

CHAPTER VI

FINDINGS AND ANALYSIS

6.1 Introduction

This chapter presents findings and analysis related to the problems and needs of stateless people in obtaining Thai nationality. It will answer the research questions: 1) What are stateless people's problems in the Thai nationality obtaining process, and 2) What are the conditions that create the problems as well as what do stateless people need in obtaining Thai nationality and why. The findings will be presented in two parts: 1) stateless people's problems in obtaining Thai nationality and 2) stateless people's needs in obtaining Thai nationality.

6.2 Problems of stateless people in obtaining Thai nationality

This section aims to describe the former stateless people's problems in obtaining Thai nationality. The problems presented in this section occur at the practical level and are mainly based on the effects upon former stateless people's nationality obtaining. It was found that the major problems of the former stateless people in obtaining Thai nationality were access to information during the process of obtaining Thai nationality and corruption. This section first describes the problem in access to the information and then discusses corruption. Finally, other minor problems will be explained.

6.2.1 Problem in access to information

“In the old days, nobody knew what nationality was. It was around 10-20 years ago that we learned about Thai (identification) cards. It was when we found out that we could not travel freely without the cards. Of course, we all wanted the cards but nobody knew how to get them” (Ah-Mu, focus group discussion, 23 February 2009).

Ah-Mu's statement clearly explains stateless people's need for information in the nationality obtaining process. According to Somboon (2007), information is important throughout the nationality obtaining process because it is a significant tool to eliminate

difficulties in the obtaining process. However, it was found that all of the former stateless people had problems in access to information. This section provides an analysis of stateless people's problems in access to the information regarding obtaining Thai nationality as well as the causes and impacts of the problems.

Somboon states that the process of seeking information in Thai nationality obtaining is divided into three stages: before entering the process, during the process and at the end of the process¹. Before entering the process, stateless people seek information about whether they are eligible for Thai nationality. It is found that some of them were not informed accurate information about their rights to Thai nationality. Buya was initially told by the district officer that she only had the right to acquire Thai nationality according to Sect 7 bis.² Actually, she was an indigenous hill tribe person and she had all the evidence to prove her right to Thai nationality according to Reg. 2000, which was a better condition. Worse than that, Ah-Pha was told by the village chief that he did not have the right to acquire Thai nationality.

At the beginning of the process, the former stateless people usually seek information about the procedures, the required documents, and witness evidence preparation. Based on interviews, most of the former stateless people were not completely informed by the village chiefs or district officer about the procedures involved in obtaining Thai nationality. They did not know what would happen after submission of documents.

“The village chief told me to take the required documents to him. After that, he stamped my fingers on the documents. After that we went to the district office together to submit the documents” (Bajor, focus group discussion, 12 February 2009).

“I was told to prepare the documents and then the village chief took me to the district office” (Mata, personal interview, 12 February 2009).

“The first time I went there, the (district) officer asked for the documents. So I came back to take the documents with me. After having a look at my document, he filled in a

¹ See more details in Section 4.4.1, page 65.

² Quality of Thai nationality granted through different channels. Thai nationality granted by Sect 7 bis. is less preferable than the one granted by Reg. 2000. See more detail in Section 4.3, page 57.

request form for me and stamped my fingers in the request. ...I was told to wait and that's all" (Ah-Ser, personal interview, 22 February 2009).

"The (MF) staff told me about the required documents...I submitted the documents to the MF. I was asked to sign the request form to acquire Thai nationality...not sure according to what law. I just waited after all" (Ah-Kong, personal interview, 26 February 2009).

An obvious problem in access to information appeared after submission of documents and request onwards until before the requests were approved. In this stage, the former stateless people usually sought for information regarding the status of their requests as well as information regarding difficulties found during the process. The main sources of information in this stage are district office, village chiefs and NGOs. It was found that almost all of the stateless people failed in seeking information about the status of their requests. The sources were either not able to provide an answer or refused to give them an answer.

"I think the most important process is to follow up. I believe that there was not any progress in my case because the village chief did not follow up. He kept saying the case was there...I do not think he really checked. I do not think he knew what was happening to my case" (Bajor, focus group discussion, 12 February 2009).

"Only village chiefs have authority to ask the officers for the progress of the case. They can even request to see the requests...We can not request the officer to do so....Whenever I went there [the District Office] and asked the officer about my case, he would ask me where my village chief was. He told me to ask the village chief about my request" (Yapa, focus group discussion, 12 February 2009).

"I never knew where my request was. Every time I went there I was told to wait and it was in process...I was so bored of their answer. I was always told to wait...Four years passed but there was no progress of my request, not even a call for investigation. I did not know what happened" (Ah-Ser, personal interview, 22 February 2009).

"I kept asking the village chief about my request. He always said it was still in process...I never knew if that was true. I only knew that I was never called for investigations.

I did not know why” (Mata, personal interview, 12 February 2009).

“My Father had submitted the documents to the village chiefs together with other villagers. He kept asking the village chiefs about the progress but he said we had to wait” (Ai, personal interview, 23 February 2009).

“After submitting the request, all I could do was to wait...” (Buya, personal interview, 12 February 2009).

It was also found that the former stateless people also have problems in access to information regarding a solution for encountering difficulties in the process. Ah-Pha, who faced the problem of incorrect birthplace in Highland People Personal Record, failed to seek information about the solution to his problem. Similarly, many years passed by before Kaew and Paya never found out that a DNA test would solve their problems in obtaining Thai nationality caused by lack of document.

