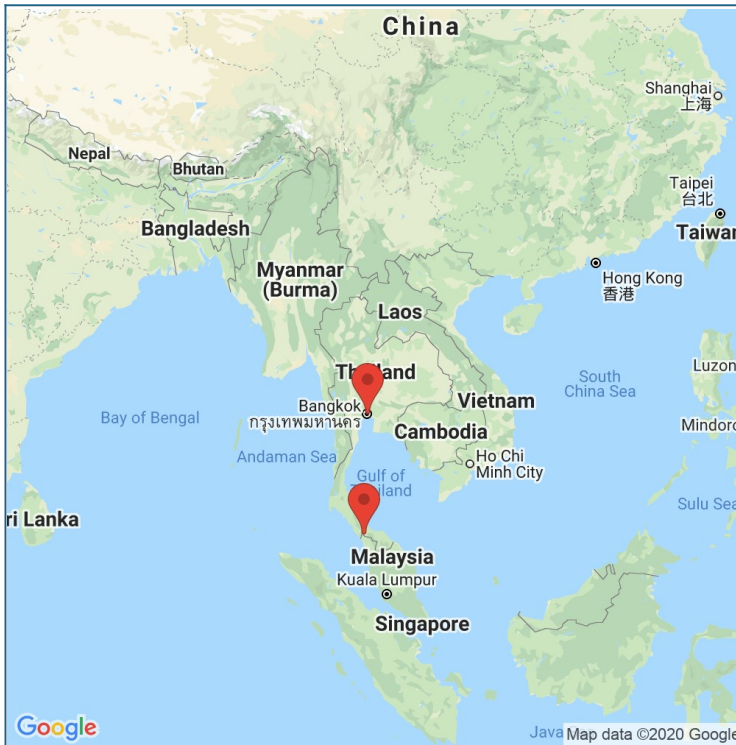


Thailand Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2019)	Not Available
Detained asylum seekers (2015)	200
Detained minors (2017)	200
International migrants (2019)	3,635,085
New asylum applications (2019)	960

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/asia-pacific/thailand>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Number of detained asylum seekers	200	2015
Total number of detained minors	200	2017	Number of dedicated long-term immigration detention centres	14	2012
	4,000	2014			
Criminal prison population	291,794	2017	Percentage of foreign prisoners	4.6	2016
	296,577	2014			
	200,280	2010			
	168,656	2007			
	167,142	2004			
	250,903	2001			
	164,451	1998			
	111,028	1995			
73,309	1992				
Prison population rate (per 100,000 of national population)	431	2017			
	290	2010			
	249	2007			
	253	2004			
	393	2001			
	267	1998			
	186	1995			
	126	1992			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	69,800,000	2020	International migrants	3,635,085	2019
	67,401,000	2014		3,913,300	2015
				4,000,000	2014
				3,721,700	2013
International migrants as a percentage of the population	5.8	2015	Estimated number of undocumented migrants	1,400,000 - 1,500,000	2014
	5.6	2013			

Refugees	97,556	2019	Ratio of refugees per 1000 inhabitants	1.56	2016
	102,245	2018		1.92	2014
	104,615	2017		1.27	2012
	106,426	2016		1.3	2011
	110,372	2015			
	136,499	2014			
	130,328	2014			
	84,479	2012			
Total number of new asylum applications	960	2019	Refugee recognition rate	66.4	2014
	2,585	2016			
	3,109	2012			
	12,958	2011			
Stateless persons	478,843	2018			
	486,440	2017			
	487,741	2016			
	506,197	2014			
	506,197	2012			

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law			
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
		Constitution of the Kingdom of Thailand (Interim), Buddhist Era 2557 (2014) assented to by King Bhumibol Adulyadej in June 2014. To be submitted to a referendum in 2015.	2014	2014
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Anti-Trafficking in Persons Act, B. E. 2551 (2008)		2008	2008
	Immigration Act, B.E. 2522 (1979)		1979	1979
LAWS AND REGULATIONS				
Additional legislation	Name		Year Adopted	Last Year Amended
	Criminal Procedure Code of Thailand B.E. 2477 - 1934			2008

