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Reactive Control:

Development, Governance, and Social Reproduction in Thailand's Regimes of Labor Migration

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Sociology

by

Pei Anthony Palmgren

2022

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ABSTRACT OF THE DISSERTATION

Reactive Control:

Development, Governance, and Social Reproduction in Thailand's Regimes of Labor Migration

by

Pei Anthony Palmgren

Doctor of Philosophy in Sociology

University of California, Los Angeles, 2022

Professor Ching Kwan Lee, Chair

This dissertation is a comparative ethnography of labor migration governance in Thailand. Drawing from 17 months of multi-sited ethnographic fieldwork between 2015 and 2019, a period of intensified guestwork formalization, the study explores a puzzle unexamined in migration governance literature typically focused on the global North: why does one state advance divergent regimes to regulate and reproduce the same type of migrant labor? While migration regime models based on national immigration policy frameworks would point to regulatory differences by skill category, I examine the contrasting ways a state governs low-wage, “low-skill” migrant workers between sites. I use a multiscale framework to compare subnational *regimes of labor migration* along three key dimensions: developmental (political economic influences on policy), regulatory (governance relations and practices), and reproductive (structures of social reproduction).

Findings are based on participant observation in migrant rights organizations and in-depth interviews with migrant workers from Myanmar, Thai state officers, employers, and documentation brokers in Samut Sakhon, a site hosting guestworkers with labor rights and benefits in the seafood supply chain, and in the Tak border zone, where garment and agriculture workers are contained at the country's periphery with limited rights. I argue that the state reacts to multiple external pressures on how it governs guestwork with limited control capacity and in relation to local circumstances, resulting in varied policies and subnational governance practices that differentially regulate and shape the social reproduction of labor in different locations. I show that the state's responses to concurrent pressures reinforce distinct regimes exhibiting varying emphases on temporal and spatial logics of control.

Following a global trend toward temporary migrant labor systems, the Thailand case illuminates labor migration governance in migrant receiving contexts of the global South. The dissertation theorizes such governance by identifying the developmental determinants of guestwork policies, the sources and outcomes of informal brokerage as a regulatory institution in migration infrastructures, and the divergent structures of social reproduction that supply precarious migrant labor for production. More broadly, the project makes contributions to the understanding of state power and the "many hands" of the state in a changing and varied development context.

The dissertation of Pei Anthony Palmgren is approved.

Roger Waldinger

Ruben Hernandez-Leon

Eric Stewart Sheppard

Ching Kwan Lee, Committee Chair

University of California, Los Angeles

2022

For Alinaya and Amianan

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VITA

EDUCATION

- CPhil Sociology, University of California, Los Angeles, 2017
MA Sociology, University of California, Los Angeles, 2015
MA Humanities and Social Thought, New York University, 2008
BA Sociology, University of California, Berkeley 2006

PUBLICATIONS

2022. "State capacity and opportunistic governance: the causes and consequences of regulatory brokerage in Thailand's guestwork formalization process." *Social Problems* (online first).
2020. "Onward pushes and negotiated refuge: theorizing the fluid national and urban regimes of forced migration in Southeast Asia." in *Displacement: Global Conversations on Refuge*. Edited by Silvia Pasquetti and Romola Sanyal. Manchester University Press.
2017. "Survival and integration: Kachin social networks and refugee management regimes in Kuala Lumpur and Los Angeles." *Journal of Ethnic and Migration Studies*, 34 (13): 2247-2264.
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2011. "Navigating a Hostile Terrain: Refugees and Human Rights in Southeast Asia." *Sociology Compass*, 5: 323-335.

PRESENTATIONS

- "State capacity and opportunistic governance: the causes and consequences of regulatory brokerage in Thailand's guestwork formalization process," American Sociological Association (ASA) 21st Annual meeting (virtual), Section on Asia and Asian America, Panel Session on Asia and the Global Asian Diaspora, August 7, 2021.
- "Remaking regimes of labor migration: a multiscalar analysis of guestwork governance and social reproduction in Thailand," Society for the Study of Social Problems, Annual meeting (virtual), Critical dialogue: Labor in the Global Economy, August 5, 2021.
- "Reproducing migrant labor: split and confined reproduction in Thailand's dual labor migration system," International Sociological Association (ISA) Laboratory for PhD students, Santiago de Compostela, Spain, September 9-13, 2019.

“Migration and protection challenges under human rights regimes,” Invited guest lecture, Institute of Human Rights and Peace Studies, Mahidol University, Thailand, November 15, 2017.

“Integral informality: status brokers and the regularization of irregular migration in Thailand,” Third International Sociological Association Forum of Sociology, Vienna, Austria, July 10-14, 2016.

“Survival and Integration: Kachin refugee social network formation and social capital mobilization in Kuala Lumpur and Los Angeles,” Immigrant Integration: California and Beyond conference of the UC-Immigration Research Initiative, University of California, Irvine, April 22, 2016.

“Hybrid migrations: formal institutions and informal networks during Kachin refugee resettlement from Kuala Lumpur to Los Angeles,” Chicago Ethnography Conference, Loyola University, March 14, 2015.

FELLOWSHIPS, GRANTS, AND HONORS

Silton Undergraduate Research Mentorship Award, 2022

Dissertation Year Fellowship, UCLA Graduate Division, 2021

Foreign Language and Area Studies Fellowship (Thai), UCLA Center for Southeast Asian Studies, 2020-2021

National Science Foundation, Doctoral Dissertation Research Improvement, 2020-2021

Foreign Language and Area Studies Fellowship (Thai), UCLA Center for Southeast Asian Studies, 2018-2019

UCLA International Institute Fieldwork Fellowship, 2017

Social Science Research Council Dissertation Proposal Development Fellowship, 2016

UCLA Sociology Department Excellence in Teaching Award, 2014-2015

UCLA Graduate Division, Graduate Research Mentorship, 2015-2016

Ford Foundation, Predoctoral Fellowship (alternate - honorable mention), 2015

UCLA Graduate Division, Graduate Summer Research Mentorship, 2014, 2015

National Science Foundation, Graduate Research Fellowship (honorable mention), 2014

UCLA Department of Sociology Fellowship, 2013-14, 2017-18

Chapter 1

Two regimes of migrant labor regulation and reproduction in a global South host country

This dissertation is fundamentally concerned with how states seek to control migration and the political economies, local governance contexts, and social relations that shape such efforts and their outcomes. With ethnographic material from Thailand and using a multiscalar and comparative analytical framework, it explains the causes, mechanics, and reproduction of two *regimes of labor migration* in one global South migrant receiving country. Through the lens of guestwork¹ governance, it illuminates state power, analyzing the Thai state both as an actor in the global economy and as a sovereign power trying to control labor mobility within its territory. Drawing from relational conceptions of state capacity, it analyzes the interface between state control structures and longstanding informal labor migration processes, identifying governance relations and practices and corresponding means by which migrant families and institutions socially reproduce precarious labor in spaces of global production and regional economic integration.

Like other states seeking to manage temporary labor migration, the Thai state's ultimate guestwork aim is to import labor without allowing migrant workers and their families to settle and integrate into Thai society. This latter part is especially pronounced in a country that has long defined its national identity in relation to the "others" across its borders (Winichakul 1994).

¹ I use Surak's definition of guestwork programs as "state-organized schemes for the import of foreign labourers, admitted on a temporary basis for the purpose of work, and granted limited or no option for changing this status" (2013:84-85). Essential to this conception, and from the perspective of the Thai state, is the goal of importing labor while preventing migrant integration into the host society.

As a high-level government officer says, cutting me off as I ask questions about migrant labor policies during a conversation in 2016, “Don’t say integration...it isn’t possible here.” In this dissertation, I leverage a period of intensified guestwork formalization, in which the government sought to document all migrant workers living and working illegally in the country and enforce official guestwork programs, to bring into focus the state’s logics of migration control and the conditions that support and/or undermine them. As I show, the Thai state responds reactively to multiple external and domestic pressures and on-the-ground circumstances when designing and implementing guestwork policies, wielding different degrees of temporal and/or spatial control over migrant workers in different locations. In some sites, a temporal logic of control – enforcing the temporal parameters of legal employment and residence – is more pronounced, while in others, a spatial logic – physically enclosing migrant workers and their communities in peripheral border zones – is more pronounced. As migrants interact with state control structures while seeking livelihoods and security for their families, they socially reproduce their lives and labor power in different ways, impacting the long-term reproduction of the guestwork systems.

These Thai state actions to control incoming labor migration reflect a global trend toward guestwork programs. Such programs were previously common in Western Europe but failed due to the inability of states to prevent families from joining and settling with migrants in host states (Castles 1986). In the United States, the Bracero Program brought Mexican migrants to work in agriculture fields between 1942 and 1964, eventually ending in part due to American labor opposition and giving way to a long period of undocumented labor migration (Calavita 1992). In the last two decades, however, there has been a resurgence of guestwork programs worldwide. Analysis of migration regimes using a 29-country sample shows that temporary labor migration makes up a significant proportion of migrant stock in all countries and the “predominant form of

economic admission in most immigration regimes” (Boucher and Gest 2018:112). At the global institutional level, there is a normative push, through broad “compacts” and other agenda setting documents and campaigns, to promote temporary labor migration as beneficial to all involved. International agencies such as the World Bank and International Organization for Migration (IOM) laud “safe and regular” labor migration as a boon to migrant livelihoods, home country development, and host country labor markets (the so-called “win-win-win” situation). Now common throughout the Asia Pacific, Europe, North America, and the Middle East, guestwork programs with varying conditions of admission and employment have become a standard form of migration globally.

Literature on guestwork programs identifies the common and fundamental aim of states to import labor while restricting immigration/integration (Castles 2006; Hahamovich 2013; Surak 2013). By permitting migrants to enter the territory and work temporarily, states look to guestworkers to resolve the tensions between the economic imperative of filling vacancies in low-wage labor markets and the political imperative to limit access to a national political community. While studies have constructed taxonomies and traced broad trends of such programs (Surak 2013; Hahamovich 2013; Ruhs 2013), most of the focus on recent scholarship focuses on the implementation and outcomes of specific programs (Anderson and Franck 2017; Preibisch 2010; Surak 2018). Existing literature, however, lacks explanations for the causes of different types of guestwork programs between countries, and, with its limited national frameworks, neglects subnational variations operating within the same country. There is also scant analysis of how such programs are reproduced in the long run. In Thailand, guestwork formalization has taken on distinct subnational forms, with regulatory variation exhibited not simply by skill profile and/or sector, as is common in national immigration frameworks, but by

different subnational locations. While coming from similar rural origins and with the same “low skill” profiles, migrant workers in Thailand may experience differential access to Thailand’s territory and different sets of rights and entitlements tied to their employment, promoting different kinds of survival and household organization strategies that socially reproduce their labor in the short and long term.

Thailand thus presents a puzzle that is not explained in existing literature on migration control and guestwork governance: in formalizing its labor migration system, why does one state advance divergent regimes to regulate and reproduce the same type of precarious migrant labor?

Two examples are illustrative. In one of my field sites, Samut Sakhon, seafood workers have temporary access to the labor market along with time delimited health benefits and social protections. Prohibited from bringing their nonworking family members with them, their households, and thus processes of social reproduction, are split internationally. Aye, a young woman from a farming village in Myanmar works in a packaging facility of one of Thailand’s largest seafood companies, which supplies processed foods to such global buyers and retailers as Costco, Nestle, and Walmart. She arrived in Samut Sakhon, the center of the country’s multi-billion-dollar seafood industry, less than two months before I meet her in late 2019. She travelled from Myanmar’s largest city, Yangon with a group of 187 others from rural villages across Thailand’s neighbor to the West and North. Two hundred other workers arrived the day before her group, through the same guestwork channel involving recruitment agencies and steps of government approval in both countries. I talk with her and a few of her coworkers in a single-room unit of an apartment complex that houses hundreds of the company’s migrant employees. Inside, building rules are displayed on a sign in Burmese writing, posted on otherwise white and bare walls. A few young women walk around a dimly lit hallway, empty and unadorned save for

the shoes and flip-flops lined up outside of each doorway. The room we sit in is sparsely furnished with two plastic floor mats, some food stuffs, a few shirts and towels on a clothesline, a calendar on a bright, blank wall.

They work on two-year contracts (renewable once), receiving the national minimum wage of 326 Thai baht (a little more than 10 USD) per day and health and social security benefits. While low, their wages are enough for them to subsist, and most have already sent remittances home to their children and family members left behind. Aye has three young children, who live in her home village with her parents and attend school. She came here to work for them, she says, and plans to return home at the end of her contract. A young couple has a two-year old daughter, who their parents care for while they are here. “In the village, it is only old people and children,” another young woman jokes. Aye says she does not do much outside of work besides going to the local market for food. Others are the same, sometimes visiting a Buddhist temple but usually staying in their rooms until the company van picks them up the next morning for work. Most do not have concrete plans for when their contracts expire, but their choices will be to renew for another two years, return home, or stay illegally.

In my other field site, the Tak border zone on Thailand’s northwestern border with Myanmar, garment factory and agriculture workers experience easy movement across the international border, giving them access to the local labor market and the ability for de facto long-term settlement, but the state spatially contains them in three border districts. In addition to restrictions on movement, workers here have little to no social protections provided by the state. Instead, they rely on migrant communities and a nongovernmental social infrastructure to survive and socially reproduce their labor power.

Khin, for example, a garment factory worker in Mae Sot, the main industrial district in Tak province, also comes from a farming background but entered and lives under much different conditions than Aye and her coworkers. She stays with her family in a rudimentary platform house made partially of a large piece of scrap wood displaying faded print from a Singaporean shipping company. As I talk with them in early 2019, they watch a television that picks up a clear reception of a Burmese channel. This community of around 300 Myanmar migrants² is situated along the riverine international border, within eyesight of the Myanmar town of Myawaddy. The riverside neighborhood consists of clusters of wooden houses with tin roofs, some with small vegetable gardens in front. Several children wander throughout the area, some nearby play-fighting in a dirt yard, screaming alongside emaciated chickens. As with others in this community, Khin crossed the border informally to work in one of Mae Sot's many garment factories. While she has had stints here without work documents as well as with now discontinued versions of documentation, she currently has a "border pass", which allows her to work legally in Mae Sot and two other districts of the Tak special economic zone (SEZ), one of ten such zones that the government established in 2015 to attract investments and facilitate development of border areas linked with Southeast Asian trade infrastructures.

The border pass, introduced in 2017, is only valid in the three border zone districts, and the accompanying 90-day renewable work permit lacks social protections. By all accounts, garment workers earn far below the national minimum wage (though their bosses instruct them to say otherwise to anyone who asks). The factory owns the land where this community lives, and people here either rent rudimentary houses or, like Khin and her family, rent a plot of land

² Recognizing the ethnically diverse population in Myanmar, I use the term "Myanmar migrant" to denote any migrant worker of Myanmar origin unless specifying their ethnicity and/or exact origin (e.g., Burmese migrant, Mon migrant, migrant from Shan state, etc.).

and build their shacks themselves. In contrast to Aye and her fellow guestworkers in the Samut Sakhon seafood processing plant, those in this neighborhood have lived here for years, even decades. Khin and her family have been here for 20 years. Her mother is also a garment worker, and her father, living here without documents, takes care of her son during work hours. Older children in the neighborhood go to unaccredited but government-tolerated migrant schools during the day. She gave birth to her son in a grassroots migrant health clinic, where most migrant workers living at the border go to access free health services. Like many others here, they have no plans to leave any time soon, as they wish to keep working as long as they can earn money and provide for their families.

To analyze why, how, and with what consequences migrant workers experience such contrasting labor migration regimes in Thailand, I explore the following related questions: What political economic forces shape labor migration policies and their subnational variation? How do social relations and practices determine regime mechanics on the ground, and with what impact on state control and migrant worker lives? How are the regimes reproduced in the long term?

More than just an empirical curiosity, explaining Thailand's regulatory variation and its outcomes yields a better theoretical understanding of migration governance globally. Thailand is a strategic case in two main regards. First, it exhibits a guestwork system in-formation that resembles, in principle, temporary labor programs globally. The Thai state is involved in an ongoing process to formalize labor migration in ways similar to host states throughout the Asia Pacific, western Europe, the Middle East, and North America. Replicating so-called "Asian guest worker" regimes, the government seeks to advance a system that relies on "short-term work contracts...and restricted civil and political rights including the right to vote, reunify with family, or settle permanently" (Gest and Boucher 2018:99). Thailand's guestwork formalization process

thus provides an opportunity to analyze how guestwork governance policies, practices, and relations come about and unfold over time.

Second, the Thailand case opens needed analytical space for understanding how migrant receiving states in the global South govern guestwork, especially how so-called “upper middle-income” countries³ manage increasing labor migration amid development strategies to compete in regional and global economies. In this regard, Thailand is a unique case from much of those covered in existing literature on migration governance. As a migrant receiving state in the global South, it has a set of interests and capacities different from the liberal democratic and East Asian developmental states that are the focus of much of the literature. Briefly, its political system straddles democracy and authoritarianism, giving the state considerable latitude to impose laws within its restrictive immigration framework. Its domestic policymaking decisions, however, are shaped by a development strategy dependent on stable supplies of precarious migrant labor for global production and regional economic integration. Furthermore, like other states in the global South (Mann 2008), the Thai state has mixed infrastructural capacity to implement policies, attracting the involvement of intermediaries of varying in/formality to do so. Thus, while contributing to knowledge of global guestwork, the Thailand case specifically informs an understanding of how global South migrant receiving countries such as Argentina, Brazil, Jordan, Malaysia, and South Africa, to name a few, govern incoming labor migration as part of broader development strategies. In both regards, the case contributes to a more global theorization of migration control and guestwork governance.

Drawing from 17 months of multi-sited ethnographic fieldwork in Thailand between 2015 and 2019 and additional remote (online) interviews conducted throughout 2020 and 2021, I

³ This is a World Bank classification based on Gross National Income (GNI), with countries with a GNI per capita between \$4,046 and \$12,535.

show that the state's responses to multiple pressures and local circumstances reinforce distinct subnational *regimes of labor migration* that exhibit varying emphases on temporal and spatial logics of control. Historically, the Thai state has tried to exercise both types of control, to varying effect, and recent external pressures related to global production and regional economic integration have spurred government efforts to tighten control over labor migration, demonstrating a more pronounced focus on one logic or the other between regimes. I argue that such differences stem from the state's mixed and limited capacity to control migration amid a need to address concurrent external pressures and local circumstances surrounding guestwork in each site. Each regime, which I conceive as loose systems of power and interest that govern the lives and mobility of labor migrants, takes shape through governance practices and relations at subnational levels, and the interaction between local regulatory structures and migrant agency in each site fosters distinct structures and means by which migrants socially reproduce – renew and maintain on a daily and long-term basis – their lives and labor power. The long-term reproduction of the regimes, through the reproduction of precarious migrant labor, is to be determined at this intersection of state control capacity and migrant agency and can persist or change as the state tries to tighten control and migrants seek livelihoods and organize households, within or outside of authorized channels.

More specifically, global pressures to eliminate human trafficking and forced labor in Thailand, with a focus on locations of a global seafood supply chain, prompted the Thai state to intensify its guestwork formalization efforts by issuing a 2017 decree to enforce an official temporary migrant labor program (the MOU process). In one of my field sites, Samut Sakhon, this policy revamp reinforces a *regime of temporal enforcement* that is geared toward the “regularization” – documentation and provision of labor rights and entitlements – of migrant

workers and the coercive regulation of the temporal limits of their access to the territory and labor market. Responding to a global emphasis on guaranteeing basic rights and “safe” and “regular” migration channels for labor migrants, the state seeks to document all workers and coercively remove those without documents, with the intention to enforce a formal guestwork system that ensures basic labor rights and entitlements in exchange for the temporariness of foreign worker residence and employment. Governance practices and relations on the ground encourage split migrant households, which furthers a common structure of *split reproduction*, wherein the social reproduction of migrant lives and labor power (and its costs) is divided between origin village and work location. The migration preferences and patterns of migrant workers, in conjunction with the interests and capabilities of employers and local brokers, however, impact state efforts to control labor migrants temporally.

In my other field site, the Tak border zone, a spatial logic of migration control is more pronounced, as exhibited by a *regime of spatial containment*. Here, the state seeks to boost the development of a special economic zone (SEZ), which the government hopes will attract investors with tax exemptions, a strategic location in an expanding regional trade infrastructure, and the availability of cheap migrant labor. Reflecting this aim, the 2017 decree includes a border pass policy for designated SEZs such as the one in Tak province, where migrants can work indefinitely on renewable, short-term permits that are spatially delimited and lacking the entitlements that come with formal guestwork elsewhere. In addition, the state promises stricter migration control within the zone, aligning with its intensified efforts at the national level to combat human trafficking and undocumented migration into the country. With the emphasis on developing the Tak SEZ as a regionally connected economic space, governance practices and relations are geared toward the physical enclosure of migrants working in garments and

agriculture, among other potential industries, in the peripheral territory. Here, the state is tacitly tolerant of de-facto long term stays, as long as it is contained in the periphery. Shaping both regulation and reproduction, a porous international border and a mishmash of formal and informal labor migration, employment, and governance practices have fostered the growth of marginalized migrant communities and a social infrastructure of survival and assistance in the zone. This social infrastructure is essential to a structure of *confined reproduction*, wherein migrants, their communities, and assistance organizations socially reproduce precarious labor in the zone. Adapting to these circumstances, the state coopts the social infrastructure, to which it offloads costs of social reproduction.

Moving beyond nation-centric approaches to migration governance, this dissertation furthers a multiscalar analysis that locates regional and global forces in local social processes, reflecting the transnational and geographically differentiated organization of the global economy and demonstrating the dynamism of governance processes involving varied actors with respective capacities and interests. In addition to studying the Thai state as an actor in the global economy, it explores the interests and capacities of migrant workers seeking livelihoods and security for their families, employers maintaining cheap workforces, coercive and administrative state officers implementing sweeping government mandates within local contexts, and intermediaries such as brokers and NGOs facilitating (or otherwise impacting) the process. As I will show, the situations of Aye and Khin, among the over four million migrant workers that make up over 10% of Thailand's labor force (IOM 2019) stem from state policies made in relation to broader political economies of development, which shape subnational regimes and their governance practices as well as migrant survival strategies that diverge and take on specific

forms locally. Local processes in each site, including those of social reproduction, in turn influence the functioning and long-term outcomes of each regime.

The remaining sections of this introductory chapter outline the dissertation's theoretical and multiscalar analytic framework, present the research design and methodology, and preview each chapter's findings and arguments.

From immigration policy regimes to regimes of labor migration

Migration policy determinants and migration regimes

Existing literature on migration control focuses on identifying the determinants and outcomes of national immigration policy frameworks. Competing theories point to pivotal factors along “vertical” (domestic political) and “horizontal” (international) dimensions that influence state immigration policies (Fitzgerald and Cook-Martin 2014). Mainstream explanations center on the liberalism of receiving states. Those with an inward focus emphasize the political processes and institutional features of the state – e.g., client politics, and liberal political institutions – that encourage relatively open immigration policies despite public preferences for restriction (Boswell 2007; Freeman 1995; Joppke 1998). Others focus attention on international normative, legal, and institutional pressures to liberalize migration and citizenship rights in host states (Guiraudon and Lahav 2000; Sassen 1996, Soysal 1994). Collectively, these studies demonstrate that multiple economic, security, national identity, and normative considerations operating in both vertical and horizontal dimensions converge when states decide what types of and how many

foreigners to allow to enter the national territory (Boswell 2007; Boucher and Gest 2018; Hollifield 2004; Ruhs 2013). A key challenge for many migrant-receiving states is the “liberal paradox” of balancing the economic benefit of openness with the political imperative of closure (Hollifield 2004).

The array of factors contributing to state policies determine national “migration regimes” (also referred to as “immigration regimes” or “immigration policy regimes”), defined by policies and their demographic and labor market outcomes. A recent study offers a concise and encompassing definition of immigration regimes as “the migration policies and their outcomes that collectively reflect the admission and settlement of foreign-born people over time” (Boucher and Gest 2018:3-4). Reflecting an essential distinction between “immigration policy” and “immigrant policy” (Hammar 1985), migration regime models share core analytic dimensions of migrant *access* to the national territory (including type and how many migrants to admit and under what means and stipulations) and the types of *rights* and privileges (including pathways to citizenship) afforded by the host state (Boucher and Gest 2018; Ruhs 2013). In these nation-centric models, states stratify access and rights by migrant skill categories (e.g., “professional” or “highly skilled” vs. low or “unskilled”), with migration regimes enforcing a hierarchy of rights and privileges for different types (Nah 2012). Globally, states have shown a rights-access trade off –more rights for migrant workers usually come with a high degree of restricted access to the country and its labor market (Ruhs 2013). Migration regime models, however, leave unanswered the question of why a state would advance different regimes to regulate the same type of low-wage migrant labor. Instead, they present a static national picture of rights and access provided to migrant workers at a given time, neglecting the intra-country variation and dynamism of governance processes as they play out on the ground in specific locations.

One reason for this limitation is that the analytical focus on national immigration frameworks in the past two decades does not fit the current global trend toward state preferences for temporary migrant labor (Boucher and Gest 2018:180) and the continued prevalence of precarious migrant labor in the global economy (Arnold and Pickles 2011; Barrientos 2013; Phillips 2016). Migration regime theories often subsume analysis of labor migration systems within broader examinations of the labor market outcomes of immigration policies. Client politics, for example, influences the state, which serves as mediator between competing interests, to enact immigration policies that admit foreign workers (Freeman 1995), and education systems, trade unions, and employers differentially shape immigrant selection and labor market distribution in countries with respective “varieties of capitalism” (Caviedes 2010; Devitt 2011; Menz 2009, 2011). As discussed below, despite the worldwide trend toward temporary labor migration, theoretical studies of the sources and variation of such programs are less developed, with much of the growing research on guestwork focusing instead on program purposes, characteristics, and outcomes (Anderson and Franck 2017; Preibisch 2010; Surak 2018) or analyses of broad trends across them (Boucher and Gest 2018; Ruhs 2013; Surak 2013).

The migration regime literature is also limited in explaining how these regimes develop in global South migrant receiving countries like Thailand, which have different policymaking and implementation capacities and interests than the oft-studied “liberal democratic” states. Several of the determining factors found in Western Europe and North America that are the focus of influential studies are less pronounced, if present at all, in southern locations. Authoritarian or other non- or semi-democratic political contexts, for example, often lack the types of democratic pluralism and binding membership in supranational institutions that constrain policymaking elsewhere, giving state elites more latitude to enact policies as they wish

(Adamson and Tsourapas 2019; Natter 2018). Furthermore, the literature often neglects state roles in managing labor migration in relation to development considerations that come with their position in the global economy. As global capitalism relies on systems of low-wage, flexible work in transnationally fragmented production processes (Kalleberg and Hewison 2013; Phillips 2016), states jockeying for export niches in the global South often feature such work in their development strategies (Lee and Kofman 2012). Increasingly, international migrants with limited rights in host settings are the precarious workers filling this role (Arnold and Pickles 2011; Barrientos 2013; Phillips 2016).

Given this global context, literature on the assertion of global ethical norms in supply chains is useful. As global South states seek to admit migrants to work in precarious jobs, they may be susceptible to external normative pressures, but these pressures are not institutionalized by binding laws and legal systems of a supranational body such as the European Union (EU), as in other locations (Sassen 1996, Soysal 1994). Those studying labor rights and activism in global supply chains identify consumer boycotts and voluntary regulatory schemes to raise labor standards (Seidman 2007). Activists “name and shame” companies that violate labor rights as well as the states that allow them, creating a “boomerang” of international pressure on local actors and states to abide by global ethical norms (Keck and Sikkink 1998; Seidman 2007). As I show, in Thailand, powerful global economic actors assert such norms as they apply to migrant workers through a combination of public shaming and economic threats, resulting in a tightening of guestwork policies and worker protections throughout the country.

Lastly, a small but growing literature has responded to the geographic and liberal biases in existing migration control studies by illustrating the logics and variety of state migration policies and governance practices in global South countries. Adamson and Tsourapas (2019)

provide a typology of “migration states” in the global South, including *nationalizing* (human mobility and its control are a product of nation and state-building processes), *developmental* (sending states manage emigration and labor export to gain remittances for development), or *neoliberal* (receiving states capitalize on migration as a commodity to enhance revenue and power) states. Except for the neoliberal type, this analysis, however, maintains a sending country focus on state management of migration in the global South, following a similar tendency in existing studies of emigration and diaspora policies to limit global South analysis to migrant origins (Natter 2018:5). Natter (2018) challenges the widely used dichotomies of democratic/autocratic and West/non-west by identifying varied policy types and approaches within global South migrant receiving states, including liberal immigration policies in such autocratic states as Morocco and Tunisia. Looking at migration management in Malaysia, Anderson (2020) shows that state efforts to expel undocumented migrants run up against the economic dependency on their labor, resulting in shifting policies and the use of different policy instruments to flexibly manage migration (Anderson 2020). His research, however, focuses on shifting policies that show a uniform logic of allowing and expelling migrant workers according to their economic value to the country. In Thailand, the state seeks to accomplish the same aim but through different logics of control that are more or less pronounced between different locations. The sources of such governance variation need further examination.

Guestwork governance

Social scientific research on guestwork governance has proliferated in the last decade, illuminating the characteristics and outcomes of temporary migrant labor, or guestwork,

programs. Governments have historically used these programs to reap the benefits of migrant labor while maintaining restrictive immigration policies (Hahamovic 2003; Surak 2013), opting to “import labor but not people” (Castles 2006:742). As Surak says, “nation-states, as caretakers of capital and the demos, will typically call up migrants as extraneous labour, but seek to repel them as durable intruders” (2013:86). As they proliferate worldwide, guestwork programs provide flexible and precarious labor for employers and the global economy (Preibisch 2010; Silvey and Parrenas 2019). Throughout Asia, several states have formalized temporary labor migration systems (Xiang et al. 2012) and, along with the growing participation of intermediaries and businesses, are “infrastructuralizing” the migration process (Xiang and Lindquist 2014, 2018).

A strand of research on guestwork governance has shown how the state enhances its regulatory capacity by delegating management roles to non-state intermediaries, who are part of a larger “migration industry” made up of private, mostly for-profit, actors and institutions facilitating various aspects of the migration process (Hernandez-Leon 2013). Much of the literature focuses on individual brokers and/or recruitment agencies that handle the labor search, visa and employment paperwork, and travel arrangements, connecting workers from origin villages to employers in host states (Hernandez-Leon 2020; Kern and Muller-Boker 2015; Martin 2017; Xiang 2012). A smaller but growing literature details the regulatory roles of migration industry actors who implement key components of guestwork programs (Anderson and Franck 2017; Kemp and Raijman 2014; Surak 2018; Tseng and Wang 2011). In these cases, intermediaries provide a means of “governance from a distance” that increases management efficiency while shifting responsibility for migrant wellbeing away from the state (Kemp and Raijman 2014; Tseng and Wang 2011). Such delegation can also enable closer control over

people's lives that neither the state nor private actors (e.g., employers and agencies) could individually exercise (Anderson and Franck 2017).

The literature illuminates the governance relations and roles of intermediaries in migrant-receiving countries but provides little explanation of the sources of these arrangements or their intra-country variation. While recent research highlights the unstable and contingent nature of brokerage in Asian migration infrastructures (Shrestha and Yeoh 2018), showing its everyday emergence in social-cultural contexts of sending countries, it neglects the political, legal, and infrastructural conditions that allow/necessitate brokerage and influence its impact on host state policies. Surak (2018) highlights the variation of governance arrangements across East Asian host states, providing a useful taxonomy of state-industry partnerships based on the formal or informal nature of the relationships and whether the private actor has a for- or non-profit orientation. She does not, however, analyze the sources of such variation or reasons why the same countries might have different arrangements. Policy reports on temporary migrant labor programs identify regulatory variation based on different skill and sectoral “streams”, but studies do not analyze why a state would advance two types of migrant labor programs not differentiated by sector.

In addition, research on guestwork governance leaves unexamined the compositions of state power that enable intermediaries to make their impacts. Literature on state and migration industry collaborations often assumes a certain level of preexisting state capacity to manage the roles of and relationships with intermediaries. Japan, South Korea, and Taiwan, for example, East Asian “developmental states” known for effective bureaucracies capable of engineering large-scale social and economic developments (Evans 1995; Woo-Cummings 1999), established dedicated agencies and dictated the nature of engagement with intermediaries through licensing

requirements and outsourcing contracts or by orchestrating markets for migration management (Surak 2018; Tseng and Wang 2011). With its focus on official state delegation of regulatory roles, this literature does not explain how brokerage emerges from and subsequently impacts contexts of limited state “infrastructural power” – the ability to implement policies and decisions throughout its territory (Mann 1986). In the global South, such power varies widely between and within countries (Herbst 2000; Mann 2008; Slater 2010), potentially giving rise to intermediary types and roles not found in the literature and with different impacts on policies and long-term objectives.

Following from the above critique, the literature lacks explanations on how ad hoc, organic, loose, and unofficial governance arrangements take place between the state and informal brokers. Surak’s “unofficial collaboration”, based on informal state partnerships with for-profit actors, comes close, but her Japanese case still exhibits deliberate state management of the collaboration between state offices and business associations.

Unlike the cases analyzed in much of the literature, the Thai state has less infrastructural capacity to manage governance collaborations, as I detail in chapter 2. As a result, relationships between the local state and migration industries are even less formal than the “unofficial collaboration” found elsewhere. Here, informal and unregulated documentation brokerage has become a regulatory institution in the guestwork formalization process, impacting outcomes for both state control and migrant worker lives. In addition, NGOs and grassroots community-based organizations (CBOs) play pivotal yet unofficial governance roles in both field sites. As I argue in chapters 3 and 5, despite its limitations, the Thai state has regulated migrants through unofficial, yet unwieldy, collaborations with informal documentation brokers taking place in a

context of heightened coercive regulation and local state administrative inefficiency. I show that such brokerage can both strengthen and undermine state policies over time.

The social reproduction of migrant labor

In addition to analyzing the sources and makeup of each regime, this dissertation seeks to understand how they may be reproduced over time, a process dependent upon the social reproduction of labor. Broadly understood, reproduction refers to the conditions and processes that perpetuate capitalism, especially the continual existence of labor power for production (Marx [1867] 1992). Feminist political economists and other social reproduction theorists have moved beyond Marx's emphasis on subsistence wages "to be consumed to reproduce the muscles, nerves, bones and brains of existing workers, and to bring new workers into existence" (ibid 717) to explain how social relations and processes occurring in the home and throughout society maintain lives and capitalism (Bakker and Gill 2003; Bhattacharya 2017; Federici 2014; Katz 2001; Mitchell et al., 2004; Nakano Glenn 1992; Vogel 1983). Analysis of social reproduction is essential to understanding capitalist production, including its role in establishing worker consent in the labor process (Burawoy 1985; Lee 1998; McKay 2004). Katz provides a useful summary of the concept:

Social reproduction is the fleshy, messy, and indeterminate stuff of everyday life. It is also a set of *structured practices that unfold in dialectical relation with production*, with which it is mutually constitutive and in tension. Social reproduction encompasses daily and long term reproduction, both of the means of production and the labor power to make them work. At its most basic, it hinges upon the biological reproduction of the labor force, both generationally and on a daily basis, through the acquisition

and distribution of the means of existence, including food, shelter, clothing, and care (2001:711; italics mine).

In his theory of migrant labor systems, Burawoy (1976) shows that state regulatory structures also serve as structures for the reproduction of labor power and thus the labor system itself. State policies ensure the “cheapness” of migrant labor by enforcing the physical separation of migrants from their families back home and thus of labor renewal (filling vacancies) and maintenance (daily subsistence) processes, externalizing renewal costs to an origin country and/or economy. The host state/employers may shoulder labor maintenance costs with wages and limited social protections, but renewal costs fall to families and communities in origin villages.

While guestwork systems in the past failed in Western Europe due to their inability to physically separate migrant workers from their families (Castles 1986, 2006), and contemporary systems vary to the extent to which they maintain full separation, research emphasizes this split arrangement as the most prominent structure of migrant labor reproduction. Policies prohibiting family migration and reunification result in the organization of social reproduction within transnational fields (Herrera 2008), with the birth and care of future workers occurring in home villages, supported by remittances from workers abroad (Ferguson and McNally 2015). Just as global production is fragmented and outsourced, so are several aspects of social reproduction, often to low or unpaid women in origin villages (Miraftab 2011, 2015). The Chinese state regulates internal migrant workers through a household registration system that relies on rural communities for the social reproduction of their labor power for manufacturing (Chuang 2016; Lee 2007). Furthermore, the role of women filling care work vacuums in migrant sending villages is essential to conceptions of the “international division of reproductive labor” (Parrenas 2000, 2001) and “global care chains” (Ehrenreich and Hochschild 2004; Yeates 2012) that

distribute care work globally by assigning female migrants from the global South to reproductive roles in global North societies.

While highlighting the crucial point that social reproduction is often outsourced, the literature neglects the structural variation in how migrant labor is reproduced in the global economy, including multiple structures within one country and those not defined by family separation. Deviating from the “invariant structure” (Burawoy 1976:1077) based on family separation, the two regimes of labor migration in Thailand foster contrasting structures of migrant labor reproduction between sites – one in Samut Sakhon that relies on the international separation of migrants from their families and one in the Tak border zone based on the spatial confinement of migrants and families. As I discuss below, these structures are a key dimension of regimes of labor migration – an outcome of governance processes that also feeds back into the regime to sustain it in the long run.

Social reproduction has important spatial dimensions, which are especially salient in global production processes. Spatial zoning for production and other economic activity is key to social reproduction of labor. Scholars have discussed export processing zones (EPZs) and other special economic zones (SEZs) as examples of “graduated sovereignty”, in which the state manages spaces and populations differently according to their value to global capital (Ong 1999). States also use such zones to connect production spaces to regional and global production networks (Arnold and Pickles 2011). Firms may operate beyond the realm of production, however, to engage local domains of reproduction. In export processing zones, firms may use “localization strategies” of providing means of social reproduction (e.g., welfare, healthcare) to maintain fruitful “reproduction locales” as part of broader aims of eliciting worker consent (McKay 2004:173). In such zones in the Philippines, owned by “private developers who have

strategically located and reorganized the zones...” (McKay 2006:3), firms do not only exploit what is there, but they also engage and seek to reproduce local conditions that will benefit production. “Spaces of reproduction” such as households and worker communities are key actors in production and development that complement the projects of firms and governments, with production and reproduction systems being dependent on and shaped by one another (Kelly 2009; Mitchell et al. 2004). In Thailand, the state seeks to create the legal and infrastructural conditions for production and development in border SEZs. While policies and practices in the Tak SEZ shows state and firm neglect of social welfare and conditions that would foster social reproduction, production and development ventures occur alongside a grassroots/nongovernmental social infrastructure of migrant survival that reproduces precarious labor.

Regimes of labor migration: a multiscalar analytic framework

Extending the above literatures, I use a multiscalar analytic framework to advance an understanding of guestwork governance in the global South. Moving beyond nation-centric approaches to studying migration regimes, this framework integrates examination of state policies in relation to its orientation to regional and global economies, subnational governance relations and practices, and migrant survival and social reproduction strategies.

I conceive of regimes of labor migration as loose systems of power and interest that govern the mobility and lives of labor migrants. State elites set regime parameters by issuing migration policies, shaped by varied interests in global production and regional development processes. While the central government enacts migration laws, social relations among local state

officers (coercive and administrative), Thai employers, migrant workers, and intermediaries (e.g., brokers and NGOs) constitute regime mechanics on the ground. Using ethnographic data, I compare the regimes along three key dimensions: (1) *developmental* – the utility of the regimes in relation to state development aims; (2) *regulatory* – governance practices that determine migrant access to the national territory and to rights associated with employment and residence, as determined by policy implementation; and (3) *reproductive* – the means and structures of social reproduction that occur as an outcome of governance as well as a key factor for regime reproduction.

To analyze the first dimension, I locate Thai state guestwork policies within state development strategies focused on production for global export and regional economic integration. Here, I draw from the global value chain (GVC) and global production network (GPN) traditions from sociology and economic geography that are attuned to inter-firm production processes as well as broader regulatory environments and localities of production and social reproduction (Bair 2005; Coe and Yeung 2015; Gereffi et al. 2005; Kelly 2009). GPN analysis in particular attends to network embeddedness in the social, political, and economic worlds of specific places and highlights the varied power dynamics among network actors (Coe and Yeung 2015:18). Moving beyond a sole focus on firms, it incorporates the influence of extra-firm institutions (e.g., supranational organizations, government agencies, trade unions, industry associations, and NGOs) on production activities, and it advances multi-scalar analyses covering local to global processes (ibid; Rainnie et al. 2011). Like multiscalar approaches in studies of labor in global production that integrate workplace regimes, local and national policies and politics, and inter-firm governance in GVCs/GPNs (Arnold and Campbell 2017; Smith et al. 2018), my framework links local relations of governance and social reproduction with state

efforts to advance development strategies in relation to macro processes of global production and regionalization.

I adopt the second dimension from migration regime models that compare state levels of territorial openness/restriction and rights afforded to foreigners. Rather than analyzing policy frameworks, however, I focus on how the state implements policies on the ground. To do so, I employ the concept of infrastructural state power, or the “institutional capacity...to penetrate [a state’s] territories and logistically implement decisions” (Mann 1986:59). Distinct from despotic power that state elites exercise without civil society approval, infrastructural power includes the capabilities and resources (e.g., institutions and personnel) a state possesses to exercise social control throughout society (Soifer 2008). Infrastructural power highlights the relational nature of state capacity: in addition to operating through state agencies, it is grounded in the organizational intersections between state and nonstate actors and institutions (Soifer and vom Hau 2008). Such power is essential to governing labor migration, as states wield it to identify people and control their mobility (Torpey 1998), manage their entry, employment, and exit (Castles 1986; Ellerman 2009; Surak 2018), and convert undocumented populations into state-sanctioned labor (Calavita 1992; Castles 2006). Relatedly, I draw from sociological work on brokerage. Often located at the interstices of formal and informal practices (Faist 2014), brokerage is one of the most common (among few) mechanisms by which otherwise disconnected actors engage in economic, political, and social interactions (Stovel and Shaw 2012:14). Enabling these interactions, brokers “trade on gaps in social structure” and facilitate the flow of valued resources (e.g., goods, opportunities, and knowledge) across them (Stovel et al. 2011:21327). In this study, I analyze brokerage as essential to Thai state infrastructural power.

Finally, I adopt the third dimension from research on labor regimes (aka “factory regimes” and “labor control regimes”) and theories of social reproduction. Such research links the organization of labor processes to state regulatory structures, or the “political apparatuses” that regulate workplace struggles and reproduce social relations of production (Burawoy 1985; Lee 1995). The reproduction of labor power, through a varying combination of wages, social welfare policies, and household and community life, is a key factor contributing to labor regime differences (Burawoy 1983:588; Lee 1995; McKay 2004:173). In the context of migration, state policies structure how migrant labor is socially reproduced for capitalist production (Burawoy 1976). This dissertation reinstates social reproduction as a necessary component of labor migration as a global process, showing how its organization undergirds the conditions and dynamics of migration in each site.

I study these three core dimensions not as distinct and unconnected but in relation to each other. In short, state guestwork policies, made in relation to political economies of production and development, form the structures by which migrant workers access Thailand’s territory for employment, enjoy rights as temporary residents and employees, and reproduce their labor for production industries and development projects. Local social relations constitute, advance, and challenge these structures on the ground, impacting the sustainability of these regimes in the long run.

Methodology: studying regimes of labor migration in Thailand

Prior to my doctoral studies, I lived in Thailand from 2009 to 2013, during which I was aware, as a staff member of a Thai human rights organization, of new government efforts to enforce a “nationality verification” process for undocumented migrant workers. Back then, it was the start of a state endeavor to formalize labor migration into the country. I was aware of these initial state attempts at guestwork formalization, but the process was always poorly defined and implemented and met with general skepticism from people working in the NGO sector.

My sociological investigation into these matters started in the summer of 2015, when I returned to Thailand for preliminary research on the modes of migration control during what had become a prolonged period of guestwork formalization. My overall purpose was to investigate how such formalization was unfolding, especially how the Thai state managed incoming labor (among other) migration. During this and the next summer, I travelled to five sites with high concentrations of migrants working in various industries: Chiang Mai in the North (Shan migrants from Myanmar in construction and agriculture), Phang Nga in the South (Myanmar migrants in rubber extraction and tourism), Samut Sakhon in the Central region (migrants from Cambodia and Myanmar in seafood), the Aranyaprathet border zone in the East (Cambodians in construction and agriculture), and Mae Sot, in the Tak border zone in the Northwest (Myanmar migrants in garments and agriculture).

In my discussion with migrant rights organization staff members, migrant workers, and local academics, key themes were prominent. First, there was much talk of the “yellow card” that the European Union had recently issued to the Thai government for illegal fishing and abhorrent labor conditions in the seafood industry, threatening a ban on European imports of Thai seafood. The EU issued this reprimand on the heels of another high-profile censure, the United States Department of State demotion of Thailand to the lowest tier in its 2014 Trafficking in Persons

report. People I spoke with pointed to these external pressures as the impetus behind government plans for stricter guestwork policies. A second topic that popped up frequently in conversation was the impending border special economic zones (SEZs), established in 2015, as a government aspiration to boost development and regional integration of the country's peripheral areas. A common concern among migrant rights advocates was the yet undefined legal structure for labor rights in these zones, which were to feature special cross-border labor schemes.

