Livelihood strategies of Rohingya refugees in Malaysia
'We want to live in dignity'

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June 2016

HPG
Humanitarian
Policy Group

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Acknowledgements

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Acronyms

ACE	Angkatan Belia Islam Malaysia
ASEAN	Association of Southeast Asian Nations
CBO	community-based organisation
DHS	Department of Homeland Security (US)
ERT	Equal Rights Trust
HRW	Human Rights Watch
IDP	internally displaced person
MRA	Myanmar Refugees Activists
NGO	non-governmental organisation
RM	Malaysian Ringgit
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime

Rohingya migration from Myanmar
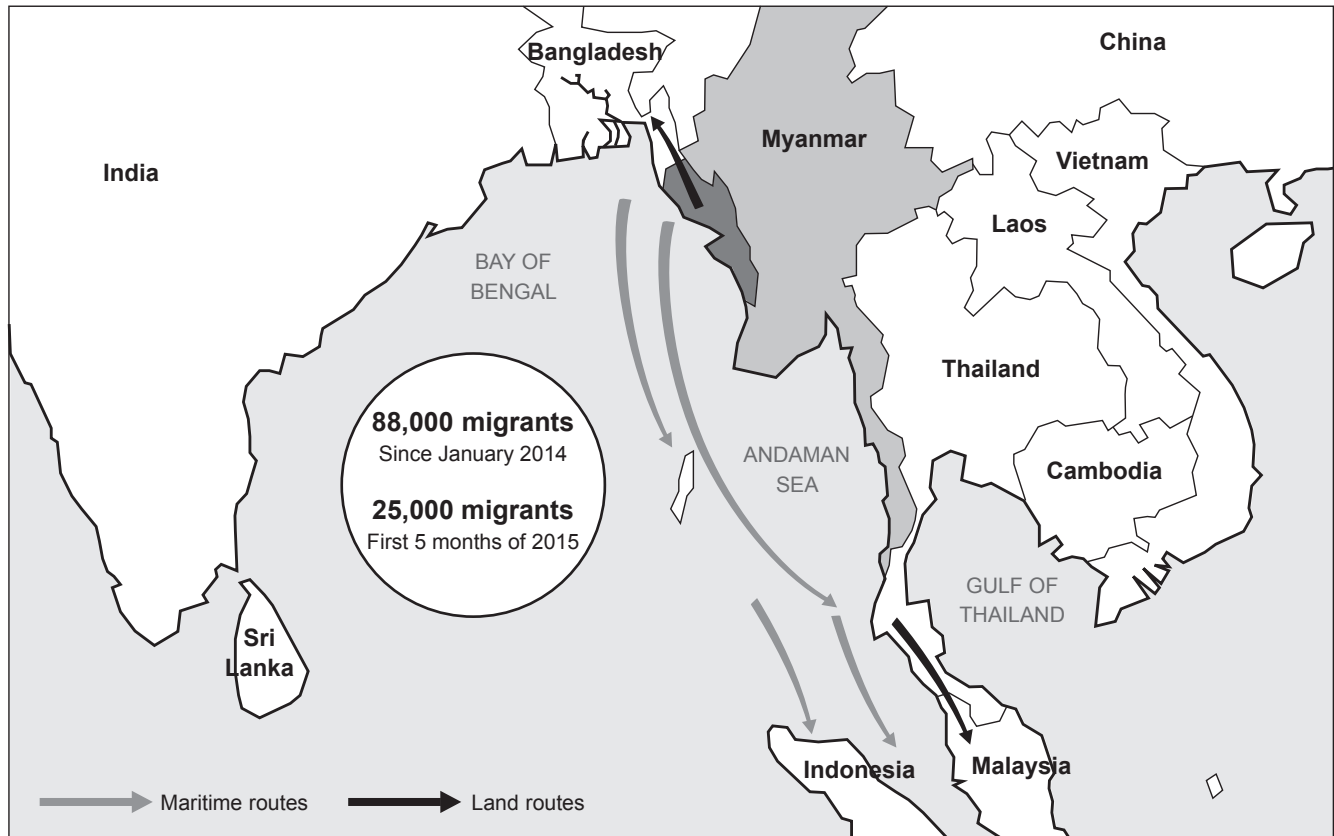
Source: Albert, 2015.

1 Introduction

Over the past three decades, systematic discrimination against the Rohingya, a persecuted Muslim minority from Myanmar, has compelled hundreds of thousands to seek safety in countries such as Bangladesh, Indonesia, Malaysia and Thailand. Following sectarian violence in Rakhine State (formerly Arakan) in 2012 there has been a steady rise in the number of Rohingya people fleeing by boat from the Bay of Bengal (UNHCR, 2015a). What has been called 'the largest regional outflow of asylum seekers by sea in decades' (ASEAN Parliamentarians for Human Rights, 2015: 4) culminated in May 2015 when a crackdown on trafficking in the region caused smugglers to abandon their boats, leaving thousands of desperate, emaciated people adrift in the Andaman Sea (*ibid.*).

Thailand, Malaysia and Indonesia initially pushed the boats that reached their shores back out to sea, but eventually capitulated to international pressure and agreed to allow the asylum-seekers to stay for one year (Ministerial meeting, 2015).[1] This was a temporary, tenuous solution to a protracted refugee situation, the roots of which lie in the systematic persecution of, and denial of citizenship for, Rohingya people in Myanmar, the glaring absence of a cohesive regional framework for migration (ASEAN Parliamentarians for Human Rights, 2015)[2] and the failure of countries in the region to accede to key conventions (most notably the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness).[3]

This Working Paper presents the findings from the first case study of a two-year research programme designed to generate insight into the lives and livelihoods of refugees in protracted displacement. It adds to a growing range of evidence gathered through previous Humanitarian Policy Group (HPG) research on forced migration and livelihoods, including publications on urban displacement, protracted displacement, vulnerability and livelihoods (cf. Crawford et al., 2015; Metcalfe et al., 2012; Haysom and Sarraj, 2012; Levine, 2014). The study is built on the assertion that efforts over many years to engage in more participatory ways with refugees have not succeeded in ensuring that interventions are planned and implemented such that they accord with their lives, perspectives and priorities.[4]

The study was broken into two phases and companion reports. This report presents findings from the first phase of the study only, which consisted of interviews with refugees in Malaysia. The aim of the report is to improve understanding of refugees' livelihoods, goals, constraints and opportunities, and how they perceive their institutional landscape (defined as people, groups, organisations and elements of the social system). A subsequent, companion report will be released later in 2016. Building on findings contained in this report, and based on findings from the second phase of research, the second report will consider the perspectives of members of the host environment (employers, the authorities), the institutions relevant to refugees and the policy context more broadly.

The report is structured as follows. The remainder of this chapter describes the methodology of the study, while Chapter 2 provides background on the situation in Myanmar, and the journey to and situation in Malaysia. Chapters 3–7 present findings from interviews with Rohingya refugees in Malaysia – Chapter 3 focuses on the UN High Commissioner for Refugees (UNHCR) and NGOs, Chapter 4 on the

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1   Five regional meetings were held in 2015 regarding the response to refugees and migrants travelling by boat: on 20 May in Malaysia, 29 May in Thailand, 2 July in Malaysia, 27–28 November in Indonesia and 4 December in Thailand (UNHCR, 2016a).

2   See Annex 1 for a list of relevant treaties and the states in the region that have acceded to them.

3   While signing these conventions may not guarantee a fundamental or immediate shift in the way states respond to refugees, the conventions provide internationally recognised legal frameworks to inform appropriate policy development and enable international and non-government actors to apply pressure on states that have signed but do not adhere to the commitments set out in the Conventions.

4   See, for example, outputs from recent consultations with refugees and other aid recipients across the Middle East (WHS, 2015), from which emerging critique suggests 'aid agencies are partial, unaccountable and potentially corrupt, and they fail to meet refugees' most pressing needs' (Redvers, 2015).

Malaysian authorities, Chapter 5 on refugee and host communities, Chapter 6 on the economic activities of refugees, and Chapter 7 on durable solutions. Chapter 8 concludes the report.

1.1 Methodology

Numerous reports contain pertinent evidence regarding the situation for refugees in Malaysia, much of which is in the form of descriptive analysis on laws and policies. This Working Paper takes a different approach. It aims to improve understandings of the lives of refugees in Malaysia by generating insights into their goals, livelihood strategies, activities and outcomes; who/what supports and constrains them; and how refugees perceive the institutional landscape that surrounds them.

The analysis is, first and foremost, focused on the lives of individual refugees: from such micro-analysis macro-level themes emerge, including how laws and policies affect refugees' lives and how or where advocacy and interventions can be targeted to better serve the needs of refugees. Refugees in Malaysia are part of an increasingly urbanised global refugee population: at least 59% of all refugees now live in urban areas, and this number is rising (Crawford et al., 2015:1). Protracted refugee crises are also the norm (Zetter and Long, 2012): 'once displaced for six months, refugees have a high probability of finding themselves in displacement for at least three years and often much longer' (Crawford et al., 2015: 1). Given the very strong likelihood that Rohingya refugees arriving in Malaysia today will remain in the country long enough to be considered in protracted displacement, we refer to all refugees who participated in this study (even those who recently arrived in Malaysia) and the Rohingya population in Malaysia as a whole as being in protracted displacement. Nearly a quarter of the refugees interviewed for this study had lived in Malaysia for over 20 years, the longest having lived there for 31 years.

This study employs an exploratory, qualitative research approach. Lines of inquiry are broadly focused on gaining insight into the different priorities refugees have over the course of their displacement, the strategies they use to meet them and how their priorities and strategies change during displacement. Specifically, our aim is to generate evidence on and better understanding of:

- The displacement life histories of Rohingya refugees in Malaysia, including employment

opportunities, goals and constraints and perceptions of the institutional landscape.
- The people, networks or institutions that have been most relevant to refugees in meeting their goals at different stages of their displacement.
- The role of informal actors in providing assistance and protection.

The study approach and methodology were strongly informed by a Working Paper (Levine, 2014) which elucidates the challenges associated with using sustainable livelihoods conceptual frameworks to inform practical livelihoods research, and provides pertinent guidance as to how this can be done. Specifically, Levine (2014: 15) calls for 'more attention to be focused on people's perceptions of their world and what it is possible for them to do; to their objectives; to non-economic aspects of livelihoods; and for a much clearer focus on people's multiple identities (related to gender, ethnicity, age, etc.)', all of which were key considerations in the conceptualisation and execution of this case study. The operational map for research using a sustainable livelihoods framework developed by Levine (2014) is presented in Annex 2.

Following a review of relevant literature in the form of articles and reports related to refugees, refugee livelihoods and the Malaysian context,[5] fieldwork for the case study was conducted in Kuala Lumpur in June 2015. Interviews were conducted with 27 refugees to explore their life histories from the time they were displaced from Myanmar to the present. Interviews were conducted in the Rohingya language with Rohingya interpreters. Prior to the start of each interview the purpose of the study was explained to each participant and informed verbal consent obtained. The names of refugees quoted in this report have been changed to protect their identity.

While the researchers developed a comprehensive interview guide to inform the type of questions asked during interviews, a flexible approach to questioning was employed to enable refugees to discuss issues and events of importance to them. Purposeful, maximum variation sampling based on pre-established criteria (including age, gender, employment status, vulnerability status and length of displacement) was used to recruit a diverse sample. However, the sample is not exhaustive or necessarily representative of the refugee population as a whole.

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5   The authors requested up-to-date figures from UNHCR regarding Rohingya refugees in Malaysia, but none were provided.

Box 1: Terminology

According to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees (UNHCR, 2010:14) a refugee is someone who fears persecution due to 'Reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.' An asylum-seeker is someone who is forcibly displaced, has crossed an international border and claims to be a refugee, but has not yet had his or her claim adjudicated. Refugees and asylum-seekers (such as Rohingya refugees in Malaysia) may also be considered stateless, defined in the Convention Relating to the Status of Statelessness Persons as 'a person who is not considered as a national by any State under the operation of its law' (UN, 1954: 3).

This study considers as refugees those who have fled across an international border in a context where there is general international recognition of a mass movement of refugees (i.e. groups likely to be considered prima facie refugees). The actual legal status of individuals was not used to restrict the sampling or focus of the study.

The notion of refugee protection is used in this paper in accordance with the meaning ascribed to it by UNHCR, which uses it to

> *denote the extent to which a conducive environment exists for the internationally recognized rights of refugees to be respected and their needs to be met … in most refugee situations, protection space is not static, but expands and contracts periodically according to changes in the political, economic, social and security environments* (UNHCR, 2009: 4).

This report does not purport to portray the 'protection environment' for refugees in Malaysia: rather, it highlights what refugees identified as critical protection challenges, and explores the direct and indirect effects these challenges have on the lives of different refugees.

2 Background

2.1 The situation in Myanmar

There are an estimated 1–1.5 million Rohingya people in Myanmar,[6] primarily in Rakhine State (ERT, 2014), as well as a large diaspora in Bangladesh, the Gulf States, Pakistan, Thailand and Malaysia (Kiragu et al., 2011). While the ancestral heritage of the Rohingya can be traced back hundreds of years, if not longer (HRW, 2012, 2013; Yin, 2005), the ethnic identity and claims to citizenship of the Rohingya are heavily contested by citizens and politicians in Myanmar (*ibid.*; see also Euro Burma Office, 2009), most of whom reject the term Rohingya and refer to the population instead by the derogatory term *kalar* or 'Bengali' (the implication being they are migrants from Bangladesh). The Myanmar Citizenship Law, amended in 1982, excludes the Rohingya from the list of recognised national ethnic groups (Cheung, 2011; Ullah, 2011). The law rendered them stateless and 'formed the legal basis for arbitrary and discriminatory treatment' (Brinham, 2012: 40).

