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## Navigating Liminal Legality: Vulnerabilities of Urban Refugees and Asylum Seekers in Thailand

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### Abstract

This article examines the vulnerabilities of Thailand's urban refugees and asylum seekers under existing laws and legal mechanisms. Despite hosting approximately 5,500 urban refugees and asylum seekers from over 40 countries, Thailand is not a signatory to the 1951 Refugee Convention and its 1967 protocol. The country's response to people seeking refuge is primarily governed by domestic laws, leaving urban refugees and asylum seekers vulnerable to arrest, detention, and limited access to basic services. The recently established National Screening Mechanism (NSM) in 2019 aims to differentiate between migrant workers and asylum seekers, who are granted 'Protected Person' status. However, this study reveals that the existing framework falls short in key critical areas, potentially exacerbating the vulnerabilities of those it intends to safeguard. Through qualitative research methods, including in-depth interviews with 20 urban refugees and asylum seekers in Bangkok, this article explores their experiences and interactions with Thai law enforcement, immigration procedures, and daily survival strategies. The findings highlight interconnected vulnerabilities, including legal barriers to employment, subjection to exploitation, racial profiling, and procedural challenges to accessing justice. Drawing on the notion of "liminal legality" suggested by Cecilia Menjiver to understand the precarious existence of urban refugees and asylum seekers in Thailand, this article illustrates how urban refugees and asylum seekers live in a paradoxical area where they are both legally invisible and physically present, which leaves them vulnerable and in a condition of constant uncertainty. It concludes that Thailand's approach to refugee protection must be revisited holistically and address legal, policy, and practical issues to create a more effective, humane, and rights-based protection system aligned with international standards.

**Keywords:** *Urban Refugees and Asylum Seekers, Vulnerabilities, Liminal Legality, Thailand*

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### 1. Introduction

Thailand's urban refugees and asylum seekers confront substantial problems due to their unstable legal status and lack of institutional protections. The article looks at the lived experiences of refugees and asylum seekers in Bangkok, specifically how they interact with Thailand's current protection systems. Despite not being a signatory to the 1951 Refugee Convention and 1967 protocol, Thailand recently enacted its first protection mechanism, the National Screening Mechanism (NSM) in 2019. However, reservations persist concerning the new system's effectiveness and human rights implications.

Menjívar (2006) presents the notion of "liminal legality," referring to a situation of contradiction where people are physically present but legally absent, resulting in their existence between legality and illegality. Her concept provides significant insight into the perilous circumstances faced by urban refugees and asylum seekers, which applies to the context of Thailand.

Urban refugees and asylum seekers in Thailand often struggle to blend into Thai society, living in constant fear of imprisonment or deportation and unable to access fundamental rights and services (Thoresen et al., 2017; Nguma, 2017). This leaves them in a state of legal nonexistence and precarity. While they may be physically in Thailand in search of refuge, Thai law views them as "illegal immigrants" because Thailand is not a signatory to the 1951 Refugee Convention (Guzzetti, 2016; Issa, 2016; Nguma, 2017; Thoresen et al., 2017). This

article contends that this legal ambiguity exposes urban refugees and asylum seekers to exploitation, racial profiling, and marginalization despite the existence of laws and regulations. While urban refugees and asylum seekers display agency by seeking protection and stability, structural constraints significantly restrict their ability to exercise their rights and integrate into Thai society.

## 2. Literature Review

### 2.1 Studies on Urban Refugees and Asylum Seekers in Thailand

The government of Thailand has been responding to the refugee influx into Thailand since the end of World War II. Different approaches passed through cabinet resolutions have been applied to address incoming refugees, including temporary shelter, serving as a transit country for resettlement (Jittiang, 2022; Suhrke, 1983; Varophas, 1966), and voluntary repatriation, but local integration of refugees has never been promoted (Eun, 2010). However, Thailand retains a significant population of forcibly displaced people from other countries (Thoresen et al., 2017).

