

## Vulnerabilities of Burmese migrants, refugees and stateless people in Mae Sot after the 2021 military coup

Su Yin Htun\*

**Abstract:** After the military coup on 1 February 2021, in Myanmar, the military junta inhumanely treated people around the country by means of arbitrary arrest, extra-judicial killing, burning homes, series of torture, confiscating property, sexual violence, denial of humanitarian assistance, incommunicado detention, and mass killing. Although Myanmar ratified the four Geneva Conventions, in which Article 3 prohibits violence to life and person, cruel treatment, and torture as war crimes, the military junta never follows international law. As the people were forcibly displaced due to the threat to their lives and security, they fled to neighbouring Thailand, which is south of Myanmar. The indigenous southern tribes and Burmese ethnic groups throughout the country have been compelled to evacuate to the Myanmar Thai border, particularly to Mae Sot. Due to their illegal status, they lose their fundamental human rights, especially health care, education, access to job opportunities, taking part in religious activities, and cultural rights. Moreover, they are at risk of being arrested by the Thai police and sent back to Myanmar by Thai immigration. This research paper focuses on how Burmese migrants, refugees, and stateless persons overcome their insecure lives for development, inclusiveness, and integrity in Mae Sot alongside their illegal status. This paper explores the desk studies of literature review, analyses international law, and uses a qualitative research method by looking at the vulnerable living status of targeted people. The paper will highlight the needs of international obligations for the sustainable development of vulnerable Burmese displaced people in Mae Sot pursuant to international human rights law.

**Keywords:** refugee; health; education; job opportunities; security; sustainable development.

\* Su Yin Htun, PhD, is a law professor, human rights educator, and researcher from Myanmar. Citizenship and statelessness issues are the focus of Dr. Su Yin Htun's most well-known worldwide papers. The military junta issued an arrest warrant for Dr. Su Yin Htun due to her voluntary participation in the Civil Disobedience Movement, prompting her to flee to the US through Thailand as a refugee in 2024. This research paper was contributed her own experience of real life; [suyinlaw@protonmail.com](mailto:suyinlaw@protonmail.com)

## 1. Introduction

Thailand has been hosting migrants and refugees from Myanmar since the 1980s when the then Government depended on the Thai border, especially for imports and exports. Satria Rizaldi Alchatib explains that Thailand is a non-signatory State of the 1951 United Nations Convention Relating to the Status of Refugees (Refugee Convention) and there is an absence of legal protection on migrants and refugees in its national laws (2023, 69). Thailand is also not a signatory State of the International Convention on Protection of the Rights of Migrant Workers and their Families (1990). Looking at the memorandum of understanding on labour cooperation between Myanmar and Thailand in 2016, a term “employment of workers” is found instead of the term “migrant worker.” According to the geography, people from Myanmar, potentially across the Thaungrine river at the border, are at risk of economic disparities, arms conflict, natural disasters, and force majeure. Migrants themselves may be termed regular or irregular, documented or undocumented, and legal or illegal. An international migrant (migrant) refers to “any person who is outside a State of which they are a citizen or national, or, in the case of a stateless person, their State of birth or habitual residence” (IOM 2019).

People in Myanmar suffered socio economic impacts due to the outbreak of Covid-19, and soon after it, they also faced political upheaval by the military junta’s power seizing. These crises of health and politics describe the cross-border movement of people who have a variety of protection profiles, reasons for moving, and needs but who move along the same routes, use the same forms of transport or means of travel, and often travel irregularly. Thus, Mae Sot is a hub of Myanmar people under a variety of statuses such as undocumented, documented, irregular and seasonal migrants, refugees and asylum seekers who connected with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) whose offices are situated in Mae Sot.

There are camps where refugees reside in the nine temporary shelters such as Ban Nai Soi, Ban Mae Surin, Mae La Oon, Mae Ra Ma Luang, Mae La, Umpoem Mai, Nu Po, Ban don Yang, and Tham Hin that are officially run by The Royal Thai Government on the Thai/Myanmar border where it is expected they will stay until the conditions change and they can re-enter their country (The Border Consortium n.d.). There are also urban refugees and asylum-seekers who are mainly of Karen, Karenni and Burmese ethnicity. Urban refugees encounter the risks of anticipated detention or deportation and they have a well-founded fear of being persecuted by military dictators. Likewise, undocumented migrants have to resist labour exploitation and threats of human trafficking. People residing in Mae Sot with different statuses sustain the uncertainty to access education, health care, legal protection, regular income from jobs, adequate living standards,

and daunting challenges, in particular for some women and children (especially girls), LGBTQ+ people, and victims of racism, xenophobia, and other forms of discrimination and freedom of movement that are fundamental human rights according to international human rights law.