In sum, problems of access to information in nationality obtaining occur exist through the whole process. There were situations in which stateless people were not provided complete and correct information and situations that information regarding solutions for their problems regarding obtaining Thai nationality were not provided. Moreover, it was impossible for them to access the information regarding the progress or status of their requests.

6.2.1.1 Causes of the problem

The causes of problems in access to information regarding obtaining Thai nationality can be derived from the sources of information, from the forms of the information or the channels of communication, and from the stateless people themselves.

Source of information

It was found that there are two causes of the problems on the side of sources of information: lack of knowledge about nationality laws and procedures of obtaining Thai nationality, and personal bias or misled attitudes among the sources towards the stateless people and policy in granting Thai nationality. The sources of information mentioned by the former stateless people are village chiefs, district officers and NGOs. Village chiefs even admitted that they did not know in detail about the right to acquire Thai nationality according to Thai nationality laws. Four village chiefs were interviewed, two from Mae Fa Luang District and two from Muang Chiang Rai District. One of the village chiefs from Mae Fa Luang District said,

“I do not want to look down at us village chiefs but it is true that we do not really know or understand Thai nationality laws. We only know the very basic information such as evidence used in the obtaining process and that people born in Thailand usually have the rights to acquire Thai nationality. This is not surprising since a lot of village chiefs in tribal villages do not even speak the Thai language” (Sormphichai, personal interview, 18 February 2009)

According to Phichai, language is an obstacle in access to information among the village chiefs. However, he also said that he himself had finished a certificate from vocational school and was able to read and write Thai very well. Yet, he often made mistakes because of lack of knowledge about the nationality law because the information is very complicated (Ibid.). The other three village chiefs agreed that their role in providing the information is usually to give the stateless people basic information such as what documents are needed and what procedures are included. Regarding the information on the right to acquire Thai nationality, normally the village chiefs did not explain to the villagers in detail because they were also not certain about the information. Sit, a village chief from Muang Chiang Rai District said, “To be sure, I took the villagers to the district office and showed the district officers their documents. Then, the officers would tell us if the person could request for Thai nationality or not and also suggest to us what to do next” (Sit, personal interview, 26 February 2009).

Among the village chiefs and stateless people, district officers are expected to be the most reliable source of information. Unfortunately, not every district officer is an expert on the procedures and laws regarding obtaining Thai nationality. While it takes some time to produce an expert on the work regarding nationality obtaining process in a district office, Thailand's bureaucratic system frequently requires staff rotation. Moreover, district offices usually do not hire permanent staff to be in charge of the work regarding nationality and personal legal status. Therefore, there is a lack of professional staff in district offices.

Two legal officers³ were interviewed in this research. Both of them have a university degree in Law. Nisarath has just started her work at Mueang Chiang Rai District in 2551 while Potchanee started her work for Mae Chan District Office in 2550. Both of them are temporary staff members, and the contract is renewed yearly (Potchanee Kansri, personal interview, 25 February 2009 and Nisarath Charoendharmmapong, personal interview, 20 February 2009). Potchanee and Nisarath both agreed that they had problems regarding knowledge about Thai nationality law and the nationality obtaining process during their first year of work. Both of them admitted that they had mistaken a lot of information. The mistakes usually caused delays in the working process.

“There are so many things that I did not know. Implementing nationality law on a practical level is so different from studying it in the text books. I had to learn by doing because we usually have so many requests to be done. The boss (Assistant District Chief) did not have time to babysit. He needed to recheck every document and to investigate the witnesses. Until now, there are still new things to learn.” (Potchanee, *Ibid.*).

“It took me some time to understand everything. It is not only the law that we need to learn in practice but we need to know the documents as well as the whole process regarding granting a person Thai nationality. There is much more for us to do after you submit the documents.” (Nisarath, *Ibid.*).

³ Legal officers in Civil Registration and Nationality Section of District Offices are in charge of accepting Thai nationality obtaining request forms and examining the documents. They are usually asked to give information on obtaining Thai nationality all the time.

If stateless people were not satisfied by the assistance or advice from the village chiefs, apart from going to the district office, NGOs are alternative sources even though not many of the former stateless people who were interviewed knew that there were organizations providing assistance and advice on obtaining Thai nationality. Those who went to NGOs knew about the organizations directly from their work in the community or were suggested by people who knew the NGOs. Ai's family and Ah Soh knew about the MF because of the organization's fieldwork in their villages, while Bajor, Mata, Kaew and Ah-ser knew about the organization through friends.

NGOs also face the problem of lack of staff expertise. NGO staff members interviewed also admitted that their organizations lack knowledgeable staff members. It was mentioned by Kasama Ayi, the former project coordinator of the Adventist Development and Relief Agency (ADRA), that the organization's problems in assisting stateless people to obtain Thai nationality is lack of professional staff members who know Thai nationality laws in detail. The organization's staff members who worked with the people in communities are those who had a degree in Community Development, not Law (Kasama Ayi, personal interview, 19 February 2009). Somchart, the Thai Citizenship Project Coordinator under the Mirror Foundation, also mentioned that there were not enough staff members to cope with the problems, and the current staff members' capacity needs to be improved (Somchart Pipattharadon, personal interview, 21 February 2009).

Personal bias and misled attitudes among the sources towards the stateless people are also obstacles in access to the information regarding obtaining Thai nationality for stateless people. This problem was usually caused by village chiefs and district officers. Village chiefs sometimes did not make an effort to facilitate the villagers they did not like nor had a bad relationship with, while district officers only trusted village chiefs and denied the people's request for information.

