

## REFUGEE DISCOURSE IN MALAYSIA: ISSUES AND CONCERNS FROM HUMAN SECURITY PERSPECTIVE<sup>©</sup> <sup>Σ</sup>

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### ABSTRACT

The influx of illegal immigrants (PATI) [or economic refugees] is one of the non-traditional security issues that has long plagued the Southeast Asian region. Malaysia is no exception. Despite not being a member of any international refugee-related conventions, including the 1951 Refugee Convention and the 1967 Protocol, Malaysia recorded 185,920 registered refugees and asylum seekers until August 2022 (UNHCR 2022). The government has made it an unwritten policy for refugees to be treated on a humanitarian basis. Therefore, this study was designed to explore the issues and concerns of Rohingya refugees in Malaysia from a human security perspective. This research was conducted using qualitative methodology by utilising primary sources from in-depth interviews, direct observation through participation in seminars, and field studies in selected areas in Northern Peninsular Malaysia, particularly in Kedah. The study findings concluded that there are five areas of concern that often-become obstacles to the livelihood of refugees in Malaysia, namely the right to work, education, documentation, security (due to xenophobic sentiments), and healthcare. These areas are fundamental to refugee livelihood; therefore, this research finds that it is timely for the government to formulate a more transparent and proactive policy to deal with this issue effectively.

Keywords: Rohingya refugees, non-traditional security, human security, Malaysia.

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## **WACANA PELARIAN DI MALAYSIA: ISU DAN CABARAN MENURUT PERSPEKTIF KESELAMATAN INSAN**

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### **ABSTRAK**

*Kebanjiran pendatang tanpa izin (PATI) [atau pelarian] adalah salah satu isu keselamatan bukan tradisional yang telah lama melanda rantau Asia Tenggara. Malaysia juga tidak terkecuali. Meskipun Malaysia tidak menjadi ahli bagi mana-mana konvensyen berkaitan pelarian antarabangsa, termasuk Konvensyen Pelarian 1951 dan Protokol 1967, negara ini mempunyai 185,920 pelarian dan pencari suaka berdaftar sehingga Ogos 2022 (UNHCR 2022). Kerajaan telah menjadikan dasar tidak bertulis untuk pelarian dilayan atas dasar kemanusiaan. Oleh itu, kajian ini bermatlamat untuk meneroka isu dan kebimbangan pelarian Rohingya di Malaysia dari perspektif keselamatan insan. Penyelidikan ini dijalankan menggunakan kaedah kualitatif dengan menggunakan sumber primer yang diperoleh daripada temu bual mendalam, pemerhatian secara langsung melalui penyertaan dalam seminar, dan kajian lapangan di kawasan terpilih di Utara Semenanjung Malaysia, khususnya di Kedah. Dapatan kajian merumuskan bahawa terdapat lima aspek kehidupan yang menjadi cabaran kepada kehidupan pelarian di Malaysia iaitu hak untuk bekerja, pendidikan, dokumentasi, keselamatan (akibat sentimen xenofobia), dan penjagaan kesihatan. Bidang-bidang ini adalah asas kepada kehidupan pelarian, justeru hasil kajian ini mendapati sudah tiba masanya bagi pihak kerajaan menggubal dasar yang lebih telus dan proaktif untuk menangani isu ini dengan berkesan.*

**Kata Kunci:** *pelarian Rohingya, keselamatan bukan tradisional, keselamatan insan, Malaysia*

## Introduction

Some individuals are forced to leave their homes daily due to fear of prosecution. They are categorised as refugees, internally displaced people (IDPs), or asylum seekers. Many factors cause an individual to become a refugee. Some become refugees because of economic or climatic factors. In Myanmar, many have been forced to flee from persecution, torture, or being denied human rights. Those who face this situation may be targeted based on their identities, be it religion, race, sexuality, or belief. Meanwhile, millions also have been forced to flee from armed conflict, crisis, violence, or prolonged drought.

The instability of world political and economic conditions, conflicts, crises and wars continues to cause an increase in refugee statistics over time. In the Southeast Asian region, Myanmar's ethnic cleansing policy has forced about 1.5 million Rohingya to leave the country since independence in 1948. Apart from its nearest neighbour, Bangladesh, Malaysia is the prime target destination for the refugees.

