

# MALAYSIA

## | Operational highlights |

- In 2009 UNHCR in Malaysia registered almost 40,000 persons, some 20,500 of them through an innovative mobile registration programme. The Office conducted refugee status determination (RSD) for more than 34,200 applicants. The overall number of people of concern in the country increased to 65,000 refugees and 10,000 asylum-seekers.
- UNHCR conducted 400 visits to detention facilities and met more than 6,800 people of concern. Interventions by the Office led to the release from detention of 4,600 people, up from 500 people similarly released in 2008. The Office ensured legal representation for 1,100 cases, and avoided the imposition of heavy jail terms and whipping in all but a few instances.
- The Office identified and registered more than 1,800 unaccompanied and separated children of concern and conducted more than 800 Best Interest Determination (BID) interviews and assessments in 2009.
- Over 10,200 refugees were submitted for resettlement.
- Some 4,000 children of concern availed themselves of education programmes organized by refugee communities, religious institutions and NGOs, an increase of 67 per cent since the end of 2008.
- People of concern with specific needs benefited from counselling, referrals for shelter, medical specialists, hospitals and other assistance. By the end of the year, the Office had received more than 270 referrals of complex and vulnerable cases, of which 220 were resolved.



Persons of concern					
Type of population	Origin	Total	Of whom assisted by UNHCR	Per cent female	Per cent under 18
Refugees	Myanmar	61,400	61,400	32	25
	Sri Lanka	2,100	2,100	21	12
	Somalia	600	600	47	36
	Various	1,200	1,200	43	34
People in a refugee-like situation	Indonesia	700	600	100	-
	Various	50	50	100	2
Asylum-seekers*	Myanmar	8,300	8,300	27	16
	Sri Lanka	800	800	22	11
	Afghanistan	300	300	43	43
	Somalia	170	170	39	26
	Thailand	150	150	34	26
	Various	600	600	32	21
Stateless**	Stateless	40,000	-	-	-
Others of concern	Filipino Muslims	61,300	-	-	-
	Various	20	-	-	20
<b>Total</b>		<b>177,690</b>	<b>76,270</b>		

\* According to UNHCR, and based on lists provided by refugee communities in Malaysia, there are an estimated 25,000 unregistered asylum-seekers in Malaysia which share the same profile as the current population of asylum-seekers and refugees and who are being progressively registered and having their refugee status determined.

\*\* Includes an estimated 20,000 ethnic Tamils, 10,000 children of undocumented immigrants in Sabah, 10,000 children of Filipino Muslims refugees



Newly released refugees and asylum-seekers talking with UNHCR staff concerning the health problems faced by their babies while in detention.

UNHCR / ISMAAT

## | Working environment |

Shifts in Malaysia's political and social climate in 2009 presented opportunities to improve humanitarian space, and UNHCR saw modest, positive changes in the Government's attitude towards asylum-seekers and refugees. Notably, there were credible indications that forcible deportations of asylum-seekers and refugees had ceased in mid-2009. Increased engagement by the Government and law enforcement bodies with UNHCR resulted in better communication and more chances to address long-standing issues related to the physical security of refugees.

Malaysia is not party to the 1951 Refugee Convention or its 1967 Protocol, and there is no legislative or administrative framework to address refugee issues. There are now more than 3 million migrants in Malaysia, a million of whom are considered illegal.

Under Malaysian law, refugees are not distinguished from undocumented migrants, and are therefore vulnerable to arrest, detention, prosecution, whipping and deportation. In light of the lack of administrative provisions for refugees, UNHCR conducts all activities related to reception, registration, documentation and status determination.

A lack of official status means that refugees have no access to sustainable livelihoods or formal education. In order to improve the situation, UNHCR cooperates with NGOs to implement some humanitarian programmes for refugees.

Malaysia is also host to a number of stateless persons, including approximately 60,000 Filipinos in the province of Sabah and another 40,000 individuals with no documentation, many of whom are children.

## | Achievements and impact |

### ◦ *Main objectives*

In 2009, UNHCR aimed to ensure the protection of people of concern through timely registration, fair and efficient RSD procedures and the issuance of identity cards for

asylum-seekers and refugees. Furthermore, the Office aimed to provide health services and education and material assistance for refugees with specific needs.

Addressing sexual and gender-based violence and enhancing the self-reliance of refugee women were equally important objectives. So was the search for group-based temporary local solutions, mainly for the Rohingyas from Myanmar; however, this has yet to produce the desired results.

### ◦ *Protection and solutions*

UNHCR capitalized on the positive domestic climate to enlarge its assistance programmes. The new programmes utilized the skills, knowledge and expertise of refugees, allowing them to provide assistance to their own communities.