“If he (the village chief) knows that you have bad behaviors or he does not like you, he would not help you follow up on the case or not make an effort to help you get the nationality” (Bajor, focus group discussion, 12 February 2009).

“There are queues of submitted requests waiting for processing at the district offices. He (village chief) has the authority to see the requests that are on queue. He can move up the requests of people he likes. If he hates you, he will just put your request at the end of the queue or even remove your request from the queue” (Yapa, focus group discussion, 12 February 2009).

“Whenever I went there (the District Office) by myself and asked the officer about my case, he would ask me where my village chief was. He told me to ask the village chief about my request or send the village chief to talk to him” (Yapa, focus group discussion, 12 February 2009).

Aphisit, a former village chief, also confirmed the stateless people’s complaints about the officers’ bias.

“Actually the officers are kind enough to help but they usually do not trust the villagers”(Aphisit, personal interview, 18 February 2009).

Misled attitudes among district officers are also an obstacle for stateless people to access the correct information regarding their rights to Thai nationality. Thai officials seem to deny the fact that the civil census and population survey systems in Thailand are incomplete and problematic, that there are still people who were left out of the census and surveys, and that incorrect survey documents are also found very often. This is clear in the case of Ai’s family.

The family is an indigenous hill tribe family which was eligible to the genuine type of Thai nationality according to Reg. 2000. However, Ai’s family was told to acquire Thai nationality according to Sect. 7 bis, which is the channel for children of migrants⁴. Because they were holding green cards with blue rims, which were issued during the survey in 1992 the officers believed they were newcomers, not indigenous people. This logic is not always true because many people missed the previous surveys. According to Ai, their family is not the only group of people who was given wrong information about their right to Thai nationality.

“We are the last group of people who get Thai nationality in the village because we refused to request for nationality by Sect. 7 bis and stick to Reg. 2000. Other families had long

⁴ See the story of Ai’s family in obtaining Thai nationality on Section 5.4.1, pages 90.

time ago been approved Thai nationality. The village chief took them all to request for Thai nationality by Sect. 7 bis. They did not know the difference between Thai nationality acquired by Sect. 7 bis. and Thai nationality acquired by Reg. 2000.”(Ai. Personal interview 23 February 2009)

The sources of information sometimes also lack commitment to do their job as information providers. It was also mentioned by the former stateless people that some village chiefs and officers were not responsible to truly checking the progress on the request.

“He kept saying the case was there...I do not think he really checked. I do not think he knew what was happening to my case” (Bajor, focus group discussion, 12 February 2009).

“Whenever I asked the officers about my case, they never checked. They just told me to wait” (Ah-Ser, personal interview, 22 February 2009).

In sum, stateless people are possibly limited to access to information in obtaining Thai nationality because of the problem of lack of knowledge, bias and misled attitudes, and lack of responsibility among the sources of information. The latter two problems appeared among village chiefs and district officers.

Methods of passing information and forms of the information

Methods of passing the information as well as forms and content of the information about obtaining Thai nationality were obstacles that prevented the former stateless interviewees from access to information. It was found that the information regarding obtaining Thai nationality were both available in written and verbal forms while channels of communication used are large group communication and interpersonal communication.

Written information in the form of manuals, handbooks, pamphlets, and posters were usually provided by state agencies and NGOs. However, the information in written form was not successfully passed through the former stateless people, the target group, in terms of serving the objective of the communication. None of the selected former

stateless people who were interviewed mentioned that they received the information in written form. Therefore, it is unclear if the content of written information available is suitable and useful for the people and why passing on information through written methods to literate people failed. While lack of literacy is surely an obstacle among illiterate people to access written information, half of the former stateless interviewees had a certain level of education so that they could read Thai language. Still, none of them mentioned receiving any written information regarding obtaining Thai nationality.

Based on the interviewees, information was only passed on in verbal form and by interpersonal or large group communication. The interviewees usually sought for verbal explanations by asking the sources in person or by phone. The village chiefs were the most accessible source of information since they lived in the same area of stateless people and were trusted by the people.

“It was useless to talk to other people since in the end you will need to come for the village chief’s assistance in any step of the nationality obtaining process” (Mata, personal interview, 12 February 2009).

“Whenever I had questions I went to ask Por Luang (village chiefs) for advice and help. If he was available, he usually helped me in any ways he could” (Ah-Soh, personal interview, 23 February 2009)

Monthly meetings held between the village and district chiefs were used as a way to verbally pass on information to the stateless people through village chiefs (Nisarat Charoendharmaphong, personal interview, 20 February 2009 and Potchanee Kansri, personal interview, 25 February 2009). Village chiefs also arrange meetings with the villagers to pass the information.

“The fastest way to tell the villagers is to hold a meeting” (Phichai, personal interview, 18 February 2009).

“Village chiefs would hold a meeting to tell us whenever he heard about anything important regarding obtaining Thai nationality from the district office” (Yapa, focus group discussion, 12 February 2009).

Many times, information was also passed along from person to person, usually through friends or family members who also heard about the information from other

people. Ah-pha also received the news about Sect. 23 from his father who heard from neighbors.

“I was working in the south and my father called and told me that he heard that there was a new law issued. We would get nationality faster. So I came back to process a new request” (Ah-Pha, personal interview, 25 February 2009).