This research paper looks at the real-life experiences of migrants, including refugees and stateless people, by using a method that involves talking to people and analysing international human rights law, refugee law, and local laws. It references studies by other researchers and reviews reports from international non-governmental organisations and United Nations (UN) agencies. The key informants were made to have an appointment and were interviewed in a safe place and for an appropriate time when they fit. Since this paper is qualitative research and experienced individuals and victims were inquired, dangers to them as well as potential ethical and security implications are carefully taken into account when gathering data. A code of ethical conduct, the “no harm” principle, was set to take care that there is no harm to the key informants and avoid any risk. The attached table shows the differences in background information, including gender, age, race, and ethnicity, among the main respondents. It analytically investigated people on the move possessed the reasons for their movements, problems they encountered, situations they were in, and what kind of support they needed.

## **2. Why and how were the Burmese people being displaced to Mae Sot?**

The Republic of the Union of Myanmar is situated in the western part of continental Southeast Asia, ranging from latitude 10° N to around 28° 30' N, and it shares its border with Thailand at the southeast. Shan State, Karen State, and Tanintharyi Region are located on the Myanmar side of the border, while Kanchannabuig and Tak Provinces are located on the Thai side to Mae Hong Song, where there are high mountain ranges of the Shan hills covered with rainforests and the Pai River and Salween River across the border. At the border between Shan State and the Province of Chaing Rai, there is the town of Tarchilake on the Myanmar side and the town of Mae Sai on the Thailand side. There is only one way of land crossing to migrate via this way, at the border of Karen State, adjacent with the Ayeyarwaddy Delta. It is a heavily forested, mountainous strip of land, and Salween is between Karen State and Mae Sot of Tak Province. Since then, ethnic armed groups have emerged, and trust between ethnic populations and the Burmese military Governments has deteriorated. The regions nearest the Thailand border have been mostly impacted by protracted civil conflict, erratic land-use regulations, population shifts, religious persecution, inadequate education, and inadequate infrastructure for sustainable development. These factors push people to migrate to Thailand. Observing the demography, there are about 7 percent of Karen people, about 10 percent of Shan people, and 7 percent of Tanintharyi

people among 135 races in the 51.7 million total population in Myanmar (Department of Population 2014).

The Karen are one of the ethnic minority groups in both Myanmar and Thailand and they inhabit both sides of the Thai Myanmar border. The Karen Hill Tribe in Thailand are the largest ethnic minority group, with an estimated population of about one million. They originally migrated from Tibet, moving from southern Myanmar to northern Thailand. The Karen Hill Tribe live in proximity to areas alongside the Thai-Myanmar border such as Mae Hong Son, Chiang Mai, Chiang Rai, and some in central Thailand (Parker et al. 2014, 1135).

The Tai-speaking group known as the Shan, or Tai-Yai (members of the Greater Tai ethnic family), are called Shan; that term also applies to all Thai people living in the Ayudya Shan Kingdom (Ayutthaya Siam), or what is now Thailand. The Shan people survived during British colonial rule, meaning that the British colonial Government acknowledged the legitimacy of Saophas (Sawbwas). To the east and west, respectively, of the Shan State, lie the Salween River and the Assam State valley of India, close to the trade routes that connected China, India, and the rest of Southeast Asia since the eighth century. The socioeconomic relationship between the residents of these locations and their migration since then is illustrated by their geographic proximity (Aphijanyatham 2009). Regarding people in the Tanintharyi region, it is unlike its neighbour State, Karen State, as the name of the region does not come from the name of ethnic people. In the 1983 national census, the population of the Tanintharyi Region was 917,628 (UNHCR 2014). As arms conflicts clashed since 1999, a lack of legal protection to minority groups, arbitrary taxation, land confiscation, and centralised exploitation of the Dawei Deep Port Project made a deep mistrust of residents to central Governments. Due to these problems, the Tanintharyi people were forcibly relocated to the Thai border through Ranong Province, which is a gateway to Myanmar via the Andaman coast. The population of the Tanintharyi region has decreased compared to other States and regions, according to Myanmar's demography data. The official records do not indicate the reason for a drop in population.

