

## Vietnamese Illegal Migrants in Thailand

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### Abstract

The primary objective of this qualitative investigation was to delineate the spectrum of criminal activities perpetrated by Vietnamese migrant laborers within the jurisdiction of Thailand, with the overarching aim of formulating pre-emptive and remedial strategies to mitigate such criminal occurrences. Employing an in-depth interview methodology, two distinct cohorts of key informants were engaged: the first comprised 5 officers from the Immigration Bureau and 5 local patrol officers, while the second consisted of 5 officials from the Ministry of Labour alongside 5 employers or entrepreneurs who engaged Vietnamese migrant labour, totalling 20 key informants. Analysis of the findings unveiled a repertoire of transgressions attributable to Vietnamese migrant workers in Thailand, spanning violations such as unlawful employment in contravention of the [Working of Foreigners Act B.E 2551 \(2008\)](#), involvement in drug trafficking, engagement in prostitution, perpetration of document forgery, and assorted other misdemeanours. Notably, the observed offenses varied in severity, ranging from relatively minor infractions to more egregious breaches of legal statutes.

**Keywords:** Vietnamese, Crime, Migration, Offences, Thailand.

## Introduction

A substantial migrant workforce is established within the confines of Thailand, a phenomenon stemming from the geographical proximity of its borders to neighbouring nations via both land and maritime routes. Presently, official records indicate the legal registration of 2.5 million migrant workers, with an additional 1.5 million entering the country through legal channels. However, an estimated excess of 1.0 million migrant laborers operate within Thailand's boundaries without proper authorization, comprising individuals primarily originating from Myanmar, Laos, Cambodia, and Vietnam ([Busayarat, 2015](#)). The decision by the cabinet to ratify modifications to the employment memorandum between the Kingdom of Thailand and the Socialist Republic of Vietnam on July 14, 2005, effectively expanded employment opportunities for Vietnamese migrant workers, extending eligibility to positions such as domestic aides and general laborers across various sectors, in alignment with analogous provisions for migrants from Cambodia, Laos, and Myanmar. Despite these amendments and the subsequent registration initiatives pursuant to the memorandum, a conspicuous trend has emerged wherein only a minority of Vietnamese migrant workers express interest in occupations stipulated within the agreement, such as construction and fisheries labour. Concurrently, there has been observed an emergent phenomenon wherein Vietnamese migrant laborers increasingly engage in unauthorized economic activities outside the scope of the memorandum. Consequently, in a bid to address labour shortages, enhance the formal employment of migrant workers, and uphold Thailand's favourable international standing, the committee overseeing migrant labour policy and trafficking concerns, during its inaugural session (Meeting No. 1/2018) on November 26, 2018, reached a consensus to broaden the permissible scope of employment for Vietnamese migrant workers governed under the existing memorandum. This expansion encompasses roles as domestic aides and laborers across 25 designated sectors, including fisheries, agriculture, livestock husbandry, construction, and various processing industries, among others ([InfoQuest, 2018](#)).

As per the Memorandum of Understanding (MOU), approximately 900,000 individuals of Vietnamese origin traverse the borders of Thailand annually ([Phaitoonpong,](#)

2014). The Director-General of the Department of Employment has suggested that the population of undocumented migrant workers from Vietnam could be estimated at approximately 50,000 individuals (Kaewka, 2018). The engagement in illicit employment practices may engender criminal activities. Furthermore, given the scarcity of comprehensive research endeavours investigating the typology of offenses perpetrated by Vietnamese migrant laborers in the context of Thailand, the principal objective of this study is to ascertain the categories of criminal behaviour, or transgressions attributed to Vietnamese migrant workers within Thailand. The overarching aim is to furnish guidelines conducive to the anticipation and resolution of prospective criminal challenges.

Illegal migration significantly impacts the socio-economic fabric of regions. As delineated by Sitompul (2023), this phenomenon disrupts the labor market dynamics by introducing competition for employment opportunities, particularly in sectors experiencing labor shortages. Consequently, this engenders wage competition among local workers, thereby instigating tensions regarding perceived encroachments upon their employment entitlements. Furthermore, illegal migrants often find employment in sectors characterized by substandard working conditions and remuneration, thereby undermining established labor standards and regulations within the region. This, in turn, has implications for governmental revenue streams, as elucidated by Tipayalai (2020), given that illegal migrants typically avail themselves of regional facilities, such as healthcare and education, without contributing to the tax base. The resultant strain on public resources further exacerbates social disparities and fosters intergroup tensions rooted in cultural and linguistic differences. Moreover, the influx of illegal migrants poses challenges to public health and safety, as noted by Tuangratananon et al. (2019), with undocumented migrants facing barriers to accessing healthcare services and inadvertently contributing to the spread of infectious diseases within the host community. This predicament extends to educational opportunities for migrant children, who often encounter discrimination and limited access to schooling. Furthermore, the diversion of law enforcement resources toward addressing illegal migration detracts from addressing other pressing public safety concerns, thus compounding societal vulnerabilities. Given the multifaceted repercussions of illegal migration on both the economy and society, the formulation and implementation of comprehensive strategies are imperative to mitigate its adverse effects.