Throughout the 1950s-1970s, Thailand experienced an influx of displaced people from Vietnam, Cambodia, and Lao PDR as people fled from the Indochina wars (Suhrke, 1983; Varophas, 1966). From the 1980s onwards, this dynamic shifted as more people from Myanmar began seeking protection in Thailand (Laocharoenwong, 2020; Vungsiriphisal et al., 2014). Thailand has continued to accommodate 86,000 refugees from Myanmar at the Thai-Myanmar border for more than 40 years, alongside approximately 5,500 urban refugees in the Bangkok Metropolitan region from 40 different countries (United Nations High Commissioner for Refugees (UNHCR), 2024). Since Thailand has not ratified the 1951 Refugee Convention and its 1967 protocol, urban refugees are forced to live largely invisible lives on the margins of Thai society (Asylum Access Thailand (AAT), 2016; Issa, 2016; Nguma, 2017). Therefore, this section explores the existing scholarship on urban refugees in Thailand, attempting to understand how the literature has conceptualized the situations and lived experiences of urban refugees and asylum seekers in Thailand.

Varophas (1966) delves into the various waves of Vietnamese refugees arriving in Thailand from the late 18th century through the mid-20th century, examining the reasons behind their migration, their settlement patterns, and the impact of their presence on Thai society and policy development. The legal and political ramifications of Vietnamese refugee migration, including changes in legal protection and government efforts to control and resettle the refugee population, have greatly evolved. Suhrke (1983) provides a comprehensive understanding of the legal and political landscape faced by the first Indochinese refugees, highlighting the challenges faced by the first asylum countries and the international community in responding to a major refugee crisis. The study reveals a complex interplay of international politics, humanitarian concerns, and national security considerations shaping their legal and social status. The situation of refugees from Indochina, including from Cambodia, Vietnam, and Lao PDR, has evolved over the years, influenced by various factors such as the policies of the Thai government (Suhrke, 1983; Varophas, 1966), international organizations like the United Nations High Commissioner for Refugees (UNHCR), and other resettlement countries such as the United States (Suhrke, 1983).

Gallagher (1989) conducts a comprehensive analysis of the evolution, current state, and future challenges of the international system for managing refugee crises, emphasizing the importance of legal protection, international cooperation, and the development of effective strategies to ensure the well-being and rights of refugees worldwide. Although Gallagher (1989) does not provide details on the specific refugee system in Thailand, the study highlights how the refugee situation in Thailand has been a complex issue, involving large numbers of refugees, various international and regional policies aimed at managing asylum and resettlement, and challenges in providing humanitarian assistance and durable solutions. Meanwhile, the experience of urban refugees in Thailand from Indochina underscores the challenges that host countries face in balancing humanitarian obligations with national security and societal concerns (Suhrke, 1983). Thailand's policies towards refugees have evolved in response to changing international norms, regional dynamics, and the specific characteristics of refugee populations (Gallagher, 1989; Suhrke, 1983; Varophas, 1966).

Moreover, the complex situation of refugees from Myanmar, particularly the students and political dissidents who fled to Thailand following the 1988 pro-democracy uprising in Myanmar, encountered new kinds of fear and political contention in Bangkok, unlike the non-Burman minority refugees who found sanctuary in border camps (Lang, 2002). Lang (2002) also stated that protection for Burmese refugees in Thailand is complex and varies significantly based on individual circumstances and interactions with local Thai communities,

authorities, and international organizations. The Thai government's concerns over the political activities of Burmese students and activists have further reinforced a precarious existence for many seeking refuge in Bangkok. Consequently, the Thai authorities responded to this issue by transferring the refugee protection apparatus to a holding center outside Bangkok, known as the "Safe Area," in an attempt to manage and restrict the political activities of this group of asylum seekers (Lang, 2002).

The other group of asylum seekers detained in the Immigration Detention Center (IDC) in Bangkok came from North Korea. Eun (2010) collected data on Thai immigration officials to understand how these officials handled the cases of North Korean asylum seekers. The study found that Thai authorities adopted a policy aimed at formalizing the process for dealing with North Korean asylum seekers under the supervision of the Thai Immigration Bureau, which resulted in North Korean asylum seekers being sentenced to a fine or detention for illegal entry by a court of law, followed by detention at the IDC in Bangkok until they could travel to a third country. Despite being subject to Thailand's immigration laws, which lack provisions for refugee status determination, North Korean asylum seekers have not been forced to repatriate to their home country. Instead, through decriminalization practices, they are treated as *de facto* asylum seekers receiving protection. Therefore, these two studies by Lang (2002) and Eun (2010) show the efforts of Thai authorities to provide and offer safe and better conditions to urban refugees from Myanmar and North Korea in Thailand, respectively.