In addition, there have been several reports of military atrocities throughout Myanmar following the military takeover. Tens of thousands of people have fled from various parts of Myanmar since the military coup in 2021, traveling through the Karen State to the Thai border town of Mae Sot in search of safety. Tak's border with Myanmar is characterised by topography in the north by the Moei, a narrow river, and in the south by agricultural areas and forests. As this paper is only focused on the displaced persons in Mae Sot after the specific year of 2021, the research observes the issues of displaced persons such as migrant workers and urban refugees. Based on the qualitative approach, which involved interviewing 15 respondents, of whom five are migrant workers who had been living in

Mae Sot for many years and ten are urban refugees, they fled Mae Sot by crossing the Thaung Yin River as a result of the military's well-thought-out actions. The majority of respondents' decision to go to Mae Sot is that the path through Karen State is the safest option available. It was generally said that there was no woodland to hide in while entering Thailand lawfully and that there were immigration checks where one could be detained, making the route from Tachilake to Mae Sai impracticable. They primarily fled to Mae Sot because they thought the UNHCR would protect them under the UN system for protecting human rights and that Mae Sot was a safer location than their home country. Respondents fled to Mae Sot through the pre-existing informal channels, which depended on a system of brokers and collusion of officials at various levels, as well as general governance challenges in contested border provinces, and continued to operate, but at higher cost and less frequently. They said that they paid 3,000 Thai baht or 4,000 Thai baht to a broker to illegally enter Thailand for a safer location.<sup>1</sup>

As time has gone on, Mae Sot has developed into a dangerous haven for fugitive Burmese. There are many exiles residing in Mae Sot who are dreaming to go back home, waiting for an interview with UNHCR to move to a third country, trying to seek asylum in any country, constantly fearing spies and informers, and living in a condition of almost constant anxiety.<sup>2</sup> Lee describes Mae Sot as a border town as a social border system where Burmese people who live in Mae Sot actively engage with the existing system in the border town, i.e., they are not solely exploited and abused by the systems of control of the Thai State and capitalist economy, but rather they strategically seek opportunities to sustain their lives within the system, such as by playing hide-and-seek with the authorities and using different kinds of social networks (Lee 1966). There have been various types of displaced persons living with different experiences such as migrants, migrant workers, migrant families, refugees, refugee like situations, and asylum seekers, within Mae Sot Township.

Since the 1990s, Burmese people have been migrating to Mae Sot due to pull factors of better jobs, a safer environment, and access to better infrastructure. In order to identify what kind of people they are, international law provides the definitions by different international conventions. There is no universal and legal definition of "migrant," however, the IOM defines that a migrant is a person who, for a number of reasons, temporarily or permanently relocates away from their location, whether inside their own nation or across an international boundary (IOM 2019). People who moved from their original place and crossed an international border to an alien country can be called international migrants (IOM n.d.). There are different kinds of migration, such as regular, irregular, seasonal, legal,

1 Notes of interviews from respondents whom were questioned in March 2024.

2 Notes of interviews from respondents whom were questioned in March 2024.

and illegal. Movement of people who do not follow the rules, laws, or international agreements that control entering or leaving the country of origin, transit, or destination can be called irregular migrants.

The term “migrant worker” is defined as a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national (ICMRW, art. 2.1). Migrant workers live outside their home country for the purpose of work. Migrant workers regularly do not get the same rights and protections as national workers, and they are vulnerable to exploitation both at the workplace and in the community where they live if they do not have the correct documentation.

A refugee is someone outside their country of origin who is in need of international protection because of a serious threat to their life, physical integrity, or freedom in the country of origin as a result of persecution, armed conflict, violence, or serious public disorder against which the authorities in the home country cannot or will not protect them (Refugee Convention, art. 1). The refugee protection mandate of UNHCR, in accordance with paragraph 6A(ii) of its Statute (UNGA Resolution 428 (V), annex), covers “any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, or political opinion, is outside the country of his nationality [or habitual residence, for those without nationality] and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country.” Refugees live in two situations: those of camp refugees and urban refugees. Camp refugees reside in a camp where it is expected they will stay until the conditions change and they can re-enter their country. Main examples of these are Burmese refugees who reside in camps along the Thai-Burma border and also in camps in Bangladesh and India. These are the only refugee camps in Southeast Asia. Since the Thai Government has not ratified the Refugee Convention and does not recognise refugee rights, it does not call these places “refugee camps,” but rather uses the term “temporary shelter,” implying that sometime soon the camps will close, and the refugees will return to their country. As can be seen by the age of these camps (most camps in Thailand are around 30 years old), these have not proved to be temporary solutions. There are families who have lived in the camps for three generations, with children being born, growing up, getting married, and having children within the camp (SHAPE-SEA 2018, 144).