From these themes, a comparison emerged between a formal guestwork system for most of the country and an inchoate cross-border labor scheme in peripheral zones. Subsequent fieldwork between 2017 and 2019 aimed to understanding the sources of these regimes and their divergent outcomes. From the preliminary sites, I narrowed down my field sites to two (see map below). The first, Samut Sakhon, is a site of seafood production and export. Since the 1990s, it has attracted undocumented labor migration from Cambodia and Myanmar, which grew alongside the seafood industry. In recent years, it has experienced a state push to regularize (i.e., identify, legalize status, and guarantee basic rights for) its migrant labor force. Oriented to global markets, it hosts migrant workers who catch and process seafood products for consumers in Thailand and (primarily) Europe, Japan, and the United States. Many recruitment agencies and documentation brokers are active in the regularization process, while the Thai NGO, Human Rights and Development Foundation (HRDF), along with its grassroots partner, the Migrant Workers Rights Network (MWRN), work to assert migrant rights to employers and local officials.

The second site, the Tak border zone, hosts migrant workers from Myanmar in garments and agriculture industries and is characterized by informal migration, precarious labor, and increasing regional connection. Promoted as the Thai government's flagship SEZ, the zone offers

tax exemptions and other investment incentives in three border districts of Tak province. In addition, the government boasts its strategic location, directly across a river/border from Myanmar and along trade infrastructures spanning Myanmar, Thailand, Laos, and Vietnam. Industry and government actors alike thus envision the zone as key to facilitating trade “connectivity” between Thailand and its regional neighbors. Given the porous international border, since the 1990s, much of the migrant labor in Tak has been undocumented and loosely regulated, with employers benefiting from a precarious and plentiful workforce (Campbell 2018; Pearson and Kusakabe 2012). More recently, in 2017, the government introduced a “border pass” system allowing migrants to work in the three border districts on successive 90-day work permits that do not provide social benefits or the ability to move beyond the districts, effectively containing precarious labor in the border zone. Tak also has many migrant rights organizations and grassroots associations, including the migrant-run Foundation for Education and Development (FED), that work to assert migrant rights to employers and local authorities.

Figure 1. Field sites



To guide my fieldwork and analysis, I employ the “extended case method” (Burawoy 1998, 2009), a theory-driven approach to ethnography that involves analyzing observations of social situations and relations as they are shaped by, and in turn shape, broader social institutions and forces, in my case resulting in distinct regimes of labor migration. Following this method, I examine anomalies from the field in relation to the theoretical framework above, with the aim of extending existing theory. Key to this endeavor is a comparison of empirical findings from each theoretically significant field site.

To collect data, I volunteered with the migrant rights organizations in each site. Positioning myself in these organizations allowed me to “study up” and access employers and government officials and also to “study down,” reaching migrant workers and their communities. In total, I conducted 17 months of fieldwork in Thailand between 2015 and 2019. I spent two months each in the summers of 2015 and 2016 visiting field sites and talking with migrant workers and migrant rights organization staff throughout Thailand. I also spent three weeks investigating documentation brokerage in Chiang Mai in December 2016. These field visits occurred one year after the 2014 coup that installed the current military government, which vowed to crack down on undocumented migration, and just before the introduction of stricter 2017 migration policies. I then spent five months with the Human Rights and Development foundation (HRDF) in Samut Sakhon from late 2017 to early 2018, during the implementation of these policies. I made frequent visits back to Samut Sakhon as well as the Tak border zone throughout 2018 to follow up on conditions and to plan further research, totaling one month. Finally, I spent six continuous months with the Foundation for Education and Development

(FED) in the Tak border zone. During this time, I made multiple visits back to Samut Sakhon as well as the capital city of Bangkok for interviews with government officials.

During continuous periods in each site, I spent three to four days per week with the host organization, assisting with activities and providing grant proposal and other English language writing/editing services. In this social position, I observed various organization activities, such as field visits and community outreach events, education and capacity-building workshops, NGO meetings, and interactions with employers and state officers on specific cases. In addition, I spent time in public spaces where migrants socialize and encounter state officers (e.g., local markets, parks, roads and police checkpoints, border crossings), in some workplaces, in migrant homes, and in and around provincial immigration and employment offices. During such participant observation, I had continual and open-ended conversations with NGO staff, migrants, employers, provincial government officers, and others I encountered. I took written observational notes throughout the day and typed them in the evening or the next morning, filling in extensive details.

In addition, I conducted in-depth interviews to learn about the interests, capacities, and experiences of various actors. Discounting interviews carried out in other field sites in the first phase of research, I conducted interviews with a total of 111 migrant workers and migrant community leaders in individual or small group (up to 15 people) settings, in migrant homes, workplaces, or organization offices. I interviewed 16 high-level provincial (13) and central (3) government officials, two EU officials, 14 industry actors (employers and association representatives) and six brokers and recruitment agents in their offices or, in the case of some brokers, a coffee shop. I conducted some of these interviews remotely throughout 2020 and 2021, focusing on policy developments, practices, and experiences during the COVID-19

pandemic. Interviews were open-ended and conversational, lasting 45 minutes to three hours each. I employed “sequential interviewing” (Small 2009), treating interviews as cases and altering interview guides based on a growing understanding of the phenomena. I took written notes during interviews and recorded audio (and video when remote) when granted permission from the participant. I used my advanced Thai language skills when speaking with local officials, employers, brokers and NGO staff during ethnographic conversations, and a native Thai speaker assisted with formal, in-depth interviews. Burmese translators assisted with migrant worker interviews.

I interviewed migrants about their experiences finding jobs in Thailand, regularizing their work and immigration statuses, accessing social rights and protections, and details about work conditions, social reproduction, and interactions with employers, brokers, and state agents. Interviews with government officials from such offices as the National Economic and Social Development Board (responsible for SEZ policies), the Ministry of Labor, provincial immigration and employment offices, a provincial SEZ office, and local police covered developments in labor migration policies and their responsibilities/challenges of implementation. Interviews with industry actors, such as employers and industry associations, provincial chapters of the Federation of Thai Industries (FTI), and provincial chambers of commerce included questions about production goals, labor needs, trade developments, challenges and/or opportunities that arise with economic changes, and industry participation in migration policy-making processes. I also interviewed two high-level EU officials (separately, two years apart) in Bangkok about their engagement with the Thai government on labor migration issues and the director of the Mekong Institute about regional development projects and agendas. Interviews

with brokers focused on professional biographies, business operations, and their relationships to migrant networks and state officers.

Lastly, I conducted an extensive review of Thai governmental, Thai and international organization, and international development agency documents and reports to trace the evolving and intertwined histories of development and labor migration in Thailand. Government documents include labor migration laws, promotional material for SEZs, and National Economic and Social Development plans, released every 5 years. I also reviewed numerous Thai and international organizations reports on migrant labor issues published over the past two decades, including numerous reports from the International Organization for Migration (IOM) and International Labor Organization (ILO). International agencies such as the Asia Development Bank (ADB) and World Bank have also published several reports on subregional economic integration, labor migration, and development more broadly in Thailand and Southeast Asia. In addition to contextualizing the ethnography historically and within a broader development context, these sources provide data and information reflective of Thai state interests and capacities of migration control since its transition to a net-migrant-receiving country in the 1990s.

Following the extended case method, I analyze all data in relation to existing theory, with theory and methods in constant conversation from project conception to final writing. Throughout the fieldwork, I thus coded observational notes and interview transcripts by emergent themes and concepts and evaluated them in relation to theories of migration control, guestwork governance, and the social reproduction of labor. I used the qualitative data software, Atlas.ti to code and organize data.

Leveraging the site comparison, I link social processes from each site to broader political economies and social forces. To do so, I use a subnational comparative method and “incorporated comparison” logic. Subnational comparison lends itself to analyses of variation and complexity within countries and the “spatially uneven nature of major processes of political and economic transformation” (Snyder 2001:94). An “incorporated comparison” logic views sites not as separate, distinct units but as connected to each other historically and in “mutually conditioning” ways (McMichael 2000). This approach has similarities to a “relational comparison” approach in human geography that focuses on “spatial historical specificities” and “mutually constitutive processes” rather than cases as discrete variants of general processes (Hart 2016). Developed from world-systems studies of global capitalism, I use the approach to analyze two subnational regimes of labor migration as related expressions of an overarching state endeavor to govern guestwork amid global production and regional development processes.

Summary of argument and chapter preview

My overarching argument is that the Thai state must react to multiple and concurrent external pressures on how it governs labor migration, but it does so with limited control capacity and in relation to local circumstances, resulting in varied policies and governance practices (both formal and informal) that differentially regulate and reproduce migrant labor in different locations. The state attempts to govern guestwork – to import labor while prohibiting migrant integration – in one site by enforcing the temporal stay of migrant workers and in another by spatially containing them at the periphery of the country. Governance practices in each site interact with migrant agency to shape how migrants socially reproduce their labor and the guestwork regimes.

In chapter 2, I begin by tracing the roots of the regimes of labor migration, focusing on Thailand's history of labor migration, export-oriented development, and guestwork formalization. In doing so, I identify the state's long term migration control capacities and interests. I show that the state has the ability to quickly issue sweeping policies and to coercively enforce them, but it is limited in its ability to control movement across its international borders and to administer migrant worker documentation procedures locally.

In Part 1 of the empirical chapters, I present the regime of temporal enforcement in Samut Sakhon, showing the state's temporal logic of control during a time of intensified guestwork formalization. In Chapter 3, I focus on the developmental and regulatory dimensions of the regime. First, I identify the political economic forces behind recent formalization policies. Responding to global censures of the Thai seafood industry for human trafficking and forced labor violations, the state seeks to document and ensure (by law) minimum rights and social protections for existing migrant workers and to establish an official guestwork program as the only legitimate labor migration channel to Thailand (with the exception of border labor schemes). Shifting focus to the regulatory dimension of the regime, I then detail the local practices and social relations of governance in the site, which are geared toward documenting workers, providing them with rights and social protections, and coercively enforcing the temporal limits of migrant worker employment and residence in Thailand. In sum, a heightened coercive environment creates a demand for workers to regularize their status through documentation, but this high demand is met with "infrastructural holes" – gaps in the state's regulatory infrastructure – that create opportunities for brokers to profit by intermediating between migrants, employers, and state offices to document workers. Brokerage activities enhance the capacity of the local state to regularize workers while also transferring costs of

documentation/brokerage to them. Through various assistance and outreach activities, a handful of migrant rights organizations also facilitate worker incorporation into the formal system of temporary migrant labor.

In chapter 4, I illuminate the reproductive dimension of the regime of temporal enforcement, focusing on how migrant workers respond to the local regulatory context when organizing their lives, households, and the social reproduction of their labor. The regime in Samut Sakhon promotes labor circulation (and divided households) in exchange for minimum wages and basic entitlements. By coercively enforcing migrant family separation, it fosters *split reproduction* between home village and Thailand work site, which externalizes costs of labor renewal to origin locations while the state and employers cover labor maintenance costs. This structure facilitates the supply of precarious labor for global seafood production in a way that aligns with the state goal of tightening the temporal limits of guestwork.

In Part 2 of the dissertation, I focus on the regime of spatial containment in the Tak border zone, which spatially encloses migrant workers yet tolerates their de facto settlement within the peripheral territory. In chapter 5, I discuss the developmental and regulatory dimensions of the regime, showing how imperatives of SEZ development and (to a lesser extent) garments production shaped the legal landscape for labor migration here. The state goal of maintaining a supply of precarious labor at the border as part of its assertion of the Tak SEZ into regional production and trade infrastructures determined cross-border labor policies to physically confine such labor to three border districts of the SEZ. I then show how a porous international border shapes the regulatory and social context of the Tak border zone. Here, existing cross-border mobility and employment practices combine with policies to formalize the spatial containment of precarious border labor for a regionally linked special economic zone as well as a

struggling garment industry. Responding to heightened state regulation, employers hire (with migrant wages) cross-border documentation brokers to secure worker border passes from Myanmar immigration officials in Myawaddy, through a process outside of the regulatory purview of the Thai state. These brokers enhance the state's infrastructural capacity to document migrant workers in the zone, but they also push the boundaries of official policy by expanding its scope of eligibility beyond that which is approved by law. In addition, decades of displacement, labor migration, and migrant adaptation have resulted in an expansive grassroots and nongovernmental social infrastructure, that helps migrant workers survive, work, and settle informally.

In chapter 6, I illustrate the reproductive dimension of the regime of spatial containment. I show that, despite frequent coercive threats, the ability for migrants to move back and forth across the border allows for de facto settlement of migrant families and communities in the zone. As such, the regime fosters a structure of *confined reproduction*, which offloads most costs of labor reproduction to a territorially enclosed nongovernmental social infrastructure, potentially enabling the state to host flexibly employed, low-paid migrant labor for indefinite periods at the border.

In the concluding chapter, I synthesize the empirical findings and core arguments of each chapter to theorize guestwork governance in a global South migrant receiving state. I first summarize the empirical findings and theoretical extensions of the dissertation, highlighting contributions to literatures on migration governance (policy regimes and guestwork governance), brokerage and state capacity, and the social reproduction of migrant labor. Specifically, I extend existing theory by identifying policymaking factors pronounced in the global South and absent in northern-focused literature, sources and outcomes of informal brokerage as a regulatory

institution, and how heterogeneous structures form in one country to socially reproduce migrant labor. I then broaden the discussion to consider the relevance of my findings beyond Thailand, considering their applicability in other global South countries and identifying areas in need of further in-depth and comparative research.

Chapter 2

Managing development and labor migration: a brief history of the Thai state's guestwork interests and capacities

“In the short term then, government efforts have concentrated on measures to control inflow of illegal unskilled migrants at the point of entry. ... this has not been effective and has only resulted in growing illegal employment, leading to exploitation of foreign workers and other social problems” (Sevilla and Chalamwong 1996:6).

“Migrant labour cannot be turned on and off like a tap. Rather, migration is more like a river which, over time, expands from one channel into a delta. In Thailand, a single Government policy representing a single ‘dam’ to control the river is unlikely to control migrants” (Martin 2004:3).

“Thailand’s past migration policies have been short-term, reactive and not consistent with realities” (Rukumnuaykit 2009:15).

As the above quotes by analysts of Thailand’s labor migration situation in past years indicate, establishing an effective system of guestwork control has been a longtime challenge for the Thai state. International labor migration to Thailand is a relatively recent phenomenon, growing steadily since the late 1980s. Prior to this development, Thai workers were a source of low-wage labor for Middle East and East Asian economies in the 1970s and 1980s (Huguet and Punpuing 2005:24-25; Rainwater and Williams 2019). Internal migration from rural areas, mainly the North and Northeast, to the urban center of Bangkok, has also been a constant of the country’s

uneven development (centered disproportionately on the Bangkok metropolitan area), as reflected in the sounds of Northeastern (*Isaan*) country music playing in countless migrant-driven taxis moving throughout the city. Many of these internal migrants move seasonally, diversifying their incomes with agriculture and urban labor (IOM 2019:21). Rapid economic growth in the 1990s, along with concurrent pushes of state violence and economic precarity in neighboring countries, especially Myanmar, made Thailand a major migrant destination in Southeast Asia.⁴ The country now hosts four to five million migrant workers, mainly coming from neighboring Myanmar and a lesser amount from Cambodia and Laos, making up over 10% of its total labor force (IOM 2019:14). With intra-regional migrant stock increasing by 3 million between 1995 and 2015 (World Bank 2017), it is the fastest growing migrant destination country in Southeast Asia.

Over this period, the Thai state has tried to enforce an official temporary migrant labor system within an export-oriented development context characterized by the country's integration into global and regional economies. In this chapter, I provide a history of this state endeavor, depicting the key interests and capacities of successive Thai governments, migrant workers, and employers over the last three decades. I draw mainly from international organization, governmental, and Thai nongovernmental organization (NGO) reports on development and international migration in Thailand, including analyses of in-migration trends, policies, and their outcomes from the 1990s to the present. Situating the dissertation's ethnography in historical and global contexts, in this chapter I identify key aspects of the Thai state's migration control

⁴ UN Data using official government statistics shows Thailand had the largest migrant stock in the region in 2020 at 3.6 million, followed closely by Malaysia (3.5 million) and then Singapore (2.5 million) (UNDESA 2020). These figures exclude high numbers of undocumented migrants.

capacity that continue to operate in the current regimes of labor migration that are the focus of this study.

As discussed in the introductory chapter, a growing literature has responded to the geographic and liberal biases in existing migration studies by illustrating the logics and variety of state migration governance in global South countries. As Adamson and Tsourapas (2019:5) point out, migration studies has often relied on “particular assumptions regarding state structures, interests, and regime types” that are taken from Global North cases and “are not always applicable to countries with political systems and histories that differ from those of (post)industrial liberal democracies” (see Anderson 2020 and Natter 2018 for similar critiques). States in the global South thus show different logics of governance than the “migration states” contending with the “liberal paradox” of balancing the economic benefit of open migration policies with the political imperative to restrict entry in the global North (Adamson and Tsourapas 2019; Hollifield 2004). Furthermore, migrant receiving states may exhibit features that complicate clean dichotomies of democratic/autocratic and West/non-west, as liberal policies can occur in autocratic states (Natter 2018). In Malaysia, and likely elsewhere, we see the state’s use of ad hoc and flexible governance (shifting between deportations and amnesties) of undocumented migrants based on their economic value to the country (Anderson 2020).

This chapter starts to build on the ideas of mixed liberal and illiberal features of governance as well as flexible policy implementation based on migrant economic value by illuminating the *sources* of variation in Thailand’s guestwork policies, a so far neglected aspect of migration governance literature focused on the global South. In addition, and in contrast to the literature, the Thai state shows more than a single logic in its ad hoc governance of migrant

workers, using both temporal and spatial means to regulate them to harness their economic value not just to the country but also specific subnational locations.

Successive Thai governments have responded to the steady growth of incoming labor migration, mostly undocumented, from neighboring countries by introducing and frequently changing policies to manage the employment of foreign workers. Unlike in global North countries, such governance has occurred within an export-oriented development landscape that relies on low-wage, precarious labor for production sites in global and regional economies. Since the 1990s, Thai governments have tried to balance the enforcement of laws to restrict undocumented migration with measures to ensure supplies of precarious migrant labor, and they have had a high degree of latitude in imposing policies without the political constraints associated with liberal democracies. Thai governments have instead straddled democracy and authoritarianism, the most recent a military government that came to power in a 2014 coup and survived a 2019 general election, tilted in their favor by a 2016 constitution that gives them substantial appointee powers. Yet, while literature often characterizes Asian receiving countries as closed and authoritarian societies void of migrant rights, many migrant workers in Thailand have been gaining *more* rights and entitlements despite the country's slide to authoritarianism, while others have seen their precarious conditions and lack of rights systematized under new policies.

Below, I identify longstanding state interests and capacities for guestwork control amid broader development imperatives. I show that the Thai state has long had the capacity to enact migration policies as it pleases and to coercively enforce those policies with minimal political objection. It has limitations, however, in controlling movement across its international borders and in administering policy mandates locally. These limitations result in a high prevalence of

unauthorized labor migration as well as the need for the state to continually regularize the status of undocumented migrant workers as a reactive control measure that does not undermine employer labor supplies. As the structural dependence of migrant workers in the labor market has deepened, the state has tried to gradually formalize a governance framework made on foundations of ad hoc regulations, which has intensified since the 2014 coup.

Export-oriented development and the growth of undocumented migrant labor in Thailand

Thailand experienced rapid economic growth in the 1980s and 1990s, during which the economy transformed from one based on agriculture to industry (Martin 2004; Phongpaichit 1996) and the government adopted Washington consensus free market principles (Bello et al. 1998; Chalamwong 1998). During this time, Thailand, along with Malaysia and Singapore, began to reorganize its economy to connect to global supply chains that featured factory manufacturing in Asia as part of a new international division of labor (MMN 2013:165; Sevilla and Chalamwong 1996). Following countries of East Asia, Thailand shifted from import-substitution to export-oriented industrialization aimed at international markets (MMN 2013:165-166). In the latter half of the 1980s, Thailand developed its export-oriented and labor-intensive manufacturing sector, including textiles and garments, seafood, leather products, and jewelry, among a broad range of products (Phongpaichit 1996:370). Apparel production and exports expanded from the mid-1980s to the mid-1990s with the rise of “triangle manufacturing”, by which Western buyers ordered from East Asian suppliers, who outsourced to affiliated factories in low-wage countries such as Thailand (Doner 2009:187). With these changes, the World Bank declared the country

the world's fastest growing economy from 1985 to 1994 (Phongpaichit 1996:369). Foreign direct investment, especially from East Asian countries including Hong Kong, Japan, and Taiwan played a big role, also spurring an increase in domestic firm investments in manufacturing (ibid). With such growth, workers from rural provinces throughout Thailand converged on the Bangkok metropolitan area (Hall 2011:17).

Labor intensive industrialization as Thailand's sole economic development driver, however, was not sustainable. As competition from lower-wage countries such as China, Indonesia, and Vietnam grew along with Thai wage increases from the economic boom, the country shifted to medium-high technology manufactured exports (Phongpaichit 1996; Sevilla and Chalamwong 1996). As industrialization increased demand for urban labor, supplies lagged behind demand, and skill and education levels were inadequate to fill management and technician positions (Phongpaichit 1996). In response, the government intervened to develop a two-tiered, segmented labor market, with the upper tier featuring stricter enforcement of safety laws, better labor regulations, and access to social security benefits to entice new recruits (ibid 375-376). It also invested heavily in skills training and education to meet demands in growing industries. The lower tier featured low wages, poor working conditions, and lax regulation, often through subcontracting or "casual" temporary labor (e.g., at shrimp peeling farms subcontracted by seafood processing factories). As industrial and service sectors grew, Thais became reluctant to accept menial and lower-wage work. For example, many Thai workers left textile and garment factories in Bangkok to work in the electronics industry (Sevilla and Chalamwong 1996), and many others eschewed work in fisheries (ILO 2013:26-27). In this context, labor shortages arose in fisheries, construction, domestic services, and manufacturing (Chalamwong 1998:302).

While initially attracting labor from rural villages (as well as child labor), the second tier of the labor market was soon filled by undocumented migrant workers from the much lower-wage neighboring countries of Cambodia, Laos, and (mostly) Myanmar (Phongpaichit 1996:376). In addition to the economic pull of rapid growth and an expanding secondary labor market, push factors of conflict and economic deprivation from these countries contributed to the growth of undocumented migrant workers in Thailand (Huguet and Punpuing 2005; Rukumnuaykit 2009:4). In Myanmar, longstanding armed conflict between ethnic groups and the brutal military displaced many (South 2011), as did generally oppressive conditions and lack of economic opportunities. While war refugees fled Myanmar to border camps in Thailand from the 1980s into the 2000s, many displaced people also entered the labor market. Workers from the war-torn and economically impoverished Cambodia and Laos, direct neighbors to the north and east, respectively, also arrived in Thailand seeking jobs paying much higher wages than found at home.

Undocumented labor migration to Thailand grew from around 38,000 people in 1987 to a National Security Council estimate of 525,000 people in September 1994, nearly two thirds coming from Myanmar (Sevilla and Chalamwong 1996). Other estimates placed the number of “illegal immigrants” in Thailand at one million (Phongpaichit 1996:376). At this time, most worked in services, agriculture, construction, footwear and garments industries in border areas, as well as in fishing. In 1995, the chairman of the Federation of Thai Industries (FTI), an influential business lobby, appealed to the government to admit at least one million migrant workers to alleviate labor shortages in such industries as textiles, footwear, seafood, and construction (Sevilla and Chalamwong 1996). With these developments, Samut Sakhon and Tak, the two field sites of this study, have historically been among top migrant receiving provinces in

Thailand, regularly appearing on government lists for total number of migrants, labor shortages, and future need for migrants (Martin 2004:35).

During this period, the state's advanced its development plan with an eye toward regional economic integration. In the 1980s, Thai Prime Minister, Chatichai Choonhavan put forth his "From Battlefields to Marketplaces" economic vision for mainland Southeast Asia to move beyond its hostile intra-regional history and take advantage of shifts in the global economy. Pushing for economic integration in the mid 1990s, Thailand took a leading role in the Asia Development Bank's Greater Mekong Subregion (GMS) project, which aims to develop the physical infrastructure and streamline regulatory procedures to enhance trade "connectivity" among mainland Southeast Asian countries (ADB 2012; ADB 2018b; Glassman 2010). An activist think tank in the region describes the project as such:

Initiated in 1992, the GMS continues to aim to transform the rich human and natural endowments of the Mekong region into a region-wide free trade and investment area through ambitious multi-sector investments in transportation (road, railways, air and waterways), energy, urban expansion, telecommunications, tourism, trade facilitation and agriculture (Guttal and Chrek 2016:13).

In addition, in the 1990s, Prime Minister Chatichai fostered a decentralized economic growth plan for Thailand focused on developing industrial estates, provincial cities, and border areas, such as Mae Sot (MMN 2013:219). In this vein, the government's Seventh National Economic and Social Development Plan (1992-1996) identifies the need to develop coastal cities and border provinces to "be a gateway for trade with neighboring countries" (NESDB 1991:124).

All of these developmental forces significantly shaped the labor migration picture in the industries and fields sites that are the focus of this dissertation. In the 1990s, especially after the

1997 Asian financial crisis, many garment producers relocated from Bangkok to Tak province, along Thailand's northwestern border with Myanmar, where they could employ cheap labor from Myanmar (Campbell 2018; CCC 2014; Pearson and Kusakabe 2012). At this time, the Thailand Board of Investment identified Tak Province as an Investment Promotion Zone 3 – the heaviest promotion category, offering relocation incentives (Arnold and Hewison 2005:320; MMN 2013: 233, 238). Along with an abundance of migrant workers, Mae Sot offered garment producers tax exemptions, road infrastructure connected to Bangkok, and lax enforcement of labor, occupational health and safety, and environmental regulations (Arnold and Pickles 2011:1610; Martin 2004). Here, firms could employ migrant workers from Myanmar in small and medium sized garment factories, paying low daily wages or piece rates and exporting production from Thailand (Martin 2004; Pearson and Kusakabe 2012). This set-up allowed global firms to benefit from cheap labor from Myanmar while avoiding trade sanctions imposed on Myanmar's brutal dictatorship. Alongside investments in garment factories, Thai farmers in Tak province established fruit, vegetable, and rose farms, hiring low-wage migrant workers, often on a seasonal basis (Martin 2004:40).

Significant growth of the Thai seafood industry also attracted migrant workers. As fishing experienced rapid industrialization in the 1970s and 1980s (Butcher 2004), fisheries first employed coastal residents and internal migrants, but as the industry expanded, most workers came from Cambodia and Myanmar (Derks 2010; ILO 2013; Marschke and Vandergeest 2016:40). A 1993 cabinet decision granted permission for migrants to work in the fishing industry in 22 coastal provinces, coinciding with a significant shift in the Thai labor force from fishing to other sectors (ILO 2013:26). Thailand has also become a major processor of both imported and locally caught seafood for global export (ILO 2013), and Samut Sakhon emerged

as the main industrial hub for seafood processing. Much of its economic growth and industry expansion (and with it, expansion of migrant labor) would occur in the next decade as Thailand's tuna, shrimp, and other seafood processing industries expanded with its further integration into global supply chains feeding growing consumer appetites (Errighi 2016).

Adaptive policies of ad hoc regulation

Thailand's labor migration system stands on a foundation of piecemeal policymaking and ad hoc regulation. Like most Asian countries, Thailand has a restrictive immigration framework that makes permanent settlement and naturalization nearly impossible for most. The basis of Thailand's early 1990s policy toward low-wage migrant labor was an article in the Foreign Employment Act of 1978, which gave the Thai Cabinet the ability to make exceptions to general stipulations that limited the occupations open to foreigners (Martin 2004:18). In conjunction, the Immigration act of 1979 penalizes those entering the country without a visa or in breach of immigration laws, setting the terms for deportation of "illegal aliens". Section 17 of the Act gives the Ministry of Interior discretion to "permit any alien or any group of aliens to stay in the Kingdom under certain conditions" (Thailand Immigration Act of 1979). Furthermore, while a royal decree of 1979 designated 39 work activities prohibited to foreigners, including general labor, farming, weaving and construction, Section 12 of the Foreign Employment Act lets the Ministry exempt migrant workers who are "awaiting deportation" and allow them to work under stipulated conditions (Thailand Foreign Employment Act of 1978).

Governments have frequently used their ability to enact ad hoc policies to employ undocumented migrant workers while they await eventual deportation. Since the 1990s, as undocumented migration grew, facilitated by cross-border smuggling networks (Chalamwong 2008:3), the government used cabinet resolutions as a flexible policymaking tool to temporarily legalize migrant labor, introduce new identification systems, and set and shift deadlines to appease employers' need for labor (Chantavanich 2007; Huguet 2008; Laungaramsri 2014; Martin 2004). Such resolutions allowed migrants already working in the country to register with immigration and labor authorities to defer their deportation for a limited period of employment, essentially legalizing their temporary labor without providing legal residence or immigration status.

The first registration period occurred in 1992 amid business group appeals to the government to address labor shortages by relaxing laws prohibiting "low skilled/unskilled" migrant workers (Chantavanich 2007). The registration, limited to workers from Myanmar in four border provinces and later expanded to nine provinces, allowed Thai employers to register their workers and pay bond and work permit fees to defer their deportation for six months, resulting in the registration of just 704 workers (ibid). The government issued another cabinet resolution in 1996 to expand registration eligibility to those from Cambodia and Laos in 43 provinces and allowing them to stay for two years. This registration gave work permits to 239,652 migrants, many of whom worked in fishing and agriculture sectors (ibid 3). These registrations (see table below) invariably included post-deadline deportations of those who did not register, but the failure to provide legal migration channels encouraged even more undocumented migration (Hall 2011; Martin 2004:24-25).

Table 1. Major cabinet resolutions and migrant worker registrations, 1992-2001

Dates	Locations and details
March 17, 1992	10 border provinces Burmese only; 706 migrants registered
June 22, 1993	22 coastal provinces; fisheries
June 25, 1996	39 (later expanded to 43) provinces; 7 (later expanded to 11) industries Two year permits for those registered between September 1 and November 29; 372,000 registered
July 29, 1997; January 19, 1998	Increased border and interior enforcement; expulsion of 600,000 migrants in 1997/1998
April 28 and May 8, 1998	54 provinces, 47 job times; extension of permits expiring between August 1998 to August 1999; 90,911 migrants registered out of an eligible 158,000
August 3 and November 2, 1999	37 provinces; 18 sectors in 5 industries; 99,974 registered out of a max 106,000 permits, good for one year
August 29, 2000	37 provinces, 18 sectors; allowed 106,684 migrants to work until August 31, 2001
August 28, 2001	All industries and all jobs; six-month permits renewable for another 6 months until September-October 2002
September 24-October 25, 2001	All provinces and jobs; 568,000 r six monthsmigrants registered for 6 months

Source: Martin 2004:19

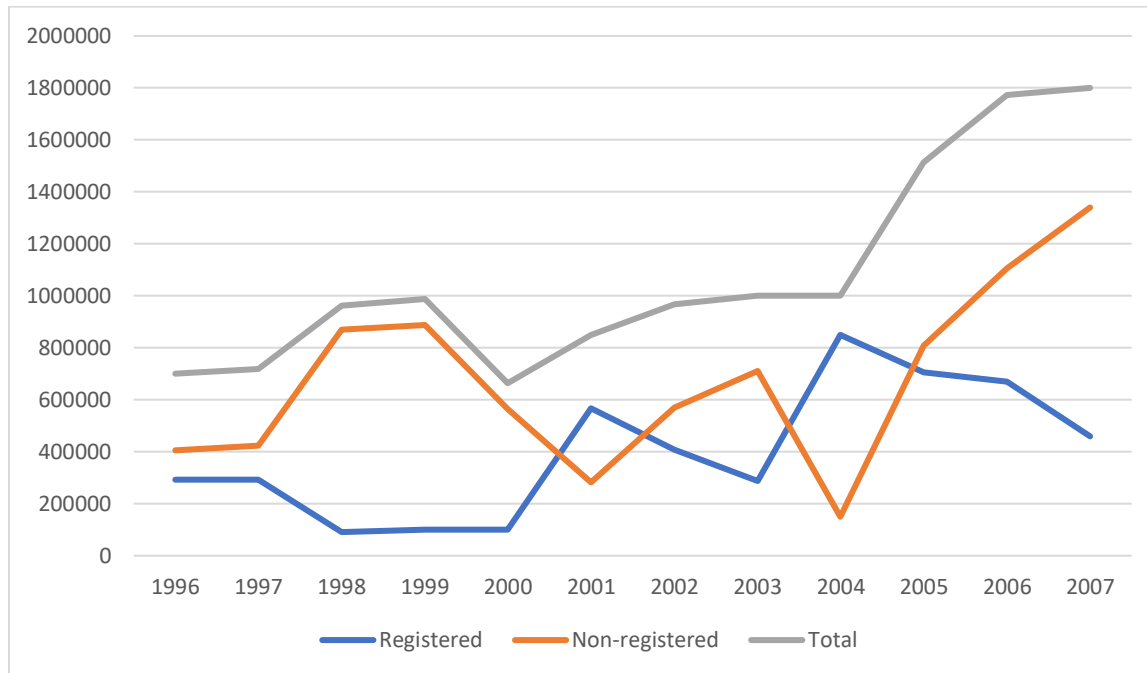
By the end of the 1990s and into the next decade, “temporary” migrant labor had become a permanent fixture in Thailand’s labor market. A reliance on such labor grew with the expansion and diversification of export-oriented production. By the end of the century, 85% of exports from Thailand were manufactured electrical products, jewelry, footwear, textiles, automotive arts and vehicles, and agricultural goods (Doner 2009:31). By 2000, Thailand was the 9th largest apparel exporter (ibid 182) and had become “Southeast Asia’s most successful agricultural exporter” (ibid 26). In a 2000 report estimating migrant labor needs based on employer surveys, the Asian Research Centre for Migration at Chulalongkorn University in Bangkok recommended that over 100,000 migrants be employed in 45 provinces, the majority in agriculture and fisheries, manufacturing, and construction, with 66% needed in fishing and seafood processing (Martin 2004:33). Amid this deepening dependence on migrant labor, the Thai government attempted to intervene to replace migrants with Thai workers. Such efforts failed in Tak province, where only 6,000 Thais showed up to replace the 20,000 dismissed workers from Myanmar in low paying agriculture jobs (Martin 2004:22).

With registrations proving unsuccessful in curbing undocumented labor migration, the government grew increasingly concerned about the large numbers of foreigners entering the country to work outside of the law and government control, especially in ensuring their return home. In April 1999, the Ministry of Foreign Affairs organized an international symposium, where Asian country participants adopted the “Bangkok Declaration on Irregular Migration”, which emphasized the need for “comprehensive, coherent and effective policies...within the context of a broader regional framework based on...partnership and common understanding” (Huguet 2008:5). In 2001, newly elected Prime Minister Taksin Shinawatra declared that he

would finally solve the “illegal migrant labor problem” that, he claimed, included associated social problems such as the spread of communicable diseases and an increase in crime (Martin 2004:23). In August that year, the cabinet issued a resolution for another registration for workers in specific jobs in 37 provinces and then, a month later, opened a registration for migrant workers nationwide, resulting in 568,000 workers registered for six months, 76% of which re-registered for an additional six months (ibid 24). Following through with a promise of escalated enforcement, in October, police started to inspect workplaces, fine employers, and carry out deportations, utilizing an 80 million Thai baht (1.8 million USD) budget to do so (ibid 26).

This early period of ad hoc regulation shows a Thai state with the capacity to enact policies to manage migrant labor according to economic interests, especially the need for low-wage labor in the secondary labor market. In addition, it shows its ability to carry out “coercive social regulations” (Ellerman 2009), particularly mass deportations, without political opposition. Yet, it also reveals the state’s ineffectiveness in controlling movement across its international borders and, relatedly, in establishing comprehensive and long-term migration policies. While the state has the capacity to register migrants (with the involvement of brokers) and to deport those without documents, it does not have the capacity to control the entry of undocumented workers, who find jobs and end up registering when the state provides the opportunity. The labor needs of employers and the continual presence of undocumented migrant workers thus dictated intermittent registrations, resulting in repeated cycles of registration, deportation, and more undocumented migration. The figure below reflects the growth in labor migration to Thailand during this period as well as the fluctuating levels of registered and unregistered migrants, with the latter steadily growing despite repeated state efforts to register migrant workers. These dynamics would continue to play out in subsequent periods.

Figure 2. Migrant workers in Thailand, 1996-2007



Source: Martin 2007:4

Guestwork formalization

After years of ad hoc regulation and growing national security concerns, the Thai government sought better ways to manage an increasing number of labor migrants, eventually starting what would become an extended period of guestwork formalization. The 1999 “Bangkok Declaration on Irregular Migration” laid a discursive foundation for more cooperative labor migration governance in Southeast Asia, calling on countries in the region to cooperate on resolving the problems of “illegal migration and trafficking in human beings” as part of strategies to address roots causes of irregular migration (Vasuprasat 2008:2). Such goals also set the regional stage for migration managed by bilateral Memoranda of Understanding (MOUs).

Following up on this vision, in 2002 and 2003, the Thai government signed MOUs on employment cooperation with Cambodia, Laos, and Myanmar, establishing guidelines for migrants to enter Thailand to work temporarily (the “MOU process”). The MOUs placed a heavy emphasis on admissions procedures, preventing irregular migration and employment, and repatriating migrant workers and included broad affirmations that migrants will receive labor rights and social protections in accordance with national laws of the destination country (ILO 2015:8). Corresponding to the MOU objectives, in July 2003, Thailand’s National Security Council adopted a resolution outlining six main components to a migration management agenda: (1) limit the number of migrant workers based on demand by sector; (2) issue identification cards for migrant workers; (3) restrict the presence of nonworking family members of migrants; (4) ensure minimum wages; (5) implement migrant return measures; and (6) promote economic development of border areas of migrant countries of origin to reduce migration volume and create a program for daily cross-border work commuting (Huguet 2008:7; Martin 2007:3).

The last component of this agenda relates to a new focus on the development of border areas, which would intensify in later years. Business groups and government agencies proposed the idea of regulating cross-border labor in the past but with little follow-through. In 1996, for example, the Federation of Thai industries proposed to maintain manufacturing competitiveness by establishing border special economic zones with no minimum wage laws to employ foreign workers and proposed a 35-40% minimum wage cut in areas along the Myanmar and Laotian border (Sevilla and Chalamwong 1996:3). In addition, in early 1998, the Thai government announced a daily commuter work program for Myanmar nationals residing across the border (Martin 2004:22). In 2003, Prime Minister Thaksin Shinawatra introduced the concept of the Border Economic Zone (BEZ) in the Ayeyawady-Chao Phraya-Mekong Economic Cooperation

Strategy (ACMECS),⁵ encouraging regional integration through deregulated subregional flow of goods and services across “sister city” pairings (MMN 2013: 165-166), such as the Mae Sot-Myawaddy pairing. While these proposals did not come to fruition, they contained the seeds of the current border labor system.

In 2008, another piece of legislation further stipulated labor migration procedures and regulations, including the outlines of a border labor policy. The Alien Working Act of 2551 (2008) repealed the previous Alien Working Act (1978) and set work permit limits (two years), established a deportation fund, and permitted police to enter businesses they suspect of employing undocumented migrants without warrants to make arrests (Hall 2011). In addition, it contained sections on cross-border labor migration governance. As Section 14 of the Act states,

The alien having place of residence in, and being of nationality of, the country having common boundary with Thailand who enters into the Kingdom with travel document under the law on immigration may be permitted to engage in specific categories of works or in works with specific nature in the Kingdom temporarily through the specified period or season within the area which is adjacent to boundary or the area which is contiguous therewith [unofficial English translation].

The Act also reduced registration fees in border provinces to encourage migrants to stay in the border (Archavanitkul and Vajanasara 2009:4). Much of the act was left unimplemented for years, however, as the government stalled on issuing regulations (Sciortino and Punpuing 2009:21).

⁵ The ACMECS is a framework for engagement among Cambodia, Laos, Myanmar, Thailand, and Vietnam to promote development in mainland Southeast Asia.

The implementation of the MOUs did not start until 2006 for those from Cambodia and Laos, and 2009 for those from Myanmar, and when it did, participation was sparse. To hire workers through what became known as “the MOU process”, employers would first request a quota from a provincial employment office for an allowed number of foreign workers to hire. Then, they would rely on a complex, multi-step (25 in early versions) process involving officials, labor recruitment agencies and brokers in both the sending and receiving countries (Kultalhati and Hall 2016:11-12). Thailand officials would provide lists of jobs to be filled and the selection of applicants would take place in the sending country. Government agencies from both sides would coordinate on preparing visas, work permits, health insurance, and work contracts for the workers (Huguet 2008:5). Employment would be for two years, renewable once for another two years, after which the worker must return and wait three years to re-apply. They also included a savings fund of 15% of worker wages, available to the worker upon return. Those who came through this process would receive rights and social protections according to Thailand’s Labor Protection Act (1998), Social Security Act (1990/2002/2015), and Workmen’s Compensation Act (1994). The process was unpopular, however, as employer demand exceeded the number of workers coming through the process, leading them to hire undocumented workers, who could cross Thailand’s porous borders and find jobs through social networks much easier and faster than waiting for the MOU process (ILO 2015:5; Vasuprasat 2008:17-19). As systems were slow to develop in sending countries, wait times were lengthy, with minimum estimates of 89 working days in Myanmar, 62 in Cambodia, and 55 in Laos (ILO 2015:11).

Also included in the MOU’s, however, was a stopgap “nationality verification” (NV) process to regularize the status of those migrants already working in the country. As Article 3 of the MOUs state, “the authorized agencies of both Parties shall work together for the

establishment of procedures to integrate illegal workers, who are in the country of the other Party, prior to the entry into force of this MOU, into the scope of this MOU” (IOM 2015:1). For this process, migrants who registered with the government would then verify their identity with their home country government (requiring a trip back home) to receive a temporary passport (or Certificate of Identity, depending on the year) and then a visa and legal work permit in Thailand. In exchange, migrant workers would be protected under Thai labor laws and receive social security benefits, work accident compensation, and freedom of travel within Thailand and to and from their home countries (Hall 2011:19). Workers who “regularized” their status through the NV process would, according to law, have the same rights and entitlements as MOU workers, with the same visa limits. In 2004, 1.3 million undocumented migrant workers came forward to register with authorities (Vasuprasat 2008:2). While intended as a temporary measure on the way to exclusive use of the MOU process, the cabinet continually extended NV process deadlines to regularize the perpetually large numbers of undocumented workers (Kultalhati and Hall 2016:15). As the NV/regularization process became the de facto labor migration policy each year, most migrant workers who gained legal status did so through this process rather than the MOU process. By July 2013, for example, 36,650 migrants from Myanmar entered Thailand via the MOU process compared to 778,258 who completed the NV process (MAP 2015:6).

These developments further reveal enduring aspects of the Thai state’s migration control capacities, which resonate throughout the rest of this dissertation. A key obstacle to guestwork formalization has been the state's perpetual ineffectiveness in stopping unauthorized migration at its borders, feeding the continual reliance on the NV process (regularization of undocumented) at the expense of the MOU process (formal labor importation). Migrants continually enter through informal crossing points along the western border with Myanmar and eastern border with

Cambodia (UNODC 2017:39-43) to fill vacancies in several Thai industries. As the state has sought to regulate such migration through arrests and deportations, a sudden loss of workers has at times led the government to backtrack on enforcement and first open regularization windows to maintain labor supplies (IOM 2019:28-29). The ability of migrants to come illegally and subsequently regularize their status has also hindered the MOU process, as workers have avoided it since its inception because of the long wait times from application to work and high costs compared to network-based unauthorized channels (ILO 2015; IOM 2019:32).

In addition, local state administrative deficiencies have challenged regularization efforts, as reflected in the continual opening of registration windows and extension of NV process deadlines. For one, regulations, procedures, and identification schemes have frequently changed from year to year, creating uncertainty among all stakeholders (Huguet 2008; Laungaramsri 2014; see table below). In addition, the shifting registration and nationality verification procedures have been so complex, involving numerous steps and pieces of documentation, that migrants, employers, and local state offices (in sending and receiving countries) have been confused as to how to complete them, discouraging migrants and employers from entering a process that they lack proper information about (Huguet 2008; Natali et al. 2014). Poor coordination between the many government offices involved in the process has also exacerbated its complexity and inconsistencies (Chantavanich 2007:10; Kultalhati and Hall 2016:15; Rukumnuaykit 2009:12). Furthermore, the local bureaucratic infrastructure tasked with implementation has been under-resourced, creating inefficiencies in policy administration (Kultalhati and Hall 2016:15; Natali et al. 2014). As I show in chapter 3, these limitations result in infrastructural power gaps that necessitate intermediary involvement for the regularization process to work.

