

**INTERNATIONAL JOURNAL OF LAW,
GOVERNMENT AND COMMUNICATION
(IJLGC)**www.ijlgc.com**MALAYSIA'S RESPONSE IN DEALING WITH REFUGEES: HAS
IT BEEN ENOUGH TO PROTECT CITIZENS?**Zuraini Ab Hamid^{1*}, Muammar Kamil Abd Mohsin², Shukriah Mohd Sheriff³¹ Ahmad Ibrahim Kulliyah of Laws, International Islamic University of Malaysia, Malaysia
Email: zurainihamid@iium.edu.my² Harun M. Hashim Law Centre, International Islamic University of Malaysia, Malaysia
Email: muammar.kamil@gmail.com³ Ahmad Ibrahim Kulliyah of Laws, International Islamic University of Malaysia, Malaysia
Email: shukriahs@iium.edu.my

* Corresponding Author

Article Info:**Article history:**

Received date: 23.06.2022

Revised date: 25.07.2022

Accepted date: 01.08.2022

Published date: 09.09.2022

To cite this document:Hamid, Z. A., Mohsin, M. K. A., & Sheriff, S. M. (2022). Malaysia's Response in Dealing with Refugees: Has It Been Enough to Protect Citizens? *International Journal of Law, Government and Communication*, 7 (29), 242-255.

DOI: 10.35631/IJLGC.729017.

This work is licensed under [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/)**Abstract:**

Due to sovereignty, security, and economic concerns, Malaysia has neither become a state party to any United Nations Protocol Relating to Refugees nor developed integrated national legislation for refugees. Therefore, this has led to the informal acknowledgement of the refugees' status as 'illegal migrants' in Malaysia. As illegal migrants, they are subjected to legal and social persecution, hence the negative connotations they have in society and the host country. Today, the increasing number of refugees fleeing to Malaysia has become a concern towards the country's interest of its citizen's safety and its value as a tourist destination. In addition, many believe that the Malaysian government is inept in handling and controlling the sudden influx of refugees, affecting citizens' rights. This discomfort has led the government to be criticised for dismissing the citizen's rights in favour of the refugees. Residents also believe the Malaysian government has jeopardised citizens' rights to a safe environment and decent income. As a result, they demand that the government prioritise citizens' rights over refugees' rights. This paper examines the effectiveness of Malaysia's response to the issue of refugees and the protection of its citizen's rights. In the presence of comprehensive efforts by the Malaysian government, this paper further recommends some appropriate measures to balance the rights of refugees and its citizen.

Keywords:

Refugee, Malaysia, Illegal Migrant, Rights

Introduction

Since 1948, the Universal Declaration of Human Rights (UDHR) has become the basis of international human rights law. The UDHR is the universal recognition of inalienable and equally applicable fundamental rights and freedoms to all human beings, regardless of nationality, faith, gender, place of residence, ethnic origin, colour, language, status, born free and equal in dignity and rights. The UDHR principles are adopted in the 1951 Refugee Convention and its 1967 Protocol, the two international references that govern refugees globally.

The 1951 Convention outlines the rights of refugees and their responsibilities to their host country, including the right to work, housing, education, and religious freedom. The 1967 Protocol expands the 1951 Convention's applicability by eliminating the 1951 Convention's geographic and time constraints.

In the present international legal framework governing the refugees, Malaysia has yet to accede to any protocols or conventions relating to the refugees. There is no domestic legal framework for recognising the status of refugees (Zuraini Ab Hamid, Mohd Hisham Mohd Kamal, 2022). The absence of a legal framework governing the refugees in Malaysia has led to uncertainty in many aspects, especially on human rights issues. The government of Malaysia is facing accusations from citizens due to the approach taken to safeguard the refugees in Malaysia. The citizens claim that Malaysia has jeopardised their rights to a safe environment and decent income because of the refugees. Therefore, this article will examine the efficiency of Malaysia's response to the challenges of refugees and the protection of its citizens.

Methodology

This paper adopts a qualitative approach. Library research provides information on refugee issues in Malaysia, Turkey, and other nations. This research relies heavily on textual materials such as journal articles, textbooks, and government publications. Data is also gathered from public and government websites using electronic sources. The data collection focuses on the international and national legal frameworks that control refugees and related challenges, particularly in Malaysia. As a result, the outcome and Malaysian citizens' response to refugees are justified in the light of current events in Turkey and the UN report.

Literature Review

Two main points will be discussed in the literature review. Firstly, the legal framework governing the issues of refugees, and following that, the values learnt from the actions undertaken by Turkey in overcoming their refugees' issue as a host country.

International Legal Framework Governing Refugee

The United Nations General Assembly formally established the United Nations High Commission for Refugees (UNHCR) to provide security for international refugees and solve their problems (Iman Osman Mukhtar Ahmed, 2013). In some instances, refugees are forced to emigrate because they face persecution and do not have the protection in their home countries (United Nations High Commission for Refugees [UNHCR], 2011).

