

# MULTI-YEAR STRATEGY 2023 - 2025 MALAYSIA



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### 1. Strategy

#### 1.1 Executive Summary

The protection environment for refugees in Malaysia is likely to remain challenging in 2024 and 2025. The social and economic impact of the COVID-19 pandemic and the global economic downturn is expected to linger, particularly among refugee communities. In 2024 and 2025, UNHCR's primary strategic focus in Malaysia will be pursuing the implementation of an inclusive national policy and legal framework for refugees. This will have potentially significant ramifications for their access to legal work, healthcare, and education, as well as the detention of forcibly displaced and stateless people for immigration offences.

The Government is not expected to become party to international refugee and statelessness conventions and efforts to address refugees' situation in Malaysia will likely be implemented through a national security prism and be subject to the social and political landscape. However, such efforts would present opportunities for UNHCR to engage with the authorities on an inclusive national policy and legal framework for refugees in 2024 and 2025. UNHCR will also work with the authorities to incrementally enhance their leadership of the registration processing of refugees and will continue to process those claims in a way that best protects those most in need. Moreover, as Malaysia will be the Chair of ASEAN in 2025, opportunities for enhanced advocacy will be catalyzed.

While UNHCR's priority remains improving refugees' access to national services, justice and social protection mechanisms, in the shorter term, a community-based protection team will establish and train a network of volunteers to work with partner non-governmental organizations (NGOs) to identify and help meet refugees' diverse protection needs more quickly and accurately. This approach will expand UNHCR's reach beyond its physical presence in Kuala Lumpur. These refugee volunteers and NGO partners will also be trained to act as first responders, using survivor-centered approaches to child protection and gender-based violence.

In line with the sustainable programming approach, in particular the “whole of society/government” engagement and catalyzing strategic partnerships, in 2024 and 2025, UNHCR will also seek new partnerships with and among local authorities, civil society, academia and the private sector. This is also in line with the Global Compact on Refugees’ whole-of-society approach – capitalizing on civil society’ s interest in supporting refugees, which emerged during the pandemic. UNHCR will pursue strategic private sector partnerships not only for resource mobilization but also to support legal work opportunities for refugees and their access to financial and digital services. It will seek new partnerships to prevent and reduce statelessness, building on momentum from recent court decisions and Government commitments to eliminate gender discrimination in nationality laws.

UNHCR will submit the files of refugees for resettlement consideration while the opportunity to do so remains. It will encourage greater responsibility-sharing, more inclusive policies and increased asylum space while pursuing complementary pathways for refugees with education, employment or family link prospects in third countries, particularly within the region. Such pathways would secure durable solutions for refugees and, with more inclusive measures in Malaysia, advance UNHCR’ s regional strategy for the Myanmar situation.

## 1.2 Situation analysis

Malaysia has experienced social and political change, including a general election in 2022 and state elections in 2023. The impact of the COVID-19 pandemic and the economic downturn caused by the conflict in Ukraine and the Middle East is expected to linger in 2024 and continue to affect refugee communities. It is uncertain whether the unpredictable situation in Myanmar and Afghanistan will cause further forced displacement into Malaysia. Most (88 per cent) of the 185,308 refugees and asylum-seekers registered with UNHCR in Malaysia at the end of 2023 were from Myanmar.

The Malaysian Government’s approach to refugee issues is not expected to change significantly in 2024 and 2025. It is unlikely to accede to the 1951 Convention relating to the Status of Refugees and the 1951 Refugee Convention. Currently, refugees and asylum-seekers, particularly new arrivals, have limited or no access to justice or detention alternatives. Without legal status, refugees and asylum-seekers will face continued difficulties accessing their basic rights and services. While some form of access to legal work may be considered for refugees, most asylum-seekers and refugees will continue to rely on informal work in 2024-2025. Moreover, children of forcibly displaced and stateless people will not be able to enroll in Government schools, and access to other public services will remain limited.

In 2024 and 2025, UNHCR will advocate for more inclusive refugee policies as resettlement departures and other responsibility-sharing mechanisms, such as complementary education and employment pathways. Despite the possibility of continued new arrivals from Myanmar, an expected rise in resettlement departures

means that the number of registered refugees and asylum-seekers is projected to increase only slightly by 2025 to 186,900.

Malaysia is also unlikely to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, making it more difficult for stateless persons to acquire nationality. Recent court decisions, however, have challenged the legality of gender unequal nationality laws and the Government has committed to addressing this issue through a constitutional amendment.

Within this context and aligned with the Global Compact and the UN sustainable development goals (SDGs), UNHCR's approach to protecting and seeking solutions for refugees and asylum-seekers in Malaysia in 2024 will focus on reinforcing community-based protection mechanisms to uphold refugees' rights and enhance resilience. It will also ensure access to specialized services for diverse groups with specific needs, such as access to quality protection services for children and young people and greater access to quality survivor-centered services, while preventing and mitigating gender-based violence and sexual exploitation and abuse risks.

