

RESEARCH BRIEF

Durable Solutions to Protracted Displacement of Urban Refugees in Thailand



Introduction

Forced migration or displacements around the world is taking an unprecedented turn, recording growing levels as millions of people are forcibly displaced because of disasters, conflicts, persecution, and other external and internal shocks. Southeast Asia is one region that has been experiencing the brunt as a result of the significant growth in the movement of refugees and migrants, witnessing hundreds of thousands of people crossing their borders under perilous journeys. Pervading issues associated with this trend have highlighted the weaknesses of migration policies in the region.^{1,2} The mechanisms employed by countries in Southeast Asia, moreover, are uneven and generally on an ad hoc basis as most of the countries in the region such as Thailand are non-signatories to the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees;³ thus, situating refugees at the fringes of society, where an increasing number is in the urban areas.

Refugees generally originate from countries where the pain and trauma they were subjected to are extreme. Thus, they strive to be resettled in developed countries hoping to put their harrowing experiences behind. As many of them are in urban areas, they are often hidden⁴, and thus, it is often a challenge to identify them and assess their experiences and needs. Moreover, their journey is often precarious and long as many are hosted in non-signatory countries like Thailand. Thailand, for instance, is known to have forcibly deported refugees and asylum seekers while others have been excluded from obtaining formal education or employment. Furthermore, studies reveal that policy responses to the refugee situation vary and the lack of government commitment to protect refugees and asylum seekers have exacerbated their experience and invisibility; thus, they languish in urban areas and many others are in protracted situations.

More and more displaced persons requiring international protection consider Thailand as the country of first asylum and have established temporary settlement in urban areas like Bangkok. In 2019, the current Thai government endorsed the National Screening Mechanism (NSM) to legally address forced displacement, generally considered by local and international organizations, the academia, and refugees in the country as the path for refugee protection and in addressing the uncertain conditions of refugees and asylum seekers.

It also established the Screening Committee in 2020 and the Sub-Committee on Criteria, Procedures, and Conditions in 2021. However, major deficiencies in the NSM have been raised by advocacy groups and researchers concerning the criteria in granting statuses to refugees and selection procedure, and that, the responsible agency for the provision of assistance or support are ambiguous.⁵ Consequently, the gray area between migration policymaking and refugee protection in Thailand remains which have implications on the mobility, wellbeing, and experiences of refugees and asylum seekers.

This research addresses the gap by expanding the debate regarding Thailand's approach towards refugees in the country against the backdrop of the 1979 Immigration Act and the 2019 National Screening Mechanism (NSM) of forcibly displaced persons. Central to the research are the questions:

- 1 Does the recently enacted NSM adequately provide the necessary protection and assistance to refugees and asylum seekers following international standards?
- 2 What alternative pathways can be incorporated in the design of refugee programs to address protracted displacement in Thailand?



Methods

Forced displacement in the urban areas of Thailand is the main focus of the research project. Primary data gathered from our recent study conducted on urban refugees in Bangkok between October 2021 and March 2022 are used to examine the different structural and contextual barriers faced by refugees and asylum seekers in the urban areas of Thailand. Through a comprehensive review of refugee cases in Thailand, this research provides more evidence on some of the pervading refugee issues in the country.

In the absence of concrete refugee policies, the research highlights various protection and human rights issues that impact forcibly displaced persons seeking refuge in the country; for example, refoulement, arbitrary arrests or detention, and impediments to movement or education. The policies and measures employed by the Thai government and its agencies to address these issues are examined and the outcomes identified.

Most importantly, the recently enacted National Screening Mechanism (NSM) of Thailand is analyzed given the fact that it is still at the early stages to determine whether the provisions are in line with international standards, and whether it really offers the protection and assistance necessary to those seeking refuge in the country.



Major Findings

Thailand has a long history of accommodating hundreds of thousands of refugees primarily from neighboring countries such as Myanmar. Currently, more than 90,000 mostly from Myanmar remain in several camps at the borders between Myanmar and Thailand.⁶ Over the years, it has witnessed a growing prevalence of urban refugees and asylum seekers from war-torn countries such as Syria and Afghanistan, currently estimated at 5,000 by the UNHCR and 8,000 by some experts we interviewed.⁷ However, several NGO representatives interviewed for our study on urban refugees in Bangkok have heavily criticized the lack of or absence of government's involvement in addressing the challenges of refugees in general.⁸ As Thailand has not acceded to the 1951 Refugee Convention, no refugee framework exists in the country and it relies mainly on the UNHCR's mandate of protecting refugees and asylum seekers,⁹ and for financial and medical assistance as revealed by the urban refugees we studied.

