

# THAILAND

## | Working environment |

### o The context

The volatile political situation and successive changes in key government personnel have posed challenges for UNHCR as it advocates for policies favourable to refugees. While Thailand has over the last four decades been a major country of asylum, sheltering some 1.3 million refugees, it is not party to the 1951 Refugee Convention. Currently, the country hosts some 112,000 refugees from Myanmar who have been registered, and an estimated 50,000 who have not, in nine camps along the Thai-Myanmar border.

Some 3,000 new arrivals have entered Thailand since June 2009 due to an upsurge in fighting in the border area of south-eastern Myanmar. The potential exists for fresh displacement into Thailand in the run-up to the 2010 elections in Myanmar. Admission to the refugee camps on the border is governed by a national screening mechanism which was revitalised in 2009 through close cooperation between UNHCR and the Government. Refugees and asylum-seekers living outside the camps are considered illegal migrants under Thai law, and are subject to arrest, detention and deportation.

UNHCR has observed a shrinking of the protection space for all groups of concern in Thailand since 2006. The repatriation of Lao Hmong continues, and UNHCR does not have access to those being returned. There have also been cases of asylum-seekers being deported to Myanmar and Cambodia.

Muslim residents of Myanmar's northern Rakhine State who arrived in Thailand by boat in January 2009 were placed in detention and, at the time of reporting, had not had their protection claims examined. Many others were reported to have been pushed back out to sea, with significant loss of life. There have been improvements in UNHCR's access to refugees and asylum-seekers in detention, but no progress has been made in finding solutions for 158 Lao Hmong refugees who have been detained since November 2006.



Thailand is at the centre of numerous migratory movements in the region and the country hosts an estimated two million migrants, with a blurring of the distinction between those arriving for economic reasons and asylum-seekers.

## Planning figures

TYPE OF POPULATION	ORIGIN	JAN 2010		DEC 2010 - JAN 2011		DEC 2011	
		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	99,440	99,440	107,420	107,420	120,640	120,640
	Various	1,980	1,980	2,180	2,180	2,380	2,380
Asylum-seekers	Myanmar	38,700	38,700	23,700	23,700	8,700	8,700
	Various	600	600	600	600	600	600
Stateless		3,500,000	-	3,500,000	-	3,500,000	-
Others of concern	Myanmar	5,000	5,000	5,000	5,000	5,000	5,000
<b>TOTAL</b>		<b>3,645,720</b>	<b>145,720</b>	<b>3,638,900</b>	<b>138,900</b>	<b>3,637,320</b>	<b>137,320</b>

There are an estimated 3.5 million stateless persons in Thailand, mostly members of hill-tribes and migrants from neighbouring countries. Although Thailand is not party to the Statelessness Conventions, recent amendments to legislation allow for the registration and documentation of all children born in the country.

### ● *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. However, the introduction of third-country resettlement in 2005 has provided resettlement solutions for more than 50,000 individuals, and up to 15,000 more departures are expected in 2010.

Despite this remarkable responsibility-sharing effort, the camp population is not likely to decrease rapidly; there is a steady flow of new arrivals into the camps. The Office will continue to work with the Government to find durable solutions for refugees and ensure that asylum-seekers have access to fair and efficient asylum procedures. The pre-screening exercise for new arrivals, which was piloted in four camps in 2009, will continue in 2010. Furthermore, UNHCR together with The Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) has developed a five-year strategic plan as a platform for discussion among partners involved in providing protection and assistance to refugees along the Thai-Myanmar border.

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. Status determination for Lao Hmong has been suspended since 2006 at the insistence of the Government.

There are more than 2,100 urban refugees and asylum-seekers in Thailand,

with the number growing at a rate of more than 50 a month. Fear of arrest, intimidation by the host community, extreme poverty, exploitation and lack of educational opportunities are some of this group's main concerns. Asylum-seekers and refugees are subject to indefinite detention under Thailand's immigration laws. Some 14 per cent of the urban caseload, including a number of children, are currently held in immigration detention. UNHCR will expand its interventions and advocacy to address these issues.

Most stateless people do not have access to basic social services or employment opportunities, and many cannot travel freely in the country for fear of arrest and deportation. UNHCR will coordinate with other UN agencies to engage the Government on these issues.

## | **Main objectives** |

### Favorable protection environment

- Ensure access to asylum, protection and physical security for all people of concern.
- Strengthen national bodies and procedures in support of a national protection regime.

### Fair protection processes

- Streamline RSD procedures for various groups of non-Myanmarese asylum-seekers.

### Basic needs and services

- Improve the social and economic well-being of refugees.

### Durable solutions

- Expand the search for durable solutions for refugees.

## | **Strategy and activities** |

For the camp-based population of Myanmarese refugees, UNHCR's strategy will focus on consolidating fundamental protection activities. This will mean enhancing border monitoring to help prevent *refoulement* and supporting the State's efforts to improve the national screening mechanism for Myanmarese asylum-seekers. Protection activities will be strengthened through advocacy and interventions with the authorities.

