



But when will our turn come?

A review of the implementation  
of UNHCR's urban refugee  
policy in Malaysia

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## Summary

When a UNHCR evaluation team visited a Somali refugee school and community centre in the Malaysian capital of Kuala Lumpur, it found that all of the children and young people there had large pieces of paper pinned to their clothing, bearing a variety of different messages. One of them read: “Thanks UNHCR for visiting our refugee education centre. But when will our turn come?” Another stated: “We are Somali refugee children. We have very few opportunities here. Please help us resettle in a third country. Thanks UNHCR, thanks UNHCR, thanks UNHCR.”

These brief slogans provide an appropriate starting point for this report, as they capture very graphically the main preoccupations of refugees who are living in urban areas of Malaysia: first, their inability to establish a secure and long-term future for themselves there; second, their eager quest to be admitted to another country where such opportunities would be available to them; and third, a firm belief that UNHCR is the only organization that can deliver such outcomes.

Somalis represent just a small proportion of the 100,000 refugees and asylum seekers living in Malaysia. The majority of this number originate from Myanmar and most have taken up residence in urban areas such as Kuala Lumpur and Penang. The situation of this substantial urban refugee population is in all respects a very difficult one. Malaysia does not have a legal framework governing refugee and asylum issues. Persons of concern to UNHCR are technically considered to be irregular migrants, an even larger number of whom are also to be found in the country. In this respect, Malaysia can be considered as a ‘country of asylum’ only in a loose sense of that concept.

### **Protection gaps**

While they are generally not at risk of refoulement 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.

UNHCR’s ability to fill these protection gaps is very limited. While the organization has a substantial office in Kuala Lumpur, its capacity and resources have not kept pace with the growing size and needs of the refugee population. UNHCR does not have any formal agreement with the Malaysian authorities, nor does it have a designated counterpart in the country’s administration.

Despite these many difficulties, the protection space available to UNHCR and to Malaysia’s urban refugee population has experienced a modest expansion in the past three years. This positive development derives from a number of related factors, including changes in

government, a growing sensitivity to international opinion and an eagerness for Malaysia to be perceived as a democratic, diverse and economically successful state.

### **Key constraints**

The operational and advocacy activities of UNHCR and its partners, both national and international, have also played a significant role in addressing (and to a limited extent alleviating) the plight of Malaysia's refugee population. And while this achievement cannot be attributed directly to the introduction of UNHCR's 2009 policy on refugee protection and solutions in urban areas, the policy has played an important role in validating the strategy that was already being pursued by the organization's office in Kuala Lumpur.

Even so, UNHCR's recent experience in Malaysia highlights a number of the constraints that confront the organization in its efforts to implement the new urban refugee policy.

First, that policy is based on the principle of state responsibility. "In urban as in other contexts," the document asserts, "national and local authorities have a primary role to play in providing refugees with protection, solutions and assistance. UNHCR will encourage all states to exercise this responsibility through its advocacy efforts."

In Malaysia, such advocacy efforts have not yet succeeded in persuading the authorities to assume a more substantial role in relation to refugee issues, and UNHCR has consequently been obliged to assume responsibility for a wide variety of functions, including registration, status determination, documentation and detention monitoring, best interest determination for children, as well as assistance in the areas of health, education, livelihoods and the search for solutions.

Second, the policy states that "a key component of UNHCR's work in urban areas is that of partnership, requiring the Office to establish effective working relationships with a wide range of different stakeholders." Operationalizing such an approach in the Malaysian context is also an uphill struggle, given that international NGOs are not allowed to function in the country, national NGOs lack appropriate capacity and the UN country team has generally not taken a keen interest in humanitarian issues.

A third principle which underpins the new policy is that "UNHCR's approach in urban settings will be community-based." "In accordance with this principle," it states, "the Office will strive to mobilize and capacitate the refugee population, so as to preserve and promote their dignity, self-esteem, productive and creative potential."

In these respects, some important gains have been made in Malaysia. Benefiting from the fact that many of the country's different refugee communities have established their own associations, UNHCR has been able to support and make effective use of this institutional network, involving refugee groups in a wide range of different activities, including the registration of refugees and asylum seekers, the dissemination of information about detention and other protection problems, the implementation of livelihoods and self-help projects as well as the establishment of refugee schools.

There are, however, some risks associated with this approach: the risk that well organized refugee communities will have better access to services and resources than those which have not been able to establish strong associations; the risk that the leaders of such associations will not be representative of their community and that they will be able to misuse and manipulate their authority; and the risk that the poorest, most vulnerable and marginalized refugees, including those living outside cities, will have no or very weak links to such groups.

While UNHCR has sought to address such issues by means of numerous training, capacity-building and outreach initiatives, the resources devoted to such activities have been limited in relation to the growing size, diverse character and scattered nature of Malaysia's refugee population.

This limitation is closely linked to a fourth constraint that has confronted UNHCR in Malaysia: the funding and personnel available to the organization's Kuala Lumpur office. When the new urban refugee policy was introduced in 2009, the offices charged with its implementation did not receive dedicated resources for that purpose, nor were they provided with additional staff. At the same time, UNHCR's regulations concerning local fund-raising have limited the extent to which the office has been able to take advantage of Malaysia's prosperity and its potential for resource mobilization.

To its credit, the UNHCR office in Malaysia has found creative ways of augmenting its capacity, not only by engaging with refugee community organizations but also by establishing an innovative volunteer programme, by making effective use of legal interns, by building up an auxiliary workforce consisting of people who are not employed on UNHCR contracts, and by recruiting some particularly well-qualified and highly motivated national staff.

A fifth and final constraint confronting UNHCR in Malaysia is related to the provision of the new urban refugee policy which states that "as in any other context, UNHCR's activities in urban areas will be oriented towards the early attainment of durable solutions for all refugees. A comprehensive approach will be adopted, recognizing that different refugees may benefit from different solutions." In Malaysia, however, there are no solutions in sight for the majority of refugees, even in the medium or longer term.

### **The search for solutions**

Most of the country's refugees originate from states which are characterized by protracted armed conflicts and human rights violations, ruling out any immediate prospects of voluntary repatriation movements. The local integration of refugees in Malaysia has been ruled out by the authorities, leaving refugees with only two real options: first, to wait for a resettlement place, while doing the best to make ends meet and to access the limited services provided by UNHCR, its local partners and their own community associations; or second, to move on from Malaysia in an irregular manner in the hope of being admitted to another country.

While the first of these options can take several years, the latter is extremely hazardous. As the Sydney Morning Herald reported on 3 February 2012:

The Malaysian government says the deaths of at least nine asylum seekers who drowned while trying to make it to Australia highlights the need for international cooperation in combating people smuggling. The authorities have recovered the bodies of nine asylum seekers who drowned when the vessel, which was carrying Afghan and Iraqi men, capsized off the coast of southern Malaysia. Another 18 people were rescued but it remains unclear how many were aboard the vessel when it sank.

Sadly, further tragedies of this type cannot be ruled out. For refugees who are living in Malaysia with very limited rights, who are prevented from remaining there on a legal basis, who are unable to return to their country of origin and who are confronted with the prospect of waiting several years for resettlement, then embarking on an overcrowded boat provided by unscrupulous human smugglers might be a risk worth taking.

## **Recommendations**

The evaluation team was impressed by the way in which UNHCR is striving to implement its urban refugee policy in Malaysia, particularly in view of the many different constraints with which the Kuala Lumpur office is confronted. Most of the following recommendations consequently entail a continuation and strengthening of the strategies that were already being pursued by the office at the time of the evaluation.

- UNHCR should persist with its advocacy efforts in relation to the issuance of official work and residence permits for refugees in Malaysia;
- UNHCR should strive to manage the resettlement expectations of Malaysia's refugees, given the imbalance between the supply and demand for resettlement places;
- UNHCR should continue to promote a public discourse on refugee issues in Malaysia, drawing attention to the fact that many have no immediate prospect of finding a durable solution;
- UNHCR should strive to ensure that the recent progress made in relation to the protection space available to refugees is institutionalized in law, policy and practice;
- UNHCR should review the financial and human resources available to the organization's office in Malaysia in light of the demands being made upon it;
- UNHCR should ensure that the facilities available to refugees, asylum seekers and staff members in Kuala Lumpur are consistent with the organization's urban refugee policy;
- UNHCR should review the registration and RSD arrangements that have been established in Malaysia so as to ensure that these functions are undertaken in a timely and equitable manner;
- UNHCR should persist with its efforts to diminish the extent to which refugees and asylum seekers are detained and to improve the conditions of detention;

- UNHCR should ensure that details of the Community Development Unit are communicated to offices in other countries with substantial numbers of refugees in urban areas;
- UNHCR should persist with its efforts to ensure that refugee community organizations in Malaysia function in a professional, transparent and honest manner;
- UNHCR should promote activities which engender a sense of solidarity amongst the different refugee communities in Malaysia;
- UNHCR should undertake a systematic study of the results and impact of the Social Protection Fund.