The absence of a legal framework for refugees or forcibly displaced persons, however, means that they face various forms of human right violations; more so, in urban settings and outside of camps. Under the 1979 Immigration Act, they are considered illegal migrants if found without a passport or valid visa; thus, subject to deportation,¹⁰ and makes no distinction between refugees, asylum seekers and undocumented migrants.¹¹

Cases of refoulement have been reported in the media as well as by local and international organizations in Thailand wherein refugees and asylum seekers have been returned to their countries endangering their lives.^{12,13} These occurred despite the UNHCR's recognition of the persons as refugees.¹⁴

Despite the three durable solutions for refugees used by UNHCR, namely repatriation, local integration and third country resettlement, safe, legal and systematic refugee channels are lacking if not absent; thus, with very little prospects for protection while outside of camps. UNHCR's humanitarian assistance in the country is also generally perceived by the urban refugees and asylum seekers we interviewed as oblivious to their basic needs and less responsible for their circumstances. For them, arrests and prolonged detention, restrictions of movement, limited access to healthcare services and education, and exploitation are everyday experiences.

The recently established NSM has been sidelined due to the COVID-19 pandemic and there is no progress since the last meeting with regard to its implementation according to one expert we interviewed. There remains, therefore, the lack of commitment and policy, and solid protection mechanisms to address the refugee phenomenon which exacerbates the experiences and invisibility of internationally displaced persons in Thailand.



A path for safe and legal migration channels can be provided through **short-term or long-term visas, integration, resettlement processes.**

Conclusion

Although UNHCR and non-UNHCR interventions have addressed some of the basic needs of the refugees in cities and those in camps, these are barely adequate to address the daily needs of the recipients. The refugees and asylum seekers continue to require various forms of assistance such as legal, financial, and medical support particularly while in protracted situations. These interventions should consider the different needs, cultural norms, and gender-specific concerns of forcibly displaced men and women, and those in cities and camps in order to be effective and sustainable.

Effective mechanism to render support and temporary protection of all refugees following international standards.

Therefore, it is essential to expand the development of Thailand's National Screening Mechanism to be an effective and fair policy for forcibly displaced persons fleeing conflicts and disasters and seeking refuge in the country. The main prospects from this are:

- A path for safe and legal migration channels can be provided through short-term or long-term visas, integration, resettlement processes, as well as an effective mechanism to render support and temporary protection of all refugees following international standards.
- Identifying and establishing other legal pathways for refugees and asylum seekers will enable them to rebuild their lives which can be integrated in future programs. Despite being a non-signatory country, Thailand is certainly capable of developing durable refugee policies and in providing alternative paths to refugees.
- More advocacy initiatives from academic institutions and NGOs are also important to change the mindset of Thai society and promote local integration.



References

1. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635542/EPRS_BRI\(2019\)635542_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635542/EPRS_BRI(2019)635542_EN.pdf)
2. <https://thediplomat.com/2015/12/a-real-durable-solution-for-southeast-asias-refugees/>
3. UNHCR. State parties to the 1951 convention relating to the status of refugees and the 1967 convention <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>
4. Anderson, J. (2012). Urban displacement and peacebuilding: an analysis of South African social cohesion interventions. New Issues in Refugee Research. Research Paper No. 243. Policy Development and Evaluation Service United Nations High Commissioner for Refugees
5. <https://idcoalition.org/news/thailands-national-screening-mechanism-paves-the-way-for-better-refugee-protection/>
6. UNHCR, Thailand Border Operation - Information Management Unit, Mae Sot, "RTG/MOI-UNHCR Verified Refugee Population", 31 Dec. 2019. https://www.unhcr.or.th/sites/default/files/u11/Refugee%20Population%20Overview_December%202019_0.pdf
7. UNHCR, "Thailand: Fact Sheet", 31 Dec. 2019, available at <https://www.unhcr.or.th/en/about/thailand>
8. The research study, "The transitional lives of Bangkok's urban refugees", was conducted with Dr. Sureeporn Punpuing of the Institute for Population and Social Research, Mahidol University, where I was a postdoctoral researcher for 6 months during the research period.
9. UNHCR, "UNHCR Thailand", Mar. 2020, available at: <https://www.unhcr.or.th/en/about/thailand>
10. Immigration Act of Thailand B.E. 2522 (1979), 24 Feb. 1979, s. 12: "Aliens falling into any of the following categories are excluded from entering the Kingdom – (1) Having no valid and subsisting passport or travel document or having the same but without a visa stamp by a Royal Thai Embassy or Consulate in a foreign country
11. Amnesty International, 2017; <https://idcoalition.org/staff/min-je-yamada-park/>
12. Human Rights Council: Working Group on the Universal Periodic Review (25th Session, 2-13 May 2016), Summary Prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the Annex to Council Resolution 16/21, UN Doc. A/HRC/WG.6/25/THA/3, 23 Feb. 2016, para. 71.
13. UNHCR, "Briefing Note: UNHCR Deplores Deportation of Laotian Refugee from Thailand", 8 Jul. 2014. <https://www.unhcr.org/53bbc65b9.html>
14. Human Rights Watch, "Thailand: Implementation Commitments to Protect Refugee Rights", 6 Jul. 2017. <https://www.hrw.org/news/2017/07/06/thailand-implement-commitments-protect-refugee-rights>



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