Longstanding discrimination against the Rohingya has contributed to waves of displacement and conflict, most recently between Rakhine and Rohingya people in 2012. The conflict included rioting, looting, arson, rape, violence and the internal displacement of Rohingya and other Muslims (HRW, 2013). Many Rohingya displaced in 2012 remain in camps. Although often referred to by the media and international actors as 'communal violence', such terminology masks what is alleged to be a systematic pattern of violence against the Rohingya; according to Human Rights Watch (HRW), which extensively documented the violence and its aftermath, '[t]he criminal acts committed against the Rohingya and Kaman Muslim communities in Arakan [Rakhine] State beginning in June 2012 amount to crimes against humanity carried out as part of a campaign of ethnic cleansing' (HRW, 2013: 11).

These recent conflicts must be set against a backdrop of longstanding, systematic human rights violations against the Rohingya, including 'restrictions on freedom of movement, marriage, education, employment and economic livelihood, land and property ownership, freedom of religion and other basic facets of everyday life' (HRW, 2013: 77). In 2014, the following statement was issued on behalf of Tomás Ojea Quintana, then UN Special Rapporteur on human rights in Myanmar:

> *the pattern of widespread and systematic human rights violations in Rakhine State may constitute crimes against humanity as defined under the Rome Statute of the International Criminal Court. He believes that extrajudicial killing, rape and other forms of sexual violence, arbitrary detention, torture and ill-treatment in detention, denial of due process and fair trial rights, and the forcible transfer and severe deprivation of liberty of populations has taken place on a large scale and has been directed against the Rohingya Muslim population in Rakhine State* (United Nations, 2014: para. 51).

Desperate conditions in Myanmar have contributed to the number of Rohingya fleeing the country; as a recent report by ASEAN Parliamentarians for Human Rights (2015) states, appalling living conditions, severely restricted rights, exclusionary policies and hopelessness are compelling an increasing number of Rohingya to flee to neighbouring countries in search of better lives for themselves and their families.

2.2 Fleeing Myanmar: the boat journey to Malaysia

The research for this report was undertaken in June 2015, shortly after a crackdown on people smuggling in Thailand led smugglers to abandon the ships and transit camps they used to transport Rohingya from Myanmar to Malaysia via Thailand (Associated Press,

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6   It is difficult to enumerate the number of Rohingya people in Myanmar. In the 2015 census, the first in Myanmar for 30 years, only Rohingya people who agreed to be identified as Bengali were counted – those who identified themselves as Rohingya were excluded (Heijmans, 2015).

2015).[7] In defiance of international law, Indonesia, Malaysia and Thailand initially pushed the boats that reached their shores back out to sea. On 20 May 2015, under international pressure and intense media scrutiny, the three governments issued a joint statement (Ministerial meeting, 2015) granting asylum-seekers temporary shelter, provided that the international community resettle or repatriate them within one year. While resettlement of all asylum-seekers within a year was clearly unachievable, the statement enabled the three governments to protect their reputation while not substantively changing their policy and practice on refugees. The agreement helped alleviate immediate concerns surrounding the boats, but was ultimately a temporary solution to a protracted, escalating refugee crisis.

Refugees interviewed reported being held on overcrowded boats or in camps run by smugglers in Thailand, denied sufficient food and water, subjected to verbal and physical abuse, kidnapped while seeking to reach Malaysia on their own, tortured, sold into slave labour and forced to borrow large sums of money to pay smugglers.[8] Many arrived in Malaysia traumatised, sick and owing enormous debts to family, friends or smugglers. Unsurprisingly, refugees expressed hatred and fear of the smugglers, while recognising that they were instrumental in facilitating the journey to Malaysia. When asked what he would advise a Rohingya person thinking of making the journey from Myanmar to Malaysia, one refugee said: 'I would advise them not to come here. If you are still stubborn and you insist on coming you will die on the sea. If you don't die on the sea you will die here – you cannot live and work well here'. According to another:

> a lot of people will die on the sea or be killed by agents. It's better if you die there than come here. Also if you come here you will be in trouble. If you come here we will need to pay to release you from the agents, and if we cannot pay you will die at his hands. I heard of people floating on the sea, kept in the jungle, people dying, women being raped.

Box 2: Smugglers, traffickers, kidnappers?

There is no standard terminology to refer to the people paid by Rohingya asylum-seekers to arrange their passage from Myanmar to Malaysia, and the lines between smuggling and trafficking are blurred. They have been referred to at various points by refugees, media, NGOs and the UN by different names: agents, smugglers, kidnappers and people traffickers. While recognising that, depending on individual circumstances, each of these distinct terms could be applicable, we use the term 'smugglers', in accordance with the UN definition of the smuggling of migrants as the 'procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (UNODC, 2004: 54).

Local authorities along the smuggling routes are complicit in people smuggling of refugees and migrants, right from the beginning in Myanmar (Fortify Rights, 2014) all the way to Malaysia (Equal Rights Trust, 2010).

2.3 The situation in Malaysia

As of February 2016, 158,510 refugees and asylum-seekers were registered with UNHCR in Malaysia.[9] The vast majority are from Myanmar, and of these 44,870 are Rohingya (UNHCR, 2016b).[10] It is considered to be an entirely urban population, as there are no refugee camps in Malaysia. The majority of refugees are concentrated around the capital, Kuala Lumpur, and the surrounding Klang Valley, though there are also sizable populations in other areas of the country, including Penang, Johor and Malacca. Malaysia does not have a legal, policy or administrative framework for responding to refugees

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7   For detailed analysis of the boat exodus and subsequent experiences of Rohingya asylum-seekers in Indonesia, see Amnesty International (2015a).

8   A recent large-scale investigation in Thailand has led to a court case involving 91 suspects, including senior police and military officials and local politicians (Bangkok Post, 2016).

9   UNHCR estimates from 2013 suggest there are an additional 49,000 asylum-seekers from Myanmar in Malaysia who had yet to be registered (UNHCR, 2013b).

10 The remaining refugee population is comprised of Chin and people of other ethnicities from Myanmar, as well as refugees from Sri Lanka, Pakistan, Somalia, Syria, Iraq, Iran, Palestine and other countries. In light of significant differences within and between these refugee communities – and variance in UNHCR policies towards them – this report focuses solely on Rohingya refugees to enable more nuanced analysis.

(i.e. it does not receive, register, document or conduct refugee status determination for them); the Malaysian government does not provide direct protection or assistance to refugees on its territory, and efforts to promote a refugee law and policy are ongoing.

A 2012 report evaluating the implementation of UNHCR's urban refugee policy in Malaysia (Crisp et al., 2012: 1) aptly describes the context for refugees, stating:

> Malaysia can be considered as a 'country of asylum' only in a loose sense of that concept … While they are generally not at risk of refoulement[11] or deportation, refugees in Malaysia have been and continue to be at risk of arrest, detention, extortion and corporal punishment, although the frequency of such incidents has diminished in recent times. Official restrictions prevent refugees from working in the formal sector of the economy, accessing healthcare on the same basis as nationals and attending Malaysian schools.[12]

The Malaysian government has considered, and in multiple instances publicly announced (most recently in late 2015) (Kumar, 2015), the creation of temporary work permits enabling Rohingya refugees to undertake legal employment in Malaysia. However, these schemes have yet to be successfully adopted and implemented – the 2006 plan to issue 10,000 temporary work visas, for example, was halted after a few days amidst corruption claims (Cheung, 2012; Needham, 2011; Hoffstaedter, 2015). As it stands, the tenuous legal status of refugees in Malaysia renders them vulnerable to employment-related abuse and exploitation, including non- and partial payment of wages, verbal abuse, arbitrary dismissal, physical abuse, sexual harassment and workplace raids (Smith, 2012). Refugees have little recourse to address these problems, and most incidents go unreported.

Refugees also struggle to access health and education. UNHCR (2015b) estimates that only 40% of refugee children of school-going age have access to any form of education; as refugee children are prohibited from attending government schools, most education is provided through informal learning centres supported by UNHCR, NGOs, faith-based organisations and refugees themselves. While refugees with UNHCR cards (see below, Chapter 3) are able to receive treatment at government health facilities, the cost is often prohibitively high and those without UNHCR cards have extremely limited options for accessing secondary care. Lastly, as Malaysian law (including the Federal Constitution of 1957 and the Malaysian Immigration Act 1959/63) do not provide refugees a legal right to remain in the country, refugees are at risk of exploitation, arrest and detention. While refugees from Myanmar used to be at higher risk of deportation/refoulement, this has decreased markedly since 2009 (AI, 2010), possibly in part as a result of advocacy efforts by national and international organisations. None of the refugees interviewed for this study had been deported since 2008. An increasing number of refugees are being detained, however: as of 31 December 2015, 2,498 Rohingya were in detention in Malaysia, 53% more than the 1,634 detained at the end of 2014 (UNHCR, 2016a).[13]

Irregular maritime movements in 2015 highlight the extent of mixed migration flows (of forced and economic migrants) in the region. In 2010, Malaysia had 2–4 million foreign workers, 1.8m of whom were registered migrant workers who entered Malaysia legally, and an additional 1–2m who were undocumented/irregular (World Bank, 2013).[14] Most economic migrants in Malaysia come from Indonesia, Nepal, Bangladesh, Myanmar, India and the Philippines (Government of Malaysia, 2016a). The large number of regular and irregular economic migrants and mixed migration flows affect state and organisational responses to refugees in Malaysia – these issues are explored in the forthcoming companion report.

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11 *Refoulement* is defined as 'the act of forcibly returning persons to places where they may face persecution or other serious human rights violations. It also includes the act of sending refugees and asylum seekers to a country that does not guarantee protection for refugees. The principle of non-refoulement is a norm of customary international law. In Malaysia, "soft deportations" have been known to take place along the Thailand–Malaysia border where refugees, asylum seekers and irregular migrants have been unofficially refouled, or deported from Malaysia, often into the hands of smugglers and traffickers' (ERT, 2014: 17).

12 For detailed analysis on the situation of refugees in Malaysia, see Amnesty International (2010); ERT (2014); Smith (2012).

13 Undocumented asylum-seekers are at higher risk of being detained than those with UNHCR cards. The increasing number of Rohingya refugees in detention in 2015 coincided with a large increase in Rohingya refugees arriving in Malaysia in 2014–15 (UNHCR, 2016a); most new arrivals remain undocumented until they can register with UNHCR, a process that can take years.

14 Since 2011, the Malaysian government has attempted to regulate the number of irregular migrants through the 6P programme, which involves various stages including registration, legalisation, amnesty, monitoring, enforcement and deportation (Government of Malaysia, 2016b).

3 Networks and institutions: UNHCR and NGOs

I am grateful that UN gave me a document, but disappointed because they have not helped my family.

3.1 Operating environment for aid organisations

Malaysia is a very restrictive environment for non-governmental organisations. Few international NGOs are able to register in Malaysia: Amnesty International's Malaysia branch application to be registered has been rejected six times by the Registrar of Societies (International Center for Non Profit Law, 2014), though it has been able to register as a business. Several international organisations (they prefer not to be named) faced similar difficulties with registration, initially working through partner organisations before seeking to register as a business.

Some local and national NGOs have been reluctant to provide services for refugees, fearing a backlash from the government for working with 'illegal' populations. In addition, national NGOs supporting refugees tend to be 'limited in their capacity and highly dependent on UNHCR support' (Crisp et al., 2012: 11). In interviews, when refugees were asked who had helped them over the course of their displacement they mentioned only three NGOs providing assistance to refugees in Malaysia. The first was Angkatan Belia Islam Malaysia (ABIM) or the Muslim Youth Movement of Malaysia. Founded in 1971, ABIM's support for Rohingya people dates back to the late 1990s (Utusan Online, 1998). Refugees credited ABIM with helping Rohingya communities organise to facilitate their registration with UNHCR in the early 2000s. The second was the Taiwanese Buddhist Tzu Chi Foundation, which runs a free health clinic (amongst other programmes) used by a number of Rohingya refugees interviewed. The third was a Myanmar refugee-run NGO, Myanmar Refugees Activists (MRA), which had on several occasions provided refugees interviewed for the study with rice, oil and other home essentials, as well as paying for refugee children to attend school.

The vast majority of refugees in Malaysia do not receive formal assistance. Very few receive any form of aid; according to one study by the International Rescue Committee (IRC), 92% of refugee respondents said neither they nor a member of their household had received humanitarian aid or services during the previous year (Smith, 2012: 61). Despite the limited aid available to refugees in Malaysia, the Malaysian government expects refugees' needs to be met by the international community – while at the same time erecting obstacles that impede assistance: 'Malaysia considers the task of providing refugees with protection, assistance and solutions to be the responsibility of the international community in general, and UNHCR in particular, rather than that of the state' (Crisp et al., 2012: 11).

With limited NGO and state involvement, UNHCR has become the most prominent and influential formal institution in refugees' lives, serving not only as the gatekeeper to registration and resettlement, but also the most visible potential provider of financial, livelihoods, protection and health support. UNHCR has provided protection and related assistance for Rohingya and other refugees for decades: it has operated in Malaysia without a branch office or other formal agreement since 1975, and currently has a major office presence in Kuala Lumpur. UNHCR registers newcomers and other asylum-seekers under its mandate, and in recent months has focused on registering asylum-seekers in immigration detention and seeking their release. Several thousand persons of concern were released from immigration detention in 2015. However, financial and other resource constraints limit the degree and quality of assistance UNHCR can provide, and efforts to encourage greater government, community and civil society support for refugees and building capacity within refugee communities is an ongoing, long-term process.

3.2 Registration and UNHCR cards

The vast majority of Rohingya are unable to obtain a passport or citizenship document in Myanmar, and arrive in Malaysia with a Myanmar identity document or no documents at all. The primary (and often only) identity document used by refugees in Malaysia is a UNHCR card. As of February 2016, 158,510 refugees and asylum-seekers were registered with UNHCR in Malaysia (UNHCR, 2016b), of whom 44,870 were Rohingya. In order to obtain a UNHCR card, asylum-seekers must apply to be registered by UNHCR, and then wait to be given an appointment. Asylum-seekers can also be registered during UNHCR visits to immigration detention centres or through referrals from NGOs of asylum-seekers who have particular protection and assistance needs.

