



Mahidol University
Institute for Population
and Social Research



Mahidol Migration Center (MMC)
Institute for Population and Social Research (IPSR)
Mahidol University



POLICY BRIEF

Contradictory Migration Regimes and the Governance of Thai Wild Berry Pickers in Finland

Authors:

Dr. Kwanchanok Jaisuekun

Research Institute for Languages and Cultures of Asia, Mahidol University

Dr. Sirijit Sunanta

Associate Professor, Research Institute for Languages and Cultures of Asia,
Mahidol University

Sura chandaeng

Research Institute for Languages and Cultures of Asia, Mahidol University

Seasonal migration of Thai wild berry pickers to Finland was governed by contradictory regimes, treating workers as tourists under Schengen visas despite their involvement in organized commercial labour. This regulatory gap created structural vulnerability. Recent policy shifts have acknowledged the need for change, but measures are required to ensure the transition to seasonal work permits truly provides protection.

Introduction

Over the past two decades, the seasonal mobility of Thai nationals to Finland for wild berry picking has evolved from a niche activity into a distinctive form of transnational labour migration. What began in the early 2000s as informal, “family-based” arrangements—often facilitated by Thai marriage migrants in Finland—has expanded alongside the industrialisation of the Finnish berry sector.

As global demand for wild berries grew, recruitment shifted from informal invitations to organised commercial arrangements involving Finnish berry-purchasing companies and Thai intermediaries. Each summer, 2,000 – 4,000 Thai nationals travel to Finland, incurring substantial upfront costs for travel, accommodation, and food. For many, this migration is a vital opportunity to supplement household income, yet it carries significant financial risk.



Figure 1: Thai berry pickers at a gathering point in Finland, illustrating the organised nature of their seasonal mobility (Source: Sura Chandaeng, collected from participants with permission)

Despite their critical role in the Finnish economy, Thai pickers have previously occupied an ambiguous legal position. They were neither recognized as “**workers**” entitled to labour protections nor treated as conventional “**tourists**.”

This brief examines how this ambiguity arose from the interaction of three regulatory systems:



The EU Schengen visa framework.



Finnish national legislation (Everyman's Right).



Thai labour migration policy.

Schengen Visas and Regulatory Incongruence

As a Schengen Area member, Finland applies the EU's unified visa policy. Thai nationals are classified as third-country nationals requiring a Type C Schengen visa for stays up to 90 days. This visa category is designed primarily for tourism and non-employment purposes.

The analysis draws on policy documents, regulations, and 14 semi-structured interviews with government officials, scholars, and recruitment agencies in Thailand (conducted August 2023–March 2024). While regulatory frameworks have since evolved—notably the shift from Schengen to seasonal work visas in 2025—this analysis focuses specifically on the period up to the summer of 2023 to explain the structural conditions and regulatory inconsistencies that shaped earlier practices and worker experiences.



However, a “**regulatory incongruence**” emerged in practice:

- **The Formal Rule:** Applicants must demonstrate an intention to return and that the trip is for non-employment purposes.
- **The Practice:** Finland issued Schengen visas specifically for wild berry picking, interpreting the activity not as “**employment**” but as independent foraging.

This interpretation allowed short-stay tourism visas to become the primary channel for supplying labour to the commercial berry industry (Titola & Seikkula, 2023). While this did not technically violate EU rules, it positioned berry pickers outside the scope of employment-based protections, revealing a critical gap in how nature-based, seasonal labour is governed within the EU framework.



Figure 2: Wild berries collected, showing large quantities stored in crates and sacks, awaiting weighing by the Finnish berry-purchasing company's representative.

(Source: Sura Chandaeng, collected from participants with permission)

Everyman's Right vs. Worker Reality

Finland's governance of this sector is deeply rooted in Everyman's Right, a legal tradition granting anyone the freedom to forage for natural products on public and private land. This principle was further institutionalised through the Act on the Legal Status of Foreigners Picking Natural Products (the Berry Act), which came into force in 2021. The Act emphasized:

- Picker Autonomy: Individuals are free to decide when/where to pick.
- Independence: No formal employment relationship exists between the picker and the berry company.