In the camps, most people have their basic needs met by humanitarian organisations, but a variety of rights are denied to them, such as freedom of movement and the right to work, making their economic livelihood difficult as they must rely on charity from whatever organisations provide for their basic needs. Camp refugees who do leave the camp to find work do so without documentation and are at risk of deportation if caught. On the other hand, even if they do find jobs, they are at risk of exploitation or

even trafficking because whatever work they find will be in the informal sector. Once children graduate from primary school (which is available), there may not be access to a high school or university. However, refugees themselves have been actively responding to these concerns.

The second refugee group consists of urban refugees. These are mostly urban residents who are from outside the area. The majority of urban refugees are waiting for UNHCR recognition in the hopes of being resettled in a third country, although this procedure frequently takes years because so few countries in Southeast Asia have ratified the Refugee Convention. The refugees frequently live in a state of legal ambiguity as they wait and risk being deported at any time. Human rights breaches affect urban refugees in various ways. They frequently face serious security risks, such as being arrested and detained by local officials because they lack proper documentation. Even if they have a UNHCR “person of concern” card, it does not mean they will not be detained (Sharom et al. 2015, 133). Further, their families may not get access to healthcare or education. While they may find jobs, these are likely to be in the informal sector with low wages and increased risks.

A stateless person is defined in Article 1(1) of the Convention relating to the Status of Stateless Persons as someone who is “not considered a national by any state under the operation of its law” (UNHCR 2014).<sup>3</sup> The right to citizenship is found in Article 15 of the Universal Declaration of Human Rights (UDHR) which says: “everyone has the right to a nationality” and “no one shall be arbitrarily deprived of his nationality.”

The definitions of refugees, migratory labourers, stateless people, and asylum seekers are provided by international conventions. During the interview process, interviewees are unsure about their status in relation to international law. With the exception of the migrant labourers, the remaining respondents sent their application for refugee status to UNHCR-Thailand. Nearly everyone has received their initial phone call and an automatic response. During the phone call, UNHCR representatives inquired in great depth about their activities following the military takeover in Myanmar, their reason for fleeing to Mae Sot, the method of their escape, their means of subsistence in Mae Sot, their income, and the status of their families. According to the respondents, the UNHCR is the most dependable agency that can help people get out of these problems. They experience depression, though, if the UNHCR does not follow up with them or make a phone call. They are not allowed to remain here lawfully if they return home. “I don’t understand why we are stuck here, why the UN can’t assist us in exercising our basic human rights, and why we aren’t allowed to leave this nation.

3 The International Law Commission has concluded that the definition in Article 1(1) of the Convention forms part of customary international law (see the text of the draft articles on diplomatic protection in A/61/10, chap IV E 2, chap II, Natural persons, Article 8, Stateless persons and refugees, commentary, para. (3)).

The world greatly bothers me because it seems like documents are more important than individuals. I may travel on my own dime if UNHCR can assist with my travel documentation. After that, I can retire to Thailand or any other third-world nation.”<sup>4</sup>

### **3. Skyrocketed numbers of refugees in Mae Sot after 2021 military coup**

Since February 2021, growing internal warfare and the nation's political unrest has worsened the humanitarian situation in Myanmar. As of 1 November 2022, approximately 1.5 million people are internally displaced within Myanmar, according to UN data. Since 1 February 2021, around 70,000 refugees are said to have sought shelter in neighbouring nations in addition to the growing number of internally displaced people in Myanmar. A long-standing refugee crisis in the area has resulted in around 1.2 million Rohingya refugees, of whom nearly one million are currently sheltered in Bangladesh. Smaller populations are also present in Malaysia and India. Additional Myanmar refugees and asylum seekers number over 300,000 and are presently residing in Thailand, Malaysia, and India (UNHCR Operational Data Portal n.d.). Thousands of refugees entered neighbouring Thailand in April 2021 as a result of the conflict between the military of Myanmar and rebel groups over control of the border town of Myawaddy in the southeast. Since the mid-1980s, nine camps housing around 90,000 refugees from Myanmar have been established in Thailand. Following Myanmar's revolution in February 2021, at least 45,000 more refugees from that country fled to Thailand. The Thai Government has periodically forced these recent arrivals back while simultaneously allowing them to remain in makeshift shelters close to the border. Thai authorities have tight limits on the movement of these new immigrants as well as their access to humanitarian supplies and services. None of them are allowed to enter the current refugee camps (HRW 2023).

