

## STATELESS AND RIGHTLESS: *The Human Rights Challenges of Rohingya Refugees in Thailand*

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KEYWORD	ABSTRACT
<p>Statelessness, Rohingya Refugees, Human Rights, Southeast Asia, Securitization</p>	<p><i>This article examines the human rights challenges faced by stateless Rohingya refugees in Thailand, a country that neither recognizes them as refugees nor offers pathways to legal protection. Treated as illegal migrants under Thailand's 1979 Immigration Act, Rohingya are subject to indefinite detention, denial of due process, and systemic exclusion. Drawing on human rights reports, legal frameworks, and critical theory, this study analyzes how statelessness functions as both a legal and political condition, depriving individuals of recognition, rights, and recourse. Employing a theoretical framework that integrates statelessness theory (Arendt, Bhabha), international human rights law (Hathaway), and securitization discourse (Copenhagen School), the article argues that the Rohingya crisis in Thailand represents a form of structural and epistemic violence. It highlights the regional complicity in this marginalization, particularly ASEAN's inaction driven by non-interference and security concerns. By shifting focus from Myanmar to regional host states, the article contributes to broader debates on statelessness, regional responsibility, and the limits of human rights enforcement in Southeast Asia. It concludes that without political recognition and legal reform, Rohingya in Thailand will remain permanently trapped between borders and beyond protection.</i></p>

### INTRODUCTION

The Rohingya crisis has become one of the most pressing humanitarian issues in Southeast Asia. As a predominantly Muslim ethnic minority from Myanmar's Rakhine State, the Rohingya have long faced systematic discrimination, denial of citizenship under the 1982 Myanmar Citizenship Law, and waves of violence that amount to ethnic cleansing and potential genocide. As a result, hundreds of thousands have fled their homeland in search of refuge, only to encounter new forms of marginalization and precarity in neighboring countries (M. I. Hossain et al., 2021; Zahed, 2023).

Thailand, though not a signatory to the 1951 Refugee Convention, has become both a transit point and a de facto destination for Rohingya refugees. Lacking formal refugee recognition frameworks and legal protection mechanisms, Thailand treats Rohingya arrivals not as asylum seekers but as "illegal migrants" or victims of trafficking. This legal vacuum has exposed the Rohingya in Thailand to arbitrary detention, prolonged confinement in immigration detention centers, forced returns (*refoulement*), and denial of access to basic rights such as healthcare, education, freedom of movement, and legal identity (Debnath et al., 2022; Ty, 2019).

Despite Thailand's formal commitments to international human rights norms—such as its

ratification of the Convention on the Rights of the Child (CRC) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)—the *de facto* protection of stateless Rohingya remains severely limited (Hix-Small, 2007). In practice, Rohingya refugees, including children and victims of trafficking, are subjected to prolonged immigration detention, lack of access to legal identity, and are often denied fundamental rights guaranteed under these conventions. Under the CRC, for instance, every child has the right to a nationality (Article 7), education (Article 28), and protection from arbitrary detention (Article 37). Similarly, under CAT, Thailand is obligated to prevent acts of torture or inhumane treatment, which many detained Rohingya have reportedly experienced in immigration facilities. Yet these legal obligations are often undermined by the absence of a comprehensive domestic legal framework for refugee protection, and by the persistent conflation of refugees with “illegal migrants” (Satrusayang, 2015).

This legal vacuum is further exacerbated by a regional political climate that prioritizes national security, border control, and demographic anxiety over human rights compliance. In Thailand, as in many Southeast Asian countries, the securitization of irregular migration has led to policies that treat stateless refugees as threats rather than as rights-bearing individuals (Md Shahin & Hasan, 2023). The Rohingya, whose Muslim identity and stateless condition intersect, are doubly marginalized. Anti-Muslim sentiment—often shaped by broader regional Islamophobia—intensifies the reluctance of states to offer protection, fearing social unrest or political backlash. As such, the treatment of the Rohingya is not merely a humanitarian failure, but also a reflection of deep-rooted structural biases embedded in national and regional governance logics (Chaijaroenwatana & Haque, 2020).