Migration manifests in both permanent and temporary forms. Vietnamese individuals' resort to illegal migration into Thailand primarily due to unfavourable economic conditions prevailing in their country of origin. Insufficient incomes render livelihood precarious, leading to poverty or surplus labour dilemmas. Additionally, the presence of conflict, whether in the form of war or political unrest, fosters insecurity regarding life and property among the populace. Moreover, the absence of robust measures to regulate emigration facilitates the ease of migration (Mekong Migration Network, 2016; Srikham, 2014). Consequently, migration contributes to a demographic surge in recipient areas, correlating with an uptick in criminal activities. Vietnamese migrant workers in Thailand are implicated in various transgressions, notably including illegal employment (Aphirak, 2016; Phaitoonpong, 2014), drug trafficking (Phongkultorn, 2017; Pornpimol, 2006), engagement in prostitution (Thai PBS, 2020), counterfeit document fabrication (Siriwato, Trimek, & Poonyarith, 2020), among others.

## Literature Review

### Criminology Theory

The rise in local population density is attributed to migration, prompting an exploration of the nexus between migration and crime. Migration serves as a catalyst for an escalation in criminal incidents (Srisod, 2021). Moreover, within criminological discourse, a plethora of theories posit that migrants are predisposed to engaging in criminal behaviour owing to various social, economic, and cultural determinants within the host nation (Martinez & Lee, 2000). These theories encompass the Rational Choice Theory, Social Disorganization Theory, and Strain Theory, each offering distinct insights into the criminogenic potential of migrant populations.

The Rational Choice Theory's premise stems from the Classic School's concept of Free Will, positing that human behaviour is driven by the calculation of individual pleasure. This assumption encompasses two key tenets: firstly, individuals possess the autonomy to engage in criminal acts; and secondly, the decision to commit an unlawful act is contingent upon the pursuit of pleasure or maximal benefit, encompassing not only material gains but also psychological gratification or the

avoidance of pain (Becker, 1968; Bentham, 1789; Cornish & Clarke, 1986). Put differently, individuals weigh the potential outcomes of their actions post-commission of a crime, considering factors such as anticipated benefits, the likelihood of apprehension, and the severity of penalties upon apprehension.

According to the Social Disorganization Theory, areas characterized by socio-economic deprivation, ethnic diversity, and significant levels of migration exhibit diminished social cohesion and mutual recognition among inhabitants, thereby compromising the efficacy of social control mechanisms and fostering heightened crime rates. This theoretical framework posits that criminal behaviour is chiefly attributable to migrants from disparate locales who encounter socio-economic strain and experience marginal economic integration within the host community (Shaw & McKay, 1942).

The Strain Theory posits that when individuals encounter impediments in attaining socially sanctioned objectives through legitimate means, they may resort to illicit avenues to fulfil these aspirations, thereby engaging in criminal behaviour (Merton, 1938). Migration often stems from the pursuit of enhanced quality of life. However, upon arrival in the host country, migrants may confront numerous challenges, including restricted access to welfare benefits and employment opportunities commensurate with those available to native citizens. Consequently, notwithstanding the absence of inherent criminal predispositions, the socio-economic circumstances prevailing in the host country may induce strain and disillusionment among migrants, thereby elevating their propensity to engage in criminal activities relative to the general populace. The Strain Theory elucidates the primary impetus driving Vietnamese migrants to seek employment in Thailand, namely, their desire for material wealth and social status consonant with prevailing middle-class values, coupled with the dearth of opportunities to achieve such aspirations within their country of origin, compelling them to undertake illegal migration to Thailand.

