

Forward to the Special Issue: Migrants, Minorities and Refugees: Integration and Well-being

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This special issue of the Journal of Population and Social Studies draws together papers presented at the 2nd Regional Consultative Meeting of the Mahidol Migration Center. In this Forward, we present brief summaries of the articles in order to highlight how each contributes unique evidence on migrants, minorities and refugees, their situation, and the legal and policy issues affecting their well-being and integration. We then summarize the panel discussion held on the last day of the meeting, which put forth constructive suggestions for policy reform in Thailand and the region. Finally, we propose areas for future research that arose from the conference and the articles contained here, with the aim of promoting evidence-based policy development for effective economic and social integration.

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Introduction

This special issue of the *Journal of Population and Social Studies* draws together papers presented at the 2nd Regional Consultative Meeting of the Mahidol Migration Center (MMC), which was held at Salaya on April 23rd-24th, 2012. The theme of the meeting, and of this special issue, is *Migrants, Minorities, and Refugees: Integration and Well-being*. The meeting brought together over 60

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academic researchers, policy makers, and representatives of nongovernmental and intergovernmental organizations from across the Asia-Pacific region. Over the two days, experts from across the region explored the social, cultural, economic, and political implications of increasing ethno-cultural, linguistic, racial, and religious diversity in Asia.

The meeting's focus on integration and well-being was both timely and pressing to the future of multiculturalism in Asia as the Association of Southeast Asian Nations (ASEAN) embarks on its ambitious vision of regional economic integration and cooperation by 2015, in which a free flow of goods, services, and people is anticipated. This agenda will have significant impacts on the management of migration in the region; yet, the underlying social realities of this integration process have received little attention. Presenters and participants agreed that Asian nations were facing both opportunities and challenges in the successful integration of migrants. In this regard, old questions were raised because they required new responses. What is the nature of citizenship in Asia? What are the factors that influence belonging, integration, and attachment for migrants in destination countries? What access do migrants have to resources needed for social, economic, cultural, and political integration? How do we overcome discrimination and promote equal and just societies? What is the role of public policy in promoting the social and cultural integration of migrants and minorities in pluralistic societies? How should public policy be directed to counter negative attitudes and discrimination towards migrants, refugees, and minorities?

The papers presented in this issue seek to address these questions through primary and secondary data analysis, case studies and literature review. Some take a historical perspective, analyzing the roots of present day ethnic tensions and legal anomalies leading to ambiguous status for some groups. Others present new data to enlighten our perspectives on migrant and minority status, perceptions of the local population, and policies (or the lack of them) that lead to inequities and injustice.

On the final day of the conference, a panel discussion was held to discuss gaps in policy and possible solutions to issues facing migrants, minorities and refugees, as well as the native/majority population. Experts addressed this from multiple perspectives, and suggested concrete policies to promote integration and well-being and to resolve status inequities between these groups.

In this Forward, we present brief summaries of the articles in this issue in order to highlight how each contributes unique evidence on these groups, their situation, and the legal and policy issues affecting their well-being and integration. We then summarize the panel discussion, which put forth constructive suggestions for policy reform in Thailand and the region. Finally, we propose areas for future research that arose from the conference and the articles contained here, with the aim of promoting evidence-based policy development for effective economic and social integration.

Articles in This Special Issue

In the first paper in the issue, “Migrant Workers and Social Protection in ASEAN: Moving Towards a Regional Standard?”, Andy Hall points out that over 5 million migrants from ASEAN countries now work in another member country. While these migrants rarely have access to social protection, it should be noted that a high proportion of the native working population in ASEAN countries also work in informal sectors that are not fully covered by labor laws and social protection. Hall argues that Indonesia, Singapore and Thailand lack the commitment needed to guarantee these rights and benefits. He maintains that migrant social protection should be made an integral part of ASEAN’s work in the Declaration on the Protection and Promotion of the Rights of Migrant Workers (DPPMW), on the basis that all workers should have equality of treatment whatever their residency or immigration status. In addition, ASEAN members should utilize existing MoU agreements and seek to initiate bilateral frameworks as a means to lay down clear policies, practices and systems to ensure increased migrant rights to social protection. Other stakeholders should also seek assistance from UN agencies for capacity building on social security issues.

International migration literature generally focuses on the situations and problems at the destination areas, and the integration of migrants into the host country. But understanding issues at the origin of these migration streams can be equally if not more important, especially with regard to labor protection and the formulation of appropriate policies. For this reason, Nicholas Ford chose to contribute “Some Reflections of Ethnic Identify of Refugee Migrants from Burma to Thailand.” Being a geography professor, the author draws our attention to the historical “ridge and furrow” cultural structure of the Southeast Asian Region. This background also points to the need to revisit the “ethnic” political conflicts in Myanmar. The emerging and current democratization process becomes the new paradigm for the re-

investigation of these conflicts. Following the theoretical discussion of this article, readers are directed by the author to make new projections on how this political liberalization will affect the nature and volume of migration from Myanmar to Thailand in the near future.

