BENDING THE LAW; BREAKING THE LAW
: Study on Western Migration to Thailand

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INTRODUCTION

When studying Thai Immigration regulations, we are confronted with a two-sided approach to the implementation of visa requirements for people wanting to enter the Kingdom.

“Nation-States employ visa restrictions to manage the complex tradeoff facilitating the entrance to their territory by passport holders from certain countries for economic and political reasons; and deterring individuals from other countries for reasons of perceived security and immigration-control. The resulting system is one of highly unequal access to foreign spaces, reinforcing existing inequalities.” (Neumayer 2006, 2)

Like many other countries, Thailand has important immigration concerns. While one side of the problem is currently being treated with law enforcement and a continuous search for control – i.e., migrant workers from Myanmar and Laos– the other side is vague, ever-changing and inconsistent. Illegal immigration –mainly refugees and workers seeking better living conditions– represent the side of the issue being treated with forceful measures.

As we turn the page, we find a very interesting opposite side: the “legal” migration to Thailand. I purposely put “legal” in quotation marks because it is my objective in this paper to compile and analyze data regarding Thailand’s inconsistent and flexible migration policies towards the western peoples or “farangs.” Thailand has gone through a series of changes, mainly in the last eight years, which make it unclear to determine the real goal of immigration regulations for the millions of tourists that arrive in the country year after year. I will try to prove how immigration regulations in Thailand lack standardization.

When we talk about Western migrants in Thailand we hear terms like “visa run,” “overstay” and “back to back” visa applications. These terms are real and travelers from around the world blog¹ about their experiences, and give detailed information to others on how to “bend the law” to get away with “breaking the law.”

¹ A diary, regular record of your thoughts, opinions and experiences, that you put on the internet for other people to read (http://dictionary.cambridge.org)
The following study is an approach to understand law versus implementation concerning Western Migrants in Thailand, for whom legal migration has an ambivalent meaning in the Kingdom. Tourists from rich Western nations enter the country with predetermined goals of long stay and possibilities of employment. Their low budgets; however, should confirm that they do not have the financial means to stay for the duration of their visas without additional income. Where, then, does the income come from?²

The present research focuses on Western migration to Thailand, both the legal and illegal aspects of it, the basis for transforming a tourist into a migrant or illegal alien. I will address the cases of long term tourists; their status and activities in the country, as well as visa runs; overstay and examples of policy changes.

By analyzing the weak implementation of immigration policy towards western migrants, I will address the subject of a series of lawbreaking activities which are the consequence of Thailand’s need of a continuous flow of western income through tourism. I will examine the migration flow according to the systems and networks of the World Systems Theories (Castles, et.al, 2009), to understand the reasons behind the travelers long-term stays in the country. I will sustain this study with information on available documents, websites, blogs and on site research.³

1. Understanding the VISA system

² According to the Interior Ministerial Announcements dated 1 October B.E. 2545 (2002), 20 December B.E. 2545 (2002), 18 October B.E. 2547 (2004) and 6 May B.E. 2548 (2005), Foreigners entering Thailand under the Tourist Visa Exemption category must possess adequate finances for the duration of their stay in Thailand (i.e., cash 10,000 Baht per person and 20,000 Baht per family.) (Royal Thai Embassy, Washington D.C., 2011: Tourist Visa Exemptions.)

³ I will refer to some recent interviews; as well as eight years of experience traveling around South East Asia in the backpacker / student circles of long term visitors. A sizable amount of information was obtained by being part of such a circle and observing, during the following times: 2002 (July), 2003 (April, July, and October), 2004 (April), 2005 (January-December), 2006 (February-March), 2007 (March-July), 2008 (September-December), 2010 (March-April and September-December) and 2011 (January-February). Appendix 1
Cambridge Dictionaries Online defines a Visa as “an official mark made in a passport which allows you to enter or leave a particular country” (http://dictionary.cambridge.org). This mark can come as a stamp or a sticker, depending on the type of visa required. According to Eric Neumayer, passports and visas in one form or another have existed since medieval times, but the comprehensive system as we know it is “inextricably linked” to the evolution of the modern nation-state (Neumayer 2006, 3). Between World War I and World War II a control system regarding international migration was introduced and the passport suddenly became a useful instrument for control at the borders. (Rystad 1992, 1171)

From 1973 to the present a rigorous immigration control has been enforced; (Rystad 1992, 1172) however, we are still faced with different legislation directly linked to the economic level of the countries involved. Visa policies towards rich countries tend to be relaxed and this—as I intend to show during this study—opens a door of self-interpretation for the visa applicants.

