

EDUCATIONAL CRISIS FOR ROHINGYA REFUGEE CHILDREN IN MALAYSIA: ACCESSIBILITY VS OPPORTUNITY

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ABSTRACT

The issue of Rohingya refugees in Malaysia has been debated since the 1990s. While Malaysia has not ratified the 1951 Convention Relating to the Status of Refugees, despite signing the Convention on the Rights of the Child, education for Rohingya children continues to be limited. This study aims to explore the issues of educational accessibility and opportunity for Rohingya refugee children in Malaysia. A qualitative approach through in-depth interviews (five key persons, ten Rohingya parents, and six teachers) was carried out to explore this issue in detail. The findings of this study revealed that the accessibility and opportunity for education among Rohingya refugee children continue to be limited due to Malaysia's policy as a non-signatory to the 1951 Convention Relating to the Status of Refugees. Due to this limitation, Rohingya refugee children have no access to education in public schools; nonetheless, they are allowed to receive education from Alternative Learning Centres (ALC) and other platforms such as tahfiz or madrasah (religious-based schools). This study also argues that in discussing the accessibility and opportunities of education for children in Malaysia, consideration should not only be given to Malaysia as a multi-ethnic society. This consideration should be extended to marginalised groups, including refugees. International and national agendas, such as the Sustainable Development Goals on Quality Education and Malaysia MADANI on Ihsan (Care and Compassion) initiatives, should be a guide to educating a better generation of Rohingya refugee children as part of the strategy for their lifelong well-being. Moreover, the findings of this study also provide contributions to understanding the issues related to accessibility and opportunity in education for Rohingya refugee children. Consequently, understanding the issues may assist the relevant parties especially the government in formulating strategies to address the challenges in providing education for Rohingya refugee children in Malaysia. Additionally, the findings would contribute to the ongoing academic discussion concerning education for refugee children and their implications for non-signatory of the 1951 convention. In conclusion, Rohingya children's right to education continues to be denied in Malaysia, not only due to their status as undocumented but also due to other challenges they face, such as poverty, cultural differences, parental influence, self-interest, stigma, and many others.

Keywords: Rohingya refugee, children, education, accessibility, opportunity

INTRODUCTION

Though the facts of oppression towards Rohingya refugees by the Myanmar government have been known, their struggles have continued endlessly. The persecution of Rohingya refugees, including children, has led them to seek protection and refuge in other countries. On the other hand, even though Malaysian enforcement has strengthened border control, trespassing of the refugees with certain tactics has created more tension (Abdullah et al., 2018; Ullah, 2016). Historical records indicate the presence of the refugees in the country since 1970s (Kassim, 2015), with some sources referring to their existence in the 1980s (Muzafarkamal & Hossain, 2019; Wake & Cheung, 2016; Letchamanan, 2013). Over more than a decade, the Malaysian government has faced escalating tension surrounding the Rohingya community, especially concerning their continuous influx across the Malaysian border. This influx has presented a complex dilemma for the government, requiring a decision on whether to accommodate or repatriate them. The crucial Wang Kelian case in 2015 marked a significant turning point for Malaysia in addressing the Rohingya issue. In this case, approximately 140 graves and 28 abandoned camps were uncovered, operating since 2013 (Muzafarkamal & Hossain, 2019; Ahmad et al., 2016), and were associated with the crime-border issue of human trafficking, as highlighted by Hamzah et al., (2016). The current discussion on Rohingya refugees in Malaysia extends beyond their initial arrival, with an evolving focus on their temporary residence in Malaysia. The debate over their influx is increasingly perceived as a potential long-term or even permanent settlement. Increasing issues (cultural practice, crime involvement, and social problems) involving these refugees have created a negative stigma in local society (Kingston & Seibert Hanson, 2022; Surwandono et al., 2020; Ullah et al., 2021). Additionally, their issues on human rights have been discussed by many scholars, including the right of children to education (Mohd Ali et al.,

2023; Alam, 2021; Abdullah et al., 2018; Equal Rights Trust, 2014; Hamdan, 2012). However, issues pertaining to their rights to education have always been denied because Malaysia has not ratified the 1951 Convention Relating to the Status of Refugees. Notably, there are situations where the countries have not ratified the 1951 Convention but are able to provide education in public schools for the refugees. For instance, according to Buckner et al., (2018) the Libyan government has successfully provided education in public schools for Syrian refugees despite not being a state party to the 1951 Convention.