### **4. Vulnerable situations of migrants, refugees and stateless persons in Mae Sot**

Hannah Arendt discussed “the perplexities of the rights of man” in terms of totalitarianism, alluding to the manner in which ardent supporters of rights typically carry out rights abuses. Arendt was extremely doubtful that those who had been displaced could successfully assert their rights in a way that would force the receiving State to act outside of its own interests, given her personal experience of persecution in Nazi Germany and her exile, as well as her observations about how vulnerable people had been abandoned by the world in their hour of need. According to her, the reason why refugees, stateless persons, and others did not have rights in the first place was because States are the ones who provide rights, and certain States had chosen not to do so (Arendt 1951, 268).

4 Iris, 50 years old female, interview on 28 March 2024.



According to international human rights law and international refugee law, there are provisions for basic human rights and fundamental principles, most notably non-discrimination, non-penalisation, and non-refoulement. International human rights law recognises that asylum-seeking, illegally entering into an alien State, can require a breach of the immigration rules of that country, as it is an inevitable event for forcefully displaced persons. Particularly, the 1951 Refugee Convention guarantees several safeguards against the expulsion of refugees, including the international principle of non-refoulement, that no reservations or derogations may be made to it by any State. It provides that no one shall be sent back home against his or her will in any means as he or she faces fears of threats to the right to life or civil freedom (Refugee Convention, art. 33). Although Myanmar and Thailand have not yet ratified the Refugee Convention, UN Member States should obey the international principles, as these are one of the sources of international law (Statute of the International Court of Justice, art. 38). It can be apparently seen that international law prohibits States' arbitrary actions against refugees.

The UNHCR was established by the UN General Assembly on 3 December 1949 as an UN organ (UNGA Resolution 319 A (IV)). According to Article 1 of the Statute of the UNHCR, the main task of the High Commissioner is to provide international protection to refugees and to seek durable solutions for refugees by assisting concerned governments to facilitate the voluntary repatriation of refugees, or their integration within new national communities. The function of UNHCR is emphasised as "entirely non-political" and "humanitarian and social" (Statute of the UNHCR, art. 3). The UNHCR has been operating in Thailand since 1975. It was awarded the Nobel Peace Prize twice, in 1954 for the first time and in 1981 for the second time, partly due to its non-political and humanitarian efforts in Southeast Asia following the "boat people" issue that affected not just Thailand but the entire region. The Royal Thai Government asked UNHCR for assistance in 1998 so that refugees from Myanmar may be protected near the Thai Myanmar border. In addition to the roughly 5,000 urban refugees, Thailand currently hosts some 91,337 refugees from Myanmar as of June 2023, under reverification in the nine Royal Thai Government-run temporary shelters along the Thai Myanmar border (UNHCR n.d.a).

People who illegally resided in Thailand can register as an asylum seeker of refugee status at the UNHCR office in Bangkok, Mae Sot, or Mae Hong Son. The UNHCR provides protection and aid to urban refugees and asylum seekers in Thailand. Among the 15 respondents, ten had applied for refugee status to move to a third country through the UNHCR's support. The UNHCR's responsibilities include determining a person's status as a refugee, providing health care support for severe conditions, counselling, psychosocial support, support for victims of sexual and gender-based violence, assistance with child protection, access to education, including

Thai language classes, cash-based assistance, and advocacy for alternatives to detention (UNHCR n.d.b). Although the UNHCR website displays these assistances to the applicants, most respondents said they had not received these type of support.

The UDHR adopted fundamental human rights, including asylum-seeking rights, from other countries (art. 14). The UDHR provides equal rights to human dignity, legal rights, civil rights, economic rights, social rights, cultural rights, and collective rights. Thailand ratified the International Covenant on Civil Rights and Political Rights (ICCPR) in 1996. The ICCPR may validly withhold refugee rights on the grounds of an absence of reciprocity and non-discrimination requires that rights allocated by a State to any group presumptively be extended to all persons under its jurisdiction (art. 2). The ICCPR provides the civil rights including freedom from interference with privacy or reputation, right to asylum, right to free movement, right to a nationality and the freedom to change it, right to marriage and family, right to own property, and freedom of belief and religion. Moreover, Thailand will respect the non-derogation rights under Article 4 of the ICCPR, which means right to life, legal rights, freedom of religion and belief, and non-retrospective rights. Moreover, Thailand acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1999. The Royal Thai Government guarantees just and favourable working conditions, adequate food and clothing, protection of the family (including of mothers and of children), secondary and higher education, social security, access to healthcare, and participation in cultural life according to ICESCR. However, in terms of these fundamental human rights, refugees cannot access the right to work unlike migrants who have a pink-coloured work permit card.