The UNHCR's mandate is to ensure refugees' entry and easy integration into the host country and ensure successful coordination of steps to solve the refugee problem (Hussein, 2011). The

term 'refugee', is defined in the 1951 Convention on the Status of Refugees (UNHCR, 2013) as an individual who:

"... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in 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, is unable or, owing to such fear, is unwilling to return to it."

The 1951 Convention came into effect on April 22, 1951 defines a refugee as:

A person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion and is unable or unwilling to avail him or herself of the protection of that country, or to return there, for fear of persecution.'

This Convention limited refugee protection to those who arrived in Europe after World War II. On January 31, 1967, a protocol relating to the status of refugees was prepared and opened for accession. It was later coming into force on October 4, 1967 (Kamarudin, 2013). The Protocol of 1967 removed the 1951 Convention's geographical and temporal limitations and expanded refugee protection worldwide, giving the Convention a broader scope.

Under the 1967 Protocol, the definition was modified to comprise people "forced to cross international borders because of persecution or fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, and who have no recourse or protection within their own country (UNHCR, 2013)."

Thus, by the 1951 Convention, the additional update to the definition was made by UNHCR after Cartagena Declaration (Ahmed, 2013) recommended to comprise:

Persons who have fled their country because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order' as explained in the Guidelines on International Protection No. 12.

On the other hand, the UNHCR's (Phiri, 2018) has further explained some limitations in defining the meaning of refugees. It stated that:

A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee Status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but he is recognised because he is a refugee."

This limitation is supported by Article 9 of the 1951 Refugee Convention which further provides that:

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State, that person is in fact a refugee."

The 1951 Refugee Convention shall not extend to individuals who otherwise meet the description of a refugee set out in Article 1. Therefore, the Convention does not extend to:

- a) There are reasonable grounds for claiming that they have committed crimes against humanity or war crimes or are guilty of actions contradictory to the United Nations' principles and purposes.
- b) Refugees benefiting from the assistance or security of a United Nations organisation other than the United Nations High Commissioner for Refugees (UNHCR), such as Palestinian refugees supported by the United Nations Relief and Works Agency (UNRWA) for Palestinian Refugees in the Near East.
- c) Those refugees whose asylum status in their country is equal to nationals. It must be noted that the country of asylum is situated in the country where the request for asylum has been lodged and approved.
- d) Such applicants for asylum who have applied for asylum or refugee status and have not yet obtained a decision are recorded as applicants for asylum.

The Convention, for example, has established the minimum requirements for the security of refugees, regardless of whether States provide preferential treatment. The prerequisites are the rights to elementary education, court access, and employment.

The 1951 Convention also emphasises refugees' responsibilities towards their host nation. The concept of non-refoulment which is laid down in Article 33 is the basis of the 1951 Convention. A refugee should not, on this basis, be returned to his own country where he faces severe threats to his liberty (UNHCR, 2013).

Generally, refugees are entitled to all the fundamental freedoms as in Article 14. It says everyone has the right to seek and enjoy asylum from persecution in other countries. However, this right may not be invoked in prosecutions that genuinely arise from non-political crimes or acts contrary to the purposes and principles of the United Nations (UDHR).

Therefore, the United Nations Convention on the Status of Refugees adopted in 1951 focuses on international refugee protection (UNHCR, 2013). Individuals are considered refugees when they fulfil the criteria for refugee status. A refugee is an individual who has crossed an internationally recognised boundary (UNHCR, 2020), and he is a person who:

- (a) Fulfilled the criteria of refugee-hood:
- (b) His/her status as a refugee is individually determined:

- (c) Individual determination in case of mass movement of people may not be practically possible so they are often declared prima facie refugees:
- (d) Entitled to international refugee law protection:
- (e) Refugee status and protection not available to those guilty of severe global misconduct, grave non-political misconduct, or are guilty of actions dissimilar to the aims and values of the United Nations

The 1951 UN Convention granted refugees rights on an international basis. However, not all countries, including Malaysia, ratified the Convention.

Lesson Learnt from Turkey: A State Party 1951 Convention

Turkey is a model country that opted to become the state party of the 1951 Convention and has turned into a leading Muslim state in providing support and protection to refugees worldwide. While Turkey's instrument of accession to the 1951 Convention restricts the extent of the Convention's application to European asylum seekers, thus, most asylum seekers in Turkey are non-European refugees. They are primarily from Syria. Although, over the years, the Turkish authorities have safeguarded the influx of migrants from Syria, they remain barred from securing normal refugee status and are only listed as "beneficiaries of temporary protection" (Mohammad Naqib, Ashgar Ali, Muhammad Hassan, 2017).