In the Malaysian context, by the end of August 2022, approximately 185,920 refugees and asylum seekers were registered with the UNHCR. The statistics comprise 159,190 refugees from Myanmar who were forced to leave their country due to conflict or persecution. The Rohingya ethnic group represents a majority group of 105,710 individuals, 23,430 are from the Chin ethnic group, and another 29,370 are from other ethnicities fleeing the conflict affected areas or fleeing oppression in Myanmar. The remaining 24,630 are either refugees or asylum seekers from 50 countries (UNCHR 2022).

Despite hosting many refugees, Malaysia is not a member state of the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees, including the Immigration Act 1959/63. Thus, all refugees, including the Rohingya ethnic group who hold a United Nations High Commission for Refugees (UNHCR) card, are classified as illegal immigrants (PATI). Treatment of refugees is provided based on the consideration of human factors and on a case-by-case basis. The management mechanism for refugees or illegal immigrants (PATI) (in Malaysia's context) is subject to the direction of the National Security Council (MKN) No. 23, Mechanism for the Management of Illegal Immigrants Holding UNHCR Cards, issued in 2009.

The absence of a holistic legal or administrative framework to manage refugee issues in Malaysia has affected the life and survival of refugees. It has far-reaching implications for the country in the long run. That Malaysia was criticised during the last Round of the UPR session for not signing both conventions is a case in point. Such reports do not bode well for the future of Malaysia. Hence, this study has been specifically designed to identify and suggest comprehensive approaches that can be taken to address the issue of refugees based on comparative study methods on selected countries that offer best practices in this aspect. Set against this backdrop, this research explores and examines the Rohingya refugees' plight in Malaysia from a human security perspective. This research also presents the findings on one of the main contentious issues concerning the refugee discourse in Malaysia: whether or not the state should sign the 1951 Refugee Convention.

### **Situational Context**

As stated earlier, many factors force individuals to become refugees. Some become refugees due to lack or absence of economic or educational opportunities. Many have been forced to flee persecution, torture, or been denied their fundamental human rights. Differences in identity including religion, race, sexuality, and belief have made them the target of oppression. Meanwhile, armed conflict, crisis, violence, or prolonged drought have forced millions more to flee and become refugees.

Unstable global political and economic conditions, conflicts, crises, and wars have contributed to the increase in the number of refugees. In Southeast Asia, inhumane treatment by the military regime in Myanmar has forced about 1.5 million Rohingya ethnics to leave the country since gaining independence in 1948, triggering one of the world's most significant humanitarian crises (Ahsan Ullah 2016). Apart from the neighbouring country, Bangladesh, other countries, such as Malaysia, have been these refugees' main destinations.

Malaysia's status as a non-state party to the 1951 International Convention on Refugees and the 1967 Protocol and the absence of a holistic and structured legal framework has made managing refugee issues in the country extremely difficult. The most notable effect is that refugees have been classified as illegal immigrants or PATI, regardless of their status and category. As a result, they do not have proper access to basic amenities to ensure survival and meet their needs.

### **Literature Review**

For the past five years, research on refugees in Malaysia has grown considerably. This is especially the case in the wake of growing conflict in Myanmar which started in the 1980s and caused an exodus of Rohingyas to the neighbouring countries. Further, after Bangladesh, Malaysia has been an 'unofficial' host of approximately 150,000 Rohingya refugees. Before the Rohingya refugee crisis, Malaysia hosted groups of refugees from Myanmar, the Philippines, Bangsamoro, and Syrians who had to flee from conflicts.

In a study on Rohingya construction workers in Penang, the researchers find that the workers face precarious working conditions despite earning above the poverty threshold and minimum wage (Nungsari, Flanders and Chuah 2020). Their status, as informal workers has not earned them much-needed protection like other formal workers. The ambiguity of 'informal work' exposes them to horrible working conditions, physical abuse, and late salary payment. As a way forward, the researchers argue that refugees should be legalised and protected by giving them the right to work.

Concerning healthcare issues, only limited studies have been conducted in Malaysia. As (Legido-Quigley *et al.* 2020) suggest refugees experiencing forced displacement face several challenges, including financial, legal-political, and sociocultural barriers. These barriers are rooted in the humanitarian stance of the healthcare workers as the primary provider. As such, responding to the healthcare needs of the refugees requires a multisectoral approach and an understanding of the changing variables.

## **Human Security Perspective on the Refugee Issue**

Human security is a concept in security studies that shifts the focus to the individuals instead of the traditional approach of viewing the state as the referent object. In this concept, the state may be the perpetrator that causes threats to individuals. In the Human Development Report 1994, human security is defined as:

a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode in violence, a dissident who was not silenced. Human security is not a concern with weapons-it is a concern with human life and dignity, (UNDP 1994, 34).

