

MALAYSIA

| Working environment |

• The context

Malaysia hosts some 90,000 refugees and asylum-seekers, of whom 92 per cent are from Myanmar. Other significant refugee populations in the country originate from Afghanistan, Iraq, Somalia and Sri Lanka. The number of refugees and asylum-seekers has doubled since the end of 2008 as a result of large-scale registration of asylum-seekers, many of whom had been in the country for years.

Malaysia is not party to the 1951 Refugee Convention or its Protocol. There is currently no legislative or administrative framework for dealing with refugees. This challenging protection environment makes it difficult for UNHCR to fulfil its mandate in the country, which has some 3 million migrants, 1.5 million of whom are considered undocumented migrants.

By law, refugees are not differentiated from undocumented migrants. They are therefore vulnerable to arrest for immigration offences and may be subject to detention, prosecution, whipping and deportation.

In the absence of a national administrative framework, UNHCR conducts all activities related to the reception, registration, documentation and status determination of asylum-seekers and refugees. Since refugees and asylum-seekers have no access to sustainable livelihoods or formal education, UNHCR runs a limited number of humanitarian support programmes for them, in cooperation with NGO partners.

Malaysia also hosts a population of some 60,000 Filipino Muslims in the province of Sabah for whom the Malaysian Government has assumed responsibility, and an estimated 40,000 potentially stateless people in Peninsular Malaysia.

| The needs |

With the protection environment unlikely to change significantly in the short to medium term, UNHCR will continue to advocate for the Government to make policy changes relating to refugees. An additional priority will be to strengthen



public awareness of asylum issues in order to expand the humanitarian space for refugees, asylum-seekers and stateless people in Malaysia.

UNHCR will enhance its interventions to ensure that asylum-seekers and refugees are not subject to arrest, detention, deportation or *refoulement*. In the absence of the Government's involvement in refugee processes, UNHCR will undertake to

Planning figures for Malaysia

TYPE OF POPULATION	ORIGIN	JAN 2011		DEC 2011	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Refugees	Myanmar	73,000	73,000	78,000	78,000
	Various	4,500	4,500	5,000	5,000
Asylum-seekers	Myanmar	12,000	12,000	10,000	10,000
	Various	2,000	2,000	2,000	2,000
Stateless	Stateless	40,000	0	40,000	0
Others of concern	Myanmar	5,000	0	5,000	0
	Philippines	61,300	0	61,300	0
Total		197,800	91,500	201,300	95,000

Main objectives and targets

Favourable protection environment

- Mobilize the Government and civil society to address the problem of statelessness in Malaysia.
- ➔ *Advocacy is conducted with key government counterparts to develop a legal and administrative framework to deal with statelessness.*

Fair protection processes

- Ensure that asylum-seekers and refugees are protected against refoulement, unwarranted detention and all forms of violence and abuse, including sexual and gender-based violence, and have access to a fair and efficient registration and refugee status determination (RSD) procedures.
- Foster the development and implementation of a legal and administrative framework which provides a basic set of rights for asylum-seekers and refugees.
- ➔ *Refugees and asylum-seekers enjoy timely registration and fair and*

efficient RSD procedures and receive UNHCR identity documentation.

- ➔ *Legal counsel is provided to 500 asylum-seekers and refugees charged with immigration offences in court.*
- ➔ *Best Interest Determination (BID) procedures are applied in the case of 2,000 unaccompanied minors.*

Basic needs and services

- Improve or maintain the health of the population of concern.
- ➔ *Basic and general medical care is provided for over 90,000 persons of concern nationwide.*
- Reduce risks of HIV and AIDS, and improve the quality of response.
- ➔ *Community health education is provided for 81,000 persons.*
- Ensure optimal access to education for the population of concern.
- ➔ *Alternative non-formal education or skills training is provided for 3,800 adolescent youth.*

- ➔ *At least 3,000 children of primary-school age are able to access learning opportunities.*

Community participation and self-management

- Develop and deliver programmes which support refugee communities and enable more self-help initiatives, while focusing on those with specific needs, particularly women and children.
- ➔ *Enhanced support programmes and targeted interventions help 30,000 women and children.*

Durable solutions

- Develop and implement a comprehensive durable solutions strategy for people of concern in Malaysia, in cooperation with all stakeholders, including the Malaysian Government and the international community.
- ➔ *Resettlement referrals are made for 15,000 refugees determined to be in need of this durable solution.*

register asylum-seekers, determine their status claims and provide them with documentation.

