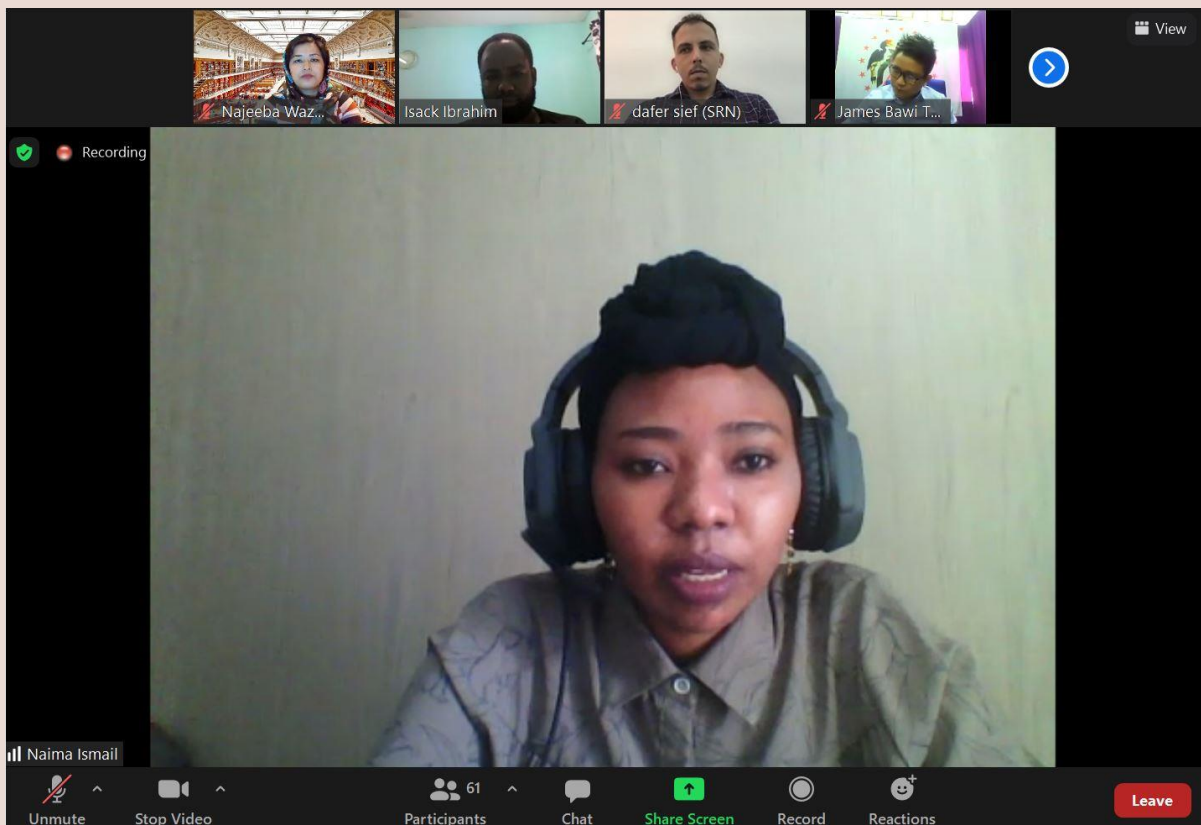




Hearing the voices of refugees and asylum seekers in Malaysia
Outcome Report
of
Malaysia Refugee Consultation
August 2021



EXECUTIVE SUMMARY

The Asia Pacific Network of Refugees was founded in 2018 at the Asia Pacific Summit of Refugees. APNOR is a network of refugee-led groups and organisations in the Asia-Pacific, advocating for refugee leadership & representation.

The Malaysia Consultation was convened by Najeeba Wazefadost, Masooma Ramazan and Isack Ibrahim from APNOR. We thank our panellists and all the refugees who participated in the discussion.

This report was written for APNOR by Masooma Ramazan and Fergus Peace. Thanks to Open Society Foundations for supporting the APNOR Malaysia consultation.

