
Assessing Asylum Seeker Well-Being: Pakistani Life in Bangkok



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ABSTRACT

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INTRODUCTION

Word spread that the Thai military police were on their way to raid the building that John, his family and other Pakistani asylum seekers lived. They locked themselves inside their room so it would look as if nobody was home, closed the windows, and curled up in the corner being as quiet as possible. John's wife and children grew more frightened as the sound of the police knocking on doors with their machine guns became closer and closer. Being the last room in the hallway, the police eventually got to John's room and knocked. John having been clever decorated his door to look as if a Thai person lived there. The police knocked, but soon left after no answer. His brother on the other hand wasn't so lucky. The police broke through the door to John's brother's room and without proper documentation he was hauled off to the police station and eventually to immigration detention. This is just one of the many stories the Pakistani asylum seekers have about their encounters with the Thai police.

An asylum seeker is someone who has fled their country because of persecution and is in the process of applying for refugee status in another country. "A refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion" (Convention & Protocol, p.3). In Thailand, people are declared to be a refugee or not by decision from the United Nations High Commissioner for Refugee (UNHCR).

The Office of the United Nations High Commissioner for Refugees (UNHCR) was founded on December 14, 1950 by the UN General Assembly to aid the European refugee situation. At the end of three years, the plan was to disband the UNHCR, but there continued to be demand after demand for their assistance so their work continued. Currently, the UNHCR has over 9,300 international staff working in 125 different locations (History of UNHCR, n.d.).

Of the asylum seekers residing in the urban center of Bangkok, the Pakistani people currently are the most populous people group. Most of the Pakistanis are of the religious minority in their home country being commonly Christian or Ahmadi. Having been persecuted in their home country they came to seek solace, but have instead even more hardships. The conditions that contribute to Pakistani asylum seeker well being are contingent upon how positively or negatively the surrounding environment effects them.

COMMUNITY CONTEXT

BANGKOK, THAILAND

With easily accessed borders, Thailand's urban center of Bangkok has become a host for a plethora of nationalities. Tourist visas good for one or two months stay are easily attainable. Especially within the past few years, Thailand's tourist visas have been capitalized on by persecuted people fleeing from their homelands. Persecuted in their home countries, multitudes of people come to Thailand seeking asylum. Of the countries in Southeast Asia, Thailand has the most easily accessed border.

The asylum seekers end up overstaying their visa because the application process for becoming a refugee takes years. Many of them are not prepared for the way of life they are forced to live in Thailand. The UNHCR provides little assistance to the asylum seekers. As a result, non-government organizations and churches have taken it upon themselves to serve these marginalized people.

LIFE RAFT INTERNATIONAL

One of the many non-governmental organizations assisting asylum seekers in Bangkok is Life Raft International. Founded in 2011 by Chris Woodruff, Life Raft International has been working with urban refugees in Bangkok. Their mission commits to serving asylum seekers who are being re-persecuted in Thailand by means of food, shelter, and protection.

“Enabling Ordinary People to Transform the Lives of Urban Refugees”

Utilizing the power of relationships, Life Raft International connects those who need help with people who desire to help. The basis of their service is their advocacy program. Advocates are people living in Bangkok who are available to meet with the asylum seekers on a regular basis. Unlike other organizations who simply give handouts, Life Raft International recognizes the importance of having asylum seekers be working towards a goal during their time here. In return for their monthly stipend, the asylum seekers must show they have been actively working towards their goal agreed upon with their advocate. Providing services in this manner not only gives dignity to the asylum seekers, but it also gives them a sense of purpose.

METHODOLOGY

POPULATION

The target population for this research study consisted of Pakistani asylum seekers living in Bangkok. Men and women ages 18 and older were surveyed and interviewed. A third of the surveys came from asylum seekers associated with Life Raft International.

RESEARCH QUESTION

This research project addresses the question of, *what are the significant factors that effect the well-being of Pakistani asylum seekers in Bangkok?* The question applies to anyone who has left Pakistan because of persecution and has registered as an asylum seeker with the UNHCR in Bangkok. Since the situation in Bangkok is less than ideal, the purpose of the study is to better understand how they are handling it.

