

*Routledge Series on Asian Migration*

# **SAFE MIGRATION AND THE POLITICS OF BROKERED SAFETY IN SOUTHEAST ASIA**

Sverre Molland



# Safe migration and the politics of brokered safety in Southeast Asia

The book investigates how the United Nations, governments, and aid agencies mobilise and instrumentalise migration policies and programmes through a discourse of safe migration.

Since the early 2000s, numerous non-governmental organizations (NGOs), UN agencies, and governments have warmed to the concept of safe migration, often within a context of anti-trafficking interventions. Yet, both the policy-enthusiasm for safety, as well as how safe migration comes into being through policies and programmes remain unexplored. Based on seven years of ethnographic fieldwork in the Mekong region, this is the first book that traces the emergence of safe migration, why certain aid actors gravitate towards the concept, as well as how safe migration policies and programmes unfold through aid agencies and government bodies. The book argues that safe migration is best understood as *brokered safety*. Although safe migration policy interventions attempt to formalize pre-emptive and protective measures to enhance labour migrants' well-being, the book shows through vivid ethnographic details how formal migration assistance in itself depends on – and produces – informal and mediated practices.

The book offers unprecedented insights into what safe migration policies look like in practice. It is an innovative contribution to contemporary theorising of contemporary forms of migration governance and will be of interest to sociologists, anthropologists, political scientists, and human geographers working within the fields of Migration Studies, Development Studies, as well as Southeast Asian and Global Studies.

**Sverre Molland** is a senior lecturer in Anthropology at the Australian National University, Australia. His research examines the intersections between migration, development and security in a comparative perspective, with specific focus on governance regimes and intervention modalities in mainland Southeast Asia.

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**Sverre Molland**

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# 1 Introducing safe migration

The “global compact for safe, orderly and regular migration” will seek to enhance international cooperation in governing migration and focus attention on migrants, the people they leave behind and the communities they join. It will aim to protect the vulnerable; leverage the many benefits migrants bring to their host and home countries; and tackle the drivers of irregular and forced migration.

*(António Guterres, Secretary General,  
The United Nations (2017))*

The schoolyard buzzes with students passing time whilst waiting for their classes. Some of them sit chatting while others read their textbooks. Many are preoccupied with their smartphones, which have become a ubiquitous accessory amongst the students. Others help themselves with food in the canteen. There must be at least a few hundred students in the schoolyard area. For a passer-by, the school could be mistaken for an ordinary Thai school; yet, *Myanmar Migration School* is entirely made up of young adult labour migrants from the greater Bangkok area. Despite the school’s lack of official credentialisation, the Sunday school emulates the formal Thai education system including compulsory school uniforms which includes the school’s name and logo. As such, Myanmar Migrant School is highly public.

While I walk towards the canteen area, I notice a video screen displaying old speeches by Aung Sang, the revered Burmese National Independence Leader. By chance, today is “Burmese Martyrs’ day,” an auspicious occasion on Myanmar’s official calendar. The School Director, *U Ba Sein*, whom I have met several times before, spots me and comes over. He explains to me how the school operates. He tells me that language training is central, not only for students to master Thai but also to “build national and labour discipline.” Our conversation is brief as the next sessions of classes begin in a few minutes. U Ba Sein grabs a microphone and gives a short speech in remembrance of Aung San, the great independence leader of Myanmar. The students stand up in silence whilst U Ba Sein speaks. The address ends. Chatter refills the schoolyard. Classes in the rooms upstairs recommence.

## 2 *Introducing safe migration*

U Ba Sein takes me around to some of the classrooms to introduce me and my “safe migration” research to the students. Rather than any conversation about labour migration assistance, he continues the theme from the schoolyard downstairs. After a short monologue regarding the importance of national unity and democracy in Myanmar, he asks the students “who are the famous leaders of the Shan, who are the famous leaders of the Karen?.” He then explains to the students that I was a researcher interested in “safe migration” and wanted to learn about students’ migration and work conditions. Later on, outside the classroom, U Ba Sein tells me that it is important to build national and political identity of the students. “In order to have national solidarity” he says, “you must have labour solidarity.” As I would learn over time, for U Ba Sein, the welfare and work conditions of labour migrants were inseparable from Myanmar politics; a disposition which made sense given U Ba Sein’s long-term residence in Thailand as a political refugee in the aftermath of Myanmar’s 1988 student protests. As several other Myanmar political exiles in Thailand, the fate of labour migrants had become an additional topic of concern over the years.

His preoccupation with national and labour solidarity may seem disconnected from “safe migration.” Yet, his school was an extended arm of a large “safe migration” programme, funded by international aid. With the school’s relatively large enrolment of nearly a thousand predominately Myanmar students (and a handful of Khmer and Lao labour migrants), the school had potential as a conduit for aid programmes that target labour migrants. Through donor funding, the school had a status as a “migrant resource centre” (MRC).

MRCs have become a common ingredient amongst several aid organisations that implement safe migration interventions and other forms of migrant assistance. Nominally, an MRC serves as a focal point where labour migrants can seek advice relating to migration status (passport and work permit policies) and assistance with lodging complaints relating to underpayment, work accidents, and abuse. Although the language school’s formal role appeared to be an odd fit, the classrooms served as an entry point for awareness raising for labour migrants. The school’s potential as a conduit to labour migrants was also significantly amplified by the ubiquitous use of social media amongst the students. Despite the school being highly localised (in spatial terms – a school), its social and spatial reach straddled well beyond the schoolyard through Facebook and other social media platforms. The school’s own Facebook account had more than 12,000 followers (as later chapters will show this is a tiny following compared to other migrant assistance groups) where a range of migration-related media content could be shared (such as information on new visa regulations, etc.). Furthermore, language training made sense as a safe migration intervention given the importance of language acquisition in order to obtain better employment thereby pre-empting poor work conditions, and – importantly – equipping migrants with skills to seek help if needed. The Migration School is one

out of numerous examples of safe migration initiatives scattered throughout Thailand and its neighbouring countries.

### **Brokered safety**

This book examines *safe migration* – migrant assistance that comprises pre-emptive and protective measures to enhance labour migrants’ work conditions and well-being – which has become an emergent aid modality in the Mekong region and elsewhere. The school visit I describe foreshadows the multifaceted ways in which safe migration interventions unfold. The language school serves as a central component within a supply chain of international aid assistance, glossed in policy terms as safe migration interventions. At the same time, the school indicates how “safe migration” goes beyond a narrow focus on “legal” and regulated migration. Ultimately, language training is more important than training on labour rights at the Myanmar Migrant School. As U Ba Sein himself told me, “you may be legal but still not happy,” hinting at the commonality of underpayment and abuse in his students’ workplaces regardless of their legal status.

At the same time, the school denotes how aid interventions become (re) appropriated and altered through implementation. Despite the school serving as an MRC under the auspices of a “safe migration” intervention, any programme jargon is overshadowed by a Burmese-specific discourse that marries labour migration with Burmese political futures and pan-ethnic solidarity. This is not to say that the school ignored its role as an MRC. Language training was after all recognised by the donor as the main activity that took place. The classrooms were often used as a social space where students’ migration-related problems could be expressed. Yet, it was evident from conversations with both U Ba Sein and several of his students that despite a specific focus on labour rights and migrants’ well-being, there were obvious limitations to how the school and students alike could affect meaningful change. For example, the same day of my visit I spoke to *Ma Ni*, who is one of the students at Myanmar Migrant School. She had left her employer due to underpayment, she told me, but as Thai law required the employer’s written consent to let her change jobs, it had put her in an impossible limbo regarding her migration status. Other students faced the same problem in spatial form: students possessing “pink cards” – a semi-formal work permit that is commonplace in the Thai labour economy – were technically in breach of their visa condition when crossing provincial boundaries. Ironically, although the school was part of a safe migration programme, some students exposed themselves to risk when attending training sessions on safety as their place of employment and residence were located elsewhere. U Ba Sein told me on a later occasion that he had several cases over the years where students had been arrested due to these legal arrangements.

Yet, it was precisely document status and labour rights empowerment where donors wanted to see more work done. But, this was problematic for

#### 4 *Introducing safe migration*

the school. Pushing students can backfire, U Ba Sein alleged, pointing to how other migrant groups had encouraged pseudo-union activism amongst migrants which only resulted in the migrants getting in trouble with the authorities. As one of the teachers told me, the main value of the school for the students was how it helped them indirectly with changing employers which allowed better pay and conditions, despite the aforementioned implications this had for legal status. Rather than training on labour rights, it was the mere fact of obtaining better language skills that was meaningful for students, the teacher alleged.

The tension between the school and its international funder reflected different perspectives on how safe migration is achieved. Whereas the school favoured language training, the international agency held mixed views. From the point of view of an aid evaluation, language training under the auspices of a safe migration intervention can be both applauded and critiqued. Teaching Thai (and English) made sense as it constituted a proactive form of assistance: language skills empower migrants to avoid exploitation in the first place. As such, it produces “safety.” Indeed, unpublished studies pointed to the fact that students ended up with better paid jobs after attending the school, which was echoed in my own interviews with several students.

Yet, such results may just as well reflect students social disposition acquired over time in Thailand. As one expatriate aid official familiar with the project pointed out to me: “language is not really the point.” From an aid programme’s perspective, how can you attribute causal linkage between improved language skills and better labour outcomes? These concerns make good sense within an aid monitoring and evaluation habitus. As mentioned above, language training had limited direct effect on the various structural problems’ students faced relating to work permits and visa status. Furthermore, most students had already been in Thailand for several years before enrolment and could hardly be considered representative of inexperienced, vulnerable labour migrants. In this sense, the school arguably manufactured “success” as the students are pre-dispositioned to succeed given their accumulated migration experience (a phenomenon that we will return to throughout the book, see also [Huijsmans 2012a](#)).

Still, my ethnographic sensibilities made me curious why some aid officials questioned language training as a “successful” safe migration initiative. To my knowledge, the school was the only activity under the auspices of safe migration where beneficiaries paid – through tuition fees – to access the service. The simple fact that poor labour migrants, by their own volition, chose to spend the only day they have time off to attend a language school indicated that – at least from the point of view of the students – the school certainly had value *for them*. With enrolments fluctuating between 800 and 1200 students, and the school being in its 10<sup>th</sup> year of operation it seemed curious how the intervention received less attention from the safe migration sector. In contrast, some safe migration programmes lauded

other MRCs that worked directly on compensation claims for migrants as a “success” (ILO 2012), despite the fact that practitioners were well aware that a court-ruling did by no means guarantee enforcement of a compensation claim. Hence, the school foreshadows the importance of ethnographic attention to how safe migration outcomes are both contested and mobilised along different scales of aid delivery, a theme that will be examined throughout the chapters.

The book’s ethnographic focus also means adopting a sideway glance (Hannerz 2003), that is, embracing an astute interest in the wider context of the social milieu one observes. What falls outside an aid programme’s vision and formal practice becomes crucial. During fieldwork, important side effects of the school’s operation became apparent which was to my knowledge invisible in aid reports and possibly to several aid workers within the safe migration aid sector in Thailand. The awareness raising which took place in the classroom produced its own counter-intentional effects. U Ba Sein was quite open with me that awareness raising on legal and safe migration “also provides opportunities for brokering practices.” Several students took on the role as informal brokers due to their newfound knowledge on visa processing, Thai labour law and other handy tips for labour migrants. “Work permits,” U Ba Sein said, “brokers can eat from that one!” Although a central tenet of safe migration discourse proclaims that informing migrants on legal migration pathways contributes to eradicating migrant brokers, the school’s safe migration activities had multiplex effects: while the awareness raising benefitted students in navigating their migration, the school was at the same time – even according to their own director – a broker-incubator. This may seem both self-defeating and tragicomic yet point to a broader claim this book makes: what appears as mutually exclusive oppositional principles, practices, and actors within formal safe migration aid delivery are intertwined and co-dependent in practice. Assistance and harm, safety and risk, the legal and extra-legal, and eradication and production are not opposites but part of the same configuration.

As our introductory ethnographic vignette demonstrates, the school is riddled with paradoxes where opposites are brought together: the school’s simultaneous overt and covertness (despite operating publicly with a license and school uniforms, many students nonetheless must tacitly navigate precarious migration status to access the school); the local and immediate versus the distant and abstract (how programme implementation appropriates its own local style in contrast with the aid discourse which funds it); frictions between formal assistance and informal needs and values (what is valuable for recipients is questioned within a monitoring and evaluation aid framework); and, finally, how safe migration interventions end up producing one of the very phenomena it seeks to eliminate: brokers. Hence, this book is an ethnography of how safe migration comes into being through various practices by governments, United Nations (UN) agencies, non-governmental organisations (NGOs), and local community-based initiatives – such as the

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Myanmar Migrant School. The book traces the emergence of safe migration, why certain aid actors gravitate towards the concept, as well as how the concept moves from the discursive and abstract (how it is verbalised) to the social and material (how it is practiced). More specifically, the book argues that:

- 1 Despite a nominal adherence to procedural rule-bound migration governance, safe migration instrumentalisation depends on, and produces informal practices. Just as the school's formal safe migration interventions piggybacks on localised Myanmar-specific idioms of national identity, formal awareness raising produce (as opposed to eliminate) informal brokers – a phenomenon which official safe migration discourse wishes to eliminate.
- 2 *Yet, such informal practices are not extrinsic to governmental structures but constitutive of them.* Hence, safe migration brings together oppositional actors into a range of forms of co-dependency, either through patron-client relationships or brokering practices. Government bodies, NGOs, brokers and other safe migration actors co-opt and become co-opted through these relations.
- 3 Just as actors are both oppositional and co-dependent, safe migration interventions furnish divergent outcomes where assistance, help, exploitation, and abuse are co-produced. As following chapters will show, although safe migration assistance in the form of migrant hot-lines, pre-departure training to formal documentation of workers is tremendously useful for migrants, they are also central to creating new forms of social control, either through deportations, or forms of bondage. Rather than safety, freedom, empowerment, exploitation, and abuse being opposites, they are co-produced.

Hence, safe migration in the Mekong region, the book argues, is best understood as *brokered safety*. Furthermore, the ways in which formal safe migration interventions depend on oppositional yet co-dependent informal practices cannot be understood without careful attention to their temporal and spatial significance. Safe migration interventions relativise social space and connectivity: informal practices, despite being highly localised, have larger spatial reach compared with “high tech” abstracted approaches (such as donor-driven mobile phone apps). At the same time, safe migration interventions produce spatial and temporal reversals. As coming chapters will delineate, safe migration outcomes often precede intervention, or are premised on spatial “U-turns” (e.g. pre-departure training taking place *subsequent* to arrival in the destination country). Throughout the book, the theoretical implications of this dimension of spatio-temporal governance will be fleshed out.

The Mekong region is an ideal place to investigate safe migration, not only due to its enormous labour migration pool but also how safety and

risk are central to the region's migration and development trajectories and rationales:

The ethos of entrepreneurialism relies on people taking a chance, on people taking risks. This premise is fundamental to the sensibilities sweeping through the region. Yet at the same time, millions of development dollars go into supposedly mitigating unwanted consequences, based on a pre-emptive logic of “measure, avoid and/or compensate.” There is a very basic tension here. On the one hand, people are encouraged to try their hand in market engagement in freeform ways one cannot anticipate and, on the other hand, we work with a logic that suggests we can anticipate and take care of undesired consequences before they happen despite the fact that aspirational endeavours are premised on their unpredictability.

*(Lyttleton 2014, 9–10)*

As such, a belief in socially engineered safety goes to the heart of policy thinking relating to both labour migration and development in the region. To be clear, the book's central concern is not what aid organisations and policy officials intuitively ask (does safe migration work?) but rather *how* it works (see [Mosse 2005b](#)). Within UN agencies and NGOs, their internal institutional logic shapes knowledge production. They see the social milieu in which they operate through the eyes of their prescribed objectives and mandates that are geared towards orchestrated change. This predisposes aid actors to easily confuse prescription (how things ought to be) with description ([Neumann 2017](#)). As such, aid documents and evaluation reports tell us more about the implementers and less about the social reality they seek to transform. In order to appreciate how the policy concept safe migration mobilises institutional practices, it is necessary to move beyond the formal self-definition of policy. As will become evident throughout this book, social practices that operate beneath the surface of formal policy implementation are central in order to grasp how safe migration comes into being, hence the need for an ethnographic approach. Before expanding on the book's methodological approaches, it is necessary to introduce the concept itself.

### **Safe migration: The concept**

“What is safe migration?” Nick, a senior expatriate aid official within a large aid organisation, repeats to himself the question I just asked. “Well, it is migration that is safe.” Throughout my research, I would often hear responses like this. The concept seems so simple yet ends up as a tautology which renders it devoid of meaning. As later chapters will show, aid officials who work for safe migration programmes often struggle immensely with even explaining the concept to themselves. Yet, when pressed, practitioners



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will commonly allude to four central characteristics which can be summarised as follows.

First, safe migration includes programmes and policies which seek to legalise labour migration. Enabling migrant workers to obtain passport, necessary visas, work permits, and associated formalised entitlements (such as health insurance) are considered a central pillar within safe migration. As such, safe migration is nothing new, given several decades of various guest worker and circular migrations schemes worldwide (Feldman 2011a; Skeldon 2012). Yet, as many practitioners are quick to point out, legal migration status does not necessarily equate with safety for migrants as employers may subjugate migrant workers by withholding their passports or subject them to other abusive practices (de Genova 2007; Suravoranon et al. 2017). Furthermore, it is notable that despite a seeming state-centrism given its focus on legal documents, safe migration has had considerable input from humanitarian and development actors with a “pro-migration” philosophy. Hence, safe migration embraces and critiques legal migration.

Second, safe migration includes what may be referred to as progressive awareness raising. Whereas early anti-trafficking programmes (to be explored in the next chapter) could at times take on a strong anti-immigration tone where “staying where you are” (Thatun and Marshall 2005, 46–63) became an extended form of border control and migration prevention, safe migration turns this on its head. I witnessed this change myself when I worked on anti-trafficking programmes for the UN in the early 2000s where the UN theme group on human trafficking in Laos gradually moved from a focus on “don’t go” to “go safely.” Hence, realising that villagers will migrate no matter what governments and UN agencies may say or do, it is more feasible to support this process.

Beyond focusing on travel documents, implementers of safe migration awareness raising commonly emphasise the kinds of relationships that are central for migration outcomes, exemplified in safe migration training manuals:

Do you know anyone who lives in the town to which you are going?  
Do you have that person’s phone number?.. Are you travelling with friends?... Do you know anyone who has been hired through this person or a recruiter before?... Do you know an organisation or person to contact in the other town/country – if something goes wrong and you need help and safety?

(*World Vision 2014, 11–14*)

Such questions come to the fore within pre-migration interventions, which in effect expands migration facilitation beyond the legal material (travel documents and work permits) to the social: interrelations become the key to migration safety. Hence, in addition to legal documents and awareness

raising, calibrating the right kind of social capital is a third important element in safe migration discourse.

Finally, safe migration also takes the shape of a counter network: as migrants move through space, a range of support services within source communities, during transit and in destination points, are meant to act as focal points where migrants can seek assistance. As later chapters will show, this may take the form of hotlines, outreach services, social media or – as alluded to at the beginning – in the form of MRCs.

All these elements are usually framed in terms of vague notions of a well-regulated migration system, which is why safe migration is commonly mentioned alongside kin phrases, such as “well-managed,” “ordered,” or “regular” migration. As will be delineated in the next chapter, despite less media attention compared with global anxieties relating to human trafficking and modern slavery, safe migration has emerged as a central migration governance discourse in recent years. As foreshadowed by the epigraph at the beginning of this chapter, the UN accentuates safety as a central policy focus through its *Global Compact for Safe, Orderly and Regular Migration (GCM)* (United Nations 2018). Relatedly, the UN underscores the importance of safe migration through its Sustainable Development Goals which includes “[facilitating] orderly, safe, regular, and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.” (United Nations 2015, 27)

As alluded to above, important temporal (progressive awareness raising *before* departure) and spatial connotations (assisting migrants as they move *through* space) are central to safe migration governance. The theoretical significance of them is worth spelling out.

### **Safe migration: Theoretical deliberations**

At first glance, safe migration is grounded in migrants’ lifeworlds. However, the term’s main impetus is rather different. Safe migration emanates from NGOs and UN agencies, many of them being anti-trafficking programmes, which work on migration assistance. Hence, safe migration points to instrumentalisation. Just as humanitarianism constitutes a discourse of how one may act upon human suffering (as opposed to human suffering in itself, see Fassin 2011a), a starting point for any exposition of safe migration must recognise it as a discourse of orchestrated change. The concern is not in what ways “safe migration” may reflect migrant practices as such; rather, how a range of agencies may operationalise safe migration through programmes and practices. Hence, the concept primarily exists as a technocratic discourse within aid agencies that work with migrant labourers. Theoretically, this takes us to a broader question regarding the relationship between epistemology (how knowledge is produced) and governance (strategies and techniques for subjection and objectification). Two theoretical strands have particular relevance in this regard: the mobilities turn and

post-panopticism, which both have important spatio-temporal implications for how we understand safe migration interventions.

In recent years, social scientists have given increasing attention to mobility. Although a range of mobile phenomena, such as migration, are not new, there are important changes in the way mobility is theorised. One of the most prominent scholars in this field is John Urry. In his book *Mobilities* (Urry 2007), he argues that not only is there empirical evidence of increasing mobility in the world (such as the intensity of travel); mobility is also about epistemological and ontological change. Traditional social science, Urry argues, is premised on “container models,” where social phenomena are construed as taking part within territorial units. This has resulted in mobility being treated as a “black box” (Urry 2007, 12) and thereby received less analytical attention. Moving beyond static and sedentary modes of theorising, the mobilities turn takes mobility as a point of departure for academic inquiry. As such, mobility is not merely an empirical object which ought to be given more attention, it transforms the social sciences. Mobility invites us to revisit epistemological foundations of knowledge production.

Børenholdt usefully extends this line of inquiry by considering how mobility is linked to governmentality. Whereas Urry invites us to consider mobility as subject – and not merely object – of knowledge, Børenholdt argues that mobility in today’s world extends beyond being an object to become an instrument of governance. In other words, “government and governmentality do not only deal and cope with mobility; they work *through* mobility.” (Børenholdt 2013, 27). Travel documents (such as passports) are prime examples of this governing principle, neatly recapitulated by Keshavarz:

Another factor that makes passports special compared to other material techniques of border control is their actual mobility due to their configuration. Compared to the majority of border techniques, which are technically fixed and bound to the geographical location of the border, passports are conceived to be mobile, to be carried. (2011, 7)

In short, mobilities enable us to think about mobility and migration as subject of politics and knowledge. In this context, is it useful to consider another theoretical line of inquiry: *post-panopticism*.

Post-panopticism stems from Foucault’s influential work on disciplinary power. This body of work has been explicated *ad nauseum* and does not need to be repeated here. Panopticism applicability to contemporaneous societies has been subject to considerable debate amongst several scholars (Boyne 2000; Gane 2012; Lyon et al. 2012). Contemporary societies, some argue, are not premised on a disciplinary power as discussed in Foucault’s seminal *Discipline and Punish* (1977). Ranging from the works of Zygmund Bauman on *Liquid Modernity* (Bauman 2000) to Deleuze and Guattari exposition of *assemblages* (Deleuze and Guattari 1988), governance, they argue (in different ways), is not premised on hierarchical, diagrammatic

modes of surveillance (as implied by the panoptical model) but polymorphous networks, or seduction rather than discipline. We have, it is argued, entered an era of *post-panopticism*.

Post-panopticism has taken several different lines of inquiry. However, there are two inter-related areas of analysis that are of particular relevance to this book. First, post-panopticism implies a critique of static, sedentary ways of both theorising and governing, pointing to a territorial understanding of power where discipline becomes a function of demarcated configuration of space. Similarly, to mobilities scholarship, post-panopticism attempts to break away from social theorising premising on “container models.” Second, post-panopticism denotes a move away from discipline to control and security. In *A Thousand Plateaus*, [Deleuze and Guattari \(1988\)](#) point to how government resembles rhizomatic, de-territorialised networks. Rather than social control of bodies through discipline, mass media and information technology become the basis for modulation. Deleuze explicates the distinction thus:

The different internments or spaces of enclosure through which the individual passes are independent variables: each time one is supposed to start from zero, and although a common language for all these places exists, it is analogical. On the other hand, the different control mechanisms are inseparable variations, forming a system of variable geometry the language of which is numerical (which doesn't necessarily mean binary). Enclosures are moulds, distinct castings, but controls are a modulation, like a self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point.

*(Deleuze 2006, 4)*

In this sense, control replaces territorialised, disciplinary surveillance with modulation that can be thought of as a system of coding and sorting. This departure from territorialised disciplinary power is also evident within the later writings of Foucault. In *Security, Territory, Population* ([Foucault 2007](#)), he expands on his former analyses of sovereign and disciplinary power. *Security*, Foucault argues, becomes evident from the 18th Century onwards in part due to increasing complexity of town life. Rather than government being premised on enclosure, *circulation* becomes a new mode of organising social space. In contrast with discipline, which is premised on surveillance of elements within a territorial unit, security is open-ended. Here, it is worth quoting Foucault at some length:

... the town will not be conceived or planned according to a static perception that would ensure the perfection of the function there and then, but will open onto a future that is not exactly controllable, not precisely measured or measurable, and a good town plan takes into account

precisely what might happen. In short, I think we can speak here of a technique that is basically organised by reference to the problem of security, that is to say, at bottom, to the problem of the series. An indefinite series of mobile elements: circulation, x number of carts, x number of passers-by, x number of thieves, x number of miasmas, and so on. An indefinite series of events that will occur: so many boats will berth, so many carts will arrive, and so on. And equally an indefinite series of accumulating units: how many inhabitants, how many houses, and so on. I think the management of these series that, because they are open series can only be controlled by an estimate of probabilities, is pretty much the essential characteristic of the mechanism of security.

(*Foucault 2007, 35*)

The temporal dimension is significant. Whereas disciplinary power produces subjects through its effects within an enclosed territorial unit, security produces subjectivities *in advance*. It is important to note that this is not new. Both medicine (diagnosis, disease control) and insurance (risk) are examples of how anticipation becomes the premise for assessing regimes of intervention (*Boyne 2000; Lakoff 2010*). We may call this *technologies of the probable*. Several post-structuralist scholars, such as Jean Baudrillard, have shown how such technologies often take the form of simulation. David Lyon neatly encapsulates Baudrillard's position thus:

In the disciplinary machine, verification precedes judgment. Although it aims to produce automatic obedience, panoptic surveillance nonetheless reacts to events—it notices, identifies and categorizes them before passing this information on to authorities that determine its ultimate significance. In control societies, however, judgment is far more proactive. The simulation model structures the event's production and meaning, and passes judgment in advance. Surveillance is relegated to a secondary function and is only there to monitor the performance of the model.

(*Lyon et al. 2012, 7*)

As later chapters reveal, safe migration interventions – such as pre-departure training – embody both simulation (which sometimes includes role-play) and coding (work and travel documents become a labelling system for calibrating migration outcomes). Hence, safe migration constitutes an important empirical case study which dovetails several of the characteristics which both the mobilities turn and post-panopticism allude to. As safe migration is about enabling safety in migration (as opposed to anchoring it), the policy task becomes how to govern migrants as they move through space as opposed to being confined by it.

In later chapters, we will explore hotlines and the use of social media (alluded at the beginning of this chapter) as central components of

migrant assistance. Clearly, this points de-territorial modes of governance. Furthermore, as safety is premised on pre-emption, interventions need to precede action. The aforementioned language training and awareness raising are examples of this form of intervention, and we will explore several other safe migration interventions premised on a pre-emptive temporal logic in coming chapters.

This is not to say that anticipatory modes of governance necessarily replace disciplinary, territorialised power. As will become evident, the two governmental logics can operate in tandem, such as pre-departure training which both attempts to “mould” a particular migrant subjectivity (often within the territorial, bounded space of a training centre) and forestall risk in migration (which can even include simulation in the form of role play). Yet, programme objectives and intent are geared towards enabling mobility as opposed to domesticate migration. It is precisely the intersection between the static and de-territorial which becomes both analytically and empirically important for analysis. Whereas the aforementioned examples are premised on an expectational logic (i.e. social engineering takes place in *advance*), safe migration responses are also gauged in terms of counter-networks of protection. De-territorial interventions – such as hotlines – are meant to assist migrants once they experience various types of difficulties during their labour migration. Here, safety is construed *post hoc*; they are reactive responses to events which have already occurred. Yet, as will become evident, ability to react is intimately tied up with what has preceded and what actors have been connected.

This connects to a broader analytical point regarding safety itself. The concept has become an omnipresent concern in contemporaneous societies, ranging from regulation of the workplace (occupational health and safety), child raising practices (ranging from manufacturing standards of toys to crime prevention), transport (e.g. accreditation, insurance, and legal liabilities), and even warfare (minimising casualties of armed personnel). Yet, analytical attention to safety is largely neglected in the social sciences, perhaps in part due to the simple fact that “safety is defined and measured more by its absence than by its presence” (Silbey 2009, 368). In the modern era, safety has emerged as a central concern in the context of the advent of industrialisation and the nation state, where the regulation of labour and capital (industry, workplace regulations) and large-scale industrial disasters (e.g. Chernobyl) have been central catalysts. In this context, two analytical points can be made. First, concerns with safety are frequently instrumentalist and reductionist. As Silbey argues:

Although invocation of safety culture seems to recognize and acknowledge systemic processes and effects, it is often conceptualized to be measurable and malleable in terms of the attitudes and behaviours of individual actors.

(Silbey 2009, 343)

As later chapters will show there are important political stakes in how safe migration practice attempts to navigate between inducing systemic safeguards and neoliberal notions of (individuated) responsibility in labour migration. Second, safety underscores the aforementioned temporal significance of migration governance: safety can only be engendered in advance. Its organising logic is premised on expectancy. As such, this book contributes to filling a crucial gap in explicating how safety makes and is made of policy practices. Furthermore, safe migration as a contemporaneous policy formation raises important questions of how governance relates to temporality and space. Yet, how governance materialises in specific contexts cannot merely be deduced from policy logics but must be subject to careful empirical investigation. As this book will demonstrate, the spatio-temporal logics of migration governance must be understood in light of a myriad of mediated practices which straddle different actors and policy domains.

Such mediated practices take us in turn to our final theoretical construct: brokers and brokering. In the following chapters, a lot will be said about this, both empirically and analytically. For now, I will merely foreshadow how brokers (Burmese: *boisa*; Thai and Lao: *nai na*) are central to connecting and mediating separate social realms, which may include spatial (such as transporting migrants across international borders), institutional (connecting migrants with authorities in order to obtain documents, or submit a work accident claim), or moral realms (how both material and symbolic profit ensues from brokering practices). It is precisely these qualities which make brokerage a central problematisation within safe migration discourse (e.g. the morally dubious status of brokers as possible risk for migrants), yet helps explain why safe migration programmes themselves become depended on (and even produce) both brokers and brokering practices, often without safe migration programmes themselves being aware of it.

## **The research**

The book is based on ongoing fieldwork in Thailand, Laos, and Myanmar over an seven-year time period (2013–2019), which is part of one of the world’s largest hubs for precarious, low-skilled labour migration (Martin, Erni, and Yue 2019). The research sprung out of my earlier research on anti-trafficking interventions along the Lao-Thai border (Molland 2012b). Over the years, I noticed how several individuals and organisations within the antitrafficking community in the Mekong region would appropriate and utilise the term “safe migration” in their work. My exposure to safe migration predates my academic work on migration in the Mekong region, when I worked as an advisor for one of the Mekong region’s first regional UN trafficking projects. Alongside “human trafficking” and “modern slavery,” safe migration was emerging as yet another “buzzword” in the aid sector. Whereas scholarly attention has generated considerable mileage in relation to trafficking and

modern slavery (Gallagher 2017; Kempadoo et al. 2015; Kotiswaran 2017; O’Connell Davidson 2015; Stoyanova 2017), academic interrogation of safe migration is to this day nearly non-existent (for exceptions, see Bylander 2019; Huijsmans 2014; Kiss and Zimmerman 2019; Molland 2012a). Safe migration was to me low-hanging fruit which was waiting to be studied. The harvest is this book.

Methodologically, my fieldwork has been based on what I have elsewhere labelled “tandem ethnography” (Molland 2013), that is oscillating methodology between the domain of policy one seeks to investigate and the social world which the policy domain attempts to objectify. This involves interrogating the discursive characteristics of safe migration, coupled with tracing how it becomes operationalised through practices. As such, the research follows multi-sited ethnographic research, which has by now become a conventional way of conducting ethnographic research. The exact locales I ended up investigating dependent on where various organisations implemented their activities. As will become evident, parts of the research itself are not primarily defined by geographical specificity as some interventions have de-territorial qualities (such as the use of social media). The large bulk of this research was carried out in the greater Bangkok region but with several trips to both many parts of the Lao-Thai border, as well as several visits to Myanmar and Laos. This includes accompanying aid programmes’ safe migration awareness raising within migrant source communities and safe migration interventions at border checkpoints; examining migrant hotlines and the virtual world of migration assistance; and shadowing how NGOs process work compensation claims and employment disputes. It also encompasses visiting the numerous language training centres and outreach services provided by MRCs; investigating the regulatory environment and conduct of recruitment agencies; as well as in-depth interviews with ubiquitous brokers along supply chains of migration assistance. As such, this book is in methodological terms just as much a study of institutional practices – by “studying through” their operational logics (Wedel et al. 2005, 40) – as an investigation of migration and aid.

In initial stages, my fieldwork centred on Lao migration to Thailand, given my pre-existing research focus on these two countries. Yet, over time, it became clear that despite several organisations claiming to include a focus on Lao migrants in their programmes, actual programme implementation amongst the Lao was either limited or non-existent. In effect, studying Lao-based safe migration activities became a study of nothingness (a conundrum we will consider in later chapters). In contrast, through my hunt for Lao safe migration activities, it became clear that migration assistance relating to Myanmar migrants was ubiquitous. In glaring contrast to Lao project activities, there are numerous organisations working amongst Myanmar migrants, a reality that was simply too dominant to ignore. A generous grant from the Australian Research Council (awarded in 2015) allowed me



to considerably expand my research to include a focus on both Lao and Myanmar migrants. Indeed, contrasting these two groups comparably is crucial in order to understand how safe migration is mobilised, a topic to be explored in the next chapters. Why not studying the Khmer – the third main labour migration group in Thailand – one may ask? The answer is simple and pragmatic: given the intensity of ethnographic approaches adding a focus on Khmer-related safe migration would spread the research too thin. Although the research did engage with some Khmer-related migration assistance, I simply have not had scope to include a Khmer-specific focus in this study.

The multi-sited nature of the research has necessitated the deployment of several research assistants. As such, my approach echoes Fredrik Barth's seminal multi-sited ethnography on Bali sociality where one "[can] not rely on data from one or a few locales only, as it [is] precisely the transferability of understandings from one situation to another" (Barth 1993, 22) that is central to examining variation across scale. Although I speak some Lao and Thai, research assistants were needed in order to cover the multi-lingual environment I was operating in (Lao, Thai, Burmese, Mon, Pa'O, Shan). Throughout my research, I collaborated with two trilingual research assistants in Thailand (with Thai, Lao English and Thai, Burmese, English language capacities.) I also collaborated with research assistants during visits to Laos and Myanmar. All research assistants had a combination of postgraduate training in the social sciences or considerable experience with applied research and programme implementation relating to migration assistance. My two research assistants in Thailand also carried out directed data collection during my absence during teaching semesters at my University.

During fieldwork, we spoke with, interviewed, observed, and interacted with numerous actors relating to safe migration and migration assistance, including donors, government agencies, international and local NGOs, migrant self-help groups, brokers, and migrants. More specifically this includes five UN agencies, more than a dozen government bodies, and more than thirty NGOs and migrant assistance groups. More than eighty individuals from these bodies have been interviewed with different levels of intensity. Several of them allowed me to also accompany and observe activities during implementation. In addition, more than a hundred migrants were involved in interviews or informal conversations relating to their migration experiences. Throughout this book, pseudonyms are used for both individuals and organisations, except in cases where their identities are on the public record. In some cases, I have also provided pseudonyms of places and altered details pertaining to certain events.

Readers familiar with the Mekong region may notice that although I have a great deal to say regarding the contrasts between Lao and Myanmar migrants (see [Chapter 3](#)), I only peripherally detail the multi-ethnic dimensions of Lao and Myanmar migrants. Although ethnicity may have

important bearings on the social organisation of migrants in Thailand (in part due to political and armed conflict in Myanmar), I was unable to penetrate this level of granular detail throughout fieldwork. Although some of the migrant assistance groups I have studied were based on ethnicity, many other groups were pan-ethnic and based on other organising principles (e.g. migrants joining associations based on dormitory residence proximity). Hence, throughout the book, I refer to nationality (i.e. Myanmar and Lao migrants) as opposed to ethnic identity, except a few cases where this is pertinent to the analysis. Throughout the book, I interchangeably refer to both Myanmar and Burma as there is no established consensus on proper usage of the country's name. Hence, referring to "Burmese migrants" implies nationality as opposed to the ethnic label *Bamar*, unless specified.

Although the research did engage migrants, it is important to point out that this book is not a study of labour migrants per se. As such, the book builds on current anthropological work on migration in that it places focus on migration infrastructure. What is of concern is not why migrants move but what actors (and non-actors) move migrants (Lin et al. 2017). Extending this line of inquiry, a study of safe migration management then does not ask what makes migrants safe but how safe migration makes migrants.

## **The book**

The book comprises three parts. Part 1 *Situating Safety in Migration* examines the ascendancy of safe migration and the various reasons why donors, UN agencies, NGOs and other actors have warmed to the concept. In addition to situating safe migration amongst related discourses, such as modern slavery and anti-trafficking interventions, Part 1 also demonstrates the importance of the geographical, cultural, and social context of the study. Such contextualisation includes detailing important comparative differences between how Myanmar and Lao migrants are integrated into Thai society, which is crucial for appreciating how safe migration activities unfold.

*Part 2, Modalities of Intervention*, documents ethnographically how aid agencies operationalise safe migration through policy frameworks, ranging from policy interventions premised on behaviouralist discourses and anticipatory logics (such as pre-departure training of migrants), state-centric safety provision in the form of legal migration pathways (passports, work permits), and the regulation of migration infrastructure (recruitment agencies) to various safety net mechanisms (hotlines and outreach services). As will become evident, all these interventions relativise spatial and temporal dimensions of policy which furnish mediating practices that are often counter-intentional to formal policy.

*Part 3, Safety Mediated*, explicates how the various modalities of interventions discussed in Part 2 intersect with a range of local practices

and contexts. The importance of brokers as mediators of assistance must be understood in light of how different humanitarian registers works differently across different institutions (such as health services compared with labour dispute resolution cases). At the same time, Part 3 demonstrates through meticulous ethnographic detail how brokerage and migration assistance are part of the same configuration, and how brokerage is situated within a range of informal practices including both old (reciprocity, moral economies) and new forms of connectivity (social media) which helps explain how safe migration is ultimately underpinned by brokered safety.

**Part I**

**Situating safety in migration**



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## 2 From traffic to safety

### The allure of safe migration

The Anti-trafficking candle is burning down

*(Robert, Senior Official for an international  
development agency)*

SVERRE: what is safe migration?

ROBERT: Safe migration? It doesn't work. Its bullshit!

Struck by Robert's blatant rebuttal of the very concept that underpins his work, I ask him to elaborate.

It's a bit like smoking. You have all these laws and campaigns, but at the end of the day people carry on smoking. People [migrants] go anyway; they know it's risky, but don't have much choice. Safe migration is regular migration. This involves passports, hotlines, connections between employer and sending country. The Philippines is a bit like this. But lots of this does not work because information is not actionable. A classic example is hotline numbers not resulting in help but deportations.

Robert is a senior manager within a large UN agency that works on safe migration. He has extensive experience in anti-trafficking and migration work in the Mekong region. As with many other aid officials within this sector, he earlier worked for anti-trafficking programmes but was now working for a programme with a wider focus on safe migration. My conversation with Robert is one of the numerous exchanges I had with aid officials, donors, and practitioners who work on safe migration. Yet, Robert is different to many other officials I know within the migration sector. His brazen honesty and self-criticism make him different to many other aid officials. Not that other officials would not be critical or reflexive about their own work (as later pages will show, they are), but Robert is particularly sharp in his indignation. Despite working for one of the larger international agencies which formally advocates for safe migration as a policy strategy, he does not mince his words about his misgivings of safe migration interventions. "Impact is a concern" Robert continued. "How do we

know there is change in behaviour?” His exasperation with safe migration was curious.

At the time of the interview, the UN was in the drafting stages of its global migration strategy – the *Global Compact for Migration* – which elevated safe migration as an overarching focus, and the recently promulgated *Sustainable Development Goals* (SDGs) similarly comprised a specific objective to “facilitate orderly, safe, regular and responsible migration” as part of its global aid architecture (United Nations 2015, 23). Yet, Robert appeared to be wanting to abandon the very concept which was now enjoying global momentum within aid and migration policy circles. Robert suggested that a more sensible approach would be to return to what anti-trafficking programmes did in the early 2000s: addressing migration vulnerability through livelihood and poverty reduction approaches, despite the fact that many Mekong-based aid agencies, including his own agency, were moving away from trafficking-specific interventions (see Molland 2012b). This is not to say that Robert was an advocate for anti-trafficking. He was even harsher in his critique of trafficking programmes and well-aware of the donor fatigue that was evolving. “The anti-trafficking candle,” Robert said, “is burning down.”

In contrast to many other aid workers, Robert is explicit in his critiques of other aid officials’ separation from field realities. “if you do safe migration you have to do it bottom up,” he says. “We rarely ask migrants what they think.” Referring to some of his earlier work in Cambodia, he says local Khmer are sick and tired of westerners coming in telling them what they should and should not do. “Don’t patronise us,” the migrants think, Robert exclaims. During our conversation, Robert repeatedly points to how informal networks amongst migrants themselves are central to successful safe migration. Yet, at the same time Robert evokes a highly abstract economic language in how he describes safe migration interventions, something I was familiar with from my earlier research on anti-trafficking (Molland 2012b):

We want to have an accurate market where you have various things such like governance, rule of law and the like. Governments need to get a handle on this. Migration is inevitable. We have a market of free flow of services and goods but not people. It’s a natural phenomenon. Safe migration is about managing this phenomenon.

Despite Robert’s insistence on local perspectives on migration, he ultimately expresses safe migration through an abstract language of market imperfections that requires regulation. As such, Robert evokes a central notion within safe migration discourse: how both the state and the individual are instruments *for* policy. At the same time, Robert highlights difficulties with evidence (“how do we know safe migration interventions are working?”) and the tensions between past and present discourses – the move

from trafficking to safe migration. Robert's blunt reflections on safe migration also reflect the discrepancy between formal aid policies and the tacit informal reflections of social actors who both produce and are produced by this discourse. Despite his critique of safe migration, he also reifies it.

This brings us to a broader question. If safe migration is – in Robert's own words, “bullshit” – how can we come to terms with why aid agencies, and the UN global migration strategy, gravitate towards to concept? How does it become a “mobilising metaphor” (Shore and Wright 1997, 3) that generates momentum (and funding) within assemblages of development aid where “safe, orderly and regular migration” presents the UN' overarching international cooperation framework on migration? This chapter explores the ascendance of safe migration in the Mekong region and the reasons why various actors – NGOs, UN agencies, Government, and donors – gravitate towards the concept. As alluded to earlier, several safe migration initiatives emanate from anti-trafficking interventions. Hence, the chapter explores the move from anti-trafficking to safe migration within the Mekong aid sector. A central claim this chapter makes is that the ascendance of safe migration cannot easily be read off in light of substantive advances in policy terms. Rather, the ascendance of safe migration must be understood in light of changing aid architectures and how safe migration enables a discursive elasticity which makes it possible for divergent actors (NGOs, UN agencies, donors, and governments) to mobilise around this nomenclature. Rather than attempting to reveal a positivist truth regarding safe migration's definitional characteristics and policy efficacy, we are concerned with what aid actors “do in the name of [safe migration] policy” (Wedel et al. 2005, 35). To appreciate this point, it is also important to consider aid actors emic understandings of safe migration discourse as this helps contextualise later chapters that explores how safe migration becomes instrumentalised.

### **From anti-trafficking to safe migration**

For a casual observer, safe migration may not be the first phrase that springs to mind when considering contemporary, global migration challenges pre-occupied with building walls to combat “people smuggling,” and “illegal migration.” Visceral humanitarian discourses that seem sympathetic to migrants – such as “human trafficking” and “modern slavery” – are stronger headline-grabbers compared to the more bureaucratically laden nomenclature of safe migration. Yet, the currencies of these discourse (as with any policy discourse) do not stand still. As the following pages will show, safe migration has largely sprung out of anti-trafficking interventions. In fact, as will become evident, anti-trafficking interventions in the Mekong region have lost considerable momentum in recent years. And this loss of momentum helps explain agencies' gravitation towards alternative discourses. In what follows, I will not explicate human trafficking and anti-trafficking interventions per se (a large body of literature delineates trafficking



discourse, see [Anderson and O'Connell Davidson 2004](#); [Doezema 2010](#); [Gallagher 2001](#); [Kempadoo et al. 2015](#)), but limit myself to consider how safe migration emerges within an aid sector which has been preoccupied with anti-trafficking.

Anti-trafficking in the Mekong region *was* big (for elaboration, see [Huijsmans 2012b](#); [Molland 2012b](#)). Throughout the 2000s, governments, aid agencies, and media gave human trafficking considerable attention. All Mekong countries ascended the then newly promulgated UN' human trafficking protocol, coupled with national plan of actions against human trafficking. An endless stream of NGOs set up trafficking projects, and media outlets frequently reported on trafficking. No less than six UN agencies implemented regional trafficking-specific programmes. The focus on trafficking was reinforced by the George W. Bush administration's Trafficking in Persons Report which reviewed anti-trafficking efforts worldwide, with possible sanctions. The fact that Mekong countries frequently rated as poor performers ensured an annual cycle of intense media scrutiny on trafficking in the Mekong region.