At the regional level, ASEAN's principle of non-interference and its weak human rights enforcement mechanisms have rendered statelessness an invisible crisis. Although ASEAN adopted the ASEAN Human Rights Declaration in 2012, which nominally recognizes the rights of stateless persons and the obligation to protect the most vulnerable, the declaration lacks legal enforceability and is often sidelined in favor of state sovereignty (Satrusayang, 2015). Consequently, no coordinated regional response exists to ensure protection for Rohingya refugees, despite the transnational nature of their displacement. The failure to collectively address statelessness as both a legal and humanitarian emergency signals a profound normative gap in Southeast Asia's human rights architecture.

Thus, the Rohingya in Thailand exist in a liminal space—geographically within Southeast Asia, but politically and legally excluded from protection and recognition. Their condition exemplifies how the lack of legal status compounds with political neglect to produce a state of “rightlessness,” where basic entitlements become contingent on arbitrary state discretion rather than universal human rights.

Previous literature on the Rohingya crisis has predominantly focused on the conditions of persecution inside Myanmar, especially the systematic discrimination under the 1982 Citizenship Law, and on the mass displacement of Rohingya to neighboring Bangladesh—particularly in relation to the refugee camps in Cox's Bazar (A. N. M. Z. Hossain, 2023; Pamini et al., 2013; Shohel, 2023). These studies have examined the roots of ethnic violence, state-sponsored exclusion, and the humanitarian implications of large-scale displacement. Scholars have also analyzed Bangladesh's complex role as both a host country and a reluctant participant in regional refugee politics (Milton et al., 2017; Naeem, 2016).

By contrast, the conditions of Rohingya in secondary countries of transit or semi-permanent destination, such as Thailand, Malaysia, and Indonesia, have received comparatively less scholarly attention. This relative silence is striking given that these countries play a critical role in shaping the lived experiences and survival strategies of stateless Rohingya. In Thailand, the intersection of statelessness, legal invisibility, and structural neglect creates a unique set of human rights challenges that remain under-theorized and under-documented in both academic and policy literature.

Although some reports by human rights organizations and NGOs (e.g., Fortify Rights, Human Rights Watch, UNHCR) have documented specific abuses in detention centers or trafficking-related vulnerabilities, there is a notable lack of sustained scholarly analysis that situates Thailand within the broader geopolitical and legal context of Rohingya displacement. Most existing accounts treat Thailand as a passageway rather than as a political space with its own policies, contradictions, and implications for refugee protection.

This article addresses that critical gap by examining the status of stateless Rohingya in Thailand through a human rights lens. It draws on field-based documentation, legal frameworks, and international human rights standards to analyze how Thai state practices—ranging from immigration enforcement to detention policy—affect the rights and wellbeing of the Rohingya. In doing so, the study seeks not only to expand the geographic and thematic scope of Rohingya scholarship, but also to contribute to broader debates on statelessness, regional human rights enforcement, and the politics of exclusion in Southeast Asia.

## THEORETICAL FRAMEWORK

This study is grounded in an interdisciplinary theoretical framework that draws from critical legal studies, refugee and statelessness theory, and human rights scholarship. At the core of the analysis is the concept of **statelessness**, defined by the 1954 Convention Relating to the Status of Stateless Persons as the condition of a person “who is not considered as a national by any state under the operation of its law.” Statelessness is not merely a legal anomaly; it constitutes a profound condition of exclusion from the international system of rights and recognition. As Hannah Arendt (1951) famously argued, stateless individuals are deprived of “the right to have rights,” and this condition renders them exceptionally vulnerable to abuse, neglect, and invisibility within state-based legal systems.

In the case of the Rohingya in Thailand, statelessness intersects with territorial illegality, as the Thai state does not recognize them as refugees and lacks a formal asylum framework. Drawing from the work of Bhabha (H. Bhabha, 1994) and Blitz & Lynch (2019), this article considers statelessness as both a legal and political condition, where the absence of nationality results not only in the denial of citizenship rights but also in the loss of personhood in the eyes of the state. This framework helps explain why Rohingya in Thailand are treated administratively as “illegal migrants” and why their detention, refoulement, and restricted access to services persist despite Thailand’s ratification of other human rights treaties.