There is no standard application form for registration. Instead, refugees are encouraged to fax or post a letter with their biodata (full name, date and place of birth, ethnicity) and a photograph to UNHCR; there is no mechanism to inform refugees whether or not their letter has been received. While refugees can approach the UNHCR office without an appointment this is discouraged, and only in very exceptional circumstances (e.g. when an asylum-seeker meets certain criteria) can an asylum-seeker be registered and issued with a UNHCR card on the same day.

A significant number of asylum-seekers are waiting to be registered with UNHCR – recent UNHCR estimates suggest there are 35,000 unregistered 'persons of concern' in the country, though a Rohingya community leader consulted for this study thought the figure was far higher. Registration processes and procedures that were opaque to the refugee population to begin with have, in recent years, been in flux. This is evident in cycles of mobile registration that have historically targeted only certain ethnicities (namely Chin refugees from Myanmar), a temporary embargo on registering non-urgent cases for parts of 2013–14 while new registration procedures were established, and changing criteria regarding who is deemed an extremely vulnerable asylum-seeker warranting urgent registration. While UNHCR's current approach to registration prioritises undocumented asylum seekers in detention and people with added vulnerabilities (such as those with serious medical conditions,

unaccompanied and separated children), thousands of refugees who do not meet vulnerability criteria remain unregistered.

The reason for this large number of unregistered Rohingya stems, in part, from the fact that UNHCR Malaysia has faced budget cuts in recent years. As a result, both refugees and UNHCR staff in Kuala Lumpur 'find themselves under considerable pressure' (Crisp et al., 2012: 20). Beyond capacity and resource issues, registration is very politically sensitive: amongst other things, the relative protection it affords refugees can be seen as a pull factor that potentially draws more migrants to Malaysia. The reluctance of UNHCR to significantly scale up registration therefore also reflects a concern not to jeopardise the organisation's position in Malaysia (an issue discussed in greater detail in the forthcoming companion report on the policy context surrounding refugees in Malaysia).

3.2.1 Refugees' approaches towards registration

There is widespread lack of understanding within the Rohingya community of how registration works and who is prioritised for registration. While for some the registration process is relatively straightforward, the examples below illustrate that for others, trying to obtain a UNHCR card can be a long, frustrating exercise, one that appears to be dependent on opaque criteria, timing and, to a certain degree, luck.

While research in four African cities found that 'receiving refugee status is not a good indicator of someone's substantive experience nor does it have a strong effect on welfare or security' (Landau and Duponchel, 2011: 2), refugees interviewed for this study perceived refugee status to be of significant importance. Being registered facilitates access to services unregistered people are not entitled to. For example, only those who are registered can apply to UNHCR for financial and medical assistance, access medical treatment at government hospitals and seek resettlement in a third country. Despite the challenges and delays many asylum-seekers face in getting registered, the benefits associated with registration – and the difficulties they confront when unregistered – compel them to try. One elderly man, who had arrived in Malaysia two years earlier with his wife and 16-year-old son, expressed the desperation he felt as an unregistered asylum-seeker:

I feel a lot of tension and think of suicide. I worry if my son is stopped while outside collecting recyclables he will be arrested because he has no documents. I am very worried about arrest and life in Malaysia in general.

When asked how he managed that stress and tension, he replied:

My only hope is to be registered and resettled by UNHCR. I don't think there is anything that can make life in Malaysia easier except being recognized as a refugee by UNHCR. We have applied many times, and I feel very sorry because UNHCR hasn't ever replied. Some of the people recognized by UNHCR have not suffered as much as we have – we lost everything. When we arrived here UNHCR neglected us.

Refugees interviewed for this study employed a diverse range of methods to get themselves registered with UNHCR. Many had followed the standard procedure, sending letters or faxes to the UNHCR office and waiting to be called. Rohingya refugees often submit typed letters in Bahasa Malaysia or English, but as most are unable to create these themselves they get a community member or Rohingya organisation to produce them, and in some instances serve as interlocutors with UNHCR. This route was successful for one elderly refugee who arrived in Malaysia with his family three years ago:

When we arrived in Malaysia we were sitting on the roadside when a Malay man with a car saw my family. We were crying, and I tried to explain to him that we were 'Myanmar'. The Malay man told us there was UNHCR in Malaysia, and drove us to the UN office the next morning. We waited four hours to be seen outside the UNHCR gates but were not allowed in. Then we met the secretary of a Rohingya community organisation who agreed to take us to a community shelter. The organisation gave us a recommendation letter and we eventually got an appointment with UNHCR and our cards after 8–9 months.

Another interviewee, a 40-year-old man who had been in Malaysia for ten years, had tried a similar strategy but to no avail:

I tried to get a UN card many times. I got recommendation letters from all of the Rohingya organisations – around 15. I have tried many times to contact the UN, I send letters to them six days a week and the Rohingya organisations said they sent letters.

Other refugees were not aware that they should submit a letter to UNHCR, and when they asked other Rohingya people they had been advised to try other strategies. Ruhul, a refugee man with disabilities (described further in Box 3) was advised to lie outside the gate of the UNHCR compound to try and get registered by soliciting pity based on his disability. Another refugee had been in Malaysia for six years, and while his aunt had submitted his name to UNHCR for registration the office had never called him. He said he intended to get a UNHCR card but did not know how, and when he asked Rohingya community members how to get registered 'they told me I had to pay RM2,000 ($450) and the UN will call me – they never told me any other way'.[15]

The lack of understanding among some refugees of UNHCR registration procedures, inability to obtain registration by refugees who conformed to UNHCR registration procedures and allegations of misconduct within the refugee registration process has serious implications, including undermining refugees' trust in UNHCR processes, and leaving many without the basic protection afforded by a UNHCR card.

3.3 Access to services

A UNHCR card is needed in order to access certain services and assistance from UNHCR, as well as public services such as healthcare at government hospitals. One man interviewed had a UNHCR card, but his wife and children (who had come to Malaysia years after him) were unregistered, despite having applied to UNHCR. He described the impact this had on their family, saying:

We would be grateful if UN was concerned about our situation. We think with UN cards our lives

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15 Public accusations of systemic corruption have been levied at UNHCR Malaysia, most prominently in an investigative report by Al Jazeera (2014). UNHCR (2014b) launched a formal investigation into the accusations; at the time of writing, no findings from the investigation were publicly available.

Box 3: Ruhul's story

Ruhul, a 30-year-old father of five, arrived in Malaysia in January 2015. He has been seriously disabled since birth, but he is able to ambulate and perform work with his hands. Ruhul worked as a watch and umbrella repairer in Myanmar, but having found no market for such work in Malaysia, and unable to find any other employment, he has resorted to begging on the street. He begs every day, which earns him barely enough to subsist and has left him wholly unable to repay the debt he owes for his journey to Malaysia, or to meet his goal of sending money back to his family in Myanmar. Police have confronted him numerous times while he was begging: as he cannot speak Bahasa Malaysia (also commonly referred to as 'Malay'), other Rohingya people nearby translate for the police, who have consistently stolen the money he earned begging and threatened him with arrest.

Ruhul fears being arrested and believes it is important to get a UNHCR card, so he went to UNHCR to be registered. However, when he was there the guards just gave him the address for an NGO health clinic and did not allow him in. Since neither UNHCR nor other refugees advised him to apply via fax or letter, he has not done so. Instead, some Rohingya refugees suggested he approach the office directly, and advised him to lie outside the gates of UNHCR every day until eventually someone took pity on him and agreed to register him. Ruhul is afraid to try this as he had been beaten repeatedly by the people smugglers in Thailand and he perceives the guards as similar authority figures. He also cannot afford to pay transport costs to and from the UNHCR office. Without a UNHCR card 'I am scared I will be arrested and sent to [an immigration detention centre]. I am scared not only for myself but because I have a family to support.'

would be very different – the children could go to school and my wife could leave the house and go for medical treatment. I have a UN card and would like my children to have one.

Some refugees interviewed for this study explained how they had received support from UNHCR, including referrals to community-based organisations (more in Chapter 5) and financial assistance to pay for medical treatment. One refugee interviewed, a young man who had arrived in Malaysia acutely malnourished and suffering from beriberi after being held by people smugglers, had been abandoned outside the gate at the UNHCR compound; he was issued a UNHCR card the same day, which enabled him to be admitted to hospital and receive supportive care during his long recovery.

In general, refugees knew little about UNHCR programmes such as health insurance and how to access financial services.[16] They also had limited understanding of UNHCR's relationship with government services. For example, in terms of health care government policy states that refugees with a UNHCR card are entitled to a 50% discount off the 'foreigner's rate' on medical bills at Malaysian public health facilities (this does not extend to those waiting to be registered). Some refugees misattributed the discount to UNHCR paying half of their bill, rather than being granted the fee-rate to which they are entitled.

While UNHCR provides financial assistance (short-term cash payments) and medical assistance (payment of medical bills) for a certain number of refugees, refugees said that accessing this assistance was difficult. Some refugees did not understand the criteria used to determine who received assistance and who did not; others had written letters or approached the office requesting financial or medical assistance, but never heard back from UNHCR regarding whether they would receive it. One refugee interviewed described the difficulty he had communicating with UNHCR and trying to receive help for a heart condition:

> *UN has not provided me with any assistance. I sought assistance at UNHCR, and had hoped that providing a doctor's note would support my request, but the UN just told me they would reply and never did. I have gone more than 24 times to seek assistance for my health conditions, but have never received any.*

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16 One financial institution in Malaysia has allowed some registered refugees, with a personalised letter of support from UNHCR, to open a bank account. It can, however, be challenging (obtaining UNHCR registration and the support letter, finding a branch that agrees to accommodate refugees, etc.), and most refugees keep their cash savings in their homes or in community savings arrangements.

He goes to a government hospital, where he gets 50% off as per the refugee discount. As the staff now know him, they allow him to pay a portion up front and the outstanding bill later when he cannot pay the whole bill in full.

It should be noted that, while refugees technically require a UNHCR card to access services such as government hospitals, some unregistered asylum-seekers employ alternative tactics to access the services they need. One community leader had, over many years, developed a good relationship with his local government hospital, as a result of which the hospital occasionally accepted unregistered asylum-seekers if they had a letter showing they were registered with a Rohingya community organisation. Ali, a refugee who worked for an NGO that assisted refugees, gave another example. He had been approached by a Rohingya refugee who had been turned away from hospital because she was unregistered and could not pay the deposit. Ali found a donor who agreed to pay the hospital deposit, and gave the hospital his business card, saying he would take financial responsibility for the refugee. When it was time for her to be discharged the bill was very high and Ali did not have enough money to pay it, so he advised the refugee to abscond and helped her leave the hospital without paying.

These examples illustrate how, in the absence of access to and protection from formal institutions such as UNHCR, 'informal' actors – in this case refugee communities themselves – have sought to negotiate access to institutions (such as public health facilities) and protection from perceived risks (such as those associated with the authorities). While these approaches can be successful, they are innately riskier, relying much more heavily on luck, personal circumstance and having the right connections.

3.4 Refugees' perspectives on UNHCR

Interviews with Rohingya refugees revealed conflicting perspectives regarding UNHCR: seeing it as both a potential source of help, while also being critical of it. Refugees perceived UNHCR's reasoning for not providing support as poorly explained and communicated, leading to a pervasive sense of confusion about what would and would not work in seeking assistance. This issue has been well documented in previous work; Nah (2010), for example, describes the perspectives of refugees in Malaysia:

Refugees have ambivalent feelings about UNHCR, and this is manifested in the way they behave in and around its compound. Any appeal for help, small or large … usually entails hours of waiting at the Annexe, sometimes a whole day. This is a humiliating process, and refugees have expressed their dislike of it, saying that they 'feel like beggars'. Refugees often complain that they cannot get the attention of UNHCR officers and that they have to visit the UNHCR office several times before they receive any help or response.

Almost all of the refugees interviewed conveyed this sense of frustration about UNHCR's decisions and policies. Half of them were waiting for responses from UNHCR about registration, resettlement or assistance. 'The answer we get is "we will call you, we will call you". Always the same answer', said one Rohingya man. Refugees did not understand why they did not receive responses or why requests for registration, resettlement or financial support were delayed or rejected. Moreover, aside from one refugee who had participated in a microfinance programme supported by an NGO/UNHCR, none of the refugees interviewed mentioned receiving direct livelihood support (such as vocational training and job placement) from UNHCR or an NGO. Rather, refugees relied on their own networks and strategies to find employment.

Difficulties accessing information as well as services from UNHCR contributed to ill-feeling. Some refugees formulated their own reasoning or explanations for UNHCR decisions (such as hypothesising that UNHCR privileged other ethnicities from Myanmar), while others chose not to request any help from UNHCR even when faced with life-threatening issues. For the latter, their own experiences, or those of others in their networks, of unsuccessful attempts at receiving assistance from UNHCR led them to form the perception that they were unlikely to receive help. For some, any potential benefits were not worth the costs associated with seeking assistance (such as transport fees to and from the office, risk of encountering authorities en route to the office and the financial and time cost of missing work to approach UNHCR for assistance).

As a result, Rohingya refugees in Malaysia feel a sense of helplessness and lack of control over their future. UNHCR is a dominant authority in their lives, similar to a government body, but one they struggled to lobby or engage with. UNHCR looms large in their institutional landscape, but when no help is provided few know where to turn; as one elderly refugee said: 'When we arrived here UNHCR neglected us. Why it happened like that? I feel so sorry. I cannot see the future, and I cannot go back to Myanmar'.

4 Networks and institutions: Malaysian authorities

I have had problems with authorities. I was stopped by the police just two days ago. The police look down on us as refugees, they said we are inhuman.

Malaysia's policies pertaining to refugees are very restrictive – this is particularly evident in employment (refugees are unable to work legally in Malaysia), education (refugees cannot attend Malaysian schools), healthcare (only registered refugees can access public health services) and arrest and detention.