## **Laws, Regulations, and National Agreement on Illegal Migration**

### **The Working of Foreigners Act B.E 2551 (2008)**

A non-Thai individual undertaking employment activities within Thailand is

defined as a natural person not holding Thai citizenship, engaging in labour either through physical exertion or the application of specialized knowledge, with the intent of receiving remuneration or other forms of compensation (Section 5, the [Working of Foreigners Act B.E 2551 \(2008\)](#)). Exemptions to this Act are stipulated for foreigners employed in the Kingdom under specific circumstances, such as individuals serving within diplomatic or consular missions, representatives of member states, personnel of international organizations including the United Nations, personal attendants recruited from abroad to serve diplomatic or consular personnel or their equivalents, individuals performing duties or missions pursuant to agreements between the Thai government and foreign entities, or those engaged in activities beneficial to education, culture, arts, sports, or other similar endeavours.

An employer seeking to enlist the services of a foreign national residing abroad for employment within their enterprise located in Thailand may initiate the process by applying for a work permit and remitting the requisite fees on behalf of said foreign national. This procedural framework outlined in Section 11 of the [Working of Foreigners Act B.E 2551 \(2008\)](#) delineates the legally sanctioned avenue through which employers or establishments can lawfully engage foreign workers. In essence, this mechanism aligns with international agreements currently in effect, notably those established between Thailand and neighbouring countries such as Myanmar, Laos, and Cambodia. These agreements stipulate provisions allowing for the employment of foreign nationals in specific occupations, primarily as laborers and domestic workers. Furthermore, Thailand is inclined towards entering into similar agreements aimed at facilitating the recruitment of laborers from Bangladesh and Vietnam for prospective employment opportunities in the country.

An individual of foreign nationality seeking authorization for employment must meet specific eligibility criteria as outlined in Section 10 of the [Working of Foreigners Act B.E 2551 \(2008\)](#). This includes possessing a residential status within the Kingdom or obtaining temporary entry clearance in accordance with immigration regulations. Furthermore, applicants must not hold tourist or transit status, and must not be subject to any prohibitions stipulated under Ministerial Regulations.

The [Foreigners' Working Management Emergency Decree B.E. 2560 \(2017\)](#) delineates

two pivotal regulations governing the employment of foreigners: the protocol for importing foreign labour into Thailand and the employment of foreigners within the country. The former encompasses two distinct categories of business operations: facilitating the employment of foreigners with domestic employers and enabling employers to engage foreigners in their domestic enterprises. Authorization for the former requires approval from the Director-General of the Department of Employment (Section 26). Eligible applicants for facilitating foreign employment within Thailand must be limited or public limited companies meeting specified qualifications and devoid of prohibitive circumstances stipulated by law (Section 27). Additionally, applicants must furnish security, not less than five million Baht, to the Director-General prior to securing permission for potential damages incurred from employing foreigners pursuant to this Emergency Decree (Section 28). Permits for facilitating foreign employment are valid for five years from the issuance date, albeit subject to the annual payment of fees as prescribed by Ministerial Regulations (Section 30).

Any employer, excluding contractors or those contracting for wages, intending to recruit foreign nationals from abroad for employment within the country, pursuant to a MOU established between the government of Thailand and the foreign government, is mandated to notify the registrar regarding the quantity and countries of origin of the foreign nationals, the types of employment necessitating foreign workers, and other pertinent details as specified by the Director-General. Upon payment of the requisite fee for the employment of foreign nationals, the employer must notify the registrar regarding the name and passport number of each foreign national entering the country for employment purposes. Subsequently, the registrar is obligated to relay this information to the Immigration Bureau and relevant authorities (Section 46).

Foreigners who possess residency status within the Kingdom or have been authorized temporary entry into the Kingdom in accordance with immigration laws, excluding those holding tourist or transit visas, are eligible for engagement in employment activities provided such employment is not prohibited for foreigners and is accompanied by a valid work permit. The Ministry of Labour has issued an announcement delineating 40 categories of prohibited employment for foreigners, comprising 27 entirely restricted employments and 13 employments permitting foreign engagement subject to specific conditions. These prohibitions are categorized into four distinct classifications as outlined below:

Table 1: The Ministry of Labour's Announcement on Prohibited Employment for Foreigners.

