

Situation and Policy Recommendations for Refugees and Asylum Seekers



The civil society organization is monitoring and seeking solutions for refugees and refugees from armed conflicts



Laws and Policies Related to Refugee Management

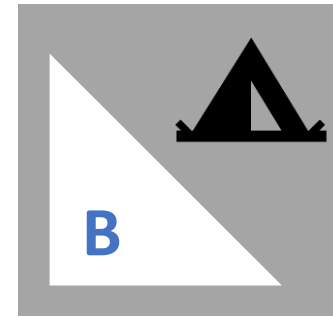


Refugees Currently Residing in Thailand

Divided into 4 types based on the management:

Armed Conflict Refugees

Groups of refugees, which the government refers to as armed conflict refugees, have been provided temporary shelter in 9 centers along the Thai-Myanmar border.

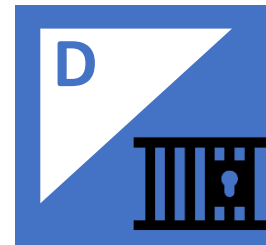
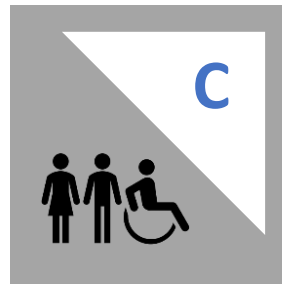


Refugees from the Unrest in Myanmar

Those affected by the armed conflict and suppression of civilian and minority ethnic groups in Myanmar, after the coup d'état in Myanmar, who temporarily reside in the border area.

Urban Refugees

Refugees within urban areas are divided into two groups: urban refugees from over 40 countries who are within the care of UNHCR or are in the process of seeking refugee status from UNHCR and refugees from Myanmar who arrived after the coup in Myanmar and are residing within the city.



Refugees whose presence may impact national security and international relations

Groups that the state has designated as special groups due to risk of prompting instability of international relations, such as the Rohingya and the Uyghurs.

Refugees from Armed Conflict in Temporary Shelters



The Situation of Refugees from Armed Conflict in Temporary Shelters

Population Management

The ministry of interior has established the PAB for registration, with a total of 77,721 people registered. The ministry of interior is responsible for their care, supervised by the National Security Council in a policy-oriented manner.

Other Management Policies

About 126,000 people have settled in a third-country resettlement base. The United States currently has a program for accepting refugees, and there have been repatriations in accordance with the government's policy between 2016 and 2018, with 164 people returned

9 Temporary Shelter Areas in the Thai-Myanmar Border Region

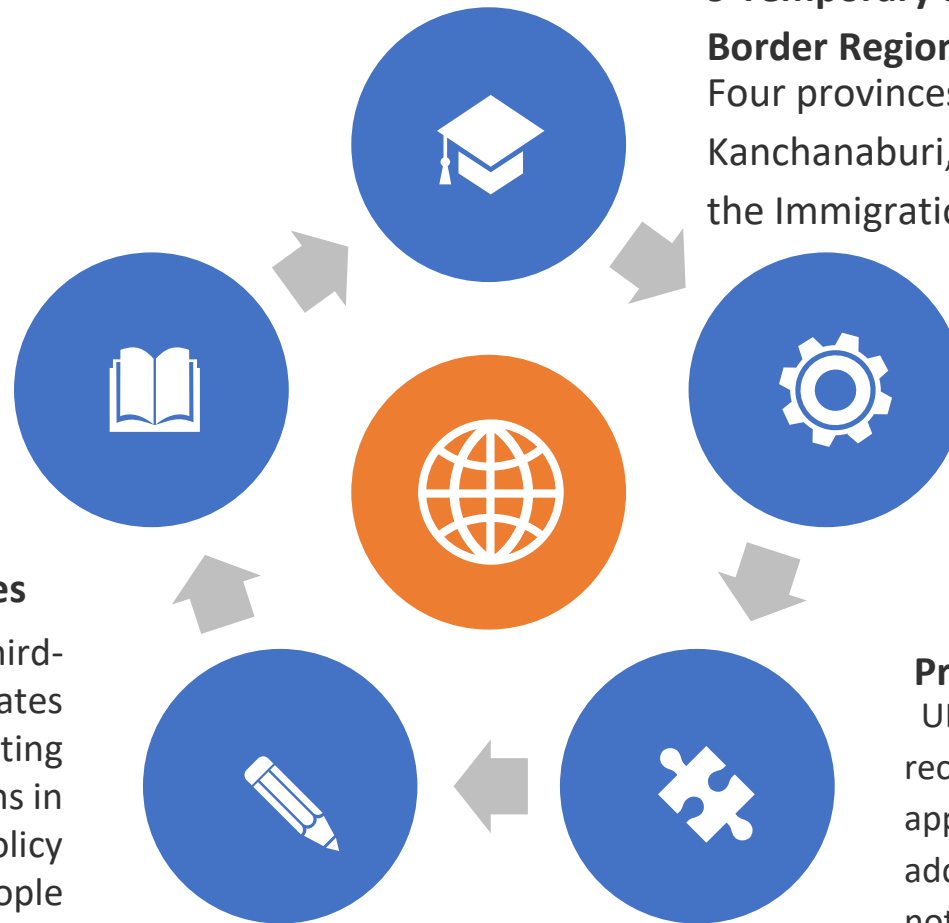
Four provinces, namely Tak, Mae Hong Son, Kanchanaburi, and Ratchaburi, were established under the Immigration Act for more than 40 years.