UNHCR will continue to engage relevant actors, including governments and donors, in discussions to support policy changes aimed at finding durable solutions and increasing the protection space.

## Key targets for 2010

- Refugees are protected against *refoulement*, are physically safe and enjoy a reduction in all forms of violence.
- The use of resettlement as a protection tool, a durable solution, and a responsibility-sharing mechanism is maximized.
- Provincial Admissions Boards, which govern admissions to refugee camps, are strengthened with fair and efficient standards for the admission, screening and protection of Myanmarese asylum-seekers. This ensures that both unregistered camp residents and new arrivals have their claims assessed on a timely basis.
- The administration of justice in the camps is improved; refugees and asylum-seekers have access to judicial and legal remedies as well as traditional justice mechanisms.
- Refugees with specific needs, especially women and children, benefit from enhanced protection against sexual and gender-based violence through the strengthening of prevention and response mechanisms in the camps.
- All unaccompanied and separated children are properly identified, registered, monitored and protected.
- Refugee adults and adolescents have more opportunities to engage in income-generating activities, use their vocational skills, and benefit from non-formal education.
- Refugees enjoy HIV and AIDS services, and prevention and awareness-building activities are implemented.
- Urban asylum-seekers have access to fair and efficient RSD.
- Urban refugees and asylum-seekers enjoy basic medical care and referrals to local hospitals.
- Refugee children have access to primary, secondary and higher forms of education; adults can avail themselves of non-formal education.
- UNHCR is able to meet and provide protection to asylum-seekers and refugees held in detention.

In the absence of a national mechanism to process the claims of non-Myanmarese asylum-seekers, UNHCR will continue to register and conduct RSD for urban refugees. The Office will also monitor the rights and well-being of people of concern, intervening with the national authorities on their behalf and striving to meet their basic needs, including medical care and educational support.

UNHCR will continue its advocacy efforts aimed at sensitizing the

## UNHCR's presence in 2010

□ Number of offices	5
□ Total staff	170
International	22
National	63
JPOs	3
UNVs	11
Others	71

## PARTNERS

### Implementing partners

#### Government agencies:

Ministries of Education, the Interior and Justice

#### NGOs:

Aide Médicale Internationale  
 American Refugee Committee  
 Catholic Office for Emergency Relief and Refugees  
 Handicap International  
 International Rescue Committee  
 Malteser International  
 Right to Play  
 Shanti Volunteer Association  
 ZOA Refugee Care

#### Others:

UNDP (UNV)  
 UNOPS

### Operational partners

#### Government agencies:

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

#### NGOs:

ICS Asia  
 Jesuit Refugee Service  
 Solidarites  
 Thailand Burma Border Consortium  
 Women's Education for Advancement and  
 Empowerment  
 World Education

#### Others:

FAO  
 ILO  
 IOM  
 OHCHR  
 UNDP  
 UNESCO  
 UNFPA  
 UNICEF  
 WHO



Refugees from Myanmar run a pig farm in Mae La camp to increase their self-sufficiency.

UNHCR/T.FALISE

Government to statelessness issues and will explore joint programming opportunities with other UN agencies.

#### ○ Constraints

Refugee issues are likely to remain low on the national agenda and Thailand's refugee policy will continue to be shaped by security concerns and bilateral considerations. It is also assumed that the intermingling of economic migrants and people of concern to UNHCR will continue. The overall protection environment in Thailand is set to remain uncertain, marked by detentions and a shrinking of the asylum space for urban refugees and asylum-seekers.

There has been no significant progress towards refugees' self-reliance and access to the labour market, while opportunities for higher education are limited. Sustained advocacy in line with the five-year strategic plan will be required to achieve a gradual opening of the camps and gain the Government's permission for refugees to work and move about more freely.

UNHCR has observed an increase in the repatriation of Lao Hmong. Since the Office does not have access to those being returned, it cannot gauge their protection needs or assess whether their returns are voluntary.

The Thai Government's engagement on statelessness issues remains contingent upon the overall political environment.