INTRODUCTION: CONSULTATION BACKGROUND:

NAJEEBA WAZEFADOST

The Malaysia Consultation is the most recent in a series of national consultations being conducted by the Asia Pacific Network of Refugees. It follows consultations for refugees in Japan, Cox's Bazar and New Zealand. The consultations create an opportunity to share stories and experiences, and amplify the voices of refugees.

APNOR's mission is to set the agenda for refugee policy drawing on lived experience refugee leadership, ensuring that refugees are heard and involved in national and international policy reform.

Refugee issues in the Asia Pacific remain extremely pressing. Only 19 of 52 states in the region are signatories of the Refugee Convention. Most refugees face protracted displacement, with few protections or supports, as only 0.4% of refugees in the region found durable solutions in 2019. UNHCR's operations in the Asia Pacific, as elsewhere in the world, are underfunded.

Despite their difficult circumstances, refugees across Asia are still willing and eager to be active agents of change. Refugees have knowledge of their diverse challenges and ideas for solutions. On the ground, refugee-led initiatives have provided displaced people with access to education, healthcare and social supports. But refugee-led organisations and refugee participation remain chronically under-resourced, despite the fact that the

Global Compact on Refugees acknowledged that refugee responses are most effective when refugees themselves are able to participate in them.

Refugees need to be at the table and empowered to contribute substantively to policy-making. APNOR's consultations seek to capture some of those contributions, and the outcomes of the national consultations will be brought together in APNOR's Agenda for Change in late 2021.

The Malaysia Consultation was convened to look at gaps in refugee protection in Malaysia, what needs to be done, and what other stakeholders can do to support refugee leadership in the country.

The consultation began with a panel discussion, with refugee leaders speaking on the challenges for refugees in Malaysia and how their refugee-led initiatives are responding, moderated by Isack Ibrahim. The panel was followed by a workshop discussion, in which refugee community members spoke about their own issues and strategies for tackling them.

For the first time in this consultation series, non-refugee stakeholders were allowed to join the consultation, for the panel discussion segment only. This was at the request of refugees in Malaysia, with the goal of letting stakeholders hear directly from refugee leaders on the ground. The community workshop remained open to refugees only.

REFUGEE LEADERSHIP IN MALAYSIA: PANEL DISCUSSION

The panel discussion was convened by **Isack Ibrahim**, a refugee activist living in Malaysia, originally from Somalia. Isack is the representative for Malaysia on APNOR's Steering Committee.

Panellists were:

Naima Ismail, a women's rights activist from Somalia, currently living in Malaysia as a refugee. Naima founded the Somali Women's Association of Malaysia, and as a public health graduate she works with women on girls on health literacy, access to healthcare, mental health awareness, and trauma.

Mohammad Taher Attayee, an Afghan refugee community leader in Malaysia, where he has been living since 2016. He holds a Master's degree in international law and has trained in advocacy skills with the Afghanistan Legal Aid Organization.

Dafer Sief, an independent human rights advocate from Syria, living in Malaysia. Dafer is the founder of the Syrian Refugee Network and the Syrian community representative to UNHCR Malaysia. He works as a social worker and helps coordinate assistance including food aid, medical check-ups, children's welfare programmes and others.

James Bawi Thang Bik, chair of the Alliance of Chin Refugees, based in Kuala Lumpur. James led Chin refugees in protests which led to the reversal of the cessation policy for Chin refugees in 2019. The ACR provides education

support to 329 students in their refugee school, for people who have no other access to education, as well as legal assistance and casework support for people arrested or seeking healthcare.

Challenges for refugee communities and refugee-led initiatives

A major theme of the discussion was the need for **work rights for refugees**, to improve their livelihood prospects. Naima highlighted this as a core challenge, because insecure finances affect living standards and health indicators. Even large international organisations and international NGOs cannot be resourced to provide for all the needs of refugees, so reform to grant work rights is urgent. At present, refugees are very vulnerable; members of the Somali Women's Association of Malaysia (SWAM) include cancer survivors, survivors of sexual and gender-based violence, and people living with disabilities. Naima reported some refugees getting married just to have shelter and food, making them vulnerable to domestic violence. Dafer also emphasised the significance of work rights to allowing refugees to provide for themselves.