Residential Status

They are not allowed to travel outside the temporary shelter area unless it is necessary, such as for medical treatment or in special cases.

Present Situation

UNHCR has conducted personal history records and has found that there are approximately 90,000 people, with an additional group of tens of thousands who have not yet registered with the Ministry of Interior.



There is still a need for guidelines in developing the status and basic rights of children born in temporary shelter centers.

Legal and Policy Recommendations Concerning Refugees from Armed Conflict in Temporary Shelters Areas

Perspectives from the civil society

01

Status improvements

Emphasize creating processes for local integration into Thai society.

02

Manage groups that do not have registered status

Survey the population and register all groups in the new temporary shelter areas

03

Management of rights/status

Status Improvement/ allowing temporary residence outside the temporary shelter area / work permits and travel within the area / access to education

04

Legal Management

Request the Cabinet to grant permission for residence under Article 17 of the Immigration Act and work under the regulations for the employment of foreign workers.

05

Legal Development/Amendment

Amend the Immigration Act to specify the conditions for temporary residence status, permanent residence status, work permits, education, healthcare services, and social security under clear terms.

Refugees from the Unrest in Myanmar in Temporary Safe Areas Along the Border



Refugees from the Unrest in Myanmar in Temporary Safe Areas Along the Border

Impact from the military's crackdown after the coup in Myanmar

- ❖ In 2021 and 2022, following the coup in Myanmar, there were several attacks along the border in Mae Hong Son and Tak provinces, resulting in refugees from the unrest crossing into Thai territory along the border. However, the Thai authorities provided only short-term shelter and pushed them back to Myanmar's borders. Furthermore, there was no official assistance or humanitarian aid provided to Myanmar.
- ❖ Currently, the management is carried out by the state, which has established temporary safe areas in 5 locations in Mae Hong Son province. These locations include Sao Hin, Unu, Jeprakhee, Phachae, and Bannaisoi in three districts: Mae Sariang, Khun Yuam, and Mueang districts of Mae Hong Son province. These areas are controlled by the 36th Border Patrol Police Company, 17th Infantry Regiment, and they have requested cooperation from various Thai government agencies, including the ministry of Interior, SAO or village leaders, sub-district heads, district chiefs, as well as public health organizations like the Provincial Public Health Office and the District Public Health Office.
- ❖ A joint border coordination center has been established with the governor as chairman. It involves security agencies, provincial administration, and the civil society.