DATA COLLECTION METHODS

In order to answer the research question, a participatory approach was implemented, which contained surveys, focus groups, and individual interviews. The written surveys, interviews, and focus groups were conducted in one of the largest communities of Pakistani asylum seekers in the city. The online surveys came from families receiving assistance from Life Raft International; they came from a variety of areas within Bangkok.

Interviews

The individual interviews were semi-structured with both open-ended and closed questions. Attention was given to better understanding what their life was like in Pakistan, how they are surviving in Bangkok, and how they could improve their circumstance. The interviews were casual in setting, yet meaningful. The interviews were conducted in the homes of the asylum seekers because of safety reasons.

Focus Groups

The focus groups were also conducted in the safety of the homes of asylum seekers. For each group, around 10-15 people from the same building gathered in the house of one family. The discussion was guided by the survey question topics. As the discussion progressed, the participants began to open up more and more. Each focus group lasted between 1-2 hours. Both the interviews and the focus groups were conducted in English, with occasional translation from community members to get the point across better. Notes were taken during the discussions, which was welcomed by the participants.

Survey

A written survey consisting of 23 questions was distributed among Pakistani families, including those present at the focus groups. The same survey was also distributed online to Pakistani asylum seeker families connected with Life Raft International. A total of 23 written surveys & 11 online surveys were collected.

ASSUMPTIONS & LIMITATIONS

A variety of assumptions have had to be made in this study. The first assumption that was made is that the participant samples are representative of the entire Pakistani asylum seeker population. It is assumed that the participants understand the question being asked in English. Finally, it is assumed that the participants are answering truthfully about their actual situation.

The limitations of this study have to do with time and breadth. Time constraints limited the quantity of interviews and surveys gathered, as well as the depth of the information. Only one main community participated, plus the online survey. There are about five dominant clusters of Pakistani communities in Bangkok, of which only the largest was analyzed.

ETHICAL CONSIDERATIONS

Since the population of participants are viewed as vulnerable being asylum seekers, many ethical considerations had to be taken. The participants were briefed that I was an independent student researcher working in conjunction with Life Raft International. The terms of voluntary consent were given both verbally and written. No names were taken in order to protect the participant's identity. Any names referred to in the project data have been changed for confidentiality.



LITERATURE REVIEW

This chapter examines in the international laws, local Thai government policies, and practices of the UNHCR in Thailand. By understanding the governing policies the asylum seekers' situation can be better comprehended. This chapter also outlines the social determinants of well-being and how they came to effect asylum seekers.

HUMAN RIGHTS

Around the world many people are fearing for their lives in their home countries because of persecution based on: race, religion, political opinion, nationality, or membership in a particular social group (Government of Canada, 2012). Many of the countries who are able to provide adequate care for asylum seekers have strict visa requirements that do not allow them into their country unless they have obtained refugee status. Instead asylum seekers are forced to go to developing countries that have less strict immigration laws (Home Office Research, 2002). The downside to going to a developing country is that most of them do not have the resources to care for asylum seekers well.

THE SITUATION IN THAILAND

Currently, Christians from Pakistan are fleeing by the masses to Thailand because of the persecution that is taking place in their home country. In South Asia, Thailand is the country with the most accessible borders. As of January 2015, there were 7,600 Pakistani asylum seekers in Thailand. By December 2015 the UNHCR in Thailand has estimated for there to be 11,500 Pakistani asylum seekers (UNHCR Thailand, 2015).

The persecution in Pakistan against Christians has continued to worsen. Violence against Christians has come in the form of church bombings, accusations of blasphemy, kidnappings, and forced conversions - to name a few (United States Commission on International Religious Freedom, 2014). Pakistan has blasphemy laws that decree it a crime punishable by imprisonment for defiling a place of worship, insulting religious beliefs, or disturbing a religious assembly.

The blasphemy laws were expanded in the 1980's to include the willful desecration of the Koran as an act punishable by death for. Religious minorities have been wrongfully accused of blasphemy and ended up being killed, which spurred human rights movements to amend the laws, but with no avail ("What are Pakistan's", 2014). Seeking

peace after being persecuted in Pakistan, the asylum seekers end up being re-persecuted in Thailand.