The influx of Syrian refugee immigrants into Turkey was initially relatively small. In April 2011, the Syrian government used lethal force to crack down on anti-government protests. By early July 2011, 15,000 Syrians had taken shelter in tent cities built near the Syrian border in Hatay Province. By the end of July 2011, 5000 returned to Syria as conditions temporarily stabilised there, and by the end of 2011, Turkey had only 8,000 Syrian refugees (Ahmet Icduygu, 2015). As of November 2014, according to the official source, there are 1,645,000 Syrian refugees in Turkey. However, the informal numbers are estimated at around 2 million (Oytun Orhan, 2019).

Turkey plays a vital role in the refugee crisis firstly because it has accepted over two million refugees from Syria. Secondly, as the number seems to increase, more than 50,000 Syrians crossed the Turkish border in two weeks to avoid the Russian bombings. Thirdly, since it has become a centre for migration, Turkey has been regarded as the fundamental platform from which Syrians, Afghans, and Iraqis want to join the EU at a time when other access routes, such as Libya, are farther away and more dangerous (Morillas, Montijano & Soler, 2015).

The Evaluation of UNHCR's Emergency Response to the influx of Syrian Refugees into Turkey recognised Turkey's level of access to government services and protections to its refugees as rarely afforded. Turkey intends to use its voice and experience to encourage other countries to follow its leading role. The UNHCR report clarifies that Turkey "has maintained an emergency response of a consistently high standard," protecting refugees against forcible return to their origin (Mohammad Naqib, Ashgar Ali, Muhammad Hassan, 2017).

Turkey's achievement in providing essential assistance and protection to refugees worldwide, mainly from Syria, Iraq, and Afghanistan, is remarkable. The UNHCR praised Turkey for its efforts to open its borders to many Syrians, Iraqis, and Afghan refugees, and providing them with essential protection, though it is temporary and transitory. The authorities shall provide

for the basic needs of refugees under the terms of temporary security (Mohammad Naqib, Ashgar Ali, Muhammad Hassan, 2017). They shall also provide social care, translation facilities, identity and travel papers, access to primary and secondary education, and work permits. Applicants are required by the authorities to reside in a certain reception and accommodation facility or a specific location and report to the authorities in a certain way or at specific intervals

It is reported that the Government of Turkey has spent billions of monies assisting refugees since the beginning of the Syria crisis. However, due to the large number of refugees, the camp is not sufficient. Some refugees stay outside the camps and face challenges. Nevertheless, the government and the relevant stakeholders have taken proactive measures to address the challenges. The registered refugees inside the camp enjoy access to public services. According to reports, Turkey's government has spent billions of dollars supporting refugees since the start of the Syrian crisis. The camp, however, is insufficient due to the enormous number of refugees. Some refugees live outside the camps, where they suffer difficulties. Despite this, the government and other relevant parties have taken serious steps to address the issues. Registered refugees have access to state services such as education and healthcare inside the camp including education and healthcare.

The positive impact of ratifying the Convention on a nation that wished to become a State Party to the 1951 Convention would entail the requirement to accept and afford protection to forced migrants as refugees. However, the negative effect is that the country must bear the cost and responsibility to provide for these refugees. The Government of Turkey has spent billions of monies for this purpose, but there are still issues that the government must overcome. For instance, the local people face social and safety issues due to insufficient camps to shelter the refugees.

According to the UNHCR (2011), social tensions, conflicts, and even violence are common when significant groups of refugees arrive in a country. Defining refugee camps increase social issues and community problems; alcohol abuse, gambling, prostitution, and violence.

The rise of polygamy among local communities is another consequence of the migration of Syrian refugees into Turkey. Higher divorce rates, the rise of child labour, uncontrolled urban growth, tough living conditions, and a lack of long-term educational possibilities for Syrian refugees might all be consequences of the scenario. At the same time, the situation adds to additional employment difficulties such as illegal worker employment in small enterprises, and unfair competition between employers that hire illegal workers and employers who do not. There are also rumours of law-and-order disruptions and a small number of criminal cases involving Syrian migrants (Oytun Orhan, 2015). However, the most serious threat to security is the likelihood of a violent public reaction based on anti-Syrian sentiment.

Main result

Malaysia's Approach Towards Refugee

Countries that did not sign the Convention and its Protocol are not bound by it. Malaysia chose to be an open country, accepting refugees rather than signing the 1951 treaty or its Protocol (Iyad Muhammad Eid, 2018) and does not have a legal framework regulating the status and

rights of refugees (Statista, 2020). Although Malaysia chose not to ratify the refugee documents resulting from the Convention, Malaysia still treats refugees well (Siti Noor Fadzilah Abd Rahim, 2019).