4.1 Interactions with the authorities

As refugees are technically considered to be in Malaysia illegally, they are at risk of arrest and detention by local authorities,[17] particularly those who are not yet registered with UNHCR. A study by IRC (Smith, 2012: 58), which surveyed 1,003 refugees from Myanmar, found that 42% reported that at least one member of their household had been arrested in the last year, nearly all because they did not have identity documents. The majority of refugees interviewed for this study had personally experienced arrest and detention or altered their lifestyle and habits (such as not leaving the house or avoiding travel beyond their neighbourhood) due to fear of arrest.

Although the sample size for this study (27) was too small to reliably quantify how often refugees are stopped by the authorities, the findings do indicate who tends to be stopped, and the various potential outcomes of such encounters. Middle-aged men interviewed for the study, particularly those who worked on or travelled

on foot, motorbike or public transport, reported being frequently stopped and arrested by the police, between one and three times a month. This may be due to a number of factors. Men comprise the majority of the Rohingya refugee population in Malaysia, and may be more likely to violate laws in pursuit of their livelihoods (such as driving a motorcycle to work without a licence). Refugee men are also often more visible to the police than women, who are more likely to stay at or near home.

Groups typically considered more 'vulnerable' – women, children and the elderly – seemed to be stopped and arrested much less frequently, suggesting a degree of sympathy from the authorities. One woman, who had been in Malaysia for 17 years, worked outside every day as a street sweeper yet had never been stopped. She thought this might be because she was mistaken for a Malaysian Indian because of her dark skin tone, and 'also because authorities suspect men only, never stop the women. My husband has a problem being stopped by the police'. Age also seemed to be a protective factor, with visibly older refugees less likely to be stopped. One elderly refugee noted how he and his wife had not been stopped by the police, and while their teenage son had been, 'police have taken pity on him and not arrested him'.

Nearly all of the refugees who spoke about being stopped by the police also discussed having to pay bribes to authorities – in effect an informal tax on their livelihoods – in order to avoid arrest.[18] Refugees reported paying different amounts, ranging

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17 The term 'authorities' is used here to denote the multiple categories of Malaysian authorities with whom refugees may interact regarding their immigration status. These include police, immigration officials and RELA (Pasukan Sukarelawan Malaysia/The People's Volunteer Corps, a volunteer civilian force operating in Malaysia).

18 Although refugees' undocumented and 'illegal' status renders them particularly vulnerable to having to pay illegal bribes to authorities, it is important to acknowledge the extent to which corruption and bribery affect Malaysian nationals as well: according to Transparency International, Malaysia ranks 50 out of 175 countries on the 2014 corruption perceptions index (1 being the most corrupt); 9% of Malaysians reported paying a bribe in 2010; and 76% of respondents in Malaysia in 2013 felt the police were corrupt or extremely corrupt (Transparency International, 2015).

from Ringgit (RM) 20–50 ($4.50–11.30), and were stopped an average of 2–3 times a month, amounting to around 10% of their salary. Refugees' salaries are already low when compared to the rest of the population in Kuala Lumpur: in 2013 the monthly median salary of Malaysians in Kuala Lumpur was RM 2,095 ($475) (Khazanah Research Institute, 2015); most refugees interviewed earned less than half that. The need to set aside funds for bribes therefore places a significant strain on their finances. Of the refugees interviewed for this study, nearly a quarter had experienced arrest and detention; the majority had also been deported to Thailand before making their way back to Malaysia.

4.2 Responding to the authorities

Speaking the national language, Bahasa Malaysia, was critical to two interlinked tactics refugees employed if they were stopped by the authorities: negotiating and invoking sympathy. As one refugee explained: 'It is harder for newcomers, they don't speak Malay. Dealing with authorities depends a lot on the explanation. If a refugee cannot speak Malay the police will charge him. If he speaks Malay and can explain politely that he is a refugee, people will take pity'. Another refugee described being stopped by the police and released without having to pay a bribe because he showed his UN card. The authorities held him for a long period but he refused to give them money; instead, he explained his situation and they let him go. He said 'when police ask where we are from and we say we are Rohingya Muslim, then the police understand and take pity'. Being able to communicate refugee status and reason with the authorities was cited by many refugees as helping them avoid arrest or having to pay a bribe.

Some refugees sought to appeal to the authorities' sympathies in other ways. One refugee interviewed collects and resells recyclable goods (such as scrap metal, bottles and cans) on his motorbike. He described how he intentionally brings his small children on the back of his motorbike, so that if he is stopped by the authorities they would let him go after he pleaded with them by saying his children would starve if he had to pay a bribe or was detained. This is one example of many that emerged during the research in which Rohingya refugees deliberately created an image of vulnerability in order to manage interactions with the authorities.

The primary religion practiced in Malaysia is Islam, and some refugees relied on their religious affiliation to manage their relations with the authorities. One Rohingya Imam interviewed said: 'In Malaysia if I have the cap, beard and dress the police respect me, they don't arrest me because I am a religious man'. While he is not detained, he nevertheless has issues with the authorities, having been stopped two days prior to the interview while in a car. He said:

> When they saw my UN card they ripped the top layer of plastic off then gave the card back. I think because I am a religious man they are shy to ask money from me. I have a document saying I am an Imam, and when I showed it to the police officer, the officer apologized.

While his religious status did not spare him from harassment, it did ultimately lend a layer of informal protection. One widow we spoke to also successfully managed encounters with the authorities by appealing to religion – as well as sympathy. When she was stopped by the police, she showed them a letter of recommendation issued by a religious institution, stating that she was the widow of an Imam; she said: 'The officer told me he had the right to arrest me but didn't want to, because he could see from the letter I was a widow with two young children.'

For some women refugees, their method for dealing with the authorities was to avoid them altogether. After having been arrested five times, and forced to pay bribes, one unregistered refugee woman chose not to venture out of the house, even to the health clinic. Her husband works outside, and continues to pay bribes when stopped by the authorities.

4.3 Refugees' perspectives on the authorities

Interviews conducted for this study highlighted the complexity of refugees' perceptions regarding the authorities. While many refugees discussed their fear of authority and a few mentioned being treated disrespectfully, numerous refugees accepted that the authorities were just doing their job. One man linked rights to responsibilities that refugees, by virtue of their status, were unable to fulfil. Although Abdul (Box 4) had been arrested, detained and imprisoned during his time in Malaysia, he reflected on how

Box 4: Abdul's story

Abdul was just 14 years old when he fled from Myanmar after being tortured by the *Nasaka*.[19] Now in his early twenties, he has lived in Malaysia for over four years. His six-year journey took him from Bangladesh to Thailand and briefly to Malaysia before being arrested and imprisoned after less than a month in the country. He was deported to Thailand, where he was kidnapped by traffickers and forced into slavery on a fishing boat. He finally escaped after four years, and was able to contact his grandfather, who was living in Thailand at the time. After a month he left to join his uncle in Kuala Lumpur, who convinced his employer to give Abdul a job. Abdul began to collect used items to sell, and was able to save up enough money to buy a motorcycle, enabling him to collect and sell a larger volume of goods.

Abdul's story is one of (relative) success. His goals when coming to Malaysia were to find work, save money in order to get married, have a family and be able to support them – all of which he has done. But he still struggles with day-to-day hardships. He has had many run-ins with the authorities, been arrested numerous times and has to pay bribes to the police regularly, despite having a UNHCR card that proves his recognised refugee status. Harassment is particularly frequent when he is on his motorcycle; refugees cannot legally be issued driving licences in Malaysia, so Abdul is breaking the law. Some police officers accept bribes, while others arrest him. Abdul prefers to pay bribes as it resolves the issue immediately; he assumes that, if he is arrested, he will ultimately have to pay a fine as well. On the occasions he has been arrested, his Malaysian boss – with whom he has a good relationship – has come to the police station to secure his release.

Abdul understands why the police behave as they do: he compares the authorities in Malaysia to those in Myanmar, observing that 'at least in Malaysia the policemen are polite, in Myanmar they would kick and abuse the Rohingya people'. Abdul is also sympathetic to the position that the local authorities find themselves in. He says he wants to obey the law, but has been forced to do illegal things to survive, and the job of the police is to uphold the law. He is also keenly aware that he is not a citizen of Malaysia – and is accepting of the limitations that this entails: 'this is not our country and we are breaking the law – so I understand the police's position … how can we dislike them, it is not our country'.

treatment by the authorities related to the larger picture of how refugees contribute to society: 'it is

difficult to survive in Malaysia, but we cannot blame the Malaysian government, they are just following the law. Those with permits and passports pay taxes, whereas refugees are here illegally and do not pay tax to the government'. His statement highlights a disturbing extension of state and institutional determination that refugees are 'illegal', such that some Rohingya refugees have internalised that idea themselves, and consider themselves to have less rights or status in society as a result.

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19 The name *Nasaka* is formed from the initials of the Burmese-language name, Nat-Sat Kut-Kwey Ye, translated as Burmese Border Security Force. It was a border security force operating mainly in northern Rakhine state, along the Bangladesh border. It served as the most prominent state authority in Rakhine and carried out widespread human rights violations against the Rohingya, according to human rights groups (HRW, 2012, 2013; Fortify Rights 2015). It was disbanded in 2013.

5 Networks and institutions: Rohingya refugees and host communities

If someone has just arrived in Malaysia, they have to survive here. I would help them get a job and advise them not to break any laws or to make problems with people. I have helped some people here. They are in trouble. I am the same. So I feel sympathy for them.

Findings from this study illustrate a wide range of examples of refugee–refugee and host–refugee assistance. Malaysians and fellow Rohingya helped refugees overcome bureaucratic restrictions, facilitating their access to institutions, and providing direct assistance. This was done on both an ad hoc and formal basis, with refugees assisting people in their networks as well as donating to religious institutions that redistribute donations to the most needy.

5.1 Rohingya social networks

Every Rohingya refugee interviewed described receiving help from other Rohingya: relatives, friends, villagers, co-workers, community workers, neighbours and even strangers. Social networks provide social capital, protection, livelihood support and shelter, ranging from sharing accommodation, lending or giving money, finding job opportunities and providing advice. They also provide a sense of belonging in an alien country: 'Networks that braid together ethnic, kin, and religious ties are mobilised to help deal with the alienation of prolonged exile' (Zaman, 2012: 137). Numerous refugees attributed their decision of where to live (or move) in Malaysia to the desire to be close to strong friendship or family networks. Refugees also tended to live amongst their social networks, with several family units sharing one home and splitting living costs.

Rohingya refugees largely relied on pre-existing social networks developed while they were still in Myanmar to guide their journey to and within Malaysia.

Advice from friends and family already in Malaysia – communicated via phone and word of mouth – helps shape decisions about whether or not to come to Malaysia, how best to make the journey and where in the country to settle. Many refugees attributed their decision to come to Malaysia (as opposed to Thailand or other neighbouring countries) to religion, but also the existence of other Rohingya people in the country. Refugees' initial decision to come to Malaysia is important when considering the trajectory of their displacement life histories and livelihoods, as much like all decisions over the course of protracted displacement, it is based on what refugees perceive to be the options available to them. The presence of family or friends in Malaysia makes viable the idea of them going, and also affects their experience upon arrival.

Once in Malaysia, interviewees noted the importance of people from the same village or town back in Myanmar; as one refugee said when asked about networks:

It is a necessity for human beings because we need the links. If you don't have relatives or siblings here you should at least have a link with villagers. If the new ones coming from Rakhine do not have a link in Malaysia how can they be released [from people smugglers]? They will be in trouble. Networks are a necessity.

Pre-established social networks were critical to Rohingya refugees when they reached Malaysia, with most refugees citing how their friends, family and villagers helped them get established upon arrival. This included providing a place to stay, putting them in contact with employers or others within their network to help them secure jobs and providing small amounts of money to help them survive while looking for work. The extent to which refugees helped other refugees secure employment (discussed in Chapter 6) illustrates the importance of social networks in forging

the initial connection between refugees and employers, and indicates that such connections may go some way towards helping refugees circumvent barriers (such as language and documentation) that may otherwise limit employment opportunities.

Refugees who arrived in Malaysia without contacts (or who had lost contact with those they knew in Malaysia) had two options: to forge their own path, or rely on the kindness of strangers (most often also Rohingya). One refugee, Halek, arrived in Malaysia 21 years ago, without any pre-existing social networks. He did not have anyone to turn to for help in order to find work, so he decided to approach construction sites directly to ask for a job. Although Halek spoke little Malay, he was offered a job at the second construction site he visited, highlighting that, while social connections were important in facilitating livelihoods, when left without options people find a way to make the best of their situation. He worked there for four years, learning Malay in the process, and was eventually able to save money to pay for his family to join him in Malaysia. Now nearing 60, he notes that his children and their partners help support him. Although he arrived with no social networks, and did not receive help from others, he has brought over and expanded his own network and now makes donations to help new arrivals. Help from strangers was more common when those receiving help were described as vulnerable in some way: widows with young children, the homeless or injured. Refugees often spoke of 'taking pity' on the other refugees they helped. Undergoing similar challenges in Myanmar and during the journey to Malaysia seemed to reinforce a sense of shared responsibility and humanity. As one refugee said, 'We have humanity – we have to help each other'.

Over time, refugees can build up and expand their networks, often to the benefit of other refugees as well as themselves. Refugees interviewed for this study did not describe expanding their networks as an explicit goal, but rather as occurring naturally over the course of their time in Malaysia. Like individuals anywhere, the social networks of Rohingya refugees tend to develop through daily interactions, including through work, neighbours, community-based organisations and religious organisations. One refugee, Khaleque, described expanding the size and influence of his networks as he met more people in Malaysia, and more people he knew came to Malaysia. Four years ago, the brother of Khaleque's friend (a fellow villager, with Indonesian

Box 5: The role of Islam, mosques and imams

Religion plays an important part in the lives of many Rohingya refugees, not least because they have been persecuted in part due to their religious identity. Many Rohingya refugees interviewed for the study explicitly mentioned religion as playing a role in their decision to come to Malaysia (rather than going to other neighbouring countries), and perceive Allah or religious practice as contributing to their continued survival.

