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Press Statement

Thai government urged to review migrant worker management measures and stop prosecuting both Thai and migrant workers invoking immigration law and the law on the management of foreign workers during the Covid-19 pandemic

On 21 December 2020, Pol Lt Gen Sompong Chingduong, Commissioner of Immigration Bureau, said in a press conference regarding the planned crackdown on migrants in Thailand by the collaboration of the Royal Thai Police and administrative officials. Such news has terrified both employers and employees. Reportedly, a company has driven undocumented migrant workers across the province and left them stranded there. This has made people fear of the wider spread of Covid-19.

Since early 2020 until now, there are migrant workers who live in Thailand without permission including during the Covid-19 pandemic. This has stemmed from migrant worker management policies which do not reflect the reality, lack clarity and lack coordination among concerned authorities, particularly as far as the registration of migrant workers, the renewal of work permit and visa during the border closure are concerned. Even after the first wave of the pandemic which saw an increasing demand of labor among workplaces, the government has failed to come up with policies to reinstitute migrant workers into the documentation system. For example, no change has been made to regulations concerning the employment to facilitate a legal change of employer which will enable migrant workers to change from sectors with the dwindling demand of labor to other sectors which need more workforce. Or no policies have been made to allow employers to reimport workers who had returned to their home countries during the first wave of the pandemic and to have them undergo proper disease screening and quarantine upon their arrival. As a result, a number of migrant workers have been laid off by the businesses that had shut down or had reduced their workforce. Between August 2019-October 2020, as many as 592,450 migrant workers have disappeared from the registration depository. Meanwhile, the economic crunch during the pandemic in the

sending countries has become a push factor prompting migrant workers to decide to travel to find any form of employment in Thailand. Despite a growing demand of labor from neighboring countries among businesses in Thailand, the government has made no change to the policies to ensure flexibility and efficacy and to enable migrant workers to stay and work here legally. Corrupt practice among certain officials has also made it challenging to prevent and suppress human smuggling.

Amidst the new surge of the Covid-19 pandemic, instead of approaching the problem with public health measures to ensure all migrant workers, regardless of their status, to have access to prevention, testing and treatment, the situation of which requires mutual trust and cooperation among the workers, the employers and the authorities, but the Thai Prime Minister and security authorities tend to spread information which only inflicts more fear and erodes such mutual trust and cooperation without which the prevention of Covid-19 pandemic will unfortunately be made impossible.

The crackdown and raid on migrant workers who live here without permission by the Thai government supposedly to contain the spread of the disease is a wrong solution to the problem. By declaring the plan to crack down on the workers, it has only prompted employers and migrant workers, both of those living here legally and illegally, to fear the arrests and the prosecutions. As a result, the employers and migrant workers have chosen to run away from the authorities, to hide their identity to prevent themselves from being prosecuted and they shall opt to not having the testing. It will simply exacerbate the spread of Covid-19. And it appears common among ASEAN with shared borders to choose to suppress and prosecute migrant workers by enforcing the immigration law against undocumented persons. For example, when Thai workers are found in a neighboring country, they shall face legal action invoking the law on immigration and alien working. Vice versa, migrant workers in Thailand also face legal action when they try to reenter the country. Such approach will only fuel the spread of the disease and reflects a shared failure among ASEAN countries in terms of the policies to ensure safe migration.

The Covid-19 pandemic in 2020 is regarded by the United Nations Development Programme (UNDP) as one of the greatest public health crises since world war II. Therefore,

the Migrant Working Group (MWG) and the Human Rights and Development Foundation (HRDF) which work to advocate the rights of migrant workers have these demands for the Thai government;

1. The government should publicly declare that it has no policies to crack down, to raid and to arrest undocumented workers and their employers. Rather, they want to seek cooperation from everyone to participate in the testing, screening, and treatment to prevent the spread of Covid-19. In addition, the police, administrative officials and labor officials should immediately stop cracking down and criminalizing all kinds of undocumented migrant workers and their employers during the Covid-19 pandemic. The operation of such authorities should be put under the oversight of public health officials.
2. The government should try to approach undocumented migrant workers in Thailand and offer them a reprieve to allow them to live and work in Thailand temporarily during the implementation of the prevention of the Covid-19 and until the borders are open and legal import of labor is made possible.
3. The government should forge mutual trust with the migrant workers and support public health intervention to ensure the migrant workers have convenient access to testing and treatment of Covid-19, compatible with Thai citizens and regardless of their status.
4. The government should provide personnel to look after livelihood and give advice on public health to both Thai and migrant workers living in risk areas. Particular importance should be placed on the role of social work and public health officers with the backing of officials from other sectors.
5. The government shall not harbor, and instead try to find ways to eradicate xenophobia against migrant workers which may amount to racial discrimination and which is on the rise. Without such awareness raising, it could have led to negative conflicts among all parties.
6. When proposing solutions to stem the spread of Covid-19 pandemic and to address the employment of migrant workers, the Thai government should consult with the

sending countries and the issues should be raised for consideration at the ASEAN level as soon as possible in order to collectively forge a solution to the pandemic.

With respect in human rights and human dignity

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