Immigration Detention

Thailand lacks national legislation regarding refugees. Instead, refugees fall under the Immigration Law of 1979, Section 17, which considers those who do not have valid documents as illegal immigrants who are subject to detention and deportation” (Singh, 2013, p. 79). All asylum seekers and refugees can be legally detained and deported under Thai law. Currently, a petition is underway to amend the Immigration Act of 1979 to create a temporary refugee visa. If this petition gets passed it would decrease the illegal immigration issues and provide a safer place for asylum seekers in Thailand (Thai Committee for Refugees, 2015).

Since asylum seekers can and will be thrown in jail, going outside their home means the possibility of being caught by the police. If stopped by the police with no valid visa, asylum seekers and refugees will often end up going straight to jail. When the military government was cracking down on asylum seekers, the police raided many homes where Pakistanis lived (Pakistan Christian Post, 2015).

Living day by day knowing that you have no rights and could be arrested causes much stress in the lives of asylum seekers. “Scientific studies have consistently shown it leads to the build-up of clinical symptoms of anxiety, depression, post-traumatic stress disorder and even self-harm” (Jesuit Refugee Service, 2012). Being in constant fear of being arrested and taken to the immigration detention center is extremely high stress to live under.

Thailand’s Domestic Law

Without formal refugee law in Thailand, asylum seekers fall under the Immigration Act of 1979. The Immigration Act states that no persons are allowed to enter Thailand without proper means of living and if they overstay their visa they are subject to arrest, detention, and deportation. The UNHCR is at the mercy of the Thai government, they must compromise in certain areas. As of 2010, the UNHCR can no longer intervene in preventing detention of persons registered with the UNHCR (Singh, 2013).

Many freedoms are not given to asylum seekers live in Thailand. Asylum seekers do not have freedom from arbitrary detention. In refugee rights violations there is little access to justice. Thai law refuses asylum seekers the right to work on the grounds of desiring to keep the security of the national economy safe. The difficulties in Thailand arise from the discrepancies between Thai law and international law (Singh, 2013).

INTERNATIONAL LAW

Any persons seeking asylum are entitled to international protection under international law. In 1951 the UN held a Convention relating to the status of refugees, which laid the ground rules for the care, treatment, and processing of asylum seekers & refugees worldwide. Only one amendment has been made to the Convention. The 1967 Protocol

was added, which removed the geographic and temporal limits of the 1951 Convention (McHugh, Rank, Peet, & Vasudevan, 2007).

In many cases, the countries that host a large number of asylum seekers are not signatories of the 1951 Convention (Asylum Access, 2014). The 1951 Convention is an instrument that defines the status and rights of a refugee. “Such rights include access to the courts, to primary education, to work, and the provision for documentation, including a refugee travel document in passport form”(UNHCR, 2010, p.3).

Oftentimes the countries with less strict immigration laws are the countries chosen to seek asylum in, but they usually are not the safest. Understanding that in seeking asylum, immigration rules may be violated, the 1951 Convention created a safeguard called the ‘principle of non-refoulment’ whereby no asylum seeker or refugee shall be forced to go against their will to a place where they fear for their life or freedom (UNHCR, 2010).

“Grounded in Article 14 of the Universal Declaration of human rights 1948, which recognizes the right of persons to seek asylum from persecution in other countries, the United Nations Convention relating to the Status of Refugees, adopted in 1951, is the centerpiece of international refugee protection today” (UNHCR, 2010).

For the countries that have signed the Convention, the UNHCR must impose the agreements of the contract and monitor their implementation. The countries, such as Thailand, who are non-signatories of the Convention legally do not have to bestow basic human rights to the asylum seekers. “Since Thailand does not accord any legal status to refugees, urban refugees do not enjoy the rights that derive from refugee status under international law, and under Thai law most are considered illegal immigrants”(“UNHCR protection challenges”, 2009, p.3). Not having access to these basic rights makes survival difficult.

THAILAND’S UNHCR PROTOCOL: REFUGEE STATUS DETERMINATION

One of the implications of Thailand not being a signatory of the 1951 Convention means that the government cannot determine refugee status. In these non-signatory countries the UNHCR steps in to provide protection for refugees and provides refugee status determination (RSD). “Refugee status determination is the linchpin of refugee protection because it is the means by which those who need protection are identified” (Alexander, 1999, p.285).