In the case of Malaysia, although it is not a signatory to the 1951 Convention, the Malaysian government is still bound by the provisions of the 1989 Convention on the Rights of the Child (CRC). Signed on February 17, 1995, Malaysia agreed to the CRC, and subsequently, the Child's Act 2001 was enacted in accordance with its provisions (Azmi & Mat Basir, 2019). Unfortunately, the implementation of this 1989 Convention seems not to have been fully adhered to when Malaysia put reservations in five articles, one of which is Article 28. This article clearly mentions the right to education for free for all children, regardless of their status (Equal Rights Trust, 2014; Lee, 2013). The reservation that the Malaysian government made has worsened the situation and put Malaysia in a dilemma. While Malaysia has not ratified the 1951 Convention, despite signing the Convention on the Rights of the Child, education for Rohingya children continues to be limited. Hence, this study aims to explore the issues of education opportunities and accessibility for Rohingya refugee children in Malaysia.

LITERATURE REVIEW

History of refugees in Malaysia

The global debate surrounding refugee issues has persisted for an extended period. Recognising the imperative to safeguard refugees, particularly in the aftermath of World War II, the United Nations established the 1951 Convention on the Status of Refugees along with its 1967 Protocol. Article 1 of this convention defines the term "refugee."

Any person 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.

Regrettably, Malaysia has not complied with this convention, notwithstanding its receipt of the early cohort of refugees arising from the Vietnam War in 1975 (Ahmad et al., 2016). Besides Malaysia, the other neighbouring countries that are not signatories to the 1951 Convention have been chosen as transit countries. According to Hoffstaedter (2014), Southeast Asian nations have emerged as preferred destination countries for numerous cross-border migrants and refugees. This has been proven by the numerous refugees who also come and seek protection due to war and several other reasons. For instance, according to Yesmin (2016), the Bangladeshi government decided to assist the Rohingya people in 1978, referring to the conflict that occurred between the Myanmar government and Rohingya as a humanitarian crisis. As part of handling the crisis, the Bangladeshi government developed Kutupalong Refugee Camp, located in Cox's Bazar, to accommodate almost a million Rohingyas. Currently, those Rohingyas are being relocated to Bhasan Char, a remote Bay of Bengal island, as part of a solution to the crowding in Cox's Bazar camp (Beech, 2021).

Meanwhile, in Malaysia, the history of refugees commenced with the arrival of the Vietnamese, commonly referred to as the "Boat People." Moreover, as highlighted by Selamat (2022) and Sahak et al., (2020) during the 1980s and 1990s, Malaysia assisted refugees from Indochina, specifically from Vietnam, Cambodia, and Laos—formerly French colonies—following the establishment of Communist governments in 1975. These refugees entered Malaysia to seek protection and were documented as war victims (Selamat, 2022; Baharuddin & Mat Enh, 2018; Kassim, 2009). Additionally, the actions taken by the Malaysian government in handling Vietnamese refugees have been considered effective through temporary settlements in Bidong Island, Terengganu, before being relocated to Sungai Besi Camp, Selangor, resettlement in the third country and returning to their homeland. During their settlement in Malaysia, they have been provided with opportunities for education and health. The last Vietnamese boat refugee has been reported to have left Malaysia and returned to Vietnam (Selamat, 2022; Baharuddin & Mat Enh, 2018).

Additionally, Ahmad et al. (2016) state that Malaysia received refugees from neighbouring countries, including Myanmar in the late 1970s and Aceh-Indonesia in the early 2000s. Furthermore, Malaysia welcomed refugees from other continents, notably those fleeing the wars in Bosnia in 1991 and Syria in 2013. Following this group of refugees, there was also another group of refugees entering Malaysia seeking refuge from persecution against them, such as Pakistanis, Afghans, and Rohingya (Haron et al., 2023; Munir-Asen, 2018; UNHCR, 2023; Kassim, 2009). Besides, the influx of refugees was not limited to Peninsular Malaysia; East Malaysia also experienced an inflow of refugees, particularly from the Philippines, due to the Mindanao conflict in the 1970s (Razali et al., 2021; Kassim, 2009).

The statistics of refugees from UNHCR

The UNHCR presence in Malaysia traces back to the incident involving Vietnamese refugees who sought protection from war, arriving by boat. Although Malaysia granted permission for the UNHCR to operate within its borders, it does not signify Malaysia's formal endorsement as a state party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol Relating to the Status of Refugees. The Malaysian government permits UNHCR to operate, such as by conducting interview sessions for Refugee Status Determination (RSD) to examine and verify refugees before issuing UNHCR cards. However, there is no special

treatment for holders of these UNHCR cards. They are still subject to Malaysian law and are recognised as part of the group of illegal immigrants, although with some flexibility (Moretti, 2018). This scenario aligns with the Malaysian government's stand as Rohingya refugees do not possess proper identification or any identity documents.