“Perception and Misperception: Thai Public Opinions on Refugees and Migrants from Myanmar” by Malee Sunpuwan and Sakkarin Niyomsilpa is the product of a survey of 2,000 respondents drawn from the general population and community leaders in the four border provinces of Mae Hong Son, Tak, Kanchanaburi and Ratchaburi. The paper discusses Thai perceptions of migrants and refugees on the issues of personal safety, health, and competition for jobs and natural resources. It suggests that many Thais have misperceptions and prejudice against migrants concerning these issues, and that most people have a more negative view of irregular migrants compared to refugees and registered migrant workers. The authors suggest that, while better public services to refugees and migrants are clearly needed, the misperceptions and prejudices of many Thais must also be addressed. Training programs for media officials and public agencies to have a more balanced view of refugees and migrants, and community involvement in refugee and immigration policy development should thus be considered.

The article by Monchai Phongsiri and Maniemai Thongyou on “Thai Diaspora: What Happens When They Return Home?” describes manifestly the difficult and arduous livelihoods of more than 40,000 people who moved from Myanmar into Thailand after the 1868 demarcation of the modern border between British Burma and the Kingdom of Siam. For them, the move across the new border was towards what they thought to be their “father’s home – mother’s land” (บ้านพ่อเมืองแม่). But this group has not been granted their Thai citizenship, only instead the status of “Returning Thai Diaspora”. The authors illustrate the unfortunate consequences of the lack of rights and access to livelihood assets of this group. Readers are urged to follow up on how these “Thai but not Thai” people negotiate their status in Thai society.

Issues affecting *mukokuseki* (“stateless” people) in Japan are investigated and comprehensively presented in the article by Chen Tien-shi on “Statelessness in Japan: Management and Challenges”. More than a thousand people and 10 thousand of their children are stateless by different definitions, through multiple causes and pathways. Chen draws our attention specifically to their human rights and to the well-being of stateless children. The challenges of addressing the issues facing the stateless population by organizations such as the “Stateless Network”, by legal

remedies through international conventions and through the use of “Public Anthropology” are excitingly illustrated. The author describes several case studies of stateless people, and readers are enabled to participate in formulating solutions to this human rights problem; while the issues framed are particular to Japan, they can happen anywhere in the world.

As the global financial crisis that began in 2008 has continued for several years, its impacts on international migration could be substantial. Yu Zhu, Liyue Lin and Chaoyang Ruan argue in their paper on “The Impacts of the Late 2000s Financial Crisis on International Migration: The Case of China” that the financial crisis has had a serious impact on internal migration in China as a result of job losses. With regard to international migration, however, it seems that China has fared well compared to other countries. The paper looks into the impact of the financial crisis on tourism flows to and from China, on student migration patterns, and on trends in deployment of Chinese migrant workers. The authors make innovative use of indirect indicators and internet sources of data to investigate these trends, as more formal data sources are not available

In contrast, Tran Quang Lam took advantage of the 2009 population census and the 15 percent national sample survey to investigate the unique migration pattern of the ethnic minorities in Vietnam. Unlike the majority of the population, migration rates among the ethnic minorities are found to be very low and the patterns much different. Short-distance movement to nearby mountainous provinces is more common, apparently driven by marriage and family motivations rather than conventional economic push-pull factors. The data’s reflection of the migration culture and nomadic life of small ethnic minorities are also discussed. The author calls for attention to more effective strategies to meet the unique demand of these vulnerable minorities, given their seemingly imminent displacement by a number of new hydropower projects.

Panel Discussion

On the final day of the conference, a panel discussion was held with several strategic thinkers on these issues. The objective was to synthesize the issues raised in the presented papers with the aim of drawing conclusions on needed policies to address them. Highlights of the panel discussion are presented here.

Brenton Burkholder from the World Health Organization's Thailand office stressed two themes that should underscore policy development on migrant issues. The first is that policy decisions be driven by evidence—that is, by high quality data. From multiple perspectives, including public health and human rights, the core issue when developing migrant health policy is to have clear data on the legal status of migrants. Without documenting the number of illegal migrants in Thailand, it is very difficult to make rational policies; likewise, a comprehensive review of the legal stumbling blocks to formulating a cohesive policy is needed. Identifying misperceptions and data gaps that are critical for policymakers would be a constructive effort, for example by compiling statistics on crime and on the purported infectious diseases borne by migrants (Sunpuwan & Niyomsilpa, 2012). A systematic study to estimate the economic benefits of migrants to Thailand would provide the economic perspective needed to document the case for providing health care to migrants. It is critical to look at concerns of the community—some misguided and some real—to get the data needed to address the misperceptions. A strategic use of the media to address these issues, and to provide some positive examples of the contributions of migrants, would be a step forward.

