

Safe migration and the politics of brokered safety in Southeast Asia

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Chapter 5

State-centric safety and biometric economies: Documents and recruitment chains

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Documents and recruitment chains

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- 2 Processing Passports for the migrants by getting letters of attorney from the employers
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- 4 Processing (transfer) Work Permit from Pink cards to Passports/CI books
- 5 Getting Re-Entry seals for migrants who visits home
- 6 Extension of old visa
- 7 Getting 90 days presence seals

(Broker lists his various document processing services)

Introduction

The previous chapter revealed how documents (passports, border passes, visas, and work permits) are central to a behaviouralist discourse within safe migration awareness raising and pre-departure training. Yet, legal documents go beyond a question of migrants' conduct as they confer specific rights and obligations that are meant to ensure safety. Passports and work permits do not merely provide migrants with an entitlement to reside and work in a host country for a certain time; in principle (though not always in practice), they also instil migrants with legal entitlements under the Thai labour law (e.g. minimum wage, stipulated work hours) and conduits for redress against various forms of malpractice (e.g. underpayment, exploitative work conditions). At the same time, formalising labour migration (which is premised on mapping of biometric data) complements the state's security concerns as it enhances legibility of migrant populations. As such, passports and work permits directly connect migrants with formal authorities in a way which makes it possible to think of safety from the point of view of the state. Whereas the previous chapter demonstrated how a behaviouralist discourse within safe migration awareness raising decontextualises labour migration praxis, this chapters explores how state-sanctioned migration pathways produce abstracted legibility through

biometric documentation (passports, work permits) which at the same time heavily depends on an economy of informality (i.e. brokerage). This, in turn, reinforces another central characteristic that we canvassed in the previous chapter: spatio-temporal reversals.

Legal documents have become central to government-led interventions relating to labour migration in the Mekong region. As in other parts of the world (GMG 2010; Xiang 2012), this process involves licensed recruitment agencies that play a central part in the operationalisation of legal labour migration flows. This chapter interrogates how Mekong governments attempt to achieve safe migration through formalisation (passports, visas, and work permits) and the regulation of labour recruitment chains. Furthermore, the chapter examines various crises that transpire within such regulatory mechanisms. More specifically, this includes how governments seek to curb extra-legal brokering practices within licensed recruitment agency schemes. Yet, as this chapter will demonstrate, attempts to root out intermediaries tend to result in its opposite: proliferation of brokers.

Safety, documents, and the state

Anthropological literature on the state has widely documented how governance and statecraft comprise totalising aspirations coupled with processes of simplification. A range of social theorists, commonly drawing on the intellectual legacy of Michel Foucault and James Scott, point to what Trouillot calls *the legibility effect*. Through processes of simplifications, populations are objectified and made governable “through the subjects they help to produce” (Trouillot 2001, 132). This way, governance both totalises and individuates. A central spatio-political arena where this takes place pertains to border control and migration governance.

Although migration governance relates to spatial control of populations (i.e. who are permitted to cross territorial boundaries?) it is important to recognise that border control is just as much a question of identity. In *Melancholy Order* (2008), Adam McKeown traces the historical emergence of regulatory migration regimes where state-sanctioned systems for identity verification replaces localised emic categories of ascription:

Identity became less a function of who one knew or could claim as a relative than of the ability to fulfil carefully defined categories of family, status, occupation, nationality, and race. This helped create actual migration patterns that more closely approximated the ideal of free migrants making independent choices to better their own lives and that of their families. Individuals and their families even came to be seen as the natural units of migration that existed prior to rather than as a product of regulation. Regulations then claimed to select and protect these free individual migrants from the abuses of private interests.

Increased regulation could thus be presented as a means of fulfilling rather than impinging on free movement and individual rights.

(McKeown 2008, 11)

In this way, regulation of migration is intimately connected to the emergence of a liberal understanding of a *free migrant* (McKeown 2008). Agents of regulation become instruments for emancipation. This logic is easily recognised within the context of border control and biometrics. Border control is ultimately underpinned by a logic of detection and sorting. Allowing or refusing entry is premised on who you are. As such, border control is a filtering system which is aimed at allowing passage of the right kind of migrants and blocking “undesirables.” Crucially, undesirables are not limited to unwanted migrants, but also unsavoury aspects of migration infrastructure: unscrupulous brokers, fraudulent passports, people smugglers, and traffickers (Feldman 2011b). This is why both government agencies and even some humanitarian NGOs argue that biometric technologies in border control constitutes a form of protection for migrants (Jacobsen 2017; Stenum 2017). Furthermore, migration regimes are not merely a question of border control (i.e. who are allowed passage), but a how migration status mediates bundles of rights and entitlements relating to a wide range of matters, including work entitlements. Formalising ones’ identity and minimising identity fraud (through biometric documentation), it is argued, enables marginalised people (refugees, undocumented migrants) to potentially seek entitlements. Yet, the legibility effects of biometrics have wider implications:

[B]order crossing is ultimately a game of probabilities. One effect of biometric identification systems is the disembodiment of the individual traveller and the elimination of his or her qualitative personal history. Since the state recognises the traveller through a digital representation... For it is not the qualitative experience lived through a body that is the primary object of management but rather the status that the state attributes to the quantitative, digitalised representation of the body (for example, tourist, business traveller, citizen of a failed state). The individual’s dynamic history is less important than the static category assigned to the individual’s biometric representation. ... biometrics has “shifted the emphasis from habeas corpus to “habeas cognos.” Your existence was proved because you had a body. But today you only exist if you have information [about your body].

(Feldman 2011b, 121)

The point about probability is easily grasped in terms of border control and underscores the prognostic dimension of the behaviouralist discourse we explored in the previous chapter: biometric data in migration management is a coding system (as opposed to surveillance in a Foucauldian sense) which allows border control to take place *in advance*, such as fining airlines

for allowing certain travellers to embark a plane (Carling and Hernández-Carretero 2011). The same logic also applies to safe migration policies which aim at safeguarding migrants. Legal status, many governments and aid agencies argue, prevents abuse and makes it easier for migrants to seek entitlements (legal minimum wage, overtime, etc.). Hence, formal migration identity (passports, visas, official healthcare documents and work permits) allows state legibility to be turned into forms of *eligibility* (Andrew Walker 2015). They do not merely enhance the state's ability to monitor migrant populations but also produce mechanisms for claiming entitlements (Tazzioli and Walters 2016). Indeed, the push towards legalising migrants in Thailand is officially explained by Thai authorities as one of the main ways to eliminate trafficking, which includes biometric scanning of migrants in the seafood sector (Charouensuthipan 2017a). Hence, making claims against employers and the state, such as compensation claims due to work accidents, hinges on the legal status of migrants.

The formalisation of migration loops back to the pre-decision and pre-departure training we discussed in the previous chapter. Both the right kind of information and the appropriate formal legal documents are meant to pre-mediate risk. Hence, these regularity frameworks connect pre-emptive subject formation to state-sanctioned legibility. Analytically, these measures are important as they widen interventions beyond methodological individualism towards structural conditioning of safety. Yet, at the same time, it is important to keep in mind that the governmental logics I here describe unfold in political and bureaucratic contexts where patrimonial relations often underpin the state apparatus (Baker and Milne 2015). It is within these government rationalities that migration governance in the Mekong must be understood.

