Sustainable Solutions to the Displaced Person Situation
On the Thai-Myanmar Border

Yongyuth Chalamwong
and the Thailand Development Research Institute team

Conducted in collaboration with the United Nations Development Programme
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Acknowledgements

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We would like to sincerely thank to the cooperation and the contribution from the other six research team. We hope that the study on "Livelihood Opportunities and Labour Market in Temporary Shelters and Surrounding Communities" will improve the livelihood opportunities of displaced persons in temporary shelters.

Yongyuth Chalamwong

Thailand Development Research Institute

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Executive Summary

This study presents an overview of livelihood opportunities of displaced persons in temporary shelters and of the surrounding communities. It explores labour market conditions and provides recommendations aimed at improving the livelihoods opportunities of the displaced persons notably. Three temporary shelters were selected for study; Ban Tham Hin (Ratchaburi province), Ban Mai Nai Soi (Mae Hong Son province) and Ban Mae La (Tak province). In each shelter, a variety of research methods was used to analyse livelihoods and labour market opportunities of displaced persons. Data was collected by surveys, focus group discussion, in-depth interviews and literature review. Respondents included displaced persons, staff members of NGOs working in shelters areas, local authorities and local entrepreneurs. According to the agreement of working group, the study assessed the pilot projects which are implemented by Non Government Organizations instead of creating new pilot project.

Thai Labour Market

Ratchaburi province was found to rely heavily on migrant labour. As the province is home to a large number of migrant workers, there is no direct need to employ displaced persons from the temporary shelters. However, the local investors and entrepreneurs mentioned that they were willing to employ the displaced persons in order for humanitarian assistance if the government would relax its policies and allow displaced persons to work; they would agree to work with the authorities and take responsibility for displaced persons’ registration processes and other procedures required. Presently, if the situation is analysed at a more local level, it appears that the areas surrounding the temporary shelter are in fact encroachment areas used for livestock, agriculture and farming. The latter mostly concerns perennial farming which is characterised by seasonal demand for labour, especially during the planting and harvesting seasons when there is lots of mowing, shovelling, and crop harvesting to be done.

In Mae Hong Son, agriculture is mostly subsistence agriculture, and only to a limited extent commercial. It therefore requires fewer workers. Employment opportunities are strongly seasonal and occur during the planting and harvesting seasons. In the past, displaced persons from temporary shelters have been known to escape from their shelters to work on farms during these seasons. A higher demand for labour is produced by the service sector, especially the tourist industry. However, is demand is largely being met by migrant labour from Myanmar and other neighbouring countries, as well as by members of hill tribes.

Tak province is characterised by an excess supply of labour (if migrant workers are included in the equation). Demand for labour provided displaced persons is therefore limited. Furthermore, employers seem hesitant to the hire displaced persons because this may provoke condemnation of the government of Myanmar and jeopardise the easy import of Myanmar labour. In addition, little public support can be expected for policies that would allow displaced persons to sell their products outside the shelters. Local sellers fear the increase of competition that it would provoke. So the fact that there is a high demand for labour in the area near the shelters does not automatically imply that displaced people can easily put to work since there are also other sources of labour available.

Livelihoods of Displaced Persons

The study found that livelihoods of displaced persons were in poor condition specifically economic condition; while the study showed that most of displaced persons have low income, there is an increasing of demand for cash inside the temporary shelter. The demand for cash is the push factor that forces the displaced persons to engage in income generating activities. The study found that the majority of displaced persons in temporary shelters do engage in income
generating activities, despite the though labour market conditions and in spite of the humanitarian assistance provided by UN agencies, NGOs and Donors. The four main activity types are agricultural related, animal husbandry, stipend work and casual work. The study revealed that due to the confinement policies of Royal Thai Government most of the income generating activities of displaced persons occur inside the shelters rather than outside. Relatively few displaced persons have made it a habit to escape from the shelters to work outside. Displaced persons who do work outside the shelters mostly engage in casual work in agricultural sector; the survey disclosed that the local entrepreneurs in agricultural sector had the prospect of need to employ the displaced persons. Most of the displaced persons who engage in casual work in agricultural sector mostly engage in paddy farming, crop farming, husbandry, and etc. They usually work in the areas directly around the shelters or in villages nearby.

The study also disclosed that the majority of the displaced persons are willing to work to generate income. This was particularly true for the inhabitants of the Ban Tham Hin and Ban Mai Nai Soi shelters, but less so for Ban Mae La. Displaced persons who declared their willingness to work, indicated that they mostly prefer to work inside the shelters rather than in other places, and most of them prefer stipend work.

In current situation, there are livelihood pilot projects which are implemented by Non Government Organizations such as ZOA, JRS, TBBC and WEAVE. Most of the pilot projects involve agricultural activities, handicrafts and sewing. However, there is not much impact in term of income generation because the programmes aim at increasing self-help. In addition, income generating programmes in temporary shelters cover a small proportion of the displaced persons residing in the temporary shelter. The survey further disclosed that the displaced persons require language training, specifically Thai language as well as English language in order for their employment opportunities and resettlement.

The pilot projects increase the household income of the displaced persons. The average income for displaced persons involving in pilot projects is increased between 500 – 1000 baht per month. Some pilot project such as AIGPP project that implemented by ZOA create the relationship between displaced persons community and local communities. Furthermore the pilot projects provide the opportunities and empower displaced persons in term of knowledge and reduce aid dependency.

Key recommendations following from the study are for displaced persons to: 1) return to their home country (Myanmar); or 2) move to third countries. The first option requires that the Thai government together with international organisations such as the United Nations negotiate with the government of Myanmar about the return and resettlement of displaced persons. The government of Myanmar, NGOs and possibly the Thai government could help with the provision of necessary infrastructures such as housing, water supply, transportation and electricity, and introduce the displaced people to possible career opportunities in for example agriculture. The second option requires the continued support from the agencies that are also currently involved in guiding transfers to third countries (i.e. the International Rescue Committee and the International Organisation of Migration). These agencies should design a road map regarding the transfer and assist in its implementation. It should be attempted to complete the process within three to five years.

The implementations of both options could take several years to complete. It is therefore necessary to meanwhile improve the livelihoods of displaced persons in the temporary shelters, so that they have an opportunity to enjoy a reasonable quality of life while awaiting further steps.
In promoting income generating activities for displaced persons the focus should be on temporary jobs and subcontracted activities that can be performed inside the shelters. Stipend work such as jobs involving food management, education, health, security, etc., should be promoted as well as small businesses such as restaurants, bakeries, grocery shops, etc. Jobs outside the shelters are not recommended because working outside the shelter is a sensitive issue and against the provisions of the Thai government. The related organizations need to consider to increases the self-help programme inside the temporary shelters continuing the existing pilot projects. Business plans for creating the self-help programmes should be created by Non Government Organization in order to propose to Ministry of Interior. The self-help programme should be profitable with the displaced persons’ communities and the surrounding communities. The study showed that sewing programme, and handicraft programme should be developed as business plan because the programmes can be implemented in limited areas.
Chapter 1

Introduction

1.1 Background

Myanmar, or officially the Republic of the Union of Myanmar, has a total area of 676,590 km². Myanmar is located on the mainland of South East Asia. It shares borders with China, Laos, India and Thailand. Myanmar has an estimated population of almost 54 million [1]. It has a diverse population; there are over a hundred ethnic groups. Officially, Myanmar’s population is divided up into eight major national races: the Barman, Shan, Mon, Kayin, Kayah, Chin, Kachin and Rakhine. The Myanmar government has further subdivided these eight groups into 67 subgroups [2]. Myanmar’s diverse population has indeed resulted in ethnic tensions, which have played a major role in Myanmar's political unrest. Since 1992, Myanmar has been governed by the military junta, who have been frequently accused of repressing ethnic minority activists [3].

Myanmar gained independence in 1948 and has since then become home to some of the longest-running insurgencies in the world. Although various ceasefire agreements have been made, some active insurgent groups still refuse to accept them [4]. The ongoing political unrest has a devastating effect on local populations and the country as a whole. This has given rise to a large outflow of ethnic minorities from Myanmar into neighbouring countries. From these, Thailand has been the most popular destination, although few displaced persons considered Thailand to be their final destination. In the past, they only resided in Thailand until they could move to a third country, with the United States and the Netherlands ranking among the most favoured final destinations. However, in recent years, for various reasons, these countries have reduced their refugee quotas, as a result of which the number of displaced persons residing in Thailand has increased.

Over the last three decades Thailand has hosted almost 3 million displaced persons [5]. The Royal Thai Government (RTG) has provided humanitarian assistance for these ethnic minorities by giving them shelter. However, these ethnic minorities have not been granted refugee status. Within the territory of the Kingdom of Thailand these ethnic minorities are regarded as “displaced persons” (DP). Displaced persons residing in Thailand have been allocated temporary shelters located along the Thailand-Myanmar border. They have not been allocated permanent shelters since the RTG did and does not envisage permitting the displaced persons to stay in Thailand all the time. RTG’s policies aim at repatriation of the displaced persons to their original countries. However, this could prove to be difficult. Efforts have also been made to resettle the DP in other countries, but as noted several countries have gradually reduced their resettlement quotas for refugees and therefore this process has also become increasingly difficult. Instead, and on the ground of national security, the RTG has adopted confinement policies aimed at prohibiting displaced persons from leaving their allocated shelters and engaging in income generating activities outside their shelters.

note: estimates for this country take into account the effects of excess mortality due to AIDS; this can result in lower life expectancy, higher infant mortality, higher death rates, lower population growth rates, and changes in the distribution of population by age and sex than would otherwise be expected (July 2011 est.)

2 “The repression of ethnic minority activists in Myanmar” Amnesty International (February 2010)
4 “Over the last three decades Thailand has hosted almost 3 million refugees. Currently around 150,000 refugees from Myanmar live in 9 camps along the Thailand-Myanmar border and at least 1,000 asylum-seekers reside in urban areas. In addition, more than 200,000 other Myanmar refugees, including ethnic Shan fleeing human rights abuses in Shan State, are believed to be living outside the camps in Thailand.” - A Comprehensive Plan Addressing the Needs of Displaced Persons on the Thailand/Myanmar (Burma) Border in 2007/8, CCSDPT/UNHCR (2007)
Such confinement policies have been implemented since 1984 and have attracted criticism for having created a state of dependency among the displaced persons. While the policies are legitimate and their adoption, on the ground of national security concerns, understandable, disallowing displaced persons to work outside their allocated shelters has increased their reliance on humanitarian assistance, and strained the RTG and the donor community to considerable extent. Moreover, it has also been found that the restrictions placed on displaced persons’ freedom of movement negatively affect the psychological health of the shelter residents [6]. Various agents have called for more sustainable and feasible approaches to handling displaced persons so as to make them more self-reliant.

The livelihoods of displaced persons residing in the shelters depend on the humanitarian aid from various agencies. These include the RTG; UN agencies, especially the United Nations High Commissioner for Refugees (UNHCR); and NGOs such as Thailand Burma Border Consortium (TBBC), ZOA Refugee Care (ZOA) and COERR. According to TBBC Programme Report – January to June 2010, the total budget spent on displaced persons along the Thai-Myanmar border in 2009 was 1,942 million baht. Figure 1.1.1 reveals that the largest amount of funding provided by foreign governments such as the Governments of Denmark, Canada, Sweden, and so on, who sponsor NGOs that work in the temporary shelters in Thailand. This category alone accounted for no less than 81% of the total funding in 2009. Next to this, UNHCR and other UN agencies accounted for 9% of the funding, and other sources for 10%.

**Figure 1.1.1** Source of funding provided for displaced persons in 2009

The European Union (EU), through the European Commission’s Humanitarian Aid and Civil Protection department (ECHO), is another major donor assisting the displaced persons residing along Thai-Myanmar border. Funding is mainly directed at food aid, health care and the provision of clean water and sanitation. The report of ECHO in 2011 pointed out that * 8 million has been committed to support displaced persons in six temporary shelters. The report further mentioned that the total funding since 1995 has been approximately * 103 million. The funding has been provided through the implementing partners such as Thailand – Burma Border Consortium (TBBC), Aide Medicale Internationale (AMI), Malteser International, International Rescue Committee (IRC), ZOA and United Nations High Commissioner for Refugees [7].

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Figure 1.1.2 Expenditure by sector in 2009


Figure 1.1.3 shows that the cost per displaced person per annum in 2009 was approximately 8,000 baht. During the past 25 years, the cost per displaced person per annum has generally increased. This trend is expected to continue into 2011. The cost per displaced person generally depends on two variables; the total amount of funding available and the number of displaced people.

Figure 1.1.3 Cost per displaced person per annum


1.2 Research Objectives

The research objectives are:
- To determine the economic situation of displaced people in temporary shelters
- To determine the economic gap between displaced people residing in temporary shelters and the locals residing outside temporary shelters
- To identify the attitude of displaced persons toward work and their preferences regarding the types of jobs and expected wages whilst taking into account gender aspects.
• To study the demand for labour at the regional, provincial and district level in major sectors, taking into consideration the national development plan, and to assess whether there are any mutually beneficial employment possibilities
• To study the socio-economic impacts on the local economy from allowing displaced people to work outside their temporary shelters
• To study the opportunities for sub-contracted work in the temporary shelters
• To provide recommendations on improving the livelihood of displaced people in the temporary shelters
• To study the pilot projects in the temporary shelters
Chapter 2
Research Methodology and Profile of the Shelters

2.1 Conceptual Framework

The livelihood and employment opportunities of displaced persons occupy centre stage in the research framework. Regarding the livelihood opportunities, the research team compared the livelihood of displaced persons’ households with members working inside the temporary shelters with displaced persons’ households with members working outside the temporary shelters. The research team looked at cash income, the source of the income and income generating activities in order to compare the two groups.

Regarding the labour market, the research team looked at both the demand and supply side of the Thai labour market. For the demand side, the research team studied the overall demand for labour for each educational level and identified the demand for displaced people’s labour both inside and outside the shelters. For the supply side, the research team studied displaced persons’ population to identify the number of people of working age (i.e. the workforce), the number of displaced persons who are willing to work, and the displaced persons’ educational background. The research team also looked into the factors that affect displaced persons’ decisions to enter the labour market.

Figure 2.1.1 Conceptual Framework

Source: Authors’ compilation (2011)

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1 Note: while the law is strict and states that displaced people are prohibited from leaving and/or working outside their temporary shelters, law enforcement is more relaxed. In practice there often exist unwritten agreements or understandings between displaced people and the officers, with the latter turning a blind eye on displaced people who work in the nearby areas.
2.2 Research Methodology and Analytical Tools

The data used in the research came from three main sources: secondary data, participatory assessments and field surveys.

The current state of the knowledge and the remaining information gaps were identified by performing a thorough preparatory and background analysis consisting of a comprehensive desk review. Existing data was taken stock of and studies and information at the national, regional and provincial levels were used.

For the desk review, the research team considered documents relating to the livelihood opportunities and the existing income generating activities of displaced persons residing in shelters located along the Thailand-Myanmar border, as well as documents relating to the willingness of local entrepreneurs to employ displaced persons. Furthermore, amongst others existing data related to Thailand's Labour market, data from the Socio-Economic Survey (SES), and the UNHCR Statistical Online Population Database were considered.

Regarding participatory assessment, techniques employed included focus group discussions and in-depth interviews and questionnaires. These were conducted in the studied locations.

For the focus group discussions, the research team divided the focus group into two groups. The first group consisted mainly of local authorities and local entrepreneurs. The second group consisted of camp committees and displaced people who had experience with working outside the shelters. As a result, the focus group discussions with local authorities and local entrepreneurs were primarily concerned with the labour market situation, the demand and supply of labour in the province, and demand for displaced person workforce by local entrepreneurs. However, these groups also discussed the limitations to employment of displaced people, and sustainable solutions regarding the livelihoods of displaced people. There were 15 participants attending the focus group in Ratchaburi province, 13 in Mae Hong Son province, and 12 in Tak province (Mae La).

The focus group discussions with camp committees and displaced people who had an experience of working outside the shelters were concerned with various topics including displaced persons' job preferences, job criteria and wages, their willingness to work both inside and outside the shelters, the skills they would like to learn and factors which influenced their decision to enter the labour market. Discussions with camp committees were mainly about the livelihoods of displaced people, source of income, possibilities for skills training, and potential resolutions to improve the livelihood of displaced people. There were 30 attendants in Ratchaburi province, 15 in Mae Hong Son province, and 20 in Tak province (Mae La).

For in-depth interviews with key informants, the research team interviewed Tambon Administrative Organisations (TAO) and NGOs (ZOA, COERR, TBBC, and WEAVE). For the in-depth interviews with the TAOs, main issues covered concerned the impacts of the temporary shelters and the economic activities employed by displaced people on the livelihoods and employment of the local communities. In-depth interviews with the NGOs focused on the livelihoods of the displaced people. With the ZOP the discussion was on the Agricultural Income Generation Pilot Project (AIGPP), while with the TBBC the discussion was on the Community Agriculture and Nutrition (CAN). With the WEAVE the discussion was about the Economic
Empowerment Development (EED). In addition to their livelihood improvement programs, the NGOs also talked about possible resolutions to sustain the livelihoods of displaced people.

Finally, questionnaires were conducted with displaced people. The questionnaire was divided into two parts; the first part collected demographic information while the second part dealt with labour market and employment opportunities.

The research was conducted in three locations: Ban Mae La temporary shelter (Tak province), Tham Hin temporary shelter (Ratchaburi province) and Ban Mai Nai Soi temporary shelter (Mae Hong Son province). The three locations were selected based on the livelihood pattern of displaced persons residing in the temporary shelters. The participants were selected by stratified random sampling technique. The sample size the research team used was approximately 400 (assumed error of sampling: 0.05). The total sample size was 437: 223 respondents were from Ban Mae La temporary shelter (Tak province), 111 respondents were from Tham Hin temporary shelter (Ratchaburi province) and 103 respondents were from Ban Mai Nai Soi temporary shelter (Mae Hong Son province). (Table 2.2.1)

Table 2.2.1 Total of participants

<table>
<thead>
<tr>
<th>Temporary Shelter</th>
<th>Age of respondents</th>
<th>Total</th>
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<tr>
<td></td>
<td>15 - 30 years old</td>
<td>31 - 44 years old</td>
</tr>
<tr>
<td>Tham Hin temporary shelter</td>
<td>49</td>
<td>37</td>
</tr>
<tr>
<td>Ban Mae La temporary shelter</td>
<td>93</td>
<td>87</td>
</tr>
<tr>
<td>Ban Mai Nai Soi temporary shelter</td>
<td>47</td>
<td>34</td>
</tr>
<tr>
<td>Total</td>
<td>189</td>
<td>158</td>
</tr>
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</table>

Source: Survey

As for the analytical tools, econometric programs such as the Statistical Package for the Social Sciences (SPSS), Stata, and Economic view (E-view) were used.

2.3. Limitation of the Research

There are two limitations that need to be acknowledged and addressed regarding the research. The first limitation concerned the status quo of displaced persons. While the research aimed to find out the opportunities for displaced persons to participate in the labour market outside the temporary shelters, an important barrier was the status quo of displaced persons. Even though local entrepreneurs in selected areas showed their willingness to employ displaced persons from temporary shelter, the status quo made this impossible. Furthermore, the Thai labour market now faces excess supply of migrant labour. This apparently also holds true for Ratchaburi province and Tak province, and therefore, the research has been less concerned with the opportunities outside the temporary shelters.

The second limitation concerned primary data utilizing person-to-persons interviews. Not all issues were explored during the survey, due to time constraints and, partially, due to the limitation in communication. Even though the research team used interpreters during the interviews, the interpreters not always appeared to fully understand the Thai language. Thus, there were some misleading messages during
collecting primary data. In addition, the questionnaire was not designed to collect information on training needs, thus the part of the analysis dealing with training needs may not be accurate.

The third limitation concerned secondary data. Much of the published data was outdated, in particular the data for migrant workers in the labour market. It was found that the latest statistics for migrant workers were collected in 2009 by the National Statistic Office (NSO), thus the statistics might not represent the current situation.