In the context of Thailand's strict immigration policies and the criminalization of refugees, those with irregular status in Bangkok have a particularly precarious existence, as they navigate a complex landscape of legal restrictions, social isolation, and economic vulnerability. Palmgren (2014) demonstrates the importance of informal networks for sharing information, mobility, and support among refugees and asylum seekers living illegally in Bangkok, focusing on the experiences of the Khmer Krom, Rohingya, and Vietnamese communities. Despite these challenges, urban refugees and asylum seekers demonstrate remarkable resilience and agency, forming and utilizing informal networks to survive and support each other in the face of adversity (Palmgren, 2014).

Moreover, Issa (2016) highlights that urban refugees in Bangkok have achieved economic security despite facing challenges and struggles like restrictions on employment. On the one hand, urban refugees can face dire circumstances as they struggle to survive without legal status, protection, or adequate support systems (Malaver, 2016). However, Somali and Sudanese communities in Bangkok used three main strategies to address economic challenges: 1) adaptive strategies, such as informal employment, begging, and selling goods; 2) social support networks, including access to financial assistance; and 3) participation in community organizations, such as the Bangkok Refugee Youth Club, to access education and other key resources (Issa, 2016). Thus, livelihood security for refugees from Somalia, Sudan, and Myanmar is supported by a blend of informal systems and formal international protection mechanisms in Bangkok (Issa, 2016; Lang, 2002; Palmgren, 2014).

Thoresen et al., (2017) examined (and illustrated) how state protection for refugee children in Bangkok is a particularly complex issue. The study highlights the identified challenges of parents and guardians of refugee and asylum-seeking children in Bangkok, including language barriers, severe financial hardship, and very limited social support networks (Thoresen et al., 2017). Refugees and asylum seekers are also unable to work and live in fear of arrest, which prevents them from obtaining the necessary income to support their families (Guzzetti, 2016; Thoresen et al., 2017) or improve their children's education and well-being (Nguma, 2017; Thoresen et al., 2017). Despite having UNHCR certification confirming their refugee status, they do not have legal protection in Thailand, which leads to limited access to necessities, employment, healthcare, and education, as well as increasing risks of exploitation and financial stress (Guzzetti, 2016; Issa, 2016; Nguma, 2017; Thoresen et al., 2017).

Furthermore, studies on the cultural integration of refugees from Pakistan by Chaiyasit (2017) and the challenges and livelihood strategies of refugee women from Pakistan by Nguma (2017) conclude that the lack of legal status discourages efforts to integrate culturally into Thai society. This can also result in a lack of effort to learn the Thai language and a tendency to avoid social interactions with the local population (Chaiyasit, 2017). Multifaceted challenges in accessing health and education services are compounded by legal, logistical, financial, and social barriers that collectively impede Pakistani refugees' ability to secure basic healthcare and education for themselves and their children (Chaiyasit, 2017; Guzzetti, 2016; Nguma, 2017; Thoresen et al., 2017)

Kaewkuekoonkit, and Chantavanich (2018) highlight the complex legal protections for Rohingya asylum seekers in Thailand. They found groups have different levels of access to protection, which is influenced by their

legal status, support from civil society groups, and existing Muslim and Rohingya networks in Thailand. The study also indicates that the Rohingya desire more than just shelter; they seek freedom of movement and a legal status that provides them with social insurance under preventive social protection (Kaewkuekoonkit, & Chantavanich, 2018).

Regarding protection mechanisms in Thailand, Refugee Status Determination (RSD) has been used by the UNHCR to issue statuses for asylum seekers according to international refugee laws. However, RSD practices in Thailand seem to be ineffective due to a lack of clear guidelines, inconsistent practices, and inadequate transparency. For instance, asylum seekers in Thailand face challenges accessing formal written decisions, leading to inconsistencies and a lack of transparency in the RSD process. Thus, the relationship between Thai authorities and UNHCR has been unstable, impacting cooperation on RSD procedures and a lack of local integration options for rejected applicants. Therefore, Wangcharoenpaisan (2017) suggests more transparency, consistency, and fairness are needed in the RSD system to ensure effective refugee protection in Thailand.

Overall, the precarious lives of urban refugees and asylum seekers in Thailand are largely a result of the state's non-signatory status to international refugee agreements, particularly the 1951 Refugee Convention and its 1967 Protocol. Due to Thai immigration restrictions, those who are escaping persecution and violence are considered illegal immigrants, creating a condition known as liminal legality (Guzzetti, 2016; Issa, 2016; Menjivar, 2006). Although Thailand has a history of welcoming refugees, including those from Indochina and Myanmar, its lack of official recognition forces urban refugees and asylum seekers to rely on informal networks (Eun, 2010; Palmgren, 2014). Consequently, many refugees and asylum seekers experience severe social and economic insecurity from barriers to work and basic services, as they negotiate for stability and dignity (Thoresen et al., 2017; Nguma, 2017).

