**After the Exodus: Exploring Migrant Attitudes to Documentation, Brokerage and Employment following the 2014 Mass Withdrawal of Cambodian Workers from Thailand**

This paper uses the exodus of Cambodian migrant workers from Thailand in June 2014 as a focal point around which to explore Cambodian migrant attitudes towards the systems of documentation and brokerage that influence their movement. From the perspective of Cambodian returnees and their families, it builds on recent work exploring narratives of brokerage by demonstrating how documentation itself – and by extension the legality of migration – is viewed through a contextual lens. Specifically, it argues that documentation is not only viewed according to the formal regulatory framework governing migration between the two countries, but forms part of a more complex structure of influences in which norms of employment and brokerage are equally prominent. From this position, the paper suggests that migrants did not only respond directly to threats of a crackdown by authorities following the 2014 coup, but were additionally influenced by the actions of employers and brokers, whose guarantees of protection – or otherwise – were seen as vitally important in their migration decisions.

1. **Introduction**

Towards the middle of June 2014, a rumour began to spread rapidly amongst Cambodian migrant workers in Thailand. Comments made by the new military government concerning a drive to crack down on illegal migrant workers and their employers were seized upon and passed from one worker to another. Within days, one of the largest and fastest waves of migration in the history of either country was underway, as hundreds of thousands of workers fled home to Cambodia, fearing arrest at the hands of the authorities. In the 18 days from June 8th to 25th, nearly a quarter of a million migrants had returned home to Cambodia (CLEC, 2014).

Underpinning both media and policy reports of this enormous phenomenon of human movement has been the persistent narrative of flight; of the chains of necessity that maintain order and bind workers to difficult and isolated jobs for years on end suddenly shearing under the force of mass panic. However, this paper argues for a more structured interpretation. As will be shown herein, inefficiencies in official documentation systems, combined with the personally mediated logistics of migration and employment, mean that many Cambodians were strongly influenced in their actions by employer and broker discourse. Consequently, the event highlights a wider truth about the Thai-Cambodian migration system: that the ‘liminal’ nature of migrants’ legal status (Menjivar, 2006) makes possessing documentation merely one element within migrants’ wider strategies to safeguard their cross-border livelihoods.

From this position, the overarching goal of this paper is to utilize the extraordinary events of June 2014 to demonstrate two interrelated points. First, it will seek to demonstrate that the Thai-Cambodian migration system is characterised by a discourse on documentation in which formal legal frameworks are only one element. Secondly, it will use migrant accounts of the exodus and its aftermath to demonstrate that employers and brokers played an active role in return decisions. Thus, by ‘engaging the lives of real people caught on these margins’ (Hammer, 2009: 2), the paper seeks to represent mobility within the Thai-Cambodian migration system as ‘an inherently cultural act’ (Levitt, 2012: 4), rooted as much in context and discourse as politics and economics.

1. **Thinking Beyond the Meso-Level: Linking Large Scale Processes to Small Scale Norms**

Described by the International Organisation for Migration as ‘one of the largest humanitarian crises in recent years’ (MMN, 2014: 4), the exodus of Cambodian workers from Thailand generated headlines around the world. Official government estimates place the number of returning migrants during the tumultuous two weeks of early June at around 250,000 people, making it – even in a country whose recent history is punctuated by forced and emergency migration on an enormous scale – the fastest cross-border migration in the Kingdom’s history. In spite of the scale of media attention directed towards the event, however, detailed analysis in its aftermath has been sparse, with only two research reports (MMN, 2014; CLEC, 2014) emerging in the wake of the phenomenon.

Nevertheless, a significant body of work exists concerning the system under normal conditions, much of which is predominantly ethnographic in character and focused on the Cambodian side of the system (Maltoni, 2007: 3; CLEC, 2014; Bylander, 2013; Hing, Lun and Phann, 2011; Walsh and Ty, 2011; Haganlocher and Rith, 2006; Martin, 2003; Sophal and Sovannarith, 1999). A smaller body of work has been directed towards the economic dimensions of migration between the two countries (e.g. Sophal, 2009; Martin, 2007), using macroeconomic data to highlight the importance of migrant labour generally – estimated in 2005 to stand at 1.25% of GDP and rising (Martin, 2007) – and Cambodian labour specifically, to the Thai economy.

Most of this work references the vital role of brokers in the Thai-Cambodian migration system. However, the manner in which they are presented varies. Amongst the more economically focussed analyses, (e.g. Martin, 2007; Sophal, 2009) their influence tends to be viewed as facilitatory; an antidote to the vastly inadequate official documentation channels. Detailed investigations of the sender side, though (e.g. CLEC, 2014; Elliott and Caballero-Anthony, 2013; Bylander, 2013), emphasize the difficulties and risks involved in migrating with middlemen and how these are balanced by potential migrants against the risks associated with long term livelihoods precarity for those who remain dependent upon smallholder agriculture (Afifi, 2011; Doevenspeck, 2011; Gray, 2009; Halliday, 2006).

The nuanced perspective taken by these studies, wherein middlemen and brokers are neither wholly compulsive, nor completely facilitatory, mirrors Van Hear’s perspective on “mixed migration” (Van Hear, 2010; Van Hear et al., 2009), as well as an extensive Asian literature on migration industries and brokerage (e.g. Kern and Müller-Böker, 2015; Ye, 2014; Kõu and Bailey, 2014; Chamaratana, Ayawat, and Chinnasri, 2014; Sakaew and Tangprapakoon, 2009; Spaan, 1994). However, the lengthy conceptual separation of “forced” and “voluntary” (or economic) migration (Ottonelli and Torresi, 2013; McKeown, 2012) retains a legacy in this literature, which has yet to satisfactorily reconcile agent activity with large scale economic “flows”, “push factors” and “pull factors” (Molland, 2012; Lindquist, 2009).

