

The (Un)Official Refugee Protection Regimes in Malaysia

What Is the Way Forward?

Gerhard Hoffstaedter and Aslam Abd Jalil

Introduction

Malaysia, which is not a state party to the 1951 Refugee Convention or the 1967 Refugee Protocol, hosts a large number of refugees. Since the Indochina refugee crisis in the 1970s, the UNHCR has been largely responsible for refugees in Malaysia. As at the end of January 2022, 181,510 refugees and asylum seekers were registered with the UNHCR in Malaysia (UNHCR n.d.b). However, Malaysia's response to the UNHCR's role and its treatment of refugees has been marked by a lack of coherent policy – it has been largely ad hoc and reactive.

Malaysia has a long history of ad hoc and inconsistent refugee policies, based on the state 'navigating two rationalities that stem from fundamental norms of sovereignty and humanitarianism' (Prabandari and Adiputera 2019: 148). In Malaysia, section 6(1)(c) of the Immigration Act 1959/63 states that people found without lawful documentation will be subject to detention. As the Immigration Act does not differentiate between refugees and illegal migrants, refugees are constantly at risk of arrest, detention and expulsion as they lack a secure legal status (Nordin, Sahak and Ishak 2020: 387). However, as will be explained in this chapter, in the 1970s, some select groups of refugees were regularized as permanent and temporary residents – and some even became citizens – such as the Cham people in

Peninsular Malaysia (Robinson 1998) and some of the Moro people living in East Malaysia (Sadiq 2005).

The Pakatan Harapan government, which came to power in May 2018, appeared to support an end to the ad hoc approach to refugee policy. In its election manifesto, the government boldly stated that it would ratify the 1951 Refugee Convention to ensure that Malaysia actions its global humanitarian commitments (Pakatan Harapan 2018: 121). However, they did not enact this policy during their short time in government and still there is no driving force that seeks to action this change. During its time in office, Pakatan Harapan accepted other international standards on behalf of Malaysia, including ratifying the Rome Statute of the International Criminal Court, but these steps resulted in political backlash. As a consequence, subsequent administrations have backtracked and reversed their stance on ratifying the 1951 Refugee Convention (Waikar 2019). The public feared that importing international standards would compromise national sovereignty and the special status enjoyed by the Malay-Bumiputera¹ in Malaysia (Anuar 2019). This anxiety hampered any hope of Malaysia joining any legally binding, international commitments about refugees who have been living on the margins of Malaysian society as forcibly displaced populations for decades. In 2020, the new coalition government's Minister of Home Affairs reiterated that Malaysia does not recognize refugee status (*New Straits Times*, 30 April 2020) and urged third countries to resettle all of the refugees who are currently in Malaysia, as local integration in Malaysia was not a possibility (Daim 2020).

Most Southeast Asian states are nonsignatories to the 1951 Refugee Convention, so Malaysia's stance on refugee protection is not unusual. Sara E. Davies has argued that this 'regional reluctance' to join the fraternity of the international legal refugee protection regime stems from 'Asian rejection' of the Eurocentricity of the key legal instruments, and the region's experience with international community assistance during the Indochinese refugee crisis and subsequent Comprehensive Plan of Action (CPA), when the international community provided support for and accepted responsibility for refugees. Crucially, under the CPA, the majority of refugees were resettled to safe third countries outside the region (Davies 2007). Against this backdrop, Martin Jones argued that a legal approach based upon an 'assemblage of the law of asylum' derived from international human rights law obligations is developing in Southeast Asian countries (Jones 2014: 261–65). This approach may have potential, but, as recent political developments show, it has gained little traction in Malaysia.²

In this chapter, we focus on the status determination mechanisms enacted for refugees in Malaysia by the UNHCR and the Malaysian government. We argue that the Malaysian government's refugee registration approach, which was introduced through the IMM13 work permit,³ can provide a way forward, subject to certain protections. To establish this, we separately outline and discuss both UNHCR's and the Malaysian government's policies

for registering refugees in Malaysia. We demonstrate how they can be inconsistent and confusing for refugees. The discussion of the Malaysian government highlights the considerable discretion that the government has in providing protection; often it only chooses to protect refugees when there is political will to do so. We explain that the protection of refugees is given precedence through the IMM13 permit regime, which the Malaysian government has implemented several times for selected refugee populations. This chapter argues that a clearer and more equitable process to dealing with the complex issues of refugee registration and status determination in Malaysia could develop through the IMM13 permit system, which would both appease government fears and ensure that refugees can remain and work in Malaysia by providing them with a legal status.

Data underpinning this chapter were collected over the last decade by the two authors, primarily through intensive ethnographic fieldwork, semi-structured interviews and participant observation with a range of refugee communities in the Klang Valley in Peninsular Malaysia.

UNHCR Registration Mechanisms in Malaysia

The UNHCR began its work in Malaysia in 1975, following the influx of refugees who came from Vietnam at the end of the Second Indochina War. Initially, the Malaysian government asked the UNHCR to assist them with handling the growing number of arrivals. Thus began a long working relationship between the Malaysian government and the UNHCR under the CPA, whereby around 250,000 Vietnamese boat people were housed in dedicated camps, registered by the UNHCR and either resettled in third countries or repatriated (UNHCR n.d.c).

After the CPA programme ended, the UNHCR remained in Malaysia. It has primarily spent the last two decades conducting refugee status determination (RSD) to register asylum seekers and refugees from Myanmar. Of the 181,510 refugees and asylum seekers that are currently registered with the UNHCR, 155,610 come from Myanmar (UNHCR n.d.b). Registration is the primary task of the UNHCR, but, due to budget constraints, it lacks the capacity to assist in providing for housing, livelihood or other refugee needs (Hoffstaedter 2015).

In Malaysia, the UNHCR conducts RSD for urban refugees (Lego 2018: 188). If an individual is recognized as a refugee, they will be given a UNHCR card to replace their asylum seeker certificate. While the UNHCR card establishes recognition as a refugee, 'it is not an alternative to official recognition' (Hussain 2017: 5). The card's practical effect on refugees is that 'it reduces – but does not eliminate – the risk of arrest and detention' (Hussain 2017: 5). Still, according to Jera Beah H. Lego, even those who become 'recognised refugees' are vulnerable to arrest, detention, corporal punishment (caning)

and deportation (Lego 2018: 188). However, according to a circular issued in 2005 by the Attorney General's Chambers (UNHCR 2016), people who possess UNHCR documentation will not be prosecuted for immigration offences. Moreover, the UNHCR documentation has 'high commercial value', if not legal value, as it has enabled thousands of refugees to obtain informal employment (Malaysian Bar 2008; MISNA 2015).

Despite these ambiguities, registration and RSD remain the most effective and important steps for refugees to attain a modicum of protection in the form of the UNHCR refugee card, as many police and immigration officials recognize it and the card does – or, at least, should – enable freedom of movement within West Malaysia. Due to the UNHCR's capacity in these and similar ways, Alice M. Nah (2019) has argued that the UNHCR is a 'surrogate state' without sovereignty, which can negotiate a protection space for refugees. The Office of Protection and Intervention of the UNHCR monitors reports of arrests and detentions and, when necessary, visits detention centres and negotiates the release of detainees.

However, the UNHCR in Malaysia is in a precarious situation. Malaysia does not formally recognize refugees and generally considers them to be illegal immigrants, and nor does it recognize UNHCR itself as a legal entity. Without any legal ground or written agreement, the UNHCR's operations are dependent upon the courtesy of the Malaysian government and are only enabled through oral permission (Supaat 2014). Malaysia's preferred method of dealing with refugees is 'resettlement elsewhere' in a third country. This approach was first employed when the international community took in Vietnamese refugees through the UNHCR resettlement programme; thus, to achieve the same result now, Malaysia accepts no responsibility for the hundreds of thousands of refugees who are living within its borders. Instead, it expects the international community to shoulder this burden as it maintains the fiction that refugees are covered by the UNHCR's mandate (Prime Minister's Office of Malaysia 2020). The Malaysian government subscribes to this fiction for domestic political gain because it allows it to blame the UNHCR for any refugee-related issue and to continue immigration raids in which refugees are targeted and wrongly detained in immigration detention.