Sometimes information is shared among groups of stateless people who usually share their experience and news.

“I and several friends are in the last group of stateless people in the village. We usually went to the district officer in a group to ask for the information... We also shared our experience and sufferings. Whenever we heard of anything about nationality, we would tell each other” (Kaew, personal interview, 13 February 2009).

“The news about obtaining Thai nationality is passed along very fast among people like us. We are always eager to know if there is a chance for us. If we knew anything, we would also tell our friends” (Ai, personal interview, 23 February 2009).

However, there were times that passing the information by interpersonal communication was not effective. It is possible that information was misinterpreted by people who passed on the information. According to the officers in charge of accepting requests, stateless people sometimes received wrong information pass along from others.

“Rumors among the villagers are very fast, especially the incorrect ones. It is often that the villagers came to ask me about a new survey or a new law they heard from other people but there was no such survey or law. It was just a rumor” (Nisarath Charoendharmphong, personal interview, 20 February 2009).

“There were times that the villagers came to submit a new request because they heard that this channel [of acquiring Thai nationality] was faster than another. They did not know that the channels were for different groups of people. They may lose some privileges if they change the channel” (Potchaneer Kansri, personal interview, 25 February 2009).

Furthermore, events, seminars and workshops were sometimes held through the cooperation of state agencies and NGOs to promote their assistance as well as to provide

the information and discuss problems. Still, these methods of passing on information are still limited for some groups of people only. Most of them are different groups of stateless people who were under assistance of the organizations, leaders of the community, or the network of assistance agencies and students, which is quite limited (Somchart Pipattharadon, personal interview, 21 February 2009).

In sum, information regarding obtaining Thai nationality was not effectively passed on to the former stateless people who were interviewed. Written information did not reach the interviewees, while there were limitations in acquiring verbal information. Based on the interviewees, currently, it seems that stateless people only rely on verbal information. Large group communication is sometimes arranged by the village chiefs to inform the villagers about important news regarding obtaining Thai nationality, while interpersonal communication is used in order to acquire specific information from the sources. However, there are still limitations in access to the information. Verbal information may not be complete or may be incorrect because of misunderstandings, misinterpretations or other possible factors that were not mentioned. Moreover, interpersonal communication occurs as a matter of choice on the side of the stateless people. Stateless people must approach the sources to get the information, otherwise they will not receive the information.

Stateless people

Although it was not mentioned by the former stateless people, lack of literacy was certainly an obstacle among some groups of the former stateless people to access written information. Moreover, the former stateless people themselves are sometimes the causes of failures in access to verbal information. Since verbal information is acquired mostly by interpersonal communication between a person and the source, people who do not communicate with the source of information will not get the information. It is found that some former stateless people chose not to approach the sources of information, especially district officers. The officer at Mae Chan District and a village chief insisted that stateless people's reason of not talking to them directly was not because of language.

“Usually stateless people only speak through the village chief or the person that took them to the office. I talk to them. I knew that they understand what I was saying but they never wanted to talk to me. They only talk to the person who took them to the office” (Potchanee Kansri, personal interview, 25 February 2009).

Most of people in my village can speak Thai, at least northern dialect. They learn to speak Thai by themselves but most of them are shy or afraid to talk to strangers. Only older people do not speak Thai” (Aphisit, personal interview, 18 February 2009).

The reason of the former stateless people to avoid communicating with the officers is usually fear of confronting or having conflicts with the officials. Based on the interviews, obstacles in access to information were caused by the former stateless people’s fear in communicating or requesting officials to service them.

“Sometimes, I did not understand what the officer said but I had to stop asking because I was afraid to bother him...I just did what he wanted me to do” (Ah-Ser, personal interview, 22 February 2009).

“I saw the piles of requests almost everywhere in the room (office of registration and nationality section) on the floor, on the tables, under the tables, in the baskets... everywhere. I wondered where my request was but I do not know who I should ask and I was not brave enough to ask the officers to look for it. The person who can do it is the village chief” (Bajor, focus group discussion, 12 February 2009).

6.2.1.2 Impacts of the problem

The impact of the problems of access to information is huge. The problem of access to information can cause psychological impacts among stateless people as well as affect the result of the requests and lead to corruption. According to Somboon, stateless people usually had feelings of anxiety, nervousness, fear and frustration during the process of obtaining Thai nationality because they could not predict the result of the requests (Somboon, 2005: 87-108). Problems in access to the information have multiplied psychological impacts among the people because the stateless people feel that there are more uncertainties that they could not manage.

“It was very stressful...I do not know what to do when they told me to wait. I hope I could do something” (Ah-Ser, personal interview, 22 February 2009).

“Sometimes I was frustrated because I did not know anything after the request was submitted. I just wanted to know the status of the request and to make sure that there is not a problem....and if there is a problem, at least I know so that I could see what to do next” (Bajor, focus group discussion, 12 February 2009).

“I felt hopeless when the officer told me that there was not a solution for my father’s case. I felt like I was pushed into a dead end” (Kaew, personal interview, 13 February 2009).

In addition, the problem of access to information has caused failures of nationality obtaining request and potentially leads to corruption. Without information, the former stateless people interviewed were unable to solve problems during the process. Therefore, they risked failures in nationality obtaining. Moreover, they severely needed assistance. They had to rely so much on assistance providers that they had no choice but to pay them. Paya, Kaew’s father and Ah-Pha failed in obtaining Thai nationality and became victims of corruption because they could not access necessary information.

