

Thai Migrant Workers' Struggles in Malaysia During the Coronavirus Outbreak

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The COVID-19 outbreak significantly impacted vulnerable groups globally and regionally. This study explores the hardships experienced by Thai nationals working in Malaysia, including their vulnerabilities related to undocumented status and inadequate social protection. Layoffs, lack of access to aid, and strict border controls exacerbated financial and emotional distress for these migrant workers. Many faced deportation threats, healthcare inaccessibility, and exploitative working conditions. Interviews with migrant workers, academics, government officials, non-governmental organization staff, and community members reveal severe socioeconomic challenges that reflect systemic inequalities within the country, highlighting the need for comprehensive strategies to address these pressing issues. The findings also underscore the urgent need for regional cooperation between Thailand and Malaysia to address the legal, humanitarian, and health-related issues exacerbated by the pandemic, particularly those affecting Thai labor migrants.

Keywords Thai migrant workers, coronavirus outbreak, COVID-19, Malaysia, Thailand

Introduction

The global outbreak of COVID-19 had a profound impact on migrant workers around the world, including in Malaysia. Thai migrant workers, especially those without legal status, were among the most impacted due to movement restrictions, job losses, and limited access to social assistance. When Malaysia enforced the Movement Control Order (MCO) in March 2020, thousands of Thai workers lost employment, and many were unable to return home because of border closures and quarantine rules. Though over forty thousand were eventually repatriated, others remained stranded without income or food, relying on sporadic aid from private groups and civil society organizations (Jamjuree and Yahaya 2022; Sandanasamy, Paavilainen, and Baruah 2020).

The pandemic intensified pre-existing vulnerabilities. Thai workers without valid documents were excluded from government support, faced the threat of arrest, and avoided healthcare facilities for fear of deportation. Many were employed informally in restaurants or small businesses and lacked legal protection. Interviews conducted for this study revealed that some workers were unable to afford essential documents like medical certificates or embassy-issued travel approvals, preventing their return to Thailand. Reports also indicate that over three hundred Thai nationals attempted to return illegally, facing legal penalties upon arrival (*Thai PBS World* 2020; Harai 2020). These events reflect broader weaknesses in regional migration governance and the lack of coordinated emergency responses between ASEAN countries.

Given the critical role that migrant workers play in Malaysia's economy, the exclusion and mistreatment of this group raise serious human rights concerns. Organizations like Human Rights Watch (HRW) have documented arbitrary detentions, passport confiscations, and exploitative labor practices (HRW 2024a). This study examines the situation of Thai nationals employed in Malaysia during the COVID-19 period, highlighting their exposure to legal, economic, and public health vulnerabilities. It seeks to highlight the urgent need for bilateral cooperation between Thailand and Malaysia to protect migrant rights and improve social inclusion in future crisis responses.

Methodology

This study uses qualitative methods to analyze gaps in the protection of Thai nationals working in Malaysia throughout the pandemic period. Qualitative methods enable a deeper understanding of migrants' lived experiences, especially in contexts where policy, legal status, and social vulnerabilities intersect. Data collection was conducted through in-depth interviews, field observations, and secondary data analysis across both Malaysia and Thailand. Thirty informants were interviewed, including nine Thai migrant workers, thirteen Malay community members from diverse professional backgrounds, two migrant workers' rights activists, two academics, two politicians, including a former federal government minister, one immigration officer, and one government hospital financial administrator. Thai migrant worker participants were selected using purposive and snowball sampling based on four criteria: (1) originating from Thailand's southern provinces (Narathiwat, Pattani, and Yala); (2) working in Malaysia during the 2020-2021 COVID-19 period; (3) holding either documented or undocumented status as workers in Malaysia; and (4) employment in sectors severely affected by pandemic restrictions, such as food services.

Initial contacts were established through community-based networks, with additional participants referred by earlier informants. This allowed for diversity

in legal status, gender, and geographic location, including Kuala Lumpur, Kelantan, Terengganu, and Kedah. In addition to migrant workers, Malay community members were included due to their direct involvement with Thai migrants during the pandemic. These individuals, such as mosque leaders, restaurant owners, civil society volunteers, and local administrators, were selected for their insight into host-community responses, informal support mechanisms, and local-level policy implementation. Data were collected using face-to-face interviews, phone calls, and online platforms, depending on accessibility and public health considerations. All interviews were audio-recorded, transcribed, and subsequently verified for accuracy through cross-checking with experts in both Thailand and Malaysia. Field observations were also conducted to capture sociopolitical dynamics and everyday realities in locations with significant Thai migrant populations. These observations were not limited to passive note-taking but included active engagement with communities to better understand lived experiences and informal networks of support. Complementing the primary data, secondary sources were reviewed through a library-based approach, including academic articles, reports from non-governmental organizations (NGOs), and policy documents relevant to migration, labor, and human rights issues in Malaysia.