This focus has not disappeared. In Europe, border control policies and public discourse place continued focus on human trafficking. International and local news outlets, like the Guardian and Bangkok post, continue to report on trafficking in the Mekong region (see Thailand hit by a record number of human trafficking cases 2020; [Trafficked migrants rescued in South 2020](#)). Both the United States and the Australian governments commit large amounts of money to anti-trafficking in the Mekong region (though many other donors seem to have reduced their support for trafficking interventions). Several NGOs continue to either implement activities under the auspices of a trafficking banner, and governments in the Mekong region (and elsewhere) still respond to political pressure, such as the annual trafficking in persons' report. And aid programmes often use human trafficking, safe migration, and kin nomenclature (such as modern slavery) interchangeably which includes advocating for similar programme interventions. For example, migrant hotlines, to be discussed in [Chapter 6](#), are implemented under the auspices of both safe migration and anti-trafficking interventions. And several anti-trafficking programmes have for years included safe migration activities within their remit, typically employed, in the words of Nick (whom I introduced in the previous chapter), "as an umbrella term for prevention" (typically under the auspices of awareness raising).

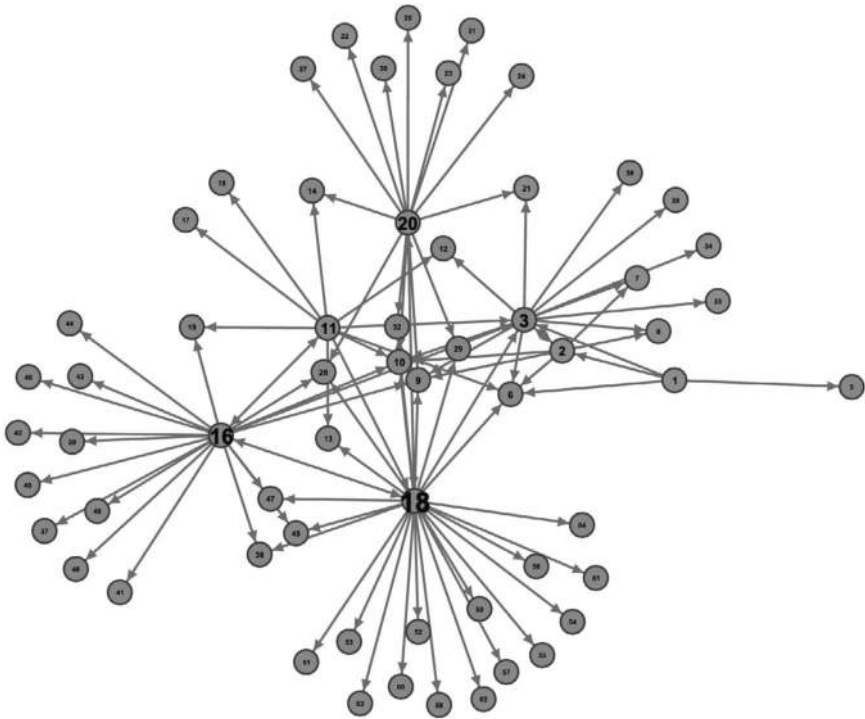
Yet, in the Mekong region, anti-trafficking has lost ground. These shifts are particularly evident in light of policy and programme activities. Writing in 2021, all the aforementioned regional anti-trafficking programmes have ceased to operate. Currently, only one UN agency maintains a specific anti-trafficking focus on a regional level (United Nations Development Programmes' *UN Action for Cooperation against Trafficking in Persons*). Laos, where I previously worked as a project advisor for the *United Nations inter-agency Project on Human Trafficking in the Greater Mekong sub-region*

(UNIAP), had more than 12 anti-trafficking programmes by various UN agencies and NGOs in the early 2000s. Towards the end of my fieldwork for this research project in 2019, the number of programmes had reduced to less than half.

Research reports show a similar trend, toning down a specific trafficking focus compared with copious trafficking-specific research in the 2000s. For example, whereas the largest nationwide study on Lao migration in the 2000s focused specifically on human trafficking ([Ministry of Labour and Social Welfare and UNICEF 2004](#)), the most recent large-scale study on Lao migration to Thailand makes no mention of human trafficking at all ([IOM 2016](#)).<sup>1</sup> Instead, it places strong focus on income levels, work conditions, and remittance flows, concluding that “[t]he Governments of Lao People’s Democratic Republic and Thailand should continue dialogue to implement a streamlined, efficient and cost-effective regular migration channel under the MOU [to be discussed in [chapter 5](#)], in order to promote more orderly, regular and safe migration of Laotian migrants to Thailand” (IOM 2016, 50 emphasis added).

UN agencies have reoriented themselves away from anti-trafficking towards safe migration. For example, the UN’s International Labour Organisation (ILO) closed its multi-million-dollar *Mekong Sub-regional Project to Combat Trafficking in Children and Women* in October 2008, replacing it in June 2010 with its *Tripartite Action to Protect Migrants within and from the GMS from Labour Exploitation (TRIANGLE Project)*, which focuses specifically on *legal and safe migration*, as opposed to trafficking. International Organisation for Migration (IOM) has similarly moved towards a broader safe migration focus through a range of projects, including its *Poverty Reduction through Safe Migration, Skills Development and Enhanced Job Placement project* (*PROMISE*). Whereas human trafficking used to be one of the IOM’s key focus areas in the early 2000s, today trafficking is presented as a sub-theme under the auspices of safe and regular migration. UNICEF, which used to run large multimillion-dollar trafficking project in the early 2000s, has ceased implementing regional, specific anti-trafficking projects. Instead, human trafficking has become a sub-topic under the auspices of child protection.

A similar shift is evident amongst other aid actors in the Mekong region. Organisations, such as Save the Children and Terre de Hommes, gradually moved away from a specific trafficking focus towards safe migration, witnessed by their “children on the move” campaigns. Other parts of the aid sector followed the same trend. Safe migration has also been “mainstreamed” within large infrastructural projects, including social impact assessments by institutions such as the [Asian Development Bank \(2013\)](#). The fact that Mekong governments have signed bilateral Memorandum of Understandings (MOUs) in order to facilitate regulation of migrant labour has provided further impetus for the reorientation towards safe migration. During my fieldwork, I carried out a social network mapping



*Figure 2.1* Network map of safe migration and aid programmes (a coloured version of the map is available in the open access online version of this chapter). The network map is based on interviews with informants (aid officials) who were asked (a) which organisations they are aware of who work on migration assistance (green arrows), (b) which organisations they have collaborated with in the two last years (blue arrows), (c) which organisations they know of that use the safe migration concept (dark pink arrows), and (d) which organisations they have collaborated with in the two last years and use the safe migration concept (brown arrows). Organisations are indicated with the coloured nodes as follows: International agencies (blue nodes), international and local NGOs (green nodes) and informal migrant associations (red nodes). The map has a certain Bangkok-bias as it is based on interviews with informants located in the greater Bangkok region. It does not reflect the full complexity of migration assistance (e.g. node 2 connects to many dozen other migrant groups).

exercise (see [Figure 2.1](#)) which clearly shows that safe migration is a dominant discourse amongst aid actors. Out of 64 different organisations that work on migration assistance, 65% of them associate with safe migration activities.

The ascendancy of safe migration is not merely Mekong-specific. As we learned in the previous chapter, safe migration has become part of the SDGs, and the UN cooperation framework for migration – the Global Compact for Safe, Orderly and Regular Migration – makes safe migration central to

global policy thinking. Notably, human trafficking merely appears as one of the 23 sub-objectives within the policy framework (United Nations 2018). Both anti-trafficking's diminished momentum and the ascendance of safe migration require explanation.

### **Explaining anti anti-trafficking**

Throughout the 2000s, both academics and practitioners voiced increasing criticisms of anti-trafficking interventions. Perhaps the best-known intervention emanated from within the anti-trafficking sector itself. In 2007, GAATW launched their report "Collateral Damage" which pointed to widespread negative effects of anti-trafficking efforts (Pollock and Global Alliance against Traffic in Women 2007). Aid reports and academic studies pointed to unintended harm to the very people anti-trafficking programmes alleged to assist (Bearup 2016; Kempadoo et al. 2015; Surtees 2013). Related criticisms were made regarding anti-trafficking's emphasis on law enforcement, which – according to critics – either had minimal effect (pointing to very low conviction rates) and in some cases outright counterproductive due to increased police corruption (Keo et al. 2014). Relatedly, both academics and practitioners have pointed to how anti-trafficking becomes co-opted for border control purposes, given that deportations are a far more common outcome of trafficking interventions as opposed to a substantive protection of labour migrants' work conditions (Anderson 2012).

A series of media scandals involving rogue anti-trafficking actors have not helped. Over the years, the anti-trafficking sector attracted a range of individuals and organisations (often with celebrity blessing), which resembles what Jock Stirrat has labelled "furry animals" (in contrast to "dinosaur-like" established aid programmes) (2006b). Several of these organisations premised their operations on highly visible social media campaigns involving exaggerated claims regarding human traffickers and bravado-like rescues of trafficked victims (Kempadoo 2015). Many of these activities resembled vigilantism and raised serious ethical questions regarding alleged victims' consent and the credibility of victim narratives that were presented (to obtain donor funding). Perhaps the best-known example of such organisations is the Somaly Mam foundation (Molland 2019a). Although the main criticism within the anti-trafficking community towards her has been the harmful (and futile) practice of rescue and rehabilitation (often against victims' consent), the public critique of Somaly Mam was largely based on her apparent factitious claims of being a trafficking survivor, something that was exposed in Newsweek (Marks 2014).

Throughout my fieldwork, aid officials from both UN agencies and NGOs (who often had previously worked for anti-trafficking programmes) expressed open frustration with anti-trafficking praxis. "There is no result!" Brenda, an official from UNICEF's regional Bangkok office, told me whilst rolling her eyes. Anthony, another senior UN official explains "rescued victims

don't want stupid vocational training that NGOs provide them. Some even escape from the NGOs!" Another regional UN official, Suzanna, told me bluntly "everyone knows ... [anti-trafficking] is useless and it doesn't help at all." Nick, who himself had worked on anti-trafficking since the late 1990s had become disillusioned with anti-trafficking responses, alleging that it "does not resonate" with donors. Similar to Robert's observation regarding the dwindling status of anti-trafficking at the beginning of this chapter, Nick confirmed that UN agencies "have all scaled back operations." Thomas, the manager of the *Trafficking Prevention and Safe Migration Consortium* (TPSMC, to be discussed in [Chapter 4](#)), similarly proclaimed to me that "donors are fed up with trafficking."

Such views appear remarkably similar to well-established academic critiques of anti-trafficking: as anti-trafficking discourse is premised on prescriptive categories – you must either be a “trafficker” or “trafficked victim” in order to elicit policy responses (more on this below) – interventions become individuated and reductionist. Anti-trafficking only targets a small number of migrants which in themselves are limited to alleged victims (counselling services and repatriation) and traffickers (prosecutions, which to date are largely unsuccessful). Hence, anti-trafficking does little to affect meaningful structural change for labour migrants, which contributes to depoliticisation of labour migrants' work conditions (Anderson 2012; [Kempadoo 2015](#); O'Connell Davidson 2012). This being said, although there is evidence of considerable critique and cynicism amongst both practitioners and academics regarding anti-trafficking praxis, this does not in itself necessarily account for the changing tractions amongst aid discourses. In fact, this would fallaciously assume one can directly deduce discursive saliency in light of programme efficacy ([Mosse 2005a](#)). Relatedly, it would be an oversimplification to suggest that safe migration has replaced anti-trafficking in a wholesale manner. As with any discourse, both anti-trafficking and safe migration unfold within a complex policy space where discourses overlap, blur, and compete. The question then is not so much how safe migration has taken on dominance, but rather under what circumstances social and institutional actors do things in the name of safe migration (Wedel et al. 2005). To appreciate this, we must pay attention to aid modalities and broader questions pertaining to the infrastructures of aid.

### **Safe migration and aid modalities**

How to advocate for labour migrants' rights and well-being within context of broader political and public ambivalence towards migrants? The aid sector's answer to this dilemma has been to appeal to emotions, evidenced by anti-trafficking discourses. This is also why some organisations have adopted the language of “modern slavery” as it, similarly to anti-trafficking, individuates a structural problem of exploitative labour into a dichotomy of perpetrators and victims. This in turn produces unambiguous moral

categories (who disagrees with assisting a trafficking victim?) which in turn mobilises responses.

Although modern slavery has become an increasing, dominant alternative discourse to trafficking (for academic critiques, see [Chuang 2014](#); [Gallagher 2017](#); [Kempadoo 2015](#); [Kotiswaran 2017](#); [O'Connell Davidson 2016](#)), its regional influence remained limited during my fieldwork. Although both ILO and IOM are contributing to the newly promulgated modern slavery index on a global level, modern slavery was yet to enjoy a similar take-up either through programme implementation that I studied or general attitudes amongst aid practitioners.<sup>2</sup>

As explained above, safe migration has become an important term amongst UN agencies, NGOs, Mekong government, and donors. Yet, safe migration does not appeal to emotions or morals. Rather than being framed in negative terms (human suffering), safe migration simply states its desired policy outcome: safety in migration. Rather than grounded in a humanitarian ethos, safe migration expresses a technocratic concern with migration trajectories. Brenda (UNICEF) explains the programmatic appeal of safe migration in contrast with anti-trafficking thus:

when you are trafficked, you are at the end of a long chain of things that have gone wrong so the task should be to address this systematically before it gets to this. Anti-trafficking has a tendency to make organisations focus on the immediateness of victims, but without thinking about the broader context in which trafficking unfolds.

Brenda is here pointing to both latitudinal (“the broader context”) and temporal (“before it gets to this”) limitations of anti-trafficking. She believes safe migration provides a more “holistic” approach. Suzanna similarly critiques anti-trafficking for being “too much of a boxed approach” which provides piecemeal interventions (such as rescuing victims) but without addressing questions of why labour markets and migration are structured in ways which produces vulnerability amongst labour migrants. Suzanna told me: “We wanted to move away from small projects. Trafficking is too narrow. This is where it links with safe migration. It’s about the whole migration cycle.” Similar to Robert’s comments at the beginning of this chapter, Suzanna and Brenda perceive safe migration as addressing systemic dimensions of migration governance.

A key reason why practitioners make this distinction has to do with how anti-trafficking and safe migration “constructs subjects as objects of power” in different ways ([Shore and Wright 1997](#), 3). Anti-trafficking and safe migration initiatives are both instruments of subjectivation. Yet, whereas anti-trafficking is premised on categories of ascription (i.e. you are, or you are not a trafficked victim) safe migration interventions do not rest on a similar logic of subjectivation through binary statuses (what Foucault called “dividing practices,” [Foucault 1982](#), 777). Whereas anti-trafficking

objectivises migrants by targeting a specific category of migrants (i.e. trafficked victims), safe migration interventions focus on migrant dispositions which applies to entire migrant populations, and therefore objectivises through a logic of totalising encompassment (Ferguson and Gupta 2008). The difference has practical significance for aid programmes. Whereas anti-trafficking has a tendency to narrow operational space (i.e. migration that does not fit trafficking definitions fall outside aid programmes' field of action), safe migration widens the scope in terms of temporality (proactive alongside reactive responses) and targets of policy (i.e. all labour migrants). As later chapters will show, safe migration programmes engage a far wider number of migrants compared with anti-trafficking interventions. Furthermore, this expands the kinds of actors and institutions that may fit under the auspices of safe migration programming.

The contrasting scope between anti-trafficking and safe migration is evident in terms of how the two discourses construct different “modalities of care” (Dunn 2012). Whereas anti-trafficking has over the years developed widely recognised pillars of interventions in the forms of the “three Ps” (prevention, prosecution, and protection), safe migration interventions do not yet have a comparable institutionalised framework for intervention. As Nick once commented upon my research, “we already have a well-established rich science on trafficking, so it’s good you look at safe migration.” For Nick, safe migration has yet to develop a clear programme logic. Still, notable contours of safe migration intervention modalities are emerging. For example, several organisations, especially ILO and IOM, frame interventions around “migrant resource centres” (MRCs) in both sending and receiving countries of migrants, which encapsulates a range of activities ranging from awareness raising, jobseeker support, assistance with travel documents, as well as a range of other services. Aid programmes are actively involved in strengthening regulation of recruitment agencies which affects entire migrant populations (as opposed to selective focus on trafficked victims). It is notable how this has institutional effects as it replaces a concern with “traffickers” (i.e. law enforcement) with brokers and recruitment agencies (i.e. labour inspectors). As such, in contrast to anti-trafficking’s narrow focus on law enforcement and humanitarian care for singular victims, safe migration radically broadens the field of interventions. Hence, the shift of emphasis from trafficking to safe migration denotes a programmatic reorientation away from what Nick rather caustically referred to as “boutique-style anti-trafficking projects” towards systemic migration governance. Rather than framing labour migration in light of exploitation and despondency, safe migration is thought of as an overarching management scheme which places migrants at the centre of action: *safety in migration*.

It may be tempting to see this reorientation as reflecting an “advance” in thinking around anti-trafficking interventions. Yet, as a growing body of literature on development suggests, currencies and judgments regarding

“success” of programmes cannot be “read off” in an unmediated positivistic fashion (Crewe and Axelby 2013; Mosse 2005b; Olivier de Sardan 2005); instead careful attention must be given to how aid policies and discourses are mobilised and legitimated amongst aid actors (governments, donors, aid agencies, and the various social actors who work for them). Hence, the wider aid context is vital to understand why safe migration has taken on increasing importance within the anti-trafficking sector.

For years, project-based aid assistance has served as a dominant conduit for aid delivery. Projects are typically funded by bilateral or multilateral donors and are implemented by either UN agencies, consultancy firms or NGOs. Projects are time-bound (typically 3–4 years) and relatively specific (and thereby narrow) in scope. However, over the years project-based aid delivery has come under attack for contributing to high transaction costs, unnecessary complexity as well as contributing to fragmentation of the aid sector (Killick 2004; Paul and Vandeninden 2012). These concerns are in part reflected through the Paris Declaration on aid effectiveness which signals a broader change within the aid sector to move from projects to programme and sector-wide approaches to aid (OECD 2008). This reorientation aligns with a large-scale global “grand schemes” such as the Millennium Development Goals (MDGs) and the more recent SDGs.

This shift from project to programme delivery has also taken place amongst aid agencies that work on migration and trafficking. Under this new aid architecture, donors favour approaches to migration that can more easily be mainstreamed within large-scale development objectives. For example, preceding the UN Global Compact on Migration the Global Migration Group, an interagency group comprising UN agencies and the World Bank, produced several policy papers on sector-wide approaches to migration and development (GMG 2010). The Compact on Migration is precisely the result of this general trend within aid towards wider, systemic approaches to migration. This has important implications for bilateral and multilateral aid funding. Today, compared the 1990s and 2000s, it has become increasingly difficult to fund niche-based activities. Hence, the reorientation towards safe migration reflects changing donor priorities within aid.<sup>3</sup> Safe migration’s wider scope means it more easily dovetails these changing priorities (and thereby makes it more fundable). These changes to aid funding as well as safe migration’s appeal to wider migration governance, may seem paradoxical as it brings to light state-centric dimensions within a concept which otherwise seems to be human-centric in how it places migrants as the centre of policy. The next section will consider this tension.

### **Safe migration and the state**

If safe migration discourse broadens mechanisms for how labour migrants can be assisted, why would bilateral donors (i.e. governments) support such endeavours? How can we explain such a “pro-migration” discourse within



a broader political context where unskilled migrants are treated with considerable ambivalence (if not outright hostility)<sup>4</sup> Throughout my fieldwork, I would at times bring this question up with senior UN officials as well as representatives from bilateral donors. One afternoon in Bangkok I was having a coffee with a senior government official from an important bilateral donor who funds both anti-trafficking and safe migration initiatives. On the question of why his government would fund safe migration programmes, he responded: “Sverre, you know the answer to this; it’s James Scott; seeing like a state!” The academically inclined government official elaborated further. The safe migration concept, he said, obfuscates the fact that this is about the state. “It makes it sound like the focus is on migrants but it’s really about the state’s desire to regulate migration.”

Although safeguarding labour migration may seem to be an unlikely policy response given the states’ preoccupation with restrictive migration and border control relating to unskilled migrants, migration policy is also heavily informed by economic imperatives and labour demand (whether it being safe migration, temporary, or guest worker programmes). Yet, circular migration schemes do not equate free movement as they comprise a political compromise between market liberalism (which depends on supply of cheap labour) and neo-conservative political forces (which guarantees eventual return of migrants) (Feldman 2011b). Hence, circular migration schemes, including safe migration initiatives, are ultimately premised on a politics of return (Xiang, Yeoh, and Toyota 2013). In this sense, safe migration gels with the state’s desire to scale up migration governance, a view that was echoed by officials I spoke to within bilateral donor agencies.<sup>5</sup> This is reflected in the language adopted in both the SDGs and the Global Compact on Migration, which both employ the phrase “safe, orderly and regular migration” (United Nations 2015, 2019). This language is also reflected through bilateral donor accountability. For example, ILO’s project document (funded by the Australian government) states:

Tripartite Action to Protect Migrants within and from the Greater Mekong Sub-region from Labour Exploitation (the TRIANGLE project) aims to significantly reduce the exploitation of labour migrants through increased legal and safe migration and improved labour protection.

*(International Labour Organization 2009,  
5 emphasis added)*

Juxtaposing safety with “regular” and “legal” migration makes the state-centric focus clear. But why then not simply label this a “legal migration project”? An excessive focus on legal migration does not only have implications for human rights and humanitarian sensibilities amongst NGOs, human rights activists, and (possibly) some UN agencies, but can also complicate

bilateral relations between governments. Another bilateral donor representative explained this point to me thus:

By labelling a safe migration initiative “legal migration” one is in effect implying that state authorities are either failing to, or is unwilling to enforce order. This can be especially sensitive when dealing with migrant sending countries. Including the phrase “safe migration” softens this language and makes it more appealing.

Despite the states’ desire to regulate migration, safe migration has a certain diplomatic usage as it allows bilateral action to address other states (failure) in regulating migration without coming across as a critique. As such, safe migration furnishes different (and partly competing) ideologies and priorities. It accommodates both the state’s desire to regulate and make migration legible, whereas it at the same time speaks to human rights and humanitarian sensibilities amongst NGOs and practitioners. The fact that safe migration facilitates different competing priorities does not mean that aid actors are unaware of this. For example, the Global Alliance against Trafficking in Women (GAATW, which often advocate *for* safe migration) has also warned against state-centric usages of the concept:

some states seek to promote the idea that regular migration is always safe and orderly, and irregular migration is inherently unsafe, and disorderly. A worrying corollary to this binary is the extension to viewing regular migrants as “good and deserving of rights,” and irregular migrants as “bad.”

*(GAATW 2019, 9)*

Similar criticisms have been made by other academics (Zimmerman 2016) and even organisations that promote a state-centric focus on legal migration, such as the ILO and IOM, through their programme collaborations with various governments (Suravoranon, Harkins, and Lindgren 2017). Hence, safe migration is subject to contestation. Although we have thus far explored various reasons why both state and aid actors may gravitate towards the concept, it remains unclear what aid practitioners understand by the concept, let alone how they are meant to operationalise safety in migration; questions we will now turn to.

### **Locating safety in safe migration**

“What is safe migration?” Linda repeats the question I just asked her. “Safe migration ...” Pause. “It is about making migration *as safe as possible*.” Without noticing her tautological response, she continues answering my query through her own questions. “Is safe migration the same as

legal migration?,” she asks rhetorically? “No! We know it’s not quite like that,” she says. “That’s why we [her organisation] use the phrase ‘regular migration’ and not legal migration,” she says. Migration that is legal, Linda explains, is not necessarily safe. “Legal migration is, however, important but not always *sufficient*.”

Linda works for the same organisation as Robert, albeit based in the Myanmar country office. In addition to accompanying their field activities relating to their safe migration work, I held several conversations with policy officers, such as Linda, regarding their work and safe migration. Linda tells me that the first time she encountered the concept was back in the mid-2000s. This was in the context of them receiving funding from the *United States Agency for International Development* (USAID), she said. She recalls discussions with her boss about terminology. The boss argued that they should call it “*safer* migration,” not “safe migration,” she explains. Linda laughs, commenting that the semantics in English might not be that important to Myanmar migrants. Yet, this does not prevent her from broadening the semantic horizons of safe migration discourse. Safe migration is more about “*gainful* migration,” she says. In order to gain from migration, Linda clarifies, you must be safe. Linda tries to explain. “So, safe migration then becomes,” according to Linda, “about asking villagers why they migrate.” Linda elaborates further. “The point is that migration is not an end itself. Many say they migrate to gain an income. But what is it that they want to do with that income? Some families don’t know what they want to do with their income,” she alleges. “Sometimes, you have family migration where kids are left with their grandparents. But this can lead to poor child raising and kids can end up with drug problems.” Linda continues, “one can’t assume money brings happiness to the children ... so, we need to focus on migration as a life strategy and untangle the reasons for why they migrate.”

Despite Linda’s multiple elaborations on the concept, I am left puzzled what safe migration means for her, let alone what it is meant to achieve for Linda’s migration aid project. Her explications are full of tautologies (“safe migration is about making migration as safe as possible”), and semantic multiplications. On the one hand, safe migration, according to Linda, becomes a question of regular migration as it relates to – yet is not quite the same – as legal migration. Yet, given the uncertainty in migration outcomes (how can an aid agency guarantee safety?) aid programmes run the risk of promising too much. The solution? Replace the noun with the adjective: *safer* migration. Thomas, whom I introduced earlier in the chapter, told me: “safe migration doesn’t work because it implies that you somehow ensure safety without any means for a project to guarantee this. This is why we prefer the term *safer* migration as we provide services that are helpful but doesn’t guarantee an outcome.” Thomas’ response helps explain why several practitioners sometimes use the phrase “smart migration.” “Smart” and “safer” migration reorients programmes’ focus from outputs to inputs (i.e. what programme can deliver as opposed to guarantee). Furthermore,

this semantic leap tacitly broadens the concept away from the state (*legal migration*) towards migrants' dispositions (being *smart*).<sup>6</sup> For Linda, she ultimately settles on the concept "gainful migration" which broadens safe migration outwards towards broad developmental objectives. Attempts to clarify safe migration simply results in a multiplication of vocabulary. The result? Semantic thickness – as opposed to clarity.

This kind of lexical acrobatics is commonplace amongst my informants. For an outsider, such language may seem perplexing, somewhat overbearing, yet nonsensical. The fact that informants who work for safe migration projects would often ask me to explain the concept during interviews, such as Suzanna, is quite telling of the concepts unintelligibly. Programme documents, training manuals, project reports, evaluations, and research reports are full of references to safe migration, yet vague, and often silent, regarding its meaning (ILO 2012, 2014b; International Labour Organization 2009). For example, ILO's *Tripartite Action to Protect Migrants within and from the Greater Mekong Sub-region from Labour Exploitation (the TRIANGLE project)* "aims to significantly reduce the exploitation of labour migrants through increased legal and safe migration and improved labour protection" (2009, 5), yet does nowhere provide any definition or exposition of what is meant by safe migration. Yet, it constitutes an important part aid programmes' bureaucratic technical knowledge (Olivier de Sardan 2005).

In Chapter 1, I foreshadowed how safe migration discourse commonly include references to state-sanctioned migration (passports, work permits), progressive awareness raising, notions of social capital within migration (recruiters, brokers, and acquaintances) and counter-networks (hotlines and outreach services). All of these ingredients are frequently juxtaposed with safe migration within aid reports and how practitioners explain safe migration (ILO 2014a, 2014b, 2015b, 2015a; International Labour Organization 2009).

Similarly to the comments by Linda, Thomas and Robert, although programmes often ground their work in reference to the need for legal documents in migration, practitioners do not see what they do as equivalent to promoting mere "legal migration" as they are keenly aware that legal status by no means guarantees positive outcome for migrants. A discussion paper by IOM makes this point quite clear:

The relationship between "regular" and "safe" migration, and between "irregular" and "unsafe" migration, needs to be considered when defining safe migration. "Regular" migration does not necessarily ensure "safe" migration; neither does "irregular" migration necessarily lead to "unsafe" migration. Migrants with irregular statuses may be at more risk than those migrating through regular channels. However it should be acknowledged that people migrating through regular channels can also be at risk of being trafficked or face risks of exploitation and abuse,

at times only once they have reached their destination. Meanwhile, irregular migrants with irregular status might have travelled safely to their destination, avoiding exposure to major risks, even after arrival.

*(IOM 2016, 5)*

UN agencies, such as IOM and ILO, have cautioned against simplistic assumptions equating legal and safe migration (Suravoranon et al. 2017). Yet, such caution does not result in safe migration programmes abandoning a focus on legal migration. As Thomas once told me, “although we know legal migration is not necessarily safe, we can’t say illegal migration is safe.” Indeed, legal migration pathways are a central component within several aid programmes’ project documents, training manuals, and programme implementation, whether it takes the form of awareness raising (informing migrants on the importance of legal documents), regulation of recruitment agencies (which are central in operationalising legal migration pathways), or supporting pre-departure training (which is central to the state’s formalisation efforts of migrant populations). Paradoxically, the very same agencies, such as IOM and ILO, appear to both embrace, yet critique a state-centric focus on legal documents, a point we shall return to. But, if legal migration is, as Linda says, “not sufficient,” what else is then needed to ensure safe migration? It is here we see aid programmes’ focus on “safe migration knowledge, attitudes and practices” (McCabe n.d., 38) orients programme interventions towards migrants’ dispositions in order to “ensure that migration choices become informed so that potential migrants are better aware of safe migration” (Pillinger 2015, 16). Hence, safe migration moves from the legal to the social in the sense that migrants’ behaviour (attitudes, knowledge) and social relations (migrants’ networks, recruiters) are central to safe migration strategies. But what kind of attitudes and knowledge should migrants hold to ensure safe migration?

to provide potential migrants and their family members with the ability to make informed decisions about working abroad, and to emphasise the benefits and increase knowledge about the procedures for migrating through legal channels for those who choose to go.

*(ILO 2014a, 12)*

Here, safe migration discourse goes full circle. Migrant disposition conforms with a state-centric ideal-type migrant: the legal migrant. Hence, “the social” loops back to the legal. Yet, as we have seen in the introduction of this book, safe migration awareness raising also comprise notions of social capital; that is, the importance of the right kind of relationships in migration whether this being in the form of licensed recruitment agencies, brokers, and friends assisting with migration. What should be clear to us is that safe migration, as expressed either in programme documents or by practitioners, remains contested, yet elusive, with tautological references to both

the state (legal documents) and the individual (migrants with the “correct” dispositions) within migration pathways. This, in turn, structures aid interventions that are implemented under the auspices of safe migration. The anthropological question then becomes how social and institutional actors navigate such contested and elusive parameters through their instrumentalisation, a theme that we will return to in later chapters.

At the same time, we must attend to the specific context where safe migration unfolds. As a bureaucratic migration management discourse, it is after all implemented within a political and cultural context where patrimonial relations remain significant even within government and institutional settings (to be explored in [Chapter 3](#)). Although safe migration has become a recognised nomenclature amongst English speakers, its Lao and Thai equivalent – *henggan koen nyai phort bpei* (labour movement safe from risk) – is only occasionally used amongst Thai and Lao aid workers and government officials that work directly with migrants. The term has no equivalent expression in Burmese. Unsurprisingly, although the safe migration concept is ubiquitously used amongst international organisations and NGOs, migrant groups rarely employ the concept in their work, despite considerable collaboration taking place between UN agencies, NGOs, and migrant groups (see [Figure 2.1](#)). Later chapters will return to how these (dis)connections have crucial consequences for safe migration instrumentalisation.

## **Conclusion**

This chapter has examined how safe migration has emerged, partly out of anti-trafficking, as a central policy concern for governments, NGOs, and UN agencies. Safe migration is conceptually vague, yet this is precisely what makes it malleable, and therefore appealing to a range of actors. Perhaps the most important point about the shift to safe migration is that it is not informed by clear empirical evidence that this “works better” than, say, anti-trafficking. Instead, the shift, as we have seen, has more to do with internal structural changes amongst aid programmes themselves. Hence, when analysing safe migration we learn more about the institutional logics of aid modalities than the conditions of the migrants themselves. Yet, to understand these institutional logics, we have to attend to how aid actors, such as Linda, articulate safe migration and how this intersects with aid praxis.

\* \* \*

My conversation with Linda had been dragging on for some time. After repeated attempts to get a sense of what she meant by safe migration, she grabbed a piece of paper. “Some time ago, I had a meeting with some representatives from the Department for International Development (DFID, United Kingdom’s government aid agency). Through or conversations

about safe migration I ended up with a venn diagram like this.” Linda jotted down three words: “documentation,” “transaction,” and “acceptance,” circling each word to demonstrate how they overlap. By acceptance, Linda explained that “this could be acceptance in a community [i.e. not being excluded from a migrant community] but also trust.” Although Linda did not use the phrase, she seemed to be pointing to social and cultural capital as resources within migration. Documents referred to passports, visa, work permits, and the like. “Transaction,” Linda explained, could mean economic dimension of migration (such as paying for documents) but also forms of reciprocity migrants had to engage in (including bribery).

Linda’s Venn diagram speaks to common formal dimensions of safe migration programmes (such as legal documents and social networks in migration, to be explored in [Part II](#)) but also informal dimensions of safe migration (such as different forms of reciprocity and brokerage, to be examined in [Part III](#)) that too often fall outside the purview of programme implementation. But is all this, in Robert’s words, *actionable*? This is the key question, the next chapters will explore.

## Notes

1. To my knowledge, the latest, substantive piece of research that was undertaken with a focus on human trafficking in a Lao context was commissioned by the UN-ACT project ([Baker 2013](#)), the only remaining regional UN programme with a specific trafficking focus. Interestingly, despite the report’s focus on human trafficking, only 3.5% of the migrants’ surveyed were considered trafficked victims, a similar number to an earlier report by the now disestablished trafficking project implemented by the ILO ([ILO-IPEC and Ministry of Labour and Social Welfare Laos 2003](#)).
2. Several informants were strongly opposed to any modern slavery discourse. Explicating the ascendancy of modern slavery and its relation to anti-trafficking and safe migration is well beyond the scope of this book. Tentatively, I provide the following tentative reason why modern slavery has yet to gain momentum in a Mekong context: to date, modern slavery has become most prominent in post-industrialised countries, such as the United Kingdom and Australia. In contrast, anti-trafficking emerged primarily in the 1990s within a context of development aid. Hence, these policy instruments have different trajectories (and with different path-dependencies). Modern slavery discourse has gained momentum *after* the 2009 global financial crisis where there has been a general decline in aid funds. Modern slavery tends to be propagated by commercial business actors (as opposed to aid actors) which can in part be explained by the neoliberal underpinning of this discourse (see [Molland 2019b](#)). Hence, whereas modern slavery appeals to market-driven discourses, both safe migration and anti-trafficking are state-centric discourses which helps explain why modern slavery may not (yet) have the same appeal within conventional aid delivery.
3. It is notable that the only regionally based trafficking programme implemented by the United Nations which has survived happens to have an explicit focus on “grand schemes.” The UNIAP project serves as a secretariat to the COMMIT initiative a regional multilateral MOU between Mekong countries which seeks to enhance collaboration on the combat against human trafficking.

Hence, due to its large-scale, cross-governmental role on coordination, it fits more easily with the aforementioned donor shift compared with other trafficking initiatives.

4. An observant reader may point out that although there is considerable hostility directed at migrants in many contexts, attitudes towards migrants vary a great deal. Public attitudes towards migrants also depend on different “kinds” of migrants (e.g. whereas unskilled labour migrants may be considered unwelcome, highly educated expatriates may be highly sought after).
5. One cannot rule out specific political dynamics within a donor country. For example, a DFAT official told me that the recently elected labour government in Australia made the funding of ILO’s triangle project (phase 1) far more doable as the Australian Labour Party has traditionally been more sympathetic to the ILO compared with the Liberal government.
6. The phrase “smart migration” was also used in the early 2000s under the auspices of anti-trafficking awareness raising by UNICEF Laos, as well as several of the activities that Robert was involved with in Cambodia at the time. This behaviouralist emphasis within anti-trafficking and safe migration activities is also evident in more recent training manuals, such as World Vision’s “Smart Navigator” ([World Vision 2014](#)).



### 3 Omnipresence and nothingness

#### Lao and Myanmar migrants compared

In order to have labour solidarity, you must have national solidarity  
*(School Director, Myanmar Migration School)*

Sunday. A shopping centre on the outskirts of Bangkok, which caters for outer suburban Bangkok residents. The adjacent park is a meeting spot for young folk to pass time. When walking from the main road towards the shopping centre, one easily spots the mix of local Thais and Myanmar migrant workers that frequent the centre. Yet, the reason for my visit is different. I am here to locate Lao migrants. My visit, which took place early on during my fieldwork, is in many respects an extension of my earlier work on Lao-Thai anti-trafficking along the Lao-Thai border (see Molland 2012b), as I am keen to understand how aid agencies in the greater Bangkok region connect with Lao migrants through safe migration programming.

Thus far in my fieldwork, there is no shortage of aid programmes who, either in print or through interviews, claim they assist Lao migrants, alongside Myanmar and Khmer migrant communities. A staff member from one NGO had advised me to visit this particular shopping centre as this is where her organisation usually does outreach amongst Lao migrants. Lots of Laotians hang out in the adjacent park on Sundays, I was told. Hence, the reason to visit the shopping centre on this sunny Sunday, scouting for Laotians. Upon arrival, the adjacent park is immediately visible. My research assistant and I commence strolling through the park grounds. The NGO official was right. The park is certainly a congregation point for migrants. One can easily spot migrants hanging out, either underneath the shady trees or on one of the many park benches. Yet, based on appearance and on audible chatter, they are all Burmese. We continue our stroll. We strike up conversations with various people we pass. Some are Burmese. Others are Thai. We continue our investigative stroll in the park. We stop at a van to buy some ice cream as this provides an opportunity to chit chat. We ask the ice cream seller about the park and who comes here. “Lots of Burmese workers hang out” we are told. As this is close to nearby factories this makes sense. Any Lao workers, we wonder? “Not really,” we are told.

After some further strolling and random conversations, we fail to identify a single Lao person. We walk back to the shopping centre where we converse with some of the street vendors that sell snacks. One vendor seems jovial and relaxed. We explain our predicament. You won't find many Lao around here, he tells us. But, you should try the market (*talat*) four kilometres down this road. He explains to us the whereabouts. Upon his advice, we jump on a local bus which takes us to the market a few kilometres away.

Upon arriving at the market, the omnipresence of Myanmar migrants is obvious. Women wear *thanakha* (a yellow paste made of grounded sandalwood applied to one's cheeks) and many men wear sarongs (*longyi*) – both Burmese markers of appearance that are distinct from Thais. Several shops advertise their produce in Burmese script. Burmese chatter is audible throughout the marketplace. No attempt whatsoever is made at concealing Burmese ethnicity. We walk into the market itself. Besides a range of different food products, this is also a main market for seafood. We walk around striking up conversations with both street stall owners and customers.

After some initial ice-breakers, we ask one vendor “do you know of any Lao people.” “No,” he replies. Then, the vendor next door blurts out “but you are Lao, no?!” The man who had just alleged no Lao are present quietly nods his head, admitting to being Lao. The neighbour stall-holders smile. Laughter fills the air. We attempt to get the conversation going. Yet, responses are fleeting and vague. As we move on throughout the day, we encounter similar problems. Although we are able to identify five Laotians, chummy conversations are not forthcoming.

### **Where are the Laotians?**

At first glance, my difficulties with locating Lao migrants may seem unsurprising and naïve. As any fieldworker knows, just as determining people's identity by appearance is riddled with methodological problems, gaining rapport with marginalised subjects (e.g. migrants) is challenging within short time-frames. Yet, these challenges contrast with the relative ease I had experienced thus far in accessing, conversing, and even hanging out amongst Myanmar migrants. This contrast was not limited to this Sunday visit. Besides visual differences (more on this below), Myanmar migrants appeared far more willing to speak, even regarding sensitive topics (such as police corruption and the use of brokers, themes that we will return to in later chapters). Lao migrants, on the other hand, were hard work, both in terms of locating them and striking up conversations.

At first glance, the contrast seems self-evident. It is after all well-known that Lao migrants constitute a much smaller migrant group compared with Myanmar migrants. Hence, one should not be surprised by the relative ease in encountering Burmese migrants compared with Lao, which, in turn, helps explain why aid organisations may engage the former more than the latter. Yet, this contrast requires further unpacking. As this chapter will explicate,

reasons why aid organisations provide assistance to certain migrants (and overlook others) relate directly to how Burmese and Lao migrants comprise different forms of sociality. This, the present chapter suggests, is crucial in order to understand what later chapters will explore: how safe migration praxis is operationalised at local levels.

A pattern developed throughout my fieldwork. Safe migration programmes would describe their activities, either in interviews or in print, as encompassing the three main labour migrant groups in Thailand: Myanmar, Lao, and Khmer migrants. When asking about specific activities and the possibility of accompanying the organisation during their implementation, initial claims of working across all migrant groups regressed to a more modest claim: “we only work with some Lao” I was told. For example, *Anan*, a manager for one large safe migration project, told me that although most of their target group are Myanmar migrants, they also assist Lao migrants. Anan kindly facilitated a visit to one of their many migrant training centres where he alleged some attendants were Lao. Yet, upon visiting, the centre’s Director, *Ma Ni*, looked dumfounded at me when I queried the centre’s work with Lao migrants. “There are no Lao here” (*khun Lao mai mi*), Ma Ni replied. Likewise, another Thai NGO who specialises on street children and child trafficking initially agreed to an interview regarding their safe migration work with Lao migrants. Yet as our conversation progressed, it turned out that the examples the NGO director provided us with were more than a decade old.<sup>1</sup> Similarly, Myanmar Migrant School (see [Chapter 1](#)) was heavily dominated by Myanmar migrants, although the school had for years operated as an MRC under the auspices of a larger safe migration programme that allegedly serve Lao, Khmer, and Myanmar migrants. Throughout my entire fieldwork, I was only able to speak with two Lao students at Myanmar Migrant School. Despite a formal claim to work with Lao, Khmer, and Burmese migrants (often under the rationale of a regional approach to safe migration), most of these programmes were in practical terms Myanmar-specific projects.

Even amongst projects that worked along the Lao-Thai border, the same kind of phenomenon took place. One NGO manager proudly expounded to me their safe migration activities along several of Thailand and Laos’ shared border crossings. They worked at both sides of the border, I was told, collaborating with both Thai and Lao authorities, providing safe migration awareness raising (mostly through distribution of leaflets). They were soon to expand work into a new border checkpoint, the manager told me. He readily agreed to me visiting their project sites. Yet, after a lot of back and forth, it turned out that project activities were only operational at one border checkpoint (which we will return to in [Chapter 4](#)).<sup>2</sup> Yet, when visiting the check point some months later, it became apparent that although the NGO did indeed work at both sides of the border, the safe migration work was all about the return process. The leaflets we hoped to see being handed out to migrants entering Thailand was not taking place.<sup>3</sup> Once again, what was

presented as robust safe migration work with Lao migrants turned out to be non-existent and inconsequential.

My repeated visits to safe migration programmes in order to understand their work with Lao migrants fizzled to nothing. Claims of working with Lao were exaggerated, or dated. In many cases, Lao migrants were simply nowhere to be seen.<sup>4</sup> In contrast, the ubiquitous presence of Myanmar-specific safe migration programme activities was so overwhelming that it could not be ignored ethnographically. At the same time, it would be a mistake to reorient the research away from the Lao towards the Myanmar migrants as this would in effect echo safe migration programmes' skewed focus. The contrasting ubiquity of Myanmar safe migration activity and programmatic nothingness relating to the Lao, I suggest, invites several conundrums that must be interrogated in order to unearth how safe migration aid modalities are operationalised in specific contexts: why do programme officials make flippant claims regarding their work with Lao migrants, despite minimal or non-existent programme activity? A provisional answer may be that most programmes, who are used to fleeting donor visits, may be unexcepted of anthropologists' closer scrutiny of their local activity in light of their verbal claims. The discrepancy between what aid programmes say and do may also reflect donor-driven aid. Claiming to work across migrant groups allows programmes to state their work on a *regional* (as opposed to national) level, which has stronger donor appeal; a reality I am intimately familiar with given my previous work with the UN. Working "regionally" allows for "big narratives" which is useful for funding purposes, and echoes the previous chapter's discussion of grant schemes in development aid.

Yet, none of this helps explain why (and how) aid organisations privilege Myanmar migrants and neglect Laotians through their programming. As alluded to in the introductory vignette at the beginning of this chapter, what accounts for the detectability of Myanmar migrants compared to invisible Lao migrants? And what does the contrast between energetic programme activities with Myanmar migrants (as opposed to programmatic inertness with the Lao) tell us about safe migration programme execution and incorporation of migrant communities in Thailand more broadly? As will be explicated throughout this chapter, Myanmar and Lao migrants are incorporated into Thai society differently. This is crucial in order to appreciate how safe migration interventions are structured. As such, this chapter provides the wider context for the safe migration programmes that this book examines: the Mekong region, with specific focus on Thailand, Lao, and Myanmar.

### **Programme (il)legibility**

Aid practitioners are cognisant of the fact that most safe migration activities target Myanmar migrants. Although several programmes claim to work with Lao migrants, many also acknowledge the difficulties accessing them. The sheer scale of the Myanmar migrant population in itself is quite telling.