The panellists also described **shortcomings in UNHCR's operations** which are affecting refugees in Malaysia. Naima expressed frustration that UNHCR continues to give hope to refugees about resettlement, despite the reality that only 1% of refugees are resettled. Taher

highlighted the lack of action from resettlement countries to provide support that would stop people living in limbo in Malaysia for long periods; many Afghans in Malaysia have been in the country for a decade or more. Dafer explained that Syrians, too, have spent long periods of time in Malaysia but are mostly “waiting for what’s next” because they hope to build lives elsewhere and have no secure status in Malaysia.

Another important theme was the **lack of access to public education** for refugees. James explained that the refugee community has to provide its own education centres as a result, but that this is also difficult without secure legal status. The ACR’s school for refugees has been disrupted by threats of arrests and deportation from Malaysian authorities. Taher emphasised that the uncertainty affecting refugees’ lives means that many young people lose the window where they should get their education, something which is very difficult to make up later in life. Dafer reiterated the effects of a lack of education on young refugees in Malaysia.

Finally, **social exclusion and uncertain status** pose major limits on how refugees can live their lives. James pointed out that refugees feel they are unwelcome guests in Malaysia, with many Malaysians blaming refugees for social problems and not being willing to see them as humans with life experience, education or skills. Taher reported refugees who are putting off having children because of their uncertain status, and described the way that lack of legal status or

documents stops people travelling, opening bank accounts, or even driving – sharply limiting their life options and creating a constant feeling of unsafety.

Regarding **challenges for refugee organisations**, Naima explained that SWAM cannot be registered as an organisation, so it is impossible to do much effective fundraising or raise its profile internationally. SWAM cannot even operate a bank account to support its community centres. Dafer described how the SRN faces serious challenges because of funding shortages. Legal obstacles also make it hard for SRN to operate, and UNHCR has not provided much support to facilitate, for example, the movement of refugee activists between different parts of the country to distribute food.

Strategies for responding to refugees’ challenges

Panellists emphasised the importance of **involving refugees in planning and programming**. Several panellists recounted instances of refugees receiving donations of food that they don’t know how to cook or don’t need, undermining the effectiveness of food distributions. This also extends to **recognising cultural sensitivities in support work**, in particular the importance of consent and confidentiality when working with women and girls. Naima recalled a bad experience with a support provider insisting on taking photographs of refugees for publicity and calling their preference for privacy a ‘luxury’. This can have the effect of making refugees reluctant to engage with translators or support workers, so maintaining and

providing reassurances about consent and confidentiality is vital.

Another key element of effective response is to develop programmes for **empowerment, leadership and psychosocial support**. Dafer explained that many support NGOs, in part because of their own lack of resources, are heavily focused on providing necessities like food and healthcare. These basics are important, but they mean that there is much less support for refugee-led groups trying to do psychosocial support work, promote refugee leadership, and train refugees in empowerment and advocacy. These kinds of programmes are crucial if larger-scale change for refugees is to be achieved, rather than simply providing for day-to-day necessities. Leadership and empowerment programmes also need to be designed in close consultation with refugees, to reflect their experience and perspectives, not directed solely by NGOs.

James also pointed to the potential from **identifying local grassroots support** – refugee organisations should avoid generalising that Malaysian people agree with the Malaysian government’s stance towards refugees. Malaysian university students have come to support the ACR school, which helps refugee students and also raises awareness about refugee issues in the Malaysian community. Local support is particularly important

In society more broadly, refugees often face exploitation and discrimination. Taher explained that disputes between locals and refugees are inevitably resolved in favour of the local. Social

because of refugees’ lack of status, which means many basic tasks like receiving funds and buying supplies are very difficult for refugees to do themselves.