The Situation of Refugees from the Unrest in Myanmar in Temporary Safe Areas Along the Border

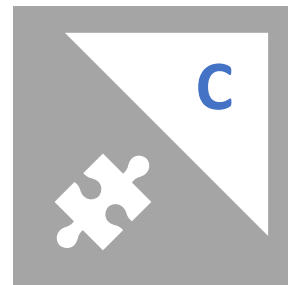
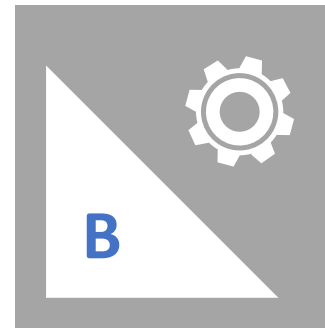
The situation is still unsettled, management remains ad hoc, and there is a lack of comprehensive governance systems.

Number of Refugees

Due to the temporary nature of the area, there are movements in and out based on the security situation in Kaya, Myanmar. The current population is estimated to be around 7,000 people.

Management Constraints

There are residents from the inner areas of the country, but some have not returned due to concerns about safety, while others have to travel long distances and find it impractical to return back and forth, especially if there is a risk of renewed unrest. In such cases, they may have to stay in IDP camps.



Short-term Management

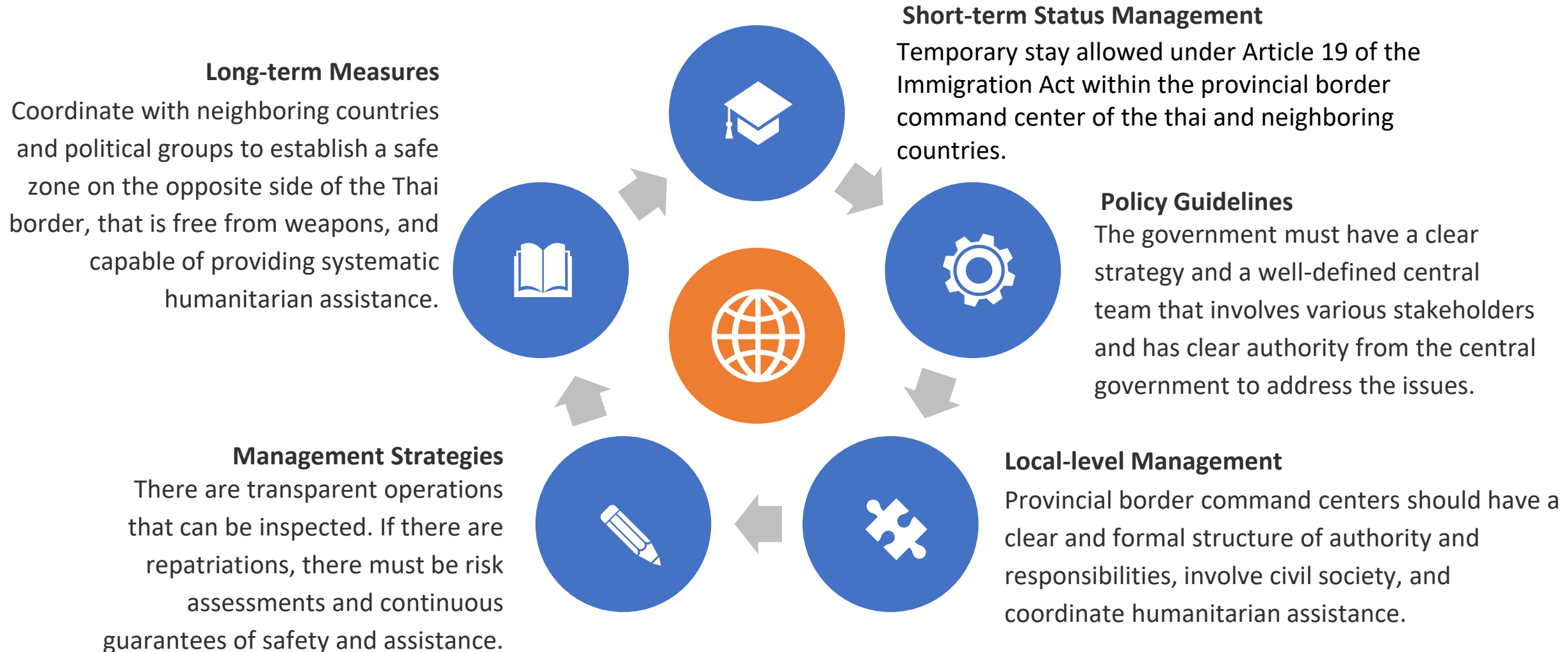
Some of the refugees have chosen to return to Myanmar as the security Affairs officials has deemed it a temporary residence and most of their homes are near the border. They have been encouraged to return home, with the ability to come back should the situation call for it.