According to the most recent data from UNHCR in Malaysia, as of December 2023, approximately 185,300 refugees and asylum seekers are registered. This figure includes 162,400 individuals from Myanmar, predominantly Rohingyas (107,670), Chins (24,910), and other ethnicities (29,860). Additionally, there are 22,860 refugees and asylum seekers from various countries, including Pakistan (6,350), Yemen (3,220), Afghanistan (2,900), Somalia (2,760), Syria (2,750), Sri Lanka (1,260), Iraq (670), and Palestine (610) (UNHCR, 2023).

Rohingya refugees in Malaysia for humanitarian basis

Generally, Malaysia has perceived refugee as illegal immigrants. Furthermore, Malaysia lacks a specific legal framework that distinguishes between refugees and other undocumented migrants. Consequently, individuals without proper legal or travel documentation are categorised as illegal immigrants, and in this case, the Rohingya are no exception (Kassim, 2009). According to the Immigration Act 1959/63, illegal immigrants can be defined as *a person, other than a citizen, who contravenes sections 5, 6, 8, 9 or 15 of this Act or regulation 39 of the Immigration Regulations 1963*. It has been assured that the existence of Rohingya in Malaysia, even for the sake of seeking protection from persecution, cannot be a ticket to legalise them. Under this act, individuals who entered Malaysia without proper documents and were convicted of this offence are considered illegal immigrants (Hoffstaedter & Louise, 2019). As mentioned in Section 6(3) of the Immigration Act 1959/63, *a foreigner whose presence in Malaysia can be interpreted as illegal entry if they fail to produce a genuine passport/travel document/entry permit upon request and their passport/travel document does not have a valid endorsement/pass*.

Due to this reason, it somehow has reflected some restrictions on their rights, including the right to work, the right to education, and the right to health services in this country. To be precise, they have limited rights to access health facilities in government clinics and hospitals with certain charges, the right to be self-employed, and the right to access education in alternative centres for refugee children (Munir-Asen, 2018). However, even with this restriction, the Malaysian government has been considerate in providing certain flexibilities to those refugees who have been registered and holding the legal UNHCR card via RSD. Additionally, even though they have been classified as illegal immigrants, they have an exception not to be detained unless they have committed crimes. Besides, they have also been granted flexibility for their movement within Peninsular Malaysia only and not to Sabah and Sarawak (Moretti, 2018).

Moreover, the humanitarian response of the Malaysian government is largely influenced by its non-signatory status to the 1951 Convention and its role as a transit country (Razali et al., 2021; Sahak et al., 2020). Being one of the transit nations, Malaysia's policy responses to Rohingya refugees exhibit variation but consistently uphold a humanitarian approach in fulfilling its commitment to providing protection. This commitment is underscored by Malaysia's non-signatory status to the 1951 Convention. However, prior to the strict implementation of measures governing these refugees, the Malaysian government demonstrated generosity by granting certain concessions. Among these concessions was the issuance of IMM13 cards in 2006, allowing Rohingyas to work in specific sectors (Abdullah et al., 2018; Yesmin, 2016; Equal Rights Trust, 2014).

Additionally, according to Sobri et al. (2016), despite varying political ideologies among political leaders, a notable manifestation of Malaysia's concern for the Rohingya is evident in the solidarity for Rohingyas initiative. This initiative organised a significant assembly in December 2016 to protest against the mistreatment of the Rohingya by the Myanmar government. Furthermore, during the global COVID-19 pandemic, Malaysia once again demonstrated a high level of humanitarian concern by considering the provision of vaccines as a measure to control the spread of COVID-19 among Rohingya refugees in Malaysia (Musliza & Hadi, 2021).

Rohingya refugees' children

In accordance with the international legal framework, specifically the 1989 Convention on the Rights of the Child (CRC), a child is defined as any human being below the age of 18, unless, under the applicable law for the child, majority is attained earlier. The Malaysian government has also adopted this age classification in the formulation of the Child Act 2001, or Act 611. In Malaysia, according to data by the UNHCR, there are more than 50,000 refugee children below the age of 18 (UNHCR, 2023). More than half of this number represents Rohingya refugee children. However, the exact number of these children could be higher, considering those who are not registered and the Rohingya children born in this country. Despite being born in Malaysia, citizenship is not conferred due to Malaysia's non-adherence to the principle of jus soli (Palik, 2020; Abdullah et al., 2018; Letchamanan, 2013).