Table 2. Multiple and changing migrant worker registration/regularization documents

Registration/regularization document	Implementation and privileges
Pink card (different versions – some industry specific, e.g., “fisherman’s” pink card)	In use since early registrations; later intended as temporary before the migrant completes nationality verification and regularization; newer versions include a work permit that gives health and social security benefits, but limited to designated provinces/districts
Temporary passports (multiple versions)	In use since 2009 for Myanmar workers; allow for temporary (two years, renewable once) employment in Thailand; with work permit, access to healthcare, social security; freedom of movement
MOU passports	In use since 2009 for Myanmar workers; used for MOU process migration; same privileges as temporary passports, but serves as a “real” international passport rather than solely a temporary document for work
Certificate of Identity	Introduced in early 2017 as the state’s preferred nationality verification document, with privileges nearly identical to temporary passports
Border pass	Introduced in 2008 policy but barely used until 2017 decree; allows workers from certain border-adjacent areas to work in border SEZs on 90-day

	permits/contracts, renewable indefinitely; healthcare available to purchase, no social security benefits; movement limited to designated SEZ districts
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Sources: Huguet 2008; IOM 2019; MAP 2015

Intensified guestwork formalization and border zone development

I arrived in Thailand for initial fieldwork in mid 2015, a year into an intensified government effort to enforce guestwork formalization. A military junta had taken power in a May 2014 coup d'état that ousted Prime Minister Yingluck Shinawatra and established the National Council for Peace and Order (NCPO). The junta vowed to tackle corruption in Thai society and politics and sought to boost the economy as a way to legitimize its continued rule. Almost immediately upon taking power, Prime Minister Prayut Chan-Ocha stated his administration's intent to control undocumented migration, threatening an immediate crackdown and deportations (ILO 2015:6). In response, many migrant workers left Thailand, including 220,000 Cambodian workers within a two-week period (Bylander and Reid 2017; IOM 2019:28). Thai employers complained about a sudden loss of workers, and, hit with the realization that a swift crackdown would hurt the economy, the new government opened a new round of registrations. It also formed a Committee on Solving Problems of Migrant Workers and opened One Stop Service Centers (OSSC) throughout the country to streamline the registration process. From late June to late November 2014, 1.6 million "irregular" migrants registered with the government as a step toward regularization (ILO 2015:6).

The NCPO also quickly advanced the border development agenda. A month after taking power, General Prayut announced in an address to the Ministry of Foreign Affairs the establishment of ten special economic zones to support factories along Thailand's rural border areas (MMN 2019:60). In 2015, the government moved forward with the first phase of this ambitious plan, focusing on five border SEZs (in Sakaeo, Mukdahan, Songkhla, Trat, and Tak provinces, the flagship zone being in Tak) and outlining a set of incentives to attract foreign and domestic investment and objectives to facilitate production and trade across mainland Southeast Asia and beyond. As SEZ promotional material from Thailand's Board of Investment from 2015 says, the aim of the SEZ policy is "to elevate the country's regional economic development, together with developing connections between Thailand and its neighboring countries in the Region under the vision of 'A Single Market and Production Base of ASEAN'" (BOI 2015:1). The introduction of this plan includes mention of firms' "permission to employ foreign unskilled labor" (ibid 23) as an investment incentive, without specifics on regulations. Staff of migrant rights organizations I spoke with in 2015 and 2016 in Chiang Mai, Mae Sot (Tak province), and Samut Sakhon were still unsure of the implications of the SEZs for migrant workers, but they feared a stripped-down legal environment that would threaten labor rights and social protections.

The border SEZ plans are part of a broader state advancement of Thailand's dual economy. In 2015, Prime Minister Prayut issued a 20-year national vision and strategy, aimed at restructuring the economy around infrastructural upgrades and development of innovative technology sectors. The national strategy complements the "Thailand 4.0" development model, which seeks to position the country as the hub of Southeast Asia's fourth industrial revolution, building on the progress of previous agriculture (1.0), light industries (2.0), and complex industries of production and export (3.0) to transform Thailand into a "developed" country by

2037 (BOI 2017; Mellor 2018). The twelfth National Economic and Social Development Plan (2017-2021) details the agenda for the first five years of the 20-year strategy, emphasizing “investment in large-scale infrastructure and logistics systems” (NESDB 2016:30-31). The plan explicitly states the intention to build from Thailand’s existing strengths as a diverse production base to “step up to knowledge-based and innovative production processes” (ibid 45). In a regional context where Cambodia, Laos, Myanmar, and Vietnam (the so called CLMV countries) pose increasing competition as primary manufacturing production countries,⁶ Thailand is highlighting its location, superior infrastructure, developed business climate, and track record of production and export in the region to stand out among these new investment frontiers.

As Thailand has so far been slow transitioning into this new economy, however, there is still a continued and deep reliance on migrant labor in the secondary labor market. The border SEZs are part of the broader infrastructural upgrade plans, with the specific intent to boost labor-intensive production and development while facilitating regional trade in border areas, corresponding to the regionalization agendas of the ADB and the Association of Southeast Asian Nations (more in chapter 5). Other locations, such as the now much-touted Eastern Economic Corridor would focus on new “S-Curve” industries (e.g., automotive, electronics, agriculture biotechnology, robotics, aviation, biofuels and biochemical technology, and medical hubs) (BOI 2017).

With the renewed effort to formalize labor migration amid an ambitious development strategy have come attempts to improve the MOU process. Thailand renegotiated new MOUs with Cambodia and Myanmar in 2015 and 2016⁷ to reinforce the commitment of origin countries

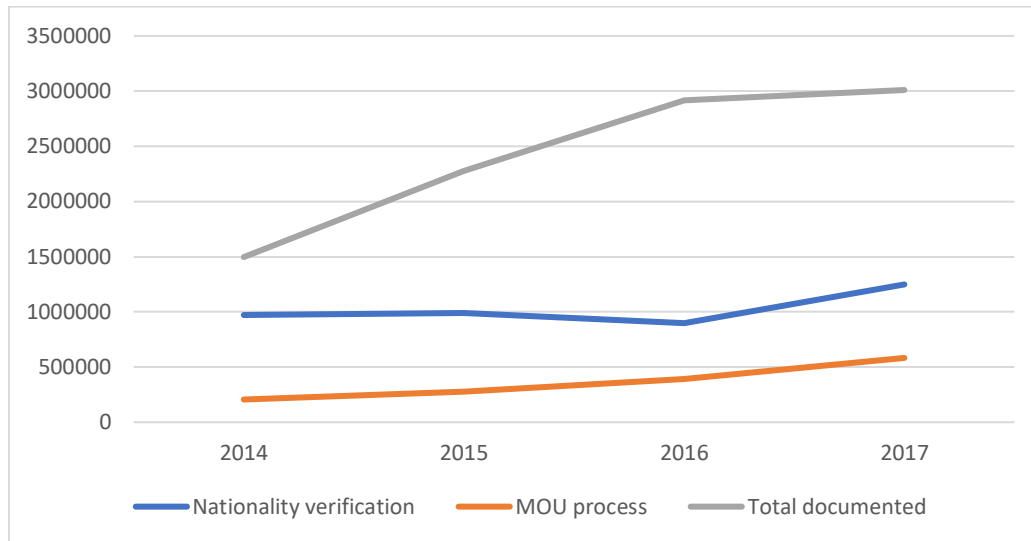
⁶ These countries offer much cheaper production costs due to low wages as well as a Generalized System of Preferences (GSP) that provides tariff reductions on many products.

⁷ Thailand also signed an MOU with Vietnam at this time, but at the time of writing participation is very low.

to implement processes effectively and to encourage more use of the MOU process. This move corresponded to a National Security Council report, issued in June 2016, which stated the already proven finding that migrants would continue to enter through unauthorized channels if the government continued to rely on registration policies (IOM 2019:2-3). In other words, the ability to travel to Thailand and find a job quickly and subsequently register as “legal” appealed to migrants over the slower and costlier official channel. In addition to the new MOU’s, the Thai government also issued new regulations to better monitor and control MOU recruitment, including the establishment of licensing fees and requirements for recruitment agencies (IOM 2016). On their end, sending states introduced new policies to improve MOU labor processing (ILO 2015). Even so, given the large number of fully undocumented and registered (not yet regularized) migrant workers in the country, the regularization process still dwarfed participation in the MOU process. By 2016, of the 1,025,579 fully regularized migrant workers in the country, 85% had done so through the NV process rather than the MOU process.⁸ The table below shows the gradual increase of MOU use alongside the continued popularity of the regularization option (nationality verification after undocumented migration) over the MOU process.

⁸ Internal document from the Migrant Worker Rights Network (MWRN) shared with me in 2016.

Figure 3. Processes for obtaining documentation, 2014-2017



Source: IOM 2019:17

After a period of policy limbo, during which employers and migrant workers awaited an impending migrant worker policy revamp, in 2017 (the year I began extended fieldwork) the government further intensified its guestwork formalization efforts. Most notably, in July, it enacted the Royal Decree on the Management of Alien Workers Employment, which synthesizes existing migrant worker policies and sets harsh punishments for undocumented migrants (fines and deportation) and their employers (fines and potential jail time) in all industries (Harkins and Ali 2017; IOM 2019:28-30; Kusakabe et al. 2018:25-29). The government also announced a last-chance window for undocumented workers to register before a March 2018 (later extended to June) deadline, after which they would have to complete the regularization process, and any incoming workers would have to enter through the MOU process. After an immediate crackdown and deportations to implement the decree created another hemorrhaging of labor (Bylander and Reid 2017), the government paused enforcement and announced a final 2018 deadline for in-country registrations, after which deportations would resume. After consulting businesses and

civil society actors (Thai and international), the government issued a revised version of the decree in March 2018, reducing some fines and penalties but maintaining the same coercive stance to finally solving the issue. For example, the revised decree reduced fines for employers who hire unauthorized workers from 400,000-800,000 Thai baht per worker (around 12,000 to 24,000 USD), as stated in the original, to 10,000-100,000 baht, with repeat offenders facing possible jail time and more fines (IOM 2019:29).

In addition, Section 64 of the 2017 decree includes a border pass policy that states:

The foreign worker being of nationality of the country having common boundary with Thailand who enters into the Kingdom with border pass or other document in the same way which are prescribed by the Director-General, may be permitted by the Registrar to work in the Kingdom temporarily through the specified period or season within the area which is specified.

This language is like the previously codified but sparsely implemented Section 14 of the 2008 Alien Employment Act and complements articles in new MOUs with Cambodia and Myanmar on cross-border management. According to the policy, border passes are only for residents of specific border-adjacent areas. This stipulation reflects concerns of sending country governments over losing labor for their own development objectives as well as over the rights of its workers in Thailand.⁹ With the pass, obtained from immigration officials in origin countries, migrants can then get renewable, 90-day work permits from border province employment offices and can

⁹ For example, at the time, Aung San Suu Kyi was the Myanmar State Counselor and Foreign Minister, holding significant (but ultimately fleeting) political power in a context of increased foreign investment and development optimism. With the prospect of more jobs still far off, Suu Kyi was vocal in pushing for the rights of Myanmar migrant workers in Thailand.

work for multiple Thai employers after passing a health check and obtaining a visa from immigration. They must get a new work permit every 90 days, which excludes them from the national social security program that only kicks in after 90 consecutive days of employment on a work contract, according to Thai labor law. The pass is only valid in SEZs, and workers must renew their visa every 30 days by crossing the border and returning. The new policy effectively codifies the employment and spatial containment of precarious migrant labor in select border areas corresponding to the developing SEZs. Migrant workers and employers in border zones would thus have a choice between using the MOU process or the border pass.

Figure 4. Thailand guestwork formalization timeline



A migrant receiving “developmental” migration state

By providing a background of Thailand’s co-evolving labor migration and development pictures, this chapter has identified the enduring interests and capacities of the Thai state when it comes to

governing guestwork as part of broader economic development strategies. Broadly, in a three-decade span, the Thai state has moved from a tacit tolerance of undocumented migrant labor to ad hoc forms of regulation to intensifying efforts to formalize systems of labor importation/circulation. Throughout this period, it has tried to balance the imperative for stricter migration control with the need to satiate the demand for low-wage labor in the secondary labor market. If we refer to Adamson and Tsourapas's (2019) typology of migration states in the global South, Thailand may fit into the "developmental" variety, but not as a sending state seeking to manage emigration to maximize remittances. Rather, the Thai state has sought to integrate temporary migrant labor into specific sectors and spaces of its labor market to boost development aims of export-oriented production and regional economic integration.

In addition to these state interests, this chapter has identified the Thai state's control capacities in this time span. Namely, the state, with its authoritarian government and draconian policymaking powers, has the capacity to impose/introduce and coercively enforce guestwork policies. In conversations and interviews, several NGO staff, employers, and brokers brought up the relative effectiveness of the military government in getting things done regarding labor migration reforms. One employer, for example, speculated that police are afraid of the army, so police corruption has lessened (I found no clear evidence of this). While the state has strong policymaking and coercive capacities, however, it also has infrastructural power shortcomings, especially in controlling movement across its international borders and administering policies locally. In the face of the constant entry of migrant workers in search of the quickest ways to find employment in Thailand, and the continual hiring of such workers by Thai employers, the government has had to resort to repeated registration/regularization campaigns to gain control

over labor migrants during the slow establishment of the official MOU process as the sole legitimate labor migration channel to the country.

By detailing this history and the Thai state's governance capacities, this chapter reveals the seeds of the regimes of labor migration that I detail in the rest of the dissertation. Throughout the country, including in Samut Sakhon and its seafood industry, migration policies and governance actions have been geared toward migrant worker documentation and enforcement of the MOU system. New policies since 2017 further intensify these formalization efforts. These features are integral to the *regime of temporal enforcement* in Samut Sakhon, which I focus on in the Part 1 of the dissertation. The formal development of border labor regimes has been slower, with unofficial systems of labor control existing in the Tak border zone (Arnold and Pickles 2011; Campbell 2018). Policy proposals have indicated the spatial containment of precarious migrant labor in border areas, and the new border pass policy systematizes such containment in the developing SEZs. The development of such policies within the Tak border zone define the *regime of spatial containment*, which I detail in Part 2.

PART I. THE REGIME OF TEMPORAL ENFORCEMENT

Chapter 3

Global ethical norms and the tightening of temporal control

Located less than 30 miles from the capital city Bangkok, Samut Sakhon is a major site of Thailand's multi-billion-dollar seafood industry. Docks of varying size line the Tha Chin River, which snakes around the southern end of the city and connects to the Gulf of Thailand. Every day, cargo trucks displaying logos of Seavalue, Thai Union, Unichord and other major seafood suppliers, as well as unmarked trucks with men and women wearing sun hats, sitting in flatbeds among plastic loads of shrimp, squid, and other catches, move to and from docks, wholesale markets, processing factories and packing centers. Early morning at wholesale markets, such as the sprawling *Talai Thai* (Thai Sea), workers spray down fresh catches with hoses, pick out discards, and pack clean piles of seafood in plastic baskets and crates with blocks of ice for transporting. In addition to selling to local processing factories,¹⁰ which in turn export packaged and frozen goods to consumer markets in Europe, Japan, and the United States, wholesale vendors supply local markets and restaurants, ranging from sit-down establishments to roadside stalls selling grilled prawn and sticks of squid. At *Talai Thai*, a few anti-trafficking posters hung by a local organization shows a picture of a fishing worker, with the words, "Can you see me?"

¹⁰ Large factories also import raw catches, especially tuna, for processing and export.

Essential to Samut Sakhon's seafood industry are the over 230,000 registered migrants (and a shifting and indeterminate number of undocumented migrants) working in the many processing factories and fisheries throughout the city and province of the same name. When work shifts start in the mornings and turn over in the afternoons, uniformed migrant workers walk in ubiquitous clusters on sidewalks, over foot bridges, and in and out of *songtaews* (commuter trucks) and company vans. During my morning commutes to the Human Rights and Development Foundation (HRDF) in the back of a *songtaew*, I often sit next to workers wearing scrubs or polo shirts with seafood company logos, some already donning their white hats and hair nets required on the factory line. Many have Thanaka paste lightly smeared on their faces, a distinctive indicator of their Myanmar origins. According to staff of the Migrant Workers Rights Network (MWRN), a grassroots organization located blocks from the HRDF office, most are of Burman, Dawai, and Mon ethnicities. In the late afternoon in an area with a cluster of large processing facilities of Thai Union, one of the largest seafood companies in Thailand, nearly every person I walk past is a worker who looks to be in their 20s, wearing a colored shirt corresponding to a facility. The surrounding neighborhoods are residential, with food stalls, tables selling household items, and small shops advertising goods and services in Burmese writing, some selling betel nut and various snacks popular among Myanmar migrants. Across the main road is another hulking factory, where young men and women getting off work smoke cigarettes on the sidewalk as others file into the entrance.

Having identified the Thai state's capacities and interests in governing guestwork, as exhibited since the 1990s, in this chapter, I illustrate the developmental and regulatory dimensions of the *regime of temporal enforcement* in Samut Sakhon, identifying its causes and detailing its mechanics – as constituted through governance practices and social relations on the

ground – in Samut Sakhon. Codified by a revamped labor migration policy (the 2017 decree), this regime furthers a state aim to more strictly enforce the temporal constraints of legal guestwork. Responding to global pressures to eliminate human trafficking and forced labor in the country, especially its seafood industry, the state has intensified efforts to bring migrant workers into a formal system with a clear set of rights and entitlements along with defined temporal limits to such access. The outcomes of guestwork governance, however, are shaped not only by state policies but by the interaction of migration and family organization choices of workers, local employment practices, and the involvement of intermediaries.

The National Council for Peace and Order (NCPO) had made clear since taking power in the 2014 coup its intention to eliminate undocumented migrant labor and enforce an official guestwork system to better manage the temporary employment and residence of an increasing number of migrant workers. When I go to the field in mid 2015 and again in 2016, there is a prevalent wait-and-see attitude about labor migration policies among migrant workers, their employers, and their advocates throughout Thailand. It is a liminal regulatory period between the longstanding ad hoc system discussed in the last chapter and the strict enforcement of the MOU process that the military government promised. Updated MOUs between Thailand and sending countries of Cambodia and Myanmar that would have more procedural details are pending, and brokers I speak with in Chiang Mai say business is slow because migrants are waiting on the new policy before deciding what to do. While the Department of Employment opened migrant worker registration windows in 2015 and 2016 (IOM 2016), the “pink card”, “temporary passport”, and Certificate of Identity¹¹ obtained through these and previous regularization processes will expire

¹¹ The pink card, temporary passport, and CI are previously used identification documents (see chapter 2 table). The latter two provide legal status and eligibility for social protections, while the former only signifies registration with the intent to regularize. See IOM 2019, Kultalhati and Hall 2016, and MAP 2015 for more details on identification documents.

within the next two years. As, San Mon, a staff member of HRDF (since left) in Samut Sakhon explains to me in 2015, the documents of many migrant workers who previously completed the NV process are already expiring, giving them the options to either return to Myanmar and come back to Thailand through the MOU process, register for a pink card to buy them some time (with limited rights), or risk deportation while staying and working outside of the law.

By late 2017, when I go to Samut Sakhon to start an extended fieldwork stint, the policies are set. The Royal Decree on the Management of Alien Workers Employment, issued in June 2017, synthesized previous labor migration policies and established stricter guestwork governance procedures (along with alternative cross-border labor policies in border zones). According to government procedures, Thai employers can register their migrant employees with provincial employment offices, and workers must obtain nationality verification documents from an origin country official temporarily based in the province and then apply for work permits and visas valid for the next two years. The government promised to enforce the 2017 Decree at the end of the 2018 registration deadline by deporting those who fail to register and upholding the MOU process as the only legitimate labor migration channel to Thailand (except for cross-border labor schemes in select border areas). This is thus a period of intense regularization in Samut Sakhon and throughout Thailand, with around 1.2 million migrant workers in the country regularizing their legal status between July 2017 and the end of June 2018 (IOM 2019:11; Thai PBS 2018b).

I study the regime and this “regularization” process from the purview of HRDF, located in a shophouse building in a district with a high concentration of workers from Myanmar, down the main road from the Thai Union and other large seafood processing facilities. Funded by

international donors seeking to advance global ethical norms through organization programming,¹² HRDF has offices in Bangkok, Chiang Mai, Samut Sakhon, and a legal aid office in Mae Sot.¹³ As a national NGO, its civil society network includes other Thai NGOs, international NGOs, and community-based organizations (CBOs), including MWRN. The Samut Sakhorn office (and Chiang Mai office) runs the “Migrant Justice Programme”, which focuses on helping migrant workers claim rights vis-à-vis their employers and the local state through documentation of abuses, promotion of NGO-government cooperation, paralegal assistance, and community training. HRDF also mediates between migrant workers and the state, interacting with local government officials in immigration, employment, and social security offices.

At the time of my fieldwork, the Samut Sakhon office has two staff members. Hla is from Mon state in Myanmar and speaks Burmese, Mon, and Thai languages. Her parents were migrant workers in Thailand, where she was born. She moved back to Myanmar for a time and came back to work at a shrimp farm peeling shrimp in Samut Sakhon. She started working at HRDF around 2015 and, like many of the migrant workers here, sends a portion of her income back to her family, including 8-year-old son (in 2017), in Myanmar. As a migrant, she is plugged into migrant communities and works closely with MWRN and their migrant children’s school, the Migrant Children’s Development Center (MCDC). She is the main point of contact for migrant workers coming to the office seeking assistance. She also deals with authorities at the Burmese embassy, if a case requires, and given her multilingual abilities, she often translates between migrants and Thai employers, authorities, and other NGO staff. Ek, a Thai lawyer in his mid-twenties, works on the legal aspect of each case. He does a lot of desk work, cataloging case

¹² Such donors include the Open Society Institute, United Nations Global Fund, Solidarity Center, and country embassies in Thailand.

¹³ A Phuket office, in Southern Thailand, later opened in February 2022.

intake forms and filing reports for organization records, and also frequently interfaces with Thai officials when assisting migrant workers at provincial state offices. Before looking how the regime of temporal enforcement works on the ground, including HRDF's role in it, I identify the forces behind its recent consolidation.

Global seafood and the external push for “regular” guestwork

In this section, I draw from interviews with high-level Thai government officers, Thai seafood employers and industry association representatives, among other international and local actors to identify the political economic forces shaping Samut Sakhon's *regime of temporal enforcement*.

The Thai state has long sought to balance the economic need for foreign labor with the political obligation to “protect national security” by controlling who enters the country and how (Hall 2011). Reflecting this general approach to migration management, a senior officer in the Department of Employment tells me that three main concerns guide their policies: that “[migrant] workers do not affect national security, do not affect Thai employment in a negative way, and are good for the Thai economy.” Emphasizing the need to control potentially dangerous outsiders, an officer at the Samut Sakhon Immigration Office tells me:

Thailand needs workers, and the Myanmar economy is bad...some migrants commit crimes, so the current government chose the migrant issue to focus on, specifically illegal migrants. They are now trying to set up a better system, with pink cards, nationality verification, health checks – because migrants bring diseases. The system is getting better.

This quote reflects the Thai state's attitude toward migrants as source of labor but also as a potential threat in need of stricter regulation. The officer emphasizes this idea, saying, "we must look at the [migration] issue as a labor issue. Thailand needs labor, but the labor must be legal. The system will be better and improve the economy. It is not that we don't like migrants," he says, "but they have to be legal. We need to make them legal for labor."

Much of the impetus for this new system has been external. In years leading up to the country's guestwork policy revamp, a convergence of high-profile global normative and economic pressures focused primarily on the seafood industry pushed the state to ensure ethical recruitment and fair employment of its migrant workers. In 2013, a report by the Environmental Justice Foundation detailed accounts of fishers from Myanmar who had been rescued at a southern Thailand port after being forced to work 20 hours per day with little to no pay (EJF 2013). The report also identified a lack of attention on the part of Thai authorities to human trafficking cases and regular complicity of Thai police. The next year, the *Guardian* reported similar findings, connecting human trafficking and forced labor to major United Kingdom (UK) and United States (US) seafood retailers such as Carrefour, Costco, Tesco, and Walmart, who responded with promises to more strictly regulate their supply chains. Telling the story of a rescued fisherman, the report reads, "The supply chain runs from the slaves through the fishmeal to the prawns to UK and US retailers. The product of Myint Thein's penniless labour might well have ended up on your dinner plate" (Hodal et al. 2014). The following year, the EJF released an in-depth follow-up, revealing continued abuse and the complicity of Thai authorities in the trafficking and abuse of "seafood slaves" (EJF 2015), and the *New York Times* reported similar findings that further exposed systemic human rights violations in the seafood industry (Urbina 2015).

Amid these reports, powerful global economic actors issued official reprimands to the Thai government. In 2014, the US State Department downgraded Thailand to “Tier 3” in its annual Trafficking in Persons (TIPS) report, the lowest designation, indicating government failure to comply with minimum anti-trafficking standards and to make significant efforts to do so (US Department of State 2014). Among other issues, the report highlights the prevalence of forced labor in Samut Sakhon’s seafood industry as well as the government’s failure to “investigate, prosecute, and convict ship owners and captains for extracting forced labor from migrant workers, or officials who may be complicit in these crimes” (ibid 373). The Tier 3 designation raised the prospect of US sanctions such as a pause in bilateral or multilateral trade talks or withholding non-humanitarian, non-trade related foreign assistance.

The next year, in April 2015, DG MARE, the Maritime Affairs and Fisheries department of the European Union (EU) issued a “yellow card” to Thailand for its record of “illegal, unreported, and unregulated” (IUU) fishing practices (EC 2015). A further demotion to a red card would ban EU imports of a substantial amount of Thai seafood (Nelsen 2015). At this time, the European Commission (EC) delegation to Thailand and Thai state officials resumed diplomatic communication, which had been cold since the 2014 coup, in the form of a sustained dialogue on illegal fishing and migrant labor.

According to EU officers with the EC delegation I speak with in Bangkok in 2018 and again in 2020, reports of trafficking and forced labor in the seafood industry compelled them to include labor migration issues in their dialogue with Thailand on IUU fishing. As an officer from the earlier interview says,

The yellow card technically has nothing to do with labor but relates to illegal fishing. But once the AP [Associated Press] story came out about slavery in the fishing industry, the labor issue was attached to the

dialogue about illegal fishing. At first the [Thai] government didn't know why this was and resisted it, but gradually it became part of the internal dialogue...legally the issues are not linked, but they are politically linked.

Similarly, another high-level EC delegation officer tells me,

There is nothing about social aspects in the [IUU] framework. It is exclusively about sustainability – nothing to do with labor. But we have a broader concept of sustainability that includes labor and social issues. So, we enlarged the dialogue. We had to do something convincing. But we had an advantage because of the IUU framework. We had a strong negotiating position.

Among the issues, the delegation pushed the government to reform its anti-trafficking, slave labor, and labor migration laws in line with international standards. Part of their job, one of the EC officers tells me, involves “changing the mindset of high-level officials” so that they push reforms. “The EU can only present a framework, international standards, for Thailand to comply with,” she says, “but we don't tell them specifically how to design and implement policies. We just say, for example, you have no law regarding slave labor, so you need one.”

This convergence of high-profile censures from such powerful international “extra-firm actors” (Coe and Yeung 2015:47) as the EU and US State Department, drove the Thai state to take action. In response to the criticisms, the Thai government introduced new regulations to monitor fishing practices, amended anti-trafficking laws, and introduced a sweeping new policy to manage labor migration more strictly (ILO 2018; ILRF 2020:50; Kusakabe et al. 2018). As described in the last chapter, the 2017 Royal Decree on the Management of Foreign Workers Employment sets steep fines and possible jail time for undocumented migrant workers and their Thai employers (IOM 2019:28-29). A week after the government issued the decree, Thai Prime

Minister Prayut Chan-o-cha told officers of the National Economic and Social Development Board (NESDB) that the measure was needed to address international commitments, adding that the country is being closely watched regarding human trafficking (Charoensuthipan and Theparat 2017). At this time, one of Thailand's main public policy research institutes listed the proposed benefits of the new policy, including its ability to solve IUU problems raised by the EU, to address human trafficking issues, and to protect the rights of migrant workers (Bisonyabut 2017).

A year after the new labor migration policy, an EU officer describes the quick policy action of the Thai state. In response to me asking about a recent Human Rights Watch report that claims that the government has neglected the trafficking/labor issues, she is quick to dismiss it, saying that data from the report was collected in 2016,

...but a lot happened in 2017. In 2015, they [the government] came from nothing. There were no laws regulating forced labor, recruitment agents. In 2017, Thailand ratified the ILO convention 111 and pledged to ratify ILO 188 and ILO P29 on forced labor, and they are drafting a national law on forced labor in preparation to ratify. The royal decree presents a legal framework for managing migrant labor. So, Thailand is doing a lot to establish the legal frameworks; it will then be up to implementation, which of course is difficult.

The implementation of the 2017 decree indeed had immediate obstacles. Mainly, it triggered an exodus of an estimated 29,000 undocumented workers within a few weeks (Bylander and Reid 2017; IOM 2019), much to the alarm of employers facing a disruption in their production operations. In response, the government paused enforcement and announced a final March 31, 2018 deadline (later extended to June 31, 2018) for in-country registrations, after which deportations would resume, all registered migrants would have to complete the

“regularization” process of obtaining nationality verification, work permit, and visa documents (valid for the next 2 years), and any incoming migrant workers would have to use the MOU process.

Samut Sakhon is a focal point for implementation of the 2017 decree. As a major industrial hub for seafood processing as well as location of fishing boat embarkation, it is an important “downstream” site of global seafood production, supplying raw and processed goods for a supply chain feeding consumers in Europe, Japan, and the United States (Errighi 2016). It is also a longstanding site of migrant work, which has proliferated alongside the growth of the seafood industry. Since the 1990s, and until recently, most of the migrants working on fishing boats and in processing factories were undocumented, having informally crossed the borders from Cambodia and Myanmar. Older systems that several employers and migrant workers told me about, based on social network connections and fast informal hiring of undocumented workers, has given way to an environment of regularization and stricter enforcement of policies. The influence of the global anti-trafficking movement is now apparent around town, where anti-trafficking signage is noticeable in fresh markets and other seafood industry locations. NGO-provided t-shirts have messages in bold letters that say, for example, “Was your seafood caught by slaves?”

In discussions with provincial government officers in Samut Sakhon, they often raise the external influences on their governance mandates. In early 2018, an immigration officer tells me, “Thailand has to think with the international community...the government is trying to be more serious about checking worker documents and prevent human trafficking.” A high-level employment officer says,

...if you don't fix it [the system] now, it will impact seafood exports...Employers had to pay more in fines after the decree, and they were more afraid. Fishing boats used to use illegal labor, but now all labor is registered. Boats must go through checks before going out to sea. Now employers are used to the new registration system...Most of the illegal labor was in the fishing industry because it had a poor monitoring system. Now it is good because of the new check requirements.

Government officials also note the problems that Thai state responses to the criticisms created for small businesses. A high-level Samut Sakhon immigration official tells me in January 2018,

When the EU criticized Thailand, the government summoned officers, and provincial offices had meetings, which resulted in new orders. Small shrimp businesses that would sell products to Thai Union [a major global supplier of processed seafood], for example, now cannot do that [elimination of outsourcing to small operations]. Over 100 local businesses had to close. Also, family businesses were seen as using child labor, so they had to shut down. This is because of different cultural attitudes between Thailand and the EU. They see it as child labor, but local people see it as a family business. Only big businesses can follow the strict regulations of the EU.

When I ask the head of Samut Sakhon's Ministry of Labor office about the EU's influence on Thailand's policies, he smiles, chuckles, and rubs his face, then says,

The EU tries to make Thailand follow its rules. In my opinion, the EU standards for Thailand are not the same as standards for other countries, and maybe it is politically motivated [response to the coup]... The government has made many changes due to the EU criticisms – it is stricter, checks worker legal status more, will have harsher punishments, and it is laying out a formal system, but the EU still tells Thailand

that it is not doing enough. Local fisheries have protested EU pressures that are causing them to lose their livelihood and made them look for other jobs.

Industry actors express annoyance and rejection of EU involvement in Thailand's seafood industry. Suntaree, a representative of the Samut Sakhon Federation of Thai Industries (FTI) tells me in March 2018 that the EU yellow card was an overreaction. She says,

Buyers [e.g. Walmart] keep finding flaws in the extraction. The EU raised labor issues, but only about 10% of employers are actual abusers. And a lot of the claims are exaggerated. For example, some workers live at the factory, where there are barbed wire fences for security. Someone took a photo of workers behind this fence, and it was used to raise the issue of worker confinement. ... A Walmart representative came [to this factory] to investigate shrimp quality and labor conditions and forced the company to install water heaters for employer showers! ... we are not that terrible.

A representative of the Thai Tuna Industry Association (TTIA) also speaks of challenges their members have due to the "rankings" – a general term by which he refers to the US trafficking tiers as well as the EU's IUU assessment, but, he says, "everyone is focusing on Thailand, so [the government] has to do everything the international community wants it to do." In addition, several government and industry respondents say that new fishing boat regulations and restrictions on outsourcing have hurt small businesses with less resources to implement them than larger companies. Reflecting small business discontent toward international involvement in their operations, two large banners, one in Thai and one in English, displayed by fishers at a port near the Mahachai Market reads: "EU [encircled with a diagonal slash], STOP Threatening Thailand and Thaifishing industry [sic]." Ek also alerts me to such discontent one day when he warns me, after I tell him I will go to Talai Thai market the next morning, that people there will

not like me taking photographs because they “don’t like EU” (suggesting that any foreigner taking photographs may be mistaken for an international observer).

While the government is steadfast in addressing international criticisms, employers have exerted some, albeit limited, influence on policy implementation. Suntaree says, “Employers want a clear, simple process for hiring migrant labor. They are not seeking to cheat workers and hire illegal workers so they can exploit them; they simply want a basic process to hire them.” Employers convey their needs to the government through regular consultancy channels. According to Suntaree, every time the government issues a policy, they can consult the FTI, and when they implement the policy, the FTI tries to point out issues. After immediate implementation of the 2017 decree, for example, the government responded to industry outcries over a sudden loss of labor by pausing enforcement for several months and opening a regularization window. After consultation from industry actors, it also lessened the penalties for policy violations. Fishery employers have also influenced policy implementation. According to a provincial employment officer in 2019, fishing boats are always in need of labor, so employers want the government to open registration. In response to appeals from a Fishery Association (*Samakhon Pramong*) representing employers in 22 coastal provinces, including Samut Sakhon, the government implemented Section 83 to open dedicated registration for fishery workers. “Generally, the government will accommodate industry requests,” he says, “if there is a clear need for labor, but they don’t give everything they want.” There is thus evidence of the Thai government responding to seafood industry needs, but adjustments are all made within the parameters of a formalization overhaul that meets international standards. As a member of a local NGO says, while employers are affected when migrants leave the country during regulation changes, “[the government is] more concerned about the EU and the US.”

Thai state responses to global censures of its labor migration system have yielded results. With the introduction of several new policies (and reforms of others), from local regulations to national laws, the international censures were eventually lifted. The US state department promoted Thailand to “Tier 2 Watchlist” in its 2016 TIPs report, indicating that the government is making significant efforts to meet minimum international anti-trafficking standards, and to Tier 2 in 2018, reflecting significant efforts by the government to combat human trafficking.¹⁴

In early 2020, the EU recognized the Thai government’s progress in regulating the fishing industry, replacing its yellow card (formal warning) with a green card (lifting of yellow). Assessing these results, even before the EU upgrade, a European Commission officer (and Thai citizen) tells me in 2018, “The two things Thailand cares about is the economy and saving face, so trade and image are very important... This is why there have been results.” Dependent upon exports and tourism revenue, and particularly as a main source and processing location in a global seafood supply chain, the state had to combat these global hits to its trade and image by accelerating existing endeavors to control labor migration alongside heightened regulation of fishing boats. “...the EU told them to somehow make the migrant workforce legal,” the EC officer continues, “To the government’s credit, they have made an effort with legal frameworks and regulations.” Another high-level officer at the European Commission in Bangkok later tells me, in mid-2020, that progress has a lot to do with Thailand’s political system. “Progress was facilitated by the fact that a junta was in power,” he says, “so it was easier to implement reforms. In robust democracies, things take longer, there are longer processes with many different groups, which is good, but in the Thai case, the junta could push through reforms.”

¹⁴ In 2021, the US State Department again demoted Thailand to Tier 2 Watchlist due to remaining issues of forced labor of migrant workers (ILRF 2021).

While the main censures have been lifted, there is still significant international attention on Thailand's seafood industry. Keeping the global spotlight shining on the industry, myriad reports by the International Labor Organization (ILO), the International Organization for Migration (IOM), and advocacy NGOs have focused on improving recruitment and labor practices in the Thai seafood industry. European and US donors have also poured resources into projects aimed at the industry, including a 4-million-dollar grant from the US Department of Labor to develop an ethical recruitment model (Plan 2019) and an EU-funded project administered by the ILO and Thailand Ministry of Labor to combat labor abuses in coastal provinces (ILO 2018, 2020). Indicating continued influence on the state, the high-level EC officer emphasizes to me several times in our conversation that their dialogue with the government is ongoing, and they can still issue another yellow card at any time.

While international calls for Thailand to combat human trafficking and forced labor singled out the seafood industry, they reverberated throughout the country and spurred national efforts to formalize incoming labor migration processes. These developments resulted in an intensification of longstanding regulatory efforts, taking the form of the *regime of temporal enforcement* in Samut Sakhon, which I detail below. As I show in part II, formalization efforts took a different form at the border due to a concurrent set of forces.

Coercively enforcing temporary guestwork

In the rest of this chapter, I draw from fieldwork with HRDF to illustrate the regulatory dimension of the regime of temporal enforcement, detailing practices and relations of coercive

and administrative regulation. I am based here from late 2017 to mid 2018. On most days, I sit in the office and chat with Hla and Ek about what they are working on that day – paperwork for a case, contacting an employer to discuss a dispute, administrative reporting to the Bangkok office, etc. – and wait for an activity or something for me to tag along on, such as a trip to the employment office to deal with a worker’s paperwork issue. Some days, migrant workers may come, two to three at a time, seeking some form of assistance, and other days there are meetings, outreach events, or tasks to be handled around town. When the office is particularly slow, I go to the Samut Sakhon employment office, local market, or other location to observe migrant public life and interactions with the local state. On other days, I conduct interviews to make better sense of what I observe.

Among other migrant work destinations in Thailand, Samut Sakhon has attracted undocumented, social network-driven labor migration from Cambodia and mostly Myanmar since the 1990s. Suntaree, who wears many hats as a representative of the provincial Federation of Thai Industries (FTI), a consultant to seafood companies on migrant labor employment, former labor broker, and the head of a migrant worker recruitment agency, describes the growth of migrant labor (and brokerage opportunities) here since the 1990s:

In 1996, when I was in my 20s, I worked as a volunteer with an NGO called CARE. I was young and wanted to help. As more migrants came, they asked me about finding work in Samut Sakhon, and I helped. I guided them at a time when there was only a small number of Myanmar workers here. Then, the workers started to give my number to others back home who wanted to come here to work, and someone gave my number to a school that trained those planning to work in Thailand. It spread through their networks, and I became known as someone who can help migrants find jobs. In 2004, about 10,000 Myanmar migrants all came at once and stood in front of the City Hall, looking for someone to help them find jobs. Many of them

had my phone number. Eventually, I stopped working as a volunteer and started being involved in this kind of thing [labor brokerage] full time.

The Nationality Verification process beginning in 2009 increased the number of “legal” migrant workers here, but a large undocumented population remained, often working for outsourcing companies (e.g., shrimp peeling sheds) that have since been outlawed with the new regulations.

Facing global pressures to regularize its migrant workers, in the current context, the central state – mainly the Prime Minister’s office, the Immigration Bureau, and the Ministry of Labor – tasks provincial government offices with enforcing the 2017 Royal Decree, which focuses on stricter coercive measures against employers and migrants not adhering to the formal guestwork system. The local state enforces the decree by wielding coercive regulation at the point of production/employment, in public spaces, and even migrant homes. An official from the Ministry of Labor office in Samut Sakhon identifies the emphasis on regulating employers, saying, “The focus is on employers – higher punishment if they have illegal workers. Requiring employers to only hire registered migrants will force the migrants to adapt, and the government is trying to do that. The situation is improving because of it.” Similarly, a high-level officer with the Samut Sakhon immigration police tells me the following in early 2018:

Employers are a big factor for the law because the Immigration Bureau has been wanting to stop human trafficking, but people are smuggled in through the border to work, because the economy at home [origin countries] is bad. We can’t regulate the border, so we regulate employers instead. The border is long, and there are places with rivers and mountains, so it is easy to cross. The source of the problem is illegal employment. The government does not want to hurt the economy, so adaptations are made with the economy in mind.

Here, “adaptations” refer to adjustments in the enforcement of the decree due to a sudden loss of labor, as described above. The familiar dynamic of coercive policy enforcement followed by complaints from businesses (represented by the influential Federation of Thai Industries) about the negative economic impact of an exodus of workers, spurring another registration window, played out in predictable fashion after the decree. Provincial state officers discussed this tension between government control and the need for migrant labor. The head of the employment office tells me in early 2018, for example, “Those with pink cards have had them since 2014, but because employers complained about the fines, that they are too much, and that the window to verify workers is too short, the government extended the time [to start enforcing].” The head of Samut Sakhon’s Ministry of Labor office describes the early implementation of the decree,

When the decree was first issued, it was implemented too quickly, and employers were shocked. So, they asked for more time to legalize their workers. They need workers, so they asked for more time, otherwise the decree would hurt the economy. Many provinces had this problem, so the government extended the decree enforcement for 90 days, until the end of December 2017. So, punishments were supposed to start on January 1, 2018, but there was another extension to June 2018 for the group of migrants whose pink cards will expire at the end of March 2018 to get passports. Also, those without a pink card, passport, or certificate of identity, but who have reported themselves to authorities (with a letter of proof), have until June 2018 to get identification.

During this limbo period prior to decree enforcement, an environment of legal uncertainty raised concerns for HRDF and their grassroots network. One day in early 2018, while attending an assembly at the Migrant Children’s Development Center (MCDC), an unofficial

school for migrant children in the city, I talk with a woman from the Solidarity Center, based in Bangkok. She tells me that the teachers at MCDC are technically working illegally because their work permits are for “unskilled labor” but the work they do does not fall into that category. If officers check, then they can get in trouble, according to the new decree. She says officers “used to close one eye” to the issue, but now they are stricter. MWRN and HRDF are in the process of discussing solutions to this problem with an employment officer. Echoing several statements above, she tells me the new laws are a direct result of the EU yellow card, and to a lesser extent, the US Trafficking in Persons report.

Regardless of the specific regulations and timelines for enforcing the decree at the site of production, local police practice coercive regulation of migrant workers through street-level harassment and extortion practices, which reinforce the nonbelonging and deportability of migrant workers, even for those working within the law. In July 2015, San Mon from HRDF characterizes such regulation prior to the decree:

The police set up checkpoints around town every day to harass migrant workers and ask for money. They wait until after work and set up stops at the corners near factories to check workers’ documents. They rarely go into the workplaces to check. Some migrants have reported being asked to take urine tests on the side of the road and then being accused of using drugs. One man came to HRDF when this happened and went to the hospital to have a real drug test, which came out negative. We are trying to help him get money back from the police. Even if workers have documents, they can be harassed. If they don’t have documents, they must pay around 5,000 baht to the officer. According to Thai law, they are supposed to pay no more than 2,000 baht and then will be sent to court and detained no more than two days before being released or deported. This rarely happens. Usually they pay bribes, or they are detained for long periods (up to 6 months) so that deportation vans will be filled up before they go to the border.

While doing fieldwork in Samut Sakhon in 2017 and 2018, I often see police officers patrolling the city (sitting two to a motorbike) stop migrants and perform invasive searches that turn into shakedowns. During these stops, the officers demand to see documents and look in bags, even inspecting contents of phones. I often see officers on motorbikes riding slowly and patrolling the residential area near HRDF. Occasionally, I see officers stopping migrants to search their belongings at such places as a commuter van stop, on sidewalks, or the side of the road. In one instance, on my way to HRDF, I walk past two police officers standing next to a man on a sidewalk near Mahachai market. One officer stands on either side of the skinny man. They stand very close to him, almost up against him. One officer presses his face, with dark black sunglasses and black dust mask, about an inch from the face of the migrant, who holds out a small bag/wallet-type carrier while another officer reaches his own hand into the bag to look through the items. HRDF staff have told me that in addition to checking documentation, police officers here will also check for drugs. In this instance, they let him go and ride off on their motorcycle.

Many migrant workers share with me their experiences being stopped on the street or searched in their homes. During these incidents, police officers look for anything illegal (e.g., missing or expired documents, drugs) and take them to the station, often without an explanation. Some tell me stories of police barging into their rooms and searching them. A discussion with a group of four migrant workers in late 2017 raises common themes of invasive police harassment, which recurred throughout all of my interviews. Mai, who speaks English and serves as a translator for the other three, says that police check for their passports and treat migrants “rudely.” She continues:

They check for all documents [work permit, passport, etc.] and search our body and bags without asking permission. If they check in your room, they just go inside and don't take off their shoes. They also check people's phones. If they see three numbers, they accuse them of participating in an illegal lottery. It uses three numbers instead of the legal lottery – 6 numbers. If we don't have documents, they demand 8-10,000 baht [about 250-320 USD] to be released.

Moe Aung shares his experience:

I was stopped and only had a copy of my pink card, so the officers took me to the small downstairs room – *hawng yen* [translated to “cold room” – he tells me this is what the Thai people call it]. [Mai interjects to say that in these instances the officer does not register an official arrest, but he threatens to take the migrant upstairs to arrest him if he doesn't pay.] Some migrants get scared and have their relatives come to pay the money, but others wait it out. By six pm, the officer usually returns and asks again for the money, but if you don't pay, he asks what you have on you and takes that. I waited and ended up paying 3,000 baht [just under 100 USD].