Current Issues and Needs

While there is a level of management, there is still a need for clear coordination and authority. There should be official systems for providing cross-border assistance to ensure the safety of refugees, or contingency plans for their care in case of renewed conflict.

Suggestions for Managing Refugees from the Unrest in Myanmar in Temporary Safe Areas Along the Border

Perspective from Civil Society: Temporary Status Designation, Clear Policies, Regional Management, Risk Assessment Measures, and Establishing Safe Zones



Legal and Policy Recommendations for Refugees from the Unrest in Myanmar in Temporary Safe Areas Along the Border

Perspective from the Civil Society

01

Decentralizing Power to the Regions

Decentralizing power so that local government organizations, communities, and civil society in the area take the lead in management, with central support.

02

Measures for Monitoring and Assessing the Situation

Systematic and transparent monitoring and assessment, involving all stakeholders.

03

Management of Rights and Status

If the situation persists and repatriation is not feasible, the management approach should be adjusted to involve community-based assistance.

04

Developing and Amending Laws

Amend the Immigration Act to establish screening measures for refugees and conditions for temporary stay. Develop rights and future status in cases of necessity.

05

Adhering to the Principle of Non-Refoulement

Establishing Guidelines and Practices Based on the Principle of Non-Refoulement, as Stipulated in Article 13 of the Prevention and Suppression of Torture and Enforced Disappearance Act.

Urban Refugees



Urban Refugees



Refugees from Various Countries

There are around 5,000 refugees and asylum seekers

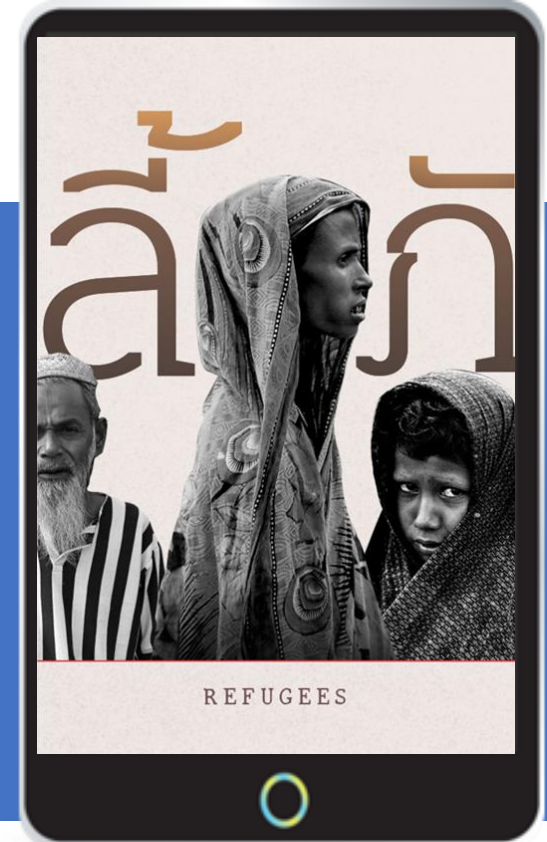


Refugees from Myanmar

Approximately 5,000 to 10,000 Burmese entered seeking refuge for their lives after the coup in Myanmar.

Classified according to their legal status within Thailand, which varies depending on their entry and permission to reside, as divided into four groups:

- (1) Entered lawfully and have the right to reside, with legal status.
- (2) Entered lawfully but do not have the right to reside, living illegally.
- (3) Entered unlawfully and do not have the right to reside, entered and living illegally.
- (4) Entered unlawfully but obtained the right to reside through other means, such as applying for asylum or registering as a laborer, with legal status, subject to specific conditions as per the law and policies.



