

MALAYSIA

| Working environment |

◦ The context

Malaysia hosts some 90,000 refugees and asylum-seekers, 90 per cent of whom are from Myanmar. Other significant refugee populations originate from Afghanistan, Iraq, Somalia and Sri Lanka.

Malaysia is not party to the 1951 Refugee Convention or its Protocol. There is currently no legislative or administrative framework for dealing with refugees. This challenging protection environment is situated within a migration context of some 3 million migrants, 1 million of whom are considered illegal.

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

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

Malaysia also hosts a population of stateless persons, composed mainly of some 60,000 Filipino Muslims in the province of Sabah, and an estimated 40,000 potentially stateless persons from various countries in Peninsular Malaysia.

◦ The needs

With the protection environment unlikely to change significantly in the short to medium term, UNHCR will

continue to advocate for the Government to make policy changes relating to refugees. An additional priority will be to strengthen public awareness of asylum issues in order to expand the



Planning figures

TYPE OF POPULATION	ORIGIN	JAN 2010		DEC 2010 - JAN 2011		DEC 2011	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Refugees	Myanmar	61,500	61,500	88,500	88,500	100,400	100,400
	Various	4,000	4,000	5,000	5,000	5,800	5,800
Asylum-seekers	Myanmar	7,000	7,000	10,800	10,800	10,800	10,800
	Various	2,100	2,000	2,500	2,500	2,900	2,900
Stateless		40,000	-	40,000	-	40,000	-
Others of concern	Myanmar	26,000	-	12,000	-	-	-
	Philippines	61,300	-	61,300	-	61,300	-
TOTAL		201,900	74,500	220,100	106,800	221,200	119,900

humanitarian space for refugees, asylum-seekers and stateless persons in Malaysia.

UNHCR will enhance its interventions to ensure that asylum-seekers and refugees are not subjected to arrest, detention, deportation or *refoulement*. In the absence of the Government's involvement in refugee processes, UNHCR will register asylum-seekers, determine their status claims and provide them with documentation.

Similarly, UNHCR will address the basic needs of refugees in terms of livelihoods, health-care and education. This will remain a challenge, as refugees in Malaysia are of diverse nationalities and ethnic backgrounds, and are widely dispersed in urban areas as well as remote locations.

The main refugee groups in Malaysia originate from areas where current conditions are not conducive to return. Local integration is not considered a viable option by the Malaysian authorities for the majority of refugees. Given the lack of prospects for return or local integration, resettlement remains the only option as a durable solution for many refugees.

| Main objectives |

Favourable protection environment

- Mobilize the Government and civil society to address the problem of statelessness in Malaysia.

Fair protection processes

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

Community participation and self-management

- Strengthen the network of key partners within Malaysian civil society who are equipped with the skills, knowledge and resources to advocate for and provide improved standards of treatment for persons of concern.

- Develop and deliver programmes which support refugee communities and target those with specific needs, particularly women and children.

Durable solutions

- Develop and implement a comprehensive durable solutions strategy for people of concern in Malaysia in cooperation with all partners, including the Malaysian Government and the international community.

| Strategy and activities |

With no foreseeable shift in the level of Government engagement, UNHCR will continue to implement its international mandate to protect and assist refugees while seeking durable solutions for them. It will sustain and strengthen its dialogue with the Malaysian Government to capitalize on opportunities to foster a better understanding of the refugee situation, emphasize the need for coordination between the various ministries, and seek better treatment for asylum-seekers, refugees and stateless persons.

UNHCR will continue to advocate through domestic and regional fora for government officials and stakeholders to redress the lack of national legal or administrative provisions for refugees. It will also try to counter the blurring of the distinction between refugees and irregular migrants.

Key targets for 2010

- Timely registration, fair and efficient RSD procedures and issuance of UNHCR ID cards for asylum-seekers and refugees.
- Legal counsel provided to 500 asylum-seekers and refugees charged with immigration offences in court.
- "Best Interest Determination" procedures are applied in the cases of 2,000 unaccompanied minors.
- Enhanced support programmes and targeted interventions help 30,000 women and children.
- Advocacy is conducted with key government counterparts to develop a legal and administrative framework to deal with refugees.
- Medical care is provided for 90,000 persons of concern nationwide.
- The risk of HIV and AIDS is reduced and the quality of response improved through community health education for 81,000 persons.
- Non-formal education or skills training is provided for 3,800 adolescent youth.
- At least 3,000 children of primary-school age have access to learning opportunities.
- Resettlement referrals are made for 15,000 refugees.



Hundreds of asylum-seekers from Myanmar live on the outskirts of Putra Jaya.

UNHCR / BROUWER

UNHCR's presence in 2010

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

PARTNERS

Implementing partners

NGOs:

Kumpulan ACTS (A Call To Serve) Sdn Bhd
Taiwan Buddhist Tzu-Chi Foundation
Harvest Centre Berhad
Malaysian Care Shelter

Operational partners

NGOs:

Taiwan Buddhist Tzu-Chi Foundation
Soroptimist International Johor Bahru
Mercy Malaysia
Tenaganita
Women Aids Organisation
Agape Home
Archdiocesan Office for Human Development
PJ Caring Home
Soroptimist

Others:

UNFPA
UNICEF

The Office will build capacity in refugee communities through participatory assessments, joint planning with refugee community leaders and programmes in education, health, livelihoods and community development.