Malaysia is not legally bound by the Universal Declaration of Human Rights 1948 (Abdul Ghafur Hamid, 2011). However, Malaysia adopts the principles introduced, as it is essential in stimulating and promoting the international protection of human rights and significantly shapes subsequent treaties on human rights, including refugees:

Furthermore, the Malaysian Federal Constitution includes the aspect and concept of human rights. The Constitution guarantees fundamental liberties such as personal liberty, forced labour and slavery prohibition, protection from retroactive criminal legislation and repeated trials, and equality. This national legal system is favoured over the international one. Furthermore, any entitlements expressed or implied in the Federal Constitution would be considered human rights (Shad Saleem Faruqi, 2008). The rights are universally for everyone regardless of their nation, gender and age, including the refugees.

The UNHCR has been instrumental in assisting migrant groups in Malaysia since 1975. The Malaysian government cooperated with the UNHCR office to provide the UNHCR card to the refugees, and Malaysia gives an internal authorisation for the organisation to operate in Malaysia (Supaat, D.1, 2014). The government provides ad hoc policies to enhance the role of UNHCR in assisting refugees and asylum seekers by implementing UNHCR identification documents that help minimise the number of arrests and detentions.

Currently, the collection of documents and registration process is to register at the MyRC office counter, and mobile registration is another method to be introduced. The registration will put all the profiles of UNHCR cardholders and asylum seekers in the TRIS database, and MyRC cards will be issued after various screening procedures have been completed. The main objective of this project is to enable the Government of Malaysia to tackle issues relating to monitoring the status verification of refugees and asylum seekers residing in Malaysia. The TRIS will analyse the statistics in terms of categories (working or not working), gender, age, citizenship (country of origin), country (current residence), and nationality to determine the number of refugees (TRIS MyRC, 2020).

In addition, the Malaysian government has established a '6Ps' scheme to handle refugees in Malaysia, which stands for the Comprehensive Settlement Program for Foreign Workers and Illegal Immigrants. It is also known as the Comprehensive Amnesty Program for illegal immigrants to provide refugees with an opportunity to register and get work placement opportunities. This policy makes it possible for someone employed illegally to be officially legal or leave the country without penalty. Legalising immigrants has been controversial and has caused tension between the former government and the opposition, who accused the government of granting citizenship to illegal immigrants (Zuhour Ali Hezam Saleh Al- Gudari, 2019).

Since Malaysia is a non-signatory country to the 1951 Convention on the Security of Refugees, the refugees in Malaysia can be considered illegal. Although the government does not offer a solution to its statelessness, the state does not persecute Rohingya refugees in Malaysia (Nur

Syazwani Muzafarkamal, 2013). Most refugees in Malaysia are officially listed as urban refugees by UNHCR. Since Malaysia does not accept refugees and lacks proper procedures to deal with them, they are left defenceless against the authorities in Malaysia (Sulaiman Kamarudin, 2013). The other negative effect is that the number of unregistered refugees is higher because most refugees are not officially registered in UNHCR due to the lengthy registration procedure. Due to the ratification, a refugee may face if they do not own a refugee card issued by the UNHCR, many asylum seekers tend to obtain fake UNHCR refugee cards. Others were fooled and scammed by people who claimed to be from the UNHCR and charged asylum seekers RM100 each for a counterfeit card. The police officers are aware of fake UNHCR refugee cards and admitted that it is difficult to differentiate fake from valid cards. Due to this situation, police officers had to arrest refugees even though they held the card and let the UNHCR confirm the authenticity during their detention to have them released (Sulaiman Kamarudin, 2013).

Some bodies and NGOs urge Malaysia's government to recognise the refugees' rights in Malaysia. UNHCR called on the Malaysian government to allow refugees to work and stay legally (Zuhour Ali Hezam Saleh Al- Gudari, 2019). NGOs and individuals also ask for equal rights and treatment for the refugees, including the rights to work, freedom of movement, education, and healthcare, which has caused worries and dissatisfaction among most Malaysian citizens. The situation can be seen in social media when the issue of refugees is raised. Facebook, Instagram and website newspapers received numerous comments about the refugees. As has happened in Turkey and other countries, local citizens refused to fully accept the refugees due to the financial strain encountered by the government, competition in getting local jobs, and the increase in social problems.

The former minister in the Prime Minister's Department, Datuk Seri Shahidan Kassim, also instructed the UNHCR not to issue identity cards for refugees. The previous government's main concern was the growing number of unemployed locals. Moreover, in May 2022, more than 500 detainees rioted and led to 61 detainees, including Rohingya refugees escaping from the depot in Bandar Bahru, Kedah (Ainin Wan Salleh, 2022). The situation has created unsettlement among the local citizens when they do not know where the detainees are heading and what they can do.