LAWS AND REGULATIONS			
Regulations, standards, guidelines	Name		Year Published
	Immigration Order 148/2553 (18 August 2010) on Standards in Immigration Detention Centres		2010
	Immigration Order 21/2545 on Regulations and Measures Regarding the Receiving and Detention of an Alleged Offender or a Detainee		
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION			
Immigration-status-related grounds	Name		Observation Date
	Detention to prevent unauthorised entry at the border		2015
	Detention to effect removal		2015
	Detention for unauthorised entry or stay		2015
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2015
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES			
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorised stay	730	2015
LENGTH OF DETENTION			
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date
	No Limit		2015
LENGTH OF DETENTION			
Longest recorded instance of immigration detention.	Number of Days		Observation Date
	4380		2014
LENGTH OF DETENTION			
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date
	7		2015
LENGTH OF DETENTION			
Maximum length of detention for asylum-seekers	Number of Days		Observation Date
	No Limit		2013

PROCEDURAL STANDARDS

Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Access to asylum procedures	No		2015
	Information to detainees	Yes		2013
	Access to consular assistance	Yes	No	2013
	Independent review of detention	No	No	2013
	Complaints mechanism regarding detention conditions	Yes		2013
	Access to free interpretation services	No	No	2013

NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)

Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Supervised release and/or reporting	Yes	infrequently	2015
	Release on bail	Yes	infrequently	2015

VULNERABLE PERSONS

Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Victims of trafficking	Provided		2015
	Asylum seekers	Not mentioned	Yes	2015
	Refugees	Not mentioned	Yes	2015
	Accompanied minors	Provided	Yes	2014
	Unaccompanied minors	Provided	Yes	2014
	Stateless persons	Not mentioned	Yes	2014

