

**INSAP BRIEF:
ROHINGYA REFUGEES IN MALAYSIA -
EXPERIENCES, CHALLENGES, AND POLICY RECOMMENDATIONS**

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PREFACE

Malaysia is an interesting case study in its challenges for refugee integration into society and the problems in hosting refugees without a consistent refugee policy. Malaysia is not a signatory of the 1951 United National Convention Relating to the Status of Refugees nor the 1967 Protocol. Thus, Malaysia is not obliged to comply with its legislation or implement policy measures altogether and hence they are not recognised as refugees or asylum seekers; rather they are considered as undocumented migrants and by law, illegal. The refugees in Malaysia are vulnerable to arrests by the authorities and can be detained or prosecuted under Malaysian law. The refugees in Malaysia are thus provided protection by the United Nations High Commissioner for Refugees (UNHCR) with civil society groups and non-governmental organisations. However, the lack of legal protection often means that these groups also face significant difficulties in helping refugees.

Data released by UNHCR Malaysia showed that by the end of March 2020, there were 179,520 registered refugees and asylum-seekers in the country.¹ The vast majority are from Myanmar with 154,460 registered refugees. 101,580 of them are Rohingya refugees with 22,660 Chins and the rest from other parts of the country. UNHCR also found that most refugees and asylum-seekers tend to reside in urban and semi-urban areas such as Selangor, Kuala Lumpur, Pulau Pinang, and Johor. It is possible that the refugees reside within the general population and often move around to find employment and community support, thus the high concentration in urban and semi-urban areas.

Malaysia's approach to refugees has been inconsistent throughout history. During the mid-1970s, Malaysia granted asylum to Vietnamese and Filipino refugees following conflicts in their own countries. The refugees were housed in camps and provided with necessities. Subsequently, the Vietnamese refugees were then repatriated back to their country when the violence ceases whereas the Filipino refugees got residency permits instead. Then in the 1970s and 1990s where Malaysia plays host to ethnic Chams fleeing Cambodia and Bosnians during the Bosnian War, these groups of refugees were also offered residency in Malaysia. However, the application of these generous refugee policies has been inconsistent, and they are largely dependent on social, economic, and political factors.

Rohingya refugees is a prime example for the claim. The Rohingyas began arriving in Malaysia in the early 1990s. They were not granted residency and are illegal in the eyes of Malaysia immigration law. In 2005, an Attorney General's Circular provide a certain level of protection for

¹ UNHCR Figures at a Glance in Malaysia <<https://www.unhcr.org/en-my/figures-at-a-glance-in-malaysia.html>>

all asylum seekers and refugees registered with UNHCR though without amending Malaysian immigration law. Steps have also been taken to prevent the detention of refugees via establishing online databases of registered refugees. This in theory allows immigration officers to quickly consult UNHCR upon making an arrest and ideally release them as soon as possible. However, refugees continued to be at risk of being detained, arrested, and deported in practice. They are also unable to access public education and proper healthcare. Basic rights are denied to them

With an ongoing pandemic at the time of writing, the Rohingyas are subject to further discrimination with businesses and the country's economy coming to a standstill. Many refugees in the informal sector are not protected with basic social security and being laid off in times like these threatens their existence.

However, even with Malaysia's lack of legal protection for refugees and an inconsistent application of policy measures, this has not deterred refugees from arriving in the country. Thus this paper will look into (a) Malaysia's experiences in dealing with specifically Rohingya refugees, (b) the challenges in hosting the refugees so far, (c) UNHCR methods and ASEAN's role in influencing Malaysia and finally (d) explore policy recommendations and difficulties of local integration of refugees into the community.