This scholarship on urban refugee studies in the context of Thailand provides a comprehensive overview of challenges facing refugees and asylum seekers in Thailand, each focusing on different aspects of the experience of refugee communities (Chaiyasit, 2017; Eun, 2010; Guzzetti, 2016; Kaewkuekoonkit, & Chantavanich, 2018; Lang, 2002; Nguma, 2017; Palmgren, 2014) as well as existing legal and policy frameworks (Chotinukul, 2020; Jittiang, 2022; Gallagher, 1989; Suhrke, 1983; Varophas, 1966).

## **2.2 Thailand's Policy Development: National Screening Mechanism**

Thailand's establishment of the National Screening Mechanism (NSM) in 2019 represented a pivotal step forward in the country's approach to refugee protection and management. Thailand, as one of the first non-signatory states in Asia to adopt a formal process for determining protection status, has shown a commitment to tackling the complex issues facing asylum seekers and refugees. The NSM was conceived following Thailand's participation in the first Global Refugee Forum, where the government pledged eight critical objectives aimed at improving refugee protection. This commitment was strengthened by a regulation titled "Aliens who Enter the Kingdom and are Unable to Return to the Origin B.E. 2562," which attempted to distinguish between those seeking asylum due to legitimate fears of persecution and those migrating for economic reasons (Jittiang, 2022).

At the center of the NSM is a screening process administered by a specific committee charged with granting or rejecting protection status to applicants. The Cabinet's formal approval and subsequent implementation of the NSM in 2023 marked a shift in Thailand's refugee protection policy to be more systematic and structured (Jittiang, 2022). Despite its transformative nature, the NSM confronts major hurdles in fully adopting a human rights-based approach. One of the key issues is the current framework's insufficient rights and protections for refugees and asylum seekers. Access to critical services such as healthcare, employment prospects, and freedom from arbitrary imprisonment remains limited, jeopardizing the fundamental human rights of people seeking international protection. Without broad rights, including socioeconomic rights, the NSM risks failing to provide the necessary assistance and security for urban refugees and asylum seekers in Thailand.

Chotinukul (2020) argues that transparency and accountability within the NSM's processes are also significant concerns. The eligibility criteria and decision-making procedures lack the transparency and clarity required to ensure impartiality and objectivity. A human rights-based approach requires high levels of transparency in screening systems, ensuring that applicants are handled equally and that decisions are made using clear, consistent criteria. The lack of such transparency can weaken faith in the system, resulting in arbitrary or biased outcomes. Furthermore, the NSM lacks strong legal safeguards to prevent potential human rights

violations. Key safeguards, such as the right to appeal decisions, protection against arbitrary imprisonment, and access to legal representation, are inadequately addressed by the system.

Another restriction of the NSM is the limited participation of civil society and international organizations in the screening process (Jittiang, 2022). The involvement of these stakeholders is critical to ensuring that the system is broad, inclusive, and aligned with international standards. Their absence calls into doubt the NSM's ability to properly absorb multiple perspectives while upholding the norms of impartiality and justice. Moreover, the NSM does not fully comply with the international definition of a refugee as defined in international refugee law, particularly the principle of non-refoulement. The mechanism's use of terms such as "deportation" and "return" fails to express the broader protections required to prevent states from returning refugees to situations where their lives are at risk. This lack of conformity to international norms shows that Thailand's policies may fall short of delivering the protections required by global refugee protection standards (Chotinukul, 2020).

While Thailand's National Screening Mechanism is a significant step forward in national refugee protection efforts, it must solve many critical weaknesses before completely adopting a human rights-based strategy. Enhancing refugees' rights and protections, increasing transparency and accountability, implementing strong legal safeguards, and involving civil society and international organizations are all critical steps toward ensuring that the NSM not only identifies and assists those in need but also upholds the fundamental human rights of refugees. As Thailand refines and implements the NSM, aligning it more closely with international norms will be critical to establishing a more effective and humane refugee protection system.

### 3. Objectives

The main objective of this article is to analyze the vulnerabilities of urban refugees and asylum seekers under existing legal mechanisms and protection systems in Thailand.

