

An Analytical Study on the Issue of Myanmar Migrant Workers In Thailand (1988-2015)

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Abstract

It is widely acknowledged that cross-border migration between Myanmar and Thailand is a phenomenon that has occurred for decades. It was the beginning with irregular flows that were gradually regularized through official government interventions, mostly on part of the Thai government. In 2003, Myanmar and Thailand signed a Memorandum of Understanding (MOU) on cooperation in the employment of migrant workers, which opened up space for long-term dialogue and policy making on the issue. Certain sectors of the Thai economy are highly dependent on Myanmar migrant labor, where 76 per cent of the total migrant workforce is from Myanmar. Therefore, due to the cooperation of Myanmar and Thailand governments, Thailand economy is more developing and Myanmar workers get more job opportunities. Moreover, Myanmar and Thailand governments signed MOU for protection and return of workers between them. The archival research method is used in doing this paper. Data were collected from the Library of Mandalay University of Foreign Languages, newspapers and the internet websites. In doing so, this paper studies what the pull and push factors of Myanmar migrant workers are. This paper also focuses on how Myanmar and Thailand have cooperated in managing issue of Myanmar Migrant Workers in Thailand.

Keywords: Migration, Labour Market, Cooperation, Memorandum of Understanding

Introduction

Cross-border migration of people from Myanmar to Thailand has a long history lasting many decades. In the past, ethnic groups who lived along the Myanmar-Thai borders, especially the Karen, the Mon and the Shan crossed the borders to visit friends, buy goods or seek healthcare services in the area regularly. During the military regime in the 1980s, there were no official border crossings although the ethnic people commuted unofficially. A significant number of asylum-seekers who were ethnic minorities fighting against the Myanmar government started to enter Thailand to take refuge. The Thai government agreed to host a big number of approximately 140,000 political asylum-seekers in nine temporary shelters in four provinces at border areas. Another wave of both ethnic and Myanmar people migrants arrived in the 1990s for economic reasons. Since 1992, Thailand has started to officially recognize the arrival and the entrance of migrants from Myanmar into Thailand's labourmarket. The first registration of migrants as unskilled workers began that year. From 1992 to 2012, the influx of migrant workers from Myanmar has continued. Those days, it is said that the number of migrant workers from Myanmar has risen to more than 2 million.

Research Questions

1. What are the pull and push factors of Myanmar migrant workers?
2. How have Myanmar and Thailand cooperated in managing issue of Myanmar Migrant Workers in Thailand?

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Aims and Objective

This paper attempts to analyze the key push and pull factors that led Myanmar workers to migrate to Thailand during the period of 1988 to 2015, and to study how Myanmar and Thai government have cooperated in assigning jobs and promulgating laws to be adhered by migrant workers.

Research Methodology

This paper is conducted through an “Archival Research” which mainly relies on both primary and secondary sources such as annual report of migrant workers in Thailand, agreements, books and newspapers relevant to the study and other references from official and reliable websites.

Literature Review

Saw Yu May’s (2015) article , “Migration as a challenges for Myanmar's Socio-economic Development: Case studies of Hpa-an and Mrauk-U township in Myanmar”, expressed that migration is the act or process of moving from one place to another with the intent of staying at the destination permanently or for a relatively long period of time. People move from one place to another, usually their home place to work or to settle in another place. Her article is intended to explore the migration patterns of these areas and to point out the main reasons of push and pull factors for these migrations.

Amporn Jirattikorn’s (2015) work, “Managing Migration in Myanmar and Thailand: Economic Reforms, Policies, Practices and Challenges”, explained that over the past two decades, a significant number of Myanmar nationals has migrated across the border in search of employment in Thailand. These Myanmar migrants make vital contributions in industry, agriculture, fishing, domestic work and construction, areas often shunned by Thai workers. Over the past two decades, Thailand’s migration policies have been shaped by fear that migrant workers would take job away from locals, cause a higher crime rate, bring diseases and become a permanent burden to the country. In Amporn Jirattikorn’s work, he highlighted Myanmar’s situation why Myanmar workers migrate to Thailand and Thailand's migration policies on migrant workers from other countries.