For example, when refugee arrivals from Myanmar increased in the early 2000s, the UNHCR introduced a second type of registration process for applicants from Myanmar (JRS Asia Pacific 2012: 35; Nordin, Sahak and Ishak 2020: 389). As will be described later in this chapter, this new process drew attention to the increasing number of arrivals from Myanmar in Malaysia and led to increased xenophobia. Malaysian politicians tend to showcase their 'leadership' by referring to the need to 'weed out undocumented foreigners' (Anis 2020) and 'illegal immigrants'. The UNHCR must keep its operations out of the public limelight to be tolerated by the Malaysian government. As will be described in the next section, the mass registration of refugees in the early 2000s alarmed the Malaysian government and dramatically changed its approach to the UNHCR (KiniTV 2021).

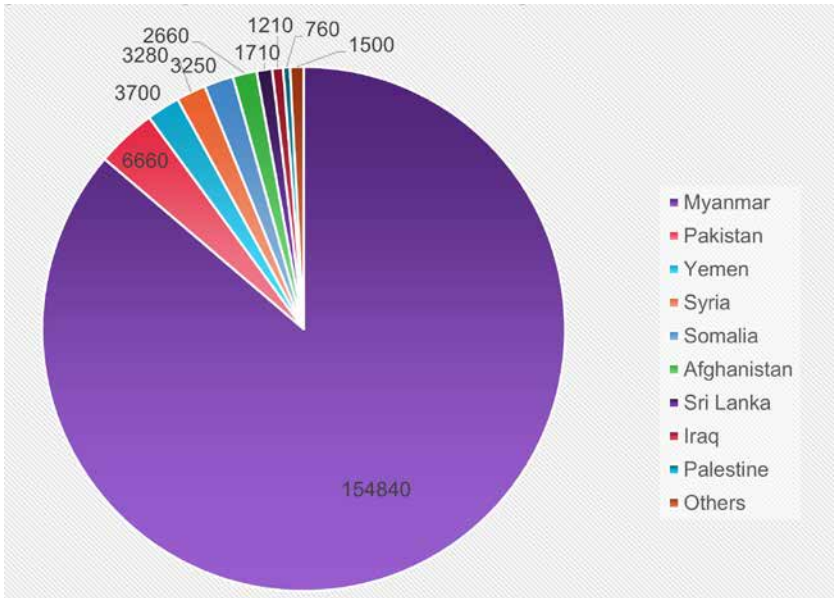


Figure 6.1 A pie chart of the asylum seekers and refugees that were registered with the UNHCR at the end of January 2022. Prepared by Aslam Abd Jalil using data retrieved from the UNHCR

Table 6.1 Countries of origin of the refugees and asylum seekers registered with the UNHCR in Malaysia by the end of January 2022

Country of origin	Total	Percentage
Myanmar	155,610 ⁴	85.73
Pakistan	6,760	3.72
Yemen	3,730	2.05
Syria	3,320	1.83
Somalia	3,220	1.77
Afghanistan	2,830	1.56
Sri Lanka	1,680	0.93
Palestine	780	0.43
Others	2,380	1.31
Total	181,510	100

Note: Prepared by Aslam Abd Jalil using data retrieved from UNHCR (n.d.b)

Registration through Refugee Community Organizations

In response to the rapid increase in the number of refugees that arrived in Malaysia from Myanmar in the early 2000s, the UNHCR in Malaysia developed and implemented several innovative registration regimes for asylum seekers in urban areas to deal with the high caseload, minute budget and low capacity to conduct registration and RSD.

Registration in Malaysia is a complex and often unclear process that involves several intermediaries and agonizing waiting times for refugees, who are scattered across the country. While anyone seeking asylum is encouraged to fax or email their registration forms and biodata to the UNHCR, in the experience of everyone we have interviewed over the last decade, this rarely results in a call back for an interview.⁵ Interventions that are based on the vulnerability of an applicant are more promising. For the most vulnerable people, the UNHCR will accept applications through the 'Partner Referral Network'. These applications come from service providers, schools, refugee community organizations and even individuals known to the UNHCR, such as refugee advocates (UNHCR n.d.a). For everyone else, the best option is to register through a refugee community organization (RCO) that has a formal relationship with the UNHCR. These RCOs usually have ethnic, religious and national affiliations. Walk-in registrations at the UNHCR compound in the centre of Kuala Lumpur are discouraged and are not an option for most refugees from Myanmar, who are required by the UNHCR policy to register with an RCO at first instance.

The current UNHCR policy is that arrivals from Myanmar must register through RCOs. The benefit of this policy is that the first level of registration is performed by community organizations that have a vested interest in maintaining internal credibility and homogeneity in their membership. Thus, ethnically based refugee organizations representing refugees from Myanmar actively deploy their kin networks and knowledge of family and other networks to ascertain whether a prospective applicant was from the town from where they claim to originate. On the other hand, this narrow approach to identity confirmation can exclude asylum seekers who do not possess such networks or family ties, or who fall outside of community identity expectations, such as sexual minorities or those with mixed heritage. These RCOs usually charge an annual membership fee for those who are accepted for registration, which runs counter to the UNHCR's policy of providing free registration services. However, most RCOs also provide an identity card that somewhat resembles the UNHCR card, as it provides basic biodata. Most RCOs also run a helpline staffed by the organization's members to help refugees who are arrested or require support.

The RCO then forwards the registration details to the UNHCR and the refugees await a phone call from the UNHCR asking them to come to a UNHCR office. Awaiting this phone call can take from several months to

years, so many refugees spend much of their income retaining the phone number with which they registered and keeping it in credit so they do not miss the vital call. Other refugees attempt to register with several RCOs to increase their chances of a speedy registration with the UNHCR. Occasionally, the UNHCR calls upon these organizations to assist in mass registration drives that take place in community venues, such as churches or even stadiums, attracting thousands of applicants from across the country. However, travelling for registration is a costly and dangerous undertaking, so the UNHCR also has a team that conducts mobile registration drives in regional cities and remote places, such as plantations where refugees work.

These mass and mobile registrations have led to a rapid increase in the number of registered refugees in Malaysia, which has perturbed the Malaysian authorities. The Malaysian government remains alarmed by and concerned about the UNHCR registering refugees and issuing identity cards to 'foreigners' who are perceived as bringing social and other problems (*The Star* 2021). Several mass registrations were carried out between 2008 and 2010, but these now no longer occur as the UNHCR has run out of funds. A 2012 evaluation of the UNHCR in Malaysia by the UNHCR Policy Development and Evaluation Service reported that:

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. (Crisp, Obi and Umlas 2012: 21)

However, many of these mass registrations did not have the desired outcome of registering vulnerable and underrepresented groups; instead, they often ended up benefiting the best organized groups and the individuals who were able to travel to the mass registration locations. For example, there was a mass registration event in a major sports stadium in Kuala Lumpur that aimed to register Rohingya asylum seekers because they had been underrepresented in registration and RSD. However, most of the refugees who attended the mass registration were Chin refugees, who had travelled from various locations in Peninsular Malaysia. They were alerted to this opportunity for registration through effective information networks. In interviews with both the UNHCR administrators and a government representative, we were told that mass registration led to more people receiving refugee cards faster, but also to a lower threshold of RSD that satisfied neither the UNHCR nor the Malaysian government. In most cases, especially for refugees from Myanmar, the UNHCR refugee registration in Malaysia is based on *prima facie* refugee status determination, which means that refugees must prove that they belong to a specified group, such as an ethnic group, to qualify (UNHCR 2023). This approach

is used for large-scale refugee displacement. When using this approach, Chin and Rohingya refugees, for example, have often not been required to undergo individual status determination (UNHCR 2019: 203–14).