Formalising migration

The most significant change in Mekong region's labour migration over the last two decades pertains to formalisation. Whereas it was difficult for most labour migrants to obtain legal status in the early 2000s, possessing full or partial formal migration status (passport, work permit, etc.) has become increasingly common, even within contexts that are not considered part of the formal labour sector (Harkins 2019).¹ Thailand, being a receiving country for large masses of unskilled migration from Laos, Myanmar, and Cambodia, has been central to this process. In 2001, the Thaksin government introduced temporary registration cards for migrant workers in Thailand, colloquially referred to as "pink cards" (Gruß 2017). Both national security and economic policy considerations underpinned the new scheme, given the enormous number of undocumented migrant workers. Due to the difficulties for many migrants, especially from Myanmar, to obtain a passport in their home country, a registration card provided Thai authorities with a certain level of oversight over their migrant populations.² Originally, the pink card

functioned as workplace registration card as it referred to the workplace of the migrant. Although pink cards, valid for two years, gave migrants a semi-legal status, it also restricted mobility. Migrants could not legally cross provincial boundaries which can usefully be considered what Aihwa Ong has labelled a *zoning technology* (2004) which bonds migrants to a specific employer within an economic special zone (also see Campbell 2018).

Over the years, several amnesties allowed migrants to register for pink cards (Harkins 2019; Huguét and Chamratrithirong 2011). Yet, Thailand has attempted to move away from pink cards to a formal migration system based on passports, visas, and work permits. This transition has necessitated bilateral cooperation with Thailand's neighbours. Since the early 2000s, Mekong governments signed bilateral MOUs with Myanmar, Cambodia, and Laos with the purpose to legalise and regulate labour migration recruitment (Harkins 2019; Huguét and Chamratrithirong 2011; Huijismans 2014; Huijismans et al. 2008). This process enjoyed backing from UN agencies witnessed by a series of policy dialogue sessions and a concept paper commissioned by the ILO (2001; Skeldon 2001). Comparable with temporary and quest worker programmes elsewhere, this policy was meant to constitute a triple win (Anderson 2012; Bylander 2019; Skeldon 2012): legal protection for migrant workers (thereby reducing labour abuse and human trafficking), access to cheap unskilled labour for employers (something the Thai economy heavily depended on), and national economic development for both receiving and sending countries (in the form of economic activity and remittances flows).

The implementation of the MOUs has involved two important dimensions: the issuing of licenses for private recruitment agencies to import labour in both sending and receiving countries, as well as strengthened cooperation between governments to issue passports, health cover, visas, and work permits (which includes access to social security schemes). Aid agencies and government officials often colloquially refer to labour migrants who go through this migration pathway as “MOU workers” or “MOU migrants.” The MOU process is separate yet, interrelated to the aforementioned pink card system. Hence, especially Myanmar and Thai authorities have several times joined forces to create mechanisms where migrants could verify their identity in Thailand which, in turn, would allow pink card holders to obtain passports and work permits (Gruß 2017). The MOU process involves a more rigid system where migrants can obtain employment through licensed recruitment agencies before arriving in Thailand. As will become evident below, the two processes interact with one another in complex ways (it is, for example, much harder to change employers under the auspices of the MOU system). The media, activists, and academics have critiqued these efforts pointing to the high cost of legal migration, bureaucratic red tape, as well as ongoing abuse of migrant workers despite their newfound legal status (Campbell 2018; Gruß 2017; Huguét and Chamratrithirong 2011; Huijismans 2014; Huijismans et al. 2008; Suravoranon et al. 2017).

During my fieldwork, criticisms reached new levels. The MOU system, it was alleged, resembled state-sanctioned human trafficking (Zaw Zaw 2016).³ Such accusations were based on two observations. As many migrants simply could not afford the up-front cost of legal migration (which in many cases exceeds 10,000 Baht/323 USD), they must borrow money in order to pay the fee. Some recruitment agencies, it was alleged, paid this fee on the migrants' behalf but with subsequent deductions of migrants' salaries to cover the cost (sometimes with steep interest). In effect, migrants' formalised migration status exacerbated debt-bondage arrangements.⁴ In addition, many migrants ended up in different (and often worse) forms of employment compared to what was stipulated in their contracts. Scrupulous recruitment agencies either made fraudulent import permissions or recruited migrants well above their approved quotas (in order to boost profits) which resulted in agencies having to farm out workers to other workplaces. In effect, debt bondage, deceptive recruitment, and substandard employment had become part of the state-sanctioned system that was meant to prevent it.

These accusations constituted a sore point for Mekong governments. Thailand, in particular, had grown petulant due to ongoing criticisms in the United States' annual *Trafficking in Persons Report* as well as an increasing possibility of sanctions from the European Union due to Thailand's alleged failure to curb labour abuse within its seafood sector (Marschke and Vandergeest 2016). The critique also went at loggerheads with Thailand's main labour migration strategy, which aimed at scaling up MOU labour migration. The Thai government's response was twofold: a new labour law with stiffer penalties for both migrants and employers, coupled with an emergency decree that weaponised Thailand's Ministry of Labour with stronger pecuniary control over recruitment agencies. We will now consider how such recalibration of government interventions relates to labour recruitment chains.

Recruitment chains and pecuniary governance

U Htay Ko operates a small recruitment agency for Myanmar migrant workers near Bangkok. Throughout my fieldwork, I had the opportunity to interview, and in some cases, spend considerable time, with individuals such as *U Htay Ko*. A recurrent topic in these conversations pertains to how recruitment agencies and brokers operate within the MOU labour recruitment system. During one of our meetings, *U Htay Ko* explains his role thus:

If a factory wants to employ Myanmar migrants, they will normally contact me. I would go to the factory, meet with the management, inquire their labour requirements, the type of work on offer, the work environment, light-heaviness [arduousness] of work, gender suitability etc. During the discussion with the management, I also inform them about the salary and welfare as defined by the MOU agreement; and

their willingness to comply to the MOU standards in employing the migrants. Then I would contact the Myanmar recruitment agency that we have connections with, explain to them about the nature of work, gender suitability, work environment etc. When the Myanmar recruitment agency is ready to send the workers, they verify whether the company would process the labour import procedures by themselves, or if they will use the service of a Thai Overseas recruitment agency.⁵ According to the decision of the factory, migrants are then imported either directly by the company or via the Thai recruitment agency.

U Htay Ko reveals some of the complexities within MOU recruitment. In addition to multiple formal actors that connect employers with migrants (e.g. government agencies and recruitment agencies in both Thailand and Myanmar), several additional actors are integral to this process. Although U Htay Ko explains this process as being part of the MOU process, and therefore mandates licensed agencies, he makes no secret of the fact that he does not himself operate with a license. In effect, he is an intermediary between factories and recruitment agencies. Yet, U Htay Ko does not always deal directly with employers but goes through another intermediary, typically an employee who has risen through the ranks within the factory. A similar blend of the legal and extra-legal is also evident in how U Htay Ko's practices connect to recruitment of migrants back in Myanmar.

As in Thailand, recruitment of labour migrants in Myanmar ought to go through licensed recruitment agencies. During my fieldwork, approximately 200 recruitment agencies operated in Myanmar and most of them were based in Yangon.⁶ However, as large pools of potential labour migrants are scattered across the country, Yangon-based agencies employ agent representatives in order to connect with potential migrants.⁷ Although agent representatives are formally operating under the auspices of licensed recruitment agencies, they are, in turn, dependent on informal contacts in order to reach potential recruits. The prevalence of sub-contracting arrangements is well-known amongst both aid organisations and government officials. For example, a provincial Labour Exchange Director in Mandalay, Myanmar, explained to me that these agencies did not always follow protocol and that informal sub-contract arrangements did occur on the local level. Our brief outline of recruitment chain under the MOU system explained above can be schematised as follows:

Employer › middleman › sub-contractor (such as U Htay Ko) › recruitment agency (in Thailand) › recruitment agency (in Myanmar) › agent representative › sub-agent/informal connections › migrant.

Even within this example, no less than seven recruitment chains connect an employer and a migrant. Recruitment chains are often longer and more complex than this (a point commonly made by several informants ranging

from recruiters – such as U Htay Ko, government officials, and NGO staff). Furthermore, this is a simplified representation of recruitment: it only refers to how a Thai employer acquires contact – through recruitment agencies – with potential migrants. We are not even beginning to consider how actual paperwork (visa, passport, and work permit) and transportation are organised, nor how the recruitment agencies, employers, and migrants interact with state institutions in order to obtain the necessary documents and permits. Formal and informal (i.e. licensed/unlicensed) agents overlap, which help shed light on MLC’s difficulties, discussed in the previous chapter, in communicating legal migration pathways (as distinct from unlicensed brokers) to aspiring migrants.