Paya and Kaew’s father are Thai-born undocumented people. They have blood relatives who are Thai nationals. Their problem is lack of documentary evidence to prove their right to Thai nationality even though they have witness evidence, which is not enough for the state’s agency. Paya’s mother (who took care of Paya’s case since she was young) and Kaew’s father have never been successful in obtaining Thai nationality even with the assistance of the village chiefs. Both of them had to pay the village chiefs for the assistance. However, the cases were left unsolved until Paya decided to process the request by herself with assistance from the assistant district chief. Meanwhile, the MF took care of Kaew’s father’s case. Both cases were successfully solved later by DNA tests.

It can be noticed that Paya and Kaew’s father have failed in obtaining Thai nationality because they lack information that a DNA test can be used as an object

evidence to prove the right to Thai nationality. The village chiefs who assisted them never mentioned this, possibly because they did not know either.

Ah-Pha's case is similar to the previous cases. His problem is incorrect birthplace in Highland People Personal Record saying that he was born in Myanmar, despite the fact that he was born in Thai territory. He was told by everyone that he was not eligible for Thai nationality because his birthplace. Even the village chief said that there was nothing that could be done for his case. Ah-Pha did not know that it was possible to correct the document. So when his uncle told him that he knew somebody who could help it would cost him a fee, he agreed. Finally, his document was corrected through general official procedures but Ah-Pha had to pay a large amount of money for the assistance from the person whom he insisted that he did not know. Ah-Pha did not want to tell how much he had paid for the assistance. He admitted that with that money, he could buy a brand new motorcycle.

Ah-Pha initially failed to enter the nationality obtaining process because he did not have information about correcting mistakes in a document through general and lawful procedures. He also became a victim of corruption because of the same reason. If he knew that the problem could be solved, he may have not needed to hire someone to help him.

In conclusion, the problems in access to information did not only affect the psychological status among stateless people who were interviewed, but also resulted in failures in obtaining Thai nationality as well as pushed them into the circle of corruption. The causes of problems in access to information include lack of knowledge and negative attitudes among the sources of information, ineffective methods and forms of information, lack of literacy, and feelings of fear and lack of confidence in communicating directly with the district officers. These factors led to failures of access to information regarding Thai nationality obtaining.

6.2.2 Corruption

'Corruption' discussed in this section does not include corruption among district officers and related people who illegally help people without the right to Thai nationality to obtain the nationality. It only refers to corruption as a problem of stateless people in obtaining Thai nationality. It includes only the cases in which stateless people who are eligible for Thai nationality had to pay for assistance from official government officers or village chiefs officer who are responsible for assisting the people without charge. Based on interviews, six of twelve case studies experienced corruption.

Usually, potential victims of corruption are people who are unable to help themselves at all in obtaining Thai nationality, including those who are unable to solve problems in obtaining Thai nationality. The people in the first group are Mata, Buya, Paya's mother and Kaew's father. Mata, Buya and Paya's mother lack literacy while Kaew's father is not only illiterate but also deaf and mute. These people were certainly unable to deal with the procedures of nationality that involve many documents and writings. Therefore, they had to rely solely on assistance from others. All of them were requested to pay a different amount of money for assistance from village chiefs. Ah-Pha's case fell into the second group of potential victims of corruption. His case was previously discussed in Section 6.2.1.3. He said he did not know who he had paid because it was his uncle who took the money to that person. It is possible that he knew the person but he did not want to reveal this information.

Most of the corruption cases found among the former stateless interviewees happened at the village level. The root cause of the problem is village chiefs have a dominant role in the nationality obtaining process. The village chiefs are given authority in verifying stateless people's request forms of obtaining Thai nationality by the government. Moreover, most district offices required one village chiefs as a witness in every investigation regarding obtaining Thai nationality, even though this is not required by the law. So, there are situations that village chiefs can use their authority to request money from stateless people who ask for their verification or their presence as a witness. Moreover, the role of the village chiefs is stronger when stateless people rely on their assistance in obtaining Thai nationality.

There are is also corruption among district officers, who promise to process requests more smoothly and quickly in exchange for payment. Yapa was a typical victim of corruption, as she was charged 500 baht by a district officer for assistance in filling in the request form. Buya was a voluntary victim of corruption at the district level, since she paid both village chiefs and Assistant District Chiefs who promised to speed up her request.

Normally, the money was requested before the stateless people who were interviewed entered nationality obtaining process, during the process, and at the end of the process when they were approved to have Thai nationality. Stateless people who were interviewed were charged mostly by the village chiefs. Only Buya had to pay the assistance district chief, while Ah-Pha did not reveal who he paid. The amount of money they were requested to pay depended on the request. Most people were willing to pay money for assistance, based on the hope that they would be successful in obtaining Thai nationality. The money paid at the beginning was usually for assistance only. It usually did not guarantee the success of the requests. Mata, Paya's mother and Kaew's father paid for assistance but they still failed to obtain Thai nationality.

At the end of the process, stateless people were also requested to pay money when they went to make their Thai ID cards. The money was paid to district officers and village chiefs or other people who assist the stateless to district office. Mee-Ae, the Mirror Foundation's staff, said that usually the stateless people were willing to pay the money at this point because at that time they were certain that they would get the card in a few minutes. Buya was willing to pay 2000 baht to the Assistant District Officer and 2000 baht to the village chief the day she went for ID card making. Kaew's father was requested to pay money to the village chief on the day he went for the card, but he refused.