Details	Types of employment
<p style="text-align: center;">Account 1</p> <p>Absolutely prohibited employments for foreigners.</p>	<p>1. Wood craving 2. Motor vehicle driving, except Forklift driving 3. Auction sale work 4. Diamond/ gem polishing 5. Haircutting/beautification 6. Hand weaving 7. Mat weaving 8. Hand mulberry paper making 9. Lacquerware making 10. Thai traditional musical instruments making 11. Nielloware making 12. Gold/copper alloy smith work 13. Bronze ware making 14. Thai traditional doll making 15. Monk's alms-bowl making 16. Hand silk making 17. Buddha statue making 18. Paper/fabric umbrella making 19. Broker/middleman 20. Thai massage 21. Cigarette rolling 22. Tour guiding 23. Peddling 24. Letter ordering 25. Silk drawing and twisting 26. Secretary and 27. Legal service</p>
<p style="text-align: center;">Account 2</p> <p>Prohibited employments for foreigners with conditions of allowing foreigners to engage in employment according to the international agreement or obligation agreed by Thailand under the legal provision.</p> <p style="text-align: center;">Account 3</p> <p>Prohibited employments for foreigners with conditions allowing foreigners who are skilled or semi-skilled to only engage in the employment operated by the employer.</p>	<p>1. Agriculture 2. Bricklaying/carpentry/ building construction 3. Mattress making 4. Knife making 5. Shoemaking 6. Hat making 7. Costume making 8. Pottery</p>
<p style="text-align: center;">Account 4</p> <p>Prohibited employments for foreigners with conditions allowing foreigners to only engage in employment operated by the employer and foreigners being granted permission for entering the Kingdom in accordance with the immigration law under the MoU made by the government of Thailand with foreign governments.</p>	<p style="text-align: center;">Labour work and front shop sale work</p>

Source: Ministry of Labour, Thailand Retrieved from

[https://www.doe.go.th/prd/assets/upload/files/legal\\_th/68c9bf9be8ce0073681f327e8455e35f.pdf](https://www.doe.go.th/prd/assets/upload/files/legal_th/68c9bf9be8ce0073681f327e8455e35f.pdf)

### Factors Forcing Vietnamese Migrants to Thailand

Various factors motivate Vietnamese migrants to relocate to Thailand. Economic considerations feature prominently in this decision-making process, as noted by [Khalid and Urbański \(2021\)](#). Thailand's comparatively higher wages and economic opportunities



attract Vietnamese migrants seeking improved financial prospects to support themselves and their families. Limited job opportunities in Vietnam further incentivize migration to Thailand, where diverse sectors such as agriculture, manufacturing, and construction offer expanded employment avenues (Teerawichitchainan, Prachuabmoh, & Knodel, 2019). Vietnamese migrants aspire to earn higher incomes in Thailand, enabling them to remit funds back home for family support, including quality education for their children and enhanced living standards. Moreover, political stability serves as a significant pull factor for migrants, who perceive Thailand as offering a more stable political environment compared to their homeland (Khalid & Urbański, 2021). Seeking greater personal freedom and civil liberties not available in Vietnam, migrants are drawn to countries with more liberal political climates, thus facilitating their quest for autonomy. Additionally, existing social ties and networks influence migration decisions, with migrants often relocating to countries where family members or acquaintances already reside (Khalid & Urbański, 2021). Establishing social connections assists migrants in navigating the relocation process and accessing job opportunities. Furthermore, cultural and linguistic similarities between Vietnam and Thailand ease the transition for Vietnamese migrants, facilitating integration into Thai society (Khalid & Urbański, 2021). Consequently, a combination of social, political, and economic factors collectively drives Vietnamese migrants to seek opportunities in other regions.

### **Strategies for Addressing Illegal Migration**

Regions must implement specific strategies to curtail illegal migration. As asserted by Macías-Rojas (2018), bolstering border security emerges as a critical measure to impede unauthorized border crossings. This entails leveraging advanced surveillance technologies such as drones and cameras to monitor border areas vigilantly, enabling swift detection and prevention of unauthorized activities. Additionally, investments in border infrastructure, including the establishment of checkpoints and patrol stations, are imperative to deter illegal entries. Augmenting security personnel deployment along border regions facilitates prompt intervention in response to any illicit activities. Furthermore, collaborative efforts among

neighbouring countries are paramount to combatting illegal migration effectively. According to [Vigneswaran \(2020\)](#), bilateral agreements play a pivotal role in formalizing cooperation between nations to address migration-related challenges. These agreements mandate information-sharing protocols regarding undocumented migrants, fostering enhanced cross-border cooperation. Moreover, the establishment of joint task forces comprising personnel from both nations facilitates transparent investigations and enables concerted efforts to tackle issues such as smuggling.