## Introduction to the review

1. At his Dialogue on Protection Challenges in December 2009, the UN High Commissioner for Refugees made a commitment to undertake a series of evaluations that would review the implementation of UNHCR's new policy on refugee protection and solutions in urban areas. The countries subsequently selected for these evaluations were Bulgaria, Costa Rica, Kenya, Malaysia and Tajikistan. This review, which focuses on Malaysia, is the final evaluation in the series.
2. As well as examining the challenges and opportunities involved in the implementation of UNHCR's new urban refugee policy, these evaluations have sought to document lessons learned and to identify effective practices that are of relevance to UNHCR's programmes in other urban contexts. The findings and recommendations of these reviews are also being used as a basis for the preparation of training materials for UNHCR and partner staff.
3. The Malaysia evaluation was undertaken by the Head of UNHCR's Policy Development and Evaluation Service, together with a staff member from UNHCR's Tokyo office and an independent consultant, both of whom had previous experience in relation to urban refugee issues. The team carried out an extensive review of programme documents and other relevant literature and undertook a 10-day mission to Malaysia, where they visited Kuala Lumpur, a number of sites in the surrounding Klang Valley and the city of Penang.
4. During its mission the team held discussions with UNHCR staff members, NGO and civil society representatives, the security services and other relevant stakeholders. The team also carried out informal interviews and focus group discussions with refugees and asylum seekers in their communities and homes. The mission included numerous visits to refugee schools, livelihoods programmes, community centres, medical facilities and a detention centre. National UNHCR staff members and refugees provided translation when needed.
5. The refugee and asylum seeker population in Malaysia is diverse and geographically dispersed. Efforts were consequently made to speak with refugees from most national and ethnic communities, although due to time constraints it was not possible to meet them all. Nor was the team able to visit all of the many areas of Malaysia where refugees are known to be residing.
6. The review was conducted in accordance with UNHCR's Evaluation Policy and the UN Evaluation Group's Norms and Standards for Evaluation in the UN system. The evaluation team consisted of two females and one male, and in the course of its mission, the team made particular efforts to interact with a cross-section of refugee women, men, children and youth, including those with disabilities and other specific protection needs. Such efforts cannot, however, guarantee that the sample of refugees encountered by the evaluation team was necessarily representative. Due to some unfortunate delays in the finalization of this report, the review does not take account of developments in Malaysia since mid-2011.

7. The evaluation team would like to thank all of the many people who contributed to the review, especially staff in the UNHCR Office in Kuala Lumpur, who facilitated the evaluation process by ensuring access to key interlocutors and relevant information. Stine Paus, Associate Community Services Officer in the Kuala Lumpur Office, acted as focal point for the evaluation team and deserves special recognition for the superb support that she provided throughout the mission.

## The operational environment

8. Malaysia is home to one of the largest urban refugee populations in the world. As of mid-2011, more than 94,000 refugees and asylum seekers were registered with UNHCR in Malaysia, with many more (at least 10,000) not yet registered. The 2011 figure is more than double the number recorded in 2005, a rapid and substantial increase that can be accounted for by the number of new arrivals entering the country and by UNHCR's successful recent efforts to register the refugee population.

9. The majority of registered refugees (over 90 per cent) are from the predominantly Buddhist country of Myanmar, most of them ethnic Chin (a Christian minority) and Rohingya (a Muslim minority). The refugee population also includes nationals of Sri Lanka (four per cent), Somalia (one per cent), Afghanistan and Iraq (under one per cent each), as well as a range of other nationalities. Malaysia's refugee population is approximately 70 per male and 30 per cent female, a balance that appears to be changing as a growing number of Rohingya women arrive in the country to join their husbands or get married. Children represent around 20 per cent of the total refugee population with under 6-year olds five per cent.

10. Due to continued strife in their countries of origin, as well as the relative safety and wage-earning opportunities that are available in Malaysia, persons of concern to UNHCR continue to arrive in Malaysia – some 15,000 people per year, according to current estimates. Voluntary repatriation is an unlikely early prospect for the vast majority of refugees in Malaysia, except for a small number of Sri Lankan Tamils who are beginning to return to their own country on a limited scale.

11. In addition to its refugees and asylum seekers, Malaysia accommodates an estimated three or four million foreign migrants, up to half of them irregular and undocumented. The majority of these migrants also come from Myanmar. A middle-income country with a healthy economy, Malaysia relies to a significant extent on their labour, particularly in the construction, plantation and hospitality industries. These are also the sectors in which many refugees have been able to find work, albeit of a casual and sometimes exploitative nature.

12. Refugees (except for the Somalis, who find it very difficult to get a job) usually earn between 60 to 70 per cent of the wages paid to Malaysians for similar work. Through its Employment Services Team, the UNHCR office in Kuala Lumpur is able to arrange jobs with employers who need additional labour and also to ensure that the refugees who accept such jobs are treated in a fair manner.

### **Refugee locations**

13. There are no refugee camps in Malaysia. Up to 90 per cent of the people of concern to UNHCR are thought to reside in Kuala Lumpur and the adjacent Klang Valley, with significant populations also to be found in the cities of Penang and Johor. Smaller pockets of refugees are to be found throughout the country.

14. Refugees from Myanmar generally enter the country by land from Thailand or by boat from Bangladesh, while those from Somalia and the Middle East have usually arrived by plane, where their entry has been facilitated by Malaysia's traditionally liberal visa regime for citizens of Muslim countries. Once they have entered the country, refugees in Kuala Lumpur and other urban centres tend to cluster together by nationality and ethnicity. Those refugees who find work on agricultural plantations often live in 'jungle sites', where they erect makeshift huts made of timber, plastic sheeting and unwanted construction materials.

15. Malaysia's refugee population appears to be quite mobile, with some of its members engaged in a constant search for locations which offer relatively good employment opportunities and a relatively low cost of living. An important consequence of this trend is that a growing number of refugees and asylum seekers seem likely to end up in locations where it is difficult for them to access UNHCR's Kuala Lumpur office for purposes such as registration, status determination and protection support.

16. Penang, for example, has established a reputation as a place where work can be found reasonably easily, where the cost of living is lower than in Kuala Lumpur, and where the local population and authorities are relatively relaxed about the presence of foreign nationals. While this has attracted a growing number of refugees to the city, UNHCR does not have a presence there and is obliged to monitor the situation by means of brief missions from the capital city, a five hour drive away.

### **The historical and legal background**

17. Refugee influxes are by no means a new phenomenon for Malaysia. The country hosted a large number of Indo-Chinese refugees throughout much of the 1980s and 1990s, a situation that came to an end with the introduction of the Comprehensive Plan of Action (CPA).

18. The CPA was intended to reduce the burden on countries of first asylum in South-East Asia by means of resettlement to third countries for those whose asylum claims were accepted, and through repatriation to Cambodia and Viet Nam for those who did not qualify for refugee status. In 1996, with the closure of the Sungei Besi camp, Malaysia became the first country in the region to end its involvement with the Indo-Chinese refugee situation.

19. According to one commentator, the more recent arrival of refugees and asylum seekers in Malaysia has taken place in a protection environment which is "one of the most challenging in the region."<sup>1</sup> Despite its longstanding involvement in refugee affairs, Malaysia (like a number of other South-East Asian countries) is not a signatory to the 1951 UN Refugee Convention or its 1967 Protocol and does not have a formal cooperation agreement with UNHCR. Nor does the country have any national refugee legislation or formal asylum policy.

20. Since the closure of the Indo-Chinese programme, refugee issues in Malaysia have been largely addressed within the framework of national security and immigration control. Technically regarded as 'illegal migrants', the country's growing number of refugees and

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<sup>1</sup> Martin Jones, 'Moving beyond protection space: developing a law of asylum in South-East Asia', paper prepared for a conference on 'Refugees and the Refugee Convention 60 years on', Prato, Italy, May 2011.

asylum seekers have in recent years run the risk of being arrested, subjected to extortion by the security services, held in immigration detention centres and sentenced to corporal punishment.

21. A volunteer force known as RELA has played a particularly active role in the arrest and detention of foreign nationals, and while it seems to have ceased such activities, it continues to be regarded with great apprehension by refugees and asylum seekers. Only recently has UNHCR been given regular access to the country's immigration detention centres, where conditions are generally recognized to be worse than in regular prisons.

22. As they are considered to be in the country illegally, Malaysia's refugees are not provided with work or residence permits although they can normally obtain birth certificates for newborn children. They cannot attend state schools, do not have equitable access to public healthcare facilities and are unable to obtain driving or trading licences.

23. Malaysia considers the task of providing refugees with protection, assistance and solutions to be the responsibility of the international community in general, and UNHCR in particular, rather than that of the state. While refugees and asylum seekers are tolerated, it is on the clear condition that UNHCR provides any resources and services associated with their presence.

24. Senior UNHCR staff in Malaysia state that the financial and human resources available to the Branch Office are not commensurate with the degree of responsibility that the organization has been obliged to assume. In this respect, they point to the fact (a) that the refugee population has been growing at a rapid rate; (b) that the country was designated as a 'pilot site' for the introduction of UNHCR's new urban refugee policy; (c) that international NGOs are not permitted to operate in the country, while the national NGOs engaged in refugee matters are limited in their capacity and highly dependent on UNHCR support; and (d) that the engagement of the UN Country Team with refugee and asylum issues has been very limited.

### **Community relations**

25. The Malaysian population appears to be largely unaware of the refugees' presence and particular plight, a common attitude being to regard them in the same terms as the country's much larger number of irregular migrants. Contact between refugees and the local population is generally limited, and takes place primarily when refugees try to rent accommodation or seek employment. This situation is reinforced by the fact that the authorities tolerate refugee employment only in low-visibility locations such as construction sites and plantations and not in the service sector.

26. Refugees in urban areas of Malaysia are generally not subjected to targeted violence by local residents, although the evaluation team heard several reports of harassment and bullying, sometimes perpetrated by young people. In areas where large numbers of refugees have congregated, Malaysians have protested about the noise created by refugee schools, as well as the alleged hygiene risks associated with the presence of irregular foreign nationals. UNHCR staff acknowledge the need to take such concerns seriously, recognizing that persons of concern to the organization have been known to engage in anti-social forms of behaviour.