A Way Forward for Malaysia

The lack of a legal framework to handle the refugee issues in Malaysia is complicated when Malaysian law does not differentiate between refugees, asylum seekers, and migrants without documentation. Therefore, the refugee is liable for prosecution under Immigration Act 1959/63 and may be arrested, charged, whipped, and deported, including refoulement.

Malaysia should consider having a proper record of refugees. "Record" as defined in Meriam-Webster means to set down in writing or furnish written evidence of something either officially or unofficially as well as either permanently or temporarily which includes a deed, an official document that records the acts of a public body or officer, a document deposited with a legally designated officer, the official copy of the papers used in a law case, and other. From the refugees' perspective, refugees' records can be defined as the result of procedures by which the refugee record can be calculated, and measures can be taken in favour of the refugee and host country. Records are essential to all organisations and central to successful operations.

There are several benefits of proper record mechanisms for refugees. First, to promote the delivery of services, including implementing policies and statutes; the means of delivering services, who conducted the work and how much it cost; and, in the longer term, the organisation's achievement. Secondly, it helps the administration by providing information on the course, power, decision-making, and sector coordination. Thirdly, there is the record of rights and obligations (Smith, 2007). The organisation must provide proof of the extent of its terms of reference, proof of what it owns, and proof of its obligations. Records are also critical in recording individual rights.

The record documents are also necessary for future study. Some of the documents produced by the organisation will be retained, and the contents of archival institutions will form- providing valuable historical information on political, social, economic, and other issues. Therefore, with the refugee record mechanism, the Malaysian authorities can have complete data regarding the refugees in Malaysia, manage and organise them according to their needs, prevent the issues and problems occurring from the refugees, and then develop specific policies and laws whenever applicable.

Having a proper refugee record also will help Malaysia strengthen its economy. A policy paper on the economic impact of granting refugees the right to work in Malaysia predicts that if the legal right to work is extended to refugees, the higher investment will contribute more than RM3 billion to the Gross Domestic Product (GDP) by 2024. The broader economic effect of this policy change, including the indirect effects, could be considerably greater. In addition to boosting GDP, it will raise tax revenues by enabling refugees to operate, with an expected total contribution of RM50 million annually by 2024. The research also indicates that if the right thing is given, Malaysians will benefit from employment and wages (Laurence Todd, Adli Amirullah, Wan Ya Shin, 2019) with refugees helping to generate more than 4,000 jobs for Malaysians.

Study has shown that unrestricted cross-border migration enhances productivity and, just as with free trade, unrestricted cross-border human movement is essential to improve global GDP. With emigration, the sense of equilibrium is restored, and labour excesses in countries of origin simultaneously meet demand in host countries. Therefore, income allocation in the labour markets is increased (Morillas, Montijano & Soler, 2015). In Canada, refugees have higher employment rates and wages and contribute more to the Canadian government via taxes relative to other immigrant groups. In Uganda, the government's policy encourages refugees to self-settle (Peterson & Hovil, 2004; Karen, 2001). It has urged refugees to be more self-dependent and, hence, insufficient for assistance and contribute well to their residents and communities. Therefore, by attracting development actors to work with the local community alongside aid workers and refugees who are permitted to work and contribute to agriculture and the local economy, refugees can also have significant economic consequences for their hosts (Milner, 2016). Refugee self-sufficiency would help cut the assistance cost (Jacobsen & Fratzke, 2016). Refugee studies in Kenya have also found that refugees benefit economically from international aid. The presence of refugees in Kakuma, Kenya, increased the regional gross product by more than 3% and jobs by about 3%. As a result of the presence of refugees, the Turkana region also experienced growth and economic integration, increasing the per capita host income by 6% (Harun Onder and Varalakshmi Vermuru, 2016).

In addition, other research in Europe and North America points to the possible advantages that refugees frequently carry with them resources and contribute to business resettlement operations. The European Parliament, for instance, has published a study showing how refugees can positively affect the economy by addressing demographic trends, contributing to innovation, entrepreneurship, and GDP growth (Karakas, 2015).

The 2017 report by the Organization for Economic Cooperation and Development (OECD) on integrating refugees into the labour market in Germany also revealed that refugees would lead to greater market resilience and boost fiscal sustainability. They contribute most to the manufacturing and construction industries, and in some other OECD nations, their population contributes 2 to 4 per cent or more to the construction employees (OECD, 2019).

Conclusion

Malaysia has a long history of providing humanitarian aid and temporary accommodation for humanitarian reasons to groups of asylum seekers and refugees. Although the UNHCR-Government relationship has improved gradually, the absence of a specific government department or agency to collaborate with the UNHCR on refugee issues restricts all asylum-related efforts in Malaysia (UNHCR, 2018). However, the Malaysian government has indicated that it is not yet in a position to accede to the international instruments relating to the refugee.