Mosques acted as important communal meeting spaces for Rohingya refugees, many of whom go for regular prayer. Malaysian mosques served as shared spaces for refugee and host populations, but some Rohingya people have also set up their own spaces for prayer in the form of *suraus*, or smaller places for prayer. Some children attended *madrassas* – religious schools – because their parents explicitly wanted them to gain a religious education, or because it is one of the only alternatives given that refugee children cannot attend government schools.

These religious spaces also emerged as places of sanctuary, particularly for newly arrived refugees without pre-established networks looking for help or a place to stay. They received help from imams and visitors to the mosques, as well as from Rohingya, Malaysian or international individuals or organisations channelling donations through the mosque or *surau*. Help received from strangers at mosques was often short term, such as during Ramadan, helping refugees survive until they found other means of sustaining themselves.

citizenship) bought a tea shop, and asked Khaleque to run it for him. His shop is a well-known spot for Rohingya people seeking help: many customers have run up lengthy tabs, and 10–20 people regularly stay in the small rooms in the back of the shop, ostensibly paying rent though most are unable to. In effect, Khaleque is now providing the type of support to new arrivals that he was unable to obtain when he first arrived.

The growing number of friends, family members and villagers arriving in Malaysia has also contributed to the expansion of social networks for Rohingya

Eighteen-year-old Yussuf has been in Malaysia for just ten months, a relative newcomer. The eldest son of a paralysed father, his parents decided to send him to Malaysia both to escape persecution and forced labour and to find work to support his family. He came specifically to Malaysia as he had Rohingya friends who had sought asylum there, and he hoped they would be able to help him find employment. During his journey to Malaysia, he and other passengers on the boat were kidnapped by smugglers and brought to a camp in the Thai jungle. He was held there and beaten by the smugglers for eight days, until his parents paid a ransom for his release.

Back in Malaysia, Yussuf's friends found him a job in construction. He lived and worked on the construction site, but it was frequently raided by the authorities. He escaped three raids, but during the fourth he fell trying to evade the authorities, seriously injuring his back. His friends and co-workers took him to UNHCR, where a UN officer gave him a slip of paper to take to the hospital. A Rohingya man who was also at the UN office helped him to the hospital, but they were sent away because Yussuf did not have a UN card.

Yussuf approached the UN office again the next day, and the UN sent him to a government hospital with a UN interpreter. The hospital again refused to admit him and, as he was unable to access medical care at a public hospital, the interpreter took him to a shelter run by a Rohingya community organisation. The organisation collected money from other members to pay for his hospital fees and wrote a letter for him, which enabled him to be admitted to hospital despite not having a UNHCR card. After five days in hospital he began to recover and returned to the shelter. He has now been there for three and a half months. His back has still not completely healed and, unable to do heavy labour, Yussuf helps out at the shelter. When asked how he plans to find a job, he says that the leader of the Rohingya organisation has offered to help him to secure work.

The Rohingya organisation continues to send letters to UNHCR on Yussuf's behalf to make the case for him to be registered. Without a UN card he feels very vulnerable, and in constant fear of arrest. Having a UN card 'would be freedom for me', he says. It would also mean better job prospects, enabling him to reach his goal of supporting his family back in Myanmar.

refugees, whose migration patterns mirror the theory of 'cumulative causation', with existing refugees acting as a pull to those still in the country of origin, creating a multiplier effect (Massey, 1990). Men often make the journey on their own, with the expectation of sending funds home or saving enough money to pay for their wives and children to come to Malaysia once the men have established themselves. Other refugees then follow to the same location; as Abdul from Chapter 4 explained, he wanted to move from Thailand to Malaysia because 'I have no family and there are no Rohingya there so I wasn't happy, I wanted to come to Malaysia'.

5.2 Rohingya community-based organisations

Beyond informal help through social networks, Rohingya refugees have supported each other through refugee-run community based organisations (CBOs).

They are not registered with the authorities and operate under the radar, financed by membership fees, private donations from Malaysians and some project-based UNHCR funding. Rohingya CBOs provide a range of services to refugee members, including those related to documentation (e.g. a membership document, which can be critical for unregistered asylum-seekers with no passport or identity documents, and marriage certificates); liaising with local institutions (e.g. negotiating with hospital staff to facilitate admission and treatment; facilitating the release of cadavers from the morgue); education (operating community-based learning centres for refugee children); assistance (providing in-kind donations to refugees in need); operating a convalescent shelter for ill or vulnerable refugees; and livelihood support (connecting unemployed refugees with employers).

Estimates suggest there are over 15 Rohingya CBOs in Malaysia, though only a few are consistently active and only one has a direct relationship with

UNHCR. Refugees described collaboration between these organisations as limited, with the exception of joint advocacy on issues such as the rights of Rohingya people in Myanmar. Several interviewees lamented the lack of community coordination and collective bargaining power. This fragmentation can weaken Rohingya organisations' ability to advocate on issues important to Rohingya refugees vis-à-vis institutions such as UNHCR. This is particularly stark in comparison to some other refugee communities in Malaysia (such as the Chin) that are regarded as well organised and able to provide support to others in the community. The majority of Rohingya refugees interviewed had either not received help, or had little knowledge of these organisations.

5.3 Questioning the idea of 'community'

The displacement life histories of the Rohingya refugees we interviewed are in line with existing research, which suggests that, for refugees in circumstances with harsh immigration policies and where formal assistance is scarce, social ties are the primary determinant of survival and success (Palmgren, 2014; Krause-Vilmar and Chaffin, 2011). Yet, while internal assistance in refugee communities is often perceived as a sign of social cohesion, collective agency and communal solidarity, some have interpreted it more as 'an inevitable response to communal crisis, rather than evidence of the vibrancy of solidarity, as people are compelled to help each other even with limited access to material assets' (Omata, 2013: 275).

Such arguments have salience when discussing refugees in Malaysia, many of whom struggle to provide for themselves, let alone extend support to others, and whose interactions reflect complex issues of power, trust, hierarchy and gender. According to Shaw (2009), refugee policymakers must identify the compromises, sacrifices and pressure that refugees face when seeking to support others; otherwise, they may idealise the idea of community support, and rely too heavily on communities to fill the gap left by insufficient institutional assistance. This is particularly pertinent in today's policy environment, where growing recognition of communities as first responders and main sources of support during crises risks overlooking the sacrifices that this requires. As one refugee stated, 'how can we help when we live hand to mouth ourselves?'.

Interviews also highlighted an underlying sense of mistrust and fear amongst refugees when interacting with some fellow Rohingya. Refugees interviewed expressed particular concern regarding exploitation and people smuggling, as some of the smugglers identified in refugees' stories were also Rohingya. Some may be lower-level agents whose principal role is to link people up to the smuggling boats, but others are more heavily involved in the more violent and exploitative parts of the operation, such as visiting the families of refugees to demand or extort payment or torturing people in the trafficking camps in the Thai jungle.

One young man, Hassan, recounted a particularly harrowing experience of exploitation and harassment by another Rohingya refugee. Hassan became very ill during his journey to Malaysia and the man took advantage of the situation, demanding payment from Hassan's family and claiming he was a relative paying for his medical treatment. He has since called Hassan repeatedly for money and has made threats against his life. Hassan, who lives in a shelter run by a Rohingya CBO, believes he has been targeted because he does not have family or strong networks in Malaysia. Hassan's family in Myanmar also face harassment from people smugglers asking for money to pay for Hassan's journey, despite them having already paid the fee. Hassan has been severely traumatised by this experience and finds it difficult to trust anyone – Rohingya or otherwise. 'I don't believe other Rohingya people. I don't believe in myself', he said. He deliberately limits his social networks, largely seeking to avoid contact with others, either within or beyond the Rohingya community, but does note that he trusts those working for the CBO that has helped him.

Hassan's story reflects tensions among Rohingya refugees between wanting and needing to trust those within their community, while at the same time avoiding exploitative elements; and between wanting to help newcomers while still protecting themselves. A representative of a refugee-run NGO initially stated that 'priority [for assistance] goes to unregistered and newcomers', but later in the interview acknowledged that the NGO intentionally avoids contact with newcomers for fear of being perceived of having ties to the people smugglers who often linger around new arrivals while they settle their debts. Refugees in Malaysia were very aware of the tenuous space they occupy in terms of their legal status, and identified their engagement with new arrivals as potentially exposing them to greater risk.

5.4 The host community

Host communities have a significant influence on refugees' experiences in any country of asylum. With 158,510 registered refugees and asylum-seekers (as of February 2016) and thousands more unregistered and scattered across various cities and towns in Malaysia, many local Malaysians regularly interact with refugees. In Kuala Lumpur, Rohingya refugees live in pockets across the city: neighbourhoods are mixed, comprising local Malaysians, immigrants, Rohingya refugees and refugees from various parts of the world.

Refugees interviewed for this study largely expressed positive opinions of Malaysians, with many acknowledging that they had received some form of support. Malaysians assisted refugees by supporting their livelihoods (e.g. employing refugees or helping them secure jobs; providing investment capital for refugees' businesses); overcoming bureaucratic restrictions (e.g. purchasing goods for refugees that they are prohibited from buying themselves, such as motorcycles); facilitating their access to institutions (e.g. UNHCR); and providing direct assistance (e.g. donations of cash and goods). One refugee said, 'Malaysian people are good to refugees, they don't make any problems because they try to understand our lives'. Many refugees appreciated that Malaysians sympathise or empathise with their plight, and noted instances where their rent had been reduced when sympathetic landlords 'took pity on them'.

While refugees acknowledged having received monetary and in-kind charitable donations from Malaysians, what they most valued were acts of kindness. Support was provided by neighbours, landlords, employers or others directly connected to the refugees. When asked to whom she would turn if she needed help, one refugee woman named her brother's Malaysian friends. Although most Rohingya refugees first turned to fellow Rohingyas, there was a feeling that they too were living hand to mouth, while Malaysians were better off and perhaps had greater capacity to help. Only one refugee, a widow with young children, mentioned receiving aid from a Malaysian NGO, though neither she nor her neighbours were particularly clear on the source of aid or why she had received it. Another recalled a Malaysian imam advising him where he could receive donations during Ramadan.

Having been driven to flee their own country due to their ethnicity and religion, being accepted by locals in a country that is not their own is not just important in practice, but also in conveying a sense of peace and stability. Still, as with the Rohingya community – or indeed any community – refugees' engagement with the host community has its challenges. One refugee reported how Malaysian gangsters target refugees and extort money from them, because they see them as vulnerable and therefore easy targets. A Rohingya refugee woman who worked as a street-sweeper described how local Malaysians would close their doors when they saw her approaching, and would refuse to give her any water.

Some refugees had strong social ties with local Malaysians – as one refugee described, his employer and employer's wife 'love him, like a son'. For a few, Malaysians featured much more prominently in their social networks than fellow Rohingya. This could be attributed in part to the mistrust and lack of solidarity amongst Rohingya refugees described above. Noor, a Rohingya refugee, described how she avoided interaction with fellow Rohingya, stating, 'I never made friends with other Rohingya people, I stay far from them. I feel different than them and their morality … I pray five times a day, I like Malaysian culture, I feel it is good and religious'. While Noor's perception of and relationship with other Rohingya refugees in Malaysia has admittedly been coloured by the fact that she has a distant relative who appears to have ties with smuggling rings, it also reflects two broader issues highlighted in this report: the complexity of intra-community dynamics (namely deep-rooted issues of mistrust), and the variable nature of Rohingya 'communities' in Malaysia and refugees' engagement in them (as opposed to the notion of one cohesive Rohingya 'community').

Smith (2013: 22) explored the impact of refugees' ties to the culture of their country of origin on the kinds of networks they could develop in the host country. The research found 'cases that assigned a high degree of importance to their native cultural heritage developed stronger, supportive ties to family and religious networks while those that assigned less importance to cultural heritage had stronger ties to co-workers and neighbours'. While keeping their ties to Rohingya culture and community intentionally loose, Noor and her family were able to replace those connections with stronger ties to Malaysian people and culture. This is evidenced in her ability to expand her networks to include a wide range of Malaysians, such as her landlord, neighbours, a teacher who subsequently became her employer and former co-workers. In

effect, Noor's disillusionment with Rohingya people has allowed her to better assimilate into the host community. These are the trade-offs for refugees and migrants: balancing the support and shared sense of identity from those within their community, versus the benefits that can come from greater integration.

This has had clear benefits for Noor and her children. They have been able to obtain safer and better-paid jobs, and integrate with local society – which has had the added benefit of allowing them to avoid trouble with/detection by the authorities. Noor runs a home day-care programme for local Malaysian children (she was encouraged to open the day-care centre by a former Malaysian co-worker). She loves her job, a rarity for Rohingya refugees. She has never experienced problems or felt tension from the Malaysian parents, though she recognises that this is unusual: 'there is no one like me in Malaysia, a refugee who can look after Malaysian children'. She believes that this is due in part to her piety, and that the Malaysian parents are familiar with her as she has lived in the neighbourhood for a long time. While many Rohingya tend to cluster together, she has often chosen explicitly to live in a Malaysian neighbourhood, with Malaysian people. Her daughter has also integrated well, and is rarely stopped by the police. Even so, there are limits to such integration in Malaysia, as both lack the security and equality that come with legal status: Noor earns less than Malaysian counterparts doing similar work, and her daughter's undocumented status prevents her from pursuing her goal of further education.

Noor's family is an exception rather than the norm. While many refugees expressed appreciation for being allowed to stay in Malaysia, the majority were extremely conscious of how that stay (even if it stretched over decades) would ultimately be temporary as long as Malaysia's policies towards refugees remain unchanged (see Chapter 7 for further discussion on durable solutions). Refugees expressed how, even after many years, they still did not feel at home in Malaysia. As one Rohingya refugee put it, 'We are Rohingya, we are also Muslims. We know this is a Muslim country and we thought they would treat us equally, but they do not. We do not have equal rights'. Thus, while refugee and host networks can be mutually beneficial and important, they are not enough to help refugees overcome the effects of restrictive refugee policies set by host governments, and the associated structural, institutional and cultural barriers.