Visa requirements are unequal between countries and reciprocity is not always applied. In the specific case of Thailand, even though visas are required for Thai citizens visiting western countries, citizens from those nations who wish to visit Thailand, for the purpose of tourism, have little or no requirements to enter the Kingdom other than a valid passport. “All sovereign states hold the absolute right to single-handedly decide which and how many foreign citizens to receive, and this right is generally accepted both within international law and in political practice.” (Rystad 1992, 1175) There are, indeed, laws and regulations that tourists have to obey depending on the time they wish to remain in the country; however, such measures are easily overlooked before, during and after the immigration process for entry into Thailand.

When talking about inconsistencies in the proper application of immigration policies, the first thing we must understand is the visa process established in the Thai Immigration Act, B.E. 2522. Considering the length of this study, as well as the lack of time to detail each visa type, I will focus mainly on the two types of visas that have the least amount of requirements and almost nonexistent restrictions: 1. Tourist 2. Type B and ED immigration.
According to Ton Van Egmond, “the ‘West’ consists of west, north and central Europe and –to a lesser extent– North America and Australia / New Zealand. The European tourists are citizens from the historically Protestant countries of Europe. These are Germany, Great Britain, the Netherlands, Scandinavia (Denmark, Finland, Iceland, Norway, Sweden) and Switzerland [...] consumers in these countries are presumed to exhibit tourist motivation and behavior that is different from other countries)” (Egmond 2007, 6). These countries have more presence in Thailand and their citizens make up the largest number of visitors to the Kingdom for tourism or long term migration.4

I will continue to review the law and establish where, when and how the government, through its immigration department, enforces or fails to enforce the entry and exit restrictions of the Western nationals under study.

2. Current Policies

4 The term Western countries (sometimes the West or the Occident) is somewhat imprecisely defined - derived from the old dualism of East (Asia) and West (Europe) - now used to refer to wealthy and industrialized countries, as the inheritants of European societies, and their colonial legacies. The term is sometimes used as a synonym for the Western societies. Depending on context, the Western countries may be restricted to the founding members of NATO in addition to Germany, Spain, and the non-aligned Austria, Finland, Sweden and Switzerland...Latin America is sometimes considered part of the West and sometimes not. Mainland China, the remainder of the Middle East, India, and Russia are generally not considered part of the West.

Western countries have in common a high (relative) standard of living for most citizens - compared to the rest of the world. They may also have democratic, (mostly secular) governments, and developed bodies of laws that have some expression of rights (for its own citizens) in law. Also, high levels of education, and a similar, "modern" popular culture may reflect the Western or Westernized society. Militarily and diplomatically, these "Western" societies have generally been allied with each other to one degree or another since World War Two... More typically, the term "The West" contains a pejorative meaning - simply to describe and delineate the wealthy and dominant societies from the poorer societies - those who are subjugated economically, militarily, and otherwise, by deliberate restraints placed on them by the wealthier ones.

"The West" then becomes simply a term to mean: "Wealthy, Colonial (slave-holding), Europe-descended (or allied) societies." The derived meaning of the above, in current use, tends to translate as: "Those who control the world" or "Those who seek to continue in domination of others and their lands."Oftentimes use of the term "The West" was motivated by racist attitudes towards Slavic Europeans, in that the term was not encompassing of them whereas "Europe" is. (http://www.fact-index.com/w/we/western_countries.html)
Section 34 of the “Immigration Act, B.E. 2522” establishes that aliens entering into the Kingdom (of Thailand) for a temporary stay may enter for the following activities: Diplomatic or Consular Missions, performance of official duties, **touring**, sporting, business, investing, **transit journey**, **study or observation**, mass media, missionary work, scientific research, practice of skilled handicraft and other activities as prescribed in the Ministerial Regulations of such Act.

Section 37 (1) of the “Immigration Act, B.E. 2522” states that people who have received a **temporary entry permit** shall not engage in the occupation or temporary employment unless authorized by the Director General or other competent official. Visitors are therefore not allowed to seek or accept employment in the Kingdom.

The most precise information concerning the types of visas available for foreigners was obtained from **thaiembassy.com** under the “Working in Thailand Section.” According to this site there are currently eight classifications of visas to enter the Kingdom of Thailand on a temporary basis: Transit, Tourist, Non Immigrant (B, BA, IB, IM, ED, RS, M, R, EX O), Diplomatic, Official, Immigrant (Permanent Resident), Non-Quota Immigrant and Courtesy Visas. On the other hand, **thailandguru.com** (Travel Visas Section) mentions only 5 types of visas: Tourist, Non Immigrant B, O, O-A and ED, and explains there are no longer Investment visas in Thailand (BA, IB, IM).