Such blurring between the formal and informal is not limited to Myanmar migrants. For example, in the case of Laos, informal intermediaries are central to the migration process and are even formally (but perhaps unintentionally) acknowledged. For example, one recruitment agency advertisement that circulates in the Lao press and social media promises the general public a commission between 200,000 and 375,000 Lao Kip (approximately 20–40 USD) depending on how many recruits a person can mobilise for the agency. With the slogan “your friend gets a job, you get money,” licensed recruitment agencies in effect turn would-be migrants into sub-agents of their own recruitment efforts in how they provide a commission for recruiting acquaintances. Hence, the blurring of formal and informal recruitment chains is structurally integral to labour recruitment. Pointing to the immense complexity and diversity of supply chains is not in itself new and has been well-documented in a range of regional contexts (Tsing 2009; Xiang 2012). What becomes analytically important is to explicate how the state attempts to finetune their regulation of labour recruitment chains.

As previously mentioned, during 2017 and 2018, the Thai government initiated a twofold reform to its labour migration policies, comprising revised labour laws and amendments (through an emergency decree) to how it regulates recruitment agencies. Whereas in the past, a recruitment agency license was conditional on a 100,000 Baht (3234USD) bank guarantee, the emergency decree increased this to a whopping 5 million Baht (161,740USD). This pecuniary, quantitative adjustment had important qualitative effects on the regulation of recruitment agencies. First, the dramatic increase meant that numerous recruitment agencies would not be able to afford it, resulting in a reduction of recruitment agencies. Hence, the Thai government’s capacity to monitor recruitment agencies increased considerably.⁸ Second, the 5 million bank guarantee became a potential powerful coercive tool in order to discipline agencies (by withholding funds) in cases of agency misconduct, which at the same time financed the Ministry’s capacity to correct malpractice (such as funding the repatriation of migrants due to over-recruiting beyond set import quotas). Through the mere adjustment of a bank guarantee, the Thai government provided itself with a form of “spreadsheet legibility” that would, according to Thai government officials, help root out

exploitation and trafficking within labour recruitment. This is also why the policy was from the government's point of view compatible – and not contradictory – with the move to roll out MOU migration on a larger scale. The policy had immediate effect on recruitment agencies.

Regulation and order: Effects of the bank guarantee

Siriwan is the manager of one of Thailand's licensed recruitment agencies. Siriwan was usually calm-mannered, but today, she was notably stressed. When I walk into her office, she immediately starts talking about the impact of the recently promulgated 5 million Baht bond. My business has been bad recently, she complains. "It is difficult to get things done. I now work on other business and plan to close down this recruitment agency at the end of 2017." A lot of competition exists in this sector and influence from various government agencies, she says. I ask her about what she thought about the 5 million bond. She says that the *Emergency Decree on Bringing in Foreign Workers to Work with Employers in Thailand* (Office of the Council of State 2017) benefits rich recruitment agencies rather than help solve human trafficking issues. The amount is simply too big for her to continue operating as a legally registered agency. What will be the impact of the regulation, I wonder? Siriwan says some companies who can't pay the money will need to close down. Others would join forces putting money into a pot and register as a new business. But this is bad, she says, as it will turn you into an employee of another company. She then reveals that although she intends to close her own business, she has committed 500,000 Baht (16,174USD) in support of one business contact in order for her to trade business alongside other agents under the auspices of a new company.

Siriwan's move from acting as an independent licensed recruitment agent to operate under a consortium of several agents formally fronting as one company did not happen overnight but was the outcome of a longer process of lobbying. For quite some time, Siriwan has been part of an association representing several Thai recruitment agencies. They total around 280 members. They share various information and opinions through a Line text messaging group. The 5 million Baht bond had become a hot topic. The agencies had also held an emergency meeting. Siriwan shows me photos from the meeting. As many Thai official meetings, the obligatory meeting banner is displayed in the background. The title of the meeting is ironically framed as a "combat against human trafficking," no doubt a branding exercise to make recruitment agencies appear humanitarian (as opposed to predatory) in labour recruitment management.⁹ The meeting, Siriwan explains, resulted in a letter that was forward to the Ministry of Labour where the agencies pleaded with the government to reconsider its position. Siriwan is furious with various labour activists and NGOs. She blames them for stirring things up as their accusations of trafficking amongst recruitment agencies had made the Thai government panic. The decree is the result.

Siriwan admits to me that “some brokers are bad.” Some agencies, she says, may request an import quota for 50 workers but recruit 200 in order to enhance profits.¹⁰ 50 migrants are sent as registered (as per the MOU contract), then they distribute the rest to other companies, which results in trafficking (*gan ka manut*) cases, she explains. I ask her how workers can afford the upfront fee of 10,000 Baht (323USD). She explains that she advances money, which is subsequently deducted from their salaries. This can be a problem, she says, as if the migrant leaves early, she needs to cover the shortfall. She says that in the contract with employers, she now only takes responsibility for the workers the first three months.

It is revealing that Siriwan has no qualms acknowledging that some brokers are “bad” due to unscrupulous recruitment methods, yet at the same time, she admits engaging in practices that NGOs and others have critiqued: advancing of recruitment fees (which according to NGOs in effect becomes a form of debt bondage).¹¹ Yet, to Siriwan, the real problem with the new bond is that it assumes agents who had money are “good,” whereas smaller operators (such as herself) are “bad.” Furthermore, she has no faith in the policy eradicating scrupulous brokering practices. Siriwan explains further:

The more people [agencies] are forced to follow the legal requirement of the five million Baht for the collateral, the more corruption will happen. In my opinion, those who are working on labour issues [referring to recruitment agencies and brokers] should have knowledge on labour laws and processes relating to passports, rather than having money... Those who have money can open up a recruitment agency and then sub-contract to others who may not have sufficient knowledge on labour issues.

Siriwan’s predictions proved correct. Prior to the introduction of the 5 million Baht bank guarantee, *Mg Thaung* worked as an agent for an officially licensed recruitment agency. His main function was to assist with interpretation, ranging from keeping track of job qualifications of workers, as well as bringing new migrants to their employers once they arrived in Thailand. However, the company had to close as it could not afford the 5 million bank guarantee. Yet, according to *Mg Thaung*, this has not prevented many recruitment agencies from continuing their operations. After the closedown of the agency where *Mg Thaung*’s previously worked, he is now employed in the human resource department of a larger factory. His new job, he explains, is similar to the one he held at the recruitment agency: serving as an interpreter as well as overseeing migrants’ welfare. *Mg Thaung* confirms what both Siriwan and *U Htay Ko* alleged before: smaller companies who cannot afford the collateral becomes sub-agents for larger, licensed companies. Sub-agents, *Mg Thaung*, explains, pay commission to a licensed company in order to operate under its name. To cover the cost, the fee is simply past

onto the migrants. This has in some cases resulted in considerable increase of fees for migrants (from 10,000/323USD to 15,500 Baht/500USD), according to Mg Thuang.