Upon its introduction, the proponents of human security include the middle power states such as Canada, Norway, and Japan. As an alternative concept to national security, human security emphasises the people-centred aspects of security and is elaborated into two aspects which are i) safety from chronic threats and ii) protection from sudden and hurtful disruptions in patterns of daily life (UNDP 1994). Put into work, human security is a pragmatic concept that guides policymaking by ensuring that the vital core of human lives is protected (Alkire 2003).

The multi-faceted nature of human security covers aspects beyond national security features. As such, the United Nations has recognised seven elements of threat to be included in the human security framework, which are; 1) economic security, 2) food security, 3) health security, 4) environmental security, 5) personal security, 6) community security, and 7) political security (Human Security Unit [HSU] 2016). Similarly, scholars in International Relations sub-disciplines, particularly the wideners and deepeners of security threats discourses, have categorised these threat elements as non-traditional security issues.

Following these developments, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has added an eighth element: cultural security (UNESCO, 2008). Furthermore, the Bangi Approach to Human Security (BAGHUS) introduces the ninth element, social security (Ramli *et al.* 2012). In practice, implementing human security has to be localised and contextualised with local realities (Ramli *et al.* 2012; HSU 2016). Therefore, the Asian way of embracing human security should not be viewed similarly to the western approaches (Mat and Othman, 2018; Othman, Mat, and Haron, 2018).

## **Methodology**

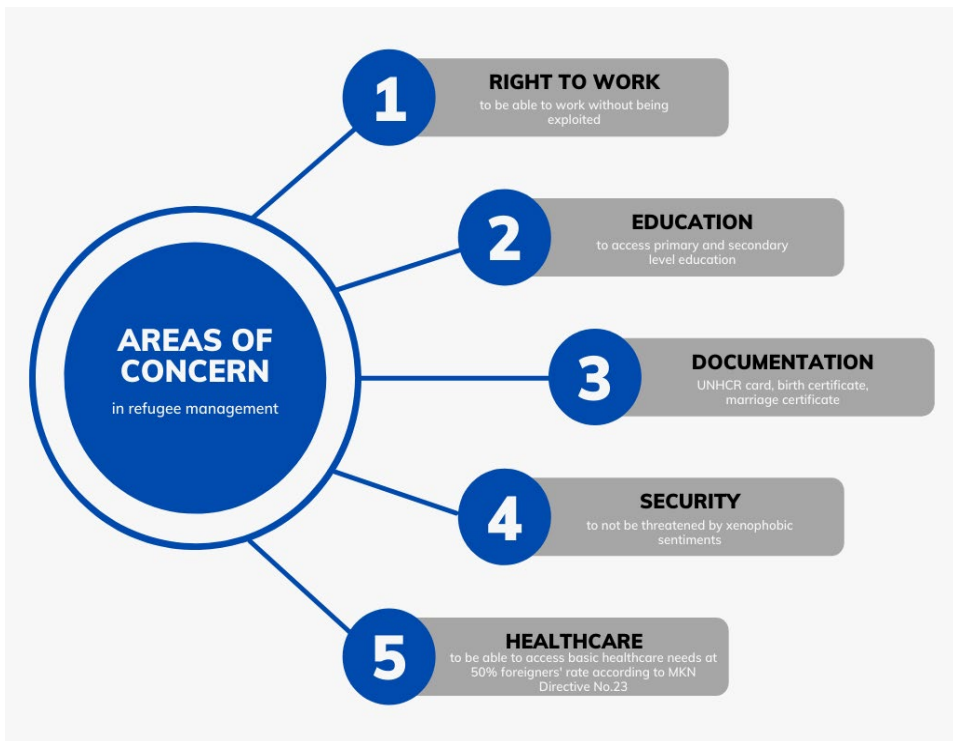
The qualitative paradigm aims to explain the phenomena in-depth from both primary and secondary data. This research has adopted a semi-structured qualitative design, utilising a few data collection strategies such as in-depth interviews, fieldwork, and qualitative content (document) analysis. In total, 11 anonymised informants were selected for in-depth interviews using stratified and purposive sampling involving policymakers, non-governmental organisations (NGOs), community leaders, refugee activists, and academic experts. The sampling selections were based on their involvement in the refugee issue in Malaysia from various standpoints. Primary resources were collected from reports, minutes of meetings, and official government documents. Meanwhile, the secondary resources were used by the researchers for literature review and comparative study of best policy practices.