The study strictly adhered to ethical guidelines governing research with vulnerable populations. Participants were informed about the study's objectives, procedures, and voluntary nature before participation. Verbal consent was obtained after confirming that individuals were of legal age, fully understood the nature of the study, and agreed to participate willingly. Interview appointments were arranged based on each informant's availability and location, ensuring flexibility and respect for participants' time and circumstances (Arifin 2018).

Literature Review

Labor Migration and Thai Workers in Malaysia

Labor migration is central to Malaysia's economic model, particularly in low-wage sectors such as construction, plantations, food services, and domestic work. The demand for inexpensive, flexible labor has placed Malaysia at the forefront of migrant-receiving countries in Southeast Asia, with an estimated 2.6 to 5.5 million migrants including both documented and undocumented workers (International Organization for Migration [IOM] 2024a). Among these, Thai workers are a distinct group, mostly originating from Thailand's southern provinces, and they are frequently engaged in informal employment. These workers are drawn by economic opportunities and cultural familiarity in Malaysia's northern states such as Kedah, Kelantan, and Terengganu.

The movement of Thai nationals across the border is also influenced by ethno-religious and linguistic commonalities, particularly among Thai Malays

(Jithitikulchai 2017). Despite their substantial presence, however, Thai migrants remain underrepresented in national labor statistics and migration policy discussions, making them vulnerable in times of crisis. This study addresses that gap by focusing on the overlooked realities of Thai workers in Malaysia. It aligns with the literature that argues for disaggregating migrant data by nationality, legal status, and gender to better understand migration trends and challenges (Boonyamanond and Chaiwat 2020).

Malaysian Immigration Policy and Legal Gaps

Malaysia's immigration system operates through a series of employer-led permits, such as the *Pas Lawatan Kerja Sementara* (PLKS) for low-skilled workers. While this framework enables legal migration, it is often criticized for being costly, opaque, and heavily dependent on recruitment agencies (Anderson 2021). During the pandemic, Malaysia launched the PLS@XPATS initiative to allow temporary employment for foreigners under strict conditions (ASEAN 2022). This policy, however, was inaccessible to most Thai migrants due to their informal employment in small restaurants and markets. Furthermore, enforcement measures under the Immigration Act 1959/63 intensified during the MCO, leading to widespread arrests and deportations (HRW 2024b).

This regulatory framework reveals a gap between labor demand and immigration regulation, wherein the economic necessity for foreign labor coexists with repressive measures toward undocumented migrants. The lack of bilateral labor agreements between Thailand and Malaysia exacerbates these vulnerabilities and underscores the need for improved governance. This supports the article's objective of analyzing the systemic failures that render Thai workers invisible and unprotected in host countries.

Thai Labor Migration Trends and Economic Contributions

Thai workers in Malaysia typically engage in informal sectors, such as restaurant work and food stalls (especially *Tom Yam* [Thai soup] businesses). This migration pattern has persisted for decades, facilitated by geographic closeness. Despite their significant presence, however, most Thai workers lack formal documentation, entering on a short-term Visit Pass or overstaying social visas. Remittance data prior to the pandemic show that Thai migrant workers collectively sent back approximately 400 million baht per month, highlighting their critical economic role (Bernama 2021). Yet during the pandemic, thousands were suddenly unemployed and unable to return due to health certification requirements, lack of transportation, or financial hardship. The literature also suggests that Thai migrants are often overlooked in state-level planning and policy, even though they comprise a key labor segment in border economies (IOM 2024b; *Bangkok Post* 2021).

Vulnerabilities of Migrants in Malaysia during the COVID-19 Pandemic

During the COVID-19 outbreak, labor rights violations and exploitation of migrant workers in Malaysia surged, affecting undocumented workers in particular. According to the Human Rights Commission of Malaysia (SUHAKAM) in 2021, wage withholding began as early as February 2020, leaving many migrants unable to afford food or rent. As a result, some were forced into overcrowded shared housing (SUHAKAM 2021). From May 1, 2020, immigration raids escalated, driving undocumented migrants into hiding, where they faced hunger and restricted access to aid. Although civil society groups provided limited humanitarian assistance, these efforts were insufficient. By May 25, 2020, more than 2,200 undocumented workers had been detained in overcrowded immigration centers, raising serious health concerns due to poor sanitation and lack of physical distancing (HRW 2024b).