Among the new initiatives that have proven effective were the establishment of the Social Protection Fund. The Fund has paid for improvements to refugee community schools, resulting in a 67 per cent increase in enrolment. It has also helped to increase capacity building and self-help within the refugee community, expand the pool of volunteers supporting refugee programmes and bring in more partners to implement livelihoods and micro-finance projects. UNHCR also began new partnerships with NGOs to assist the Rohingya and other refugee groups in Malaysia.

UNHCR redoubled its efforts to register asylum-seekers, and conducted mobile registration on an unprecedented scale. The release of some 4,600 people of concern from detention after UNHCR interventions was another key achievement, resulting from improved relations with the Department of Immigration and Police.

Resettlement in third countries remained the only viable solution for many of the refugees in Malaysia. In this regard, 2009 saw UNHCR present more than 10,000 resettlement cases to receiving countries, surpassing the submission target by 14 per cent.

## ○ Activities and assistance

**Community services:** The Social Protection Fund provided small grants to refugee community organizations to stimulate self-reliance. More than 700 refugees participated as committee members, trainers and beneficiaries. Training was provided for 230 refugee women in tailoring and knitting as well as for 10 women's community organizations in the production of handicrafts. Sixteen women entrepreneurs received small loans.

Programmes to address sexual and gender-based violence were strengthened through community mobilization, which led to more participation by women community leaders in refugee management committees. Assistance provided to survivors of sexual violence included medical and psychosocial support, counselling, the setting up of support groups, and temporary shelter.

**Domestic needs and household support:** Some 400 persons, including persons living with HIV, older persons and vulnerable individuals newly released from detention were given cash assistance. Refugee women in detention were provided with a regular supply of sanitary items.

**Education:** Some 4,000 children of concern had access to education, representing a 67 per cent increase over 2008. Facilities at 17 schools were upgraded and more than 11,000 textbooks distributed. Teacher training programmes were completed by 119 refugee teachers. The refugee-run schools were supported by some 90 volunteers from the expatriate and local communities coordinated by UNHCR. The Office's School Adoption Programme led to sponsorship of one community-based refugee school for a period of five years.

**Health and nutrition:** Assistance in this area focused on improving refugees' access to primary and preventive care through health education. Mobile-clinic services were provided in the Klang Valley and Johor, while the Brickfields ACTS clinic saw a 60 per cent increase in consultations in 2009 over the year before.

Primary prevention was strengthened by the recruitment of the first group of 30 community-health workers from refugee communities. Their health education sessions have already benefited some 43,000 persons of concern. Twenty-five community counsellors supported those living with HIV. Short-term financial assistance was given to refugees in need of critical or life-saving medical interventions. Almost 1,000 children from Myanmar's northern Rakhine State were vaccinated, while over 4,500 men and women from the same community were screened for diabetes and hypertension.

**Legal assistance:** UNHCR registered more than 39,000 persons and conducted RSD for over 34,000 applicants. Interventions by the Office resulted in the release from detention of 4,600 persons. Legal representation was provided in 1,100 cases. The resettlement operation exceeded set targets by 14 per cent, submitting more than 10,000 refugees for resettlement processing.

**Operational support (to agencies):** UNHCR supported implementing partners to ensure effective and timely delivery of services to refugees and asylum seekers.

## ○ Constraints

Despite the positive changes in 2009, the lack of a domestic legal and administrative framework for the protection of refugees remains the main challenge in Malaysia. The absence of government mechanisms to receive, register and document persons and determine their refugee status means that UNHCR will have to continue to perform these functions in Malaysia.

The number of people of concern in Malaysia increased significantly in 2009. While this was due in large part to the registration of many asylum-seekers who had been in the country for some years, it was also related to a steady flow of new asylum-seekers from many countries. Managing the registration and RSD of these new applicants will require UNHCR to maintain a resource-intensive operation, particularly in terms of staffing.

## | Financial Information |

Despite a modest increase in budgets and expenditure in the past few years, budgets have not been sufficient to address the needs arising from the significant expansion of the population of concern.

## | Organization and implementation |

In 2009, UNHCR had a total of 137 staff in Malaysia: 12 international and 39 national staff, one consultant, five international UNVs and 80 UNOPS staff. This large work force was essential to fulfil the programme in RSD, reception, provision of assistance, durable solutions and other protection-related activities.

## | Working with others |

A key element of UNHCR's country strategy was greater cooperation with a range of stakeholders, including the Government, civil society, NGOs and UN agencies. The Office engaged NGOs in broadening assistance programmes and strengthened coordination with civil-society actors, employers, academics and international human rights groups. UNHCR is an active member of the UN County Team and collaborated with UNICEF, UNFPA and WHO on issues relating to health and refugee children.