In particular, the constructed dichotomy between migration which occurs “naturally” according to economic forces on the one hand and that which is instigated by agents on the other has become strongly intertwined with the division between legal and illegal, or regular and irregular, migration (Kyle and Goldstein, 2011). As a result, the literature (e.g. Triandafillidou and Maroukis, 2012; Skeldon, 2009; Asis, 2004; Jordan and Duvell, 2002; Brennan, 1984) displays a persistent tendency to disaggregate these two elements of labour movement (Hickey, 2015; Latt, 2013; Linquist, Xiang and Yeoh, 2012; Molland, 2012), so that:

‘…in both the academic and popular literatures, migrants and others inhabit either an entirely legal world facilitated by for-profit businesses and non-profit organizations in which they follow the regulations and laws, or they use criminal syndicates who smuggle them.’ (Kyle and Goldstein, 2011: 1)

The implications of this conceptual distinction have been explored in greatest detail in the context of the US-Mexico migration system. There, various authors (Torres and Wicks-Asburn, 2014; Menjivar, 2006; De Genova 2002) have emphasised the ‘liminal’ nature of legal status and how it shapes the lifeworlds even of those legally entitled to work and remain. More broadly, these nuanced perspectives on the internalisation of legality have been turned towards the analysis of the global political economy, where broadly framed critical studies have argued that irregular migration is ‘a structural feature of the second era of capitalist globalization’ (Donato and Massey, 2016: 7) and a key means by which to ‘recapitulate the reification of the state's authority and power by restating and entrenching national boundaries (Xiang, 2014: 425).

In general, the power laden and sometimes poorly defined nature of legality is rarely acknowledged in the Cambodian-Thai literature (e.g. Sophal, 2009; ILO, 2006), where ‘the legal status of migrants is conventionally divided in a binary way between regular and irregular or documented and undocumented’ (Petchot, 2014). However, investigations of mobility and brokerage between Cambodia and both Thailand (Petchot, 2014) and Vietnam (Gorman and Beban, 2016) highlight the need for a liminal perspective on the legality of migration in a context where, as Molland (2012) and Jacobsen (2013) emphasize, the brokers who facilitate both “regular” and “irregular” migration are embedded in the same social networks and cultural norms in their sender communities.

Nevertheless, despite a growing recognition of their importance, the complex informal structures and norms that underpin brokerage have remained something of a ‘black box’ within the literature (Lindquist, Xiang and Yeoh, 2012: 9; see also Kern and Müller-Böker, 2015). In view of this lacuna, this study aims to utilise Kern and Müller-Böker’s (2015) insights into the contextual situation of brokerage to explore how context, discourse, and personal relationships influenced the behaviour of migrants during the exodus. In doing so, it builds upon both Jacobsen’s (2013) analysis of the cultural dimensions of Cambodian debt bondage, Kubal’s (2013) concept of semi-legality, and Kyle and Goldstein’s (2011: 2) “robust” model of migration industries – wherein brokers ‘exert much sway over the evolution of migration flows’ – in order to re-examine how and why migrants acted during the events of that period.

Thus, heeding Levitt’s (2012) and Sturgeon’s (2013) broad calls for greater attention to the cultural dimension of migration, this study is directed towards two specific aims. First, it seeks to extend Kubal’s (2013) concept of semi-legality – as empirically demonstrated by Latt (2013) – and work on ‘liminal legality’ more broadly (Torres and Wicks-Asburn, 2014; Menjivar, 2006) by demonstrating how documentation constitutes a dynamically integrated element within the cultural, personal and logistical context of a migration system. In doing so, it aims to embed the abstract concept of legal status within specifically placed based realities of employment and brokerage.

Secondly, it builds on Kern and Müller-Böker’s (2015) work by highlighting how ‘return has, to a great extent, become a defining and patterning factor of transnational migration’ (Xiang, 2014: 167). Using an adapted incarnation of their culturally mediated conception of brokerage, it therefore sheds light on the complexities of ‘return’ within a migration system in which the local community is entangled with transnational space...“home” and “away” are both destabilized and division between are blurred’ (Xiang, 2014: 167). The combination of these approaches is intended to move beyond a conception of brokerage as a “meso” or “middle space” phenomenon, to one which views it as fully embedded in – and dynamically interactive with – formal and informal norms at a variety of scales.

1. **Methods: Researching the Battambang Migration System**

This paper is based upon research conducted in August and September 2014 in the Cambodian province of Battambang, close to the Thai border. Interviews were conducted in three villages: Jake, Svay and Durein[[1]](#footnote-1), all of which displayed – according to preliminary interviews with village officials – relatively high dependency upon international migration to Thailand compared with other potential sites. Spreading the research area across three sites had two advantages. First, it provided a comparative sample of Cambodian-side migratory livelihoods and attitudes to migration. Secondly, it facilitated data collection on a broader range of Thai-side locales, industries and livelihoods, due to personal and broker mediated network effects linking sender and destination areas (Castles, 2002, Shah and Menon, 1999, Banerjee, 1983).

Having established the study sites, interviews were conducted with the head of every household along four main streets in each village. No interviews were conducted in Thailand, however. Although this decision was potentially restrictive to the breadth of viewpoints collected on recipient areas, dividing the selection of informants between three separate sender locales was viewed as a means to ameliorate this. Moreover, the approach held advantages. As well as helping to assuage ethical concerns regarding the identification of vulnerable populations (Winchester, 1996), maintaining a physical distance from the (often illegal) activities under discussion allowed informants to speak more freely about their experiences there.

Indeed, although several studies of migrant livelihoods in the region (e.g. Parsons and Lawreniuk, 2016a; Parsons and Lawreniuk, 2014; Dun, 2011) have employed methodologies linking origin and destination interviews, others – especially those conducted in relation to hard to reach communities, culturally sensitive topics, or potentially illicit activities (e.g. Parsons and Lawreniuk, 2016b; Bylander, 2013; Derks, 2008) – have based themselves instead in either origin or destination. Investigating irregularity in this way, within the full cultural and economic context of its incidence, helps to avoid the ‘egregious kind of epistemic violence’ (De Genova, 2002: 422-423) engendered by legalistic categorisations and thereby to ‘elaborate a critical anthropological perspective that is not complicit with the naturalization of migrant "illegality’ (De Genova, 2002: 423).

