

MALAYSIA

| Working environment |

• The context

Malaysia is not party to the 1951 Refugee Convention nor its Protocol and does not have an asylum system regulating the status and rights of refugees. The absence of a legal framework on asylum issues is a source of great unpredictability in the lives of refugees in the country. This challenging protection environment is placed within a context of some 3 million migrants, 1.9 million of whom are considered illegal.

Malaysian law makes no distinction between refugees and undocumented migrants. Refugees are vulnerable to arrest for immigration offences. They may be subject to detention, prosecution, whipping and deportation. National NGOs have little capacity to support asylum-seekers and refugees, while international NGOs are unable to operate in the country.

However, there have been some positive developments in 2010 and the first quarter of 2011. These have included the emergence of opportunities for UNHCR to present proposals to the Government for the establishment of a legal and administrative framework for the management of asylum, and the provision of assistance to refugees. UNHCR was also able to advocate with the Government for the latter to allow refugees the right to work, as well as to improve their access to education and health care. Finally, UNHCR has continued to encourage the Government to become a signatory to the 1951 Refugee Convention and its 1967 Protocol. The Government has indicated that it is currently considering these proposals.



While cooperation with the Government of Malaysia has steadily improved, the absence of a legal protection framework and weaknesses in the administrative structure for asylum have caused many people of concern to remain at risk. With limited State resources to call on in support of refugees, UNHCR Malaysia continues to fulfil its mandate responsibilities for registration and refugee status determination (RSD). It also continues to monitor detention facilities, and works to secure the release of refugees, while supporting health, education and community self-reliance programmes, and promoting durable solutions for refugees and asylum-seekers.

No significant change is foreseen in the situation of populations of concern to UNHCR in Malaysia. UNHCR's estimates of some 15,000 new arrivals in the country in 2012 are based on average yearly arrivals of asylum-seekers, and the prevailing situations in refugee-producing countries.

Planning figures for Malaysia

TYPE OF POPULATION	ORIGIN	JAN 2012		DEC 2012 - JAN 2013		DEC 2013	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Refugees	Myanmar	80,500	80,500	86,400	86,400	92,000	92,000
	Various	5,400	5,400	5,500	5,500	5,900	5,900
Asylum-seekers ¹	Myanmar	7,000	7,000	7,700	7,700	8,400	8,400
	Various	3,000	3,000	3,300	3,300	3,600	3,600
Stateless	Stateless	41,000	41,000	41,000	41,000	41,000	41,000
Others of Concern	Philippines	80,000	80,000	80,000	80,000	80,000	80,000
Total		216,900	216,900	223,900	223,900	230,900	230,900

¹ According to UNHCR, and based on lists provided by refugee communities in Malaysia, there are 10,000 unregistered asylum-seekers in Malaysia who share the same profile as the current population of asylum-seekers and refugees and who are being progressively registered and having their refugee status determined.



This refugee-run grocery store provides a much-needed service for refugees living in the area: affordable provisions within reach.

UNHCR / T. ADNAN

self-reliant, and address the needs of the most vulnerable. UNHCR aims to secure durable solutions through voluntary return, local integration or resettlement in a third country. Given the large migrant population in Malaysia, and the country's ongoing need for foreign workers, there may also be opportunities to improve conditions for refugees, bringing them to a level similar to those of legal migrants.

| Strategy and activities |

In 2012, UNHCR will continue to urge the Government to enact a legal framework for the protection of people of concern, and to put in place an administrative framework to ensure the implementation of refugee law. UNHCR will maintain its longer-term aim of having the Government accede to the 1951 Refugee Convention and its 1967 Protocol, while pursuing specific improvements in the

legal and administrative framework and in refugees' access to work and services.

The working relationship between UNHCR and the Malaysian Government has continued to improve, with constructive engagement in a variety of areas, including the recognition of UNHCR documentation, and improved access to refugees in immigration detention. However, many other areas, including the access of people of concern to employment, and better education and health care, still require improvement.