The government needs a formal registration of all refugees and asylum seekers. From here, the government can benefit from refugees coming to Malaysia, especially regarding economic and social development. From refugees' views, having proper documentation and identification means a lot to them, particularly the Rohingya in Myanmar, as they have never been recognised as citizens in their own country.

Another step that could be taken to support the refugee issue is to enable them to work formally. If allowed to work and offered sufficient training, refugees and asylum seekers could contribute better to Malaysia's economy than they currently could. They would become financially stable if refugees and asylum seekers were granted work rights, and they would not have to focus more on charity and will be worthy of living with dignity. At the same time, they must pay the same taxes and levies as the local citizens and migrant employees. In exchange, they should be able to enjoy benefits such as education, healthcare, and social benefits. All the initiatives will help maintain Malaysia's positive image in the eyes of the world while also balancing the rights of Malaysian citizens and refugees.

Acknowledgement

This paper is a phased research result of a significant project of the Fundamental Research Grant Scheme (FRGS/1/2019/SSI10/UIAM/03/3) entitled "Formulating Legal Framework on Refugee Status in Protecting Sovereignty and Security of Malaysia" granted by the Ministry of Higher Education of Malaysia.

References

Abdul Ghafur Hamid. (2011). Public International Law: A Practical Approach. Petaling Jaya, Malaysia: Thomson Reuters Malaysia Sdn Bhd.

- Abdul Rawuf Hussein. (2011). Using A Career Guidance Intervention to Promote the Psychosocial Adjustment of Somali Youth Refugees in Malaysia (Master's thesis). International Islamic University Malaysia.
- About us. (n.d). Retrieved from <https://myrc.my/about-us/>.
- Ahmad, M. (2015, May 15). Illegals moved to immigration depot. The Star. Retrieved from <https://www.thestar.com.my/news/nation/2015/05/15/illegals-moved-to-immigration-depot>
- Ahmet Icduygu. (2015). Syrian Refugees in Turkey The Long Road Ahead. Washington, DC: Migration Policy Institute.
- Ainin Wan Salleh. (2022, May). Cops under fire for plan to name 61 Rohingya escapees. Retrieved from <https://www.freemalaysiatoday.com/category/nation/2022/05/01/cops-under-fire-for-plan-to-name-61-rohingya-escapees/>
- Apurva, S., Onder, H., & Vermuru, V. (2016). "Yes" In My Backyard? The Economics of Refugees and Their Social Dynamics in Kakuma, Kenya. Washington, DC: The World Bank Group.
- Davies, S. E. (2006). The Asian Rejection? International Refugee Law in Asia. Australian Journal of Politics and History, 52 (4), 562-575.
- Dina, I. S. (2014). The UNHCR in Malaysia: The Mandate and Challenges. South East Asia Journal of Contemporary Business, Economics and Law, 5 (4), 23-29.
- Dryden-Peterson, Sarah and Lucy Hovil. (2004). A Remaining Hope for Durable Solutions: Local Integration of Refugees and Their Hosts in the Case of Uganda. Refuge 22 (1), 26-38.
- Dzimhiri, Lewis B. (1993). Political and Economic Impacts of Refugees: Some Observations on Mozambican Refugees in Malawi. Refuge, 13 (6), 4-6.
- E. Odhiambo Abuya. (2003). Refugees and Internally Displaced Persons: Examining Overlapping Institutional Mandates of the ICRC and the UN High Commissioner for Refugees. Singapore Journal of International & Comparative Law, 7, 236-266.
- Edna Tarigan. (n.d). Migrant boat sinks in Indonesia; 10 rescued, 9 missing. Abc News. Retrieved from <https://abcnews.go.com/International/wireStory/migrant-boat-sinks-indonesia-10-rescued-10-missing-68472282>.
- Elizabeth J Lentini. (1985). The Definition of Refugee in International Law: Proposals for the Future. Third World L.J., 5 (2), 185.
- Farrah Naz Karim & Aliza Shah. (2017, December). The secrets of Wang Kelian exposed. New Straits Times. Retrieved from <https://www.nst.com.my/news/exclusive/2017/12/316339/exclusive-secrets-wang-kelian-exposed>
- Faq. (n.d). Retrieved from <https://myrc.my/faq/>.
- Faq - Soalan-Soalan Lazim Program 6p. (n.d). Program 6P. Retrieved from <https://sites.google.com/a/agent6p.com/www/faq---soalan-soalan-lazim-program-6p>.
- Fiona Leh Hoon Chuah, Sok Teng Tan, Jason Yeo, and Helena Legido-Quigley. (2018). The Health Needs And Access Barriers Among Refugees And Asylum-Seekers In Malaysia: A Qualitative Study. International Journal for Equity in Health, 17, 120.
- Fortify Rights & Suhakam. (2015). Sold Like Fish, Crimes Against Humanity, Mass Graves, and Human Trafficking from Myanmar and Bangladesh to Malaysia from 2012 to 2015. Retrieved from <https://www.fortifyrights.org/reg-inv-rep-2019-03-27/>
- Global Agenda Council on Risk & Resilience. (2016, January). Resilience Insights. World Economic Forum. Geneva, Switzerland.