Research conducted by Wake and Cheung (2016), exploring the livelihood of the Rohingya in Malaysia, highlighted that these children constitute one of the most vulnerable demographic groups. Additionally, these children are innocent; they did not choose to be displaced as refugees. Hence, while they are living in Malaysia for a period that is uncertain, the protection should include them. According to Cregan and Cuthbert (2014), prior to the implementation of the CRC, children were under the absolute rights and care of their parents or guardians. Consequently, this international law necessitates that governments safeguard the interests of children while respecting the roles of their caretakers. Rooted in the vulnerability and need for protection, the CRC is founded on four fundamental principles: (1) non-discrimination; (2) the best interests of the child; (3) the right to life, survival, and development; and (4) the right to participate.

The rights of Rohingya refugee children are a constant topic of discussion (Mohd Ali et al., 2023; Abdullah et al., 2018). In this case, the protection lies not only with their guardian but also with the government. Consequently, the Malaysian government is one of the state parties to the CRC, and its responsibility to protect children regardless of their status should be upheld (Azmi & Mat Basir, 2019; Kirsten, 2018). Unfortunately, even before leaving Myanmar, these children were denied important rights such as legal status, birth documents, food, education, vaccinations, and healthcare (Bhatia et al., 2018). This has led to various issues, such as health problems like malnutrition and child mortality, and educational attainment.

Education for Rohingya refugees' children

Access to education is an inherent entitlement for children, serving as a universal right that facilitates their preparation for adulthood (Cregan & Cuthbert, 2014). Besides the CRC, the other international legal framework that also highlighted the right to education was addressed in the United Nations Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR). According to the UDHR, education is recognised as a fundamental human right, stipulating that primary education must be mandatory and free, secondary education should be accessible and available, and access to higher education should be equitable and merit-based (Blythe et al., 2018).

Furthermore, the United Nations also addressed the important guidelines for achieving a better nation through the Sustainable Development Goals in 2015. Through this SDG, the Fourth Education—'Quality Education'. The main aim of this goal is to 'ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'. This goal serves as a significant measurement for each state member of the United Nations in providing quality education to all children, regardless of their status (Khairi et al., 2023; Boeren, 2019). As a result, according to the global report generated by the United Nations for the SDGs summit in New York during the UNGA in September 2023, the progress toward achieving this goal is outlined as follows: 'While advancements in the overall goal of quality education have been gradual, the world is significantly lagging behind in attaining quality education' (United Nations, 2023).

Accessibility in Education—In the past, the Malaysian government permitted undocumented children to enrol in public schools, but this policy was altered in 2002 (Lumayag, 2016). Besides, presently, the regulations only permit Rohingya children to access education at alternative centres. These centres are commonly referred to as Alternative Learning Centres (ALCs), established by Non-Governmental Organisations (NGOs) or community-based organisations (CBOs) (Palik, 2020; Munir-Asen, 2018; Equal Rights Trust, 2014; Letchamanan, 2013). According to UNHCR, there were 128 alternative centres in Malaysia in 2017 as part of an informal education platform accessible to refugees. The data by UNHCR also indicates only 30% of individuals under the age of 18 have enrolled in learning centres. Specifically, 44% (5,046) at the primary level and 16% (874) at the secondary level (UNHCR, 2017). Nevertheless, as indicated by Palik (2020), the number of learning centres may increase due to the influx of refugees in 2017. Besides ALC, according to Lumayag (2016), there are also other options for accessing education for this refugee group, including private tuition centres.

Opportunity in Education—The Malaysian government has opened the opportunity for Syrian refugee children to get a formal education (Munir-Asen, 2018). However, a change in the Malaysian government's policy affected the opportunity of the largest refugee group, the Rohingyas, who are now prohibited from accessing the public education system (Siah et al., 2020, 2015). The amendment of the 1996 Education Act, or Act 611, in 2002 altered the prospects for undocumented children, including refugee children (Lumayag, 2016). This policy shift is attributed to the Malaysian government's stance of limiting access to free and compulsory education for Malaysian citizens, possibly aimed at addressing dropout issues among local students. Nevertheless, the Malaysian government permits access to education through alternative centres established by NGOs, CBOs, the private sector, and individuals. Consequently, everyone has the right to education through these centres, although at a certain cost (Gamiring@Hajinin & Saibeh, 2022).