The economic impact of the pandemic further exacerbated these challenges. Thousands of Thai workers lost their jobs, and many were detained or left in legal limbo. Despite the economic hardships, Malaysia's support for unemployed migrants remained minimal. Some Thai returnees were unable to afford travel costs and, upon returning to Thailand, struggled to find new employment due to limited job opportunities. Advocacy groups also reported cases of wage discrimination and unequal treatment based on nationality (AP News 2021).

At the regional level, the COVID-19 crisis exposed ASEAN's ongoing struggle to protect migrant workers, especially those with irregular status. Although the ASEAN Consensus on the Protection and Promotion of Migrant Workers' Rights provides a framework, it lacks enforcement mechanisms. The ASEAN Labour Ministers' Joint Statement (May 2020) and the 14th ASEAN Forum on Migrant Labour (September 2021) acknowledged these gaps and called for improved access to food, shelter, healthcare, and legal protections. Furthermore, the ASEAN Comprehensive Recovery Framework (ACRF) emphasized the need to strengthen labor laws and social protections, particularly in response to future crises (International Labour Organization [ILO] 2021; Wongsamuth 2020; ASEAN 2020). These regional efforts represent an important step toward harmonizing migration policies and ensuring migrant workers' rights are upheld both during emergencies and in long-term recovery planning.

Theoretical Framework

This study is grounded in two interrelated theoretical perspectives, namely the rights-based approach and migration governance theory. Together, these frameworks provide a lens through which to understand how legal, institutional, and political structures impact the lived conditions of Thai nationals engaged in labor migration to Malaysia, especially in times of crisis like the COVID-19

pandemic. The rights-based approach is rooted in the principle that human rights are universal, inalienable, and indivisible. All individuals, including migrants, regardless of legal status, are entitled to fundamental rights such as access to healthcare, decent working conditions, protection from exploitation, and legal remedies (United Nations General Assembly 1990). This approach is anchored in a range of international human rights instruments, including the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the ILO's Fair Migration Agenda (ILO 2025). These instruments obligate states to uphold the principles of non-discrimination, equality before the law, and the right to dignity, regardless of a migrant's legal or administrative status.

Importantly, the rights-based approach challenges the prevailing assumption in many national contexts, including Malaysia, that the enjoyment of basic rights is contingent upon legal documentation. This approach instead asserts that migrant workers, even if undocumented, retain the right to humane treatment, access to justice, and protection from abuse. This principle is especially relevant during public health emergencies, where exclusion from healthcare services or government aid based on legal status not only violates rights but also undermines public health outcomes. In the context of Malaysia, this framework exposes the systemic exclusion of migrant workers, both documented and undocumented from national protection schemes during the COVID-19 pandemic. For example, while some social assistance was theoretically available to documented migrants, in practice, many were excluded due to employer non-compliance or administrative barriers. Undocumented workers were almost entirely excluded from formal relief, leaving them dependent on informal aid networks. The rights-based approach thus critiques this stratification of access to protection and advocates for universal labor rights, social security, and healthcare access grounded in human dignity rather than nationality or status.

Complementing this, migration governance theory provides an institutional and policy-based lens to examine how migration is regulated across national and regional levels. The theory focuses on the roles and interactions of sending, receiving, and transit states in managing migration flows, labor market needs, and migrant welfare (IOM 2025). Governance is not limited to state actors but includes international organizations (such as IOM and ILO), civil society, private recruitment agencies, and local institutions (IOM 2016). Migration governance theory also emphasizes that effective systems require coordination across multiple levels, national legislation, bilateral agreements, and multilateral frameworks, to ensure migrant protection and policy coherence.

Applied to the Thai-Malaysian context, migration governance theory exposes major structural gaps. There is currently no formal bilateral agreement between Thailand and Malaysia that comprehensively governs Thai migrant labor,

particularly in the informal sector. Recruitment practices often rely on informal brokers, resulting in high costs and irregular status for many migrants. During the COVID-19 crisis, the absence of formal repatriation protocols, data-sharing mechanisms, and joint crisis response further exposed the limitations of current governance structures. While both states maintained cordial diplomatic relations during the pandemic, these ties did not translate into institutionalized protection for affected migrant workers.

The intersection of these two theoretical perspectives which are human rights and governance, is essential for analyzing the vulnerabilities experienced by both documented and irregular Thai migrant laborers. Within the Malaysian context, these workers encountered various forms of rights violations during the COVID-19 crisis, although their situations varied in severity. Documented workers, while legally present, often lacked effective access to services such as unemployment benefits or healthcare due to employer negligence, language barriers, or administrative restrictions (Yunus 2019). Undocumented workers faced more acute challenges, including the constant threat of detention, limited mobility, and exclusion from aid programs. This comparative perspective reveals that legal status alone does not ensure protection; rather, gaps in policy implementation, weak labor law enforcement, and poor bilateral coordination between Thailand and Malaysia collectively undermine migrant rights.