6 Economic activity

I am considering how to survive with dignity in Malaysia. Here I have a UNHCR card, but this still does not allow me to work in Malaysia legally. Business owners will only employ refugees for the length of the validity of the card, so refugees can never plan for the future, employment is subject to the situation. We are only refugees here.

6.1 Types of employment

Of the 27 refugees interviewed, eight were unemployed and 19 were self-employed (nine), conducting work for which they were remunerated by the Rohingya community (three), or employed on a formal contract (seven). Half of the unemployed refugees were entirely supported by a relative; the other half worked informally and were therefore only partially dependent on support from their family or community members (see Table 1). While the refugees interviewed undertook a range of initial jobs, the work tended to be physically hard and insecure (i.e. ad hoc or short term). Most had worked in 2–6 different jobs/sectors over the course of their time in Malaysia.

6.2 Securing employment: networks and other strategies

Nearly all of the refugees interviewed for this study relied on networks to find work. For most, this involved word of mouth within the Rohingya community – including immediate family, distant relatives, friends, villagers, community leaders and, to a lesser extent, strangers – to convey that they were looking for work, identify opportunities and make connections with Malaysian employers.

Beyond securing employment, some Rohingya refugees also relied on other Rohingya people to help them save the earnings they generated. As few refugees are able to (or know how to) access the information and support required to open a bank account, some save their money with one of two competing Rohingya businessmen who provide banking services for Rohingya refugees in Kuala Lumpur, without interest. This was instrumental in helping refugees interviewed for this study save to invest in their livelihoods or bring family members over to Malaysia.

Commonly, refugees secured jobs for other refugees at their place of employment (factories, restaurants, construction sites). In some instances there was a

Table 1: Income-generating activities undertaken by refugees at the time they were interviewed

Unemployed (entirely dependent on family for support)	Conducts informal income-generating activities and receives support from family, community members or strangers	Self-employed	Works for the refugee community	Works on a contract basis
• Supported by husband • Supported by nephew • Supported by adult sons • Supported by wife	• Betel nut shop helper at shelter • Cuts betel nut, tutors Rohingya children • Makes food to sell, receives donations • Begging	• Recycling collector (x4) • Fish seller • Runs shop (with initial support from a microfinance programme) • Home day care worker • Tea shop manager (x2)	• Imam • Rohingya NGO worker • Rohingya school & community worker	• Road sweeper (x3) • Office cleaner • Construction worker • Assistant at Malaysian school • Electrical line worker

reciprocal arrangement between refugees and their employers: refugees would inform their employers if they knew of refugees seeking work, and the employers would inform their employees if they were looking to hire more refugees. Tea shops (restaurants serving food and beverages) were a key location for finding work. Refugees networked with people they knew (for example to discuss employment opportunities with friends and villagers), or met people who could help them find employment. This was generally done by refugees who had no friends or family in Malaysia, and who were trying to forge initial connections; one refugee described his arrival in Malaysia, saying 'I went to Penang, and when I got off the bus I went to a tea shop and met a Rohingya man, a refugee with a UN card. I explained my story to the man, and that I had no place to stay, and the man told me to follow him and got me a job'. Another refugee described how a Rohingya tea shop had been informally established for Malaysians looking to hire day labourers. While hiring refugees is technically illegal, refugees suggested that some Malaysians preferred hiring refugees rather than Malaysians for reasons both charitable (e.g. employers were sympathetic to the situation of Rohingya refugees) and exploitative (e.g. employers could pay refugees lower wages, and refugees would work longer hours and do jobs Malaysians did not want to do).

Beyond using their networks, some refugees approached businesses such as restaurants and construction sites directly to ask for a job. Refugees we interviewed also discussed using brokers, though none had done so themselves. These brokers (who have slightly different operating procedures) generally take a commission from the employer and/or the refugee, and in the case of the latter deducts the fee from the refugee's salary if they are unable to pay up front. Participants noted that, while refugees who have been in Malaysia for some time are more likely to find employment on their own or through networks, new arrivals are more likely to rely on brokers.

The biggest barrier refugees identified to working in Malaysia was not having an identity document (i.e. a UNHCR card or passport). Even so, refugees recognised that, while having a UNHCR card might help them secure employment, it was an inadequate form of documentation for legal employment; one refugee noted that 'sometimes Rohingya people are arrested at their workplace, even if they have a

Box 7: Mohamed's story

Mohamed, a UNHCR-recognised refugee in his mid-30s, has been in Malaysia for eight years. He acknowledges the essential role of networks, relatives and villagers in supporting refugees who have recently arrived from Myanmar: he was very well supported by his siblings, who provided him with accommodation and arranged for him to work as a grass-cutter. Mohamed had been a businessman in Myanmar, and within a few months of arriving in Malaysia he began helping his brother with his business selling goods from a car. Over the next three years he saved over RM30,000 (around $6,800), enabling him to send money home and bring his future wife from Myanmar to Malaysia.

After some time, Mohamed stopped selling goods from his car as competition grew and demands for bribes from the police increased. He returned to grass-cutting, but this time as a sub-contractor as opposed to a labourer, and rather than saving his profits he started up and invested in small refugee-run businesses. After six years in Malaysia, Mohamed was hit by a motorcycle: his leg was badly broken and he underwent an operation, at a cost of RM5,000 ($1,130). He quickly depleted his savings, could no longer manage his grass cutting contracts and had to withdraw his investments because he needed the money to cover living expenses. On the advice of friends, and with a start-up investment of RM13,000 ($2,940) from a Rohingya refugee, Mohamed opened a tea shop. At the time of the interview the tea shop had been open for four months and was financially successful, generating enough profit for Mohamed to repay a fifth of the loan.

Measured against his own goals (to get married, send money back to Myanmar and run successful businesses), Mohamed has done well. He links his ability to recover from the aftershocks of his injury to the blessing of God and the help of good friends – attributing the latter's willingness to help him to his piety and the extent of the help he had given others prior to the accident. Still, Mohamed maintains that 'I have not succeeded yet, but I have had some success'.

UNHCR card' – yet thousands of refugees do work, despite the legal and practical barriers. The experience of one refugee, described in Box 7, provides insight into how refugees forge livelihoods in Malaysia over the course of protracted displacement.

Mohamed's story is, in many regards, one of success: he used skills and experience gained in Myanmar to gain an income in Malaysia, he achieved goals related to both his family and his livelihood and he recovered from a serious shock by starting his own business, as many refugees aspire to do. Even so, his situation is precarious: he has a significant debt to repay, and he is in an industry where competition can be high and businesses struggle. The fact that Mohamed has had 'success' numerous times, lost it and had to rebuild is illustrative of the fact that 'success' is not something you achieve, it is something you have to maintain – which is particularly difficult given the insecurity in which refugees in Malaysia live. While people labelled as having an obvious vulnerability (e.g. people with disabilities, women at risk) are often targeted for assistance or programmatic interventions, the chronic vulnerability that cross-cuts urban refugee populations in contexts such as Malaysia is insufficiently recognised or integrated into aid interventions.

Mohamed is an example of a refugee who needed a limited amount of help to become self-sustaining, rather than requiring on-going assistance, and as such is precisely the type of person for whom many livelihood interventions (such as microfinance) are designed.[20] The problem with basing livelihood interventions around people like Mohamed, however, is that his 'success' is not attainable by many refugees who lack the types of capital (linguistic, financial, social) that contributed to Mohamed's ability to run a profitable business. For practitioners and policy-makers trying to support refugee livelihoods, Mohamed's story highlights the need to critically consider the notion of 'successful' refugee livelihoods in situations of protracted urban displacement. Lessons can certainly be learned from understanding what factors support refugees in establishing

and maintaining successful livelihoods (strong networks, capabilities and skills that correspond to the local market). However, it is also necessary to recognise the specific challenges different categories of refugees face (for example, newly arrived asylum-seekers, who often struggle because they are undocumented, do not speak the local language, have difficulty accessing social networks and support and cannot translate skills and knowledge attained in their country of origin into a viable livelihood in the urban context) and target appropriate protection and livelihood interventions accordingly. It also involves recognising the precariousness of apparent 'success' for refugees who are forced to continually mitigate challenges and seek livelihood opportunities in the urban context, as well as the individual and institutional factors that prohibit many refugees from aspiring to or achieving what are often considered 'successful' livelihoods.

Running a business – in Mohamed's case, a tea shop – was identified by many refugees as a 'better job' to be aspired to. Mohamed – and another refugee we interviewed, Khaleque – each ran a tea shop, located a few streets apart. Their ability to do so stemmed from a combination of requisite business experience and social capital (being men, speaking the local language, having strong networks and connections among refugees and non-refugees, which enabled them to operate a business registered to a Malaysian). It also required investment from others in the form of financial and logistical support, investments likely made on the presumption that Mohamed and Khaleque's previous success (such as Mohamed's profitable employment prior to his accident) was indicative of their potential future success as small business operators. While the two men shared these key similarities, their different experiences provide interesting points of analysis.

Khaleque (as described in Chapter 5) had been in Malaysia for 27 years, and had worked hard to reach a point where he could run his own business. Although he managed to secure work in numerous restaurants, he endured exploitation and was arrested and then deported for being undocumented. Four years prior to the interview, a Rohingya businessman with Indonesian citizenship bought a tea shop and asked Khaleque to run it; by this time, Khaleque had worked in restaurants for years, and the owner turned to him to run the tea shop because, in addition

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20 Despite this, it is pertinent to note that Mohamed required an initial investment of nearly $3,000 to start his business, which exponentially exceeds the amounts generally loaned in microfinance schemes. Microfinance or other small-scale support would not have provided Mohamed the resources he needed to start his business, and have it achieve success within the timeframe he did.

to his suitability for the role, they are family friends from the same village in Myanmar.[21] Despite holding a job that most refugees desired (himself included), Khaleque's business was struggling and he was in debt: he attributed this to a lack of paying customers, as most of his customers were Rohingya people who were struggling to subsist and unable to pay full price for their food. Khaleque felt a responsibility to support those in need, and though he kept records of outstanding bills he did not deny customers food, even if they could not pay.

Findings from interviews with refugees such as Mohamed and Khaleque (who do 'better' jobs such as operating a business) provide two key points of discussion. First, while many refugees would perceive Mohamed and Khaleque as having 'good' jobs, like them Khaleque struggles to secure a viable livelihood and balance multiple goals and priorities (such as earning sufficient income to maintain his business and support his family, while also supporting vulnerable refugees in his community). They also provide insight into how refugees doing 'better' jobs perceive the lower-status jobs performed by other refugees. Some refugees in Malaysia chose to collect scrap metal as opposed to doing construction or factory work; when Khaleque was asked why, he said it was because:

> *they are uneducated, they don't know their dignity. They only choose work based on how they can make money day by day, not in the long term for their future. Some people work as sweepers, grass-cutters – if someone comes to them and says we will give you RM300 ($70) to do this they just see the money and do it, they do not think about their dignity or their future.*

Such perceptions allow us to better understand what motivates refugees to pursue certain livelihoods, why they set certain goals and objectives and their attitudes towards refugees who pursue different livelihoods. Unsurprisingly, when asked why they did the jobs they did, refugees working as street sweepers or scrap metal collectors provided very different answers. Some said they chose those jobs in order to mitigate the risk of working for an exploitative employer, to have the freedom to choose their hours and to directly

correlate the hours they worked with income earned (as opposed to a fixed salary). Other refugees did these jobs because they simply did not see an alternative. One mother of four who worked as a street sweeper said: 'I have no other options. I do this job patiently because I have to think about my house rent and utilities. My husband's income is only enough for food'. Another refugee said: 'I do not think I can earn a lot of money here. If I could find a better job opportunity I would take it, but I don't know about any other opportunities. I only speak a little Malay, and this affects the kind of job I can get. It would be better if I spoke Malay'.
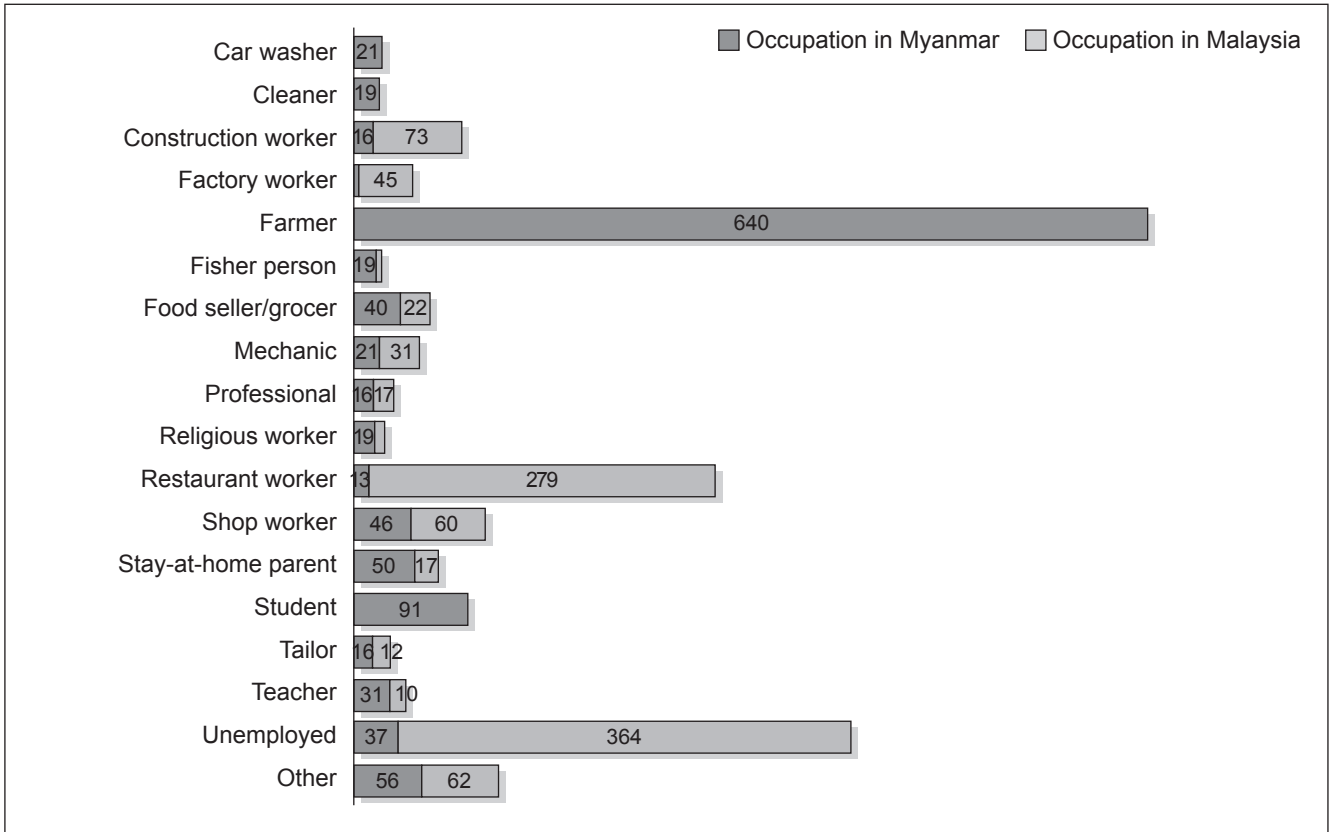
6.3 Translating skills and experience from refugees' country of origin