27. While the legal and social status of refugees in Malaysia remains very weak, they benefit to some extent from the pragmatic attitude of the country's government and people. In a growing economy and diverse society, there is a degree of tolerance for foreign nationals who provide the country with cheap and unregulated labour, doing jobs that Malaysians regard as too dangerous, demanding and poorly paid.

28. At the same time, refugees are undoubtedly subject to discrimination, xenophobia and racism, with Somalis being the most seriously affected. Even the Rohingya, who originate from a nearby country and who share some elements of their culture with Malaysia, are acutely aware of the prejudice against them. "We might be the same religion as the local people," a young refugee man told the evaluation team, "but we are different. We are Muslims but we are not Malaysians."

## Protection space and resettlement

29. Between 2008 and 2010, mounting international concern was expressed about the human rights violations experienced by refugees, asylum seekers and irregular migrants in Malaysia, manifested in a series of highly critical reports. The title of one Amnesty International publication, 'Abused and abandoned: refugees denied rights in Malaysia', neatly summarizes both the tone and the content of these publications.<sup>2</sup>

30. Such concerns remain. In February 2011, for example, a UNHCR document presented a similar but more somewhat less emotive analysis. "The Malaysian government", it said, "maintains a de facto policy of arrest, detention and deportation in order to reduce and deter the population of undocumented migrants, which under Malaysian law includes asylum seekers and refugees." Such people, the document asserts, "continue to be arrested in large numbers."<sup>3</sup>

31. At the same time, there is a broad consensus amongst humanitarian and human rights organizations that the country's treatment of refugees is slowly but steadily improving. Thus in April 2011, for example, one normally critical NGO went so far as to say that "Malaysia has taken significant steps forward in improving refugee rights in the past year."<sup>4</sup>

32. A number of factors have contributed to this outcome. Following the Malaysian elections of 2009, a new Prime Minister and cabinet was appointed, while the former opposition party assumed power in a number of states. One of the incoming administration's priorities was to counter the international criticism of its human rights record, including a well-publicized claim by one organization which described Malaysia as "one of the worst five countries in the world in which to be a refugee."<sup>5</sup> Advocacy efforts by UNHCR, its national partners and interested states outside the region (especially the USA, which issued a particularly critical report on human trafficking in Malaysia in 2009) also played an important part in encouraging the country to reconsider its immigration and asylum practices, if not its legislation.<sup>6</sup>

### Detention and deportation

33. Perhaps the most positive development with regard to the protection space available to Malaysia's refugees and asylum seekers has been a significant decrease in the number arrested

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<sup>2</sup> 'Abandoned and abused: refugees denied rights in Malaysia', Amnesty International, June 2010. See also: 'Undocumented migrants and refugees in Malaysia: raids, detention and discrimination', International Federation for Human Rights, March 2008; 'Trapped in a cycle of flight: stateless Rohingya in Malaysia', The Equal Rights Trust, January 2010; 'Between a rock and a hard place: Afghan refugees and asylum seekers in Malaysia', Health Equity Initiatives, June 2010.

<sup>3</sup> 'Update on implementation of UNHCR's urban refugee policy', February 2011. Between 2005 and 2008, well over 200,000 foreign nationals were detained.

<sup>4</sup> 'Malaysia: invest in solutions for refugees', Refugees International, April 2011.

<sup>5</sup> 2007 *World Refugee Survey*, US Committee for Refugees and Immigrants.

<sup>6</sup> 'Trafficking and extortion of Burmese migrants in Malaysia and southern Thailand', US Senate Committee on Foreign Relations', April 2009.

and held in detention over the past two years. At the same time, greater official recognition has been given to the documentation that UNHCR issues to its clients. As one refugee in Penang said to the evaluation team, “how could I survive without a UNHCR card? It stops me from being arrested. It helps me to find work, and I can use it to get cheaper treatment at the hospital.”

34. When refugees and asylum seekers are stopped on the street, they are now often released, sometimes on the spot or after they have been detained and their status has been verified with UNHCR. Taking advantage of the improved access it has gained to Malaysia’s immigration detention centres, in 2009 and 2010, UNHCR successfully negotiated the release of just under 9,000 people.

35. Some officials readily acknowledge the anomalous nature of this situation, noting that there is little point in the authorities devoting their resources to the arrest and detention of people who are subsequently released without charge. But others justify the continued detention of foreign nationals, arguing that significant numbers of irregular migrants have been able to acquire forged UNHCR documents, and that security considerations consequently require the authorities to apprehend foreign nationals.

36. According to many interlocutors, such continued arrests are motivated by the financial interests of individual police and immigration officers, who are prepared to allow the early release of detainees in exchange for a cash payment. But many refugees are unable to afford such bribes.

37. When, for example, the evaluation team visited one immigration detention centre, it encountered an elderly Rohingya woman and her 13 year-old grand-daughter, who had recently arrived from Myanmar and who were arrested on a bus while making their way to Kuala Lumpur, where the woman’s son was already living and registered with UNHCR. For them, the only alternative was to bide their time while UNHCR made the necessary representations for their release.

### **Positives and negatives**

38. Despite the continued issue of arrest and detention, the protection space for refugees in Malaysia has been maintained and modestly expanded in recent times. First, since July 2009 there have been no recorded incidents of deportation at Malaysia’s land border with Thailand, the route most frequently used by people travelling from Myanmar. Second, while the Rohingya continue to be at serious risk of trafficking and forced labour in Thailand, particularly in the fishing industry, they are less affected by such human rights abuses once they have reached Malaysia. Third, while around 60,000 refugees in Malaysia are thought to be working on an irregular basis, and although their places of employment are often well known to the authorities, the security services usually turn a blind eye to this situation.

39. This is not to suggest that refugees in Malaysia enjoy anything like an adequate degree of protection space. They experience constant anxiety because of the continued threat of arrest and detention. They struggle to make ends meet as a result of their exclusion from the formal economy and the high cost of living in the country’s urban centres. They have very limited

access to the services that are available to Malaysian citizens. And they have little idea what the future holds for them and their children.

40. While this situation does not seem very likely to change in the immediate future for many of Malaysia's refugees, it should be noted that the authorities have expressed an interest in enabling the Rohingya and other Muslims from Myanmar to regularize their status through the acquisition of work and residence permits.

41. While this proposal has not been put into effect, the evaluation team considers that the establishment of an agreement on this matter should be at the very top of UNHCR's advocacy agenda in Kuala Lumpur, Geneva and other relevant locations. Providing work and residence permits to the Rohingya would not resolve the refugee situation in Malaysia. But it would enable a significant number of refugees to live a more secure and dignified life; limit the demand for resettlement amongst the Rohingya refugees and at the same time facilitate their eventual return to Myanmar, should the political situation in that country evolve in a positive direction.

42. Similar conclusions have been reached by the NGO Refugees International, which wisely states that:

It is in the interests of the government of Malaysia to implement a residence and work permit scheme for refugees. Malaysian employers seek migrant workers from abroad, but there is already a source of workers from the refugee community in the country. Setting up residence and work permit schemes that include a path to permanent residence for refugees would solve many of Malaysia's labour needs and would allow the government to benefit economically from taxation and money transfer fees. The current system encourages corruption by officials and exploitation by employers, but a new system would reduce people-trafficking and smuggling, enhance Malaysia security, enable the government to know who is on its territory and improve Malaysia's image with the international community.<sup>7</sup>

## **Resettlement**

43. The continued inability of the Rohingya to regularize their status in Malaysia has prompted a significant reorientation of UNHCR's approach to the refugee situation in that country. Throughout the 2000s, the organization's strategy was based on the assumption that resettlement was the most appropriate solution for the Myanmar Chin population (largely Christian and recent arrivals to the country), whereas the longer-established Rohingya Muslim community was better suited to local integration.

44. This differentiated (and arguably inequitable) approach was effectively abandoned by at the end of the decade, when a senior UNHCR protection official concluded that "it has become untenable to justify different protection services and access to resettlement for only some of the Myanmar refugees and not others, which is resulting in accusations by refugee groups and

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<sup>7</sup> Refugees International, 'Malaysia: invest in solutions for refugees', April 2011

NGOs of preferential treatment based on religious and ethnic grounds."<sup>8</sup> Even so, the report warned that "we should not assume that all Rohingya refugees are interested in the resettlement solution. Many have family links in the Middle East. They have no links in resettlement countries and would prefer to stay in an environment where they can more easily adapt. No survey has been undertaken in this respect."

45. While the evaluation mission was not able to undertake such a survey during its time in Malaysia, the team concluded from its interviews that the majority of the Rohingya - along with the majority of people from other refugee communities - now regard resettlement as the only viable durable solutions option for them.

46. Such aspirations are undoubtedly fuelled by the fact many of the refugees in Malaysia, whether they originate from Afghanistan, Iraq, Myanmar or Sri Lanka, are well connected to (and wish to reunite with) other members of their diasporas, particularly in North America and Australia. The reality of the situation, however, is that the supply of resettlement places in Malaysia (there were 7,300 departures in 2009 and just under 8,000 in 2010) is much smaller than the growing demand for them, meaning that most of the country's refugees will be obliged to wait a considerable amount of time before they have any chance of benefiting from this solution.

47. This situation reinforces the need for UNHCR to continue with its efforts to secure work and residence permits for Malaysia's refugees, moving away from the CPA model which enabled the country to develop an expectation that persons of proven concern to UNHCR would automatically benefit from resettlement. Indeed, in the Malaysian context, UNHCR should argue that such expectations might actually contribute to a perpetuation of the refugee issue rather than its resolution.

