

Migrant Rights Promotion Working Group (MRPWG)

Fact sheet

Forced removal of migrant workers from Kok Kwai community

Background

According to the current policy of National Council for Peace and Order (NCPO) in relation to migrant workers administrative operation, it has created negative impact to migrant workers in Mae Sot, in particular, the extremely vulnerable migrants who are not recognized by any government. Following the announcement, there were three round-up in the migrant communities on June 3rd and 4th at Song Kwae, Hua Fhai and a community behind Sakakorn village respectively. As a result, approximately 300 migrants have become displaced and at high risk of being deported. This policy has been implemented strictly in Mae Sot resulting to migrants living in Kok Kwai community being asked to dismantle their house within 24 hours by the landlord.

Considering the history of Kok Kwai community, it is widely acknowledged that more than 400 Myanmar Muslim migrants have been living in this community for more than 10 years. They have rented the land and built houses by themselves. With regard to their legal status, since their citizenship is not recognized by Myanmar government, therefore, they cannot access to Thai policy on migrant regularization process. As a result, more than 90% of populations become undocumented people. In 2013, Kok Kwai residents were rounded up by the joint-security forces. At that time, there were 280 affected migrants of which more than 50% were children. However, there was no forced removal and migrants had come back to stay at the same community after the soft deportation.

Current situation

On 7th June, 2014 the landlord of Kok Kwai community informed the migrants to leave their houses within 24 hours due to the new announcement of migrant workers administrative operation. Following the order, Thai-Muslim community committees and religious leader has set up urgent meetings with the security forces from both Tak Immigration Office and the 4th Infantry Regiment Taskforce on June 10th to discuss the possibility of allowing migrants to stay temporarily. However, it was not successful and the migrants have to remove their houses by 11 June 2014 without delay.

MRPWG's ad-hoc Working Group on humanitarian assistance to forced removal of migrants from Kok Kwai community have convened a meeting to assess the situation on 10th June. The Committees decided to conduct a rapid assessment in order to identify emergency humanitarian assistance. The result of this survey shows 270 migrants from 55 households are affected and in need of emergency response, especially temporary shelter. All of them have no place to stay and are not able to go back to Myanmar due to security concern. Significantly, 137 persons out of 270 are children (91 are in schools and 46 are out of school) and being at risk of deportation.

Concerning issues

1. **Security:** Considering the new policy of migrant workers administrative operation announced by the National Council for Peace and Order (NCPO) which targets irregular migrants in general, it could lead to human rights violations of the extremely vulnerable migrants, such as Myanmar Muslim migrant and Rohingya. Not being recognized by Myanmar government, they would face being prosecuted, trafficked and other forms of exploitation if they were deported to their home country. Essentially, deporting persons, who are at risk of human rights violations, is against the Universal Declaration of Human Rights and International Human Rights Law.
2. **Lack of appropriate child protection mechanism:** More than 100 children in Kok Kwai are at risk of being deported due to their non-legal status. Lack of consideration on best interest determination of the child will cause more harm in relation to child protection issue. Thailand is a state party of the Convention on the Rights of the Child (CRC), therefore, the country should perform its duty to uphold the international commitment to protect the rights of all children. In

addition to this, Thailand has stipulated Child Protection Act (B.E. 2546) which state clearly that ALL children in Thailand will be protected.

3. **Humanitarian assistance:** All migrants who are affected from this forced removal have become displaced and are in need of temporary shelter. Also, their living conditions are considered poor, such as no food, no safe drinking water and no sanitation facilities.

Migrant Rights Promotion Working Group calls on the Committee on Migrant Administration appointed by the National Council for Peace and Order's Announcement no 59-60/2557 to develop immediate action plan for migrant workers who are affected by this policy in line with the core principles of human rights and international humanitarian standards. Having long-term strategy for migrant workers administrative operation and holistic approach is needed in order to respond to the migration issue. By not having concrete work plan both in short-term and long-term would create negative impact in socioeconomic sectors since migrant workers have been playing a key role in driving economic growth in Thailand for decades.

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