I will work with the information from **thailandguru.com** as it is closer to the approach of this paper. “Nationals of 56 countries\(^5\) can apply for visa on arrival at any entry point in Thailand; if by air they can obtain a 30 day permit, if by land they get only 15 days. A 90 day Tourist visa can be obtained at any Consulate outside the country. This type of visa starts with 60 days and can be extended for additional 30 days once inside the country. Visas on arrival cannot be extended.” (thailandguru.com, Travel Visas Section)

Nonimmigrant visas last for 90 days and can be extended up to 1 year.\(^6\) Type “B” visas are for business and allow persons to work while in the country, as long as a proper Work Permit is

\(^5\) This information can change. Fifty-six countries according to the site quoted, Forty-five according to the Thai Embassy in Washington D.C.; 3 of them with permission granted to stay up to 90 days, Brazil, Peru and Republic of South Korea (Royal Thai Embassy Washington D.C., 2011: Tourist Visa Exemptions.)

\(^6\) With proper documentation i.e. letter confirming student status, paperwork confirming retirement requirements fulfilled, letter from employer, etc.
issued and a salary is received. This type of visa is issued ex patriots with employment and English teachers among others. Type “ED” visas are for people coming to Thailand with the intention of studying, in this case the immigration officials will extend the period from 90 days to one year only to those students who enroll and pay the full tuition fee for the program of interest. This case will be analyzed further ahead.

Type “O” visas are provided to a person married to a Thai citizen and type “O-A” visas are otherwise known as “Retiree Visas” for nationals of other countries who fulfill the requirements for the application process. Retirement visas have stricter requirements; applicants must be 50 years of age or older, present proof of a minimum balance of 800,000 baht in a Thai bank and/or pension or other forms of foreign income such as rent of at least 65,000 baht monthly. (thailandguru.com, Travel Visas Section)

3. Theory versus Practice: Bending the law or breaking the law?
Policy changes, contradictions and loopholes.

Inconsistencies are clear and constant changes of policy made by the Immigration Bureau and other Government officials favor the long term-tourists —those with and without proper visas—, the illegal job seekers and the “overstayers.” There are many ways to stay in Thailand without right migrant status.

In the last few years, the internal situation of the Thai Kingdom has made it necessary to increment the amount of visitors —and their money— to Thailand; however, this necessity creates a serious problem: such needs clash with the governments attention concerning the status of many Westerners in Thailand creating, in turn, the need for more strict regulations. The result, a continuous push-and-pull within the Department of Immigration and constant updates of the law in order, first to restrict, and then to loosen up the requirements and penalties for overstay; back to back visas; visa runs and the resulting problems of increased sex tourism and illegal work for “farangs.”
It is hard to determine why the government is constantly updating the visa requirements for Westerners, but a very plausible—though hard to prove—reason is the potential for greatly increased income that the tourist industry could provide. Tight regulations motivate travelers to choose other countries where they can stay longer and enter without too much paperwork—a reality that is greatly detrimental to Thailand’s tourist industry.

Changes in policy take place constantly. Since May 2010, there has been a waiver of the visa fee for all tourist visa applications. Granted, the free tourist visa helps increase the number of tourists that visit the country; however, at the same time it permits long term visitors to enjoy the same “free ride” as the short term visitors. “Back to back” visas are one of Thailand’s principal immigration headaches; causing havoc for both the government and the Western migrants. In regard to this problem I would like to raise the question: how many free visas should or can the tourist be allowed?

As I mentioned before, even though a visa might be in perfect legal order, the moment a tourist remains in the Kingdom with the goal of living and finding paid employment, he or she becomes an illegal immigrant. To remain in the country there are two ways of approaching the law, one is illegal (overstay) and the other one lies within the grey area of legality (visa run).