Ten respondents answered the question about job and income by stating that they could not have a physical job as they do not have the right documents nor Thai language proficiency. However, Lily told me that she worked at a civil society organisation (CSO) that supports Burmese refugee people for temporary shelter: “I am a student who took part in the civil disobedience movement (CDM) and have not yet graduated. I fled Mae Sot alone, and it is very hard to struggle here as my parents cannot support money. I had been employed at the CSO for three months before quitting because I felt exploited there. I worked from home at night to gather data and statistics, and my work hours are not restricted by low wages.”<sup>5</sup> Sunflower, a CDM teacher, said that she depends upon income from online teaching. She teaches English at the high school level at one federal online school that is opened under the Ministry of Education, National Unity Government: “I am glad to work at that school because the students are from Myanmar and they study incredibly well despite many challenges, including limited electricity, the need to use a VPN because the

5 Lily, fourth year student, interviewed on 20 March 2024.

military has banned internet use, expensive data plans, a lack of computer devices, etc. Since my school provides free admission but accepts donations from parents in accordance with their capabilities, it is able to pay teachers' salaries at a rate of roughly 3,000 MMK per hour. I typically receive 240,000 MMK (2100 Baht) for teaching 80 hours a month. This sum of money is insufficient for a woman to cover my bills, house rent, food, and other essentials. Although I had sent a refugee application letter to UNHCR and asked for a housing form IOM since 2022, I have never heard about this from them."<sup>6</sup>The right to access healthcare is a fundamental human right for all without any discrimination, whether they are refugees, nationals, migrants, or stateless persons. In 1948, the UDHR stated that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care, and necessary social services (art. 25). Though the UDHR explicitly states that human rights do exist and should be both respected and promoted, there continues to be controversy about the notion of "rights" today. Addressing migrant health in any country is a complicated task as efforts always operate in a highly political sphere; these political influences ultimately shape the laws and regulations around the design of the health care system. In Thailand, there are three main health insurance schemes, such as the Universal Coverage Scheme for the general Thai population, the Civil Servant Medical Benefit Scheme for civil servants, and the Social Security Scheme for employees in the formal private sector in which Thai nationals take insurance (Tangcharoensathien et al. 2010, 33). However, these schemes need to identify the person's status as a foreigner, migrant, or refugee. The Royal Thai Government has initiated the M-Fund project in Maesot District in Tak Province along the Thai Myanmar border since September 2017. This is a voluntary, low-cost, non-profit health insurance scheme that has been designed to reach migrants uncovered by existing government insurance schemes in Thailand. It is initiated and implemented by a private social enterprise called "Dreamlopmments" (The Migrant Fund n.d.). M-Fund is a good health insurance scheme that needs contributions by plan options upon the needed person, and it covers the cost and benefit per person.

Out of 15 respondents, only three migrants had bought M-fund cards. They explained that their reasons to take this card are that they will live in Thailand for a long time; they can take health care services at public hospitals with M-fund cards; and the cost of private clinic care is very higher than the monthly premium cost of M-fund. The rest of the of the respondents answered that they do not buy M-Fund cards because they plan to stay in Thailand for a while and they do not have serious health problems.<sup>7</sup> Tulip, 30 years old and gay, is a very healthy and active person. He is also working at an online school to facilitate classrooms. He always

6 Sunflower, high school teacher, interviewed on 18 March 2024.

7 Notes from interview, March 2024.

sits down in front of his computer all day with about 240,000 MMK (2100 Baht) in salary: “I live in a small room in downtown Mae Sot. As policemen checking around downtown by motorcycle, I don’t dare to walk even for regular exercise. Because I had been arrested and visited the police station, then I had paid about 2,000 Baht for three times when I always borrowed from my friends. I am so scared to go out anywhere, resulting in my suffering from haemorrhoids. I thought that haemorrhoids in a gay guy does not imply any distinction from individuals of other sexual orientations. However, when I go to a private clinic, I feel insecure about the doctor’s treatment and compounders’ eyes to undergo for haemorrhoid relief. I have now many debts owe to my relatives in Myanmar. As I don’t know whether I will suffer this kind of health impact and how much it will cost, I didn’t buy the M-fund card.”<sup>8</sup>