## Issues and concerns of refugees in Malaysia

Based on previous literature, five areas of concern on refugees' livelihoods have been identified: the right to work, education, documentation, security (due to xenophobic sentiments), and healthcare. These areas are fundamental in refugee management, and seeking improvement. Thus, we focused on the five areas in our in-depth interviews and yet were flexible and cautious about the possibility of emerging new themes.

It is crucial to illustrate how the pandemic has affected the refugees' livelihood in many ways. Firstly, the enforcement has been tightened in the past two years with the implementation of Ops Benteng. Secondly, xenophobic sentiments have become much more salient in social media, particularly following the Gardenia employment debacle wherein Rohingya refugees were reported as potential COVID-19 clusters. Thirdly, the Movement Control Order (MCO) enforcement has impacted the refugees' household income as most rely on informal work or daily wages. Fourth, the MCO period also has disrupted their education as the shift to online classes requires gadgets which the families may not afford. All five areas of concern are summarised in Figure 3.

Figure 1 Issues and concerns of refugees in Malaysia



Source: (created and developed by the Authors 2022)

Several themes have been identified from the primary data. These themes are categorised based on recurring patterns from interview transcripts. The selection of informants from various perspectives has provided us with intricate details of the refugee issue in Malaysia. Although the informants generally agree on all five areas of concern, they have different opinions on which areas to prioritise (See Table 1).

Table 1: Themes from In-Depth Interview: Issues and Concerns

Areas of Concern / Themes	Example
<b>a) Right to work</b>	<p>Migration is a security issue, but industries are all using migrants and refugees for exploitation. <i>Mereka suka sebab</i> [The industries like them because] it is easy to hire and terminate them, (Personal communication with Informant 2, 2021).</p> <p>Can you imagine if there are 120,000 people who can work, and they cannot work and are not working and going nowhere and <i>minta sedekah</i> [begging for money]? Of course, <i>tak kan, dia mesti cari kerja cuma kerja dia sah atau tidak</i> [how to work when their status is not legal], (Personal communication with Informant 9, 2021).</p> <p>There is room to adjust <i>ekonomi kita ni dengan memanfaatkan tenaga yang ada</i> [our economy by utilising the existing human resource]. <i>Yang secara</i> [those who are] legal, <i>diorang menjadi</i> [they are] part of our labour force <i>tetapi kita gunakanlah segala polisi supaya tidak ada penganiayaan kepada pekerja</i> [but we should utilise the existing policies so that there would not be discrimination towards the labours], they should receive the right treatment as <i>pekerjalah</i> [workers], (Personal communication with Informant 1, 2021).</p>
<b>b) Education</b>	<p><i>Tiada haluan yang jelas selepas pendidikan menengah</i> [There is no clear pathway (for the refugee children) after secondary school] (Personal communication with Informant 5, 2021).</p> <p><i>Pendidikan pelarian boleh ditambah baik dengan cara memberikan latihan pendidikan kepada guru, silibus yang standard dan decentralised, fasiliti sekolah dan kerjasama dengan kerajaan yang lebih baik</i> [The refugee's education can be improved by providing them with training for the teachers, decentralised and standardised syllabuses, school facilities and better relations between the schools and the government], (Personal communication with Informant 5, 2021).</p> <p>The government should recognise NGO schools (Personal communication with Informant 2, 2021).</p>
<b>c) Documentation</b>	<p>UN card <i>itu dia punya statusnya hanya kad. secara official nya tidak boleh ditunjukkan untuk apa-apa perkara yang mereka harap boleh dapat; umpamanya boleh dapat bekerja, boleh hantar anak ke sekolah. Dia tak ada yang itu ya. Legally nya tak ada. Dia cuma a dokumen untuk mengatakan ya dia ni orang luar, dan dia ni dipantau di bawah UN</i> [The UN card is just a card. Officially, it cannot be a used as a document for them to get what they hope they can; for example, being able to work, being able to send children to school. It doesn't have that. Legally, it doesn't exist. It is just a document to say that he is (refugee) an outsider, and he is monitored by the UN], (Personal communication with Informant 1, 2021).</p>
<b>d) Security</b>	<i>Kadang-kadang polisi kita ni juga sangat bergantung kepada</i>

