

Subject: Request for inquiry on treatment during repatriation of migrant workers from Myanmar who have been affected by floods in Bangkok and adjacent area and concrete measures should be meted out to provide relief with close collaboration with the Government of Myanmar

To: HE the Prime Minister Ms. Yingluck Shinawatra

Minister of Labour

Minister of Interior

Ministry of Foreign Affairs

Commissioner of Immigration Bureau

Commander of Royal Thai Police

Governor of Tak Province

According to a report by *The Nation* dated 1 November 2011 regarding migrant workers from Myanmar and the impact of floods in Bangkok and adjacent area, in the past two weeks, more than 30,000 Burmese migrant workers have been detained at the Immigration Centre in Mae Sot, Tak Province. These migrant workers from Myanmar have not been registered yet and are looking for ways to return to Myanmar due to heavy flooding in and around Bangkok. During the detention, they suffer from a lack of food and water as well as overcrowding. According to the same source, it is alleged that everyday about 1,000 migrant workers from Myanmar are leaving Mahachai, Samut Sakhon immigration checkpoint in trucks and each is required to pay 2,400 baht as travel fee to get to Mae Sot District, Tak (please see <http://www.nationmultimedia.com/national/Burmese-hungry-30168959.html>). It has also been reported by the Irrawaddy that a number of migrant workers from Myanmar suffering from the floods have been arrested and detained by the Immigration police officers at various checkpoints en route to Mae Sot District, Tak (please see http://www.irrawaddy.org/article.php?art_id=22366).

Human Rights and Development Foundation (HRDF), a non-governmental and not-for-profit organization founded for the protection and promotion of human rights, has made an inquiry into the report and found no large number of migrant workers have been held up as reported. But it is true as reported by *The Nation* that a lot of migrant workers from Myanmar want to return to their home via the Mae Sot checkpoint. About 1,000 of them travel back via Mae Sot everyday. Prior to leaving the Thai soil, their personal information has to be recorded and given that there are a lot of them, they got to wait for a long time including some migrant workers who are pregnant. HRDF has been informed that while the workers are waiting for the recording of their personal information and registration, they have not been provided with either food or water by the Immigration Office. Also, their return has been slowed down by problems from the officials on the Myanmar's side as there are not enough officials to deal with a lot of returning workers. As a result, the Mae Sot Immigration has to hold back the repatriation. The repatriation takes place even after 17.00 and into night time.

Given the impact from the deluge in Bangkok and adjacent provinces on labour sector including Thai and migrant workers and given the difficulty in returning to their country and incurred expenses from their travel and accommodation and their having to return through official channels agreed by both the Thai and Burmese authorities, in the midst of the natural disaster, a lot of migrant workers want to return home. Normal procedure is not sufficient to cope with the necessary and emergency needs. Extra support including food and water as well as safe travel should be provided. Also, an effort has to be made to ensure that basic help is delivered as per national and international human rights and humanitarian standards. Therefore, HRDF would like to call on the government and the authorities involved with the procedure to;

1. Ensure that while waiting for the recording of their personal information and registration at the Mae Sot Immigration checkpoint, the migrant workers shall be sufficiently provided with food and water as well as accommodation. Particularly for pregnant women, children and sick persons, extra support should be delivered in accordance with basic human rights principle.

2. Regarding the travel fee, since a lot of migrant workers want to return home at the same time, normal transportation seems to fail to serve their need. It has thus given rise to exploitation by brokers as they are charged with higher travel fees. The government should consider increasing public transportation for them and ensure that no surcharge has been levied on those who want to return home in order to prevent any exploitation during the deluge crisis.

3. Regarding the repatriation, since the process takes so long time as explained above, and given that the trip to Mae Sot checkpoint is made during night time, this can give rise to exploitation of the workers. Such exploitation may be perpetuated by people from outside or the government officials themselves. Thus, the government has to coordinate with local agencies in Mae Sot and agencies in Myanmar to prevent and suppress any illegal action as explained above. The safety of the workers should be ensured during the repatriation process.

4. The government should set out clear policy to provide help for the migrant workers based on coordination with all concerned agencies including the Ministry of Labour, administrative and police officials, Immigration Bureau and also Government of Myanmar. During this time, many migrant workers have lost their ID cards or passports and their work permits might have been withheld by their employers. Many of them cannot communicate in Thai and also because of fear the arrest which is obstacle that blocked from getting help.

HRDF welcomes the Royal Thai Government's policy of leniency which allows migrant workers to have access to humanitarian help including the establishment of Migrant Flood Relief Center by Ministry of Labour. But given the problems explained above, the RTG has to continue to coordinate among concerned sectors and collaborate closely with the Government of Myanmar to ensure that the migrant workers are free from being exploited during the flooding crisis.

Yours faithfully;

Human Rights and Development Foundation (HRDF)

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