Executive Summary

An IOM report published in 2009 suggests up to 10% of Myanmar’s population, estimated at 50 to 55 million people, is currently overseas. For those international migrants who are working outside of the country, most send much needed remittances back to their families in Myanmar as well as gain new skills and experiences that could be useful for Myanmar’s development if they eventually return to their place of birth. Many of these workers also frequently face gross exploitation and abuse overseas however. Myanmar’s government continues to lack a holistic migration policy to ensure both that international migration contributes sustainably to Myanmar’s development and that its nationals overseas are valued and crucially also protected.

Migration should be a specific priority development area for Myanmar’s policy makers, politicians, civil society and businesses at this important time in Myanmar’s national development process.

This briefing paper promotes an understanding of key issues and challenges relevant to ensuring Myanmar’s management of international migration is effective and leads to the sustainable development of Myanmar’s society, economy, human resources and national security whilst also contributing to poverty reduction and alleviation. Previous developments in Myanmar’s migration policy are explained primarily through discussing the case study of migration of workers from Myanmar to Thailand, given this is the largest migration flow from Myanmar and the country for which developments in Myanmar’s migration policy are visible.

Priority areas that should be addressed by Myanmar to ensure an effective migration policy are outlined as recommendations in this paper, the most important of which are that Myanmar should ensure:

- National development plans mention a long term, sustainable and holistic migration policy developed inclusively in accordance with national, economic and human security principles
- A migration authority is established under the President’s office responsible for the interactive development of Myanmar’s migration policy and all issues relating to overseas employment
- Regular, cheap and simple migration across borders is prioritised to reduce smuggling and trafficking in persons
- Labour recruitment agencies involved in migration are strictly regulated
- Extensive awareness raising on safe and regular migration channels is undertaken
- Respect for internationally recognised human rights of migrant workers and a gender sensitive migration policy
- ‘Development’ and ‘poverty reduction’ perspectives on the advantages to be offered by migration of Myanmar workers overseas are equally promoted
- Policies are developed to enhance and certify the skills of overseas and returned migrant workers
- Myanmar’s economy is sufficiently developed before encouraging any return of migrant workers
- Cheap and non-complex processes ensure issuance of citizenship and identification documents as well as regularisation for overseas migrants both which are linked to Myanmar’s civil registration systems
- The eventual return to Myanmar from overseas of migrant workers from ethnic minority groups should be linked to a process of development of their particular states or territories.
- A migration protection policy is developed, together with all relevant stakeholders, to address rampant exploitation of migrants by brokers and recruitment agencies, employers and officials both at origin, in transit and at destination
- Myanmar’s embassies enhance effectiveness of their consular and protection services to migrant workers
- Identification, integration, education and health care for children of migrant workers is prioritised
- Formalised and regulated remittance processes are developed to ensure migrants can remit money safely, cheaply and effectively to their families in Myanmar

Finally, the challenges faced by Myanmar in effectively managing migration are similar to those faced by countries across the world. Migration challenges require global and regional solutions. Myanmar is a key actor in ensuring effective management of migration within the Greater Mekong Subregion (GMS) and ASEAN. A key recommendation of this paper is also that Myanmar should prioritise migration issues within ASEAN and when planning for the country’s entrance into the ASEAN Economic Community in 2015. In particular, Myanmar should press for the ASEAN Instrument on Migrant Workers to be prioritised as a regional issue during its 2014 presidency of ASEAN.

---

1 ‘International migration’ refers to movement of people across international borders. Migrant workers, asylum seekers, refugees and other temporary or long term residents living outside of their country of birth fall within this definition. This briefing paper focuses only on ‘migrant workers’ travelling from Myanmar to find work.
Introduction
People born in Myanmar have migrated all across the world. However, primarily international migration flows from Myanmar are to other Asian countries including Thailand, Malaysia, Singapore, Bangladesh, Korea and Japan. Migration from Myanmar to countries in the Greater Mekong Subregion (GMS), particularly Thailand, accounts for the largest migration flows within the GMS. Within ASEAN, such large scale international out-migration is matched only by Indonesia and the Philippines. Myanmar is therefore a key country in addressing Asia’s regional migration challenges.

An IOM report published in 2009 suggests that up to 10% of Myanmar’s population, estimated at 50 to 55 million people, is currently overseas. Reasons for migration from Myanmar include relative poverty, lack of jobs, inability to earn enough money to survive as well as political and/or ethnic conflict. This briefing paper focuses exclusively on migration of people from Myanmar to find work overseas and does not address the migration of refugees or asylum seekers to third countries for political or ethnic conflict reasons, despite the two issues being closely related.

Statistics on Myanmar’s international migration flows are based on estimations as population data both from Myanmar and migrant destination countries within Asia weakly measure migration. In addition, most Myanmar people have migrated irregularly (i.e. ‘illegally’ or informally) to work outside of the country so the numbers involved are unclear. Irregular migration of Myanmar workers is a result of destination countries, relying for over 2 decades on Myanmar people as part of their workforces, having limited systems for the legal entry of Myanmar nationals. In addition, Myanmar has limited systems for regular migration (i.e. ‘legal’ or formal migration) of its workers overseas. Regular migration from Myanmar is expensive, often more so than irregular migration. Finally, most migrants are unable to gain official documents and/or ‘connections’ needed to access formal migration quotas to Malaysia, Singapore and South Korea.