Having established meaningful two-way communication with communities and community-based complaints mechanisms, UNHCR will continuously refine its communication to retain accountability to affected people and ensure it takes a meaningful age, gender and diversity approach. In 2024 and 2025, UNHCR will prioritize its work with the Government, judiciary, the Parliament of Malaysia, civil society and other partners to implement a roadmap toward a national asylum framework. This framework would protect refugees against refoulement, grant them access to basic rights and services, and offer alternatives to detention. Until such a framework is in place, however, UNHCR will use registration, refugee status determination and resettlement case processing approaches to maximize their protection. It will also seek to expand the protection space and encourage more inclusive refugee policies, demonstrating responsibility-sharing through more resettlement and complementary pathways and encouraging efforts to address the root cause of displacement.

UNHCR will promote refugees' contributions to the Malaysian economy and advocate for their access to national social protection mechanisms, in line with the SDGs and the Global Compact, while supporting basic protection and support services. UNHCR will move away from direct implementation and catalyze strategic partnerships. It will also prioritize securing access to work and affordable healthcare for refugees, emphasizing the mutual benefits this would bring to refugees and Malaysians alike, as seen during the COVID-19 pandemic.

In the interim, however, UNHCR will build the capacity of non-governmental organizations and civil society to support primary and secondary medical treatment (including for HIV), primary and secondary education in refugee learning centres, child protection case management, and access to justice through rights awareness programmes, legal aid, and engagement with judicial mechanisms. Contributions

from local authorities and the private sector will be sought to support this. Cash assistance will act as a safety net for those with heightened protection needs, while strategic case processing will ensure people with heightened protection risks can effectively access protection and solutions in 2024.

Monitoring developments in Myanmar to plan for new arrivals, enhance early warning capacities, and advocate for access to land, including predictable and safe disembarkation for sea journeys, will be essential in 2024.

UNHCR will also support Malaysia's engagement in its own regional efforts, as well as ASEAN's, to address the root causes of displacement in Myanmar, including statelessness. A UN mapping of undocumented populations in Sabah is nearly complete. Once finalized, it will provide enhanced data on the scope of statelessness in Malaysia, which will inform UNHCR's efforts to prevent and reduce statelessness in the coming years.

Moreover, UNHCR will seek to provide technical support to policymakers and civil society to align citizenship laws and policies with international protection standards, including addressing gender inequality in nationality laws. It will also highlight the negative economic and development implications of statelessness.

### 1.3 Vision and strategic orientation

In line with the Global Compact and UN sustainable development goals (SDGs), UNHCR will take a holistic approach to cultivating a more favourable protection environment in 2024, reinforcing the need for a national policy and legal protection framework to realize refugees' rights while improving access to basic protection, livelihoods, healthcare, and education. This will include access to legal work and inclusion in national social protection mechanisms. Increased resettlement and the enhanced community-based interventions will strengthen refugees' self-reliance and social cohesion and ease pressure on host communities. As part of the Myanmar situation, UNHCR will work to implement a regional comprehensive solutions strategy for the Rohingya, while reviewing contingency plans based on developments in Myanmar.

UNHCR's strategic priorities in Malaysia in 2024-25 center on case management, advocacy, expanding partnerships and placing communities at the center of its response. This entails building synergies between refugee and host communities and strengthening engagement with the Government (at all levels), civil society, NGOs and the private sector. Underpinning these engagements are community-based protection approaches and stronger mechanisms to communicate with communities.

UNHCR will continue efforts to develop a comprehensive national policy and asylum framework, as well as a formal data sharing arrangement, with the aim of joint registration. UNHCR will also work with partners to secure legal stay arrangements coupled with access to legal work. This will include engaging parliamentarians to develop their understanding of how refugees' inclusion in national systems and the

Malaysian economy can be incorporated into the pursuit of the SDGs.

In parallel, UNHCR will provide essential protection and assistance, including through documentation and addressing the specific needs of refugees based on age, gender and diversity determinants. UNHCR intends to implement less and empower partners and communities to act more instead, enabling refugees and NGOs to act as first responders. UNHCR will, however, continue to provide a safety net through cash assistance for those most in need.

Within the UN country team, UNHCR will work towards including refugees in development planning and actively contribute to the UN Sustainable Development Cooperation Framework, including on climate issues. Access to civil registration for refugees and nationality documents for stateless persons will be key advocacy priorities, as will enhancing access to justice. At the same time, UNHCR will advocate greater access for forcibly displaced and stateless people to basic protection, health and education services, including through their inclusion in national social protection mechanisms.

In 2024-25, UNHCR will use resettlement and complementary pathways strategically to leverage protection space. Strategic approaches to process people's applications for resettlement will be taken to provide more effective protection for the most vulnerable refugees and to take advantage of new resettlement places and the opportunities this presents for longer-term sustainable solutions. To foster more positive public discourse on refugees and asylum-seekers, UNHCR will institute a communications strategy that mitigates xenophobic rhetoric, emphasizes refugees' contributions to society and accurately portrays the realities for people seeking asylum.

