

Refugee Rights

ELEVENTH EDITION

Hello and welcome back to our newsletter,

As finals season comes to an end, we will soon complete our final leg of the journey of 2020 in less than four weeks. This year was indeed replete with turmoil and revelations, most of our desires and aspirations were unfulfilled due to many unforeseen circumstances that changed our lives. As we close out the year, let us take a moment to express relief and gratitude for the experiences that enabled us to learn and grow.

We are fortunate enough to receive care, love, basic needs and quality education. However, many people in the world today are constantly facing the threat of war, persecution, genocide and natural disasters, they flee their countries of origin in search of asylum and better living conditions; these groups are refugees and they are often sidelined in many conversations. Through this newsletter, MASCA wishes to bring the attention of readers about refugee rights and the current situation in Malaysia.

WHO ARE REFUGEES?

Contrary to popular opinion, refugees are not to be mistaken with undocumented/illegal immigrants although these terms are used interchangeably. According to the **United Nations High Commissioner for Refugees (UNHCR)**, illegal immigrants enter a country by means which are prohibited and are not in accordance with laws and regulations. In contrast, **refugees are individuals who are forced to flee from atrocities for their safety and survival**. With that being said, the refugee situation in Malaysia is in dire need of attention and reforms.

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DO REFUGEES HAVE RIGHTS IN MALAYSIA?

Currently, Malaysia is not a signatory to the **1951 UN Refugee Convention** nor its Protocol and does not have an asylum system regulating the status and rights of refugees. Furthermore, the absence of a legal framework on asylum issues causes great unpredictability in their lives. This challenging protection environment is placed within a context of some **3 million migrants**, 1.9 million of whom are considered illegal. Malaysian law makes no distinction between refugees and undocumented migrants, this implies that refugees are vulnerable to arrest for immigration offences. They may be subject to detention, prosecution, whipping and deportation. National NGOs have little capacity to support these vulnerable groups, while international NGOs are unable to operate in the country.

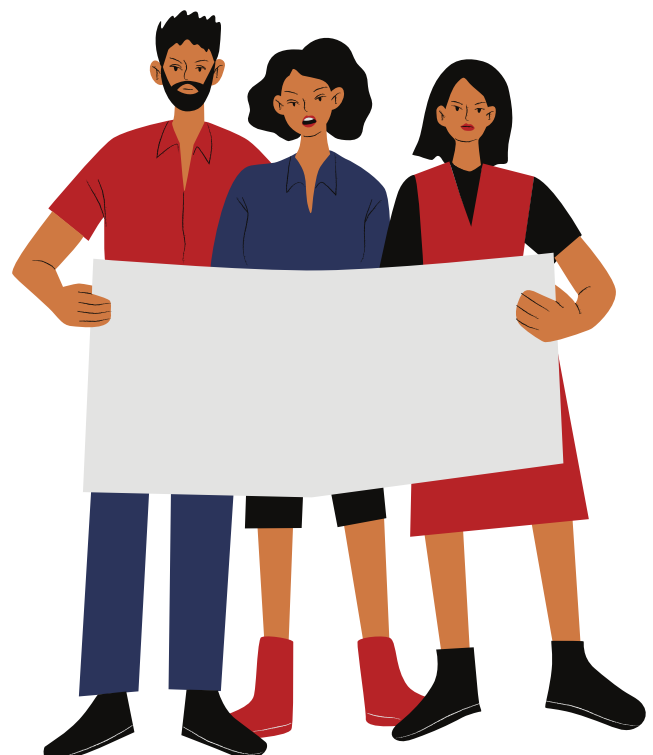
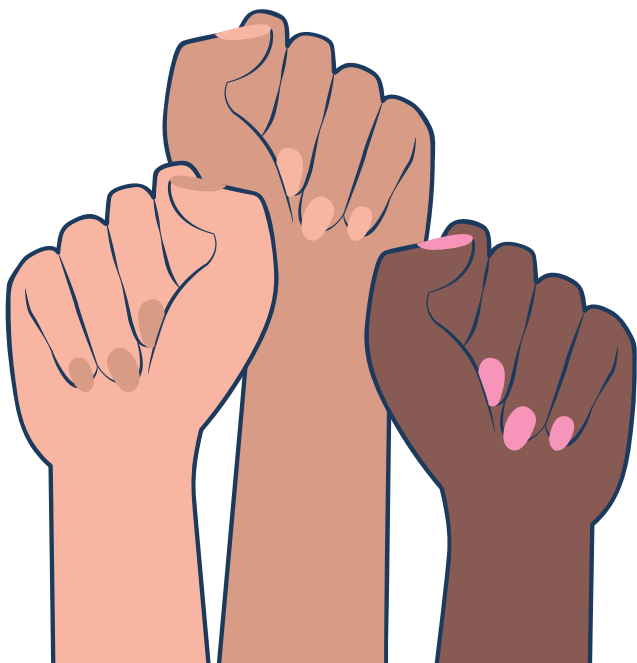
According to the statistics of UNHCR, there are around **180,000 refugees and asylum-seekers** registered with UNHCR in Malaysia, this figure is the highest among ASEAN nations. With such a large amount of refugees in Malaysia, there has been a rise in xenophobia towards these vulnerable groups, where they are being accused of exhausting the nation's limited resources, causing social issues and occasionally competing with locals in blue-collar jobs. Overall, there seems to be a lack of sympathy, not only from the general public but from authorities and government towards alleviating this controversial issue.

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FUTURE DEVELOPMENTS IN MALAYSIA FOR REFUGEE RIGHTS

While these situations discussed above still persist, there have been positive developments in the past decade. The cooperation between the Government of Malaysia and UNHCR has been steadily improving with UNHCR advocating and presenting proposals to the Malaysian Government on the establishment of an administrative framework which entails provisions for refugees to have **access to healthcare, education and working rights**. The new administration formed in May 2018 has set its sights on ratifying the 1951 UN Refugee Convention which is a step towards upholding refugees rights, however, this initiative remains in the air following another change of government in 2020.



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In summary, the virtue of upholding the rights of refugees and increasing awareness lies in the political will of lawmakers to draft legal frameworks and long-term action plans to protect these vulnerable communities. Therefore, the general public must be responsible for pressuring their representatives to initiate and accelerate these efforts. Furthermore, all parties must also come to the realisation that refugees have the potential to contribute positively to the nation's economic growth with the correct policies in place. **Compassion** from all parties is very much required in this process where all must acknowledge that these communities also possess rights to a decent living.



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