The main countries for migration of workers from Myanmar, specifically within Asia, include:

- Thailand (est. 2-4 million – approx. 1.45m officially registered as of Mar 2012)
- Malaysia (est. 100 - 500, 000 – approx. 250, 000 officially registered as of Mar 2012)
- Singapore (est. 100 - 200, 000)
- Bangladesh (est. 20, 000 - 100, 000)
- Japan (est. 7, 000 - 15, 000 - 8, 577 officially registered as of Mar 2012)
- Korea (est. 4, 000 to 10, 000 – 6, 309 officially as of Mar 2012)
- China, India and Indonesia (no reliable estimates available)

Migrant worker’s children (often born in destination countries) and dependents account for many Myanmar overseas persons also but no reliable estimates of numbers are available, given such persons are often unable to avail of official registration programmes. Regarding ethnicity of Myanmar migrants overseas, no reliable estimates are also available. However, migrant leaders in Thailand suggest Tavoy ethnic persons make up around 30% of all workers in Thailand, Karen and Mon both 25% respectively, Shan 15% and Burman only around 5%. If this ethnic breakdown is accurate, managing migration in Myanmar needs to take account of sensitive ethnic factors and concerns.

Myanmar migrants overseas work in skilled, semi-skilled and low skilled jobs. For example, in Singapore skilled engineers, medical personnel, construction planners/architects and electronics professionals originate from Myanmar. Malaysia, Singapore, Thailand, Korea and Japan employ semi-skilled Myanmar migrants particularly in electronics and other manufacturing processes. In all destination countries for Myanmar migrants, these workers are employed as manual labour and domestic workers, particularly in fishing, fish processing, construction, agriculture, animal rearing, restaurant/food services and tourism.\(^2\)

Life for Myanmar migrants is often extremely challenging overseas, particularly as a result of: lack of registration documents either because of irregular status or because documents have been seized by employers, brokers or officials for debt reasons; abuse or extortion by officials; poor working conditions and lack of access to basic labour rights;\(^3\) lack of

---

\(^2\) Despite much of this work perceived as low skilled, or legally classified as such given employment/immigration law restrictions, frequently Myanmar migrants work overseas in semi-skilled jobs and, although often not to supervisory or management levels, they are semi-skilled relative to labourers working inside of Myanmar.

\(^3\) Work conditions overseas vary, as do levels of exploitation and rights access. However lower skilled migrants are often exploited and suffer extensive rights violations in the workplace as well as lack of access to protection systems to remedy such violations. The lack of registration and the irregular nature of migration increase risks of abuse. Generally, Myanmar migrants are excluded from long term employee social protection schemes in countries of destination, frequently do not receive minimum wages or basic labour rights, work in dangerous conditions and also often incur accidents and disease. Migrants encounter language difficulties negotiating with employers and officials. Myanmar migrants play a crucial role in fisheries and domestic work sectors. Lack of regulation (i.e. management and laws) and the nature of
integration and/or discrimination in host societies; limited access to quality healthcare and social services; poor housing; and few communal areas in which to gather together. At worst, migrants from Myanmar fall victim to trafficking in persons, forced labour, violence and sexual exploitation. Children of migrants often do not access school, health, social or educational provisions also, making them at increased risk of becoming child labourers or being trafficked.

Debt bondage and exploitation, or an inability to save money to send home to families, are situations frequently experienced by Myanmar’s migrants resulting from the high cost of their original (often irregular) migration to their country of work and/or high costs of registering or becoming legal. This is particularly as a result of the necessary use of expensive and unregulated brokers or labour recruitment agents as part of these processes. Migrants are rarely prioritised for assistance in times of economic or societal crisis, as could be seen during the tsunami in 2006 and the floods in 2011, both in Thailand. There is extensive impunity by all those actors who exploit Myanmar workers overseas and lack of effective mechanisms and commitment by both destination countries and Myanmar itself to address this exploitation.

**Myanmar’s Migration Policy**

Myanmar lacks a comprehensive and holistic migration policy or an effective migration management body. In the past, the Overseas Employment Service (Employment and Training Department at the Ministry of Labour) facilitated regular deployment of Myanmar migrants overseas and migration was the responsibility of the Ministry of Foreign Affairs. However, regular migration (i.e. ‘legally’ and formally) was limited to higher skilled workers and/or to Korea, Malaysia and Singapore and generally relied on workers using expensive private recruitment companies and personal connections.

As a result of this lack of attention to issues of migration, and given the costs, ease of migration and the general political, ethnic and economic situation in Myanmar, workers have migrated irregularly (i.e. ‘illegally’ or informally) out of Myanmar to find work to ensure remittances for their family’s survival for over 2 decades, particularly to Thailand and Malaysia, or travelled to destination countries on tourist visas and overstayed. Networks of informal brokers have been established at village levels across Myanmar, linked to smugglers and/or trafficking networks at all borders, to facilitate this migration to neighbouring countries irregularly. These networks are now extensive and ingrained, particularly on the Thai/Myanmar and Thai/Malaysia borders. Whilst often reliable and necessary for migrants to be able to migrate and for destination countries to find workers, such systems can also be dangerous for workers, placing them at high risk of trafficking and debt bondage. Government officials are complicit in supporting these illegal networks to operate for extensive profit and through ways which fundamentally undermine the rule of law in the respective border regions.