Thus, rather than seeking to produce an integrated picture of the Thai-Cambodian migration system, the research presented here follows Bylander (2013: 138) in aiming to understand ‘migration decision-making, meanings of migration, local livelihood strategies, and migration experiences’ from the Cambodian side of the system. Furthermore, like Gorman and Beban’s (2016: 207) ‘ethnographic case study of a single border village’ in Kampot, this method aims to provide a culturally nuanced interpretation of the dynamics of Thai-Cambodian migration, as well as the exodus that brought it to global attention. By adopting this approach, the study was able to pursue ‘a sharp distinction between the “emic” and “etic” persectives’ (Xiang, 2014: 168) on migration and documentation and thereby to discern the contextual subtlety of their interpretation by migrants from the target sites.

As such, this study did not undertake interviews with brokers or employers themselves, restricting itself instead to a detailed account of migrant side discourse. Whilst this unilateral focus constitutes a potential limitation in terms of the scope and balance of the account presented here, it is one that nevertheless helps to clarify the positioning of the paper as a subjective narrative of migration and brokerage as it appears from the perspective of the migrants involved. In this way, the data presented here make a case for moving beyond “meso-level” conception of brokerage not through a structural account of its operation, but by elucidating the small-scale, locally mediated, narratives and norms that drive even brokerage systems as large and established as that between Cambodia and Thailand.

This study does not therefore constitute an objective history of migrant workers’ behaviour either during June 2014, or subsequently. Rather, as recommended by Xiang (2014), the quantitative data are included here as a means to triangulate qualitative testimonies, through the collation of perspectives. They are therefore included not as representative data in themselves, but to support a focus on migrant community discourse that differs from more migrant-focussed studies (i.e. CLEC, 2014; MMN, 2014) by including a larger proportion of non-returnees and incorporating the perspectives of household decision makers and non-migrants.

Aiming, in this way, to supersede the ‘formidable challenges’ of researching irregular migration (Donato and Massey, 2016: 18), interviews lasting between 10 and 60 minutes were conducted with 97 informants across the three sites, 81 of whom were household heads. Interview length depended on individual and household experience of migration to Thailand. Longer interviews were conducted with household heads who were themselves recent migrants, meaning that data could be collected on both household member activities and Thai-side working conditions. Interviews of similar length were also conducted with those that had remained in Thailand during the exodus but subsequently returned, thereby providing useful balance in the analysis of return decisions. Shorter interviews were conducted with non-household heads who had recently returned, as well as the heads of households containing no migrants.

All interviews were conducted in Khmer by one of two pairs of researchers, each comprising one native Khmer speaker and one non-native speaker with proficient Khmer language skills. This approach was adopted, following Hoggart et al. (2002), to maximise the knowledge benefits of using field assistants familiar with the local area, whilst minimising the downsides of doing so (unmatched interpretations, mistranslations, and consequences for rapport building). As shown in table 1, the sample may consequently be divided into three groups.

**Table 1. Summary of Interview Types**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type of interview | Returned migrants | Head of a household containing migrants | Head of a household not containing migrants | Total |
| *N* | 30 | 40 | 27 | 97 |

Interviews were semi-structured and primarily qualitative in nature, but additionally sought to obtain two key pieces of quantitative data about all migrant members of the household: the type of documentation they possessed and whether they returned from Thailand during the exodus. These quantitative indicators was selected on the basis that, following various authors (e.g. Parsons, Lawreniuk and Pilgrim, 2014; Sophal, 2009; Maltoni, 2007), they both related to decisions mediated at the household level and could be reliably obtained from household heads, whereas others – such as remittances, which may be irregular and hence preferably investigated using a triangulated method – were not. Using this method, a total of 192 quantitative data points were obtained pertaining to the two chosen variables.

1. **Domestic Pressures, International Migration and Documentation in Cambodia**

As one of the country’s most fertile rice growing regions, Battambang is traditionally referred to as the “rice bowl” of Cambodia. However, the past two decades have seen an increasingly unpredictable climate combine with costly agricultural inputs to push farmers out of agriculture in increasing numbers (Bylander, 2013; MoE and BBC, 2011; Norm, 2009). Many of those who have either abandoned agriculture or been forced to supplement it with income from elsewhere have turned to labour migration (Bylander, 2016), both domestically – where an estimated 700,000 workers make up the garment sector alone (Human Rights Watch, 2015) – and abroad, where 250,000 Cambodians were registered by Thai businesses alone (Tunon and Rim, 2013).

Migration of this sort is not a recent phenomenon. Cambodians are, both historically (Kalab, 1968) and contemporarily (Chaisuparakul, 2015: 6), ‘a highly mobile people’. However, mobility within the Kingdom has been broadened and deepened by a combination of climate pressures and demography (Parsons, 2017). Not only are traditional agricultural livelihoods increasingly precarious, but ‘job creation cannot keep up’ (Asia Foundation, 2011: 8) with the 250,000 - 300,000 young Cambodians that enter the labour market each year (ILO, 2015). Consequently, diminishing agricultural outputs are being spread amongst an ever growing workforce, rendering household livelihoods ‘increasingly reliant on the migration of Cambodian workers overseas’ (The Asia Foundation, 2011: 8).

In particular, Cambodian migrant livelihoods are centred to a growing extent on Thailand, where the expansion of the economy ‘has created a large national demand for labour, and especially for unskilled labour...which is increasingly shunned by local Thai workers’ (Petchot, 2014: 307). Not only have Cambodian workers become crucial to numerous sectors of the Thai economy (Martin, 2007), but the money they remit has become vital to Cambodian rural livelihoods (Bylander, 2013), as both the cost and necessity of farming inputs rises (Parsons, 2016; Parsons and Lawereniuk, 2016c; Bylander, 2013). Nevertheless, legal frameworks in both countries – founded on the ‘misplaced’ premise of the “temporariness” of migrant labour’ despite 30 years of interlinkage (Petchot, 2014: 310) – are struggling to keep up with the rapid evolution of labour migration trends, leaving thousands of migrant workers without the critical protections that robust monitoring and regulation should provide’ (The Asia Foundation, 2011: 6-7).