The current management is carried out in accordance with the Immigration Act, and the Immigration Bureau. Some individuals have been granted permission to stay in other statuses such as tourist visas, student visas, and work visas. However, there is a risk that travel documents may expire, and they may not be able to extend them or obtain a new passport from their home country's embassy. Nevertheless, the majority of individuals have an illegal immigration status and do not have permission to stay in any other status in compliance with the law.

The Circumstance and Issues of Urban Refugees

The risks faced by refugees

- ❖ Most are individuals who have entered the city illegally or reside without permission. They are at risk of being apprehended, detained indefinitely, and forcibly returned to their home country. There is also a risk of exploitation by state authorities in ways that contravene the law.
- ❖ Assistance from the UN and NGOs is limited, and accessing basic services provided by the government, such as education and healthcare, is challenging.
- ❖ Understanding of the criteria and guidelines for alternative detention (ATD-MOU) for children awaiting deportation. While most refugee children and families benefit from these policies, there are still policy and management issues that need to be addressed. This includes the requirement of a 50,000 Baht bond or the risk of being called back to immigration detention centers if a child is over 18 years old.

The Regulation of the Office of the Prime Minister Regarding the Screening of Foreigners Entering the Kingdom and Unable to Return to Their Residences in 2019, was implemented by the Immigration Bureau starting from the end of September 2023. However, there have been no individuals expressing a desire to undergo screening due to the risks of being apprehended and detained while awaiting deportation. In cases where individuals have been granted bail, there is still concern that the bail may be revoked, and they may be detained if they do not pass the screening process. The United Nations High Commissioner for Refugees (UNHCR) coordinates and allocates resettlement to third countries for individuals in this group, based on the numbers received from those third countries. In cases where individuals voluntarily wish to return to their home country, they can participate in UNHCR's voluntary repatriation program.

Children who are descendants of refugees, as well as stateless individuals, both in border areas and in-country, who attend state-run educational institutions, are typically only issued a G-number by the Ministry of Education. However, they have not undergone legal documentation, record-keeping, and status development as per the

Issues Related to Orders and Policies of the Immigration Bureau

The impact on refugees, especially those from Myanmar, after the coup in Myanmar,



01

Notification of Order for Aliens to Report (Form ตม. 35)

Refugees are asked to sign their names when they are sent to immigration detention centers by the Immigration Bureau, using "Notification of Order for Aliens to Report (Form ตม. 35)." This form specifies the conditions under which immigration officers can deport foreigners at any opportunity. Refugees often sign it without understanding its contents or their rights, which can be a reason for their deportation even though there may be risks associated with being sent back.

02

Refugees from Myanmar who are apprehended may be deported immediately without going through a court process.

Letter No. 0029.843/ว. 17, dated June 22, 2021, authorizes immigration officers to expel foreign nationals of Myanmar, Laos, or Cambodia, who have committed offenses under the Immigration Act of 1979, from the Kingdom without the need for legal proceedings. This has resulted in refugees from these three countries being subjected to the same conditions for rapid deportations without a formal screening process.

03

There is no clear policy for bailing refugees from Myanmar from the Immigration Bureau

The consideration for granting bail remains a case-by-case evaluation. The process is complex and lengthy, with no clear guidelines from the immigration bureau. In practice, officers often inform applicants that there is no policy for granting bail, leading to prolonged delays in the bailing process, sometimes spanning years or resulting in no bail being granted at all.

Legal and policy proposals for Urban refugees

perspective from civil society

01

Assigning Residency Status

Allowing individuals registered with UNHCR to reside in Thailand can be exercised as per Section 19 or Section 54 of the Immigration Act, or Propose that the Cabinet approve the exercise of power according to Article 17 of the Immigration Act for a period of 1 year. During which individuals can apply for protection person status under the National Screening Mechanism (NSM).

02

Improving the screening Process

Amending access to the regulation of the Office of the Prime Minister regarding the screening of foreigners entering the kingdom and unable to return to their home countries, 2019 (NSM). This would involve allowing individuals to apply for protection with immigration officers in the area without the risk of immediate apprehension.