Over 2 decades, perhaps more than 3 to 4 million migrants from Myanmar have been smuggled out of the country to Thailand and on to Malaysia and elsewhere. There have been frequent deaths or accidents whilst migrating and trafficking (smuggling often ‘gone wrong’) has become extensive and ingrained in destination country recruitment processes, particularly in Thailand’s fishing industry. Thailand economic development, with a strong reliance on Myanmar migrants who make up 5 to 10 percent of the workforce, has notably been accompanied by limited developments in formal migration channels with Myanmar (Picture left – truck where 54 migrants from Myanmar suffocated on their way to Thailand in April 2008). Malaysia has experienced extensive benefits from the work done by Myanmar workers but has not yet prioritised any forms of basic assistance to these workers.

Myanmar Immigration (Emergency Provisions) Act 1947 states in Article 3.2 that ‘No citizen of Myanmar shall enter without a passport….’ Article 13.1 states breach of this provision can result in 6 months to 5 years imprisonment or also a
1,000 Kyats fine. This provision hinders basic freedom of movement and results in departure and return to Myanmar being conducted irregularly out of fear of punishment and undermining the rule of law. In addition, there has been no transparent Myanmar policy to receive arrested and deported irregular migrants from overseas, particularly from Thailand. Irregular workers fall into cycles of arrest, extortion, trafficking, debt bondage and deportation at borders as a result. Serious policy attention to this situation continues to be required.

The Myanmar government in the past had no formal migrant remittance policies and procedures by which migrants overseas could remit money back to their families formally. As a result, informal systems developed at community levels in both destination countries of migrants and in Myanmar to ensure the transfer of money, often known as ‘hundi’. Although regarded as reliable for migrants and often low cost and effective, exploitation does occur.

Myanmar’s consular assistance programmes to overseas migrants, particularly irregular workers, remains limited. Embassies have previously prioritised collection of high rates of tax from regular migrants and denied consular assistance to irregular workers on the basis they left Myanmar in breach of immigration laws. Services for official documents or lost or stolen passports continue to be inefficient, non-existent or expensive. There has also been no clear policy from the Myanmar government and its embassies to prioritise protection of Myanmar migrants against the gross exploitation they often suffer or provide basic translation services to workers and non-governmental organisations assisting workers. Embassies are often implicated in the unregulated broker networks they approve for regularisation processes that place workers into positions of debt bondage and abuse also. Particularly during emergencies, as seen during the Tsunami in 2006 and the floods in 2011 in Thailand, Myanmar’s embassies failed to adequately respond to the scale of the crisis.

The Myanmar Government has no clear policy to ensure that migration of its workers overseas contributes to the development of the Myanmar economy and society in the future. There has been no evidence of requests to destination countries of workers to ensure skills training and enhancement or certification of skills for migrants. Finally, there has been no planning for return and integration of any overseas workers, but particularly skilled or semi-skilled ones, into the Myanmar economy at a specific time in the future so as to contribute positively to development and enhance the chance of a better life for the workers concerned. Ethnic issues surrounding migration remain particularly challenging.

**Case Study: Thailand’s Migration Policy and Myanmar Migrants**

For over two decades, Thailand has not developed a holistic migration policy from a long-term economic, social and human rights perspective. Rather the government prioritised economic concerns and need for low skilled migrants over human and national security and the rule of law. The Government’s 10th National Economic and Social Development Plan 2007-2011 did not refer to long-term migration policies to cope with ongoing labour demands accompanying Thailand’s development and the 11th National Economic and Social Development Plan 2012-2016 remains vague on this issue. Commentators also mention low skilled migration and an abundance of cheap labourers has slowed Thailand’s economic development and threatened its future competitiveness with more advanced countries. Migrant workers in Thailand have never been perceived as a human resource whose skills should be enhanced but simply cheap labour.

More recently however, the Thai Government has increasingly acknowledged the need for migrants from neighbouring countries (particularly Myanmar who workers make up approximately 80% of all migrants in Thailand) which has fostered an increased realisation that this need is not temporary and that formal measures to more effectively address migration for the long term are required. The Government has also become more committed to formal measures to regularise migration from neighbouring countries and the recent 2011 migrant registration, considered the most successful yet, increased the number of documented migrants to an unprecedented 2 million. The recent developments in Myanmar have led to widespread discussion in Thai society as to the future role and availability of the supply of migrants from Myanmar and the impact this may have on Thailand’s economy and development in the future. The commitment of the Government to protect migrant rights, enhance migrant skills or prevent future irregular migration is still not evident however. Migrants continue to be regarded as the most exploited, excluded and abused sector of Thai society.

In the 1990s, the Government of Thailand first acknowledged the presence of low-skilled migrants from neighbouring Cambodia, Lao PDR and Myanmar within its borders. However, at this time of rapid economic growth, restrictive employment laws officially disallowed low-skilled migration. Smuggling networks instead flourished to fill gaps created

---

7 Although it is unclear whether this provision is enforced, for reasons of respect for human rights, if the law is still in place it should be revoked.
by the absence of legal labour import channels and increasing demand for low-skilled workers. Reflecting tensions with regards national security, economic necessity and employer demand, at the same time a quasi-regularisation (i.e. a kind of legalisation or making formal) of irregular migrants started. Cabinet resolutions allowed workers to register legally to work for one year (and this permission was generally extended year on year) as “labourers” or “domestic workers”. A registered workers’ status always remained illegal, pending deportation due to original irregular (i.e. illegal) entry, despite the legal permission to work, and restrictions on freedom of movement were extensively applied and extensive social protection denied to these workers. The cumbersome nature of registration processes has always ensured both workers and employers rely on unregulated brokers to formally register and this significantly results in debt bondage.