Above mentioned articles did not explain means how Myanmar and Thailand governments have taken the cooperation measures in their migration problem. Therefore, this paper will fill the gap how Myanmar and Thailand governments have cooperated in managing Myanmar migrant workers in Thailand.

Discussion

Definition of International Migrant Worker

In the Oxford dictionary, the word ‘migration’ is defined as ‘movement of people to a new area or country in order to find work or better living conditions’ whereas a migrant worker in the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) is defined as “a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker.” Myanmar has not ratified the Migrant Workers (Supplementary Provisions) Convention, 1975 then. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by

General Assembly resolution 45/158 of 18 December 1990, give the definition of the term ‘migrant worker’ as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”

Historical Background of Migration

Historically, Thailand has been the largest recipient of Myanmar labor, enabled by a porous 1,300-mile shared border. During the initial stages of Thailand’s development towards industrialization in 1970s, factories were mostly situated in Bangkok and vicinities, and labour demand was met by workers from rural Thailand, mostly from the north and northeast. However, the economic boom in the Middle East and East Asia during the 1980s pushed Thai workers to immigrate to the Gulf region. Since then, industrial development and labour demand in labour intensive industries such as agriculture, construction and manufacturing, as well as trading and service were not filled up by local supply in Thailand. Thailand’s economic boom and pressure from Thai entrepreneurs forced Thai Government to open the Thai labour market to these migrants. Thailand’s economic growth and labor shortages in Thailand have been the pull factors and opportunity for workers from neighboring countries.¹ Therefore, Thailand is a destination for regular skilled, irregular skilled and low-skilled workers from Myanmar.

Migrants from Myanmar have crossed to work in Thailand for decades, especially in border areas. Initial outflows from Myanmar began in the mid- to late 1980s in response to economic and political unrest as well as efforts by the Thai government to import foreign labor to fuel economic growth in the service sectors, predominantly located in Bangkok, as well as to key manufacturing centers such as Mae Sot near the Myanmar-Thailand border. After breaking out the political unrest in Myanmar in 1988 and when the economic growth of the country was limited, the outflow of Myanmar migrant has rapidly increased. Hundreds of thousand Myanmar and other ethnics migrated into Thailand. Today, an estimated 1.9 million to 3 million Myanmar live and work in Thailand, a large proportion of who are unregistered.² The economic and political problems in Myanmar pushed workers out of the country to search for better life security.

Moreover, natural disasters and environmental crises are also the key push factor for Myanmar migrants. Myanmar is exposed to multiple natural hazards including cyclones, storm surges, floods, fires, forest fires, earthquakes, tsunamis, droughts and landslides. Its western and southern coastlines are exposed to cyclones, storm surges and tsunamis while major parts of the country are at risk of earthquakes and fires. Alongside the risk of natural disasters, the border areas experience intense population movements. The International Organization for

¹Myanmar Migrants to Work in Thailand

Legally, <<https://www.mmbiztoday.com/articles/myanmar-migrants-work-thailand-legally>> p.3(Henceforth; *Myanmar Migrants to Work in Thailand Legally*)

²Chantavanich, S. and Vungsiriphisal, P., 2012: *Myanmar Migrants to Thailand: Economic Analysis and Implications to Myanmar Development.* ” In Economic Reforms in Myanmar: Pathways and Prospects, edited by Habk Lim and Yasuhiro Yamada, BRC Research Report No.10, Bangkok Research Center, IDE-JETRO Bangkok, <file:///C:/Users/User/downloads/Documents/10-06.pdf>, p.215(Henceforth; Chantavanich : “*Myanmar Migrants to Thailand*” (2012))

Migration (IOM) identifies Myanmar as the largest migration source country in the Greater Mekong Sub region (GMS), with up to 10% of the Myanmar population migration internationally. The IOM conducted a comprehensive assessment of Myanmar migrants in Thailand, based on a population size of over 100,000 and a sample size of 5,027 across seven target provinces in Thailand, namely Chiang Mai, Tak, Kanchanaburi, Ranong, Bangkok, SamutSakhon, and SuratThani. These provinces accounted for 56% of all registered Myanmar migrants in Thailand. Among the surveyed migrants, 51.6% were male and 48.2% were female (0.2% no answer). Around 98% of the migrants belonged to the age group of 18-60 years, with there being more females in the 15-24 year old age group than males. A majority (76.4%) of surveyed migrants had gone to Thailand from the states and regions bordering Thailand, namely Mon State, Shan State, Tanintharyi Region, Kayin State, and Kayah State (See Table-1).¹ It can be seen that more ethnic workers migrated to labor market of Thailand than Myanmar population.

