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The plight of migrant workers

Uncertain of their rights, many are being subjected to harassment and extortion by the police, even if they are legally employed

Mya and her sister, Burmese migrants who work the night shift at a Samut Sakhon textile factory, were asleep in their home late one morning when there was a knock on the door.

UNPOPULAR: Two children take part in a demonstration against the nationality verification process earlier this year. PHOTO: PATTANAPONG HIRUNARD

She answered, and four men in plain clothes entered the room. They claimed to be police, and without explanation began searching the room.

Within minutes the men had placed the women, both of whom have legal status and work permits, under arrest and seized from their home a sewing machine and a page from one of the sister's notebook that listed clothing measurements.

"When they first came into our room, I was afraid because there were four men and we were two women," says Mya of the ordeal. "And when they came in, they didn't take their shoes off, and started searching, I wondered how much we were going to lose."

The girls were taken to the Samut Sakhon police station - only then were they sure the men were really police - and told to pay 20,000 and 15,000 baht for working illegally (sewing is a proscribed occupation for non-Thais, they were told) and selling underground lottery tickets, which the numbers in the notebook supposedly evidenced.

The sisters told the officers they didn't have that much money, and after some time they were taken by the officers from the station to a local supermarket where they were told to have their relatives deliver 6,500 baht per sister to prevent them from being sent to the Immigration Detention Centre.

The sisters' uncle arrived with the money. They returned home, and he went to the police station to retrieve the sewing machine, which actually belongs to a friend of the women, who uses the machine when she's not working. He was told by the officers that if they wanted to prevent similar incidents from occurring in the future, the sisters would need to pay the police 500 baht monthly "rental" to keep the sewing machine.

UNSURE OF THEIR RIGHTS: Migrant workers from Burma fishing for jellyfish at Ban Nam Khem, in Phangnga province. PHOTO: AFP

The injustice and irregularity of their arrest and release were not lost on the sisters, who tell the story with shakes of their heads, and knowing comments such "The money wasn't exchanged at the

station." But, while they knew the process was not right, and they are upset about their loss of money - they earn about 8,000 baht each month, half of which they send home to their parents - they seem resigned, that in Thailand, for them, that's the way it is.

"I was upset at first," said Mya. "We needed that money to send to our parents, but we've always known that eventually some of what we saved would go to the police."

Like many migrant workers from Burma, the sisters recently registered for nationality verification, a process that entitles them to a temporary passport and legal status in Thailand. The process, which ended its application phase for migrant workers on March 2, was purported by the Thai government to be an initiative that would improve the security and quality of life for migrant workers in Thailand through new freedoms and greater access to services.

Accordingly, Mya and her sister registered, and paid the costs of legalisation - more than 11,000 baht each for registration, a passport and a work permit - to government ministries and government-endorsed brokers.

Mya is currently 15,000 baht in debt to a broker.

LIVING IN FEAR: A migrant worker at Talad Tai wholesale market in Pathum Thani after a police raid.  
PHOTO: JETJARAS NA RANONG

But, migrants aren't the only ones feeling the financial pinch from nationality verification. The police have made money extorting migrants that lacked legal status for years - collecting bribes from those who lacked documents or who rode motorbikes or who, against restrictions, travelled outside their province.

Thailand's pervasive, unchecked police culture of exploiting migrants is well-established and long-known, but it was most recently documented in "From the Tiger to the Crocodile", a Human Rights Watch report released in February that documents scores of cases of police impunity with regards to extortion, abuse, torture and even the rape and murder of migrant workers in Thailand. "Police treat migrants like walking ATMs," says the report.

Yet, while nationality verification was promoted by the government as a fix to these types of abuses - the policy was panned by a number of human rights observers, most notably the UN Special Rapporteur on the human rights of migrants, Jorge A Bustamante - anecdotal evidence collected in the last month suggests the increase in legalised migrants has only led officials to find more creative forms of extortion.

On the same morning, and in the same housing complex of Mya's arrest, six other Burmese migrants were arrested by plain clothes officers in similar search and seize fashion. Five of them were also targeted for selling underground lottery tickets - in most of the cases, the officers seized a log of personal expenses.

In another room, police confiscated pirated CDs and arrested a migrant for their production.