In 2001, 2004, 2009 and 2011 the Thai Government’s most pronounced migration programmes providing undocumented workers opportunities to register took place. Over 1.85 million migrants were registered by August 2011 (MoL, 2011). Figure Two: Estimates of Registered Migrants in Thailand from 1996 to 2011. Within a year of each registration however, work permit renewals generally plummeted. Many migrants changed work and employers which, unless done according to the complex regulations, resulted in their becoming unregistered. In addition, migrants and employers often came to ignore registration and renewal processes they viewed as cumbersome, confusing and expensive whilst many migrants could not register as they recently entered the country and were ineligible. Lack of access to rights accorded in practice to these registered workers, lack of enforcement against unregistered workers and employers and harassment by officials generally made incentives to register weak also.

Since 1999, and whilst these registration processes were ongoing, discussions between Thailand, Cambodia, Lao PDR and Myanmar on regularisation (i.e. legalisation or making formal) of migrant labour from neighbouring countries was undertaken. This culminated in the signing of Memoranda of Understanding (MoUs) on employment cooperation between all countries during 2002-2003 (Rukummuyakit, 2009:10). The MoU with Myanmar was signed on 21st June 2003.

Two methods for legalising irregular (i.e. ‘illegal’) migrant workers followed from the signing of these MoU’s. The first was nationality verification (NV) of registered workers already in Thailand to enable them to acquire a legalised status by means of official documents issued by their origin countries. As part of the NV process, registered migrants needed to provide personal data to home countries for verification to receive a temporary passport or a certificate of identity, a visa to remain in Thailand for two years (extendable for two years before they must return home for at least three years) and a change of work status to legal. On completing NV, migrants should receive rights, including social security, work accident compensation, to obtain motorbike licences and unrestricted travel within Thailand and between Thailand and home countries. The temporary passport issued to Myanmar migrants can only be used in Thailand and Myanmar however. Second was recruitment and legal import of workers directly from neighbouring countries, although until this day, the formal processes involved remain unclear. Rights accorded to migrants entering Thailand legally under MoU agreements should be the same as migrants passing NV. The regularisation processes regarding Cambodian and Laotian workers commenced within a few years of signing the MoU’s but progress with Myanmar was only evidenced from 2009.

According to recent statistics from the Ministry of Labour, 572, 468 of the approximately 1.85 million registered migrants in Thailand have now completed NV and an additional 81, 246 migrants entered legally from neighbouring countries via MoU channels. 1, 248, 064 workers (68% of all registered workers in Thailand) remain registered but irregular (left). As of 28th February 2012, the MoL reported that 459, 864 migrants from Myanmar have passed NV, 14, 571 entered through legal channels and 905, 573 workers (male 504, 171; female 401, 402) remain registered awaiting NV (above).

Regularisation processes increased both confidence of migrants and their access to rights, given enhanced legal status involved. Migrants who are fully legal are eligible to access social security schemes, official work accident compensation,
apply for driving licenses and travel legally throughout Thailand and to/from countries of origin. In addition, since 2009 the increased efforts of both Thailand and its neighbouring countries, particularly Myanmar, to make regularisation processes more effective have been visible.

However, challenges to regularisation include: (a) the complex and bureaucratic nature of NV/import processes and absence of 1 stop services; (b) lack of information about what processes entail and rights available to workers after becoming legal; (c) high costs for employer and migrants from unregulated brokers that reduces the incentive to regularise and increases risks of debt bondage; (d) lack of linkage of the NV process to civil registration processes in countries of origin; and (e) lack of genuine rights protection following the process.

Thailand’s migration policy since 2000 has been that future registration (or amnesties) for undocumented migrants already in Thailand would continue only until the above two means of regularisation (legalisation) were achieved and stringent arrest and deportation of undocumented workers would also be pursued at the same time to remove irregular workers from the country. At the beginning of 2012, the Thai Government once again insisted there would no new migrant registrations and pledged to work with neighbouring countries, particularly Myanmar, on ‘circular deportation’ so unregistered workers are arrested and deported to borders where they or their employers can ensure registration and legal return to Thailand.

**Myanmar’s Recent Migration Developments**

Since 2010, Myanmar has been more proactive in lobbying Thai policy makers for new amnesty registrations for Myanmar migrants living and working without documents in Thailand. One important factor contributing to the most recent 2011 registration amnesty for migrants in Thailand was Myanmar’s insistence on the new registration. Myanmar has also, since 2009, ensured progress in processes to make its registered migrants fully legal through the NV process in Thailand. Such progress has not been visible in other migrant destination countries, particularly in Malaysia and Singapore, and reflects more the specific pressures placed on the Myanmar government to address the poor situation of Myanmar migrant workers in Thailand rather than a wider migrant worker policy or protection concerns.

Given the practicalities of Thailand’s NV process and the large number of workers (1.5 million) involved, officials from neighbouring countries were requested to come to Thailand to verify nationality of their workers and issue temporary passports, in accordance with the 2002/2003 MoU’s outlined above. In 2005, the process started for Cambodian and Laotian migrants. However, from 2003 to 2009, Myanmar reportedly insisted that if the process was to be undertaken, all Myanmar migrants must return to Pa-an in Karen State. Due to the distance and the number of workers who must return to undertake the process, NV of Myanmar migrants did not progress.