### 4. Methods

The article adopts a qualitative methodology, including 20 in-depth interviews with urban refugees and asylum seekers in Bangkok. These interviews offer detailed, firsthand accounts of how urban refugees and asylum seekers interact with Thai law enforcement and immigration procedures and their daily survival methods in response. All in-depth interviews were conducted through Zoom calls since all respondents preferred to offer interviews remotely due to security reasons.

The terms 'refugee' and 'asylum seeker' are used to reflect the overall understanding of the forcibly displaced population in urban areas of Bangkok, Thailand. It should be noted that these terms do not refer to their legal status as recognized by the Royal Thai Government (RTG). The term 'protected person' is used to refer to individuals under the National Screening Mechanism who enter Thailand and are unable to return to their countries of origin.

Snowball sampling was used to connect to urban refugees and asylum seekers. First, the author contacted research participants using existing connections, inviting them for an interview. The author briefly explained the research, including the potential risks and benefits of participating in the study, and shared an information sheet. Once they consented to participate, the author arranged a Zoom meeting at their convenience. After the interview, the author asked if they could help connect them with other refugees in their networks. Then, the author repeated the same process, explaining the research and inviting them to conduct an interview.

The present study strictly followed institutional ethical guidelines and international standards, including obtaining consent, securing participant data and privacy, and anonymizing participant names. This study is part of a larger research project entitled "Advancing refugee protection and promoting accountability in Southeast Asia through legal empowerment and refugee leadership." This research obtained ethical approval from HML IRB, authorized by the U.S. Department of Health and Human Services, Office of Human Research Protections.

The data collected through in-depth interviews was examined using thematic analysis. Thematic analysis is widely utilized for qualitative research as a method of identifying, analyzing, and reporting patterns (themes) from the findings (Braun, & Clarke, 2006). This included the following procedures detailed by Braun, and Clarke (2006): 1) *Familiarization with the data*: written transcripts from interviews with urban refugees and asylum seekers were read repeatedly until comprehension; 2) *Generating initial codes*: preliminary codes summarizing interview data were developed; 3) *Searching for themes and reviewing themes*: codes developed in the previous stage were carefully reviewed for theme(s) and once themes were identified, they were re-reviewed; 4) *Writing*

*up*: prepared themes were reviewed to start reporting along with analytical contributions and interpretations, connecting to existing scholarships on urban refugees in Thailand.

This article provides a comprehensive examination of the gaps between policies and lived reality by presenting the voices and views of urban refugees and asylum seekers. The following results reveal the impacts of limited refugee protection efforts and demonstrate the need for more comprehensive, rights-based methods that address the multifaceted vulnerabilities of urban refugees and asylum seekers in Thailand.

## 5. Results

This section looks at the challenges and barriers confronted by urban refugees and asylum seekers in Thailand as they navigate a complicated landscape of legal, economic, and societal restrictions in their search for safety and security, with a special emphasis on the legal barriers that prohibit them from accessing work and basic social services. These restrictions not only impede their ability to achieve economic self-sufficiency but also make them more vulnerable to exploitation and marginalization within society. Through the narratives of urban refugees and asylum seekers, this section sheds light on the difficult realities of living without legal status, emphasizing the critical need for comprehensive support structures in host countries.

### 5.1 Legal Barrier to Employment

There are many untold stories from urban refugees and asylum seekers in Thailand. One interviewee's story sheds light on several interconnected concerns, including legislative restrictions to productive employment, widespread financial instability, rising living costs, limited access to healthcare services, and systemic barriers to integration and social mobility. They explain:

“The biggest challenge that affects me is that I don't have the right to work here. To survive here, we have to pay money for everything. The lack of finances is very difficult, like when we face an illness and have to pay for the hospital. And the thing is that we can't work here, so how can we earn the money to pay for the hospital?” (Interview 1, July 28, 2024)

This interviewee's biggest difficulty was a lack of legal employment authorization, which greatly limits their ability to generate income and achieve economic stability and self-reliance. The interviewee's statement, "I don't have the right to work here," highlights the legal constraints that have a significant impact on the daily lives of urban refugees and asylum seekers who are not officially recognized by the RTG. The lack of proper work permits produces a complicated issue that extends beyond economic hardship. The complex interaction of these factors puts urban refugees and asylum seekers in a particularly vulnerable position, placing them at the confluence of many types of marginalization. Legal constraints on work prospects, for example, impede economic self-sufficiency while also exacerbating financial uncertainty, thus leading to insecure living conditions and increased vulnerability to exploitation. This financial burden is exacerbated by the rising cost of living in urban areas, which disproportionately impacts individuals with little resources and access to formal economic systems. The interviewee's description of systemic hurdles points to larger structural injustices that perpetuate marginalization. These barriers can take many forms, including discriminatory behaviors, bureaucratic impediments, and social views that prevent full engagement in Thai culture. It places people in insecure positions, sometimes forcing them to seek work in informal sectors where they are exposed to exploitation and lack fundamental labor safeguards.