MALAYSIA'S EXPERIENCE IN DEALING WITH ROHINGYA REFUGEES

Malaysia has been a labour-importing country throughout history. Migrants from China and the British Empire in the past have contributed to a multiracial country that is Malaysia today (Kaur, 2015). After World War II and a Sino-Malay sectarian violence on May 13, 1969, many Chinese considered to be Communist-sympathisers were "repatriated" back to China. According to Reid, 44% of Malaysian citizens were foreign born but after the May 13 violence only 7% were foreign born in 2000 (Reid, 2010). Temporary migration continues to be so in Malaysia particularly in line with labour market demands. In the 1970s during a time of rapid development in the country, Malaysia experienced a shortage of labours largely persisted in "3D" sectors: "dirty, difficult, and dangerous" (Kaur, 2015; Tedong et al., 2018). At the same time, education levels in Malaysia are also rising in the country, thus ensuring that local workers can move upwards the socio-economic ladder and move towards semi-skilled and skilled labour.

Then as democratic transitions step in and led to the presence of women in the workforce, the number of migrant workers also increase with women joining in the migration (Tuccio, 2017). The latest official estimates suggest that the number of foreign workers is as high as three million. The estimates range widely by different government sources; as of December 2017 the Ministry of Home Affairs (MOHA) released their estimates to be at 1.8 million, 2.26 million by the 2017 Labour Force Survey, and 3.3 million by the Department of Statistics Malaysia (DOSM, 2018). Factors that influenced the wide range of estimates consist of differences in definitions and the unofficial estimates of the total number of foreign workers.

FOREIGN WORKER ESTIMATES AND ITS ASSOCIATED DEFINITIONS (2017)

Agency	MOHA	LFS (DOSM)	Population and Demography (DOSM)
Estimates	1.797 million	2.27 million	3.287 million (estimate of 2018 based on the 2010 census)
Definition	Foreign workers to whom a VP(TE) issued for the given year (VP subject to an annual renewal) (so-called 'registered' foreign workers)	Non-citizen labor force, including irregular foreign workers but excluding tourists or foreign workers who do not reside in households (for example, hostels, labor camps).	People who are not born in Malaysia including children, students, spouses of Malaysian citizens, and expatriates and their dependents.

Fig. 1, Source: Compilation from MOHA, MOHR, and DOSM

The table above (Fig. 1) shows that figures published by MOHA concerns only “legally documented” or “registered” foreign workers. The Labour Force Survey includes a broader coverage but excludes foreign workers on tourists’ visas or those not residing in households. Finally, DOSM Population and Demography estimates covers both regular and irregular workers including high-skilled expatriates and their dependants. Their definition of foreign workers is identified based on “citizenship” and “place of birth”. Unofficial estimates of foreign labour tend to be much higher ranging from 3.4 million to 5.5 million. The Institute of Labour Market Information Analysis (ILMIA) under MOHR estimates the numbers based on foreign workers who have subscribed to the mandatory Foreign Workers Insurance Scheme. This measurement estimates the number of foreign workers in Malaysia by 2016 to be approximately 3.4 million with higher concentrations in urban areas (Fig. 2). Leng and Khor (2018) estimated the number of foreign workers by multiplying the number of those under employment in the Labour Force Survey 2016 by share of foreign workers in that sector identified by the National Employment Returns data (2016). This suggested that the total number of foreign workers in the country could be as high as 5.5 million.