Training initiatives are essential for equipping officials with the requisite knowledge and skills to effectively enforce laws pertaining to illegal migration while safeguarding the rights of local populations. Such training programs serve to enhance capacity and provide technical support to authorities, as noted by [Guberek et al. \(2018\)](#). Similarly, nations can implement specific measures aimed at regularizing the status of undocumented migrants, thereby affording them legal recognition within the host country, and enabling them to avail themselves of the rights and privileges enjoyed by local citizens without fear of deportation. Initiatives to promote employment opportunities within the region, including the establishment of guest worker programs, can be instrumental in fostering economic integration for migrants, as highlighted by [Devillanova, Fasani and Frattini \(2018\)](#). Moreover, governments must streamline immigration processes by reducing barriers and facilitating expedited access to work permits and residency permits to deter illegal entry by migrants. Public awareness campaigns play a crucial role in disseminating information about the benefits of legal migration and the associated risks of illegal migration, encouraging adherence to legal pathways for migration. The adoption of such multifaceted strategies contributes to the effective management of illegal migration and fosters a climate of safe and orderly migration.

## Methodology

### Research Approach

Research design encompasses the systematic framework utilized in conducting research endeavours, encompassing components tailored to address research inquiries and objectives ([Sileyew, 2019](#)). These components typically include data

collection methods, data analysis techniques, and sampling procedures, among others. The present study employs a qualitative approach to data collection, characterized by the collection and analysis of non-numeric data. The overarching strategy and methodological framework guiding the study is known as the research approach, as elucidated by [Brown and Opie \(2019\)](#). This approach dictates the methodological procedures for collecting, analysing, and interpreting data, selected by the researcher in accordance with the study's aims. Research approaches generally fall into two primary categories: inductive and deductive. For this study, an inductive approach will be adopted, aligning with the objective of examining the adverse ramifications of Vietnamese migration in Thailand.

The pivotal components essential for conducting a study encompass the concepts of population and sample, both critical in facilitating data collection. Population pertains to the collective of individuals possessing attributes of interest to the researcher, from which a sample is drawn for study purposes ([Bhardwaj, 2019](#)). In the current investigation, the population comprises police officers, patrol officers, Ministry of Labour officials, and employers engaging Vietnamese migrant workers. Employing purposive sampling, a subset of non-probability sampling, entails deliberate selection of individuals based on specific characteristics deemed relevant to the study ([Campbell et al., 2020](#)). Similarly, in this study, sample selection is purposive, targeting units from which requisite data can be obtained. Utilizing an in-depth interview approach, content research is conducted with key informants organized into two distinct groups: the initial group comprises 5 Immigration Bureau officers and 5 local patrol officers, while the subsequent group consists of 5 Ministry of Labour officials and 5 employers or entrepreneurs employing Vietnamese migrant workers, amounting to a total of 20 key informants.

## Data Collection

Qualitative research entails an in-depth exploration of participants' perspectives to gather data. According to [Lobe, Morgan and Hoffman \(2020\)](#), various methods are utilized for collecting qualitative data, such as interviews, focus group discussions, observation, and data analysis of documents. Interviews can take different forms, including structured, semi-structured, and unstructured. Structured interviews involve pre-prepared questions, while

semi-structured interviews blend prepared questions with inquiries that emerge from participants' responses. Unstructured interviews are spontaneous and lack pre-planned questions. Focus group discussions foster interaction among participants, allowing them to share experiences and perspectives. Observation involves the systematic observation of participant behaviour, sometimes with the researcher participating in activities to gain deeper insights. Additionally, data analysis techniques encompass examining documents such as reports, materials, and case studies to extract meaningful insights (Lobe et al., 2020).

Data collection in this study involved the utilization of an in-depth interview instrument, subjected to expert review for validation. Subsequently, the content of the in-depth interview underwent scrutiny for comprehensibility and relevance prior to implementation. Self-data collection was facilitated through the in-depth interview method, wherein the researcher directly gathered data from key informants, constituting the study's population. Key informants were afforded autonomy in responding to inquiries focusing on their understanding of patterns of criminal behaviour exhibited by Vietnamese migrant workers. Interviews were conducted in an unstructured format, characterized by the inclusion of a limited number of pre-formulated questions, with most data acquired through participant-led discussions.