Specifically, Cambodia continues to rely on Sub-decree 57 on the Sending of Khmer Workers to Work Abroad, enacted in 1995, and the 2003 memorandum of understanding [MOU] between Cambodia and Thailand, both of which are ‘widely regarded as outdated’ (Hing, Lun and Phan, 2011: 22). Not only do these legal frameworks fail to account for the flexibility and circularity of migration flows between the two countries, but they remain ‘complicated, lengthy and expensive’ (CLEC, 2014: 18). Moreover, whilst ‘efforts have...been made to standardize and reduce the costs involved in regular migration, such as work permits and extensions’ and the introduction of one stop service centres [OSSCs] (ILO, 2015: 6), ‘these were not effective’ in matching growing Cambodian side demand thus far (ILO, 2015: 7).

Consequently, ‘in Cambodia, most migration is irregular’ (Hing, Lun and Phan, 2011: 5). Indeed, so ill-fitted is the legal framework to the realities of cross-border migration between Cambodia and Thailand that ‘less than 10 per cent migrated through legal channels’ in recent years (Tunon and Rim, 2013: 2). Instead, many migrants turn to informal brokers, finding them a cheaper and more efficient (MMN, 2014) way to obtain a passport than formal channels, wherein migrants must secure a passport and work permit – *or bat* – from a licensed recruitment agency in Cambodia before travelling to Thailand (ILO, 2015; Walsh and Ty, 2011). However, this does not mean that 90% of Cambodian migrations to Thailand are homogeneously illegal. Rather, migrants exhibit considerable variety in their possession of documentation, which they acquire, use and perceive according a framework that is partially formal, but contextually embedded in the personally mediated logistics of mobile livelihoods.

**5. Brokerage at “the Head of the Wind”: Semi-Legality and the Narrative of Documentation**

Thai-side demand and Cambodian-side supply drive flows of labour between the two countries. Nevertheless, the vast and complex system that facilitates migration is not simply the product of economic differentials, but has its roots deep within a Khmer culture which – even beyond the gargantuan movements of people instigated by US bombing during the Vietnam war (Owen and Kiernan, 2007), the Democratic Kampuchea period, and its aftermath – was a far more mobile one than has been historically supposed (Kalab, 1968). Cambodia has an ingrained tradition not only of ‘great mobility’ (Kalab, 1968), but also of brokerage (Brown, 2007; Hinton, 2005) and indentured labour (Jacobsen, 2013), all of which are key elements of the Thai-Cambodian migration system.

Indeed, the role of migration broker – referred to in Khmer as *me khyal* or literally “the head of the wind” – stems from an enduring tradition of movement in which middlemen play a ‘fundamental role’ (Maltoni, 2007: 9) and the traditional norms surrounding them retain a ‘strong influence’ (Brown, 2007: 8). As these norms dictate, *me khyal* are not usually drawn from local communities, but rather are businessmen linked into broader networks of brokerage, who compete with each other to offer migration services. Thus, although migrants may make use of the same *me khyal* multiple times, their continued use is predicated either on the provision of a good service, or their linkages to a favoured employer, rather than close personal relationships with migrants.

Thus, Cambodian brokerage is not an anachronistic practice, but an active and relevant one, valued for its accessibility and simplicity. Although not generally embedded within the community itself in the manner of a patron, they are easily reachable either by phone or in person and their role is well understood by those who use them, as migrants’ family members explained:

‘There are many different *me khyal*, so information about them spreads around and we can choose which one to go with. We mostly don’t know them before [migrating to Thailand] though, just their phone number. Usually we get this from a [migrant] family member, who passes it on to us. Then we try it and if we can arrange something then we go to meet them in [the nearby border town of] Pailin’ (Head of a Migrant Household 1, Jake, 12/08/2014).

However, although the majority of migrations begin with a call to a *me khyal*, the process is far from homogeneous. Most *me khyal* offer a number of different services, depending upon the documents a migrant already possesses, what they are willing to pay for new documents, and even the type of work they want in Thailand. For instance, ‘if you want work in construction it will cost you 3000 baht [$92], but if you want to work in a garment factory, it may be 4000 baht [$123]’ (Returned Migrant 13, Svay, 14/08/2014).

Beyond this, there is the question of legality, much of which operates at the level of community narrative. Migrants and brokers promulgate a discourse of sharp contrasts, wherein “legal” migrants are ‘able to walk [across the border] happily, not looking for the police’ (Head of a Migrant Household 1, Jake, 12/08/2014), whilst migration for the undocumented is far more difficult and dangerous. As a recent migrant explained:

‘I went illegally with a broker in 2012. We had to walk across the border illegally to a checkpoint where a pickup truck came to take us away. The brokers watch the situation at the border until they see it is safe. If not, then they stay the night near the border. Last time it was hard for us to get into Thailand, so we had to wait ten days at the border’ (Returned Migrant 21, Durein, 15/08/2014).

Similarly:

‘The first time was very dangerous: we had to walk through the forest amongst the land mines for a day and a night and only after that take a car.’ (Returned Migrant 2, Jake, 11/08/2016)

These contrasting narratives make a strong case for the value of documentation. However, they misrepresent the situation. In reality, these are merely the extremes of a spectrum of migrant experience in which over 40% of the sample possessed no documentation at all and only 3.2% possessed the requisite passport and *bat* – a work permit issued by the Thai authorities – specified as necessary to work in Thailand (DOE, 2012; Walsh and Ty, 2011). Consequently, over half of migrants exist between these poles of legality.

Indeed, the availability of the *bat* blurs the line between legal and illegal migration considerably. The formal migration process requires that migrant workers both hold a passport with at least six months validity and ‘register with the authorities as a legal worker’ via a recruitment agency or OSSC to receive a *bat* (Walsh and Ty, 2011: 27). However, the expense in cost and time of obtaining both documents is too great for most migrants, who choose instead to obtain one or the other.

Furthermore, even for those who do so, conditions are stringent. Workers are ‘obliged to obtain permission from the police before travelling, they must report to the police every 90 days...[and]...inform the authorities when they change their workplace’ (Walsh and Ty, 2011: 27). The impracticality of meeting these conditions whilst in migrant employment means that many ‘regular migrants may have become irregular after changing jobs, not renewing their work permits, or after completing the four-year period allowed under the MOU’ (Walsh and Ty, 2011: 27).