The second pillar of this framework draws from international human rights theory, particularly as it applies to countries that are non-signatories to the 1951 Refugee Convention, like Thailand. According to Hathaway (Hathaway, 2005), even states outside the Refugee Convention are bound by customary international law and by other human rights instruments they have ratified—including the Convention on the Rights of the Child (CRC), the Convention Against Torture (CAT), and the International Covenant on Civil and Political Rights (ICCPR). These instruments impose *minimum obligations* to protect individuals from torture, arbitrary detention, and statelessness. This study uses this legal-historical approach to examine how Thailand’s obligations under these treaties are selectively implemented or avoided in practice, particularly when national security discourse dominates migration governance.

Finally, this article incorporates a critical securitization perspective, especially as articulated by the Copenhagen School (Hampson et al., 1998), to understand how the Rohingya are framed not as humanitarian subjects but as security threats. In Thailand and other Southeast Asian states, securitization of irregular migration is not merely a policy reaction but a discursive construction that justifies the exceptional treatment of Rohingya—detention, exclusion, or deportation—under the pretense of protecting national sovereignty. This is further compounded by regional Islamophobia, which positions Muslim refugees as culturally alien, politically risky, or potentially extremist, thus legitimizing their marginalization.

Through this theoretical lens, the article analyzes how legal exclusion (statelessness), institutional apathy (non-recognition of refugee rights), and ideological bias (securitization and anti-Muslim discourse) work together to produce a condition of radical precarity for the Rohingya in Thailand. By connecting these frameworks, the study not only illuminates the legal and human rights challenges faced by the stateless

Rohingya, but also critiques the broader regional structures that sustain their marginality.

## RESEARCH METHODOLOGY

This study employs a qualitative critical approach to examine the legal status, lived experiences, and human rights conditions of stateless Rohingya refugees in Thailand. Rather than relying on statistical generalizations, the research focuses on in-depth analysis of documentary sources and legal frameworks to uncover the structural and discursive mechanisms that perpetuate the Rohingya's marginalization.

The primary method of data collection is document analysis, which involves systematic examination and interpretation of relevant texts. These include: Human rights reports from international and regional organizations (e.g., UNHCR, Fortify Rights, Human Rights Watch, ASEAN Parliamentarians for Human Rights); Legal instruments, such as the 1954 and 1961 Statelessness Conventions, the 1951 Refugee Convention (for comparison), the CRC, CAT, and ICCPR; Thai national policies and regulations on immigration, detention, and anti-trafficking; and media and investigative journalism, which provide insights into state practices and Rohingya testimonies not captured in official documents

The core data source for this article is the report "*The Human Rights of Stateless Rohingya in Thailand*", which offers direct evidence of rights violations, state responses, and testimonies of affected individuals. This report is used as an anchor document, complemented by cross-referenced material to build a comprehensive picture of the issue. Data are analyzed using a combination of discourse analysis and legal-institutional analysis. Discourse analysis focuses on how Rohingya refugees are represented in policy documents, media, and official state language—especially the construction of Rohingya as “illegal migrants” or “security risks.” Legal-institutional analysis, on the other hand, maps how Thailand's obligations under international law translate (or fail to translate) into national practices, and identifies the gaps between normative commitments and practical enforcement.

This methodological approach allows the study to move beyond a descriptive account of abuse toward a structural diagnosis of statelessness, exclusion, and rights denial. It also highlights the disconnect between humanitarian needs and legal-political recognition—a gap that lies at the heart of the Rohingya's protracted vulnerability in Thailand.

## FINDINGS AND DISCUSSION

### **Statelessness and Legal Invisibility: Exclusion by Law and Policy**

The Rohingya in Thailand are trapped in a condition of legal liminality—a state of being “in-between” legal categories, where neither refugee protection nor citizenship guarantees are available. Although they are fleeing well-documented persecution, mass violence, and statelessness in Myanmar, Thailand refuses to formally recognize them as refugees due to its non-signatory status to the 1951 Refugee Convention. Simultaneously, they are not recognized as citizens of any state, having been rendered stateless by the 1982 Myanmar Citizenship Law. As a result, Rohingya who arrive in Thailand are classified solely under the 1979 Immigration Act as “illegal migrants,” which frames their presence not as a humanitarian issue but as a legal violation (Joarder et al., 2020).