The Visa Run is one of the most important elements for long term tourists in Thailand; it is also a very profitable business for the travel agencies that provide the service. A perfectly legal mechanism—as long as the owner of the passport under whose name the visa will be issued or stamped leaves the country with his / her passport for at least a few minutes—visa runs can be done fast in certain border crossings. The passport holder must be the one to exit and reenter the country or the visa becomes automatically illegal. Most passports state in their pages some declaration concerning how the unaccompanied use of the travel document will render it void due to its illegal use. In a recent interview with a UK national (who wishes to

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7 All foreign nationals who apply for Tourist Visa worldwide, including eligible foreigners who apply for visa on arrival at designated checkpoints, are exempted from visa fee From 11 May 2010 - 31 March 2011 (Royal Thai Embassy Washington D.C., 2011: Visa Fees).
8 See Appendix 2, 3 for additional information on interviews.
9 See Appendix 4, for visa run information services and prices. According to the information available online, a visa run can cost anywhere from 1,900 Baht for same day service and up to 5,300 Baht for a two month visa with overnight stay at the border. (http://thaivaservice.com/, http://www.thaivisarun.com/)
remain anonymous) who is currently searching a job in Bangkok under a Tourist visa, I was made aware of what can happen during a visa run:

“I was in Cambodia waiting for my new visa when they announced to the group that the person in charge at the Embassy of Thailand in Phnom Penh was not there and our visas would not be ready for another day. I had an important business meeting in Bangkok and needed to return that day with a new tourist visa. After some negotiations I was able to arrange with the agency that organized the visa run to be crossed from Cambodia to Thailand without my passport and they would bring my passport to me with a new stamp the following night. I paid 1,500 baht to each Immigration office at the border crossing -Cambodia and Thailand- in addition to the 4,900 baht I paid for the overnight visa run. I was in Bangkok for 48 hours without a passport or valid visa. As promised, the travel agent brought my passport late the following night and I now have a valid 2 month tourist visa.”

During this interview I was able to learn of the illegal services the travel agencies are providing during a visa run. In most cases the tourist can trust the agency; but there are times when the uninformed fall for the precious timesaving temptation of not accompanying their documents to the border and become prey of illegal acts committed to and with their passports. Either way this type of use is illegal and the responsibility lies in the hands of the passport holder.

Working illegally in the Kingdom of Thailand invalidates a legally obtained tourist visa. When a tourist obtains “back to back” visas, he or she oversteps the one year period considered the limit of stay in the definition of “tourist”; this could imply the subject in question is seeking temporary or permanent residency and should apply for a different type of visa (Nonimmigrant visa and work permit if necessary).

In 2006, shortly after the military coup, “back to back” tourist visas were disallowed and a “90 out of 180 day rule” was instituted and then discontinued in 2008 by the democratically elected administration. (thailandguru.com, Travel Visas) The “90 out of 180 days rule” implied a limitation to the time tourists were to remain in the country after their arrival. After much reading and analyzing the visa changes in the past few years, it is my opinion that the

10 “Back to back visa” is the term usually applied to the act of leaving Thailand on the expiration day of one’s visa to apply for another one and return to the country within 48-72 hrs.
11 Definition on page 13.
Government was aware of the situation of many tourists and they considered it questionable; After all, some travelers could do one visa-run after another and spend months and even years inside the country.

The questionable status was in the “how” part of their survival inside Thailand without working. I believe the government was aware of the many illegal jobs available for Western tourist and decided to limit their access to such sources of income. The resulting problem generated a decrease of visitors, and in 2008 the new government decided it was more beneficial for Thailand to have increasing tourism even at the cost of increasing the number of illegal jobs for Westerners. There is no sufficient data to prove this theory but we can see a direct link between economic needs and policy changes, the balance of which is a sovereign right of the Kingdom.

Overstaying a visa is, by definition, breaking the law. The Siam International Legal Group defines the overstaying of a visa as: “The act of staying in Thailand exceeding the duration of your permit to stay as stated by the stamp or visa in particular.” (www.thaiembassy.com, The consequences of overstaying in Thailand). Travelers on any type of visa that fall into this category should be considered illegal aliens within the Kingdom of Thailand and should be subjected to the corresponding penalties. In the case of Western tourists this is one of the most subjective applications of the law. In theory, the penalty for overstaying is the following:\footnote{Repeated violations of overstaying can carry with it some serious consequences.}

1. Overstay from 1 to 21 days: a fine of 500 THB per day payable at the Airport or land border.
2. Overstay from 22 to 41 days: a fine of 500 THB per day, possible arrest/detention, deportation, and possible blacklisting.
3. Overstay of 42 days or more: a fine of up to 20,000 THB, arrest/detention, deportation, and possible blacklisting. (Regional Immigration Newsletter 2010)

If you have remained in the country on a series of overstays, your passport could be rendered with a stamp declaring that you have violated the immigration laws of Thailand. (www.thaiembassy.com The consequences of overstaying in Thailand). The actual recorded cases suggest a double approach to the application of these penalties: on the one hand while there
are probably many cases in which the law is applied as indicated above, on the other there are many circumstances where travelers do not receive any type of punishment for overstaying in Thailand for one day or even years. Some interesting second hand accounts obtained through online blogs\textsuperscript{13} are presented here below (http://www.thaivisa.com):