2.4. Profile of the shelters

Demographic Information
Table 2.4.1 reveals that in all three temporary shelters, the number of registered displaced persons outnumbered the number of unregistered persons, although the proportions vary. In Ban Mai Nai Soi shelter, the proportion of registered displaced persons was significantly higher than the unregistered. The proportion of males and females and their demographic structures were similar in all three shelters.

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<tr>
<td>Karen</td>
</tr>
<tr>
<td>Karenni</td>
</tr>
<tr>
<td>Rohingya</td>
</tr>
<tr>
<td>Shan</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>


As for the ethnic composition of the population there was a noticeable difference between the three temporary shelters. In Tham Hin, all of the population were Karen, in Mae La the majority of the population were Karen though there were also various other ethnic groups. In Ban Mai Nai Soi on the other hand, the majority of the population were Karenni. Here, Karen formed only a small minority, along with Shan and a number of other ethnic groups.

The DPs and Basic Education
It was found that about 26% of the total population in Mae La shelter and almost 20% of the total population in Tham Hin shelter have attended basic education provided by ZOA [2]. Table 2.4.2 shows that there is no apparent difference in education enrolment between males and females in both shelters. However, for both shelters the number of students clearly decreases when the level of education rises (Grade 1 – 12). Interestingly, this trend is not visible in Ban Mai Nai Soi (Table 2.4.3).

---

Table 2.4.2 Basic Education of displaced persons in Mae La and Tham Hin temporary shelters

<table>
<thead>
<tr>
<th>Grades</th>
<th>Mae La: Number of student sitting exams March 10</th>
<th>Tham Hin: Number of student sitting exams March 10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Kindergarten</td>
<td>153</td>
<td>152</td>
</tr>
<tr>
<td>Grade - 1</td>
<td>715</td>
<td>745</td>
</tr>
<tr>
<td>Grade - 2</td>
<td>614</td>
<td>560</td>
</tr>
<tr>
<td>Grade - 3</td>
<td>666</td>
<td>672</td>
</tr>
<tr>
<td>Grade - 4</td>
<td>508</td>
<td>487</td>
</tr>
<tr>
<td>Grade - 5</td>
<td>571</td>
<td>568</td>
</tr>
<tr>
<td>Grade - 6</td>
<td>433</td>
<td>487</td>
</tr>
<tr>
<td>Grade - 7</td>
<td>359</td>
<td>388</td>
</tr>
<tr>
<td>Grade - 8</td>
<td>334</td>
<td>318</td>
</tr>
<tr>
<td>Grade - 9</td>
<td>352</td>
<td>331</td>
</tr>
<tr>
<td>Grade - 10</td>
<td>302</td>
<td>306</td>
</tr>
<tr>
<td>Grade - 11</td>
<td>235</td>
<td>232</td>
</tr>
<tr>
<td>Grade - 12</td>
<td>207</td>
<td>174</td>
</tr>
<tr>
<td>Total</td>
<td>5449</td>
<td>5420</td>
</tr>
</tbody>
</table>

Source: 2009 - 2010 Academic Students Statistics in seven Karen shelters; Unpublished statistic of ZOA (made up on 10 March 2010)

Table 2.4.3 Basic Education of displaced persons in Ban Mai Nai Soi shelters

<table>
<thead>
<tr>
<th>Ban Mai Nai Soi (as of July 2010)</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>P 1</td>
<td>218</td>
<td>150</td>
<td>368</td>
</tr>
<tr>
<td>P 2</td>
<td>121</td>
<td>135</td>
<td>256</td>
</tr>
<tr>
<td>P 3</td>
<td>265</td>
<td>244</td>
<td>509</td>
</tr>
<tr>
<td>P 4</td>
<td>198</td>
<td>194</td>
<td>392</td>
</tr>
<tr>
<td>P 5</td>
<td>53</td>
<td>26</td>
<td>79</td>
</tr>
<tr>
<td>P 6</td>
<td>132</td>
<td>122</td>
<td>254</td>
</tr>
<tr>
<td>Total</td>
<td>987</td>
<td>981</td>
<td>1858</td>
</tr>
</tbody>
</table>

Source: Unpublished statistic of Jesuit Refugee Service (obtained in January 2011)

Livelihood and Employment Opportunities of DPs in the three studied shelters

Table 2.4.4 summarizes the livelihood and employment opportunities of the displaced persons in the three shelters studied. As to the size of the locations, Tham Hin temporary shelter (approximately 18 acres) is the smallest of the three, followed with Ban Mae La (approximately 460 acres). Ban Mai Nai Soi (approximately 1,000 acres) is by far the largest. Tham Hin's small size could limit the possibilities for developing income generating activities inside this shelter. And while it is true that Ban Mai Nai Soi has the largest area, the scope for improving displaced persons' livelihood opportunities here is severely limited by the rather inaccessible nature of its location. The shelter is located on a mountain and surrounded by a thick forest, and it takes about an hour's drive to get there. For as far the location is concerned, Ban Mae La is

considered to have to most potential for improving displaced persons’ livelihood opportunities. It’s location along the national road number 105, between Mae Sot and Mae Sarieng, guarantees relatively smooth access and transportation is available.
**Figure 2.4.4 Livelihood and Employment Opportunities of DPs**

<table>
<thead>
<tr>
<th>Location of shelters</th>
<th>Tham Hin</th>
<th>Ban Mai Nai Soi</th>
<th>Ban Mae La</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tham Hin shelter is located in Suan Phung district, Ratchaburi province. It is approximately 53 km away from Ratchaburi. The shelter is located 10 km from the Myanmar border. The size of the shelter is approximately 44 rais.</td>
<td>Ban Mai Nai Soi is located in Tambon Pang Moo, Muang District, Mae Hong Son province. It is 25 km far from Mae Hong Son. It located in thick forest. The shelter is located 6 km from the Myanmar border. The size of the shelter is approximately 2,500 rais (400 hectares).</td>
<td>Ban Mae La is located in Tha Song Yang district, Tak province. The shelter is situated 60 km from Mae Sot and 1 km from Ban Mae La moo. The shelter is located along the national road number 105 between Mae Sot and Mae Sarieng. The shelter is located 10 km from the Myanmar border. The size of the shelter is approximately 1,150 rais divided into 3 zones (A, B, and C). Each zone is further divided into subzones (A1-A5, B1-B5, C1A, C1B and C2-C5).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source of income</th>
<th>Casual work</th>
<th>Stipend work</th>
<th>Stipend work</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Remittances</td>
<td>Petty trading</td>
<td>Petty trading</td>
</tr>
<tr>
<td></td>
<td>Stipend work</td>
<td>Casual work</td>
<td>Remittances</td>
</tr>
<tr>
<td></td>
<td>Petty trading and selling agricultural products</td>
<td>Petty trading</td>
<td>Petty trading and selling agricultural products</td>
</tr>
<tr>
<td></td>
<td>Casual work</td>
<td>Remittances</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Remittances</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Income                     | DPs working inside the shelter earned approximately 30 - 59 baht per day while DPs working outside the shelter earned approximately 130 - 159 baht per day. The minimum income per annum was 7,920 baht and the maximum income per annum was approximately 30,056 baht. | DPs working inside the shelter earned approximately 30-59 baht while DPs working outside the temporary shelter earned approximately 100 - 129 baht per day. The minimum income per annum was 7,920 baht and the maximum income per annum was approximately 34,056 baht. | DPs working inside the shelter earned approximately 30-59 baht or less per day while DPs working outside the temporary shelter earned approximately 100 - 129 baht per day. The minimum income per annum was 7,920 baht and the maximum income per annum was approximately 34,056 baht. |

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5. Ibid
6. Ibid
7. Ibid
9. Ibid, p.60
10. Ibid, p.60
12. Ibid, p.80
13. Ibid, p.80
<table>
<thead>
<tr>
<th>Tham Hin</th>
<th>Ban Mai Nai Soi</th>
<th>Ban Mae La</th>
</tr>
</thead>
</table>
| 41,976 baht | Employment opportunities for DPs in Tham Hin shelters were as follows;  
- Agriculture  
- Sewing  
- Food distribution  
- Thatch making  
- Weaving  
- Teaching and providing medical services  
- NGOs employee | Employment opportunities for DPs in Ban Mai Nai Soi shelters were as follows;  
- Agriculture  
- Sewing  
- Food distribution  
- Thatch making  
- Weaving  
- Teaching and providing medical services  
- NGOs employee | Employment opportunities for DPs in Ban Mae La shelters were as follows;  
- Animal raising  
- Agriculture  
- Sewing  
- Food distribution  
- Thatch making  
- Weaving  
- Trading livestock  
- Teaching and providing medical services  
- NGOs employee |

Source: 1. Information obtained from the field surveys in the three studied locations  
2. UNHCR/ILO Livelihood Report: Volume 1 Mae Hong Son Province (2007), p.60  
Chapter 3

Literature Review

3.1 Livelihoods Patterns of Displaced Persons

Thailand has not signed the 1951 Convention relating to the Status of Refugees [1] and therefore the country cannot be held accountable for its treatment of displaced persons. The Thai government has been providing temporary shelters to the ethnic minorities who have fled from Myanmar to Thailand, but these ethnic minorities have not been granted refugee status. Since 1995, the Thai government has adopted confinement policies, according to which displaced persons are prohibited from leaving their allocated shelters or engaging in income generating initiatives outside their shelters. Displaced persons in temporary shelters have been receiving humanitarian aid from the Thai government, NGOs, Foreign governments and UN inter-agency [2].

From the study and literature review regarding displaced persons residing in temporary shelters, it can be concluded somehow that their freedom is limited since they are restricted from leaving their shelters.

Most of the displaced persons used to make a living through farming; however the possibilities for agriculture and horticulture are limited to some projects implemented by NGOs, such as ZOA. Some horticulture and tree planting is allowed within the shelter boundaries. However, animal raising in the shelters is officially prohibited but implementation of this regulation varies between shelters [3].

The study that was conducted by ECHO (2009) found that productive assets are available in temporary shelters (e.g. skilled labour), but it is limited to a small part of the displaced persons (5% on average with some variation between shelters). Skilled labour as a source of income was mentioned by 7% of the households interviewed [4].

Displaced persons residing in the temporary shelters can be categorised into three groups on the basis of their income levels: ‘very poor’, ‘middle group’ and ‘better off group’ [5]. Table 3.1.1 shows some characteristics of households belonging to each of these groups. The study by ECHO also shows that displaced persons’ education levels are positively correlated with their income levels.

---

Table 3.1.1 Displaced persons in temporary shelters categorised by their income levels

<table>
<thead>
<tr>
<th>Very Poor</th>
<th>Middle Group</th>
<th>Better Off Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Average income &lt; 100 baht per month</td>
<td>- Average income between 100 and 2200 baht per month</td>
<td>- Average income &gt; 2200 baht per month</td>
</tr>
<tr>
<td>- Household without male of working age</td>
<td>- Relatively high education level</td>
<td>- Secondary education or higher</td>
</tr>
<tr>
<td>- No relatives in shelter</td>
<td>- Fixed employment</td>
<td>- Fixed employment</td>
</tr>
<tr>
<td>- Low education level</td>
<td>- Possess agricultural land or productive assets</td>
<td>- Often own a shop/vehicles/electronic items</td>
</tr>
<tr>
<td>- No fixed employment</td>
<td>- Majority were Buddhists &amp; Muslim households</td>
<td>- Majority were large families without children under five years old</td>
</tr>
<tr>
<td>- Not owning any vehicles</td>
<td>- Majority were of Karen ethnicity</td>
<td></td>
</tr>
<tr>
<td>- Majority were of Karen ethnicity</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Final Report for the European Commission’s Humanitarian Aid and Civil Protection department (ECHO), (the European Commission’s Humanitarian Aid and Civil Protection department (ECHO), 2009, p. 36)

3.2 Source of Income

In the previous chapter it was observed that displaced persons generate most of their income from five sources:
1.) Casual work
2.) Stipend work
3.) Trading
4.) Handicraft/Weaving/Sewing
5.) Remittances [6]

The majority of the income generating activities take place inside temporary shelters, the rest take place outside temporary shelters. Some displaced persons manage to escape to work outside their allocated temporary shelters. In most cases they find seasonal employment at farms where they engage in clearing, growing and harvesting [7].

A study by Vogler (2006, p.16) revealed that apart from daytime activities that generate income (e.g. agriculture, livestock, retail, craft and sewing), there are also income generating activities that take place in the evening and night time. Such activities include working in karaoke bars and film screenings. In addition there are also night time job opportunities in the temporary shelters: shops, for example, need labour to transfer goods [8].

Statistics show that there were 3,733 incentive workers in four shelters in Mae Hong Son province. Incentives workers tend to work with both the NGOs and the CBO. The monthly payment that COERR workers receive is about THB750 – 900 per month while a supervisor earns THB 1,200 per month. HI worker receive an average of THB 700 baht per month while the supervisors earn THB 1,800 per month. ZOA Vocational Training Centre staff receive THB 500 – 1000 per month. JRS and ZOA primary to secondary school teachers receive THB 500 – 650 per month. IRC medical staffs receive THB 750 to THB 1800 per month. The camp committee members receive THB400 – 2,100 per month [9].

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3.3 Income Generating Programme in temporary shelters

Regarding the attempt for increasing for self-help and reducing aid-dependency, many Non Government Organizations (NGOs) establish income generating programmes and provide vocational training programmes for displaced persons. The vocational training programmes and income generating programme, such as agriculture, livestock raising, weaving or cooking, after the displaced persons have acquired skills, they are expected to practice the skills to create work opportunities and income generation [10].

The Ministry of Interior (MOI) regulations for income generating activities and skills training have relaxed since 2006; the MOI approved some vocational training programmes for implementation in 2007. Furthermore, NGOs are able to establish pilot projects which are implemented in the temporary shelters [11].

Stakeholders appear to cooperate in promoting and supporting vocational training programmes and income generating programmes. For instance there is the Livelihoods Stakeholder Committee which is comprised of ILO, UNHCR, and NGOs. This committee enhances cooperation between stakeholders, such as international and national NGOs, and with UN partners. Furthermore, it serves to forge closer links with the RTG [12].

In the CCSDPT/UNHCR Comprehensive Plan 2007/8, many income generating programmes and vocational training programmes were proposed for implementation (Table 3.3.1)

Table 3.3.1. Income generating programmes and skills training programmes

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Objectives</th>
<th>Agency</th>
<th>Location</th>
</tr>
</thead>
</table>
| Income Generation and Relapse Prevention | To relapse in recovering displaced persons addicts and to improve the quality of life of their families. | • Ruammit Foundation  
• DARE | Ban Mai Nai Soi (Karen site)  
Mae Ra Maluang  
Mae La Oon  
Umpiem Mai  
Nu Po |
| Strengthening Micro-Enterprise Development Services (SMEDS) | To increase the capacity of existing programmes to deliver a complete service in micro enterprise development | Agency  
• American Refugee Committee (ARC)  
Partner  
• TBD | Umpiem Mai  
Nu Po  
Ban Dong Yang |
| Strengthening demand driven skills development through ZOA’s existing Vocational Training Programme (SDSD) | To increase the capacity of ZOA’s existing Vocational Training (VT) programme to deliver demand driven vocational training to increase self-reliance and provide entry level employable skills | • UNHCR  
• ZOA Refugee Care | Mae Ra Maluang  
Mae La Oon  
Umpiem Mai  
Nu Po  
Mae La  
Ban Dong Yang  
Tham Hin |
| Agricultural Activities inside | To increase capacity of existing programme to deliver additional | • TBD | TBD depending on agencies |

### Project Title | Objectives | Agency | Location
--- | --- | --- | ---
Temporary Shelter | Quantities of agricultural goods and value added products for the consumption of temporary shelters and the poor in the local Thai communities | Involved |
Agricultural Activities for Income Generation beside Temporary Shelters | To conduct a pilot activity to assist displaced persons and poor in the local Thai communities with opportunities to participate in an integrated agricultural activity leading to improved self-reliance linked to potential income generation. | Agency: ZOA Refugee Care, TBD Partner: TBBC, Local public administration office, Federation of Thai Industry | Mae La, Mae Ra Maluang |
Strengthening Services to the Disabled in the Temporary Shelters | To increase self-reliance and income generation potential for displaced persons in each temporary shelters. | Agency: UNHCR Partner: Handicap International | All temporary shelters |


Beside the programmes mentioned in table 3.3.1, the study found many other existing income generating programmes and vocational training programmes managed by organisations such as ZOA, TBBC, COERR, ARC, JRS, WEAVE, and CBOs.

ZOA is the largest provider of income generating programmes and vocational training in seven predominantly Karen populated shelter. During the period 2003 – 2006, there were 22 training courses provided. Some 2,984 displaced persons were trained. Most of these trainees participated in computer operation training, followed by sewing training, bakery cooking and auto mechanic [13].

TBBC’s income generating programmes concern three dimensions; micro-enterprises, agriculture and nutrition, and weaving projects. The concept of TBBC’s income generating programmes is to develop the potential for increasing income generation through entrepreneurship training and providing start up capital for small businesses [14].

Agriculture is being expanded through greater use of indigenous crops, drawing on extensive local knowledge and experience. Furthermore, TBBC is negotiating to rent the land outside and adjacent to the temporary shelters. TBBC in cooperation with the Forestry Department and local partners develop the potential to plant bamboo and community forestry management. Market research has been commissioned to explore the potential for expanding weaving production and markets, and also the production of shelter material including roofing materials and concrete post foundation are being explored [15].

In order to increase self-help and reduce aid dependency, TBBC has developed three income generation programmes which are as follows;

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13 Brees, ZOA issue paper no.1: Towards sustainable livelihoods Vocational training and access to work on the Thai - Burmese border, 2008
14 TBBC 2010 Programme Report: January to June, 2010
15 TBBC 2010 Programme Report: January to June, 2010
• **Entrepreneurship Development, Grant and Saving (EDGS) Project**

The project is designed to create entrepreneurship for income generation and self employment and includes a step by step approach for business management capacity development through training and regular mentoring services. The project aims at injecting cash into the temporary shelters for livelihood and enterprise development and intend to build the financial capacity to address the needs of entrepreneurs through group saving \[\text{[16]}\]. The EDGS has been implemented on a pilot basis in three temporary shelters: Mae Ra Maluang, Mae La Oon and Tham Hin \[\text{[17]}\].

• **Community Agriculture and Nutrition (CAN) Project**

The goal of CAN projects is to build community self reliance in agriculture and nutrition, and to improve overall availability and access to nutritious food. The project is implemented in 8 temporary shelters; Site 1, Site 2, Mae Ra Maluang, Mae La Oon, Mae La, U mpiem, Nu Po and Ban Don Yang \[\text{[18]}\]. During January to June 2010, CAN provided training to a total of 305 displaced persons. (145 females and 160 males); they were trained in small scale agriculture and limited space techniques. Furthermore, more than 100 displaced persons participated in specialised training of trainers workshops.

• **Weaving Project**

TBBC has supported a *longyi*-weaving project through the Karen and Karenni Women Organization (KWO and KnWO) since 2002. According to the TBBC 2010 Programme Report: January to June, there were 82 looms in use in the shelters and 165 trained staff. About 12% of the weavers left for resettlement during the period. The shelters need to produce more than 52,000 *longyis* in 2010. The *longyis* produced in the shelters are enough to address the needs of populations in the shelters. Few are sold inside the shelters and they are rarely sold outside due to the limited supplies. Beside *longyi*-weaving project, TBBC has also supported handloom owners who produce traditional bags, scarf, shirts and other small handicrafts.

Other NGOs, such as COERR have provided similar training programmes as ZOA and TBBC but primarily to “Extremely Vulnerable Individuals” (EVIs) and widows. ARC has developed micro-enterprise programmes. JRS and IRC are the facilitators of vocational training programmes for the temporary shelters predominantly populated by Karenni displaced persons.