Chareon and Thamrong, the managers of the fully licensed *Mekong Migration Agency* (MMA), explain the sub-contracting arrangements amongst agencies in more detail. MMA had been in operation for two years at the time I first met them in 2017. In late 2018, when the 5 million bank guarantee had been in operation for some time, they offer their reflections on its impact. Few agencies, they tell me, have the funds to cover the bond. The way they get around this problem, they explain, is as follows: agencies who intend to register, but without the sufficient funds, sell on licenses to others to operate under their name.¹² The going rate to act as an agent representative is 100,000 Baht (3234USD) per license. Once enough licenses are issued, then the bond can be paid. The government knows this but are unable to do anything as the law does not explicitly prevent such arrangements, according to Chareon and Thamrong. Yet, the relationships between agents and subagents are weak, often with little oversight, they allege. Although there has been a formal reduction in licensed agencies from 4 to 500 to around 160, this does not mean an actual reduction in agents, they claim. To the contrary, it is probably higher than ever. “The bond,” Chareon says, “has contributed to shaping career paths for brokers.” Thamrong explains further:

In the past, recruitment agency work was not a well-known career. But with the issue of 5 million Baht bond and the new fines of 400–800,000 Baht (12939-25878 USD) for violation of the labour law meant that there was a huge demand for workers to go through the MOU system. This helped prosper a career pathway for recruitment agency brokers.

In other words, the increasing pressure on both migrants and employers to channel labour migration through the MOU system – coupled with the increased 5 million bond – has resulted in both capital concentration (i.e. only a few large agencies with formal licenses) yet a proliferation of sub-contracting arrangements with a resultant demand for sub-agents. If it is correct, as Chareon and Thamrong allege, that 100,000 Baht (3234 USD) is a common price for a sub-license, this suggests that some fifty subagents work under the auspices of one licensed recruitment agency (which totals 5 million Baht).¹³ At the time of the interview, some 160 licensed recruitment agencies operated in Thailand. In light of Chareon and Thamrong’s assertion, there may be as many as 7500 sub-agents operating within the MOU system. Not only does this constitute a proliferation of brokers, but it has also slowed down the whole MOU system and increased the cost for migrants as additional brokers engender increased commission fees.¹⁴

What my broker-informants describe is remarkably similar to Xiang Biao’s description of “going through windows” amongst Chinese labour recruitment agencies (Xiang 2012, 53). A larger company acts as a formal

front but with several sub-contracting operators within it. As Biao describes in the Chinese context, although such policy initiatives may provide the appearance of an ordered recruitment agency system (due to fewer agencies), it constitutes a proliferation and increasing complexity of brokering practices. Hence, the new Thai policy represents an entrenchment of one of the problems it attempts to solve: migrants ending up in debt bondage arrangements before they arrive in Thailand where increasing cost of migration management is passed onto migrants. Yet, it is impossible to appreciate these processes without paying attention to the spatio-temporal dimensions of the MOU process, recruitment chains, and migration governance within a cross-border context.

MOU reversals and inversed recruitment chains

“I want to share an observation,” Chareon tells me.

The MOU system is designed to deal with large numbers of workers. Currently, Thai industry is less inclined to bring in large numbers due to less need; instead, medium and small-scale employers need workers. But it takes a long time to get workers through the MOU system. You must travel to the source country and with no guarantee of success or getting the right people. Coming illegal first and then formalise the status later becomes the way of doing it. Let me give an example. Say, a noodle shop needs two workers. There is no way you will go through the MOU system. You come illegal first, then you formalise.

I instantly understood what Chareon meant. Inversed recruitment chains – where formal migration status is achieved subsequent to migration – were now also developing within the formal MOU system for Myanmar migrants. When I first met the Charoen and Thamrong the year before, they explained to me how this operated amongst Lao migrants (which was their main customer base). At the time, I was initially surprised to learn that, despite being a labour recruitment agency, they did not carry out any recruitment of Lao workers at all. Thamrong explains why. In terms of labour recruitment, employers – not migrants – contact their company. The reason, he says, is that migrants already work for the employer and need support formalising their status, rather than assistance with migration. Hence, MMA does not get involved with the recruitment process itself. According to Thamrong, Lao migrants can easily obtain a one-month tourist visa in contrast to Khmer migrants (who only can visit for 14 days) and Myanmar migrants (where this was not an option at the time of the interview). So, when Lao people come to Thailand, they find work but then must formalise their employment, Thamrong explains.

The process, they say, is *meant* to function as follows: First, the employer must approach the district ministry of employment office notifying they

want to employ migrants.¹⁵ Then, the ministry of employment will consider the request. If they agree, they will inspect the workplace (for example, making sure a restaurant is not a front for a commercial sex venue). The inspection, Charoen alleges, is part of the government's anti-trafficking measures. After this step, the employer will come to MMA. The word used for this is "quota" (in English), regardless of numbers (i.e. the employer may receive a quota for one, or several hundred workers). Then, MMA will liaise with Thai labour authorities to obtain a "demand letter" which authorises the import of labour migrants based on the quota. The recruitment agency will then liaise with a Lao recruitment agency who will take care of labour recruitment and the necessary paperwork in Laos. Once workers are recruited, they will liaise with Ministry of Labour and Social Welfare in Laos, who will issue a "name list" which includes names and passport details of the migrants. The "name list" is then sent to MMA who will forward this to the Thai Department of Employment. The Department of Employment will, in turn, issue a letter named "calling visa." This letter will then be forwarded to the Thai Embassy in Vientiane. Once this is done, migrants can pick up their work visa at the Thai embassy in Vientiane, cross the border to Nong Khai where they will take part in post-arrival training (which includes safe migration awareness raising), and obtain their Thai work permit. Once this is done, they are ready to commence work in Thailand.

However, in practice, Charoen and Thamrong explain, the Lao migrants are already in Thailand before this process takes place. Hence, MMA – in cooperation with Lao recruitment agencies and government authorities in both the countries – simply processes the MOU applications in reverse order. Rather than carrying out any recruitment, MMA, in collaboration with their labour recruitment company counterparts in Laos, simply processes all the paperwork within the MOU process (quota, name list, etc.) *after* migration has taken place. Once the paperwork is done, the Lao migrants (who already are working in Thailand) simply travel back to Vientiane to pick up their visa, followed by the post-arrival training and issuing of a Thai work permit. Thamrong and Charoen alleged that many migrants and employers prefer this process as it is quicker; it also becomes an informal probation mechanism as both migrants and employers are able to test the waters in the workplace before committing to a two-year MOU contract.

Although such policy workarounds may seem to go against official policy, it is widely practiced with the full knowledge of government officials. As I learned from Ministry of Labour officials in Nong Khai, this procedure is common amongst agencies and well-known amongst officials. As such, two processes co-exist. Whereas many migrants go through recruitment agencies in their home country and then enter the MOU process (which resembles how the system is designed), other migrants convert to a formal labour migration status through the MOU process after migrating. The reason for the co-existence of these two processes can be explained in light of different migrant experiences. Typically, experienced migrants go through

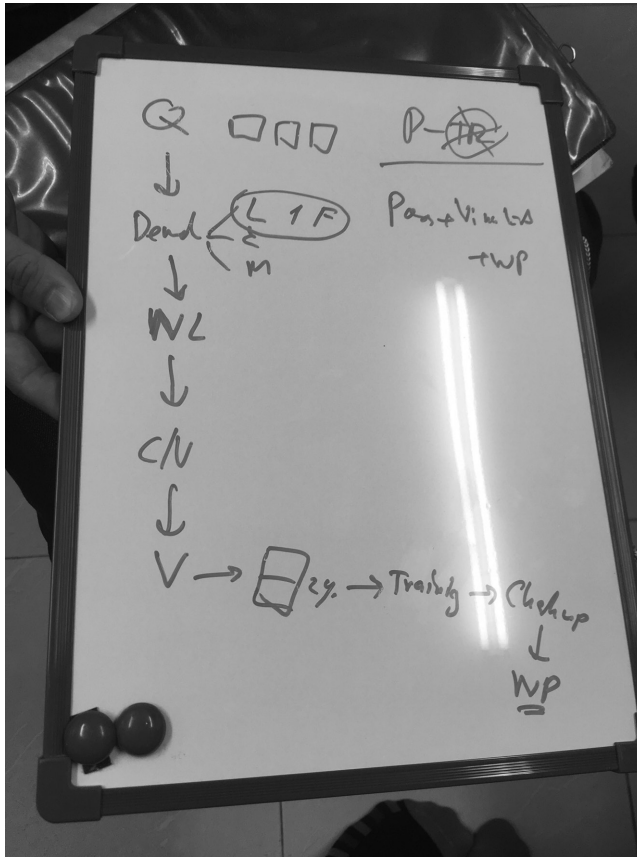


Figure 5.1 Charoen and Thamrong use a whiteboard to explain the MOU process from a recruitment agency perspective. The acronyms are as follows: Q = quota; Demd = demand letter; NL = name list; C/V = “calling visa”; V = visa; [Square box] = symbolises the Lao-Thai Friendship bridge where migrants cross; Training = post arrival training; Check-up = health check-up; WP = workplace.

recruitment agencies, such as MMA. Conversely, MOU workers who are recruited back home are often inexperienced migrants, an observation pointed out to me by several informants (both NGO officials and brokers).

