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## Thailand: Complications in the Resettlement of Burmese Refugees

The decision by the Royal Thai Government (RTG) to allow Burmese refugees -- living in camps in Thailand -- to be eligible for resettlement to third countries is being seen by many refugees as an enticing and durable solution to their plight.

Though there are problems with the resettlement process, it is a long-term solution for some of the refugees in this protracted situation, as repatriation to Burma and local integration in Thailand are not options at this point. Several of the shortcomings in the process, however, need to be addressed immediately in order to make resettlement much more effective and avert a possible crisis for those left behind.

In early 2004, following an order by the RTG, UNHCR stopped accepting individual applications for "Persons of Concern" or POC status from vulnerable urban Burmese refugees, many of whom were democracy activists in their country. The RTG decided to reestablish Provincial Administration Boards or PABs, defunct since 2001, which would take over the UNHCR role of determining which individuals from Burma would be eligible for asylum in Thailand. Soon afterwards, the US and other countries offered to accept the existing POC caseload for resettlement and the RTG agreed to this offer. Following the success of the ongoing urban caseload resettlement, the RTG viewed third country resettlement in a positive way and allowed a number of countries to consider the camp-based population for resettlement.

The resettlement effort is a multilateral one, with ten countries offering to accept Burmese refugees from Thailand. The first refugee camp to be considered for resettlement will be Tham Hin, where residents suffer from lack of land, severe overcrowding, and extreme limitations on movement. Recently, the US proposed resettlement for the entire population of this camp, but UN, NGO and government officials are concerned that the US Department of Homeland Security could reject the majority of the cases from Tham Hin.

With the passage of legislation following September 11, 2001, such as the USA Patriot Act and the Real ID Act, the definition of terrorism has been expanded, and under new provisions, giving any kind of "material support" to terrorists or insurgents results in inadmissibility for

resettlement to the US. In Malaysia, two-thirds of the caseload of Burmese Chin refugees is on hold for resettlement to the US because the refugees have admitted to providing some kind of support to the Chin ethnic army, which is fighting the brutal Burmese regime. Most of the refugees living in camps in Thailand belong to Burmese ethnic groups, and as with the refugee population in Malaysia, may have provided some kind of assistance, such as a bowl of rice, to members of their ethnic armies which could create a barrier in their being considered for resettlement to the US.

A significant flaw in the resettlement process is the exclusion of former child soldiers. Many of these former soldiers were forced to take up arms and now, after having demobilized from the army, have no future prospects and often suffer from psychological problems. With the exception of New Zealand, no country has expressed interest in this very vulnerable population.

Critics of the resettlement process point out that whereas countries are reluctant to take some needy groups, they are keen to resettle the most educated and trained individuals in the camps, such as teachers, medics, hospital managers, camp leaders, warehouse managers and refugee committee members, resulting in a brain drain. According to an aid worker, "Over a number of years, the camps will be increasingly under-served because there won't be adequate human resources." It is necessary to confront this issue now in order to avoid a major predicament later on for the remaining camp residents. A possible solution may be for donors to increase funding for the training of refugee workers to replace those who are resettled and to gradually phase the resettlement of those with technical and management skills to allow for replacement of their skills.

Aid workers also express the view that refugees do not fully understand the hardships and isolation they may face upon resettling in another country. In the Mae Sot area, NGO workers are so concerned about resettlement

that they are not referring people to UNHCR for resettlement. UNHCR and aid workers agree that refugees should be helped to make an informed decision on resettlement as misinformation is causing a host of problems. In one instance when people were given a few days to sign-up for the resettlement process, they misunderstood and thought they would be leaving in a few days. Consequently, they started selling their pots and pans and killing their chickens. A NGO staff person stated that, "People are coming out [of Burma] because they heard of resettlement. So, they sell their land and come out and now they can't go back." UNHCR is creating an information pamphlet to help educate the refugees on resettlement and steps must be taken to increase awareness about the process among those living in camps, as well as potential asylum seekers.

The resettlement program could take a number of years, and while no one knows how many people will take the option to resettle, it may not be the majority. Over time some camps may close, and people could be moved to other existing camps. It is essential that the RTG continue to provide asylum for refugees because resettlement is an appropriate solution for only some of the population. Moreover, the RTG must also continue to harbor new arrivals. It is estimated that over half a million Burmese are living as internally displaced people along the Thai-Burma border and many in this vulnerable population could flee to Thailand to escape fighting and persecution.