On a question about possibility of arrest: “I have been here 10 years and have never been asked to see my passport. Last year I payed the 18,000 baht overstay and all they did at the border was laugh and ever since then when I go to a border crossing and then see it they also just laugh and say “You want stay over in my country”? As if any police would ever actually put you in jail for 2 days overstay. That is a joke. Do not listen to any of these people and just pay the 1000 baht when you leave.” (thailandbluegrass 2011, Will Overstay 2 days - Problem or not?)

On a case of 7 month overstay: “We were called in and the officer on seeing the paperwork was very strident and asked why he had overstayed? As she has seen my face in many occasions and I explained that he was not in a position to clear the overstay until now. She then launched into a tirade at me in Thai about this action being breaking the law and I am really tired of people flaunting Thai law for their own personal benefit. She said soon we will put new laws in place that will reward long overstayers with blacklisting for a period of time.” (Badbanker 2010, Sorting out an overstay: Overstay Case Study 1)

Other Cases: “I recently cleared an 8 month overstay at the airport within 5 minutes. No questions asked. The officer called the immigration lady, she took me to a desk before between the customs and immigration, then filled out some papers, I sign it, paid 20,000 baht, she said can come back no problem. That’s it.” (Silverstein 2010, Sorting out an overstay: Overstay Case Study 1)

About a consultant that provided advice for overstayers: “There are by immigration estimates, more than 100,000 people at any one time overstayed! There are deliberate overstayers, overstayers by change of circumstance and permanent overstayers that I have had to burn or bury. I once saw someone get out of a 12 year overstay!” (Badbanker 2010, Sorting out an overstay: Overstay Case Study 1)

There are innumerable web pages and online blogs suggesting all sorts of plans and ideas on how to proceed with an “overstay.” The key issue is that the subject under discussion is a breach of the Thai Immigration Law and the situation should be taken with the proper seriousness. Most of the postings available are cynical and reproachful towards the government for enforcing the written law. This information provides a clear description of how Westerners view the law and

\textsuperscript{13} Refer to Appendix 5 for more details.
how easily they believe it is to break it. Unconfirmed rumors state that during 2011 a crackdown on “overstays” and “back to back” visas is expected. 100,000 overstayers at one given time should be a concern for Thailand. The cynicism with which they believe the immigration service does not work—or should stop pretending it works—is an open demonstration of disrespect towards the Kingdom of Thailand and its laws.

**Creative new options.** The newest fashion among Westerners in Thailand is the result of tightened measures during the Thaksin Government—90 days in 180 days policy, “back to back” visa limitations and a 15 day visa for overland border crossings. The loophole is easy, inexpensive and provides the applicant with a long term visa that has few requirements and can be extended within Thailand as long as one has money to sustain the cost. *The student visa.* Foreigners of all ages enroll mostly in Thai language studies and obtain a long term, renewable visa after paying the fees of any educational institution that supports the visa application with a letter of admission. The downside to this loophole is that the “student” must pay in advance in order to obtain the letter; the upside of the loophole is that many schools—mostly language schools—do not require the student to attend class. The loophole is perfectly legal as long as the applicant (the student) does not work in Thailand. Once inside the country they can study for years and avoid the tight requirements of upfront large sums of money necessary to qualify as a retiree.
Western Migrants in Thailand

To work on the theoretical analysis of this project, I must first establish the difference between a tourist and an immigrant. The main definition of these two classifications lies on two determinant aspects: duration of travel and activities within the country.

Ton Van Egmond explains in his book *Understanding Western Tourists in Developing Countries* that an international visitor is any person visiting a place that is not his usual country of residency. The purposes of a visit can be many. Excluded from the definition are visitors who enjoy some kind of salary or payment in the country visited, as well as commuters, immigrants, refugees, nomads, travelers passing through, military men and diplomats. A tourist is a visitor who remains in the visited country for a minimum period of 24 hours to a maximum of 1 year. Consequently, a tourist spends at least one night in the destination country. Visitors staying less than 24 hours, i.e., same-day visitors, are excursionists. (Egmond 2007, 7)