Several migrants give similar accounts of extortion. In the room with cold air conditioning, the police demand cash payments for their release. The first price named is usually high, and the migrant has to try to negotiate a lower fee. Some migrants who know this process wait it out all day long, until the officer, having left the room for a while, comes back down and tells them they must pay or be taken upstairs for processing. At this time, however, the officer is ready to go home, and the migrant can usually negotiate a low price, sometimes even maintaining that they have no money and getting released.

Regardless of outcome, all of these interactions take place under the constant threat of migrant deportability (De Genova 2002), giving the police constant leverage to harass and extort

vulnerable migrant workers. Furthermore, such practices reinforce the popular idea that migrant workers are not part of Thai society but are here to work temporarily under specific conditions. Importantly, such practices were already common in Samut Sakhon (and elsewhere) before the 2017 decree, yet the decree further heightens the coercive context with a focus on regulating work places. As mentioned in chapter two, authorities often demonstrate the threat of deportation after registration/regularization deadlines. After the June 2018 deadline, the government made true on its enforcement promises, arresting over 1,000 workers and imposing fines on over 200 employers in August alone (The Nation 2018) and arresting hundreds of workers in Samut Sakhon in October (Weng and Kha 2018).

Documenting migrant workers

In this section, I focus on the Thai state's infrastructural power (Mann 1986) to document migrant workers in Samut Sakhon and regulate their temporary stay in the country. I illustrate local activities and relations that are analogous to the "regulatory infrastructure" of migration, conceived by Xiang and Lindquist as the "state apparatus and procedures for documentation, licensing, training, and other purposes" (2014:124). Yet, I also include non-state actors, including employers and documentation brokers, as essential to the local infrastructure of migrant worker regularization. I show that "infrastructural holes"¹⁵ – gaps in the state's regulatory infrastructure – amid heightened coercive policy enforcement create opportunities for brokers to profit by intermediating between migrants, employers, and the state to document

¹⁵ This term is inspired by sociological literature on brokerage and "structural holes" in organizations (Burt 1992), adapted to an analysis of state infrastructural power (Mann 1986).

workers. Specifically, the mismatch between a high demand for documentation and the infrastructural incapacity to do so, creates profitable brokerage opportunities. Such brokerage augment's the state's capacity to incorporate workers into a strictly enforced system of temporary labor while also offsetting costs of documentation for employers, who pay brokers from worker wages.

State and global supply chain pressures for “regular” migrant labor in the seafood industry

Seafood employers in Samut Sakhon have had to respond to state pressures to regularize their workers as well as similar pressures from firms within the supply chain. The employers must make sure their workers have the proper documentation to maintain their legal status and avoid fines and a depleted labor force due to arrest and deportation. This has not always been the case. Some migrant workers who have lived in Thailand for over ten years tell me that employers used to hire them without documentation requirements. A seafood company owner confirms this, saying that recruitment used to be easy because there were so few regulations. He would simply ask an existing worker to invite his friends to come if he needed more. “I employed the whole village before!” he tells me. Similarly, a representative of the Thai Frozen Foods Association (TFFA) and former factory manager tells me that in the past, migrant workers would arrive at a factory, talk to the security guard and give him their information, and then the next day they could be working. “We didn’t care if they were illegal,” he says. Since the nationality verification process (implemented for Myanmar workers since 2009), however, most employers require their workers to obtain identification documents and work permits once hired. As policies

change, employers are the ones who inform migrants of requirements and instruct them on what to do.

At the time of my fieldwork, many workers I interview already have documentation, but they all tell stories of frequently changing their documentation according to employer requirements. Moe Aung's experience with the same company for twelve years illustrates this development. When he first got a job at the Thai Union processing plant in 2005 at the age of 13, his boss did not require any documents but arranged for him to pay 500 baht (about 16 USD) from his wages to local police each month to avoid arrest. After the government implemented nationality verification policies in 2009, the factory required him to register for a pink card (and pay a human resources staff to broker the registration). In the context of the new decree, the company exclusively hires MOU workers, as do most large factories. Reflecting this trend and other worker accounts, Nai Lwin tells me in late 2017 that the Unichord processing plant will require him to use an MOU passport after his temporary passport expires in June 2018.

A group of workers from the Good Luck shrimp factory share with me their experience in early 2018. Around 2012/2013, the factory told them that they needed to switch their pink cards to temporary passports, so they followed the employer's instructions. To do this, they each paid 4,200 baht to a broker to process the application in Ranong (the location of one of the few OSSCs at the time). They then had to apply for work permits within 90 days of getting their passports. They went to the factory office and paid 1,800 baht for their 2-year permit. Human resources staff submitted their passports and a letter (in Thai) to get their work permit at the employment office. Later, when they had to get Certificates of Identity, the factory took care of everything again. Since their passports were about to expire, the manager told them they had to

change to a CI. They did not know what they were supposed to do, the tell me, but just listened to him.

As evident in interviews, employers often deduct from migrant worker wages to take care of their documentation acquisitions/changes. In these situations, human resources staff often act as brokers, or hire brokers who they split service payments with (more below). Larger factories often take care of the applications themselves, arranging brokers (or letting HR staff act as brokers) and either deducting money from wages or allowing HR staff to charge fees. Those who work for smaller outfits might find their own brokers to complete documentation procedures. Sometimes, workers seek out brokers themselves rather than rely on HR staff. For example, in late 2017, San Lin Nai says, “My passport expires next March. I will change to CI. I’ll do it through a broker that I know because the HR team charges 4,000 baht. The broker will charge similar, but I’d rather give it to someone in the community [a migrant from Myanmar] than HR. I know this broker already.”

Around the same time, Nai Maung tells me his account of employer requirements and their costs:

After four years, I got a job at a CP factory,¹⁶ where I worked for three years. After a year working there, in 2010, I got a red passport [MOU, or “real” passport]. My employer asked for a copy of my pink card and arranged everything through brokers. I had to go to Ranong and cross the border to Koh Tang to complete the process. I got my fingerprints taken on the Thai side, at immigration, and then went to the Myanmar side to get my picture taken. Then we went back to the Thai side to wait. I got my passport within one day. My employer used brokers on each side (Burmese and Thai). When I came back to Mahachai, I got a

¹⁶ Charoen Pokphang (CP), is a processed food giant, one of Thailand’s largest companies.

medical check, waited 15 days to get a work permit, and then a visa. My employer took care of all of this, but I had to pay 9,000 baht for everything.

Given their position in the broader governance picture, employers can also limit migrant movement, rights, and benefits. Visas and work permits are directly tied to specific employers, so legal residence status is contingent upon continued employment. If a migrant worker resigns from a job, s/he needs to obtain an official resignation letter to be able to find a job elsewhere and apply for a new work permit within 15 days. Oftentimes, employers do not bother to provide this document, resulting in the worker seeking employment illegally. The owner of a small seafood company tells me his perspective, indicating implications of the power relationship:

[If a worker wants to quit and get another job] I have to sign a paper to release them, but I can include a clause that says the worker was bad, so then that worker can't get a job anywhere else. Sometimes the employment officer will call me to remove the clause, but I tell him to fuck off. ... There is a lot of corruption, and all officers make money off of each piece of paperwork.

Employers have also been known to hold onto worker documents, which creates problems for those intending to travel within the country or to visit home in Myanmar. For example, a migrant worker who had recently resigned came into HRDF one day seeking help in securing his work permit from his former employer. He planned to travel back home and needed his permit in case police stopped him en route. Ek tried calling his boss several times but could not get ahold of him that day. Social welfare benefits are also contingent upon employer contributions to the system, so those who work for large employers that follow these laws can claim injury compensation, social security, and other benefits from the Social Security Office,

but many work for employers who do not bother to enroll their workers in the system, leaving them unable to access the benefits that the law affords them.

In any case, in the context of the 2017 decree, Thai seafood suppliers face increased pressure to maintain a legal workforce of migrants tied to two-year contracts. In addition, these suppliers must also respond to pressures from global buyers. Acting as lead firms in “buyer-driven supply chains” (Gereffi et al. 2005) and global production networks, these buyers have exerted more control over the hiring activity of Thai firms. With a global spotlight on the poor conditions in Thailand locations of the seafood supply chain, this heightened inter-firm governance comes from buyers seeking to prevent damage to their brand reputation.

According to a Thai Tuna Industry Association (TTIA)¹⁷ representative, most of its members now hire workers through the MOU process because of pressure from such buyers as Nestle, Wal-Mart, and Tesco to respect minimum labor standards. He says, “...the EU yellow card, which made an evaluation of the entire country, makes the industry look bad. After the yellow card, the TTIA worked harder on labor issues.” In addition to describing an “ethical standard” that all TTIA members must now agree to, he tells me how global buyers reinforce supplier adoption of the MOU process:

Most [of the TTIA members] use the MOU passports because of pressure from buyers – mainly from the US and EU. Buyers have their own standards ... and they send auditors to the factories each year to see that they are meeting them. The MOU passport is the most official form of migrant worker documentation, so they use that.

¹⁷ This association is based in Bangkok but has several members based in Samut Sakhon.

The Human Rights Manager¹⁸ of the seafood processing giant, Thai Union similarly describes buyer governance changes since the global attention to the industry:

... there are “reputation risks” with the high-profile attention on the industry. ... It is important for our business survival to abide by retailer standards. So, there were a lot of questions from retailers [at the height of the reports/criticisms] – “What is going on?” Now [November 2019] there is less scrutiny from customers [his term for buyers] because mechanisms are already in place to monitor the supply chain... There are different customer standards, but most use labor standards based on the UN Global Compact and ILO. The bottom-line standard for all customers is for their suppliers to comply with local laws.

Discussing power asymmetries in the supply chain, a representative of the Thai Frozen Foods Association (TFFA) tells me:

TFFA had to show that the industry is not bad. Even though most problems were on fishing boats, it was related to processing. ... There is pressure from Western buyers. If Wal Mart, for example, wants to buy products from Thailand, the Thai company has no voice to negotiate with buyers, but when the buyer says they “are a CSR [corporate social responsibility] company” and give demands, like zero recruitment fees [for workers], they never give any money to the supplier to help. They just say the demands, so the Thai supplier has to do everything to squeeze output from the workers.

Interviews with migrants working in large seafood processing factories in late 2017 also indicate a shift to the MOU process. Workers from Thai Union and Unichord tuna factories, for example, tell me that their manager will require them to return to Myanmar to enter the MOU

¹⁸ A new position since 2018, itself an indication of international influence.

process when their current documents expire in 2018. Reflecting the migrant experiences detailed above, survey research from the ILO (ILO 2020) shows an increase in MOU use in Thailand's seafood processing sector from 19% in 2017 (n=222) to 83% in 2019 (n=196). Buyer regulation of supplier hiring practices and labor standards thus reinforces the MOU process that the Thai government is strictly enforcing in response to external pressures and threats to the country's seafood industry.

Infrastructural holes in local state administration

In the context of the purportedly final migrant regularization window, migrants needing to legalize their status had to register, through their employer, with the Department of Employment's "Samut Sakhon Foreign Workers Management Center" (the Employment Office), obtain nationality verification in the form of a Certificate of Identity (CI) from a Myanmar official based in a CI office, obtain a work permit from the employment office, and then secure a two-year visa from the immigration bureau office. In February 2018, the government also set up a "one stop service center" (OSSC) outside of the Samut Sakhon public hospital, where local government agencies processed regularization procedures from registration to full documentation leading up to the deadline. This OSSC was one of several the government established in February 2018 to accommodate the nearly two million migrant workers not yet registered before the March 31 deadline (Thai PBS 2018). Once in the system, workers also deal with the social security office to maintain their fund and make injury compensation claims as well as local public hospitals in the event of illness or injury.

A Ministry of Labor officer in Samut Sakhon identifies challenges the state has in regularizing the migrant labor force in 2018. He says,

There is the challenge of migration flows – when migrants move to other provinces, which causes problems in the database. The database is always changing. Also, the border is so easy to cross, so there are always more migrants who are not in the system. It has been like a loop, trying to legalize migrants. Even though the government tries to legalize the workers, it is a loop, and there are always the same problems. There are always announcements from the Ministry of Interior, which create new rounds of legalization issues.

This quote shows that labor migration patterns – both across the border and between provinces – pose challenges to the state in its goal of eliminating undocumented migrant labor. He goes on to outline the intrastate relations for guestwork policy implementation through the purview of his office. There are two levels of policy that his office implements, he says. The first is national, top-down policy. Examples of such policies, ordered at the national level to be implemented by provincial offices, include “legalizing” migrants (regularization) and enrolling them into the health and social security system. The second level of policy is the provincial level, which his office has more say over. One example is a policy to monitor the housing of migrant workers in Samut Sakhon, through which the office promotes buildings for migrants’ temporary stay and encourages employers to rent the space for them and provide transportation to and from the factory.

While policy mandates are mostly to-down, local offices have a certain level of autonomy during implementation stages. A high-level officer at the Employment office tells me in late 2018 that while provincial offices must stick to central government timelines and deadlines and must enforce essential standards of each policy, they can adjust the methods of implementation

to fit the local context. The central government asks provincial offices their opinions before enacting policies, he says, then there is a trial implementation where all provincial offices follow steps closely, after which it is possible to give feedback and adjust implementation to the local situation. Samut Sakhon has many more incoming migrant workers than other provinces to manage each day (he says 2,000 daily as opposed to 100 elsewhere), so it gets support from the central government.

Central government mandates can create administrative burdens on the local state. In an interview with the head of the employment office in early 2018, he talks about the government's plan to open a one stop service center (OSSC) to register migrant workers before the deadline:

[The OSSC] will create many problems for me. I don't agree with it. The previous database we compiled already has a lot of information. The government wants workers to have a 13-digit number, like Thai ID cards, and this is unnecessary. The OSSC database will be sent to my office, with data that I already have, and we will have to spend time inputting it. I don't know exactly what we will have to do, but I fear it will create too much work for the office. It will also cost employers and workers a lot of time. ... I just had a meeting with high-level officers from other offices – health, social welfare, immigration – and they all agreed that the OSSC will create more work and more problems. The work will take time away from our priorities [e.g., improving employment conditions for local Thai citizens].

He gives exasperated laughs as he tells me this, reiterating that he will “have problems.” In his opinion, the pink card process – registering migrant workers and providing them with a temporary permit and visa prior to full regularization – is a waste of resources, since migrant workers go back and forth, the information is fleeting, and there will be new migrants, so it creates continual work for his office. “A migrant works for six months,” he says, to illustrate his point, “or even just one day, and he will leave his pink card, and when he comes back, he can use

a passport, so the pink card becomes unnecessary. The system will not be able to keep track of the worker.”

In addition, policies frequently change, disrupting procedural continuity and confusing everyone involved. In 2018, the head of the employment office blames the constant policy flux on frequently changing governments, stating that when the junta took power in 2014, they began a new verification process instead of continuing the existing one. "Policies are uncertain because they come not from law but from specific governments," he tells me, so "in the future, a new government might change policies and create a new system." Furthermore, the FTI representative, Suntaree speaks of “daily policy” (*nayobai rai wan*), as policy implementation can be unpredictable and vary depending on the officer, some of whom, for example, may ask for a "fee" for a missing item at the employment office, while others are stricter and reject the application.

Implementation disconnects between central and local government offices is also common. On this topic, during a discussion about implementation of the royal decree and local regulation more broadly in March 2018, Suntaree uses a Thai idiom to make her point that design often does not correspond to practice: *Khon kit may day tham, khon tham may day kit* (“person who thinks doesn’t act, person who acts doesn’t think”). Amid the period of intensified guestwork formalization, Samut Sakhon provincial state offices face a glut of information to process before impending deadlines, compounding whatever inefficiencies regularly exist. In short, the regulatory infrastructure is characterized by a mismatch between the pronounced need to process worker documents and the limited ability of the state to do so.

The Samut Sakhon employment office is exemplary of the inefficiencies of the regularization process. On the first of three floors, clerks shuffle through papers, some with

stacks of files reaching a foot tall on either side of them, in an enclosure of about ten desks. There are constant sounds of stapling, paper shuffling, chatter, an automated voice telling a cue number to go to a certain desk, and nonstop stamping in succession. On the walls are charts showing the office's hierarchical organizational structure and others outlining various, multi-step instructions for documentation – one for work permits, another for workers changing their employer, and one for the MOU process. There are several signs and banners with diagrams depicting application processes, or tables listing a set of requirements in Burmese and some in Khmer and Laotian text as well. Some posters have pictures of migrant workers in seafood processing plants, smiling while flashing their new documents for the camera. On every floor, people sit and wait in plastic chairs, holding their document bundles, periodically going to a desk to handle a portion of their task and returning to their seat await the next step.

On my first visit to the office in late 2017, I tag along with Ek as he assists two migrants in getting permits to work in MWRN's learning center for migrant children. We walk past the bustle of the first floor and up a stairwell to the third, where stacks of bundled documents, one in the hallway piled up to the size of a living room couch, seem to have overflowed from the main office. I am struck by how crowded the place feels and how long we wait for each step. While waiting for over 30 minutes for a receipt, to my surprise, Ek remarks that we are lucky because today is not so crowded, and the lines are moving quickly. Usually when he comes here, he says, he stays from morning until early evening. "I always see problems here," he tells me, "...documents. Always, 'one more, one more'." They never resolve anything the first try, he continues, requiring him to make successive visits. He later complains that information is poorly coordinated within the office, pointing out that the clerk on the third floor told him to go downstairs to find simple procedural information she did not know. At one point he gets up to

ask the clerk about the status of the work permit applications he submitted and returns, saying, “no check, is slow” [If you don’t check, it will be slow]. The office also faces resource limitations. An experienced broker tells me that while the office has about 40-50 staff, most of them were hired temporarily to process applications.

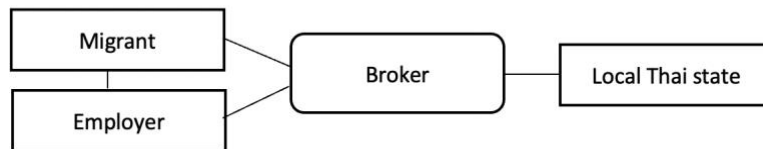
In sum, the local state in Samut Sakhon has mandates to coercively enforce and administer new migrant labor regulations with limited infrastructural capacity to do so. It has strong coercive abilities to regulate migrants at the point of production as well as in public and even migrant homes. Such coercive regulation prompts employers to legalize the work status of their migrant employees. On the other hand, it has limited administrative capacities to implement regularization procedures. The infrastructural holes that result foster brokerage opportunities and outcomes that I discuss below.

Informal documentation brokerage as a regulatory institution

In the context described above, several infrastructural holes exist in the state’s capacity to regularize migrant workers. According to migrants, brokers, and a representative of the Federation of Thai Industries, however, most employers lack the time and desire to learn requirements and gather application items for each worker. Most migrants do not speak Thai and cannot understand application forms and procedures, and many tell me they are intimidated by Thai officers, who harshly reprimand them for misunderstanding instructions. On their end, state offices lack the resources to manage the tens of thousands of individual cases that come to them. Overall, the mismatch between the pronounced need to process regularization paperwork for so many workers during a relatively short period and the state’s ability to do so creates

opportunities for informal – independent, unlicensed, and unregulated – documentation brokers to profit by intermediating between migrant workers, employers, and local state offices (see figure below). In doing so, brokers profit while augmenting the local state’s infrastructural capacity to fulfil its governance mandates. In addition, brokerage makes regularization affordable for employers of any size, as it offloads all documentation and procedural costs to migrant workers.

Figure 5: Schematic of Samut Sakhon intermediation



At eight concrete tables outside of Samut Sakhon’s employment office, small groups of women wearing stylish dresses and pant suits, jewelry, and makeup fill out forms stacked in plastic trays. They talk to others around them, laughing and shouting as they move between adjacent tables. As brokers handling work permit and other paperwork, they flout two signs flanking the courtyard stating that brokers are not allowed to work on the premises.¹⁹ Much like in office settings, the women work and banter throughout the day, offering to share food (*Aow ‘nom jin mai?* / “Do you want these noodles?”) as they complete their tasks. They frequently go into the employment office to submit forms, make photocopies in the back of a cargo truck

¹⁹ I have seen similar signs in other places, such as the Immigration office in Chiang Mai. During a visit here in 2016, in an area with a sign warning people not to pay for any services offered, a woman approaches a staff member of HRDF, who is applying for a re-entry permit on his visa, to offer help filling out a form. He tells me that they charge 100 baht to help migrants who cannot write in Thai fill out their forms. Sometimes, he says, employers fill out the forms for employees, and then at the immigration office the people offering help say it is incorrect and charge to fill out a correct form. The migrants have no idea if this is true.

parked in the alley, or move to the adjacent air-conditioned coffee shop that functions as an extension of this outdoor workspace. Inside the office, they move with ease, casually dropping off stacks of forms, bantering with clerks, and stopping to chat with fellow brokers. In the late afternoon, one-by-one they announce their departure (*Pai laew, bye bye tuk khon!* / “I’m going already. Bye bye everyone!”), and the next day they begin again.

With their administrative know-how and varied social connections, these brokers prepare documentation, liaise with and submit paperwork to government offices, and usher migrants through specific procedures, all without official recognition from the state. Varying in quality and sophistication, from those with shophouse offices to "ghost brokers" (*nainaa phi*) who might disappear before completing services, most brokers are Thai, though they may employ Burmese-speaking sub-brokers, often migrants themselves, to communicate with workers.

Mai, a migrant worker living in Samut Sakhon (introduced above), explains to me, while drawing a diagram as three other migrants watch and nod in agreement, that head brokers who are Thai, Burmese, or both (working as partners) employ migrant sub-brokers who can speak Thai and Burmese (and/or Myanmar ethnic languages) and communicate with (sub)sub-brokers based in migrant communities. One day, I watch and listen as a broker working in the coffee shop next to the Samut Sakhon employment office talks business with what looks to be a sub-broker, asking him, "how many people, how much money?" (*gii khon. Ngern tawry*). After making a quick call consisting of a few short questions in Burmese, he relays the information to the broker – "Tomorrow. Will have five people, or four people" (*Prungnii na. Mii haa khon, sii khon*). In another example, Arthit, a Thai broker I interview outside of the Samut Sakhon immigration office has a staff of three Burmese-speaking men present at the time, who he relies

on to ask migrants going to and from the office what they are doing and what documents they still need.

Several migrants tell me that brokers proliferated after the start of the nationality verification process for Myanmar workers in 2009. In addition, Arthit tells me that he has had more competition since the 2014 coup because brokers now operate in almost every province, eliminating the need for migrants to come from other locations to use his services. A young woman broker working outside of the employment office tells me the following about the growth of the documentation brokerage industry:

[The industry] has grown a lot since the current prime minister because he wants to get rid of corruption in Thailand in general. He wants to set up a formal labor migration system. So, there is a high demand for documents, and a lot of opportunity for brokers.

With a constant need for migrant labor in Thailand, brokerage has become a profitable business. This broker smiles as she tells me that she can make 10,000 baht (about 300 USD) in one day (in contrast to the minimum wage of 325 baht/day), without taxes. A common saying, according to Ek, is “If you want to be rich, become a broker” (*taa yaak ruay, hai pen nai naa*).

In Samut Sakhon, brokers have grafted their operations to several offices related to the regularization process. Such activity is most pronounced at the employment office, where, as depicted above, the front courtyard (and coffee shop directly across the alleyway) serves as a daily workplace for brokers. On numerous visits, I sit in the waiting area near a large window overlooking the courtyard, viewing parallel and intersecting administrative worlds – inside, an official one of provincial bureaucrats processing endless paperwork detailing the personal and professional information of Samut Sakhon’s migrant workers, and outside, an informal one of

brokers working non-stop to collect and feed applications to the office. At concrete tables in the office courtyard, and in an adjacent coffee shop, brokers work all day, heads down filling out paperwork, making photocopies, and organizing files that pile up in plastic trays. A few of them constantly move to and from the employment office, submitting forms at various desks, getting pieces approved, waiting, and submitting to other clerks throughout sequential steps in the process. In contrast to the ease with which brokers move through the office, a few small business employers wander around, peruse and photograph instructions on the walls, and ask questions to the clerks, many of whom sit next to tall stacks of paper containing information to input into a database.

Intersecting with the local state regulatory process, documentation brokerage enhances the state's infrastructural capacity to bring migrant workers into the formal system. For one, brokers often communicate state requirements to migrants and employers. Brokers may gain documentation requirement information direct from the employment office while acting as employer proxies. One broker working outside of the employment office tells me that she keeps up with policies regularly and goes to the employment office every day. The office also holds meetings to update employers on policies, to which employers often send brokers to attend. If an employer is approved for their migrant worker quota, for example, they get a letter from the government stipulating the documentation requirements for workers and instructing them to go to information meetings that take place every one or two months.

Given the many requirements to apply for work permits, including business documents from employers and identification documents from migrants, documentation brokers must spend time following up on cases and making sure applications have all required items, calling employers to track down missing pieces if needed. Sitting in the broker coffee shop in Samut

Sakhon, I listen as brokers make consecutive calls, speaking in authoritative tones, emphasizing application items (*visa...sii muang...CI...pen CI/ visa...purple [passport]...CI...it's a CI*) and determining if the client has them (*Mii, mai mii / "have, don't have?"*). There is often an impatient process of explaining particularities of the process (*gra-suang ... sii duan ...song pii, chai. Errhh, chai / "ministry...four months...two years, yes. Yesss, yes!"*) and making sure the person understands. In these instances, the broker does the work of the state in explaining and clarifying, step by step, what is needed to regularize migrant work status.

In addition, brokers facilitate the bulk processing of documentation paperwork, exuding workplace familiarity while navigating the official regulatory infrastructure. I watch one day as a broker stands at a counter chatting with a clerk, calling her *Pi* (a colloquial term meaning older sister/brother). After going outside, she returns to grab a stack of about ten work permits with forms slipped inside each booklet, conveniently set there for her. She swiftly grabs them and then deposits them at another desk. A few minutes later, another broker stands at a counter, laughing and talking with the clerk and stamping pages of a booklet in a repetitive, robotic manner. Another woman joins her to stamp another booklet. They continue smiling and laughing with the clerk and then return the stamp before one woman goes off to submit the finished documents at another desk. In another instance showing superior procedural knowledge, a broker stands on her tiptoes, leans over a counter, and points to a shelf as she asks a clerk for a form. The young man behind the counter looks uncertain (possibly a temporary worker), and the broker directs him to a stack of forms (*an nii, nii, er / "this one, this, yeah"*), from which he hands her one before she abruptly walks outside to work at a nearby table.

Brokers also physically usher workers through regularization procedures. One day, outside of the CI office, I spot a young woman dressed in jeans and a Hawaiian-style shirt,

wearing a small pack around her waist. During the next two hours, I watch as migrant workers approach her to hand over a newly acquired CI booklet and old temporary passport, which she inspects before stashing in a plastic bag. Two women come, then two men, two more, five more, and eventually about 20-25 people gather before the broker finishes her inspection and exclaims, "Let's go! Let's go!" (*Pai pai, pai pai!*).

Such ushering is particularly evident at the temporary One Stop Service Center (OSSC), set up outside of the Samut Sakhon Hospital beginning in February 2018. In late March 2018, the OSSC is packed each day with hundreds of migrants moving through different stations (eight in total) run by health, immigration, employment, and other local state offices. Amid the crowd, groups of migrants, some as large as 50 people, wear numbered tags affixed to their shirts or hanging on lanyards as brokers lead them around the premises. One woman, standing with a basket of forms surrounded by a large group with matching tags, tells me that she and her partner are brokers, hired by area factories, restaurants, and small businesses to bring their workers here.

At the entrance to the medical check area, I recognize several brokers from the employment office, sitting calmly, chatting, eating snacks. Here, they hand off their clients to army officers, who set their application items on a desk before calling batches into a cordoned-off area. I watch through metal bars as migrants exit a restroom and shuffle along a line holding a cup of urine with a testing strip inside. One by one, they pour their sample in a large jug and submit the strips to a nurse, who records the results before a man stamps an "N" on the migrant's forearm. Everyone's arms have a series of numbers scribbled on them in marker and numbered tags officers affix to their shoulders, next to similar tags brokers use to keep track of them. The migrants then sit in a large group – about thirty at a time – to wait for a military officer to call

their name, after which they move to the next step (fingerprints). Back at the entrance/exit, brokers receive their clients and bring them to the next station.

As these examples show, the conditions that create brokerage opportunities in Samut Sakhon allow brokers to augment the state's infrastructural capacity. Coercive regulation perpetuates the need for migrant documentation, expanding the number of brokers filling administrative gaps in the regularization process. State offices rely on these brokers in an unofficial collaborative relationship that increases the efficiency of documentation procedures. The head of the employment office says that officers prefer dealing with brokers because they know procedures, and a broker tells me that officers always accommodate her requests, with temporary staff even asking her how to do things.

Such a facilitatory effect suggests why the local state allows such activities despite official central state prohibitions. Ek tells me that he once complained to a Department of Employment official in Bangkok about preferential treatment of brokers in Samut Sakhon (e.g., letting them cut in line), to which she responded that brokers cannot work inside employment offices. To his knowledge, she never followed up. A Department of Employment sign in the office courtyard also warns that brokers are prohibited from working on the premises. Yet, brokers tell me that authorities never bother them, and from my observations they are a fixture of everyday office operations.²⁰ These indications and the fact that multiple reports identify brokerage as common suggests that the central state is aware of its prevalence, but there is no evidence of attempts to regulate it. As an HRDF staff member tells me in 2016, “the government knows about the brokers but don't regulate them...The officials make money from the brokerage

²⁰ Similarly, migrant workers in Chiang Mai tell me that, in the past, officers from the employment office would not explicitly tell them to use the broker offices set up outside of the office, but they would say something like, “go outside and get help” and point them to the row of adjacent broker offices (the employment offices has since relocated, but the broker offices are still there).

system, and the government needs it for migrant registrations...[it] doesn't have the staff to deal with all the applications." An immigration officer tells me in 2017 that he sees brokers as providing a convenience for the application process. "If they are not breaking the rules," he says, "then no problem, but if they break the law, then the police will regulate them." A longtime broker characterizes the local policy in practice, saying that if a broker is reported for cheating clients, the head of the employment office will prohibit them from entering the office. As local officials tell me, methods of policy implementation, including how they deal with intermediaries, are largely decided by local offices, and there appears to be no central state interest in spending time and resources regulating an activity that improves implementation, especially for what is intended as a stopgap measure.

Importantly, this enhancement of state capacity comes at a high cost to migrant workers, who shared with me their histories of documentation, some dating back to 2009, and having to pay official and inflated fees with each policy change. For example, several report paying 4-5,000 baht (up to 160 USD) just to obtain a CI, which officially costs 300 baht. One worker paid 5,200 baht to change his work permit to a new employer, a procedure that officially costs 900 baht. Other studies have documented exorbitant fees during regularizations (Kultalhati and Hall 2016), including 30,000 baht charged to Cambodian workers for a process with an official price tag of 4,400 baht (Bylander 2021). Furthermore, the need to pay these fees frequently in a fluid policy environment imposes long-term hits to migrant incomes. Speaking about a work permit, one migrant tells me that "[the broker says] it will take care of it for two years, but after a year they need to do more, and they charge more." Reflecting these repeated costs, one day I notice a widely shared Facebook post among Myanmar migrants, showing a photograph of various

identification and work permit documents placed in food bowls next to a rice pot to depict the money spent on documentation instead of sustenance.

Incorporating workers into a formal system of temporary migrant labor circulation

From the vantage point of HRDF, migrant rights organizations in Samut Sakhon – a small handful of NGOs and community-based associations – also play key governance roles, as unofficial intermediaries between migrants, employers, and the local state in labor regularization and guestwork program integration. At a meeting in Bangkok among staff of all HRDF offices and a few other organizations in late 2017, the organization Chairman opens a session by discussing their role in relation to the state. Broadly, states are supposed to protect people, including migrants, rather than harass and extort them, he says. But civil society must also protect human rights if the state does not fulfill its mandate, he continues, giving examples of the US labor movement protecting immigrant workers rights, or EU consumer pressures against “dirty fish” imports. From my observations, such protections take place in a formalizing migrant labor governance context, with HRDF rights protection work simultaneously contributing to regularization/formalization mandates of the local state.

Activities fulfilling HRDF’s “migrant justice” mandate range widely. In my time with the organization, miscellaneous assistance activities would arise as migrants came to the office with a problem in need of resolution. In most of these cases, the migrant worker consults a leader in their community, usually someone involved with MWRN’s grassroots network, who then brings the migrant worker to HRDF with the issue. Sometimes, the few other NGOs working in the area

refer migrants to HRDF for assistance. One day a worker needs help settling a dispute with a co-worker accusing her of theft. Another day, a migrant worker needs help setting up a bank account in order to receive an injury compensation claim. A migrant worker has a dispute with a broker, who has not completed promised and paid for documentation services. A worker plans to travel home to Myanmar, but his employer is holding onto his work permit (such document retention is common). He needs someone to help him explain to his boss that he needs the document in case he is stopped by the police while in transit. In each of these miscellaneous cases, I observe as Hla and Ek listen to the migrant(s), jot down information on intake forms, assess the situation and decide how to best handle it.

In many cases, HRDF assumes an intermediary role in the local governance ecosystem. One of the most common organizational activities is accompanying migrant workers to local state offices to mediate between them and local state officers. For example, one day I accompany Hla and two migrant workers, a couple, to the social security office (*prakan sangkom*) to dispute a recurring deduction they noticed on their monthly wages. There was some sort of mix-up with their enrollment in and employer contribution to the social security fund. In the large office building, Hla walks to the “social security fund” area, and the couple follows her reluctantly and then sits in a back row of chairs in the waiting area. Hla waves for them to come with her, so the man joins her, and his wife sits next to me in the front row. Hla talks to the clerk, and the man only says something or hands over a document when she instructs him to. The clerk has forms for him to sign, and they must make photocopies of his ID. After a few more minutes of discussion, we get up to leave, and Hla tells me the issue is not resolved yet; they need more documents from the employer. This couple returns several times in the next month or so, with successive issues for Hla to frustratingly work through at the office. In this instance, as with

others, the migrants are reluctant to interact with the officials, most likely due to the language barrier, and let Hla (or Ek) handle their case.

In another example of such mediation, Ek handles an injury compensation case at the social security office in the neighboring province. Sanay, a leader of an Arakan migrant worker community and member of MWRN, shows up to the office with a migrant worker with an injured finger. They explain to Ek that they need to make an injury compensation claim, showing him the man's severed finger from a work accident. Ek jots down the basic information of the incident – a fellow worker had turned on a machine prematurely – and the man's personal and employment information. The four of us then take a taxi to the social security office. Sanay speaks Thai, so Ek tells him to talk to the officer and says he will wait nearby in case they need his help. After taking a number, the two men immediately sit at a desk, and Sanay tells the officer they want to file a claim, showing her the man's severed finger. She asks the man for his employment information as she types on her computer. After looking through all of his documents, she asks him for an account of the incident. He speaks to Sanay, who translates for the woman. She stops them frequently, asking to fill in details of exactly how the accident occurred, what he was doing, what his coworkers and manager were doing, what usual precautions exist. She takes notes and asks questions throughout their discussion. As they talk, I sit in the nearby waiting area watching and listening intermittently while talking to Ek. He is doing some sort of calculation on his tablet, and I realize that he is trying to estimate how much money the man will receive, based on how much of his finger he lost. After nearly an hour, the clerk pushes forms in front of the worker and points to where he needs to sign. They join us, and we go to another section of the office to wait for the compensation check – 67,000 baht (about 2,130 USD) for losing 7% of his finger, almost the exact amount Ek estimated.

After we leave, we go directly to a bank for the man to deposit his check. As we wait, Ek tells me he is happy that they could help the migrant worker. I get the sense that their NGO work does not come with a lot of immediate, tangible results that show they are helping migrant workers, but ensuring someone is able to claim a specific social benefit might be a rare exception. It also becomes clear to me throughout my fieldwork that without the work of HRDF and assistance organizations, it is likely that the workers would be unable to make such claims to the state, and it is reasonable to conclude that many without the necessary social capital connecting them to NGOs never access the channels to do so if their employers do not facilitate them. Furthermore, while the increasing number of documented migrant workers in Samut Sakhon do have access to a clear set of social benefits provided by the state, accessing them requires that the employer has contributed toward the social security fund for each worker, something many smaller employers neglect to do, and that the migrant has the proper documentation and the ability to navigate official channels for claiming benefits. As such, while a system of rights and social protections is in place (and has been ostensibly for over a decade), NGOs acting as intermediaries are integral to the system working successfully for migrants.

HRDF staff also do assistance work that becomes necessary in the context of enforced regularization. When I visit the office in late 2018, after a period away from this site, stacks of documents crowd the conference table, and Ek tells me they are for the MCDC teachers who they are trying to get work permits and business visas for, as they do not qualify under the migrant labor categories governed by the decree. Yet, the enforcement of the decree has required them to obtain some form of documentation to avoid risks of arrest. The application materials show that HRDF is arranging documents for the teachers to be “Project Officers” and “Local Coordination Assistants” for the “Improving Migrant Life and Family Promotion” project of

HRDF. Ek has to go to the employment office, and the teachers also have to go to the Myanmar embassy in Yangon to get their visas. It is a long, drawn-out process that they have been involved with since late 2017. He complains to me about having to work so long and hard on these cases, including one stretch of working 20 hours and only sleeping four. He complained to his bosses about it. I accompany him to the employment office, where he submits a quota application to renew the teachers' work permits. I notice a new recruitment agency that has popped up next to the broker coffee shop since I lived here just a few months ago. On the third floor of the office, I recognize some brokers, but brokerage activity seems to have slowed a lot since the registration/regularization window closed in June 2018. Ek does his business while a broker I recognize waits at a nearby counter. They are both doing similar work, one for a rights organization and one independently for profit. After a 10-15 min wait, a clerk calls, "mulinithi ka" (foundation), and Ek goes to collect his documents and then we leave.

HRDF also conducts outreach activities that, while aimed at providing information to migrant workers about Thai laws and assistance services, also serve a broader control purpose of integrating workers into the formal migrant labor system. In a typical example, I accompany Hla to the apartment building of a group of young women who had recently arrived from Myanmar through the MOU process to work at a Thai Union factory. We arrive at twin grey buildings, each five stories tall, that are still under construction and walk past a vendor selling *somtām* (spicy papaya salad) before entering the building that is closer to completion. Inside the entrance are laundry machines and a paper flier with Burmese writing near the stairwell. We walk up the stairs to the fourth floor and down the hall into a small single room with plastic floor mats, some clothes hanging on a line against the wall, and not much else. Soon others start gathering in the room as Hla and two women begin setting out bags of chips and soda bottles on trays on the

floor. Hla takes out a stack of booklets with Thai and Burmese writing, and the English title “Labor Rights.” She sets out a sign-in sheet, and more women join us in the crowded room, eventually totaling 20 women and four men. Hla tells me that she will talk to them about the health and injury compensation section of the booklet and then starts speaking to them in Burmese. They follow along, and eventually one woman shares a grievance about her employer, a subsidiary of Thai Union, not providing overtime hours as promised. Soon several women speak at once, and Hla must reign it in by clapping sharply to get their attention so she can get back to the booklet.

While the goal of outreach is to empower workers to know and claim their rights, it also provides the basic outlines of the state’s guestwork governance framework – documentation/visa requirements, Thai labor laws (and others, e.g., traffic), health requirements, and social protections. While the above session focused on health, other sessions include visa and work permit requirements, Thai labor laws and dispute mechanisms, and the infrastructure of the social welfare system as it pertains to migrants. Thus, HRDF, an independent Thai NGO, not funded by or affiliated with the state, fulfills an educational function that introduces the migrant worker to the relevant regulatory frameworks and local infrastructures of the Thai state and civil society.

In providing paralegal services, HRDF also intermediates in labor disputes with employers, bringing migrant workers cases to formal dispute mechanisms of the state. On my first visit to the office, in 2015, three men arrive to discuss a case of 33 undocumented workers who were recently dismissed from their job at a shoe factory in a nearby province after they paid their employer around 10,000 baht (almost 300 USD) each to get work permits and MOU passports (involving brokers going across the border from Mae Sot to get documents) but refused

when their boss demanded they pay for additional broker fees. Seventeen of the workers are trying to get their money back, two already went back home, and the rest are looking for work elsewhere. The men visiting the office have a printed table with the names and amounts paid to their boss, a picture of the outside of the factory, and copies of their receipts. Ek takes down their information and tells them he will check with the Labor Protection Office (LPO) to see what can be done. For such cases, HRDF raises the issue with the LPO, which decides mediates the dispute between the workers and employer. If the issue is unresolved, the case may go to the provincial labor court. In addition, MWRN and other organizations are involved in “worker welfare committees,” established by law in majority-migrant workplaces in the seafood industry as a way for workers and management to resolve labor issues (ILRF 2020). Structurally, however, these committees provide no bargaining power to migrant workers or other leverage that could be provided by actual labor unions.²¹

There is also anecdotal evidence of individual resistance to police harassment from migrants who are affiliated with NGOs and have knowledge of their rights, which they claim to counter the oft-used threats and tricks of police. For instance, Aung San, a worker in a shrimp peeling factory and an MWRN member tells me the following story in late 2017, also illustrating the invasiveness of policing of migrant workers.

Police stop me a lot because my eyes get dry and red, so I look like I’m on drugs. They question me and check my pockets. I know that sometimes police plant drugs while checking our pockets, so I make sure to look at their hands. One time I told the police, “Let me see your hands before you check,” and he said, “are you the police or am I the police?” One time an officer stopped me, searched me, checked my eyes and

²¹ In Thailand, migrant workers cannot establish labor unions, but they can join existing Thai labor unions. As seafood and other workers are employed in industries with very few Thai workers, no existing labor unions exist for migrants to join.

heartbeat, took me to the station, and tested my urine. That time I was drunk and got angry with them. So, I burst into the room where they were checking my urine and accused them of messing with the sample. I tested clean so they let me go.

Here, the man is wary of police tricks and feels the need to guard against them in coercive regulatory situations, and he is emboldened to do so, possibly from his involvement with MWRN. Another example shows Jo Noo, a migrant who has worked in Samut Sakhon for four years, asserting his affiliation with an organization to resist extortion.

The second time I was arrested was in front of the police station. Two police riding a motorbike called me over and checked my pink card. They told me there was not enough information on it, so demanded 2,000 baht. They had a Burmese translator who told me this. I texted people from MWRN and HRDF, and they told me not to pay any money yet. The police asked the translator what the text said, and the translator suggested that he release me rather than deal with the organization. So, they released me, and I didn't have to pay any money.

This example suggests a possible counterforce, albeit small-scale, that these organizations may provide against police harassment.

In addition to HRDF, I visited and interviewed staff of another NGO, the Labor Rights Promotion Network (LPN). While its approach and activities showed a marked contrast from HRDF, it also exhibited direct roles in the local state regulatory infrastructure, perhaps more so. For one, LPN's focus on migrant children's rights reflects a more integrationist approach. As the director tells me, they seek to enroll children of migrant workers into Thai schools so that they can integrate into Thai society, since migrant learning centers, such as MCDC, are "not legal" and will have to close in the future. The HRDF/MWRN-affiliated MCDC, in contrast, teaches a

Burmese curriculum, with the idea that the children will be able to keep up their education and continue their schooling upon return to Myanmar. The latter approach in fact corresponds more to the state's priority of migrant circulation over settlement. Though still geared toward migrant labor regularization, there are also differences in each organization's orientation to the Thai state, with LPN more closely and explicitly affiliated with government campaigns, at times receiving government funding. Upon my first visit to the organization, I see a poster on the wall of their conference room diagraming a project to prevent the trafficking of fishermen to Indonesia. The words "...to boost Thailand's tier status" stand out, as it refers explicitly to the Thai government objective to have the United States promote the country in its annual anti-trafficking grades.

In December 2017, at the opening of LPN's fisherman center, where fishing workers can report problems experienced at sea immediately after docking, the working relationship between LPN and Thai authorities is on full display. Near a dock where workers are moving large catches of shrimp in plastic barrels from a boat to a truck, a stage is set up, with a large banner to the side that reads "stop human trafficking", with a diagram depicting the proper response steps. There are flowers and a balloon arch, some people in traditional Burmese outfits, and many LPN photographs and promotional materials posted on the walls and bulletin board poster displays. Amid the crowd of onlookers are several local authorities, including immigration police officers. After a succession of speeches about human trafficking and labor issues on fishing boats and the purpose of the new center, LPN's director exchanges ceremonial gifts with a high-level immigration officer, smiling for the camera and inaugurating the center. As I walk around, the event feels very official and somewhat performative. During a visit to LPN almost two years later, the director tells me the center lacks resources but has been successful in providing

information and opportunities for fishing workers to talk to people who know laws and regulations.

In promoting rights and claiming entitlements for migrant workers (with or without state affiliation), NGOs facilitate the formalization of guestwork in Samut Sakhon. With inconsistent and inadequate implementation of regulations by the state, the NGOs fill some gaps, and in providing services to migrants, they bring them into a formal system of regulation, rights and entitlements. In ways different from documentation brokers discussed above, they also fill “infrastructural holes”, mainly by helping migrants gain access to social protections and labor rights. While their work is in the service of migrant worker well-being, and it can be contentious with unscrupulous employers, it is not subversive to a system of migrant worker control but rather facilitatory. It is illustrative of how civil society actors facilitate processes of “capitalist recuperation”, wherein “governments and capitalists appropriate what are initially subversive struggles, redirecting them instead toward conservative ends that reproduce the status quo” (Campbell 2018:36; Deleuze 1971).