The situation is further complicated by the assortment of such passes that exist – facilitating various purposes of entry for various lengths of time – and the ability to renew certain passes up to a maximum of four years total stay (DOE, 2012). Nevertheless, migrants do not judge documentation solely according to this formal legal framework. Rather, the differences between these types of *bat*, or even between a *bat* and a passport, is understood by migrants in the context of a specific arrangement with a broker, rather than independently. Consequently, many migrants who claim to have a passport in fact possess only a temporary pass, linked to a specific job in Thailand, or with only a few months validity; what is important is that it offers them the benefits of a passport within the context of their brokerage and employment arrangements.

**Table 2. Aggregate Data on Migrant Documentation**

|  |  |
| --- | --- |
| Documentation Possessed | Percent of Migrants (%) |
| None | 41.6 |
| Bat only | 28.6 |
| Passport only | 26.6 |
| Passport and Bat | 3.2 |

(*N*=154. Source: Survey data, 2014.)[[2]](#footnote-2)

This contextualised understanding derives in part from the lack of information afforded to migrants and potential migrants by the authorities, who have tended to play down the scale of international migration and to discourage it where possible (Sophal, 2009). Furthermore, the practice of sub-contracting documentation provision to private companies means that, in reality, official channels may be less reliable than brokers. As a former migrant explained, this situation has contributed to a general feeling that the government has broken promises to migrants:

‘[When I was in Thailand] I was cheated by the company and now I am very angry with Mr. Hun Sen because he said that it would be possible to get a passport for between $4 and $20, but I have now paid over $200 and I still don’t have a passport… I went to Phnom Penh in 2012 to have my passport made, but I did it through a company...who even had adverts on TV but they still cheated me and the government still stands behind them. Why won’t the government do something about these companies?’ (Head of a Migrant Household 1, Jake, 12/08/2014).

The willingness of migrants to pay substantial sums for documentation shows that whilst the formal subtleties of documentation are not prioritised, documentation in general is viewed as valuable, albeit not necessarily in relation to legality. Rather, it is viewed by many as an economic luxury, which brings tangible financial benefits to those who can afford it. Consequently, it is frequently linked directly to work and earnings, as here:

My sister joined [our brothers, three months ago], but she doesn’t have a passport. She says she gets a stamp in her book every week that allows her to stay in Thailand for one week...‘She picks fruit in Thailand on a piecemeal basis: 1kg is 3 Baht. But the workers who have a passport can work in the factory. [Whereas] she picks around 300kg of fruit every week, in the factory they get 300 Baht every day’ (Head of a Non-Migrant Household 17, Svay, 13/08/2014)

As such, migrant discourse on documentation is characterised more by economics than legality. The strong linkages between brokers and employers allow them to insist upon the purchase of specific documents even for those who already possess the legal right to work. Documentation is therefore not valued in itself, but in view of its origins and use, so that where it comes from and whose employment it is intended for may be as important as its type. As one villager explained:

‘We could make a passport [officially], but then we wouldn’t have a job to do. The companies give jobs to the people whose *bats* belong to them [i.e. were purchased through them]. Also, if you choose the cheapest *bat*, then you might not even get a permanent job when you get there’ (Returned Migrant 25, Durein Village, 17/08/2014).

There is even the suggestion that ‘those people without *bat* or passports are given a lower wage’ (Returned Migrant 12, Svay, 14/08/2014) in some cases. However, heeding the brokers’ warnings comes at a high cost. The price of a long term *bat* lasting around two years is in the region of $500 when purchased directly from the employers, whilst the cost of a “passport” can be even higher, at 5000-20,000 baht, or $150 to $600, depending – according to respondents – on whether it is valid for three months, three years, or something in between. Notably, such variation does not in fact exist in official Cambodian passports, which were available – until reforms took effect in 2015 – only with three year validity. Consequently, it is likely that what brokers describe as a “passport” is in fact a *bat* of longer duration than usual, but which retains the conditions described above.

Nevertheless, the relatively low importance afforded to such distinctions means that, despite the fact that ‘nobody can afford the brokers’ fees’ (Head of a Migrant Household 1, Jake, 12/08/2014), many migrants agree to order documents on credit for multiples of the official cost, making an initial payment ‘using a loan from a microfinance organisation’ (Head of a Migrant Household 1, Jake, 12/08/2014) and subsequently submitting to monthly salary cuts to repay the remainder. Inevitably, obtaining documents in this way entails major drawbacks, several of which are highlighted in an account of the process given by a former construction worker:

‘I had a passport made, but I wasn’t allowed to keep it because I paid the fee to get the passport done from my company [in Thailand]. [The rule was that] if I wanted to get a passport done that I could keep, then I had to pay $300…including the price of the trip. If I wanted to pay only $150, then they would prepare the document and take me there, but then they keep the passport.

The first payment I made was $150 and the company took an extra 1500 baht [$46] per month from my salary. I thought I had already paid everything because they took this from my salary for six months, but then when I came back [to Cambodia] they didn’t give me my passport. They brought me to the border and gave it to me to hold while I crossed but when I was on the other side they took it back. I know it was mine because I could see my face in it clearly’ (Returned Migrant 18, Svay, 14/08/2014).

As such, whether migrating “legally” or “illegally”, work managed by the networks of employers and brokers who oversee migration to and from Thailand is characterised by uncertainty, underpayment and ongoing indenture to employers and brokers. Above all, though, it is characterised by diversity. As migrants reported, ‘there are different brokers. Some will find you a job and get you there; some just get you to a job that you find for yourself’ (Returned Migrant 13, Svay, 15/08/2014). Each village had a number of potential brokers operating, each of whom ‘has a name card and people share them, so if you can’t contact one, you can contact another’ (Returned Migrant 23, Durein, 17/08/2014).

