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Thai Wild Berry Pickers in Finland Under Contradictory Migration Regimes

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ABSTRACT

This study examines the contradictory migration regimes governing seasonal migration of Thai nationals—predominantly farmers from Isan Region with strong migration aspirations—who travel to pick wild berries in Finland. Migration policy analysis and 14 semi-structured interviews with key social actors reveal the contested status of Thai wild berry pickers within both the sending and receiving states, as well as within the EU migration regime. This case highlights the incongruence of the Schengen visa policy and practice, where the visa granted does not align with the migrants' intention. Recognised by Thai authorities as overseas migrant workers, Thai wild berry pickers are issued short-stay Schengen visas for tourism. Under Finland's right to public access, Thai migrants pick wild berries as tourists without formal employment and labour protections. This practice of visa mislabeling increases the vulnerability of Thai workers and demonstrates how the migration regime creates a matrix that places Thai seasonal labour migrants in a precarious condition.

1 | Introduction

On February 16, 2023, Mr. Jarat Khumkhainam, a member of the Thai Parliament, delivered a speech during a general debate motion. He specifically addressed questions to the then Minister of Labour of the Kingdom of Thailand, concerning the seasonal migration of Thai workers to pick wild berries in Finland and Sweden, which he referred to as 'blood berries'. He raised serious concerns about the insufficient wages paid to workers, which failed to cover their living expenses, as well as the physically demanding nature of the job. Many Thai workers returned home burdened by debt, with some never having received the wages they were promised or even knowing the full extent of their financial obligations.

This debate marked a significant moment of national attention on the issue of Thai berry pickers in Finland and Sweden. The term 'blood berries' is widely used in Thailand by the media to describe the unfair and exploitative experiences of Thai

migrants who travel to Finland and Sweden for wild berry-picking. Many Thai news articles highlight the harsh realities faced by numerous Thai migrants in their quest to earn money in a Global North country and support their families back home in a Global South country. Unfortunately, their hopes are often dashed when they encounter poor working conditions, unfair treatment, and at times, even deceit. One online media outlet in Thailand, under the Thai Public Broadcasting Service, has compared this phenomenon to modern-day slavery, which has persisted for more than 18 years and continues to this day, under the watchful eyes of both the sending and receiving governments.

Seasonal migration, particularly that of wild berry pickers, has represented the largest flow of seasonal migrants from Thailand to both Finland and Sweden (Niyomsilpa et al. 2018). Most existing scholarly literature on wild berry picking has concentrated on Sweden, leaving the case of Finland under-researched despite its significance. This study aims to highlight the contradictions between different migration regimes that significantly affect the

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lives and experiences of workers. We emphasise the regulatory discrepancies between Thailand, Finland, and the broader EU framework that govern this specific migration flow. Treated by the Thai Ministry of Labour as overseas migrant workers, Thai wild berry pickers were issued Schengen visas to travel to Finland. As short-term visitors without employment contracts, they collected forest fruits and sold their harvest to Finnish berry companies, receiving payment by weight on a piecework system. Their net income was calculated after the deduction of daily charges for food and lodging imposed by the companies.

Drawing on the concept of migration regime, we analyse how these different systems intersect and contradict, making Thai seasonal wild berry pickers prone to labour exploitation and financial risks. In this context, we address the following research questions: (1) What are the key regulatory contradictions between Thailand, Finland, and the broader EU framework that govern the seasonal migration of Thai wild berry pickers? (2) How do these contradicting and intersecting regimes contribute to the precarity of the Thai seasonal wild berry pickers in Finland? Empirically, this article draws on an analysis of visa regulations, policy analysis, and insights from 14 interviews with key stakeholders, including government officials, scholars, and representatives of recruitment agencies. Adopting a humanising framework (Fresnoza-Flot 2024), the article considers not only the institutional perspectives of key meso-level actors but also their personal viewpoints, emotions, and moral dilemmas. These actors play crucial roles in facilitating migrants' compliance with the rules and regulations, while also recognising the challenges that these regulations impose on migrants.

We argue that the misalignment between different migration regimes creates a situation in which seasonal wild berry pickers are treated as flexible informal workers without labour protections. It is important to note that semi-structured interviews took place between August 2023 and March 2024, during which Thai wild berry pickers were still granted Schengen visas and travelled through arrangements made by local employers (recruitment agencies in Thailand). We acknowledge that regulations have changed since our data collection was completed. Criticisms by the civil society, public scrutiny, as well as legal actions involving allegations of labour exploitation, bribery, and human trafficking have culminated in the Schengen visa suspension for prospective wild berry pickers for the 2024 harvest season. In February 2025, the Finnish government formally included wild berry picking under Finland's seasonal working visa. For the current study, we will focus on the seasonal migration of Thai wild berry pickers in Finland from the inception of the programme until summer 2023.