### **An uncertain future**

48. While they wait for a solution to their plight, the future of Malaysia's growing refugee population remains uncertain. The modest protection gains that have been made in the past two or three years have not yet been institutionalized and are potentially reversible in view of the fluid nature of Malaysian politics. While state practices have been enhanced in a number of respects, such improvements have not been applied consistently across the administration and have not always filtered down to its lower ranks and to outlying parts of the country.

49. The uncertain future of the refugee situation in Malaysia has been compounded by a lengthy discussion over the establishment of a bilateral arrangement with Australia, whereby Malaysia would admit up to 800 asylum seekers who have arrived in Australia by boat, their asylum applications being processed by UNHCR, while Australia would reciprocate by providing resettlement places to 4,000 recognized refugees from Malaysia. Understandably, the latter element of the proposed arrangement provoked great interest amongst the country's refugees, who felt that it would improve their chances of early resettlement.

50. Such hopes have not been fulfilled, however. With the proposed arrangement blocked by an Australian High Court ruling and an impasse in the country's Parliament, the debate as to its

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<sup>8</sup> Internal document, March 2009.

legality and legitimacy continues. According to the arrangement's opponents, Australia, a signatory to the UN Refugee Convention, cannot avoid its international obligations by transferring asylum seekers to a non-signatory state where the protection space is limited in a number of important respects.

51. According to its proponents, the Australia-Malaysia arrangement has two significant advantages. First, it would act as a disincentive for irregular boat arrivals, undermining the 'business model' of the human smugglers who organize such journeys and who readily put the lives of their clients at great risk. Second, the arrangement would place Malaysia's treatment of its refugee and asylum seeker population under much greater scrutiny, encouraging the authorities to expand the protection space available and enabling them to access international support in their efforts to do so.

52. A positive consequence of the debate concerning the proposed Australia-Malaysia arrangement has been to generate a significant degree of media and public attention on the refugee issue, some of which has been particularly sympathetic towards refugees and UNHCR.<sup>9</sup> A concerted public information campaign is now required by UNHCR in order to sustain this momentum.

### **The role of UNHCR**

53. While UNHCR has an ambiguous legal status in Malaysia and lacks a designated interlocutor in government, the organization finds itself directly responsible for almost every aspect of the protection and well-being of the country's refugees: registration, status determination, documentation, detention monitoring, best interest determinations for children, resettlement, assistance in the areas of health, education and livelihoods, as well as community outreach, community development and the search for durable solutions, including resettlement.

54. Moreover, and in the words of one UNHCR staff member, "because the support for refugees is so limited here, we also find ourselves dealing with a lot of individual problems – women whose husbands have gone missing, refugees who want to find out about burial arrangements for deceased relatives and workers who have not received their wages, for example. This all places extra pressure on the office."

55. This situation is in many respects the very opposite of the one envisaged in UNHCR's new urban refugee policy, which is based on the principle that states should assume their fair share of responsibility for refugees, and that persons of concern to the organization should be granted equitable access to the services available to nationals.

56. Reflecting its broad range of activities, UNHCR's presence in Malaysia is quite a substantial one: more than 130 employees in mid-2011, including six international staff, 45 national staff and over 70 auxiliary personnel provided by UNOPS and UNV. In addition, the Branch Office has found creative ways of expanding the services it can provide, through the establishment of a volunteer programme and the engagement of refugee workers/interpreters.

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<sup>9</sup> See, for example, Shaila Koshy and Rashvinjeet S. Bedi, 'It's a constant battle for refugees', Sunday Star, 22 May 2011

57. Even so, UNHCR's capacity is overstretched. The organization's single office in Kuala Lumpur is constantly crowded by throngs of refugees and asylum seekers, while UNHCR staff are also obliged to spend a considerable amount of time maintaining contact with a very large and dispersed refugee population, a task which involves making regular visits to refugee communities, assistance projects and detention centres, not only in the Malaysian capital but also in Penang and other parts of the country.

58. As Branch Office staff were quick to point out, the annual budget of \$8 million in 2011 was reduced by around \$500,000 in 2012, despite the growth of the refugee population and the operational demands of UNHCR's new urban refugee policy. In 2010, a comprehensive assessment calculated that just under \$14.5 million was required to cover all of UNHCR's needs in Malaysia. Asked to identify the consequences of this situation, staff cited a number of issues, including their inability to introduce new and fraud-proof refugee identity cards, to clear the backlog of asylum application waiting to be processed, and to provide more appropriate facilities for persons of concern and UNHCR staff in the organization's compound.

59. Responding to this situation, and adopting the approach stipulated by UNHCR's new urban refugee policy, the Branch Office has in recent years made a distinctive shift away from individually oriented support and towards a community-based approach that strives to empower people of concern to the organization and strengthen the associations that they have established. This shift of direction coincided with (and was evidently influenced by) the introduction of UNHCR's Age, Gender and Diversity Mainstreaming (AGDM) strategy, and, more specifically, by the systematic use of Participatory Assessments designed to identify and address the most serious protection problems confronting the refugee population.

60. The effective implementation of this approach has been facilitated by a number of related factors. First, UNHCR's national and international staff in Kuala Lumpur are particularly proficient, combining a high degree of individual professionalism with a strong sense of collective commitment. The documents prepared by the Branch Office, including its Year-End Narrative reports and Participatory Assessment reports are of very high quality and provide a model of what might be achieved in other urban refugee situations.

61. Second, and in part because there are no refugee camps in Malaysia, the Branch Office has been able to establish a management structure that is specifically designed to meet the challenges of pursuing a community-based approach in an urban environment. In this respect the country differs from Kenya, for example, where UNHCR's efforts are divided between a mixed refugee and migrant population of some 80,000 in the capital city of Nairobi, and the 450,000 Somali refugees who are crowded into the Dadaab refugee camp in the remote north-east border area.

62. Third, in order to implement its community-based approach to refugee protection in Malaysia, UNHCR has introduced a number of innovations which, in addition to their utility in Kuala Lumpur might also serve as models for urban refugee programmes in other parts of the world. As elaborated elsewhere in this report, they include Information Hubs, a Social Protection Fund, an Outreach and Protection Intervention Unit and an Employment Services Team.

## **Protection interventions**

63. Given the extent to which refugees in Malaysia have been subject to arrest, detention, extortion and corporal punishment, the UNHCR office in Kuala Lumpur has been particularly mindful of the need to safeguard the physical protection of refugees and asylum seekers. In 2005, a telephone hotline was established, enabling refugees and asylum seekers to contact UNHCR from 0800 in the morning to 2300 at night, seven days a week. The number of such calls has increased markedly, from 7,000 in 2009 to 18,000 in 2010. Most of these calls are referred to the Outreach and Protection Intervention Unit (OPI).

64. The OPI is a team of 11 lawyers, as well as a sizeable group of international interns and chambering students (lawyers in training who are sent by the Malaysian Bar Council to work with UNHCR one day per week). The team's work focuses primarily on the issue of arrest and detention, usually after being alerted to the need for an intervention by a family member, a community association or the security services themselves.

65. At the time of the evaluation mission, it generally took between two and four weeks for UNHCR to secure the freedom of a refugee or asylum seeker from the time that person had been interviewed and their release formally requested. The Branch Office is striving to minimize this period, recognizing the adverse physical and psychological consequences of detention, as well as its serious financial implications for refugee families whose principal breadwinner is unable to work.

66. In accordance with the urban refugee policy's emphasis on protection partnerships and capacity building, the OPI has for the past two years provided training to the police, immigration service and the judiciary in areas such as refugee law, documentation and the role of UNHCR. This development also represents a significant and positive policy shift on the part of the authorities, who were previously not amenable to such initiatives.

67. The impact of such developments has been uneven, however. Sometimes a police or immigration officer will release a refugee immediately upon presentation of their UNHCR card, while in other cases they will be placed in a detention centre and obliged to remain there until UNHCR has been informed and has made the necessary interventions. Moreover, while refugee documents tend to be relatively well recognized and respected in Kuala Lumpur, this is not always the case in other parts of the country.

68. Within the capital city itself, a particular concern has been to protect children from any form of harassment they might encounter, especially when they are on their way to and from their refugee community schools. UNHCR has addressed this issue by providing young refugees with school uniforms, as well as backpacks on which the UNHCR logo is prominently displayed. It is a measure of UNHCR's growing credibility in the country (as well as the high value that Malaysian society places on education) that the backpacks provide young refugees with added protection, rather than turning them into targets for abuse.

## **Reception, registration and status determination**

69. Every day, hundreds of refugees and asylum gather at the UNHCR compound in Kuala Lumpur so as to be registered, to have their asylum claim examined, to be interviewed for resettlement, to report on protection problems or to request special assistance. The demand for such services is steadily growing, given the continued arrival of persons of concern to the organization, as well as the relatively slow rate at which they are finding durable solutions to their plight.

70. The manner in which these functions are currently accommodated and organized is less than optimal, a situation that derives largely from the fact the capacity and resources of the Branch Office (which now holds around 100,000 individual case files, up to 2,000 of which are used on a daily basis) have not kept pace with the demands made upon it. As a result, both refugees and UNHCR staff in the Malaysian capital find themselves under considerable pressure.

## **Reception facilities**

71. Although the UNHCR Branch Office is located quite close to the centre of Kuala Lumpur, it is not easily reached by public transport. Many refugees have to use taxis to travel there, and they are reportedly charged as much as double the fare that Malaysians are expected to pay. There is no sidewalk outside the compound, and refugees are therefore obliged to line up along the roadside, many of them arriving well before the front gate is opened at 0700 in the morning.