The subjects of this study attempt against one or more of the elements in the definition above by spending over 1 year in Thailand, or by seeking paid employment during their visit. A tourist has a project in mind, short or medium term duration (up to 90 days) and after that he heads home to continue his life. Such tourists might return year after year (seasonal tourism) but never
stay longer than the visa allows. Travelers that come for a long term stay on a tourist or student visa and seek employment while in Thailand, should no longer be classified as tourists but either can they be considered legal immigrants. The moment they seek employment whilst on a tourist visa they become illegal aliens. Opportunities are always there, after all, “the foreign workforce is employed despite existing access to the native one” (1188)

*The Cambridge Dictionaries* defines immigrant as a person who has come to a different country in order to live there permanently. ([http://dictionary.cambridge.org](http://dictionary.cambridge.org))

For this study I will expand upon this definition: an immigrant is a person who leaves his home country for an extended period of time (generally over a year) with the objective of settling in a different country by means of savings, retirement money, rents or income. Most retirees with the proper immigrant visa B in Thailand fall on this category.

Citizens from the previously defined WEST, share the same visa requirements and restrictions as stated by the “Immigration Act, B.E. 2522.” What is important is that all countries belonging to Europe and North America except Australia and New Zealand —first world countries— have better incomes and therefore present less of a risk for Thailand. This obviously contradicts the fact that an increasing amount of such Westerners arrive in Thailand with the intention of staying to work or retire in the country. Retirees are mostly within the legal framework.

According to the research done, I can determine that the age range of such citizens is twenty to fifty years of age, the majority of them single males. The largest amount of visitors comes from the United States, United Kingdom, Germany and Scandinavia. The largest expatriate communities in Thailand are located in Bangkok and Pattaya. Other interesting places where young backpackers tend to go are Ko Tao, Ko Phangan and Chiang Mai where they can find temporary and unregulated work in the diving, bar, hotel and wellbeing (i.e., yoga and bodywork) industries.¹⁴

¹⁴ I obtained this information by talking to people throughout Thailand; general conversations to address the topic at hand during the last 3 months, and 8 years of experience traveling around South East Asia in the backpacker-student circles of long term visitors. See Appendix 1.
Most migration studies are based on the fact that the normal tendency is to move from poorer to richer countries in search of better opportunities; this tendency is changing and this fact is the basis of my research. For several reasons, many of them economical, Western tourists and long term immigrants live in Thailand without any supervision of their activities within the country. This situation, together with the previously explained lack of standardization of policies, raises some questions: Who are they? Where do they come from? Where do they settle? What do they do? Most importantly how do they manage to bend the law in their favor, or why does Thailand bend the law for them? (If we apply the same study in a Western Country, these migrants would be referred to as illegal aliens)

Migration is defined as “the movement of a person or group of persons from one geographical unit to another, across an administrative or political border, who wish to settle definitely or temporarily in a place other than their place of origin” (IOM, 2010); therefore western migrants in Thailand who have stayed longer than the considered period of a tourist (1 year) and who depend on visa runs or overstay to remain within the kingdom are officially within the category defined by the IOM. Their ultimate goal is resettlement by any means; so I must ask, what makes them so different from other illegal migrants?

Migration theories can be seen behind their need or desire to leave their country of origin to resettle in Thailand. I will approach the subject through the systems and networks of the World Systems Theories. The migration systems approach means examining both ends of the flow and studying all the linkages between the places concerned. These linkages can be categorized as ‘state-to-state’ relations and comparisons, mass culture connections and family and social networks. (Castle, et.al., 2009: 27) According to the Migration systems approach as detailed by Stephen Castle and Mark J. Miller; there are two sets of structures: Micro and Macro.

Macro Structures refer to large scale institutional factors; laws, structures, practices established by sending and receiving countries to control migration settlement. (Castle, et.al., 2009: 28) This study deals with visa regulations and controls. The limited requirements and absence of clear application of the immigration law in Thailand (mainly) for westerners, makes the migrants
from those countries consider Thailand as a good option to migrate –because of there is a certain pleasure in the easiness with which they can achieve the goal of resettlement.