<p><b>- Xenophobic sentiments</b></p>	<p><i>desakan-desakan terutama daripada local ni yang tak berapa nak faham isu tu, tapi diorang tak senang dengan kehadiran pelarian ini. Jadi mereka menggunakan saluran-saluran tertentu untuk desak kerajaan bahawa rakyat tak mau, rakyat tak boleh terima diorang, jadi mesti buat sesuatu. Polisi itu mengambil kira sentimen masyarakat, jadi kerajaan ambil tindakan begitu.</i> [Sometimes our policies are influenced by (some) locals who are not well versed on the refugee issue, but they are not at ease with the refugees' presence. So, they use certain channels to push the government with their stand that the citizens do not want the refugees and the government has to respond. Hence the government creates policies based on the sentiments of the communities], (Personal communication with Informant 1, 2021).</p> <p><i>Kita tidak memberi satu kesedaran betul-betul tentang plight of the refugees ini di kalangan masyarakat. Simpati itu ada tetapi untuk nak faham betul-betul bahawa diorang ni stuck, terutama yang sudah jadi citizenless atau sudah hilang warganegara.</i> [We do not have proper awareness about the plight of the refugees in the community. The sympathy is there, but we (the citizens in general) do not understand that these refugees are stuck, especially those who become citizenless or have lost their citizenship] (Personal communication with Informant 1, 2021).</p> <p><i>Adalah lebih baik jika orang awam mengetahui keadaan sebenar kami (Rohingya)</i> [It will be better if the citizens know our reality (the Rohingyas)] (Personal communication with Informant 3, 2021)</p>
<p><b>e) Healthcare</b></p>	<p><i>Berlaku juga hospital itu melaporkan perkara ini kepada imigresen, bahawa ada patient masuk dan tak ada dokumen. Bila tak ada dokumen, sebelum dia discharge imigresen datang</i> [There were incidents where the hospital reported to the immigration that a patient came in and he/she had no document. Since there was no document, immigration officers came before he/she was discharged] (Personal communication with Informant 6, 2021).</p> <p><i>Mereka sangat terbatas keupayaan untuk mendapatkan rawatan tanpa dibebankan dengan harga tinggi, semua foreigners kena bayar tiga kali ganda lebih walaupun datang ke hospital kerajaan</i> [They have very limited chances to get treatment without being burdened with higher fees, which all foreigners have to pay three times more even if they come to a government hospital], (Personal communication with Informant 1, 2021).</p>

Source: (created and compiled by the Authors 2022)

We concur that the five areas of concern in refugees' livelihood should be highlighted to improve refugee-related policies in Malaysia. Currently, there is no single coherent policy, and the mechanism covering all areas of implementation was only done on a case-by-case and ad hoc basis. It is critical for policymakers and law enforcement agencies to understand the plight of protracted refugees and improve existing practices to ensure the fulfilment of human security on both sides, the refugees and the general public.



### a) *Right to work*

The current non-recognition of refugee status places them in a precarious position regarding work rights. However, the refugee community is involved chiefly with everyday work due to the pressure of making ends meet. Informal work is an extension of the informal economy and is often characterised by a lack of job security and daily wages not monitored or taxed by the government:

Can you imagine if 120,000 people can work, and they cannot work and are not working and going nowhere and *minta sedekah* [begging for money]? Of course, *tak kan, dia mesti cari kerja cuma kerja dia sah atau tidak* [how to work when the status is not legal], (Personal communication with Informant 9, 2021).

Migration is a security issue, but industries are all using migrants and refugees for exploitation. *Mereka suka sebab* [The industries like them because] easy to hire, accessible to fire (Personal communication with Informant 2, 2021).

The movement to legalise work among refugees is ongoing on multiple fronts; NGOs, researchers and policymakers. Despite the current provision that allows refugees to work in non-formal sectors in MKN Directive No. 23, they need access to bank accounts. In this light, the attainment of the right to work is crucial to ensure that exploitation is minimised:

There is room to adjust *ekonomi kita ni dengan memanfaatkan tenaga yang ada* [our economy by utilising the existing human resource]. *Yang secara* [those who are] legal, *diorang menjadi* [they are] *part of our labor force tetapi kita gunakanlah segala polisi supaya tidak ada penganiayaan kepada pekerja* [but we should utilise the existing policies so that there will not be discrimination towards the labours], they should receive the right treatment as *pekerjalah* [workers], (Personal communication with Informant 1, 2021).

*Kalau kena gaya di* [If we could] organize *diorang ni* [them] to participate in very well-arranged economic activities *ni, saya rasa dia akan bantu ekonomi kita secara indirectly. They Maknanya* [That means] more people buy and sell, transaction *berlaku* [occurs], *jadi ada* [and so, there is] *growth*, (Personal communication with Informant 3, 2021).

The right to work is critical for the refugees to attain other fundamental aspects such as healthcare and education. As such, the government should focus on this area.