Given the current absence of a legislative and administrative framework to protect refugees, and the non-involvement of the Government in receiving and processing people of concern, UNHCR will continue to register asylum-seekers, undertake RSD and issue identity documents. Registration will cover the remaining unregistered asylum-seekers in the country, as well as new arrivals. UNHCR will continue to intervene in order to prevent the arrest, detention and *refoulement* of people of concern, as well as to secure their release where necessary.

o The needs

UNHCR's people of concern in Malaysia comprises a large population of urban refugees, smaller groups of stateless people, and Filipino refugees in Sabah. Refugees and asylum-seekers in urban areas are those of highest concern to UNHCR in the country. Most refugees are unlikely to find durable solutions in Malaysia, although several stateless groups and the Filipino refugees in Sabah enjoy some degree of integration, and stand better chances of obtaining permanent residency or citizenship.

The lack of legal protection in Malaysia means that urban refugees face grave protection risks on a daily basis. The refugee population in Malaysia also includes a large number of Muslims from Myanmar's northern Rakhine State, who are considered both refugees and stateless.

UNHCR's priorities in Malaysia are to improve the protection environment, enhance people's capacity to meet their own needs and access essential services, help communities to become

Main objectives and targets for 2012

Fair protection processes and documentation

- Access to and quality of RSD procedures are improved.
 - ➔ RSD procedures are consistent with international standards.
 - ➔ 90 per cent of people of concern have access to status determination procedures.
 - ➔ Asylum-seekers are notified of the result of their application within 70 days of the first interview, and within 110 days of the submission of an appeal.

Basic needs and essential services

- The health status of the population of concern is improved.
 - ➔ 75 per cent of people of concern have access to primary health care.

- The population of concern has optimal access to education.
 - ➔ 10 per cent of the population of concern aged 12-17 is enrolled in secondary school.
 - ➔ 85 per cent of the population of concern aged 6-11 is enrolled in primary school.

Community participation and self-management

- Self-reliance and livelihoods are improved.
 - ➔ 40 per cent of the population of concern aged 18-59 is self-employed for more than 12 months.
- Community mobilization is strengthened and expanded.
 - ➔ 10 per cent of leadership/management structures are headed by women.

UNHCR's presence in 2012

□ Number of offices	1
□ Total staff	133
International	11
National	45
JPOs	2
UNVs	4
Others	71

UNHCR will seek resettlement for the majority of the refugee population in Malaysia. At the same time, it will advocate with the Government for temporary, local solutions in the form of residence and work permits for groups of Muslim refugees from Myanmar's northern Rakhine State. To diversify resettlement to a range of resettlement countries, including newly emerging ones, UNHCR will promote fair and balanced resettlement opportunities for various ethnic groups from Myanmar and other countries.

UNHCR will also continue to help its partners to provide humanitarian assistance to people of concern in the areas of basic needs and access to essential services, with a particular focus on health, education, community development and self-reliance.

Furthermore, UNHCR will advocate with the Government of Malaysia at national and local levels, to ensure that the Filipino Muslims in Sabah and other stateless populations are allowed to remain in the country. It will mobilize civil society groups to gain a better understanding of the situation, and identify any potential for change. If sufficient funding becomes available, UNHCR will progressively increase its activities in Sabah towards strategic targets.

○ Constraints

While the Malaysian Government has long been contemplating the issuance of residency permits to Muslim refugees from northern Rakhine State, no decision has yet been taken on this matter and the time frame for doing so remains uncertain. UNHCR will continue meanwhile to urge the Government to allow refugees the right to work, as this would have an enormous impact on this population.

Partner capacity in Malaysia remains limited, especially with the lack of international NGOs. UNHCR's local partners are committed to assisting refugees and asylum-seekers, but the size of their programmes is small, and their capacity to expand remains restricted. At present, the partners working on refugee welfare and assistance in Malaysia are unable to mobilize the additional resources needed to expand humanitarian support for refugees.