According to the UN, the number of official registered Myanmar migrants comprises more than two million, compared with some 200,000 Lao migrants (Harkins 2019). Hence, there are favourable economies of scale in targeting Myanmar migrants. The Lao are also integrated into Thai society in very different ways compared to most Myanmar migrants (though some variation exists depending on ethnicity) which makes Lao less easily detectable from a programme point of view. The Lao are (as the Thai) part of the broader Tai language group, and most Thais residing in north-eastern part of Thailand are ethnic Lao (Thaweessit 2014; Walker 2009). Most Lao are subject to considerable Thai social and cultural exposure (in part due to ubiquitous Thai tv reception in Laos). Young Lao readily understand Thai and many can speak it well (albeit with an accent). Laotians with extensive migration experience in Thailand often speak Thai fluently to the point where, say, Bangkok residents will not be able to distinguish a Lao from an *Isaan* speaker from north-eastern parts of Thailand. Although residents in border areas may be able to more easily distinguish Lao migrants (in part due to better familiarity with different Lao dialects), this overlaps with another important point of affinity: kinship. Most Isaan residents are ethnic Lao, which in recent times has been reinforced with cross-border marriages between Laos and Thailand (Thaweessit 2014).

Although Lao is widely thought of as inferior neighbours, they are at the same time (especially in northeast Thailand) thought of as relatives (*phinong*). Hence, Laotians do not easily stand out within Thai society quite in the same way as migrants from Myanmar. This also predisposes Lao migrants to wanting to fit in (Thaweessit 2014) which is reinforced by Laotians broader cultural orientation towards Thailand. Hence, conforming with Thai sociality is not merely a practical tactic but also a desirable social disposition for many young Lao. Lao migrants' closer cultural ties with Thailand also helps explain many aid workers' neglected attention to them. "Lao migrants tend to do better," one UN official, told me; a common assumption made within the aid sector (yet, as later chapters will show, this assumption requires rethinking).

In contrast, Myanmar migrants visibly stand out due to their ethnicity. With the exception of some ethnic groups, such as the Shan, most Myanmar migrants arrive in Thailand without any Thai language skills. The lack of Thai language skills makes them depended on others (such as brokers) but also contributes as a marker of difference. This is reinforced by the simple fact that, as in the marketplace described above, Myanmar migrants in many cases observe a different dress style – such as *longyi* (a sarong for men) and faces decorated with *thanakha* – which makes them unmistakably identifiable as Myanmar migrants. In contrast to Lao migrants, fitting in is not a viable strategy for many Myanmar workers which – as will become evident – contributes to a disposition to form networks and associations amongst other migrants in order to get by.

The contrasting visibility of Lao and Myanmar migrants (which also manifests linguistically) means that from the perspective of aid programmes,

Myanmar migrants are easily identifiable, whereas detecting Lao migrants requires considerable extra investigative labour (which presents obvious operational challenges for NGOs). In addition, even when identifying Lao, considerable resistance and employment of *weapons of the weak* (Scott 1985) take place in communication through a range of tacit oppositional tactics. Once opportunities for social intercourse and dialogue presented themselves throughout my fieldwork, evasion was commonplace in the form of vague answers, silences, deliberate misunderstandings of questions, and even simply walking away.<sup>5</sup> Although such responses may easily be understood in light of cultural dispositions, including the aforementioned desire to wanting to fit into Thai society and culture, we will later see how such tacit resistance is best understood in political terms. Myanmar migrants, on the other hand, were generally willing to talk and had few qualms sharing their views on a range of topics – even sensitive ones.

The divergent visibility between the Lao and Myanmar migrants also manifests themselves spatially. Whereas Myanmar migrants often work and reside in larger clusters (typically in dormitory compounds), Lao migrants are often dispersed in smaller groups, in many cases co-habiting with local Thais. Some aid officials point to how Myanmar migrants are more prominent in labour sectors characterised by larger economies of scale (such as construction work, seafood processing, and factories), Laotians tend to work in service sector work, which further helps explain this pattern, a point that has been observed in large-scale surveys on Lao migrants (Baker 2013; IOM 2016). Myanmar migrants' spatial concentration is not limited to workplaces and residential patterns. In the greater Bangkok region, several temples have over the years become important congregation points for many Myanmar migrants, in part due to the presence of expatriate Myanmar monks. I would sometimes attend festivals at temples comprising thousands of Myanmar migrants. As later chapters will show, these temples are central for migrant sociality and financing of migration assistance. Throughout my fieldwork, I could not find any resembling pattern amongst Lao migrants.

Hence, Myanmar and Lao migrants' contrast in how they are (in)visible in socio-cultural, linguistic, and spatial terms. Yet, reasons why aid programmes skew towards targeting Myanmar migrants cannot merely be explained by these contrasting forms of visibility. As later chapters will detail, aid delivery depends on intermediaries through supply chain of aid assistance, and in order to understand how this comes about we have to consider political and historical dimensions of Myanmar and Lao labour migrants.

### **Migrant incorporation and political legacies**

There is a surprising lack of comparative analytical work on Laos and Myanmar, given their shared legacy of authoritarian rule with tokenistic (albeit varied) gestures towards a socialist ideology.<sup>6</sup> The political dominance of the ethnic majority group (Burman and Lao) is precarious in both

the countries, either due to ongoing ethnic conflict in border areas (in the case of Myanmar) or demographics (the majority ethnic Lao population only accounts for approximately 40% of the total population of Laos). At the same time, there are important differences. The Lao government appears far more successful in incorporating different ethnic groups and territories into the Lao body politic. With the exception of fragmented opposition (mostly related to the historical legacy of ethnic Hmong opposition during the Vietnam War), no serious armed or political opposition exist to the Lao government, which stands in stark contrast to ongoing armed conflict and the proliferation of armed groups in several parts of Myanmar.

In contrast to Myanmar's legacy of military rule, Laos is more similar to Vietnam (and to some extent China) in its Soviet-style form of governance where a party structure mirrors the government apparatus from the national level all the way down to the village level (Creak and Barney 2018; Rehbein 2007, 2017). Although Laos has liberalised its economy significantly since the late 1980s, one-party rule remains. Despite relaxing its economic, social, and cultural spheres since the late 1980s, to this day the government, including its mass organisations (which has no equivalence in Myanmar), are meant to serve as the main vehicle for any "civil society" activities. Although the Lao government may appear to have relaxed its political grip on everyday activities, it closely polices any attempts at establishing anything resembling civic institutions outside government structures. For example, local NGOs have up until recently been banned, and continue to be subject to restrictions.<sup>7</sup> Although Lao authorities allow non-profit associations (NPA), they are tightly controlled by authorities and "only give the appearance of being civil society organisations, and in some instances appear to be more an opportunity for retired bureaucrats to provide ongoing services to the country and convenient channels for donor funds." (Lyttleton 2008, 267)

The disappearance of the local NGO activist Sombath Somphone in 2012 underscored the severe limitations on how much activities can take place outside the state (Rathie 2017; Sims 2015). Relatedly, although the Lao government is in many respects feared by local people, it is also a source of attraction. Although it is difficult to pinpoint the popularity of the government given the lack of freedom of political opinion, many Lao do engage the government in various ways. For example, obtaining a position as a state official within government is widely sought after, even amongst several ethnic minorities. Similarly, joining the party (even across ethnic lines) is important for social upward mobility (Rehbein 2007). This means that people gravitate towards the state apparatus for jobs and prestige. Indeed, a central argument that has been made in Lao studies in recent years, is how Laotians seek (as opposed to resist) the state (Creak and Barney 2018; High and Petit 2013; Singh 2014).

This has important implications for assistance provision. Besides state-sanctioned activities, the only other mode of support is premised on

kinship and patrimonial relations. Within a social context where social relations are premised on a subsistence ethics (often based on kin) and “big man” (*phu yai*) patrimonial relations (Rehbein 2007, 2017) reciprocity therefore rarely extends beyond kin and friends to “distant others” (though, the 2018 dam collapse in southern Laos suggests an emergent Lao discourse of assistance which extend beyond kin). It is worth noting how this dispositions Lao migrants to both help and seek help. For example, ethnographic studies of internal and cross-border Lao migrants demonstrate the dominance of kin and acquaintance-based recruitment (Huijsmans et al. 2014; IOM 2016; Malam 2012; Molland 2012b). A study of Lao garment factory workers point to social marginalisation due to the absence of alternative networks of support, compared with their village-based kin networks back home (Malam 2012).<sup>8</sup> Thai-based studies on Lao migrants similarly report how Lao migrants “lack social networks and rely only on kinship ties and good relationships with Thai villagers.” (Thaweessit 2014, 179) These findings reverberate through my own fieldwork for this book. Lao migrants report to rely solely on kin (*phinong*) and friends (*peuan*) in Thailand.<sup>9</sup> At the same time, young Lao people grow up within a political environment where the very thought of establishing (let alone, seeking support from) associations *outside* the state is an alien one.

The situation for Myanmar migrants looks very different. Despite a shared political history of one-party authoritarian rule, Myanmar’s experience with military dictatorship has had a very different effect on local level social organisation in Myanmar. Despite brutal violence, Myanmar’s military regime has engaged in a process of non-engagement (in terms of government services and support) at local levels. As several scholars have pointed out, this has left a void where local communities simply had to fend for themselves through a range of self-reliance mechanisms (Dove 2017; McCarthy 2019, 2020). Hence, self-reliance constitutes an important ethos and practice which has emerged out of the state’s failure to support its citizens (Dove 2017; McCarthy 2019, 2020) Recent economic and political liberalisation appears to have reinforced (as opposed to lessened) this idiom, where both private business (often in patrimonial relations with state officials) and local village-based groups engage and support a myriad of local initiatives across the country which blends Buddhist principles of assistance with neoliberal conceptions of self-responsibility (McCarthy 2020; Prasse-Freeman 2015b; also see Rose 1992):

Myanmar’s culture of self-reliance is a legacy of the military’s indifference to the basic social welfare needs of the population, further reinforced by the current state counsellor’s recent speeches that citizens should “muster courage and self-confidence” to take personal responsibility for their own and the nation’s solutions and not expect government solutions...

(Dove 2017, 216)



The emergency of smartphones and social media coupled with recent humanitarian natural disasters in the aftermath of political liberalisation appears to have further reinforced this trend (McCarthy 2020). Despite Myanmar's poverty, it has one of the world's highest rates of donation-provision in the world which can be attributed to state-neglect of its citizens (Dove 2017). Furthermore, how charity transposes to collective action seems more prominent in a Myanmar context where an enormous amount of self-help groups and associations exist for all kinds of purposes (Dove 2017). In addition, it is also worth noting the traditional role of Buddhist monks in Myanmar. Although Thailand, Laos, and Myanmar are majority Buddhist countries, Burmese monks are more dominant in secular and political affairs, such as the 2007 "Saffron Revolution," which in part can be explained by the importance of self-reliance outside state institutions as discussed above.<sup>10</sup>

Two points emanate from all this: in contrast with the Lao government's omnipresence where local villagers must channel collective projects through the state, Myanmar's military rule has thrust self-reliance onto local citizens. In contrast to Myanmar, where self-management is expected, Laotians are discouraged from self-organising around communal projects outside state structures (and can be severely punished in attempting to do so). Second, an ethos of support and care beyond kin and immediate social relations is in evidence in Myanmar in a way which has yet to develop in Laos.

The differences in authoritarian governance have important bearings on migrants' social organisation. In Thailand's border areas, a range of informal Myanmar-based networks and associations have been documented in relation to migrants and refugee populations (Brees 2010; Campbell 2018; Décobert 2016). As we saw in the introduction to this book, and as later chapters will explicate, informal Myanmar migrant networks and associations are plentiful in the greater Bangkok region and is central to migrant assistance. For example, in one province where a lot of my research has taken place, no less than ninety different migrant associations operate. Although most of them would relate to cultural or religious affairs, including funeral groups that are remarkably similar to what Cavelle Dove describes in the context of self-help group back in Myanmar (2017), many also relate more directly to migrants' welfare (especially health) and even workers' rights. Amongst the Lao migrants, I was unable to detect any similar forms of associations or networks.<sup>11</sup> The only case that I am aware of that may resemble a Lao migrant network relates to the Lao national Od Sayavong who according to Human Rights Watch was reported missing in 2019 due to his human rights and labour activism in Thailand (Human Rights Watch 2019).<sup>12</sup> The reason for this difference in social organisation is simple: whereas Lao migrants are dispositioned to evade formal forms of self-organisation, Burmese migrants build on pre-existing forms of sociality and networks that are ubiquitous in Myanmar.

The only thing resembling a "Lao community" in Thailand to my knowledge is found in certain villages along the Thai-Lao border. I had the

opportunity to visit one such local village in one border province during my fieldwork which local Thai NGO workers referred to as a “Lao village” (*Baan khun Lao*). Border zones are of course very different to urban and suburban Bangkok with its adjacent industrial zones. The Thai side of the Lao border (i.e. the Isaan region) is after all primarily populated by Thai nationals who are ethnic Lao and speak a Lao dialect. Social-, cultural-, and kin-based networks straddle the border and are multiple. The Isaan region is also a part of Thailand which has experienced several waves of Lao migrants, where some (but far from all) have become Thai citizens (Thaweessit 2014).

In this particular village, approximately 80% of its inhabitants were Lao nationals. The migration into the village had gradually evolved since the early 1990s (initially triggered through intermarriage). Even Lao grandparents had migrated across from Laos as their younger family members could no longer look after them due to their migration to Thailand. Although some of the residents were undocumented, quite a few of them held Lao passports making monthly return trips to Laos to renew their legal stay in Thailand. Yet, in terms of social organisation of various forms of assistance, the village is geared towards Thai services. Villagers use the Thai health system when needed, and local children with Lao nationality attend local Thai schools, something I was able to confirm by a chance visit by one of the local Thai teachers. The local development initiatives in the village (which includes a saving scheme and agricultural initiatives and a project targeting work conditions for agricultural workers) are implemented with the oversight of the Thai village chief in collaboration with a local Thai NGO. In such a Lao “community,” there are no Lao collective forms of associations as such.

One added factor that helps explain the divergent Lao and Myanmar levels of self-organisation again relates to political histories and legacies. Since Myanmar’s student uprisings in 1988, a large group of student activists ended up as political exiles in Thailand, of whom many founded associations (Brees 2010; Décobert 2016). Until this day, many of them remain in Thailand. Some of these political exiles have gradually taken on labour migration as an added topic of activity alongside political activities relating to democratisation processes back home in Myanmar. A political exile community in Thailand is directly related to labour politics through the establishment of the Federation of Trade Unions of Burma (FTUB), a political exile labour union, which in recent years have expanded their activities back in Myanmar (now called the Confederation of Trade Unions of Myanmar, CTUM, see Arnold and Campbell 2017). Hence, as labour migration has increased since the 1990s, Myanmar migrants have had a pre-existing political exile community to tap into. U Ba Sein, who I introduced in Chapter 1 is one such leader. This also helps explain his merging of labour migration and democratic futures as topic of discussion (see Chapter 1). In later chapters, we will meet several other informants, including expatriate Monks, who share U Ba

Sein's trajectory as political exiles from the 1988 student generation, and has now taken on migration assistance in Thailand, which can fruitfully be considered as a form of political remittance (Piper and Rother 2020).

In contrast, no equivalent Lao political exile community in Thailand exists, despite a large Lao diaspora in the United States, France, and Australia. In order to locate anything resembling a Lao political exile community in Thailand, one has to go back to the Lao Issara movement of the 1940s in the context of Japanese invasion of Laos and subsequent French attempt at regaining control of Indochina (Ivarsson and Goscha 2007; Rathie 2017). This is not to say that there may not be any forms of emergent self-organising taking place amongst Lao migrants. Ongoing labour migration to Thailand since the early 90s coupled with newfound use of social media may eventually result in such change. And the aforementioned case of Od Sayavong may constitute an example of labour activism that may expand in the future. Yet, during my fieldwork, no such social organisation was in evident in the greater Bangkok region, let alone in border provinces.<sup>13</sup>

Handelman's (1977) seminal work on ethnic incorporation can usefully be applied to understanding the contrasting social organisation between Myanmar and Lao migrants. Based on the discussion above, one can observe that for migrants in Thailand, Lao as an ethnic label primarily exists as a category of ascription which may serve as foundation for friendships and kin relations amongst other Lao migrants. Lao migrant sociality is orientated towards Thai society, in part due to the fact that many Lao social relations straddle the Thai-Lao border (either through inter-marriage or pre-existing kin relations). This weakens the basis for a Lao migrant corporate group. Enduring social relations hardly goes beyond this. In contrast, Myanmar migrants constitute tight corporate groups and associations that constitute a mix of both pan-ethnic- and ethnic-specific groups (i.e. specific migrant groups for Karen, Mon, etc.) (Décobert 2016). Lao migrants have few or no effective networks, or overarching associations. Amongst the Myanmar migrants, we even see contours of political incorporation in the sense that associations take on pseudo-state functions (the facilitation and assistance with employment, access to health services and education) and can become rallying points for migrant workers' rights through quasi-union activity. Their networks, as later chapter will show, also facilitate redistribution of resources. Following Handelman, one may even see contours of a Burmese territorial community. In several industrial zones, residency patterns follow either ethnic or national identification where we see large concentration of Myanmar migrants in factory dormitories which in itself reinforces migrant sociality (see Campbell 2018). Many Myanmar migrant associations are based in districts and provinces with large Myanmar migrant populations. The fact that Myanmar migrants in some cases have given Burmese street names to their surrounding areas is quite telling of this form of territorialisation of a migrant sociality. As later chapters will reveal, Myanmar migrant sociality also comprises important virtual dimensions through social media.

All of this helps explain why safe migration programmes in Thailand tend to focus on Myanmar migrants, and neglect the Lao. Yet, central parts of safe migration aid delivery, such as pre-departure training, take place “at home.” How then, do these contrasting socio-political differences structure safe migration delivery in sending countries?

### **Contextualising safe migration in sending countries**

Laos and Myanmar’s contrasting authoritarian systems also help to shed light on how safe migration implementation unfolds in those two countries. In Myanmar, safe migration programme activities take place within a broader context of political, economic, and societal liberalisation and a consequential aid boom dominated by western aid actors. UN agencies and international NGOs collaborate with numerous locally based NGOs and community groups. Although government permissions are required for both aid programmes and researchers, my field visits to programme activities (e.g. pre-departure training, pre-decision training in villages and townships) went on with little interference from government bodies. Local partners that worked on safe migration activities were often enthusiastic, proactive, and engaged. Local village-based associations that took part in activities demonstrated upbeat engagement with programmes in ways that I have never encountered in a Lao context.<sup>14</sup> In contrast, the operating environment for aid actors in Laos remain constrained. All activities must go through government bodies and (at least nominally) international aid organisations ought not to implement activities without government oversight. This means that programme implementation is frustratingly slow, and – to me, appeared to have become even more difficult since my PhD fieldwork (2005–2006) and my time with the UN (2002–2004), most likely due to the weakened influence of western aid in light of Chinese encroachment. This does not only complicate research access.<sup>15</sup> Aid activities are severely curtailed, with the result that the kind of programme activity that could easily be observed in Myanmar is either slow coming or entirely absent in a Lao context. For example, despite one UN agency being in its second phase of operation during my fieldwork, they were still struggling with making their MRC centres operational at provincial and district levels.

Accompanying village-based safe migration awareness raising provided impossible to organise, not only for myself but also – by admission from one UN official – for Bangkok-based programme staff. This is not to say that there is never a situation where implementation takes place at local levels, but rather that programme officials themselves are severely limited in scaling up interventions and (importantly) develop a context-specific understanding of their own programmes. Safe migration implementation in the Lao context struggles to push itself beyond aid agencies own offices and various training workshops in seminar rooms with government counterparts. An important point about all this is this: in contrast to considerable programme activities

amongst Myanmar migrants in both sending and source communities, Lao safe migration activities constitute a form of programmatic nothingness.

### **Implications for assistance**

In his seminal work on participatory development in the early 1980s, influential development studies scholar Robert Chambers pointed to how aid programmes routinely overlook the poor (Chambers 1981). A range of biases perpetuated by the aid sector, including short time-frames and “tarmac bias” (i.e. where aid activities take place where you have road access), result in aid programmes *unperceiving* rural poverty which ultimately explains why aid programmes often overlook the poorest of the poor. The privileging of Myanmar migrants over Lao in safe migration programme aid delivery can similarly be explained by such bias. The sheer size of the Myanmar migrant population coupled with pre-existing migrant networks and associations (which partly stems from a community of political exile leaders) makes it far easier for aid programmes to operationalise assistance activities amongst Myanmar migrants. To paraphrase Robert Chambers, there is no such pre-paved road to access Lao migrants.

At the same time, the way I contrast Lao and Myanmar migrants in terms of their discernibility can easily be misunderstood. Throughout my fieldwork, it became apparent to me that most expatriate aid workers had a very poor understanding of the informal Myanmar aid associations that I was encountering. Although aid workers are fully aware that a lot of their activities take place amongst Myanmar migrants, this does not mean they necessarily had a solid grasp on how their own assistance was operationalised at local levels. It is important to keep in mind that aid delivery (as I explained in the previous chapter) constitutes in themselves chains of programme implementation. Just like any supply chain, they are susceptible to obfuscate micro-social practices (and thereby muddle responsibility and blame). This is why several of my expatriate aid informants could be flippant about their various claims regarding programme implementation amongst Lao, Khmer, and Myanmar migrant workers as they would themselves primarily only know these social worlds through budgetary and project reports from the various local actors (typically Thai NGOs) they sub-contracted to carry out implementation. As such, the divergent ways safe migration aid delivery connect with different migrants relates to co-production of visibility and invisibility, a theme that we will return to in later chapters.

### **Conclusion**

This chapter has explored how safe migration programmes disproportionately target Myanmar migrants, where Lao migrants are in practical terms marginalised, despite aid agencies official claims of supporting them. Due to linguistic, cultural, and social similarities with Thailand,

Lao migrants are predisposed to “fit in” in Thailand, whereas Myanmar migrants become predisposed to self-organise. Furthermore, the political legacies and contexts of Myanmar and Laos are crucial in order to appreciate how Myanmar migrants are predisposed to self-organise, it is inconceivable for Lao migrants to self-organise outside state structures. In addition, a pre-existing Myanmar political exile population in Thailand further helps explain how it is far easier for UN agencies and NGOs to tap into Myanmar migrant communities compared with Lao migrants. We also here see contours to what will become important in order to understand how safe migration is instrumentalised: the role of intermediaries. A key reason, I conclude, why Myanmar safe migration activities are omnipresent (as opposed to Lao nothingness) can be explained by how the former has the necessary conditions in order to enable intermediaries through chains of migration assistance.

## Notes

1. As it turned out, the Director was referring to collaboration with Lao authorities. When he mentioned the names of some of the officials, it became clear to me that he was, by chance, referring to my former Lao government colleagues from the time I served as a project advisor for the UN inter-agency project on Human Trafficking. The cases he referred to was from the 1998–2004 time-period. I am unsure why he wanted to “pass off” this as part of their current work, but one possibility may be a credulous belief that I was somehow connected to potential donor funding.
2. By chance at one of my visits to Nong Khai, where the programme manager alleged, they already had good cooperation with the provincial immigration police on their safe migration awareness raising and screening, I had a chance meeting with an immigration police officer during one of my visits. The official happened to work for the same police unit that the NGO claimed to be working with. I asked the officer if he had ever heard of this particular NGO, to which the officer affirmed in the negative. After some more probing the police officer recalled having met the NGO manager at a conference some time back and that there was some mention of possible collaboration, but the police officer made it clear to me that there was nothing remotely close to being a collaboration.
3. I later learned from another Lao-based NGO that there was a turf war between local NGOs resulting in different organisations handing out leaflets different days. After some more querying, it turned out that this only took place once a month.
4. I have in other writings pointed to how – in contrast with Foucauldian-based claims of omnipresent governmentality through counter-intentional effects – the Lao aid sector is hopelessly detached from Lao lifeworld’s ([Molland 2012b](#)).
5. In contrast to my earlier research on Lao migrants, investigating the intersection of safe migration aid delivery and migrants with the greater Bangkok region as the main focal point provided less opportunities for building rapport. My earlier research on anti-trafficking discourses and sex commerce along the Lao-Thai border was different as it took place within entertainment venues where there is considerable scope to converse and build social relations

with informants (Molland 2012b). As we will see later in this chapter, the integration of migrants looks very different in Bangkok compared to border areas (which denotes the importance of spatio-governmental aspects of how migrants are integrated into host communities). For example, Lao sex workers are far more visible in border contexts, compared to Bangkok, where some 80% of sex workers are Lao (Molland 2012b). Ironically, despite a discursive emphasis on the inaccessibility and invisibility of sex commerce in trafficking discourses, Lao sex workers are relatively speaking more easily identifiable in a border context compared Lao migrants employed in other sectors.

6. There are, of course, important contrasts between how the two countries relate to socialist doctrines. Whereas socialism has been highly tokenistic in a Burmese context, Laos experienced an actual social revolution with the advent of the Lao Communist party, the *Phatet Lao*. In recent years, the adherence to socialism in Laos has become increasingly perfunctory, which is why it is frequently referred to as a post-socialist state in Lao studies.
7. Although this policy has been liberalised somewhat over the years, local NGOs are few and curtailed (Singh 2009).
8. Lan Anh Hoang points to a similar dynamic in her comparative study of Vietnamese and Philippine migrants in Taiwan (Hoang 2015). In contrast to Philippine migrants who engage in considerable levels of self-organisation, even in public space, Vietnamese migrants are constrained in how they connect with other fellow Vietnamese migrants beyond kin relations: “The workers in my study come from northern Vietnam where bonding capital (strong ties) reigns over social life. Their narrow radius of trust (limited to kinship and village ties), as a result, serves to decrease the degree to which they are able to trust outsiders and cooperate with them.” (Hoang 2015, 13) Although one ought to observe caution extrapolating such insights from Vietnamese migrants, it is noteworthy that Laos’ one-party rule emulates Vietnam, where there are limited avenues for migrant workers to establish social relations and reciprocity that falls between the state and village-based kin and friends.
9. Through my research I was able to interview approximately thirty Lao migrants who in various ways had encounters with safe migration or migration assistance programmes. None of them were aware of any Lao-based migrant groups. Commonly, migration and recruitment took place through a combination of friends, family, and brokers, and some of them were married to Thais.
10. In contrast, the Lao Buddhist Sangha is more similar to Thailand’s in the sense that Monks are not permitted to engage in anything considered political. In addition, the Lao Buddhist Sangha political influence has been severally curtailed (see Stuart-fox and Bucknell 1982).
11. It is worth noting that the scale of these associations does not necessarily indicate cohesion as many groups are factionalised along religious, cultural and ethnic lines.
12. At the time of writing, it remains unclear to what extent Od Sayavong was involved in Lao-based labour networks, as opposed to political protest against the Lao government. During my fieldwork, not a single UN agency, NGO, broker, migrant, or other informant reported any knowledge of either Od Sayavong or any Lao-based migrant networks.
13. One thing I have noticed in communication with Lao migrants in Thailand over the years is how they link poverty to government failure in ways that I have not heard amongst either internal or returnee migrants in Laos. For example, when interviewing a migrant in Laos a typical response would be “we migrate because of poverty.” Yet, when I speak to Lao migrants in Thailand,

- interlocutors would often add that poverty-induced migration is due to “Lao government corruption.” No doubt, such critiques reflect a loosening grip of Lao governmentality but also suggest a latent critique of Lao government.
14. During one field visit to *Pyin Oo Lwin*, Myanmar, local associations that took part in a training programme on child labour, pre-departure labour migration training and enterprise bargaining, facilitated by the ILO. To my surprise, I learned that it was the local association, not ILO, who had taken the initiative organizing the training. Such locally grounded enterprising dispositions stand in stark contrast to my experiences in Laos where the aid sector face constant struggles with lack of local initiatives in aid programming.
  15. Migration research is sensitive in a Lao context. For example, Lao scholar Simon Creak was informed by University colleagues in Laos that human trafficking was a banned topic for researchers (See [Creak and Barney 2018](#)).





## **Part II**

# **Modalities of intervention**



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## 4 Departures

### Technologies of anticipation

We need awareness if we want to migrate.  
*(Workshop facilitator, pre-decision training,  
Myanmar)*

It is early morning near a border checkpoint along the Lao-Thai border. A group of 15 Lao migrants sit on benches in the immigration police centre awaiting the information session to commence. One of the NGO representatives from TPSMC (see [Chapter 2](#)), who collaborates with the immigration police, had distributed safe migration information leaflets to the migrants ahead of the session. Some migrants look at the leaflet, whereas others seem indifferent, checking social media on their smartphones to pass time. In the background, police officers chit chat and attend to various logistical issues relating to deportation paperwork. Despite being a deportation centre, the atmosphere is amiable and relaxed.

Then, one of the police officers greets the migrants politely with a *wai* (a polite bow with palms joined together) and commence the information session. Before deporting the migrants back to Laos, the officer explains, he wants to share some information first. “When entering Thailand, you must do so under the MOU programme,” he says.

The pink card will expire on the 31 March this year. The Thai Government, Thai Immigration Police Officers, Governmental Officers are all worried that you all would be exploited or deceived if you don’t have the required documents to live and work in our country. There was a recent case where Burmese migrants working on a boat did not receive their wages for a year.

He then goes on to explain that the police, in collaboration with the NGO, will ask the migrants some questions before they are returned back to Laos. “Since you did not legally come into the country this time, please make the legal arrangements when your return home before coming back again,” the police officer proclaims. “We wish you good health and richness in the New Year.”

The police officer hands over to one of the TPSMC outreach workers, who goes through the content of the leaflets that was distributed earlier. The leaflet provides information on how to avoid exploitation when working in Thailand, the outreach worker explains. “What risks are there if you don’t have legal documents?” she asks the migrants. “Employers refuse to pay wages” one migrant utters. “Workers can be exploited” another migrant adds. “That’s right” the TPSMC officer replies. “And you would also be at risk of getting arrested by police.” She then points to various phone numbers on the leaflets that migrants could call if in trouble.

Later on, I had the opportunity to informally converse with both the TPSMC officers and police separately while the migrants were being interviewed for trafficking identification victims screening.<sup>1</sup> I ask TPSMC and police separately whether they had any idea whether migrants actually act upon the information they receive. Do Lao migrants obtain passports, work permits, and take steps to avoid labour exploitation as stipulated in the leaflet, I wonder? Both TPSMC field staff and the police are quite prepared to admit no clear method allows them to establish this connection. Later on, my research assistant and I are allowed to accompany the police to the Thai-Lao checkpoint. TPSMC has a similar arrangement on the Lao side of the border. After the handover between Lao and Thai police, a parallel



*Figure 4.1* Thai police and TPSMC provide safe migration advice during a deportation procedure.

process takes place on the Lao side. In collaboration with Lao police and officials from the Lao Ministry of Labour and Social Welfare (MoLSW), the deported migrants are asked similar screening questions and provided with information on safe migration. I repeat the questions I earlier asked their Thai counterparts. How do you know the safe migration awareness-raising material work, we wonder? “There is no way for us to know this” one Lao official readily admits. The disconnect between programme objectives and outcomes does not appear to prevent TPSMC and their Lao and Thai government collaborators from rolling out their safe migration interventions.

### **Safe migration, pre-departure, and spatio-temporal reversals**

The information session I here describe is one of the numerous examples where government bodies and NGOs attempt to safeguard migration through awareness-raising sessions premised on predictive ideal-type migration: advising migrants prior to departure on administrative processes (such as obtaining passports and work permits) and assistance mechanisms (e.g. hotlines), to ensure safety in migration. During our three-day stay at the Lao-Thai border, we were allowed to observe several instances where migrants were going through such information sessions. Typically, such sessions take place under the auspices of “pre-departure” training in source countries of migrants which has become commonplace in the Mekong region and elsewhere. Yet, in this case, we see a spatio-temporal reversal of the process, where safe migration pre-departure training takes place as part of the repatriation process. Rather than informing migrants on safe migration prior to departure, the session is held during their return process (through deportations) back to Laos. At first glance, this may seem contradictory but makes sense within a context where oscillatory migration is commonplace. The likelihood of returning migrants re-migrating explains why safe migration awareness raising can be provided upon migrant’s return, and points to the ubiquity of Lao-Thai cross-border migration. The fact that the police officer is in effect encouraging migrants to return (albeit with legal documents) is telling of the increasing acceptance of cross-border migrations along the Lao-Thai border.

The spatio-temporal reversal also points to how formal policy prescriptions are adapted through policy praxis. One of the reasons TPSMC ends up with inverted safe migration aid delivery has in part due to the administrative convenience involved. Whereas it is difficult for them to access aspiring migrants who are crossing the border from Laos into Thailand, deportations allow an entry point where they can engage migrants directly as they in practical terms have – quite literally – a captured audience.<sup>2</sup> Furthermore, the way TPSMC adapts to local contexts points to a broader implication regarding the relationship between policy prescriptions and outcomes. When NGO staff and police openly admit that they have no way of knowing if their safe migration awareness raising actually works,

they are, in Foucauldian terms, fully aware of the “immanent disjunction and dissonance between the ‘programmer’s view’ and the logic of practices, their real effects...” (Dean 2007, 83). Although they implement programme activities that are meant to contribute to migrants’ safety, they have no clear means of knowing if this desired policy objective comes to fruition. It is precisely the intersection between such disjunctions – between policy intent and outcomes – and the spatio-temporal reversals described above, which comprises the central theme for this chapter. How is it that pre-departure awareness raising can be scaled up despite no monitoring? As the following pages will explicate, through policy prescriptions based on pre-departure and pre-decision training, programmes are forced to engage in processes where both spatial and temporal principles within their programmes are reversed. Yet precisely because the interventions are based on an anticipatory logic, connecting prescriptions with outcomes becomes opaque. In turn, such opaqueness intersects with how pre-departure and pre-decision training blur legal and administrative entitlements with ideal-type migrant subjectivities. As the chapter will explicate, this contributes to a highly individuated behaviouralist discourse within safe migration activities which straddles well beyond pre-decision and pre-departure training.

The chapter proceeds as follows. First, it explicates how a behavioural change discourses have become central within anti-trafficking and safe migration programme activities. Second, it traces how this discourse manifests itself through spatial reversals within pre-decision training and pre-departure training. Third, it considers other programmatic attempts that link behavioural change to spatial (beneficiary tracing) and structural dimensions (i.e. targeting employers) of labour migration.

### **From territorial governance to epistemological behaviourism**

For years, awareness raising has remained a central component for UN agencies and NGOs who work with migrants. Yet, important changes have ensued since the advent of anti-trafficking programmes in the 1990s. Awareness raising within early anti-trafficking efforts in the Mekong region was situated within a broader community development agenda (Molland 2012b; Thatun and Marshall 2005). By providing opportunities “at home,” it was argued, human trafficking was “prevented”: if aspiring migrants decided against migration, then no trafficking would occur. Awareness-raising messages echoed this logic by emphasising the dangers of migration. Over the year, this approach was heavily critiqued by both academics and practitioners as ineffectual but also politically problematic as such interventions risked becoming unintended, extended arms of border control; something which was at odds with aid organisations’ claim of human rights approaches to migration.<sup>3</sup> Yet, over the years, things changed. NGOs, UN agencies, and even governments acknowledged that the real emphasis ought not to be placed on whether people abstain from migration, but

how trafficking, exploitation, and other forms of problems can be mitigated *through* the migration process. The awareness-raising message changed from “don’t go” to “if you go, go safely” (Molland 2012b). During the 2000s, agencies recalibrated their programmes accordingly.

This change has both practical and theoretical significance as it alters the relationship between governance and space. It moves awareness raising away from territorial control. Rather than anchoring populations to territory (“don’t go”), it attempts to safeguard migration *through* mobility (“go safely”). Furthermore, although trafficking awareness raising has always been a technology of anticipation (as “prevention” is by necessity prior to the event), safe migration programmes have made awareness raising central in a double sense: in addition to constituting a central pillar of programme intervention (pre-decision training, pre-departure), safe migration information applies to all potential migrants (as opposed to particular “kinds” of migrants, i.e. migrants at risk of trafficking). Hence, safe migration awareness messages open a wider space for how migration governance is enacted as it transcends a governmental logic premised on spatial and territorial control. This is not to suggest that safe migration awareness raising is necessarily separate to activities under the auspices anti-trafficking. Indeed, as explicated in [Chapter 2](#), anti-trafficking programmes were central in popularising safe migration awareness raising throughout the 2000s. Agencies hired research, monitoring and evaluation consultants in order to carefully recalibrate how awareness raising could move beyond simplistic “don’t migrate” messages towards a focus on safety in migration. As a result, agencies produced a range of training manuals in order to assist their awareness-raising efforts.

Perhaps, one of the most influential reports amongst agencies in the Mekong region at the time was a discussion paper supported by the Asian Development Bank (ADB) which was a culmination of a series of workshops involving several UN agencies and migration partners. *Re-Thinking Trafficking Prevention: A Guide to Applying Behaviour Theory* starts off with a truism: “we cannot assume that increasing a person’s knowledge and understanding about a particular risk will lead them to take action to avoid that risk.” (Marshall 2011, 7). It then goes on to highlight several examples of how current awareness-raising approaches often fail to achieve desired outcomes by, for example, failing to acknowledge that:

It may also be the case that potential migrants understand the risks but are not able to access ways of reducing those risks. For example, there may be safer legal migration channels but these may be restrictive in terms of costs, time, or criteria in terms of age or qualifications.

*(Marshall 2011, 8)*

As such, the report hints at an acknowledgment of structural reasons for migrants’ vulnerability. Yet, the focus on “behaviour” remains central



throughout the document. For example, it suggests the following goal and activities under the auspices of potential safe migration activities:

Safe migration goal: Prospective migrants in District X take the following steps below to protect themselves from exploitation:

- 1 Take a copy of the personal documentation of their recruiter and leave with a family member, village chief, or other trusted source;
- 2 Leave details with family member, village chief or other trusted source as to where they are going and who with;
- 3 Memorise a phone number they can call for assistance in the destination country; and
- 4 Talk to three other returned migrants for advice about protecting themselves during migration and at destination.

Eventually, specific targets and indicators can be set for this goal, such as increasing the proportion of prospective migrants who undertake at least three of the steps above.

*(Marshall 2011, 14)*

The specific activities suggested exemplifies how safe migration moves from territory (“stay where you are”/“don’t migrate”) to conduct: a set of identifiable actions that individuals ought to take through migration. As such, the report is – quite literally – a textbook example of what Xiang Biao has labelled *epistemological behaviourism* which:

treats migration as a behaviour distinct in itself, that is, a particular class of intentional human actions responsive to particular stimuli and constraints. Disparate human flows are thus imagined into a singular subject that can be analytically isolated.

*(Xiang 2016, 669)*

Such behaviouralist discourses are widespread in policy circles, and migration aid policy is no exception (see Killias 2010). UN agencies (ILO 2015a), NGOs (World Vision 2014), and even government bodies (Ministry of Labour and Social Welfare Laos n.d.) have produced a range of training manuals with similar behaviouralist assumptions and advice similar to the *Re-Thinking Trafficking Prevention* report. Although many of these initiatives, as evident in TPSMC’s leaflet described at the beginning of this chapter, provide emphasis on documents (passports and work permits), others provide more emphasis on social dimensions of migration. World Visions’ *Smart Navigator* training manual, which I referred to in the introduction of this book, is exemplary of how it maps migrant behaviour through a checklist with yes/no answer options, and is worth quoting in its entirety (World Vision 2014, 10–14):

*Checklist: Safe migration*

Answer these questions when you first start having discussions about moving to take a job outside your community. Discuss these questions with your family.

Information About Your Destination

Do you know where are you going?

If yes, write the name of the town here:

Do you know anyone who lives in the town to which you are going?

Do you have that person's phone number?

Can you call that person to make a plan to meet when you arrive?

Information About the Journey

Do you know how you will return to your home country when the job finishes?

How much does the return trip cost? Write the amount here:

How much does it cost to live in the place you are going if you don't get a job when you first arrive? Write the amount here:

Do you have enough money to live for a while when you first arrive and for the return trip?

(Remember, it is dangerous if you have to borrow money from the recruiter or employer to make the trip, or if you have to go into debt to pay a deposit to the recruiter. It is dangerous to arrive at a new job in debt to the recruiter or employer.)

Are you travelling with friends?

Information About the Job

Do you know anyone who has been hired through this person or a recruiter before?

Does the person who got a job sometimes come home to visit?

Does the person who got a job call his or her family?

Does this job sound like other jobs you have heard about?

Does it pay the same amount of money as other migration jobs you have heard about? (If it sounds too good to be true, it might be a lie.)

Can the person who is organising the job for you tell you the name of the company you will work for? Write it here:

Can the person tell you the address and phone number of the company? Write it here:

Can you look up the name and address of the company on the Internet?

Do you have a contract?

If you do not have a contract, have you discussed the conditions of your work?

Can you read and understand the whole contract?

Do you agree with everything the contract says?

Documents

If you are going to another country, do you have a passport and a work visa for that country?

People to Contact

Will you bring a mobile phone with you so that you can contact your family when you are away?

Do you know an organisation or person to contact in the other town/country – if something goes wrong and you need help and safety?

The more times you answer yes, the safer your plan is.

Both the Smart Navigator manual and Re-Thinking Trafficking Prevention report make it clear how safe migration goes beyond a focus on legal travel documents to emphasising the right kind of knowledge and relationships in migration. Hence, the social eclipses the legal. As will become evident, different agencies approach this differently, and it is not unusual for pre-departure training to emphasise state-centric dimension of migration (such as the importance of passports and utilising licensed recruitment agencies). Yet, advocating the use of, say, passports takes place within a discourse that aims to calibrate migrants' dispositions. And it is here, the relevance of epistemic behaviourism is the key. On the one hand, training manuals seek to mould specific dispositions and behaviours through training accompanied by pre- and post-test of migrants' "awareness" (more on this below, also see Chang 2018). Hence, recalibrating migrants' behaviour is premised on a logic of verification in response to training sessions with clear panoptical characteristics (as we will see, pre-departure training commonly takes place in seminar rooms or village compounds).

Yet, at the same time, such manuals apply a tick-in-the-box approach to assessing safety in migration where either "...specific targets and indicators can be set for this goal, such as increasing the proportion of prospective migrants who undertake at least three of the steps above" (Marshall 2011, 14), or "[t]he more times you answer yes, the safer your plan is" (World Vision 2014, 14). The operational logic is not one of verification but one of profiling based on categorisation and ranking. This pushes safe migration awareness raising interventions towards what I have alluded to several times earlier in the book: governance premised on anticipation. Success can be assessed before migration commences. At the same time, migrants' conduct replaces a governmental concern with territorial control. Hence, epistemological behaviouralism merges two theoretical themes that I canvassed in the introduction of this book: disciplinary power and governmentality on the one hand and security, modulation, and simulation on the other hand. Furthermore, it is precisely safe migration behaviouralist discourse, expressed in manuals like Rethinking Trafficking Prevention and Smart Navigator, which brings together the various assemblages of safe migration interventions: the importance of legal documents (passports and work permits), migration

infrastructure (migrant networks, brokers, and recruitment agencies as facilitators for migration), and a range of support mechanisms (such as hotlines).

Yet, as social scientists are well aware, a recipe is not the same as food. One cannot deduce social practice from training manuals. Anthropological and sociological critiques of policy-orientated behaviouralist discourses are plentiful, well-known, and point to several profound problems with their assumptions, including the tendency to confuse migrants' behaviour with their social condition (Fassin 2017) and mistaking the prescriptive for the descriptive (Merry 2016; Neumann 2017). Despite the Re-Thinking Trafficking Prevention report placing considerable importance on how a "behavioural approach" will strengthen aid programmes monitoring, evaluation, and impact, it is easy to see how the report neither evidences nor explains how safety is meant to follow from the recommendations the document provides. For example, whether migrants "[l]eave details with family member, village chief or other trusted source...[m]emorise a phone number they can call for assistance," or "[t]alk to three other returned migrants for advice about protecting themselves during migration and at destination" (Marshall 2011, 14) do not show much in and of themselves (indeed, later chapters will explicate the precarity of such actions). Yet, before we even get to the question of efficacy of policy outcomes, the ethnographic question becomes this: how do aid agencies produce the kind of safety that their training manuals stipulate in specific settings?

### **Before pre-departure: Pre-Decision training**

The Labour Migration Consortium (LMC) is a small local NGO that collaborates with Linda's (see [Chapter 2](#)) safe migration programme. LMC is a key agency that operates in one of the Myanmar border areas. As their activities take place in village communities with high levels of out-migration to Thailand (and to a lesser extent Malaysia, Singapore, and even Japan), they are in practice curtailed by the kinds of interventions they can provide. Being based in a source community of migrants, LMC's programmatic target – safe migration – is situated elsewhere, both spatially and temporally. Hence, in practice, their interventions are reduced to two things: targeting migrants with information prior to departure, coupled with attempts to connect returning migrants with local development objectives (typically related to migrant remittances). In this sense, LMC's activities resemble TPSMC's activities but in reverse: whereas TPSMC target migrants on their return back to Laos LMC ground their interventions in local villages with high levels of circular migration.

Today, it is the first part of LMC's work – awareness raising for aspiring migrants – which takes prominence. LMC had prepared the event in consultation with a cluster of villages in a local district. In order to ease access for participants from several villagers, the event is held at a local temple. Around 30 participants between 19 and 32 years of age are in attendance that day. MLC staff seem well-prepared. They have structured the workshop into several modules, which are all designed to aid aspiring migrants

in terms of their migration decision-making. The modules comprise a variation of advice on laws and regulations (pros and cons of migrating legally or illegally; how to migrate through licensed recruitment agencies; human rights and labour law), the importance of social relations in migration in order to mitigate risk (i.e. whether you have friends or relatives who are migrants and how to stay in touch with friends and family during migration), as well as various sessions on practicalities relating to migration (cultural etiquette in a foreign country) and saving strategies in order to remit money. In other words, the awareness raising resembles the kind of training manuals previously described in this chapter. As the training proceeds, the organisers allow considerable scope for attendees input, no doubt inspired by participatory methodologies that remain popular amongst aid agencies.

