

<b>UNHCR Washington</b> <b>Fact Sheet</b> <b>Questions and Answers on Resettlement from Thailand</b>
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**1. How many refugees are in Thailand?**

Thailand currently hosts approximately 112,000 registered refugees from Myanmar living in nine camps situated along the Thai-Myanmar border. UNHCR also maintains an urban caseload of some 1,400 refugees from nearly 30 different countries, as well as 1000 asylum seekers pending refugee status determination.

**2. Is Thailand a signatory to the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees?**

No. Thailand is a signatory to neither the 1951 Refugee Convention nor its 1967 Protocol. Thailand does not have legislation specifically relating to refugees or asylum seekers, and all such policy is based on a series of Cabinet resolutions. All refugees in Thailand are considered by the Thai authorities to be illegal immigrants and are subject to arrest and detention under Thai immigration law. Thailand allows the refugees from Myanmar to remain in UNHCR camps, but if found outside the camps, the refugees are subject to arrest, detention and deportation. The Thai government does not use the term 'refugee'; instead, persons recognized by UNHCR through individual refugee status determination procedures are referred to as 'POCs' ('persons of concern' to UNHCR), while those who are officially admitted 'for temporary asylum' to the camps are referred to as 'displaced persons'.

**3. Where is the UNHCR office in Thailand located?**

UNHCR's Regional Office for Thailand, Cambodia, Laos, and Vietnam is based in Bangkok. There are also three field offices located in Kanchanaburi, Mae Sot, and Mae Hong Son, which have responsibility over the camps located in those areas. All contact with UNHCR regarding refugees in Thailand should be addressed to the regional office in Bangkok.

<b>UNHCR Bangkok</b>			
<i>Street Address</i>	United Nations Building 3 <sup>rd</sup> Floor, Block A Rajdamnern Nok Avenue P.O. Box 2-121 Bangkok 10200, Thailand	<i>Telephone</i>	+662-288-1000
		<i>Fax</i>	+662-280-0555

**4. What is UNHCR's role in Thailand?**

- To ensure the safe admission of refugee applicants to Thailand;
- To receive and register all refugee applicants coming to Thailand, except asylum seekers from Myanmar, who are to be considered for admission by the Thai authorities;
- To provide documentation to all recognised refugees;
- To assist the government in ensuring the protection of refugees by carrying out refugee status determination for non-Myanmar asylum seekers in urban areas;
- To assist the Thai government in establishing and maintaining a viable admissions screening mechanism for Myanmar asylum seekers;
- To seek access and secure the release of any asylum seeker or refugee detained for illegal stay in Thailand,

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- To assist refugees in urban areas by providing subsistence allowance to cover living expenses, as well as free education, medical care, and vocational training. Owing to the increased number of refugees recognized under UNHCR's mandate and the reduction of UNHCR's budget, assistance is now only provided to vulnerable refugees;
- To ensure protection is provided to Myanmar refugees residing in the nine camps along the Thai-Myanmar border;
- To promote or facilitate the voluntary repatriation for those willing to return to their countries of origin;
- To facilitate resettlement to third countries for those refugees who meet UNHCR resettlement criteria.

#### **5. In short, what are the criteria for determining refugee status under the UNHCR mandate?**

The term 'refugee' applies to any person who has fled his or her country of origin due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, and is unable or, owing to such fear, is unwilling to return to that country.

#### **6. How does a person apply for refugee status in Thailand?**

UNHCR is currently responsible for the determination of refugee status under its mandate for all asylum seekers except those from Myanmar. To apply for refugee status, the individual must present his or her refugee claim to the UNHCR office in Bangkok. When the person first approaches UNHCR, he or she is registered and receives an appointment slip indicating a date for an interview with a UNHCR eligibility officer to determine whether the individual is a refugee under the UNHCR mandate. All individuals who register with UNHCR are provided a certificate which indicates to the Thai authorities that the person is an asylum seeker under the protection of UNHCR, which offers some protection against arrest and deportation.

Myanmar asylum seekers are recognized as refugees by the Royal Thai government through the Provincial Admissions Boards (PABs). Each Thai province has its own admissions screening mechanism for registering asylum seekers.

#### **7. How long will it take to determine refugee status?**

For the non-Myanmar caseload, the average time between the date the person initially approaches the UNHCR office and his or her refugee status determination decision ranges from six to eight months, on average. After a person is interviewed, it will usually take one to two months until he or she is notified of the decision. For vulnerable cases, the refugee status determination process is completed faster, often within a few weeks. UNHCR applies refugee status determination criteria based on its mandate and the definition of a refugee contained in the 1951 Refugee Convention.

For Myanmar asylum seekers seeking admission to Thailand by the PABs, it is currently not possible to estimate how long the process will take, as each province runs its own board. The Royal Thai Government, through the PABs, applies two basis admissions criteria for Myanmar nationals: (a) persons fleeing to Thailand as a direct result of fighting between the Myanmar government army and insurgent groups; and (b) persons fleeing to Thailand as a result of 'political conflict' (i.e., because of generalized human rights abuses, *similar to* the grounds contained in the 1951 Refugee Convention).