This classification has severe consequences. Once labeled as irregular migrants, Rohingya are subject to arrest, prolonged detention in immigration centers, and even deportation—despite the well-established risk of torture, inhuman treatment, or death if returned to Myanmar. This treatment directly contravenes the international principle of *non-refoulement*, a cornerstone of customary international law, which prohibits the expulsion of individuals to a country where they may face serious human rights abuses (Kudrat-E-khuda, 2020).

Importantly, statelessness is not merely the absence of nationality on paper, but a deeper condition of legal exclusion. It means being unrecognized as a person under the law. The concept of *legal personhood*—the recognition by the state that an individual has legal rights and duties—is fundamentally denied to the Rohingya. Even when they possess identification documents from the

UNHCR or other international bodies, local Thai authorities frequently disregard these documents, rendering the Rohingya effectively invisible in the legal system. They cannot register births, access formal education, hold employment legally, or seek judicial recourse.

This state of invisibility is further entrenched by the lack of a national asylum framework in Thailand. Without a domestic mechanism to assess refugee claims, there is no procedural pathway for Rohingya to legalize their stay, appeal their detention, or claim basic protections. Consequently, they live in a permanent state of legal uncertainty, where their fate is dictated by administrative discretion rather than by rule of law (Cheong, 2024; Haque et al., 2023)

In this liminal status, the Rohingya become highly vulnerable to systemic neglect, abuse, and exploitation, not because they have committed any crime, but because the legal and political architecture of the host country has no place for them. Their humanity becomes subordinate to their documentation status, and their identity is reduced to a legal anomaly. Thus, legal liminality operates not just as a legal technicality, but as a structural condition of exclusion—a lived experience in which rights are inaccessible, recognition is withheld, and dignity is consistently denied (Pankaj & Datta, 2022).

The condition of Rohingya in Thailand exemplifies Hannah Arendt's seminal idea of "the right to have rights", a concept born from her reflections on the plight of stateless Jews in Europe. Arendt argued that once individuals are stripped of citizenship—of belonging to a political community—they are not just excluded from legal protections, but from the very possibility of being heard or seen in the public realm. Their suffering becomes administratively invisible, and their demands politically unintelligible. In Thailand, the Rohingya face this dual exclusion: their physical presence is criminalized, and their legal and political existence is denied.

Designated as "illegal migrants" under Thailand's 1979 Immigration Act, Rohingya are routinely detained, confined in overcrowded facilities, and treated as violators of immigration law, not as survivors of persecution. This legal framing neutralizes any humanitarian claim they might present, placing them outside the moral economy of protection. The law does not distinguish between economic migrants and genocide survivors, and in doing so, it renders the Rohingya's historical trauma legally irrelevant.

Drawing from Bhabha (2014), statelessness is not merely the lack of documentation or nationality, but a total erosion of civic personhood. Without legal recognition, the Rohingya are unable to assert claims to protection, to challenge abuse, or to participate in public life. Their exclusion is not accidental—it is structured into legal regimes that define belonging through rigid categories of citizenship and national identity. In this sense, the state monopolizes the power to confer or withhold rights, and stateless people remain permanently exposed to sovereign discretion, without recourse to due process (Lavaud-Legendre, 2016).

Blitz and Lynch (2009) further note that stateless persons exist in a void between law and politics. They are not protected by international refugee law unless formally recognized as such (which Thailand refuses to do), and they are not protected by domestic law because they do not qualify as lawful residents. Their legal condition is thus one of "*non-belonging*"—a space where even fundamental human rights are mediated through inconsistent, ad hoc state practices.