Table-1: Migrants from State/ Region (% Percent)

No	State/Region within Myanmar	% of surveyed migrants originating from state/region
1	Kachin	0.7%
2	. Sagaing	0.4%
3	Chin	0.2%
4	Mandalay	2.2%
5	Magway	0.9%
6	Bago	9.3%
7	Rakhine	1.6%
8	Ayeyarwady	2.3%
9	Yangon	5%
10	Mon	26.7%
11	Shan	19%
12	Tanintharyi	16.1%
13	Kayin	14.5%
14	Kayah	0.1%

Source: "Assessing Potential Changes in the Migration Patterns of Myanmar Migrants", p. 4

¹"Assessing Potential Changes in the Migration Patterns of Myanmar Migrants and their Impacts on Thailand." International Organization for Migration (IOM) and Asian Research Center for Migration, Chulalongkorn University, Bangkok, Thailand. 2013, p. 4. (Henceforth; "Assessing Potential Changes in the Migration Patterns of Myanmar Migrants")

Pull factor and Push factor of migration

Thailand has a pull factor being a destination where the local labor market needs unskilled workers in many sectors, including agriculture, manufacturing and some service work, especially domestic and construction work. Many Thai workers do not work in these sectors. In addition, the wages in Thailand are ten times higher than in Myanmar because of Myanmar currency depreciation and Thai currency strength. Moreover, on Myanmar side, there were push factors of slow economic growth, unemployment and forced labor for government development projects such as railway construction. Therefore, both Myanmar and ethnic groups were pushed to go to Thailand for job opportunities and higher wages. Therefore, it can be assessed that the main push and pull factors of both internal and international migration in Myanmar are:

1. Seasonal fluctuations of employment and income opportunities in rural areas;
2. Oversupply of labor in rural areas;
3. Increased levels of education among populations living in rural areas, and the unavailability of jobs that match their skills;
4. Crop failures and income related shocks;
5. Natural disasters and environmental changes;
6. Loss of livelihoods due to conflict; and
7. Better job security and stability as well as better incomes in destination areas and
8. Greater professional opportunities in destination areas, especially outside Myanmar.

Collaboration between Myanmar and Thailand

Myanmar workers migrated to Thailand through formal channels and unofficial channels. Although formal channels of migration, especially labor migration, are increasingly being made available to Myanmar migrants, majority of the migrant outflows from the country are still considered to be irregular, passing through unofficial channels often unsafe for the migrants as well as their families. Therefore, safe migration is an important concern in the

context of Myanmar. The impediments to safe migration for Myanmar migrants are regulated as follows:

1. Insufficiently regulated migration brokerage;
2. Lack of safe recruitment mechanisms for low skilled migrants from rural areas;
3. Lack of information and knowledge sharing on safe migration practices;
4. Lack of written employment contracts; unsafe and unhealthy working conditions in destination areas;
5. Irregular documentation and protection in the case of destinations outside Myanmar;
6. Weak legal enforcement or official corruption.¹

¹“Leveraging Migration for Development: A Review of Literature on Patterns and Movement in Myanmar”, file:///D:/မြန်မာ့နိုင်ငံ/။/LeveragingMigrationforDevelopment-FinalDraftSha-gun.pdf, p. 13, (Henceforth; “Leveraging Migration for Development”)