In the following sections, we first outline the concept of migration regimes and their role in facilitating migration mislabelling—utilising non-work visas to recruit migrant workers. We then present the methods underpinning this study, followed by a contextualization of Thai wild berry pickers in Finland. Next, we analyse the migration regimes from the perspectives of the EU, Finland, and Thailand. In the conclusion, we synthesise our findings and discuss how misaligned but intersecting migration policies among the three entities position Thai wild berry pickers as flexible and precarious workers within the global labour supply chain.

1.1 | Migration Regime: A Theoretical Lens

In this study, we apply the concept of migration regimes as an analytical framework to explore how different regulatory systems intersect and conflict, shaping the flexible and precarious status of Thai seasonal workers in the Finnish wild berry industry. Migration regimes refer to the complex frameworks of laws, policies, and practices that regulate cross-border mobility. These frameworks are used by scholars to address the interplay between regulatory mechanisms and mobility practices with adequate complexity (Rass and Wolf 2018). Migration regimes are typically used to describe the regulatory authority of states and supranational organisations aimed at managing migration (e.g., Rass and Wolf 2018; De Genova 2017; Tsianos and Karakayali 2010). However, the concept also highlights the decentralised understanding of power, the presence of multiple actors and practices, and an emphasis on understanding the diversity and complexity inherent in migration (Cvajner et al. 2018). These regimes involve dynamic and diverse practices and discourses, shaped by various 'actors whose practices relate to each other but are not ordered in the form of a central logic or rationality' (Tsianos et al. 2009, 2). Migration regimes are further characterised by asymmetric power relations, wherein entities capable of enforcing migration controls hold significant advantages over migrants in terms of power dynamics (Tsianos and Karakayali 2010).

To fully understand the migration regimes governing the seasonal migration of Thai wild berry pickers to Finland, it is essential to consider not only the migration policies of the sending country (Thailand) and the receiving country (Finland) but also the overarching European Union's policies and regulations that shape Finland's migration governance. Since the Treaty of Amsterdam came into force in 1999, migration policies have been formally transferred to the jurisdiction of the European Union, making them a key component of EU governance. These policies are now integral to the Copenhagen criteria, a set of benchmarks that countries must meet to join the EU, influencing both internal and external migration policies (Tsianos and Karakayali 2010). The EU's common migration framework, which encompasses regulations on border control and labour migration, significantly shapes the migration experiences of individuals such as the Thai wild berry pickers. Consequently, Finnish migration policies are not only a reflection of national priorities but are also shaped by EU-wide directives, which introduce complexities in managing migration flows from non-EU countries such as Thailand.

The current EU migration regime, developed since the end of World War II, has shifted from being restrictive to selective, with policies increasingly differentiated based on specific migrant categories (De Haas et al. 2018). New layers of selection criteria, such as skills, wealth, or family characteristics, have been added to earlier policies that were predominantly based on national or racial origins. Travel visa policies have become key instruments of migration management, aimed at regulating the entry of 'undesired' migrants, such as low-skilled workers or asylum seekers (Freier 2013). For instance, nationals of many African countries are often subjected to stringent travel visa restrictions imposed by European states, a pattern also evident

for other third-country nationals, including Thailand (De Haas et al. 2018).

This evolution of migration regimes has created a tiered system of inclusion and exclusion, profoundly shaping global labour migration. Opportunities have expanded for students and highly skilled workers as European states compete globally for talent (Boeri et al. 2012). These individuals are offered pathways to long-term residency and integration due to their perceived economic value, often filling critical labour shortages (Jaisuek and Sunanta 2024). In stark contrast, low-skilled migrants face significant barriers, such as stringent visa policies and limited recognition of their qualifications, leaving them with few options for legal migration (Niyomsilpa et al. 2018). These dynamics are similarly reflected in both Asia and Europe, where skilled professionals are incentivised with pathways to permanent residence, while low-wage workers are relegated to temporary roles with restricted rights and opportunities. As Castles (2003, 11) aptly notes, low-wage migrants are ‘welcome as workers, but not as settlers; as individuals, but not as families or communities.’ The selective nature of these regimes underscores the transient status of low-waged migrant workers. The systemic inequalities embedded in these policies reveal the disparities in access, rights, and long-term opportunities within global migration systems.

The case of seasonal Thai wild berry pickers in Finland epitomises the complicity of migration regimes in mislabeling labour migration for visiting, allowing receiving countries to bypass standard labour protections. Studies of temporary migration through programmes such as working holidays and au-pair schemes express similar concerns; visa categories framed as channels for cultural exchanges or leisure are used to recruit migrants for low-wage work, often in precarious undesirable jobs evident by local labour shortages. Without formal protections, migrants who work under these non-labour migration classifications are vulnerable to labour exploitation (Reilly 2015; Reilly et al. 2018; James 2024; Barry and Azeredo 2025; Vosko 2023). Both the sending and receiving states mutually agree on these programmes that facilitate labour migration ‘through the back door’ (Vosko 2023). Racialization, relative wealth of source countries, and linguistic identities shape the hierarchy among working holiday makers which often results in non-white ‘tourists’ from poorer countries working in the most precarious and undesirable jobs (Barry and Azeredo 2025). As for Au-pairs, the gendered nature of their tasks in private households renders them invisible migrants while their labour is framed as ‘help’ within the migration policy discourse (Cox 2018). Similar to the Israeli context described by Kurlander et al. (2024), Thai workers in Finland are positioned as ‘crucial yet disavowed.’ While their labour is essential for the economic viability of the berry sector, the Finnish migration regime historically disavowed their status as workers through a process of migration mislabeling.