Micro Structures, on the other hand, deal with social networks developed by migrants themselves to cope with change (Castle, et.al., 2009: 28). Among the elements of the micro structures defined by Castle and Miller, we find the following:

- Family and employer connections
- Cultural capital (information, knowledge, travel, adapting, find work)
- Social Capital (informal networks)
- Personal relationships, friendship, community ties, mutual help. Trust their networks to settle and find work and overcome issues
- Networks (family or common origin) = shelter, bureaucracy
- Social and economic infrastructure (worship, associations, shops, cafes, professionals)
- Migration industry (lawyers, agents, intermediaries) Visa issues and work
- Seek permanent resettlement

For many, the migration process starts as a voyage abroad, some with predetermined but exchangeable return dates, and some with no plans to return. This is a type of voluntary migration as they choose to leave for reasons other than danger, persecution, fear, etc. Eric Neumayer presents a couple of reasonable explanations to understand what might lie behind a westerner mind:

“The emergence of tourism as a modern mass phenomenon is traditionally explained in terms of ‘escape' or ‘push motives'. At least three lines of thought lead to escape motives. One is the line of rationalization, which views tourism as a rational and functional escape, as a necessary complement to and a compensation for work, as a means of enhancing productivity and efficiency.” (Egmond 2007, 39) Or [...]the development in the early 20th Century, of the holiday phenomenon should be sought in compensation motives: deficiencies in our daily existence induce us to travel at fixed intervals, in order to compensate for this deficiencies, to reenergize, refill the batteries, re-create. A period of diversion, recuperating and refreshing is needed so that workers are able to return to the wear and tear of ‘serious' living.] (Egmond 2007, 12)
Western migration is in many ways defined by a strong cultural value on travel mixed with cultural adaptation. Most long term travelers staying in Thailand are attracted to a specific city which they first discover on a holiday or vacation; in their attempt to escape the reality of what they know as “daily life,” they feel as if the place in question is their home, they relate peace and enjoyment to it, therefore they keep returning often. Finally they adapt themselves to the place and feel as foreigners in their own land — it becomes impossible to escape periodically. After a few attempts they chose to migrate with any type of visa and they depend on their connections — trust on personal network — to seek employment, marriage possibilities, etc. As time goes by many of them are Thailandized, they are farangs with legal or illegal status who live, dress, eat, and mingle with the local citizens.

The groups of westerners currently under study usually migrate because they know where they are headed. They have money, a plan or both. They’ve been in the city or town of choice several times before; in some cases having arrived and never left. Time and multiple visits allows for the construction of social networks in the region. By connection with family and friends, they approach other migrants to obtain information on how to seek employment, how to change their visa status, how to stay in the country without the proper requirements, etc. At the end of the day, the expatriate communities in Thailand are small Western enclaves where farangs feel safe, comfortable and they bring their own culture into their new life.

Rystad suggests the existence of an economical approach with “The Investment Theory.” This theory states that individuals with relatively fortunate economic circumstances would have the highest tendency to embark on the project of migration. The investment perspective offers a fully rational economic explanation for the fact that migration is most common among young people. (Rystad 1992, 1174)

Although very debatable, it is possible to find some truth while analyzing Western migration into Thailand. Our subjects under study are travelers and backpackers (long term in most cases); the majority are young students on 3, 6 or 12 months trips throughout South East Asia and the world. We also have many retirees, an important group that can be subdivided into two smaller groups:
The first group is made of migrants that live quasi-permanently and have fulfilled the requirements for their stay (see visa requirements for retirees). I classify them as quasi-permanent because permanent residency in Thailand is a different status; one very hard to achieve. (They are not considered part of the subjects of study in this paper.)

The second group of retirees consists of those whose situation is not technically illegal but their status hangs from a thread; they depend on the Thai government. They live under the threat that with the minimal change or tightening of policies they can be denied new tourist visas and sent back to their country of origin, mostly due to lack of proper documentation. They depend on back to back visa runs and must exit the country maximum every 90 days. These groups, together with the long term backpackers should be considered a growing concern.

The theories of migration apply to all these cases. These people migrate for different reasons and, although they have better economic conditions than others from less fortunate countries, they are still categorically immigrants, many of them illegal. The theories now available are sufficient to understand the reasons for their migration and the mechanisms they employ to do so.

Perhaps their growing number in Thailand and other nations —Indonesia, Vietnam, Mexico, Costa Rica, etc— would be of interest to those studying migration; interesting enough to create a better theoretical approach: a new theory to determine the elements of this voluntary motivation for migrants from richer to poorer nations; or migrants with a certain economic level that facilitates re-adaptation.

PROPOSAL: Immigration Theory of Voluntary and Selective Relocation

Main migration comes from richer to poorer nations; Migration to country of choice can also take place for other reasons like retirement; business ventures (a hotel, a restaurant, a shop, a language center, etc.); and / or skilled employment.

In this theory I would suggest the analysis of migration according to a voluntary and selective approach; migrants from richer countries moving to poorer nations, or migrants moving for voluntary reasons and for the search of better opportunities. The key element is to focus on migrants whose reasons do not include forced migration, persecution, danger or any other type of
risk. They are the migrants that willingly settle their accounts at the country of origin and plan a departure in search of new projects, interests and / or better quality of life i.e. enjoyment and fulfillment. Destination is selected by the migrant.