72. UNHCR estimates that between 200 and 400 visitors with appointments visit the compound each day, as well as another 25 to 50 who do not have appointments. One day per week is set aside for the status determination of asylum seekers coming from countries other than Myanmar.

73. UNHCR staff pre-screen the visitors and divide them into categories according to the reason for their attendance. In order to maximize efficiency and reduce waiting times for those with appointments, the office has introduced a numbering system, similar to those used by many banks and post offices.

74. Refugees and asylum seekers who approach UNHCR with a specific and urgent protection problem are fast-tracked into the system, but are frequently obliged to come back for an appointment on another day, sometimes because interpreters are unavailable. As transportation to the office is both expensive and time-consuming, rescheduling appointments also poses particular problems for the majority of refugees who have very limited resources at their disposal and who are struggling to maximize their earnings. Such repeat journeys also increase the risk of arrest and detention, especially for those asylum seekers who have not yet received their UNHCR card.

75. A number of different information leaflets are available to refugees and asylum seekers, including one which provides general information on the services provided by UNHCR (including the fact that they are strictly free of charge), one that provides advice on arrest and detention, (such as the suggestion to “keep asking/saying ‘UNHCR’”), and one which provides

details of the location and opening hours of the medical services available to refugees in Kuala Lumpur. Anti-fraud and corruption posters are prominently displayed.

76. While these services are of particular value, the physical condition, layout and facilities of the UNHCR compound are substandard in several respects. The area outside the main gate is not covered, and those people awaiting entry are consequently exposed to the elements. Inside the compound, visitors benefit from the availability of clean drinking water, bathrooms and fans, but the space available to them is crowded. There are inadequate facilities for people with disabilities, pregnant women and lactating mothers. And while a child-friendly interview room has been established for the use of unaccompanied minors, the play space available to other children in the waiting area is very small and bereft of toys.

77. While waiting and processing times have been successfully shortened for refugees and asylum seekers visiting the Branch Office, persons of concern to UNHCR still have to wait several hours before their turn comes to be interviewed. During that period, they are essentially idle, although TV programmes are shown and snacks can be purchased from a vendor.

78. UNHCR staff are also poorly served by the organization's facilities in Kuala Lumpur. The office is housed in a somewhat shabby colonial-era building that has been seriously affected by water damage. The once spacious compound has become progressively cluttered by vehicles and by a maze of smaller offices which appear to have been erected in great haste. Some of them are occupied by partner organizations such as the International Organization for Migration (IOM), whose legal status in the country seems to be even more nebulous than that of UNHCR. In physical appearance alone, the compound does little to enhance UNHCR's image and standing.

### **Registration and status determination**

79. A significant development associated with the Malaysian government's evolving approach to the refugee situation issue has been a tacit agreement for UNHCR to initiate a large-scale mobile registration exercise for refugees and asylum seekers originating from Myanmar. Beginning in 2009, and with funding provided by Australia (which has now been exhausted), the exercise has enabled UNHCR to establish a much better understanding of its principal client group.

80. A total of 75,000 people were registered by UNHCR between 2008 and 2010, an important outcome that was achieved by giving a primary role in this process to refugee community associations. According to senior UNHCR staff, this approach was the only option in view of the number and dispersed nature of the refugees, as well as the limited resources available for the registration exercise.

81. The associations concerned were selected on the basis of the length of time they had been known to UNHCR, as well as their perceived reliability and proven competence in keeping detailed and accurate records. Refugee groups that met such criteria were asked to compile lists of their members, which were subsequently presented to UNHCR for the purpose of making appointments with the individuals concerned. The registration process, which continued until March 2010, took place primarily in churches (a majority of refugees from Myanmar are

Christians), and was carried out in Kuala Lumpur and other areas with the assistance of the authorities and security services. This arrangement apparently led to some confusion on the part of the police, who on one hand were responsible for arresting refugees and asylum seekers on the grounds of their illegal entry to the country, but who were at the same time asked to provide security while the same people's presence was being recorded!

82. There are a number of problems associated with the current approach to registration, all of which were presented to the evaluation team by UNHCR staff in Kuala Lumpur. First, following the mobile registration exercise, the Branch Office was obliged to stop registration for financial reasons, meaning that new arrivals have not been issued with documents.

83. Second, it is not possible for UNHCR to verify whether an individual who has been arrested and detained had previously been registered by a refugee community group if their name has not yet been recorded in the Branch Office database.

84. A third and related issue is that while individuals wait to be registered by UNHCR, they are confronted with serious protection risks. Without a UNHCR card, they are at higher risk of arrest, detention and extortion, are exposed to greater levels of stress, are more reluctant to move around the city to find work and are thereby threatened with a loss of the income that they need to survive.

85. Fourth, people who are of concern to UNHCR, who are arrested and detained but who have not been registered with the organization, are normally released only when they have completed their sentence. While the evaluation team was unable to visit the interior of any immigration detention centre, many interlocutors with first-hand knowledge of them expressed the view that they are generally overcrowded, unhygienic and under-resourced, and that they consequently have damaging longer-term consequences for the psychological and physical welfare of detainees.

86. Fifth, while registration through refugee associations has proven to be an effective and efficient approach in a situation where the demands made on UNHCR outstrip its capacity, such arrangements place considerable power in the hands of community leaders and run the risk of facilitating corrupt practices. At the same time, there is a risk that persons of concern to UNHCR will escape the attention of the organization if for one reason or another they do not have membership in or access to such an association.

87. The Branch Office is fully aware of the difficulties associated with the approach it has taken, which might be described as 'community-based protection.' The following comment which it has made on this issue is worthy of note by UNHCR staff working in other urban programmes:

A key lesson learned in terms of protection is the way the Office manages its cooperation with refugee community groups. In an urban setting, where the government has no role in receiving, registering or providing protection and assistance to refugees and asylum seekers, and where the capacity of NGO partners is limited, the practical approach is for UNHCR to partner closely with refugee community organizations. But this partnership with refugee community organizations needs to be closely monitored,

particularly when the integrity of the leadership of many of these organizations is questionable.<sup>10</sup>

88. In the Malaysian context, UNHCR has made a concerted effort to address such concerns by screening the probity and transparency of refugee associations, establishing standards for their conduct, supporting them with training and capacity-building activities and by engaging with refugees who do not hold leadership positions in them. Even so, it is a challenge for UNHCR to understand the real dynamics of the many different refugee communities to be found in the country.

89. In this respect, one lesson to be learned is that the implementation of UNHCR's age, gender and diversity mainstreaming approach (AGDM) must go beyond a focus on the specific needs of women, children, elderly and disabled people, and must also take full account of differentials based on education, socio-economic status and access to diaspora networks.

90. The growing number of asylum seekers entering Malaysia in recent years has placed significant pressure on the organization's refugee status determination (RSD) capacity. The Branch Office has performed commendably in its efforts to meet this challenge. Around 60,000 RSD decisions were taken in 2009 and 2010. The average length of time from first instance interview to notification of results has been reduced from around 250 days for non-Myanmar refugees and 100 days for Myanmar refugees to less than 75 days for both groups. New eligibility guidelines, including the use of the 'presumption of eligibility' principle for ethnic minority groups from Myanmar, combined with new scheduling strategies and case management tools, have contributed to such positive results.

91. Nevertheless, a number of factors have impeded the registration and RSD process. First, the rapid growth in refugee numbers in Malaysia has taken place without a commensurate expansion in the capacity of the Branch Office. As one staff member argued, "we talk about the need for effective emergency response when a country experiences a sudden influx of refugees who are accommodated in a refugee camp. But this situation, where large numbers of people had to be registered and their status determined in urban areas, was simply not treated like an emergency."

92. Second, staff turnover in Kuala Lumpur's RSD unit has been very high, largely due to the intensive, repetitive and stressful nature of its work - a global problem that is specifically highlighted in UNHCR's new urban refugee policy. While requests have been made for an expanded Branch Office capacity in this respect, either by means of post creations or through the use of special deployment schemes, a response had not been received from Headquarters by the time of the evaluation mission.

93. Third, the adjudication of applications submitted by certain groups of people from Myanmar has been delayed by an absence of relevant eligibility guidelines as well as gaps in the country of origin information (COI) available in relation to them. Indeed, the Branch Office has had to generate its own COI for such groups, placing further pressure on its limited RSD capacity.

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<sup>10</sup> 'Malaysia 2010 year-end narrative report: refugees and asylum seekers in urban areas'.

## *Recommendations*

- UNHCR should persist with its advocacy efforts in relation to the issuance of official work and residence permits for refugees in Malaysia;
- UNHCR should strive to manage the resettlement expectations of Malaysia's refugees, given the imbalance between the supply and demand for resettlement places;
- UNHCR should continue to promote a public discourse on refugee issues in Malaysia, drawing attention to the fact that many have no immediate prospect of finding a durable solution;
- UNHCR should strive to ensure that the recent progress made in relation to the protection space available to refugees is institutionalized in law, policy and practice;
- UNHCR should review the financial and human resources available to the organization's office in Malaysia in light of the demands being made upon it;
- UNHCR should ensure that the facilities available to refugees, asylum seekers and staff members in Kuala Lumpur are consistent with the organization's urban refugee policy;
- UNHCR should review the registration and RSD arrangements that have been established in Malaysia so as to ensure that these functions are undertaken in a timely and equitable manner;
- UNHCR should persist with its efforts to diminish the extent to which refugees and asylum seekers are detained and to improve the conditions of detention.
- UNHCR should persist with its efforts to ensure that all refugee children have ready access to high-quality education, especially at the post-primary level;
- UNHCR should persist with its efforts to have refugee schools and the qualifications they award recognized by the Malaysian authorities;
- UNHCR should strive to ensure that the discounted fees charged to refugees in public hospitals are applied in practice.