### b) *Education*

Refugees in Malaysia are denied access to formal education in the country. Currently, refugees in Malaysia can attend alternative learning centres (ALC) run and managed by UNHCR, NGOs, and community-based organisations (CBOs) - initiated and led by local Malaysian communities and refugee communities. Data from UNHCR indicates that 128 community-based learning centres offer informal education to the refugees registered under UNHCR in 2017 (UNHCR 2021c). As of 2020, a study found 148 ALCs due to

many new arrivals since 2017, mostly Rohingya refugees (Palik 2020). Only 30% of refugee children are enrolled in UNHCR-funded ALCs, while the remaining 70% attend education programmes provided by CBOs.

Refugee children enrolled in informal education systems through the existing ALCs face many issues and challenges. Few refugee children, especially those from Rohingya families, continue secondary education due to cultural and economic factors. Culturally, female students are married off as early as 11 - 13. In addition, it is considered inappropriate for female adolescents to mingle with boys their age in school. The parents, instead, expect their daughters to help them with house chores at home. Economically, male students have to work to help out their parents due to the pressing needs of their livelihood. In addition, most refugee households lack financial support and the capacity to afford the school fees, leaving the option to withdraw from school as the best option. Second, there is no standardisation in curriculum design offered by ALCs, which later affects the quality of the educational content.

Moreover, the Malaysian government prohibits the ALCs from adapting the national curriculum design and content. The ALC's teachers, which majority are voluntary teachers, therefore, have to develop the curriculum of their ALCs by themselves, based on their limited knowledge and insufficient training related to curriculum design. Third, refugee children lack the motivation to excel in studies and further continue their education at a higher level since they are not allowed to join the formal national educational system. This option is too costly despite the possibility of attending private school and obtaining an IGCSE certificate before entering tertiary education. Most of the children have reached an understanding that there is no point in empowering themselves with education and knowledge as the future direction for them is still bleak:

*Sudah semakin ramai mereka yang lahir di sini, budak-budak ni tak kenal pun negara dia. Jadi kalau kita tidak didik budak ini dengan baik, dia akan jadi burden kepada kita lah kalau dia membesar tanpa pendidikan [More and more children are born here, these children don't even know their country. So, if we do not educate these children well, they will be a burden to us if they grow up without education, (Personal communication with Informant 1, 2021).*

Our informants argue that education is the only way to provide refugee children with essential survival skills while waiting to be resettled in a third country. Thus far, NGOs in Malaysia have been providing refugee education with support from donors and grantees. In other words, the government has externalised the task of providing education to the refugees. A similar educational policy direction has been found in other countries, such as Turkey (Nimer 2020; Fincham 2020).

### ***c) Documentation***

Upon arrival to our shores, the individuals are defined as asylum seekers. The refugee status will only be attained once they undergo refugee status determination (RDS) interviews conducted by UNHCR. If the individuals were cleared during the interviews, they would receive a UNHCR card recognising them as refugees. However, Malaysia's existing laws and mechanisms do not recognise the 'refugee' term and merge them within the category of illegal migrants (*pendatang tanpa izin/PATI*). This clashes with the provisions given within Arahan MKN No. 23 that allows refugees the right of movement.

**Figure 2** The Students at An Alternative Learning Center (ALC) in Sungai Petani

Source: taken by the Authors 2022.

The provisions also include the right to work in the informal sector, a 50% discount on foreigners' fees in government hospitals, and education at ALCs:

*UN card itu dia punya statusnya hanya kad. secara official nya tidak boleh ditunjukkan untuk apa-apa perkara yang mereka harap boleh dapat; umpamanya boleh dapat bekerja, boleh hantar anak ke sekolah. Dia tak ada yang itu ya. Legally nya tak ada. Dia cuma ada dokumen untuk mengatakan yes dia ni orang luar, dan dia ni dipantau di bawah UN [The UN card is just a card. Officially, it cannot be used as a document for them to get what they hope they could; for example, being able to work, being able to send children to school. It doesn't have that. Legally, it doesn't exist. It is just a document to say that he is (refugee) an outsider, and he is monitored by the UN], (Personal communication with Informant 1, 2021).*

From the policymaking point of view, our informant agrees that the unrecognised status of the refugees is a huge stumbling block from fundamental aspects of their lives, such as work and security. The refugees need documentation recognised equally by law enforcers and protected from extortion. Similarly, other forms of documentation are needed, such as marriage and birth certificates.