In July 2009, Myanmar opened NV centers in Tachilek (Mae Sai), Myawaddy (Mae Sot) and Kawthaung (Ranong). Originally, the process was poorly implemented with migrants returning slowly, at high cost (US$250+) and in fear of reprisals for them or their family once they crossed the border into Myanmar. In 2010, the NV process was sped up, costs reduced a little and awareness of the process and its benefits for migrants become more apparent. In July 2010, Myanmar opened its first NV center in Southern Thailand (Ranong), citing risks in migrants crossing the ocean to Kawthaung in the monsoon season. At the end of the monsoon season, the center remained open. At the same time, the Myawaddy-Mae Sot crossing was closed and NV halted until December 2011 due to political tensions.

The temporary passports issued to Myanmar migrants were only 3 years in validity but migrants were allowed to remain and work in Thailand for 4 years. In July 2011, the Myanmar authorities allowed migrants to extend validity of their passports to 6 years by means of a sticker signed by embassy officials inserted into their passports. At first, embassy officials overcharged for the 150 Baht (US$5) sticker but later the problem was resolved. Migrants using brokers still pay much more than 150 Baht.

In January 2012, Myanmar started to issue a new electronic NV passport to workers, of 6 years validity, and was ready to open 5 new NV centers in Thailand (in Bangkok, Chiangmai, Samut Sakorn, Samut Prakarn and Surat Thani provinces), in addition the existing 3 centers, to speed up the NV process and reduce costs. Myanmar officials were at these 5 centers by March 1st 2012 and their Thai employment
counterparts were authorized to start work on 15th March 2012. However, as the Thai immigration department has yet to arrive, the centers are currently closed. These centers have stationed officials and also ‘roaming officials’ who can travel to workplaces away from the NV centers to issue temporary passports (Pictures above: Myanmar migrant temporary NV passports). Costs of the NV process still remain high for migrants however (at least US$200).

In 2010, primary migration responsibility shifted from the Ministry of Foreign Affairs to the Ministry of Labour. At this time, more migration policy progress seemed evident, particularly regarding regularisation and attempts to protect Myanmar migrants in Thailand. In October 2011, a Myanmar delegation to Thailand (led by Dep Minister U Myint Thein who is well briefed on migration issues) focused on migrant protection. In November and December 2011, the Ministry called overseas academics to advise on migration issues in Naypyidaw and reached out to UN agencies also. In November 2011, Myanmar opened Mae Sot-Myawaddy Friendship Bridge for returning Thai flood victims facing extortion, despite the ongoing tensions with the DKBA. In December 2011, a post flood migration delegation to Thailand, led by U Myint Thein, focused on improving NV and addressing education of migrant children.

At the end of 2011, for first time in over 2 decades despite an MoU signed 8 years previously, a legal process of migration for manual or domestic workers from Myanmar to Thailand began. In November 2011, Myanmar officials mentioned flying migrants into Thailand via Yangon airport in chartered planes to avoid border challenges and on 25th December 2011, the Ministry of Labour opened overseas recruitment offices in Yangon. As of 28th February 2012 14, 571 Myanmar migrants had already departed Myanmar and entered Thailand legally. However, there is little awareness of formal channels and often broker costs remain high and unregulated. This formal policy is important to reduce risks of trafficking and ensure safe migration, as long as broker exploitation and excessive costs are reduced, formal migration becomes more high profile and attractive than irregular migration and migration protection is prioritised and advanced also.

During 2011, Myanmar banks were granted permission to operate overseas in migrant communities in Malaysia, Singapore and Thailand to facilitate formal transfer of migrant remittances back to Myanmar. The first agreements between Malaysian and Myanmar banks were signed in March 2012. On January 1st 2012, a presidential decree ended double taxation for migrants both in country of destination and in Myanmar (previously 10% of salaries had to be paid to the embassies). These developments were viewed in the context of Myanmar’s strategy to use migrant remittances as a poverty reduction strategy given existing sanctions on the country and lack of economic development. However, it is likely the policy of encouraging migrants to use formal remittance processes will face challenges given the established ‘hundi’ network of informal remittances, direct from Thailand or destination countries to migrants’ families local communities, particularly in ethnic areas of the country, continues to be more flexible and low cost than formal processes. Myanmar’s attention to remittances from Malaysia exists however alongside minimal evidence of efforts to improve the deplorable situation of Myanmar migrants abused and exploited in Malaysia.

**Myanmar’s Migration Policy: Recommendations for the Future**

**General Migration Policy**

Myanmar should devise a long term, sustainable and holistic migration policy, through liaison with destination countries of migrants, embassies, civil society, employers and migrant communities, which is developed in accordance with national, economic and human security principles. The Myanmar government should also ensure its national development plans specifically mention this migration policy. The development of such a migration policy and the interactive processes required also demand the evolution of a specific body responsible for all overseas employment of Myanmar workers, under the authority of the President’s Office to reflect the complex and cross-cutting nature of migration debates within different Ministries. This authority should be realistically resourced, establish a research arm and provincial/overseas departments whilst ensuring participation of migrants, civil society representatives and employers. This body should be responsible for and provide pre-departure training to workers, document verification, post-deployment and return protections, avenues for redress of complaints as well as oversight, monitoring, and discipline of Myanmar labour recruiters/brokers. Myanmar currently faces significant challenges in developing migration policies and institutions as capacity of policy makers, employers, migrants and civil society to develop workable and fair migration

---

8 In terms of national security, a migration policy should take into account the need to ensure the rule of law at all borders of the country when persons depart, arrive or return, as well as the development of positive relations with neighbouring states and/or states of destination or origin of migrant workers. Economic security should ensure that the government acknowledges a role for migration, given the natural and differing speeds of development by different countries in the region. Remittances can have a positive role to play in poverty reduction. But more importantly, issues of skills transfer can contribute significantly to a wider and more refined notion of development for Myanmar. Human security is particularly important as a priority when developing a migration policy to ensure an overly strict focus on national and economic security does not outweigh the rights of migrants in the migration debate.
Recommendation 1
Myanmar’s national development plans should specifically mention a long term, sustainable and holistic migration policy developed inclusively and in accordance with national, economic and human security principles.