ESTIMATES OF FOREIGN WORKERS DISTRIBUTION BY STATE

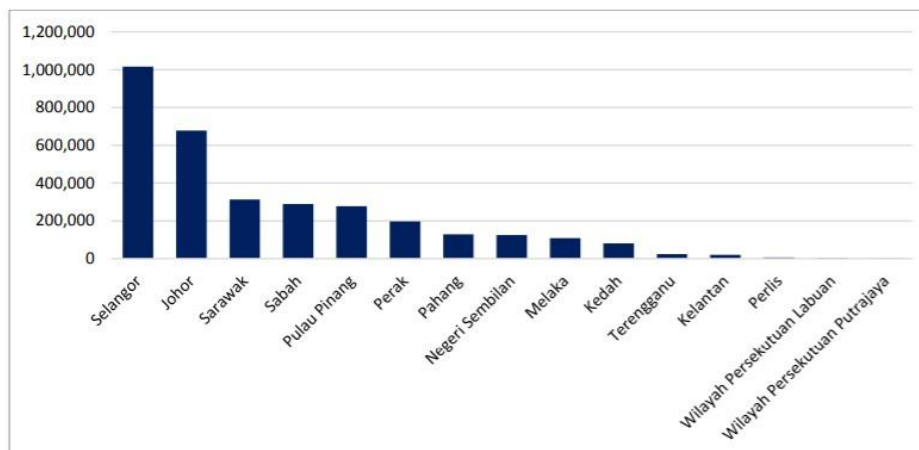


Fig. 2, Source: ILMIA 2018

These figures have shown that migration has been crucial in Malaysia's economic development over the years. Malaysia is the highest net recipient of migrants in Southeast Asia (APHR, 2017) and 70% of the migrant labour comes from ASEAN. An estimate in 2016 puts the figure of undocumented workers in Malaysia at 40% of all foreign workers (Lee and Khor, 2018). Thus, refugees included in the statistics form an integral part of the mixed migration into Malaysia as they fill in the gap for cheap labour in the labour market.

Aids to Rohingya Refugees

Aids to the Rohingyas in Malaysia have been protracted dating back to the early 1990s (Equal Rights Trust, 2014). However, the same report also noted subtle discrimination towards the Rohingyas on grounds of their statelessness and lack of legal protection in Malaysia. Nonetheless, the community is largely tolerated and able to access informal employment compared to other refugee groups in the country. Over the years, work rights and legal identification has not materialised (Nah, 2007) and though pilot programmes have been implemented, the uptake is minimal. Thus, the Rohingyas are a prime example of Malaysia's ongoing tolerance of refugees but without the corollary rights. Though the Rohingyas are also Muslims and has been in the country for an extensive period, lack of desired economic and racial attributes leads to a continuous marginalisation from Malaysian society and commitment to local integration (Azis, 2014). An extract taken from a 2012 report evaluates the implementation of refugee policy in Malaysia,

“Malaysia can be considered as a ‘country of asylum’ only in a loose sense of that concept... While they are generally not at risk of refoulement² or deportation, refugees in Malaysia have been and continue to be at risk of arrest, detention, extortion, and corporal punishment, although the frequency of such incidents has diminished in recent times. Official restrictions prevent refugees from working in the formal sector of the economy, accessing healthcare on the same basis as nationals and attending Malaysian schools.” (Crisp et al., 2012: 1)

Malaysia has constantly considered issuing temporary work permits to enable the Rohingyas to join legal employment in the country with the most recent public announcement in late 2015. However, the process was later halted due to corruption claims (Hoffstaedter, 2015) and political sensitivities among certain local community groups. The tedious paperwork and lengthy process to “whitewash” refugees so that they can join formal labour forces render them at a disadvantage as they are still subject to employment-related abuse, exploitation, non- or partial payment of wages, workplace raids and etc. Refugees have no legal counsel to go to when these incidents happen. They also cannot access proper healthcare and education as it requires children registered with state schools to provide identification. The refugees can only rely on NGOs,

² *Refoulement* is defined as “the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to ersecution.”

UNHCR, and faith-based organisations to set up informal learning centres and provide healthcare.

Lastly, Malaysian law including the Federal Constitution of 1957 and the Malaysian Immigration Act 1959/63 do not recognise refugees and thus are not protected under legal rights to remain in the country. This subjects them to exploitation, detention, and deportation. As Malaysia is a non-signatory country to the 1951 Convention Relating to the Status of Refugees, the state is not obliged to enforce legal policies in relation to refugees. Thus, in such cases, a state will have sovereign right to decide if it wishes to be bound by the dictates of international law or follow its national interests. Sovereignty has been much exercised in Malaysia even in other sectors, most recently the accession from the Rome Statute. However, Malaysia continues to participate, negotiate, and join discussions without the right to vote. Thus far, in both instances it can be argued that Malaysia still requires time to consider the implications in joining a treaty. Joining one not only brings about the legal obligations but also the administrative obligations, and these concerns are such that a state needs to consider when signing a treaty.