- Hathaway. (2005). *The Rights of Refugees under International Law*. Cambridge University Press.
- Hofmann, Lohr. (2011). Introduction to Chapter V. In A Zimmermann (ed), *The 1951 Convention Relating to the Status of the Refugees and its 1967 Protocol: A Commentary*. OUP.
- Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking [Brochure]. (2010, July 20). Retrieved from https://www.ilo.org/global/topics/forced-labour/WCMS_142722/lang--en/index.htm
- Idris, A. (2012). Malaysia and Forced Migration. *Intellectual Discourse*, 20(1), 31-54.
- Iman Osman Mukhtar Ahmed. (2013). *Using Drawings to Explore Future Orientation And Hope Among Adolescent Refugees: A Case Study of Syrian Refugees In Malaysia* (Unpublished PhD thesis). International Islamic University Malaysia.
- Immigration Act 1959/63. (2006, January 1). Retrieved from <https://toolsfortransformation.net/wp-content/uploads/2017/03/Malaysian-Law-Immigration-Act-1.pdf>
- Infectious Diseases. (n.d). Retrieved from https://www.healthhub.sg/a-z/diseases-and-conditions/500/examplesofinfectiousdiseases_pdf
- Intan Suria Hamzah, Sity Daud, Nor Azizan Idris. (2016). Pelarian Rohingya dan isu-isu kontemporer di Malaysia. *Malaysian Journal of Society and Space*, 12(9), 11 - 23.
- Iyad Muhammad Eid. (2018). *General Image of Palestinian Families In Transition: A Case Study Of The Palestinians In Malaysia* (Unpublished PhD thesis). International Islamic University Malaysia.
- Jacobsen, K. (2001, July). The forgotten solution: local integration for refugees in developing countries. *New Issues in Refugee Research, Working Paper No. 45*. Geneva, Switzerland. Retrieved from <https://www.unhcr.org/research/working/3b7d24059/%20forgotten-solution-local-integration-refugees-developing-countries-karen.html>
- Jacobsen, K. & Fratzke, S. (2016). *Building Livelihood Opportunities for Refugee Populations: Lessons from Past Practice*. Washington, D.C: Migration Policy Institute.
- Joseph, S. (2011). *The International Covenant on Civil and Political Rights, Cases, Materials and Commentary*. Oxford University Press.
- Kelvin Smith. (2007). *Public Sector Records Management: A Practical Guide*. England: Ashgate.
- Laurence Todd, Adli Amirullah, Wan Ya Shin. (2019, April). *The Economic Impact of Granting Refugees in Malaysia the Right to Work*. Policy Ideas no. 60. Kuala Lumpur: Institute for Democracy and Economic Affairs.
- Milner, J. (2016, December). *When Norms Are Not Enough: Understanding the Principle and Practice of Burden and Responsibility Sharing for Refugees*. Global Leadership and Cooperation for Refugees Series Paper No. 2. Waterloo, Canada: CIGI.
- Morillas, P., Sánchez-Montijano, E., & Soler, E. (2015). *Europe and the refugee crisis 10 side-effects*. Barcelona: CIDOB.
- Mohamad Naqib Eishan Jan. (2020, September). *Extradition stops where asylum granted*. Malaysia Kini. Retrieved from <https://www.malaysiakini.com/letters/541381>
- Mohammad Naqib Ishan Jan, Ashgar Ali Ali Mohamed, Muhamad Hassan Ahmad. (2017). *International Refugee Law: Practice and Procedure*. Gombak: IIUM Press.
- Number of immigrants in Malaysia from 2005 to 2019. (n.d). Statista. Retrieved from <https://www.statista.com/statistics/697812/malaysia-number-of-immigrants/>