Recommendation 2
A migration authority (or bodies) should be established under the authority of the President’s office. This body should be responsible for the interactive development of Myanmar’s migration policy and all issues relating to overseas employment.

Recommendation 3
Regular, cheap and simple migration across borders should be prioritised to undermine smuggling and trafficking in persons.

Recommendation 4
Labour recruitment agencies involved in migration should be strictly regulated.

Myanmar’s national development plans should specifically mention a long term, sustainable and holistic migration policy developed inclusively and in accordance with national, economic and human security principles.

The Myanmar Government should ensure it respects basic international human rights obligations towards Myanmar migrant workers also by developing its migration policies and practices in line with specific international standards. In particular, the Government can gain valuable information and ideas from consulting the International Convention on the Rights of All Migrant Workers and Their Families and the ILO Multilateral Framework on Labour Migration. The Myanmar Government should ensure its migration policy framework is gender sensitive also.

Migration and Development
The Myanmar government’s nascent policies on migration seem to prioritise ‘poverty reduction’ rather than ‘development’. However, a wider ‘development’ perspective on the advantages to be offered by migration of Myanmar workers overseas requires the workers themselves to be seen not only as individual ‘money makers’ but as ‘skills’ and ‘resources’ to play a crucial part in Myanmar’s future. The Myanmar government would benefit from correctly gauging attitudes of its people to migration also, many of whom are eager both to return from overseas and/or depart from Myanmar. This will enable a realistic development strategy on migration to be arrived at.

Myanmar’s migration strategy may be one that both prioritises the return of relatively skilled and experienced workers to the country but also considers the role that the migration of workers (and perhaps new workers) overseas can play in poverty reduction, given the existing economic malaise in Myanmar that will take significant time to address and the relative disparity between development of Myanmar and its neighbours. A clear and well implemented policy to enhance skills of returnees with training in business creation and personnel management, skills migrants are often lacking, alongside provision of funds, may provide impetus for returning migrants to set up small to medium scale enterprises.

Myanmar can, by taking into account this development vision of migration, assert its strength on the regional stage, given the continual dependence of neighbouring countries and their economies on Myanmar workers. Myanmar can request that, in return for providing much needed labour to its neighbouring countries, that the skills of these workers are enhanced and certified for their eventual return home. Destination countries benefitting from Myanmar’s workforce also have a corresponding duty in terms of technical and developmental assistance to the Myanmar government to ensure greater balance in economic development in the region and to assist with training, return and integration programmes.

Development and implementation of a migration policy is dependent on awareness raising in migrant communities abroad or potentially migrating Myanmar nationals at home of the benefits and risks of migration from Myanmar and returning home. In addition, a migration sensitive labour market ‘needs’ analysis is crucial to plan a migration policy that works for such dialogue should be coordinated in liaison with migrants, employers, civil society, ILO, IOM, and OHCHR.

Myanmar should make efforts to prioritise regular migration across its borders so as to reduce, undermine and deter, with respect for humanitarian principles, the continual smuggling and trafficking in persons that can often result from irregular migration. In order to ensure however that regular migration is both perceived to be and is actually cheaper, safer and more effective than irregular migration, labour recruitment agencies involved in migration should be stringently regulated, particularly with regard to the fees that they are allowed to impose on migrants, in order to prevent exploitation and debt bondage. Processes of labour export should be simplified and awareness raising on regular and safe migration should be prioritised. Formal costs in crossing borders should be monitored and allow for migrants to deal directly with officials where appropriate. To ensure achievement of these goals, the Government must increasingly engage with migrant destination countries to ensure home and host countries increased cooperation in promoting regular and safe migration and
and supports industrial development. Large scale migration back to Myanmar at this time in the absence of a significant development particularly of agricultural systems (including an increase in land security and links with export markets) may well see migrant skills and energy under-utilised, benefiting neither Myanmar, countries of destination or ASEAN as a whole. The Myanmar government should focus on building up infrastructure to support any encouraged return of migrants to the country alongside developing clear lines of communication and establishing strong networks between migrant communities overseas and networks/communities in Myanmar. In addition, in line with its migration and development strategy, Myanmar needs to consider the realistic length of time for which workers should be able to work overseas (and learn skills overseas) to maximize the poverty reduction and development potential from migration for Myanmar economy and society.

**Migration, Ethnicity and Identity**

Migration overseas importantly raises challenges regarding identity given many migrant workers left Myanmar irregularly and many are from ethnic groups. For instance, completion of NV in Thailand continues to be unconnected to citizenship card issuance and civil registration systems of Myanmar. Many migrants in Thailand have never had Myanmar identification documents also. The NV process has very limited, short-term goals and so far it has not aimed to reintegrate migrants back into Myanmar society, particularly important in the case of ethnic minorities. Myanmar should therefore develop cheap and non complex processes that ensure issuance of citizenship and identification documents and regularisation processes for overseas migrants that are linked to Myanmar’s civil registration systems with documents that can be used both in Myanmar and destination countries. Any processes that seek to strengthen civil registration standing of all migrants overseas prior to return would be a positive sign of the government’s commitment to migrant’s human security and the country’s future development. The eventual return to Myanmar from overseas of migrants from ethnic minority groups should importantly be linked to a process of development of their particular states or territories also. Such progress may well reduce ethnic tension also.

