and can cover only small groups of foreign workers.

In 2011, the Illegal Alien Workers Management Committee and its subcommittees concluded their deliberations and recommended the opening of a new foreign worker amnesty/registration campaign to address the serious low-skilled labor shortages reported by employers. The government agreed to re-open foreign worker registration to all workers from neighboring countries, including those who had not previously registered. Although the government has open-door policies, it is worth noting that regularization is the main objective of the government, with the government encouraging foreign workers to register or obtain national verification.

Even if the institutions managing foreign workers in Thailand have full authority, some scholars, such as Hall (2011), have claimed that there are burdens connected with the management of foreign workers in Thailand, including negative attitudes and misconceptions on the part of Thais toward foreign workers.

In short, the above-mentioned details show that Thailand has developed mechanisms, including MOUs, institutions, laws and legislation, and policies regarding foreign workers. These mechanisms, when applied to irregular foreign workers, were found to be less effective than other measures. This is due to the fact that, because irregular foreign workers do not disclose details about themselves publically, it is very difficult for the government to follow up or monitor them.

In the context of the 300 baht per day minimum wage standard, this has attracted irregular foreign workers into the country and their numbers are increasing gradually. Hence, the greatest challenge for the government is to apply existing mechanisms, in

order to manage the immigration of irregular foreign workers. Other challenges concern the management of cross-border migration and cooperation with the countries of origin. In terms of cross-border migration, current government policy on the 300 baht per day minimum wage is the major pull-factor that is motivating foreign workers from neighboring countries to migrate to Thailand in search of work. The government needs to create a mechanism to better control cross-border migration, as it seems to increase continually. The government needs to develop its current level of cooperation with the governments of neighboring countries in order to manage cross-border migration.

Thailand is intensively dependent on irregular foreign workers and most government policies are focused on irregular foreign workers, yet it cannot overlook regular foreign workers who possess professional skills and are sources of investment, which helps increase the country's capabilities in developing innovations and its knowledge-based economy. The government enacted the Investment Promotion Act B.E. 2520 (1977), and since then has seen the country transition rapidly from being an agricultural economy to an industry economy. The rapid expansion of the Thai economy, especially in the mid-1980s, led to an increase in foreign investment and raised the level of compensation for highly skilled workers and highly competent workers. Owing to the fact that this period was characterized by labor-intensive work, Thailand experienced a shortage of labor in the highly skilled category as well as work requiring a high level of competency. The government therefore developed programs for highly skilled and highly competent foreign workers (Yongyuth 2008). Currently, the government is preparing policies for managing the migration of highly skilled workers in response to the launch in 2015 of AEC.

## Legislation

Thailand is one of the many destination countries that intends to develop laws and legislation regarding the management of immigration. It is a signatory to many conventions of the International Labour Organization (ILO) and has ratified 14 conventions. Vitit (2005) noted that Convention No. 29 on forced labor, No. 105 on the abolition of forced labor, No. 100 on equal remuneration, No. 122 on employment policy, and No. 182 on the worst forms of child labor have greatly influenced Thailand's laws including the Anti-Trafficking in Persons Act B.E. 2551 (2008).

As a signatory state to these ILO conventions, Thailand over the past 10 years has passed many national laws which help in managing immigration. Two major laws have a direct impact on foreign workers in Thailand; the first is the Immigration Act B.E. 2522 (1979), which concerns immigration in Thailand and the second is the Alien Employment Act

B.E. 2551 (2008), which deals with the employment foreign workers in Thailand.

In recognizing the importance of trafficking in persons issues, Thailand has further initiated the Act concerning Measures to Prevent and Suppress the Trafficking in Women B.E. 2540 (1997), the Trafficking in Labour Protection Act B.E. 2541 (1998) and the Anti-Trafficking in Persons Act B.E. 2551 (2008), to help prevent trafficking and protect the vulnerable and the victims of trafficking.