METHODOLOGY

The methodology employed in this study is a qualitative approach through in-depth interviews that were carried out to explore this issue in detail. Through this qualitative method, the findings are considered from a well-grounded source that provides comprehensive descriptions and elucidates the human process (Miles et al., 2014). Additionally, Salkind (2012) suggested that in-depth interviews are one of the most suitable tools for examining human behaviour. Hence, this study conducted in-depth interview involved participants from three distinct groups: (1) key persons, including policymakers and implementers; (2) Rohingya parents; and (3) teachers.

The selection of the informants specifically the key persons were drawn from five prominent ministries and government agencies addressing Rohingya refugee issues. They have been chosen based on their working experience in conducting various refugee issues in Malaysia. These include: (i) the National Security Council; (ii) the Ministry of Home Affairs; (iii) the Ministry of Education; (iv) the Immigration Department of Malaysia; and (v) the Ministry of Women, Family and Community Development. Furthermore, this study incorporates insights from ten Rohingya parents whose children attend the ALC. The selection of the parents has been assisted by the teachers in ALC, who recognised the parents as being able to understand and communicate well in Malay or English. Conversely, the teacher group consists of six informants, providing perspectives from educators in four selected ALCs in the Lembah Klang region. Most of the ALCs have only four to five teachers. Hence, the most senior teacher in the ALCs has been chosen as they have more experience dealing with Rohingya refugee children.

The selection of informants was based on specific criteria, such as their professional experience in dealing with Rohingya children. It is essential to note that the parents exclusively chosen for interviews are those who send their children to the ALC. This deliberate selection provides empirical evidence concerning their challenges in accessing educational opportunities in Malaysia. All the data collected through the interview sessions underwent thematic analysis to derive meaningful patterns and insights.

FINDINGS AND DISCUSSION

This study involved in-depth interviews with various categories of informants and consisted of 20 informants. There were five male officers representing selected main agencies dealing with enacting and implementing policies related to refugees, children, and education. Followed by the ten Rohingya parents (nine fathers and one mother of Rohingya children) who have sent at least a child to the alternative learning centre. Lastly, the informants also consist of three male and three female teachers, respectively, working as full-time educators in selected alternative learning centres located in Kuala Lumpur and Selangor. The informants have a wide range of experience and expertise in discussing the educational crisis, specifically the accessibility and opportunity of education for refugees and issues related to it. The following Tables 1.1, 1.2 and 1.3 represent the profiles of the informants involved in this study:

Table 1.1: Profile of Key Person

Informant	Gender	Organisation	Code
Key Person 1	Male	National Security Council	Key Person 1, NSC
Key Person 2	Male	Ministry of Home Affairs	Key Person 2, MOHA
Key Person 3	Male	Ministry of Education	Key Person 3, MOE
Key Person 4	Male	Immigration Department of Malaysia	Key Person 4, IDM
Key Person 5	Male	Ministry of Women, Family and Community Development	Key Person 5, MWFCDC

Table1.2: Profile of Rohingya parents

Informant	Gender	Age	No. of Children	Occupation	Code
Parent 1	Male	40	2	Hardware shop assistant	Parent 1, 40 years old
Parent 2	Male	37	2	Collecting scrap metal	Parent 2, 37 years old
Parent 3	Male	34	1	Grass cutter	Parent 3, 34 years old
Parent 4	Male	45	2	Food stall assistant	Parent 4, 45 years old
Parent 5	Male	36	2	Grass cutter	Parent 5, 36 years old
Parent 6	Male	35	1	Cleaner	Parent 6, 35 years old
Parent 7	Female	23	1	Housewife	Parent 7, 23 years old
Parent 8	Male	33	2	Grass cutter and collecting scrap metal	Parent 8, 33 years old
Parent 9	Male	34	4	Grass cutter	Parent 9, 34 years old
Parent 10	Male	34	3	Cleaner	Parent 10, 34 years old

Table1.3: Profile of Teachers in Alternative Learning Centre

Informant	Gender	Age	Years in ALC	Code
Teacher 1	Male	40	3	Teacher 1, 40 years old
Teacher 2	Male	37	7	Teacher 2, 37 years old
Teacher 3	Female	34	2	Teacher 3, 34 years old
Teacher 4	Female	45	4	Teacher 4, 45 years old
Teacher 5	Male	36	4	Teacher 5, 36 years old
Teacher 6	Female	35	3	Teacher 6, 35 years old

The results of this study indicate that access to and opportunities for education among Rohingya refugee children are constrained by Malaysia's status as a non-signatory to the 1951 Convention Relating to the Status of Refugees. As a consequence of this restriction, Rohingya refugee children do not have access to formal education in public schools. However, they are permitted to receive education through alternative learning centres and other platforms, such as religious-based schools like *tahfiz* or madrasah. The primary sources of information highlighted situations, which will be discussed more comprehensively in the context of this study.