All of these workers had proper documentation and legal status, and in all cases they were taken to the police station and freed as soon as they arranged payment of 8,000 baht. The police initially asked each of those accused of underground lottery sales for 15,000 baht, but the rate was renegotiated after one of the accused men called a friend who had been arrested for the same reason and fined just 8,000 baht.

While none of the workers from the housing complex had previously experienced problems with the police, they all noted a recent change in police strategy, which before the nationality verification campaign, entailed collecting monthly "protection" money from undocumented workers that lived in the complex.

"In the past, the police would come and knock on doors, and they'd round up people that didn't have proper documents. Now that people have proper documents, they come in and search," said Nu, a Burmese worker who lives in a different housing complex and works as a hotel maid.

She also recently obtained a passport and "became legal". She was pleased and proud of her new status until an officer stopped her several weeks ago on her way to the market. She showed the officer her passport, which she keeps with her at all times in a plastic case inside a cloth satchel (she recently paid 11,500 for it and other legalisation costs). The officer arrested her for possessing an "invalid passport" and demanded 10,000 baht. Knowing the claim was untrue, Nu called her nationality verification broker who told her not to pay and helped negotiate her release at the station.

No money exchanged hands, even though the officer asked Nu for 500 baht petrol money.

Such incidents are not limited to Samut Sakhon. Migrant rights groups in Chiang Mai and Bangkok have noticed similar patterns.

At Simummuang Market, a fresh market in the Lam Luk Ka district of Bangkok where an estimated 10,000 Burmese migrants work as porters, butchers, shopkeepers and market hands, arrests of passport-holding migrants have been occurring daily, according to Ma Sabai, a Burmese social worker who assists migrants in Bangkok.

In most of the cases, the workers, who are rounded-up by plain clothes officers while working night shifts, are arrested and jailed for not carrying a copy of their work permit. Most are not informed of what is happening until they arrive at the police station.

Sai Htun, who works as a butcher, was carrying a copy of his work permit, but at the time of his arrest, it was in the pocket of his shirt, hung a little over a metre away from him. The arresting officer did not let him get his shirt before being taken away.

In other cases, workers didn't realise they were expected to carry the most current copy of their work permits. Employers generally obtain, renew and hold work permits, and do not realise their employees are vulnerable to arrest without them.

An unusual regulation in the nationality verification process that required employers to extend work permits during a certain time period, regardless of the number of months remaining on the worker's

previous permit, has also made a number of workers vulnerable. Several employers seem to have been unaware of this regulation, and so a number of workers now have expired work permits.

In any case, the employers are generally the people who receive the call for assistance in providing the current work permit and paying the 2,000 to 3,500 baht fine that is has taken to free the Simummuang market workers from jail. The fine will then generally be deducted from the worker's salary.

"In these communities there are lots of debt issues," says Ornanong Maneerattana, an Advocacy Coordinator for the Human Rights and Development Foundation Migrant Justice Programme describing the compounding effects of low wages, registration expenses, and extortion fees.

"Many keep borrowing money with interest, so they earn little money to return home. It's an endless cycle."

Her office had received a call from someone in the Samut Sakorn community who had come across a troubled migrant worker, a 22-year-old female who had just paid several thousand baht for an illegal abortion on the advice of a broker. She was told she was too in debt to have a baby.

Ms Ornanong says migrants' lack of awareness of their rights - she's been asked whether they're allowed to own computers and printers - and their fear of the authorities is also part of the problem.

She adds that it's difficult to fight these abuses, and to rally migrant workers that want to fight them, for fear of the consequences or a lengthy legal battle.

"It's difficult. You need documentation. We document these cases, but most of the information comes in too late or there isn't enough evidence.

There are usually no receipts given by the police in these cases, and when there are they're never for the actual amount."

The persistence of these cases, and their post-nationality verification evolution is troubling and frustrating to migrant advocates and especially the workers themselves.

It is also costly.

Earlier last week, Aung, one of the Burmese migrants workers arrested at Simummuang Market and in his second week of detention at the Kor Kok police station was moved to Klong 6 prison.

He has a passport that is barely a month old, but it hasn't done him any good.

He needs 3,500 baht to get out of jail.