## Assistance and access to services

94. UNHCR's efforts to review and revise its urban refugee policy during the past decade have derived from a variety of concerns, including a recognition:

- that growing numbers of persons of concern are taking up residence in cities and towns, placing mounting pressure on UNHCR's limited capacity and resources;
- that it is generally more beneficial and economical for refugees to establish their own livelihoods than it is for them to rely on assistance in the form of cash payments; and,
- that in the urban context, it is preferable to ensure that refugees have access to existing services, both public and private, rather than establishing dedicated and parallel programmes for them.

95. UNHCR's approach to the urban refugee situation in Malaysia is firmly based on these principles, although the official restrictions placed on the rights of refugees and their access to services act as significant constraints to the implementation of such a strategy. There is no social safety net for refugees with specific needs (older persons and those with disabilities, for example, as well as those with medical conditions) and the task of supporting them consequently falls on their families, their communities and UNHCR.

### **Accommodation**

96. In urban areas of Malaysia, as in other cities throughout the developing and middle-income world, UNHCR plays a very limited role in terms of the shelter needs of refugees. In this respect, it is of some significance that the whole question of accommodation is noticeably absent from the organization's 2009 urban refugee policy.

97. Refugees in Kuala Lumpur and other urban centres in Malaysia are essentially left to find their own housing on the open market, making use of whatever social networks they have available to them. Tamil refugees from Sri Lanka, for example, have tended to settle in neighbourhoods where members of this ethnic group are also to be found. Similarly, a significant number of Somalis have taken up residence in areas close to the university, where their compatriots have an established tradition of studying as overseas students.

98. While such networks may facilitate the search for shelter, they certainly do not guarantee access to affordable, appropriate and decent accommodation. Earning a limited and uncertain income from the informal sector, many refugees are obliged to pool their resources and to share their living space. As a result, 20 or more people may be crowded into a single apartment, a situation which has evidently negative implications for the hygiene, health, privacy and security of the occupants. According to many refugees interviewed by the evaluation team, the rents that they are obliged to pay are around 20 per cent higher than the usual market rate, obliging them to work an excessive number of hours in order to pay their landlords.

## **Individual assistance**

99. In accordance with the new urban refugee policy, the UNHCR programme for urban refugees in Malaysia has sought to limit the provision of direct assistance to individual refugees and their families. This objective is a necessity, given the resource constraints confronted by the organization's Kuala Lumpur office, but is also a realistic possibility, in view of the fact that many refugees are able to earn a living in the informal sector of the economy, supplemented in some cases by remittances received from diaspora members.

100. The issue of individual assistance is managed by the appropriately named Individual Assistance Division (IAD) in the UNHCR Branch Office, which prioritizes the issues of medical and financial support. The IAD receives between 200 and 300 requests for assistance each month, both from refugees themselves as well as from NGOs, clinics and hospitals who identify needy cases. The IAD assesses refugee family circumstances and attempts to verify their needs by means of home visits and vulnerability screening. Those confronted with particular hardships are presented for urgent RSD and early resettlement when considered to be appropriate.

101. Financial assistance is generally reserved for particularly vulnerable cases and refugees whose state of health has obliged them to incur particularly large medical bills. The amount of money provided is usually between \$100 and \$300 per month, for a limited period of three to six months. In 2010, some 570 cases (1,697 individuals) benefitted from such payments, a modest number given the overall size of the refugee population.

## **Public services**

102. As indicated earlier, refugees in Malaysia are not formally recognized as such by the government and are technically deemed to be illegal migrants. While in practice they receive a degree of protection by virtue of their association with UNHCR and the tolerance of the authorities, their legal status places serious constraints on their ability to access public services. In this respect, the practice of the Malaysian state runs directly counter to one of the key principles of UNHCR's new urban refugee policy, which underlines the need for refugees to have equitable access to mainstream systems and facilities.

## **Education**

103. Refugees and asylum seekers do not have access to Malaysia's state schools and the authorities have demonstrated very little flexibility on this matter. Persons of concern to UNHCR could in principle join a private school, but this is well beyond their financial means. Despite these restrictions, the number of refugee children in school has increased significantly in recent years: from around 2,400 in 2008 (when UNHCR's education efforts began in earnest) to 5,100 at the beginning of 2011.

104. This has been achieved by the establishment of around 75 refugee schools (or 'learning centres' as they are generally known, as a concession to the government's policy), eight of them run by UNHCR's NGO implementing partners, catering primarily to the Rohingya. An additional 10 schools are run by organizations and churches that are not funded by UNHCR,

while more than 50 are managed by refugee community associations with the support of UNHCR, coupled with some parental, private sector and diaspora sponsorship. The schools vary considerably in size (between a dozen and 150 pupils) and are usually housed in rented commercial or residential premises.

105. The evaluation team visited a number of these schools in Kuala Lumpur and Penang, and was impressed by the enthusiasm of the pupils and the commitment of the teaching staff. Their facilities, equipment and supplies generally appeared to be adequate, although some are suffering from overcrowding. While the schools generally charge a tuition fee most schools do not insist on it if the parents lack the money to do so.

106. UNHCR has played an important part in the growth of refugee education in urban areas of Malaysia, primarily by providing them with funding, teacher training, compensation for refugee teachers, volunteer workers and books. The organization has also sought to protect the schools from the security services by providing them with letters of attestation.

107. Despite such efforts, a great deal remains to be done in terms of providing refugee children with adequate access to high-quality education. The number of children receiving an education constitutes only 30 per cent of the school-age children registered with UNHCR, the vast majority of them at the primary level. This means that more than 8,700 refugee children are not accessing education, although around 275 of this number are known to attend four madrasas (Islamic schools).

108. This low participation rate is the result of several factors, including the distance that some children live from the nearest refugee school, parental concerns about the cost of transport and the safety of their offspring, as well as the fact that some refugees and their children had no tradition of attending school in their country of origin. New arrivals generally do not attend school for their first few weeks or months in the country.

109. The proportion of children in the 13-17 age group attending school is estimated to be less than one per cent, a result of the fact that only one school offers post-primary education, the need for teenagers to go out to work (they are considered to be at less risk than adults of arrest and detention when going from place to place in the city) and because Muslim girls are usually required to stay at home (or to marry) after the age of puberty. According to some interlocutors, adolescents who have learnt English and/or Malay at the primary level are sometimes kept out of school so that they act as translators for their parents.

110. Confronted with the absence of educational opportunities for refugee youth, some schools encourage their pupils to repeat the last year of primary school in order to keep them busy. With the support of UNHCR, certain schools have also organized vocational and skills training for older refugee children. UNHCR's decision to engage a staff member with specific and full-time responsibility for youth programmes represents an important step forward and will hopefully increase the number of such opportunities.

111. While the quality of refugee schooling is generally recognized to have improved in recent years, some important constraints remain to be addressed. All of the schools are relatively new, some operate without a syllabus or teach a very narrow range of subjects. Many of the teachers

are refugees who have little training, and turnover is high as a result of resettlement departures. According to one study:

The constant need for new teachers in refugee schools is problematic since teachers' salaries are quite low in comparison to the competencies required. As a consequence, some schools have a limited number of teachers and cannot ensure the replacement of teachers when they need to attend trainings or fulfill administrative tasks... Teacher absenteeism also impacts the motivation of students.<sup>11</sup>

112. As a result of these circumstances, schools depend to a significant extent on Malaysian and expatriate volunteers (the latter sometimes preferred as it is thought that they have a greater capacity to raise funds for the schools and to arrange for early resettlement opportunities).

113. Finally, while most of the schools organize their own exams and issue diplomas, these are not recognized by the authorities as the schools are not registered with the government. The latter issue should be a primary focus of UNHCR's advocacy activities, based on the Millennium Development Goals and the Education for All initiative, to which Malaysia is a signatory.

## **Healthcare**

114. It might be expected that refugees in Malaysia would be in very poor health. Many of them come from war-affected countries with a very poor standard of living. Once they have completed their journey to Malaysia they are obliged to live in overcrowded accommodation, to work in dangerous and dirty jobs and to subsist on a very limited income.

115. Despite these difficulties, health workers in Kuala Lumpur report that malnutrition amongst refugees is confined to a relatively small group of people, primarily the very young and very old. In general, their health is not significantly worse than that of poorer Malaysians, a result perhaps of the resilience they developed before leaving their own country. Even so, refugees have an evident need for healthcare. In the Malaysian context, that is particularly the case for Rohingya refugees, who have a high incidence of diabetes, hypertension, tuberculosis and HIV than other groups.

116. The authorities have shown a degree of flexibility with respect to the issue of refugee healthcare, and have since 2006 allowed refugees who are registered with UNHCR to benefit from a 50 per cent discount on the fees normally charged to foreign nationals. Registered refugees also have access to public maternal and child health clinics.

117. Nevertheless, many refugees state that their low and irregular income does not allow them to afford the discounted fees and that they are sometimes charged the full rate. At the same time, language barriers act as a constraint on access to healthcare. UNHCR is in constant

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<sup>11</sup> Joanna Rahman, 'Access to education for children under the protection of UNHCR: case study in Kuala Lumpur, Malaysia', 2011.

dialogue with the hospital authorities in relation to the issue of fees and refugee nurses have been deployed to address the issue of communication.