In Thailand, this condition is dramatically visible in the way even UNHCR-issued documentation—which in theory should confer some measure of international protection—is often dismissed by local authorities. Immigration police, detention officers, and border patrols either disregard the status provided by UNHCR or treat it as irrelevant under Thai law. This refusal to acknowledge even the limited safeguards afforded by international mechanisms deepens the Rohingya's legal invisibility, reinforcing their marginality not just within Thai society, but within the broader regional and international legal order.

Ultimately, what is at stake is more than just administrative status—it is the denial of recognition as a human subject before the law. Statelessness, in this context, becomes a form of *civil death*, where the individual is alive biologically but erased legally and politically. The Rohingya in Thailand thus occupy one of the most extreme forms of political exclusion, revealing how sovereignty can be exercised not only by granting rights, but also by systematically denying them.

### **Detention Without Protection: Arbitrary Confinement and the Failures of Human Rights Enforcement**

Many Rohingya, including children, are detained in Thailand for indefinite periods and under degrading, inhumane conditions that often amount to violations of both international human rights law and the most basic standards of human dignity. According to field reports, immigration detention centers—such as the one in Phang Nga province—have confined over 270 Rohingya men in spaces designed for just 15 people, resulting in suffocating conditions, unsanitary environments, and severe psychological trauma (Roy, 2020). These overcrowded facilities lack access to medical care, adequate food, or meaningful legal assistance. Detainees are often kept in legal limbo, not informed of the reasons for their detention, denied legal counsel, and effectively silenced.

What is particularly alarming is that UNHCR has been prohibited from conducting Refugee Status Determination (RSD) for Rohingya detainees. This restriction reflects Thailand’s long-standing refusal to implement formal asylum procedures or recognize refugee protections in its domestic legal framework. As a result, the Rohingya—many of whom are survivors of genocide or human trafficking—are held without due process, without recourse, and without clarity about their future. The lack of legal status feeds into an endless cycle of detention, exploitation, and deportation.

This practice constitutes a clear violation of international legal norms, particularly the principle of non-refoulement, which prohibits returning individuals to countries where they face serious threats to their life or freedom. Although Thailand is not party to the 1951 Refugee Convention, it is a signatory to several other binding instruments, including the Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR). Article 3 of CAT, for example, prohibits the extradition or return of individuals to a country where they may be tortured. Article 9 of the ICCPR prohibits arbitrary arrest and detention. The prolonged and indefinite confinement of stateless Rohingya without judicial oversight or individualized review constitutes arbitrary detention under international standards.

And yet, these violations persist—largely due to what scholars in the Copenhagen School term the securitization of migration. Under this logic, the presence of the Rohingya is framed not as a humanitarian issue, but as a threat to national security, public order, or demographic stability. Once migration is securitized, normal legal and moral obligations are suspended, and exceptional measures such as prolonged detention, deportation, and restriction of UNHCR access become politically acceptable. In the Thai context, this framing is deeply entrenched in state discourse: Rohingya are not seen as displaced persons fleeing persecution, but as “illegal entrants” or “burdens” to be managed, contained, or removed.

This security-first paradigm has a devastating impact on the Rohingya. Their identity as stateless refugees is erased; they are rendered disposable bodies held indefinitely by a state that refuses to recognize their rights yet refuses to release them. The carceral nature of immigration enforcement, when applied to stateless persons, transforms detention into a form of perpetual exclusion—where punishment is inflicted not for any crime committed, but for the mere fact of being unrecognized by the law.

Therefore, the indefinite detention of Rohingya in Thailand must be seen not as a bureaucratic failure, but as a deliberate strategy of governance—a way of controlling mobility, asserting sovereignty, and reinforcing the boundaries of national belonging through the exclusion of those who fall outside its legal and moral frame.

This legal-institutional gap—the disconnect between international human rights commitments and domestic implementation—lays bare how statelessness systematically amplifies vulnerability and erodes protections. In the absence of a legal identity or recognized nationality, stateless individuals like the Rohingya fall through every layer of protection: they are not considered refugees because Thailand lacks a formal asylum system; they are not citizens of any country; and their legal claims are not processed under a recognized framework. This institutional vacuum leaves them without legal standing, without voice, and without visibility in both the Thai legal system and international protection mechanisms.