Labor migration management in Thailand first implemented the annual registration of a migrant workers policy. The first permission dealt with allowing unskilled migrants from neighboring countries to work to four border provinces and later expanded to nine provinces in Thailand in 1992. In 1996, the Thai Cabinet issued the resolution for the national registration of migrant workers, allowing two more nationalities: Cambodia and Laos, in addition to Myanmar, to register in 43 provinces. Of them over 80% of registered workers were from Myanmar. They were allowed to work in labor intensive works, in 3D jobs (Dirty, Dangerous and Difficult) that were abandoned by Thai workers. The registration was on yearly basis, aiming for migrants to work only temporarily in Thailand.¹The limited labor protection, short period for 30 days registration and high expense made registration not attractive, causing low registration turnout in the following years. In 1997, Thailand economy was hit by financial crisis and increased unemployment of Thai workers. Therefore, Thailand decided to deport approximate 300,000 migrant workers to allow more space in labor market for local workers, but there was small number of local workers to replace the vacancies. Moreover, Thai Government launched another registration resolution, this time health insurance was compulsory, the quota to hire migrant workers was imposed and hiring number of migrant workers was therefore limited.

However, in 2001, the Thai Government announced an “amnesty policy” to register an unlimited number of migrants including the self-employed throughout the country without imposing any quotas. In the meantime, the Government started to negotiate with the governments of Laos, Cambodia and Myanmar and successfully signed a Memorandum of Understanding (MOU) with the three countries in 2002-2003 in order to seek cooperation in solving the problem of employment of migrant workers. Thailand government carried out to facilitate labor protection, and to set up measures against illegal employment by signing MOUs in 2002 and 2003. Formal recruited migrants would be granted a two-year work permit and possible another renewal.

A second management policy has been made to request workers to go through the National Verification (NV) process involving the cooperation between Myanmar and Thailand according to the MOU on Cooperation in Employment signed in 2003. The registration policy was then revised in 2003 to legalize irregular unskilled migrant workers. The new registration system was launched including the following three strategies:

- (1) Register migrants and their family members
- (2) Verify migrants' nationalities
- (3) Recruit formal migrant.

Under these strategies, unskilled migrant workers, their dependents as well as employers were required to register. A thirteen digit ID number was given to each unskilled migrant and dependent.² This strategy was aimed to register as many unskilled migrant workers as possible to register with their employers and

¹Ibid, p. 216

²Myanmar Migrants to Work in Thailand Legally, p.9

accommodators on home registrars. The migrant registration workers from Myanmar have increased from 706 in 1992 to 489,282 in 2007. (See table-2)¹

Table 2: Myanmar Migrant Registration from 1992 to 2007

No.	Year	Number of Registered Myanmar Migrant
1	1992	706
2	1996	263,782
3	2001	451,335
4	2002	340,029
5	2003	247,791
6	2004	610,106
7	2005	705,293
8	2006	568,878
9	2007	489,282

Source: Chantavanich : *"Myanmar Migrants to Thailand"* (2012), p.249

The second amnesty policy was promulgated in 2005 announcing an extension of work permit for registered foreign migrant workers to come for re-registration and new registration. As for the Nationality Verification (NV) strategy, for Myanmar case, to verify their nationality, the migrant application with personal records would be handled to Myanmar government. Myanmar Government (under the State Peace and Development Council) was inactive to send their officers, instead requested Thai Government to send approximate one million migrant to be verified in Myanmar. After long negotiation to perform the process in Thailand, Myanmar started the procedure and sent officers to Thailand in 2009. The Myanmar migrants who completed the process received temporary passport and obtain permission to work legally in Thailand. In 2009, a third policy of formal recruitment was started and continues until the present. Therefore, Thailand government has managed for the migrant workers from the neighboring countries with migrant workers policies.

Since the National Verification procedure takes time, thus leaves a lot of Myanmar migrants unable to complete the process by 2011 as the Thai Government have planned. The Thai government aimed to discontinue granting temporary registration for irregular migrants at the end of 2011 but the number of migrants in this group was still high, the deadline was extended to June 2012 and again to December 2012. In 2012, the total number of 1,186,805 Myanmar migrants in Thailand is registered in different categories according to immigration criteria, as regular and irregular migrants (See Table-3). The regular one comprises of Myanmar migrants who are recruited, holding work permits and official travelling documents. They are appointed in business or professional sectors, such as senior officials, managers, technicians, etc. The irregular group holds

¹Chantavanich : *"Myanmar Migrants to Thailand"* (2012), p.218

temporary work permits without proper travelling documents.¹ However, there is another category of irregular migrants who have no documents at all.

