

# THAILAND

## Working environment

### The context

Thailand's traditional generosity and hospitality towards refugees and asylum-seekers has spanned several decades and has led to new lives for hundreds of thousands of people who have sought temporary protection within its borders. The State is not party to the 1951 Refugee Convention. Thailand currently hosts some 92,000 registered refugees from Myanmar as well as an estimated 54,000 unregistered asylum-seekers in nine camps along the Thai-Myanmar border.

There was an influx of 16,000-18,000 people from Myanmar after reported clashes between ethnic armed groups and the Myanmar army erupted along the border following the general elections in November 2010. While they were allowed to stay temporarily, national authorities encouraged them to return to the country of origin shortly after fighting ceased. An estimated 5,000 people still remain in areas along the Thai-Myanmar border.

Sporadic fighting reportedly continues in the area of south-eastern Myanmar. Admission to the refugee camps in Thailand is governed by the Provincial Admissions Board (PAB) mechanism. The number of unregistered camp residents, however, continues to grow. Refugees and asylum-seekers living outside the camps are regarded as illegal migrants under immigration law and are subject to arrest, detention and deportation.

UNHCR operates in a challenging environment, characterized by inadequate protection space for all groups of concern in Thailand. There have been cases of asylum-seekers being deported to Myanmar as well as numerous instances of Pakistani and Sri Lankan asylum-seekers and refugees being randomly arrested and detained. Despite isolated cases of release from detention and, more recently, release on bail, arrests have continued. Thailand is at the centre of increasing migratory movements in



the region, and hosts an estimated two million migrants, with a blurring of the distinction between asylum-seekers and those coming predominantly for economic reasons.

## Planning figures for Thailand

TYPE OF POPULATION	ORIGIN	JAN 2012		DEC 2012 - JAN 2013		DEC 2013	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Refugees	Myanmar	89,870	89,870	90,790	90,790	83,970	83,970
	Various	950	950	930	930	910	910
Asylum-seekers	Myanmar	16,740	8,020	8,960	250	36,960	28,250
	Various	1,510	1,510	1,530	1,530	1,550	1,550
Stateless <sup>1</sup>	Stateless	542,510	-	542,510	-	542,510	-
Others of Concern	Myanmar	57,090	57,090	57,090	57,090	22,090	22,090
<b>Total</b>		<b>708,660</b>	<b>157,440</b>	<b>701,810</b>	<b>150,590</b>	<b>687,990</b>	<b>136,770</b>

<sup>1</sup> Figures for stateless persons are based on ongoing discussions between the Thai authorities and UNHCR and will be further verified in the course of the year.



A spontaneous refugee camp on the banks of the River Moei.

### • The needs

The situation of refugees from Myanmar in camps in Thailand is one of the most protracted in the world. These refugees have been confined to nine closed camps since they began arriving in the 1980s. According to Thai law, those found outside the camps are subject to arrest and deportation. Legally, refugees have no right to employment. The prolonged confinement of Myanmar refugees in camps has created many social, psychological and protection concerns. The coping mechanisms of refugees have been eroded, and the restrictions imposed on them have increased their dependence on assistance.

The introduction of third-country resettlement in 2005 has provided solutions for more than 70,000 individuals. The number of registered Myanmar refugees in the camps was brought down by more than 10,800 people in 2010. Some 10,000 refugees per year are expected to depart in 2011 and 2012. Despite this remarkable burden-sharing effort, the camp population is not likely to decrease rapidly: the unregistered population in the camps has grown to an estimated 54,000 and there is a steady flow of new entrants. UNHCR will continue to cooperate closely with the Government in finding durable solutions for refugees and ensuring that asylum-seekers have access to fair and efficient asylum procedures.

Sessions of the Provincial Admissions Boards need to be resumed systematically in order to determine the status of the estimated 54,000 unregistered camp residents. UNHCR will provide advisory, technical and financial support for this State-led process.

Although Thailand is not party to the Statelessness Conventions, amendments to the Civil Registration Act in 2008 provide for universal birth registration. This allows for the issuance of birth certificates to all children born in the country, regardless of the status of their parents, and will help prevent statelessness.

Meanwhile, official data from the Government of Thailand indicate that some 542,500 people are deemed to be without a nationality (stateless) as of 31 December 2010. UNHCR will continue to coordinate closely with national authorities to update these figures periodically and reflect their progress in implementing the “National Strategy on the Administration of Rights and Personal Legal Status of Persons (2005)” under which those without nationality would undergo verification and may acquire nationality or have their status regularized.

## Main objectives and targets for 2012

### Favourable protection environment

- Access to the territory is improved and the risk of *refoulement* reduced.
- ☞ Potential cases of *refoulement* are prevented.

### Fair protection processes and documentation

- Access to status determination procedures is improved and efficiency of processing enhanced.
- ☞ People who wish to seek asylum and/or those who may need international protection have access to status determination procedures.
- ☞ The average processing time from first instance interview to notification of decision is reduced.
- Civil registration and civil status documentation are strengthened.
- ☞ All children in the camps who are under 12 months of age are issued official birth certificates by national authorities.
- Identification of stateless people is improved based on clarified criteria.