2 | Materials and Methods

The data are drawn from policy content analysis and semi-structured interviews. For the policy content analysis, we focused on Finland’s visa requirements for Thai nationals, particularly those related to wild berry pickers. We analysed visa

requirements and immigration information for Thai nationals available on the websites of visa facilitation services, Finland Immigration services, the Ministry of Foreign Affairs, and printed guides for prospective wild berry pickers issued by the Finnish embassy in Thailand. Additionally, we reviewed publicly available documents from Thailand’s Ministry of Labour concerning the travel of Thai wild berry pickers to Finland.

We conducted semi-structured interviews with 14 experts and key social actors including policymakers, government officials, scholars, and recruitment agencies in Thailand. The interviews took place between August 2023 and March 2024. Informants were approached through purposive sampling, which allowed us to identify and select information-rich participants (Patton 2002). This sampling method enabled us to interview key social actors who possess specialised knowledge and experience regarding the mobility of Thai wild berry pickers to Finland (Creswell and Plano Clark 2011). Contacts were initiated directly with potential informants via email. Twelve Thai informants were interviewed in Thai, while two Finnish informants were interviewed in English. The duration of the interviews ranged from 25 min to 2 h, with the majority conducted at the informants’ workplaces and a few in public venues, such as cafes or hotel lobbies. The researchers are native Thai speakers with a fluent command of the English language. Consequently, the review of policy documents and semi-structured interviews were conducted without the need of 1908 interpreters. Selected Thai interview quotes were translated into English by the authors. The formal ethics approval had been obtained and we complied with institutional ethical guidelines regarding informed consent process and data protection protocols.

Participants were not treated as mere informants but as knowledge-holders whose interpretations and emotions provide crucial insight into the operational realities of migration governance, in line with the humanising approach (Fresnoza-Flot 2024). This approach emphasises the importance of understanding their personal experiences and subjective perspectives. The interviews were designed to create space for personal narratives, reflections, and subjective understandings of their roles and responsibilities.

3 | Results

3.1 | The Indispensable but Unprotected Migrant Workers

Thai nationals started to pick wild berries in Finland more than 20 years ago when Thais who had already settled in Finland, often female marriage migrants, invited family members in Thailand to visit them in Finland and earn extra income by picking wild berries during the summer months. Over time, what started through family networks and informal arrangements has become organised and commercialised as wild-berry demand and the supplying process has reached the industrial scale. Recruiting wild berry pickers from Thailand evolved into a business model involving collaboration between Finnish berry-buying companies and recruitment agencies in Thailand, which now charge intending wild berry pickers various fees and costs for recruitment operations. The recruitment of Thai

wild berry pickers through official channels began in 2005, when Finnish entrepreneurs invited 88 Thai nationals to travel to Finland to pick wild berries on short-term Schengen visas. Until the suspension of the Schengen visa in 2024, 2000–4000 Thais travelled to pick wild berries in Finland every summer and became indispensable for the Finnish wild berry industry (Musicpunth et al. 2023).

Most Thai wild berry pickers work in the agricultural sector in Thailand, relying on seasonal farming activities such as rice cultivation and other harvests. Many have limited education and basic proficiency in foreign languages (Musicpunth et al. 2023). Similar to Thai wild berry pickers in Sweden (Vanaspong 2012), a significant portion of those in Finland hail from Thailand's Northeastern region (Isan), which is the most economically marginalised region in the country and a major source of transnational labour migration (Keyes 2014).

Because their agricultural work provides insufficient income, these farmers seek alternative ways to earn money during the off-season. Short-term wild berry picking in Finland, generally between July and September/October, aligns with their desire to earn a living when they are unable to generate income in Thailand. Success stories of earning two or three hundred thousand baht (approximately €5500–€8300) in just a few months from picking berries in Finland spread through word of mouth, creating hope and fueling the desire of others to migrate there. This amount is particularly enticing in a country where the daily minimum wage is around 353 baht (approximately €9.5–€9.8), making it seem like a substantial opportunity to repay debts and improve their living conditions. However, not everyone succeeds. As a representative from the Thai embassy noted:

It's a fortunate coincidence that the timing works well for Isan, where people are eager to find work. The three-month off-season from rice farming aligns perfectly with the berry-picking season in Finland. So, they take a chance and go to Finland, thinking, 'I'll try it just once, and if I make money, that's great'. But, of course, it's not guaranteed that every person who goes will have the same opportunity. There's no certainty.