Moreover, both frameworks allow for a broader critique of ASEAN's regional migration architecture, which remains largely non-binding. Although the ASEAN (2017) Consensus on the Protection and Promotion of the Rights of Migrant Workers affirms many rights principles, its lack of enforcement mechanisms and funding commitments limits its practical effect. Malaysia's ASEAN chairmanship in 2025 presents a strategic opportunity to push for a more coherent regional framework that balances state sovereignty with regional solidarity and shared responsibility for migrant protection. By framing migrant experiences through these theoretical lenses, this study contributes to a more critical understanding of the systemic barriers that affect all migrant workers, not just those without documentation.

Findings

Thai Workers in Malaysia: Ethno-religious Kinship, Livelihood Opportunities

Despite the impacts of the pandemic, Malaysia-Thailand ties remain cordial and vibrant. Malaysia remains Thailand's top trading partner within ASEAN, with total trade reaching US\$24.08 billion in 2022, surpassing pre-COVID-19 levels (David 2022). Thailand's ambassador to Malaysia, Chainarong Keratiyutwong, affirmed that bilateral, diplomatic, economic, and people-to-people relations remained unaffected (*Bernama* 2022). In 2025, Malaysia assumed the ASEAN

chairmanship, presenting a strategic opportunity to enhance regional cooperation on labor mobility, migrant protection, and post-pandemic recovery. This leadership role could support multilateral frameworks and bilateral agreements addressing vulnerabilities of cross-border informal workers. In this context, the present research explores the pandemic's impact on Thai migrant workers in Malaysia. Before presenting the findings, it is important to examine the historical relationship between these two countries.

Thailand's southernmost provinces are predominantly Malay-Muslim in identity—the Malay language is widely spoken, and Islamic traditions are practiced. Due to geographic proximity, cross-border marriages, religious education, and frequent visits, many Southern Thais identify more closely with Malaysians than with Thais (Razif 2021). This ethno-religious connection led some Malaysians to believe Thai Malays could remain for extended periods without documentation (authors' interview with a restaurant owner, Gong Badak, December 2021). Such assumptions contributed to legal and social challenges for Thai migrants during the pandemic's early stages. The Muslim population is concentrated in Thailand's Deep South, particularly in provinces like Kelantan and Kedah. These border provinces also experience the highest poverty rates in Thailand. In 2022, Pattani and Narathiwat ranked second and fourth in national poverty levels, with Pattani receiving the lowest government funding (*The Nation* 2023). Poverty is more prevalent among Malay-speaking and elderly-headed households. These provinces also face long-standing conflict and underdevelopment.

The Thailand-Malaysia border includes multiple crossing points with both formal and informal transit routes, particularly at Sungai Kolok. This facilitates legal and irregular migration. Historically, Kelantan has had close ties to Pattani; many Kelantanese have Thai ancestry or relatives and originally migrated for trade or resettlement. These shared histories and identities continue to influence migration. Thai Malay Muslims are also drawn to Malaysia for work due to proximity and economic opportunity. These situations, however, created systemic vulnerabilities, and the ethno-religious familiarity, while facilitating access to jobs, also enabled employers to bypass formal hiring channels, reinforcing a shadow labor market where workers lack documentation and legal protections.

Major Occupation for Thai Migrant Workers in Malaysia

Transnational labor migration is a prevalent phenomenon and does not pose problems in interpersonal interactions. Thai employees work in various sectors, including restaurants, grocery stores, and *Tlād phāk* (vegetable market) in Kelantan, Terengganu, Kedah, and several locations across Kuala Lumpur. Respondents in this study primarily work in the food and beverage industry, especially Tom Yam restaurants. In addition to Muslims, Thai Buddhist workers from central and northeastern Thailand are also employed in service sectors, especially in Selangor and Penang (authors' interview with a Buddhist civil

society leader, Yala, June 2022). Many Malay restaurant owners prefer hiring Thai Muslims over local Malay workers, valuing their loyalty and work ethic. Employers explained that local staff often request festival bonuses and personal leave, making Thai workers more desirable (authors' interview with a restaurant owner, Terengganu, January 2022). One employer added that Thai chefs are preferred because of their familiarity with the cuisine, unlike local cooks. This was a common scenario in Kuala Lumpur and Terengganu.

Tom Yam, a hot and sour Thai soup typically made with shrimp, is among the most popular Thai dishes in Southeast Asia. The term derives from "tom" (boiling) and "yam" (mixing). While some Indonesian workers in Malaysia prepare Tom Yam, the taste made by Thai workers is considered superior. Furthermore, given Malaysia's large halal food market, local Muslims prefer food cooked by Muslim chefs. As noted earlier, ethno-religious kinship is a factor influencing Thai Malay migration, and fieldwork revealed that most Thai workers in Tom Yam restaurants originating from southern Thailand were undocumented.

