

Asia Pacific Refugee Rights Network

Advancing the rights of refugees in the Asia Pacific region

December 27, 2011

HE Yingluck Shinawatra
Prime Minister, Kingdom of Thailand

RE: Deportation of Lao Hmong Refugees

Dear Your Excellency Prime Minister Yingluck Shinawatra,

We, the undersigned members of the Asia Pacific Refugee Rights Network, are deeply concerned about the deportation of Ka Yang, a Lao Hmong recognized as a refugee by the UN High Commissioner for Refugees (UNHCR). Ka Yang was deported from the Immigration Detention Center in Bangkok to Lao border on 17 December 2011.

It is important to highlight that this is the second time that Thailand deported Ka Yang. On December 24, 2009, the US government accepted his application for resettlement to the United States of America. However, later the same day, the Thai authorities forced Ka Yang and 157 other Lao Hmong refugees back to Laos.

Ka Yang subsequently fled Laos and returned to Thailand. Thai immigration authorities detained him earlier this year at Bangkok's Immigration Detention Center. Both UNHCR and the US embassy in Bangkok asked the Thai authorities not to return Ka Yang to Laos again, but those requests were not heeded.

Our network has been unable to establish the location of Ka Yang and his family in Laos. We are deeply concerned on the safety and security of Ka Yang.

It is noted that Thailand has been generous and accommodating those who have sought refuge within its borders. It has been compassionate and understanding of those in need of protection from persecution. This commendable position of Thai Government has recently been reiterated at the Universal Period Review of Thailand at the UN Human Rights Council and subsequently pledged its respect for the human rights of refugees at the 60th Year Anniversary of the 1951 Refugee Convention.

Although Thailand is not a signatory to the Convention Relating to the Status of Refugees (1951) and its 1967 Protocol, it is bound nonetheless by the customary international legal principle of *non-refoulement* (contained in Article 33(1) of the Convention), which states that no state shall expel or return an asylum-seeker or refugee to a country where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. This principle applies regardless of an individual's immigration status at the time he entered the country and anytime thereafter. Therefore, Thai authorities are obligated

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to refrain from sending a refugee back to Laos since they are determined by UNHCR to still be in need of international protection.

We strongly urge the Thai government to reconsider its ill advised action and review its policy and procedure on refugees seeking asylum in Thailand. Thailand should take all measures to prevent any future returning of refugee in violation of the principle of “*non-refoulement*”. We also call on the Thai government to ensure that Ka Yang is not persecuted in any way by the Lao PDR government and is released and permitted full freedom of movement. Should he return again to Thailand, we urge you to order the National Security Council (NSC) to permit Ka Yang to take up the offer of international refugee resettlement offered to him by the US government.

We hope the Thai government will undertake going forward measures that will adhere to the high standards of compassion and human rights in this case. Thank you for your consideration of this urgent request and we look forward to your response.

Yours sincerely,

Advocates for Public Interest Law, South Korea

Asian Forum for Human Rights and Development

Asylum Access, Thailand

ESCR Asia

Fahamu Refugee Programme, Fahamu Trust, United Kingdom

Inhured International, Nepal

International Detention Coalition, Australia,

Korean Public Interest Lawyers Group GONGGAM, South Korea

Lao Movement for Human Rights

Naiker Associates, Iran

NANCEN, South Korea

Pakistan International Human Rights Organization, Pakistan

Refugee Council of Australia, Australia

Suara Rakyat Malaysia (SUARAM), Malaysia

Taiwan Association for Human Rights, Taiwan

Thai Committee for Refugees Foundation, Thailand

The National Human Rights Society (HAKAM), Malaysia

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CC:

Minister of Foreign Affairs

Secretary-General of National Security Council

Commissioner, Immigration Bureau

Chairperson, National Human Rights Commission of Thailand

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