**Migrant Workers Protection Policy**

The Myanmar government should devise a strong and practical migration protection policy, together with destination countries of migrants, embassies, civil society, employers and migrant communities and organisations so as to address the rampant abuse and exploitation of its workers overseas. The policy should ensure that the following kinds of exploitation suffered by Myanmar’s migrants overseas are addressed: (1) Exploitation by unregulated brokers and recruitment agencies involved in both migration and regularisation processes; (2) Exploitation by employers in the form of non-payment of wages and breach of other labour rights; and (3) Exploitation by officials, particularly law enforcement officers, labour officials and during arrest, detention and deportation. Exploitation as a result of trafficking, forced or child labour and violence (and sexual

---

8 Workers continue to report that if they do not have Myanmar ID cards, they must pay between 300 and 500 Baht to pass NV (via brokers, who report they have to pay the sum of money to Myanmar officials). These costs should be eradicated.

9 Since in particular the NV process has the Thai government’s full support, Myanmar should consider developing this process one that ensures citizenship and identification document issuance and perhaps issuance of Myanmar passports that are valid in all other countries and not just between Thailand and Myanmar.

10 In terms of rights protection, the 8 existing NV centers set up in Thailand could provide one stop services for all migrants’ needs rather than just involving in

---

**Recommendation 5**

Extensive awareness raising on safe and regular migration channels should be undertaken

**Recommendation 6**

Myanmar should increasingly engage with migrant destination countries to ensure strengthened cooperation in promoting regular and safe migration also in liaison with migrants, employers, civil society, ILO, IOM and OHCHR.

**Recommendation 7**

The Myanmar Government should ensure it respects basic international human rights obligations towards migrant workers and ensure its migration policy framework is gender sensitive.

**Recommendation 8**

Myanmar should consider a ‘development’ perspective on the advantages to be offered by migration of Myanmar workers overseas in terms of a poverty reduction strategy and their eventual return, when the time is right, with new skills to develop Myanmar’s society.

**Recommendation 9**

Myanmar should develop a policy to enhance skills of returned migrants with training in business creation and personnel management alongside provision of funds to provide the impetus for returning migrants to set up small to medium scale enterprises.

**Recommendation 10**

Myanmar should request that, in return for providing labour to its neighbouring countries, the skills of these workers are enhanced and certified.

**Recommendation 11**

Myanmar should request that destination countries of Myanmar workers provide technical and developmental assistance to Myanmar to ensure greater balance in economic development in the region and to assist with return/integration programmes.

**Recommendation 12**

The Myanmar government should focus on building up infrastructure and the economy before supporting any encouraged return of migrants to the country alongside developing clear lines of communication between migrant communities overseas and Myanmar to communicate developments.
violence) should also be prioritised. In addition, Myanmar should seek to ensure destination countries policies and authorities in practice do not prioritise ‘illegality’ issues over ‘human rights’ by using the threat of deportation and arrest, alongside employers, as means to prevent workers accessing justice for rights violations. The Myanmar government, together with destination countries, migrant communities/leaders, civil society, UN agencies, employers and destination countries should carry out information dissemination programmes, including hosting migrant rights protection seminars and distributing leaflets particularly during registration, relating to regularisation and regarding health and labour rights. A thorough pre-departure training programme should also be developed to educate migrants on appropriate topics prior to departure for overseas from Myanmar.

**Recommendation 13**
Myanmar should develop cheap and non-complex processes that ensure issuance of citizenship and identification documents and regularisation for overseas migrants that are linked to Myanmar’s civil registration systems.

**Recommendation 14**
The eventual return to Myanmar from overseas of migrant workers from ethnic minority groups should be linked to a process of development of their particular states or territories.

**Recommendation 15**
Myanmar should devise a strong and practical migration protection policy, together with all relevant stakeholders, to address exploitation by: unregulated brokers and recruitment agencies; employers; and officials.

**Recommendation 16**
Myanmar should ensure its Embassies overseas in destination countries enhance the effectiveness of their consular and protection services to migrants.

Myanmar has provided poor consular assistance programmes, imposed double taxation and high cost document renewals or authorisation to Myanmar migrants overseas for over 2 decades. This has created strong disincentives for Myanmar expatriates to approach Myanmar embassies for assistance and this explains in part why Myanmar migrants continue to be wary of seeking assistance from the Government. A process of building up trust with migrants overseas (and particularly those from ethnic groups), crucial in their return to the country, should start now at the Embassy level through development of clearer migrant protection practices, simplified and cheaper consular services, overseas voting arrangements, migrant and trafficking specific officials, attachés or protection committees and through Embassies playing a central role in information dissemination programmes. This consular assistance should be just one part of the evolving and expanding central migration authority’s institutional development addressing all migration issues from policy, recruitment, pre-departure, broker regulation, enforcement and protection.