COVID-19 UPDATES

	Update Status	Observation Date
<p>Latest Update</p>	<p>In mid-May, the governor of the Tak Province in Thailand issued a warning about the movement of Muslims from Myanmar and Bangladesh entering Thailand, stating that this posed a purported Covid-19-related threat. The announcement stated: "Tak is a province bordering the country of Myanmar that has movements of [migrant] workers, and also the COVID-19 pandemic in Myanmar and Bangladesh is still happening, and patients are still being found. Muslim people from both countries are expected to move to Tak Province." The announcement coincided with stepped up efforts in Tak Province to arrest undocumented migrants and refugees. Between 7 May and 1 June, Thai security arrested 35 Rohingya, including six women and 16 children, in the town Mae Sot in Tak Province, at the border of Thailand and Myanmar. They were being held at Tak Immigration Office in Thailand. Thai authorities have denied that the detainees are ethnic Rohingya, instead alleging they are "Myanmar Muslims." However, the human rights organization Fortify Rights claims to have verified that the 35 people are Rohingya from Myanmar, and had previously travelled overland for approximately one to three months from Rakhine State and camps in Cox's Bazar before arriving in the country. At least four Rohingya reportedly died en route. Reportedly, brokers collected payments of 500,000 to 900,000 Myanmar Kyat (about US\$350 to US\$645) for transportation to Malaysia and required some to provide further payments upon arrival in Malaysia. Human Rights Watch estimates that approximately 200 Rohingya are being held in immigration detention and other facilities across Thailand. In May, it called on the Thai government to allow the United Nations High Commissioner for Refugees (UNHCR) unhindered access to Rohingya from Myanmar to determine whether they qualify for refugee status. Fortify Rights have called on the Thai government to protect Rohingya refugees from forced return and indefinite detention, and to screen them to determine if they are survivors of trafficking. On 8 May, Human Rights Watch reported that at least 65 (out of 115) detainees in Thailand's Songkhla immigration detention center - including 18 ethnic Rohingya women and children - had tested positive for Covid-19. At least 18 of these detainees are refugees who have been detained since 2015. Officials traced the infection cluster to an immigration officer who worked at Sadao border checkpoint and visited the center, who later tested positive for the virus. Songkhla governor Jaruwat Kiangklao said that the infected detainees would be treated until fully recovered before being deported to their respective countries. He said that the detention facility would be turned into a field hospital for the purpose of providing medical treatment to infected detainees.</p>	<p>2020</p>
	<p>As of 4 May 2020, Thailand had recorded 2,987 cases of Covid-19 and 54 deaths related to the disease. Among those with the infection are immigration detainees. On 25 April, 42 detainees in the Sadao Immigration Detention Centre tested positive. The Immigration Police Chief told the press that 73 migrant detainees (out of a total 115) still had to be tested, including children. Thailand's 22 detention centres house "illegal immigrants," a category that ranges from visitors who have overstayed a 90-day tourist visa, to asylum seekers and refugees. Amnesty International reported that official regulations allow for cell sizes to be a minimum of 1.19 meters per person. According to the NGO Fortify Right, "detention centres were meant for people to stay for 15 days, and then leave. But in Thailand, you can stay there for years, and it's not designed for that." The Global Detention Project previously reported that the length of stay for detainees in Thailand ranges from 3 days to 12 years, with asylum seekers and refugees having been detained for periods of over two years. Several reports of lengthy detention periods originate from Bangkok's Detention Centre: Suan Phlu. The centre is reported to have the highest number of detainees in the country. While NGOs and detainees maintain that there are over one thousand detainees in the centre, the government has refused to publish official statistics. A former detainee in Suan Phlu stated that the centre "was so crowded, some of us slept standing up, or in turns. If you turn your legs, you will lose your space." In addition, detainees have revealed that they are separated by gender and perceived ethnicity: "room 8 for the black people, Room 11 for the brown people." Certain measures have been put in place to remedy this, including the expansion of Sadao detention centre with a new building and the relocation of certain detainees from the Suan Phlu centre. While officials maintain that they are conducting widespread testing in detention facilities, other healthcare provisions are limited. Former detainees have said that there is only one nurse in Suan Phlu detention centre. On 25 April, the government stated that detainees, mostly from Myanmar and others from Vietnam, Cambodia and Malaysia, would receive proper treatment in accordance with humanitarian standards.</p>	<p>2020</p>
	<p>A group of civil society organisations issued an open letter on 15 April to the Department of Corrections urging the release of certain categories of prisoners and immigration detainees to address overcrowding. The letter requests that prisoners over the age of 60; sick prisoners; prisoners awaiting trial; prisoners sentenced to terms of up to two years; prisoners detained for immigration offences and pregnant women be prioritised for release. The same day that the open letter was issued, the Thai Department of Corrections suspended jail sentences for more than 8,000 inmates nationwide to ease overcrowding in prisons during the Covid-19 crisis. The Director-General of the Department of Corrections said that he has sped up the process of granting suspended sentences or cutting the prison term for qualified inmates, including those facing minor offences and/or exhibiting good behaviour. However, no similar measures were announced as regards immigration detainees. According to advocates in the country that are members of the International Detention Coalition, immigration detention centres remain crowded and detainees at risk of infection, and that authorities have started shifting detainees to different facilities to assist social distancing. The IOM reports that it has been distributing information, education and communication materials in immigration detention centres to help prevent the spread of Covid-19. The Border Consortium (TBC) released a statement on 2 April 2020 on the impact of Covid-19 on refugees and conflict-affected communities in the country. TBC stated that the 90,000 refugees from Myanmar in the country have become even more marginalised in camps along the Thailand border and that "restrictions on movement in and out of the camps have eroded refugees' limited opportunities for informal income, making them solely dependent on humanitarian assistance for their essential needs." Although no Covid-19 cases have been confirmed in the camps, TBC, the Committee for Coordination of Services to Displaced Persons, and UNHCR are coordinating a Covid-19 outbreak response. TBC is undertaking a series of measures, including: - Working with suppliers and vendors to ensure a three-month stockpile of rice, tinned fish, cooking oil and charcoal is available in all camps - Undertaking public awareness campaigns about washing hands thoroughly, maintaining social distance, and other preventative communications have been disseminated in local languages - Distributing personal protective equipment including face masks, hand gloves, thermometers and handwashing facilities to community health workers.</p>	<p>2020</p>
	<p>Despite severe overcrowding characterising Thailand's immigration detention facilities, the GDP has been unable to find any reports indicating that authorities have taken steps to protect, or release, immigration detainees. While the country has drafted measures which remove the need for foreign tourists, stuck in the country due to airline cancellations, to apply for visa extensions, migrant workers in the country must continue to regularly report to immigration authorities. New legislation, meanwhile, requires foreigners entering the country to show medical certificates stating that they have tested negative for Covid-19, as well as evidence of health insurance coverage. Those arriving without such paperwork risk detention and deportation. All visits to prisons have been suspended from 18 to 31 March 2020. Families can bring money and food to prisoners but may not enter the premises. On 29 March 2020, fears of the virus's uncontrolled spread within prisons prompted inmates held in Buriram Prison to protest their confinement. During the ensuing violence, several persons escaped.</p>	<p>2020</p>