Most migrants consider the current value of their money as a key element. Their savings and rent / investment income increases in value in the country of destination, assisting in the processes of re-adaptation.

From large rich cities to places like South East Asia, Central and South America and Mexico among others; people are moving in search of better life conditions and a better value for their money. In this context, people who’ve worked for many years and who live in pensions –or those who live through investment incomes and rent– are in the lookout for opportunities outside their countries; they select a place where money has a better value –or where their quality of life has a higher standard than at home–. They work in their own countries, and retire in countries where savings allow them to live a more comfortable life. Included in the selective process we also find access to more affordable, first class, medical services and insurance; probably not available –or unaffordable– in their own countries.

Cultural needs and interests make the transition easier and the selection faster. Migrants under this scope would select the country of destination according to an increased interest in other nations culture, traditions or religion. Voluntary re-adaptation becomes a goal; they follow a personal desire to be near the hobbies; sports; teachings; and other interests of choice.

Access to cultural novelties is crucial in this type of migrants. Westerners in the latest years have developed an increased sense of attraction towards the Asian cultures; mainly due to Asia’s religions, philosophies, arts and traditions. Increased interest in Buddhism, yoga, meditation, natural medicine and alternative therapies, vegetarian life style and other cultural trade marks of the East (and LatinAmerican countries); are attracting westerners to their territory. In this theory, the attraction and identification with a certain trend can promote the idea of voluntary and selective relocation among people with means to migrate.

Opportunity for skilled employment in the receiving countries (Languages, Sports, Natural Therapies, Consulting, and etcetera).
Finally the existence of work opportunities for skilled westerners in areas like languages, sports (diving, yoga), alternative therapies among others; opens the door for a constant flow of young – and elderly – people; the wish to move towards the more inexpensive countries and settle for a job which they do with pleasure, instead of one done under excessive pressure promotes voluntary migration. With the opportunities at hand, migrants can select a country the like i.e. Teaching languages in Asia and America; teaching workshops around the world. The balance between quality of life and quantity of payment is shifting towards the former. If the migrants can find a position for which they have the skills, and obtain a good experience (even with a lesser income); they feel attracted to use their knowledge as a tool to ameliorate their lives.

- Life quality increases in the country of choice (for the voluntary, selective relocation migrants, better quality of life superposes interest in level of income).

Westerners don’t seem to be fulfilling their life expectations in their own countries. They have very demanding opportunities and incomes; many positions require them to give up their entire life and time for a company. The selective-voluntary relocation demonstrates that life expectations are coming to the surface; and people are searching for alternatives to achieve what they want in other countries. They move by choice to the country they feel can provide this fulfillment.
CONCLUSION

Thailand is a magnet for the western tourists. The inexpensive cost of living, the available luxuries for those who cannot afford them at home, the climate and people of the country are just a few of the factors that attract Western citizens to Thailand —many with the objective of staying for a long or undetermined period of time. Throughout my research I found more information concerning how to avoid the hand of the law rather than the actual law itself. The information available on Thai Immigration Policies and Visa applications for westerners is confusing, inconsistent and lacks standardization and permanence. This, in my opinion, is reflected in the attitude of Western travelers in the Kingdom who probably take Thailand’s relaxed approach to the regulations as an indication of how easy they can bend or break the law in their favor.

Immigration laws change constantly; but borders and consulates around Asia should not apply new regulations in a selective and random way. Western migrants bypass the law because they can. Thai immigration allows them to do so because they can, and because it is a good source of income; there is a clear situation of racial profiling in the process of application of the law. The country of origin is a determinant to the way law is applied in Thailand; richer nations have privileged access to the Kingdom, although not all visitors have the means to be legal while in the country. However, I believe that this situation is changing. Unfortunately, the abuse that comes from constantly bending the law is finally taking its toll on Thailand because the Western migrants are always one step ahead, until now.

Immigration changes and bursts of application of the law are showing the preliminary signs of a breakdown on illegal western migrants within the Kingdom. So far there’s been prior unsuccessful attempts to control the flow and nothing has changed. Thailand needs to build a stronger information network with standardized definitions, requirements and sanctions. Only the correct information and application of the law will deter the increasing flow of Western migrants that —after reaching 100,000 overstayers at one given time— should, in my perspective, be considered a problem and not a benefit for Thailand’s economic situation.