The income generating programmes and vocational training programmes provided both agricultural and non-agricultural skills. The income generating programmes and vocational training aim at developing skills for increasing income generation. While many income generating programmes and vocational training have been developed, only a small part of displaced persons so far have engaged in the programmes. Many of the displaced persons lack meaningful occupation and skills that may contribute to their income generating capacity.

\[\text{[16]}\text{TBBC 2010 Programme Report: January to June, 2010}\]
\[\text{[17]}\text{TBBC 2010 Programme Report: January to June, 2010}\]
\[\text{[18]}\text{TBBC 2010 Programme Report: January to June, 2010}\]
3.4 Employment Opportunities for Displaced Persons

3.4.1 Demand for Displaced Persons’ Labour outside the temporary shelters

There appeared to be a possibility that there will be an excess demand for labour in the agricultural sector, thus providing displaced persons job opportunities. This was primarily due to the fact that Thai workers have increasingly turned away from such jobs because they are considered to belong to the 3D category (dirty, dangerous and demeaning) and because wages paid are generally not attractive. Moreover, the level of education of the Thai workforce has gradually increased, meaning that the unskilled labour force has decreased [19].

Regarding the demand for seasonal labour, Ban Mai Nai Soi had the highest demand for such labour compared to the other locations [20]. The daily wage for seasonal labour is approximately between THB 50-60. These wages are the same for both men and women. The demand for seasonal labour is normally high during March and April, since it is the harvesting season for garlic; during July and August, when labour is needed in paddy fields for rice growing; and from December to March, when labour is needed to grow garlic [21].

Moreover, according to the UNHCR-ILO livelihood report, the Federation of Thai Industry (FTI) has suggested that various manufacturing industries such as textiles, ceramics, and electronics are able to absorb more workers [22].

3.4.2 Demand for Displaced Persons’ Labour inside the temporary shelters

Inside the temporary shelters, displaced persons engage in activities in agriculture, animal husbandry, construction, handicraft, weaving, services, teaching and health care. The survey revealed that the largest sources of income are agriculture and animal husbandry, which account for respectively 35% and 25% of the overall occupational income of displaced persons. Providing services; sales of their own products; handicrafts, textiles, etc. account for 23%. Generally, the jobs undertaken by displaced persons are unskilled ones. Skilled jobs undertaken by displaced persons only accounted for 5% of the overall occupations [23].

It has been suggested by the FTI that there are opportunities for displaced persons inside the Umpiem shelter to undertake jobs such as subcontracted knitting for enterprises operating outside the temporary shelters.

In addition, Duffy (2007) has argued that displaced people could benefit in particular from language courses and skill training in the fields of animal husbandry, crop production and machine sewing. The ZOA and the CAN have been providing extensive training programmes aimed at developing skills that are regarded as useful for displaced persons. (For more details, see appendix I, table A1 – A3)

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19 Brees, ZOA issue paper no.1: Towards sustainable livelihoods Vocational training and access to work on the Thai - Burmese border, 2008
20 Strengthening Protection Capacity Project Livelihoods Component Phase One: Mae Hong Son Province, p.20, Phanawathanawong, 2007
21 Strengthening Protection Capacity Project Livelihoods Component Phase One: Mae Hong Son Province, p.20, Phanawathanawong, 2007
22 Strengthening Protection Capacity Project Livelihoods Component Phase One, Tak Province, p.23, Duffy, 2007
23 IRC’s Assessment of Labour Market and Labour Activities in Ban Tractor/Ban Kwai DPs camp, 2005
3.4.3 Location of Displaced Persons’ workplace

Due to the RTG’s "Policy of Confinement", most of the work performed by displaced people takes place inside the temporary shelters (approximately 58%). DPs, however, were found to work outside the shelters, either in the area around the shelters (23%) or in villages nearby (19%). According to this information, the income generating activities take two forms: income generating activities within the shelters; and income generating activities outside the shelters. The latter are illegal under Thai Law and regulations. In addition, the primary type of work is agriculture, which is mostly seasonal. The research further revealed that the average number of days worked per week is 4.5 days, and the average number of hours worked per day is 6.8 hours.

24 IRC’s Assessment of Labour Market and Labour Activities in Ban Tractor/Ban Kwai DPs camp, 2005
Chapter 4

Thai Labour Market

Initially, the research team intended to perform an analysis on the labour market (low-skilled labour) at the national, regional and provincial levels. However, during the course of the study, the research team learnt that it would be difficult to use displaced persons to supply the Thai labour market at national and regional levels due to various restrictions and laws imposed upon them. Moreover, the research team learnt from the survey of the three temporary shelters studied that the majority of displaced persons prefer to work inside the shelters or in the area around the shelter. Therefore, the research team analysed only the labour market for low-skilled labour at the provincial level. Using secondary data from the Socio-Economic Survey, the National Statistics Office of Thailand, the Education Ministry of Thailand and the Labour Force Survey, the research team calculated labour demand and supply categories for Ratchaburi province as presented in Table 4.1 (for details of the calculations, see appendix II).

Table 4.1 Demand for and supply of labour in Ratchaburi province (2011, 2015 and 2019)

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2015</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Demand for labour</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Total employed persons (Stock)</td>
<td>374,209</td>
<td>390,034</td>
<td>399,753</td>
</tr>
<tr>
<td>2. Total Additional Demand</td>
<td>9,656</td>
<td>10,490</td>
<td>9,261</td>
</tr>
<tr>
<td>3. Demand for expansion</td>
<td>3,091</td>
<td>3,637</td>
<td>2,212</td>
</tr>
<tr>
<td>4. Demand for replacement</td>
<td>6,565</td>
<td>6,853</td>
<td>7,049</td>
</tr>
<tr>
<td><strong>Supply of labour</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Working Age population</td>
<td>64,832</td>
<td>59,921</td>
<td>49,627</td>
</tr>
<tr>
<td>6. Participation Rate</td>
<td>0.6547</td>
<td>0.6536</td>
<td>0.6541</td>
</tr>
<tr>
<td>7. Lower secondary school graduates and lower</td>
<td>6,940</td>
<td>6,414</td>
<td>5,312</td>
</tr>
<tr>
<td>8. Non-continuation rates</td>
<td>0.118</td>
<td>0.118</td>
<td>0.118</td>
</tr>
<tr>
<td>9. New Supply</td>
<td>536</td>
<td>495</td>
<td>410</td>
</tr>
<tr>
<td>10. Old Supply</td>
<td>165</td>
<td>782</td>
<td>691</td>
</tr>
<tr>
<td>11. Total supply (1) (9 + 10)</td>
<td>701</td>
<td>1,277</td>
<td>1,101</td>
</tr>
<tr>
<td>12. Migrant Workers</td>
<td>24,830</td>
<td>24,830</td>
<td>24,830</td>
</tr>
<tr>
<td>13. Total supply (2) (11 + 12)</td>
<td>25,531</td>
<td>26,107</td>
<td>25,931</td>
</tr>
<tr>
<td>14. Demand gap (2 - 13)</td>
<td>-15,875</td>
<td>-15,617</td>
<td>-16,670</td>
</tr>
</tbody>
</table>

Source: Calculated by authors (See appendix II: Table A4-A6)

Note: The study assumed that labour with lower secondary education and lower represents low-skilled workers. The displaced persons in temporary shelters are assumed to be the low-skilled workers. Old supply is comprised of unemployed persons who are looking for jobs with secondary school and lower. (Lower- with age less than 35 years old)

The number of migrant workers for the studied period is assumed to be the same number of migrant workers in 2009 due to the fact that the latest statistic for migrant workers was conducted in 2009 by the National Statistic Office (NSO)

The data suggests that Ratchaburi province experiences a shortage of Thai labour. The total additional demand for labour is estimated to be 9,656 in 2011 and is forecasted to be 10,490 in 2015 and 9,261 in 2019. The supply of Thai labour is estimated to be only 701 in 2011, and
1,277 in 2015 and 1,101 in 2019, therefore the resulting demand gap will be more than 8,000 if migrant workers are not taken into account. Ratchaburi province has relied heavily on migrant workers to fill in the demand gap. The number of migrant workers registered for the year 2011 is 24,830. If the numbers were to remain constant over the period, there would be a problem of excess supply of 15,000 – 16,000 workers during the period studied.

The research team interviewed some local entrepreneurs in Ratchaburi and learnt that originally there were problems of excess demand for labour. The local entrepreneurs have been using migrant workers to fill up the demand gap. However, the research team was informed that there were various problems regarding the use of migrant workers, the most significant problem being that migrant workers tend to have high turnover rates. As a result, some local entrepreneurs have started to show interest in employing displaced persons from the temporary shelters.

There is a sizable migrant workforce in Ratchaburi, which could lead one to conclude that there is no need to employ displaced persons from the temporary shelter in Ratchaburi in the near future. However, if the situation is analysed more carefully, with an eye for local differences, the situation is somewhat different. The areas surrounding the temporary shelter are encroachment areas used for livestock, agriculture and farming, especially perennial farming. The latter requires seasonal labour during the planting and harvesting seasons when there is a lot of mowing, shovelling and harvesting to do. In the past, these jobs were performed by displaced persons from the temporary shelters. However, this was not due to the fact that there was not enough labour, but because the information regarding such employment was unknown to the majority.

A similar exercise was performed for Mae Hong Son province. The research team estimated the demand gap for the years 2011, 2015 and 2019 and found that the total additional demand in Mae Hong Son province in 2011 equals 2,570 (Table 4.2 below). When the supply of labour (Thai labour only) is taken into account the demand gap for year 2011 equals 2,360. However, if the supply of migrant workers is taken into account the demand gap is reduced to 314 only. This shows that there is an abundant supply of migrant workers to fill up the demand gap, meaning that there is a low demand for low-skilled workforce from the temporary shelters in Mae Hong Son province. Given the laborious and time-consuming procedures required to bring displaced persons to work outside their shelters, and given the low demand, it looks as if going through these procedures might not be worthwhile.

The relatively low demand for labour in Mae Hong Son might have something to do with the characteristics of agriculture in the area. Most of the agricultural activities in Mae Hong Son are done on subsistence basis rather than for commercial purposes, and therefore require fewer workers. There are still employment opportunities during the planting and harvesting seasons, but this means that the demand for labour in Mae Hong Son is strongly seasonal. In the past, displaced persons from temporary shelters have managed to escape from their shelters to work on farms during those seasons. Alternatively, there is a high demand for labour in the service sector, especially in the tourist industry. However, these jobs are mostly filled by migrant workers from Myanmar and other neighbouring countries as well as by members of the various hill tribes living in the area.

In the next 5 to 10 years (2015 – 2019), however, the demand gap is forecasted to increase (1,093), and there is likely to develop a shortage of labour. Employers will then have two options: to employ workers from Myanmar, which are easily obtainable since they can easily cross the Thailand-Myanmar border, or the employer could employ displaced persons from temporary shelters. The increasing demand gap in the future calls for efforts that make it easier for displaced persons to work outside their allocated shelters.
Table 4.2 Demand and supply for labour in Mae Hong Son province (2011, 2015 and 2019)

<table>
<thead>
<tr>
<th>Demand for labour</th>
<th>2011</th>
<th>2015</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Total employed persons (Stock)</td>
<td>125,420</td>
<td>133,763</td>
<td>137,921</td>
</tr>
<tr>
<td>2. Total Additional Demand</td>
<td>2,570</td>
<td>4,147</td>
<td>3,277</td>
</tr>
<tr>
<td>3. Demand for expansion</td>
<td>388</td>
<td>1,808</td>
<td>846</td>
</tr>
<tr>
<td>4. Demand for replacement</td>
<td>2,182</td>
<td>2,339</td>
<td>2,431</td>
</tr>
</tbody>
</table>

Supply for labour

<table>
<thead>
<tr>
<th>Supply for labour</th>
<th>2011</th>
<th>2015</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Working Age population</td>
<td>23,890</td>
<td>22,488</td>
<td>15,788</td>
</tr>
<tr>
<td>6. Participation Rate</td>
<td>0.6390</td>
<td>0.6408</td>
<td>0.6386</td>
</tr>
<tr>
<td>7. Lower secondary school graduates and lower</td>
<td>2,779</td>
<td>2,616</td>
<td>1,837</td>
</tr>
<tr>
<td>8. Non-continuation rates</td>
<td>0.118</td>
<td>0.118</td>
<td>0.118</td>
</tr>
<tr>
<td>9. New Supply</td>
<td>210</td>
<td>198</td>
<td>138</td>
</tr>
<tr>
<td>10. Old Supply</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>11. Total supply (1) (9 + 10)</td>
<td>210</td>
<td>198</td>
<td>138</td>
</tr>
<tr>
<td>12. Migrant Workers</td>
<td>2,046</td>
<td>2,046</td>
<td>2,046</td>
</tr>
<tr>
<td>13. Total supply (2) (11 + 12)</td>
<td>2,256</td>
<td>2,244</td>
<td>2,184</td>
</tr>
<tr>
<td>14. Demand gap (2 - 13)</td>
<td>+314</td>
<td>+1,903</td>
<td>+1,093</td>
</tr>
</tbody>
</table>

Source: Calculated by authors (See appendix II: Table A4-A6)

Note: The study assumed that labour with lower secondary education and lower represents low-skilled workers. The displaced persons in temporary shelters are assumed to be the low-skilled workers. Old supply is comprised of unemployed persons who are looking for jobs with secondary school and lower. (Lower- with age less than 35 years old)

The number of migrant workers for the studied period is assumed to be the same number of migrant workers in 2009 due to the fact that the latest statistic for migrant workers was conducted in 2009 by the National Statistic Office (NSO)

Finally, in Tak province the problem of a Thai labour shortage is obvious: the total additional demand for labour in 2011 equals 12,199, although it is estimated to decline to 8,047 and 6,770 in 2015 and 2019 respectively (Table 4.3). The supply of Thai labour is estimated to be only about 318 in 2011, 314 in 2015 and 247 in 2019. It is therefore no surprise that migrant workers have been filling this tight labour market.

When migrant workers are included, it is apparent that there is an excess supply of labour in Tak province and therefore a low demand for displaced persons. From the discussion, the research team also learnt that there were other reasons as to why employers prefer not to employ displaced people from temporary shelters. Displaced persons are considered to be in conflict with the government of Myanmar, and therefore employing workers the government of Myanmar disapproves of could create unnecessary cross-border conflicts. Moreover, from the discussion the research team also learnt that allowing displaced persons to sell their products outside the shelters means that they would be competing with the local population. Such a policy would therefore not easily get the public’s support. The fact that there is a high demand for labour in the area near the shelters does not necessarily mean that that it would be acceptable to use displaced persons workforce, since there are also other sources of labour available.
It is important to note that the migrant workers numbers in Table 4.3 may underestimate real numbers since they only include migrant workers that are officially registered. The fact that Tak province is located on the Thai-Myanmar border means that migrant workers can easily cross the border. Also, it should be noted that the research team was skeptical about some of the figures, especially the demand for replacement figures as there could be errors in the data obtained.

Table 4.3 Demand and supply for labour in Tak province (2011, 2015 and 2019)

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2015</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Demand for labour</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Total employed persons (Stock)</td>
<td>260,969</td>
<td>275,259</td>
<td>283,249</td>
</tr>
<tr>
<td>2. Total Additional Demand</td>
<td>10,199</td>
<td>8,047</td>
<td>6,770</td>
</tr>
<tr>
<td>3. Demand for expansion</td>
<td>5,645</td>
<td>3,226</td>
<td>1,780</td>
</tr>
<tr>
<td>4. Demand for replacement</td>
<td>4,555</td>
<td>4,821</td>
<td>4,991</td>
</tr>
<tr>
<td><strong>Supply for labour</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Working Age population</td>
<td>46,895</td>
<td>44,630</td>
<td>5,218</td>
</tr>
<tr>
<td>6. Participation Rate</td>
<td>0.5455</td>
<td>0.5647</td>
<td>0.5642</td>
</tr>
<tr>
<td>7. Lower secondary school graduates and lower</td>
<td>4,947</td>
<td>4,708</td>
<td>3,715</td>
</tr>
<tr>
<td>8. Non-continuation rates</td>
<td>0.118</td>
<td>0.118</td>
<td>0.118</td>
</tr>
<tr>
<td>9. New Supply</td>
<td>318</td>
<td>314</td>
<td>247</td>
</tr>
<tr>
<td>10. Old Supply</td>
<td>48</td>
<td>65</td>
<td>65</td>
</tr>
<tr>
<td>11. Total supply (1) (9 + 10)</td>
<td>366</td>
<td>379</td>
<td>312</td>
</tr>
<tr>
<td>12. Migrant Workers</td>
<td>45,383</td>
<td>45,383</td>
<td>45,383</td>
</tr>
<tr>
<td>13. Total supply (2) (11 + 12)</td>
<td>45,748</td>
<td>45,762</td>
<td>45,695</td>
</tr>
<tr>
<td>14. Demand gap (2 - 13)</td>
<td>-35,544</td>
<td>-37,715</td>
<td>-38,925</td>
</tr>
</tbody>
</table>

Source: Calculated by authors (See appendix II: Table A4-A6)

**Note:**
- The study assumed that labour with lower secondary education and lower represents low-skilled workers.
- The displaced persons in temporary shelters are assumed to be the low-skilled workers.
- Old supply is comprised of unemployed persons who are looking for jobs with secondary school and lower. (Lower-with age less than 35 years old)
- The number of migrant workers for the studied period is assumed to be the same number of migrant workers in 2009 due to the fact that the latest statistic for migrant workers was conducted in 2009 by the National Statistic Office (NSO).
Chapter 5

Survey Findings

5.1 Ratchaburi Province

From the discussion with local authorities responsible for displaced persons in Tham Hin temporary shelter (Ratchaburi province), the research team has learnt that there are roughly 2,000 displaced persons who are of working age. The proportions of males and females are roughly the same. The research team has collected data from 111 displaced persons in Tham Hin temporary shelter. The results of the survey reveal are discussed below.

5.1.1. Livelihoods Patterns of Displaced Persons

Almost all of the displaced persons in Tham Hin temporary shelter engage in income generating activities. The survey shows that, 92% of the surveyed displaced persons (in working age) engage in income generating activities. (Table 5.1.1.1) The table suggests a slightly higher proportion of females than males residing in Tham Hin temporary shelter.

<table>
<thead>
<tr>
<th>Income Generating Activities</th>
<th>Sex</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Not engage in income generating activities</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>36.80%</td>
<td>63.20%</td>
</tr>
<tr>
<td>Engage in income generating activities</td>
<td>38</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>41.30%</td>
<td>58.70%</td>
</tr>
<tr>
<td>Total</td>
<td>45</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>40.50%</td>
<td>59.50%</td>
</tr>
</tbody>
</table>

Source: Survey Data

Regarding the economic status [1], displaced persons in Tham Hin temporary shelters can be categorized into 3 groups on the basis of income level; the very poor, the middle group, and the better off. Almost all of the displaced persons in Tham Hin temporary shelters are categorized into the very poor group; the average income is less than 1,200 baht per year. This is due to the prevalent limitations on partaking in income generating activities. For the middle group; the average income is between 1,200 to 26,400 baht per year [2]. The study found a small proportion of displaced persons to belong to the better off group. The average of income of the better off group is up from 26,400 baht per month [3]. However, the survey does not reveal any apparent correlation between the number of household members and the economic status of displaced persons.

---

2 Survey Data
3 Survey Data
5.1.2. Source of Income

In Tham Hin temporary shelter, there are four main sources of income: selling agricultural products, remittances, stipends, and petty trading. Regarding selling agricultural products, the displaced persons spend their night time to collect the products from the forest nearby the shelters and sell these to local communities in the area around the temporary shelters.

Regarding remittances, the displaced persons earn the remittances from their relatives that have resettled in third countries. The average of remittances is 17,500 baht per year [4]. As regards the stipends, the survey found that some displaced persons are employed by the CBO and the NGOs that are working in the temporary shelters. Some of the displaced persons are employed as teachers, medical assistants, staffs, and etc. The monthly salary of those who are stipend workers is 1,200 baht per month [5]. However, the opportunities for stipend work are limited to a small group of displaced persons. In Tham Hin temporary shelter, the research team found more than 30 petty shops [6]; grocery shops, barbers, and restaurants. The petty shops are found in every section. The petty shop owners earn an average 300 to 500 baht per day [7]. The products are bought from distributors that have established their shops nearby the temporary shelter [8]. The survey found that a small proportion of the displaced persons engage in casual work. Almost all of these are seasonal workers. They are employed by the local farm owners. The survey reveals that the highest employment rate occurs from May to October. The average income from casual work is between 150 – 200 baht per day [9]. Almost all of the surveyed displaced persons who engage in income generating activities work inside the temporary shelter (49%) or in the area directly around the temporary shelter (37%). Only a small minority works in the village nearby[10].