Moreover, displaced respondents experience intense personal loss – both of family members and of their mental, physical, and emotional health – as a result of the military atrocities that forced them to flee and their harrowing journeys. The five respondents who are under 30 years old feel like they have lost their dreams as they are blocked in Mae Sot. The three respondents who are above 40 years old feel that their lives are totally broken as they had built careers for many years in Myanmar. Daisy told me that she was a very active person to help people, and her habit is to travel anywhere when she has time. Now, she sees many persons with very different troubles: jobless, incomeless, dreamless, and friendless. She feels that she is a useless person as she cannot do anything here as she is under the same status with them.<sup>9</sup> Dahlia, the daughter of an irregular migrant worker, told me that she has been living here for 15 years already and she is staying with a pink colour card: “I am very sorry to see the young people here; they are very intelligent, and they had better education than me. I had a chance to take education at migrant schools in Mae Sot, but I can’t do very well due to many reasons: family problems, being unbelievable to attend university, and less motivation. Whenever I spoke with refugee youths, I admire their strength, power, and politic, and I know that right to access education is also very challenging in Mae Sot.”<sup>10</sup> The Thai Government has ratified “rights” to education for all children in Thailand since 2005. However, there are gaps in knowledge concerning the implementation of education policy for migrants, such as whether and to what extent migrant youths receive education services at a higher education level. Migrant children as well as refugee children can go to migrant schools that are legally approved by the Ministry of Education by the Royal Thai government. Cedar told me that some parents are incapable of sending their children to school because of security concerns, transportation ferry fees of about 700 Baht per month, and uncertainty of higher education after high school.<sup>11</sup>

8 Tulip, 30 years old, interviewed on 25 March 2024.

9 Daisy, 42 years old female, interview on 20 March 2024.

10 Dahlia, 22 years old female, interview on 12 March 2024.

11 Cedar, 40 years old male, interview on 28 March 2024.

Lupin told that he is a first-year student from Myanmar and his mother is a CDM professor. He fled to Thailand due to persecution of military junta to him as well as his mother: "I am confident to attend the universities in Thailand to restart first year. However, the facts that the admission fees and living allowances in Thai universities are very high, administration procedures are barred on undocumented students like me, and there are very few universities which offered with English language, make my education stopped. As I didn't have time to prepare before fleeing to Thailand due to military's arbitral actions, I don't have passport. So, I could not apply for the non-immigrant education visa in Thailand. I feel very depressed in this situation as I got age year by year. I don't have any idea how to overcome my distressed situation."<sup>12</sup>

One problem confronting refugees is lack of access to financial assets in the form of services from formal institutions such as banks and microfinance institutions. A second problem is the risk that livelihoods programming targeted at refugees can lead to resentment and hostility by the host population. Outside camps, refugees live amongst the host population, sometimes sharing their housing and land and often dependent on them for their good will. In terms of work on the displaced in urban areas, there is a similar disjuncture where we know little about how "good" or "bad" policies are actually formed, their impacts, and, perhaps most importantly, what constitutes a "good" urban refugee policy. Orchid told me that she is selling vegetables and meats by buying from market and delivering to refugees at their house doors: "I know that they could not go to the market as well as to the bank. I help them not only food delivery but also money exchange when they need. As always, Burmese people are so kind and generous, my customers usually pay tip money when they accepted money exchange. Regarding this, we are dealing with trust each other, so we always should follow moral and ethics."<sup>13</sup>

## 5. Conclusion

Having said that, Burmese people have been forcibly relocated to Mae Sot because they lack alternative options. They risked social unrest, legal issues, and physical danger when they fled to Thailand under the military junta's persecution. They hope to work with UNHCR to deliver travel documents to third countries, support the realisation of fundamental human rights, and engage in negotiations with the Governments of Thailand and other nations to request the admission of Burmese refugees. Millions of internally displaced individuals struggle to sustain themselves and their families in camps and outside of them, frequently with little help from humanitarian organisations and in the face of strong opposition from host country Governments and populace. Yet it is important that displaced people be supported in their livelihood efforts so that they can provide for their families when humanitarian assistance is insufficient.

12 Lupin, 23 years old male, interview on 26 March 2024.

13 Orchid, 48 years old female, interview on 12 March 2024.

Under international human rights law, the prohibition of refoulement entails an obligation that shall be obeyed. Regarding this, police forces might have the problem of identifying who has well-founded fears as refugees. Respondents had been arrested and answered police questions. They wanted to call UNHCR but the police did not let them to do. After bargaining about illegal fines with the police, respondents were released. This would be the very biggest issue if they were returned to their home country without a due diligence check. The UNHCR should intervene to the Thai Government for safety guidelines for people. The widespread formal recognition of the right to seek asylum and the right not to be returned to death or danger that the Refugee Convention represents is a major step away from the abject rightlessness of displaced people during hardship time.