Similar variety characterises how documentation is obtained and used. Whilst some brokers obtain and deliver documents independently of an employer, numerous migrants reported brokers obtaining documentation fees from potential migrants and subsequently passing (part of) it on to an employer in Thailand, who begins the documentation process themselves. In other cases, documents are sought directly through the employer, a part of which fee tends to be paid to the broker, but which is often recouped by the employer by raising the price of the service. This “flexibility” of price constitutes a common drawback for migrants, who reported multiple incidences of double charging, or of employers continuing to cut wages after a debt has been repaid.

Linked to both of these issues is the further danger of entrapment by a given employer or broker, wherein, as highlighted by the accounts above, a premium is charged to migrants for the freedom to pursue employment elsewhere, and preference reportedly given to those who are “tied” to their employer. Undocumented migrants tend to be most severely affected by such practices, complaining that ‘If we ask the *me khyal* to find a job for us we don’t feel confident because they cheat us. For instance, if the factory pays $150, then the *me khyal* gets $50’ (Returned Migrant 22, Durein, 17/08/2014).

Whilst far from universal, such cases demonstrate the systematic overlap between employers and brokers, which contributes to inter-occupational mobility being stringently restricted, even when salaries remain unpaid. In the words of a second informant, ‘if we don’t get our salary then we can’t complain to the police because we’re afraid they will make trouble for us, so we just stay silent’ (Head of a Migrant Household 17, Svay, 15/08/2014). Moreover, as highlighted by the experiences of an uncle and his nephew who went to work in Thailand in 2011, exploitative employment can be extremely difficult to escape from:

‘We wanted to work in a factory because the wage there was higher, but when we arrived, the company confiscated our passports and sent us to a house to work, so we escaped, although we didn’t ever get our passports back…We went to meet friends who were working on a farm, but the price per kilo was too low and we felt cheated, so we ran away [again] in the middle of the night when everyone was sleeping. We had heard through a friend that there was another workplace nearby, so we ran through the night to get there. When we arrived, the company took us on and made us new passports. For this, they cut our wages a little every month. It costs about 10,000 baht [$310] to make one’ (Returned Migrant 1, Svay, 13/08/2014)

Within its three episodes, the account by these two men in many ways encapsulates the nature of migrant work for Cambodians in Thailand. The protection offered by documentation, often invoked by migrants, shrinks in comparison to the power wielded by employers and brokers to retain it, so that very few such workers – “legal” or otherwise – possess meaningful independence, either of work, leisure, or travel. Consequently, interviews with returnees confirm that the majority of migrants remain at least partially indentured either to the brokers, their employers, or both, throughout their period of foreign work. Those who are not bonded by debt to their facilitators are often tied by means of their documentation and even those who possess the right (or believe they do) to work in Thailand for an employer of their choice are restricted by severe constraints on information.

Collaborative arrangements between employers and brokers contribute to these restrictions on both mobility and information. However, whilst they may work together in some cases, the two groups are distinct. Informants view the two as cooperative to varying degrees, but conceptually distinguished by the strong cultural reference points of *me khyal* on the one hand – essentially a middle man of migration, whose role is transactional rather than ongoing and personal – and employer on the other, to whom a more patron-like role is attributed (Chaiparakul, 2015). This latter cultural reference point in particular contributes to a migrant discourse in which Cambodian workers view themselves, in many cases, as living under the protection of their employer. As the testimonies below highlight, this perception appears to have played a significant role in migrant behaviour during and after the exodus.

1. **The Trials of Coming Home: Norms of Protection and Control in Return Decisions**

The announcement by Thailand’s provisional military government, the National Council for Peace and Order, that ‘it would crack down on illegal immigrants and those employing them’ (Al Jazeera, 2014) sent shock waves through the country’s immigrant community. Fear and paranoia swept through sections of the Cambodian migrant community, with more than one returned worker reporting that ‘my friend told me that the Thai police were coming to catch me and that they would throw me into the sea’ (Returned Migrant 13, Jake Village). As the governor of the Western Cambodian border province of Banteay Meanchey stated at the time, ‘the flow of returning migrants was ‘like a dam collapsing’ (Kor Samsarouet, cited in Al Jazeera, 2014).

In their emphasis of migrant self-management of return, the various reports that have emerged on the exodus support this narrative of flight. However, potentially intractable difficulties in sampling irregular migration (Donato and Massey, 2016) may have played a part in overstating these figures. Previous studies (i.e. CLEC, 2014; MMN, 2014) were conducted primarily via interviews with migrants. By contrast, the methods employed here, sampled informants via sender households rather than returning migrants themselves. Thus, it is able to supply a broader perspective on the Cambodian-side motivations, constraints and attitudes that motivated migration decisions by including both non-returnees and non-migrants in the sample.

The findings drawn from this position accord with Hammer’s (2009: 4) view that ‘legal frames provide, at best, only partial understandings’ in the Cambodian context. Rather, they highlight how considerations of legality are placed alongside relationships with brokers and employers, as well as social networks with other migrants, in return decisions. Documentation thus provides a degree of security in migration decisions. However, for Cambodians ‘the principle of hierarchy is deeply fixed in virtually all social interactions’ (Karbaum, 2015: 243) and should not be understated in this context. By offering protection, employers assign themselves a pragmatically utilised, but culturally embedded role that is ‘specifically reproduced by contemporary decision-making’ (Hughes, 2011: 9).

Indeed, as numerous informants revealed, migrants are habitually ‘afraid’ (Returned Migrant 6, Jake, 12/08/2014) of the authorities and forced to ‘hide’ (Returned Migrant 1, Jake, 12/08/2014) within their migrant enclaves. Changing jobs often requires an ‘escape’ (Returned Migrant 10, Svay, 14/08/2014) from their current employment or, as several migrants reported, their ‘boss would not allow us to leave to go anywhere’ (Returned Migrant 20, Durein, 16/08/2014). In this context, return decisions do not occur atomistically, but are subject to the influence of employers and brokers, whose cooperation – or, at least, consent – is often required from both a legal and logistical point of view.