The survey shows that a typical household of 4-5 persons needs approximately 1,500-3,000 Baht cash flow per month [11]. If the family is able to generate/produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly. However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival.

5.1.3. Pilot projects in Income Generating Programme in Tham Hin temporary shelter

The pilot projects in income generating programme in Tham Hin temporary shelter aim at increasing self-help and reducing aid dependency rather than income generation. The NGOs cooperate with the RTG and the Vocational Institute in Ratchaburi province in organizing programmes that are suitable for the displaced persons. In Tham Hin temporary shelter there are three main outstanding NGOs working on income generating programmes: COERR, ZOA and TBBC.

COERR has provided training in soap making and candle making. Furthermore, COERR has developed a demonstration garden in Tham Hin temporary shelter; the demonstration garden allows the displaced persons to plant vegetables such as bean, lettuce, and etc. At present, there is a small proportion of displaced persons who participate in this programme.

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4 Survey Data
5 Survey Data
6 Key informant interview
7 Interviewed petty shop owners in Tham Hin temporary shelters
8 Interviewed petty shop owners in Tham Hin temporary shelters
9 Survey Data
10 Survey Data
11 Survey Data
ZOA is the main facilitator on vocational training. According to the vocational statistics of ZOA, ZOA in cooperation with CBO provided 5 vocational training programmes during January to May 2010. The programmes were comprised of man sewing, women sewing, cooking and bakery, hair cutting, and hair dressing. Some 50 displaced persons participated in the programmes, of which 45 were female.

Table 5.1.3.1 Statistics of displaced persons who participate in Vocational Trainings provided by ZOA

<table>
<thead>
<tr>
<th>Course</th>
<th>Course Duration</th>
<th>Start and End date</th>
<th>Course Per year</th>
<th>Trainees</th>
<th>Total</th>
<th>Religion</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man Sewing</td>
<td>150 hours</td>
<td>22.3.10-22.4.10</td>
<td>3 M, 10 F</td>
<td>10</td>
<td>10</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Woman Sewing</td>
<td>150 hours</td>
<td>22.3.10-22.4.10</td>
<td>3 M, 10 F</td>
<td>10</td>
<td>8</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Cooking &amp; Bakery</td>
<td>150 hours</td>
<td>22.3.10-22.4.10</td>
<td>3 M, 3 F, 7 M</td>
<td>10</td>
<td>10</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Hair cutting</td>
<td>150 hours</td>
<td>22.3.10-22.4.10</td>
<td>3 M, 2 F, 8 M</td>
<td>10</td>
<td>10</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Hair dressing</td>
<td>150 hours</td>
<td>22.3.10-22.4.10</td>
<td>3 M, 10 F</td>
<td>10</td>
<td>8</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td>45</td>
<td>50</td>
<td>46</td>
</tr>
</tbody>
</table>

Source: ZOA’s vocational training statistic; access information on 10 July 2010.

TBBC has supported weaving projects in Tham Hin temporary shelter. According to the programme report of TBBC, TBBC has supported Longyi weaving project through the Karen Women’s Organization (KWO). TBBC has supported the purchase of materials and money distribution. Displaced persons, who participate in this project, are given 27 baht per unit. In 2010, there were 8 weavers in Tham Hin temporary shelters. Some 136 Longyis were produced. Due to the limited supplies as aforementioned, at present day, the Longyis are enough to address the needs of displaced persons in temporary shelters.

Regarding the impact of income generating programmes, the survey reveals that there is not much impact in term of income generation because the programmes aim at increasing self-help. Furthermore, the income generating programmes also increase vocational skills for the displaced persons; the displaced persons may apply the skills for income generation [12].

The income generating programmes in Tham Hin temporary shelters cover a small proportion of the displaced persons residing in the temporary shelters. The survey found that more than 80% of the displaced persons required vocational training such as technical skills (mechanics, vehicle repair), Micro-Enterprises, agricultural skills (vegetable productions, crop productions) and handicraft and weaving. In addition, language trainings are needed, the discussion with the displaced persons pointed out that they require language training, specifically Thai language and English language [13].

5.1.4. Employment Opportunities for Displaced Persons

Regarding the supply of labour from temporary shelter, the survey reveals that roughly 2000 [14] displaced persons in Tham Hin temporary shelter are of working age. Almost 94% of the

12 Key informants interview
13 Key informants interview
14 Focus Group Discussion with the local authorities and shelter committee
displaced persons residing in Tham Hin are willing to work [15]. However, since the actual participation rates were found to be lower, the research team further investigated the reasons preventing the displaced persons from working. The main reasons for people not to engage in income generating activities are: 1) too busy looking after children and elderly (26%); 2) unspecified reasons (22%); and 3) lack of employment opportunities (19%). The majority of displaced persons from Tham Hin prefer to work inside the shelter (71%) [16].

However, the discussion with local entrepreneurs revealed that there is currently excess demand for labour in Ratchaburi province, especially in textile and ceramic manufacturing. It was also learnt that the shortage of Thai labour in the industrial sector in Ratchaburi province has led to an increase in the demand for low-skilled migrant labour from the neighbouring countries. From the discussion, the research team learnt that some local entrepreneurs have employed migrant workers through an agent system, where local entrepreneurs had to pay over 30,000 Baht to the agent for the provision of one migrant worker. Other entrepreneurs have opted to move their factories elsewhere where labour is more abundant, like in Mae Sot. Again other entrepreneurs have tried to negotiate an increase of working hours with their employees instead of hiring new employees [17]. The discussion produced a somewhat different picture than the statistics presented in Chapter 4 suggest (Chapter 4; table 4.1).

The agricultural sector in Ratchaburi province also experiences a shortage of labour. From the discussion, the research team learnt that most of the local entrepreneurs and authorities agree that the Royal Thai Government’s policy to increase the levels of both formal and informal education has affected peoples’ attitude towards farming. It was found that locals who have obtained higher education tend not to engage in farming no more, and that local farmers therefore had to employ migrant workers instead. Despite the fact that technological advances have significantly improved the working conditions in agriculture, Thai people still view agriculture work as ‘3D’ (dirty, dangerous and demeaning). The demand for labour in the agricultural sector is seasonal by nature and it has been suggested that this demand could be met by displaced persons.

Local entrepreneurs in Ratchaburi province reported to be interested in employing displaced persons from Tham Hin temporary shelter. The local investors and entrepreneurs have been trying to negotiate with the local authorities regarding the employment of displaced persons from the shelters; however, the negotiations have not been successful, notably because this would be against the laws which forbid displaced persons to leave their allocated shelters. From the discussion, the research team learnt local entrepreneurs, mostly in agriculture, occasionally and informally employ displaced persons from the shelters. Local entrepreneurs mentioned that such displaced persons leave the shelter to work in the nearby area during the day, and return to their shelters in the evening. The wages displaced persons generally receive were reported to be between 100 and 200 Baht per day. The local investors and entrepreneurs also added that if the government would relax its policies and allow displaced persons to work, they would agree to work with the authorities and take responsibility for displaced persons’ registration processes and other procedures required.

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[15] Survey Data
[16] Survey Data
[17] The information as mentioned represented micro-perspective
5.2 Mae Hong Son Province

5.2.1. Livelihoods Patterns of Displaced Persons

Table 5.2.2.1 shows that 77.66% of the displaced persons surveyed in Ban Mai Nai Soi temporary shelter engage in income generating activities. The table also reveals that there is a slightly larger proportion of males than females residing in Ban Mai Nai Soi temporary shelter.

Table 5.2.1.1 Number of displaced persons in Tham Hin temporary shelter engaged in income generating activities categorised by gender (n=103)

<table>
<thead>
<tr>
<th>Income Generating Activities</th>
<th>Sex</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Not engage in income generating activities</td>
<td>13 56.52%</td>
<td>10 43.48%</td>
</tr>
<tr>
<td>Engage in income generating activities</td>
<td>45 56.25%</td>
<td>35 43.75%</td>
</tr>
<tr>
<td>Total</td>
<td>58 56.31%</td>
<td>45 43.69%</td>
</tr>
</tbody>
</table>

Source: Survey Data

Regarding the economic status [18], displaced persons in Ban Mai Nai Soi temporary shelters can be categorized into 3 groups on the basis of income level: the very poor, the middle group, and the better off. Almost all of the displaced persons in Ban Mai Nai Soi temporary shelters are categorized into the very poor group; they earn less than 1,200 baht per year. The survey found a small number of displaced persons to belong to the middle group (average income between 1,200 to 26,400 baht per year) [19]. The study found a small proportion of the displaced persons to belong to the better off group. As in the Tham Hin temporary shelter survey, this survey does not reveal any apparent correlation between the number of household members and the economic status of displaced persons.

5.2.2. Source of Income

In Ban Mai Nai Soi temporary shelters, there are four major sources of income: selling agricultural products, remittances, stipends, casual work and petty trading. Regarding selling agricultural products, the displaced persons collect the products from the forest nearby the shelters and sell them to local communities in the area around the temporary shelters. According to a key informant in the shelter, there is a local market located nearby the temporary shelter.

As for the remittances, the displaced persons earn the remittances from their relatives that have resettled to third countries. The average of remittances is 15,000 to 17,500 baht per year [20]. For the displaced persons who work as stipend workers; some displaced persons are employed by the CBO and NGOs that are working in the temporary shelters. Some of the displaced persons are employed as teachers, medical assistants, staffs, etc. The stipend workers earn 1,200 baht per month [21]. However, the opportunities for stipend work are limited to a small group of displaced persons. In Ban Mai Nai Soi temporary shelter there are more than 50 petty shops; grocery shops, barbers, and restaurants. The petty shop owners earn on average 300 to 500

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[19] Survey Data
[20] Survey Data
[21] Survey Data
baht per day. The products are bought from distributors that have established their shops nearby the temporary shelter [22]. The survey found grocery shops owned by local Thai located in front of the temporary shelter. The survey also found a proportion of the displaced persons to be involved in casual work; almost all of the casual workers, are seasonal workers. During the survey, the research team found approximately 30 displaced persons working as casual workers outside the temporary shelter. They are employed by local farm owners. The survey reveals that the highest employment rate occurs from May to October. The casual workers earn on average between 100 - 120 baht per day. Almost all of the surveyed displaced persons who engage in income generating activities work inside the temporary shelter or in the area directly around the temporary shelter. Only a small minority work in the village nearby.

As in Ban Tham Hin, the demand for cash flow for a typical household of 4-5 persons is approximately 1,500-3,000 Baht per month. If the family is able to generate/produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly. However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival [23].

5.2.3. Pilot Projects in Income Generating Programme in Ban Mai Nai Soi temporary shelter

The NGOs cooperate with the RTG and the Vocational Institute in Mae Hong Son province in organizing programmes that are suitable for the displaced persons. The rapid survey found that WEAVE, COERR and TBBC are main facilitators in weaving projects

TBBC and WEAVE have supported weaving projects in Ban Mai Nai Soi temporary shelter. TBBC has supported Longyi weaving project through the Karen Women's Organization (KnWO). TBBC has supported materials purchase, market research and the money distribution. The displaced persons who participate in this project are given 27 baht per unit. In 2010, there were 20 weavers in Ban Mai Nai Soi temporary shelter.

Besides supporting a nursery WEAVE has also supported weaving projects. WEAVE has supported materials purchase and marketing research for the displaced persons. According to the information from the staff of WEAVE, the displaced persons who participate in the programme earn approximately 300 – 500 baht per piece.

COERR has supported agricultural skill training. The trainings concern traditional methods of cultivation. Besides the agricultural programme, COERR also provides training on business development, and microfinance. COERR has developed a demonstration garden in Ban Mai Nai Soi temporary shelter; the demonstration garden allows the displaced persons to plant vegetables such as bean, lettuce, and etc. At present, there is a small proportion of displaced persons who participate in this programme.

Regarding the impact of income generating programmes, the survey reveals that there is not much impact in term of income generation because the programmes aim at increasing self-help. Furthermore, the income generating programmes also increase vocational skills for the displaced persons; the displaced persons may apply these skills for income generation [24].

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22 Interviewed petty shop owners in Ban Mai Nai Soi temporary shelters
23 Survey Data
24 Key informants interview
The income generating programmes in Ban Mai Nai Soi temporary shelter cover a small proportion of the displaced persons residing in the temporary shelter \[25\]. The survey found that almost all of the displaced persons require language training, specifically Thai language and English language \[26\].

### 5.2.4. Employment Opportunities for Displaced Persons

As regards the supply of labour, there are about 9,000 displaced persons of working age residing in Ban Mai Nai Soi temporary shelter in Mae Hong Son. The proportion of males is slightly larger than females. The survey reveals that 97% of the surveyed displaced persons are willing to work. Regarding to the workplace, the surveyed displaced persons prefer to work inside the shelters rather than outside the temporary shelters.

In Mae Hong Son province, employment opportunities are concentrated in the agricultural, industrial and service sectors. The labour market in Mae Hong Son is smaller than in Ratchaburi and Tak provinces. Enterprises in Mae Hong Son are mostly small, and most of the agriculture is done on subsistence basis, therefore requiring fewer workers. The tourist industry in Mae Hong Son in contrast is larger than in Ratchaburi and Tak provinces, and therefore provides more employment opportunities. From the discussion, the research team learnt that the demand for labour in the tourist industry is typically filled with migrant workers \[27\].

### 5.3 Tak Province

#### 5.3.1 Livelihoods Patterns of Displaced Persons

Almost all of the displaced persons in Ban Mae La temporary shelter engage in income generating activities. The survey shows that, 74.77\% of the surveyed displaced persons (in working age) engage in income generating activities. (Table 5.3.1.1) The table suggests that the proportion of females residing in Ban Mae La temporary shelter is higher than the proportion of males.

<table>
<thead>
<tr>
<th>Income Generating Activities</th>
<th>Sex</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Not engage in income generating activities</td>
<td>21</td>
<td>35</td>
</tr>
<tr>
<td>Engage in income generating activities</td>
<td>77</td>
<td>89</td>
</tr>
<tr>
<td>Total</td>
<td>98</td>
<td>124</td>
</tr>
</tbody>
</table>

Table 5.3.2.1 Number of displaced persons in Ban Mae La temporary shelter involved in income generating activities categorised by gender (n=222)

Regarding the economic status \[28\], displaced persons in Ban Mae La temporary shelter can be categorized into 3 groups on the basis of income level; the very poor, the middle group, and the better off. Almost all of the displaced persons in Ban Mae La temporary shelters are categorized into the very poor group (average income is less than 1,200 baht per year). This is due to the limitations people face in engaging in income generating activities. For the middle group, the

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25 Key informants interview; the information from NGOs working for the displaced persons pointed out that there is a small proportion of displaced persons, who participate in income generating programmes.

26 Key informants interview

27 Focus Group Discussion with local authorities and local entrepreneurs

average income is between 1,200 to 26,400 baht per year [29]. The study found that a small proportion of the displaced persons belong to the better off group (average income more than 26,400 baht per month) [30]. However, the survey does not reveal any clear correlation between the number of household members and the economic status of displaced persons.

5.3.2. Source of Income

In Ban Mae La temporary shelters, there are four major sources of income: selling of agricultural products, remittances, stipends, casual work and petty trading. Furthermore, some of the displaced persons earn income from assets. Regarding the selling of non-farm products, the displaced persons collect the products from the forest nearby the shelters and sell them to local communities in the area around the temporary shelters.

As regard to the remittances, the displaced persons earn the remittances from their relatives that have resettled to third countries. Remittances on average amount to 15,000 to 17,500 baht per year [31]. For the displaced persons who work as stipend workers; some displaced persons are employed by the CBO and NGOs that are working in the temporary shelters. Some of these are employed as teachers, medical assistants, staffs, etc. Stipend workers earn 1,200 baht per month [32]. However, the opportunities for stipend work are limited to a small group of displaced persons. In Ban Mae La temporary shelter, there are more than 100 petty shops; grocery shops, barbers, electronic shops and restaurants. The petty shop owners earn on average 300 to 500 baht per day. The products are bought from the distributors that have established their shop nearby the temporary shelter [33].

The survey also found evidence of various forms of casual work in Ban Mae La temporary shelter. However, almost all casual workers are seasonal workers. During the survey, the research team found more than 100 displaced persons working as casual workers, employed by the local farm owners in Ban Pang Moo [34]. The survey reveals that the highest employment occurs from May to October. The average income for casual workers is around 200 baht per day. Though, the research found more than 100 displaced persons working as casual workers, employed by the local farm, almost all of the surveyed displaced persons who engage in income generating activities work inside the temporary shelter or in the area directly around the temporary shelter. Only a small minority works in the village nearby.

As in the other two locations, the demand for cash flow for a typical household of 4-5 persons is approximately 1,500-3,000 Baht per month. If the family is able to generate/produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly. However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival.

5.3.3. Pilot Projects in Income Generating Programme in Ban Mae La temporary shelter

The NGOs cooperate with the RTG and the Vocational Institute in Ratchaburi province in organizing programmes that are suitable for the displaced persons. The research team performed a rapid assessment on the programmes implemented by ZOA and WEAVE.

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29 Survey Data
30 Survey Data
31 Survey Data
32 Survey Data
33 Interviewed petty shop owners in Ban Mae La temporary shelters
WEAVE has supported weaving projects by supporting materials purchase, market research and the money distribution. Currently, there are approximately 120 female displaced persons participate in the programmes. These women will be trained on pattern designing skills and sewing skills. The displaced persons who participate in this project, are given 300 baht per piece. According to the interview, the average monthly income for female displaced persons is between 500 – 1000 baht per month.

ZOA is the main facilitator of vocational training. Statistics show that in the second quarterly of 2010 (April to June 2010) there were 9 vocational training programmes provided for 126 displaced persons in Ban Mae La temporary shelter. Most of displaced persons participated in auto training programme and cooking and bakery. Man sewing and women sewing are the third most popular course.

**Table 5.3.3.1** Statistics of displaced persons who participate in Vocational Trainings provided by ZOA

<table>
<thead>
<tr>
<th>Course</th>
<th>Start and End date</th>
<th>Course Per year</th>
<th>Trainees</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man Sewing</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Woman Sewing</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Hair dressing</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Hair cutting</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Knitting</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Child and Elderly Care</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Welding</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>Auto</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Cooking-Bakery</td>
<td>17.5.10-17.8.10</td>
<td>4</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>61</strong></td>
<td><strong>65</strong></td>
</tr>
</tbody>
</table>

Source: ZOA's vocational training statistic; access information on 10 July 2010.

Besides the vocational trainings as mentioned in table 5.3.1, ZOA has rented the land opposite the shelter for the implementation of a demonstration garden. The area covers 20 rais and is used for animal raising and vegetable production. The production from the programme will be distributed for household consumption. In the future, ZOA aims to build the relation with local communities by providing training for local people residing in the area around the temporary shelters.

COERR is another NGOs that has supported agricultural skill training; the trainings concern traditional methods of cultivation. Besides the agricultural programme, COERR also provides training on business development and microfinance. However, the research team did not have the opportunities to visit the COERR demonstration garden. TBBC also provides programmes which increase self-reliance among the displaced persons in Ban Mae La temporary shelter. The programmes include a Community Agricultural and Nutrition (CAN) Project and a Weaving project. Regarding the CAN project, TBBC provided two training courses which covered 63 trainees, more females than males. As regards the CAN projects, TBBC has supported agricultural production skills, nutrition knowledge and materials; seeds, tools and fencing. For the weaving projects, there are 31 weavers that participate in TBBC's *longyi* weaving projects. In 2010, more than 5,700 longyis were made for distribution.

Regarding the impact of income generating programmes, the survey reveals that there is not much impact in term of income generation because the programmes aim at increasing self-help.
Furthermore, the income generating programmes also increase vocational skills for the displaced persons; the displaced persons may apply these skills for income generation.

The income generating programmes in Ban Mae La temporary shelters cover a small proportion of the displaced persons residing in the temporary shelter. The survey found that almost all of the displaced persons require language training, specifically Thai language and English language.