Table 3: Myanmar Migrant Registration in Year 2010-2012

No.	Myanmar Migrant by Categories	2010	2011	2012
1	Formal recruitment with 2 years, work permit	4641	8160	33697
2	Completed nationality verification (NV) holding passport and 2 years work permit	122751	395848	584702
3	Temporary registration with 1 year work permit	812984	905573	567161
4	General skilled worker	1315	1250	1245
Total		941691	1310831	1186805

Source: Chantavanich: *“Myanmar Migrants to Thailand”* (2012)p.251

The distribution of Myanmar workers are currently holding temporary work permits in 10 key sectors and top 10 provinces in Thailand in 2012. They are employed in labor intensive jobs in various industries, agriculture and husbandry, trading and services. The highest concentration is in construction (89,883 persons), followed by agriculture and husbandry (83,822 persons), services (52,502 persons), fishery related (52,502 persons), agriculture related (47,133 persons), garment production and sales (45,813 persons), domestic work (38,220 persons), selling food and drink (25,084 persons), whole sale, retail trade and Vendor (24,689 persons) and husbandry related (21,674 persons). Table 4 and 5 show top 10 working sectors and ten provinces where they are working: Bangkok, Samutsakorn, Tak, Samutprakan, Ranong, PathumThani, SuratThani, Songkhla, Phuket and Chon Buri.

Table 4: Myanmar Migrant in Top 10 Working Sectors

No.	Kinds	Male	Female	Total
1	Construction	57241	32,642	89,883
2	Agriculture and husbandry	52,008	31,814	83,822
3	Services	29,832	22,576	52,408
4	Fishery related(seafood product)	25,917	26,585	52,502
5	Agriculture related	29,301	17,832	47,133
6	Garment production and sales	16,572	29,241	45,813
7	Domestic work	7,314	30,906	38,220
8	Selling food and drink	13,399	11,685	25,084
9	Whole sale, retail trade and vendor	15,251	9,438	24,689
10	Husbandry related	12,389	9,285	21,674

¹Chantavanich : *“Myanmar Migrants to Thailand”* (2012), p.217

Source: Chantavanich: *“Myanmar Migrants to Thailand”* (2012),p.252

Table 5: Myanmar Migrant in Top 10 Provinces in Thailand

No.	Provinces	Male	Female	Total
1	Bangkok	50,052	51,437	101,489
2	Samutsakorn	40,154	33,071	73,225
3	Tak	12,733	22,902	35,635
4	Samutprakan	16,522	11,606	28,128
5	Ranong	12,959	10,029	22,988
6	PathumThani	13,436	9,155	22,591
7	SuratThani	13,009	8,219	21,228
8	Songkhla	11,832	7,474	19,306
9	Phuket	11,335	7,900	19,235
10	Chon Buri	11,144	7,281	18,425

Source:Chantavanich : *“Myanmar Migrants to Thailand”* (2012),p.253

In Myanmar, there have been significant changes to the political landscape, as well as the economy and society since 2011. There is recognition that the Overseas Employment Law (1999) needs to be updated to reflect the current situation; however, there are a number of priorities in relation to revision of the labour laws. Although at the time of writing it had not been formally adopted, the Ministry of Labour, Employment and Social Security (MOLES) has a draft five-year National Plan of Action (NPA) for the Management of International Labour Migration, 2013-17, covering governance of labour migration, protection and empowerment of migrant workers, labour migration and development, and data collection and management. The draft NPA clearly acknowledges the importance of remittances to the development of the country, and aims to address a number of gaps in rights protection. Myanmar recognizes migrants who leave the country through irregular channels and has sought to find ways to verify their nationality and provide them with documents. Prior to 2014, Myanmar workers who had completed the NV process were issued with temporary passports. However, it has since become the policy of the Myanmar Government to gradually replace temporary passports with regular ones.