Furthermore, employers, migrants, and recruitment agencies all have vested interested in cutting through bureaucratic red-tape which helps explain why the MOU system is full of inversed workarounds. We saw contours of this in the previous chapter. Rather than regulation preceding migration (to ensure safety and order), it does the reverse. It also constitutes a spatial inversion (recruitment of migrant workers taking place in Thailand, as opposed to their home country). Throughout my fieldwork, this

practice was ubiquitous amongst Lao migrants but also took place amongst Myanmar migrant workers. Migrants, recruitment agencies, government officials, and even NGOs referred to such practices as “MOU U-turn”: migrants travel to their home country in order to formalise their migration status, and then “U-turn” back to Thailand to formally commence their MOU contracts. This form of spatial reversal has broader implications for how bilateral migration governance is enacted through aforementioned, state-sanctioned post-arrival training sessions, which we will now turn to.

Post-arrival training and reversed extra-territoriality

During 2018, the Thai government established several migration processing centres in border areas. This was part of a large government-led process which aimed at boosting MOU migration as the main pathway for labour migrants. It is important to note that this transnational bureaucratic system is not new (Gruß 2017; Huijsmans 2014; Huijsmans and Phouxay 2008). Over the years, an unrelenting stream of bilateral labour migration initiatives have been rolled out. Yet, this particular initiative appeared unprecedented in its scale. The Nong Khai post-arrival centre, which had been operational for less than a year, had already processed more than 30,000 Lao migrants at the time of my visit. This stands in stark contrast to the mid-2000s where less than 10,000 workers went through similar processes over a much longer time period (Huijsmans and Phouxay 2008). During fieldwork, I had the opportunity to visit (as an observer) both pre-departure (in Myanmar) and post-arrival centres (in Thailand). My first visit to these centres took place in Nong Khai (at the Lao-Thai border) where all Lao migrant workers within the MOU system – including the ones who went through recruitment agencies such as MMA – go through.

Every day, Lao migrants arrive at the post-arrival training (typically escorted by their respective Lao recruitment agency) after obtaining their visa at the Thai Embassy in Vientiane, Laos. Migrants queue upon arrival to obtain a ticket number. The ticket number allows orderly handover of migrants’ passports which is necessary for confirming that migrants’ Thai visa and passport details match biometric data on their system in order to process their work permit (smartcard).¹⁶ While the work permit is processed, the migrants attend post-arrival training. As such, the post arrival centre is the first direct encounter between MOU migrants and the Thai state which merges subjection of migrants (moulding migrants’ disposition through training on safe migration) with the biometric, legal identity of migrants (passport, visa, and work permit). Hence, the centre is central in crafting ideal-type migrants: legal, documented, and informed migrants (Rudnycky 2004).

The post-arrival training takes the form of a 1–2-hour information session where staff go through a PowerPoint presentation which highlights the most important part of the Thai government’s post-arrival handbook. The content resembles the pre-decision and pre-departure training provided by

NGO and UN agencies as discussed in the previous chapter. In addition to an overview of passport and visa regulation requirements, the migrants are informed on their worker rights (such as minimum wage and annual leave entitlements) alongside advice on how to use the Thai social security and health systems. In addition, a few points are made about Thai culture (which seems rather redundant due to the strong cultural affinity between Laos and Thailand). After the training session, the migrants obtain their work permit and they are ready to go.

I had the opportunity to observe several such sessions in Nong Khai (as well as in Mukdahan). In all sessions, staff were polite, cordial, and well-drilled about the content of their presentation. They would often ask specific questions to check that migrants had understood nuances relating to specific details and were capable of answering clearly in the few instances where migrants asked questions. Although interviews with migrants and labour officials at the post-arrival centre revealed some frustration with the process, the operation is relatively efficient as compared to other bureaucratic processes I have observed related to migrants. Although the training centre filled up with workers throughout the evening, staff seemed to manage the process fairly well. Attempts by some migrants and recruitment agency representatives to push line were swiftly cracked down upon. In effect, most migrants obtained their visa and work permit within one day.



Figure 5.2 Newly arrived Lao migrants at the post-arrival training centre.



Figure 5.3 Post-arrival training session, Nong Khai, May 2018.

While visiting the centre, my research assistant and I had the opportunity to speak (beyond earshot of officials) to around a dozen migrants awaiting their work permits. All of them had paid the same amount to their respective recruitment agency (17000 Baht/550USD). Two migrants had gone through MMA. Except for one migrant, everyone had established jobs in Thailand, some of them with many years of migration experience. In effect, the migrants confirmed to us what Thamrong and Charoen had told us in Bangkok. The migrants go through the process in a back-to-front manner, where their migration status is formalised after migration. The fact that the post-arrival centre's Director reconfirmed the commonality of this arrangement indicates that the practice is both commonplace and tacitly endorsed by authorities.

Post-arrival centres – professed by UN agencies and governments alike (Abella and Martin 2015; Carling and Hernández-Carretero 2011; Chindea 2015; Harkins 2019) – are meant to be part of a larger labour migration mechanism with a simple, yet specific sequence: post-arrival training ought to follow from pre-departure (which, in turn, ought to follow from pre-decision awareness raising). As the two last components are meant to take part in the migrants' home countries, cross-border policy collaboration is required. Yet, in practice, the collaboration between Thai and Lao governments is patchy. UN, NGO, and even government officials (including

the Labour director in Nong Khai) made no secret of this fact, complaining that it was unclear to them how much pre-departure training took place in Laos (a suspicion we got confirmed by speaking to several migrants of whom none appeared to have undertaken any such training in Laos).¹⁷ Hence, in practice, awareness raising happens first after migrants arrive in Thailand. At this point, they are already deep into the process: they have already paid considerable money for recruitment; their visa is stamped, and they find themselves in Thailand. Although this is deeply problematic from the vantage point of policy intent, it may matter little to the migrants. As the discussion above demonstrates, many migrants already possess accumulated migration experience prior to entering the MOU process.

Why then do Thai authorities bother to spend time training migrants given the fact that the training should logically precede migration? Besides serving as an instrument for legibility by monitoring migrants who enter the Thai labour economy, the training, as later chapters will reveal, allows authorities to transpose blame onto migrants if something goes wrong within the MOU system. As such, the post-arrival centre can usefully be thought of as reversed extraterritoriality: safe migration training, which is meant to be promulgated in advance on foreign soil (and therefore pre-territorial from the point of view of a receiving country), takes place “at home” in a post-hoc manner. Yet, such U-turns and tempo-spatial reversals are not limited to MOU migrants. For several years, the largest group of documented migrants in Thailand have been the aforementioned pink card holders, who we will now turn to.