118. UNHCR and its partners have sought to ensure accessible and affordable healthcare in a number of ways. Two static clinics have been established in Kuala Lumpur, one by the NGO ACTS (A Call to Serve) and the other by the Taiwan Buddhist Tzu Chi Foundation. In 2010, the two clinics undertook a total of 24,000 consultations. ACTS also provides a mobile clinic service in the Klang Valley and other parts of the country, as well as a convalescence home in the hills outside Kuala Lumpur. Sexual and reproductive health services are provided by three Family Planning Association clinics.

119. In addition, UNHCR has supported a very active health education programme, its primary purpose being to prevent refugees from acquiring medical conditions. Around 25 refugee community health workers have been hired and trained, making contact with around 5,000 people per month through their outreach activities. Some 15 additional community workers, engaged by Malaysia Care, provide information, counseling and support to refugees, around 350 of whom are active HIV cases.

120. A considerable number of refugees have mental health difficulties or have adopted negative coping mechanisms such as substance and alcohol abuse. According to one health worker, such conditions are closely linked to the anxieties associated with the risk of arrest and detention, the refugees' lack of legal status and the uncertainty as to whether and when they will be resettled. While mental health counselling services are provided by two NGOs and more serious cases can be referred to public hospitals, the psycho-social welfare of Malaysia's refugees would evidently best be enhanced by an expansion of the protection space available to them.

### *Recommendations*

- UNHCR should persist with its efforts to ensure that all refugee children have ready access to high-quality education, especially at the post-primary level;
- UNHCR should persist with its efforts to have refugee schools and the qualifications they award recognized by the Malaysian authorities;
- UNHCR should strive to ensure that the discounted fees charged to refugees in public hospitals are applied in practice.



## Outreach and communication

121. Outreach to and communications with refugees are fundamental components of UNHCR's new urban policy, and such functions are also central to the UNHCR programme in Malaysia. In the context of cities such as Kuala Lumpur and Penang, such approaches are facilitated to a significant extent by the generally high level of organization that exists within the country's different refugee communities.

122. This characteristic of the refugee situation in Malaysia should not be exaggerated however. While it is true to say that some communities appear to be relatively cohesive, well organized and in some cases reasonably well resourced, there is also evidence to suggest that they are characterized by competition, mistrust and manipulative leadership.

123. The substantial Rohingya population is also generally recognized to lack the community structures that are to be found amongst other groups, a reflection, perhaps, of the discrimination and disadvantages they have experienced in their country of origin. It should also be noted that the principal refugee groups in urban Malaysia are separated by important differences with respect to their nationality, ethnicity, culture, language, religion and ideology, making it more difficult for UNHCR to pursue an approach that promotes communication and cooperation with the refugee population as a whole.

124. The UNHCR Branch Office is acutely aware of these and other constraints to its outreach and communications strategy. In the words of one internal document:

There are immense challenges in communicating with asylum seekers and refugees due to their overwhelming numbers, coupled with the fact that they are spread out all over the country without a formal network to manage themselves. Although UNHCR conducts regular meetings with refugee community organizations, there is no certainty as to how much of the communication conveyed to them is passed on to their members. UNHCR staff conduct home visits but they can only cover a fraction of refugee households.

### **Communication strategies**

125. UNHCR has established an innovative system of Mobile Information Hubs, where staff members from the Community Development Unit (CDU) are able to meet refugees and asylum seekers on an individual basis and to answer any enquiries that they may have. Such sessions are organized in different locations across Kuala Lumpur (often in church premises) and are regularly conducted both on weekdays and at weekends so that those who are working are able to attend. Refugees with specific needs are prioritized in the process and follow-up action is taken in relation to any questions or issues that cannot be addressed on the spot.

126. According to CDU staff, and on the basis of participatory observation at one information hub, it is clear that there is a strong demand for this service and that refugees require information and advice on a wide range of issues, including (but not restricted to) registration, status determination, financial assistance, employment, accommodation, medical care, family reunification and resettlement.

127. At the same time, UNHCR personnel acknowledge that the information hubs have their fair share of 'dissatisfied customers', often because in the Malaysian context the organization is simply unable to meet the needs, expectations and aspirations of the refugees. Even so, they point out that this form of community communication is an effective and relatively low-cost form of outreach which, in addition to providing a valuable service for the refugees has eased congestion at the UNHCR compound and increased confidence in the organization.

128. A third approach to the challenge of communication in Kuala Lumpur is to be found in the use of refugee workers. At the time of the evaluation mission, approximately 115 refugees were working for UNHCR as interpreters, outreach and community health workers, while an additional 140 were working as teachers in refugee schools, paid by either UNHCR or its implementing partners. As well as providing the refugees with a useful income, this arrangement also enables them to improve their skills, to reinforce the capacity of the refugee community and to strengthen UNHCR's ties with persons of concern to the organization.

### **SGBV outreach**

129. In terms of outreach to the refugee population, particular efforts have been made in relation to the issue of sexual and gender-based violence (SGBV), which has been a particular problem in the Rohingya community. According to one of UNHCR's Participatory Assessments, "the majority of women take domestic violence as part and parcel of married life. Their concern over how they will fend for themselves and their children if they leave their spouses often makes them stay."

130. Based on a mapping exercise undertaken in 2010, the International Catholic Migration Commission has established a Refugee Women's Protection Corps comprised of 17 female volunteers. In the first year of the project, the volunteers succeeded in training almost 2,000 people, compared to an initial target that was just half that number. The number of SGBV cases reported has increased significantly as a result of this initiative, which has also prompted the project to link up with a local NGO which provides temporary shelter to women who have been subject to or threatened with abuse.

131. At the same time, the Branch Office has established a system whereby the units dealing with protection, healthcare and individual assistance have each appointed a focal point whose work is coordinated by an SGBV coordinator in the CDU. This approach is intended to ensure a multifunctional approach to the issue of sexual and gender-based violence and to avert a situation in which individual cases fall through any cracks in UNHCR's organizational structure.

## **The volunteer programme**

132. A final strategy employed by UNHCR to communicate and engage with the urban refugee population in Malaysia is to be seen in the establishment of a programme for national and expatriate volunteers who wish to support the organization's activities. Founded in 2009, the roster of registered volunteers has grown from an initial 50 to over 400, around half of them Malaysians and half of them from other countries. Most undertake voluntary work for one or two days each week, with a minimum commitment of three months.

133. The principal aim of the programme is, in the words of one document, to "provide high quality support to UNHCR programmes and units." At the time of the evaluation mission around 170 of the volunteers were placed in 45 refugee schools, while others were working with a variety of community associations and Branch Office units.

134. The volunteer programme enables UNHCR to access one of Kuala Lumpur's most valuable assets: a well-educated, financially secure and internationally minded group of people with an interest in engaging in humanitarian work. Participants in the programme have included a variety of highly qualified people, including doctors, nurses, dentists, midwives and physiotherapists. Even so, there is an evident risk that such an initiative might attract well-meaning individuals who lack the skills and training required to function effectively, or, in the worst case scenario, volunteers whose participation is based on abusive motivations.

135. Recognizing these dangers, the Branch Office has taken a number of steps to ensure that the volunteer programme is as professional and well regulated as possible. These include:

- employing a dedicated programme coordinator, supported by three volunteers who are engaged in the development and administration of the initiative;
- screening applicants for the programme and providing new volunteers with an induction briefing, an information package and training on specific themes;
- requiring participants in the programme to sign and respect a Code of Conduct; for participants in the programme; and,
- introducing regulations that prevent volunteers from working alone with children.

136. In addition to its role in reinforcing the capacity of UNHCR and the community groups with which the organization works, the volunteer programme is also serving the important purpose of spreading awareness of refugees and their plight amongst a generally influential, well-connected and prosperous sector of Kuala Lumpur's population. In this respect, it is providing important support to UNHCR's advocacy and private sector fund-raising efforts.

### *Recommendations*

- UNHCR should persist with its efforts to ensure that refugee community organizations provide an effective and equitable channel of communication with the refugee population in Malaysia;
- UNHCR should ensure that information on the outreach and communications strategies employed by the organization in Malaysia are made available to offices in other countries with significant numbers of refugees in urban areas.

## Community development and self-reliance

137. UNHCR's new urban refugee policy is based upon an understanding that refugees and their communities are not simply 'beneficiaries' of services provided by the organization and its partners, but that they also constitute an important resource. In accordance with this principle, a key role for UNHCR is to mobilize and reinforce those capacities that refugees bring to the urban context by means of a community development approach.

138. In Malaysia, the importance attached to this orientation is reflected in the existence of two Branch Office entities that function in this domain, the Community Development Unit (CDU) and the Social Protection Fund (SPF). The two units have distinct but complementary roles. The CDU is responsible for liaison with refugee communities, focusing on long-term capacity development in the areas of livelihoods, leadership and child protection. The SPF is a relatively new initiative intended to promote self-reliance through project-based and time-limited grants.

### **Community Development Unit**

139. As indicated earlier, the refugee population in Kuala Lumpur is a relatively well organized one. A plethora of associations now exist to represent the interests of different national and ethnic groups, to provide them with essential services and to liaise with UNHCR. While refugees in Malaysia may have a weak legal and social status, these organizations are able to operate with a good degree of freedom, establishing their own premises, producing publications and attending meetings with UNHCR and its NGO partners.

140. Given the extent to which the refugee population is organized in this way, the CDU has formulated a strategy intended to reinforce the process of community development: The five objectives of that strategy, which is of considerable relevance to urban refugee situations elsewhere in the world, are to:

- improve UNHCR's understanding of the capacity of refugee communities and to strengthen partnership with them;
- foster realistic expectations amongst Malaysia's refugee communities;
- maximize the support services provided by refugee communities and their associations;
- establish a common vision with UNHCR's NGO partners on the community empowerment process; and,
- foster effective and responsible leadership within communities, with strong emphasis on the role of refugee women.