Organization and implementation

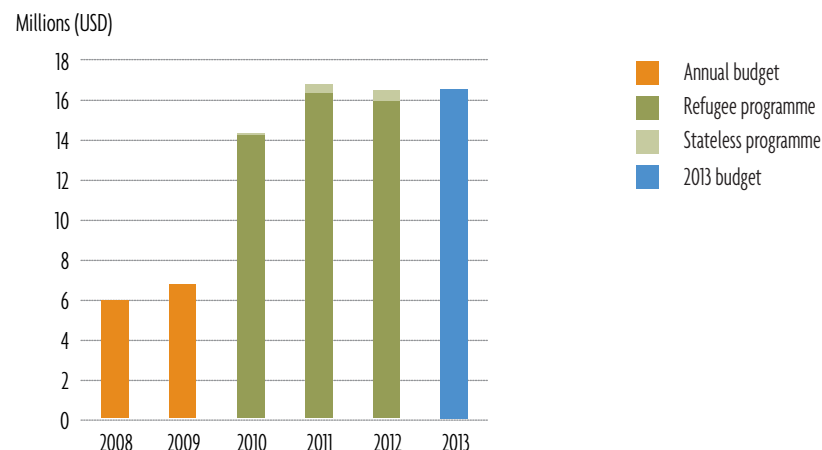
○ Coordination

UNHCR Malaysia's operational strategy will require strong cooperation with partners. Contributions from civil society and NGOs, the Malaysian Government and the refugee communities themselves will be central in the shared effort. At the operational level, given the large numbers of urban refugees and asylum-seekers, refugee communities are expected to be crucial partners in a sustained community development effort to address the wide array of protection and assistance needs.

Financial information

The 2012 budget reflects the comprehensive needs of the populations of concern in Malaysia, while taking into account implementation capacity. The budget for 2012 shows a small decrease from 2011, as some information technology positions previously based in Kuala Lumpur have been moved to other locations. Depending on the funding available, UNHCR will prioritize its activities based on the most significant protection risks faced by the population of concern.

UNHCR's budget in Malaysia 2008 – 2013



2012 UNHCR Budget in Malaysia (USD)

BUDGET BREAKDOWN	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
Favourable protection environment			
International and regional instruments	0	61,544	61,544
Law and policy	122,595	53,544	176,139
Access to legal assistance	171,109	0	171,109
Access to territory and <i>non-refoulement</i>	238,589	0	238,589
Public attitude towards people of concern	258,391	0	258,391
Subtotal	790,683	115,088	905,771
Fair protection processes and documentation			
Registration and profiling	1,089,314	0	1,089,314
Refugee status determination	1,295,035	0	1,295,035
Civil status documentation	200,187	0	200,187
Subtotal	2,584,536	0	2,584,536
Security from violence and exploitation			
Prevention of and response to SGBV	525,857	0	525,857
Non-arbitrary detention	503,345	0	503,345
Protection of children	499,667	0	499,667
Subtotal	1,528,869	0	1,528,869
Basic needs and essential services			
Health	1,363,646	0	1,363,646
Reproductive health and HIV services	915,684	0	915,684
Services for people with specific needs	592,016	0	592,016
Education	2,829,156	0	2,829,156
Subtotal	5,700,502	0	5,700,502
Community empowerment and self-reliance			
Community mobilization	1,533,523	0	1,533,523
Self-reliance and livelihoods	2,058,761	0	2,058,761
Subtotal	3,592,284	0	3,592,284
Durable solutions			
Comprehensive solutions strategy	118,469	0	118,469
Voluntary return	125,895	0	125,895
Integration	184,611	0	184,611
Resettlement	627,337	0	627,337
Greater reduction of statelessness	0	395,296	395,296
Subtotal	1,056,312	395,296	1,451,608
Leadership, coordination and partnerships			
Coordination and partnerships	640,903	0	640,903
Subtotal	640,903	0	640,903
Total	15,894,090	510,384	16,404,474
2011 Revised budget	16,336,548	399,752	16,736,300

PARTNERS

Implementing partners

NGOs

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

Others

UNOPS
UNV/UNDP

Operational partners

NGOs

Hartford Academy
Health Equities International
Malaysia Care
Malaysian Relief Agency
Mercy Malaysia
Nur Salam
Shelter
Soroptimist International Johor Bahru
Taiwan Buddhist Tzu-Chi Foundation

Others

UNICEF