- ☞ Stateless people are identified accurately.

### Security from violence and exploitation

- The risk of sexual and gender-based violence in camps is reduced and the timing and quality of response are improved.
- ☞ All known survivors of sexual and gender-based violence receive support.

### Basic needs and essential services

- The health and well-being of refugees and asylum-seekers in urban areas are improved.
- ☞ All refugees and asylum-seekers have access to primary health care.

### Durable solutions

- The potential for resettlement is realized.
- ☞ All refugees identified to be in need of resettlement are referred to resettlement countries.

## UNHCR's presence in 2012

□ Number of offices	5
□ Total staff	180
International	26
National	56
JPOs	6
UNVs	8
Others	84

UNHCR conducts refugee status determination (RSD) under its mandate for all urban asylum-seekers, with the exception of those from Myanmar, for whom a camp-based Government-led procedure is in place. There are more than 2,000 urban refugees and asylum-seekers from 40 different nationalities in Thailand, with the number growing at an approximate rate of 60 persons a month. Fear of arrest for any immigration offences, lack of legal employment, poverty, possible intimidation or exploitation, little or no access to low-cost medical services, and a paucity of regular educational opportunities are some of their main concerns.

Asylum-seekers and refugees, like other foreigners who have unlawfully entered and/or stayed in the country, could face indefinite detention under Thailand's Immigration Act if arrested by immigration authorities. Approximately 8 per cent of the urban caseload, including a number of children and refugees suffering from serious medical problems, are currently held in immigration detention. UNHCR has continued to strengthen its advocacy towards tailored alternatives to detention and protection interventions aimed at mitigating these serious concerns and improving overall standards of treatment.

### | Strategy and activities |

In regard to Myanmar refugees in the nine camps, UNHCR's protection strategy will primarily revolve around the consolidation of its protection activities, continued promotion of international protection standards and advocacy on upholding of humanitarian principles. These translate into increased border monitoring to prevent *refoulement*, and enhanced support for State efforts to reactivate the Provincial Admission Board screening mechanism for Myanmar asylum-seekers. It will also entail robust protection coordination with national authorities and other stakeholders.

UNHCR will continue to engage key actors, notably States and donors, in discussions to support policy changes aimed at finding other possible durable solutions and increasing protection space. The Strategic Framework for Durable Solutions – developed by UNHCR and the Committee for Coordination of Services to Displaced Persons in Thailand – will be used as a platform for discussions among

stakeholders involved in assisting Myanmar refugees. UNHCR in Thailand will also continue to coordinate closely with the Office in Myanmar to review and develop further a strategic and coordinated approach to refugees from that country.

Pending establishment of a national framework for RSD of non-Myanmar asylum-seekers, UNHCR, by virtue of its mandate, will continue to register and undertake RSD for asylum-seekers in the urban setting. It will monitor, advocate for the rights and well-being of refugees and asylum-seekers, and intervene with the authorities where required. UNHCR will increase advocacy for tailored alternatives to detention and strive to meet the basic needs of asylum-seekers and refugees, including medical care and educational support.

UNHCR will continue its advocacy aimed at raising awareness and sensitizing national authorities and various stakeholders on accurate identification of stateless people and the prevention and reduction of statelessness, and will facilitate protection of stateless people. It will assess the needs of stateless people and facilitate their enjoyment of basic rights, including access to legal documentation.

#### ● Constraints

The volatility of the social and political climate in Thailand could pose challenges for UNHCR as it advocates for policies favourable to refugees. While the newly-elected Government is yet to indicate the full extent of changes in policy, refugee issues are likely to remain low on the agenda. Thailand's refugee policy is likely to continue to be influenced by security concerns and bilateral considerations. It is also assumed that mixed migration flows leading to the intermingling of refugees and asylum-seekers with other migrants will continue.

The overall protection environment in Thailand is likely to remain uncertain, challenged by detention and limited asylum space, especially for those in urban areas. While UNHCR's efforts will continue, there are no indications that legal employment and higher education opportunities for refugees will be attained in the short term. Sustained advocacy will be required to improve the self-reliance of refugees pending durable solutions.

## Organization and implementation

### Coordination

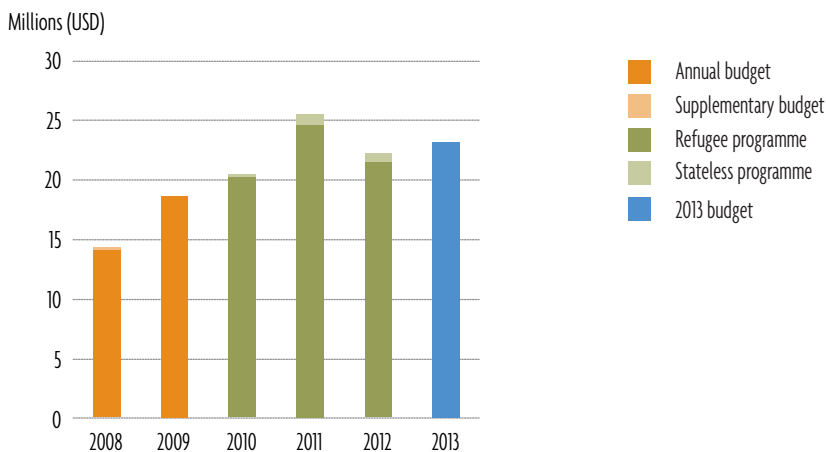
The refugee situation in Thailand requires close coordination with national authorities and key stakeholders. UNHCR relies on the cooperation and support of its international and local humanitarian partners in order to respond effectively to protection needs, overcome some operational constraints and advocate for policies favourable to people covered by its mandate. The border assistance operation, which provides for nearly 150,000 refugees and asylum-seekers from Myanmar, is implemented by