## 1.4 Age, gender and diversity

In line with UNHCR's strategic objectives and a commitment to the 10 core actions of UNHCR's age, gender and diversity policy, UNHCR aims to build on previous initiatives in Malaysia to enhance Communication with Communities. Diverse communication pathways, including social media, digital platforms, face-to-face consultations with communities, call centers, SMS systems and outreach volunteer networks will continue to be expanded, refined and used to disseminate information and close feedback loops.

Alongside regular consultations with refugee leaders, UNHCR and partners will enhance meaningful engagement with young people, women, older people and people with disabilities, to better understand, identify, and respond to their tailored needs, while empowering different segments of the community to be actively involved in addressing protection and solutions challenges. UNHCR will also strengthen engagement with women, supporting them towards active participation in leadership and community management structures.

UNHCR will continue to build the capacity of its different technical units, as well as those of key partners, on the use of rights and community-based approaches that mainstream age, gender and diversity throughout the programming cycle. Integral to the implementation of this approach will be reciprocal feedback and reporting systems, which will strengthen data collation for organizational learning and adaptation, ensuring access to relevant, quality assistance, protection and solutions for refugees.

Efforts to prevent sexual exploitation and abuse and effectively respond to such incidents will be enhanced to ensure accessible, safe and confidential community-based reporting mechanisms.

In line with the “leave no one behind” principle and within the framework of the United Nations country team, the inclusion of refugees in the implementation of the UN sustainable development goals will be a key priority area for UNHCR in Malaysia in 2024-25.

## 2. Impact statements

**By 2025, asylum-seekers will have access to territory and asylum procedures, refugees will enjoy access to basic rights, and stateless persons will access nationality procedures.**

*Impact area: Attaining favourable protection environments*

### Outcome statements

By 2025, the quality of reception, registration, documentation and profiling for 65,000 individuals will be improved and access to territory will be maintained on a yearly basis.

*Outcome area: Access to territory, registration and documentation*

By 2025, refugees benefit from wider access to protection and durable solutions through the strategic application of refugee status determination, while advocacy for the development of a national asylum policy/framework continues.

*Outcome area: Refugee status determination*

By 2025, risks related to the arrest and detention of asylum-seekers and refugees, including children will be reduced, and access to justice and legal assistance will be strengthened.

*Outcome area: Safety and access to justice*

By 2025, law and policy on refugee protection and nationality acquisition is established and strengthened.

*Outcome area: Protection policy and law*

**By 2025, more refugees are able to exercise their rights to meet basic needs and affordable healthcare, either under a national policy framework that grants refugees access to legal work and national protection systems (including healthcare) or, until such a framework is in place, through a more robust network of alternative assistance, protection services, and healthcare providers.**

*Impact area: Realizing rights in safe environments*

Outcome statements

By 2025, access to affordable comprehensive health services will have improved by strengthening multi-sectoral collaboration, capacity building and expanding strategic partnerships.

*Outcome area: Healthy lives*

By 2025, refugees and asylum-seekers with heightened risks will have access to support services that provide timely assistance addressing basic and essential needs.

*Outcome area: Well-being and basic needs*

**By 2025, more refugees have opportunities for growth and self-reliance, and are protected from violence, exploitation, and abuse, through strengthened and expanded community-based feedback and support mechanisms and outreach interventions.**

*Impact area: Empowering communities and achieving gender equality*

Outcome statements

By 2025, community mobilization is strengthened and expanded through the establishment of trained community volunteers and the expansion of outreach centres /mobile community outreach services, and improving participation of women and youth, and strengthened commitments to UNHCR's multi-faceted approaches to Accountability to Affected People.

*Outcome area: Community engagement and women's empowerment*

By 2025, the risk of sexual and gender-based violence is reduced and the response to survivors is strengthened by enhancing community-based approaches and survivor-centric quality services.

*Outcome area: Gender-based violence*

By 2025, the protection of children is strengthened through tailored individual and community-based services as well as increased access to national social protection.

*Outcome area: Child protection*

By 2025, education opportunities are expanded and supported while the inclusion of asylum-seeker and refugee children in the national education system continues to be pursued.

*Outcome area: Education*



By 2025, there is a framework that includes provisions for legal work and for improved livelihoods opportunities.

*Outcome area: Self-reliance, economic inclusion and livelihoods*

**By 2025, refugees, asylum-seekers and stateless persons will have increased access to sustainable solutions, through voluntary repatriation, resettlement, complementary pathways, nationality procedures, and inclusion in national social protection mechanisms.**

*Impact area: Securing solutions*

#### Outcome statements

By 2025, refugees and asylum-seekers expressing interest to voluntarily return to their country of origin benefit from information and individual counselling.

*Outcome area: Voluntary repatriation and sustainable reintegration*

By 2025, refugees identified with heightened vulnerabilities and resettlement needs submitted for resettlement consideration in a timely manner, whilst, others are assisted with access to complementary pathways initiatives.

*Outcome area: Resettlement and complementary pathways*