#### *d) Security*

Informants who are refugees and NGOs have highlighted their concern about xenophobic sentiments, particularly on the rise during the COVID-19 pandemic. This

includes hate speeches on social media and fear among refugee children who have been mocked on their way to school. The lack of understanding between the host community and the refugees is potentially a significant contributor to this matter:

*Kita tidak memberi satu kesedaran betul-betul tentang plight of the refugees ini di kalangan masyarakat. Simpati itu ada tetapi untuk nak faham betul-betul bahawa diorang ni stuck, terutama yang sudah jadi citizenless atau sudah hilang warganegara [We do not have proper awareness about the plight of the refugees in the community. The sympathy is there, but we (the citizens in general) do not understand that these refugees are stuck, especially those who become citizenless or have lost their citizenship] (Personal communication with Informant 1, 2021).*

If left unresolved, the xenophobic sentiment may cause a further crack in the Malaysian community. Previously, the strain between the host community and refugee community has been studied in Bangladesh as the neighbouring country which accepts the most significant number of Rohingya refugees (Kudrat-E-Khuda 2020). Reflecting on this study, we argue that a proper mechanism must be in place for refugee management.

Security concerns also include the underground or informal sectors that occur without government monitoring. This is mentioned by one of our informants:

*Kita tidak mahu negara kita evolve jadi negara yang banyak berlaku di underground, rather on the surface. Once you ada benda berlaku di bawah, it is tough to control [We want our country to avoid getting involved in a country where many things happen underground (illegal) instead of on the surface (legal). Once you have something happening underneath, it is complicated to control] (Personal communication with Informant 1, 2021).*

#### **e) Healthcare**

As stated in the National Security Directive [Arahan Majlis Keselamatan Negara] No.23, the refugees are entitled to 50% of the foreigner's hospitalisation rate. However, our interview has discovered that the implementation could have been more consistent. Most of the time, the refugees are forced to pay the total amount with the assistance of crowd-funders and NGOs. The inconsistency has been detrimental to ensuring adequate access to healthcare among refugees:

*Mereka sangat terbatas keupayaan untuk mendapatkan rawatan tanpa dibebankan dengan harga tinggi, semua foreigners kena bayar tiga kali ganda lebih walaupun datang ke hospital kerajaan [They have very limited chances to get treatment without being burdened with higher fees, which all foreigners must pay three times more even if they come to a government hospital], (Personal communication with Informant 1, 2021).*

In one of the interviews, one informant shared that refugees are afraid of being arrested during hospitalisation:

*Berlaku juga hospital itu melaporkan perkara ini kepada imigresen, bahawa ada patient masuk dan tak ada dokumen. Bila tak ada dokumen, sebelum dia discharge imigresen datang [There have been incidents where the hospital reports to the immigration that a patient has come in and he/she has no document. Since there is no document, immigration officers can come before he/she is discharged] (Personal communication with Informant 6, 2021).*

Aside from that, there is a pressing need for health assessment of asylum seekers upon their arrival within the country, including maternal health and post-traumatic stress disorder (PTSD).

### **On the Signatory Status in Refugee Convention 1951**

Most informants are neutral regarding Malaysian status in the 1951 Refugee Convention. They agree that the ambiguous policy by the Malaysian government has to be rectified but caution that being a signatory does not guarantee that the status quo will change. The reluctance of the government to take responsibility for refugee management and improve their engagement with UNHCR shows that there are still areas which need to be improved:

*Kita memang menggalakkan Malaysia untuk sign, tetapi itu bukan penentu untuk mendapatkan keadilan sosial untuk buruh migran atau refugee. Kita sudah ada framework untuk melaksanakan, termasuk sekolah untuk refugee children get education. And if we sign it, kita membuktikan kepada international donor yang kita ada political will dan mungkin bagi funding untuk kita tambah baik education, perumahan pelarian. [We do encourage Malaysia to sign, but that is not a determinant to get social justice for migrant labour or refugees. We already have a framework to implement, including schools for refugee children to get an education. Furthermore, if we sign it, we prove to international donors that we have the political will and may provide funding to improve education and refugee housing]. So we have to prove that we are ready politically and legally. Nevertheless, we need the moral framework first as a signature, but we can already do it even if we do not sign if you signed it just for symbolic, macam [such as] CEDAW lah, sama dengan [such as] CRC. So, it is not a silver bullet, but it will show the international community yang kita sedia, we are ready to, you know, play an essential role (Personal communication with Informant 2, 2021).*