Seasonal Thai wild berry pickers bring economic benefits to some Thai pickers, Thailand, and Finland. Successful wild berry pickers may earn over 5000 euros in a season. However, after deducting expenses, most end up with around 1000 euros or less (Musicpunth et al. 2023). Some returned bankrupt or in a worse financial position than before leaving Thailand. A network of former wild berry pickers was formed by those whose journeys to Finland and Sweden turned out to be devastating experiences marked by deceptive promises, exploitative remuneration, and substandard living and working environments. Organised under Migrant Worker Union of Thailand, they had been active in seeking justice. During a joint meeting between the Finnish and Thai Parliaments in 2023 to address problems around seasonal migration for wild berry picking, former pickers from the network shared their testimonies. They spoke of taking out loans or mortgaging their land to finance their

journey, only to return with little or no money and burdened by debt. Unable to repay their debts, many faced creditors, including private financial institutions and informal loan sharks. Some had to sell their property and land to settle their debts, while some suffered sickness and death after returning from Finland wild berry picking.

According to information from the Ministry of Labour, in 2020, Thai wild berry pickers in Finland and Sweden sent back 618 million Thai baht in remittances (BBC News 2022, 28 September). The Thai government actively encourages Thai citizens to work overseas, promoting labour migration as part of its broader economic strategy. For instance, policies outlined in the fifth National Economic and Social Development Plan (1982–1986) were implemented to boost labour exports. Additionally, the government has introduced various other policies and guidelines aimed at supporting and facilitating overseas employment. The policy is stipulated in the Labour Protection Act (1998) and the Overseas Employment Administration Act (1985).

The Finnish wild berry industry also benefits significantly from seasonal Thai migrant pickers. From 2020 to 2022, the export value of certain berries (fresh lingonberries, fresh blueberries, and frozen blueberries) amounted to 22,277,056 euros, with foreign labour—particularly Thai workers—playing a crucial role in the industry's profitability (Finnish Food and Drink Industries Federation 2023 as cited in Musicpunth et al. 2023). However, as Musicpunth et al. (2023) point out, about three-quarters of the earnings generated by Thai wild berry pickers are taken by business operators, leaving the workers with only one-quarter as disposable income. This unfair economic benefit sharing is due in large part to the lack of employment contracts, which denies pickers labour protections and employment benefits.

This discrepancy highlights the vulnerability of their current status. Labour rights protections, including monetary benefits, which they should rightfully receive for their hard work throughout the season, are often reserved for workers with 'employee' status based on employment contracts under Finnish law.

(Musicpunth et al. 2023, translated by authors)

3.2 | Migration Mislabeling Process Under Multiple Migration Regimes

This section presents multiple regimes, often contradictory, governing the migration of Thai berry pickers to Finland. Firstly, it explores the Quota system, wherein representatives from Finland and Thailand, including government officials and Finnish berry industry stakeholders, facilitate the travel from Thailand to Finland. Secondly, it investigates how the EU Schengen visa, regulated at the regional level, was utilised incongruously. Specifically, the Schengen visa, designed for tourists, was employed by the Finnish government to permit entry for individuals with work-related purposes. Thirdly, it addresses the varying classifications of wild berry pickers, who are considered non-workers under Finnish law, as seasonal overseas workers by the Thai government.

3.3 | The Quota System—A Negotiated Mechanism Between States to Facilitate Migration

One of the key mechanisms enabling the seasonal migration of Thai wild berry pickers to Finland is the quota system. This system involves setting or negotiating a fixed quota each year to determine how many wild berry pickers will be required and granted entry permission for the upcoming season. Both the sending state (Thailand) and receiving state (Finland) take part in and utilise the quota system to govern the mobilities of Thai wild berry pickers. According to our expert interviews, the quota process follows these steps: Each year, Finnish authorities, particularly the Nord-Ostrobothnia Economic and Labour Office, are responsible for coordinating the quota. They gather information from berry purchasing companies about how many berry pickers they will need for the upcoming season. Finnish authorities then decide on the number of pickers each company will be allocated based on the company's performance during previous years. For example, they consider whether payments were paid on time, if operations ran smoothly, or if any complaints were raised (as explained by representatives from the Finnish Embassy in Bangkok). Once the quota is determined, it is transmitted to Thai authorities, specifically the Ministry of Labour. Facilitated by the Department of Employment of Thailand, representatives from both the Finnish Embassy in Thailand and the Thai Embassy in Helsinki, along with interested Thai recruitment agencies seeking to send workers to Finland for wild berry picking, convene to negotiate the final number. After negotiations, the Thai Ministry of Labour communicates the agreed-upon quota to relevant stakeholders. The quota not only applies to wild berry pickers but also includes ancillary staff such as camp managers, cooks, and vehicle maintenance workers. Once informed of the allotted number, Thai staffing agencies proceed with the recruitment process. The quota system epitomises what Axelsson et al. (2022) call 'co-production of regulatory spaces of labour migration', the fact that private intermediaries actively participate in shaping migration policy, hence being a part of the migration regime.

A high-ranking officer from the Ministry of Labour justified the significance of the quota system as a way to safeguard the interests of the berry pickers.