CHALLENGES IN HOSTING ROHINGYA REFUGEES

Being a host country to many refugees for an extended period comes with its challenges. This part observes the difficulties that formal sectors encounter in dealing with refugees and how the informal sector then steps up to fill in the gaps. Host communities have an impact on any refugees' experiences. With 179,520 registered refugees and asylum-seekers in Malaysia by the end of March 2020³, Malaysians will have to interact with them daily. Most migrants, both registered and unregistered, live in pockets within cities and towns in mixed neighbourhoods. A report on the livelihood of Rohingya refugees in Malaysia (Wake and Cheung, 2016) found that most refugees interviewed had a positive opinion of Malaysians and acknowledged that the locals have provided some form of support in helping them survive in the country. Employment is the most usual form of support given followed by overcoming bureaucratic restrictions, facilitating access to NGOs and help institutions (UNHCR) and providing direct assistance (e.g. donations in cash, food, or goods). Many refugees appreciated that Malaysians have largely been able to sympathise or empathise with their plight and have tried to make their lives easier here.

Whilst monetary support and charitable donations are much needed by the refugees, nonetheless it is the acts of kindness that they valued and treasured most. In the same report the refugees remembered the support provided by neighbours, landlords, employers, or locals directly connected to the them. These acts of kindness convey peace and stability to the Rohingyas so important to a community that must flee their own country. However, the Rohingya community's engagement with its host community presents challenges. Reports by refugees say that local gangsters target them to extort money and exploit them because they are seen and vulnerable and easy targets. Without legal protection, the refugees usually comply to "stay away from trouble". Most of the refugees are also conscious that they do not feel fully integrated into

³ UNHCR Figures at a Glance in Malaysia <<https://www.unhcr.org/en-my/figures-at-a-glance-in-malaysia.html>>

society if Malaysia's policies towards refugees remain unchanged. Though many of them have managed to make a livelihood in Malaysia, they do not feel belonged and at home. One refugee reported that though they live in a Muslim country that respects their religion, they do not have equal rights here. Thus, the informal structures within local communities can be mutually beneficial and important, host government and associated structural, institutional, and cultural barriers need to be overcome to set up more inclusive refugee policies to protect the Rohingyas.

Without legal status in Malaysia, all refugees are not differentiated from illegal immigrants. Previous administrations have treated refugee influxes as border and security issues falling under the control of the Ministry of Home Affairs (MOHA) and the National Security Council (MKN). Immigration policy and statute failed to mention refugees as a separate nor constitutes them through legal precedence. Thus far, Malaysia's protection towards refugees are neither via legal protection nor subject to international refugee law. The Immigration Act 1959/63 and the Passports Act 1966 are discussed in the following section.

Challenges in Legislation

The Immigration Act (1959/1963) and the Passports Act (1966) does not make any references to either refugees or asylum seekers. The Immigration Act states that persons permitted entry into the country are required to hold a permit or a pass. Those contravening such measures are guilty of an offence against the Act. The Act also allows Malaysian borders to refuse entry for those "unable to show that he has the means of supporting himself and his dependants", with a "mental disorder [...] or suffering from a contagious or infectious disease", "convicted in any country or state of any offence" and etc (Immigration Act, 1959/1963). Any person unlawfully present in the country is subject to removal and may be detained in "any prison, police station, or immigration depot" (Section 34(3)). These statements in the Act are troubling as most refugees are likely to fall under one of those categories and immigration officers including law enforcers can detain and deport them. The Passport Act further allows arrests without a warrant of any person if law enforcers "reasonably believes" that the individual at question has committed or is planning to commit an offence under the Passport Act. The wording "reasonable belief" is subjective and allows different interpretations for the law enforcers.