Access to education for Rohingya refugees' children

Alternative Learning Centre—According to the research findings, education accessibility is indeed available for Rohingya refugee children in Malaysia. Nevertheless, this accessibility should be nuanced to emphasise that it exists not within public schools but within alternative centres, although with certain limitations. Specifically, a key informant addressing these issues has explicitly noted the access to education in Alternative Learning Centres (ALCs) for Rohingya refugee children in Malaysia as follows:

People often claim that refugees and UNHCR cardholders do not allowed to attend school. However, this statement is inaccurate. The government has implemented policies that grant access to education, through ALCs.

(Key Person 2, MOHA)

While accessibility remains constrained by the ALC and other alternative platforms, the potential for formal education persists, even with certain limitations. This study indicates that some ALCs adhere to the syllabus provided by the Ministry of Education. On the other hand, there are also ALCs that practise international curriculum, such as the IGCSE (International General Certificate of Secondary Education). However, the accessibility afforded to refugee children is subject to certain constraints, either in the local or international syllabus. For instance, the informants representing the teachers from ALCs have highlighted that the Ministry of Education syllabus has limitations to be fully used for all Rohingya children in the ALC. This scenario has probably been influenced by the abilities of Rohingya children, who have various literacy and proficiency levels among Rohingya children. As a result, the syllabus acts as a guideline to ensure the aim of basic literacy in reading, writing, and counting is achievable. Among the empirical evidence from the respondents presented below:

Here, we solely adhere to the guidelines provided by the Ministry of Education. We attempt to follow the content outlined in the curriculum, although not entirely. We strive to provide the best education we can to these children within our capabilities.

(Teacher 3, 34 years old)

Meanwhile, in terms of using the international syllabus, not all Rohingya parents are able to pay for the high cost of this syllabus. The findings of this study revealed that students who were high achievers during their studies were being sponsored to take the international syllabus examination in the ALCs that provided the opportunity. This has been mentioned by the teacher as follows:

Some of them were sponsored to attend private schools, and this year there are 20 individuals benefiting from this arrangement. For instance, we send the students to the Dignity Sentul (Dignity for Children Foundation) and Ideas Academy, Pudu (Ideas Academy Home schooling, Tuition, and Coding) [...] The only expenses parents have for the children we support are uniforms and food; they are not required to pay any tuition at all.

(Teacher 6, 35 years old)

In discussing the feedback from the informants, this study argues that the use of the local and international syllabus for these Rohingya children has its pros and cons. Presently, the predominant practise in ALCs involves the utilisation of the local syllabus during learning sessions. Nevertheless, this study argues that relying solely on a local syllabus in the ALCs addresses educational accessibility in the short term. Additionally, the implementation of the limited local syllabus also resulted in no opportunity to sit in the national local examination. This is also supported by the study done by Samsudin and Ismail (2021), whereby the ALC is not focusing on following all the syllabus provided but more on giving quality basic education to the refugees.

Notwithstanding, access to an international syllabus, such as the IGCSE, is advocated for as it holds the potential to instil greater hope and opportunities for the future of children. The temporary nature of their stay, coupled with constraints on utilising local examination channels or pursuing formal employment for an improved quality of life, underscores the importance of embracing an international educational framework. Furthermore, the acquisition of an international syllabus during their halt in Malaysia presents the advantage of continuity upon resettlement in a third country, particularly since many state parties to the 1951 Convention using English as their primary language. Consequently, exposure to an international curriculum, such as the IGCSE, not only enhances prospects for further education at local universities but also on an international scale. This, in turn, increases the likelihood of securing formal employment and having a better life in the future (Haron et al., 2023).

Madrasah/Tahfiz—Besides ALCs, the findings of this study also reveal that Rohingya refugee children also have access to other alternatives, such as the madrasah or tahfiz (the religious based school). These facilities offer an alternative choice for Rohingya refugee children encountering different challenges and expressing specific preferences to secure their access to education. It is crucial to emphasise that the predominant religion among Rohingya refugees is Islam, and most of them are prioritising religious studies in their daily routines. Hence, there are Rohingya parents who choose to send their children to this accessible alternative centre. Their enrolment in this alternative centre has been addressed by the key person and parent as below:

The Rohingya community has its own madrasah. We have visited a few times during the Movement Control Order (MCO) during the COVID-19 pandemic era, such as in Seberang Perai and Pulau Pinang.