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**8. Can a person appeal a denied application for refugee status?**

Yes. Every denied applicant has the right to appeal within 30 days after issuance of the first decision. If denied a second time on appeal, the file will be closed. UNHCR will, however, consider a request for re-opening if new or clarifying information is provided following rejection on appeal. In the event of a negative decision on review for possible re-opening, no further consideration will be given to the application.

**9. If a person is found to be a refugee, will he or she be resettled?**

Due to limited places available worldwide, resettlement is not an automatic right that is accorded to all refugees. All requests for resettlement from refugees in Thailand will be reviewed, and if the individual is determined to meet established UNHCR resettlement criteria, the case will be processed for submission.

**10. How can a refugee in Thailand apply to UNHCR for resettlement?**

All non-Myanmar refugees recognized by UNHCR in Bangkok are automatically considered for resettlement, as the Thai government has imposed upon UNHCR its desire that asylum be granted on a temporary basis, on the condition that all refugees will eventually depart Thailand, either through resettlement or voluntary repatriation. Under normal circumstances, refugees are submitted for resettlement in order of the date of recognition, except when other factors, such as protection concerns or medical needs, warrant expedited processing. Refugees in urban areas who believe they qualify for expedited submission can submit a request to UNHCR in writing, which will be reviewed by UNHCR protection staff to determine whether their case qualifies for early referral.

Myanmar refugees officially residing in one of the nine camps in Thailand can apply for resettlement by contacting UNHCR staff based in one of the three field offices in Kanchanaburi, Mae Sot, and Mae Hong Son.

**11. How does a person get referred for resettlement from Thailand?**

As a pre-condition, an individual referred for resettlement must be determined to be a refugee under the UNHCR mandate, which is generally consistent with the refugee criteria contained in the 1951 Convention, as this is the definition relied upon by most resettlement countries in their adjudication of UNHCR referrals. Myanmar refugees residing in the nine camps are generally considered to fall under UNHCR's mandate on prima facie grounds.

Individuals who are found through preliminary review of their applications to be qualified for resettlement submission will be contacted and scheduled for a resettlement interview with UNHCR. During that interview, UNHCR staff will verify the basic biodata of the individual and obtain additional details regarding his or her refugee claim. This information will then be used to prepare a Resettlement Registration Form (RRF), the document that will be submitted to a resettlement country to facilitate consideration.

**12. Is there an appeal process for a negative UNHCR resettlement assessment?**

There is no formal appeal process for a negative assessment regarding resettlement. However, if the refugee's situation changes, he or she can submit a letter to UNHCR requesting review. On the basis of the new information, UNHCR will decide if an additional resettlement interview is required.

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**13. What happens after UNHCR determines a refugee to be in need of resettlement?**

UNHCR will refer eligible persons to one of several established resettlement countries, which include Argentina, Australia, Benin, Brazil, Burkina Faso, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom, and the United States. Each country of resettlement has its own policies, criteria, and practices that a refugee must follow before he or she can be resettled. The final decision on resettlement will always be made by the resettlement country, not by UNHCR.

**14. I have been told I need to pay money for resettlement to the US, is this correct?**

Absolutely not. Neither UNHCR nor the US Resettlement Program charges a fee for resettlement interviews or decisions. Any one asked to pay a fee is encouraged to report this to UNHCR. UNHCR Cairo has published an information booklet for refugees and asylum seekers in Egypt (available in English and Arabic). The booklet cautions refugees to be aware of fraudulent offers of assistance organizing resettlement and urges them to report to the UNHCR Office any person or organization claiming to be able to help a refugee with resettlement in return for money or favors.

**15. Where should I direct further questions regarding refugee relatives/friends seeking resettlement to the US?**

You should first contact a resettlement/immigration agency in your area with your questions. If needed, the agency can contact the UNHCR office in Washington:

- By mail: UNHCR Washington, 1775 K St. NW, Suite 300, Washington, DC, 20006.
- By fax: 202-296-5660.
- By email: [USAWAINQ@UNHCR.ORG](mailto:USAWAINQ@UNHCR.ORG)

**16. Where can I obtain more information about resettlement?**

The best source for information on US resettlement is a US voluntary agency in your community which specializes in resettlement and immigration. To locate one of these agencies in your area, please contact the agencies on the chart below. You can also find general information about resettlement on our website at [www.unhcrwashington.org](http://www.unhcrwashington.org).

**17. What is an Affidavit of Relationship and do I need to fill one out to bring my family to the US?**

An Affidavit of Relationship (AOR) is a document used by the US Resettlement Program (administered by US Department of State) for persons applying for family reunification. However, only specified nationalities are eligible to apply. Eligible nationalities for Fiscal Year 2009 (October 2008 – September 2009) are people from Afghanistan, Bhutan, Burma, Burundi, Central African Republic, Colombia, Cuba, Democratic People's Republic of Korea, Democratic Republic of Congo, Eritrea, Ethiopia, Haiti, Iran, Iraq, Somalia, Sudan, Uzbekistan, and Zimbabwe. Persons of these nationalities interested in sponsoring their immediate family members for resettlement to the US should contact a local resettlement agency for assistance and advice. (See attached chart for information on agencies.)