However, credit must be given to the Malaysian government in trying to expand protection towards refugees in the past. In 2006, when the government attempted to introduce work permits for the Rohingya refugees, Section 55(1) of the Immigration Act came under discussion whereby a consensus was reached and the UNHCR played a more central role in protecting the refugees (Equal Rights Trust, 2014). The Attorney General's Circular in 2005 stipulates,

[...] that all persons of concern who were registered with UNHCR prior to their arrest on immigration grounds should not be prosecuted in court but should be released from all charges pertaining to illegal entry. For those who were registered with UNHCR after their arrest, the relevant court and prosecutor have the discretion whether to release them or not from prosecution and detention. In the meantime, UNHCR will negotiate with authorities for the release of those persons (Malaysian Bar Council, 2008).

Though these measures and further administrative instructions have been issues to avoid detention of asylum seekers who can provide proof of status via registration with the UNHCR

(UNHCR Malaysia, 2015), in practice immigration raids continued and so does the detention of refugees. The People's Volunteer Corp is reported to be particularly zealous in their immigration enforcement (Hoffstaedter, 2014). They are feared by the refugees with the sheer force of their raids and arrests. By 2018, UNHCR Malaysia has carried out over 100 visits to detention facilities to release refugees or register them.

Challenges in Informal Protection and Society

Due to porous borders with Thailand and Indonesia, entering Malaysia is relatively easy. Illegal migrants and refugees alike often enter the country by land, crossing first into Thailand and then smuggled across the border into Malaysia. Some refugees from Muslim countries can gain entry using tourist visas and continued to live in the country after they had overstayed their visas. There have always been different reasons in choosing Malaysia as their destination of choice. It largely boils down to the relative perception of job security and a stable society. Employment is available and propped up by well-developed community support structures with freedom of movement as well.

Discrimination is not usual according to reports from Asylum Access Malaysia largely due to religious or cultural affiliation. However, perceived discrimination towards migrants continued to exist and often leads to subtle discrimination in society. Narratives about migrants threatening Malaysia's way of life and being bringers of disease and crime has a negative impact on the local's perception towards migrant groups. Migrants are also perceived as a threat to job security and public health. Refugees of African origin especially reported prejudicial treatment and find it challenging to secure housing and/or employment (UNHCR Malaysia, 2018c; Asylum Access Malaysia, 2018).

Despite these factors, UNHCR's strong presence especially in Kuala Lumpur provides a strong pulling factor drawing refugees into the country. Palmgren (2013) reports that Rohingya refugees in Thailand moved to Kuala Lumpur cited the well-established UNHCR in the city as a reason. The UNHCR had better access to detention facilities and were able to facilitate releases throughout Malaysia. When compared Malaysia to Bangladesh where restrictions are present in society and its economy, Malaysia is then a more viable option for a temporary living. UNHCR's recognition will also provide a layer of protection where the refugees have never known before.

Then the various small pockets of community groups within the cities have existed for an extensive period of them, so much so that they have created strong and organised groups to protect their own. The Myanmar ethnic groups have been successful in creating effective organisation and local NGOs and CSOs catered to their needs. More established Myanmar-based groups have a constant communication channel with UNHCR on detention problems, child protection, violence issues etc. The groups are essential to the survivors of refugees and migrants alike as they often have ties to employers, more connection with the immigration authorities and communication means with UNHCR throughout the country. The combination of these factors undoubtedly means that refugees will prefer Malaysia to other Southeast Asian countries during the decision-making process.

Nonetheless, continued survival in Malaysia ultimately means that the refugees have to seek employment and healthcare facilities in the long run. Those with dependants will also require

education facilities for their children. Though informal employment opportunities are available throughout the country, legal status is a major problem for many with the language barrier and skill set coming in second and third place (UNHCR, 2016b). Though refugees are supposedly able to access public healthcare facilities, they are required to pay the discounted foreigner rate that prohibits them from seeking medical treatment when needed (UNHCR Malaysia, 2018c). Children are also unable to attend public schools in the country and can only receive education via NGO-supported informal educational centres for both primary and secondary education. Tertiary education is limited to a few universities in the country that has signed memorandums of understanding between UNHCR and the institution itself. Nonetheless, the costs are exorbitant with limited scholarships that prevents refugees from applying. Though informal employment is available, they are vulnerable to abuse and exploitation. Malaysian labour law rules that employers must pay salaries even to “illegal” workers. However, fear of law enforcers often prevents refugees from seeking help.