Zones of non-intervention: The CI centres

Although the MOU system has gained traction in recent years, the overwhelming majority of migrant workers in Thailand are either undocumented or hold semi-formal status (i.e. “pink card” holders). As discussed earlier in this chapter, pink cards were introduced as a semi-formal work permit which allowed migrants to work in Thailand despite the lack of passports and other formal travel documents. However, Thai authorities have several times attempted to entice migrants to obtain passports in order to convert them onto proper work permits, a priority underpinned by the state’s security concerns (see Carling and Hernández-Carretero 2011). During my fieldwork, Thai authorities announced that pink cards would be phased out, which in effect would require migrants to obtain formal migration status through the MOU system.

Over the years, several amnesties have allowed migrant workers to go through a national verification process in Thailand (in collaboration with Myanmar, Lao, or Cambodian authorities) in order to formalise their status and obtain work permits. During my fieldwork, these efforts were renewed albeit with a strong focus on Myanmar migrants. Whereas it has become easier for some migrant groups (such as the Lao) to return to their home

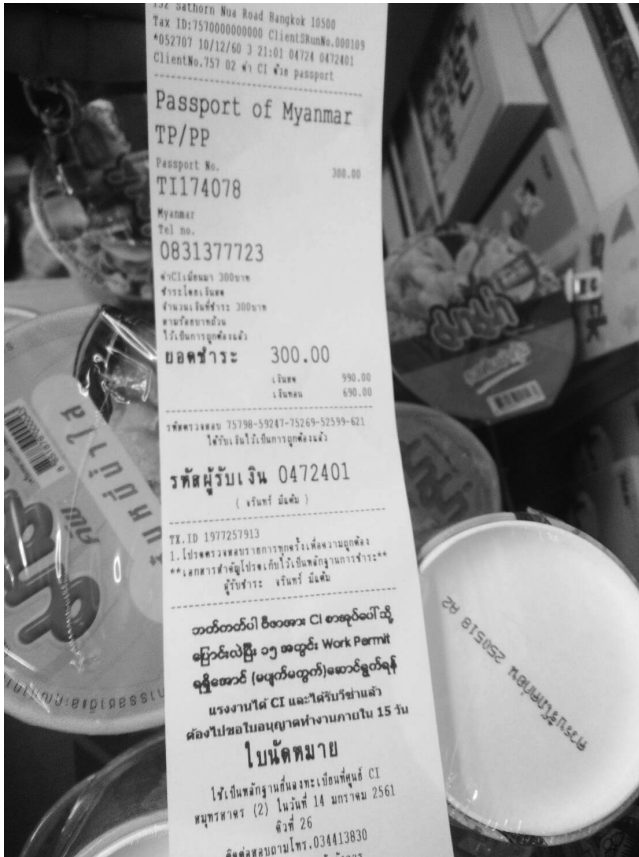


Figure 5.4 Example of a 7/11 receipt for CI processing.

country to obtain a passport, this remains difficult for many Myanmar migrants, due to ongoing security problems in Myanmar (including armed conflict in several areas). Recognising this situation, both Thai and Myanmar authorities established various bilateral forms of cooperation, allowing Myanmar migrants to verify their identity whilst in Thailand. All Myanmar pink card holders were required to obtain a “certificate of identity” (CI) from one of Myanmar Embassy’s CI centres in Thailand (no such equivalent mechanism took place for Lao migrants during my fieldwork, despite earlier precedent).¹⁸ Once migrants acquire the CI document, they can proceed to obtain a Thai work permit (“smartcard”) and health card and access the Thai social security system.

An agreement was made with 7/11 that the CI processing fee could be paid at their stores. Subsequently, migrants would be able to visit a CI processing centre to obtain the CI document. Although the inclusion of 7/11 stores (which are ubiquitous in Thailand) made access easy for migrants, other

problems quickly became apparent. NGOs and Migrant Associations, such as MAM (see Chapter 4), raised several concerns regarding the CI centres. For example, *Ko Thet Oo*, one of the MAM's leaders, was particularly vocal in his Facebook posts (which at the time had more than 200,000 followers):

Hello (Mingalarbar),

Today I would like to discuss three issues regarding CI Book process... The Myanmar government intends to demolish brokers, but in reality, more and more brokers are thriving due to many limitations in the process ... [T]he CI centre operators allege that only 450 CI books can be processed per day. [M]any migrants face problems as they cannot be processed within the day... More output would allow the migrants to process the CI in time and will remove the need to pay the brokers. In addition, more than 80% of the factories are closed on Sunday. If CI Centres [could] operate on Sundays... it would be of great beneficent for the migrants as they do not need to take a day leave from work to process the CI. It is so horrible that brokers are able to operate at the premises of the CI centres. This practice should be stopped.

MAM alleged the CI processing created bottlenecks that became breeding grounds for brokers. Fortuitous, serendipitous contacts enabled visits to two of the centres. During the first visit, few migrants are present, in part due to the fact that it was the beginning of New Year celebration (*Songkran*) and most migrants had by then returned to Myanmar. The manager explains the CI process within the centre as follows: first, migrants must fill out a form, provide the voucher from 7/11 (as proof of payment, see Figure 5.4), show a copy of their pink card, and submit one passport sized photo. When their number is called, they are interviewed. Once that is done, a photo, thumb print, and signature are obtained for the CI book. Migrants are also meant to provide a valid Myanmar identification document (commonly either a personal ID or house registration card). As few migrants have brought such documents along to Thailand, the centre also accepts electronic copies that are typically sent to the migrant by family members back in Myanmar via text messaging apps. The manager shows me an example of this practice on his own smartphone.

In lieu of documentation, they verify migrants' identity by probing their personal details (such as the name of their grandfather, the langue spoken at home, and their address in Myanmar). The manager alleges they double check this information. If the migrant claims to be from ethnic groups, such as Karen or Mon, the manager (who happens to be multilingual) will quickly check their linguistic abilities by asking them to say a few words or phrases in the relevant vernacular. If the migrant can answer all these questions promptly and without hesitation, then they pass the test. At the end of the interview, I ask what he thought about the brokers who have been



Figure 5.5 Brokers advertise their services. The text with yellow-coloured font reads: “Services for document processing for alien [workers].”

reported to set up shop outside CI centres. He expressed a somewhat disingenuous unawareness of their operations.

Yet, even before entering the centre, posters’ advertising brokers’ services were visible on the main road (see Figure 5.5), and their offices were located along the alleyway leading down to the CI centre making them impossible to overlook. Before entering the CI centre, itself my research assistant and I had the opportunity to speak to several of the shops. They all provided similar services which includes assistance with filling out the forms in Burmese language (30 Baht), providing the required photo that must accompany the form (100 Baht), as well as photocopies of all the documents. They also provided advice to migrants (and employers) for the next steps in the process in order to obtain the work permit. All of the four operators we spoke to claimed that they did not provide any “queuing service,” but in two shops, it was accidentally revealed to us that they did.¹⁹

Our visit reconfirmed what was already becoming an increasing complaint amongst migrants and aid organisations alike: the process that is meant to formalise migration status – which often is partly championed as a way of getting brokers out of business – was itself flourishing with brokers and rent-seeking practices resulting in considerable cost (and waiting) for migrants. Around the same time, our observations from our visit to the CI centres were reconfirmed through other migrant groups, such as MAM who livestreamed one of their CI centres visits through Facebook:

Ko Thet Oo: “I am very glad to meet you all at the CI centre. Do you come here to process CI by yourself, or do you need to pay to brokers? How much did you pay?”

Migrant A: “We had to pay around 5,000Baht to the brokers.”

Ko Thet Oo: “You had to pay 5,000Baht, right? How do you feel? Do you think it is low or high?”

Migrant B: “We had to pay this way because we do not know the market price.”

Migrant C: “Only when we reached the centre, we learned from the others that they spend about 1,500Baht.”

Ko Thet Oo: “Do all of you know that the Myanmar Government has arranged to issue the CI books at an affordable price. But due to many situations, most migrants cannot receive this benefit. The migrants who come to this centre must pay 3,000, 4,000, 5,000 Baht to get the CI. Now when you know the truth, what would like to say to the Government of Myanmar, we will let them know your feelings via this video.”