141. In its effort to attain these objectives, the CDU engages in a variety of different activities, including home visits, focus group meetings, maintaining a dialogue with community leaders, associations and women, preparing regular Participatory Assessments with each of the different refugee communities and monitoring the messages received from them. At the same time, the unit organizes language, literacy, skills and leadership training and organizes the Information Hubs described earlier in this report. To the extent possible, such activities are undertaken not only in Kuala Lumpur but also in other areas where persons of concern to UNHCR are found.

### **Refugee solidarity**

142. While the community development approach developed by UNHCR in Malaysia is a relevant, effective and efficient one, it has raised an issue which must be taken account in the implementation of UNHCR's new urban refugee policy: the question of solidarity, both within and between refugee communities.

143. With respect to individual refugee communities, experience in Malaysia suggests that they are rarely homogenous and can in fact be fragmented into groups that cooperate in some respects but which also compete with each other for visibility and resources. Refugee community associations also have a tendency to be dominated by males, often those with the best education and the most fluent command of English, who have the time available to engage in organizational activities and who may be pursuing personal and/or political agendas.

144. There is a consequent need for UNHCR to ensure that its community development approach builds upon refugee associations that are transparent, inclusive, democratically organized and genuinely representative of the community. In this respect, the evaluation team saw significant merit in the CDU's recently launched community leadership programme, which aims to promote a higher level of professionalism and integrity in the management and administration of refugee community organizations, focusing on issues such as accountability and financial responsibility.

145. In its engagement with refugee associations, UNHCR (which is required by its Statute to be a strictly humanitarian organization) must also exercise care in relation to the complex world of exile politics. In Malaysia, for example, one finds a multitude of these associations, some of them providing practical services to their members, while at the same time campaigning for political change in their country of origin. The challenge for UNHCR is to find a way of supporting the former set of activities without seeming to endorse the latter.

146. In terms of solidarity between refugee communities, UNHCR's community development efforts in Malaysia are quite tightly linked to refugee associations whose membership is based on nationality and ethnicity. Relatively few activities cut across these social divisions, although the evaluation team did encounter some examples of inter-community activities, such as Sri Lankan and Afghan women teaching baking to Rohingya women, and Chin women teaching beading to Afghan and Somali refugees. The Branch Office has also used events such as World Refugee Day as an opportunity to encourage positive interactions between Malaysia's different refugee groups, including an arts festival with the ingenious title 'Refugees Got Talent'.

147. The relatively fragmented nature of the refugee population as a whole should not come as a surprise or a disappointment. There is natural tendency for refugees to associate with people with whom they share a history, a language and a culture, especially when they originate from such a highly contested country as Myanmar. And it is perhaps equally unrealistic to expect any immediate sense of solidarity between, for example, evangelical Christian Chins and conservative Muslim Somalis.

148. This situation has been exacerbated by the sense of resentment harboured by certain communities with respect to other groups. The Somalis, for example, feel that the Chins continue to be given privileged treatment with respect to resettlement opportunities. While this may have been true in the past, UNHCR has tried to ensure that such opportunities are now provided on an equitable basis, proportionate to the size of the refugee population concerned. But because the Chin community is much larger than the Somali population, considerably more refugees from the former group are being resettled than the latter.

149. Second, the protection environment in Malaysia has not been conducive to an inter-community dialogue, given that the country's refugee groups tend to congregate in different urban neighbourhoods, limiting their movement around the city because of the expense involved and the fear of being arrested, detained or subjected to extortion.

150. Third, it must be recognized that UNHCR's community development strategy in Malaysia was introduced less than three years ago, and that the organization's first priority has been to identify, mobilize and reinforce existing community capacities. As time progresses, there should be scope to develop better inter-communal linkages and alliances, working on behalf of the refugee and asylum seeker population as a whole.

### **Social Protection Fund**

151. The Social Protection Fund is a relatively new initiative in which UNHCR provides small, time-bound grants to projects presented by refugee communities. Launched in 2009 and inspired by the community-based Quick Impact Projects that UNHCR has supported elsewhere in the world, the SPF is intended to stimulate the development of social capital and promote self-reliance amongst Malaysia's refugees and to foster positive relations with the Malaysian population. In all of these respects, the SPF represents a very concrete manifestation of UNHCR's urban refugee policy.

152. At the beginning of 2011, some 5,000 refugees were benefiting directly and a further 14,000 indirectly from the SPF, which has supported refugee community centres and schools, job placement initiatives, empowerment programmes for refugee women and youth, as well as income-generating and community services projects. Those visited by the evaluation team included an IT training centre established by a Sri Lankan refugee; a baking cooperative run by eight young Somalis, and a Chin refugee school which, in addition to its educational activities, organizes a monthly 'community clean-up' intended to counter suggestions that refugees have an adverse impact on the urban environment.

153. UNHCR's role in the process is to reach out to groups of refugees, to assist them in the preparation of project proposals, to provide them funding, and support them by means of

training and capacity building. As the SPF progresses, an important task for UNHCR will be to analyze the outcome of the projects it funds, so as to develop a better understanding of the determinants of success and failure.

154. In its first 18 months of operation, the SPF funded more than 160 projects (about half of which were active at the time of the evaluation) around 70 per cent of them in Kuala Lumpur. A staff of three assists refugee groups to devise and implement the projects, while three national NGOs have been engaged to establish projects on behalf of Rohingya refugees, given their relatively low level of organization.

155. A Steering Committee of UNHCR staff has been established to review new project proposals, a process which focuses (somewhat loosely) on the issues of viability, sustainability, social value and risk. The approval rate is high - approximately 60 to 70 per cent - and projects that are not approved the first time are often accepted after being revised by the applicants with UNHCR's assistance.

156. Grants are awarded in proportion to the size of the national and ethnic refugee groups found in Kuala Lumpur and other urban areas. The maximum amount offered is in the region of \$4,000, with one top-up grant allowed. Persons of concern to UNHCR must constitute at least 80 per cent of a project's beneficiaries, and applicants must generally be affiliated with recognized community organizations with at least 100 male and female members.

### **The SPF balance sheet**

157. What impact has the SPF had on Malaysia's urban refugee population? While a systematic evaluation should be undertaken in due course in order to answer this question, the anecdotal evidence is encouraging. According to UNHCR staff, the SPF has helped to reorient the organization's programme in Malaysia, shifting it away from a heavy focus on registration, RSD and resettlement and towards the social, economic and self-reliance dimensions of the refugee situation in Malaysia.

158. Many refugees interviewed by the evaluation team perhaps predictably spoke positively of the SPF, although the early evidence suggests it has been more effective in terms of promoting community capacity and in meeting the psycho-social needs of refugees than it has been in supporting sustainable livelihoods. According to refugees, "it has made us more motivated and self-confident"; "we are now less dependent on our husbands"; and "it has allowed us to do things that we could not have done before." At the same time, the SPF appears to have given refugees more contact with and a better appreciation of UNHCR and its implementing partners.

159. A number of other benefits have accrued from the SPF. Since its introduction, refugees have been able to open bank accounts for the first time, on the basis of a letter of introduction provided by UNHCR. Some SPF recipients have been able to gain access to the Malaysian Institute of Baking, which, like other educational and training institutions is not normally open to irregular foreign nationals. More generally, the SPF has encouraged refugees to develop skills - in project formulation and financial management, for example - which are often new to them. In such modest ways, the SPF is providing the initial building blocks that refugees need to

reconstruct their lives in exile and to prepare them for durable solutions, irrespective of where that might be.

160. The evaluation team also concluded that there is an important degree of complementarity between the work of the CDU and that of the SPF. When the former entity identifies an unmet need in the community, for example, it works with refugees to formulate a project proposal that can be submitted to the latter. SPF grants in turn support the CDU by reinforcing its efforts to strengthen the capacity, integrity and professionalism of refugee groups and associations.

161. At the same time, it must be recognized that the SPF also faces significant challenges. One question is whether the provision of grants ultimately creates dependency on UNHCR rather than supporting self-reliance and community development. Can recipients maintain their projects once UNHCR support is no longer available, either by making them self-funding or by attracting inputs from other sources?

162. A second question raised by the SPF is whether the programme runs the risk of raising expectations that will prove difficult to fulfill. Refugees in urban areas of Malaysia continue to live in very disadvantageous legal and socio-economic circumstances, a situation which places evident constraints on their ability to establish successful and sustainable projects. The very modest grants provided by the SPF will do little or nothing to remove those constraints. In this respect, any direct support that the SPF provides to the income-generating activities of refugees must evidently be combined with concerted efforts to advocate on behalf of refugee rights.

163. The initiative is also confronted with a dilemma encountered in many refugee livelihoods programmes: whether to support the more vulnerable members of the population, whose needs are greatest but who may find it most difficult to establish viable projects; or whether to support the most active and entrepreneurial refugees, who are more likely to be successful but who may not necessarily need access to UNHCR's limited resources?

164. In this respect, it should be noted that the supply of SPF funds is significantly less than the demands made upon it. With current levels of funding, scaling-up the initiative (by expanding the number of recipients, by increasing the size of grants and by investing more in training, monitoring and impact assessment) will not be possible.

### *Recommendations*

- UNHCR should ensure that details of the Community Development Unit are communicated to offices in other countries with substantial numbers of refugees in urban areas;
- UNHCR should persist with its efforts to ensure that refugee community organizations in Malaysia function in a professional, transparent and honest manner;
- UNHCR should promote activities which engender a sense of solidarity amongst the different refugee communities in Malaysia;
- UNHCR should undertake a systematic study of the results and impact of the Social Protection Fund.