The registration of refugees does not immediately impact UNHCR resources, as the UNHCR does not provide much monetary assistance, accommodation or other services to refugees directly. However, it impacts upon the public perception of refugees as the UNHCR's responsibility, as it is the legitimising force within Malaysian society. For refugees, as explained previously in this chapter, the much-coveted UNHCR card provides them with a modicum of protection from the authorities and, for some refugees, the ability to work; others rely on remittances or charity to survive (Hoffstaedter 2015). The UNHCR card also provides hope for resettlement under the UNHCR resettlement scheme. The time that it takes to receive UNHCR registration and the lack of the UNHCR registration for some minority refugee populations impacts upon both the opportunities and the stability of refugees in the present and the future.

State Registration Regimes

Despite the fact that Malaysia does not officially recognize refugee status, the state acknowledges their presence in the country. National Security Council (NSC) Directive No 23 classifies refugees as 'PATI⁶ UNHCR card-holders',⁷ while Directive No. 16 outlines the management of Filipino refugees in Sabah, East Malaysia. Furthermore, section 55 of the Immigration Act and section 4 of the Passports Act 1966 grant the minister exemption powers to exclude groups of people from being subjected to these Acts.

Under the existing legislative and executive frameworks, Malaysia has provided temporary protection to some groups of refugees, such as Acehese and Syrian people. The exemption powers have been exercised several times, a Federal Gazette being issued in the form of Exemption Orders that are specifically for refugees and asylum seekers. Exemption Orders have been issued between 1972 and 2011. The relevant groups were exempt from the Immigration Act and the Passports Act, which made their entry into and residence in the country easier. Notably, these exemptions and exceptions have been granted to those who have religious and cultural affinity to the local dominant Malay-Muslim community (Hoffstaedter 2017). In the following section, we briefly outline several of the ways in which Malaysia provides formal documents and a status to some people seeking refuge without invoking either the UNHCR or any international refugee protections. We show how the IMM13 Visit Pass and work permit system, other visa exemptions and various Malaysian government pilot schemes to regularize and register refugees create an inconsistent, ad hoc and messy policy environment.

IMM13 Permits and Cards

Regulation 11(10) of the Malaysian Immigration Regulations 1963 stipulates that '[a] Visit Pass may be in the Form 13 set out in the Second Schedule to these Regulations or may be granted by an endorsement made in the passport or internal travel document of the visitor, as the Controller may determine'. Although the IMM13 cards may not look physically the same for all groups of refugees (for example, for the Moro from the Philippines,⁸ Acehnese and Syrians), the permit, which is renewable every year and issued by the Immigration Department of Malaysia, provides a legal temporary residence status and the right to work. However, some cardholders still get arrested, especially while working, because some enforcement agencies, such as the police, do not understand the rights that are attached to these documents. There are also no clear guidelines on the process and selection criteria for issuing and screening for IMM13 Visit Passes and permits, which are conducted by the Malaysian authorities without the involvement of the UNHCR. This discretionary exercise of power, which is conducted on a case-by-case basis, has mostly benefited Muslim communities over the past few decades (Hoffstaedter 2017). Two relevant and large-scale examples of this involve 99,055 (Parliament of Malaysia 2018) Moro people in Sabah, East Malaysia and 35,000 Acehnese people (Nah 2014) in West Malaysia. The Malaysian government was sympathetic to the plight of Acehnese refugees in the aftermath of the 2004 tsunami in Aceh. Effective advocacy by the Acehnese diaspora helped to foster the government's attention and sympathy. This led to greater numbers of Acehnese people being issued with IMM13 permits than other groups at this time. Likewise, large populations of Moro refugees (around 100,000 people), who are thought of as culturally related to Malays, were provided with IMM13 permits and cards so that they could reside in Malaysia. The government issued these documents to socially engineer the demographics of Sabah to create a Muslim majority, galvanize political power and satisfy the state's labour needs.⁹

Issuing IMM13 documentation to Moro refugees in Sabah, East Malaysia began in the 1970s when thousands of Moro people were displaced by conflict in the southern Philippines. Only those refugees who arrived in Malaysia between 1972 and 1984 were given IMM13 permits by the Immigration Department (Parliament of Malaysia 2010: 16). As of September 2018, there were 99,055 people residing in Sabah who possessed IMM13 documentation (Parliament of Malaysia 2018: 1). However, the Office of the Chief Minister of Sabah also issued Kad Burung-Burung (Birds' Cards)¹⁰ to 36,892 individuals, beginning in 1976, while the NSC of Sabah issued Sijil Banci (Census Certificates) to 47,518 individuals (Parliament of Malaysia 2019: 139). Both the Kad Burung-Burung and the Sijil Banci were intended to be converted into IMM13 permits, which provide a pathway to permanent

residency through a red identity card and, eventually, full citizenship through a blue identity card (Khairi 2012).

The process of applying for full citizenship requires separate applications and is subject to approval by the National Registration Department. To apply for permanent residency, a person in possession of an IMM13 permit must be without a criminal record, have lived in Malaysia for a long time, have an understanding of the local language and culture and be willing to fully commit to contributing to Malaysia. According to the Ministry of Home Affairs' records, by September 2004, 584 people who were in possession of IMM13 permits had gained permanent residency (Parliament of Malaysia 2004: 68). *Berita Harian Online* reported that as of 3 December 2020, 136,055 Moro refugees in Sabah were identified as holding one of the three different kinds of documents identified in the previous paragraph: an IMM13 permit, a red permanent residency identity card or a blue citizenship identity card. In 2018, the state governments and the Malaysian government proposed streamlining all these documents into a single pass. This may not be a positive development as any prior attempt at continuing the status of migrants and refugees in Sabah has been used as a political weapon in elections (Somiah and Jalil 2021). An infamous example is Sabah's Projek IC, a demographic engineering project that granted citizenship to some Muslim foreigners (including refugees), which, over the past few decades, has aimed to solidify Muslim political power for the United Malays National Organisation (UMNO) (Sadiq 2005; Chin 2014).

In the 1970s, the Malaysian government and state governments, in collaboration with the UNHCR, managed to integrate Moro refugees into local society through a settlement scheme that operated in thirty-four villages in Sabah (Kassim 2009). In 1987, the UNHCR ceased its operations in Sabah because the Malaysian government was issuing legal documentation, which demonstrated that Malaysia was taking responsibility for these people. However, ongoing inconsistencies between the implementation of this programme at the federal and state levels has resulted in many Moro refugees continuing to live in limbo as stateless persons (UNHCR 2014).

In the 2000s, as conflict in Aceh, Indonesia intensified, thousands of Acehese people sought refuge in Malaysia. On 13 June 2005, *Agence France-Presse* reported that half of the UNHCR-registered individuals in Malaysia were from Aceh – around 20,000 people. The devastating tsunami in Aceh in December 2004 caused the Malaysian government to feel sympathetic to the plight of Acehese people. From 2005 to 2008, around 35,000 Acehese individuals were granted IMM13 permits, which are officially known as 'Kad pendaftaran orang asing' (registration cards for foreigners) but also known as 'kad Aceh' or 'kad tsunami'. Registration first took place through community organizations to ensure that only Acehese people were considered in the subsequent interview process with the Immigration

Department, which took place in the administrative capital of Putrajaya. A purple card was issued for the first two years and, upon renewal, a yellow card was issued. The yellow card expired after one year and, after this, the cardholders were required to return to Aceh or they would be deported by January 2009 (United States Committee for Refugees and Immigrants 2009). Some Acehnese people who renewed their UNHCR cards at the UN office in Kuala Lumpur were made to sign a consent form if they wished to accept an IMM13 card, rather than remaining under UNHCR protection.¹¹ The UNHCR explained that those who were unable to return to Aceh after their IMM13 permit expired could re-apply for protection. However, many Acehnese refugees were not aware of this procedure and returned to Indonesia after the conflict ended. According to one informant, some Acehnese refugees were unable to return to or were refused entry into Indonesia and thus became undocumented once their IMM13 permit expired. This episode highlights the precarious status of refugee populations in Malaysia.