Migrant A: “I do not know what to say. We do not blame the government. It is that we do not know anything about it. At first, we thought it will be good to take the broker’s service as we know nothing. Now we realised that we were cheated by brokers.”

Such video posts reveal how the CI centres had become a magnet for brokers. Yet, it proved difficult for authorities to address the problem. Thai police were reluctant to intervene. Although this may be interpreted as further indication that payback between brokers and officials took place (thereby preventing effective action), little evidence emerged during fieldwork to suggest that this was necessarily the case. A more important point about the CI centres is the mere fact that they function as pseudo-autonomous sovereign spaces. Giorgio Agamben’s work on the *state of exception* (1998, 2007) has been used extensively in the social sciences to analyse how heterotopic spaces, ranging from prison camps (Guantanamo Bay) to refugee camps, allow interventions to extend exterior to the law. The CI centres turn this on its head, making them zones of non-intervention. As the CI centres are operated under the auspices of the Myanmar Embassy (under a sub-contracting arrangement

with a private contractor), they resemble Embassies in a judico-political sense. This makes Thai police intervention difficult. Over time, the situation became untenable. The irregularities at the CI centres made it to the Thai and Myanmar press and the overall slowness of the system even resulted in reshuffling of the Thai Minister for Labour (Charouensuthipan 2017a; The Nation 2017; Zaw Zaw 2017a). After this debacle, Thai and Myanmar authorities launched yet another mechanism for verification process where they attempted to bring both the Myanmar and Thai regularity processes together through the briskly titled *one stop centres*, which we will now examine.

One stop centres

Rather than providing separate CI centres, the Thai government, in consultation with the Myanmar Embassy, established one-stop centres, where migrants could process both the CI and work permit documents in one location. The one-stop centres also allowed Cambodian and Lao migrants to convert their pink cards to a formal work permit, albeit with slight different arrangements for national verification (Charouensuthipan 2017b; Charouensuthipan and Arunmas 2017). This was part of a nationwide push by Thai authorities to formalise all labour migrants in Thailand.

Given some fortuitous contacts with some Thai officials, my research assistants and I were able to visit a one-stop centre only days after its opening. In contrast to the CI centres, it is located within a shopping mall close to a central thoroughfare outside Bangkok. The centre's location within a shopping centre also makes gatekeeping and rent-seeking practices (endemic at the CI centres) more difficult. The one-stop centre is in essence an amalgamation of the CI centres (operated under the auspices of the Myanmar embassy) and the Thai government's registration system for issuing social security, health insurance, and work permits. Before visiting the centre, we already had a good understanding of how it operated, based on conversations with some of our informants (a Ministry of Health official, a migrant assistance group representative, and one passport broker). The procedure can be schematised as follows: migrants would go through the same process as at the CI centres, which in this case is located right outside the shopping centre in mobile vans. Given the public location of the mobile CI vans, limited opportunity exists for brokers to operate. Once this was complete, the migrants could conveniently walk inside the shopping centre and complete the rest of the process offered by Thai authorities:

- 1 Obtain and fill out a registration form.
- 2 Enrol into social security system.
- 3 Obtain date for blood screening and associated biomedical information.
- 4 Medical screening and deworming (for Lymphatic filariasis, which in this case took place at a hospital or medical clinic separate from the centre).



Figure 5.6 Mobile CI vans as part of the one-stop service centre. Some of the migrants we interviewed who used the service believed that the biometric iris scan (which is part of the registration procedure) was part of an eye health check.

- 5 Fingerprint and photo by Department of Employment (for the smartcard).
- 6 Payment of processing fee.
- 7 Obtain visa seal for passport.

Yet, the systems' apparent simplicity turns out to be anything but. The one-stop centre is – even in formal terms – a two-step process: first, migrants must go through the entire process, but this would only allow a visa up to 31 March 2018. Subsequently, migrants are required to go through a second stage of the process in order to obtain an extended two-year visa. Whilst visiting the centre, further complexities become apparent. Large crowds of migrants (I estimate it to be at least thousand people present at the time of the visit) queue up in different lines. Colour-coded arrows on the floor are meant to guide migrants yet appear to have no bearing on how migrants' queue (my research assistants and I later learned that this was due to repeated changes to the queuing process as instructed by officials). Numerous counters for different parts of the process are distributed throughout the centre alongside various posters with instructions on how to go through the registration process. Thai officials are crisscrossing the floor

attempting to clarify questions and creating some sense of order among the queuing migrants. The Myanmar and Thai parts of the operation are not in sync. Whereas the Myanmar Embassy's CI counters are operational on Sundays when migrants typically have a day off (perhaps due to pressure from social media posts by migrant groups such as MAM), the Thai government processing counters are only open on weekdays.²⁰ Based on interviews with both migrants and officials, it becomes apparent that migrants must spend several days completing the process.

Several steps take place in reversed order (for instance, blood tests take place *after* issuing of the work permit) and require extra visits at a medical clinic or hospital.²¹ The centre's posters divide different migrants into different processes: instructions for migrants who already have completed the CI process before the opening of the one stop centre (category B) is different to other migrants who had not yet gone through this process (category A). Processing differs depending on the kind of work migrants are employed in (such as fishing and domestic work).²² Furthermore, the new work permit, the smartcard, is coloured pink, making it easily confused with the document the one-stop process is designed to convert migrants away from: the "pink card." To add further confusion to an already confusing situation, some of the processing rules change during the centre's operation as the Thai authorities are running against the clock finalising processing of all migrants before the Thai governments' self-imposed deadline.



Figure 5.7 Migrants queuing at a one stop centre. Multiple queues for different counters crisscrossing each other.

Whilst migrants are queuing, there was ample opportunity to speak with many migrants (as well as some employers who also queued to register workers). Despite ubiquitous signage (written in both Thai and Burmese), it was notable how oblivious migrants are regarding the process. “How long have you queued?,” we asked a group of migrants. “We don’t know; we can’t think about such matters,” a young migrant replied. “How far are you with the process at the one stop centre,” we asked another migrant. “I don’t know. My employer takes care of this.” How much longer do you have to go to obtain your smartcard, we asked a third migrant, who replied: “I am unsure. I am waiting for my broker.”

“Brokers rust your brain,” U San Tint (a former migration broker) once told me, pointing to how migrants’ dependency on brokers is analogous to how a calculator makes us inept at computing equations in our head. Yet, the hesitant answers we receive at the one-stop centre underpin not merely how bureaucratic complexity breed broker-dependence but also how reliance on brokers can in part be explained by the affective dimension brokerage provides as it “enables migrants to maintain an emotional distance from the often anxiety-producing workings of bureaucracy” (Gruß 2017, 3). The lack of migrants’ ability to go through the process independently was obvious. During visits to one-stop centres, my research assistants and I randomly surveyed 54 migrants of which 42% relied on a broker and another 46% depended on their employer in order to go through the process. This dependency, although not immediately obvious, became clearer after spending some time at the one-stop centres. Alongside migrants, many employers, or employee representatives, are present, taking care of large parts of the processing (which largely consists of filling out necessary paperwork). Although many of them are formally acting as representative for respective employers, this is in practice a role that was simply outsourced to a Thai person who acts on the employer’s behalf. Officials at the centre admitted this, but alleged nothing could be done as employers can legally nominate another Thai citizen as their representative.