Treatment by government, NGOs and society

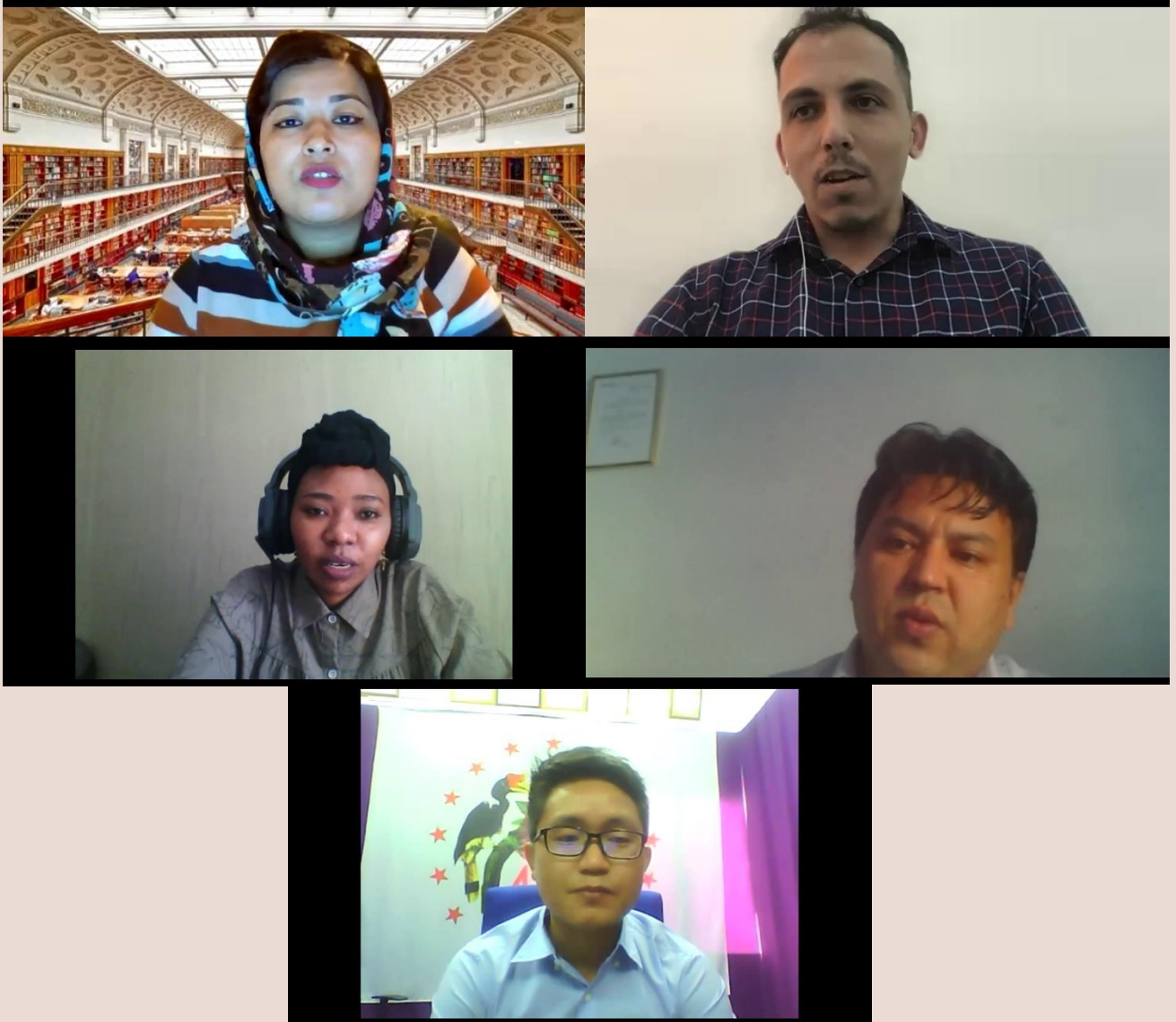
The panellists agreed that the Malaysian government views refugees as either a problem or as a political tool. Government organisations often lump refugees together with migrants, and believe that they are ‘in transit’ and so not a responsibility for Malaysia. The lack of Convention recognition entrenches these problems. James highlighted the way that periodic crackdowns on refugees are used by the government to distract from other political problems.