**Migrant Children**
The Myanmar government should strategise on means to ensure identification and integration of all children born to migrants overseas and ensure their access to dual cultural (motherland and destination country) education and health care, as required and alongside destination countries of migrants. In addition, the Myanmar government should work with destination countries of migrants to promote a policy of registration of all migrant children at birth (both registration in country of birth and documentary issues with each specific center responsible for a geographical area or areas with high concentration of migrants. The Myanmar government should also ensure as a priority that: (1) migrants entering destination countries legally or regularising their status do not have residence and legal status tied to one employer; (2) migrant passports, ID cards, work permits or labour/health cards are not confiscated to prevent forced labour/exploitation; (3) a flexible and practical change of employer policy is allowed by destination countries to prevent excessive charges, involvement of broker networks and forced labour; (4) in case of deportation as a last resort, a joint origin and destination country policy is developed to prevent the abuses against arrested, imprisoned and deported migrants at borders and in police detention; (5) destination countries, together with Myanmar’s overseas embassies, provide translation services for Myanmar migrants at employment department, social security, immigration and labour protection office, courts and at hospitals and clinics part of government migrant health schemes; (6) destination countries extend the category of work: Myanmar migrants can do in those countries to reflect the reality of labour shortages and the work migrants currently do to prevent extortion or abuse of power; (7) a category of ‘migrant health worker’ or ‘migrant rights protection volunteer’ should be encouraged, promoting the ability of NGOs, civil society and migrant organizations to legally and without fear assist migrants in need; (8) protection of migrant fisheries and domestic workers is prioritised as Myanmar migrants are being extensively abused/trafficked in this sector where labour protection law is not being enforced; (9) migrant social protection issues are explored extensively between Myanmar and destination countries particularly relating to work accident benefits, disability benefits, health/social security insurance and processes to protect and support migrant victims in cases of severe exploitation and need; (10) destination countries allow the organising, forming into trade unions and collective bargaining of Myanmar migrant workers; and (11) destination countries allow migrant communities to utilize community radio programmes to disseminate information to migrant workers on regulations, rights protection, culture and religion; and (12) alongside destination countries, plans are in place to provide increased protection to Myanmar migrants at times of national crisis or emergencies, whether caused by civil tension or natural disasters/climate change.

To ensure greater success in policies to protect and rehabilitate Myanmar trafficking victims, and to ensure more effective prosecutions, the Myanmar Government should work with destination countries of migrants to: (a) allow legalisation of trafficking victims as opposed to deportation, alongside ensuring the workers ability to find a new employer and earn money as soon as possible after any immediate rehabilitation assistance has been provided; (b) Humanise and make attractive rehabilitation centres by targeting migrant leaders to build faith and trust in officials working on such issues to ensure referral of cases; and (c) Demand increased speed and effectiveness in return home programmes.

This pre-departure training should be free, provided both by the government, recruitment agencies and independent NGOs and use an approved syllabus developed by organisations with experience of working with migrants in destination countries. Training/education needs to be appropriate for the migrant workers as if it is too complex, too academic, or too boring migrants won’t read, listen or understand.

When the Myanmar government issue passports or identification documents, or migrants renew passports or replace lost ones, it would be useful to provide workers with basic information about the following: consular services (labour attaché services, renewal of visa and lost passport issues); advice to all migrants that they should photocopy passport and all documents such as visas and receipts for ease in replacement if passport is lost or stolen; advice as to destination country immigration reporting and other procedures; and basic information on destination country ‘laws and obligations’.
recognition of this document and registration by Myanmar authorities) and free and safe medical services offered to all pregnant migrants and newborn children, irrespective of their registration status.

**Remittances**

Remittances from migrants back to their families have played and continue to play a significant role in poverty reduction for Myanmar’s people and can play a central role in Myanmar’s development also. Recently, the Myanmar government has been taking steps to encourage migrants to formally remit money back to their families through destination country banks linked to Myanmar banks. Whilst these moves are positive, Myanmar should seek to formalize and regulate remittance processes to ensure migrants can remit money in the most safe and cost effective way to their families in Myanmar. Myanmar should also consider means to promote remittance and saving programmes for migrants in destination countries alongside schemes to assist beneficiaries of migrant remittances to use this money for development purposes such as enhancing their communities or setting up businesses. Increased remittances from migrants to Myanmar are dependent on the ability to save money to remit in host countries and so Myanmar should therefore also ensure highest remittance potential through migrant worker protection programmes and consular assistance also.

**Migration and ASEAN**

In July 2007, ASEAN’s Foreign Ministers called for the establishment of an ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). The first meeting of the ACMW was held in 2008 and terms of reference and a work plan were outlined as consisting of: (1) enhancing protection and promotion of rights of migrant workers against exploitation and mistreatment; (2) strengthening protection and promotion of rights of migrant workers by enhancing labour migration governance in ASEAN Countries; (3) engaging in regional cooperation to fight human trafficking in ASEAN; and (4) working on the development of the ASEAN Instrument on Migrant Workers (AIMW).

As regards to the latter standard setting measure, key principles of the AIMW have been drawn up but the process has been stalled since December 2009 by primarily migrant sending countries within ASEAN. Myanmar, as a key origin country of migrant workers within the region, alongside the Philippines, should start to plan to ensure finalising the AIMW is prioritised as a regional issue during its 2014 presidency of ASEAN and when preparing for entry into the ASEAN Economic Community (AEC) is 2015. Given the global and regional nature of challenges regarding migration, promotion of issues of migration for discussion and development regionally would benefit Myanmar and Myanmar’s migrant workers overseas.