Participation comes most to light in the use of role-play where the organisers are able to engage participants in possible migration scenarios in order to strengthen aspiring migrants' decision making. One role-play exercise includes a daughter and her family's deliberation regarding whether she should migrate to Thailand for work to support the family. The role play commences with a humorous spin. "Don't go" the aspiring migrants' older "sister" exclaims, as "you will end up marrying another man" (laughter). "I will send money home" the aspiring migrant replies. "I can trust you - we know each other" the "mother" adds. "When I come back, I want to open a clothing shop." After some further deliberations regarding the possible positive and negative aspects of migration, the mother says: "Ok you go. We need to investigate further about *how* to migrate." Subsequent to the role play, participants are asked to cross-check the role-play story against a checklist for migration decision making, which includes:

- Who will migrate?
- Impact on the ones left behind.
- Domestic or international migration.
- How much you know about the place you want to migrate (including whether you have any family members or friends present at destination point that can potentially help you)?
- What kind of job?
- Match your skills.
- What skill gain? [sic]
- How much money to send (remittances)?
- How to communicate with family members?
- What to do with money you send home?
- How much cost to migrate?
- What you hope to gain from migration?

The organisers then go through how the participants matched the role-play story against the check list. The more complete answer under each question, the more informed the migration is likely to become, LMC staff explain.

The participants appear genuinely enthusiastic about the training. Yet, as the day progresses, several dissonances become evident. The training is, as is common in aid, formulaic. Participants are advised that when working in foreign countries, the working day should not exceed eight hours without overtime. If this is breached, the employer can be taken to court, one of the organisers alleges. Although the training session considers the possibility that some migrants may prefer unlicensed, extra-legal migration (in part due to the low cost), this is quickly side-parked, instead providing ample space for elevating formal, legal migration – through state-sanctioned recruitment agencies – as the preferred migration pathway. “What is good about going the legal way,” one of the organisers asks before answering her own question: “you will get full labour rights and full salary.” Such advice is provided despite the fact that both implementers and participants reveal to me through informal conversations over tea breaks and lunch that they are well aware of ongoing reports (either through social media or returning migrants) on violation of migrants’ rights, including serious abuse and malpractice within formal, legal, state-sanctioned recruitment chains. As I learned later in the afternoon, nearly all the participants followed Migrants Assist Migrants (MAM) on Facebook, which is one of the most prominent migrant self-help groups in Thailand, which includes daily updates on various abuse of migrants which often takes place regardless of migrants’ legal status (see [Chapters 5 and 9](#)).

After the lunch break, space is provided for an informal discussion with the participants about migration. I was curious how the aspiring migrants would find jobs abroad, given the advice that had been given through the training thus far. One man in his twenties tells the group that he has already undertaken the pre-departure training offered by a recruitment agency in Yangon and is awaiting his placement. Several other migrants are already well ahead with initiating their migration. Three young women have already paid huge amounts, around 2000 USD, to a broker whom we later learned is a Monk. The pious broker had promised secure passage to work in Malaysia as domestic workers. Visibly shocked by hearing this troubling news, Ma Thida, one of the MLC’s managers, queried whether the broker provided any receipt. The three young women confirmed that no receipt had been given. This led to a general discussion on brokers.

Similar stories emerged the next day in training session in an adjacent village. A group of participants claimed that their key conduits for migration was through “friends,” though later on it became clear that brokers were also central to participants’ migration plans. They had paid brokers upfront fees but had then not heard anything. They had waited for three months. They were effectively stranded in the village. The problem with unscrupulous brokers was an immediate problem for both the aspiring migrants as well as Ma Thida and MLC. Ma Thida told me that although they had good experience with the authorities dealing with malpractice amongst licensed recruitment representatives (which she alleged was now less of a problem), no immediate strategy was available to them in tackling unlicensed brokers who fleeced

migrants for money. As no receipt was provided, it was nearly impossible for MLC to act on the case, Ma Thida told me. Hence, the distinction between licensed recruitment agencies and unlicensed brokers was essential in this context. Yet, as Ma Thida explained to me, this point was hard to get across to MLC's target communities. Although the distinction between a recruitment agency and a broker (*boisa*) is easily understood in Burmese, this distinction is not recognised in the local vernacular (Shan and Pa'O).<sup>4</sup>

The training progressed. At the end of the day, the participants are asked to again fill out the pre- and post-test survey in order to measure participants' awareness of migration in light of the training. Echoing the training itself, the survey questions are strongly skewed towards legal migration channels through the formal bilateral MOU system as the preferred migration pathway.<sup>5</sup> Then, flipcharts are used for participants' feedback. No doubt the semi-public nature of the evaluation contributed to a certain courtesy bias. All participants rated the training as "good."

### **Pre-decision: Four paradoxes**

The pre-decision awareness raising I describe here constitutes one out of numerous safe-migration-related interventions that are implemented by NGOs, UN agencies, and governments in the Mekong region under the auspices of either pre-decision, pre-departure, or post-arrival training. Throughout my fieldwork, I was able to observe similar sessions in a range of locations, including Mon State, Shan State, Mandalay, Nong Khai, and Mukdahan.<sup>6</sup> I will return to the several of the dynamics relating to these initiatives in later chapters. For now, I elucidate four paradoxes that such training presents.

First, formal programme logic suggests a chronological sequence: pre-decision training is meant to precede pre-departure training. Whereas the former is intended to provide migrants with an informed ability to decide whether they should migrate, the latter is meant to target migrants who already have made their decision regarding migration. Yet, during MLC's training, it becomes evident that several participants have already undertaken pre-departure training. This reversed sequence can be explained in light of the fact that MLC's bureaucratic logic (which is partly imposed by the international organisation that funds them) works against any chronologic sequencing of their pre-decision training. Although the training is meant to offer a neutral platform for local villagers to consider the pros and cons of migration, the programme has (due to donor pressure) targets for training attendance. Hence, the training resembles preaching to converts as it is easier to mobilise participants who already are geared towards migrating. Hence, several of the participants attend the training while passing time awaiting news from either their broker or recruitment agency. As such, several participants are deep into the migration planning process where many of them have already signed up with recruitment

agencies. In contrast to a formal programmatic objective of a chronological process (pre-decision, pre-departure, departure, etc.), migration practices precede decisions.

Second, such temporal reversals relate to a spatial challenge. Although this intervention places specific focus on migration to Thailand, some of the aspiring migrants are destined for elsewhere: Malaysia, Singapore, South Korea, and Japan. Despite a formal discourse of connectedness, which is evident in the Global Compact on Migration (United Nations 2019, 10), where pre-decision and pre-departure training are meant to be linked to post-arrival training and other support services in migrants destinations, such connectedness remained a programmatic fantasy which only exists in training manuals and aid reports, and had little relevance to the specific circumstances of MLC's pre-decision training.

Third, although the formal training focuses on regulation and law (the importance of passports, work permits, health insurance, etc.), once participants and MLC engage in informal conversations regarding migration, the discussion gravitates towards the question of brokers and social connections in migration. The importance of connections through friends and how to trust – and deal with “good” and “bad” brokers – dominate discussions. Hence, although the training content gives priority to how legal status is achieved (e.g. how to obtain documents), conversations move from the legal to the social and relational.

Fourth, MLC's pre-decision training raises broader questions regarding programme efficacy and the reproduction of programme activities. What exactly did the training achieve? Some 30 people received information on pre-decision migration yet without any clear way of knowing whether this information would indeed result in safety for the aspiring migrants. Echoing the training manuals discussed above, safe migration decisions are assessed through categorisations expressed through checklists and pre- and post-test questionnaires (as opposed to any means of verification of actual migration outcomes). Prescriptive advice (e.g. utilising licensed agencies) is privileged, whereas context-specific problems are unaddressed (e.g. how to address unscrupulous, local brokers; the widespread social media reporting on malpractice within legal migration pathways). Furthermore, the fact that several migrants already have either made decisions or engaged in migration processes even before the training, the whole exercise is by its own logic partly redundant. Furthermore, some participants have already lost significant amounts of money due to unscrupulous brokers. Migration had become “unsafe” even before commencing. Yet, MLC has no obvious way to deal with the situation. Despite the tragicomic nature of such situations, this does not bring the programme to a halt. Indeed, the participants ranked the training as a success (which in turn will be reported back to MLC's main donor and collaborator: Linda's safe migration project). As such, the training is a world onto itself. Both the implementation and evaluation of the training session unfold regardless of the context where it takes place.



Pre-decision training sessions like the one I here describe underscores how aid implementation does not depend on the translation of policies into outcomes (Mosse 2005a). At the same time, several temporal inversions take place. As an act of programmatic bad faith, attention to specific context of migrants' life worlds becomes opaque. Yet, this is not to suggest that aid agencies do not attempt to overcome the kind of spatial and temporal challenges involved in tracking migrants' well-being through migration. One strategy which attempts to address this is beneficiary tracing.

### **Beneficiary tracing**

Several aid programmes have taken up beneficiary training in order to determine migration outcomes in light of pre-departure training and counselling. An ILO report explains its rationale thus:

One of the main support services provided to potential migrant workers in countries of origin is safe migration counselling. A central objective of this counselling is to provide potential migrants ...with the ability to make informed decisions about working abroad, and to emphasise the benefits and increase knowledge about the procedures for migrating through legal channels for those who choose to go...To assess that impact, several MRCs have begun tracing counselling beneficiaries through follow-up phone calls [which] seeks to determine the extent to which the services provided contributed to those behaviours – rather than other external forces, events or actors... The approach is designed to capture both the intended results (informed decision-making about migrating for work, increased knowledge about how to migrate safely, and better protection of rights in destination countries) and unintended results (counselling that convinces beneficiaries that labour migration is profitable without informing them of the potential risks involved or migrants facing abuse in spite of using a licensed recruitment agency to migrate regularly). The information obtained should also be used to provide follow-up services to migrants and adjust the approach to service provision where indicated.

*(ILO 2014a, 12)*

Hence, through follow-up calls subsequent to pre-departure training or counselling, NGOs and MRCs are able to assess migration outcomes through beneficiary tracing. As the activity is based on a phone call, interventions can potentially be scaled up considerably as they sidestep logistical constraints relating to physical co-presence. Beneficiary tracing echoes certain characteristics that we identified above regarding training manuals. On the one hand, beneficiary tracing objectifies migration outcomes through verification (through follow-up phone calls). Hence, for individual migrant cases, beneficiary tracing is *reactive*. At the same time, scaling up beneficiary

tracing allows aid agencies to prospectively assess migration outcomes based on an ex post facto aggregate (i.e. X% of migrants report positive experience utilising a licensed recruitment agency). As such, it resembles how insurance companies project risk and premiums, and embodies the analytical distinction between discipline and security as discussed in [Chapter 1](#). As such, beneficiary tracing comprises de-territorial interventions (the whereabouts of migrants are irrelevant to the intervention) where efficacy of safe migration awareness raising and counselling combines chronological verification, with prognostic assessment based on aggregates.

Yet, in practice, the uptake of beneficiary tracing appears piecemeal and limited for a range of reasons. One constraint is practical. As migrants need to change SIM cards when crossing international borders, it limits programmes' ability to reach beneficiaries as migrants' phone numbers in destination country may not be known prior to migration. It is curious why programmes have not given more thought to the possibility of requesting social media contacts (such as WhatsApp and Line) as they are ubiquitously used by migrants and do not depend on country-specific SIM cards (see [Chapters 7 and 9](#)). Another limitation is political. Following up with outbound migrants is not only time consuming but also requires migrants' consent. As state officials are often involved in pre-departure training, migrants may be less inclined agreeing to have state officials scrutinise their whereabouts. Given the authoritarian political legacies of migrant source countries, such as Laos and Myanmar, one should not underestimate the serious implications this has for how migrants (dis)engage such processes. For example, Lao authorities have for years both fined and confined returning migrants who officials believe have breached migration regulations. This point is even recognised by aid agencies. For example, one of the ILO's evaluation reports makes the following observation regarding beneficiary tracing amongst Vietnamese migrants:

While the findings are very encouraging, the potential response bias should also be considered. Government officials contacting migrants to ask questions regarding recruitment agencies – to whom they often have well-established linkages – as well as requesting information about behaviours that violate Vietnamese law, mean that the high response rates related to the use of regular channels must be qualified somewhat. Further data collection by an objective and non-duty bearing research institution during the end-line survey will provide a clearer picture of the impact of the safe migration counselling provided.

*(ILO 2014c, 100)*

Possible reactive responses where one cannot distinguish migrants' deference to authorities from actual migration outcomes are a recognised problem within beneficiary tracing. This self-critique also brings attention to how migration governance, and the various modes of objectification it entails, are mediated through social actors (such as state officials), which

has important bearings on how encounters between safe migration interventions and migrants produce certain kinds of knowledges and practices. This point is brought to light by considering a third approach that has become popular in relation to pre-departure training and behavioural change discourses: safe migration awareness-raising videos.

### **“Know before you go”**

The consolidation of pre-departure and pre-decision training has emerged alongside an increasing “tech utopia” within the aid sector. Digital technologies, social media, and online media content have become part of aid programme activities (see [Bernstein 2016](#)). As such, the safe migration sector exemplifies how *data doxa* ([Smith 2018](#)) intersect with humanitarian and emancipatory projects. The considerable increase in social media and smartphone use (even amongst poor migrant workers) makes such interventions an attractive proposition. UN agencies and several NGOs have been on the forefront in developing various social media apps, ranging from assisting with the identification of trafficking victims to crowd-sourced rankings of labour migrants’ employers resembling TripAdvisor.

Perhaps, more dominant is the production of video content. IOM has been at the forefront of this trend, with its own dedicated programme – IOMx – which produces safe migration awareness-raising material on a broad scale.<sup>7</sup> As with beneficiary tracing, such interventions are appealing due to their de-territorial quality, although – as will become evident in [Chapter 9](#) – UN agencies and NGOs social media presence is easily dwarfed by migrant self-help groups’ social media use. Videos are also transposable as they can easily be employed within programme activities. During fieldwork, I observed both ILO and IOM videos being employed by other aid agencies and even government departments within the context of pre-decision, pre-departure, and post-arrival training sessions. Awareness-raising videos also share temporal qualities with beneficiary tracing in how they connect the past and future. On the one hand, they are meant to shape migrants’ conduct (thereby being future orientated) while at the same time being grounded in migrants’ real-life worlds (which connects to past action).<sup>8</sup> As such, they are *models for and of reality* and can therefore be thought of in terms of simulation.

Throughout fieldwork, I had several opportunities to speak to migrants regarding such videos. One afternoon, my research assistant and I visited a group of Lao migrants at the outskirts of Bangkok. We were initially introduced to the migrants through an outreach worker related to a domestic worker project. Sai, Lanh, Phou, and Chan all come from southern parts of Laos. Although the initially claim to have been in Thailand for only two–three years, as conversations progressed, it turns out that some of them had been in Thailand for much longer than that. Sai, now aged 32, arrived in Thailand as a domestic worker when she was 13. The others had been in Thailand for around five–six years.

Initially arriving in Thailand as undocumented migrants with the assistance of friends and acquaintances, they have in later years been able to obtain legal documents. The transition from an undocumented to documented status is in part due to the fact that the Thai government is becoming increasingly insistent on migrants holding legal documents, they tell me. In addition, obtaining passports in Laos has become much easier and cheaper than in the past. They all relied on brokers in order to obtain a passport.

Despite this similarity in legal status, only Phou holds a work permit. The rest of them are technically in Thailand as tourists without any work permit. This means that they cannot be too choosy with work, Lanh explains, as many employers are now reluctant employing workers without work permits. Yet, despite holding a work permit, Phou is not necessarily better off than the other women. During our conversation, it becomes clear that the cost of the work permit is simply passed onto Phou, which challenges common claims relating to the potential advantages of holding legal status.

After a while, I ask if they would be ok with me showing them a video on my phone made by an organisation that helps migrants.<sup>9</sup> I tell them that I am interested in hearing their views and thoughts about the video. Once the 6-minute video animation is complete, we discuss its contents. The video resembles awareness-raising content described earlier in the chapter: alongside the importance of legal documents, the importance of going through licensed recruitment agencies, consulting friends and knowing how to seek help is emphasised. Initially, Sai, Lanh, Phou, and Chan express affirming responses. “The video tells us how to migrate the right way,” Lanh says. “It tells us what we should do when we go to another country” Phou adds. Chan suggests it is helpful that the video provides phone numbers that migrants can call.

After further discussion, I point out to them that although they all allege the video provides useful information for migrants, they had not done anything of what the video recommends. None of them had gone through the formal bilateral labour channels between Laos and Thailand, nor had they utilised formal recruitment agencies.<sup>10</sup> To the contrary, they had engaged in practices (such as relying on brokers) which the video warns against. Although they had over time obtained passports, all but one of them did not possess a work permit. Furthermore, although they all expressed usefulness regarding hotlines numbers, none of them knew of anyone who had requested assistance in this way.

The conversation shifts towards reflecting on the differences between the video and how they had themselves migrated. Recruitment agencies are expensive, they said. Furthermore, going through formal channels makes it difficult to change employers, a fact that they had learned through friends. Lanh alleges that in such cases you could change jobs, but this would incur a huge informal fee that is typically paid back through monthly deduction from your salary. They also have heard of migrants who have ended up with no salary even when they went through requirement agencies. Obtaining

a work permit is prohibitively expensive. It would cost 20,000 Baht (646 USD) to change their status from a tourist visa to a work permit. Phou, who had obtained a work permit, was still being charged deductions from the employer who simply passed the work permit cost onto her.

The conversation with Sai, Lanh, Phou, and Chan encapsulates a central problem that Robert identified for us in [Chapter 2](#): the difficulty for migrants to act on awareness-raising messages, a point that has also been noted in recent commissioned research on safe migration ([Kiss and Zimmerman 2019](#)). Awareness-raising material, in the forms of videos and pre-departure interventions, assumes safe migration can be invested in migrants' individual behaviour. However, several social and structural forces work against this. In other words, the behaviouralist discourses that underpin these interventions contribute to masking the situated contexts of migrants. How would Sai, Lanh, Phou, and Chan respond to a beneficiary tracing phone call from an MRC in Laos? The initial response they gave me reveals interlocutors can readily allege support for one kind of behaviour when asked (e.g. going through a recruitment agency) whilst not doing so in practice. The fact that verbal utterances do not reflect actual behaviour is a truism for social scientists ([Jerolmack and Khan 2014](#)). Yet, what is of importance in this context is to appreciate how such encounters produce two effects: it allows safe migration interventions, in the form of awareness-raising videos and beneficiary tracing, to produce data that confirms their models of intervention (which in turn contributes to producing “success”) whilst at the same time obfuscating any serious attention to how migrants have to navigate assistance relating to labour abuse (a theme we will explore in greater detail in later chapters). These dynamics are also apparent in cases where safe migration programmes attempt to move beyond an individuated focus on migrants in how they attempt to target behaviours that result in exploitation of migrants.

### **Behavioural change: Beyond migrants**

The behavioural change models within pre-departure training discussed so far target migrants, thereby ignoring wider societal constellation of forces that contribute to migrants' precarity. Such criticisms are partially acknowledged within the safe migration sector, witnessed by programmatic efforts to address this shortcoming. One such example is professionally produced short films that are meant to target employers of domestic workers, thereby contributing to broader social changes in attitudes and treatment of migrant workers.

*Open Doors* is a three-part short film series depicting encounters between middle- and upper-class families and their live-in domestic workers from Malaysia, Singapore, and Thailand. The Thai segment (IOMx 2016b) depicts a widowed well-healed businessman, Krit, and his relations with his Burmese domestic worker, Fon, who also has nanny duties for Krit's child.

The film portrays Fon's daily struggles as she is not allowed a day off which makes it a real struggle for her to attend to a sick relative. One day, these pressures cause Fon to be late picking up Krit's child from school, which results in conflict between Krit and Fon. However, Krit is himself under enormous pressure at work, which ultimately leads him to reflect on his own role as Fon's employer. In the end, he allows Fon one day off work.

The film is professionally produced, with convincing acting. The choice of focusing on a widowed man, I learned in an interview with one of the films' sponsors, was in part to depict a modern, urban Thai family context where traditional gender patterns are starting to change. The video has been a central part of the IOMx' awareness-raising campaign. As with the film script, audience impact of the video has also been, similarly to the examples discussed above, pre- and post-tested with the use of *Knowledge, Attitude, and intended Practice (KAP)* impact assessment tools distributed through online platforms to employers of domestic workers (IOMx 2016a). The tool produces a KAP index which is meant to map behavioural change based on a pre- and post-survey. The findings of the KAP index survey are explained thus: "The objective of the video was to raise awareness of live-in domestic worker exploitation and encourage employers of domestic workers to adopt practices to reduce exploitation (such as providing one day off per week)." (IOMx 2016a, 1) The findings from the survey were positive: "87% of viewers processed the messages of Open Doors. This means that it was interesting and they learned something new of which 46% said they would speak to others about the issue." (IOMx 2016a, 2) Hence, the KAP survey contributes to legitimating the video production as a successful awareness-raising intervention targeting employers of domestic workers.

But, how and why would employers change their perceptions of domestic workers, resulting in allowing one day off per week, based on the Opening Doors video? Researching employers of domestic workers poses a range of methodological challenges (in part due to inaccessibility), yet during my fieldwork, I interviewed five urban Thai families, whom all employ domestic workers, regarding the video. Furthermore, I also had the opportunity to discuss the video with a range of migrant domestic workers during fieldwork.

*Urai*, a well-healed Thai lady, with a cosmopolitan disposition (due to her considerable international travel experience) appreciated the professional production of the video. Although the acting, in her view, was convincing, she expressed doubts regarding the video's communicative impact amongst ordinary urban Thais. "It's too western" she said, pointing to the atypical nature of a male being in charge of managing a domestic worker. *Urai* qualms regarding this choice of script was echoed by *Supa*, who has employed both Burmese and Lao domestic workers for years. When I asked *Supa* what she thought was the films' main message, she replied "do never let a husband be in charge of managing a maid!" In effect, *Supa* misinterpreted the video through the same traditional gendered lens that the video was (in part) attempting to challenge. For *Supa*, the broader point of the

film (i.e. allowing the maid a day off) was turned on its head: it exemplified a failure in managing domestic workers, which did not conform with traditional Thai gender roles. Drawing attention to Supa's response is not to poke fun at how awareness-raising messages become mistranslated. The broader point is that KAP surveys like these cannot grasp either the context of respondents' answers, let alone reasons behind attitudes, beliefs, and behaviours (for extensive critiques of KAP surveys, see [Good 2010](#); [Pelto and Pelto 1997](#); [Size 2009](#)). The way the video is attempting to communicate the importance of allowing one day off also comes with tacit assumptions regarding the temporal nature of housework, something that surfaced in conversations with domestic workers.

In contrast to employers (who all claimed that the language used by the employer in the video was much harsher compared to reality), domestic workers I spoke with at U Ba Sein's language school (see [Chapter 1](#)) considered the interactions between the employer and the maid to be much less grim compared to their own circumstances. *Ma Mya Moe*, a domestic worker from Myanmar, immediately understood the point about advocating for one day off. "But this is not how it works in practice," she alleged. *Ma Mya Moe* herself was in the situation of being allowed a day off (hence, her ability to attend U Ba Sein's language school). Yet, this did not translate into a reduction in workload. Instead, she was simply expected to catch up on the missed work before and after leaving for school. For her, Sundays – despite being formally a day off – was a gruelling back-breaking day of labour requiring her to get up extra early and go to bed extremely late in order to make time to attend school. *Ma Mya Moe* highlights an important point about domestic work in a Thai context that seems to have been completely lost on the producers of *Open Doors*: housework is not defined by calendrical time (as assumed in the film) but a notion of a moral economy around time-use. For domestic workers like *Ma Mya Moe*, "a day off work" is simply a reorganisation of arduous labour. Despite the film attempting to move beyond an individuated focus on migrants' (e.g. pre-departure training) to target wider, societal attitudes towards migrants (in order to improve *structural* discrimination against domestic workers), it ends up producing the same behaviouralist discourse explicated earlier in the chapter, but without recognising its own mistranslations. The film's producers consider it a success regardless of what *Ma Mya*, *Uraj*, and *Supa* may think or do.

## **Conclusion**

This chapter has explored how epistemological behaviouralism has manifested itself across a range of safe migration interventions including pre-departure training, awareness raising, beneficiary tracing as well as broader awareness raising attempting to move beyond an individuated focus on migrants (by targeting employers). We have seen how these interventions engage an anticipatory logic (where efficacy of interventions is partly

assessed in advance of interventions) which tends to be positivist in orientation (i.e. epistemological behaviouralism). This contributes to a form of institutional bad faith where interventions can carry on, even being judged as successful, while migration praxis is made opaque despite a programmatic allegiance to generate “behavioural change.” As later chapters will show, such obfuscation has real implications – not only that it obscures the efficacy of policy interventions – but it also enables transposing culpability away from the state and employers, thereby making migrants blameable for their own despondency. In order to appreciate how this comes about, we need to consider state-centric dimensions of pre-departure and pre-decision training of migrants, that is, the insistence on documents and legal migration pathways. [Chapter 5](#) will explore this dimension of migration management in great detail.

## Notes

1. The victim identification process is curious. We were allowed to sit within ear-shot of some of the interviews and could hear the questions listed on the form being read out. The included the migrant’s name, home address, basic information about their migration to Thailand (which routes), kind of employment they had in Thailand, whether they got paid while employed, and what types of assistances they are looking for. We were told that this was part of a pre-screening process for identifying trafficking victims. I asked the NGO how they could possibly get any clues about trafficking from such generic questions. They said that sometimes they would also look for other signs, such as whether women were wearing revealing clothes as this could be a sign of working in prostitution. A similar blurring between sex work and assumed trafficking vulnerability has been thoughtfully critiqued in the Australian context (Ham et al. 2013).
2. Pre-departure training in Laos is complicated for several reasons. First, due to the authoritative political context, many NGOs have difficulties with permissions allowing sustained access to village communities with awareness raising. This point was confirmed to me several times throughout fieldwork from aid workers. Second, although TPSMC had attempted to provide safe migration awareness raising and distribution of leaflets to outbound migrants on the Lao side, this was for similar reasons curtailed and limited in practice. Third, cross-border migration to Thailand spans a range of formal and informal border crossings making it difficult to target migrants during departure.
3. It must also be noted that the reason several organisations implemented such activities was not necessarily that they believed they were right, but that they operated within a political conservative context which made more progressive awareness raising messages difficult.
4. It is worth noting that ethnicity also has bearing on how local people seek assistance. Ma Thida, who is herself member of one of the local ethnic groups, told me that many local people do not have the confidence to approach government officials, who are typically ethnic Burmese, with their problems (such as fraudulent brokers) due to a historical legacy of ethnic conflict. Teachers too are typically Burmese and school curriculum is in Burmese language. In this sense, MLC arguably serves as an important intermediary in how they



provided a conduit for migrants to facilitate their migration. For example, during my visit I personally observed villagers who had attended MLC's training visiting MLC's office in order to obtain assistance with passport applications.

5. For example, the survey asks the following leading questions regarding migration pathways:
 

Please explain the good benefits of legal migration.

  - Safe and secure travel to the country of destination.
  - Can receive full employment benefits and rights as per the law of the destination country.
  - Can travel and move independently in the destination country.
  - The possibility for becoming a victim of trafficking and labour exploitation is low.
  - Can avoid being arrested or repatriated by the destination country.
  - When the employment term is expired, you can safely return back to the country of origin.
6. The training content within both government-led pre-departure and post-arrival training as well as NGO- and UN-led pre-decision and pre-departure training are surprisingly similar. They all focus on labour law, how passports and documents can be obtained and the various entitlements and obligations that comes with them. Although government-led training gives more emphasis to the regulatory dimensions of migration (alongside cultural etiquette), NGO and UN training tends to cover more ground in terms of social relations in migration (e.g., the pros and cons migrating with licenses and unlicensed recruiters and friends).
7. As with many other agencies, IOMx emanates from anti-trafficking interventions, under an earlier partnership with MTV Asia.
8. Awareness raising videos are typically either based on documented cases or engage pre-testing (through focus groups or other methods) in order to achieve a sense of social realism. Some examples: <https://www.youtube.com/watch?v=Ay39-h1kbDo>
9. The video can be accessed here: <https://www.youtube.com/watch?v=kHPSU8a9Gyg>
10. With the exception of Sai, all have migrated to Thailand after the implementation of both the MOU and the establishment of licenses recruitment agencies (Huijsmans and Phouxay 2008).

## 5 State-centric safety and biometric economies

### Documents and recruitment chains

- 1 Requesting Migrant Employment quotas for the employers
- 2 Processing Passports for the migrants by getting letters of attorney from the employers
- 3 Getting Visa for the new Passport/CI books
- 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).<sup>1</sup> 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.<sup>2</sup> 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).<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup> 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).<sup>11</sup> 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 Thaug.

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.<sup>12</sup> 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).<sup>13</sup> 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.<sup>14</sup>

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.

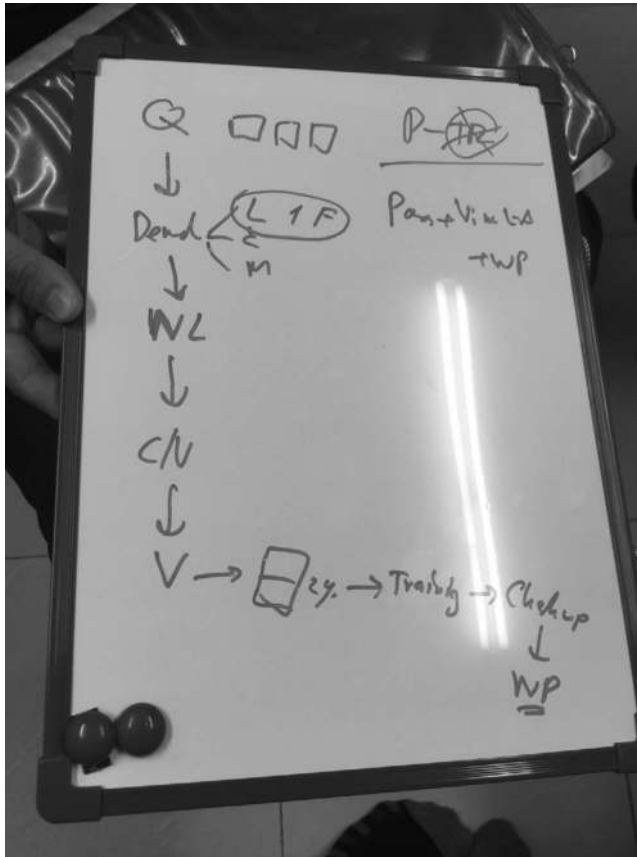
I instantly understood what Chareon meant. Inversed recruitment chains – where formal migration status is achieved subsequent to migration – were now also developing within the formal MOU system for Myanmar migrants. When I first met the Charoen and Thamrong the year before, they explained to me how 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.<sup>15</sup> 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 (Grub 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).<sup>16</sup> 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).<sup>17</sup> 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).<sup>18</sup> 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, myself 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.<sup>19</sup>

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.<sup>20</sup> 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.<sup>21</sup> 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).<sup>22</sup> 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” (Grub 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.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 Thamrong. 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.

## 6 Destinations

### Hotlines and safety nets

Hotlines force the system [aid organisations] to work together.

*(Senior UN official)*

The two previous chapters demonstrate how migration channels that mandate legal documents (passports, work permits, etc.) produce (as opposed to eliminate) informal practices, including inversed procedural workarounds and proliferation of broker dependency. Although safe migration programmes often support legal migration pathways (such as pre-departure training under the auspices of the MOU system), Chapter 2 explicated how several aid officials problematise equating safe migration with legal migration. This is not to say that aid officials deplore *any* focus on migrants' legal status. As Gary, a UN official who has worked on anti-trafficking and migration management for several years, pointed out to me, although legal status may not guarantee better work conditions for migrants, it does make a difference to how migrants can access support from aid programmes. A migrant with a valid passport and work permit, Gary suggests, can more easily seek assistance as compared with undocumented migrants. Whereas undocumented migrants who seek help may risk deportation and other forms of retribution due to their illegal migration status, Gary alleges that this problem does not arise for documented workers. Although legal migrant status may not prevent exploitation and abuse, it does make a difference for migrants when seeking assistance, he alleges. In other words, legal status relates to what Tania Murray Li calls a *politics of entitlement* (Li 2017).

Gary's observation serves as a useful point of departure for examining how safe migration assistance provision unfolds. Whereas the two previous chapters explored safe migration in light of migrant departures from Laos and Myanmar, this chapter examines safe migration from the vantage point of Thailand and its role as host community for labour migrants. The chapter builds on a theme developed in the previous two chapters: how assistance provision compounds a tension between abstract, rule-bound logics, and the informal practices that often underpin them. Yet, in contrast to the previous chapters, where informal practices often take

the form of subjectivities and social actors positioned *outside* safe migration programme implementation (such as unlicensed brokers), this chapter illuminates how informality is integral to assistance provision itself. To put it differently, informality is produced “in house,” where aid officials go off-script. Negotiated outcomes precede technical-rational procedures and administrative guidelines. In what follows, these tensions are explicated through a specific focus on how safe migration programmes attempt to create safety nets for migrants through the provision of outreach services and the operation of migrant hotlines.

### Safe migration and hotlines

When asked to identify a key safe migration activity, aid officials often mention migrant hotlines. Besides enabling migrant assistance, it also – according to one senior UN programme manager, Nick (see [Chapter 2](#)) – “forces organisations to work together; contributes to data collection and creates accountability mechanisms.” As such, hotlines epitomise a key *modality of care* (Dunn 2012) that marries an abstract safe migration discourse with bureaucratic practices and activities that can be brought to life by NGOs, government bodies, and UN agencies. Yet, singling out hotlines as denoting an archetypal safe migration activity is curious given that hotlines have been common within anti-trafficking for years.

Safe migration and anti-trafficking practitioners often promote hotlines as an innovative and cutting-edge aid response, despite their datedness. The historical roots of hotlines are found in the cold war geopolitics of the 60s. In the aftermath of the Cuban missile crisis, it was deemed important to establish direct information channels between the Soviet and US superpowers in order to prevent possible misunderstandings between them (Aradau 2016). Since then, hotlines have moved from security to the medical and psychological, witnessed by a myriad of hotline services ranging from suicide prevention to domestic violence, and have become part of popular culture (Aradau 2016). In recent years, hotlines for labour migrants and trafficked victims have become increasingly popular both regionally and globally.

The uptake within the sector can be explained in light of its programmatic appeal. First, hotlines comprise a totalising allure. As a de-territorial mode of assistance, a hotline can in principle be reached anywhere. As such, hotlines dramatically expand the spatial reach of action compared with conventional forms of service delivery (say, a counselling centre) and can be considered instruments for spatial encompassment (Ferguson and Gupta 2008). At the same time, the appeal of hotlines is just as much temporal as spatial. Hotlines furnish the notion of immediate responses which “... materialises a particular temporality—of speed, acceleration, and decisive action.” (Aradau 2016, 223). Immediateness interconnects with speed as direct communication between individuals in distress and an operator cancels out the need for intermediaries. Hence, hotlines enable direct, fast,



and firm action, denoting responses in the here-and-now present, which is underscored by its prefix (hotlines, after all, are meant to be “hot” and in demand). Hence, hotlines are firmly situated within an emergency discourse which helps explain why “[t]he proliferation of hotlines goes hand in hand with the proliferation of crises.” (Aradau 2016, 223).

Second, hotlines appeal to several of the moral-philosophical problems of *distant suffering* (Boltanski 1999), as hotline calls allow for interpersonal immediateness between the hotline operator and caller despite their spatial separation.<sup>1</sup> Although hotlines are technically comprised of speech acts in response to suffering, they *appear as action* given their alleged connection with assemblages of emergency responders. Furthermore, hotline calls provide anonymity which appeals to organisations that work with migrant communities. As expressed on one NGO website, “the ‘confidentiality’ principle of hotlines makes it easier for irregular and illegal migrants, who are most at risk of being trafficked to come out.” (Tanaka n.d.) Hence, hotlines simultaneously totalise and individuate.

Third, hotlines are arguably instruments for legibility (Scott 1998) where “the telephone hotline brings visibility to the phenomenon by giving voice to its unseen victims.” (2016, 223). Hotlines appeal to a governmental logic of order due to their revelatory potential. This is depicted in the following terms by one of the Mekong regions’ many NGOs who operate hotlines:

With eyes and ears on the ground, workers have invaluable information on what happens in supplier facilities every day. Through worker voice channels such as the Issara hotline, Facebook, social media, and established connections with migrant communities, Issara has a constant pulse on the voices of thousands of workers, who have the capacity to uncover risks in complex global supply chains and drive structural changes in the way business is done, from small changes at the individual supplier level to large-scale changes at the national industry level and how responsible sourcing is done globally.

*(Issara Institute 2019)*

Here, the hotline goes well beyond direct assistance as it connects migrants “with eyes and ears on the ground” and the NGO’s ability to maintain a “constant pulse on the voices of thousands of workers.” This purportedly allows the NGO to map abuse and exploitation within supply chains, which no doubt is aimed at appealing to corporate donors’ social responsibility sensibilities. As such, hotlines wed a panoptic and synoptic gaze where the many (i.e. migrants) watch the few (employers and brokers) and the few (hotlines) watch the many (migrant populations and work conditions). Given this, it is unsurprising that aid officials see hotlines as central to safe migration practice given the allure of its legibility effect (Trouillot 2001). Whether hotlines have the actual capacity to achieve such legibility is an entirely different question (to which we shall return to).

In the Mekong region, numerous organisations working on either human trafficking, safe migration, or migration assistance have launched hotlines. The Thai government advocates hotlines as a central response to both human trafficking and labour migration assistance more broadly, including in their annual trafficking report (Government of Thailand 2015). ILO's project document stipulates the development of hotlines as central activity (International Labour Organization 2009). Moreover, as demonstrated within the context of pre-decision, pre-departure, and post-arrival training in the two previous chapters, government agencies emphasise hotlines in their training (including information booklets that are distributed to all participants). This underscores both cross-border connectivity and the role of the state as a central actor within safe migration discourse.

The formal endorsement of hotlines contrasts with informal widespread criticisms within the migration assistance sector itself. Although rarely articulated in a formal capacity, several aid officials express concerns regarding hotlines in private. As one NGO manager, Thomas (see [Chapter 2](#)) exclaimed: “we used to run a hotline. It didn't work at all. No-one called! Hotlines are completely useless.” But what about cases where migrants do call a hotline? What assistance is actually provided? By whom? And how? Despite the fetishisation of hotlines as a humanitarian-bureaucratic magic wand that can generate assistance, such criticisms speak to the simple fact that hotlines are complex assemblages of objects and persons. This raises broader questions of how governance materialises. Within a context where hotlines are formally celebrated but informally critiqued, limited research to date examines migrant hotlines in the Greater Mekong Sub Region. This dearth of knowledge is surprising. Academic research on hotlines in western contexts (relating to suicide prevention and psychological trauma) points to important discrepancies between the intent and actual usage of hotlines (Backe 2018). Such discrepancies will now be explored.

### **Calling hotlines**

Twice during my fieldwork (in 2013 and 2018, respectively), my research assistants and I surveyed migrant hotlines employing a three-pronged strategy: First, we mapped hotlines by collating phone numbers from organisations' respective websites and publications, as well as hotline cards that programmes distribute to migrants.<sup>2</sup> Second, we called the hotline numbers in order to confirm their existence and (where possible) to carry out a short phone interview. Third, subject to agreement from the hotline operator, we followed up with face-to-face interviews in order to obtain more detailed information. We also requested hotline operators to – conditional on informed consent – introduce us to migrants who had used their hotlines services, a request that failed to generate any leads. Instead, serendipitous encounters during fieldwork allowed us to speak to a handful of individuals,

including migrants, employers, service providers, and even brokers, who had various interactions with hotlines. This allowed for several of the processual dynamics relating to hotlines to be dissected.

The results from our first hotline mapping from 2013 (limited to Lao-Thai hotline operators) is a useful point of departure in order to shed light on how migrant hotlines constitute particular forms of assemblages. We documented 28 different phone numbers which included hotline operators in both Laos and Thailand. Out of the 28 numbers, we were only successful in reaching eleven operators. Seventeen of the numbers were either incorrect, disconnected, unresponsive (no one picked up), or irrelevant (one phone number turned out to be a provincial Lao post office). We discontinued calling unresponsive numbers, which included the Lao Embassy in Bangkok, after three calls, made at random times over a one-week period.

Amongst the eleven hotline operators we successfully contacted (of whom most were based in Thailand), it turned out that few Lao migrants called any of them. Instead, callers were overwhelmingly Myanmar migrants and Thai citizens. Moreover, several hotline operators addressed domestic and sexual violence (primarily related to Thais) rather than migration-related matters. In the few cases where operators received Lao-related calls, they usually derived either from employers requesting advice on how to register Lao workers or from migrants' family members who called to learn about whereabouts of their migrant family members in Thailand. Several of the organisations were unaware that their phone number had been listed on a migration hotline card.

How the Lao-specific hotlines struggled connecting with the "right" kind of callers echoed more fundamental challenges with tying hotline callers to effective action. Although many of the hotline providers linked their operations with referral services, the practice of such referrals did not always function as intended. First of all, as most callers request advice on immigration and work permit processing, no actual follow-up is required. As such, hotlines are in practice helplines where information provision is passed off as action. Although calls sometimes require referrals to other organisations (especially relating to health problems), more than half of the hotline operators revealed to us that referrals were often in practice the reverse: that is, police and health workers referred cases to the NGO running the hotline. As we will see below, this does not stop hotline operators from counting such "referrals" towards their hotline statistics.

Throughout the hotline mapping, I was only able to identify one concrete case where a Lao hotline call (from Lao family members in southern Laos) resulted in assistance in Thailand (from a Thai NGO). Through follow-up interviews with the Thai NGO, it became clear that it had pre-existing relationships with the Lao-based international NGO (which helps explain how the cross-border referral was made). The Thai NGO believed the reason why the call was made had in part to do with the fact that their Lao NGO counterpart was trusted by local villagers in Laos due to the NGO's

long-established presence in the area. This suggests that the necessary trust in calling a hotline is grounded in pre-existing familiarity with an organisation and not confidence in abstract service provision.

In 2018, another migrant hotline mapping was undertaken. The number of organisations that formally claimed to run hotlines relating to Lao migrants had notably declined to one, although several organisations (including government departments) distributed phone numbers for general information on labour migration. Otherwise, not much had changed.<sup>3</sup> Hence, Lao hotlines appear to be yet another example of what I have alluded to elsewhere in this book: as with safe migration interventions more broadly, hotlines, in a Lao context, constitute a form of programmatic nothingness: no meaningful assistance takes place.

How are we meant to interpret such dismal, inept service (non)delivery? One may suggest that this is an example of aid organisations engaging in donor-friendly aid where hotlines' visceral appeal eclipses any rigorous attention to outcomes, resulting in sloppy implementation. Such an explanation is a bit of a strawman. Although Lao hotlines are far from "hot," it is too easy to explain this away as "bad aid." In 2018, we also surveyed hotlines relating to Myanmar migrants which shows that despite many similarities with Lao hotlines (such as the dominance of requesting information as opposed to actual assistance), important differences are apparent. Although precise prevalence is hard to gauge, many Burmese migrants call hotlines, something that was confirmed through surveying both Thai- and Myanmar-based hotline operators, as well as in interviews with migrants and migrant groups (see [Chapter 9](#)).

From an operational point of view, it is also worth noting that not all hotlines are dilettantish and perfunctory. Thai authorities have over the years invested heavily in their 1300 hotline number which from an operational point of view easily dwarfs any of the Mekong-based hotlines run by foreign aid agencies (despite highly optimistic, self-congratulatory marketing by certain NGOs). During fieldwork, I had the opportunity to visit the 1300 hotline headquarters to see it in action. Their office is located in Bangkok. It employs seventeen staff which includes full-time translators for Khmer, Burmese, and English languages. In addition, they have a volunteer roster comprising 102 translators for more than twenty other languages. Volunteer translators can be hooked up to a call remotely on a needs' basis. The 1300 hotline is not migration or trafficking specific, and pertains to a range of social problems (such as sexual and domestic violence). At the time of the interview (in 2018), they received approximately 300 calls per day of which the majority only require information provision.<sup>4</sup> Based on my observation of activities at the day of the visit, I find this claim plausible.

In the last year, 50 calls were related to suspected human trafficking cases. As far as I am aware, the 1300 government hotline is the only one with actual ability to respond immediately anywhere in Thailand due to the fact that it links into the Thai State's bureaucracy across all provinces and districts.

Such operational capacity is far greater than any other NGO-run hotline that I am aware of (despite bold marketing claims from certain NGOs). Yet, regardless of administrative efficacy, hotline calls – even the Lao ones – have important effects, which we will now explicate.

### **When hotlines go wrong: Assistance as spatial governance**

What happens in the relative few cases where migrants call hotlines requesting immediate assistance? The following case, retold to me by a hotline NGO officer, exemplifies how hotline calls can quickly unfold in ways which complicates the very meaning of assistance within safe migration aid delivery:

A Lao underage domestic worker, Dao, contacts an NGO hotline for migrants. It is unclear how Dao knows the number. Dao explains to the hotline operator that she is in a highly abusive situation which includes physical confinement. It turns out that Dao has been with the household since she was thirteen. She has been there for three years. Some back-and-forth calls are necessary over several days to establish what is going on and how the NGO can best assist. Dao can only call whilst pretending to shower in order to ensure nobody can listen in on the call. Due to Dao's confinement the NGO is unable to act alone. The NGO decides to contact the police given the seriousness of the situation. In the end, with the collaboration from the police, the NGO rescues Dao from the house. Yet, the police interpret the situation rather differently to the NGO. Rather than seeing Dao as a victim of labour abuse, confinement or human trafficking, the police consider Dao an illegal migrant who has violated the Thai immigration act resulting in Dao's deportation.