If you have friends or family members already accepted for resettlement to the USA, you might want to contact a local resettlement agency and fill out an Interest Form, to ensure that your family members/friends will be resettled in the area where you live.

Please do not send Affidavits of Relationship or Interest Forms to any UNHCR office. UNHCR has no decision making role or authority in the US Resettlement Programs.

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**18. Are there any other ways to help my family members to reunite with me in the US?**

Persons with asylee or refugee status, permanent residents and US citizens may be eligible to file immigration visa petitions on behalf of certain immediate family members. UNHCR has no role or authority in the processing or issuance of US immigration visas. This falls under the jurisdiction of the Department of Homeland Security. For information and assistance, contact an attorney or immigration organization in your area. You may also use the following sources for information:

**U.S. Citizenship and Immigration Services (USCIS):**

- [www.uscis.gov](http://www.uscis.gov) (see FAQ)

**Department of State, Consular Affairs:**

- [http://travel.state.gov/visa/visa\\_1249.html](http://travel.state.gov/visa/visa_1249.html) (see FAQ and Immigrant Visas)
- Visa Services' Public Inquiries Branch: 202-663-1225
- National Visa Center: 603-334-0700 (For inquiries about a petition that has already been approved by DHS/USCIS.)

**U.S. VOLUNTARY AGENCIES – Headquarters**

<p><b>Church World Service (CWS)</b> 475 Riverside Drive New York, New York 10115-0050 Tel: 212-870-2164 Fax: 212-870-3194 E-mail: <a href="mailto:cws@nccusa.org">cws@nccusa.org</a> <a href="http://www.churchworldservice.org/">www.churchworldservice.org/</a></p>	<p><b>International Rescue Committee (IRC)</b> 122 East 42nd Street, 12th Floor New York, New York 10168-1289 Tel: 212-551-3000 Fax: 212-551-3184 E-mail: <a href="mailto:irc@theirc.org">irc@theirc.org</a> <a href="http://www.theirc.org">www.theirc.org</a></p>
<p><b>Ethiopian Community Development Council, Inc.</b> 901 South Highland Street Arlington, Virginia 22204 Tel: 703-685-0510 Fax: 703-685-0529 E-mail: <a href="mailto:info@ecdcinternational.org">info@ecdcinternational.org</a> <a href="http://www.ecdcinternational.org">www.ecdcinternational.org</a></p>	<p><b>Domestic and Foreign Missionary Society (DFMS)</b> The Episcopal Church Center 815 Second Avenue New York, New York 10017 Tel: 212-716-6252 Fax: 212-972-0860 <a href="http://www.episcopalchurch.org/emm">www.episcopalchurch.org/emm</a></p>
<p><b>US Committee for Refugees and Immigrants</b> 1717 Massachusetts Avenue, NW, Suite 200 Washington, DC 20036 Tel: 202-797-2105 Fax: 202-797-2363 E-mail: <a href="mailto:uscric@uscric.org">uscric@uscric.org</a> <a href="http://www.refugeesusa.org/">www.refugeesusa.org/</a></p>	<p><b>Hebrew Immigrant Aid Society (HIAS)</b> 333 Seventh Avenue New York, New York 10001 Tel: 212-967-4100 Fax: 212-967-4483 E-mail: <a href="mailto:info@hias.org">info@hias.org</a> <a href="http://www.hias.org/">www.hias.org/</a></p>
<p><b>Iowa Department of Human Services (IOWA)</b> 1200 University Avenue, Suite D Des Moines, Iowa 50314-2330 Tel: 515-283-7926 Fax: 515-283-9160 E-mail: <a href="mailto:refugee@dhs.state.ia.us">refugee@dhs.state.ia.us</a></p>	<p><b>United States Conference of Catholic Bishops (USCC)</b> Migration and Refugee Services 3211 Fourth Street, N.E. Washington, DC 20017 Tel: 202-541-3352 Fax: 202-501-3399 E-Mail: <a href="mailto:mrs@nccbuscc.org">mrs@nccbuscc.org</a> <a href="http://www.usccb.org/mrs/">www.usccb.org/mrs/</a></p>
<p><b>Lutheran Immigration and Refugee Service (LIRS)</b> 700 Light Street Baltimore, MD 21230 Tel: 410-230-2700 E-mail: <a href="mailto:lirs@lirs.org">lirs@lirs.org</a> <a href="http://www.lirs.org">www.lirs.org</a></p>	<p><b>World Relief</b> 7 East Baltimore Street Baltimore, MD 21202 Tel: 443-451-1900 <a href="http://www.worldrelief.org">www.worldrelief.org</a> <a href="http://www.wr.org">www.wr.org</a></p>