The process of refugee determination has yet to be thoroughly laid out by the UNHCR. They have a few documents available targeting government and NGO workers that

describe the RSD process. These documents available are written in general terms in order to cover a multitude of types of people requesting refugee status (Alexander, 1999).

Upon arrival to the UNHCR, the asylum seekers must submit a written statement of their case in their own language. This written statement will be what the UNHCR compares their verbal statement with from the interview later on. The written statement is an important document that asylum seekers often forget to keep a copy of. Once it is submitted, the UNHCR will not provide them with a copy (Alexander, 1999). Without a copy, a person's story could easily lose detail or forget events in the years waiting for the interview.

From the UNHCR in Bangkok asylum seekers are given a one page document written in legalistic English language. Most asylum seekers have little understanding of the RSD criteria or process in which they have entered. They are given an interview date that could be years in the future and told to come back then (Alexander, 1999).

At the interview, asylum seekers "are asked to provide evidence of persecution. Some break down in tears or can't express themselves clearly," said Medhapan Sundaradeja, the Thailand director for Asylum Access (Desk, 2015). Having already gone through immense amounts of stress, they now need to prove that their lives were indeed threatened in their home country.

When rejected, the UNHCR does not give the asylum seekers a reason for their decision. The UNHCR suggests that by doing this could spark a rise in fraudulent claims when asylum seekers know what gets rejected (Alexander, 1999). If rejected, asylum seekers have 30 days to appeal only if there is new information present. If the appeal is also rejected then the case is closed (Alexander, 2009). It has become ever more difficult to discern between refugees and other international migrants. "Due to the inherent difficulty in adjudicating on asylum claims, the capacity to make an incorrect ruling must be acknowledged" (UNHCR, 2005, p. 28).

The UNHCR office in Thailand does not allow for the presence of legal counsel during UNHCR RSD interviews. The APRRN has been advocating for a change in this policy and as a result of their effort the UNHCR in Thailand is working on expanding the accessibility of documents and transcripts as well as discussing specific cases with NGO legal aid providers (APRRN, 2014). Lacking proper guidelines, on both the part of the Thai government and the UNHCR, causes inconsistency in the approval and rejection of refugee status (Alexander, 1999).

SOCIAL DETERMINANTS OF WELL-BEING

Asylum seekers are a vulnerable population, which means they are easily affected by the social and environmental conditions around them that could either help or hinder their well-being. These social and environmental conditions that influence the health of people and communities are called the social determinants of health. The social

determinants of health as laid out by the WHO (2015) show just how extensive the impacts of health can be.

- Income/Employment
- Education
- Physical environment
- social support networks
- Health & Nutrition
- Transport
- Food
- Housing
- Social Exclusion

One of the basic human rights is the right to health equity - being able to obtain their maximum health potential without being disadvantaged by a social circumstance (CDC, 2014). The above listed social determinants of health contribute to the health inequalities.

Health inequalities in the asylum seekers' situation arose out of social exclusion. "Social exclusion is the failure of society to provide certain individuals and groups with those rights and benefits normally available to its members, such as employment, adequate housing, health care, education and training, etc" (Hadgkiss, E., Lethborg, C., Al-Mousa, A., & Marck, C. 2012, p.19). Though Thailand lacks refugee legislation, they still have the obligation under international law to protect the rights of refugees. Foreigners from an ethnically distinct culture are commonly viewed as a threat to the host society's atmosphere (UNHCR, 2005). Desiring to preserve Thai culture, the government has decided to socially exclude those who do not legally belong in the country.

CONCLUSION

The situation in Thailand is unfavorable for asylum seekers as they have little freedom and rights in this country. The domestic law does little to protect these vulnerable people because Thailand is not a signatory of the 1951 Convention. Living in a place where basic human rights are not being abided, deeply effects a person. Being socially excluded from society limits asylum seekers' ability to maintain their well-being.



RESEARCH FINDINGS

I have my research data, I just haven't prepared it here yet, I wanted to get this draft to you asap. I am working on it now though!

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