Another informant argues that being a signatory of the convention will allow the inner workings of refugee management to begin, and this includes calling for neighbouring countries to take responsibility for the refugee crisis and for Myanmar to resolve their internal conflicts:

*Patutnya Malaysia menggambarkan bahawa kita sudah sampai stage kita berperanan ya. 145 negara telahpun menjadi signatory, maknanya banyak, sudah tentu weight menjadi signatory itu besar, dan dengan itu, memudahkan kita berkomunikasi dengan pihak antarabangsa because signatories ni ada akses untuk call for a meeting on refugees, bermakna we can make demands because we are signatories [Malaysia should*

illustrate that we have reached the stage where we have a role to play. One hundred forty-five countries have already become signatories, which means a lot; of course, the weight of being a signatory is enormous. Furthermore, it makes it easier for us to communicate with the international side because these signatories have access to call for a meeting on refugees, which means we can make demands because we are signatories] (Personal communication with informant 1, 2022).

Another informant has provided a different argument that Malaysia should not push to sign the 1951 Refugee Convention but utilise IMM13 within the exemption power of the Home Minister:

There is no need to sign the refugee convention, and there is no need to propose a new law; Malaysia should use the existing legislative and administrative frameworks to create a policy for refugees. I would say that the government should issue an IMM13 permit, but the implementation must be improved (Personal communication with informant 10, 2021)

Aside from the two options of either signing or not signing the refugee convention, eight informants out of 11 have agreed signing is pointless if constructive change does not occur. Despite being neutral on the signatory status, they agree to the need for a proper mechanism.

Building on the discourse, we find that out of the five areas of concern discussed earlier, the right to work and the right to education should be prioritised in government intervention. This is primarily because both aspects create a basis for better livelihood and self-reliance for the refugees. However, other aspects such as healthcare, security, and documentation should be addressed to assist their resettlement or voluntary repatriation. The long waiting time for resettlement is a push factor for the government to intervene properly. That Malaysia's geography and geopolitical aspects unfavourably situate us as the next destination for refugees after Cox Bazar should be cause for concern (Refer to Table 2). Considering these, the government must devise a precise mechanism to address the issues.

### **Conclusion**

As a non-signatory to the 1951 Refugee Convention, Malaysia has played its part as a host country, providing a safer place for the refugees' plights, albeit with limitations and challenges. This research finds that the existing constraints and challenges mainly arise from the fact that Malaysia has long addressed the issue of refugees in ad hoc manner.

The findings of this research reaffirm the existing narrative on refugee discourse in Malaysia. In particular, this research discovers five main areas of concern and issues that often pose obstacles to the livelihood of refugees in Malaysia, which are also significantly related to human security.

The five main areas of concern are the right to work, education, documentation, security, and healthcare. Our research indicates that out of these five areas of concern, the right to work and education should be prioritised in government intervention. Both aspects are crucial for the refugees' self-reliance, which will improve their livelihood. However, the government should also address the other three areas of concern to facilitate and assist refugees' resettlement and voluntary repatriation.

The increasing number of refugees due to the continuous internal conflict and violence in Myanmar, as well as the increased numbers of childbirth of existing refugees in Malaysia, indicate that the ad hoc approach adopted by the government in dealing with refugee issues is unsustainable and needs to be improved cohesively. It is expected to pressure the Malaysian government at national and international levels if left unchecked. Hence, in the long run, the need for a clear and cohesive framework in addressing the issues of refugees in the country is necessary, not later, but now. Furthermore, by having a clear and cohesive framework for addressing and managing refugee issues in Malaysia, the research finds that there is no urgency for the country to sign the 1951 Refugee Convention thus far.

Table 2 Matrix of Main Interview Themes

Themes	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	Remarks (possible solutions)
Right to work	√	√		√			√	√	√	√		Job-skills matching, legalize work
Education	√		√	√	√	√			√			Improvement; teachers' training, syllabus, facilities
Documentation		√		√				√	√	√	√	IMM13
Security	√	√	√	√	√				√		√	
Healthcare		√	√			√			√	√		Expand the implementation of Arahan MKN No.23



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<p><b>Should Malaysia be a signatory in the 1951 Refugee Convention?</b></p>	<p>Y</p>	<p>Y</p>	<p>Y/N</p>	<p>Y/N</p>	<p>Y/N</p>	<p>Y/N</p>	<p>Y/N</p>	<p>Y/N</p>	<p>Y/N</p>	<p>N</p>	<p>Y/N</p>	<p>Y: yes Y/N: neutral N: no</p>
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Source: (created by the Authors 2022).

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