**Table 3. The Impact of Documentation on Return Decisions**

|  |  |  |
| --- | --- | --- |
|  | Stayed (%) | Returned (%) |
| With passport only (N=34)  With bat only (N=39)  With passport and bat (N=5) | 100  59  60 | 0  41  40 |
| With any documentation (N=78) | 77 | 23 |
| With no documentation (N=48) | 79 | 21 |

(N= 126, Source: survey data, 2014.)

Consequently, due consideration must be afforded to the logistical process which took place during the Cambodian exodus from Thailand: the networks of information which spread it; the bosses who allowed it; and the brokers who facilitated it. All were integral to the systematic dimension of this mass migration event. However, this element becomes clear only when it is viewed in the full context of the system of employers and brokers which continued to function both during and after the exodus. Indeed, as highlighted in table 3, only around 20% of the sample who were working in Thailand when the government crackdown was announced returned.

Furthermore, the lack of statistically significant difference in return rates between those possessing some versus no documentation (n=134, Spearmans’= 0.402) indicates that they were afforded relatively little weight by migrants during the exodus, a characteristic noted also amongst other migrant groups in Thailand, where a ‘striking feature of Burmese migrants’ lives is that their legal status has little bearing on their sense of vulnerability.’ (Selby, 2012: 382). Amongst Cambodians, a similarly widespread view that ‘Cambodian people are very vulnerable to being cheated by the Thais’ whether they possess documents or not (Returned Migrant 12, Svay, 13/08/2014) appears to have rendered employer and broker action crucial in determining who stayed. As one of the returnees explained:

‘I returned home because I was afraid of being arrested. Things were getting very strict [at the workplace] and I had gone without a passport or a *bat*, so when my friend told me that the police were coming, I left. Some people didn’t come back because they were legal: they had a passport and a *bat*, but in particular [they stayed if] they had a good connection to their boss. This is because when the police come, they usually tell the bosses that they are going to arrive in that area. My friend had a good connection to his boss, so he found out and told him’ (Returned Migrant 6, Jake, 12/08/2014).

The high value afforded to a strong personal relationship with one’s employer was repeated again and again by informants, many of whom specifically emphasized the importance of such networks even over that of documentation. Indeed, as Chaisuparakul (2015: 15) explains, Cambodian migrants’ decisions to remain or depart are characteristically network mediated, so that ‘the real reason for the migrant workers’ exodus is not always because of higher wages, but often due to the influences of family members, informal leaders or brokers’ (Chaisuparakul (2015: 15).

Furthermore, this conflation of legal and personal protection underpins migrant perspectives on documentation. As the daughter and sister to five migrant family members explained, for instance, ‘[my family all] have a bat. Most people have only this and no passport; it sometimes lasts only a week. Their boss keeps their bat. It means that the boss will guarantee them.’ (Head of a Migrant Household 6, 12/08/2014).

Thus, testimonies from the three villages under study here highlight how documentation is contextually ‘articulated’ through use (Selby, 2012: 395). Rather than being viewed in isolation, it is placed alongside employers’ personal guarantees and offers of protection in the formation of return decisions. Those who decided to stay during the exodus therefore did so either because ‘my employer would not let me go’ (Returned Migrant 18, Svay, 15/08/2014) or ‘because my boss told me everything was okay’ (Returned Migrant 13, Svay, 15/08/2014). For instance:

‘I arrived only three days before the trouble, but I stayed because the Thai boss said that Cambodians didn’t need to be scared and go home. It seemed like nothing would happen and also the place that I worked was far away from the city, so I felt that nobody would come and find me’ (Returned Migrant 24, Durein, 16/08/2014)[[3]](#footnote-3).

By contrast, a second family from the same village explained that a lack of assurances had forced them to return:

‘I used to send my children to Thailand, but I asked them to come back because I thought it wasn’t safe. The problem was that the bosses at their work didn’t help them, or promise them any help if the police or government caught them’ (Head of a Migrant Household 2, Jake, 12/08/2014).

Alongside a belief in the validity of documentation, such ‘guarantees of safety’ (Head of a Migrant Household 20, Durein, 15/08/2014) were one of the primary reasons for remaining in Thailand in defiance of the threats of the authorities. Indeed, some non-returnees stated that even arrest and detainment did not undermine their faith in their employer’s protection, stating that: ‘the police caught me and other staff and detained us...[but]...I wasn’t scared at that time because my employer had already reassured me not to worry if I got caught because he would take care of it.’ (Returned Migrant 13, Svay, 13/08/2014). However, guarantees sometimes proved useless. Returnees suggested that some employers may have overestimated their protective capacity, leading to deportation by the authorities. For instance:

‘I was an illegal migrant and one day the police turned up at my workplace and arrested me. When I was arrested my boss cried because he loved me very much. The military police had previously come regularly under orders from the King, but my boss always bribed them. Nevertheless, sometimes the police need to actually arrest people rather than just collect money. Afterwards, my boss even tried to bail me out, but I said I would return home instead’ (Returned Migrant 17, Svay, 14/08/2014).

Thus, far from being unique to the exodus, raids and deportations were presented as relatively commonplace, as outlined by a migrant who had been sent home for this reason a few weeks before the exodus. As he explained, ‘the first time it happened, I was sent back by my boss and had to change cars many times [one the way]...[but he]...paid for our transport and said he would collect us again after [the trouble died down]’ [Returned Migrant 24, Durein, 16/08/2014]. Brokers, similarly, appear to have cooperated with the authorities to a certain extent during the exodus, as part of a tripartite arrangement in some cases. As the father of five migrant children explained:

‘Coming back, the broker took them to a certain place, a Thai police station, who organised a large bus...Then when they went back again, their bosses came to the border to guarantee them’ (Head of a Migrant Household 8, Jake, 13/08/2014).