5.3.4. Employment Opportunities for Displaced Persons

As regards the supply of labour, there are about 9,000 displaced persons of working age residing in Ban Mae La temporary shelter in Tak. The proportion of males is slightly larger than females. The survey reveals that 97% of the surveyed displaced persons are willing to work. Regarding the workplace, the surveyed displaced persons prefer to work inside the shelters rather than outside the temporary shelters.

However, from the discussion with local authorities and local entrepreneurs in Tak province, the research team learnt that Tak province hosts various labour intensive industries: there are more than 150 garment factories and 190 textile factories located in the province. Tak province also hosts large original equipment manufacturers and jewellery industries, as well as ethanol production plants and sugar cane plantations. The local authorities and local entrepreneurs agree that the government policy to increase the level of education of Thai people has resulted in reduced availability of low-skilled Thai labour. Local entrepreneurs have employed large numbers of migrant workers to fill up the demand. Currently, there are about 34,000 registered migrant workers working in Tak province, the majority of them coming from Myanmar, Laos and Cambodia. From the discussion, the research team also learnt that local entrepreneurs are willing to employ displaced persons if displaced persons were permitted to work outside the shelter. At the same time they opposed the idea to establish factories inside the shelter due to various infrastructure constraints (e.g. water supply, electricity and transportation). Local farmers in the surrounding areas were also reported to be willing to employ displaced persons during the harvesting and planting seasons.

Finally, the survey in the three locations has pointed out that almost all of the displaced persons have engaged in income generating activities. However, they are categorized in the very poor group due to the limited employment opportunities both inside the temporary shelters and the area around the temporary shelters. The average income of the displaced persons in three temporary shelters is less than 1,200 baht per year. However, the survey found a small group of better off people who earn more than 26,740 baht per year. The aforementioned income is not sufficient for a typical displaced persons’ household of 4-5 persons. The survey pointed out that the typical displaced persons’ household of 4-5 persons needs 1,500 to 3,000 baht per month.

Regarding the employment opportunities, the survey found that there are limited employment opportunities inside and, in particular, outside the three temporary shelters. In the three locations, the demand for labour from the temporary shelters is less than the demand for labour from neighbouring countries. However, the supply for labour from temporary shelters is needed by local farm owners; specifically for the harvesting season and crop seasons.

Currently, there are attempts of related organization such as NGOs, UNHCR, UN agencies, foreign governments of donors, and the RTG to create programmes that increase self-help and reduce aid dependency. Several NGOs in cooperation with the UNHCR and local governments have implemented pilot projects involving income generating programmes, such as AIGPP, CAN and Weaving projects. Furthermore, they also provide vocational training, such as sewing, auto training, agricultural trainings, etc. However, these programmes tend to reach a small group of displaced persons only. Furthermore, not all the projects generate income for the displaced
persons households; only a few programmes such as the weaving projects implemented by WEAVE and TBBC are found to generate income for the displaced persons.

The creation of sustainable solutions for displaced persons’ livelihoods is a tough and challenging task for the related organization. It needs the cooperation from various organizations and especially the RTG, which is the host country of the displaced persons.
Chapter 6

Conclusion & Recommendations

6.1 Conclusion

This research paper has explored the possibilities for creating a more sustainable solution regarding the treatment of displaced persons in the temporary shelters along the Thai-Myanmar border. The research team has learnt that due to the fact that Thailand has adopted a policy of confinement [1], according to which displaced persons are prohibited from leaving their allocated shelters or engaging in income generating activities outside their shelters, the displaced people not only experience negative psychological impacts, but also have become dependent on humanitarian assistance. The funding required for this in 2009 amounted to circa 1,941 million baht, of which 82% was provided by government sources (NGOs only) [2], with additional funds being provided by the UNHCR and other UN inter-agency.

The research team looked into the situation of the labour market in Thailand to examine the opportunities for low-skilled workers. It was found that at the national and regional levels there is an excess demand for Thai labour. However, the existing demand gap for labour has been filled by migrant workers who mostly originate from the neighbouring countries. This has reduced the demand gap considerably. During the course of the study, the research team learnt that due to the laws and restrictions in the kingdom of Thailand [3], it would indeed be difficult to let displaced persons fill up the demand gap at the national and regional levels. It seemed more practical and feasible to let displaced persons fill up the demand gap at the provincial level. If there were to be excess demand for low-skilled labour at this level, it could perhaps be considered to review the restrictions and relax the laws that currently prevent displaced persons from entering the labour market. However, the study also pointed out that while there exists an excess demand for low-skilled labour in several provinces, these demand gaps in practice are already been filled up by migrant workers. In some provinces (e.g. Ratchaburi and Tak provinces), the number of migrant workers was actually so great as to cause excess supplies of labour. Only in Mae Hong Son a small demand for low-skilled labour was found to exist, but the demand gaps forecasted are small; 314 in 2011, 1,903 in 2015, and 1,093 in 2019. These numbers are considered too small to make the whole procedure of taking displaced persons out of their temporary shelters to work worthwhile. Moreover, various other problems regarding the employment of displaced persons were encountered as well. A key problem relates to the government of Myanmar, whose attitude towards the displaced persons is less than amicable. Employing them could induce future conflicts with the Myanmar government. In addition, the forecasted excess demand for low-skilled labour is probably quite easily met by migrant workers from the neighbouring countries who can cross the border easily. Also, the survey shows that the majority of displaced people prefer to work inside the shelters or in the areas directly surrounding the shelters. Therefore, short-term solutions for displaced peoples’ livelihood should aim to improve their standard of livings and to make them more self-reliant. This could be achieved by equipping displaced persons with skills, by finding jobs that can be subcontracted to people inside the shelters, and by allowing displaced people to fill in some jobs in the nearby areas. In the long-run, the solution would be to repatriate the displaced persons and to assist them in making the transfer to the countries they like to be, be it Myanmar or a third country.

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1 #laws
2 This includes funding provided by foreign governments such as Governments of Denmark, Canada, Sweden, and so on, sponsoring NGOs that work in temporary shelters in Thailand.
3 #laws
6.2 Recommendations

6.2.1 General Recommendations

The general recommendation for improving the quality of life of displaced persons residing in temporary shelters would be to provide displaced persons with two options; 1) returning to their home country (Myanmar), or 2) to move to a third country. Regarding the first option, a proper survey needs to be carried out to obtain a more accurate figure of displaced persons who wish to return to Myanmar. The Thai government together with international organisations such as the United Nations can then negotiate with the government of Myanmar regarding the settlement of displaced persons (ethnic minorities who have fled to Thailand). The government of Myanmar could provide areas where households of the same ethnic group could reside together. A "Land self-help settlement" scheme could be implemented where each household would be granted with 1-2 acres of land. In the first phase; the government of Myanmar, NGOs and possibly the Thai government could help with the provision of necessary infrastructures such as housing, electricity, water supply, and transportation, and introduce them to possible career opportunities in for example agriculture.

Displaced persons who originally owned a home, property or land in Myanmar and who prefer to return to their places might be easier to deal with: basically they would only need transport to return to their place of origin. However, the UNHCR and other donor organisations should also provide some pocket money for each household. The amount should be enough to sustain them for a year, so that they have a chance to start a new life. Displaced persons who are concerned about their safety should have the option of residing in the allocated shelters.

If displaced persons choose the second option of moving to a third country, they should receive support from the agencies that are also currently involved in guiding transfers to third countries (i.e. the International Rescue Committee and the International Organisation of Migration). These agencies should design a road map regarding the transfer and assist in its implementation. The transfer process should start at the smallest shelters, in an attempt to close down the shelters one by one. It should be attempted to complete the process within three to five years.

The implementations of both options could take several years to complete. For the first option, success depends on how well the negotiations go between the Thai government and the government of Myanmar. For the second option, success also depends on the refugee quotas maintained by the third countries. As noted, this process could take as much as five years. It is therefore necessary meanwhile to improve the livelihoods of displaced persons in the temporary shelters, so that they have an opportunity to enjoy a reasonable quality of life while awaiting further steps.

Improving the livelihoods of displaced persons requires a multitude of actions that in turn require the involvement of a multitude of organization. Figure 6.2.1.1 provides a schematic overview. The sections below elaborate on them.
Figure 6.2.1.1 Linkages between activities that improve the livelihood of displaced persons

<table>
<thead>
<tr>
<th>Agencies</th>
<th>Basic Needs</th>
<th>Enhanced quality of life activities</th>
<th>Income Earning Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNHCR / NGOs</td>
<td>Food &amp; Cooking facilities</td>
<td>Produced &amp; Purchased farm products</td>
<td>Casual Employment within shelter</td>
</tr>
<tr>
<td>IRC/ZOA/NGOs</td>
<td>Clothings</td>
<td>Produced non farm products</td>
<td>Small business inside the shelter</td>
</tr>
<tr>
<td>IRC/NGOs</td>
<td>Shelter</td>
<td>Household facilities</td>
<td>Casual Employment outside the shelter</td>
</tr>
<tr>
<td>IRC</td>
<td>Medicine</td>
<td>Health promotion</td>
<td>Small business outside the shelters</td>
</tr>
</tbody>
</table>

Source: author's compilation

6.2.2 Food

The UNHCR and NGOs such as IRC allocate food and other necessities such as coal, vegetable oil, etc. to every household in the shelter. While it looks as if these supplies suffice, displaced persons cannot rely on the allocated items alone. From interviews with displaced persons it was learnt that some displaced persons “got bored with the taste of the food” since they received similar types of food all the time. At times they wanted to eat different types of food (e.g. meat, fruits and dessert) than the ones provided (mainly staple food), especially during festivals, rituals or special occasions.

Displaced persons can try to produce meat such as pork, chicken and fish to meet their consumption demands. The level of production should however be so as not to cause harm to the environment. It might be advisable to make various adjustments to their current style of animal husbandry: in some temporary shelters animals are being raised in the space under the houses, and this has caused various problems to the people themselves and to their neighbours (e.g. smell, noise, hygiene level, etc). Despite the fact that organic production methods such as “raising pigs in the holes” have been used, problems are still reported regarding noise and disease control such as tuberculosis. There are also risks of cholera and bird flu associated with raising chickens.

Promoting the quality of life through the consumption of animal protein might require that displaced persons jointly grow livestock in the same area so that the animals and the negative effects they cause do not spread around in the residential area. The alternatives are:

- Some temporary shelters such as Mae La have enough land. They could increase the productivity of that land by using the abundant supply of labour available inside the shelter. The products grown can be used to pay for the cost involved (including wages for the people who supply their labour), or they can be traded with other temporary shelters that do not have enough land for animal husbandry.
- Some temporary shelters do not have sufficient land for growing livestock. However, they could be able to rent lands near the shelters from the locals.
The aim of agriculture, livestock or fishery production by displaced people should be to meet the food demand of the displaced persons in the nine temporary shelters. The aim should not be to market the products beyond the nine shelters, as this would affect the livelihoods of local people. In the past, displaced persons have sold their products outside the shelters. This caused dissatisfaction among the local communities as they feared the loss of market share.

The ZOA has supported displaced persons in their attempts to farm vegetables as another source of supplementary food, and distribute them to elderly, women and disabled people. The ZOA has tried to promote subsistence and shared crops growing, where displaced persons are encouraged to sell their products at a non-profit price to the workers that have lend their hands with the cultivation.

Apart from these, every household could grow some vegetables and herbs such as lemon grass, galangal, kaffir, lime, chili, basil, and sweet basil. These are commonly used in cooking and do not require much space. Fences and even recycled containers can be used as pots to grow edible plants. This could help to reduce the demand for cash.

However, cultivation and animal husbandry require larger areas of land which will come with a price tag. In result, displaced persons would need capital to invest in such activities. The donors and agencies responsible for the livelihood of displaced persons could help with the provision of capital and knowledge regarding agriculture and livestock. They could also provide support in sales and in the distribution to other temporary shelters.

### 6.2.3 Clothing

Each year, more than 50,000 sets of clothing are provided to displaced persons in temporary shelters by IRC, ZOA and WEAVE. However impressive, these are not sufficient in terms of both quality and quantity. This is partly due to the wide age range of the displaced persons (from young children to elderly); and to the fact that each person requires at least five pieces of clothing. Also, different age groups require different types of clothing e.g. adolescents tend to wear different types of clothing than adults. Influenced by the media, they usually want to be in fashion and this puts a burden on their families. Moreover, IRC, ZOA and WEAVE have been supporting small business in selling ready-made garments. This has resulted in artificial demand which is higher than the actual demand. There are two ways to solve the problems: 1) increase opportunities for household to earn cash income; or 2) support unemployed working age labour to acquire sewing skills so that these people become able to sew their own garments.

This could be done in two ways:

- **Promote the sewing of garments for use in temporary shelters under annual quotas from IRC, ZOA and WEAVE without external bidding.** Train displaced persons in the temporary shelters to sew and tailor, and provide them with capital to invest in cloths and sewing equipment and provide them with a reasonable pay. The first goal is for each shelter to be able to provide enough clothing for its own population.
- **Displaced persons with sewing skills could make tailor made uniforms to earn extra income.**

If temporary shelters have enough skilled sewing workers, dependence on cheap manufactured clothing from outside the shelter should be reduced. Eventually, each temporary shelter could become self-sufficient in terms of clothing.

If the temporary shelters are to become successful in tailoring, they would need to rely on government agencies such as Rajabhat Institute and Skill Development Institutions in the provinces. These provide classes and training courses in sewing to create professional tailors (pattern tailoring, dewing, designing). Charity organizations and relevant government agencies could help to bear the cost of such training courses.
6.2.4 Housing

While most of the housing in the shelters is of temporary nature (e.g. using simple structures and requiring not much knowledge about construction), it would be to displaced persons’ advantage if they were equipped with proper repair skills. With such skills they would be able to improve their dwellings or upgrade them into other functions. Displaced persons with repair skills could become the shelters’ construction teams. These could be hired by displaced persons who wish to upgrade their dwellings but lack time or skills.

6.2.5 Health

IRC has always provided health support to displaced persons. Displaced persons have been examined and taken care of by way of modern methods and medicine. However, the research team learnt that some displaced persons have some knowledge of traditional (herbal) medicine. The use of therapeutic approaches is another option, especially because it could help to reduce the budget spent on common medicine, and because it could enhance the experience of village doctors.

Promoting and supporting health care training among youth might be a valid option for Post-10 graduates so that they can gain basic medical knowledge. This could be useful for the youth themselves and for the other people in the shelters. Moreover, such vocational skills could be trained inside the shelter, with training provided by professionals from outside.

6.2.6 Income generating activities

The study shows that a typical household of 4-5 persons needs approximately 1,500-3,000 Baht cash flow per month. If the family is able to generate/produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly. However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival.

Income generating activities for displaced persons should focus on temporary jobs and subcontracted activities executed inside the shelter since the study shows that the labour markets of the provinces where the temporary shelters are located (apart from Mae Hong Son), are characterized by excess supply of foreign workers and that consequently there is barely any need to employ workers from the temporary shelters.

Taking into account the conditions discussed above, suggestions for generating extra income are as follow:

- Emphasis should be placed on creating jobs within the temporary shelters. People could for example be employed by NGOs, for example in jobs related to food management, education, health care, security, etc. People should be encourages and given the opportunity to further their competencies, for example by means of extra education in the field of teaching, care giving, practical nursing etc. These are core competencies for primary care, and the holders of these will be able to look after the people in the temporary shelters.

- Small businesses such as restaurants, bakeries, grocery shops, etc. could be another good option. This also allows displaced persons to spend their time usefully while earning extra income for the family. However, the presence of such functions in the shelters may also encourage more spending among the communities, as they may add to children's desire for
toys and candies. This may provoke more competition among the consumers, and, in turn, pressure the parents to seek more money.

- For displaced people to own a business outside the temporary shelters is a sensitive issue and is therefore not recommended. The main concern is that such businesses would compete directly with the local businesses, which could lead to conflicts between the displaced people and the locals. Before permissions are granted, in-depth studies should be carried out, and local government organization should carefully consider where to draw the boundaries.

- Another possible business opportunity is for local entrepreneurs to subcontract work to displaced people in the shelters. While this may lead to conflicts with the Thai domestic workers, such conflicts should be only small since subcontracting qualifies as a direct and 'free' business deal between such entrepreneurs and the displaced persons.

- Promoting displaced people to hunt for jobs outside the shelters is also not recommended: a small group of displaced people might run against huge costs since they could get into conflict with larger groups of migrant workers who have been filling the demand gap so far.

- Perhaps, granting displaced persons of working age to work outside the shelter in a systematic manner might be a better approach than the current situation where the displaced people have to sneak out and work illegally. Such workers now run high risks: if they are caught they can face criminal charges since their status is not different from illegal migrant workers. A more practical suggestion regarding employment opportunities would be in the agricultural sector, with the following guidelines:
  
  - The officers in charge of displaced people in the Ministry of Interior to receive request for displaced persons labour for considering official permission according to the request.
  
  - Employers are not interested in hiring displaced persons since their status is not different from illegal migrant workers, which could induce various complications.

- If the population insists on hiring displaced persons, it should start with cooperation between the officers of the temporary shelters and the district officers (such as Mae Sot district, Prop Pa district, Mae Ra Mard district, etc.). These should act as representatives in allocating the jobs in the agricultural field.

- Finally, employers should arrange transport for displaced persons from and to their shelters on a daily basis as a rule.
References


References


Website


APPENDICES
## Appendix I

### Table A.1: Number of training programmes provided by ZOA from 2003 to 2006

<table>
<thead>
<tr>
<th>Training Course</th>
<th>2003 Total</th>
<th>2004 Total</th>
<th>2005 Total</th>
<th>2006 Total</th>
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<th>Total Female</th>
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Source: ZOA issue paper no.1 (Brees, 2008, p. 6)

### Table A.2: Number of training/People trained in CAN project (Dec. – June 2010)

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**Total** 12 305 145 160

Source: TBBC 2010 Programme Report (January to June)
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Source: TBBC 2010 Programme Report (January to June)
## Appendix II
### Thai Labour Market

Table A.4: Demand for labour in three selected province

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<tr>
<td>Total Employed Persons</td>
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Source: Socio Economic Survey
The Office of Education Council
Table A.6: Trend of Migrant workers in Kanchanaburi, Ratchaburi, Chieng Mai, Tak and Mae Hong Son

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<td>14.80</td>
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<td>20.54</td>
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</table>

Source: Office of Foreign Worker Administration
His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to revise the Law on working of aliens;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly as follows:

Section 1. This Act is called the "Working of Aliens Act, B.E. 2521"

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.*

Section 3. The Announcement of the National Executive Council No. 322, Date 13th December B.E. 2515 shall be repealed.

Section 4. This Act does not apply to the performance of a specific duty by aliens in the Kingdom in the following capacities:
(1) as members of a diplomatic mission;
(2) as members of a consular mission;
(3) as representatives of member countries and officials of the United Nations Organization and its specialized agencies;
(4) as personal servants coming from foreign countries to work regularly for persons in (1), (2) or (3);
(5) as persons who perform duty or mission under an agreement concluded between the Government of Thailand and a foreign Government of international organization;
(6) as persons who perform duty or mission for the benefit of education, culture, art, sport of other activities as may be prescribed by the Royal Decree;
(7) as persons permitted by the Government of Thailand to enter and perform any duty or mission.

Section 5. In this Act,
"alien" means a natural person who is not of Thai nationality;
"work" means to engage in work by exerting energy or using knowledge whether or not in consideration of wages or other benefit;
"permit" means a work permit;
"holder of permit" means an alien who has been granted a permit;
"Committee" means the Committee Considering Working of Aliens;
"competent official" means a person appointed by Minister for the execution of this Act;
"Registrar" means a person appointed by the Minister as Registrar of working aliens;
"Director-General" means the Director-General of the Employment Department;
"Minister" means the Minister having charge and control of the execution of this Act.

Section 6. Subject to Section 12, any work which an alien is prohibited to engage in any locality and at any particular time and whether subject to absolute or conditional prohibition and to any extent shall be prescribed by the Royal Decree.
Section 7. Subject to Section 10, an alien may engage in any work which is not prohibited by the Royal Decree issued under Section 6 only upon receipt of a permit from the Director-General or official entrusted by the Director-General except an alien who is permitted to enter the Kingdom for temporary stay under the law on immigration in order to engage in work which is necessity and urgency for a period not longer than fifteen days, but such alien may engage in the work after he has notified the Director-General or official entrusted by the Director-General in writing in the form prescribed by the Director-General.