### Institutions

The main body for managing foreign workers in Thailand is the Ministry of Labour. Under the umbrella of that Ministry, the Office of Foreign Workers Administration (FWA) is the organization that manages the foreign workers who enter Thailand. The roles and responsibilities of FWA are: (a) processing work permit applications of foreign workers and assisting employers in the processing of their migrant workers' applications and helping fill their labor needs; (b) processing cases related to illegal entry and illegal irregular foreign workers; (c) coordinating with all relevant parties and agencies to manage foreign workers; (d) monitoring all cases related to the work and the employers of those workers; and (e) disseminating to the persons concerned all relevant and important information, including policies, laws and legislation, developments, and changes related to the registration system and work permit application. Prior to 2011, FWA was not responsible for the prevention or suppression of irregular foreign workers. However, it was approved by the Cabinet on April 26, 2011 that FWA be upgraded in order to increase its authority to arrest irregular foreign workers (Srawooth and Yongyuth 2012).

Other related government agencies working on managing foreign workers in Thailand include the Ministry of Interior, the Ministry of Defense, the Ministry of Public Health, the Ministry of Foreign Affairs, the Ministry of Social Development and Human Security, and the Immigration Bureau.

The Committee on Illegal Migrant Workers Administration (CIMWA) is the main body for managing irregular foreign workers in Thailand. This committee was established by a regulation of the Office of the Prime Minister in 2001. The responsibilities of the Committee include formulating policies, and preparing guidelines, work plans, and measures to manage and monitor actions against illegal foreign workers. The Committee is responsible for the prevention, suppression, and other necessary measures for dealing with such workers. Currently, CIMWA consists of eight sub-committees: (a) the Overall Illegal Migrant Workers Administration Sub-committee; (b) the Sub-committee on the Prevention of Illegal Migrant Workers; (c) the Sub-committee on the Employment System and Standard Setting for Illegal Migrant Workers; (d) the Sub-committee on Public Relations;

(e) the Sub-committee on Suppression, Arrest and Prosecution; (f) the Sub-committee on Repatriation; (g) the Sub-committee on Monitoring and Evaluation; and (h) the Sub-committee on Directing and Cooperating Security Measures Related to Solving the Problems of Illegal Workers from Cambodia, Lao PDR, and Myanmar (Srawooth and Yongyuth 2012).

### The Constraints Facing the Government's Mechanisms on Social Integration

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There are constraints currently on the government's mechanism, which have been found to be not so effective, especially when applied to irregular foreign workers. This is due to the fact that irregular foreign workers are not known to the public, and because it is too difficult for the government to follow up or monitor these workers. Most of the constraints involve awareness of foreign workers, employers and government officials, the discontinuity of the measures in terms of policy implementation, the inadequate capacity of government officials, as well as corruption among government officials, the ineffective mandates of the government (Yongyuth 2012b), and outdated legislation.

The most important constraint however is the attitude of Thais. Owing to the fact that social integration concerns "individuals" and their "attitudes," the greatest challenge is how to increase the level of social integration. As a host country, Thailand needs to consider the consequences of social integration for its social structure and national security, as well as help foreign workers to access existing systems as one of their human rights. The attitude of government officials and the issue of transparency are also important factors. In trying to fully explain the constraints on social integration, it is necessary to subdivide the constraint into those that affect irregular foreign workers and those that affect regular foreign workers. Although there are many mechanisms for managing irregular foreign workers, the study found that the attitude of Thais often produces a negative impact in terms of implementing the mechanism.

A study by Hall (2012) pointed out that the negative attitude of Thais toward foreign workers makes them vulnerable to human trafficking and exploitation. In addition, negative attitudes have negative impacts on the implementation of government policies. The negative attitude of government officials and other Thais sometimes is reflected in discontinuity in the implementation of such policies as those on registration. Srawooth and Yongyuth (2012) claimed that during the period 1992-2009 government policy on registration continued but in different measures. There was no standard with regard to area; the only specifics were related to occupation or industry, resulting in alien workers being dispersed widely throughout Thailand, which is a difficult situation to manage.