A regime of temporary labor circulation

In this chapter, I illustrated the Thai state’s temporal logic of guestwork control, as advanced in Samut Sakhon. I showed that global pressures to eliminate human trafficking and to raise standards for migrant worker recruitment and rights in Thailand prompted the enforcement new labor migration policies to reinforce the temporal restrictions of migrant labor. I then detailed how the social relations and practices among local actors during the implementation of these

policies constituted the regime of temporal enforcement in Samut Sakhon. I showed that as the state enforced its policies through coercive activities at the point of production/employment as well as in public and private spaces, employers advanced the regularization process by requiring their workers to obtain proper documents. Throughout the process, spurred by the heightened coercive context, “infrastructural holes” created space for intermediaries to step in. These gaps in infrastructural capacity created opportunities for informal documentation brokers to profit by intermediating between migrant workers, employers, and local state offices, ultimately augmenting the state’s ability to document migrants in the process. In addition, local NGOs, particularly HRDF and its grassroots partners, filled gaps in the infrastructure of rights and social protection, facilitating migrant access to entitlements under their broader human rights and “migrant justice” mandate. Such work is in line with the core aim of the state – to document and incorporate the country’s migrant workers into an official system of *temporary* migrant labor circulation.

The chapter’s ethnographic look at the regulatory dimension of the regime illuminates the access to territory and rights that migrants in Samut Sakhon experience. As discussed in chapter 2, access to the secondary, low-wage labor market in Thailand is granted to workers from select countries – Cambodia, Laos, Myanmar (and more recently, Vietnam) – and limited to certain jobs. Beyond these stipulations, the labor migration system is open and the demand for foreign labor huge, as reflected in the high number of quotas given to employers as well as the repeated registration and regularization windows. The regime of temporal enforcement, however, is tightening access by clamping down on the requirement of legal status and expelling those without official documents. Even so, with opportunities to regularize or enter the MOU process, the state’s intention is to continue to bring in any migrant who wants to come to work through

official channels. Guestwork formalization also comes with an expansion of migrant worker rights and social protections. The consolidation of the regime thus brings, at least according to law, more rights. The realization of such rights, however, often require extra bureaucratic navigation, with the help of NGO intermediaries. As the data shows, access to the territory and labor market as well as to rights and social protections is highly mediated, reflecting literature on migration infrastructures (Xiang and Lindquist 2014). Importantly, while access to expanded rights and protections shows a concerted state response to global normative and economic pressures, it comes with a strictly enforced expiration date.

The regime of temporal enforcement is thus geared toward the controlled circulation of temporary migrant labor, ensured through the documentation or expulsion of existing labor and the enforcement of the official MOU process. Before comparing findings with those from the regime of spatial containment in the Tak border zone, I show how migrant mobility and family organization patterns interact with the regulatory practices described here to shape the means and structures of social reproduction in the site.

Chapter 4

Divided families and split reproduction in Samut Sakhon

So far, I have discussed the developmental and regulatory dimensions of the *regime of temporal enforcement* in Samut Sakhon. With interview and ethnographic data, I have identified recent pressures on the Thai state to intensify guestwork formalization efforts and key aspects of regime mechanics, particularly the governance practices and social relations that enforce the temporal limits of guestwork locally. Before comparing these findings with those of the *regime of spatial containment* in the Tak border zone, in this chapter, I continue to focus on Samut Sakhon to begin to address another key question of the dissertation: how are the regimes of labor migration reproduced over time? This question has relevance to the regimes in this study as well as to a broader conception of regimes of labor migration, which I understand as loose systems of interests and power that govern the mobility and lives of labor migrants. The social reproduction of migrant lives and their labor power – or their capacity to work – occurs at the intersection of governance structures, practices, and relations, as detailed in the last chapter, with the agency and survival strategies of migrant workers and their families, which I focus on here.

With roots in Marx's analysis of reproduction as the constant perpetuation of the capital-labor relation, especially the availability of workers' labor power for capitalist production (Marx [1867] 1992), the concept of social reproduction refers to the varied activities and relations that ensure such daily and long-term regeneration. Occurring "through a shifting constellation of sources encompassed within the broad categories of the state, the household, capital, and civil

society” (Katz 2001:711), social reproduction requires certain indispensable social capacities, including “those available for birthing and raising children, caring for friends and family members, maintaining households and broader communities, and sustaining connections more generally” (Fraser 2016:99).

The reproductive dimension is pivotal to each regime, as the social reproduction of migrant lives and communities impacts not only how supplies of labor are regenerated and sustained in each site but, relatedly, how the regimes themselves might be sustained or transformed in the long run. As this dissertation illustrates, migration policies made in relation to state developmental aims stipulate migrant access to the country’s territory and rights, local regulatory practices and relations determine such access in practice, and migrant responses to control structures and practices shape the daily and long-term renewal of the labor power that is essential to each regime. Migrant worker mobility and settlement behaviors and related household organization strategies thus form out of the regimes but can also impact their continuity and/or change. Yet, as I discussed in the introduction, existing migration regime models tend to ignore issues of social reproduction, hindering a better understanding of long-term regime dynamics as they unfold in relation to migrant lives. In this chapter (and chapter 6), I reinstate social reproduction as a core element of migration as a global process, which undergirds the organization of migrant labor as a durable source of precarious work in the global economy.

Research has long established that socially reproductive activities among migrant workers are most often divided internationally, following the household organization structures of geographically split migrant families. In Samut Sakhon, migrant workers organize their households in ways resembling the classic split household arrangements that are common among

migrants worldwide (Abrego 2014; Dreby 2010). Such household organization results from migrants' confrontation of the regulatory structures and practices in the site. As discussed in the last chapter, high-profile criticisms of human trafficking and forced labor, especially in the seafood industry, pressured the Thai government to accelerate its migration control efforts, reinforcing a *regime of temporal enforcement* in Samut Sakhon (a localized version of the national guestwork regime in-formation). This regime is a continuation of ongoing state efforts to enforce a formal guestwork system (the MOU process) predicated on the temporary employment and circulation of workers without their families. With interview and ethnographic data, I show that the state, in seeking to consolidate a formal guestwork system, reinforces a structure of *split reproduction* between family members and origin communities left behind, on the one hand, and the Thai state and employers and Samut Sakhon, on the other. This structure, resembling Burawoy's "invariant structure" of labor reproduction based on the physical separation of migrant workers from their families back home and thus the externalization of the costs of labor renewal to home villages, serves as the basis to then compare and illuminate, in chapter 6, an alternative structure of *confined reproduction* in the Tak border zone.

Labor migration and split households between Samut Sakhon and rural Myanmar

The permanent presence of temporary migrant workers in the labor market is on display throughout the city. Burmese writing appears on storefronts all over town, not only outside of small shops but also in large retail stores such as Big C and Tesco Lotus. Deals are advertised in Burmese on signs of Appo and Vivo mobile phone brands. These indicators of a long-term

migrant presence in the city have grown while the Thai government has continued to prohibit permanent settlement of migrant workers, instead trying to strictly enforce their temporary status and circulation in and out of the territory and labor market. Here economic integration of the migrant population is not translated into social integration, as the workers rarely socialize with Thais (according to interviewees). In the past, the provincial governor went so far as to issue an official order to employers to stop migrants from holding festivals and cultural events to discourage them from feeling a sense of community belonging that is counter to the “Government’s objective of allowing migrant workers to reside temporarily to work only” (HRW 2010:29).

At the time of my extended fieldwork in Samut Sakhon, most migrant workers are already documented or in the process of gaining documentation through the regularization process. There are two routes to legally recognized employment here: regularization and the MOU process. In the first and most popular, migrants who previously entered the country through informal channels subsequently regularize their status within the country, oftentimes doing so multiple times over a span of several years. In 2015, a staff member of HRDF summarizes her observations of migration patterns in the area.

Migrants come for a long time, some for over 10 years. Some come for five to six years then go back home and build a house, then come back to work again... No one wants to stay (in Thailand), but they stay to work. ... Most go back home every year for about a month. They resign from the factory for one to three months, then they come back to find a new job. It is not difficult to find a job, but they must do so through brokers.

As her account suggests, migrant workers have been able to stay in Samut Sakhon for long periods, as long as they have employment, while maintaining their home base in Myanmar. Migrant workers similarly identify these long term stays in their accounts of their experiences of state control, taking the form of a moving target of regularization as the state continually tries to document workers.

Previously, legal documents were not a requirement to work in the seafood industry. Worker accounts detail their experiences of needing to regularize their status after years of working outside of the law. Aung San, a worker from Dawei, for example, has been in Thailand for over 10 years. He first worked in Koh Samui (southern Thailand) for eight months and then went to Ranong to work on a fishing boat. He did this for six years without any documents. He then moved to Samut Sakhon to work at the Marine Co. seafood factory, a large shrimp peeling plant where he has been for the past seven years. He has a temporary passport that he obtained in 2013. As the state began its efforts to formalize guestwork, workers had to obtain legal documents and continually stay within the frequently changing legal requirements. As several worker stories indicate, shifting state policies have required them to constantly keep up to date with documents to maintain their employment and ensure their security. With each change in policy and new documentation requirements, workers are given a new expiration date on their legal stay in the country.

Jo Nai, for example, a 45-year-old migrant who has worked in Samut Sakhon for four years at several types of factories – furniture, sauce, aluminum, shrimp – tells me his history of repeatedly regularizing his status with different forms of documentation. He first came to Thailand illegally, with the help of smuggling agents. “[the agent] said he would find me a job in Thailand, so I just followed his lead. I didn’t know where he would go or anything about

Mahachai [city center of Samut Sakhon], but he sent me here.” When he arrived in Samut Sakhon, he waited 10 days and did odd jobs at a port to start paying off the debt he owed to the smugglers. From 1:00 am to 5:00 am each day, he carried catches of fish from boats to transport trucks, earning around 500 baht per day. He later worked at a shrimp factory near Talay Thai market for three months (earning 300 baht/day). Here, the employer helped him get a pink card when the government opened a registration window. He then had to extend it another year, paying a broker over 3,000 baht to do so. When he found a job at a furniture factory (with the help of a friend from home), he already had his pink card. At this time, the government would not check employers very closely, he explains, so many workers had pink cards with “subcontractor” companies listed as their employers (arranged by brokers), and he only had to get a new work permit. He later followed some coworkers, who found jobs at a sauce factory that offered more overtime work opportunities. His new employer deducted 5,200 from his initial wages to hire a broker to have his work permit and pink card adjusted to match the factory, where he worked for eight months. A friend later referred him to a job at the aluminum factory, which is located closer to the room he lives in. Here, he continued to use his pink card from the sauce factory until his employer arranged for him to switch his documents to a CI, according to shifting documentation requirements.

The following account of Jo Tu’s experience similarly illustrates this perpetual regularization process as well as the ability of migrants to travel more freely with formal documents. In late 2017, he tells me he has lived in Thailand for six years. He has a pink card that will expire in March 2018 (along with many others who obtained the card in the last round of registrations). When he first got to Thailand (in 2011), he had no documents, and he worked for a year in a ceramics factory. The factory manager later told him to get a pink card, charging

him 4,000 baht to get it. After four months, he got a “temporary passport” through a broker. He explains,

I got the information from a friend. I learned that with a passport I could move around the country freely and be safer than with just a pink card. The broker was someone I knew the community, who lived in the same building as me. I paid 5,500 baht to start the application. After 15 days, I got the passport from a one stop service center (OSSC) in Mahachai.

With the passport, valid for 6 years, he obtained a visa and work permit, both valid for two years. He then quit his job at the ceramics factory, saying that it was too dangerous, and got a job in Surat Thani (in Southern Thailand) at a rubber plantation. He worked there until 2015, when he found a job at the Unichord tuna canning factory in Samut Sakhon. After he missed a deadline to renew his passport, he got another pink card, which restricts his travel. As his and many others’ cards expires next March, the factory is giving employees the choice to get a CI or MOU. He chose the CI, which will allow him to extend his visa for two years, after which (according to government plans) he will have to leave and return through the MOU process.

The above examples illustrate that while migrant workers here have been able to extend their stays repeatedly, they are always regulated temporally and responding to the expiring documents and extension deadlines. In other words, they are always looking ahead and responding to the next expiration of their documents. Importantly, while several have worked in Samut Sakhon and/or elsewhere in the country for many years, none of the workers I interview express an intent to settle in Thailand, as their orientation is still toward their home in Myanmar. In late 2018, I talk to a group of seafood factory workers in one of their rooms in a cluster of small concrete rooms located near a plot of concrete rubble. When I ask about their plans to stay

in Thailand, they give varied answers – “I don’t think about it.” “Two more years.” “When my passport expires.” – but no one says they wish to settle in Thailand. When I ask them, they all say “no” in unison, and one tells me that they miss home. When I ask Moe Aung, who has been in Samut Sakhon for 12 years, if he will get a passport through the MOU process when his current documents expire, he shakes his head “no” immediately. “It takes too long, is too much of a hassle,” he says. He plans to work here for two more years before going back to Myanmar to make furniture (his family’s trade).

Aung Noo Thein, a 24-year-old migrant worker from Dawei who has worked at a Thai Union processing factory for the past seven years, has a different attitude about the MOU process, but is still oriented to returning home to Myanmar. He says he is happy with his job; it has good benefits. His sister worked there for two years before him and helped him get the job, which he started after paying 5,000 baht to be smuggled through forest areas to avoid internal checkpoints on the way to Samut Sakhon. His current temporary passport will expire in May 2018, so he plans to go back and return through the MOU process, which will cost him 3,000 baht. He is single and has no family, he says, so it is not a problem to take time off from work, and he wants to go home for a visit. He plans to stay for the four years allowed with the MOU process and then go back to Dawei to be a farmer.

The less common but growing channel is through the MOU process. As the Thai state seeks to tighten control over guestwork by ending regularizations and enforcing the MOU process, the intended result is an orderly system wherein approved workers enter Thailand to work for two years, renewable once, before going back to their origin country to begin the process again. The experience of a group of women who arrived through the MOU process in 2017 to work at Thai Union is exemplary. When we meet at the HRDF office, they recount to me

the steps they took to get here. After a broker came to their village in Myanmar (they are from different rural villages) to recruit them, they had an interview with a recruitment agency in Yangon, Myanmar's commercial center, where they travelled on their own expense. They then applied for a passport at the Yangon immigration office, costing them 85,000 kyat (around 47 USD), paid to the agency. After 15 days, during which some of them stayed in Yangon and others went to their village and back, they received their passport and then went home to wait for the next steps. Some (depending on the agency) also had to pay for a blood test. After one month, the agency contacted them, and they returned to Yangon for a two-day training about the factory ("dos and don'ts") and to sign a two-year contract in Burmese, English, and Thai languages. Two weeks later, they travelled to Thailand, walking over the Myanmar-Thailand friendship bridge at Mae Sot, where they went to an office to get work permits and to sit through an orientation about Thai labor laws. They then traveled by bus directly to the rooming facility arranged by the factory in Samut Sakhon.

In 2019, when doing fieldwork in Mae Sot, which is the point of entry for MOU workers in Thailand, I observe some of what looks to be a very active process of MOU entry. As I approach the bridge that leads to Myanmar in a taxi one day on my way to the immigration office, traffic stalls as a long line of young women, who appear to be in their early 20s, wearing bright green shirts emblazoned with Burmese script and numbered tags hanging from yellow lanyards wrapped around their necks, snakes from the bridge and around the immigration checkpoint entrance, across the street and down the sidewalk toward the office. They are all holding red passport booklets and wearing stuffed backpacks. I cannot see the beginning of the line, which has entered the office compound, nor the end, which may still be on the bridge. There appear to be hundreds of women. I get out at the immigration complex and must cut through the

line, which wraps around the center building. According to a high-level immigration officer I talk to here, the immigration office has the name lists and arrival dates of all incoming MOU workers. When groups arrive each day, they check each person's passport to confirm that it matches the name list, and then they grant each worker a two-year visa. Arriving workers then go to a post-arrival office to sit through a training on Thai laws before travelling onward in busses (arranged by employers) to their work destinations.

I witness similar scenes many times throughout my fieldwork in Mae Sot (to study the other regime, Part 2). On another day, I stand at the entrance to the Rim Moei market at the border, looking up at the bridge, where a long line of young men and women wearing matching white shirts walk across and stop at the entrance checkpoint. While taking care of my own immigration task on another day, I point out of the window toward such a group and ask the desk attendant, "are those MOU workers?" "Yes, MOU," he says. I remark that there are a lot, and he says, "yes, every day, so many." These workers generally do not work in Mae Sot, however, where wages are low, and the porous border allows for undocumented migration and quick employment. This is their official port of entry, moving onward to fill vacancies inside the country, in places like Samut Sakhon.

While migrant workers have been able to extend their stays in Samut Sakhon for years, the local regulatory context makes it difficult for migrant families and communities to form and grow. Regardless of which channel they traversed, the most common household arrangement for migrant workers in Samut Sakhon is the international separation of workers from their family members living in origin country villages. The migrant worker regularization process reinforces this separation. While regularization in the past has included accommodations for dependents of workers already in the country (e.g., the right to education and protection from deportation), the

coercive environment described in the last chapter prevents family settlement, as crackdowns and constant harassment of undocumented migrants make it unviable for caretaker parents, grandparents, or other family members without work permits to live in Thailand. A seafood processing factory worker summarizes the obstacles to having migrant families live in Samut Sakhon, saying,

Children of workers might not have birth certificates, so they have problems accessing education, and the lack of documents gives another opportunity for police to demand money from them. Police extort money, but some give the migrant a card showing that they have already paid that month, so if another officer stops them, they can avoid paying again. Some grandparents come [from Myanmar] to care for kids. They are undocumented and police demand money from them.

As discussed in the last chapter, almost everyone has an experience of police harassment to tell me. Mai, a migrant worker introduced last chapter, shares an experience of something that happened just the day before we talk:

My husband and I were stopped by a police on our motorbike. He asked to see our IDs and then searched us. He looked through my bag I had hanging from the bike handle. When he grabbed my husband's wallet, I said, 'What are you doing?!' The police told me he had the power to check. He said that if I didn't want him to search then he'd suspect me of having drugs. I said, fine, and told him to check. We had our documents and nothing illegal, so the officer let us go...Once they know you are a migrant, oh-hohh, they treat you like robber, like...[like a criminal, I suggest]...yes".

Other accounts of frequent street-level harassment, such as that by San Win Nai, a 40-year-old seafood worker, below, are typical.

When I first arrived [in Samut Sakhon], I travelled to Chonburi [a nearby province] with two friends, and when we came back, we saw some police and got scared, so we hid in a 7/11. When we came back out, the police stopped us, asked what they were doing. I had all the proper documents, but I couldn't speak Thai. The police asked for 1,000 baht per person, but we refused. I called the HR staff of the factory, who tried to negotiate the price down. The police agreed to 500 baht, but they refused. Finally, they settled on 100 baht and some bottled water.

Even if migrants have legal documents, he says, many do not know the situation and can be extorted by the police. "I'm stopped a lot because I ride a moto, so they check my documents and release me. This happens about two times per month... Mahachai is harder to live in because there are police problems, but I wasn't making much in the previous place, so I had to come here." He plans to stay for two more years and then go home to his farming family outside of Yangon to be a seller of small goods. Another man I speak with among a group of seafood processing factory workers jokingly tells me, "[the police station] is like my home. I've been arrested so many times."

In addition, the benefits gained through status regularization that purportedly help migrant families have been difficult to access in practice. On a visit in 2016, San Mon from HRDF tells me that when a migrant worker has a baby, they should, according to law, be able to access some benefits for the child. There are often complications, however, in local state implementation of such access. In one case, HRDF staff spoke with an official at the provincial social security office, who said that they had a "new system" that requires the employer to verify that the child is indeed the migrant worker's. Without such verification, the office will deny benefits, even if the worker has a birth certificate from the hospital. Since employers are not

always around the workplace, and since they do not know every worker and who has a child, it is often difficult to get this verification. According to a migrant worker who has lived in Samut Sakhon for 17 years, this requirement of employer confirmation only exists in Samut Sakhon province, echoing that usually employers do not want to deal with it. Furthermore, San Mon says, the rules are always changing, and they [HRDF] only find out about changes on a case-by-case basis, when they go to an office and try to get something done. Lags in implementation of new laws is also common. As San Mon tells me, Thailand's higher court established new compensation laws for migrant workers in January 2016, stating that children of all migrants should receive benefits, but the provincial social security office told HRDF staff, "we don't know about this," or, "this doesn't concern us."

Reflecting the challenges posed by this regulatory context, the prevalence of split households is visible in Samut Sakhon. When I talk to migrant workers who have been here for years, young kids occasionally walk around their apartment complexes, but not many. In the densely populated residential areas surrounding seafood processing factories as well as the neighborhood near HRDF, the sight of small children in the sea of young adult workers stands out for its rarity, and children beyond toddler ages are even less common, especially in comparison to the Tak border zone (see chapter 6).

The condition of split households is even more pronounced with MOU workers. When I visit them in their accommodations, we sit and talk on the floor of austere rooms in large residential complexes, arranged by their employers. There are no children in the halls or in the sparsely decorated concrete units, no toys or kid clothing hanging from drying lines, only a few wall decorations and the modest belongings of workers. One group of Thai Union workers tells me that no children live in their large building, which houses hundreds of the company's migrant

employees in an area somewhat isolated from much of the city. In this small group, several respondents have young children who live back home in their village in Myanmar. They tell me that on most days they just get up and go to work in the company van and then come back. In their off time, they might go to a local Buddhist temple, the market, or just stay in the room. One woman tells me that in the morning she opens her eyes, goes to the factory, and does not even see daylight on most days.

An exchange between two consultants for UN Women²² and ten recently arrived MOU workers at the HRDF office one day reflects the most common type of household organization in Samut Sakhon. “Does anyone here have children?” one consultant asks through a translator. Some respondents raise their hands, and she points to one, asking, “Are they here?” The woman says her two kids are in Myanmar with her parents. The consultant asks how she feels about that, to which she responds that she misses them. “So why are you here?” the consultant asks. The woman says that there are no jobs where she is from, and she needs the money. “And your husband is with you here?” asks the consultant. “No,” the woman says, “he is in Myanmar, waiting to come here to work.” Bringing the conversation back to the group, the consultant asks how long they will stay and what they will do upon return. After some discussion, the translator explains that they are mostly from farming villages, where they will return after their contracts end. “So, they come to Thailand to save money. Are they able to save?” the consultant asks. After listening to responses, the translator says, “They send money back home. No problem.” Toward the end of the meeting, the other consultant asks what the happiest part about being in

²² Here, consultants from a global development advisory group contracted by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) visited HRDF to interview a group of women migrant workers about their experiences, needs, and challenges in Thailand. Their aim, they tell me, is to inform policy at the ASEAN level regarding experiences of women migrant workers.

Thailand is, and the consensus answer is “when we get paid.” She then asks, “what is the one thing that makes you sad?”, to which a woman responds, “When I call home. Missing home.”

In sum, the government enforcement of the temporal limits of guestwork through documentation requirements and constant coercive regulation of them makes it difficult for migrant families to live in Samut Sakhon. As the government seeks to end in-country registration/regularization and enforce the MOU process, migrants will be limited (at least legally) to a labor migration system that prohibits their children and other non-working relatives from accompanying them (IOM 2019:100). The few accommodations the government offers (by law) for children of regularized migrant workers do not exist with the MOU process. With further formalization of temporary migrant labor circulation thus comes a legal reinforcement of the type of family separation that has already been common with workers in Samut Sakhon. The governance practices and relations detailed in the last chapter enforce this separation, and household organization based on the international separation of migrants from their families in turn underpins how they socially reproduce their labor, to which I now turn.

Social reproduction between rural Myanmar and industrial Thailand

With its encouragement of family separation, the regime of temporal enforcement fosters a *split reproduction* structure that divides processes of social reproduction across borders. Such reproduction has long been the norm but is being reinforced in the context of intensified guestwork formalization.

Common childcare arrangements are evidence of this structure of social reproduction. Throughout a decade of recurrent registration/regularization opportunities allowing extended stays, young workers have often met and had children in Thailand but rarely raised them here. In a 2014 survey of 563 migrant workers in Samut Sakhon who have children, 78% had at least one child living in Myanmar and 72% had at least one child living with grandparents in Myanmar (Knodel et al. 2015:17). In addition to the coercive environment described above, practical obstacles to accessing services, enrolling in schools, and arranging childcare (e.g., language barriers, local discrimination, and costs) also make it difficult for migrant workers to raise children here.

According to interviews with regularized migrants, after giving birth, mothers usually take care of their baby here for a few months and then bring them home to be cared for by their family in Myanmar (usually grandparents) before returning to Thailand to resume working. Hein, a man I meet at the Labor Rights Promotion Network (LPN) office in November 2019 tells me that if workers have family members who can take care of their children in their home village, they bring them (or leave them) there while they work in Thailand. He first came to Thailand from Mon state, Myanmar illegally and subsequently obtained a pink card and then temporary passport. His son grew up with his wife's sister while the two parents worked in Thailand for the past 17 years and now is older and does not listen to him. Hein seems upset by this, shaking his head. "It's like he's not my kid," he says. He tells me he sent his wife back to their village to care for their younger child, who is one-and-a-half years old. Teenagers may eventually join their parents as workers. Chit, for example, grew up in central Myanmar with his grandmother while his father and mother worked in an ice and seafood processing plant in Samut Sakhon,

respectively. To contribute to the family income, in 2018 he joined his parents here to work in a factory at age 15 (with false documents claiming he is 18).

Deviations from this common household arrangement reflect practices that are becoming unsustainable amid a shifting regulatory landscape. Prior to the state's heightened regularization efforts, some mothers hired brokers to obtain employment paperwork with subcontracting companies (since outlawed among reforms to small-scale seafood industry subcontracting) that they do not actually work for, holding legal residence status while staying home to care for their children while their husbands work in factories. Other working parents pay women in the neighborhood, who have such documents, to mind their children during work shifts. By declaring a final regularization deadline and enforcing migrant and employer use of the MOU process, however, the government could eliminate these already unpopular options.

As indicated above, MOU workers exhibit an even clearer picture of child-parent separation. Young married couples come to Samut Sakhon to work while relatives care for their children back home, as is the case with a couple I meet in late 2019. Unable to earn sufficient incomes in their village in Bago, Myanmar, they left their two-year-old daughter with the woman's mother so they could work in a Thai seafood packaging plant. Aye (from the introduction chapter), who arrived with them among a large group of MOU recruits, also came here to earn money to support her three children, who live back home with her parents and attend school. She says that if her kids are educated, they can get a job in Myanmar, which is developing more. "I would be disappointed if they came to Thailand as a migrant worker. I want them to have a better future with their education." When I ask what those left behind to care for their children think about their absence, one woman says, "Grandparents tell us to go work and make money for the family. Households with more children need more money, so it is

guaranteed that someone in the family will work in Thailand.” As wide wage disparities persist between Myanmar and Thailand, it is likely that future generations will continue to migrate for work. If the Thai government achieves its regulatory aims of exclusive MOU process participation, such migration will take place under restrictive stipulations against family migration. Such regulation ensures, in principle, that processes of labor renewal, including the care and education of children and future workers, will take place in origin villages.

On the other side of the split reproduction coin, the Thai state and employers shoulder much of the costs of daily sustenance and physical maintenance of workers through wages and minimum health and social security benefits, the latter of which is made up of contributions by the worker, employer, and the state. Migrants working in Samut Sakhon’s seafood industry usually earn the 325 THB (about 10.50 USD) per day minimum wage, as reported by all interviewees. Recent survey data on wages in the seafood industry, including but not limited to those in Samut Sakhon, also shows that seafood processing workers earn at least minimum wage and had an increase in wages from 9,270 THB per day in 2017 to 10,640 THB per day in 2019, a 15% increase, while those on fishing boats had a 28% increase (ILO 2020:13). According to most of my interviewees, their income is enough to cover daily subsistence costs as well as remittances. A group of seafood processing workers who had completed or are in the process of completing regularization, for example, all report earning minimum wage, and some have employer-provided rooms that only require utilities payments. Others who rent outside rooms say they still earn enough to survive, and most send remittances to family. While low, Thailand wages are an upgrade from those found in Myanmar. A seafood factory worker tells me in 2019, “In the past two years, the government [of Myanmar] has been developing roads, electricity, but our wages never increase.” As he says this, other workers around us laugh in recognition. Their

daily wages at home equaled about 60-100 baht per day, usually earned by growing and selling vegetables or rice. Aye, who used her motorbike to sell vegetables in a town near her village, says that in one day she now makes more than she made in five days back home.

In addition to sustaining labor in Thailand, these wages provide remittances that contribute to labor renewal back home, where cost of living is lower. A 2014 survey of migrant workers from Samut Sakhon finds that among those who have children living with grandparents in Myanmar, nearly 86% sent remittances in the last year, at average of 44,630 THB (Knodel et al. 2015:28). A group of MOU workers who arrived in Thailand less than two months before I meet them tell me that they pay 2,000 baht per month plus utilities for their rooms, which two to four people share, and most have already sent remittances home.

Furthermore, with regularization (or MOU migration) comes a legal promise of basic rights and access to health insurance and social security benefits tied to employment. Migrants with legal work and immigration status are protected under the Labor Protection Act (1998), which guarantees all workers in the formal sector equal protections regarding minimum wage, working hours, paid leave and rest periods. They also have equal access to social protection, including social security benefits as stipulated by the Social Security Act (1990). In addition, the 2017 decree includes added protections from abusive recruitment practices, procedures for changing employers, requirements of employers to provide written contracts, and the weakly enforced requirement to not charge workers recruitment fees (ILO 2020:5).

Access to state benefits, however, is not always easy or straightforward, and problems with accessing benefits come up frequently in interviews with migrant workers. According to Hein, introduced above, when migrant workers extend their visas and work permits, there are many problems with their social security benefits not carrying over. There are inconsistencies

with local officers, who do not always ensure that accumulated benefits are attached to new documents. There are also problems when workers want to switch employers. They have 15 days to register with a new employer after leaving an old one, but sometimes there are problems with having social security fund contributions carry over to the next employer. He elaborates on his experience:

I was contributing to my fund since 2009.²³ If you are jobless, you can't access any benefits. The government will cut the fund if you do not pay for three months, and the government finds reasons not to pay. When I didn't pay for three months, I had to pay six months [worth of funds] to start again.

As detailed in the last chapter, access to benefits is often dependent on assistance from organizations such as HRDF. On several occasions I observe as HRDF staff bring migrant workers to the social security office to deal with an enrollment issue, update documentation, or to make a compensation claim. Those working for large, well-resourced companies, such as Thai Union or CP, tend to have less trouble accessing entitlements. As workers for Thai Union, a company with a strong reputation for social welfare compliance, tell me regarding their health and social security benefits, “the company takes responsibility for everything.” Others, however, have more difficulty, as evidenced from the many people seeking assistance from HRDF. Migrant accounts reflect this variation. One seafood factory worker says he got some social security funds when his child was born and received healthcare when he got in a motorcycle accident. “The process [for making claims] is easy and straightforward,” he says. Another worker says that it is easy to claim benefits, but hospital staff do not care about migrants, so he

²³ Migrant workers are responsible for contributing a portion of their wages to the fund, with employers and the state matching.

avoids going to the hospital if he only has minor health problems. Regardless of this variation, the MOU guestwork system institutionalizes access to rights and social protections, indicating state investments in basic labor maintenance for documented workers, at least according to law.

A classic structure of migrant labor reproduction

This chapter has shown that the governance practices and relations in Samut Sakhon make it difficult for migrant families to live together, fostering a structure of split reproduction between migrant origin villages and work location in Thailand. This has been the case for years given the coercive context throughout the city and province. As the state seeks to further tighten control over guestwork by enforcing participation in the MOU process and the strict temporal limits and restrictions against accompanying family that it entails, such difficulty is becoming more pronounced. In the post 2017 decree context of stricter regulations, the state is eliminating workarounds that migrants previously used to have family members live in Samut Sakhon, including the now defunct practice of gaining employment documents and visas from “outsourcing companies” they do not actually work for. If successful (from the state perspective), migrants will enter Thailand through the MOU process, work legally for a delimited period of time, then return home, and others will come after them, with no family settlement and no integration into Thai society.

The resulting structure of split reproduction is not novel, as it resembles what is found in much literature of migrant families and the social reproduction of migrant labor. In many ways, it resembles structures of migrant labor reproduction based on internationally divided households

in existing studies (Ferguson and McNally 2015; Herrera 2008; Miraftab 2015). It follows Burawoy's "invariant structure" of migrant labor systems, which separates labor renewal and maintenance and externalizes costs of the former to home villages (1976), and it shows the role of worker remittances in this process. While, at the time of writing, it remains to be seen how successful the Thai state will be in achieving its guestwork formalization goals, the regime reflects a concerted state effort to consolidate temporary migrant labor circulation (with family separation an integral component) in exchange for basic rights in the host setting. In doing so, it formalizes the split reproduction of precarious labor – low-paid, temporary, tied to single employers, non-unionized – for seafood production. From the perspective of industry, such a structure fosters the social reproduction of migrant labor power for Thai seafood employers (fishing boats and processing factories) and the global seafood supply chain. The regulatory context in the Tak border zone fosters different means and patterns of social reproduction among migrant workers, their families, and communities, reflecting a more pronounced logic of spatial control, to which I now turn.

PART II. THE REGIME OF SPATIAL CONTAINMENT

Chapter 5

Regional development and the formalization of spatial control

The Tak border zone, especially the main industrial district and municipality of Mae Sot, located 500 km northwest of Bangkok, has developed out of a history of cross-border displacement, industrialization and labor migration, and a more recent local development boom associated with the Tak special economic zone (SEZ). As much as by the growth of the garments industry in the 1990s and early 2000s, the area's social life and labor market have been shaped by decades of conflict-driven displacement of ethnic Karen refugees and political exiles from Myanmar. By the mid 2000s, Mae Sot had a dark edge from the spillover of war and the presence of rival groups, mixed with a varied collection of international aid organizations and travelers. A literary journalistic account at the time reflects this characterization:

Mae Sot is attractive to foreigners drawn to the town for work, visa renewal, or a walk on the wild side. Locals joke that most of the Westerners in Mae Sot are missionaries, medics, misfits, or 'mercenaries' attracted by the conflict, humanitarian crisis, or the edginess of the town itself. ... Mae Sot is also the unofficial headquarters for Burmese opposition groups and activists. Many aid agencies and NGOs have a strong visible presence in the town. It is also the closest contact point with Karen freedom fighters concealed in the surrounding mountains" (Thornton 2006:3).

Mae Sot had built a reputation of peripheral lawlessness, where gangs and criminals carried out unscrupulous activities with no consequence, and unchecked migrant worker abuse by employers and local authorities was pervasive (Arnold and Pickles 2011; Arnold and Hewison 2005; Pongsawat 2007). In January 2002, for example, 17 migrants who had been murdered were found in a stream, and the next year local authorities extra-judicially killed six migrant men (MMN 2013:234; Thornton 2006:103). A Burmese woman who works at a local health clinic for migrant workers characterizes the environment as she remembers it in 2000, when she first arrived. Telling me that there were many challenges for migrants, she says,

I saw a case in front of me of Thai people abusing Burmese people. A drunk Thai man asked a migrant boy if he had an ID. The guy was not police. The Burmese boy was afraid. I think he worked at a garment factory. I used to see him walk in front of my house every day. He was holding wood, and the Thai man demanded money from him, but he didn't have any money. Then the Thai man started beating him. It was very scary. I often heard about violence against migrants, even murder, at that time. Back then, migrant organizations were not strong yet. Now the situation is better, and it is safer, but there are still many problems.

When I visit Mae Sot in mid-2016, the push of conflict and this picture of a dark and wild periphery is diminished, seemingly replaced by a new development vision that has taken hold in the area. The Myanmar government and Karen insurgent groups reached a cease-fire agreement in 2012 amid a broader military government relaxation of its grip on political opposition while opening the country to foreign investment. Many exiled people and organizations saw the possibility of return to Myanmar, especially after a 2015 national election placed Aung San Suu Kyi and the National League for Democracy as civilian leaders of government in a power share

with the military.²⁴ At the time, Mae Sot is also well into a development boom, with marked difference in physical appearance from my previous visits in 2009 and 2010 as a staff member of a Thai human rights organization. Large shopping centers have popped up where lush green rice fields used to be, including a Tesco Lotus, Makro warehouse, and Robinson shopping mall and cineplex. Two years later, While visiting Mae Sot in late 2018, Kuldeep, a small business owner and longtime resident, drives me around to show me rental accommodations. “Bangkok has come and changed things,” he says, referring to the developments. He continues, it all started with 7/11 [convenience store], about five years ago. Before that, you had to buy bread at a small shop once a week and plan carefully for the week. Now everything has changed. ... the government is promoting business for those from Bangkok. [the SEZ] only helps Bangkok businesses.”

It is in this context of border development that I study the *regime of spatial containment* in the Tak border zone. In this chapter, I illustrate the developmental and regulatory dimensions of this regime by first identifying the political economic pressures behind state policies to physically contain precarious migrant workers in the zone. Briefly, the Thai state seeks to assert the Tak special economic zone (SEZ) as an important space for production, logistics, and other activities within regional economic integration processes. Along with other incentives to attract investors to the zone, the state advertises cross-border migrant labor from Myanmar. These state plans also align with the labor needs of the local garment industry, which has long appealed to the state to prevent migrant workers from leaving the area. More broadly, the potential for the

²⁴ This hopeful time proved tenuous, with sporadic military offensives throughout 2020, a February 2021 military coup that ousted the elected civilian government, and subsequent (and ongoing at the time of writing) attacks on communities in Karen State (as well as elsewhere, e.g., Kachin State).

SEZ to be a space for worker containment and stricter control, according to the state, serves national anti-trafficking efforts that have been a point of government focus since the 2014 coup.

After detailing these forces behind Thailand's border labor policies, I then focus on the regulatory dimension of the regime, showing how migrant access to the country's territory and rights associated with employment are determined in different ways than in the regime of temporal enforcement, with a more pronounced spatial logic of control than a temporal one. As I show, this dimension is determined infrastructurally. Applying the concepts of infrastructural power, brokerage, and the migration industry to the border context, I locate specific infrastructural holes that intermediaries fill. I show that the need to reconcile longstanding informal migration and employment practices with new border pass regulations creates opportunities for cross-border documentation brokers. Here, cross-border documentation brokerage augments the local state's infrastructural capacity to bring migrant workers into a formal system of spatially delineated work and residence but also pushes the boundaries of official policy in ways that can undermine policy objectives. Furthermore, a grassroots/nongovernmental social infrastructure, built up from years of displacement, migration, and adaptation has grown in the zone. This infrastructure has developed alongside and continues to exist symbiotically with spatial containment practices.

Labor for Border SEZs in a regional development landscape

During a 2018 visit to Mae Sot, a few months before I begin longer-term field work, I talk to Thida from FED at a restaurant popular among ex-pats in the area. She updates me on the

migrant worker situation, telling me that garment employers and the Tak chapter of the Federation of Thai Industries (FTI) lobbied the government to make the border pass system available to factory workers. With it, she says, employers save money because they do not have to contribute to the social security fund for border pass workers, who are technically temporary workers on 90-day contracts. She says the system is to attract investments, which have been going to Myanmar and other countries and less to Thailand. “The government is afraid of losing out, so the border pass lets it show investors that there is a large pool of cheap labor in the SEZ. But the border pass provides less rights.” Her brief account of the situation identifies key influences on the Thai government’s border labor policy that I detail in this section. Namely, the state seeks to spatially control migrant workers to bolster investments and development in the country’s regionally connected flagship SEZ as well as to keep the existing garments industry alive.

The spatial containment of precarious and *legal/documentated* migrant labor is part of the government’s aim to assert a role for Thailand’s SEZs within a dominant Southeast Asian economic integration vision that began in the 1990s and has picked up speed in the past decade. This vision, advanced by country governments, intergovernmental bodies, and regional development agencies, prioritizes streamlined regional production and trade connectivity and a shared agenda of stronger competition in the global economy. As discussed in chapter 2, this regional agenda started in the early 1990s with the Asian Development Bank’s (ADB) Greater Mekong Subregion (GMS) project. This initiative has emphasized “economic corridors” and special economic zones (SEZs) and other physical infrastructures to enhance transportation and logistical coordination of trade activity among mainland Southeast Asian countries and Southern China (ADB 2018). According to the ADB, SEZs “use their ‘specialness’ to create globally

competitive economic activities, [involving] the familiar development mix of good infrastructure and cutting unnecessary red tape” (ADB 2018b:2).

At a broader regional scale, the Association of Southeast Asian Nations (ASEAN) has advanced its Economic Community (AEC), which aims to foster a common regional production base and consumer market able to compete in the global economy by 2025 (ASEAN 2008, 2012). Adopted among ASEAN member states at the ASEAN Summit in Vientiane, Laos in 2016, the Master Plan on ASEAN Connectivity highlights priorities of sustainable infrastructure, digital innovation, and seamless logistics, among other cooperation areas (ASEAN 2016). Regarding labor migration, while the ASEAN agenda includes goals for the free movement of “skilled labor”, no regional policies on “low-skilled labor” have been put forth.

East and Southeast Asian governments, firms, and development agencies have driven much of this regional vision (Glassman 2010), advancing different priorities than those of the global actors influencing seafood production. As the director of a Thai institute focusing on Mekong integration tells me,

East Asian development partners emphasize connectivity, value chains, border management, and labor migration – all economic activities. The Western partners also emphasize these economic priorities, but they also highlight human rights and gender equality, which the East Asian actors don’t seem to care about.

Following these “Asian development” priorities, Thailand has sought a prominent role in such regional connectivity processes. The ninth National Economic and Social Development Plan (2002-2006) includes the intended development of border provinces to serve as “economic gateways” along the GMS economic corridors (NESDB 2001:56). The Thai government, along with the ADB, also funded the expansion of a road from Myawaddy to Kawkariek, Myanmar, as

well as a second Myanmar-Thailand friendship bridge to facilitate more trade from Mae Sot to Myanmar and beyond (ADB 2018d:105). In addition, Thai state officials and private sector representatives alike see Thailand's border SEZs as playing a crucial role in advancing regional connectivity. Explaining the relationship between the GMS development agenda and Thailand's, an officer with the National Committee on SEZ Development says,

... [the ADB] has a checklist, and they encourage the establishment of SEZs along the economic corridors, and the individual countries implement the projects. They hold an Economic Corridors forum to discuss developments, but the concrete coordination occurs between different countries.

The director of the institute focusing on Mekong integration also characterizes Southeast Asian regional integration similarly. I meet him in early 2019 at a Mae Sot hotel, where he has been participating in a meeting aimed at presenting local business recommendations to provincial government officials about facilitating border trade. He mentions that integration of the "CLMV countries" (Cambodia, Laos, Myanmar, Vietnam) is different from the European Union (EU) and elaborates,

The EU is a supranational body, so the member countries must follow their policies. In contrast, the ASEAN has no enforcement power; the secretariat is simply a facilitator. But there is a lot of economic disparity in Southeast Asia, and Thailand is concerned about security issues. So, the region has much less open borders than the EU. It is much less integrated here than in the EU. Even though there are regional agreements that all members sign on to, they still have their own policies and bilateral practices that can get in the way of integration. For example, the ASEAN Trade in Goods Agreement (ATIGA) establishes zero tariffs in the region, but since 2015, member countries have increased their non-tariff barriers/asures to make up for the zero-tariff agreement.

His point is that, compared to other regionalization processes, which include binding agreements and supranational institutions, “ASEAN integration” is defined by bilateral implementation between states, resulting in much unevenness and variation throughout the region. Funded by international development agencies from around the world, his institute implements activities to promote and facilitate integration objectives in line with the ASEAN and ADB, but much of their work is convincing state governments to play their part in advancing integration. In the Tak border area, their focus is on the agriculture value chain as well as creating easier trade flows, with cheaper and quicker operations to increase trade volume and decrease consumption costs. “We are a magnet,” he tells me, referring to the Mekong region in a global context. He lists several development initiatives coming from different regions of the world, including Mekong-Korea, Mekong-Japan, Mekong-India, Lancang-Mekong (China), Mekong-US (Lower Mekong Initiative) projects as well as the Free Open Indo Pacific (FOIP) project that includes the Mekong region. Much of this interest, he says, reflects global actors trying to establish geopolitical influence, with China, Korea, and Japan being the most active.

As discussed in chapter 2, Thailand’s border SEZ project has emerged as a key focus for the state in advancing the country’s position within this broader regionalization agenda. The Thai state is taking a long-term approach to the SEZs, setting up physical infrastructures that will support gradual development in each location. The director of the National Economic and Social Development Board (NESDB)²⁵ tells me in 2016 that the newly established SEZs are part of a longstanding state agenda to develop border economies, or “economic gateways”, to and from

²⁵ The National Economic and Social Development Board (NESDB) since changed from a board to a Council (NESDC). I use the acronym NESDB or NESDC depending on the official designation at the time of publication or interview.

