

Thailand Immigration Detention Profile

Profile Updated: February 2016

Thailand is an important destination for migrant workers and asylum seekers from across the Greater Mekong Delta region as well other parts of Asia. Like many of its neighbours, Thailand is not a signatory to the [Refugee Convention](#) and does not have a formal asylum framework in place. Asylum seekers and refugees are generally treated as unauthorized immigrants, charged with crimes, and sent to detention centres. Rohingya Muslims fleeing persecution in Myanmar are particularly vulnerable to arrest and detention as are Christian asylum seekers from Pakistan.[1]

Thailand hosts approximately four million international migrants, an estimated 1.5 million of whom are undocumented.[2] Approximately 80 percent of the migrants and asylum seekers in the country are from [Myanmar](#) while the remaining 20 percent come mainly from [Laos](#) and [Cambodia](#). The country has undertaken various regularization and registration operations since the early 2000s within the framework of bilateral labour agreements with Laos, Cambodia, and Myanmar. Nearly 1.6 million irregular migrants (including dependents) were registered during a four-month period in 2014.[3]

Despite these regularization exercises, both documented and undocumented migrant workers and asylum seekers remain at risk of arrest, detention, and deportation, as advocacy groups like the [Mekong Migration Network](#) have documented.[4] Migration policies in Thailand often lead to confusion and migrant workers live under the constant threat of deportation.[5] This is due to several factors, including dependency on a single employer, costly and complicated bureaucratic procedures, restrictions on freedom movement, as well as police corruption and collusion with traffickers.[6]

Some 110,000 Myanmar refugees have been allowed to stay in nine camps on the Thai-Myanmar border by executive discretion. There is also an unverified number of refugees and asylum seekers from dozens of other countries, who reside outside camps.[7] There are often long delays in processing asylum claims, which for those living outside official refugee camps can mean extended periods in immigration detention while awaiting resettlement.[8]

Thailand's treatment of Rohingyas has been widely condemned. In 2013, after the Myanmar government refused to accept Rohingyas being deported from Thailand, journalists uncovered a secret Thai Royal Police policy called "option two," which was reportedly designed "to remove Rohingya refugees from Thailand's immigration detention centres and deliver them to human traffickers waiting at sea." [9] Reporters interviewed Rohingyas who had been sold to human traffickers by immigration officials and quoted official sources who said that of the two thousand Rohingyas held in Thai detention centres as of early October 2013 only 154 Rohingyas remained in detention some two months later.[10] Since these initial reports were published there have numerous reports by [Human Rights Watch](#) (HRW) and others documenting mass graves at camps run by migrant traffickers in Thailand.[11]

More recently, in early 2016, there were numerous reports concerning the mistreatment of Christian asylum seekers from Pakistan. A [January 2016 article](#)

[in the Christian Post](#) reported that a 30-year-old Pakistani Christian woman died in Thai police custody on "Christmas Eve after she was arrested and prevented from taking much needed medications." The article cited a British Pakistani Christian Association that claimed Thai authorities had launched "a crackdown against Pakistani Christians who've overstayed their visas in Thailand." A February 2016 [BBC report](#) stated that those arrested in the raids were being charged with "illegal immigration, fined 4,000 Baht (£90), and then sent to Bangkok's Immigration Detention Centre."

The Immigration Act, B.E. 2522 (1979), provides police officers and immigration officials broad discretionary powers to detain foreigners. The law does not set a maximum length of time that a person can remain in administrative immigration detention.

The Immigration Act also criminalizes unauthorized stay, which is punishable by up to two years imprisonment. The Ministry of Justice's Department of Corrections is responsible for monitoring prison and detention facility conditions, however its mandate does not include administrative detainees. The Immigration Police Bureau of the Royal Thai Police administers the country's approximately 15 dedicated immigration detention centres (IDCs), which are spread out across Thailand's land borders and along the Andaman Sea and Gulf of Thailand.[\[12\]](#) The detention centres are not subject to many of the regulations that govern the regular prison system. As a result, both the procedures and conditions of immigration detention can vary greatly.[\[13\]](#)

The costs of deportation are to be covered by the person being deported, a policy that the Global Detention Project has found common in other countries as well (for example, in [Lebanon](#) and [Egypt](#)). In addition, as in [Australia](#),[\[14\]](#) immigration detainees in Thailand have to pay for the cost of detention, leading to an increased likelihood of lengthy or indefinite detention.[\[15\]](#) Human rights groups have emphasized that this is a discriminatory practice that contravenes international human rights norms and standards.[\[16\]](#)