Some support organisations take a very positive stance when working with refugees. However, their status as organisations working *for* refugees limits how much they can recognise refugees’ own contributions. Taher described pressing some support organisations to hire refugees, in recognition of the talents and experience they have, but in general only locals are hired for this support work, denying opportunities to refugees. Naima also explained that some NGOs do not coordinate with refugee-led organisations, instead trying to make sure that their own work is the most visible and recognised.

perceptions are a problem: any bad action by one refugee becomes widely known in Malaysia, while positive contributions and the skills and talents of refugees are not shared or known of

by the Malaysian community. Nonetheless, James emphasised that it should be the government that takes

the lead – granting some formal rights, as a first step towards Malaysian society welcoming and including refugees.



Some of the speakers during the introduction and panel discussion. From top, left to right: Najeeba Wazefadost, Dafer Seif, Naima Ismail, Taheer Attayee, James Bawi Thang Bik.

COMMUNITY WORKSHOP & DISCUSSION

In the second segment of the consultation, refugees attending the Zoom were invited to share their own stories and concerns about living in Malaysia. The discussion aimed to highlight challenges, but also opportunities, solutions, and possible partners for realising change.

MAJOR CHALLENGES

One of the most urgent issues identified by refugees was **access to healthcare**. Person K described her inability to access dental care for herself or her daughter. Person H explained that he is currently bedridden at home because he cannot afford the 40,000 ringgit (A\$12,850) he would have to pay in hospital for the surgery he needs to relieve a hernia in his skull. Private insurers do not offer plans for refugees. Ismail, who works in mental health support, identified that even organisations supporting refugee healthcare have very limited capacity for psychiatric and psychological care. This is particularly problematic given the high rates of trauma in refugee communities, both from their experiences in their home countries and their continued struggles in transit and in Malaysia.

Another key challenge for refugees was the **lack of transparency from UNHCR**. Many refugees reported waiting years to hear back about their refugee status determination or resettlement assessments, with no updates from UNHCR. One Syrian refugee was submitted for resettlement

with his ageing parents, and after several years was told that his parents could go the United States but he could not and his file would be resubmitted to another country. Person M also from Syria, pointed to the lack of transparent reporting which would explain what progress UNHCR is making in supporting the refugee population and what obstacles exist. Without this, refugees see more recent arrivals being resettled before them and are frustrated by the lack of transparency or fairness. Other refugees including D, F and S described living in Malaysia for as long as seven years and going years without updates from UNHCR on their cases.

Interactions with **police and authorities** were seen as dangerous by many refugees. Person R explained that he and family members feel unable to report sexual harassment to police, because they do not think their complaints will be taken seriously. One Somali refugee said that her daughter's husband had threatened them, but they felt unable to get any protection from the authorities; another woman refugee described living in constant fear of arrest since her visa expired and she has

no UNHCR papers. Mohamed Kanas was arrested and held for 50 days in detention, far beyond the legally prescribed 14 day maximum for conducting checks, and waiting for UNHCR to intervene for his release.

For several refugees, as discussed by the panellists earlier, the **denial of work rights** was a critical problem. Person M recounted being fired from a position at Microsoft because of his nationality, and unable to find work since because employers learn he is Syrian or a refugee and are unwilling to employ him. K and S both described being worried about being unable to care for their children, with no legal right to formal jobs and vastly reduced opportunities for informal work due to COVID-19.

More generally, **lack of secure legal status** was identified as the root of many problems for refugees. Even UNHCR papers are not seen as providing much protection or opportunity, and the lack of legal status

means that opening bank accounts, setting up organisations and finding work are all very challenging. There are also specific challenges for some communities of refugees. Person M explained that international sanctions on Syria make it even harder for Syrians to open bank accounts or find work. Person K described the unique situation of Yemenis, who have been granted a special visa allowing them to stay in Malaysia. Although this protects them against deportation, the visas still do not grant work rights, and at the same time UNHCR papers are not available to Yemenis because they are granted this status by the government, meaning it is harder to access supports for refugees.

Finally, several refugees identified that these challenges are only likely to become more pressing as more refugees arrive in Malaysia, with new trauma and difficulties and no access to adequate support networks in the country.