Myanmar has worked together with the Thai authorities to set up centres in Thailand to register workers already in the country and without documents, and to provide a system for migrants to transfer their temporary passports into ordinary passports. Migrant workers are required to produce the same documents as any Myanmar national to apply for an ordinary passport, including a national ID card and household registration. There are 202 overseas employment agencies registered with Myanmar Government to send workers to countries including Malaysia, Singapore, the Republic of Korea, and Qatar. Of these, around 70 employment agencies are focused on the deployment of workers to Thailand. The Ministry is working with these agencies to encourage not only compliance with the law but also higher ethical standards and greater responsibility on the part of the agencies. A labour attaché has been appointed at the Embassy in Bangkok and

coordinates with migrant support groups to provide assistance to Myanmar nationals in Thailand.¹ However, the size of the migrant population and the extent of challenges requires a much larger, better funded team to be able to respond quickly and effectively.

Currently, both governments announced that illegal workers in Thailand would be allowed to apply for legal permission to work in Thailand within one year. The Myanmar government is also issuing registration cards to the Myanmar migrants in Thailand. Those migrants who hold Temporary Registration (**TR38**) also need to come and receive the National Registration Cards. The Myanmar government also requested business people from Thailand to allow migrant workers come back to Myanmar to apply for their passports. From 2006 to 2013, Myanmar government issued over 1,800,000 temporary registration cards to Myanmar migrants in Thailand. Myanmar Embassy in Thailand issued over 29,000 passports since 2013. Since 2011, Thai government has sent back 52,170 illegal migrant workers to Myanmar. Therefore both Myanmar government and Thai government agreed that the country will only allow legal migrants who enter through government agencies and will take actions against illegal migrant workers in the future.

Research Findings

Thailand has sustained a continuing influx of immigrants from neighbouring countries. In Thailand, the migration situation has become more complex as the country shifted from being a labour supplying country into the position of a both labour sending and receiving country. The largest immigrant groups in Thailand at present stem from Myanmar. One of the main actions that have been undertaken by the Royal Thai Government to reduce emigration pressure from poorer countries is the provision of aid and the promotion of employment opportunities in those countries of origin. In 2003 and in 2014, Thailand signed the MOU with Myanmar on guidelines and procedures for employment protection and return of workers to Myanmar upon completion or termination of contracts in Thailand.

The implementation of the MOU is at the similar stage where officials of Myanmar are sent to Thailand to work on the nationality identification and issuance of travel document for their nationals currently working in Thailand. Myanmar also recognizes migrant workers and took the measures of implementing NV process to issue the passports and adopted NPA for the migrant workers. Moreover, Myanmar and Thailand governments signed MOU for protection and return of workers between them. However, in practice, there is a heavy focus on admissions procedures, prevention of irregular migration and employment, and repatriation of migrant workers, with less focus on meeting labour market needs and the protection of migrants to protect social rights at work. Therefore, it needs to do well-defined within the text of the MOU, and the labour and social rights protection afforded to migrants.

¹“Review of the effectiveness of the MOUs in managing labour migration between Thailand and neighbouring countries”, ASIAN-PACAFIC DECENT WORK 2006-2015, ILO Regional Office for Asia and the Pacific, Bangkok

Conclusion

The historical evolution of labor migration from Myanmar to Thailand which started in the 1990s continues until the present day. Thailand has attempted to adopt a comprehensive labor management policy which can accommodate both the demand for labor necessary for economic development and concerns for labor protection. The three measures of annual registration of migrant worker from Myanmar, the process of National Verification (NV) by the countries of origin, and the attempt to develop a government to government formal labor recruitment are major policy implementation which has been partially successful. Labor migration is a process to be managed. The fact that Thailand must deal with the entry and employment of workers from neighboring countries reflects Thailand's relative economic success.

Myanmar and Thailand governments have agreed to cooperate with the fundamental principles and are flexible enough to change with circumstances offer the most promise. Thai economy is likely to continue to employ migrants over the medium term, create mechanisms to involve social partners in the development of a transparent migrant worker policy, and promote cooperation with Myanmar. Therefore, Myanmar and Thailand ensure the recruitment and deployment under the MOU and would appear to be a better alternative than irregular migration.

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