The MAHAR Card for Syrians

In 2015, Najib Razak, the Prime Minister of Malaysia, made a commitment at the United Nations General Assembly to shelter 3,000 Syrians (Razak 2015) under the Syrian Migrants Temporary Relocation Programme (hereinafter ‘PPSMS’)¹² (*Malay Mail*, 2 February 2018). Initially, fewer than one hundred Syrians were flown to Malaysia in two groups: eight people in December 2015 and sixty-eight people in May 2016 (*The Straits Times*, 28 May 2016). Subsequently, Syrians who were already in Malaysia were accepted into the PPSMS programme. Participants are given yellow, annually renewable IMM13 documentation that permits residency and provides work rights in Malaysia. Nine NGOs were appointed by the Malaysian government to run the PPSMS, which is led by Malaysian Humanitarian Aid and Relief (MAHAR) – hence, the document is also known as the MAHAR card. As a part of the PPSMS application process, the Special Branch unit of the Royal Malaysia Police conducted interviews without any collaboration from the UNHCR. In our interviews we were informed that the selection criteria for applicants included requirements that they were Sunni and not sympathizers of the Assad regime.¹³ The aim was to ‘ensure these refugees were free from terrorism ideology and did not pose a threat to national security’ (*Astro Awani*, 14 December 2015). Initially, applications were only open to Syrian nationals in Malaysia who were not registered with the UNHCR. A MAHAR cardholder revealed in an interview that they were told by MAHAR not to reveal that they also had a UNHCR card if they were asked this by the law enforcement agencies. By issuing residency and work permits, the

Malaysian government demonstrated its intention to take ownership of PPSMS, which potentially suggests that Malaysia could develop its own asylum framework in the future. MAHAR cardholders have freedom of movement in and out of Peninsular Malaysia and, subject to approval by the Immigration Department, can go abroad. Some MAHAR cardholders have travelled to neighbouring countries for holidays using their Syrian passports and have recollected their MAHAR card upon returning to West Malaysia.¹⁴

Visa Exemptions

A relaxed visa regime, involving either a tourist or student visa, enables certain people to legally stay in Malaysia. The visa upon arrival regime in Malaysia, which aims to boost tourism, has enabled refugees from other regions, such as the Middle East (Kamal and Hossain 2017) and Africa, to seek temporary refuge by registering with the UNHCR in Kuala Lumpur. Yemeni passport holders, for instance, are eligible for a one-year visa upon arrival, instead of the usual ninety days and, by September 2019, 10,000 people had taken advantage of this option, having been approved by the Home Affairs Ministry (*The Star*, 15 September 2019). Yemeni passport holders are also able to renew their social visit pass easily.¹⁵ The Yemeni ambassador to Malaysia lauded this special arrangement due to the dire situation in Yemen. In 2019, the Malaysian government and the Yemeni ambassador discussed the possibility of Yemeni nationals being able to work legally in the country. Under this plan, 10,000 Yemeni nationals with social visit passes would be able to work in accordance with certain, but not specified, requirements (Malaysiakini, 14 September 2019). Through the Passports (Visa to the Citizen of the Republic of Sudan) (Exemption) Order 2017, PU(A) 43/2017, Sudanese nationals were exempt from the usual requirements of the Passports Act. The intention of this exemption is unknown, but we speculate that Malaysia did so on humanitarian grounds, given that Sudan is embroiled in a conflict that has displaced thousands of people. Although this was not publicly announced, this case, involving the use of the exemption power to protect certain groups of people, exercised through a Federal Gazette, demonstrates that the Malaysian government has extensive discretionary power to provide protection if there is sufficient political will.

MyRC

In April 2017, the Malaysian government launched the Tracking Refugee Information System (TRIS) for national security purposes and contracted a third party, Barisan Mahamega, to implement the pilot (Nasa 2017). This

registration scheme was made mandatory for all asylum seekers and refugees and, after registration, they are issued with an identity card called MyRC, short for My Refugee Card (TRIS MyRC 2020). As of September 2020, there were only 26,270 individuals registered on TRIS. Only approximately half of these individuals have a valid identity card. For people aged between nineteen and fifty-nine, these cards need to be renewed annually, which costs RM500 (the equivalent of AU\$150). Renewal is free for other age groups. The high cost of registration, in addition to the lack of a guarantee of any rights, has made many asylum seekers and refugees reluctant to register. To be eligible for MyRC, an individual must prove that they have registered with the UNHCR or an RCO that is recognized by the UNHCR. MyRC is not a legal identity document; refugees who are MyRC cardholders are not immune from arrest. Rather, the system is a money-making scheme under the pretext of being a census mechanism for the government to gather information about refugees. TRIS MyRC actively urges community leaders to encourage refugees to register. Some refugees said that they were deceived by the card provider and promised that they would be able to work legally with a MyRC card. However, refugees who are still waiting to be registered with the UNHCR found MyRC to be a worthwhile alternative identity card. The card displays the Malaysian government, Royal Malaysia Police and Immigration Department logos on top of the Inspector-General of Police's and the Immigration Director General's signatures. The card also includes a QR code that can be scanned through the MyRC app to verify its authenticity.

The VP(TE) (Foreign Workers) Visa Pilot

A Visit Pass (Temporary Employment) (VP(TE)) is a visa for foreign workers who are aged between eighteen and forty-five, come from one of fifteen countries of origin and work in one of five sectors: manufacturing, construction, plantation, agriculture, and service or domestic help (Immigration Department of Malaysia 2021). The visa is renewable every year for up to ten years, after which the foreign workers must return to their country of origin.

In 2016, the Malaysian government launched a pilot project that permitted 300 Rohingya refugees to work legally in the plantation and manufacturing sectors. This scheme could have formed the basis of a national policy that allowed refugees to work legally in Malaysia. However, this potential was not realized as the Rohingya workers in the pilot project were issued with an i-Kad, an identification card that has been issued to foreign workers since 2014, thus placing them in a legal category that appears to share more similarities with temporary workers than refugees with work rights.

Initially, a Malaysian government-linked company, Sime Darby Plantation, and a private company, Gardenia Bakeries (KL) Sdn Bhd (GBKL), provided jobs to eligible Rohingya UNHCR cardholders. The worker selection process began when interested UNHCR-registered Rohingya applicants were briefed by potential employers at the UNHCR office. Refugees who had been selected through an interview process were required to undergo a medical check, known as the Foreign Workers' Medical Examination (hereinafter 'FOMEMA'). If they did not have any health issues, they would be eligible to become formal workers at GBKL and would be issued a MyRC and Pas Lawatan Kerja Sementara (a temporary work visit pass) or a VP(TE) at no cost to the refugee.

The project with Sime Darby failed as the job was not suited to urban refugees. In contrast, the GBKL project has continued and as at the end of 2022, the company employed around fifty-seven Rohingya men. Once these refugees are regularized as formal workers, they are entitled to rights like any other documented foreign (migrant) workers in the country. However, these rights do not extend to any dependents who are not part of the pilot project, because under VP(TE) regulations, no family members can be brought into the country. The pilot project, which was initially intended to last three years, is ongoing with no comprehensive evaluation or any specified deadline.