The NGO is tragically implicated in an outcome which goes at loggerheads with their own intentions: increased, punitive migration policing (through deportations), as opposed to addressing Dao's abusive labour situation. During my fieldwork, I came across similar cases. Three out of the eleven hotline operators interviewed in 2013 alleged deportations took place as a result of hotline referrals. A similar trend was identified in interviews with hotline operators in 2018. For example, the main government hotline operator in Thailand alleged they usually receive hotline calls from the general public (as opposed to migrants themselves) who suspect trafficking cases (commonly relating to prostitution). The hotline operator's manager reported to me that upon investigation, the police commonly concluded that these were not trafficking cases. As police would often detect irregularities relating to sex workers' immigration status through their investigations, deportations ensued. The fact that other practitioners within the trafficking and safe migration sector, such as Robert (see [Chapter 2](#)), openly critiqued hotlines for augmenting deportations, suggests that deportations resulting from hotline calls are common.

These cases exemplify what migration scholarship has noted for some time: the spatial and institutional expansion of border control (Anderson 2012; Andersson 2014; Fassin 2005; Feldman 2011a; McNevin et al. 2016). Just as private airline operators and universities have become extended arms of border control, migrant hotlines serve a similar function.<sup>5</sup> This is paradoxical, given that safe migration and anti-trafficking programmes, including the ones referred to above, are usually highly critical of border control policies. Yet, the same organisations – perhaps unwittingly – alter their own humanitarian ethos into its opposite: rather than ameliorating migrants’ despondency, the hotline awkwardly blends compassion with repression (see Fassin 2005). Blurring protection and border control does not merely contribute to how the state co-opts humanitarian praxis (Fassin 2005; McNevin et al. 2016; Tazzioli and Walters 2016) but also what de Genova has called *deportability* (De Genova 2002), that is how state-sanctioned precarious migration status facilitates subjugation of the labour force (a point we shall return to below).

During fieldwork, I had the opportunity to speak with aid officials who either ran, or were supportive of migrant hotlines. I would point out what to me seemed to be an obvious paradox: at times, hotlines produced deportations, as opposed to substantive assistance (and justice) for migrants. Sometimes, reactions were defensive. For example, Sonia, who works for a UN agency that funds hotlines, was quick to distance her organisation’s potential culpability. “We only support governments” she said, adding “it’s ultimately the governments who must take charge here.” Using her organisation’s formal status as a financial and technical provider of aid to the national government is clearly a way for Sonia to abdicate agency; a “hiding of the self in our relations with others” (von Ufford, quoted in Mosse 2011, 18). Yet, other aid officials appeared genuinely surprised by my allegation of deportation-prone hotlines, as if they had never thought about the possibility of its occurrence.

The ways in which counter-intentional effects of hotlines become obscured for the people who implement and fund them relate to the importance of both social distance and deliberate ignorance within chains of aid delivery (Feldman 2011a; van Ufford 1993). Many aid officials are both socially and physically withdrawn from the aid they provide, something which hotlines – being a de-territorial and de-personal technology – arguably exacerbates. At the same time, as hotlines hinge on what is quantitatively visible to the operators (e.g. number of hotline calls) as opposed the broader context of callers, hotline aid delivery can endure regardless of the effects. As such, hotlines are arguably technologies of *bad faith*; their persistence derives from the deliberate ignorance they help produce.

This is not to say that unintentional effects are *always* imperceptible. The possible risk of deportations resulting from hotline calls is fully acknowledged by some aid practitioners. As one representative from a Thai NGO, Boonchu, told me “working with police [on rescues in relation to hotlines]

is better than nothing.” He elaborated that “in order to avoid arrest and deportation of the migrant we refer to the new trafficking law”. This way, Boonchu alleged, they were able to redirect police interventions away from deportation towards providing actual assistance. Arguably, such cases can be considered “success” as hotline calls may indeed result in assistance for migrants. But as Dao’s case illustrates, NGOs may also be powerless to alter such situations should the police decide to interpret the case differently. Regardless, such cases underscore service providers’ dependency on on-the-ground presence, which we will now turn to.

### **Helping by distance and the problem of negotiation**

Hotline calls are not limited to information sharing or emergency response. Several organisations also provide what resembles “self-help” advice, where NGOs provide over-the-phone coaching in situations where they cannot physically reach the migrant. Such approaches resemble direct assistance in that the advice is in response to actual specific cases, as opposed to general information regarding labour and migration entitlements and obligations. Although this dramatically broadens the spatial reach of an aid organisation, the lack of physical co-presence also comes with its challenges, as retold by an outreach worker, *Ma Soe*, from one MRC on the outskirts of Bangkok.

*Mg Hla Win*, a migrant worker, approached *Ma Soe* during an outreach session at a local temple that is frequented by many labour migrants. *Mg Hla Win* told *Ma Soe* that he had problems at the cold room food processing factory where he worked. The top joint of his little finger was severed due to a work accident. Rather than the employer covering the medical bills, the employer told him that the medical cost ought to be covered through an insurance scheme through the company, even though *Mg Hla Win* already had Social Security Office (SSO) membership.<sup>6</sup> *Mg Hla Win* further explained that he had already called a migrant hotline for help (an NGO had previously distributed hotline cards during a visit to the factory). The hotline, which was run by an NGO, advised him to directly contact SSO. But, this advice was impractical as *Mg Hla Win* could not speak Thai. He then asked if the NGO could send a field officer to assist him. As the NGO did not have any field staff, they could not assist *Mg Hla Win* in a direct manner. Instead, the NGO called the company where *Mg Hla Win* was working, requesting them to accompany *Mg Hla Win* to the SSO office. However, this angered the factory management, resulting in *Mg Hla Win* being threatened with termination if he continued seeking external help.

Whilst discussing the case with *Mg Hla Win* at the temple grounds, *Ma Soe* was puzzled why the factory insisted on lodging the claim through a private insurance company, given *Mg Hla Win*’s SSO membership. The arrangement was unsatisfactory for *Mg Hla Win* as it burdened him with a double payment to the SSO and the insurance company. After some

further discussion, Ma Soe accompanied Mg Hla Win to the factory human resources department to clarify the issue. As the company had already threatened Mg Hla Win with termination for bringing in outside assistance from an NGO, Ma Soe, who herself is from Myanmar, pretended to be Mg Hla Win's auntie in order to avoid inflaming the situation further. During the meeting, it became clear to Ma Soe that the company's reason for insisting on utilising the private insurance company (as opposed to SSO) was to avoid the rising premium that would result from lodging the case.

After the meeting, Ma Soe clarified to Mg Hla Win's what was going on. "I explained to Mg Hla Win's that to curb the rising cost of the SSO instalments, the company did not wish to report the accident to SSO. Actually, it is against the law and if he wanted compensation from SSO, we would have to file a case and fight for it." In the end, Mg Hla Win decided against pursuing the case further, Ma Soe explained, as he did not want to further escalate the situation out of fear for his employment security. Ma Soe was scathing of the hotline operator who attempted to help Mg Hla Win over the phone. "When an NGO establishes a hotline without employing the field staff to assist migrants individually," Ma Soe said, then this can leave "the employee in great trouble if an employer wishes to hide something which is abnormal or not aligning with the existing laws."

Ma Soe self-representing as an "auntie" to the company both underscores the limitation of formal complaint mechanisms and important performative aspects of assistance seeking. In practical terms, it is difficult for NGOs to interact with employers directly as this can result in retaliatory action against the employee. Instead, NGO officials, such as Ma Soe, resort to masquerading as Mg Hla Win's relative in order to assist him. Despite the intervention from two different organisations, none of them were able to alter Mg Hla Win's despondency. When two different organisations fail to assist a migrant with a claim that appears firmly within stipulated rules and regulations, one cannot help but speculate that this will only reinforce the abject asymmetrical power relations between the employer and the employee. At the same time, we need to attend to a central point Ma Soe raises regarding migrant assistance: the importance of localised, specific understanding of individual cases and spatial co-presence with migration assistance provision.

## **Outreach**

The previous section made three important points regarding hotlines. First, despite a discourse professing safety in migration, hotlines can expose migrants to danger (e.g. deportation). Second, such risks remain insufficiently acknowledged (at least formally) due to many hotline operators' bureaucratic indifference. Third, the feedback provided by those assisting from "afar" affirms the operational importance of having an on-the-ground presence in order to secure helpful outcomes for migrants. This may be



why many safe migration programmes have opted for alternative modes of assistance. In contrast to hotlines, community outreach privileges face-to-face encounters with migrants, through either training sessions at community offices, MRCs and migrant language schools, or field visits where migrants congregate (factory dormitories or Buddhist temples frequented by migrants). Outreach work typically serves a twofold purpose: providing labour migrants with advice on labour law, visa, work permit processing, and various other forms of practical advice on labour migration, coupled with direct assistance relating to underpayment, worker compensation claims, and other labour law violations. In addition, some programmes also provide various forms of work-related training opportunities (commonly in the form of Thai language schools).

MRC1 is one programme which provides such outreach services. MRC1 operates under the auspices of a large UN agency and enjoys strong collaboration with Thai labour unions. During my second visit, MRC1 invited me to observe a training session with Khmer migrants. Santi is one of the key facilitators of the training. He has worked for MRC1 for a few years. As we arrived a bit early, my research assistant and I have the opportunity to speak with Santi regarding the role of MRC1 and the services they offer migrants in the area. MRC1 have for some time worked closely with Thai Labour Unions and used them as a conduit to access labour migrants. Yet, this proved a challenge. For example, in recent times MRC1 had attempted to support both Thai and Migrant workers on collective bargaining agreements. But, employers typically outsource migrant workers to a sub-contracting company. This made access difficult, Santi explains. In addition, it remained a challenge to convince Thai labour unions to align themselves with migrant workers. Hence, MRC1 had to find other ways to recruit attendants for their training. To do so, MRC1 pay migrants 100 Baht for transport fee and provide them free lunch. This is the only way to get migrants to attend, one of Santi's colleagues explains. In order to boost attendance numbers (in part due to pressure from MRC1's donor to meet attendance targets), MRC1 provides an additional 500 Baht to participants who can recruit other migrants to come along. Santi and his colleagues express some reservations regarding the training that their donor wants them to provide. For example, MRC1 has provided paralegal training for migrants in the past, but "what's the point teaching immigration law when the law changes all the time anyway." It is better, Santi and his colleagues claim, to teach migrants more tangible skills, such as today's topic "saving and income management."

The migrants arrive while we speak with Santi and his colleagues. It is time to start the training. Some twenty Khmer migrants are present in the room. They all work at a nearby noodle factory. Many of them, Santi tells us, have been in Thailand for about three years. The average age, we are told, is twenty, though many of them appear quite young. The training proceeds. Language problems are apparent early on. As MRC1 rarely deals with Khmer migrants, most of their training material is only available in

Thai and Burmese. Although all the participants understand verbal Thai, they cannot all read the instruction manuals. Yet, Santi proves to be skilled trainer, carefully pausing the training in order to check that the participants understand the training material's advice on saving skills. He inserts several jokes along the way to ensure the session is good humoured and to sustain the participants' interest. As the training proceeds, Santi advises on various strategies concerning how savings can be productively used for the livelihood of the migrants and the families. Although funded by a different agency, Santi's training resembles parts of Ma Thida and MLC's pre-decision training in Myanmar (see [Chapter 4](#)).

As the session progresses, I could not help wondering why the training required financial and material incentives for participants to attend. This stood in stark contrast to other programmes, such as the Myanmar Migration School (see [Chapter 1](#)), where migrants paid to attend (through tuition fees). Furthermore, how could MRCI know the migrants' motivations for joining in? Did they attend to learn new skills, or earn extra income as "professional attendees?" Why had not more efforts been made to conduct a Khmer-specific training? Despite a well-prepared training curriculum and Santi's strong facilitator skills, the session's objectives seemed disjointed from its target beneficiaries. Above all, the session provided limited opportunity for MRCI to learn about the specific challenges and needs the migrants themselves faced. In short, the training session resembled what was observed in [Chapter 4](#): programmatic imperatives (e.g. meeting targets for training attendees) take precedence over context-specific assistance. However, not all of MRCI's activities take this form. MRCI implements a range of training sessions and outreach services where Santi and his staff would travel to meet with migrants rather than the other way around.

### **Reaching out: Dormitory visits and the problem of scale**

A few months passed. Santi calls my research assistant and I asking if we are interested in joining an outreach session amongst Myanmar factory workers on the outskirts of Bangkok. We learn that Santi's team has recruited a new Burmese outreach worker, Mg Ba Oo, with considerable experience working with Myanmar migrants. We readily accept Santi's invitation. The following Sunday, my research assistants and I drive to the outskirts of Bangkok where Santi and Mg Ba Oo were running an outreach session within a migrant dormitory. The session had already started by the time we arrived. Around twenty people, with a rough equal split of men and women had gathered inside a tiny dormitory room, with several others listening into the conversation from outside the entrance door. We sit down amongst the migrants gathered right outside the entrance, just close enough to see and hear what is going on.

First, the participants signed a sheet for record keeping purposes, which we later learned was a donor requirement. Yet, this session differs from the

training session we had witnessed at MRC1's office. It focuses on social security under the labour law (despite Santi's earlier mocking of such training). Yet instead of flipcharts, colour pens, and participatory exercises (which is ubiquitous in aid delivery), this session is conversational (rather than scripted), with ample space for attendees to ask questions. As the session takes place at the migrants' dormitories, the participants receive no remuneration for attending the session.

Santi introduces MRC1 to the migrants, including its location. "If you want to meet us," Santi says, "a good meeting point is the Elephant Crossing shopping centre," Santi shares MRC1's phone number. He explains that today they will discuss the importance of social security. "For example," Santi says, "if you want to change employer you will need to know what to do." Santi proceeds with explaining various social security entitlements under the Thai labour law. "The employer can only deduct 5% for the security fund." A migrant immediately replies, "our employer deducts for other things." Santi responds by affirming that this is not within the law. Several migrants are visibly surprised to learn this. Further questions are asked regarding the questionable deductions and how it can be addressed. "You have two options," Santi says. He explains that the migrants can either approach the employer directly, or they can make a collective appeal going through MRC1, which may involve lodging a complaint at the department of labour protection and welfare (DLPW). Santi emphasises that joining together as one group is likely to gain more traction. It is also easier for MRC1 to assist a group of migrants as opposed to numerous individual cases.

The conversation shifts to Burmese language. Mg Ba Oo takes over, continuing the theme of social security and entitlements under the labour law. He explains that salaries should be in accordance with minimum wage. As Santi, Mg Ba Oo emphasises that they need unity when they lodge complaints. Furthermore, to be successful with complaints, it is important that they observe and record working hours. They can do so by, for example, taking a photo of their worktime card with their mobile phone, Mg Ba Oo advises. After every five hours, you must rest before overtime; otherwise, it is against the law, he explains. The migrants listen attentively whilst Mg Ba Oo speaks. At times, migrants' comment, or laugh in despair, on how the law stands in stark contrast to their own circumstances.

As the session proceeds, more and more migrants ask specific questions pertaining to their own problems. Mg Ba Oo advises a migrant who had lost his passport that he should report this to the police and that it should only cost 100 Baht. Then, he must obtain a new passport at the Myanmar Embassy. The migrant explains that he has already gone to the Embassy, but they won't help as he does not have a copy of the original passport. Santi, who is listening in on the conversation, suggests that this case is a good example of why it is important to have backup plans for documents. "Take a photocopy of your passport," he said, "and share it with a few trusted friends via text messaging apps (such as viber) so you can access it later,

even if you lose your phone.” Mg Ba Oo explains: “If you lose your evidence, you have lost your chances.”

The difficulties with obtaining formal documents at the Myanmar Embassy digress into a discussion around brokers. Another migrant in the room complains that when he goes to the embassy, he has to wait forever, but he sees those coming with a broker being served fast. Mg Ba Oo advises them that “they should use brokers that are close to the embassy; they only cost 500 Baht; if you use a broker near where you live, they can cost you more than 10,000.”

Whilst the discussion continues, I notice a middle-aged lady who is sitting close to me and seems to struggle following the conversation (which at this point has switched from Thai to Burmese). Judging by her appearance, she looks Lao. After some quiet chit-chat, it turns out that she indeed is Lao. The lady, Vhon, tells us that many employers withhold workers’ passports. Vhon experienced this herself at her former employer, where her husband is still working. The factory, she alleges, demands a 5000 Baht return “fee” in order to hand back your passport. Vhon explains to us that another Lao friend of hers is dealing with this problem at the moment. While the information session continues, we decide to move to her friend’s dormitory a few doors away from the training in order to discuss the matter in more detail.

Vhon and Da know each other from a paper factory nearby where they both previously worked. They are both from Southern Laos and have been in Thailand for a long time (20 and 10 years respectively). Da has a Thai boyfriend. Yet, despite her migration experience and local connections, she has numerous problems with her employment situation. Da works at the same paper factory as Vhon’s husband. She has been there for over a year. The factory employs some thousand workers, nearly all of them from Myanmar. Only ten Lao migrants work there. All the Lao workers, except herself and Vhon’s husband, reside at dormitories within the factory compound. She tells us that although this is cheaper than her current rent (600 Baht rent plus water and electricity versus her current rent of 2000 Baht), she prefers this arrangement as the factory dormitories observe curfews (workers are not allowed to leave the compound at night) and restrict workers ability to receive visitors.

Da works Monday to Saturday from 8 am to 6 pm, which means her work hours include forced overtime (70 Baht per hour). Each time she receives her wages the employer deducts 400 Baht which allegedly is put into a “saving account.” They are told that the savings will be returned to the workers once they complete their contracts. The employer also possesses the workers’ passports. Da explains that the employer has also requested her handing over her Thai work permit card, something she refused. Instead, she agreed to them keeping a photocopy, she explains.

Da explains that when she commenced work at the factory, she showed them all her documents: passport and work permit, as well as a document evidencing discontinuation of work for her previous employer (which is a

legal recruitment for changing employers). Due to increased crackdowns by the Thai military government, the employer was keen to register Da, and advanced a 1600 Baht registration fee which was later deducted from Da's earnings.<sup>7</sup> It was through this registration process the employer ended up with Da's passport. A compounding challenge for Da is her alleged allergic reactions (which include breathing difficulties) due to chemicals used during paper production.

Da is unhappy about the conditions at the factory. Two months ago, Da wrote a resignation letter, explaining she had to discontinue work due to pregnancy (which was a white lie). Her resignation was not accepted. Da is now unsure what to do as she is unable to leave the factory without risking a financial and legal limbo. As an experienced migrant, she knows that if she simply leaves the factory, she breaches her work permit conditions, as employer's written consent is required to exit a contract legally.<sup>8</sup> Furthermore, leaving the factory would also mean losing her accumulated unpaid wages from the factory's dubious "saving scheme." While speaking with her, she is, nonetheless, entertaining the idea of leaving the factory the following year. We suggest to Da that she should speak to the outreach team, something she agrees to. A bit later, Santi joins the conversation.

Da explains to Santi the various problems she is facing. Santi listens attentively to her story. Da tells Santi that she is uncomfortable approaching the authorities. "Why would they listen to her," she ponders. She also fears potential retaliation from the factory if she takes her complaints to the authorities. Yet, speaking with Santi provides some assurance. Santi suggests a two-pronged strategy. He advises Da to submit another resignation letter to the factory the following Monday. He tells her to keep a copy of the letter as this would provide her with evidence that she has indeed resigned, regardless of how the factory responds to her resignation. Then, she should be able to leave after she receives her next wage as this would comply with the necessary notification requirements. Santi further explains that he can assist her with approaching the relevant labour authorities regarding the "saving scheme." Santi tells Da that the employer's conduct is clearly against the law as it supersedes the legally stipulated 5% deduction for the social security fund.

Yet, after some further discussion, Santi's strategy appears to contain limitations. Upon further inspection of Da's documents, it turns out that the deduction of 400 Baht from her wages only is receipted for one month. Hence, it would be difficult, Santi says, to challenge the company for illegal deductions for more than that particular month. Furthermore, the copy of Da's work permit does not appear to be the correct one under the work arrangement Da was under the impression that she holds a work permit under the auspices of the MOU system. Yet, according to Santi, her papers do not reflect this. This will complicate Da's ability to proceed with the resignation. Despite this hurdle, Santi points out that the withholding of Da's passport is illegal and MRC1 could assist with this matter, even if this

would mean going to the police. Santi agrees to follow-up in a few weeks' time to allow Da some time to think it over.

Two weeks later, we give Santi a call to get an update on the case. Santi explains that he had spoken to Da who had by then already moved away from the factory. The previous employer still possesses her passport. Santi says:

It is the fact that, Da was exploited [by the employer] on many fronts but she did not want to enter into a legal process against the employer. What she only wants is to have an employment. This is the real problem that many workers face, even Thai workers. It is because the system does not support them. This becomes a blessing to employers to the point that I, myself, cannot differentiate between [their working situations] and [situations of being] enslaved labourers.

Despite this grim comment, Santi tells us that they are still working on getting Da's passport returned. "So, let wait and see," Santi tells us.

Let us consider the various dynamics of MRC1's safe migration outreach. On the one hand, the outreach service I describe above is impeccable. Both Santi and Mg Ba Oo are highly skilled outreach workers with up-to-date knowledge of labour law and government processes. They are also skilled at conversing with migrants and hold a good understanding of their circumstances. They provide considerable advice to migrants which goes well beyond generic and scripted information. It is hard to see how they could have carried out their outreach session differently. Yet, the efficacy of their outreach comes with several challenges.

Scale is important for assistance. Santi and Mg Ba Oo both encourage collective action as this creates "safety in numbers" and affords traction. Although never mentioned by either Santi or Mg Ba Oo, scale also effectuates an administrative convenience for MRC1 as a smaller number of larger cases are easier to assist than numerous individual cases. The predominance of Myanmar migrants means that both language and staff hiring of MRC1 gravitate towards Burmese language and Myanmar migrants. Conversely, individual migrants, such as Da, are much harder to help. The stakes of taking individual cases forward are high, which results in Da deciding against making a formal complaint. Scale also has direct bearing on what we discussed in [Chapter 3](#): how Lao migrants become invisible through safe migration assistance. Given the larger numbers of Myanmar migrant workers, outreach services are unsurprisingly tailored to those needs. Yet, this means that Lao migrants – despite their stronger linguistic, cultural, and social similarities with the Thais – are nonetheless excluded from services. If it was not for our presence, Vhon and Da may not have had any opportunity to obtain advice and help from MRC1 (indeed, MRC1 would likely remain unaware of the presence of any Lao workers at the dormitory compound).

MRCI's outreach also brings to light how informal dimensions of assistance relates in complex ways to how legal documents and administrative processes (such as passports and work permit processing mechanisms) are meant to effect safety for migrant workers. On the one hand, legal and administrative documents (e.g. passports, work permits, photocopies of timesheets, etc.) are required for complaints to gain traction. As Mg Ba Oo says, "If you lose your evidence, you have lost your chances." We saw the precise same dynamic in the context of pre-decision training in Myanmar (Chapter 4) where the lack of receipts made it impossible for MLC to assist migrants who had been conned by unscrupulous brokers. At the same time, official documents also serve as instruments for administrative compliance which makes it arduous for migrants to succeed through these processes. To comply (such as replacing a lost passport), migrants must engage in administrative procedures (such as queuing at the embassy) that are difficult (if not impossible) to fulfil for many migrants. Most migrants would need to skip work – an act which would likely breach their work conditions – in order to allow time to process a new passport. The lack of receipts, even for fraudulent saving schemes, makes complaints difficult. Furthermore, once your paperwork is slightly out of step with formal guidelines, such as Da's incorrect work permit, documents end up exposing migrants to risk (for not complying) as opposed to serve as conduits for successful grievances.

Rather than formal documents ensuring entitlements for migrants, such *regulatory instruments* (see Alpes 2017) become in practice an arduous, endless labyrinth of bureaucratic subjection which makes migrants easily non-compliant, and therefore potentially *blameable*. This does not only place Da in relations of precarity resembling neo-bondage (Alpes 2017; Campbell 2018; Derks 2010a). It also makes it impossible for migrants to navigate all this without external help. This is why Da was unable to proceed without extended advice from Santi. This is also why Mg Ba Oo ends up advising migrants on how to pick a "good broker." In effect, despite the outreach session focusing on migrant workers' formal entitlements (labour law and social security,) they both have to go "off script" providing informal forms of assistance which is beyond their programmes' self-definition (as far as I am aware, no safe migration project formally proclaims advice on how to pick a broker as part of their programme intervention). Going beyond formal aid delivery is central to Santi and Mg Ba Oo' outreach work, which is evident in successful compensation claim cases, which we will now turn to.

### **When complaints are successful**

I do not know what happened to Da. Nor am I sure whether MRCI's outreach work resulted in any substantive change for the majority Myanmar workers at the dormitory we visited. Yet, as we will see in Chapter 9, when larger groups of migrants' band together, various achievements come about.

And individual migrants do at times have success when complaining to authorities. A range of MRCs, alongside a range of other programmes, offer specific case work support with both informal and formal appeals, typically relating to work accidents and underpayments. The following compensation case, administered by MRC2, sheds light on both the enormous amount of work required by MRC case officers and the various informal workarounds they employ in order to secure compensation.

Ma Kathy, a 21-year-old female labour migrant, works at an auto part factory. One day, Ma Kathy's hand is squashed by a malfunctioning hydraulic pump machine, resulting in her needing to amputate four fingers. Ma Kathy requests MRC2's assistance with lodging a claim at the social security office in the province. MRC2 also lodges the case at the local police station as well as the DLPW office. Lodging the case to multiple offices serves as MRC2's strategy in increasing the success of the case, as different arms of the government tend to carry out certain functions better than others. For example, whereas the SSO office responds to compensation claims, it lacks DLPW's (with its labour inspection authority) leverage in pursuing non-compliant employers. Approximately six months later, the SSO office contacts Ma Kathy with an outcome of the case. MRC2's case file states the following regarding SSO's verdict:

According to SSO Letter dated 19th December 2013, SSO board of directors have decided that the employer is responsible for the loss of body parts of employee which amounting to 32% of total loss of body capacity and ordered the employer to pay the employee at the rate of monthly salary of 4,680 Baht into 64 months totalling 299,520 Baht as the compensation payment under Royal Compensation Act, B.E 2537, Clause 18 (2).

Subsequently, the SSO office calls in Ma Kathy (who is accompanied by an official from MRC2) and the employer to arrange for the compensation claim payment. The employer requests payments to be made in instalments. Ma Kathy agrees to this arrangement. With the SSO and MRC2 officers serving as witnesses, the employer agrees to pay Ma Kathy the full amount in instalments over 33 months, with the first payment to be made in March of that year. The agreement was signed by both the parties.

By the end of March, the employer fails to make any payment. An MRC2 officer contacts the employer and negotiates the payment to take place by the end of April. April comes. Again, no payment ensues. The MRC officer calls the employer again to discover that his phone number has now been barred. MRC2 reports the incident to the SSO office, who, in turn, approaches the employer. Confusion becomes apparent between the SSO and MRC2 regarding the liability of the case. Who is truly responsible for the accident: the auto-part factory where Ma Kathy worked, or the engineering company that leased out the hydraulic pump? The fact that the auto-part factory has



by now severed their contract with the engineering company complicates matters further. In any case, SSO cannot enforce payment directly as Ma Kathy does not hold SSO membership.

After further deliberations, MRC2 and Ma Kathy decide to file a lawsuit against the employer of the auto-part factory. MRC2 drafts a budget for the potential legal costs which they submit to their donor (and international safe migration programme). The donor declines the request. As the donor only funds MRC2 on a one-year basis, they must acquit funds within this time period. As compensation claims often take long time to negotiate through the labour courts (often more than two years), the donor would be in breach with its funding regulations.

In the end, MRC2 staff, in liaison with a local Thai labour union, approach Ma Kathy suggesting they hire an external lawyer on a commission basis. Ma Kathy agrees. MRC2 assists Ma Kathy securing a lawyer who charges 30% commission. In the end, the case is lodged at the provincial labour court, which rules in Ma Kathy's favour. In the end, Ma Kathy receives her compensation, of which 30% went to her lawyer. The whole case took three and a half years.

The case demonstrates the discrepancy between a compensation claim ruling and the actual capacity to enforce it. Employers using a range of legal loopholes, including filing bankruptcy, is a common way to avoid payment, a point that was flagged to me in interviews by several Thai lawyers. Furthermore, such compensation cases require enormous resources both in terms of time and money. For this reason, many migrants decide against pursuing such cases (a point that is widely known amongst aid practitioners).

In this particular case, Ma Kathy is eventually successful with the compensation claim. When considering how such "success" comes about, it is important to attend to the informal dimensions of the process. In the end, the case officer had to engage lawyers (on a commission basis) *outside* the programme as their donor could not fund court costs. The case heavily depends on the case worker as an intermediary to push the case forward. At the same time, the lack of formal status (in this case no membership of SSO) makes it harder for the government body to act on the case. Yet, going through the formal channels take time and raises the bar of success and evidence is commonly premised on positivist notions of evidence (copies of pay slips, etc.), which in practice results in many migrants deciding against pursuing cases. Hence, for this reason, many migrants prefer informal settlements, which echo broader practices of informal dispute resolution in the region (Cheesman 2015; Munger 2015; Prasse-Freeman 2015a).<sup>9</sup> Analogous to the outreach services discussed earlier, although documentary evidence improves chances of appeals, it also raises the bar for what kind of cases that can be taken forward. As this is commission-based, it means that a certain percentage will be paid to the lawyer resulting in a reduced amount of compensation to the migrant. In this sense, the migrant ends up settling for *less* than the original claim, a practice which seems to be common amongst

a range of NGOs that support migrants. For example, Migration Aid, which supports a large volume of migrants through both informal and formal dispute settlements, claims to have a high ratio of success with their case load (approximately 80%), which echoes larger researcher findings in the region (Bylander 2019). Yet, most of these cases involve either commissions for lawyers, or negotiated settlements which can sometimes be as low as 40–45% of formal stipulated rates (cf. Campbell 2018). Success, quite literally, comes at a cost.

## Conclusion

Gary’s observation at the beginning of this chapter turns out to be right. Legal documents do matter in how migrants are able to make complaints, though it matters in ways that are quite different to what Gary had in mind. Although migrants’ legal status leverages efficacious assistance provision, it can also – paradoxically – amplify difficulties for migrants (i.e. the employer withholding Da’s passport). Consequently, aid programmes often go off script, succumbing to informal practices in order to achieve positive outcomes for migrants, whether it depends on Boonchu persuading police officers to reinterpret migrants as victims as opposed to deportable “illegal migrants”, Mg Ba Oo coaching migrants on how to pick a “good broker” when processing documents, Ma Soe self-representing as a migrant worker’s “auntie” (as opposed to MRC officer) when approaching an employer, or MRC2’s decision to explore legal assistance outside their programme workplan.

The gravitation towards informal practices is not to say that legal documents and formal procedures do not matter. In fact, a key point this chapter has made is that informal practices and subjectivities are not oppositional to legal and formal praxis but are constitutive of one another. On the one hand, adhering to formal regulations (e.g. possessing passport and work permit) enables migrants to complain, but in order to do so, they must comply with procedural and evidentiary requirements (e.g. copies of pay slips) which, in turn, limits their ability to move forward. This increases migrants’ dependency on external parties for assistance. Such dynamics structure the provision of aid assistance itself. Despite a nominal focus on regulation and law, aid agencies must frequently move beyond their prescribed intervention modalities.

Outreach workers, such as Santi and Mg Ba Oo, personalise law and regulation within a cultural context of patrimonial relations. The law becomes social relations. Yet, going off script does not mean that informal practices are replacing regulation, but rather, structures the interaction between migrants and aid providers in specific ways. As such, this chapter has extended the contours of a central theme that we have seen examples of in earlier chapters, which we will continue to explore in the next section of this book: how safe migration assistance constitutes forms of brokerage and brokering.

**Notes**

1. Although Boltanski argues that speech acts (as opposed to direct action) are a central mode of reaction to distant suffering, it is notable that hotlines blur this distinction. Hotline calls appear as action given that hotline operators are premised on assemblages of responses (rescues, file of complains, social work responses, etc).
2. Official emergency numbers, such as Thailand's 191 police emergency number, were excluded due to ethical and legal implications of calling them.
3. A programme officer who worked for the only remaining NGO running a Lao-targeted hotline told me that they had provided this hotline number to another NGO who ran pre-departure training back in Laos. Despite this mechanism had been in place for two years, she was not aware of any calls that had resulted from this arrangement.
4. According to the director, only 10% of calls require referrals where they rely on various Ministries as needed. Another 5% of their cases are followed up by their mobile team who does site visits. Hence, 85% of calls are information-based. Although this distinction is recognised in interviews, this does not stop the centre to "count" such calls towards their hotline statistics.
5. Airline companies risk fines for allowing embarkation of passengers without proper travel permits (such as visas). Some countries require Universities to register class attendance of international students as part of their visa requirement. Both the cases exemplify the institutional and spatial broadening of border control.
6. SSO is Thailand's official social security fund.
7. It is unclear whether this fee is legal. At the time of the interview, the stipulated fee for Lao workers through the MOU system was 14,000 Baht/452 USD (not 16,000 Baht/517USD), but as Ms B was not going through any agency it is unclear why the fee is paid. In any case, by Thai labour law, deductions of wages (beyond 5% for social security fund) is illegal. Also, after Santi examines her documents, Da appears to not be registered under the MOU system (in contrast to Da's own understanding of her situation).
8. The Thai labour law changed soon after this incident, which liberalised migrant workers' ability to change employers. Migrant workers under the MOU system are still subject to strict rules which makes it difficult to change employers.
9. Relatedly, it is noteworthy that NGO officials often told me that they have to build informal, personal relationships with local officials in order to gain traction with cases, a phenomenon that appear common within the Thai NGO sector (Munger 2008, 2015).

**Part III**

**Safety mediated**



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## 7 On humanitarian spaces

I need to amputate your leg

*(Thai medical doctor uses google translate on his smartphone to communicate with a Burmese patient)*

### Introduction

Prior to joining MRC1, Mg Ba Oo was active in a network comprising informal migrant associations which received occasional funding from an international safe migration programme. One other member of this network is Maung Thawdar. As Mg Ba Oo, Maung Thawdar is from Myanmar but with several years of migration experience in Thailand. Initially, working as an unskilled labourer, Maung Thawdar has gradually worked himself into a position as a healthcare worker in one of the Bangkok's hospitals where he assists with translation. Maung Thawdar is one of the numerous Burmese translators that work within the Thai health sector, either through NGOs or directly employed by the Ministry of Health, which serves Thailand's growing migrant population with healthcare needs.

When I first visited Maung Thawdar at his hospital, I was struck by how the physical configuration of his office expressed the Thai health sector's relation with labour migrants. His office had an ambiguous status; although his healthcare ID card and office (with formal signage) indicate a formal incorporation into the healthcare system, it was nonetheless separated away from the main building, right near a shed of parked mopeds, adjacent to where some stray dogs were lurking in the shade of Bangkok's hot sun. Hence, his office's incorporation into the hospital seemed deprecate and half-hearted, yet represented a form of incorporation, nonetheless. Here, Maung Thawdar would meet health-seeking labour migrants in order to arrange for the necessary appointments, physical examinations, and surgeries within the main hospital building.

In the past, Maung Thawdar says, migrants from Myanmar had no legal documents. The hospital had to report patients without documents to the immigration authorities. Report and deport, that was the policy response,

he explains. But as migrants risked deportation, they did not dare going to the hospital. The result, according to Maung Thawdar, was immense suffering for sick migrants, even to the point of death. “But the rules have changed!” Maung Thawdar exclaims. “The government now allows undocumented migrants to access the health system.”

As explained in earlier chapters, due to the increasing numbers of documented migrants in Thailand, many labour migrants possess health insurance due to their legal status. Yet in addition, the Thai health system has in recent years adopted a liberal approach to healthcare provision, even allowing undocumented migrants and their dependants health treatment (Tangcharoensathien et al. 2017; Tuangratananon et al. 2019). Thailand is often lauded as one of the world’s leaders in how they provide health services to its migrant workforce (Upneja 2016). Such liberal approaches to healthcare contrast with other responses we have explored earlier, such as hotlines, where assistance risks resulting in deportations. Undocumented status can also limit NGO’s operational space, as assisting undocumented migrants may in certain circumstances be interpreted as violating the law;, a point highlighted to me by NGO outreach workers who deal with labour dispute cases. Yet, the Thai health system appears to approach the question of legal status rather differently, a point that was confirmed to me by senior Ministry of Health officials as well as health workers, such as Maung Thawdar, who deals with migrants directly on a daily basis.

Hence, the health sector constitutes an operational space where migrants and service provision connect in specific ways.<sup>1</sup> A central claim this chapter makes is that the health sector can usefully be understood as a humanitarian space which presents aid actors with leverage in how they engage migrants. As will become evident, a growing workforce of migrant translators, such as Maung Thawdar, is central to migration assistance. And it is impossible to understand this without an appreciation of how the health sector both enables and is enabled by a humanitarian ethos of human suffering which – to some extent – moves practice beyond the political and legal to the realm of the moral. As such, the health sector illuminates how migration assistance must be understood as an interface between actors and principles. This helps explain a scalar dimension within migration assistance, that is, “the spatial reach of actions” (Xiang 2013, 3). In what follows, we will explore the emergence of this humanitarian space and the ways in which it has enabled a meso-level of migration assistance work through health translators. However, first, some comments are required in terms of how health services are situated within humanitarian spaces and the operational space of safe migration governance.

### **Life, legitimacy, and humanitarian spaces**

Historically, religious-moral spaces constitute the main geo-political form for humanitarian exceptionalism. Both past and present, churches, mosques, and temples serve as sites for refuge and asylum where religious

authorities protect migrants from arrest and deportations. In the Mekong region too, Buddhist temples have been – and continue to be – prominent heterotopic spaces where direct interference on temple grounds (such as apprehending suspected undocumented migrants) is unlikely as it disrupts Buddhist principles of moral equanimity – even amongst a Thai populace that holds rather hostile views towards migrants (International Labour Organization 2019). Hence, temples are unlikely targets for border control surveillance, and as we have (and will) see throughout this book, temple grounds are central congregating points for many migrants. The Thai education system is another arena where the Thai authorities observe relative liberal approaches to immigration. Migrant and stateless children – regardless of their legal status – are entitled to attend Thai schools (Akiyama et al. 2013; see also Lee 2014; Tuangratananon et al. 2019).

Whereas temples bring to light how corporeality relates to moral and transcendental qualities of human existence (i.e. karma), the education system accentuates the unique status of the underage in relation to humanitarian ethos: how childhood rests on notions of moral purity (Lancy 2014; Montgomery 2008). In other words, they evoke spaces where *life as such* (Fassin 2009) – as opposed to agentic, existential, or political qualities of human existence – assumes particular significance. This connects with where this chapter started off: health services. Hence, health, education, and temples evoke life and the living in specific ways, which makes it possible to conceive of them as humanitarian spaces.

Health service provision is of particular interest as it reveals how what Didier Fassin has coined *biolegitimacy* and health service provision ties in with the mobilisation of migration assistance. Extending Foucault's analytical explication of biopolitics, Fassin argues that the question of government does not merely concern power over life but also power *of* life (Fassin 2009). By exploring "...the construction of the meaning and values of life instead of the exercise of forces and strategies to control it" (Fassin 2009, 52), one is able to interrogate a range of political and moral projects around the world, ranging from humanitarian aid, immigration control, and military interventions. For instance, historical changes to how political asylum has been administered in France demonstrate how the legitimacy of asylum has shifted from testimony (based on asylum seekers' claim of political persecution) towards medicalised and pathologised bodies (e.g. migrants who are allowed residence due to medical conditions, such as HIV Aids, that cannot be treated in their home country) (Fassin and Halluin 2005). Hence, biological supersedes political life in terms of its acceptability and traction as a source of claim making. By drawing attention to how life legitimates and is legitimated, it becomes possible to pay closer attention to how life is mobilised and valued differently in various contexts (bio-inequalities).

"Biolegitimacy," Fassin argues, "has become a crucial issue in the moral economies of contemporary societies" (Fassin 2009, 50), and is readily evident amongst aid programmes that work with migrants in the Mekong



region. Echoing border control policies elsewhere in the world, the biological body has increasingly become source of truth claims in trafficking cases (such as the use of skeletal X-Ways technology to determine age of alleged trafficked victims) and the ubiquitous usage of the term “trafficking survivor” is quite telling of how the corporal body (as opposed to political agency of a migrant) has become a central locus within anti-trafficking discourse (Molland 2019a). At times, programme implementation engages in ritualistic acts that also denote a preoccupation with redeeming the living. I have, for example, witnessed trafficking workshops where a one-minute silence has been observed in respect for trafficked victims (see Molland 2019a). In what follows, we will consider more specifically how biolegitimacy in the context of health service provision relates to operational spaces for safe migration interventions.

### **Thailand’s healthcare services and labour migrants**

“I need to amputate your leg.” A Thai doctor shows his smartphone screen to *Denpo*, a Burmese patient. By using Google Translate, the doctor conveys the grim news. This is how *Denpo* retells the story of his sordid fate that took place some months prior to me meeting him. A horrific workplace accident (his leg was badly injured when operating a defunct lawnmower) resulted in *Denpo* being taken to the hospital. In addition to the excruciating pain and trauma relating to losing his leg, he conveys the added stress of not being able to communicate clearly with the local hospital staff due to his limited Thai language skills. Indeed, whilst speaking to me, *Denpo* still remains unsure exactly why the leg had to be amputated. Still, the smartphone, *Denpo* says, did allow some minimal form of communication between him and the doctors (thanks to Google Translate). Whilst this exemplifies the creative ways in which smartphones are utilised in a migration context, it also underscores migrant workers’ healthcare and translation needs. It also points to migrant workers’ ubiquitous use of the Thai health system.

The numbers in Thailand are staggering. In recent years, more than a million migrants have sought health insurance, with even larger number utilising the Thai health system (Tangcharoensathien et al. 2017). Hospitals and health services in either border zones or areas with high concentration of migrants serve large number of labour migrants. Besides obtaining medical help due to work accidents, such as *Denpo*, migrants use the health system for a range of health services, including vaccinations, pregnancies, and a range of other medical needs. This is so much the case that public hospital signage often will include Lao and Myanmar language. For example, hospitals in Samut Sakon and Nong Khai have Burmese and Lao language signage, respectively. As such, health services constitute a key contact point between migrants and the Thai state which differs in important ways to other state agencies.

Labour migrants encounter the Thai state in three ways. First, whether it is being through passport and visa processing, border crossings, or deportations, migrants are likely to encounter either police or immigration authorities during their sojourns. This positions police and immigration authorities as central state agents in relation to migrants. As a large body of literature (Derks 2010b; De Genova 2002) and earlier chapters have demonstrated, this renders migrants – even with minor administrative irregularities in their paperwork – vulnerable to punitive responses (such as deportations). This is also why immigration and police agencies are deeply problematic as potential “protectors” (e.g. as in protecting trafficked victims), which help explain why migrants generally fear state authorities (Anderson 2012). As migrants are likely to evade (as opposed to seek) police and immigration authorities for assistance, such state agencies are structurally poorly positioned to establish connections of trust with migrants.

Second, many migrants also interact with labour and social welfare departments either through labour inspections (to uncover abuse and undocumented migrants), or through employment-related entitlements and claims (access to social security fund, work accidents, wage theft, and other workplace-related conflicts). Although many of these services are set up to assist migrants (e.g. target welfare, abuse, and exploitation), they are in practice intertwined with the aforementioned immigration and border control priorities which pose problems for undocumented migrants in particular. It places migrants in an impossible situation where revealing employers’ abuse and malpractice also expose migrants to potential danger (e.g. charges of violating immigration law should documents not be of a satisfactory order). Earlier chapters have pointed out some of the problems this produces, including the difficulties with taking complaints forward (see [Chapter 6](#)). This also makes safe migration assistance delivery highly unstable. Not only do NGOs risk ending up exacerbating (as opposed to ameliorating) migrants’ despondency (such as the deportation of Dao in [Chapter 6](#)); it can also jeopardise aid programmes. As one MRC official told me, labour officials had made no secret to them that assisting undocumented migrant workers would in effect make the MRC complicit in assisting an illegal alien. Although local policy implementation varies in practice (Suphanchaimat et al. 2019) and many NGOs are able to bypass such problems by nurturing close (often personal) relations with local officials, it does point to the precarity of assistance within a context where it is arduously difficult for many migrants to maintain an unequivocal documented status. While I am unaware of specific cases where legal action has been taken against organisations in a Thai context, it is notable how this mirrors a wider trend in global border control regimes where state authorities criminalise migration assistance by relabelling it as a form of “trafficking” (McNevin et al. 2016).

Thailand’s health services, the third main governmental body that migrants are likely to interact with, differ in that regard. Whereas undocumented migrants would risk being reported and deported when seeking health

services in the past, this has in recent years changed. In practice, NGOs have been able to establish relations with hospital that allows treatment regardless of status, as exemplified by one programme officer from a Thai NGO.

From our experience, when it comes to health, undocumented migrants risked [in the past] to be reported to the immigration authorities. But we had volunteers in the community They would provide assistance and accompany undocumented migrants when seeking health services to minimise the risk of being reported. If migrants go alone [to the hospital], they may be reported to the police. We have worked with about ten migrant community-based groups (CBOs) who help undocumented migrants in this way. An interpreter and social worker go with the migrant.

Hence, NGO health outreach workers and translators in effect enable “humanitarian corridors” which allow health access for undocumented migrants. It is notable how this resemble negotiated (as opposed to formal rule-bound) access which echoes how Boonchu (see [Chapter 6](#)) and his NGO depend on informal relations with state officials (i.e. police) in order to ensure police treat rescued migrants (resultant from hotline calls) as trafficked victims (with entitlement to care and protections) as opposed to illegal migrants (who are subject to deportation). Yet, over the years, the Thai Ministry of Health has, in contrast to other arms of government, become far more liberal in how it deals with uncommented migrants. Migrant healthcare services must also be understood in the context of an increasing formalisation of migrant status. With the growing number of migrants obtaining semi-legal or fully legal migration status, they are progressively able to access the Thai health system in formal ways (based on medical health insurance). Despite these changes to migrant status, many migrants remain undocumented, or hold partial legal status (e.g. a valid passport but an expired work permit). Yet, since the early 2000s, Thai authorities allow (and actively encourage) undocumented migrants to obtain health insurance (Tangcharoensathien et al. 2017). As such, despite an official policy that is rather punitive towards undocumented migrants, the Thai state – through health provision – officially endorses (and seeks to incorporate) undocumented labour migrants.