Relevant international treaties and date of ratification		
International treaties	Name	Ratification Year
	OP CRC Communications Procedure	2012
	CRPD, Convention on the Rights of Persons with Disabilities	2008
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2007
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	2003
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1999
	VCCR, Vienna Convention on Consular Relations	1999
	ICCPR, International Covenant on Civil and Political Rights	1996
	CRC, Convention on the Rights of the Child	1992
CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1985	
Ratio of relevant international treaties ratified	9/19	
Relevant international treaties and date of ratification		
Individual complaints procedure	Name	Acceptance Year
	CRC, [Third] Optional Protocol to the UN Convention on the Rights of the Child establishing a communications procedure, 2011	2012
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2000
Relevant international treaties and date of ratification		
Ratio of complaints procedures accepted	Number	Observation Date
	2/7	
	2/7	

Relevant international treaties and date of ratification				
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year	
	Human Rights Committee	§ 30. The State party should: (a) Refrain from detaining refugees, asylum seekers and migrants and implement alternatives to detention, including before deportation. In cases where the individual is detained, the State party should ensure that the detention is based on individual circumstances that are reasonable, necessary and proportionate, and that the cases are reassessed over time. There should also be effective access to judicial review; (b) Ensure that children are not deprived of liberty except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary concern, and that they are segregated from adult detainees who are not their family members; (c) Ensure that the living conditions in immigration detention centres are in compliance with the Covenant.	2016	
	Committee on the Rights of the Child	§71"the Committee recommends that the State party treat the asylum-seekers and refugees according to their status and do not subject them to detention or deportations to a country where their lives might be in danger. In this regard, the Committee encourages the State party to seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR). The Committee also recommends that the State party ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and establish a national legal and institutional framework for protection of refugees." § 80 [...] (a) Raise the minimum age of criminal responsibility to an internationally acceptable age and in no circumstances below the age of 12 years; (b) Ensure that children deprived of liberty are held in detention only as a last resort and for as short a time as possible and that their detention is carried out in compliance with the law; (c) Ensure that children are detained separately from adults as recommended by the Working Group under the universal periodic review, that they have a safe, child sensitive environment and that they maintain regular contact with their families; (d)Promote alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;"	2012	
Regional treaties, regulations, and directives				
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
	ASEAN CATPWC Convention Against Trafficking in Persons, Especially Women and Children		2016	
Bilateral/Multilateral agreements linked to readmissions				
Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date	
	Myanmar	2009	2009	
	Cambodia	2003	2003	
Non treaty-based international human rights mechanisms				
Visits by special procedures of the Human Rights Council	Name		Year of Visit	Observation Date
	Special Rapporteur on trafficking in persons, especially in women and children		2011	2012