Major Challenges or Unintended Consequences?

As we have explained thus far in this chapter, several protection regimes exist in Malaysia; some of these regimes are UNHCR-led, while others are state-led. As our discussion confirms, the major issue with 'de facto protection is lack of consistency' (Prabandari and Adiputera 2019: 146). Registration, legal regularization and status determination by the UNHCR are the most critical steps for radically changing the life trajectories of most refugees in Malaysia. Registration is the first step on the path towards refugee status determination; receiving a UNHCR card and, eventually, being resettled in a safe, third country is the dream of most refugees. However, due to a lack of resettlement places, most refugees are not resettled and instead remain in legal limbo in Malaysia, where they are vulnerable to deportation unless they voluntarily return to their countries of origin. At the peak of the UNHCR's resettlement project in Malaysia in 2015, around 12,000 refugees were resettled (see Figure 6.2). This was a substantial number and represented around 10% of the UNCHR's overall annual resettlement numbers. It was also not sustainable and created an expectation in many refugee communities that everyone would be resettled in a short period of time.

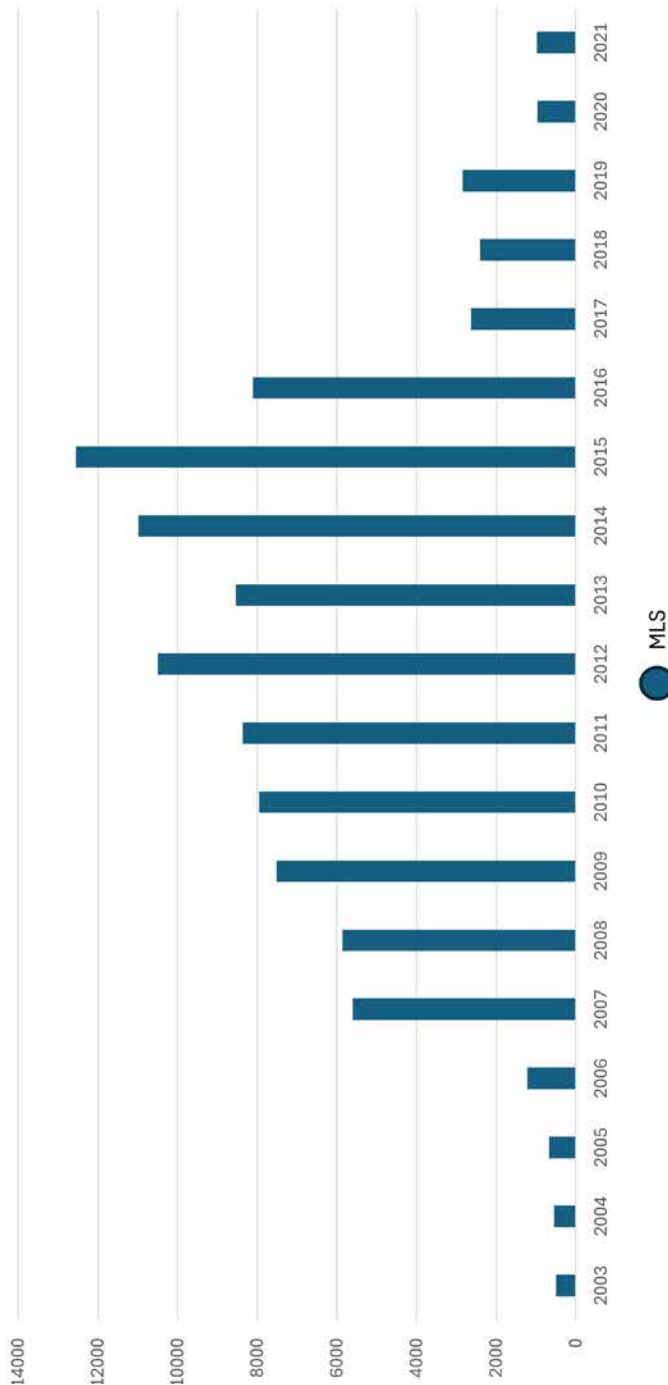


Figure 6.2 UNHCR-facilitated resettlements from Malaysia, 2003–21. Source: UNHCR

The Malaysian government has also created several protection mechanisms within the existing legislative and administrative frameworks, with a particular focus on mechanisms that facilitate work rights, such as the IMM13 permit and the VP(TE) visa. However, one major obstacle to effective refugee protection is that these mechanisms are usually arbitrary and have no standard guidelines. This speaks to Malaysia's intended outcomes for refugee protection, which is to be seen as a noble humanitarian by the international community, while not taking any formal or legal responsibility at the national level, unless doing so would serve the national interest (Lego 2012: 92). The state protection mechanisms that have resulted from this approach are vague and only provide limited protection to particular groups of people for limited time periods. The lack of transparency and certainty in the system makes it difficult for anyone to enjoy proper, durable and effective protection. The situation is further complicated by miscommunication about policies in Malaysian enforcement agencies, which can undermine the legal protections afforded to some refugees (Hoffstaedter 2014: 882).

The recent VP(TE) visa pilot project for Rohingya refugees regularized less than a third of the intended 300 refugees. This pilot is problematic as it undermines durable refugee protection; the refugees involved are now under the labour migration scheme, which relegates them to the status as temporary foreign migrant workers, rather than as refugees under international law. Dependents, such as wives and children, are not protected under the labour migration scheme. This is different from the IMM13 regime, which registers family units rather than just individual workers. Furthermore, IMM13 gives legal rights beyond employment because the cardholders can attend public schools (with conditions) and are entitled to subsidized healthcare. IMM13 is a Malaysian version of a humanitarian visa that highlights the unique circumstances of the cardholders as people facing persecution, unlike economic migrants (Kaur 2007: 87; Muzafarkamal and Hossain 2019: 444).¹⁶

Conclusion: What Is the Way Forward?

This chapter has highlighted that numerous refugee protection mechanisms exist in Malaysia – a nonsignatory to the 1951 Refugee Convention – which are implemented by both the UNHCR and the Malaysian government. The UNHCR plays an essential role in assessing asylum claims that are based on international criteria. UNHCR RSD and a card are gateways to the realization of durable solutions, especially resettlement. The UNHCR manages the administrative aspects of refugee protection, but has few resources to provide livelihood support, education, healthcare and

housing, contrary to what is expected by the host state and Malaysian society. As has been outlined, Malaysia's history of burden sharing through the CPA – where the international community contributed funding for refugee resources and facilitated resettlement, while Malaysia only provided temporary sanctuary – continues to frame the Malaysian government's response to any international protection or human rights demands. The Malaysian government has not shown any willingness to commit to taking formal responsibility for refugees, but, nonetheless, has provided temporary sanctuary to selected refugee communities on an ad hoc basis and for short-term political gains. However, this arbitrary approach to protection enables neither the transparency nor the trust required for a refugee protection regime.

Malaysia's discretion to exempt a group of people from being subject to the immigration rules creates uncertainty and discriminates against refugees on the basis of their backgrounds. With no clear guidelines, this discretion creates policy miscommunications, which leads to a big protection gap as refugees are denied the protection of international law. The ongoing VP(TE) visa pilot project, which regularized fewer than one hundred Rohingya refugees who were absorbed into the labour migration scheme, is commendable for providing legal work rights to refugees. However, refugees are not economic migrants, and the VP(TE) visa pilot ignores important rights, especially education and healthcare. In contrast to the pilot, the IMM13 permit system operates like a humanitarian visa scheme and provides these basic rights to cardholders and their families; therefore, its reach should be expanded to more refugees in Malaysia. Based on historical and contemporary analysis, we argue that the IMM13 permit is the best way forward because it has the potential to broaden the protection space needed by refugees without the need to amend or propose any new law, let alone sign any international convention. Furthermore, IMM13 opens the pathway towards residency and citizenship, which could provide a durable solution in a protracted refugee situation. We have argued that Malaysia must urgently develop clear and standardized guidelines for IMM13 regarding its overall policy, application process and implementation in order to safeguard equitable and transparent access to protection for refugees in Malaysia. However, using IMM13 as a widespread refugee protection mechanism will not be possible without the political will to favour humanitarianism over sovereignty.