Ministry of Health’ distinct approach to labour migrants, which has several times been lauded as “best practice” in international media and commentary (Upneja 2016), can be traced back to the pressing need to address infectious diseases. “The Bangkok floods back in 2011 was very important,” Maung Thawdar explains. Besides language barriers, migrants (who back then were largely undocumented) were also reluctant to access health services due to their precarious legal status. Yet, the Bangkok floods forced many migrants to seek emergency medical care. At the same time, Maung Thawdar explains, the floods increased the risk of communicable diseases spreading, especially tuberculosis. Allowing migrants – regardless of their

legal status – to seek healthcare became a public health priority. Yet, the Thai Ministry of health was poorly equipped to deal with the situation. Without established conduits of trust between healthcare services and migrants, coupled with a glaring lack of translators (due to laws which prevented government bodies from hiring foreign workers), migrants could not easily be incorporated into healthcare provision. Yet, the floods, Maung Thawdar says, forced migrants out of the woodworks resulting in a dramatic increase of hospital admittance amongst migrants. This opened a space for NGOs to provide (and pay for) health translators assigned to hospitals. This is how Maung Thawdar himself ended up working for the hospital. The 2016 *Alien Working Act, B.E. 2551 (No.3), B.E. 2559* allows government bodies to directly employ foreign workers as translators (Government of Thailand 2008). Throughout my fieldwork, I could confirm that several hospitals now employ Burmese translators. As such, healthcare language translation has become somewhat of an unrecognised career path for people such as Maung Thawdar. Hence, the expansion of translators goes hand in hand with a lessened focus on reporting undocumented migrants to immigration authorities. Furthermore, in the greater Bangkok region, the Bangkok flood has been a pivotal catalyst for this change, according to Maung Thawdar.

Ministry of Health officials, NGO staff, and other translators confirmed this to me. Whereas undocumented migrants risked being reported to immigration authorities in the past, this has now lessened due public health implications, especially relating to communicable diseases. As one senior official from the Ministry of Health pointed out to me, even after the Bangkok floods, there are ongoing public health concerns relating to migrants and communicable diseases (especially tuberculous, leprosy and syphilis). This is also why it is now possible for undocumented migrants to obtain health insurance (Suphanchaimat et al. 2019). Refraining from querying (and reporting) immigration status makes it easier for health services to reach migrants and migrants to come forward. Hence, from a health perspective, protecting migrants' health intimately relates with protecting citizens' well-being (i.e. the spread of infectious disease). Such tolerance is also reinforced by the fact that productive members of society are important due to Thailand dependency on labour migrants. The importance of able-bodied migrant labourers for productivity is directly related to communicable diseases. As one NGO official pointed out to me, there has been cases of infectious disease outbreaks (e.g. diarrhoea) amongst factory workers in the frozen seafood sector which has had an immediate detrimental impact on parts of Thailand's export business. Aihwa Ong's work on feminised labour is instructive in drawing attention to how biological survival traverses labour and immigration regimes.

The politics of sheer life is emerging in Southeast Asia, where a vast female migrant population - working as maids, factory workers, or prostitutes - is regularly exposed to slave-like conditions. Feminist

NGOs invoke not the human rights of female migrants but something more minimal and attainable, i.e. biological survival, or “biowelfare.” The claims of a healthy and unharmed migrant body are articulated not in terms of a common humanity, but of the dependency of the host society on foreign workers to sustain a high standard of living. NGOs invoke the ethics of reciprocity or at least recognition of economic symbiosis between migrant workers and the affluent employers who feel entitled to their cheap foreign labour. Where citizenship does not provide protection for the migrant worker, the joining of a healthy body and dependency on foreign workers produces a kind of bio-legitimacy that is perhaps a first step toward the recognition of their moral status, but short of human rights.

*(Ong 2006, 504)*

Hence, a concern with “herd protection” (i.e. public health) intertwines with biological notions of labour utility and migrant’s moral status. In this way, a concern with migrants’ health supersedes legal principles (i.e. an undocumented migrant receiving medical care as opposed to being deported). At the same time, how communicable diseases contribute to an incorporation of migrants into the Thai health system echoes Michel Foucault’s exposition of how the management of leprosy (based on exclusion) transformed into a governing logic based on exclusion during the plague (Foucault 1977). As such, migrant health provision presents an important form of governmentality. Yet, such practices do not automatically emanate from either disciplinary power or changing humanitarian principles grounded in health-specific notions of the living. They require operationalisation by social actors.

### **Health access and health volunteers**

The Bangkok floods, Maung Thawdar explains, did not merely provide an impetus to assign translators to hospitals. In order to gain migrants’ trust, outreach work was essential. Maung Thawdar’s role as translator also involves entering migrant communities in order to explain migrants’ entitlement to use health services, regardless of legal status. “First they didn’t believe me,” Maung Thawdar said. “So, I had to persist with my outreach.” For two years, Maung Thawdar carried out outreach work on a weekly basis. Gradually, migrants dared to come along to the hospital. Once migrants could see that others could seek healthcare without any form of retribution, others followed. During this time period, Maung Thawdar’s employer (a Thai NGO) was able to expand their work to five other hospitals in the same province.

This kind of outreach work is now actively encouraged by Thai health authorities and NGOs alike. One recent study estimates that in migrant-dense provinces, such as Tak and Samut Sakon, at least 1500 migrant volunteers work in this capacity (Sirilak et al. 2013). In addition to translators

who work within the formal healthcare system, such as Maung Thawdar, numerous translators serve within informal migrant groups, often on a volunteer basis. Indeed, health needs have contributed to the proliferation of informal self-organising migrant groups. Besides language translation during hospital visits, they take on an active role in negotiating access to healthcare services for migrants.

Ko Thein Phay is one such health volunteer. Through one of the greater-Bangkok's many migrant associations, he employs his impeccable Thai language skills to good use through his translation assistance for fellow migrants in need of hospital care. "Despite many years living in Thailand, the language skills of most migrants are still very poor," he says. "They dare not speak to authorities, to the healthcare personnel, or to the nurses in the hospital." Ko Thein Phay explains that some migrants request his company when attending the hospital. Many migrants face abuse by hospital staff, Ko Thein Phay alleges, when they don't fully understand what is being said. Hence, Ko Thein Phay mediation is not merely linguistic but also addresses the power imbalances between medical staff and migrant workers. The mediating role of translators, such as Ko Thein Phay, is also central to medical costs.

As alluded to earlier, settlement of medical bills has become easier for many migrants, given that many of them (but far from all) either access the official social security system or possess health insurance. In cases where migrants do not hold either social security membership or health insurance (which is common amongst undocumented migrants), medical costs are often pooled through informal migrant groups. At the same time, health translators are often instrumental in bargaining the cost down, or even facilitating write-offs, which the following examples illustrates.

Ko Htay, who is a member of another migrant group (which is funded indirectly by an NGO), provides a glimpse of how hospital payments are managed:

The hospital fee is a big burden for the migrants. For example, one pregnant migrant thought she could give birth with a 5,000 Baht budget. But it turns out that she needed operation and the cost became 15,000 Baht (sometimes it can be as high as 25,000 – 50,000 Baht). She could not pay. Then the hospital refused to proceed. The pregnant women contacted us for assistance. We only had 2,500 Baht from our NGO and our association only has a budget of 2,500 Baht per case for our members. So, I took the 5,000 Baht and went to the Hospital for further negotiations. At the hospital, a unit called "Community Social Support" assists patients in financial stress. I had to present the case, stating we had known this migrant for long, it is true that the migrant's financial situation is poor, that our association can only afford 5,000 Baht towards the medical costs and thus request for write-off for the remaining balance. The write-off was approved. I learned about the existence and function

of this “Community Social Support” from the NGOs who trained us in the health assistance field. Because of our NGO’s training we could make use of the aid provided by the “Community Social Support” office. I was very surprised to learn that many poor Thai people do not know the existence of this service.

In other cases, translators take a more active role on coaching migrants in order to either reduce fees or secure write-offs. Maung Tawdar explains his approach thus:

Normally, patients are expected to pay [for hospital fees]. If the patient does not have money, the relatives will assist with payment. I advise relatives to not visit whilst health services are sought, especially when the patient is being discharged. This way, I can tell the hospital this person has no relatives, nor any money. Then the hospital will interview the patient. But as translator I can speak on the migrant’s behalf. This way the patient does not have to pay any fee as I know what information they should provide [to avoid payment]. The hospital checks if the person has any social support (relatives or employer). If both the employer and family do not appear then this shows the patient has no connections. And, if no address exist it is not possible for forward the bill.

In effect, Maung Tawdar helps conceal patients’ social capital which enables either reduction of fees or write-offs of hospital bills. It is, however, not possible to overuse this method as this may raise suspicion by the hospital administration. “I always check if the patient is in real trouble,” he says, before employing this strategy.

All of this should not be interpreted too rosy. Both translators and migrants report cases of sloppy healthcare provision and discrimination in hospitals towards migrants. Despite the commonality of either reducing medical fees or provide write-offs, settling payment can also compromise migrants. One hospital translator reported to me cases where a hospital would waive birth delivery costs in exchange for the pregnant patient signing a consent form to undergo sterilisation as part of the caesarean procedure. Such practices arguably constitute forced sterilisation. Anyone familiar with Foucault’s work will recognise how such practices collapses the distinction between “make die and let live” and “make live and let die;” that is, the merging of biopower and sovereign power (Foucault 2003, 239–264). Another Thai NGO informed me that they still come across cases where migrants’ passports are withheld until full acquittal of hospital bills. Hence, despite an increased liberal healthcare service for migrants, continued need for navigating healthcare services relating to both language translation and the settlement of hospital bills results in healthcare volunteers and translators becoming acquainted with a range of other challenges migrants face.

## Expanding humanitarian spaces

The increasing use of health translators opens up an operational space for aid organisations which facilitates engagement on other migrant-related problems (such as sub-standard work conditions in the context of work accidents). Such work can take on specific spatial qualities. Several Thai NGOs, and even some informal migrant assistance groups, can house migrants regardless of legal status. The need to house migrants typically takes place when migrants are unable to work due to either work accidents, illness, or other forms of dismissal. Housing undocumented migrants can potentially be risky, as it could result in charges of harbouring illegal aliens. Yet, such harbouring can become possible on humanitarian grounds. *Kanya*, a senior official of a Thai NGO, explains their experience thus:

We had a drop-in centre where we housed migrants who were ill or had an accident. These migrants had no relatives and nowhere to go. They could stay for 3-6 months at this centre. We would send a letter to the provincial health authorities. In the past we had incidents where police would show up to arrest migrants at the centre. We consulted a Thai lawyer regarding our case. The legal advice we received was that this was not against the law as our hospitality was based on humanitarian grounds – the migrants were either sick or injured – and the fact that we did not attempt to conceal them. After further negotiations we managed to make the police come around to our point of view. Now, police even send sick migrants to us!

Such arrangements are common. Another large Thai NGO, *Migrant Health Cooperative (MHC)*, who provides similar services, confirmed this. Their Director informed me that they provide shelter for any worker who faces labour violations, forced labour, or trafficking. Their stay, the director explained, is conditional upon them having a legal case that is in the process with the courts of Ministry of Labour. This arrangement is tolerated by the authorities. Just as *Kanya's* NGO, MHC receives migrants from police and they actively cooperate with authorities on compensation cases. In practice, many of these instances relate to health as they deal with work accidents and compensation claims.

In effect, NGOs' ability to house undocumented migrants constitutes heterotopic spaces where a moral imperative to provide immediate healthcare supersedes the law (see Fassin and Halluin 2005). Two important points stem from this. First, such arrangements do not purely result from humanitarian principles (although important). Just as translators fill a gap in healthcare provision, NGOs harbouring injured and sick migrants in effect take off pressure from authorities. Hence, it constitutes an administrative convenience.<sup>2</sup> Second, – and this is important – health interventions allow NGOs and migrants to move beyond them. Caring for migrants, whether



through temporary housing or translation assistance, expose NGOs and migrant assistance programmes to associated problems that migrants face, such as employers' culpability in work accidents and migrants' health and welfare (due to poor working conditions). As Kanya told me, an important reason for assisting migrants with work accidents was not merely to attend to their bodily suffering but also to use compensation cases as a medium to assert pressure on government to address work conditions. In other words, migrants' bodies, in the form of illness or physical injury – connect with both the regulation of workplaces and claim-making against state authorities.

“When we assist migrants with health problems,” Kanya says, “they also ask about legal rights, passports and visa problems.” In fact, “this is how safe migration came up in our work,” Kanya explains. “When the case is serious, we will refer the case to a relevant organisation.” Kanya exemplifies how their health work progresses into central concerns within safe migration discourse: work conditions. There is no coincidence that several of my informants point to how their work on labour abuse and working conditions originated within the health sector. This also means that health outreach workers and translators become acquainted with a range of administrative matters relating to migrants beyond health. For example, Ko Htay role as a translator has brought him into criminal cases which, in turn, has enabled opportunities to develop useful contacts within Thailand's Department of Special Investigations (DSI, Thailand's equivalent of the FBI). We will further explore the significance of such brokerage practices – both analytically and empirically – in [Chapters 8](#) and [9](#).<sup>3</sup> It is important to note that although it can often be challenging for health-based aid programmes to seamlessly transcend beyond a specific health focus as it blurs their formally stipulated roles and mandates, there is nonetheless ample evidence of how migration health becomes a spring-board for labour activism, which we will now turn to.

### **Medicalised bodies and virtual testimony**

The financing of medical costs and addressing migrants' welfare needs (such as in labour abuse cases) are not merely mediated by translators and NGOs. The use of smartphones and social media have become increasingly important to how the body becomes a vehicle for claim making. Mg Arkar, a migrant housed by Migration Aid (see [Chapters 5](#) and [8](#)), exemplifies how migrants utilise smartphones and social media in order to address their despondency.

Mg Arkar migrated to southern Thailand in 2013. Since the advent of his arrival in Thailand, he has experienced various problems relating to underpayment and unexplained dismissals forcing him to continuously change jobs. Despite these problems, Mg Arkar and his wife were able to gradually obtain legal papers. Despite their legalised status, this was of little help to what was to come. Events took a turn for the worse on 24 September 2015. Whilst working on a construction site in Krabi, Mg Arkar and some of his

co-workers were badly electrocuted. “There was no regulation at the construction site,” Mg Arkar tells me, “with no systems for anything and dust everywhere.” There were old electric wires at the site, but it was unclear if they were switched off or not. The accident happened when he inserted iron rods through the construction pole moulds. The rods touched the eclectic wires, causing electrocution. Mg Arkar suffered excruciating pain and burns to most of his body.

Some of Mg Arkar co-workers sent him to the local hospital where he stayed in an intensive care unit for 17 days. He was eventually discharged and stayed home after that. He was in a lot of pain. The employer did not pay him anything. He had to use his own money to cover bills. Yet, with limited savings, he quickly ran out of money. In desperation to mobilise funds for his medical bills, one of his friends – who is savvy with computer games – assisted Mg Arkar with uploading images of Mg Arkar in the hospital to Facebook pleading for help. It worked. The Facebook post spread fast and was shared more than 2000s times. Amongst several of the comments various people made on the post, one person suggested that they should contact Migration Aid. This is how Mg Arkar and his wife were able to seek shelter (and received help) from the NGO. At the time of my meeting with Mg Arkar, he had undergone several surgeries. Still, he was suffering immensely. His burns were still badly affecting him, to the point where he was unable to use both his hands even for rudimentary tasks. Despite the accident took place nearly two years ago, his wife still had to spoon-feed him due to his burns. For the time being, Mg Arkar and his wife resided at Migration Aid’s compound whilst they received assistance with medical costs and (hopefully) successful compensation claims against the employer.

I will leave aside for now how we may want to understand Mg Arkar’s accident in relation to safe migration programmes ability to assert protection, social justice, and safety for migrants (does Migration Aid’s assistance with healthcare and compensation demonstrate aid programmes’ leverage or deficiency in improving migrant workers’ work conditions?). What is of analytical interest in this context is how social media serves as a medium to mobilise donations, and advice for assistance, which builds on pre-existing sociality of broad-based exchange in a Myanmar context (see [Chapter 3](#)). At the same time, sharing images and stories of bodily suffering also serves as a form of witnessing: the structural violence that is projected onto migrant bodies become visible to large online audiences. Such witnessing can at times connect directly to NGO’s advocacy work that addresses migrant worker’s work conditions and basic welfare needs.

*Ma Myo Myo*, who works for a Burmese migrant association, explains how migrants employ their injured bodies, smartphones, and social media in order to build momentum against abusive employers. In 2010, a major conflict erupted between an employer and nearly thousand Burmese employees at a fishnet factory. The employer confiscated the migrants’ passports in order to forge the documents for the purpose of bringing in more workers. The wages

were low, and work supervisors exerted violence onto the workers with the use of wooden sticks. The factory compound was guarded by armed guards. Some workers at the factory were able to obtain Ma Myo Myo's organisation's phone number. This enabled stealth reporting on the migrants' problems via text messages. Ma Myo Myo's organisation realised that the case was serious. Ma Myo Myo requested the workers to take pictures of any evidence relating to forced labour practices (this included supervisors physically punishing workers, weapons held by security guards, and passports with forged pictures). These images were forwarded to labour authorities. In the end, Ma Myo Myo's organisation, in cooperation with other NGOs, was able to intervene in the case with the assistance of authorities.

We will return to the significance of social media of workers activism in a later chapter, including how such interventions can backfire. What is of importance to us here is how pictures of injured bodies are elevated as a form of testimony, where – to paraphrase Fassin – the truth from the body affects action against unscrupulous employers and inhumane work conditions (Fassin and Halluin 2005). As such, incidents like these connect to a long-standing anthropological attention to the relationship between the body, violence, and ontology (Appadurai 1998; Das 1998; Fassin 2011b; Taylor and Hinton 2002). Importantly, such images also furnish what we touched on earlier in this chapter: administrative convenience. Images of bodily harm carry more leverage than migrants' verbal allegation of abuse as evidentiary material. In this sense, as a kind of counter-panoptical “weapons of the weak” (cf. Scott 1985), migrants are able to weaponise smartphones against employers.<sup>4</sup> In addition to documents, bodies become central vectors of legibility within a broader political economy of migration assistance.

## **Conclusion**

This chapter has explored the role of healthcare services in relation to safe migration assistance. Although healthcare in itself is not central to safe migration discourse, this chapter has argued that the health sector is central to appreciating how operational spaces are enabled for NGOs and other service providers in order to assist migrants. Migrants' health-needs provide conduits for assistance where medical care (based on humanitarian principles) can supersede immigration and border control priorities. It is also here we see how life, in the sense of biological or pathological existence, becomes a source of claim-making. As such, biolegitimacy, whether in the form of protecting communities in the name of public health (due to infectious disease) or migrants' life as such (in the case of hospitals accepting migrant patients on humanitarian grounds), has been central for the emergence of translators and health volunteers. In this sense, the biolegitimate (how life in itself is valued) merges with the biopolitical (regulation of populations) which epitomises how different regimes of health can just as much serve complementary functions (as opposed to the tensions between

humanitarian biomedicine and global health security as discussed by Lakoff 2010) in how aid programmes advocacy for migrant health services align with the government's focus of public health.

Furthermore, healthcare provision gets easily tangled with a range of other challenges that are central to safe migration discourse: workplace safety, sub-standard work conditions, mistreatment of workers, and so on. The chapter has examined how migrants' bodies become central to evidentiary material and witnessing of suffering, often through the use of smartphones and social media. Finally, the chapter has canvassed a social dynamic that we have seen in earlier chapters and will be central to the remainder discussion of this book: how assistance is instrumentalised through intermediaries, a dynamic that became evident to me upon departing Maung Thawdar's office right after the interview described at the beginning of this chapter. Whilst conversing with Maung Thawdar outside the hospital, I could not help noticing a young Burmese woman patiently waiting in his office. Initially, I assumed her wait for Maung Thawdar's time was health-related. However, once I had finished my discussion with him, it became clear that the woman's visit to Maung Thawdar's office was rather different. Upon leaving, the young woman asks Maung Thawdar regarding his connections with potential employers. Her current job as a domestic worker had not worked out for her; so, could Maung Thawdar help set her up with a new employer, she wonders? Why hospital translators help aspiring migrant domestic workers with employment opportunities is our subject for the next chapter.

## Notes

1. Although health is not prominent in safe migration discourse, several informants allege that safe migration partly derives from health interventions, especially HIV Aids (i.e. "safe sex"). Many NGOs work within the Thai health sector, although many of them do not self-identify as safe migration programmes.
2. Maung Thawdar also pointed out that immigration authorities typically do not accept very sick migrants in detention.
3. Ko Htay's associated work within the health sector also comprises the management of deceased migrants. At times, this involves criminal cases where health official and police collaborate on forensic evidence. This has given Ko Htay leverage to intervene in cases of police inaction relating to suspicious migrant deaths.
4. Smartphone and social media use as a form of counter-conduct seems a promising fertile ground for empirical investigations, especially in authoritarian political contexts. For example, it is notable how traffic accidents in Laos are now often filmed and even live streamed via Facebook. This has no doubt to do with the synoptic accountability this imposes on police officers. Traffic accidents in a Lao context usually become a marketplace for buying out-comes of the settlement: once police get involved, it becomes more expensive for the concerned parties as all official involved expects a commission for their "investigations"). For a discussion on compensation claims in a Burmese context, see (Cheesman 2015).

## 8 Brokers, migrants, and safety

Brokers can make things happen for you.

*(Senior UN official)*

Some months had passed since the first meeting with Maung Thawdar. I was preoccupied with following the implementation of the one-stop service centres (see [Chapter 5](#)) and had little time to follow up on hospital translators such as Maung Thawdar. In an effort to consolidate legal pathways for labour migrants, the CI process was now interlinked with the Thai government's issuing of work permits. With the registration deadline looming for migrants who wanted to convert their pink cards into CI documents and formal work permits, the one-stop centres were overfilled with queuing migrants. The process also included health screening and the issuing of health insurance cards for migrants. Hence, Ministry of Health officials were at the frontline of migration management procedures alongside immigration and labour officials. As it turned out, Maung Thawdar had recently been seconded to one of the one-stop service centres from his hospital. He invited my research assistant and me to come along to see how the process worked. We agreed to meet on the following Sunday. In another example of bureaucratic convolution, although the CI service counters (managed by the Myanmar authorities) would be open, the service counters managed by the Thai labour and health officials would be closed as it was a public holiday. Consequently, Maung Thawdar explained, there "will be few people around then ... we will have time to talk."

The following Sunday, my research assistant and I travelled to the one-stop service centre which is located within a shopping mall on the outskirts of Bangkok. We meet Maung Thawdar at a nearby food court. When walking into the near-empty food hall, we spot Maung Thawdar together with a group of other migrant workers congregating around a table. We introduce ourselves and chit-chat about the migrants' work and experiences in Thailand. One of the male migrants, *Maung Ko Ko*, tells us that he currently had a temporary passport and was in the process of obtaining a new passport. One of the other migrants, *Ma Mie Mie*, holds a pink card and was in the process of going through the one-step centre processing system in order

to obtain a proper work permit. Whilst we were speaking, I could not help but notice the passports and work permit documents that were spread out over the table where we were sitting. Puzzled why the migrants were present with their documents given that the service centre was half-closed, we listened to Maung Thawdar explaining the operations of the centre. The one-stop centre involves a two-pronged process, he said. The first step provides migrants with a visa up to 31 March (2018); then a second step allows an extended visa up to two years (i.e. until 31 March 2020). This process only applies to migrants who hold a pink card or a temporary passport. Maung Thawdar elaborates. First, the migrant needs to obtain the CI document. This is all done at the mobile van outside, he explains. It is operated by a contractor on behalf of the Myanmar Embassy. Once that is done, the second step is to obtain the new work permit which is referred to as a “smart card.” We all laugh at the fact that the Thai authorities have confusingly chosen pink-coloured cards, which makes it easily mistaken for the “pink card” which the Thai government is phasing out.

Maung Thawdar continues. The Thai government operates the centre and involves several line ministries. Department of employment is one of the main agencies involved, but so is health. This is where my role comes in, Maung Thawdar explained. All migrants are subject to a health check which involves a blood test (to check for TB) but also screening for “elephant leg disease” (Lymphatic Filariasis) and other parasitic diseases. All migrants going through this process must take deworming tablets. The TB scan is also used to screen for narcotics.

While we sit and listen to Maung Thawdar explaining the process, it becomes clear how complex the “one-step” process is. In glaring contrast to the centre’s glib title promising speed and simplicity, the process, which we explored in [Chapter 5](#), involves multiple steps with perplexing rules relating to different forms of employment. While Maung Thawdar explains the over-engineered bureaucratic process, it slowly dawns on me why the other migrants are present. Despite the government’s upbeat rhetoric of a streamlined one-stop process, the reality for most migrants is that they depend on others to guide them through the process. With his intimate familiarity with the system, Maung Thawdar had taken on the role of doing just that, something he confirmed to us later on. At the end of our conversation, money changed hands between him and the migrants. Maung Thawdar, it turned out, was not simply providing health-related migrant assistance under the auspices of safe migration programming, he was also operating as a work-permit broker.

### **Migrant assistance as brokering**

The previous chapter explicated how biolegitimacy enables an operational space for migration assistance within the Thai health sector where language translators play a central role. Maung Thawdar is one amongst

numerous hospital translators which exemplifies how health interventions enable a broader humanitarian space for migration assistance. Yet, as alluded to above, his role goes well-beyond linguistic translation pertaining to healthcare. This chapter investigates how – in contrast with a Weberian legal-rational rule-bound practice – migrant assistance comprises various forms of interpersonal reciprocity which depend on intermediaries within a grey-zone of migrant assistance. To put it simply, migration assistance and brokering are two sides of the same coin. Yet, the role of brokers in safe migration is highly paradoxical. As we have seen in previous chapters, safe migration discourse often professes that traffickers and brokers constitute a potential threat to orderly, safe migration. Consequently, formal safe migration activities do either implicitly or explicitly, seek to eradicate extra-legal forms of assistance, yet – as this chapter will explicate – they are in practice depended on informal intermediaries and practices.

The role of brokers and brokering practices has surfaced throughout the book, ranging from how legal migration pathways, such as the MOU system and the CI process, breed labour brokerage (Chapter 5); how safe migration outreach workers at times recommend how to pick a “good broker” (Chapter 6); U Ba Sein’s revelation that his migrant school unintentionally produce brokers (Chapter 1); and – as we saw in the last chapter – the pivotal roles of Burmese language translators as intermediaries of migrant assistance. Yet, the focus in this chapter takes on particular significance. Although a large body of literature explores the role of brokers in migration, the focus tends to centre on what we discussed in Chapter 5: social actors that act as intermediaries in facilitating transport and documents (passports and work permits) for labour migration (Chee et al. 2012; Lin et al. 2017; Lindquist et al. 2012; Shrestha and Yeoh 2018). Yet, little scholarly attention has been afforded to migration assistance itself as a form of brokering practice within aid delivery. This neglect is curious as it is precisely within the anthropology of development where most academic mileage has been made on the study of brokers (Lewis and Mosse 2006).

This chapter explicates the role of brokers and brokering practices within safe migration programme implementation and consider the analytical challenges this poses for how we both understand aid delivery in relation to brokers, but also how moral opposites – assistance and exploitation – are brought together. This, in turn, relates to how an operational space of assistance is enabled. Hence, beyond pointing to how assistance and brokering fuse, the chapter divulges how a counter-intentional effects of programme interventions are produced through different modes of visibility and hiddenness which allows dichotomous practices to become one. In what follows, we examine brokers both as an analytical category as well as an emic category of ascription. We will consider why labour migration brokers become migrant assistance outreach workers and vice versa, and how brokerage is ubiquitous within safe migration praxis. But first, a few points need to be made regarding the concept of brokerage itself.

## Revisiting the anthropology of brokerage

Brokers can be productively compared with patron–client relations. Patrons and brokers are both analytically actor-centric with emphasis on how transactional relations (that are often face-to-face) are central to social practice (Lindquist 2015a). Yet, the two are distinct in terms of control over resources:

Most generally, the broker is a human actor who gains something from the mediation of valued resources that he or she does not directly control, which shall be distinguished from a patron who controls valued resources, and a go-between or a messenger, who does not affect the transaction.

*(Lindquist 2015a, 870)*

Hence, in contrast to patron-client relations (which are premised on dyadic, vertical, yet reciprocal relations), brokers are middlepersons who “trade on gaps in social structure” (Stovel et al. 2019, 141). And it is this attribute which make brokers both valuable yet morally dubious. On the one hand, brokering underscores mediation of social, economic, and political relations. Yet, at the same time, brokering is associated with profiteering, rent seeking, monopolisation of information and various gatekeeping roles, as well as (at times) highly abusive practices (Gorman and Beban 2016; Stovel et al. 2019). This renders brokering highly ambiguous in terms of trust:

Given that a broker—due her greater access to information, control over resources, or structural power—has a clear opportunity to gain at the expense of either or both of the groups for whom she is brokering, how does she maintain the trust necessary to continue brokering between them? Thus, broker’s dilemma stems from the tension between the personal ties that make brokering possible, and the gains—of profit, of status, or of power—that result from the brokering role. If brokers fail to effectively manage these gains, they risk undermining the very relationships that keep them at the centre of potential transactions and interactions.

*(Stovel et al. 2019, 154)*

As will become evident, this tension makes migration assistance not only highly ambiguous but helps explain how brokering easily transposes between migration assistance delivery and extractive labour recruitment.

Brokers emerged as a central anthropological focus in the context of decolonisation. At the time, modernisation theory served as the central heuristic device for examining how societies mediated this change (Bierschenk et al. 2002; Lindquist 2015b). Social actors that served as mediators between different social domains (such as between urban and rural areas, and local populations and elites) became empirically visible to anthropologists given



their ethnographic fieldwork methods. In this sense, brokers have variously been understood as filling a gap due to either dysfunctional institutional practices (e.g. “weak states”) or other forms of discrepancies in social intercourse (Lewis and Mosse 2006). Later, theoretical influences in economic anthropology, and particularly transactionalism, consolidated anthropology’s focus on brokers (Barth 1967; Lindquist 2015a).

In recent years, ethnographic attention to brokers has witnessed somewhat of a renaissance within a wider interest in neoliberalism. Development aid and labour migration have emerged as central areas of focus (Bierschenk et al. 2002; Mosse et al. 2002; Rudnycky 2004; Stirrat 2008). Arguably, David Mosse’s work on development aid workers as a form of brokerage is amongst the most influential scholarly contributions (Lewis and Mosse 2006; Mosse 2005a). Extending transactional analyses, Mosse draws on a Latourian actor-network theory emphasising the role of translation. “The differentiation of practical interests around ‘unifying’ development policies or project designs,” Mosse says, “requires the constant work of translation...which is the task of skilled brokers (managers, consultants, fieldworkers, community leaders) who read the meaning of a project into the different institutional languages of its stakeholder supporters.” (Mosse and Mosse 2004, 647) The focus on meaning-making practices is understandable given the aid sector’s heavy reliance on textual resources. However, this forces the analysis to be overly concerned with discursive dimensions of brokerage (translation, meaning-making, and interpretations of success). This has limited analytical purchase for what follows as the way brokering intertwines with altruistic migration assistance is just as much about obfuscation of meaning and relations. A collective bad faith of willed unintelligibility is just as important as meaning making within safe migration assistance.

The other key strand of brokerage research, unsurprisingly, pertains to labour migration (Shrestha and Yeoh 2018). In order to open the “black box” of migration (Lindquist et al. 2012), the study of brokers has become an entry point for examining migration infrastructure, that is, the complex web of persons, objects, and practices that move migrants (Lindquist et al. 2012). This analytical move is germane as it pushes analysis away from a common critique of broker-scholarship: methodological individualism (Lindquist et al. 2012). Yet, this body of research tends to limit analysis to social actors who mediate between migrants and employers. Although altruistic discourses are recognised, the role of aid agencies and migration assistance is usually absent. Indeed, the two domains are considered socially separate. One of the few explicit juxtapositions of aid delivery and migration brokers is made in Johan Lindquist’s evocative ethnography of labour migration in Indonesia where NGO outreach workers and labour migration brokers curiously share the same linguistic label in Indonesian language. “*Petugas lapangan*,” Lindquist writes, “namely the informal labour recruiter and the NGO outreach worker... are both important actors in the contemporary

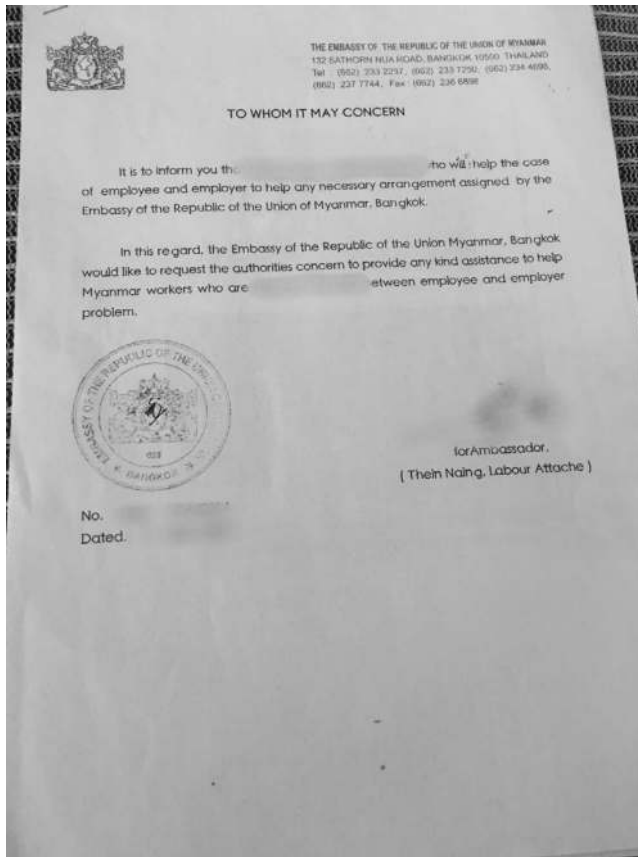
regime of transnational migration from Indonesia, but... have nothing to do with one another in practice, and, indeed, are often found in different kinds of locations” (Lindquist 2015b, 163). It may well be that Lindquist’s informants indeed operate in separate social universes. Yet, it is puzzling how the connections between them are not explored further, given the fact that it is precisely the NGO-world where so much ethnographic mileage on brokers has been made. What follows explores precisely how safe migration assistance and brokerage embody the same social universe and quite frequently, as in the example of Maung Thawdar, embody the very same person. As will become evident, the blurring of labour brokers and migrant assistance are conduits for the kind of analysis Lindquist seeks, which “consider the broker as an ethnographic entry point that illuminates broader contexts and processes from a particular position of mediation.” (Lindquist 2015a, 874)

### **Helpers as brokers**

In [Chapter 5](#), we were introduced to Siriwan, a licensed broker who throughout my fieldwork battled the new regulative requirements for licensed recruitment agencies, introduced by Thailand’s Ministry of Labour. During one of my visits to her office I ask her how she identifies herself. She makes no qualms about the fact that she is a broker (*nai na*) but also claims to be a humanitarian. She describes to me her involvement in assisting several of the refugee populations along the Thai-Myanmar border with food donations. Siriwan, therefore, managed to balance multiple roles and identities.

Siriwan (her adopted Thai name) came to Thailand as a migrant in 1994 ending up working in the seafood processing sector. In addition to long hours of arduous work filleting fish, she made time for studying Thai language in hope that this would help her obtain better employment in the future. On occasion, immigration officials would visit her workplace. They would commonly ask if any of the workers spoke Thai and could facilitate translation during their visit. One day, Siwiran offered to serve as translator, a role she would undertake on several subsequent occasions. This introduced her to several aspects of immigration and labour regulation but also assistance mechanisms relating to health and work conditions. It also introduced her to a range of officials working with migrants from both government and the Thai NGO sector.

Eventually, these connections led to ad hoc employment with an NGO as a court-case translator relating to compensation claims. This reinforced her familiarity with migration policy frameworks and labour migration laws. Furthermore, this exponentially increased her social capital as her work brought her close to both migrants and officials. She soon became involved in helping migrants with getting their passports, and subsequently started charging money for her service – 20 Baht per passport. She stayed on with the NGO for a few years.



*Figure 8.1* Siriwan's endorsement letter, allowing her to act on behalf of the embassy in migrant assistance cases.

In her role at the NGO, Siriwan also became acquainted with officials at the Myanmar Embassy. As she did a lot of case work, (compensation claims, workplace accidents, and visa troubleshooting), she was ultimately afforded a formal status acting on behalf of the Myanmar Embassy in a range of migration assistance cases (see [Figure 8.1](#)). This was particularly useful in dealing with repatriation cases as it allowed her legal authority to escort migrants across the Thai–Myanmar border. She claimed to have done this work for free.

Siriwan alleged that she helped a lot of migrants due to her consolidated experience and her wide range of contacts, both within the Myanmar and Thai state bureaucracies. She shows me large document files of cases she has solved. One includes a case of two young Myanmar domestic workers who had been underpaid. “I negotiated a compensation sum with the employer of 30,000 and 48,000 Baht, respectively, despite them both being

undocumented,” she boasted. While the girls were eventually compelled to return to Myanmar, they did receive their compensation claims, Siriwan explained. Underscoring her success with such difficult cases, she says, “in order to work in this business you must know big people” (*phu nyai*). Her office’s décor reinforced her claim. Her office walls are liberally ornamented with photos of her meeting and greeting with a range of officials from the Thai political elite. “One of my current advisors is a senior person within the Thai military” she says, adding “If you don’t know big people you can’t move forward.”

After years of carefully greasing the patrimonial wheels of the Thai bureaucracy, Siriwan now runs a licensed recruitment agency which imports large number of labour migrants into Thailand from Myanmar. Her company is legal, but as we learned in [Chapter 5](#), she is currently struggling to keep afloat due to the new regulations from Ministry of Labour. During our conversations, it becomes clear that she has become highly critical of the NGO sector which previously employed her. In our conversations, she frequently juxtaposes labour recruitment brokers and NGO officials. NGOs “need cases” in order to gain an income (i.e. donor contributions) and are therefore just as unscrupulous as brokers, she proclaims. She insinuates dubious NGO conduct by the way of hinting at poor pay. “My NGO salary was only 4500 Baht with frequent overtime,” she complains. “When I became a broker, I could also help migrants. NGO’s image is all about helping. I am now a broker, but I can still help.”

Extending her claims, Siriwan further argues that “NGOs are also a form of broker,” given their dependency on foreign funding. “But NGOs don’t help anyone.” The way Siriwan explicates her role as a broker and former NGO official is premised on an inversion of the good and the bad, the helpful and the unscrupulous. Contrary to common understandings, she claims, brokers are good and NGOs bad. Such reversals are also reflected in her employment trajectory, which she alleges is uncommon. “I am the only person I know who has moved from an NGO to become a broker,” she said. “But you have a lot the other way around.”

### **Brokers as helpers**

According to Siriwan, plenty of NGO outreach workers are former labour migration brokers. One such person is *U San Tint*. His role as a former broker only became apparent to me over time, due to my repeated visits to the NGO where he works, *Migration Aid* (an NGO we have explored in earlier chapters). During one of our many visits, U San Tint reveals that he used to work as a *carry* (a broker specialising in transporting migrants). The disclosure was curious, given that we had previously attended Migration Aid staff meetings where U San Tint served as a language translator for Thai staff, where brokers were frequently discussed as a key reason for migrants’ numerous problems. I was interested in knowing more about U San Tint’s

past and asked if we could discuss this further. U San Tint agreed on the condition we met outside Migration Aid's office.

A few weeks later, in the blistering hot Bangkok sun, we met in a neighbourhood within an industrial zone where many labour migrants work. The area houses some 10,000 Myanmar migrants, mixed with Mon, Burmese as well as several other ethnic groups. The streets and adjacent housing complexes are full of migrants from Myanmar. When walking down the narrow alleyways, a mixture of Burmese food and chatter fills the air. One could easily mistake it for a suburban part of Yangon. We decide to go to a nearby shop as we can speak in private over lunch. When we walk inside, U San Tint boasts that he is wearing a cap as a disguise "because I work on human rights." We order lunch. While we wait for our food, U San Tint begins his account of how he became a *carry* (a transport broker) and before later becoming an outreach worker for an NGO.

*U San Tint* is the eldest of six children. His father was a taxi driver and his mother worked at a market. He left Myanmar for southern Thailand about twenty years ago. After one year, he moved to the outskirts of Bangkok. There he met a friend, which led him to relocate to another province nearby. He tried a job in construction which paid him 20 Baht per day. Subsequently, another migrant helped him find another job. Back then, he said, all migrants were undocumented. His new job was industrial prawn farming. The work was dangerous and involved diving despite electricity wires being close to the water. He ended up having a major dispute with his employer and left after one year. He returned to Myanmar. While he brought gold with him on his return journey, this was confiscated from him by the police on his return.

After some time in Myanmar, he once again returned to Thailand. He ended up working in food processing inside a large frozen storage facility. He worked there for three years. When he returned to Myanmar for a visit, the employer asked him if he could bring more workers. He ended up bringing two of his siblings, two cousins, and a brother in-law. By the following year, he had gained experience in bringing in people to Thailand. He began requesting money for this service. He charged 5000 Baht per head. The problem was that people did not pay and simply ran away once they arrived in Thailand. This was a serious problem for U San Tint as he often had to advance other cost as the migrants had no money.

Due to his Thai language skills, his boss also asked him to manage the Burmese workers. He then started bringing in more migrants, around 25 each time. He established connections with the Thai police. He charged 300 Baht per person, plus 500 Baht for the van driver. "Then all would be ok," he explains. The driver would deal with the police during transport. This was the situation 15–20 years ago. He decided that for a 5000 Baht investment, he wanted 10,000 Baht return.

"How do you secure your payment," I wondered? Making migrants pay was an ongoing problem. In order to enforce payment, he took photos of

the migrants he brought in, recording their names, home village, and details about their families. This way, he would be able to threaten them if they didn't pay (something he ended up doing). While he explained that he did not actually have the resources to trace family members of migrants, he was hopeful that it would work as a threat. "Did it work?," I asked. U San Tin shook his head. "No!" (laughter). "I would then try other methods." Happy to elaborate, he explained that this included beating people up, or sometimes he would clear debt by having sex with female migrants. He built connections with "hooligans" and the police, allowing him to threaten workers who did not pay him. His reliance on the police worked as the arrangement was reciprocal. In return, he would assist police with translation when the police wanted money from migrant workers.

"You have to be friendly with police, immigration and bus drivers," he says. He bribed officials at checkpoints. "Was prior contact with officials at the checkpoints necessary?" I ask. "Over time, I became friends with lots of police officers," U San Tin explains, "but no pre-established relationship existed with checkpoints." To the contrary, he tells us, "when approaching the checkpoint, I never presented myself as a broker, but as an ordinary fellow migrant within the group."<sup>1</sup> Then, he demonstrates to us (also through bodily gestures) how he would bribe. He would put his hands in a "wai" and say something along the lines of "we migrate, we have a hard time." He would then ask the officer to please let them through and offer "their only savings" as a bribe. According to U San Tint, this works as a treat. "Everybody loves money," he says. "In my ten-year career as a broker, I never experienced a police officer declining a bribe" he laughs. "That is my skill ... the skill to be friends with others."

Even arrests became opportunities for expanding his operations as a broker. He explains how the arrest took place due to him miscalculating the patrimonial linkages amongst police officers. "There was a chain of people connected amongst the police that I did not know of," he says. Nevertheless, the unfortunate arrest turned out to become "an opportunity to make friend with the police!" U San Tint giggled. His skills as a broker contributed to an ever-increasing thickness of social relations which, in turn, reinforced his broker dexterities. Over time, U San Tint says, he developed some skill in knowing how to bribe the police.

Say, if there are three officers, I would first identify the one with authority. I would then give money to that person. But if he was uncooperative, I would approach the subordinate and try to convince that person (with the anticipation of bribes) to speak to the boss on his behalf.

Despite U San Tint's apparent success as a broker, he was looking for ways out of his profession. The work could be dangerous. At one point, he was arrested for human trafficking, which was a much more serious charge. He was later on threatened at gunpoint in connection to a botched smuggling

operation involving police officers. “Anything you get from water you lose in water,” U San Tint exclaimed. If the police think you stab them in the back, he said, then you are in real trouble. There are financial downsides too, according to U Sant Tint: “unclean money doesn’t stick long.”

Over the years, U San Tint became acquainted with a few outreach programmes involving local NGOs working on health amongst migrants. “I was quite well-known in the migrant community,” U San Tint says, and “this was useful for NGOs as I could access various people.” Over time, this has turned into a formal role for U San Tint. He has stopped working as a broker, he alleges, and now devotes his time working for a local NGO relating to health, compensation claims, and other forms of problems migrants face. U Sant Tint’s local status has also proven highly effective for the NGO in order to recruit migrants for various training sessions relating to safe migration. As the NGO paid some 100–200 Baht for attendance as well as top-up money for migrants who could recruit others to attend, this became a lucrative business for U Sant Tint which neatly merged NGO-led migrant assistance with commission-based brokerage.

### **“If you don’t enter the tiger’s cage you will not get the cub”**

U San Tint and Siriwan’s double roles as brokers and migrant assistance workers are far from unique. Ko Htay, who we introduced in the previous chapter, does not only assist with health claims; he is also a highly experienced passport and work permit fixer. As such, he is similar to Maung Thawdar who used his experience in health work as a launchpad into document brokering. Ko Thein Phay, another passport broker introduced in [Chapter 6](#), volunteers as a translator relating to healthcare cases (especially pregnancies) through one of the numerous Myanmar migrant self-help groups.