STRATEGIES & RESPONSES

Refugees in the consultation identified a number of priority strategies for responding to the challenges they face living in Malaysia. “It’s a big tragedy for refugees,” one said, “they cannot go forward, they cannot go back, they cannot meet their basic needs here in Malaysia.” Proposed responses addressed all three elements of this tragic situation.

Working with UNHCR to **advocate for increased resettlement** was seen as an important priority by many

refugees. While opportunities in Malaysia are important, some refugees felt that there was a limit to how settled they could ever be in Malaysia and that their lives needed to be rebuilt elsewhere.

Finding ways to **lobby the Malaysian government on providing basic opportunities**, like access to work and healthcare, was identified as a strategy for improving refugees’ immediate living conditions. However, the hostile political outlook of

the Malaysian government towards refugees was seen as an obstacle to this kind of advocacy.

As many refugees had raised problems with UNHCR during the discussion, there were also suggestions for improving UNHCR's relationship with refugee communities. Dafer described the meetings between UNHCR Malaysia and the Syrian Refugee Network every two to three months, where the same questions are asked and go unanswered. Finding ways to **improve communication with UNHCR** to get a real exchange of information, so that refugee communities can understand their situation better, is crucial.

The workshop also discussed ways that UNHCR can facilitate the work of refugee-led organisations. As highlighted above, refugee organisations can struggle because of their lack of legal status, with issues as simple as the difficulty of moving around the country to deliver food aid and other support. This work is done on a volunteer basis by refugees eager to help each other, and refugee leadership of this kind is extremely effective, so it is crucial that **UNHCR does more to facilitate and enable refugee organising, self-help and leadership.**

NEXT STEPS & FUTURE ENGAGEMENT

APNOR is eager to make sure that the national consultations are not one-off events, but open a continuing conversation in which refugees can make their voices heard. APNOR will set up a Whatsapp group to allow for ongoing updates, from refugee initiatives in Malaysia and from APNOR. APNOR will also establish a Working Group, which will bring together representatives of refugee communities and refugee-led initiatives, to continue bringing perspectives from Malaysia to all APNOR's advocacy work.

APNOR will continue to support refugee leaders and refugee initiatives in Malaysia, such as Refugee Action for Change (ReAct). We strongly agree with the sentiment expressed by Dafer during the discussion, that not only community leaders should speak out –

all refugees should be able to speak strongly and be heard

This outcome report will form part of APNOR's basis for engaging with UNHCR, at headquarter level in Geneva through the regional bureau and country offices, to get answers and responses on the issues that are most pressing to refugees.

Given that a lack of transparency from UNHCR and the ineffectiveness of current meetings and communications channels were raised as key challenges, refugees welcomed the prospect of APNOR opening new communications channels to bring refugees' concerns to UNHCR. The group also discussed the possibility of workshops, training or mentoring to help refugee representatives develop their empowerment skills and knowledge of how to engage with UN and INGO

officials' diplomatic, official approach to communication.

Later in 2021, APNOR will be represented at the UNHCR High-Level Officials Meeting, a major forum for shaping the refugee policy environment worldwide. APNOR will be

representing the views of refugees, as gathered in the national consultations, in that forum, but we will also be exploring ways to bring refugee voices directly, including by having refugee leaders from Malaysia and elsewhere speak at the meeting.

GET INVOLVED

If you would like to support APNOR's work, please contact us at apnor.refugees@gmail.com.

We welcome contact from refugees and refugee organisations across the Asia Pacific, as well as from supporters of our cause, philanthropic organisations, and policy stakeholders including UN and non-governmental organisations.

Below: Promotional social media material for the Malaysia consultation.



Refugees speaking up

CONSULTATION WITH REFUGEES IN MALAYSIA

*Share your concerns
Make your voice be heard
Hear from other refugees in
Malaysia*

REGISTER NOW
28 July 2021
4.00pm Malaysia
3.00pm Bangkok

#RefugeesLead #RefugeesRise
NOTHING ABOUT US WITHOUT US



Asia Pacific Network of Refugees