(Key Person 2, MOHA)

[...] My child who goes to a madrasah speaks Rohingya, and Ustaz at the madrasah also speaks Rohingya.

(Parent 3, 34 years old)

With regards to this finding, this study argues that, due to limitations on taking part in local examinations, the parents opted to enrol their children in madrasah, or tahfiz. According to Zafari (2019), “Religious identity remains important to Rohingya refugees”. Hence, it is not impossible to Rohingya parents to prioritise access to education in this *madrasah* or *tahfiz* for their children. However, this alternative centre could raise some other issues related to security and safety, the syllabus they conduct and the skilled teachers. For instance, as the syllabus used is unknown, control and monitoring measurements should be undertaken to prevent any potential harm in the future. Additionally, this centre also does not have any formal accreditations. As a result, this limitation has led to the argument that Rohingya refugee children do not receive quality education while residing in this transit country.

Opportunity to education

No opportunity in public school—The finding of this study clearly states that, currently, Rohingya children in Malaysia do not have the opportunity to attend public schools. Additionally, the findings highlight various reasons supporting the limited educational opportunities for Rohingya children in public or government schools. One significant reason emphasised by the informants is the inability of Rohingya refugee children to enrol in public schools because Malaysia is not a state party of the 1951 Convention. Hence, not responsible for managing the refugees. Additionally, their status as undocumented or illegal immigrants continuously hinders them from taking advantage of this opportunity. The statements from key persons and parents regarding this matter are as follows:

The first rule is that due to the country's non-signatory status to the 1951 Convention. It does not need to provide responsibilities related to education, healthcare, and the well-being of refugees, but falls under the purview of UNHCR. [...]. Therefore, there is a question as to why the Malaysian government should be held accountable when refugees do not receive adequate education. Furthermore, it should be noted that Malaysia is not a signatory to the 1951 Refugee Convention.

(Key Person 1, NSC)

The Ministry of Education is one of the agencies responsible for implementing the government's policy. Hence, we are unable to accept to enrol in government schools [...] that refugees do not have the opportunity to enrol in government schools.

(Key Person 4, MOE)

The problem is that they don't have any legal status, and without legal status, they don't have the right to education.

(Key Person 3, MWFC)

[...] as the government does not allow it, I can only send my children here, ALC.

(Parent 5, 36 years old)

[...] the children can't go to local school.

(Parent 7, 23 years old)

In analysing the input provided by the informants, this study argues the opportunity for enrolment of Rohingya refugee children in public schools should be relooked. This is probably due to several reasons. Firstly, due to the policy response by the Malaysian government. Previously, Malaysia has endorsed the admission of refugees to public schools. However, the policy has been revoked due to the shift in focus from providing education for all local children to addressing dropout issues among them (Lumayag, 2016). This situation has lasted up until today (end of 2023), when no more stateless or non-citizens are allowed to enrol in public school. Based on the findings, this study also predicts that the opportunity for Rohingya children in public schools will change their lives. Through public schools, they have a better opportunity to get a full formal education and many other advantages, including the opportunity to socialise with local students. As public schools are part of free education policy, this consideration acts as the best mechanism to assist the survival and development of Rohingya children, not only while they are residing temporarily but also once they are repatriated in the third country.

Secondly, the right to education has been clearly stated in the CRC and SDG goals. As the aim is to provide free education for all children, the Malaysian government should consider this responsibility. As mentioned in the CRC, responsibilities towards children lie in the hands of the government (Cregan & Cuthbert, 2014). Hence, while Rohingya children are temporarily living in this transit country, they should be able to practice their basic rights especially the right to education, free education in public schools. By allowing this practise, it shows the global effort of Malaysia in providing education opportunities for Rohingya refugee children. Hence, this study argues that the opportunities for education for all children, regardless of their status in Malaysia, should be highly considered. As Malaysia lives in multi ethnic society, consideration should also be extended to this group of people—refugees.

Challenges in opportunity for education—Other than that, the findings regarding the educational opportunities for Rohingya refugee children reveal specific challenges they encounter consistently. The foremost concern related to this opportunity is their poverty. It is evident that Rohingyas are prohibited from working legally, being perceived as illegal immigrants. This worsens the situation for Rohingya families in ensuring the provision of better education for their children. One informant emphasises the significance of education and expresses the intent to enrol their children in higher levels of education. However, poverty presents a formidable challenge to realising these dreams.

If my daughter grows up, I still want her to further her studies. I want her to go to university. But my problem is money.