almost 20 international and local NGOs. These organizations cooperate closely with UNHCR and operate largely under the umbrella of the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT).

## Financial information

The budget for the Thailand operation grew steadily in the five years prior to 2011. As of 2012, the budgets for the Thailand country operation and the Thailand regional operation have been separated. The 2012 budget for Thailand, which is limited to the country operation, is therefore less than the budget for 2011.

## UNHCR's budget in Thailand 2008 – 2013



## 2012 UNHCR Budget in Thailand (USD)

BUDGET BREAKDOWN	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
<b>Favourable protection environment</b>			
Law and policy	0	295,674	295,674
Access to legal assistance	3,539,583	0	3,539,583
Access to territory and <i>non-refoulement</i>	1,789,587	0	1,789,587
Subtotal	<b>5,329,169</b>	<b>295,674</b>	<b>5,624,843</b>
<b>Fair protection processes and documentation</b>			
Identification of statelessness	0	258,519	258,519
Registration and profiling	779,172	0	779,172
Refugee status determination	1,511,511	0	1,511,511
Civil status documentation	692,152	0	692,152
Subtotal	<b>2,982,834</b>	<b>258,519</b>	<b>3,241,353</b>
<b>Security from violence and exploitation</b>			
Prevention of and response to SGBV	844,499	0	844,499
Non-arbitrary detention	152,753	0	152,753
Protection of children	1,917,541	0	1,917,541
Subtotal	<b>2,914,793</b>	<b>0</b>	<b>2,914,793</b>

## PARTNERS

### Implementing partners

#### Government agencies

Ministries of Education and Interior

#### NGOs

Adventist Development and Relief Agency  
*Aide Médicale Internationale*  
 American Refugee Committee  
 Catholic Office for Emergency Relief and Refugees  
 Handicap International  
 International Rescue Committee  
 Malteser International  
 ZOA Refugee Care

#### Others

UNDP  
 UNV  
 UNOPS

### Operational partners

#### Government agencies

Ministries of Foreign Affairs  
 Social Development and Human Security  
 the National Security Council

#### NGOs

Committee for Coordination of Services to Displaced Persons in Thailand  
 Jesuit Refugee Service  
 Right to Play  
 Shanti Volunteer Association  
*Solidarités Internationale*  
 Taipei Overseas Peace Service  
 Thailand Burma Border Consortium  
 Women's Education for Advancement and Empowerment  
 World Education

#### Others

FAO  
 ILO  
 IOM  
 OHCHR  
 UNDP  
 UNESCO  
 UNFPA  
 UNICEF  
 WHO

BUDGET BREAKDOWN	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
<b>Basic needs and essential services</b>			
Health	723,508	0	723,508
Reproductive health and HIV services	368,047	0	368,047
Sanitation and hygiene	687,566	0	687,566
Shelter and infrastructure	654,586	0	654,586
Basic domestic and hygiene items	1,035,981	0	1,035,981
Services for people with specific needs	254,586	0	254,586
Education	2,662,113	0	2,662,113
Subtotal	<b>6,386,386</b>	<b>0</b>	<b>6,386,386</b>
<b>Community empowerment and self-reliance</b>			
Self-reliance and livelihoods	80,981	0	80,981
Subtotal	<b>80,981</b>	<b>0</b>	<b>80,981</b>
<b>Durable solutions</b>			
Comprehensive solutions strategy	776,900	0	776,900
Voluntary return	84,961	0	84,961
Resettlement	1,595,933	0	1,595,933
Subtotal	<b>2,457,794</b>	<b>0</b>	<b>2,457,794</b>
<b>Leadership, coordination and partnerships</b>			
Coordination and partnerships	802,391	152,037	954,429
Subtotal	<b>802,391</b>	<b>152,037</b>	<b>954,429</b>
<b>Logistics and operations support</b>			
Logistics and supply	154,586	0	154,586
Operations management, coordination and support	523,975	0	523,975
Subtotal	<b>678,561</b>	<b>0</b>	<b>678,561</b>
<b>Total</b>	<b>21,632,910</b>	<b>706,230</b>	<b>22,339,140</b>
<b>2011 Revised budget<sup>1</sup></b>	<b>24,695,127</b>	<b>988,878</b>	<b>25,684,005</b>

<sup>1</sup> includes Thailand Regional Office which is reported separately as of 2012.