Section 8. Subject to the law on immigration, any person wishing to employ an alien in his business in the Kingdom may submit an application on behalf of the alien to the Director-General or official entrusted by the Director-General.

The Director-General or official entrusted by the Director-General may issue a permit to an alien under paragraph (1) only after the entry into the Kingdom of such alien.

Section 9. In granting a permit to an alien under Section 7 and Section 8, the Director-General or official entrusted by the Director-General may prescribe any condition therein for the alien to comply therewith. In such case, the alien is required to give assurances that he will comply with such condition and, the case under Section 8, such alien shall give assurance prior to his entry into the Kingdom.

Section 10. An alien who has been permitted entry to work in the Kingdom under the law on investment promotion or other laws shall submit an application to the Director-General or official entrusted by the Director-General within thirty days from the date of his entry to the Kingdom, but if such alien has been the Kingdom, the period of thirty days he shall begin as from the day he is aware that he has been granted permission to work under the law on investment promotion or other laws. Pending the issue of permit, the applicant shall be allowed to engage in such work.

Upon receipt of application, the Director-General of official entrusted by the Director-General shall issue a permit without delay.

Section 11. An alien who may for a permit under Section 7 must possess the following qualifications:
(1) having a place of residence in the Kingdom or having been permitted entry into the Kingdom for temporary stay under the law on immigration but not as tourist or in transit;
(2) not being disqualified or prohibited under the conditions prescribed by the Minister as published in the Government Gazette.

Section 12. The following aliens may engage in such works as to be prescribed by the Notification of the Minister in The Government Gazette. In such Notification, the Minister may prescribe any condition as he may deem appropriate:
(1) aliens under a deportation order under the law on deportation who have been permitted to engage in occupation at any place in lieu of deportation or while awaiting deportation;
(2) aliens whose entries into the Kingdom have not been permitted under the law on immigration and are awaiting deportation;
(3) aliens who were born within the Kingdom but have not acquired Thai nationality under the Announcement or the National Executive Council No.337, dated 13 December B.E.2515 under other laws;
(4) aliens whose Thai nationality have been revoked by the Announcement of the National Executive Council No.337, dated 13 December B.E. 2515 or under other laws.

An alien may engage in such works as to be prescribed by the Minister under paragraph (1) only upon receipt of a permit from the Director-General of official entrusted by the Director-General.
Section 13. Permits issued under this Act shall be valid for one year from the date of issue except that:

(1) the permit issued to an alien under Section 10 shall be valid for a period as long as he has been permitted to work under such laws;
(2) the permit issued to an alien under Section 12 shall be valid for the period prescribed by the Director-General or official entrusted by the Director-General which must not exceed one year from the date of issue;
(3) the permit issued to an alien who has been permitted entry into the Kingdom for temporary stay under the law on immigration shall be valid for a period as long as he has been permitted to stay in the Kingdom at the time of the issue of the permit;
(4) the permit issued to an alien who has been permitted entry into the Kingdom for temporary stay under the law on immigration without definite period shall be valid for thirty days from the date of issue.

Section 14. In the case where a holder of a permit which is issued under Section 10 has received an extension of the working period under such laws, the holding of a permit shall notify the Registrar within thirty days from the date of receiving extension and the Registrar shall record such extension in the permit.

Section 15. Before a permit is expired and the holder of the permit wishes to continue working, he shall apply for a renewal of the permit to the Registrar prior to the expiration thereof. In such case, the applicant for renewal of the permit may continue working until the Registrar issues an order refusing the renewal of the permit. Each renewal of permit shall be valid for one year, except that:

(1) under Section 13(3) shall be made for a period not more than the extension which the holder has been permitted to stay in the Kingdom;
(2) the renewal of permit under Section 13(4) shall be made for a period of thirty days each time except that, in the case where an alien has been permitted to stay in the Kingdom under the law on immigration for a definite period which is longer than thirty days, the renewal of permit shall be for a period as long as he has been permitted to stay in the Kingdom, but not longer than one year.

Section 16. The Minister has the power to issue Ministerial Regulations prescribing forms, rules and procedures in the following cases:

(1) application for an issue of permit under section 7, section 8, section 10, and section 12;
(2) application for renewal of permit under Section 15;
(3) application for an issue of permit substitute under section 19;
(4) application for an issue or permission to change work of locality or place of work under section 21;
(5) issue of identity card under section 31.

Section 17. In the case of refusing to issue a permit or not granting permission under section 7, section 8, section 10, section 12 or refusing to renew the permit under section 15 or not granting permission to change the work or locality or place of work under section 21, the applicant has the right to appeal to the Minister by submitting a written appeal to the Director-General of official entrusted by the Director-General or the Registrar, as the case may be, within thirty days from the date of the knowledge of the order of refusal. Upon receipt of the appeal, it shall be referred to the Committee within fifteen days and the Committee shall then consider and submit its opinion to the Minister within fifteen days and the Minister shall complete his consideration of the appeal within thirty days. The decision of the Minister shall be final.

In the case of an appeal against an order refusing the renewal of a permit under Section 15 as mentioned in paragraph (1), the appellant has the right to continue working until the Minister decides on the appeal.
Section 18. A holder of permit must keep the permit on himself or at the place of work during working hours in order that it may be readily produced to a competent official or Register.

Section 19. If a permit is materially damaged or lost, the holder of the permit shall apply for the permit substitute to the Registrar within fifteen days from the date of the knowledge of such damage of loss.

Section 20. In the case where an alien resigns from the work which is specified in the permit, he shall return the permit to the Registrar of Changwat where the place of work is situated within seven days from the date of his resignation.

Section 21. A holder of permit shall not engage in the work other than that which is specified in the permit or change the locality or place of work from that which is specified in the permit unless permission is obtained from the Registrar.

Section 22. No person shall employ an alien who has no permit nor employ him on the work which of different description or conditions from that specified in the permit.

Section 23. Any person who employs an alien or transfers an alien to work in the locality other than that which is specified in the permit, or allows an alien to resign from his work, shall notify the Registrar within fifteen days from the date of employments, transfer of resignation.

The notice under paragraph (1) shall be in the form prescribed by the Director-General.

Section 24. There shall be a committee called the 'Committee Considering Aliens' Work' consisting of the Permanent Secretary of the Ministry of Labor and Social Welfare or person entrusted by the Permanent Secretary of the Ministry of Labor and Social Welfare as Chairman, a representative of the Ministry of Foreign Affairs, a representative of the Ministry of Industry, a representative of the Police Department of Local Administration, a representative of the Department of Public Welfare, a representative of the Department of Public Prosecution, a representative of the Department of Trade Registration, a representative of the Department of Internal Trade, a representative of the Office of the Board of Investment, a representative of the Office of the National Economic and Social Development Board, and not more than three other persons appointed by the Minister as committee members and a representative to the Employment Department as member and secretary.

Section 25. Member appointed by the Minister hold office for a term of two years and may be reappointed.

Section 26. Member appointed by the Minister vacate office period to the end of term upon:
(1) death;
(2) resignation;
(3) removal by the Minister.

In the case where a member is appointed during the term of members already appointed, notwithstanding it is a new or additional appointment, the appointee shall hold office for the remaining term of the members already appointed.

Section 27. The Committee has the duty to consider and give recommendation or advice to the Minister as follows:
(1) the issue of Royal Decrees under section 4(6) and section 6;
(2) the prescription of works which the Ministry may publish under Section 12;
(3) the issue of Ministerial Regulations under section 16.
(4) the consideration of appeal of order under section 17;
(5) other matters as entrusted by the Minister.

Section 28. In a meeting, the presence of not less than on-half of the total number of the committee members shall constitute a quorum. If Chairman is absent from the meeting or unable to perform his duty, the committee members present shall elect one among themselves to preside over the meeting.

The decision of meeting shall be by majority votes. In casting votes, each committee member shall have one vote and in case of an equality of votes, the person presiding over the meeting shall cast an additional vote as casting vote.

Section 29. The Committee has the power to appoint a subcommittee to carry out any activity or consider any matter within the scope of duty of the Committee. The provisions of Section 28 Shall apply to the meeting of a sub-committee mutatis mutant is.

Section 30. In performing the duties under this Act, the Director-General or official entrusted by Director-General, Registrar or competent official is empowered to:

(1) issue a written inquiry or summon any person to provide facts as well as to require him to produce any document or evidence;

(2) enter any premises during the working hours where is a reasonable cause to suspect that an alien is working there in order to ensure compliance with this Act. For this purpose, he is empowered to inquire into facts or request production of any document or evidence from the person who is responsible for or connected with it in such place.

In performing the duty under (2), the owner or occupant of such premises for person who is responsible for or connected with it in the said premises shall render appropriate facilities.

Section 31. The Registrar and competent officials must have identity cards. In the performance of duty, the Registrar and competent officials must produce their identity card upon request of the person concerned.

Section 32. In performing the duties under this Act, the Director-General of official entrusted by the Director-General, Registrar or competent official shall be official the Penal Code.

Section 33. Any alien who is working in violation of the Royal Decree issued under section 6 shall be liable to imprisonment for a term not exceeding five years or to a fine of two thousand Bath to one hundred thousand Baht or to both.

Section 34. Any alien who is working in violation of section 7 or in violation of the conditions specified under section 9 or works without a permit or in violation of the conditions prescribed by the Minister under section 12 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand Baht or to both.

Section 35. Any alien who is working in violation of section 10 or section 18 or section 20 shall be liable to a fine not exceeding one thousand Baht.

Section 36. Any holder of permit who fails to comply with section 14 or section 19 shall be liable to a fine not exceeding five hundred Baht.

Section 37. Any alien who continues working after his permit has expired without applying for a renewal before the expiration thereof or has applied for a renewal but the Registrar has issued an order refusing the renewal of the permit under section 15 and such alien has not appealed the order of the Registrar or he has appealed but the Minister has decided not to grant
renewal of the permit under section 17 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand Baht or to both.

Section 38. Any holder of permit who violates section 21 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding two thousand Baht or to both.

Section 39. Any person who employs an alien in violation of section 22 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Bath or to both.

Section 40. Any person who violates section 23 or section 42 shall be liable to a fine not exceeding one thousand baht.

Section 41. Any person who fails to comply with a written inquiry or summons or refuses to give facts or furnish document or evidence or obstructs or fails to render facilities to the Director-General or official entrusted by the Director-General or the Registrar or competent official in the performance of their duties under section 30 shall be liable to a fine not exceeding three thousand Baht.

Section 42. Any person who employs an alien in his business prior to the date the Announcement of the National Executive Council No. 322, dated 13th December B.E. 2515 comes into force and has not, up to the date this Act comes into force, submitted particulars concerning aliens in his employment under Clause 35 of the said Announcement, shall submit the said particulars in the form prescribed by the Director-General within forty-five days from the date this Act comes into force.

Section 43. A permit issued under the Announcement of the National Executive Council No. 322, dated 13th December B.E. 2515 shall continue to be valid as long as it has not expired and the holder of permit continues to engage in the work for which he has been granted the permit.

Section 44. An alien who has a place of residence in the Kingdom under the law on immigration and has been working prior to the date the Announcement of the National Executive Council No. 322, dated 13th December B.E. 2515 comes into force and has applied for a permit to the Director-General or official entrusted by the Director-General under Clause 34 paragraph one of the said Announcement and the Director-General or official entrusted by the Director-General has issued the permit which has not been collected by the alien who is still working on the date this Act comes into force, shall collect, the permit within sixty days from the date this Act comes into force, or such permit will be regarded as having expired at the end of the said period.

Section 45. An alien under section 12 who is engaging in any work on the date this Act comes into force may continue to do such work until there is a Notification of the Minister under section 12.

After the Minister has issued a Notification under section 12, in the case where the work which an alien is engaging is permitted under the Notification of the Minister, such alien may continue to do such work but must apply for a permit within ninety days from the date the Notification of the Minister comes into force. In the case where the work which an alien is engaging is prohibited under the Notification of the Minister, such alien may continue to do such work for one hundred and eighty days from the date this Act comes into force.

Section 46. All the Royal Decrees, Ministerial Regulations and Notifications or Orders of the Minister or Director-General or permits which have been issued or given by virtue of the Announcement of the National executive Council No. 322, dated 13th December B.E. 2515 in so
far as they are not contrary to or inconsistent with this Act shall remain in force and shall be regarded as the Royal Decrees, Ministerial Regulations and Notifications or Orders of the Minister or Director-General, or permits issued under this Act.

Section 47. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to appoint the Registrar and competent officials, issue Ministerial Regulations prescribing fees not in excess of the rates attached hereto, granting exemption of fees and prescribing other activities for the execution for this Act.

Ministerial Regulations shall come into force after their publication in the Government Gazette.

Countersigned by:

General Kriangsak Chommanan

Prime Minister

Certified correct translation
T.Chiemwichitra
(Taksapol Chiemwichitra)
Office of the Juridical Council

**Rate of fees**

1. A permit: 1,000 Baht each year
2. Renewal of a permit or extension there of: 1,000 Baht each year
3. Substitute of a permit: 300 Baht
4. Permission to change work or locality or place of work: 500 Baht
Appendix IV

Immigration Act

In the name of his Majesty King Bhumibol

Enacted on the 24Th of February B.E. 2522

The 34Th year of the present reign

Whereas it is deemed proper to revise the Law on immigration

Section 1: This Act shall be called the “Immigration Act, B.E. 2522”

Section 2: This Act shall be enforced starting ninety days after the date of its publication in the Government Gazette.

Section 3: Immigration Acts:
1. B.E. 2493 (1950)
2. B.E. 2497 (1954 – NO.2)
Shall be repealed
In lieu all others laws, regulations, or rules which are provided for in this Act or contradictory hereto or inconsistent herewith, the provision of this Act shall be applied.

Section 4: In this Act:
“Alien” means any person who is not of Thai nationality under the nationality Act.
“Conveyance” means any vehicle or beast of burden or any other object(s) which may be used in conveying persons from one place to another.
“Owner of Conveyance” includes an agent of the owner, a person renting, an agent if the person renting, possessor, or an agent of the possessor of the conveyance, as the case may be.
“Person in charge of conveyance” means the master of the vessel or person responsible for the control of the conveyance.
“Crew of conveyance” means the person who has a function, duty, or work in the conveyance, and in the interest of this Act, it includes the person in charge of conveyance driving the conveyance without a crew.
“Passenger” means any person other than the person in charge, or the crew of conveyance
“Immigrant” means any alien who enters the Kingdom.
“Immigration Doctor” means any doctor appointed by the Director General to carry out the provisions of this Act.
“House Master” means any persons who is the chief possessor of a house, whether in the capacity of owner, tenant, or in any other capacity whatsoever, in accordance with the law on people act.
“Dwelling Place” means any place used for habitation such as a house shed, boat or floating house which human beings inhabit. It also includes the precinct of the place used for habitation, whether it be enclosed or not, in accordance with the Panel Code.
“Hotel” means any place built for remuneration for travelers or persons who wish to look for a place to stay or rest for a period of time, in accordance with the law on the hotels.
“Commission” means The Immigration Commission.
“Competent Official” means any officer appointed by the Minister to carry out a function in conformity with this Act.

"Director" means Director General of the Police Department.

"Minister” means the Minister in charge of this Act.

Section 5: The Minister of Interior shall be in charge and have control for the executive of this Act and shall have power to appoint competent officials, and Issue Minister Regulations; to fix fees and other expense not exceeding rates annexed to this Act and to fix other activities for the execution of this Act. Such Ministerial Regulations shall become effective after having been published in the government Gazette.

Chapter 1

Immigration Commission

Section 6: The immigration Commission will consist of the Under Secretary of the Minister of Interior as Chairman and the following members:
- Under Secretary of Ministry of Foreign Affairs
- Director General, Police Department
- Director General, labor Department
- Director General, public Prosecution Department
- Secretary General, Board of Investment Committee
- Secretary General, National Security Council
- Director, Tourist Organization of Thailand
- Commander of Immigration Division as member and secretary

Section 7: The Immigration Commission shall have power and duty to:
1. Revoke permission for temporary stay in the Kingdom under Section 36 Para 1.
2. Consider an appeal under Section 36 Para 2.
3. Permit aliens to enter into and assume residence in the Kingdom under Section 41 Para 1
4. Fix qualifications of any aliens asking to take up residence in the Kingdom; and to fix Conditions pertaining to the national security; and to fix other conditions under Section 41 Paragraph 2.
5. Fix Regulations for residence applications of aliens temporarily entering into the Kingdom under section 41 Para 4.
6. Permit aliens to enter into and take up residence on the Kingdom under Section 43 Para 1 and to fix regulations for display of the aliens’ financial status under Section 43 Para 2.
7. Permit the aliens, who are authorized to stay in the Kingdom temporarily, to take up residence; and to permit and fix conditions in rendering permission to the alien who has applied for taking up residence in the Kingdom to remain in the Kingdom for the time being under Section 45 Para 1 and 2.
8. Give order to revoke permission for taking up residence in the Kingdom under Section 47 Paragraph 3.
9. Permit aliens, who have a residence in the kingdom, to continue that residence in the
Kingdom under Section 51 Paragraph 1.

10. Consider revocation of a residence permit under permit under Section 53.

11. Give advice, suggestions and view to the Minister on establishing standard operating procedures for local official and for other officials, regarding national security, as well as issuance of Ministerial Regulations under this Act.

12. Consider and give opinions on immigration matters as assigned by the cabinet or by the Minister.

Section 8: In the performance of duty of the Immigration Commission under this Act, the Committee member who is also the security shall, without delay, submit matters under committee jurisdiction to the chairman of the Committee; his duty, he (the committee member who is also the secretary) shall without delay, submit them to the committee member who is appointed by the committee. The chairman of the committee or the committee member so appointed shall call for a meeting in accordance with the urgency of the matter and in accordance with the rules and regulations fix by the committee. In the meeting of the Commission, if the Chairman does not attend the meeting or is not in the meeting of the members of the meeting shall select one member to preside over the Meeting. The quorum of any meeting will consist of no less than half of all members. Decisions of the meeting will be decided by a majority vote. One member has one vote. If the voting score is equal, the Chairman of the meeting shall make the deciding vote.

Section 9: The Immigration commission may appoint Sub-committees or may empower any Competent Official to carry out any assigned function. The provision of Section 8 shall be applied Mutants Mutandis for the meeting of the Sub – Committee.

Section 10: In the performance of duties under this Act, the commission shall have power to issue written orders asking persons concerned to give facts or to present documents pertaining to meters under the power and duty of the Immigration Commission.

Chapter 2

Entering and Department the Kingdom

Section 11: Persons entering into or departing the Kingdom must other and leave by way of Immigration check points, designated landing, stations or areas and in accordance to the prescribed time as published in the Government Gazette by the Minister.

Section 12: Aliens which fall into any of the following categories are excluded from entering into the Kingdom:

1. Having no genuine and valid passport or document used in lieu of passport; or having a genuine and valid passport or document used in lieu of a passport without Visiting by the Royal Thai Embassies or Consulates in Foreign countries; or from the Ministry of Foreign Affairs, excepting if a visa is not required for certain types of aliens in special instances. Visiting and visa exemptions will be granted based upon the conditions provided in the Ministerial Regulations.

2. Having no appropriate means of living following entrance into the Kingdom.

3. Having entered into the Kingdom to take occupation as a laborer or to take employment by using physical without skills training or to work in violation of the Ministerial Regulations.

4. Being mentally unstable or having any of the disease as prescribed in the Ministerial Regulations.
5. Having not yet been vaccinated against smallpox or inoculated or undergone any other medical treatment for protection against disease and having refused to have such vaccinations administered by the Immigration Doctor.

6. Having been imprisoned by the judgement of the Thai Court; or by a lawful injunction; or by the judgement of the Court of foreign country, except when the penalty is for petty offense or negligence or is provided for as an exception in the Ministerial Regulations.