Although Mohamed initially worked as a grass-cutter in Malaysia, he had held jobs such as selling clothes, buying and reselling goods, and running a hardware shop when he was in Myanmar, and within a few months he was able to use his connections and business skills to switch from manual labour to selling goods in Malaysia. This was unusual, as refugees' previous work experience from Myanmar did not strongly correlate with the type of work they did in Malaysia. Refugees' initial jobs tended to be whatever someone in their network could secure for them: a refugee who ran a shop in Myanmar initially worked in construction in Malaysia, for example, while a young man who did construction in Myanmar worked as a street sweeper in Malaysia. While some refugees were able to utilise skills they acquired in Myanmar to secure work in Malaysia, particularly once they had been in the country for some time, others found the specialised skills that had contributed to their livelihoods in Myanmar were largely irrelevant in Malaysia. One elderly man, for example, had worked as a typesetter in Myanmar but could not find work in Malaysia because people use computers there. Ruhul, a disabled man who had worked as a watch and umbrella repairer in Myanmar, could not find work because people rarely repaired watches or umbrellas in Malaysia (they bought new ones).

These examples illustrate the marked discordance between certain skills and job experiences that were relevant to the livelihoods of Rohingya people in the

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21 Amongst other things, this exemplifies the importance of the social basis of trust for refugees trying to access economic activities. For further discussion of the relational aspects of economic activity see Pain and Mallet (2014).

Figure 1: Employment in Myanmar compared with Malaysia

Occupation in Myanmar | Occupation in Malaysia

Occupation	Myanmar	Malaysia
Car washer		21
Cleaner		19
Construction worker	16	73
Factory worker		45
Farmer	640	
Fisher person		19
Food seller/grocer	40	22
Mechanic	21	31
Professional	16	17
Religious worker		19
Restaurant worker	13	279
Shop worker	46	60
Stay-at-home parent	50	17
Student	91	
Tailor	16	12
Teacher	31	10
Unemployed	37	364
Other	56	62

Source: Smith, 2012

impoverished, rural towns from which they fled and the skills and experience relevant in Kuala Lumpur, the capital of a middle-income country. This affirms findings from a survey of over 1,000 households of refugees from Myanmar in Malaysia (Smith, 2012: 44), which illustrated significant differences in the jobs refugees undertook in Myanmar versus those they did in Malaysia. Individual circumstances also made it difficult for some refugees to translate skills and knowledge into viable income-generating activities in Malaysia – the elderly and those with health issues found it particularly difficult.

7 Durable solutions

Our life is gone, we need to give a better future to our children. Almost 14 years living in Malaysia, I cannot give a better life to my children here.

Refugees interviewed for this study identified four main priorities and goals: financially supporting themselves and their families in Malaysia and Myanmar, acquiring UNHCR registration and ensuring a better future for their children – but the ultimate goal described by nearly all refugees interviewed for this study was to attain the rights and freedoms associated with a durable solution.

UNHCR has a framework with three categories of durable solutions through which it aims to ensure a safe and sustainable outcome for refugees. One is voluntary repatriation (when refugees return to their country of origin), another is local integration (when refugees are integrated into communities in their country of asylum) and the third is resettlement (the transfer of refugees from a country of asylum to a country that has agreed to admit them, and eventually grant them permanent settlement) (UNHCR, 2015c). This chapter explores Rohingya refugees' perceptions of the challenges, opportunities and constraints associated with these potential solutions.

7.1 Repatriation

Human rights violations against Rohingya people in Myanmar and the stateless status of most Rohingya refugees mean that repatriation is not a viable option for the foreseeable future. One refugee explained this by clearly differentiating Rohingya refugees from other refugees in Malaysia:

other ethnicities like Chin, Mon, Burmese they can return back to Myanmar – they have citizenship. The Rohingya are stateless. The Malaysian government never recognised that the Rohingya are the most persecuted refugees in the world.

Despite limited current options for repatriation, the goal for numerous refugees interviewed for this study was to eventually return to Myanmar. As one refugee explained: 'One day we hope our country will get peace and we can return back to our motherland'. Another refugee also wanted to go back to Myanmar, but believed the decision was ultimately up to UNHCR:

I would like to go back to Myanmar. I can only pretend to be happy in Malaysia, because it is another country. Every day I face policemen, but at least in Malaysia the policemen are polite, in Myanmar they would kick and abuse the Rohingya people. I am now under UNHCR – if UNHCR told us to stay in Malaysia or go back to Myanmar we would have to follow this, because we are under UNHCR.

As illustrated by the statement above, one of the most salient sentiments expressed by refugees with regard to a durable solution was a long-standing dependence on UNHCR to facilitate one; as another refugee put it: 'You know well how much we suffer. Only UN can make things better for us. We follow every instruction of the UN – wherever the UN throws us we will go'. Given their tenuous legal status and challenges refugees face understanding and accessing UNHCR in Malaysia, relying on UNHCR for a durable solution leaves many in a state of limbo – negotiating their lives on a short-term basis, with limited ability to plan for or control their future.

7.2 Local integration

Many refugees indicated that a durable solution would involve 'going' somewhere (back to Myanmar or resettling in a third country). Given the limited rights and freedoms afforded to them in Malaysia, few perceived local integration as a viable durable solution. A distinction can be made between de jure and de facto integration of refugees in a country of asylum – the former being official recognition (i.e. through political or legal means), and the latter being more informal integration at individual or community

levels. Zetter and Long (2012) argue that some degree of de facto integration is inevitable even when de jure integration is not possible.

Many examples of de facto integration emerged from interviews with Rohingya refugees in Malaysia. For example, a large number speak the local language and work for Malaysian employers; some refugees described close bonds they had formed with Malaysian friends and neighbours; and many refugees regularly attend mosques in Malaysia for prayer. Yet while the Rohingya practice Islam (the official religion of Malaysia) and religion as an institution facilitated de facto integration at a community level through both a shared system of belief and shared spaces, it was not enough to overcome the barriers refugees perceived to integration. As one young boy told a UNHCR evaluation team, 'We might be the same religion as the local people … but we are different. We are Muslims but we are not Malaysians' (Crisp et al., 2012: 12).

A refugee interviewed for this study expressed a similar sentiment, stating:

> The Malaysian government won't want to keep us, there is no point for us to stay in Malaysia. If UNHCR welcomed us to a third country we will definitely go. Since I stay in Malaysia for 20 years I cannot talk bad about this country. It seems like my home, but I do not belong to this country, I am a foreigner.

Another refugee interviewed said: 'I have been here 30 years, if I stayed another 30 years I would still be a refugee. My children were born here, they are refugees. What will the future bring?' Fifteen years after Human Rights Watch published the report *Living in Limbo: Burmese Rohingyas in Malaysia* (HRW, 2000), thousands of Rohingya refugees remain in limbo.

7.3 Resettlement

In the absence of de jure integration, many Rohingya refugees aspire to a durable solution in the form of resettlement to a third country. Malaysia has one of UNHCR's largest resettlement programmes,[22] having

resettled over 100,000 refugees[23] to third countries since 2005 (UNHCR, 2015d). While many refugees interviewed focused their hopes for the future on resettlement, they identified numerous constraints and barriers in the bureaucratic process, including inability to get registered with UNHCR (without which they could not be considered for resettlement) and lack of clarity about the status of their resettlement application. One refugee's resettlement processing had stalled following his initial interview three years earlier; he was not sure why and, frustrated, had begun to send emails, letters and faxes daily to request resettlement. While UNHCR confirmed they had received his many letters, it gave no substantive reply regarding the status of his application. Another refugee interviewed for the study said that he and his wife's ultimate goal was to be resettled to a country where they could live peacefully. Yet while they have faxed many letters to UNHCR requesting resettlement, they claim never to have received a reply. They perceived the resettlement system to be unfair:

> Why are new people resettled very fast but not us? Chin and Kachin get resettled very fast. We have been here for decades. Many refugees have been here since 1992 but newer refugees are called for resettlement first. We don't know why – is there something wrong with us? Can people pay to resettle? Is it that we are poor and cannot pay?

While UNHCR's resettlement programme prioritises vulnerable refugees (UNHCR, 2011), these refugees perceived it as a programme from which only wealthy refugees could benefit. Yet what they attributed to wealth was possibly a reflection of their ethnicity and religion, as throughout the 2000s UNHCR operated what has been called a 'differentiated (and arguably inequitable) approach' (Crisp et al., 2012: 15) to resettlement that primarily facilitated the resettlement of Myanmar Chin refugees (who are predominantly Christian, relatively recent arrivals to Malaysia), assuming that 'the longer-established Rohingya Muslim community was better suited to local integration' as a durable solution (*ibid.*).[24]

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23 The majority of those resettled from Malaysia were Chin refugees, resettled to the US.

24 It is important to recognise that states that agree to accept resettled refugees have a strong influence on determining which refugees and which categories of refugees are prioritised and accepted.

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22 In 2014, the largest number of refugees resettled with the assistance of UNHCR departed from Malaysia (10,976), followed by Turkey (8,944), Nepal (8,582), Thailand (7,170), Lebanon (6,285) and Kenya (4,913) (UNHCR 2015d).

This policy changed at the end of the decade when, according to a report evaluating the implementation of UNHCR's urban refugee policy in Malaysia, a senior UNHCR official concluded that 'it has become untenable to justify different protection services and access to resettlement for only some of the Myanmarese refugees and not others, which is resulting in accusations by refugee groups and NGOs of preferential treatment based on religious and ethnic grounds' (*ibid.*). While Rohingya refugees are now being resettled from Malaysia, the legacy of this policy affects Rohingya refugees today: they lack the support of a large resettled diaspora, and refugees who remain in Malaysia, particularly community leaders, cite the policy as indicative of more widespread inequities in UNHCR's response to Rohingya refugees.

Given the uncertainties and upheaval associated with the resettlement process, it is telling that refugees who had been in Malaysia for decades wanted to be resettled. One refugee who had been in Malaysia for 27 years found it disheartening that the future prospects for his children, all nine of whom had been born in Malaysia, were so limited: his children were stateless,[25] unable to obtain assistance from UNHCR and unable to attend formal education. Another refugee, who had also been in Malaysia for over 20 years, explained that, in his view, the most serious problem facing Rohingya refugees in Malaysia is the destruction of the lives of their children:

> *We have children born in Malaysia, with Malaysian birth certificates who cannot find a job, cannot go to school, cannot get Malaysian citizenship due to their parents' status as 'illegal migrants'. If those refugees give birth in a government hospital on the birth certificate the identity number is empty. Our birth certificates are useless.*

For the refugees interviewed, it was their inability to receive formal education and secondary medical care, and the denial of access to their fundamental human rights, including right to a nationality, freedom and hope for the future – far more than

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25 Babies born in Malaysian government hospitals to UNHCR-registered refugees may be able to obtain a birth certificate, but the baby will not be automatically eligible for Malaysian citizenship – rendering them at high risk of statelessness. Refugees' primary use for the certificate is as supporting documentation for registering the baby with UNHCR.

Box 8: Amina's story

Amina, a married mother of three in her thirties, is unemployed and has been since she came to Malaysia 14 years ago. Amina says she cannot work because she has to look after her young children. She had hoped to send her older children to a Malaysian government school, but as refugee children are prohibited from attending Malaysian schools she sent them to a UNHCR-supported learning centre. Amina directly links education to hopes of a better future, noting that if she died her children could use the knowledge they attained in school to get better jobs. Her husband works as a parking attendant, but his salary is insufficient to cover the family's needs. In addition to basic subsistence costs, they have to set aside money to bribe the police. They have no savings and must borrow money from Amina's closest Rohingya friends or her husband's employer to pay for unexpected expenses such as doctors' fees. When her youngest child is old enough to go to a learning centre, Amina may try to find a job. For the time being, Amina is entirely dependent on her husband, who suffers from hip necrosis, a debilitating and painful condition that requires hip replacement surgery, estimated to cost RM10,000 ($2,260).