With regard to regular foreign workers, there are fewer problems than with irregular foreign workers. As regular foreign workers are acknowledged as possessing professional skills, investments, and the ability to make Thais more open to them than the irregular foreign workers. However, there are a few constraints that Thailand needs to resolve as soon as possible before the launch of AEC in 2015. According to Hall (2012), it can be briefly summarized that the constraints to manage regular foreign workers include cooperation among stakeholders and the management of qualification and competency standards.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

The study described the important role of foreign workers in Thailand, especially in driving Thailand's economy and labor market. With regard to the challenge of managing immigration in Thailand, the study found that social integration is the major challenge. Thailand is now highly dependent on foreign workers, especially foreign workers in the low-skilled category, yet the study found that the quality of life of such workers, especially with regard to basic human rights, needs to be improved. In this context, improvement means increasing integration with local communities.

Such social integration between foreign workers and local communities involves the process of individuals building relationships and becoming a part of society. The concept involves "social inclusion" and "social acceptance." The local community needs to accept the foreign workers (newcomers) and provide them with benefits equally with those afforded local people. As a major destination country, Thailand needs to review its social integration process because the study apparently shows that there will be an increase in the number of foreign workers, especially after the country participates in AEC in 2015 and the announcement of the government's policy on a 300 baht per day minimum wage.

In terms of social integration, it seems that the regular foreign workers have fewer worries than irregular foreign workers. This situation is due to the fact that regular foreign workers have legal status, which means they are protected under Thai law. Although irregular foreign workers are acknowledged to be a key contributor to Thailand's labor market, and many social mechanisms, such as government policies, legislation and institutions, have been developed to protect them, irregular foreign workers have not been integrated into local communities. Those foreign workers are still excluded from and marginalized in Thai society, which makes them vulnerable to being trafficked and exploited.

Hall (2012) explained that this situation is due to the attitudes of Thais. Their negative attitudes have

an impact on the implementation of government policies, legislation and institutions. Thus, to improve and enhance social integration between foreign workers and Thai communities, the government and individual Thais must change their attitudes toward foreign workers. The government needs to realize that these foreign workers have rights as well as human dignity; however, it also needs to consider national security as a priority. Social integration does not mean long-term integration. The study pointed out that, while these foreign workers live in Thailand, they must be provided with social services on par with those afforded to Thais.

Besides the challenges and the solutions for improving social integration, some observations are made in the study regarding the management of immigration in Thailand, including on registration and cooperation with countries of origin, especially neighboring countries, and social protection for foreign workers in Thailand.

The study found that there are many obstacles to the registration policy, including registration fees, lack of transparency, and outdated mandates. The study found that the registration fees are often higher than those announced by the government. The Director General of the Department of Employment disclosed recently that the actual fees charged as part of the registration process do not exceed 10,000 baht, but they are increased if the foreign workers use agents (*The Nation* 2012). Thus, many foreign workers become victims in this process. In addition, the study found that this policy cannot control the influx of foreign workers into Thailand. Yongyuth (2012a) pointed out that this policy has been implemented for 16 years; yet, the number of foreign workers tends to increase every time there is a new registration. In view of the lack of control, the government must consider ceasing to implement the registration process. The MOU process would be an option for controlling the influx of foreign workers.

The government also needs to consider extending the duration of work permits for foreign workers. Theoretically, this would help Thai entrepreneurs to retain their experienced workers, and it would reduce the travelling costs for foreign workers. The government needs to study the impact of work permit duration on Thailand's labor market and economy.

Finally, the government needs to review its policies, legislation and institutions involving social protection for foreign workers. It needs to expand social protection to cover the families of foreign workers. The study found that the families, especially the children of foreign workers, often become vulnerable to child trafficking and child labor. The government needs to eliminate human trafficking and corruption, and develop existing social mechanisms so that they are consistent with international standards.

## ENDNOTES

- <sup>1</sup> The foreign workers are sometimes called as “perfect businesses for employment agencies” (Molland 2010) because they are supposed to be monetary sources for the agencies. Within the chain of this perfect business, the employment agencies not only get benefits from the foreign workers but also from the employers who represent their demand for these foreign workers.
- <sup>2</sup> This scheme is managed by a private insurance company. It is a contributory scheme and the foreign workers are required to contribute 1,300 baht per year to the scheme.

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