### **Data Analysis Technique**

Data analysis techniques encompass methodologies employed to derive insights from collected data, thereby elucidating the study's objectives (Li, Yang, & Hu, 2020). Various techniques are deployed for data analysis, contingent upon the nature of data collection methods and research strategies. As indicated by Mishra et al. (2019), statistical tools utilized for data analysis include descriptive and inferential statistics. Additionally, techniques such as cluster analysis, factor analysis, regression analysis, and time series analysis are commonly employed. In the present study, Thematic Analysis will be utilized to analyse the collected qualitative data. Thematic Analysis is a method employed for examining qualitative data typically acquired through interviews and discussions. The researcher iteratively examines the data to gain profound insights and identify recurring patterns (Vaismoradi & Snelgrove, 2019). Thematic Analysis comprises six key steps: (a) Familiarization involves acquainting oneself with the collected data to understand its content obtained through

interviews and discussions (Peel, 2020). (b) Coding entails identifying study-related interests within the data and categorizing them under appropriate headings using codes for comprehension purposes. (c) Generating Themes involves identifying pertinent information linked to the research objectives and discerning data that addresses the research questions (Kiger & Varpio, 2020). (d) Reviewing Themes entails revisiting the data identified in the previous step to ensure accuracy, making corrections as necessary. (e) Naming Themes involves labelling the themes in a manner that facilitates understanding and elucidates the research questions addressed by each theme. (f) Finally, the researcher compiles the analysis, providing explanations of the themes supported by examples (Scharp & Sanders, 2019).

### **Ethical Considerations**

Given the qualitative nature of the study, stringent measures were taken to obtain informed consent from participants, ensuring they were fully apprised of the study's objectives. The consent process aimed to ensure participants understood the purpose of the study and could freely choose to participate without coercion. Furthermore, participants were assured that data collected through interviews and discussions would remain confidential, with their identities safeguarded throughout the research process, and that the data would solely be utilized for research purposes. Upholding ethical standards, the study prioritized the dignity and rights of participants, maintaining professionalism and transparency throughout. Importantly, the research, titled "Patterns of Crime Committed by Vietnamese Migrant Workers in Thailand," obtained prior approval from the Research Ethics Committee in the Faculty of Social Sciences and Humanities under project no. 2020/245.2512.

### **Results**

Offenses committed by Vietnamese migrant workers in Thailand are as follows.

#### **Illegal employment according to the Working of Foreigners Act B.E 2551 (2008)**

As per the findings of the study, Vietnamese migrant workers engage in illegal employment practices, including working without a valid work permit, contravening

stipulated conditions, deviating from prescribed types of employment, and residing in the Kingdom without proper authorization or with an expired permit. The attributes delineating the illegal employment of Vietnamese migrant workers are categorized into:

1. Illegal employment within provinces bordering Laos typically manifests in two scenarios: Firstly, in the absence of an intermediary, Vietnamese migrant workers tend to gravitate towards informal sectors such as commerce or general labour, notably agricultural work. Their familiarity with the terrain enables them to navigate clandestinely, affording opportunities to evade detection and return to Laos if necessary. Conversely, when facilitated by an agent, employment trends in bordering provinces lean towards general labour roles, often in modestly scaled enterprises such as small-scale factories offering moderate wages, or in the service sector, encompassing roles like food service or dishwashing in restaurants.
2. Illegal employment within urban centres or major cities such as Samut Sakhon or Bangkok presents distinct patterns: Migrant workers proficient in Thai or English are inclined to enter Thailand via agents or tourist visas, seeking illicit employment opportunities in hospitality sectors like hotels, restaurants, massage parlours, or entertainment venues. Conversely, for those lacking fluency in Thai, employment prospects typically pivot towards industrial settings, such as seafood packaging or processing facilities, as well as small-scale machinery factories. Employers in these sectors often provide accommodation proximate to the workplace. Construction employment is less common among Vietnamese migrant workers due to their relatively small presence in Thailand and consequent lack of collective bargaining power in case of labour disputes or exploitation.

### **Drug Smuggling into Thailand**

In terms of drug production and trafficking orchestrated by Vietnamese migrant workers, the focal point of activity originates in Laos. Smuggling routes extend along the Thai-Lao borders, encompassing provinces such as Ubon Ratchathani, Nong Khai, Nakhon Phanom, Mukdahan, and Loei, chosen due to their geographical features conducive to criminal activities. The expansive Mekong River delineates the boundary, offering extensive distances favourable for drug smuggling, rendering surveillance by law enforcement

challenging. The illicit substances smuggled across Thai-Lao borders encompass methamphetamine (Ya-ba), cannabis, ice, heroin, among others.

These migrant workers illicitly enter Thailand through both legal and illegal means. Drug smuggling occurs predominantly under the cover of darkness, utilizing natural pathways and temporary border passes. Concealment methods include internal body concealment and various other hiding spots, with migrants traveling separately and clandestinely concealing drugs in luggage compartments, later rendezvousing to distribute the contraband accordingly. Additionally, research indicates that during drug smuggling operations, Vietnamese migrant workers concurrently engage in other criminal activities such as vehicle theft, counterfeiting official documents, and illicitly opening bank accounts under false pretences.