Rather than being a process which assists migrants with formalising their status, it constitutes complex maze – a bureaucratised, labyrinth-like version of an Ikea visit – which locks migrants into endless confusing processes which produce broker-dependency (and informal revenue). Although the aforementioned problem of brokers relating to the CI centres had been reduced, it was now simply replaced with a new problem: brokering taking place under the auspices of employer representatives. Ironically, this made government intervention even more impossible than at the CI centres as there is nothing (technically speaking) illegal with employers appointing employer representatives. In effect, the CI centres contribute to formalising brokering within the system that was set up to prevent it. The relationship between formal and informal practices had come full circle: what starts off as a policy attempt (with UN backing) to formalise migration, produces a range of extra-administrative practices. Through a range of policy attempts

to curb such unintended effects, these practices are not reduced but displaced and become operational under the auspices of formal migration policy practice.

Conclusion

This chapter has explored how state-centric endeavours to formalise labour migration produce – as opposed to eliminate – brokering practices. Despite various attempts to curb rogue practices (as seen at the CI centres), fine-tuning of policy interventions merely results in displacement of problems resulting in a proliferation of migrants’ dependency on intermediaries. Rather than producing autonomous, enterprising migrants, regular migration processes cements’ relationships between the states, brokers, and migrants.

Similar to what we saw in the previous chapter, the praxis of labour migration management – whether in the form of recruitment agency processing or administrative sequencing within one-step centres – produces a range of spatio-temporal reversals. Needless to say, considerable income is generated from these processes, both through official fees for governments and an unknown amount of broker fees. As such, legal migration pathways, such as the one-stop centres and the MOU system, are arguably a capital resource (Molland 2012a). At the same time, the push towards legalising labour migrants can usefully be thought of as structural violence in terms of how bureaucratic procedures lock migrants into lengthy and costly processes with limited flexibility, or indentured labour, given the restrictive terms that legal migration status bestow on migrants (Graeber 2012; Killias 2010). Yet, informal workarounds are not necessarily all bad for migrants (e.g. how MOU U-turn arrangements allows both employers and migrants to “test the waters” before committing to a labour contract). The next chapter will further explore how both legal, formal entitlements and informal practices structure assistance when migrants seek help.

Notes

1. During fieldwork, I was able to document ubiquitous use of passports and work permits by Lao sex workers along the Lao-Thai border, despite Thai labour and migration regulation excluding sex work as a profession. The facilitation of work permits within sex commerce venues appeared remarkably similar to what I observed during fieldwork in the mid 2000s, which suggest strong continuities over the last decade (Molland 2012b, 2012a).
2. Many migrants come from poor communities where birth registration documents are not standardised. In Myanmar many migrants cannot easily obtain official documents due to armed conflict. In the recent past, Lao migrants had to obtain official permission (an exit visa) in order to cross the border to Thailand, making legal migration prohibitive.

3. It is worth pointing out that such allegations are not new. For example, similar points have been made in academic circles relating to the Lao-Thai labour recruitment scheme in the mid-2000s (Huijsmans 2014).
4. In addition, it is worth noting that many migrants end up becoming dependent on informal brokers in order to enter the formal MOU system. Sub-brokers result in additional costs. Hence, even in cases where migrants may (in theory) be entitled to a refund due to malpractice by either their recruitment agency or their employer, migrants would still be in debt to informal brokers. Hence, such financial arrangements contribute to bondage practices as it becomes unviable for many migrants to leave workplaces as they will be end up with accumulated debt problems.
5. The MOU system allows Thai employers to liaise directly with a Myanmar recruitment agency regarding import of workers. Several informants told me that larger factories often do this as they have the necessary human resource capacity to process all the paperwork that otherwise would be handled by a Thai recruitment agency.
6. Both Thai and Myanmar Ministries provide name lists of licensed agencies on their respective websites: https://www.doe.go.th/prd/assets/upload/files/alien_th/229536cb16a82df88a619624eb2da758.pdf; <https://www.mol.gov.mm/en/wp-content/uploads/downloads/2018/01/Current-Thai-Agencies-5-1-2018.pdf>
7. As explained by the Director of the Labour Exchange Office in Mandalay, amongst the 200 agencies that operated in Myanmar at the time, only 21 agencies with agent representatives in Mandalay. All these agencies were mandated to report to the Director's office on a monthly basis, including names of persons recruited and for what type of job. The Director made no secret of the fact that sometimes agency representatives' overcharge, or that agencies manipulate arrangements in other ways. Sometimes more people are recruited than what the employer is asking for, which leaves workers in limbo without a job.
8. Ministry of Labour Officials in Bangkok made no secret of the fact that the previous system made oversight a challenge. Given that each agency had to report on a monthly basis, even administrating the paperwork volume is a formidable task. Reducing the number of agencies made this process, from an administrative point of view, much easier to manage for the Ministry.
9. Such appeals to combat human trafficking also suggests how anti-trafficking discourse has been appropriated in surprising ways.
10. Siriwan's allegations echo what many other informants reported to me: fraudulent recruiters either recruit beyond or fabricate their approved quotas. Although I was never able to confirm this, one broker claimed that a reason for the discrepancy between formal quotes and actual recruitment occurred due to tax avoidance.
11. It should be pointed out that such practices are arguably not unusual in this particular context. Both commercial and labour practices are frequently premised on credit borrowings (see Andrew Walker 2012) or commission-based practices (see Molland 2012b).
12. A Thai NGO official told me that he has heard brokers referring to this practice as "to buy the right to operate" (*suu sit*).
13. It is safe to assume that some variations in such arrangements exist. As explained earlier in this chapter, Siriwan had put 500,000 Baht (16174.00 USD) towards her sub-contracting arrangement.

14. The slowed process was also commented upon by Chareon and Tham-rong. The new bond meant that it now took them two months to get a quota approved, something which would only take a few days in the past.
15. The employer is meant to demonstrate that they have been unable to fill the jobs with Thai workers (e.g. based on job advertisement that have resulted in unfulfilled positions).
16. The “Smartcard” is Thailand’s new work permit, which has been rolled out through post-arrival training centers (Charoensuthiphan 2017)
17. One large study by IOM and ILO suggests as little as 17% of MOU migrants on a regional level have received any pre-departure training. It is likely that the numbers for Laos are far lower than this (Suravoranon et al. 2017).
18. Lao migrants have previously been included in national verification schemes (Huijsmans and Kabmanivanh Phouxay 2008). However, Thai labour officials confirmed to me that this was not currently taking place (see also Migrant Working Group 2017).
19. When entering the second shop we introduced ourselves explaining that we were researchers from a University requesting interviewing them regarding their services, to which the staff responded “how many people do you have in your company to process? For special queuing you need to talk to our Thai Boss, but she is not here today.” After some further clarification, it became clear that they had mistaken us for being employers wanting to fast-track CI documents for our employees! In the fourth shop my research assistant could overhear a phone call from one of the staff (in Burmese) who was frantically trying to bolster the number of migrants to come to the centre, as they had bought too many queuing tickets earlier that morning in anticipation of large numbers. The shop was now struggling selling the tickets onto migrants due to the unexpected, limited traffic. In addition, my research assistant, who had been able to visit other centres earlier whilst I was back in Australia teaching, was able to document that several of these shops would charge 4000 Baht (130USD) for a “package service,” including fast-track queuing and paperwork.
20. Such mundane bureaucratic discrepancies create further opportunities for brokering practices. For example, one informant of mine who is working closely with U San Tint (see Chapter 8) operates as a visa stamp broker. Migrants are required to obtain a stamp in their passport every three months. As the immigration office is closed on the weekend (when migrants typically have time off), he receives a commission from migrants to obtain the stamp on their behalf. He charges 100 Baht (3.30 USD) per passport where 80 Baht (2.60 USD) goes to his insider contact at the immigration office. He keeps the remaining 20 Baht (0.65 USD) as net profit.
21. One health officer explained to us that the reason why some of the medical steps may appear a bit “back to front” is that blood tests take time to process. As migrants have already completed the test through the CI process few concerns pertain to these cases. If anything is detected, they will contact the migrants. In most of these cases, migrants can continue work without any health risk and take medication.
22. For example, domestic workers can’t be members of the Social Security fund (SSO) and must take out private insurance.