### Organization and implementation

#### ○ Coordination

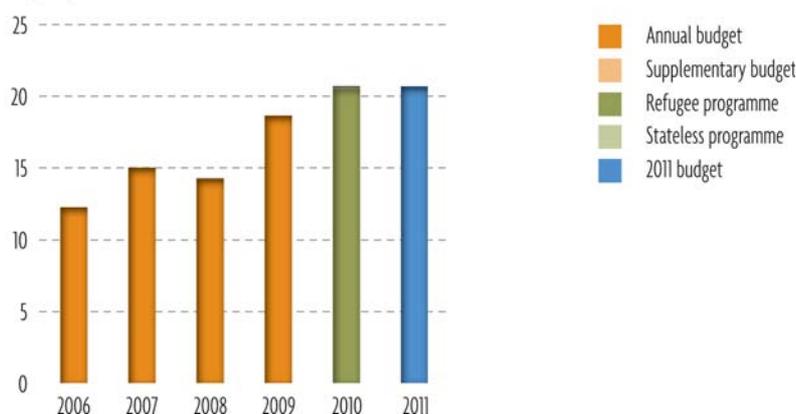
The refugee situation in Thailand requires careful coordination with key partners. UNHCR relies on its international and local humanitarian partners in order to respond to protection needs and overcome political constraints to advocate for policies favourable to refugees. The border assistance operation, which provides for more than 160,000 refugees and asylum-seekers from Myanmar, includes some 20 international and local NGOs. These organizations work closely with UNHCR and operate under the guidance of the Committee for Coordination of Services to Displaced Persons in Thailand.

### Financial information

The budget for the Thailand operation has grown steadily over the past five years. The UNHCR Regional Office in Thailand is strengthening its capacity by consolidating regional posts in Bangkok, resulting in further increases to the Thailand budget from 2009.

## UNHCR's budget in Thailand 2006 - 2011

Millions (USD)



## 2010 UNHCR Budget for Thailand (USD)

RIGHTS GROUPS AND OBJECTIVES	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
<b>Favourable protection environment</b>			
Prevention of statelessness	0	178,755	178,755
Cooperation with partners	298,816	0	298,816
Access to territory	49,184	0	49,184
Non-refoulement	658,264	0	658,264
Subtotal	1,006,264	178,755	1,185,019
<b>Fair protection processes and documentation</b>			
Registration and profiling	566,482	0	566,482
Access to asylum procedures	84,139	0	84,139
Fair and efficient status determination	950,409	0	950,409
Family reunification	26,662	0	26,662
Civil status documentation	252,974	0	252,974
Subtotal	1,880,666	0	1,880,666
<b>Security from violence and exploitation</b>			
Law enforcement	47,618	0	47,618
Community security management system	24,336	0	24,336
Gender-based violence	842,710	0	842,710
Protection of children	1,354,165	0	1,354,165
Non-arbitrary detention	99,865	0	99,865
Access to legal remedies	2,358,757	0	2,358,757
Subtotal	4,727,451	0	4,727,451
<b>Basic needs and essential services</b>			
Nutrition	38,516	0	38,516
Shelter and other infrastructure	156,867	0	156,867
Basic domestic and hygiene items	1,411,514	0	1,411,514
Primary health care	488,808	0	488,808
HIV and AIDS	175,616	0	175,616
Education	933,415	0	933,415
Sanitation services	86,867	0	86,867
Services for groups with specific needs	663,417	0	663,417
Subtotal	3,955,020	0	3,955,020

## Consequences of a 20 – 40 per cent funding shortfall

- Advocacy for the protection of persons of concern to UNHCR in Thailand will be curtailed.
- New pilot programmes to enhance the self-reliance and livelihoods of refugees in camps will not be initiated.
- Sanitary kits will not be provided to girls and women of reproductive age in the refugee camps.
- UNHCR's capacity to conduct efficient and timely RSD for urban asylum-seekers is reduced.
- The subsistence allowances rates for urban refugees (who are not allowed to work in Thailand) will remain below the minimum wage.
- Thai- or English-language training will not be provided to urban adult refugees.

RIGHTS GROUPS AND OBJECTIVES	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
<b>Community participation and self-management</b>			
Participatory assessment and community mobilization	122,272	0	122,272
Self-reliance and livelihoods	1,806,136	0	1,806,136
Subtotal	1,928,408	0	1,928,408
<b>Durable solutions</b>			
Durable solutions strategy	291,297	0	291,297
Voluntary return	137,477	0	137,477
Resettlement	1,671,263	0	1,671,263
Subtotal	2,100,037	0	2,100,037
<b>External relations</b>			
Public information	521,450	0	521,450
Subtotal	521,450	0	521,450
<b>Logistics and operations support</b>			
Supply chain and logistics	977,275	0	977,275
Programme management, coordination and support	2,074,276	62,103	2,136,379
Subtotal	3,051,551	62,103	3,113,654
<b>Headquarters and regional support</b>			
Global strategic direction and management	139,575	0	139,575
Protection advice and support	459,575	0	459,575
External affairs	159,575	0	159,575
Fundraising and resource mobilization	119,575	0	119,575
Media relations and public affairs	314,369	0	314,369
Capacity building, skill development and knowledge management	159,575	0	159,575
Subtotal	1,352,244	0	1,352,244
<b>Total</b>	<b>20,523,091</b>	<b>240,858</b>	<b>20,763,949</b>

<b>2011 Budget</b>	<b>20,700,000</b>
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<b>2009 Revised annual budget</b>	<b>18,661,010</b>
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