Similarly, UNHCR will make efforts to address the basic needs of refugees in terms of livelihoods, health care, education and community development, ideally through community participation, self-management and self-reliance. This will remain a challenge, as refugees in Malaysia are of diverse nationalities and ethnic backgrounds, and are widely dispersed in urban areas as well as remote locations.

The main refugee groups in Malaysia originate from Afghanistan, Iraq, Myanmar and Somalia, where current conditions are not conducive to return. A sizeable group of refugees from Sri Lanka also live in Malaysia. In their case, however, improving conditions in Sri Lanka could present the potential for safe return. Local integration is not considered a viable option by the Malaysian authorities for the majority of refugees. For them, given the lack of prospects for return or local integration, resettlement remains the only option.

Strategy and activities in 2011

With no foreseeable shift in the level of Government engagement, UNHCR will continue to implement its international mandate to protect and assist refugees while

seeking durable solutions for them. It will sustain and strengthen its dialogue with the Malaysian Government partners to capitalize on opportunities to foster a better understanding of the refugee situation, emphasize the need for coordination between the various ministries, and seek better treatment for asylum-seekers, refugees and stateless people.

UNHCR will continue to advocate through domestic and regional forums for government officials and stakeholders to



A refugee boy receives schooling from specially trained fellow refugees at a UNHCR-funded school.

UNHCR / T. ADHAN

UNHCR's presence in 2011

□ Number of offices	2
□ Total staff	173
International	14
National	55
JPOs	1
UNVs	7
Others	96

PARTNERS

Implementing partners

NGOs:

Harvest Centre Berhad
Humana
Kumpulan ACTS (A Call To Serve) Sdn Bhd
Malaysian Care Shelter
Partnership in Enterprise
Taiwan Buddhist Tzu-Chi Foundation
TECH Outreach
Wadah/Future Global Network

Others:

UNOPS
UNV/UNDP

Operational partners

NGOs:

Mercy Malaysia
Soroptimist International Johor Bahru
Taiwan Buddhist Tzu-Chi Foundation

Others:

UNICEF

redress the lack of national legal or administrative provisions for refugees. It will also try to distinguish refugees from irregular migrants in the public's view.

The Office will build capacity in refugee communities through participatory assessments, joint planning with refugee community leaders and programmes in education, health, livelihoods and community development. It will also increase its capacity to offer fair and efficient protection processes to people of concern.

○ Constraints

Planning for 2011 is based on the assumption that the overall protection environment will not change significantly. The Malaysian Government is not expected to take significant steps to establish a legal and administrative framework for refugees. It is assumed that Malaysia will continue to see a steady flow of newly arriving asylum-seekers.

The Office will need to maintain a resource-intensive operation in terms of staffing in order to handle the registration and RSD of a significant number of new applicants, while also seeking durable solutions, particularly resettlement, for between 10,000 and 15,000 refugees. As the Government is likely to maintain its immigration policy, frequent immigration raids are expected to continue. Protection interventions will be required to secure the release from detention of approximately 1,000 persons of concern per year.

While UNHCR will continue to implement its livelihood and self-reliance strategies for people of concern, it is assumed that a sizeable portion of the refugee population will find their own coping mechanisms through employment

in the informal labour market and community support. However, basic public services such as health, education and civil status documentation will remain limited due to Government policies, particularly for those who do not possess UNHCR identity cards.

Organization and implementation

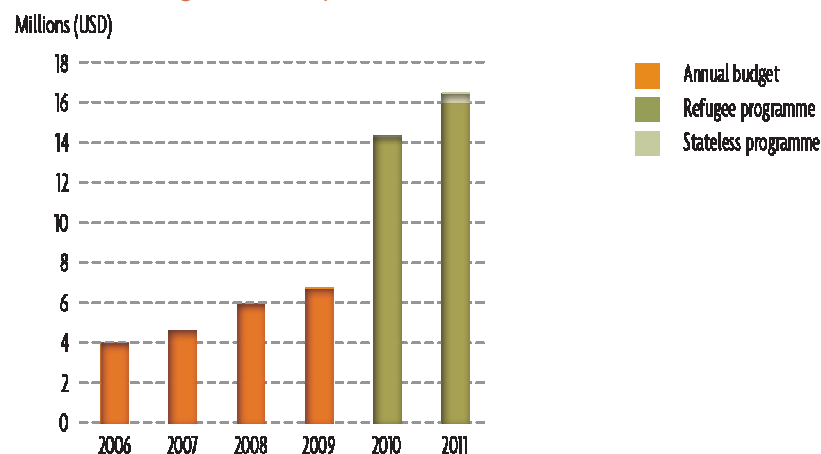
○ Coordination

UNHCR's close coordination with a range of stakeholders, including the Government, civil society, NGOs and UN agencies, is a key element in its country strategy. The Office will continue to strengthen coordination with civil-society actors, employers and academics, as well as liaise with international human-rights groups on issues of concern. Ongoing engagement with other UN agencies, notably UNICEF, will focus on issues relating to health and refugee children.