Thailand, in response to uneven development centered disproportionately in the Bangkok metropolitan area. Giving the example of the Eastern Seaboard, an industrial area about 80 kilometers east of Bangkok, she says it took at least 10 years for big companies to set up shop. Similarly, the “regional city development” project to grow Chiang Mai, Khon Kaen and other cities has been implemented over 30 years. She emphasizes that the border SEZs, part of this broader decentralized and gradual development agenda, will also take time. “We [the NESDB] set targets and an overall vision for growth, and the government develops the infrastructure, then it is up to [the private sector] to work according to that vision,” she says. “Thailand cannot develop the SEZs quickly, like China,” she says. “It will have to be gradual.”

According to the national SEZ plans, the government designated three border districts in Tak province (Mae Sot, Mae Ramad, and Phop Phra) as a special economic zone to be included in the first phase of SEZ development beginning in 2015. Given its existing border industry and trade activity, the Tak location is the government’s flagship border SEZ. The Asia Development Bank’s GMS project has long identified Mae Sot as a possible “Special Border Zone” for a variety of “value adding” and assembly of goods for export (MMN 2013:172, 233-234), and the Thai cabinet correspondingly set plans in 2004 for Mae Ramad and Phop Phra districts of Tak as agriculture sites to complement Mae Sot as an industry site in the provincial border zone. A Nikkei news article from 2015 touts Mae Sot as a “perfect trading point” for its strategic position between Thailand’s capital city of Bangkok and Myanmar’s commercial hub Yangon and for its connection to the ADB’s East-West Economic Corridor, linking Myanmar through Laos and Thailand to the Vietnamese coast (Gray 2015).

NESDB officers tell me in August 2016 that while the construction of a “new activity zone” connected to a new bridge and including a variety of customs and border regulation

facilities is at the initial construction stage, the larger three-district zone is already open for investments. During a visit to the site of the “new activity” area of the SEZ at this time, I see the second friendship bridge between Myawaddy, Myanmar and Mae Sot, Thailand under construction. This bridge connects the countries with a newly constructed road with better capacity than the existing bridge to move cargo trucks across the border. The roads beneath the bridge are still dirt, where clusters of large containers and construction vehicles sit idle. Though the area is at rudimentary stages of development, SEZ investment incentives are already available within the three districts of Mae Ramat, Mae Sot, and Phop Phra. When I return to see the progress of construction in late 2018, the bridge is completely built, connected to paved roads, and there are more buildings near it on the Thai side, intended for cross border trade, customs, and border security activities. By early 2019, the bridge is in operation, as is a new international airport, a significant upgrade from its bus-station-like predecessor, with larger runway for air cargo (upon its opening in 2019, it had a single route from Mae Sot to Bangkok).

With import and tariff exemptions among other incentives to attract investors, the focus on the Tak SEZ is on promoting garments and apparel, plastics, machine parts, and agriculture, among other production ventures (BOI 2015). In addition, the Thai government presents the Tak SEZ as not only a space of production but also of enhanced customs procedures and logistical coordination between other production zones, cities, and ports along the ADB’s East-West Economic Corridor (BOI 2015; NESDB 2016). Evolving plans for the zone suggest an infrastructural flexibility that will allow for a variety of potential functions. A high-level officer with the Tak governor’s office involved with SEZ policy implementation tells me in 2018 that the “new activity zone” will include production but also a logistical hub, distribution center, and migration control facilities, among others. “The Tak Chamber of Commerce is pushing for a

trade focus because they trade, and the FTI [Federation of Thai Industries] is pushing for production because they produce everything,” he says. “I get criticized for the plan not being clear, but it is better for the SEZ to be ready for everything.” The broader regional picture also shapes such flexibility. When I ask the officer how the SEZ will compete with the many counterparts in Cambodia and Myanmar that offer lower production costs, he says,

In the beginning of the SEZ plans, the government thought that [the Tak SEZ] will be production focused. However, they recognize that labor is cheaper in neighboring countries, and there are less regulations for doing business. So, we will now focus on cooperation with neighboring countries and figure out how to best utilize the strengths of each. For example, maybe another country can assemble car parts, and Thailand can ship them. Thailand has an advantage of developed infrastructure – electricity, water. The Myanmar side can import supplies with cheap taxes. So, there are opportunities for cooperation, but there are no concrete plans or MOUs yet that establish how we will cooperate.

The private sector vision for the zone appears much clearer. In a meeting with the deputy director of the Tak Chamber of Commerce in mid 2016, a year after the government began the SEZ project, he shows me a slideshow he presents to potential investors, pointing out Mae Sot’s connection to roadways linking distribution centers in cities, ports, and SEZs throughout mainland Southeast Asia and onward. Mae Sot, he says, provides the most economic opportunity out of all the SEZs in Thailand because of its relative proximity to Myanmar’s commercial center, Yangon, which is connected to major roads to both India and China. Moving past slides of cross-border trade revenue and products, he shows me maps and pictures of cargo trucks on a new portion of the Myawaddy-Kawkareik road just past Myawaddy on the Myanmar side. Before a recent upgrade, this long stretch of road through mountainous terrain was too narrow for two-way cargo, so trucks could only travel in one direction that alternated each day. Now,

after funding by the Thai government and ADB, the road is wide enough to accommodate more trade movement (as several other industry actors also point out). Such improved infrastructure, in his view, will provide more opportunities for businesses of all size to trade products between countries. He skips ahead, clicking past slides showing information about tourist opportunities within Myanmar, and then shows me their vision for the Tak SEZ. He enthusiastically shows me graphical renderings of various customs, production, regional and global logistics, residential, tourist, and commercial zones. The government is in the process of establishing the infrastructure, trying to attract investors, and adjusting laws for the zones, he says, “but the private sector has the concrete ideas.”

In a discussion with him over two years later, he hands me his notes from a presentation he made for the TCC at a meeting between the Myanmar and Thai Ministries of Commerce about trade facilitation. He tells me their focus is on establishing a “one stop service center” in the SEZ, in the complex at the new friendship bridge, so that various trade procedures – e.g., inspections, approvals from multiple offices – can be concentrated and streamlined in one place. The TCC is pushing for this trade facilitation and service industry focus in the new activity zone of the SEZ rather than production.

Essential to any government or private sector vision for the Tak SEZ within the regional development picture is the continued presence of precarious migrant workers for production and various manual labor and service work. As Kalin Sarasin, secretary general of the Thai Chamber of Commerce told the Nikkei Asian Review regarding the SEZ in 2015, "You have to utilize the advantages of both countries – the excess, cheap labor of Myanmar and the higher value-chain manufacturing in Thailand. I think this will benefit both sides...The Thais will be able to teach Myanmar workers, whose skills are still low" (Gray 2015). Among the investment incentives

offered in the three-district zone, promotional materials feature “foreign workers...[permitted] to work in the Kingdom on a temporary basis” as a main draw (BOI 2015; NESDB 2018). While earlier brochures vaguely mention the availability of “seasonal” and “temporary” workers, newer documents feature the specific border policy in the same way they list corporate income tax and import duty exemptions. When I ask if the government introduced the border pass system with SEZ labor in mind, the Tak SEZ official responds, without pause, "Yes, absolutely yes." He continues, “if we can control labor in the zone, then there will be enough to work in production projects that will grow in the zone. There will also be many work opportunities as the area develops, not just in production.” Clearly reflecting the state’s interest in maintaining a supply of precarious labor for the SEZ, the border pass is only valid in the three districts corresponding to the zone.

The SEZ thus has an explicit containment function: to hold migrant workers territorially as part of the state effort to assert Thailand’s role in regional connectivity. Migrant labor that is cheap, employed on short-term contracts, without benefits, and lacking organizing capacity is integral to this effort as it boosts the state’s ability to attract investors and enable long-term SEZ growth at lower costs. The spatial containment of precarious labor is thus essential to this ambitious vision for a steadily growing, versatile, and regionally connected border SEZ, driving the *regime of spatial containment* that I detail below. Local authorities have long contained undocumented migrant workers – precarious due to their unsanctioned work and residence – through coercive regulation preventing them from moving beyond the zone. In earlier iterations of SEZ plans, the government promoted them as “economic dams” to keep migrant workers from entering other parts of Thailand (Arnold and Pickles 2011:1610), a strategy echoed by PM Prayut in his 2014 statement that the new border SEZ’s “could help prevent illegal migrants from

crossing into inner provinces of Thailand, thereby giving more work opportunities to Thai nationals” (quoted in MMN 2019:60).

With Mae Sot being a main site of entry (undocumented and MOU) and exit (voluntary and deportation), state officers envision a broader regulatory function of the SEZ that is aligned with the state’s national anti-trafficking efforts. As a national SEZ officer tells me in 2019, “with the border pass system, labor migrants are regulated more closely... illegal workers used to bring diseases...but now that they get health screenings the government can keep track of those who enter and their health status.” Likewise, the Tak SEZ officer says, “The border pass system complements the SEZ. It is an area where migrants enter the country, and Mae Sot gets a lot of criticism about trafficking, so the hope is that it will help control worker entries.” The role of SEZs in serving the broader national anti-trafficking effort is something NESDB officials are also quick to point out to me.

New regulations in the zone thus fit within the broader state endeavor to control labor migration. At the border, however, a national security orientation dominates with less pronounced pressure for labor rights than in Samut Sakhon. While reports document worker abuses in the garments industry (CCC 2014), and a recent investigation into unlawful underpayment in Mae Sot factories linked with global companies resulted in state-ordered back-pay to workers (Wongsamuth 2019), such pressures are not as widespread or amplified as those aimed at the seafood industry, and the border pass system has not yet received sustained scrutiny from international actors or lead firms. The state goal of asserting an integral role for Thailand and its border spaces in regional economic integration processes, however, drives efforts to ensure a supply of precarious migrant labor through spatial containment policies.

Garment industry appeals for labor containment

Another (secondary) influence on the border labor policy comes from the garments industry, which has long appealed to the state to implement policies to prevent migrant workers from leaving the zone in search of other opportunities. As in other locations worldwide, the garment industry based in the Tak border zone, mainly in Mae Sot district, has a pronounced need for precarious migrant labor to keep production costs down and to attract global brands/buyers. National-level regularization processes, however, have challenged the supply of such labor in the zone. Here, regularization procedures such as those implemented in interior locations like Samut Sakhon have disrupted the labor supply for local industry, especially garments. For years, the state has tried to maintain the tricky balance of allowing the entry of migrant workers from Myanmar while also discouraging their continued movement into the country. Previously, it tolerated undocumented or semi-legal (registered but with irregular immigration status) migrant labor within the zone while restricting movement past police checkpoints throughout the zone and on the way out of the province. As nationality verification (regularization) became available as part of the initial MOU process implementation in 2009, however, Myanmar migrants who obtained “temporary passports” could legally travel onward to locations offering higher wages. As the Superintendent of the Tak Immigration office tells me in September 2018,

Before, employers in Mae Sot tried to hire through the MOU, but it was costly, and sometimes employers from other locations would come here to recruit workers. If a factory in Samut Sakhon needed 100 workers, for example, they would have a representative come here, or would hire a Burmese to come and recruit friends, and factories would lose labor.

Such a loss of labor prompted garment employers to implore local authorities to prevent worker movement past the zone's checkpoints, creating confusion and contestations over policy implementation (Campbell 2018:60-81).

Personnel issues of the Top Form garment factory, the largest in the zone, illustrate this tension between regularization and labor supply. According to Thiri, a Myanmar migrant, who works as a secretary and liaison between the company's management and migrant workforce, one of their biggest problems is worker turnover. When I tell her I am surprised, since Top Form has a reputation for being one of the only garment factories that pays minimum wage (if workers take on much desired overtime hours), she says that the factory and its large human resources staff provides workers with MOU passports and documents. This also surprises me, as employer use of the MOU process has mostly been non-existent in the zone due a large supply of undocumented workers, the previous option of migrant registration (pink card with limited movement), and now the border pass. She says that since the Hong Kong based company follows international hiring standards, they require workers to be fully documented.²⁶ They have resources that far exceed those of most small and medium sized factories in the zone. After migrants obtain these documents, however, they often leave in search of jobs inside Thailand, especially if they have friends and family that can connect them to another job. Even though they will not be able to legally work elsewhere with their existing permits, they use the freedom of movement from the passport to migrate onward into Thailand for other opportunities. Thus, a seemingly better job with higher pay and entitlements than others in the area fails to keep enough workers there.

²⁶ Other factories also claim to follow such standards, but Top Form is one of the only factories in Mae Sot that migrant workers and NGOs identify as actually paying minimum wage.

The need for a supply of precarious labor is especially pronounced in the context of the declining global and regional competitiveness of Mae Sot's garments industry. After initial success in the 1990s and early 2000s, the industry has been unsuccessful at upgrading from "low-value segments" of the global garment supply chain (i.e., outsourced production) to "high-value" segments that include design and brand manufacturing and require equipment revamps and an expansion of technical personnel (Doner 2009:189-190). Large high-resource factories like Top Form are thus rare compared to the many small and medium sized outsourced operations. According to the Chairman of the Tak chapter of the Federation of Thai Industries (FTI) in 2018, there are still more than 700 garment factories in Tak province, with 400 in the three districts (14 sub-districts) that constitute the Tak SEZ. Yet, as a representative of the Tak Chamber of Commerce tells me dismissively, garments is a "sunset industry" – factories will continue to produce subcontracted goods for brands and global buyers, but they will not grow or establish brand factories. The survival of the remaining factories depends on one of the only remaining factors keeping garments production relatively cheap in Mae Sot – low-wage precarious migrant labor.

Factories are also losing orders in the context of declining consumer spending and production competition from factories in neighboring countries. According to a small factory owner, orders have been going down in the past 10 years. "There are no orders coming currently," he says, "and I will have to close the factory for a few days. In one day, I might have an order to sew 400 pieces, but if there aren't other orders coming in, I split it into 200 per day." Another garment factory manager tells me that orders have been steadily decreasing since the establishment of the factory 20 years ago, and especially in the last three years. "It was much better 10 years ago," he says, "when the sweater pullover industry was booming. Now, [brand]

customers decrease their orders and order from factories in other countries where production costs are lower.” The manager of another large garment factory, which supplies clothes to around 80 brands sold in European and US markets, tells me in 2018 that the factory will not expand its operations in Mae Sot anymore, but it will continue with its current rate of production. Any expansion will instead take place in their new factory in Cambodia.

Garment factory owners and managers often blame the industry struggles on the raise in the national minimum wage. The Chairman of the Tak FTI says, “The minimum wage was raised nationwide in 2012 to 300 baht [under 10 USD] per day, so this has raised the cost of production. Since the costs are high, brand owners have to pay a lot, and the factories here have lost orders to other countries.” A factory owner tells me in 2019 that “small factory owners have a difficult situation because of the minimum wage requirements. Some factories, the bigger ones, can provide this, while others cannot. Some factories, like mine, don’t have enough orders to pay well.” The FTI Chairman tells me that smaller factories try to find ways to cut production costs, such as reducing energy expenditure and overtime. The most common employer response, however, has been to violate minimum wage laws. All garment workers I interviewed received far below the national minimum. Workers also report having to sign two contracts upon employment, one indicating a salary of the minimum wage (to show auditors) and another showing their actual wages. The Labor Law Clinic of the Human Rights and Development Foundation in Mae Sot also reports this common practice. These accounts suggest that it is possible, and common practice, for garment factories to avoid minimum wage laws in the zone.

Given the economic context for garment suppliers in Mae Sot, policies to territorially grasp migrant labor that they can exploit in the border zone has become essential to their survival. Concerned with their continued ability to attract orders from global buyers, the Tak

chapter of the FTI lobbied the government on behalf of garment factories to implement a policy to contain migrant workers in the border area. As discussed in the last chapter, the 2008 Alien Working Act contained a section on border passes, but it conflicted with MOUs and had been sporadically implemented, and never in Tak province. According to the chairman of the Tak FTI, their sustained lobbying through regular provincial and national consultation channels – monthly meetings between private sector actors and the Tak Governor’s office and similar meetings at the national level with the Joint Standing Committee on Commerce, Industry, and Banking, led by the Prime Minister’s office – encouraged the inclusion of the border pass section in the 2017 decree. A leader of a migrant workers association in Mae Sot also points to employer association influence on the border pass law, saying “[the FTI] is good at lobbying the government.”

The border pass is a formal resolution of the tensions between regularization and containment, as it formalizes precarious migrant work by providing employers a way to hire documented migrant workers that, like their undocumented precursors, lack rights, benefits, and the ability to legally leave the zone. As the director of a migrant workers association tells me, the system allows for “more control” by employers because workers cannot travel outside of the province, and since they must renew their permits every three months, they have difficulty making workplace complaints out of fear of dismissal. While the visas and permits are short-term, migrants can renew them indefinitely, and multiple employers can hire them for jobs. While they have no right to permanent settlement, de facto conditions allow for informal settlement at the borders, as I show next chapter.

Flexible governance in an industrial border zone

The Tak border zone is characterized by a discernable coexistence of formal state institutions and procedures and informal mobility, settlement, and commerce. Approaching the border area in Mae Sot district, a few kilometers outside of the municipality of the same name, large cargo trucks carrying vegetables and other goods are stalled on the dusty road, backed up in line waiting to pass through customs and on to the original Thai-Myanmar Friendship Bridge, which extends over the Moei river and into Myawaddy, Myanmar. Customs and immigration offices flank the entrance to the bridge and split the main road, on the left of which are rows of shophouses, and further down toward the river a large Tak Immigration Bureau complex. This cluster of buildings also houses a pre-deportation detention center and anti-trafficking control center and is also where MOU workers are admitted into the country. On the right are a few small restaurants, a post office, and more shophouses. The road ends in a U-turn at the river, where the Rim Moei market offers electronics from China, Burmese snacks and spices, t-shirts, children's toys, jade and jewels, among other trinkets, crafts, and household goods sold by vendors, many of whom cross the river from Myawaddy in the morning and return after the market's closing. Outside the market along the river, vendors set up in wooden stalls sell duty free cigarettes and alcohol, among snacks and foodstuffs. Behind them are small vegetable plots and an encampment of ramshackle wooden homes that grows larger the further one walks along the riverside.

At the border, it is striking how formality and informality intermingle. MOU workers cross the same river, at different points, as undocumented migrants. Some pay agents and have job contracts; others pay the boat operator and find jobs themselves or through their social

networks in Mae Sot. Expats extend their visas and make border runs across the same bridge as MOU workers or migrants entering on 7-day passes, looking for work and ways to get a longer-term border pass. State officials process documents, while others watch migrants pass through the informal river crossing, only searching for illegal goods but permitting entrance into the border zone. Formality and informality exist on a spectrum, as do the legality/illegality of migrant workers who enter the zone to work in garment factories and agriculture fields. Workers without documents mix with those who have pink cards or other forms of soon-to-be defunct documentation and those with the new border pass. In addition, refugees from Myanmar's Karen state have lived in one of several border camps that were set up along the western border in the 1980s, while others live and work throughout the border area. Karen villagers have also lived along the border for generations, many with previously issued "10-year" noncitizen cards that permit their residence in Thailand. As I detail below, gradations of formality at the border not only translate to labor flexibility but also governance flexibility.

Border trade here has also taken on official and unofficial forms. For years during the conflict in Karen state, Karen rebel groups controlled cross-border trade on the Myanmar side, but with the balance of power shifting to the Burmese state as Thailand began to engage more closely with Myanmar on bilateral trade and investment since the 1990s, it had become formalized (Brenner 2019:49-52). Still, unofficial trade thrived alongside official bilateral trade. In 2007, for example, Mae Sot border trade was estimated to be at 360 million USD, while unofficial trade for the same year was estimated to be up to 1.4 billion USD (MMN 2013:234). Unofficial trade still occurs at the border, as I observed near a riverside migrant community. Here, I watch with Phyo, an officer with the Foundation for Education and Development (FED), as trucks with Chinese writing load cargo onto boats that go across the river, on the other side of

which several men unload boxes filled with glass bottles. When I ask Phyo if this kind of trade is legal, he says, “It’s not really legal. You can say it’s illegal, but the police know about it and don’t do anything. But you can’t say it’s legal either.”

It is within this context that I carry out fieldwork in Mae Sot and the Tak border zone from January to August 2019. I spend most of my time based in FED, an organization run primarily by migrants from Myanmar, who’s main mission is to support the rights and needs of migrant communities. They have a main office in Phang Nga (Southern Thailand), a second office here in Mae Sot, and an office in Myanmar. I was familiar with FED before this research, working in 2009 as a resource person with a Bangkok-based partner organization on their Economic, Social, and Cultural rights (ESCR) project, giving human rights trainings to migrant worker community leaders in Mae Sot and Phang Nga. In 2016, when I met with them in the early stages of this project, all of their staff had turned over, and they were located in a different office. When I return in 2018 and then start extended fieldwork in 2019, their staff is smaller, along with reduced project funding.

Porosity, containment, and coercive regulation

With implications for both regulation and reproduction (next chapter), the international border between Myawaddy, Myanmar and Tak province in Thailand is easy to cross. Below the friendship bridge and down the river on either side are unofficial crossing points, where migrants move between Myawaddy and Mae Sot in wooden motorboats. At one such crossing, two women, idling in a chair and hammock hung above a wooden platform, collect 20 baht

(about .60 USD) from those heading to Myawaddy. The platform is along a concrete path along the side of the river-border, where people walk in both directions carrying bags and bundles. Directly across the river in Myawaddy are a few restaurants and karaoke bars with loud music, large apartment buildings of varying condition, and an area with white transport vans.

I approach one day and ask one of the women selling tickets, “Pai dai mai? [Can I go?].” She looks at me, pauses, and then says no, pointing to the official bridge to tell me that is where I should cross. I stay and watch as motorboats traverse the narrow waterway every 15 minutes or so, with 10-15 passengers arriving on the Thai side after a trip that lasts about one minute. When passengers reach the Thai side, they disembark on a wooden platform and climb steps wedged in the dirt embankment, which lead directly to a table, where one or two army officers sit lazily. When passengers approach, they look through backpacks and bags and then let them pass. While these are undocumented, or “irregular”, migrants, they are unofficially allowed to enter Mae Sot. A few motorcycle taxi drivers sit on their bikes waiting for customers, but most of the border crossers walk along the river to meet friends or to walk or take a *songthaew* into town. Others may use smuggling services to travel down the mountain and onward to other locations in Thailand.

The river is dotted with several of these crossing points. Some serve as regular transportation between Thailand and Myanmar, such as a gate that members of a river community, living in a cluster of platform wooden houses built over dirt, use to go to markets on the weekends, or send their children each weekday to attend a Burmese school. According to the founder of a migrant workers association, Mae Sot district alone has 28 “illegal” crossing points along the Moei River, which demarcates Tak province from Myanmar’s Myawaddy district. When I ask him about the army officers that I saw allowing people to cross the border below the

bridge, he says that there is no way that they can stop the crossing points along the river, so they go there to at least check people's bags for drugs or other illegal items.

As controlling movement across the riverine international border is difficult, the state seeks to control its border in the form of spatial containment internally. Local police and army officers strictly regulate movement within the zone. Authorities at many roadside checkpoints survey vehicles passing within and between districts and on the way out of Tak province.²⁷ On a commuter bus on the way down the mountain from Mae Sot to the highway heading to Bangkok, for example, police or army officers board and demand to check passenger IDs at three different checkpoints. Local police also regularly check migrant documentation throughout the zone, extorting payments from those without them. As in Samut Sakhon, migrant workers tell me that street-level harassment happens regularly throughout the zone. A migrant staff member of FED tells me in 2016 that local police often stop migrants at the end of the month, when they are short on money, and demand small payments from those without documents. For years, this combination of porosity and containment were hallmarks of an informal system that unofficially encouraged precarious labor (undocumented, with no rights) while circumscribing worker movement to discourage onward migration into Thailand. The border pass system, described above, formalized this dual and challenging state aim.

Governance of agricultural migrant labor is less formal, yet migrants working in fields are even more confined at the village level. While use of the border pass is growing in the garment industry, agricultural workers cross the border informally and experience village control systems that satiate the industry's reliance on flexible (seasonal, on-demand, undocumented)

²⁷ Some migrants tell me that these checkpoints used to be run by police, who would regularly extort them during stops. Now, there are less checkpoints, and they are controlled by the military, with less extortion.

cross-border labor. Instead of the border pass system, “village heads”²⁸ and local authorities keep track of who comes and goes. According to a farmworker I speak to in a rural Mae Sot village in early 2019, workers here pay 300 baht every three months to the village head for local documentation, which they can show to police within the village to avoid arrest. Similarly, a community leader in a Phop Phra district village surrounded by expansive fields of crops and red dirt, says migrants here also pay for documentation that gives similar protections. The village head gives a corresponding migrant list, along with a portion of the payments, to local police and soldiers.

With the ever-present threat of arrest outside of village boundaries, coercive regulation at the zone level enables this village control system. Furthermore, the state tacitly allows this mode of village-level control, which serves containment purposes at the margins of national formalization. Waiting to meet a village head who also employs migrant workers on his small farm, I ask two staff of FED if we can ask him about this informal control system, but they say no. Thida tells me in a low voice that it is an illegal system implemented with local police to extract money from undocumented workers, so I gather that asking about it would not go over well, or it may jeopardize FED’s relationship with the local authority.

Coercive regulation of migrants can occur immediately upon entry into the zone, making clear the nonbelonging and deportability of cross-border migrants. One morning, I ride in the back of a commuter truck with 10-15 migrant men, women, and children travelling from the border into Mae Sot municipality, when two police officers wave the vehicle down. The

²⁸ This is a local administrative position below the district level. In the early 20th century, the emergent Thai state replaced direct masters of serfs with village heads and subdistrict chiefs (Vandergeest and Poluso 1995:399). Village heads can exercise a significant amount of local power, as I learned during preliminary fieldwork in a village in another location, Phang Nga, where a local organization told me that the village head used to control the place violently with local thugs, detaining and threatening their staff when they came to assist migrant workers.

passengers, seemingly used to this, shuffle through their belongings to get their IDs as an officer approaches the back and orders a few men to get out (not including me). He tells the rest of us to wait. The men from the truck walk down the sidewalk, where there is a red metal table with a sun umbrella, and an officer with a white box the size of a large tissue container. There are already some men from other vehicles standing to the side, against a wall that is next to a plot of land with overgrown bushes. They are urinating in the small cups with testing strips that the officer had given them from the white box. The officer gives each man one of the tests, and they go to the wall to pee on it. I see another officer, wearing a motorcycle helmet and mirrored sunglasses, standing behind them and keeping watch, his upper body protruding from the foliage adjacent to the grey wall. There are two other officers on the road, waving down commuter vans and taking passengers out. When the men finish the drug test, they walk back to the table, where an officer checks results and throws the cup into a trash bag hanging on the wall, and then return to the truck. As they walk back to the truck slowly, some with grins on their faces, I interpret their demeanor as slightly annoyed but resigned to this common practice. They are not acting as though anything new or unusual just happened to them, and none of them seem especially troubled, nor do the women (mostly) in the back of the vehicle waiting to leave.

Large-scale crackdowns on undocumented workers also occur in Mae Sot every few months, with workplace and neighborhood raids an intermittent occurrence even before the 2017 decree. For example, when I visit Mae Sot in July 2016, a crackdown involving local and Bangkok-based police and army officers is underway. When checking in to my room, a Burmese man managing the guesthouse tells me that about 500 migrants had been deported in the past three days. The deportations have been on the news, he says, and Burmese people also send messages to each other when they hear where the military are checking documents. But when

people get deported, he says while smiling and snapping his fingers, they can come back easily. Around town, shophouses are closed, and the Mae Sot market, usually staffed and crowded with migrants, is mostly empty. A member of a migrant workers association also tells me that police have been conducting workplace raids since last week, and when I meet staff members of FED, one of them gives me her account of the crackdowns.

Since July 27, police from Bangkok and army officers have been arresting migrants and deporting them. I heard that about 1,000 migrants have been deported so far. Police go to factories and stop migrants in town, like markets. They ask to see pink cards, and even if they have them, some migrants have cards with fake employers, so when police ask who their employers are, sometimes they don't know, and they can't read Thai so don't memorize the name. If this is the case, they get deported. Or if they are checked at their workplace, and the name of the employer doesn't match their workplace, they are deported.

She says that many factory owners closed shop in the past week because they were tipped off by local police that the Bangkok police and military would come from July 27 to August 1, but some also heard that the raids would continue until August 8, so they plan to keep their shops closed. Later, when driving around town, we pull into an alley with a row of small shophouse factories and, opposite, a row of small domiciles with closed wooden doors. The shophouse doors are all closed, except for one, which is partly opened showing some garment scraps. On our way out, Mimi from FED (former staff) points out an area that is usually the site of a small market, but today it is empty save for a few women walking around, wearing Thanaka paste and sarongs. "People are hiding, or they went to Myawaddy for the week," Mimi Says. "The factories will probably reopen next week."

That same day, two women villagers in a riverside community of garment workers share their account of the ongoing crackdown. One of the women says that two days ago, around 6:00

am, five police officers arrived and knocked on doors, telling everyone to sit outside the nearby monastery. They asked everyone for their documents, and those without any were arrested. She did not have documents but explained to the police that her kids were sick and she needed to care for them, so she was not arrested with the others. The other woman, a community leader with ties to FED, says that the police arrested and deported 89 people that day, and others ran and hid. When I ask how many of the 89 have returned, she says all of them are already back. They hired a motorcycle taxi to take them across the bridge and crossed the border with a one-day tourist pass.

That same week, while riding on the back of a motorcycle driven by Zay, a migrant worker association leader, we slowly approach an unmarked parked truck, when a large, stern looking man with a square jaw, wearing a t-shirt and shorts and gold chain around his neck gets out. He asks Zay, in an accusatory tone, “Pai nai” (Where are you going?). He stands in front of the bike, his large body blocking our way, as Zai answers, “hospital” (we are a few blocks away from the Mae Sot hospital) and then motions us to move on before stopping a skinny elderly man walking past on the side of the road and demanding to see his ID. As we ride on, Zay tells me he responded in English so that the man would assume we were tourists. He said the man saw me too, which would add to this image. Zay has legal documents, he explains, but he did not want to deal with the hassle of being harassed by the man. He mentions that he is “freaked out” by what happened and speculates that he was a plainclothes police officer checking documents and arresting people, or maybe he was looking for drug dealers. “There is a lot going on lately,” he says, referring to the crackdown.

Such crackdowns occur intermittently and unpredictably, with Zay and others speculating that they are politically motivated, with the junta demonstrating that it is tough on national

security. In this case, the crackdown occurs just days before Thai citizens would vote on a constitutional referendum that would consolidate military rule. As this episode and other examples of coercive regulation demonstrate, while the porous border ensures that migrant workers are a permanent fixture in the zone, coercive regulation in various forms emphasizes their tenuous belonging and deportability and encourages migrant workers to obtain documentation.

Heightened border regulation

In 2019, five years after the military took power and over a year into enforcement of the new decree, I observe Mae Sot as a site of border control and anti-trafficking enforcement. Inside the Tak Immigration Control center, located in the immigration bureau complex on the Thai side of the border with Myanmar, there is a U-shaped conference table, inside of which is a satellite image of Mae Sot, with figurines placed on top, showing the bridges and checkpoints. On one wall are TV screens labelled with nearby border checkpoint locations and detention area, located in the same compound. Beside the screens are large maps, one of the Greater Mekong Subregion economic corridors and the other specifically of the East West Economic Corridor, extending from Myanmar, through Mae Sot and the Tak SEZ and across Thailand and Laos to Vietnam. I am here in March 2019 with Paing, from FED, an organizational member of the Mae Sot Anti-trafficking network. Eventually, the network meeting has about 25 participants, including two immigration officers, an officer from the Ministry of Social and Human Development, and representatives of such CBOs, NGOs, and INGOs as the Burmese Migrant Teacher's

Association, the Mae Tao Clinic, the Yaung Chi Oo migrant workers association, the International Rescue Committee, and the IOM.

A significant portion of the time is spent going over the US TIPS report tiers (at this point Thailand is on “Tier 2” after two years on “Tier 2 watchlist” and two years before that on “Tier 3”) and strategizing on how to screen human trafficking victims from other undocumented migrants, capacity building among the network, and community outreach plans. Reflecting the heightened coercive enforcement occurring throughout Thailand, an immigration officer gives an update on deportation statistics for March so far (up to the 21st): There were 8,781 people deported through Mae Sot during this time, most of them arrested throughout Thailand for not having legal documents.

This network meeting, among several that FED staff regularly attend, indicates the local state’s attention to human trafficking as well as its recognition of the regulatory value of a plethora of grassroots groups and NGOs that assist migrants in the Tak border zone, which I discuss below. In the national context of a heightened effort to combat human trafficking amid international pressure, Mae Sot and the border zone more broadly, is a site of frontline border control and anti-trafficking regulation. Speaking in terms of the national picture, the superintendent of the Tak Immigration office summarizes their main border control objectives as follows:

My concern is how to stop illegal entry. If employers can’t replace their labor with illegal workers, they will have no choice but to follow the MOU process. If a factory needs to replace 30% of its workers, for example, but they only get 10% from a pool of illegal workers, then they will have to get MOU workers. It is very easy for migrants to cross the 533-kilometer border of the province; we try to prevent illegal entries, but it can never be 100%.

At this time, authorities also show a more focused commitment to establishing the legality of migrant labor in the zone through the regulation of employers. A representative of a migrant workers association tells me that after the 2017 decree announcement, there was an increase in arrests, and there have been more incidents of police extorting migrants on the street. Earlier this year (2018), he says, police from Bangkok came to check factories as part of “combined forces” that include police, immigration officers, and army officers. According to workers and some factory managers, authorities came to inspect several factories after the 2018 registration deadlines. The superintendent of the Tak immigration office tells me that he checked factories in August and September that year at the behest of the central bureau. The manager of a small garment factory that supplies finished clothing to its Japanese parent company based in Bangkok tells me in late 2018 that army and immigration officers came by the factory in early July, a few days after the migrant registration deadline, to check worker documents, take pictures, and note which workers still need documentation. A garment worker tells me in early 2019 that authorities came to her factory just before the new year to check worker documents, arresting and deporting 60 of them. During a visit to another small garment factory with FED, Physo tells me about a recent case where a factory hired an undocumented worker and let him begin working to test his sewing skills as they were arranging the procurement of his border pass. Employment office authorities came during this time and arrested the worker and issued a fine to the employer.

Such heightened workplace regulation, however, has not reached agricultural fields, which authorities regulate at smaller local scales. While a garment worker may experience intermittent factory checks, a farmworker will deal mostly with village-level officials, who keep

track of the unofficial comings and goings and monitor local movement of workers. A Thai farmer that employs migrants tells me that immigration officials and army officers have checked workers at her farm, maybe two to three times per year, and if they find undocumented workers, they deport them. But she never faces punishment because she does not technically employ the workers, who are day laborers and not regular employees. Paing from FED says they are like freelancers, not employees, so they can get arrested and deported, but employers face no consequences. Others tell me that authorities rarely, if ever, check workers. On a field visit with FED, I ask a community leader (and small farmer) in a village in Phop Phra if authorities ever come to the farm to check documents, and he says, “No, never. The village head controls the migrants, keeping track of who is here. He guarantees everyone. As long as they don’t leave the village, they don’t have a problem.” A representative of the agriculture industry for the Tak Chamber of Commerce also tells me that the Tak governor “knows the situation at the border – employers need workers, and it is difficult to hire only documented workers – but he faces his own pressures from the government to regulate undocumented migration, so he has to enforce policies from time to time.”

Formalizing precarious border labor

Cross-border employment and local state administration of the border pass

The implementation of the border pass in Mae Sot and neighboring districts, as I observed in the first half of 2019, serves the broader state effort to formalize guestwork but with distinct border

characteristics. In the Tak border zone, such formalization involves a harmonization of informal, network-driven labor migration with the new policy on cross-border labor. Cross-border practices are central to the emerging border pass system, as an employment officer's account indicates:

Some [workers] come to Thailand on a visitor pass or informally cross the border and find a job, then they go back and get a border pass at the Myawaddy immigration office and come back here and apply for work approval...after they get [a 30-day visa from immigration], we give a 90-day work permit. Immigration allows visa renewals by crossing the border, for up to 90 days. After 90 days, they have to start over.

His account suggests that workers first move back and forth across the border informally, or semi-formally, to find a job, after which they obtain formal documents to work within the border pass system.

The owner of a small garment factory similarly tells me that his workers often refer friends or relatives for jobs, then he connects them with a broker to get the pass in Myawaddy. Once they have the pass and permit, the workers must cross the border every 30 days to renew their visas. Here, the Employment Office deals with providing migrant workers with border pass permits, but it is not as busy as its counterpart in Samut Sakhon since obtaining the permit is a much easier procedure than the regularization procedures in the latter. It is also important to note that the official local bureaucracy is aware of the informally institutionalized village-level control systems for agriculture workers. As the director of the office tells me in late 2018, in places like Phop Phra, for example, there is a "natural gateway" at the border, and local officers allow migrants to cross to work in agriculture fields. "For them, the border pass system is a nuisance," he says, "and impossible for all of the workers to use."

The governance situation in the Tak border zone reflects the messy mix of informal and official cross-border labor processes that characterizes the border pass system and the border in general. As an employment officer in Mae Sot says, his office has the same mandates as other provincial offices, but because of the 500-kilometer border that migrants cross daily, they have different implementation challenges. Specifically, they must integrate into a formal system a largely undocumented migrant population, with people of shifting status and in constant back-and-forth, cross-border motion.

Employer documentation of workers

As in Samut Sakhon, the main interests of employers in the border zone are to employ labor cheaply, with little hassle. The diminishing tolerance by local authorities of undocumented migrant labor in the garments industry reinforces the requirement of a legal workforce. In this context, employers all say that they want an easy way to employ legal migrant labor, and they want to do it cheaply. As discussed above, many employers complain about the national minimum wage raise in 2012, which set a uniform minimum wage across the country to replace province-specific minimum wages. This nearly doubled the required minimum wages for garment workers. While employers cite this policy as hiking their production costs, most migrant workers I speak with report earning far below minimum wage (details in chapter 6).

Employers, who welcome the new border pass policy for its flexible employment and labor containment features, advance the use of the pass by imposing documentation requirements. According to interviews with garment workers and factory managers, employers facing declining orders and stricter state requirements of legal labor are instructing workers to

use this pass, which formalizes the flexibility and relative immobility of border labor that used to exist in the form of undocumented workers. One garment worker tells me that when her and her coworkers' temporary passports expired in early 2018, her boss contacted a broker to get all of them passes, work permits, and visas, deducting from their wages as he pleased and without sharing with them the itemized costs.

According to employment office data from September 2018, about 30,000 workers already had the pass, compared to 32,000 who had either a pink card, Certificate of Identity (CI), or MOU passport (with a large, unknown number still undocumented). An employment officer tells me at the time that with pink cards and CIs being phased out, use of the pass is growing. A worker from one of Mae Sot's largest garment factories tells me in early 2019, "Before, many had the CI, but when the government changed the policy to section 64 [border pass article in the 2017 decree], our boss required us to get [it] and took fees from our wages. Even those who had a CI had to switch to a 64 pass." As this example shows, employers have not only required documentation, but they have imposed the more flexible documentation option even when workers already have another ID. Another garment worker and community leader tells me her experience in March 2019:

Most of the workers [at her factory] have border passes. They used to have CIs. The factory owner took care of my border pass. I gave my Burmese ID and did a health check and then paid 4,000 baht for the pass and 2,700 for the work permit. It also costs 1,225 to extend the work permit after three months. Each month, the owner takes care of the visa renewal. The border pass is more expensive than the CI, and I can't move outside of the three districts.

A female garment worker living in a riverside community, within sight of Myawaddy, shows me her border pass: the first page of the booklet is stamped with “WORKER” in large red letters, the back pages stating its limited validity in three border districts. Another garment worker shares her experience in early 2019:

Most workers who live [in this neighborhood] have a border pass. Some have CIs. The factory boss gave us the choice to change from a CI to border pass, but all new employees have to get the pass. The factory advances the cost – 4,780 baht (over 150 USD) – and deducts 500 baht per month to pay for it.

These accounts share the similar elements of employers requiring workers to procure the border pass, sometimes replacing existing documentation, to work in the factory. Employers hire brokers to take care of the documentation procedure (more below), which they pay for from worker wage deductions, making documentation an expensive endeavor for migrants. An owner of a small factory that fulfills subcontracted orders similarly tells me in mid 2019 that all of his 50 migrant employees now use the pass.

Employers have started to use this new documentation system for flexible employment arrangements. On a visit to a small garment factory, where Phyo from FED is following up with workers about safety issues after the factory owner’s participation in a work safety initiative, he tells me that the manager hires workers based on the size of orders. None of the workers have regular work contracts, but they are hired on an order-by-order basis. On this day, workers are sewing nondescript canvas work uniforms that will be sent to Bangkok. They use the border pass, which corresponds to such flexibility by allowing multiple employers for each migrant. Many factories operate like this, Phyo tells me, and they now require border passes because employment office authorities come to check documents.

Flexible hiring in agriculture

Corresponding to the lax regulation of small farms discussed above, agriculture employers hire migrant workers under even more flexible conditions, without the common use of the border pass. A young man who maintains the sprinkler system on a farm in rural Mae Sot, for example, is undocumented, like most of the workers here, who cross the border with a 7-day pass or just cross the river informally. The flexible employment of undocumented migrant workers in agriculture fields is also common throughout Phop Phra district. I accompany FED one day while they conduct a field visit to document issues with migrant worker employment on Thai farms. We drive down a road near a major agriculture wholesale depot, lined with farming supply shops and surrounded by red dirt and plots of vegetables. We stop in one such shop and talk to a woman who employs migrants on some of her plots. She has owned about 20 rai (about 8 acres) of land for the past 40 years, where she plants corn, sweet potatoes, and chili, which she sells to large companies in the local marketplace. When she needs workers, she calls people in the nearby migrant community to request a certain number of workers for a particular job. She does not employ regular workers, so she is unaware of their documentation status. Since the local farmers here cannot do all of the jobs themselves, she says, they hire migrant workers for daily work, without contracts. She never has problems finding workers, she says. Since most are experienced with agriculture work, she just instructs them on tasks.

Another small-scale farmer in the district and wife of a village head tells me that she hires many migrant workers for corn planting and cutting/picking seasons. She does not have regular employees but finds them when she needs them. “Around here, migrants work at different places

for a daily rate. When we [farmers] need workers, we get referrals from other workers. There is also one broker in the area who supplies farms with workers and takes a fee from the migrants.”

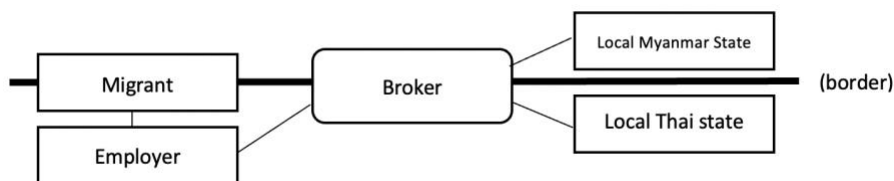
The aforementioned migrant community leader in the Phop Phra village tells me that, as the only person in her community who can speak Thai, she connects migrants in need of work to different jobs when employers call her. Sometimes she enters into a contract with them, where they negotiate a price per bag, and she earns depending on the yield. Medium sized farms, she says, might have 15 or so migrants working for them at a time, while large companies could have around 200 (less common). Hiring practices in the agriculture industry in the Tak border zone appears to be an exception to the formalization trend in the rest of the zone (and country), with governance instead localized to the village level, as described above.

Cross-border documentation brokerage

Featuring similar regulatory conditions as Samut Sakhon (i.e., heightened coercive regulation and local administrative deficiencies) but with the added dimension of a proximate and porous international border, in this site, brokerage facilitates policy implementation but also operates beyond state control to push the boundaries of policy stipulations. Employers and migrant workers here faced the same 2018 registration deadlines but with the additional option of the border pass, which migrants obtain from Myanmar immigration officials across the border in order to then use short-term work permits and visas limited to the zone. The border thus separates parts of the documentation process beyond the administrative reach of employers and the regulatory reach of the Thai state. These conditions, in a context of increasing demand for the

border pass, create new profit opportunities for cross-border documentation brokers, who enhance the local state's capacity to formalizes cheap, precarious, and relatively immobile labor for industry in the zone yet subvert aspects of the border pass policy by expanding the scope of eligibility.

Figure 6: Schematic of Tak Border Zone intermediation



Opportunities for cross-border documentation brokerage arise from a heightened coercive environment combined with migrant and employer needs to procure border passes on the Myanmar side of the border. In this context, the border itself creates additional infrastructural holes. While garment employers are expected to handle worker documentation, their lack of procedural knowledge and unwillingness or inability to complete documentation tasks on the Myanmar side prompts them to rely on brokers to handle border pass procurement. These brokers, who may be individuals from Myanmar living in the zone or joint operations between Thais and Myanmar nationals, enable the process by intermediating between migrants, employers, and local state offices on both sides of the border, as depicted in the figure above. Their activities, as I show below, can both facilitate and push the boundaries of official state policy.