Regarding berries, whether the harvest is large or small, the number of workers needed is based on necessity. They [Finnish authorities] will inform us of the quota. If too many people go, there will be competition for picking, and the wild berries collected will be less, making it not worth the expenses incurred. The expenses include airfare and other costs from Thailand, totaling around 60,000 baht for round-trip tickets. Additionally, living expenses in Finland—such as accommodation, food, car rental, and fuel—amount to another 60,000 baht, bringing the total to approximately 120,000 baht. Therefore, it has to be worth the expenses.

However, the quota system was discontinued in 2022. According to a representative of the Finnish Embassy in Bangkok, the

system had no legal basis. 'The quota was not based on law nor any agreements or anything. It was just a practice that developed over the years. We don't even know exactly when it began'. Once the quota is set through collaborative discussions and negotiations between the Thai and Finnish states, the recruitment processes are carried out by private coordinators. These coordinators, also known as recruitment companies or staffing agencies, play a significant role in recruiting workers, managing travel logistics (such as flight tickets, accommodation, and visas), and acting as intermediaries between wild berry pickers and Thai authorities. Although not directly involved in the recruitment process, both the Thai and Finnish governments oversee and regulate this mobility. Since 2010, the Ministry of Foreign Affairs of Finland has adopted guidelines for immigration and residence permits related to wild berry picking. These guidelines direct Finnish embassies abroad to require from a visa applicant an invitation letter and a purchase contract from berry trading businesses at the time of visa application. These documents must specify that the inviting party will bear the costs of travel, accommodation, and work tools, especially in years when the harvest is poor due to natural conditions. Additionally, the Thai and Finnish governments have agreed to establish a Letter of Intent, which serves as a guideline for Finnish wild berry businesses to follow when inviting and managing Thai wild berry pickers (Musicpunth et al. 2023). Thai authorities, through the Department of Employment, organise an orientation for wild berry pickers, providing necessary information about working in Finland, including guidelines on what to do, what to avoid, and steps to take in case of problems. Moreover, before leaving, wild berry pickers must notify the Ministry of Labour about their intent to work abroad and go through the labour control section when they depart the Kingdom of Thailand.

Despite some monitoring and regulations by both governments, wild berry pickers are not protected under the labour laws of either the sending or receiving states. In Thailand, there are five legal pathways for working abroad: (1) through a recruitment agency, (2) via the Department of Employment, (3) self-arranged employment, (4) employers in Thailand sending employees to work abroad, and (5) Thai employers sending employees for internships (Overseas Employment Administration Division 2016). Before 2023, wild berry pickers travelled to Finland under the third category—self-arrangement employment, implicating they were independent job seekers who contacted foreign employers directly (Overseas Employment Administration Division 2016). As a result, they fall outside the coverage of the Thai labour protection laws, as they are not classified as employees under formal employment contracts. In Finland, Thai wild berry pickers are treated as entrepreneurs, operating at their own risk by picking and selling berries. This classification means they are not entitled to labour protections under Finnish laws. However, certain rights of these individuals remain protected under Thai law. For instance, under the Thai Civil and Commercial Code, they may possess specific rights as civil victims, particularly in cases of torts. Furthermore, under the Thai Criminal Code, they are afforded protection as victims of crimes such as fraud or deception (Musicpunth et al. 2023).

The quota system reflects an intersection of the migration regimes of both Thailand and Finland, where both governments acknowledge and seem to encourage this migration flow.

However, this is done without granting berry pickers the status of workers; instead they are arranged to travel to Finland on short-term non-work visas. The following section illustrates that visa mislabeling for Thai wild berry pickers involves multiple scales and institutions.

3.4 | Schengen Visa: Designed for Tourist Applied to Work Purpose

In addition to the quota system and procedures set up by the Thai and Finnish states, Thai wild berry pickers have to navigate the multi-layered migration governance in which Finland is a part of the EU Schengen area subject to Schengen visa policy. This is where the incongruence between the purpose of the visit and the visa type takes place. Schengen visa—designed for short-term visits—is granted to Thai nationals intending to work as wild berry pickers in Finland, facilitated by the government offices and private sectors in both sending and receiving countries.

Under EU visa policy, all 27 Schengen member countries, including Finland, follow a unified set of rules for issuing short-stay Schengen visas (Type C), which control the entry of non-Schengen nationals. This visa type permits short visits to the Schengen area for up to 90 days within a 180-day period. The Visa Code (Regulation EC No. 810/2009) governs this process, ensuring consistent application of visa rules across all member states. According to Regulation (EU) 2018/1806 of the European Parliament and the Council, Thailand is listed among third-country nations (TCNs) whose citizens require a visa to enter the Schengen area. While the key principle of the intra-EU mobility regime is freedom of movement (Engbersen et al. 2017), the rules governing third-country nationals entering the Schengen area are complex. Thai citizens intending to travel to Schengen member countries for up to 90 days must apply for a Type C Schengen visa. The application process is highly scrutinised, requiring applicants to demonstrate strong ties to their home country, sufficient financial resources, and clear travel intentions to mitigate concerns about potential overstays or breaches of immigration laws. When applying for a Schengen visa, Thai nationals must clearly state the purpose of their visit, whether it is for tourism, employment, education, or other objectives. It is essential for applicants to choose the correct visa category, as submitting the wrong type increases the risk of rejection. Visa applicants are responsible for proving that they meet all the criteria and addressing any concerns related to immigration laws.