Gerhard Hoffstaedter is Associate Professor in Anthropology in the School of Social Science at the University of Queensland. He conducts research with refugees in Southeast Asia and Australia on refugee and immigration policy, and on religion and the state. He is a regular commentator in newspapers, on radio and in online media on topics of his research.

His first book, entitled *Modern Muslim Identities: Negotiating Religion and Ethnicity in Malaysia*, was published by NIAS Press in 2011. A co-edited volume, *Urban Refugees: Challenges in Protection, Services and Policy*, was published with Routledge in 2015. He is course director for the social anthropology Massive Open Online Course ‘World101x: The Anthropology of Current World Issues’, which has taught tens of thousands of students how to think more anthropologically.

Aslam AbdJalil is a senior lecturer at the International Institute of Public Policy and Management (INPUMA), Universiti Malaya. He obtained a Ph.D. from the School of Social Science, University of Queensland, in 2023. He has a background in anthropology, public policy and business studies, and is combining these three fields in researching the issue of refugee work rights in Malaysia. He is also actively involved in refugee rights advocacy, both in Malaysia and Australia. To advocate for policy changes, he regularly engages with policymakers on the issues of migration and refugees.

Notes

1. The Malays and natives of the states of Sabah and Sarawak (bumiputera) have special positions that are protected by the Constitution of Malaysia. Article 153(2) explains that affirmative action is permitted to grant people from these groups positions in the public service, scholarships, privileges in education and other special facilities. The Malays’ privilege can be traced back to the independence movement led by the United Malays National Organization (UMNO), the leading Malay-based political party in Malaysia, which agreed to grant citizenship to ‘migrant communities’ as long as this special protection was in place (Balasubramaniam 2007).
2. Furthermore, Malaysia does not have a strong record of commitment to the International Bill of Human Rights (composed of the UDHR in conjunction with the ICESCR and the ICCPR). The only human rights instruments that Malaysia has signed are the CEDAW, the CRC and the CRPD. See Introduction of this volume, Table 0.1.
3. As explained in the text below, an ‘IMM13’ permit is granted under the Malaysian Immigration Regulations 1963 and may be ‘in the Form 13’.
4. Of the 155,610 asylum seekers and refugees from Myanmar, 103,560 are Rohingya people, 22,580 are Chin people and the remaining 29,470 are from other ethnic groups (UNHCR n.d.b).
5. Asylum seekers and refugees can now submit their applications directly to the UNHCR through the following website: <https://refugeemalaysia.org/contact>.
6. PATI is a Malay acronym for ‘Pendatang Asing Tanpa Izin’, or foreigners without permission.
7. Interview with National Security Council (Putrajaya, 15 October 2015).

8. Moro or Bangsamoro people are native Filipino Muslims who reside mainly in the Mindanao region in the southern Philippines.
9. The demographic change in Sabah has been of great benefit to UMNO, a Malay Peninsular-based political party that has been in power since independence, which has expanded its voter base as a result.
10. The Kad Burung-Burung receives its name from the bird image on the card.
11. Interview with an Acehnese refugee (Kuala Lumpur, 16 February 2021).
12. Program Penempatan Sementara Migran Syria (Syrian Temporary Relocation Programme).
13. Interview with an officer involved in the process (Kuala Lumpur, 15 November 2016).
14. Interview with Jismi Johari, Chairman of MAHAR (Kuala Lumpur, 25 June 2020).
15. The social visit pass enables visitors to enter Malaysia for a short period of time and for specific purposes. The Immigration Department's website states that these reasons include '[s]ocial visit[s]', '[v]isiting relatives', '[t]ourism', '[j]ournalism/[r]eporting', attending a '[m]eeting/[c]onference', a '[b]usiness [d]iscussion', conducting a '[f]actory [i]nspection', '[a]uditing [c]ompany [a]ccounts', '[s]igning [a]greement[s]', '[c]arrying out a survey on investment opportunities/setting up factory', '[a]ttending [s]eminars', '[s]tudents on goodwill missions or taking examinations at a university', '[t]aking part in sports competitions' or '[o]ther activities approved by the Director General of Immigration'. Extensions may be given for reasons such as illness or war in one's country of origin. This pass is also distinct from a 'visit pass', which is used by temporary workers (Immigration Department of Malaysia n.d.a, n.d.b).
16. There is no specific regulation conferring the rights of an IMM13 permit holder, although there is a social security scheme for migrant workers (see Loganathan et al. 2022: 6). The most up-to-date scheme is the Employment Injury Scheme and registration of foreign workers to the Social Security Organization, which includes temporary visit pass holders (Pertubuhan Keselamatan Sosial 2020).

References

- Anis, Mazwin Nik. 2020. 'MCO or Not, Ismail Sabri Says Efforts to Weed out Illegals Will Continue', *The Star*, 12 May. Retrieved 5 December 2021 from <https://www.thestar.com.my/news/nation/2020/05/12/mco-or-not-ismail-sabri-says-efforts-to-weed-out-illegals-will-continue>.
- Anuar, Kamilia Khairul. 2019. 'Analysing Malaysia's Refusal to Ratify the ICERD', *Oxford Human Rights Hub*, 7 January. Retrieved 7 April 2021 from <https://ohrh.law.ox.ac.uk/analysing-malysias-refusal-to-ratify-the-icerd>.
- Astro Awani*. 14 December 2015. 'Special Taskforce 'Scans' Entry of Syrian Refugees – KDN'. Retrieved 7 April 2021 from <https://www.astroawani.com/berita-malaysia/special-taskforce-scans-entry-syrian-refugees-kdn-85093>.
- Balasubramaniam, Vejai. 2007. 'A Divided Nation: Malay Political Dominance, Bumiputera Material Advancement and National Identity in Malaysia', *National Identities* 9(1): 35–48.