“The day my step-father went for the ID card making, the village chief went with us. He asked for 2,000 baht from my father. What a shame. He did not do anything to help us. It was the Mirror Foundation who helped us along the whole process. We refused to pay him” (Kaew, personal interview, 13 February 2009).

Such above mentioned corruption continually takes place because corruption is often not reported to the authorities. Interviewed district officers denied that there was corruption among district officers, but they admitted that they knew about corruption at the village level. They even knew who did it but there none of the victims reported corruption to the officials.

“Village chiefs usually told the villagers that the district office required them to pay the money. We knew who did it but there was not a victim who came to us. So all we could do was just to warn the village chief not to use the district offices as a tool to request for money” (Nisarath Charoendharmaphong, personal interview, 20 February 2009).

Stateless people who were interviewed have several reasons for not reporting the corruption case to district offices. First of all, they are afraid of the village chief's power. Secondly, they think that district officers also cooperate with the village chiefs in corruptions. However, the most important reason that makes such corruption continue is that stateless people do not feel that it is a problem until they find out later that they do not receive what they paid for. Mata, Kaew's father, and Paya's mother paid the village chiefs but did not receive appropriate assistance, so they failed to obtain Thai nationality. Therefore, they feel that corruption caused them problems. On the other hand, people who were successful in obtaining Thai nationality did not feel that corruption was a problem.

“I know I should not have paid them but I think it was worth it to pay since I really got Thai nationality in the end” (Buya, personal interview, 12 February 2009).

“I did not know what else I could do. I was hopeless. I would grab anything that was a glimpse of hope. At that time, I would pay for anyone who could help me out. I think if I did not pay for the assistance that day, I would still be stateless until now” (Ah-Pha, personal interview, 25 February 2009).

In sum, corruption is found throughout the process of obtaining Thai nationality. The problem occurs at both the district and village level. However, most of the cases happened at the village level. Village chiefs usually asked for money in exchange for their assistance to stateless people. Those who are unable to process their nationality request by themselves or could not cope with problems during the procedures became

potential victims of corruption. Therefore, corruptions in exchange for assistance could be reduced if stateless people do not have to rely too much on assistance from village chiefs. An important reason that enables corruptions continue is that stateless people do not report corruption to officials. Moreover, some stateless people think that corruption is not a problem as long as they can obtain Thai nationality. For them, nationality is their priority in life, so they are willing to pay anyone to help them obtain it, especially if they are incapable of enduring the process on their own.

6.2.3 Problems in the procedures

Difficulties in the procedures were mentioned by former stateless people as their problems in obtaining Thai nationality. The procedural problems occurred in three situations: document preparations, appealing and delay of the procedures.

6.2.3.1 Document preparation

Most the former stateless people interviewed lack of necessary documents used as evidence in obtaining Thai nationality. Moreover, the details in the documents are incorrect. Lack of document are found in three situations, lack of birth certificates, lack of parent certificates and lost of document. The most problematic document is birth certificate. Most of stateless people were not born in the hospital and their parents usually did not register their births so they did not have birth registration certificates. None of the selected interviewees have birth certificates. They had to request for birthplace certificate from district offices.

Parental birthplace and date of arrival to Thailand indicates a child's right to Thai nationality. Therefore, people who lack parental documents to prove their parents' status have problems in acquiring Thai nationality. This problem usually occurs with people who are the first generation of the family that attends the government's population survey. Mata, Ah-soh's family and Ai's family faced problems in proving their right to Thai nationality caused by lack of parental documents, while Ah-Pha was the only interviewee who had the problem of having an incorrect document. Due to this problem, he was almost stripped of the right to Thai nationality.

Suchai, Assistant District Chief of Mae Chan District Office, one of the staff members in the survey team of Mae Chan District in 1992, admitted that there were many mistakes in the Highland Community Registration Record. The mistakes were caused by multiple problems. There are so many stateless people compared to the number of staffs. Moreover, some staff members were not permanent staff members, so they had a low level of commitment to their work.

“There were not many staff members but thousands of people came for the records...we have to admit that not every survey taker was responsible. Some of them just wanted to finish the surveys quickly. They did not really investigate the people. When they found that the family leader came from Myanmar, they just wrote in the record that everyone in the whole family came from Myanmar. That was not true. It was possible that the person got married to an indigenous Thai. Besides, their children were born in Thailand” (Suchai Sathirachon, personal interview, 25 February 2009)

District officers and village chiefs agreed that lack of documents and incorrect documents were obstacles for stateless people in obtaining Thai nationality. Even though it is possible for stateless people to correct documents, the procedures are complicated and create enormous burdens for stateless people. If a person can not prove that there is the truth other than what is mentioned in the document, which is often the case, he/she definitely loses the right to Thai nationality.

6.2.3.2 Appealing

The former stateless people interviewed usually did not appeal their cases. Only Ai's family and Ah-Soh's family appealed under the suggestions and assistance of the Mirror Foundation. They did not have a direct problem regarding appealing because usually it was totally under the assistance of the NGO, but deciding to appeal a case usually causes conflict between the stateless people and their village chiefs.

Both families did not know the process of appealign. They only relied on the NGO, however they did not feel that it was a problem because they would just leave it to the organization.

“I did not know much about the process. I just did what the Mirror Foundation wanted me to” (Ah-Soh, personal interview, 23 February 2009).