Resettlement is a limited option though many refugees prefer it (UNHCR, 2016b). During this time, refugees are then faced with (a) waiting for a suitable resettlement place or (b) engage in onward irregular movement. It is understandable that many refugees would opt for the first option as it provides a certain sense of stability whilst hoping for something better to come along. Nonetheless, many will find themselves trapped in limbo. Unable to return home since refugees are classified as “illegal migrants” and potentially suffer prosecution in their own countries, but also stuck in a quasi-permanent settlement that is neither here nor there.

UNHCR RECOMMENDATIONS AND ASEAN IN SHAPING MALAYSIA’S POLICIES

The paper has examined Malaysia’s experience in aiding refugees in particular the Rohingya refugees from Myanmar. It has also discussed upon the challenges as a host country in providing for refugees, the technicalities and administrative difficulties and its legislations in protecting them. This part of the paper examines the role of UNHCR in their recommendations and ASEAN’s influence in shaping Malaysia’s policies when it comes to refugees specifically the Rohingya community.

UNHCR has continuously monitor and change their methods in accordance with their needs. Growing refugee numbers and dwindling resources meant that the current UNHCR requires the support of NGOs and other civil society groups (UNHCR Malaysia, 2018b). UNHCR’s goal is to find durable solutions to allow refugees to rebuild their lives in peace and live in dignity. UNHCR has continuously repeated three solutions open to refugees: voluntary repatriation, local integration, or resettlement to a third country when it is impossible for a refugee to return to their country of origin or remain in the host country.

In considering Rohingya refugees’ state considering the three solutions, repatriation is not possible in their cases. Violation of human rights against the Rohingyas in their home country and their stateless status means that repatriation is not a viable option in the foreseeable future. However, despite the difficulties and limited current options for repatriation, many Rohingya refugees’ wish is to eventually return to Myanmar as they still perceive it as their motherland (Wake & Cheung, 2016). Many Rohingyas understand their reliance on UNHCR and are trap in

a constant state of limbo - negotiating their lives on a short-term basis with limited options to plan and control their future.

Local integration considering the state of the Rohingyas is perceived as a viable and durable solution as repatriation is out of the question and resettlement is limited in its implementation. Though limited rights and freedom are allocated to them in Malaysia, the refugees are still able to survive and thrive in the country. In a way, the Rohingyas in Malaysia by default are “illegal migrants” but they have nonetheless successfully integrated into society. However, Zetter and Long (2012) have argued that some form of *de facto* integration is necessary even when *de jure* integration is not possible. In terms of legal protection and reducing their vulnerabilities to exploitation and abuse, a legal recognition of the Rohingyas as refugees is necessary.

Finally, resettlement to a third country is considered as well since Malaysia does not provide legal protection to the Rohingyas status and in absence of *de jure* integration. Malaysia has one of UNHCR’s largest resettlement programmes surpassing neighbouring Asian and ASEAN countries, having resettled over 100,000 refugees to third countries since 2005 (UNHCR, 2015d). Nonetheless, it is a long and arduous journey with lengthy bureaucratic process. The lack of clarity about the resettlement process without substantive explanations thereafter also deters Rohingyas from pursuing this option in such that there were cases reported of new refugees being resettled quicker compared to the Rohingyas that have been in Malaysia for a longer period of time. It is important to recognise that states agreeing to accept resettled refugees will have a strong influence on determining which refugees and which categories of refugees are prioritised and accepted in the end. Unfortunately for the Rohingyas being predominantly Muslims, UNHCR would assume that local integration into a Muslim country is perceived as a much more durable and viable solution.