Non treaty-based international human rights mechanisms

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
<p>Relevant recommendations by UN Special Procedures</p>	<p>Special Rapporteur on trafficking in persons, especially in women and children</p>	<p>"72. [...] corruption in law enforcement, particularly at the provincial and local levels, is deep rooted and has diluted the efficacy of Government policies and programmes in combating human trafficking. As a result, many trafficked persons are not properly identified, leading to cases of wanton arrest, detention and deportation throughout the country [...] §74 [---] The Special Rapporteur has serious concerns that the stay in the shelters amounts to detention and, in addition to infringing fundamental human rights relating to freedom of movement and protection from arbitrary detention, presents a risk to the well-being of trafficked persons [...] §77(p) "ensure that raids and rescue operations are victim-centred and do not cause any discriminatory impact on victims and those who are not victims of trafficking. upon being rescued, trafficked persons should be provided with information about their rights and appropriate counselling in a language they understand. further more , in accordance with the anti-trafficking in persons act, victims should not be criminalized or penalized, including through detention for status-related offences such as violations of immigration laws and other crimes that directly result from their situations as trafficked persons ;</p>	<p>2012</p>	<p>2012</p>

Non treaty-based international human rights mechanisms

Relevant recommendations of the UN Universal Periodic Review	Recommendation Issued	Year Issued	Observation Date
	Yes	2016	2017
	Yes	2011	

INSTITUTIONAL INDICATORS

Governing structures

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2015

Governing structures

Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2015

Institutions responsible for immigration detention				
Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
	"Competent Officials" including from Immigration Bureau, Royal Thai Police and National Security Officials	Ministry of Interior	Interior or Home Affairs	2015
	The Immigration Bureau of the Royal Thai Police	Interior Ministry	Interior or Home Affairs	2014
	Immigration Bureau of the Royal Thai Police	Interior Ministry	Interior or Home Affairs	2014
	The Immigration Bureau of the Royal Thai Police	Interior Ministry	Interior or Home Affairs	2013
	"Competent Officials" including from Immigration Bureau, Royal Thai Police and National Security Officials	Interior Ministry	Interior or Home Affairs	2013
	Immigration Bureau of the Royal Thai Police	Interior Ministry	Interior or Home Affairs	2013
	The Immigration Bureau of the Royal Thai Police	Interior Ministry	Interior or Home Affairs	2012
	Immigration Bureau	Ministry of Interior	Interior or Home Affairs	2007
	Immigration Bureau	Ministry of Interior	Interior or Home Affairs	2006
	Immigration Bureau	Ministry of Interior	Interior or Home Affairs	2005
Immigration Bureau	Ministry of Interior	Interior or Home Affairs	2004	
Institutions responsible for immigration detention				
Detention Facility Management	Entity Name	Entity Type	Observation Date	
	Immigration Bureau, reporting to Royal Thai Police	Governmental	2013	
	Sub-Division 3, Investigation Division Immigration Bureau	Governmental	2013	
	Sub-Division 3, Investigation Division Immigration Bureau	Governmental	2012	
	Ministry of Interior/Immigration Police Bureau	Governmental	2007	
	Ministry of Interior/Immigration Police Bureau	Governmental	2006	
	Ministry of Interior/Immigration Police Bureau	Governmental	2005	
	Ministry of Interior/Immigration Police Bureau	Governmental	2004	
Ministry of Interior / Immigration Police Bureau	Governmental	2004		
Detention monitoring institutions				
Authorized monitoring institutions	Institution	Institution Type	Observation Date	
	UNHCR	International or Regional Bodies (IRBs)	2015	
	Jesuit Refugee Service Thailand	Non-Governmental Organizations (NGO)	2015	
Detention monitoring institutions				
Do NGOs carry out visits?	Do NGOs regularly carry our visits?	Observation Date		
	Yes	2015		

More information about immigration detention in Thailand is available at the website of the Global Detention Project (www.globaldetentionproject.org)