03

Developing and Amending Laws

Amending the Immigration Act to establish procedures for screening refugees, temporary residence permits, and the development of future rights and statuses when necessary.

04

Adhering to the Principle of Non-refoulement

Establishing guidelines and adhering to the principle of non-refoulement, as outlined in Section 13 of the Prevention and Suppression of Torture and Enforced Disappearance Act.

Refugees Whose Presence May Potentially Impact National Security and International Relations



Refugee Groups Whose Presence May Especially Impact National Security and International Relations

The Rohingyas

There is an estimated 5,000 to 10,000 Rohingya refugees in Thailand who have fled violence, with around 700 individuals still in detention

Status in Thailand

Currently, there are Rohingya individuals in various statuses in Thailand, including those awaiting deportation, victims of human trafficking, and those registered as foreign workers for temporary residency and employment in the country.

Denied Screening

There have been refusals to proceed with the National Screening Mechanism (NSM) in an unofficial manner.



The Uyghurs

Uyghur refugees fleeing human rights violations in China entered Thailand in the year 2013. Around 460-500 Uyghur individuals are estimated to have arrived in Thailand during that time.

Risk of Being Deported

In 2015, 172 Uyghur women and children were sent to Turkey, but on July 8, 2015, 109 Rohingya men were forcibly returned to China under the principle of deporting criminals across borders.

Being Held in Detention indefinitely

There are approximately 50 Uyghur individuals remaining in Thailand at present. This particular group of Uyghur has been held in immigration detention centers for nearly 10 years. Tragically, two Uyghur individuals held in detention centers passed away at the beginning of the past year.

Legal and policy proposals for Refugee groups whose presence may impact national security and international relations

- Uphold the international agreements and refrain from forcibly returning this group of Uyghur to danger.
- Consider discontinuing the indefinite detention of Uyghur and Rohingyas.
- Allow international organizations and civil society groups to urgently participate in resolving the issues faced by Uyghurs, particularly by facilitating access to the United Nations High Commissioner for Refugees for assistance in seeking asylum.
- Allow this group of Uyghur to leave the country voluntarily, in accordance with their inherent human dignity, and safely settle in the country of their choice.
- Sustainable solutions are available. Many of the Uyghur individuals have relatives in various countries; therefore, they should be allowed to travel to these countries based on the principle of family reunification, following international best practices.
- As the Rohingya are a group not accepted by their country of origin, their case should be considered for processing under the National Screening Mechanism (NSM). Thailand should take a leadership role within ASEAN in finding a solution for the Rohingya issue. Using diplomatic measures, address the problem within Myanmar with the participation of three ASEAN countries, namely Thailand, Indonesia, and Malaysia. Consider temporary residency and mobility rights.
- The MOU-ATD for Rohingya children and families should be applied in open and community-based reception systems.
- Develop a status that allows temporary residence in Thailand and the right to work.

Legal and Policy Proposals

1. Amend the Immigration Act to establish screening procedures for foreigners entering the kingdom who cannot return to their home countries and do not have a permanent residence, outline conditions and criteria for temporary residence permits, permanent residence permits, work rights, and access to education, healthcare, and social security when employed, in a clear and comprehensive manner.
2. Introduce a mid-term plan that allows registration as a laborer for groups who lack travel documents or border-crossing documentation or cannot prove their nationality, granting them the right to temporary residence and employment, with the option for annual renewals.



Immigration Act Amendment

**Establish temporary
residency rights**

Proposals to the Committee



01

Establish a committee to study the issues related to the overall management and governance of refugees

02

Inspect complaints of violations in border areas and in the interior areas, such as cases of border incursions by the Myanmar military

03

Monitor the work of government agencies such as the National Security Council, the Ministry of Defense, the Ministry of Interior, and the Immigration Bureau

04

Study and develop proposals on implementing regulations of the Office of Prime Minister (NSM), the use of alternatives to detention (ATD-MOU), management at border areas, the role of the military, local administration, and communities.

Study and amend relevant laws, such as the Immigration Act of 1979, to make necessary adjustments