(Parent 6, 35 years old)

This study argues that, although poverty prevents Rohingya children from accessing education, it might be deemed acceptable as long as there are no negative consequences. However, the situation takes a turn for the worse, necessitating serious actions to prevent further deterioration. Lumayag (2016) highlights that when children are denied their right to education, poverty worsens their circumstances, potentially exposing them to social problems such as crime, juvenile delinquency, drugs, and terrorism. Moreover, news reports consistently highlight the negative behaviour of Rohingya children towards the local community (Samsudin & Ismail, 2021). Hence, emphasising the importance of education becomes crucial to at least reduce the likelihood of their involvement in social problems.

CONCLUSION AND RECOMMENDATIONS

Consequently, to adhere to the spirit of providing free education for all children, regardless of their status, consideration for them should be taken seriously. Although Alternative Learning Centres (ALCs) provide access to and opportunities for education, most of them have certain fees to be charged. This would hinder the goal of providing free education to all. Hence, this study argues that accessibility and opportunities for free education in Malaysia should not only be extended to Malaysia as a multi-ethnic society but also to marginalised groups, including refugees. Although there are arguments that Malaysia is not bound to provide education to refugee children due to its status as a non-signatory of the 1951 Convention, the Malaysian government is still bound to the 1989 CRC (Mohd Ali et al., 2021; Azmi & Mat Basir, 2019; Equal Rights Trust, 2014). History has revealed that Malaysia had previously provided education accessibility in public schools before being revoked in 2002 (Lumayag, 2016). Hence, it is not possible for the Malaysian government to relook at the policy and provide better accessibility and opportunity in education for Rohingya refugee children in Malaysia.

Besides, considering the important of education towards the refugee children, the Malaysia government has decided to allow the right to education being practices by allowing the international syllabus implemented in the ALCs. Additionally, the implementation of the IGCSE in ALCs in Malaysia has demonstrated positive outcomes among Rohingya refugees. Through IGCSE, the children have better opportunity for their future whereby they can continue their study abroad once they need to be repatriated to the third country. However, acknowledging the challenges associated with universally adopting this approach in all ALCs, it is crucial to consider a phased implementation strategy. Despite the perceived expense, particularly concerning examination fees, the pragmatic and beneficial nature of this method for Rohingya refugees in Malaysia permits a wisely planned and gradual incorporation. The same goes for opportunities in public schools. Considering Rohingya refugees living in poverty and the cultural differences with local society, it justifies the need to give them the opportunity to enrol in public schools.

Additionally, international and national agendas, such as the Sustainable Development Goals on Quality Education and Malaysia MADANI on *Ihsan* (Care and Compassion) initiatives, should guide the education of a better generation of Rohingya refugee children as part of the strategy for their lifelong well-being. The introduction of the *ihsan* principle implies an indirect recognition of the importance of considering opportunities for early or primary-level education. Consequently, the *ihsan* concept should consider this vulnerable group—Rohingya refugees. The ongoing government support must be taken into consideration to achieve the SDG goals. As performance of SDGs goals being presented globally, it shows the commitment of each state party, and in this case, the commitment of the Malaysian government to provide quality education regardless of the status. In conclusion, the Rohingya children's right to education continues to be denied in Malaysia, not only due to their status as undocumented but also due to other challenges they face, such as poverty, cultural differences, parental influence, self-interest, stigma, and many others.

Based on the findings, this study provides contribution on understanding of the root causes and challenges that can assist in the development of specific initiatives to tackle the issues raised by various parties. These insights might be useful when formulating strategies to address the educational crisis affecting this vulnerable group especially the government in formulating strategies to address the challenges in providing education for Rohingya refugee children in Malaysia. Additionally, the findings would also contribute to the ongoing academic discussion concerning education for refugee children and their implications to non-signatory of the 1951 convention.

However, it is crucial to acknowledge the limitations of this study. The findings are constrained by the focus on the implementation of recent Malaysian government policies. Notably, Malaysia is presently not a party to the 1951 Convention and has reservations about providing free education as outlined in the CRC. Therefore, the results may vary if Malaysia's policy response to these issues evolves in the future. For future studies, it is recommended to broaden the scope by encompassing countries that are signatories to the 1951 Convention. This approach would allow for an exploration of potentially significant differences in issues and challenges. Additionally, since this study was conducted exclusively in four selected ALCs situated in dense urban areas, there may be inherent limitations. Thus, future research should expand its focus to include an examination of the challenges faced by ALCs in other

areas. In summary, while this study contributes valuable insights, recognising its limitations and considering broader contexts will enhance the applicability of the findings and provide a foundation for more comprehensive research in the future."

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