The second theme that WHO advocates is to take a health systems approach when developing health policies for migrants. This would include the six building blocks of health: service delivery, human resources, medicines and technology, financing, information systems, leadership and governance, and finally the cross-cutting issue of community systems. A comprehensive review on the gaps in health systems research in Thailand has just been published (Baker, Rojnkureesatien & Jaratsit, 2011); similar reports could be done in other countries in the region. Funding sources that provide a comprehensive and sustainable health systems approach, for fulfilling the needs of migrants as well as the Thai population, are preferable to disease-oriented funding. Overall we should keep in mind that the health security of migrants is closely linked to the communities; the more that we can provide the data that shows this, the more we will be able to provide health care for all.

Jerry Huguet from the Mahidol Migration Center then spoke about the lack of policy coherence in Thailand for migrants. Recent public speculation about the economic and political reforms in Myanmar focuses on the likelihood that at least some of the migrant workers will return home and/or will stop coming, and that this will create labor shortages of low skilled labor in Thailand. With the recent bi-elections in Myanmar, where the National League for Democracy won all of the seats they contested, both the United States and the European Union have announced steps to

begin lifting economic and political sanctions. It is expected that foreign investment will begin flooding into Myanmar, creating tremendous employment opportunities in Myanmar to attract workers home. The Secretary General of ASEAN, Dr. Surin Pitsuwan, recently warned Thai businesses that labor shortages are an imminent danger, and this has been a theme in both local and international newspapers recently. Yet there has been no policy response from the government in recognition that the situation for low skilled migrant workers has changed.

Thailand already has quite a large pool of low skilled workers in the country that it does not take advantage of because of their lack of integration with the general population: ethnic minorities, displaced persons and migrant workers, both registered and unregistered. In the *Thailand Migration Report 2011* (Huguet & Chamratrithirong, 2011), it was recommended that there be a policy of “earned adjustment”. This policy would recognize that most of these workers are here for a substantial period of time. Many displaced persons have been in Thailand over 20 years, and the average duration of stay for migrant workers is well over five years (Chamratrithirong & Boonchalaksi, 2008). Policies should recognize that these people have been here a long time and that they make a large contribution to the economy, particularly in the low-skilled labor segment.

The ethnic minorities include the hill tribes and also descendents of Cambodians, Vietnamese and Myanmar-origin people who live along the borders. Even when they are registered, these groups are not permitted to travel and work outside of their own district. An easy solution would be for registered minorities to get a work permit or some other form of permission to work anywhere in Thailand. And certainly by the third generation, all of these people should be considered Thai nationals.

Turning to the approximately 140,000 displaced persons in temporary shelters along the Myanmar border, the easy solution would be to give everyone a work permit. Many of these people are in the process of applying to UNHCR for refugee status, but the work permit should not affect their eligibility for this. One point that is often raised is that a high proportion of this population are minors. However, the large number of children of unregistered migrants living elsewhere in Thailand have been accepted into the Thai educational system, and it would be appropriate to accept the displaced children as well.

If there is a concern about a shortage of low skilled workers when many Myanmar workers return home, there are measures that can be taken to make it easier for

them to stay and work in Thailand. Recent experience has shown that the annual registration process is expensive and fairly complicated: it would be relatively simple to improve this process and make it less expensive. Migrant workers who have been in Thailand for five years and have registered should be allowed to apply for a long-term work permit, for 3-5 years. This would allow for employers to invest in training and perhaps allow migrant workers to be promoted to higher positions. This would give the workers greater job security and their families better status; it would encourage families to enroll their children in school. Another beneficial policy reform would be to stop having work permits be tied to employers. Thailand can estimate the number of workers it needs, issue that number of work permits and allow the workers to find jobs. Tying the work permit to an employer leads to exploitation; once the worker loses their job they lose their legal status in the country.

Huguet concluded that the overall principle should be to recognize that migrant workers are a resource for Thailand and that they make an economic contribution. Thai policy should shift towards the earned adjustment model, and give at least some percentage of ethnic minorities and migrant workers the ability to stay in the country for a longer period of time.

