

Urban asylum seekers and refugees in Thailand

by Vera den Otter

The difficulties faced by urban refugees are often different from those faced by refugees in camps but are no less serious. The Jesuit Refugee Service (JRS) in Bangkok is struggling to support growing numbers of urban refugees in Thailand.

Thailand hosts some 477,000 asylum seekers and refugees; in 2006 there were 10,000 new arrivals.¹ The majority come from Burma and live in nine refugee camps along the Thai-Burma border. Urban refugees are often from Laos, Nepal and Sri Lanka while others come mainly from Cambodia, Vietnam, Iran, Palestine and the Democratic Republic of Congo. The country has relatively easy-to-meet visa requirements, which enable asylum seekers to enter the country and subsequently search for legal assistance. However, Thailand does not recognise Burmese or Laotian Hmong as (urban) refugees and does not allow UNHCR to conduct Refugee Status Determination procedures for them.

While Thailand provides a certain degree of protection for most refugees and asylum seekers, their lives are far from easy. Thailand is not a signatory to the 1951 Refugee Convention nor to the 1967 Protocol. Asylum seekers and urban refugees are under constant threat of arrest and detention. Urban refugees

do not have the right to work; although some (mainly Asian) refugees manage to obtain jobs, those from Africa find it more or less impossible. Accommodation is usually overcrowded, increasing the risk of sexual and gender-based violence as many unrelated women and men often share one room. Refugees' diets consist mainly of rice, with little protein-rich nutrition. For the majority of urban refugees in Thailand, the only durable solution is resettlement to a third country. Thailand does not allow refugees to locally integrate and is not likely to change this policy. Resettlement, though, is often a long-term process, and many refugees in Thailand spend years in a legal limbo.

Counselling and legal assistance needs

After asylum seekers have registered with UNHCR, they are usually referred to the JRS office for counselling prior to their Refugee Status Determination



Burmese refugee in Thailand.

(RSD) interviews. Each new asylum seeker visiting JRS will spend time with a social worker, receiving – for up to three months – social, emotional and psychological counselling. Those considered highly vulnerable or to be SGBV survivors are referred back to UNHCR.

JRS staff explain the rights of refugees in Thailand and what it means to be a refugee. Refugees sometimes cannot accept that they have lost whatever status they once had and that, in many ways, their lives will now be harder than before. JRS helps asylum seekers prepare and file their initial claim to UNHCR. This

can involve long meetings in which all information relevant to the case is discussed. The JRS legal officer prepares mock RSD interviews to show how the interview with UNHCR will run and what kind of questions one can expect. Anxiety during the interview or not knowing the relevance of sharing an important piece of information at the right time can lead to rejection. Asylum seekers learn how the RSD process works, how long it takes, what they can do while waiting for the interview and when they might expect to learn the outcome.

Staff also make asylum seekers aware that there is always a chance that they will be rejected and what the consequences of this will be. Every rejected asylum seeker has the right to appeal. The JRS legal officer follows up on cases and supports them in their appeal if they think the person should have been recognised as a refugee.

Urban refugees should be allowed to live in Bangkok while awaiting

their resettlement, without having to fear arrest and detention. Their rights under international law should be respected. Moreover, resettlement countries should enlarge their quotas to resettle urban refugees. JRS recommends that:

- UNHCR increase its funding and staffing in Thailand's urban refugee-related projects
- the Thai Government give urban refugees temporary legal status so that they are not subject to arrest and detention
- UNHCR be permitted to register all asylum seekers that seek protection, and allow everyone the right to RSD
- the international community recognise urban refugees as a vulnerable group of people
- resettlement countries take more urban refugees
- national and international NGOs extend their programmes to support this vulnerable group, in collaboration with those NGOs already providing assistance.

The UNHCR Bangkok office closed for new arrivals, RSD interviews and appeals on 8 May, 2007. It is uncertain when and if UNHCR can continue its services to urban asylum seekers. JRS fears that, if the Thai government prevents UNHCR from carrying out refugee status determination interviews, other countries in the region may follow suit. The situation is already difficult in Cambodia and Malaysia, with both governments accused of deporting refugees back to their countries of origin.

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1. See www.refugees.org/countryreports.aspx?subm=&ssm=&cid=1605