While suitable for local, recreational foraging, this framework clashed with the reality of transnational labour. Thai pickers typically operate under strict quotas, rely on company-provided transport and accommodation, and are bound by debt from upfront recruitment fees. Categorising them as **"independent actors"** diffused responsibility for their welfare. Pickers were effectively unprotected by Finnish labour law and, simultaneously, viewed as **"self-arranged"** travelers rather than workers under Thai regulations.

The Transition: From Ambiguity to Recognition

Rising concerns over exploitation and debt bondage triggered significant regulatory interventions from both states.



Thailand (2022–2023): The Ministry of Labour mandated that pickers must travel under employer arrangements (replacing “self-arranged” travel). This included mandatory employment contracts and a guaranteed minimum seasonal income (approx. 30,240 THB).



Finland (2024–2025): In a decisive shift, Finnish authorities discontinued Schengen visas for berry picking in 2024. By 2025, the pathway shifted to seasonal work visas with residence and work authorisation, formally recognizing the activity as labour.

Time	Legal Status of Pickers	Regulatory Framework	Key Rationale for Change
2005– 2023	Tourists/Short-term visitors	Schengen visa, tourism rules	No legal protection, widespread exploitation and suspicious human trafficking
2024 Harvest season	Employed persons via residence permit	Residence permit for employed persons	A temporary measure necessitated by the suspension of Schengen visa issuance
Feb 2025 onward	Seasonal worker visa via visa/ permit	Seasonal Worker Act	To provide greater protection, ensure an employment relationship, to combat exploitation and trafficking

Table 1: Key Regulatory Transitions (2005–2025) Source: Authors

Conclusion and Policy Recommendations

The case of Thai wild berry pickers illustrates how seasonal mobility can fall between established migration categories, creating structural vulnerability. For many years, the system relied on interpretations that treated berry picking as a non-employment activity. While the recent shift to seasonal work visas in 2025 represents a critical step toward regulatory coherence and recognition of labour dimensions, policy adjustments are needed to ensure this transition translates into actual protection for workers.



Key Recommendations:

1. Assess outcomes

of the shift to seasonal work visas
Systematically monitor how the transition affects worker protection, recruitment practices and income security.



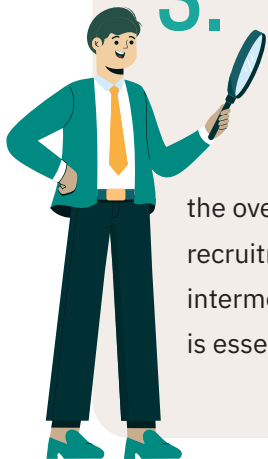
2. Reduce migration-related financial

Reduce migration-related financial burdens
Measures should be introduced to lower upfront costs, including clearer regulations on recruitment fees, travel expenses, and accommodation arrangements.



3. Strengthen governance of intermediaries Enhancing

the oversight and transparency of recruitment agencies and commercial intermediaries operating across borders is essential.



4. Ensure access to redress mechanisms

Establish accessible complaint channels, compensation schemes, and legal assistance for workers, including those affected by earlier arrangements.



Bibliography

- Musicpunth, U., Gleangjun, S., Chittawong, K., Thongkaow, J., Choocheep, J., Mahaesakkagul, C., Kaewphang, S., Tanisro, N., Muangsong, N., & Na Songkhla, R. (2023). Empirical research on fair and proper dispatching of Thai berry pickers to Finland (Research report). Royal Thai Embassy in Finland.
- Tiitola, S., & Seikkula, M. (2024). Aspiring re-migrants' behaviour in mobility policies: The case of Finland (Country report). AspirE.