Tom Yam restaurant owners have associations and strong networks across Malaysia. One such group, PERTOM (*Persatuan Pengusaha Tomyam Malaysia*), supports hiring Thai chefs, believing that only Thai nationals can produce authentic Tom Yam dishes. During the pandemic, many Thai workers returned home, causing a near-collapse of the Tom Yam restaurant sector in Malaysia (authors' interview with a restaurant owner, Kelantan, November 2021). When the government relaxed the MCO in June 2020, restaurants could reopen with restrictions, yet many chose to remain closed due to the absence of Thai workers (authors' interview with a restaurant owner, Kuala Lumpur, September 2021).

Field observations also found Thai Malays conducting business with Malaysians in border areas like Padang Besar (Perlis), Bukit Kayu Hitam (Kedah), and Pengkalan Kubor (Kelantan). A few respondents preferred not to identify themselves as Thai Muslims while in Malaysia. Outside of the restaurant sector, Thai migrant workers are also present in rubber plantations and the fishing industry. While employers often favor Thai workers for their culinary skills and perceived discipline, many are hired without contracts or valid work permits. This reflects a broader pattern of labor market segmentation, where migrant workers, regardless of legal status, are concentrated in precarious, low-wage sectors. Such segmentation is reinforced by Malaysia's employer-dependent immigration regime, which limits labor mobility and facilitates exploitative practices. Even documented workers reported non-payment of wages, lack of insurance, and arbitrary dismissal during the pandemic, underscoring that formal status alone does not guarantee labor rights.

Migrant Workers' Hardships during the Pandemic in Malaysia

Before the COVID-19 outbreak, many Thai workers entered Malaysia using the Visit Pass (Temporary Employment), or Pas Lawatan Kerja Sementara, which

required renewal every six months. ASEAN nationals (except Myanmar nationals) do not need a visa for social visits up to one month in duration, but a visa is required for employment (Immigration Department of Malaysia 2024). The Thai migrants at the center of this research entered Malaysia using only a passport or a border pass valid for thirty days. To remain, they needed to exit and re-enter monthly to acquire the necessary passport stamp. During the pandemic, many overstayed and became undocumented, while some were detained by Malaysian authorities. Others who crossed back into Thailand via unofficial channels also faced illegal status. Many Thai Muslims from the border provinces used this route to work temporarily in Malaysia. These workers were unregistered in both countries and excluded from governmental assistance during the pandemic.

Despite initiatives like PLS@XPATS, most Thai migrants remained excluded due to informal employment, limited awareness, and financial constraints. Returning home also required unaffordable documents, such as health certificates and consular approval letters. No exact figures exist on how many remained stranded in Malaysia—many hid their identities due to their illegal status. Interviewees described the burdens of returning to Thailand. According to several respondents, nearly eight hundred Thai workers were stranded at the Rantau Panjang checkpoint in Kelantan due to lack of documents and funds. As one laid-off restaurant worker explained, “I had no money for a COVID test or the travel documents. I waited three months before I could go back” (authors’ interview with a Thai migrant worker, Kuala Lumpur, September 2021). Another Thai worker described that during the MCO period, “I had only 100 baht,” which is equivalent to MYR13, and was unable to work because his workplace closed. It was “not enough money to return to my village in Narathiwat,” he explained (authors’ interview with a Thai migrant worker, Kelantan, November 2021).

It was a similar situation for other Thai migrant workers in Kuala Lumpur, who were concerned about their lack of documentation. They faced multiple difficulties, and some were even arrested by Malaysian enforcement agencies. Many could not afford to pay for a fit-to-travel health certificate, which was a prerequisite for returning to Thailand, nor could they pay for the required letter from the Thai embassy or consulate that designated their re-entry border checkpoint. This situation was also highlighted in a *Bangkok Post* article (Harai 2020) that quoted a Thai worker who expressed a strong desire to return home and a willingness to quarantine upon their entrance into Thailand. According to the Special Committee for Chan Crescent Medical and Public Health Association (2020), Thai restaurant workers, in particular, were struggling and wished to return to Thailand. Another group facing severe difficulties were the employees of small businesses that were unable to care for their workers, especially in instances where the employees had no formal proof of employment. Some of the workers had to leave their accommodations immediately after their workplaces closed (ibid.).