“The Mirror Foundation suggested us to appeal because we had the chance to become fully Thai according to Reg. 2000. So we appealed... Mostly we let the Mirror Foundation do it for us” (Ai, personal interview, 23 February 2009).

However, appealing might cause conflicts between the stateless people and village chiefs. When Ai’s family decided to appeal the case, they began to have conflicts with the village chief.

“The village chief said, we got him into trouble with the district office. He announced that if anyone in the village went for the MF’s help, he would not help... He only signed the document and never helped us in obtaining nationality... He did not speak to our family” (Ibid.).

6.2.3.3 Delay of the procedures

The last problem mentioned by the former stateless people who were interviewed is the delay in officers’ work. They did not understand why the process took a long time. In the case of Ah-Yae, he had to wait for 4 years to get the Thai ID card after his document submission. District officers explained that the delay in the work on granting Thai nationality is caused by two main problems: lack of staff and technical problems in the registration data system.

“There are more than ten thousand people who are now eligible to acquire Thai nationality and are waiting for their turn to submit the form to request for Thai nationality. However, the office does not have the capacity to work faster. There are only three staff members in the office to accept and primarily examine the documents as well as fill in the request forms. The Assistant District Officer is the only person to investigate the requesters and witnesses. We could only process 5-10 cases a day. We have to process the request according to the queue book. Now the queue is very long. This is only the beginning of the year 2009 but there are people who have to wait for just submitting their requests in 2011” (Praphan Suriwong, personal interview, 25 February 2009).

“There are technical problems. Sometimes, we find that the person is not in the system anymore or he/she is in the wrong government area. We have to change the information in the central system in Bangkok, which is not easy. The registration system is a serious data. We need authority’s approval. It sometimes takes 3 – 6 months just for this process. Another process that takes a lot of time is fingerprint checking. The Ministry of Interior requests to check fingerprints of the people for criminal history before approving their request” (Potchaneer Kansri, personal interview, 25 February 2009).

Potchaneer said that the stateless people are usually not informed about the technical problems. They thought after the submission of the document and investigation, there should not be more problems.

In conclusion, the problems of stateless people in obtaining Thai nationality include problems in access to the information regarding nationality obtaining, corruption and procedural problems. Access to information is difficult to stateless people mainly because of factors including: 1) lack of knowledge, personal bias and misled attitudes among the sources of information, 2) ineffective forms and methods in passing the information, 3) the stateless people’s lack of literacy and personal feelings. The impacts of the problem in access to information in obtaining Thai nationality are failures in obtaining Thai nationality and psychological tensions as well as dependency of stateless people on assistance. Victims of corruption in the process of obtaining Thai nationality are usually from two groups: 1) those who are unable to deal with the procedures in obtaining Thai nationality, such as illiterate people, and 2) people who could not cope with difficulties in obtaining Thai nationality. The reliance of stateless people on assistance leads to corruption among village chiefs who provide assistance to stateless people in obtaining Thai nationality. Finally, the procedural problems usually occur during the process of document preparation and appealing.

6.3 Needs of stateless people in obtaining Thai nationality

In relation to the implementation problems of stateless people in obtaining Thai nationality mentioned above, the ‘needs’ to be presented hereafter refer to supporting mechanisms that facilitate stateless people to obtain Thai nationality at the practical

level. The section will first present factors that enable success in obtaining Thai nationality. It will then elaborate on the needs based on the preferable factors.

6.3.1 Factors in obtaining Thai nationality

Factors found to be influential to the success in nationality obtaining among the former stateless people interviewed were: assistance, knowledge of obtaining Thai nationality, education and language ability, personal determination, and relationship with the authorities.

6.3.1.1 Knowledge of obtaining Thai nationality

In relation to the problems in access to the information, stateless people lack knowledge regarding obtaining Thai nationality. Without knowledge in obtaining Thai nationality, stateless people are likely to rely solely on the assistances from village chiefs, NGOs or district officers. If they could not find effective assistance, they usually fail in obtaining nationality. Moreover, due to the fact that stateless people lack knowledge on obtaining Thai nationality, it is useless how much they try to get involved in the process. Kaew, Ah-Ser and Paya tried so hard to depend on themselves in obtaining Thai nationality. The best they could do was to submit their requests and wait for the decision of the district officers. If Kaew and Paya knew that a DNA test could be used as evidence to prove the right to Thai nationality, their requests would have been approved a long time ago.

6.3.1.2 Education and language ability

Education and language ability are keys to accessing information on obtaining Thai nationality. Those who lack Thai language ability and education could not access written information. They usually sought assistance and became dependent on other people or assistance agencies. This happened in the case of Mata, Kaew's father and Ah-Ser.

6.3.1.3 Personal determination

Stateless people's personal determination can be a crucial factor that influences the success in obtaining Thai nationality. With determination, some stateless people who were interviewed tried to process their requests to obtain Thai nationality on their own and did not give up easily. Kaew, Paya, Ah-Kong, Ah-Yae, Ah-Pha and Buya showed their determination by trying to process the requests on their own. Even though they might not be successful, they would have more of a chance than waiting for help by doing nothing.

6.3.1.4 Relationship with authority

Stateless people who have good relationship with the authority will receive a better outcome. Their request can be faster than normal villagers. For example, in the case of Yapa, the wife of a village chief, her husband made her request get approved very fast. Similarly, Buya built up her relationship with the village chiefs and the Assistant District Chief by paying them money and taking them to dinners; her requests passed very soon compared to other people in the village.

