



Thailand's Refugee Framework Faces an OECD Rule-of-Law Test

Thailand's treatment of refugees and asylum seekers is receiving renewed attention as the country simultaneously serves on the United Nations Human Rights Council for 2025–2027, advances its accession to the Organisation for Economic Co-operation and Development (OECD), and pursues closer economic relations with the European Union. Thailand does not have a dedicated refugee law, and the Immigration Act does not generally distinguish an undocumented migrant from a person seeking international protection. The National Screening Mechanism (NSM), introduced in 2019 and implemented since 2023, allows eligible foreigners who cannot safely return to their countries to be recognised as “Protected Persons”, but applicants may remain exposed to immigration enforcement while their protection claims are pending.

The issue has become more significant following Cabinet's initial approval on 14 July of a draft regulation concerning deportation. Concerns raised in the commentary focus on whether the proposed process provides adequate safeguards for refugees and asylum seekers who may face serious harm if returned. Particular issues include the need for protection screening before removal, the treatment of stateless persons, delays caused by receiving countries, safeguards for children and access to effective judicial review. The central legal question is therefore not whether Thailand may enforce its immigration laws, but whether deportation procedures are sufficiently connected to the NSM and other protection mechanisms before removal takes place.

Although Thailand is not a party to the 1951 Refugee Convention, its domestic and international obligations still impose limits on removal in certain circumstances. Thailand is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance. Section 13 of the Prevention and Suppression of Torture and Enforced Disappearance Act also prohibits the removal of a person where there are reasonable grounds to believe that the person

would face torture, cruel, inhuman or degrading treatment, or enforced disappearance. The legal challenge is therefore ensuring that immigration enforcement procedures operate consistently with these non-refoulement protections.

The timing matters because OECD accession involves more than economic liberalisation. Thailand's laws, policies and administrative practices are being reviewed across areas including investment, labour, social policy and governance, placing greater emphasis on predictable, transparent and consistent implementation of the rule of law. The commentary argues that refugee and deportation policy therefore forms part of the wider institutional picture against which Thailand's international commitments may be assessed. The European experience is cited to illustrate that stronger migration controls can coexist with individual assessment and non-refoulement safeguards rather than requiring a choice between border enforcement and human-rights protection.

From a legal and broader economic perspective, the development highlights the increasing connection between migration governance, institutional credibility and Thailand's international economic ambitions. A clearer legal interface between the NSM and deportation procedures could reduce uncertainty for officials and individuals while demonstrating that removal decisions incorporate Thailand's existing protection obligations. More broadly, predictable legal status and access to lawful employment may also reduce exploitation and enable refugees and migrants to participate more productively in the economy. As Thailand pursues OECD membership and closer ties with the EU, the effectiveness of its refugee framework may therefore become relevant not only as a human-rights issue, but also as an indicator of rule-of-law standards and responsible governance.

Should you have any question, please do not hesitate to contact us via info@bglballaw.com