Regional advances have mirrored Malaysia’s *ad hoc* approach towards refugees and management. The ASEAN Declaration signed in 1967 establishes an association for regional cooperation among the countries of Southeast Asia. The aims and purposes of ASEAN concerns mainly economic growth, peace and stability of the region, assistance and collaboration in matters of common interest, expand trade especially in agriculture and industries, and maintain a close and beneficial cooperation with existing international and regional organisations. In 2009, ASEAN then establishes the ASEAN Intergovernmental Commission on Human Rights to promote human rights in its ten ASEAN countries. By 2012, the Commission had drafted the ASEAN Human Rights Declaration. The ASEAN Human Rights Declaration reaffirms ASEAN’s principles in its protection of human rights and fundamental freedoms. Under the Civil and Political Rights section, the ASEAN Human Rights Declaration states that

“Every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements” (ASEAN Human Rights Declaration, 2012).

The Declaration was adopted unanimously in Phnom Penh, Cambodia in November 2012 by all ASEAN members and shows a commitment in protecting human rights for the people in the region. However, the Declaration is subsequently criticised by civil societies and international

human rights organisations (i.e. Amnesty International⁴ and Human Rights Watch⁵). The criticisms came about due to failure in consultation with ASEAN civil societies during the drafting process and lack of transparency in the matter. The wording of the 16 principle under the Civil and Political Rights section gives Malaysia the freedom in continuing its *ad hoc* policies towards refugees as Malaysia is not a signatory of either the 1951 UN Convention Relating to the Status of Refugees nor the 1967 Protocol. Thus, the consensus in the Declaration is not legally binding in Malaysia's case.

Though similar establishments for regional security has been created such as the Bali Process, progress is slow for its members to recognise the importance of the principle of *non-refoulement* law and explore more viable temporary migration schemes. It is thus left to the UNHCR, NGOs and civil societies to appeal to member states of the Bali Process to enact policies into their laws. Ultimately, the ideal outcome of the situation is to provide legal aid and status to the Rohingya refugees.

POLICY RECOMMENDATIONS ON LOCAL INTEGRATION AND DIFFICULTIES

The paper now explores refugee management in Malaysia and gives specific attention to Malaysian policy in local integration. It also explores the difficulties and challenges that Malaysia faces in approaching the Rohingya refugee issue. Challenges faced by Malaysia are significant as an *ad hoc* approach to refugee issues, lack of legal status, and protracted situation of the refugees all contribute to a messy situation. Without proper and relevant mechanisms provided by the government, NGOs and human rights groups are crucial in filling the gaps to provide protection to the refugees. Regional measures to support refugee management is also lacking, and individual states have different priorities when addressing refugee issues. Whilst the creation of the ASEAN Human Rights Declaration and the Bali Process are promising, the framework requires time to build up structure and requires its states to be held accountable for their policies.

Nonetheless, some degree of success must also be attributed to Malaysia in response to urban refugee management. ASEAN points its members towards recognising refugees as a humanitarian concern in the region with special attention paid to the Rohingya refugees in Myanmar. The Bali Process instigates conversations to discuss on policies related towards refugees through its Regional Cooperation Framework. With room for improvement, policies implemented need to address (a) factors that are driving refugees to Malaysia and (b) discuss how to improve the chances of refugees towards local integration within the country.

Future policies must be aware of the prolonged situation of refugees in the country and the existing measures established by stakeholders in the past. Understanding regional and national interests and mechanisms that drives refugees into Malaysia is also necessary. Finally, long-term policy initiatives must be built upon such foundations to address these migration issues. For

⁴ Amnesty International. "Civil society rejects flawed ASEAN Human Rights Declaration". Accessed 1 May 2020

⁵ Human Rights Watch. "Civil Society Denounces Adoption of Flawed ASEAN Human Rights Declaration". Accessed 1 May 2020

a start, extensive research needs to be conducted with interviews conducted to individuals in refugee communities to understand their reasons for leaving their home country and deciding to come to Malaysia. Towards the Rohingyas, Malaysia is not their immediate neighbouring country, but they still persevere to come here. Therefore, Malaysia must have some pulling factors whilst other neighbouring countries have pushing factors to drive them into the state.