Although NGOs and Government bodies appear unaware of the double-roles of many of these individuals, this is not always the case. For example, the director of Migration Aid, U San Tint’s employer, is cognisant of U Sant Tint’s shady past. Why, then, do brokers become attractive for NGOs? It was Siriwan who was the first one to shed some light on this conundrum. “If you don’t enter the tiger’s cage, you won’t get the cub,” she tells me. Intrigued by her poetic response, I ask her to elaborate. “If we only work as NGO we would not know. But brokers know.” She elaborates further. If you want to understand what is taking place on the factory floors, in the migrant dormitories and on the streets where migrants live, you’ve got to engage brokers, Siriwan alleges. Within the murkiness of semi-legal migration status, precarious work conditions (with scrupulous employers), predatory officials (police), and intimidating labour recruiters, the ability to access and assist migrants requires particular skills and positionalities. Brokers fit that role perfectly.

Later in my fieldwork, U san Tint and I had the opportunity to discuss how his previous role as a broker had influenced how he carried out migrant

assistance work. “The key benefit [for the NGO] is that I can easily identify if someone is good or bad,” he tells me. “This is useful when you are assisting people.” He pulls up a notebook from his bag. He opens it and shows several pages to me. They are full of name lists that are colour-coded. I keep records of all phone conversations, he tells me. In meticulous detail, he records the date, the name of the person spoken to, and the general topic of conversation. He highlights bad people and good people in different colours. Green equals good; orange equals bad. “This is a habit I have developed since I was a broker,” he explains. The ability to build and maintain relations across a wide span of people straddling migrants, NGO personnel, police, health and labour officials as well as a range of other brokers is premised on U San Tint’s ability to “read” people. “I can go anywhere, and I can make connections with both brokers and police.” “It is this skill that I have,” U San Tint says, “to make friends.” And making friends interrelates with the multiple roles and functions that brokering takes. I asked U San Tint to free-list all the different kinds of broker roles he has served. “Ah, it takes so many forms,” he tells me. He pauses for a bit. After some deliberation, he itemises his broker roles as follows:

- Translator for police
- Informer to the police
- Escorting migrants to hospital
- Sending money (remittances)
- Assist in cases relating to expired passports
- Assist with compensation claims
- Provide participants for NGO training

His multiple identities even apply to his formal status. When he talks to an employer, such as in a work compensation claim, he will use the NGO office phone. He showed me his identification cards. He had one as a staff member for the NGO and another for the police (in his role as translator). He used the cards depending on what suits the situation. Ironically, it is the formal status working for an NGO which contributes to his ability to operate in such multiplex manner, which helps explain why some brokers end up working with migrant assistance programmes. “Working for an NGO has advantages” Siriwan told me, as it provides you with a legal status and therefore a level of safety and protection. This way, Siriwan, exclaims, “everyone wins.”

Although part of U San Tint’s work relates to obtaining various information to build work compensation claims through formal complaints mechanism, migrant assistance extends well into informal modes of working. “Some good brokers ask for advice,” he tells me. “For example, if a worker is arrested without a pink card, what to do? I will ask what the police is charging. They may say 3000 Baht. I will then advice to negotiate it down to 1000.” The art of negotiating a bribe easily transposes from U San Tint’s former role as a migrant broker to a migrant assistance worker.



### **Migration assistance as brokerage**

Maung Thawdar, Siriwan, U San Tint, and Ko Thein Phay share one thing in common. They self-identify as brokers in relation to their role in migration assistance. Through our conversations, either the Thai word *nai na* or the Burmese phrase *carry* (transporter) or *boisa* (broker) were used without any qualms. Indeed, none of them saw their double roles as problematic. Being part an entrepreneur profiting from transposing spheres of sociality (as explicated in Fredrik Barth's seminal transactional analysis 1967) and part a Weberian bureaucrat interlocking regulatory migrant formalities, they are at the same time echoing a moral economy of assistance (Scott 1977). As other parts of this book and other literature have observed (Lindquist 2015b; Missbach 2015), brokers are a well-known social category in any migration context in the Mekong region. Yet, brokering goes well beyond the conduct of social actors who self-identify as brokers; for instance, consider U Sant Tint's aforementioned example of remuneration for NGO training becoming an opportunity for brokerage. This phenomenon is partly recognised in the migration assistance sector: some NGOs have discontinued providing financial benefits for workshop attendance for this reason (though many others, such as MRC1's training described in [Chapter 6](#), continue with this practice). Yet, removing financial incentives does not necessarily remove brokering practices within safe migration workshops.

One NGO official who provides training for migrants on topics ranging from compensation claims, visa and work permit procedures, and labour law told me that in his estimate, at least 60% of the attendants either were brokers, or ended up working as brokers as a result of the training.<sup>2</sup> The reason why these training sessions either produced or skilled up brokers is simple: when worker rights, labour law, visa processing, and healthcare insurance are covered in class, this is precisely the kind of information that is useful to brokers. A Thai official working for another large international NGO reported to me a similar problem in their work on peer education amongst young migrants, a popular strategy amongst NGOs working with migrants worldwide (Alcock et al. 2009). After several years employing experienced migrants as peer educators under the auspices of safe migration and anti-trafficking interventions, local staff discovered that at least one of their peer educators had graduated to become "a trafficker." "We cried when we realised this!" the NGO officer said. Despite academic writings highlighting this possibility several years ago (Molland 2012a), the fact that this came as a surprise to NGO workers is telling of something else: aid agencies' obliviousness of how safe migration interventions can become complicit in producing the phenomenon it wishes to eliminate: unscrupulous brokerage.

But, the conundrum is both broader and deeper than this. I would often hear aid officials juxtapose their work with migrant brokers. "They [brokers] are helping too," they would say. "Brokers should not be demonised in a broad-brush fashion." Yet, a distinction between migration assistance groups

and (good) brokers, NGO officials told me, was that brokers had the added benefit of providing actual work for migrants. NGOs were not employment intermediaries, and that is why migrants gravitated towards brokers. Yet, throughout my fieldwork, the practice of several NGOs and smaller migrant-based groups contradicted this claim. One morning whilst hanging about in Migration Aid's office, a group of stranded migrant workers appeared. They had been cheated by a broker. It made me curious how Migration Aid would handle the situation. After conversing with some of Migration Aid's staff, it became clear that the circumstances made it too difficult to chase the broker. Their efforts would concentrate on lining the migrants up with work in a nearby factory. Although rarely acknowledged as a formal objective of their work (some exceptions exist), connecting migrants with employers becomes a residual service which stems from the social position of the NGO. This is precisely what Maung Thawdar did when he offered a job to an aspirational domestic worker as part of his health translation service at his hospital at the end of the previous chapter.

In some cases, the NGOs become complicit in farming out workers to workplaces that are – by admission of the NGO – highly exploitative. One afternoon, I was sitting together with Ma Ni (see [Chapter 3](#)) who is the manager of one of the numerous small-scale migrant groups, which in this instance is funded by an International NGO. While we discuss the range of assistance and migrant services they provide, Ma Ni explains the difficulty with assisting “MOU deserters” (Burmese: *MOU-Pyay*), that is, migrants who have run away from their workplace under the auspices of an MOU contract. When they come to us, Ma Ni explains, they have often abandoned their workplace. But, the MOU system does not allow for that, she says. Either they have to return to the employer or return to Myanmar. Ma Ni tells me that in practice that many of them don't want to pursue either option. Such workers are in effect undocumented as they are in breach of their MOU contract, Ma Ni explains. Many factories will not take on undocumented workers as it is illegal and risky. “These migrants are desperate.” Ma Ni explains to me that the only places left for them are small-scale textile factories, iron and metal shops as well as rubber factories. They accept any type of worker regardless of their migrant status. She explained: “I tell the migrants to go to these places.” She described the work in such places as “dangerous work” where salaries are below the minimum wage.

In effect, Ma Ni lines up despondent migrants for workplaces that she knows are both dangerous and below legal minimum standards. Although Ma Ni alleges that she does not charge any commission for such introductions, one would otherwise be hard-pressed to explain how such migration “assistance” differs from willed recruitment into exploitative employment. This constitutes what many government and aid agencies (including the one that funds Ma Ni's project) would describe as human trafficking. Yet, despite my delicate probing on this point, Ma Ni seemed unable to recognise how her assistance had turned into what her organisation attempted

to work against: labour exploitation. From the migrants' perspective, she tells me, having any job – even an exploitative one – is better than nothing. Therefore, why not help?

### **Brokers and helpers**

Is Ma Ni exposing migrants to safety or risk? Given that Maung Thawdar's assistance with formal documents – in exchange for a commission – ensures the speedy delivery of legal migrant status, should this be considered a form of migrant protection or extortion? After all, what is the principled difference between how Siriwan aids migrants under the auspices of being an aid worker as opposed to a licensed broker? And what are we to make of the efficacy of how U San Tint draws on his broker experience in asserting negotiated outcomes for migrants' welfare; is this ultimately a form of abuse or help? The way in which assistance and brokerage bleed into each other makes it difficult to answer these questions. Similarly, their double roles as brokers and officials operating under the auspices of safe migration assistance delivery are interlaced, as are the outcomes of their conduct. Risk and safety, protection and extortion, and help and abuse are conjoined. How can we account for the social grammar that underpins these merged relations and practices?

Consider, for example, how U San Tint assists with negotiating down the price of bribes for migrants. It results in two important outcomes for the migrant: the cost is significantly reduced, and they avoid more serious trouble (arrest and deportation). At the same time, the police receive a cut nonetheless (although not as much as initially hoped) and U San Tint's translation assistance eases police's communication with migrants. In addition, U San Tint achieves multiple things: in addition to a (possible) financial kickback (migrants often provide a financial "gift" for the favour for such assistance), it also becomes an opportunity for U San Tint to reinforce social relations with migrants, other brokers, and officials. A satisfied migrant worker due to a well-negotiated bribe helps reinforce U San Tint's reputation as a "good broker," yet at the same time, the encounter helps grease the reciprocal wheels with police officers. In the words of Siriwan, such arrangements ensure that "everybody wins." It is within this logic we need to grasp the phenomenon where brokers are helpers and helpers are brokers within safe migration as this is central to how we understand the social and institutional significance of their ubiquity. Here, it is instructive to juxtapose brokers with formal aid assistance.

Several shared characteristics are notable regarding Siriwan, U San Tint, and other actors who engaging in brokered assistance. First, their social position stems from their own background being migrants. Their knowledge of migration and migration infrastructure is experiential, based on ongoing, situated embeddedness within migrant worlds. Both Siriwan and U San Tint explain to me their roles in contrast with my status

as a university lecturer. “One must learn from real life experience, rather than only from a classroom, at a University, or Facebook or a computer,” Siriwan tells me as “in contrast with Ajarns (lecturer/teacher) like you” U San Tint says, “I have learned from experience.” Hence, in methodological terms, both brokering and assistance can be considered homologous to ethnography.

Second, their practices bring together social actors that are otherwise considered socially separate and oppositional. After all, police, employers, state agencies are often thought of as “enemies” of migrants. Third, interdependency between social actors structures their social position and practice (e.g. police exchange translation for leniency with how migration cases are managed). Exchanging money or favours is both how cases are “solved” but also what gives the brokers their reputation. Fourth, although their practice engages laws and regulation, the key point is not skills to produce an ordered, rule-bound practice, but rather how to navigate hypercomplex regularity frameworks. Brokers are rule-benders, not rule-(re)producers.

Note how different this is from formal migration assistance work, which is aimed at Weberian technical rationality with rule-bound policies (which contributes to siloed bureaucratic practice) aimed at formalisation (which makes extra-legal intervention – such as assisting undocumented migrants – difficult) where knowledge is premised on positivist data (surveys, questionnaires) and abstract prescriptive intervention modalities (see [Chapter 4](#) on pre-departure awareness raising). Yet, a range of immediate challenges that migrants face – ranging from police extortion, to well-connected employers withholding salaries – cannot easily be addressed through formal aid assistance. These are precisely the problems MRC1 and MRC2 faced in their outreach work (see [Chapter 6](#)). In effect, brokers and brokerage bridge a void that formal assistance cannot fill. Informal assistance provided by brokers, in contrast to formal assistance, has considerable spatio-temporal elasticity. As Ko Htay once told me, brokers “dance according to the light,” adapting to whatever the situation requires to get things done. At the same time, migration assistance, which is often funded through foreign aid, is socially removed from migrants. Expatriate aid officials become dependent on chains of programme delivery, whereby international organisations fund local partners which, in turn, engage local actors in order to access migrants. In this sense, it is unsurprising that migration assistance that moves through the complex chains of donor-recipient relations ends up resembling broker practices.

Analytically, all of what has been said so far is not new. The way in which brokers straddle social domains premised on inter-personal and reciprocal – as opposed to scripted and abstracted – relations within context of institutional ambiguity has been widely pointed out in literature on brokers (Bierschenk et al. 2002; Lindquist 2015b, 2015a; Lindquist et al. 2012; Molland 2012a). What is of anthropological interest is how the ubiquity of broker and brokerage practices can be reconciled with migration assistance

given that safe migration's discursive opposition to it. The answer, I suggest, has to do with how brokered assistance constitutes a play of the visible and invisible.

As my fieldwork progressed, I had several conversations with aid officials working for international safe migration programmes regarding my hybrid informants who mixed migration assistance and brokering. My revelation was met by surprise and in some cases disbelief, despite the fact that some of them were funding activities which included migration awareness raising training which became "broker schools" (see [Chapter 1](#)). In stark contrast to brokers' ability to connect across social divides, expatriate aid workers were notable for their social disconnection from the migrant worlds' they were aiming to intervene in (Feldman 2011a).

At the same time, some aid officials – especially Thai and Burmese – would be aware of brokers within safe migration aid delivery. The presence of brokers within the ranks of migration assistance was both known and unknown. The simultaneous visibility and invisibility of brokering is reflected through subject positions. As we have seen above, in some cases, brokers constitute a recognised social category which is part of social actors' self-definition. Both Siriwan and U San Tint are clear about who they are: brokers. At the same time, a range of brokering practices take place that are not recognised as such, and appear to unfold behind the back of individuals who act them out. As far as I am aware, Ma Ni does not see herself – or is seen by others – as a broker in terms of who she is and what she does. Yet, as argued above, her conduct is clearly within the realm of brokering, with possible nefarious results. Brokering manifests itself both through explicit social identities and conduct as well as through its (unacknowledged) counter-intentional effects. Paradoxically, the organisations that knowingly employ former brokers do so in order to make migration world visible, knowable, and accessible. Yet, at the same time, the use of brokers in safe migration assistance remains formally unacknowledged. It is not part of the formal self-definition of safe migration. The role of brokers and brokerage in safe migration service delivery conceals just as much as it reveals.

In this context, it is instructive to revisit David Mosse's influential work on brokers in aid. Rather than translation and meaning, it is rather the obfuscation of meaning that is central to brokering within migration assistance. In this sense, brokerage lubricates a collective bad faith where it becomes possible for aid assistance to resemble what it claims to oppose. Similar to how anthropological scholars demonstrate how the fairtrade movement does not transform markets but the reverse (rather than achieving "ethical markets" fair-trade programmes are perfected expressions of a neoliberal logic), a similar reversal is evident in safe migration. In a broader sense, whereas as safe Migration Aid delivery aims at formalising migration mechanisms to ensure safety, in practice, it heavily depends on – and produces – informal practices. And brokers and brokerage encapsulate this process so well.

## **Conclusion**

This chapter has explored the role of brokers and brokerage in light of safe migration aid delivery. Rather than constituting separate social worlds, this chapter has detailed how brokers and assistance are heavily intertwined. It is not unusual for NGO outreach workers to hold previous roles as migration brokers, and the reason for why aid agencies end up employing former brokers can be explained in light of the social positional skill-set they hold in order to gain access to (and trust) within migrant communities. Hence, safe migration assistance depends on and produce brokering practices. At the same time, the chapter has pointed to how brokering practices serve as a form of bad faith, where safe migration interventions both depend on, yet disassociate itself from brokered migration assistance. Hence, rather than translation of meaning and discourse, obfuscation and disarticulation are central to brokered safety. Yet, regulation of labour migration and migrant assistance cannot simply be reduced to a question of brokers. An analytical problem with brokers and brokerage resembles a common critique of patron client relations. Although they are easy to point to empirically – the mediation of social relations across social domains – one is left wondering how much analytical power brokerage entails. After all, an analytical construct that explains too much explains too little. To make our analysis of brokers useful, it is instructive to consider how brokerage connects to institutional dimensions of migration assistance. Whereas this chapter has examined this relation in contrast with formal aid assistance, the following chapter will consider how brokerage is situated within informal migrant associations and the broader context of migrant sociality.

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A few weeks had passed. My research assistants and I are back at the one-stop centre carrying out a survey amongst the migrants who are queuing up for their new smartcards (see [Chapter 5](#)). While we were carrying out our survey, I happened to spot Maung Thawdar escorting a small group of migrants through the labyrinth of queues, forms, health check stations, and processing counters. It was hard to tell whether he was acting in his role as a formal health worker servicing the health screening counter within the centre or acting in his capacity as a broker. Despite all the efforts by the Thai and Myanmar governments to eliminate brokers within the registration process, brokers and brokerage remained omnipresent.

As previous chapters have shown, migration assistance comprises international donors, UN agencies, government bodies, NGOs, as well as numerous informal migrant groups amongst Myanmar migrants (see [Chapters 2](#) and [3](#)). Through our surveys of migrants at the one-stop centre (see [Chapter 5](#)), it also became clear to us that migration assistance went beyond both formal aid delivery and brokers. Within our survey, we asked migrants “Have you ever been in contact with an organisation that assist

migrants in Thailand?” Of all the 54 migrants surveyed, six had not had any contact with any organisation. In addition to the Myanmar Embassy (two responses), three others had been in contact with *Migrant Assist Migrants (MAM)*, a Myanmar migrant assistance group whom we encountered in [Chapters 4](#) and [5](#). Many more were familiar with MAM through Facebook. Notably, not a single migrant reported having had any contact whatsoever with a safe migration project implemented by a UN agency or a formally recognised NGO. Informal migrant self-help groups, such as MAM, that exist outside development aid funding structures were far better known than the well-funded formalised aid groups. The next chapter explains why.

## Notes

1. It is worth noting that this anecdote contradicts common claims within anti-trafficking discourse: that traffickers and police collude. In this case, “traffickers” are not even visible to police.
2. The reason he could tell was that participants would often ask specific questions unrelated to their own circumstances.

## 9 Informal assistance

We are almost like a government in exile.

(*Migrant Assistance Monk*)

In the early morning sun, a few hundred people are energetically preparing for the morning Buddhist festivities celebrating *Vassa*; the advent of the Buddhist lent. Dressed in their best attire (women wearing beautiful Burmese sarongs and the men dressed in white shirts and Longyi), they line up for the procession whilst awaiting the arrival of the monks. The organisers of today's event, one of the numerous religious-based Myanmar migrant groups, know of our arrival in advance. The reverent head monk had requested if I would kindly agree to take part in the ceremony itself, one of the organisers tells me. Agreeing to this invitation, they provide me with the necessary paraphernalia – a Burmese Gaung baung (a traditional headdress) and an offering bowl – and instructions for how to walk in the procession.

Whilst waiting for the monks, we converse with bystanders. The dormitory complex was three years old; my research assistant and I learn. Everyone who lives here work nearby, mostly in car-part factories. All are from Myanmar, except a small number of Lao and Khmer residents. One of the organisers explains that the reason why the Buddhist procession is held at the dormitory. As the reverent head monk is a migrant monk he does not reside in a Temple, we are told. Finally, the monks arrive in two vans. We meet and greet with a polite *wai*. The head monk gives me a green offering bowl. Accompanied by music, the procession commences. I walk right behind one of the community elders who carry a Buddha statue on a tray. Behind us walks another man with another offering bowl. Then, the monks follow. As we slowly walk along the procession line within the compound, residents place their offerings in the bowl that I am carrying. Our offering bowls quickly fill up with money, household items, and rice donations. Two men assist with emptying the offering bowls as they fill up during the procession. As I am carrying the main offering bowl, I am getting a good insight into what people donate. In addition to household items (soap, dishwashing detergent, biscuits, and snacks), every single resident donates at least one



20 Baht note. Some offer as much as 100 Baht (approximately 3.2 USD). As they have to offer the same amount to all the monks, the accumulated donation – 100–200 Baht – is not an insignificant amount for poor migrant workers, considering the minimum daily wage in Thailand is around 310 Baht. The procession takes perhaps half an hour and is followed by a Buddhist sermon.

### **The Migrant Assistance Monk**

Within a Buddhist Southeast Asian context, the ceremony I describe appears conventional both in content and form: laypeople provide offerings to a procession of village elders and monks followed by a religious sermon. Although the ceremony resembles Buddhist religious practices in Myanmar, both in terms of attendance (laymen and monks alike), music, and attire (Buddhist dresses/sarongs), the whole event is far removed from the temples of Myanmar as it takes place at labour migrants' dormitories at the outskirts of Bangkok. In collaboration with expatriate Myanmar monks, migrant workers have in effect created a Burmese mini-cosmos in Thailand. As this chapter will explicate, such forms of sociality are central for mobilising support for numerous informal social organisations that assist migrants in Thailand. The Migrant Assistance Monk is one central actor in bridging migrants and migrant assistance work. The monk carries out such ceremonies quite often. Some ceremonies draw huge crowds of several thousand migrants which provide a platform for mobilising financial resources as well as serving as a potential platform for deliberating migrant welfare concerns.

Later that afternoon, we were invited to the Migrant Assistance Monk's residency. Rather than living in a temple, he has his own condo in another part of Bangkok. The Migrant Assistance Monk came to Thailand as a political refugee as part of the 1988 student protest movement. He has been in Thailand ever since. In 2005, he became involved in assisting labour migrants from Myanmar, which has now become a central part of his daily activities, ranging from negotiating work accidents, underpayment and dismissal cases, as well as aiding with a range of other problems migrants face (such as road accidents and hospital admissions).

The Migrant Assistance Monk alleges he deals with approximately seven cases per day when he is not away on other religious affairs or sermons. This statistic is backed up by our own observations when visiting him in his condo where he receives several visits from migrants. One case relates to a broker who had scammed a couple for a huge amount of money. Another relates to a lady needing help locating her husband who has been caught up in a raid at a factory. A third involves mediating in a bitter divorce. While the monk hears the cases presented to him, he brings up his mobile phone. The broker-case is an ongoing investigation, we learn. He is texting one of the Thai police officers who is working on the case. His phone is his office. Besides communication via phone and text, the phone is also a document

library where photos of case-related evidence are kept (passports images and court documents that relate to different cases). His phone is also his main broadcast to his constituents (some 30,000 Facebook followers).

Alongside underpayment and compensation claims, another common reason migrant seeks his help has to do with extortion by patrolling police officers. As is well known amongst migrants and migrant assistance groups alike, some police officers opportunistically stop migrants on the street. If the migrant cannot produce their formal documents, the police will extort a bribe. The police will take the migrant to the police station expecting a 3–5000 Baht “fee” from the migrant, the monk explains, which forces the migrant to call a relative or a friend to pool money. Yet, as the monk is well known, migrants who have been caught by the police will call for his help. “I make my way to the police station,” the Migrant Assistance Monk explains. “I pretend I don’t know about the bribe,” he says with a smile. He explains that he will tell the police that this migrant is a student of his and that he is a good person who does not get drunk or cause conflict. He will then give the police between 1000–1500 Baht for the trouble. This strategy always works, the monk explains, as Thai police does not dare argue – let alone negotiate a bribe – with a monk.

The monk’s symbolic capital is no doubt handy in such situations as it allows him a negotiation space which straddles Myanmar migrant communities, Thai officials, and even Thai employers whom he from time to time approaches on behalf of disgruntled migrants. His social status as a monk also serves as a connecting point between formal authority (he regularly collaborates with the Myanmar Embassy on migrant assistance cases) and migrants. The religious ceremonies described earlier are key events for such connectivity. Although many of these ceremonies take place in the grater Bangkok area, events are also organised elsewhere across Thailand.

This chapter contends that informal migration assistance, exemplified by the monk, supersedes the operational space and scalar potential of formal migration aid delivery by UN agencies, governments and NGOs. As canvassed in the organisation network map in [Chapter 2](#) (see [Figure 9.1](#)), and as the following pages will expound, the Migrant Assistance Monk is only one small part of a larger web of social actors that engage in informal migrant assistance. And one of the main ways such actors are connected is through donations. As is common with other religious donations, money and gifts are intended for the monks’ daily needs. But for the Migrant Assistance Monk, a surplus of gifts allows redirection of food, household items, and cash to be used for his own migration assistance activities (such as financing payments to the police), or as donations to other migrant groups, such as migrants assist migrants (MAM) (see [Chapters 5](#) and [8](#)). He also allows migrant groups to speak to his followers during religious events, enabling a space to speak directly to migrants regarding migration issues. Hence, the monk contributes to an enabling environment where informal migrant groups can reach thousands of people during religious events for awareness

raising purposes – a scale that UN agencies could only dream of within their own activities.

Whereas the previous chapter explored how brokers and brokerage constitutes an important informal dimension of safe migration assistance, this chapter extends this perspective by examining migration associations that operate largely outside formal development and government backing. As will become evident, not only is the Migrant Assistance Monk unusual in that monks rarely extend their activity beyond the *Sangha* (the Buddhist monastic order) into worldly affairs. The monk's conduct, as well as his collaboration with other migrant self-help associations, such as MAM, contrasts with formal safe migration programmes that are funded by the UN agencies and NGOs as his operation is not premised on a Weberian technical-rational operating order. The monk, alongside a range of other migrant assistance groups (that are often run by migrants themselves), carries out activities that are not "rendered technical" in the forms of logframes and other operational procedures (Li 2007). As evident above, the monk conducts his business through face-to-face relationships where his personal prominence is central to how migrants' problems are settled through mediation. Both the monk's support and the support for the monk derive from old and new forms of connectivity: smartphones and social media, coupled with established forms of social reciprocity, gift giving (such as through religious festivals) and moral economies (cf. Scott 1977). Yet, due to the mediated character of such practices, it also renders migration assistance highly unstable.

All of this is not to suggest that informal actors, such as the Migrant Assistance Monk and MAM, are entirely detached from formal agencies and international aid. For example, *Migration Aid* served as an MRC under the auspices of a UN funded project, whilst – as will become evident in this chapter – collaborating with MAM on certain occasions. Yet, both discursive and social disconnections between formal and informal actors exist. Throughout my fieldwork, international aid officials (of whom most are expatriates) remained unaware of the existence of both MAM and the Migrant Assistance Monk despite their widespread fame amongst Myanmar migrants. Conversely, although safe migration is important to many international aid programmes, it is discursively peripheral to local actors such as MAM and the Migration Assistance Monk, although Migration Aid's Thai Director was well aware of a safe migration discourse both in English and Thai languages as part of their funding emanated from safe migration programmes.

In what follows, the chapter explicates how a range of informal migrant groups achieves operational space. In addition to the Migrant Assistant Monk and MAM, we will examine other assistance groups which emulate labour unions and rhizomic modes of organising. Finally, the chapter shows how these modes of assistance cannot be fully understood without paying attention to migrants' and migrant assistance groups' emergent social media use. As will become evident, social media amplifies how informal assistance groups both extend yet become antagonistic to the state, which renders safe

migration highly volatile. Before proceeding, I need to emphasise that explicating informal migrant group's operational abilities does not imply that their work is necessarily successful or superior to formal aid delivery. What concerns us is how safe migration is produced; not whether safe migration produces success.

### **Migrants assist migrants**

As described above, religious festivals generate surplus household and monetary gifts that are donated to migrant assistance groups. Once such group is MAM which we tangentially learned about in Chapters 5 and 8. Three migrant workers from Myanmar established MAM in 2014. The head of the organisation, U Htay Ko, had previous background from another migrant assistance group, while the two others previously worked as volunteer outreach workers for local Thai NGOs. Despite being a young group, they were by then already processing considerable volumes of migrant assistance case work.

When I first met MAM in 2016, they were processing wage theft and work accident compensation claims for approximately hundred migrant workers which implicated five local factories. Their collaboration with *Migration Aid* was central to this process. MAM had something that the Migration Aid did not: strong connections with Myanmar migrants. In the province where they were based, MAM had contact with some 90 informal migrant associations, which also included collaboration with “good brokers,” such as Mg Thaung (see Chapters 5 and 8). In addition, MAM had by then already established an impressive social media presence providing them with unprecedented broadcast to migrants. When I first met them, they had some 56,000 followers on Facebook which ballooned to nearly one million at the end up my fieldwork in 2019. Conversely, Migration Aid enjoyed a position that was unattainable for MAM: being a formally registered Thai NGO, they had the necessary skills, credibility, and legal status to negotiate and process work accidents, underpayments, and abuse cases through the Thai government bureaucracy. As mentioned in Chapter 6, Migration Aid had some success with such cases, yet the collaboration with organisations, such as MAM, was important in order for Migration Aid to gain access and trust in order for migrants to come forward.

Patron–client relationships such as these were no secret. Local government bureaucrats and police were well aware of such arrangements. However, MAM did not solely rely on this affiliation in order to operate. One of the MAM's founding members – Ko Thet Oo – who himself was a migrant worker, maintained an official status as a volunteer with another Thai NGO (later to be elevated to a salaried outreach worker). His NGO visa status allowed him (in contrast with many other migrant workers) to legally cross provincial borders, which has important implications for MAM's spatial reach.<sup>1</sup> In addition, MAM had established strong relationships with the

Myanmar Embassy's labour attaché which had its own recognised mandate (by the Thai authorities) to aid labour migrants. These relationships enabled MAM to operate with the full knowledge of authorities despite a lack of any legal organisational status in Thailand.

MAM's financing mirrored its informal status premised on patrimonial relations. Although some donor funding may have trickled down to MAM via their relationship with Migration Aid (who received considerable volumes of foreign aid), most of their funding was generated separately from both the Thai and international formal aid sectors. Midway through my fieldwork, MAM split from Migration Aid, which left them solely dependent on three sources of funding. Besides the aforementioned religious donations, such as from the Migrant Assistance Monk, MAM actively requested funding from migrants through social media and at other public events. A third source of funding came through the success of their own case work. When securing compensation claims, they made sure to point out to the lucky migrant that a donation would be appreciated.

The severing of ties with Migration Aid and the sole reliance on donations from migrants themselves had important implications for MAM's modus operandi, explained by U Htay Ko as follows:

Funds from donors are of course always welcome, as long as no strings are attached. But we cannot accept the kind of funds that will restrict our activities. Many funds are for "not to do something." But, we cannot accept such "not to do something" funds. In this way, we are different to other NGOs, CBOs, and Trade Unions. We do not rely on a specific donor and are therefore more independent. Some organisations must be registered with provincial mayors, who can then scrutinise their activities. If the mayor thinks they are doing something he does not like, he can dismantle them. So, if any "irregularities" exist with the mayor, do you think the NGO will dare reveal it?

For MAM, conventional donor funding does not merely limit activities in terms of what may be pleasing to the "political ear": practical operational reasons explain why MAM evade formal funding, as explained by Ko Thet Oo thus:

I used to work for a health project with an NGO where we ran shelters for homeless migrants with tuberculosis, HIV and Malaria. Yet, through my work it was clear that many other migrants are in distressed situations who lose their jobs due to work accidents. We could not bring such migrants to the shelter as they were not eligible. So, NGOs have limitations.

Hence, for MAM, severing ties with Migration Aid was in part due to frustration with upward donor accountability. By only seeking funds from

migrants – as we saw in Chapter 3, Myanmar has a widespread established practice of community-based donations – they freed themselves from bureaucratic red tape which enabled considerable operational flexibility.<sup>2</sup> How MAM chose to respond to cases could be decided on the fly and did not need to observe bureaucratic categorical imperatives. The fast-paced nature of MAM is something that many migrants commented upon both through their social media accounts but also through independent interviews I conducted with migrants. Indeed, the separation from Migration Aid took place within a context of MAM's operational expansion, which included establishing a shelter for distressed migrants (which at the time housed up to several hundred people) despite lack of any legal or formal operational status.<sup>3</sup> MAM's brisk reputation due to their non-bureaucratic operational style was part of a larger ecosystem where their operations, social media presence, and various patrimonial relations with other NGOs and state bodies underpinned yet (as will become evident) undermined their momentum as an informal migration assistance group. However, such a flexible operational space can be achieved in different ways. MAM is far from the only migrant self-help group. Below I will consider two other groups: *Myanmar Migration Help* (MMH) and the Migrant Network (MN).

### **Myanmar migration help**

My research assistant and I are sitting inside MMH office, which is another organisation run by current and former Myanmar workers. Approximately ten minutes into our interview with the director, *Daw Thandar*, a van parks outside. Some thirty young disgruntled Myanmar migrant workers enter the office. Something is clearly afoot. It becomes clear that they are involved in a dispute with their employer and came to seek help. My research assistant and I tell *Daw Thandar* that we can pause the interview and step aside so he can deal with this case. She agrees. After a little while, a group of Thai government officials enter the room. Then, another man, whom we later learned was the employer, joins the meeting. While the meeting goes on, we discretely step outside as we do not wish to disturb or complicate matters.

Whilst the meeting progresses, we converse with another staff member. She explains that this sort of thing happens often. MMH becomes a mediator between employers and employees. Sources of tension echo the ones described in Chapter 5. Migrants end up working for different employers (often under poorer conditions) to what is stipulated in the contracts they sign up for during recruitment in Burma, she explains.

After an hour, the meeting ends. The officials and migrants leave. We recommence our conversation with the director. She explains to us that the migrant workers alleged that the employer did not follow the law. The case had been ongoing for some time. Today, they came to ask for assistance. Their wages had not been paid on time, the director explains, so they requested that the employer and a representative from local labour office to

come together and have a dialogue here today to settle the matter. “So, the workers requested the meeting,” I query? “Yes, the workers ordered (Thai: *sang*) me to do this, so I told the government and the employer to come,” the director confirms.

Both MMH and MAM are often called upon to mediate between employers and migrant workers, and appear similar to practices that have been documented in other parts of Thailand (Campbell 2018). Such activities strongly emulate labour union activism: supporting labour migrants through representing cases of underpayment and other forms of exploitation to employers and authorities, which at times may even involve strikes comprising hundreds (and in some cases thousands) of migrant workers (Migrant Labour May Get Longer Permits 2018; Zaw Zaw 2017b). Yet, all of this takes place despite of the fact that labour migrants are not legally allowed to unionise outside Thai labour unions. As such, MMH modus operandi is of particular interest in how it emulates labour unions. In contrast with MAM, which relies on donations and informal commissions from successful compensation cases, MMH derives funding from its monthly membership fees.<sup>4</sup> At the time of the dispute meeting described above, MMH boasted 5000 members which contributed to their ability to run offices elsewhere in Thailand. Instead of relying on a range of patron–client relationships in lieu of informal status, MAM has managed this “in house:” a Thai person is formally heading the organisation, which allows them to operate legally. Yet, all project staff are from Myanmar.

All this takes place – including the membership-based structure of MMH – with the full knowledge of local employers and government officials. This raises broader questions of how organisations, such as MAM and MMH, can operate – not only with lack of formal status – but also in ways which are clearly at loggerheads with both employers and the government, and which may amplify political sensitivities given the widespread criticisms of Thailand’s poor record on labour standards and human trafficking. The meeting described above encapsulates the conundrum: why do government officials and the factory employer allow MMH to mediate the dispute with the workers? How can the meeting’s outcome (i.e. the employer having to agree to back pay the workers) be explained given the broader hostile political and legal environment where a lot is stacked against migrants?

A starting point for answering this question may be to canvass the various options at hand for both the local labour officials and the factory owner. From the perspective of the employer, having a meeting at the factory itself would be undesirable as this could easily lead to an even stronger mobilisation amongst other workers who may opt to join in resulting in unruly cat strikes. At the same time, the labour officials may be reluctant to have some thirty migrant workers coming into their offices. As such, MAM’s office is a lesser evil for both the employer and labour officials. As *Daw Thandar* explained to us, “the reason our organisation can make that

happen [mediation meetings] is because the government recognises us, as we are located in the area and are useful in how we work with employers and employees.”

Throughout my fieldwork, I would often hear officials from MMH, MAM, and other organisations explain their relationship with government and employers in such terms: “we help each other,” or “they need our help.” Bringing in organisations like MAM and MMM to negotiations may appear as amplification and mobilisation for workers’ rights, but at the same time, it does something else: it brings order and helps streamline negotiations amongst antagonistic parties. This is precisely how U Htay Ko explained why authorities tolerated MAM’s migrant shelter despite lack of any permission. When they assist migrants, they must collect various forms of evidence as this is necessary in order to have success with, say, compensation claims. “When we collect evidence on cases,” U Htay Ko alleges, “we actually help authorities doing their work on labour abuse cases.” Police and labour authorities, U Htay Ko explains, are after all under pressure to show they act on cases. Emphasising how they were, in a sense, doing the work for the government was also how MAM had been able to continue running their shelter. “The military, the police and labour inspectors have all come to our shelter trying to close it down,” U Htay Ko explains. “But when they come, I simply ask: well, do you want to take care of them all?” U Htay Ko knows that the authorities hold limited capacity (and will) to directly deal with hundreds of stranded labour migrants. Hence, the authorities end up tolerating MAM’s operations (though, as we will see later, limits apply to such tolerance). *Daw Thandar* pointed to similar dynamics. Bigger factories, she alleges, are more comfortable with their presence as it makes it easier for big companies to settle disputes. For employers and local government alike, MMH’s activities means “we are useful to them,” *Daw Thandar* explains.

Although employers, migrant labourers, and government bodies are arguably in structural opposition, both MAM and MMH demonstrate that they are also in relationships of interdependency. What would otherwise constitute a chaotic and uncontrollable situation of protest (and potential care) for both government and employers is brought within acceptable parameters due to the works of MMH and MAM. Hence, migration assistance is underpinned by relations that are both oppositional yet inter-dependent. It is important to note that such relations are rather common amongst Thai NGOs (Munger 2008, 2015) and reflect broader neo-patrimonial relations between non-state and state actors in the region (Baker and Milne 2015). Yet, the fact that migrant groups hold a particular precarious position (due to their migrant status) makes them analytically interesting in how networks of migration governance are shaped. These are not merely patron client relationships; they point to how informal actors animate temporal and spatial dimensions of governmental reach. This is exemplified by semi-formal migrant networks which we will now turn to.



**The migration network**

The activities described thus far are premised on organisational structures. Both MAM and MMH are groups with an internal hierarchy comprising leaders and various subordinates coupled with a division of labour. They are what in development aid parlance would be labelled Community-Based Organisations (CBOs). Despite their informal status, they nonetheless emulate organisational structures of NGOs and (in the case of MMH) Trade Unions. During my fieldwork, it became clear to me that other migration assistance groups resembled rhizomatic networks as opposed to hierarchical, organisational units.

One of these networks is formal (that is, it holds a registered status), well known, and takes the shape as a consortium of both Thai and International organisations. However, parallel Myanmar-specific networks operate without any formal status. The Migration Network (MN) emerged in the early 2000s. MN is centred around the greater Bangkok region and encompasses neighbouring provinces. This network was initiated by an international donor in the early 2000s in relation to refugee work along the Myanmar-Thai border. Over the years, the networks' focus gradually embraced labour migration assistance for migrant workers. The original donor has now discontinued funding. During my fieldwork, another international donor had taken on funding these activities under the auspices of an explicit safe migration discourse. The network also collaborates with formal NGOs. The leader of the network Daw Hla May, who herself came to Thailand as a political refugee in relation to the 1988 student protests in Myanmar, described their group to me in English as a "mirror network" which emulates and collaborates with Thai NGO migrant networks. Similar to MAM and Migration Aid, such relationships were one of mutual inter-dependence: the network provided Thai NGOs with direct conduits into migrant communities; in return, the network benefitted from their collaboration with Thai NGO networks as they could formally present cases to Thai authorities and advocate on their behalf. The involvement of their international donor also provided a similar form of cover. Yet, the relationship was relatively loose: the donor only funded specific small-scale activities on a case-by-case basis (such as financial resources to cover travel for outreach work for the network) which in part can be explained by the delicacy of funding non-registered entities for international donors. In addition, the network did not solely depend on funding from their donor; they were also, similarly to MMH, a membership-based network, with annual fees.

The Bangkok-based network was made up of around twenty individuals from around ten different Myanmar migrant groups. Some members are ordinary migrants. The way in which the network interlays between Myanmar migrant groups and their international donor is crucial to understand the network's operations. On the one hand, the international donor funds a range of local migrant associations and their activities. This includes

language schools, training centres, and various forms of assistance (work permits, compensation claims, and health-related assistance). As such, activities are conventionally structured around CBOs. Yet, the migrant network, which is made up of individual members from many of the associations, operates in parallel to these activities.

This raises the question: why is it necessary for individuals from established migration associations to form an additional network in order to assist migrants? This seeming duplicitous arrangement was explained by Daw Hla May as follows: “When you work for an NGO or CBO,” she explained, “you are only focusing on one area. So, when you work in one community, you can’t connect with another community. But with a network, you can share information broadly.” Hence, Daw Hla May’s Migrant Network emerged out of a similar problem identified by Ko Thet Oo and U Htay Ko above: how formal organisational mandates prevent operational flexibility. Yet, in contrast with MAM and MMH, Daw Hla May’s network links community associations that cannot easily collaborate laterally. Although never mentioned by Daw Hla May, this arrangement, no doubt, did depend on considerable goodwill and “willed ignorance” from the association’s main donor (See van Ufford 1993). This way, the network channels case work, especially relating to labour protection and health. In addition, they also work on advocacy through the formal Thai network.

In cases where they engage government officials, such as working on a hospital case, they will work under the auspices of their donor NGO. Hence, the network allows fluid operations outside bureaucratic red-tape and hierarchies. Referrals allow the network to expand their spatial reach. If network member X located in province A comes across a case relating to province B, a simple phone call or text message to another network member located in province B is all that is needed to make that other network members act on the case. The network also expands their expertise. For example, Ma Nii, whom we learned about in Chapters 3 and 8, has considerable experience with healthcare assistance for migrants and therefore commonly receives referral from other network members due to her expertise in dealing with health cases. When the network comes across cases that require legal expertise, they typically escalate the case to the Thai MN. The fact that members of the network are themselves migrants means that they are also able to provide context-specific advice that are often based on their own migration experiences.<sup>5</sup>

Through such arrangements, MN avoids a range of well-known challenges common to formal aid delivery. Whereas formal aid delivery has difficulties with information sharing and cooperation (i.e. referrals) due to competition over resource and even beneficiaries, often due to polycentric funding arrangements (Stirrat 2006a), MN receives funds based on specific cases. Coupled with membership registration fees, they limit structural impediments to case-sharing arrangements. Donor upward accountability is similarly reduced through such practices. Yet, MN also relies heavily on cooperation with government authorities in order to operate. In this regard,

MN is remarkably similar to both MAM and MN. As the next section will explicate, not only do organisations such as MN, MAM, and MMH depend on the government in order to operate; the government depends on them.

### **Governing with a head but no arms and legs: Oppositional inter-dependence**

My research assistant and I are sitting together with U Htay Ko and Ko Thet Oo at Migration Aid's office compound. This is early on in my research where MAM and Migration Aid worked closely together. While we converse, we can see a car parking outside the office. Many migrants are present in the office compound. Besides receiving assistance from MAM and Migration Aid with various work-related problems, the crowd suggests something else is going on. The MAM members excuse themselves and say they must attend to the arriving guests. As it turns out, they are officials from the Myanmar Embassy wishing to familiarise themselves with MAM's work. My research assistant and I are invited to join the meeting. The crowd outside separates on both sides of the short alleyway into the property to make way for the two-man delegation. They are both from the Myanmar Embassy's labour attaché. U Htay Ko and Ko Thet Oo together with Migration Aid's Director welcome them as they all walk into the main meeting room in the office compound. A few other associates of Migration Aid and MAM join the meeting, alongside a few migrants who are currently seeking help (all of them with amputated arms and legs due to work accidents). The meeting commences, switching frequently between Thai and Burmese, where two of Migration Aid's staff members assist with translation.

The main representative from the labour attaché informs the meeting that he has been given full authority to help but he kindly requests to contact him through formal channels in writing. "We are willing to help in every case," he says. "Because we cannot do this kind of work ourselves, we are willing to support and collaborate with the work you do." The Thai Director responds "we need to work with MAM and their network. We need to support MAM and we need to work with Myanmar [recruitment] agencies so as to know where they send workers to. So, I would like to ask you to help coordinate with agencies to introduce us so that we can work with them." The head of the labour attaché responds affirmatively, adding that "we are not happy with the work of recruitment agencies." The kind of malpractice amongst recruitment agencies (as discussed in Chapter 5) was no doubt a shared concern for all parties in the meeting.

U Htay Ko and Ko Thet Oo explain how MAM assist workers and the various kinds of problems migrants face, including debt bondage situations due to dysfunctional MOU contracts and the difficulty for migrant with compensation claims. "victims who are in the court process need help" U Htay Ko says. "In the future, we need collaboration with the government office and to help with cases after the labour dispute is settled." The head of the labour

attaché replies: “I will do my job at best. I want to visit MAM to learn how many staff you have, how much funding you have. We want to help you. When accidents happen to workers, if you need some supporting documents from embassy to help with the process, we are willing to issue them.” The head of the attaché promises “full collaboration between the Embassy and MAM.”

Afterwards, the embassy officials go outside and mingle with the crowd. The head of the attaché speaks with one worker who has been underpaid 250 Baht per day – as opposed to the legal minimum of 310 Baht – for six years. Yet, the employer was only willing to pay for two years. Then, a photo session follows where the two labour officials stand side by side with workers who had lost limbs in work accidents. MAM later uploads the photos to their Facebook account, which serves as a form of witnessing relating to harmed bodies as well as underscoring MAM’s legitimacy as a credible migrant assistance provider given their ability to connect incapacitated labour migrants and Myanmar officials. Whilst this was unfolding, we happen to stand next to one of the Migration Aid’s Myanmar outreach workers, who says to us quietly “we will have to wait and see,” implying that the meeting is perhaps more about appearances as opposed to substance.