UNHCR has recommended resettlement as a durable solution for the family. UNHCR initiated the resettlement process, and the case progressed to an interview with the US Department of Homeland Security (DHS). However, Amina's husband refused to be resettled to the United States because he had heard that refugees there had to work long hours at difficult jobs to survive, and his health condition would prohibit him from doing this. Although life in Malaysia is hard, Amina and her husband worry that it would be harder in the United States: at least in Malaysia his employer 'knows about his health condition and takes pity on him', only deducting some of his salary if he misses work.

immediate challenges, such as difficulties meeting their daily subsistence needs – that compelled them to seek resettlement. As one refugee explained: 'If we have full rights and freedoms anywhere and ability to improve our life I would go to that place – not necessarily resettle, could be Myanmar, Malaysia or anywhere'.

Few Rohingya refugees perceived resettlement to be a panacea, and some were concerned with what they saw as the formidable challenges they would confront in the resettlement country. A common feature in the choices that Rohingya refugees make – including their decision to flee Myanmar for Malaysia, their livelihoods, health, education, security and durable solutions – is that they involve weighing perceived (often opaque) risks against potential benefits. The example in Box 8 illustrates the complex array of decisions confronting one Rohingya family living in Kuala Lumpur.

The example of Amina and her family illustrates the formidable array of choices confronting many refugees in Malaysia: there are rarely straightforward strategies or solutions that would enable them to achieve their goals or desired outcomes – most decisions require assessing severe risks against potential benefits, and accepting numerous, inhibiting trade-offs. Amina's story highlights the need to better understand what these trade-offs are; why refugees pursue different opportunities and are limited by different constraints; and how their short- and medium-term livelihood strategies evolve, intersect and are prioritised in pursuit of long-term goals. Different refugees perceive the same risks and benefits in a variety of ways, and features of identity, individual experience and their unique goals heavily influence their divergent perceptions and subsequent livelihood strategies.

Amina's story illustrates how the severity of immediate constraints confronting many refugees (such as the inability to meet basic subsistence needs) prevents them from pursuing opportunities that may theoretically be available to them (such as surgery, resettlement or higher-paying jobs), and that would likely support their goals and improve long-term outcomes (better health, a better future for their children). This example also challenges the assumption – implicit in some livelihood interventions and support strategies targeting refugees – that the behaviour of refugees can or should support a linear, logical pursuit of the most 'successful' outcome, including a specific durable solution. Sustainable livelihoods frameworks, as well as findings from this study, highlight the importance of recognising that a number of potential outcomes are possible, the success of which is relative (depending on individual goals) and dependent on any number of factors (opportunities, constraints, perception of the institutional landscape, features of identity) within and beyond the control of an individual.

8 Conclusion

This report has considered policies, institutions and the Malaysian host environment, as seen from the perspective of Rohingya refugees in protracted displacement. The institutional landscape refugees described was fragmented, one in which they had variable knowledge of and access to essential services and humanitarian assistance and had to manage complex intra-community dynamics; this compelled them to take a range of steps to mitigate protection risks and seek sustainable livelihoods over the course of their (protracted) displacement.

As this report illustrates, understanding the livelihoods of refugees necessitates far more than assessing their economic activities and outcomes – it requires understanding their goals, constraints, capabilities and strategies, and why and how they understand and operate within the institutional landscape. Refugees identified protection risks as one of the most critical issues affecting their livelihoods, and this report considered the extent of the risks and challenges refugees confronted on a regular basis (including being stopped by the authorities and detained, deported or forced to pay bribes), as well as the efforts they made to mitigate them.

While these efforts – including learning the local language, negotiating and invoking sympathy – were highly successful in some instances, they were not a panacea for addressing risks posed by the authorities, and most refugees perceived protection risks to be an intractable part of their lives. While refugees expressed worry, disappointment and resignation about this, they also understood and had sympathy for the authorities, whom they perceived as ultimately just trying to do their job. Refugees were highly cognisant of the fact that their presence in Malaysia is considered 'illegal', and that their status rendered them unable to undertake critical activities (such as employment) legally and actualise basic rights (such as access to essential services), leaving them trapped in poverty and undermining their ability to contribute to their host society.

UNHCR 'is not a development agency and cannot, in any case, afford to provide education, health care, shelter, and water services. It has no mandate for prolonged involvement in peace-building, reconciliation, reintegration, and return' (Crisp et al., 2012: S35). Yet the limited involvement of state and development actors in the Malaysian refugee context means that the burden of facilitating refugees' access to essential services such as healthcare and education, engaging with the authorities (on an individual case basis and more broadly) and expanding the limited protection space available to refugees in Malaysia has fallen largely under the purview of UNHCR.

This is untenable given the global demand and resource constraints facing UNHCR, and fails to address the needs confronting thousands of Rohingya people in Malaysia, some of whom are second- or third-generation refugees. Despite longstanding and in some instances innovative efforts on the part of UNHCR (such as the establishment of health insurance), refugees in Malaysia remain largely excluded from formal institutions. While many refugees access services set up by UNHCR and NGOs to fill gaps in state provision (such as learning centres and primary health clinics) there are financial and human costs associated with running parallel services, and the fact that needs dramatically exceed the resources available to address them raises questions of access and equity (Leaning, Spiegel and Crisp, 2011). Moreover, the very existence of such services, though born of necessity, does nothing to allay the social fragmentation and exclusion that constrain the lives of many refugees in Malaysia. Humanitarian assistance cannot replace the formal engagement of the Malaysian government, as a significant middle-income country and UN member state, to provide legal status and recognition, assistance and integration opportunities for refugees on its territory.

The situation of refugees in Malaysia, and the lack of formal support and engagement by the Malaysian government to protect and assist them, highlights the marked discrepancy between the needs of refugees and responses to them, leaving refugees in a highly precarious position with limited integration and few of the benefits associated with the care and maintenance model of assistance and livelihood interventions (Crawford et al., 2015). This is particularly evident in

the context of durable solutions. In effect, Rohingya refugees in Malaysia live in limbo: while some are in protracted displacement awaiting a durable solution, for most no durable solution is in sight. In such a context, it is necessary to focus not only on official durable solutions, but also on improving the quality of asylum protection while refugees remain in protracted displacement; as Zetter and Long (2012: 35) caution: 'the search for "solutions" overshadows addressing declining standards of protection within asylum'. Given the protracted displacement of Rohingya refugees in Malaysia, there is a dual need to address both the quality of protection during asylum, and long-term solutions including the possibility of remaining in Malaysia under a domestic, rights-based legal regime and/or policy framework. In the absence of any substantial changes in state policy and approach to refugees, for the immediate future improving the lives of refugees is likely to require advocating for incremental improvements in the 'grey' space between official policy and how that policy is enacted in the lives of refugees, thousands of whom overcome barriers and manage to find ways to work, educate their children, engage with the authorities and integrate in Malaysian society.

Most importantly, such solutions must be aligned with the lives and aspirations of refugees. In the words of one refugee, a 30-year-old man who worked numerous manual labour jobs to support his family: 'We are the boat people – we make a hard living here

to survive'. Far from passively waiting for assistance or durable solutions, Rohingya refugees in Malaysia are actively pursuing goals, aspirations and economic activities over multiple generations of displacement. Improving understanding of the diverse lives and motivations of Rohingya refugees, and refugees in protracted urban displacement more broadly, is a critical step towards improving interventions intended to assist them. Interventions that aim to improve the status quo by providing more basic services or in-kind assistance, whether in the form of cash, learning centres or primary medical care, are helpful and in some cases essential, but ultimately inadequate. They may alleviate the immediate suffering of refugees, but they do little to assuage the indignity, persistent poverty and lack of hope that stems from severely limited rights and freedoms. Findings from this study strongly support the argument made by Landau and Duponchel (2011: 19) that an 'effective approach to protecting urban refugees requires substantial shifts in the humanitarian enterprise and mindset. Although vulnerabilities are often sufficiently acute to warrant humanitarian interventions, effective protection must be oriented toward long-term settlement and *de facto* integration'. This will require, amongst other things, a shift away from conceptualising refugees as passive victims in need of protection or end-receivers (of assistance, goods and services) towards building favourable structural and policy environments in which refugees can pursue their livelihoods and goals, and in doing so contribute to host communities.

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Annex 1

List of relevant treaties and conventions

Year	Treaty/convention	Relevance	Malaysia	Thailand	Indonesia	Myanmar
1949	The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War	Prohibits forcible displacement within or outside a territory	Y	Y	Y	Y
1951	Convention relating to the Status of Refugees	Defines 'refugee' and sets minimum standards for their treatment	X	X	X	X
1966	The International Covenant on Civil and Political Rights	Applies to non-citizens and has been interpreted to prohibit the return to torture	X	Y	Y	X
1967	Protocol relating to the Status of Refugees	Widens the scope of the refugee convention's definition of a refugee	X	X	X	X
1977	Additional Protocol 1	Expands protection of civilians provided under Parts I and III of the Fourth Geneva Convention to refugees and stateless persons	X	X	X	X
1984	United Nations Convention against Torture	Prohibits refoulement to contexts where the risk of torture is substantial	X	Y	Y	X
1989	Convention on the Rights of the Child	States that every child seeking refugee status has a right to protection and humanitarian assistance	Y	Y	Y	Y
1954	Convention on Stateless Persons	Sets minimum human rights for stateless people	X	X	X	X
1961	Convention on the Reduction of Stateless Persons	Aims to prevent and reduce statelessness	X	X	X	X
1966	International Covenant on Economic, Social and Cultural Rights	Includes labour rights, the right to health, the right to education, and the right to an adequate standard of living	X	Y	X	X
1969	International Convention on the Elimination of All Forms of Racial Discrimination	Commits states to eliminating racial discrimination	X	Y	Y	X
1979	Convention on the Elimination of All Forms of Discrimination against Women	Sets an agenda for action to end discrimination against women	Y	Y	Y	Y

Year	Treaty/convention	Relevance	Malaysia	Thailand	Indonesia	Myanmar
2000	United Nations Convention against Transnational Organised Crime	Primary international instrument in the fight against transnational organised crime, supported by relevant protocols below	Y	Y	Y	Y
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime		X	Y	Y	Y
2004	Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime		X	Y	Y	Y
1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Convention does not apply to refugees and stateless persons, unless such application is provided for in the relevant national legislation of, or international instruments in force for, the state concerned	X	X	Y	X

Annex 2

An operational map for research using a Sustainable Livelihoods Framework
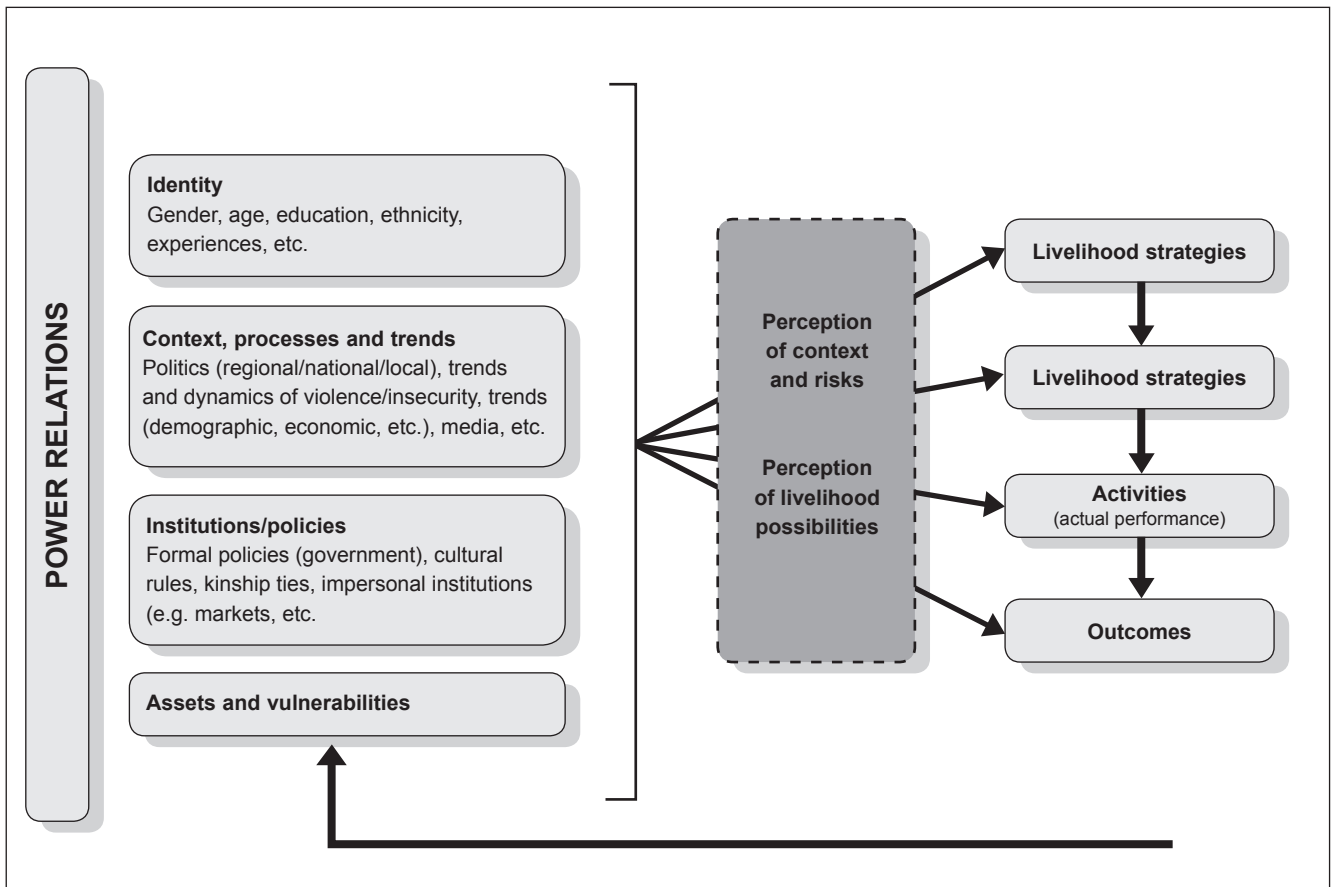
Source: Levine, 2014: 10

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Cover photo: A Rohingya refugee in his home in Kuala Lumpur, Malaysia.
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