UNHCR will increase its protection capacity to offer fair and efficient protection to people of concern.

○ Constraints

Planning for 2010 is based on the assumption that the overall protection environment will not change significantly. The Malaysian Government is not expected to take significant steps to establish a legal and administrative framework for refugees.

It is assumed that Malaysia will continue to see a steady flow of newly arriving asylum-seekers.

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

While UNHCR will continue to implement its livelihood and self-reliance strategies for people of concern, it is assumed that a sizeable portion of the refugee population will find their own coping mechanisms through employment in the informal labour market and community support. However, basic public

services such as health, education and civil-status documentation will remain limited due to Government policies, particularly for those who do not possess UNHCR identity cards.

Organization and implementation

○ Coordination

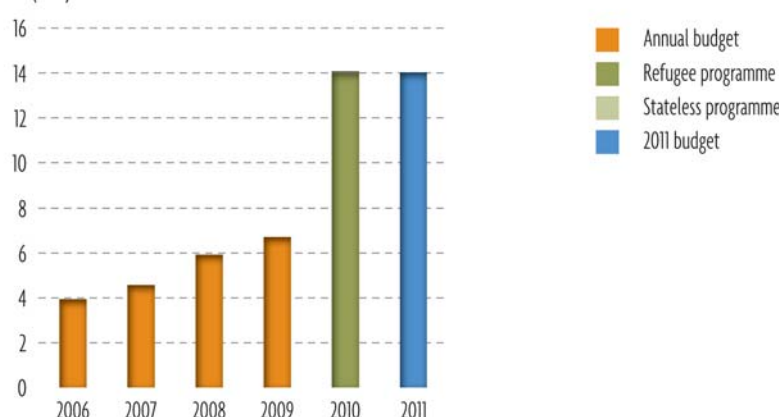
UNHCR's close coordination with a range of stakeholders, including the Government, civil society, NGOs and UN agencies, is a key element in its country strategy. The Office will continue to strengthen coordination with civil society actors, employers and academics, as well as liaise with international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

Financial information

The 2010-2011 budget reflects the comprehensive needs of the populations of concern in Malaysia while taking into account implementation capacity. The requirements respond to the large number of unregistered new arrivals and those who have remained in the country for many years. The expected doubling of the population of concern, will require increased processing capacity for registration, status determination and durable solutions. Resources are also required to reinforce programmes in education, health and livelihoods support.

UNHCR's budget in Malaysia 2006 - 2011

Millions (USD)



2010 UNHCR Budget for Malaysia (USD)

RIGHTS GROUPS AND OBJECTIVES	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
Favourable protection environment			
International and regional instruments	66,653	0	66,653
National legal framework	59,689	0	59,689
National and regional migration policy	59,689	0	59,689
Prevention of statelessness	0	63,220	63,220
Public attitudes towards persons of concern	62,475	0	62,475
Non-refoulement	63,868	0	63,868
Subtotal	312,375	63,220	375,595
Fair protection processes and documentation			
Registration and profiling	515,174	0	515,174
Fair and efficient status determination	2,202,445	0	2,202,445
Family reunification	35,100	0	35,100
Individual documentation	35,100	0	35,100
Civil status documentation	35,100	0	35,100
Subtotal	2,822,918	0	2,822,918
Security from violence and exploitation			
Impact on host communities	86,648	0	86,648
Community security management system	41,200	0	41,200
Gender-based violence	199,853	0	199,853
Protection of children	209,825	0	209,825
Freedom of movement	35,812	0	35,812
Non-arbitrary detention	240,277	0	240,277
Access to legal remedies	262,544	0	262,544
Subtotal	1,076,158	0	1,076,158
Basic needs and essential services			
Shelter and other infrastructure	210,054	0	210,054
Primary health care	1,225,730	0	1,225,730
HIV and AIDS	444,892	0	444,892
Education	1,555,717	0	1,555,717
Services for groups with specific needs	416,182	0	416,182
Subtotal	3,852,574	0	3,852,574

Consequences of a 20 – 40 per cent funding shortfall

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

RIGHTS GROUPS AND OBJECTIVES	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	TOTAL
Community participation and self-management			
Participatory assessment and community mobilization	55,579	0	55,579
Community self-management and equal representation	247,079	0	247,079
Self-reliance and livelihoods	1,636,845	0	1,636,845
Subtotal	1,939,502	0	1,939,502
Durable solutions			
Durable solutions strategy	242,666	0	242,666
Resettlement	1,193,115	0	1,193,115
Local integration support	241,757	0	241,757
Subtotal	1,677,538	0	1,677,538
External relations			
Donor relations	25,729	0	25,729
Resource mobilization	36,871	0	36,871
Partnership	42,442	0	42,442
Public information	43,834	0	43,834
Subtotal	148,875	0	148,875
Logistics and operations support			
Programme management, coordination and support	1,264,861	45,621	1,310,482
Subtotal	1,264,861	45,621	1,310,482
Headquarters and regional support			
Protection advice and support	90,425	0	90,425
Technical advice and support to operations	719,721	0	719,721
External affairs	90,425	0	90,425
Subtotal	900,572	0	900,572
Total	13,995,373	108,841	14,104,215
2011 Budget			14,039,700
2009 Revised annual budget			6,725,882