### 5.2 Subjective to Exploitation

Urban refugees and asylum seekers navigate legal documentation and challenges, but sometimes, this leads to worsened conditions. One of the interviewees said:

“We knew Thailand's government doesn't accept refugees, although UNHCR is here in Bangkok. After a few weeks of staying in Bangkok, my family attempted to extend our visa first, searching for better options to maintain our legal status. We found one person from our community who helps with passports and visas. So, we asked him for his services. We paid around 10,000 THB for five people and gave our passports. Then he asked for more money, but we refused to pay and requested him to return our passports.

A few days later, he said he lost our passports, and we lost connection with him.”  
(Interview 8, July 31, 2024)

The narrative demonstrates the risks that urban refugees and asylum seekers face in Thailand, worsened by the lack of comprehensive refugee protection mechanisms, which ultimately exposes them to a range of vulnerabilities in urban environments. The narrative emphasizes the perilous situations of persons seeking sanctuary or asylum in Thailand's urban centers, as well as the multiple challenges they face in their pursuit of safety and stability.

The lack of effective legal protection for urban refugees and asylum seekers is a major concern. Without formal recognition or a clear legal status, such individuals typically find themselves in a fuzzy area, unable to receive basic services or integrate into established social support networks. This legal ambiguity not only impedes their ability to meet basic requirements but also severely limits their ability to establish stable lives in their host communities. Furthermore, this precarious legal situation makes urban refugees and asylum seekers particularly vulnerable to abuse by untrustworthy individuals in society. Employers may take advantage of their precarious status to impose unjust working conditions or withhold wages, while landlords may exploit their predicament by charging high rates or providing poor accommodation. In more severe circumstances, this susceptibility can lead to exposure to human trafficking networks, which prey on those looking for stability and economic opportunity.

More importantly, the inability of urban refugees and asylum seekers to seek help from authorities or report abuses increases their vulnerability. Fear of being detained or deported is a potent deterrent that effectively silences victims and perpetuates cycles of exploitation. This reluctance to participate with formal institutions not only leaves individuals vulnerable in the face of mistreatment but also impedes the efforts of host communities to address and alleviate these concerns effectively.

### **5.3 Subjective to Racial Profiling and Law Enforcement Targets**

Moreover, there is a strong association between the mode of transportation used by urban refugees and asylum seekers and the level of scrutiny they face from local authorities and the general population in Bangkok. Specifically, the findings suggest that more exposed modes of transportation, such as motorbikes, tend to increase the visibility of these individuals, raising their risk of being subject to scrutiny by authorities. One of the interviewees shared his experiences with law enforcement while moving throughout the city:

“I was checked by police on the way many times, either by taxi or motorbike. Of course, it is more obvious to them if I take a motorbike due to my appearance. In the meantime, I hear a lot that people from African countries are targeted and suspected of involvement with illegal activities, such as drugs. When it happens, individuals like me become more vulnerable, and there are more frequent raids in refugee communities as well.” (Interview 10, August 10, 2024)

This emphasizes how physical appearance affects the differentiated treatment of refugees and asylum seekers. Respondents consistently stated that their perceived foreignness, generally based on physical characteristics, increased when they used open vehicles such as motorbikes. This increased visibility led to longer identity checks and more frequent police stops.

The findings also show a clear trend regarding modes of transportation and risk of inspection. While all modes of transportation offer some risk to urban refugees and asylum seekers, motorbikes and other uncovered vehicles appear to increase the possibility of unwelcome attention. Several causes contribute to this phenomenon, including increased physical exposure, reduced anonymity compared to enclosed vehicles or public transportation, and potential links between motorbikes and certain stereotypes or misconceptions held by local authorities.