Others, however, turned to brokers only to find the demand for transportation reflected in substantial price rises. As one noted: ‘if you come back without a broker, you will get stopped at the border and made to pay a fine, so I paid the broker 1500 baht [$46] to return’ (Returned Migrant 6, Jake, 12/08/2014). Numerous migrants reported similar arrangements, stating that: ‘I go with a broker and pay 2000 Baht. I [usually] pay 2000 Baht to return too, with a different broker’ (Returned Migrant 23, Durein, 17/08/2014). However, as the exodus encouraged more and more migrants to leave, prices changed to reflect this: migrants who returned to Cambodia around the time of the phenomenon reported paying between 2500 and 5000 baht [$75-120]. As one such returnee stated:

‘The first time I was sent back by my boss and had to change cars many times [on the way]...It cost $150 in total, including some food when we arrived. The foreman had told the brokers that the situation wasn’t so good so they organised for us to return. We had to return, but the money came from the work we had already done’ (Returned Migrant 6, Jake, 12/08/2014).

As such, the logistics of the Cambodian exodus were to a significant extent managed by the same Thai bosses and Cambodian middlemen who had brought the migrants to Thailand in the first place. Just as under normal circumstances, employers used their patron-like status to play a substantial role in determining whether their employees returned, either forbidding them from doing so, assuring them with promises of protection or encouraging them to leave. Middlemen, similarly, facilitated a substantial proportion of journeys home in many cases. Consequently, the military government’s threats to crack down upon illegal cross-border migration and those who facilitate it did not break or undermine the system, but in many ways reinforced and validated it by generating profits for middlemen in some cases and underscoring the protective authority of employers in others.

Moreover, the continuing vitality and relevance of the employer and broker mediated migration system was further highlighted in the aftermath of the exodus, when, in a phenomenon hardly less sizable than its precursor, those who had left Thailand began to return. As the IOM (2014: 4) noted in its annual report, ‘less than one month later many [of the migrants who returned] were already claiming they had plans to return to Thailand as soon as possible’. On the basis of the evidence collated for this study, these were not empty aspirations. Three months after the events of mid June, 54% of those who returned to Cambodia during the exodus had already resumed work in Thailand. On average, they stayed away just 46 days.

In large part, the speed of this return may be attributed to the conditions in which returnees found themselves at home. As informants in the affected villages reported, returning migrants ‘had no job to do so they were forced to commit crimes’ (Head of a Non-Migrant Household 4, Jake, 12/08/2014). Moreover, it was not merely migrants themselves whose livelihoods were undermined; entire village economies were crippled due to the absence of remittances. As a witness continued: ‘most of the people who take out loans from organisations rely on their children in Thailand to pay their debts, but they couldn’t do it at that time, so there was a lot more crime’ (Head of a Non-Migrant Household 4, Jake, 12/08/2014).

Thus, strong incentives existed for former migrants to return to work in Thailand. Moreover, these push factors were mirrored by pull factors on the Thai side. As migrants explained, ‘when the companies in Thailand found that they were short of labour…[that]… they called the Cambodian workers to come back’ (Head of a Migrant Household 9, Jake, 12/08/2014), ‘in many cases by sending ‘round a messenger [a broker] to recruit new workers’ (Returned Migrant 14, Svay, 13/08/2014). The importance of this kind of proactive recruitment is borne out also by the MMN (2014:44) survey, which concluded that the most important factor in migrants’ decision making was the availability of information in 61.5% of cases. By making themselves available in the aftermath of the exodus, brokers and employers – separately and in conjunction – therefore ensured that they retained an influence within the migration system. Consequently, a high proportion of return migration continued to be either documented or semi-documented, despite efforts by the Thai and Cambodian governments to regularize migration between the two countries.

Indeed, despite the governments’ introduction of One Stop Service Centres offering $4 documentation on the day of arrival, the largest percentage of those returning to Thailand in the wake of the exodus did so without any documentation (MMN, 2014), choosing simply ‘to go back illegally again’ (HH9, Jake Village) using the same networks and brokers they had previously employed. Various factors, including perceived speed of delivery and access to information, underlie this preference for what is ostensibly a more expensive and riskier means of resuming work in Thailand. However, this paper has aimed to show that from migrants’ perspectives, documentation is contextualized within a broader structure of power and protective capacity. Thus, returning in this way may not only have appeared logical, but even preferable to the avenues implemented by the authorities. Documentation, otherwise put, is merely one element within a protective strategy rooted in personal relationships.

**7. Conclusion**

This paper has utilised the aftermath of the Thai-Cambodian exodus as a lens through which to explore Cambodian attitudes to documentation, migration, and employment in Thailand, from which analysis it has drawn two key lessons. First, it has highlighted that Cambodian migrants’ conceptions of documentation are rooted in discourse influenced by brokers and employers, which often does not accord with the realities of the documentation they provide. Secondly, the evidence of this study is that migrants tend not to view documentation in isolation, but within a wider context of power, protection and support.

Thus, it has been an overarching aim herein to demonstrate that migrant attitudes towards documentation are complex and meaningful, rather than misinformed, or the product simply of deception on the part of brokers. As the evidence here shows, migrants view documentation as part of a broader landscape of security in which personal relationships are vital and formal documents are often protective only in conjunction with personal relationships. This is a point underlined by migrant accounts of the exodus, where the behaviour of employers appears to have been a more important factor than documentation in migrant return decisions and brokers played a significant role in the logistics of return in some cases.

As such, the paper has sought to challenge the ‘meso level’ conception of brokerage put forward by Castles and Miller (2003: 27), arguing instead that brokerage and the employment it facilitates are rooted primarily in small-scale personal relationships. Moreover, it has sought to build upon Kubal (2013) and Van Hear (2010; Van Hear et al., 2009) by drawing culture and discourse into the discussion of mixed migration, semi-legality and ‘liminal legality’ more broadly (Torres and Wicks-Asburn, 2014; Menjivar, 2006). Specifically, it has sought to demonstrate that documentation must be viewed as an integrated element within the cultural and logistical context of a migration system, so that the abstract concept of legal status is embedded within specifically placed based realities of employment and brokerage. Documentation, thus, is contextually measured and legality contextually defined.

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1. All names of places and people have been changed in order to protect informants’ anonymity. [↑](#footnote-ref-1)
2. The N Numbers of tables 2 and 3 differ from the total number of data points due to respondent uncertainty or lack of knowledge generating missing data in some households. [↑](#footnote-ref-2)
3. Informant remained in Thailand during the exodus, but subsequently returned prior to interview. [↑](#footnote-ref-3)