Regarding the transportation of drugs from Laos to Thailand by Vietnamese migrant workers, drugs are typically transported by major Lao drug traffickers through intermediary Lao labour agents. These drugs are often concealed within the belongings of migrant workers traveling to Thailand, subsequently transferred to Thai drug dealers or intermediaries for distribution. Conversely, within urban hubs like Bangkok or Samut Sakhon, Vietnamese migrant workers engage in a relatively small scale of drug sales and transportation. This is largely attributed to law enforcement suppression efforts and the influence wielded by local drug syndicates. Primarily, these individuals possess drugs for personal consumption rather than distribution.

## **Prostitution**

Engaging in prostitution constitutes a violation of The Prevention and Suppression of Prostitution Act, B.E.2539 (1996). Modes of prostitution include:

1. Participating in sexual activities or other lewd acts to fulfil the sexual desires of another individual in exchange for remuneration or any form of compensation, irrespective of whether the parties involved are of the same or different genders (Section 4).
2. Any individual who solicits, lures, accosts, follows, or persistently disturbs others in public areas or thoroughfares, or engages in open and scandalous prostitution activities in any other location, thereby causing public nuisance, shall be subject to

a fine not exceeding one thousand Baht (Section 5).

3. Those who gather within a designated establishment for the purpose of engaging in or facilitating prostitution, either for themselves or others, may face imprisonment for a term not exceeding one month, a fine not exceeding one thousand Baht, or both penalties. Should the commission of the offense under paragraph one be due to coercion or circumstances beyond one's control, the individual shall be exempt from liability (Derived from Section 6).

Instances of Vietnamese illegal migrants engaging in prostitution encompass both male and female individuals, including minors aged 10 years and above. According to law enforcement officials, there is a prevalence of male minors aged 9 to 18 engaging in such activities. Additionally, individuals aged 18 and above are observed to work in restaurants while simultaneously engaging in prostitution. Many Vietnamese illegal migrants who resort to prostitution are influenced by their peers and enter Thailand through various means, including migrant smuggling operations and overstaying their tourist visas.

### **Document Counterfeit**

The fabrication of documents by Vietnamese illegal migrants in Thailand encompasses various forms of passport counterfeiting, including the replication of passports through migrant smuggling channels or the acquisition of forged passports for independent travel to Thailand. This illicit activity encompasses the complete fabrication of passports, manipulation of photographs, and alteration of passport details. Presently, the prevalent method of counterfeiting involves the manipulation or substitution of the passport holder's photograph. The objective behind employing counterfeit passports or those belonging to others is to present them to immigration authorities as genuine documents, a practice commonly referred to as "similar-face passport" utilization, where a passport featuring a photograph of an individual bearing a resemblance to the holder is presented. Engaging in such actions may result in the individual being blacklisted and barred from entering or departing the country. Alternatively, individuals may utilize passports featuring another person's visa to



deceive immigration authorities. This includes the falsification of visas and immigration officer endorsement stamps, a practice challenging to detect. However, the adoption of facial recognition technology has contributed significantly to mitigating such fraudulent activities. Consequently, instances of passport counterfeiting perpetrated by these illegal migrants have markedly declined. In instances where they manage to enter Thailand without apprehension, some opt to counterfeit identification cards for added convenience. Document counterfeiting constitutes a criminal offense under the provisions of the Criminal Code.

### **Other Offenses**

Vietnamese migrant workers in Thailand are also involved in various other criminal activities, including disputes, drug consumption, theft, and acts of robbery. These transgressions predominantly occur in areas densely populated by migrant communities, such as workers' accommodations near job sites or impoverished neighbourhoods. According to the informant:

"...Vietnamese migrant workers exhibit lower incidences of robbery or physical altercations compared to their counterparts from Laos, Myanmar, and Cambodia due to their loose social cohesion. However, instances of interpersonal conflicts leading to physical violence are not uncommon, often stemming from a lack of mutual concern among migrant workers. Additionally, incidents of robbery and quarrels among Vietnamese migrants themselves do occur..."