- Nur Syazwani Muzafarkamal. (2013). Malaysia's Response To Rohingya Refugee Crisis, 2015-2017: An Analysis. (Unpublished Master thesis). International Islamic University Malaysia.
- OECD. (2019). International Migration Outlook 2019. Paris: OECD Publishing. Retrieved from <https://doi.org/10.1787/c3e35eec-en>.<https://doi.org/10.1787/c3e35eec-en>.
- Oytun Orhan. (2015, January 8). Effects of the Syrian Refugees on Turkey. ORSAM.
- Qiu Ting Chie et al. (2015). Drug abuse, relapse, and prevention education in Malaysia: Perspective of university students through a mixed methods approach. *Frontiers in Psychiatry*, 6(65).
- R. Hirschmann. (2020, April 3). New cases of drug abusers in Malaysia from 2013 to 2018. Statista. Retrieved from <https://www.statista.com/statistics/971203/new-drug-abuse-cases-malaysia/>
- Record. (n.d). In Meriam-Webster's online dictionary. Retrieved from <https://www.merriam-webster.com/dictionary/record>
- Shaban Abdul Majeed Phiri. (2018). Protecting Rights Of Asylum Seekers And Refugees Under International Law: A Case Study Of The Practice Of Zambia (Unpublished PhD thesis). International Islamic University Malaysia.
- Shad Saleem Faruqi. (2008). Document of Destiny: The Constitution of the Federation of Malaysia. Petaling Jaya: Star Publication Sdn Bhd.
- Siti Noor Fadzilah Bt Abd Rahim. (2019). Exploring Children's Motivation In Learning: A Case Study of Rohingya Children In Kuala Lumpur (Unpublished Master's thesis). International Islamic University Malaysia.
- Starbucks CEO pledges to hire 10,000 refugees globally. (2017, January 30). BBC News. Retrieved from <https://www.bbc.com/news/business-38793248>.
- Starbucks Makes Global Commitment to Hire 10,000 Refugees by 2022. (n.d). Starbucks. Retrieved from <https://www.starbucks.com/responsibility/community/refugee-hiring>
- Sulaiman Kamarudin. (2013). Asylum in the Islamic Tradition: Possible Application in the Malaysian Situation. (Unpublished Master thesis). International Islamic University Malaysia.
- The Partnership for a New American Economy and the Knight Foundation. (n.d). Welcome To Akron: How Immigrants And Refugees Are Contributing To Akron's Economic Growth. Retrieved from https://www.newamericaneconomy.org/wp-content/uploads/2016/06/Welcome-to-Akron_Partnership-for-a-New-American-Economy_June-2016.pdf
- UN High Commissioner for Refugees (UNHCR). (n.d). The State of the World's Refugees: In Search of Solidarity. Retrieved from <http://www.refworld.org/docid/5100fec32.html>
- UNHCR. (2019, February). Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status. Retrieved from <https://www.unhcr.org/en-my/publications/legal/5ddfcdc47/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html>
- UNHCR. (2011, May 31). The role of host countries: the cost and impact of hosting refugees. Executive Committee of the High Commissioner's Programme, Standing Committee 51st meeting. Retrieved from www.unhcr.org/en-us/excom/standcom/4de4f7959/role-host-countriescost-impact-hosting-efugees.html
- UNHCR. (1969, September 10). OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Retrieved from <https://www.unhcr.org/about->

- us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html
- UNHCR. (1951, July 25). The Final Act of the 1951 United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Resolution 429 (V) of December 14 1950. Retrieved from <https://www.unhcr.org/protection/travaux/40a8a7394/final-act-united-nations-conference-plenipotentiaries-status-refugees-stateless.html>
- UNHCR. (n.d). Figures at a Glance in Malaysia. Retrieved from <https://www.unhcr.org/en-my/figures-at-a-glance-in-malaysia.html>
- UNHCR. (n.d). IKEA Foundation. Retrieved from <https://www.unhcr.org/en-us/ikea-foundation.html>
- UNHCR. (n.d). Submission by the United Nations High Commissioner for Refugees, For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Malaysia.
- UNHCR. (n.d). 1951 Convention Relating To The Status of Refugees And Its 1967 Protocol. Retrieved from <https://www.unhcr.org/en-my/3b66c2aa10>
- UNHCR. (n.d). What is a Refugee?. Retrieved from <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>
- United Nations Children's Fund UK. (1989). United Convention on the Rights of the Child. Retrieved from <https://www.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf>
- United Nations. (n.d). Human Rights Law. Retrieved from <https://www.un.org/en/sections/universal-declaration/human-rights-law/index.html>
- United Nations Office On Drugs And Crime. (2012). World Drug Report 2012. New York: United Nations.
- United Nations. (1948). Universal Declaration of Human Rights 1948. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- United Nations, General Assembly. Human Rights Council. A/60/251. (3 April 2006). Retrieved from undocs.org/en/A/RES/60/251
- Zainuddin, A., Kaur, D. (2020, July 27). Govt sheds light on refugees, overcrowded depots. The Malaysian Reserve. Retrieved from <https://themalaysianreserve.com/2020/07/27/govt-sheds-light-on-refugees-overcrowded-depots/>
- Zuhour Ali Hezam Saleh Al- Gudari. (2019). Strategies And Approaches of Malaysia Life Line For Syria (MLLFS) (Unpublished Master thesis), International Islamic University.
- Zuraini Ab Hamid and Mohd Hisham Mohd Kamal. (2022). A Demand for Malaysia to Support Refugees under International and Domestic Law. *Journal of East Asia & International Law*, 15, 66.