Yet, in the following days, the labour attaché seemed to act on its promise. MAM posted on their Facebook account an official letter from the Embassy which provided them with the necessary authority to escort migrants to the border. In a similar fashion to how Siriwan (Chapter 8) could act as an extended arm of the Embassy, these letters allowed MAM to expand their operational space as it permitted them to cross provincial and (in the cases of repatriation of migrants) even national borders.

In 2016, only two labour attaché officials served at the Myanmar embassy. This expanded to five in 2017. Yet, even with five officials, their capacity to deal with migrant assistance work was severely limited due to the size of the migrant population. Similar to how Myanmar organisations can work in patron-client relationship-type arrangements with Thai NGOs, the Myanmar Labour attaché served a similar function: it allowed informal groups to operate, even with full knowledge of Thai officials, despite their informal status. The arrangement was also useful to the Myanmar Embassy. Given their limited manpower, they were in practice entirely dependent on these groups to fulfil a range of functions relating to migrants. Indeed, as one member of MN told me, “the labour attaché has a head but no arms and legs.” The spatial connotation of the metaphor should not be missed. Despite the attaché’s formal authority to assist migrants, they have no meaningful capacity to do so. Hence, informal migrant groups serve as extended arms and legs of the Embassy which in effect expand the spatial reach of both.

The relationship I here describe resembles spatialised dimensions of the state as discussed by Ferguson and Gupta (2008). The migrant associations’ relationship with the Myanmar Embassy vertically elevates them “above” migrants due to their associated authority with the Embassy. In many respects, organisations like MAM become “seen like a state” (Timmer

2010) in how they emulate state functions. These relationships also appear as encompassing as it allows migration assistance to – in principle – take place anywhere. If we adopt a conventional definition of scale – “the spatial reach of actions” (Xiang 2013, 3) – the instrumental utility of these arrangements becomes clear. The heads, arms, and legs of migration assistance are not merely discursive assemblages of state mimesis. They enable substantive assistance to take place.

The co-dependent relations between the labour attaché and migrant assistance groups were multiple. For example, MN members did not merely act as outreach workers for the embassy; they would also assist with translation, especially of laws and regulations (something they also did for Thai NGOs). In return, the embassy endorsed documents required for social security claims, which the network in turn could translate from Burmese into Thai. Hence, these groups bridged information flows between Thai NGOs, the Myanmar Embassy, and Thai authorities. Such practices resemble brokerage, as discussed in previous chapters, but differ in how it depends on associations (as opposed to individuals) and is driven by the need for an operational space (as opposed to a direct material or pecuniary profit).

Yet, just as the volatile and ambiguous role of brokers and brokerage, the legs, arms, and head of migration assistance were also precarious as they posed problems for organisations such as MMH, MAM, and MN. For example, a key reason why migrants supported MAM (who financially depended on migrants’ donations) was due to their punchy and edgy approach to migrant assistance. This involved activities that could be interpreted as criticisms of authorities. Calling out unscrupulous brokers and repeated advocacy in order for migrant workers to be compensated due to underpayment and poor workplace safety are all arguably a critique of the state’s failure to regulate work conditions. In many cases, MAM would directly and publicly criticise authorities for failing to assist migrants. Indeed, as we have seen in Chapter 5, MAM had been a vocal critic of both recruitment agencies and the CI centres. MAM had to maintain such an oppositional role to maintain its credibility amongst migrants. As such, MAM could not only strive to be “seen like a state” (Timmer 2010) for programmatic authoritative credibility but had to simultaneously mark their separation from both the Myanmar and Thai state. Hence, in order to maintain momentum, they faced an impossible task: they had to maintain an oppositional stance towards the institutions (such as the labour attaché) which they depended on. Yet, it is impossible to appreciate these dynamics without a careful attention to the role of smartphones and social media, which we will now turn to.

### **Migrants, assistance, and the smartphone**

Throughout this book, we have seen several examples of how both migrants and aid agencies engage social media. Although many labour migrants are relatively poor, the accessibility and affordability of smartphones means

that, as with the broader society in general, social media usage and smartphone uptake are ubiquitous. Practically, all migrants I encountered in this research either possessed or had access to a smartphone. Free social media-platforms and text messages applications are widely used (Facebook, Viber, and Line are amongst the most popular).

At first glance, social media use can seem trivial and leisurely. Using smartphones as a device to listen to music, follow news regarding local celebrities, and engage in casual chit chat and gossip with friends and family appear common. Indeed, the fact that Lao migrants say *lin internet* or *lin Face* (i.e. to “play internet” and “play on Facebook”) is suggestive of the recreational disposition of smartphone use. As within western societies, smartphones and social media use in Mekong countries, including its poor migrant workers, has become routinised and normalised. Yet, such “data doxa” (Smith 2018) also connects with highly instrumental ways that migrants and migrant assistance agencies employ social media and smartphones.

We have already seen examples of this throughout this book: How Mg Arkar (Chapter 7) utilised his smartphone to take and upload photos on Facebook of his injured body in order to seek financial support for hospital bills, and Santi (Chapter 6) advising migrants to use their smartphone to take a photo of their passport and work permit. Migrant language schools, such as the Myanmar Migrant School (Chapter 1), demonstrate how social media connects migrants regarding advice on jobs and other migration issues. Even state agencies incorporate migrants’ social media use in migration management, such as the CI centres’ acceptance of house registration documents being provided via smartphones (see Chapter 5). Social media and smartphone use are also central to claim-making, demonstrated by Ma Myo Myo’ organisation utilising migrants’ photos of bodily injuries as evidence in labour dispute cases (see Chapter 7). As social media serves as a form of witnessing, where migrants’ misfortune cast light on governments’ inability to control substandard work conditions and addressing various forms of malpractice, it also serves as a latent source of critique.

As such, the smartphone is not politically neutral. Being a polymedium, it weaponises migrants to both record and communicate information in unprecedented ways. Arguably, smartphones and social media counter “zoning technologies” (Ong 2004) and other subjugating practices which aim to limit migrants spatial and social reach, as they bridge and connect migrants in newfound ways.<sup>6</sup> Given migrants’ dependency on brokers (a theme that has resurfaced throughout the book), it is notable how social media potentially reduces the need for intermediaries in communication (Dijck et al. 2018). The ubiquitous use of smartphones and social media applications entails an enormous scalar potential in terms of producing, collecting, and dissemination information amongst migrants. It is precisely this which is what organisations, such as MAM, are tapping into. In this sense, social media and smartphones embolden migrants (and migrant

assistance groups) in ways which can usefully be thought of as forms of counter surveillance, or counter-conducts.

The various ways MAM utilised smartphones and social media were apparent from the first time I met them in 2016. In stark contrast to formal international NGOs and UN agencies, of whom many invested considerable amount of foreign aid money into developing trendy apps, MAM relied solely on their own smartphones (cheap Android phones) and free social media applications (Facebook, Viber, and Line), requiring no operational budget. Similar to the phone-based assistance I described in Chapter 6, MAM employ similar approaches. However, instead of relying on phone calls, they combine this with text messaging apps which also allow fast and easy exchange of documents, pictures, and geolocations.

Mg Khin, one of the U Htay Ko's colleagues showed on his phone to me how this works in practice. Just a few days earlier, Mg Khin received a message from a distressed domestic worker via the text messaging app *Line*.<sup>7</sup> Mg Khin received a Line message explaining that she was in serious trouble. After some messages going back and forth, it became clear that the domestic worker could not leave the household. In order to assist, Mg Khin requested her to share images of herself (so they would know what she looks like), her employment contract (if she had one), her passports and other documents, photo of any bodily injuries, as well as (if possible) photos of the employer and the broker who had recruited her. He also asked her to share her address. As it turned out, she had no idea where she was. Given this, Mg Khin asked her to share her geolocation (which is possible due to Line's embedded GPS location abilities, see [Figure 9.1](#) on next page). Mg Khin told me that this information allowed MAM to launch a rescue of the domestic worker in collaboration with Thai police.

We already know from [Chapter 6](#) that there may be serious unintended effects of such rescues (such as deportations). Yet, MAM appears to reduce such risk in similar ways to Boonchu (see [Chapter 6](#)), that is, by aligning themselves with known police officers whom they have built up strong relationships with (which again is another example of the importance of informal, social relations in order to assist migrant workers). Hence, virtual interventions (social media apps and smartphones) go hand in hand with mediated, informal relationality to achieve outcomes. Furthermore, it should not be missed how such actions expands MAM's operational space.

At the time of my conversation with Mg Khin, MAM would receive around twenty assistance requests per day (which would later exponentially grow as MAM's social media presence matured). Yet, MAM's usage of Line is miniscule in comparison to how Facebook increasingly became a central platform for their activities. Although MAM may enjoy one of the largest (if not the largest) social media presence amongst labour migrants (with more than a million followers), they are far from alone. Another central migration activist, who was associated with a Thai NGO, enjoyed more than two hundred thousand followers on Facebook during my fieldwork. And others,



*Figure 9.1* Line messages requesting MAM’s assistance. A photo of MAM officer, Mg Khin, line message thread with the domestic workers. The subject-header of the message reads: “a problem with employer’s house.” The following correspondence reads: Mg Khin: “Call me;” Domestic worker: “yes;” followed by domestic worker sharing her geolocation multiple times.

such as the aforementioned Migration Assistance Monk and the Myanmar Migrant School, both have several thousand followers. All of these actors easily dwarf any social media following any UN agency or established mainstream NGO has achieved (despite often considerable financial resources spent on media strategies).<sup>8</sup>

Over time, MAM’s use of Facebook evolved into an ecosystem. Frequent Facebook updates on government regulations relating to migrants, reports on successful compensation claims, and exposé of dubious conduct by brokers (and even officials) became essential to cement MAM’s credibility as a pseudo-official actor. Facebook also served as a conduit to mobilise financial funds (deriving from donations) which helped fund MAM’s activities which,



in turn, produced further opportunities to provide Facebook updates. Yet, this circular process amplified tensions between MAM's need to be aligned yet oppositional with state institutions, which we will now explore.

### **Safeguarding migration through Facebook**

Whilst carrying out fieldwork, MAM's Facebook posts served as a virtual parallel universe with continuing everyday commentary on migration issues, including posts like this:

About 44 migrants working for Sanook Factory, Yen Lom District, Nong Thani Province, were dismissed due to company closedown. They were compensated only 1,000 Baht each for company closure. The owner... told the migrants "you can go to complain anywhere, I don't care." The migrants requested MAM's assistance, who reported the case to the Ministry of Labour and the Department of Labour Protection and Welfare (DLPW) of Nong Thani Province. MAM and authorities called the employer and discussed the workers' rights. The employer acknowledged the compensation requirements according to the Thai Labour law and agreed to pay the full compensation... The migrants received a total of 877,000 Baht in compensation after MAM's support and intervention.

Facebook posts like these, with accompanying thirteen photos of the affected migrants proudly showing bundles of 1000 Thai Baht notes, serve as a virtual amplifier of MAM's daily activities. With MAM's enormous Facebook following, both malpractice by employers as well as MAM's outreach work become visible in ways that would have been impossible only a few years ago.<sup>9</sup> One of the most frequent forms of Facebook updates would relate to migrants' compensation claims, such as the one below:

Myanmar Migrant worker Mg Nyan, aged 25, lost his right hand in a work accident and had to take refuge at the MAM's distressed migrants' centre for over 10 months. He has now received an accident compensation totalling 511, 881 Baht after MAM and Migration Aid followed up his case.

Other posts provide warnings relating to alleged scams by brokers.

#### **Special Announcement for Myanmar Migrants**

On 05 January 2018, the Ministry of Labour (MOL) has issued an announcement on formal registration of Migrant workers in Thailand. This announcement includes the registration for new undocumented migrants. However, on 09 January 2018, the MOL has issued another announcement revoking the previous announcement issued

on 05 Jan 2018. Thus, there will be no more registration service by the Thai Government for new undocumented workers. Please be informed that Thai Government's current programmes for registration are only for existing workers in Thailand and no service is available for new undocumented migrants. Please do not believe in the offers from brokers to register undocumented migrants; they all are frauds and scams.

*Ko Thet Oo (MAM)*  
*3336 shares*

Such posts serve multiple purposes. They provide a form of witnessing in the sense that they make migrants' problems and suffering visible to a large audience. At the same time, they serve as a marketing tool for MAM's work. It reinforces MAM's status as a credible actor in migration assistance and helps feed further migration assistance cases MAM's way, which, in turn, results in more cases for MAM to work on and report on through Facebook. As discussed earlier in this chapter, MAM receives a lot of financing through donations as well as commissions from successful compensation claims. Hence, Facebook is integral to MAM's operational logic.

Another audience for all this is employers, brokers, and even Thai and Myanmar state institutions who are responsible for regulating both work conditions and migration. As the two posts above suggest, reporting on work accidents and unscrupulous employers provides MAM with political leverage as they can cause considerable embarrassment to employers and brokers caught out in malpractice, or state agencies for failing to enforce laws and regulations. Yet, this also increases the risk for MAM as unfavourable reporting can engender hostile reactions from authorities, brokers, and employers alike. This is why MAM often mentions, evidenced in the posts above, that they work in cooperation with authorities. The way MAM balanced state emulation and contestation through Facebook posts is worth unpacking in some further detail.

### **Facebook: State emulation and contestation**

In addition to Facebook updates on compensation claims and warning migrants against potential scams by brokers and employers, many of MAM's Facebook posts echo formal government rules and regulation, as well as advice on how to process them. MAM's close relations with both the Labour Attaché and various officials in the Thai government bureaucracy enable them to provide up to date, ongoing and context-specific information relating to the CI process, various MOU regulations, and other formal procedures required by either the Myanmar or Thai authorities relating to migrants. In effect, MAM serves as a broadcaster of government regulations.

The scalar dimension of such posts is significant as it reinforces a state-centric encompassment as we discussed above. Even though MAM is

based in one province of Thailand, their Facebook presence provides them with a much wider audience well-beyond Thailand's borders.<sup>10</sup> Repeated posts that demonstrate MAM's collaborations between both Thai and Myanmar state agencies (often accompanied by photos of MAM members and government officials either in discussions, meetings, or shaking hands) reinforce the kind of state emulation discussed earlier in the chapter. Furthermore, MAM's Facebook presence is useful to the governments in how they disseminate state regulation to migrants. This helps explain governments' relative tolerance towards MAM. Hence, Facebook reinforces patrimonial relations between the state and MAM (cf. Baker and Milne 2015).

However, MAM's seeming cosy relationship with authorities encloses inherent tensions. Governments (and others) can interpret repeated reporting on migrant abuse as an implicit critique of government failure to regulate labour migration. Yet, as many migrants have less than positive experiences with state authorities, evading critical commentary regarding the role of the state poses a credibility problem for MAM. Although Facebook provides MAM with a platform to strengthen and visualise their relationship with the state (which contributes to their status as a credible actor), MAM's social media presence also provides an impetus to mark their separation and opposition to the state in order to sustain traction amongst their Facebook followers. We have seen earlier examples in this book where MAM would explicitly critique – via live Facebook streams – state authorities' failure in curbing widespread abuse, bribery, and broker-proliferation at CI centres. Although MAM would often carefully mention their collaboration with state authorities when reporting on abuse in the MOU system (such as the posts described above), other posts give emphasis to the voice of migrant workers and the exploitation they experienced through MOU contracts. For example, on 17 January 2018, Ko Thet Oo livestreams the following from MAM's migrant shelter via Facebook:

Ko Thet Oo: Mingalarbar [Hello] to you all. Today early in the morning at 2 AM on 17 January 2018, the MAM shelter received 16 MOU workers whose contract agreements were severely violated by the brokers and employers. They come to the MAM centre on their own arrangement and decision. MAM will now interview them about what kind of troubles they were in, how they come to MAM, and what they want to do next.

OK, you brothers came here by the MOU programme; which MOU company sent you here and for what kind of work?

Worker 1: We came to Thailand though the Naga Overseas Job Placement company in November 2017. Initially we were promised that we will get jobs at the ceramic plate factory in Sawadee province. But in reality, we were sent to construction sites. The jobs were changed again and again four times. Finally the broker said if you can work, you work, I cannot take responsibility anymore.

Worker 2: At the highway, we have to start to work at 7:15 AM and complete at 6:30 PM. No overtime pay or rest days are provided. The wages were irregularly paid. In the last four days no money has been paid and we cannot work because we have nothing to eat.

Ko Thet Oo: What kind of contract regulation breaches did you face?

Worker 3: The whole contract is being breached. Firstly, we were never sent to the Ceramic plate factory. Instead, we were sent to various construction sites. When we ask the broker about our work at the ceramic plate factory, the broker said the factory has already shut down.

Worker 4: I had an accident; a nail piercing my feet. Nobody takes responsibility for treatment. I have to use the medicines that is brought from Myanmar. No hospital or doctor. Despite that, they were required to work. They said, if you do not work, there will be no pay.

Ko Thet Oo: How much you have paid the agency and how much is your total cost here?

Worker 5: We have to pay the recruitment company 300,000 Kyats [approximately 206 USD], the broker in Myanmar 120,000 Kyat. The broker here [in Thailand] 120,000 Kyat. The fee for passport process is 120,000Kyat. I heard they said they will deduct 7,000Baht [approximately 225 USD]. They have already deducted 2,900 Baht.

Posts like these are shared 1666 times, attract thousands of likes and hundreds of comments from Facebook followers, and provide migrants with unprecedented abilities to directly communicate serious malpractice that take place within government-endorsed migration systems (the MOU system) which are meant to offer safe migration pathways for migrants. Such posts make ripples through both migrant communities and political establishments in Myanmar and Thailand. Social media platforms pose novel challenges for governments as its operational architecture, including conditions where content may be censored, is controlled by media companies (such as Facebook) as opposed to governments (Dijck et al. 2018). And as recent times in Thailand has demonstrated, the Thai state has had difficulties controlling Facebook activities even relating to highly sensitive topics, such as Thai royalty (Thailand tells Facebook to remove content that insults the monarchy 2017). The quasi-independent nature of Facebook provides organisations like MAM with increased leverage.

MAM is well aware of the tensions they create. As Ko Thet Oo explained to me once, “As for the big labour brokers, [our posts on Facebook] make them lose their business and reputation. They hate us! They make threats by phone and attack our Facebook site.” Indeed, Ko Thet Oo’s Facebook account was subject to regular hack attempts and at times acidulous comments on their Facebook posts suggested MAM had plenty of enemies. The Thai police, Ko Thet Oo told me, had openly informed him that they have several of his posts translated in order to keep an eye on migration issues. Ko Thet Oo also knows that several authorities in Myanmar, including

Aung San Sy Kyi's office keeps an eye on his Facebook posts. Although this suggests state authorities' use MAM as a panoptical proxy (which is arguably the utmost example of MAM serving as an extension of the state), it also exhibits MAM's actions to state authorities. As several of the earlier examples indicate, reporting on migration's despondency goes hand in hand with reporting on state failure and malpractice. During my fieldwork, MAM's relationship with their Thai NGO counterpart and the labour attaché deteriorated. Whereas MAM grew impatient with what they saw as restrictive arrangements of operations, MAM's operating style had become too brazen (and outspoken) for both Myanmar and Thai officials' liking. Being keenly aware of this tension, U Htay Ko said that "We always make sure the information we provide is 100% correct," as otherwise "wrong news would bring us death." Yet, what constitutes correct information may be in the eye of the beholder. One morning when I visited MAM's shelter, discussing migration issues U Htay Ko asks me:

I have one more point to ask your opinion. The point is; if the government has complete laws and perfect implementation of these laws, they do not need assistance of any NGO. At the start NGOs appear and request the Government to assist or supplement in certain areas. But as the NGO works more and more in this area for many years, they have experience and they can define the government's policies in certain areas as grey, blue or red. Then they start to criticise government for various inefficiencies. In this way they become the opponents of the government. What is your opinion? Professor, are the NGOs supplementary to the government or are they opponents to the government?

I do not recall how I responded to U Htay Ko's aporia, but as time passed, MAM's own actions provided the answers. MAM's relationship with both Myanmar and Thai authorities constituted a blend of an antagonistic relationship which brought together political opposition, extended governance, and inter-dependency. The forces that brought MAM into close relationship with state authorities also became a source of frictions and tensions. Both Thai and Myanmar authorities, alongside some Thai NGOs who had worked with MAM in the past, grew increasingly impatient with MAM's never-ending exposé via Facebook. As MAM's Facebook following had grown to around a million followers, stakes were high. Counteraccusations ensued.<sup>11</sup> In turn, MAM members ended up in serious difficulties relating to their visa status. Legal threats followed, which in the end culminated in Ko Thet Oo's arrest towards the end of my fieldwork.

Although many migrant groups are less audacious than MAM, their informal role nonetheless denotes important underlying structural tensions within informal migration assistance. Such tensions are not limited to MAM. For example, ongoing rumours flourished alleging some Myanmar's recruitment agency association members paid labour attaché officials a set

amount for the number of migrants that were processed through the MOU system. Such payments would clearly compromise the labour attaché's credibility as a neutral arbitrator when assisting migrants who frequently ended up with problems relating to recruitment agencies. This was vehemently denied by the labour attaché and resulted in serious friction between migration assistance groups. The allegations appear to have merit given that they became public and subject to legal proceedings (Zaw Zaw 2019). At the time of writing this book, MAM, alongside a range of other informal migration assistance groups, still carries on with their operations despite the various attempts to curtail their work. No doubt, the inter-dependency explored above works against any dismantlement of organisations such as MAM. What is of analytical significance is how social media is instrumental in providing an operational space for migrant assistance which at the same time amplifies the perilous patrimonial relations that are required in order for MAM's on-the-ground operational space.

## **Conclusion**

The Migrant Assistance Monk has just completed an advisory session with a group of migrants in his condo. We continued our conversation regarding his work and the plight of migrant workers in Thailand. "You know," he said, "people like me, MAM and other groups, we are almost like a government in exile. Some four million Myanmar migrants in Thailand struggle and are often not protected by the Thai state. We [the Myanmar people] don't have our own ministries [in Thailand]. So, we fill this gap." The monk's comments divulge how political exile leaders like U Ba Sein (see Chapter 1) and himself have taken on migration assistance work in ways which emulate the state. This chapter has demonstrated how such state emulation is intimately related to operational space of informal actors in migration assistance. As we have seen, such actors comprise considerable scalar faculties in how they instrumentalise programmatic fields of action, which arguably supersedes formal safe migration programmes implemented by UN agencies and NGOs. This is underpinned by two forms of sociality: a moral economy of aid and donation-giving amongst migrant workers, coupled with ubiquitous social media use. Three operational effects stem from this: it allows aid activities to expand spatially (through networks), it straddles institutional and legal binaries (the formal/informal/legal/illegal), and alters speed (cases can be acted on without being slowed down by bureaucratic red tape). An important effect of all this is that laws and regulations become socially animated through intermediary forms of assistance, a point we will revisit in the conclusion of this book.

Yet, all of this comes with two inherent challenges. Firstly, as migrant assistance is commonly premised on mediation, so are the results for migrants. As we have seen in this and earlier chapters, compensation cases, although often efficacious, are compromised in that settlements are often

less than officially stipulated (cf. Campbell 2018). Although this can usefully be interpreted as a form of recuperation – where migration assistance associations are tolerated in order to co-opt latent union activism – it is important to not underestimate the real transformative potential of such actions. For example, migrant associations continued social media broadcast of MOU malpractice appear to have contributed to governmental reforms of recruitment agency bank guarantees (see Chapter 7). This connects to a second challenge. Mediated assistance intertwines with patron-client relations that are highly unstable (a theme we will return to in the conclusion). As we have seen, NGOs and state agencies are informal migration associations engage one another through forms of inter-dependency which at the same time brings out tensions due to the different positions of these actors. Social media, the chapter has argued, amplifies both inter-dependency (including state emulation) and the oppositional politics between these actors. As such, opposition and co-dependency are co-constitutive of one another.

Finally, the chapter has shown how social media strengthens connectivity between informal migrant associations and migrant communities. Yet, informal migration assistance denotes disconnection in a twofold sense. On the one hand, although organisations such as MAM carry out work that sits squarely within safe migration activities, they do not themselves engage with a safe migration discourse. Furthermore, despite the incredible social media presence by the Migration Assistance Monk, MAM, and others, expatriate aid officials who worked for NGOs, UN agencies, and donors that fund and implement safe migration are – as the network map in Chapter 2 demonstrates – unaware of associations such as MAM and the existence of people such as Ko Thet Oo. The paradoxical co-existence of such (dis)connections – coupled with the unstable relations of informal migration assistance – are central to how safety is brokered through safe migration praxis, a point that will be further explicated in the conclusion of this book.

## Notes

1. As explained elsewhere in this book, a range of “zoning technologies” (Ong 2004) are deployed to “peg” migrants to their workplaces. For example, up until the new labour law introduced in 2018, migrant workers with pink cards could not cross provincial borders from their workplace. Ko Thet Oo became exempt from such restrictions due to his different visa status. Importantly, this allows cross-provincial travel which is important for MAM’s spatial reach.
2. One thing that MAM members never mentioned, but which is a likely additional reason for their decision to operate without formal funding, was that neither of the members had the necessary linguistic (i.e. Thai and English fluency), or managerial skills and experience in order to negotiate external funding without significant help from a Thai NGO.
3. Such informal migrant organisations are widespread in Thailand, including in border areas (Décobert 2016)
4. MMH has also engaged in various collaborations with international organisations and union activists which no doubt has also been a source of funding.

5. For example, Ko Htay (see Chapter 8), who is part of MMN, advises migrants that if police request them to sign any documents that are in Thai, they should simply sign the document by writing “I don’t understand Thai” in Burmese language. This way, migrants secure themselves from scams, such as signing off on a letter confirming all their salaries have been paid. Ko Htay experienced this ploy himself several years ago. Ko Htay, with the assistance of a Thai NGO, has successfully assisted migrants in local courts who have been victims to this scam.
6. At the same time, the emancipatory potential of smartphones and social media should not be romanticised. As with any technology, it can be weaponised against purpose and there may well be unintended effects from their use. As one CBO outreach worker pointed out to me, a reason why police will usually not confiscate a migrant’s phone: the police officer depends on the migrants possessing their phone so the migrant can contact friends and family in order to mobilise sufficient funds to pay the bribe.
7. Line is a highly popular text messaging app which is similar to Facebook and widely used in Thailand and Myanmar.
8. Only towards the end of my fieldwork did some UN and NGOs gain traction with social media. This took place then they changed their strategy away from designing standalone apps, to utilising established media platforms, such as Facebook. Aid agencies appear to have not familiarised themselves with the most basic context of social media use amongst migrants. For example, many migrants prefer cheap SIM-card services, sometimes based on daily usage rates. Many migrants do not use their phone on weekdays while they work in factories (where phone use is often banned). Hence, many migrants only activate their phones on their day off, thereby minimising data usage. Such kind of social media usage means that they are careful with their data usage and unlikely to download additional apps beyond what is preinstalled. Many telecommunication operators provide Facebook with unlimited data plans which amplifies its usage.
9. The use of social media for calling out injustice and expose corrupt officials is arguably an extension of long-standing complaint practices. As Nick Cheesman has documented in a Myanmar context, even under military rule (which precedes internet connectivity), people employed a range of tactics to present complaints to authorities (Cheesman 2015). Also, radio broadcasts, such as BBC’s Burmese service predates social media as a platform for information dissemination outside government channels. Yet, the scale and ubiquity of Facebook usage amongst migrants appear unprecedented.
10. When interviewing various government officials, NGO works and migrants in different parts of Myanmar (Mon State, Yangon, Shan State, Mandalay), nearly all either follow or are aware of MAM on Facebook.
11. Throughout my fieldwork, I would sometimes hear other informants alleging MAM themselves were brokers, or resembled a “mafia” in how they allegedly created their own forms of dependency between their service provision (e.g. assisting with visas and work permits problems) and their migrant constituents. Serious allegations of misconduct were also made against individual members of MAM which resulted in court cases in both Thailand and Myanmar (which appear to have been ultimately unsuccessful). MAM vehemently denied such allegations. It is difficult to assess the veracity of such allegations given that so many informants had vested interest in discrediting MAM. Not only did MAM irritate migrant brokers and state officials; other migrant groups were clearly envious of MAM’s ascendant public profile within migrant circles (in part due to their enormous Facebook presence).



## 10 Conclusion

The key thing is to regulate migration and remove the need to rely on a broker.

*(Senior UN official)*

“So who are these people?” Suzanna, a UN official whom I introduced in Chapter 2, has just ordered her dinner. Sitting in the leafy courtyard in one of Bangkok’s many backstreet restaurants, we are already well into our conversations regarding safe migration in Thailand and its neighbouring countries. I have just told Suzanna about MAM and Ko Thet Oo’s migration assistance work and enormous Facebook following. Suzanna reaches for her notebook in her bag, hands it over to me whilst saying with a smile “you *have* to write down the name of this person for me!” Suzanna’s organisation was not only assisting a range of safe migration-related activities but also worked on social media campaigns targeting labour migrants. Learning more, and possibly connecting with MAM, would be a golden opportunity for her safe migration programme, Suzanna explains.

Yet, the week before I happened to have met up with Ko Thet Oo and some of his colleagues who made it clear to me that, although they were more than happy for me to write about their activities, they preferred me using pseudonyms despite that fact that they were publicly known amongst both Thai and Myanmar governments, ran a public Facebook account, and gave interviews to both Thai and Burmese news outlets. For this reason, I politely tell Suzanna that I was not in a position to reveal MAM or Ko Thet Oo’s identity. If she really wants to know who they are, I tell Suzanna, she has plenty of resources at her disposal to find out as her organisation employs both Thai and Burmese staff. And should they not already know about MAM through their safe migration programme implementation, regardless of my own research activities, I wondered? Suzanna laughs, nodding her head whilst recognising the irony of her own unawareness.

Suzanna’s ignorance regarding MAM echoes a theme that has resurfaced throughout this book: how expatriate aid officials are socially distant – and therefore ignorant – of how safe migration aid delivery unfolds at local levels. This disconnection is also made clear through the social network analysis

map I provided in [Chapter 2](#), which shows few direct relations between international agencies and informal migrant self-help groups. As I have explicated in this book (see [Chapters 4–6](#)), the structuring of formal aid delivery clouds local context of safe migration praxis. This obfuscation, I suggest, is central to understanding safe migration aid delivery. Knowing too much – for example that local implementation depends on NGOs employing former labour brokers as outreach workers – would complicate international aid agencies’ operational space. As such, safe migration aid delivery depends on ignorance.

As I have detailed in Part 2, safe migration discourse comprises important temporal (anticipatory interventions) and spatial qualities (deterritorialisation, spatial reversals, and “U-turns”) which connect to regulatory mechanisms (legibility and legal status) and behaviouralist discourses (i.e. migrants’ conduct). Yet, in practice, informal, mediated relations are central to how safe migration and migrant assistance unfold, a theme we have explored in Part 3. The importance of informal actors and practices also helps explain why safe migration praxis is dominant amongst Burmese migrants (relative to Lao), given pre-existing forms of sociality relating to self-organising and self-help (see [Chapter 3](#)). This also helps explain the central role of brokers ([Chapter 8](#)) and informal migrant groups ([Chapter 9](#)). As we have seen, informal migrant groups are widespread and facilitate an enormous amount of assistance provision for migrants, which often depends on, yet create friction with state agencies. This renders safe migration praxis unstable and unpredictable, a point that was highlighted to me by the Director of the Myanmar Migrant School, U Ba Sein (see [Chapter 1](#)). “MAM can be quite dangerous,” U Ba Sein once told me, pointing to how they could embolden migrants to protest, which would ultimately endanger migrants; and even MAM itself. Towards the end up my fieldwork, U Ba Sein’s observation proved correct. The authorities’ patience with MAM seemed to have ran out, something that became evident during an unexpected fieldwork visit to a dispute settlement meeting between a group of disgruntled MOU migrants and a group of recruitment agencies. I retell this meeting in some detail as it brings to light the book’s central argument so well: how safe migration constitutes brokered safety.

### **The dispute resolution meeting**

Although Myanmar recruitment agencies’ main operations take place in Myanmar, they also hold an office in Thailand. During fieldwork, my research assistants and I had the opportunity to visit their office. When we arrived, we could immediately see that the place had turned into a refuge for stranded migrant workers. At least 50 migrants were present. A large rice cooker was continuously steaming rice to aid the migrants with free food. The scene did not come as a surprise as we already knew from our research that a lot of migrants turned to this office for assistance. Upon arrival, we learned that our contact person was delayed. However, we were told that

a dispute resolution meeting was about to take place between a group of MOU migrant workers who had escaped from their workplace and their respective employer and recruitment agency. We were to our surprise invited to sit in as observers which allowed verbatim note-taking of the meeting.

Whilst waiting for the meeting to commence, we learn that the group of MOU workers had escaped their factory and sought refuge at MAM's shelter for distressed migrants. Yet, this had backfired as authorities had recently clamped down on MAM's shelter. Hence, the recruitment agency office – in collaboration with the Labour Attaché – had become an alternative informal sanctuary for various migrant with problems, such as the MOU workers in today's dispute resolution meeting. Even before the meeting commenced, we realised that the MOU workers' case would be severely comprised as they have acted "illegally" in a double sense. They escaped their workplace leaving their passports behind (which under the MOU system would technically render them in breach of their contract and migrant status) and sought help from MAM (which at this time was considered an illegal operation by local authorities).

After a little while, two representatives from the Thai recruitment agency arrive. Another man represents the Myanmar agency. The meeting commences. The four migrant workers sit down on one end of the table, whereas the Thai and Myanmar recruitment agents are located at the other side of the table. At the end of the u-shaped table, sit four other representatives from recruitment agencies, symbolically occupying a neutral spatial position between the opposing migrants and recruitment agencies. The Chair commences the session:

CHAIR: We will start the session with the testimony from the workers. So, tell us your story. Tell us one by one; please do not make many conflicting stories.

MOU WORKER: I will answer on our behalf. We are MOU workers and we were sent to a Thai factory, a recycling plant, at the end of July. We work from 7am in the morning to 5pm in the evening. But when we get our wages, we were not given any overtime. We ask for overtime and the employer did not agree. The contract states we are supposed to sort paper and plastic, but in reality, we have to sort and carry heavy iron and metal pieces. What is mentioned in the contract and what is reality are totally different.

CHAIR: Is the name of the company different from the contract?

MOU WORKER: No.

CHAIR: If the company name is as per the contract, how come the type of work is different? We will check your official contract from your agent. Are you the representative of the Myanmar Agent?

MYANMAR AGENT: I am the director of the Sunrise Overseas Job placement Agency. I represent the company. Here is their formal contract submitted to the Ministry of Labour.

CHAIR: The formal contract states it is a “Recycling and Waste Management” facility. So, our question is when you were at the Labour Office [as part of the pre-departure training in Myanmar] to sign your contract, Did the labour officer tell you the job as “Recycling and Waste Management?” Did you really listen to the officer when he explained the description of work?

MOU WORKER: Yes, he did mention that it was recycling, but we thought we only had to handle paper and plastic. But here there are a lot of metal and iron pieces and they are very heavy.

CHAIR: Oh, recycling can be anything second-hand, it could be anything, from paper and plastic to metal and concrete. It is just your perception that recycling concerns with paper and plastic. That is your limited perception of the work you have to handle. You cannot say the job is different from the contract. You are working for the recycling factory as per the MOU contract. The name of the company is correct and the type of work is correct too.

MOU WORKER: The employer has two factories; one newly built. The metal pieces were loaded outside the new building. We have to carry these heavy metal pieces in the sunshine over to the other building. It is hot and the job is very tiring. No water is provided. We feel we are being used more than the contract says. We start work around 7am and finish at 5pm. We haven’t received any overtime pay. There is no translator so we cannot discuss our problems with the employer. The Thai recruitment agency only appeared after one month. The whole month, we have to work in the sunshine, carrying heavy metal pieces.

THAI RECRUITMENT REPRESENTATIVE: Yes, the workers called us. But before we came in, we have to ask the employer. When we ask the employer, he said everything is ok. As the priority of the problem was low, we decided to come after one month. But when we arrived, the workers said they all would like to change employment because the work is not the same as stipulated in the contract. They told us they have no water to drink and they did not receive overtime.

CHAIR: The match between the job and the contract is already settled. It is my understanding that it is only the overtime claim left to settle. To claim for your overtime, do you have any concrete evidence? Such as the timecard?

MOU WORKER: Here is the picture of the timecard, we took the picture with our phones.

CHAIR: The timecard shows you stamped between 7:05 to 7:15 AM. You have to verify what you did do after you stamped your card. Did you start work immediately or did you just rest and eat to wait until 8:00 am?

MOU WORKER: We started work immediately.

CHAIR: Then they are eligible for one hour of overtime every day. Did you negotiate with the employer for that? [Thai agent] can you please verify?

THAI RECRUITMENT REPRESENTATIVE: Yes, we made the request to the employer and the employer has agreed to pay one-hour overtime. The owner said the water facility was available in the old factory and they do not have time to install the water machines in the new one. But the workers can walk to the old factory to drink water. Anyway, the employer is installing the water machines soon in the new factory.

However, the real problem is that the workers are set to stop working in this factory. The employer had already given us the agreement to issue the extra overtime pay. We have explained that to change jobs as an MOU worker is quite difficult and they have to go back home and wait for the next contract. We cannot process an employment change here as the employer had done nothing wrong to them.

Finally, the employer collected their passports and work permits to process the extra overtime pay. We told them that after they receive the overtime payment from the employer, we will escort them back to the border. That was in the morning. But by 3pm, the employer told us that the workers had disappeared. They left all their documents with the employer. That is very dangerous situation for the employer because he did not seize the documents, the documents were only required to process the payment. Thus, the employer decided to report the missing workers to the police.

CHAIR: It is the end for you [four MOU workers] if the employer reports the case to the police. Then you ran away to MAM without any documents?

MOU WORKER: We were in huge debt due to processing the MOU contract. We dare not go back home when we have no money in our hand. One employee at our factory told us that if the employer provides us with an exit-permit we can change jobs. At first, we planned to run to the Labour Attaché, but it was Sunday and they did not pick up the phone. So, we reached out to MAM.

CHAIR: There are two very important things you need to know: what the former employee said about getting an exit permit is only true for the normal migrant workers [i.e. migrant workers with legal documents outside the MOU system, such as pink cards or CI holders]. They can easily change their job if the employer issued them an exit permit. But you are MOU workers. The Labour Department allow the employer with MOU contract to issue the exit permit in five instances. They are:

- 1 The employer does not settle wages according to national minimum wage.
- 2 The employer does not pay any wage.
- 3 The employer physically assaults and punish the worker.
- 4 The employer is bankrupt.
- 5 The employer is dead.

Since you are not eligible for any of the above, the employer will never issue you the exit permit. MOU workers are generally not allowed to change employment if they have not completed the first two years of the contract. If you run away without any formal document, the police will consider you an undocumented migrant who have entered Thailand illegally. If you were caught by police on the way, MAM is not coming to bail you out. Because MAM cannot assist illegal workers. MAM also cannot feed you there for long too, if you are undocumented. You reached out to MAM on 16th, they sent you to us on 20th. This also means you burdened them [MAM}.

So, we will make the final ruling. The Thai Agent must go back to the employer and request the remaining overtime payment for the workers and also bring back their passports and work permits. As the employer had filed the case of desertion with the police, you cannot be re-instated anymore. Thus, you have to return to Myanmar and your Myanmar Agent will issue you a refund. Then you process another MOU contract to return to work here [in Thailand].

MOU WORKER: Oh, can't you find another job for us? If the recruitment agency refunds, it would only be about 450,000 Kyats (325 USD). Our actual cost is around 1,000,000 Kyat (725 USD). We decided to leave because the work was too hard in the sunshine. If any job is in the shade, we are willing to work.

MYANMAR AGENT: I have a proposal. If they will not request for a refund, they will be sent back to Yangon free of travel cost by me. They have to wait in Yangon for about a month before returning with a new contract without any extra payment. But the condition is, in Yangon for one month, I can give them a place to stay but they must find the food by themselves to eat. I cannot afford to feed them for one month.

CHAIR: Do you understand his proposal? If you do not process the refund, you will get a new contract free of charge in one month. By the way is that new job, really to work in the shade?

MYANMAR AGENT: We are about to finalise an MOU contract with a factory. It is a plastic hanger factory. They have to pack the hangers. This kind of job is normally in the shade.

CHAIR: For just a month, I think I can feed you at my home in Yangon.

MOU WORKER: Oh, we want to return to our homes for a short time and come back when the contract is ready.

CHAIR: In this case, can the agent give them 20,000 Kyat each as the travel cost assistance? Is this agreeable to all parties concerned? If everyone will agree, we will put the conditions in a written contract and everyone must sign."

[The MOU workers, and the Thai and Myanmar recruitment agency officials agree.]

CHAIR: OK, we close the case today. We hope everybody concerned are happy with the negotiated results. Thank You all.”

The Chair writes up the outcome in the meeting, which is shared with the Thai recruitment agency and read out to the migrants. They all sign the document. The meeting ends.

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I end this book with recounting this negotiation meeting as it encapsulates the central argument of this book, that is, how safe migration constitutes brokered safety. The negotiation meeting demonstrates how formal migrant status and mechanisms (i.e. MOU migrants) intertwine with informal practices (the negotiation meeting). Despite the formal status of all parties (licensed recruitment agencies and MOU labour migrants), they all have vested interest in solving the case *outside* formal channels and avoid escalation in order to prevent the involvement of Thai authorities (especially Ministry of Labour). Although the Thai employer could easily have settled the matter by allowing the MOU workers with an exist document (in order to change employers), this would in effect constitute considerable reputational damage for the agency, as releasing the workers would imply admission of malpractice, which, in turn, could jeopardise the agency’s bank guarantee under the MOU system (see [Chapter 5](#)).<sup>1</sup> Nor would this work well for the migrants. Even if their MOU processing fees were returned to them, this would not cover the considerable amount of additional fees they had already paid to sub-brokers back in Myanmar (see [Chapters 4 and 5](#)). Hence, the Myanmar agency’s “solution” offering to waive the fees associated with re-initiating MOU contracts for the workers becomes a compromise which allows a way for both the migrants and the agencies to conform with formal MOU regulations (neither party will be in breach of the rules) despite being negotiated outside formal dispute mechanisms (i.e. Thailand’s Ministry of Labour is not involved).

The negotiation meeting brings to light safe migration governance’s spatio-temporal qualities. Social actors are spatially reversed: it is Myanmar recruitment agencies – not Thai authorities – that end up mediating outcomes, despite the meeting taking place in Thailand. Furthermore, as all parties have a vested interested in settling the case *prior* to it escalating to Ministry of Labour, they unwittingly mirror one of the safe migration’s temporal logics: the meeting becomes a technology of anticipation (i.e. mediating disputes before they escalate to formal authorities). Yet rather than pre-emptive action safeguarding migration, it helps conceal dubious brokering practices. This also contributes to producing “success” (in the sense that no malpractice is formally taking place within the MOU system) and disconnection (as Thai authorities and aid officials, such as Suzanna, will remain oblivious to their occurrence).

At the same time, the negotiation meeting connects the present to the past. As we have explored in earlier chapters, legal status (passports; work permits) and pre-departure training rest on behaviouralist notions of *responsibilisation* (Rose 1992) coupled with a politics of entitlement and eligibility (e.g. how legal status enables migrants to seek compensation). Although the migrants in the negotiation meeting had a strong case against the employer (misleading work description coupled with no overtime), the migrants' present circumstances become intertwined with their past actions. The Chair of the meeting questions whether the migrants "really listened" when they signed the contract during the pre-departure training, thereby transposing blame away from recruitment agencies and labour officials onto the migrant. In effect, safe migration training (in the form of pre-departure training) makes migrants blameable. The MOU migrants' alleged culpability is reinforced by the mere fact that they sought assistance from an informal (unlicensed) migrant assistance group – MAM – which underscores the unstable nature of informal modes of assistance. And the fact that the migrants have *failed* to understand the differences between migrant categories (they misunderstood the difference between MOU workers and other migrants) severely compromise the four MOU workers' leverage against the employer. The result becomes an awkward compromise where overtime is promised coupled with an offer of re-recruitment into the MOU system without extra fees. The migrant infrastructure comprising MOU contracts, pre-departure training, and other assistance mechanisms entangles migrants into a complex assemblage of informal (and highly uneven) compromises, mediations and workarounds. Within this maze, distinctions between the formal and informal; the legal and illegal; and safety and danger, collapse into one. The meeting produces brokered safety.

So, where does all this leave us? The reader may think that safe migration is ultimately an instrument of subjugation. Yet, to read this book as a denunciation of safe migration discourse and practice is to misread my argument. Although safe migration comprises a range of counter-intentional effects, subjugating practices, and aporias, it would be too easy to brush this away as yet another example of either nefarious migration policy or "bad aid." As I have detailed throughout the chapters, safe migration does open up a wide, flexible space where an impressive amount of programme activities unfolds. In many cases, this results in meaningful assistance for migrants. Yet, at the same time, one must also attend to the complexities and conundrums that come with this form of aid praxis which ultimately take place within a wider context of highly uneven relations between poor labour migrants, employers, state officials, and aid agencies. Safe migration pushes and pulls in different directions. Focusing on how UN agencies, NGOs, government bodies, and migrant groups operationalise their activities shows how informal practices underpin safe migration programmes. As such, safe migration praxis brings us to ethnography; how situated co-presence and sustained, experiential knowledge production is the key



to understanding contemporaneous, situated practices. And perhaps, this is the quality that safe migration encapsulates so well. Investigating safety in migration allows us to understand how migration is governed through brokered practices.

**Note**

1. Under the MOU system, workers can only legally discontinue their contract under five conditions, which all related to malpractice by the employer.

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