

Burmese asylum seekers in Thailand: still nowhere to turn

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Until the Thai authorities and UNHCR can provide an asylum process that is systematic and fair, as opposed to one that is conditional on particular events and dates, the current asylum system will offer nothing more than pot luck.

If there is one positive result from the Burmese junta's brutal response to the peaceful demonstrations in Yangon in September 2007, it is the re-opening of registration by UNHCR for new asylum seekers from Burma. This comes after a hiatus of two years beginning in November 2005 when UNHCR, at the request of the Thai authorities, stopped registering anyone from Burma who sought asylum and international protection in Thailand.

Up until January 2004, UNHCR had been able to conduct full Refugee Status Determination (RSD) for Burmese asylum seekers. Due to the Thai authorities' wish to retain greater control over the asylum screening process, asylum seekers arriving from Burma after January 2004 could only register with UNHCR and obtain a slip (hence now commonly referred to as 'slipholders'). Those arriving since November 2005 have had no opportunity to register or receive any form of documentation or protection.

Previously, there were three groups of slipholders, based in Bangkok, Mae Sot and Kanchanaburi provinces, comprising a total of 10,887 people.¹ In September 2006, more than 2,000 slipholders were transferred to camps in Tak province and underwent

the Thai asylum process known as the Provincial Admissions Board (PAB). All now have recognition as camp refugees. However, for the remaining slipholders, despite ongoing discussions between UNHCR and the Thai authorities, none has been transferred to a camp. The majority of asylum seekers have remained without protection since the beginning of 2004.

On 15 September 2007, UNHCR re-opened registration for all those arriving in Thailand after this date for reasons related to the protests in Yangon. However, as with the previous batch of slipholders, the new slips offer no legal status in Thailand and do not grant any rights; they are only proof of their registration with UNHCR and merely represent a request to the Thai authorities not to arrest or deport the bearers.

In the last few years, international organisations, including the Jesuit Refugee Service (JRS), have been advocating for slipholders and non-slipholders alike to undergo national screening for refugee status and admission into the nine official camps along the border. Recommendations have been made to the Thai government to allow registered Burmese asylum seekers to stay temporarily in Thailand and for

assistance to be provided to them by UN and other relief agencies. So far, advocacy efforts by UNHCR and a handful of international organisations have met with limited success.

A 2005 report² by JRS and the International Rescue Committee (IRC) on the conditions of Burmese slipholders in Thailand found that almost all of the 353 individuals surveyed had experienced persecution in Burma and risked serious human rights violations if they were to return. As they did not possess legal documents, they would be regarded by the Thai authorities as illegal immigrants and were therefore subject to arrest, detention and deportation. In order to survive, many of them ended up working illegally in Thailand, often in exploitative conditions. Unlike camp-based refugees, refugees and asylum seekers living in urban areas are not able to receive basic services from NGOs. Many of them do not have adequate shelter and food, and are frequently arrested and have their money and property confiscated.³

The provision of slips to the September protestors is welcome. It gave hope that those with genuine asylum claims could now register with UNHCR again and that eventually the Thai authorities would reactivate the PAB system to screen all Burmese asylum seekers. Although established in 1999, the PAB has been largely dysfunctional in practice. This is partly due to the fear that accepting the current

caseload would create a pull factor for more arrivals from Burma.

For those asylum seekers who fled Burma in the aftermath of the September crackdown, and who have been issued temporary registration slips by UNHCR, it still remains uncertain when or if they will be screened by the PAB.

However, for the thousands of slipholders and others who had been anticipating a change in policy and greater international attention to their plight, UNHCR has made it clear that they will have to continue to wait.

There is a danger that unless the Thai government allows the new arrivals to be screened for refugee status soon, a new group of Burmese slipholders will be created, adding to a backlog of those who are still waiting for some form of durable solution.

The greatest concern is for those who have had no access to a process of registration and therefore have no protection and no hope of asylum. Undocumented, unwanted and largely invisible, these Burmese slipholders and asylum seekers will continue to live on the fringes. It remains to be seen whether the crack opened up by the September protests

in Burma for Thailand and the international community to redress their situation will lead to significant improvement and a better future.

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1. Email exchange with UNHCR Bangkok, October 2007
2. *Nowhere to Turn*, Jesuit Refugee Service and International Rescue Committee, 2005. www.reliefweb.int/rw/RWB.NSF/db900SID/RMOI-6E83HG?OpenDocument
3. See article by Vera den Otter on 'Urban asylum seekers and refugees in Thailand', FMR28: www.fmreview.org/FMRpdfs/FMR28/27.pdf