In early April 2020, during Malaysia's first MCO, border crossings briefly reopened. Delays and complicated procedures, however, left many workers stranded with expired passports (Ahmad, Watcharasakwet, and David 2020). The restrictions on movement also made it more difficult for Thai migrants to complete the requirements for their return. Fieldwork conducted for this study further revealed that undocumented migrants had limited access to public services and facilities due to their status. Access to medical care was especially critical during the rapid, widely unseen spread of the virus. The research indicated that Thai migrant workers could not readily access public health services during the pandemic, as seeking care carried the risk of being identified and detained by authorities. The majority of the interviewed Thai migrant workers gave similar responses when asked about their ability to access public services when they fell ill. As one interviewee explained, "I would prefer to not go to the hospital if I get sick. The fee is high, and authorities might be informed to the immigration, and they will arrest me" (authors' interview with a Thai migrant worker, Kedah, November 2021).

Undocumented workers avoided seeking medical care from public healthcare services because immigration enforcement agents would be notified, yet private healthcare was unaffordable. Years of harsh enforcement by police, immigration, customs, and the People's Volunteer Corps (RELA) heightened the level of fear among migrants (authors' interview with Adrian Pereira, Executive Director of North South Initiative, Petaling Jaya, September 2021). However, after lobbying from NGOs, the Malaysian government granted access to vaccines and some health services for all migrants. Despite this, many lacked internet access, which prevented them from completing their registrations, and MCO restrictions further complicated their movements.

From December 1, 2024, Malaysian authorities began stricter enforcement at the Thai border, arresting those who crossed illegally at Sungai Golok, while all entries had to go through the Rantau Panjang ICQS Complex (Lim 2020). Offenders risked fines of MYR10,000 or a five-year imprisonment under the Immigration Act (*Bangkok Post* 2024). The Thai military also warned its citizens against illegal crossings, respecting Malaysia's tightened policies and committing to joint action (*Free Malaysia Today* 2024). Although these stricter controls complicated migration for undocumented Thai workers, they also represented an effort to improve migration management and pandemic preparedness by ensuring better tracking of cross-border movements.

Roles of Malaysian Government and NGOs

As COVID-19 cases and deaths surged to unprecedented levels in Thailand and Malaysia, migrant workers were among the most severely impacted. The lack of adequate housing and sanitation in their living quarters led to large-scale outbreaks, amplifying the transmission of the virus. Lockdowns caused job loss,

income disruption, food shortages, and lack of access to clean drinking water. Migrants also faced discriminatory barriers to accessing medical treatment and government assistance. Immigration raids, detentions, and other forms of persecution of refugees, asylum seekers, and migrant workers persisted (Amnesty International 2021). Authorities used COVID-19 policies to restrict freedoms of expression and assembly. Human rights groups condemned the harsh treatment of non-citizens as a violation of international standards. Teddy Baguilat, former Philippine member of parliament and Interim Executive Director of ASEAN Parliamentarians for Human Rights, stated, “It is disgraceful that the governments of Thailand and Malaysia are contributing to divisive anti-migrant rhetoric, for what appears to be political gain at a time when they are coming under heavy criticism for their failure to contain the spread of the virus” (Wiriyapong 2021).

In March 2020, Malaysia’s former defense minister and prime minister, Ismail Sabri Yaakob, declared that individuals seeking COVID-19 screening or medical assistance would not face arrest, regardless of their immigration status. However, authorities later carried out multiple operations targeting residences under lockdown and various workplaces, after which Ismail Sabri proclaimed that the amnesty period had passed (Fishbein and Hkawng 2021). These enforcement actions led to the detention of nearly two thousand individuals and contributed to COVID-19 outbreaks within immigration detention centers. Despite these incidents, Khairy Jamaluddin, the minister in charge of the vaccination program, insisted repeatedly that immigration status should not be a barrier to access (Ministry of Health Malaysia 2024), and human rights NGOs advocated for equitable vaccine access regardless of legal status (authors’ interview with Azril Amin, CEO of Centre for Human Rights Research and Advocacy, Putrajaya, November 2021).

The Malaysian government responded with efforts to assist unauthorized migrant laborers, particularly with access to vaccinations (HRW 2021). Following this decision, both documented and undocumented migrant workers were welcomed at the nearest vaccination centers, and many undocumented Thai workers, including those with an expired Visit Pass, received COVID-19 vaccines and booster doses. They were registered through the MySejahtera app, and fieldwork revealed that vaccinations were conducted without any immigration enforcement and workers reported no threats of arrest during the vaccination process.

Other forms of official assistance were largely unavailable to undocumented Thai workers who, unlike other migrant groups, received little structured aid, with most help coming informally. NGOs faced strong criticism for playing too limited a role in aiding Thai migrant workers, particularly in Kedah (Jamjuree and Yahaya 2022). Rather than formal organizations leading efforts to support migrant workers, most assistance came from local communities, mosques, neighbors, and villagers. In Kelantan, there was no visible NGO support for migrants.