The unified visa policy applies to all Schengen member states; however, Finland stands out as an exception by allowing incongruence between the visa type and the actual purpose of the visit. Each year, Finland issues Schengen short-stay visas, comparable to tourist visas, to thousands of Thai nationals for a specific and unique purpose: picking wild berries during the summer months to supply the Finnish berry industry. Finland has created a distinctive migration corridor by utilising the Schengen visa as an instrument, inviting between 2000 and 4000 Thai nationals annually through Finnish berry-purchasing companies to participate in this seasonal work (Tiitola and Seikkula 2024). The question arises: why, when Finland has a specific seasonal work visa that seems more aligned with the berry pickers' purpose of earning money, does it still grant tourist visas to Thai

wild berry pickers? The answer lies in how wild berry picking is classified. Unlike other forms of seasonal work, the picking of wild berries is not categorised as such. Seasonal work in Finland is governed by the Seasonal Work Act, which stems from the EU Directive on seasonal workers. This legislation applies to work in agriculture, tourism, and related fields that are tied to specific times of the year, such as forestry, plant production, and tourism-related festivals. However, wild berry picking falls outside these categories.

The issuance of Schengen visas to Thai berry pickers has raised significant concerns among key informants we interviewed. One of the main concerns is the mismatch between the purpose of the visa and its actual use. According to the participants, the migration of berry pickers is clearly for work to earn a living, which contradicts the intended purpose of the Schengen visa, typically associated with tourism. A representative from the Thai Ministry of Labour expressed her ambivalence towards visa mislabeling:

The Finnish authorities do not recognize this mobility as employment, yet we consistently inform them that the pickers are working to earn a living. If someone with a permanent job goes to the forest to forage for wild items, it is not considered work. However, for Thai pickers, they travel during the off-season in Thailand specifically to earn a living by picking wild berries.

Commenting sarcastically on visa mislabeling, another researcher who has worked extensively on wild berry pickers in Finland noted that: 'If they are tourists, they must travel really hard, from early morning to late at night. This migration is explicitly highly organised. There are people collecting the migrants from the airport, providing accommodation and food. We can't deny that.' Meanwhile, some participants also questioned the appropriateness of Schengen visas for Thai migrants, as the visas granted to berry pickers restrict travel only between Thailand and Finland, which contradicts the usual Schengen agreement that permits travel within the entire Schengen area.

Finland justifies its practice of granting short-stay Schengen visas to Thai wild berry pickers by invoking the Everyman's Right, which allows individuals, including foreigners, to access and forage for wild berries, mushrooms, and other natural products in both publicly and privately owned forests. Moreover, according to the Act on the Legal Status of Foreigners Picking Natural Products (commonly referred to as the Berry Act), which has been enforced since 2021, pickers have the right to sell the natural products they collect to any party of their choice and to decide their own picking schedule. Under this Act, the pickers' freedom to sell the foraged products to anyone implicates that there is no employment relationship; hence, the Schengen visa is permissible.

While the right to roam is beneficial for locals who pick berries for household use, its application to Thai wild berry pickers raises concerns. A representative from the Thai embassy in Finland critiqued the application of the 'Right to Roam' principle and the consequent visa mislabeling, arguing that it allows

berry companies to benefit from Thai pickers' labour without providing any legal protection.

The current approach seems to present some contradictions. As it stands, the berry act appears to benefit berry companies, while the right to roam—meant to benefit the local population—is limited for migrant workers. One might ask, if we were to bring tens of thousands of workers to pick berries and send the fruit back to Thailand, would that be acceptable? In the EU, is this allowed? It's important to consider. The right to roam should be primarily intended for the local population, not for companies to leverage migrant labor without providing the proper employment rights.

Unlike local pickers, the seasonal mobility of Thai nationals to pick wild berries in Finland is highly organised and the pickers bear high travel and living costs. The current arrangement and the law that governs wild berry picking open the door for berry companies to recruit Thai nationals as a source of cheap labour who are at risk of exploitation. Indispensable for the Finnish berry industry, Thai wild berry pickers are granted no formal rights and have no leverage to negotiate with the berry companies who enjoy the benefits of flexible transnational labour sourcing.

The issue of Thai berry pickers highlights the contradiction between the EU migration regime and Finland's national immigration practices. While the Schengen visa allows for travel within the EU, Finland's national policy restricts pickers to travel only within Finland. Even Finnish embassy representatives acknowledge this contradiction, recognising the tension between EU-wide regulations and Finland's specific labour needs, an issue still under discussion.