The next speaker, Veerawit Tianchainan of the Thai Committee for Refugees Foundation, maintained that the National Security Council's (NSC) current review of Thai migrant policies makes it very clear that policymakers are looking at the well-being of the host country, not the migrants. The policy paper that the NSC presented to the cabinet in April proposes to revoke previous cabinet resolutions that have been in place for seven years. These proposed reforms are the result of a number of discussions that the Council has had with key stakeholders. Four groups of people are now categorized as the target of government policies: (1) those who have been in Thailand for a long time and have no prospect for returning (approximately 680,000 people); (2) economic migrants from Laos, Cambodia and Myanmar (approximately 2 million people); (3) those labeled by the NSC as "having problems with national security", comprised of the refugees in the camps (about 140,000) and other illegal immigrants in this category, such as from North Korea; and (4) other illegal immigrants. The interesting thing is that the government has combined all of the hill tribes and other non-Thai populations, about 18 groups as defined seven years ago, into one group (about 70,000). Strategies are now being devised for each group.

The strategy for the refugees in the border camps is to repatriate them very soon, based on the recent changes in Myanmar previously discussed. This decision may be

a short-sighted attempt to try to control the migrant groups currently in the country, without thinking about the consequences such as labor shortages when this group returns home. The NSC paper proposes a policy to reduce illegal immigration and try to import workers legally from now on.

If we look at how Thailand developed in the past five decades, we see that the factors of success were natural resources, cheap labor, and corruption. Corruption still exists, but we've depleted all the natural resources, and Thai labor is no longer cheap. When the cheap labor who have replaced them returns to Myanmar, we will face a national challenge in our development. It is very clear that the Thai government will not change their policy on allowing refugees to work legally at this stage, but this group may be able to return to Myanmar and then return to Thailand legally. However, we must we must look very closely at the repatriation process; if refugees are returned against their will, it will violate the principle of voluntary repatriation.

Moreover, policymakers should be looking beyond the situation in Thailand to that of the whole ASEAN economic community, and should be looking ahead to 2015. Constraining ourselves to the Thai perspective only is a limited viewpoint for making decisions; Thailand must prepare to meet the standards that will apply to the whole economic community. That includes looking at well-being, for both migrants and the native population, in a holistic way—including the physical, psychological, economic, social and cultural aspects. This will present challenges in education, health care, occupations, travel, and legal status, involving all people moving through the region.

Thailand has had refugees in the country for over four decades and yet does not have any asylum law. Civil society has recommended that Thailand should either sign the 1951 Refugee Convention, or should develop its own domestic legislation to address these issues. Because such legislation has not come forth from the government, civil society has been proposing a draft refugee law to the Parliament by using our constitutional right to do so if over 10,000 signatures are collected.

Taking all of these issues into account, we see that the policymakers do not understand these issues well. There is a communication gap between those making policy at the central level and those working in the field who understand the situation. The power structure makes it impossible for Thailand to make a comprehensive policy that can actually address the problems. The NSC policy paper says that they want to have a balance between national security and human rights. How can that

happen when the policy makers don't understand the problems on the ground or have the vision to see what's going to happen?

Conclusions and the Way Forward

The 2nd MMC Meeting and the papers included in this issue provide a variety of perspectives on migrants, minorities and refugees. Yet recommendations for the way forward coalesce around two principal themes. The first is the need for clearly defined and systematic research to gather evidence around several understudied issues that represent vital information needs for developing coherent policies. These include the economic contribution of migrants to the host economy; evidence to support or debunk public perceptions of migrants and refugees; grounded situational analyses of the legal and economic situation facing unregistered migrants and minorities, including estimates of population size; and the needed changes to bring the Thai labor market to the level required for the 2015 ASEAN integration.

The second principal theme that can be found throughout this issue is the need for coherent policies to address the rights and needs of these groups. Several authors point out that drawing attention to the inequities and injustices faced by minorities and migrants cannot be accomplished without inclusion of the situation for native and majority populations as well. As the region begins to establish a common market and production base, innumerable regulations will be established that will require investment in both technological and human resources. The papers included here provide valuable evidence that such investment must include efforts to integrate all population groups, both within and across borders.

References

- Baker, S., Rojnkuressatien, K. & Jaratsit, S. (2011). *The Thai Health Atlas: 2010*. Nakhon Pathom, Thailand: Institute for Population and Social Research, Mahidol University, No. 379.
- Chamrathirong, A. & Boonchalaksi, W. (2009). *Prevention of HIV/AIDS among Migrant Workers in Thailand Project (PHAMIT): The Impact Survey 2008*. Nakhon Pathom, Thailand: Institute for Population and Social Research, Mahidol University, No. 365.
- Huguet, W. J. & Chamrathirong, A. (eds.). (2011). *Thailand Migration Report 2011. Migration for Development in Thailand: Overview and Tools for Policymakers*. Bangkok, Thailand: International Organization for Migration.
- Sunpuwan, M. & Niyomsilpa, S. (2012). Perception and misperception: Thai public opinions on refugees and migrants from Myanmar. *Journal of Population and Social Studies* 21(1) : 47-58.