7. Having behavior which would indicated possible danger to the public or likelihood of being a nuisance or constituting any violence to the peace or safety of the public or to the security of the public or to the security of the nation, or being under warrant of arrest by competent officials of foreign governments.

8. Reason to believe that entrance into the Kingdom was for the purpose of being involved in prostitution, the trading of woman of children, drug smuggling, or other types of smuggling which are contrary to the public morality.

9. Having no money or bond as prescribed by the Minister under him

10. Being a person prohibited by the Minister under Section 16.

11. Being deported by either the Government of Thailand that of or other foreign countries; or the right of stay in the Kingdom or in foreign countries having been revoked; or having been sent out of the Kingdom by competent officials at the expense of the Government of Thailand unless the Minister shall consider exemption on an individual special case basis.

The examination and diagnosis of disease of a physical or mental nature, including protective Operations as against disease shall be conducted by the Immigration Doctor.

Section 13: The bellowed listed aliens shall not be required to have a passport or document in lieu of passport:

1. Any person in charge of or the crew of a seagoing or air conveyance making an entry into a port, station or locality in the Kingdom and departing therefrom. For convenience in controlling this person, the competent official may issue them a certificate in accordance with the form as prescribed in the Ministerial Regulations.

2. A citizen of a country with has its boundaries adjacent to Thailand making at a temporary journey across the border under compliance with the agreement between the Government of Thailand and of that country.

3. A passenger of an international train holding a through ticket and making a transit journey across Thailand under compliance with the international agreement between the Government of Thailand and of the country concerned, including the conductor and crew of such train.

Section 14: The Minister shall have power to issue public notice in the Government Gazette requiring the alien entering into the Kingdom to have with either money or bond, or shall have power to order an exemption under any condition. The public notice issued by the Minister under the first paragraph of this section shall not apply to children under the age of twelve years.

Section 15: Aliens entering into the Kingdom under bellow listed status shall be exempted from complying out the function or the prohibition under Section 11, Section 12 (1), (4) and (5) and Section 18 Para 2.

1. Persons on Diplomatic Missions sent by a foreign country's government to perform duties in the Kingdom; or which are travelling through the Kingdom to perform duties in another country.
2. Consular parties and their employees sent by a foreign country's government to perform duties in the Kingdom to perform duties in another country.

3. A person which a foreign country's government has sent to perform duties or missions in the Kingdom with the approval of the Thai Government.

4. A person performing duties or missions in the Kingdom for the government of Thailand in accordance with the agreements of the Government of Thailand and of the foreign country involved.

5. Officer Chief of International Organizations or Department performing duties in Thailand, which are protected by law or which the Thai Government has concurred with, including officer, specialists or other persons, who are appointed or responsibilities in the Kingdom for said Organization or Departments or for the Thai Government under an agreement with the Thai Government has made with such International Organizations or Departments.

6. Spouses or children under patronage or being a part of the allow household of persons under paragraph (1), (2), (3), (4) or (5).

7. Privates servants travelling from foreign countries to work at the residence of the persons under (1) or any person having a document showing status equivalent to that of diplomatic immunity, in accordance with the agreement that the Thai Government has made with Foreign Governments or with International Organizations or Departments.

8. Case (1), (2), (6) or (7) shall be in compliance with agreements made between concerned countries and with mutual reciprocation. The competent official shall have power to question or examine evidence for the purpose of ascertaining whether a person entering into the Kingdom is under the exemptions provided for this Section.

Section 16: In the instance where for reason of national welfare or safeguarding the public peace, culture, morality, or welfare, or when the Minister considers it improper to allow any alien or any group of alien to enter into the Kingdom, the Minister shall have power to exclude said alien or group aliens from entering into the Kingdom.

Section 17: In certain special cases, the Minister, by the Cabinet approval, may permit any alien or any group of aliens to stay in the Kingdom under certain conditions, or may conditions, or may consider exemption from being conformity with this Act.

Section 18: The competent official shall have power to inspect persons entering into or leaving the Kingdom. In light of this provision, persons entering into or departing from the Kingdom must submit a list of items as prescribed in the Ministerial Regulations, and must be inspected and approval by the competent official assigned to the Immigration check point.

Section 19: In inspecting and considering whether an alien is forbidden from entering the Kingdom, the competent official shall have authority to allow said alien to stay at an appropriate place after promising that he will present himself to the competent official to received his orders on a specified date, time and place; or if the competent official deems appropriate he may call for a bond or call for both bond and security; or the competent official may detain said aliens at any place for paragraph, the competent official shall have power to call a person, who's statement the competent official has reason to believe may be useful in case of doubt, to give oath, testimony, or statements to the competent officials. If there is reason to suspect that any alien has entered into the Kingdom for the purpose committing acts specified in Section 12 (8) or for the purpose taking past therein, any woman or child enters into the Kingdom for a temporary stay by ordering said person (s) to report in person to him and answer his questions; or the competent official may officials at the Local Police Station where said person (s) will reside, within a period of time prescribed by the competent official which shall not be less than seven day intervals.
Section 20: In the instance where the competent official has detained any alien under the provision of Section 19, the competent official shall have grounds to detain said alien in so far as it is necessary, under the circumstance but not more than forty-eight hours beginning at the time of this (detainee's) arrival at the office of the competent official. In case of necessary, the period of forty-eight house may be extended, but not to exceed seven days, and the competent official shall record the reason for such extension. If it necessary to detain any alien longer than the period of time provided in the first paragraph, the competent official shall apply to the Court for an order to further detain said alien and Court may order further detention, if found necessary, not exceeding twelve days at each application. However, if the Court deems it appropriate, the Court may order that said alien be temporary.

Section 21: The expense of detaining an alien shall, under Section 19 and 20 be charge to the account of the owner, or person in charge, of the conveyance bringing the alien into the Kingdom. If there appears to be an owner or person in charge of the conveyance, or the alien concerned entered into the Kingdom without coming by way of a conveyance, the expense shall be charged to his (alien's) account.

Section 22: In the instance where the competent official discovers that an alien is forbidden from entering into the Kingdom under the provisions of Section 12, the competent official shall have authority to order said alien by written notification to leave the Kingdom. If said alien is not satisfied with the competent official's order, he (alien) may appeal to the Minister. The order of the Minister shall be final. Appealing cases are not allowed under Section 12 (1) or (10), but if the Minister does not have an order within seven days beginning from the date of submitting the appeal, it is considered that the Minister has ordered that said alien is not forbidden from entering into the Kingdom under Section 12. Appeal must be submitted the competent official within forty-eight hours beginning from the time of received said order from the competent official and must comply with the pattern (and a fee must be paid) as provided in the Ministerial Regulations. When appeal is submitted by the alien concerned, the competent official shall delay deportation of said alien until an order for said case is receive from the Minister. While processing under order of the competent official or while waiting for an order from the Minister, as the case may be, the provisions of Section 20 shall not be applied.

Chapter 3
Conveyance
Section 23: The owner or person in charge of a conveyance must bring the conveyance into or out of the Kingdom thought the proper route, immigration check point, port boundaries station, or area, and time, which the minister shall publish in the Government Gazette.

Section 24: The competent official shall have power to check conveyances entering into or leaving the Kingdom; or to check conveyances where there is reason to suspect that passengers are being taken in or out of the Kingdom; except in the case that such conveyance is being used for the official activities of the Government of Thailand or of a Foreign Country for which permission is granted by Government of Thailand.

Section 25: When any conveyance enters onto or leaves the Kingdom, the owner or person in charge of said conveyance must report the date and time of arrival or departure of the conveyance at the port, station, or area in accordance with the pattern outlined in the Ministerial Regulation to the competent official at the office of Immigration controlling said port, station or area within the specified time as published by the competent official. In the instance that the provision of Para 1. cannot be carried out, the owner or person in charge of the conveyance shall, in person, as soon as possible, report to the competent official at the nearest Immigration Office. In making a report of
the arrival or departure of conveyances under the provision of this Section, the Minister, if he
deems it proper, may exempt any conveyance, or place it under new stipulations.

Section 26: The owner or person in charge of any conveyance entering into or leaving the Kingdom
must submit a list (passenger and crew) in accordance with the pattern prescribed in the
Ministerial Regulations and must be inspected by the competent official at the place and under
conditions published by the Director General. In the instance that an inspection must be conducted
at any other place, which is other than the place published by the Director General under Para of
this Section, such inspection must be approved by the Director General or a competent official
deputized by the Director General.

Section 27: For the purpose of inspection, the owner or person in charge of any conveyance into or
leaving the Kingdom shall be required to do as follows:

1. Prevent passengers or crew from leaving the conveyance or any quarters arranged with the
approval of the competent official without the permission of the competent official, except in the
instance that the person in charge and crew of the conveyance are the same person, such a person
is allowed to leave the conveyance in the status of the person in charge for her purpose of notifying
the competent official as outlined under Section 25. If the passengers or crew of said conveyance
fail to comply with or otherwise cause a disturbance to, the provisions of Section 29 Para. 2 shall be
applied Mutatis Mutandis. The expense of taking action under the provisions of this paragraph
shall be charged to the account of the owner or person in charge of the conveyance.

2. Submit to the competent official a list of passengers and crew, including the person in charge of
the conveyance according to the pattern as prescribed by the Ministerial Regulations and within the
period of time fixed by the Director General or a competent official.

3. Cooperate fully with the competent official in following the provisions of this Act. The provisions
of this Section shall apply to the owner or person in charge of the conveyance from or to the border,
and conveying passengers into the kingdom or talking passenger to the border for the purpose of
leaving the Kingdom. This applies to passenger entering into or leaving the Kingdom only.

Section 28: While in the Kingdom. If there is an increase or production in the number of crew
members or a charge in crew members of the conveyance or if any crew of the conveyances shall
not leave the Kingdom, the owner of the conveyance, or the person in charge of the conveyance in
the instance where there is no conveyance owner in the Kingdom, shall notify the competent official
in accordance with the pattern as prescribed in the Ministerial Regulations. In the instance where
the crew of the conveyance shall not leave the Kingdom as stated in the Para 1, and the crew of the
conveyance are aliens, the owner or person in charge in the conveyance, as the case may be, shall
take such person (s) and turn them over to the competent official as soon as possible. If the said
crew of the conveyance resists the owner or person in charge of conveyance in the course of
complying with the provisions of Para 2, the provision of Section 29 Para 2 shall be applied Mutatis
Mutandis. The expense for carrying out this paragraph shall be charged to the account of the owner
or person in charge of the conveyance.

Section 29: When the competent official discovers any illegal alien or has reason to suspect any
alien of being illegal for entering into the Kingdom, the competent official shall have authority to
order the owner or person in charge to the conveyance to detain said alien in the conveyance or to
send said alien to any place for the purpose of interrogation by the competent official or else
deporting said alien. In the instance that said alien resists, or cause a disturbance, the owner or
person in charge of the conveyance of his agent may ask the local administrative or police officials
to detain or arrest said alien. If assistance from such official cannot be immediately rendered, the
owner of person in charge of the conveyance shall have authority to arrest said alien over to local
administrative or police officials, who shall without delay, turn said alien concerned over to the competent official for the purpose of carrying out this Act. The expense concerning action taken under this Section shall be charged to the account of the owner or person in charge of the conveyance.

**Section 30:** In the instance where there is reason to suspect that a violation of this Act has taken place, the competent official shall have the authority to order the owner or person in charge of conveyance to stop the conveyance or to take the conveyance to any place necessary for inspection. The order under Para 1 may be carried out by giving a signal by any other means which is understandable.

**Section 31:** During the time any conveyance enters into the Kingdom, beginning from the time said conveyance comes through the Kingdom until the competent official will complete his inspection, no person, who is not an official, shall be permitted to board said conveyance or to bring another conveyance alongside or to enter the area or place arranged for inspection, except as authorized by the competent official. The owner or person in charge of the conveyance shall not ignore or allow anyone to do so in accordance with Para 1.

**Section 32:** In the instance of a conveyance which is leaving the kingdom but during or after the time of inspection by the competent official, said conveyance is still within the Kingdom. No person except the competent official shall be allowed to board said conveyance or bring another conveyance alongside the conveyance in question, unless authorized by the competent official. The provisions of Para 1 shall be applied to the area or place which is arranged for the purpose of inspection during the time when the person who is to leave the Kingdom has not yet boarded the conveyance. The owner or person in charge of the conveyance shall not ignore these requirements or allow anyone else to act under this Section.

**Section 33:** In the instance that a competent official has to conduct an inspection of the conveyance during non-duty hours; or at any other place besides the one published by the Director General under Section 26 Para 1; or to go outside his office in order to detain such conveyance; or has to wait to conduct an inspection of the conveyance without it being the fault of the competent official, the owner or person in charge of the conveyance shall have to pay a fee for such services and other expenses as prescribed in the Ministerial Regulations.

**Chapter 4**

**Temporary Stay in the Kingdom**

**Section 34:** aliens entering into the kingdom for a temporary stay may enter for the below listed activities;

1. Diplomatic or Consular Missions.
3. Touring
4. Sporting
5. Business
6. Investing under the concurrence of the Ministries and Departments concerned.
7. Investing or other activities relating to investing subject to the provisions of the law on investment promotion.
8. Transit journey.
9. Being the person in charge of the crew of a conveyance coming to port, station, or area in the Kingdom.
10. Study or observation.
12. Missionary work under the concurrence of the Ministries and departments concerned.
13. Scientific research or training or teach in a Research Institute in the Kingdom.
14. The practice of skilled handicraft or as a specialist
15. Other activities as prescribed in the Ministerial Regulations.

Section 35: The Director General or the competent official deputized by the Director General shall have the authority to permit the alien, who entered to stay temporarily in the Kingdom under Section 34, to remain in the Kingdom under any prescribed conditions. The periods of time which one is authorized to stay in the Kingdom are as follows:

1. Not exceeding 30 days for a case under Section 34 (4), (8) and (9)
2. Not exceeding 90 days for a case under Section 34 (3)
3. Not exceeding one year for a case under Section 34 (5), (10), (11), (12), (13), (14) and (15)
4. Not exceeding two years for a case under Section 34 (6)
5. As deemed necessary for a case under Section 34 (1) and (2)
6. As deemed appropriate by the Commission of Investment Promotion, for a case under Section 34 (7) If it is deemed necessary that the aliens have to stay in the Kingdom longer than the period of time prescribed in the paragraphs (1) (2) (3) and (4) the Director General shall consider granting the aliens extension of stay for a period not exceeding one year for each time. After granting permission, the Director General shall report to the Commission for their information, with the reason, within seven days from the date of granting. Each time when applying for an extension of temporary stay in the Kingdom, the alien shall submit an application and pay the fees as prescribed in the Ministerial Regulations. While waiting for directives the alien may be permitted to stay.

Section 36: Where there is a proper reason, the Director General or the Immigration Commission shall have power to revoke permission previously authorized the alien to stay temporary in the Kingdom, whether or not the Director General, or the official deputized by the Director General, has granted such permission. In the case the Director General has ordered permission to be revoked, the alien whose permission has been revoked may appeal such orders to the Immigration Commission. Order of the Immigration Commission will be final. The appeal of the Director General’s order under paragraph 2 of this Section shall be submitted to the competent official within forty-eight hours from the time of acknowledgement of such order from the Director General and must be complied with from and fees as prescribed in the Ministerial Regulations. After cancellation of the temporary entry permit in reference to the provision of paragraph 1 of this Section, the alien must be notified by a written notice. In the case a written notice cannot be sent to the alien, yet the competent official has post a notice to the alien’s place of stay, as previously notified, and forty-eight hours, have passed, it is assumed that the alien has received said notice.

Section 37: An alien having received a temporary entry permit into the Kingdom must comply with the following:

1. Shall not engage in the occupation or temporary or employment unless authorized by the
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Director General or competent official deputized by the Director General. If, in any case, there is a law concerning alien employment provided hereafter, the granting of work privileges must comply with the law concerned.

2. Shall stay at the place as indicated to the competent official. Where there is proper reason that he cannot stay at the place as indicated to the competent official, he shall notify the competent official of the change in residence, within 24 hours from the time of removing to said place.

3. Shall notify the police official of the local police station where such alien resides, within twenty-four hours from the time of arrival. In the case of change in residence in which new residence is not located the same area with the former police stations, such alien must notify the police official of the police station for that area within twenty-four hours from the time of arrival.

4. If the alien travels to any province and will stay there longer than twenty-four hours, such alien must notify the police official of the police station for that area within twenty-four hours from the time of arrival.

5. If the alien stays in the Kingdom longer than ninety days, such alien must notify the competent official at the Immigration Division, in writing, concerning his place of stay, as soon as possible upon expiration of ninety days. The alien is required to do so every ninety days. Where there is an Immigration Office, the alien may notify a competent Immigration Official of that office. The provision of (3) and (4) shall not apply to any cases under Section 34 by any conditions as prescribed by the Director General. In making notification under this Section, the alien may make notification in person or send a letter of notification to the competent official, in accordance with the regulations prescribed by the Director General.

Section 38: The house–master, the owner or the possessor of the residence, or the hotel manager where the alien, receiving permission to stay temporary in the Kingdom has stayed, must notify the competent official of the Immigration Office located in the same area with that hours, dwelling place or hotel, within 24 hours from the time of arrival of the alien concerned. If there is no Immigration Office located in that area, the local police official for that area must be notified. In case the house, dwelling place, or hotel where the alien has stayed under provision of Para.1 is located within the Bangkok area, such notification must be reported to the competent official at the Immigration Division. Making notification, in reference to the Para 1 and 2 of this Section, must comply with Regulations prescribed by the Director General.

Section 39: After having received permission for temporary entry into the Kingdom, if the alien leaves the Kingdom it is considered that his temporary entry permit has expired. But, if prior to leaving the alien is granted permission to return by the competent official, and the alien returning is not excluded from entry under Section 12 and the period of time previously authorized has not expired, the alien shall be authorized to stay in the Kingdom for the rest of the authorized time. In asking permission for re-entry, the alien must submit an application in accordance with the form and pay a fee in accordance with the rate and regulations as prescribed in the Ministerial Regulations.

Chapter 5

Entering to take Residence in the Kingdom

Section 40: Subject to the provisions of Section 42, 43 and 51, the Minister, by the approval of the Cabinet, shall have power to publish, in the Government Gazette, immigration quotas from year to year (not exceeding 100 persons per year from each country and not exceeding 50 persons who have no nationality). For the purpose of fixing immigration quotas, all the colonies of a country or each self–governing country shall be recognized as one country.
Section 41: Alien shall not be allowed to take up residence in the Kingdom unless authorized by the Immigration Commission and by the approval of the Minister, within the immigration quota limitation as prescribed by the Minister in accordance with the provision of Section 40, and providing that the alien concerned has received a Residence Certificate in accordance with the provision of Section 47. For the most benefit of the country in allowing the alien to take up residence in the Kingdom, the Immigration Commission shall fix regulations concerning qualification of the alien entering to take residence in the Kingdom of Thailand by considering income, property, knowledge, technical, professional ability, and family status of such alien in comparison with the Thai national populace, considering condition of national security or other appropriate conditions. So it can be used as a regulation and a condition to consider in allowing the alien to take residence in the Kingdom. In applying for a Residence Certificate, the alien may apply before coming into the Kingdom or apply after he has been granted permission to stay temporarily in the Kingdom. The Committee can stipulate any requirement to an alien under Section 34 who is holding a temporarily permit of stay and applying for a permanent resident visa. A permanent resident visa of alien obtained prior to his entry into the Kingdom will be effective when that alien enters the Kingdom to process the relevant formalities and obtains approval from the authorities indicated under Section 18, Para. 2 that alien must not be the person under Section 12 and Section 44, and must possess a residence certificate under Section 47. The alien is allowed to stay temporarily in the Kingdom during the period of processing the residence certificates.

Section 42: The provision of Section 40 concerning immigration quotas as published by the Minister shall not apply to the persons listed below:

1. An alien who previously entered to take up residence in the Kingdom and re-entered into the Kingdom in accordance with Section 48 or 51.
2. A woman having Thai nationality by birth who has renounced Thai nationality in the case of marriage to an alien.
3. A child of an alien father and mother born while the mother was out of the Kingdom and the mother has application of departure for return in accordance with the provision of Section 48. When the child entering into the Kingdom with father or mother who returns within the prescribed time as stated in the application of departure for return and the child is under one year old.