- Bin Khairi, Aizat. 2012. 'Penangan Masalah Pelarian Dalam Konteks Keselamatan Insan di Malaysia: Kajian Kes ke atas Pelarian Moro dan Rohingya' (Overcoming Refugee Problems in the Context of Human Security in Malaysia: Case Studies of the Moro and Rohingya Refugees), Master's thesis. Penang: Universiti Sains Malaysia.
- Chin, James. 2014. 'Exporting the BN/ Model, Politics in Sabah and Sarawak', in Meredith L. Weiss (ed.), *Routledge Handbook of Contemporary Malaysia*. London: Taylor & Francis, pp. 83–92.
- Constitution of Malaysia (1957).
- Convention on the Elimination of All Forms of Discrimination against Women. 1979. 1249 UNTS 13, opened for signature 18 December 1979, entered into force 3 September 1981. Retrieved 22 May 2024 from https://treaties.un.org/doc/Treaties/1981/09/19810903%2005-18%20AM/Ch_IV_8p.pdf.
- Convention on the Rights of Persons with Disabilities. 2006. 2515 UNTS 3, opened for signature 13 December 2006, entered into force 3 May 2008. Retrieved 22 May 2024 from https://treaties.un.org/doc/Publication/CTC/Ch_IV_15.pdf.
- Convention on the Rights of the Child. 1989. 1577 UNTS 3, opened for signature 20 November 1989, entered into force 2 September 1990. Retrieved 22 May 2024 from https://treaties.un.org/doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.pdf.
- Convention Relating to the Status of Refugees. 1951. [Online] 189 UNTS 137, opened for signature 28 July 1951, entered into force 22 April 1954. Retrieved 22 May 2024 from https://treaties.un.org/doc/Treaties/1954/04/19540422%2000-23%20AM/Ch_V_2p.pdf.
- Crisp, Jeff, Naoko Obi and Liz Umlas. 2012. *But When Will Our Turn Come? A Review of the Implementation of UNHCR's Urban Refugee Policy in Malaysia*. UNHCR Evaluation Report No. PDES/2012/02, UNHCR Policy Development and Evaluation Service. Retrieved 22 May 2024 from <https://www.unhcr.org/research/evalreports/4faa1e6e9/turn-review-implementation-unhcrs-urban-refugee-policy-malaysia-jeff-crisp.html>.
- Daim, Nuradzimmah. 2020. 'Msia Seeks to Send Refugees to Safe Third Countries', *New Straits Times*, 9 June. Retrieved 14 April 2021 from <https://www.nst.com.my/news/nation/2020/06/599192/msia-seeks-send-refugees-safe-third-countries-nsttv>.
- Davies, Sara E. 2007. *Legitimising Rejection: International Refugee Law in Southeast Asia*. Leiden: Martinus Nijhoff.
- Hoffstaedter, Gerhard. 2014. 'Place-Making: Chin Refugees, Citizenship and the State in Malaysia', *Citizenship Studies* 18(8): 871–84.
- . 2015. 'Urban Refugees and the UNHCR in Kuala Lumpur: Dependency, Assistance and Survival', in Koichi Koizumi and Gerhard Hoffstaedter (eds), *Urban Refugees: Challenges in Protection, Services and Policy*. London: Taylor & Francis, pp. 187–205.
- . 2017. 'Refugees, Islam, and the State: The Role of Religion in Providing Sanctuary in Malaysia', *Journal of Immigrant & Refugee Studies* 15(3): 287–304.
- Hussain, Imdad. 2017. *Overcoming Challenges: The Story of NGOs Serving Refugees in Klang Valley, Malaysia*. Malaysia Sustainable Cities Program Working Paper Series, Massachusetts Institute of Technology.

- Immigration Act 1959/63 (Malaysia).
- Immigration Department of Malaysia. n.d.a. 'Short Term Social Visit Pass'. Retrieved 10 September 2022 from <https://www.imi.gov.my/index.php/en/main-services/pass/visitor-pass/social-visit-pass/short-term-social-visit-pass>.
- Immigration Department of Malaysia. 2021. 'Foreign Workers'. Retrieved 10 March 2021 from <https://www.imi.gov.my/index.php/en/main-services/foreign-worker/>.
- . n.d.b. 'Visitor Pass: Temporary Employment'. Retrieved 10 September 2022 from <https://www.imi.gov.my/index.php/en/main-services/pass/visitor-pass/visitors-pass-temporary-employment/%3E>.
- Immigration Regulations 1963 (Malaysia).
- JRS Asia Pacific. 2012. *The Search: Protection Space in Malaysia, Thailand, Indonesia, Cambodia and the Philippines*. Bangkok: JRS Asia Pacific.
- Jones, Martin. 2014. 'Moving beyond Protection Space: Developing a Law of Asylum in South-East Asia', in Susan Kneebone, Dallal Stevens and Loretta Baldassar (eds), *Refugee Protection and the Role of Law: Conflicting Identities*. Abingdon: Routledge, pp. 251–70.
- Kamal, Abdol Moghset Bani, and Hossain, Ishtiaq. 2017. 'The Iranian Diaspora in Malaysia: A Socio-economic and Political Analysis', *Diaspora Studies* 10(1): 116–29.
- Kassim, Azizah. 2009. 'Filipino Refugees in Sabah: State Responses, Public Stereotypes and the Dilemma over Their Future', *Southeast Asian Studies* 47(1): 52–88.
- Kaur, Amarjit. 2007. 'Refugees and Refugee Policy in Malaysia', *UNEAC Asia Papers* 18: 77–90.
- KiniTV. 2021. 'Hamzah: Over 170,000 UNHCR Cardholders in Malaysia, You Want Us to Look after Them?' Retrieved 22 May 2024 from https://www.youtube.com/watch?v=pV_4LWrbiXo.
- Lego, Jera Beah H. 2012. 'Protecting and Assisting Refugees and Asylum-Seekers in Malaysia: The Role of the UNHCR, Informal Mechanisms, and the "Humanitarian Exception"', *Journal of Political Science & Sociology* 17: 75–98.
- . 2018. 'Making Refugees (Dis)Appear: Identifying Refugees and Asylum Seekers in Thailand and Malaysia', *Austrian Journal of South-East Asian Studies* 11(2): 183–98.
- Loganathan, Tharani, et al. 2022. 'Undocumented: An Examination of Legal Identity and Education Provision for Children in Malaysia', *PLOS ONE* 17(2): e0263404.
- Malaysian Bar. 2008. 'Joint Legal Seminar on International Refugee Law and the Role and Work of the UNHCR'. Retrieved 5 July 2022 from <https://www.malaysianbar.org.my/article/about-us/committees/human-rights/joint-legal-seminar-on-international-refugee-law-and-the-role-and-work-of-the-unhcr>.
- Malay Mail. 2 February 2018. 'Malaysia Strong Supporter of Palestinian and Syrian Struggle, Says DPM'. Retrieved 7 April 2021 from <https://www.malay-mail.com/news/malaysia/2018/02/02/malaysia-strong-supporter-of-palestinian-and-syrian-struggle-says-dpm/1568605>.
- Malaysiakini. 14 September 2019. 'Yemenis Will Be Able to Work Legally in Malaysia Soon – Ambassador'. Retrieved 30 March 2021 from <https://www.malaysiakini.com/news/491893>.

- Missionary International Service News Agency (MISNA). 2015. 'Refugees: UNHCR Proposes Biometric Identity Card'. Press release. Retrieved 22 May 2024 from <https://reliefweb.int/report/malaysia/refugees-unhcr-proposes-biometric-identity-card>.
- Muzafarkamal, Nur Syazwani and Ishtaq Hossain. 2019. 'Malaysia's Policy towards the Rohingya Refugees (Polisi Malaysia terhadap pelarian Rohingya)', *Journal of Islam in Asia* 16(3): 436–53.
- Nah, Alice M. 2014. 'Seeking Refuge in Kuala Lumpur: Self-Help Strategies to Reduce Vulnerability amongst Refugees', in Yeoh Seng Guan (ed.), *The Other Kuala Lumpur: Living in the Shadows of a Globalising Southeast Asian City*. New York: Routledge, pp. 146–67.
- . 2019. 'The Ambiguous Authority of a "Surrogate State": UNHCR's Negotiation of Asylum in the Complexities of Migration in Southeast Asia', *Revue européenne des migrations internationales* 35(1–2): 63–86.
- Nasa, Aina. 2017. 'Gov't Introduces Tracking Refugee Information System to Update, Gather Data on Refugees', *New Straits Times*, 2 August. Retrieved 15 March 2021 from <https://www.nst.com.my/news/nation/2017/08/263348/govt-introduces-tracking-refugee-information-system-update-gather-data>.
- National Security Council Directive No. 16 (Malaysia).
- National Security Council Directive No. 23 (Malaysia).
- New Straits Times. 30 April 2020. 'Govt Does Not Recognise Refugee Status of Rohingyas: Hamzah Zainudin'. Retrieved 15 March 2021 from <https://www.nst.com.my/news/nation/2020/04/588857/govt-does-not-recognise-refugee-status-rohingyas-hamzah-zainudin>.
- Nordin, Rohaida, Suzarika Sahak and Ma Kalthum Ishak. 2020. 'The Plight of Refugees in Malaysia: Malaysia as a Transit Country in Protecting Refugees' Rights', *Journal of Nusantara Studies (JONUS)*, 5(1): 378–94.
- Pakatan Harapan. 2018. *Buku Harapan: Rebuilding Our Nation Fulfilling Our Hopes*. Retrieved 4 June 2022 from https://dl.dapmalaysia.org/repository/Manifesto_PH_EN.pdf.
- Parliament of Malaysia. 2004. *Penyata Rasmi Parlimen: Dewan Rakyat [Parliamentary Debates]*, 21 September. Retrieved 19 April 2022 from <https://www.parlimen.gov.my/files/hindex/pdf/DR-21092004.pdf#page=117&zoom=100&search=pelarian%20Aceh>.
- . 2010. *Penyata Rasmi Parlimen Dewan Rakyat [Parliamentary Debates]*, 8 November. Retrieved 1 March 2021 from <https://www.parlimen.gov.my/files/hindex/pdf/DR-08112010.pdf#page=19&zoom=100&search=IMM13>.
- . 2018. *Penyata Rasmi Parlimen: Kamar Khas [Parliamentary Debates: Special Chamber]*, 1 November. Retrieved 28 April 2021 from <https://www.parlimen.gov.my/files/hindex/pdf/KKDR-01112018.pdf>.
- . 2019. *Penyata Rasmi Parlimen: Dewan Rakyat [Parliamentary Debates]*, 27 November. Retrieved 16 April 2021 from <https://www.parlimen.gov.my/files/hindex/pdf/DR-27112019.pdf#page=207&zoom=100&search=IMM13>.
- Passports Act 1966 (Malaysia). Passports (Visa to the Citizen of the Republic of Sudan) (Exemption) Order 2017 (Malaysia).