Although there are no official statistics on the numbers of people placed in immigration detention, human rights groups have attempted to document the prevalence of certain practices, like the detention of children. According to HRW, "approximately 100 children per year are detained on a long-term basis (that is, for a period of longer than one month). Meanwhile, at least 4,000 children are thought to move through the immigration detention system each year for shorter periods (days or weeks)."[\[17\]](#)

In 2012, the [UN Committee on the Rights of the Child](#) reminded Thailand that children should only be deprived of liberty as a last resort and for as short a time as possible. The committee also underscored that when children are detained they must be confined separately from adults and in "a safe, child sensitive environment" that enables regular contact with their families." The committee urged Thailand to "Promote alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible."[\[18\]](#)

According to a 2014 [Amnesty International](#) report, official regulations in Thailand allow for cell sizes in detention centres to be a minimum of 1.19 metres per

person, “which does not allow detainees to lie down to sleep.”[19] HRW has also reported on the abysmal conditions in detention centres, “including severe overcrowding, putrid sanitation, and an atmosphere of violence.” Detainees have repeatedly complained of overcrowding and extremely poor hygiene. In 2013, journalists found 276 male Rohingyas detained in two small “cages” meant to hold no more than 15 people at the Phang Nga detention centre on the coast of the Strait of Malacca.[20] At the time, Thai authorities acknowledged that they were “aware of the overcrowding issue at the existing immigration facilities” and that alternative arrangements were being made. According to the journalists, the head of Thailand’s parliamentary Border Affairs Committee commented that “The conditions you have seen would even be difficult for animals.”

International agencies and organisations have been given access to immigration detention centres (IDCs), including the International Organisation for Migration (IOM), which carried out “The first immunization programme for Myanmar Muslims from Rakhine State and Bangladeshis in all IDCs and Shelters” in October 2015. According to an IOM report, “Myanmar Muslims from Rakhine State in Phang-Nga IDC conducted two series of hunger strikes to express their frustration at their period of detention.”[21] Human Rights Watch has asked IOM to provide more reports immigration detention in Thailand and urged UNHCR officials to “intervene promptly to seek the immediate release of refugees and asylum seekers when they are arrested.”[22]

Endnotes

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[2] Department of Economic and Social Affairs, Population Division, United Nations, International Migration 2015 Wallchart, <http://www.un.org/en/development/desa/population/publications/http://www...>, United Nations, 20135.

[3] International Labour Organization (ILO). Review of the effectiveness of the MOUs in managing labour migration between Thailand and neighbouring countries. Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion (GMS TRIANGLE project). Regional Office for Asia and the Pacific. 2015. http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_356542.pdf

[4] Mekong Migration Network, Website, "Arrest, Detention, and Deportation," http://www.mekongmigration.org/?page_id=126.

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[9] Jason Szep and Andrew R.C. Marshall. Special Report - Thailand secretly dumps Myanmar refugees into trafficking rings. Reuters. 5 December 2013. <http://uk.reuters.com/article/2013/12/05/uk-thailand-rohingya-special-report-idUKBRE9B400920131205>

[10] Jason Szep and Andrew R.C. Marshall. Special Report - Thailand secretly dumps Myanmar refugees into trafficking rings. Reuters. 5 December 2013. <http://uk.reuters.com/article/2013/12/05/uk-thailand-rohingya-special-report-idUKBRE9B400920131205>

[11] Human Rights Watch, “Thailand: Mass Graves of Rohingya Found in Trafficking Camp,” 1 May 2015, <https://www.hrw.org/news/2015/05/01/thailand-mass-graves-rohingya-found-trafficking-camp>.

[12] Mekong Migration Network. Arrest, Detention and Deportation. Map of IDCs. 2012. http://mekongmigration.org/add/?page_id=33

[13] United States Department of State. Country Reports on Human Rights Practices for 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

[14] Beyderwellen & Company. Removal from Australia. <http://www.beyderwellen.com/immigration-practice-areas/unlawful.htm>

[15] Immigration Act, B.E. 2522 (enacted on 24 February 1979, amended in 1992) Sections 54 and 55. Thailand Law Forum. <http://www.thailawforum.com/database1/immigration-law-mejesty.html>

[16] Human Rights Watch. Two Years With No Moon Immigration Detention of Children in Thailand. 1 September 2014. <https://www.hrw.org/report/2014/09/01/two-years-no-moon/immigration-detention-children-thailand>

[17] Human Rights Watch. Two Years With No Moon Immigration Detention of Children in Thailand. 1 September 2014. <https://www.hrw.org/report/2014/09/01/two-years-no-moon/immigration-detention-children-thailand>

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