

COUNTRY OPERATIONS PLAN

Country: Malaysia

Planning Year: 2002

Executive Summary

(a) Context: Beneficiary Populations and Themes

Malaysia is not party to the 1951 Convention or the 1967 Protocol and has no national legislation or procedures dealing with refugees. Individual refugees are generally treated as illegal immigrants. However, UNHCR conducts the refugee status determination of asylum seekers approaching the UNHCR Liaison Office in Kuala Lumpur (LO), on the basis of its Statute.

Due to its unique geographic location and the relative instability in neighbouring countries, Malaysia has become a principal destination and transit point for migrants, and refugees alike. As a consequence, the estimated number of such persons who reside in Malaysia now exceeds 2 million or approximately 10 percent of the national population.

UNHCR activities in Malaysia have been primarily confined to determining refugee status based on the organisation's statutory mandate, pursuing related protection activities, and seeking durable solutions for those under its mandate.

New approaches are being developed which will enable UNHCR to increase its profile in Malaysia. First, and perhaps most important, is a greater emphasis on public advocacy about the work of UNHCR in Malaysia. Second, a greater emphasis is being placed on identifying and working with national institutions, civil society and NGOs. Third, is the introduction of a number of activities that are relevant and desirable to the Government of Malaysia.

Immediate steps include strengthening ties with the newly created National Commission on Human Rights and the expansion of emergency training. A similar training effort is being extended to national NGOs. In May, the first one-day NGO Protection Seminar is being offered to the senior staff of nearly a dozen national NGOs.

The UNHCR Office in Malaysia will begin to develop a more active presence in the main areas outside Kuala Lumpur where most of the newly arrived refugees are located. This presence will help UNHCR monitor protection needs as well as assist its design and the targeting of training activities. All of these efforts are essential supporting elements to the Office's protection strategy. Through these measures, UNHCR will lay the foundation for its entire range of advocacy and protection efforts.

Refugee status and solutions

Due to the absence of any legal or administrative regulations governing asylum seekers or refugees, general immigration rules apply to those in need of international protection. Therefore, most of the refugees (who are in the country illegally) are officially regarded as illegal immigrants, which exposes them to detention with the possibility of subsequent refoulement. Their local integration in Malaysia is normally not an option, and in almost all cases, durable solutions have to be found outside Malaysia.

Urban refugees

At present asylum seekers approaching UNHCR Malaysia are individually screened through refugee status determination interviews. Those determined to be refugees are given at least temporary protection until a durable solution can be found.

Although the urban refugee caseload is a dynamic one, with several hundred refugees departing or being resettled each year, approximately 100 persons have stayed in Malaysia for 4 to 5 years. This group of long-stayers will receive special attention in 2002 and as a consequence it is anticipated that most will be resettled.

The number of applications for refugee status is rising significantly in 2001 and should continue to do so in 2002. As part of its new protection strategy, UNHCR Malaysia will need to explore ways of making itself more accessible to asylum seekers in Malaysia as well as to provide training to police and immigration authorities on the treatment of asylum seekers and refugees.

Overall outlook:

As part of its protection efforts, UNHCR Malaysia will increase activities aimed at promoting understanding of both the refugee issue and protection principles. The Office will also make every effort to encourage the Government to participate in regional discussions relating to the issue, such as the Intergovernmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants. The UNHCR Office in Malaysia will also increase contingency planning and emergency preparedness measures.

Efforts to strengthen protection will be carried out in a number of ways. In order to increase both the efficiency and fairness of the status determination process, UNHCR Kuala Lumpur will continue to review its approach to determining eligibility for refugee status with the support of regional protection staff and Headquarters. A review of long staying refugees whose situation and rights remain unclear will be undertaken and new efforts to achieve a more durable solution will be made.

Refugee protection will be strengthened through promotion activities and co-operation with academic and non-academic institutions concerned with human rights, migration and refugees. In particular, an attempt will be made to organise an on-going discussion with the newly established National Commission for Human Rights on the subject of Malaysia's accession to the 1951 Convention. The Commission's assistance will also be sought in advancing the rights and treatment of asylum seekers and refugees. It is also hoped that UNHCR can also work with both the Commission and UNICEF to follow-up on implementation of those elements of the Convention on the Rights of the Child that concern refugee children.

A number of awareness efforts are also being developed that could significantly increase the number of sympathetic supporters of UNHCR and the international refugee issue. The Office in Malaysia will explore the potential for including an element of refugee education in school curricula. UNHCR will also look into the possibility of making a film suitable for

Malaysian television aimed at increasing awareness and support of UNHCR and its activities within civil society.

To further and expand promotion and contingency planning efforts, contacts with key Malaysian NGOs are being revitalised and will be increased throughout the year. Meetings between UNHCR and all NGOs are being regularised and are increasingly focused on these aims. Contingency planning and emergency preparedness workshops are also being organised to target the police, immigration authorities and armed forces. These workshops will be organised in co-operation with the Division of National Security of the Prime Minister's Department through the Malaysian Peacekeeping Training Centre, the Armed Forces College, and the Institute for Diplomacy and Foreign Relations.

(b) Selected Programme Goals and Objectives

Name of Beneficiary population #1: Urban Refugees	
Main Goal(s):	
<ul style="list-style-type: none"> All asylum seekers and refugees in Malaysia will receive adequate and qualitative protection as required under existing international refugee regime. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> All asylum seekers will be provided with prompt & fair treatment and access to UNHCR at all times. All refugees will be given adequate and qualitative temporary protection pending durable solutions. All refugees will be assisted in searching for timely durable solutions. 	<ul style="list-style-type: none"> A basic refugee protection framework will be established that can serve as the basis for a national system in the future.

Name of Beneficiary population #2: Muslims from Myanmar	
<ul style="list-style-type: none"> Main Goal(s): Identification of practical measures on durable solutions either through voluntary repatriation or local integration 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Citizenship issues will be clarified. Legal status obtained/regularised in Malaysia for access to minimum social and economic welfare services pending durable solutions. 	<ul style="list-style-type: none"> A flexible and humanitarian position will be maintained and cases of extreme hardship will be addressed.

Name of Theme #1: Public Information and Fund Raising	
<ul style="list-style-type: none"> Main Goal(s): Both public and private sectors in Malaysia fully appreciate global refugee protection needs and engaged in fund-raising for UNHCR . 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Develop strong public 	<ul style="list-style-type: none"> Networking among the Government

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<p>understanding & support for UNHCR activities.</p> <ul style="list-style-type: none"> • Develop substantial fund-raising opportunities from Malaysia Public Information and Fund Raising. 	<p>and civil society will produce a more positive asylum environment in Malaysia.</p>
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<p>Name of Theme #2: Contingency Planning and Emergency Preparedness and Response</p>	
<ul style="list-style-type: none"> • Main Goals(s): Adequate and timely response mechanism in place in Malaysia for population displacement in need of international protection. 	
<p>Principal Objectives</p>	<p>Related Outputs</p>
<ul style="list-style-type: none"> • Well designed contingency plan developed at UNHCR and the Government • Training and contingency planning capacity available within government and non-Governmental sectors • Regional co-operation framework developed • UNHCR protection mandate fully reflected in the training 	<ul style="list-style-type: none"> • More solid co-operation between UNHCR and the Government to improve refugee reception, ensure broader protection coverage, and influence immigration policy