Moreover, the statement, “I hear a lot that people from African countries are targeted and suspected of involvement with illegal activities, such as drugs. When it happens, individuals like me become more vulnerable, and there are more frequent raids in communities.” This stresses the broader cultural issue of stereotyping and its impact on law enforcement practices. The respondent highlights the prevalent nature of racial prejudice in urban contexts, particularly in African communities. This stigma not only reinforces negative assumptions but also justifies increased law enforcement inspection of certain areas. Individuals who meet this description have a significant increase in vulnerability and are subject to being inspected.

Furthermore, the statement refers to increased law enforcement operations within these communities, resulting in "more frequent raids." This pattern points to a potential loop in which stereotypes inform enforcement procedures, which then reinforces those stereotypes through disproportionate targeting. Such a loop can lead to overcriminalization of specific demographic groups, exacerbating existing social disparities. These concerns get even more difficult when considering urban refugees and asylum seekers, who confront specific obstacles linked to legal status. The added difficulty of negotiating a social context fraught with suspicion and increased law enforcement presence may seriously hinder their capacity to create stable lives in their host country. These findings indicate a complicated relationship between racial profiling, law enforcement practices, and the lived experiences of urban refugees and asylum seekers from specific origins and backgrounds.

#### **5.4 Subjective to Vulnerability in Legal Procedures**

Consequently, having no legal status in Thailand makes things more difficult, particularly for an urban refugee who has encountered immigration officers or police and has been detained in IDCs. Legal procedures and systems can further marginalize urban refugees and asylum seekers, who are already at risk due to lack of recognition. One of the interviewees who had been in the IDC mentioned:

“During the bailout process, there were a couple of people elected by immigration, I believe, like person A and person B, and two or three more people. They are working like a guarantor. Recently, when the NSM started, immigration asked for a 20,000 THB bill, but my guarantor is charging 30,000 THB. And he/she clearly said that 10,000 THB is for him/her. I believe that immigration is supporting him/her in doing this. One day, immigration called me, and both they and my guarantor told me that I had to register for the NSM. My guarantor is threatening that if I don't come to register, he/she will cancel my bailout, and I will have to go to the IDC again.” (Interview 15, August 16, 2024)

This narrative offers a glimpse into the obstacles and vulnerabilities that urban refugees and asylum seekers in Thailand experience, particularly concerning the bailout process and the implementation of the NSM. The narrative emphasizes the complicated power dynamics between refugees, their guarantors, and immigration officials, as well as the possibility of exploitation inside the system.

The interviewee's experience demonstrates a concerning disparity between official fees and the fees charged by guarantors. Their statement implies a lack of transparency and probable corruption in the bailout process, with guarantors possibly abusing their position of authority for personal advantage. The interviewee's claim that "immigration is supporting him/her doing this" raises the possibility of a systemic problem, with government channels either complicit in or ignoring such practices.

The narrative additionally points out the insecure legal status of urban refugees and asylum seekers and the power disparity between them and their guarantors. The fear of re-detention in the IDC demonstrates the power that guarantors wield over them. It calls into doubt the bailout system's ability to provide meaningful protection and stability for refugees.

Therefore, the interviewee's narrative provides insight into the implementation of the NSM and its impact on urban refugees and asylum seekers. The urgency of NSM registration, as indicated by immigration authorities contacting the interviewee personally, implies that the process is causing additional stress and uncertainty for refugees. Thus, the power dynamics between urban refugees and asylum seekers, their guarantors, and immigration officials foster continued marginalization.

## **6. Discussion**

### **6.1 Interconnected Vulnerabilities Under Existing Legal Mechanisms**

These narratives told by urban refugees and asylum seekers in Thailand reveal a structure of interconnected issues that have a substantial impact on their everyday lives and long-term prospects. Legal limits on employment, financial instability, limited access to healthcare, and systemic hurdles to integration all contribute to a multilayered vulnerability for these populations. These difficulties are not isolated; rather, they establish a cycle of marginalization.

The lack of legal standing to work emerged as an important concern, functioning as an underlying factor worsening other socioeconomic challenges. This restriction not only impedes economic self-sufficiency but also

puts them at risk of exploitation in informal sectors. The situation is especially dire in countries like Thailand, which have yet to ratify crucial international refugee protection instruments, putting urban refugees and asylum seekers in potentially dangerous legal uncertainties. Essentially, these experiences illuminate both personal challenges and more significant structural constraints.