Like I said, it's a Schengen visa, so we have to follow the Schengen rules. But then also it's a national practice to issue this for the berry pickers, because none of the other countries do that. For example, Sweden, they are with the work agreement when they go to Sweden with berries. And that's what the Thai authorities have already for years been keen to also have in Finland, that we would actually hire the pickers, or that companies would hire them on a work contract basis. But this has been discussed now for some years already, and they are investigating and making researches about that. So hopefully that will be solved.

3.5 | Different Classifications of Status: The Effort to Alleviate the Precarious Status of Berry Pickers

The rights and protections available to Thai wild berry pickers are contingent upon their legal status in Finland (see also Musicpunth et al. 2023). Both the Finnish and Thai states regard

Thai seasonal wild berry pickers in Finland as independent job seekers or micro entrepreneurs who are not protected by either Thai or Finnish labour law. This precarious status leads to vulnerability, resulting in unfair treatment, low wages, and even instances of exploitation and human trafficking (Musicpunth et al. 2023). The Thai government has attempted to alleviate the situation. In 2022–2023, the Thai Ministry of Labour changed the requirements for Thai nationals travelling to Finland to pick wild berries. They must now travel as 'workers arranged by local employers' instead of through 'self-arrangement,' as was the practice in the past.

Travel arranged by the employer is something we are doing to solve the problem. In the past, there were issues with no one taking responsibility. They don't receive benefits or wages, and they don't get what they expected. Travelling through self-arrangement, they have the freedom to pick berries and sell them in the market. Sometimes, they encounter buyers who lower the price, or when it's a free-for-all forest area, there's competition for space to pick [...] Our authorities see the need to find a host in Thailand, and that's the reason for this channel—employers arrange the travel.

(A representative from the Ministry of Labour, personal communication, August 11, 2023)

Under the self-arrangement system, Thai wild berry pickers travelled as independent workers without employment contracts and were not covered by Thai labour protection laws. In contrast, workers travelling under arrangements made by local employers have to sign employment contracts with their employers in Thailand, who are responsible for the workers' benefits and wellbeing. Through this arrangement, workers are guaranteed a minimum wage of 30,240 THB. This measure is part of the initiatives implemented by the Department of Employment to safeguard income. It requires that Finnish wild berry purchasing companies or coordinating companies in Thailand guarantee the income for Thai workers after expenses by placing a financial guarantee with the Bank for Agriculture and Agricultural Cooperatives, as specified by the Department of Employment. After the season ends, these companies must ensure that the Thai workers' income, after expenses, is not less than 30,240 Baht (Eastern Labour Market Information Administration Center 2023).

Through this change, workers receive certain protections under Thai law. However, an important question arises: will this place the burden of responsibility solely on the Thai side? While the Thai Ministry of Labour has moved to improve the legal status of Thai wild berry pickers, enforcing Thai law to protect the rights and benefits of these workers in Finland poses significant challenges. As Thai authorities do not have jurisdiction to enforce laws outside their territory, the protection of workers in a foreign context remains precarious. However, it is a positive step that berry pickers can have their employment status recognised by Thailand. This recognition is crucial for securing a minimum wage and certain benefits, but it raises complex questions about the nature of their labour in Finland. How can they be eligible

for a Schengen visa if they travel as ‘workers arranged by local employers’ to work in Finland? This contradiction highlights the ambiguity in their legal status and migration classification, which complicates the entitlement and actualization of their rights. Without a clear and consistent legal framework on both sending and receiving countries, seasonal Thai wild berry pickers in Finland remain vulnerable to unfair treatments, exploitation, and inadequate working conditions. While low-skilled migrant workers in general face limited rights and institutional marginalisation (e.g., Seo and Skelton 2016), Thai wild berry pickers are in an even more precarious position. Classified as tourists rather than labour migrants, they lack basic legal status and the rights to organise and improve their working and living conditions.

Following changes on the Thai side, the Finnish state took action. In March 2024, the Ministry of Foreign Affairs of Finland halted Schengen visa issuance for Thai nationals intending to travel to Finland to pick wild berries for the summer of 2024. Instead, a number of Thais were able to enter Finland to pick wild berries with a work permit and residence status. The shift from Schengen visas to work permits marked a significant step towards better conditions for foreign workers in the Finnish wild berry industry. Further developments in the regulations of seasonal wild berry pickers are on-going but they are beyond the scope of the current study.

4 | Discussions and Conclusions

Through the case of Thai wild berry pickers in Finland, the current study demonstrates how the contradictory but intersecting migration regimes facilitate flexible global labour supply chains that benefit corporations at the expense of migrant workers’ protections. We complement the regulatory power of the state and supranational organisations in managing migration (Rass and Wolf 2018; De Genova 2017; Tsianos and Karakayali 2010) with the humanising approach (Fresnoza-Flot 2024) in understanding how various meso-level actors, such as recruitment agencies and government representatives, reflect on existing mobility mechanisms. These actors play a key role in shaping migration policies and practices, directly impacting the lives of migrants. The role of private intermediaries and the state in ‘co-producing regulatory spaces of labour migration’ (Axelsson et al. 2022) is prominent in the quota system in which authorities from both countries, along with berry-purchasing companies and recruitment agencies, participate.