- Immigration Department of Malaysia. 2021. 'Pekerja Asing'. Jabatan Imigresen Malaysia website. Retrieved 10 March 2021 from <https://www.imi.gov.my/index.php/perkhidmatan-utama/pekerja-asing-2>.
- Pertubuhan Keselamatan Sosial. 2020. 'Employment Injury Scheme for Foreign Workers'. Retrieved 7 July 2022 from <https://www.perkeso.gov.my/en/our-services/protection/employees-social-security-act-1969-act-4/employment-injury-scheme-for-foreign-worker.html%3E>.
- Prabandari, Atin, and Adiputera, Yunizar. 2019. 'Alternative Paths to Refugee and Asylum Seeker Protection in Malaysia and Indonesia', *Asian and Pacific Migration Journal* 28(2): 132–54.
- Prime Minister's Office of Malaysia. 2020. 'PM's Speech at the 36th ASEAN Summit'. Press release. Retrieved 24 May 2021 from <https://www.pmo.gov.my/2020/06/speech-at-the-36th-asean-summit/?highlight=Rohingya%20>.
- Protocol relating to the Status of Refugees. 1967. 606 UNTS 267, opened for signature 31 January 1967, entered into force 4 October 1967. Retrieved 22 May 2024 from https://treaties.un.org/doc/Treaties/1967/10/19671004%2007-06%20AM/Ch_V_5p.pdf.
- Razak, Najib. 2015. 'Statement by H.E. Najib Razak, Prime Minister of Malaysia at the General Debate of the 70th Session of the UN General Assembly', 1 October, UN General Assembly, New York. Retrieved 7 April 2021 from https://www.un.int/malaysia/sites/www.un.int/files/Malaysia/70th_session/2015-10-1_-_pm_statement_unga_70.pdf.
- Robinson, W. Courtland. 1998. *Terms of Refuge: The Indochinese Exodus and the International Response*. London: Zed Books.
- Rome Statute of the International Criminal Court. 1998. 2187 UNTS 3, opened for signature 17 July 1998, entered into force 1 July 2002. Retrieved 22 May 2024 from <https://treaties.un.org/doc/Publication/UNTS/Volume%202187/v2187.pdf>.
- Sadiq, Kamal. 2005. 'When States Prefer Non-citizens over Citizens: Conflict over Illegal Immigration into Malaysia', *International Studies Quarterly* 49(1): 101–22.
- Somiah, Vilashini, and Jalil, Aslam Abd. 2021. 'Incessant Political Narratives: Perilous Migrants and the Treacherous East', in Bridget Welsh, Vilashini Somiah and Benjamin Y.H. Loh (eds), *Sabah from the Ground: The 2020 Elections & the Politics of Survival*. Singapore: ISEAS–Yusof Ishak Institute, pp. 113–32.
- The Star*. 15 September 2019. 'Plans Underway to Allow Yemenis Work in Malaysia'. Retrieved 30 March 2021 from <https://www.thestar.com.my/news/nation/2019/09/15/plans-under-way-to-allow-yemenis-to-work-in-malaysia>.
- The Star*. 2021. 'Home Minister: 179,383 UNHCR Card Holders in Malaysia According to Govt Figures'. Retrieved 22 May 2024 from <https://www.youtube.com/watch?v=rVDnR1IWPIU>.
- The Straits Times*. 28 May 2016. 'Malaysia Accepts 68 Syrian Refugees'. Retrieved 7 April 2021 from [https://www.straitstimes.com/asia/se-asia/malaysia-accepts-68-syrian-refugees#:~:text=KUALA%20LUMPUR%20\(AFP\)%20%2D%20Malaysia,with%20hundreds%20more%20expected%20soon](https://www.straitstimes.com/asia/se-asia/malaysia-accepts-68-syrian-refugees#:~:text=KUALA%20LUMPUR%20(AFP)%20%2D%20Malaysia,with%20hundreds%20more%20expected%20soon).
- Supaat, Dina Imam. 2014. 'The UNHCR in Malaysia: The Mandate and Challenges', *South East Asia Journal of Contemporary Business, Economics and Law* 5(4): 23–29.

- TRIS MyRC. 2020. 'About Us'. Retrieved 15 March 2021 from <https://myrc.my/about-us>.
- UNHCR. n.d.a. 'Community-based Protection in Malaysia'. Retrieved 28 April 2021 from <https://www.unhcr.org/en-my/community-based-protection-in-malaysia.html>.
- . n.d.b. 'Figures at a Glance in Malaysia'. Retrieved 14 April 2022 from <https://www.unhcr.org/figures-at-a-glance-in-malaysia.html>.
- . n.d.c. 'UNHCR Representation in Malaysia'. Retrieved 20 April 2021 from <https://www.unhcr.org/en-my/unhcr-in-malaysia.html>.
- . 2014. 'Malaysia – Filipino Refugees in Sabah'. Retrieved 25 March 2021 from <https://reporting.unhcr.org/node/9465>.
- . 2023. 'Prima Facie Approach to Recognition of Refugee Status', *UNHCR Emergency Handbook*, 6 December. Retrieved 22 May 2024 from <https://emergency.unhcr.org/protection/legal-framework/prima-facie-approach-recognition-refugee-status#:~:text=A%20prima%20facie%20approach%20to%20the%20recognition%20of%20refugee%20status,and%20the%20need%20to%20provide>.
- . 2016. *Beyond Detention: A Global Strategy to Support Governments to End the Detention of Asylum-Seeker and Refugees, 2014–2019*. Progress Report mid-2016. Retrieved 22 May 2024 from <https://www.refworld.org/docid/57b850dba.html>.
- . 2019. *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection*. Geneva: UNHCR.
- United States Committee for Refugees and Immigrants. 2009. 'World Refugee Survey 2009 – Malaysia'. Retrieved 22 May 2024 from <https://www.refworld.org/docid/4a40d2adc.html>.
- Waikar, Prashant. 2019. 'Malaysia and the Rome Statute: Domestic Debate Over?', *RSIS Commentary* 102. Singapore: Nanyang Technological University.