In the Tak border zone, the guestwork formalization process involves a harmonization of informal cross-border movement and network-driven job seeking processes with new regulations

to maintain legal yet precarious border labor. Brokers who operate in a gray area of legality facilitate this harmonization. One of the main functions that cross-border documentation brokers perform is to mediate gaps between official border pass policy and the realities of labor migration in the zone. According to the policy, border passes are for residents of specific border-adjacent areas, so only those from Myawaddy, Myanmar can obtain a pass for the three Tak border zone districts. Most workers here, however, come from several locations throughout Myanmar, creating the need to gain household registration documents in Myawaddy in order to qualify for the pass from Myanmar immigration officials. In mid 2018, an officer of a migrant workers association in Mae Sot explains the brokerage process as such:

[Brokers] deal with Burmese authorities. Since only those who live in Myawaddy are allowed to use the passes, workers use brokers to get a “family list” as proof of residence in Myawaddy. [Brokers] work with immigration authorities to do this, probably paying bribes. The border pass officially costs 2,550 baht, but factories charge their workers between 4,500 and 10,000 baht to get it through a broker.

Several migrants, Thai state officers, and NGO staff also tell me that border pass costs are high because of the need to pay officials in Myawaddy to change their Myanmar residence.

Documentation brokers thus earn by bridging the gap between existing labor migration patterns (undocumented, from all over Myanmar) and border pass policy stipulations (eligibility limited to border-adjacent residents).

As in Samut Sakhon, brokerage here facilitates policy implementation, but it also pushes the boundaries of official law with varying implications. First, it augments the state’s capacity to formalize the containment of precarious border labor, the latest version of a long endeavor to allow migration into the zone but discourage onward migration out of it. This formalization is

aligned with the guiding objective of having a mostly “regular” migrant workforce with benefits and social protections that meet international standards (as in Samut Sakhon), as it limits the pool of cross-border workers with a more restricted set of rights. Without a global spotlight on the garments industry, the border pass scheme in the Tak border zone has so far not faced the type of high-profile international condemnation aimed at the seafood industry.

Yet, such brokerage also undermines official stipulations of the 2017 decree and MOU with Myanmar by expanding border pass eligibility to anyone from the country. This happens due to the state’s detachment from a pivotal point in the documentation process. Provincial officials tell me their knowledge of brokerage activities in Myawaddy while showing a lack of concern with what happens beyond their jurisdiction (e.g., bribes, petty corruption) and exhibiting an informal deflection of official responsibility. Furthermore, while brokerage undermines *official* policy at this point in the process, it helps further the Thai state’s development aim of maintaining a large supply of cheap labor in the special economic zone, suggesting the utility of informal documentation brokerage in fitting policy to meet state objectives that may conflict with formal policy. Such a result, however, could lead to onward migration if migrants eventually find ways to breach the zone, subverting state objectives of containment. Regardless of specific outcomes, by operating independently in a grey area between official laws and unofficial migration processes, brokerage may enhance the state’s capacity to advance objectives but in an unwieldy way.

Here, the social significance of brokerage is like that in Samut Sakhon, as employers deduct documentation/brokerage fees from wages. One worker, for example, paid 4,000 baht for the pass and another 2,700 for the work permit. With additional fees for health checks, the purchase of health insurance, and visa/paperwork, she paid a total of 8,024 baht for what

officially costs 6,350 baht. An internal report shared by a legal aid organization in Mae Sot also identifies wage deductions and burdensome documentation costs for workers.²⁹ While such costs are lower than amounts paid for regularization documents in Samut Sakhon, the border pass comes with more repeated costs, such as 1,225 baht every 90 days for work permits, monthly visa fees, and the purchase of monthly health insurance. These costs are also incurred on migrants making much lower wages at the border. Thus, in both sites, documentation/brokerage proves expensive for migrant workers, raising questions about the tradeoffs involved with legalizing one's status.

Governance implications of a nongovernmental social infrastructure

While in Samut Sakhon, NGOs such as HRDF socialize migrant workers to the formal guestwork system and broker their access to social protections, in the Tak border zone, there is a much more expansive nongovernmental social infrastructure, of which FED is a part of, that assists migrants amid an environment of varied in/formality, low wages, and limited social protections for precarious migrant workers. This social infrastructure consists of health, education, and other community and NGO/INGO assistance activities that, as I detail in the next chapter, help migrant workers survive. Studies of Mae Sot have characterized a “border social system” that allows migrants to piece together lives outside of state regulation (Lee 2007) yet is under threat from a withdrawal of Western donor funding (Loong 2019). While this “system” has

²⁹ While employment officers, migrants, and their advocates frequently mention extra broker fees for the pass, more systematic research on exact costs is needed as the system progresses.

lasting and foundational institutions, there is no unifying center of control, taking the form of several loosely connected communities and institutions that form what I prefer to characterize as a non-state social infrastructure for migrants.

As an NGO dedicated to protecting the human rights and wellbeing of migrant workers and their communities in Mae Sot and neighboring districts, FED is one of many organizations that make up this social infrastructure. Most FED organizational activities involve partnerships with grassroots organizations, other NGOs and civil society networks and funding from international donors and larger organizations serving as implementing partners. With four full time staff, they spend much of their on a small set of projects in addition to the regular one-off assistance to migrants who would come to their office. In my time with FED, they focus on preparations for forum activities, including those related to a “safe school project” aimed at enhancing the general safety of migrant learning centers as well as local Thai schools, a “safe migration project” that included pre-departure trainings for MOU workers on the other side of the border (which I was not allowed to attend due to local Myanmar authority restrictions), field visits to migrant communities in their grassroots network, and participation in the anti-trafficking network depicted above. Within weeks of being based in FED, it becomes clear to me that the nongovernmental social infrastructure in the Tak border zone, centered in Mae Sot, is multifaceted, diverse, and extensive compared to the handful of organizations working on migrant worker issues alongside HRDF in Samut Sakhon as well as to the organizational landscape I observed in other places (e.g., Chiang Mai and Phang Nga).

NGOs such as FED often assist and partner with grassroots communities. On an early visit to Mae Sot in late 2018, I accompany FED staff on a trip to the neighboring district of Phop Phra to help a migrant family obtain a birth certificate for their 13-year-old daughter. We arrive

at the Phop Phra district office and meet the girl and her father. Eventually several other members of their community show up, including the midwife who assisted with the child's birth. They are here to talk with district officials to vouch that the girl was indeed born in their community. After learning that the village head will be unable to come for a few hours, we leave to tour the area and then return, where the group of villagers are still waiting. Eventually, the girl's uncle comes out of the office to update Thida on the situation, who tells me that the village head already talked to the officers, but since he was not the head when the girl was born, the previous village head must come and verify her birth. Thida will return the following week to follow up on the case. As this example shows, FED (and other NGOs in the area) may intermediate between migrants and the state, depending on circumstances and needs.

Examples of FED visits to migrant worker communities also indicate more long-term partnerships among the NGO and grassroots groups. While based in Mae Sot in 2019, I often accompany FED staff on such visits. During one, we arrive at the Ban Hua Fai village in Mae Sot, where we meet two community leader women who appear to be in their mid to late 20s. We meet in a small shophouse structure of concrete, consisting of a front area with a stand displaying betel nut and main room with a single sewing machine and several pieces of fabric hanging from hangers or stacked against the wall. There are also many worn comic books in Burmese language stacked on a small shelf. On the wall is an informational poster about health services and the process of obtaining a birth certificate for a child born in Thailand. Closer to the entrance is a small condom dispenser with a "free" sticker affixed to it. We sit in the main room on the concrete floor that is covered with a patterned plastic sheet, below a spirit house on the wall adorned with photographs, next to calendars and posters with Burmese script. According to one of the women, nearly 1000 migrant workers live in Hua Fai, with around 100 in this community,

many from Karen state. Workers come and go, she says, so it is difficult to identify an exact number. About half of the community work at a nearby garment factor, with the other half working on nearby farms and a handful in construction. Most of the garment workers have a Border Pass, while the construction workers have CIs. Those who work on farms enter on 7-day passes. After some discussion, Thida and Chewa brief the two women on upcoming FED activities and then give them a phone card for communication with FED. They do this on several visits, with community leaders who I would see again often at various meetings and events.

Activities of the Arakan Workers Association (AWO), a grassroots association and FED partner, also demonstrate the intersection of NGOs with grassroots organizations in the area. Located in a part of Mae Sot with about 30 garment factories, opposite a courtyard where women clean and bundle bunches of fresh picked garlic, the AWO office sits in front of a cluster of rudimentary platform wooden houses. On a visit with Paing from FED, Naing, an AWO leader, comes out of one of the houses wearing a soccer jersey and a longyi, greeting us with a sharp smile. I recognize him as a grassroots community representative from previous NGO network meetings (in which he speaks Burmese and Thai), and he often stops by the FED office. He leads us to the AWO library and meeting room, an open space with several tall shelves of Burmese novels and other books that people in the community can check out. He bought the books, he explains, from used bookshops in Myawaddy. On the walls are posters with photographs of past AWO events and activities. In the meeting room, Naing tells me that about 90,000 migrant workers live in this village of Mae Tao Mai, and while AWO staff are all from Arakan state, they help migrants from anywhere.

They have a project with FED to educate the community about human rights, several collaborations with MAP Foundation, and multiple projects with the IOM. International funding

also flows through Thai NGOs to grassroots groups to implement a variety of projects aimed at advancing the knowledge, rights, and wellbeing of migrant communities. After some discussion of their work with NGOs, during which he tells me that workers often do not understand how NGOs work, specifically why they come and go and only help in certain cases, Chewa gives him some cash and a phone card and he signs a receipt. As we are leaving, a man shows up seeking help. He has a family issue to attend to back in Arakan state, but he has no money to travel. Paing gives him some cash from his pocket, and the man stays to talk with Naing further.

Observations of several other NGO and “civil society” gatherings in Mae Sot show the extent of the organizational scope and variety of the border’s social infrastructure. A 2019 May Day event, for example, provides a glimpse of the organizational presence in Mae Sot and connections with grassroots migrant groups. On this morning, I sit in the back of a flatbed truck, which Phyo from FED drives at the head of a procession of what looks to be 300 to 400 migrant workers. We move quietly through a main road in Mae Sot, walking slowly past shophouse restaurants and other local businesses. The migrant participants walk silently, holding banners with Burmese writing, taking photographs with their phones. Police on motorcycles escort the line of people, and someone from a rescue foundation truck helps direct traffic to allow the very orderly marchers to pass. Within 15 minutes, we reach the school grounds and people file into an assembly hall that is the site of the day’s events.

Inside, there are chairs in front of a stage, and tables of NGOs and community organizations are set up around the perimeter. I walk around the perimeter during the event, which includes performances and speeches and culminates the reading of a list of migrant issues (e.g. troubles with documentation, violations of minimum wage) to be presented to district officer, who promises to pass it on to the Tak governor’s office. The civil society working group

on migrant worker rights organized the event, and many organizational members – large and small – have tables with brochures on display. HRDF’s Labor Law Clinic has a table, as does the MAP radio (a weekly radio show that transmits information about laws, documentation requirements, etc. to migrant workers in the area) and large international organizations such as the IOM and World Vision. I stop and say hello to several people I have met from these organizations in different NGO meetings. There are also members of several community-based organizations here as well, and I recognize people from the Yaung Chi Oo migrant workers association and many of the migrant communities I have visited with FED. One woman says hello to me and, through Phyo’s translation, tells me that 50 people from her community are in attendance.

As such observations indicate, the social infrastructure centered in Mae Sot is multiscalar, including grassroots groups like AWO and community-based leaders, Thai and international NGOs, and some government officers. Staff of FED frequently attend meetings reflecting such presence and participation. In early 2019, I accompany Thida to one such meeting, a workshop held by the ASEAN Committee on the protection of Women and Children (ACWC) in a resort just outside of town. The official title of the event, as displayed on two signs (one in English, the other in Thai) flanking the stage, is “Launch and Workshop for Promoting and Disseminating the Guidelines for Frontline officers and Practitioners working with victims of Trafficking in Thailand.” Representatives of the ACWC distribute booklets titled, “Gender sensitive guidelines for handling women victims of trafficking in persons” and discussed contents. Present at the event are familiar faces from several NGOs, army and government officers, and representatives from international NGOs such as the International Rescue Committee (IRC), IOM and UN Women. Some members of the Arakine Workers Organization, including Naing, are here. The

workshop consists of presentations from the ACWC, the IOM, IRC, DSI (case studies), *Par Mor Chor* (a government social welfare office), and other government officials. Whenever a government official is speaking, several photographers – event staff and the staff of the official – cluster in the front to take photographs.

The extent of the migrant education infrastructure is showcased during a Safe School Forum, put on at a local Thai school in early 2019 by FED and MAP Foundation (with coordination from Plan International and funding from a Swedish foundation). In attendance are hundreds of students of migrant learning centers, grouped by school wearing respective uniforms. As the event host calls out “Irrawaddy F.G.! Hsa Thoo Lei!” among several other school names, the children cheer to signal their presence. As I detail in the next chapter, there are nearly 70 such “migrant learning centers” in the area. I meet Guleh, a young woman from Yangon who works with the SAW Foundation. This foundation, she says, runs a migrant school with around 30 students and has a dormitory that houses around 100 students, many of whom attend other learning centers. The largest contingent here, wearing bright turquoise uniforms, looks to be students from the Mae Tao Clinic’s Child Development Center (CDC).

A teacher from the Thai school hosting the event welcomes attendees, with help from a Burmese translator, and introduces a Mae Sot district official, who gives general welcome remarks about student safety and such hazards as bad air quality. As he talks, photographers snap pictures, and when he is finished, he poses with organizers for ceremonial photographs. Music starts and the host tells the children to go look at the activity booths set up in the courtyard. As the children scatter to the display tables in small groups, the district officer stops at each for a minute or so before going to the next and eventually leaving. There is a table from the local fire department displaying how to tie rope knots. A MAP/Plan/FED table provides information about

the safe school project, including illustrated steps for responding to different natural disasters. A nearby IOM table displays two large American flag cards, one of which includes the text, “Funded by the United States Government.” A couple tables, the Adventist Development and Relief Agency (ADRA) gives out notepads with EU logos, promoting their Enhanced Capacity for Migrant Advocacy project, which FED has participated in. Near them is a table promoting a domestic abuse hotline. Another area has standing posters describing different educational pathways for migrant students, and near that is a station where students learn CPR and practice on dummies. In another area, I grab some pamphlets from the Burmese Migrant Teachers Association table that describes their work in improving migrant learning center curriculum. I then stop at a Plan International table that has sexual reproduction and health information displayed on posters. Next, I see the Mae Tao Clinic table, where two men have some props to demonstrate how to stop a wound from bleeding. A poster displays Mae Tao Clinic’s partners and network.

In addition to showing the organizational make-up of the area’s nongovernmental social infrastructure, these examples suggest how it intersects with the local state. At the ACWC meeting and Safe School forum, for example, local authorities attend proceedings, give remarks (documented with photographs) and then leave. In such instances local state appears to recognize and validate the nongovernmental activities, but their participation in them is shallow and performative. In other words, the provincial state tolerates these activities, keeping them at arm’s length without investing resources in their operations, which helps manage a large population of cross-border migrants.

Other examples suggest the Thai government’s de facto devolution of migration governance to the nongovernmental social infrastructure. The local government, for example,

allows the Mae Tao clinic to provide free services to migrants. In doing so, the clinic (as well as the handful of related health organizations) manages the public health of a large undocumented population. In addition, migrant learning centers look after a large population of migrant children. While these are not government accredited schools (hence the “migrant learning center” designation), the provincial Ministry of Education allows them to operate, loosely monitoring them through the Migrant Education Coordination Center (MECC), the only office of its kind in the country. This type of center only exists in Tak, according to Nay Htin, a staff member of the Burmese Migrant Teacher’s Association (BMTA), because of the high number of MLCs. While the Ministry of Education (MoE) gives the MECC 50,000 baht per year (under 1,500 USD) and provides the office space – a small trailer annex to the local MoE office space, the MECC operates mostly on funds from international donors such as UNESCO and Child Dreams. The MoE does not provide any resources to the MLCs. The MECC must report all activities to the MoE, but they are independent as far as the projects and activities they choose to implement. The MECC must follow government protocol, such as gaining official approval for NGO activities with MLCs, or receiving a formal research request letter from me, but the MoE is barely involved with the MECC activities.

The MECC, however, provides unofficial identification documents for MLC teachers, which local authorities generally recognize. An MECC officer, a woman from Myanmar, says that they must establish security for teachers who are usually undocumented because teachers, as skilled workers, cannot get work permits through migrant labor channels. Some may have CIs, but they are for jobs that they do not actually work in. She shows me a pink MECC card with an MoE logo stamp that they provide to teachers to be able to move around the area. To get this card, however, teachers must first have a BMTA or other organization card. As Nay Htin tells

me, their card is not official, but it can be used to prevent arrest if stopped by police (though this is not guaranteed). Teachers who can speak Thai well and talk to the officer can avoid arrest, but sometimes they must pay some money when stopped. Nay Htin shows me hers, which states on the back, in Thai and English,

“This card shows the bearer to be essential personal [sic] in Education, an instructor or manager in Migrant Worker Learning Centres. It does not grant any legal status, but serves only identify people whose arrest could seriously disturb the education and control of children. The bearer’s details should be ‘on file’ with the Burmese Migrant Teachers’ Association. For verification, please phone...”

She says local police recognize teacher identification card, but no one can guarantee security if the teacher travels outside of the village. Here, the local state allows NGOs (and the state adjacent MECC) to issue informal identification documents, which they use to regulate migrants in the zone. Furthermore, obtaining an identification card from the MECC, which is more widely recognized, first requires getting a less formal card from an NGO, suggesting an informal local state devolution of migrant documentation to local organizations.

A regime of flexible governance and precarious labor containment

In this chapter, I have illuminated the developmental and regulatory dimensions of the regime of spatial containment in the Tak border zone. I showed that the Thai state has tried to formalize the containment of precarious migrant labor in the zone as it seeks to attract investments (Thai and foreign) and assert the Tak SEZ into ongoing processes of regional economic integration,

specifically as a space for production and streamlined cross-border trade procedures. A stable supply of migrant workers is essential to this aim of developing the regionally-linked zone. In addition, the local garment industry has appealed to the state to spatially contain migrant workers at the border amid an economic downturn and declining competitiveness in attracting buyer orders. While the spatial containment of workers aligns with both aims, the external pressures to develop the SEZ in a developing regional picture was the main pressure behind the SEZ border pass policy. As discussed in chapter 2, the garment industry's efforts to convince the state to enforce policies containing migrant labor with restricted rights at the border have been ongoing for decades but was not implemented in Tak and other SEZs until 2017. In addition, the border pass was previously implemented elsewhere without any garment industry pressure. On a 2016 visit to Aranyaprathet, in Sakaeo province at the border with Cambodia, I talked to Cambodian workers who had been using border passes to work in Thai construction sites for years. As in Samut Sakhon, the main driver of the recent policy enforcement in the Tak border zone was external.

I also showed how social relations and governance practices among key local state and nonstate actors that make up the *regime of spatial containment* physically circumscribe precarious labor in the border zone. Local coercive regulation keeps migrant workers from migrating onward out of the zone. Such regulation, in the form of restrictions on movement, street-level checks, and arrests and expulsions also reinforce the idea of migrant nonbelonging in Thai society and thus their deportability. At the same time, the lax regulation of the porous border fosters a toleration of de facto settlement in the zone. A broader focus on anti-trafficking emphasizes legal documentation of migrant workers. Enforcement of documentation in the garments industry, and the less official but widely recognized use of village-level documentation

in agriculture, helps to maintain a precarious yet documented labor supply for Thai employers. Documentation processes, involving employers requiring workers to obtain border passes and the use of documentation brokers to do so, formalize labor flexibility and codifies containment, possibly resolving tensions between labor regularization and containment that has existed in the zone for years.

Cross-border documentation brokers also reconcile the labor migration reality (informal labor migration from all over Myanmar) with border pass stipulations (officially limited to those living in Myawaddy). These documentation processes integrate informal migrants into the border pass system while also informally expanding scope of eligibility, while the village containment system caters to a higher degree of labor flexibility for agriculture. Amid these regulatory relations, a nongovernmental social infrastructure allows migrants to live in the border zone in the absence of minimum wages, benefits, and social protections. The government unofficially devolves aspects of governance and population management to this infrastructure, which allows migrants to settle informally in the border zone and work in flexible employment arrangements.

These social relations and practices define access to the territory as well as to rights. While MOU policy allows any migrant from Myanmar to work in the border zone through the MOU process, it is rare that migrants use this official channel to work here rather than in places with better paying jobs. The border pass limits participation to those with Myawaddy residence, and border pass workers have a highly constricted access to the Thai territory, only able to work and live in three border districts. In addition, the informal village containment system limits access to the territory to small village jurisdictions. However, the porous border and extensive migrant community and social infrastructure allows for informal settlement among migrants that is less viable in Samut Sakhon. In this way, access to the territory is limited spatially but with de

facto options to extend access temporally. As far as rights, migrant workers with border passes have less freedom of movement and a lack of state-provided social protections compared to regularized and MOU workers in Samut Sakhon. Informal workers in agriculture have even less rights. The extensive social infrastructure, however, provides a certain level of social protection that does not exist in Samut Sakhon, enabling migrant survival and community development in the border zone despite lack of state support, which I detail further in the next chapter.

Chapter 6

Migrant survival and confined reproduction in the Tak border zone

This chapter focuses on the reproductive dimension of the *regime of spatial containment*. As discussed in previous chapters, social reproduction refers to the conditions and activities needed for people and communities to live and thrive, including those that sustain and renew labor power. At its basic level, social reproduction is about survival; it “*must* be accomplished, and it is in the interests of the people themselves to ensure this no matter what the circumstances in which they find themselves” (Katz 2001:717; italics original). This fundamental aspect of social reproduction highlights a crucial point for this chapter on social reproduction in the Tak border zone: as people and communities accomplish these ends out of necessity, the capitalist economy “free rides” on them without affording them value (Fraser 2016:101). Having shown in Part 1 how the *regime of temporal enforcement* fosters a classic structure of migrant labor reproduction in Samut Sakhon, I now turn to the Tak border zone to show how the *regime of spatial containment* furthers an alternative structure not explained in existing literature.

As discussed in the last chapter, this regime is geared toward formalizing the spatial containment of precarious cross-border workers in three districts that make up the Tak special economic zone (SEZ). Such physical containment in a designated territory corresponds to an extensive social infrastructure of communities, organizations, and donors that, as I show, help migrant workers meet basic needs in the absence of adequate wages and social protections by employers and the Thai state. Barely investing in social reproduction, the government and

employers in effect co-opt the socially reproductive activities and institutions of migrant communities as well as NGO and donor networks that have roots in the humanitarian assistance of cross-border displaced people but now work in service of migrants more broadly. Put simply, border porosity and spatial containment foster informal migrant settlement and social infrastructure development in the border zone. As a result, the renewal and maintenance of migrant labor occur in the same location, often by the same institutions, but the costs of social reproduction are still externalized, not to origin villages but transferred to migrants and their communities in the border area. Here, the Thai state attempts to spatially harnesses the social reproduction of precarious migrant labor for a struggling garment industry, small-scale agriculture, and development of the border SEZ.

Labor migration and de facto settlement in the Tak border zone

As shown in the last chapter, migrants can easily enter the Tak SEZ from Myanmar, but the Thai state coercively contains them in the zone, allowing their presence and even tolerating de facto long-term settlement in the peripheral territory. While authorities technically enforce the temporal limits of guestwork by coercively regulating those migrants working and living outside of the law, in practice such governance emphasizes the spatial aspects of control over the temporal, preventing integration of foreign workers into Thai society through their spatial containment in the country's periphery.

The border zone, particularly Mae Sot, has long been a popular migrant labor destination due to the ease with which those from Myanmar wanting to work in Thailand can enter the

country and find employment. As Thida from FED says, “many people who work in Mae Sot lack skills. Other migrants who go to Bangkok or other cities can speak some Thai and maybe have work experience in the country already...It is more trouble to settle in Bangkok...so those with low skills come here.” Physo echoes this assessment while on a field visit to an agriculture worker community in a Mae Sot village.

...many people who come here don't know anything about working in Thailand. Maybe they are from a village and only know that they can earn more money in Thailand, so they come to Mae Sot, a crossing point, and ask around for jobs. Many don't know about the MOU system, or they think it takes too long to start working.

A migrant leader in a community of garment workers in Mae Sot also brings up the lack of knowledge about the MOU process, saying, “[people in the community] don't know about the MOU, or they don't have the money to pay for the recruitment and paperwork. Migrants here call their friends and family, and they tell them it's easy to find a job, and it's easy to get here.” Coming to Mae Sot in search of a job is thus the fastest, cheapest, and easiest way for someone in Myanmar with little money and information to start working in Thailand.

The ability of migrants to move back and forth across a porous and riverine international border, along with policies of spatial containment described in the last chapter, has fostered de facto settlement and the growth of long staying migrant communities in the zone. Long term stays are enabled by the cross-border life of the area, with many working and living in Mae Sot but moving back and forth frequently, out of a combination of convenience and necessity. One day in early 2018, I talk to a server at a small café. She is from Karen state and tells me that she lived in the nearby Mai La refugee camp in 2000, when she went there with friends to study in

the camp school. There were no schools beyond the primary grades in their home village, she explains, so they went to the camp. She now lives in Mae Sot with her husband and four-year-old twin daughters. She uses a 7-day border pass³⁰ to work here, which is technically illegal, so she will probably use the 90-day employment border pass soon instead. When I ask if the police ever give her problems, she says they can, but they have not lately.

The frequent crossing of the international border, either with a tourist border pass (to enter and then overstay) or through informal crossing points is a common theme I hear from several people. Staff of FED use the river crossings when going back to their homes in Myanmar, or on leisure trips to scenic places on the Myanmar side, saying that it is faster and cheaper than the official route over the bridge. Similarly, the founder of a migrant rights association says he used to cross at the point below the bridge to avoid the long wait and cost for official stamps on the bridge. Nay Htin, a staff member of one of the migrant education NGOs says she uses a 7-day border pass. She can get a work permit through the Suwannimit Foundation, which her organization is registered under, but it costs a lot of money and takes a lot of time and paperwork. “It is easier to cross the border each week with a new pass,” she says.

It is also common for migrants to use unofficial routes or tourist passes to return to Mae Sot after being deported, tempering the threat of such regulation in a way that does not exist for those living in Samut Sakhon or elsewhere away from a land border. Physo from FED tells me that people often come back the same day they are deported, paying 20 baht to cross the river in a raft, or they cross over the friendship bridge with a one-day pass. According to him and several others, the local police are well aware of these entries. “Deportations are just a show, for political purposes,” he says. Resembling accounts from two other villages, community leaders in one Mae

³⁰ The 7-day pass has long existed as a tourist pass, without working privileges.

Sot village tell me that in January 2019, police deported several residents, who all returned the same day informally or with 7-day tourist passes. “It isn’t really a problem being undocumented because they can come back easily,” one says, “it’s the borderlands.”

A community leader in an area near the TK garment factory, one of Mae Sot’s largest recounts an incident the previous year, when authorities came to the community and arrested and deported about 60 workers who did not have documents. All of them, she says, came back using 7-day passes, which they can renew each week by crossing the border and returning. They do this because it is cheaper than using the longer border pass that permits employment. “Old people who live here and don’t work also use the 7-day pass,” she tells me. While she says it is easy to cross the border this way, Chewa from FED interjects to say that if someone is deported three times, they might have trouble getting the 7-day pass to come back, but for the most part it is not a big deal. Thus, while the threat of deportation constantly hovers over them, migrants can go back and forth across the border with relative ease. As Chewa tells me, being deported is a hassle and can be costly, but not in the same way as in Samut Sakhon given the ability to return to Mae Sot by crossing the river.

My observations of the border in Phop Phra illustrate the ease of crossing in this district. Loosely regulated checkpoints line the river in this district, a hilly expanse covered in red dirt and vegetable crops. In Baan Wale village, a Thai army officer allows staff of FED and me to cross a rudimentary footbridge over a skinny stretch of river after taking our photos, and several villagers from the Myanmar side do this in the opposite direction. On the other side, we walk around the narrow dirt/mud pathways of a border village located next to a duty-free shop. In another village, a motorboat arrives from Myanmar with a handful of passengers. It takes us about 30 seconds (and 10 baht each, roundtrip) to cross in the other direction. On the Myanmar

side, we walk up a dirt embankment and stop at a small shack selling snacks near a corn field, where a woman shreds the inside of a coconut to prepare a snack, and a man prepares betel nut materials for a chew. Thida says that this is Karen National Union (KNU) territory, about one kilometer away from the actual village. As we sit and eat sticky rice and banana wrapped in a banana leaf, Paing comments that this Burmese style is oilier and much better than the Thai style. He then points out a sunflower seed package that has Burmese writing on the front and Thai writing on the back, reflecting our seeming interstitial position between the two countries. Soon, we get up and return to Thailand, taking the quick boat ride, no officers in sight.

The porous international border also contributes to abject poverty seen around Mae Sot, more pronounced than in other places such as Samut Sakhon. Throughout the district, it is common to spot people digging through trash and scavenging for recyclables. Sometimes it is an individual with a sack, other times they have a pushcart. Sometimes it is a family with the pushcart, with the mother or father pushing it down the road (at times with toddler in tow) as children run to the roadside trash receptacles to dig through contents. One day, I see what looks to be a teenage girl pushing a cart of scavenged recyclables down one of the district's main roads. As she pushes, she plays with a piece of plastic as though it is a mobile phone. There are also various panhandlers around, greeting people with "wais" (polite gesture of hands in prayer formation near the face) and asking for spare change. Near the Mae Sot market, away from the main street, there are rudimentary residences of Burmese people – small, dark rooms, with trash strewn about outside, probably spilled over from the market area. There are many children. On the embankment of the river-border near the friendship bridge, there is a long stretch of destitute shacks inhabited by what look to be families, with several people walking to and from the area

with scavenged items. Such poverty is undoubtedly reflective of the proximity of the border and the disparity it highlights.

As suggested in the last chapter, the porous border is conducive to the formation of migrant communities in the Tak border zone, which appear more rooted than the migrant neighborhoods in Samut Sakhon. The presence of such communities is most evident around Mae Sot. In a local market, vendors sell Burmese snacks, foods, longyi (clothing wrapped around the waist), and other goods from across the border. On small roads extending from the main market road, small businesses set up in shophouses or simply an outdoor table advertise good and services (e.g., clothing, betel nut, hairdressing) in signs in Burmese writing. Down the main road in town, past the municipality office, the surroundings become noticeably more run-down, and Thai writing on businesses becomes scarce, swallowed by Burmese script. Houses are ramshackle and visibly dirty, with trash strewn about, suggesting local state neglect of the area. The houses appear to be exclusively inhabited by Myanmar migrants, and the small storefronts – food, salons, grocery, etc. – all have Burmese writing on posters. This is clearly a migrant town, but unlike Samut Sakhon, the presence of the border, or of Myanmar just across the border, is palpable.

The composition of people as well as living spaces visible in migrant communities at the border are also different than those in Samut Sakhon, indicating more than just groups of workers. During community visits throughout Mae Sot and Phop Phra districts with FED, I regularly see pregnant women standing in doorways or resting in the shade, babies rocking in hammocks, young children play fighting and chasing after chickens and dogs. Around Mae Sot, infants and toddlers strapped to adults on bicycles or motorcycles wearing Burmese longyis or dresses is a common sight. In the Ban Hua Fai community, migrant leaders tell me that there are

many families with children, and as we walk around the area of small wooden houses and a few rudimentary rows of rooms, I see clear evidence of this – a woman stops by holding her toddler son; a man rides past us on a bike, a young boy sitting in its front basket, followed by a woman; a man rides past with two small kids sitting on his bike. In addition, in contrast to their Samut Sakhon counterparts, worker domiciles appear lived in, with clothes and belongings piled up in corners, makeshift cooking set-ups and utensils pushed to the side, plastic shelves and storage units affixed to walls next to posters, calendars, and portraits.

The presence of migrant communities here is a key draw for migrant workers needing to find work in Thailand. When I ask Naing from the Arakan Workers Organization (AWO) why many people in his community come to Mae Sot instead of getting an MOU passport and making more money elsewhere, he says that the migrant communities here are stronger, and many people come because they already know people working here. Many plan to stay indefinitely if they can earn money. For example, in early 2019, I ask Hlaing (daughter Khin introduced in the first chapter) if her and her family, who have lived in a riverside community of migrants for 20 years, plan to go back to Myanmar any time soon. She responds, “We will work here as long as there are jobs for us. If we can’t work here anymore [in the event of policy changes], we will go back.” Another woman from the village tells me that while it is not easy to live in Mae Sot because of police harassment and arrests, they can earn a better livelihood here than in Myanmar. “As long as I can work here and there aren’t jobs in Myanmar,” she says, “I will stay here. If there are jobs [in Myanmar], I will go.” Her focus is also on her children getting an education and learning to read, which they can do while attending a migrant learning center.

Easy cross-border movement also enables flexible labor migration for agricultural work, whether it be seasonal and short-term or long-term with de facto settlement (or a combination of

both). During a visit with FED to a migrant village in Phop Phra, Myine, a woman in her 60s and migrant community leader, meets us on a road and leads us to a cluster of bamboo, where we park before walking across the road to watch as four workers chop branches of a tree. They will then plant them, Myine explains, to grow cassava. Two workers dip bundles of branches into a purple pesticide and then hold them, without gloves, to a machine with circular saws spinning at either end. Someone squats below the machine to gather the cut pieces and put them in a sack, of which there are 20-30 already filled and standing nearby. We then walk to a nearby cluster of six bamboo shacks with straw or tin roofs. Some have tarps with advertisements (Lactasoy, with Burmese writing) hanging on the outside walls. The ground is hard dirt, and the lychee trees overhead are tall, with branches extending above the shacks, touching to form an overhead shelter. Myine tells me that 300 or so undocumented agriculture workers live in 10 small communities such as this one. Most come from Bago or Irrawaddy areas of Myanmar, 20 people from the latter having just arrived. They often stay for a long time, at least five years, she says, many much longer. When Myine first arrived here 25 years ago, she made 50 baht per day in the fields as a laborer. Now, with Thai language skills, she serves as a liaison between the migrant community and local authorities. Others, she says, go back to Myanmar after earning some money, maybe build a house on their land, and then return to work more.

The experiences of one migrant worker family further illustrates the cross-border life and de facto long-term settlement of agriculture workers in the area. During a visit to a rural community in Mae Sot district, I meet Khine, who has lived and worked in and around the village for 20 years. After a 30-minute drive, the last five minutes of which are a scenic, bumpy uphill ride, we meet him at a shack made of bamboo slats, positioned between two cucumber fields. Two tamarind trees stand next to the shack, which is made up of two platforms, one larger

than the other and with sleeping mats. We sit on the smaller platform on sitting mats. Between the platforms is a rudimentary kitchen with some pots and pans. To the side, in the sitting area, are several plastic baskets and some large knives, I assume for chopping and collecting cucumbers. Several small chickens wander around the grounds. When he first came here from his home in Mon State, Myanmar, the land where we sit and talk was covered by forest. As a general farm hand, he worked to clear the land for farming, making charcoal out of the wood. Throughout the years, he gained experience by planting whatever crops his boss instructed, and eventually he rented 26 rai (about 10 acres) from his employer, a mid-sized Thai company, to grow his own crops.

Now, he pays 60,000 baht (about 1,800 USD) per year to use the land, and his employer provided materials for him to build this house next to the fields. Able to speak Thai, he is the main communicator in the area between the migrant agriculture workers and Thai employers, and he also hires migrants for his farm. We talk while sitting beside the cucumber plot that he has been harvesting to make up for lower-than-expected yields/profits this year. He says that if his business is good, he will go back to Myanmar with his savings within the next five years, but he will stay as long it takes him to save enough. Previously, he just had the village head documentation, then two different pink cards, and then a CI, but most workers here do not have official documents. He does not know yet what he will do after his CI expires next March (2020), and when Paing from FED gives him and his wife an update about documentation requirements, he does not seem to know much about the MOU or border pass options yet.

Khine's informal settlement in rural Mae Sot also allows members of his family to come and work here if they want. On a different visit, I meet Dedan, Khine's 19-year-old son in another part of the village, in a small cluster of shacks built against trees that shade the abodes

from the scorching afternoon sun. There is one small stand-alone shack, with a chair and not much else, connected by an extended roof to a larger structure consisting of three different residences. In front of the house are six puppies, and several small chicks run around. Inside the shack is a basic kitchen area, a large living space with flat screen tv, glass encased shelves, and various wall hangings, and a room in the back that I assume is a sleeping space. The floors are made of wooden slats, raised above the dirt. A toddler boy, Dedan's nephew, walks around outside, near a pesticide sprayer on the ground near the steps of the shack. As Dedan sits on a wooden platform chewing betel nut, he tells Phyto and me that he has been coming here from his village in Mon state on and off for the past five years. Since his father supervises other Myanmar migrant workers on surrounding plots, he comes and helps on the farm if he is needed. He is one of four of Khine's children, another one of which also lives here. While others live in Myanmar, such a split household is different than those in Samut Sakhon, as they have a constant connection to and physical home in Mae Sot, where they come and go by crossing the border as they please (but cannot cross the internal border into Thailand).

As the observations of agriculture worker dwellings indicate, such workers can usually live in the area while waiting for work because Thai farmers let them build shacks on their land, sometimes providing building materials. Farm workers in Mae Sot tell me that their employer provided them land and materials to build their wooden shacks themselves. There are about 50 workers in this area of the village living in similar homes. In the Phop Phra village, Thai farmers allow them to build their shacks on the land, and they let them gather bamboo and materials to do so. Some charge for roofing materials, while others donate them, and the migrants pay water fees.

In addition, given the combination of border porosity and spatial containment in the zone, garment workers have brought or formed families that stay in the border area for years, even generations. In mid-2016, I talk to a woman living in a riverside community of garment workers in Mae Pa subdistrict of Mae Sot. Unable to find jobs in her home village, she came here in 2002, on the advice of her brother, who had already been working here. A year after arriving in Mae Sot, she met and married her husband, and they now have two daughters, ages five and 10. When I ask if she ever considered going anywhere else to work, she says she has kids, so has not thought about leaving. In early 2019, I visit a small worker community located nearby the Cortina garment factory. I watch in front of the factory as workers are let off at lunch time, the large red gate opening as young adult workers file out holding containers with scoops of rice provided by the company. Some buy meat to complete their meals at a nearby food stall. Hayma, an older worker and community leader, tells me that over 300 factory workers live in the concrete rooming facility where we sit. They come from different locations throughout Myanmar – Yangon, Malamyai (in Mon state), Karen state, Ayerwaddy, Bago. About 10% of them are single, she estimates, and the others are couples or families. Most are young so do not yet have children, but there are around 30 children in this community.

The ability to live with one's family in fact incentivizes many migrants to stay here. When I ask workers why they do not seek a better paying job elsewhere through the MOU process, they often bring up families. Nu, visibly pregnant with her first child, says that children and relatives can stay with workers in Mae Sot, whereas MOU workers must come alone. Similarly, Hlaing from the riverside village says that MOUs are good for younger, single people but not for someone like her. Sitting on the floor of a wooden shack with her husband, garment

worker daughters, and baby grandson, she says, “Maybe they can get more money in other places, but it is bad for families.”

A small factory owner I meet at an FED meeting echoes this sentiment, saying, “it is easier for migrants to have families in Mae Sot than in somewhere like Bangkok, because it is cheaper here and families can stay together.” On a visit to a small garment factory, where FED interviews some workers about safety measures in the factory, I observe brief scenes of migrant families. A toddler enters the factory with a woman who looks old enough to be his grandmother. They walk to the sewing area to talk to a woman, possibly the boy’s mother, before going back outside. At another point, I see another toddler boy come in to talk to his mother and then leave. Just outside of the factory are two rows of single rooms for workers. Here, there are several small children wandering about, as it is summer, Physo explains, so there is no school. A little boy squats on the ground with his pants down. Nearby, another woman who looks to be a grandma stands around.

Though the new border pass system is officially based on short-term contracts, its allowance of successive permits and visas also complements *de facto* long-term settlement of migrant workers and their families within the zone. As I now show, such settlement comes with different means and structure of social reproduction than found in Samut Sakhon.

Social reproduction in an enclosed border zone

As described in the last chapter, the combination of border porosity and containment policies has allowed a social infrastructure made up of migrant communities, institutions, and support NGOs

to flourish in the zone, helping migrants and displaced people survive. A main and perhaps unintended consequence of this social infrastructure, which originally emerged amid grassroots efforts of displaced war refugees and political exiles from Myanmar to survive, is that it facilitates the social reproduction of precarious migrant labor in the zone with little to no state or capital investment. Through a structure of *confined reproduction*, fostered by the regulatory practices detailed in the previous chapter, social reproduction is accomplished within the zone, by migrant families and the grassroots/nongovernmental social infrastructure. In contrast to the assistance work of HRDF and other NGOs in Samut Sakhon, the social infrastructure here is geared toward helping migrants survive in the zone for long periods, supporting de facto settlement in the border zone. Such survival goes hand in hand with containment and the flexible employment of precarious labor. While the social infrastructure is not a suitable replacement for state social productions, for the purpose of social reproduction, it helps maintain worker lives and labor power for local industry and the development of the SEZ at large.

An understanding of this social infrastructure and its reproductive capacities first requires a look into the unique history of the border and the events and responses that created a lasting and impactful infrastructural build-up. The roots of the social infrastructure began with the border's history of war displacement from Myanmar's Karen state. In 1949, the Karen National Union (KNU), a political organization representing the ethnic minority Karen people, entered into conflict with the Burmese military, taking over autonomous zones throughout the southeast region in a fight for independence. After years of fighting, the military made significant advances in the 1970s, pushing the KNU to territories bordering Thailand. After over a decade of dry season military offenses, during which many Karen fled to Thailand and then returned when the military retreated in the rainy seasons (TBC 2004), a 1984 offensive displaced around 10,000

Karen people to Thailand (South 2011). Faced with a large and growing internationally displaced population, the Thailand Ministry of Interior asked international agencies working with Cambodian refugees near its eastern border for assistance along the western border. A consortium of Christian agencies worked with Karen leaders to provide humanitarian assistance (TBC 2004) in border camps, including two in Tak province, and NGO services to the displaced Karen expanded in the early 1990s. With continued military advances and diminished Karen territorial control, the refugee population on the Thai side grew to 80,000 by 1994 and then to 115,000 by 1997,³¹ prompting the Thai government to allow the UN High Commissioner for Refugees access to camps, with a Mae Sot office established for monitoring and protection. As the camp populations rose to 150,000 by 2005, a refugee resettlement program (mostly the US) began.

Parallel to this conflict, a 1988 Burmese military crackdown of the country's pro-democracy uprising, led by university students in Rangoon (now Yangon), forced dissidents from central Burma into border areas, with students setting up camp in KNU territories and an exile community settling in Mae Sot. Political and humanitarian conditions in Burma continued to deteriorate in 1990 after the military refused to turn over power after Aung San Suu Kyi and the National League for Democracy won a national election in a landslide. The resulting crackdown forced many democracy activists to the border. By the mid-1990s, Mae Sot had thus become a base for KNU leadership plotting war strategies (South 2011:17) as well as pro-democracy activists seeking refuge and community in their own long-haul fight with the military government.

³¹ The conflict in Karen state has been complex, with breakaway rebel groups engaging in shifting relationships with the Burmese Military. See Brenner 2019 and South 2011 for more details.

Soon after arriving in Mae Sot, the political exiles, in collaboration and solidarity with the Karen refugees, formed health, children's education, and other social services for the displaced/exile communities. An administrator of the Child Development Center (CDC), one of 70 "migrant learning centers" in the province, recounts this history:

[CDC] started with 28 students, who were the children of people from the 1988 student uprising. CDC developed alongside the Mae Tao Clinic. The school provided education and the clinic health services. As more refugees and migrant workers arrived, the population grew. Children always came with migrant workers, and there was always a need to protect children. Eventually, CDC expanded to secondary and high school levels.

With the growth of exile, refugee, and migrant worker communities in the 1990s and 2000s, international, Thai, and community-based organizations proliferated. Given the brutally oppressive government in Myanmar, international community (governments, INGOs) engagement with Myanmar was difficult, with much debate about how and if to engage with such a brutal military dictatorship. Donors devoted resources to the exile community and services for displaced people at the border in Thailand, with much focus on refugees and children. As conditions in garment factories proved to be poor, funding was also put toward migrant rights organizations. Resources put into border organizations for refugees and migrant workers often overlapped, reflecting the "mixed migration" context that made it difficult to distinguish between migrant types. While many large aid organizations have left the area, and funding sources have also followed organizations into Myanmar, there is still a noticeable presence of organizations throughout Mae Sot.

The social infrastructure as it is today, detailed in the last chapter, helps migrants survive amid low wages and a lack of state social welfare. By all accounts, most migrants here make far below minimum wage. Kla, for example, earns 160 baht for each day of sewing, and those working in another Mae Sot garment factory start out making 120 baht per day. With more experience with machinery, they can make 170, and the most experienced make 180, still well below the national minimum (326 baht). A garment worker in a large factory says that many of the 2,000 to 3,000 migrants who live in her community work in nearby garment factories and make around 150 baht per day, depending on the number of orders. Most do not make enough to live, and they must borrow from others, or from a local Burmese shop. Workers also report having to sign two contracts upon employment, one indicating a salary of the minimum wage (to show auditors) and other showing their actual wages.³² This income, they say is only enough to subsist for the few who are single and without family living in Mae Sot.