Financial information

The 2010-2011 budgets reflect the comprehensive needs of the populations of concern in Malaysia, while taking into account implementation capacity. They represent a significant increase over the budgets in 2008 and 2009, in order to respond to the increase in the population of concern as a result of large-scale registration of previously unregistered asylum-seekers. In 2011, the budget will have increased by over USD 2 million from 2010. Additional resources will be required to reinforce programmes in education, health, community self-reliance and livelihoods support.

UNHCR's budget in Malaysia 2006 – 2011



2011 UNHCR Budget for Malaysia (USD)

RIGHTS GROUPS AND OBJECTIVES	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
Favourable protection environment			
International and regional instruments	43,028	0	43,028
National legal framework	35,216	0	35,216
National and regional migration policy	35,216	0	35,216
Prevention of statelessness	0	66,212	66,212
Cooperation with partners	0	141,056	141,056
Public attitudes towards persons of concern	38,341	0	38,341
Non-refoulement	39,903	0	39,903
Subtotal	191,704	207,268	398,972
Fair protection processes and documentation			
Registration and profiling	1,314,258	0	1,314,258
Fair and efficient status determination	1,137,176	0	1,137,176
Family reunification	77,822	0	77,822
Individual documentation	77,822	0	77,822
Civil status documentation	77,822	0	77,822
Subtotal	2,684,901	0	2,684,901
Security from violence and exploitation			
Impact on host communities	28,603	0	28,603
Community security management system	35,430	0	35,430
Gender-based violence	59,414	0	59,414
Protection of children	357,861	0	357,861
Freedom of movement	27,041	0	27,041
Non-arbitrary detention	563,410	0	563,410
Access to legal remedies	213,412	0	213,412
Subtotal	1,285,169	0	1,285,169
Basic needs and essential services			
Shelter and other infrastructure	111,491	0	111,491
Primary health care	1,854,673	0	1,854,673
HIV and AIDS	558,466	0	558,466
Education	2,110,315	0	2,110,315
Services for groups with specific needs	223,450	0	223,450
Subtotal	4,858,396	0	4,858,396
Community participation and self-management			
Participatory assessment and community mobilisation	110,856	0	110,856
Community self-management and equal representation	399,476	0	399,476
Self-reliance and livelihoods	2,840,944	0	2,840,944
Subtotal	3,351,275	0	3,351,275
Durable solutions			
Durable solutions strategy	179,297	0	179,297
Resettlement	1,103,509	0	1,103,509
Local integration support	287,499	0	287,499
Reduction of statelessness	0	148,633	148,633
Subtotal	1,570,305	148,633	1,718,937

Consequences of a 20 – 40 per cent funding shortfall

- Thousands of asylum-seekers in the country will not be registered and will remain without UNHCR documentation, placing them at risk of detention and *refoulement* with virtually no access to government services.
- Hundreds of asylum-seekers and refugees will have no access to legal aid when arrested, which will put them at risk of long-term detention, caning and *refoulement*.
- Women and children, including survivors of sexual and gender-based violence with special protection needs, will only receive basic support and will not have access to secure shelter arrangements.
- Some 75 per cent of refugees in Malaysia, especially those outside Kuala Lumpur, will not have access to affordable primary health care, including voluntary counselling and testing for HIV and AIDS.
- Thousands of refugee children will have no learning opportunities.
- Only minimal programmes will be implemented to improve the situation of refugees living in poverty and without sustainable livelihoods, and it will not be possible to strengthen the community organizations that support them.

RIGHTS GROUPS AND OBJECTIVES	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
External relations			
Donor relations	31,725	0	31,725
Resource mobilisation	25,761	0	25,761
Partnership	162,293	0	162,293
Public information	53,115	0	53,115
Subtotal	272,895	0	272,895
Logistics and operations support			
Programme management, coordination and support	1,168,469	43,851	1,212,320
Subtotal	1,168,469	43,851	1,212,320
Headquarters and regional support			
Technical advice and support to operations	621,896	0	621,896
Subtotal	621,896	0	621,896
Total	16,005,010	399,752	16,404,762
2010 Revised budget	14,215,619	108,841	14,324,460