



No. 52101/215

PERMANENT MISSION OF THAILAND
GENEVA

☞ May B.E. 2561 (2018)

Dear Sirs,

With reference to your urgent appeal Ref. UA THA 1/2018 dated 23 January 2018 requesting the Royal Thai Government to provide information regarding the case of [REDACTED] a Christian pastor from Viet Nam, and his family, and the Permanent Mission's letter No. 52101/32 dated 25 January 2018 informing that the said case had been forwarded to the relevant agencies in Thailand, I have the honour to transmit herewith a response, as received from the Immigration Bureau under the Royal Thai Police and compiled by the Ministry of Foreign Affairs of Thailand. I hope that the clarification provided will help address your concern on this matter.

In reassuring you of Thailand's continued commitment to cooperating with all Special Procedures under the Human Rights Council to promote and protect the human rights of all people, I remain,

Yours sincerely,

(Sek Wannamethee)

Ambassador and Permanent Representative

Mr. Jose Guevara,

Chair-Rapporteur of the Working Group on Arbitrary Detention;

Mr. Ahmed Shaheed,

Special Rapporteur on freedom of religion or belief;

Mr. Nils Melzer,

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment ;

Office of the United Nations High Commissioner for Human Rights,

GENEVA.

**Clarification by the Royal Thai Government in response to
the Joint Urgent Appeal from Special Procedures regarding [REDACTED]**

The situation in Thailand regarding illegal migrants

1. As a major country of transit and destination, Thailand has long faced with mass influx of illegal migrants. Many have sought refuge through the UNHCR Office in Bangkok. For the past 4 decades, Thailand has sheltered over a million refugees and displaced persons from various situations, with approximately 100,000 displaced persons from Myanmar still remain under our care today. We currently also shoulder almost 7,000 Persons of Concern to UNHCR in urban settings.
2. After determined as refugee under the refugee status determination (RSD) process by the UNHCR, which usually takes at least 1 – 1.5 years, those refugees will still remain in the country for a viable solution such as resettlement in a third country. However, nowadays resettlement quotas of receiving countries are shrinking tremendously, resulting in these individuals needing to stay in Thailand for quite a certain period. Such lengthy and unpredictable wait on part of the asylum seekers requires sizable administrative and financial resources from both Thailand and the UNHCR.
3. To alleviate the situation of illegal migrants being detained due to their illegal entry or overstaying and to foster balance between security, human rights and humanitarian principles, Thailand has placed great efforts in working with all stakeholders to improve the situation by formulating numerous policies and measures to provide adequate care and assistance to these individuals.
4. While in detention, the Immigration Bureau and relevant agencies have tried to provide basic care in areas such as childcare, healthcare, and meals taking into account their religious beliefs, despite heavy resource constraints. The Royal Thai Government has also given permission and facilitated access, upon requests, to relevant foreign embassies, international organizations, as well as several NGOs to the Immigration Detention Centers in order to provide additional humanitarian assistance.

The case [REDACTED]

5. [REDACTED] were among those waiting for resettlement and no longer had legal ground to stay in Thailand. On 10 January 2018, they were arrested under the charge of overstaying and detained at the Immigration Detention Center in Bangkok while their case was under legal proceedings.
6. In accordance with Thailand's obligations under the Convention on the Rights of the Child (CRC), it is our policy that children are not detained in Immigration Detention Centres. With parental consent, they can be placed in protection centres under the responsibility of our Ministry of Social Development and Human Security, under the supervision of social workers. In this case [REDACTED] Thailand respects the parents' wish to have the child by their side, and to prove their intention, the parents signed an official request to keep their children with them, having considered that it is in the best interests of the child in such circumstance.
7. While the case was being processed, on 15 February 2018, the UNHCR Office in Bangkok informed the Thai Government of the United States of America's decision to resettle [REDACTED] in the United States and of the authorization from the Government of the Republic of the Philippines allowing the family's transfer to the Philippines under the facilitation of the UNHCR-run Emergency Transit Mechanism while waiting for their departure to the United States.
8. On 23 March 2018, the Immigration Bureau released [REDACTED] into the custody of the UNHCR. With the assistance of the UNHCR and the International Organization for Migration (IOM), the family was transported to the airport and departed for Manila on the same day.

Ministry of Foreign Affairs of Thailand
1 May 2018