### **Discussion**

The phenomenon of illegal migration among Vietnamese migrant workers in Thailand is facilitated by the government's policy, which exhibits flexibility towards migrant labour. Consequently, Vietnamese workers find it relatively convenient to enter and exit Thailand illegally. The motivation behind this illegal migration stems from the necessity to enhance their standard of living, primarily driven by the comparatively low wages in Vietnam ([Mekong Migration Network, 2016](#); [Srikham, 2014](#)). This behaviour aligns with the Strain Theory, which posits that societal norms dictate individuals' aspirations and needs, with wealth often being a coveted goal. Consequently, individuals

strive to attain such societal goals, striving for financial prosperity and social acclaim (Merton, 1938). Furthermore, this conduct resonates with the Rational Choice Theory, which suggests that human actions are guided by the pursuit of personal gratification. For Vietnamese migrant workers seeking better opportunities and remuneration, the allure of illegally migrating to Thailand, a relatively secure environment offering favourable income prospects and lenient penalties, outweighs the perceived risks involved. Unlike other jurisdictions like Singapore or Malaysia, Thailand's punitive measures for illegal migrants typically involve deportation without severe penalties such as caning.

The migration of Vietnamese migrant workers contributes to an upsurge in population, correlating with an increase in criminal activities (Srisod, 2021). Offenses committed by these migrant workers often involve illegal employment, particularly in regions bordering Laos. In instances where workers lack an agent, they tend to gravitate towards commercial activities or general employment opportunities. Conversely, those with agents are more likely to secure general employment in small-scale factories or restaurants offering modest wages in border provinces. In urban areas, migrant workers proficient in Thai or English typically utilize agents to secure service-oriented employment, while those with limited language proficiency often find employment in industrial factories, with employers providing accommodations nearby. This trend aligns with existing research, suggesting that workers in border regions predominantly seek general employment, transitioning to service employment if they possess language skills (Aphirak, 2016; Phaitoonpong, 2014). Furthermore, Vietnamese migrant workers are implicated in drug smuggling activities into Thailand, primarily facilitated through Thai Lao borders or concealment within the bodies of migrants entering Thailand via natural routes or temporary border passes. This pattern echoes previous studies indicating that some Vietnamese migrant workers smuggle drugs into Thailand via natural routes and immigration checkpoints, utilizing body concealment techniques (Phongkultorn, 2017; Pornpimol, 2006).

Prostitution emerges as another illicit activity among Vietnamese illegal migrants in Thailand. Both male and female migrants aged over 10 are involved in prostitution. Primarily influenced by peer associations, Vietnamese migrant workers resort to engaging in prostitution alongside other forms of employment. While some migrants undertake various jobs simultaneously with prostitution, others focus exclusively on prostitution. In the pursuit

of additional employment opportunities alongside prostitution, Vietnamese migrants often gravitate towards service-oriented roles in restaurants, frequently changing workplaces, or employers to maintain customer interest. This observation corresponds with official reports detailing the apprehension of migrant-linked prostitution activities in Thailand, indicating that Vietnamese migrant workers illegally migrate to Thailand with the intent to engage in prostitution within entertainment establishments ([Thai PBS, 2020](#)).

Document counterfeiting represents another criminal activity perpetrated by Vietnamese migrant workers in Thailand. This illicit practice involves the fabrication of passports through altering the entire document, manipulating photographs, or editing textual content within the passport. Presently, the prevalent method of counterfeiting involves image manipulation, wherein a passport bearing a likeness to the passport holder's appearance is presented to authorities. This trend aligns with prior studies indicating a propensity among migrant workers to engage in document counterfeiting offenses ([Siriwato et al., 2020](#)). Moreover, aside from serious transgressions, previous research suggests that Vietnamese migrant workers also partake in lesser crimes such as altercations, drug consumption, theft, or snatch theft. These misdemeanours frequently occur in densely populated migrant communities located near worksites or construction zones. This observation corresponds with the Social Disorganization Theory, which posits that overcrowded migrant settlements lacking social cohesion and awareness foster an environment conducive to criminal activity due to weakened social control mechanisms ([Shaw & McKay, 1942](#)).

In summary, Vietnamese migrant workers in Thailand are implicated in a spectrum of offenses, ranging from minor infractions like altercations and drug use to more serious crimes such as document counterfeiting, prostitution, and drug trafficking.

### **Conclusion and Suggestion**

This study demonstrates that Vietnamese migrant workers engage in a diverse array of criminal behaviours, encompassing illegal migration for employment, prostitution, drug smuggling, document counterfeiting, altercations, drug use, theft, robbery, and snatch theft. The study advocates for legal reforms aimed at augmenting penalties imposed on employers found guilty of hiring illegal migrant workers. Such punitive measures would serve as a deterrent, dissuading employers from engaging

in the unlawful employment of migrant workers and offering guidelines for addressing the issue of illegal migration. Additionally, the study proposes the escalation of penalties levied on illegal migrants, instilling a fear of repercussions among this demographic in the event of criminal activities.

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