As a consequence, stateless Rohingya are frequently detained without charge, held in immigration detention not because of any crime committed, but because their very existence lacks official recognition. They are denied access to legal counsel, rarely informed of their rights, and are often shuffled between detention centers without documentation or review. Such treatment places them in a permanent state of legal suspension—a form of bureaucratic violence that reinforces their precarity.

The use of detention in this context functions not as a protective or rehabilitative mechanism, but as a strategy of deterrence and containment. The purpose is not to determine legal status or provide shelter, but to send a message: that undocumented, stateless, and unrecognized individuals will be punished, isolated, and removed from the public sphere. This practice mirrors Hannah Arendt's insight that the stateless are no longer treated as members of a human community deserving of protection, but as problems to be managed, contained, or expelled. Their identity is constructed by the state not through rights, but through risk, illegality, and undesirability.

Blitz and Lynch (2009) further note that in contexts of statelessness, law becomes a tool of negation rather than inclusion. Rather than securing access to justice, it becomes a mechanism for stripping individuals of access to institutions, rights, and redress. For the Rohingya in Thailand, detention thus becomes not a temporary stopgap but a structural condition of exclusion, where the walls of detention reflect not just physical containment but a deeper, juridical erasure.

Moreover, this systemic use of detention feeds into a broader politics of migration control and securitization in Southeast Asia, where the absence of legal identity is criminalized, and where migration policy is designed not around protection, but around visibility management and territorial defense. In this framework, the Rohingya are not treated as humans in need of rights, but as statistical anomalies and security liabilities, whose existence must be obscured from both national politics and international accountability.

### **Policy Vacuum and Regional Inaction: Statelessness as Structural Violence**

The Rohingya crisis in Thailand cannot be understood in isolation. It must be situated within a broader architecture of regional inaction and political evasion, particularly within the framework of the Association of Southeast Asian Nations (ASEAN). Despite its rhetorical commitment to human rights, ASEAN's foundational principle of non-interference in the internal affairs of member states continues to operate as a structural barrier to regional accountability. This doctrine, originally intended to preserve sovereignty and regional stability, has functioned in practice as a shield for inaction, enabling member states to systematically avoid responsibility for humanitarian crises within their borders or across their maritime frontiers.

The result is a region-wide regime in which statelessness, forced displacement, and refugee exclusion are treated as domestic nuisances rather than regional emergencies. ASEAN's approach has largely been to "manage" the Rohingya issue through quiet diplomacy, temporary aid, and ad hoc search-and-rescue measures, rather than developing a binding, coordinated framework for protection and burden-sharing. Statelessness, despite its transnational nature and long-term impact, remains unseen in ASEAN's institutional agenda, treated as an unfortunate byproduct of domestic policy rather than as a human rights crisis that demands collective action (Lewa, 2009).

While ASEAN states have formally adopted the ASEAN Human Rights Declaration (2012) and signed multiple international treaties, these instruments remain legally non-binding and politically hollow. There is no ASEAN court of human rights, no regional refugee mechanism, and no enforcement body capable of compelling states to comply with international standards. The ASEAN Intergovernmental Commission on Human Rights (AICHR) lacks both investigatory powers and enforcement capacity, rendering it little more than a forum for consensus-based discussion. Consequently, human rights language in ASEAN functions as diplomacy, not as law—and certainly not as a safeguard for stateless and displaced populations (Mahmood et al., 2017; Naldi & Magliveras, 2014).

This institutional gap is particularly acute when displacement intersects with religious and ethnic identity, as in the case of the Muslim Rohingya. In a region where Islamophobia and ethnonationalist rhetoric are politically expedient, states are even more reluctant to offer protection, fearing domestic backlash or accusations of siding with a marginalized religious minority. This dynamic further discourages regional actors from acknowledging the full scope of the Rohingya crisis, let alone intervening to address it.

Drawing from Johan Galtung's notion of structural violence, the persistent neglect of stateless Rohingya in Thailand and the broader region reflects a form of silent, normalized harm—harm that is not explosive or dramatic, but embedded in institutional design and political culture (Galtung, 2018). Statelessness is not simply allowed to persist; it is reproduced and stabilized by systems that prioritize sovereignty, border control, and internal political convenience over human dignity and transnational justice.