## | Overall assessment |

With its commitment to engage the Malaysian Government in a constructive manner, UNHCR expanded the humanitarian space for refugees by suggesting solutions that were humanitarian, practical, and creative, as well as being in the political and social interests of Malaysia. A sense of openness on the part of the new Government provided an opportunity to expand the boundaries of the protection space in the country.

An important achievement for UNHCR was the registration of all unregistered people of concern, many of whom had been in the country for years. Equally important was the opening up

of opportunities to access more immigration detainees and assist with the registration and release of persons of concern. These achievements would not have been possible without the improvement in relations with Government agencies.

## Partners

### Implementing partners

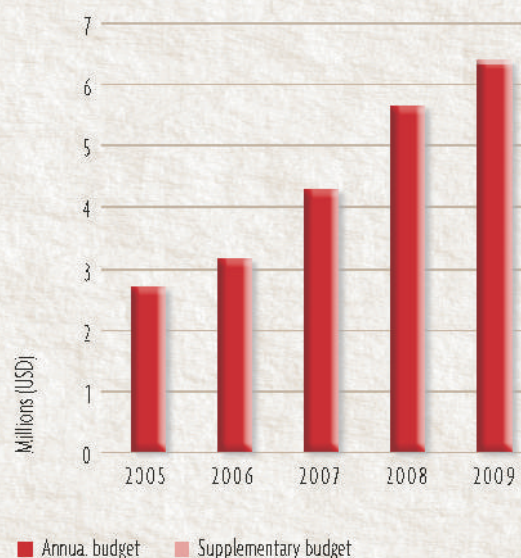
**NGOs:** *Kumpulan ACTS Sdn Bhd*, Taiwan Buddhist Tzu-Chi Foundation, Harvest Centre Berhad, Malaysian Care Shelter

### Operational partners

**NGOs:** Taiwan Buddhist Tzu-Chi Foundation, Soroptimist International Johor Bahru, Mercy Malaysia, Tenaganita, Women Aids Organisation (WAO), Agape Home, AOHD, PJ Caring Home, Soroptimist

**Others:** UNFPA, UNICEF, WHO

## Expenditure in Malaysia 2005 - 2009



## Budget, income and expenditure in Malaysia (USD)

	Final budget	Income from contributions	Other funds available	Total funds available	Total expenditure
<b>Annual budget</b>	<b>6,752,314</b>	<b>1,305,100</b>	<b>5,308,774</b>	<b>6,613,875</b>	<b>6,318,088</b>
Avian and human influenza preparedness SB	63,057	0	63,057	63,057	63,057
<b>Total</b>	<b>6,815,371</b>	<b>1,305,100</b>	<b>5,371,831</b>	<b>6,676,932</b>	<b>6,381,145</b>

Note: Supplementary programmes do not include seven per cent support costs that are recovered from contributions to meet indirect costs for UNHCR. Income from contributions includes contributions earmarked at the country level. Other funds available include transfers from unearmarked and broadly earmarked contributions, opening balance and adjustments.

## Financial report for UNHCR's operations in Malaysia (USD)

Expenditure breakdown	Current years' project			Previous years' project
	Annual budget	Supplementary budgets	Total	Annual and supplementary budgets
Protection, monitoring and coordination	1,470,275	0	1,470,275	0
Community services	352,322	0	352,322	18,851
Domestic needs and household support	192,016	0	192,016	0
Education	170,564	0	170,564	67,073
Health and nutrition	493,154	63,057	556,211	26,603
Legal assistance	1,057,536	0	1,057,536	0
Operational support (to agencies)	63,284	0	63,284	0
Instalments to implementing partners	336,612	0	336,612	(112,526)
<b>Subtotal operational activities</b>	<b>4,135,762</b>	<b>63,057</b>	<b>4,198,819</b>	<b>0</b>
Programme support	2,182,326	0	2,182,326	0
<b>Total expenditure</b>	<b>6,318,088</b>	<b>63,057</b>	<b>6,381,145</b>	<b>0</b>
<b>Cancellation on previous years' expenditure</b>				<b>(12,896)</b>
<b>Instalments with implementing partners</b>				
Payments made	1,335,559	0	1,335,559	
Reporting received	(998,947)	0	(998,947)	
<b>Balance</b>	<b>336,612</b>	<b>0</b>	<b>336,612</b>	
<b>Previous year's report</b>				
Instalments with implementing partners:				
Outstanding 1st January				181,158
Reporting received				(112,526)
Refunded to UNHCR				(68,890)
Currency adjustment				0
<b>Outstanding 31st December</b>				<b>(258)</b>