The displaced persons who fled to Mae Sot after the military coup are young persons, CDM civil servants, professionals, resource persons, and students. They are blocked in Mae Sot without any protection, legal rights, social rights, economic rights as well as professional development. If UNHCR makes a political dialogue with the Thai Government, displaced people should have been issued travel documents to a third country or UNHCR registration card to stay legally in Thailand. As displaced people are social animals like the other people, they need to have social integration for inclusiveness with the Burmese residence community and the Thai community for sustainable development.

In conclusion, a migrant does not have security issues, but they have other issues such as social and economic issues. A refugee is considered to be a risk to the national security of the host State if their presence or actions raise the possibility that they could inflict substantial harm to the State's most fundamental interests, either directly or indirectly. This risk can include the possibility of an armed attack on the State, its citizens, or its democratic institutions. As a result, the evolution of the UN treaty system, which started with the UDHR in 1948, represents a fairly widespread agreement regarding the primary imperative driving human rights reform: that is, that, according to international law and philosophical tradition, displaced people have a fundamental human right, which Governments must uphold through equitable and just implementation.

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## Respondents List

Sr	Name	Age	Gender	Role	Interview Date
1	Rose	52 years	female	migrant/hotel worker	10 March 2024
2	Jasmine	55 years	female	migrant/vendor	10 March 2024
3	Orchid	48 years	female	migrant/vendor	12 March 2024
4	Dahlia	22 years	female	migrant/vendor	12 March 2024
5	Sunflower	45 years	female	refugee/cdm teacher	18 March 2024
6	Lily	24 years	female	refugee/cdm student	20 March 2024
7	Daisy	42 years	female	refugee/activist	20 March 2024
8	Iris	50 years	female	refugee/cdm teacher	22 March 2024
9	Poppy	28 years	female	refugee/cdm police	24 March 2024
10	Blossom	25 years	lesbian	refugee/cdm student	24 March 2024
11	Tulip	30 years	gay	refugee/cdm teacher	25 March 2024
12	Bud	34 years	gay	refugee/cdm teacher	26 March 2024
13	Lupin	23 years	male	refugee/cdm student	26 March 2024
14	Lotus	32 years	male	refugee/cdm teacher	28 March 2024
15	Cedar	40 years	male	refugee/activist	28 March 2024



## Interview Questionnaires

1. Personal information: name, age, gender, place of origin, and ethnicity?
2. How long did you live in Mae Sot? Are you attached to your family in Mae Sot?
3. Where have you been when the military coup happened in Myanmar?
4. Which facts pushed you to flee to Mae Sot?
5. How did you cross the border? Did you cross the border with documentation or without it?
6. To cross the border, did you prepare for security or living status in Mae Sot?
7. What happened in the borderland when you fled? Have you ever received reliable information about that?
8. Please share your experience with security concerns at the time of your settling in Mae Sot.
9. Did you contact UNHCR or IOM? If yes, when? For what reason?
10. Do you have any network with international organisations that help migrants and refugees?
11. Have you ever been at any refugee shelter provided by the Thai Government?
12. Tell me your work or status before you came to Mae Sot.
13. If you have work, which language do you communicate with your boss in? Could you please share how you manage your living expenses in Mae Sot if you are not currently employed?
14. Do you get any chance to join an education programme, or can you keep studying for your education?
15. When you caught the illness or any health problem, which treatment did you get from a licensed health care clinic or hospital?
16. How did you spend the costs of medication to survive? Do you have any funding to cover that?
17. Can you tell me about your suffering or any impacts, such as mental pain or physical pain, before/after you arrived in Mae Sot?
18. Have you experienced any discrimination, exploitation, unfair treatment, or abuse at your temporary living place as an illegal migrant?
19. Have you been arrested in Mae Sot after your arrival? How did you negotiate your release?
20. What was the support you wanted when you were arrested by Thai police?
21. Can you tell me the amount of the fine from the Thai police? After your release from police station, can you work as usual? Which risks do you still have?
22. Are you able to integrate socially with both the Burmese community and the Thai community? Tell me details.
23. Which facts are prohibiting you to return home or to live in Mae Sot?
24. Add your comments.