Thus, Thailand's lack of refugee protection laws leaves urban refugees and asylum seekers vulnerable to various forms of abuse, including exposure to fraudulent intermediaries taking advantage of their unstable legal status and potentially to human trafficking networks. Moreover, the findings uncover a concerning pattern of racial profiling and excessive scrutiny by law enforcement, particularly among urban refugees and asylum seekers from specific racial backgrounds. The findings also highlight fundamental flaws in the legal processes used to regulate urban refugees and asylum seekers, such as the bailout system and the NSM. The power disparities between refugees, guarantors, and immigration officials allow for exploitation and coercion, weakening the very mechanisms designed to provide protection and stability.

## **6.2 Liminal Legality: Precarious Existence of Urban Refugees and Asylum Seekers**

The notion of "liminal legality," as suggested by Cecilia Menjiver, offers an engaging way to examine the perilous circumstances faced by urban refugees and asylum seekers in Thailand. The highlighted experiences of urban refugees and asylum seekers in Thailand provide an interesting illustration of this legal uncertainty and its far-reaching effects.

Legal barriers to employment exemplify a key aspect of this dilemma. Urban refugees and asylum seekers find themselves in a precarious position where they are required to live in an urban setting, which itself requires financial resources, but they are not allowed to work by law. This limitation increases their vulnerability to exploitation while impeding their potential to become economically independent. So, this legal situation generates a cycle of precarity in which economic instability brought on by a lack of legal status increases vulnerability.

Existing legal challenges are further highlighted by the exploitation that urban refugees and asylum seekers endure. The narrative of the urban refugee who was defrauded while trying to renew their visa serves as an example of how those who lack a clear legal status are more liable to exploitation by dishonest people as they are forced to turn to unofficial and sometimes harmful options. Therefore, legal non-existence exposes them to more vulnerabilities and abuse in addition to denying them protection.

Moreover, the power disparities present in this legal system are obvious, especially the detention and bail processes. Attempts to navigate the legal system can further place urban refugees and asylum seekers in precarious positions, as demonstrated by the narrative of an interviewee who was subjected to threats relating to the NSM registration and exploited during the bail procedure. Therefore, this issue goes beyond a simple lack of legal status, as legal and administrative authorities may foster sustained marginalization and vulnerability.

Ultimately, the concept of liminal legality offers an intriguing perspective through which to see the complex and conflicting lives of urban refugees and asylum seekers in Thailand. It emphasizes how constant insecurity, vulnerability to exploitation, and obstacles to integration are caused from a gap between physical presence and legal recognition. This analysis highlights the urgent need for comprehensive legal frameworks that bridge the gap between the legal status and physical reality of urban refugees and asylum seekers, including acknowledgment of their rights and dignity.

## **7. Conclusion**

Thailand's commitment to building a more structured and systematic approach to refugee protection was reflected in the development of the NSM in 2019. Thailand was one of the first non-signatory states in Asia to implement a systematic mechanism for determining protection status, demonstrating initiative in meeting the needs of displaced populations. However, the existing framework falls short in key critical areas, jeopardizing its effectiveness and potentially worsening the vulnerabilities of the people it is intended to safeguard.

One of the most significant challenges is that the current system provides insufficient rights and protections to refugees and asylum seekers. The experiences of urban refugees underscore the enormous barriers they confront in accessing basic services such as healthcare, work prospects, and protection against arbitrary arrest. These constraints not only violate fundamental human rights but also perpetuate a cycle of vulnerability and marginalization that is difficult to break. A re-evaluated protection system must prioritize offering refugees

comprehensive rights, such as the ability to work legally, access to healthcare and education, and life without fear of detention or deportation.

Moreover, urban refugees and asylum seekers live in a paradoxical area where they are both legally invisible and physically present, which leaves them vulnerable and in a condition of constant uncertainty. The inability to work lawfully despite financial needs, systemic vulnerability, and power disparities in dealings with authorities and intermediaries are some of the interconnected ways the legal system presents itself. The narratives of urban refugees and asylum seekers persuasively demonstrate how this legal non-existence affects every part of their lives and feeds cycles of insecurity and marginalization.

Overall, Thailand's efforts to build a legal refugee protection framework are admirable, but the current system falls short in numerous key areas. Thailand's approach to refugee protection must be revisited holistically, considering legal, policy, and practical problems. Thailand can create a more effective, humane, and rights-based protection system for refugees and asylum seekers by strengthening rights and protections, increasing transparency and accountability, engaging diverse stakeholders, addressing socioeconomic vulnerabilities, and aligning more closely with international standards.

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