6.3.1.5 Assistance

It is clear that stateless people in Thailand have problems in access to information regarding Thai nationality. Therefore, assistance is necessary for them and is an important factor that influences success in obtaining Thai nationality. People who received effective assistance received approval for their requests faster and more effectively than the people who worked on their own to obtain Thai nationality. The requests of those people who received assistance from the Mirror Foundation were usually approved in a short time. This is because the NGO did everything for them from the beginning to the end, including filling out the forms, submitting the requests and documents, following up on the cases, appealing, and sending stateless people off for investigation and ID card making. This means that stateless people applying requesting nationality did not waste their time getting stuck on problems along the process. They only needed to follow up with the organization.

6.3.2 Needs of stateless people

The needs of stateless people will be based on possible solutions for the problems in obtaining Thai nationality as previously mentioned. It can be said that stateless people's major problem in obtaining Thai nationality is lack of access to information on procedures and related laws, corruption and difficulties related to the procedures. Without the necessary information, stateless people are unable to cope with the difficulties during the process of obtaining Thai nationality, fail to process their requests and risk becoming victims of corruption. In responding to the problems, there are long term needs and short term needs among the stateless people.

6.3.2.1 Long term needs

To manage the problem in the long run, the primary need of stateless people is information about the procedures and laws regarding obtaining Thai nationality. In order to transfer knowledge about procedures and related laws to the stateless people successfully, the following aspects are involved: the sources of information, the methods and forms of information and the stateless people as the information receivers. Regarding the source of the information, it is necessary to prompt them with not only complete, updated and correct information, but also provide them with practical trainings. It is necessary to organize continuous trainings and workshops at the practical especially for people whose work is related to stateless people and the procedures regarding obtaining Thai nationality, for example district officers, village chiefs and NGOs workers.

More diverse forms of information are also needed to make the transfer of knowledge effective. Written information should be organized and written in a very clear and easy language to avoid misinterpretations and misunderstandings among readers. Moreover, it is necessary to assure that the written information is always updated and available to *everyone* in every district office as well as in other places where stateless people may seek information, such as in village chiefs' houses or community centers, NGOs, and schools. Besides, more interpersonal communication between stateless

people and district officers is also needed to reduce the gap of verbal information as well as to eliminate psychological impacts among stateless people and misunderstandings between both sides.

On the side of stateless people, it is necessary for them to avoid relying on outside assistance. They should participate more in decision making in every procedure regarding obtaining Thai nationality and try to approach officials by themselves. An active network of stateless people could possibly be set up for stateless people to share experiences and information as well as to help each other in obtaining Thai nationality.

To reduce the problems of corruption, especially at the village level, it is necessary to reduce the dominant role of village chiefs in obtaining Thai nationality for stateless people. The role of village chiefs should be reduced if the stateless people have knowledge and are able to communicate with the district officers. If stateless people do not have to rely on assistance, this lowers the risk that they will become victims of corruption. Another possible way to reduce the role of the village chiefs effectively is for district offices to abandon regulation requiring village chiefs to be witnesses in the investigations regarding obtaining Thai nationality. They might become a witness only in the case that they have a close relationship with the person. Moreover, it is necessary to promote alternative and free assistance channels, such as NGOs, so that stateless persons do not have to only rely on village chiefs.

6.3.2.2 Short term needs

Short term needs of stateless people concern difficulties in the procedure of obtaining Thai nationality. In the short term, practical assistance and financial support are necessary. The former stateless people interviewed admitted that even though they have information, they also need professional advice in obtaining Thai nationality because information such as the right to Thai nationality was too complicated to be easily understood in a short time. They needed someone to advise which channels should be used in their cases. The advice and assistance are extremely needed in the appeal process because appealing requires advance negotiation skills and professional lawyer.

Stateless people might need to pay for other expenses related to obtaining Thai nationality but those interviewed did not mention this as a problem. It was only mentioned that financial support was needed in the process of DNA test.

6.4 Conclusion

This chapter discussed the problems and needs of the twelve former stateless people. It also identified the factors that influence stateless people's nationality obtaining. The major problem of stateless people in obtaining Thai nationality is access to the information. Unable to access the information, stateless people had to endure psychological impacts, as well as risk failures in obtaining Thai nationality and becoming victims if corruption. The problem is caused by lack of knowledge of the law and the process as well as bias and negative attitudes among the sources of information. Ineffective methods in passing on the information prevented stateless people from accessing the information. Moreover, the stateless people interviewed sometimes did not acquire the information successfully because they avoided approaching district offices by themselves.

According to stateless people who were interviewed, another main problem in obtaining Thai nationality is corruption. Corruption in obtaining Thai nationality appears in the form of assistance. Assistance in obtaining Thai nationality is like a service that state officers and people involved sell to stateless people, and it is certainly a sellable product. As long as most stateless people still rely on assistance due to the problem of access to information, the problem of corruption will not be solved. More problems in obtaining Thai nationality are difficulties regarding processing the request.

According to the former stateless people who were interviewed, factors influencing the success and failure in obtaining Thai nationality on the side of stateless people are education and language ability, knowledge on nationality obtaining, assistance, education and language ability, personal determination, and relationship with the authorities. Finally, stateless people's needs regarding nationality obtaining includes short term and long term strategies. Practical assistance in document preparation and appealing as well as financial assistance in obtaining Thai nationality is short term

needs. The long term needs include information about procedures and laws regarding obtaining Thai nationality and effective communication between stateless people and the information sources.