The situation in Terengganu was somewhat better—local NGOs provided food and essentials to Thai migrant workers, especially during the early phase of the pandemic, and both NGOs and the state government supplied basic necessities to affected migrant workers. Yet, as one Thai worker in Terengganu shared, “We heard about food aid, but we never received anything. Only the mosque people came and gave us rice” (authors’ interview with a Thai migrant worker, Terengganu, September 2021). The legal and social status of undocumented Thai workers limited their access to the minimal aid provided by either formal or informal sources, leaving them highly vulnerable.

Roles of the Thai Embassy and ASEAN

The Royal Thai Embassy and consulate offices played an important role in distributing relief supplies such as rice, dry food, and other necessities to the Thai people remaining in Malaysia. Accessing this assistance, however, was challenging. For example, Suchai Aryanatulla, an undocumented migrant worker, explained that he did not move freely during the MCO because he was afraid of contracting COVID-19. Moreover, reports on social media warned that undocumented workers were being arrested and that they should avoid going out in public. Due to the strict control of movement and the closing of businesses in Malaysia, many people, not just Thai workers, were unable to pay for food or leave their residences.

In April 2020, Thai workers were told they would be allowed to return home on April 18, 2020, via twenty-three checkpoints in twenty-one border provinces, with the help of the Malaysian government and the Thai consulate (Lim 2020). Initially, however, in early April 2020, the Thai embassy in Kuala Lumpur announced that all Thai citizens in Malaysia must delay their return to Thailand and must register their return trips through the embassy. If they did not register, they were warned, they would be prohibited from entering Thailand. Thai people in Malaysia who wished to return to Thailand were required to register on the website of Thailand’s Ministry of Foreign Affairs, which represented an obstacle for many migrant workers. As one undocumented Thai migrant worker explained, “Thai Malay migrant workers face difficulties registering in online because of their status in Malaysia and lack of language proficiency” (authors’ interview with a Thai migrant worker, Pattani, June 2022). In addition, the system became overwhelmed by demand and experienced serious delays, taking several hours or, in some cases, numerous days for people to register; many were consequently unsuccessful in their attempts to register. Although the Ministry of Foreign Affairs continued to improve its online platform, the overall process was complicated for many lower-educated Thai workers in Malaysia who struggled to navigate the system and its problems.

The pandemic laid bare the absence of social protection for migrant workers in Malaysia. Undocumented workers, and even some documented ones, were

excluded from unemployment support and affordable healthcare (Verghis 2023), and access to hospitals was further limited by fears of arrest. While NGOs successfully lobbied for undocumented migrants to receive vaccines, other essential services such as food, shelter, and medical care were inconsistently provided. Thai workers also faced unaffordable, complex, and delayed repatriation procedures. Although ASEAN Labour Ministers issued a joint statement (ASEAN 2020) and held the ASEAN Forum on Migrant Labour (AFML), their prescribed initiatives remained non-binding, lacking enforcement mechanisms or emergency response protocols. Consequently, thousands of Thai migrants were left in legal and economic limbo, with neither home nor host governments assuming full responsibility for their welfare. This exposed a structural flaw in ASEAN's migration governance framework, one that prioritizes sovereignty over regional solidarity.

Malay Business Owners' Difficulties in the Pandemic

This study also investigated the situation of Malaysian employers, especially restaurant and other small business owners. As previously discussed, most Thai migrant workers in Malaysia were employed in food service and other informal sectors. At the beginning of the pandemic on March 18, 2020, the Malaysian government, led by Prime Minister Muhyiddin Yassin, enacted the MCO lockdown, which was originally set to end in May. Just before Malaysia enacted this nationwide lockdown, many Thai temporary workers in Malaysia had renewed their work visas. They then returned home to Thailand for holidays and family visits. However, once Malaysia closed its borders under the lockdown, these workers were unable to re-enter the country to resume their jobs in Terengganu, Kelantan, and Kedah. Although their visas were still valid at the time, the prolonged border closure meant they eventually expired unused, leaving the workers with wasted expenses and no opportunity to benefit from their renewal (authors' interview with a restaurant owner, Terengganu, January 2022).