Although both Thai and Finnish governments permit and even encourage this form of seasonal migration for economic reasons, they provide minimal oversight or protection for the Thai wild berry pickers. Prior to 2023, Thai wild berry pickers were considered independent workers under the care of the Thai Ministry of Labour. In Finland, they were classified as entrepreneurs who exercised the ‘right to roam’ to forage wild berries, and thus were not regarded as workers with the entitlement to standard labour protections. Government representatives from both countries and academics who follow this migration flow recognised the shortcomings of the existing system. Only in 2023 did Thailand begin efforts to grant wild berry pickers worker status in an attempt to improve their situation. This

change highlights a key contradiction between the mobility regimes of the two countries: while Thailand sought to categorise them as overseas workers, Finland continued to regard them as non-workers. Another contradiction lies in Finland’s issuance of Schengen visas for wild berry pickers, as these visas are intended for tourists, not workers, further exposing the mismatch in legal frameworks (See also Seikkula 2024). This study reveals the contradictions in the migration regimes, which on the one hand encourage labour migration for economic gain, while on the other hand exclude these migrants from essential social and legal protections. The issuance of Schengen visas for seasonal wild berry pickers is comparable to the working holiday and au pair programmes, in which visas types classified as ‘visiting’ and ‘cultural exchange’ are utilised to recruit temporary migrant workers to the sectors that suffer labour shortages in the receiving countries.

As pointed out by Axelsson and Hedberg (2018) in the case of Thai wild berry pickers in Sweden, national frameworks fall short of protecting transnationally organised employment of this particular case of lower-skilled seasonal labour migrants. The intersecting and conflicting migration regimes also reflect broader global inequalities that structure migration of lower-skill migrants from poorer to wealthier countries (Kaminer 2024). Finland benefits from low-cost labour to sustain its industries and economic activities, yet fails to extend full rights and protections to these workers. Meanwhile, the Thai state facilitates the export of its labour force without providing adequate safeguards to protect its citizens abroad. The case of Thai wild berry pickers in Finland epitomises a system where the state and private sectors facilitate global mobility that increases employment flexibility and precarity.

Thai wild berry pickers stand out as a case of visa mislabeling, leading to flexibility and precarity for temporary, short-term and seasonal labour migrants from a less wealthy country. Yet this specific transnational flow cannot be understood as a stand-alone phenomenon. It emerged in the context of Isan culture of migration and the structural marginalisation of the agricultural sector in Thailand over the past five decades resulting in high debts of agricultural households and the sense of blocked opportunities among people from Isan farming backgrounds (Statham et al. 2020). Home to a third of the Thai population, the Isan region has since the 1970s been a main source of domestic and transnational labour migration (Keyes 2014). Predominantly Isan men began to travel to Middle Eastern states (Saudi Arabia, Kuwait, Bahrain) in the 1970’s for contracted low-skilled labour migration. The key destinations have currently shifted to Israel, Taiwan and South Korea (Labour Market Information Administration Division, Department of Employment 2023). Many of returned migrants have successfully improved their household economic conditions and provided education to their children even if they had to pay the price of hard labour, time away from families, and the experience of racial discrimination, labour exploitation or being taken advantaged of by brokers (Kurlander et al. 2024; Kaminer 2024; Raijman et al. 2024).

The ‘successful’ stories of households that lifted their economic status as a result of transnational migration have formed migration aspirations among generations of Isan villagers who now see working overseas as a realistic way to change their lives for

the better, even with significant potential risks. The demand to work overseas is substantial and the Thai Department of Labour is responsible for facilitating and providing appropriate protections for Thai overseas migrant workers. Shifting from the macro-level, the aspiring migrants themselves play an important role in activating and participating in migration regimes even if they have little control over the institutions. But as the latest development in migration regulations for wild berry pickers in Finland has shown, the pressure by the Civil Society, including the organisation of former wild berry picker network under the Migrant Workers Union of Thailand, as well as media and public scrutiny have led to the change in the Finnish legislations in February 2025. Wild berry pickers are now included in the Finnish Seasonal Workers Act and are required to obtain seasonal worker visas to travel to Finland. This legislative change is a significant move that demonstrates an attempt to correct the contradictions in migration regimes and visa mislabeling with an aim to increase labour protections for seasonal wild berry pickers. The process leading up to the change reflects the complexity, diverse actors and the dynamics in migration regimes noted in existing literature (Cvajner et al. 2018; Tsianos et al. 2009). Yet it remains to be seen how effective the move will be in improving the situation of Thai wild berry pickers as the migration industry—comprising commercialised recruitment agencies and migrant brokers—is known to be highly adaptive to legal changes and increased regulation (Raijman et al. 2024). A future study monitoring the way in which the new visa category for wild berry pickers reconfigures migration infrastructure will be essential.

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Ethics Statement

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Data Availability Statement

Data is partly available to public through ULB repository.

Peer Review

For transparency, the peer review documents associated with this article are available at <https://doi.org/10.1111/imig.70162>.

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