Section 43: When any alien brings foreign not less than ten million baht, for investment in the Kingdom and the Immigration Commission has considered that it is not contradictory to the provisions of this Act, the Immigration Commission, with the concurrence of the Minister, shall allow said alien to take up residence in the Kingdom over and the above number of aliens as published by the Minister under Section 40, but not to exceed 5% of said amount each year. For the purpose of examination of foreign currency brought in for investment, the alien who is allowed to take up residence under Para must display financial status for the period of not less than two years, but not more than five years, in accordance with the regulation prescribed by the Immigration Commission, or as the Immigration Commission may deem appropriate.

Section 44: No alien is authorized to take up residence in the Kingdom, if it appears that said alien:

1. Has been punished with imprisonment by judgement or legal order of a Thai or foreign country court, except a minor offense committed by negligence, or an offense exempted as prescribed by the Ministerial Regulations.
2. Is unable to earn his living because of mental defect or physical infirmity or having any diseases as prescribed by Ministerial Regulations. The provision of (2) shall not apply to an alien father, mother, husband, wife or child of the one having domicile within the Kingdom and is able to support each other.
Section 45: If the alien who has been granted to stay temporarily in the Kingdom wishes to take up residence in the Kingdom, he must submit an application as prescribed in the Ministerial Regulations to the Immigration Office in the area; the application must be submitted to the nearest Immigration Office. When the Immigration Commission considers that the quota is not over subscribed then notification prescribed by the Minister, in accordance with Section 40 or 43 as the case may be or the alien in the person under Section 44, the alien may be allowed to take up residence in the Kingdom under the concurrence of the Minister. When the alien applies for residence in the Kingdom and the authorized period of time granted him to stay temporarily in the Kingdom has expired during consideration. The alien may apply at the same Immigration Office for an extension of stay till the date the result of the consideration will be made know to him. The Immigration Commission or competent official deputized by Immigration Commission shall have power to grant permission by affixing any conditions. In submitting application in reference to the first paragraph, the applicant must pay a fee as fixed in the Ministerial Regulations.

Section 46: Any alien entering into the Kingdom, and if while waiting to receive a Residence Certificate in reference to Section 41 or while waiting to know the result of consideration of the Immigration Commission, or of competent official deputized by the Immigration Commission under Section 45 Para 2, leaves the Kingdom, it is recognized that a leniency for temporary stay in the Kingdom in reference to Section 41 Para 5 or section 45 Para 2 is expired. Unless prior to departing the Kingdom the alien concerned has been granted permission to return by a competent official, and he has returned within the period of prescribed time, the alien concerned will be allowed to stay for the rest of the prescribed time.

Section 47: The alien who is allowed to take up residence in the Kingdom must apply for a Residence Certificate from the Director General or from a competent official deputized by the Director General within 30 days from the date receiving written notification from a competent official. In the case that the alien, whose age is under 12 years, is granted permission to take up Residence in the Kingdom, the person with guardian power or the guardian must apply for a Residence Certificate on behalf of the alien concerned. The Director General, or competent official deputized by the Director General, shall issue a separate Residence Certificate or together with the person having guardian power or the guardian. If the alien concerned fails to apply for a Residence Certificate within prescribed period of time, under Para 1 of this Section, the Immigration Commission may hold back issuing of permission to reside in the Kingdom. If so, a leniency for temporary stay in the Kingdom in reference to Section 41 Para 5 or Section 45 Para 2 would be expired. The applicant for a Residence Certificate must pay a fee as prescribed in the Ministerial Regulations.

Section 48: A residence Certificate is of permanent validity, but it expires when the holder leaves the Kingdom, unless prior to departing, the holder has his departure for return document endorsed by a competent official in accordance with Section 50. In such a case, if the certificate holder returns to the Kingdom within one year from the date of endorsement and he is not excluded from entry according to Section 12 or 44, a Residence Certificate shall be considered still valid. The provisions of Section 12 (1) concerning visa, and (2) and (3) and (4) shall not apply to the first paragraph of this Section.

Section 49: The holder or person who has in his possession a Residence Certificate not used in reference to Section 48 must return it to the competent official. The person who has in his possession a Residence Certificate of a dead alien must return it to the competent official.

Section 50: Any alien having lawfully entered and being a resident in the Kingdom and wishes to leave the Kingdom with intention to return, shall:
1. Present his Residence Certificate to the competent official for endorsement of departure for return in accordance with the procedure prescribed in the Ministerial Regulations.

2. If no Residence Certificate has been issued, because said alien was granted permission to reside in the country before the regulation to obtain a Residence Certificate was in effect he must apply for the same through the competent official and conform with (1).

3. If there is not enough space for endorsement in accordance with (1), the holder must change his Residence Certificate in accordance to Section 52. Document of departure for returns valid for one year from the date of endorsement made by the competent official. The certificate holder can make as many departures and returns with the one year period as he desire. A fee must be paid as prescribed in the Ministerial Regulations for notification of departure for return and for issuing a residence Certificate in reference to (2).

Section 51: Any alien who has formerly resided in the Kingdom but has no document of departure for return or has a document of departure for return, but has not returned to the Kingdom in reference to the time prescribed in Section 48 and the alien wishes to take up residence in the Kingdom again, he must submit an application in accordance with the procedure as prescribed in the Ministerial Regulations for consideration and approval. When the Immigration Commission considers that the alien has reason and proper excuse and he is not excluded from entry under Section 12 and Section 44, the alien may be permitted to enter to take up residence in the Kingdom under the concurrence of the Minister, but the alien has to receive a new Residence Certificate. The provision of Section 45 Para.2 shall be applied Mutatis Mutandis while waiting for permission. The provisions in Section 12 (1) concerning visa, (2), (3) and (9) shall not apply with the case as provided in the first paragraph of this section. The applicant must pay fees as prescribed in the Ministerial Regulations.

Section 52: Whoever has lost documents issued under this Act, and wants to receive a substitute, or wants to change a Residence Certificate in reference to Section 50 (3), when the competent official is satisfied with the result of an investigation, a substitute or a change of Residence Certificate will be issued. The applicant must pay fees as prescribed in the Ministerial Regulations.

Chapter 6

Deportation of the Aliens

Section 53: If it is learned at a late date that aliens who came to stay in the Kingdom are among the persons excluded from entry because of any circumstance as prescribed in Section 12 (7) or (8) or (10) or Section 43 Para 2 or Section 44 or persons convicted under Section 63 or 64, the Director General will submit the matter to the Immigration Commission. If the Immigration Commission decides that the alien’s permission to stay in the Kingdom should be revoked, the Immigration Commission will submit their opinion to the Minister for further consideration in revoking the Permission.

Section 54: Any alien who enters or come to stay in the Kingdom without permission or when such permission expires or is revoked, the competent official will deport such alien out of the Kingdom. The provisions of Section 19 and 20 will be applied Mutatis Mutandis if in the case that investigation for deportation in reference to Para 1 of this Section must be conducted. In case there is an order of deportation for the alien; while waiting for the alien to be deported the competent official may order the alien to stay at any prescribed place or he may order the alien to report to him (competent official) according to a prescribed date, time, and place with Security or with Security and Bond. The competent official may also detain the alien at any given place as many are necessary. The expense of detention shall be charged to the alien’s account. The provision of this
Section shall not apply to aliens entering and talking up residence in the Kingdom before the enforcement of the Immigration Act B.C. 2480 [1937]

**Section 55:** Aliens being deported under this Act shall be sent back by any conveyance or route as the competent official may consider appropriate. The expense of deportation shall be charged to the owner or person in charge of the conveyance which brought the alien into the Kingdom. If there appears to be no owner or person in charge of the conveyance, the alien committing the act against the provisions of Section 63 or 64 will have to pay the expense of deportation. The competent official shall have power to ask for deportation expenses from one of the aliens committing the offense or from all of them. However, if the alien concerned wishes to go by another conveyance or by another route, at his own expense, the competent official may permit him to do so.

**Section 56:** In the case where there is an exemption from a visa for the alien, under section 12 (1), and the alien has shown the competent official a ticket or any travel document of the owner of the conveyance or the person in charge of the conveyance or evidence of any other person, in accordance with the condition as prescribed in the Ministerial Regulations, for the purpose of deporting from the Kingdom of such alien, the competent official shall have power to order the owner of the conveyance, the person in charge of the conveyance, or the person issuing a ticket, document or evidence, as the case may be, not to cancel, return or alter the important vital statement on the said ticket, document or evidence, with or without any conditions. The order under Para 1 can be done by attaching to or by stamping in the said ticket, document or evidence, when the competent official has ordered, if here is cancellation, return or alternation of the important vital statement in the said ticket, document or evidence, finding it different from the order given by the competent official, the competent official shall have power to order the owner of the conveyance, the person in charge of the conveyance, or the person issuing a ticket, document or evidence, as the case may be, to conform with the former condition as indicated on the ticket, document or evidence, for the purpose of deportation.

**Chapter 7**

**Miscellaneous**

**Section 57:** For the purpose of Chapter 7 miscellaneous; whoever claims his nationality is Thai and if there is not enough evidence for the competent official to believe that he has Thai nationality, it is presumed that such a person is an alien until he can prove otherwise. An application for proof of nationality under Para 1 of this Section will be submitted to the competent official in the accordance with the form and fees as prescribed in the Ministerial Regulations. If such person does not satisfy the competent official's order, he may apply to the Court asking for consideration. In the case where there is an application to the Court upon receiving and application, the Court shall notify the Public Prosecutor, who may, in turn, have a right for objection thereto.

**Section 58:** Any alien who has no lawful document for entering the Kingdom under Section 12 (1); or has no Residence Certificate under this Act; and also has no identification in accordance with the Law on Alien registration, is considered to have entered into the Kingdom in violation to this Act.

**Section 59:** The Director General, or the competent official deputized by Director General, shall have the authority to arrest and suppress any person violating this Act. They shall also have the authority to issue a subpoena, warrant of arrest or search, make arrest, search, or detain. They shall also have the authority to conduct inquiry into the offense against the provisions of this Act in the same manner as the inquiry official under the Criminal Procedure Code.
Section 60: In any area where the Minister deems it proper to grant exemption from payment of any fees under this Act, he shall have the authority to do so by making public notification in the Government Gazette.

Chapter 8
Penalty
Section 61: Whoever fails to comply with the written order under Section 10 shall be punished by a fine not exceeding 5,000 Baht.

Section 62: Whoever fails to comply with the provisions of Section 11 or Para.2 of Section 18 shall be punished by imprisonment not exceeding two years and a fine not exceeding 20,000 Baht. If the person committing an offense under Para 1, holds Thai citizenship he will be punished by a fine not exceeding 20,000 Baht.

Section 63: Whoever brings or takes an alien into the Kingdom or does anything which helps, assists, or facilitates an alien in making and entry into the Kingdom in contravention of this Act, shall be punished by imprisonment not exceeding 10 years and a fine not exceeding 100,000 Baht. When any owner or person in charge of a conveyance who fails to comply with the provision of Section 23, and the conveyance carried the aliens entering into the Kingdom in contravention of this Act, it is first presumed that the owner or person in charge of the conveyance has committed an offense under Para 1 of this Section unless it can be proved that the owner or person in charge was unable to know of the presence of said aliens in the conveyance, even though proper caution was exercised.

Section 64: Whoever know of any alien entering into the Kingdom in contravention of this Act, and harbours, hides or in any manner assists said alien to evade arrest, shall be punished by imprisonment not exceeding 5 years and a fine not exceeding 50,000 Baht.

Section 65: Any owner or person in charge of a conveyance who fails to comply with the provision of Section 23 shall be punished with imprisonment not exceeding 5 years or a fine not exceeding 50,000 Baht or both.

Section 66: Any owner or person in charge of a conveyance who fails to comply with the provision of Section 25, Section 26 Para 1, or Section 27 Para 1 or 2 shall be punished with imprisonment not exceeding 10,000 Baht or both.

Section 67: Any owner or person in charge of a conveyance who fails to comply with the provision of Section 27(1) Para 1 or fails to cooperate with the competent official accordance with the provision of Section 27(3) shall be punished with a fine not exceeding 20,000 Baht.

Section 68: Any owner or person in charge of a conveyance, who fails to comply with the provision of Section 28 Para 1, shall be punished with imprisonment not exceeding 10,000 Baht.

Section 69: Any owner or person in charge of a conveyance who fails to comply with the provision of Section 28 Para 2 shall be punished with imprisonment not exceeding 10,000 Baht for each crew member of the conveyance that he has not turned over to the competent official.
**Section 70:** Any conveyance that has an alien passenger who is excludable from entry into the Kingdom according to Section 12(1), the owner or person in charge of the conveyance shall be punished with a fine not exceeding 20,000 Baht for each alien.

**Section 71:** Any owner or person in charge of a conveyance, who fails to obey the order given by the competent official under Section 29 Para 1, shall be punished with imprisonment not exceeding 5 years and a fine not exceeding 50,000 Baht. If as a result of non-compliance with the provision of paragraph 1, thus causing the alien to escape, the said owner or person in charge shall be punished with imprisonment not exceeding 10 years and a fine not exceeding 100,000 Baht.

**Section 72:** Any alien, who escapes from a conveyance or escapes while on the way to any destination when the competent official has told the owner or person in charge of the conveyance to detain the alien or to take the alien, in accordance with the provision of Section 29 or he escapes while under detention or the control of the competent official, said alien shall be punished with imprisonment not exceeding two years or a fine not exceeding 20,000 Baht or both.

**Section 73:** Any owner or person in charge of a conveyance who fails to obey the order given by the competent official under Section 30 shall be punished with imprisonment not exceeding 5 years or a fine not exceeding 50,000 Baht or both.

**Section 74:** Whoever fails to comply with the provisions of Section 31 or 32 shall be punished with a fine not exceeding 10,000 Baht.

**Section 75:** Any alien, who fails to comply with the provisions of Section 37(1) shall be punished with imprisonment not exceeding 1 year or a fine not exceeding 10,000 Baht or both.

**Section 76:** Any alien, alien, who fails to comply with the provisions of Section 37(2),(3),(4) or (5) shall be punished with a fine not exceeding 5,000 Baht and with an additional fine not exceeding 200 Baht for each day which passes until the law is complied with.

**Section 77:** Whoever fails to comply with the provision of Section 38, shall be punished with a fine not exceeding 2,000 Baht. If said person is a hotel manager, he shall be punished with a fine from 2,000 Baht to 10,000 Baht.

**Section 78:** Whoever fails to comply with the provision of Section 49 shall be punished with a fine not exceeding 1,000 Baht.

**Section 79:** The owner, or person in charge of a conveyance, or person issuing a ticket, document or evidence, who fails to comply with the order given by the competent official under Section 56, shall be punished with imprisonment not exceeding 6 months or a fine not exceeding 500 Baht for each day until said alien shall leave the Kingdom but not exceeding 50,000 Baht or both.

**Section 80:** Whoever destroys an order given by the competent official under Section 56 Para 2, or causes such order to be blurred with the intention of not letting the owner of the conveyance, or the person in charge of conveyance, or the person issuing the ticket, document or evidence to receive said order of the competent official, shall be punished with a fine not exceeding 50,000 Baht.

**Section 81:** Any alien who stay in the Kingdom without permission or with permission expired or revoked shall be punished with imprisonment not exceeding two years or a fine not exceeding 20,000 Baht or both.

**Section 82:** Any alien who evades the service of an order issued by the Minister Immigration Commission, Director General, or the competent official designated by the Immigration Commission, which is required to be served upon him [alien] under this Act, shall be punished with a fine not exceeding 5,000 Baht. If the order as stated in Para 1 is for deportation the offender shall be punished with imprisonment not exceeding two years and fine not exceeding 20,000 Baht.
**Section 83:** In the case where the offenders, who shall be punished under this Act are a juristic person, managing director, manager, or representative of such juristic person, they will be punished in accordance with the penalty provided for such offenses unless they can prove that they are not involved in the commission of an offense by said juristic persons.

**Section 84:** In all offenses under this Act, except the provisions of Section 62 Para 1 Section 63, 64, 71 and 82 Para 2, the Settlement Commission, consisting of the Police Department's Director General or Representative, the Public Prosecution Department's Director General or Representative, and the Immigration Division's Commander or Representative, as the, members shall have the authority to assign duty of settlement to the Inquiry Official or the competent official by fixing a settlement rule or any conditions as the Settlement Commission may deem proper. When the offender has paid the fine as stipulate, the case shall be deemed settled under the Criminal Procedure Code.

**Transitory Provisions**

**Section 85:** It is recognized that any alien who is authorized to stay temporarily in the Kingdom on the date that this Act comes into force is one who has been permitted to stay under this Act, but said alien will be entitled to the rights and benefits only as stated in the previous application.

**Section 86:** Any alien allowed to stay temporarily in the Kingdom and who has stayed more than ninety days on the date that this Act comes into force, shall notify the competent official under Section 37(5) within 7 days from the date that this Act comes into force.

**Section 87:** The house master, owner, or possessor of a dwelling place, or a hotel manager, who has allowed an alien to remain temporarily in the Kingdom on the date that this Act comes into force, shall notify the competent official under Section 38 within 30 days from the date that this Act comes into force.

**Section 88:** It recognized that a Residence Certificate, issued under the law on Immigration before the date that this Act comes into force and still valid, will be valid as the Residence Certificate issued under this Act.

**Section 89:** It is recognized that the endorsement of departure for return, stamped on the alien's Residence Certificate by the competent official before the date that this Act comes into force, is remain valid as the endorsement issued under this Act.

**Section 90:** It is recognized that an alien who is detained for deportation on the date that this Act comes into force, is viewed as one who is detained for deportation under the provision of this Act.

**Section 91:** It is recognized that all alien's applications pending consideration on the date that this Act comes into force are viewed as applications submitted under the provisions of this Act.

**Section 92:** All ministerial regulations, regulations, orders, or resolutions of the Immigration Commission under the Immigration Act B.E. 2493 (1950), revised by the Second Immigration Act B.E. 249 (1954), which were still in force before the date that this Act came into force, are still in force if they are not in contravention to this Act, until it would have the ministerial regulation, regulations, orders, or the resolutions of the Immigration Commission under this Act come into force.

**Rate of Fees Services Charges and other Expenses Fees**

1. Appeal in reference to Section 22; each person not exceeding 500.00 Baht.

2. Application for extension of temporary stay in the Kingdom in reference to Section 35; each person, each time, not exceeding 500.00 Baht.
3. Appeal in reference to Section 36; each person not exceeding 500.00 Baht.
4. Application for each re-entry permit, for holders of any visa application of entry, under Section 39. Each person, each re-entry, not exceeding 500.00 Baht.
5. Application for residency in the Kingdom in reference to Section 45; each person not exceeding 2,000.00 Baht.
6. Certificate of Residence in reference to Section 47 or 51; each certificate not exceeding 50,000.00 Baht. In the case the applicant for a Residence Certificate is the spouse or the child who is not sui juris of the alien talking residence in the Kingdom or of the person whose nationality is Thai; each certificate not exceeding 25,000 Baht.
7. Endorsement of departure for returning in reference to Section 50(1); each person not exceeding 500.00 Baht.
8. Certificate of Residence in reference to Section 50(2); each certificate not exceeding 5,000.00 Baht.
9. Document issued in reference to Section 52; each document not exceeding 500.00 Baht.
10. Application for proof of nationality in reference to Section 57; each person not exceeding 200.00 Baht.

Fee for Services and other expenses
1. Inspection of a conveyance during non-duty hours; if the conveyance has no passengers; each conveyance, each time, not exceeding 200.00 Baht.
2. If the conveyance has passengers, the fee will be increased on a per person basis; each passenger not exceeding 10.00 Baht.
3. Inspection of a conveyance at a place other than prescribed by the Director General in accordance with Section 26(Para 1) each conveyance, each day, not exceeding 200.00 Baht.
4. Waiting for inspection of conveyance which is not the official's fault; each day not exceeding 200.00 Baht.
5. Going out of the office for controlling a conveyance; each conveyance, each day, not exceeding 200.00 Baht.

Research Team

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