

IMMEDIATE

No. 52101/104



**PERMANENT MISSION OF THAILAND
GENEVA**

20 February B.E. 2556 (2013)

Dear Mr. Crépeau and Mr. Ruteere,

I wish to refer to your joint letter dated 11 December 2012, requesting the Royal Thai Government to provide clarification on the deadline for the nationality verification process on migrant workers from Myanmar and its potential negative consequences.

In this connection, I wish to inform you that on 15 January 2013, the Thai Cabinet instructed the Ministry of Interior to announce an additional 120-day grace period for illegal migrant workers to stay in Thailand so as to enable them to complete their respective registration process. We have been in close consultation with the Government of Myanmar at various levels to come up with the best approach to ensure the rights of migrants and a smooth transition during the national verification process.

The Royal Thai Government has also widely publicized the deadline extension mentioned-above with the hope that all remaining migrant workers in Thailand will have been regularized by the end of the said grace period. The full clarification, including the reply to the allegations made and measures taken to address your concerns, is attached herewith for your information.

Should you require additional information, please do not hesitate to let me know.

Yours sincerely,

(Thani Thongphakdi)

Ambassador and Permanent Representative

Mr. François Crépeau,

Special Rapporteur on the human rights of migrants,

Mr. Mutuma Ruteere,

Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance

Office of the High Commissioner for Human Rights,

GENEVA.

Fax 022 917 9006

Reference : AL G/SO 214(106-10) G/SO 214(78-15) THA 12/2012

OHCHR REGISTRY

21 FEB 2013

Recipients :SRD.....

Clarification by the Royal Thai Government on the deadline for the nationality verification process on migrant workers from Myanmar and its potential negative consequences

Summary of allegations

- The Nationality Verification (NV) process for workers from Myanmar in Thailand had to be completed by 14 December 2012, with a possible extension to 30 December 2012 at the latest. After the said deadline, regularisation of irregular workers in Thailand will no longer be possible. Only legal import of workers from Myanmar under the MOU process will be permitted, and Thai law enforcement authorities will remove irregular Myanmar workers from Thailand.
- It was reported that a large number of migrants from Myanmar had already submitted their documents but the NV process could not be completed on time. These people thus risk deportation. It is also claimed that the Royal Thai Government rejected the Myanmar Government's request for the extension of the NV process for a sufficient time period.

Reply to the allegations

- In full respect for human rights and Thailand's obligations under the relevant international instruments, and with recognition of the importance of migrants to the Thai economy, the Royal Thai Government has taken all possible measures in response to the scheduled expiration of the NV period in December 2012. The measures eventually put in place are intended to ensure a smooth transition, as well as the human rights and well – being of migrants, especially those who have not undergone or completed the NV process. No crackdown has been implemented since December 2012, and concerns expressed in this regard have been premature.
- The Royal Thai Government has also been in close consultation with the Myanmar Government at various levels to come up with the best approaches to promote and protect the rights of migrants during this process by holding several technical meetings between the two sides. Measures have been developed to provide a smooth transition before and after the expiration of the NV process.

Measures taken by the Royal Thai Government

- In order to ensure the human rights of migrants while taking into account the request from the Myanmar Government and the needs of the Thai business sector, on 15 January 2013, the Cabinet approved the following measures for the regularization of migrant workers:
 - 1) On 15 January 2013 the Cabinet instructed the Ministry of Interior to announce an additional 120-day grace period for illegal migrant workers to stay in Thailand so as to enable them to complete their registration process. The announcement is to be issued within one-month from the date of the Cabinet resolution (15 January 2013).
 - 2) Within one-month from the date of issuance of the aforementioned announcement, employers are to submit relevant documents to the Ministry of Labour for verification by the Myanmar side.
 - 3) Through the close collaboration of the two countries, the Myanmar officials will receive the relevant documents, which will be used for national verification purposes. The Myanmar side is to promptly inform the Thai side of the results.
 - 4) For the convenience of the employers and the workers, the Department of Employment was instructed to set up one-stop service centers in various major provinces: namely Kanchanaburi, Khon Kaen, Chiang Mai, Chiang Rai, Pathumthani, Ranong, Songkhla, Samut Sakorn, Samut Prakarn, Surat Thani, Rayong and Tak. After the verification by the Myanmar Government, employers are to bring their migrant workers to any of the one-stop service centers for the issuance of a temporary passport, a certificate of identity and non-immigrant – LA visa.

- 5) The Ministry of Health is to conduct health check-up for migrants prior to issuance of these documents. The new process will be concluded by 13 April 2013.
- 6) The Social Security Office is to ensure that all registered migrant workers are covered by the social security system. For workers in sectors that are not covered by the social security system, employers are to provide appropriate health insurance to their migrant workers. Such system would ensure equal treatment between Thai and migrant workers.
- The Royal Thai Government has also broadly publicised the deadline extension with the hope that all migrant workers in Thailand will have been regularized by the end of the grace period. The grace period will allow employers and migrants to undertake the regularization process that will allow the maximum number of workers to lawfully reside and work in Thailand, accompanied by their children.

Ministry of Foreign Affairs of Thailand