Agriculture workers, who are mostly undocumented, are employed under even more flexible conditions and are paid less than garment workers. Dedan, for example, is undocumented, like most of the workers here, he tells me. A small-scale Thai farmer tells me that when she needs workers, she calls people in the nearby migrant community to request workers for a particular job. They find them and hire them for daily work, without contracts. Another small-scale farmer says that she hires many migrant workers for corn planting and cutting/picking seasons. She doesn't have regular employees but finds them when she needs them. "Around here, migrants work at different places for a daily rate. When we [farmers] need workers, we get referrals from other workers." Along with their flexible employment conditions,

³² The Labor Law Clinic of the NGO, Human Rights and Development Foundation also reports this practice. Two garment workers told me that they refused to sign the false documents and were subsequently fired. They now have been refused work at several factories and say they have been blacklisted by the local industry.

agriculture workers are paid even less than garment workers. A Thai farmer in Phop Phra reports that she pays males 170 baht per day and females 150 baht per day. For corn, she often pays per sack – 12 baht for each filled sack.

Due to such low wages, workers report widespread debt and reliance on informal coping strategies. Many borrow money from friends, or they have evening jobs to supplement their income, such as selling fried vegetables and other snacks in their neighborhood. Others, including Kla, borrow money from local shopkeepers, who advance food and keep track of running debts, with interest. Naing, from AWO, says that the most people living in his community can make is 250 baht per day, but most make much less, and as a result, debt is very common. According to him, to survive, migrants may borrow money from their employer or from shop owners who sell food inside the factory. These sellers will collect payments for food at the end of each month rather than per transaction, keeping track of monthly debts. Or, those in debt may borrow from a community money lender, who is usually a Myanmar business person or someone who earns enough to loan money. These lenders may charge up to 20% interest, he says, because it is completely outside of the law.

In addition, working migrants arrange childcare here rather than sending children to Myanmar, a practice that has long existed in the area. A 2010 survey, for example, that finds that 64% of migrant women in Mae Sot (n=207) arrange childcare in Thailand (Pearson and Kusakabe 2012:165). Most have their parents or other relatives come to mind young children. Nu, for example, is a second-generation garment worker who was born to factory worker parents in Mae Sot. Pregnant with her first child (in March 2019), she tells me that many workers in her community, located across the road from one of Mae Sot's largest garment factories, have their parents or another relative come (undocumented) to take care of their kids while they work

during the day. Others hire a nanny in the community for 2,500-3,000 baht per month. As for her, she says she will arrange for her sister-in-law to come from Myanmar to care for her baby after one year so that she can return to work (though her mother prefers she returns to work after 3 months).

Grandparent care givers are also noticeable in Mae Sot, where migrants who look to be in their 40s and 50s attend to young children in markets and around town. As I talk with Hlaing's family in their home, her husband carefully guides his baby grandson in sit-ups. He looks after the child while their daughter, who gave birth at MTC, works in the nearby factory. Agricultural workers have similar care arrangements. Myine tells me that most in her village stay here for at least five years, with the husband working in the fields and the wife staying home to look after their kids. As we talk amid a cluster of six bamboo shacks under overarching lychee trees, a child walks past balancing a bucket on his head, steadied by his mother. Minutes later, a naked toddler ambles past, his mom following. Many children here, Myine tells me, end up helping out in the fields once they reach age 12.

The extensive migrant education infrastructure helps to renew labor power as well as to reproduce the border's nongovernmental social infrastructure. According to Migrant Education Coordination Center (MECC) data from December 2018, 623 teachers educate 11,183 students in 63 MLCs in the border zone. In contrast, in 2018 there were only four such MLCs registered in Samut Sakhon, with 510 students (IOM 2019:103), without the bureaucratic connection to the state through the MECC. Internationally funded NGOs such as the Burmese Migrant Teacher's Association (BMTA), the Burmese Migrant Workers Education Committee, and Help Without Frontiers administer the centers by working on curriculum, teacher security, and other kinds of assistance. Of varying size and resources, the many MLCs located throughout the Tak border

zone (most in Mae Sot district) serve as weekday childcare and basic education for children of workers. On a visit to the CDC, which now has 861 students and 57 teachers and staff, I see several notebooks with Help Without Frontiers logos along with FED, Plan International, and other organization logos on different poster materials pasted to walls throughout the school, which has several run-down buildings housing classrooms, a health center, and marching band room. Though others are smaller, with minimal staff and varying resources, all such centers provide schooling and daytime education for children of migrant workers throughout the border districts. Nay Htin from the BMTA tells me the MECC sometimes asks why there are so many MLCs. There are security reasons, she says as migrants do not want their children moving between villages without documentation. “So many open,” she says, “like a mushroom.”

I talk with Nay Htin at a small coffee shop run by the Hebron Youth Foundation, a religious organization that does vocational training (baking and small business) and runs a small gym for migrant youth. BMTA, Nay Htin says, focuses on migrant learning center teacher quality. They administer 40 MLCs, the most of any organization, but are facing funding problems because donors now (in 2019) want to work inside Myanmar instead of in Mae Sot. She outlines the three educational pathways for MLC students (also displayed at the Safe School Forum). In the first, students learn through a Burmese curriculum at an MLC with the aim to take an exam with the Myanmar government to reintegrate into the education system there. In the second, students planning to stay in Thailand for a long time integrate into the Thai school system. The third is an international pathway where students earn their General Education Degree and pursue higher education in other countries. According to Nay Htin, most migrants are oriented toward going back to Myanmar, choosing the first pathway. While the MLCs have a

Burmese curriculum, she says, they also teach critical thinking and lessons not taught in schools in Myanmar, so MLC students are smart and get a very good education.

In addition to providing care for children of garment workers during the day, the MLCs educate future workers in the local labor market. According to NGO staff and MECC officers, many students eventually drop out and start working. Furthermore, with multilingual abilities, students who reach the high school level become qualified for various higher-skilled positions in the area. CDC in particular has a track record of educating students that go on to work in higher skilled jobs in the area. Thiri, for example, a Burmese woman in her 20s, is a CDC graduate who works as a manager's assistant at Top Form, a large garment factory. She says that many from the school get jobs in NGOs or factories, at the management level. "There is a management training program at Top Form, and five or six people from CDC are in the program or went through it. That's why some people call the factory CDC Top Form." In addition, three of the five staff of FED are MLC graduates, as are several people I have met from other NGOs and an officer at the MECC. Nay Htin also tells me that MLC graduates can work as Burmese-Thai interpreters for state offices, such as the immigration office. "They know Burmese, Thai, and some English," she says, "so they can get good jobs in NGOs too." MLCs thus contribute to a more educated and skilled migrant labor force that not only fills vacancies in the garment industry but also helps to sustain the social infrastructure that itself facilitates reproduction at the border.

The social infrastructure of the border zone also fills in for an absence of worker entitlements. Since most migrants here lack health and social security benefits, they turn to the migrant health infrastructure for a variety of free services. In my conversations with migrant workers, the most common answer to the question of what they do if they need medical

treatment is, “we go to Mae Tao clinic.” The Mae Tao Clinic (MTC), a foreign-funded, community-based facility that a Karen doctor established to treat dissidents fleeing the Burmese government crackdown of the 1988 pro-democracy uprising, provides free health services to migrants, including those based in the border zone as well as those traveling from Myanmar just for clinic services. Like the MLCs, the MTC is not registered with the Thai government, but local authorities allow it to operate and partners with them on some projects, such as providing vaccinations. Started in a wooden house in Mae Sot, it now occupies a multi-building compound recently constructed on donated land. The clinic has over 500 staff and volunteers and, according to a recent annual report, treats 300-400 patients on any given day in adult and pediatric care, paramedic, reproductive health, surgery and trauma, among other departments. The clinic also provides essential services to facilitate biological reproduction in the zone. At the clinic, it is common to see mothers with newborns outside of the nursery, expectant women ambling in front of the pregnancy ward, and several young children running along the tree-lined outdoor hallways. As of May 2018, according to a clinic brochure, over 2,500 babies of migrants had been born there.

On a visit to the clinic in 2019, I walk the lush and neatly landscaped outdoor hallways with Chewa from FED, and see inpatient centers, a reproductive health unit, delivery room, post-natal room, chronic disease unit, among others. I talk with, Sandar, the clinic’s Deputy Director of Training and Community Health. She has been working with MTC since 2009. Years before that, she received her BA in Yangon and moved to Mae Sot, where her mother and sister were living. She then went to Chiang Mai (northern Thailand) to earn her master’s degree and returned to Mae Sot to work in MTC for two years as part of her scholarship obligation to work in the community and decided to stay. Later, Phyto tells me that she used to be his biology teacher when

he was a student at CDC. According to their patient data, she tells me in her office, about 50% of patients come from Myanmar seeking medical care because either there is inadequate care around them (e.g., in Karen villages) or they cannot afford care at government hospitals in Myanmar. Some even come here from central Myanmar. For example, a pregnant woman may come one month before giving birth, with her family in tow, and then return after giving birth at MTC. On one visit to the clinic with Phyoo, he stops as we approach a group of people waiting outside of one of the buildings. He talks to them for a few minutes in their language and then we continue walking. To my surprise, he tells me that they are from his home village in Mon state, from which they drove nine hours to access medical services here. The other 50% of patients are migrants who live in the three border provinces in Tak province. Undocumented migrants access care here, as do some with documents who prefer to receive care in their own language. Reflecting the clinic's rootedness, she says that they plan to stay in Mae Sot permanently, or as long as there are migrants here, because there is a need to protect them.

In addition to the care that they provide at the clinic, the MTC has outreach programs in Mae Sot and rural areas. Sandar directs training and community health activities in Mae Sot, Mae Ramad, and Phop Phra districts, which include a reproductive health rights project (funded by the INGO, Plan International) that targets migrant adolescents and a school health program that goes to the 70 MLCs in the area to do first aid training and checks of health standards in the migrant schools. To do so, they partner with local hospitals, such as Mae Sot hospital. A one point in our discussion, three teachers wearing bright yellow polo shirts with the Help Without Frontiers (education NGO) logo stop by the office to pick up medicine for MLC students. The clinic also holds "Traditional Birth Assistant" training in rural areas of the three border districts. Myine, the community leader from Phop Phra, completed this training and proudly tells me she

has assisted in more village births than she can count, all successful. When she first arrived 25 years ago, she says, there were no health services in the community. Now there is a small community health center, but when people are in need of more serious medical attention, they often have no other option but to travel to the Mae Tao clinic, and she helps transport them if needed.

Other health organizations have also set up to focus on the area's migrant population. At a 2019 May Day event in Mae Sot, a representative of the Migrant Fund, a not-for-profit health insurance plan for undocumented migrants, tells me they have enrolled 9,000 migrants since starting in 2017. Supported by a French government agency and the UN Global Fund, the program allows members who pay a small monthly fee to access health care from Mae Sot, Mae Ramat, and Phop Phra district hospitals (corresponding to the three districts of the SEZ).

Lastly, migrant workers have access to organizations that help them with labor disputes. According to Thai labor law, migrant workers are allowed to join existing unions, but they cannot start their own. Since most industries where migrants work, such as garments, do not have any unions organized by Thai workers, there are none for migrants to join. The garment industry in Tak province is hostile to any type of labor organizing, as illustrated by the experience of Zeya. When I first meet her in 2018 in a rudimentary concrete office of a community-based organization (built by World Vision). In the factory, she says, many workers do not know much about migrant issues -- documents, laws, etc. -- so they need awareness training. Whenever she hears about such trainings, she tells her co-workers to go to them. "I used to be a favorite of my" employer," she tells me, "but now that I tell co-workers to go to these meetings, he sees me as a trouble maker. I've also been asking him how much the border pass will cost, and this is annoying him." Later, in 2020, I speak to her on a video call, and she tells me that she was fired

from her job, and she thinks she was blacklisted. She has tried to find other jobs, but no one will hire her.

In the absence of labor organizing, some organizations provide assistance on labor issues. The Yaung Chi Oo migrant workers association, for example, holds human and labor rights trainings and provides legal aid in cooperation with Thai NGOs, particularly HRDF's Labor Law Clinic (LLC) in Mae Sot. A migrant with unpaid or underpaid wages grievances (the most common cases) goes to YCO and/or LLC, who takes the case to the Labor Protection office and, if necessary, to the provincial labor court. During an FED community visit, Naing from AWO tells me about similar labor rights work they do:

AWO is working on a few different labor cases, one involving 80 workers whose boss withheld months of overtime payment, and another involving 40 workers of a bag factory who were also denied payments. For these cases, workers come to AWO, or another organization, and we record the complaints and then refer the cases to an NGO with a lawyer – either MAP [Migrant Assistance Program Foundation] or LLC. The organization helps the workers bring the case to the Labor Protection Office [which mediates between workers and employers]. If the dispute is not resolved, the next step is to take the case to the labor court, which costs a lot and takes a lot of time.

Much like in Samut Sakhon, these examples reflect processes of “capitalist recuperation” – government and capital appropriation and redirection of subversive struggles toward status quo solutions (Deleuze 1971) – that have occurred throughout the country. Such recuperation is particularly salient in Mae Sot given its not so distant history of large-scale migrant labor strikes, which ceased in the last few years as capitalist recuperation took hold (Campbell 2018). Naing from AWO gives his account of this process. I've been here for ten years and first worked at a factory. While working, I became involved in salary cases and worked on them with what was

then the Arakan Labor Committee. ... In the past, workers held strikes, but they were not effective, and they were dangerous, since the workers are not from Thailand, so people didn't think they had a right to strike. So, the strategy has changed to settling disputes through legal mechanisms – we study the laws and determine what laws the employer is violating, and then we take the case to the LPO.

As the above examples show, the social infrastructural support facilitates the social reproduction of labor – the daily and long-term regeneration of lives and labor power – for a struggling garments industry, farms, and a developing SEZ, without Thai state and employer investments in social protection. More specifically, the provisions of healthcare, children's education, and other assistance helps to socially reproduce cheap migrant labor for Thai garment producers facing dwindling orders from global buyers, agricultural fields needing short-term and seasonal labor, and potential ventures in an emerging SEZ. In doing so, they enable the state to advertise cross-border migrant labor, regulated under special laws, as an incentive for potential investors in the SEZ. Put simply, as state policies formalize the physical containment of precarious migrant workers at the border, grassroots communities and human rights and humanitarian actors and institutions ensure their continued ability to live and work for production industries.

An alternative structure of migrant labor reproduction

Building on the analysis of the developmental and regulatory dimensions of the regime of spatial containment in the Tak border zone, this chapter has focused on its reproductive dimension. I

showed that the regulatory practices and relations described in the last chapter consolidate longstanding patterns and means by which migrant workers, their families, and their communities survive and socially reproduce their labor. In sum, the regime in the Tak border zone implements border-specific regulations that further the state's aim of asserting a role for the SEZ in regional connectivity infrastructures and satisfies garment factory needs for cheap labor. With less of a focus on preventing family unification by prohibiting nonworking family of migrant workers, as in Samut Sakhon, this regime enforces spatial containment policies that, in combination with the porous border, encourage de facto family settlement and community development in the zone. Corresponding to such regulation is the structure of *confined reproduction* illustrated above.

The case of social reproduction in the Tak border zone shows how a social infrastructure of migrant survival became essential to the social reproduction of precarious labor. Here, the Thai state harnesses the social infrastructure for development purposes by implementing a policy of precarious labor containment that seemingly ignores yet coexists parasitically to the infrastructure. While it is unclear the extent to which the state's co-optation of the grassroots/nongovernmental social infrastructure is a deliberate strategy, a lucky accident, or a combination of both, what is clear is that the infrastructure socially reproduces migrant labor in the absence of adequate wages, benefits, and social protections provided by the state and employers. The structure of *confined reproduction* thus allows the state to offload most costs of labor reproduction to already existing and territorially circumscribed reproductive processes, enabling the state to host flexibly employed, low-paid migrant labor indefinitely at the border. Importantly, the social infrastructure only provides a bare minimum of support to help migrants

survive in the absence of social protections, and organizations have been facing resource constraints as donors have reduced funding in favor of support to organizations inside Myanmar.

In the Tak border zone, state policies of spatial containment, rather than physical separation, foster processes of social reproduction in the same location, often by the same local institutions. In contrast to existing theory, confined reproduction in the zone shows that the physical separation of migrant workers from their families back home is not necessary for the state and capital to offload costs of reproduction, as years of informal settlement at the border have resulted in the formation of migrant communities and a social infrastructure that shoulders these costs. In a context where employers violate minimum wage laws and, along with the state, shirk investments in worker social protections, communities and organizations that make up this social infrastructure fill in to provide the most basic means of reproduction. In doing so, this infrastructure is integral to the regime of spatial containment's ability to facilitate the reproduction of precarious – cheap, short-term, and no-benefit – labor for garments and agricultural industries and for the development of the special economic zone.

Chapter 7

Toward a multiscalar theorization of guestwork governance in the global South

In this dissertation, I advanced a multiscalar analysis of guestwork governance in Thailand that has implications for migration governance globally, especially for migrant receiving countries in the global South. Through a comparative analysis of the developmental, regulatory, and reproductive dimensions of two subnational regimes of labor migration, I showed why the Thai state advances divergent policies to regulate similar types of precarious migrant labor, how local governance practices and social relations formalize guestwork in different ways, and with what consequences for migrant workers, their households and communities, and the social reproduction of their labor. In this concluding chapter, I synthesize the core arguments of the dissertation and advance a theorization of guestwork governance in the global South. I first summarize the empirical findings and theoretical extensions identified in previous chapters, highlighting my contributions to literatures on migration control/governance, brokerage and state power, and the social reproduction of migrant labor. I then broaden the discussion to consider the relevance of the study's findings beyond Thailand, considering their applicability in other global South countries and identifying areas in need of further in-depth and comparative research.

Two regimes of labor migration in Thailand

Based on multi-sited ethnographic fieldwork, in-depth interviews, and a review of government and NGO/INGO literature on migration and development in Thailand and Southeast Asia, this dissertation has shown the causes, mechanics, and outcomes of two regimes of labor migration in Thailand – the *regime of temporal enforcement* in Samut Sakhon and the *regime of spatial containment* in the Tak border zone. It showed that the Thai state’s continual ad hoc responses to multiple pressures and local circumstances reinforce distinct subnational regimes that exhibit varying emphases on temporal and spatial logics of control. Regime differences, as I argued, stem from the state’s mixed and limited capacity to control migration amid a need to address concurrent external pressures and local circumstances surrounding guestwork in each site. The types of control found in each site correspond to means and structures of social reproduction, which reproduce precarious labor and, potentially, the regimes themselves in the long run.

After tracing the country’s history of labor migration, development, and guestwork formalization and identifying the state’s long term migration control capacities and interests in chapter 2, Part 1 of the dissertation’s empirical findings focused on the regime of temporal enforcement in Samut Sakhon. In Chapter 3, I focused on the developmental and regulatory dimensions of the regime. I first identified the political economic forces behind recent policies to intensify the formalization of guestwork from neighboring mainland Southeast Asian countries, especially Myanmar. Responding to high-profile global censures of the Thai seafood industry, the state advanced the regime of temporal enforcement in Samut Sakhon (among versions throughout the interior), which seeks to document and ensure (by law) minimum rights and social protections for existing migrant workers and to establish the official MOU process as the only legitimate labor migration channel to Thailand (with the exception of border labor

schemes). In doing so, various actors in Samut Sakhon work to establish, maintain, and enforce the temporal limits of worker employment and residence in Thailand.

Shifting focus to the regulatory dimension of the regime, I then detailed the local practices and social relations of governance taking place among the state authorities, employers, migrant workers, and intermediaries – documentation brokers and NGOs – in the field site. I showed how enforcement of the 2017 decree on labor migration furthered a regime that is geared toward documenting workers, providing them with rights and social protections, and coercively enforcing temporary labor circulation to and from Samut Sakhon. In sum, the heightened coercive environment created a demand for workers to regularize their status through documentation. This high demand, however, was met with local state incapacities to fulfill it. I introduced the concept of “infrastructural holes” – gaps in the state’s guestwork regulatory infrastructure, which, amid coercive policy enforcement, create opportunities for brokers to profit by intermediating between migrants, employers, and state offices to document workers. The context of heightened coercive regulation and weak administrative capacity to bring migrant workers into local regulatory systems thus reinforced the expansion of brokerage as a guestwork governance institution, with brokers informally collaborating with state offices to remake global seafood labor according to state and international expectations. Such unofficial collaboration enhanced the capacity of the local state to regularize workers while also transferring costs of documentation/brokerage to them. A small handful of migrant rights organizations and other civil society actors also played important governance roles that facilitated integration of workers into the formal guestwork system. Staff members of the Human Rights and Development Foundation (HRDF) in Samut Sakhon did so through outreach activities educating workers about

Thai laws and social services and by mediating migrant access to social protections from the state.

Here, a temporal logic of control frames all activities, with access to the country and labor market relatively open for labor migrants under strict time limited conditions. Policies stipulating guestwork governance in Samut Sakhon allow those who enter through the MOU process to work legally in Thailand for two years, renewable once. In addition, regularization windows are essentially amnesties for those who have entered the country informally and worked without documents. The state intends, however, to eliminate regularization options, setting a clear expiration date for all regularized workers, who will eventually have to return home and enter the MOU process to continue working in Thailand. All efforts to regulate migrant labor in Samut Sakhon reflect a state desire to tighten the temporal constraints of guestwork.

In chapter 4, I illuminated the reproductive dimension of the regime of temporal enforcement, focusing on how migrants respond to state policies and the regulatory context when organizing their lives, households, and the social reproduction of their labor. The regime in Samut Sakhon's promotes labor circulation (and divided households) in exchange for minimum wages and basic entitlements. By coercing migrant family separation, the regime fosters *split reproduction*, which externalizes costs of labor renewal to origin locations while the state and employers cover labor maintenance costs. This structure facilitates the supply of precarious labor for global seafood production in a way that aligns with the state goal of maintaining the temporariness of guestwork.

In Part 2 of the dissertation, I shifted focus to the *regime of spatial containment* in the Tak border zone, which spatially encloses migrant workers on renewable, short-term

contracts/permits yet tolerates their de facto settlement within the peripheral zone. In chapter 5, I discussed the developmental and regulatory dimensions of the regime. While the national anti-trafficking/formalization push in Thailand also impacted the Tak border zone, imperatives of SEZ development and (to a lesser extent) garments production shaped the legal landscape for labor migration here. Specifically, the state goal of maintaining a supply of precarious labor at the border as part of its assertion of the Tak SEZ into regional production and trade infrastructures determined policies for a cross-border labor scheme that contains such labor at the border.

A porous international border shapes the regulatory and social context of the Tak border zone. As I showed, longstanding cross-border mobility and employment practices combined with new policies to formalize the work flexibility and spatial containment of border labor for the garment industry and a regionally linked special economic zone. Employers hired (also with migrant wages) cross-border documentation brokers to secure worker border passes from Myanmar immigration officials in Myawaddy, through a process outside of the regulatory purview of the Thai state. While these brokers augmented the state's infrastructural capacity to document migrant workers in the zone, they also pushed the boundaries of official policy by expanding its scope of eligibility beyond that which is approved by law, with possible long-term implications for guestwork program outcomes. In addition, in the Tak border zone, decades of conflict-induced displacement, labor migration, and migrant adaptation and assistance have resulted in an expansive grassroots and nongovernmental social infrastructure, of which the Foundation for Education and Development (FED) is a key actor, that helps migrant workers survive, work, and settle informally.

Here, a spatial logic of control – long existing in the zone and reinforced in the current context – predominates, with less emphasis on providing more rights and tightening the temporal constraints of guestwork. The border pass policies in the Tak border zone limit eligibility to those migrants who reside in specific border-adjacent areas in Myanmar. Furthermore, any openness to admit border labor in the zone restricts access to the country’s interior, reflecting a much more restricted policy in terms of admission into the territory. Regarding rights, the border pass is also limited compared to documents held by MOU/regularized workers. In addition to being denied freedom of movement beyond three border districts, border pass workers are not eligible for social security benefits and must pay for their own health insurance. They are covered under Thai labor laws, guaranteeing them minimum wage, though widespread violations undermine this guarantee.

While border pass policies are more restrictive in terms of rights and access, they do allow children of workers to enter if identified in the pass. Furthermore, the ability for migrants to move back and forth across the border (including quick returns after deportation) allows families to settle in migrant communities in the zone. Thus, rather than preventing family unification, the regime enforces spatial containment policies that, in combination with the porous border, encourage de facto family settlement and community development. As I showed in chapter 6, the regime fosters a structure of *confined reproduction*, which offloads most costs of labor reproduction to a territorially enclosed nongovernmental social infrastructure, potentially enabling the state to host flexibly employed, low-paid migrant labor indefinitely at the border. The table below summarizes the main comparative findings of the dissertation

Table 3. A comparison of two regimes of labor migration in Thailand

Dimension	Regime of temporal enforcement (Samut Sakhon)	Regime of spatial containment (Tak border zone)
1. Developmental (global and regional scale)	Satisfies international anti-trafficking and labor standards for trade partners and global seafood buyers	Formalizes and spatially contains precarious migrant labor for border industries and SEZ development
2. Regulatory (national and subnational/local scales)	<p>Brokered access to work in the interior for two years (renewable once)</p> <p>Access to national healthcare and social security systems (mediated by NGOs)</p> <p>Family migration prohibited</p>	<p>Brokered access to employment in three border districts making up the Tak SEZ for 90-days at a time (unlimited renewal)</p> <p>Healthcare available to purchase, no access to social security system</p> <p>Family migration/settlement de facto allowed</p>
3. Reproductive (local and international scales)	Split reproduction – externalization of labor renewal costs to origin villages	Confined reproduction – offloading of costs to grassroots social infrastructure of the border

In addition, two sites that I visited early in my fieldwork (2015-2016) also exhibit similar regulatory features as found in the two regimes and would be illuminating cases to better understand Thailand's regimes of labor migration. In Chiang Mai, a city in Northern Thailand that hosts migrant workers from Shan state, Myanmar in construction and agriculture industries, authorities have also coercively enforced regularization, which is highly brokered, with some differences from Samut Sakhon in what types of intermediations the local state tolerates (e.g., the need for brokers to collaborate with licensed recruitment agencies to submit documents to the employment office). Some NGOs focusing on migrants exist in Chiang Mai, including an HRDF office, but there are nowhere near the number of migrant-focused NGOs that exist in Mae Sot. In another site, the SEZ in Aranyaprathet, Sakaeo province, across the border from Cambodia, a smaller number of migrants (around 10,000) work on Thai construction and agriculture sites. Border pass policies were implemented here years before those in the Tak border zone but with key differences. When I talk to a group of Cambodian workers here in 2016, they tell me the work documents they must apply for every three months only costs them 300 baht and is easy enough of a process with the local employment office that they do not need to use brokers. Aranyaprathet also has very little NGO presence compared to the other sites, especially Mae Sot. Intermediation processes found in other sites thus appear to be absent or minimal here. Further research in these sites would build on the theoretical claims made in this dissertation (summarized below) by exploring comparisons with governance practices in different industries (and further comparisons with the same industries in different sites), with workers from different origins, and in another border SEZ.

Continuity and change: sustainability of guestwork regimes and their precarious labor supply

Before summarizing the theoretical contributions of the dissertation, here I briefly assess the sustainability of the regimes of labor migration based on patterns and conditions found in the field. The government regulation of migrant workers temporally and spatially through different regimes shows the Thai state's attempt to tighten control over labor migration into the country and to ensure the continued supply of precarious labor for global production and regional development processes. The success of state efforts, however, depends to a large degree on how migrant workers decide to move, find work, and settle, whether they carry out such activities within the confines of the law or through informal channels and opportunities. An immigration officer in Mae Sot summarizes the state's guestwork aims. If the government sticks to its plan of only allowing MOU workers, he says, then employers will have no choice but to follow it, and more workers will start coming through the MOU process. He hopes the MOU will be successful, but "the government must take it seriously and not allow any more registrations. It will work if it is enforced." All government offices must be strict with the law, he continues, drawing a metaphor to illustrate what he hopes is the eventual success of migration control efforts: "when the river is polluted, it is black, but over time it gets lighter and then is clear."

Just as the plans, aspirations, and behaviors of migrant workers and their families affect social reproduction in each site, however, they have implications for the reproduction and/or transformation of the regimes. While the migrant workers in Samut Sakhon, for example, do not appear to have much say in the governance processes taking place, there are some instances in which they have expressed to me their preferences and intended actions that hint at potential

influence on governance outcomes. Several migrant workers I interviewed between 2017 and 2019 expressly eschew the MOU process, stating that they do not want to return to their country to wait for papers to return to work. With documents set to expire in the coming years, they would rather wait and hope for another extension/regularization than go back and enter through the official system. Many others similarly told me that the MOU process takes too much time, involving travel and long waiting periods, and costs too much money given the recruitment agency fees. If they can avoid the MOU process, they tell me, they will. Typical responses reveal the reasons for this stance. In late 2017, Aung Lwin, a seafood factory worker, says, “People don’t like the MOU system because you are tied to one employer on a 2-year contract. You are tied to the factory and need a resignation letter if you want to find another job. With the MOU, there is more control of the migrant [by employers and the state].”

In addition, with a few exceptions, the migrants I interviewed told me they intended to use brokers to avoid the MOU process as long as it was possible to maintain their legal status without leaving the country, as they preferred not to take time off work to travel back home and enter the MOU process. If there are any openings, in the form of policy loopholes or more transgressive options, to stay and work in the country, migrants and brokers will exploit them. As Mai, the migrant worker and LPN volunteer mentioned in previous chapters, says, despite the MOU system potentially benefiting migrant workers by providing an official legal status and rights, “migrants don’t want to go back to Myanmar to apply for passports or go through the MOU process, so they choose to use brokers to stay however they can...[the MOU process] takes too much time away from working, it is too costly.”

In the Tak border zone, migrant workers I speak with have a similar attitude of adapting to changing policies and regularizing their status but refraining from the MOU process, as it is

less necessary here given the border pass option. With its ease of acquisition and renewability, the border pass gives migrant workers legal status and, along with easy cross-border movement, fosters long-term settlement in the zone. Furthermore, as shown in chapter five, cross-border documentation brokerage pushes the boundaries of official policy by expanding its scope of eligibility from those from Myawaddy to anyone from Myanmar able to pay a broker to obtain Myawaddy residence documents. In doing so, it challenges the official bilateral policy but also unofficially advances the state goal of ensuring a supply of precarious labor at the border. Control issues may arise, however if continued permanent settlement leads to onward migration. While many families decide to stay in the zone, some workers (often younger, single people) may still try to look for better paying jobs in the interior. There is thus a risk that continued settlement can lead to further breaching of the internal boundaries, undermining the containment purpose of the regime of spatial containment and impacting the regime of temporal enforcement with further arrivals of undocumented (or without proper interior documents) workers.

All of this is to say that, while the state has reinforced both regimes, shaping local governance processes and corresponding structures of social reproduction, the loose and adaptive quality of migrant mobility, employment, and settlement, especially with options provided by opportunistic brokers, can subvert state objectives in the long run. In Samut Sakhon (and other locations), continued undocumented migration, unofficial long-term stays, and low use of the MOU process would undermine state aims of temporary labor circulation without settlement. In the Tak border zone, the fostering of de facto settlement may impact control objectives, depending on the state's capacity to spatially contain workers. Furthermore, as the social reproduction of migrant lives and labor depends on a nongovernmental social infrastructure, any shifts in the health of this infrastructure due to, for example, a loss of funding for schools and

health clinics, would impact the effectiveness of confined reproduction. It remains to be seen how tight and controlled each regime will be, and what forms they will take, as the interests and capacities of both the state and migrants co-evolve.

Theoretical extensions and contributions

Developmental determinants of host state migration policies

This dissertation makes theoretical contributions to knowledge on the determinants of migration policies, the mechanics of guestwork governance, brokerage and state power, and the social reproduction of labor in the global economy. In the realm of migration control, the study broadly supports other research that points to external forces as having more influence on migration policies than domestic ones. In Samut Sakhon, and throughout Thailand, industry groups had some say in the implementation of the new decree because they have mutual interests with the state in importing labor to support industry. Their influence, however, was only exercised within the parameters of government efforts to reinforce policies to appease international trade partners and powerful economic actors such as the EU and US. In the Tak border zone, the garment's industry has made appeals to the state for years to implement a border labor system, with no results until the regional-facing SEZ plans came into effect.

Yet, the influence of external forces is unique in Thailand, compared to those found in debates on migration control, in that they have not come from the state's membership in and subordination to supranational institutions, as is the case in literature on international constraints

to state sovereignty in controlling migration (Sassen 1996; Soysal 1995). The global normative pressures that the Thai state faces were not institutionalized by membership in something like the EU (with ASEAN membership being much more intergovernmental than supranational) but were instead tied directly to Thailand's position as a producer and exporter in the global economy, which also made the state a target of global movements against human trafficking and forced labor. The normative human rights pressures were attached to concrete economic threats, enabled by differential power positions in the global economy. The high-profile censures by powerful global economic actors served to shame Thailand, a tactic used by activists and states in the international community to influence state behavior (Seidman 2016). Unlike with activist-driven shaming, however, this variety has concrete and consequential economic threats attached to it. This study thus raises the need to more closely look at both the developmental factors impacting state migration policymaking as well as the different capacities states in the global South must impose and implement new laws.

The study contributes to growing discussions of how global South states manage international migration (Adamson and Tsourapas 2019; Anderson 2020; Natter 2018; Parnas 2021). Findings reflect core aspects of existing theories of the determinants of migration policies in Western "liberal democracies" but with differences due to the global South host context. In Thailand, political economic factors related to global production and regional development have shaped guestwork policies during the period of intensified formalization starting in 2014 and continuing to the present. In addition, unlike in liberal democracies of the global North, the Thai state imposes policies within a restrictive immigration framework and authoritarian political context. The state wields strong despotic power –the ability of state elites to enact decisions

without civil society approval (Mann 1986) – when enacting policies, without the liberal democratic constraints characteristic of global North societies (Freeman 1995; Joppke 1998).

Conditions surrounding labor migration governance also differ between Thailand and so-called East Asian “developmental state” cases. Like in Thailand, governments of Japan, South Korea, and Taiwan all devised labor importation schemes to accommodate labor shortages (Gray 2006; Surak 2018; Tierney 2007; Tseng and Wang 2013). Unlike Thailand, however, these countries have not faced as pronounced normative and economic pressure from powerful global actors wielding politics of shame and trade leverage. While they may face criticisms from domestic and international civil society groups about rights issues associated with their policies (Kim 2011), as well as from origin states seeking to protect their nationals working abroad, their global standing as powerful economic actors have perhaps shielded them from the external pressures that Thailand, a middle-income country that is highly dependent on exports to global consumer markets, has faced. Instead, these states have designed and implementation guestwork programs primarily in relation to domestic considerations, without as much compulsion to act quickly in relation to external demands. Furthermore, the Thai state exhibits different policy implementation capacities than states in other studies, as I discuss below.

Intermediaries, the mechanics of guestwork governance, and state power

Findings related to the regulatory dimension of each regime advance knowledge on the mechanics of guestwork governance, including the causes and consequences of informal documentation brokerage as a regulatory institution. Specifically, the dissertation extends research on state collaborations with migration industries to govern guestwork (Anderson and

Franck 2017; Surak 2018). As literature shows, such governance involves state delegation to and collaboration with non-state actors. In Thailand, the collaboration is often ad hoc and informal, particularly with brokers.

Findings from Thailand show that in addition to formally delegated governance, unofficial and unregulated brokerage arrangements can be integral to a labor migration system, even one in the process of formalization. In Thailand, such brokers, without licenses or contracts with the state, advance efforts to remake guestwork that would likely be unsuccessful without them. The study also builds on our understanding of how migration industries impact migration control capacities. Resembling an unofficial type of "governance from a distance" (Kemp and Rajiman 2014; Tseng and Wang 2011), the Thai state benefits, without any resource investments, from the policy facilitation practices of brokers, to whom they can deflect blame if problems arise. Since brokers have no inherent loyalty to the state and are not bound by contracts or influenced by state-created market incentives, however, there is nothing stopping them from seeking profit opportunities that could undermine official policies if the situation allows, as demonstrated at the border. Given the opportunistic nature of brokerage, this type of governance is unwieldy, unpredictable, and potentially counterproductive to state control. Furthermore, findings on brokerage indicate a mechanism for employers to fulfil their worker documentation requirements with the state while offloading the costs of such fulfillment onto migrant workers. Informal brokerage in Thailand thus plays a pivotal role in guestwork formalization from the perspective of state capacity as well as capital interests, aspects of brokerage not yet explored in sociological literature on brokerage and intermediation.

Relatedly, this dissertation also raises potential contributions to knowledge on petty bureaucratic corruption as it relates to brokerage and infrastructural power. Operating in a space

between state control and migrant adaptation, documentation brokerage institutionalizes informal bribes paid to local officials (e.g., for missing documents, or for new residence documents), with brokers acting as “corruption entrepreneurs” that, rather than connecting actors for an exchange (Jancsics 2013:321), maintain a system of unofficial fees. While interviewees, including brokers, mention such bribes as common practice, more research is needed into how, and under what conventions, they occur. In addition, the coercive environment enables petty corruption by the local police, which in turn maintains the threat of deportation and thus reinforces brokered regularization. Coerced bribes appear to be part of a larger governance dynamic worth exploring. Finally, if conceived as an informal extension of the local state bureaucracy, as in this study, documentation brokerage itself may be viewed as a kind of petty corruption, wherein the local state allows and benefits (in efficiency and small bribes) from unregulated transactions that gouge vulnerable migrants. In all, data from Thailand support findings that petty corruption hurts the poor and marginalized of society (Riley 1999), who pay a large share of their income in bribes (Hunt and Laszlo 2012) that they often rely on to access public services (Justesen and Bjornskov 2014).

More broadly, the study expands our understanding of how brokerage impacts state power by moving beyond the realm of party politics to illustrate broker roles in bringing certain populations into the state’s regulatory grasp. Put simply, brokerage may be essential to state efforts to “embrace” populations in order to control them (Torpey 1998). In this regard, findings suggest that states with the power to impose policies and the coercive capacity to enforce them, but with administrative deficiencies impeding effective implementation, may foster conditions ripe for informal regulatory brokerage. Broader literature on state capacity suggests that these conditions are more common in the global South. Similar brokerage arrangements – informal yet

integral, opportunistic and unregulated – may thus arise in other policy realms dealing with access to and regulation of large populations, such as public health monitoring/intervention, asylum seeker registration, and driver’s licensing and renewal, among others. Further research can explore brokerage and state capacity in such areas to build our understanding of the “many hands of the state” and the varying ways that these hands blend with civil society, shifting and contesting state boundaries with implications for state power (Morgan and Orloff 2017). How brokers augment, subvert, and otherwise influence state incorporation of migrant workers into systems of control is a key and continually evolving piece of such an understanding.

The social reproduction of migrant labor

In connecting regulation to reproduction, this dissertation asserts social reproduction as essential to regimes of labor migration and the global process of migration more broadly. The general lack of analysis of social reproduction in studies of migration regimes is a significant omission, as means of social reproduction are inextricably linked to core aspects of migration governance. State policies of allowing or restricting access to the national, or subnational, territory, for example, have clear impacts on prospects for family settlement, formal or informal, which set the conditions for social reproduction. The level of rights afforded to migrant workers also impacts processes of social reproduction, as they may contribute to, or neglect, several aspects of migrant labor renewal and maintenance, such as education, childcare, healthcare, etc. Importantly, the Thailand case shows that intertwined processes of social reproduction and governance are not necessarily mapped onto national space but can vary by subnational location.

The comparison of the means and structures of social reproduction between the two regimes also shows how state efforts to control guestwork shape migrant households in ways that complement capitalist production and development in the global South. As the dissertation illustrates, a ready supply of precarious labor does not simply fill production demands in a loosely regulated global labor market. Rather, state interventions condition migrant activities and minimize government and capital investments in the social reproduction of their labor. By regulating migrant workers in ways that route reproduction costs to families and communities, the state limits its investment in basic labor maintenance, and employers provide little more than daily wages, reconverted into “fresh labor-power which capital is then again able to exploit” (Marx, [1867] 1992: 718). This study thus contributes to literature illuminating precarity as a result of state interventions rather than lax regulation (Arnold and Pickles 2011; Lee 2019), showing how state guestwork systems perpetuate global precarious work in a neoliberal context of shrinking wages and worker entitlements.

In addition, findings show that divergent guestwork policies can emerge in one country given the varied ways that subnational spaces relate to global production and state (and regional) development strategies. The Thai state, adaptive to subnational differences in history and capacities, as well as responding to multiple and concurrent pressures on its policymaking, finds different ways to offload costs of labor reproduction from the state and capital to migrant families and communities, in attempts to ensure the continued supply and circulation of precarious migrant labor for production and development.

Theoretically, the study extends literature identifying the physical separation of migrant workers from their families back home as the dominant structure of labor reproduction in guestwork programs (Burawoy 1976; Miraftab 2015) by showing that such separation is not

necessary to externalize costs of labor reproduction. The spatial containment of migrant families and the social infrastructures they depend on to survive may also institutionalize the transfer of these costs to migrant communities. The study also builds on research that brings “reproduction locales” (McKay 2004) and social reproduction systems into the study of global production (Kelly 2009) by showing how the state benefits from histories and resulting social infrastructures at the border to sustain labor power and attract capital. Findings on the social infrastructure in the Tak border zone illustrate how the capitalist economy free rides on the lifeworld, to borrow from Fraser (2016), of the border. The Thai state allows the many actors and institutions supporting migrants to operate within the confines of the border zone but invests little to no resources into their continual operation. Its policy interventions specific to the border, however, indicate the need to contain precarious migrant labor in the zone, and the socially reproductive capacity of the existing social infrastructure enables the absence of state social protections. The findings in the Tak border zone complement existing studies of the same location, which illuminate important aspects of precarious migrant labor and its use in regional and global production networks (Arnold and Pickles 2011), dynamics of labor politics among garment workers in Mae Sot (Campbell 2018), and arrangements of care among migrant worker women (Kusakabe and Pearson 2016).

Guestwork governance in the global South

Contributing to new directions in research on migration governance globally, this dissertation moves beyond nation-centered approaches to advance a multiscalar analysis, highlighting

interactions among state policies, regulatory and migrant survival practices, and political economies of development. In addition, the project reinstates social reproduction as a necessary component of labor migration as a global process, showing how its organization undergirds the conditions and dynamics of migration. This framework – analyzing the developmental, regulatory, and reproductive dimensions of labor migration regimes – can be applied to other global South locations/cases to refine and expand a typology of these regimes, identifying subnational, national, and regional patterns and variations.

This dissertation has shown how migration governance in the global South involves states with different interests and capacities than those in studies of migration governance in the global North, impacting the causes, mechanics, and outcomes of migration regimes. The significant variation and heterogeneity of political systems, policies, regional contexts, and migrations throughout the global South, however, require further and deeper studies of labor migration regimes in other locations. The Thailand case has particular relevance to “upper middle income” countries regulating increasing numbers of incoming labor migration amid export-oriented development strategies. Brazil, for example, hosts migrant workers in sugar cane and ethanol industries, where global buyers exercise power over labor (McGrath 2013). The country is also a major immigrant destination in Latin America (Wejsa and Lesser 2018) that allows dependents of labor migrants and the possibility of permanent residence. Argentina also has a relatively open immigration policy and hosts intra-regional migrants from members states of Mercosur, a regional body formed in 1991 with similar goals as the Association of Southeast Asian Nations (ASEAN) – to spur economic development through the creation of a common regional market with free movement of goods, services and capital and labor (Margheritis 2013; OECD/ILO 2018a). Costa Rica hosts migrant workers from Nicaragua and has increased production for

export in recent years, developing high value-added industries linked to global value chains (OECD/ILO 2018b:40). The state has also faced pressure to align policies with international instruments and standards (ibid 51).

There is also much intra-regional labor migration throughout Africa, with South Africa hosting migrant workers in several industries, including agriculture, fishing, mining, construction, and services such as domestic work and hospitality (ILO 2019). In the Middle East, Jordan, which hosts migrant workers from such countries as Bangladesh and the Philippines, has organized export production in Qualifying Industrial Zones, using a dormitory labor regime to control workers and meet the production demands of buyers from the United States (Azmeah 2014). Like its Southeast Asian neighbor that was the focus of this study, Malaysia uses bilateral guestwork agreements to import labor from Bangladesh, Indonesia, Myanmar, Nepal, and the Philippines in a variety of services and production industries. Like in Thailand, the state uses flexible policy tools to govern labor migration according to its economic needs (Anderson 2020).

Analyzing the regimes of labor migration in these countries along the developmental, regulatory, and reproductive dimensions used in this dissertation would advance a more systematic and comparative understanding of labor migration governance in global South development contexts, contributing to a more global theorization of migration control and governance. More specifically, further studies can also include more in-depth analysis of the divisions of labor and power dynamics along gender, racial, or other categories of difference, and how these dynamics benefit, challenge, or otherwise impact governance structures, production endeavors, and development outcomes. Future research could also analyze how states utilize existing social infrastructures, developed from place-specific histories of migrant survival and adaptation, in combination with contributions from and engagements with the state and capital,

to socially reproduce labor. Socio-spatial analysis of labor mobility, migration control, and survival processes in other border zones may be fruitful for this endeavor. Lastly, related research can further theorize guestwork as global precarious work by analyzing the worldwide formalization of “regular” and “safe” labor migration processes, promoted by international agencies such as the International Organization for Migration and the World Bank and implemented by sending and receiving states, as consolidating systems of precarious labor reproduction and exploitation on a world scale.

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