Almost two years since the RTG suspended UNHCR's refugee status determination process for Burmese refugees, the PABs may soon resume operations. The PABs will consider giving refugee status to those applicants who came to Thailand to flee fighting or to escape persecution. So far, the first PAB activity has been in Tham Hin where the Board gave group recognition to the population that has been living unregistered in the camp since 2001. It is estimated that the PABs will give group amnesty to legitimize 18,529 people in all the camps who have been living there unregistered since 2001, but the remaining unregistered population will also need to be processed, perhaps on an individual basis.

For those outside of the camps without refugee status, it is unclear how the PAB process will work. Since 2004, following an end of its refugee status determination process, UNHCR has been approached by more than 11,000 potential asylum seekers, and the organization has been registering these individuals. In June 2005, the agency forwarded 8,000 of the registrations to the RTG for refugee status determination by PABs. Recently, UNHCR suspended this registration work because, according to the agency, the registration letter offers no legal protection. Some NGOs have encouraged the registration to be reinstated as they believe the registration letter provided by UNHCR could grant the

document holder a level of protection from harassment and deportation. Additionally, the registration process provides UNHCR and other agencies with an idea of how many people are continuing to seek refuge in Thailand, as well as their needs, allowing the agencies to plan their response programs accordingly.

A source of worry to refugees and NGO workers is the lack of information on the fate of those rejected by the PABs. The RTG is calling for establishment of holding centers in separate areas of the camps, where people will have access to services, but will not be allowed to build homes. This is being seen as a sign that those who want to be considered for refugee status by the PABs, will have no choice but to move to the camps and rumors are circulating that those who are rejected will be deported back to Burma. Deportations of Burmese are ongoing with 10,000 informal deportations and 400 formal deportations taking place each month. UNHCR tries to intervene and prevent deportation for camp residents, POCs and those expressing fear of return. Burmese democracy activists living in Thailand are particularly anxious about the possibility of having to move to the camps. As one activist told RI, "We are reluctant to go to the camps as there is no clear timeline for being processed for POC status. If we live in the camps, for an indefinite period of time, our international communications and political organizing will be hampered."

There is also no clarity on whether asylum seekers from the Shan ethnic group will be eligible to seek refuge with the PABs. There are estimated to be over 200,000 Shan in Thailand, with 700-1,000 new arrivals coming to the country each month. The Shan often face the same assistance and protection problems as the other Burmese ethnic groups in Thailand. They are, however, not permitted by the RTG to live in the camps as the Thais consider the Shan to be their ethnic cousins and believe that their similarities with the Thai should allow them to survive in Thailand without access to any formal protection and assistance programs. There is concern that as the Shan are not living in the camps, they will be excluded from the resettlement process as well as the incremental, but hopeful, changes introduced by the RTG in recent years to improve the lives of the camp based refugees, such as education beyond primary school and vocational training.

An alternative for those Burmese in Thailand who do not pass the PABs could be to allow them to register as migrant workers. RI believes that many, if not the majority, of migrant workers from Burma have legitimate asylum claims. Registering as migrants would provide them with a modicum of protection. Despite rumors that Burmese take away jobs from Thai citizens, the 2005 migrant re-registration drive indicates a labor shortage of 500,000 workers. The RTG should reopen the migrant registration process, helping to address the labor shortage and to give legal status to more Burmese.

## REFUGEES INTERNATIONAL RECOMMENDS:

- ❑ The US Department of Homeland Security make exclusions to the clause on material support and provide a waiver for deserving refugees so those who are not legitimate threats to U.S. security can be resettled.
- ❑ The US and other countries resettle former child soldiers.
- ❑ The US and other countries manage resettlement of medics and teachers gradually over time to ensure replacement of skills.
- ❑ The US and other countries ensure that land made available through resettlement of some of the population should be used to benefit the remaining people through improved living conditions, access to land for agriculture and training purposes.
- ❑ The RTG make all the PABs functional so the thousands who registered with UNHCR, and whose applications have been in limbo for two years, can begin to obtain legal status.
- ❑ The RTG include Burmese ethnic groups, such as the Shan, who are not living in camps in the PAB process.
- ❑ The RTG grant migrant status to those whose applications for refugee status have been rejected by the PABs and reopen migrant registration.
- ❑ The RTG not forcefully deport, informally or formally, any individual with an apparent credible claim to fear of persecution.
- ❑ The UNHCR conduct information campaigns on the resettlement process, as well as on the benefits and difficulties of resettling in a third country.
- ❑ The UNHCR reinstate the registration of those wanting to be considered by the PABs.
- ❑ Donor countries rapidly increase funding for training to replace refugee staff that chose to resettle.

*Refugees International Advocates Sayre Nyce and Kavita Shukla recently returned from Thailand.*