Further consultations are necessary with civil societies, UNHCR and other UN bodies, NGOs, private sectors and business, educational institutions, refugee community groups, and government organisations. These are all the key stakeholders in respect to necessary refugee issues in terms of informal assistance, informal employment, education, healthcare, and legal protection. Empowering NGOs and CSOs in providing more issue-specific services to the refugees is also important in widening the protection space in the short to medium term. Providing resources to these civil societies and non-governmental organisations is also necessary to allow them to be self-sufficient and help the Rohingyas.

Then regional and global participation is vital to creating refugee policies that will benefit the region. The Malaysian government position in not rushing to sign and ratify the Refugee Convention must be respected and understood. In such, a strengthening of ASEAN's role in relation to human rights on its member states also needs to be done to manage migration within the region and not to overburden emerging economies with massive influx of refugees. It will also ensure regional protection is achieved when member states come up with policies that compliments its neighbouring countries.

As concerns grow in addressing refugee concerns towards Myanmar's Rohingya refugees, humanitarian negotiations are welcome with concrete action to hold Myanmar accountable for its treatment of the Rohingya people. Mechanisms to hold Myanmar accountable also needs to be put into position and more systematic steps need to be made to enhance ASEAN's influence over its member states. More progress like the International Court of Justice ordering Myanmar to not commit any acts of genocide and to prevent the destruction of potential evidence is needed to monitor the situation of the Rohingyas in the country. This should urge ASEAN member states to rethink their stance on humanitarian rights and to help in helping Myanmar solving their humanitarian crisis.

Consultations with private sectors and analysis of the refugees' skills and experience must also be carried out to adapt and utilise in host communities. An analysis of the skills required in the local labour market is also necessary to match the skill sets of the refugees to allow them to be financially independent and secure. Partnerships between government sectors and private sectors can be carried out to understand the concerns of the labour market and explore possibilities for refugees to integrate more fully into society with formal jobs and security. Integration programmes such as language or dialect classes can be implemented to then cope with the language barrier that most refugees face in Malaysia. Capacity building and teamwork exercises can be carried out on at the discretion of the employers to build team spirit with the locals.

Malaysia and ASEAN cannot turn a blind eye to the situation in Myanmar and ignore refugee issues any longer. Impacts of the Rohingya crisis are being felt across the region and will

continue to do so if Myanmar's government refused to acknowledge the root of its problems. It would also be futile if Myanmar refused to be responsible for its problem and expects neighbouring countries to deal with its issue. More accountability towards Myanmar is needed whilst Malaysia needs to understand its role in the international platform to provide humanitarian aid to those in need.

While Malaysia maintains its current policy position on refugees, it must begin to streamline the definition of refugees and allow some leeway for them to work legitimately, as well as proper enforcement procedures relating to arrests and detention. As Malaysia do not deport UNHCR-registered refugees, it would also make sense for the government to have in place a framework for them to work and also meet the Malaysian industries' high demand for 3D workers. However, it should be noted that not all UNHCR refugees ran away from their home countries due to political persecution but merely motivated to make the treacherous travel here for economic reasons. For the latter group, the UNHCR must commit to the Malaysian government that the procedures and background checks must also meet Malaysian requirement before a refugee is registered.

In the midst of the Covid-19 pandemic, refugees face the same challenges as other migrant workers and have been detained, isolated and threatened to be sent home. There have also been mixed views on the handling of these illegal migrants by the authorities but in consideration of the rate of infection among clusters of migrant workers, the government must take stern action to contain the infection and take the opportunity to identify unregistered and illegal migrants in the country.

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