In this context, ASEAN's inaction is not merely a failure of will—it is a systemic feature of its governance model, which privileges state consensus over the rights of vulnerable populations. The consequence is that Rohingya refugees in Thailand and elsewhere are trapped in a region that recognizes their suffering, but refuses to act meaningfully upon it. Statelessness becomes not just a legal condition, but an enduring manifestation of epistemic neglect and political abandonment, sanctioned by a regional order that confuses diplomacy with justice.

This persistent inaction—both at the national and regional level—embodies what Johan Galtung (2018) conceptualized as structural violence: a form of silent, normalized harm embedded in social, political, and institutional systems that systematically deny individuals the ability to meet their basic needs and access fundamental rights. Unlike direct violence, which is visible and immediate, structural violence is subtle, routine, and often accepted as part of the political order. It operates through bureaucratic decisions, omissions, and legal architectures that render entire populations disposable.

In this context, statelessness is not merely a legal classification, but a lived condition of institutionalized abandonment—a status in which people are deliberately excluded from the protection frameworks designed to uphold human dignity. For the Rohingya in Thailand, this exclusion manifests not only in detention or deportation, but also in a deeper, more enduring erasure: they are not simply undocumented, but unacknowledged. Their presence is not counted, their identity is not recorded, and their suffering is not politicized. They are rendered administratively invisible and morally ignorable (Crossman, 2014; de Chickera, 2012; Tue Mali, 2017).

This is what scholars now describe as epistemic violence—a form of erasure that occurs not through physical force, but through denial of recognition, voice, and narrative space. The Rohingya are not just denied rights; they are denied *subjectivity*. Their stories are not integrated into national or regional discourses, and their legal claims are treated as non-issues. This condition reflects not just a gap in law, but a collapse of political imagination, where entire communities are structurally prevented from being seen as political beings (J. Bhabha, 2009; Blitz & Lynch, 2011).



In such a framework, the act of non-recognition becomes itself a form of power—a way for the state and regional institutions to assert control over who deserves attention, legitimacy, and life chances. Stateless Rohingya in Thailand are thus not only locked out of legal citizenship, but also expelled from the realm of moral and political concern. They are positioned outside the boundaries of empathy and obligation, trapped in a space of permanent marginality where suffering is acknowledged only when it becomes impossible to ignore.

In this sense, the absence of rights is not a failure of governance—it is a design of governance. It is the outcome of systems that operate precisely by refusing to recognize those who fall outside the imagined community of the nation-state. Statelessness, in this formulation, becomes not an accident of paperwork or policy delay, but a sustained and organized condition of human exclusion—the most silent, yet most corrosive, form of violence modern political systems can produce.

## CONCLUSION

The condition of stateless Rohingya in Thailand reveals not only a humanitarian emergency but a deeper crisis of legal recognition and political will. Trapped in legal liminality, denied refugee status, and excluded from citizenship, they are subjected to detention, erasure, and institutional neglect—not because they are unknown, but because they are *deliberately unacknowledged*. This study shows that Thailand's treatment of the Rohingya is not merely a bureaucratic shortfall, but part of a wider regional pattern of inaction reinforced by ASEAN's doctrine of non-interference and a security-first approach to migration governance.

Through the lens of statelessness theory, human rights law, and securitization discourse, the Rohingya crisis in Thailand emerges as a case of structural and epistemic violence—where denial of rights is produced not through dramatic force, but through administrative silence, legal ambiguity, and political disinterest. The absence of protection is not a passive outcome but an active decision shaped by law, discourse, and regional diplomacy.

This article argues that addressing the plight of Rohingya statelessness requires more than humanitarian assistance—it demands a rethinking of legal personhood, political responsibility, and moral imagination in Southeast Asia. As long as sovereignty is used to justify exclusion and ASEAN continues to treat protection as optional, the Rohingya will remain stateless and rightless. Recognition is the first step toward justice; until then, the region remains complicit in their erasure.

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