Another situation during the MCO period, restaurants were only allowed operate from 8 a.m. to 7 p.m., and customers could place takeout orders only. To remain in business, some restaurants offered cash-on-delivery services for customers who could not visit in person. Employers faced multiple challenges, including restricted operating hours and a sharp decline in customers due to the pandemic. Despite these difficulties, restaurant owners were still required to cover monthly expenses, such as rent and employee wages, which amounted to around MYR3,000. "I did not receive financial assistance from the government or any NGOs," explained one restaurant owner, "So, I discussed with my workers and we decided that the salaries of general employees other than chefs would be reduced slightly to enable the restaurant to operate" (authors' interview with a restaurant owner, Terengganu, January 2022). The restaurant employed twelve employees in total—five from Thailand and the rest were local staff. To retain his Thai employees,

the owner had to pay an agent MYR1,500 per worker to obtain their Visit Passes. For many Malaysian restaurant owners, covering these additional costs was extremely difficult because they could not operate the business around the clock (authors' interview with a restaurant owner, Terengganu, September 2021).

To avoid such problems, the government would need to enforce its labor laws to ensure that employers only hire employees with valid legal documents. Although few Malaysian employers reported difficulties with their Thai migrant workers before the pandemic, the crises exposed these vulnerabilities more clearly. Previously, immigration authorities commonly overlooked undocumented Thai migrant workers, but that changed during the pandemic period. Local Malaysians also reported noticing this shift in attitude among immigration authorities, observing that Thai workers who lacked a valid legal work permit were being deported and prohibited from working. Recognizing this precarity, migrant rights scholars have argued for the regularization of Thai migrant workers' status in Malaysia (Anderson 2021). Responsibility for this should not rest solely with immigration authorities; the state governments can be more involved in the process (authors' interview with a scholar of migrant workers, Universiti Kebangsaan Malaysia, October 2021). A more efficient system could allow Thai migrant workers to apply for work permits directly through immigration offices, thereby reducing the workers' and employers' dependence on agents and having to pay the agents' additional processing fees (authors' virtual interview with a scholar of migrant workers, Universiti Utara Malaysia, November 2021). After the third wave of COVID-19 in Malaysia (November-December 2021), field observations revealed that some Thai migrant workers in Kedah had begun running small businesses, particularly in the food sector. Although dine-in services were restricted under public health measures, customers were able to place orders online, and food delivery services operated smoothly. This mechanism allowed restaurants to sustain a modest income despite the prohibition on on-site dining. While economic activities gradually resumed under these adaptive strategies, immigration authorities simultaneously maintained strict border surveillance to prevent irregular entry from Thailand into Malaysia.

Conclusion and Recommendations

The COVID-19 pandemic exacerbated the vulnerabilities of Thai migrant workers in Malaysia, revealing gaps in legal protection, socioeconomic support, and healthcare access. These workers faced severe challenges, including job loss, lack of government aid, and fear of deportation, which forced them into precarious situations. Their exclusion from national pandemic relief measures underscored the lack of protection for migrants, further complicating their struggles for

survival. The pandemic highlighted the critical need for coordinated efforts between Malaysia and Thailand to address the rights and welfare of these workers. There is consequently an urgent need for ASEAN member states to adopt a unified framework for migrant labor rights to mitigate these challenges. Strengthening cross-border collaboration can ensure that migrant workers have access to essential services and legal recourse during emergencies.

There are a few recommendations that should be considered by all stakeholders. The Thai and Malaysian governments, for example, should collaborate on developing bilateral agreements to regularize the status of workers, providing them with access to legal protections, healthcare, and social benefits. Furthermore, both governments need to implement targeted economic and humanitarian aid programs that directly support migrant workers, ensuring food security, healthcare, and safe repatriation during crises like the COVID-19 pandemic.

Malaysia's immigration policy should be revised to accommodate the realities of cross-border and seasonal migration. Introducing a new category of short-term or seasonal work visas specifically designed for cross-border migrants could legalize the status of workers who fall outside the current long-term framework of the *Pas Lawatan Kerja Sementara* for low-skilled workers. Additionally, regularization mechanisms should be established to allow undocumented migrants to transition into legal status without punitive consequences, especially during public health emergencies.

Moreover, civil society organizations and international NGOs should be empowered to play a stronger role in advocating for migrant workers' rights, including ensuring access to essential services without fear of deportation. Governments, civil society, employers, and migrant communities must collaborate to create an inclusive migration ecosystem. During the pandemic, local NGOs and religious groups played a vital role in supporting migrant workers, but they lacked institutional support. National governments should therefore formalize partnerships with these stakeholders to improve service delivery, expand legal aid, and support reintegration for returning migrants.

The struggles faced by Thai migrant workers during the pandemic not only highlight immediate socioeconomic challenges but also reveal systemic flaws in regional migration policies. The lack of legal protections and inadequate support systems exacerbate vulnerabilities, making migrant workers a disproportionately affected group during crises. Addressing these issues is not just a matter of national policy but also a critical regional concern. As both Thailand and Malaysia are economically interlinked, the wellbeing of migrant workers directly impacts the economic and social stability of both nations.

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